THURSDAY, 28 NOVEMBER 2002

Mr SPEAKER (Hon. R. K. Hollis, Redcliffe) read prayers and took the chair at 9.30 a.m.

PRIVILEGE

Chief Magistrate, Ms D. Fingleton

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (9.30 a.m.): I rise on a matter of privilege. Within the last 24 hours the opposition justice spokesman has called publicly for the suspension or removal of the Chief Magistrate. Yesterday in the Supreme Court two decisions were handed down in relation to certain decisions of the Chief Magistrate in regard to her management of magistrates within the Magistrates Court. Those decisions are decisions arising out of applications for judicial review of the administrative validity of the decisions of the Chief Magistrate. The Chief Magistrate has an important function to perform and has the responsibility of managing the operation of the court right across the state of Queensland. That is a major responsibility, a responsibility that necessarily requires powers to ensure that the court runs effectively and efficiently. Those powers are specifically spelt out in the Magistrates Courts Act.

The decisions yesterday, while they do require further study by me and I will take appropriate legal advice in relation to them, of themselves do not necessarily raise questions that justify an application by the Attorney-General to the Supreme Court for the suspension or removal of a magistrate. As has been indicated, section 15 of the Magistrates Courts Act provides—

There is proper cause to remove the Magistrate if the Magistrate—

(a) has been convicted of an indictable offence; or
(b) is mentally or physically incapable of carrying out satisfactorily the duties of office; or
(c) is incompetent or guilty of serious negligence of duties; or
(d) is guilty of proved misbehaviour.

Prima facie the decisions in the Supreme Court yesterday do not of themselves establish any of those grounds upon which an application could or should be made. In the circumstances, my matter of privilege is this: the call by any member of parliament for the removal of a judicial officer, especially while there is a pending CMC inquiry and investigation into other more serious allegations, is grossly premature and, on one view, a serious incursion upon the independence of the judiciary.

The principle of the independence of the judiciary entails that one should not make comment which interferes with the conduct of judicial proceedings or in any way interferes with the independence of the office of a judicial office holder. There is a lack of clarity, I concede, about the extent or the ambit of that concept of judicial independence, but one thing is clear: while there are pending proceedings and inquiries before the Crime and Misconduct Commission it is my view that to call for the removal of any judicial officer is an improper breach of the concept of separation of powers and the independence of the judiciary. I call upon all members of the House to respect that responsibility.

PRIVILEGE

Minister for Police and Corrective Services

Mr SEENEY (Callide—NPA) (9.34 a.m.): I rise on a matter of privilege. Yesterday the Minister for Police and Corrective Services, Mr Tony McGrady, responded to a question without notice that I asked in this House regarding his government's commitment to dealing with the issue of drugs and, in so doing, misled parliament on two counts. Mr McGrady stated—

We do not have people who are specifically in drug squads.

The Queensland Police Service annual report on pages 37, 38 and 40 provides that the Police Service is able to respond to the issue of drugs through the illicit laboratory investigation team, the state drug investigation squad, the northern and far-northern drug investigation squads and two new Dog Squad teams. The minister further misled parliament in answer to this question without notice when, referring to the current levels of crime, he stated—

If only this gentleman—

referring to me—

opposite would read the true statistics which were presented in this parliament recently! In those statistics we saw that the numbers of major crimes came down. Crimes against the person and crimes against property all came tumbling down.

Page 9 of the Queensland Police Service *Annual statistical review* which the minister tabled in this House provides that the number of offences against the person increased by three per cent in Queensland from 2001-02. Further, on page 2 of the same report the table displaying the reported offences against the person in Queensland also provided that the number of offences has increased by three per cent from the previous year.

The statements outlined clearly indicate that the minister has misled the parliament deliberately on two counts. Accordingly, Mr Speaker, I ask that you refer the minister to the Members' Ethics and Parliamentary Privileges Committee.

PAPERS

MINISTERIAL PAPER TABLED BY THE ACTING CLERK

The Acting Clerk tabled the following ministerial paper—

Premier and Minister for Trade (Mr Beattie)—

Letter, dated 26 November 2002, from the Premier and Minister for Trade (Mr Beattie) to the Acting Clerk of the Parliament referring to correspondence received by the Premier from the Commonwealth Parliament's Joint Standing Committee on Treaties regarding a proposed international treaty action tabled in both Houses of the Commonwealth Parliament on 12 November 2002 including a National Interest Analysis for the proposed treaty action listed in the letter.

MINISTERIAL PAPERS

The following papers were tabled—

Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond)—

Royal Childrens Hospital Foundation – Annual Report 2001-2002, together with a late tabling statement

Minister for Employment, Training and Youth and Minister for the Arts (Mr Foley)—

Dalby Agricultural College Board – Annual Report 2001-2002

Copy of correspondence, dated 18 November 2002, from Mr Foley to Mr Nev Wirth, Chairperson, Dalby Agricultural College relating to the audit certification on the 2001-02 Financial Statements

MINISTERIAL STATEMENT

Premier's Awards for Excellence in Public Sector Management

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.36 a.m.): My government is listening to the needs of our communities, identifying issues and coming up with solutions to them. I often talk about leadership, and indeed my government provides leadership. I also talk about a vision in relation to the need for innovation in this state. But no government can translate its vision into reality without an effective Public Service. That certainly is the case with my government. We have clearly defined goals for the Smart State—that is, more jobs for Queensland, safer and more supportive communities, community engagement and a better quality of life, valuing the environment, building Queensland's regions and developing the Smart State. There is innovation in all of the principles we have been pursuing. The fact that we have a first-class Public Service has been clearly demonstrated by the calibre of entries in the 2002 Premier's Awards for Excellence in Public Sector Management.

Last night, along with a number of ministers, including the Minister for Health and the Minister for State Development, and parliamentary secretaries, I had the pleasure of presenting the awards to the winners. I was impressed by the innovation and teamwork which is making things happen across Queensland. The public sector is working hard to achieve our Smart State objectives and to improve our already high standard of living. All the winning entries had a real focus on community issues. The strong support shown by the award's sponsors from the private and public sectors highlights the willingness of government and the corporate community to work together to achieve excellence. The awards this year show that we are finding better ways of working together to address community needs and problems, and that is what I call working smarter.

This year we received a record 144 entries from right across government. There have been some outstanding public sector achievements over the year, and I thank all our agencies and

congratulate them on their hard work and commitment. They have worked constructively with my government to make Queensland a dynamic, tolerant and mature community as well as working towards the finalisation of the Smart State strategy. I want to congratulate all our finalists and mention the winners.

The winners of the 2002 Premier's Awards for Excellence in Public Sector Management are as follows. The category of Innovation and Creativity was won by SmartLicence online; Strengthening Rural and Regional Queensland was won by the Cape York Peninsula community forestry development portfolio; Leadership Excellence was jointly shared by the Mount Isa district alcohol related violence initiatives and the Callide power project; Community Engagement was won by ministerial regional community forums; Sustainable Environment was won by the Kelvin Grove Urban Village; Growing Queensland's Economy was won by school based apprenticeships and traineeships; Bridges to Reconciliation was won by the Working for Reconciliation plan; and Focusing on Our People was won by Access Education's Youth Program. I table for the information of the House the program and the details of the successful winners.

MINISTERIAL STATEMENT

Food Spectrum

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I wish to talk about Food Spectrum. The business community is embracing our Smart State vision for Queensland. I see that in every one of the interest groups I address. Indeed, Stephen Robertson and I today are talking to the Mining Council. I know that the mining industry is responding to our Smart State strategy. We see that with AMC, with which Tom Barton and I met this week regarding progress of its project in central Queensland.

Recently I had the pleasure of opening the new headquarters of Food Spectrum with the Minister for Employment, Training and Youth, Matt Foley, who happens to be the local member. Food Spectrum is a Queensland company which is at the cutting edge of food ingredients processing, research and development. In 1983 Food Spectrum established a plant at Carole Park near Ipswich, but its business has grown at such a rate that it has found it necessary to relocate.

Originally the company had considered moving its operations to New South Wales or Victoria because that would have brought it closer to its main markets. Instead it opted to remain in Queensland. Do honourable members know why that was? My government's Smart State vision and support for innovation and research convinced it to stay here. Food Spectrum's decision was also influenced by the assistance and advice it received from Tom Barton and the Department of State Development's Food and Meat Industry Task Force. As a result, Food Spectrum moved its operations to the Brisbane suburb of Nathan. I recently had the pleasure of opening the state-of-the-art plant. Food Spectrum's decision to relocate within Queensland means that 65 jobs will stay in this state. In fact, the company plans to employ an extra 18 people by 2006.

Our Smart State vision is starting to pay dividends not only in terms of jobs but also in terms of export earnings. Food Spectrum primarily exports to the Asia Pacific but is planning to expand its operations into the US and Europe. It is teaming up with Melbourne based company Clover Corporation to produce food additives derived from tuna oil, rich in essential fatty acids and nutrients. These omega-3 fats are considered a brain food and to be of benefit to the cardiovascular and nervous systems. So here we have not only a smart company but also smart foods.

Food Spectrum's successes in the export market saw it win the large advanced manufacturer category at this year's Queensland Premier's Export Awards. It was also a finalist in the Australian Export Awards which were held in Melbourne earlier this week, another achievement of which it can be proud. I thank Food Spectrum for supporting our Smart State vision and encouraging other companies to follow its lead and to set up shop in Queensland.

As Matt Foley and I walked around the plant we discovered that if you are in all sorts of places in Asia—the Philippines, Hong Kong or China—you will be eating Food Spectrum produce. It supplies to McDonald's and a large number of food chains through Asia. It really is a fantastic success story coming out of this state. Not only is it Smart State now; it is Smart State in terms of the smart foods—the brain foods—I talked about and it is export. It is going to the world. It is a fantastic story. That is why I have shared it with the House.

MINISTERIAL STATEMENT

Ipswich

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.42 a.m.): I want to tell a very positive story about Ipswich. From time to time Ipswich has felt some derision from those who do not live there. I think that has been unfair. I am a strong advocate, as is my government, of Ipswich both past and present. There is a great story. A new Ipswich is developing and I want to share that with the House.

Ms Nolan: Hear, hear!

Mr BEATTIE: Like a snowball, the new Ipswich message just builds and builds. I take that interjection from the member for Ipswich, because I know that the members for Ipswich, Ipswich West and Bundamba share this passion for this wonderful city.

I have been to Ipswich three times in the past month and continue to be amazed at the progress being made in that region. The University of Queensland Ipswich campus has enriched the city. The Swanbank E Power Station, which is gas fired, reduces greenhouse gases. It is state-of-the art. The magnificent workshops museum, the multimillion dollar expansions at AMH at Dinmore and the inner city redevelopment are all contributing to a new and exciting era for one of the state's proud historic communities. If there have been any unsavoury tags about this community in the past, they are being eliminated by an exciting Smart State. Ipswich is the place to be.

We held our 57th community cabinet meeting in Ipswich at the weekend. It is the 22nd such meeting since re-election in February last year. More than 450 people turned up on Sunday at the workshops museum for 106 formal deputations. There were also scores of informal deputations. There were 300-plus people at the civic luncheon on Monday. It was the third time cabinet has been in the Ipswich region since winning government in 1998. Given that it is our third visit in four years, I believe it is the best possible endorsement of our community cabinet process.

Since election in 1998 we have received just under 4,750 formal deputations. We have also received an estimated 4,160 informal deputations. That is more than 2,615 hours of deputations. We estimate that more than 23,500 people have attended the community cabinet meetings. Members can see that there has been a significant commitment to meeting and listening to Queenslanders.

On Sunday morning I joined with State Development Minister Tom Barton, Employment, Training and Arts Minister Matt Foley and Natural Resources Minister Stephen Robertson to inspect AMH's new $23 million by-products plant. Of course, the local members I mentioned earlier were also there. We were there to see AMH's $200 million of investment—knowing that four years ago the meat industry was moving interstate and overseas. Our visit was an acknowledgment that the initiatives we undertook are working—initiatives worked through by State Development.

Stephen Robertson and I also announced the green light for a construction project that will help increase irrigation water supplies to the Lower Lockyer farmers from Atkinsons Dam. The project involves replacement of existing water pipes in the Buaraba Creek diversion channel with larger concrete box culverts to increase water flows from the creek into Atkinsons Dam. While we desperately need it to rain, this project, once finished, will ensure that Lower Lockyer farmers get access to every precious drop of water available for irrigation. We can stop water being wasted by increasing the capacity of the Buaraba Creek diversion channel to capture more water from heavy flow events such as storms and divert it into Atkinsons Dam.

In May, Mr Robertson, the member for Ipswich West, Don Livingstone, and I inspected this creek diversion. Don has championed this project from day one and deserves a lot of credit for making it a reality. The Department of Natural Resources and Mines had already completed much preliminary work needed for the project. Tenders have been called and it is hoped that work is to begin in the early new year.

After that announcement and the AMH visit we travelled by steam train from the city to the workshops for Sunday's forum. We did this train reenactment of the daily lives of Ipswich rail workers to highlight that a trial of this will begin on 29 December as part of the museum adding to its already outstanding presentation.

Other highlights of our Ipswich visit included Merri Rose announcing that the government is transferring freehold ownership of the Bundamba racecourse to the Ipswich Turf Club, as has happened in Toowoomba, Dalby and Mackay. The handover of Bundamba should be completed before the end of the year.

The Minister for Families, Judy Spence, announced $195,000 funding for a new family support and child abuse prevention service in the Goodna area. Local Government Minister Nita Cunningham also inspected the $3.2 million inner city redevelopment, to which the state is contributing $1.6 million.

While in Ipswich Dean Wells and I joined the Bendigo Bank to launch its green home loans. Bendigo Bank is offering half of one per cent off its loan rate, given that applicants meet environmentally friendly criteria. It is again becoming an exciting part of the Smart State.

In conclusion, I urge all Queenslanders to rethink their view of Ipswich. I think Ipswich is becoming one of the most exciting communities in this state. If members look at some of the developments I have dealt with this morning, they will see why I say that. The other reason I mention Ipswich is that Ipswich was also where the government finalised its white paper on education and training. That white paper and the community cabinet meeting in Ipswich are historic because the reforms will change and improve education and training in this state for the future.

MINISTERIAL STATEMENT

Teachers

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (9.48 a.m.): I am pleased to announce to the House today that an extra 158 teachers will be deployed across state schools from the start of next year. The allocation of extra teachers will make a real difference by reducing class sizes, providing a positive impact on student behaviour, improving literacy and numeracy and helping students with special needs. These extra teachers are over and above normal growth and are part of the Beattie government's $132 million election commitment to deliver an additional 800 teachers in Queensland schools over four years.

These 158 new teachers will be placed where they will make a difference. Twenty-two will be placed in the Torres Strait, Cairns and cape and tablelands, and Johnstone districts; there will be 20 for the Mooloolaba and Nambour districts; 30 in total for Townsville and Mackay districts; 13 for the Mount Isa, Longreach and Roma districts; 37 in total for the Bayside, Coopers Plains and Mount Gravatt districts; 15 for the Darling Downs, Toowoomba, Warwick and Chinchilla districts; and 21 for the Bundaberg, Fraser-Cooloola, Isis-Burnett and South Burnett districts.

Earlier this year, targeted Queensland schools benefited from an extra 135 classroom teachers to address the needs of students. This built on 147 additional teachers allocated across the state in 2001 to address the needs of students with disabilities. This latest distribution of 158 extra teachers provides the opportunity for local decision making in terms of addressing schools with particular educational needs.

Strategic staffing panels involving local representatives have allocated these teachers to schools within the identified areas of need. More teachers will mean more opportunities to focus on educational outcomes in classrooms, which is part of the Beattie government's vision to make Queensland the Smart State and will dovetail with the government's recently released education and training reforms paper.

MINISTERIAL STATEMENT

45 Plus Project

Hon. M. J. FOLEY (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (9.50 a.m.): The Beattie government recognises that we need to send a message to employers on behalf of mature-age job seekers and it is this: mature people can bring a wealth of experience and can have a positive effect on a working environment. There is one member of the House in particular whose voice has repeatedly espoused the value of mature-age workers. I congratulate the member for Algester, Karen Struthers, on her continual efforts to address this problem and on her most recent campaign to provide 45 jobs in 45 weeks for unemployed locals over 45.

Mr Purcell: Hear, hear! Well done!

Mr FOLEY: I thank the member for Bulimba and note his support for the member's efforts in this regard. Launched last week, the 45 Plus campaign was the brainchild of Ms Struthers and has developed into a truly community based project.

I am pleased to be able to inform the House that the first person in this program has already been placed into employment. George Skurka has begun an IT traineeship with A&N

Communications at Springwood. Mr Skurka is now developing the skills required to provide technical support for users of office equipment purchased from the company, including faxes, printers, scanners, telephone systems and computer networks.

The 45 Plus project has the support of the Southside Chamber of Commerce, the Quest newspaper group and the Mount Gravatt Training Centre. It is about a community identifying problems and actively working to provide a solution. I commend the southside community for their vision.

My department—the Department of Employment and Training—has funded the 45 Plus project to the tune of $60,000. The Mount Gravatt Training Centre is coordinating the project, providing the focal point for linking mature-age job seekers.

Mr Reeves: A wonderful project.

Mr FOLEY: I thank the honourable member for Mansfield for his support. Under the project, funding has been allocated for a call centre for employers and job seekers and for the provision of employment assistance and job matching services to mature-age job seekers.

But a big part of this campaign falls outside achieving the 45-45-45 target. The project is as much an exercise in public awareness. Through the help of the *Quest* newspaper group and the Southside Chamber of Commerce, we want to shatter those misconceptions that mature-age workers are unreliable and that they cannot adapt to new situations. Quest newspapers was one of the project's founders and will continue this commitment throughout the 45 weeks.

This week we released the government's major initiative to help those 10,000 young Queenslanders aged 15 to 17 out of school, out of work and out of training through the education and training reform package. But this government equally recognises that mature-age unemployed people need assistance, too. I commend everyone involved in this project for their hard work and commitment to getting more jobs for Queenslanders.

MINISTERIAL STATEMENT

Poisons Information Centre

Hon. W. M. EDMOND (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (9.52 a.m.): With Christmas and the holiday season fast approaching, this is the time of the year when it is important to remind parents about the risks of child poisonings while visiting relatives or friends, particularly those who do not normally have children around. We have recently had an unfortunate tragedy resulting from a youngster swallowing some pills that belonged to a relative. So it is important to remind all adults to put medications and household products such as cleaners away immediately after use and keep them out of the reach of children.

Fortunately, child deaths from poisonings are rare, but they are a major cause of child admissions to hospital, with 524 under fours presenting in Queensland emergency departments after poisoning incidents last year. In addition, about 40,000 calls are made from around Queensland to the Poisons Information Centre each year. The most common causes of poisoning are medicines such as paracetamol, particularly liquid paracetamol in the form of drops or syrup. It can take only a few moments for a child to pick up and swallow a poison, especially toddlers who are particularly curious and tend to put most things in their mouth.

Queensland Health has recently introduced a new program on its web site called the Poisons Information Centre, which provides prevention advice and takes the viewer on a virtual household tour and advises how to avoid poisoning hazards. It also offers first aid advice, including suggestions on what to do and what not to do in various scenarios. People can access this information by going to the Queensland Health web site.

The most important message for parents is that, if they suspect poisoning, they do not wait for their child to look or feel sick; they should immediately ring the Poisons Information Centre on 13 11 26, which is a 24-hour service.

MINISTERIAL STATEMENT

Queensland Port Authorities

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.54 a.m.): On 14 November I tabled the annual reports of eight Queensland port authorities. Queensland's ports deliver many benefits to the regions in which they are located and to the

state's economy. Our port system is more decentralised than that of any state in Australia, comprising 15 ports engaging in overseas trade, stretching from Brisbane to Karumba. Two community ports service Cape York and the Torres Strait.

These Government owned authorities all operate on a commercial basis and in a competitive environment. They will return almost $43 million to the Queensland taxpayer as a result of last year's performance, and have attained an overall net profit of over $28 million. This is a solid result, given the continuing poor climatic conditions impacting on our exports of sugar, beef and grain. Queensland's port authorities have coped well with evolving economic, safety and security issues following September 11 and losses in operational revenue stemming from the collapse of Ansett and Flight West. Australian Airlines and Virgin Blue services are now fast filling much of the void left by Ansett and Flight West.

A record trade throughput in excess of 189.4 million tonnes for the 2001-2002 financial year is proof of the solid work Queensland port authorities are undertaking with mining and industrial operators. The total value of overseas commodity exports shipped through Queensland seaports exceeded $17 billion last financial year. Consistent growth in trade volumes over the past six years has seen Queensland achieve an annual trade growth rate of 6.4 per cent, compared to Western Australia's 3 per cent over the same period. The 2001-2002 financial year heralded another milestone for one of our northern ports, with the Townsville Port Authority celebrating its 15th consecutive year of record trade throughput.

Queensland's port authorities injected a total of $164.3 million into capital infrastructure developments and maintenance programs throughout 2001-2002—up by $15.4 million on the previous year. Key projects included the commencement of the $80 million R. G. Tanna Coal Terminal expansion at the port of Gladstone and the February 2002 completion of the $45 million stage 5 development at the Dalrymple Bay Coal Terminal at Hay Point. The government remains committed to investigating new infrastructure development and investment proposals at our ports. We are encouraging the authorities to work in partnership with the private sector to meet the diverse demands of each authority's trade catchment area.

Over the past 12 months I have opened two significant facilities, both of which are important not only to the ports but also to the communities they serve. In February, I opened the Port of Brisbane Corporation's visitor centre. The $3.2 million Fisherman Islands facility is not only a restaurant and cafeteria for port businesses and employees but also an important education facility. It highlights the important role ports play in our economy and in regional job creation, and showcases how port businesses and industry maintain an acceptable balance between natural and built environments.

In August this year I opened the new Marine TAFE College at the port of Bundaberg. This $750,000 marine facility is a welcome addition to the nation's entry point into the marine industry and highlights the commitment of government, industry and TAFE to maritime studies. The Wide Bay Institute of TAFE is offering courses in fishing and marine studies. The TAFE facilities will give students a direct view of their chosen industry at work in its own environment and provide hands-on experience in marine industries.

MINISTERIAL STATEMENT

Ethanol

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (9.58 a.m.): Unnecessary regulatory barriers to the expansion of the fuel ethanol industry were lifted on 14 November 2002 by an amendment to the Environmental Protection Regulation 1998. Reid vapour pressure is a measure of a liquid fuel's propensity to evaporate. The maximum Reid vapour pressure for petrol distributed in south-east Queensland during the summer months is to be reduced to 67 kilopascals—down from 76 kilopascals in previous years. This reduction in the maximum reid vapour pressure standard was to reduce the evaporation and loss of petroleum hydrocarbons into the atmosphere in south-east Queensland.

This new standard is good for a clean and healthier environment as there are direct links between the amount of hydrocarbons in our atmosphere and the occurrence of air pollution levels, that is photochemical smog, during the summer months. We are reducing the figure in order to reduce the level of pollution in the air. In recent weeks, proponents of the ethanol fuel industry in Queensland have suggested to the government that this change in the vapour pressure limit would inhibit the development of the industry by preventing the use of many ethanol-petrol blends, even though the use of these blends would be more environmentally

desirable than the use of petrol. In other words, reducing the Reid vapour pressure maximum that is allowed would have the effect of reducing the capacity of the industry to produce ethanol and consequently reduce our capacity to glean the benefits that ethanol delivers in terms of clean air. These industry people argued that ethanol evaporates very easily and that when mixed with petrol which would meet the new standard, even in ethanol concentrations as low as 10 per cent by volume, it would push the vapour pressure of the fuel above the new environmental standard. They have also argued that, although such fuel blends would exceed the new limit because of the evaporating ethanol, this would not result in any increase in air pollution levels.

After listening to the views of industry stakeholders, the Environmental Protection Agency conducted an extensive computer simulation of the air quality implications of the use of ethanol-petrol blends in south-east Queensland. We ran the whole process through the computer with a very thorough model and discovered that they were right. If we were making E10, and E10 only, we would get a more optimum outcome in terms of atmospheric pollution if we relaxed the new stringent rules relating to Reid vapour pressure than if we did not; so we did allow that relaxation. These technical studies have showed that there were very strong scientific grounds to introduce new laws to relax the maximum vapour pressure standard for petrol-ethanol fuel blends and that this will not compromise air quality in south-east Queensland but will in fact lead to a beneficial result.

I know this is technical, but the new stringent requirements will be introduced. However, those requirements under this regulation to which I refer members will be relaxed in respect of the production of E10, and E10 only—not E20 but E10. The necessary arrangements have been made to have the Reid vapour pressure requirements in the Environmental Protection Regulation 1998 amended to provide a relaxation of seven kilopascals for petrol blends containing nine per cent to 10 per cent ethanol. The relaxation does not apply to any ethanol content greater than E10.

Both the ethanol and petroleum industries have indicated that this regulatory change is a major breakthrough for developing an ethanol industry in this state. I am pleased to announce also that Queensland's own Neumann Petroleum has been supplying E10 at its south-east Queensland petrol stations since last week. This means that even more Queenslanders will be able to access E10 fuel.

MINISTERIAL STATEMENT

Indigenous Graduate Program

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.03 a.m.): This month the Department of Housing launched the Indigenous Graduate Program. Under the program, six graduates from the University of Queensland and TAFE institutions have commenced employment and training with the department for the next 12 months. In 2003, the Department of Housing is planning to take on an additional five graduates as part of this program. The graduates come from a diverse background and have a broad range of skills including communications, computer science, indigenous community welfare, health and business. The six successful graduates had to meet vigorous selection criteria and were interviewed before being selected. I congratulate them on their success in securing their positions.

The Indigenous Graduate Program is further proof that this government's Smart State agenda is for all Queenslanders. The Indigenous Graduate Program will provide graduates with an opportunity to develop their skills and knowledge on the job, enhancing their long-term employment prospects. This government is continually striving to create jobs for Queenslanders, especially for people of indigenous backgrounds. In this regard, I am pleased to advise that 9.2 per cent of Department of Housing employees identify themselves as being of Aboriginal or Torres Strait Islander descent. In fact, the Department of Housing exceeds the state government's employment target of Aboriginal and Torres Strait Islander people by more than seven per cent.

This latest initiative builds on the department's commitment to train and employ Aboriginal and Torres Strait Islander people. This is of particular importance in the department where we strive to ensure that our employees reflect the diversity of our clients, ensuring that their individual and varied needs are met. At the end of the 12-month period, graduates will be in a better position to apply for permanent jobs in the department and across government. The Department of Housing will be working closely with the participants through a mentoring system to maximise their employment opportunities.

I am also pleased to announce that the Department of Public Works won the Bridges to Reconciliation category in the Premier's Awards for Excellence last night for the Working for Reconciliation project.

Mr Mackenroth: Under the direction of the minister.

Mr SCHWARTEN: Thank you very much. This project promotes and supports the principles, process and spirit of reconciliation across the department through the development of effective partnerships with ATSIC communities throughout Queensland.

MINISTERIAL STATEMENT

Drought Assistance

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (10.06 a.m.): With the current drought conditions, the security of water supplies to communities is of concern to us all. My department is currently assessing applications for drought assistance from seven communities in the shires of Boonah, Peak Downs, Herberton, Isisford, Broadsound and from the Palm Island council which have applied for assistance. I have asked for the investigations into these applications to be conducted as quickly as possible so that I can make prompt decisions on subsidies for these projects. There are 52 shires and two part shires in Queensland currently drought declared. Also, there are more than 450 individually declared properties in another 30 shires which remain declared under state processes.

Drought declaration is not the only condition for subsidy assistance. Local governments should advise my department and the Department of Natural Resources and Mines at least four months prior to any imminent failure of the water supply. Assistance is available for councils forced to transport water to their communities and many councils are currently working to upgrade water and sewerage facilities with the support of this government. In the last financial year, payments made by my department under the Local Governing Bodies Capital Works Subsidy Scheme and the Smaller Communities Assistance Program for water and sewerage programs totalled $63.8 million. Payments made since July 1998 total more than $200 million.

Because of the drought conditions, my department recently carried out a survey of local governments to ascertain the number of urban water supply schemes being affected by the drought. The survey involved 670 settlements with populations of over 50 people and included 451 water supply schemes, 311 sewerage schemes and 248 water service providers. That survey revealed that the water supply sources of 50 communities in 25 local government districts were showing signs of stress. I urge affected councils to seek assistance as soon as possible through my department's Drought Stricken Local Governments Urban Water Supply Assistance Scheme, and I can assure those councils that any application my department receives for emergency water supply supplementation will receive immediate consideration.

MINISTERIAL STATEMENT

Industrial Disputes

Hon. G. R. NUTTALL (Sandgate—ALP) (Minister for Industrial Relations) (10.08 a.m.): The latest figures from the Australian Bureau of Statistics are further proof that this government's industrial relations laws are working, and working well. The strike rate in Queensland has fallen again in the last 12 months to the lowest rate on record in this state. The 29 working days lost per 1,000 employees in Queensland to August this year is significantly lower than the 55 days lost per 1,000 employees in Victoria, 32 days lost in New South Wales, and 30 days lost in Western Australia. And it is lower than the strike rate for Australia as a whole at 35 days.

Our disputation rate is even lower when we consider that a significant number of all working days lost in Queensland last year were in industries covered by federal awards not under the jurisdiction of the Queensland government. These results are a significant achievement also when we consider that Queensland has experienced the highest level of jobs growth of any state in the last 10 years. Twenty nine days lost is a very long way from the annual average of 118 working days lost per 1,000 employees under the former coalition government. In fact, Queensland's latest strike rate under the Beattie Labor government is just one-quarter of the average strike rate under the coalition government.

These results speak volumes for the fair and balanced industrial relations laws we have developed in Queensland. A stable industrial relations climate is good news for employers, employees, unions and the community. It is good news for the economy in helping to attract more investment and create more jobs in this great state of ours.

MINISTERIAL STATEMENT

Biotechnology

Hon. P. T. LUCAS (Lytton—ALP) (Minister for Innovation and Information Economy) (10.10 a.m.): Last week I returned from an eight-day biotechnology mission to New Zealand. The primary purpose of my visit was to attend and address the 8th International Pacific Rim Biotechnology Conference in Auckland. While Auckland, as many members will know, is a sister city to Brisbane, the conference provided a good opportunity to showcase to our PacRim neighbours Queensland's strengths in biotechnology and use the time over there to explore potential collaborations.

Representatives from several players within the industry in Queensland participated in the conference, including the Institute of Molecular Bioscience at the University of Queensland, BioPharma, ImmunomX, the Australian Genome Research Facility, and AIMS. Queensland was the only Australian state to have an official presence at the conference, a fact that did not go unnoticed among those whom I met with while there.

Prior to attending the conference, I also visited several facilities in both Dunedin and Wellington, such as the University of Otago, which boasts some impressive biotech strengths, Quest Venture Capital, BioSouth International, New Zealand's National Institute of Water and Atmospheric Research—NIWA—and the crown research centre AgResearch. It was not all biotechnology, though. I also met with Ministers Pete Hodgson and Paul Swain, whose portfolios have much in common with my own, and examined the Ministry of Social Development's implementation of voice-over Internet protocol for telecommunications. Further, I met with members of an ICT cluster steering committee coordinated through the Wellington Regional Economic Agency, all of whom were very interested to learn about how we do things here in the Smart State.

But wherever I went there was one message, one piece of feedback that I kept receiving, and that is that Queensland is on the move, that Queensland is a place to do business because we promote, nurture and support our businesses. That is the New Zealand experience and impression of the Smart State. I look forward to providing more information on the delegation's visit and its flow-on benefits for Queensland when I table my written report to the House in the near future.

ADDITIONAL SITTING DAY, FRIDAY, 29 NOVEMBER 2002

Sitting Hours, Order of Business

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.12 a.m.), by leave, without notice: I move—

That notwithstanding anything contained in the Standing and Sessional Orders, the House will meet for the dispatch of business at 9.30am on Friday 29 November 2002, on which day the routine of business shall be as detailed in the program circulated in my name, viz—

PROGRAM FOR FRIDAY 29 NOVEMBER 2002
(Circulated by Hon A M Bligh – Leader of The House)

9.30 am to 10.30 am—

Prayers
Messages from the Governor
Matters of Privilege
Speakers Statements
Motions of Condolence
Petitions
Notification and tabling of papers by The Clerk
Ministerial Papers
Ministerial Notices of Motion
Government Business Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Reports
Notices of Motion
Private Members' Bills
Question Time

10.30 am to the Adjournment of the House—

Government Business followed by a 30 minute adjournment debate

Motion agreed to.

SITTING HOURS; ORDER OF BUSINESS

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.12 a.m.): I advise honourable members that the House can continue to meet past 7.30 p.m. this day. The House can break for dinner at 7.00 p.m. and resume its sitting at 8.30 p.m. The order of business shall then be government business, followed by a 30-minute adjournment debate.

PRIVATE MEMBERS' STATEMENTS

Discrimination Law Amendment Bill

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (10.13 a.m.): The greatest blot we have seen on this parliament has been the shameful exercise by the Beattie Labor government of no consultation on the Discrimination Law Amendment Bill. I told the parliament this week there had been no consultation. Despite that fact, it was approved by the Premier, the cabinet and the caucus. This bill will be debated today. Last night people were invited by email at 6.15 p.m. to attend a meeting that ran from 9.45 p.m. to 11 p.m. Naturally, only about 20 church people were able to attend that meeting. At that meeting the Attorney-General was not able to provide the amendments. Certain promises were made about putting a preamble into the act so that that would clearly set out certain social standards, but nobody was given any amendments. The National Party has been the only party to stand up against this legislation and we have not been provided with any detail of the amendments.

This bill was brought into the House in the most secretive and shameful way ever. It was approved by the caucus and only the courage of the National Party and the churches has brought about the consultation.

Mr SPEAKER: Order!

Mr HORAN: I am talking about consultation, Mr Speaker.

Mr SPEAKER: The Leader of the Opposition is starting to talk about the bill.

Mr HORAN: Now, after two nights of parliament finishing at 12.30 a.m. and 2.15 a.m., the bill will come in this morning with no amendments being provided to anybody and no chance for members, who received hundreds of letters, to test those letters with their constituents, lawyers and everybody else. The obscene haste associated with this matter is a shame and disgrace.

Time expired.

45 Plus Project

Ms STRUTHERS (Algester—ALP) (10.15 a.m.): As we have heard from Matt Foley, the Minister for Employment, Training and Youth, if you are over 45 years of age, out of work and wondering whether anyone cares, the answer is yes. The minister and his department have initiated a suite of support programs for unemployed people over 45 years of age. Locally, I am delighted that Ray Goodey, editor of the Quest newspapers the *Southern Star*, *City* and *Shire Leader*, and Geoff Wilson, the president of the Southside Chamber of Commerce, did not need any arm twisting at all to come on board with the 45 jobs for over 45s in 45 weeks campaign. They have been great supporters. It has been wonderful to work with them and the over 45s on Brisbane's south will benefit greatly.

Department of Employment and Training staff Peter Westacott, Bill Kingston, Carol Elliot, Gavin Leckenby and others have all been great supporters as well, and they certainly care about people aged over 45 looking for work. The Mount Gravatt Training Centre has also been very ready, willing and able to manage the project. Sheila Orr, herself an over 45 job seeker until a few weeks ago, has now been appointed to coordinate the over 45s campaign. Sheila is promoting the Experience Pays program, which is the $4,000 wage subsidy available to employers who take on eligible people over 45 year of age.

I also express my best wishes to the first successful job seeker, George Skurka, and his employer A&N Communications. They have set a tremendous example for others to follow.

Mr Reeves: You've done excellent work.

Ms STRUTHERS: I had better take that interjection from the member for Mansfield. George and others like him have an abundance of skill, loyalty and experience to offer employers. My message once again to employers—and I will keep repeating this message—is to give the over 45s a fair go, because their bottom line will benefit. They should give the over 45 program on Brisbane's south side a ring on 1300 734545.

Health Services, Sunshine Coast

Mrs SHELDON (Caloundra—Lib) (10.17 a.m.): I would like again to point out to the House the disgusting state of medical services on the Sunshine Coast. A memo from Dr Bill Rodgers, the Executive Director of Medical Services, sets out that there are no services at Caloundra, Nambour and Noosa. At Nambour General Hospital there is no rheumatology service; no endocrinology service; no new respiratory patients; reduced service in general; reduced service in orthopaedics; for ENT services patients are referred to their private doctor; eyes, no service; gynaecology, reduced service; plastics, no service; antenatal clinic, reduced service; gynaecology, reduced service; paediatrics, reduced service. At Caloundra Hospital for general surgery there is no service; gynaecology, reduced service; orthopaedics, very limited—read 'none'; and ANC, no service. At the Noosa Hospital there is no antenatal clinic service.

One of my constituents wrote to the Premier about the public dental clinics, stating—

Dear Premier,

...

... In April 2000, being a senior citizen, I needed a dental checkup, so I placed my name on the waiting list and was told the waiting period was up to two years, having waited patiently for two years, I presented myself at Caloundra Dental Clinic, only to be told the waiting period was now up to 2.5 years. So in October this year I again visited the clinic, and to my annoyance was told the waiting period was now three and a half years ... I was also told that at that moment they anticipated they didn't hold much hope that this date would be honoured ...

So it would be another three and a half years, but really it would be four years, and possibly he could not be expected to be seen at all. He said—

Sir, I think your government has been in long enough to fix this ridiculous state of affairs, so how about some action instead of these promises.

We might be the 'Smart State', that is all very well, provided we don't smile and show our mouthful of decayed teeth. Please no more promises ...

How about some action? I think Nurse Wendy has been shown to be lacking again. It is about time she provided some decent medical and dental services to the Sunshine Coast, where the government has a couple of seats it is trying to hold. The people are sick of it.

Time expired.

Youth Justice Service

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (10.20 a.m.): I was honoured to represent Minister Judy Spence to officially open the Youth Justice Service—YJS—in Morayfield in the electorate of Pumicestone earlier this month. I arrived early to meet the dedicated and enthusiastic staff and was delighted to catch up with a dear friend, Fleur McLeod, who told me how much she enjoyed being part of the YJS scheme.

I was accompanied on a tour of the centre by Phil Carney, the state's program development coordinator, and Geoff Wells, the manager of Caboolture and Redcliffe Peninsula region. The member for Glass House, Carolyn Male, joined us and we were enlightened as to the facility's goals and shown some of the hands-on activities that the young people who visit are involved in.

The opening forms part of this government's coordinated response to youth crime and is part of an expansion of the YJS program successfully operating in Logan, Townsville and Ipswich. There has been a reduction in the number of repeat offenders and young people subject to supervised court orders. These decreases have also contributed significantly to the reduction of numbers in youth detention centres which averaged 151 in April 1999 and 108 in 2002. The programs that have been developed and initiated at Morayfield have included life skills, focusing on addressing offending behaviour, victim empathy, impulse control and cultural awareness for indigenous young offenders. I certainly enjoyed the speech by Mr Lyndon Davis who tutors in cultural inclusiveness as part of the Youth Justice Service program.

The YJS involves a number of community based agencies like 'Domestic Violence' delivering specialist content modules to young people. Money has been supplied by the Department of Employment and Training to fund an employment officer who will provide vocational, traineeship and apprenticeship assistance to young offenders.

This expansion of the YJS to the Caboolture/Redcliffe region is a significant part of the government's commitment to rebuilding the juvenile justice program. I am proud to be part of a government that is assisting some of the most vulnerable and disadvantaged youth in our society. It is good to see that the Beattie Labor government's policies are working so successfully, particularly in the areas where the YJS has been established.

Salinity in Queensland

Mr SEENEY (Callide—NPA) (10.22 a.m.): Last week the *Queensland Country Life* published a special report entitled 'Why salinity is not an issue'. Because I do not have time to read the report, I will table it for the information of members. The report was written by Peter Wylie who completed a PhD in sustainable agriculture in 1999 and is principal of what is one of Queensland's most respected rural consultancies. The report addressed the issue of salinity in Queensland in a measured, unemotive way and debunked many of the misconceptions that have been actively promoted for political reasons by the Beattie Labor government. It was a reasoned, practical examination of an important land management issue by a man who is indisputably an expert in his field.

In today's *Queensland Country Life* there is a shallow, nonsensical attempt to knock Mr Wylie's contribution to the debate and it is allegedly written or at least it is attributed to Mr Terry Hogan, the Director-General of the Department of Natural Resources and Mines. Today's article is a continuation of the emotive, unsubstantiated misinformation that the state government has used to run a scare campaign about the salinity issue for political purposes.

This government has tried to create a panic situation, using the salinity issue to bring about ideologically driven changes to water and vegetation management regimes that have no scientific basis and would not otherwise be accepted by the community. The article defends the government's salinity hazard maps even though Mr Wylie never mentioned them in his examination of the issue.

Mr Wylie quite rightly claims that there are no large areas of salinity in Queensland, only small localised outbreaks; yet today's article refutes this and refers to 48,000 hectares of land severely affected by salinity in Queensland. I challenge the Minister for Natural Resources to show me where this 48,000 hectares of severely salt-affected land is. It must be pretty hard to hide. I am ready, whenever the minister and his department are, to go out and see if we can find it—not to look at red coloured maps but to go out in the real world and find 48,000 hectares of severely salt-affected land in Queensland.

Of course, we will not be able to do that. It is all part of the government's scare campaign—a politically driven scare campaign that has reached a new low when the government attacks and belittles independent experts such as Peter Wylie.

Time expired.

Overseas Game Meat Export Pty Ltd

Mr POOLE (Gaven—ALP) (10.24 a.m.): On Thursday last week I had the pleasure of presenting a Queensland export award to Overseas Game Meat Export Pty Ltd on behalf of the Minister for State Development, Tom Barton. The company has a game meat production company in Nerang. On Friday of last week the company closed its doors and indirectly caused the loss of about 450 jobs throughout Queensland.

The problem arose through incompetence in a federal government agency, AQIS, which, through its bungling performance, had our award-winning company locked out of the Russian market. Overseas Game Meat Export Pty Ltd exports about 70 per cent of the cheaper cuts of meat to Russia and surrounding countries but through Russian ports. It seems that the problem was that the Russian regulators wanted to come to Australia and inspect production facilities, but AQIS refused their application and told the Russian authorities that they would be responsible only for accreditation.

The Russians lost patience and closed the borders to Overseas Game Meat Export Pty Ltd as from 1 January next year—too bad for the shipment of meat already on the way to Moscow after leaving our shores. The meat will not reach its destination in time and will most likely be rejected. My real concern is that apparently AQIS has known about the Russian authorities wanting to come and inspect the production facilities for some time and have failed to notify businesses relying on the trade with Russia.

Management of Overseas Game Meat Export Pty Ltd have spoken with AQIS who assured them that negotiations are presently under way with the Moscow office and they are hopeful of a quick resolution and a positive result. However, not putting too much faith in such rhetoric, management contacted the Department of Trade in Moscow and that office reported that it had had no contacts about the matter from AQIS. The company's worst fears were realised. How can

an award-winning company from Queensland be so badly let down by a federal agency led by Warren Truss in Canberra?

Mr SPEAKER: Before calling the member for Tablelands, could I welcome to the public gallery members of the Wilston Evening View Club in the electorate of Brisbane Central.

Townsville Hospital Radium Clinic

Ms LEE LONG (Tablelands—ONP) (10.26 a.m.): While the Beattie government continues to deny that there are problems with our health system the complaints keep rolling in. My office receives complaints not only about the two Tableland hospitals but about the Cairns Base Hospital and also the Townsville General Hospital. Complaints are rarely about staff but are about the reduction of services, beds and ward closures, the long waiting lists, referrals to hospitals long distances away for things that were previously done locally and the lack of public transport to those facilities.

In a recent letter it was brought to my attention that there is at least a six-week waiting list for therapy at the Townsville Hospital Radium Clinic. Simply because of staff shortages, only two of the three available machines were being used. The constituent who wrote to me advised that he had been diagnosed with a very aggressive form of cancer and needed radium therapy urgently. How devastating, in a life and death situation, to be told that one has to hang on for another six weeks before treatment—all this while the Beattie government insists that there is nothing wrong with the system.

My constituent expressed the trauma he experienced and also that of other patients he had spoken to who had similar problems. Many health services are gone or we have long waiting lists because of a lack of properly trained staff while the Beattie government espouses the virtue of exporting or selling off university places to foreigners because they pay more money than do our own home-grown students. As a result, our health services suffer at the expense of exporting education.

We are forced to watch as our public hospital services shrink as the Beattie government presides over the demise of our once-proud free hospital system—forcing everyone, ever so discreetly, to private GPs and dentists and forcing them to pay whatever it costs. This is not the Labor Party of old which introduced the free hospital system into Queensland. Today's Labor has no interest in ordinary people. It proves itself time and again to be intent on bringing in user-pays which does nothing more than hit ordinary Queenslanders in the hip pocket again and again. That does not sound anything like what the Labor Party of old stood for.

Liberal Party Branch Stacking

Mr MICKEL (Logan—ALP) (10.28 a.m.): All members do voluntary work that helps others and it is pleasing when that hard work, enthusiasm and dedication are recognised by the organisation—particularly when it is published in their newsletter. I want to bring to the House's attention an organisation, admittedly not based in my electorate, which has acknowledged my contribution on their behalf.

Members can imagine how chuffed I was when the work I have done to rid the Queensland Liberal Party of branch stacking was recognised in the November edition of the Queensland Liberal Party Newsletter 'Nundah News Down Under'. Members will recall my revelation of one of the more extraordinary rorts in Queensland political history, namely the resurrection of two very dead Liberal Party branches in the Lilley electorate to deny one very much alive and active branch a vote in the Senate preselection. My allegations were confirmed in a front page story under the bold heading ‘Why we never had a delegate'. My speech to the House was printed in full with the editor simply saying at the end, 'Thanks, Santo, for your support’—a backhander if ever there was one.

The newsletter contains some quotes that suit a coalition rather than the Queensland Liberals when it says—

Coming together is the beginning, keeping together is progress and working together is a success.

The newsletter also has a column entitled 'Contributions—Your Say' and gives a fax number. Given the many speeches I have been forced to make because of the widespread nature of branch stacking in the Queensland Liberal Party, I am afraid that I would send the fax machine into meltdown if I had to fax all my speeches. I commend the Nundah branch on its initiative and

invite all other Liberal Party branches repressed by the Caltabiano regime to go to my web site and use my speeches in their own future editions. It is all part of the community service I am prepared to offer.

Time expired.

Mr SPEAKER: Order! The time for private members' statements has expired. I welcome to the public gallery students and teachers from Monkland State School in the electorate of Gympie.

QUESTIONS WITHOUT NOTICE

Chief Magistrate, Ms D. Fingleton

Mr HORAN (10.30 a.m.): I note the Attorney-General and Minister for Justice's statement to the parliament this morning, but I refer him to yesterday's decision of Justice Mackenzie in which he found that the Chief Magistrate had exercised her power in giving directions in a manner so unreasonable that no reasonable person could have exercised the power in that way, had interfered with the judicial independence of other magistrates and had costs awarded against her. In another matter involving two other magistrates, Justice Mackenzie awarded costs in their favour against the Chief Magistrate and set aside her decision as to why one of these magistrates should show cause why he should remain in his position. I ask: can the minister explain to the House how these Supreme Court decisions do not constitute grounds for suspension of the Chief Magistrate under non-concurrent paragraphs 15(4)(c) and (d) of the Magistrates Courts Act relating to incompetence and serious neglect and proved misbehaviour?

Mr WELFORD: I make two very short points. The first is that it is not my responsibility as Attorney-General to give a legal opinion or give legal advice to the Opposition Leader. The second is that the member's question is out of order under standing orders.

Opposition members interjected.

Mr HORAN: He didn't like it.

Mr Welford: Wake up to yourself!

Mr HORAN: We know why you won't take any action.

Mental Health Services

Mr HORAN: I refer the Minister for Health to the fact that patients are spending up to five to six months in south-east Queensland acute mental health in-patient wards despite the national average for these acute wards being just 12 days due to a lack of beds and staff at long-term facilities. I also refer the minister to a memorandum sent by her department advising all mental health services in south-east Queensland to discharge patients from acute mental health in-patient wards and then readmit them upon their return rather than send them on leave. I ask: can the minister confirm that this directive has been given to clean up the books on bed stays in acute mental health in-patient wards? Given that for some patients leave only lasts for one day, is it best practice to create more paperwork for an already underresourced nursing staff by having to discharge and then readmit a patient within 24 hours? Finally, is the minister aware of staff sentiment surrounding this directive, many of whom believe it is unethical, immoral and potentially illegal to fudge the figures in this way?

Mr SPEAKER: Order! Before calling the Minister for Health, I point out that a number of the questions from the opposition are getting to be very lengthy. Those opposite know the standing order. I think that a few briefer questions would be much more in order.

Mrs EDMOND: The Leader of the Opposition made a three-minute speech about mental health services in Queensland and I will take the opportunity to respond, because what we have done in mental health services in Queensland has been revolutionary and has been the biggest expansion of mental health services this state has ever seen. We have moved from the days when the coalition reigned over what was described in the Burdekin report and the Ward 10B report as a disgrace. How anyone on the opposition side can put their hand up to ask a question about what we are doing in mental health shows that they have no memory. They have no memory at all of what we had to address.

I pay tribute to the member for Kallangur, Ken Hayward, and the previous member for Thuringowa, Ken McElligott, for the work they did in making the necessary changes and revolutionising mental health services across this state. And, Mr Speaker, you would know. What

mental health services were there in Redcliffe? None! Not a thing! Not anything! We have now progressed to the stage where there is a full range of services in Redcliffe and central Queensland.

When I became minister there were three areas that were regarded as still being a disgrace—and this was after the Leader of the Opposition was Health Minister—in terms of mental health. They were Bundaberg, where we have trebled the number of staff, Redcliffe and central Queensland. I made those areas targets for priority treatment so that they got the biggest expansion of staffing. But it is not just about expansion of staffing; it is about integrating acute services so that we now have a range of facilities—

Mr HORAN: I rise to a point of order. The question was about the directive. I now table the directive and ask the minister under standing order 69 to answer the question.

Mr SPEAKER: The member will resume his seat.

Mrs EDMOND: In his question the Leader of the Opposition made a three-minute speech. I am going to respond to it, because I am proud of what we have done in Queensland in mental health. We now have mental health legislation which is not only regarded as the best in Australia but also has received a tick internationally as being amongst the leading legislation in the world for mental health care. That is what has happened. We have also moved to smooth the integration between community services and acute services so that patients going out into the community who then need to be readmitted do not have to sit in general emergency departments. We are trying to smooth their readmission. Those opposite know and understand the wonderful work that has been done in mental health, and I am proud of it.

Hand Guns

Mr LAWLOR: I refer the Premier to the fact that the Police Minister is in Sydney today at the Australasian Police Ministerial Council discussing reforms to hand gun legislation. I ask: is the Premier in a position to update the House on the progress of this meeting?

Mr BEATTIE: I thank the honourable member for Southport for his question. The meeting is under way in Sydney at the moment. The Police Minister has been in touch and has said that there is broad agreement from all jurisdictions about the need to reform hand gun laws, and all I can say to that is hear, hear! I am advised that the federal government has put on the table an uncosted buyback scheme. The federal government has said that it is willing to put in $15 million which is left over from the previous buyback scheme that followed the Port Arthur massacre. The federal government wants the states and territories to share fifty-fifty in any costs that are additional to the $15 million. The states, including Queensland, have unanimously rejected that proposal because we believe that the buyback should be funded by the Commonwealth as it is a national responsibility. As I have indicated before, one of the difficulties here is the importation of illegal hand guns through our various ports and airports. Therefore, we need extra funding for Customs in Australia. We need to ensure that the Customs Service is properly resourced, and I call for that today.

The federal government has called for this national buyback scheme and the federal government should fund it. It is clearly within the Commonwealth's jurisdiction. The Police Minister is delivering this message on behalf of the Queensland government in Sydney at the moment. I am informed that another aspect of discussions is that there is broad agreement that primary producers would need to be given particular considerations in relation to these hand gun laws. I will also be discussing hand guns with the Prime Minister and other state and territory leaders at COAG next week and my message will be the same—that is, that we are very keen to be part of protecting Australians. We want to have sensible laws in relation to hand guns provided that we protect our gold medallists, our Olympians. That is what this is about.

In terms of gun licensing for the mentally ill—this is a very complex issue because it involves issues of privacy and confidentiality of medical records. It is an important issue and Queensland Health and the Police Service are currently working through it. They have met very recently. We need to work through it carefully. Consultation has been under way with groups such as the Australian Medical Association. This issue is also being discussed by the police ministers in Sydney today and I expect that it will lead to a tighter national approach—one which I welcome and so does my government.

While we are talking about important news, let me share some fantastic news about Queensland. Standard and Poor's rating services have just announced a confirmation of

Queensland's AAA credit rating, the local agency credit rating on the state of Queensland. What this means is that Queensland has a fantastic Treasurer and he is delivering for Queensland. Listen to the accolades for the Treasurer—

Queensland's general government sector is in a particularly strong financial position. The general government's financial strength is in its balance sheet, with financial assets exceeding financial liabilities. With Queensland's net financial liabilities expected to peak …

We lead Australia. That is what it says in essence. Ask me a question about it, Mike. I would love to talk to you about it.

AusLink

Mr JOHNSON: My question is directed to the Minister for Transport and Minister for Main Roads. I table a copy of correspondence on ministerial letterhead which has been forwarded to road construction companies from a Queensland Transport fax encouraging them to follow the government's political line on the AusLink proposal. Why is the minister pressuring and blackmailing companies currently on the department's list of registered suppliers to provide submissions in line with his anti-AusLink political stance? The minister states in the letter that he has suggested to the Commonwealth that it contact these firms as part of its consultation, yet the Commonwealth department advises that no such information has been provided by the minister. Why is the minister politicising the Department of Transport and misusing taxpayers' funds by having it send out ministerial correspondence using its fax systems?

Mr BREDHAUER: I thank the honourable member for the question. There is a simple answer: John Anderson asked me to. The Deputy Prime Minister and federal Minister for Transport asked me to provide him with a list of names of people that he could contact in Queensland who might have an interest in the AusLink proposal and he asked me to encourage those people to come along and express their views. I agreed. I told him that I would send him a list of the people I thought he should invite to the meetings and I told him that I would contact those people and encourage them to go along and put their point of view.

Mr Purcell: You should get Vaughan on the mailing list.

Mr BREDHAUER: We had Vaughan on our mailing list for a brief while but then we struck him off. I make no apologies for the fact that in so doing I told them what Queensland's views were in respect of the AusLink proposal. Why did I tell them that? Because I am standing up for Queensland, unlike the apologist for Canberra—

Mr JOHNSON: Mr Speaker, I rise to a point of order. That is why we are getting nothing in Queensland, because the minister continually bags it. He should wake up to himself.

Mr SPEAKER: Order! That is not a point of order. Resume your seat.

Mr JOHNSON: I just want to put it on the record.

Mr SPEAKER: Resume your seat!

Mr JOHNSON: It does not go through to him.

Mr SPEAKER: Order! Resume your seat!

Mr BREDHAUER: If there was any chance I was a little drowsy this morning, the honourable member's tie gave me a rude awakening.

I make no apologies for telling the people of Queensland, particularly the transport related businesses in Queensland, that John Anderson, the member for Gregory and the apologists for Canberra on the other side of the chamber are about to dud Queensland on road funding. I cannot believe that these so-called protectors of the bush are about to support John Anderson and that the member for Gregory will join a conspiracy with Canberra to dud Queensland of much-needed National Highway funding.

The other day when I was out at the construction of the Gatton bypass with the member for Lockyer, Senator Ron Boswell had his head in his hands because he had seen an accident at the Plainlands intersection. We have been trying to get funding for the Plainlands intersection for the last two years and the federal government will not put it on as a priority. I welcome Senator Boswell's interest. I have told him that I will write to him. If he will give us extra funding we will support the upgrade of the Plainlands intersection, as we have done.

I sent the information out to the transport companies to tell them exactly what it is the Commonwealth government and the apologists for Canberra over here in the National Party want

to do to Queensland's National Highway funding. I hope every member on this side of the House and maybe a few of the others who are not in government will join us in fighting Canberra's plan to slash road funding for Queensland, because it is not acceptable. Anderson knows that we have the worst National Highway network in the country and he should be putting in more money, not less.

Mr Johnson interjected.

Mr SPEAKER: Order! Member for Gregory. I am fast losing my patience. Order!

Mr Johnson interjected.

Mr SPEAKER: Order! You will cease interjecting.

Mr Johnson interjected.

Mr SPEAKER: Before calling the member for Mulgrave—

Mr Johnson interjected.

Mr SPEAKER: Order! That is my final warning. Before calling the member for Mulgrave, I welcome to the public gallery students and lecturers from the indigenous unit of the Kangaroo Point campus of the South Bank Institute of TAFE.

Native Title

Mr PITT: My question is directed to the Premier. I am aware that, along with Mines Minister Stephen Robertson, the Premier is making time to attend the annual resources lunch of the Queensland Mining Council. Will the Premier be spelling out what the government is intending to do in regard to Queensland's native title laws?

Mr BEATTIE: I thank the member for Mulgrave for his question. Before I answer it I want to share one thing with him, because I know he will be interested.

Mr Mackenroth interjected.

Mr BEATTIE: Absolutely. I will be telling the Mining Council this today. Standard and Poor's says—

With Queensland's net financial liabilities expected to peak in fiscal 2004 at about 49 per cent of its revenue, its balance sheet will remain one of the strongest amongst the Australian states.

What a great job the Treasurer is doing! We are the engine room of Australia. An independent assessment shows that we are the engine room of Australia.

The member for Mulgrave is right. Stephen Robertson, the Minister for Natural Resources, and I will be addressing the Mining Council today. The Queensland government from 1998 onwards invested considerable resources in its policy commitment to develop and implement a set of alternative state provision processes. The government saw real benefit in finding ways to make the native title processes more workable and integrate native title processes within the existing mining and exploration regime.

Yesterday the full Federal Court was unanimous in reversing the earlier decision of Justice Wilcox that the state's section 43 schemes for high impact exploration and mining production were inoperative. The court also unanimously dismissed a challenge to the validity of the section 26A low impact exploration schemes. In other words, our appeal succeeded. This decision confirms that the state schemes are and always have been operative. Accordingly, matters under the section 43 scheme that are in the LRT may be finalised and grants made under the section 43 scheme and grants made under the 26A scheme are valid.

Earlier this year I announced a review of the state's native title mining exploration regime. The review occurred in the period when it was thought that there was no operative scheme for high impact exploration or mining in Queensland. There was wide consultation, and mining industry stakeholders were strongly of the view that we should revert to a Commonwealth scheme.

Despite the decision of the Federal Court yesterday, my government will bring forward in early 2003 the necessary amendments to the Mineral Resources Act to allow the state to adopt the Commonwealth right to negotiate process. This will include using the expedited procedure for exploration activities that comply with the requirements of section 237 of the Native Title Act. In the meantime, however, industry can take advantage of the valid ASP provisions that exist. These will continue to be available for new applications until the federal scheme becomes operative. Transitional arrangements will allow for applications not finalised at that time to be concluded under the state scheme.

Under the federal scheme, the full right to negotiate procedure will be used for mining leases. The state will issue section 29 notices to initiate the right to negotiate process for mining leases and the state will be party to these negotiations. It will take the state some time to equip itself for this task and to redirect resources to be able to conduct good faith negotiations at a tempo which industry desires. This is an important position for native title. It is now resolved.

Gladstone Hospital

Mrs LIZ CUNNINGHAM: My question is directed to the Minister for Health. Gladstone's paediatric ward was closed because there were insufficient qualified staff. Other wards are closed over weekends, again, we are told, due to staff shortages. As two qualified senior nurses were given voluntary early retirement recently, will the minister clarify how her department will fill these positions as a matter of urgency to avoid exacerbating these current shortages?

Mrs EDMOND: The two nurses that the member keeps referring to as being nurses have not worked in nursing for a long time; they have been working in administration for a long time. Over the past few years we have been criticised by the opposition for the number of people in bureaucracies. I would have thought that the opposition would be welcoming any reduction in the bureaucracy in Health and a focus on clinical services.

A government member interjected.

Mrs EDMOND: We are putting more money into clinical services.

In relation to the children's ward at Gladstone Hospital, often there is no-one in it. Often there might be one person in it. That is not a safe way to nurse patients, nor is it a friendly way to nurse patients. There have been other provisions made for the occasional child who is a patient at the Gladstone Hospital and that is how it will continue. It is a more efficient use of resources and a more friendly atmosphere.

Australian Airlines

Ms BOYLE: I direct a question to the Minister for State Development. The government has undertaken some excellent work in assisting Cairns area businesses to capitalise on the Australian Airlines hub in Cairns. I ask: could the minister please inform the House about ongoing work and new developments since Australian Airlines began its new services?

Mr BARTON: I thank the member for Cairns for the question. Several weeks ago Australian Airlines literally took off in Cairns by commencing its new services. I know that my ministerial colleague Steve Bredhauer, who is also a Cairns region member, was present at the launch of Australian Airlines' first flight.

The Department of State Development has committed funding to help business development in Cairns. In fact, over $100,000 has been committed to funding for businesses in the Cairns region. I particularly thank the member for Cairns, because she chairs a committee of local businesspeople and interest groups to make sure that that funding is spent in the most effective way and to make sure that we support those local small businesses to build on the funding that we gave to support Australian Airlines to come into Cairns.

This is not just a matter of supporting the big company; it is a matter of making sure that the small businesses in the region get their share as well. The member for Cairns is crucial to making sure that that occurs. The Queensland government recognises the important work undertaken by Cairns businesses in relation to the recent arrival of Australian Airlines. As a result, these grants will assist Cairns underwrite its economic development activities to generate jobs, tourism and export opportunities for the Cairns region.

To date, three organisations have received funding from the Department of State Development. They are the Far North Queensland Institute of TAFE and Cairns Region Group Training to jointly develop, market and deliver cultural workshops to tourism, hospitality and retail operations in the Port Douglas, Cairns CBD and Kuranda regions; Malanda Chamber of Commerce to fund a coordinator to assist the town's businesses under the Malanda business initiative; and the Cairns Business Liaison Association for a series of events to showcase and promote enterprise education in the region. Funding has been awarded to those three organisations to assist them to conduct activities under the Cairns tourism action plan, which is a tourism and business strategy to highlight opportunities for Cairns businesses as a result of Australian Airlines' arrival to the region. The department, in partnership with business, industry, other government agencies and educational institutes, developed this action plan to help Cairns businesses identify those opportunities.

Everyone in Cairns and the region has a chance to capitalise on this activity. I certainly encourage them to make the most of it, as I know the member for Cairns is encouraging them through her work in conjunction with other local members. This is big news for local businesses. They will benefit from the new trade and tourism markets that are opening up as a result of this move by Australian Airlines. But most importantly, this is not just a boost for tourism and retail; many Cairns businesses will also get an opportunity in terms of being exporters as well.

Cairns Base Hospital

Miss SIMPSON: I refer the Minister for Health to an incident at the Cairns Base Hospital this month where a 41-year-old man was brought into the emergency department by ambulance. I understand that his family called the ambulance. He was threatening self-harm but he did not want to stay and was allowed to leave. A few hours later he was brought back to the hospital dead. He had hanged himself. I ask the minister: what education programs are in place to ensure that Queensland Health staff are aware of what they are able to do for mental health patients under the new Mental Health Act? Why is not a crisis care unit available in Cairns 24 hours a day, seven days a week, or are people not allowed to have mental health problems outside the hours of 8 a.m. and 10 p.m. on weekdays and 10 a.m. and 6 p.m. on weekends and public holidays?

Mrs EDMOND: Cairns is one of the centres in Queensland that now has a new acute mental health service and it also has a range of community mental health facilities through the community health centres at Edmonton and—

Ms Boyle: Smithfield.

Mrs EDMOND: Smithfield—which were not there when the member's side was in government. So there has been an increase in the range of mental health services in Cairns available to the community.

Tragedies such as this occur. When I was sitting where the member is now and the member's leader was the Minister for Health, there was a whole range of them. They are very hard to predict. Of course, the staff would have had counselling as a result of that tragedy. The member opposite is exploiting this tragedy for all it is worth.

An honourable member interjected.

Mrs EDMOND: Yes, I heard that comment.

Miss SIMPSON: I rise to a point of order. The minister's statement is extremely offensive and I ask it to be withdrawn. We have had contact with people who know about this tragedy. Can the minister show some sympathy and fix the system, because suicidal patients are not receiving treatment?

Mr SPEAKER: Order! The member has asked for the statement to be withdrawn. There is no need to make a statement. The minister will withdraw.

Mrs EDMOND: I withdraw, but it is a tragic event and it is very difficult for everybody concerned when these things are aired in the House in this way to score political points. The staff at Cairns are trained in mental—

Miss SIMPSON: The minister's comments are offensive.

Mr SPEAKER: Order! Are you asking for it to be withdrawn?

Miss SIMPSON: This is an extremely serious situation where a suicidal patient did not receive treatment.

Mrs EDMOND: Clinicians are trained in mental health. We have psychiatrists in Cairns and we have trained mental health staff in Cairns. The member is asking what training they get. I would have to get advice from the university and from the College of Psychiatrists about the exact details that they get in their training. But I am sure that the member also has access to those bodies. Perhaps she could make an approach to the College of Psychiatrists about the sort of training that they get.

WorkCover

Mr WILSON: I refer the Minister for Industrial Relations to a recent media report questioning the financial viability of WorkCover Queensland, an agency that this government is very proud of, and I ask: can the minister advise members of the House of the true state of the WorkCover fund?

