



Strengthening Protections for Queensland Workers Amendment Bill 2026



Queensland

Strengthening Protections for Queensland Workers Amendment Bill 2026

Contents

		Page
Part 1	Preliminary	
1	Short title	8
Part 2	Amendment of Anti-Discrimination Act 1991	
2	Act amended	8
3	Amendment of long title	8
4	Amendment of preamble	8
5	Amendment of s 6 (Act's anti-discrimination purpose and how it is to be achieved)	9
6	Amendment of s 7 (Discrimination on the basis of certain attributes prohibited)	9
7	Amendment of s 8 (Meaning of discrimination on the basis of an attribute)	10
8	Replacement of ss 10 and 11	10
	10 Meaning of direct discrimination	10
	11 Meaning of indirect discrimination	11
	11A When does a person discriminate against another person	12
9	Amendment of s 19 (Discrimination by industrial, professional, trade or business organisation in pre-membership area)	12
10	Amendment of s 20 (Discrimination by industrial, professional, trade or business organisation in membership area)	13
11	Amendment of s 21 (Discrimination by qualifying body in pre-qualification area)	13
12	Amendment of s 22 (Discrimination by qualifying body in qualification area)	13
13	Replacement of s 106 (Acts done in compliance with legislation etc.) 14	

Contents

	106	Compliance with legislation or court or tribunal orders	14
14		Amendment of ch 3, hdg (Sexual harassment prohibited by this Act (complaint))	14
15		Replacement of ch 3, pt 1, hdg (Act's freedom from sexual harassment purpose)	14
	Part 1	Preliminary	
16		Amendment of s 117 (Act's freedom from sexual harassment purpose and how it is to be achieved)	14
17		Amendment, relocation and renumbering of s 120 (Meaning of relevant circumstances)	15
18		Insertion of new ch 3, pt 3	15
	Part 3	Prohibition of harassment on the basis of sex	
	Division 1	Preliminary	
	120	Meaning of harassment on the basis of sex	16
	120A	Relationship with other conduct	17
	Division 2	Prohibition of harassment on the basis of sex	
	120B	Person conducting business or undertaking	17
	120C	Worker in business or undertaking	17
	120D	Other person dealing with business or undertaking	18
	120E	Industrial, professional, trade or business organisation	18
	120F	Qualifying body	18
19		Amendment of s 121 (Act's freedom from associated objectionable conduct purpose and how it is to be achieved)	18
20		Amendment of s 124 (Unnecessary information)	19
21		Replacement of ch 4, pt 4 (Racial and religious vilification)	19
	Part 4	Vilification on grounds of age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	
	124A	References to attribute of a person	19
	124B	Meaning of public act	20
	124C	Hateful, reviling, seriously contemptuous or seriously ridiculing conduct	21
	124D	Inciting hatred, serious contempt or severe ridicule	22
22		Insertion of new ch 4, pt 5	22
	Part 5	Work environment that is hostile on the basis of sex	
	124E	Work environment that is hostile on the basis of sex	23
	124F	Relevant circumstances	24
23		Amendment of s 125 (Act's freedom from associated highly objectionable conduct purpose and how it is to be achieved)	24

24	Amendment of s 130 (Meaning of victimisation)	24
25	Insertion of new ch 5C	25
	Chapter 5C Positive duty	
	131H Act's positive duty purpose and how it is to be achieved	25
	131I Duty to eliminate discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct	25
	131J Deciding whether measure is reasonable and proportionate	26
26	Amendment of s 132 (Act's vicarious liability purpose and how it is to be achieved)	27
27	Amendment of ch 7, pt 1, hdg (What the Queensland Human Rights Commission may do)	27
28	Amendment of s 134 (Who may complain)	27
29	Amendment of s 138 (Time limit on making complaints)	28
30	Amendment of s 141A (Deferral of acceptance of complaint for out-of- time contravention)	28
31	Replacement of ch 7, pt 1, div 2, hdg (The investigation process)	29
	Division 2 Investigation of complaint	
32	Amendment of s 154A (Investigation of complaint)	29
33	Omission of ss 155 and 156	29
34	Relocation and renumbering s 157 (Commissioner may obtain actuarial, statistical or other data)	29
35	Replacement of ch 7, pt 1, div 3, hdg (The conciliation process)	29
	Division 3 Conciliation of complaint	
36	Relocation and renumbering of s 173 (Authentication of documents)	30
37	Relocation and renumbering of s 174 (Judicial notice of commissioner's signature)	30
38	Insertion of new ch 7, pt 1A	30
	Part 1A What the commission may do—investigations and compliance	
	Division 1 Investigation by commissioner	
	Subdivision 1 Starting investigation	
	173 Application of subdivision	30
	173A When commissioner must conduct investigation . . .	31
	173B When commissioner may conduct investigation . . .	31
	173C Commissioner must notify person about investigation	32
	Subdivision 2 Conduct of investigation	

Contents

	173D	Application of subdivision	32
	173E	Conduct of investigation generally	32
	173F	Power to require information or document	33
	173G	Outcome of investigation	34
	Subdivision 3 Action relating to contravention of the Act		
	173H	Referral to tribunal	34
	Subdivision 4 Action relating to compliance with positive duty		
	173I	Action commissioner may take	35
	173J	Undertakings	35
	173K	Compliance with undertaking	36
	173L	Compliance notices	37
	173M	Compliance with compliance notice	38
	173N	Review of compliance notice	39
	173O	Report on investigation	39
	Subdivision 5 Action relating to systemic contravention		
	173P	Action commissioner may take	41
	173Q	Report on investigation	41
	Division 2 Guidelines		
	173R	Commission guidelines	42
	173S	Publication of guidelines	42
	Division 3 Other provisions		
39		Amendment of s 174A (Functions of QCAT)	42
40		Amendment of s 174B (Functions of industrial relations commission)	43
41		Amendment of s 175 (Time limit on referred complaints)	44
42		Insertion of new s 176A	44
	176A	Representation—industrial relations commission	44
43		Amendment of s 223 (Contempt of commission)	45
44		Amendment of s 235 (Commission’s functions)	45
45		Insertion of new ch 11, pt 11	45
	Part 11 Transitional provisions for Strengthening Protections for Queensland Workers Amendment Act 2026		
	286	Definitions for part	45
	287	Time limit for making complaint	46
	288	Existing complaints by unregistered industrial organisations	46
	289	Burden of proof for complaints about pre-commencement	

	conduct	46
290	Existing investigation	47
291	Existing directions for information or documents	47
46	Amendment of sch 1 (Dictionary)	47
Part 3	Amendment of Corrective Services Act 2006	
47	Act amended	52
48	Amendment of s 319A (Definitions)	52
49	Amendment of s 319G (When treatment of offender by protected defendant is not direct discrimination)	52
50	Amendment of s 319H (When term imposed on offender by protected defendant is not indirect discrimination)	53
Part 4	Amendment of Criminal Code	
51	Code amended	53
52	Amendment of s 1 (Definitions)	53
53	Amendment of s 52A (Offence of serious racial, religious, sexuality, sex characteristics or gender identity vilification)	54
54	Amendment of s 52B (Circumstances of aggravation for particular offences)	55
55	Amendment of s 52C (Prohibited symbols)	55
Part 5	Amendment of Human Rights Act 2019	
56	Act amended	56
57	Amendment of sch 1 (Dictionary)	56
Schedule 1	Other amendments of Anti-Discrimination Act 1991	57

2026

A Bill

for

An Act to amend the *Anti-Discrimination Act 1991*, the *Corrective Services Act 2006*, the Criminal Code and the *Human Rights Act 2019* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Strengthening Protections for Queensland Workers Amendment Act 2026*. 4
5

