

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

Submission No: 24
Submitted by: Queensland Council for LGBTI Health
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See attached:

Legal Affairs and Safety Committee
Queensland Parliament
Via email: LASC@parliament.qld.gov.au



Dear Committee

CRIMINAL CODE (SERIOUS VILIFICATION AND HATE CRIMES) AND OTHER LEGISLATION AMENDMENT BILL 2023

Please accept this submission on behalf of the Queensland Council for LGBTI Health (QC) in response to the Criminal Code (Serious Vilification And Hate Crimes) And Other Legislation Amendment Bill 2023.

About QC

The Queensland Council for LGBTI Health (QC), has been a home for Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy people and communities in Queensland for over 35 years. We are proud to be a community led and community owned health and wellbeing service, representing the diversity of our communities. Walking with our people to find the support they need. Changing to meet our diverse communities needs.

What is LGBTIQ+ Sistergirl and Brotherboy

Our Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) Sistergirl and Brotherboy people and communities have a long history across these lands now known as Queensland, with their own distinct identities, including in our Aboriginal and Torres Strait Islander communities.

Historical advocacy

Our communities have historically come together in the face of criminalisation, discrimination, and human rights advocacy, as groups who were/are not considered part of acceptable society. Our communities today celebrate their visibility, support one another to achieve better outcomes for health and wellbeing and form their own communities as a result, exploring ways of belonging and exploring knowledge of diverse sexualities, genders and variations of sex characteristics, diverse bodies.

What is missing from the Amendment Bill 2023

QC thanks the committee for their inquiry in to Serous Vilification and Hate Crimes, and recommendations made with subsequent Criminal Code (Serious Vilification And Hate Crimes) And Other Legislation Amendment Bill 2023. We appreciate the opportunity to amplify our communities' stories, and continue to work and walk alongside our LGBTIQ+ Sistergirl and Brotherboy people in this work with you.

We welcome the expanded protections to include *Recommendation 7 of this Amendment Bill*, that the Queensland Government investigate the viability of removing the requirement for the written consent of a Crown Law officer before commencing a prosecution under section 131A (Offence of serious racial, religious, sexuality or gender identity vilification) of the Anti-Discrimination Act 1991 (AD Act).

However, the protections do not expand far enough and do not protect all of our communities. As per our original submission, in addition to these recommendations we recommend protections expand to include;

- A person's HIV/AIDS status, sex characteristics and sexual expression, while also expanding the definition of gender identity to clearly include non-binary and gender diverse people; and doing so in a way which recognises the identities of but not limited to Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Non-Binary and Sistergirl and Brotherboy people;
- Done other than in private including social media posts (including comments and likes and any conduct including actions and gestures observable by the public), with explicit protections for people in education and work settings;
- Create an additional harm-based civil protection that assesses harm from the position of the LGBTIQ+ community to make it simpler to establish a vilification claim;
- Create separate aggravated offences for offending based on hostility towards an individual or group based on a protected attribute, with penalties that are higher than the base offences;
- Clarify the meaning of 'incite', or change it to 'urge', to make it clear that a person need not have actually been 'incited' but was capable of being incited; and
- Create a new kind of civil injunction, similar to a Peace and Good Behaviour Order to require individuals to stop vilifying others.

Recommendations

Recommendations are made under our original submission to the Legal Affairs And Safety Committee, Inquiry in to Serious Vilification and Hate Crimes, July 2021. A copy is enclosed with this submission.

Historically, our LGBTIQ+ Sistergirl and Brotherboy communities have been mistreated, made invisible and overlooked by criminal justice and law enforcement in various ways. Evidence in our consultations and stories from our communities' outlines some of this history. Our communities have advocated for change, and that change has been made slowly over time. We acknowledge there is more work to be done, however progress has been made.

As a result, our LGBTIQ+ Sistergirl and Brotherboy communities have inherent identities connected to historical trauma, which has created barriers to access services as a result, including services that assist with victims of crime. This is particularly challenging for members

of our Trans, Gender Diverse and Non-Binary communities who experience additional levels of violence and harassment.

We hope this submission clearly outlines the issues faced by our communities for the Criminal Code (Serious Vilification And Hate Crimes) And Other Legislation Amendment Bill 2023. We welcome the opportunity to continue discussions with this bill and supporting our LGBTIQ+ Sistergirl and Brotherboy communities.

Yours sincerely



Shaun Staunton
Acting Chief Executive Officer
Queensland Council for LGBTI Health

Enc. Submission Inquiry into Serious Vilification and Hate Crimes, Submission to the Legal Affairs and Safety Committee from QC – July 2021

9 May 2023

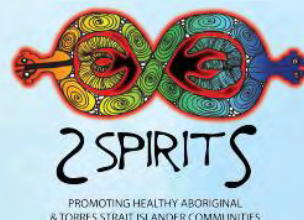


Inquiry into serious Vilification and Hate Crimes

Submission to the Legal Affairs and Safety Committee



30 JULY 2021





We acknowledge and pay our respects to the Traditional Owners of Country across these lands, oceans and waterways now known as Queensland. We acknowledge that your sovereignty of these lands was never ceded, and that for us to do our work with integrity, that you, your ancestors and your Elders, and the ways of knowing, being and doing, must be central to how we work, live, walk and play.

