FRIDAY, 29 NOVEMBER 2002

Mr SPEAKER (Hon. R. K. Hollis, Redcliffe) read prayers and took the chair at 9.30 a.m.

PETITIONS

Queensland Anti-Discrimination Act 1991

Mr Johnson from 138 petitioners requesting the House to consult with religious and church organisations in relation to the proposed amendments to the Queensland Anti-Discrimination Act 1991: and (a) to not repeal sections 29 and 42, to not amend section 109; or (b) to not appeal section 42, nor amend 109 and clarify the definition of 'genuine occupational requirement' in section 25 by inserting: 'Includes requirements imposed by a Religious Institution on its employees which are in accordance with the doctrine of the religion concerned and necessary to avoid offending the religious sensitivities of people of the religion'.

Discrimination Law Amendment Bill 2002

Mrs Liz Cunningham from 665 petitioners requesting the House to oppose the Discrimination Law Amendment Bill 2002.

Moreton Sugar Mill

Miss Simpson from 55 petitioners requesting the House to introduce legislation to provide protection for adequate notification to interested parties before closure of the Moreton Sugar Mill to ensure that there are alternatives in place to protect the future of the sugar industry on the Sunshine Coast.

David Low Way, Pacific Paradise

Miss Simpson from 251 petitioners requesting the House to call on the Minister for Main Roads to realign and upgrade the intersection of David Low Way/Menzies Drive/Mudjimba Beach Road at Pacific Paradise.

David Low Way, Marcoola

Miss Simpson from 629 petitioners requesting the House to call on the Minister for Main Roads to approve the installation of pedestrian refuges on David Low Way at Marcoola in the vicinity of the Discovery Beach Hotel Resort.

MINISTERIAL STATEMENT

State Finances

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.32 a.m.): Expert third parties continue to endorse the financial strength and stewardship of this state. Standard and Poor's yesterday affirmed Queensland's AAA rating. The other major ratings agency, Moody's, has also recently rated Queensland AAA. The AAA rating allows us to borrow at the lowest possible rate of interest for a subnational layer of government. Standard and Poor's yesterday commented that our net financial liabilities as a proportion of revenue are the lowest of all Australian states, and that is fantastic. Standard and Poor's went on to add that the general government's financial strength is in its balance sheet. It noted that Queensland is the only state whose financial assets exceed financial liabilities. My government introduced the Charter of Social and Fiscal Responsibility in 1998. The charter represented a major change in the direction of fiscal policy in this state. The charter makes clear that a strong fiscal position is there to ensure sustainable services to the community.

Through careful stewardship of the state's finances, we are delivering enhanced services to Queenslanders while still maintaining a competitive tax position. Since we came to office we have dramatically boosted funding for families, education, health and law and order. ABS data shows that over the four years since 1998-99 recurrent spending on law and order is up 39 per cent, education is up 32 per cent and health is up 25 per cent. Today it has been four years and five months since my government came to office. Those figures clearly indicate the priorities of this government: education, health, families, law and order—service delivery delivered in a smart way. These figures are well in excess of inflation and population growth, but we are not just looking to boost spending in priority areas. We want outcomes. We want to improve the quality of people's lives. We want to provide enhanced services while maintaining tax levels at a competitive level.

This provides a competitive advantage to business and a moderate tax burden to families. Our commitment to strong fundamentals, including a competitive tax system and solid finances, has contributed to the strength of business investment and employment in this state. According to the latest ABS capital expenditure survey, real capital expenditure in Queensland increased 23.8 per cent—that is trend—over the year to the September quarter 2002. This is almost twice the rate of capital expenditure nationally. Capital expenditure on equipment, plant and machinery in Queensland rose 24.7 per cent. Expenditure on building and structures is up 22.5 per cent. ABS figures show that since we came to power in June 1998 there have been 166,000 jobs created in Queensland and the unemployment rate of seven per cent is at its lowest level since March 1990.

This government has always placed a high priority on sustainable finances. We realise that by keeping our financial house in order we can keep delivering enhanced services for the community over the long run; we can keep the economy humming and avoid costly adjustments. That is why we introduced the Charter of Social and Fiscal Responsibility in 1998. This affirmation of the strength of our finances by independent expert Standard and Poor's is great news for all Queenslanders, and that is one of the reasons why yesterday I paid tribute to the role of the Deputy Premier and Treasurer. He is doing an excellent job.

It is not just ratings agencies, however, which are extolling the virtues of what is happening in Queensland. The latest Yellow Pages survey released this week sums up the small and medium business results for the August-October quarter in this way: business confidence improved, sales remained strong, employment rose quite markedly, selling price trends remained strong, profits continued to strengthen, and small and medium business support for the Queensland government rose significantly. It says that of all states and territories the strongest sales performance was in Queensland. It also says that Queensland recorded the strongest employment trends during the quarter. The economy here is in good hands. I table for the information of the House the Standard and Poor's statement and three pages from the Yellow Pages business outlook to confirm the figures I have provided to the House.

MINISTERIAL STATEMENT

Hand Guns

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): Yesterday the Police Minister, Tony McGrady, represented Queensland at the Australasian Police Ministers Council in Sydney to discuss the future of hand gun regulations. As I told the House yesterday, the states and territories rejected a proposal by the federal government for an unfunded gun buyback scheme. There was plenty of common ground among the jurisdictions, and I applaud that because this issue goes to the heart of Australians' sense of security and our freedom to enjoy our relaxed and open lifestyle. I have said all along that we need a sensible approach to protect our gold medal winning sporting shooters. The ministers agreed to consider options regarding sporting shooters. The options are to either set minimum barrel length at 100 millimetres and limit calibre to between .22 calibre and .45 calibre but allow an exception, which would be an event requiring a 70 millimetre barrel for a single shot or revolver or 90 millimetre for a semiautomatic, or set minimum barrel length at 100 millimetres and limit the calibre to between .22 calibre and .45 calibre and limit maximum shot capacity to 10 shots, and there would be no exceptions under this option, which is preferred by the Commonwealth. Importantly, our Police Minister, Tony McGrady, told the meeting it was his preferred option. Let that be shown on the record.

Queensland, New South Wales and South Australia also reserved the right to consider maintaining the status quo. The Queensland minister felt the third option should be retained purely so that the proposed changes could be considered in the context of the broader package. I have already indicated both the minister’s and the government's preferred position. This in no way diminishes our desire to place further restrictions on access to hand guns. It is a shame the federal Justice Minister, Chris Ellison, has deliberately misrepresented Tony McGrady's position, politicising this issue on the eve of the Victorian election. We will remain firm in our resolve to improve community safety, and I have made it clear where we stand on this. As I stated yesterday, I say hear, hear to a national consensus on the need for hand gun law reform.

I welcome the Commonwealth's resolve to prohibit the importation of any hand guns for sporting shooting other than guns that accord with the agreed option. States and territories have

agreed to prohibit the sale, ownership, possession, manufacture and use of hand guns for sporting shooting other than those permitted under the agreed option. The ministers also agreed in principle to proposed new measures which will be further considered by me and other leaders at COAG next week. These proposals include—

- improved reporting provisions for medical authorities. Doctors would be indemnified from civil or criminal prosecution if they report in good faith to police their concerns that someone who has a firearm licence, or applies for a licence, may pose a danger to the community.
- development of a system of graduated access to hand guns for legitimate sporting shooters. This proposal would include a requirement that sporting shooters undergo a police check before being allowed to join a shooting club.
- requiring sporting shooters to participate in at least six shooting matches each year in order for their licence to remain valid.
- requiring clubs to report to police any concerns about club members, to inform police of any expulsions from clubs, and to ensure club members do not use a hand gun if their licence has been revoked. Clubs would have legal indemnity for these actions.
- states and territories would accredit historical societies for the purpose of collecting historical guns.

There would also be an education and awareness campaign about the new rules for medical authorities and sporting shooting clubs.

I have said from the start of this debate about hand gun law reform that we want to cooperate with the Commonwealth to get a national approach. We want a system that is fair to gold-medallist shooters while also improving community safety. I maintain that attitude and I look forward to constructive talks with other leaders at COAG next week. I table the consolidated resolutions from yesterday's meeting and the meeting of the Australasian Police Ministers Council in Darwin on 5 November. I know that the Leader of the Liberal Party has a particular interest in this, and I urge him to read this material. I am tabling the lot so that members have an opportunity to be fully briefed on the material.

MINISTERIAL STATEMENT

Native Title

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 a.m.): Yesterday the Minister for Natural Resources and I addressed the Queensland Mining Council's annual meeting luncheon. The minister will say something shortly about native title. Because of the importance of native title, I seek leave to have incorporated in *Hansard* the key points I made to that lunch so that everyone knows exactly what the government is doing on native title.

Leave granted.

Queensland's mining industry continues to face challenges, not the least of which is native title.

Wednesday's unanimous Full Federal Court decision reverses Justice Wilcox's ruling that our Section 43 schemes for high impact exploration & mining were inoperative.

The Full Federal Court also unanimously dismissed a challenge to the validity of the section 26A low impact exploration schemes.

This means a backlog of about 800 exploration permits can now be cleared.

Earlier this year I announced a review of the State's native title mining and exploration regime.

As you will be aware, this review included wide consultation with community, indigenous and industry groups.

Mining industry stakeholders were strongly of the view that we should revert to a Commonwealth scheme.

You also asked that any scheme put in place did not unnecessarily fetter your ability to negotiate in good faith with Native Title claimants.

My Government has listened to that advice and we intend to push ahead with reforms.

Early next year, my Government will bring forward the necessary amendments to the Mineral Resources Act to allow the State to adopt the Commonwealth right to negotiate process.

This will include using the expedited procedure for exploration activities that can comply with the requirements of section 237 of the Native Title Act.

The current Alternative State Provisions will remain in place and applications can be made under that scheme until 31 March, 2003.

The exact date for switching to the Commonwealth right to negotiate scheme will be determined by the date of commencement of the necessary amendments to the Mineral Resources Act.

I am aiming for 1 July 2003.

Under the Federal scheme, the full "right to negotiate" procedure will be used for mining leases.

The State will issue section 29 notices to initiate the "right to negotiate" process for mining leases and the State will be a party to these negotiations.

The State will use the Expedited Procedure for exploration where tenement applications can comply with the specific requirements of Section 237 of the Native Title Act.

Where the exploration does not involve major disturbance to the land the Section 237 requirements are directed at the protection of community life and areas or sites of particular significance to native title holders.

Applicants will need to prove they have adequate plans to deal with indigenous interests.

MINISTERIAL STATEMENT

Primary School, Mudgeeraba

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (9.42 a.m.): As members would be aware, demographics indicate a need for a new primary school in the Bonogin-Reedy Creek area. After careful investigation of eight sites, a parcel of land adjacent to Somerset College has been identified as the most suitable for a new state school. The majority of land for the school has been acquired. The Gold Coast City Council has advised me in writing, a copy of which I table, that while it prefers another site in Tolga Road it supports the location of the school site at Somerset Drive, Mudgeeraba, subject to conditions designed to mitigate the impact of the proposed development, which conditions I am currently considering.

On 31 August an advertisement notified the community of the proposed designation of the site for educational use. A period for the lodging of submissions opened with the placing of that advertisement and closed on 27 September. Over 100 submissions were received. The majority related to traffic and planning concerns. In order to give due regard to those concerns, Education Queensland engaged an independent traffic engineer to provide advice on a solution to traffic issues. Discussions with the independent traffic engineer and Gold Coast City Council transport planner have identified that these problems can be overcome by relocating the intersection further to the east and staggering the start/finish times of the two schools, which would mitigate increased traffic problems.

The relocation of the intersection also acknowledges a proposal put forward by Somerset College in its submission. A preliminary design has been prepared and agreement in principle has been reached with the adjacent landowner to acquire additional land to permit this intersection relocation. Given that the new design involves additional land and relocation of the intersection, a further notice of proposed designation will appear in tomorrow's Gold Coast *Bulletin*.

Community members will have until 10 January 2003 to formally lodge any further comment, particularly in relation to the acquisition of the additional land. Those submissions will then be considered, along with the previous submissions and reports of traffic engineers and town planners, to inform a decision regarding designation. This additional process will necessarily mean that the proposed P-1 school will not be ready for commencement in term 1 2003. After due consideration of, among other things, any additional submissions, should I then decide to designate the amended site I would expect that a new P-7 facility would be progressed and be ready for its first intake of students in 2004.

I would like to express my appreciation to the Gold Coast City Council for its assistance in finding a solution to mitigate these traffic problems. I also express my appreciation to Di Reilly, the member for Mudgeeraba, for bringing to my attention the concerns of people in the area of the proposed school and for her strong and ongoing support of the need for a new primary school for families in this area. I look forward to the realisation of a new school in the Bonogin-Reedy Creek area.

MINISTERIAL STATEMENT

Foster Carer Card

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors) (9.45 a.m.): This government has made an unprecedented commitment to strengthen the state's child protection system, of which our 2,000 foster and relative carers are an integral part. We have committed an additional $33.5 million over the next four years to our carers. This year we expect

to spend more than $37 million supporting foster carers and foster children. We are increasing allowances, respite services and support staff, and since February this year we have embarked on an intensive recruitment campaign to bolster the ranks of the people who look after some of Queensland's most disadvantaged children.

We have also recruited corporate Queensland to help support carers through the Foster Carer Card initiative, which provides to foster carers discounts from businesses and sporting clubs as well as government concessions, similar to the Seniors Card scheme. I am delighted today to announce that the Ergon Energy Broncos have signed up and will offer Queensland foster children free entry to all games at Suncorp and ANZ stadiums next year. Broncos Captain Gorden Tallis will join me just after question time today on the Speaker's Green to promote the Foster Carer Card. We want to get the message out and join up as many businesses and sporting clubs as possible in the lead-up to Christmas, so that our foster families and their children can enjoy some extra support and benefits at what is an expensive time of year for all families.

I thank the Ergon Energy Broncos for this generous offer. I am sure this will inspire other clubs and businesses to help us achieve our goal of providing the best possible support to Queensland's foster children. I am pleased to inform members that yesterday Dreamworld wrote to me—it is also keen to come on board—and congratulated the Beattie government on this initiative. I encourage all members to promote the Foster Carer Card in their electorates and help this government in its efforts to support Queensland children in protective care.

MINISTERIAL STATEMENT

Native Title

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (9.47 a.m.): Yesterday the Premier and I announced that the Queensland government is taking immediate steps to improve the state's native title processes by adopting the Commonwealth's full right to negotiate process in 2003.

Wednesday's unanimous full Federal Court decision on native title confirmed that Queensland's alternative state provisions are valid. That means we can continue to clear the backlog of about 800 mining exploration permits. We can also resume processing the 80-plus lease applications that have been on hold since February 2002, when the Federal Court's Justice Wilcox handed down a judgment that the full court has now overturned. Earlier this year the Premier and I established a review of the native title scheme and consulted with the mining industry, indigenous groups and community groups.

We have all been frustrated by the delays—delays caused not by Queensland's alternative state provisions but by the actions of the Senate which watered down the effectiveness of our processes and as a result of lengthy challenges in the Federal Court.

Following the full court's decision, the government will now insure against further costly delays in native title processes caused by legal challenges and make the system for processing mining applications clearer and more efficient. The mining industry had made it clear during consultation that it wanted Queensland to adopt the Commonwealth right to negotiate process. The industry was also clear that it did not want unnecessary limits on its ability to negotiate in good faith with native title claimants.

To that purpose, in early 2003 I intend to bring to the House a bill to amend the Mineral Resources Act to allow Queensland to adopt the Commonwealth right to negotiate process. This will include using the expedited procedure for exploration activities that comply with the requirements of section 237 of the Commonwealth Native Title Act. Under the new process, the state government will issue section 29 notices to initiate the right to negotiate process for mining leases, and the state will be a party to these negotiations. Applicants will need to prove they have adequate plans to deal with indigenous interests. The government will aim for the new system to begin on 1 July 2003. In the meantime the industry can continue to use the alternative state provisions to ensure exploration permits can continue to be issued.

This new system will maintain the health of the state's biggest export earner while continuing to protect indigenous interests. Mining is an important industry in regional and remote Queensland, and many indigenous people are employed in the industry. This new approach will give the mining industry greater certainty to invest in our great state as well as protect the rights and aspirations of our indigenous communities.

PUBLIC ACCOUNTS COMMITTEE

Report

Hon. K. W. HAYWARD (Kallangur—ALP) (9.50 a.m.): I table report No. 61 of the Public Accounts Committee titled *Commercial-in-confidence arrangements*. I also table the submissions received. The committee commenced its inquiry with the belief that information required to assess government financial management should be readily available to the public unless it was in the public interest to withhold it. This opinion has not changed. The focus of the inquiry was to develop a set of principles which would have application across all public sector entities in Queensland, and these are detailed in the report.

I thank the other committee members for their contributions and especially acknowledge the committee's Deputy Chair, Dr David Watson, in this regard. I would also like to take the opportunity on behalf of the committee to thank Research Director, Leanne Clare, Senior Research Officer, Deborah Jeffrey, and our secretariat staff for their hard work and commitment and I commend the report to the House.

QUESTIONS WITHOUT NOTICE

Native Title

Mr HORAN (9.51 a.m.): I refer the Premier to his long overdue admission that his native title laws, which he repeatedly claimed were the best in the country, have actually been a monumental failure. I also refer to the fact that under the Premier's regime spending on mining exploration alone has crashed from a peak of $181 million in 1995-96 to just $59 million in 2001. Given that this is the latest in a string of backflips—three big ones this week—that would put Flipper to shame, I ask the Premier: how many hundreds of millions of dollars and how many thousands of jobs have been lost to Queensland because of his stubborn refusal to swallow his pride and scrap his failed laws when it became obvious that they were not working more than two years ago?

Mr BEATTIE: I thank the honourable member for the question. I want to refer to the history of this issue. I do not want to be unkind, because former Premier Rob Borbidge is now retired. I see Rob from time to time and he is doing some excellent work with Griffith University on the Gold Coast. I wish Rob well. He is a decent person who, privately, I get on with quite well. But since the member has raised this question, I need to talk about the time that the member was in the ministry. The facts are that the government of which he was a member tried to politicise the issue of native title. It beat up the whole issue to fever pitch. The crazy thing about that was that in those circumstances it was very difficult—

Mr Horan interjected.

Mr BEATTIE: Can the member please pay me the courtesy of allowing me to answer this question? I will give the member an answer. The difficulty was that we ended up with a very emotional situation where it was impossible to get agreement with the corporate sector—that is the mining companies—and indigenous Queenslanders. So what did we do? We sat down and had long discussions with indigenous people and the mining industry. The mining industry wanted to have a state based regime. We set out to do that. It was passed through this parliament and we did that in good faith. When that went to the Senate it was amended. So the original plan that we put up was significantly changed. It was impaired in the Senate.

We did not whinge about that. We came back and tried to make the impaired model work. The reality is that that model was then challenged in the court, if I recall correctly, by the Central Queensland Land Council. Initially, we lost that case. We appealed and this week we won. But it was made clear to us, and Stephen Robertson and I announced some time ago that there would be a review of it, having had a round table discussion with mining industry representatives—it was actually a square table discussion at which the Minister for Natural Resources and Minister for Mines, Stephen Robertson; the Minister for State Development, Tom Barton, and the Treasurer were present—that they had shifted their position from where it was initially and that they believed that they would get a better outcome from the federal model.

We were delighted with that. Yesterday at the Mining Council lunch Stephen and I announced that, in essence, we will phase out the impaired state regime—impaired by the Senate, not by this parliament—and replace it with the federal model. Who asked us to do that? The mining industry asked us to do it. The member would have noticed that today Michael Pinnock has indicated his support for what we are seeking to do.

The Leader of the Opposition is indeed out of step with the industry. We have moved in good faith to fix a problem that was created in part by the Borbidge government—and there were others; it was not just them. Let me tell the member that the National Party has consistently opposed the federal system. It has never supported the federal system.

Mr Horan interjected.

Mr BEATTIE: That is absolutely dishonest. We are fixing this matter. We are listening, as we normally do, and we have a solution.

Public Service Voluntary Early Retirements

Mr HORAN: I refer the Premier to his promise that government services would not be affected by the 2,000 job cuts that he conceded have already seen 1,300 public servants leave the service on VERs. In July the Premier said, 'There will be no effect on service delivery and no effect on the regions in terms of service delivery.' In Toowoomba, two Transport Department vehicle inspectors accepted VERs and now we are told that replacement inspectors have to drive from Roma or be flown from Townsville and Cairns because there are no other senior inspectors available. I ask the Premier: if services are not being affected, how is it that the waiting list for vehicle inspections in Toowoomba has now blown out to more than a month? Isn't that happening the length and breadth of the state? Why will the Premier not tell the people of Queensland which positions he has abolished and from what departments?

Mr BEATTIE: I am advised by the Minister for Transport that that is not true. Let me be really clear about that. What the member is alleging is happening is not true.

I will deal with what is going on. I have announced that the state government has accepted requests for early retirement from just under 1,300 of its public servants. It is very important to emphasise that early retirements have not been approved in situations where services would have been negatively affected. The Queensland Public Service is the only public service in Australia to have grown significantly over the past decade. In 2001-02, the Queensland Public Service increased by three per cent. The reduction in staff members as a result of the work force renewal scheme amounts to less than one per cent. So are services affected? No. Are the reductions voluntary? Yes.

I turn now to what is happening in the rest of Australia. Between 1991 and 2001, the Western Australian Public Service fell from 122,000 to 121,000, or 0.6 per cent less; the New South Wales Public Service fell from 363,351 to 351,000, or 3.4 per cent less; the Tasmanian Public Service fell from 37,000 to 32,000, or 11.3 per cent less; the South Australian Public Service fell from 110,000 to 89,000, or 18.8 per cent less; the Victorian Public Service fell from 293,232 to 232,000, or 20.9 per cent less. The Queensland Public Service rose from 189,000 to 224,000, or 18.7 per cent more. Our public sector has grown. It is appropriate for us to make adjustments. I thank the Leader of the Liberal Party for his support for these measures, because this is about prudent arrangements. Yes, there will be a $67 million saving to taxpayers and it is an appropriate saving that will be used on service delivery. What we are doing is very clear. I am happy to go into more detail, but those facts speak for themselves.

However, I want to assure the Leader of the Opposition—and this is very important—that the $64,000 that I have promised to supplement his budget will be provided to him or, if necessary, his successor. The reason I say that is that I notice in the *Australian* this morning that there is an article headed 'Plotters forced to hold fire on Horan' which states—

> Supporters of the Queensland Nationals frontbencher Lawrence Springborg have renewed a campaign to depose Opposition Leader Mike Horan.
>
> The Springborg supporters hope a change in leadership can be achieved before parliament rises next week.

Mr Seeney interjected.

Mr BEATTIE: Hang on, I will come to the member. The article states further—

> Police spokesman Jeff Seeney refused to comment on whether he had been approached about a challenge against Mike Horan.

So the member has gone over to support Lawrence. He is a Lawrence supporter.

Mr Seeney interjected.

Mr BEATTIE: Hang on, it gets even better. A National Party MP confirmed to the *Australian*—

An opposition member interjected.

Mr SPEAKER: Order!

Mr BEATTIE: Listen, if the member has swapped sides he should say so.

Opposition members interjected.

Mr BEATTIE: I rise to a point of order. It is a sad day when National Party members shout me down when I am trying to explain a way through their leadership crisis. I was trying to help them through their crisis. I was going to suggest Vaughan as a compromise candidate.

Mr SPEAKER: There is no point of order.

Opposition members interjected.

Mr SPEAKER: Order! The House will come to order.

Foreign Fishing Vessels

Mr MULHERIN: I refer the Premier to the federal government's announcement yesterday that the 100th foreign fishing vessel this year had been apprehended in Australian waters. In particular, I refer the Premier to the allegation that a bleeding dolphin's head was found on board this vessel. I ask: what is the Queensland government's position on illegal foreign fishing in Australian waters?

Mr BEATTIE: This is a very serious issue and I thank the member for Mackay for the question. Yes, I have received a report that a bleeding dolphin's head was found on this Indonesian flagged fishing vessel. It is alleged that the body of the dolphin was used as bait to catch sharks. I am further advised that 150 kilograms of shark fin and flesh were found on board this vessel. This type of piracy and disregard for marine life such as dolphins is absolutely intolerable and deplorable. The vessel was apprehended 150 nautical miles west of Cape York. It has been taken to Thursday Island today and its captain will be interviewed. The Minister for Primary Industries and Rural Communities, Henry Palaszczuk, is on Thursday Island today. He is there for a meeting with his Commonwealth counterpart Ian Macdonald to discuss Torres Strait fishing. The minister will again raise the Queensland government's concern about foreign fishing vessels.

The beauty of the Internet is that these days we can get instant access to material. Henry has sent to my office a copy of a photo of the vessel concerned and one in which he is in fact inspecting the damage to marine life. I want to make it very clear that we expect the federal government to get off its backside and start protecting Queensland marine life. I table those photographs for the information of the House. We are not prepared to let this go. Members will recall that for months I have been calling for an increased presence in our northern Australian waters.

The federal government has said that the apprehension of the 100th vessel shows that its measures are working. This is the 100th vessel. The apprehension of foreign vessels is a credit to the Commonwealth and Queensland government agencies and officers involved. I thank them for that. These vessels should not be allowed to plunder fish stocks in our waters and not get caught red-handed. The photo of Henry with the damaged marine life says it all. These pirates must be targeted at the source. The federal government has said that the overwhelming number of these apprehended vessels are Indonesian flagged. Therefore, the Minister for Primary Industries will again raise with the Commonwealth the need for it to work with Indonesian authorities to target illegal fishing. They have to start doing this in Indonesia before they come here. The fact is that Indonesia is already working cooperatively with the Philippines to reduce illegal, unreported and unregulated fishing. We need to do more in Australia.