Part 2 Amendment of Anti-Discrimination Act 1991 6
7

Clause 2 Act amended 8

This part and schedule 1 amend the *Anti-Discrimination Act 1991*. 9
10

Clause 3 Amendment of long title 11

(1) Long title, ‘equality of opportunity’— 12
omit, insert— 13

equal opportunity and equitable outcomes 14

(2) Long title, after ‘harassment’— 15
insert— 16

, harassment on the basis of sex 17

Clause 4 Amendment of preamble 18

(1) Preamble, paragraph 7, ‘equality of opportunity’— 19
omit, insert— 20

equal opportunity and equitable outcomes 21

[s 7]

	(r) a combination of 2 or more of any of the above attributes.	1 2
(5)	Section 7(pa) to (r)— <i>renumber</i> as section 7(q) to (w).	3 4
Clause 7	Amendment of s 8 (Meaning of <i>discrimination on the basis of an attribute</i>)	5 6
	Section 8—	7
	<i>insert</i> —	8
	(2) Also, <i>discrimination on the basis of an attribute</i> of a person who has 2 or more attributes includes discrimination in relation to—	9 10 11
	(a) any of the attributes; or	12
	(b) 2 or more of the attributes; or	13
	(c) the combined effect of 2 or more of the attributes.	14 15
Clause 8	Replacement of ss 10 and 11	16
	Sections 10 and 11—	17
	<i>omit, insert</i> —	18
	10 Meaning of <i>direct discrimination</i>	19
	(1) <i>Direct discrimination</i> on the basis of an attribute happens if a person treats, or proposes to treat, another person unfavourably because the other person has an attribute.	20 21 22 23
	(2) For subsection (1), it does not matter—	24
	(a) whether the person’s attribute is only 1 of the reasons for the unfavourable treatment; or	25 26 27
	(b) whether the person who discriminates considers the treatment is unfavourable.	28 29

11 Meaning of *indirect discrimination*

- 1
- (1) *Indirect discrimination* on the basis of an 2
attribute happens if a person imposes, or proposes 3
to impose, a condition, requirement or practice 4
that— 5
- (a) has, or is likely to have, the effect of 6
disadvantaging another person because the 7
other person has an attribute; and 8
- (b) is not reasonable. 9
- (2) Creating an environment in which a person with 10
an attribute is disadvantaged is taken to be 11
imposing a condition, requirement or practice 12
under subsection (1)(a). 13
- (3) For subsection (1), the person imposing or 14
proposing to impose the condition, requirement or 15
practice has the onus of proving, on the balance of 16
probabilities, the condition, requirement or 17
practice is reasonable. 18
- (4) In deciding whether a condition, requirement or 19
practice is reasonable, the following matters may 20
be considered— 21
- (a) the nature and extent of the disadvantage 22
resulting from the imposition, or proposed 23
imposition, of the condition, requirement or 24
practice; 25
- (b) whether the disadvantage is proportionate to 26
the result sought by the person who 27
imposes, or proposes to impose, the 28
condition, requirement or practice; 29
- (c) whether any adjustment could be made to 30
the condition, requirement or practice to 31
reduce the disadvantage caused; 32
- (d) whether there is an alternative condition, 33
requirement or practice that would achieve 34
the result sought by the person imposing, or 35

[s 9]

	proposing to impose, the condition, requirement or practice and would result in less disadvantage;	1 2 3
(e)	the cost of any adjustment or any alternative condition, requirement or practice;	4 5
(f)	the financial circumstances of the person imposing, or proposing to impose, the condition, requirement or practice;	6 7 8
(g)	any other relevant matter.	9
11A	When does a person discriminate against another person	10 11
(1)	A person discriminates against another person if the person directly or indirectly discriminates against the other person on the basis of an attribute.	12 13 14 15
(2)	For subsection (1), it does not matter—	16
(a)	whether the discrimination is only direct discrimination, only indirect discrimination or both direct discrimination and indirect discrimination; or	17 18 19 20
(b)	whether the person who discriminates is aware of the discrimination; or	21 22
(c)	whether the discrimination happens because the person does an act or makes an omission.	23 24 25
(3)	Also, a person’s motive for discriminating against another person is irrelevant.	26 27
Clause 9	Amendment of s 19 (Discrimination by industrial, professional, trade or business organisation in pre-membership area)	28 29 30
	Section 19(2), from ‘if’ to ‘applies’—	31
	<i>omit, insert—</i>	32

	under the <i>Industrial Relations Act 2016</i> , chapter 12, part 9, division 2 or part 10	1 2
Clause 10	Amendment of s 20 (Discrimination by industrial, professional, trade or business organisation in membership area)	3 4 5
	Section 20(2), from ‘if’ to ‘applies’—	6
	<i>omit, insert—</i>	7
	under the <i>Industrial Relations Act 2016</i> , chapter 12, part 9, division 2 or part 10	8 9
Clause 11	Amendment of s 21 (Discrimination by qualifying body in pre-qualification area)	10 11
	(1) Section 21, from ‘extend’ to ‘business’—	12
	<i>omit, insert—</i>	13
	extend a professional, trade or business qualification or authorisation	14 15
	(2) Section 21(a) and (b), before ‘qualification’—	16
	<i>insert—</i>	17
	professional, trade or business	18
Clause 12	Amendment of s 22 (Discrimination by qualifying body in qualification area)	19 20
	(1) Section 22, from ‘extend’ to ‘business’—	21
	<i>omit, insert—</i>	22
	extend a professional, trade or business qualification or authorisation	23 24
	(2) Section 22(a), (b) and (c), before ‘qualification’—	25
	<i>insert—</i>	26
	professional, trade or business	27

[s 13]

Clause 13	Replacement of s 106 (Acts done in compliance with legislation etc.)	1 2
	Section 106—	3
	<i>omit, insert—</i>	4
	106 Compliance with legislation or court or tribunal orders	5 6
	A person may discriminate against another person if the discrimination is necessary to comply with—	7 8 9
	(a) another Act or an Act of the Commonwealth; or	10 11
	(b) an order of a court or tribunal.	12
Clause 14	Amendment of ch 3, hdg (Sexual harassment prohibited by this Act (complaint))	13 14
	Chapter 3, heading, after ‘harassment’—	15
	<i>insert—</i>	16
	and harassment on the basis of sex	17
Clause 15	Replacement of ch 3, pt 1, hdg (Act’s freedom from sexual harassment purpose)	18 19
	Chapter 3, part 1, heading—	20
	<i>omit, insert—</i>	21
	Part 1 Preliminary	22
Clause 16	Amendment of s 117 (Act’s freedom from sexual harassment purpose and how it is to be achieved)	23 24
	(1) Section 117, heading, after ‘harassment’—	25
	<i>insert—</i>	26
	and harassment on the basis of sex	27

-
- (2) Section 117(1), from ‘equality’— 1
omit, insert— 2
equal opportunity and equitable outcomes for 3
everyone by protecting them from sexual 4
harassment and harassment on the basis of sex. 5
- (3) Section 117(2)(a), after ‘harassment’— 6
insert— 7
and harassment on the basis of sex 8
- (4) Section 117(2)(b), after ‘harassed’— 9
insert— 10
or harassed on the basis of sex 11

Clause 17 Amendment, relocation and renumbering of s 120 12
(Meaning of relevant circumstances) 13

- (1) Section 120, after heading— 14
insert— 15
(1) This section applies in relation to determining 16
whether conduct of a person constitutes sexual 17
harassment or harassment on the basis of sex of 18
another person. 19
- (2) Section 120— 20
relocate to part 1 and *renumber* as section 117A. 21
22