To: Legal Affairs and Safety Committee
Via email: LASC@parliament.qld.gov.au

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Summary

1. Who we are

The Queensland Council for LGBTI Health (formerly the Queensland AIDS Council) or QC, has been a home for Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy people and communities in Queensland for over 35 years. We are proud to be a community led and community owned health and wellbeing service, representing the diversity of our communities. Walking with you to find the support you need. Changing to meet our diverse communities needs. Led by you. Owned by you. With you.

2. Our Vision

Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy Queenslanders live longer and happier lives, and have access to the services and supports they need.

3. Our Purpose

Drive change within systems and services and empower communities and individuals to improve social, emotional and physical wellbeing.

4. Community conversations

QC has worked with community partner organisations and groups to have conversations about the best ways of helping our communities engage with this law reform and capture ways to improve the law for them, their families, their chosen families, friends and communities. The purpose was to make folks aware about this and participate in story telling if they wanted to provide their stories, voices and lived experience with hate speech and vilification. QC hosted law reform conversations with folks from Cairns, to Bundaberg, Mount Isa and Brisbane, and offered a space for their stories and thoughts, including a survey which captured the stories of 31 respondents (attached).

Throughout the findings of the survey responses and stories, it is clear that the experience of vilification, hate speech and discrimination experienced affected mental health, increased stigma and discrimination and affected their social and emotional wellbeing.

QC welcomes this inquiry into serious vilification and hate crimes, and supports the reform of Queensland's vilification and hate crime laws.

QC recognises that the current laws protect to an extent gender diverse people and people with variations of sex characteristics. QC recommends protections be extended to better reflect diverse genders, bodies and sexualities

Recommendations

QC makes the following recommendations to enhance the current vilification laws in Queensland:

1. Expand the protected attributes referred to in the *Anti-Discrimination Act 1991* (Qld) to specifically refer to, a person's HIV/AIDS status, sex characteristics and sexual expression, while also expanding the definition of gender identity to clearly include non-binary and gender diverse people; and doing so in a way which recognises the identities of but not limited to Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Non-Binary and Sistergirl and Brotherboy people;
2. Strengthen the definition of public act to specifically refer to acts which are done other than in private including social media posts (including comments and likes and any conduct including actions and gestures observable by the public), with explicit protections for people in education and work settings;
3. Create an additional harm-based civil protection that assesses harm from the position of the LGBTIQ+ community to make it simpler to establish a vilification claim;
4. Create separate aggravated offences for offending based on hostility towards an individual or group based on a protected attribute, with penalties that are higher than the base offences;
5. Clarify the meaning of 'incite', or change it to 'urge', to make it clear that a person need not have actually been 'incited' but was capable of being incited;
6. Create a new kind of civil injunction, similar to a Peace and Good Behaviour Order to require individuals to stop vilifying others;
7. Providing police the powers to search, seize and destroy offensive material such as Nazi flags.

Attributes

QC is deeply concerned that the whole of the LGBTIQ+ is not currently covered by vilification protections in Queensland. This is because of the narrow definition of 'gender identity' and 'sexuality' in the *Anti-Discrimination Act 1991* (AD Act).

In particular, ‘gender identity’ under the AD Act has a binary definition of gender,¹ which excludes people who live outside the binary. A recent US study found that one in four young people who are LGBTIQ+ now identify as non-binary, and experiences of young people are likely to be similar in Australia.² This means that coverage for the youngest cohort of LGBTIQ+ Queenslanders is seriously lacking.

In addition, the definition of ‘gender identity’ currently conflates transgender people with intersex people. Intersex people do not ‘identify’ as having a ‘gender identity’ but rather have biological characteristics and bodies that fall outside a strict male/female binary. The definition currently refers to ‘being of indeterminate sex’, which is a term that is offensive to many people with variations of sex characteristics as it reinforces a myth that they are a ‘third gender’.

Sexuality as defined in the AD Act is also confined to ‘heterosexuality, bisexuality or homosexuality’ which does not reflect the full spectrum of sexual orientation and expression.

QC recommends that the Committee engages with the LGBTIQ+ community to determine new definitions that best meet the current community understandings of gender, sexual orientation and intersex status/variations of sex characteristics. The internationally recognised Yogyakarta Principles and in particular its definitions of sex characteristics, gender identity, gender expression and sexual orientation is a helpful starting point.³

Stories from our communities

QC has worked with community partner organisations and groups to have conversations about the best ways of helping our communities engage with this law reform and capture ways to improve the law for them, their families, their chosen families, friends and communities. QC consulted with Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy communities across Queensland having conversations about experiences of vilification, hate speech, discrimination and their effects on their health and lives. Stories from our communities are attached as part of this submission.

Throughout the findings of the survey responses and stories, it is clear that the experience of vilification, hate speech and discrimination experienced affected mental health, increased stigma and discrimination and affected their social and emotional wellbeing (respondents from the survey reported feeling depressed, anxious and having thoughts of suicide).

¹ gender identity, in relation to a person, means that the person— (a) identifies, or has identified, as a member of the opposite sex by living or seeking to live as a member of that sex; or (b) is of indeterminate sex and seeks to live as a member of a particular sex.

²<https://www.thetrevorproject.org/2021/07/13/the-trevor-project-research-brief-diversity-of-nonbinary-youth/>

³ http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf

A number of examples follow about the kind of hate speech experienced in various areas of public life:

Vilification in the workplace

“I’m a Queensland teacher who is openly queer and am “out” at school. A large group of teenage boys were overheard discussing me in a class. I have a pride flag up in my classroom and have been celebrating Pride Month at my school with the student council. The boys laughed and joked about how I should be lynched and that I should not be allowed to be openly gay. This is just one of many incidents. I don’t feel safe at work at times.”