Mr NUTTALL: Firstly, I thank the honourable member for the question. Under this government, WorkCover has made significant achievements for the workers of this state. For the third consecutive year, WorkCover has led all workers compensation funds in Australia. It is the only fully funded workers compensation scheme in this country. It offers the lowest average employer premiums of any state and still it supports our injured workers by offering among the best benefits in this country.

In 2001-02, WorkCover recorded an operating deficit of $73 million. That was on the back of poor performance of investment markets worldwide. All members would appreciate that that downturn had an effect on the majority of financial institutions around the world. WorkCover is not immune to those investment fluctuations.

However, focusing on WorkCover's operating result for a particular year does not tell the full story of the WorkCover success. Currently, WorkCover enjoys an equity position of $466 million. That means that if we deducted every one of WorkCover's liabilities we would be left with $466 million in assets. On top of that, WorkCover also maintains full funding in excess of its legislative requirements of 20 per cent statutory solvency.

WorkCover's prudent financial management is due to an investment fluctuation reserve that was established in 2000. The reserve is an amount over and above WorkCover's required solvency level for full funding and is there solely to buffer the effects of a volatile investment market in order to provide premium stability to the workers and employers of this great state.

Letters of congratulations have been received by WorkCover in the last month on its performance for the last financial year. Among them was one of Queensland's leading employer groups and indeed a letter from the opposition thanking WorkCover for its support and the way it has done a great job. I thank the opposition for sending that letter of support to WorkCover. I congratulate WorkCover's board and the CEO for their sound financial management in the face of a very disappointing investment climate. WorkCover will continue to provide the best insurance for workers in this state and the lowest premiums for our employers.

Gun Control Laws

Mr QUINN: I refer the Premier to next week's scheduled COAG meeting where all state governments and the Prime Minister will put forward proposals to strengthen gun laws. Will the Premier take this meeting seriously by putting on the table his plans to ensure that any criminal who uses a gun in an armed robbery will face a mandatory jail sentence, or will the Premier stick to Labor's policy of turning a blind eye to the loophole in our laws which continues to allow many convicted adult armed robbers to escape any form of jail sentence?

Mr BEATTIE: A little earlier I answered a question from the member for Southport in which I spelt out that right at this moment there is a meeting of police ministers in Sydney, which is why Tony McGrady is not with us. At that meeting there seems to be, from what Tony has indicated, national agreement on the laws. There are some arguments about who will fund the buyback. There was $15 million left over from the Port Arthur fund that is being put on the table by the Commonwealth. It obviously wants the states to pay the rest. We think this is a national issue. We think there should be more money for Customs. In answer to the first part of the question about whether we will take it seriously, yes we will. We are already doing that today as part of a national agreement and that is being worked on very closely with the Commonwealth. I said to the Prime Minister when we attended the service in Canberra that we would work very closely with him on this, and next Friday at COAG we will do so.

In terms of the issue of mental illness which the member has raised publicly, I referred to that this morning really as a courtesy to the member to indicate that that is also on the table today but will be dealt with on Friday. Any measures which are being pursued nationally to improve gun control laws in this country we will support. We believe in tighter gun law controls for hand guns. There is a problem with the importation of hand guns. There are issues that the member raised in relation to particular people which we are dealing with.

Are we taking this issue very seriously? Yes, we are. We saw that tragedy in Melbourne where a number of people were killed at the university. Under those circumstances, we need laws to provide greater protection and we need greater protection from people being irresponsible. The only concern I have ever had through this—and I talked to the Prime Minister about it—is that there are great sportsmen and sports women in this country who are involved in sporting shooters associations who have gone on to win Olympic medals. In the recent Commonwealth Games

they won more medals, in a sense, than anyone else. Therefore, we need to ensure that they can continue their sport but that we also protect the community.

While I am on my feet, I thank the Leader of the Liberal Party for his general support for the discrimination legislation before the House. I know that this is difficult legislation. I will have something to say about it when I speak later today, but I do want to warn the leader that I understand that the National Party is indicating that it will run an Independent National against him because of his courageous stand. I want to make it very clear—

Mr HORAN: I rise to a point of order. That is an absolute lie and the Premier should withdraw it.

Mr SPEAKER: That is not a point of order.

Mr BEATTIE: As I reported to caucus last week, I understand that one of the leader's staff members was saying this. I would not be terribly excited. Is the Leader of the Opposition prepared to indicate full support for Mr Quinn in a coalition now? Give your full support to him! Let the record show that the Leader of the Opposition would not give his full support to Bob Quinn. He had his chance to support him and he would not.

Mr HORAN: I rise to a point of order. It is a really sad indictment of the position the Premier is in with his antidiscrimination legislation and it is symptomatic of the position he has been put in with this secret legislation that he stoops to the gutter to put up lies like this in the parliament.

Mr SPEAKER: Order! That is unparliamentary.

Mr BEATTIE: I rise to a point of order. That is untrue and I seek for it to be withdrawn.

Mr HORAN: I have made my point and I withdraw it.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order. Before calling the member for Glass House, I welcome to the public gallery students and teachers from Helidon State School in the electorate of Lockyer.

Caboolture Northern Bypass

Ms MALE: My question is directed to the Minister for Transport and Minister for Main Roads. I refer the minister to recent construction work on the Caboolture northern bypass and I ask: how is work proceeding on this project?

Mr BREDHAUER: While Inspector Clouseau over here is out tracking down fax streams, we are building roads. The construction of the $33 million Caboolture bypass project, the northern bypass project, is one great example of important infrastructure that we are building for regional parts of Queensland. When the member for Glass House and others joined me for the launch of that project a few months ago, it was welcomed by the local community because it brings about the culmination of nearly 20 years of planning in delivering that significant road project.

The road is about 5.5 kilometres long and extends from Williams Road at Moodlu to Old Gympie Road at the Caboolture showgrounds. I am very pleased to report to the House today that at present the road construction program is running about four months ahead of schedule and that the first stage is due to be completed early in the new year. We are constructing two traffic lanes and shoulders, a new bridge at Lagoon Creek, overbridges at Smiths and Williams roads and a pedestrian machinery underpass at Elvis Street. At the same time, we are doing work on the $4.3 million upgrading of the old Gympie and Pumicestone roads intersections on Beerburrum Road. This work will cater for the extra traffic from the first stage of the bypass and reduce congestion at both intersections and is due for completion in late December. We have worked very closely with the local community and the local members out there to deliver this important infrastructure project.

Mr Johnson: How much federal money?

Mr BREDHAUER: None of that is federal money. The federal money comes in when we do the intersection with the National Highway, when the federal government agrees to fund it. It has not agreed to fund it yet. Key aims of the project were to minimise disruption to the operations and viability of the Caboolture showground. I have met with the Caboolture Show Society. The showgrounds are a very historical area and we have worked very hard to try to minimise disruption to the showgrounds. We have also had to take into account land use further east and the point which seems to have Inspector Clouseau over here excited, the 'connections' with the Bruce Highway. Construction of the next stage of the bypass east to the Bruce Highway is currently

included in the Roads Implementation Program at a cost of $32 million. The timing of completion, though, is dependent on the federal government's funding commitment to the six lane upgrade of the Bruce Highway north of the Caboolture River. We are doing our best to progress this project. I thank the local member and the member for Pumicestone for their support, because this will be an important traffic link in that region.

Alcohol Management Plan, Aurukun

Ms PHILLIPS: My question is directed to the Minister for Aboriginal and Torres Strait Islander policy. The Aurukun community is the first indigenous community to present its plan for alcohol management in line with the Beattie government's major reform strategy Meeting Challenges, Making Choices. What is the government doing to support Aurukun and other communities fight the scourge of alcohol and violence and build a better future for their children?

Ms SPENCE: I am pleased to report that the Aurukun local justice group has submitted its alcohol management plan to me for consideration. I table the plan for the benefit of honourable members. If they take the opportunity to look at it, they will see that it is a detailed, comprehensive and indeed courageous plan to manage the consumption of alcohol in this community. What the Aurukun community is proposing to government is that the only place alcohol will be consumed is in the hotel, that there will be no bring-ins or takeaways in this community, and that limitations will be placed on those who can be served at the hotel. For example, this alcohol management plan suggests that people who do not send their children to school should not be served alcohol at the hotel, that people who are the subject of domestic violence orders should not be served at the hotel, and that parents or carers who neglect their children and have their children taken from them under child protection orders should not be served at the hotel. It is an interesting and comprehensive plan and I would encourage all honourable members to have a look at it.

Aurukun is the first community to have submitted a plan, but other communities will begin to submit their plans over the next few months. In fact, we expect to receive plans from Napranum, Cherbourg, Palm Island and Woorabinda in January, with the other communities following in the first six months of next year. It is fantastic and courageous, and it is now up to us as a government and as a community to support this plan and make sure that we help this community make it work. As I said, the hard work is ahead of us. We now have to transfer the hotel licences from the councils to the alcohol management boards, and they are yet to be established.

Other communities are still going through the process of formulating their negotiation tables and working out their own plans. I would like to acknowledge the important contribution our directors-general are making in this process. Each of our directors-general has taken on a community and set themselves up to help this community as a community champion and will be helping to facilitate these negotiation tables. It is important that we remember why these communities are doing this. We know that these communities are still suffering from appalling levels of domestic violence, sexual assault, child abuse and neglect, and that the levels of school absenteeism are too high. That is why we are determined to control the grog.

Queensland Ambulance Subscription Scheme

Mr MALONE: I refer the Minister for Emergency Services to his government's tendering of the Queensland ambulance subscription scheme to private health funds, and I ask: given that he indicated the tendering process would be finalised by early November, who has won the tender and can he guarantee that subscription costs for Queenslanders will not rise?

Mr REYNOLDS: I thank the shadow minister for his interest in this very important area. I can report to the parliament today that that tender process has been completed and the matter is currently being considered by the government.

Sir Leslie Wilson Youth Detention Centre Site

Mr TERRY SULLIVAN: I refer the Minister for Public Works to the decision to close the old Sir Leslie Wilson Youth Detention Centre and to redevelop the site, and I ask: can the minister inform the House what progress has been made?

Mr SCHWARTEN: I thank the honourable member for his question and his interest in matters to do with affordable housing. Yes, this government did make a decision to close the sorry tale of

woe that was the Sir Leslie Wilson home. Last year I joined the Premier and Minister for Families in attending the closing ceremony. The doors were closed on a sad part of our history, but a bright future has emerged from that site.

The Department of Housing has purchased that land and, as a result, there will be 11 allotments, with 25 townhouses and 10 houses. Out of that arrangement we will get five units. Increasingly, we are looking at ways in which we can be more creative—for example, the Brisbane Housing Company, the Kelvin Grove Urban Village, and buying the houses at Amberley. We are doing everything we possibly can to make a difference in Queensland and to be as innovative as we possibly can. Since I have been minister this government has increased funding to housing by $130 million, which is in sharp contrast to what the federal government has done.

I noted today that the shadow minister, Mr Hopper, has been big-noting himself in the paper. We all know that he came into this place standing up for battlers—

Mr Shine: And Independents.

Mr SCHWARTEN: I was about to get to that. He ratted on his electors first and now he is ratting on the battlers. What he is saying is that this government should not be taking on Canberra to get more money for housing. He is joined by QCOSS and Shirley Watters. I cannot understand it for the life of me. The truth is that I will continue to fight Canberra over this issue. This is a Commonwealth issue. This government has increased funding to housing by $130 million. Where do the shadow minister or QCOSS suppose we will take the extra money from to put into housing? Education? Health? No! The Commonwealth government has taken away this money and we cannot cop that in Queensland. It is as simple as that. This shows that the opposition spokesperson for housing is as free of ideas in the area of housing as a turtle is of hair.

The truth is that it is time the policy minds opposite started to be exercised so that the people of Queensland got a firm idea of what they would do in government. We have not heard one policy idea from them in that regard. The truth is that this government has made housing a priority. But it is not possible to plug the gap that the Commonwealth has left—$240 million. I challenge any member opposite to tell me where they could find $240 million to make up for their bludging mates in the federal government.

Chief Magistrate, Ms D. Fingleton

Mr FLYNN: I refer the Attorney-General to the unfortunate controversy surrounding the Chief Magistrate, and I accept that he has in part addressed that this morning. I know some of the details of the issue and the personalities involved. I am quite amazed that the Chief Magistrate was not more forthright than she was. Notwithstanding the requirement that the Attorney-General obtain advice, I ask: is he willing to indicate his unequivocal support for Ms Fingleton and would he anticipate being able, at this stage at least, to recommend that she continue in office?

Mr SPEAKER: The Attorney-General would realise that the member has asked for an opinion and also legal advice. I do not think that is in order.

Mr WELFORD: He has asked for an expression of view that does not necessarily go to legal advice of itself. I indicated yesterday that the Chief Magistrate has been Chief Magistrate now for a number of years. Overall I think the Chief Magistrate has shown a great deal of commitment and diligence in the job. The recent initiative with the Murri court, for instance, is an example of how the Chief Magistrate has genuinely sought to reform the processes of the Magistrates Court to make it the court of the people and more accessible in terms of access to justice for the people of our state. It is a difficult job. I do not think it is appropriate for me to go beyond those comments in the current context and, as I indicated to the member in an aside, standing orders preclude me from further discussing this matter while other considerations are pending.

Education and Training, Gold Coast

Mrs REILLY: I refer the Minister for Employment, Training and Youth to the recently launched white paper on education and training reforms and his related visit to the Gold Coast, and I ask: what initiatives are already under way on the Gold Coast to provide more flexible pathways for young people in the transition from school to work?

Mr FOLEY: The Gold Coast has shown terrific leadership in action and in ideas for creating better pathways from school to work. There remain 10,000 young people aged 15 to 17 who are

out of school, out of work and out of training, but what we see on the Gold Coast is the work of groups such as the Gold Coast Youth Commitment Forum, the Gold Coast Integrated Response for Youth at Risk, YHES House and, significantly, the Youth Access Program run by the Gold Coast Institute of TAFE in Southport. These initiatives are really demonstrating that it is possible to do a lot better in building pathways through school and training programs to the world of work.

It is possible to do a lot better in terms of reaching out to the young people out of school, out of work and out of training. I must say, with a degree of pride, that the Youth Access Program run by the Gold Coast Institute of TAFE in Southport won a Premier's Award for Excellence in Public Sector Management in focusing on the 'Our People' category, and that is great to see.

Early in this term I had the great honour and pleasure of attending a breakfast seminar at the Gold Coast organised by SCISCO—the South Coast Industries School Coordinating Organisation—together with the honourable member and a number of the newly elected honourable members from the Gold Coast who displayed a genuine enthusiasm for making a difference in this area.

I was truly inspired by the address given by Ms Fran Jones, president of the Gold Coast Youth Commitment Forum and principal of Keebra Park High School, in outlining what is being done down there. I was enormously impressed by the work of people like Ms Lyn McKenzie who is now the principal of Robina High School. In the course of consultation, Ms Jones and the Gold Coast Youth Commitment Forum urged on the government that we should not merely provide government services but that we should actively foster a community commitment to youth.

That concept will be enshrined in legislation to be brought before this House next year, and it says simply this: this is something not just for government but for the whole community, including in particular employers, schools, TAFE, other training organisations, local government and other community organisations. That concept of a community commitment to youth is a concept which will be injected into the legislation of Queensland as a direct result of consultation with the Gold Coast people which arose out of their terrific initiatives in tackling this problem.

Water Charges

Mr SEENEY: My question is directed to the Minister for Natural Resources and Minister for Mines. I refer to the current drought and the fact that SunWater is still charging irrigators for water that it cannot deliver because of the new pricing structure of tariff A and tariff B. I ask: as a real, meaningful drought relief measure, in contrast to the meaningless rhetoric that we heard in this House last night, will the minister drop SunWater's tariff A water charge for those irrigators who have a reduced annual allocation or no water at all to pump because of the drought?

Mr ROBERTSON: May I thank the honourable member for the question, and I genuinely say that because today is a very important day. Today it has been 365 days since the honourable member has asked me a question in this House on natural resources. Happy anniversary, member for Callide! May I welcome him back to natural resources after such a long sabbatical.

While he has been away a lot has been happening in the field of natural resources. I think we should, perhaps, reflect on the sad state of the National Party at this stage. Remember when natural resources, water, vegetation management and salinity used to be the meat and potatoes of the National Party? Well, what a sad state the National Party is in. It has taken them a year to get on their feet and ask me a natural resources question.

The simple answer to the question is no; that is not under consideration simply because it would offend the national competition principles in relation to water. There is no active consideration of that matter at the moment.

May I just take the time that is left to me to respond to some suggestions made by the member for Callide earlier today regarding salinity. He stood in this place and made a two-minuter, once again bagging the government in terms of the initiatives that it is taking to ensure the long-term sustainability of the landscape. I found that rather curious because just recently I happened to be reading the *Central and North Burnett Times*, as one does, and I came across a really interesting article called 'Talking Politics' by the member for Callide. He was addressing the issue of salinity. He said—

> These salinity hazard maps—

the ones that he just criticised in this House—

> can be a very useful management tool for landholders and resource managers across the catchment if they are understood and used correctly.

He then goes on to say—

These salinity hazard maps show land managers where to look for potential salinity problems and allow them to devise avoidance strategies and in that regard they are a welcome and useful tool in the quest for sustainable development.

Although he has been asleep for the last year, at least he has learnt something. It goes on—

Regrettably, that was the result of the release of similar salinity hazard maps for the Condamine Balonne catchment in South West Queensland and the resulting furore of misinformation in the media set back the process towards sustainable development in that area by a decade.

I probably need to take some advice from the Attorney-General about this, but that sounds like a guilty plea to me—an absolute guilty plea. He is hoist on his own petard. His support for the salinity hazard map and the national action plan on salinity and water quality is welcome, albeit a bit late.

Mr SPEAKER: Order! Before calling the member for Clayfield, could I welcome to the public gallery students and teachers of North Pine Christian College in the electorate of Kallangur.

Doomben Racecourse; Wastewise Program

Ms LIDDY CLARK: My question is directed to the Minister for Environment. What are, and what will be, the benefits from the recycling program recently launched at the Doomben racecourse in the electorate of Clayfield?

Mr WELLS: As the world knows, the honourable member for Clayfield is a regular at that particular racecourse in her electorate, and the world needs to know that she has played a very significant role in the development of this new program, the Wastewise program, which I launched at Doomben on 9 November. Environmental strategy is all about finding out what works to create an ecological advance and then taking the next step. The Wastewise program is the next step.

On 9 November, one tonne of waste material was saved—one tonne in addition to what had been saved before—because of a partnership entered into by my Sustainable Industries Division and Doomben racecourse. In the past we have seen that home recycling programs have worked effectively. The recycling which we achieve in Queensland stacks up very well by world standards in comparison to Europe and North America, for example, in spite of the fact that our population is very much more widely dispersed. It works, but what we have not attacked effectively yet anywhere in Australia is the recycling of materials in public places. That is what we are doing with the Wastewise program, and that is what we launched at Doomben. We recycled one tonne of recyclable material—paper from form guides, cardboard, plastic, aluminium, glass and the like. That material can be and now is being saved.

Mr Schwarten: What about the horse manure?

Mr WELLS: The horse manure is being recycled and is being used as fertiliser at the Botanic Gardens. I thank the Honourable Minister for Housing for his useful idea and his expertise in that particular field.

What we are doing with this program is working to the next step, which is public facilities. Then we will move on to private facilities. Imagine how much we could save from landfill if an effective Wastewise program was operating in shopping centres and other places where very large numbers of people are meeting, gathering and consuming materials which are contained in paper, cans, glass, aluminium and other materials. The possibility for the saving of our raw materials, the saving of waste and the effective delivery of recycling is going to enable us to leave this planet with a less indelible footprint. The possibilities are enormous.

Proposed Community Titles Bill

Mr BELL: My very brief question is to the Minister for Natural Resources. I know that the minister has been consulting widely in the community in relation to the proposed new Community Titles Bill, and I ask: what progress has been made and when is the minister likely to be presenting the bill to the House?

Mr ROBERTSON: I thank the honourable member for the question. In the very short time available to me, I indicate to the honourable member that it is imminent. It is, however, yet to go to cabinet. Therefore, obviously if it succeeds in going through the cabinet process I hope to be in a position to present the bill to the House next week but, if not, then very early next year.

Mr SPEAKER: Order! The time for questions has expired.

DISCRIMINATION LAW AMENDMENT BILL

Second Reading

Resumed from 6 November (see p. 4446).

Hon. K. R. LINGARD (Beaudesert—NPA) (11.30 a.m.): I rise to move an amendment to the motion that the bill be now read a second time.

Mr SPEAKER: We have not asked that the bill be read a second time. The member cannot move an amendment now.

Mr LINGARD: I am moving an amendment to the second reading.

A government member: But you haven't got the call.

Mr SPEAKER: The member cannot.

Mr LINGARD: I have asked for the call.

Mr SPEAKER: No, the member cannot. The member does not have the call.

Mr LINGARD: Mr Speaker—

Mr SPEAKER: The member does not have the call.

Mr LINGARD: Mr Speaker, I have asked for the call.

Mr SPEAKER: The member will resume his seat. I will talk to the Clerk. Order! I have just taken advice from the Clerk. He tells me that there is a precedent for this, but I inform the member for Beaudesert that should he do this he will not get the opportunity to speak in the second reading debate.

Mr LINGARD: Mr Speaker, I ask that you be the Speaker and not the Deputy Premier.

Mr SPEAKER: Order! That is a reflection on the chair and the member will withdraw it.

Mr LINGARD: I withdraw it. But I also say to the Deputy Premier that he is not the only one who knows the standing orders.

Mr SPEAKER: Order! Is the member going to move the motion?

Mr LINGARD: I rise to move an amendment to the motion that the bill be now read a second time. As per standing order 245, and I ask those opposite to open their books and have a look at it, I move—

That the word 'now' be removed and the following words 'on Tuesday 3 December' be added.

The amended motion therefore reads—

That the bill be read a second time on Tuesday, 3 December.

I also refer to standing order 109, because the Deputy Premier has made a big song and dance, and advise that I am not deputising for the Leader of the Opposition. That role will still be taken by the member for Southern Downs. I also refer to sessional order 241, which states—

Further Debate on the Question 'That the Bill be now read a Second Time' shall be adjourned for a period of at least thirteen whole calendar days.

There has always been a very good reason why standing orders originally stated that a bill must lay on the table for a period of seven days. This was changed in the sessional order in March 2001 to 13 days. There is a very important reason why bills stay on the table for 13 days. First of all, it was a courtesy to the public so that a bill could be discussed by the public. The public could become aware of the implications of that particular bill. They could offer suggestions about that particular bill.

It was also a courtesy to the policy committees that all members of parliament refer to. We could take bills back to the policy committees for suggestions and we could bring these ideas back to the parliament. There is a need for the government to be able to govern and present its legislation, and I accept that. That is why we have moved an amendment that this debate be delayed till Tuesday, 3 December, because clearly that will allow this bill to still pass through the parliament next week if it is that the government decides that it is so urgent.

There is also a courtesy to the affected groups. There is difficulty with changes to legislation and groups not previously affected can be affected by changes to the legislation. Quite obviously that is happening in this particular bill and that is why I am moving the amendment. There are amendments to come into this House today which the shadow spokesman has not seen. There are amendments to come into this House today that no-one has seen. So none of these amendments have been given as a courtesy to the public. No member of the public has been

able to refer to any of these amendments. No member of the public, who previously might not have been affected by the legislation that has been introduced into the House, has had an opportunity to respond. In this case, church schools are obviously affected by this legislation. International schools are affected. Teachers themselves are affected by this drafting of the legislation, as are the legal people. There is no doubt that the drafting of the new amendments has not been completed and certainly has not been distributed to the opposition.

Mr Fouras: What are you talking about? It has been on the table for 17 days.

Mr LINGARD: I refer the member for Ashgrove to how vehemently the Deputy Premier sat there and said, while the Speaker was receiving advice from the Clerk, that we could not do it. It has clearly been proved in the last 10 minutes that we can do it and that we are doing it. It is obviously legal to do exactly what we are doing. Maybe the member for Ashgrove has never seen it done in the House before. There are many things he may not have seen done in the House. There are certainly many things that the then Leader of the Opposition and now Deputy Premier did not do. But there is no doubt that the opposition is allowed to move such a motion under section 245. Many members who have opened their standing orders by now can see that the opposition is allowed to move a motion that this debate to be delayed until Tuesday, 3 December.

Mr MACKENROTH: I rise to a point of order. I never claimed that the Leader of Opposition Business could not move this motion. I know he can move this motion. I have seen it done before.

Mr Lingard interjected.

Mr SPEAKER: Order! Listen to the point of order.

Mr MACKENROTH: What I said was that the person who had the call on the *Notice Paper* is Mr Springborg. He has taken the call away from him by standing in his place.

Mr LINGARD: Let me say also, as I have said to the Deputy Premier, that under standing order 109—and I ask members to open their copy of the standing orders—I can ask that I not be the deputy to the Leader of the Opposition. It is not the shadow minister who takes the call; it is the Leader of the Opposition who takes the call or his deputy. If the Deputy Premier looks at that under 109 he will see exactly that.

Mr MACKENROTH: I rise to a point of order. The person who leads for the opposition is deputising, and that is who it is. He moved the adjournment. Under the rulings which have been given in this House whilst I have been here, he would lose the call. I would not wish to take it off him, because I think we should hear him, but that is what his own party could have done to him.

Mr LINGARD: Let us forget that particular issue, because quite obviously—

Government members interjected.

Mr LINGARD: If those opposite want to debate it, I do not mind. But sooner or later I would say that the Speaker is going to pull me up and say that my comments now are not relevant to the motion. However, I can say that under standing order 109 that is allowed and clearly it is necessary if the opposition is to move an amendment to the second reading, because it cannot be done any other way. Quite clearly, the shadow minister could not—

Government members interjected.

Mr LINGARD: Let me say to all members in the House exactly what cannot happen. The shadow minister cannot move the motion that I have moved simply because, as the Deputy Premier has tried to state, he is then not allowed to speak to the second reading debate. Clearly, I say to all members that I am not allowed to speak now to the second reading debate, nor will the person who seconds this motion be allowed to speak to it. I know that. But anyone else who now speaks to this motion is allowed to speak to the second reading debate. It is quite clear. The Deputy Premier does not need to stand up here and tell people what he thinks the standing orders are. In the last 10 minutes he has been clearly wrong.

The Premier stood here this morning and said, 'My government is listening to the needs of the community.' This is a typical reflection of a government which has a massive majority and a government which reflects that potential. I say to all members on the government side: there would be plenty of people around and on this side of the House who saw exactly what happened in 1983. When a government has those sorts of numbers it is hard to be humble but it is certainly easy to be arrogant. Clearly this government has become arrogant. Clearly this government is saying, 'We do not need to consult. We will bring in this legislation with all the amendments. We

will not show the amendments to the shadow minister. We will not show the amendments to the opposition. But we expect the shadow minister to stand up and run a discussion without even seeing the amendments.'

The opposition has had no consultation. It has not had the courtesy of a briefing that will explain the proposed amendments. The government is just trying to rush this through. It is not doing it properly. The bill needs to be deferred because, whilst we get the gospel according to St Peter from the newspapers, we on the opposition have learnt that what he says and what he means are not necessarily the same thing. So what he tells the newspapers he is going to do, and even what he tells the community in consultation he is going to do, is not necessarily what he is going to do in that legislation. The opposition and all members of this House need time to ensure that the action matches that rhetoric.

The Scrutiny of Legislation Committee has to consider the application of fundamental legislative principles to the particular issues in the bill. Clearly this cannot be done because amendments have been made since last night's meetings. Clearly the Scrutiny of Legislation Committee will not be reporting on these amendments. The Scrutiny of Legislation Committee has four legal advisers, two research staff and an executive assistant. What is this government doing? It will completely override the Scrutiny of Legislation Committee and there will be no report from it.

For some time now we have seen legislation introduced into the House and in some cases after the shadow minister has addressed the bill ministers have introduced substantial amendments without consultation. That is what the government is trying to do here today. It is trying to make the shadow minister speak to legislation in relation to which he does not even know the amendments. Whilst the government members might have been briefed at caucus last night, none of the opposition members have been briefed. None of the Independent members have been briefed. None of us have had an opportunity to understand the amendments which the government will clearly bring in after consultation with a small group of people last night.

The amendment I have moved will allow discussion of the changes in the legislation. It will allow that discussion out in the public arena for a period of five days. That it should be for only five days goes against my views, but I am not asking members of the parliament to delay this legislation. I am saying that a period of five days, until Tuesday, will allow us to look at the amendments. It will allow us to go out in the community. It will allow all of that sort of discussion. It will allow us to come back here next Tuesday and get the legislation through.

I do not know why the government is so keen to get this legislation through by the end of this week. I do not understand why, but for some reason the government wants to push it through. For some reason it needs to get the legislation through the parliament quickly. If there is some reason, let it be said. I am asking for five days to go out to the public and discuss it and then the government can come back to the House and pass the legislation next week.

Mr SEENEY (Callide—NPA) (11.44 a.m.): I rise to second the amendment moved by the member for Beaudesert. I urge every member in this House to give it some consideration and to give it support. Even the vocal cheer squad on the Labor backbench would have to concede that the proposition the member for Beaudesert has put forward is fair and reasonable in the circumstances.

Let us look at the circumstances this parliament faces. We have a piece of legislation that has caused considerable consternation in the community. In every electorate this piece of legislation has caused debate and consternation amongst our constituents. I know without asking that every member in this House has correspondence received from people who are diametrically opposed to elements of this legislation and from people who are supportive of this legislation. I certainly have. I would be shocked if there was one member in this House who does not have the volume of correspondence that I have. It is a piece of legislation that has caused a great degree of controversy and it is only fair that the people who are concerned about the legislation get to consider the changes being proposed to it before it is introduced into this House.

This legislation has been on the list for quite some time. There have been meetings all week, obviously aimed at achieving some sort of a major amendment to this legislation that will allow the government to pass the legislation without incurring the criticism of groups within the community about whose opinion it is concerned.

I know that as late as last night there was a special caucus meeting to arrive at a major amendment to this legislation that will supposedly address some of the public concerns that have been quite rightly, quite freely and quite properly expressed in the democratic society that we

enjoy. But we do not know what those amendments will be. Those of us here in the parliament do not know what those amendments will be. We know that they will be major amendments.

The member for Ashgrove quite stupidly talked about the fact that we do not have time to consider every amendment. Of course we do not, and nor should we. But when there is a piece of legislation that is subject to a major amendment, especially when that piece of legislation is controversial and has caused the degree of community concern that this one has, of course this parliament should be aware of what that amendment is. This parliament should have time to consider what that amendment entails and all of the effects that amendment may have.

Mr FOURAS: Mr Speaker, I rise to a point of order. The member for Callide misrepresented my position. I said that I could explain the amendment to him in 30 seconds. Even he would have the IQ to understand that amendment. That is all that is required.

Mr SPEAKER: There is no point of order.

Mr SEENEY: This parliament should have the right to examine the proposed amendments in some detail and consider the full implications of the amendments obviously drawn up following the meetings that have been happening all week. More importantly, the people we represent should have that right. The people we represent, the people who have written to all of us—they have written to every one of us—should have the right to consider those amendments and express their opinions to their elected representatives. That is what we are here for. That is the job members of parliament get paid for.

Members of parliament do not get paid to come in here and blindly and obediently follow the directions issued to them from the people who carry out these negotiations on their behalf. They get paid to come in here and represent the interests and the opinions of the people who elect them. They are paid to come in here and represent the positions of their constituents. People in our constituencies do not even know what the proposals are and certainly have not had a chance to consider them and express an opinion about whether they address the concerns people have expressed to us in the couple of weeks since this piece of legislation was introduced into this parliament in a very sneaky and underhanded way by the Attorney-General. He came in here and did not even mention the contentious parts.

Mr SPEAKER: Order! You will not talk to the bill. You will talk to the amendment.

Mr SEENEY: The question to ask when we consider the amendment that has been moved by the member for Beaudesert is: why not? Why should this House not carry this amendment and delay this debate until next Tuesday? What is the downside? What is going to happen between now and next Tuesday that is going to make the passage of this legislation so critically important? We have to wonder.

Mr Springborg: Maybe the public will expose them.

Mr SEENEY: As the member for Southern Downs says, the public might come to understand that the amendments that have been negotiated do not fulfil or do not satisfy the genuine concerns that they have expressed.

Every member in this House, before they vote on the motion that was moved by the member for Beaudesert which I am seconding, should ask themselves that simple question. Why not? Why should we not do this? Why should we not delay this debate until next Tuesday—five days? There is plenty of other legislation for this parliament to consider between now and then. It is quite reasonable to suggest that this legislation be delayed for five days to allow not only us to consider it but also all the interest groups to consider it and for us to do our job as elected representatives to make sure that the people whom we represent, as well as we are able, can have access to information about what is being proposed in this parliament. There is absolutely no reason not to do that.

We have to wonder why the government is intent, as it obviously is, on denying this parliament the right to consider this legislation properly. We have to wonder why this government, which talks endlessly about consultation, engaging the community and all of those other meaningless cliches—a government that engages in all of that rhetoric—is so intent on denying the community the right to look at the amendments that have been negotiated behind closed doors before they are passed into law.

It would be bad enough to see this done with legislation that was not of community concern. But we all know that this legislation, more than any other for quite some time, has probably caused a degree of concern and angst among the people whom we represent. For that reason

more than any other, this parliament should be very aware of the need to make sure that the processes of this parliament are observed, and are observed correctly.

Mr Lawlor interjected.

Mr SEENEY: It is obvious from the interjections from the Labor backbench that the motion that quite rightly was moved by the member for Beaudesert is not going to receive the consideration that it deserves. That is a shame, because members such as the member for Southport represent constituencies that are as concerned about the passage of this legislation as is any member of this House. The motion that was moved by the member for Beaudesert is simply aimed at allowing those concerns to be addressed.

This debate on the amendment moved to the motion is not about whether the legislation is right or wrong; it is not about whether the deal that has been done—the negotiations that have been had—has produced a position that is acceptable or is not acceptable. It is not about those things. It is not about whether or not the member for Southport is going to support the legislation. It is not about whether I am going to support the legislation. It is about whether every member of this House is going to support the right of their constituents to understand what is being proposed before it is voted into law by this House. That is what it is about.

If there were ever a time when members such as the member for Southport should grow a backbone and vote on behalf of their constituencies, it is now. If there were ever a time when members such as the member for Southport should find within themselves the courage to defy the discipline of the caucus and the party whips, then it is now. Before they vote against this motion that was moved by the member for Beaudesert, the member for Southport and every other member on the Labor backbench need to consider very carefully how it is going to be seen in the communities that they represent.

The suggestion is that the passage of this legislation be delayed for five days so that members such as the member for Southport can understand what is being proposed. I hasten to guess that the member for Southport probably does not even know what is being proposed. If he does, then he has the opportunity now to stand up in this House and explain it to us, or at least tell us that he understands what is being proposed. The suggestion that the passage of this legislation be delayed for five days is more than reasonable. I contend that, to be fair, the passage of this legislation could well have been delayed a lot longer than that. But we have suggested a very reasonable period of five days—to be delayed until next Tuesday. What is the rush? Why not support this motion that was moved by the member for Beaudesert and allow a proper examination of what this amendment will mean before it is passed into law?

The other issue that I would like to raise relates to the Scrutiny of Legislation Committee. A lot of people make a lot of statements about the importance of the committee system in this parliament. The Scrutiny of Legislation Committee plays an important role, if it is allowed to carry out that role in the way in which it should. I represent the opposition on the Scrutiny of Legislation Committee. It concerns me that on a large number of occasions the Scrutiny of Legislation Committee is not able to play the role that it should in a parliament such as this. It is not able to do that because time after time after time ministers come into this place with large volumes of amendments to legislation that quite often have very little to do with the original thrust of the legislation. There has been a number of examples of ministers coming into this place with volumes of amendments that had almost nothing to do with the original legislation. Those amendments are forced through here as amendments to legislation that is being debated simply to avoid the normal processes of the House.

That is what is happening here. It is bad enough that that type of process is allowed to happen with legislation that is run of the mill, is not disputed, is not contentious and certainly has not generated angst, anger and concern among the general public. To suggest that that sort of process is going to be followed by a government in relation to legislation that has caused a degree of quite understandable concern in every community right across Queensland is an affront to this parliament. It is also an affront to the Scrutiny of Legislation Committee and the whole committee system that the government is going to try to do that with legislation as controversial as this.

The Scrutiny of Legislation Committee considered this legislation in its meeting on Monday. But even then we knew that there was going to be a deal negotiated and that there were going to be extensive amendments negotiated to that legislation before it came into the House. So the consideration by the committee was somewhat curtailed, as would be expected, because we

knew, as every other member knew, that the legislation as it was introduced into the House by the Attorney-General was most probably going to be amended considerably.

According to all the reports, it seems that we have reached a negotiated position where the legislation that was introduced into the House by the Attorney-General is going to be presented to the House for debate in a very amended way. Therefore, the right and proper course of action is to support the motion that was moved by the member for Beaudesert and delay the debate on this legislation for five days to allow the Scrutiny of Legislation Committee to consider the legislation in the form in which it is going to be debated in the House.

Anybody who has an ounce of respect for the committee system of this parliament—anybody who really believes in some of the rhetoric about the importance of the committee system in this parliament—will support the motion that was moved by the member for Beaudesert, because it will allow the Scrutiny of Legislation Committee to scrutinise the legislation, as it should. I would certainly be interested in hearing in the course of this debate from the chairman of the Scrutiny of Legislation Committee and the other government members who sit on that committee and who have passionately defended its role on numerous occasions. I would be interested to hear how they will reconcile their views about the importance of the committee system with the caucus discipline that will obviously be enforced here today. The way that the members of the Scrutiny of Legislation Committee vote on this motion moved by the member for Beaudesert will in a very large way determine the relevance of the Scrutiny of Legislation Committee in the future. It will determine how much integrity that committee is seen to have. If the government destroys that relevance and integrity now, it will be destroyed forever. It is not something that we can have just when we want it and then not have when we do not want it. We cannot have a committee system which is convenient for the government's own purposes. The way that the members of the Scrutiny of Legislation Committee vote will be a test of the future relevance of that committee.

I have much pleasure in seconding the amendment moved by the member for Beaudesert. It is a sensible suggestion as this parliament considers a piece of legislation that probably always would have been contentious. There is no doubt that it would always have been contentious. It is contentious not only in the general community. If we all were honest, we would admit that it is probably contentious within the political parties to which we all belong. There are differing views held in whatever group of people we assemble with about this legislation and the elements that it entails. There are very differing views in whatever group of people in whatever political party. I hasten to suggest that probably within the Independents there are differing views about the elements of this legislation. There are very differing views within the community. I know that there are very differing views among the Labor Party, as we would expect.

This legislation is of a type that will always divide people. It will always be the subject of passionate debate because it addresses issues held very passionately, strongly and personally by every individual who thinks about these issues. So it is that this parliament should be very careful about the passage of this legislation. There is no doubt that the legislation will be debated at length in this parliament, but before every member in this parliament stands up to make a contribution to that debate they should be very much aware of what the legislation entails in its amended form. They should be very much aware of what it is that has been negotiated. They should be very much aware of the opinions, feelings and positions of the people they represent in their individual electorates and communities. Five days is hardly enough time to allow that to happen, but it is certainly a big improvement on five minutes. It is certainly a big improvement on negotiating a deal last night and debating the legislation in the House this morning. That is what the government has done.

The government negotiated a deal last night in an emergency caucus meeting during the dinner break and somehow got all the ducks in a row. Then this morning the legislation was brought on for debate in this parliament. If the members of the Labor caucus know what is in the amendments that have been negotiated, they are one step ahead of the rest of the members in this parliament and they are a long way ahead of the members of the general public who have expressed concern. Finally, I emphasise what I said before. Before any member of this House votes on the motion moved by the member for Beaudesert, they should ask themselves within the privacy of their own conscience: why not do this?

Mr SPEAKER: Before calling the Leader of the House, I will restate the question so that members understand exactly what they are speaking to. The question was 'That the bill be now read a second time' to which the member for Beaudesert has moved that the word 'now' be removed and the words 'on Tuesday 3 December' be added. That is the motion being debated.

Hon A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (12.05 p.m.): This House can operate effectively only if it runs with a defined and well understood set of rules. The amendment moved by the member for Beaudesert is within those rules and it is perfectly open for him to come in here and seek to delay debate on this bill. But the member needs some good reasons to persuade me or the members of the government that that is a reasonable course of action. What are the grounds that the member has proposed for the action? There is no suggestion in anything that I have heard from the member for Beaudesert or the seconder of the motion that this bill fails in any way or in any of the processes associated with it to comply with the standing orders or the sessional orders of the parliament. The sessional orders—

An opposition member interjected.

Mr SPEAKER: Order! We will allow the minister to make her speech.

Ms BLIGH: The sessional orders of the parliament require a bill to lay upon the table for 13 whole calendar days before it is considered. With a large bill and a bill that we all understand has involved some controversy, there may well be some argument if it had only barely satisfied that requirement. But this bill has laid upon the table of this House for 22 days. It has more than complied with the requirements of the standing and sessional orders.

The second argument we hear put is that there will be amendments to this bill which are yet to be scrutinised by this parliament. That is the way every single piece of legislation debated in this House is dealt with. The House resolves itself into a committee of the whole and that is the point at which members are provided with amendments and are given the opportunity to form a view during the debate on the clauses. Where it is possible for ministers to provide amendments earlier, it has been the practice of ministers to do so. I understand that that will be the practice followed in this case. But it is during the committee stage of a bill that amendments are presented, debated, considered and voted upon. There is nothing new about this. This is nothing unusual for this bill or for this purpose.

Opposition members interjected.

Mr SPEAKER: Order! We will allow the minister to continue her speech.

Mr Hobbs interjected.

Mr SPEAKER: Order! The member for Warrego will cease interjecting.

Ms BLIGH: I have not seen anything of any standard practice from the opposition members that shows they move their amendments any earlier than does the government. The practice on that side of the House has been very similar to the practice on this side, namely, that amendments are presented when they are due to be considered. That is when they will be considered in relation to this bill.

The question that has been asked by the seconder to the motion is: what harm would be done by delaying this bill another five days? The member has tried to imply in the question that we have some secret agenda, that there is some conspiracy. I allay any concerns of any members of this House that there is any secrecy or conspiracy going on. It is simply a matter of the business of the House when we have so few sitting days left for the rest of the year—

Mr SEENEY: I rise to a point of order. The minister is misrepresenting me. I never suggested that there was any conspiracy. I suggested that there was an obligation on the government to ensure that this parliament understood the amendments—

Mr SPEAKER: Order! We do not need a debate. The member has had an opportunity to speak.

Mr SEENEY: I find the minister's implications offensive and I ask that they be withdrawn.

Ms BLIGH: I withdraw. I allay any concerns that members might have about there being any secrecy or any reason other than a very genuine one, that is, to make sure that not only this bill but also the other pieces of legislation that the government requires to be passed before the end of the year are able to be passed when we have so few sitting days left. There are other items of business which must be dealt with and which either are required to lay on the table for longer—

Mr Horan interjected.

Ms BLIGH: The revocation is required to be dealt with, and under the standing orders it cannot be dealt with until next Thursday. That is when the revocation will be dealt with. As the Minister for Fair Trading has already indicated, it is the intention of the government to have the amendments to the property agents legislation passed before the end of this year. As the member said, it has already been foreshadowed that a motion to the House that standing orders

be suspended will be required for that to occur. It is only reasonable, using the same arguments put about this bill, that when that has to happen members should be given the longest possible time to consider it and to make the time it lays upon the table as close as possible to the 13 days. I and the government intend to give every honourable member the best opportunity to contribute to the debate on this bill. I do not believe—

Mr Copeland: How can you do that when you don't even know what the amendments are?

Mr Horan: Or whether the community supports them?

Ms BLIGH: I have already indicated that the minister intends to provide the amendments long before the committee stage of this bill. That is when amendments are provided and debated.

Members on both sides of this House have a great deal of interest in this bill, and I believe I have an obligation to bring the legislation on for debate at a time which gives people plenty of opportunity to speak not only to the second reading but also to debate, at some length should they wish to do so, the clauses and the proposed amendments to the clauses. I am not prepared to leave it till the last week, when there are other bills that must be done, and to in any way impede the ability of members to contribute to this debate.

I would suggest that what we are seeing is an admission by the opposition that despite all of its bleating it is not ready. After 22 days it just has not done the work. It cannot keep up. Perhaps the most disingenuous argument of all comes from the member for Callide, who a little earlier this morning pleaded with all of us to consider the importance of the Scrutiny of Legislation Committee having an opportunity to consider amendments.

Mr Terry Sullivan: And to let it work properly.

Ms BLIGH: Yes, and to let it work properly. Members might be interested to know that the annual report of the Scrutiny of Legislation Committee records that the member for Callide was present at three meetings of the committee and absent for 11. I would suggest that if the member wants to run an argument about the value of the Scrutiny of Legislation Committee he should find somebody with some credibility to do so—somebody who has done some work on that committee.

I also draw to the attention of the House that it was this government, on the suggestion of the member for Nicklin, which agreed that the Scrutiny of Legislation Committee should be given the task, when possible, to consider amendments. Our government supports that. But we made it very clear at the time that that would be a matter that would have to be dealt with on a case-by-case basis. It was inevitable, the nature of an amendment being what it is, that there would be times when the committee would not have the opportunity to do so. Can I say again that the minister intends to circulate the amendments. There will be plenty of time for those people to read them, absorb them and comment in the debate. The government will be opposing this amendment. Any suggestion that was made earlier—

Mrs SHELDON: I rise to a point of order. Normally what the Leader of the House is saying would apply, but these amendments are fundamental to the bill and to the passing of the second reading, and should be circulated now.

Mr SPEAKER: Order! The member for Caloundra is debating the issue. That is not a point of order.

Mrs SHELDON: We are not going to be allowed to debate the issue, because she is going to put this right now and divide on it.

Mr SPEAKER: Order! The member will resume her seat.

Ms BLIGH: The previous speaker, the member for Callide, implored members to consider the need for courage at times like this. Can I suggest that the courageous course of action is not to put off the hard decisions; the courageous course of action is to bring on the debate and for people to stand in this House and say where they stand on this bill and vote accordingly.

Mr WELLINGTON (Nicklin—Ind) (12.14 p.m.): I rise to speak in support of the motion and, in doing so, reserve my right to still participate in the debate on the Discrimination Law Amendment Bill when it is eventually debated in this House. I note that there are currently 13 bills on the *Notice Paper* awaiting debate. One of those bills is the Agricultural and Veterinary Chemicals Legislation Amendment Bill, which was first introduced into this parliament on 22 October 2002. Reference to the *Hansard* record indicates that debate was resumed on this bill on 8 November and was further adjourned at 4.30 p.m. that afternoon. When I refer to the parliamentary *Notice*

Paper I see that this important bill—and it is an important bill; it impacts on all Queenslanders, especially people in rural areas—is now placed at No. 5, while the Discrimination Law Amendment Bill, which was introduced on 6 November, is now listed at No. 1 on the orders of the day and has a higher priority.

I believe due process requires that debate on the Agricultural and Veterinary Chemicals Legislation Amendment Bill be considered and concluded before parliament commences debate on this bill, which has been on the *Notice Paper* for a shorter period. No argument has been presented this morning to me and my constituents in the electorate of Nicklin on the Sunshine Coast as to any reason for the urgency of bringing forward debate on the Discrimination Law Amendment Bill. I note there are eight other bills currently on the *Notice Paper* that were introduced into this parliament before the introduction of the Discrimination Law Amendment Bill. All I ask is for an explanation as to why the parliament is now not following due process.

If the government does not want to proceed with debate on these other bills on the *Notice Paper* in their current form, perhaps we need to understand why. In particular, I refer to the Weapons and Another Act Amendment Bill, which was introduced on 29 October. I refer also to the Cloning of Humans (Prohibition) Bill, which was introduced on 27 November 2001. That is still on the *Notice Paper*. If the government does not want to proceed with that bill, it should take it off the *Notice Paper*.

On 7 November 2001, almost exactly 12 months prior to the date that this parliament saw the introduction of the Discrimination Law Amendment Bill—that is right, almost 12 months to the day—this parliament unanimously passed a motion in relation to the consideration of amendments. I will take members to the *Hansard*—the Leader of the House referred to this earlier—which states—

> The House encourages all members who intend to move amendments to a Bill to circulate the proposed amendments in the House and where appropriate explanatory notes to these amendments.

It further goes on to state—

> The House confers upon the Scrutiny of Legislation Committee the function and discretion to examine and report to the House, if it so wishes, on the application of the Fundamental Legislative Principles to amendments, whether or not the Bill to which the amendments relate has received Royal Assent.

That is a very strong and powerful motion passed unanimously by the House. Today I ask honourable members: when we finally vote on this motion, do they intend to give some teeth to that unanimous resolution or will they simply say—for whatever reason, perhaps out of tokenism—that they want to bring forward a debate without allowing the community, our constituents, the chance to consider it? What is five days? I commend the motion to the House.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (12.18 p.m.): I rise to support the amendment. I do not think there has been a more important issue in this term of the parliament. We often hear the Premier talk about bipartisanship. This is something that is fundamentally important to every single member in this parliament and to the communities, schools, churches and constituents we represent. There has been a litany of deceit, treachery and secrecy since this started. Here is a chance, if there is any decency and honesty on the other side, to have a small space—four and a half or five days—so that this legislation can be debated next Tuesday. The fundamental thing that has been wrong with this legislation from the time it was secretly shoved into this parliament has been the lack of consultation on one of the most important issues ever to come before this parliament. This affects the cornerstone of religious freedom in Australia.

I will just go through the history of this. What I want to show is that all the things that were so disastrously wrong with this entire process can now be, in some small measure, amended and fixed up if we could just have four or five days to do the decent thing and the right thing and get to know what is contained in the amendment. We need to discuss it with the legal people, with the churches, with the school principals, with the parishes, with our communities and with the congregations. At this point in time those people know absolutely nothing of what this is all about. They do not know the ramifications of this amendment. Has the Premier tried to weasel out of something? None of us knows anything about that. We have not been given the courtesy of any explanation.

This has all emanated from a last-minute meeting which lasted from 9.45 pm. until 11 o'clock last night. The meeting was only attended by a small group of people. All others involved do not know what this is all about. If we want to have a decent, proper, honest and accurate debate those opposite will agree to this amendment.

I will go back to what happened last week. A couple of weeks ago when this legislation was introduced the National Party said that we wanted to see what was contained within the bill and we wanted to consult—

Mr SPEAKER: Order! You are starting to get back to the bill now, not the amendment.

Mr HORAN: I want to speak to the amendment which concerns the time and why it is so important. We said that because there were some 66 clauses we needed time to consult with people and make decisions on the details involved. The uproar and controversy has been about one particular part of the bill. That part is the subject of this amendment. We must be given four or five days in order to have consultations so that all members and the people we represent know that this parliament has truly examined the legislation. We need to know that the people who are examining it have been truly informed by talking to the people whom it is going to affect.

We specifically mentioned the five-day wait in order to be fair. We could have moved for a wait of 14 days, but that would not have been right. We believe that if the debate starts next Tuesday morning we will have Tuesday, Tuesday night, Wednesday and Wednesday night available for the debate. We could probably go into Thursday if we needed to. All the other matters could be brought forward to today, tonight and tomorrow. We are prepared to cooperate. We have already seen the number of bills that have gone through this parliament this week.

This is about being fair to the parliament and fair to the people we represent. Let us not make mistakes this time by not having the community input which is so important. The last time the bill came before the House the church leaders were rung at 9 o'clock and told to be at Parliament House at 11 o'clock. They did not know what it was all about. They were told that a bill was going in at 12.30 p.m. It was a bill that was approved by the Premier and the cabinet and passed by the caucus. The deceit continued because the minister's second reading speech contained nothing about the key issue, namely the religious schools. Let us not have those problems again. Let us make sure that everybody knows what the amendment is all about.

We have had consultation because it was forced by the National Party. There was a meeting on Monday night which lasted for three hours. Over 200 people attended the meeting. It was a reasonable meeting, and I give credit for it. Following on from that, there has been all the work associated with framing the amendments. It got to the point—and this is the key—where last night people received faxes at a quarter past 6 to attend a meeting that started at a quarter to 10. Of the more than 200 people who attended the major meeting on Monday night there was something of the order of 20 who attended last night.

People are amazed at what has happened. They do not know the details. Do they have time to check things? We need that time. We have to examine it carefully. We want to have an accurate and honest examination of this bill on Tuesday.

What I keep saying is this: do not repeat the mistakes. Do we not owe it to our constituents, the churches and the schools? There has been a tremendous outcry about this whole issue. Give us four days which will allow us to debate this bill next Tuesday. In that way we will be doing the right thing by our constituents.

The member for Nicklin has left the chamber but he showed me his file last night. It was about so thick. All of us have files containing correspondence from people or organisations who have written to us. Are we going to do the wrong thing by them and just go into this legislation today after last night's meeting, or will we do it properly, accurately, carefully and honestly?

This is a matter of major importance. How could we possibly not have four or five days to consider the bill, particularly if it is not going to affect the program? The Leader of the House talked about a set of rules and good reason. We have not done this before on any other bill. Members would agree that there has never been a bill of such import as this. There has never been an amendment of such importance as this. None of us have had the volume of phone calls on an issue since the weapons legislation back in 1996. This is a significant and major amendment. It is not the normal sort of technical amendment. According to the media and according to the Premier and the Attorney-General this will be a major shift from the original intent of the legislation. It is not an ordinary amendment we are talking about.

The Leader of the House wants a set of rules and good reason. Here is a good reason. We have an apparent change in the intent of the legislation. We are trying to do what is fair. The member for Callide mentioned the Scrutiny of Legislation Committee, and that is important because we have a proposed amendment that we are told will almost totally change the original intent of the most contentious part of the legislation.

Mr Welford: It will not.

Mr HORAN: If that is the case, that is even more serious. If it is not, we will have to have four or five days to consider this matter. We will need to go and talk to the people and the churches in order to see that what is brought before the House is what they want. At last night's meeting one of the agreements was that there would be a preamble to this bill which would enshrine family values and the values of marriage.

Mr SPEAKER: Order! We are starting to get into the bill now.

Mr HORAN: It is not in the bill.

Mr SPEAKER: You are starting to get away from the motion. I ask the Leader of the Opposition to come to the motion.

Mr HORAN: I am. This is about preambles and amendments to clauses. It is a major matter. We thought there was a major shift in the intent and a complete turnaround with regard to that part of the bill.

The Attorney-General says that, no, it is not. That is why we want those four or five days, because the people who attended these meetings need a few days to examine carefully the amendments because the Attorney says that, no, it is not. Who are we to believe? Is the government making them in good faith, because the churches and schools wanted a complete change, or is that not there as the Attorney-General says? Will the preamble be there? Will all the things that those people think will be in the bill be there? Will the written contents of the bill have some ramifications which might mean that those people are open to legal challenge or cannot do what they thought they would be able to do? For that serious reason we need those four or five days. This motion enables us to have that time for scrutiny and examination of legislation that is so contentious, so serious, so fundamental and so subject to interpretation.

There are decent, honest leaders of our communities—decent, honest people who are part of these parishes and communities and congregations—who are depending upon the amendments being in line with their fundamental beliefs in terms of freedom of religion in Australia, so we must have those few days to be able to examine the bill carefully. I cannot understand why members opposite are following the lead of the Leader of the House because she has said that the government will oppose the motion. We know that some members opposite were seriously outraged by particular sections of this bill. Surely those members owe it to their constituents, their principles and their beliefs to have this time to be able to examine the bill carefully to ensure that the finished product in terms of the amendments and the preamble are up to the level that they were told. Does it satisfy the people involved in the negotiations? Does it satisfy the broader scope of people who attended the meeting on Monday night? Has there been time for people to take whatever was decided last night at 10 o'clock or 11 o'clock—

Mr SPEAKER: I have been very kind about repetition, but the member has repeated himself numerous times now.

Mr HORAN: I deserve an opportunity as Leader of the Opposition, Mr Speaker, to press home the point that I am trying to make.

Mr SPEAKER: Yes, but I have been very lenient.

Mr HORAN: I have to convince those opposite, Mr Speaker. Through you, I have not spoken to the backbenchers to make this point before about their role as well as our role.

Mr SPEAKER: The member does not actually speak to the backbenchers; the member speaks to the Speaker, which the member has already done.

Mr HORAN: I said through you, Mr Speaker. That is what I am doing. Through you, Mr Speaker, I want to convey to the backbenchers that they have a responsibility like we do. Just because they are part of the government and just because they had a caucus meeting last night after the dinner break and just because there was another meeting from 10 to 11 where a limited number of church leaders were brought in after they got a fax at 6 o'clock does not mean that we should deny this parliament and the people we represent the opportunity for four days' scrutiny of one of the most important pieces of amending legislation ever to come into this parliament. That is all that we are asking for—that is, that it be fair. If there is one issue that should have had bipartisan support, it should have been this.

We are prepared to cooperate with the government to ensure that the necessary legislation gets through this parliament, and we have been doing that this week. The motion before the House will not lessen the chance for this bill to pass the House with full debate from members of

this House, to have all the clauses examined and to be voted on. We have left all of next week to do that. We take the point about the revocation, but we can accommodate that. We have two days—today and tomorrow—to be able to pass the other legislation before this House. We sat until 12.30 on Tuesday night and until quarter past two last night. We have cooperated fully to ensure that legislation is passed. All we are asking for in this motion is decency. All we are asking for is decency and honesty. I note that the Premier is in the chamber. The Premier often appeals to this parliament for bipartisan support—

Mr Beattie: I never get it.

Mr HORAN: Time after time he gets bipartisan support, and he knows it.

Mr Rowell interjected.

Mr HORAN: About 90 per cent or more of the bills get bipartisan support. We acknowledge and give credit to many bills. This is a chance for the Premier. I call on the Premier to show a bit of bipartisanship and a bit of respect for the people whom we represent in our various communities. Four days is not much to ask on something as important as this. This motion does not in any shape or form disrupt the program of the parliament. All that the Leader of the House wants to get through the House in the limited time left will still go through and there will still be the same amount of time to debate this bill next week, because our motion has the decency to say that debate on this bill should commence next Tuesday.

In bringing this debate on and the amendments to be introduced today, I appreciate the courtesies the Table Office staff have shown and we thank people who have given us research so that we knew what we would be debating today and that what we were doing was correct. We are not doing this for any smart delaying or stunt methods. We are doing it to give the government a full three days and two nights to debate this bill, and that is probably more than those opposite had allowed. We are cooperating with the government to ensure that all of the legislation of the parliament that the government wants to get through is debated and enabled to pass through the parliament. But this is about the Queensland parliament treating our constituents, our communities, our churches, our parents, our families, our teachers, our principals, our school staff and our hospital staff with a little bit of common decency for once. We only want four days to look at this to see if it is right, because this is a major change. I would hope that just for once the Labor Party members of this parliament—

Mr Fouras: You've become quite boring, Mike. You've taken 20 minutes to say what could have been said in two.

Mr HORAN: The member already has things totally wrong.

Mr Fouras interjected.

Mr SPEAKER: Order! We will not get into a debate across the chamber.

Mr HORAN: I just hope that for once the government looks at this and puts this issue at the forefront of its mind this time—not the mistakes that caucus made in letting this bill go through. Do not make those mistakes again. Those opposite should vote for our motion so that they do the right thing by all the good and decent people in the community. The government should not make that same mistake it made before. People deserve four days when looking at something as important and as fundamental as this. This is about religious freedom in Australia. Why would the government jam through something like this after some decision made close to midnight last night? No-one has had a chance to look at it. No-one in the community has had a chance to look at it. If those opposite want to give it a fair, adequate and honest hearing, they will agree to this motion. If Labor members do not agree to this motion, they are absolute hypocrites.

Time expired.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (12.38 p.m.): I rise to speak in this debate because yesterday, 20 metres from where we are now, in the ministers' room, we reached agreement in principle with the church leaders in relation to the amendments to be moved to this bill. The Attorney-General and I spent a considerable amount of time in those discussions. I do not recall exactly how long the meeting went for, but it was somewhere in the vicinity of three hours. I thank those church leaders for the spirit of goodwill they demonstrated during those discussions. So that everyone is aware of the principles that were agreed on, I seek to incorporate them in *Hansard* so that they are on the permanent record.

Leave granted.

*Proposed section 25(2) (should be linked to s. 15 'Work' and s.14 'pre-work')

(a) This section applies to

(i) employment by educational institutions under the direction or control of a body established for religious purposes; and

(ii) any other employment by a body established for religious purposes where the employment genuinely and necessarily involves adhering to and communicating the religious belief.

(b) For work to which subsection (a) applies, it is not unlawful for an employer to discriminate, in a manner that is not unreasonable, against a person:

(i) who in the course of, or necessarily connected with, their employment, openly acts in a manner which they know or ought reasonably to know is contrary to the religion;

(ii) where it is a genuine occupational requirement that the person, in the course of, or necessarily connected with, their employment acts in a manner consistent with the religion.

(c) For subsection (b), whether the discrimination is 'not unreasonable' depends on all the circumstances of the case including:

INSERT SOME FACTORS FOR THE REASONABLENESS TEST

(d) Subsection (b) does not apply to discrimination on the basis of age, race or impairment.

(e) To allay any doubt, subsection (b) does not affect a provision of an agreement with respect to work to which subsection (a) applies, under which the employer agrees not to discriminate in a particular way.

Example 5:

For work to which subsection 25(2) applies, imposing a requirement that a staff member abstains from acting openly in a manner, which they know or ought reasonably to know is contrary to the religion in the course of, or necessarily connected with their employment. (MARRY THIS UP WITH subsection (b))

* New definition of "religion" in section 4 of Act. 'Religion' includes a religious affiliation, belief or activity.

Mr BEATTIE: In the last three weeks the Attorney-General and I have had seven meetings with representatives of religious bodies. We have also met gay groups and community organisations. That includes a three-hour meeting we had on Monday night attended by 209 people, including representatives of religious bodies, community organisations and other community groups and some individuals. Overwhelmingly, they were church groups or school groups that had contacted my office or the Attorney-General seeking more detail. The Minister for Education was also in attendance.

We spent three hours explaining exactly what the legislation was proposing and we took questions and provided answers in some detail. I thought that, while there was some passion in the views expressed by those church and school representatives, they expressed their views with great courtesy and respect. I thank them for that. It was obviously an issue very close to their hearts but they handled themselves with dignity and we sought to do the same thing.

As a result of the issues put to us in the various meetings we have had with church leaders, and as a result of the issues put to us at last Monday night's meeting, the Attorney-General and I have taken on board the issues raised by those church leaders. The principles of the amendments I have now incorporated in *Hansard* reflect not just their concerns but also the direct issues they raised with us. We have accommodated their concerns, and that is why we have an agreement in principle.

At Monday night's meeting we had a full and frank discussion of the issues in this bill and we provided detailed answers to their questions. The seven meetings also included one the Attorney-General and I held here yesterday, which I have referred to, with representatives of religious bodies at which we agreed on the form of wording I have just incorporated.

Let us look at who was at the meeting. In attendance were the Anglican Archbishop, Phillip Aspinall; the Catholic Archbishop, John Bathersby; Alan Druery, executive officer in the Office of Archbishop Bathersby; Joe McCorley, executive director of the Queensland Catholic Education Commission; Lutheran Church moderator Pastor Tim Yajensch; Reverend Peter Francis, regional councillor of the Baptist Union; Reverend David Toscano, state youth coordinator of the Baptist Union; the Right Reverend Ian McIver, moderator, Presbyterian Church of Queensland; Stephen O'Doherty, the CEO of the Christian Schools Association; Allan Todd, Churches of Christ and headmaster of the Redlands College; and Major David Knight from the Salvation Army. A representative from the Islamic Council of Brisbane and Father Dimitri Tsakas, Vicar General of the Greek Orthodox Church of Australia, were invited to attend the meeting but were unable to do so.

The people I have just referred to have very strong views about issues that are contained in this bill. Every one of those people had very clear views. While I want to be on the public record thanking them for the generosity and spirit in which they negotiated with the government, let no-

one in this House be under any illusions: they were very forthright and very direct. If I can use a colloquial term, there was not a wimp in the room. They were very forthright with the government.

Out of that spirit of openness and forthrightness that we demonstrated and they demonstrated, we reached an agreement. We listened to what happened on Monday night, we listened to what the churches had said to us and we took into account their views. Later on yesterday we also met representatives of the gay community and others who were advocating reform to bring them up to date on the developments. Those present included Ian Clacher, Gay Pride; Gina Mather, ATSAQ; David Frank, Baker Johnson; Shelley Argent, PFLAG; Matt Gillett, Queensland AIDS Council; Joe Justo, Rainbow Labor; Gay Lemmon; Dr Neil Simmons; and the list goes on.

It would be naive to say that these amendments would have been any less controversial if we had consulted the community over a longer period. The reality is: these are controversial issues. They are not easy issues; they are difficult issues. These are very hard for government to deal with. Later on when I speak on this bill I will talk at some length about my commitment to some very important principles linking to marriage. I have indicated to the church leaders that I want to put that on the record because of my personal commitment to the issue of marriage and the principles that go with it.

No-one should be under any illusions: these are difficult issues. I know how difficult it is for the churches because, along with the Attorney-General, I have spent a considerable amount of time listening to their views. I know how difficult it is for the schools. The point remains: it would be naive to say that these amendments would have been any less controversial if we had consulted the community over a longer period. That is because these amendments go to the heart of some very emotional, important issues.