Clause 18 Insertion of new ch 3, pt 3 23

Chapter 3— 24

insert— 25

Part 3 Prohibition of 26
harassment on the 27
basis of sex 28

[s 18]

Division 1	Preliminary	1
120	Meaning of <i>harassment on the basis of sex</i>	2
(1)	<i>Harassment on the basis of sex</i> happens if a person—	3 4
(a)	engages in unwelcome conduct of a demeaning nature in relation to another person; and	5 6 7
(b)	engages in the conduct on the basis of—	8
(i)	the other person’s sex; or	9
(ii)	a characteristic that a person of the other person’s sex generally has; or	10 11
(iii)	a characteristic that is often imputed to a person of the other person’s sex; or	12 13
(iv)	a sex the other person is presumed to be, or to have been at any time, by the person engaging in the conduct; or	14 15 16
(v)	a sex the other person has been, even if the person is not that sex at the time of the conduct; and	17 18 19
(c)	engages in the conduct—	20
(i)	with the intention of offending, humiliating or intimidating the other person; or	21 22 23
(ii)	in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.	24 25 26 27 28
(2)	For subsection (1), it does not matter whether the other person’s sex is only one of the reasons for the person engaging in the conduct.	29 30 31

120A Relationship with other conduct	1
To remove any doubt, it is declared that this part	2
does not limit any other provision of this Act that	3
prohibits conduct of a person that is the same as or	4
similar to conduct prohibited under division 2,	5
whether the conduct is engaged in on the basis of,	6
or in relation to, sex or any other attribute.	7
Division 2 Prohibition of harassment	8
 on the basis of sex	9
120B Person conducting business or undertaking	10
A person conducting a business or undertaking	11
must not harass on the basis of sex—	12
(a) a worker in the business or undertaking; or	13
(b) a person seeking work in the business or	14
undertaking; or	15
(c) any other person in connection with	16
conducting the business or undertaking.	17
120C Worker in business or undertaking	18
A worker in a business or undertaking must not	19
harass on the basis of sex—	20
(a) another worker in the business or	21
undertaking; or	22
(b) a person seeking work in the business or	23
undertaking; or	24
(c) any other person in connection with the	25
person's work in the business or	26
undertaking.	27

[s 19]

120D Other person dealing with business or undertaking	1 2
A person must not harass on the basis of sex—	3
(a) a person conducting a business or undertaking; or	4 5
(b) a worker in a business or undertaking.	6
120E Industrial, professional, trade or business organisation	7 8
A member of an organisation of workers, employers, or people who carry on an industry, profession, trade or business must not harass on the basis of sex—	9 10 11 12
(a) another member of the organisation; or	13
(b) a person seeking membership of the organisation.	14 15
120F Qualifying body	16
A person who has power to grant, renew or extend a professional, trade or business qualification or authorisation must not harass on the basis of sex a person seeking the grant, renewal or extension of the qualification or authorisation.	17 18 19 20 21
Clause 19 Amendment of s 121 (Act’s freedom from associated objectionable conduct purpose and how it is to be achieved)	22 23 24
Section 121(1), ‘equality of opportunity’—	25
<i>omit, insert</i> —	26
equal opportunity and equitable outcomes	27

Clause 20	Amendment of s 124 (Unnecessary information)	1
	Section 124(2) to (4), and example—	2
	<i>omit, insert—</i>	3
	(2) Subsection (1) does not apply to a request that is necessary to comply with—	4
	(a) another Act or an Act of the Commonwealth; or	5
	(b) an order of a court or tribunal.	6
	(3) It is a defence to a complaint about an alleged contravention of subsection (1) if the respondent proves, on the balance of probabilities, that the information was reasonably required for a purpose that did not involve discrimination.	7
		8
		9
		10
		11
		12
		13
Clause 21	Replacement of ch 4, pt 4 (Racial and religious vilification)	14
	Chapter 4, part 4—	15
	<i>omit, insert—</i>	16
	Part 4	17
	Vilification on grounds of age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	18
		19
		20
		21
		22
		23
	124A References to attribute of a person	24
	In this part, a reference to a person’s age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation (a <i>relevant attribute</i>), in relation to conduct engaged in by a person, includes a reference to—	25
		26
		27
		28
		29

[s 21]

- (a) a characteristic that a person with the relevant attribute generally has; or 1
2
- (b) a characteristic that is often imputed to a person with the relevant attribute; or 3
4
- (c) a relevant attribute that a person is presumed to have, or to have had at any time, by the person engaging in the conduct; or 5
6
7
- (d) a relevant attribute that a person had, even if the person did not have it at the time the conduct was engaged in. 8
9
10

124B Meaning of *public act* 11

- (1) In this part, *public act*— 12
 - (a) includes the following conduct— 13
 - (i) any form of communication, including speaking, writing, displaying notices, playing of recorded material, broadcasting and communicating through social media and other electronic methods, to the public; 14
15
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17
18
19
 - (ii) any conduct, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, observable by the public; 20
21
22
23
 - (iii) the distribution or dissemination of any matter to the public; but 24
25
 - (b) does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter. 26
27
28
29
30
- (2) Conduct mentioned in subsection (1) may be a *public act* even if it happens on private land or in a place that is not ordinarily accessed by the 31
32
33

general public.	1
<i>Examples of places for subsection (2)—</i>	2
a place of work, an educational facility	3
124C Hateful, reviling, seriously contemptuous or seriously ridiculing conduct	4
	5
(1) A person must not, because of the age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation of another person or a group of persons, engage in a public act that a reasonable person would consider hateful towards, reviling, seriously contemptuous of, or seriously ridiculing the other person or members of the group.	6 7 8 9 10 11 12 13
(2) For subsection (1), <i>reasonable person</i> means a reasonable person who has the same age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation as the other person or members of the group.	14 15 16 17 18
(3) Subsection (1) does not make unlawful—	19
(a) the publication of a fair report of a public act mentioned in subsection (1); or	20 21
(b) the publication of material in circumstances in which the publication would be subject to a defence of absolute privilege in proceedings for defamation; or	22 23 24 25
(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including public discussion or debate about, and expositions of, any act or matter.	26 27 28 29 30 31

[s 22]

124D Inciting hatred, serious contempt or severe ridicule	1
	2
(1) A person must not, in a public act, engage in conduct that is likely to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the basis of the age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation of the person or members of the group.	3 4 5 6 7 8 9
<i>Note—</i>	10
See also the Criminal Code, section 52A.	11
(2) Subsection (1) does not make unlawful—	12
(a) the publication of a fair report of a public act mentioned in subsection (1); or	13 14
(b) the publication of material in circumstances in which the publication would be subject to a defence of absolute privilege in proceedings for defamation; or	15 16 17 18
(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including public discussion or debate about, and expositions of, any act or matter.	19 20 21 22 23 24
Clause 22 Insertion of new ch 4, pt 5	25
Chapter 4—	26
<i>insert—</i>	27
Part 5 Work environment that is hostile on the basis of sex	28 29 30

