



WESTERN AUSTRALIAN GOVERNMENT Gazette
ISSN 1448-949X PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 30 DECEMBER 2011 No. 252 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.45 PM
© STATE OF WESTERN AUSTRALIA

EQUAL OPPORTUNITY ACT 1984

APPLICATION FOR EXEMPTION

Bandyup Women's Prison

Section 136 of the *Equal Opportunity Act 1984* requires the State Administrative Tribunal to publish in the *Government Gazette* a notice of the making of a decision under s135 of the Act, which relates to applications for exemption from the operation of some or all of the provisions of the *Equal Opportunity Act*. The notice must include the Tribunal's findings on material questions of fact, referring to the evidence on which those findings are based, and the reasons for the Tribunal's decision.

The following constitutes the notice published by the Tribunal under s136 of the *Equal Opportunity Act* with respect to an application for exemption by Commissioner for Corrective Services.

- JURISDICTION:** STATE ADMINISTRATIVE TRIBUNAL.
- STREAM:** HUMAN RIGHTS.
- ACT:** EQUAL OPPORTUNITY ACT 1984 (WA).
- CITATION:** COMMISSIONER FOR CORRECTIVE SERVICES and COMMISSIONER FOR EQUAL OPPORTUNITY [2011] WASAT 197.
- MEMBER:** MS D TAYLOR (SENIOR MEMBER).
- HEARD:** DETERMINED ON THE DOCUMENTS.
- DELIVERED:** 30 NOVEMBER 2011.
- FILE NO/S:** EOA 26 of 2011.
- BETWEEN:** COMMISSIONER FOR CORRECTIVE SERVICES Applicant and COMMISSIONER FOR EQUAL OPPORTUNITY Respondent.

Catchwords

Application for exemption—Sex discrimination—Exemption sought to allow prison officer positions to be filled by women—Tribunal satisfied exemption would promote the objects of the *Equal Opportunity Act 1984*—Exemption granted.

Legislation

Equal Opportunity Act 1984 (WA), s 11, s 135(1), s 135(2), s 135(3).
State Administrative Tribunal Act 2004 (WA), s 60(2).

Result

Exemption granted.

Category: B

Representation

Counsel

Applicant : Ms M Paterson
Respondent : Mr A Macdonald

Solicitors

Applicant : State Solicitor's Office
Respondent : Commissioner for Equal Opportunity

Case(s) referred to in decision(s)

ADI Limited and Ors and Commissioner for Equal Opportunity and Ors [2005] WASAT 259.
Commissioner for Equal Opportunity v ADI Limited [2007] WASCA 261 Raytheon Australia Pty Ltd and Commissioner for Equal Opportunity [2008] WASAT 266.