

1 July 2024

Community Safety and Legal Affairs Committee
Parliament House
George Street
Brisbane Qld 4001

By email: cslac@parliament.qld.gov.au

Dear Committee Members

Respect at Work and Other Matters Amendment Bill 2024 (Qld) ('the Bill')

Thank you for the opportunity to provide feedback in relation to the above.

About QCOSS

Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

QCOSS' position

QCOSS welcomes many of the changes introduced by the Bill which will advance Queensland's equality laws on numerous fronts.

We are pleased to see the Bill seeks to implement recommendations from the *Respect@Work: Sexual Harassment National Inquiry Report (2020)* ('the Respect@Work Report'),¹ and reforms related to serious vilification and hate crimes.²

We also welcome amendments to update the *Anti-Discrimination Act 1991* (Qld) ('the AD Act') more generally. We acknowledge the ongoing work of the Queensland Human Rights Commission ('the QHRC') in advocating for comprehensive modernisation of Queensland's equality laws. The QHRC's report *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991*,³ ('the Building Belonging Report') outlined a need for a new Act replacing the AD Act and made recommendations on key provisions that should be featured in a new Act. The Building Belonging Report was developed through extensive consultation and can now guide comprehensive modernisation of Queensland's AD Act. We welcome the Government's commitment to provide in-principal support for all of the recommendations made by the Building Belonging Report.⁴

¹ Australian Human Rights Commission. (2020). *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*. ('Respect@Work Report').

<https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

² State of Queensland. (2024). *Respect at Work and Other Matters Amendment Bill 2024 (Qld) Explanatory Notes*, p 1. ('Explanatory Notes').

³ Queensland Human Rights Commission. (2022). *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991*. ('Building Belonging Report') <https://www.qhrc.qld.gov.au/about-us/reviews/ada>

⁴ State of Queensland. (2023). *Final Queensland Government Response to the Queensland Human Rights Commission's Report, Building Belonging – Review of Queensland's Anti-Discrimination Act 1991*. <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/c0fd9b56-1086-4a1e-87e1-81b4a9aae7aa/final-queensland-government-response-building-belonging-report.pdf?ETag=3849a5d660181d59a9986b931ae69af8>



QCOSS has remained engaged in this area of law reform, informed by ongoing consultation with our members, to understand important frontline perspectives and priorities in the community service sector. In 2021 QCOSS provided a submission to the QHRC consultation which was conducted in connection with their development of the Building Belonging Report. More recently, QCOSS provided a submission to a consultation conducted by the Department of Justice and Attorney-General ('DJAG') regarding their exposure draft of a Bill which was proposed to ultimately replace the AD Act, ('the Exposure Draft').⁵

We note that the Bill has been described as incorporating "the first stage of reforms coming out of the Building Belonging Report and *Inquiry into Serious Vilification and Hate Crimes Committee Report*."⁶ It is disappointing to see that an updated version of the Exposure Draft, incorporating feedback from DJAG's recent consultation, has not been introduced into Parliament as a Bill to completely repeal and replace the AD Act as planned. We do, however, recommend that the Bill should pass with amendments to ensure ongoing forward momentum.

We urge the Committee to engage carefully with submissions that identify any unintended negative consequences or points of confusion that could flow from provisions in the Bill as currently drafted. We also encourage the Committee to make recommendations to amend the Bill to implement further recommendations from the Building Belonging Report within this first stage of legislative reform.

The second stage of legislative reform must seek to comprehensively modernise the AD Act. The second stage should draw closely upon the expertise of the QHRC, as well as the extensive insights and perspectives of the community, which have been provided through prior consultation processes.

Our activities and engagements with community service organisations throughout the consultation processes described above have informed this submission, along with more recent feedback provided by community service organisations specifically in relation to the Bill.

The Bill requires amendments for consistency, clarity and achievement of policy drivers

QCOSS welcomes several amendments proposed by the Bill. This includes the creation of a positive duty "to eliminate all forms of unlawful discrimination, sexual harassment, vilification and other associated objectionable conduct as far as possible,"⁷ expanding the list of protected attributes under the AD Act (including in relation to being subjected to domestic and family violence and homelessness), implementing additional key reforms aimed to address vilification, and expanding the legislative functions of the QHRC. We also welcome the intentions of amendments aimed at addressing harassment on the basis of sex and hostile work environments on the basis of sex.

The Committee should recommend amendments to incorporate concepts of intersectionality into the operation of provisions regarding harassment on the basis of sex and hostile work environments on the basis of sex. The effect of intersectionality in these contexts was an important theme throughout the Respect@Work Report. It is also important to ensure clarity and consistency in how these provisions operate alongside other protections, and to ensure that protections relating to hostile work environments on the basis of other protected attributes will still be available.