124E Work environment that is hostile on the basis of sex	1
	2
(1) A person must not subject another person to a work environment that is hostile on the basis of sex.	3 4 5
(2) A person (the <i>first person</i>) subjects another person (the <i>second person</i>) to a work environment that is hostile on the basis of sex if—	6 7 8
(a) the first person engages in conduct in a place where the first person or second person, or both, work; and	9 10 11
(b) the second person is at the place at the time or after the conduct is engaged in; and	12 13
(c) a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the conduct would create a work environment that would be offensive, humiliating or intimidating to a person of the second person’s sex on the basis of—	14 15 16 17 18 19
(i) the sex of the second person; or	20
(ii) a characteristic that a person of the second person’s sex generally has; or	21 22
(iii) a characteristic that is often imputed to a person of the second person’s sex.	23 24
(3) For subsection (2), it does not matter whether the conduct would create a work environment that would be offensive, humiliating or intimidating to a person for 2 or more reasons, as long as 1 of the reasons is the person’s sex or a characteristic mentioned in subsection (2)(c)(ii) or (iii).	25 26 27 28 29 30
(4) To remove any doubt, it is declared that this section does not limit any other provision of this Act that prohibits conduct of a person that is the same as or similar to conduct prohibited under this section, whether the conduct is engaged in on	31 32 33 34 35

[s 23]

	the basis of, or in relation to, sex or any other attribute.	1 2
	124F Relevant circumstances	3
	For section 124E(2)(c), the circumstances that are relevant in determining whether a reasonable person would have anticipated that conduct would create a work environment that would be offensive, humiliating or intimidating to a person include—	4 5 6 7 8 9
	(a) the seriousness of the conduct; and	10
	(b) whether the conduct was continuous or repetitive; and	11 12
	(c) the role, influence or authority of the person engaging in the conduct; and	13 14
	(d) any other relevant circumstance.	15
Clause 23	Amendment of s 125 (Act’s freedom from associated highly objectionable conduct purpose and how it is to be achieved)	16 17 18
	Section 125(1), ‘equality of opportunity’—	19
	<i>omit, insert</i> —	20
	equal opportunity and equitable outcomes	21
Clause 24	Amendment of s 130 (Meaning of victimisation)	22
	Section 130(1)(a)(ii), from ‘an act’—	23
	<i>omit, insert</i> —	24
	an act, or made an omission, that would amount to a contravention of the Act or the positive duty; or	25 26

Clause 25	Insertion of new ch 5C	1
	After chapter 5B—	2
	<i>insert—</i>	3
	Chapter 5C Positive duty	4
	131H Act’s positive duty purpose and how it is to be achieved	5
		6
	(1) One of the purposes of this Act is to promote equal opportunity and equitable outcomes for everyone by providing for the taking of positive action—	7
		8
		9
		10
	(a) to prevent, as far as possible, contraventions of the Act; and	11
		12
	(b) to help promote, as far as possible, the achievement of substantive equality.	13
		14
	(2) The purpose is to be achieved by—	15
	(a) imposing a positive duty on certain persons to eliminate, as far as possible, discrimination, sexual harassment, harassment on the basis of sex and certain other objectionable conduct; and	16
		17
		18
		19
		20
	(b) providing for investigation into, and enforcement of, a person’s compliance with the positive duty under chapter 7, part 1A.	21
		22
		23
	<i>Note—</i>	24
	A contravention of the positive duty is not a contravention of the Act for which a complaint may be made under chapter 7, part 1—see schedule 1, definition <i>contravention</i> .	25
		26
		27
		28
	131I Duty to eliminate discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct	29
		30
		31
	(1) This section applies to a person who, under	32

[s 25]

chapter 2, 3, 4 or 5, must not engage in 1
discrimination, sexual harassment, harassment on 2
the basis of sex or other objectionable conduct. 3

(2) However, this section applies to an individual 4
only if the individual is a person conducting a 5
business or undertaking. 6

(3) The person must take reasonable and 7
proportionate measures to eliminate the 8
discrimination, sexual harassment, harassment on 9
the basis of sex or other objectionable conduct as 10
far as possible. 11

(4) To remove any doubt, it is declared that the duty 12
under subsection (3) does not limit, and applies to 13
the person in addition to, the prohibitions 14
applying to the person under chapter 2, 3, 4 or 5. 15

Note— 16

See also the *Human Rights Act 2019*, section 58 for 17
other obligations applying to a public entity under that 18
Act. 19

131J Deciding whether measure is reasonable and 20 proportionate 21

In deciding whether a measure taken by a person 22
to comply with the duty under section 131I(3) is 23
reasonable and proportionate, the following 24
matters must be considered— 25

(a) the size, nature and circumstances of the 26
person's business or undertaking or 27
operations; 28

(b) the resources of the person, whether 29
financial or otherwise; 30

(c) the practicability and the cost of the 31
measure; 32

(d) the person's business and operational 33
priorities; 34

	(e) any other relevant matter.	1
Clause 26	Amendment of s 132 (Act’s vicarious liability purpose and how it is to be achieved)	2 3
	Section 132(1), ‘equality of opportunity’—	4
	<i>omit, insert—</i>	5
	equal opportunity and equitable outcomes	6
Clause 27	Amendment of ch 7, pt 1, hdg (What the Queensland Human Rights Commission may do)	7 8
	Chapter 7, part 1, heading, from ‘Queensland’—	9
	<i>omit, insert—</i>	10
	commission may do—complaints	11
Clause 28	Amendment of s 134 (Who may complain)	12
	(1) Section 134—	13
	<i>insert—</i>	14
	(1A) However, for a complaint that wholly or partly relates to a work-related matter, a person’s agent for subsection (1)(b) can not be an employee or officer of, or acting for, an entity (other than a registered organisation) that purports to represent the industrial interests of employees or employers.	15 16 17 18 19 20 21
	(2) Section 134(5)—	22
	<i>insert—</i>	23
	registered organisation means an organisation of employees or employers registered under the <i>Industrial Relations Act 2016</i> or the <i>Fair Work (Registered Organisations) Act 2009</i> (Cwlth).	24 25 26 27
	(3) Section 134(5), definition <i>relevant alleged contravention</i> , ‘section 124A’—	28 29

[s 29]

omit, insert— 1

section 124C or 124D 2

(4) Section 134(5), definition *relevant entity*, ‘sexuality’— 3

omit, insert— 4

sexual orientation 5

(5) Section 134(1A) to (5)— 6

renumber as section 134(2) to (6). 7

Clause 29 Amendment of s 138 (Time limit on making complaints) 8

(1) Section 138(1), from ‘within’— 9

omit, insert— 10

within 2 years after the alleged contravention of 11

the Act (the *complaint period*). 12

(2) Section 138(2), from ‘more than’ to ‘of the Act’— 13

omit, insert— 14

after the complaint period has ended 15

Clause 30 Amendment of s 141A (Deferral of acceptance of complaint for out-of-time contravention) 16
17

Section 141A(1)(a)— 18

omit, insert— 19

(a) a complaint relating to 2 or more alleged 20
contraventions of the Act is made— 21

(i) within the complaint period for at least 22
1 of the alleged contraventions (a 23
within-time contravention); and 24

(ii) after the complaint period for at least 1 25
of the alleged contraventions (an 26
out-of-time contravention); and 27

Clause 31	Replacement of ch 7, pt 1, div 2, hdg (The investigation process)	1 2
	Chapter 7, part 1, division 2, heading—	3
	<i>omit, insert—</i>	4
	Division 2 Investigation of complaint	5
Clause 32	Amendment of s 154A (Investigation of complaint)	6
	Section 154A—	7
	<i>insert—</i>	8
	(2) Part 1A, division 1, subdivision 2 applies in relation to the investigation.	9 10
Clause 33	Omission of ss 155 and 156	11
	Sections 155 and 156—	12
	<i>omit.</i>	13
Clause 34	Relocation and renumbering s 157 (Commissioner may obtain actuarial, statistical or other data)	14 15
	Section 157—	16
	<i>relocate</i> to chapter 7, part 1A, division 3 as inserted by this Act and <i>renumber</i> as section 173S.	17 18
Clause 35	Replacement of ch 7, pt 1, div 3, hdg (The conciliation process)	19 20
	Chapter 7, part 1, division 3, heading—	21
	<i>omit, insert—</i>	22
	Division 3 Conciliation of complaint	23