In addition to the bilateral talks between Indonesia and the Philippines, the Australian Centre for International Agricultural Research in Indonesia is developing a pilot project to reduce illegal fishing in northern Indonesian waters. We believe that the federal government should seek similar arrangements with Indonesia. That is what we are asking for today. When the minister raised this issue last month, Senator Macdonald told him to mind his own business. Well, it is our business and we are not going away. Our minister was told that it is a Commonwealth issue and that it is under control. If it is a Commonwealth issue, fix it. It is our business and it is not under control. The number of reported incursions of Indonesian fishing vessels in the Torres Strait protected zone and the adjacent Australian fishing zone has more than doubled in recent years.

Suncorp Stadium

Mr JOHNSON: I notice that the Treasurer is not in the chamber, so I will direct my question to the Premier. I refer to a notice in the *Courier-Mail* on 19 October in relation to the creation of a new traffic area to regulate parking near the new Lang Park stadium. I table a copy of that notice. In the notice the listed phone number for the Queensland government employee from whom further information can be obtained is actually a fax number. In addition, information contained in the letter received by businesses and residents approximately 10 days before the close of the consultation period stating that parking would be restricted to five minutes on game day was inaccurate in that it should have read 'restricted to five minutes unless otherwise signed'. I table a copy of that letter. Given that this consultation process has been thoroughly compromised, will the Premier repeat the consultation and this time give businesses and residents accurate information upon which to make informed submissions, or will this be like every other Beattie government consultation process where the rules are changed after the game has started?

Mr BEATTIE: Let me make it clear that there are a number of ministers missing from question time this morning and that that is because they are at ministerial councils. The Treasurer is attending a ministerial council meeting, which is why he is not here. We all know that there is an understanding—

An opposition member interjected.

Mr BEATTIE: Can you stop being rude for once? Look, there was a change because the Prime Minister has called COAG. It is about gun control. I would have thought the member would be interested in that.

Mr Rowell: How long ago did you know about that?

Mr BEATTIE: Mr Speaker, I will not continue unless I can get some courtesy from the House about these issues. I am happy to sit down. If the member wants me to answer the question, I will, because this is a serious issue and I know that the Deputy Leader of the Opposition is serious about it. The Prime Minister called a meeting of COAG. The only time that all Premiers could get there was next Friday. I was the only Premier who could not make it. I changed the parliamentary sitting day so that I could be there to talk about gun control and to represent Queensland on issues like water—issues about which all opposition members are concerned.

Let us come back to the question. There is a consultation process in place. I am aware, as is the Deputy Leader of the Opposition, that there have been some comments about it. There have been some issues about who will make the final decision. There has been some suggestion that it will be made by the state government. Under the consultation arrangements, as I understand it, the people undertaking the consulting have been doing it on behalf of the Lang Park redevelopment. They will in fact make a recommendation after consultation. That will then be considered by the government and the Brisbane City Council. The decision will be made by the council.

I want to assure the Deputy Leader of the Opposition on one very clear point. If the Brisbane City Council believes that the proposal for consultation or any other proposal that is being considered is inadequate, we will accept their advice. If they want parking to be an hour, we will accept it as an hour. If they want parking to be two hours, that is fine. The decision will be made by the Brisbane City Council. It is their responsibility under the law. It is their responsibility under the act. We will not accept any council playing Pontius Pilate on this matter. If they come back to us and say that it should be two hours, it will be two hours. If they say that it will be one hour, it will be one hour. We will not make that decision. It will be a decision of the Brisbane City Council.

My final point is that I do not know off the top of my head the limits on parking around the 'Gabba or around Ballymore, but if I recall correctly—because Ballymore is in my electorate—they have very restrictive parking arrangements in place right now. These traffic management plans have very strict limitations—

Mr Johnson interjected.

Mr BEATTIE: Yes. If those businesses want an hour or two hours, they ring Jim Soorley. That is what they will get. If they want three hours parking, they should get Jim Soorley to deliver three hours. That is what they will get. I put that on the record right now.

Honourable members interjected.

Mr BEATTIE: Members took that the wrong way. That is not what I meant. I have just gone red. It is because other ministers have been using my microphone. I reckon it is the Attorney-General's fault; he was here. Can we start this again?

There have been increases in police numbers on the Gold Coast and the people to take credit are Merri Rose, Peter Lawlor, Di Reilly, PK Croft, Christine Smith, Margaret Keech, Robert Poole and, at the northern end, Tom Barton. I was intrigued to see the federal member trying to take credit. We cannot really blame people outside the state government for wanting to take credit for an increase in police numbers, especially given that our Police Service is the envy of the nation. Look at the way the Queensland police handled CHOGM and the Queen's visit and remember the ringing endorsements from the likes of the FBI. Government initiatives are making a big difference on the Gold Coast, where police have performed exceptionally well under the spotlight of the schoolies celebrations. Opposition politicians have a reputation for claiming kudos at every opportunity, but one federal Liberal member, Steven Ciobo—the king of kudos—is claiming—

Mr Springborg interjected.

Mr BEATTIE: What did the new Leader of the National Party say? I want to ensure that he has appropriate respect and courtesy and I give him an undertaking that he will get the $64,000 in the same way I would have promised it to the member for Toowoomba South.

Mr Springborg interjected.

Mr BEATTIE: Normally the member is better mannered than the Leader of the Opposition. He should not try to follow his bad mannered ways. Steven Ciobo, the federal Liberal member for Moncrieff, was quoted in the *Gold Coast Bulletin* as saying that one of his proudest achievements is the allocation of more police to the Gold Coast. Give us a break! Mr Ciobo reckons he was instrumental in getting an extra 69 police on the coast. I have already spelt out who did that. It was the government team on the Gold Coast that delivered these numbers. Mr Ciobo ought to start delivering for the Gold Coast. How about some money for the Tugun bypass? If he wants to do something, he should get some money for the Tugun bypass instead of claiming credit for all of the hard work done by the Labor members on the Gold Coast who are the ones who delivered the extra police. If he delivers some money for the Tugun bypass, I will be the first to congratulate him.

Tree Clearing

Mrs SHELDON: I refer the Minister for Natural Resources to the fact that between May and October this year, a period of five months, his department has received 713 notifications of alleged illegal tree clearing but during the past 18 months only 400 notifications of illegal tree clearing have been investigated, and I ask: why are he and his department not investigating illegal tree clearing and enforcing the state's vegetation laws?

Mr ROBERTSON: I reject outright any suggestion that my department is not investigating allegations of illegal tree clearing. In fact, I recall making a statement to this House not all that long ago outlining in great detail the number of prosecutions that we have undertaken. In fact, just recently in the Cairns region, if I recall correctly, the largest ever fine was handed out by the courts for illegal tree clearing. We shall continue to do so. The reality is this: investigating allegations of illegal tree clearing is incredibly resource intensive. It is not an easy process to gain the necessary proof to take all allegations of illegal tree clearing to the full extent through the courts. Nevertheless, where allegations are made of illegal tree clearing I expect my department to follow up and investigate them.

As I have said recently in this place, the fines for illegal tree clearing are significant, but it is a matter for the courts, based on the facts relating to any one particular matter, what the nature or amount of the fine will be for those convicted of tree clearing. I am not too sure what it is that the member for Caloundra is actually suggesting, because the reality is—

Mrs SHELDON: I rise to a point of order. Possibly the minister would like me to read the question again. They are his figures. The fact was that in a period of five months—

Mr SPEAKER: Order! The member has asked the question. There is no point of order.

Mr ROBERTSON: As I said, I expect all allegations of tree clearing to be investigated to the appropriate extent by my department's officers and I am confident that they are doing so.

ICTs for Learning

Mr PURCELL: I ask the Minister for Education: could she please advise members as to how the delivery of computers and cabling to Queensland state schools is progressing?

Ms BLIGH: I thank the honourable member for his question. He is well known as an active supporter of the schools in his area and his interest in the implementation of the government's ICTs for Learning strategy. I am pleased to announce this morning the next step in the development of this strategy, which is the implementation of the ICTs for Learning priority schools program. This is part of this year's budget allocation of $118 million over four years to boost our ICT resources and skills in using them in our state schools. This injection of new funds provided an opportunity for government to ensure that all schools were brought up to some very good minimum standards. In order to identify which schools might need extra assistance in getting to those minimum standards, we have conducted, and all schools have completed, an ICT census. I am pleased to announce that there were far fewer schools than we originally expected in the priority field.

In 2001 data suggested that 70 schools across Queensland had ratios of students to computers higher than one computer for every 12 students. The audit this year identified only 20 schools in that category. In 2001 the data suggested that more than 350 schools had computer to student ratios of between one to 12 and one to eight. The census data found only 253. Because there were fewer schools than originally expected, this has allowed us to extend the priority program to schools with computer to student ratios of one to seven and one to six. In total this means that there will be more than 5,000 computers to be distributed in the next couple of months to more than 660 state schools under the priority program. The delivery of computers has started and will continue now through to the middle of next year. Under the priority program, nearly 700 classrooms will also be connected to the Internet by the middle of next year.

The program is helping schools to make a quantum leap towards the government's benchmark that we have set for all schools to reach a ratio of students to computers of five to one. What this program means in an area such as Bulimba, for example, is that 29 new computers will be provided to schools such as Bulimba State School, Cannon Hill, Morningside, Murarrie, Norman Park and Seven Hills schools. We are determined to make sure that every school in Queensland meets the benchmark of five to one. This is something that we believe we will now achieve ahead of our original target time and it will make a big difference in our classrooms.

Racing Industry

Mr HOBBS: I refer the Minister for Racing to the exodus of thoroughbred racehorse trainers from Queensland to southern states, which has skyrocketed under her administration. Bill Mitchell is the latest high-profile interstate trainer to shut down his Brisbane stable and move most of his horses to his Caulfield stables. In the past two years, Gai Waterhouse, Lee Freedman, Clarry Connors and Bart Cummings have abandoned satellite bases in Brisbane while local trainers such as Peter Moody, Alan Bailey and Gerald Ryan have transferred the majority of their horses down south. I ask: how much longer will the minister sit on her hands and keep blaming the QTC for everything that goes wrong with racing? When is she going to wake up to the fact that prize money in Queensland racing under her administration is chronically underfunded and that, unless additional funding is provided, more trainers, horses and jobs will leave Queensland for southern states?

Ms ROSE: I thank the member for the question. When will he come to an understanding of who controls racing in Queensland? The vision of the member for Warrego is to return to the good old days of Russ Hinze, with political pork-barrelling, nepotism and pay-offs to political cronies. For the first time we have a professional—

Mr HOBBS: I rise to a point of order. I find the minister's words offensive and ridiculous and I want them to be withdrawn.

Ms ROSE: I withdraw. For the first time we have a professional, skills based control body running racing in Queensland. For the first time we have a strong future for racing in Queensland. As a matter of fact, from the comments that the member for Warrego has been making recently, I thought he was thinking of changing his mind a little bit about Queensland racing. He is actually agreeing with some of the things that the new board wants to do. He was on Toowoomba radio

just recently and was being interviewed by Graham Healy. Honourable members will recall that Graham Healy was the former shadow minister for racing and a National Party colleague of the member for Warrego in this parliament.

The interview occurred on 21 October. The member for Warrego was being asked by Graham Healy to explain his vision for country racing in Queensland. This is a quote from the member for Warrego: 'I don't doubt there may be a few too many race meetings in some—in some circles—and we may have to cut back.' Mr Healy then asked, 'Would you agree, though, that there are too many race clubs in Queensland?' What did Mr Hobbs say? He said, 'Well, Graham, yes.' Here we have the member for Warrego standing up in this parliament time and time again saying how he is behind country racing in Queensland—

Mr HOBBS: I rise to a point of order. The minister is misrepresenting what I was saying. We know that we have to modernise—

Mr SPEAKER: Order! There is no point of order.

Ms ROSE: Queensland racing has a difficult job to do. Bob Bentley is on the record as saying that the QTRB is looking at the level of racing and the sustainability of the current levels of racing. I am glad to see that the member for Warrego is right behind him.

Mr JOHNSON: I rise to a point of order. I move that the minister be further heard in order to give us the answer to that question.

Mr SPEAKER: Order! There is no point of order.

Mr Hobbs interjected.

Mr SPEAKER: Order! The member for Warrego! This is my final warning.

Mr Hobbs interjected.

Mr SPEAKER: Order! I now warn the member for Warrego under standing order 123.

Schoolies

Mrs CROFT: My question is directed to the Minister for Tourism and Racing and the Minister for Fair Trading. While 90 per cent of young schoolies did do the right thing, it is unfortunate that this year's schoolies festival has been marred by violence and other incidents involving alcohol. Can the minister advise the House of the operations of liquor licensing officers at schoolies?

Ms ROSE: Every available liquor licensing officer was on duty for the schoolies operations this year. I want to acknowledge and thank the member for the question because she was actually a volunteer at schoolies.

To date, 95 minors have been detected for breaches of the law on the Gold Coast, 21 on the Sunshine Coast and three at Hervey Bay. Most have been issued with $225 on-the-spot fines. Disturbingly, three 14-year-olds were detected on the Sunshine Coast and another in Hervey Bay. All have been referred to the police Juvenile Aid Bureau for action. The majority of infringements on the Gold Coast were for minors making false representations—56 attempting to gain entry to a licensed premises. Another 32 infringements were issued for possession of alcohol and 24 for consumption of alcohol in a public place. On the Sunshine Coast, offences ranged from two minors on premises to 13 for possession of alcohol, five young people making false representations and one breach for fraudulently obtained identification. Six infringements have been issued to employees, nominees or licensees on the Gold Coast for breaches of condition of licence or permit and concerns relating to levels of intoxication on premises.

This year the division particularly focused on adults supplying alcohol to minors. Twenty-two people have been detected supplying alcohol to minors on the Gold Coast. Two others were detected on the Sunshine Coast. All were fined $600. Officers will continue random and targeted operations throughout schoolies and liquor licensing will also be part of the post-schoolies review ordered by the Premier.

On another schoolies issue, I am concerned by reports of business practices adopted by some people on the Gold Coast. I have reminded accommodation providers and other businesses of the requirement to be fair to schoolies. I repeat the reminder now. On the other hand, schoolies also have to do the right thing. Accommodation providers have a responsibility to unit owners to ensure that the property is not damaged. Conditions they impose on tenants are

aligned not just to their duty of care but also to ensuring the safety of tenants. However, some managers have gone way over the top. Their jackboot approach seems a massive overreaction. If reports I have heard are accurate, some accommodation providers have acted like storm-troopers, bursting into units and behaving in an outrageously invasive and unlawful way. I ask these people to be fair in their dealings with tenants and to give them the chance to put their side of the story in the event of a dispute.

I will be convening a post-schoolies summit to discuss fair trading related issues which have emerged during schoolies 2002. We need to consider issues such as people's rights, accommodation contracts, dispute resolution and codes of conduct for tenants and accommodation providers.

Drought

Mrs PRATT: My question is directed to the Minister for Natural Resources. The extended drought is finding smaller communities literally running out of town water supply. Blackbutt has already reached the point where Kingaroy and other township communities are buying bottled water for residents. Yarraman is fast approaching a similar situation. These small communities are ill-equipped financially to finance water pipelines, although Nanango Shire Council, which is extremely financially strapped, will soon be connected to the Wivenhoe-Tarong pipeline. The water is for the township only and not the avocado growers who are major employers in the area. I ask the minister what measures he will pursue to assist these smaller councils to supply water to the avocado growers.

Mr ROBERTSON: I thank the honourable member for the question. Without dismissing the quite genuine concerns that the member has expressed in her question, the question should have been asked of the Minister for Local Government, who is in charge of various grant schemes to assist local councils with their water supply. I suggest the honourable member may wish to do that.

In relation to larger issues that are currently being contemplated in terms of the construction of projects, I refer the honourable member to the Minister for State Development. As I said, without dismissing the honourable member's concerns, the particulars should be addressed to those ministers.

Nevertheless, my department is engaged in a range of water supply studies to ensure long-term security of supplies for both town and irrigation purposes. Those will be progressively rolled out. For short term issues such as the honourable member mentioned, I refer her to the Minister for Local Government.

Education and Training

Ms STRUTHERS: My question is directed to the Minister for Employment, Training and Youth. I refer the minister to the government's newly released white paper on education and trading reforms for the future, and I ask: what role is there for employers in these efforts to assist young people at risk of not making it into the work force?

Mr FOLEY: Employers have a key role in building pathways for youth from school to work. Today I call on employers throughout the state to join the education and training reform effort to help young people get the right skills and knowledge to take them confidently into their adult lives. In the rapidly changing world of work this is a challenge that is not just for government; it is just as much for the community, and employers in particular. In other OECD countries, such as Germany and Japan, employers play a much more active role in structured training than is common in Australia.

It is encouraging to see certain employers in centres around the state already getting involved. As Commerce Queensland said in its news release of 26 November, young people need a lot of guidance and support through their later teenage years, and doing that in a structured way, as the government and business have proposed, is the right step forward. We will offer incentives of up to $4,000 to not-for-profit community organisations for school based placements and up to $2,000 to private employers. There are 10,000 young Queenslanders aged 15 to 17 out of school, out of work and out of training. We simply have to do better.

Mr SPEAKER: Order! The time for questions has expired.

PRIVILEGE

Scrutiny of Legislation Committee Report

Mr PITT (Mulgrave—ALP) (10.29 a.m.): I rise on a matter of privilege. I seek leave to table a report of the Scrutiny of Legislation Committee relating to a bill before the House. I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 12 of 2002*. For the benefit of honourable members, I should mention that this *Alert Digest* does not include a report on the amendments to the Discrimination Law Amendment Bill which were circulated in the House last night as the committee has not, in the time available, been able to examine those amendments.

DISCRIMINATION LAW AMENDMENT BILL

Second Reading

Resumed from 28 November (see p. 5112).

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (10.30 a.m.), in reply: I want to commence my reply to the second reading debate by thanking all members for their contributions to this important debate. This debate has been long and wide ranging and, as a number of members have indicated, has followed a very intensive period of consultation with a range of organisations representing both religious organisations and community organisations representing what might broadly be regarded as the gay lobby. Of course, the bill does extend to issues way beyond that particular tension of ideas.

It needs to be remembered that this bill is a major update of the antidiscrimination laws of our state and 99 per cent of the bill has, as is evident from the debate we have heard on the second reading, substantial support across all sides of parliament. There has been some very intensive lobbying and discussion and public debate centring around the changes to a few clauses affecting the exemption previously provided to religious institutions of various kinds. That debate and public discussion is entirely understandable. The fact that the government has successfully reached a resolution with all parties on those issues is I think a great example of how democracy works effectively in our state. It is a great example of the processes of this parliament, the debate between political parties and government and opposition, the active representations made by members of parliament, including and especially members of the government, and an active community interest in issues of fundamental significance to the lives of so many people, whether they be people who, in the religious tradition, hold dearly the values to which they subscribe or whether it be those who in their own lives have suffered oppression personally or indirectly as a result of their status.

These things are often debated in the public forum and in the media as centring only around matters of sexuality. Of course, those things always attract public attention and public debate. But this is not just about that issue. This is about the fundamental human rights of all Queenslanders not to be unjustly discriminated against on grounds across a whole range of areas, areas which by and large are areas over which the individuals who might be discriminated against generally have no control—that is, their age and their race. They may choose their religion, but it is a fundamental tenet of our democratic society that we protect people's entitlements to subscribe to and express and hold religious beliefs. That is why religion, too, is a ground specifically identified in our legislation as a ground upon which it is utterly inappropriate to discriminate against any individual citizen.

Before I make some general comments on this bill, I should acknowledge the contributions of many members of the House over the last 24 hours. The House debated this bill well into the morning. It was a debate which certainly engendered passion from a number of speakers. It was a debate, in many respects, somewhat unlike debates we often hear in this House. The nature of the political process is that on many matters that are brought before this House we hear routine contributions from both sides according to their political affiliations based purely on political debate. But I think what we saw in this debate yesterday was an example of where the democracy of a parliament truly works—that is, where each and every individual member, regardless of their political affiliation, made contributions that were genuine and, in many respects, from the heart. Many members of the parliament spoke openly, passionately and sincerely about their feelings on the complex issues that are given rise by legislation of this kind.

Discrimination in any form is deeply personal and can deeply affect the lives and the emotional wellbeing of individual citizens. I think every one of us in this place, either in our own lives or in the lives of people close to us, has experienced or can relate to circumstances where individuals who have suffered discrimination have suffered unfairly, have suffered unjustly. We want the laws of our state not just to reflect the social realities of our time and the social mores of our time but to provide moral leadership and guidance to our community so that no citizen—no individual—should be exposed or ostracised or vilified or victimised in a way that is unfair. This legislation is fundamentally about fairness in our society.

I want to thank the opposition's spokesperson, Mr Springborg, for his contribution. He made the leading contribution from the opposition members of the House. I acknowledge the concerns he raised about the consultation process and, as the Premier and I have previously indicated, we would have preferred to have a consultation process less afflicted by the initial conflict that occurred. A combination of circumstances in relation to the drafting of the bill and the commitments of the Premier and myself did result in us arriving at the point where we wanted to and needed to introduce the legislation but had not had a chance to consult with the heads of the churches. Of course, as many members of the House have pointed out, in the event it is not just the heads of churches who are the only people who need to be consulted with. I guess the irony of the way in which things panned out on the consultation front is that if we had indeed consulted earlier with the heads of the churches we may never have attracted the interest of such a wide cross-section of the community who ultimately took an interest in this, who ultimately took the opportunity to communicate with their members of parliament and who gave each and every one of us as members of parliament the opportunity to make representations on their behalf consistent with the proud democratic tradition that this place represents.

So in the scheme of things what has come out of this was a more intensive and more extensive consultation with community members who are affected by particular elements of the amendments proposed. The fact that has occurred is entirely consistent with the roles and responsibilities of members of parliament to represent their constituents' views. To that extent, I commend all members of parliament who have taken an active interest in this. Some of course, in my view, have taken a more constructive role in the liaison with their local community and the issues of concern than others. That is naturally part of the political process. But on balance I think it is fair to say that, in all parties in this place and in the Independents, members have genuinely sought to understand the views of their constituents and convey those views into this political process as best they can. I thank the opposition spokesperson particularly in that regard.

The opposition spokesperson raised a number of other issues which I am happy to deal with and I am sure he will raise them again when we consider the clauses. He raised the issue of birth certificates being able to be updated for people who have gender reassignment surgery. I point out to members that that updating of the birth certificate simply allows a new birth certificate to be issued with the appropriate reassigned gender to be indicated on the certificate. It does not conceal absolutely the history of the reality of birth of that individual, because a reference on the updated certificate will refer to a previously issued certificate. It is very similar, in many respects, to the way in which certificates of title are issued in respect of land in our state. When a new certificate of title is issued there is a reference number on the title to a certificate that might have preceded it. In the same way it will be theoretically or at least legally possible to track previous birth certificates so that the precise history of the birth date is retained as an accurate record. But allowing the certificate to be updated to reflect the reassigned gender is an entirely legitimate purpose to respect and show compassion to people whose lives, in their view, are significantly enhanced by the opportunity to live out their lives in the way they see themselves.

The Premier made a key point about the whole debate we are having on this issue. That is, whatever else we think about the minutiae of the way in which the law is ultimately drafted, the essential thrust of these amendments, of this legislation as a whole and of the government in this debate is to acknowledge, respect, support and encourage loving, enduring relationships wherever they exist. We want to make sure that in the 21st century, in a modern and civilised society, we encourage all citizens to accord each other that fundamental element of human relationships so essential to the cohesion of our community and the prosperity of our society—that is, love and respect. We ask nothing more of anyone, regardless of their race, religion, age or whatever, than to simply treat their fellow citizens with an appropriate modicum of love and respect. If we in this parliament can provide that leadership, if we can make laws that symbolise and signal to our communities that love and respect are at the heart of the

relationships we want to encourage amongst our citizenry, then that is the kind of leadership that we in parliament should be providing.

I acknowledge that contribution of the member for Nicklin, who is currently in his electorate but who is heading down to parliament this morning. He always seeks to make a genuine contribution in this place. He emphasises the importance of religious freedom. I want to reassure members of this House that in no way has our government sought in this legislation to restrict genuine religious freedom. Religious freedom in this country, enshrined as it is in our Constitution, is about respecting the right of people to hold and express religious beliefs. Nothing in this legislation denies people the right to hold and express their religious beliefs. Indeed, an attempt in any way by any person to deny people that right is a denial of fundamental human rights which this very legislation intends to protect.

The member for Nicklin also generously acknowledged the accuracy with which the Premier and I had reported the agreement we had reached between the government and the church representatives arising out of our many and intensive negotiations. I was obviously intimately involved in those negotiations. The Premier came in on a number of them. In more than 16 hours of intensive discussions with representatives of the various churches at various times, we were able to reach a result which I believe all members of this parliament can respect.

I acknowledge that certain members of the opposition may wish to vote against this bill as a symbolic protest against what they see to be the inadequacy of consultation, but I simply refer them to the fact that the consultation in the event was intensive, lengthy and extensive and it gave many people the opportunity to contribute their view in a way that they very rarely get in relation to any other legislation of this place. In the end, I think it achieved magnificently a consensus result that everyone could at least accept and move forward and work with.

The member for Charters Towers made a determined, thoughtful and generous contribution. It is true that, as the member for Charters Towers pointed out, there are people—perhaps in this place, people whom we know—whose own children have a certain status which from time to time might have seen them ostracised or maltreated. None of us want to see that, least of all amongst those who are closest to us, our children. The mere fact that they may have a status of a certain kind, whether they are in a de facto relationship or whatever their sexuality, is not of itself justification for them to be treated badly in that way, and we all feel for them when they are.

