



Section 66R – Measure to achieve equality – People with disability

Equal opportunity in public employment

The Western Australian Equal Opportunity Act 1984 (the Act) recognises that equal opportunity is not necessarily achieved by treating everyone the same. The objective of the Act is to promote equality of opportunity and eliminate discrimination for individuals, wherever possible. The Act also recognises that in certain circumstances discrimination, which would otherwise be unlawful, can be used positively to further meet the objectives of the Act.

What is Section 66R of the Act?

Section 66R affords persons who have an impairment access to facilities, services or opportunities to meet their special needs in relation to employment. It provides organisations with the ability to utilise recruitment strategies to achieve equity.

Why is the Department of Communities using Section 66R?

Achieving a diverse workforce remains a long-term objective of Communities. Our Workforce Equity and Diversity Plan outlines several initiatives designed to sustain an inclusive workplace and to increase workforce representation of people with disability.

The [Public Sector Commission's Workforce Diversification and Inclusion Strategy for WA Public Sector Employment 2020–2025](#) (the Strategy) aims to drive change and progress diversity and inclusion in the sector through:

- Increased representation of people from identified diversity groups at all levels across the sector (workforce diversification)
- Ensuring all staff in the sector experience a sense of belonging and inclusion in the work environment (workforce inclusion)

In using Section 66R, Communities aims to achieve equality and increase workforce representation to people with disability by providing employment and career opportunities.

The '[A Western Australia for Everyone: State Disability Strategy 2020-2030](#)' is closely aligned with the work and initiatives being undertaken as part of the Public Sector Commission strategy.



What is the Public Sector Commissioner's position on the use of Section 66R?

As part of the Strategy and in particular the Action Plan to Improve WA Public Sector Employment Outcomes 2020-2025 – People with Disability, the Public Sector Commissioner supports agencies implementing the use of Section 66R of the Act. The plan aims to increase the representation of people with disability employed in the public sector to five per cent and support inclusive work environments.

Why apply Section 66R to selection processes?

To provide people with disability with equity and a fair chance at employment with Communities. The department recognises that people with disability bring valuable talent, experience and insight to the workplace. People with disability are an integral part of a diverse and inclusive workforce.

How will applicants know when Section 66R applies to a selection process?

Where Section 66R is applied, the following wording is to be included on targeted advertisements:

“This position is being advertised as a measure to achieve equality under Section 66R of the Equal Opportunity Act 1984 (WA). Therefore, applicants with a disability who meet the inherent requirements for the role will be considered.”

Are applicants with disability assessed differently in a Section 66R selection process?


All applicants must be assessed equitably against the same selection criteria and meet the inherent requirements to be found suitable for the role. However, the process for assessment may be reasonably adjusted to achieve equity.

Are Section 66R opportunities still subject to redeployment clearance?

If the opportunity is for a period of more than six (6) months, it will still need to be cleared for redeployment purposes.

Are job advertisements encouraging applications from people with a disability unlawful?

Where a department can demonstrate that the advertised position is a measure intended to provide equal opportunities in employment to a target group, there is no unlawful discrimination.



If someone lodges a complaint with the Equal Opportunity Commission (EOC), how does the EOC assess its validity?

When a complaint is made, Communities must justify the use of Section 66R. Discrimination claims lodged against a department can be mitigated where there are relevant policies, strategies and statistical evidence to support the action.

Does Communities require an exemption from the State Administrative Tribunal to use Section 66R?

No, an exemption is not required from the State Administrative Tribunal.

Where can I find more information on how to apply Section 66R?

To find out more about Communities or Section 66R of the Act, please visit the websites listed below:

- Department of Communities: www.communities.wa.gov.au
- Equal Opportunity Commission: www.eoc.wa.gov.au
- Public Sector Commission: www.psc.wa.gov.au
- Director of Equal Opportunity in Public Employment: www.psc.wa.gov.au/deope
- Equal Opportunity Act 1984: www.legislation.wa.gov.au