I know that there will be some in the community who will not support this bill or the amendments, but I am pleased to have in-principle support from the major church groups. That is what we worked very hard for. It is with their support that Queensland will continue to grow and flourish as a diverse, tolerant society which values and respects all Queenslanders.

We have had considerable debate. I have indicated that because the government was caught up on issues which were very important to the future of this nation, including security issues, our consultation with the church leaders could have been better in the early stages. That is true and I have apologised to the church leaders for that. I do not believe anyone in this House would say that the government should not have been focused on security issues in the way that we were. That was about protecting Queenslanders after Bali, and I make no apology for that. I have indicated to the church leaders that in the initial stages this consultation could have been better, but since that time we have met on the occasions I have referred to with all of the church leaders. We have had extensive consultation since Monday night. I have received a number of emails and communications from people who attended and thanked the Attorney-General, the Minister for Education and me for the detailed consultation that took place. We listened to the views that were put to us on Monday night and we have changed the legislation as a result of listening to the church leaders.

Mr Hobbs: How do you expect us to debate it if we do not know what it is?

Mr BEATTIE: As I was saying, those amendments which we have agreed in principle with the church leadership have now been incorporated in *Hansard*. They are now on the public record and they are what we agreed to. In addition to that I have said that there will be—

Mr LINGARD: Mr Speaker, I rise to a point of order. I ask that the Premier table the document he has sought to have incorporated in *Hansard*.

Mr BEATTIE: I have already done so. I am quite happy to do so.

Mr SPEAKER: He has already tabled it.

Mr LINGARD: There is a difference.

Mr SPEAKER: The Premier has agreed to table it.

Mr BEATTIE: It is incorporated.

Mr LINGARD: It is a different point, as you know.

Mr BEATTIE: I need to refer to them to explain some issues to the House, but I have already incorporated them in *Hansard* and the member can read them word for word. I have no difficulty with that.

Mr LINGARD: Mr Speaker, I rise to a point of order. I understand the Premier's explanation, but there is a big difference between tabling documents and having them incorporated in *Hansard*. We obviously want them tabled now to have a look at them.

Mr BEATTIE: I am prepared to not only incorporate them in *Hansard* but also to table them. I have no difficulty in doing that. The only reason I want to keep them now is that I want to make reference to them. That is all.

Let me come back to the point. Having listened to the churches, we moved our position, and that is reflected in the agreement in principle that we achieved with the church leaders who, as I indicated before, were very, very tough negotiators. The Leader of the Opposition made some reference to the fact that there was a meeting here at 9.45 p.m. that lasted until after 11. The reason why that meeting was called—and it was called at my direction—was that on Monday night at the public meeting a number of people put their names on a list indicating that they wanted to be consulted in future in detail if there had been any changes or progression. As soon as we had completed our meeting with the church leaders, which if I recall correctly was just after 5 o'clock, I had to attend the 6 o'clock debate here.

As I have already reported to the parliament, last night I had to present the excellence awards for the Public Service. I was late getting to those awards. Yes, we had a caucus meeting at 7 o'clock last night. Why? To report on the successful negotiations with the church leaders and to seek—as the Attorney-General and I did—approval from our caucus colleagues to amend the bill to reflect the agreement with the church leaders. Therefore, the earliest possible time that I could consult with those people—whom I had promised and the Attorney-General had promised on Monday night we would further consult but who were not part of the church leadership—was at a quarter to 10 last night.

Opposition members interjected.

Mr BEATTIE: As I have indicated, I did call, and we had—if I recall correctly—30 people present last night. We went through the amendments that we had made. Again, there were some people who had some forthright views at that meeting. One of them was Digger James, who is in the gallery today. There were others who had very forthright views. I respect the views that they put to us. We explained very clearly what we were doing. Last night was about me honouring a commitment that I gave individuals at that meeting on Monday night. That is what we did.

Let me say two other things in conclusion. We extended the period for consultation from one week to two weeks; in fact, it works out to 13 days—

Ms Bligh: 13 calendar days.

Mr BEATTIE: Thirteen calendar days for consultation on bills. In other words, we doubled it. Why? Because we get complex pieces of legislation where there needs to be a response. So we have doubled that period of time. The period that this bill has laid on the table is not two weeks or 13 days but 22 days. On behalf of the government, I also authorised advertisements—which have been attacked by the opposition but I stand by them—highlighting that the bill was on the Net and where people could access it. Those advertisements were public consultation. In terms of consultation, people were entitled to know what was in the bill. That was included in the ads and on the web site.

An opposition member: Bills change.

Mr BEATTIE: That is why it is so hard to take the members opposite seriously when they say they are being constructive. I am trying to explain these things to the members opposite.

Mr Hobbs interjected.

Mr BEATTIE: If the member would actually listen, I will explain the two relevant, key areas that have been amended, which is what was agreed to with the churches. That is what I am trying to do. We have had the original bill. I will now explain the two amendments. These amendments are not difficult. The member for Warrego has been a member of this House for longer than I have. He picks up amendments as quickly as I do. He knows that that is what happens. He has been a minister. He knows that that is the process.

Mr Hobbs interjected.

Mr BEATTIE: If the member would be quiet, I will continue. The thrust of the amendments is as follows. There is a proposed section 25(2). This section will apply to employment by educational institutions under the direction or control of a body established for religious purposes and any other employment by a body established for religious purposes where the employment

genuinely and necessarily involves adhering to and communicating the religious belief. The amendment that we have made is this—

Mr Johnson: When are we going to see it?

Mr BEATTIE: Can I just ask for the courtesy of being allowed to finish? I am tabling this document and the member will get it when I am finished. I am not trying to be political; I am trying to be helpful.

In terms of the first amendment, let us take someone of the Catholic faith who was in a Catholic hospital suffering from a terminal illness. The church wanted to ensure that the person who was giving that patient pastoral care or was providing that patient with religious assistance—

A government member: Spiritual help.

Mr BEATTIE:—spiritual help—was a person of the Catholic faith. We agreed. We are prepared to amend that. That means that, under those circumstances, a church can have positive discrimination to ensure that the person who provides that religious guidance—however we want to describe it; it is defined in the legislation—must be of the faith of the church concerned. That was a very significant and important issue for the churches. That is the first and major amendment.

The second major amendment relates to schools. If members look at this document, they will see that I have just referred to section (a). Section (b) states—

For work to which subsection (a) applies, it is not unlawful for an employer to discriminate, in a manner that is not unreasonable, against a person:

(i) who in the course of, or necessarily connected with, their employment, openly acts in a manner which they know or ought reasonably to know is contrary to the religion.

It is more than intent; they have to know or they ought to know that that behaviour is contrary to their religion.

Section (b) states further—

(ii) where it is a genuine occupational requirement that the person, in the course of, or necessarily connected with, their employment acts in a manner consistent with the religion.

At the bottom of this amendment members will see an example 5. That example is in fact a clause that the churches indicated that they would put in their contracts when they were employing somebody. I am talking now about schools. Basically, the amendment means that if somebody is employed as a teacher—let us say a maths teacher—then their conduct, not just as a maths teacher but within that school, is important in terms of the religion and important for that religious school. This is where the churches are able to discriminate.

Let me get to the heart of this. If the person was gay and that person openly acted in a way that was not consistent with the religious view, then the church has the right to discriminate against that person. That is what it means. This is what the churches asked us for. That was the protection that they wanted. We have always taken the view—

An opposition member interjected.

Mr BEATTIE: Let me explain. My time is running out. The church has said to us that they do not want people to be flaunting sexuality in a classroom. We agree. That is what the amendment does. It prevents flaunting of any sexuality in the classroom. Frankly, no teacher—

Mr Horan interjected.

Mr BEATTIE: That is clause 5. Let me make this point. I do not believe that any teacher, whether they are heterosexual or in a de facto relationship of whatever kind, should in any way act inappropriately in front of a class. Under the current law they would be dismissed. Under the amended legislation they would also be dismissed. We will ensure that we protect children.

Let me make my final point. Example 5 is a clause that would be used by the various church schools when employing people. To answer the member's question, this is done before the employment takes place. Example 5 states—

For work to which subsection 25(2) applies, imposing a requirement that a staff member abstains from acting openly in a manner, which they know or ought reasonably to know is contrary to the religion in the course of, or necessarily connected with their employment.

In other words, people would be required to sign that before they were given a contract and that would protect the school.

There were two issues. One was related to school behaviour. The churches have asked us to make an amendment. We have agreed. That is before the members, and I put it before them. The second amendment relates to care in other institutions. That has now been done. They are the two amendments. I believe that this issue has been appropriately consulted upon. My view is: let us debate it.

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (12.59 p.m.): I move—

That the question be put.

Mr LINGARD: I rise to a point of order. Mr Speaker, I would like your ruling on standing order 142.

Mr SPEAKER: I believe there has been sufficient debate.

Question—That the question be put—put; and the House divided—

AYES, 56—Attwood, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, Mackenroth, Male, McNamara, Mickel, Miller, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Reeves, Reilly, Reynolds, N. Roberts, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell

NOES, 23—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Question—That the amendment be agreed to—put; and the House divided—

AYES, 23—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Pratt, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

NOES, 57—Attwood, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Mackenroth, Male, McNamara, Mickel, Miller, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Reeves, Reilly, Reynolds, N. Roberts, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell

Resolved in the **negative**.

Sitting suspended from 1.11 p.m. to 2.30 p.m.

Mr SPRINGBORG (Southern Downs—NPA) (2.30 p.m.): There is no doubt that this legislation's trail to this parliament has been very interesting. This morning, in the debate on a motion to suspend debate on this legislation until next Tuesday, I listened to the Premier indicate that there had been a lack of consultation on this bill because the government had been preoccupied with other matters. Although some members of the government may have been occupied with certain matters and could not consult, I feel that the Attorney-General, as the responsible minister for this bill, would not have been caught up too much in those antiterrorism strategies, something the Premier indicated to parliament this morning as being the background reason for the lack of consultation on this bill. Quite clearly, this legislation was introduced to parliament because the government promised at the last state election to review the laws and because it sought to fulfil its election policy commitment. If it just said that, people out there in the community would feel that they were dealt with in a far more honourable, honest and open manner. However, there is no excuse for lack of consultation.

Also this morning in parliament the member for Caloundra made a very good and pivotal point which determined for me whether the opposition can in good conscience support legislation without first seeing the amendments. I note that during the course of that debate the Premier did present to the parliament a number of principles which are supposed to underpin those amendments. But our concern, of course, is that we do still need time to consult and to properly consider them even though there does appear to be, on the surface at least, some support from some of the church groups involved. I understand that there are others who do not support or have not actually seen it at this stage. That is fundamental to us as to whether or not we will support this bill as a general principle in parliament today.

When the Attorney-General introduced this bill into parliament on 6 November he outlined its objects and essential provisions with commendable brevity. In fact, based on the *Hansard* record, he commenced his speech at 12.37 p.m. and concluded at 12.45 p.m. He spoke for around eight minutes, and his explanation of this bill takes up less than two full pages of the printed *Hansard*. The bill which we are now debating is some 88 pages in length. It substantially amends the Acts Interpretation Act, the Adoption of Children Act, the Anti-Discrimination Act, the Guardianship and

Administration Act, the Judges Pension and Long Service Leave Act, the Property Law Act, the Public Trustee Act, the Registration of Births, Deaths and Marriages Act, the Succession Act, the Supreme Court Act and the WorkCover Queensland Act. In addition, consequential amendments are made to a further 45 pieces of legislation. It is therefore ironic that, despite the extensive changes that will be brought about by this bill, this government hid it until it was introduced into this chamber.

To see this, one only has to turn to page 11 of the explanatory notes where this is made abundantly clear under the heading 'Community consultation' as this admission is crucial. There has been no consultation at all with the community on this bill. This underpins a significant problem the opposition has with it; that is, when dealing with this form of social reform changes at least there should be some form of lengthy consultation with the community at large. This is not the sort of bill via which we consult with certain isolated interest groups. We have to consult far more broadly than that. There is a whole range of other people who need to be consulted.

Those people who have raised their concerns in the newspaper, media, letters, emails, faxes and direct forms of communication to members of parliament over the last couple of weeks since it was introduced into this parliament have a legitimate concern and had a legitimate expectation that, because of the potential impact of the dramatic changes being made in this legislation, they would be consulted. They were not consulted. That is an appalling indictment on the way that this government is treating the process of community consultation and accountability at this moment. That is a consequence of a government that can have two-thirds of its parliamentary numbers away and still win a debate in this House. The government feels that it can come into this place and treat with contempt the opposition and the legitimate views and aspirations of the community at large.

It is also interesting to note the amount of correspondence I have received on this, particularly by way of emails. The quantum of emails is probably running against it, but there were quite a number of emails in favour of it and there was also public comment from people and journalists. Whilst they support the intent of the bill and fundamental justice of what the bill seeks to do and achieve, they have some very strong concerns about the lack of consultation. It is interesting to note that the proponents and those opposing this legislation generally have one thing in common, that is, that there has been an appalling lack of public consultation which has led the government to doing spectacular backflips, something which would appear to make even an Olympic diver envious. That is what we have seen. That is why we need to consult on these sorts of areas of dramatic social reform. There is no excuse for this.

It is not good enough for the Premier to come into this place and to go to the media to say that he is sorry he did not consult because he had to worry about terrorism, did not think about it or whatever the case may be. There is no excuse for it. That is because this government wanted to ameliorate the public impact and the damage that would come from it in terms of a political perspective, even though some people were supporting it. Of course, the bill always had the capacity to concern a whole range of people in the community, and it has done that.

The legislation is part of the policy position that the government wanted to broadly implement, which was a part of its documents in the lead-up to the last election, but importantly it knew that it was best to be quick and sneaky by bringing it into this parliament without consultation to try to get it off the books. The government knew that, if it had put out a discussion paper, it would stir up all sorts of dramatic public reaction and concern, particularly among certain sectors, namely, non-government schools and religious institutions. The government would have been faced with a major campaign in the community which would have caused it ongoing political distraction. That is why the government did not consult. The only real attempt at consultation was at the very last moment.

As Joe McCorleu, Executive Director of the Queensland Catholic Education Commission, said in an article he penned for the *Courier-Mail* on 9 November—

> I was surprised and extremely disappointed at the lack of consultation with the churches before the introduction of the legislation. Only a couple of hours notice was given to attend a briefing session immediately before the bill being introduced into parliament.

Quite clearly, that is something which is not good enough in a modern western democracy, particularly when the Premier of this state runs around Queensland priding himself, at least by his spoken word, on his consultation, on his desire for consultations, on being in tune with the public and on taking on board their particular views and concerns. Quite clearly, that did not happen on this occasion. There should have been broad consultation and there is no excuse for it not happening.

This pathetic attempt to appear to have at least gone through the motions to consult was an insult to key stakeholders, including the churches and independent schools. Surely the fact the government obtained no specific input either from key stakeholders or from interested members of the community should signal not just a failure of process but also a failure in the preparation of the content of the legislation we now are debating.

In its editorial of 23 November, the *Courier-Mail* noted that the failure of the government to consult on this bill 'has made it look sneaky'. That is a very charitable interpretation. In my opinion, this so-called sneakiness is not just a question of perception; in this case, the perception clearly matches the reality. This bill was hatched in secrecy and then slipped into parliament by the Attorney-General without any real attempt to obtain input from key affected stakeholders. What a farce this makes of the government's suggestions, which have been repeated ad nauseam, that it will consult to death about issues of real community concern. This government will consult when, with whom, on what issues it sees fit and then on what terms it deems are politically expedient. So is it not ironic that the minister's eight-minute, two-page explanation of this measure probably outstripped in full—in total—the effort he and his government expended on speaking and listening to stakeholders? It is no wonder that the Premier has been forced to apologise about this failure to speak to affected independent and church schools about the manner in which this bill may impact on their day-to-day operations.

Not only has the Premier been forced to meet with some of the affected stakeholders and apologise for the manner in which he and his government have operated; we now have full-page advertisements appearing in newspapers attempting to put the government's spin on this measure. For example, there was a full-page advertisement in the *Sunday Mail* of 24 November headed 'Basic rights for all'. Interestingly, there was a big photo of the Premier. We were not supposed to have photos and blatant government advertising under this wonderful new, modern, transparent and accountable Beattie government.

Mr Mickel interjected.

Mr SPRINGBORG: Santo was a babe in the woods. I am sure if we compared the respective number of ads with their photo on them Santo would not rate on the Richter scale. The honourable member for Logan has an unbelievable fixation with the Liberal Party and its internal operations. I am surprised that he cannot spout today exactly how many ads containing his photo the former member for Clayfield and former Minister for Industrial Relations actually placed in newspapers and other publications. Having issued that challenge, I am sure the member for Logan will come back next week and make a two-minute statement in the parliament on that.

The Premier stated in his advertisement that 'nothing in the legislation tells religious schools who to appoint' and 'religious schools are free to use staff selection processes they believe are appropriate for their school environment, as long as those selection processes are based on non-discriminatory grounds or discriminate for a reasonable and legitimate purpose'. What is this nonsense code for? We will pass this legislation, but if the government wants to have a shonky staff selection process that goes through the motions and looks all right, we can safely ignore this legislation. That is his coded message. That is what this shonky message really says.

The government cannot have it both ways. Is that how the government has operated staff selection processes in the Queensland Public Service since 1998? In the real world we cannot operate like this, not unless we are engaging in hoax politics. I will say this: the Beattie Labor government has mastered hoax politics. This advertisement highlights in graphic form just what sort of administration we are dealing with.

I ask the Attorney-General: how much money has been spent on advertising this bill in the mass media since its introduction into the parliament? I expect to get an answer to the question at the end of the debate, and a fobbing off answer will not do. I think it is disgraceful that at a time when the government is crying poor and diverting money from essential services it is prepared to waste public money on trying to explain the contents of a bill it did not consult on in the first place. It is no wonder the *Catholic Leader* newspaper refused to run the government's shonky ad. Having now read the contents of the ad, I can fully understand why there were concerns about its accuracy.

Let me be quite clear about the concerns of the opposition. We leave for the moment substantive policy issues, which are, I might add, considerable. What we have is an admission by the Premier of this state that government got it wrong about the process. He has admitted a failure of process of fundamental dimensions. Can each and every member imagine the worry and concern that this bill has caused to thousands of Queenslanders? The amount of comment

to us on this over the last couple of weeks is indicative of that. We have only to read the letters to the editor of any newspaper, large or small, or listen to talkback radio to understand this point. It really is not good enough for the Premier to say sorry weeks after the event and then persist with a flawed bill.

This abysmal and fatally flawed bill is replete with inconsistencies and drafting flaws. Honourable members will recall, for example, the loophole exposed by the Local Government Association that requires homosexual local councillors to reveal their living arrangements. In other words, this bill forces the 'outing' of homosexual councillors. Of course, once this was drawn to the Attorney-General's attention he promised to fix it. We can see his comments in the *Courier-Mail* of 19 November this year. If it took the Local Government Association just over a week to expose a massive hole in the legislation, how many more such defects will be exposed in due course?

I should also add that the Attorney-General has breached in spirit section 56 of the Constitution Act, which was inserted by the Ahern National Party government in 1989 and which requires the Local Government Association to be consulted about bills that will affect local governments generally. I would have thought that a bill that strikes at local government councillors should have been the subject of consultation with the association. The fact that there was no consultation, and that this failure has resulted in a massive loophole now having to be fixed, is a prime example of what not to do.

Unfortunately, the problems brought about by the lack of consultation with this measure will come back to haunt this and any future government for years to come. This bill, irrespective of the merits of its contents, is a prime example of the failure of a government to bring the community into the public policy-making process. It is a prime example of a government that shuts the community out of the decision-making process.

Unfortunately, this bill, despite quite a number of positive aspects that I will deal with, bears all the hallmarks of political gimmickry and political chicanery. It is disappointing and quite disturbing that a government that suggests it is about inclusion and tolerance is quite prepared to use the very people it purports to care about as political footballs in a cynical political exercise.

All in all, this bill does not deserve the support of this parliament. It has not been the subject of proper community consultation, it has numerous flaws, it has a number of objectionable policy provisions, and it is basically a sloppy amalgam of various objectives bundled together into a bill which has no clear direction.

Before turning to those parts of the bill which the opposition supports, I will briefly outline the fundamental principles underlying the National Party's approach to this measure. As a matter of principle the National Party opposition supports legislation which ensures that people lawfully going about their day-to-day lives can do so without being the subject of discrimination or vilification. Of course, one of the most precious things in our society is freedom of speech. Without that liberty, which surely is one of the most important underpinnings of any liberal democratic society, many of the other freedoms which antidiscrimination legislation aims to protect would wither away. The most important protection of the liberties, in their many and varied forms, of the people of any modern-day society is the freedom of people, whether they be members of the press or the parliament or citizens in their day-to-day lives, to express their opinions in a forthright and honest fashion. Attempts to weaken this freedom, even for good reasons, must be viewed with a degree of caution.

The opposition also views that one of the fundamental rights in our society is freedom of choice. That freedom can manifest itself in any number of ways—the freedom to choose a religion or not to have a religion, the freedom to vote for the political party of our choice, the freedom to get married, the freedom to choose our lawful lifestyle, the freedom to send our child to a government or non-government school. These are all freedoms that we ascribe to as individuals. It is a mistake, however, to then say that the right of a person to make those choices then requires society or the state to accord those choices equal degrees of support, whether in a legislative, financial or moral framework. The base upon which all of these freedoms are found is a stable society with shared fundamental values.

Moreover, at the core of our society is the family unit. Individual rights grow from, and are dependent upon, the family. Society as a whole, while made up of individuals, is founded on children being raised and taught by their parent's or parents' core values. We must always, while respecting individual rights, never forget that those rights grow from and are protected by our overarching value system and on the strength of the family unit in its many forms. Any attempt,

whether conscious or inadvertent, to weaken or devalue the family unit weakens our society and, by extension, undermines individual rights.

So when the Attorney-General quite rightly says that society has changed and that we have become tolerant, we in the opposition would support that. When he says that people are increasingly making the choice not to get formally married and more and more people are open about their sexual orientation, we would also agree that this is a statement of fact. When the Attorney-General goes on to say that we need to change legislation to reflect community attitudes and aspirations we would also concur.

If this bill was simply about recognising our changing values and lifestyles it would have our support. We are a robust and fair society. We value differences which enrich our community.

Mr Welford: No, you don't.

Mr SPRINGBORG: But we never lose sight of the core values that bind us together. It is interesting that the Attorney-General sits over there and says no, we do not value that. It is interesting to see that a person who comes in here proposing tolerance is intolerant of other views. To me, that is inconsistent. I am sure that was a churlish throw-away line which the Attorney will subsequently regret. It is critical that we do not lose sight of our core moral values that are the glue which keeps our society functioning and enables a spirit of tolerance to pervade. However, at stake with parts of this bill is not the removal of discriminatory legislation or protection against unlawful attacks or slurs but provisions which may actually discriminate against and harm adults and children in current legal relationships.

I am particularly concerned about this statement in the explanatory notes at page 8—

> However, in providing rights to de facto partners, the rights of married spouses and children under intestacy laws and under some superannuation schemes may be reduced. This raises an issue regrading consistency with fundamental legislative principles contained in section 4 of the Legislative Standards Act 1992.

In his reply I would appreciate if the Attorney-General could outline to the House exactly how spouses and children of married relationships will be adversely impacted upon by this legislation. In particular, I would like a full explanation about the possible superannuation implications of this measure on married families.

So while we in the National Party strongly support legislation that reflects community values in their many forms, we do not support legislation which purports to extend rights and protections when that same legislation strikes at the very heart of the most important unit in our society, and that is other aspects of the family. I will go through some more of the detail. The Attorney alluded to this himself in his second reading speech explanatory notes.

As I said, the National Party does support elements of the proposed legislation, and I will outline those measures. We support the proposed new definition of 'family responsibilities' in section 4 of the Anti-Discrimination Act. It is clearly inappropriate that a person who is supporting a member of their immediate family should be subject to discriminatory conduct. Apart from the example of a person caring for an aged parent, this provision would also cover, I would imagine, a parent caring for a child or children who are suffering from a physical or psychological disability. Certainly every effort needs to be made to give support to carers, and one element of that support is providing some legislative protection against discriminatory activity.

I also strongly support the proposal to expand the Anti-Discrimination Act to prohibit discrimination on the basis of breastfeeding in all areas covered by that legislation. Again we believe that breastfeeding is not only a healthy and natural part of parenting but also an activity that is central to many mothers' approach to looking after the health of their babies and the general process of bonding. While many years ago breastfeeding in public may have been looked at with disfavour by some, clearly times have changed. Any discrimination based on a mother fulfilling a process so natural and central to parenting is repugnant and should be prohibited.

The opposition also supports, as a matter of general principle, expanding antidiscrimination laws to give protection to persons who do not have a religious belief. If a person is an agnostic, an atheist, a humanist or whatever, that person should not be able to be victimised by not having a particular religious belief.

While I do not have the figures for the 2001 census, the number of Queenslanders who have stated that they have no religious beliefs has grown from 110,629 in 1971 to 507,145 in 1996. In other words, there are over half a million Queenslanders who are potentially covered by this expanded definition. While approximately 2.5 million Queenslanders in 1996 did indicate a

religion, the fact that half a million did not surely highlights the need for the law to reflect the changed value systems in the general community.

The opposition supports the proposed insertion of a new section 45A into the Anti-Discrimination Act which ensures that a medical practitioner who declines to provide fertility treatment on the basis that the person is in a same-sex relationship may not be subject to a complaint under the act. This is exactly the sort of provision which the opposition would have given its support for if this bill had been properly drafted. It ensures that medical practitioners, having analysed a situation, can properly and professionally determine that reproductive technology services should not be available to certain people. Sexuality should never be used as a shield to deflect proper professional and independent decision making. If a homosexual is refused access to taxpayer funded reproductive technology on proper medical grounds, that person should not be able to use the Anti-Discrimination Act as a means to push their own personal agenda.

Again while the National Party opposes discrimination on the basis of a person's lifestyle choices, we do not condone a person who chooses to live in that lifestyle to push their preference on to others who are trying to administer services in an objective fashion. In particular we welcome the relief that this clause may provide in exceptional circumstances to professional people who may otherwise be the subject of unwarranted and wasteful proceedings by a vocal minority who want to have access to the very reproductive technology which they have no need to access because of a conscious decision to adopt a lifestyle. There is an enormous number of infertile men and women who desperately need to access reproductive services. People who have made recreational choices should not have priority over those deprived by nature of the ability to reproduce, albeit if such reproduction is aided by high-cost modern science.

The opposition also supports the retention in clause 15 of the right of a religious school to select staff on the basis of their religious beliefs. It would be ludicrous if a church established a school to impart to children a particular religious education and was then prohibited from selecting staff that had that particular religious affiliation. However, I might just say that this bill certainly sends a strange message. While clause 16 allows discrimination on the basis of religion, clauses 17 and 18 will now prevent church schools and health institutions from discriminating on the basis of any matter other than age, race or impairment. In other words, someone can discriminate because of a person's religion but not their sexual orientation, even if that sexual orientation is directly contrary to the core religious belief of a particular denomination. The opposition does not oppose reforms to the law to prohibit vilification on the basis of sexuality or gender identity.

The opposition voted against the original racial and religious vilification laws brought before the parliament by the government not because we believe in racial and religious vilification but because we believed that it was better to punish an actual criminal act rather than rely on a subjective test of what is incitement and did it in fact incite. The opposition recognises that the parliament did in fact pass that bill and that, whilst our fundamental position remains the same, we accept that it should be extended to cover sexuality. It is fair to say that there have been far more demonstrable cases of incitement causing actual injury and death against people based on their sexuality.

I will now deal with the proposal to provide new birth certificates to transsexuals. At this stage I indicate that this is a proposal which the opposition does not support. However, on the principle of discrimination and the prohibition of vilification, we certainly do not oppose legislation that ensures that homosexuals and transsexuals should be given protection from vilification. Transsexuals and transgenders are in need of protection. History is replete with tragic cases about people who suffer from gender identity problems, and we as law-makers have a duty to the most marginal and most maligned in our community to offer some legislative protection. While the lifestyle that these people may lead is not something that we may all necessarily support, nonetheless a truly humane and caring society needs to ensure that persecution of these people is appropriately targeted.

I make these comments because they illustrate a clear distinction between our approach and that of the government, and it is important that this distinction be appreciated. When it comes to passing legislation providing a legislative protection to individuals who are engaging in activities or a lifestyle which is not illegal and who prima facie are doing no harm to other citizens, then the National Party is four square behind such proposals. We recognise that with the evolution of our society people are increasingly making lifestyle choices that once were rare or at least not publicly considered acceptable. As community values change, so too should the law dealing with those values. However, we strongly oppose legislation which goes beyond mere protection to legislation

that forces people's value systems or lifestyles onto others, which discriminates against the majority of the community or, in the case of birth certificates for transgenders or transsexuals, could result in the state being a party to and inadvertently facilitating misleading and deceptive conduct.

I turn now to those elements of the bill which we have real concerns with. I will deal firstly with the amendments to the Registration of Births, Deaths and Marriages Act. I have a strong, principled belief that a person's birth certificate should not be able to be altered accept in the most extraordinary circumstances. A birth certificate is a person's identity at the time of their birth. It includes details such as a person's sex, their name and their parentage. A birth certificate should not be allowed to be retrospectively altered to cater for a person's change of sex or other details at some future time. It is a primary document and should not be able to be altered.

Mr Welford interjected.

Mr SPRINGBORG: The issue is that that document, to all intents and purposes, is a document that, even in the most extraordinary of exceptions such as in the case when a child or sibling might be able to access it, generally other members of the community cannot access. The question of whether people who have undergone gender reassignment surgery should obtain a new birth certificate has been hotly debated in Australia for almost two decades. It was on the agenda of the Standing Committee of Attorneys-General in the mid 1980s and that led to South Australia introducing model legislation in 1988. Other states and territories have subsequently passed broadly similar legislation, including New South Wales in 1996 and the Northern Territory in 1997. Nonetheless, in the mid 1980s transgenders were in a far worse position from the viewpoint of the law than they are now. One of the key reasons then put forward for new birth certificates was that such people could not get passports with their reassigned gender. This in turn caused problems, particularly in obtaining access to various non-European countries.

However, in 1996 the Department of Foreign Affairs and Trade, in its manual of information and instruction on the issue of passports, changed its policy so that passports issued to transgenders or transsexuals may show the reassigned sex subject to the production of medical evidence showing 'that successful reassignment surgery has been performed'. Also at that time there was not a progressive policy adapted to those persons having undergone or undergoing sex reassignment who were incarcerated. It is one of the tragic ironies that many people with gender problems have turned to prostitution to pay for the surgery required and this in turn has led to prison terms. Some 20 years ago such persons, if originally males, were placed in male prisons with all of the problems that flowed from such decisions. Now throughout Australia corrective services have adopted a far more sensible approach and the need for new birth certificates to prevent such persons being placed at terrible physical risk by incarceration in the wrong gender prison has been administratively dealt with.

Lying at the heart of many transsexuals' or transgenders' desire to obtain a new birth certificate was and is the desire to be married in accordance with their reassigned gender. Up until recently the courts in Australia followed the leading English decision on this point contained in Corbett v. Corbett, a 1970 case involving April Ashley, a male to female post-operative transsexual, who married a man. Justice Ormrod held as follows—

> It is common ground between the medical witnesses that the biological sexual constitution of an individual is fixed at birth (at the latest), and cannot be changed, either by the natural development of organs of the opposite sex, by medical or surgical means. The respondent's operation, therefore, cannot affect her true sex.

For the information of the Attorney-General and other members, this case was not followed in October last year in a test decision of the Family Court. The decision in Kevin v. Attorney-General was reported in Volume 165 of the *Federal Law Reports* at page 404. In that case Justice Chisholm held that, for the purpose of ascertaining the validity of a marriage under Australian law, the question of whether a person is a male or female is to be determined not at the date of birth but at the date of the marriage. It was further held that there may be circumstances in which a person who at birth had female gonads, chromosomes and genitals may nevertheless be a man at the date of his marriage. The same principle applies to the opposite situation of a male to female reassignment. I understand that in recent times the intersex association may indicate that that might have been an intersex situation.

In other words, the law of this country post October 2001 is that, irrespective of a birth certificate, a post-operative transsexual may, in appropriate circumstances, marry a person of a sex opposite to that of their reassigned gender. Quite frankly, I and many other people out there would like to know if we were going to be in that situation. What then is the need for legislation giving post-operative transgenders a new birth certificate? Some might say, 'Well, if the law has

changed in this manner, why not? What is the harm? Isn't this simply a case of harmonising this aspect of the law with the changes outlined above?' The harm is that a birth certificate is a primary document of identification. Changing a birth certificate should only be effected in the most rare and extraordinary of circumstances. For example, if a person is a witness in a protection program there is an obvious need for a reassigned identity lest that person and his or her family be placed in dire physical risk.

A person who has undergone a gender reassignment operation has, for either good or bad reasons, made a personal decision. There is plenty of literature on whether such surgery should ever be performed. On the one hand, it is argued that such surgery is aimed at having not only a cosmetic but also a therapeutic effect. It is said that the entire aim of the exercise is to enable the affected person to be well integrated into society and allow him or her to function sexually in that role. On the other hand, Dr Nicholas Tonti-Filippini has written—

> In reality it is difficult to understand how it can be concluded that at a deeply personal level a person could be enriched by surgical sexual reassignment. There is little to indicate that it is anything other than a mutilating intervention with cosmetic intent and which fails even to adequately mask the tragedy of the underlying problem. Neutering and the addition of a set of artificially constructed genitalia does not alter the fundamental conflict of a man who believes that he is a woman or a woman who believes she is a man.

With medical opinion split on whether such surgery is either ethically or medically sound, we have this measure which provides legislative support for it. However, even if the medical differences were not as stark as they are, what protection is there for others who have to deal with the reassigned person?

What are the protections for a person who thinks that they are marrying a female—and I think that is a fair point—but in fact are marrying a transgender or transsexual? What are the protections for superannuation and insurance companies who believe that they are dealing with a person of a gender that is different from which they are actually dealing and make financial and actuarial decisions on that basis? What are the protections for teaching, recreational and sporting institutions that wish to hire a person of a particular gender for good reasons but are deceived because the state generated new birth certificate has misled them? For example, would a woman's health club want to hire a post-operative transsexual? They may—possibly they would—but at least they should know what the circumstances of the person are so that their members can make an informed choice. It is clear from the proposed section 43B that the effect of the reregistration is that, for all purposes, the person is taken to be of the sex as recorded in the new register.

The inherent tension with this falsification is highlighted by the amendment to section 21 of the Anti-Discrimination Act which specifically recognises that sport competitions can be restricted on the basis of gender identity if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity. If a person believes that they can change from a male to a female or vice versa, they should have to have a sex test as they would have to pre international sporting competition and see how they go.

Again and again problems have arisen with post-operative transsexuals wanting to compete in sports under their reassigned gender. This was first highlighted some 20 years ago when a famous post-operative male transgender tennis player competed as a woman. This led to enormous problems as his female competitors were at a disadvantage. Of course, with the ability to change a birth certificate these sorts of problems will only increase. While it may not be a problem in relation to sporting fixtures with elaborate testing facilities, it will be a problem for small sporting fixtures that rely on the honesty of participants.

It is interesting to note that in the Northern Territory since the introduction of laws in 1997 enabling the alteration of birth certificates only two people have applied to have the gender listed on their birth certificates changed. If this was such a pivotal requirement for post-operative transgenders then one would have expected many more applications. The point is that, while we support legislation that prevents discrimination on the basis of gender identity, we do not support legislation that in effect supports and gives tacit encouragement for gender reassignment surgery.

A birth certificate is a primary document of identification. It should not be falsified because a person has voluntarily undergone surgical intervention for reasons which may not have an undisputed basis in physiological issues but rather could relate more to psychological circumstances.

There is a distinction made in the proposed definition of 'sexual reassignment surgery' set out in clause 68 which the opposition supports. A distinction is made between surgery to help a person be considered a member of the opposite sex and surgery to correct or eliminate

ambiguities about the sex of the person. The principles I have expounded relate to the first of these circumstances. It is the case that some children are born with gender identity issues.

One notorious case on the matter was in the 1979 Family Court case of C and D, falsely called C, where the judge declared null and void a marriage because the respondent was neither a man nor a woman, having the sexual organs of both. There have been many sad stories of children born with the attributes of both genders and who have been registered as the gender of one and brought up as such, only to determine at a later time that the gender they were brought up as was the wrong one. In those circumstances it is only fair and appropriate that their birth certificate be changed to reflect their true gender orientation. So the opposition supports a proposal based on these circumstances where the surgery is soundly and medically based to correct physical ambiguities about a person's gender. I understand that this can happen under section 42 of the Registration of Births, Deaths and Marriages Act.

I also note that the intersex association has sent information to all members of parliament to the effect that it disagrees with being bundled in with transgenders and that its issues are quite separate. That association would like this legislation held over until those issues can be addressed.

I will now deal with two major elements of this bill. The first of these is the proposal that de facto partners, whether same sex or not, have the same rights as those of married spouses. At the outset I said that the opposition supports legislation that harmonises the law to reflect the reality of modern family life. The fact that many people choose not to get married and bring up children is a matter for themselves. It is a lifestyle decision that people are free to make without the risk that they or their children will suffer discrimination. Nonetheless, I personally view with concern any government having as a stated policy goal that people who have taken formal marriage vows, whether in a religious or civil service, should have this formal and solemn event in effect wiped clean. I will read to the House a statement by an academic, Mr Kennedy. In 1973 he said—

> Marriage developed in Western Society a complex overlay of social connotations. These involve the intangible yet very real personal and spiritual qualities the institution has come to represent. For it has come to pass that through marriage certain feelings are communicated by the partners to each other and, more importantly, to society at large. By going through a particular formality a qualitatively different posture is presented by the parties. They represent to the world that theirs is a relationship based on strong human emotions, exclusive commitment to each other and permanent. Put another way, they wish to say and indeed advertise that there is nothing transient, superficial or casual in the way they view each other and wish to be viewed. The world is invited to see their relationship in a very special way.

I think most Queenslanders would find it strange, if not stupid, that this government is engaging in a wholesale exercise of amendment which has at its core the principle that, for example, a same-sex de facto couple who have been together for two years should receive the same benefits under state law as a married heterosexual couple with, say, four children who have lived together as a family unit for 15 years.

At the very time that the traditional family unit is under strain, and when every effort needs to be made to bolster the family unit, this government is happy to reduce its status and, as this bill makes clear in its explanatory notes, to actually reduce that status. I note that the Premier has indicated that he will make a solid, firm philosophical commitment of his own on this matter. I welcome that. I would hope that his views and mine are the same. I find concerning some of the language in the explanatory notes about the devaluation of marriage. This bill makes clear that it will actually reduce the benefits of married spouses and children in some circumstances. I outlined those earlier with regard to the superannuation act and the intestacy laws.

Instead of an across-the-board exercise of this nature, the opposition would have supported discrete legislative measures aimed at ensuring that the spouse and children of de facto relationships were not disadvantaged. The amendment to the WorkCover Queensland Act is an example of this. I recall the grave injustice that the de facto spouses of deceased Moura mine workers suffered a decade ago. That was an example of how the law had not moved with the times and how legislative intervention was required.

The opposition is supportive of legislation to assist de facto families, but we do not support legislation which devalues the traditional married family unit and which may actually harm some spouses and children of that unit. The minister's own explanatory memorandum says that this will be the case, and I think each and every member of this parliament would want the minister to explain why he has introduced a bill which will have these repercussions.

There is a difference between a married and de facto relationship. In the case of a married relationship the couple has made a contractual, state-recognised commitment which places on them a greater duty to each other. To break that commitment they have to seek and be granted the consent of the state. It also places on the couple a greater obligation—contractual and even psychological—to ensure that their relationship works. This is not to say that there are not many committed, loving de facto relationships. There are clearly many hundreds of thousands of them. It simply recognises that the contractual relationship of marriage, recognised either by the church or in a civil way, is different.

The onus marriage places on a couple is also an important impetus to ensure that a relationship works, which is vitally important where children are involved. I also recognise that people cannot keep a relationship going if there are serious conflicts. With regard to the issue of children, I would say that is one of the most important points that is often undervalued and overlooked. That is pivotal to a long-term committed relationship. I believe that a contractual recognition in law by way of marriage is something that generally enhances that, even though there may be exceptions.

Unfortunately the Hollywood glorification of broken relationships and blooming relationships and their blow-by-blow disclosure in any number of magazine publications devalue commitment and marriage and I believe accentuate social problems of family breakdown and lack of relationship commitment. As I said, this is a particular problem for children, who become the emotional and in some cases physical victims of relationship breakdowns and lack of commitment. We should be encouraging commitment and even marriage, not seeking to undermine them.

Another important advantage of marriage is that there is a definite start point for establishing the length of a committed relationship and in some cases establishing if a relationship actually exists. All of this assists in the application of statutes such as the Succession Act.

This brings me at last to the part of the bill which has aroused the most public controversy. At page 5 of the explanatory notes is this bold statement about some of the alleged deficiencies the bill will remedy. It states—

Removing anomalous exemptions for religious bodies and non-state school authorities which permit discrimination against groups that the ADA was designed to protect;

I read with interest an article written by Mr Joe McCorley, whom I quoted earlier. He makes this point from the viewpoint of the Catholic Church—

The Church does not condemn a person because of a certain sexual orientation and, indeed, the Catechism of the Catholic Church states that every sign of unjust discrimination in regard to persons with the same sex orientation should be avoided. Nor does one judge a person living in a de facto relationship.

However, the implication of this respect must not diminish the freedom of parents to choose an education system which accords with their religious values and beliefs. Nor should it diminish the rights of Catholic Church leaders to respond to parents in providing an education in accordance with the teachings of the Catholic Church.

Later in the same article he says—

When choosing employment in Catholic schools, teachers enter into a contract which includes giving witness to the values of the Catholic Church. As part of this contractual arrangement teachers agree to sign a "statement of principles for employment in Catholic schools", which states that the individual will avoid whether by word, action or known lifestyle, any influence upon students which is contrary to the teaching and values of the church community in whose name they act.

Students in any school learn more from the culture of the school than from curriculum programs, teaching techniques or teaching and learning resources. Many research studies support this thesis.

I must admit that I would not have thought it to be the case, but certainly there are many studies that say that that is the case. He went on to state—

If Catholic schools cannot select staff who believe and live the gospel teachings of Jesus Christ, how can schools deliver an authentic values-based education in the Catholic Christian tradition?

I am not a Catholic and do not base this debate on religion per se. I come to this conclusion based on the fact that we are a multireligious society that espouses respect and tolerance for diverse religious beliefs and value systems. Therefore, we should not consent to state intervention in how those value systems and values are taught and practised.

No-one is forced to send their children to a Catholic, Protestant, Muslim or independent school. Parents voluntarily choose to send their children to non-government schools for a variety of reasons. Those reasons could be based on the desire that their children receive a religious education. It could be that they think that their child or children will receive a superior education, or it could be that the particular school offers boarding facilities. It really does not matter, because it is up to the parent to make that choice.

Since the mid-1960s all political parties have accepted the inherent justice of state aid for non-government schools. Every government of whatever political colour at both state and federal levels has relied on the churches for the provision of health, education and general social services. While the churches receive funding, the plain fact of the matter is that, without the churches doing this, the taxpayers of this nation would be paying much more for the same level of services.

Religion is a personal matter. A belief system and a conviction that there is a life after death are matters of faith. Faith and logic do not always go hand in hand. Yet the majority of people in all nations of this earth are imbued with a spiritual dimension. My point is that, whether this government likes it or not, it is meddling in matters of faith and to that extent its attempt to expand the rights of homosexuals and people in de facto relationships is actually reducing the rights of the churches to operate their schools and institutions in accordance with their faith.

What is perceived by some as preventing discrimination on the basis of sexuality and lifestyle is seen by others as discriminating against their faith. There will always be this tension; it is part of the rich fabric of a society that accepts and nurtures the rights of people to adopt different lifestyles and maintain and practise their own value system. Yet from a public policy viewpoint, there should be no tension. It is clear that in terms of matters in the public domain and in institutions that are run by the state, such as schools and hospitals, the normal legal regime should prevail.

As I said at the outset, we in the National Party support as a matter of principle legislation that guarantees that de facto couples and homosexuals should not be discriminated against or vilified. However, we also accept the right of people to choose their own religion and to send their children to religious schools that teach their religion. Whether the churches are right or wrong in their policies is not for the state to say, provided it is based squarely on religious teaching and not on individual victimisation.

Churches are not and should never be immune from the law or above it. Nor can any behaviour be justified just because people say it has a religious basis. For that reason, we support the current ban in the Anti-Discrimination Act on church-run institutions discriminating on the basis of age, race or impairment. No true religion of which I am aware teaches that it is right to discriminate on the basis of a person's age, race or physical or intellectual impairment. Even if some sects do so, it is open to the state to legislate against behaviour that is contrary to the core values of a society. However, it is sensible that, if we truly value religious freedom, we accept that people have the inherent right to practise their religion in accordance with their core beliefs.

If a person wants to work in the Catholic education system, for example, it is understandable that the Catholic Church would want such a person, who is teaching impressionable children, to meet certain standards based on the key beliefs of the church. Why should this or any other government say to the Catholic Church—or to any other church or religious faith—that they have no right to refuse employment to people who have adopted a lifestyle inconsistent with that church's teachings? The issue that we are concerned about is freedom of religion and freedom of choice—the freedom of religious bodies to practise their religion in a practical sense and the freedom of parents to send their children to schools where their religion is taught and practised.

There is a tension between the principle of non-discrimination and the principle of freedom of religion and freedom of choice. In the public domain, the principle of non-discrimination must prevail. However, in private institutions, private belief systems must not be trampled on in the name of modern social engineering. The National Party does not support discrimination in public places. We do not endorse the position of any particular church or denomination. However, we strongly support the freedom of people to honestly practise their religion and we strongly support the right of parents to determine the religious and educational upbringing of their children.

It really does not matter what the Labor Party, the Liberal Party the National Party, the One Nation Party, the Independents or anyone else thinks about this or that teaching of the Catholic Church, the Anglican Church, the Uniting Church, the Baptist Church, the Lutheran Church, the Assemblies of God, the Muslim faith, the Jewish faith or whatever. It is none of our business. It is a matter of people following their God, or their own particular belief system, in accordance with their conscience.

The National Party disagrees with the statement in the explanatory memorandum that the current exemption from the Anti-Discrimination Act for religious bodies and non-state school authorities is anomalous. In fact, this exemption is soundly based and founded on important rights, not least of which is the freedom of religion. An essential element in the concept of justice

is the principle of treating like cases alike. This is justice in the administration of the law. This bill purports to adopt this principle by applying the same rules across-the-board. However, it is proceeded on the basis of viewing justice from the prism of homosexuals and people in de facto relationships. In doing so, the government has not given proper consideration to other principles and other groups who will be disadvantaged.

I have no doubt that if the government had taken the public into its trust and consulted properly, many of the problems of this bill that have been pointed out over the past few weeks could have been rectified. In fact, the government may have been able to rely upon absolute bipartisan support. As this bill is fundamentally flawed and has not undergone a proper consultation process, the opposition cannot support it.

In conclusion, I would like to address a point that was raised by the Attorney-General which was wrong. That point has been subsequently espoused by the Premier based on the advice that he received from the Attorney-General. I refer to the contention that we are just bringing Queensland into line with other states on these matters. The unbiased advice that we have received from the Parliamentary Library as a result of its research indicates that there are at least a number of other Australian jurisdictions that have provisions that actually enable those non-government schools to discriminate in certain areas based on their values system. Those provisions deal with the issue of discrimination against potential employees on the grounds of homosexuality. As I understand it, they also apply to de facto relationships. That certainly is the case in New South Wales. Similar provisions also exist in Victoria and Western Australia. In those states the provisions of the law are very, very clear. They indicate quite clearly that those school communities are able to discriminate in employment preference based on their value system.

My great concern is that the Attorney, the first law officer, on the basis of research put forward a contention which misled members of parliament into believing that we all will be the same after this. We will not all be the same. In fact, we will be leading the pack. The simple reality is that what the Attorney said to parliament was wrong. The fact is that in other states there is this capacity to make decisions based on one's value systems as far as employment is concerned. That is why the status quo should be allowed to prevail and that is why the opposition has concerns about this legislation. We cannot support it because there has not been proper consultation and we have not had the chance to take the proposed amendments back to our electorates to receive the necessary endorsement.

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (3.31 p.m.): The 2001 census shows that only 51 per cent of the Queensland population is married. I table page 4 of the Australian Bureau of Statistics snapshot of Queensland from the 2001 census. That figure includes people who have been married more than once. The number of couples married and unmarried with children amounts to only 44.7 per cent of all families in Queensland homes. I table page 7 of the Australian Bureau of Statistics snapshot of Queensland from the 2001 census. More than one-fifth of all brides and one-fifth of all bridegrooms getting married in 2001 were married before. I table page 4 of the Australian Bureau of Statistics report on marriages and divorces in Australia from the 2001 census which shows that more than 23,000 of the 103,000 bridegrooms and nearly 22,000 of the 103,000 brides have been through divorces. The census report says that 41 per cent of couples had divorced in the first 10 years of marriage. I table page 2 of the Australian Bureau of Statistics report on marriages and divorces from the 2001 census.

In other words, people like me who are once married with children comprise less than 50 per cent of the population. We are in a minority. I do not have any sense of enjoyment in saying that. On the contrary, I am unhappy about it. The point I make in dealing with those statistics is to say to parliament and the people of Queensland that the government has to deal with the reality of the community it serves. I intend to say some very important things about marriage and the importance of marriage. I want the statistics to be clearly understood. During the consultation that has taken place in relation to this bill the statistics about marriage were raised with me and different statistics were bandied about. I have therefore gone to the official census statistics to confirm the true position. They are independent; that is the census.

I use it to highlight the fact that government has to deal with the people it serves. It has to serve the people who elect it. That is what we seek to do and that is why this bill is so important. This bill is about ensuring that in Queensland people are judged by what is in their hearts and not by prejudice. We want to ensure that our society is fair and that Queensland is an even better place in which to live while seeking to achieve a balance with religious freedoms and continuing to value the traditional family unit, which I do. The family is the cornerstone of our society. There is

nothing more important than a loving family unit. The family provides us with a safe haven where we can retreat from the pressures of modern life, where children can be nurtured and grow to their full potential. I use the word 'love' deliberately because often men in particular are too scared to use it and we should not be. Love and a loving family environment is the strength that produces secure and stable children. It also gives us the strength and support to meet the challenges of modern life head on.

Marriage—and the love and commitment it signifies—is the foundation on which our family units in society are built. Marriage is not easy. If a couple are truly committed to each other and their family unit, it is worth working together to overcome life's problems. Anyone who has been married as long as I have knows that there are wonderful moments of bliss and that there are rough points along the way, particularly when in our case we had three children below the age of two. There were rough points along the way when my wife carried the burden of raising our children.

An honourable member: And put up with you.

Mr BEATTIE: And put up with me. Let me assure members that that was the most difficult task of all.

An honourable member: And still is.

Mr BEATTIE: Yes, and still is. Working together to overcome the challenges which occur in a marriage can strengthen the partnership and in turn the family unit. Unfortunately, marriage is coming under increasing pressure. As I said, families like mine now make up less than 50 per cent of the population. That is why I put those bald, clear facts on the agenda. My wife and I have only been married once to one another, which is why we are in that minority group. Many know that we in fact met in school. The member is in the same minority group.

An honourable member interjected.

Mr BEATTIE: Well, I have 27. Heather and I met in school. We have faced the trials and tribulation of life together, have been married for 27 years and have raised our three children together. As I said, it has been a challenging, character building experience, but I would not have it any other way. If it were not for the support and love I draw from my family, I would find it much more difficult to cope with the rigours of daily life. One of my problems is that I do not spend enough time with the people I love. I am sure that is the case for every member in this House. I know that my wife looks forward to the day when I am out of politics and we can spend quality time together. I have given her all sorts of commitments about that, as we do.

An honourable member interjected.

Mr BEATTIE: I may do that, but I will do my best. I know that the decisions I make as Premier would be far more difficult, if not impossible, without the love, care and support extended by my family. My beliefs, which I share with my family, are also vital and give me the necessary strength to do this job. Marriage and family are important not only to me but also to my entire government. That is why we have implemented policies to support families and keep them together. My government has signalled its strong commitment to supporting and strengthening the critical role families play in shaping and securing the future social and economic development of Queensland with its Putting Families First strategy announced in January. We have built on this commitment with our families Future Directions statement which includes investment of an additional $188 million over four years in prevention and early intervention strategies and projects to help families better support and protect children.

The reality is that my government in real terms has spent more on families and the supporting of families than any government in the history of Queensland. That is a fact. We do that because of our commitment to families. Our Triple P parenting program has meant that more than 12,000 mums and dads have been provided with free parenting programs in 30 locations throughout Queensland. The irony is that one of the most important things we do is become a parent. Because of our changing society, there often is not enough support. That is why that Triple P parenting program is so important. New child care legislation that will give Queensland families a responsive, high quality and sustainable child care system has been passed by this parliament. Five million dollars is being spent this year on establishing 10 new respite services and on enhancing others.

These services play a vital role in helping families support and care for family members with a disability. We also support families through housing, community engagement and programs aimed at creating more jobs for Queenslanders. Ensuring children grow up in a loving

environment is a key role of our strategies and a key part of the family unit. I indicated to Archbishop Bathersby and all religious leaders I met yesterday afternoon that I would make a clear statement about my government and my commitment to families, which I have just done. I have honoured that commitment and I want the record to show my government's commitment to families.

I also want to deal with the important issue of what it means to be Australian. An Australian is someone who believes in a fair go, in fairness and in ensuring that people, regardless of where they live or who they are, are treated with dignity and respect. We live in a democracy. When we think about what happened in Bali and about the terrorism in New York, if ever we needed to cherish the ideal of our democracy it is now. The freedom and the openness and the commitment of the fair go is more important in Australia now than at any other time in its history because of this ugly terrorism which confronts the world.

That is why our support for family extends to de facto couples. Just because I am happily married does not mean to say that I should insist on all couples marrying. There are regimes elsewhere in the world where there are very strict rules about how people should live their lives. Thankfully we do not live in one of them; we live in one of the greatest democracies in the world and we allow people to live their lives as they see fit as long as they do no harm to anyone else and respect the laws of the land. I believe that is why so many of our fathers and grandfathers fought and died for this country.

Members of my family volunteered to fight for this country going back to World War I and, along with many others, made the sacrifice to fight for democracy in terms of being wounded or killed. The fact is that those thousands of good and decent Queenslanders and Australians fought for all Australians. Many of their descendants have decided that they prefer to live in de facto relationships. It is a reality that a good and decent government should recognise and legislate for all sections of the community. So we are strengthening support through this bill which gives de facto couples rights that they have never enjoyed before. It removes discrimination. Until now, de facto spouses have been treated as second-class citizens. The reality is that that is a disgrace in the 21st century.

I and many other members know people who have lived together in de facto relationships who have raised children. They have been good parents. Many of them have been together for many years. Some have lived a life together. That is important for us as a parliament to recognise. We must ensure that, if one of those partners dies, the other has access to appropriate superannuation or workers compensation or other legitimate rights.

I ask people this question: if they oppose de facto relationships, what about the children of those relationships? It is not their fault that their parents have decided not to marry. They are children of a relationship. What we have to do as a community is have the courage and guts to stand up and say, 'We will ensure those children are protected. If one of their parents dies, yes, they will access the superannuation benefits of their parent and, yes, if there is any injury, they will access workers compensation.'

I know this bill is controversial, but I will stand in this parliament and support the children of marriage as strongly as I can and support the children of de facto relationships as strongly as I can, because we stand for children. We do not have two categories or two classes of children. Children are children, and in God's eyes they are all children.

De facto spouses will be given a say on issues including organ donation, workers compensation, superannuation and deceased estates. As I have already indicated, children will also benefit. Being in a de facto partnership does not mean that someone is a lesser person. Their commitment and the strength of their relationship should be acknowledged and respected by society. In this ugly world in which we live there is not enough love. Why should we as a parliament not support people who are in loving relationships? With all of the terror and ugliness in the world, is it not a good thing to encourage people to share love and a relationship?

I am happy to stand in this parliament and say that I support people in loving relationships. I am happy to say as a man—and we often do not want to talk about love—that I actually support love. I think it is a good thing. There is not enough of it in the world. I am not afraid to stand here and say that I support love and relationships that support love. That is what we want. There is not enough love in the community and I believe this bill engenders an opportunity for those in love to share a meaningful relationship, and I stand by it.

I do not want to see any Queenslanders marginalised. My government is a government for all Queenslanders. I want each and every one of us to enjoy the same rights and be treated

equally before the law. The mark of a society's maturity is its acceptance and diversity. I am proud to live in a state where we welcome people of all races, beliefs and backgrounds. Our commitment to multiculturalism produces positive children, positive people, positive opportunities and a positive community. We want a positive society which is supportive, nurturing, encouraging, welcoming, inclusive and accepting. This produces positive children, positive people, positive opportunities and a positive community. I have said it before and I will say it again. That is the result.

I would like to think that the Queensland of the 21st century, the Smart State, will set the standards for the rest of the community and the rest of Australia. I want a Queensland where we judge people by what is in their heart. If Queensland is to be a truly Smart State, we must strive for an innovative society with a spirit of growth which leads to creativity and a respect, tolerance and inclusiveness for all. I want everyone to have a fair go. It is the essence of what makes us Australian, as I said, and makes us the envy of other countries.

There are about 3.6 million of us Queenslanders. We are all different. No two of us are the same. We have many beliefs and, in all probability, no two of us have exactly the same beliefs, although we share many. None of us has the right to insist on other people accepting the belief that we have chosen. In the same way, we have many different lifestyles and each of us should be free to live life in the way we choose, as long as it does not harm others, without fear, without ridicule and without being discriminated against. Mr Speaker, if you pick on and victimise people you get bitterness, negativity, division and an unproductive society. That is the lesson of history and we should learn it and learn it well.

We have come up with proposals that will provide more appropriate protection from discrimination on the basis of someone's personal status. The proposed amendments to antidiscrimination laws are complex because of the nature of the balance we are trying to strike with them. We have agreed on a form of words that meets those challenges. I am happy to report to the House that the amendments have now been distributed for all members to see. Let me be very clear for the purposes of this debate: these amendments, which have been converted from the document I incorporated in *Hansard*—faithfully converted by the Attorney-General—have been ticked off by the church leaders, who were consulted again this morning by the Attorney, as being consistent with the agreement in principle we reached with them yesterday. The Attorney and I have honoured our agreement to the letter. So what we have are the amendments as agreed to by the church leaders and as agreed by the Attorney and me yesterday. They have ticked off on those words. Let there be no doubt about that.

The journey to this point has been a tough one. Enacting good law is never easy. I thank all government members who raised issues on behalf of churches and school principals. Their input has not gone unnoticed. In fact, their input was very significant in the changes that the Attorney and I made.

Mr Reeves: Thank you, Premier.

Mr BEATTIE: I take the interjection from the member for Mansfield; he was one of the members who pursued issues on behalf of the many people who came to see him, and so did the member next to him. A number of members sat down with the Attorney and me on different occasions and sometimes together and raised issues on behalf of their churches and schools. I thank them for that, because they changed the bill. That is the way democracy should work and that is the way this parliament should work.

I also thank the community groups and religious organisations who have taken part in consultations on this bill. Those consultations have been lengthy, valuable and detailed. My office has received over 4,000 letters, emails and phone calls expressing a wide range of views on the bill, proving that Queenslanders are not reluctant to engage in the democratic process, and they responded to the advertisements that we placed in the press from one end of this state to the other. Those advertisements provided access to the bill on the Net and the number to contact. Yes, we paid for advertisements.

This bill was controversial. I indicated earlier today that, because of security issues, we did not have as much consultation early on as we normally would. This bill has lain on the table for 22 days—longer than the 13 required. Rod Welford, the Attorney, and I have met on seven different occasions with the representatives of church bodies, various community groups and so on. I have already listed the names of those people.

In conclusion, I want to make the point that it would have been naive to say that these amendments would have been any less controversial if we had consulted the community over a

longer period, and that is because these amendments go to the heart of some very emotional issues. I know that there will be some in the community who will not support this bill, but I am pleased to have in-principle support from the churches and major interest groups. It is with their support that Queensland will continue to grow and flourish as a diverse, tolerant society which values and respects all Queenslanders.

I thank honourable members for their support. As I have indicated, the amendments have now been distributed. We have the support of the churches. I believe this is good law. I want to thank the Attorney for the way in which he has conducted this matter. I welcome the debate which will now ensue.

Mr WELLINGTON (Nicklin—Ind) (3.51 p.m.): I rise to participate in the debate on the Discrimination Law Amendment Bill 2002. I am aware of the time limits and the number of speakers who intend to speak to this bill, and accordingly I will restrict my comments to the issues of contention which have been raised with me since this bill was first introduced into this parliament. In particular, I note that when this bill was introduced into the parliament on 6 November the minister did acknowledge that there had been no consultation with the community on the bill. I also note that he said—

However, individuals and organisations affected by the proposed reforms have been continuing to make submissions to the government supporting such changes to the current law.

Over the last 22 days while this bill lay on the table I have received hundreds of telephone calls and letters from people right across this state expressing a view about certain issues which concern them and which are contained in this bill. Many were angry that the government, which has spoken so passionately—and I say passionately—about including the community in the decision-making process on certain issues did not honour its commitment in this instance. The government did not honour its willingness to be involved in the consultation process. I acknowledge that since the date when the bill was introduced there have been record numbers of meetings and telephone calls from not just the Premier and the minister but from members on both sides of the House with their constituents.

I now intend to take a few moments of my time to share some information with members who are of the view that this is not a contentious piece of legislation. I want to point out to them that I am speaking the truth and that many people in this state have concerns about this legislation. I have a letter from Sharon West of 15 Noel Street, Nambour in which she said—

I am writing in regard to the proposed changes to the antidiscrimination legislation.

As a concerned citizen and parent, I am alarmed by the prospect of a private school not being able to choose staff who support their values and beliefs. I have made many sacrifices to pay the extra, so my children may attend a school where all the members of the staff support and reflect the values and moral ethics our family as Christians, strongly believe and practise.

I am a parent of two well-adjusted teenagers, neither of whom have been involved in any drugs, alcohol, immoral or illegal activities (nor have any of their friends). I attribute much of this to the school environment we have chosen for them, which upholds our Christian values and beliefs. The staff are excellent role models and mentors for the student and a high degree of support and respect is obvious throughout the school, both from and to staff and students. The fact that their peers and families all share the same values and beliefs, dispels any negative/destructive peer pressure and enhances their learning environment. I believe this goes a long way in training responsible young adults who will impact our community in a positive way.

It would be extremely detrimental if the school were unable to choose staff who would continue this positive influence.

I believe every parent should have the right to:

protect their children
choose the type of school environment for their children
choose who has authority and influence over their children.

The very idea of having my rights as a parent and my freedom to choose a Christian lifestyle (in a country which supposedly supports freedom of religion and the rights of all citizens) being removed without any community consultation on this matter is deeply disturbing and totally unacceptable.

I would request that you convey my concerns in relation to this at the next available parliament sitting.

I have another letter from Nambour which reads—

I write to you to express my deep concern about a Bill which the State Government has introduced to amend the Anti-Discrimination Act. I understand that the new legislation proposes to remove exemptions for Christian Schools and religious bodies.

I strongly object to such a move as I consider it will be greatly detrimental to our Australian society and known way of life, as it will have a significant impact on our ability to operate established religious bodies in a Nation which has prided itself on its religious freedom.

My belief and opinion is that Christian organisations must retain the right to choose staff etc. who support in belief and lifestyle, their religious beliefs and values.

As a resident of Nambour and an Australian citizen, I seek your strong support AGAINST this propose new legislation, as I believe the passing of such a Bill would be an open infringement of our rights to freely express our religious beliefs.

Thank you for being such a diligent representative.

I have another letter from Camp Hill in Brisbane. This letter is in support of the act. It reads—

I am writing this letter in support of the proposed changes to the Anti-Discrimination Act 1991.

I am a young person aged 17 and I identify with the lesbian, gay, bisexual and transgender communities. My life will be positively affected by the proposed amendments in the following ways and ask that you take into account my opinion on these issues.

Lgbt people, regardless of age, should have equal rights to heterosexual people and be covered under the Anti-Discrimination Act. This is very important as young lgbt people may face many instances of being unfairly treated and unsupported because of our sexual identity.

For example, schools are hard places to be in if you are lgbt because of lack of positive information to the whole school community about sexuality. Homophobia is regularly experienced by lgbt students. It would be made easier if lgbt teachers and other school personnel could be out and be positive role models. Please make sure that lgbt teachers can be protected under the legislation—

and it goes on. I have a further letter from Carroll Street, Nambour. It reads—

I am sure you are as concerned, as most thinking people are, with the implications of the current legislation now before the Queensland Parliament. Maintaining the integrity and stability of marriage and the family unit has been a fundamental responsibility of every government of every age. The family unit is the building block upon which civilisation rests. Undermine and weaken the integrity and status of marriage (as understood by the Judeo-Christian heritage to which we belong) and the whole fabric of Western society is in real peril.

There is evidence enough of this happening all around us. This proposed Beattie legislation is just another direct attack on marriage and family at a time when it is already reeling from the onslaughts of secular humanism in this day and age—

and it goes on.

That is just a sample of the hundreds of letters that I have received since this matter was introduced into parliament. I also had a meeting with many school principals—not just from the Sunshine Coast, but some also travelled from Brisbane. This was on 14 November. They also sent a very clear message that they were concerned with the way the government had handled the introduction of this bill. They were in the process of lobbying very heavily their own members around the state, the minister and the Premier.