The Opposition Leader made the central point that members of the National Party seek to make in this debate, that is, the concern about consultation. I do not want to politicise this debate because, as I said at the outset, I think the debate that has been held is one in which all members of the parliament have individually expressed their genuine, heartfelt views. But I do get a sense that the discussion centring on consultation promoted by the Leader of the Opposition is somewhat of an alibi for not addressing the core issues in this debate.

I think it is good that people are interested, and I share the Opposition Leader's view that we should encourage as much public participation in the affairs of this parliament as we possibly can. As I have already said, I think whatever one might say about the way in which consultation panned out, the end result was that we did indeed attract more public interest on this issue than we might ever otherwise have done and certainly much more than we do for many of the bills that routinely pass through this place with very little public comment, even when they do have much more formal consultation with so-called official stakeholders.

To the extent that the Leader of the Opposition shares our values on these things, I refer him to the preamble, which was proposed by Archbishop Bathersby and which our government has willingly adopted—in terms that we drafted but with the sentiments that he proposed—recognising that nothing in this legislation is designed to weaken or diminish the social values our society broadly holds; that is, the respect for and the upholding of traditional marriages and family values, the concept of the family unit and the importance of the concept of family that underpins the stability of our community.

We do not seek in any way in this legislation to diminish the importance of those traditional values. Lifting up the respect, care and acknowledgment of those who have differences does not of itself necessarily tear down the values of those who already are in ideal relationships. We want to encourage everyone, whether they have reached the ideal or whether they have not, to enjoy a relationship that is respectful, loving and enduring wherever possible. The member for Algester, whose contribution to this debate was reported in today's news, made a passionate and compassionate contribution to this discussion. She showed, like a number of other members,

great insight into the injustice that can be suffered by people who are different and whose difference alone does not justify our society not according them the appropriate levels of respect.

May I commend also the contributions of the member for Moggill, the member for Caloundra and the member for—

Mr Quinn: Robina.

Mr WELFORD: I keep thinking Merrimac—the member for Robina. Of course, like all members in this place, they have had to search their souls and their consciences on some issues that we all acknowledge are controversial in this debate. But I think that there were some wonderfully insightful comments made by these members who are in a party that, let us face it, is on the conservative side of politics. The member for Moggill showed that he had grown from a position of being a dispassionate bystander, a dispassionate parliamentary representative, to one who has now committed himself to being a compassionate advocate for reform. That has occurred through his contact with people in the transgender community and his experience in learning that these people, too, are citizens of our society in every full moral sense.

The member for Caloundra made a good point. In an admirable, earthy sense of fairness, she pointed out that it was not that many years ago that people actually got into trouble for writing with their left hand. She pointed out that not many years ago people got into trouble just because they were women. Women have had to struggle to achieve the same levels of acceptance and respect as males have in our society.

Mr Springborg: Now we get into trouble just because we're men.

Mr WELFORD: As the honourable member says, sometimes men get in trouble, too. I think that shows that, over time, we are becoming a more accepting community in terms of accepting people's differences. We no longer get whacked on the hand at school if we write with the wrong one. It is no longer acceptable in this society for men to humiliate or mistreat women solely because of their gender. These are things that are gradually percolating through our society in such a way that we are becoming more and more accepting of the differences of others. This legislation seeks to achieve nothing more. Yes, it seeks to achieve it in areas where there is still some measure of sensitivity. But we are seeing a gradual evolution of people's values in a way that in no way undermines the right of people to hold beliefs of a religious nature—whatever they may be—but that does not of itself authorise the mistreatment of people who simply are different.

The member for Gregory made a contribution to the debate which, I guess, surprised many of us and it was commented on by many members during the debate. We welcome his emerging acceptance of difference. It shows that, for him, being a member of parliament has been an experience of personal growth.

The member for Hervey Bay made his usual articulate and erudite contribution. He emphasised, as we do, the core values of loving relationships and how this legislation is designed to re-enforce and give affirmation to those relationships in our community.

The member for Gladstone made, as she usually does, a genuine contribution. She raised issues in relation to birth certificates, some of which I think I have addressed. She also raised some concerns about the natural tension between vilification laws and the concept of free speech. I want to assure the member for Gladstone and all the other members of the House that the vilification provisions in our legislation, whether they be the vilification provisions that exist in relation to race and religion or whether they be the extended provisions that we are inserting in relation to sexuality, in no way undermine the concept of free speech.

Free speech is fundamental to our democracy and we must all fight for the right of every Australian citizen to express their views freely. But we must also express those free views in a way that respects the sensitivity of others. We must do it in a way that respects the citizenship and the equal moral value of every Australian. That is all that the vilification laws seek to do—to prevent people from expressing views in a way that is designed to incite hatred and threats of violence or actual violence against people for entirely unjustified reasons. I think it will be borne out that those elements will be respected.

The member for Mansfield made the point about community input. On behalf of the government and on behalf of the members of parliament, I want to thank all of those members of the community who actively participated in the public discussion on this issue. We all owe those citizens of Queensland who showed enough interest, who overcame the threshold of apathy that many of us struggle with in our communities, to actually have a say. Their contribution enabled us, through our consultations, to come to a result that I think many of us can see is an amicable result.

The member for Ferny Grove also made a passionate and heartfelt contribution to this debate. He is a former worker in the field of employee protection. He has obviously understood and worked in close quarters with people who have suffered dastardly discrimination in their workplace. We have sought nothing more in this reform than to ask our religious institutions, which run businesses just like others but which also run community services and provide religious ministry in a special way, to treat their employees with the same respect that we in civil society expect all employees to be treated—to be treated reasonably, to be treated fairly, and to be accountable in some measure for the procedural fairness that they accord employees in their relations with them. In drawing our attention to that issue, we thank the member for Ferny Grove for his contribution.

I acknowledge that a number of members have made contributions which I have not been able to refer to specifically in this debate. However, I thank them all, particularly the members of the government who, let us face it, in political terms have had to withstand a firestorm in comparison to the usual public exposure on issues that normally come before this House. When members are in government and they rely on the votes of their community to hold their seat, it can be tough going when people—some informed, some uninformed—make virulent criticisms against them. It is a tough game for members to stand up, hold their nerve and adhere to their beliefs when they experience fierce pressure coming from sections of the community who threaten their own employment. I would like to thank all members, particularly the members of the government, who held their nerve and committed their loyalty to the Premier and I in our efforts to reach consensus with all sides of this debate. I believe that their loyalty has been rewarded in spades by the respect that we now have from the church communities and the shared respect that we have across this chamber and across political boundaries.

Mr Reeves: You listened to their concerns, too.

Mr WELFORD: Indeed, as the honourable member said, his representations and the representations of other members of the government enabled the Premier and I to reach, I think, an outstanding outcome for all sides.

The member for Stafford played a central role in this discussion. He assisted me in negotiations with a number of religious leaders, because he, too, has had personal experience in working in that field. His understanding of the sensitivities and nuances of dealing with religious issues in the context of making civil law has been a great contribution and assistance to me in the negotiations that I led on behalf of the government. I would like to thank the member for Stafford for his contribution in this way. The member showed great balance and was actively involved.

I conclude by making passing reference to what I think was an outstanding article in the *Courier-Mail* penned by Noel Preston and Peter Kennedy. As they say—

> Legislative clarification of the proposed laws to allow those church groups to apply employment practices consistent with their values and beliefs is reasonable in a liberal democracy. There is, after all, some point in the religious freedom argument put by church groups, however, this does not trump all considerations. The principle of religious freedom must be balanced with other considerations in a just society. Religious freedom is not absolute and must be curbed where it causes harm to other members of our society. As most contemporary scholars would argue, Jesus of Nazareth stood alongside the marginalised and befriended even those whose sexual history made them a subject of social rejection. Furthermore, Christ acknowledged the legalistic and moralistic code promoted as an instrument of social control by religious leaders. An ethic based on biblical literalism or dogmatic assertions by church councils may lead to moral legalism rather than an ethic which is contextually relevant and supportive of loving relationships.

I table the explanatory notes to the amendments that have been circulated in the House. I thank again all members of the House and all members of the community who contributed to this debate. It has been a great debate, but it is a step forward for our state in reasserting and affirming the values that we all share—the values of respect and loving relationships and upholding those things that make our state a great state in which to live.

Question—That the bill be now read a second time—put; and the House divided—

AYES, 55—Attwood, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, J. Cunningham, English, Fenlon, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, Male, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Purcell, Quinn, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, D. Scott, Sheldon, Shine, Smith, Spence, Strong, Struthers, C. Sullivan, Watson, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves.

NOES, 17—Bell, Copeland, E. Cunningham, Flynn, Hobbs, Horan, Johnson, Kingston, Lee Long, Lingard, Pratt, E. Roberts, Rowell, Seeney, Simpson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Committee

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) in charge of the bill.

Clause 1—

Mr SPRINGBORG (11.08 a.m.): I do not disagree with the short title, but I do have a question for the Attorney which he may be able to answer at his discretion that relates to the drafting of the bill. We heard in parliament yesterday the Premier indicate that one reason there was not the amount of consultation that, in retrospect, the Premier otherwise would have liked was the fact that there were other issues occupying the mind of government ministers and himself. Can the Attorney indicate when the process for the drafting of this bill started, including the drafting instructions given by the government to the parliamentary counsel officers responsible? As I said, the Attorney may feel that it is not within his discretion to do that, but I would have thought that, given the fact certain indications were made about the issues which have impacted upon what is now realised to be the necessary amount of consultation, it would be helpful for me to know how long this drafting and preparation process has been in place.

The CHAIRMAN: I do not think the question is relevant to the clause, but the Attorney may wish to respond.

Mr WELFORD: I know that this goes very much to the issue of consultation about which opposition members are concerned. I cannot pinpoint exactly when the process started in terms of my decision to instruct the department and my officers to commence work on this. It was certainly some months ago. The issue about what sort of consultation and in what form needs to be addressed at a number of levels. Firstly, as a government we have the most comprehensive mechanisms for community engagement and community consultation of any government in our state's history.

Mr Wilson: Or Australia.

Mr WELFORD: Indeed. There is our community cabinet processes, the regular regional forums that ministers conduct with leading members of the regions across the state, and the parliament in Townsville where we took the parliament to a regional community for the first time in our state's 141 year history. On a whole range of levels we are constantly working as closely with our community as we can. It is true to say that, over the months and years preceding these amendments, all of us have in one form or another received representations from various members of the community seeking to have what they saw as an injustice to them remedied in the law. That is what these amendments are about. These amendments are about ensuring that, regardless of a person's status, we judge them only by their conduct and that we treat them fairly in all circumstances.

That process of consultation has been very much ongoing. In terms of the formal consultation that necessarily centres around most pieces of legislation in this place, that is not something that normally occurs with the broader community unless it becomes, as this one did, a controversial issue. That formal consultation ordinarily occurs with peak stakeholders. In respect of industrial relations, Commerce Queensland, the Queensland Council of Unions and the Australian Workers Union—the peak representative bodies—are called in to discuss those matters. On issues like this or whether it be issues of prostitution law reform, our government's process is to call in the religious leaders of our state to at least consult them and inform them of the policy reforms and direction that our government proposes to take. In this particular instance, that was done probably two weeks or thereabouts—a couple of weeks—later than it should have been. But as I indicated to the member previously, the difficulties arose primarily because of the actual drafting of the legislation.

Firstly, the Premier was heavily involved in negotiations with the Commonwealth on national security matters. I was partly involved in that. But the real limiting factor for me was getting the drafting finalised. There was little point consulting with the church leaders, particularly on the most contentious couple of clauses centring around religious schools, until we actually resolved how we were going to deal with that. That centred around section 25 of the existing legislation, as the member knows. We obviously understood that we would be repealing some of the other sections, such as section 109 and section 29, but how we were actually going to retain some protection for the religious character of schools we were still wrestling with right up until the last minute.

In the event, the way we went with it was to keep a simple provision in there by referring to the example of authorising schools to employ a teacher of a particular religion in a school of that religion. That was designed to flag our intention that the religious character of those places in

which religious ministry was an essential component of the job, where conveying religious values to children, for example, was an intrinsic character of the institution. That is why we put that in there. But the churches came back and explained to us that that alone did not provide them with clear enough guidance as to how they would manage their broader services across a range of areas. That consultation has led to the subsection that we are inserting in committee—subsection (2) and subsequent subsections of section 25 that will be inserted by these amendments in committee and which have been agreed to now by all of the major church organisations, including, I might say, the people who expressed most concern about this initially, and they were the Christian schools, which are predominantly members of the Christian Schools Association.

To reach a point where we could not only acknowledge our existing commitment to retain the integrity of religious institutions where this was necessary, but then to also embellish that with a provision which even the Christian schools could sign up to, I think is a magnificent outcome of consensus government and shows that our government listens and responds to the consultation in which we genuinely engage with all sectors of the community. I trust that gives the honourable member some insight into the circumstances surrounding this.

I know a number of members of the opposition have, I suspect as part of the political cut and thrust of this debate, made allegations about sinister or secretive dealings. There was no overt intention by this government to engage in any trickery on this front. It was simply a fact that, in getting the legislation drafted to the point where it was appropriate to be able to present it to the church leaders and then getting jammed with the situation of wanting to get it on our legislative agenda, it was left late. But I think it is fair to say that whatever shortcomings there may have been in those initial consultations have been more than adequately offset by the subsequent intensive engagement with anyone who had any concerns about this bill and, what is more, the outcome of that engagement has been a result of which I think this parliament and democracy in Queensland can be truly proud.

Miss SIMPSON: I would like to ask the Attorney-General—

The CHAIRMAN: No. Is this about clause 1?

Miss SIMPSON: About clause—

The CHAIRMAN: No. The member will resume her seat. Is this about the title?

Miss SIMPSON: Yes.

The CHAIRMAN: It is about the title of the bill?

Miss SIMPSON: Yes, it is about clause 1. Yes, Mr Chairman, I am talking on the same clause.

The CHAIRMAN: I will hear the member's question.

Miss SIMPSON: Thank you, Mr Chairman.

The CHAIRMAN: I had made a ruling that it was not relevant to talk about consultation under this clause. The Attorney-General chose to address it. I have given some latitude. I will hear the member's question and see whether it is relevant.

Miss SIMPSON: You must be psychic, Mr Chairman. I had not even said anything before you ruled me out of order. But let me please place this simple question to the Attorney-General. If he wants to ease people's minds about the—

The CHAIRMAN: Order! The member will resume her seat. I am not psychic. The member is only allowed to talk about clause 1. I am on my feet. The member will resume her seat.

Miss SIMPSON: I have not even asked the question.

The CHAIRMAN: This is about the title of the bill. There will be other opportunities to ask that question.

Miss Simpson: Are you going to gag me, Mr Chairman?

The CHAIRMAN: Is the member going to ask about the title of the bill?

Miss Simpson: Then let me ask the question, Mr Chairman, please.

The CHAIRMAN: Order! I am not gagging the member. Is the member going to ask about the title of the bill?

Miss Simpson: Can I ask a question about the title of the bill?

The CHAIRMAN: Yes, you certainly can.

Miss SIMPSON: Please, Mr Chairman, if I may ask a question?

Mr Reeves: Have respect for the chair.

Miss SIMPSON: The member has not heard my question yet.

The CHAIRMAN: The member will ask her question.

Miss SIMPSON: With regard to the title, when did the Attorney-General seek authority from cabinet to prepare this legislation?

Mr WELFORD: I do not know the exact date, but it was a couple of weeks before we got the approval to introduce. The approval to introduce was on the Monday before it was introduced.

The CHAIRMAN: I would like to point out to the member for Maroochydore that I was psychic; she was not asking about the title of the bill. That is what I said. Members debated the consultation process yesterday. Can we get to the clauses? The whole purpose of the committee stage of the bill is for people to ask relevant questions about drafting and getting answers and clarification on the clauses. The Attorney chose to answer the question before in deference to the Leader of the Opposition. That is fine. I will leave it at that. I will put the question.

Clause 1, as read, agreed to.

Clauses 2 and 3, as read, agreed to.

Clause 4—

Mr SPRINGBORG (11.20 a.m.): I might accept some responsibility for that in relation to clause 1. I just felt that it was appropriate to ask about when it was drafted. I just thought that it might have been relevant to the title because a lot of that is decided at the time.

Clause 4 relates to the meaning of 'de facto partner' which has quite an extensive meaning. I think it also runs over into clause 5. I suppose we are probably dealing here with some philosophical issues and some of the other matters that are raised when we try to define 'de facto partner' and all the parameters that need to be laid down and considered when we look at its application regarding the acts which are covered by it. The acts which are covered by it are very numerous.

It is possible, as I understand it, that this could very much apply to the case of multiple spouses. I know that is the debate which we had previously when amendments came into this parliament in relation to, I think, the Industrial Relations Act or the WorkCover Act. As I said yesterday, I do not have a particular problem with the recognition and solid support for the relationships which people choose to engage in. As I also said yesterday, and as has been reflected by many members of this parliament on both sides, there are hundreds of thousands of people across Australia who are involved in long-term committed de facto relationships. I recognise that and understand it. As I also indicated yesterday—and I will have more to say on it in relation to the preamble—there is the question of the importance of married relationships as well.

As I understand it, these broad definitions apply either together or separately with regard to defining a de facto partner. In the case of the definition of a de facto partner, when one is dealing with a number of acts including WorkCover, succession and superannuation, a two-year cohabitation period provides some element of guidance which is not exclusive. I suppose I seek the assurance of the Attorney with regard to the issue of multiple spouses. I know that we have to address these particular matters, but it is possible as we get into this area of law more and more for claims to be made by a de facto partner in a case where there may be one, two, three or four spouses. We could have a married spouse who has a claim on an estate if a person dies intestate. We could also have the possibility of one or other de facto partners claiming as well. I would be interested to hear about any issues which have been raised about this with the Attorney as well.

I would like to turn to page 9 of the explanatory notes. Yesterday, I mentioned in parliament that there was some concern that these actions may impact on other people who have a legitimate claim or right to receive part of a person's wealth, or access to something in another beneficial way. In the second paragraph on page 9 it says—

> Although the rights of some beneficiaries have effectively been reduced through this amendment, this is a consequence of providing rights to de facto partners who have cohabited with the deceased for at least two years. It is no longer reasonable or justifiable in terms of current community values towards de facto partners to have a minimum five-year cohabitation period requirement.

I understand where the Attorney is coming from there. I have a basic concern about fundamental legislative principles, notwithstanding the basic tenet of justice which the Attorney is seeking to

provide for there. I am concerned that the legislation will in some way impact upon fundamental legislative principles and the rights of others.

Can the Attorney give assurances to the parliament as to any practical measures or safeguards which would exist to ensure that, say, the married spouse of such a person, or other beneficiaries or dependants of such a person, would not be too adversely impacted upon? I think it is an important issue which should be clarified for the parliament because we are dealing with an area of law where we potentially impact adversely upon somebody in order to extend justifiable provisions to somebody else.

Mr WELFORD: The definitions of 'spouse', 'de facto partner' and 'de facto relationship' are, by these provisions, inserted into the Acts Interpretation Act. The reason for that is that increasingly over a number of years now in relation to workers compensation, succession, claims for superannuation or claims arising out of the death of a spouse or partner, the parliament has had to, on each and every occasion, legislate the definitions in order to try to address the issues that naturally arise in allocating the benefits that arise from those laws between various parties.

What this provision does is insert in the Acts Interpretation Act a consistent provision that will henceforth apply to all laws, so that the confusion that sometimes arises from different definitions in different acts of parliament is avoided. Of course, that does not mean that, should parliament enact future legislation in which it is not considered appropriate for a de facto partner to be allocated the same benefit as a married spouse, the parliament does not reserve the right to exempt the new law from this general provision. I think it is fair to say that, on balance, it will be increasingly more likely in the years ahead that when parliament makes laws that affect the allocation of interest or benefits—whether it be succession law, superannuation or workers compensation type laws—the entitlements of people in what we might loosely call long-term intimate relationships will be, in law, regarded as the same entitlements as those of a person who is in a relationship sanctioned by the Marriage Act of the Commonwealth.

The rationale is to ensure that a consistent definition applies for all those future occasions when we inevitably will need to make provision in this place to protect the interests of parties who, in their long-term relationships, have contributed to each other's financial position. I guess the classic example is the difference between de facto partners and married partners in relation to the settlement of property upon separation.

Whatever one might think about the greater moral importance of a traditional marriage compared to a marriage that has not been formalised by a legal ceremony, the fact is that when we are dealing with people in enduring, loving and respectful relationships who have contributed their share to the material wellbeing, and who may have had children of their relationship, it is absurd to deny those people justice merely by virtue of the fact that they did not have their relationship formalised in some way.

Those children deserve the same respect and the same entitlements as children of a marriage. The women who are in relationships, whether they are formally married or not, and who contribute to those relationships with their blood, sweat and tears do not deserve to be cast aside when the man walks away from them. They deserve to have access to the shared resources of their relationship when they have committed themselves willingly and lovingly to that relationship, and I will not deny them access to that justice.

In relation to succession and what the member raised as to the risk of competing past relationships giving rise to more than one spouse or partner claiming, those issues are resolved in succession law by provisions that are in or are being put into the Succession Act. In relation to the other areas, the situation exists in relation to WorkCover or other areas where the decision maker already has to deal with more than one past relationship and the decision maker has to sort out how to address those issues. We cannot—and I suspect it is impossible—provide in legislation specifically for every possible contingency and every possible combination of relationships that the decision maker might have to decide.

Whether a workers compensation payment is being made or superannuation benefits are being allocated, it then will be up to the decision maker to assess, partly according to the principles of assessment that we have included in the definition here, which parties are the appropriate parties to apply or receive a benefit. Ultimately, the decision maker will make that call using the best judgment they can exercise. If the parties are dissatisfied, then there are dispute resolution processes, as we know, in the ordinary law that help address those issues. That is the purpose of the provision. That is how its application will operate in relation to succession law and other laws. I do not think that there is anything else I can add to that.

Miss SIMPSON: Following on from that, the Attorney-General made reference to the fact that this seeks to extend these definitions across other legislation. I seek his advice specifically with regard to the adoption act and what happens particularly in relation to particularly same-sex couples. Will they be able to adopt under this act through these definition changes? If not, what are the plans in that regard?

Mr WELFORD: Yes, I know that is an issue of some sensitivity that the member raises. Let me assure members that nothing in this legislation creates new rights in respect of adoption for parties in a same-sex relationship. This creates the definition but does not create any new rights in respect of adoption. As the member may know, there is currently a review of the adoption laws being undertaken. In this legislation we have specifically excluded the extension of the definition to the adoption act. So if one looks at the bill and studies it they will see that, for the purposes of the adoption act, the extension of the definition of 'de facto relationship' does not extend to same sex-partners. It is still only heterosexual partners who have access to the adoption laws. We have specifically excluded that. Mind you, before this exclusion there was nothing inherent in the adoption laws themselves that prevented a partnership of people of the same gender applying for adoption. So that was the existing law.

We have in fact put a restriction on that in the course of this definition precisely because of the sensitivity that the member has raised and which we expected she would raise. We do not want adoption laws to become a political issue. Adoption is a very important and valued service that people provide to our community. We need to be very careful not to turn that process into a purely political issue. So I repeat: there is a review of the adoption laws currently occurring. Nothing in this legislation creates new rights with respect to adoption beyond what already exists. We specifically excluded from these amendments any extension of the definition to the adoption act.

Mr BELL: In relation to clause 4, I note that the present tense is used—that is 'who are living together'—but I guess there could be an accumulation over time of de facto partners and maybe 'who are living together' could be construed as being an accumulation of different de facto partners. My point is that with marriage there can only be one valid marriage and one valid spouse and there is a provision under other legislation for divorce. So one knows that there is only ever one lawful spouse at a time. It is not clear to me in the definition of clause 4 that if parties have been living together and then cease to live together for a period of time that they are no longer regarded as de facto partners. Would the Attorney address that issue.

Mr WELFORD: As I said before, the difficulty in this area is that it is not just a case of de facto partners that gives rise to these issues. The general rule, as it is with lawful marriages, is that the relevant spouse is the spouse at the time a decision is required. So, generally speaking, it is the person who is the de facto partner lawfully under these provisions and who has been living with the person for two years at least where the succession benefits or other benefits become involved. The person who is their de facto partner under those arrangements at the time the decision needs to be made will be the de facto partner for the purpose of that decision.

It is possible that disputes can arise in relation to this, although, as the member says, there can only be one lawful married partner. But under the existing law there can be disputes that arise between a married partner and a de facto partner where the marriage has not been dissolved or annulled. So to answer the member's question, there will be circumstances where there may be competing partners seeking to have the partnership recognised, but the general rule will be that the partner or spouse at the time the decision needs to be made who is living in a relationship with the other person, and having regard to all the other factors in the definition, will be the partner concerned.

Clause 4, as read, agreed to.

The CHAIRMAN: Before going on to clause 5, I welcome to the public gallery teachers and students from St Mary's Primary School in the electorate of Ipswich.

Clause 5—

Mr SPRINGBORG (11.39 a.m.): The Attorney-General can rest assured that from here on out I do not intend to go through each clause consecutively. I refer to the definitions of 'de facto partner', 'de facto relationship' and 'spouse'. As I understand it, for all intents and purposes a de facto partner will be considered a spouse. Whilst I have no problem whatsoever in recognising that de facto relationships exist and that they provide in many cases a very stable environment in which to bring up children, loving long-term relationships and so on, I have previously said that marriage, by its very nature of contract and so on, provides a greater onus on those who are

actually engaging in it. That onus is real, not only in contract but also psychologically, to potentially make things work that may have faltered otherwise. I also recognise that there is not a lot of point in keeping an intractable relationship going.

The definition of 'spouse' will now include 'de facto partner'. I raise this because people in my electorate raise it with me. As a member of parliament, from time to time I receive invitations with the wording 'Lawrence Springborg and partner'. Well, I have a wife. People do view these things differently. Maybe it is pedantic or nitpicking, but people think about these sorts of things from their own moral standpoint. I will not be opposing the clause, but I raise these issues for the parliament to consider.

