



What is Section 51?

Section 51 is a part of the Equal Opportunity Act 1984. It provides organisations with the ability to put in place strategies to achieve equality. One of the strategies relates to employment.

What is the Equal Opportunity Act 1984?

The Equal Opportunity Act 1984 aims to eliminate discrimination and harassment in certain areas of life (such as employment) on the grounds of sex, marital status, pregnancy, family responsibility or family status, race, religious or political conviction, impairment, age and gender history.

It also promotes recognition and acceptance within the community of the equality of men and women, as well as people of all races regardless of their religious or political convictions, their impairments or age.

Why is DFES using Section 51?

DFES is committed to providing opportunities for Aboriginal people, including education, employment, training, and economic participation. In particular, we seek to ensure that our workforce is representative of the WA community. As progression towards achieving this, we are using Section 51 to increase the representation of Aboriginal people employed by DFES.

If I am not an Aboriginal person, does this mean I cannot be employed at DFES?

No, this is a temporary special measure intended to achieve equality.

Also, it is important to understand that DFES will continue to select only applicants who show sufficient merit to demonstrate they can undertake the position. Therefore, if a selection process under Section 51 does not result in a successful applicant, DFES will re-advertise the position to the wider community.

How will you decide if an applicant is Aboriginal?

Applicants will need to identify themselves as an Australian Aboriginal as part of the recruitment process. Applicants may be asked to provide confirmation of this to ensure that the intention of Section 51 is upheld.

Is this lawful?

Yes, the Equal Opportunity Act 1984 is an act of legislation and the specific section of this Act provides for organisations to implement this measure. It is lawful to discriminate in favour of a group of people in order to provide these people with the same opportunities as other people, in the areas of life covered by the Equal Opportunity Act.

Where can I find out more about Section 51 and the Equal Opportunity Act?

Visit www.eoc.wa.gov.au for more information.

