



Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018

**Report No. 31, 56th Parliament
Legal Affairs and Community
Safety Committee
March 2019**

Legal Affairs and Community Safety Committee

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Acknowledgements

The committee acknowledges the assistance provided by Mr Robbie Katter MP.

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Abbreviations

ACN	Australian College of Nursing
ADA/Act	<i>Anti-Discrimination Act 1991</i>
ADCQ/Commission	Anti-Discrimination Commission Queensland
KAP	Katter's Australian Party
LSA	<i>Legislative Standards Act 1992</i>
POQA	<i>Parliament of Queensland Act 2001</i>

Chair's foreword

This report presents a summary of the Legal Affairs and Community Safety Committee's examination of the Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles to the legislation, including whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and gave evidence at the public hearing. I also thank Mr Katter for briefing the committee on the Bill and responding to the issues raised in submissions. I would also like to thank our Parliamentary Service staff for their assistance.

I commend this report to the House.



Peter Russo MP

Chair

Recommendation

Recommendation

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The committee recommends the Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018 not be passed.

1 Introduction

1.1 Role of the committee

The Legal Affairs and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* (POQA) and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility are:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services.²

The POQA provides that a portfolio committee is responsible for examining each bill in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles to the legislation.³

On 19 September 2018, the Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018 (Bill) was introduced into the Legislative Assembly by Mr Robbie Katter, Member for Traeger, and referred to the committee. The committee is to report to the Legislative Assembly by 19 March 2019.

1.2 Inquiry process

On 16 October 2018, the committee invited stakeholders, subscribers and the public to make written submissions on the Bill. Seven submissions were received (see Appendix A for a list of submitters). Mr Katter provided a written response to matters raised in submissions.

The committee was briefed on the Bill by Mr Katter on 29 October 2018 at a public briefing.

The committee held a public hearing on 3 December 2018 (see Appendix B for a list of witnesses).

The submissions, correspondence from Mr Katter and transcripts of the briefing and hearing are available from the committee's webpage.

1.3 Policy objectives of the Bill

The objectives of the Bill are to:

- protect an individual's right to use traditional gender based language
- protect businesses and other organisations from disadvantage in the provision of facilities and services that exclusively recognise gender as either male or female.⁴

The Bill would also 'ensure that gender classifications under Queensland's Anti-discrimination law reflect accepted shared values without undermining the rights of individuals to use a diverse range of gender classifications in day-to-day environments.'⁵

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Rules and Orders of the Legislative Assembly, Standing Order 194.

² Standing Rules and Orders of the Legislative Assembly, Schedule 6.

³ *Parliament of Queensland Act 2001*, s 93(1).

⁴ Explanatory notes, p 1.

⁵ Explanatory notes, p 1.

Mr Katter explained that the Bill would achieve its objectives

*... by ensuring the existing anti-discrimination framework prohibits punishment or disadvantage against individuals who choose to use traditional gender based language in the workplace, academic environment or any other environment where behaviour is controlled by a third-party entity. The bill also creates provisions within the existing anti-discrimination framework that protects entities from prosecution and disadvantage in the provision of infrastructure, services or facilities based solely on traditional gender classifications.*⁶

1.4 Private Member consultation on the Bill

Katter's Australian Party (KAP) undertook consultation with 'a number of private individuals' from 'a broad cross-section of Queensland's population' around the principles contained in the Bill.⁷ The consultation suggested 'a material level of support' for the principles.⁸

1.5 Should the Bill be passed?

Standing Order 132(1) requires the committee to determine whether or not to recommend that the Bill be passed.

Recommendation

The committee recommends the Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018 not be passed.

⁶ Queensland Parliament, Record of Proceedings, 19 September 2018, p 2595.

⁷ Explanatory notes, p 3.

⁸ Explanatory notes, p 3.

2 Rationale for the introduction of the Bill

Mr Katter advised the Legislative Assembly that he was concerned that some Queenslanders are being penalised for using ‘traditional language’ and that he was introducing the Bill so that a debate could occur on the matter. He emphasised that while the Bill would permit gender-specific language, it would not prevent people from using non-gender specific language.⁹

The aspect of the bill that I consider vitally important relates to businesses and institutions that are more and more abusing their influence over employees and students to limit the use of traditional language. Those people who choose to use that traditional form of language are currently being punished, and that will grow in time. These organisations will disguise their extreme agendas as language guides or anti-discrimination policies that are suggestions around the use of gender based language, and this creates a malaise over this issue yet it has not brought it to a head for a mature debate around it. That is why we are introducing this bill—that is, so there is a debate, it brings the issue to a head and people can have their say.

