

LAW REFORM COMMISSION — EQUAL OPPORTUNITY ACT REVIEW

Statement by Parliamentary Secretary

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [2.07 pm]: I rise to table the Law Reform Commission of Western Australia's report *Review of the Equal Opportunity Act 1984 (WA): Project 111 final report*. The Equal Opportunity Act was one of the most significant social reforms in this state's history when it was introduced by the then Labor government 38 years ago. It put Western Australia at the forefront of anti-discrimination law in Australia. However, since that time, community expectations regarding discrimination have progressed, and Western Australia now lags behind most other jurisdictions.

In 2019, the Attorney General asked the Law Reform Commission to provide advice and recommendations to the government on possible amendments to enhance and update the act. There has been overwhelming public interest in this project and the extensive discussion paper that was published last year. In response, the Law Reform Commission received 995 written submissions, including from the education sector, and undertook seven online and in-person public consultation sessions.

The final report makes 163 recommendations. The McGowan government broadly accepts most of the recommendations and will now commence drafting a new Equal Opportunity Act for Western Australia. The new act will bring Western Australia into line with other jurisdictions and ensure that the state has modern, fair and effective anti-discrimination laws that will make it easier for people in the community, including individuals, employers and service providers, to read and to understand their rights and obligations.

Without pre-empting the final form of a new equal opportunity act, as it is still subject to drafting and further consideration, the Attorney General has broadly committed to several key reforms. That includes removing the outdated disadvantage test for sexual harassment complainants, in line with the Community Development and Justice Standing Committee's report *'Enough is enough': Sexual harassment against women in the FIFO mining industry*; strengthening equal opportunity protections for LGBTQIA+ staff and students in religious schools; providing anti-discrimination protections to those who are trans, gender diverse or non-binary without the need for recognition from the Gender Reassignment Board of Western Australia; extending the prohibition against sexual and racial harassment to members of Parliament and Parliament House staff, judicial officers and court staff, local government councillors and staff, and unpaid or volunteer workers; protecting family and domestic violence victims from discrimination; introducing anti-vilification laws; and strengthening victimisation provisions.

The new Equal Opportunity Act will achieve a balance between the rights and interests of a wide variety of Western Australians and aim to ensure that employers are not unnecessarily burdened with complex legislation. It will streamline the operation of the Equal Opportunity Commission, which will be given broader discretion to dismiss trivial or unworthy complaints and to focus on its roles of complaint resolution and community education.

On behalf of both the Attorney General and me, I extend our thanks to all the people who contributed to this report, in particular the commissioners, The Hon Lindy Jenkins, Dr Sarah Murray and Kirsten Chivers, PSM.

[See paper [1489](#).]