




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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 ANDREW** (Mirani—KAP) (8.36 pm): I rise to speak on the Respect at Work and Other Matters Amendment Bill 2024. The bill expands the list of protected attributes for both criminal and civil vilification to include sex, age and impairment in addition to the existing attributes of race, religion, gender identity and sex characteristics. It also clarifies that the test for civil vilification does not require a complainant to show that another person was actually harmed but only that the public act was likely to harm and introduces a new definition of 'public act' for both criminal and civil vilification, which includes social media and other online communication, and clarifies that a public act can occur on private land or a place not ordinarily accessed by the general public such as schools and hospitals.

The bill also imposes a positive duty on businesses and individuals to 'eliminate discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct as far as possible'. Examples given in the explanatory notes include ensuring there are organisational policies in place that address the importance of respectful behaviour in the workplace and engaging in informal and formal disciplinary discussions with members of the organisation who are displaying conduct that may be disrespectful and unlawful under the Anti-Discrimination Act. Managers and people in positions of leadership must clearly and consistently express their expectations of respectful behaviour, yet the bill provides no definition of what constitutes respectful behaviour and what does not and neither does it define what 'objectionable conduct' is or how it may be identified.

Proposed subsection 131I(3) requires employers to take 'reasonable and proportionate measures' to enforce the bill's new laws, but it is unclear what acts they will be required to prevent or what steps would be considered reasonable and proportionate in doing so. There is no definition for any of these broad terms in the bill or the state's Anti-Discrimination Act 1991. The term 'hateful' is introduced under proposed sections 124C and 124D. This also is not defined in the bill. How can a business or organisation possibly be expected to meet such broadly stated standards when there is no guidance or objective test provided in the legislation itself? This is bad lawmaking and will almost certainly lead to significant uncertainty and confusion within businesses and other organisations.

The bill's use of ambiguous language is inconsistent with the rule of law, which requires a law to be clearly stated and for people to be capable of understanding their legal obligations. What makes the bill truly draconian, however, is that this positive duty will be enforceable whether a complaint is made or not. In other words, actual harm does not need to have occurred for an offence to have taken place. It will be enough that a reasonable member of a prescribed group may consider that certain conduct or speech is hateful or demeaning. This sets an incredibly low bar for the commission of an offence under these new laws.

Clause 173B of the bill empowers the Human Rights Commission to carry out an investigation on an individual, business or organisation simply on the suspicion that they may not be complying with this new positive duty to eliminate objectionable conduct. In conducting these investigations, the bill invests the commissioner with vast new information-gathering powers. To state the obvious, the bill carries enormous dangers for misuse by the government of the day, and for shutting down all discussion and debate on topics it deems inappropriate or politically inconvenient. In fact, the bill provides the perfect framework for the targeting of political groups or parties whose values and philosophies are not aligned with those of the government at the time. As a former president of the QLS once told a committee I was on, 'Give people the power to do something and eventually they will use it.' As one submitter said, the state has effectively contracted out the policing of its citizens to civil society groups and businesses. Is that not a strange fact? This is an incredibly alarming development, one that does not bode well for the future of democracy or freedom in Queensland.

Another distinct danger posed by the bill is that, in fulfilling the bill's new positive duty, employers will end up overcomplying with the new vilification laws. Measures will no doubt be implemented that eliminate not only any suggestion of hate speech but any speech whatsoever—bar the weather and footy. We will go nowhere with that. In other words, they will apply their own precautionary principle when it comes to free speech in the workplace. We will see lists of topics presented to new employees detailing all the subjects they are not permitted to discuss or even mention.

Apart from that, the bill provides inadequate protections for good-faith religious discussion or free speech. That is not acceptable. It bans harassment on the basis of sex, which will capture many religious teachings on gender and sexuality. It could even be used to target pro-life groups, such as Cherish Life, and gender critical feminist groups like Women's Forum Australia.

The provisions in this bill go to the very heart of free speech and freedom of religion in this state, particularly the right of conservative and religious groups to freely express their beliefs around sex, sexuality and gender. Apart from anything else, it will put Queensland's faith-based schools in an absolutely untenable position.

Mr Dametto: Shame!

Mr ANDREW: Yes, it is a shame. As former British chief rabbi Jonathan Sacks once warned, the state is now setting up its own religion. The fact is hundreds of thousands of parents choose to send their children to these faith-based schools because they value this type of education. Why shouldn't they? They enrol their children in these schools knowing that the teachers and staff are aligned with a particular set of beliefs and that students will be taught according to those beliefs—something once considered their right in a free country, in a great state like Queensland. This bill removes that right.

Mr Dametto interjected.

Mr ANDREW: I will take that interjection from the member. Moreover, as recent history has shown, all these schools may now be subjected to a barrage of activist lawfare, funded by wealthy vested interests in the NGO and social justice crowd. Many could even be faced with multiple discrimination complaints at the same time. In 2022, Queensland's Citipointe Christian College was the subject of five separate discrimination complaints with the Human Rights Commission over the school's enrolment contracts which contained a statement of faith and outlining the school's beliefs about human sexuality. The bill opens the floodgates to even more of this sort of ideologically-driven complaints and litigation, enabling well-funded activist groups to target people of religious faith and the schools where their children are educated. The exemption for religious speech provided under section 109 of the act is narrowly restricted to religious orders and church institutions.

Mr DEPUTY SPEAKER (Mr Lister): Member for Mirani, I am sorry to interrupt you but would you please resume your seat. Under the business program agreed to by the House and the time for this stage of the bills having expired, I now call upon the Attorney-General to reply to the second reading debate.