

Legislative Council—No 171

As received from the House of Assembly and read a first time, 24 July 2013

South Australia

**Equal Opportunity (Sporting Competitions)
Amendment Bill 2013**

A BILL FOR

An Act to amend the *Equal Opportunity Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Equal Opportunity (Sporting Competitions) Amendment Act 2013*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Equal Opportunity Act 1984*

3—Substitution of section 48

- 10 Section 48—delete section 48 and substitute:

48—Sport

This Part does not render unlawful the exclusion of persons from participation in a competitive sporting activity on the ground of sex in the following circumstances:

- 15 (a) if the sporting activity is one in which the strength, stamina or physique of the competitor is relevant to the outcome of the competition;
- (b) if the exclusion is genuinely intended to facilitate or increase the participation of persons, or a class of persons, of a
 - 20 particular sex in the sporting activity and—
 - 25 (i) it is unlikely that the those persons will participate, or that there will be an increase in participation by those persons, in the sporting activity if the exclusion is not made (having regard to all of the circumstances of the persons or class of persons); and

- (ii) there are reasonable opportunities for excluded persons to participate in the sporting activity in another competition;
- (c) if—
 - (i) the exclusion is reasonably required to enable participants in the sporting activity to advance to competitions at a level higher than that in which the exclusion is to occur (being a requirement that is due to the structure of, or restrictions in, the higher level competitions); and
 - (ii) there are reasonable opportunities for excluded persons to participate in the sporting activity in another competition;
- (d) in such other circumstances as may be prescribed by the regulations.