

POSITIVE DUTY NO LONGER COMMENCING ON 1 JULY 2025



On 30 April 2025, the Crisafulli LNP Government passed amendments through parliament which prevent a new 'positive duty' in the Anti-Discrimination Act 1991 from commencing on 1 July 2025.

This vital reform was implemented by the former Miles ALP Government to modernise Queensland's anti-discrimination laws and require employers (and other duty holders) to take a proactive approach to protecting vulnerable Queenslanders from the scourge of discrimination, sexual harassment, and harassment on the basis of sex.

Queensland's laws are currently based on a reactive approach that places the onus on individuals to make a complaint after discrimination, sexual harassment, or harassment on the basis of sex has occurred. A positive duty would shift this to a proactive approach by placing obligations on employers (and other duty holders) to take reasonable and proportionate measures to eliminate discrimination, sexual harassment, harassment on the basis of sex or other objectionable conduct as far as possible. This type of approach is aimed at prevention and changing organisational culture.

Following its national inquiry into sexual harassment in Australian workplaces in 2020 (referred to as 'Respect@Work'), the Australian Human Rights Commission recommended that the Commonwealth Sex Discrimination Act 1984 (SD Act) be amended to include a positive duty on all employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual harassment and victimisation, as far as possible, and the SD Act has included a positive duty since December 2022.

This change would align Queensland's laws with the SD Act, as well as discrimination laws in Victoria, Western Australia and the Northern Territory.