[s 36]

Clause 36	Relocation and renumbering of s 173 (Authentication of documents)	1 2	
	Section 173—	3	
	<i>relocate</i> and <i>renumber</i> as section 266A.	4	
Clause 37	Relocation and renumbering of s 174 (Judicial notice of commissioner’s signature)	5 6	
	Section 174—	7	
	<i>relocate</i> and <i>renumber</i> as section 266B.	8	
Clause 38	Insertion of new ch 7, pt 1A	9	
	After section 172—	10	
	<i>insert</i> —	11	
	Part 1A	What the commission may do—investigations and compliance	12 13 14
	Division 1	Investigation by commissioner	15 16
	Subdivision 1	Starting investigation	17
	173 Application of subdivision		18
	This subdivision does not apply in relation to a matter that is the subject of a complaint that the commissioner has accepted under section 141.		19 20 21
	<i>Note</i> —		22
	See section 154A in relation to investigations of complaints.		23 24

173A When commissioner must conduct investigation	1 2
The commissioner must conduct an investigation if—	3 4
(a) requested to do so by the Minister; or	5
(b) QCAT or the industrial relations commission becomes aware of circumstances that may constitute a contravention of the Act and refers the matter to the commissioner.	6 7 8 9 10
173B When commissioner may conduct investigation	11 12
(1) The commissioner may conduct an investigation—	13 14
(a) into a possible contravention of the Act against a class or group of persons discovered in the performance of the commission’s functions, if the matter is of public concern and the Minister agrees; or	15 16 17 18 19
(b) relating to an allegation of an offence against this Act made to the commission; or	20 21
(c) into a possible offence against this Act discovered in the performance of the commission’s functions.	22 23 24
(2) Also, the commissioner may conduct an investigation into a person’s compliance with the positive duty if the commissioner suspects the person is not complying with duty.	25 26 27 28
(3) Further, if the commissioner believes the investigation would help achieve the purposes of this Act, the commissioner may conduct an investigation into any matter relating to a contravention of the Act that is or is suspected to be systemic.	29 30 31 32 33 34

[s 38]

(4) For subsection (3), a contravention of the Act is systemic if the contravention—	1 2
(a) affects a class or group of persons; and	3
(b) is continuous, repetitive or forms a pattern.	4
173C Commissioner must notify person about investigation	5 6
(1) This section applies if an investigation under this subdivision relates to a particular person.	7 8
(2) The commissioner must give the person written notice of the investigation.	9 10
(3) The notice must invite the person to make submissions in relation to the investigation within a stated reasonable time.	11 12 13
Subdivision 2 Conduct of investigation	14
173D Application of subdivision	15
This subdivision applies in relation to an investigation under section 154A or subdivision 1.	16 17 18
173E Conduct of investigation generally	19
(1) The commissioner may conduct an investigation in the way the commissioner considers appropriate.	20 21 22
(2) In conducting an investigation under section 173A or section 173B(1)(a), the commissioner has the same powers the commissioner has in dealing with a complaint about a contravention or alleged contravention of the Act.	23 24 25 26 27

173F Power to require information or document	1
(1) This section applies if the commissioner believes a person may have information relevant to an investigation.	2 3 4
(2) The commissioner may, by written notice, direct the person—	5 6
(a) to give the commissioner the information within a stated reasonable time; or	7 8
(b) to attend before the commissioner at a stated reasonable time and place to give the information to the commissioner.	9 10 11
(3) For information in an electronic document, compliance with the direction requires the giving of a clear written reproduction of the information.	12 13 14
(4) The person must comply with the direction unless the person has a reasonable excuse.	15 16
Maximum penalty—100 penalty units.	17
(5) It is a reasonable excuse for the person to fail to comply with the direction because, for example, complying with the direction—	18 19 20
(a) would require the person to disclose information that is subject to legal professional privilege; or	21 22 23
(b) for an individual—might tend to incriminate the individual or make the individual liable to a penalty.	24 25 26
(6) A person who attends before the commissioner under subsection (2)(b) is entitled to be paid by the commission an amount equivalent to the amount the person would receive under the <i>Supreme Court of Queensland Act 1991</i> if the person's attendance before the commissioner were attendance in a Magistrates Court as a witness.	27 28 29 30 31 32 33 34

[s 38]

(7) In this section—	1
<i>information</i> includes a document.	2
173G Outcome of investigation	3
After conducting an investigation under this subdivision, the commissioner may—	4 5
(a) decide to take no further action; or	6
(b) take any other action the commissioner may take under this Act in relation to the matter the subject of the investigation.	7 8 9
<i>Example of action for paragraph (b)—</i>	10
After conducting an investigation relating to an offence against this Act under section 173B(1)(b) or (c), the commissioner may decide to start a proceeding under section 226 for the offence.	11 12 13 14
Subdivision 3 Action relating to contravention of the Act	15 16
173H Referral to tribunal	17
(1) This section applies if the commissioner—	18
(a) conducts an investigation under section 173A or section 173B(1)(a) about a matter involving a contravention or alleged contravention of the Act; and	19 20 21 22
(b) believes the matter can not be resolved by conciliation.	23 24
(2) The commissioner may refer the matter to the tribunal as if it were a complaint.	25 26
(3) If the commissioner refers the matter to the tribunal, the commissioner is, for the purposes of the relevant tribunal Act, the applicant.	27 28 29

Subdivision 4	Action relating to	1
	compliance with positive	2
	duty	3
173I	Action commissioner may take	4
(1)	This section applies in relation to an investigation under section 173B(2) relating to a person's compliance with the positive duty.	5 6 7
(2)	The commissioner may do 1 or more of the following—	8 9
(a)	help a person to whom the investigation relates to prepare an undertaking for the purposes of section 173J;	10 11 12
(b)	accept an undertaking from a person to whom the investigation relates under section 173J;	13 14 15
(c)	give a compliance notice to a person to whom the investigation relates under section 173L;	16 17 18
(d)	prepare a report about the investigation, and publish the report or give the report to the Minister, under section 173O.	19 20 21
173J	Undertakings	22
(1)	If the commissioner considers the person has contravened, is contravening, or is likely to contravene the positive duty, the commissioner may accept a written undertaking from the person under which the person undertakes to take, to stop taking, or not to take, stated action to comply with the duty.	23 24 25 26 27 28 29
(2)	If the commissioner refuses to accept a written undertaking from the person, the commissioner must give the person a written notice stating the	30 31 32

[s 38]

- commissioner's decision not to accept the 1
undertaking and the reasons for the decision. 2
- (3) The commissioner and the person may agree to 3
amend an undertaking at any time. 4
- (4) The commissioner may publish an undertaking 5
under this section— 6
- (a) on the commission's website; and 7
- (b) in any other way the commissioner 8
considers appropriate. 9

173K Compliance with undertaking 10

- (1) This section applies if the commissioner has 11
accepted an undertaking from a person under 12
section 173J. 13
- (2) If the person fails to comply with the undertaking 14
the commissioner may apply to the tribunal for an 15
order under subsection (3). 16
- (3) If the tribunal is satisfied the person has failed to 17
comply with the undertaking, the tribunal may 18
make— 19
- (a) an order requiring the person to comply with 20
the undertaking; and 21
- (b) any other order the tribunal considers 22
appropriate. 23

Note— 24

See the *Industrial Relations Act 2016*, section 544 in 25
relation to enforcing orders of the industrial relations 26
commission and the QCAT Act, section 132 in relation 27
to enforcing orders of QCAT that are not monetary 28
decisions. 29

- (4) If the person fails, or continues to fail, to comply 30
with the undertaking after an order is made under 31
subsection (3), the commissioner may withdraw 32
the commissioner's acceptance of the 33
undertaking. 34

-
- (5) Before withdrawing the commissioner's acceptance of the undertaking under subsection (4), the commissioner must give the person an opportunity to show, within a period of at least 14 days, to the commissioner's satisfaction that the person is complying with the undertaking.

