

## Respect at Work and Other Matters Amendment Bill 2024

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## Submission to Inquiry

# Respect at Work and Other Matters Amendment Bill 2024

Community Safety and Legal Affairs Committee  
Queensland Parliament

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Thank you for the opportunity to contribute to the discussion on maintaining healthy work environments in Queensland. If you have further questions about what follows in this submission, please feel free to contact me.

As a life long resident of this state, I have worked for a large corporation as well as for a much smaller Christian organisation. My Church and community is very multicultural and people are treated as people. I have seen a small amount of poor online content. I am surprised at the examples of hate that are reported on the Qld government web sites. I do not argue with it's existence.

What I do see, is increasing calls to sideline Christian values. This is despite increases in attendance at Christian schools. It is a good thing to protect people from abuse. It is really sad for people to behave so badly to each other. It is equally sad to see the laws designed to to stop abuse, also used to take away freedom of expression of faith. The following comments on the proposed bill simply ask for more balance and a level playing field for differing views. God's grace extends to all people, irrespective of protected attributes.

It's one thing to wave a big stick at those behaving badly to others; it's a much better thing to, by example and encouragement, inspire people to a more wholesome life.

Regards,

Albert

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## Clause 21, 124C Hateful, reviling, seriously contemptuous, or seriously ridiculing conduct

I have a concern with this section's group focused definition of a "reasonable person". The list of protected attributes and the list of sex/gender definitions are long and ever increasing. Perhaps we will see the inclusion of the "State of Origin side supported" in the list.

The description of "reasonable person" then becomes subjective and arbitrary, even inconsistent. How can someone working in a larger environment be expected to know all the nuances of all the potential groups in the environment? How can one determine what is reasonable if a group, itself, is actually unreasonable?

While the proposal is restricted to supposedly extreme levels of conduct, that can change and words of good faith can be caught up by unregulated viewpoints. As an example, there is a big difference between being critical of ideologies and promotions that lure young people into experimenting with same sex attraction and verbally abusing the young people for getting caught up in it. In a free society, that distinction must be made clear and not subject to manipulative "reasonable person" tests.

We know of a Queenslander who has had dozens of complaints made about him from NSW. Every one has cost him money to defend. Every one has shown him to be innocent yet the complaints keep being processed.

**The concept of a "reasonable person" should not be bound so closely to a group such that everything could be seen through the lens of "malicious intent". This is the other side of "Respect at work".**

**The bill needs to guarantee that claims will be investigated fairly and only genuine cases will be processed by the QHRC and AHRC?**

I am pleased to see the Section 124C, Subsection (3)(c) recognises debate in good faith. However, the main exemptions relate to academic, artistic, scientific and research discussions. Religious/faith based articulation would be just as likely to cover several of the topics of this section of the bill. That's because they come from different beliefs about humans and goodness and what gives us value (beliefs that have weathered the test of time for thousands of years). These differences should not be suppressed. They give balance and depth to our understanding of who we are and help us with informed debate.

Section 124C, Subsection(3)(c) should include exemption for "expressions of one's religious belief/faith".

## Clause 21, 124D Inciting hatred, serious contempt or severe ridicule

Subsection (1) makes it unlawful "conduct that is *likely* to incite hatred", etc. How can that be limiting? It is so speculative, lawyers will spend hours arguing over something that never happened. It does not help anyone.

Section 124D, Subsection(1) should have "likely" removed.

## Clause 25 Chapter 5C Positive duty

This is probably a good thing, **provided time is given for businesses, etc, to arrange usable training, etc for staff and a regime of methods and implementation is not forced on organisations.** I've seen where the lack of positive duty resulted in a person choosing a poor way to report something, resulting in serious consequences for the person.

**Provide time for businesses, etc, to arrange usable training, etc for staff. Give freedom to organisations to implement methods, etc., based on the organisation's specific environment.**

## Clause 47 Subdivision 2 Representative complaints

If a Union (registered employee organisation) becomes the agent for a class action, then does that not mean that a non union employee is locked out of the class action? They may take up a complaint individually but they could not

have access to the same legal representation. Seems to be an avenue of intimidation towards non union employees.

**A registered employee organisation representing a class action should provide a fair and reasonable option for other, non union, employees to join the class action, in line with the policy of equal opportunity and equitable outcomes.**

## **Clause 7 Amendment of s 7 (Discrimination on the basis of certain attributes prohibited)**

The bill covers the width and breadth of what discrimination is unlawful at work. I do note, though, that it tells only part of the story.

