




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 10 September 2024

RESPECT AT WORK AND OTHER MATTERS AMENDMENT BILL; CRIMINAL JUSTICE LEGISLATION (SEXUAL VIOLENCE AND OTHER MATTERS) AMENDMENT BILL

 **Mr POWELL** (Glass House—LNP) (8.22 pm): I rise to address the cognated debates on the Respect at Work and Other Matters Amendment Bill and the Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill. I will be confining my comments to the Respect at Work and Other Matters Amendment Bill alone.

The LNP is committed to keeping our community safe. In fact, we have put forward a number of policies that we believe will deliver much more than those opposite ever will. We strongly believe, though, in the need for respect, regardless of background or beliefs. I have shared many times in this chamber how my own upbringing has shaped my passion for mutual respect. That is just it: it needs to be mutual. Whilst there is much in this bill that is worthy of support, because it has been rushed and it introduces a level of vagueness that could lead to unjust outcomes and to a lack of mutual respect, the LNP cannot support it. That will be good news for many in my electorate. Graham from Beerburrum wrote—

It would seem that some of the aims of the new legislation MAY come into conflict with—
the spiritual rules—

and the Codes of Conduct that I have agreed to within my own religious community.

Daryl from Wamuran shared with me—

One of the most alarming aspects of this bill is the introduction of a new “*positive duty*” on employers to prevent discrimination. On the surface, this sounds like a noble goal.

But in practice, it’s a weapon aimed directly at the heart of religious organisations.

Under this law, Christian schools, churches, and other faith-based institutions could be forced to teach against their own beliefs in order to comply with the government’s demands.

And to make matters worse, religious exemptions that have historically protected our freedoms are not being extended to these new sections of the legislation.

In other words, the freedom to speak, teach, and live our faith is on the line.

Damien from Caboolture shared—

I am writing to you in relation to the Respect at Work bill. In its current state it seems to pose some significant and hopefully unintended consequences for religious organisations especially given the current ideological climate around sex and gender. This is a concern for my wife and I as parents of two young children, we are doing our best to raise them in what we see as a respectful manner reflective of our Christian worldview.

I appreciate that everyone is entitled to hold their own convictions however, I have concerns about the new Respect at Work bill.

There appears to be a lack of discussion regarding its potential impact, given that this legislation could have serious implications for faith communities.

Damien continues—

My primary concern is that the bill, in its current form, makes it easy for anti-vilification measures to be weaponised by one minority group against another. Giving the Anti-Discrimination Commission the power to investigate religious institutions like churches and the broad definition of “harassment based on sex” could potentially cover traditional religious teachings and practices, putting faith communities at risk.

It seems to permit one group to impose their views on another and restrict the latter’s freedom to operate in organisations that reflect their worldview/religion.

There seems to be little to no allowance for an organisation to hold to the tenants of their worldview when considering employment choices.

Any clarification you can provide in this matter is greatly appreciated.

I know that Veronica from Woodford also shared much of the sentiment that Damien just shared. Might I add that I really valued the respectful way in which Damien and others have provided their input to me on this particular piece of legislation. I want to unpack how these concerns arise. I know members who have been in this chamber will have heard these particular aspects referred to before, but I think it is important for the constituents of Glass House to understand why this bill creates a level of vagueness that we cannot support. Part 4 of the Anti-Discrimination Act is amended significantly through the bill. The current bill states—

A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality, sex characteristics or gender identity of the person or members of the group.

This bill proposes to change that to—

A person must not, because of the age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation of another person or a group of persons, engage in a public act that a reasonable person would consider hateful towards, reviling, seriously contemptuous of, or seriously ridiculing the other person or members of the group.

The challenge here is around the test of a reasonable person. For this section that test is someone who has ‘the same age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation as the other person or members of the group’. In other words, the reasonable person has to be someone who shares the values of the person who is feeling offended, hurt or harmed in the first place. The Institute of Public Affairs argues that this is a dramatic diminution from the standards in the current act insofar as it would remove the causal requirement that a person actually be affected by the speech, lowering the standard to someone need only consider it hateful. A similar point is made by Christian Churches Together and is raised in the LNP’s statement of reservation. It is a very fair point as legislatively it modifies the objective reasonable person test.

The reasonable person test is a legal fiction designed to apply a similar standard on all matters where it is used. Attempts to actually call a reasonable person to give evidence about what they think have all failed. The significant problem lies with the formulation of the reasonable person test in proposed section 124C. Under proposed subsection (2), the class of a reasonable person has been substantially narrowed to only include a reasonable person as the same age, gender identity, impairment, race, religion, sex, sex characteristics or sexual orientation as the other person or member of the group. That means the reasonable person is no longer representative of the broader community. Rather, the reasonable person, as I said, is someone who might be more likely to be offended than a person from the broader community. Again, this is concerning as it seems the law is being judged against the sense of a narrow section of society rather than the broader members of the entire community. It is precisely because of this that we should object to the proposal to limit the class of people suggested in clause 21, new section 124C(2). It is that aspect about which people like Graham from Beerburum, Daryl from Wamuran, Damien from Caboolture, Veronica from Woodford and a number of other constituents wrote to me with their concerns.

As I said at the start, we all want to be respectful and to be safe, but to ensure laws are applied fairly they need to be clear and irrefutable. This bill creates a level of subjectivity that I and the LNP cannot support.