

Lawful Sexual Activity

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 make it unlawful to discriminate against a person because they engage in lawful sexual activity, or do not (or refuse to) engage in lawful sexual activity.

Lawful sexual activity will be defined to mean sexual activity that is lawful in Western Australia (even if it occurs elsewhere). The definition **expressly excludes misconduct**. This means that the Bill will not prevent employers or regulatory bodies from taking action if a person engages in misconduct involving sexual activity.

This general rule is subject to exemptions:

- **Exemption in relation to accommodation** – a person will be able to discriminate in providing accommodation to a person who proposes to engage in commercial sex work at the accommodation.
- **Exemption in relation to working with children and vulnerable people** – a person will be able to discriminate in relation to employment that involves care, education or services for children, or care or services for vulnerable people, and the discrimination is **reasonably necessary**.

Illegal sexual activity, like child abuse or non-consensual sex, will not be captured by these provisions. The Bill does not shield people from consequences of their illegal conduct.

Examples

A landlord **will not be engaging** in unlawful discrimination if they refuse to rent their apartment to a person who wants to provide commercial sexual services at that apartment.

A sports club **will be engaging** in unlawful discrimination if they exclude a member from social tennis classes because they have had an affair.

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)