The impression I get from speaking with people in the community is that if they are married they are more than happy to say, 'This is my spouse.' In some cases people say, 'This is my partner.' Generally, when there is not a married relationship and a de facto relationship applies, whether it is short term or long term, people will say as a matter of course, 'This is my partner.' That is the way they actually see it.

While the minister was clarifying issues I raised earlier I had the opportunity to consult the *Shorter Oxford English Dictionary*, which is the bible for terminology in this parliament.

Mr Welford interjected.

Mr SPRINGBORG: One day I sat down here and read how long it took to put this thing together. It was decades, in fact.

Mr Welford: You started at 'aardvark', didn't you?

Mr SPRINGBORG: Yes. I got all the way through. I don't know what is the last entry.

Mr Welford: 'Zygote'.

Mr SPRINGBORG: I suppose it would be. I looked at what is generally held as the definition of 'spouse'. The entry reads—

1. A married woman in relation to a husband; a wife; a bride. 2. A married man in relation to his wife; a husband; a bridegroom. 3. In religious use: a. Applied to the Church, or to a woman who has taken religious vows, in relation to God or Christ. b. Applied to God or Christ in relation to the Church (or its members), or to women of religion.

It would be a pretty impressive filibuster if I read it all. It did happen in the United States Congress years ago. I understand somebody spoke for 48 hours on the cabbage bill or something along those lines. It will not be happening here; I have seven minutes of time left to me. That fellow is still in parliament. I think they call him 'Sixty' now. He has been in there for 60-odd years. The dictionary goes on with other definitions of 'spouse' because there are different definitions in various contexts. However, it also states—

Spouse 1. To join in marriage or wedlock. 2. To give in marriage; to promote or procure the marriage of; to marry (*esp.* a woman *to* a man). 3. To take (a woman) as a wife; to marry, wed.

The definition of 'spouse' is quite clear. Maybe this predated the modern context we have to deal with now, but I have quite a traditional approach. It is not that I do not want people recognised—

Mr Lawlor: It is a living language, you know. It changes.

Mr SPRINGBORG: That is true, as we see if we look at language today and compare it with language that existed 50 or 100 years ago. But I imagine most modern dictionaries would describe spouse in exactly the same way. There is a general community determination or understanding of what it means, and it will be up to the academics who write books such as this to compile all of the information and consider whether that is a reasonable definition of 'spouse' in our modern time, whether it is Australian, English or whatever. What I am saying is that this is an issue of concern and community belief that many people actually raise. I will outline what the dictionary says about 'partner'. It states—

1. One who has a share or part with another or others; a partaker, sharer. ... 3. a. One who is associated with another or others in some business ...

There is reference to a husband and wife in the definition of 'partner'. That relates back to 1749. The interesting thing is that the definition of 'spouse' applies to a married or a wedded situation. The point does deserve to be addressed because people talk to me about it.

I think we sometimes need to be careful and circumspect about the way we change and describe terms in our acts of parliament for whatever purpose. It may very well have been that we did not necessarily have to use that word in this case but could have found another word that meets the policy goals and objectives of the government and addresses traditional beliefs that exist in our community—not traditional beliefs for the wrong reason but for the right reason. I

make those observations because I think they are important and they deserve to be heard and reflected on by the parliament.

The CHAIRMAN: Order! Honourable members, I ask you to acknowledge the presence in the Speaker's gallery of Mr Jerry Patterson from the United States of America, who is the land commissioner in Queensland's sister state of Texas and who formerly served as a state senator.

Honourable members: Hear, hear!

The CHAIRMAN: I also welcome Gorden Tallis to the public gallery.

Mr WELFORD: I know the matter of which the honourable member speaks. Indeed, in the discussions the Premier and I had with certain church community members the other night the issue was raised as to whether we were devaluing the use of the word 'spouse' by allowing the definition to be extended in this way. In no way is the use of definitions under this drafting technique intended to devalue the respect that our government holds for spouses in traditional marriage. It is simply a drafting technique that keeps as simple as possible the use of a minimal number of descriptions of like relationships in the statute books. It is not designed to devalue in any moral sense the description one normally accords to a partner in a formally married relationship.

To look at it from another perspective, however, I know that in the law the phrase 'de facto spouse' has been used for more than 30 years because the precise definition of a de facto spouse is simply to identify the distinction between a person in a marriage-like relationship that has not been formally recognised under the Marriage Act and a person whose marriage has been formalised, in which case they are de jure spouse.

But the words 'de jure' which means 'of law' are ordinarily dropped in the description. So there are two types of spouse which have always been used in the language of the law. It might not be the language that we use every day, but it is the language of the law. A de jure spouse is a spouse in a traditional marriage. A de facto spouse is a spouse where it is a marriage-like relationship but it has not been formalised by the law. So the word 'spouse' in the law has never been exclusively confined in legal discussion to the concept of a married spouse. It is recognised that 'spouse' is also appropriately linked with the term 'de facto'. But, as I say, I recognise that those who hold a pure view of the sanctity of traditional marriage feel some attachment to the word 'spouse'. All I can say is that, other than for drafting purposes and for the simplicity of interpreting legislation generally, by doing this it is not intended in any way to undermine the high respect that our government has for traditional married partnerships.

Mrs LIZ CUNNINGHAM: The Attorney-General has addressed part of the question that I was going to ask. When speaking to clause 4, the minister referred to the fact that some people in de facto relationships have received unfair treatment and children have been disadvantaged as a result of the lack of recognition of those relationships. I would have to say that the vast majority of people who have spoken against these changes to me have been people who have opposed them on the basis of faith. They certainly would never support any notion of unfair treatment of either a wife or a husband or the children of a union. They are very fair-minded and very compassionate and loving people, but they are opposed to the changes on the basis of their regard and respect for marriage and their regard and respect for the fundamental value of the family in our societal structure.

I appreciate the comments that the minister made. Obviously, it will not allay their fears—their basic objection to that change in definition—but it will at least put on the record a recognition that the formal process of marriage, the traditional marriage and the traditional family as it has existed for so many years, should not be seen as what could be perceived as a poor cousin or in some way an old-fashioned, outdated notion. So I appreciate those comments. Their objection is not based on a lack of justice or a lack of care for people who live together or who have children. Certainly I believe that they would be opposed to anything that would see either partner or the children disadvantaged—hurt physically, emotionally or in any other way—because of the fact that the family is not a legal family in the sense of marriage. After this bill passes, obviously, that situation will change.

I want to ask a follow-up question in relation to the Attorney-General's explanation that the recognition of de facto partners in this legislation changes the status quo in terms of marriage break-ups. We have a complex society. I am the first to acknowledge that. Years ago there may have been some people who lived together and were not married or at least had a sexual liaison but it was done very discreetly and there was never to any great extent any attempt to rely on the law to gain either a property settlement or anything else. Lately, marriages, de facto relationships,

et cetera have had attached to them quite a significant amount of potential legal baggage. I say that because I do not know what else to call it. The member for Surfers Paradise said that if there had been an individual who had three successive de facto relationships and there was an issue at law, the Attorney-General's intent was that the person with whom they had the relationship at the time the ruling was given would be the one to whom the ruling would apply.

I just want to extend that and get some clarification from the Attorney-General. There are two other scenarios that I seek clarification on. I do not mean to be pedantic; I just need to understand it fully. There is a relationship where one partner has been married, the marriage has not been dissolved at law, but they create or form a de facto relationship. That de facto relationship conforms with the guidelines; it is of over two years' duration, et cetera. In the case of that relationship dissolving and there being some attempt by either the married partner or the de facto partner to seek a settlement—a property settlement or anything else—how will that play out? That is one scenario.

The second scenario relates to the same situation. The marriage has broken down. One partner becomes involved in a de facto relationship and the marriage is subsequently dissolved. How will that play out? That question may already be answerable just by precedents in Family Court settlements. The third scenario is where a person may have had one or two de facto relationships which, with the passage of this bill, will be recognised as legal unions and that person subsequently gets married. What will be the status of the married partner—in this instance a wife? Will the fact that there have been two previous de facto relationships affect that lawful or married relationship?

Mr WELFORD: I thank the honourable member—

The CHAIRMAN: This is quite a long debate on spouses.

Mr WELFORD: It is actually an interesting debate and I respect the fact that the honourable member wants to try to get some clarity about how these different types of partnerships are recognised. Let me start off by saying that I understand those people who, in their religious faith, believe in the sanctity of a single form of partnership that is the formal legal marriage. As I said before, nothing that we are doing in this legislation is intended—whatever perceptions there may be—to in any way diminish the value, the respect, the importance or the significance that the government places on traditional marriage. We accept that, for most people in society, that is the preferred ideal of enduring relationships.

However, as the Premier said, as a government we have to recognise that in some way the law has to respond to the fact that injustice can occur in enduring relationships that have not been consecrated by a formal legal marriage. The law has to deal with that in some way. To deal with that injustice simply means that we address that injustice. It does not mean that, by addressing that injustice, we in any way seek to weaken or undermine the equal or more significant enduring character of married relationships. None of the rights, responsibilities or legal entitlements that arise out of a legal marriage are reduced or are in any way affected by the law separately, and historically subsequently, seeking to accord some respect for the rights and responsibilities of partners who have endured in a relationship that did not get formally legally recognised.

I encourage people not to read into laws that simply seek to sort out the fairness of relationships that have not been consecrated anything that would diminish the legal recognition and respect that governments have for married relationships. It is simply that we need some legal mechanism for sorting out what happens between the parties to a longer-term, loving relationship that might not be a formal marriage. That is all that the law seeks to do. Where we have combinations of both, the law actually already has a very good system for working that out. Indeed, the member will be aware that the federal government has recently agreed to accept a referral of power by state parliaments to enable the Family Court of Australia to resolve property disputes in de facto relationships as the Family Court currently can do in married relationships.

The concept of a legal marriage is still retained in our law as the capacity for there to be one, and only one, legal marriage. That is under the law of the Commonwealth, the Marriage Act. There is no other form of legal marriage recognised in our law. De facto partnerships are not recognised as marriage in our law or in the Commonwealth's law. All we are saying is that we are allocating a description to those who are participants in a relationship for the purpose of sorting out the affairs of those relationships.

To take the example that the member for Gladstone raised about where there had been a formal legal marriage which may or may not have been dissolved and where there is a

subsequent de facto relationship, the way the court would resolve those issues goes like this. Where the legal marriage has been dissolved, indeed even before it is dissolved, as the member would be aware, parties to that marriage can apply to the court to settle their property arrangements. The settlement of their property arrangements will have regard to the assets that those parties brought into the relationship and what they accumulated in the course of their relationship. Should there be any subsequent partnership by either of those parties, that subsequent partnership, whether it is a legal marriage or a de facto relationship, will be dealt with in terms of the allocation or separation of property quite separately to the separation of property of the previous relationship.

In the second relationship, again the court will need first to resolve the issues of the prior relationship and allocate the resources. Then the person who goes into the second relationship only takes into that second relationship what they take after resolving the first one, and the second relationship then is only considered in that context. It can become tricky, as the member would imagine, where they both are in the court at the same time. Theoretically, that is possible; unlikely, but possible. The court, after many years of experience in resolving these issues, has quite well developed rules and principles for making sure that the only things that are taken into account for any particular relationship are the things relevant to that relationship. A person cannot in a prior relationship draw on what might be accumulated in a subsequent relationship or vice versa. They will be treated separately and neither will be disadvantaged by the fact that there are sequential relationships.

Clause 5, as read, agreed to.

Clauses 6 to 13, as read, agreed to.

Clause 14—

Mr SPRINGBORG (12.02 p.m.): The opposition supports this clause but I make it very clear that our vote against the second reading was more about the process followed by the government and the fact that we did not have enough time to address some subsequent issues. I commend the government in regard to clause 14(4) section 7(2) where it seeks to omit section 7(2) of the Anti-Discrimination Act. This relates to the issue of breastfeeding. I must admit that, when I knew breastfeeding would be enabled across the community, it was a bit of a wild goose chase to find where it is in terms of this inter-relationship. I commend the minister on doing this.

When the original laws were passed by the parliament some 10 years ago, it was felt that a woman's ability to breastfeed would be curtailed in a service related environment. In this modern day and age it is appropriate that we recognise that breastfeeding is extremely important for bonding between the mother and her baby. Once again, it is a mother's individual choice about whether or not she wishes to breastfeed. A mother should not in any way at all be discriminated against if she chooses to do publicly what is very natural, what is about sustaining the wellbeing of her baby and what also relates to the emotional connection of the mother to the child.

We will look back on what happened in the past as one of those historical legislative aberrations that perhaps we should have addressed at that time. When the other day this became apparent to me in the explanatory note, I must admit that I thought this had been fixed. I did not realise that what we passed in the early 1990s was defined. It was one of those situations where when various provisions go through parliament we assume and do not look at the wording which curtails it. I commend the government for bringing forward this very sensible reform. All reasonable and decent Queenslanders will support it because it is only enabling women to do what they do naturally with their babies. That is something which we in no way should seek to curtail. It is a sensible amendment.

Mr WELFORD: I suppose this is a classic example of where social mores have shifted. I remember this only because as a child I remember the emotional reaction I detected when occasionally in public we would see a woman breastfeeding a child and the other adults would behave in this sort of bizarre way. I used to think, 'Gee, that must be bad,' because we could sense it. We could sense that it was very much regarded as infra dig. But then, here we have a situation now where everyone basically says, 'Well, it is a perfectly natural and no longer offensive thing to do.' I am not sure what it is in our thinking that causes us to shift the way we see things like this. Perhaps a part of it is our respect for the child and its needs that we have to simply acknowledge as a reality. Partly it is the respect that we give to motherhood that has changed in ways that perhaps did not exist 30 years ago. Undoubtedly, community attitudes have changed, and what the member says is absolutely right. It is surprising that we confined the operation of this provision previously in any way at all, but we are not confining it now.

Miss SIMPSON: I reiterate the member for Southern Downs' comments. This is obviously a clause that we support among the 50 pieces of legislation being amended in this bill that are not controversial. Similarly, I had assumed that, because breastfeeding was mentioned in the principal act in 1991, this in fact was a protection that existed. But today's amending bill seeks to remove a restriction that did not extend that protection where goods and services were being provided. In reality, I must admit that everyone I know who has breastfed children in recent times has not had a problem in that regard. I have talked to women who were breastfeeding publicly in restaurants 30, 40 or 50 years ago and did not have a problem, but we recognise that that may not always have been everyone's experience. Times have changed and it would be widely accepted that that is the right practice. But where people do not have that attitude and belief and seek to discriminate, it is right that the law provide a protection, because women have a right to care for and nurture their children. They have a right to take their children with them to ensure that the needs of the child are able to be met in the most appropriate way at the appropriate time, which obviously with breastfeeding does not require them to have to shut themselves unnecessarily away when the rights and the needs of the child are immediate. We support this provision.

Clause 14, as read, agreed to.

Clause 15—

Mr WELFORD (12.10 p.m.): I move amendment No. 2—

2. Clause 15—

At page 18, lines 11 to 15—

omit, insert—

'(1) Section 25, after example 3—

insert—

'Example 4—

Employing persons of a particular religion to teach in a school established for students of the particular religion.

'(2) Subsection (3) applies in relation to—

(a) work for an educational institution (an "employer") under the direction or control of a body established for religious purposes; or

(b) any other work for a body established for religious purposes (also an "employer") if the work genuinely and necessarily involves adhering to and communicating the body's religious beliefs.

'(3) It is not unlawful for an employer to discriminate with respect to a matter that is otherwise prohibited under section 14 or 15, in a way that is not unreasonable, against a person if—

(a) the person openly acts in a way that the person knows or ought reasonably to know is contrary to the employer's religious beliefs—

(i) during a selection process; or
(ii) in the course of the person's work; or
(iii) in doing something connected with the person's work; and

Example for paragraph (a)—

A staff member openly acts in a way contrary to a requirement imposed by the staff member's employer in his or her contract of employment, that the staff member abstain from acting in a way openly contrary to the employer's religious beliefs in the course of, or in connection with the staff member's employment.

(b) it is a genuine occupational requirement of the employer that the person, in the course of, or in connection with, the person's work, act in a way consistent with the employer's religious beliefs.

'(4) Subsection (3) does not authorise the seeking of information contrary to section 124.

'(5) For subsection (3), whether the discrimination is not unreasonable depends on all the circumstances of the case, including, for example, the following—

(a) whether the action taken or proposed to be taken by the employer is harsh or unjust or disproportionate to the person's actions;

(b) the consequences for both the person and the employer should the discrimination happen or not happen.

'(6) Subsection (3) does not apply to discrimination on the basis of age, race or impairment.

'(7) To remove any doubt, it is declared that subsection (3) does not affect a provision of an agreement with respect to work to which subsection(3) applies, under which the employer agrees not to discriminate in a particular way.

'(8) In this section—

"religion" includes religious affiliation, beliefs and activities.

"selection process" means a process the purpose of which is to consider whether to offer a person work.'.'.

I will speak briefly initially and then I will respond to questions. I would like to place on the record that the responses I give to questions and my description of this provision will be important in assisting any future tribunal interpretation in the event that the tribunal considers any element of

this provision to be in any way ambiguous. This amendment, of course, is the amendment that has been the result of intensive consultations with a range of groups over the past two weeks. It makes changes to section 25 of the Anti-Discrimination Act, which provides an exemption in the work area for genuine occupational requirements.

In other words, the purpose of this provision is to ensure that the discrimination law does not prevent people from imposing genuine occupational requirements for a position. There are obviously requirements for particular positions that may consequentially discriminate against people but which are, because of the nature of the position, inherently required by the person who holds the position. Those genuine occupational requirements prevail regardless of whether there may be incidental or coincidental discrimination arising from them. Examples of those kinds of requirements which could result in discrimination indirectly are already set out in four examples of the existing section 25.

The purpose of this amendment is to fulfil the agreement that has been reached between the government and a range of groups, in particular the religious organisations, to provide an exemption under the law of discrimination for particular religious employers where it is a genuine occupational requirement that a person not act in a way contrary to the religious beliefs of his or her employer in their work or in connection with their work. This exemption applies to two types or categories of work.

First, it applies to all work in educational institutions. It is important to understand that one of the issues that came out of the discussions I held with the church school representatives was that the capacity to impose a genuine occupational requirement in schools of a religious nature should not be confined to teachers alone. Indeed, there are other staff, whether they be ground staff or other utility staff, who come into contact with students at these schools, perhaps as a sports coach or perhaps in some other way, and where that is part and parcel of their role, whatever that role may be, in a religious school. For that reason, all work and not just the work of teachers in religious educational institutions is covered by the exemption provided by this provision.

Secondly, it must be remembered that 'educational institutions' relates not just to schools; it could apply to universities or other educational facilities run by religious bodies. We have also extended the exemption to work beyond educational institutions, recognising that religious bodies run a range of other facilities, services and organisations where the religious character of the institution and the religious nature of the jobs in those institutions necessarily involves the person having some commitment to uphold or adhere to the values of that religion. So we have extended it to work for religious institutions where the work involves adhering to and communicating the religious beliefs of the employer. This is designed to pick up people who might provide religious counselling, for example, in a hospital where palliative care is being provided. Where a person from a church or religious body comes to pray with a person who is in palliative care, or to counsel or provide pastoral care to such a person, there is inherent in the nature of that role a clear religious element. That person's work is work to which this exemption from the discrimination law will apply. The purpose of this provision, therefore, is to recognise in such work environments work which is of a necessarily religious character and to respect in regard to that type of work the right of the employer to select and employ people who are prepared to abide by, or at least communicate, the relevant religious beliefs.

Let us take an example outside the religious area, the example of a police officer who in his or her work has to communicate responsibilities for obeying the law. Clearly it is not appropriate for a police officer to be a person who goes around advising people to break the law or recommending that people break the law.

Mr Terry Sullivan: Off duty.

Mr WELFORD: Whether they are on duty or off duty. That is incompatible with the intrinsic character of the position. Similarly, where people have a job whose intrinsic character involves communicating religious ideas, beliefs or values, it is natural and reasonable for their employer to expect them to be someone who in their conduct conveys values consistent with the values that the employer requires. So it extends to any other work not confined to any particular institution where it is necessary to maintain the religious character of the specific job.

The amendments also reflect, as I have indicated, the agreement between the churches and our government. They will provide religious employers with greater clarity than the provision previously provided as to their capacity to control behaviour that would otherwise be in breach of the religion. The employer's right to discriminate will, of course, as the provision indicates, be subject to a test of reasonableness, that is, the way in which the discrimination occurs must be

reasonable. Employers must act reasonably, even though they will be entitled to act in a discriminatory way towards a person whose conduct openly flouts the religious beliefs and values of the employer.

I believe we have struck a very sensible balance that enables individuals to have their innermost private status respected but also enables employers in a religious environment to exercise proper supervision and control over the conduct of people they employ to carry out religious roles.

The CHAIRMAN: There are five members who have indicated that they want to ask questions in relation to this clause. I will leave it up to the Attorney as to whether he wishes to answer them collectively at the end or come in at any stage that he likes. The Attorney can indicate to me if he wishes to do so. He may wish to wait until the end.

Mr SPRINGBORG: This is one of two clauses—three clauses now as a consequence of the amendments—about which the opposition has some serious concerns. As I said at the outset of my second reading speech, we thought there was much good in this bill but we had some very grave concerns about consultation. Clause 15 is the amendment to section 25 and it has been broadened by the subsequent amendment that has been brought into this parliament by the Attorney. It appears, at least on the surface, to have a significant degree of tacit approval from certain churches. We are not absolutely convinced that it has the level of support which is necessary for us to support it because no matter how much we look at it and compare it with clause 17, which seeks to omit section 29, it is not equivalent to, or as strong as, what they previously had. I will deal with clause 17 when we reach it.

We have not had the appropriate opportunity to seek the broad advice we need. When we raised our concerns about lack of consultation and the potential complexity of the clause before we had seen it—and all we had seen was a set of broad principles which the Premier tabled yesterday morning—a member of parliament on the government side said that he could simply and succinctly explain it to each and every member who wished to be involved in the process in 30 seconds. Whilst I am not a lawyer, I consider that I have a reasonable capability to understand clauses in bills. It is far more complicated than what was alluded to by that member yesterday. No matter how much I look at this, this is not equivalent to what previously existed for the religious non-government schools in the offending clause which the government sought to take out with its original amendment. The government sought to remove that particular exemption which was enjoyed by those religious control bodies. As I see it, until this legislation is enacted the religious schools and other religious control bodies have the broad ability to be able to discriminate in their employment against people on any basis other than race, religion or impairment. That applied to lifestyle choices such as living in a de facto relationship and a person's sexuality.

I said yesterday in my second reading speech that whilst we come into this debate from different starting points, whether it be religious or just a view on choices, we are in a multireligious society. While sometimes we might not necessarily appreciate the processes or the value systems which are followed by certain faith communities, nevertheless that is pivotal to the appreciation of, encouragement of and respect for their particular faith and the way in which they seek to teach that value system.

To me, this appears to enable those religious control bodies to discriminate in favour of a person of their particular religious faith and does not allow them to discriminate against those people in their employment on grounds of race, impairment, their marital status or their sexuality. That is the general broad exemption that previously existed for marital status and sexuality. It will be removed by clause 17. The replacement will be clause 15, the amendment to section 25, which has been expanded by the subsequent amendment which will be moved by the Attorney-General.

It appears to me that they will be able to take action against a person in employment reactively rather than proactively. I know that there are certain things that can be found out during a selection process, or which may become obvious during a selection process or in the course of a person's work. I am referring here to part 3. As I understand it, basically what it means is that there is no capacity to discriminate against them on the basis of sexuality or marital status if they keep that as a part of their private lives. However, if at any stage during the selection process or in the course of the person's work matters come forward in relation to their particular lifestyle which in some way offend that value system, the religious control body would be able to take the action necessary to terminate that person or to not select that particular person.

There are different levels of concern about this amongst different faith communities, and I am sure the Attorney appreciates that. There are liberal views in the Catholic Church and other churches in regard to what people do in their private lives, such as, 'We don't particularly care. We have employed de factos in the past and it has never really been an issue.' However, others want the right to choose and want the right to actively and proactively discriminate on those grounds because it offends that particular value system, whether it is practised overtly or as part of the person's private actions. Subsection (3) does not authorise the seeking of information contrary to section 124 of the Anti-Discrimination Act. What that basically means is that during that selection process the interviewing panel will not be able to seek information which would expose the person's private life—their marital status or their sexuality. They are prohibited from asking those particular questions or seeking that information. What I am saying is that that seems to be at odds with some of the issues which have been raised with us by certain sections of the faith community. They say to us that they are tolerant about the way people generally live their lives, but they want to be able to teach their faith and ensure that those who teach the faith adhere to their value systems.

It does not enable them to proactively seek the information that they need to be able to potentially address an issue that may arise at some future time with regard to a circumvention of that values system by that person who they may be seeking to employ. My basic point here is that whilst it is a compromise, the result is certainly not as broad or expansive as what previously existed. What were the issues of the churches in this regard? Was this agreed to out of compromise? Was it felt that they should just accept this because they were not going to get anything better? Was it the teaching of the values system which was the problem? Was it the living of the values system that was the problem? They are the sorts of conflicts in this regard, but what I am saying is that this legislation does not go as far as some of these bodies would wish, which was basically to retain section 29. I ask the Attorney to answer those concerns of mine, to indicate if it is true that it is not as expansive and if the concerns I have raised are in fact right.

The CHAIRMAN: I call the Leader of the Opposition.

Mr Horan: Did the minister want to answer or is he happy for me to—

Mr Welford: I'd answer it if you think it will help pre-empt other questions. He has raised a number of issues. Perhaps if I do answer it.

