

# Legal Framework

As outlined below there are a significant number of legislative instruments and requirements in place for Griffith University in managing the risk of sexual harassment, assault and gender-based violence. This adds complexity to the approach, ensuring all requirements are met, but also sets a high expectation on the University to fulfill its commitment of being a safe place for all its community members.

Legislation	Requirements under legislation
<b>Work Health and Safety (Sexual Harassment) Amendment Regulation 2024 (QLD)</b>	Control measures must have regard to all relevant matters in relation to the risk of sexual harassment, or sex or gender-based harassment. Including matters relating to characteristics of workers including age, gender, sex, sexual orientation, or disability.
	Review of control measures – requires PCBU's to review and, as necessary, revise control measures used to manage risks of sexual harassment, or sex or gender-based harassment if a person make a report of sexual harassment at work. (This operates in additional to the existing requirements to review control measures in the Regulation) (Commenced 1 Sep 2024)
	Preparation of a prevention plan to manage an identified risk to the health or safety of workers, or other persons, from sexual harassment at work.
<b>Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022 (QLD)</b>	Manage the risk of psychosocial hazards in the workplace as far as reasonably practicable (including the identified hazard of harassment, including sexual harassment).
<b>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</b>	Proactive and meaningful action to prevent workplace sexual harassment, sex discrimination, sex-based harassment, conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex and victimisation from occurring in the workplace or in connection to work.
<b>Anti-discrimination Act (QLD) 1991 Respect at Work Amendment Act (QLD) 2024</b>	Take reasonable and proportionate measures (positive duty) to prevent and eliminate discrimination, sexual harassment, harassment on the basis of sex or other objectionable conduct as far as possible
<b>National Action Plan Addressing Gender-based Violence in Higher Education (Feb 2024)</b>	Establishment of National Student Ombudsman with investigative and dispute resolution powers to ensure domestic and international students have an effective, trauma-informed complaints mechanism
	Higher education providers will embed a whole-of-organisation approach to prevent and respond to gender-based violence in their organisations, led by their most senior executives and governance boards.
	The Australian Government will urgently strengthen provider accountability for systemic issues relating to gender-based violence by introducing a new National Higher Education Code to Prevent and Respond to Gender-based Violence.
	The Australian Government will enhance the oversight, standards and accountability of standalone student accommodation providers so that all students are safe, and feel safe, where they live.

	Governments and higher education providers will work together to identify opportunities to ensure legislation, policies and regulations focus on prioritising the safety of victim-survivors in responding to disclosures and reports of gender-based violence.
	Governments, higher education providers and student accommodation providers will demonstrate improvement across the sector through increased data transparency and scrutiny.
	Governments will demonstrate an ongoing commitment to addressing gender-based violence through regular consultation, coordination and review of progress against the Action Plan.
<b>National High Education Code to prevent and respond to Gender-Based violence (National Code)</b> <b>*note: proposed standards only</b>	<b>1. Accountable governance and leadership</b> This standard could include the following expectations of providers: <ul style="list-style-type: none"> <li>the governing body and leadership continually demonstrate collective accountability for preventing and responding to gender-based violence across the organisation</li> <li>the governing body and leadership embed a culture of safety, prevention and quality response efforts across the organisation</li> <li>the governing body and leadership are transparent about preventing and responding to gender-based violence with their students, staff and the broader community.</li> </ul>
	<b>2. Effective organisational policies and practice</b> This standard could include expectations that providers: <ul style="list-style-type: none"> <li>ensure all relevant policies prevent and respond to gender-based violence</li> <li>ensure policies are effectively and consistently implemented across the organisation to ensure collective performance, compliance and accountability.</li> </ul>
	<b>3. Trauma-informed, safety-first procedures</b> This standard could include expectations that providers: <ul style="list-style-type: none"> <li>ensure all procedures – from disclosures to appeals – protect the safety of both victim- survivors and the broader community</li> <li>all people involved in informal and formal procedures know and understand the effects of violence on victim-survivors</li> <li>enable perpetrators to be held to account and providers support them to stop their violent behaviour.</li> </ul>
	<b>4. Evidence-based education and training</b> This standard could include expectations that providers: <ul style="list-style-type: none"> <li>continuously build the knowledge and skills of students and staff to challenge the drivers of gender-based violence and advance gender equality, diversity, respect and inclusion</li> <li>ensure victim-survivors always receive an effective and compassionate response.</li> </ul>
	<b>5. Expert and timely support services</b> This standard could include expectations that providers: <ul style="list-style-type: none"> <li>ensure students and staff affected by gender-based violence receive support services to meet their specific needs</li> <li>provide specific resourcing for the delivery of quality support services.</li> </ul>
	<b>6. Transparent data and reporting</b> This standard could include expectations for providers to: <ul style="list-style-type: none"> <li>Create transparency on provider performance through data reporting, that drives improvement and accountability</li> <li>contribute to the creation of a nationally consistent dataset to measure sector-wide prevalence and progress</li> </ul>
	<b>7. Safe Student Accommodation</b> Student accommodation that is owned and/or operated by a higher education provider will be required to meet standards of the National Code regarding:

	<ul style="list-style-type: none"> <li>▪ governance and leadership</li> <li>▪ policies</li> <li>▪ procedures</li> <li>▪ education and training</li> <li>▪ data and reporting, where possible.</li> </ul>
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