

## Respect at Work and Other Matters Amendment Bill 2024

**Submission No:** 9

**Submitted by:** CHBE Ltd, T/A Faith Christian School of Distance Education

**Publication:** Making the submission and your name public

**Attachments:** See attachment

**Submitter Comments:**

Community Safety and Legal Affairs Committee  
Parliament House  
George Street  
Brisbane QLD 4001

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To: The Community Safety and Legal Affairs Committee

**Submission on the *Respect at Work and Other Matters Amendment Bill 2024 (Qld)***

*CHBE Ltd*, trading as *Faith Christian School of Distance Education*, started in 2012 after much prayer and consultation by our founding Principal and many parents who believed in the vision.

As a registered school, the goal was to help parents educate their children at home with the support of Christian teachers. We are now a flourishing P-12 community enjoying the enrolment of 1,388 students (or 'learners') as well as 126 staff.

We work in partnership with parents, who have chosen our school and our Christian community, to cater for the individuality of our learners whilst also encouraging our learners to become be a valuable member of the Body of Christ and the community at large. Our purpose as a School, among other things, is to promote and foster the development of Christianity in the community and to provide our enrolled students an education of high academic standards based on an acceptance of the Lordship of Jesus Christ and an omnipresent loving God. Our purposes are reflected in our Constitution which is available on the *Australian Charities and Not-For-Profit Commission* (ACNC) charities register.

Our capacity to employ Christian Teachers is central to our development of a flourishing and Christ-centred community which serves our students and their families.

We are highly dependent and reliant upon on the current provisions in section 25 of the *Anti-Discrimination Act 1991 (Qld)* which allow religious educational institutions to reasonably choose employees that adhere to and support their religious faith. In relation to the proposed reforms, we share in the concerns of other faith-based organisations and communities in Queensland (including Christian, Catholic, Islamic and/or Jewish organisations).

Our capacity to give preferential treatment to Christian Teachers when hiring is central to everything we do and is a critical part of our charitable purpose as registered with the ACNC. We do not see environmental organisations or political parties being told who they can and cannot employ, yet faith-based organisations are treated accordingly.

Whilst the current bill does not propose to make changes to these exemptions currently enjoyed by faith-based schools at this stage, we are gravely concerned that the current Bill 'paves the way' for future changes to be made in stage 2 of the reforms.

## The Vilification Provisions

We are concerned about the proposed vilification provisions set out in section 124A to 124D of the proposed new legislation. Our concerns include:

- The proposed legislation at section 124C(3)(c) does not provide an explicit exemption for public acts done for religious or educational purposes. This is of particular concern when in the new proposed 124B, meaning of **public act**, explicitly provides that ‘educational facility’ as an example of a place where a public act may take place notwithstanding that it is on private land. We are therefore concerned that the legislation does not intend to provide protections for faith-based schools regardless of whether they are acting reasonably and in good faith;
- The proposed legislation at section 124C and 124D removes the requirement for the public act to *actually* incite hatred, but rather to a public act that a “*reasonable person would consider hateful*”<sup>1</sup> or is “*likely*”.<sup>2</sup> This provides uncertainty for faith-based schools, particularly in the context of section 124C(2) which defines **reasonable person** as being a person who has the same age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation as the other person or members of the group. This would mean that the ‘reasonable person’ would not necessarily act reasonably in the best interests of the community, having regard to the competing interests of both parties, but would rather favour the views or ideologies of one particular subset of the community. This does not promote social cohesion in our Queensland community.

We accordingly submit that the ‘reasonable person’ test ought to be removed and, if it is included, the ‘reasonable person’ ought to be the usual reasonable person standard; i.e. a reasonable objective person taking into account the best interests of the community and the competing interests of both parties.

## The Positive Duty

We also acknowledge the imposition of a positive duty to eliminate discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct, “*as far as possible*”. This includes a ‘*reasonable and proportionate*’ test, having regard to:

- (a) The size, nature and circumstances of the person’s business or undertaking or operations;
- (b) The resources of the person, whether financial or otherwise;
- (c) The practicability and the cost of the measure;
- (d) The person’s business and operational priorities;
- (e) Any other relevant matter.

The positive duty creates uncertainty for schools as we will not understand what is required to be assured of compliance with this duty unless or until the matter has been litigated in the Queensland Civil and Administrative Tribunal (for non-work matters) or the Queensland Industrial Relations Commission (for work matters).

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<sup>1</sup> The Bill, 124C(1).

<sup>2</sup> The Bill, 124D(1).

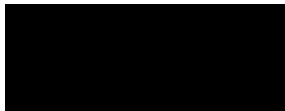
We understand the Queensland Human Rights Commission will have the power to educate regarding this duty. The School will be reliant on this education to provide further clarity as to what this duty requires. Nevertheless, whether the School has complied with the duty is ultimately a matter for the courts and this uncertainty will create an administrative burden and risk for the School, drawing resources away from our primary purposes and the education of our students.

We are further concerned about the imposition of this positive duty in circumstances where the government proposes as part of phase 2 of the reforms to remove the exemption for faith-based schools to hire employees who align with their religious purposes (be they Catholic, Christian, Islamic or Jewish schools). In such a context, the imposition of the positive duty would erode social cohesion and diminish public confidence in the Queensland Human Rights Commission.

As set out above, our school was founded after much prayer and consultation. The proposed phase 2 of the reforms, removing our right to employ Christian teachers who align with our ethos and values, especially in combination with this positive duty, would be at odds with our charitable aims and the purposes for which we exist.

We must draw a 'line in the sand'.

Yours Faithfully,



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Chair, CHBE Ltd trading as Faith Christian School of Distance Education

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