




Speech By  
**Robert Skelton**

**MEMBER FOR NICKLIN**

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Record of Proceedings, 10 September 2024

**RESPECT AT WORK AND OTHER MATTERS AMENDMENT BILL; CRIMINAL  
JUSTICE LEGISLATION (SEXUAL VIOLENCE AND OTHER MATTERS)  
AMENDMENT BILL**

 **Mr SKELTON** (Nicklin—ALP) (7.52 pm): The Miles government is doing what matters for Queenslanders by strengthening protections against sexual violence and workplace discrimination. In June 2018 the AHRC was tasked with reviewing and reporting on workplace sexual harassment and making recommendations on its prevalence and nature and the adequacy of the legal frameworks in place to deal with it. As we have heard from other members, this is very prevalent. The *Respect@Work* report, published in March 2020, set out the AHRC's findings and recommendations following its inquiry into workplace sexual harassment. Broadly, the report found that workplace sexual harassment remains prevalent and that the current system for addressing sexual harassment was complex and confusing for victims and employers to understand.

The respect at work bill amends the Anti-Discrimination Act to implement key reforms—adjusted appropriately for Queensland—recommended in the *Respect@Work* sexual harassment national inquiry report. These amendments address issues raised by stakeholders during the committee process by: updating the definitions of direct and indirect discrimination; providing protection from intersectional and cumulative discrimination and introducing a shared burden of proof for direct discrimination; clarifying the availability of existing protections in the Anti-Discrimination Act for attributes other than sex with respect to subjecting a person to a hostile work environment and harassment; creating a single time limit for bringing a complaint within two years of an alleged contravention of the Anti-Discrimination Act rather than providing a two-year time limit for complaints about work related contraventions on the basis of sex and maintaining a one-year time limit for other complaints; and providing the Queensland Human Rights Commissioner with the power to conduct investigations into systemic contraventions of the Anti-Discrimination Act.

The bill will also change various definitions following the committee process including: ensuring the definition of 'expunged conviction' captures expunged convictions under corresponding laws in other states and territories; introducing an inclusive definition of 'homelessness'; ensuring the definition of 'potential pregnancy' captures a person's engagement in assisted reproductive technology services in order to become pregnant; and ensuring the definition of 'trade union activity' includes being represented by or seeking to be represented by a registered employee organisation. I say 'registered' to remind my friends on the opposite side.

The bill also makes amendments necessary to reflect the establishment of the Commonwealth Administrative Review Tribunal and will amend the Magistrates Act to allow for magistrates to access unpaid parental leave. It will clarify the immunity and protections provided to magistrates, judges and certain QCAT officers so that they have the same legal protections as a judge of the Supreme Court. The bill also amends the Penalties and Sentences Act to include a circumstance of aggravation for offenders who have committed assaults on public officers. The Criminal Code will also be amended to clarify that the offence of serious assault also applies to operational workers in public hospitals.

I now turn to the Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill. In March 2021, the Queensland government established the independent taskforce to examine coercive control, review the need for a specific offence of domestic violence and, more broadly, investigate the experiences of women across the criminal justice system. Report 1 was released in December 2021, specifically considering coercive control and the need for a domestic violence offence. It made 89 recommendations for broad systemic reforms to Queensland's domestic and family violence and justice systems, with our government committing to support or support in principle all recommendations.

Report 2 was released on 1 July 2022 and focuses on women's experiences in the criminal justice system as victim-survivors of sexual violence and as accused persons and offenders. Report 2 includes 188 recommendations to improve women's and girls' experiences of the criminal justice system. The government has committed to support 103 in full and 71 in principle and has noted 14 recommendations. This bill will implement our government's response to taskforce recommendations relating to sexual violence and women and girls as accused persons and offenders. Consistent with taskforce recommendations, the bill will also include a statutory review of amendments from both taskforce reports to occur as soon as practicable five years after the last amendment commences.

Crucially, this bill introduces new position-of-authority offences in the Criminal Code whereby an adult is criminalised for engaging in sexual or otherwise indecent acts with a child aged 16 or 17 where that adult has the child under their care, supervision or authority. This offence and the related amendments are intended to capture and deter members of the community who may use the influence, trust and power that is vested in them when a young person is under their care, supervision or authority. It is intended that these amendments will provide a protective function for young people over the age of consent but under the age of 18 years.

The bill lists certain categories of people who are deemed or presumed to have a child under their care, supervision or authority. Proposed section 210A(3) of the bill includes a non-exhaustive list of persons deemed as such. For example, a teacher is deemed to have a child under their care, supervision or authority by virtue of this proposed section. This will not preclude a jury from being satisfied, depending on the facts of the particular case, that a teacher aide had a child under their care, supervision or authority. In cases where an accused is not captured by the list, it is a question of fact if circumstances existed that the child was under their care, supervision or authority. The bill contemplates other examples of people who may be captured by the offence including sporting coaches, music teachers, employers and religious or spiritual leaders. Importantly, however, these people are not deemed to have a child under their care, supervision or authority.

These laws strengthen our prohibitions on discrimination and protect the most vulnerable in society from those who may seek to exploit them. These reforms are crucial and necessary for our children and other at-risk communities. This is a Labor government doing what matters for Queensland and getting the job done. I commend the bill to the House.