

**Legislative Council—No 116**

As introduced and read a first time, 12 May 2021

South Australia

**Equal Opportunity (Unlawful Acts at Workplace)  
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

This Act may be cited as the *Equal Opportunity (Unlawful Acts at Workplace) 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*

#### 3—Amendment of section 87—Sexual harassment

Section 87(7)—delete subsection (7)

#### 4—Insertion of section 90A

After section 90 insert:

##### 90A—Prevention of unlawful acts at workplace

- (1) The person with management and control of a workplace (within the meaning of section 20(1) of the *Work Health and Safety Act 2012*) must take reasonable steps to prevent, as far as possible, prescribed unlawful acts at the workplace.
- (2) It is unlawful for a person with management and control of a workplace to fail to comply with subsection (2).
- (3) In this section—  
*prescribed unlawful act* means—
  - (a) an act of victimisation within the meaning of section 86; or
  - (b) sexual harassment within the meaning of section 87; or
  - (c) an act of discrimination rendered unlawful under this Act;

*workplace* has the same meaning as in section 8 of the *Work Health and Safety Act 2012*.