The reality is—and I think most people would accept this—that if a boss or a person marking your university assignment has preferred language and you do not use it, you are going to be overlooked for that promotion or you might have your assignment marked down. A lot of this can be very discreet and underhanded in the way that it impacts on our lives. These implied threats and coercion used by organisations against members and employees are a worrying trend indeed. This sort of malaise can only come from weak governments and politicians not doing anything about a proliferation of these ideologies and not being held to account and not bringing it to a head to have a debate so that we can discuss this and have people vote on it.

We believe that there are extreme views being pushed and that there is a blank cheque, and I invoke the word ‘relativism’, where everything traditional gets compromised and has to be thrown out the window. We will even meet halfway, which is what this bill attempts to say—that is, we accept that there is progressive language used out there and that other people have different views. We accept that, but what we are proposing is that if we choose not to accept that we will still have some rights to do that. I think that is a pretty good compromise to have on this issue.

In essence, this bill protects true diversity because it allows people to have what are called progressive views and other people to maintain traditional values. They both will still have their rights protected. I think it is very important to acknowledge that there are different people in society who have different views and there are big cultural shifts in different parts of the state where different views are predominant. Nothing in this bill is intended to prohibit the use of non-traditional gender language. I have tried to make that painfully clear in this introductory speech. There is nothing to prohibit the use of non-traditional gender language or the provision of facilities and services by any individual entity that does want to cater for non-traditional gender classifications. I stress that again.¹⁰

⁹ Queensland Parliament, Record of Proceedings, 19 September 2018, p 2596. See also, Mr Katter, public briefing transcript, Brisbane, 29 October 2018, p 1.

¹⁰ Queensland Parliament, Record of Proceedings, 19 September 2018, p 2596.

3 Examination of the Bill

The Bill proposes to amend the meanings of *direct discrimination* and *indirect discrimination* and to make it unlawful to discriminate on the basis of the use of gender-specific language. It would also introduce a provision to protect providers of facilities or services that do not specifically accommodate persons who are not, or do not identify as, male or female.

This section discusses issues raised during the committee's examination of the Bill.

3.1 Discrimination on the basis of the use of gender-specific language

The Bill proposes to extend the meanings of *direct discrimination* and *indirect discrimination* to include the use of gender-specific language¹¹ and it would prohibit discrimination, including direct and indirect discrimination, on the basis of the use of gender-specific language,¹² except if the language is used:

- in a way that is, or causes, sexual harassment, or
- in a way that is unlawful discrimination on the basis of an attribute,¹³ or
- with the intention of offending, humiliating or intimidating another person.¹⁴

3.1.1 Stakeholder comments

Caxton Legal Centre argued that people who use gender-specific language do not have a particular vulnerability that requires protection, and providing protection for them under the *Anti-Discrimination Act 1991* (ADA) may result in increased discrimination towards a vulnerable group of people which includes those who are transgender, gender diverse or intersex.¹⁵

The Bill effectively seeks to treat the 'use of gender specific language' as a protected attribute.

All attributes protected in the current Act were included to ensure protection of the human rights of particular groups of people who do not fully enjoy their fundamental rights in public life and are more vulnerable to human rights violations.

Those in our society who wish to use gender-specific language do not have any particularly [sic] vulnerability which requires protection. In fact, the promotion of such a 'right' is likely to expose those people with the attribute of gender identity or who are transgender, gender diverse or intersex to increased discrimination.

In our experience, the use of gendered language (such as pronouns), which does not accord with the gender identity of transgender and gender diverse people is a persistent feature in many of their lives. In our view, the inadvertent use of an incorrect gender pronoun will not amount to unlawful discrimination. However, deliberate and persistent mis-gendering of a transgender or gender diverse person causes significant harm.

*The Act should not be amended to promote conduct which could cause significant harm to a vulnerable group which the Act also seeks to protect.*¹⁶

¹¹ Clauses 4 and 5, new ss 10(1A) and 11(1A).

