

EQUAL OPPORTUNITY COMMISSION

1177. Hon CHARLES SMITH to the Leader of the House representing the Attorney General:

I refer to Christian wedding photographer Jason Tey, who was taken to the Western Australian Equal Opportunity Commission after agreeing to photograph the children of a same-sex couple but having disclosed a conflict of belief.

- (1) How much does it cost the Western Australian taxpayer to fund the WA Equal Opportunity Commission on an annual basis?
- (2) How many complaints did the WA Equal Opportunity Commission receive last year?
- (3) What is the point of the WA Equal Opportunity Commission when a federal body performs a similar function?
- (4) Why is the WA taxpayer funding a zealot within the commission who would persecute a Christian for having thoughts they object to?

The PRESIDENT: Leader of the House, you are obviously going to answer that question. I do not think you need to answer the final part of the question because it is seeking an opinion that you obviously cannot provide.

Hon SUE ELLERY replied:

Thank you, Madam President. Can I say at the start, on behalf of the government, that I object to a public servant being described in that fashion.

I thank the member for some notice of the question.

- (1) The published *Budget Statements 2018–19* show a total appropriation of \$3.802 million for that year for the Equal Opportunity Commission.
- (2) In 2017–18, there were 472 new complaints, as published in the annual report for that year.
- (3) The Australian Human Rights Commission deals with complaints made under commonwealth laws that prohibit various kinds of discrimination. Those laws can deal only with matters within the legislative power of the commonwealth. Further, those laws reflect the legislative judgement of the commonwealth Parliament about the kinds of discrimination that should be unlawful and the recourse that a person should have if they believe they have been unlawfully discriminated against. The Equal Opportunity Commission deals with complaints made under the Western Australian Equal Opportunity Act 1984, which deals with matters within the state’s legislative power and reflects the judgement of this Parliament on those matters. This Parliament does not have identical powers to the commonwealth’s and does not always take the same approach as the commonwealth Parliament. Every other state also has its own anti-discrimination laws and its own counterpart to the Equal Opportunity Commission.
- (4) I have an answer to part (4), although I note that this part of the question was out of order.
The role of the Equal Opportunity Commission is to accept complaints and attempt to conciliate them. If a complaint is not conciliated, it can be referred to the State Administrative Tribunal. The Public Sector Commissioner’s circular 2009–27, “Complaints Management”, requires all agencies, including the commission, to have in place a complaints management system that conforms to the principle of the Australian standard on complaints handling. Alternatively, complaints can be lodged with the Public Sector Commission, which has the power to investigate complaints of misconduct by public officers, including officers employed by the commission.