Vilification in an education setting

At university a group of students from another university set up a fake ‘live journal’ in my name, where they attributed ‘hobbies’ and ‘likes’ to me of queer sex and sex with animals.

Just like people calling you a [REDACTED] and queer and stuff, mostly high school. Other than that, you go on the internet and there’s plenty of people saying that trans people are disgusting and they want them to die, or YouTube videos about the ‘transgender menace’ preying on kids and stuff, there’s books about that too.

Vilification in the community

“Yelled at from passing cars when walking with my boyfriend - guys screaming out [REDACTED] - middle of a weekday walking up eagle street towards The Valley.

When I worked at the Wickham Hotel, we would get eggs and other rubbish thrown at the pub from passing cars on Wickham Street and lots of slurs yelled at patrons and staff visible outside.

Can of coke thrown at me off an apartment balcony when walking with my boyfriend on Leichhardt St in Spring Hill.

Neighbour on the floor of my apartment building regularly tells me how he thinks all [REDACTED] should die. That we should all be round up and shot - he is a mid-50s straight Anglo-Saxon man.”

“I was walking down the street and a car full of men screamed out [REDACTED] and threw a glass bottle at me which hit my arm.”

“Waiting for cab at rail station mid-morning man stops car yells out that [REDACTED] should not be allowed in libraries, drives and stops in sight on a cross street. Still there when mu [sic] cab came.”

“In my everyday life - from having [REDACTED] or [REDACTED] yelled out at me in the shopping centre to being yelled and screamed at for "being in the wrong toilet" when using public facilities.”

Vilification online

“The one that really broke me in a way I'm struggling to recover from was during debates online about conversion therapy. Mental health professionals who claimed to treat gender diverse people with a history of trauma were entering debates about conversion therapy and justifying their disagreement with the laws using really pathologising assumptions about both gender diverse people and people with a history of trauma.”

“You go on the internet and there's plenty of people saying that trans people are disgusting and they want them to die, or YouTube videos about the 'transgender menace' preying on kids and stuff, there's books about that too.”

Conclusion

QC has spoken with Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy communities, people and partner organisations across the state about experiences of vilification and hate speech. Our communities experience the levels of vilification and hate speech in many different settings, with our stories coming from many different individuals. Our communities reported:

1. Vilification occurring in a wide range of places, including the workplace, education settings, on public transport, in venues and businesses, and in public places like parks, streets and bus stops;
2. The extent of vilification ranged from verbal abuse to threats of physical harm;
3. vilification stories being shared by individuals from a diverse range of identities and backgrounds, including Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Non-Binary and Aboriginal and Torres Strait Islander;
4. Vilification occurring in many different geographical places across the State, with post codes ranging from Far North Queensland, North Queensland, Western Queensland, Central Queensland and South East Queensland.

Our communities told us that:

1. Laws need to be reviewed and strengthened to ensure people and communities are safe under the laws from vilification and hate speech, such as expanding protections for people living with HIV, LGBTIQ+ Sistergirl and Brotherboy people and communities, diverse genders, bodies and sexualities;
2. They want there to be better education in schools to combat the issue (90% of respondents);
3. There was strong support for tougher criminal penalties and accountability for online platforms/social media, whole of community education, and modernisation of definitions of gender identity, sexuality and sex characteristics;
4. The AD Act should be tightened to include private settings such as social media posts;
5. There should be an additional harm-based civil protection that assesses harm from the position of the LGBTIQ+ community to make it simpler to establish a vilification claim, that the meaning of 'incite' should be clarified, that there should be a new kind of civil injunction, similar to a Peace and Good Behaviour Order to require individuals to stop vilifying others, and that police should have the power to search, seize and destroy offensive material.

QC hopes to be a part of consultations into the future with the Committees so that more voices can be heard.

QC thanks everyone who came forward and offered their stories to assist with the recommendations and improving the laws for the future.

Sincerely



Peter Black
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Appendix 1: Storytelling and survey responses

Have you ever experienced hate speech or vilification? If yes, in as much detail as possible, please describe the hate speech/vilification that you personally experienced?

1. “At university a group of students from another university set up a fake ‘live journal’ in my name, where they attributed ‘hobbies’ and ‘likes’ to me of queer sex and sex with animals. A bouncer once evicted me from a fortitude valley club on the say so of a man saying I was a lesbian and hitting on his girlfriend.”
2. “I have been catcalled both alone and with my girlfriends over the years, including once when the car pulled across a driveway in front of me as I was walking, blocking my way.”