Earlier this week the government argued that this legislation was consistent with laws in other states. The advice I have received is consistent with the remarks of the shadow Attorney-General in that this bill is not consistent with the laws of other states. I would like to refer to some examples of the laws in other states of Australia.

I understand that in New South Wales there is an Anti-Discrimination Act 1977. There is a specific exemption, namely section 31AE3(a) which reads—

It is not unlawful for a private educational authority to discriminate on the grounds of sex, marital status, transgender, homosexuality or disability.

Section 56, headed 'Religious Bodies' says that this is a general exemption and in 56(d) it exempts any other act or practice of a body established to propagate religion that conforms to the doctrine of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

I have with me examples which I will table at the end of my contribution to this debate. In Victoria's Equal Opportunities Act 1995 the specific exemptions are contained in section 38 and section 75 headed 'Religious Bodies'. Section 76 headed 'Religious Schools' also provides an exemption. I refer members to South Australia's Equal Opportunities Act 1984 and the specific exemption which is contained in section 50 headed 'Religious Bodies'. The Western Australian Equal Opportunities Act 1984 also contains an exemption in section 72 and section 73 which relates to religious bodies and educational institutions established for religious purposes. Tasmania's Anti-Discrimination Act 1998 contains an exemption in division 8 and sections 51, 51(1) and 52(2) are also referred to. The Australian Capital Territory also has a Discrimination Act 1991 and exemptions are contained in section 32 for religious bodies and section 33 for educational institutions conducted for religious purposes. Section 44 of that act also refers to religious workers. The Northern Territory's Anti-Discrimination Act contains specific exemptions in sections 30 and 51 relating to religious bodies.

Ms Struthers: What do you actually believe?

Mr WELLINGTON: Since this bill was introduced and since the Premier tabled in the House earlier today the proposed amendments to this bill, I have phoned—

Ms Struthers: You've got to be a man for all seasons. What do you believe?

Mr WELLINGTON: Perhaps if the member is quiet she will hear. I have phoned a number of the people who have been involved in the discussions of late with the Premier and Attorney-General and am able to confirm the advice that the Premier has recently provided to this House. I want to take members through the advice I have received from the people I have contacted and who have indicated a willingness to advise accordingly. I spoke to David Hutton, the Executive Director of the Catholic Education Archdiocese of Brisbane. I asked him whether the document I faxed to him was an accurate reflection of what was agreed. Mr Hutton advised that he had conferred with Joe McCorley, the Executive Director of the Queensland Catholic Education Commission, and they both agreed that the document tabled in the parliament was substantially in line with what they had agreed. He also said that, while it was his preferred position that the current exemptions remain, the document was what they had agreed.

I also understand that during those recent discussions to which the Attorney-General and the Premier have referred Archbishop Bathersby requested that in the preamble to the bill, which we are now debating, there be a specific acknowledgment of the commitment to uphold the family unit and the importance of the stability of the family unit. I understand that that commitment has been taken on board and that that wording is now contained within the bill. I also contacted Major David Knight from the Salvation Army. He has looked at the agreement and advised that, except for one minor error in one section—I understand that 'belief' should be plural and not singular—this is what was agreed to. Archbishop Aspinall of the Anglican Church was unfortunately not available to respond to my questions.

I contacted the Lutheran Church Moderator, Pastor Tim Yajensch, and am still waiting for his return call. I also contacted the Right Reverend Ian McIver, Moderator of the Presbyterian Church of Queensland, who has responded with advice that he has looked at the agreement and it appears to be what was agreed to. Yes, the Premier and the Attorney-General have indicated that there was an agreement and these people have indicated that their representations to this parliament are accurately reflected in that agreement. He indicates that the only thing missing is mention of the retention of section 25 relating to the general exemptions. I contacted Reverend David Toscano, the State Youth Coordinator of the Baptist Union, who has looked at the agreement and advised that there have been some minor amendments to what he believed was agreed to. He identified section 25(20)(b)(i) and said that the word 'openly' was not agreed to. Also in example 5 the word 'openly' once again should not be there. Again, I understand that there is, by and large, agreement with the comments made b the Premier that these amendments do accurately reflect the agreement that these people reached with the government.

I now refer members to Scrutiny of Legislation Committee report No. 11 tabled on 26 November where the committee acknowledged at page 4 the validity of the claim that private educational institutions, particularly those conducted by religious bodies, should be able to ensure that persons employed in those institutions are compatible with the values of the institution and to select or retain staff accordingly. The committee also noted that clauses 14 through to 21 of the bill amend the grounds of discrimination and the exemptions available under the Anti-Discrimination Act 1991. The committee referred to parliament the question of whether those amendments have sufficient regard to the rights and liberties of the various individuals affected by them.

I do note that at half past three this afternoon the Premier did formalise the tabling of the official amendments to the bill which was referred to earlier today. He referred to the informing of all members of the intent of those amendments. I take members to the *Hansard* record of this on 7 November 2001 when this House discussed the issue of members tabling amendments and explanatory notes. For the benefit of members, I want to reiterate that the motion that this House agreed to on 7 November 2001 states—

That the House encourages all members who intend to move amendments to a bill to circulate the proposed amendments in the House and, where appropriate, explanatory notes to those amendments.

The Premier has circulated those amendments, but I still have not received any explanatory notes. I am not trying to be pedantic, but the bottom line is that we are now in the process of debating a contentious and important piece of legislation. We are still waiting on these explanatory notes, and I do hope that they arrive before debate on this bill is completed.

The member for Algester asked what my position was. You cannot be the right person for everyone. I simply say that we all have to make a decision on this bill. Irrespective of whether we agree with the consultation or the way the government has handled this debate, it does appear to me that, by and large, there does seem to be support from the key interest groups who have raised concerns about the bill and, accordingly, I will be supporting the bill. However, I indicate that I do have concerns about the way the consultation process has been handled and the way this is now being rushed through parliament in the final stages of the year's sittings when there is no reason why this bill could not have been introduced into this House months ago and there is no reason in my mind—I still have not been convinced—why this bill could not have been introduced into this House, left to lay on the table and this debate could have been had at a more appropriate time in the new year. I will be supporting the bill.

Mrs CHRISTINE SCOTT (Charters Towers—ALP) (4.08 p.m.): It is a pleasure to rise to take part in debate on the Discrimination Law Amendment Bill 2002. I know that every member in this House will wish to speak to this bill, so in the interests of timeliness I will be brief and confine my remarks in this instance to just a small number of aspects of the legislation.

I have long appreciated in this permissive age when topless bar attendants and waitresses are accepted in the public arena how incongruous it has been that a mother can be asked to leave a restaurant or a shopping mall simply because she needs to breastfeed a hungry baby. No-one should expect a bottle-fed baby to be removed from the public gaze or breastfeeding mothers and babies to have their meal in a toilet, as they have often been required to do. No-one else would accept being made to have their meal in a toilet. I am very pleased that, in this modern age, breastfeeding mothers can no longer be required to remove themselves or their children from the public gaze as previously occurred. A hungry baby, whether it be breastfed or bottle-fed, needs to be fed when and where it is necessary.

I should also like to comment briefly on the gender identity aspect of this bill. I welcome all changes in this bill, including those which allow post-operative transgender people to obtain new birth certificates in their reassigned sex. This brings Queensland into line with the majority of the mainland states, which currently have similar legislation. While I would never wish for anyone to go to jail, I wonder if any of the opponents to this legislation have considered the previous implications for a person who has had a sex change operation and who has previously not been allowed to change their birth certificate and therefore, with all the attributes of their new gender, may have found themselves in a prison situation in accordance with their old birth certificate. I would consider this not only inappropriate but also possibly dangerous either to their health and safety or, conversely, to the health and safety of others in that institution at the same time.

I believe that being born homosexual—I do believe that people are born that way—is no different from being born left handed. Many years ago we punished people who were born left handed and tried to force them to change. We now have a more enlightened view about that particular situation, and I am very pleased that we now seem to have moved into the 21st century in our treatment of people who are not part of the majority in respect of their sexuality. These and other reforms within this bill are not intended to endorse, condone or encourage any particular lifestyle, but we need to recognise that other lifestyles certainly exist, even though they may be in the minority. A head-in-the-sand approach of denying their existence is unhelpful to say the least.

I think those who are so insistent that homosexuals and those who practise other lifestyles are evil, deviant and so on should ask themselves how they would feel if they suddenly found one of their teenage or adult children was gay. Would they suddenly feel that these people were evil or agents of the devil? I think not. I think they would love them no less. My view is that homosexuality occurs in nature amongst animals, although those animals and humans are in the minority. It is a natural occurrence and therefore there is nothing intrinsically wrong with it.

This legislation protects the fundamental rights and human identity of all people, no matter who they are. It is designed to reinforce the inherent social diversity of our vibrant, contemporary and just society. I commend the bill to the House.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (4.12 p.m.): The introduction of this bill has been one of the most shameful episodes we have seen in this parliament. I have said that in previous speeches I have made in this House. In this debate I will briefly go over how this whole sad and sorry process occurred. This bill was first—

Mr Fouras: Why don't you debate the bill?

Mr HORAN: Government members do not want it on the record because they are ashamed of it. This bill was brought into this House after absolutely no consultation. It was brought into this

House after it no doubt had some 12 months or so of preparation. There would have been authorities to prepare and many other processes to be gone through. It was brought into this House after it was approved by the Premier and the cabinet. It was brought into this House after it was approved by the caucus.

When this bill was introduced into the House the Attorney made his second reading speech. Reference to probably one of the most important parts of this whole bill, that part to do with the religious schools and what rights they had to operate according to their religious beliefs, was deliberately and intentionally not made. The pattern of secrecy and deceit can be seen. Since then there has been an absolute outcry from the community throughout Queensland. It is not just in the churches or the schools; it is everywhere we go. As we move around our electorates people come up to us and say, 'Good on you for standing up and having some principles about the right to religious freedom in this state. Good on you for having the courage to stand up and say, "'We want to know what the families think of it, what parents think of it, what schools and principals think of it and what churches think of it before we come to any particular decision."' This is about standing up for our electorates, the people we represent, and those institutions which are important to our communities and to the religious freedoms of our state and nation.

Once all of the protests started and the mail started to flow into electorate offices, the Premier was forced to attend a public meeting last Monday night. Over 200 people came to that public meeting. I have heard from people who were there that it was a courteous meeting. The meeting lasted for three hours. Finally there was some consultation. In the midst of this parliamentary sitting—we sat to quarter past 12 on Tuesday and to quarter past 2 last night—at around 10 or 11 o'clock last night there was a meeting with about 20 people. Then this morning we were told that this legislation would be debated today.

Earlier today we moved a very reasonable amendment in an endeavour to move this debate to next Tuesday. We offered to cooperate to ensure the passage of other legislation the government needs to have passed through the House in the limited time of today, tonight and tomorrow. We considered that the extra time was needed to fix up this non-consultative mess. We needed that time to look at the amendments and take them back to the different churches to ensure that the principles they had discussed with the government adhered to the letter of the amendments. We needed time to also check with other people in our electorates—people in the various communities, parishes, congregations, schools, P&Cs and P&Fs, and parents in particular. That is the sad and sorry litany of what has been happening with this whole process.

Despite the fact that these principles were put forward, there is a serious concern on the part of some people. Some have said that they preferred to keep the total exemption. Others have said that this is not ideal. We hear now that the word 'openly' has been introduced. It was not mentioned in the principles. Some other concerns are starting to come through and perhaps will come through once people have the opportunity to go through the amendments.

Our point was that the government should do things fairly and honestly for once, with some open accountability. That is the way of modern government. This government has just walked over the parliament and walked over families and churches in this state. It was dragged kicking and screaming to the negotiating table because it feared electoral backlash. It feared that churches would campaign against it. That was the only thing that brought about any particular change.

In his speech the Premier talked about family because he had been asked to do so by the churches. The Catholic Church has a strong belief in promoting the ideal of heterosexual, faithful marriage. It felt it was its right to promote that. That is part of its teachings. Other churches have specific teachings from the Bible, just as the Catholic Church has its teachings emanating from the catechism. Other religions have their beliefs emanating from the Koran or whatever it is they derive their religious teachings from.

The point I have been making over and over again is that religious freedom is the foundation and cornerstone of Australia. It is why so many people came to this country and made it their new land: they were able to practise their religion openly and according to their own beliefs. There are differing beliefs amongst the different religions, and they apply those differing beliefs to the way they operate their schools, their hospitals or their charitable institutions. It was so important that that religious freedom be abided by. People asked, 'What about other rights? What about the rights of minority groups?' and so forth. But if we think about it, religious freedom is the greatest principle that we have in this nation. It is the real basis of what Australia is all about. It transcends these other issues that are referred to in this bill. It is the basis of educating the children of tomorrow—the children of those parents who make the decision to send their children to a

religious school and pay the fees on the basis that that school teaches the faith and the beliefs that they believe in. They want to see that school enact that faith and live that faith as much as they can through the way in which they recruit teachers, through the way in which they operate the school and through the demonstration of life values that the teachers, the staff and the administration—everybody associated with that school—provide in the way in which they go about their life at the school and their life in their community.

The Premier spoke about the family. All of us hold the family in the highest regard. The Premier tabled some figures. There are lots of figures. Digger James sent every member some figures. In his letter he stated—

Today is a critical day in the history of our State where, with only one House, legislation can be passed without censure or examination when one party has an overwhelming majority.

He stated further—

I am very disturbed at the proposed Anti Discrimination Bill before you today. It is based on a false premise that a majority of Australian adults living together are not married. That is not true. The attachment shows clearly on current research that the percentages of adults living together as follows:

Married: 90.5 %
De facto: 9%
Homosexual same-sex couples: 0.2%

This means this bill is changing our whole society religion, churches the lot—it is outrageous. I ask you all irrespective of party to vote against the bill. Please let your conscience guide you. Please think of our children our grandchildren, our religion, our freedom of speech and the very basis of society.

He goes on to state—

Last night (27 November) the Premier and Attorney General met an invited group to update discussions with selected church leaders and discussed other issues.

He states further—

I made a strong statement regarding the fact that this legislation is geared for a tiny minority in the community at the expense of the huge majority as illustrated above.

Mr Schwarten: Who said that?

Mr HORAN: Digger James. He says further—

It is the direct denigration of marriage as we have known it for thousands of years and is the basis of our society. The Premier said he would speak to this point and it would be included in the preamble to the Bill. On further thinking on this response, I think in law a preamble has no legal authority and so, this just spin-doctor stuff.

He would not consider or tolerate any further consultation with the electorates of Queensland.

That is what happened when our amendment was voted down today.

I would also like to read into this speech a letter that went to the Premier from a lifelong member of the ALP, a pastor in a church. He states in his letter—

If this legislation goes through, Peter, it will go through at the risk of the downfall of your government. Despite all my background and left-wing pedigree I will unhesitatingly cross the floor to the side of the Nationals (who are opposed to it, thank God!), and will do all in my power by voice and keyboard and pulpit to influence the thousands whose paths I cross in my day to day ministry to vote you and your government right out of office at the next elections.

Mr Schwarten: Good riddance.

Government members interjected.

Mr HORAN: I hear the interjection from the honourable minister saying 'Good riddance. We don't want those sorts of people.' I hear the backbenchers saying, 'Good riddance. We don't want those sorts of people.' The real Labor Party is coming out now. No wonder this legislation went through the cabinet and no wonder it went through those many, many long months of preparation, despite the lame excuse of the Premier that the security issues of recent times had forced them to neglect the consultation. What a lame duck excuse!

This bill is a shameful exercise in social engineering that has been thrust upon the community without consultation. If it had received the consultation, it could have gained a lot more respect from members in this parliament and a lot more respect from the churches. This is the biggest issue that this parliament has had to consider this term. Consequently, there is no justifiable reason for the government to rush this bill through the parliament. It is only through the complete arrogance of the government with its unhealthy huge majority of 66 members that this legislation is being rushed through this House.

Every member's electorate office has been inundated with correspondence and telephone calls about this legislation. The opposition office alone has received 292 items of correspondence. That does not include the copious quantities of correspondence that the opposition members have brought from their various electorate offices throughout the state.

I again make the point that I made this morning. When this bill was brought into parliament—with its 66 pages amending 50 acts—it was only the National Party that stood up and said that this bill has to be looked at carefully and cautiously and that it will make a decision when it has had a look at it and when there has been some consultation. There has been no consultation whatsoever. When we did what the government should have done, all our suspicions were confirmed. The second reading speech did not even mention the schools. The Attorney-General did not even have the courage to say in his second reading speech that the major effect of this bill will be to take away the exemption that applied to religious schools, which has always applied.

Mr Welford interjected.

Mr HORAN: The Attorney-General did not have the courage to put that into his second reading speech. That was the extent of the deceit that the Attorney-General put into this legislation.

I went through that letter that the pastor wrote. I want to read out further some things that he said. The letter states—

Surely there are enough other issues you can fight for as our Premier. What about a serious re-vamp of the insurance industry which is in crisis and threatening to jeopardise the viability of so many community organisations? Then there's the public hospital fiasco—people dying while they've waited sometimes for years for treatment they can't afford to pay for privately. The nursing crisis.

These are all important issues. Was any member opposite getting people coming to their electorate offices asking for these changes that the legislation makes? Of course they were not! No member ever gets these sort of complaints in their electorate office. People just want to be able to have a bed in a hospital. They want to be able to send their kids to the school of their choice, of their religion, without interference from the state. This bill amounts to interference by the state in the freedom of parents to choose the school they wish their children to go, interference by the state in the way in which religious people practise their faith, in the way in which they operate their schools and in the way in which they operate their hospitals.

This bill is being rushed through this House by a government whose motives are established on a flawed premise. As I have said, the Queensland Nationals was the only political organisation that was prepared to display the courage of its convictions and provide the handbrake that forced the government to meet with the churches in the first instance. The only reason the government was dragged to the negotiating table was that the National Party was standing up. The government knew that because we stood up it had to do something. Otherwise, the people affected would have campaigned against the government and supported the National Party. The National Party stood up for this matter because it was right. We stood up because of parents, principals and schools.

The churches and parents of children who attend the churches' various schools want and demand the right to choose the appropriate role models for their children. The government wooed the church leaders with promised amendments to the bill, but no-one saw those amendments. When this legislation was introduced, no-one had seen those amendments. Because of the shameless mess that occurred in the early stages of the bill, the right and proper thing to do, in order to correct all the previous mistakes of the government, would have been to provide the four days sought by the National Party so that this legislation could have been debated on Tuesday when lawyers, churches, parents, schools, and everybody else would have had a chance to have gone through all of these issues in detail.

This bill removes an exemption which has allowed non-government schools and hospitals to refuse to employ homosexual people. Clauses 29 and 42 of the Anti-Discrimination Act have been omitted, although a loosely worded amendment—clause 15—provides an exemption for occupational requirements based on religious beliefs. According to the Premier, the proposed amendments will overcome this difficulty, but we still have not had the chance to go through it.

I shall quote the International Covenant on Civil and Political Rights, ratified by Australia in November 1980. Article 18.4 provides—

The states party to the present covenant undertake to have respect for the liberty of parents and where applicable legal guardians to ensure the religious and moral education of their children is in conformity with their own convictions.

When the article was being formulated it was stated that states would not be committed to doing anything other than respect the wish of parents that their children be brought up in their own religion. In 1998, the Human Rights and Equal Opportunity Commission published a report on article 18 entitled 'Article 18—Freedom of Religion and Belief'. The report stated that the International Covenant on Civil and Political Rights Article 18.4 also provides that parents have a role in ensuring that their children are educated in accordance with their own moral and religious convictions.

Parents have a right to educate their children about their own religions. Those articles make it clear that parents have a role to ensure that their children are educated in accordance with their own moral and religious convictions. That was to be attacked by this government in this bill if it were not for the fight put up by the National Party, the churches and the schools. This Labor government was all set to negate the rights of parents. The exemptions that the churches have at the moment are important to consider. One exemption relates to the training and selection of ministers, another to church related schools and hospitals. Importantly, the current exemption before this bill came in was very narrow. Given the narrowness of the current exemption, it follows that the repeal of the exemption must be an attack on the right of religious freedom.

The repeal outlined in the introduced bill meant that church-run schools and hospitals were able to discriminate even where it was required by their doctrine and necessary to avoid offending the religious sensitivities of the members of the church. A right of religious freedom must include a right to practise and teach the doctrines of the religion and operate church facilities without offence to believers.

Even the comment by the Attorney-General that this was bringing Queensland into line with other states was deceitful when we have all received information from libraries and from other states that all the other states have such exemptions in this type of legislation. In conclusion, we will not support this bill because of the lack of consultation and the refusal today to allow four days for everybody to look at this and make sure it is correct.

Ms STRUTHERS (Algester—ALP) (4.33 p.m.): This is a time for courage and tolerance. We are dealing in this bill with values that all of us in our different ways hold sacred. I am an advocate of the Discrimination Law Amendment Bill that the Attorney-General and Minister for Justice introduced into the parliament. Its core aim is to give people, regardless of family type or sexual preference, a fair go. This bill seeks, among important things, to rightfully provide due recognition in law to de facto relationships, including same-sex couples. I have tremendous respect for the leadership shown by the Attorney and the Premier in striving to do the right and fair thing. I applaud the constructive way in which many of the individuals and church groups advocating for and against the bill have generally provided their input. I have listened to all sides of the debate. I have read emails and letters and have taken account of the issues put before me. My position is pretty clear and I am happy to present it here today.

All interested people—and I am sure all members of this parliament—have had to dig deep into their consciences and hearts. The conflict for many people between their sense of fairness and their notion of religious freedom has not been easy to reconcile. I accept the difficulties a lot of people are having both in the House and in the wider community in dealing with these areas of social reform. In the four years I have been in this parliament I have seen very positive signs of increasing tolerance among members of both sides of politics. I have not heard much of the debate yet and I know that there is more to come, along with some pretty good efforts from Vaughan Johnson and other members in the House, but so far things have been reasonably steady and calm.

The main issue seems to be around the consultation and the exemption in relation to religious institutions. But 95 per cent of this bill in 2002 is getting general acceptance in this House and in the wider community. That is a big change, a big achievement. All members in this House need to acknowledge that. It is a very positive change. We had to tolerate such rubbish three or four years ago, for example, being told that we would go to hell and all this sort of stuff from members in the House. It was quite unparliamentary and unjust behaviour. Thankfully, that sort of attitude either has been oppressed or repressed or does not exist in the minds of some people. They have opened their minds. This bill has opened our hearts and minds, forcing us to take a hard look at our views and values. This of itself is a good thing. This is how people learn and grow and change. It is a very positive thing that we are dealing with this bill.

As government members, we have had to bear the brunt of hostility and criticism from not many but some quarters. The encouraging thing through this process is the letters and messages of support from parents of gay people, from gay activists and from people in de facto

relationships, all of whom have a story to tell about discrimination, oppression and prejudice and all of whom are very heartened by what the Attorney is doing in this legislation.

I have confidence that our government is advancing tolerance and humanity. I must admit, though, that through this process I have been reminded that our community has a long way to go in accepting that people in de facto relationships and people in same-sex relationships can and do live as loyal, committed partners, can and do live by a strong moral code, can and do have as much love and compassion in their hearts as anybody else and can and do provide stable nurturing environments for children. It does seem like a cliche, but I say it anyway: the most important thing is the quality of relationships, the quality of care given among adults and children—not the type of relationship. As the Premier said very clearly and in a heartfelt way this afternoon—and he has certainly said it a lot over the past week—it is what is in people's hearts that matters. He stated strongly this afternoon that he supports loving relationships, that people should not be marginalised on the basis of their lifestyle choice. What a tremendous Premier. What a great and humane view to have. What a leader!

Sadly, the state is leading on humanity in terms of this issue. This sort of view should be espoused by a lot more of our church and other religious leaders. I do not intend to knock people. I simply say that throughout history it has been the church that has played a very strong and progressive role on a lot of social issues. Thankfully, the Premier has a very sensible, loving, positive and fair view about these issues. I have been disturbed, though, but not necessarily surprised, by the angst and fear of the minority of people who hold religious freedom paramount over other values and humanity. When this bill is passed it will mean, for example, that men or women in de facto—including same-sex—relationships can rightfully be acknowledged as spouses for the purpose of next-of-kin status and other legal entitlements. Importantly, the bill when enshrined as law will reaffirm the community's standard that discrimination on the basis of family type or sexual preference will not be tolerated. Some people simply cannot cop this. They simply do not accept it. But it is the right and proper thing to do.

My spirituality, my faith and my sense of humanity compels me to be tolerant and accepting. In the gospels Jesus acknowledged that the two most important commandments are: Love the Lord your God with all your heart, with all your soul and all your mind, and Love your neighbour as yourself. Yet I question and challenge the un-Christian manner in which fundamental Christian principles and traditions have in many ways over the years been selectively applied for centuries to effectively crucify and demonise anyone who is not living in what has been viewed as the traditional heterosexual relationship.

I was very encouraged by the words of Dr Noel Preston and Catholic priest Father Peter Kennedy in the *Courier-Mail* on 25 November. Who better to seek guidance from than an ethicist and religious leader of standing? The powerful message that struck me from the article by Noel Preston and Father Peter Kennedy was that religious freedom is not absolute and must be curbed where it causes harm to other members of society. After all, one group's freedom may be another's oppression. Noel Preston and Peter Kennedy go on to say that Jesus of Nazareth stood alongside the marginalised and befriended those whose sexual history made them a subject of social rejection.

In deliberating on this bill, I urge members to give thought to who these marginalised people are. One group is gay people who have suffered persecution, isolation and stigma. These are people who live with a big secret because they fear this persecution. There are young people who struggle to come to terms with their sexuality and who already have enough pressure to deal with. To thrive they need to feel confident and proud and have a healthy self-esteem. In this sort of environment of prejudice and intolerance that does not happen.

I urge members to think about a young man called Nicholas. On 22 January back in 1994, the interestingly named Dubbo newspaper the *Daily Liberal* ran a story headlined 'Gays in the bush'. It told the story of Nicholas, a young man who failed to come to terms with his sexuality in a country town. His friends described him as an outgoing and confident boy. He played football, perved on the girls and got into fights—the sorts of things the member for Bulimba used to do as a lad. In his suicide letter Nicholas apologised to his mother for the grief he knew he would cause her and the utter desolation she would feel. But Nicholas felt trapped and alone. He could not live up to the standards of the member for Bulimba, a typical country Catholic boy. He knew that he would never be accepted for what he really was. He said in his letter, 'You are shunned in the Catholic church if you are a homosexual.' That is not the view of everybody; that was his view at the time and it led to the tragic step he took. Nicholas felt his place in the church, family, school and local community would no longer exist and, therefore, that his life was not worth living,

because these things were so important to him. It gets worse. While he never enjoyed an intimate relationship with another man, Nicholas always knew who he really was and that he could never be accepted in his community. That is what we are dealing with—hundreds and thousands of Nicholases and Nickies.

Some people want to keep this sense of unconditional religious freedom. It is not everybody, but that is the sort of extreme view that perpetuates these sorts of views, and it is compounded in the bush. The country boy or girl who is gay, who has no role models and has no-one to confide in are the ones likely to feel personally and geographically isolated. How many more young people have suffered since 1994 in this kind of situation? I do not have a lot of facts before me. I have tried to find out for the purpose of this debate. I would suggest there are hundreds of them around Australia.

Over the past 25 years, the incidence of suicide among young Australian males has increased. According to a report by the Commonwealth Department of Health and Family Services in 1997, the death rate by suicide among young males aged between 15 to 24 doubled between 1970 and 1995 and is high compared with other industrialised countries. Although suicide among young men in Australia is now a leading cause of death, and there are approximately 30 suicide attempts for every completed suicide, connections had not been made between homosexuality and youth suicide. However, overseas studies have reported a high rate of youth suicide among young gays and lesbians. The US Department of Health and Human Services Task Force on Youth Suicide concluded that gay and lesbian young people may constitute up to 30 per cent of completed suicides and cited homosexuals as being six to seven times more likely to attempt suicide than heterosexuals. Why is that the case? I ask members to ask themselves that. Why is it so high?

I am sounding dramatic. I am not meaning to be dramatic. I did not come in here to be dramatic. I am not trying to put a guilt trip on people, although it probably seems like that. These are the facts. These are the sorts of impacts these views and attitudes have. If prejudice against gays and lesbians continues unabated, if it continues against people in de facto relationships, these are the psychological impacts that it has on people and they will continue to be at high risk of self-harm, psychological harm and suicide. I am not meaning also to say that all people would feel like this, but I am highlighting the sort of risk that is there. It is certainly well evidenced in the literature. This is not a Christian way to behave.

Some opponents of the bill have argued that this legal reform represents a great threat to the church. Christian churches know full well that the biggest threat to the churches is the failure to modernise, to adopt an equal partnership among men and women, and churches being rocked with widespread sexual abuse by their male clergy and other significant leaders. These are the threats.

Some opponents have argued that homosexuals are a threat to children. This is an absolutely disgraceful claim and I am sure most of us would accept that it is a disgraceful claim. There is an abundance of evidence to show that, tragically, the biggest threat to children in regard to sexual abuse is from a male heterosexual family member. The *Child Sex Abuse in Queensland Offender Characteristics Report* indicated that 76 per cent of offenders interviewed identified exclusively as heterosexual. I support the argument that when the church communities come to grips with discrimination they, too, will modernise, grow and prosper.

I also want to canvass the avenue of redress available to people who may be unfairly discriminated against in relation to the religious freedoms and other things that will allow churches and church schools to, in some instances, have a degree of flexibility around employment. I wish to ensure that there are avenues of redress to people who suffer and are aggrieved as a result of that, because it is so important, as I said earlier, that the application of religious freedom does not oppress other people.

I am pleased to hear in this debate that most members accept that gays and lesbians have the right to be who they are. I would argue further that gay people have the right to be confident and strong, a right to be regarded as good and decent people, a right to be visible. That is one of the important challenges before us today. We must continue to send out loudly and clearly messages of acceptance and respect for difference, both for people in de facto relationships and for people in gay relationships. I accept that our freedoms must always be assessed against any harm they cause to others. This works for all people affected by this bill. For people in gay or de facto relationships it means that their freedoms must not harm others and for opponents of this bill defending their right to religious freedom it means assessing their views to see how they are likely to harm others who may be subject to discrimination.

I commend the way in which members have worked to try to find a path through this. As I said, I think the Attorney-General, the Premier, other leaders, members of our government and departmental officers have had a trying time, too, over the past couple of months in preparing the bill. It takes a lot of effort to get resolution and compromise in these areas. It certainly has taken a long time to get where we are. We should not take steps backwards. We have jumped over a big hurdle. Let us not go back; let us continue to go forward. As the Premier said earlier, let us support quality, loving relationships and the rights, responsibilities and freedoms that go with that. Let us not perpetuate intolerance.

Dr WATSON (Moggill—Lib) (4.50 p.m.): It is a pleasure to rise and speak in the debate on the Discrimination Law Amendment Bill 2002. Let me reiterate at the outset that the Liberal Party will be supporting the passage of this bill and we will be supporting the amendments to be moved later on by the Attorney-General and Minister for Justice. My colleagues, the member for Robina and the member for Caloundra, will talk later in this debate in some detail about some of the issues that have been part of the public debate over the past two or three weeks.

I wish to confine my remarks to part 10 of the bill, particularly the amendment to birth certificates after sexual rearrangement surgery. The member for Southern Downs spent a fair bit of time in his speech referring to that particular issue and I would like to spend virtually all of my speech in doing that.

As the Attorney-General knows, because I have spoken to him about this issue on a number of occasions, I have had an interest in this for quite some time. I have also spoken to some of his predecessors in the past. It was on 24 February 1995 that I wrote to the then Attorney-General, Dean Wells, on this particular issue, asking him to consider the issue and to move an amendment to allow birth certificates to be amended to reflect gender change. I wrote to the wrong individual, as it turned out, because it was under Consumer Affairs and Tom Burns was the minister, and he replied to me on 3 April 1995. When he wrote to me he said—

> I take the opportunity of thanking you for drawing your constituent's concerns to my attention. I can assure you that they will be taken into account when this matter is next reviewed.

Unfortunately, that tends to be bureaucratic language for postponing the issue, but at least it was on the record seven or eight years ago.

After the election in 1995, Ken Davies became minister, but he was a very short-term member for Mundingburra. He was Minister for Consumer Affairs. I wrote to Ken on the same issue, making representations on behalf of my constituent. I wrote to him on 25 August and asked him to have a meeting with me and my constituent to talk about the issue. In October that year that meeting came about. Again I was hopeful that we were making progress, but then, of course, we had the Mundingburra by-election and the government changed.

On 6 March 1996 I wrote to the new Attorney-General and Minister for Justice and Minister for Consumer Affairs. I again raised that particular issue. I spoke to Denver Beanland and he took it on board. I then arranged for my constituent and me to see David Fraser, who was chief of staff or chief political officer. We conducted a conversation and had correspondence with Denver Beanland over that year. He confirmed that the matter, having been brought to his attention, would be reviewed by the Department of Justice in light of recent legislative initiatives in other states. At that stage I was hopeful that we would move along.

At the same time, I spoke to the then Leader of the Opposition, Peter Beattie, and arranged for some meetings between him, my constituent and me in an effort to get a bipartisan approach to this particular issue. After the 1998 election when the government changed I again wrote to the new Attorney-General, Matt Foley, and again I had a number of private discussions with him and arranged for my constituent to see the new Attorney-General. Finally, after the last state election we had a new Attorney-General and, as the new Attorney-General will acknowledge, I spoke to him and—

A government member: And he delivered.

Dr WATSON: I am going to get to that. Do not pre-empt. The government will get its accolades in a moment. I spoke to the Attorney-General and I also spoke to Justin Harper from the Attorney-General's office. He spoke to my constituent. I followed that up with the Attorney-General on quite a number of occasions. Yes, finally it has been delivered. I congratulate the Attorney on doing something, because I think it is a positive step for a group of people who have been misunderstood.

I think most importantly in our democracy it is critical that the viewpoints of the minority can be brought to the attention of relevant decision makers without fear or favour. One can do so

persistently over a long period of time. I must admit that when I first approached the issue I guess I did so out of a sense of duty as a member of parliament. We make representations on behalf of constituents, whether or not we agree with their position because it is one of our jobs to make sure that our constituents' concerns are taken into account at the highest levels of government. I guess that is the way I approached this particular issue.

Up until the point that it came to my attention, I had never thought about it. It had never been part of my experience of life. Probably like most people in the population I had misconceptions about the issue—misconceptions based on ignorance. One might even be harsh and say I had prejudices on that issue. Prejudices are actually based on ignorance. What we need to do is to educate ourselves and find out what the real situation is. I guess I was fortunate because the constituent had a similar viewpoint and provided me with a certain amount of material. In the busy life of a parliamentarian we do not tend to read great amounts of information straightaway. However, eventually I did get around to reading it and then I received further information. I intend to refer to some of that material and to quote from some of the personal experiences of a few who have actually undergone gender reassignment surgery. I guess this in part reflects my own journey of understanding. The legislation is long overdue.

In addressing the issue I think that there are three fundamental observations that are important to make. The first is that there is confusion arising from terminology. The terms 'transvestites', 'transsexuals', 'drag queens', 'female impersonators' and 'homosexuals' are often used interchangeably when in fact they are distinct terms. I am going to address that in a moment. Secondly, before surgery, transsexuals experience significant emotional complications as they try to reconcile the physical characteristics of one gender with the psychological make-up of the opposite sex. There is both a psychological and a biological basis for this. I think one has to understand both of those points of view. Thirdly, undergoing sexual reassignment surgery is not done lightly by anybody. It requires a massive commitment both psychologically and physically because of the painful surgery and the social and family concerns that arise.

I intend addressing each of those three aspects by quoting the experiences of four people who have undergone such surgery: three from male to female and one from female to male. Approximately 75 per cent of such gender reassignment surgery is in fact male to female. I want to look at each of those issues in sequence. The first relates to the confusion in terminology. An interesting book was written by Katherine Cummings—she was previously John Cummings—called *Katherine's diary*. The introduction to that book states, and this is an important quote—

> Because transsexualism is relatively rare and its visible characteristics are similar to those of other cross-gender conditions there is endless confusion in the public mind between female impersonators, drag queens, transvestites and transsexuals. Undoubtedly these groups overlap but it is possible to belong to one group only or to any combination.

Because she obviously experienced conflict between personal family situations and friends in the writing of this book which disclosed private matters, she goes on to say—

> I feel, nonetheless, that my story has to be told, because it is the story of a great many people who are misunderstood, or placed in the wrong pigeonhole, by those who do not know that there are real distinctions to be made not only between transvestites, homosexuals and transsexuals but also between the transsexuals who cross the gender border in their youth and live all their adult lives in the chosen gender, and those like me who strive against their obsession, marry, raise children and are finally forced to move into the new gender role through force majeure.

The understanding of the issue in the general population is not helped by the fact that there is confusing terminology. People tend to use the words interchangeably when in fact they mean significantly different things.

The second aspect relates to psychological and biological issues. Again, *Katherine's diary* states—

> The social pressures on a transsexual are enormous. There are the early years of confusion when it is obvious that one is different from everyone else but there is no access to information which would explain the situation. There is usually a period of misunderstanding when one imagines one might be homosexual, no matter how much one has been conditioned against the possibility, and then there is often a longer period when one argues oneself into the belief that one is a transvestite, dressing up 'for fun' and able to kick the habit at any time. Finally, often about the time of mid-life crisis, we face the fact that we are, and always have been, transsexual. This is part of the inevitable recognition that the human machine is running down and that soon it will be too late for all manner of things. For the transsexual there is the added twist that it will be too late to live a significant portion of his or her life in the gender of choice and all that will remain will be the dregs and lees of life for the inner person who has cried out so long to be allowed to live.

That kind of sentiment is expressed by many others who have gone through the same process. Elizabeth Wells in an article entitled 'The View from Within: What It Feels Like to be A Transsexual' in a book by William Walters and Michael Ross called *Transsexualism and sex reassignment* states—

... I was at total odds with my body, a person divided. To all appearances I was male. But I knew I was female.

That was a long time ago, when I was living in what might be called my first stage. I often wish there were three terms for 'transsexual', one for each of the three stages: 'needing to cross over', 'crossing over', and 'having crossed over'. I think many transsexuals see it like that.

Finally, there is a very moving story by Caroline Cossey called *My Story*. She states—

I felt then, and still feel now, that it is all too easy for people to hand out advice. But unless you have known what it is to live with your body and mind at war, I don't think it is possible *really* to understand the sense of torment that I was experiencing.

The problem is that biologically there is almost a continuum from normal female to normal male. That of course depends upon the chromosomes a person ends up with. In the beginning of life, male and female are indistinguishable. The reproductive glands differentiate into testes at weeks seven to eight and ovaries at weeks 11 or 12. The problem is that during that period all kinds of things can occur. We know that because of other people's disabilities.

The external genitalia on both sexes is identical until the end of the eighth week of embryonic life and they have the potential to develop into the sexual organs of either sex. That is one of the problems—that is, there is an almost a continuum. Let me again refer to the experiences of a few people. Caroline Cossey, in describing her own situation, states—

Most women have two X chromosomes and men have one X and one Y. Transsexuals very often (although not always) have two X chromosomes to one Y. Doctor R discovered that I had three Xs to one Y. Chromosomally, my body appeared to be at war with itself.

There was a biological basis to her situation. It was biological and of course it was played out psychologically in her mind. There is another case, which is basically a normal situation, from Peter Sterling called *So Different*, which is an instance of female to male sexual reassignment. He describes talking to the specialist concerned. He says—

'Now for your own personal chromosome combination. As I've mentioned, you have an extra chromosome and this is what is responsible for your sexual abnormalities. Because the extra chromosome is a Y, your chromosome combination is in fact XXY,' she paused to let this sink in, then continued. 'Do you still understand?'

'I understand well enough that I have an extra Y chromosome, but what does that mean, what does an extra chromosome mean exactly?'

'In your particular case we know that it has interfered with the development of secondary sexual characteristics. You are in fact a mixture of both sexes!

In fact, that is called Klinefelters Syndrome and is one of the most common syndromes with transsexuals and has been well identified.

The last issue is the fact that gender reassignment surgery is a very painful experience. All the evidence of individual accounts tell precisely that thing. If anyone wants an account of it, all they have to do is read the book I mentioned by Walters and Ross. Over the past few years I have become convinced that no-one undergoes gender reassignment without going through each of the stages I enumerated earlier. Having done so, I believe it is right to allow their birth certificate to be changed. Perhaps the epilogue from Caroline Cossey sums up the feeling of those who have undergone such surgery and failed to have their certificate changed. She says—

At 8 a.m. on Thursday 27 September ... my lawyer telephoned to tell me that the European Court had made its decision. By ten votes to eight it had found against my right to change my birth certificate.

...

Numb with shock, I replaced the receiver.

...

To most viewers—

on television that night—

the decision was a matter of small interest, but for me and other transsexuals it was a shattering blow. Legally it left us at a dead end.

Queensland legislation is finally catching up with reality. I congratulate the Attorney-General on doing so and I think we can finally put some of the torment to rest.

Hon. J. FOURAS (Ashgrove—ALP) (5.09 p.m.): I commend the member for Moggill, my friend David, for the courage he has shown and the forthright way in which he has expressed his views in the chamber today. Today the Leader of the Opposition talked about courage, yet he

spent the morning wasting the parliament's time in an act of absolute cowardice. He was trying to delay the inevitability of expressing his views in the House about this piece of legislation, which has lain on the table for 22 days.

I remember during the 48th Parliament when the then Minister for Family Services, Anna Bligh, brought in some domestic violence legislation. The legislation was based on the premise that we could not deal with domestic violence as we would deal with it through the Criminal Code—it is not a matter of throwing the book at people—and that therefore we needed to have processes to deal with domestic violence. Everything was hunky-dory, the opposition was in full agreement and I thought, 'Wow, they really are contemporary after all.' But what happened? It found that that legislation would also apply to homosexual couples. Then all hell broke loose. We had the most frightening, vitriolic and ugly debate I have seen in my time in this parliament. I have been here since 1977, but I had never seen anything like that.

At the time I thought, 'It is okay. These people cannot help themselves.' But in the 49th Parliament there was further legislation, again on the issue of domestic violence, trying to protect the aged from abuse by their carers, trying to protect people with disabilities from abuse and trying to protect young people from dating harassment. Again, what we heard from members opposite was an unreal expectation of the world. It was like they thought these things do not happen, that carers do not abuse children or the elderly. Where have these ostriches opposite been? And they talk about courage! What a joke!

When I migrated to Australia I felt somewhat different. I could not speak English and I wanted to belong. I wanted to be accepted and I would do anything I could because it was fundamentally important to me to have that sense of belonging. I did not want to be tolerated. To tolerate people means to put up with them. People seek belonging and acceptance.

The Leader of the Opposition talked about this legislation being an attack on religious freedom and an attack on parents. What unbelievable nonsense! On the contrary, as the Premier said earlier today, this legislation supports parents and defends their children's rights. It supports people's freedom to choose how they live. I support this bill. I cannot support discrimination.

A healthy society must test discriminatory practices in an open, transparent manner with appropriate processes. This bill will provide some of those processes. This bill attempts to provide a fair go. Ostensibly, unfair actions must be outlawed. We must treat all our fellow human beings with respect and so sustain their dignity and their sense of belonging. Like the member for Algester, I was very impressed by the article by Noel Preston and Peter Kennedy. They are people I have known for a long time and I was delighted to see their article in the *Courier-Mail* yesterday. I will quote part of the article because I think it goes to the crux of this debate. It states—

On the issue at hand, we are concerned specifically with the way sexuality and marital status is presented as the defining characteristic of the good (Christian) way of life.

At times this preoccupation seems to overwhelm other urgent priorities of the contemporary church's responsibility such as challenging social injustice and protecting the natural environment.

I discussed this issue with some Catholic people from St Marist College at Ashgrove. I said that I did want to listen to their arguments, but I said I was appalled that we seem to be highlighting de facto relationships and sexuality as tests of values, of humanity and, to go back to Socrates, of the common good. Socrates said that happiness is the result of good deeds. I say to members of this chamber today that I feel happy. I think if we are to look for the Socratic common good we must have a level of indifference. We must have a level of lack of self-interest. That is the only way we can find the objectivity we require. The article continues—

On many occasions the ecclesiastical fixation on sexuality has been revealed as a double standard.

That is self-evident. It continues—

Of course self-discipline, love, commitment and faithfulness—the hallmarks of right relationships—are fundamental to the Christian ethic in the domain of sex, marriage and relationships.

In our pastoral experience we have encountered many de facto couples or same-sex couples who live as faithful, committed, loving partners.

So have I. I am not that spiritual, although I have been on and off the bike of my spirituality many times. I seem to fall off more than I stay on. But my son is quite spiritual. Once I remember asking him why one needed to pray. He said, 'Because you have to love your neighbour.' I said, 'I do. I love my neighbour.' He said, 'No. You need the help of God to love your neighbour.' He then gave me a quote of one of the church's desert fathers, St Anthony, from the 4th century. He said that our life is bound to our neighbour. If we find our neighbour we find Christ. If we offend our neighbour we offend Christ. I think that is fundamental to the debate today.

Many parents in my electorate have rung me and written to me concerned about the fact that they want their teachers to be role models. That is the issue that is so important to them. They are concerned that somebody flaunting a lifestyle that is different will detract from what they want to see in their children. From talking to them I had an understanding that this is not an issue about whether persons who are homosexual or in de facto relationships should be employed in schools. They accept that it is a fact of life already. They are being employed there. The issue is of role models, of whether their children would be influenced unduly by a lifestyle the parents do not approve of. I think the Attorney-General ought to be congratulated on accepting that this was a concern of some of these parents. There were some exemptions for religious institutions, but I think he did attack this issue in a very objective manner.

We heard the Premier today talk about the significant demographic changes we have had in our society, particularly since the last Anti-Discrimination Act more than 10 years ago. Consequently, there is no doubt that we need to update those laws to protect the human rights of all citizens.

I have been very concerned about the refugee issue. It has always amazed me that we live in a society in which we say that the human rights of our children are fundamentally important—in fact, we have laws in this state that impose statutory obligations on the state to protect children when their parents will not—yet we have children in these concentration camps or whatever they call them—

Mr Purcell: Refugee camps.

Mr FOURAS: Yes. The children are self-harming and actually being damaged. There is a huge body of medical opinion that shows that is the case and we say that it is okay, that we are not to be concerned about their rights. This is the fundamental principle today. Human rights belong to all people. We are here debating that fundamental fact. I think that there is a balance to be struck and that is why I commend the Attorney-General. I have done that privately. I think that he is going to be the greatest Attorney-General that this government has had. I know that that is a big call. I have been around for a while and I have seen a few people in that position, but I would like to say that. The balance is to allow religious employers to choose people of appropriate calibre while protecting the human rights of their employees. Of course, part of that protection is their basic right to be treated equally with other employees. In doing so, this bill does not impact on religious freedom. The member for Algester said something in her speech that I want to repeat: in doing so, this bill does not impact on religious freedom.

I do not think that today we ought to condone, encourage or endorse any particular sexual lifestyle or any particular way people live. We are about protecting the fundamental human rights of people to choose the way they live. The other day I was talking to students of The Gap State High School when they inducted their captains. I said to them that freedom is wonderful, because it gives us the right to choose how we do things, where we do them, why we do them and when we do them. But, ultimately, I said that freedom should also be about the right to make a change that makes a difference. That is what we are debating here today—the right to choose to do that.

I do not want to be hypocritical about this. I agreed with a lot of my constituents who homed in on the issue of lack of consultation. Of course, it was impossible not to agree. The moment that we start calling black white we have really lost our way. Nevertheless, I think that ultimately there was substantial consultation. The issue was never going to be easy. People do not readily accept the fact that society has changed. I hear regularly from people whom I respect about the so-called breakdown of community values. They decry the social changes that are happening. They decry the fact that their daughters at age 14 want to sleep over. They decry the fact that their kids are going on binge drinking or are getting drunk. I had a different youth. Would members believe that when I was 18 I was totally innocent? That is true, because I grew up in a different era. But I think that the change that the Attorney-General—

Mr Welford: So was I.

Mr FOURAS: Actually, I do not know. I say to the Attorney-General that I joined a surf club when I was only 18 or 19. I think he joined when he was younger. I will leave it at that.

A government member: What's that supposed to mean?

Mr FOURAS: People in surf clubs run around the place and swim a lot.

Mr Purcell: Don't go there.

Madam DEPUTY SPEAKER (Ms Liddy Clark): The member will stick to the bill.

Mr FOURAS: I do not want to trivialise this very serious debate. I think that we accept the fact that parents who send their children to religious institutions have the right to ask people not to flaunt their lifestyles, not to impose their way on other people. We are asking that those employers must act in an open and transparent way to make sure that the rights of their staff are also protected.

Having said all of that, I conclude by again congratulating the Attorney-General. Peter Wellington, in his contribution as an Independent came to the view that, because of the way society is and our demographics, there is no other choice but to be a contemporary society. David Watson, the member for Moggill also said that. I was so impressed with the speech by the member for Algester. It was from the heart. I ask other members to search their hearts and find, as the Premier said today, some love in it for our fellow human beings. On that note, I conclude this speech by commending this bill to the House.

Miss SIMPSON (Maroochydore—NPA) (5.24 p.m.): Hastily made laws are seldom good laws. The state Beattie government has failed to explain why it had to push this legislation through with such unholy haste when the devil is always in the detail. Only a few hours ago the new amendments to this legislation were tabled. If the state government is so confident of the integrity of its legislation, why rush it? We still have not had an answer to that simple question. Given the fact that thousands of Queenslanders have contacted us with great angst and concern about this legislation, why not allow us to consult with the many potentially affected communities without taking the Premier's word for it that the thousands of churches in this state are happy with the new, tabled amendments. Already I have received calls from church leaders who are not uniform in their support of this legislation, as the Premier would have us all believe. When governments say legislation is urgent and cannot be delayed, they need to justify that statement or else they will rightly be viewed as trying to pull a swifty. We have seen no justification for this action. That is still my concern, given that these amendments, which have only just been tabled, have not been viewed by the vast majority of people who have raised concerns.

Last week, Bishop John Gerry said of the offending clauses in the legislation that they were the greatest threat that freedom of religion has ever faced in this state. The right to religious freedom is so easily devalued by those who are anti-religious or non-religious in their attitudes. We do not have to look too many nations away to see the problems that occur when states—in other words, governments—try to limit the teaching of religious communities and impair their ability to practise their religion freely. I ask: are we still tolerant enough as a nation to recognise the rights of individuals and faith communities to freely practise their religion? Until two weeks ago, I would have said that Australians were generally regarded as tolerant when compared with the turbulent histories of many other nations of state restricted or imposed religion.

Previously, issues such as freedom of religion have not made waves in the public consciousness, because it was assumed to be a given right. It was assumed that the state would not dare use its legislative power to impose secular values or state constructed theology upon faith communities. It was understood that, as individuals, we had the right to express and live out our religious or spiritual beliefs and that these should not be defined by legislation. It was also assumed that parents had the right to instruct their children in accordance with their religious or, for that matter, their non-religious beliefs.

Post Bali and September 11, Australian leaders have urged people of different or non-religious backgrounds to quite rightly show tolerance to Australian Muslims in the wake of fears that they would be unfairly targeted for the sins of a few. However, after listening to recent public debate on proposed changes to Queensland's Anti-Discrimination Act, it is disturbingly clear that tolerance for religious freedom, even among some Queensland media commentators and politicians, is conveniently discarded when it conflicts with their personal philosophies. They preach tolerance for all things except for the rights of religious communities and, in this case, primarily Christian parents, who have chosen faith based schools because of the values that are taught in them.

A fortnight ago the Beattie government tabled legislation in direct contravention of these fundamental principles. Furthermore, the Premier, who spends $40 million a year on a public relations machine called the Community Engagement Division, blatantly ignored prior consultation with affected faith communities. The Premier, in defending these new laws after their introduction, said that churches could still choose between an Anglican or a Catholic teacher in an Anglican or a Catholic school but if their choice was between a homosexual and a heterosexual 'Christian', the church community could not discriminate. The Premier obviously does not see a conflict in this

statement. However, it is not up to the Premier to legislate his personal religious beliefs upon others who base their beliefs upon biblical teachings.

Under fire last week, the Beattie government offered a poor concession to church-run schools, saying that they would have to go before the Anti-Discrimination Commission to seek occupational exemptions. However, the government still did not offer provisions in the law where faith communities could uphold the practise that they currently had of their beliefs with adequate legal protection. I quote the comments of Labor member for Kawana, Chris Cummins, who told a Sunshine Coast radio station last week that religious schools could refuse to hire or could dismiss homosexual teachers or teachers in a de facto relationship if the religious school believes it has legitimate grounds for such discrimination. He said that the school can ask the Anti-Discrimination Tribunal for an exemption from the law on the basis that its job requirements are 'genuine occupational requirements'. However, these comments were contradicted by those of the acting Anti-Discrimination Commissioner, Susan Booth, in Saturday's *Courier-Mail*. The *Courier-Mail* article said that she rejected the notion that exemptions to schools to discriminate in selecting employees should extend across all teaching positions. She said—

I differentiate between the maths teacher and someone who teaches some of the religious teaching at the school.

The article went on to say that, while discrimination would be permitted for the latter, under the new legislation as tabled in the parliament she was adamant that no exemption should be granted to allow schools to reject the best candidate for a maths teaching position on the grounds of his or her lifestyle. Ms Booth's views in the weekend press highlighted that the advice the state government and its backbenchers were peddling in the last few weeks through the media and through very expensive advertisements in newspapers was clearly wrong. The member for Kawana also told church communities that people had been consulted but omitted to tell them that a small handful of church leaders were advised only two hours before the bill was tabled and that the majority of Queensland faith communities were not advised until after the legislation was tabled.

Why was there such a reaction to the stealth removal of a religious exemption? Firstly, it was done without consultation. The changes affecting religious communities were not even mentioned in the Attorney-General's second reading speech. How strange! In fact, the explanatory notes to the legislation confirm that the government conducted no prior consultation on this issue. Secondly, contrary to the government's statements that this would bring us into line with the rest of Australia, an exemption for religious institutions remains in the majority of antidiscrimination provisions in Australian jurisdictions. Most importantly, this was the principle of the state legislating its values upon the church by, in this case, restricting the church's employment choices of those who lived its values.

We in this House have already quoted United Nations article 18 in regard to freedom of religion. As a result of the tabled legislation, there has been public debate about why religious communities and institutions should maintain the right to choose teachers or employees who live the mission statement and values of that institution, particularly when teaching children. In regard to religious values, there are faith communities which believe in the importance of marriage between men and women as a fundamental building block for a stable society and that the institution of marriage needs strengthening, not weakening. They teach the importance of healthy marriage relationships in their churches and church-run schools. In fact, they believe it would be hypocritical to employ teachers in their schools to teach biblical values, in whatever subject they teach, if those teachers did not live by those values.

In the forum of public opinion, Australians have the right to agree or to disagree on religious values. It is an entirely different matter for governments to legislate what they think are politically correct religious views upon others. This issue has been handled appallingly by the Premier whose government risks going down in history for its jackbooted approach to the tabled legislation, particularly in regard to one of those most sensitive of issues, freedom of religion.

I want to address the issue of sex change provisions in the legislation in terms of changing birth certificates. The new laws allowing adults who have undergone sex change operations to change the gender on their birth certificates would create a bizarre legal myth. This is not the answer to the problems people face if they feel that they are not accepted by the community—to go and change a legal document such as a birth certificate. My colleague the member for Southern Downs has already highlighted some of the problems of changing the law in this regard. Women's sport, particularly at the elite level, will never be the same. We may have to ask about when somebody has to declare their gender to provide a birth certificate. That birth certificate will

not be an honest birth certificate as to their genetic status. How do we trust governments when they are willing to change the official records?

I have even considered the issue of criminal investigations, the complications that can arise in regard to their investigations and the fact that the legal documents that people would reasonably use as part of their process of investigation are in themselves deceitful. I would have thought there were more pressing issues for the Beattie government, such as tort law reform relating to the blowout in insurance premiums or the need to overhaul the public health system to ensure hospital waiting times are addressed, rather than some of these radical agenda items that slip into this legislation.

The Premier talked about tolerance and inclusiveness but then did not consult with the communities most affected, the religious communities, in regard to the right to teach their children in accordance with their faith and to strive to choose teachers who live that faith. The flurry we have seen in the last few days with closed door consultations was a very inadequate and poor process to try to make up for that. In those closed door consultations the Premier made much of the fact that he would make a statement in the House, which we have heard, and there would be a preamble to the legislation to try to give weight to the importance of some of the views put to him. But it is important that the House be aware—and those who have been told about the Premier making these statements should be aware—that the Acts Interpretation Act and the value of what is said in this parliament and how the bills are interpreted is in fact fairly weak in regard to the Premier's promise. In other words, when we read the Acts Interpretation Act 1954 we may find that the courts will have to take into consideration a certain matter but they do not necessarily have to take into consideration statements made in this House, including the statements of the Premier.

The act provides, as an example and not as a prescription, that the speech made to the Legislative Assembly by the member, in other words the Attorney-General, in moving a motion that the bill be read a second time is one such example of extrinsic material that may be of use in interpreting acts. But the Premier of course was not the member who moved the bill in this parliament. Furthermore, the content of the debate in the committee stage and the answers and interpretations at that point in themselves are not sufficient in the subsequent interpretation of acts. I mention that because I know that some people thought that the Premier's statement somehow would hold great water in the interpretation of the act. When one reads the Acts Interpretation Act, that is extremely misleading.

Some statements have been made in the House about the importance of marriage. We all recognise that people make different choices about whom they live with, whether they are legally married or not. Some false statements have been made about the numbers of people who have chosen to get married as opposed to those who have made the choice of not getting married and who live in a de facto relationship. I think it is important that we do not discriminate against those who have also chosen covenant legal arrangements of marriage. We need to have a debate in our society about the value of covenant relationships when people choose legally to take that step of commitment.

Digger James was right when he talked about the fact that there are more people married as a percentage of the community than has been stated by government members. Based on what the Premier was saying, I think he has fallen into that problem.

Mr Springborg: He described 51 per cent as a minority. I don't know how he came up with that one.

Miss SIMPSON: I do not know how he came up with that as being a minority. More than 50 per cent of the people aged over 15 years in Queensland are married. According to the Australian Bureau of Statistics 2001 census, eight per cent of Queenslanders over the age of 15 are in a de facto marriage, and a further 39 per cent are not married. A substantial proportion of people over the age of 15 in our community have chosen marriage.

Let us talk also about the advantages of that covenant relationship and about the problems that occur when that is weakened through governments taking away the significance of that relationship. There are some significant issues in our community. That is not to deny that there are some people doing a very good job who have not been married. But in the past 20 years we have seen with the pressures on and the devaluation of marriage, certainly in the law and in social commentary, other significant issues occurring in our community. One of the tragic ones is the increase in child mental health problems. It sounded like one of the members opposite was trying to put male youth suicide down to repressed homosexuals who could not talk about their

sexuality. The issue is a lot more complex than that. The issue of child mental health problems as a result of the breakdown in family relationships is a causal pathway that is well documented. It is something that as a community we need to talk about. This is not about a judgment, condemnation or intolerance of those who have chosen to be in de facto relationships. What we are seeing is an intolerance of and a judgment made against those saying, 'Let's look at the advantages of people who choose a relationship and are willing to legally take that commitment.' There is an issue when we look at the mental health statistics for children. That is well documented.

I reiterate my concerns that there has been a bagging of people who hold religious views and a great intolerance for the principle of freedom of religion. I was concerned the other day that when the Premier was asked about the significance of upholding the principle of freedom of religion he did not want to answer that question. It is time we understood that in the world we live in this is a fundamental principle that should be recognised as something dear and valuable to Australians and dear and valuable to a democratic and free society. People make these choices. For the state to start restricting or legislating its own construction of theology upon religious and faith communities is a huge and dangerous precedent.

The fact that there are members of the Labor Party—and they might have very different religious or non-religious viewpoints—who could not see this stuns me. I know many people who have come from situations where they did not have the freedom to freely practise religion or they had to operate in circumstances where they were not allowed to talk about those values. I know there is a lot of guffawing from members opposite. I am concerned about the lack of tolerance to the principle of religious freedom in this state.

I reiterate my concerns that the amendments tabled only a couple of hours ago in this parliament will not go back to the people who have expressed concern about this bill prior to it being passed by the government. The National Party tried to have the debate on this bill deferred until next week for that very reasonable proposition. It is a disappointment that when we get hundreds of pieces of correspondence in our electorate and thousands from around the state the Labor members of this parliament think it is so unimportant that they can rush this matter through with unholy haste before it is properly scrutinised and understood. That is extremely disappointing. A lot of intolerance has been expressed from the benches opposite. They have been preaching tolerance to everybody else while expressing intolerance themselves in regard to those who choose the right to practise their religion and to teach their children in accordance with that faith.

Time expired.

Ms NOLAN (Ipswich—ALP) (5.45 p.m.): I rise to speak in support of the Discrimination Law Amendment Bill brought into the House by the Attorney-General, Rod Welford. Before I begin, I sincerely thank the member for Algester for her heartfelt and moving contribution. I also want to thank the members for Moggill and Ashgrove for contributions it was obvious they had both given a lot of thought to. I am not sure how much I have gained from the member for Maroochydore's expert advice on relationships, but I will plough on nonetheless.

This legislation, as we well know, amends a range of Queensland laws to ensure that people in de facto relationships of more than two years standing, whether they are gay or straight, have rights and obligations consistent with those of married couples. The legislation is a significant step in a 10-year process of amending Queensland's gay rights legislation, which has been bringing Queensland's legal framework into line with the more enlightened society which we now represent.

Specifically, these laws put in place a consistent definition of a de facto relationship, whether gay or straight, as a relationship of two years standing, meaning that partners who have lived together for two years now have the right to inherit under the Succession Act, make decisions about transplants, be compensated by WorkCover or be entitled to a state superannuation scheme benefit when one partner has died. Significantly, the bill prevents discrimination against gay people on the basis of the new legislative attributes of sexuality and gender identity. It allows transgenders to change their name on their birth certificate, recognising the scientific facts, as the member for Moggill explained, that some people are simply born into a body of the wrong gender.

The bill also prevents discrimination against women who are breastfeeding. Perhaps with the exception of the last, the bill may for some be a bit of a moral step. To me, though, its justification is absolutely self-evident. Some people are born gay, some people are born straight and some

people are born somewhere in between. These are not matters of lifestyle choice. This is just the way things are and the way they have always been.

The greatest thing we can hope for in our world is that all people will treat one another with respect. In my view at least, the greatest thing we can hope for as an individual is to find a partner with whom we can live with and love and respect throughout our life. My own view is to see marriage with that person as an ideal, but I certainly would not seek to force it on anyone else. Indeed, I believe that a lot of harm has been done to a lot of individuals who have placed themselves into marriages through social pressures when they really did not belong.

These are the principles which, to my mind, the bill enshrines and they are principles which I believe are beyond either logical or moral question. On the face of it, I am sure most people would agree with these principles, but there is often a point at which discussion of values becomes sticky. The intersection between church and state is such a point, and so I want to focus not on those other broad tenets of the bill but on the controversial issue of the church's right to discriminate against employees, most notably teachers, who are gay or in straight de facto relationships.

Until now, the churches have had a blanket exemption which has allowed them to simply not employ or, if they find out, to sack staff who are gay or in de facto relationships. The churches have not had to be accountable to anyone. There have been no questions asked. As a practising Catholic and as someone who takes my religion and spirituality seriously, this is a situation which I find absolutely horrifying. I am no expert in Scripture, but the parts of God's teaching that really strike me are the lessons to love one another and to do unto others as you would have them do unto you.

It defies logic to suggest that we can love someone while turning our back on them for who they are, or that we would wish for others to turn their backs on us. I will be up front. I cannot see that there is a genuine doctrinal argument—at least in the Catholic Church's primary scripture, the New Testament—that opposition to homosexuality is part of God's teaching. Nevertheless, I believe, more for historical reasons than any thing else, that the hierarchy of most of the Christian churches, if not most of their parishioners, argue that such a position is central to their church's values. So at the beginning of this process the churches wanted to retain the blanket right and the government had introduced legislation that means they could not—ever.

The process of consultation that has followed has been an extraordinary one that has shown enormous patience, respect and depth of character, particularly on the part of the Premier, the Attorney-General—who I believe has been outstanding—and the Catholic Archbishop of Brisbane, John Bathersby, who in my view is an extraordinarily wise and decent man. The agreed position means that churches lose their right to discriminate carte blanche but instead have grounds to take reasonable action if a staff member openly contradicts the church's values.

As I said, it is not my view that the churches should ever discriminate but this is a provision based on what we do, not just who we are. It is a step which takes the churches a long way from their outright opposition to homosexuality of not very long ago. I believe that the Catholic Church in particular should be commended for taking this significant step. Only as far back as my grandmother's day the Catholic Church offered meaningful spiritual guidance to most Catholics and presided over communities with an almost universally accepted moral authority. Sadly, that situation has now changed enormously. Fewer Catholics now look to the church for guidance, fewer people go to church, the congregations are ageing and the priests and nuns are dying out.

The reasons for this are myriad. There has been an increase in science and secular education which has challenged biblical literalism. An increasing gulf between the Western world and the Third World has left Rome in the virtually impossible position of trying to maintain both doctrinal consistency and social relevance across diverse cultures. Tragically, a string of paedophilia scandals has led to an enormous loss of moral authority in the Western world.

