

February 12, 2009

Media Statement

Application for 'adults only' exemption knocked back by SAT

Accommodation providers who seek to exclude children should be aware that such behaviour may be unlawful, WA's Equal Opportunity Commissioner said today.

Speaking after the State Administrative Tribunal rejected an application from a South West spa retreat for an exemption from the Equal Opportunity Act to enable it to offer 'adults only' accommodation, Ms Henderson said the decision was clear.

"The WA Parliament has outlawed discrimination on the basis of age and operators who seek to exclude children do so knowing a successful complaint may be brought against them," she said.

Ms Henderson said the applicant had argued that its facilities could be dangerous for children and that the resort was designed specifically for adults.

"The Tribunal rejected this argument, noting that an operator could design facilities to circumvent the intention of the legislation and then argue they were unsuitable for children."

Ms Henderson said the growing proliferation of adult only holiday venues was of concern to parents with children wishing to access these facilities.

It is helpful that the law has been clarified she said adding that advertisers should beware of breaching the law by publishing an advertisement that indicates an intention to act contrary to the Equal Opportunity Act.

For copy of the decision see:

[http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2009WASAT0021/\\$FILE/2009WASAT0021.pdf](http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2009WASAT0021/$FILE/2009WASAT0021.pdf)

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