173L Compliance notices

- (1) This section applies if—
- (a) after conducting the investigation, the commissioner considers the person has contravened, is contravening, or is likely to contravene the positive duty; and
- (b) either—
- (i) the person has not offered an undertaking acceptable to the commissioner in relation to the contravention or likely contravention; or
- (ii) the commissioner accepted an undertaking in relation to the contravention or likely contravention under section 173J but—
- (A) the person has failed to comply with the undertaking as required by an order under section 173K(3)(a); and
- (B) the commissioner has withdrawn the commissioner's acceptance of the undertaking under section 173K(4).
- (2) The commissioner may issue a written notice (*compliance notice*) to the person requiring the person to take, to stop taking, or not to take, stated action to comply with the positive duty.

[s 38]

- (3) The compliance notice must state— 1
 - (a) the name of the person to whom the notice is 2
issued; and 3
 - (b) the basis on which the commissioner 4
considers the person has contravened, is 5
contravening, or is likely to contravene the 6
positive duty; and 7
 - (c) the nature of the contravention or likely 8
contravention of the positive duty; and 9
 - (d) the action the person is required to take, to 10
stop taking, or not to take to comply with 11
the positive duty; and 12
 - (e) the time within which the person must 13
comply with the notice; and 14
 - (f) the further action the commissioner may 15
take under this Act if the person does not 16
comply with the notice; and 17
 - (g) that the person may apply to the tribunal, 18
under section 173N, for a review of the 19
decision to issue the notice or the terms of 20
the notice, and information about how and 21
when the person may apply for the review 22
under that section. 23

173M Compliance with compliance notice 24

- (1) This section applies if the commissioner has 25
issued a compliance notice to a person under 26
section 173L. 27
- (2) If the person fails to comply with the compliance 28
notice, the commissioner may apply to the 29
tribunal for an order under subsection (3). 30
- (3) If the tribunal is satisfied the person has failed to 31
comply with the compliance notice, the tribunal 32
may make— 33

-
- (a) an order requiring the person to comply with the notice; and 1
2
 - (b) any other order the tribunal considers appropriate. 3
4
- Note—* 5
- See the *Industrial Relations Act 2016*, section 544 in relation to enforcing orders of the industrial relations commission and the QCAT Act, section 132 in relation to enforcing orders of QCAT that are not monetary decisions. 6
7
8
9
10

173N Review of compliance notice 11

- (1) This section applies if the commissioner issues a compliance notice to a person under section 173L. 12
13
- (2) The person may apply to the tribunal for a review of the issuing of the compliance notice or any term of the compliance notice— 14
15
16
 - (a) within 28 days after receiving the compliance notice; and 17
18
 - (b) as provided under the relevant tribunal Act. 19
- (3) In deciding an application for a review under subsection (2), the tribunal may— 20
21
 - (a) confirm the compliance notice, with or without amendment; or 22
23
 - (b) withdraw the compliance notice. 24
- (4) If the tribunal confirms the compliance notice, the tribunal must consider whether the time for complying with the compliance notice should be amended. 25
26
27
28

173O Report on investigation 29

- (1) A report about the investigation— 30

[s 38]

- (a) may include the commissioner's recommendations for dealing with the matter the subject of the report; and
- (b) must not include personal information about an individual unless the information has previously been published, or given for the purpose of publication, by the individual; and
- (c) must not include an adverse comment about an entity unless—
 - (i) the entity has been given an opportunity to make submissions in relation to the adverse comment; and
 - (ii) the submissions are fairly stated in the report.
- (2) For subsection (1)(c), an adverse comment does not include a statement that a respondent did not participate in resolving a complaint.
- (3) The commissioner may do either or both of the following—
 - (a) publish a copy of the report—
 - (i) on the commission's website; and
 - (ii) in any other way the commissioner considers appropriate;
 - (b) give the report to the Minister.
- (4) If the Minister is given a report under subsection (3)(b), the Minister must table the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

Subdivision 5 Action relating to systemic contravention

173P Action commissioner may take	1
(1) This section applies in relation to an investigation under section 173B(3).	2 3
(2) The commissioner may prepare a report about the investigation, and publish the report or give the report to the Minister, under section 173Q.	4 5 6
173Q Report on investigation	7
(1) A report about the investigation—	8
(a) may include the commissioner’s recommendations for dealing with the matter the subject of the report; and	9 10 11
(b) must not include personal information about an individual unless the information has previously been published, or given for the purpose of publication, by the individual; and	12 13 14 15 16
(c) must not include an adverse comment about an entity unless—	17 18
(i) the entity has been given an opportunity to make submissions in relation to the adverse comment; and	19 20 21
(ii) the submissions are fairly stated in the report.	22 23
(2) For subsection (1)(c), an adverse comment does not include a statement that a respondent did not participate in resolving a complaint.	24 25 26
(3) The commissioner may do either or both of the following—	27 28
(a) publish a copy of the report—	29
(i) on the commission’s website; and	30
(ii) in any other way the commissioner considers appropriate;	31 32

[s 39]

	(b) give the report to the Minister.	1
(4)	If the Minister is given a report under subsection (3)(b), the Minister must table the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.	2 3 4 5
	Division 2 Guidelines	6
	173R Commission guidelines	7
	The commission—	8
(a)	must issue guidelines about how persons may comply with the positive duty; and	9 10
(b)	may issue guidelines about any other matter relating to this Act.	11 12
	173S Publication of guidelines	13
	The commission—	14
(a)	must publish any guidelines issued under this division on the commission’s website; and	15 16 17
(b)	may publish the guidelines in any other way the commission considers appropriate.	18 19
	Division 3 Other provisions	20
Clause 39	Amendment of s 174A (Functions of QCAT)	21
(1)	Section 174A—	22
	<i>insert—</i>	23
	(aa) for contraventions of the positive duty, other than in relation to work-related matters—	24 25

-
- (i) to make orders under section 173K about compliance with undertakings accepted under 173J; and
 - (ii) to make orders under section 173M about compliance with compliance notices issued under section 173L; and
 - (iii) to review, under section 173N, decisions of the commissioner to issue compliance notices under section 173L or the terms of the notices;
- (2) Section 174A(e), ‘to (d)’—
omit, insert—
to (e)
- (3) Section 174A(aa) to (e)—
renumber as section 174A(b) to (f).

