



## DISCRIMINATION in ACCOMMODATION

### A GUIDE FOR OWNERS AND AGENTS

**It is unlawful under *the Equal Opportunity Act 1984* for an owner or agent to discriminate against someone seeking private rental accommodation because of their:**

- Race
- Religious or political
- Conviction
- Impairment
- Age
- Sex
- Pregnancy
- Marital status
- Gender history
- Sexual orientation

#### FOR AGENTS AND OWNERS

•It is unlawful for an owner or agent to discriminate against someone seeking, or renting, private rental accommodation because of the race, sexual orientation, disability, or age, of a relative or associate of that person.

It is unlawful for an owner or agent to sexually or racially harass someone seeking or renting private rental accommodation.

•It is also unlawful under the *Residential Tenancies Act 1987* to refuse to let a property to person/s because they have a child or children who will live at the property.

•As an owner, or agent, of a rental property you have a range of rights and responsibilities in terms of who you rent your property to, and the conditions you rent it under.

**You need to be aware that it is unlawful for a person, whether as owner or agent, to discriminate against another person on any of the grounds listed:**

(a) by refusing the other person's application for accommodation;

(b) in the terms or conditions on which accommodation is offered to the other person (e.g. charging a higher rent);

(c) by deferring the other person's application for accommodation or according to the other person a lower order of precedence in any list of applicants for that accommodation.

(d) by denying the other person access, or limiting the other person's access, to any benefit associated with accommodation occupied by the other person (e.g. not allowing them to use the pool);

(e) by evicting the other person from accommodation occupied by the other person; or

(f) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person.

## CASE EXAMPLES:

- A woman alleged that when her real estate company was informed her family included a disabled child, she was no longer acceptable as a potential tenant of a rental property. The company denied this allegation stating there were many variables taken into account when offering tenancy and the fact the family had a disabled child was not one of them.

The company then listed a recent history of dispute with the family. Following a conciliation conference, the woman accepted the company's explanation and the matter was resolved.

- An Aboriginal woman believed her family was evicted because her landlord treated her differently to a non-Aboriginal family. She felt the eviction was caused by her deceased husband's past anti-social conduct, and current complaints about her son. She felt a non-Aboriginal family would not have been treated so harshly.

Following a conciliation conference at the Commission with the landlord, accommodation was provided to the woman and her family.

*The Commissioner for Equal Opportunity provides information about the Act, investigates and conciliates complaints, conducts community education and training and develops programs to promote equal opportunity.*

## CONTACT THE EQUAL OPPORTUNITY COMMISSION:

### By telephone

General enquiries 08 9216 3900

Training courses 08 9216 3927

Facsimile 08 9216 3960

Country callers 1800 198 149

TTY 08 9216 3936

**Email:** [eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

**Website:** [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)

### By visiting our office

Level 2, Westralia Square, 141 St Georges Terrace

Perth WA 6000

### By post

PO Box 7370, Cloisters Square,

Perth

WA 6850

## CONTACT THE DEPARTMENT OF COMMERCE:

### BY TELEPHONE:

Administration and Corporate feedback line:

1300 136 237

Building Commission - 1300 48 90 99

Consumer Protection - 1300 30 40 54

National Relay Service: 13 36 77 (for the hearing impaired)

Energy Safety - 9422 5200

Labour Relations - 1300 65 52 66

Science and Innovation - 9282 0777

WorkSafe - 1300 30 78 77

*Government of Western Australia*

[www.wa.gov.au](http://www.wa.gov.au)

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