

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mrs Helen Cross)

## Discrimination Amendment Bill 2002

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## **Discrimination Amendment Bill 2002**

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### **A Bill for**

An Act to amend the *Discrimination Act 1991*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Discrimination Amendment Act 2002*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 **3 Act amended**

6 This Act amends the *Discrimination Act 1991*.

7 **4 Interpretation for Act**  
8 **Section 4, new definition of *potential pregnancy***

9 *insert*

10 *potential pregnancy*—see section 5A.

11 **5 New section 5A**

12 *insert*

13 **5A Meaning of *potential pregnancy***

14 A reference in this Act to potential pregnancy of a woman includes  
15 a reference to—

- 16 (a) the fact that the woman is or may be capable of bearing  
17 children; and
- 18 (b) the fact that the woman has expressed a desire to become  
19 pregnant; and
- 20 (c) the fact that the woman is likely, or is perceived as being  
21 likely, to become pregnant.

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1 **6 Grounds**  
2 **Section 7 (1) (fa)**

3 *substitute*

4 (fa) potential pregnancy;

5 (fb) breastfeeding;

6 **7 Requests etc for information**  
7 **Section 23**

8 *insert*

9 (1)

10 **8 New section 23 (2)**

11 *insert*

- 12 (2) Without limiting subsection (1), it is unlawful to request or require a  
13 person to provide information about an attribute mentioned in  
14 section 7 (1) if, in the same or substantially the same circumstances,  
15 the same information would not be requested or required about a  
16 person who does not have that attribute.

17 **9 New section 33A, division 4.1**

18 *insert*

19 **33A Requesting information—health and safety at work**

20 Section 23 does not make it unlawful to discriminate, in relation to  
21 employment or work, by requesting or requiring information if the  
22 discrimination is necessary to comply with reasonable health and  
23 safety requirements relevant to the employment or work.

24 **Example**

25 A woman who applies for work or works as a radiologist may be asked whether  
26 she is pregnant or intends to become pregnant if that information is requested in  
27 order to ensure the woman's unborn child is not endangered by exposure to  
28 x-rays.

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## **Endnote**

### **Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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