The world in which we live is enormously stressful, complex and difficult. One of the greatest things that I believe could happen would be for the churches to again be able to offer most people, not just a small minority, meaningful, practical and spiritual guidance in their day-to-day lives. I think if we were to achieve that it would be a wonderful thing. For that to happen, the churches have to be both contemporary and relevant. This subtle altering of the mainstream churches' centuries old opposition to homosexuality is a big step in that direction.

There are no Anglican or fundamentalist schools in my electorate but there are some wonderful Catholic schools for which, through family and community ties, I feel a great affection. These are Sacred Heart Primary, St Mary's Primary, St Mary's College for girls and St Edmund's

for boys. For all intents and purposes, this legislation will not greatly change the sinuation with respect to the employment of teachers in religious schools in Ipswich. These schools have operated on a policy of 'known lifestyle' for many years; that is, there have been from time to time both gay teachers and teachers in straight de facto relationships teaching in those schools, but neither has been promoted as representing the school's or the church's ideal.

I would sincerely like to thank Jim Lucey, Pauline Peters and Father Peter Casey, with whom I have spoken at length about these issues, for their careful and reasonable consideration. I am sure Mary Wallace, the principal of St Mary's College, who is a wonderfully generous woman, would have been the same but I did not have time to catch up with her. I also thank Sue Norris and Tony Skippington for making the effort to raise their concerns with me.

This bill is controversial but, to the enormous credit of the people of Ipswich, I have had far more phone calls, letters and emails in support of this legislation than I have had against it. For a community that does not exactly view itself as radical, this is a big deal. It gives me great pride to be able to stand up here with the backing of my electorate and support legislation that entrenches the fundamental human rights of gay people and establishes a consistent legislative basis for relationships founded on love and respect. I commend the bill to the House.

Mrs SHELDON (Caloundra—Lib) (5.54 p.m.): I would like to participate in the debate on the Discrimination Law Amendment Bill tonight. In doing so, I would like to reiterate what Liberal philosophy is really all about. Liberals do not discriminate against anyone on the basis of race, creed, gender or sexuality. Our philosophy is based on tolerance and understanding of the diversity and complexity of human nature.

My background is of a solid belief in family values. I have a loving, caring and supportive family and I believe that those values are the cornerstone of our society. I have been married to the same wonderful man for 36 years and we are blessed to have three loving, able and achieving sons. I could not have fulfilled the roles I have in my life, particularly my parliamentary role and my leadership roles, without the love and support of my family. They have certainly sustained me through some very difficult times. They have been difficult for them. I do not think anyone would wish to be a political spouse. It is also difficult for the children of a politician in a high-profile position in which one is fair game to everyone, the media included.

However, I acknowledge that not everyone aspires to, or has the same set of values as I have and my family has. Society today has a knowledge of and support for diversity—of de facto couples, of same-sex couples and of homosexuality. Further, there are issues of transgender et cetera, of which I have very little knowledge. I have listened to some of the speeches here tonight on that issue.

Further, society supports people following their own lifestyle if that lifestyle does not adversely affect others. I firmly believe that people are born with certain genetic traits, attributes and arrangement of chromosomes and it is not up to any one person to judge the sexual preferences and lifestyle of others according to themselves. In that event we set ourselves up above others. I do not believe any of us have the right to do that.

Most of the concerns that have been raised with me—and there have been a number—have been by religious schools and institutions. They have been justifiably concerned that certain aspects of this bill and the elimination of certain clauses could have an adverse effect on them and that they would not be able to run their institutions as they saw fit and provide education in certain religious ways. They further felt that they would not be able to support the religious teachings because of the sort of people they may have to employ in their schools.

I believe a lot of this has occurred because there was no consultation beforehand. I have said this to the Attorney himself. I believe if there had been consultation before, a lot of these issues would have been made public. By and large, people become very concerned if they are not consulted. They wonder just what is the real agenda. Is there a hidden agenda? Are their rights going to be taken away from them? I feel that if the Attorney and the government had sat down and realistically spoken to these religious schools and institutions and other people who were concerned they may never have been put in the position where they had to alter certain situations and where we have had this running debate which has often been fuelled by misinformation by people with specific agendas to push.

I was contacted by a number of people, particularly when I said that the Liberal Party was supporting this bill on the premise I mentioned earlier about our basic philosophy and beliefs. A lot of those who contacted me were very genuine. Invitations were issued to the principals of the different education facilities on the Sunshine Coast to have a meeting in my office where we

would discuss what the changes really meant. I had the clauses that affected these people, together with the sections that were being amended in the Anti-Discrimination Act. This allowed us to sit down and see what was happening.

I said to them that I support their fundamental right to run their schools and institutions as they see fit, because let us face it, religious institutions and schools—be they Catholic schools, Anglican schools, Christian schools or schools of any other denomination—help fund their own schools, as do the parents. They want to be able to disseminate their religious beliefs in the manner that they see fit on the basis of their religion. They should be able to do so, otherwise we are discriminating against them. With the extra examples being included under clause 15 and the extension of those principles and the other clauses that have been added, the concerns of the schools have been adequately met.

I told the schools and their religious leaders that I would consult with the Attorney. I did and he was, I should say, very helpful and open to discussion. That enabled me to get back to the religious schools and institutions and say to them that I had put their case to the Attorney and he is looking at it. They believe that not only should the school be able to employ a teacher of their particular religious belief but that that person should exemplify that belief in their work environment, their day-to-day dealings with students and live the life of that particular religion in terms of the school and work. I think some believe that it should extend further into their private lives, but others did not. I believe it should extend to their work environment. I discussed this issue with the Attorney. He took it on board and I notice that those changes have been included.

I sat in disbelief in my room, when preparing notes for this speech, to hear certain members of certain parties—and the National Party was one—saying that it was thanks to them that the changes had been made. That is a load of rot. They may have gone out there and supported religious schools and institutions; so indeed did the Liberal Party. It was through consultation by the Liberal Party and those institutions with the government and with the Attorney that changes were put in place. So let us have a bit of truth about all of this. I turn now to some of the concerns raised by these schools, particularly the Queensland Catholic Education Commission. I do not mind stating here that I am a practising Catholic and have been all my life. I actually sing at the local church. I support Catholic beliefs, but I believe—

Mr Johnson interjected.

Mrs SHELDON: If it is a question of whether I can sing well or not, and the member may not be able to judge that.

But the fact of the matter is that I believe that Christ is a tolerant Christ. I do not believe that he sets out who shall and shall not be accepted into the gates of heaven by their sexuality. I think that he looks at how people treat each other and how people live their Christian faith during their lives. That is, I think, what will get us through the pearly gates.

The Queensland Catholic Education Commission had concerns based on real issues, and they were justifiable concerns. One issue it raised with me was if a religious school will have to employ teachers who do not believe in the particular religion of that school. The answer as I saw it in the amendment bill was that, no, they would not have to do that. It is now unlawful to actively discriminate on the basis of gender and religion, but I asked the principals how many of them, when interviewing someone, ask the applicant if they are gay or living in a de facto relationship. To my knowledge it is discrimination if an employer advertises for a person of a particular sex to fill a position. Employers cannot ask prospective employees their age, marital status, financial status or whether they are a sole supporting parent. These are the questions that we used to have to face when we left school and went for a job, but thankfully people are no longer asked such questions. They are judged on their ability and, in a religious situation, their commitment to that religion. I think that is fair enough.

The Catholic Education Commission also wanted to know if the legislation restricts the ability of a religious school to select appropriate teachers. I believe this legislation does not and I said that to them. The clauses contained in the bill could have been strengthened, and they have been. I note that the schools—and the Premier said this when we had a briefing with him and then a longer briefing with the Attorney last night—have signed off on these amendments. I listened to the member for Nicklin's contribution to this debate and he said that he had spoken to all concerned parties and they said that, yes, they had signed off on the agreement as the Premier said today in the House. If they are supportive of the agreement, and I take it that that is the case, then their concerns have been met and I believe the House should support this bill.

The interested parties also had a concern about religious schools refusing to hire or dismissing homosexual teachers or teachers in de facto relationships. If in fact a teacher is not fulfilling their work duties and not exhibiting to the students in the work environment the sort of standards that the religious school or institution stands for, then under this bill they do have the right to dismiss them. If someone is actively promoting contrary beliefs and values to that espoused by the institution, then they should not be educators but should rather be doing another job. Further, religious schools were concerned that, if they had to go to court to prove their rights under the bill, this would be costly and time consuming. They wanted a clearer definition so that they felt comfortable within their own role.

In terms of what is in place, they still cannot actively discriminate on certain bases, and I am sure that most of these institutions did not want to. Rather, they wanted to be sure that they could run their institutions, teach their religion and educate their children without having to go to court every time there was some sort of dispute. I think that is fair. The Christian schools had further concerns about 'the ability to employ persons who not only profess but also live by the characteristics of a follower of that religion'—and I am quoting from documentation of the Christian schools—and 'specifically that they not be a practising homosexual'. They stated—

> Christian Schools are established works of Christian religious institutions or adherents to the Christian faith. The work of education is seen directly in the context of teaching the tenets and doctrines of the religion as part of a general education which addresses spiritual as well as intellectual, emotional, social, cultural and physical education. This includes those matters relating to personal conduct in relationships and sexuality, as in many other areas of life.
>
> In Christian School practice in Australia the classroom teacher is included alongside pastors, evangelists and others whose work would be seen to have a distinct religious role.

I believe they have the right to have people employed in those particular roles.

The principals who came to my office were from Christian schools, Catholic schools, Lutheran schools and Anglican schools. I asked the grammar school, but it did not come although it had said it would but something must have happened. Most of the schools wanted to hear where the Liberal Party was coming from—that is, whether we supported their right to be able to teach their religion in their schools as they saw fit and whether their students and families would still support the school. One of the mistruths that was spread which I think was really wrong was that parents would no longer have the right to select the religious school or institution of their choosing. I read the bill; I consulted with the Attorney about this and ascertained that there was no reference to this in the bill. I do not know where that came from. Possibly if a parent thought the school could no longer employ the sort of teacher that they wanted then they would have a query about sending their child to the school, and that is a justifiable concern. But that hopefully has been fully put to rest and was never an issue. I have told parents that I would not have supported a bill which said that they could not choose a school in which their particular religion and faith values were taught.

The principals from the Lutheran and Anglican schools wanted to understand the ramifications of the amendments to the bill. I handed out the clauses of both the amendment bill and sections of the original bill that were being amended. So there was nothing that was not shown. Certainly the Anglican schools were in the same position.

I think the important thing is that churches and schools now have had their say. If the government had consulted before it introduced the bill to the House, the genuine concerns of people and religious institutions could have been alleviated and misinformation would not have been circulated. I thought the government would have learned its lesson, but this morning in the House we had the bill being debated without the amendments being circulated. That was absolute classic stupidity, because these amendments were fundamental to whether people would support the second reading of the bill. Forget the notion espoused by the Leader of the House that the amendments needed to be introduced only when the individual clauses were called on for debate at the committee stage. It would be too late at that stage. The question was whether the second reading of the bill would be supported.

I see that the Attorney-General did circulate the amendments shortly after lunch, but if that had been done this morning the situation would not have developed and the divisions would not have occurred. I hope that a few lessons have been learned. That is, we need tolerance not only in the bill but also in the place of democracy, which is this parliament. People in general and people in this House will not be treated like mushrooms because we have a government with 66 seats, executive power and no upper house. What the government stamps goes through whether we like it or not. Members of opposition parties can speak—and we should—but at the end of the

day what the government wants goes through. That is not always what is good for the populace of this state or for democracy in general.

Hopefully, if this bill is passed by the parliament tonight, people's concerns will be settled and we will be a more tolerant and accepting society. I think it is important that we are not only seen to be tolerant but that we are in fact tolerant.

Mrs LAVARCH (Kurwongbah—ALP) (6.11 p.m.): I rise to support the Discrimination Law Amendment Bill 2002. This bill is about ensuring our state is a fair, understanding, accepting and tolerant place to live. The proposed amendments are designed to protect the fundamental human rights of all Queenslanders. Some may say that we still have quite a journey to travel to reach this point, but I must say that I have a more optimistic outlook of the Queensland condition and the Queensland community.

Tonight I will take a broader overview of human rights and the human rights debate. If we look around Australia this week it is quite interesting to see that there is a spotlight on human rights. In New South Wales the state governor will be asked to assent to a law which will increase police powers in relation to terrorism. In the ACT the Australian National University, in conjunction with the ACT government, is conducting a community education process called a deliberative poll on whether the territory should enact a bill of rights. That is actually quite an interesting process. The exploration of the enactment of a bill of rights in the ACT is a new development in human rights in Australia.

Nationally, the Senate's Legal and Constitutional Affairs Committee is holding public hearings on the controversial proposal to empower ASIO to detain and question persons not suspected of criminal activity in order to gain intelligence on terrorism. And today this parliament is debating important proposals to amend the state's laws and practices regarding discrimination.

While each of these initiatives is separate, all of them revolve around the same basic issue: how can a liberal democracy resolve the conflict between the rights and choices of the individual and the expectation and interests of the wider community when the two are at a counterpoint? In the case of terrorism, the powers granted to the New South Wales police and those powers sought by the federal government to be given to ASIO are stated to be necessary to enable the community to be protected. In doing this, some individuals will have their homes, their lives and their liberties compromised. This is said to be the price which must be paid for the greater good of the community.

In the case of a bill of rights, the conflict between the individual and the community is settled by means of a set of standards against which particular actions, be they legislative or executive responses, are assessed. The arbiter of actions against the standards is usually the courts. In Queensland we have no bill of rights. In fact, the principal reason the Legal, Constitutional and Administrative Review Committee of this parliament recommended against a bill of rights in its 1998 report was that it transferred the decision making from the parliament to the judiciary; that is, to the courts. This means that controversial issues, such as those raised by this bill, are to be settled by the parliament alone.

No less than the issue of police powers and terrorism, the controversial proposal that religious schools as employers should be required to comply with Queensland's antidiscrimination laws is about a conflict between individual beliefs and rights and community interest—the right of the individual to go about his or her life and work based on their merit and not on the prejudice of others balanced equally against the right of a person in a group to hold a belief and to make choices based on that belief.

In respect of amendments that deal with relationship law reform, it is right and just that a couple should be able to live in a same-sex relationship and expect the law to apply to that relationship in an even-handed way. Accordingly, financial entitlements, division of property and inheritance laws should all treat the couple equally to heterosexual couples. After all, justice is supposedly blind, not a peeping tom looking into people's bedrooms. I must say that it is heartening that these amendments have been widely supported and have not been subjected to controversy.

It is also fair that a Christian, Muslim or other religious belief system should be able to be exercised freely. But of course this is within reason. A member of a church should not be discriminated against because of their religious convictions. Despite some reports, this bill does not attack religious freedom. Amendments to the Registration of Births, Deaths and Marriages Act to allow post-operative transgenders to obtain a new birth certificate are well and truly long overdue. I congratulate the Attorney-General on introducing this reform.

I wish to look at what is seen as the controversial provision of this bill; that is, the essential conflict surrounding the employment within Christian and Muslim schools of persons which the institution contends have made a lifestyle choice. I must say that I personally do not believe it is a lifestyle choice; I do not think we choose our sexuality or our sexual orientation. However, this is how it is viewed and has been expressed to me in a number of phone calls and letters I have received from constituents within the Kurwongbah electorate. They contend that it is a lifestyle choice and it is contrary to religious teaching. For instance, the church may hold cohabitation of a couple outside of marriage as contrary to the belief system. That is in relation to de facto relationships, and of course that can also embody same-sex couples. On the other hand, the individual contends that they are the best person for the job and their marital status, sexual orientation or sexuality should not come into it. This conflict between individual rights and the beliefs of that community—that is, the school community—is also a conflict between individual rights and other individual rights. This is repeated time and time again in many circumstances.

At a global level it is manifested in the debate between the universality of human rights and cultural relativities. The United Nations has a number of pivotal human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These documents are said to apply to all people, but it must be borne in mind that their application does vary and there are conflicts within the articles of those documents themselves.

I think it must also be borne in mind that people pick and choose those articles and their interpretation of them to suit their own stance in a debate. I think we have to be very honest about that. The Leader of the Opposition, the member for Toowoomba South, surprisingly spoke of a United Nations document on human rights and embraced it warmly, but it was done to suit the purpose of the argument he had. I accept that article 18 talks about the freedom of parents to choose the education for their children, but there are other articles which would be in direct conflict with that article that would be embraced by the amendments we are seeking to make to the Anti-Discrimination Act tonight.

The potential conflict between religious belief and individual rights has had to be addressed in all antidiscrimination laws throughout Australia. Australia has no constitutional or legislative bill of rights. Individual rights are recognised and protected through an amalgam of common law traditions and specific legislative enactments. That means that state antidiscrimination laws are a very important part of the legal fabric of this country and of each state in addressing our human rights. As a general approach, antidiscrimination legislation has dealt with the conflict by granting blanket exemptions. Where one group is allowed to positively discriminate, it is done through the mechanism or carving out of an exemption. In this case, and under our current laws, the religious bodies are given special treatment and protection.

It has now been 10 years since the introduction of antidiscrimination laws in Queensland. Despite many who believed that the sky would fall in if such laws were brought in, they are working well and are generally accepted in the community. I would say that they are actually sought by the majority of the community for their protection in circumstances where they consider that there has been a discrimination. The exemptions and protections to discrimination reflect the apprehension and cautiousness of the time in addressing the potential conflict. The majority of the community has come a long way in the past 10 years and the further lifting of exemptions is a reflection of that maturity. The narrowing of the scope of exemptions shows maturity.

The narrowing of the scope of exemptions has occurred in all Australian jurisdictions. It has occurred because the laws have become less of a novelty and fears that antidiscrimination commissions were populated with a strange breed of politically correct Nazis on a social engineering crusade have well and truly proved to be unfounded. To my mind, the notion that we are socially engineering the community through legislation actually shows an utter ignorance of human nature itself.

The current law, while exempting church schools in some aspects of discrimination, does not exempt them against others. For instance, the standards applying to racial discrimination—this is the current situation—has been accepted by church schools as the current understanding of Christianity or, indeed, other beliefs and they would not countenance that race has a part to play in employment, or education, or in any other area. In the same way, in relation to the proposed amendments to discrimination of employment on the grounds of sexuality, sexual orientation or living arrangements, it was heartening to see in the last 24 hours and over the time of the consultation over the past three weeks that the church leaders have come to terms with the lifting of this exemption. They have agreed to the lifting of exemptions under accepted terms. For the first time, there is a forum available to those who feel, or allege, or have been discriminated

against in that setting where the blanket exemption has worked—at present there is no forum, there is nowhere to test it; people are automatically barred. Once this bill is passed—and I trust that it will—there will be a forum in which issues can be raised and adjudicated on.

Other members have congratulated the Attorney-General. I also congratulate the Attorney-General on striking what I believe is a fair balance. Like other members, I have received letters—this time from parents of students who attend two schools in the Pine Rivers area who have raised concerns about the lifting of the exemption. They have raised concerns that we are attacking religious freedom and concerns about teachers not being what they believe to be good role models for their children. I have spoken personally to many of those who have contacted my office and allayed their fears. Once speaking to them, they could see what the amendments meant. They could see that they were not going to end the world as we know it and that the teachers and the values within their school will be upheld.

Mr Lucas: Can I say, having attended church schools all my schooling life and having children who have attended church schools, I have no idea what the domestic living arrangements of my teachers were, or indeed their teachers now. Essentially, that will be the situation in the future, too. Let's face it.

Mrs LAVARCH: I agree with the minister. I have a son who has just completed his education at a church school and my daughter is at a state school. I have no idea of the personal lives of any of their teachers.

Mr Lucas: Nor do you want to know.

Mrs LAVARCH: Nor do I want to know. Teachers are professionals. I want the teacher teaching my son or my daughter maths to be good at teaching maths. I do not know that their personal life would ever come into maths, history or English. I have never known of the teachers' personal lives through my children or through my own knowledge. I have raised this matter with the parents whom I have spoken. They have agreed that they do not know the personal circumstances of the teachers. But I hope that there is not a backlash and they go and ask or try to seek it out. I know that they are all very good people. They have had the concern raised in their school communities. I respect their right to raise the questions with me. Indeed, I encourage those who have doubts about legislation that we bring before the House to raise them with me so that I have an opportunity to hear their concerns and endeavour to allay them. Sometimes we take on board those concerns. In this case, we have taken on board the parents' concerns. That is why this legislation has struck a balance. The parents do not feel that we are in any way disrespecting the values that they want to instil in their children.

In conclusion, I would like to say that I think this debate has shown the maturity of this House. I have been in this place for five and a half years. During that time we have had some debates in which even the mention of the word 'homosexual' has turned people into rabid, screaming lunatics. I think we have come a long way. A few members have said that we are just catching up with reality. I must say that we cannot legislate away prejudice or intolerance, but we can provide leadership to enhance understanding, compassion and acceptance of all and we can catch up with reality. That is what this bill is doing. Once again, I congratulate the Attorney-General and the Premier on their leadership in this area.

Hon. V. P. LESTER (Keppel—NPA) (6.27 p.m.): Firstly, we are grateful that some of these issues have been dealt with. If it were not for the efforts of all groups on this side of the House, I am quite sure that we would be in all sorts of bother. However, a number of gravely concerning issues remain and I would like to draw attention to those.

Consultation with the community is an integral part of our role as elected representatives. It is impossible for us to represent the people, to perform our role fairly, and to adhere to democratic principles unless we are able to have active dialogue with those whom we represent. My office received lots of letters. The people who wrote those letters would have expected me to do as I have done, along with colleagues on this side of the House, and that is to say that we are not happy with the legislation. In fact, included in those letters is a letter written personally by the Bishop of Rockhampton, Bishop Brian Heenan, and a Seventh Day Adventist pastor. Today, of course, we were given advice that things would be different, but we did not have the amendments before us.

In introducing this bill and its subsequent amendments the Beattie government has ignored democratic principles and ridden roughshod over the concerns of the community it represents. It has allowed political agendas and a caucus that, quite frankly, is drunk with its own power to tread all over the desires and interests of the people of Queensland. The people on this side of the

House have stood up for the interests of the Queensland people and fought to ensure that a reasonable dialogue took place on this landmark piece of legislation. It is with very serious consideration that I undertook this position as the elected representative of the people. I know the importance of representing our communities earnestly and energetically and I try to do that. I understand the essential role that I play in ensuring that the rights of my constituents are upheld. It is because I take seriously my role as a representative of the people that I have grave concerns regarding the process undertaken by the Beattie government with this Discrimination Law Amendment Bill 2002.

The government did not seek to consult with the community or its constituents. Government members have ignored their role as elected representatives of the people in favour of the government's political agenda. Within the course of three weeks the community had mounted a formidable campaign against the Beattie government's tactics. The Premier came to realise that his ill-fated bill had no chance of slipping through unnoticed and had to attempt to be seen to be consulting. Is this the Premier's idea of consultation and resolution? The Premier then mounted a campaign through the media, popped up with a few amendments late yesterday and then put them before the parliament only a few hours ago. The opposition, the elected representatives of the people of Queensland, together with other groups on this side of the House have not been given the chance to view these amendments for a reasonable time. Quite frankly, that is not good enough.

The Beattie government has comforted itself with the fact that it discussed these amendments with a group of 20 stakeholders late last night. The process is riddled with faults and potholes. The government has failed to allow us to consult with our constituents and community bodies. After all, what we asked for this morning was just a little more time—fair enough. The government has failed to allow us to scrutinise the legislation. Quite often when amendments are introduced in a hurry down the track we find some problems. The government is terrified about the reaction it is receiving from some in the community and has decided to deny them their democratic rights. In true dictatorship style, the government has decided to override democratic principles in favour of its political agenda. The rights of the people—the people they represent—are secondary to arrogant political agendas.

Not only did the government fail to consult with the community on the bill, even early today no-one had seen the amendments. The Beattie government expects us to stand here and allow a piece of legislation to be passed when initially the opposition had not viewed the amendments and certainly there has not been time to discuss them with our constituents. We are not the only ones in the dark. Stakeholder groups were given a few placatory statements by the Attorney, but the amendments were not circulated until a few hours ago. Perhaps he was terrified of the backlash he would face from the community, or perhaps the backlash from some on his own backbench. Labor electorates have been drowning in a sea of emails, letters, faxes and deputations from angry churches, schools, community groups, parents and individuals who are disgusted that their elected representatives have been so arrogant as, quite frankly, to ignore their concerns.

A government member interjected.

Mr LESTER: No, government members did not do much about it, at least not until we got going. But Labor backbenchers are content to play lap-dog to Peter Beattie and refuse to stand up for their communities. Perhaps the government in its arrogance is unaware of the volumes of correspondence that have been received and the anger that this bill has generated in the community. Many members opposite fail to understand why their communities have responded in such a vicious way to this piece of legislation. However, if any of the members opposite had taken the time to talk with members of their community or if they had taken the time to talk to the churches, non-state school organisations and religious and community organisations, they would have realised how seriously this issue is taken. Remember, the government was gung-ho and ready to introduce this legislation. There were big advertisements in the paper as late as Sunday. Again, it was because of the views of the opposition and other groups on this side of the House that the government thought, 'Heaven's above, we had better do something quick.'

The bill is an enormous piece of legislation that amends more than 50 acts. The sheer volume alone of this bill should have warranted an extensive consultation period. However, the original drafting of the bill suggested that the Beattie government was content to ignore one of the most sacred freedoms of all, the freedom of religion. The Discrimination Law Amendment Bill proposed to remove the exemptions that allowed religious schools the ability to employ people who reflected the doctrines they were employed to uphold. I do acknowledge that subsequently

amendments have been submitted to parliament. However, I make particular note of the fact that the majority of these churches have not yet been afforded the opportunity to view these amendments. These amendments have not been widely distributed to groups that are affected and they are therefore expected to believe the word of our Premier that there has been a huge degree of acceptance of them. A responsible parliament would not allow significant changes to pass through before undergoing a period of consultation. We were prepared as an opposition to allow the dust to settle over the weekend and to give people an opportunity to raise any issues concerning them.

I have to wonder whether the government was concerned that some new issues might creep up. In effect, the issue remains that the Beattie government introduced a discrimination bill that directly contradicts the inherent principles of the Anti-Discrimination Act because it infringes upon the freedom of the people. The protection of religious freedom has been enshrined in legislation throughout the world. The freedom has international recognition—but not it seems in Queensland under this government. In 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights, which was the foundation stone upon which the international human rights law has been founded—and it enshrines the right of religious belief. In this profound document, the right to freedom of belief is referred to a large number of times, most notably in Article 18, as follows—

Everyone has the right to the freedom of thought, conscience and religion ... Either alone or in the community with others and in public or private, to manifest his religion or belief in teaching, practices, worship and observance.

The article clearly states the emphasis and the importance given to religious freedoms in international human rights law. We only ask that the Beattie government recognise these principles as well.

The Queensland National Party supports the inherent principles of antidiscrimination legislation and the protection of the people of Queensland. We have a strong history in sticking up for the rights of Queenslanders from all sections of the community. We will not stand by, however, and allow people to be trodden over, disadvantaged or discriminated against. It is for this reason that we will not stand by and allow the rights of the people of Queensland to be trodden over by the Beattie government. Therefore, because there has not been sufficient consultation, I am not able to support the legislation. The National Party will not be supporting this legislation. The government might learn a lesson from the way it behaved on this issue. It is only when groups on this side of the House really pulled the government into line that any action was taken and—

Government members interjected.

Mr LESTER: This is the way the Labor Party carries on. The moment we raise an issue that hurts, they laugh. So this very serious issue is a laughing matter. The government stands condemned for such an effort in making this important issue a laughing matter.

Ms NELSON-CARR (Mundingburra—ALP) (6.40 p.m.): It gives me great pride to rise in support of the Discrimination Law Amendment Bill 2002. I congratulate the Attorney-General, like many others before me, on his unwavering commitment to propose laws that are right, just and humane. The reforms are long overdue and now put Queensland firmly to the forefront as the Smart State—the progressive and forward-looking state which acknowledges that the dynamics of the family unit have changed. No longer is marriage the only option for those in loving relationships and legislation must reflect these changes.

Everyone deserves dignity and respect, and this bill recognises equality in basic human rights. The principle of equality is now before the law. It is democratic and it is fair. As Australia is a signatory to the United Nations Convention on Civil and Political Rights, we are signatories to the fact that all people have the right to equal treatment under the law. This legislation serves to strengthen Queensland's compliance with the UN convention. All human rights legislation involves compromise, and the religious freedom argument put by church groups has some merit. But to believe that the reforms were unexpected does not.

These changes have been part of this government's platform and policy as long as I have been a member. It is good Labor policy. I have had very many emails and letters and have spent many weeks discussing this bill. Of all the messages that came through my office, the great majority were in support of this legislation. It now brings Queensland into line with the national standard. Would it not be a denial of basic human rights if Queensland were the only state not to recognise de facto relationships?

The recognition of de facto partners, including gay and lesbian couples, will do a lot to enhance Queensland's reputation as a truly progressive state which welcomes all people regardless of their sexual orientation. In considering this bill, I have been appalled at the frenzy of those outspoken opponents to what amounts to having a just society. If we are honest, religious freedom has done a lot of harm to our society, particularly to children, and it has done so for hundreds of years. In fact, oppression rather than freedom comes to mind. Members should not get me wrong, most spiritual and Christian groups that espouse the teachings of Jesus Christ do a power of good, particularly at the grassroots level. But if those opposing church leaders are to justify their theological and ethical stand on this bill, they need to revisit their value systems, because history tells us that Jesus Christ loved, accepted and blessed the marginalised, the vulnerable and the rejected.

I was always of the view that religions, the Bible and the teachings of Jesus Christ were embedded in love and peace. Literal interpretations of the Bible steeped in dogma amount to a very contrary view to these basic tenets of love, acceptance, tolerance and diversity. How can any loving relationship be confused with a religious definition of acceptable sexual and marital status or a 'good' Christian way of life? In light of historical atrocities of sex abuse within the church, I find the hypocrisy alarming and frightening.

Why is there such a preoccupation by Far Right religious fundamentalists with homosexuality and sex? Most of us in this place know many de facto couples and same-sex couples who share loving, committed and faithful partnerships. This government's consultation with most church leaders has been productive and I am happy to say it has been successful. I would like to take this opportunity to congratulate John Bathersby for his very positive input into the debate. The commitment by all involved in coming up with an agreed outcome is to be commended. After all, is the Christian ethic not about loving and committed relationships with each other and God? Religious and social conservatism does not have a place in the 21st century. I congratulate the Premier and the Attorney-General on progressing good Labor social justice which adheres to basic human rights.

I have no doubt that the progressive church leaders who have a duty to engage in democratic debate when it comes to their own accountability and practices will apply the principles of social justice to all people. I congratulate those same church leaders. I know many of them personally as good and decent people. These people will march their flock on well into this century teaching the gospel of love, compassion and acceptance.

I agree with the member for Ashgrove in that the word 'tolerance' makes one think that we have to put up with something. I think 'tolerance' might be appropriate when trying to deal with a two-year-old child having a tantrum, but I do not think it has a place in this debate. As the member for Algester so succinctly put it earlier today, the suicide rates, particularly amongst males in rural areas, has been frequently attributed to confusion about their own sexuality. What do the opponents of this legislation labelling same-sex couples and people living in de facto relationships as intrinsically evil hope to gain from their campaign? It is certainly not about spreading the word of love and acceptance among our younger generation. They would be better placed putting their energies into preventing fathers, uncles, brothers and clerics from sexually abusing their children.

This bill does nothing to thwart religious freedom. What it does is give all people the same rights of a democratic society. Let me end on a very sad but familiar story. My brother-in-law's son killed himself last week. He jumped off a bridge. He did it because he was gay. And he was a tortured soul. He felt he never fitted in and he was marginalised throughout his entire short life. He is now at peace. But how much better would his life have been if, instead of being perceived as bad, as an outcast and as intrinsically evil by these loud, vocal minority groups, he had been accepted and loved? Let me take this opportunity to once again thank the Premier and the Attorney-General for this progressive bill and thank all others who have made fabulous contributions. I commend the bill to the House.

Mr FLYNN (Lockyer—ONP) (6.47 p.m.): This debate should not be about the rights and wrongs of homosexuality. It is not or should not be an attack upon the church. It is fundamentally about the right of choice, and I will argue from that view. Just as the government has passionate views on this issue, so do I, and this House is no place for ridicule and vitriolic comments about people's beliefs. The notion of a world without any form of discrimination is to some a notion of utopia—and understandably so. What this view fails to address is that the ability to discriminate allows us to choose between what we consider to be right and wrong based upon perception. This perception may well be coloured by peer pressure. Nonetheless, our ability to choose is not affected.

I note the inclusion of provisions in the bill allowing the reregistration of birth certificates in cases where a person has undergone sexual reassignment surgery and with no notation on the new certificate. This itself provides an anomaly in that a male may have fathered one or more children prior to his reassignment surgery. Surely it is a nonsense to pretend that this person's sex was always female. In some cases where genetic difficulties provide that reassignment is not necessarily by choice, and such reassignment is carried out on medical grounds, there is clearly cause for the birth certificate to be changed. Nonetheless, it should clearly show the original sex and the reason for the change as a notation on the certificate.

What appears to have changed with the amended bill is that religious institutions may now, under some circumstances, discriminate in employment if the applicant openly displays the characteristics of a person unable to apply the tenets of the church in their employment, and that may well include their sexual behaviour. Such behaviour, of course, could be extended to heterosexuals who also might behave inappropriately. What the bill still fails to address is that no matter what the beliefs, sexual or otherwise of people are, if they are known to their employers to believe in codes of behaviour not commensurate with the teachings of that religion then I believe that such institutions must retain the right to admit only those of a like mind.

I have heard the quiet sniggers lately about priests and private schools, and there is no doubt that evil did happen, but we must not allow this debate to degenerate into personal denigration and generalisation about our religious institutions—Jewish, Christian, Buddhist, Catholic or whatever. One of the problems with issues of morality is that people consider that the benchmark is too high. Over the years, therefore, standards have changed. For instance, we no longer, hopefully, condemn unmarried mothers to a lifetime of derision; rather we support and nurture these new families. Nevertheless, we still encourage these new families to surround themselves with caring and loving people who reinforce that unit.

Unfortunately, when changes in standards occur with startling suddenness, confusion in values arise and resentments appear as a result of these changes. Remember that standards are rarely raised and generally tend only to go downwards once they are released.

The Premier spoke of loving relationships and his unashamed support for that sentiment. He spoke with emotion of his 25 years of marriage, and so do I, celebrating with emotion on 6 January the 30th anniversary of my own marriage. I concur with the sentiments of the Premier. Without the presence of my wife I could never have achieved anything in relation to my personal goal. Commitment is wonderful, and to that end there is no doubt that all people living in de facto relationships can form just as loving and solid partnerships. In my upbringing I was taught to believe in the sanctity of marriage. What I find is a form of reverse discrimination based on my own beliefs. Generally, this view takes the form of severe ridicule, degeneration and an unwillingness to accept that others have the right to disagree. Many of life's values have been enshrined through common acceptance and practice, but no doubt through the passage of time they will be in a state of flux in order to mirror changing public opinion.

By and large, I believe that some core values of people's religious views do not change—such as the belief in God. You believe or you do not. It is essential that the state recognises the tremendous upheaval in a society faced with an apparent effort to deny parents the right to have their children taught by people who do, at least on the face of it, hold similar values. One of the fundamental reasons private church schools exist is due to the recognition that it is impossible for the state to impose differing values in the public arena.

There are many private schools that cater for multi-faith student populations and their existence allows for a choice. I went to an international school and all the religions there were catered for with their diets and their individual religious ceremonies. But there are those who do not necessarily acknowledge the right of people to come into their establishments—if it is a religious establishment—and practise their own faith. They are at liberty to form their own.

Acts of homosexuality between consenting adults have not been illegal for some time, whether or not groups agree or disagree. This issue is not about acceptance or non-acceptance of homosexuality. In this debate that issue is irrelevant.

I conclude by repeating that this is about choice and the freedom of basic spiritual beliefs which spill over into physical activity. The member for Ashgrove is an honourable man and he spoke with great passion, I recall, about the need to progress beyond tolerance. To the honourable member it is tolerance that has permitted this democratic debate, and it is tolerance that will allow us to progress to gaining recognition of the need to approve the benefits of choice.

Mr SHINE (Toowoomba North—ALP) (6.55 p.m.): It is a pleasure to speak on the Discrimination Law Amendment Bill, bearing in mind its importance to a great number of people in our community. First of all, I would like to congratulate several groups of people associated with the progress of this legislation to its current stage before the House. First and foremost, I congratulate the Premier and the Attorney-General for their attributes displayed so admirably over the last few days, particularly, but also over the last few weeks. I particularly praise their gifts of patience, skill, determination and fortitude in persisting with the government's goals and being able to sit down with the stakeholders involved and come to an agreeable result. The process itself was one of intense consultation and negotiation, particularly over the last three weeks. Whilst we have heard a lot about consultation and when it occurred and when it did not occur, the sum total of the consultation and negotiation with respect to this bill would amount to, I am sure, the greatest effort put into any piece of legislation in my time in this House.

I would also like to congratulate all of the church leaders and the Christian school leaders who contributed to the same process, often at inconvenient hours of the day and night on short notice. I think the appreciation of the parliament ought to be extended to those people who took part in that process. Might I extend like appreciation to all the participants and stakeholders at the various meetings—not just the church leaders but those representing other groups who had a very important stake in the outcome of those negotiations.

The main objects of the bill are, firstly, to bring Queensland into line with other states, particularly with respect to the rights of de facto couples. What has perhaps been momentarily overlooked during the course of the debate tonight is that the bill is essentially concerned with the relationship between de facto couples. The greatest number of those couples will be heterosexual de facto couples. We are, naturally enough, properly concerned with one particular aspect of the bill dealing with church schools. Obviously, therefore, it is appropriate for a lot of the comments in the debate to be focused on that. I feel it is important not to set aside in our minds that the major object of the bill is more far-reaching than that.

The legislation, in furthering that object, recognises the reality of life as it is in Australia today. The Australian Bureau of Statistics reports indicate that the number of Australians choosing to live in de facto relationships, both opposite and same sex, is increasing at a very rapid rate.

Sitting suspended from 7.00 p.m. to 8.30 p.m.

Mr SHINE: Before the dinner adjournment I was referring to the recognition of the reality of what Australia is today compared to what it was a decade or two ago. I recall the recent remarks of the Premier indicating that he, being a once-married person with children, is in fact in a minority in Australia at the moment. Therefore, it is important to recognise the reality of this significant change in community attitudes that has occurred over the last couple of decades.

One of the most positive aspects of the bill—and I again remind honourable members that we are talking about a bill covering a lot of subjects—is the protection of children, particularly children of a de facto relationship. I am pleased to see that children will benefit with respect to areas such as WorkCover and the law of succession—that is, children of de facto couples where one of the parents, particularly the breadwinner, may have died. It is also the case that a major thrust of the legislation is the advancement of the cause of antidiscrimination in Queensland, particularly as it relates to de facto couples and homosexuals.

The Australian Labor Party has had a long and proud history as being a party that favours equality, equity and a fair go. Tonight I want to read into the record excerpts from our law enforcement platform, in particular part 7.2, which states—

Further, Labor will undertake any consequential legislative action necessary to give substance to the above democratic rights and civil liberties, whether they should involve ratification of international conventions, or legislation to prevent discrimination in the areas of employment, education, housing, public accommodation, public entertainment and recreation, state taxation, property, superannuation or other fiscal benefits.

Tonight's debate relates particularly to areas of employment and superannuation. Further in the platform, part 21.1(c) states that Labor will—

Review the law with a view to ensuring that personal de facto relationships will be treated in the same manner as married relationships as a general principle.

Part 21.2 of the platform states—

State Legislation, Government documents and forms shall be changed and updated where necessary, to remove discriminatory references to religion, sex, age and colour, and to reflect modern language usage.

My point in reading that to the House is partly to inform the House of what the Labor Party's policy is and has been for a long period of time and also to indicate and reinforce that our policy with

respect to discrimination has been well known and has been a public document in the public arena for a long time. Tonight I also want to congratulate the Liberal Party for its stand on this issue. In doing so, I certainly want to congratulate the member for Moggill for his contribution to the debate.

Ms Nelson-Carr: It was a great contribution, wasn't it?

Mr SHINE: It was a very good contribution. In contrast, however, we see the attitude of the National Party. It was an attitude which puzzled me, because I read an article in the *Courier-Mail* on 8 November where Mr Horan—he may not have been correctly reported; I do not know, but I have not seen any retraction—said this—

Opposition Leader Mike Horan said community attitudes toward gays and lesbians had changed in recent years.

'Society has got to the stage where we accept that it has gays and lesbians and they have jobs in just about all different areas of the work force,' Mr Horan said.

'They are not necessarily the sexual predators. Sexual predators come from a whole range of people.'

The article goes on—

Mr Horan said he had told his National Party annual conference this year that his idea of leadership involved ensuring all members of society had 'a fair go'. This extended to equality for people regardless of their sexuality.

When I read that I felt that Queensland had advanced to a splendid degree since these debates were last held some years ago and that we now had a bipartisan attitude to a fairly sensitive subject. However, we now see a backflip by the National Party and particularly by Mr Horan judging by his contribution to the debate today and as he has been reported in the past few days. This of course comes after the other backflip he had in relation to holding parliament in Toowoomba. Honourable members will recall that episode fresh in their mind. That of course followed his attitude to holding parliament in Townsville.

This emphasises yet another fundamental difference in policy with the Liberal Party, along with topics like daylight saving and Sunday trading. It makes one wonder what Mr Horan meant when he was reported in the paper as saying that he promised that when he got back into power he would repeal this legislation. We all know that in order to do that he would need the cooperation of the Liberal Party. In my view, it raises serious doubts about his credibility, at least in relation to this matter.

I have had the benefit of significant consultation with various church leaders and school principals in my electorate. I went to a meeting of the Christian Leaders Network within a week of the bill being presented to the parliament and had a fruitful meeting with the various pastors at that meeting. I felt that it was my duty to receive their views on the legislation and also my duty to explain what the legislation was about. Meetings with individual pastors and school authorities were also held. Of course, during the course of my fortnightly mobile electorate office, which I carry out every second Saturday throughout Toowoomba, I had the opportunity of consulting with quite a number of people in the community who came to me and discussed that issue. I also went to a meeting at Downlands College where the principal was in attendance, as were the principals of the Toowoomba Christian College, Concordia College and other schools were also represented. Again, that was a very thorough meeting.

Finally, I had the pleasure of being able to organise a meeting of those principals with the Premier and the Attorney-General when we met in Toowoomba for the Labor Party's historic caucus meeting. As well as that, I was able to attend the meeting at the Executive Building this Monday.

Mr Welford interjected.

Mr SHINE: Yes, the Attorney-General is right; they were very pleased. In fact, they have written me a letter to that effect.

I undertook to the various church leaders that I would read into the record excerpts from their letters, so I will do that now. I will read an excerpt from a letter to me dated 13 November from Dr Sultmann, director of the Catholic Education Office. I do so because these people have asked me to put on the record their views of the legislation as it then was. It states—

In our belief, supported by substantial legal opinion, the Bill will minimise our capacity to pursue two basic endeavours:

(i) to employ Catholic teachers and staff who aspire to be not only Catholic in name, but Catholic in life-style;

(ii) provide an educational service with a distinctive philosophy that is open to all who share its intentions, particularly those Catholic parents who see their children's education as an extension and complement to the education they offer in the home.

An excerpt from a letter from his Lordship Bishop Morris, the Catholic bishop of the diocese of Toowoomba, states—

As a Catholic community, united with all fair-minded people we oppose unjust discrimination whenever it appears. However, we believe to force the Catholic system to change its teaching, directly or indirectly undermines the autonomy of that system, whose freedom to select suitable teachers, has up till now, been respected by Governments of all political persuasions. The new legislation makes a mockery of the freedom of religion that is a cornerstone of our democratic system and attacks the rights to assemble which is guaranteed in our Constitution.

His Lordship then quoted article 18 of the Universal Declaration of Human Rights. These matters have of course, with the passage of time, been explained thoroughly. We are now advised that the leaders of churches, particularly the Catholic Church, are happy with the legislation that is before the House. I also received a letter from Mr Ian Shelton on behalf of the Christian Leaders Network, who said—

As was stated on Friday, the CLN rejects the proposition (contained in s.25) that religious schools be required to seek an exemption from the Anti-Discrimination Tribunal if they wish to impose discriminatory job requirements. The CLN wishes the existing exemption provisions of the Anti-Discrimination Act to remain in place, so religious freedom in Queensland can be maintained.

Likewise, a similar letter from Richard Brown, principal of the Toowoomba Christian College, states—

I appreciate the time given by the Attorney-General to Dennis, Ian and myself.

...

The issue is not hiring staff—the issue is being able to exercise our religion on an ongoing fashion well after the appointment of staff. These religious issues are difficult to convey but we are trying to make the politicians think about this very important issue.

My function as a member of parliament is to represent the views of the people in my electorate who express their view to me, as well as to explain the policy of the government.

I am very pleased with the result that has been arrived at, particularly from the negotiations of the Premier and the Attorney-General with the churches. The agreement is with most of the churches, as I understand it. The churches, of course, saw this issue as a very important one because it involved freedom of religion itself. Clearly, they felt that their rights and the rights of parents who send their children to Christian and Catholic schools were at risk. As I understand it, people on the other side of the equation, the gay and lesbian movement, are also happy with the compromises reached.

My tradition has been one of attendance at a church school. My father and my grandfather went to similar schools and my children are currently at similar schools. So I appreciate the concerns the churches and church groups raised with me. I am keen to see that my children do learn and witness the values of Christianity, particularly that value of tolerance. I also am especially keen that they have the opportunity to see in action Christ's love. I want them to know of his commandment, which is love one another—a commandment, I point out, not a mere suggestion or a good idea. I do hope that at the end of the day they come out of that system being able to see Christ in all men and women without exception.

Mr JOHNSON (Gregory—NPA) (Deputy Leader of the Opposition) (8.44 p.m.): I rise to speak to the Discrimination Law Amendment Bill 2002. At the outset I will comment on a couple of issues raised by the member for Toowoomba North, who spoke about the Leader of the Opposition's credibility on this piece of legislation. It was Mike Horan who brought this issue out into the open and exposed to the people precisely what this government was endeavouring to do. We talk about consultation, but it was Mike Horan who had representations made to him by the church groups in his own electorate of Toowoomba South, in his own city of Toowoomba. As the member for Toowoomba North just mentioned, he had representations made to him by church groups in that city.

Government members: So did we.

Mr JOHNSON: So did I. I will come to those opposite in a minute. The opposition has been very tolerant and understanding of this piece of legislation. At no stage have we knocked this piece of legislation totally, but we will not support it for obvious reasons. I will arrive at some of those reasons. I refer to clause 17 and to religious freedoms. I believe the government has tried to pull the wool over the eyes of many of these church groups.

At the outset I wish to record my full support for the position taken by the National Party in relation to this legislation. Thanks to the endless representations by the Leader of the Opposition and by the member for Southern Downs, Lawrence Springborg, the objections of church and other community groups were placed into the right forum to be heard.

Mr Terry Sullivan: It is not.

Mr JOHNSON: The member for Stafford knows the truth. He should just sit back and listen for a minute. The Leader of the House, in the debate that ensued this morning—

Mr Terry Sullivan interjected.

Mr JOHNSON: Mr Deputy Speaker, I believe I have a right to be heard.

Mr DEPUTY SPEAKER (Mr McNamara): Order!

Mr Terry Sullivan interjected.

Mr JOHNSON: I find the remark of the member for Stafford offensive and I ask that it be withdrawn.

Mr Terry Sullivan: I withdraw.

Mr JOHNSON: The Leader of the House, in the debate that ensued this morning to defer debate on this bill, implied that the reason the National Party was seeking to delay this debate was that we were not ready to debate the bill. Nothing is further from the truth. We are ready, all right. We sought to give the people of Queensland time to analyse and evaluate the amendments the government put forward last night but that we did not see.

Mr Fouras: I thought you were the voter, not them. You were the member elected to vote.

Mr JOHNSON: I am the member, but I like to consult with my constituency, probably a bit more than the honourable member for Ashgrove does. That is what being a member of parliament is all about: consulting with the constituency and listening to what the constituency has to say. The member can grin, laugh, turn away and drop his head, but one thing I will not do is walk away from him. I will look him in the eye all day and all night and tell him the fact of the matter. My role as the member for Gregory is to consult with my constituents and represent them to the best of my ability. That is precisely what I will do here.

Mr Fouras: Which ones are you going to represent tonight?

Mr DEPUTY SPEAKER (Mr McNamara): Order! Perhaps we could have discussion through the chair.

Mr JOHNSON: I will do that, Mr Deputy Speaker, but I will not back away from his negative comments. As this morning's proceedings amply demonstrated, not only was the National Party ready; it also caught the Leader of the House and the Deputy Premier totally off guard. I suggest to the Leader of the House that she carefully study the carefully considered position put by the shadow minister today. Unfortunately for the government, he had to correct some misinformation being spread by the Attorney-General along the way. The shadow minister put our party's concern very clearly. I would like to reinforce the matters that he raised by firstly speaking to the concerns that relate to the manner in which the legislation was introduced.

I ask members to think about the commitment that the government claims to have in relation to the often quoted openness, transparency and consultation of this piece of legislation. Once again, we have proof of the old adage: do not listen to what Premier Beattie says; watch what he does. Simply put, this legislation was hatched in secret as part of the social engineering agenda of the Labor Party. The minister's speech deliberately avoided references to the issue that has been at the forefront of the forced consultation that has resulted since the real intention of this bill became clear—thanks to the National Party opposition and thanks to some of the Independents in this House. The fact is that consultation should have taken place in the preparation of the bill, not in the amendment of it. That is precisely what happened. It was as a result of pressure from those groups that showed leadership and responsibility that we saw those amendments. The truth is that the Premier was faced with a very precarious situation in relation to a number of people on his side of the House who were—and remain—outraged at the way in which the matter has been handled by the government.

The Premier cried crocodile tears in this House about the commitment of families, love and so on as if everyone who had concerns about this bill had no such commitment. I have news for the Premier: I believe that anybody who is a member of a family—any family—has love and commitment and dedication.

Mr Fouras: Any family?

Mr JOHNSON: Yes, any family. I will come to that in a minute. I will take that interjection from the member for Ashgrove. That is pompous and blatant discrimination in itself. This side of the House has the same entitlement to its view as does the Premier's side of the House. This Premier would have us believe that he is the sole custodian of all that is right and proper and implies that

our failure to blindly support this legislation in some way makes us less human, less loving and less caring. We all know that last night, to appease the church leaders, the Premier gave a commitment that he would espouse his commitment to family values. In fact, I believe he suggested that he might be able to include a preamble to this effect in the bill. The reality is that his words in this House will not mean a thing. I am not saying that they were not genuine, but they will mean absolutely zilch because they are not going to be in the body of the legislation. The treacherous and clandestine way in which this legislation has been prepared and introduced has done more to foster dissent, fear, insecurity and, for that matter, discrimination than anything else.

The fundamentals of this debate relate to two important aspects of society. The first is the significance of the family to society. The second is the fundamental right of religious freedom. In relation to the importance of the family to society—our proposition is that, as members of parliament, we should do all that we can to promote the importance of the family and the sacrament of marriage as being the most supportive structure for the upbringing of future generations. The argument seems to relate to cause and effect. The Premier came into this place and cited the statistics relating to de facto relationships as being a primary reason for this legislation. The National Party recognises that a number of de facto relationships exist and believes that the people involved in these relationships and the children who result from them deserve to have the same rights and protections as does every other member of our community. I do not have a problem with that, and I recently said that in the media. I know a lot of people who live in de facto relationships and they are very good, honest, stable citizens doing—

Mr Fouras: So what is your problem?

Mr JOHNSON: I just said that I do not have a problem with that. But I refer to clause 17, which we will debate during the Committee stage. The point I make is that none of us has a right to cast aspersions on these people. I believe that, whilst a lot of churches do not support this, at the same time they are God's people, too.

The concern of the National Party and the people whom it represents is the drawing of a line between recognising realities and promoting and encouraging lifestyles that many believe are contrary to the religious principles that underlie the proper functioning of our society. That brings me to the matter of religious freedom. I think the whole of Queensland, the press gallery and everyone else is waiting for me to say this. In this House back in about 1999 I made a statement in relation to same-sex couples and the policy that this government tried to introduce at the 11th hour. But I have to say that perhaps at that time I was wrong. If I was wrong, I apologise to those people.

But the one thing I will say is that I have had a long, hard think about this. I have spoken to many people who are parents of young people and older people who live in same-sex relationships who are homosexuals and lesbians. I have to say that I do not condone this practice, but at the same time I am tolerant of it. I know that it exists and I know that it is happening in our society. I have spoken to many of those parents and I saw the hurt and angst on their faces as they talked about their sons and daughters. I thought to myself, 'Who am I to judge these people?' That is exactly why I have taken the stand that I have. At least I admit that I have said the wrong thing in the past and maybe hurt somebody in the process. But at the same time, I have changed my view; I have come round to thinking that there are people who live in this type of environment and I am tolerant of it. I do not condone it. That is their business. I am not going to have anything further to say on it.

Mr Welford: Good on you.

Mr JOHNSON: I thank the minister. The churches and many parents believe that they have a right to ensure that the people in whom they entrust the education of their children subscribe to the same principles that they believe are fundamental to their children's future wellbeing. I went to private schools, because in those times where I lived there were no state schools. I lived out of town. My sister and my brothers did the same. I educated my three children at private Catholic schools in Toowoomba; my brother and sister educated their children at private Catholic schools in Brisbane and Toowoomba. We paid to send our kids to private schools, as do other people who send their kids to private schools, whether they be Christian schools or independent schools. It is our prerogative to send our children to those schools. We do it because we want them brought up with the Christian values and the Christian beliefs of the schools in question. At the same time, we are taxpayers in this state and in this nation. We pay our taxes the same as the people who send their children to state schools. They are entitled to do that. I do not have a problem with that. We have very good private schools and we have very good state schools in

Queensland. When it comes to the religious beliefs of church schools, it is up to those people who choose to go to those schools to uphold those beliefs.

The blatant disregard for this basic principle of religious freedom has forced the Premier and his Attorney-General to back down on their social engineering. The serious concern that the opposition has about this shameful bill that has been jackbooted into this House is its practicality. I want to put a number of questions to the minister and I ask him to respond to them in his reply. There is some concern that the bill is not consistent with section 116 of the Commonwealth Constitution. I ask the Attorney-General if he will report on that matter, because I believe that we will see this legislation back in this House for amendment in 2003. There are also some potential conflicts with sections 37 and 38 of the Commonwealth Sex Discrimination Act and the Human Rights and Equal Opportunity Act. There may also be a conflict with the Family Law Act. It appears to me that, under this bill, a church will not be able to refuse to employ someone who openly acts in a manner which is contrary to their religious beliefs and teachings. The proposed section 25(2)(b) applies only in the course of, or necessarily connected with, their employment.

The negotiated amendments mean that a church-run organisation can only sack a person if they openly act in a manner contrary to a religion. Does that mean that an unmarried female who becomes pregnant can be sacked? Is this what this legislation means? If it does, it will be very interesting to see what happens. I presume that the church will end up with an unfair dismissal case and that we will be back to where we started. The point is that it will be necessary for the church to first establish what 'openly acting in a manner contrary to a religion' is. Pandora's box has really been opened. I predict that this legislation will be back in this House next year, because this is just an unnecessary law. Bad law will be opposed by the opposition and we will stand up for religious freedom and the importance of the family.

If there is one minister in this government I respect, it is the Attorney-General. He is a good and competent minister who shows leadership in a lot of areas. This piece of legislation still has not gone far enough in terms of consulting with the wider community. The wider community is entitled to be consulted. They are the taxpayers, voters, citizens, business people, employees and mums and dads of society who have children and who will build tomorrow and the future. Without that consultation, where is the transparency in this government? Where is the consultation process in this government? All we see is the arrogance in this government.

The government prophesied before the last election that there would not be arrogance. This legislation will protect mothers who breastfeed their infants in public, and that is a very beautiful thing. An expectant mother or a mother with a child is beautiful. Anyone who discriminates against a mother for breastfeeding a baby in public is a poor citizen that we in this country do not need anyway. Why should we be worried about that in this legislation? I would have thought that the basic principles of society involve upholding and protecting what is good so that we can pass that on to our children and show by that leadership, drive and determination that there will be an outcome for them as the leaders and future mums, dads and business people of this nation.

It is important to remember that this issue is about all Queenslanders—not just about members of the government who do not want to consult. I know that a number of government members have some angst in relation to this legislation. I have spoken to some of those members and know that they share my concerns. I appeal to those members tonight—if there are flaws or problems with this legislation that will be detrimental to the future of Queensland or to the ongoing comfort of our community in terms of discrimination—to have the intestinal fortitude to stand up and say to the leaders that this is not working and why it is not working.

The church and community groups that have expressed angst and concern about this legislation should watch the small print very closely because there will certainly be some problems with this legislation. The Premier consulted with about 20 members of that group late last evening. Amendments to the legislation arrived in the House today. That is precisely what the opposition was talking about this morning. We were endeavouring to push this legislation out to next week so that we could engage in full and proper consultation, take on board what the amendments meant, let the people of Queensland analyse and evaluate the issue and then debate it in a proper fashion in this parliament. That is exactly what democracy is all about, but the government has tried to keep democracy down. At the same time, in terms of correcting the social problems in this state, I hope that in the future people will be honest and deliver if an issue is not of advantage to the majority.

Mr RODGERS (Burdekin—ALP) (9.05 p.m.): I rise to speak on the Discrimination Law Amendment Bill 2002. I am stunned by the level of attention this bill has received because it endeavours to preserve basic human rights and to do away with discrimination. Why has there

been so much argument over something as important to our democracy and our moral values as the protection of human rights? I welcome public debate because at the end of the day when all is considered we will enact good legislation supported by the broad community. In responding to the concerns of many Christians, we find ourselves on more complex ground. I would like to respond to those questions and concerns. I will say a few things that I trust will help them examine this issue. I appeal for their understanding. Perhaps they can find something in the *Scriptures* to back up their point of view. The most compelling message I found was the one urging humanity to love thy neighbour. This simple concept from the gospel of St Matthew must surely form the foundation of human rights. If we are to truly end the vilification of our fellow human beings on any basis, we must enshrine their rights in law. Perhaps it is a shame that the laws need to be passed to guarantee this, but the level of concern I have witnessed during this debate confirms my belief that this is what we must do.

I find it hard to believe that in this day and age a school is prepared to limit its students' opportunities to a small pool of teachers because of their sexuality or the fact that a de facto relationship is a barrier. I can understand how people might have some concerns. I recall the passionate acceptance speech of actor Tom Hanks at the Academy Awards upon receiving his Oscar for *Philadelphia*, a film about discrimination against an AIDS victim. In his speech he paid tribute to a homosexual acting teacher who had influenced his career. This teacher's sexuality was no barrier to helping this actor reach the heights of success in his career. I refer to this for people to reflect on.

This amendment bill reinforces the fact that the rights of us all are enshrined. We have religious freedoms in our country. The high level of tolerance in our nation is a foundation of our national stability. We are a country that thrives because of our differences—not in spite of them. We are a mixed bag, the human race. That is perhaps why we all have our likes and dislikes, but as human beings we are armed with intelligence to overcome our prejudice and to recognise the talents, values and goodness of others. The phrase 'love thy neighbour', as I mentioned earlier, suggests to me that above all we must despite our differences respect our fellow human beings, because ultimately it is due to the variety of human nature that we are able to learn from each other and better educate our future generations. We must be able to live in harmony despite our differences. I make no excuse for supporting laws that reinforce and enshrine the rights of all. I commend the Attorney-General, his staff and the Premier on the preparation of this bill. I commend the bill to the House.

Mrs PRATT (Nanango—Ind) (9.09 p.m.): I rise to speak on the Discrimination Law Amendment Bill 2002 that has been introduced without any true public consultation processes, which this government is so keen to tell everyone is one of its priorities before it tables any legislation. Why? This was always going to be contentious legislation. While this bill has sat on the table for 22 days I, and every other honourable member, have received hundreds of letters, emails and phone calls from people supporting both sides of the equation. The overwhelming majority were against the legislation on many grounds, not just in relation to teaching in religious schools.

Before I get into the heavier and more contentious parts of the bill, I would like to put on record my disgust at the way the amendments have come so late into the hands of not only the opposition but members of One Nation and the Independents. Agreement on the amendments was, we were told, reached last night, but most of us did not get to see them until this afternoon. Yes, the churches may have seen them, but the vast number of the people who wrote to me from the community have not had any time to consider them and nor were they going to be allowed to.

The Premier stood in the House and said that an agreement was finally reached with the churches late last night. The responses I have since received, through phone calls and letters from them, confirm that there was such an agreement. Although most said that they had come away feeling a little better about the bill, they still conveyed that they would prefer that the full exemption remained. All maintained that the lack of consultation at the outset and the subsequent consultation at the 11th hour was 'an unsatisfactory process'. How can the Premier claim he has a mandate for the tightening of antidiscrimination laws when it is stated in the explanatory notes that there had been no consultation? The government did not even consult such groups as churches and independent school organisations, let alone the community at large, until it was forced to. Once again the government has introduced legislation by stealth to try to avoid public scrutiny in its never-ending quest to appeal to minority groups. Let me tell the government one thing: this did not go down well in the electorate. If it persists to pander to the

wishes of minority groups at the expense of the general community, the time will come when the electorates will retaliate.

The credibility of the government is at stake over this legislation. They cannot say they will do consultation and then not go ahead and do it. Their credibility is at risk and, as shown through the introduction of this legislation, it has little regard for religious teachers, ranging from Christian to Jewish to Muslim teachers, in schools who regard the legislation as an imposition on their institution's secular values.

The Premier has been quoted as saying that the debate over this legislation in relation to religion hinges on a definition of that religion. Most religious organisations feel that this legislation is a direct challenge not only to their religious beliefs and values but also to the independence of the schools. It is no wonder then that the consultation process for this legislation appears to have only been between the government and the groups that will benefit from it. No-one in this country would object to all interested parties being consulted and I would say that would include the gay and transgender community—the whole lot. Every other element of the community should have been consulted, but they were not. This is a country that prides itself on personal freedoms such as freedom of speech and religious freedom. This government denied the majority of the Queensland population a chance to express a view.

The letters of concern that have come into my office were not form letters, as one government member stated. They were from families, teachers, homosexuals and every manner of people who make up any given segment of a community. They were from the highly educated and the lowly educated. They came from all manner of people.

I believe that any conflicts between what a teacher teaches and what a teacher practises is hypocrisy and this legislation is hypocritical. How can teachers perform their duties properly if they do not believe in what they are teaching? The people who send their children to Christian schools often go without, especially in country communities, so that their children can be taught in the beliefs that they themselves believe. I was at this point going to read some of the many letters from both sides of the argument, but others have done so and in order to save some time for other members to make a contribution I will refrain. It is mentioned many times in those letters that the writers—those opposed to the legislation—do not hate homosexuals. What they dislike is the act. As they said to me, their Christian belief is 'love the individual, not the act'.

I have tried very hard to educate myself further with regards to the homosexual lifestyle. I do in fact have friends who are homosexual and I know quite a few people who are bisexual. I spoke to several homosexuals and bisexuals. I accessed web sites. I watched documentaries and I read books. Of those I spoke to, one only had absolutely no attraction to women. Five claimed they were bisexual. When I asked them whether they would actually class themselves as homosexual, they said, 'No, we just like both sexes.' When asked when they had realised they were bisexual, two said they had been approached by a paedophile at the ages of 11 and 13 respectively; the others had been approached by a homosexual adult when they were in their late teens or early 20s. When asked why they accepted the advances they said that they were just curious. All bar one of the group I spoke to said they hoped to get married and settle down and believed they could stop their homosexual activity. That is why I and many others believe for many it is a lifestyle choice—for many, not all.

In my search for knowledge I found that it is little wonder there is great consternation in the community, not just the churchgoers but most people in the community. You, me and any child can get onto the Internet and obtain the Gay Liberation Front manifesto and read its contents. Maybe all homosexuals do not support this manifesto, but I have yet to hear anyone oppose it. We only have to look through it—it is not a large document—to see several mentions that 'we aim at the abolition of the family' and 'we are not in fact being idealistic to aim at abolishing the family'. It says those sorts of things quite often. It has quite a number of disturbing paragraphs. Even to a non-religious person, but a person who supports the foundation stone of our society—the family—this document and what it portrays is quite frightening. Homosexuals must realise that it is they themselves who allow this sort of information to be put into the public arena and it is this information that has created disquiet amongst those who value family life. I mention these things so that members will try to understand why people have the views they do. I do not condone homosexuality, but I endeavour to be understanding of all persons involved.

The Premier is adamant that in this current crisis with worldwide terrorism no prejudice should be shown. On the one hand, he is asking the community to be tolerant, yet he attempts to push through legislation that is an insult to those teaching the Christian, Muslim and Jewish faiths in schools. There has been no tolerance in this House for points of view other than this Labor

government's point of view. This bill totally disregards the majority view of communities concerning freedom of choice in education. That is what this bill is about—choice, the choice to have our children brought up in the doctrine we believe in. Our children are not stupid and they pick up quickly on any hypocrisy between what they are being taught and what their teacher believes. They often idolise their teachers and look up to them and so there has to be a concern for people in Christian schools.

The government has in this instance let the electorate down. The government has made up its mind to introduce legislation that will expand antidiscrimination laws without proper community consultation. Regardless of what the community feels, this bill will go through because the government has the numbers, so why was there such a problem? Why could the community not have been asked about and informed of all of the amendments?

