

Cultural Groups

The WA Government has introduced a bill to modernise Western Australia's Equal Opportunity Act so more Western Australians are better protected from discrimination, harassment and vilification. The changes will create safer and more inclusive communities.

Overview

The Bill will extend additional protections to the multicultural community and will make Western Australia more **harmonious and inclusive**, with equal opportunity for all.

New and expanded discrimination protections

- The EO Act will include race as a protected attribute which was defined as including: colour, descent, ethnic or national origin or nationality. The definition will be expanded by broadening the protected attribute of race to include **ancestry, ethnic or ethno-religious origin and engaging in in distinctive Aboriginal and Torres Strait Islander cultural practices**. This expanded definition will mean more people are protected.
- Discrimination protections will be expanded to apply to more areas of public life. This will include work (employment, partnerships, industry organisations, **volunteers, people in supported work programs**), education, accommodation, provision of goods and services, clubs and voluntary bodies, and the **administration of State laws and programs**.

Discrimination may occur where a person is treated unfavourably because of their race (direct discrimination), or where a requirement or condition disadvantages people with that attribute unless it is reasonable (indirect discrimination).

Examples of discrimination relevant to cultural groups may include:

- refusing employment because of a person's ethnic or cultural background
- applying policies that disadvantage cultural or religious practices (such as dress, language or customs), where it is not reasonable
- denying access to services or venues because of cultural identity

Stronger protection against harassment and vilification

The Bill will also strengthen protections against **racial harassment** across all areas of public life.

It will be unlawful to engage in conduct such as threats, insults or demeaning behaviour directed at a person because of their race, where a reasonable person would expect the conduct to offend, humiliate or intimidate.

The Bill will also introduce **civil protections against vilification** for the first time in Western Australia.

Vilification is **public conduct** that:

- incites hatred, serious contempt or severe ridicule; or
- threatens or seriously abuses a person or group because of race, religion or another protected attribute.

These anti-vilification protections will apply to a broad range of public communications, including speeches, media, online content, gestures and the display of symbols.

Conduct will not be unlawful where it is done **reasonably and in good faith**, including in artistic works, academic discussion, public interest debate and fair reporting.

New positive duty to prevent discrimination

The Bill will introduce a **positive duty** requiring employers, service providers and other organisations to take **reasonable and proportionate steps** to eliminate discrimination, harassment, vilification and victimisation.

This will shift the framework from responding to complaints to **preventing harm before it occurs**, including harm affecting multicultural communities.

Application to cultural and community organisations

Cultural and community organisations may be regulated under the Bill where they operate as clubs, voluntary bodies, service providers, employers or educators.

These organisations must:

- not unlawfully discriminate on the basis of race or other protected attributes
- comply with obligations under the positive duty

Limited exemptions may apply in some circumstances, including for:

- voluntary bodies that reasonably limit membership or access to benefits consistent with their principal objects
- clubs that operate to preserve a distinct cultural group limiting membership on the basis of race
- clubs operating to reduce disadvantage faced by a particular race that limit membership to people of that race.

This will enable cultural associations and multicultural community groups to continue to promote their cultures and support their communities.

Special measures to support cultural groups

The Bill will allow for **special measures** to support groups experiencing disadvantage.

It will not be unlawful discrimination to take action in good faith to promote equal opportunity, or where the action is reasonably necessary to address disadvantage or a particular need.

This can enable culturally specific programs, services and initiatives designed to support multicultural communities.

Stronger enforcement and remedies

There will be significant changes which improve access to meaningful remedies, including:

- **Removal of the compensation cap**, meaning there is no statutory limit on compensation
- **Longer complaint timeframes**, with complaints able to be made within 24 months of the unlawful conduct
- New powers for the Commissioner to conduct **own-motion reviews and investigations**

Complaints

Complaints will be made to the Equal Opportunities Commissioner who seeks to resolve matters by conciliation. Unresolved matters may be referred to the State Administrative Tribunal.

For more information visit: [WA.gov.au/equalopportunitybill2026](https://www.wa.gov.au/equalopportunitybill2026)