



# Section 51 - A guide for applicants



Section 51 of the Equal Opportunity Act (WA) 1984 is an exception to what would otherwise be unlawful discrimination. It enables an agency to increase workforce diversity and the presentation of a particular race within their workforce profile.



The Equal Opportunity Act (WA) 1984 (the Act) is the main piece of legislation underpinning the principles of equal opportunity in Western Australia. The Act addresses discrimination in the areas of employment, accommodation, education and the provision of goods, facilities, services and activities.

## Why is Department of Transport and Major Infrastructure using Section 51?

Department of Transport and Major Infrastructure is committed to increasing First Nations employment in order to better reflect the diversity of our community. We aim to become an organisation of choice for First Nations People to work in, and receive culturally secure services from. For this reason, DTMI is using Section 51 of the Act to provide employment and career opportunities to First Nations people. DTMI's commitment is underpinned by our Reconciliation Action Plan.

## What is the difference between Section 50(d) and Section 51?

**Section 51** provides an organisation with the ability to advertise jobs targeting a racial group; however, applicants not of the specified racial group may still apply for the opportunity where specified in the advertisement.

**Section 50(d)** applies when an organisation identifies that service provision to people of a particular race, is best provided by a person of the same race. Therefore, it is a genuine occupational qualification for the position and only applicants of that racial group may apply.



## How will applicants know when Section 51 applies to a selection process?

Specific wording will be used in the advertising of positions to alert potential applicants that Section 51 is to apply to candidates being targeted.

## Are First Nations applicants assessed differently in a Section 51 selection process?

All applicants must be assessed equitably against the selection criteria and meet the minimum requirements therein. However, Section 51 provides us with the opportunity to preference qualified First Nations candidates.

## How does Department of Transport and Major Infrastructure identify First Nations applicants?

As part of the recruitment process, applicants will need to identify themselves as being of Aboriginal or Torres Strait Islander descent.

## More Information

To find more information on how to apply Section 51 visit:

- Equal Opportunity Commission [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)
- Public Sector Commission [www.wa.gov.au](http://www.wa.gov.au)
- Director of Equal Opportunity in Public Employment [www.psc.wa.gov.au/deope](http://www.psc.wa.gov.au/deope)
- Equal Opportunity Act 1984 [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

