



Speech by

Miss FIONA SIMPSON

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DISCRIMINATION LAW AMENDMENT BILL

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.