

Persons with Disabilities

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.

Expanded protection from discrimination

Expanded definition of disability

The Bill will adopt a **broad, modern definition of disability**, covering:

- Physical, sensory, intellectual, learning and psychosocial disabilities
- Past, current, future and imputed disabilities
- Behaviour that is a manifestation of disability
- Reliance on an **assistance animal** (as defined in the *Disability Discrimination Act 1992* (Cth)), a support person, or assistive devices

Stronger protection from discrimination across daily life

The Bill will make it **unlawful to discriminate on the basis of disability** in a wider range of areas of life, including:

- Employment (recruitment, conditions, promotion, dismissal)
- Education (admission, participation, support, scholarships)
- Goods, services and facilities (including government and commercial services)
- Accommodation (renting, access, eviction)
- Public premises (access and use)
- Clubs, voluntary bodies
- Sport
- Administration of written laws and State programs

Exemptions

There will be some limited exemptions to the general prohibition on discrimination on the basis of disability, including:

- In connection with accommodation; provision of goods, services or facilities; and clubs and voluntary bodies, where avoiding discrimination would impose an **unjustifiable hardship** on the provider. Hardship is assessed by reference to all relevant circumstances, including the impact on the person with a disability.
- In connection with the conditions on which an annuity or insurance policy is offered to a person with a disability, so long as the discrimination is **reasonable**.
- In connection with a sporting activity or administrative, coaching, or refereeing activity if one of the following apply:
 - the person is **not sufficiently capable** of performing what the activity requires; or participants are selected using a **reasonable skill and ability based method**; and
 - discrimination is reasonable and proportionate

Stronger enforcement and remedies

- **Removal of the compensation cap** so there is no statutory limit on compensation
- **Longer complaint timeframe** Lodged within 24 months (previously 12 months).
- The Equal Opportunity Commissioner **own-motion reviews and investigations**.

Special measures

It will not be unlawful to discriminate against others by taking **special measures to benefit** disadvantaged groups, including people with disability, if:

- done in good faith to promote equal opportunity for the 'target group';
- where reasonably necessary to address the disadvantage or particular need of members of the target group.

The Bill will also allow sporting activities to be conducted only for persons with a particular disability to lawfully exclude a person who does not have that disability.

Duty to eliminate discrimination and vilification

Employers; educational institutions; clubs, volunteer and sporting bodies; and persons providing accommodation, goods, services or facilities, amongst others, **must take reasonable and proportionate steps and adjustments** to eliminate discrimination and vilification on the basis of disability.

Shift from reactive to active prevention, improving everyday safety and inclusion for vulnerable communities.

Whether a step is 'reasonable and proportionate' is assessed against a variety of factors, including the impact on the person affected, and the financial circumstances of the duty holder.

Reasonable adjustments

- Employers must make reasonable adjustments for a person with a disability or carer responsibility, or who is pregnant or breastfeeding so a person can carry out the work required, unless the person would be unable to carry out the inherent requirements of the work even with adjustments.
- It will not be unlawful to discriminate against a person with disability by imposing reasonable conditions on the carrying out of work by that person.
- Educational institutions must make reasonable adjustments for a student with a disability or carer responsibility, or who is pregnant or breastfeeding, so that a student can participate in or derive a substantial benefit from the education program.
- However, reasonable adjustments may not be required where an educational institution can prove that a person would be unable to participate in or derive a substantial benefit from the program, if those adjustments were made.
- Whether an adjustment is reasonable is assessed against a variety of factors.

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)