Section 51 – A measure intended to achieve equality

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 objects of the Act are 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 objects of the Act.

What is Section 51 of the Act?

Section 51 of the Act is a measure intended to achieve equality related to race. It affords a person of a particular race access to facilities, services or opportunities to meet their special needs in relation to employment.

Why is DMIRS using Section 51?

Achieving a diverse workforce remains a long-term objective of DMIRS. This equality measure has been selected to achieve the diversity outcomes sought by the DMIRS and in line with Public Sector Employment Outcomes 2020 – 2025. DMIRS is committed to increasing workforce representation of Aboriginal and Torres Strait Islander people at the department.

How do you decide if an applicant is Aboriginal?

Applicants will need to identify themselves as being of Australian Aboriginal or Torres Strait Islander descent as part of the recruitment process. Applicants will 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 (WA) 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 Act.

For more information, you can visit the following websites:

Equal Opportunity Act 1984 (www.legislation.wa.gov.au)

Equal Opportunity Commission (www.eoc.wa.gov.au)