Mr Horan: I think so, because it is fairly complex.

Mr Welford: Yes, perhaps if I do answer it then that might—

Mr Horan: Do I still get three lots of calls, Mr Chairman?

The CHAIRMAN: Yes, that is fine. The member can use three lots of calls. If the member wants to use 20 minutes on this clause he is entitled to under standing orders. So, yes, go for it. I have got nothing else to do—nothing better to do at all. Seriously, I am here for the long haul to chair the committee.

Mr WELFORD: I will answer the opposition spokesperson's queries now so that it might allay the need for other members to ask questions. The first thing is to say that, yes, there is no doubt that the provision we are including by this amendment does not reinstate the full expansiveness of the current exemption. That is true. If one talks to the religious organisations with whom we consulted in relation to this matter, they acknowledge that the one shift that has occurred between the law as it existed since 1991 and what we are proposing here is that, for the first time insofar as the work categories that I spoke of earlier, the religious bodies will need to be accountable for how they discriminate. That is the only shift that has occurred. Previously they could discriminate; now they can still discriminate but be accountable for their discrimination in the terms that this clause imposes.

Previously, the practical effect of the provisions that existed were that religious bodies and health and educational institutions under those bodies, in effect, were unfettered and not subject to any constraints about how they discriminated. They were able to, in effect, discriminate at large. So what this provision does is put some parameters around how they can discriminate, including in respect of the attributes which the honourable member mentioned. He knows how section 7 sets out all the attributes on which discrimination is prima facie prohibited. That includes age, race and religion—we are adding family responsibilities; breastfeeding is being expanded—and similar attributes. Sexuality and marital status were already there.

This provision still allows religious bodies and educational institutions to discriminate on any of those grounds, but the way in which they discriminate is constrained by the provision we are

now inserting. The first thing is that they can discriminate where the person openly acts in a way that that person knows or ought to know is contrary to the employer's religious beliefs. In other words, they should not conduct themselves in a way that embarrasses their employer or indeed themselves because of the context in which they are obliged in their public behaviour to convey the religious beliefs and values.

Mr Reynolds interjected.

Mr WELFORD: Indeed, as the Minister for Emergency Services points out, this will apply regardless of whether a person—if we go to the attribute of sexuality, which I understand to be the sensitive attribute—is heterosexual or homosexual. They must not conduct themselves in a way that openly defies the religious beliefs of the employer in whose employment they are obliged to convey and present certain values.

Mr Terry Sullivan interjected.

Mr WELFORD: Indeed. The example I gave of the police officer before was an example where in one's conduct they must behave in a way that is consistent with the obligations that are intrinsic to the job. That recognition is the primary recognition that the religious bodies want.

We all know—let us get to the nub of this and be honest about it—that in church-run institutions, including schools, there are people who are currently heterosexual or homosexual and in de facto relationships. We know that those schools manage those people sometimes discreetly and sometimes not discreetly. Sometimes it is appropriate for those people to be moved on. Sometimes discretion is exercised to respect the very private elements of that person's life but ensure that it does not interfere with the work environment and the religious character of that work environment. So what the churches have agreed with us to capture in these provisions is to ensure that nothing is done by the person which, in effect, compromises—compromises in a practical sense, not just in a theoretical sense—the conduct of that organisation's workplace and the religious character of the workplace.

That is why the provision goes to conduct. It does not go to someone's status, of which most people may not even know. It only goes to the conduct of that person, which I think is a legitimate basis on which to enable control to be exercised over that person's life, in their work or in any activity they are involved in which is necessarily connected with their work, such as extracurricular school activities, camps run by religious bodies or indeed in other ways that can compromise or undermine the integrity of the religious character of their employment inherent in the job that they hold. So the provision will allow religious bodies to include in the employment contract of a person a provision of the kind in the example in paragraph 3(a) of the amendment that I have moved. That will ensure that the person knows that if they conduct themselves in or in connection with their workplace or their job in a way that is in breach of that employment obligation, they will be subject to supervision, control or discipline for that conduct.

The only other element of the provision that, in comparison to the pre-existing arrangement, constrains what action can be taken is the requirement that the way in which the person is discriminated against should be done reasonably or, to use the words of the provision, the discrimination should be carried out in a way that is not unreasonable. Paragraph (5) provides some guidance as to when discrimination might be unreasonable. I think this provides a very practical and sensible way for employers to properly relate to their employees.

Section 124 currently applies across all workplaces. It states that a person must not ask another person, either orally or in writing, to supply information on which unlawful discrimination might be based. That means that one can ask about a person's conduct for the purpose of this section but one cannot ask outright questions about a person's sexuality if that was the basis for discriminating. One can ask about their conduct. Of course, inherent in an employment contractual provision of the kind in the example I just gave, one can ask a whole range of questions about that person's commitment to the relevant values and faith. But one cannot ask directly questions about the private status of that person because, let's face it, that status of itself is not relevant to the performance of the job, but conduct may be relevant to the performance of the religious character of the job.

So we are respecting on two fronts the rights of religious institutions to interfere in a discriminatory way in the employment of a person where the employment of that person, by their conduct, could compromise the religious character of the workplace. But we also are respecting the practical reality of current arrangements in religious institutions right across the state where matters of intimate personal privacy that are simply about a person's status rather than their

conduct are not matters on which discrimination should occur. I trust that clarifies some matters for the opposition.

Mr HORAN: I thank the minister for those explanations. A couple of important matters were brought out and I want to comment on them. I will give some background to this clause. This is the amendment that has come out of the consultation that was eventually forced upon the government. The reason we had the debate yesterday, before debate on the second reading of the bill, was that we felt this was so serious a matter and so complex that the five days we were asking for would give us time to go back to our constituents in the churches and so on and give everybody time to examine the amendment to see exactly what it was and what it meant. We wanted to be sure that everybody fully supported it, that everybody understood what it was and that everybody knew what drawbacks and what constraints or diminutions there were.

In the short time that has elapsed since this was debated yesterday and late last night, a couple of things that worry us have become apparent. They are the sorts of things in relation to which we need two or three days so that we can sit down with people and properly consider them.

We have received some comments from Dr Warwick Neville, the head of research for the Roman Catholic Bishops Conference. He drew our attention to the Tasmanian legislation. He advised that that legislation was good legislation. The Tasmanian government's original provisions were good but they were prepared to strengthen them. He also mentioned how the provisions of the Queensland bill will fit with section 116 of the Constitution. He made the comment that the legislation is likely to leave the government open to constitutional challenge.

Dr Neville asked how the provisions will fit with sections 37 and 38 of the Commonwealth's Sex Discrimination Act and particularly the reversing of the onus of proof. He asked how the provisions fit with the Commonwealth's Human Rights and Equal Opportunity Act. He also made the comment that under the Family Law Act the Family Court is charged with responsibility to protect the institution of marriage. The Queensland bill appears to strip the protection or downgrade the institution of marriage.

That is one concern that has already arisen. We have already had phone calls and other communication to our office this morning after last night's debate. The member for Mansfield read from three letters which disagreed with the legislation. The complaints this morning have been that, in the case of Pastor Hills' letter, the member for Mansfield read only the first paragraph and omitted the arguments about spousal matters. From Pastor Mulheran the member for Mansfield indicated unqualified statements of welcome whereas the correspondence was very heavily qualified. Those people have both contacted us. Whereas the member for Mansfield implied that they were completely on side, they believe that is a misrepresentation. They say they are not fully happy with the amendments and believe there has been a misrepresentation in parliament.

Mr REEVES: Mr Chairman, I rise to a point of order. I find the words of the Opposition Leader offensive and I ask for them to be withdrawn.

The CHAIRMAN: The member for Mansfield has asked you to withdraw those comments.

Mr HORAN: Which comment?

The CHAIRMAN: The comments you have just made. It is simple. It is not a matter for debate.

Mr HORAN: I withdraw the comments that were found to be offensive. I am allowed to tell the parliament that this is what these people have told us. I am allowed to say that. I am not making any personal attack. I am just saying that these people have said that they believe that what the member said in parliament is a misrepresentation of their true position.

The CHAIRMAN: Just move on from that. We have had the withdrawal.

Mr HORAN: There are those particular matters and then there are the feelings of the major groups involved in the negotiations that they would have preferred total exemption, which exists in the act. Another opinion is that the situation is not ideal, but what they have been able to achieve. That leads us to what the minister has said. The minister made two particular points that show that this is, if you like, a lessening of the completeness of the exemption that exists for the church schools. Firstly, the way in which they discriminate is constrained and, secondly, they cannot ask questions regarding sexuality. Previously, it was a very complete exemption. This amendment has the potential to be a real legal minefield. The previous exemption was quite narrow and clear. The churches felt that they knew the parameters in which they could operate. Now there is this constraint and now there is this other matter that the Attorney-General said that they cannot ask regarding sexuality.

I have said it a number of times that I think we all agree that different religions have different teachings and different strengths in particular areas of their teachings. Their teachings emanate from different sources, such as the Catechism, the Bible, the Koran or whatever particular doctrine their religion is based on. On this aspect of looking at the way in which the churches operate and the religious freedoms, we have concentrated on just that—not on making judgments on sexuality and so forth. But in terms of that matter regarding sexuality, I think of boarding schools that have a heavy responsibility to parents who may wish to ask that question. They are looking for boarding parents, or people to operate a boarding house. Those schools are endeavouring to do their best to get the type of person who reflects not only their religion but also the teachings of their religion and the expectation of the parents who have sent their children away to the school. These sorts of things can create difficulties or concerns for the churches or schools and will probably surface over time. That was the reason we asked for that time of four or five days so that we could bring some accuracy or some updating into the debate.

This amendment is a vast improvement on the original bill, which was passed by caucus, and which would have just simply taken away the exemption altogether. We stood up against the original bill. That is why the churches were able to negotiate an amendment at least to this level. But we are starting to see the problems that exist and the legal minefield that may well exist. This bill takes away from the churches the way in which they operate and the religious freedom that they operate under and is giving them something that is lesser.

The Attorney-General's argument has been that the amendment is to provide respect to those people in terms of their sexuality. I am saying that I believe that, to conform to their religious beliefs and to act out their religious beliefs, the churches need that exemption that existed previously that made it quite clear what they were able to do. This bill may eventually lead to a legal minefield. I hope that it does not, but I think that it could well be possible that churches and church schools could find themselves involved in litigation or further action. This amendment is not as clear as the original exemption. In the Attorney-General's words, it constrains the churches from what they were able to do.

Time expired.

Interruption.

DISTINGUISHED VISITORS

The CHAIRMAN: Before calling the next member or the Attorney-General, can I welcome to public gallery the Consul General of Papua New Guinea, who is accompanied by Sir Moi Avei, the Minister for Petroleum and Gas, and Mr Joe Gabut, the Secretary of Petroleum and Gas.

Honourable members: Hear, hear!

DISCRIMINATION LAW AMENDMENT BILL

Committee

Resumed on clause 15—

Miss SIMPSON: This clause embodies the comment that I made earlier in the debate, that is, that hasty law is seldom good law. I have some real concerns about the way in which this bill has been drafted and the rush to insert this amendment without adequate time being given for it to be considered and for consultation with those who will be affected. I am already hearing reports from church representatives who attended Monday night's meeting who thought that the section relating to 'openly act' was to be deleted from the draft. Others have made a comment—

Mr Welford: Sorry, I missed your point.

Miss SIMPSON: Those representatives thought that the section relating to 'openly act' was to be deleted from the draft. I would like the Attorney-General's explanation as to how he defines 'openly acts'. This is fairly important, because one of the criticisms of the way in which this amendment has been drafted is that in many ways it encourages hypocrisy; it is a split personality clause.

I will put an example to the Attorney-General that I would like him to reply to. A church-run school has a strong mission statement of upholding the faith and values of its faith community. That school employs teachers, some of whom may be specific religious teachers while others are maths teachers, English teachers, or whatever. With the removal of the current exemption and the substitution of this amendment, what happens if the maths teacher and the English teacher are involved in an adulterous relationship which, under the legislation, is lawful sexual activity, but

would be against the moral teachings of that faith community? It may not be a relationship that has been publicly acted out or known widely in that community, but it may come to the attention of the principal that staff members, who are supposed to be upholding the values of that school, who are supposed to be role models in that faith community of that school, are privately involved in an adulterous relationship. In those circumstances, what right would the principal have to take action with regard to these employees? Also, what right would the principal have to even ask them about this activity, given that there is a gag provision in section 4 of the amendment?

Mr WELFORD: I am not sure that, in practice, most employers would ask what sexual activity their employees engaged in outside work. But let me say that nothing in this legislation prevents them from asking what activity they are involved in. The question is that they cannot ask them what their status is. Lawful sexual activity is exhaustively defined in this legislation simply to mean sex workers, that is, prostitutes under the other legislation. It does not refer to sexual activity that an individual might be involved in elsewhere. I am not sure what point the member is driving at, but—

Miss Simpson: What right do they have to take action—

Mr WELFORD: No less right than they have now in that respect. But I have to say that it is in my view—and it is only an opinion—a pretty bizarre employer-employee relationship if all of a sudden a employer starts inquiring of an employee whether they had sex last week. As the member well knows, the reality is that, in practice, that does not happen. Employers do not relate to their employees in that way.

I will go back to the points raised by the Opposition Leader. First of all, I openly acknowledge that the amendment that we are proposing does not provide the absolute immunity from scrutiny that the previous provisions provided. In that respect—and I said this in consultations with the church organisations—I understand the anxiety that the churches might feel. Before they did not have to answer to anyone in practical terms. Now they may have to show that their conduct was reasonable. The only extent to which this changes the existing arrangement is that the churches can no longer act unreasonably. That is the only extent of the change that occurs.

In practical terms, for the workplaces that we are talking about—in religious schools or other religious workplaces—it will have little or no impact because as we know, by and large, those workplaces operate their employment relations, their human resource management functions, with the same level of sophistication, sensitivity, discretion and principled management as do other sophisticated workplaces. In reality, the religious workplaces will be managed as they have in the past in a way that in no way will offend the provisions that we are putting in place.

The only circumstance in which it could have an impact is where the employer acts or has acted unreasonably with respect to an employee. I think it is that fact, that modest shift, that has seen church groups accept the change that has been settled upon—not that they would not prefer to have blanket immunity. Of course, it is much more comfortable when we do not have any rules to abide by in these situations. It is much easier to deal with when the way in which we discriminate cannot even be questioned. But they acknowledge that the only extent to which discriminatory action can be questioned here is where it is unreasonable. That is why we have been able to reach agreement with the church groups on this issue.

Sitting suspended from 1.02 p.m. to 2.30 p.m.

Mr SPRINGBORG: Further to the Attorney-General's answers to the questions I raised regarding clause 15 and the answers he gave to both the member for Maroochydore and the Leader of the Opposition, he has clarified my understanding. But there is a range of other questions the Attorney-General has raised during the course of his answers to various members. The Attorney indicated that any form of discrimination could not be unreasonable and that this amendment of section 25 of the Anti-Discrimination Act will constrain far more the opportunities for religious control bodies in charge of health or education to make certain employment decisions.

The Attorney indicated before lunch that a person could be asked a question relative to their sexual activities, as I recollect it, but that the real concern is the sexuality and the martial status which offends in some cases the value system of those religious institutions. My personal view on this does not really matter; I am highlighting what people in the community are saying. The real issue is not what they have done in terms of their sexual activity but about the sexuality and the martial status which to varying degrees will offend the doctrines and the belief systems being taught or practised by the religions in charge of those control bodies for either health or

education. I seek further clarification of the Attorney's answer about it being based on sexual activity and not the actual sexuality.

Further to other answers which the Attorney gave the member for Maroochydore, it seems that here is an issue of a person's conduct. Whilst their conduct may be appropriate in the school or church environment, there may be some real concerns about their conduct in the community at large in the way that they live their lives. Whilst that may be their own business—and from what I can gather there is no capacity to make particular employment severing actions based on that—the conduct in the community at large insofar as not upholding the beliefs or the value systems of that particular religion may cause concern and angst within that school community. The Attorney acknowledged—and I will acknowledge—that for some schools this is not even an issue. It is just plainly a matter of the way that they conduct themselves and live and operate by that value system in a school ground.

But for others who feel far more strongly about this, their actions within the community of which they are a part would cause the particular parents sending their children to that school some concern. Is there any capacity to take action based on conduct outside of the school environment? Is it possible to define that conduct? It also appears to me that there is a significant degree of ambiguity in this, because there is a fair amount of it which has to be tested, administratively understood and applied. We have seen that today as we have tried to work through this issue. If the Attorney could answer some of those questions, it might allay our fears or confirm our understanding of the way this amended clause is supposed to operate.

Miss SIMPSON: I have further questions in regard to this provision. I still have not heard from the Attorney-General as to how he defines 'openly acts', where that applies and how it is defined. My colleague the member for Southern Downs has raised some concerns, as do I, about how this reasonableness test will be applied given that we have already heard some comments, dare I say it, from the acting Anti-Discrimination Commissioner about the bill as it was tabled last week and about how she thought that should apply. There are some valid concerns in church faith based communities about whether someone from a different value set will be trying to impose that value set without cultural sensitivity for the values of that community. There still seems to be an inherent hypocrisy in the way that this section is drafted if that person, be it a maths or an English teacher employed in a church-run school, does not as such breach what is considered to be reasonable behaviour while at school but who it is well known lives a life totally contrary to the faith and values upon which they were employed.

This becomes a concern when people say one thing while at work and do another thing at home or in the community. This is the problem when people try to compartmentalise their religious beliefs to a time when they are at work and when they are in the community. For faith based schools it is important to have people who uphold the values of that community. In the way that the act is written, the provision applies if the person openly acts in such a way regardless of whether that is at work or in the community. I see this as having real potential for conflict. I would still like the Attorney-General, though, to answer the question concerning the gag. If someone in a workplace interview is trying quite reasonably to talk to somebody about what are their faiths and values, it seems to me that the way the provisions of this act are written there are areas of faith and values that they may not be able to discuss with that person or else they will contravene this act.

I am most concerned to look at the document the Premier tabled as being the principles upon which this small working group gave some in principle support to the government for the amendments. When I look at the Premier's document tabled in the House earlier in the week, I cannot see anything that refers to this section where people will in fact be gagged from having a full and open discussion about that range of faith and values that may well touch upon such issues as people's beliefs in regard to sexuality. I could see how, under this act, it could be considered to be a breach. Did the churches know that they were signing up to a gag in regard to this provision? I do not see that in this document. I know there is consternation among a number of church leaders about the fact that they were not aware of the other definitions in the act and how they would apply having regard to the way in which 'openly acts' is defined.

Mr WELFORD: Firstly, let me say that the issues of the wording of 'openly acts' and 'unreasonable', as the honourable member mentions, are not specifically defined; they are to be applied with commonsense. One needs to look at those provisions in the context of the section as a whole. What it means in essence is that a person should not act in their work or in connection with their work in a way that demonstrates open defiance of the religious beliefs which it is part of their job to present to people. That is really all it means.

How far distant from the workplace does the ambit of the section go? It goes as far as it needs to go to capture those things outside the workplace that are necessarily things that will reflect upon people's responsibilities in their job. We could think of examples—a member of parliament, for example. There are certain things that outside our role as a member of parliament it is probably not appropriate for us to do. The same goes for me. That does not mean that the member or I do not occasionally fail. That is the nature of human weakness, as the member would appreciate. But so far as we are able we should conduct ourselves in a way, whether we are acting in the course of our employment on duty or whether we are acting elsewhere, that does not put us in a position where our conduct is clearly incompatible with the employment role we have.

These things are all questions of degree, as the member would appreciate. That is why when the issue of someone's conduct is being assessed and it is believed that some response by the employer is required the response ought to be proportionate to the error someone might have made. For example, there are lots of things that people do outside their workplace and even sometimes in it, as we have seen from recent history, which breaches the religious beliefs of the people who are professing them. One of the religious beliefs I presume the member may have as a person who is more religious in their character than others is that honesty is important, yet I dare say there are occasions in this place and elsewhere where the member occasionally slips in that regard. But no-one says the member should be sacked for that. The response should be reasonable and not unreasonable. We have to have regard to the circumstances of the case to assess that. In essence, it is about applying commonsense.

What we are trying to capture in this provision is a provision which says to the churches and religious schools as employers that if someone acts in a way that openly embarrasses the institution they are working for and is clearly incompatible with the responsibilities they have towards their work colleagues or in the case of schools the students in that institution, we have to give the employer some capacity to respond. If that response happens to be discriminatory, they will be exempt from any consequences of that discriminatory response, provided they act reasonably.

The member for Southern Downs raised the issue about conduct in the community at large. I think I have tried to address that to some extent. The terminology 'acting in or in connection with one's work' is established legal terminology used very commonly in employment law. As I have indicated with examples about the police officer previously, there are already in basic employment law, leaving aside discrimination law, principles where we have obligations to our employer as part of our employment agreement that extend beyond working hours, in some cases. That is why the term 'in or in connection with one's work' is in a sense a term that has established legal precedent that helps people to decide whether something outside their workplace is so integral to the character of their work that it is relevant in terms of the fulfilment of their responsibilities under their work agreement. That explains how it applies.

Any particular case—and people can come up with myriad examples—has to be assessed on a case-by-case basis. Look at the conduct, look at the character of their work and ask the question: is that conduct relevant to the character relevant to their work? If it is relevant, is it relevant in the sense that they have acted clearly and quite openly in breach, in contradiction or in contempt for, in the case of religious institutions, the religious values and beliefs that are inherent in the work role they have? It is very difficult to put it anymore clearly than that. But the member can get the drift.

In relation to the interview position, I guess it comes down to this: the practical reality is that already inappropriate questions just are not asked by employers, even religious employers. Inappropriate questions are questions that go to aspects of a person that are irrelevant to the performance of their duties in a workplace. Did the member understand that one? I will say it again: inappropriate questions—and this is what section 124 is directed at—is asking questions that are inappropriate to the duties one performs in the workplace. To pick up the example I floated before, which may not be the best example: if an employer were to ask in an interview whether an interviewee who was a single person had engaged in sex in the last two weeks or in the last six months, nothing in discrimination law necessarily prevents their asking that question. But, frankly, if they were to ask that question of an employee and then sack them because of it, again nothing in discrimination law addresses that question, but it would certainly be unfair dismissal, in my view, to dismiss someone after asking such a question. But the discrimination law does not address that issue.

In terms of the initial interview, again it is about what is appropriate. If someone were to ask the member in an interview, 'What sized coat do you wear?' and use that as a basis for selecting you or rejecting you as an employee, she would probably think that is pretty damned irrelevant to the performance of her duties as an effective member of parliament. Presumably, they could ask about the size of other things that are much more personal, and the member would regard that as utterly offensive and irrelevant to whether she can effectively perform her functions as an honourable member of this House.

It is in that same context that section 124 operates. I think the honourable member may have mentioned this. They can ask a person what their religious beliefs are. They can ask a person about what values they are committed to. They can ask a person—as indeed they do now—whether the person is committed in general terms to Christian values where it is a Christian school, or Islamic values where it is an Islamic school. All those questions are entirely legitimate and not in any way discriminatory.

I would like to assure the honourable member that the employment practices of religious institutions are quite sensible, established, reasonable and non-discriminatory—and they are already followed like any good employer. The risk or likelihood of religious institutions being confronted with complaints being made to the commission or applications to the Anti-Discrimination Tribunal is very unlikely. I would be very surprised, for example, if there were more than one or two in the next 12 months. Let me reassure the honourable member in relation to the Anti-Discrimination Commissioner that the Commissioner is merely an advocate for the general principles of the legislation. The Anti-Discrimination Commissioner is not a decision-maker and cannot sit in judgment on anyone. The commissioner is simply the administrative head of the body that facilitates mediation when disputes arise.

So, if in the next 12 months one or two disputes arise—and remember that very often people allege discrimination when it is not actually discrimination at all—the role of the commission, for which the commissioner is responsible, is simply to facilitate the earliest and most effective mediation in order to settle that dispute. It is only when the mediation does not settle a dispute that the tribunal provides an independent forum for the person to air and resolve their grievance. That is a natural and appropriate mechanism for the resolution of disputes of this kind, just as the Industrial Commission is a natural and appropriate mechanism for the resolution of employment disputes in relation to other matters.

The last point I would make is that the tribunal provides a much lower cost and more easily accessible mechanism for intervening at an early stage to resolve these matters than does our conventional court system. Remember, we are not sending anyone to the Supreme Court in these situations. There is a tribunal, part of whose function is to operate as far as possible in an informal way to effectively and expeditiously resolve any disputes that arise in relation to these matters. I say again that in the context of these laws I doubt that we will see any significant change in the way in which most religious organisations already conduct their human resource management practices. I think it is for that reason that the religious organisations have accepted the terms of the arrangement that we have established.

I should say that the terms in the amendment, as distinct from the drafting of the document that the Premier tabled and which I and my staff drafted ourselves simply to reach principles of agreement, have been approved by the mainstream religions after consultation with their lawyers. We have proceeded on that basis. I should say that part of the reason for the delay in getting the final amendments circulated in the House was because I was awaiting confirmation from the main religious groups that they were satisfied.

Mrs LIZ CUNNINGHAM: Thank you. That last piece of information is reassuring in great measure. I think much of what I was going to ask has been answered by the minister, but I would like to put a couple of scenarios to him. Based on what the minister has said, I expect he will agree with my understanding unless I have misinterpreted things.

Right at the beginning the minister talked about clause 15. Not only teacher staff will be hired at faith-based schools but ground staff, sporting staff and utility staff will also be hired. It is across the board that the school will necessarily have regard to the prospective employee's ability to adhere to the particular faith structure, whether it is Islamic, Christian or Catholic. One of the schools said to me, 'If I want to employ a maths teacher, it is not a faith-based curriculum subject.' For many schools it is all interwoven. It is not just that they have an RE elective, then a maths elective and then an English elective. They are all intrinsically linked so that their faith basis is also intrinsically incorporated into all the curriculum streams.