Clause 40 Amendment of s 174B (Functions of industrial relations commission)

- (1) Section 174B—
insert—
- (aa) for contraventions of the positive duty in relation to work-related matters—
 - (i) to make orders under section 173K about compliance with undertakings accepted under 173J; and
 - (ii) to make orders under section 173M about compliance with compliance notices issued under section 173L; and
 - (iii) to review, under section 173N, decisions of the commissioner to issue compliance notices under section 173L or the terms of the notices;
- (2) Section 174B(e), ‘to (d)’—

[s 41]

omit, insert— 1

to (e) 2

(3) Section 174B(aa) to (e)— 3

renumber as section 174B(b) to (f). 4

Clause 41 Amendment of s 175 (Time limit on referred complaints) 5

(1) Section 175(1), from ‘more than’— 6

omit, insert— 7

after the end of the complaint period for the 8
alleged contravention of the Act to which the 9
complaint relates. 10

(2) Section 175(2), from ‘more than’ to ‘contravention’— 11

omit, insert— 12

after the end of the complaint period for the 13
alleged contravention of the Act to which the 14
complaint relates 15

Clause 42 Insertion of new s 176A 16

After section 176— 17

insert— 18

**176A Representation—industrial relations 19
commission 20**

(1) This section applies to a proceeding for a 21
complaint before the industrial relations 22
commission. 23

(2) A party to the proceeding, or a person ordered or 24
permitted to appear or to be represented in the 25
proceeding, may be represented in the proceeding 26
only as provided under the *Industrial Relations 27
Act 2016*, section 529. 28

Clause 43	Amendment of s 223 (Contempt of commission)	1	
	Section 223(1), after ‘part 1’—	2	
	<i>insert</i> —	3	
	or 1A	4	
Clause 44	Amendment of s 235 (Commission’s functions)	5	
	(1) Section 235(b)—	6	
	<i>omit, insert</i> —	7	
	(b) to conduct investigations under section	8	
	154A and chapter 7, part 1A and, if	9	
	appropriate, take action in relation to the	10	
	investigations;	11	
	(2) Section 235(d), after ‘purposes of’—	12	
	<i>insert</i> —	13	
	and support compliance with	14	
Clause 45	Insertion of new ch 11, pt 11	15	
	Chapter 11—	16	
	<i>insert</i> —	17	
	Part 11	Transitional provisions	18
		for Strengthening	19
		Protections for	20
		Queensland Workers	21
		Amendment Act 2026	22
	286 Definitions for part		23
	In this part—		24
	<i>amendment Act</i> means the <i>Strengthening</i>		25
	<i>Protections for Queensland Workers Amendment</i>		26
	<i>Act 2026.</i>		27

[s 45]

former, for a provision of this Act, means the provision as in force from time to time before the commencement of the provision in which the term is used. 1
2
3
4

new, for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used. 5
6
7

287 Time limit for making complaint 8

- (1) New section 138 does not apply in relation to an alleged contravention of the Act that happened more than 1 year before the commencement. 9
10
11
- (2) Former sections 138, 141A and 175 apply in relation to the alleged contravention. 12
13
- (3) This section does not affect— 14
- (a) the commissioner accepting a complaint about the alleged contravention under former section 138(2) or dealing with the complaint under former section 141A; or 15
16
17
18
- (b) the tribunal accepting a complaint about the alleged contravention under former section 175(2). 19
20
21

288 Existing complaints by unregistered industrial organisations 22 23

New section 134(2) does not apply in relation to a complaint made before the commencement. 24
25

289 Burden of proof for complaints about pre-commencement conduct 26 27

- (1) This section applies in relation to— 28
- (a) a complaint made before the commencement that, immediately before the 29
30

	commencement, had not been finally dealt with; or	1 2
	(b) a complaint made after the commencement in relation to an alleged contravention of the Act that happened before the commencement.	3 4 5 6
	(2) New sections 204 and 205 do not apply in relation to the complaint.	7 8
	(3) Former sections 204 to 206 continue to apply in relation to the complaint.	9 10
	290 Existing investigation	11
	(1) An investigation under section 154A or former section 155 started but not finished before the commencement may be continued and finished under this Act.	12 13 14 15
	(2) Chapter 7, part 1A, division 1, subdivision 2 applies in relation to the investigation.	16 17
	(3) For subsection (2), an investigation started under former section 155 is taken to have been started under chapter 7, part 1A, division 1, subdivision 1.	18 19 20 21
	291 Existing directions for information or documents	22 23
	Former section 156 continues to apply in relation to a direction given under that section before the commencement, as if the amendment Act had not been enacted.	24 25 26 27
Clause 46	Amendment of sch 1 (Dictionary)	28
	(1) Schedule 1, definitions <i>family responsibilities</i> , <i>immediate family</i> , <i>race</i> , <i>relation</i> and <i>sexuality</i> —	29 30
	<i>omit.</i>	31

[s 46]

(2) Schedule 1—	1
<i>insert—</i>	2
<i>complaint period</i> , for an alleged contravention of the Act, see section 138(1).	3 4
<i>conduct</i> includes making a statement, whether the statement is made orally or in writing.	5 6
<i>expunged conviction</i> , in relation to a person, means a conviction of the person that has been expunged or extinguished, or whose effect has otherwise ended, under—	7 8 9 10
(a) the <i>Criminal Law (Historical Homosexual Convictions Expungement) Act 2017</i> ; or	11 12
(b) a law of another State that provides for the same, or substantially the same, matter as the Act mentioned in paragraph (a).	13 14 15
<i>harassment on the basis of sex</i> see section 120.	16
<i>homelessness</i> , in relation to a person, includes the person not having adequate, safe and secure housing.	17 18 19
<i>irrelevant medical record</i> , in relation to a person, means the person’s medical record, or a part of the person’s medical record, that is not directly relevant to the situation in which the record or part of the record is being considered.	20 21 22 23 24
<i>medical record</i> , of a person, includes a record of applications or claims the person has made for compensation or other money to be paid under—	25 26 27
(a) the workers’ compensation scheme under the <i>Workers’ Compensation and Rehabilitation Act 2003</i> ; or	28 29 30
(b) a similar scheme under another Act or a law of another State or the Commonwealth.	31 32
<i>person conducting a business or undertaking</i> see the <i>Work Health and Safety Act 2011</i> , section 5.	33 34

<i>physical appearance</i> , of a person, means—	1
(a) the person’s weight, size or height; or	2
(b) the presence of a birth mark or scar on the person’s face or body; or	3 4
(c) any other characteristic of the person’s face or body—	5 6
(i) that the person has because of another attribute of the person; or	7 8
(ii) that is not freely chosen.	9
<i>positive duty</i> means the duty under chapter 5C.	10
<i>potential pregnancy</i> , in relation to a person, includes—	11 12
(a) the person’s capability to become pregnant; and	13 14
(b) the person’s expressed desire to become pregnant; and	15 16
(c) the person’s likelihood, or perceived likelihood, to become pregnant; and	17 18
(d) the person’s undergoing of a medical treatment or other procedure that procures, or attempts to procure, pregnancy in the person other than by sexual intercourse.	19 20 21 22
<i>professional, trade or business qualification or authorisation</i> means a qualification or authorisation that (whether by itself or together with other qualifications or authorisations) is needed for, or facilitates, the practice of a profession or the carrying on of a trade or business.	23 24 25 26 27 28 29
<i>public act</i> , for chapter 4, part 4, see section 124B.	30
<i>race</i> includes—	31
(a) colour; and	32

[s 46]