¹² Clause 12 would insert a definition of *gender-specific language* in the *Anti-Discrimination Act 1991*:

gender-specific language means words, symbols or images that directly or indirectly designate, or are associated with, the male or female gender. Examples: male, female, man, woman, boy, guy, girl, him, her, he, she, Mr, Mrs, Miss, Ms, husband, wife, widow or widower.

¹³ 'Attributes' include sex, relationship status, race, impairment, trade union activity: *Anti-Discrimination Act 1991*, s 7.

¹⁴ Clause 3, new s 8A.

¹⁵ Caxton Legal Centre Inc, submission 3, p 2.

¹⁶ Caxton Legal Centre Inc, submission 3, p 2.

Anthony Pink submitted that the Bill would provide ‘an avenue for ongoing discrimination against members of the LGBTIQ+ community’¹⁷ and that it may slow the progress of language changes related to gender.¹⁸

*... Our collective lexicon is changing as our culture progresses and, individually, our vocabulary is continually adapting to the culture of our community, workplace or other organisation. It can take some time for new patterns of language to become a natural part of our phrasing. Occasionally we get it wrong, which can be awkward for both the speaker and the subject, or the person doing the correcting, but generally no harm is intended. Katter’s Bill, however, is deliberate in perpetuating harm by both providing an avenue for discrimination and by preventing a civil response to that discrimination. This Bill represents, maybe not the worst of such knee-jerk reactions, but it fails to help anyone either in adapting to social change or changing language use, nor does it show a basic level of respect for people in vulnerable demographic groups. The Bill also creates an unnecessary divide between different geographic communities, despite Mr. Katter’s insistence that it does not, and it would undermine the cultural standards of communities and organisations across the state, and may have the effect of undermining parts of the various codes of conduct adopted by schools, business, government bodies and other institutions.*¹⁹

The Australian College of Nursing (ACN) advised that it ‘strongly advocates for use of respectful language in different settings and amongst different people’,²⁰ such as by recommending that nurses keep up-to-date with guidelines relating to care for transgender, gender-diverse or non-binary individuals. ACN noted in particular the importance of using a person’s preferred name and pronoun.²¹ Regarding the Bill and the nursing profession, the ACN submitted:

*... ACN believes that nurses should not be sanctioned for using traditional gender-specific language, particularly if done so inadvertently and with no intent to cause harm when assigned to care for an individual who identifies as transgender, gender-diverse or non-binary. ...*²²

3.1.1.1 Meaning of direct discrimination

The Bill includes two examples of direct discrimination on the basis of the use of gender-specific language. The first example shows that a teacher who deducts marks on a piece of assessment for using gender-specific language directly discriminates against the student. The second example shows that a manager directly discriminates against an employee if they discipline the employee for using the term ‘guys’.²³

The Anti-Discrimination Commission Queensland (ADCQ) was concerned about the second example in proposed new s 10(1A), considering that it is ‘inappropriate’²⁴ and ‘extends unlawful conduct too far’.²⁵

... Many people might prefer not to be referred to as guys, particularly having regard to the type of business and to the clientele of the business. For example, the customers might consider the

¹⁷ Anthony Pink, submission 5, p 1.

¹⁸ Anthony Pink, submission 5, p 2.

¹⁹ Anthony Pink, submission 5, p 2.

²⁰ Australian College of Nursing, submission 2, p 1.

²¹ Australian College of Nursing, submission 2, p 1.

²² Australian College of Nursing, submission 2, p 1.

²³ Clause 4, proposed new s 10(1A).

²⁴ Anti-Discrimination Commission Queensland, submission 4, p 4.

²⁵ Anti-Discrimination Commission Queensland, submission 4, p 5.

*term is too casual or unprofessional. The business should be free to set standards of communication by staff to customers.*²⁶

3.1.1.2 Meaning of indirect discrimination

The ADCQ submitted that the Bill provides for a much broader definition of indirect discrimination than it considers appropriate.²⁷ By way of explanation, the ADCQ identified the four elements of the current definition of indirect discrimination²⁸ and advised that two of these elements – the proportionality test and the reasonableness test – are not included in the proposed meaning of indirect discrimination on the basis of the use of gender-specific language.²⁹ The ADCQ was particularly concerned about the omission of the reasonableness test.³⁰

... The reasonableness test ... is an important component for balancing rights and responsibilities. The test is crucial and lies at the heart of the concept of indirect discrimination. ... It gives effect to the accepted limitation of objective justification. In the Act, the onus of proving that a condition, requirement, or practice is reasonable, rests with the person imposing the term.

