

DISCRIMINATION LAW AMENDMENT BILL 2002

AMENDMENTS AGREED TO IN COMMITTEE

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.’.

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 124.¹

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

1 Section 124 (Unnecessary information)

- (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.'.

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.'.

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,’.’.