3. "I'm a Queensland teacher who is openly queer and am "out" at school. A large group of teenage boys were overheard discussing me in a class. I have a pride flag up in my classroom and have been celebrating Pride Month at my school with the student council. The boys laughed and joked about how I should be lynched and that I should not be allowed to be openly gay. This is just one of many incidents. I don't feel safe at work at times."
4. "Stuck on a city bus, partner and I copped a tirade of religious themed hate for 3 stops."
5. "NDIS support worker is afraid to work with me, because I am a target for public discrimination. People staring at me rudely, while in public, so much, that NDIS support worker commented, why are all these strangers being rude to you? This was one day after the Federal Government voted in the Senate unsuccessfully to deny Transgender adolescents' treatment. I feel like I am being treated like a paedophile, only because I am Transgender, and mainstream media has swayed public opinion so much."
6. "Multiple pamphlets received during the marriage equality postal survey identifying my family as inferior - one comparing us to child abusers."
7. "Recently conflating gender diverse people with sexual predators."
8. Crass oversexualisation of the community eg, cis-gendered heterosexual people describing what sex acts they imagine the entire LGBT community engage in. Being shouted down and silenced if you raise how this makes LGBT people more unsafe in particular for sexual assault
9. "Cis women saying women who have hips narrower than their shoulders, thick waists and walk with a certain gait are assigned male at birth (amab) in a game of spot the trans, leading me to feel unsafe accessing women's toilets unless I starve myself trying to get my body to conform to what ciswomen find acceptable and "safe".
10. "Calling androgynous presenting assigned female at birth (afab) necessary collateral damage in enforcing single sex spaces."
11. "Accusing Non-Binary (nb) afab and transgender masculine (transmasc) people of "trying to opt out of female oppression" and being shouted over when you try to point out all the ways breaking gender rules has actually made you a particular target for the pointy end of that issue (assaults and sexual assaults)."
12. "Labelling of gender diverse people as narcissistic and misogynistic, labelling of gender diverse people as fetishists (autogynophilia sp?)."
13. "Dismissal and disbelief of traumatic past experiences in single sex spaces while simultaneously using a history of trauma to invalidate your identity."

14. "Portrayal of supportive parents of gender diverse young people as abusive and suffering from Munchausen's by Proxy."
15. "Portrayal of supportive parents of gender diverse young people are having paedophilic intent in agreeing to puberty blockers as a way of buying time for the young person."
16. "The one that really broke me in a way I'm struggling to recover from was during debates online about conversion therapy. Mental health professionals who claimed to treat gender diverse people with a history of trauma were entering debates about conversion therapy and justifying their disagreement with the laws using really pathologising assumptions about both gender diverse people and people with a history of trauma."
17. "They were proclaiming that hardly anyone wanted to work with either demographic (cptsd or gender diversity) because we're both apparently known throughout the sector for being vindictive and litigious and if conversion therapy were banned, no one would want to treat us."
18. "They also said they tell their clients they're trans supportive while using a range of techniques to encourage clients to desist from their identity, mostly involving conflating their trauma with their gender. This coincided with a period I was already in mental health crisis due to past trauma< I had run out of sessions and my counsellor was expressing concerns I was too unwell to treat. What I witnessed online combined with this and I became suicidal. After witnessing this online I still can't trust my counsellor enough to say out loud why I can't trust her, I have a lot of shame about even involving myself in these discussions."
19. "Within the work place, line manager was called gay and this resulted in my responsibilities being removed, the line manager deliberately avoiding me and refusing to confront people within the work place that made homophobic comments."
20. "My partner and I were yelled at in the street by a Christian who told us to "Step into the light ladies... You don't have to live like this... Jesus loves you".
21. "During the plebiscite for marriage equality, there was so much debate and hate speech from the No campaign and to feel like such a second-class citizen in this country where people get to vote whether you deserve the same rights is destroying and demeaning.
Now with covid, the blame somehow is on the shoulders of the Chinese and being of Singaporean Chinese descent, you hear things like go back to where you came from and lots of anti-Chinese sentiments is very stressful and upsetting."
22. "I've had people call me slurs on the street or try push religion on me saying I'll go to hell, I've had people put things in my letterbox mostly religious and say things about

me going to hell or invalidating my identity, I've had threats due to nature of my work supporting LGBTIQ+ kids."

23. "I have been called names such as dirty [REDACTED] dirty lesbian and of course, have been told that what I am doing is a sin and only a lifestyle that I have chosen."
24. "Just go step in front of a bus you freak."
25. "Yelled at from passing cars when walking with my boyfriend - guys screaming out [REDACTED] - middle of a weekday walking up eagle street towards The Valley.

When I worked at the Wickham Hotel, we would get eggs and other rubbish thrown at the pub from passing cars on Wickham Street and lots of slurs yelled at patrons and staff visible outside

Can of coke thrown at me off an apartment balcony when walking with my boyfriend on Leichhardt St in Spring Hill

Neighbour on the floor of my apartment building regularly tells me how he thinks all [REDACTED] should die. That we should all be round up and shot - he is a mid-50s straight Anglo-Saxon man.

26. Waiting for cab at rail station mid-morning man stops car yells out that [REDACTED] should not be allowed in libraries, drives and stops in sight on a cross street. Still there when mu cab came. Bunnings on a weekday dressed in rough garden clothes lippy no makeup woman approx. 60 hisses at me "what do you think you are". In hospital and referred to as "it" by a medical specialist."
27. "I considered it ignorance needing education."
28. "I am very fortunate, I am a very small, petite woman, I have suffered very little in the way of vilification, hate speech, however my main area of hate speech vilification was certain senior officers at work, they tried to attack me to better themselves. I had a sustained attack in 2016, early 2017 and as I still maintained a good work record that they could not attack, the attacks lessened. Although there was a particularly nasty attack in March 2019 - over that time I was attacked, without provocation- I do have everything documented,

I was called, she, he , it regularly , I was kept away from events , I had things like contract start dates postponed so I was forced to give up my rental home.

I must say I am a very much a positive person and just keep working successfully on contracts away from these people if possible .

I just thought it might help others if I record what happened.

For your information, I went through the full medical based protocol established by WPATH and Auspath. I feel very blessed to just enjoy life. I am a successful costume designer and Head of Department in the film and tv industry.”