*Without the reasonableness component in the proposed definition of indirect discrimination on the basis of the use of gender-specific language, the prohibition is too broad. The example in the proposed definition is an employer requiring its employees to stop using the words 'husband' and 'wife'. There is no consideration given as to whether the requirement is reasonable. For example, traditionally the words husband and wife suggest marriage. The requirement not to use the words might be appropriate where the context is not confined to marriage. The absence of the reasonableness test does not allow for consideration of the context and surrounding circumstances.*³¹

3.2 Provision of facilities or services that do not accommodate particular persons

The Bill would make it unlawful to discriminate against an entity that fails to provide services and facilities for people who are not, or do not identify as, male or female.³² According to the explanatory notes, an *entity* is any organisation that provides services and facilities, such as a business, a sporting or community group or a non-profit organisation.³³

The proposed new provision includes two examples of less favourable treatment:

- An advocacy group runs a targeted advertising campaign against particular businesses that do not provide bathrooms specifically for persons who are not, or do not identify as, male or female.
- During a tender process for a contract, a business's bid is unsuccessful because the business does not provide bathrooms specifically for persons who are not, or do not identify as, male or female.

²⁶ Anti-Discrimination Commission Queensland, submission 4, pp 4-5.

²⁷ Anti-Discrimination Commission Queensland, submission 4, p 5.

²⁸ The elements of the current definition of indirect discrimination are:

- imposing, or proposing to impose a condition, requirement or practice (whether written or unwritten)
- a person with the attribute is unable to comply
- a higher proportion of people without the attribute can comply (proportionality test)
- the condition, requirement or practice is unreasonable (reasonableness test).

²⁹ Anti-Discrimination Commission Queensland, submission 4, p 5.

³⁰ Anti-Discrimination Commission Queensland, submission 4, pp 5-6.

³¹ Anti-Discrimination Commission Queensland, submission 4, pp 5-6.

³² Clause 6, proposed new s 124B.

³³ Explanatory notes, p 4.

The explanatory notes state that the new provision is needed ‘to protect entities from unfair treatment or harassment because of their decision to provide services and facilities that only accommodate persons who identify as either male or female.’³⁴

3.2.1 Stakeholder comments

The ADCQ submitted that the proposal to give a human rights protection to businesses and organisations ‘is inconsistent with the objects and purposes of the Act.’³⁵

*The policy objective of providing protection for businesses and other organisations is inconsistent with the scheme, framework, and intention of the Anti-Discrimination Act 1991. The only ‘protections’ for businesses and organisations under the Act are by way of exemptions that allow certain types of discrimination, for example, schools for students of a particular sex or religion, and acts or programs for the welfare of groups or to promote equality of opportunity.*³⁶

Further:

*The Anti-Discrimination Act 1991 protects certain human rights that are recognised in various international human rights instruments. The proposed provision purports to give a human rights protection to businesses and organisations. ...*³⁷

Caxton Legal Centre similarly commented:

[Clause 6] is unusual in the context of the Act as it provides protection from discrimination for an ‘entity’. The protection from direct and indirect discrimination in the Act only apply to individuals.

...

Clause 6 effectively authorises less favourable treatment of people who do not identify as either male or female by entities.

*This clause is incompatible with the objects of the Act and in our view, should not be incorporated.*³⁸

The ADCQ also submitted:

*The prohibition would also impinge on the right to freedom of expression (in the first example), and on commercial freedom in the engagement of contractors (in the second example). These freedoms are not absolute and are subject to various restrictions, including the prohibition on vilification and discrimination on grounds such as race and religion. The attributes in section 7 of the Act, which include race and religion, are recognised in the international human rights instruments as the grounds on which discrimination is to be prohibited. The non-provision of gender-neutral facilities or services is not recognised as a ground on which discrimination should be prohibited. ...*³⁹

Mr Pink considered that the new protection for entities would significantly impact on organisations that attempt to address discriminatory practices and ‘would stifle social change and community education’.⁴⁰

³⁴ Explanatory notes, p 4.

³⁵ Anti-Discrimination Commission Queensland, submission 4, p 6.

³⁶ Anti-Discrimination Commission Queensland, submission 4, p 1.

