

Religious Bodies

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 continue to allow for religious bodies to act in accordance with their doctrines, beliefs, and principles, even where those actions would otherwise be discriminatory, in defined circumstances.

New definitions

The Bill will introduce definitions of religious conviction and religious body to provide greater clarity about the scope of protections against discrimination and vilification

'Religious conviction' includes having or not having a lawful religious belief, opinion or affiliation; engaging or not engaging in lawful religious activity; and wearing or adopting, or not wearing or not adopting an appearance required by or symbolic of a person's conviction.

A 'religious body' is that established for a religious purpose, or to perform functions (including for profit) for a religious purpose or in accordance with the doctrines of a religion. It includes charitable bodies established for a religious purpose.

New protections against religious vilification

The Bill will introduce **civil vilification** laws in WA. Civil vilification is **public conduct** that **expresses and incites** hatred, serious contempt, severe ridicule, threats or serious abuse against a person; or **threatens or seriously abuses** a person or group **because of certain protected attributes**. The Bill prohibits vilification on the basis of religious conviction.

It applies to any communication to the public, or observable by the public, including playing recorded material; making gestures or actions; and wearing or displaying clothing, signs or insignia.

Conduct is **not unlawful** if done **reasonably and in good faith** as part of:

- Artistic works or performances
- Academic, scientific or research discussion
- Genuine public interest debate
- Fair and accurate reporting
- Fair comment expressing genuinely held views on matters of public interest

The person relying on these exemptions must prove they apply.

Updated exemptions from discrimination prohibitions for religious bodies

The Bill will update the former single exemption for religious bodies with separate, activity related exemptions. The Bill now treats religious conduct differently depending on the context.

Core religious personnel and worship activities – broad exemption

The Bill will preserve strong protection for intrinsically religious activities and provides that religious bodies may discriminate on **any attribute except race or disability** (this includes sex, gender identity, sexual orientation, marital status, etc) in relation to **training and appointment of priests or persons to perform religious observances** where the conduct **conforms with the doctrines, beliefs or principles of the religion** of the body.

General religious body activities – general exemption

A religious body may discriminate on **any attribute other than race or disability** but only if all of the following are satisfied:

- **Religious conformity**: The conduct **conforms with the doctrines, beliefs or principles of the religion** of the body.
- **Religious necessity**: The discrimination is **reasonably necessary to avoid injury to the religious susceptibilities** of adherents of that religion.
- **Proportionality**: The conduct is **reasonable and proportionate in the circumstances**.

Government-funded or commercial services – more limited exemption

The Bill will provide a more limited exemption where a religious body is providing a **service on a commercial basis or with government funding**.

In these circumstances, a religious body may only discriminate **on the basis of religious conviction** if the discrimination **conforms to the religion** of that body or is **reasonably necessary to avoid injury to the religious susceptibilities** of adherents of that religion. The discrimination must also be **reasonable and proportionate**.

Duty to take steps to eliminate unlawful conduct

Certain organisations (e.g. employers, schools, service providers) have a positive duty to take reasonable and proportionate steps to eliminate discrimination, harassment, vilification and victimisation as far as practicable. This will require organisations subject to the duty to take reasonable and proportionate steps to eliminate discrimination and vilification on the basis of religious conviction, along with other protected attributes.

Religious bodies will have to take reasonable and proportionate steps to eliminate discrimination, harassment, vilification and victimisation where they engage in activity that makes a person subject to the duty.

A person cannot make a complaint to the Equal Opportunity Commissioner for a failure to comply with this duty, but the Commissioner may conduct an investigation into suspected non-compliance and prepare a report of their findings.

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)