

# BRIEFING NOTE

## What will stopping the anti-discrimination reforms mean for LGBTIQ+ communities?



### Why are we at this point?

On 14 March 2025, the Crisafulli Government announced a pause on the implementation of the *Respect at Work and Other Matters Amendment Act 2024*, delaying its commencement beyond 1 July 2025.

The government has cited concerns about the impact of new protected attributes such as 'irrelevant criminal record' on statutory decision-making schemes, including weapons licensing, police protection notices, and security provider licensing. However, we understand this to be disingenuous, as it would be very easy to resolve this issue without requiring another round of broad consultation.

The government has framed this delay as an opportunity for further consultation, stating that the reforms were 'rushed' by the previous Labor government. However, this means that reforms that have already gone through three rounds of consultation could now face an indefinite delay.

The government has not committed to a new commencement date, raising concerns that crucial protections against discrimination may never come into effect.

### Background

The Respect at Work reforms have undergone extensive consultation:

- **QHRC *Building Belonging* review:** The Queensland Human Rights Commission (QHRC) led the initial review, involving roundtables, submissions, surveys and individual consultations.
- **Exposure draft:** The Department of Justice released a draft Anti-Discrimination Bill for public comment. Note that the Respect at Work Act is a truncated version of the Anti-Discrimination Bill, as the changes to exemptions never proceeded.

- **Parliamentary Committee inquiries:** A parliamentary committee examined the Respect at Work legislation, providing a third and final opportunity for public submissions.

Most laws undergo only one or two consultation phases. Proposing a fourth consultation is excessive, costly, and places an unfair burden on the community, forcing people to relive discrimination and justify these critical and overdue reforms yet again.

## Reforms already in law

Some key reforms have already been passed and are not at risk:

- **Expanded gender identity protections:** The definition of gender identity now explicitly includes non-binary identities and gender expression.
- **New 'sex characteristics' attribute:** This ensures protections for people with variations of sex characteristics.
- Updated sex worker attribute.
- **Criminal vilification and hate crimes:** These now cover gender identity (updated as above) and sex characteristics.

## What's at stake if the law is stalled or never commences?

The law was set to commence on 1 July 2025. If delayed or stopped, these crucial protections will be lost:

### 1. Clearer definitions of discrimination

The current law for direct discrimination requires individuals to prove a comparator (i.e., whether someone without their attribute would be treated differently). This approach fails for many attributes, ignores intersectionality, and creates a major barrier to justice. This approach mirrors the position in Victoria, ACT and under the Federal Racial Discrimination Act.

The new law also makes indirect discrimination clearer and easier to prove, with more of a focus on the disadvantage that people experience because of their protected characteristics.

### 2. Intersectional discrimination protections

The new law recognises discrimination based on combined grounds. The law is more effective, for example, at addressing the particular discrimination experienced by a young, trans person or colour.

### **3. Extended timeframe to make complaints**

The time limit for discrimination complaints would have increased from 1 year to 2 years.

Many people who experience discrimination need time to process their experiences before taking action.

### **4. First protections for asexual people**

The law would have explicitly covered all sexualities, beyond current protections for heterosexuality, bisexuality, and homosexuality. This would have been the first protections for asexual and aromantic people.

### **5. Stronger hate speech protections**

New protections for:

- Victim-survivors of domestic violence
- People experiencing homelessness
- People with expunged homosexual convictions
- Migrant and refugee communities (immigration/migration status protections)

The combination of the new attributes with the intersectional approach would have meant, for example, stronger rights for a young, trans person experiencing homelessness.

### **6. Stronger hate speech protections**

The current law is hard to prove and does not focus on the harm experienced by communities. A parliamentary committee recommended that both criminal and civil laws be reformed.

The reforms would have improved protection from hate speech targeting sexual orientation, gender identity, and sex characteristics, along with adding new attributes of disability and age.

A problem that arose during the drag story time case (currently under appeal), which allowed a respondent to argue that drag queens aren't protected by the law, would have also been resolved by changes to the Act.

## **7. A positive duty to prevent discrimination**

Under the new law, businesses, government agencies, and organisations would be required to take proactive steps to eliminate discrimination, vilification and sexual harassment, rather than relying solely on individuals to lodge complaints.

## **8. Enforcement of the Act by QHRC**

Under the new law, the QHRC would gain investigative powers, allowing them to:

- conduct systemic investigations;
- take enforcement actions against organisations failing to comply with the law; and
- issue reports.

This shift would reduce the burden on individuals, making enforcement more effective and less reliant on affected people coming forward alone. This would assist LGBTIQ+ people in providing an avenue for them to seek systemic redress where appropriate.

## **More information**

For further details, visit: QHRC: [Stronger Anti-Discrimination Act for Queensland](#).