




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 10 September 2024

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

 **Ms BOLTON** (Noosa—Ind) (7.13 pm): The first of these two bills, the Respect at Work and Other Matters Amendment Bill, introduces new anti-discrimination requirements that will apply to all Queensland workplaces, as we have heard. It is based on the recommendations of the Australian Human Rights Commission 2020 *Respect@Work* report, two Queensland parliamentary committee reports on vilification, from 2022 and 2023, and the 2022 Queensland Human Rights Commission report *Building belonging*. The bill introduces several changes to the Anti-Discrimination Act, expanding the attributes for which discrimination is prohibited, including prohibiting workplace harassment on the basis of sex, and provides a positive obligation on businesses to take efforts to reduce harassment.

The committee report stated that many stakeholders were supportive of the bill. However, some were disappointed that it did not go further in introducing reforms from the four reports that preceded it. A couple of those concerns include that the bill does not provide in the list of protected attributes medical status, including HIV or AIDS. That was recommended in the original committee report of 2022 and supported by the government in principle. In the committee report of 2023, the additional attributes were trimmed and no longer included medical status. This was the reason I wrote a statement of reservation.

Secondly, religious groups raised concerns that the bill will affect their organisations. The Australian Christian Lobby stated that the reforms proposed in the bill ‘target those of faith in an unwarranted way’ and would ‘operate to the permanent disadvantage of religious organisations’. A number of my own residents have similar concerns, highlighting that this bill provides no exemptions for religious organisations, unlike the current anti-discrimination bill that does provide an exemption. There are concerns that the bill could restrict genuine debate about religion, sex and gender as the definition of harassment based on sex is so broad that it could encompass traditional religious teachings and practices. The department responded that, in practice, the impacts of the bill will be limited given the existence of equivalent prohibitions in federal legislation. If that is the case, we need to ask why the department did not provide reassurance and address those concerns before the bill was brought to parliament. The statement of reservation highlighted that the bill will increase uncertainty in the law and it will be important to assess whether this actually occurs.

I turn to the second bill, the Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill, which implements further recommendations from the Women’s Safety and Justice Taskforce, the *Hear her voice* reports. Stakeholders generally supported the reforms, including the Queensland Sexual Assault Network and the Uniting Church in Australia Queensland Synod, although some legal organisations raised issues with specific provisions, for example, the position-of-authority offence. Based on recommendations from *Hear her voice* as well as the Royal Commission into Institutional Responses to Child Sexual Abuse, the bill introduces a new standalone offence of a sexual act with a child aged 16 or 17 who is under one’s care, supervision or authority. This is above the usual age of consent. The *Hear her voice* report argues that it is clearly desirable that the laws criminalising

sexual assault should be broadly consistent across Australia. Queensland and Tasmania are the only jurisdictions that do not have this offence and Tasmania is in the process of introducing such a law. The bill also provides a list of certain categories of people deemed to have a child under their care such as a teacher or guardian.

There were varied stakeholder responses to these changes. For example, the Royal Australian and New Zealand College of Psychiatrists supported the offence as they consider young people are a priority because of mental health harms from sexual violence. The Queensland Law Society, however, expressed concern over the criminalisation of certain consensual relationships between individuals over the age of consent, for example, a 17-year-old university student and an 18-year-old tutor. Legal Aid Queensland argued that there could be circumstances in which such relationships are consensual and that this law will criminalise such relationships. In its response, the department noted that this law is in response to the royal commission and concerns raised about people who have positions of authority over children. In its report, the committee recommended that the Attorney-General undertake a review of the persons listed as deemed to have a child under their care and of the operation of the defences available under proposed sections 210A and 229B once the provisions have commenced. This recommendation must be actioned. I thank the committee, the secretariat and all who took the time to contact my office with their concerns and to participate in this inquiry.