



Speech by

RACHEL NOLAN

MEMBER FOR IPSWICH

Hansard 28 November 2002

DISCRIMINATION LAW AMENDMENT BILL

Ms NOLAN (Ipswich—ALP) (5.45 p.m.): I rise to speak in support of the Discrimination Law Amendment Bill brought into the House by the Attorney-General, Rod Welford. Before I begin, I sincerely thank the member for Algester for her heartfelt and moving contribution. I also want to thank the members for Moggill and Ashgrove for contributions it was obvious they had both given a lot of thought to. I am not sure how much I have gained from the member for Maroochydore's expert advice on relationships, but I will plough on nonetheless.

This legislation, as we well know, amends a range of Queensland laws to ensure that people in de facto relationships of more than two years standing, whether they are gay or straight, have rights and obligations consistent with those of married couples. The legislation is a significant step in a 10-year process of amending Queensland's gay rights legislation, which has been bringing Queensland's legal framework into line with the more enlightened society which we now represent.

Specifically, these laws put in place a consistent definition of a de facto relationship, whether gay or straight, as a relationship of two years standing, meaning that partners who have lived together for two years now have the right to inherit under the Succession Act, make decisions about transplants, be compensated by WorkCover or be entitled to a state superannuation scheme benefit when one partner has died. Significantly, the bill prevents discrimination against gay people on the basis of the new legislative attributes of sexuality and gender identity. It allows transgenders to change their name on their birth certificate, recognising the scientific facts, as the member for Moggill explained, that some people are simply born into a body of the wrong gender.

The bill also prevents discrimination against women who are breastfeeding. Perhaps with the exception of the last, the bill may for some be a bit of a moral step. To me, though, its justification is absolutely self-evident. Some people are born gay, some people are born straight and some people are born somewhere in between. These are not matters of lifestyle choice. This is just the way things are and the way they have always been.

The greatest thing we can hope for in our world is that all people will treat one another with respect. In my view at least, the greatest thing we can hope for as an individual is to find a partner with whom we can live with and love and respect throughout our life. My own view is to see marriage with that person as an ideal, but I certainly would not seek to force it on anyone else. Indeed, I believe that a lot of harm has been done to a lot of individuals who have placed themselves into marriages through social pressures when they really did not belong.

These are the principles which, to my mind, the bill enshrines and they are principles which I believe are beyond either logical or moral question. On the face of it, I am sure most people would agree with these principles, but there is often a point at which discussion of values becomes sticky. The intersection between church and state is such a point, and so I want to focus not on those other broad tenets of the bill but on the controversial issue of the church's right to discriminate against employees, most notably teachers, who are gay or in straight de facto relationships.

Until now, the churches have had a blanket exemption which has allowed them to simply not employ or, if they find out, to sack staff who are gay or in de facto relationships. The churches have not had to be accountable to anyone. There have been no questions asked. As a practising Catholic and as someone who takes my religion and spirituality seriously, this is a situation which I find absolutely horrifying. I am no expert in Scripture, but the parts of God's teaching that really strike me are the lessons to love one another and to do unto others as you would have them do unto you.

It defies logic to suggest that we can love someone while turning our back on them for who they are, or that we would wish for others to turn their backs on us. I will be up front. I cannot see that there is a genuine doctrinal argument—at least in the Catholic Church's primary scripture, the New Testament—that opposition to homosexuality is part of God's teaching. Nevertheless, I believe, more for historical reasons than any thing else, that the hierarchy of most of the Christian churches, if not most of their parishioners, argue that such a position is central to their church's values. So at the beginning of this process the churches wanted to retain the blanket right and the government had introduced legislation that means they could not—ever.

The process of consultation that has followed has been an extraordinary one that has shown enormous patience, respect and depth of character, particularly on the part of the Premier, the Attorney-General—who I believe has been outstanding—and the Catholic Archbishop of Brisbane, John Bathersby, who in my view is an extraordinarily wise and decent man. The agreed position means that churches lose their right to discriminate *carte blanche* but instead have grounds to take reasonable action if a staff member openly contradicts the church's values.

As I said, it is not my view that the churches should ever discriminate but this is a provision based on what we do, not just who we are. It is a step which takes the churches a long way from their outright opposition to homosexuality of not very long ago. I believe that the Catholic Church in particular should be commended for taking this significant step. Only as far back as my grandmother's day the Catholic Church offered meaningful spiritual guidance to most Catholics and presided over communities with an almost universally accepted moral authority. Sadly, that situation has now changed enormously. Fewer Catholics now look to the church for guidance, fewer people go to church, the congregations are ageing and the priests and nuns are dying out.

The reasons for this are myriad. There has been an increase in science and secular education which has challenged biblical literalism. An increasing gulf between the Western world and the Third World has left Rome in the virtually impossible position of trying to maintain both doctrinal consistency and social relevance across diverse cultures. Tragically, a string of paedophilia scandals has led to an enormous loss of moral authority in the Western world.

The world in which we live is enormously stressful, complex and difficult. One of the greatest things that I believe could happen would be for the churches to again be able to offer most people, not just a small minority, meaningful, practical and spiritual guidance in their day-to-day lives. I think if we were to achieve that it would be a wonderful thing. For that to happen, the churches have to be both contemporary and relevant. This subtle altering of the mainstream churches' centuries old opposition to homosexuality is a big step in that direction.

There are no Anglican or fundamentalist schools in my electorate but there are some wonderful Catholic schools for which, through family and community ties, I feel a great affection. These are Sacred Heart Primary, St Mary's Primary, St Mary's College for girls and St Edmund's for boys. For all intents and purposes, this legislation will not greatly change the situation with respect to the employment of teachers in religious schools in Ipswich. These schools have operated on a policy of 'known lifestyle' for many years; that is, there have been from time to time both gay teachers and teachers in straight de facto relationships teaching in those schools, but neither has been promoted as representing the school's or the church's ideal.

I would sincerely like to thank Jim Lucey, Pauline Peters and Father Peter Casey, with whom I have spoken at length about these issues, for their careful and reasonable consideration. I am sure Mary Wallace, the principal of St Mary's College, who is a wonderfully generous woman, would have been the same but I did not have time to catch up with her. I also thank Sue Norris and Tony Skippington for making the effort to raise their concerns with me.

This bill is controversial but, to the enormous credit of the people of Ipswich, I have had far more phone calls, letters and emails in support of this legislation than I have had against it. For a community that does not exactly view itself as radical, this is a big deal. It gives me great pride to be able to stand up here with the backing of my electorate and support legislation that entrenches the fundamental human rights of gay people and establishes a consistent legislative basis for relationships founded on love and respect. I commend the bill to the House.