




Speech By  
**Mark Boothman**

**MEMBER FOR THEODORE**

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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 BOOTHMAN** (Theodore—LNP) (8.09 pm): I rise to make a contribution to the cognate debate, specifically to the Respect at Work and Other Matters Amendment Bill 2024 for whose examination I was a committee member. The bill proposes changes to the Criminal Code Act 1899, the District Court of Queensland Act 1967, the Magistrates Act 1991, the Penalties and Sentences Act 1992, the Queensland Civil and Administrative Tribunal Act 2009 and the Youth Justice Act 1992. With these amendments, the bill will go some way to aligning Queensland law with that of the Commonwealth in respect of anti-discrimination. We all want to stamp out discrimination and harassment in the workplace in all its forms.

I wish to thank all of the 37 submitters to the committee process. Their opinions were diverse and some concerns were highlighted. The LNP members of the committee did share some of the concerns raised by the submitters, specifically in relation to the second part of the bill. These concerns relate to clause 6, amending section 6 relating to equal opportunity and equitable outcomes. The department representatives present at the hearings could not concisely explain what the term 'equitable outcomes' would mean as it was not defined in the bill. The notion of the equitable outcomes provision is noted to limit discrimination, but the open interpretation will cause uncertainty in terms of the extent of the legislation.

Proposed section 124C narrows the scope of what a reasonable person could deem as hateful, reviling, seriously contemptuous or seriously ridiculing conduct. Therefore, one should consider in section 124C(3)(c) what a reasonable person deems an inappropriate act. It states—

- (c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest ...

Proposed section 124D states—

- (1) A person must not, in a public act, engage in conduct that is likely to incite hatred towards, serious contempt for, or severe ridicule of, a person or group ...

The word 'likely' is broad in its definition and can be easily interpreted differently by different people. This causes another concern.

Chapter 5C, 'Positive duty', empowers the Queensland Human Rights Commission—an unelected body—to issue guidelines on how to comply with law, but this creates uncertainty when it comes to equitable outcomes. The Queensland Human Rights Commission will also be provided with expanded investigation and enforcement powers as part of their compliance powers. These uncertainties have the potential to cause legal actions for alleged failures to comply with the guidelines set out by the Queensland Human Rights Commission. These laws will therefore lead to unintended consequences and create uncertainties.

We all want to protect individuals from harassment and discrimination in all its forms, but this legislation will cause more issues than it fixes. When you create a law that makes it an offence to offend another, it has the potential to open the floodgates for litigation. The government needs to reconsider this bill as it is completely inappropriate.