

APPENDIX A. LEGISLATION AND GROUNDS OF DISCRIMINATION

The grounds of discrimination under Western Australian and Commonwealth anti-discrimination legislation are listed below. The legislation applies to various areas of public life, including education, employment and the provision of goods, services and facilities.

Information is sourced from:

- Equal Opportunity Commission: *Unlawful Discrimination fact sheet (Equal Opportunity Act 1984)*; and
- Australian Human Rights Commission: *A quick guide to Australian discrimination laws*.

Western Australian Legislation	Commonwealth Legislation
<p><u>Equal Opportunity Act 1984</u></p> <p>Age – being regarded as too young or old*</p> <p>Breastfeeding – or bottle feeding</p> <p>Family responsibility – having a caring role</p> <p>Family status – being a relative of a particular person or having the status of being a relative</p> <p>Fines Enforcement Registrar’s website – having personal details published on the Registrar’s website</p> <p>Gender history – having a reassigned gender as under the Gender Reassignment Act 2000</p> <p>Impairment – having a current, past or assumed physical, intellectual or mental disability*</p> <p>Marital status – being single, married, de facto, separated, divorced or widowed</p> <p>Political conviction – including a lack of conviction</p> <p>Pregnancy</p> <p>Race – including colour, ethnicity or national origin or descent*</p> <p>Racial harassment – offensive or insulting comments or behaviour about a person’s race</p> <p>Religious conviction – including a lack of conviction</p> <p>Sex</p> <p>Sexual harassment – including unwelcome requests for sexual favours, touching and comments</p> <p>Sexual orientation – including heterosexuality, homosexuality, lesbianism, bisexuality or assumed sexual orientation*</p>	<p><u>Australian Human Rights Commission Act 1986</u></p> <p><i>Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity. Also covers discrimination on the basis of the imputation of one of the above grounds.</i></p> <p><u>Age Discrimination Act 2004</u></p> <p><i>Discrimination on the basis of age – protects both younger and older Australians. Also includes discrimination on the basis of age-specific characteristics or characteristics that are generally imputed to a person of a particular age.</i></p> <p><u>Disability Discrimination Act 1992</u></p> <p><i>Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (eg, HIV virus). Also covers discrimination involving harassment in employment, education or the provision of goods and services.</i></p> <p><u>Racial Discrimination Act 1975</u></p> <p><i>Discrimination on the basis of race, colour, descent or national or ethnic origin and in some circumstances, immigrant status. Racial hatred, defined as a public act/s likely to offend, insult, humiliate or intimidate on the basis of race, is also prohibited under this Act unless an exemption applies.</i></p>

* Includes discrimination on the ground that a relative or associate has this attribute.

Equal Opportunity Commission [fact sheets](#).

Spent Convictions Act 1988

Discrimination on the ground of spent conviction.

Sex Discrimination Act 1984

Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status.

Sexual harassment is also prohibited under this Act.

(This Act does not apply to employees of State Government agencies, sections 12-13.)

COMMISSION CONTACTS

The [Equal Opportunity Commission](#) (WA) administers complaints under the above legislation.

T: 9216 3900

Country callers: 1800 198 149

E: eoc@eoc.wa.gov.au

The [Australian Human Rights Commission](#) administers complaints under the above legislation.

T: 1300 656 419 TTY: 1800 620 241

[National Relay Service](#)

E: infoservice@humanrights.gov.au

Translating and Interpreting Service: 131 450