I would like now to address the section about reregistering birth certificates. I have a friend who is currently undergoing the change, as he calls it. At the moment he lives his life as the woman he hopes to become and will undergo the operation in the not-too-distant future. But do not judge him. He has endeavoured to convey to me the anguish his life has been. I do not understand, because I have not lived his life. But I also do not condemn him. I will support him through his ordeal because he is a friend, and I will always be his friend. His wife and I are very close friends and she remains very loyal to him because she believes in her vows. She is in her sixties. There is no doubt that she and he have suffered intolerance from others around them. The man has, according to the professionals—and I am not one to judge them or say they are wrong, because I do not have the knowledge—a genuine genetic basis for his desire to become a woman. He has asked me to support the amendment for the change to his birth certificate. I have tried very hard to see the point of view put forward for having the birth certificate changed, but I cannot.

The birth certificate is a record which, as far as I am aware, is a private document obtainable only by the person himself or herself. I believe it should always remain as a permanent record that a person is male or female. However, I readily accept that an additional entry could be made noting the date of change. It should always remain as the actual record of the birth.

There are a lot of speakers to follow me tonight and I will not take up too much time. They appear to be the two most contentious issues. The overwhelming view of the community that I represent is that they are opposed to this legislation. I have at all times endeavoured to represent their views in this parliament, and I do so tonight. I oppose this bill.

Ms PHILLIPS (Thuringowa—ALP) (9.20 p.m.): I am proud to rise in support of this groundbreaking legislation. This state Labor Beattie Government is all about introducing reforms based on the premise that, while not all Queenslanders are the same, we do deserve to be treated as if we are. It is legislation such as this that allows these reforms to be realised. Some sections of the community, and many of the members opposite, have tried to direct focus onto certain aspects of the bill to deflect attention from the magnitude of this legislative reform. I want to counter that myopia by looking at the bill in total—at the sections that are wonderful leaps in social enlightenment that have been overshadowed by the hype generated by a small minority and which are part of the bill that has been on the table, and the subject of consultation, for weeks.

Because of the historic introduction of the Anti-Discrimination Act in 1991 by a previous Labor state government, the community in general probably assumed that discrimination no longer exists in real terms. On a cursory look it would appear that we are an inclusive society. Some people in our community have learning difficulties, but that does not mean they are excluded from education. Some are of different religions, but that does not mean they are excluded from being on the same football or netball team. Some of us are even women—and thank goodness that no longer means we are excluded from speaking in parliament.

The problem is that there are still huge gaps in the system, still areas that are in doubt and still places where people can face harassment and rejection because of who they are or what they do. Most of the time the situation is just ludicrous. For instance, we all want our children to grow up happy and healthy, yet unless this bill passes it will still be possible to discriminate on the grounds that a mother is breastfeeding. We all want our life relationships to be seen as worth while and empowering but, unless this bill passes, it will still be possible to be discriminated against because one has no marriage certificate. We all want prospective employers to show respect for our abilities and experience, yet unless this bill passes it will still be possible to discriminate on the grounds that an applicant is male, female or homosexual.

The amendments in this Discrimination Law Amendment Bill 2002 will ensure that no one—no individual, group or organisation—is exempt from the law in relation to discrimination. No one! All exclusions have been removed and groups previously not covered have now been added.

When the Anti-Discrimination Act was first implemented, some groups were left out. It is time to include them. The attributes to be included are sexuality, family responsibilities and gender identity, and the existing ones of breastfeeding and religion will be amended. As part of the evolving social conscience of the community, we now desire that these groups be included.

The inclusion of the new attribute of 'sexuality' will provide much clearer protection for the gay and lesbian community who until now have had to rely on the attribute of 'lawful sexual activity' to bring a complaint. This provided no protection for a celibate person, for example, whatever their sexual orientation. The new ground of 'sexuality' which is defined to mean 'heterosexuality, homosexuality and bisexuality' will bring Queensland into line with other Australian jurisdictions. In particular, the bill introduces new laws to protect people against vilification on the basis of their sexuality. These groups have a history of being the victims of hatred and physical violence.

Since we passed the racial vilification legislation early in this term, I have been lobbied by groups in my community asking that they also be protected. Vilification and violence against any group cannot be tolerated in our society. It is very important that we include everyone. These new laws are aimed at curbing the type of vilification which results in social disharmony and which can escalate into more serious acts of physical violence. The new laws will serve to raise public awareness of this issue and act as a signal to the general community that this type of conduct is unacceptable. The new laws will operate in a similar way to the racial and religious vilification laws which were enacted last year. As with racial and religious vilification laws, a high threshold will apply. Public acts which incite hatred towards, or serious contempt for, or severe ridicule of a person or group on the basis of sexuality or gender identity will be prohibited.

What this bill will really do is provide protection for all those people in our communities who have ever been marginalised or unfairly treated because they fail to conform to one person's or one group's view of the world. It will alert us to the fact that there is no point boasting about our inclusiveness when we fail to tolerate people's differences or respect their right to the same quality of life that we enjoy. People from the gay and lesbian community, in particular, have congratulated our government publicly on including them in this bill.

The second attribute to be included is 'family responsibilities'. While many areas of 'family responsibilities' would currently be covered by the act, there are some areas where protection is less clear—for example, people with obligations to care for elderly relatives or close relatives. The Industrial Relations Act 1999 does provide some protection in the work area by prohibiting discrimination on the basis of 'family responsibilities' but only provides remedies for unfair dismissal. Antidiscrimination legislation in most other Australian jurisdictions includes a ground of 'family responsibilities' or a similar term. This amendment to Queensland's Anti-Discrimination Act will ensure that people in this state are not disadvantaged in comparison to other Australians in trying to balance their family responsibilities with other aspects of their lives.

The third attribute to be included covers protection for people on the basis of 'gender identity'—that is, people who are pre- or post-operative transgenders or intersex people. This change is long overdue. All other Australian jurisdictions provide protection against discrimination for this group.

There will, in addition, be changes to the Registration of Births, Deaths and Marriages Act to allow post-operative transgenders to obtain new birth certificates in their reassigned sex. Again, all other Australian states and territories, except Victoria, currently have births, deaths and marriages legislation of this kind. These amendments will at last provide appropriate legal recognition for Queensland's transgender community and protect their right to go about their daily lives free from discrimination and unfair treatment.

Two existing attributes will be amended. The bill expressly recognises the rights of women breastfeeding children by protecting them from discrimination on this basis in all areas covered by the act. At present the protection is limited to the goods and services area. When I had young babies I was sometimes made to feel so uncomfortable that I had to breastfeed in the ladies room. Who else would tolerate having their lunch in a toilet? The introduction of parenting rooms has somewhat alleviated this, but it is more important that feeding babies in public be acceptable practice. These amendments will be especially welcomed by working mothers who have previously had no protection in the workplace.

Another very important objective of the bill is to amend a range of Queensland laws to ensure that de facto partners, regardless of their sexual orientation, have rights and obligations consistent with those of married spouses wherever possible. More people are choosing to live in de facto relationships. Historically, legal recognition of partner relationships focused on marriage. However, with the increase in de facto relationships laws need updating to acknowledge and recognise de facto relationships given that de facto relationships raise similar issues to marriage. It is important that de facto partners are recognised at law so they feel supported and confident of their place within the general community. Many families in my electorate are based around a couple who are not married. For their sake and the sake of their children, they need this security.

Over the past decade the Queensland government has taken steps to recognise de facto relationships. Nine pieces of legislation already give de facto partners the same rights as married people. A further 15 acts recognise de facto relationships involving a man and a woman as a couple. A definition of 'spouse' and 'de facto partner' will be inserted in the Acts Interpretation Act 1954 to be applied in any act where 'spouse' is mentioned so that the definition of 'spouse' will include 'de facto partner'. 'De facto partner' will mean 'either one of two persons living together as a couple on a genuine domestic basis but who are not married to each other or related by family and the gender of the persons in the relationship is not relevant'.

The definition further provides that, in deciding whether two persons are living together as de facto partners, any of their circumstances can be taken into account including the length of their relationship, the degree of financial dependence or interdependence, the degree of mutual commitment to a shared life including care and support of each other and children, and the reputation and public aspects of their relationship. The recognition of de facto relationships upholds the principle of equality before the law. This principle is a vital underpinning for a democratic and fair society. Australia is a signatory to the United Nations Convention on Civil and Political Rights. Under the convention, all people have the right to equal treatment under the law. Consequently, Queensland laws should not discriminate against people in de facto relationships.

There has been some concern expressed that the de facto law reform package will contribute to the erosion of the family unit. In fact, the reform package strengthens support for the family, whatever that may be in the 21st century. It is important for de facto partners and especially their children to be recognised as a family unit in Queensland legislation. The reform package recognises that people have the freedom and right to be in a loving relationship. They should not be discriminated against if they have not gone through a formal marriage ceremony or if that relationship is with someone of the same gender. Further, society in general can only benefit socially and economically through supporting stable and mutually dependent adult relationships.

When this bill was released for public comment as part of this government's community consultation process, I received many letters and emails supporting the legislation from people from all walks of life and some concerns have been expressed to me by organisations within my electorate. In particular, some representations have come from churches which expressed a fear that they would lose their freedom to employ suitable people, especially as teachers, in their schools. In fact, the act already provides for genuine occupational requirements to be invoked where and if required, but the inclusion of new categories and the removal of the exclusion clause may have caused some concern about unintended impacts. One of these is on the education of children in religious or ideologically orientated schools. The government has no intention of restricting the ability of these schools, or any other organisation for that matter, from pursuing its values and beliefs.

The representatives of the churches with whom I met, in particular Bishop Michael Putney and Michael Byrne, the CEO of the Catholic Education Office, told me that they were concerned with the requirement that merely stated that they could discriminate in that they could employ only people from their own religion. They wanted to be sure that the teachers in their schools upheld the values and beliefs of the religion and were good role models for children in their care. I wrote to the Attorney-General about their concerns. Many representatives from other churches, schools and organisations have also approached him. He and the Premier undertook further extensive consultation and have now come up with an amendment to proposed section 25 which will allow a limited exemption to two sorts of religious employers—employment in schools and employment where the job involves adhering to and communicating religion. The exemption allows employers to discriminate in a reasonable way where the person, in the course of or in connection with their work, openly acts in a way which they know or ought reasonably to know is contrary to the religion.

The church leaders I have met with are happy with this outcome. This amendment will allow such schools to recruit and discipline teachers and other staff within their own value and belief systems. However, it will not allow them to discriminate against staff or students on the grounds of their perceived status. This bill will make Queensland a fairer, more equitable place to live in, and that is what Labor and our reforms are about. I have great pleasure in being part of a Labor government that has had the guts to introduce this historic bill, and I commend it to the House.

Ms LEE LONG (Tablelands—ONP) (9.37 p.m.): The Discrimination Law Amendment Bill 2002 is a unique piece of legislation. It deliberately delves into intensely personal issues—sexual orientation, gender relationships, the education of our children and a host of other such matters. Potentially, it could have been legislation that served some good. Yet what did this government do when it was drafting this bill, when it was considering the laws underpinning such important social issues? In essence, it crept into the closet and entertained itself by playing 'Can you guess what I'm doing?' It did not consult with the community on a piece of legislation which the Attorney-General himself described as protecting the fundamental human rights of all Queenslanders. He could not find it in himself to offer them the right to have a say. What about government of the people, by the people and for the people? Just do not ask the people what they think!

Whatever members in this place may think of the Attorney-General's abilities, I think I would agree that he is an experienced hand. He has held other portfolios. He has been in previous cabinets and one may generously assume he has some idea of what is going on. Yet in his second reading speech on 6 November in this place he somehow forgot to mention the impact that this bill would have on the rights of religious schools, aged care facilities, day care centres and so on. He remembered de factos and marriage. He remembered land tax impacts and Succession Act implications. He remembered family responsibilities, sexuality and gender identity and even religious beliefs—or a lack thereof—as a matter on which people cannot be discriminated against. But nowhere did he mention the impact that this bill would have on our well-established religious school system and other activities. Could it have slipped from his mental grasp? Well, transgender issues did not, efficiency improvements for the Anti-Discrimination Commission and Anti-Discrimination Tribunal did not, and breastfeeding did not.

One may wonder, then, why this contentious part of the bill did not get a mention. Perhaps it had been decided that it was something best kept in the closet for as long as possible. But it is out now. In fact, on this matter the Beattie government has been outed so effectively by the united efforts of our religious organisations that it has been tearing about madly since 6 November trying to do some of the consultation that it should have undertaken before bringing in the bill.

While the pillow fight may be over on the specific issue of religious schools, I have some other concerns. One is the willingness of this government to consciously deny the community the opportunity for input in drafting legislation such as this. It smacks of elitism and can hardly be called representative. Really, that there have been plenty of letters about the issue is a far cry from proper consultation. One only has to look at the 'backflip that wasn't' which has just been performed.

The second concern I have is the potential for legislation such as this to place individual rights so high that they destroy community rights or other individual rights. For example, someone who is living with another person will become, whether they want to or not, suddenly considered to all intents and purposes the equivalent of being married to that person simply because the partnership reaches the two-year mark. I believe that this is a gross intrusion by government into the rights of people involved to define for themselves the relationship they share.

There are also those who do not believe in the institution of marriage, yet legally this legislation insists that after two years cohabiting, whether they believe in the institution or not, they are to all intents considered to be married. I do not see any right for a government to so intrude into the beliefs and personal relationships of its citizens. I do not believe it is at all justified for governments to create laws which strip away the right of adults to define their own relationships. Those people are the only ones properly able to define their situation, yet under this bill they have no option. Live with someone for two years and suddenly you are hitched.

Ordinary people of Queensland can still think for themselves and do not require the Beattie government—heaven forbid!—or the United Nations to make every decision for them from the cradle to the grave. The explanatory notes state that Australia is a signatory to the International Convention on Civil and Political Rights and it is because of this that the Beattie government is bringing in these laws—laws not to discriminate against people in de facto relationships, including those in same-sex relationships. However, in providing these rights to de facto partners the rights

of married spouses and children under the intestacy laws and under some superannuation schemes could be reduced. This raises very serious questions about the consistency with fundamental legislative principles contained in section 4 of the Legislative Standards Act 1992.

A further amendment will allow persons to alter their birth certificate if they have had a sex change—if the person is 18 or over, the birth was registered in Queensland, the person has undergone sexual reassignment surgery and the person is not married. Parents and guardians can also apply to change a child's sex notation which is entered into the birth register. I strongly object to original birth certificates being tampered with. If a sex change takes place then an additional certificate should be produced stating so. Recording accurately a person's gender on their birth certificate is of paramount importance and must be upheld with integrity.

I, like most other members, have received large amounts of mail relating to this bill. About 99 per cent of it expresses strong objections to this bill. The writers relate their disgust and outrage at these proposed changes and ask that they be withdrawn. Knowing how many so-called Catholic Christians are on the opposite side, I will quote in part from one such letter. It states—

This legislation threatens the integrity of Catholic schools. Should it become unlawful for a Catholic school to discriminate in employment on the grounds of religious beliefs, values and lifestyles—even when these are contrary to the public teaching of the church—then the very reason for the existence of Catholic and other faith-based schools is compromised.

We do not in any way seek to negate or to challenge the right of people who hold views different from ours, or to follow their preferred lifestyles in the pluralist society that is modern day Australia. Our point is that this legislation removes the right of Catholic families, and others who choose a Catholic school, to educate their children in an environment consistent with their own values and beliefs, taught by people who share them.

It is not a sufficient response to be told that Catholic schools can apply for exemptions under section 113. Legal advice suggests that such an exemption would be unlikely to be granted as it would be contrary to the intent of the act. It also removes the current legislated guarantee of Catholic school employers to carry out their responsibilities according to their religious values and beliefs.

We request that this bill be withdrawn or, at the very least, members be given the right of a conscience vote on it.

This bill, I believe, is discrimination in reverse as suggested in another letter I received. It states—

I wish to express my strong objection to the proposed changes to antidiscrimination laws.

These proposed changes discriminate against Christians who abide by the biblical law of God to raise up their children in honour and truth, giving good example in their practice of living.

What is taught to our children ought to be followed through by practising what we preach and teach. The most important thing in this nation is to screen who has access to our children and to guard this treasure which is our future and our hope.

I ask that these changes, which are intolerant and opposed to the beliefs and values of many voters in the community, be withdrawn.

In conclusion, I believe that this Beattie government has a duty of care to make sure that discrimination is not reversed and that the people of Queensland are listened to over and above the United Nations. I oppose the bill.

Mr McNAMARA (Hervey Bay—ALP) (9.46 p.m.): I rise to support the Discrimination Law Amendment Bill 2002. Amongst all the debate and comment around the bill which has flowed through many members' fax machines and emails over the last few weeks, it is possible to miss the essential fact that what this bill is about is simple fairness. I think that fairness, equality, equal rights or the fair go—call it what you will—is the fundamental value that all of us should seek to uphold and extend in everything we do, including in the legislation that we pass in this place.

We do not deal fairly with each other if we withhold the benefits of employment from some of our fellows on the basis of their personal lives. We do not deal fairly if we require hardworking, loyal employees to not fall in love, to not follow their hearts, to not commit to their partners, to not care for their children.

I respect the rights of all people to hold strong religious beliefs. I know that many different faiths coexist in my community and I respect the rights of many people to venerate many gods in many ways. I respect that religious freedom. I do not think, however, that that religious freedom extends to a power to deny or remove employment to members of their faith who may happen to change their domestic arrangements in their private lives. That is simply not fair.

This bill updates Queensland's laws to ensure that de facto partners have rights and obligations consistent with those of married spouses where possible. That is fair. It recognises society as it is. It says to people in de facto relationships that they are part of our society. It brings Queensland's laws into line with the rest of Australia.

This bill extends the prohibition against discrimination on the basis of a number of attributes such as gender identity, sexuality and family responsibilities. It also amends the existing definitions of 'breastfeeding' and 'religion'. People are people. We are all different. We are diverse. We need now more than ever to continue our tradition of live and let live. So this protection for people who are pre- or post-operative transgenders or intersex people is welcome. It is the law in all other Australian jurisdictions and it is fair enough for Queensland. Similarly, the new definition of 'sexuality' to include heterosexuality, homosexuality and bisexuality extends protection against discrimination to everyone and again brings Queensland into line with other Australian jurisdictions.

This bill in fact extends protection to families and support for families in many ways. For example, the new definition of 'family responsibilities' will protect people with obligations to care for elderly parents and other close relatives. This is something which in our ageing and often insular society we must protect and cherish. It is not just fair; it is essential. Balancing family life and working responsibilities is one of the hardest challenges that face working people today. This amendment should be welcomed by all fair-minded people. In relation to the extension of protection from discrimination afforded to breastfeeding mothers, I simply say that it is a no brainer; it is fair and reasonable and overdue.

The bill also extends the definition of religion to extend protection to religious beliefs or activity and will now mean holding or not holding a religious belief and engaging or not engaging in lawful religious activity. This amendment again reflects our contemporary society and is fair and reasonable.

I wish to make some comment on the bill in regard to the amendments to a number of exemptions for non-state schools and religious bodies. I note in passing that perhaps this area of the bill has received too much attention and that there are many areas of the bill that I believe are quite non-contentious and very essential and overdue reforms. Nevertheless, I wish to congratulate particularly the Premier and the Attorney-General on what I know has been a very arduous process in seeking and finding common ground with key church figures and religious organisations in Queensland. The Catholic, Anglican, Lutheran, Presbyterian and Baptist churches have reached agreement with the government and with antidiscrimination advocacy bodies on the wording of the bill and amendments before the House.

I support the bill and the amendments. The repeal of the general exemptions for religious schools and employers and their replacement with the genuine occupational requirements exemption is appropriate and fair. The new exemption will allow an employer to impose a discriminatory job requirement if it is a genuine occupational requirement. However, it is not an unfettered right. Section 25(2) is a giant leap forward. However, it does not allow, nor should it allow, capricious action against a gay person or a person in a de facto relationship. It allows discrimination where the person openly acts in a way in which they know or ought to know is contrary to the religion. But it requires the discrimination in those limited circumstances to be reasonable, to be fair.

In conclusion, let me make a couple of comments about a phrase that has been brutally abused many times by the members of the National Party in particular during this debate. Quite simply, there is no such thing as a completely unfettered freedom, let alone religious freedom. We are not free to harm others in the name of religion, we are not free to mutilate women and children on the basis of traditional religious beliefs, and we should not be free to deny people employment and status in our society on the basis of our religious beliefs. The Leader of the Opposition, in his carping and largely irrelevant contribution, said, 'Isn't religious freedom the greatest thing that we have in this country?' I regret to advise him that the answer to that question is no. Religious freedom, while undoubtedly a good thing, is merely a manifestation of the core values that make this nation great: democracy, the rule of law, tolerance and compassion. When these things are present, we can have religious freedom. Because of those core values, we can have religious freedom. But we can never let religious freedom restrict these core values.

I wish to congratulate the members for Algester, Ashgrove and Moggill in particular on their outstanding speeches tonight. I congratulate the Attorney-General on his leadership, communication skills and intellectual rigour in this process. I commend the bill to the House.

Mr ROWELL (Hinchinbrook—NPA) (9.53 p.m.): The Hinchinbrook electorate is predominantly a Christian community. Many of the inhabitants came from a range of countries, such as Italy, Sicily and Spain. They came to work in the cane fields. They brought with them their religion, which predominantly is the Catholic religion. We also have people who have come from India. Over a period they have integrated into society and are particularly productive people. As I said,

these people brought with them their religions. At this point, that is part of the concern that I have with this legislation. In my area we have seen a very successful integration of people who came from a range of countries. My area is probably one of the glowing examples of a successful multicultural society.

I have not been confronted with many racial or religious issues of discrimination. I have not been confronted with sexual discrimination. In fact, for the most part, people in my part of the world do not condone homosexuality. It is not that they are so much concerned about the person; their concern is more to do with the act. There is a great deal of concern that we are seeing some erosion of society and certainly an erosion of family values.

There is no evidence that this bill is warranted. That is what those people are saying. It is not really needed. On page 11 of the green paper it states clearly that no community consultation occurred. I would like to refer to that section, because I think that it is very, very important to what this bill is all about. The green paper states that there has been no consultation in the community on the bill. However, individuals and organisations affected by the proposed reforms have made continual submissions to the government supporting such a change to the law. I can only guess that people from lesbian and homosexual groups have made those sorts of representations.

Mr BELL: Mr Deputy Speaker, I am having considerable difficulty in hearing the speaker. May I seek your assistance, please?

Mr DEPUTY SPEAKER (Mr Poole): Order! You heard it. Just keep it down, please.

Mr ROWELL: As I said, it appears as though there were representations from the homosexual group, the lesbian group and I guess the de facto group, too. But, of course, there was also consultation with all government departments. The interesting point to note is that there seemed to be a lack of consultation, until we saw large advertisements in the paper, with the religious groups. Those religious groups are particularly concerned about the fact that they did not receive the level of consultation that was so necessary. This bill has major implications for them.

This morning, after a meeting with the church groups last night, we saw an amendment that was made in indecent haste. The Premier and the Attorney-General over the past few days, and particularly last night—going quite late into the night, until about 11 o'clock, I understand—have met with church groups to try to resolve the problems that they have with the bill. There had been a lack of consultation. That is extremely disappointing as elements of this bill really relate to certain aspects of what can happen in church schools.

We also saw the feeble excuse by the Leader of the House for why the debate had to be brought on today. There were three other bills listed on the notice paper before this bill: the Education (Miscellaneous Amendments) Bill, the Agricultural and Veterinary Chemicals Legislation Amendment Bill and the Plumbing and Drainage Bill. There was no real reason to bring on this bill. One must question the reasoning of the government to do that. It is really forcing the issue. It is almost as if the Premier and the Attorney-General perceived that there was not absolute support for the bill from the church groups. I believe that it was for that reason that this legislation was brought on as soon as it could this morning. The amendments that were so necessary and those agreements that were made with those church groups were not brought forward until about 3.30 this afternoon. It was only after there was extensive debate as to why we should go ahead with this legislation that we got some idea from the Premier of the objectives of the agreement with the church groups.

That is an absolute disgrace. Very often, if people are going to get involved in the formulation of legislation, they want to know all the aspects of the issues involved. Some of the very sensitive aspects of this legislation were really not brought to the fore until the debate, which was forced on the government, took place this morning. There are amendments relating to the non-government schools choosing their staff. That is what the disagreement was all about. The teachers had to comply with the school's philosophy. I do not think that is unreasonable because, if people are to pay for their children to attend a school of whatever ilk and whatever religion, the teachers should be consistent with the school's philosophies. In many cases, teachers are role models for students. Students are extremely perceptive. They watch and take a lot of notice of what teachers do. If a teacher is inconsistent with the philosophy of the school, the school has every right not to accept their services.

The opposition wanted the debate deferred until next Tuesday. We believed that that was a fair and reasonable proposal, but the government's numbers weighed very heavily against us. The government members voted down that proposal. It would have given us some opportunity to go to people in electorates as far away as mine to canvass opinion. I believe that I was denied

the opportunity to do exactly that. It is a terrible pity that a government that talks about openness, accountability and wanting to make sure that it is fair and reasonable uses its numbers to vote down our debating it on a later day because it introduced some very sensitive amendments. We can only ask why it did so and can only conclude that there were problems with those comments being made. The government wanted to get this process completed quickly so that it could defray the downside that may have come from those amendments. There was a word or two here and there that was not necessarily put into the objectives of the bill. The National Party simply wanted more time in terms of consultation. We did not ask for a week or until next year. We asked only for four to five days but were denied that. That is a travesty, because the sensitivity of such legislation needs to be fully understood by all people involved.

The family unit is of paramount importance. The sanctity of marriage should never be disregarded. The significance of the change that is occurring now is quite unusual for many in our society. We accept to some degree that it is happening, but of course we do not want to rush into things. We do not want to see people being denied the scrutiny of legislation process. That is exactly what we are seeing.

The invitations that I get are addressed to me and my spouse. She is not my spouse: she is my wife. She stands by me very strongly. Over the 30 years that we have been married it has been very difficult to ensure that the matters crucial to the raising of children were observed. There were some pretty difficult times. Of course, with the distances that members in the distant regions of the state must travel, I do not get quite as much opportunity to spend the time with her that I should. It really demonstrates how important it is that we have unity within the family. If people could achieve that, the problems in society could to some extent be dissipated. We have three children. They have gone on to be very successful.

Once again, we were denied the consultation that we wanted and the time that we requested. What about breastfeeding in public? Breastfeeding in public is nothing new, but to some degree this provision was introduced to address something that has occurred for a long period. We will vote against this bill because we will not be given the ability to engage in the necessary consultation with the people we represent. As a result, we will not be allowed to say that we accept a lot of the bill's principles. Unless I am mistaken, as a result of our opposition to the bill the view will be that we do not support breastfeeding in public. That is the sort of rot that will come from the media moguls with which the government is involved. They will say that this is something the National Party does not support, but that is not true. There are elements in the legislation that we will accept. I am demonstrating that point quite clearly.

Mr Reeves: Just vote against those elements.

Mr ROWELL: If you segregate that and put it in another bill, we will support it. The point I am making is that it is these types of things—

Mr Reeves interjected.

Mr ROWELL: But we cannot vote against the bill with that in it. I do not know if the member has had much to do with debating clauses, but it will be irrelevant when we get to committee because we accept it. In fact, we will not raise any issue as far as breastfeeding in public is concerned. I am simply demonstrating that it will be one issue used against us when we vote against this bill. I do not support the bill. It is disappointing that we have not been able to reach some sensible arrangement with the government to allow us a little more time for the scrutiny that is so necessary.

Ms MALE (Glass House—ALP) (10.06 p.m.): I rise with a somewhat heavy heart to talk to the Discrimination Law Amendment Bill 2002. This should be a simple piece of legislation that rights the wrongs that have been obvious in Queensland law for far too many years. This bill deals with removing discrimination throughout existing Queensland legislation and this should have been done many years ago. Instead, I find myself having to defend what should be the basic rights of many people in our society. The legislation has three basic objectives: firstly, to amend a range of Queensland laws so that de facto partners, regardless of their sexual orientation, have consistent rights and obligations with those of married spouses; secondly, to amend the 1991 Anti-Discrimination Act to achieve greater consistency with other states; and, thirdly, to amend the 1962 Registration of Births, Deaths and Marriages Act to allow post-operative transgenders and intersex people to obtain new birth certificates in their reassigned sex.

So what is all the fuss about? It is widely acknowledged that people living in de facto relationships have already made a commitment to one another and support each other in the same fashion as those who have chosen to get married. Both types of relationships rely on a

couple who have made the decision to weather life's storms together, to provide support, both emotional and financial, to one another, to possibly raise children together, and to provide a united front as a family. The make-up of that family is irrelevant, whether it be a heterosexual couple, a homosexual couple, whether or not there is children or whether it is a single parent family—it matters not. The fact that people relate as a family unit is the important factor here.

It has been said many times in this House that stable and independent family lives are the most important factor in a stable society. When a family can go about its daily business without the worry of harassment and discrimination, when these families are accepted as equal contributors to our society, then everything is as it should be. This bill before the House amends or affects most acts that confer rights or obligations on spouses. This means the amendments to specific acts extend the statutory benefits, entitlements, powers or protections that currently arise from a person's status as a spouse in a marriage to people in a de facto relationship, regardless of their sexual orientation. This is all about equality of rights.

To ensure this happens, the bill inserts a definition of 'spouse' and 'de facto partner' in section 32DA of the 1954 Acts Interpretation Act to be applied in any act where 'spouse' is mentioned. 'De facto partner' means either one of two persons living together as a couple on a genuine domestic basis who are not married to each other or related by family.

It further provides that any of the following circumstances can be taken into account when deciding whether two persons are living together as de facto partners: the length of their relationship; the degree of financial dependence or interdependence; the degree of mutual commitment to a shared life, including care and support of each other and children; and the reputation and public aspects of their relationship. The minimum cohabitation period where an act confers a potentially large financial reward or obligation has been set at two years, as this is a period which it is felt reflects a genuine intention that the relationship is to be long term and committed. Across other acts there is not a set minimum cohabitation period as it is a reflection on their relationship being valued because of the relationship and not because of its specific time length. I feel this section of the bill brings de facto relationships into line with married relationships in that the time factor is less important than the commitment factor. It is especially important when we consider that under existing Queensland law same-sex de facto couples cannot get married.

Some of the major acts that will be reformed due to these amendments are the Succession Act 1981, Public Trustee Act 1978 and the Transplantation and Anatomy Act 1979, which is important because it allows de facto partners to be included in the definition of 'next of kin' when it comes to decisions about the use of organs for transplant and donation. There are may other acts, including the Mobile Homes Act 1989, the WorkCover Queensland Act 1996, various Queensland government superannuation scheme acts, the Powers of Attorney Act 1998 and others.

As I have said, the Discrimination Law Amendment Bill will ensure that de facto partners are recognised at law so they feel supported and confident of their place within the general community. I would actually like to see even more emphasis through supported programs which aim to assist couples in crisis to stay together. Sometimes when the going gets tough the easiest option is to split up. I am sure that everyone here would agree that supporting couples to stay together is an option which would help provide more stability, especially for children, as families struggle with the multitude of pressures that are a part of their everyday lives.

The Beattie Labor government has led the way by spending record amounts of funding on initiatives that support families, such as the Triple P parenting programs, the youth justice initiatives, domestic violence support, anger management support, housing support, funding for community initiatives that focus on the family and its management and many others. We, as a society, must seek to be inclusive and be prepared to demonstrate our love and support for all members of our community. This bill will lead the way.

The second objective of this bill is to amend the 1991 Anti-Discrimination Act. When this bill was debated in 1991, it was as if the clock had turned back to the 1950s. I have never seen such a pathetic display of homophobic attitudes as was evident in the opposition of the day, some of whom are still with us here today. It is obvious that in the National Party little has changed from the early nineties. The only difference now is that they cloak their attitudes in righteousness. No wonder the latest opinion polls show that the National Party is struggling to find relevance amongst the Queensland population.

Here is a tip for the member for Toowoomba South and his small crew: if he wants to gain more support, it is time the National Party started reflecting the views of the majority of Queenslanders and broke out of the self-induced time warp it is obviously trapped in. The ultra

Right views spouted by the current National Party may make its ever-decreasing band of supporters feel warm and fuzzy in their beds at night, but the vast majority of Queenslanders have moved on. Most Queenslanders want to have equal opportunities in their lives and a good chance of improving their lives and the lives of the people around them. They are sick and tired of the Opposition Leader's negativity, scapegoating and scaremongering. It is little wonder that even amongst conservative voters only five per cent of people think that Mr Horan would be a better Premier. It does not help politics in Queensland to have such a poor, ineffectual and irrelevant opposition. They have only reinforced that belief on this bill, with some members even unable to get their lines right when opposing the bill.

With this bill the National Party had a golden opportunity to show that it had changed. It could start embracing new ideas and reflect the values of wider sections of the community. The member for Toowoomba South, when first discussing this bill, even hinted that he would support it by considering all the issues raised by the legislation. But even after the slightest bit of pressure, the shutters rolled down once again and he trotted out the old negative lines. Unfortunately, I have had to tell the many people who wrote letters and emails of support for this legislation that little has changed in the ranks of the National Party. It seems they have been held captive by a few appalling people who have copious conspiracy theories and ill-disguised hatred for new ideas and progress. One such individual wrote to me, as I am sure he wrote to most MPs about this legislation—and I will not debase the parliamentary record by naming him.

He fell for the classic misconception that homosexuality equates to paedophilia. Suffice to say he had screeds of dubious statistics to back up his case. Isn't it funny how the more strident and the more statistical references he used the less believable and credible his argument became? The only thing he was credible about was that he proudly stood up and said he was homophobic. I sometimes wonder if he shares that same trait with the Opposition Leader. From his opposition to publicly funded condom vending machines in prisons to employment practices for staff, the trend is clear.

It is a real shame that the member for Toowoomba South and his team have not looked at what the Discrimination Law Amendment Bill provides and embrace and support this progressive and necessary legislation.

The main purpose of the original act was to prohibit direct and indirect discrimination across a range of areas and prohibit conduct which promoted prejudice and unfair treatment of individuals and couples. The Act in 1991 was groundbreaking for Queensland, but certainly did not go far enough to protect the rights of all people. The bill will overcome this by introducing a new attribute of 'family responsibilities' to ensure that people are able to fulfil their responsibilities in this area without fear of discrimination. An example given is that of caring for aged parents. I am sure there will be no argument to this aspect.

Much comment has been made over the years about the disintegration of the extended family and the difficulty that parents face in juggling the responsibilities of family life with their working life. I am pleased that this government has further built on the many family-friendly policies which exist across state government departments to include this important provision. It will introduce a new attribute of 'sexuality', which will provide more comprehensive protection for the general community and the gay and lesbian community specifically. It will introduce a new attribute of 'gender identity' to protect people of transgender identity and intersex people from discrimination. Importantly, this brings Queensland into line with other states.

It prohibits discrimination on the basis of breastfeeding in all areas covered by the 1991 Anti-Discrimination Act. Most people would agree that breastfeeding is nature's best food for babies and we should be encouraging the mothers in our community to feed their child when and where it needs feeding. This amendment will ensure that working mothers are not discriminated against when it comes to breastfeeding their child.

It introduces new vilification laws to prohibit vilification on the basis of sexuality and gender identity. These groups have a history of being the victims of hatred and physical violence. The new laws are aimed at curbing the type of vilification which results in social disharmony and often leads to other serious violent acts against them. It amends the prohibition on victimisation so that people will no longer have to demonstrate an intention to bring an actual complaint before the Anti-Discrimination Commission of Queensland to gain protection. I am also pleased to see that a number of reforms will be implemented to ensure the cheap and speedy resolution of complaints brought before it.

It will clarify that the existing definition of religion includes protection for not only people who hold a religious belief but also those who do not hold a religious belief. This is entirely fair.

The most contentious change is those sections which remove exemptions for religious bodies and non-state school authorities which permit discrimination against groups that the original Anti-Discrimination Act was designed to prevent. The reforms contained in this bill include the amendment of a number of exemptions for non-state schools and religious bodies in the Anti-Discrimination Act 1991. The bill aims to strike a balance between allowing religious employers to choose people of appropriate calibre and protecting the human rights of their employees, including the basic right to be treated equally with other employees. In doing so, the bill does not impact on religious freedom, although I have heard those words used many times this evening.

The bill repeals section 29, which has previously allowed religious schools and health related institutions to discriminate in the work area on any ground except age, race or impairment. It also amends the general exemption in section 109(d), which has previously allowed all religious employers to discriminate on any ground. It should be noted specifically that section 25 will apply to religious employers. Section 25 is the genuine occupational requirements exemption. It says that an employer can impose a discriminatory job requirement if it is a 'genuine occupational requirement'. For example, religious schools will be able to employ teachers of a particular religion in schools established for that religion. The new section 25(2) will only allow a limited exemption to two sorts of religious employers—employment in schools and employment where the job involves adhering to and communicating a particular religion.

The exemption allows employers to discriminate in a reasonable way where the person, in the course of or in connection with their work, openly acts in a way which they know or ought reasonably to know is contrary to the religion. It is not designed to allow religious employers to take capricious action against someone simply for their status as a de facto or gay person, but it does allow them to take action for behaviour which openly flouts the religion. The new section also contains a reasonableness test, that is, if there is to be discrimination then it must be reasonable in all the circumstances. Can I say that this section in the Discrimination Law Amendment Bill relating to the reforms to exemptions is the change that has generated the most number of letters, phone calls and emails to my office. Overwhelmingly the correspondence was supportive of the proposed changes and I heard first-hand many stories of gay and homosexual people who have had to lead difficult lives due to the levels of discrimination they have faced in their everyday lives. Communications from parents who have homosexual children have spoken about the difficulties they have watched their children fight to overcome.

Two schools contacted me with their concerns about the type of educational environment that they wish to provide, and I communicated these concerns to the Premier and the Attorney-General. Ten parents from my electorate contacted me, either via telephone or email, to express their concerns. After speaking to some and explaining the changes in detail, they expressed their satisfaction with the changes. Others did not. A couple from Elimbah wrote to me asking for the bill to be withdrawn due to the removal of the blanket exemption which is currently available to religious schools. The letter stated, 'As a parent I have chosen to send my child to a Christian school and I appreciate the integrity and high moral standards of the staff who impact my child's life significantly.' They also wanted me to tell the parliament that they and other people felt strongly in their opposition to this bill. I do not think anyone here is denying that. I hope the changes that this government will be making to the bill in committee, after consultation with the various churches, will be acceptable to them.

It was interesting to read Father John Dobson's comments in the *Sunshine Coast Daily* last weekend. Father John Dobson is the North Coast Dean of the Catholic Church. He has called for rationality in interpreting the Scriptures in a modern day setting, pointing out that there were many things condemned in the Bible that are now part of everyday life. That is one of the arguments that has been used in most of the correspondence I have received. The article states—

Mr Dobson said his understanding of the legislation meant employees could still choose their staff, but could not discriminate on the basis of sexuality and marital status. 'We have people of no faith in our schools,' he said, in response to comments on teachers' ability to reflect schools' values. Mr Dobson said the fight against discrimination had been fought for centuries and this was 'another step in the journey'.

I was certainly very pleased to read that. We also have the comments of Dr Noel Preston, the Uniting Church Centre for Social Justice director, who said—

'The Bill recognises faithful, committed long-term relationships whether they are married in the conventional sense or unmarried in the unconventional sense' he said. Mr Preston said while a person's sexuality was fundamental to their individuality, there were much more important personality traits to consider in teachers and people generally.

It is certainly nice to see that level of acceptance up on the Sunshine Coast. It is nice to see those views being reflected.

There are various other parts of this bill that I would like to speak to in detail, but due to the time constraints I will not. The amendment to the Births, Deaths and Marriages Act to make sure that post-operative transgenders can obtain a new birth certificate in their reassigned sex is very important. Obviously it does not apply to a lot of people but it is very important because a birth certificate, as we know, apart from registering what sex we were at birth—or what some doctor thought we were at birth—is actually a major piece of identification that we use. I am sure that anyone who has gone through the difficulties of having sexual reassignment surgery does not need to be constantly reminded of the problems they have had to face throughout their life by looking at their birth certificate and seeing that it has the wrong sex on it. I am pleased that that change will be made.

I am proud to be part of a progressive government that is willing to make changes to legislation that helps people in their everyday lives and affirms our acceptance of all people in our society. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (10.22 p.m.): In rising to speak to the Discrimination Law Amendment Bill 2002 I would like to thank those many people who phoned, wrote or emailed me regarding this bill. Overwhelmingly, my contacts were against the bill; however, there were a number of people who wrote in favour of it. I thank each one. I also thank Alan for his research.

Firstly, may I comment on the circulated amendments. The Premier has reinforced his view that those amendments now have the full support of the major churches. That comment is manipulative. What the churches agreed to was a relative improvement. Their choices were not open. The churches' first choice would have been to retain the status quo—to retain their current ability to choose teachers on the basis of their faith and actively demonstrated lifestyle. The government removed that option. Effectively the government said, 'We are going to remove your right to actively discriminate on the basis of sexuality. Now your choices are the bill as tabled or some slightly modified form.' Of course the churches would take whatever crumbs the government would offer.

The Premier is doing the churches a disservice by saying that they now agree with the legislation. They know they will not get anything more in accord with their core beliefs and they have accepted a compromise, albeit I believe without great enthusiasm.

This bill does not remove discrimination; it introduces a new discrimination—a discrimination against churches and their members who want to choose, and have to pay for, the educational placement for their children in a school of their choice. The amendments tabled today are rife with subjective tests—for instance, 'If the work genuinely and necessarily involves adhering to and communicating the body's religious belief'.

In the discussions with churches and church school representatives I am told that the Premier was asked if maths teachers would be included. The churches were referring to the requirement 'If the work genuinely and necessarily involves adhering to and communicating the body's belief'. The Premier and the other ministers who were present were asked, 'With people such as maths teachers, will we be able to make that discriminatory choice? Will this happen with geography teachers?' The Premier was not able to give those representatives any assurances. Indeed, for some who attended the meeting the message was clearly that it would not. Perhaps the Attorney-General will give a clear indication as to whether in the selection of maths teachers and geography teachers—those core curriculum subjects—the schools will have the freedom to discriminate positively and have people to teach the core subjects who are adherents to the faith.

The amendments talk about it being lawful for an employer to discriminate in a way that is not unreasonable if the person openly acts in a way that the person knows, or ought reasonably to know, is contrary to the employer's religious beliefs. My query is how will this work in reality? In many gay or lesbian relationships one partner is more dominant and the other is less forceful and more effeminate. Whilst in movies those effeminate traits are often overstated and exaggerated, we usually know by observation that a significant number of homosexual men demonstrate quite noticeable and identifiable mannerisms. Will the churches, schools or hospitals be able to ask that person not to so act? I cannot see how they will be able to. The core values and teachings of a Christian based regime will be compromised. Schools and Christian organisations will be significantly disadvantaged even with the proposed amendments.

This bill changes fundamentally the meaning of a couple by redefining 'de facto' in the Acts Interpretation Act 1954 to include same-sex couples. It is hollow rhetoric on the part of the Premier to come in here today and talk about the importance of marriage after so heavily supporting a bill which undermines the family.

It has already been referred to, but the Gay Liberation Front manifesto—and I acknowledge that it is probably an extreme group—has issued a document and I want to quote from it. It reads—

> The oppression of gay people starts in the most basic unit of society, the family, consisting of the man in charge, a slave as his wife, and their children on whom they force themselves as the ideal models. The very form of the family works against homosexuality.

Many people that I know, whether they are of the Christian faith or not, are in a marriage and they certainly would not describe it as a man, a slave and their children. This document goes on to state categorically, after some explanation of their point of view—

> That is why any reforms we might painfully exact from our rulers would only be fragile and vulnerable, that is why we, along with the women's movement, must fight for something more than reform. We must aim at the abolition of the family, so that the sexist, male supremacist system can no longer be nurtured there.

As I said, I am prepared to accept that that may be a very extreme wing of the gay community; however, it states a point of view that illustrates how destructive an overemphasis of one lifestyle against another can be. The family is historically mum, dad and the children. Same-sex couples, male or female, can have no expectation of natural issue. They cannot, without significant external interference, have children.

We can acknowledge the reality that lesbian and homosexual couples form strong, loving relationships. These relationships are based on a couple only. I welcome the choice that this bill affords doctors to refuse assisted reproductive technology on the basis of clinical reasons and their own ethical standards.

The member for Algester cited the example of Christ and the fact that he stood beside the marginalised. Jesus of Nazareth did stand beside those who were marginalised. He loved him. He lifted them, but while loving the person He condemned those actions that contravened biblical standards. The member for Algester related the tragic life of Nicholas. His suicide and his despair is an indictment of all of us, but to support Nicholas I do not need to agree with his lifestyle. I need to value him. No-one can nor should support or encourage violence, physical or otherwise, towards homosexuals or lesbians. It is wrong. However, I do not need to condone or agree with their lifestyle choice to value them or to be a friend to them.

This bill also introduces the ability of individuals who have sex change operations to change their birth certificates once a person can demonstrate they qualify according to the bill. The bill requires that the person who applies must be over 18 years of age, had undergone surgery to alter their gender and is not married. Parents may apply on the part of a child. I do not refer in my comments later in the debate to people who are affected by intersex conditions. I want to quote from a document I received—and I am sure all members received it—from the Androgen Insensitivity Syndrome Support Group Australia, which was not a group that I had heard of before. The document states—

> The Androgen Insensitivity Syndrome Support Group ... is an international support group based in Australia that provides support and information for those affected by intersex conditions. Intersex conditions are those long-established medical conditions where a child is born with reproductive organs, genitals and/or sex chromosomes that are not exclusively male or female. The previous word for intersex is hermaphrodite.
>
> ...
>
> People with intersex conditions are not transgender. Most people with intersex conditions identify in the gender they are raised and have no gender identity issues. Those that do have issues with gender identity is a result of an incorrect choice by doctors at birth. This is, of course, an honest mistake on the part of doctors who do their best to assign a sex of rearing in a child whose sex is unclear. These people should not be discriminated against because of their biological condition.
>
> ...
>
> We would appreciate open dialogue between ourselves, the medical community and the proposers of this Bill prior to its ratification in the Queensland Parliament.

I would be interested to know whether this dialogue has occurred. I saw interviews on the television with a couple of adults in their late teens who were the recipients of a wrong choice at birth and their lives were horrendous. Theirs was a medical condition. They had put up with enormous pressure and had not enjoyed a quality of life in any way, shape or form. But I want to contain my comments to those who alter a clear gender identity.

This bill affords the right to change a birth certificate after a sex change operation. The bill includes significant punitive action should the fact that the person has re-registered their certificate by changing gender become known—that is, 100 penalty units, or $7,500, or two years. That is the penalty assigned to somebody who inadvertently or deliberately, I assume, allows the information that there has been a re-registration of a person's certificate to be passed out. What is unclear to me is whether any obligation will attach to the person whose gender has been changed to disclose to another person with whom they are developing or have developed a strong relationship.

To give the House a scenario, say over time a man, with the use of hormone treatment, cosmetic changes and finally operative procedures, changes his identity and has his birth certificate altered so a male becomes a female. In time she may meet and form a relationship with another man. Eventually, perhaps the man plucks up the courage and asks her to marry him. My question is: will there be an obligation on the woman who has changed gender to disclose her birth gender to her prospective partner? It will affect their marriage and the prospect of children. What are the man's rights in this scenario? Why should he not be afforded the right to decide if he is comfortable with the fact that his partner had changed her gender. What about his right to decide if he can accept the possibility of meeting her childhood friends who know her as a male? What about his right to decide if he can accept the situation? What about his right to decide if he is comfortable to continue their relationship? The rights of both should receive consideration and I seek the minister's clarification as to whether there will be any disclosure obligations. A less offensive approach would be an amendment to the birth certificate where, in those circumstances, at least both parties would have access to the pertinent information.

I want to quote from a number of letters I received because of the strength of tone of some of the people who have written against this legislation—some from my own electorate and others from outside the electorate—who want to put their point of view forward. Mr Dean from my electorate said—

I read with dismay your proposed legislation changes. Among other things, you propose to restrict the freedom of speech of the 110 churches mentioned in my phone book alone, plus every other Christian church in Queensland. Under sect. 124A of your proposed Act, my minister, or myself, will not be allowed to express a view on certain Bible passages in any kind of 'public act' (sermon or bible study or home group or prayer meeting or ...), without being seen as vilifying homosexuals.

If his interpretation is wrong, then I would welcome the Attorney to clarify that. He continues—

You will have effectively legislated a view on theology to which very few theological teachers outside the gay community espouse. I wonder who the theologians were who gave you such advice that you can now categorically state that: (a) homosexuality is OK, (b) anyone who disagrees is wrong, and (c) if I publicly voice this view, I am worse than wrong. I am a criminal under law!

But you let the cat out of the bag on p.11 of the Explanatory Notes: Consultation: 'There has been no consultation with the community ... however, individuals and organizations affected by the proposed reforms have made continuing submissions to government supporting such changes.'

A brief read of my local phone book gives 19 Christian schools and 110 churches who will be 'affected by the proposed reforms'. And one does not need to be a rocket scientist to deduce that they did not make 'continuing submissions to government supporting such changes'. Clearly the only input has been a small minority ... who, it seems, will have a majority input into my church's freedom of speech, among many other things!

And you justify all this on the grounds that it is merely to 'achieve greater consistency with similar laws in other states'. What ever happened to right or wrong? What now is the basis used for morality? The squeakiest wheel? I had higher hopes for our Queensland politicians!

To legislate my thinking, especially when it conflicts with my morals, my Bible, and the God spoken of in the Australian Constitution, is well down the road of the 'thought police' state. I must therefore register my strongest objection to these proposed changes.

I am writing to the other parties to determine were my next vote goes. This Bill is that important.

I acknowledge that the Premier has said that he met with the various church leaders in Brisbane yesterday. However, I received a letter dated 14 November from Bishop Brian Heenan from the Catholic Diocese of Rockhampton. I will not quote all of the letter but part of it. He said—

I wish to make it clear that I, and the Catholic Church in whose name I speak, applauds the elimination of discrimination in any of its forms. In the spirit of Jesus Christ himself, we seek not to judge or condemn any person. This applies also to the question of homosexuality, when it is clearly stated in the Catechism of the Catholic Church that every sign of unjust discrimination .... should be avoided'

At the same time, the Catholic Church has consistently upheld the importance of marriage, a union between husband and wife, which has traditionally been the foundation on which our society rests. This is central to our Catholic teaching. It is therefore unacceptable and clearly unjust that the Catholic Church, in employing its teachers, would be expected to accept teachers involved in same sex, or defacto unions, which is obviously contrary to the Church's teaching on marriage. Surely this would be discrimination in reverse where a community with strong beliefs was obliged to take on as teachers for our young people, some whose values and life style

contradict our Church's teaching. Such teachers are free to enter into other systems, they are not be condemned for their decisions or discriminated against. It is simply a question of a particular community like the Catholic Church, or any other, declaring a need to have teachers who are role models of the Church's ideals.

Another constituent in my electorate writes—

My wife and I send our children to a Christian school. We have chosen, and pay for this alternative because it is consistent with the Biblical teachings we espouse as a family. The staff at our school incorporate aspects of Christianity and the Bible in all aspects of school life—the mainstream curriculum, the Biblical Studies programme, the student welfare policy and the everyday functioning of the classrooms. Someone living a life or lifestyle contrary to the teachings of the Bible would not be able to fully and effectively serve in a teaching capacity in this or similar schools with full integrity.

I believe that will be the ongoing negative legacy of the amendments on which the Premier says he has agreement with the churches and church leaders. He will be asking people to live and teach with a sense of hypocrisy. The constituent continues—

I ask, and seek your answer to this question: How could a homosexual teach that homosexual practices are sinful, as clearly exclaimed in Scripture, and not supported by the ethos of the school, yet live in a homosexual relationship?

If the proposed legislation is passed, I believe you would be doing more to vilify homosexuals than to create understanding. You would be forcing an employee into an untenable situation.

You seem proactive in offering choice—as you exclaimed on the television news tonight. Yet by your very actions you would be removing the choice that my wife and I have, along with many other parents, to have the education of our children undertaken in a belief and moral system that is reflective of our faith.

Each one of us, with our respective faith-walks and our respective values, has presented a point of view that we hold very dearly. I mention in particular the member for Algester, who obviously feels very deeply about her values and her sentiments; her concern and compassion were obvious. Each one of us has that same depth of sympathy and sensitivity. I accept that we are not agreeing. However, this legislation imposes on a significant section of the community a requirement to accept a lifestyle—not to accept and support people but to accept a lifestyle—that for many is in complete contradiction to their faith-walk, their belief system and their lifestyle. It is wrong to do that.

I do not support the legislation. On behalf of those many people who wrote, phoned and emailed me, I convey to this chamber their growing dissatisfaction and their objection to this legislation. I will not be supporting the bill.

Mr REEVES (Mansfield—ALP) (10.42 p.m.): Since my election in 1998 no other bill has generated more contact from constituents with me. I have received nearly 100 emails, phone calls, letters and personal contact over the past two weeks.

Mr Welford: You have been a very good local representative.

Mr REEVES: I thank the minister. Some in this place and outside have been critical of the community consultation. I think the Premier has acknowledged that it was less than perfect. I and members of the community have appreciated this acknowledgment. However, I put to the House that this consultation controversy has meant that more people have become aware of this legislation than any other legislation we have passed in this place. This is a fact borne out by the number of calls, letters and emails we have all received.

This bill is generally about acknowledging the changing nature of social and family relationships in our society. It is about respect and tolerance. I believe that it is the job of the representatives in this House to make representations on behalf of individuals and groups within our various electorates. These should be expressed no matter what one's personal view is on a particular issue or reform. I also believe that, once these representations have been made strongly, it is our job to make a decision based on what we believe is right for the benefit of our local community and for Queensland as a whole.

In this speech I will outline the views that have been put to me by individuals and groups within the Mansfield electorate. I will also talk about the meetings I have had with them and the representations I have received from them. I have received and am still receiving views from the community. As I said, I have received approximately 100 individual representations. Of those 100 who were against the bill, approximately 80 were against the provisions regarding education in private schools, about 20 focused on the definition of 'spouse' and about 10 focused on the birth certificate issue relating to transgenders.

On Tuesday the member for Ferny Grove and I—I thank him for this—met for approximately one and a half hours with representatives of Citipointe Christian Outreach Centre, Garden City Christian Church and the Gateway Baptist Church. Citipointe Christian Outreach Centre has 3,000

members. There are 1,300 families with the Christian Outreach College and 450 students at the Christian Heritage College—both great colleges and universities that do a tremendous job in our local community. There are about 15,000 people in Christian Outreach Centres in Queensland.

The Garden City Christian Church has 3,777 members and is the largest Assembly of God church in Queensland. Gateway Baptist Church numbers are estimated at about 1,500. I wish to thank Brian Mulheran from the Christian Outreach Centre, Tim Hanna and Paul Cavanagh from Gateway Baptist, and Bruce Hills and Geoff Armstrong from the Garden City Christian Church for the way they expressed their views during our meeting.

I really appreciate their frankness, and I understand their position on the different sections of the bill. I gave them a commitment to make strong representation to the Premier and to the Attorney-General on their behalf. I delivered on that promise. As the Premier stated in his speech, it was I and other members of the government who played an important role in ensuring amendments in regard to religious schools' and institutions' rights to discriminate in regard to employment. In particular, educational institutions under the direction of control bodies established for religious purposes and bodies established for religious purposes will be able to discriminate in a manner that is not unreasonable in certain areas of work. That part of the explanatory notes demonstrates our representations and the work with the churches.

I am proud of the fact that my representation and the representation of other people had an impact in gaining a change which has generally been welcomed by the community in the particular churches in my electorate. Members should not just take my word or the Premier's word for it. I refer to an email I received this afternoon from Bruce Hills, senior pastor of the Garden City Christian Church. It states—

Thank you for your time on Tuesday. We really appreciate you giving us a hearing and for making representation to the Premier on our behalf. I will be making very favourable representation of you to our people on Sunday. We are delighted with the outcome of the religious schools/institution issue. Thanks also for sending through the well-researched information on other states' legislation.

A submission from Brian Mulheran on behalf of the three churches—Brian is the associate pastor of the Christian Outreach Centre—states—

The proposed amendment to section 25—

that is the section I just spoke about—

is welcomed.

As I said, members should not take my word for it or the Premier's word for it. They have Bruce Hills' and Brian Mulheran's views on those particular issues.

As I said earlier, the job of representatives is to express the views of the people and groups within their electorates. I gave the churches and the individuals who contacted me a commitment that I would pass on their concerns to the Premier and to the parliament. I have spoken at great length with the Premier this week and last week. I now wish to inform the parliament of their concerns.

As I said earlier, the major concern that was passed on to me was the concern about the schools, even though I said that that problem had been solved. I would like to refer to two letters that I received to demonstrate their concern. The first letter states—

Dear Mr Reeves

I am writing to you to express my deep concern about the proposed amendments to the Discrimination Law Bill 2002.

As a Christian I believe very strongly in people's right to choose who has influence in their lives and in the lives of their children. It therefore disturbs me that the government is wanting to take away people's ability to do this.

I therefore urge you to make the following changes:

> Clause 15: amends s25: we are seeking that this definition includes the ability to employ persons who not only profess but also live by the characteristics of a follower of that religion; specifically to require that they not be a practising homosexual.
>
> Clause 17: omits s29 of the original act. This clause must be deleted.
>
> Clause 18: seeks to omit existing s42, but we are seeking that it should remain, as this gives Christian schools the ability to make a choice about the continued enrolment of a child whose behaviour, principles and values conflict with a Christian community.
>
> Clause 20(1) and (2) are unacceptable and should be deleted as these fail to recognise the very basis of education in a Christian school. An open employment policy takes away the right of parents to send their children there for the specific purpose of receiving a Christian education by staff who adhere to the Christian faith.

Working in a leadership role in a Christian organisation, it is imperative to have staff who support the values and foundations of the organisation. It would be a conflict of interest to employ persons who had differing convictions, and could only cause disunity.

I pray that you would be wise and discerning in your leadership role and support our objection to the proposed changes.

Yours sincerely

That letter was written by the director of the Mansfield Preschool and Early Learning Centre.

The second letter states—

Dear Mr Reeves

My wife and I are constituents of your electorate and we are concerned about aspects of the antidiscrimination legislation due to be passed on Parliament this week.

We have three sons in two different independent schools and pay to have these boys educated by teachers who hold a Christian worldview that is consistent with Scripture. We understand that this legislation will prevent independent schools from discriminating against employing any teacher whose lifestyle is contrary to the values which we seek to impart to our boys. If this is so, then we are compelled by simple logic to view this legislation as nothing more than shifting the discrimination from the teacher to the parent/child; it is parents and children who lose the freedom to choose who educates their children.

Until now, we have respected the professional and fair representation you and the Beattie government have provided for Queenslanders. However, this respect will be lost if your government passes this legislation, with absolutely no community consultation. This is a flagrant violation of the rights of a majority in favour of the rights of a minority. Please note that this is not some homophobic reaction; we accept that people who choose a certain lifestyle should be treated justly and fairly, and many aspects of this legislation provide for that. It also guards against other forms of discrimination which are unhealthy prejudices, and this is good. However, the imposition upon independent schools is unwarranted and unjust.

I am a pastor of a congregation numbering over 500 in your electorate, and will use my voice to influence the members of our church, and their extended families, based on the actions of your government in this area.

Both of those two concerns have been met by representation to the minister and the churches' representation to the minister and the Premier. I am happy to stand on our record there.

As I said, I have given a commitment to express the views of the three churches—the Christian Outreach Centre, the Garden City Christian Church and the Gateway Baptist Church—and I have given the associate pastor of the Christian Outreach Centre the opportunity to put a submission to me to present here based on their concerns about the bill. Although I have stated previously what they said about the religious employment clause, their submission states—

The proposed amendment to section 25 is welcomed, but only in the light that it should have the goal of preserving the autonomy of the church as important social actors.

2. The change to the definition of "spouse" to include de facto partners (regardless of sexual orientation).

   Queensland society uses the term "spouse" distinctly in relation to a married person and the term "partner" for de facto relationships. To broaden the definition of spouse to include de facto partners would denigrate marriage as an institution. We would concede amendments to be made for de facto partners to align with those of married couples, but to be done in such a way as to leave the definition of spouse to be unaltered.

   Social complications can occur under the current wording of the Bill with respect to the new definition of spouse for example: two people who have been married and are now separated, but not divorced—who subsequently have entered a de facto relationship with another person would technically have two relational "spouses".

3. Amendment of the Registration of Births, Deaths and Marriages Act 1962 to allow post-operative transgenders to obtain new birth certificates in their reassigned sex.

   The proposed reforms for transgender cases as set out in the Bill are out of step with the social and community values of Queensland. These reforms cater for a very small minority.

   Recording accurately a person's gender on their birth certificate is of paramount importance and must be held in its integrity. Birth registrations must be upheld as definitive documents. We attest to the fact that complications do arise for infants born with an indeterminate gender and these people should never be discriminated against. However, the current wording of the Bill gives license to individuals who elect to have sexual reassignment operations due to preference. Potentially disastrous repercussions could occur from this situation. For example an individual of one gender who, without knowledge, marries another person who has changed their gender via a sexual reassignment operation and the altering of their birth certificate could feel totally defrauded.

   As ludicrous as this sounds, why would legislation not also be instigated for people to opt for a change of parent, or place of birth, or date of birth, because of preference, if proposed change for gender is granted?

That is the submission that that group asked me to put on the record and to make representation about to the Premier and the parliament. I have done that with the Premier and I have now tonight done that with the parliament. I really believe that that is our job as representatives in this place—to express the views regardless of whether we support those views.

I wish to acknowledge the contribution of Mr Alan Druery, from Archbishop Bathersby's office in assisting the government and all the different churches to come to an agreed position. I should say that Alan is a long-term resident of the Mansfield electorate. He has and still is contributing to our state. The state is better because of Alan Druery. I will declare my interest that I have known the Druery family for most of my life. In fact, I went to school with his late son, Luke. Alan and the Archbishop are two great Queenslanders.

While I have this opportunity, I want to personally thank them for their letters of sympathy that they passed on to my family when we lost my mother in July. I can assure them that of the hundreds of sympathy letters and cards that we received, theirs were the ones that I would have loved to have shown my mum. I am proud of my background. I am a Catholic. I do believe in God. I went to primary school at St Catherine's Catholic Primary School and Clairvaux College. My family have and still have a very strong bond with the St Catherine's Catholic Church. In fact, tomorrow evening I will be attending the year 7 graduation. It will be a special night for my family as I will be presenting the very first Mrs Terry Reeves memorial trophy in recognition of her contribution of over 40 years to the parish.

In January, my daughter, Brianna Therese, will be baptised at St Catherine's, and I am looking forward to that. I hope that Brianna when she is older continues the faith that we have chosen for her. Obviously this will be her decision. Importantly, above all else, I hope and pray that Brianna will have respect and tolerance for all other people as individuals and groups, no matter where they come from, their sex or sexual preference, whether they are married or in a de facto relationship. It is with this in mind that I support the bill before the House.

Mr HOPPER (Darling Downs—NPA) (10.58 p.m.): I rise tonight to oppose the Discrimination Law Amendment Bill 2002. This legislation deals with issues that are too serious and too close to people's hearts to be pushed through with the undignified haste with which the Premier has sought to force it onto the community. This morning we sat here and heard, as we have on many other occasions, that the Premier consults with and listens to the community. On this occasion, it is particularly clear that this government has its hands over its ears and is singing loudly to avoid hearing what the community is saying. In fact, the Premier has done his best to push through this bill without hearing anything at all from the broader community. This bill is no simple piece of legislation. It amends more than 50 pieces of legislation. Beyond the very serious nature of the subject matter of this bill, the sheer size and complexity of the bill would make a longer consultation period very appropriate.

My electorate office has received an unprecedented number of telephone calls and letters in the very short time that this legislation has been in the public eye. People simply want to know more about what this legislation will mean to them. They want to know what it will mean when they put their child in an independent school classroom or when they admit themselves to a hospital facility run by a church. I know that each of my colleagues has received a similar response in their offices. The letters, phone calls and emails run into the thousands. The reality is that, no matter how much members on the other side of this House want to bury their heads in the sand, their electorates are very concerned. For the Premier to say that, when pushed to the edge on this issue, there were a handful of last-minute, late night meetings with only the Brisbane based church leaders is an insult to all those people across the state who were moved to put pen to paper or pick up the phone to contact their local member. It is not enough for the Premier tonight to say, 'But I am telling you now,' and then try to push the legislation through today.

The community has the right to be heard and have its views represented in this place. That is our job; that is why we are here. They have the right to be heard on this issue of religious freedom. Freedom of religion is actually one of the few personal freedoms specifically encoded in our national Constitution and the UN's Universal Declaration of Human Rights. The foundation of international human rights law makes clear that freedom of thought, conscience and religion are fundamental rights which everyone should enjoy.

The Queensland National Party supports the inherent principles of the antidiscrimination legislation and the protection of the people of Queensland, including the protection of their right to freedom of religion. We believe that, if a parent chooses to send their child to a religious school, that school should have the right to choose teachers who live by the tenets of their faith. Three weeks ago the community did not even know about this plan. Now the Premier wants to make this enormous change with only his word for it that rushed amendments address the churches' and community's concerns. The backlash from this legislation will be enormous.