The bill specifies what behaviours or actions cannot be done to a person, based on specific aspects of that person, e.g.

A =====> vilify =====> B =>[attribute]

Then A is guided by a code of behaviour towards others.

A,etc =={legal behaviour filter} => B, C, D, etc...

However, A and B do not work in a vacuum. The legal framework has no work purpose, only a utopia of people being nice to each other. A and B work for an employer, an organisation with missions, beliefs, values, responsibilities, etc. Organisations can neither function nor have integrity without a consistent set of values based behaviours; they are valid components of an organisation.

These may be market based strategic plans, or something like altruism or be grounded in a call on their lives by the Living God and reflect His character (His Glory). People might disagree with that last bit but that just means they are in a different space. The living faith is evidence based; it is real!

So, now we have a second set of values and behaviours:

A,B =>{Organisation conduct filter} => B,A, Org, C, D, etc...

Note that both A and B have the conduct filter applied to them, even though they may have protected attributes.

The ALP has a code of conduct for it's members. It covers more than that of the Respect at Work bill covers. What would the Party say about a person who confesses to agree with all the views of the ALP but tells everyone that the policies of the LNP are much better? What about a married M.P. who also has five consenting women to fill his need for pleasure?

What is it about the ANZACs that we celebrate? Is it the attribute of being a soldier? One could become a soldier and go home and watch the footy on TV. It is that they stood up and were willing to get shot at while fighting for our country. It was their behaviour that was important despite whatever attributes they had.

The problem occurs when the *legal behaviour filter* is oblivious to the need for the *organisation conduct filter*. The conflict is in the use and understanding of the protected attributes.

Article 18.3 of the ICCPR says that freedom of religion can be limited by law to protect fundamental rights and freedoms of others.

So, a Christian organisation can have a belief that self gratifying sexual indulgence is wrong but can only express it at a place of worship. However, a person with same sex attraction (sexual orientation) can freely express it in their life in any environment. The Christian is not free to uphold in their community the special richness of self denying, sacrificial love in heterosexual marriage.

I understand the current anti discrimination law, 1991, does allow exemptions based on religious belief. However, the proposed anti discrimination bill 2024 will take away those exemptions.

Christians cannot abandon their living Lord Jesus without becoming empty and dead. Society, too, would become flavourless, "*tossed to and fro by the waves and carried about by every wind of doctrine, by human cunning, by craftiness in deceitful schemes*" (the Bible, Ephesians 4:14 ESV). Yes, even people two thousand years ago understood the issues.

Does article 18.3 give a person the right to indulge in behaviours associated with same sex attraction in any situation they want? That would mean the ALP, or any other organisation, could not do anything about a married M.P's sexual exploits with consenting women. The requiring of all staff to adhere to morals of self-control and a recognised faith system still **gives respect to people who are same sex attracted**. Allow an *organisational conduct filter* to be applied evenly to all employees.

**Respect at Work Bill 2024 (legislative filter) should have clauses to allow a Code of Conduct (organisational conduct filter) to be applied, even to people with protected attributes as long as the beliefs and behaviours are not arbitrary and are consistently applied.**

I refer the reader to Recommendation R4.1 (page 111) from the report "ARTICLE 18, Freedom of religion and belief", Human Rights and Equal Opportunity Commission, 1998.

[https://humanrights.gov.au/sites/default/files/content/pdf/human\\_rights/religion/article\\_18\\_religious\\_freedom.pdf](https://humanrights.gov.au/sites/default/files/content/pdf/human_rights/religion/article_18_religious_freedom.pdf)

Finally, a quote from the Bible, Paul's letter to Titus, chapter 3: verses 1-7 (ESV):

Remind them to be submissive to rulers and authorities, to be obedient, to be ready for every good work, to speak evil of no one, to avoid quarrelling, to be gentle, and to show perfect courtesy toward all people. For we ourselves were once foolish, disobedient, led astray, slaves to various passions and pleasures, passing our days in malice and envy, hated by others and hating one another. But when the goodness and loving kindness of God our Saviour appeared, he saved us, not because of works done by us in righteousness, but according to his own mercy, by the washing of regeneration and renewal of the Holy Spirit, whom he poured out on us richly through Jesus Christ our Saviour, so that being justified by his grace we might become heirs according to the hope of eternal life.