(b) descent, ancestry or caste; and	1
(c) ethnicity or ethnic origin; and	2
(d) nationality or national origin; and	3
(e) immigration or migration status.	4
relation , of a person, means—	5
(a) a person who is related to the person by blood, spousal relationship, adoption or a foster relationship; or	6 7 8
(b) a person on whom the person is completely or mainly dependent; or	9 10
(c) a person who is completely or mainly dependent on the person; or	11 12
(d) a person who is a member of the same household as the person; or	13 14
(e) if the person is an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a relative of the person; or	15 16 17
(f) if the person is a Torres Strait Islander person—a person who, under Island custom, is regarded as a relative of the person.	18 19 20
sexual harassment see section 119.	21
sexual orientation , of a person, means the person's capacity, or lack of capacity, for emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender.	22 23 24 25 26 27
subjection to domestic or family violence , in relation to a person, means the person is or has been subject to domestic violence within the meaning given by the <i>Domestic and Family Violence Protection Act 2012</i> , section 8.	28 29 30 31 32
trade union activity means any of the following	33

activities—	1
(a) being, or not being, a member of a registered employee organisation;	2 3
(b) joining, not joining, or refusing to join a registered employee organisation;	4 5
(ba) being represented by, or seeking to be represented by, a registered employee organisation;	6 7 8
(c) establishing, or being involved in establishing, a registered employee organisation;	9 10 11
(d) organising or promoting, or proposing to organise or promote, a lawful activity on behalf of a registered employee organisation;	12 13 14 15
(e) encouraging, assisting or participating in, or proposing to encourage, assist or participate in, a lawful activity organised or promoted by a registered employee organisation;	16 17 18 19
(f) not participating in, or refusing to participate in, a lawful activity organised or promoted by a registered employee organisation;	20 21 22 23
(g) representing or advancing the views, claims or interests of members of a registered employee organisation.	24 25 26
(3) Schedule 1, definition <i>contravention</i> , paragraph (b), after ‘harassment’—	27 28
<i>insert</i> —	29
or harassment on the basis of sex	30
(4) Schedule 1, definition <i>discriminate</i> —	31
<i>insert</i> —	32

[s 47]

	<i>Note—</i>	1
	See also section 11A.	2
(5)	Schedule 1, definition <i>parent—</i>	3
	<i>insert—</i>	4
	(e) for an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a parent of the person; and	5 6 7
	(f) for a Torres Strait Islander person—a person who, under Island custom, is regarded as a parent of the person.	8 9 10
Part 3	Amendment of Corrective Services Act 2006	11 12
Clause 47	Act amended	13
	This part amends the <i>Corrective Services Act 2006</i> .	14
Clause 48	Amendment of s 319A (Definitions)	15
	Section 319A, definition <i>relevant person—</i>	16
	<i>omit, insert—</i>	17
	<i>relevant person</i> , in relation to an offender, means a person who may make a complaint under the Anti-Discrimination Act, section 134 about an alleged contravention of that Act committed by a person in relation to the offender.	18 19 20 21 22
Clause 49	Amendment of s 319G (When treatment of offender by protected defendant is not direct discrimination)	23 24
	Section 319G(1)—	25
	<i>omit, insert—</i>	26
	(1) This section applies if a protected defendant	27

	treats, or proposes to treat, an offender unfavourably because the offender has an attribute.	1 2 3
Clause 50	Amendment of s 319H (When term imposed on offender by protected defendant is not indirect discrimination)	4 5
	(1) Section 319H(1)—	6
	<i>omit, insert—</i>	7
	(1) This section applies if a protected defendant imposes, or proposes to impose, a term that has, or is likely to have, the effect of disadvantaging an offender because the offender has an attribute.	8 9 10 11
	(2) Section 319H(2), ‘section 11(1)(c)’—	12
	<i>omit, insert—</i>	13
	section 11(1)(b)	14
	(3) Section 319H(3), definition <i>term</i> —	15
	<i>omit, insert—</i>	16
	<i>term</i> means condition, requirement or practice.	17
Part 4	Amendment of Criminal Code	18
Clause 51	Code amended	19
	This part amends the Criminal Code.	20
Clause 52	Amendment of s 1 (Definitions)	21
	(1) Section 1, definition <i>sexuality</i> —	22
	<i>omit.</i>	23
	(2) Section 1—	24
	<i>insert—</i>	25

[s 53]

	<i>impairment</i> see the <i>Anti-Discrimination Act 1991</i> , schedule 1.	1 2
	<i>sexual orientation</i> see the <i>Anti-Discrimination Act 1991</i> , schedule 1.	3 4
Clause 53	Amendment of s 52A (Offence of serious racial, religious, sexuality, sex characteristics or gender identity vilification)	5 6 7
	(1) Section 52A, heading—	8
	<i>omit, insert—</i>	9
	52A Offence of serious vilification on grounds of age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	10 11 12 13
	(2) Section 52A(1), ‘race, religion, sexuality, sex characteristics or gender identity’—	14 15
	<i>omit, insert—</i>	16
	age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	17 18
	(3) Section 52A(2)—	19
	<i>omit, insert—</i>	20
	(2) In this section, <i>public act</i> —	21
	(a) includes the following conduct—	22
	(i) any form of communication, including speaking, writing, displaying notices, playing of recorded material, broadcasting and communicating through social media and other electronic methods, to the public;	23 24 25 26 27 28
	(ii) any conduct, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, observable by the public;	29 30 31 32

	(iii) the distribution or dissemination of any matter to the public; but	1 2
	(b) does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter.	3 4 5 6 7
	(3) Conduct mentioned in subsection (2)(a) may be a public act even if it happens on private land or in a place that is not ordinarily accessed by the general public.	8 9 10 11
	<i>Examples of places for subsection (3)—</i>	12
	a place of work, an educational facility	13
Clause 54	Amendment of s 52B (Circumstances of aggravation for particular offences)	14 15
	Section 52B(1), ‘race, religion, sexuality, sex characteristics or gender identity’—	16 17
	<i>omit, insert—</i>	18
	age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	19 20
Clause 55	Amendment of s 52C (Prohibited symbols)	21
	Section 52C(5), definition <i>relevant group</i> , ‘race, religion, sexuality, sex characteristics or gender identity’—	22 23
	<i>omit, insert—</i>	24
	age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation	25 26

[s 56]

Part 5	Amendment of Human Rights Act 2019	1
		2
Clause 56	Act amended	3
	This part amends the <i>Human Rights Act 2019</i> .	4
Clause 57	Amendment of sch 1 (Dictionary)	5
	Schedule 1, definition <i>discrimination</i> , note, ‘sexuality’—	6
	<i>omit, insert—</i>	7
	sexual orientation	8

Schedule 1 **Other amendments of Anti-Discrimination Act 1991**

section 2 3

1 **References to unfavourable treatment**

Each provision mentioned in column 1 is amended by
omitting the words mentioned in column 2 and inserting the
words mentioned in column 3—

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 15(1)(f)	treating a worker unfavourably in any way	subjecting a worker to any other detriment
section 15A(2)(d)	treating the worker unfavourably in any way	subjecting the worker to any other detriment
section 18(d)	treating another partner unfavourably in any way	subjecting another partner to any other detriment
section 20(1)(d)	treating a person unfavourably in any way	subjecting a person to any other detriment
section 22(c)	treating the other person unfavourably in any way	subjecting the other person to any other detriment
section 23(d)	treating a person seeking work or an employer seeking a worker unfavourably in any way	subjecting a person seeking work, or an employer seeking a worker, to any other detriment
section 39(d)	treating a student unfavourably in any way	subjecting a student to any other detriment

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 46(1)(d)	treating the other person unfavourably in any way	subjecting the other person to any other detriment
section 55(c)	treating the other person unfavourably in any way	subjecting the other person to any other detriment
section 57(c)	treating the other partner unfavourably in any way	subjecting the other partner to any other detriment
section 69(c)	treating the person unfavourably in any way	subjecting the person to any other detriment
section 71(c)	treating the other partner unfavourably in any way	subjecting the other partner to any other detriment
section 83(d)	treating the other person unfavourably in any way	subjecting the other person to any other detriment
section 95(e)	treating a member unfavourably in any way	subjecting a member to any other detriment

2 Section 131D, ‘, 204 and 205’—

omit, insert—

and 204

1

2

3