Additionally, in a lot of the schools they want to know what the school advertises in its documentation; what the parents expect will be lived out by the staff. The fear of many was that people in pastoral care type ministries at a school or, as the minister quoted, undertaking counselling in a palliative care unit may be able to be covered by the exemption. Teachers in the more academic subjects may not be able to be examined for their suitability in the same terms. From what the minister has said, a school board that was interviewing for, say, the maths stream or whatever would be able to ask a prospective employee about whether the employee could not only agree to but adhere to the religious teaching in such areas as marriage. The Catholic schools are very worried about that element. There is also the issue of homosexuality.

It appears from what the minister has said that it will remain an appropriate line of inquiry of a prospective employee for the school board or the hiring committee to be able to say, 'Will you be able to adhere to the school's conditions of employment in the areas of belief and in the areas of marriage?'

The minister answered a question asked by the member for Maroochydore in relation to a relationship that develops during the school period. Surely a principal, on becoming aware of the relationship, is not going to say to one or either of the employees, 'Did you have sex last night?' That was a bit of a trite response. Of course they are not going to ask that question. Whether it is a school community, a church community or even the community here at Parliament House, we all hear and observe changes in relationships. It happens.

Mr Welford interjected.

Mrs LIZ CUNNINGHAM: In some cases it is gossip and in other cases it comes from reading the human signals. Principals are not going to be faced with such a bold situation where they have to walk up to two people teaching at the same school and say, 'Did you guys have sex last night?' Rather, it is going to be a question like, 'Have you formed a relationship that is contrary to this school's guidelines?' I am not a Catholic, but from the letters and talks I have had with Bishop Brian Heenan he was very concerned that teachers in Catholic schools be able to adhere to their fundamental belief that the teachers are either single or married and do not live in a de facto relationship.

The situation is more likely to be that over time two previously unattached teachers form a relationship. If that relationship steps past being plutonic to being more physical, those two people will step outside the charter of the school and they want to know whether they will be able to discuss with the teachers whether the relationship can be stopped because it contravenes the guidelines or whether the school can take action to discipline or dismiss those people because they have fallen outside the guidelines. So it is not the question that the minister put, which I thought was a little confronting; it is much more subtle than that. But the knowledge of the creation of those relationships—whether we call it rumour, gossip or observation—is a reality of life.

The minister said that they cannot ask the straight out question at an interview, 'Are you gay?', but they should—and I am asking for the minister's confirmation—be able to ask, 'Can you not only teach but also live by the biblical teachings against—' and list whether it is homosexuality or de facto relationships. There are many faith based schools which would require their teachers not only to be able to teach but also to live by those biblical standards. Therefore, I ask the minister if a question of that type will be able to be asked in an interview. It is these very basic day-to-day issues where concern has been expressed to me as to whether this clause will allow those sorts of questions to be asked. I seek the minister's clarification.

Mr WELFORD: The last question the member asked as to whether someone can live by the religious beliefs and values that the religion of the school advocates is a perfectly legitimate question. I expect that those people who are honest—because there is more than one commandment, you know—will say, 'Yes, to the best of my ability,' and those who are dishonest will just say, 'Yes', because the reality is that none of the teachers—whatever their sexuality, whatever their status, whatever their age, religion or creed—adhere to all the aspects of religious beliefs of a religion all the time. They get the opportunity under this legislation to intervene where it is necessary to protect the religious character of the school. Where an issue arises of such significance that it puts the staff member in what is effectively an untenable position in relation to that school community or that religious organisation's services, they have some capacity to take reasonable steps to address that issue.

That is what we wanted to make sure of—that is, that they could act so far as necessary to address and protect the religious character of the institution. The member knows and I know that in many church communities there are people who fall, and fall into error. Sometimes it does not

necessarily reach the level of gossip as I flippantly suggested, but sometimes the elders of that community will become aware that one of their senior members has fallen into sin, to use the religious term. That does not necessarily mean that the whole church community or that organisation is compromised by their awareness and so they will act to counsel that person and assist that person and deal with it in a respectful and private way. That is not because they have any particular regard for the person necessarily, but it is good that they do; it is because they know that the institution that they are the elders of is best protected, too, by dealing with it with discretion and reasonably, and that is what will happen.

But where, for example, a person who is employed in a school comes in and starts advocating to the students that a gay lifestyle or extramarital sexual activity is a damn good thing and not to be too worried about that, in a religious school where clearly the beliefs and values are that those things should not be expressed or believed in or advocated, then I think that is an open defiance of the religious tenets of the institution and this provision allows the employer to act. That is what we are trying to capture—that is, those circumstances where someone behaves in a way that it justifies reasonable action being taken. I think that that is really what it is all about.

Mr COPELAND: Unfortunately, I was not able to participate in the second reading debate last night because I was honouring a commitment that I had previously made before the late notice of change in sitting days given to us by the Premier. So I was not able to put forward all of the concerns that have been raised with me, but this clause is obviously the one that has caused most concern in the community—certainly not the only one but the most concern. I thank the shadow minister and member for Southern Downs for putting very extensively those concerns that have been raised with all of us, and those concerns that have been raised with me were mirrored in his response.

The level of concern has been quite widely referred to within this debate as being religious freedom, but the responses to me go much further than that. Church groups and church schools have been concerned about that, but it goes to freedom of choice rather than just freedom of religion. I think that is an important consideration to take into account. As the shadow minister said—and it has been confirmed by the Attorney-General—the amendments that have been circulated certainly are not and do not provide the same exemptions as the previous legislation. I think that is a very important thing to recognise. There has been a lot of consultation in the last few days—late on Wednesday night—and there has to a degree been some acceptance by those churches that this is the position.

However, it is important to realise that in large measure I think that is due to the fact that they realised this was probably all they were going to get and that if they had their choice they would have remained with the exemptions as they stood. That certainly is reflected by the views of those people I have been able to speak to in my electorate who have previously raised this matter with me. As the Leader of the Opposition stated, the way that it has been drafted has the potential to open up some very difficult legal situations down the track. It is a potential minefield.

The minister may or may not be able to answer this question—I am not quite sure how much analysis has been done—but part of the selling point of the reforms included in the original bill was to actually bring it in line with other states. Many members have referred to the parliamentary research brief detailing a comparison between the proposed legislation in Queensland and that in the other states. It was quite clear to me in that brief that those other states had very clear exemptions which were quite close to what our exemptions were in the previous legislation. How then does this amendment stack up against the legislation in some of those other states? Is it a more lax position? Is it a broader exemption? Is it more narrow? How is it going to be different in operation from some of those laws that do exist in those other states that quite clearly still do have those exemptions included in them?

Mr WELFORD: A number of members, on the opposition benches especially, raised the issue of the perceived discrepancy between these proposals and the laws in other states. When I represented, on first announcing these reforms, that by and large these reforms were bringing Queensland into line with other states, that was accurate so far as the rest of the bill is concerned. It is true that other states have a range of different positions in relation to the specific provisions relating to religion. But in terms of the extensions of the grounds of discrimination, in terms of the reform relating to the definition of 'spouse' and providing for de facto relationships and in terms of a range of other aspects right across this bill, by and large this bill is about updating Queensland's 1991 legislation and bringing it into line with where most of the other states now are.

With regard to the three or four specific provisions relating to religious institutions, the situation varies across the spectrum. There are a number of other states that retain an absolute

exemption. There is no question about that. There are other states that retain conditional exemptions. I suppose on one view they give rise to the potential for disputes to be canvassed or at least addressed.

It is not just one side of the debate that is concerned about what we are doing. It is not just the religious communities that are concerned about what we are doing. There is equal concern by those who believe that their status entitles them to behave in a reasonable way consistent with their status in public and not be discriminated against for it. But we are constraining that out of a respect for the fact that if you apply for a job in a religious institution and your job involves the religious element of that religious institution then it is not unreasonable for your employer to expect you to conduct yourself in a way that is consistent, largely, with the religious values your job involves conveying.

That is the rational basis on which we have introduced these changes. It is to say: rather than have a blanket exemption that does not address the issue really at all, let us base the exemption on a legitimate and practical basis of principle which the religious institutions themselves can use as a peg to hang their hat on and say, 'This is an utterly reasonable and legitimate basis for us discriminating.' That is why we have crafted the provision that way—to provide a legitimate basis for discriminating, rather than a basis that is not even addressed, where there is just the blanket exemption.

That is where I started out when I first brought the bill into the House: rather than providing a blanket exemption to one section of society that is not provided to all of the others, let us justify where an exemption is appropriate, as we do in a number of other provisions in the legislation. For religious organisations, I believe this exemption is legitimate and can be based on sound principle. It is on that basis that I believe we have reached agreement with them.

Miss SIMPSON: With regard to what the Attorney-General believes is reasonable under this legislation, I put this proposition to him. I refer to a faith based community and church-run school where there is a strong values statement and belief. They uphold the values of marriage and of celibacy out of marriage and they are taught according to the values of that particular faith based community. The principal becomes aware that there are people on staff who have been employed as teachers who are privately in a de facto relationship or a homosexual relationship. It is not publicly acted out, but the principal becomes aware of that. Would it be considered reasonable under this act for the principal to approach those employees to ask them to verify the fact and would it be considered reasonable under this act, if those people did not come into line with the teachings of the church, for them to in fact be sacked?

Mr WELFORD: I think that is the difficulty of going to specific examples. It would have to depend on the circumstances. There is absolutely no problem, as I see it, with the principal or the elder of that organisation going to the person and discussing those sorts of concerns—that the person has responsibilities in relation to their job that involve presenting themselves in accordance with the religious beliefs of that institution. But that has to be done in a way that takes into account a number of factors. One, how widely known is it? Two, what impact is it having on the school? Three, what other qualities does that person present in the school? The fact is that the principals will take all of these things into account.

There are not just issues of status that might be of concern to principals. They might consider that a person is repeatedly telling lies about something. They can go and approach them about that. But whether they are justified in sacking them for that is an entirely different question.

What is reasonable or unreasonable in the circumstances is something that only commonsense can be applied to. As I have said before, you cannot sack a person just because they happen to be of a particular status. That is clear. The question is whether their conduct in or in connection with their work is such that they are openly in defiance of the religious beliefs. In those circumstances the principal can counsel that person appropriately. If they deal with them inappropriately then, regardless of what the discrimination law says, they will probably end up in the industrial commission accused of unfair dismissal. These things are not black and white. I know what the member is driving at, but I think what we have achieved is a consensus that, whatever the issue of concern might be and however we might want to describe the issue of concern, people have to act reasonably.

Mr TERRY SULLIVAN: I thank the Attorney-General for listening to the representations from church and community groups which has resulted in this amendment being introduced. My 20 years of teaching in non-government schools, however, has taught me that the meeting point of

private lives and public responsibilities is extremely sensitive and problematic. I think the minister has tried to find the delicate balance between competing principles here.

My understanding is that to achieve the goals, such as some of the previous members have said, in an interview a person could be asked, 'How would you through this job work to achieve the goals and aspirations of this school'—or nursing home or whatever—'and how would you contribute to the pastoral care?' If the person just said, 'I'm going to teach maths,' or, 'I'm going to clean the yard,' then that is one reply. If another person said, 'My life is this,' and they themselves offered the information, the interviewers would reach certain decisions. I say to the member for Maroochydore that this happens already in Catholic schools. It is not what interviewees are asked; it is what they in the interview proffer as their qualities. The same thing would apply if I went for a job in a bank or a retail store.

If I went to Mathers, from my understanding the HR person could say, 'What will you do to help our business?' I could just say, 'Sell shoes,' but if I say, 'Do this, promote this' and come across showing qualities that could promote Mathers, the bank, or whatever, then they would say, 'That is the person we want. That person could fulfil that role.'

I want to ask two specific things. This clause will permit church agencies to discriminate within the specific provisions of the bill regarding the employment of staff. I am aware of some concerns among members of the Queensland Independent Education Union as to how this exemption may be applied in the workplace. In order to monitor the practical application of this provision and potential industrial relations problems, could consideration be given to a process whereby an employer must notify a relevant tribunal whenever this provision is invoked? Could consideration be given to a process whereby a teacher or, indeed, any employee of a church agency who has been the subject of the application of this provision would be able to apply to the Industrial Relations Commission for an in-camera hearing to establish that this provision has been correctly applied in the case of this particular employee?

Mr WELFORD: Firstly, I thank the honourable member for his contribution. As I said in the second reading debate, he has been most helpful in assisting us to work through the consultation process. In relation to any reporting requirement about when this exemption provision is activated or relied upon by an employer for the purpose of exercising a management discretion with respect to an employee, that is something that I will give further consideration to as we monitor the implementation of these provisions in the months and years ahead.

Of course, the character of the legislation is that it is complainants based. A person who is aggrieved by the actions of another, which they consider to be discriminatory, has the capacity to report that through their union where it is a workplace issue or—and as well—directly to the Anti-Discrimination Commission. So through the commission and, presumably, through the Queensland Independent Education Union, I would expect that there will be some monitoring of the implementation of this provision when advice is sought from school staff members in relation to issues that may arise from time to time. I will be closely relying on the commission and my ongoing contact with the union to monitor the implementation of this provision in that regard.

I do not see any impediment legally to a person who encounters a workplace issue, the basis for which they have been unable to determine—that is, if some action is taken against an employee in the workplace and the employee is unsure whether the basis for that action may have been discriminatory, then there is no impediment as I see it to them taking their grievance to the Industrial Commission and exploring their grievance in that forum. If, of course, it transpires that the basis for action gave rise to issues of discrimination law, then they still have the alternative forum in which to address those issues.

I do not think that an antidiscrimination tribunal is the appropriate body to be collecting data or receiving any notifications if we were to take that course in the future. I think that the union and the commission—or more particularly the commission—would be the appropriate body to monitor the performance of these provisions once we put them in practice.

Mr REEVES: I wish to support this amendment. I would also like to refer to matters that the Leader of the Opposition referred to in his contribution to the debate on this amendment. The Leader of the Opposition stated to this place that I had misrepresented the views of some of the churches in my electorate. He referred particularly to my second reading speech.

Let me put the record straight on the opposition claims. I gave a commitment to the representatives of the Christian Outreach Centre, the Garden City Church and the Gateway Baptists that I would make representations on their behalf to the Premier and the parliament. I

should add that I gave that commitment to everyone who contacted me or my office in regard to this matter.

I also took the unique step of giving the churches an opportunity to give me a summary of their concerns, which I would use in my speech to parliament. I will refer to the email. However, because of email problems, I faxed this to the three churches. It states—

Brian

Hopefully you have received my faxes. And seen that the church's and mine and others representations to the Premier and the AG has brought about a significant change in the bill and in fact given an extension to not limit it to only schools.

I will be speaking on this debate sometime today I assume. I am going to take the unusual step of inviting you on behalf of your church and the other two churches I met with on Tuesday to give me a summary of your concerns which I will formulate into my speech on the bill.

Approx 300 to 400 words would be appropriate I believe. If Brian you could run this past the other two churches I would appreciate it.

If possible if you could email me them by 1.00 p.m. this would be great.

If this is not then I will summarise the feelings you and the other church members gave me on Tuesday as well as letters I have received.

Thanks for your assistance

Phil

I table that email.

Brian Mulheran from the Christian Outreach Centre incorrectly believed that this email meant that I would add to this a further submission in regard to opposing the bill. At no time did I ever give that commitment. In talking to the other two churches, I can say that they were of the same view that I would represent their views. However, they did not believe that I would vote against the bill.

I now refer to the submission presented by Mr Brian Mulheran on behalf of the three churches. I table the submission. I also table my second reading speech. I challenge anyone, particularly the Opposition Leader, to read these documents and the speech and show me where, as the Opposition Leader claimed, I misrepresented the views of these three churches. I also table the email that I received from Bruce Hills of the Garden City Christian Church in regard to the amendments that the government made to the original bill. In this email he also added his concerns about the definition of 'spouse', but as that was already part of the submission I did not believe that it needed to be repeated. However, I repeated the part in regard to the religious employment clause to ensure that their comments would not be misconstrued by anyone reading *Hansard*.

To ensure that there has been no confusion regarding this matter, at lunchtime I spoke with Mr Bruce Hills, who is the Senior Pastor of the Garden City Christian Church. He has given me permission to read his email into the public record. It states—

Dear Phil,

Thank you for your time on Tuesday. We really appreciate you giving us a hearing and for making representation to the Premier on our behalf. I will be making a very favourable representation of you to our people on Sunday. We are delighted with the outcome of the religious schools/institution issue. Thanks also for sending through the well-researched information on other states' legislation.

Attached is a copy of a letter I emailed through to the Premier (sent prior to hearing of the resolution of the religious schools/institution issue).

Phil, in summary of our argument regarding the other two issues. What we oppose is the inclusion of same sex couples in the definition of "spouse" or partner. We argue this on moral grounds and urge the government not to legitimise same sex relationships in law as having equal rights, status and entitlements. Please urge the government to make a moral decision for the sake of the moral environment our kids will grow up in. Although other states may have or will introduce similar legislation, we urge the government to lead the states in moral leadership.

Once all of this is over, Phil, I would love to catch up for a meal and show you what we're doing here. As I stressed in my email to the Premier, we want to work with the government, not against them.

By the way, our church is staging a Christmas production 3 times a night at the Suncorp Piazza from Dec. 18-24. You, your wife and new baby are welcome to come. If you are able to, please let our office know and we'll organise VIP entry & seating. It will also be broadcast on the 7 Network on Christmas Day at 2.00 p.m.

Thanks again Phil,

Bruce Hills
Senior Pastor
Garden City Christian Church.

I challenge the Opposition Leader to read these documents and, before we leave the committee stage, to apologise for the inference that he has made about me in relation to representing individuals and groups in my electorate. However, once again I wish to thank the churches for making their strong representation to me. I believe from the bottom of my heart that I have gone to great lengths to ensure that their concerns were considered by both the Premier and, more importantly, the parliament. I look forward to continue working with the churches to help improve the quality of life of the residents of the Mansfield electorate.

In regard to this amendment, I am sure the Attorney will agree that I have spoken to and lobbied both he and the Premier strongly to get this outcome. I support this amendment.

Mrs LIZ CUNNINGHAM: The Attorney did clarify in great measure in responding to the member for Maroochydore that, when principals become aware of conduct that is contrary to the charter of a religious institution, in this case a school, they would be able to talk with the person and perhaps discuss options but that dismissal would be perhaps unreasonable. I have run that past a school in my area and it is one of the options that they wish to retain. They hold grave concerns about it. I acknowledge that the Attorney has clarified in great measure a lot of situations in this amendment. They have not seen it all and I acknowledge that I had not sent it to anyone after last night. However, on that basis I will opposing the clause per se. I acknowledge that the Attorney has done a lot to address concerns of the churches, whether that be church organisations or schools, but they fundamentally wish to retain the ability to without challenge remove a person from a teaching or other position where that person so fundamentally breaches the basic tenets of their faith and the regime under which their organisation operates. I do thank the Attorney for the information he passed on.

Question—That the amendment be agreed to—put; and the committee divided—

In division—

The CHAIRMAN: Order! Close the bars.

The member for Surfers Paradise having crossed the floor—

The CHAIRMAN: Order! I have to advise the member for Surfers Paradise that he must stay on the side of the chamber that he was on.

AYES, 49—Attwood, Barton, Beattie, Bligh, Boyle, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, English, Fenlon, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, Mackenroth, Male, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Pearce, Pitt, Purcell, Quinn, Reilly, N. Roberts, Robertson, Rose, Schwarten, D. Scott, Sheldon, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Watson, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 14—Bell, Copeland, E. Cunningham, Flynn, Horan, Johnson, Lingard, Pratt, E. Roberts, Rowell, Seeney, Simpson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Clause 15, as amended, agreed to.

Clause 16, as read, agreed to.

Clause 17—

Mr SPRINGBORG (3.39 p.m.): As I indicated earlier, the opposition did have very strong concerns with regard to the non-consultation that occurred in respect of the removal of section 29 of the Anti-Discrimination Act relating to educational or health-related institutions with religious purposes. This is the clause which would remove that section 29 and that caused the hue and cry within those non-government and religious communities. It is because we felt that there was not appropriate consultation and because clause 29 provided far greater clarity to those religious and non-government institutions that we will support this over amended section 25. If members want any reason for that, they only have to see the difficulty we went through in the last couple of hours of debate in committee with the Attorney trying to explain the exact purpose and operation of the amended section 25. Even though the Attorney was able to provide some clarification and comfort to members on this side of the parliament with regard to that, it is also very clear from what he said with regard to the section 25 amendment that the result was still going to be weaker than section 29 of the Anti-Discrimination Act as it currently operates and as is proposed to be removed by clause 17.

It is a very clear exemption. At the moment, it says that educational health-related institutions for religious purposes are able to make employment decisions based on certain discriminatory practices as long as it is not related to race, religion or impairment. As I said earlier, our personal views on this do not necessarily matter. As I indicated, I do not come to this debate from the same level of religious commitment as other members. The way that people approach this debate is a matter for them. An argument that I can be swayed by is that there does need to be

a very clear freedom of choice in this state where we have a multi-religious, multicultural society based on respect for people of diversity.

Whilst we might not necessarily agree with their strength of faith and commitment, which can vary dependent upon the liberal nature or the very strong adherent nature of those particular religious faiths towards not only teaching but living by their values, it is something that we should have inherently respected as a consequence of our tolerance towards religious diversity in this state. It is for that reason—it was very clear, and these faith communities raised so much concern and outcry—that we will be opposing clause 17, which seeks to omit section 29 of the Anti-Discrimination Act. We have only to consider that, whilst this provision still exists—it probably will not exist in a couple of minutes time; we have to be realistic—this is more a statement of principle. I can understand that on the part of the government it is a statement of policy. It wants to underlie its legislation with a view that people should not be able to discriminate on certain attributes. I understand what they are putting forward. I just ask them to understand where we are coming from.

To all intents and purposes, I am not aware of too many situations where there was active discrimination by any of the religious control bodies against a person based on their sexuality or marital status. It was something that they had which they believed underwrote and provided them with the assurances that they need to be able to ascribe to and promote their value system. As I have mentioned previously, and will continue to mention, there are various degrees of liberal interpretation, acceptance or adherence to particular values depending upon communities and the nature of the faith. But what they needed and wanted to know is whether they could make employment decisions based on their individual faith. I am sure the majority of them did not do it; as the Attorney said, very few employers ask people about the nature of their sexual conduct or their sexual preference when they apply for a job and very few even monitor them. But there have been situations of which I am aware where people have acted outside of that doctrine and where decisions have been taken resulting in a person's employment being terminated.

I concede that under the amended section 25 that will probably be able to be done as well. However, this provides a far greater degree of clarity, assuages concerns and sits more with the inherent beliefs and values of those faith communities who want to be able to know that they can make a clear decision if they need to. Communities are different and the capacity in which they would want to use that section is different in accordance with the progressive—and I do not use that term in a negative way—liberal context or the conservative context of the way they conform with their religious or faith teachings.

Page 1 of edition 2 of the *Courier-Mail* contained a quote from the Attorney-General's predecessor—about three times removed—Dean Wells, who was the Attorney in this state as at 27 November 1991. I understand that matters move on. This is what he said with respect to section 29. Mr Wells said that the legislation would need to allow some exemptions to cover justifiable discrimination, for example, single-sex schools, religious institutions and clubs, and that in respect of lawful sexual activity parents can have absolute right to choose who is looking after their children. He stated that the government regards parenthood as conferring the right on those parents to make determinations as to what is good for their children. It was quite clear at that stage that the government did recognise that. That is why it put in place this clear opportunity for exemption for education and health related institutions for religious purposes. I make that point as an explanation as to why the opposition has this view and why we will be voting against clause 17, which in effect omits section 29 of the Anti-Discrimination Act.

Miss SIMPSON: I wish to add my comments on this section, which has been the main sticking point of this legislation. As we mentioned earlier, there are some non-controversial aspects of this bill which we support, but there are others that were not consulted on prior to their tabling in this parliament and which have caused great consternation. The exemption in the current act which is about to be omitted is one that is not unlike many other jurisdictions in Australia or is reflected in some form in other Australian jurisdictions. It is there for good reason. We have outlined concerns with regard to freedom of religion.

We recognise there is great diversity in this state. Part of that diversity is also those faith communities, whether they are Buddhist, Christian, Muslim or a variety of different denominations. There are many different views within those communities as well. That is reflected in the fact that we get different weights of concerns with regard to different issues. There continues to be concern, though, when members of parliament take their own construct on theology and then seek to apply it in legislation. We have heard a diversity of theological outpourings from government members in particular over the past day as to what they personally believe. They are

entitled to have their own personal views and beliefs in terms of how they apply their spirituality to their daily life and to this legislation. But we have to ask: do we as legislators have the right to legislate a particular religious construct over the top of other faith communities? That has been the sticking point. There are still concerns. There are still people who consider others who do not agree with their religious beliefs as intolerant. They are continuing to say that it is okay for them to be able to legislate their religious construct over the top of faith communities; that, if they disagree with their own faith communities and their stand on issues—

Mrs Reilly interjected.

Mr Mickel interjected.

The CHAIRMAN: Order! The member for Maroochydore is seeking my protection, which is unusual. I ask the member for Logan to cease interjecting.

Miss SIMPSON: I am explaining the very legitimate concerns of faith communities. We can understand why they were so concerned about the way in which this particular piece of legislation came to the House without prior consultation, unless we count the two-hour meeting with a select number of church representatives who were given a two-hour prior warning that this legislation was going to be tabled. We should not take lightly the issue of freedom of religion. We should not take lightly the fact that people do have very different religious views. I have heard a range of very different religious views across this chamber from members opposite—some of those who are yelling and intervening and trying to interrupt me now. I accept the fact that they are entitled to their different views.

