

Qld Churches Together

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July 8th 2024

The Hon Steven Miles
Premier of Qld
CC: Members of Qld Parliament
Parliament House
Brisbane, Qld

OPEN LETTER FROM FAITH LEADERS IN RESPONSE TO THE *RESPECT AT WORK AND OTHER MATTERS AMENDMENT BILL 2024*

Dear Premier,

Thank you for your responsiveness to the faith leaders' letter of May 1st. We appreciate your willingness to delay the broader draft *Anti-Discrimination Bill* to allow for greater consultation and addressing the flaws which would have undermined fundamental human rights.

We appreciate that the new *Respect at Work and Other Matters Amendment Bill 2024* is intended to implement recommendations from the *Respect@Work* report – an endeavour that we broadly support.

However, there are several elements of the bill that go beyond the terms and recommendations of the report, that would have significant implications for religious communities and the freedoms of speech and religion.

Notwithstanding the improvements of the current bill over its predecessor, if these elements are not fixed in the bill, they would represent profound difficulties for faith communities.

These concerns appear to be unintended consequences of the legislative process. Accordingly, we have proposed amendments that would correct the worst concerns while preserving the intention of implementing the *Respect@Work* report.

We thank you for your ongoing dialogue. We look forward to continuing discussions that can result in effective, balanced legislation that protects the rights of all Queenslanders.

On behalf of the attached signatories,
Yours faithfully,



David Baker, General Secretary, Qld Churches Together

Our Concerns

Our concerns are provided in more detail in our submission to the *Community Safety and Legal Affairs Committee* accessible here:

<https://contactyourmp.org.au/qld-ad-submission>

In summary:

Sections 124C and 124D introduce the term “hateful”, which is not used in the Respect@Work report, nor is it defined in the legislation. The ordinary English meaning of “hateful” includes “arouses hate”, “deserves to be hated”, “full of or expressing hate” and “unpleasant; dislikable; distasteful”. The only definition that the legislation provides is conduct that a “reasonable person” of the offended category would “consider hateful towards” them.

Much religious teaching can be interpreted as “hateful” by those who disagree. It is not hard to predict situations of robust religious debate where one side can resort to claiming that the statements of the other side were “hateful”. The ambiguity of the legislation makes it easily weaponised to silence legitimate religious disagreement.

These sections also lack the usual protection of “religious” speech (along with academic, artistic, scientific, etc), which provide the balancing of religious freedom found in similar legislation in other jurisdictions.

Sections 120 introduce an overly broad definition of “the basis of sex” which goes beyond the intention of the Respect@Work report. Coupled with the low bar of offense, this risks encompassing legitimate beliefs and debate about the nature of sex and gender.

Section 131 creates a “positive duty” to prevent harassment that risks forcing faith-based institutions to abandon their beliefs, or teach against them, in order to prevent the possibility of harassment on the overly broad “basis of sex”.

Section 124E prohibits creating a “work environment that is hostile on the basis of sex”. Coupled with the broad definition of “basis of sex”, this risks declaring that faith-based work places (including churches, mosques, synagogues and temples) operating according to their beliefs on sex, gender and sexuality are “hostile” work environments.

Our Requests

These problems have all been created by the interaction of minor elements of the legislation with each other. Most of these problematic elements were not part of the recommendations of the Respect@Work report. Accordingly, they are easily remedied with small adjustments that would not impact on the goal of implementing the Respect@Work recommendations.

Our requests are:

- Ensure that ss 124C and 124D do not allow courts to regulate religious teaching by explicitly protecting good-faith religious debate and disagreement.
- Remove the term “hateful” from s 124C or replace with a clearer term.
- Add “religious” to the list of public interest activities in s 124C(3)(c) and s 124D(2)(c).
- Upgrade the bar of offense in s 120 by changing 120(1)(a) to “conduct of a seriously demeaning nature”
- Amend the legislation to clarify the meaning of “harassment on the basis of sex” so that it does not include:
 - statements, discussions and the use of language – religious or otherwise – based on views about the nature of sex and gender
 - religious organisations and schools operating in an otherwise lawful way according to their beliefs about sex and gender.
- Amend the legislation to clarify that the positive duty in s 131 does not prevent religious bodies and schools from teaching their beliefs, or require them to promote values within their organisations that are inconsistent with their doctrines.
- Amend the legislation in S 124E and 124F to clarify that religious bodies and schools teaching their beliefs regarding sex, sexuality and gender is not a “hostile environment”



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