

House of Assembly—No 133

As laid on the table and read a first time, 12 May 2021

South Australia

**Equal Opportunity (Domestic Violence)
Amendment Bill 2021**

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

- 5 This Act may be cited as the *Equal Opportunity (Domestic Violence) Amendment Act 2021*.

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*

10 3—Amendment of section 85T—Criteria for establishing discrimination on other grounds

- (1) Section 85T(1)—after paragraph (f) insert:

or

- (g) discriminate on the ground of domestic violence,

- 15 (2) Section 85T—after subsection (7) insert:

- (8) For the purposes of this Act, a person discriminates on the ground of domestic violence—

- 20 (a) if the person treats another unfavourably because the other person has been, or is being, affected by domestic violence (including, to avoid doubt, treatment arising out of a perception held by the person that persons affected by domestic violence exhibit particular characteristics or behaviours); or

(b) if the person treats another unfavourably because a family member or other associate of the other person has been, or is being, affected by domestic violence; or

(c) if the person treats a person affected by domestic violence unfavourably because the other person does not, or can not, comply with a particular requirement and—

(i) the nature of the requirement is such that it is significantly more likely that persons who are not affected by domestic violence could reasonably be expected to comply with the requirement than persons who are so affected; and

(ii) it is not, in the circumstances of the case, reasonable to expect the person to comply with the requirement.

(9) For the purposes of this section, a reference to a person who is *affected by domestic violence* will be taken not to include a reference to a person affected by domestic violence committed by the person.

4—Amendment of section 85U—Application of Division

Section 85U—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or domestic violence

5—Amendment of section 85ZA—Application of Division

Section 85ZA—delete "or caring responsibilities" and substitute:

, caring responsibilities or domestic violence

6—Amendment of section 85ZD—Application of Division

Section 85ZD—delete "or religious appearance or dress" and substitute:

, religious appearance or dress or domestic violence

7—Amendment of section 85ZF—Discrimination by person disposing of interest in land

Section 85ZF—delete "or caring responsibilities" and substitute:

, caring responsibilities or domestic violence

8—Amendment of section 85ZG—Discrimination in provision of goods and services

Section 85ZG—delete "or caring responsibilities" and substitute:

, caring responsibilities or domestic violence

9—Amendment of section 85ZH—Discrimination in relation to accommodation

Section 85ZH—delete "or caring responsibilities" and substitute:

, caring responsibilities or domestic violence

10—Amendment of section 85ZI—Charities

Section 85ZI(a)—after subparagraph (iv) insert:

- (v) persons affected by domestic violence; or