Take for instance the section which addresses the word 'spouse'. The word 'spouse' should pertain only to married couples. When we place de factos or couples of the same sex in the same

category as those who are married, I believe we are causing a breakdown in the standards of our society. If the couples become absolutely equal in the eyes of law, why bother even getting married? Why sign papers to say we are married? My point is that marriage is a binding of two people of the opposite sex who are actually willing to sign a contract which no doubt has a binding strength that is the backbone of all our families—one husband, one wife. We will be taking away the holiness of marriage.

The second reading speech refers to significant changes over the past 10 years and, yes, we would agree that there have been changes, but are these changes for the best? We must not drift away from what builds the strength in our society. Just because it is a changing world does not mean we have to bring in laws that confirm the changes are always right. I thought that we were elected to this House to make laws that the people of Queensland must abide by. This legislation is following the way society is heading; it is not leading society. The bill speaks of the transgender people and allows them to change their birth certificate if they undergo reassignment surgery. Let us see how they determine their sex if they enter into the Olympic Games. They will soon realise what sex they are.

This bill totally overrides the general will of the people of Queensland. If the Premier had given the community of Queensland an extra week for more consultation, I believe he would have totally backed down on this legislation. Look at the full page ads we saw in every paper last week. How much taxpayers' money has been wasted through these ads in trying to get support from the people of Queensland? This government is just a dictatorial joke. What it tried to do to the church people and private schools was absolutely disgusting. Yes, I see its amendments before the House, but I do not think they go far enough.

This afternoon we all received a letter in our offices from the Society of the Traditional Catholics. I would like all members to read it. That is just one of the many letters I am sure we all received. I could read out lots of letters tonight, but for the sake of time I will not. This bill is a further breakdown of the morals of our society, and I am sure this government will feel the backlash from this legislation at the next election.

Mrs SMITH (Burleigh—ALP) (11.06 p.m.): I am pleased to contribute to this debate on the Discrimination Law Amendment Bill 2002. This bill has my unqualified support. I believe it is well overdue. Although it has not received as much attention as other aspects of this bill, I believe that one of the most important changes is the definition of 'spouse'. This will have a profound effect on the many people who until now have been discriminated against by legislation in the area of health care, superannuation, insurance and the courts. I have the utmost respect for traditional marriage. My husband and I were married in a Catholic church some 35 years ago and have remained happily married. However, I accept that other people have different values from me and I firmly believe that it does not make their relationships less worthy of respect. I do not believe that the marriage ceremony on its own proves anything. The proof of a commitment is the way in which people live. Loyalty, trust, respect, companionship and a solid partnership are the things which make a marriage. I do not believe that these things are found only in traditional marriages. It is unconscionable that two people who have chosen to make their lives together living marriage vows rather than reciting them should not have their relationship recognised by the law. I am proud to be part of the government which has made this change.

I resent the implication that because I support this legislation I am anti-Christian. On the contrary, I have been a practising Catholic all my life and am committed to the principles of Christianity, but I do believe in tolerance. As one of my constituents said to me, when Jesus Christ was asked what was the most important commandment he did not say 'abstain from sex' or 'do not be homosexual'. He said, ‘Love one another, as I have loved you’. Yes, I do know that Leviticus says that homosexuality is an abomination, but Leviticus also says that eating shellfish is an abomination; and Exodus condones slavery. We all agree now that slavery is the abomination, and most of us eat shellfish.

An amendment which has achieved surprisingly little media attention is the section which allows post-operative transgender people to obtain a new birth certificate. I hope this is because everyone understands how sensible it is. Clearly, once a person has had a sex-change operation their birth certificate is incorrect and they require a new one. In fact, any transgender person will tell you that their birth certificate was incorrect all along. I do not pretend to understand transgender issues. For most of us it seems incomprehensible that someone would wish to change sex. I do not understand it, but then I do not have to. All I have to do is accept that for some people it is essential. I do not pretend to know more about someone's life than they do

themselves. This amendment affects a very small percentage of the population, but to those whom it does affect it makes a tremendous difference to their lives.

Vilification laws will be extended to protect people from being vilified on the basis of sexuality and gender identity. The lesbian, gay, bisexual and transgender community has a sad history as victims of discrimination, vilification and even violence. A leading community worker in my electorate, Helen Lightburn, whom I also regard as a personal friend, described to me some of the discrimination which she has experienced in her life as a lesbian. It is appalling. She has been beaten, received death threats, lost her job and been referred to a psychiatrist for her 'abnormal' behaviour. However, most traumatic was the loss of custody of her son as a direct result of her sexuality.

Among the difficulties of her life, Helen included the fact that her 17-year relationship has not been recognised legally. She is only one of many people who has offered this government congratulations on the courage and commitment to fairness that this legislation represents. I wish to thank those members of the community who contacted me with their views, both for and against this legislation. I assure them that I have listened to all the arguments, attended as many meetings as possible and given serious consideration to this matter. My support for the bill has not been given lightly, but I believe it is fair and just. I offer my congratulations to the Attorney-General and his staff on the preparation of this bill. It is my privilege to recommend the Discrimination Law Amendment Bill 2002 to the House.

Miss ELISA ROBERTS (Gympie—Ind) (11.09 p.m.): In rising to speak on the Discrimination Law Amendment Bill 2002, I wish to state at the outset that whilst I received—no doubt like every other honourable member—a plethora of correspondence regarding this bill my concern is only for those within my electorate who contacted me. The content of 99 per cent of the correspondence I received was categorically against the section of the bill relating to the employment of either gay teachers or a teacher in a de facto relationship.

A large proportion of my electorate is conservative and adheres to strict religious values. The resounding disappointment in regard to the pressure being put on private schools in particular is overwhelming. The argument presented most fervently is the fact that parents make a conscious choice to send their children to private schools as opposed to public schools for a number of reasons. But primarily it is to ensure that their children will be taught in a certain way and also in an environment where other children and the staff share like-minded views and values on life. These people, whether their children attend Church of England, Catholic, interdenominational, Jewish, Muslim or Greek Orthodox schools, expect that their children will be taught in a manner which is representative of the standards as set out in their specific religious ethos.

Fortunately, up until the introduction of this bill, parents and schools were given the freedom to educate their children accordingly. The fact that private schools could be penalised for choosing not to employ someone who does not reflect the lifestyle and beliefs specific to the religion of their school is reminiscent of a dictatorship. Contrary to popular belief, we do not live in a completely secular society. Many of the people who have contacted me strongly believe in living their lives according to a strict Christian ethos. It is therefore understandable that they wish to employ like-minded people to convey this message to their children in their respective schools.

None of the people who oppose the section of the bill regarding the employment of people who are either gay or in a de facto relationship wish any harm to either group of people; they are just adamant that these people do not reflect the values which they choose to live by. What I do not think some members in this House realise is just how important many of the literal meanings of the Bible are to some people. They should be given the religious freedom to continue to live according to those beliefs. Why is it discriminatory for a private school to choose to employ a person who has the same qualifications as another person but lives a heterosexual lifestyle rather than a gay lifestyle? Let us face it, there are only a handful of private schools compared to state schools where one's lifestyle is not relevant. Parents of children at most Christian and non-Christian private schools want their children to be taught what is set out in the Bible.

Mr Terry Sullivan: The new act will allow them to choose that.

Miss ELISA ROBERTS: My constituents have not been able to contact me, because they have not been made aware of these new amendments so I will continue to say what they wanted.

I attended private schools for both primary and high school, the former being a Church of England school and the latter being Catholic. My parents and the parents of my friends chose to send us to these schools because they knew that we would receive strict religious training on a

daily basis as well as fairly strong discipline. These are the things that our parents valued as an integral part of our education. For example, we were not permitted to leave the school grounds without our hat and gloves on, we all had to wear stockings all year round, and we were not allowed to leave the school premises without wearing our school blazers. We could be made to do lines if we were seen shopping after school with just a jumper on without a blazer. All our hems were checked so that they met the required length standards and we had to pray before our lunch.

Other honourable members may find this type of schooling does not meet their criteria of what is important to a child's education, but our parents did. The whole point is that parents pay for a specific type of education for their children, and if a person is employed who represents a lifestyle which is not acceptable, who are we to tell them how they should think and who they should accept? Why is it that if this government is so concerned about discrimination it allows, for example, a Jewish school to choose not to employ a Catholic teacher or a Muslim school not to employ a Buddhist teacher? This government has no problems with that type of religious discrimination, but it seems to have something against Christians and who they wish to employ. I notice the chamber is very quiet at the moment.

The author of one of the letters I received from outside my electorate supporting this legislation completely destroyed his case when he wrote to me about the fact that Muslims, Bahai supporters and Hindus were all 'crackpots'. Obviously it is okay for gay people to knock people and institutions who do not support gay lifestyles, but if others choose to stand up against them they are bigots and persecutors. I am afraid that this person completely shot his argument down in flames when he indulged in the same form of vilification and intolerance of which he was accusing others.

What this government does not seem to appreciate is that by forcing private schools to employ teachers who are either gay or in de facto relationships they are pitting one group within society against another. The government has chosen, with this bill, to put gay rights above the rights of devout Christians. As one parent said in a letter to me regarding this issue, 'Such an attack on religious freedom is surely not a reflection of community values which promote tolerance of all faiths.'

Honourable members interjected.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! In the interests of finishing the debate tonight, can I ask that interjections be kept to a minimum.

Mr POOLE (Gaven—ALP) (11.15 p.m.): I rise to speak in support of the Discrimination Law Amendment Bill 2002. The bill will bring about much-needed reforms to ensure that the act can continue to fulfil its function of protecting the human rights of all Queenslanders, securing and enhancing Queensland's reputation as a tolerant and fair community. Some people have difficulty in understanding that, but others have—

Miss Elisa Roberts interjected.

Mr Terry Sullivan interjected.

Madam DEPUTY SPEAKER: Order! There will be no quarrelling in the chamber. If the member for Gympie wants to have a conversation, she will do so outside. I will hear the member for Gaven.

Mr POOLE: The major amendments to the bill include prohibiting discrimination on the grounds of breastfeeding in all areas, prohibiting discrimination on the grounds of family responsibilities, sexuality and gender identity, introducing sexuality vilification laws and inserting a new uniform definition of 'spouse' into all Queensland legislation which incorporates de facto partners, regardless of their gender or sexual orientation. Insofar as society's attitudes are reflected in its laws, it is only recently that discrimination against homosexuals has been considered unacceptable. In the past many laws were highly discriminatory, but this has slowly changed in parallel with society.

The amendment ensures that people in same-sex relationships have the same protection from discrimination as people in heterosexual relationships. Antidiscrimination legislation does not protect people who are incompetent employees or unsatisfactory tenants. It aims to create an environment in which people are judged according to their abilities and not according to their sexuality. The bill will not necessarily make homosexuality acceptable; it will simply make discrimination unacceptable. It does not grant any special rights. However, it protects everyone from discrimination—homosexual, bisexual, transsexual and heterosexual. Religious institutions will not be forced to compromise their beliefs about homosexuality because they will be able to

apply for exemption from the antidiscrimination legislation. Unfortunately, the previous speaker could not grasp that concept. Because discrimination against gays and lesbians is just as widespread as discrimination against other groups in society we cannot afford to leave sexual orientation clauses out of an antidiscrimination bill.

It is inappropriate for any of us to discriminate against people in the workplace or other aspects of their lives for unjust reasons. The antidiscrimination legislation will not stop discrimination, but it will certainly send out a strong message that unfair treatment is not acceptable. The right to be treated fairly, to be treated as a human being regardless of one's sexual orientation, is a basic right which most heterosexuals take for granted. The disadvantages and injustices suffered by victims of discrimination and related intolerances are well known. Limited employment opportunities, segregation and endemic poverty are only a few. Homosexuality is neither a disease nor an immoral behaviour. Nor is it unnatural or the expression of criminal attitudes or conduct. Rather, it is another form of sexual orientation alongside heterosexuality. As such, it is an integral part of the human identity and is therefore covered by the right to respect for human dignity and an individual's right to freedom of activity.

The legislation would have greater impact if it was uniform and comprehensive in all states, with fewer exemptions, and if it covered homosexual vilification. Passing laws is easier than trying to alter people's behaviour by tackling their attitudes. Old prejudices and attitudes take some years to change. In fact, in the states where the legislation has been changed the delay is apparent. Disadvantage is still experienced by homosexuals. New attitudes are needed. Hopefully, making appropriate changes to the law will facilitate an environment in which these can develop. Although homosexual law reform has had a high profile on the recent political agenda, changes in legislation and public opinion are in train. There is still a long way to go. Achieving consistent law reform is the last frontier. Queensland is of significant assistance in alleviating legislative discrimination against the homosexual community in Australia.

I compliment the Attorney-General and his staff for doing a marvellous job. I also compliment the Premier on the initiatives taken in order to present this bill. I commend the bill to the House.

Ms BOYLE (Cairns—ALP) (11.20 p.m.): I am pleased and proud to support the Discrimination Law Amendment Bill 2002. This is progressive legislation that further enhances and enshrines basic tenets of Australian life and culture. This is another step towards ensuring that all in our wonderful country get the proverbial 'fair go', particularly so far as their sexuality is concerned. This bill further enhances the tremendous freedom we have in Australia to be who we are, to make religious, relationship and lifestyle choices and to be treated by others with respect and an appreciation of natural and beneficial human diversity.

At a time when the world is under such threat from terrorism and extremism, some of it in the name of God, the action we are taking tonight through this legislation is affirming and optimistic. It is sad that there are some members—a minority—who do not see it this way and who will not remember this night with warmth and pride. You see, much of this bill is about love. It is about recognising that the quality of the loving is what matters most. Implicit in the changes we are making is the recognition that while heterosexuality is the way of the majority and that while legal and spiritual marriage is held, quite rightly, in very high regard, there are those who find the way to love through homosexual relationships and through heterosexual relationships where legal marriage has not taken place.

I want to speak for a few minutes about homosexuality. The first and most important thing to say is that homosexuality is not a choice. It is determined almost entirely by genetic and biochemical factors. Socialisation is a relatively minor contributor. I learnt this early in my adulthood and before it was widely known across our society.

In the early 1970s I was a psychology student at the University of New South Wales. Behaviour modification was the latest and best fashion in psychology. One of the programs run in conjunction with Prince Henry Hospital in Sydney was to change the orientation of homosexual men to heterosexual. This program relied on the technique of aversive conditioning. Men participating in the program were volunteers who in interview expressed their determined wish to change their homosexual ways and become heterosexual.

Treatment involved wiring the men up to electrodes attached to their genitals through which an unpleasant electric current could be passed. The men were seated in a darkened room and shown pictures of other males in various stages of dress and undress and seductive poses. When the subject men, through the monitoring equipment, showed any degree of sexual arousal to a man stimulus, an unpleasant electric shock was administered to their genitals. Interspersed with

the images of males were images of females. No so-called 'aversive stimulus' was administered during the periods when images of females were shown.

I was witness to one such treatment session. The outcome was that, despite the motivation of the participants to change their sexuality and despite the unpleasantness and intensity of the treatment, the program was not successful. In fairness to those who were involved in administering that program in the name of psychological treatment, I must say that mainstream thinking at that time was that homosexuality was aberrant. It was not until 1978, if my memory serves me correctly, that homosexuality was removed from the classification of psychiatric disorders in the Diagnostic and Standards Manual of the American Psychiatric Association, the standards adopted by the professions of psychiatry and psychology in Western countries.

Other projects I was involved in during my university years contributed to my certain knowledge that homosexuality was not, is not, a psychiatric or psychological disorder. It is a minority orientation but it is not aberrant. As a Christian and as a strong believer in a loving God I do not believe—I cannot believe—it is sinful or evil. However, even in the enlightenment of 2002 I still have concerns over the failure of many people to accept homosexuality as part of life and homosexual people as no better or worse necessarily than heterosexuals. I understand the wish of the majority for their children and their family members to be heterosexual—it is easier to be so still than it is to be homosexual. But I am always mindful that heterosexuality and homosexuality are not choices we make.

Over the years as a psychologist I have seen the tragedy that arises not from homosexuality itself but from the fear, anxiety, refusal and rejection that can occur around it in family settings. I know that denied and rejected homosexuality is a significant factor in the tragic and continuing high rates of young male suicides. Such suicides do not have to happen if only we will accept each other, especially in our family groupings, and if only we would truly live out the values that we espouse of love, acceptance and respect.

I believe that this antidiscrimination bill is taking a further and significant step in this direction. Others, too, whose sexuality is outside the mainstream will benefit from this bill. So far as couples in de facto relationships are concerned, I support the changes in this bill. They are entitled to their choices and they are entitled to the legal recognition of their status that will flow from the changes we are making in this bill. They are overdue.

While I support the institution of marriage, I have to say that in my professional life and in my personal life I have been confronted with the fact that a marriage certificate does not necessarily a loving and healthy relationship make. I have seen up close the violence, anger, denigration, despair and just plain bland habit that can occur in a legally constituted marriage, and I have seen deep, committed, happy and enriching de facto relationships. I have seen children growing up in a household with their biological and married parents in unhappy, unhealthy and even destructive relationships. I have seen children grow up well loved, healthy and happy in single parent households, in blended families and with parents who are not legally married. The point again is that while we may embrace the ideal of marriage the reality is that the measure of success is actually the quality of the loving.

There were some clauses in this bill that needed amendment. These are clauses related to the exemptions for religious schools and hospitals to employ people capable of sincerely delivering the values and teaching of that religion and who do not, through their behaviour and lifestyles, flaunt contradictory values that give the lie to their teachings. I am pleased indeed that we have found an agreed way forward. While I have a warm relationship with church leaders in Cairns, I must say that we are respectful of each other's different fields of operation, as it were. This legislation has, however, brought politics and religion very close together. I am grateful for the direct yet gentle counselling of several religious leaders in Cairns—Pastor Barry Tattersal from the Ministers Fraternal in Cairns and Brother Michael Green, the principal of St Augustine's College.

I also pay my respects to Archbishop Bathersby who was formerly the Bishop of Cairns and who is fondly remembered in the north. His contribution and that of the present Bishop of Cairns, Bishop James Foley, has been greatly appreciated. My respects also to Joe McCorley, the Executive Director of the Queensland Catholic Education Commission. I quote from his 'Perspectives' article in the *Courier-Mail* of 9 November 2002. He wrote—

The church does not condemn a person because of a certain sexual orientation and, indeed, the Catechism of the Catholic Church states that every sign of unjust discrimination in regard to persons with the same sex orientation should be avoided. Nor does one judge a person living in a de facto relationship. However, the implications of this

respect must not diminish the freedom of parents to choose an education system which accords with their religious values and beliefs.

I agree.

I wish to comment on those members of the National Party opposition who have not clearly expressed their views on the substantive matters in this bill but who have sought to detract by exaggerated claims that due to the limited consultation period taken by the government they cannot support it. I wonder if they think that we or their constituencies, or members of mainstream Christian churches, or even fundamentalists will be fooled by this sidestep, this crass positioning to avoid dealing with the very important issues that are intrinsic to this bill. Yes, the consultation period could have been longer—though longer does not necessarily mean it would have been better. I pay tribute to the Attorney-General and to the Premier and to all those representatives of religious organisations and other organisations, including gay and lesbian groups, who have participated in an intensive consultation that, clearly, has been productive.

I recall well during the last term of parliament when some members of the opposition expressed in the strongest terms their thoughts and feeling about prostitution and homosexuality. As extreme and ill founded as I thought those views to be, at least those members were honest and I respected their right to hold their views and express them. But what we have seen in the debate on this occasion is equivocation, avoidance, distraction and a failure in leadership or moral courage from members of the National Party. Their political posturing loses them not only the respect of many members of this House but will, I have no doubt, be recognised for what it is by their constituencies.

I am so proud to be the member for Cairns. Even four and a half years into the job I am still overcome by my good fortune in achieving this position and still very mindful of the responsibility that goes with it. Much of the work of being the member for Cairns is not difficult or controversial; it simply requires commitment and hard work. But on occasions such as this with consideration of the issues inherent in this bill, the responsibility that I carry and the imperative to provide sensible yet true leadership for the community of Cairns is very real. I inform honourable members that of the very many communications with me and through my office over these last few weeks the great majority have been in support of the bill and its meanings. I am pleased therefore to stand in this House as a member of the Beattie government and say that I support the bill before the House.

Mr CHOI (Capalaba—ALP) (11.30 p.m.): I rise to participate in debate on the Discrimination Law Amendment Bill 2002. This bill has generated much publicity and debate since its introduction. My office has received about 100 calls and emails. People tell me their opinions on the matter: some agree, others reject, some condemn and others rejoice. Whatever opinion one has on this bill, one thing is certain: it has generated widespread interest on the matter, and rightly so.

The Premier and the Attorney-General organised a meeting with interested parties on Monday night. It was attended by predominantly schools and churches but the presence of those supporting the homosexual community was also evident. I was encouraged by the willingness of the participants to discuss matters in a civilised manner even though differences of opinion were apparent. No-one insulted others, there was no name-calling and no harsh words. After the meeting as I was walking back to parliament I thought to myself what a wonderful display of tolerance and acceptance was exhibited by both sides of the argument. What a fantastic demonstration of the coming of age of our community in handling difficult and sensitive issues such as this. I congratulate and thank those participants in the discussions for their contributions and patience.

I have always believed that prior to any meaningful discussion and exchange taking place some basic parameters must be stated and agreed upon. They are simply precursors which are vital to the subject at hand and have to be clarified before any attempt is made to discuss the subject. For example, prior to discussing the values and differences of private and public schools one must first and foremost agree that education is important and school is a vital tool to deliver an educational outcome, otherwise the discussion, whatever the result, is unlikely to reach any common ground. It sounds trivial, and it is. Nonetheless, without it being clearly defined, discussions and exchanges of ideas tend to go off on a tangent. This is what I wish to avoid.

From a society perspective, we need to remind ourselves that we live in a democracy. People have the right to choose; our society grants us that right, provided that no law is broken in the process. In exchanging our opinions we uphold the principle that we agree to disagree when our

opinion differs. We may disagree with someone's opinion, lifestyle or sexual preference but they have just the same right as we do in making those decisions. The right to choose is important, but more important is the right to be wrong as a result of bad choices.

Christians have always been at the forefront of the fight for democracy, believing that in the absence of a benevolent dictator the throne of government should not be limited to a few because absolute power corrupts absolutely. Government is therefore elected by the people, of the people and for the people. Winston Churchill once said that democracy is the worst form of government besides everything else. That is one reason why Christians have been campaigning tirelessly for democracy, social justice and equality for a long time, even with the knowledge that such a system of government is far from perfect.

From a biblical perspective and understanding that the Christian community is very interested in this bill, it is timely to remind ourselves that according to the Scripture God granted us the right to choose, commonly known as free will as outlined in the Book of Genesis at chapter 2. It is also interesting to note that God has rarely removed any offending options from us although He definitely has the power to do so. In fact, the Scriptures are full of examples that choices are placed before us so that decisions have to be made by us. I emphasise that decisions have to be made by us, not anybody else. The Scripture says that therefore God also holds us accountable for the choices we make. I think that is fair play. The essence is that a person cannot choose if they have no choice.

I have made the above remarks because I have received a concerning number of comments stating that people in de facto relationships or those with homosexual preferences are going to hell and that, in addition, governments which allow those choices are also heading for the same everlasting and torturous destination. Those remarks, no matter how reflective of one's conviction, are unhelpful and contribute nothing to addressing the current concerns expressed by the schools and the churches. Government, no matter what the political persuasion, did not create the choice nor the demand for this bill; society did. Democratic government legalises the right to choose and ensures that those who make their choices can do so freely without feeling intimidated, threatened or, more importantly, rejected. I hope that I have demonstrated both from a social and biblical perspective that we may disagree with another person on their choices, but they both have a democratic, ethical, human and God given right respectively to choose.

I turn now to the objectives of the bill. The nature of the Australian family unit is dynamic with people choosing a variety of life partnering options such as marriage and de facto relationships. The Australian Bureau of Statistics has reported that marriage rates are declining and the number of de facto relationships is increasing. As the Premier has indicated, because I am still married to my first and only wife and have children I am in the minority these days. Historically, legal recognition of partner relationships focused on marriage. However, with the increase in de facto relationships laws need updating to acknowledge and recognise de facto relationships given that such relationships raise similar issues to marriage. Both types of relationships are based on financial and emotional interdependence regardless of their sexual orientation.

The vast majority of the bill before the House deals with social inequity faced by those in a de facto or homosexual relationship. Respecting, let alone loving, our neighbours and tolerating people's differences are the hallmark of a mature society. That does not, however, mean that we are in agreement with everyone, just that everyone has the same right as we have—that is, to choose. Recognising de facto relationships does not mean that the family structure is not being supported. In an ideal world, if such a thing exists, then a family may be described as a husband and wife with kids and a loving family in a traditional first and only marriage relationship. In a less than ideal world, which I believe is the one that we live in, at times we have to ask ourselves this question: what is more important to recognise—a happy and loving relationship or a joyless and ritual marriage?

We also need to recognise that children in a de facto relationship should be the prime focus of our concerns. In addition, the recognition of de facto relationships upholds the principle of equality before the law. This principle is a vital underpinning for a democratic and fair society. Australia is a signatory to the United Nations Convention on Civil and Political Rights. Under the convention, all people have the right to equal treatment under the law. Consequently, Queensland laws should not discriminate against people in de facto relationships. The reform package strengthens Queensland's compliance with the United Nations convention.

So are the critics of this bill correct? The critics say that there was a lack of consultation prior to the introduction of this bill. The Premier has already stated that the consultation process could have been undertaken better. However, I think the government has also demonstrated its

willingness to listen. The proof of the pudding is in the eating, as they say, and the agreement reached between the government and the stakeholders is certainly an encouraging outcome.

The critics also stated concerns regarding the loss of the right to choose staff who support, in belief and lifestyles, the religious beliefs and values of the school and also forcing schools to employ staff who do not share the value of the schools such as those in a de facto or homosexual relationship. Currently, all religious schools have a special exemption from antidiscrimination laws when employing their staff except for age, race and impairment discrimination. No other employer in the state has this exemption. This bill seeks to remove this automatic blanket exemption. I can understand why the schools are upset by this change. Since the Anti-Discrimination Act was introduced in 1991 with this exemption provided for the schools, there was nothing stopping attempts by different groups to seek similar exemptions.

Most people would agree that politicians are probably ill equipped to decide on moral issues. The rationale is therefore to remove all blanket exemptions from anyone for fairness and equity but allow individual schools or a group of schools to apply for specific exemptions under section 25. It is the belief of the government that an independent body such as the Anti-Discrimination Tribunal is better equipped and qualified to consider matters for exemption. Therefore, the concern that the bill will result in the forcing of the school to employ staff that do not share the values of the school is not entirely correct, although it is true that automatic exemption has been removed.

As I have said, I do understand the concerns from a biblical perspective expressed by some churches and schools. I can also understand why the exemption has been proposed to be decided by an independent authority from a management and social equity viewpoint. Schools are concerned because there is no guarantee the application to the Anti-Discrimination Tribunal will be successful. The schools are concerned that religious organisations need to be able to make choices in the employment of those who will teach the doctrines of their relevant beliefs.

Religious beliefs are more than ritual, and those who teach should believe in and conscientiously try to live out the values and principles of their respective faith. Parents who send their children to religious based schools have the right to ensure that the teaching and lifestyle of the staff at the school are consistent with the respective religion.

I do understand the concern. In doing so, I am acknowledging the right of individuals to make lifestyle choices as well as the right of religious schools to exercise what is required of them according to their faith. Therefore, I am so pleased that the negotiations between the churches and the government have resulted in a fruitful conclusion. I am sure that all parties are not entirely happy with the bill, but I think the stakeholders accept the fact that government and the churches, and therefore the schools, have very different responsibilities and charters. I once again congratulate the Premier, the ministers, the churches, the schools and other stakeholders for their willingness and genuine attempts to make this bill work.

It should be said that this government has not set out to initiate or change society's fabric by offering different family options. This government is not interested in so-called social engineering but is simply responding to the changes that society has adopted. Some of the changes society has embraced to my understanding are in contravention of the teaching of the Scripture. As such, there has been strong representation from the churches to ask the government to maintain the status quo.

I want to pose a few challenges to the churches. Prior to doing so, I should declare that I am a practising Christian and regular churchgoer and therefore have a close interest in the affairs of the church. I wish that my comments will be taken in the spirit they are given—in honesty and hope.

An interesting question arises from all these debates—that is, who do we regard as the most qualified and appropriate agency to arrest any social changes if such changes in the view of the church are inconsistent with the teaching of the Scripture? Would it be a democratically elected government in a secular society or an institution anointed by God—the church? When the society at large has failed to respond to the message of the church—or, to put it bluntly, when the church has failed to lead; its moral authority has been so badly tarnished in recent years—why does the church have the expectation for a democratic, popularly elected government to hold the tide? The mass is not always right, but the democratically elected government is by the people, of the people and for the people. To change the government's position on any matter the public must be convinced first.

Secondly, I have a challenge for the Christian community, of which I am a member. Why are we so gung-ho regarding matters of a sexual nature while we turn a blind eye to other sins as described in the Bible? It seems that the lies, the covering up of wrongs and injustice get a rap over the knuckles, but the moment sexual issues such as those involving gays and lesbians are involved the church wages a full-scale war.

I stand to be corrected, but I have not been able to find a schedule of sins in the Bible that God has listed in order of seriousness. The closest I can get is the Ten Commandments, which is a list of things of which God disapproved. All of them are equally rejected by God, not just sexual wrongdoings. In fact, D.L. Moody, a famous theologian, once said that the worst sin against God, if there is such a thing, is the sin committed by Adam and Lucifer. Both have no sexual connotation. It is true that God does not have a schedule of wrongs in order of seriousness. All are serious. The church can do its own credibility and the believers a great service by treating things honestly, fairly and equally.

On the other hand, God does have two instructions that he put on his most important to-do list in first and second position. When a lawyer asked Jesus which is the greatest commandment in the law, Jesus said that the first is to love God with all your heart, mind and soul and the second most important commandment is to love our neighbour. To love someone does not mean that we are in agreement with that person. It does mean that we treat each other with respect, courtesy, understanding and consideration. Jesus certainly did not say we are to love our neighbours only if they agree with us. Love builds bridges where there are none. I commend this bill to the House.

Mr HOBBS (Warrego—NPA) (11.45 p.m.): Logic does not always play a strong part in politics. Nor does commonsense or fairness. It is a case of winner takes all and governments take all. That is until the community gets fed up and rejects them at some future election.

The basis of our Westminster system is to provide a sound and fair method of government to allow the views of our citizens to be expressed and considered. The citizens of Queensland, the official opposition and other members of the parliament have been asked to fully debate legislation today that has been substantially amended without knowing exactly what we were debating. This was the way it was when we started the debate today. I do not want to repeat what other people have said, but I want to make that point in my contribution.

The Premier was forced to come into this chamber after we were supposed to have commenced debate on the bill to provide some principles on which an agreement had been reached with church groups the previous night. The government was arrogant enough to insist that the opposition should accept its word that the legislation was suitable. After all, the bill was secreted into the House without any consultation. Misleading advertising was placed into all newspapers throughout the state. Our knowledge of the workings of this government through experience tells us that it is not always sincere. Putting all of those things together, members opposite can understand that we are not entirely convinced that this legislation is still the best piece of legislation we could pass. That is why we need more time to genuinely consult on the substantial amendments that have been reported as proposed to this act.

Clearly we were uncomfortable with this course of action, so what was the need to rush the bill through? It could easily have gone through parliament next week. There are plenty of bills on the list still to be debated. There is no need to consider this bill now. Let us talk about the amendments that have been made that still have not clearly been closely scrutinised by the community. What legal implication do they have? Rushed legislation is not always good legislation. Will the church groups who find themselves in a litigious situation have the force of the law behind them? No-one in the public sector has been able to adequately put that to the test as there was an arrangement bashed into a small group of representatives in the middle of the night based on promises and interpretations of a government we know is not always sincere in its actions.

An honourable member interjected.

Mr HOBBS: It was not sincere in its actions. I refer to that amendment. One of the principles of which this government convinced the church groups last night was that there was going to be a preamble to the bill. I have been a member of this place for a while. The way I understand it, a preamble is really only a guide in the case of an interpretation. It is the intent. The bill itself determines what happens. The bill itself is the nuts and bolts of it. For instance, clause 3 of the amendment states—

It is not unlawful for an employer to discriminate with respect to a matter that is otherwise prohibited under section 14 or 15, in a way that is not unreasonable, against a person if—

(a) the person openly acts in a way that the person knows or ought reasonably to know is contrary to the employer's religious beliefs.

Is there a clear definition of those religious beliefs? I suspect that they would vary between various groups as to what they believe their standards to be.

Mr Strong: It is your interpretation.

Mr HOBBS: No, this is what could happen. At present, a person who was perhaps not of the same persuasion as a particular church would not probably get into that church group. However, if for instance they did get into that group under this amendment and then the church group wanted to move that person out, that church group would have to prove beyond reasonable doubt that that particular person had breached those religious beliefs.

Mr English: It is a simple standard of the balance of probabilities.

Mr HOBBS: Not necessarily. How do we know? There is nothing written down. For instance, we have road rules—

Mr English interjected.

Mr DEPUTY SPEAKER (Mr Poole): Order! The member for Redlands.

Mr HOBBS: We have road rules. We know that we have to drive on the left-hand side of the road. We have speed limits. Everything is written down. There are established guidelines. But in this legislation we do not have that. The legislation would quite clearly be able to be challenged by the person who was disagreeing with that particular church group's ruling. That person would be able to challenge that ruling.

Mr Strong: If he hadn't flaunted it, shouldn't he or she have a case?

Mr HOBBS: What exactly are the rules? What is the belief? I am talking about a broad-minded church that does not necessarily have clearly defined acts. In the past, that person could not get into the tent. But now that that person is in the tent—

Mr Shine: You are getting into a legal minefield.

Mr HOBBS: I know. The lawyer from Toowoomba North has made a very, very valid point. I thank him for that. It is a legal nightmare. This is what it will be.

Mr Shine: A minefield.

Mr HOBBS: An absolute minefield. This will be the test. Had we had more time, those issues could have been explored. I bet pounds to peanuts that in the next week or so these issues will be raised. That is something that we ought to really consider.

Mr Strong: Where were you Tuesday night?

Mr HOBBS: I reckon I was here.

Mr Reeves: Are you sure?

Mr HOBBS: I hope so.

Mr Reeves: You were here in spirit.

Mr HOBBS: I was here in spirit, anyway. I was not at the meeting, if that is what the member was asking.

Mr Strong: No, you weren't.

Mr HOBBS: The issue is that the preamble does not have the force of law. It is only a guide. It is an interpretation to help somebody understand roughly the intention of the legislation. It means nothing. That is the way I see it.

To a certain degree, this legislation amounts to social engineering. During the various debates that we have had over the past few days and from reading the advertisements in the paper we have been told that other states have legislation that is the same as what is being proposed in Queensland. I do not believe that is the case. The New South Wales legislation, under the heading 'Exemptions', states —

It is not unlawful for a private educational authority to discriminate on the grounds of sex, marital status, transgender, homosexuality or disability.

The Victorian legislation, under the heading 'Exemptions', states —

Educational institutions for particular groups are exempt from the scope of the Act and may exclude people who are not of the same religious belief from the institution or program.

However, those groups are not exempt in Queensland. In Queensland, they are in the tent. Section 50 of the South Australian legislation states —

... any other practice of a body established for religious purposes that conforms with the precepts of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

The Western Australian legislation contains a general exemption in section 72(d), which states—

... any other act or practice of a body established for religious purposes, being an act or practice that conforms to the doctrines, tenets or beliefs of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

Mr Strong: Why should we let them bring us down to their level?

Mr HOBBS: I think that the government's legislation is breaking new territory. Why do we have to be either the leader or in the gutter? I am not sure which way it is. I do not doubt that the society in which we live is changing. We all understand and acknowledge that. We all know that we have to provide an environment in which we can help society progress as best we can. But that does not necessarily mean that this legislation is good. Why do we have to pass it?

The point is that we were told clearly that this legislation was bringing Queensland into line with the other states. That is untrue. The same applies to those advertisements that appeared in every newspaper throughout Queensland. All of those ads were untrue. The third or fourth paragraph of that advertisement was simply not true. In a legal sense, there were some weasel words, but the average Joe Blow who does not understand the legislation would think that it was quite simple, it was okay, because the Premier had explained it. But it was not really true.

Section 51 of the Tasmanian legislation allows discrimination in relation to employment on the basis of religious belief or affiliations. Even the ACT legislation states as follows—

This is a general exemption which at s32(d) exempts "any other act or practice of a body established for religious purposes"—

and the section goes on. The Northern Territory legislation states—

An educational authority that operates, or proposes to operate, an education institution wholly or mainly for students of a particular sex or religion, or who have a general or specific impairment, may exclude applicants who—

(a) are not of the particular sex or religion ...

and the section goes on. They are more examples of where we have been told porkies on the basis of trying to get some social engineering under way.

The legislation amends the registration of births, deaths and marriages to enable transgenders over the age of 18 who have undergone reassignment surgery to have their gender altered on their birth certificate. I believe it is important that we appreciate and understand the difficulties experienced by some people who have been born with abnormalities. Those people should be treated with understanding and compassion. But I want to ask: what is going to happen under this legislation if a person is born a man, changes his sex and also his birth certificate, and then enters sporting events as a woman because he can show clearly that he is now a woman? I think that that is going to cause a few problems. What on earth is the government going to do? Quite frankly, I reckon those other female contestants would be crying foul. Can somebody tell me what is going to happen?

As I said before, we have to understand and have some compassion for these people who are in these situations. But this issue also needs to be thought through a bit further. It has not really been tested. We all recognise that society is changing. We live in a difficult world. We need to understand those changes and help people in the best way that we can. That is our role as legislators. We also need some understanding and confidence in the system that we use, some sincerity that in fact what we are doing is right. I am not necessarily sure that what we are doing with this bill is right, because we really have not had a chance to really road test those amendments in a legal sense to ensure that what we are doing is right. I suspect that what we are doing is not right, but this is very difficult. I condemn the government for its haste in putting this bill before the House. I do not see what the rush is. It would have been far better to do it properly and to get it right.

Mr MICKEL (Logan—ALP) (12.01 a.m.): This bill presents a snapshot of contemporary society. At first blush, this look at society can cause great consternation—lack of commitment, marriage break-up, de facto relationships. The three pillars of society that I knew seem vulnerable—the church, the family, the schools. Demonstrably the first two have undergone radical change. Weekly religious observance is a fraction of what it once was. Scandals, child abuse, the inadequate response of church leadership and the lack of vocation have cut a swathe through the unquestioning acceptance that people of my generation gave the church and its

leadership. Family life is under increasing pressure because of the pressure for two parents to work. Today, almost 50 per cent of all marriages end in divorce. Families seem unable to cope with the pressures placed upon them.

Into that void more and more of societal problems have washed up on the shores of our schools. We see it in the range of programs people call upon the schools to deliver—sex education, drug education, and even driver education. Because families feel that they cannot cope, they feel inadequate to respond. Schools are becoming the societal safety net. It is unrelenting pressure for the teachers and the administrative staff at the schools who pick up the pieces.

This is life not only in Australia but also throughout Western society. As legislators, we are forced to make choices about legislation that would hitherto have been inconceivable. Tonight is one of those nights. But is there anything new in the parliament adapting to the shifting changes in society? The answer is no. My father's generation was strong on values, respect for people, good manners; but it was a generation of prejudices—racial, religious, social. Aboriginal people were not counted in the census until the 1960s in spite of the fact that they had lived here for 60,000 years. Mabo recognised the rights to traditional land enshrined by legislation, resisted by some in society at large. Ask the post-war migrants if they enjoyed the slurs of being called dagos or the hurtful slurs accorded to the Asian community. That is all too recent, all too painful, for individuals in those communities. Religious prejudice existed. Ask older Catholics or Jews whether they experienced prejudice. Those days are behind us, but the state aid debates were concluded only in the early seventies.

Ask women about social prejudice. Women had to resign from the Public Service, from school teaching. Why? Because they were getting married. They were discouraged from pursuing higher education and had to overcome considerable barriers to achieve administrative positions. None of the changes were made without heady debate, heated debate. Much of the debate about this legislation focuses on non-government schools. Much of it dealt with the lives of teachers in religious schools. What was drowned out was the need to pursue excellence by teachers in all schools. There is a need to weed out non-performing teachers. There is a need to weed out bad teaching, but not because teachers are not valued; we need to be tough on bad teachers precisely because good teachers should be valued. They need high quality teachers working alongside them. In a state seeking excellence, it needs excellence in its education system.

If I came into this place for one thing it was and still is to ensure that all children are given the best chance in life. The best chance we can give the whole community is a quality education system. Quality education will lift our standard of living and help reduce blinkered prejudice. This bill is a balanced response to issues that are complex and for many people of great importance and meaning. The original measure was flawed. Its original intention constrained in an unacceptable way on the basic rights of churches and church schools. The amendments negotiated by the Premier and the Attorney with the leaders of churches and church schools reduce if not eliminate that impingement.

We have a dual education system, one that serves our community well. It is a system founded on a basic right—the right of parents to choose whether their children attend state schools or church or private schools. If parents choose the non-government system, they do so at varying expense and in many cases considerable sacrifice. When parents decide to send their children to a religious school, they do so because they want their children to be taught in an environment that has certain standards they believe are best provided in these schools. It is important that when we legislate on matters impacting on our school system we do so in a way that does not unnecessarily intrude on the fundamental tenet of the non-government school system.

This bill is about discrimination. As I said previously, discrimination was not just confined to what today are described as minorities. I went to a local convent school, more years ago than I care to remember. My father and mother worked hard to give my family that opportunity. When my father died, my mother worked long hours to ensure the fees were paid. But she also paid taxes to help fund the state system. If the convent did not raise enough through fees and fetes, we simply went without—and that included sporting equipment as well as classrooms. But times have changed and changed for the better.

That brings me to the crux of this debate today. Parents send their children to church schools because they want a standard, a value system, for their children. The Catholic schools in my electorate—St Bernardine's at Regents Park, St Francis College at Crestmead and St

Philomena's at Park Ridge—offer outstanding pastoral care for their pupils. Their schools reach out into the wider Catholic community and beyond and are underpinned by a true commitment to social justice. But there are other schools committed to Christian beliefs. The Parklands Christian College and the Groves Christian College are within or near my electorate. Their families work hard to establish a faith based school community, and I respect them for that. They asked me to press for changes to the original bill, and I am pleased the government listened and took action.

For some religions—not all—teachers who are openly gay or who openly flaunt the fact that they live in relationships outside the family structure are not meeting the standards these religions and their schools have an abiding commitment to. I do not believe that the alleged right of minorities should override the basic right of a school or its institutions to seek from its employees certain standards. I do believe that what is at issue here is the need for tolerance on all sides—a tolerance of views, attitudes and standards.

There are some who demand that others tolerate their lifestyle and their right to publicly display it and promote it. At the same time, they appear intolerant themselves of the standards and principles of churches and church schools. Tolerance must be a two-way street. It must be broadly based and not merely based on tolerance of the rights of minorities. There must be a greater real tolerance shown by certain groups such as some participants in events like the Gay Mardi Gras. Year after year, some hold up to ridicule nuns who are in holy orders. I find it offensive on behalf of nuns that some gays dress in nun's habits carrying banners such as 'Sisters of Perpetual Indulgence'.

There is a wonderful group of nuns in my electorate, the Sisters of St Paul de Chartes, who care for senior citizens and the ill. They have devoted their lives to the care of others and are themselves tolerant of others. I simply say that tolerance must be a broadly based tolerance of majority views as well as minority views. This bill preserves the right of a school or institution to terminate the services of anyone who is unwilling to conform with the very principles the school seeks to educate and encourage its students to follow. No school, government or non-government, should have to tolerate any teacher who openly flaunts their sexuality in front of students. I will be happier when the education debate moves away from one based solely on sexuality to one based on the pursuit of excellence—excellence in teaching and excellence in educational outcomes. Surely a fair-minded or genuinely tolerant person could not disagree with that.

Mr ENGLISH (Redlands—ALP) (12.11 a.m.): This bill addresses a large number of reforms and they will be discussed in detail by numerous speakers during today's debate. In the interests of keeping this debate to a reasonable length, I will address only those issues most relevant to my electorate.

Some of my constituents were disappointed with the amount of consultation undertaken prior to the presentation of this bill. I must, however, thank the Attorney-General's office for being available to listen to the concerns of the principals of the religious schools in my electorate. I have a number of fantastic religious schools in my electorate. Sheldon College is a non-denominational private school that is governed by Christian principles and led, in words and deeds, by Lyn Bishop. I also have the Faith Lutheran College, under the direction of Anthony Mueller, which will next year be expanding to include a secondary college. The Logan Uniting Church has established the P-12 Calvary Christian College at Carbrook. Mike Millard, the principal, provides strong educational and religious leadership for this great school.

As a Catholic, I am very proud of the three Catholic schools in my electorate—Carmel College, with the inimitable Faye Conley in charge; Chisholm Catholic College, under the stewardship of Neville Feeney; and St Rita's Catholic Primary School, led by the very capable Mr Steve Dunne. These schools and other religious schools outside of my electorate provide a high-quality Christian based education to their students.

Following the introduction of this bill I began a process of consulting with these principals and other stakeholders. I must compliment the advice that I received from Father Leo Burke and Father Frank O'Dea. My office received many telephone calls, letters and emails providing feedback in relation to the contents of this bill. I listened to those people who had concerns with aspects of this bill; I listened to those people who were supportive of the bill. I took their views to the Premier and to the Attorney-General and asked them to listen to the views of my local community. I arranged for a number of school principals to meet with staff from the Attorney-General's office so that these principals could voice their concerns directly to the officers.

This bill was perceived by some to place religious freedoms at risk. The amendments to be made at the committee stage put these concerns to rest. I am pleased that the government listened to the feedback from my local community. It is one thing to listen; it is another to take action as a result of that listening. That is exactly what the Premier and the Attorney-General did. They sat down and listened to our community and then amended this bill. Peter Beattie and the Attorney-General have had lengthy discussions with a wide range of religious leaders and community members. The result of these discussions is the amendments that will be made to this bill in the committee stage.

The bill, with these changes, has been accepted by the mainstream religions in our society. It is important to note that agreement has been reached with Anglican Archbishop Phillip Aspinall; Catholic Archbishop John Bathersby; Lutheran Church Moderator Pastor Tim Yajensch; Reverend Peter Francis, Regional Councillor, Baptist Union; Reverend David Toscano, State Youth Coordinator, Baptist Union; the Right Reverend Ian McIver, Moderator, Presbyterian Church of Queensland; Allan Todd from the Churches of Christ and headmaster of Redlands College; and Major David Knight, Salvation Army.

This bill achieves the correct balance between increasing individual rights and protecting the freedom of religions to maintain the integrity of their institutions. I must acknowledge the influence of every person who has contacted my office in assisting in the achievement of this balanced outcome. I commend the bill to the House.

Mr QUINN (Robina—Lib) (12.14 a.m.): I rise in support of the Discrimination Law Amendment Bill 2002. In doing so, I acknowledge that some provisions of this bill have caused concern in some sectors of the community. Representations—indeed very forceful representations—have been made to me by many groups unhappy with the bill. However, I am also very mindful of the proud and indeed unequalled tradition of support for individuals and individual rights that lies at the core of Liberal Party philosophy. True Liberals believe firmly in the values of tolerance and acceptance. It is our nature to take people as we find them, not prejudge according to stereotypes or arcane preconceptions.

I want to make it clear that I do not support any hidden agenda that this government may have to weaken the traditional role of the family in Queensland society. Hopefully, the insertion of the preamble contained in the Attorney-General's amendments will give comfort to those who believe that that is the intent of this bill. This bill is fundamentally about removing discrimination from Queensland communities. That is an aim which I support.

The first object of this bill as outlined in the explanatory notes is to ensure that the rights of de facto partners are equivalent to the rights of those who are married. It is a simple fact that in modern Queensland there has been a considerable increase in the number of people choosing to live in a de facto relationship. This is about supporting the people involved in de facto relationships. It has nothing to do with taking away the rights from people in other traditional partnerships. Amongst other things, this bill permits the Public Trustee to deal with a de facto partner and permits state government pensions to be paid to a de facto following the death of one partner. These are simple matters designed to protect the dignity of those Queenslanders who wish to be in a de facto relationship. This section of the bill gives equal recognition to all Queenslanders who are in longstanding relationships and, accordingly, has the support of the Liberal Party.

The most contentious aspect of the bill before the House is undoubtedly the amendments that will be made to the Anti-Discrimination Act. This has attracted a great deal of public comment in the media and talkback radio. A number of independent schools and various religious groups have been particularly vehement in their opposition to these changes. This has resulted from the total absence of community consultation prior to the bill being introduced into the House. Only after publicity alerted the public to the issues contained in the bill did the government embark upon an expansive advertising campaign last weekend to convince the public about the fairness of the bill. It is understandable that the religious bodies reacted as they did.

This morning we had a motion in the House designed to postpone the debate on the bill for another four or five days. I supported that motion on the basis that in my view the consultation process prior to the bill being introduced into the House was absolutely appalling. That did not, as I said and I will say now, detract from my support of the legislation. I firmly believe that the government did not allow a fair and reasonable time in terms of consulting with the community prior to the introduction of the legislation into the House. However, I am satisfied that the religious bodies have reached an agreement with the government on a number of amendments to this legislation, and I note the commitment given by the Premier and the Attorney-General in terms of

the consultation process with the religious bodies in the last couple of days and the agreed position reached between the government and those bodies.

The legislation and the amendments will indeed mean that independent schools will not lose their right to insist upon the teaching of church doctrine within their schools and they certainly will not lose the right to discipline or fire any person who categorically refuses to teach and conduct themselves in a manner consistent with the religion associated with their occupation. Despite many claims to the contrary, at the end of the day independent schools will not lose one iota of control over the precepts of faith taught within their community's school.

The bill, along with the Attorney-General's amendments, still allows religious organisations to discriminate against employees but within defined circumstances in line with the religious nature of the church-run organisation. Importantly, this removes the blanket discrimination the churches enjoyed before and narrows it down to a very defined set of circumstances that affect the running of and values taught at a school. That is an important consideration and an important concession by the churches and religious organisations and also an important concession by those gay and other groups affected by the narrowing down of the legislation. Whilst possibly neither side will be entirely happy, I think it is an important median point to reach where both sides have a clearer understanding of the legislation and the discrimination that can occur when certain commitments are not met by those employees within the schools or the organisations run by religious bodies.

This bill is not about taking rights away from religious groups; it is about trying to give equal rights to all Queenslanders. There are other important aspects of this bill which have not been widely publicised. This bill extends protection to members of extended families by ensuring that people may fulfil their family obligations without discrimination. This brings the Anti-Discrimination Act into line with existing legislation such as the Industrial Relations Act.

The Liberal Party supports this bill which has been brought forward by the government. We will be supporting the amendments proposed by the Attorney-General as I believe they address the issues raised by the various religious bodies. As Liberals we remain proud of our historic tradition of extending tolerance to all members of the Queensland community. That spirit of tolerance is the hallmark of a modern civilised society. I commend the bill to the House.

Mrs DESLEY SCOTT (Woodridge—ALP) (12.21 a.m.): It gives me great pleasure to speak on the Discrimination Law Amendment Bill 2002. We humans are all the sum total of our genetic make-up, our experiences from the family in which we grew up, our education, the friends we choose, the media and many other factors. Many people would add another very important influence to this list, and that is their religious faith and spirituality.

Australia is a very diverse society with many cultures, many traditions and many religions. The strength of our country lies in our tolerance and acceptance of all our differences and the laws of equity and justice which should be designed to give all a fair go. In recent decades, we have seen many changes in our society—not all, I might add, for the better. I am personally saddened at the break-up of marriage and deeply saddened to see children in homes where they may not be cared for and loved. There are many stresses in this modern world, and in many cases real commitment is sadly lacking within personal relationships.

I have been fortunate to be married to one man, my childhood sweetheart, for 37 years. Twenty minutes ago I would have been able to say that it is my wedding anniversary. However, the image of a father going off each day as the breadwinner with wife at home caring for the family is long gone. There are so many variations to the community concept of family these days that it is imperative that our laws offer the same protection that previously was reserved for what was known as the traditional family.

As I have served the people in my electorate, with all its diversity, over many years it is clearly the case that the traditional family is in the minority. That is not to say that I do not wish for more commitment, love and understanding between partners. I am sure we would all wish for that.

I want to acknowledge the role that many of my churches and other community groups play in a positive way to foster healthy family relationships and also to offer good balanced counselling which can often bring partners closer together. I welcome, too, the role that many of my churches play in helping to set good wholesome boundaries for children and young people. However, why should we not expect that all children and partners, in whatever form that might take, should be given the same rights at law? In a country such as Australia, and in particular our state of Queensland, we should accept nothing less.

I believe strongly that Christians and other religious groups should offer tolerance, acceptance and freedom to others, just as they seek tolerance, acceptance and freedom for themselves. When Jesus Christ walked on this earth, His ministry was to the downtrodden, the prostitutes, the tax collectors, the lepers, the outcasts of society and, yes, to the rulers and religiously pious. But it was mainly the poor and oppressed who heard Him gladly. They were the ones who felt they had much to be forgiven.

I stand here today as a mother and as a Christian who chose a Christian school for our three sons. I am glad they have grown into fine young men who show acceptance and care for others and who are sensitive and treat others with respect.

I have attended many meetings and briefings on these issues, including the combined meeting of church leaders on Monday evening and I understand the deeply held issue of personal faith being a lifestyle and a relationship. I would like to thank the Premier and the Attorney-General for listening with understanding and being prepared to spend so much of their valuable time to ensure that this legislation is brought before the House with a framework acceptable to our major Christian bodies. I believe most faiths have expressed acceptance of the legislation as it now stands. Of course, I am mindful that we also legislate to accommodate other religious faiths such as Jewish, Muslim and Buddhist schools.

I would also like to commend the church leaders who spoke so passionately and openly of their faith and their wish to retain the special qualities of education which attract parents to enrol their children at their schools. I believe that is their right. I have attended many very moving awards ceremonies in recent weeks at such schools as St Francis' College at Crestmead, Calvary Christian College at Carbrook and tonight at Mary Fields Primary. Groves Christian College at Kingston is a fine Christian college in my electorate whose principal and teachers care deeply for the families in my area and truly do a wonderful job. I also have close ties to the Brisbane Adventist College in the member for Mansfield's electorate. They all offer not only a fine education but that extra ingredient of the Christian ethic which I believe in its pure form would make the world a better place.

However, I wish to appeal to Christian people to exercise tolerance and acceptance to those who choose a different lifestyle and share different values. We are a multifaith country, but we should also respect the right of people to have no religious belief if that is their choice.

We should not confuse the term 'gay' with being a predator or abuser of children. Sadly, sexual predators and abusers come in all forms. A recent case before the courts in Victoria involved my young nephew who is now 30 years of age. He was groomed by a teacher in late primary and then into high school. The teacher acted as his mentor but, in reality, sexually abused him over a period of four years. The perpetrator of that abuse is now in prison, leaving a wife and several young children. My nephew and his family are trying to put their lives back together again.

I can sadly report that the abuse happened in a Christian school by a well-respected young teacher who later married and had a family of his own. My son Glenn and his close friend Brandie remained close to Jamie through this horrendous ordeal of disclosure and police investigation. When Jamie had reached the end of his ability to cope and felt he could not go on, Glenn would go and stay with him to support him and make sure that he made it through. I am really proud of the care they showed through it all. These are such weighty issues. We are dealing with human lives and when a young gay person suicides for lack of love and acceptance, as we have heard during this debate, I believe that is an indictment on our society.

These laws are giving our state a framework in which we offer protection and respect to human beings, no matter who they are or what their personal beliefs may be. The laws have nothing to do with advocating lifestyle. For those who are of the Christian faith, I strongly believe God does not have a hierarchy of sins where he holds some to be more grievous than others. No sexual immorality is worse than not loving your fellow man and being critical and hateful towards others. We may not like another's actions, but the New Testament message is love to God and love to our fellow man.

In conclusion, this is legislation which has required tremendous sensitivity, listening and some adjustments to accommodate some of our interest groups. By this we hope to create a fairer society—one which recognises our differences and allows freedom for our religious schools to operate but also encourages greater tolerance and understanding. I want to congratulate our great Premier and Attorney-General, who have my greatest admiration, and their hardworking staff. I commend the bill to the House.

Mr PITT (Mulgrave—ALP) (12.30 a.m.): I am pleased to take part in debate on the Discrimination Law Amendment Bill 2002. I congratulate the Attorney-General on the work he has done both in drafting the legislation and in the sensitive negotiations he has undertaken in achieving consensus with the major churches with regard to certain aspects relating to employment in particular. The fact that religious leaders have also been able to work through these issues in a constructive manner indicates a worthy commitment to the understanding of prevailing social mores without forgoing the basic tenets that underpin church belief systems.

I have always proudly rationalised my adherence to the philosophies of the Australian Labor Party by making reference to its dedication to giving everyone a fair go. This legislation is core Labor policy and proof of its immutable philosophical framework and action. By passing this legislation, we are not only applying Labor principles but universal principles that underlie all genuine democratic jurisdictions. The legislation before the House completes in many ways the work begun some 10 years ago when the then Goss Labor government introduced a bill into the House that finally gave some hope to the gay community.

It had been the hallmark of the previous National Party regime to vilify gays and turn a blind eye to countless examples of blatant discrimination that consigned them to being second-class members of our society. Decent, honest citizens were forced to conceal their sexual preferences for fear of being outed and having their career prospects destroyed. When the original Anti-Discrimination Act came into force, there were many who argued that the whole fabric of our society would collapse. Well, nothing could have been further from the truth. Queenslanders accepted the fundamental fairness of treating everyone equally before the law. However, that legislation did not go far enough. The bill before the House will go a long way towards redressing some of its shortcomings. Queensland society has evolved. It has matured. Only in recent years has it adopted truly inclusive standards of social understanding and is now accepting of the fact that full equality before the law is a right for each and every one of us.

The right to work is something most of us take for granted. An individual's failure to secure and hold an employment position, generally speaking, should not be attributed to our sexuality or our cohabitation arrangements. More mundane elements such as ability and work ethic should define our opportunities. Unfortunately, many Queenslanders find themselves locked out of this process. This legislation seeks to put an end to what are now recognised as unacceptable barriers to equality of employment opportunity. Key elements of the bill refer to de facto law reform; sexuality or gender vilification; births, deaths and marriage registration; and employment within religious specific workplaces.

Many members on both sides of the House have spoken eloquently on these issues and I will therefore not pursue each in any depth, nor do I intend to make comment on individual contributions. It would be remiss of me, however, not to applaud the frank admission by the member for Gregory. Some years ago he was roundly criticised for what to many were intemperate remarks that, although made with genuine conviction, were quite hurtful to many people. To recant and do so publicly deserves positive recognition. I congratulate him on his courage and endorse his new perspective on these issues.

As a practising Christian, I hold strong views on the institution of marriage. However, I also accept that many people enter into loving relationships that fall outside the more restrictive parameters to which I personally subscribe. Secular law recognises de facto relationships and, as a consequence, those within such relationships should rightfully enjoy full legal equality. As it stands, the law in respect of de facto relationships is unacceptably fragmented and needs to be made more transparent. What do we currently have? Nine pieces of legislation affording legal parity to opposite sex and same-sex couples, 15 acts recognising the relationship as constituting a partnership and 12 different definitions of a de facto spouse! This fragmentation is addressed by introducing some legal consistency to the process. Christians are implored to not be judgmental. The gospel of St Matthew urges us to love thy neighbour. We may not agree with the manner in which people conduct themselves. We may at times find it hard to understand their behaviour, but we have absolutely no right to condemn them out of hand, nor do we have a right to withdraw our compassion and understanding. In keeping with that, I am pleased to note that the legislation does not endorse, condone or encourage any particular lifestyle. It remains silent in this respect, and rightly so.

Christianity is a powerful doctrine that has stood the test of time. A measure of its true strength lies in the fact that it should not feel threatened by recognition of basic rights to gay and lesbian members of our society. Much has been made by some people who have lobbied members of parliament in asserting that such people pose a threat to the safety and wellbeing of

the young. What a nonsense! Our society has far more to fear from sexual predators who statistically are predominantly drawn from the ranks of heterosexuals. As a democratic and progressive society, we have an obligation to ensure that all citizens are treated with equal respect with regard to their rights. Of course, fundamental to a comprehensive, suitably inclusive definition of a de facto partner are such elements as the financial interdependence of the partners, parenting responsibilities, declaration of the relationship to the general public, and of course the length of the relationship. Matters such as superannuation, health directives, WorkCover, consumer issues and inheritance of property, to name but a few, will now truly reflect the reality of relationships and respect the wishes of the individuals concerned.

This bill proposes also to facilitate the ability of members of the transgender community to acquire new birth certificates that reflect more accurately their reassigned sex status. Quite properly, several requirements apply. These include a need for the applicant to be over 18 years of age, proof of having undergone sexual reassignment surgery, birth having been registered in Queensland and the individual not having been married.

The most contentious issue relating to this legislation has been that section which refers to the employment of persons by religious institutions. Despite the claims of some, the legislation is not an attack on religious freedom. What it does do is strike a balance between the basic human rights of employees and enabling religious employment bodies to select for employment persons whose commitment to the value of that religion is exemplified by their workplace behaviour. Previously section 29 gave carte blanche permission to religious schools and religious health related institutions to discriminate on any grounds with the exception of age, race or impairment. This blanket exemption has been removed, thus bringing those organisations into line with all other employers.

Amendments to section 25 will still give religious employers a right to discriminate against individuals who in the course of their employment related duties act in a manner they know or ought reasonably to know is against the teachings of that particular religion. Of course, such discrimination must pass a test of reasonableness. Also repealed is section 42, which previously allowed a religious school to refuse to admit or teach a student on the grounds that they were a single parent, pregnant or homosexual. This legislation deserves the support of every member of the House. It is fair legislation and, quite frankly, long overdue. I commend the bill to the House.

Dr KINGSTON (Maryborough—Ind) (12.38 a.m.): Tonight this legislation confronts thinking members with a difficult decision. For instance, I agree with the premises put forward by the member for Logan and I agree with the premises put forward by the member for Robina, but I disagree with their ultimate decision about this legislation. However, I find this encouraging as it indicates that working together in the future we may achieve—and I think we will achieve—a desirable result acceptable to the broad community. I, similar to most other members, received a great deal of correspondence and emails from individuals and representatives of large and small churches and interest groups. Those from my electorate were 99 per cent against this legislation. I severely doubt that the amendments introduced today will satisfy these people, but I have not been able to check.

I have listened very carefully to previous speakers, and I acknowledge and respect their sincerity expressed this evening. I personally find it very difficult to come to a definitive decision on this legislation tonight because in my simple mind it considers four separate issues, namely, parliamentary procedural correctness, acceptance of different religious mores, tolerance of different sexual practices and a move towards a decrease in discrimination.

During the past 30 years I have worked in more than 15 countries, mainly in the Asia-Pacific region. I have worked at the government policy advisory level, so I have had to be extremely sensitive to different national, religious, marital, familial and sexual beliefs and practices. Thus, rightly or wrongly, I believe that the past 30 years have made me more sensitive and more accepting of differing beliefs and practices.

I am a product of the Anglican school system, as is the current Deputy Speaker. I admit that at that time there were some small discriminations. However, I have to say in answer to a statement made by the member for Ashgrove that I was very dimly aware that he was Greek, but I was aware that he was not such a good football player. What I am trying to say is that there was no discrimination on a race basis. There was discrimination in those schools in terms of sporting prowess.

My wife is Buddhist. Joy and I have been married twice—once under Buddhist rites and once under Christian rites. We did that because we recognise and respect each other's backgrounds. I think our union is stronger because of our mutual respect for our differences.

On balance, whilst I would like to support this legislation because I very strongly support the abolition of discrimination of any type, I find that I cannot because of the multifactorial nature of this legislation, the extremely wide and undefined consequences, and the lack of time to consult my electorate regarding the amendments that were introduced today.

Mrs ATTWOOD (Mount Ommaney—ALP) (12.43 a.m.): Labor governments traditionally strive for freedom of choice, equality and fairness in their policies. Our religious institutions promote Christianity, which encompasses these same values. The government defines freedom of choice as giving individuals the right to live their lives within the law in whatever way they choose. The only difference with the church is that members live their lives in accordance with the beliefs and laws of the church.

Having freedom of choice means having freedom of religion, and the church endeavours to teach the beliefs of their faith to their children. Generally Australians accept others and their freedom of choice regardless of whether they agree with their choice, provided that choice does not harm others. I believe that, with most things, where there is conflict there are also commonalities and it is possible to find common ground and agreement. I am delighted that the major churches and the government have found common ground on this very important legislation.

The Anti-Discrimination Act prohibits discrimination on the basis of a number of attributes—sex, race, age, et cetera—in a range of areas. Since the act came into force more than 10 years ago there has been a significant change in social attitudes and practices. Governments have a duty to adjust legislation to meet the needs of a modern, changeable society. If this does not occur then existing laws become irrelevant and are ignored. But governments also need to take a wide view rather than a narrow one when legislating for change. The important question to ask is: what will be the implications and effects on the population of introducing major legislative changes?

Consistency within the various acts of parliament needs to be maintained. The term 'de facto' must have the same meaning across all the various acts of parliament. However, to date the approach to this has been piecemeal, resulting in 12 different definitions of a de facto spouse on the statute book. The reform package is providing for a comprehensive package and the rationalising of the definition of de facto partner so that a consistent definition applies across the statute book. This brings Queensland in line with the national standard.

