

Parliamentary Privilege

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 prohibit discrimination and racial, sexual and sex-based harassment by members of Parliament in the context of workplace-type relationships. However, clause 6 of the Bill explicitly preserves parliamentary privilege and the right of Parliament to regulate its own proceedings.

The Bill **can still apply** to Members of Parliament in their capacity as employers or workplace participants. For example:

- employment matters involving:
- parliamentary staff,
- electorate staff,
- ministerial staff, and
- conduct that is **administrative or employment-related**, rather than part of parliamentary proceedings.

Conduct remains **outside** the reach of the Bill where it is part of the "proceedings of Parliament". This is interpreted broadly to include:

- debates or speeches in Parliament,
- committee deliberations and reports,
- documents prepared for the purpose of transacting the business of a House or committee.

If the Commissioner receives a complaint that may implicate Parliamentary privilege or the power of Parliament to regulate its own proceedings:

- the Commissioner must refer the complaint to the Presiding Officer of the House of Parliament to which the matter relates,
- Parliament must then decide the extent to which the conduct complained of is subject to Parliamentary privilege, and communicate that decision to the Commissioner,
- The Commissioner may handle the complaint to the extent Parliamentary privilege does not apply.

Example of unlawful conduct by a Member of Parliament

Harassment of a staff member during a chamber or committee break, or during an office or corridor interaction, has nothing to do with parliamentary proceedings, even if it occurs on a sitting day, and therefore is not protected by parliamentary privilege.

Exemption

The Bill has a narrow exemption which will allow discrimination based on political conviction in limited circumstances in relation to specified political roles but only where it is reasonable in the circumstances.

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)