

Sports Exemptions

The WA Government has introduced new legislation to modernise Western Australia's Equal Opportunity Act, ensuring more Western Australians are better protected from discrimination, harassment and vilification, designed to create safer and more inclusive communities.

Overview

The Bill will make it unlawful to discriminate in sport by excluding someone:

- from a sporting activity; or
- from administrative, coaching or refereeing roles associated with sport, see clause 33.

This general rule will be subject to some specific exemptions.

There will be four types of exemptions:

- **age based** – a sporting body may limit participation to a particular age group;
- **sex or gender identity** – it is not unlawful to discriminate against any person because of their sex or gender identity in any competitive sporting activity where the **strength, stamina or physique** of the competitors is relevant, as long as the discrimination is **reasonable and proportionate**. This exemption does not apply to children under 12;
- **sex-based** exemptions for **elite sport participation**, or to **facilitate participation of a particular sex**, as long as the discrimination is **reasonable and proportionate**. This exemption does not apply to children under 12;
- **disability** – discrimination is allowed if one of the following apply:
 - the person is **not sufficiently capable** of performing the actions required for the activity; or participants are selected using a **reasonable skill and ability based method**; or the activity is run **only for people with a particular disability that the person does not have**; and
 - discrimination is **reasonable and proportionate**.

Examples

A team in a competitive women's netball league is **not engaging in unlawful behaviour** if they refuse to admit a transgender woman, as long as that is considered reasonable and proportionate in all the circumstances.

A social running club run for women that refuses to admit a transgender woman is **likely to be engaging in unlawful discrimination**, because the activity is non-competitive; and strength, stamina and physique are not relevant.

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)