

Legislative Council—No 35A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 13 October 2020

South Australia

**Equal Opportunity (Parliament and Courts)
Amendment Bill 2020**

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 (Parliament and Courts) Amendment Act 2020*.

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 87—Sexual harassment

- (1) Section 87(6a)—after "sexual harassment a" insert:
judicial or
- (2) Section 87(6c)—after paragraph (a) insert:
(ab) another member of Parliament; or

15 4—Amendment of section 93—Making of complaints

Section 93—after subsection (3) insert:

- (4) Despite any other provision of this Act, if the Commissioner becomes aware that—
 - 20 (a) a criminal investigation is being conducted in relation to a matter that is the subject of a complaint; or
 - (b) a person has been or is to be charged with a criminal offence in relation to a matter that is the subject of a complaint,

the Commissioner may not proceed to investigate or otherwise deal with the complaint under this Act, or to attempt to resolve the subject matter of the complaint by conciliation, until the criminal investigation has been completed or the proceedings for the offence have been disposed of, withdrawn or permanently stayed.

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5—Amendment of section 93AA—Manner of dealing with complaints of sexual harassment by judicial officers and members of Parliament

(1) Section 93AA(1)(f)(ii)—after "conciliation" insert:

(and for that purpose the Commissioner has the same powers as are conferred on the Commissioner by section 95 in relation to the conduct of conciliation proceedings where a complaint is dealt with under this Act)

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(2) Section 93AA(3)—delete subsection (3)