It is positive to see the extended time limit for making a complaint "if the alleged contravention is or relates to a contravention on the basis of sex that is a work-related matter."⁸ However, feedback from our members has emphasised that it is important for complaint timeframes to be extended more broadly under the AD Act. Advocates have concerns that it will be difficult to advise on relevant time limitations if a complaint relates to multiple forms of discrimination and/or in multiple

⁵ State of Queensland. (2024). *Anti-Discrimination Bill 2024 consultation*. Department of Justice and Attorney-General.

<https://www.justice.qld.gov.au/community-engagement/community-consultation/past/anti-discrimination-bill-2024>

⁶ Minister for Health, Mental Health and Ambulance Services and Minister for Women, the Hon Shannon Fentiman, and Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence the Hon Yvette D'Ath. (2024). *Joint statement, Stronger laws to protect workers from discrimination and harassment*.

<https://statements.qld.gov.au/statements/100587>

⁷ *Explanatory Notes*, p 1.

⁸ Respect at Work and Other Matters Amendment Bill 2024, Clause 29.

settings. It is also important to recognise the benefits of extending time limitations to all complaints more broadly, in line with recommendations from the Building Belonging Report.⁹

Equality laws in Queensland must be comprehensively modernised

The significant body of work already undertaken by the QHRC and DJAG provides an unmissable opportunity to modernise Queensland's AD Act, which would significantly contribute to a deeper realisation of equality in our society. Extensive engagement with communities and organisations across Queensland has taken place to support the development of the Building Belonging Report and in response to the Exposure Draft. That feedback must be harnessed to implement changes that were thoughtfully identified to foster a more equal society. While the Bill reflects several positive changes, limitations to the ultimate effectiveness of the AD Act remain.

In order to use this opportunity to more comprehensively modernise equality laws in Queensland the Committee should be guided by the Building Belonging Report and recommend additional amendments to the AD Act through the Bill, including amendments to:

- incorporate concepts of intersectionality to apply in relation to all complaints
- update the definitions of direct and indirect discrimination
- streamline complaint processes
- create a standalone requirement to make reasonable adjustments for people with disability
- amend exemptions for non-profit providers of goods and services who should also have obligations under the AD Act.

Following passage of the Bill, the Government should work closely with the QHRC and the community to pursue the second stage of the legislative reform as soon as possible to implement all of the remaining changes needed to implement the recommendations in Building Belonging. Government should pay particular attention to communities and groups of people who experience higher rates of discrimination and inequality.

Effective implementation of legislative reform

The Bill and future legislative amendments must be supported by strategic and effective implementation. QCOSS members have emphasised the need for clarity on how implementation will be supported through awareness and education efforts. QCOSS members have indicated a need for the following:

- Materials assisting organisations and individuals to understand their rights and responsibilities under anti-discrimination law. Feedback has highlighted that examples and scenarios within legislation and supporting materials are particularly helpful in understanding complex laws.
- Accessible guidance on how these reforms will interact with other pieces of legislation and regulatory frameworks.

QCOSS members have also highlighted difficulties individuals already face in seeking assistance to understand and enforce their rights under the AD Act. In modernising anti-discrimination laws in Queensland, it is vital to review current funding for services that assist members of the community to understand and access their rights. We make this comment in the specific context of ensuring individuals can effectively engage with their rights as proposed by the Bill, but also in the broader context of soaring levels of demand for legal assistance and other advocacy and community services.

This feedback is consistent with recommendations from the Building Belonging Report on important aspects of implementation including the need for comprehensive awareness and education, resourcing for key bodies and organisations, and careful monitoring of changes.¹⁰

⁹ *Building Belonging Report*, pp 153-161.

¹⁰ *Building Belonging Report*, pp 404-409.

Conclusion

Many changes proposed by the Bill are positive. However, additional recommendations of the Building Belonging Report should be incorporated into the Bill, with any remaining recommendations also implemented as soon as possible. The Bill, alongside future legislative amendments, should be supported by strategic investment to support awareness raising and to ensure that people can effectively understand and access their rights.

Thank you again for the opportunity to provide our submission. If you have any questions, please contact Aimee McVeigh, Chief Executive Officer at aimee@gcoss.org.au.

Yours sincerely

A handwritten signature in black ink that reads "Aimee McVeigh". The signature is written in a cursive, flowing style.

Aimee McVeigh
Chief Executive Officer