The recognition of de facto relationships upholds the principle of equality before the law. This principle is a vital underpinning for a democratic and fair society. Australia is a signatory to the United Nations Convention on Civil and Political Rights. Under the convention all people have the right to equal treatment under the law. Consequently, Queensland laws should not discriminate against people in de facto relationships. The reform package strengthens Queensland's compliance with the UN convention.

The scope of the acts affected is wide ranging. The Department of Justice and Attorney-General coordinated the reform package. However, each department took an active role in the project in reviewing their legislation and identifying affected acts to which the proposed Acts Interpretation Act definition would apply. Each department then instructed the Office of Parliamentary Counsel where consequent amendments were necessary to make the particular act's treatment of 'spouse' consistent with the extended definition under the Acts Interpretation Act.

Also, some departments sought exemptions so that the extended definition did not apply to a particular act. Such exemptions were only sought only where there were extraordinary technical reasons for de facto partners not to be recognised. Overall, over 60 acts will be affected. These are acts which confer benefits and rights on the death of a spouse—acts which relate to property legislation and state superannuation schemes, other acts that refer to state superannuation, health related legislation, statutory body accountability measures, consumer legislation and general legislation and acts that refer to relatives.

The bill introduces new laws to protect people against vilification on the basis of sexuality and gender identity. These groups have a history of being the victims of hatred and physical violence. The new laws are aimed at curbing the type of vilification which results in social disharmony and which can escalate into more serious acts of physical violence. During the past year there have

been various media reports of particularly aberrant incidents of harassment and targeting of homosexuals that has highlighted the need for a legislative response. The new laws will serve to raise public awareness of this issue and act as a signal to the general community that this type of conduct is unacceptable.

The new laws will operate in a similar way to the racial and religious vilification laws which were enacted last year. As with the racial and religious vilification laws, a high threshold will apply. Only public acts which incite hatred towards, serious contempt for or severe ridicule of a person or group on the basis of sexuality or gender identity will be prohibited. There will be both civil and criminal sanctions. The criminal penalties will apply only to the most serious acts of vilification which involve threats of violence or incitement to threats of violence and will carry a maximum penalty of six months imprisonment.

The amendment agreed to by the churches allows for the rights of people living in de facto relationships, same-sex couples and those with transgender issues. At the same time, it provides religious institutions with the flexibility to choose employees who may be best able to teach their religious beliefs. I commend the bill to the House and congratulate the Premier and the Attorney-General on listening and endeavouring to accommodate all parties affected by this legislation. I thank the Lutheran, Catholic, Anglican and other schools in my electorate for their valuable contribution towards this important legislation.

Mr MULHERIN (Mackay—ALP) (12.59 a.m.): It is a pleasure to rise to speak in support of the Discrimination Law Amendment Bill 2002. In 1991, the then Attorney-General, the Hon. Dean Wells, introduced the Anti-Discrimination Bill, stating that the foundation of the legislation was the principles of dignity and equality for everyone. The 1991 bill introduced measures to ensure that Queenslanders were protected from discrimination further to Commonwealth legislation. The Commonwealth provisions that existed at the time applied only to discrimination based on sex or race.

Although Queensland was the second last state to introduce its own specific legislation, the Queensland Anti-Discrimination Bill was comprehensive and signalled a commitment to the protection of human rights, embracing the spirit of the International Covenant on Civil and Political Rights in its preamble. Queensland was also the first state to include breastfeeding as a ground of discrimination, albeit only in the provision of goods and services, ensuring mothers could freely breastfeed in restaurants and other public areas. The amended bill that we are debating improves on this provision, protecting breastfeeding mothers in all areas covered by the act, including the workplace.

In concluding his comments on the Anti-Discrimination Bill 1991, the then Attorney-General, the Hon. Dean Wells, said that the bill alone would not create a more just society or change attitudes but would provide legal protection and set a standard of appropriate behaviour. He stated the bill was—

A signal which establishes a new, normative standard of civilised behaviour in this state.

The Discrimination Law Amendment Bill 2002 aims to again redefine the norm, to keep up with the shift in social consciousness that has inevitably occurred over the past 10 years. As such, the bill deals with attitudes and practices that in the past may have been considered deviant or abnormal but which are now accepted by many as part of our contemporary, diverse society.

The government believes that the proposed changes are necessary to ensure that the fundamental rights and human dignity of all people are protected. The Anti-Discrimination Act no longer meets community needs or expectations and the government must acknowledge significant social changes by amending our legislation accordingly. Therefore, this bill introduces protection from discrimination for people on the basis of gender identity, as is already the case in all other Australian jurisdictions. Also, the introduction of the attribute of sexuality will remove any ambiguity surrounding the rights of people, whether they be heterosexual, homosexual or bisexual. Previously, the legislation, somewhat clumsily, prohibited discrimination based on lawful sexual activity. The new definition does not require people to demonstrate any activity based on their sexual orientation to gain protection.

Additional changes ensure greater protection from discrimination based on the attributes of family responsibilities, breastfeeding, which I mentioned previously, and also religion. The term 'religion' will now include protection for people who do not hold a particular religious belief.

An aspect of the bill that I would like to touch on briefly are the amendments that remove exemptions for non-state schools and religious groups when employing staff. Essentially, these amendments oblige schools and religious groups to employ staff without discriminating on the

basis of sexuality or marital status in relation to secular work. The amendments bring religious schools in line with other Queensland employers who must show that a discriminatory job criteria is a genuine occupational requirement under section 25 of the Anti-Discrimination Act.

Importantly, this bill introduces the example that the right of schools to employ people of a particular religion to teach in a school established for students of that religion is a genuine occupational requirement. Also, following recent consultation with church groups, there has been a minor change to allow employers to discriminate in a reasonable way where a person, in the course of or in connection with their work, openly acts in a way that they know, or ought reasonably to know, is contrary to the religion. This will apply only to employees of religious schools and jobs involving the adherence to and communication of the religion. Schools also have the avenue to seek exemptions from the Anti-Discrimination Tribunal if they wish to impose discriminatory job requirements.

Concerns have been expressed by schools and parents in my electorate that the removal of exemptions would take away choice from school communities. These concerns are genuine and understandable. Religious groups establish private schools and people choose to send their children to those schools on the basis that the institution reflects a set of values that they themselves endorse. Religious school communities are saying that those values must be reflected in all aspects of the school, including teachers' private lives.

A letter that I received from a religious leader in central Queensland states—

> It is simply a question of a particular community like the Catholic Church, or any other, declaring a need to have teachers who are role models of the Church's ideals.

Religious freedom is a human right that must be respected, but the changes proposed under the Discrimination Law Amendment Bill protect gays' and lesbians' fundamental right to work.

I was impressed with the points that were raised in an article in yesterday's *Courier-Mail*, which was co-authored by Catholic priest, Father Peter Kennedy, and Uniting Church Minister, the Reverend Noel Preston. Earlier, the member for Algester referred to this article in her speech. In pointing out that the desire of churches to employ people who share specific values does not outweigh other considerations in a democratic society, they write—

> The principle of religious freedom must be balanced with other considerations in a just society. Religious freedom is not absolute and must be curbed where it causes harm to other members of society. After all, one group's freedom may be another's oppression.

The government is not blind to the difficulty in striking the right balance and has drafted this bill in consideration of the best interests of all Queenslanders.

Another important update proposed by the bill is the amendment of Queensland laws to ensure that de facto partners, regardless of their sexuality, have the same right as married spouses. I have heard comment that these reforms will contribute to the erosion of the family unit. In reality, the changes simply recognise loving and committed relationships between people, regardless of whether they are married. Already nine pieces of Queensland legislation recognise de facto relationships, but the reform package proposed under the bill will bring consistency to the definition of de facto spouse across the statute book.

Statistics released in August this year from the Australian Bureau of Statistics showed that there were 103,100 marriages registered in Australia in 2001, which was the lowest number since 1978. Of those marriages, 72 per cent of couples indicated they had lived together prior to getting married. It is also interesting to note that in the years 1999, 2000 and 2001, the number of marriages performed by civil celebrants outnumbered those performed by ministers of religion. The figures demonstrate that in today's society we are less likely to marry and more likely to divorce. It is clear that the definitions and factors influencing relationships and families have changed dramatically over time.

If we look briefly at the history of marriage and the family it can be argued that in some sense marriage is just as closely linked to property rights as it is to any romantic or religious traditions. The old Roman family was patriarchal in nature. The family was careful to obtain brides for their sons who came from good lineages and would bring a substantial dowry to increase the family fortune. After marriage, sons would live with their families with their wives, forming an extended family. In Roman law, a couple living together who saw themselves as committed to a permanent and exclusive relationship were considered married. The perception of marriage had importance in the case of children for purposes of establishing legitimacy, inheritance and descent.

The medieval family in Mediterranean countries tended to reflect the same patriarchal characteristics, as did European pastoral families whose aims were to keep its property intact and to provide for the younger children. Although marriage is common to a number of societies throughout time, the bond has not always been made formally, and the unions have occurred to serve the means of individuals and families for many reasons other than love and procreation.

In colonial Australia when remote areas of the country were only first becoming settled, couples would sometimes live together and be considered married without any legal or religious formalities. This common law relationship would often be made official when a priest visited or a church was established, but not always. Not until the 11th century did marriage become regulated by canon law in the Western world, and then by state family law. By taking on this responsibility, the state demonstrated that marriage involved certain legal obligations. It demonstrated that marriage was not just a private matter but a public matter. The state's role in giving weight and solemnity to marriage was, and continues to be, very important.

The continuation of this can be seen in our government's commitment to giving protection to those in de facto relationships. De facto relationships are a valid part of our society. The state has a responsibility to ensure that de facto couples, regardless of their sexual orientation, are afforded the same rights as married couples. It is necessary not only to protect the individual interests of the spouses but to dignify the special bond they have formed.

Finally, I would like to discuss the amendment under the bill that introduces new laws to protect people against vilification on the basis of sexuality and gender identity. Unfortunately, there are still cases of persecution of homosexuals and, tragically, cases where people have died at the hands of others through their intolerance and hatred. The new laws proposed under this bill will introduce civil and criminal sanctions against public acts which incite hatred, serious contempt and severe ridicule of a person or group because of their sexuality or gender identity. The real challenge in promoting harmony in the community with regard to the harassment and targeting of homosexuals or transgenders is that prejudice against these individuals and groups is often the result of embedded and implicit ideas about their immorality and abnormality.

If we again cast our eye over history, we can see that homosexuality has long been practised openly and commonly among men in some societies. There is evidence that homosexuality was accepted as commonplace in ancient Greece, Rome, China and pre-colonial America. The persecution of homosexuals can be seen from about the 17th century BC, at which time the Jews were returning from exile in Babylon. The Jewish people formed laws which became the *Book of Leviticus* in the *Old Testament*, and in developing these laws they sought to differentiate themselves from the surrounding cultures.

Therefore, homosexuality was banned, and the exclusion and unlawfulness of this practice became tied to a sense of national identity, and that is clearly a powerful and deep-rooted association. From that point on, people's tolerance has waxed and waned from tolerance to intolerance. Homosexuals were persecuted under the regime of Adolf Hitler, in China under Mao, in Iran under Khomeini and the US during McCarthy's presidency. In more recent years many people, especially in the West, have come to accept homosexuality. A more positive view of homosexuality was assisted by the feminist movement of the seventies. This may have been a consequence of the change in attitude toward the role of women, and therefore men, in society.

Of the people who contacted me concerned with the amendments that deal with the employment of homosexual teachers at religious schools, I know that the vast majority did not wish to specifically discriminate against gays or lesbians. Most people who contacted me were supportive of the majority of the legislation and felt no malice towards homosexual or transgender people. The issue was one of retaining the sanctity of their religious beliefs within schools.

I would like to congratulate the Premier and the Attorney-General on listening to the issues that I and other members of caucus raised with them on behalf of concerned constituents and religious groups. Their commitment to consulting with religious leaders of all faiths to work through the issues of concern and reach a more tenable agreement is commendable and demonstrated great leadership and empathy on this important matter.

As a Catholic, I am reminded of the words of the Prophet Micah who in the Old Testament said that Yaweh simply wanted the people of Israel to act justly, love tenderly and walk humbly in the eyes of their god. I believe Jesus Christ stood up for people who were persecuted and marginalised in the community and preached tolerance, respect and understanding. I believe that these simple messages speak volumes about how society might ideally function. Nothing is more sacred and more worthy of protection than our basic human rights. The bill calls for us to respect the humanity of all people, regardless of their personal attributes.

The Discrimination Law Amendment Bill 2002 is about making Queensland a fairer, more tolerant place to live. While the bill cannot change or enforce certain attitudes, I believe that it does promote compassion. It introduces necessary reforms that reflect contemporary society, while providing reasonable avenues for groups to discriminate on legitimate grounds. I would like to thank those in the Parliamentary Library for their assistance in providing research material on the history of marriage and homosexuality contained in my address. I commend the bill to the House.

Mr WILSON (Ferny Grove—ALP) (1.08 a.m.): I rise to speak in support of the Discrimination Law Amendment Bill 2002. At the outset, can I say how humbled I have been by virtue of the privilege of sitting here tonight for most of the debate on this bill and listening to some of the most impressive contributions from many members on both sides that I have heard in the four or five years I have been in this parliament. I am thinking particularly of the members for Algester, Robina, Woodridge and of a number of others. This bill contains over 90 amendments to many different acts, particularly the Anti-Discrimination Act 1991 which established antidiscrimination law for the first time in Queensland. The 1991 act brought Queensland broadly into alignment with similar laws in all the other states.

Only three amendments have attracted any real public attention and only one has been the subject of considerable controversy. Those amendments are, first, to extend the existing 10-year-old definition of 'de facto spouse' in regard to rights to property and similar matters to include not just opposite-sex couples but also same-sex couples. This in no way changes the law on marriage, which is governed by the federal parliament under the federal Constitution. The second amendment enables the alteration of the current birth certificate details to record the gender or sex of a person who has undergone a sex change operation. The original birth certificate remains unchanged. I support these two changes. Given the time available in this debate, I will focus only on the third in any detail.

The third amendment concerns the right of religious schools to discriminate against their employees in a way not permissible by any other Queensland employer. I have received quite a number of representations from my constituents as well as from other Queenslanders further afield on this amendment. People have strong views on the many different sides of the argument. I acknowledge that this issue is a complex and difficult one. I have kept an open mind, I believe, with the different points of view raised with me. I have certainly conveyed these views to the government, to the Premier and to the Attorney-General, which is, I believe, my duty. I gratefully acknowledge the receptiveness of the Premier and the Attorney-General to the wide range of views they have needed to take on board to step a careful path through the impasse that we seemed to be facing.

The whole issue of whether a religious school should be able to discriminate against an employee can be examined from the point of view of religious freedom or of individual human rights or from an industrial relations perspective. From whatever vantage point or perspective the issue is examined, I believe the final form of the proposed amendments, which are now before the House, strikes a fair and reasonable balance between the different points of view. Above all, however, I have sincerely endeavoured to address this issue from the position of a practising Christian and as such called to love God and my neighbour whoever my neighbour might be. I believe that the amendments preserve the religious freedom of religious schools or institutions as well as introducing much-needed protections for employees against unfair discrimination.

I have spent the bulk of my working life in the field of industrial relations, firstly as a lawyer and later as a union official. I want to look at this issue from that background. In Queensland today there are approximately 284 Catholic schools and 148 non-Catholic religious schools, a total of 432. As of 1999 there were approximately 15,000 staff employed by non-government schools, most of whom were in religious schools. There are thousands of students attending these schools. The 1991 Anti-Discrimination Act prohibited discrimination on 13 grounds, namely, sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity and several others. However, discrimination on these grounds was not, subject to the several amendments in the current bill, to be prohibited through all areas of activity. It is only unlawful to discriminate on the basis of these attributes in the following areas: work, education, supply of goods and services, superannuation, insurance, club membership and several other areas.

In the work area, in the 1991 act provision was made that a person must not be discriminated against because of, say, their marital status in any variation of the terms of their employment, in opportunities to access promotion or training, the opportunity to be transferred or

in regard to dismissal. These laws applied, and continue to apply, to all employers, including the state government, throughout Queensland—all employers, that is, except educational and health related institutions run by a body established for religious purposes.

Church schools benefit from a blanket exemption. They are only bound not to discriminate on the basis of age, race and impairment. A second type of exemption is available for any employer where they wish to impose a genuine occupational requirement for the position. Over the past decade there has been anecdotal evidence that from time to time religious schools have, under the protection and often the secrecy of the general blanket exemption from the laws applying to all other employers, acted unfairly towards their employees. From my knowledge of those within the trade union movement and from other areas, I am aware of a number of examples, which I will briefly touch on tonight.

In one instance a teacher in a religious school was getting married. She invited her friend the school principal to the wedding. It became known to the principal after the wedding that the teacher had married a Lutheran divorcee. The teacher was dismissed and had no redress. A principal of a regional religious school received a letter from a parent alleging that a particular teacher was gay. The principal asked the teacher to attend a meeting to have a discussion and offered to pick up the teacher at his home. Apparently the teacher was discreet in his relationship and nothing was known in the general school community about the situation. When the principal picked up the teacher in his car there was an envelope on the seat advising the teacher of his dismissal.

In another regional school a couple of staff were divorcees. They decided to marry. The principal told them they could stay if they did not marry or they could go to another community more tolerant of married divorcees. Very recently, in fact only a matter of days ago, I became aware of a situation where a staff member of a religious body who in his work had primary responsibility for organising and conducting school camps recently separated from his wife after some years of marriage. I understand that they both are Christians. They have a young family. The staff member was told that, because he was separated, he would not be permitted to attend any more school camps. This has had a traumatic impact upon him. Unfortunately, there are other examples.

It is clear that, when the church in its capacity as an employer has acted under the protection of the blanket exemption from the laws binding all other employers, it has sometimes acted unfairly to its employees. Firstly, the alleged grounds for discriminating have been doubtful. Secondly, the employer has acted in a way that is unreasonable towards the employee. While this blanket exemption remains, who is going to defend the employee? Whom can they turn to? It is difficult, if not impossible. In my view the blanket exemption has created the following problems: lack of accountability of the decision maker, no transparency of the decision-making process, no requirement to properly identify or substantiate religious tenets that have allegedly been breached, no procedural fairness by way of proper and timely notice or a reasonable opportunity to rebut the allegations, and the employer is not required to clearly identify prior to the employment the employer's requirements regarding the worker's conduct.

Whilst I have used a number of illustrations to identify what I believe are some considerable inadequacies in the operation of the general blanket exemption, I do acknowledge that church institutions, as employers, do genuinely attempt to do the right thing on most occasions for their employees in the same way that most employers throughout Queensland endeavour to act. Unfortunately, the hard cases that are experienced by some employees give rise to an incredible insight into the way in which their industrial situation should be improved.

In this regard, the amendments that are proposed in this bill, as I understand them, enable the retention of the religious freedom of religious schools. The amendments also permit any employee to be required to be of the faith of the particular school. Clause 25(3) makes it clear that the employer can indeed discriminate against the employee if the person openly acts in a way that the person knows, or ought reasonably to know, is contrary to the employer's religious beliefs. Furthermore, the employer can impose, as a genuine occupational requirement of the employer, a condition that the employee in the course of, or in connection with, the person's work that the person should act in a way consistent with the employer's religious beliefs.

May I cite the example that is given in the bill of what is deemed as not unlawful discrimination? The example is as follows: a staff member openly acts in a way contrary to a requirement imposed by the staff member's employer in his or her contract of employment that the staff member abstain from acting in a way that is openly contrary to the employer's religious beliefs in the course of, or in connection with, the staff member's employment. The church, as an

employer, is authorised to discriminate in these ways provided that it is done in a way that is not unreasonable in all the circumstances; that is, it cannot be done in a way that is harsh or unjust or disproportionate to the person's actions. The consequences for the employee and for the employer have to be taken into account.

These amendments will, in my view, go a significant way towards providing protection of the legitimate interests of employees of religious schools, while preserving the religious freedom of those schools. I note that the particular amendment I have addressed tonight was recently the subject of extensive discussions between representatives of the major churches in Queensland and the Premier and Attorney-General. I also note that they are in agreement with the terms of the amendment. I note also that this bill is supported by the Liberal Party members and the Independent member for Nicklin in that regard. I commend the bipartisan support that the bill has achieved. Given the time, I strongly urge the commendation of the bill to the House.

Dr LESLEY CLARK (Barron River—ALP) (1.23 a.m.): It is with pride that I rise tonight to support the Discrimination Law Amendment Bill.

> Laws outlawing discrimination should serve as more than a source of enforceable rights and protections; they should also provide a basis for shifting prejudicial community attitudes. These only change when a society truly recognises the humanity of the group who have been enduring discrimination and, to my mind, nothing can be more central to a definition of humanity than respect for the importance each of us places upon enduring relationships.

Those are not my words but those of Justice Alistair Nicholson, the Chief Justice of the Family Court of Australia. I concur with them wholeheartedly. I do believe that the legislation introduced by the Goss Labor government in November 1990, namely the Criminal Code and Another Act Amendment Bill, which decriminalised homosexuality and began the process of homosexual law reform in Queensland has been the catalyst for a change in community attitudes towards gays, lesbians, bisexuals and transgendered individuals over the last decade.

I remember being shocked at the vicious, ugly language of National Party members like Trevor Perrott in the 1990 debate. He became almost hysterical at the thought of legalising sexual behaviour between consenting males in the privacy of their own homes. The member for Gregory, Vaughan Johnson, was not much better when he predicted that God would strike us down when in 1999 the Beattie Government gave same-sex couples the same property rights as other de facto couples. Changes to the domestic violence and industrial relations legislation to give same-sex couples equal rights and protection generated the same kind of outrage from National and One Nation Party members. I am pleased to note tonight that the contributions have demonstrated a greater respect for the diversity of lifestyles in our community. I join with the member for Mulgrave who, earlier tonight, commended the member for Gregory, Vaughan Johnson, on his presentation to the House. He displayed greater tolerance for people with alternative lifestyles. To me that demonstrates that community attitudes are changing for the better.

There are currently nine pieces of legislation that give de facto partners in both opposite sex and same-sex relationships the same rights as married people. A further 15 acts recognise de facto relationships involving a man and a woman as a couple. However, the approach to date is piecemeal, resulting in 12 different definitions of de facto spouse on the statute book. The reform package is providing for a comprehensive package and rationalising the definition of de facto partner so that a consistent definition applies across the statute book.

The primary means by which comprehensive legislative reform is achieved is a change to the Acts Interpretation Act 1954 by extending the definition of “spouse” to include de facto partner, regardless of sexual orientation. The effect of this amendment is to extend the statutory benefits, entitlements, powers or protection that currently arise from a person's status as a spouse in marriage to people in a de facto relationship, regardless of their sexual orientation, and will result in the amendment of over 60 separate acts.

The New South Wales, Victorian and Western Australian governments have already comprehensively updated their statute books to recognise de facto relationships, regardless of sexual orientation. Tasmania, South Australia and the Australian Capital Territory have announced a reform package. It is time for Queensland to update its laws. The recognition of de facto partners, including gay and lesbian couples, will enhance Queensland's reputation as a progressive state that is accepting of all people regardless of sexual orientation. The recognition of de facto relationships for heterosexual, gay and lesbian couples upholds the principle of equality before the law. This principle is a vital underpinning for a democratic and fair society. Australia is a signatory to the United Nations Convention on Civil and Political Rights. Under the convention, all people have the right to equal treatment under the law. Consequently,

Queensland laws should not discriminate against people in de facto relationships. The reform package strengthens Queensland's compliance with the UN convention.

I turn now to amendments to the Anti-Discrimination Act which mirror changes in antidiscrimination legislation that have occurred in other Australian jurisdictions. The ADA currently prohibits discrimination on the basis of a number of grounds but provides no protection for pre- or post-transgenders or intersex people. The introduction of a new attribute of 'gender identity' will bring Queensland into line with other Australian jurisdictions and provide specific protection for this group. There will also be a new ground of 'sexuality' protected from discrimination which includes homosexuality, bisexuality and heterosexuality. This is a significant change because the ADA currently prohibits discrimination on the basis of 'lawful sexual activity'. Not only is this not defined but it reduces gay and lesbian existence to mere sexual acts. The current terminology is dehumanising because lawful sexual activity 'sees' lesbian and gay existence only as an activity that is something people do rather than who people are in terms of identity and community. The ADA will also be extended to prohibit vilification on the basis of sexuality and gender identity as well as on the basis of race or religion. The new laws will serve to raise public awareness of this issue and send a signal to the general community that this type of conduct is unacceptable.

The final part of this reform package that will transform lives are the amendments to the Registration of Births, Deaths and Marriages Act 1952 which will allow post-operative transgenders to obtain new birth certificates in their reassigned sex. All other Australian states and territories except Victoria have adopted the legislation that will enable transgenders to get on with their new lives without the legal complications and personal distress that can arise when they are required to produce an original birth certificate showing them as a member of the opposite sex.

The legislation before the House today signifies advances in gay law reform that has been a central part of Labor policy for over a decade. I am very proud to be associated with a government with the courage to introduce legislation that recognises the common humanity and rights of people regardless of their sexual identity and orientation.

I have supported the development of this legislation not just because I believe it is the right thing for Queensland but also because it is of great personal significance to my family, in particular to our daughter Jen who is bisexual and who has enjoyed loving heterosexual and lesbian relationships. This is no revelation to our friends, but I am very protective of the privacy of my family and this is the first time that I have spoken publicly about my daughter's sexuality. We discussed this carefully and Jen wanted me to bring the reality of the lives of the queer community, the term she prefers, to this House.

As a recent female convenor of the Gay and Lesbian Welfare Association she has been very active in the campaign for equal rights and the reforms that we are introducing into the House tonight. She has also trained as a volunteer telephone counsellor and has taken many distressing calls like the one from the young gay boy who was thrown out of home, as often happens, who is supporting himself by prostitution, which also often happens. He was suicidal because he could see no way out of his situation. Isolation and depression are common and many young people phone because they are confused about their sexual feelings but have nobody to turn to for advice. Then there are the married, middle-age women who finally face the fact that they are lesbian and have to deal with the response of their husbands and children, and then there are the gay men who long for loving relationships rather than the casual sex of the club scene.

We love our daughter deeply and are very proud of her for her courage and personal integrity. She has just finished her law and politics degree and I know that she will continue to make a significant contribution to the community. Her sexuality should make no difference to her life chances and how she is treated. She should enjoy the same rights under the law as everybody else, and it offends me deeply to think that she would be denied those rights were it not for the legislation that we are debating here tonight. I ask those members who intend to vote against this legislation to think of the thousands of sons and daughters out there in the community who are just like theirs except they are gay, lesbian or bisexual like Jennifer. They need this legislation and they need members' support for it.

While other speakers have contributed at length on the issue of the employment of gay and lesbian teachers in church schools, I want to briefly put my personal views on the record. I have five church schools of a variety of denominations in my electorate which are performing excellent work. I have listened carefully to those who have contacted me with their concerns. I believe that the amendments to the bill negotiated with the major church groups by the Premier and the Attorney-General strike the right balance. These amendments accepted by the churches remain true to the intent of this reform package and protect gay and lesbian teachers from being

discriminated against in employment purely on the grounds of their sexuality. However, they also recognise that the parents of students in religious schools expect that the values of their religion will be reflected in the behaviour of teachers, and the amendments give church schools the ability to require such standards of their staff.

In conclusion, I wish to return to the words of Justice Nicholson in his closing address to the Western Australian Law Society seminar in 1996 on sexual orientation and the law when he said—

I wish you well in the pursuit of your goals: recognition and respect for your human right, and that of your children, to laws that assure and deliver equal and fair treatment. As a judge, these are my lodestars and I hope that your legislators can lead as well as navigate towards this future for lesbians, gay men and their families.

The Premier and the Attorney-General have demonstrated that they share those lodestars and have provided the necessary leadership to navigate Queensland towards a better future with justice for all of its citizens regardless of their chosen lifestyle or religious faith. I commend them for their efforts and commend the bill to the House.

Mr NEIL ROBERTS (Nudgee—ALP) (1.34 a.m.): Queensland will be a fairer and, hopefully, more tolerant place with the passage of this bill. I support that objective and believe that a great many injustices will be undone once this bill is enacted. The past few days have had their difficulties, but in the end goodwill has prevailed and a sensible and fair outcome has been achieved—an outcome which, I believe, can be supported by the overwhelming majority of Queenslanders. At the outset, I want to congratulate and thank the Attorney-General on his genuine compassion, patience and commitment to seeing this bill through the parliament. I also thank the many senior representatives of the various church communities of Queensland for the positive way in which they have pursued the genuine concerns of their constituents.

I welcome the reported comments of Queensland Catholic Education Commission Executive Director, Joe McCorley, in the *Courier-Mail* of 28 November where he said—

The Government has recognised the inherently religious function of the church organisations and they have respected the need for the church to employ staff accordingly.

Anglican Archbishop Phillip Aspinall is also reported to have said that there were now 'no longer any significant differences between the government and church groups'. This bill sets a benchmark for the protection of people against unjust discrimination. At the same time, it protects the genuine interests and concerns of the churches. As the Premier has said, this bill is a win-win compromise which protects people from unreasonable discrimination whilst also allowing churches fair control over the activities of their staff.

Tolerating people's differences and being able to accommodate those differences peacefully in a community is an essential element of a healthy democracy. The foundation of this bill and the Anti-Discrimination Act is a legislative framework which says that it is unlawful to discriminate against a person on the grounds of sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religious belief or religious activity, trade union activity, lawful sexual activity, gender identity, sexuality or family responsibilities. Despite the noise and distractions of the past few days, that foundation remains intact.

At the same time, however, the bill and the act recognise the importance of religious institutions being able to take action in cases where one of their employees acts in a way that is openly contrary to the church's religious beliefs. I am not a deeply religious person. However, I am pleased that the amendments agreed between the government and the churches have given comfort to the churches. This has enabled them to protect their faith in situations where religious pursuits, such as in a school, are to be respected.

That being said, this bill gives no comfort to those who wish to actively discriminate against someone purely on the basis of their status, whether that is homosexual or de facto. Section 25 of the act allows a person or an employer such as a church-run school to impose genuine occupational requirements for a position. This provision has always existed in the act and the bill has always proposed to retain it. In fact, the bill further clarifies the meaning of this provision by inserting a new example which outlines that a church school is entitled to employ a person of its own faith to teach in one of its schools. In simple terms, this means that a Catholic school can employ a Catholic teacher, an Islamic school can employ an Islamic teacher and so on.

Section 25 will be further amended to reflect an agreement reached between the churches and the government. It will ensure that religious faith is properly taken into consideration when determining genuine occupational requirements for a position. Churches will be able to discriminate in a reasonable way where an employee in the course of their employment openly acts in a way which they know or ought reasonably to know is contrary to the religion. The ability

to discriminate on these grounds is confined to employment in schools and in other church related employment where the job involves adhering to and communicating a religion. These provisions are in addition to the existing provisions in the act which enable a church to discriminate in relation to the ordination and training of priests and in the selection of people to perform functions in relation to religious observance or practice.

One of the key features of this bill is that it updates the definition of de facto relationships to reflect contemporary living arrangements for many people and their children. It is simply not fair or just that children or partners living in de facto relationships, whether they are traditional or homosexual, are denied entitlements or rights under legislation relating to WorkCover, superannuation or succession.

Currently, ambulance and health officers are not allowed to provide health information to persons other than the next of kin, which excludes de facto partners. This has caused considerable distress to the de facto partners of people who have been seriously ill or injured, for instance, in motor vehicle accidents. It is indefensible to retain such discriminatory practices, and I am pleased to see that this bill will address them. In the future, partners in a genuine de facto relationship will be entitled to the same information on their loved ones in cases of illness and injury as are people in traditional marriage relationships.

To date, the government has amended nine pieces of legislation to properly define de facto relationships. A further 15 acts have a range of different definitions, and this bill will rationalise the definition of 'de facto' so that it is consistent across all government statutes. A significant element of this definition is that it contains a rigorous test of commitment between the two people before de facto status is recognised. The mere fact of cohabitation is not sufficient. The definition requires that persons must be living together as a couple on a genuine domestic basis.

A number of circumstances can be taken into account in determining de facto status and these are listed in the new provision. These include the length of the relationship, the care and support of children and the degree of mutual commitment to a shared life, including the care and support of each other. Significantly, the definition states that the gender of the persons in the relationship is not a relevant factor. This bill amends a range of acts—over 60—which confer certain rights and entitlements on spouses and de facto partners. It brings Queensland into line with emerging national standards in other states.

In closing, I again congratulate the Attorney-General on delivering justice to many thousands of Queenslanders. I support the sensible amendments that are being made to this legislation. It provides a fair balance between the rights of individuals and the needs of religious institutions. On that note I commend the bill to the House.

Mr CUMMINS (Kawana—ALP) (1.44 a.m.): It has been very well documented that the reforms contained in this bill include the amendment of a number of exemptions for non-state schools and religious bodies contained in the Anti-Discrimination Act 1991. As elected representatives, we obviously have a duty to ensure that our communities and indeed the society in which we live are conversant with or understanding of the legislation we have before us. I therefore must thank the vast number of Sunshine Coast residents who raised their concerns and voiced their opinions. I have been involved in numerous briefings and consultative meetings that have identified concerns, and I believe that an agreement that addresses the concerns that have been raised has been broadly accepted.

The well-respected members of the clergy who attended the meetings included Major David Knight of the Salvation Army; Allan Todd from the Churches of Christ; Stephen O'Doherty, CEO of the Christian Schools Association; the Reverend Ian McIver, Moderator of the Presbyterian Church of Queensland; Reverend David Toscano, State Youth Coordinator for the Baptist Union; Reverend Peter Francis, the Regional Councillor for the Baptist Union; Lutheran Church Moderator Pastor Tim Yajensch; Joe McCorley, Executive Director of the Queensland Catholic Education Commission; Alan Druery, executive officer in the office of Archbishop Bathersby; Catholic Archbishop John Bathersby; and Anglican Archbishop Phillip Aspinall.

We must all remember that one of the fundamental bases of our democracy is the right of the individual to have and, if they wish, to express his or her opinion. While you or I may agree or disagree, we must respect the right of the individual not only to have but also to express their opinion or opinions. I must also sincerely thank all—and there were hundreds—of those very concerned Christians from a vast range of churches and backgrounds who attended the numerous forums, briefings or question-and-answer consultations—whatever you wish to call them. I thank those who sent letters, faxes and emails and made phone calls. I also thank them for remembering us in their prayers. They mentioned this at the various meetings I attended.

I commend both the Attorney-General and the Premier for the process and the outcome achieved on this highly emotive issue. I, too, am happy to say that I regularly pray to Jesus Christ, hoping to become a better person. I do pray for other reasons, too, but mainly to help me through a very complicated world. My God, I believe, will judge me, and He alone has this divine right. Yes, He will judge me on my choice of decisions—maybe not on whether He feels I am right or wrong but on whether I have made a choice for what I truly believe in my heart is for the best, what I believe in my heart is the right decision. My God will not condemn me if I make a decision that is wrong if I have made that decision believing that it was right. My God is a loving God, a forgiving God.

Religion, I believe, is a very good thing. Yes, as a part of God's church we will always have critics. We are humans who have faults, and it is people who are not perfect who make up God's church. I do not push my religion on people, but this morning I feel it is necessary on this issue for me to explain what I believe and feel in my heart.

The main points on this issue that I feel are worth mentioning that have been accepted by our church leaders include that, where appropriate, religious bodies will be able to impose a requirement that an employee be of a particular religion. I believe that this now includes various organisations run on religious grounds or by religious persons, including things such as nursing homes, aged care facilities, hospitals and, of course, schools. This is where employees may need to deliver religious instructions or similar.

In reference to private religious schools and teaching, I must mention that this bill will reinforce this point by amending the section to state that an example of a genuine requirement is employing persons of a particular religion to teach in a school established for students of the particular religion. The repeal of section 42 will not prevent schools operating wholly or mainly for children of a particular sex or religion or for children who have a general or specific impairment as this is expressly provided for elsewhere in the act.

Recently during a radio interview I was involved in, thanks to Christian radio Rhema FM on the Sunshine Coast, some very valid points were raised that I wish to share with the House. Teaching is a position that requires tertiary qualifications. It is an honourable and popular profession—one in fact that in my youth I always aspired to. Truly professional people involved in teaching should not ever flaunt or expose their students to political opinions, their sexuality or sexual preference or even their religious beliefs or non-beliefs, unless of course they are requested to as part of the school's curriculum.

The member for Nicklin said something along the lines that we cannot be all things to all people. I sincerely commend him for these words because, while we could consult on this until the cows come home, there will always be people who disagree. Sooner or later we have to bring this to a head. We have to take this to the people and put it to bed.

Many members have raised very valid points and comments on the issue. One of the saddest aspects of our society is suicide. If one person takes their own life due to discrimination or being unable to understand or come to terms with their sexuality, that is one death too many. I have no doubt we have all heard stories of friends and relatives who are homosexual. I am not frightened to say that I have friends and relatives who are homosexual. As I said earlier, I am not put on this earth to judge them. I can live with them and love them as they can live with and love me. I commend the Attorney-General, the Premier and all those involved in bringing the legislation before the House, and I commend the bill to the House.

Mr TERRY SULLIVAN (Stafford—ALP) (1.49 a.m.): I rise to support the bill, which strikes the right balance between legislating for a pluralist society and respecting a variety of religious freedoms and practices. Through this legislation, the government has progressed the notions of fairness and equal rights while respecting the strongly held religious views of many Queenslanders.

It is always difficult when religion and politics meet head-on, such as they do in this legislation. We are aware that many community groups stipulate that religion and politics are two topics that are not to be discussed at their meetings, because they are so intimately linked to a person's values and beliefs system. Therefore this legislation, where in certain provisions secular politics meets religious practice, is very problematic.

However, we need to be clear and to focus on what is actually in the bill and not on what some critics are saying is in the bill. I turn firstly to what some members opposite are saying. National Party members are claiming that they are voting against the bill because of the

legislative process. This is little more than a convenient political escape route for a party that is caught between a rock and a hard place. The National Party members actually support most of the provisions of this bill, but they are afraid to be seen to be supporting the bill. Their decision to oppose the bill in the particular manner in which they have chosen is their way of disguising their support for the content of the bill.

A number of recent newspaper articles highlight the National Party dilemma and the split within their ranks between the conservatives and the extreme conservatives. The *Courier-Mail* editorial of 23 November, while criticising the government in its process, also highlights Mr Horan's reversal of policy and the Liberals keeping quiet to avoid public debate. Matthew Franklin's article in the *Courier-Mail* of 21 November writes about the split in the National Party on this issue. Craig Johnstone's article in the *Courier-Mail* of 24 November gives a deep insight into the split within the National Party. The National Party does not oppose the content of this bill. It has taken this course of action to appease its conservative voting base while trying to appeal to the broader electorate.

Some church groups have campaigned against this bill and have rightly indicated that this bill could affect how they vote at the next election. Of course, that is their democratic right and we should encourage all voters to make their elected representatives more accountable. But I put forward this challenge to those Christian organisations: if they are going to campaign against MPs who support this bill, they should campaign against all such members and not just a selected few. Today's debate has shown clearly that members of the Labor Party, the Liberal Party, the National Party and at least one Independent support the content of this bill. It is the content of the bill that becomes law, not the process.

The National Party is trying to hide behind the process of introduction of this bill to avoid possible censure of its support for the content of the bill. But its ploy will not work. The media will see through this tactic and recognise that the National Party supports what is in the legislation. One member opposite displayed her laziness and ignorance by falsely claiming that this legislation will allow for the imposition of certain staff members on church schools. In fact, the legislation does quite the opposite, because it allows church agencies to discriminate in the employment of staff. If the member opposite does not have the ability or work ethic to find out what is in the legislation, she should make way for someone who is prepared to work on behalf of her constituents.

Opposition members are saying that they are opposing the bill because we have not consulted with the community. That is a convenient escape route from the quandary in which they find themselves. The Premier has acknowledged that we did not consult before the bill was introduced. But he has more than made up for this through meeting, together with the Attorney-General, church and community leaders on many occasions. The member for Gregory falsely claims that it was his leader's efforts that brought about changes to the initial bill. He grossly underestimates the work of the ALP caucus. The Premier has acknowledged in this chamber the strong and widespread representation from Labor MPs acting on behalf of their constituents. The Labor Party MPs received the same emails, faxes and letters that arrived at opposition electorate offices. However, the Labor Party MPs spoke with their concerned constituents, raised issues with the Attorney-General and the Premier, and worked towards accommodating as many views as possible. That is why there are to be significant amendments to the bill. That is why the Premier, the Attorney-General and other government MPs have attended public meetings and participated in negotiating a more acceptable outcome to the legislation.

Mr Reeves: And you made a major contribution to that.

Mr TERRY SULLIVAN: I thank my fellow whip for that kind comment. I also thank the Premier and the Attorney-General for including me in part of those discussions. As a teacher for two decades in church-run schools, as a member of the Queensland Independent Education Union and as a member of the Catholic community, I was able to bring a number of perspectives to the discussions. I would like to pay tribute to all the church and community leaders who participated in the intense negotiations over the past week. As a parent with children at Catholic schools, I thank in particular Archbishop John Bathersby, Alan Druery, Joe McCorley and David Hutton for their forthright, professional and major contribution to finding a resolution to what was a significant impasse.

I would like to state very clearly to those many parents and parishioners who had concerns about the bill that their religious freedoms have been preserved in this legislation. Under this legislation, church-run agencies have the ability to discriminate in the selection and retention of

staff. They are able to employ staff members who will support the beliefs, practices and activities of the particular church.

This exemption for church agencies has met with some opposition from significant sections of the community who do not believe that there should be any exemptions. I can understand their point of view. But I am convinced that this bill, in its many provisions, advances the principle of non-discrimination. We live in a generally tolerant society where many views are accepted. This legislation, through different definitions of 'spouse' and other amendments, brings greater certainty to many people who are currently facing discrimination in various aspects of their lives.

I wish to comment briefly about some members who have spoken about people choosing a homosexual lifestyle. Friends have said to me that they no more choose being homosexual than I choose being heterosexual. Indeed, I have been told on more than one occasion that, because of the discrimination and difficulties experienced by being homosexual, very few people would freely choose such a lifestyle. But it is part of them; it is them. I hope that this legislation will bring some comfort to many in our society who currently experience angst and hurt in their lives because of discriminatory practices.

It must also be stressed that, in order to support one sector of society, we do not have to tear down others. The fact that this legislation confers equal rights to some people does not in any way diminish the rights of others. It is a shame that some critics of this bill have taken the attitude that conferring equal rights to some people somehow diminishes their own. This is not the case, and I hope that those critics will show a generosity of spirit to others that has been lacking in some of their recent criticisms.

While understanding the concerns raised by my union, the QIEU, in regard to the amendments that we are proposing to the bill, I would like to assure my fellow teacher unionists that, in total, this bill advances the cause of teachers in non-government schools. I am certain that, in the practical application of this bill, QIEU members will be better off following the passage of this legislation. I ask General Secretary, Terry Burke, and the QIEU leadership and council to keep in contact with me and other MPs on an ongoing basis to monitor the industrial relations outcomes of this bill.

In conclusion, I believe that the government has found a broadly accepted path through difficult social issues. This legislation does not give any group all that they wanted. However, it preserves the right of parents and church agencies to run their services in a manner that is sympathetic to their beliefs and practices. It also makes us a more tolerant and a more just society. I commend the bill to the House.

Debate, on motion of Mr Welford, adjourned.

ADJOURNMENT

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (1.58 a.m.): I move—

That the House do now adjourn.

Parliamentary Behaviour

Mr FLYNN (Lockyer—ONP) (1.58 a.m.): I am a very proud member of the 50th Parliament of this state. When I came aboard, I had been warned by some members from both sides of the House about the dreadful behaviour of MPs from all sides and that sooner or later I would be infected and be as bad as all the rest. I must say that sometimes it is hard to resist the temptation and not run with the lemmings. However, I was very pleasantly surprised when, possibly due to the confidence born of numbers, this government appeared to be keen to lift standards. Mr Speaker made bold statements supporting the new, improved standards and we all enthusiastically fell into line.

Almost two years down the track, cracks have begun to appear in the parliament's make-up. Robust and thrusting and telling debate still is and should be the order of the day. However, we see creeping back—and understandably missed by the Speaker, spoken as it is often covertly—the most denigrating, disgusting, discriminatory and occasionally racist words that are designed to cause maximum discomfort to members whilst then accusing the receiver of being too sensitive.

I totally fail to understand the vitriolic manner in which interjections are sometimes made. I am dumbfounded that the Labor government that prides itself on non-discriminatory behaviour and tolerance should be at the forefront of denigrating, bullying behaviour in this House. On some occasions I accept that members on this side also allow standards to drop. Surely to god we could express our views without hatred and disrespect. A naive view? I hope not. There are many government members here for whom I hold some considerable respect and in another life one could consider friends. But here in this House in debate the shutters come down—no soul home—and the denigration on a personal basis begins.

We spend much time today teaching our children the virtues of tolerance, fair play and good manners. None of these are displayed in this place, particularly when matters under debate come close to one's core beliefs. I have turned myself inside out not to use personal denigration but I lost the plot the other day when I was taken to task for telling a member to shut up. These tactics are just that—tactics. But what they truly display is rudeness, arrogance and intolerance. That coming from this government is a little rich.

Citizen Advocacy South West Brisbane

Mrs ATTWOOD (Mount Ommaney—ALP) (2.02 a.m.): The Citizen Advocacy South West Brisbane Management Committee endeavours to establish a citizen advocacy program in south-west Brisbane. It is very important that citizen advocacy be embedded in our local community and supported by its members. Citizen Advocacy South West Brisbane aims to follow the well established and documented principles and practice of citizen advocacy that has been developed and refined by programs world wide. Citizen advocacy is advocacy for people with a disability that engages unpaid members of the local community as advocates for individuals on a one-to-one basis. The use of unpaid advocates is based on a belief that true advocate independence can be achieved only through advocates who owe no allegiance to an employer or to any other source of financial benefit.

Citizen Advocacy South West Brisbane aims to find and support caring, responsible citizens who are prepared to act voluntarily to make a positive difference in the life of a person who may be lonely, face difficult challenges, or be in a risky situation. Each citizen advocacy relationship is unique. The citizen advocate may, for example, offer his or her protege friendship, the experience of family, new experiences and opportunities and, in some instances, spokespersonship and protection from abuse. Citizen Advocacy South West Brisbane is governed by a voluntary body comprising leading figures in business, law and the community.

Citizen advocacy practice aims to ensure that the selection and matching processes are done with great care, thus establishing matches which will provide maximum opportunities for long-term relationships. These advocates are recruited from the community and supported in their individual advocacy by staff in the citizen advocacy office. CA aims to grow slowly but steadily each year. With adequate funding, by the fifth year of operation their aim would be to support approximately 50 citizen advocacy relationships. That would mean $150,000 recurrent funding.

We all need justice, acceptance, love, security and control over the course of our lives. Unfortunately, these universal human needs are often not met for people with a disability. They are often rejected and isolated and have few opportunities to experience ordinary life within a community. They may also receive unsuitable or poorer quality services, or be denied needed services entirely. In fact, some people with a disability are particularly vulnerable to unfair treatment, exploitation, neglect and abuse.

Citizen advocacy relationships can profoundly and positively affect the way that a person with a disability is valued and respected in their community. Citizen Advocacy South West Brisbane is seeking funds from government, philanthropic foundations, local businesses and individuals. They are committed to a diversified funding strategy—

Time expired.

Government Services, Barcaldine

Mr JOHNSON (Gregory—NPA) (2.04 a.m.): I wish to raise a series of issues tonight concerning my electorate of Gregory, especially in the south-west section around Charleville. In recent times, the loss of the sport and recreation officer at Charleville has been another detrimental setback to that community in relation to the trying times that that centre is currently experiencing with the compounding factors of drought. That sport and recreation officer has been

relocated to Toowoomba. It is absolutely ludicrous to think that a sport and recreation officer can service Charleville from Toowoomba on a regular basis. It is totally impractical and unacceptable to the people of Charleville and that south-west region. Sport is always very close and dear to the people of that region—and in all parts of Queensland, for that matter. We have seen many great sporting success stories come out of that region. I urge the Treasurer to take control of this situation by reinstating that position in Charleville.

The other issue to which I refer is the decline in educational programs such as enrolled nursing and medication endorsement for enrolled nurses. Although teleconferencing is now available in places like Emerald, Longreach, Charleville and Roma, Charleville has not been able to take part in this program. Those people who want to be enrolled nurses must go to Roma for that extra tuition, and that, again, is absolutely ludicrous. I spoke to the minister, the Hon. Matt Foley, about installing such a facility in Charleville, but it still cannot be used for this purpose. At this point I believe it is necessary for the minister to look at this issue and to do something about it.

I am pleased that the Minister for Emergency Services is in the House, because I also refer to the Queensland Ambulance Service in Barcaldine. I believe that everybody totally supports getting the QAS into Barcaldine. The Barcaldine service would then come under the mantle of the QAS, which is commonsense. In terms of support staff and for other reasons, I hope that in the not-too-distant future this becomes a reality. It will be advantageous to the people of Barcaldine. Frank Lawrence, the regional coordinator, is based in Barcaldine. It is very central and it would be logical to see that service put in place. I hope that it will not be too long before that is a reality.

Oriel Road Gallery

Ms LIDDY CLARK (Clayfield—ALP) (2.07 a.m.): I wish to bring to the House's attention an extremely successful and smart business/education partnership occurring in the electorate of Clayfield. Established in April 2000 by Vanessa Middleton and Julie O'Dea, Oriel Road Gallery is a beautifully restored building which was originally a small corner shop. The gallery's exhibitions change monthly and feature a wide range of art which include sculptures, textiles, glass and paintings by national, international and emerging artists. In addition to these wonderful exhibitions, Oriel Road Gallery has a number of programs to encourage arts participation and appreciation by the surrounding community, visitors and arts lovers at all demographic levels. An arts club has been established to keep artists in touch with each other by having monthly artist lunches. These lunches are not only great fun but are also very informative and include potential buyers, marketing specialists and people with interests that may further the artist's career.

Then there is the very special program, one that is dear to my heart. Since the start of this year, the Oriel Road Gallery has run a monthly school arts program with local state and non-state primary schools. To date, it has exhibited the works of over 1,000 primary school students from Ascot State School and Preschool, Eagle Junction State School, Hamilton State School, Hendra State School, St Agatha's, St Margaret's and Clayfield College Junior School. Throughout the year, the gallery has dedicated 27 days to the display of children's art, entertained over 2,000 people for the students' opening nights and been visited by around 2,000 students and parents during school exhibitions. Earlier this month, over 300 people attended the opening night of the last school's exhibition. What an amazing achievement for such a dynamic local art gallery that receives no government funding. Next year Oriel Road Gallery is planning to extend its exhibition to neighbouring state and non-state secondary schools.

This fantastic partnership has so many rewards for all involved. It encourages lifelong learning and education for children to enjoy and participate in the arts; it creates a new dialogue and level of social interaction between parents, students, teachers and principals in a non-school environment; it forges a fantastic local business partnership with state and non-state schools; and it develops new audiences and potential art buyers for the gallery. The most important benefit of this program is the validation of the children's work, as each school's exhibition is curated next to professionally renowned artists. This is a wonderful mix as it is fabulous to see each of the young artist's faces gleam with excitement to see their work hung in a professional art gallery.

I congratulate Vanessa and Julie on their incredible work to continually develop new programs. I encourage all members to visit and learn from this fantastic business-school partnership model. I spoke to Julie, Vanessa and Jeremy today. They are opening the gallery for the local Ascot Neighbourhood Watch meeting. Once a month the gallery will be used to support more of the local community. It is fantastic to see local business supporting the community in this way.

Child Protection; Schools in Rural Areas

Mrs PRATT (Nanango—Ind) (2.10 a.m.): I rise to speak on the protection of children and how community organisations are becoming involved in an issue that is becoming a major problem in our society. It is good to see so many community organisations taking up the challenge to educate parents and children on child safety issues and protection. I refer in particular to the Scouts Australia education program aimed at helping parents talk about child abuse. The book and program is built around the basis that 'teaching is a matter of transmitting knowledge, and educating is a matter of building personality'.

Last week I attended the Kingaroy launch of the scouts' book *Protecting your children-A parent's guide*. It states that seven out of every 10 Queensland children will have experienced sexual abuse, physical abuse, emotional abuse, neglect or poverty by the time they reach 18. The large number of children suffering from abuse is alarming. It is a disgrace that those figures reflect the attitude of our society because, unfortunately and historically, children have been accorded little, if any, status in society.

Making children aware through child abuse education makes them less vulnerable and does not take away their innocence, as some people may want us to believe. I congratulate the scouting movement for its input into such a sensitive area. It is a known fact that many of our young people, the very children our future will have to rely on, lack self-esteem. The reason for that can, in most cases, be traced back to some form of abuse in earlier life experiences. It is also a proven fact that parents who establish open communication about child abuse have children who are more effective at fending off assaults, and this book is aimed at teaching parents and their children to protect themselves. It presents ideas and strategies that will assist parents to openly communicate with their children. I commend the booklet to anyone who is interested in helping to stop child abuse.

The second issue that I wish to speak on is that of schools in rural areas. In particular, I am concerned about two small schools in my electorate, one at Upper Yarraman and the other at Toogoolawah. Upper Yarraman has been recommended for closure and Toogoolawah has a chronic teacher shortage. I can commiserate with the dilemma faced by the Education Department; it is very expensive to keep small state schools open in very small rural communities. But as is the case with so many of these small schools, they are an integral part of a region's history. Generations of the same families usually have attended these schools, and in many cases it is the parents who help sustain the schools through fundraising. They are also an important part of any rural community as they are in most cases a focal point for social interaction.

Farming families who get up at first light and work long, hard days for next to nothing have the added expense of getting their children to schools far removed from their local schools when they are closed. In many cases, such as at Upper Yarraman State School, young children may soon have to spend up to an extra hour or more a day travelling to the next nearest school. These kids not only have to attend school; they help on the family farm as well as having the onus of homework. This is where their work ethic comes in. They learn from an early age the work ethic, and I doubt there are very many urban children who could work the long hours or carry out the duties that many rural children experience.

I urge the Education Department to look more closely at the impact that small school closures have on a community as a whole and examine a way to stop the closure of these rural schools. In many instances, the school is not as big an impost on the Education budget as many smaller urban ones.

Time expired.

Aquaculture

Mr ENGLISH (Redlands—ALP) (2.13 a.m.): On Monday, 25 November I and other members of the Rural Queensland Council visited the Bribie Island Aquaculture Research Centre. The Bribie Island Aquaculture Research Centre is one of three facilities operated by the Department of Primary Industries investigating issues surrounding the development of aquaculture in Queensland. The other two centres are both in far-north Queensland.

One of the current research projects being undertaken involves soft shelled crabs. This project is a joint DPI and Department of State Development project involving a number of commercial partners growing blue swimmer crabs. As moulting is integral to the production of soft shelled crabs, research is under way into the mechanisms of moulting using BIARC's expertise in

biotechnology. There is also an integrated aquaculture project, which is investigating the potential for integrating aquaculture with other water intensive industries such as the irrigation industry in Queensland. There are many opportunities for existing irrigators to undertake aquaculture to utilise their water resources and farm infrastructure more productively.

Research is also being undertaken focusing on various uses for prawns for bioremediation and aquaculture. Banana prawns are being studies for their usefulness in converting waste nutrients into extra profit for prawn farmers who grow them in their settlement ponds. Genetics and tagging research is providing the tools necessary for future selective breeding programs to help improve cultured stocks.

I understand the huge economic and environmental benefits that aquaculture holds for the future of Queensland. Earlier this week I spoke on legislation brought into the House by the Minister for Environment, Dean Wells. At the time, I commented on the commitment of this Beattie Labor government to the marine environment. Whilst I understand the positives that aquaculture will bring for Queensland, it is important to understand that aquaculture should only happen in certain environments. The question is: where should these projects be undertaken?

I have a number of concerns about the proposed Sunaqua sea cage proposal in Moreton Bay. Moreton Bay is already under significant stress. The state government has spent millions of dollars to decrease nutrient outflows into Moreton Bay. At best we can hope that the impact of the Sunaqua sea cage proposal would be neutral. At worst, however, it will have a negative impact on the nutrient levels and environment of Moreton Bay. Currently, on the information I have before me, I do not believe that the benefits outweigh the risks in this already stressed environment. As I said, we are spending millions of dollars to decrease nutrient levels, and the risks posed by putting that kind of infrastructure in Moreton Bay and potentially increasing the nutrient level in an already stressed environment are too great. I hope the government looks very closely at this proposal before making any decisions.

Education Partnerships

Hon. K. R. LINGARD (Beaudesert—NPA) (2.16 a.m.) I am most concerned about the general reluctance of the Education Department to join with corporate bodies in providing necessary education programs. About 12 months ago the chamber of commerce offered to provide over $1 million, if it was subsidised on a fifty-fifty basis with the Education Department, to train teachers as they went out into the work force and assist young children in working with businesses.

Recently, the software company CDX Global and the Motor Traders Association of Queensland, MTAQ, offered the Education Department fifty-fifty programs to provide automotive training—for example, how cars work and automotive logbook services—to students within the Queensland education system. It is not as though the Education Department disagrees with this program. Nevertheless, the Education Department has said that it will not join in the subsidy program. However, these companies can approach schools and if they can get them to commit fifty-fifty funding, that will be all right.

However, such a program needs a commitment using the schools network service rather than privately owned interstate services and CDs. I have seen excellent programs at Pajinka, Cape York. Hospitality programs are being provided to young people on this sort of network. I know this group has worked at Weipa with isolated students. I believe that this sort of program would be very successful if the Education Department decided to participate in it. I wonder whether the Education Department is short of funds. I have complimented the earn and learn program. I think it will be an excellent program. However, the Education Department is saying that it will only implement that program in 2006. That is a long consultative period for an excellent program that is quite obviously accepted by the public. Similarly, I believe that the preschool program is an excellent program. The minister has said that it is an excellent program, but she has also said that she does not have the funds to implement that program.

If it is the case that we are simply going to have these ideas thrown into the public arena and spoken about in consultation but no implementation, clearly something is wrong. If it is the case that we have to wait until 2006 for the earn and learn program to come into being, and if it is the case that we have to wait a long time for the preschool program, I would say that something is happening in the Education Department. Obviously it is desperate for funds, and capital works are not being carried out. There is a desperate attempt to save money through recurrent funding, to try to cut salaries in the career change program so as to assist the Education Department to get through this program of funding for teachers' salaries.

Bundamba Electorate Facilities; Education

Mrs MILLER (Bundamba—ALP) (2.20 a.m.): At long last the Collingwood Park Sports and Recreation Centre has started construction. This was a 1998 election promise of the Beattie government and is a long awaited facility in the electorate of Bundamba. I understand that the facility will be completely funded by the government. It is sited across from the Redbank Plaza Shopping Centre and at the moment all the safety fences have been constructed to allow site works to begin. A lot of hard work by members of our community has been devoted to this centre. Many people have examined the plans, discussed the tenders in detail, the tender has been awarded and at long last it is on its way.

To the members of our community who have attended the numerous meetings, including the Yarham family, may I say thank you. Thanks also to John Simpson, principal of the Collingwood Park State School, for his hard work and dedication.

The local area will see a lot of change next year as the Redbank ambulance centre will also be rebuilt. Plans are well under way for this project and I understand that there is strong community support for the reformation of the ambulance committee. This will coincide with the rebuilding of the station. I support any community involvement that supports our ambulance officers. Our Redbank ambos are heroes in our community. They are dedicated officers who look after us—true blue paramedic professionals who are there when we need them.

The Redbank Plains recreation reserve will also be upgraded soon. In partnership with the Ipswich City Council, the AFL fields will be upgraded, much to the delight of the club. The club believes that its membership will increase once the facilities are completed, which will be good news for the AFL club, which proudly promotes strong family values.

Recently I had the pleasure of handing over the keys to a new refrigerator truck to the Gleaners. The Gleaners help feed many people in Bundamba. For a small amount of money, my people can buy their groceries at very reasonable prices—including breakfast cereal, lunch box fillers, chicken fillets, red meats, pies, et cetera. The Gleaners is Christian based and many people who have in times of real need shopped at the Gleaners often return to work as volunteers to help others. This is a great example of a community organisation helping community members in real, urgent need. When the electricity and gas bills come in, sometimes there is not enough money left over to pay for food. This is where the Gleaners fills the gap.

In conclusion, I was so proud to attend the speech nights of Redbank Plains State High School, Bundamba Secondary College and the Westside Christian College. I also attended the year 12 celebrations on their last day of school. The reason why I am so proud of them is that they finished grade 12. Eighty-eight students graduated from Bundamba and a record 188 graduated from Redbank Plains State High School. Some of these students hope to train as schoolteachers and next year I hope to catch up with them to see how they are going. Their principals, Barry Hopf and Ian Ferguson, have welcomed the students back at the school any time to let them know how they are going or to seek help with university or TAFE studies. This is another example of our schools leading the way, not only whilst they are students at the school but beyond the school on their journey to post-school options and the world of work. This is real support for students and these schools already walk and talk the education and training reforms in their everyday work.

Queensland Health

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (2.23 a.m.): In order to highlight the plight of hospital staff as well as residents in Gladstone I quote a letter which was received in my office this week—

It is my belief that Queensland Health has demonstrated its total lack of responsibility to the Elderly, the chronically ill and the financially disadvantaged people of Gladstone, by ensuring that they have no access to health care. To those residents of Gladstone who do not fall into these groups, it has demonstrated that they have no right to care that is any closer than 100 kilometres away.

Gladstone folk have always accepted that the cost of living in regional Queensland is that finding specialist care meant a greater financial burden, the trauma of separation from their families and the wear and tear of travelling long distances. Now they must accept that the actual cost is no care at all!

Our once exceptional little hospital has been taken apart piece by piece until it can barely offer a bandaid. The nursing and medical staff have been demoralised and brow beaten by a series of hatchet men and women to a point where they are leaving the place like rats from a sinking ship. Of course they realise that this is the plan, wear them down until they all leave and then explain the ever-diminishing services as being caused by an 'unfortunate lack of trained staff beyond Queensland Health's control'. The fact is, that members of the Nursing and medical staff

are leaving in droves. The Director of Nursing is on stress leave, his replacement does not do after-hours call and her secondment to the position leaves her own area short-staffed. Two nurse managers were made redundant, leaving two remaining staff members to work 10-hour shifts with 24-hour call to cover the void. There are no casual registered nursing staff to call in to replace sick leave. The duties of nursing management are now often left to Registered Nurses who are also expected to simultaneously carry a large clinical load and who are neither paid, nor trained for the position. Over the Christmas break if the DON returns from stress leave, he will be on recreational leave. There is no assistant to DON because Queensland Health dispensed with the position once they cut the number of beds, and one of the two remaining nurse managers will also be on leave. Much of the regular staff has been granted leave, and one of the three senior doctors will also be on leave. Should, just for the sake of an example, some unfortunate mother require a caesarean delivery and some other unfortunate require emergency attention simultaneously, one of them is going to be out of luck! Gladstone Hospital is a rudderless ship being left to float around until it finally breaks up and sinks.

On a brighter note, the budget will be right on track because it costs a lot less to bury people than it does to give them appropriate medical care.

So Wendy, Mr Beattie, as you fly over our fair city, pray that your heart and immunity are strong, and that your aeroplane does not come down. Should you require health care there will probably be no one left to hold the 'chunder' bucket for you let alone give you emergency care. It could be your life that ebbs away while you wait for someone to secure a bed for you in Rockhampton and then rattle around in the back of an ambulance for at least an hour before you get there. Once there of course, it will probably be necessary to be transferred again, this time to Brisbane. There is nothing like the extra heartache of separation from loved ones and the worry of overwhelming financial burden to make the experience of illness an unforgettable one! Sounds a bit of an exaggeration, doesn't it, more like coming down in Bali? Don't you believe it!

Yours truly

Demoralised, Once Faithful Public Servant

Tivoli State School

Mr LIVINGSTONE (Ipswich West—ALP) (2.26 a.m.): This year I have been privileged to attend two 125th anniversary celebrations at schools within my electorate—Walloon State School in July and Tivoli State School in October. Ipswich has a long and colourful history as a coalmining city, and in the 1870s it became apparent that the growing number of families coming to the area would require a school. A provisional school at Tivoli commenced on 26 January 1877 with an enrolment of 115 pupils. Extensive fund-raising support resulted in a school and teacher's residence being constructed and Tivoli State School No. 224 was opened on 17 January 1881. The school commenced with one master, two pupil teachers and 132 pupils.

In those early days, enrolments depended greatly upon the success of the local mines, but during the 1970s the swing to residential tenancy gave greater stability to the school. Many of the old families still remain in the area and have grandchildren who attend Tivoli school. Current enrolments are around 130 students. The school is built around the original 1881 building which now houses the school library. The former schoolhouse has been removed to Brisbane where I understand it has been renovated to a private residence. After 125 years the students proudly wear the school colours of gold and black as well as the school badge which was unveiled in its centenary year.

Education programs that are offered today have come a long way from those of 125 years ago, providing students with the ability to expand their knowledge in many directions. Connections to the Internet allow students to have access to relevant information technology and every effort is made to prepare them for the challenges they will face in their future careers.

The teaching staff, the P&C association, the parents and the students have done an excellent job in creating a family-oriented, dynamic school environment and I congratulate them on their untiring efforts on behalf of Tivoli State School.

Motion agreed to.

The House adjourned at 2.28 a.m. (Friday).