³⁷ Anti-Discrimination Commission Queensland, submission 4, p 6.

³⁸ Caxton Legal Centre Inc, submission 3, p 2.

³⁹ Anti-Discrimination Commission Queensland, submission 4, p 6.

⁴⁰ Anthony Pink, submission 5, p 2.

3.3 General stakeholder comments

Some stakeholders provided general comments in addition to their specific comments on the Bill, and other stakeholders did not comment directly on the provisions of the Bill, preferring to comment more generally on the topic of gender-specific language or on the objectives of the Bill.

Fair Go for Queensland Women, for example, expressed support for the Bill, identifying a number of areas that 'require, and may be supported or protected through the amendment',⁴¹ such as:

- academic freedom, including the ability to research issues specific to women and freedom to research upon issues that contradict transgender ideology
- women's homeless shelters, hospital wards, care facilities and clients
- media reporting on crime
- culturally and linguistically diverse communities.⁴²

The ADCQ advised that no one had approached it with the concerns that the Bill purports to address.⁴³ It considered that the proposed amendments to the ADA 'are either not necessary or are misconceived and inconsistent with the purposes of the Act.'⁴⁴ It recommended that the Bill should not be passed, or in the alternative, the following amendments should be made to the Bill:

- in cl 4, delete the second example to the proposed s 10(1A)
- in cl 5, incorporate the proportionality test and the reasonableness test in conformity with existing s 11 of the ADA and delete the example
- delete cl 6.⁴⁵

Caxton Legal Centre submitted that it did not consider it necessary to amend the Act as proposed by the Bill and therefore it did not support the Bill.⁴⁶

The Australian Association of Social Workers Queensland Branch opposed the Bill on the basis that it:

- *enables the continuation of practices which can be detrimental to the mental health of trans- and gender-diverse individuals who are already identified as a vulnerable group in relation to mental health and social stigma*
- *affords individuals, businesses, and other organisations the right to mis-gender a gender-diverse person who does not identify as male or female*
- *is contrary to current evidence promoting the need for gender-inclusive language and practices across contexts*
- *undermines the dignity and human rights of gender diverse people.*⁴⁷

Bridget Clinch considered the Bill to be a retrograde step:

... What this bill is aiming to do is to not only make vilification legal, but encourage it. ...

⁴¹ Fair Go for Queensland Women, submission 7, p 4.

⁴² Fair Go for Queensland Women, submission 7, p 4.

⁴³ Anti-Discrimination Commission Queensland, submission 4, p 2; Anti-Discrimination Commission Queensland, public hearing transcript, Brisbane, 3 December 2018, p 2.

⁴⁴ Anti-Discrimination Commission Queensland, submission 4, p 7.

⁴⁵ Anti-Discrimination Commission Queensland, submission 4, p 7.

⁴⁶ Caxton Legal Centre Inc, submission 3, p 1.

⁴⁷ Australian Association of Social Workers Queensland Branch, submission 6, p 2.

*This bill deserves to be exposed for what it is. It is an appeal to ignorance and an attempt to drag society backwards away from acceptance of diversity. It is a bill that attempts to legitimise hurtful vilification of vulnerable people who still have far too many social and legal hurdles in the way of living their lives in peace and dignity. That it is even being introduced in to our parliament is a sad statement on the state of our parliament and its elected members.*⁴⁸

3.3.1 Mr Katter's response to issues raised by submitters

In response to submitters' comments regarding the need for the Bill, Mr Katter advised:

... During the preparation of the Bill and interaction with members of the community a number of people, who choose to remain anonymous, have contacted my office and the offices of the other KAP MP's, providing examples of the type of discrimination contemplated in the Bill. One of the individuals, a student at a well-known Queensland University, stated "I have been marked down for using words like man or mankind as a synonym for humanity".

*Other individuals provided details of circumstances in workplaces where they were directed to use non-gendered language when addressing groups of children despite there being no clear or immediate need.*⁴⁹

⁴⁸ Bridget Clinch, submission 1, p 1.

⁴⁹ Robbie Katter MP, correspondence dated 28 November 2018.

4 Compliance with the *Legislative Standards Act 1992*

4.1 Fundamental legislative principles

Fundamental legislative principles are ‘the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.’⁵⁰ The principles include requiring that legislation has sufficient regard to:

- rights and liberties of individuals
- the institution of Parliament.⁵¹

The committee considered that cl 5 raises potential issues of fundamental legislative principle.