29. “I was walking down the street and a car full of men screamed out [REDACTED] and threw a glass bottle at me which hit my arm.”
30. “Once when I was out running after work in the afternoon, a car full of people with loud music playing yelled the word [REDACTED] at me as they drove past. I was fearful for my physical safety and didn't know whether they were going to stop and harass me further or assault me, and haunted by this experience enough to cease running in that area. On other occasions I have had the words "poof" and "lesbian" yelled at me by strangers walking towards me on the street. Again, I was humiliated, hurt and fearful for my safety.”
31. “By a psychiatrist in Brisbane during a consultation. Said homosexuality was disgusting and accused me of being a heavy drug user, promiscuous and that I must have been abused as a child.”
32. “Just like people calling you a [REDACTED] and queer and stuff, mostly high school. Other than that, you go on the internet and there's plenty of people saying that trans people are disgusting and they want them to die, or YouTube videos about the 'transgender menace' preying on kids and stuff, there's books about that too.”
33. “In my everyday life - from having [REDACTED] or [REDACTED] yelled out at me in the shopping centre to being yelled and screamed at for "being in the wrong toilet" when using public facilities.
Also was the victim of long-term workplace bullying where management constantly told me I had to "understand not everyone likes gays" (I was called various names, pushed into a wall, had the brakes on my car tampered with).”
34. “Walking in town I have been told I am a privileged white [REDACTED] and how dare I walk the streets I deserve to die like the rest of the white [REDACTED] and they will help it happen. I have been gang bashed because I was gay and told I should die. I have been grabbed between my legs to check I don't have a penis because I was very good at sports and no way a girl could beat boys. I have been yelled at in a woman's bathroom and told I am a disgusting pervert and how dare I as a man use the

woman's bathroom, I was born female and live as female. I was kicked out of my soccer team and spat on because they thought I was gay."

Do you think that the LGBTIQ+ community has experienced vilification in the last 5 years? If yes, in as much detail as possible, please describe the hate speech/vilification that the LGBTIQ+ has experienced?

1. "Throughout the gay marriage debate, the other side used hate speech and vilification throughout."
2. "I have seen an increase in acceptance but also a doubling down by those who oppose us. There has been a rise in conservatism and it is worrying how much it is impinging on the rights and freedoms of individuals."
3. "There is always someone with something hateful to say."
4. "Federal Minister for Health Greg Hunt ordered the Racpa to investigate Trans Health Care. After several months, the Racpa published a scathing public letter to the Honourable Greg Hunt, denouncing any additional media attention as harmful to Trans people. In addition, the amount of negative reporting on Transgender issues in Australia has been the subject of several medical research articles."
5. "Always oversexualised, fetishised and portrayed as self-centred for wanting equality. Like other vilified communities, the community expects us to police the actions of every LGBTIQ person on the planet. There's an anti-trans article in the papers every week and sometimes several times a week."
6. "Due to marriage equality and the religious freedom bill many of us have heard, read or been targeted for being gay."
7. "Not human, unfit parents, sinners, etc."
8. "Online it is constant particularly with the trans and gender diverse community. The postal vote had ppl putting things in my letterbox and I saw campaigns and horrible things everywhere."
9. "Israel Folau would be one."
10. "The encouragement of extreme conservative and religious views in the public sphere has led to a lot of hate speech and vilification of the LGBTIQA+ community. This was epitomised by the gay marriage plebiscite and has been amplified with the election victories of the coalition in Australia in conjunction with the trump presidency in the US."

11. "The question is overwhelming; Australia gives orders of Australia to homophobes transphobes and a platform to excuse unchristian behaviour in the name of religion. The media treat murdered transgender women as subhuman. The broad culture and the health care system pathologise us on a daily basis too much too much too much."
12. "Ask Sudanese model lesbian. Much hate mail"
13. "Hi, I think the LGBTIQ community is experiencing a surge of hate speech at the moment, particularly from right wing media on line and in print."
14. "Especially around the marriage equality debate, hate and homophobia was rampant."
15. "During the Australian plebiscite for marriage equality, I saw news articles, advertisements, posters, social media posts, fliers and many other forms of media that I feel vilified LGBTQIA+ people in support of the "no" campaign. I encountered anti-marriage equality promotional materials in my workplace, which was incredibly upsetting. I am also a regular reader of a range of Australian newspapers and consider that there are articles appearing frequently that vilify trans people, particularly in conservative media."
16. "Threats, Hate speech, Bullying, Murders, Prison."
17. "Related to marriage equality."
18. "That rubbish that came from the marriage equality drama."
19. "There has been a lot of online bullying and purposeful misgendering to the younger generation of LGBTIQ+ members. I personally haven't experienced any but I've seen it online."
20. "During the gay marriage plebiscite, it was extremely common to turn on the television and see people saying that gay people are gross and nasty, and now trans people are a hot topic and there's constantly [REDACTED] about how we need to stay out of bathrooms and how we're indoctrinating kids and [REDACTED] like that. Figures like JK Rowling say awful things to a massive audience and we're barely given a chance to stand up for ourselves and we're subject to endless abuse if we do. If u look in any of the comments on facebook when Elliot Page came out there's comments on top of comments about how transgender is wrong and blatant misgendering and 'oh I liked you better before.' 99% of the people who are aged older than like 26 are [REDACTED] to trans folk and just say blatantly homophobic and transphobic stuff and you just have to nod and go 'mmm' or you'll get dragged into an awful argument that you can't win and will just have personal attacks. YouTube is a cesspit of people with [REDACTED] opinions on trans people with thousands of views like steven crowder and Jordan

Peterson. And that's not even to mention that the vast majority of the public just. Doesn't think nonbinary people exist and goes out of their way to exclude them.”

