

Written Laws and Programs

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.

Background

The Law Reform Commission recommended **an additional protected area of public life be added for 'State laws and State programs'**.

The Bill will implement this recommendation and makes it **unlawful to discriminate** against a person in the performance of any function under, or for the purposes of, the law or State program.

Under the Bill this prohibition will not come into effect until 2 years from commencement of the new EO Act (this is the **transition period**). This period gives State entities and the Commissioner time to decide whether there are some state laws or programs that should be **exempt from the prohibition**.

The Bill will set out the **process** for determining an exemption:

- Before 18 months from the commencement date, a person who administers a written law **must make a submission** to the Commissioner about:
 - Whether the performance of a function under, or for purposes of, the existing written law, may amount to unlawful discrimination; and
 - Whether the discrimination should be continued beyond the transition period.
- If the Commissioner receives a submission, they must review it to determine whether it is appropriate for the discrimination to continue.
- At the end of the transition period, the Commissioner must give the Minister a report setting out the submissions, and the findings of their reviews and the Minister must table the report.
- Any written laws that should be exempt from the prohibition can then be **prescribed as exempt** by regulation, per clause 172.

There are other exemptions related to the administration of a written law or program also set out in the Bill. These are:

- Conduct done to comply with, or is authorised by, a written law, or to comply with a court or tribunal order
- Discrimination against a non-citizen where authorised by a State program
- Assessment of an application for adoption under *Adoption Act 1994 (WA)* * Anything done under the *Prisons Act 1981 (WA)* or the *Young Offenders Act 1994 (WA)* in a person or detention facility that is reasonable necessary for the operation of the facility or the welfare or safety of persons in the facility.

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)