The concern I have raised is whether they have the right to legislate over the top of other faith communities with regard to this particular issue. We are concerned about the right of faith communities to have a choice about who, in this case, teaches their children. I visited Communist China a number of years ago as part of an all-party delegation. One of our members was a former teacher. The particular officials who warmly greeted us said, 'Ah, teachers, very good. We recognise them as being engineers of the soul.' They recognised the leadership roles that teachers play.

The reality is that in certain faith communities they have a strong cultural recognition of the importance of teachers. It goes beyond just the curriculum that they are presenting. They are role models and they are expected to not have just a nine to three or nine to five profession of faith and then anything goes after hours. That has been the concern we have had. There are different religious views in this state and it is not the role of other people to seek to take state legislation and impose it over the top.

This particular exemption that applied in the legislation was there for a good reason. It is in other jurisdictions around Australia for the same reason. It is a recognition that there are different religious views in this state and it is not the role of the state to impose its views over the views of others or to determine what they think is politically correct religion.

Mr HORAN: This clause is the real reason why there has been so much controversy with this bill and the reason why there was so much concern over the lack of consultation. This is the real reason why there had to be the major emergency meetings between the government and the churches. Those meetings were necessary in order to attempt to resolve this particular problem. If it had not been for this clause, which takes out section 29, it may well be that the whole trouble with this bill would not have occurred.

This is a very important clause. It is the nub of the whole controversy that surrounds this particular bill. This is the clause that the cabinet allowed to be in the legislation. This is the clause that the caucus allowed to be in the legislation. It passed through both cabinet and caucus and came into the parliament with the bill in its original form. This is the clause that was passed by cabinet and caucus and that led to the problems and the controversy in this entire process.

I do not think any of us have heard of or know of any complaints that have occurred with regard to this particular clause since it was put in the legislation in 1991. It has not been a problem. It is a clause which has enabled the churches to operate with the religious freedom that the churches are entitled to in Queensland and Australia. It has enabled them to operate according to the beliefs of their religion and the extent to which they practise the beliefs and teachings of their religion and the way they demonstrate to the parents and others who believe in that religion.

This is the clause that provided for that very clear exemption. In endeavouring to overcome the problems of this clause the government brought in the amendments to clause 15. This

introduced a new section 25. We have debated that and voted on it, but we come back to this one which is really the whole problem.

The section that the clause relates to should never have been deleted. Let me say again—and this argument has been put forward so many times by this side of the House during the course of the debate—that this is what it has all been about. The churches felt that, under the very clear exemption that was there, they were able to operate according to their faith and their particular teachings. They believe they could operate their schools and the way they lived out their faith under this exemption. It was very clear and very concise and they felt secure. What they have now been provided with is something less. In the debate on clause 15 the Attorney agreed that it is a lesser concession that they now have. It is constrained. He also went on to say that they are not able to ask a person concerning their sexuality.

Mr Welford: Never should have!

Mr HORAN: The Attorney says 'Never should have'. That could be of particular concern to particular schools of certain religions. It could depend on whether it was a male or a female school or a boarding school. It may well be that they want to ask that question on behalf of their responsibilities to the parents. Who knows? We are not making a judgment on those things, but we are saying that that is the churches' right in relation to their religion and their teachings and the way in which they want to practise their teachings.

This clause was really all about the state interfering in the religious teachings and freedom of churches. They had the exemption which was brought in by a previous Attorney-General when the Anti-Discrimination Bill came before the House in 1991. It is this clause that has caused 99.9 per cent of all the controversy surrounding this bill. It was this clause that was passed by the Premier, the cabinet and the caucus. It was allowed to come before the House. That was when all hell broke loose. People have not had a chance to read the legislation and see what was happening.

We took the position of being careful and cautious with this bill. We read it and checked out what were the particular problems. This clause was not even referred to in the minister's second reading speech. There was no reference whatsoever to the changes that would occur to the way in which schools would operate by the removal of this exemption. It was always going to be the major issue in the bill. The minister's second reading speech did not even mention the word 'school'. It did not mention this issue. That was part of the deceit in this process.

This is a very important clause. This clause provided for the churches of Queensland. Regardless of the type of church, type of faith or the way they applied their particular faith and beliefs, this was so important to the churches. This is what they have been fighting for. They have been provided with something that is lesser. That is why we want to talk about this clause and that is why we believe this clause should be opposed.

Mr WELFORD: May I first acknowledge the enormous contribution to communicating the concerns of the community by the member for Mansfield, Phil Reeves, who was disgracefully slurred by the Leader of the Opposition in this House here this afternoon. The Opposition Leader purports to put before this parliament the arguments of what he regards as the church groups and the faith groups in the community. That is his legitimate right, but he is in no position to present himself in some sort of contrast position when in fact the member for Mansfield has done one hundred fold more in terms of making representations to me and to this parliament and to this government about the concerns of religious groups in his community.

I simply want to place on record that the fiercely energetic representation that the member for Mansfield has provided for his community in the course of the consultation on this bill leaves for dead the cynical, last-minute posturing by the Leader of the Opposition, who first came out in public implying support for the legislation and then backtracked at 100 mile an hour as soon as there was the slightest criticism and then sought to camouflage his isolation, camouflage his cowardice under the guise of a lack of consultation. The Leader of the Opposition is utterly without credibility. Not a shred of credibility is left in the way that he has conducted himself. Not a single religious leader in this state could possibly rely on the certainty with which he approaches this issue, because he is likely to change tomorrow. The moment he gets a contrary view, that is the view he expresses. He says one thing to one group and one thing to another. He runs with the foxes and hunts with the hounds, and that is the nature of the game that he plays.

Let me make a couple of points, and I will try to be brief. This section is precisely where the rubber hits the road. This is precisely the distinction politically between those of us who believe in accountability on this side of the House and those who have never believed in accountability

among the conservatives in this state. They do not believe in accountability in politics. They do not believe in accountability in the law. They had their mates when they were in government for 32 years putting them above the law. They used the Police Service as their own private Police Service to protect their political mates. And what they stand for in arguing for the retention of section 29 has got nothing to do with protecting religious freedom or religious faith; it is about protecting the lack of accountability that is fundamental to their political beliefs. They do not believe in accountability. That is precisely, in political terms, the distinction between the government and the opposition on this issue.

Those opposite know that in the consultation that we have engaged in with the religious communities and with the gay lobby and with the other community groups that have an equally genuine interest in this issue that we have reached an outcome that is fair and reasonable. But they do not want to concede it, because the cynical politics of conservatives in this state is that they do not believe in accountability. That is the bottom line. They do not believe in accountability.

We have not been forced into emergency meetings, to use the words of the Leader of the Opposition. There was nothing 'emergency' about our meeting. Our meetings continued the consultation that we started even before the bill was presented in the House. We knew there was going to be public interest in this. We knew that it would be controversial. And why shouldn't it be controversial, because the people who take an interest in these things are passionate about them, and so they should be. That is their right and that is what a democracy is all about. We knew we would have to engage in extensive consultation, and we did. And do members know what? We did it in a way that a National Party government has never, ever, ever done it. We gave people access to the most senior ministers of the government—the Education Minister, the Premier and me. We attended meetings in a way where any member of the public could come along to a public meeting and have their say. That was never provided under conservative governments in Queensland. Members will never see that under conservatives because conservatives do not believe in public accountability.

Let me just clarify a couple of things for members of the opposition who, unlike the leader, raised some legitimate concerns. The issue has been raised about the role of the state in relation to religious faiths. I do not want in any way to discount the genuineness of the commitment that people have to religious faiths. All of us have our own version of spirituality, and religious faiths have their own varying characters of religious commitment. The member for Maroochydore made the point that she did not believe it was the role of the state to impose its views over the top of other religious beliefs. I simply repeat and rely on the comments made by Noel Preston in the newspaper article. There are, in a range of religions around the world, religious beliefs that subscribe to all sorts of practices and behaviours. But in this country—a modern, civilised, Western liberal democracy—we believe that some behaviours are unacceptable whatever religious beliefs might substantiate them.

A government member: Polygamy for example.

Mr WELFORD: Yes, some religions believe in polygamy. Genital mutilation might be another. There are a range of religious faiths around the world to which people genuinely subscribe, and we do not for a moment deny them the religious freedom to believe and advocate them. But that does not mean the state is denied in any country the right to reflect the values of the whole community about what is acceptable behaviour, particularly where it involves harm to others. This legislation is simply about putting in place a very modest measure of accountability to ensure that in the genuine exercise of religious freedom people are not unjustly harmed, and that is a legitimate basis for this legislation. It is a basis which members of the opposition, if they had any scintilla of commitment to fairness, would support.

Let us not get hung up about the concept of religious freedom being absolute. We recognise religious freedom. As I indicated in my response to the second reading debate, religious freedom fundamentally is about the freedom to hold beliefs and the freedom to express them and to practise one's religious beliefs in terms of prayer and ministry and so forth. Nothing in this legislation deprives the full ambit of that religious freedom. All we ask is that when people relate to their employees in an employer-employee relationship they conduct themselves with a measure of reasonableness. In removing section 29 we have asked nothing more of employers that happen to be religious institutions than to be accountable for their fair and just behaviour in the same way that they expect all others in the community to be accountable for the same thing.

Mr SPRINGBORG: What we have seen emerge here in the last few minutes has unfortunately led this whole committee into a rather acrimonious level of debate and it cannot go

unchallenged. The Attorney stands there and talks about accountability and his government's commitment to accountability and the alleged traditional lack of accountability by the National Party. This is the same Attorney who only last year brought into this parliament freedom of information amendment legislation which enabled a regime to flourish in this state where cabinet exemptions grew like topsy and so that many people could not afford to use an accountability mechanism.

Mr WELFORD: Mr Chairman, I rise to a point of order. Nothing in any legislation I have ever introduced in this state has expanded the ambit of the cabinet exemption, which the National Party when in government retained, endorsed and acted upon.

Mr SPRINGBORG: The administrative rorting of the Freedom of Information Act by this government has shown appalling lack of accountability. I refer to the time charging regime. We in the opposition have had quotes of up to $6,000 to access things we would have accessed for little over—

Mr Mickel interjected.

Mr SPRINGBORG: All I would say to the honourable member for Logan, as hypocrisy drips from his lips and as he interjects from the wrong seat, is that the Attorney-General, when illustrating a point as he was a moment ago, was talking about the lack of accountability here. All I am saying is that the Attorney-General and the government living in glass houses should not throw stones.

The CHAIRMAN: Order! The members for Southern Downs and Toowoomba South have both gone a bit off the track. I suggest that after just a short while we get back to debating clause 17.

Mr SPRINGBORG: I will go straight back to it. I think this is unfortunate. To date we have been able to investigate and spell out things with a reasonable level of decorum.

The Attorney-General talked about the issue of accountability and how we were not accountable. I think we were accountable. We were cautious at the outset and said that we would look in a reasonable, tolerant way at this legislation. As I said yesterday, other than three clauses we had little trouble with this piece of legislation, but we had real concerns because of the government's lack of initial consultation.

I have never heard such ascribing to Scripture as I have heard from those on the other side over the last day or so. I do not come to this debate from a religious basis, but I am prepared to accept that there is a strong argument with regard to the right to choose on the part of church groups and faith communities. I feel there is a strong argument for the retention of section 29. If it was going to be omitted, then it should have been consulted on in a far greater way.

It is amazing that government members have stood up and said how they believe in consultation. They apologised a bit here and a bit there. They said that they went out into their communities and consulted and that the government was so great because it listened to them! Out of sheer political panic it listened to them. Out of damage mitigation it listened to them. Where were they in the caucus meeting when the bill was put through? Where were they? Did they look at page 11?

The Attorney-General talked about accountability, the National Party and how the National Party did not consult. I have never seen a clause in any National Party explanatory note to the effect 'There has been no consultation with the community on the bill'. I have never seen that. Those opposite should stop this humbug with regard to that particular process.

In this clause we are dealing with a broad exemption for a broad range of views which allowed people to work up to a particular level. If they did not ascribe to their faith values then that was up to them, but if they did they did. It was quite clear. If people have a different view, that is fine. I accept that particular view; I understand it. All I am saying is: if government members are going to preach tolerance and understanding, then I can try to understand where they are coming from.

I think they put up some legitimate arguments. However, we come from a different point of view which we believe also needs to be heard. This parliament is about democracy and respecting each other's diversity. We will have a vote on this issue. The government will win. There is no doubt about it. But that does not mean that we should be ridiculed for expressing a particular viewpoint which is held by a lot of people in the community at large.

Mrs LIZ CUNNINGHAM: In light of the comments made earlier by the minister, I rise to speak for the groups of people I have spoken to that have concern about the bill. The minister went into some detail to explain clause 15—we just spent quite a considerable amount of time on that—and I have thanked him for that. In the end, though, it was shown that there is the potential for significant constraint on bodies to apply their teaching in relation to behaviour within a school or a church environment. That is in relation to the ability of those bodies to dismiss somebody acting quite contrary to the tenets of the faith. That came out as the result of a question from the member for Maroochydore.

The people I have talked to in relation to this bill who have expressed to me concern about the removal of this section—it has been part of the act for quite a number of years—are people who do not lack accountability. They do not want to be able to treat people unjustly. Indeed, in the debate over the last 24 hours I have not heard of a great many instances, if any—I cannot recall any, but I would have to check *Hansard* to be 100 per cent sure—of abuses by church schools or faith based educational or health facilities in terms of people being dismissed indiscriminately.

In the debate last night there were tragic stories told of the experiences of various members who know of people who have been discriminated against because of their sexuality. For those people I have the utmost compassion. I would never condone it. In opposing the omission of section 29 we are representing the point of view of these educational and other faith based groups who wish to retain their ability to exercise, in the stream of employment in particular but in other areas as well, their faith based values. They do have a scintilla of fairness. They are fair, just and honest people. They ask us to work as hard as we can to retain the status quo. Clause 17 removes the status quo and it is on that basis that I oppose it. They are fair, just and accountable people. They just want a voice.

Question—That clause 17, as read, be agreed to.

AYES, 48—Attwood, Barton, Beattie, Bligh, Boyle, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, English, Fenlon, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, Mackenroth, Male, Mickel, Miller, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Quinn, Reeves, Reilly, N. Roberts, Robertson, Rose, Schwarten, D. Scott, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Watson, Welford, Wells, Wilson. Tellers: T. Sullivan, Purcell,

NOES, 14—Bell, Copeland, E. Cunningham, Flynn, Horan, Johnson, Lee Long, Lingard, Pratt, E. Roberts, Rowell, Simpson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Clause 18, as read, agreed to.

Clause 19—

Mr SPRINGBORG (4.23 p.m.): I rise to take this debate in committee back to the harmonious level that it was at prior to the Attorney-General's outburst.

The CHAIRMAN: You have the support of the chair.

Mr SPRINGBORG: I commend the government for inserting, by clause 19, a new section 45A, which deals with the issue of assisted reproduction technology and also providing support, by way of that amended clause, to people who provide reproductive technology by assuring them that they are not able to be taken to have contravened any antidiscrimination laws by denying access to assisted reproductive technology to single women and gay and lesbian couples. I indicated yesterday in my contribution that we have a broadly tolerant view with regard to the way people wish to live their lives. As other members of parliament have said, there are various reasons why people engage in that lifestyle. Some have a genetic disposition towards it and some make that lifestyle choice. With regard to the new section 45A, I think that it is very important that we have a regime in this state that is very clear for those people who practise in the area of assisted reproductive technology, or IVF. Certainly, there has been controversy in Queensland and throughout other parts of Australia over the past few years as to whether gay and lesbian couples and single women should be able to have access to this reproductive technology.

As I understand it, this amendment ensures that the situation as we believe it to be will actually be, and that is that those people who provide this service will be able to do so without recourse if somebody alleges that they have been discriminatory. No doubt this technology is quite expensive. It was put in place to assist males and females who, as a consequence of their natural union and relationship, because of a physical reason—

Mr Welford interjected.

Mr SPRINGBORG: The natural union of a heterosexual relationship, I will say. This technology allows them to conceive and have children, notwithstanding the fact that there may be some medical reason for their not being able to do that. We also must recognise that, by this particular amendment that relates to assisted reproductive technology, children are not a consequence of a gay or lesbian relationship and not a consequence of a single person acting on their own.

Whilst some people may find that view to be harsh, I find that that view is in line with general community expectation and the very reason that these IVF programs were set up around Australia in the first place. One the one hand, this issue is generally about choices and on the other hand it is about ensuring that heterosexual couples who cannot conceive because of a medical condition will be able to conceive as a consequence of this technology.

I commend the government for ensuring that the situation as we believe existed now quite clearly exists in law in this state. The government deserves the congratulations of the parliament for doing that. I think that people in Queensland will think that this clause is reasonable and is certainly in line with broad community values. Even though those values are tolerant of all aspects of relationships, people certainly understand that there are certain discriminations or certain moves that have to be taken to ensure that this technology is available to heterosexual couples if that be the judgment of the person who is providing the service. So we have no hesitation in supporting this clause.

Clause 19, as read, agreed to.

Clauses 20 and 21, as read, agreed to.

Clause 22—

Mrs LIZ CUNNINGHAM (4.29 p.m.): I seek some clarification from the Attorney. In the second reading I highlighted a concern raised in a number of letters written to me. I read into *Hansard* part of a letter from a gentleman who felt that this amendment may impact on the ability to preach in a church about issues supported biblically, for example, speaking against homosexuality and certain activities that the church believed were fundamental tenets of the faith. In the letter to me the gentleman said that this clause will remove that freedom of speech. When I read the letter into *Hansard* a couple of members opposite interjected and said that I did not know which way was up. Perhaps that is true, but I seek genuine clarification in terms of what constraint this might place on people speaking in such forums about issues generally covered by this legislation but which still are fundamental tenets of the Christian faith and other belief systems.

Mr WELFORD: I can confirm that no-one will be denied the right to express their views and express their faith for genuine purposes in good faith. This applies only where by some public act people incite hatred towards, serious contempt for or serious ridicule of a person or group of persons. For legitimate debate there is an exemption in subsection (2), and for legitimate expressions of views that is the case, too. There is a legitimate philosophical debate to be had about vilification laws generally. There are those, for example national broadcaster Philip Adams, who hold the view that people should be allowed to say whatever they like, no matter how vile, offensive, hateful or inciting of violence it might be. In other words, he accepts that freedom of speech should be virtually unconditional. The concept of vilification basically says that we have to maintain our comments about others within reasonable bounds and not make comments in bad faith or malevolently in a way that might incite serious hatred or violence.

Miss SIMPSON: I thank the Attorney-General for his explanation, because this issue does get raised as to the balances of the freedoms. We have recognised in the debate over the last couple of days that there are rights that we hold to be self-evident, that there are times when there will be conflicts in those and that all freedoms or all rights have a balance of responsibilities. Firstly, I strongly oppose people attacking anybody and causing them harm for any reason, let alone because they are different. That is wrong and abhorrent. This is where the Criminal Code and the support of the police force and justice system is so important.

Last year I raised concerns about what I believed were the vague ways this legislation was drafted with regard to vilification provisions, particularly as to what constitutes severe ridicule. For example, I consider that under the act some comments extolling the homosexual lifestyle and attacking Christianity on talkback radio in the last two weeks could be considered to be religious vilification. I am not yet convinced, however, that the law should involve itself in regulating all these types of freedom of speech issues, obnoxious and intolerant as these comments may be, unless an action of harm results with evidence to that effect.

That is why to be consistent with the vague definitions of 'severe ridicule' in the principal legislation there were some concerns as to how it would apply with extensions under the amending act and how this would be mentioned. I note the Attorney-General's response, because this is a question that had been asked as to what would happen if an individual quoted publicly from the Bible about God loving individuals, for example, but not the sin of homosexuality, about a person expressing this as a sincere religious belief and about whether they could face action for alleged vilification under this act. I take it from the Attorney's response that that in fact would be provided for in the act in that this was a sincere belief of that person. If the Attorney has a different interpretation, I would appreciate his advice.

Mr COPELAND: I want to make a couple of comments regarding this clause and the very concerning incidents of gay hate crimes in society. These crimes are as shocking as they are cowardly. The incidence of these crimes has received some coverage in Queensland recently. They occur everywhere in Australia and we must do everything we can to protect our citizens against them. A study in gay hate related homicides in New South Wales by the Australian Institute of Criminology released in June 2000 found that on average four men are killed in New South Wales attacks related to prejudice or homophobia. The study found that these crimes were significantly more likely to involve a high level of brutality. It stated that it is not uncommon to find that victims of gay hate related homicide incidents have been repeatedly stabbed up to 75 times. Seventy per cent of these crimes involved savage beatings, mutilation and/or dismemberment.

In a reflection of the cowardice of these crimes, the study found that a majority of 54.5 per cent of the incidents involved multiple offenders in contrast to only 44 per cent in other homicides. I am not aware of any similar research being conducted in Queensland, but we can be sure that a similar situation is occurring in our state. Recently, for example, we saw the case in Brisbane where a man was beaten up and killed just on the assumption that he was gay. On 17 July 2000, the ABC's *Four Corners* program aired a controversial story called 'Hitting Material' which depicted the stories of the victims of gay bashings in north Queensland. This hit home on our televisions the fact that hate crime is very present in our community.

The fact that these criminal actions are occurring also indicates that there is widespread vilification towards people based on their sexuality that may not go as far as bashings or indeed homicide. Certainly, the people I know who are gay have during their lives been faced with various degrees of harassment and various levels of vilification. No-one will argue against the need for laws to protect all people and their right to live their lives free of danger of vilification. However, we must be careful in implementing any vilification laws based on sexuality and gender identity. It is also very important that a balance is struck between the right of freedom of expression and freedom from vilification. We do not want a situation arising where spurious claims are made in situations that were the result of naivety or recklessness in relation to the interpretation of the legislation.

Having said that, there is an argument for the support of antivilification laws based on sexuality. It could be argued that they are more required than antivilification laws based on race or religion that currently exist in Queensland. There are concerns with the implementation, as both the member for Gladstone and the member for Maroochydore said. I am glad the Attorney clarified this so that those people who do have concerns with the antivilification clause in this legislation can rest assured that they can express those views without fear of being prosecuted under this act.

Mr SPRINGBORG: I shall outline what was the National Party's position when the original racial and religious vilification legislation went through parliament. The Attorney-General very aptly spelt out to parliament that there is cause for debate and different points of view as to whether having such legislation is the most appropriate way to go with regard to dealing with these matters in Australia. I have a view that a lot of what people say is just huff and puff. Whilst I might find it offensive, other people do not, and it does not necessarily lead to anything. I wish people would not say such things. That is why at the time the racial and vilification legislation went through parliament we said we would not oppose it—not because we believed in crimes or incitement based on those parameters but because we believed that sometimes these things were in the area of subjectivity and could potentially impact on freedom of speech.

I put up a countermeasure to parliament, which was debated prior to the racial and religious vilification legislation, that people who committed crimes based on racial or religious grounds would be punished far more severely by the courts. The argument put up by some people and government members was that we have to wait for the event to happen before that option of charging and getting it to court can be taken. A whole range of criminal offences existed under

which a person could be charged and sentenced far more severely. There was also an argument that that in itself would act as a deterrent. There was also an argument that it was far better to judge things that actually happen rather than things that may happen.

Having said that, I concede that the parliament passed the Racial and Religious Vilification Bill. I understand the reasons the government put forward for it. Although I still have some fundamental issues of difference with regard to the approach, I accept that it was passed. I think it would not be appropriate for me to advocate opposing section 22 on my original basis. It stands to reason that if we have racial and religious vilification provisions in our law, those provisions should extend to the grounds of sexuality or gender identity.

As the member for Cunningham pointed out quite appropriately to the committee today, there is probably a greater argument to have such vilification laws for gender identity or sexuality. I, like many honourable members, have a range of very good gay friends—people who I hold in very high regard—who have been subject to threat. Whilst they do not necessarily talk about the need for such legislation, I know that they are concerned that their sexuality leaves them subject to violent threat.

I accept that there is an even more demonstrable argument in favour of any vilification legislation based on sexuality and gender identity than there is for race and religion. I am not saying, given what I have said and the fact that it has gone through parliament, that that is not repugnant. But I am saying that I have witnessed through press reports far more demonstrable examples of incitement on the basis of sexuality or gender identity that have led to people being bashed, severely maimed and even killed. Therefore, I think it is a strong argument for us, even though this may be a symbolic action, to concede that it should be included in that original piece of legislation.

Whilst there are people who say pretty offensive things about race and religion, we do not really see it on the same level as people down the pub saying they went gay bashing, or using other terminology that is even worse. Some people repugnantly use those terms and they think it is quite funny when saying that at the pub. I think that sort of terminology is unacceptable and that it can lead to incitement. I would obviously feel more comfortable if we were dealing with something which was tested to a criminal standard as per our option. But given what we have got in place already, it is logical to extend this to include gender identity and sexuality. I think the imperative is even greater.

I acknowledge the explanation from the Attorney with regard to how far this may or may not impact upon freedom of speech. I would hope that the assurance he has given would allay the concerns of the people who have raised questions—in particular, the honourable members for Gladstone and Maroochydore. Pastors have raised similar questions with me. Although we could dismiss their concerns just out of hand, people are concerned about the element and aspect of freedom of speech. We should be prepared to engage and try to answer their argument in an intellectual way. This is about properly answering their concerns. They have told me that they want to be able, in church on the weekend, to say, 'We welcome homosexual people—gays and lesbians into our congregation and people in a de facto relationship, but our teachings say that the ideal lifestyle that you live is a lifestyle between a man and woman in married union.' I would not believe that language would be considered to be incitement. Nevertheless, these are the assurances it was necessary for the Attorney to give this committee today and also I think to assuage the concerns of other honourable members.