4.1.1 Rights and liberties of individuals

Clause 5 amends s 11 of the ADA which proposes to amend the meaning of indirect discrimination.

The provision will add the following to the existing definition:

Indirect discrimination on the basis of the use of gender-specific language happens if a person directly or indirectly imposes, or proposes to impose, a term or standard, whether written or unwritten, that a person will not comply with if the person uses the language.

Issue of fundamental legislative principle

Section 4(1) of the *Legislative Standards Act 1992* (LSA) states that the fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.

The reasonableness and fairness of treatment of individuals is relevant to a Parliamentary committee’s consideration of whether legislation has sufficient regard to the rights and liberties of individuals.

The additional definition of indirect discrimination might affect an individual’s rights and liberties as set out below.

Committee comment

By way of background, the ADA currently operates by prohibiting discrimination, including discrimination of prescribed types. This includes *indirect discrimination* of the type set out in s 11 of the ADA. The amendments propose to add to this definition.

A complaint may be made to the Anti-Discrimination Commissioner under s 134 of the ADA. A valid complaint then initiates a process whereby the complainant and respondent will be required to undertake conciliation.

If a settlement between the parties is unable to be reached, the complaint is referred to a tribunal (either the Industrial Relations Commission or the Queensland Civil and Administrative Tribunal, depending on the subject-matter).⁵² The tribunal’s determination will be binding on all parties.⁵³

⁵⁰ *Legislative Standards Act 1992*, s 4(1).

⁵¹ *Legislative Standards Act 1992*, s 4(2).

⁵² *Anti-Discrimination Act 1991*, s 164A.

⁵³ The complaints process is also set out on the Anti-Discrimination Commission Queensland website and can be accessed at www.adcq.qld.gov.au/complaints/making-a-complaint/complaint-process

New definition of indirect discrimination might affect an individual's rights and liberties

It is not entirely clear how the provisions of the Bill, including the addition to the definition of indirect discrimination would work in practice. It appears probable though that, for example, the introduction of an inclusive or gender neutral policy would fall within the definition of indirect discrimination.

Consider a situation where an employer wishes to introduce an inclusive or gender neutral policy for language. (At the committee's public briefing, reference was made to inclusive policies introduced into schools as well as gender-neutral language policies, such as QANTAS WordsAtWork and the policy of the Australian Defence Force.⁵⁴)

This could be seen as a form of indirect discrimination, given that the employer could be seen to be imposing a standard that a person (their employees) will not comply with if the employee uses the language (i.e. non-inclusive or non-gender neutral).

Arguably, an employer (that is an individual) would have their rights and liberties affected by the provision in cl 5 as they would be unable to introduce and implement an inclusive or gender neutral policy as to do so could be taken to be a form of indirect discrimination and therefore the employer might be in breach of the ADA if they introduced such a policy.

Conclusion

The committee considers this potential breach of the fundamental legislative principle that legislation should have sufficient regard to rights and liberties of individuals is not justified by the policy objectives of the Bill.

4.2 Explanatory notes

Explanatory notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 of the LSA and a sufficiently detailed level of background information and commentary to facilitate understanding of the Bill's aims and origins.

⁵⁴ Public briefing transcript, Brisbane, 29 October 2018, pp 2 and 7.

5 Committee comment

The committee recommends that the Bill not be passed.

The committee is concerned that the Bill is inconsistent with the objectives of the *Anti-Discrimination Act 1991* and with fundamental legislative principles, and would likely negatively impact on certain members of the community, including those who are transgender, gender diverse or intersex.

Appendix A – Submitters

Sub #	Submitter
001	Bridget Clinch
002	Australian College of Nursing
003	Caxton Legal Centre Inc.
004	Anti-Discrimination Commission Queensland
005	Anthony Pink
006	Australian Association of Social Workers Queensland Branch
007	Fair Go for Queensland Women

Appendix B – Witnesses at public briefing and public hearing

Public briefing held on 29 October 2018

- **Mr Robbie Katter MP, Member for Traeger**

Public hearing held on 3 December 2018

- **Anti-Discrimination Commission Queensland**
 - Commissioner Scott McDougall
 - Ms Julie Ball, Principal Lawyer