21. “The "marriage equality postal vote", the actions of Lyle Shelton and the ACL, Pauline Hanson.”
22. “Constant bullying and told we are disgusting, been rejected for service at food outlets, been spat on, rejected for fostering children.”

What is the impact of experiencing hate speech or vilification on you or your family?

1. “I have called in sick to work to avoid homophobia. Being around it takes energy from me that I cannot then extend to my family and loved ones in my personal life. I experience stress, difficulty sleeping, heart palpitations and feelings of hopelessness.”
2. “I can no longer see my biological children, because my ex-wife illegally removed my visitation rights.”
3. “Suicidal ideation and my partner having to support me through it, which impacts on her resilience too. Reduced ability to trust my treating professionals. Never feeling safe in the general community. De-investing in hoping to ever feel safe or accepted by non LGBTI people or feeling like I belong to the broader community. They'll never stop coming for us and it's a choice between walking away from society or walking away from life. I'm choosing life but the only way I can stay is to walk away from society. I'm actually so scared of the general community right now it takes a great deal of courage to leave the house.”
4. “Minimal as I deliberately shelter my children from these things. We do not watch free to air tv, we carefully vet junk mail that comes, deliberately engage with people that are supportive of our family.”
5. “Feeling less than. Increased anxiety. Harmful impact on children even before they're old enough to understand.”
6. “Mental health affected, feeling isolated and sad, and angry.”
7. “Anxiety, Fear, Isolation, Depression, Distrust, increasing barriers to feel comfortable accessing services or comfortably move through the world
8. I am quite used to it so we just keep going. What else is there to do?”
9. “I still have nightmares about what happened in the hospital.”
10. “Poor mental health.”

11. "Don't feel safe don't feel valued and certainly not respected."
12. "Self-esteem identity destroying hurtful."
13. "I live a motivated life, enjoy life, probably at the moment the hate speech on social media and by those in the right-wing media are tiring to see and hear all the time."
14. "It left me very anxious when I was out and about for several months."
15. "Each subsequent experience of vilification adds to a cumulative body of psychological distress that has caused me great pain and anxiety that has negatively affected my mental health and wellbeing, at times to the point of affecting my ability to perform my job or go out in public. If I suspect that a certain social content might lead to vilification, I will avoid it to ensure my personal safety from potential harassment or assault. This is restrictive, limiting and disappointing, and has an ongoing effect on my life. My family are supportive of me when recounting my experiences, but feel at a loss to assist."
16. "Exacerbation of mental health issues."
17. "Uncertainty about invisible prejudice that occurs behind the scenes and impacts employment."
18. "Haven't experienced any personally, my family is a large group of Allies and if they accidentally say the wrong thing, they correct themselves. Other than that, have not seen or heard anything about hate speech or vilification."
19. "Depression and anxiety."
20. "I'm lucky that I live with supportive people because I was suicidal when I lived with my parents. Every trans person I know has been or still is suicidal as a result of [REDACTED] like this. People end up dead is the impact."
21. "I have a 7yr old son who doesn't see anything "wrong" with Mummy but asks a lot of questions when he sees a stranger have a go at me verbally."
22. "Fear of being rejected, fear of physical harm, fear my child will be victimised."

Appendix 2: survey responses

1. 40% of respondents had experienced hate speech in the last year.
2. The most common places this was being experienced was in the neighbourhood and online, with substantial amounts happening in political commentary, social venues and in education settings.

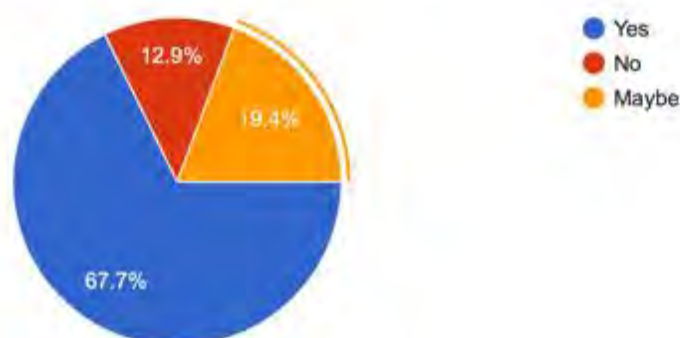
3. The majority of respondents chose to not do anything about their vilification, and a majority of those did so because they believed that nothing good would come of it.
4. A large majority of people also believe that LGBTIQ+ communities have experienced vilification in the last 5 years, largely due to things like law and media such as the Marriage Equality plebiscite and other issues.
5. In the last 5 years, around 68% of LGBTIQ+ people surveyed had experienced hate speech or vilification personally, and 90% believe that the LGBTIQ+ community as a whole has experienced vilification.
6. Of those who have experienced hate speech or vilification, 40% had experienced recently, in the last year
7. Most of the vilification was being experienced online, in the neighbourhood, in social settings and in educational settings.
8. No one who had experienced vilification in the survey group took a formal complaint to the QHRC or reported to the police, with the key reason that action was not taken is that people believed that nothing good would come out of it (39%), with a further 13% fearing being outed or experiencing further discrimination if formal action was taken.
9. Our communities, first and foremost, want there to be better education in schools to combat the issue (90% of respondents). There was also strong support for tougher criminal penalties and accountability for online platforms/social media, whole of community education, and modernisation of definitions of gender identity, sexuality and sex characteristics (see section below Protections for the whole LGBTIQ+ community).