Miss SIMPSON: I wanted to add some further commitments to this provision. Earlier in the debate some members told some tragic stories where people had suffered discrimination due to their sexual identity or sexuality. In some truly tragic cases they had been injured or harmed by other people or they had taken their own lives. People who are suffering in this way deserve compassion and understanding.

I noted some comments in the debate and some very genuinely held beliefs that people are born homosexual people and cannot change and that is life. I wanted to make members aware that, based on my information from some of the former homosexuals I know, there is a compassionate ministry called Exodus. I have a number of acquaintances who have worked with Exodus. Today I was talking with a particular gentleman who is a former homosexual. They have a compassionate understanding and a desire to get alongside people who choose and who want to leave the homosexual lifestyle. This is about offering them options and not imposing only one set of values on other people.

Their mission is to support people who want to not live a homosexual lifestyle, but they also give them the freedom to grow into heterosexuality over time. There are a number of support groups throughout Queensland and, as I said, some very compassionate and genuine people who have come from a homosexual background who are in those groups. I understand also that we have another provision coming up in the legislation in regard to transgender.

Probably about 14 or 15 years ago when I was reporting on the Sunshine Coast I had the opportunity to talk with a gentleman called Sy Rogers, who previously had been about to undergo a sex-change operation. He did not go through with that. These days he is involved with Exodus or Liberty and he will be in Brisbane soon. I wanted to bring that to the attention of the House. I think I mentioned the phone number of that group in Brisbane. It is 33714705.

Clause 22, as read, agreed to.

Clauses 23 to 42, as read, agreed to.

Clause 43—

Mr WELFORD (4.48 p.m.): I move amendment No. 3—

3. Clause 43—

At page 36, lines 9 to 13—

omit, insert—

' '(2) The following provisions of this Act, as inserted, or to the extent amended, by the Discrimination Law Amendment Act 2002, apply for the purposes of a complaint, whether the complaint was received by the commissioner before or after the commencement of this section—

(a) section 188;
(b) section 201;
(c) section 208
(d) section 209;
(e) section 213;
(f) chapter 7, part 2, division 3A;
(g) section 215A;
(h) section 216;
(i) section 236;
(j) chapter 10, part 1.'.

This amendment addresses an issue raised by the Scrutiny of Legislation Committee regarding the interpretation of the proposed section 269(2). The committee took the view that the section appeared to make the changes to the prohibited grounds of discrimination and the exemptions apply retrospectively. I have difficulty in accepting that a court would construe a provision of such general formulation in this way. It is certainly not the intended effect of the situation. It is my view that it would require a much clearer statement of legislative intent and a much more specific transitional provision to remove retrospectively the substantial rights of a party to a complaint.

However, this amendment to the proposed section will remove any doubt as to its intended effect. The section now specifically lists the provisions which will apply whenever a complaint is received. These are all procedural provisions and will have no adverse effect on any party to a current complaint.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clauses 44 to 68, as read, agreed to.

Clause 69—

Mrs LIZ CUNNINGHAM (4.50 p.m.): I just wanted to seek clarification from the minister in relation to clause 69. In comparing it with clause 77 there seems to be a lack of synchronisation. When I read through the legislation and the explanatory notes I was under the impression that punitive action could be taken against anyone who released the original of a re-registered certificate. There appears to be a penalty of 100 penalty units or two years' imprisonment provided for people who have access to the certificates in the office or a re-registered person if they release the document with intention to deceive. They might have a malicious intent and use the original document. I assume this could apply to people in the office who may have access to all the information about a person. If they release that information it appears that punitive action can be taken.

Clause 69 talks about people who, on payment of the prescribed fee, may apply to the Registrar General for a certificate from the entry for the relevant person that was closed on the re-registration. I imagine that that would be the original information. I am having some difficulty meshing the two. I have some other questions about the application to record a change of sex. I

have some concerns that I raised in the second reading speech, but I will mention those when we come to deal with clause 72. At this stage I just want to clarify whether a relevant person, a child of the relevant person or a parent of the relevant person, if the relevant person is a child, can apply for a certificate from the entry that was closed on the re-registration. The clause states that there is a penalty attached to letting out that information.

Mr WELFORD: I am not 100 per cent clear on what is the honourable member's concern. The offence provisions are not triggered by anything in the amendments that we have introduced here. These amendments simply facilitate the Registrar General issuing a new certificate and the form of that certificate. As I indicated in the second reading debate, the form of the certificate will be like a re-issued certificate that does not specifically on its face refer to any change in the gender notation, but it will refer to the fact that it is the re-issue of the certificate with the previous number. Apart from that, any other provisions of the existing legislation relating to the registration of births, deaths and marriages apply to these certificates as they apply to any others.

Clause 69, as read, agreed to.

Clauses 70 and 71, as read, agreed to.

Clause 72—

Mr SPRINGBORG (4.54 p.m.): In my second reading speech I indicated that the National Party opposition would not be able to support clause 72 which deals with the application to record a change of sex on a person's birth certificate. We concede that there is obviously an argument that has convinced the government that there is some need to do this. The member for Moggill spoke about it yesterday. By and large, there are a lot of people in the community to whom I have spoken who support the general thrust and principle of this legislation but this is the only aspect that they oppose.

We have all received correspondence by e-mail from the Androgen Insensitivity Syndrome Support Group of Australia who have expressed concern about the government's handling of this particular issue. They have basically called for this legislation to be withdrawn and held over until such time as they have been properly consulted. The basis of their concern is that people with intersex conditions have been lobbed in with people who are transgenders or transsexuals. Whilst they indicate in some parts of their submission an element of empathy with the position which has been put forward by the transgender community, they indicate that the two conditions are quite different, to the extent that somebody who is born intersex, or what used to be called hermaphrodite, was born with no defined, or little defined, sex one way or the other at the time of the birth. That is, they have genitalia that can resemble both. At the time of the child's birth the doctor will most often make a decision to go one way or the other with regard to deciding the gender of that particular child. In all bar about five or 10 per cent of the cases the doctor usually gets it right. I think that the intersex people raise some pretty good concerns.

I invite honourable members to look at the table that has been supplied with regard to the differences between intersex and transsexualism. Notwithstanding what the member for Moggill said yesterday about his research and how it was all biological, the intersex community indicate that it is not necessarily biological. In fact, they argue that the condition can be more psychological to the extent that we have a person, male or female, with a very defined agenda. In most cases that person can reproduce in that sex. They have the physical body of someone who has a psychological preference to be the other sex. I think they raise pretty reasonable points.

As I outlined yesterday, regardless of whether it is the right of a transsexual or a transgender to change their birth certificate, I have a very strong and, I believe, valid concern about how much we should allow people to apply to change the sex on their birth certificate, or other details on their birth certificate. That birth certificate is a document that records that person's identity at the time of birth. It includes their parentage, their sex and their name. As I mentioned yesterday, there are exceptional circumstances where I could agree with the ability to change birth certificates. I cannot agree with the desire of a transgender to do that because that was the sex of the person when they were born. It is a birth certificate. It is not a 20-year-old's certificate, or whatever the case may be. It reflects what that person was when they were born. I believe there are some very strong and compelling reasons why I cannot support it.

I acknowledge that other state and territory jurisdictions have moved down this path and that there has been a call by the transgender community for these particular changes. It is interesting to note that in the five years since this has been available in the Northern Territory only two people have applied. I understand there are thousands of people in Queensland who see

themselves as being transgender. Not all of those have moved towards being post-operative transgenders.

Many of the reasons argued in the 1980s as to why people were disadvantaged by the nature of their sex on their birth certificate no longer exist. With regard to passports, administrative processes have been put in place. There have been decisions of the federal courts with regard to people's identities and there have also been changes in terms of the incarceration of transgenders. As I mentioned, we are a little bit inconsistent here because we are saying that a person should be able to, for all intents and purposes, become a sex retrospectively, a sex that they were not at the time of their birth; yet other elements of this legislation enable sporting bodies to discriminate against them because they have a physical advantage or a stamina advantage over other participants—that is, most logically a person who has gone from being female to male.

As I said yesterday, the sex of a person competing at an international level is determined by a test where a sample of hair is taken. So if a person wants to know what sex they are, that test will soon determine their sex. A person will not be able to compete at international level as a female if they have changed from being a male on their birth certificate. This is not necessarily correct. This is, in my view, a form of falsification of what a person really was at the time of their birth, and I cannot support such a change in legislation. If we are going to adopt that approach, then we should let married women change their birth certificates to their married name. A person should not be able to change who they were at birth.

There are a whole range of other reasons that need to be looked at in terms of this issue, such as the consequence of marriage. Whilst it might not necessarily worry somebody that they are in a relationship with a post-operative transgender who has gone from male to female or vice versa, I can tell members that it would worry a lot of people. The failure to be able to establish an appropriate identity for that person could lead to that person being misled, because a birth certificate is used for a whole range of other purposes such as the details recorded for banking purposes, drivers licence and those sorts of things. A person could say to someone they are engaged to—

Miss Simpson: Even a marriage licence requires a birth certificate.

Mr SPRINGBORG: Yes, marriage licences and all those sorts of things. There are conflicts and some very real issues here where people could end up being misled because a person's birth certificate has been retrospectively changed. This is not an antitransgender issue. Apart from name changes in the most exceptional circumstances, this is not something that we should be generally agreeing to. You are who you are at the time that you are born, and that is it.

With regard to intersex situations, a person is assigned a particular gender at the time of their birth because their sex was not clear. The doctors make the call based on whether they are more like a female or a male and their chromosomes. But there is the capacity, if the doctors get it wrong, as they do in five per cent or 10 per cent of cases, to be able to change the details on the birth certificate under section 42. So there is an avenue available. In terms of this wholesale change, I cannot and will not be convinced that there is any good reason why we should extend or expand the capacity of people to be able to change their birth certificate document for whatever reason. The Attorney says that there will be a notation, but that notation does not allude to the fact of whether that person's birth details were changed as a consequence of a sex change or other identity change. So there is no real way of determining the reason for that on the birth document. There are a whole range of reasons as to why a person might want to change it. It might be marriage, for example. There might be some other legitimate case for which they might want to look at it.

Mrs LIZ CUNNINGHAM: I rise to follow up on those comments. I have to express concern not only on my part but on the part of others who have contacted my office about the manner in which this legislation is drafted. It does allow for a change of sex. The concern expressed to me, other than just the fundamental principle, is the fact that, whether it is done intentionally or not, it is deceptive in the manner in which it will be done.

There is a qualification for people who can make the application, but I asked a question about this in my contribution to the second reading debate and I do not believe the minister really addressed it in his response. What does not appear to be clear is whether there is any obligation on a person who has had a full change of sex as a result of operative procedures to disclose that fact to someone with whom they are going to establish an intimate relationship. If we are going to talk about rights and discrimination, et cetera, surely a partner to such an intimate relationship

should have the right to know the birth gender of the person with whom they are establishing, say, a marriage relationship.

There was less concern about a scenario where a person's birth record was changed and there was still sufficient evidence retained within the visible documentation to show that path—that is, maybe not on an extract of a birth certificate but a full birth certificate would show that the birth gender was male changed to female or vice versa—so there is an element of honesty in the records kept on each individual. It is a basic document that is used for a significant number of important transactions and proof of identity. Therefore, there is a fundamental need for that document to be inherently accurate. Those were the concerns expressed to me.

I seek clarification from the minister about the obligations for disclosure on people who have had a complete change of sex. I also seek further clarification about an issue raised with me, and it is almost a tangent to this legislation. I think the member for Southern Downs raised it—that is, instances have been recorded where gentlemen who have had a complete change of sex and assume a female gender run foul of the law and are sentenced by the court to go to a male prison. The changes in this legislation—which will obviously get through—will mean that they will be able to serve their custodial sentence in a female prison because they have completely changed their sex to be female. The current situation is that they are imprisoned in a male jail if their birth gender is male. That has created a significant number of problems as far as attack and a great deal of physical assault. That is a query, but I remain opposed to this clause. I also ask the minister to clarify the disclosure issue on the part of people who form relationships so that both parties to the relationship can be clearly informed about the history of both parties.

Mr WELFORD: This provision is pretty straight forward and a very simple expression of compassion to people who are in this position. It is as simple as that. A purist may say that a register of births is a register of certificates of the assessment of a medical practitioner of the characteristics of a person at the time of their birth. That is good so far as it goes and no-one is saying that the original birth certificates that are issued under the law that we are proposing will be abolished or removed. So, in terms of a register of record as such, that will be retained. However, we know that in this day and age birth certificates are not just a register of record. They are, in the absence of any other identification documents for people, a basic document that people rely upon for a whole range of purposes—most particularly, gaining employment, obtaining passports and various other things. If they are living as a person of a different gender to the one that is on the birth certificate, relying on the birth certificate to authenticate themselves is deeply embarrassing.

It is a very simple and compassionate change to make to simply facilitate that the Registrar General may, on application of a person who has gone to all the effort of surgical gender reassignment, reissue a new birth certificate to that person with their reassigned gender.

The intersex issue is not a reason for opposing this. I could not quite grasp the contradiction in the arguments of the opposition member. I do not say that to incite him to get up again to explain himself. Suffice it to say, if it is proposed to oppose this provision on the basis that he believes in the purity of the register of births based on the assessment of people's gender at the time of birth then I accept the point of view he expresses. Mind you, if he is prepared to advocate for intersex people then he has to accept that those people's gender recorded on their birth certificate might be wrong.

The existing law, without this change, allows errors in the assessment that was made at the time of birth to be corrected. We have clarified that with the people who have circulated that concern about intersex people—that they have under the existing law the capacity to rectify errors in the original birth certificates. That can be done now and they are now satisfied that no further changes to these provisions are required for them. So if the member is genuinely concerned that people can in fact have incorrect records at the start, then I would have thought it makes sense to accept that people's records can be changed.

In the case of people who have gender reassignment surgery, I think it is a simple reality that they are living the life of the gender to which they have been reassigned. If they are reassigned to the male gender then they will end up in a male prison. If they are reassigned to the female gender then they will end up in a female prison. I see no particular problem with that. However, where gender has not been reassigned there is still a discretion in the correctional system to appropriately place people in the prison where they will not suffer adverse consequences. That compassion already applies to people in prison.

In relation to the disclosure question, people form relationships every day of the week and choose or not choose, according to their own moral conscience, to disclose things about themselves. We are not going to impose in law an obligation on people to disclose that they have had gender reassignment surgery. That really is a matter for the conscience of people who enter into relationships. I think people, like each and every one of us, deal with the relationships they are in and what they know or do not know about the other person based on the trust they repose in those relationships as those relationships form, grow and mature. It does not require any legal intervention in this regard.

Mr SPRINGBORG: I do not intend to labour the point. This is the last clause I will speak on. I just want to clarify a couple of things. I am pleased that the Attorney-General outlined the issue with regard to the intersex group and addressed some of their concerns. The primary issue remains the same for them. They even recognise—much research has been brought into this place—and outline quite succinctly and well the difference between an intersex and transgender condition and the psychological and biological differences that actually exist there.

The Attorney-General indicated that as the birth certificate is the primary identification document it is something which is used by people for all sorts of reasons. This is more a philosophical debate for me. I ask the Attorney to understand that. If we are going to get into the argument of having a primary identification document, that document necessarily being our birth certificate, and that birth certificate is able to be changed on a greater range of criteria, whether it is on name issues or on gender change issues, then it really does beg the question of whether we need to look at the way we administer identification documents in this state.

It may be easier from the Attorney-General's perspective to say that a birth certificate is still best and to cater for it in that particular area, but I would say there is a strong argument to indicate that that is still a birth certificate and that a birth certificate is a pretty correct—it is correct in almost 100 per cent of cases—reflection of a person's identity, including sex, at the time of their birth. If we are going to allow changes, then what we should be doing is putting in place and seriously debating another process of identity documentation which we can use for a range of purposes.

The Attorney-General indicated that we should not necessarily be imposing particular parameters on people's lives and a duty to disclose. I would say that it is probably quite difficult to do that. However, it is different when somebody is in a relationship with somebody that they believe for all sorts of reasons is somebody genuinely of the opposite sex, with the opposite chromosomes, and that they consider to be their ideal relationship. We are talking about people being involved with somebody who has the same chromosomes. In many cases this is what we are dealing with: XY and XX chromosomes.

The member for Moggill talked about other issues yesterday, but from my reading of the issue and from what the intersex people have actually provided, the real chromosomal issues arise in relation to the intersex conditions. However, if somebody has two X chromosomes and their partner has two X chromosomes and they want to call their partner a her and they are comfortable with that, then that is up to them. But some people will not be comfortable and some people do not have the capacity to know that.

The birth certificate document that will be issued will carry a notation but will not outline the reason it was changed. There will be only a general allusion to the fact that the certificate has been changed for a reason. That reason could be a change of sex or a change of name for a particular purpose with regard to adoption, witness protection or whatever the case may be.

It is also important to note that there have been court cases around the world in which people have sought to annul a marriage and have gotten out of a relationship based on the fact that they have found out that the person they are in a relationship with had been somebody of the other sex—that is, somebody of the same sex to them and different from what they had thought—and they had sought to become that opposite sex as a result of gender reassignment surgery.

It is not as simple as saying that we need to throw our hands up in the air and say, 'We will not impose.' I know that that is difficult, but members should be aware that there have been and are situations in which this causes a problem. Case law throughout Australia and the world indicates that. It is a legitimate, genuine issue. I acknowledge that it is a philosophical position we are adopting here. That is why I cannot support clause 72, which principally allows a person of reassigned sex to apply to have that changed on their birth certificate and then once it is accepted for all intents and purposes that becomes their gender identity.

Question—That clause 72, as read, be agreed to—put; and the Committee divided—

AYES, 43—Attwood, Barton, Beattie, Bell, Bligh, Boyle, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, English, Fenlon, Fouras, Jarratt, Keech, Lavarch, Lawlor, Lucas, Mickel, Miller, Mulherin, Nolan, Nuttall, Pearce, Purcell, Quinn, N. Roberts, Robertson, Rose, D. Scott, Smith, Spence, Stone, Struthers, C. Sullivan, Watson, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 12—Copeland, E. Cunningham, Flynn, Horan, Johnson, Lee Long, Lingard, Pratt, Rowell, Simpson. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Clauses 73 to 76, as read, agreed to.

Clause 77—

Mr BELL (5.24 p.m.): In an informal discussion, I have had my question resolved.

Clause 77, as read, agreed to.

Clauses 78 to 90, as read, agreed to

Schedule—

Mr WELFORD (5.25 p.m.): I move amendment No. 4—

4. Schedule—

At page 87, after line 4—

insert—

'SUPREME COURT OF QUEENSLAND ACT 1991

'1 Schedule 2, definition "remuneration", 'widow, widower,'—

omit, insert—

'surviving spouse,'.'.

This amendment inserts a provision into schedule 4 of the Discrimination Law Amendment Bill 2002, which amends the Supreme Court of Queensland Act 1991. The amendment is minor and technical in nature and replaces the terms 'widow' and 'widower' in the definition of remuneration in schedule 2 of the Supreme Court of Queensland Act 1991 with the term 'surviving spouse'.

Amendment agreed to.

Schedule, as amended, agreed to.

Insertion of preamble—

Mr WELFORD (5.26 p.m.) I move amendment No. 1 containing the preamble.

1. Before enacting words—

At page 10, before line 1—

insert—

'Parliament's reasons for enacting this Act are—

'1. To acknowledge the changing nature of social and family relationships in contemporary society.

'2. To reflect the principles that—

(a) respect for our neighbours and tolerating people's differences contribute to a better quality of life for all Queenslanders; and

(b) Queensland's laws should protect and support its cultural and social diversity.

'3. To recognise the importance of enduring and committed relationships of traditional marriage, while acknowledging that the rights and responsibilities inherent in other forms of respectful loving relationships should also be upheld.

'4. To engender fairness and respect in relationships which are the foundation of the family unit and assert the importance of the stability of family life to the community.'.

Amendment agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Welford, by leave, read a third time.

ADJOURNMENT

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (5.27 p.m.): I move—

That the House do now adjourn.

Primary Producers

Mrs PRATT (Nanango—Ind) (5.27 p.m.): I have often sat in this parliament and listened to the views expressed by members speaking on issues about which they appear to know very little. This lack of knowledge is very obvious when anything involving rural communities and rural issues is mentioned. The bush is an alien world to those members. Because they visit the bush occasionally, they believe that they are qualified to speak from a point of knowledge and, in doing so, discount a lifetime of knowledge or generational knowledge.

Primary producers are becoming an endangered species. The demands made upon them by governments, environmentalists, alternative lifestylers and animal liberationists are all taking their toll. Primary producers walk off their land because the combined costs of permits and increasing fees from every governmental department added together are such a burden that they become the final straw that makes their position in business untenable. Each government department may increase their costs marginally. Sometimes, as with tick inspection fees, they increase their costs exorbitantly. Fees that once never existed are introduced and it has reached the point where everything involving rural industry attracts a fee—water, ticks, clearing, regulations, insurance—to cover every piece of equipment. Myriad other fees means that primary producers are struggling to survive.

Primary producers are then confronted with the vocal animal liberationists and environmentalist minorities, who are listened to by government, over the issue of the culling of animals, the numbers of which have grown to plague proportion. They are in such numbers that have never been seen before, because farmers cleared the land to grow the pasture on which the animals thrive. These animals that are in plague proportion eat much of the vegetation, and they add to the problem of soil erosion. Then, due to natural drought conditions, they die from hunger and thirst because culling has not been allowed to occur. Animal liberationists demand a balance in the ecology and the animals die a cruel and inhumane death. But that is okay, because it is natural.

The environmentalists demand that forests and large tracts of land be shut down and the maintenance of pest and weed control stopped. With much of the land that was once used to support livestock unable to be used, water prices rising exorbitantly, kangaroos and other native animals growing to plague proportions denuding precious, now limited grasslands, bank fees, licences, old and new permit fees and animal inspection fees spiral. Land-holders and primary producers are forced to adhere to the ideology of radical minority city-based groups as governments pursue them as a means of remaining in power.

As a final kick, the closed up forests and the rubbish that has been allowed to build up in them alights and the devastation that has been seen in New South Wales and now recently in Queensland destroys what little is left. There are endangered creatures that are more vulnerable than the ones that the vocal minorities fight to protect and they are our farmers, the Australian larder fillers.

EDUCAT

Ms KEECH (Albert—ALP) (5.30 p.m.): Queensland's young people are at the very heart of the Beattie government's Smart State vision. It is for this reason that this year's state budget allocated $4.6 billion for education, representing 25 per cent of the total budget. Our state's education and training system must teach our sons and daughters about the world as it is now and prepare them for a future that we parents can only imagine. In addition, as an educator I feel that when our students leave our state schools they should be informed and challenged to live, work and protect a fragile natural environment increasingly under threat. For this reason, I am delighted to inform members of the recent launch by the Minister for Education, the Hon. Anna Bligh, of the *EDUCAT*, a purpose built catamaran for the Jacob's Well Environmental Education Centre.

The $425,000 *EDUCAT* has a cruising speed of 15 knots and a carrying capacity of 40 passengers. Educational programs conducted on board the boat and in Moreton Bay include marine studies, biology, ecotourism, sustainable fishing practices and water quality assessment. The *EDUCAT* replaces the much loved *ER Duke* which was launched in 1985 and used right up until early 2000. One of my election promises as a candidate was to commit to working with the community to replace the *Duke* with a larger and more modern facility. Therefore, the launch was particularly satisfying for me and the members of the local advisory committee.

Of course, a project of this size could not have come about without the hard work, persistence and dedication of many people. Glenn Leiper, in his role as the principal of the Jacob's Well Environmental Education Centre, lives and breaths his passion for the environment. Every time I visit the centre I learn more from Glenn and his staff about ways to love and protect the environment. I congratulate him on his patience in the long gestation leading up to the commissioning of the *EDUCAT*.

I would also like to thank Don Waters, chair of the advisory committee, along with members Bob and Glenys Matters, Tom and Nancy McDonald and all the Jacob's Well Progress Association local members who have been so persistent in their efforts to ensure that funding was achieved for the new catamaran. It was a very proud day for the whole community and I know the minister certainly enjoyed coming down to Jacob's Well. I know that the principal Don Harris of Woongoolba State School and his students enjoyed the celebrations. The school students were the first to sail on the newly launched *EDUCAT*. I am very proud of the fantastic new facility right in the heart of Albert and I know that young people from all over Queensland and further afield will make excellent use of it. By doing so, our environment is in extremely good hands.

Recruitment Drive, Community Groups

Mr FLYNN (Lockyer—ONP) (5.33 p.m.): The House will be pleased to know that I will restrict myself very briefly to a supporting address of the splendid work done by many diverse community groups—Zonta, Rotary, Lions, Quota, CWA—and in other aspects RSLs and show societies. Without these groups, particularly in our rural areas, the government would be hard pressed to provide the splendid services it provides to rural communities. They provide the glue that helps these communities continue to operate in sometimes less than favourable circumstances.

One of the problems with a number of these groups, particularly show societies, is that they are suffering from an ageing population. They need a bit of an injection of youthful enthusiasm. I think that shows which provide money, entertainment and a degree of tourism for the area and, therefore, the state should be encouraged to bring in new ideas and new people—keep the old concepts, keep the old ideas but also introduce new concepts with the introduction of young people. I would like to see the government provide some sort of incentive for young people to become involved and introduce new initiatives.

I have become involved with one of my local CWAs—a tiny organisation with about six members. It relies on its local member to boost its numbers a bit. I refer to the Lake Clarendon CWA, which does great work in support of some people in isolated situations in that area. It also puts on magnificent luncheons after its cent auctions and even manages to get the local member to take off his jacket, roll up his sleeves and wash the dishes afterwards. A lot of these organisations go unsung. They are doing splendid work but receive very little recognition. I encourage honourable members and community members to support them and I encourage young people to become involved in community groups.

Motion agreed to.

The House adjourned at 5.35 p.m.

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