



Our Ref: 24-49517



Mr Hamish Hansford
Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Mr Hansford

Inquiry into Sex and Age Discrimination Legislation Amendment Bill 2010

Thank you for your email dated 6 October 2010 inviting a submission from the Western Australian Government to the inquiry into the Sex and Age Discrimination Legislation Amendment Bill 2010.

The Western Australian Government supports the proposed reforms under the Sex and Age Discrimination Legislation Amendment Bill, particularly in regards to the protection of mothers against discrimination on the grounds of breastfeeding under proposed section 7AA of the *Sex Discrimination Act 1984*. The bill reaffirms the Western Australian *Equal Opportunity Amendment Act 2010*, which came into operation on 25 September 2010. The Act makes it unlawful to discriminate against someone who is breastfeeding or bottle feeding in certain areas of public life.

It should be noted that Western Australia's *Occupational Safety and Health Regulations 1996* are potentially in conflict with the proposed section 7AA amendment to the *Sex Discrimination Act 1984*. Specifically, regulation 5.63 enables employers to remove employees from lead-risk employment to a job that does not have lead-risk if the employee is pregnant or breastfeeding. It may therefore be that WA's current regulations impose an obligation on employers which may be deemed to be discriminatory under proposed section 7AA. The Bill does not acknowledge that there may be other laws in force that require what would otherwise be discriminatory action to be taken.

Thank you for the opportunity to comment.

Yours sincerely

Peter Conran
DIRECTOR GENERAL

12 NOV 2010