Experience data

Nearly 68% of people reported having experienced hate speech or vilification.

Have you ever experienced hate speech or vilification?

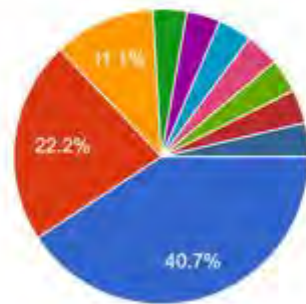
31 responses



Of those, reported happening majority in the last year, followed by the last 5 years, and in a neighbourhood setting followed by social media and then social venues.

When did it happen?

27 responses



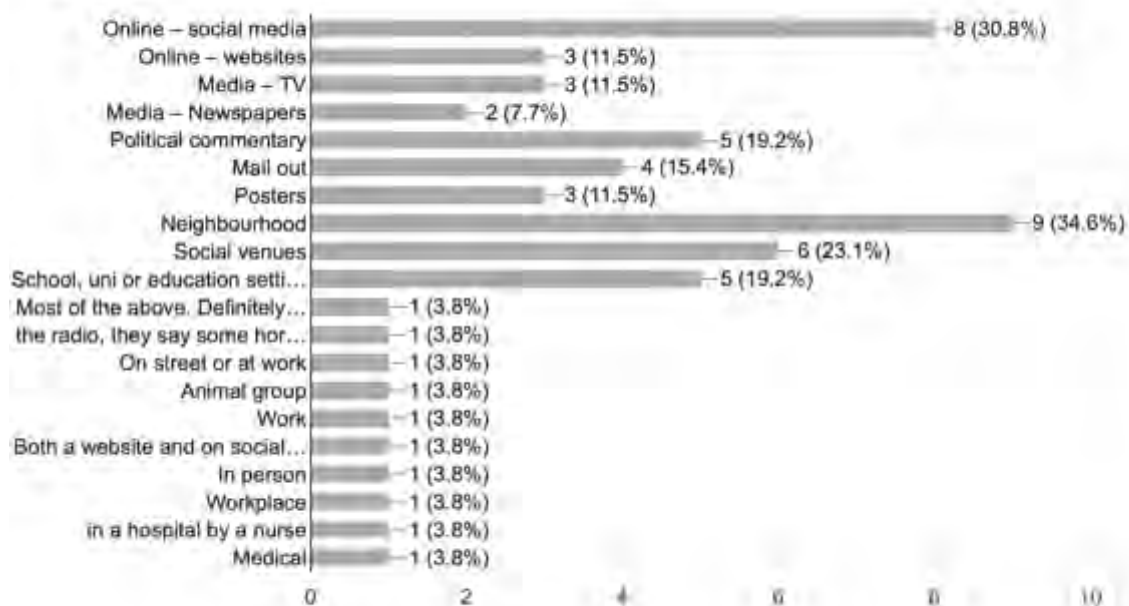
- In the last year
- In the last 5 years
- In the last 10 years
- More than 10 years ago
- All of the above
- During the plebiscite and currently
- within last 2 years (I came out 2.5 year...
- There are many many many more this...

▲ 1/2 ▼

- In the last year and in the last 5 years. The neighbour happens on a semi-regular basis
- On Wednesday 16 June 2021

Where did it happen?

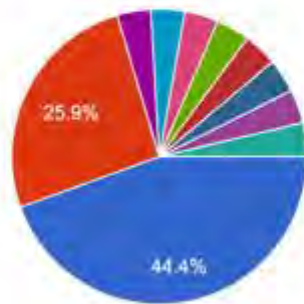
26 responses



In response to the hate speech or vilification people 44.4% did nothing about it, with those who did something about it 5% still awaiting outcome and 10% not satisfied (70% not applicable).

What did you do in response to the hate speech or vilification you experienced?

27 responses



- Nothing
- Talked to someone about it
- Made a complaint to police
- Made a complaint to a human rights co...
- Nothing and talked to someone
- Gave another view
- Usually gave them a taste of my mind
- I did get in touch with legal aid and the...

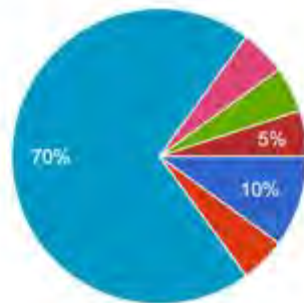
1/2 ▼

- Stayed silent about all of it, withdrew my voice from discussions, not use public toilets if there are humans in the vicinity, had a short phase of relapsing into starving and overexercising trying to get my body to conform to their standards, ...
- made a complaint
- Complained to APRHA
- Applied for a transfer

Nearly 40% believed that any good would come out of it.

If you made a formal complaint how satisfied were you with the outcome?

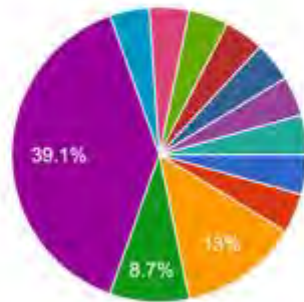
20 responses



- Completely dissatisfied
- Somewhat dissatisfied
- Neutral
- Somewhat satisfied
- Completely satisfied
- Not applicable
- Although I worked cor a few months detailing everything, I was offered a de...
- Still awaiting outcome
- I am yet to make a formal complaint.

