



Speech by

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MEMBER FOR HERVEY BAY

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DISCRIMINATION LAW AMENDMENT 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.