

Criminal Code (Serious Vilification and Hate Crimes) Amendment Bill 2023

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Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email: LASC@parliament.qld.gov.au

Dear Committee Secretary

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to inform the Legal Affairs and Safety Committee's inquiry into the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 (the Bill).

The QFCC's purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families.

We acknowledge the widespread and harrowing experiences of discrimination among individuals and communities in Queensland, and the associated impacts on their health, safety and wellbeing. In 2020, 13 per cent of Australians (aged 15 years and over) reported experiencing some form of discrimination in the previous 12 months, with higher rates based on sexuality, disability and mental health conditions.¹ The Queensland Social Survey also found that 15.8 per cent of adults in Queensland had experienced discrimination based on their skin colour, ethnic origin or religion in previous 12 months.² For children and young people in Queensland, the *Mission Australia Youth Survey 2022* found that 28.4 per cent reported that they experienced unfair treatment or discrimination in the previous 12 months, with gender (34.8 per cent), race/cultural background (29.4 per cent), sexuality (24.6 per cent) and disability (9.0 per cent) being among the commonly identified reasons.³

The QFCC supports the intent of the amendments to increase maximum penalties for hate crimes, make it easier to prosecute vilification and ban the public display of hate symbols. We offer the following feedback in support of the amendments proposed under the Bill.

¹ Australian Bureau of Statistics 2021, *General Social Survey: Summary Results, Australia*, <https://www.abs.gov.au/statistics/people/people-and-communities/general-social-survey-summary-results-australia/latest-release> accessed 24 April 2023.

² Queensland Government Statistician's Office 2018, *Queensland Social Survey: Social Cohesion Survey Report—Prepared for the Department of the Premier and Cabinet August 2018*, <https://www.qgso.qld.gov.au/issues/2831/social-cohesion-qld-social-survey-report-2018.pdf> access 24 April 2023

³ Mission Australia 2022, *Youth Survey 2022—Qld sub-report*, <file:///C:/Users/Stackr/Downloads/Youth%20Survey%20Dec%202022%20-%20QLD%20Sub-report.pdf>

Anti-Discrimination Act 1991

- We acknowledge that amendments to the *Anti-Discrimination Act 1991* are intended to remove practical obstacles in relation to prosecution of offences.

Amendments to the Criminal Code and *Summary Offences Act 2005*

- We support amendments to the Criminal Code and *Summary Offences Act 2005* to introduce circumstances of aggravation for prescribed offences which are motivated by hatred or serious contempt based on race, religion, sexuality, sex characteristics or gender identity. In application, we consider that judicial and police decision making should also continue to give weight to other aggravating or mitigating circumstances that recognise the specific experiences and circumstances of the offender, such as their age or experiences of trauma.

Amendments to the Criminal Code and *Police Powers and Responsibilities Act 2000*

- We support amendments to prohibit particular symbols that are representative of an ideology of extreme prejudice and creation of provisions allowing for genuine artistic, religious, educational, historical or legal use. We recognise that hate symbols, language and attitudes can cause significant distress and harm.
- We consider that punitive measures should be supplemented by rehabilitative and educational approaches to increase awareness of the impacts and harm caused by prohibited symbols and to deter their use.

The QFCC acknowledges that the introduction of tougher penalties alone is insufficient to address the root causes of hate crime and discrimination but consider it an important step to signal that hatred, discrimination and prejudice must be called out and eradicated.

We further support ongoing education and mainstream awareness about the histories and positive contributions of groups who often experience discrimination or marginalisation, and about the intent of these legislative amendments.

If you or your officers have any queries in relation to this matter, they may contact

[REDACTED]

Yours sincerely

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Luke Twyford
Principal Commissioner
Queensland Family and Child Commission

26 April 2023