If you didn't take any formal action, what was the reason?

23 responses



- Wanted to let it go
- Complaining is too hard
- Fear of being outed/further discrimination
- I couldn't identify the person/persons w...
- I don't believe that anything good woul...
- Belief in education though not always s...
- Before the plebiscite was official, we ca...
- As above

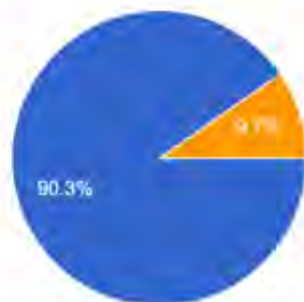
1/2

- I was already being accused of silencing discussion by even presenting the lgbt side of things, so you don't complain.
- I didn't know that I could take any action, and I wouldn't have been able to identif...
- There is a mental and emotional toll to pursuing action. I am not going to char...
- The industry is small and I would still need to work with this person in some...

Nearly 91% of respondents think that the LGBTIQ+ community has experienced vilification in the last 5 years.

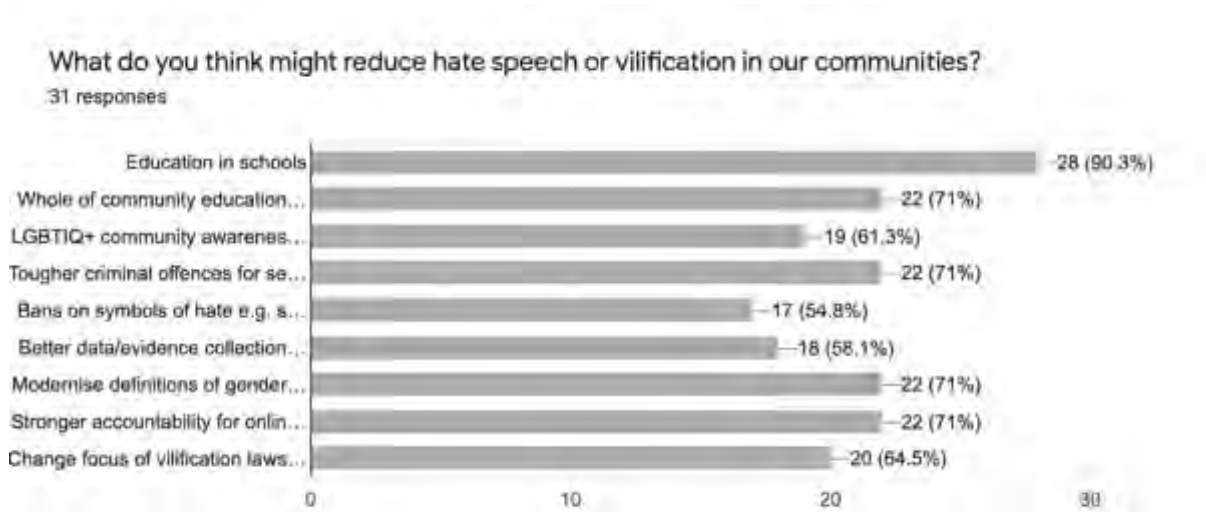
Do you think that the LGBTIQ+ community has experienced vilification in the last 5 years?

31 responses



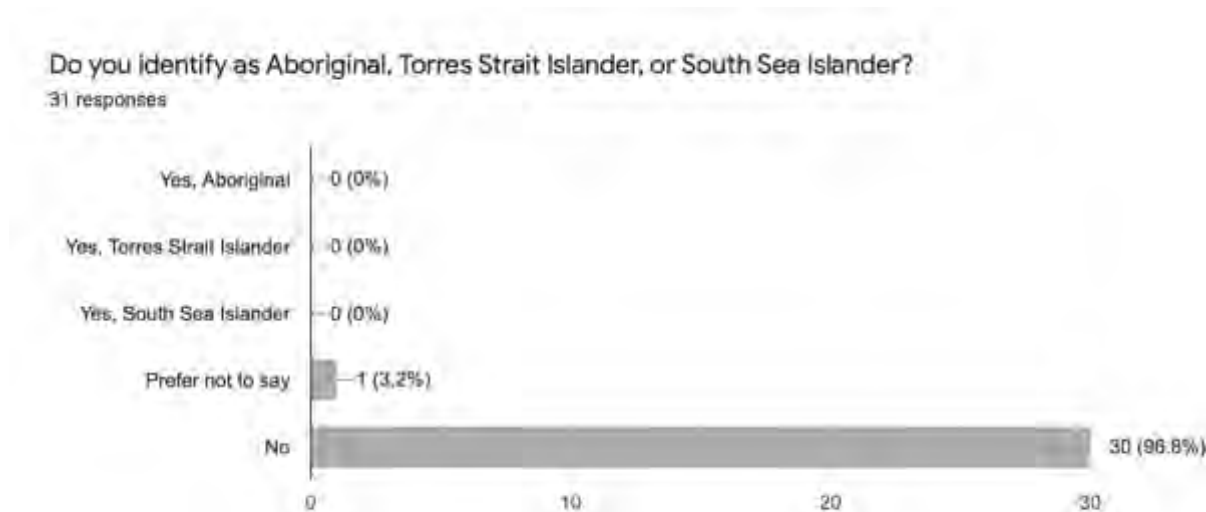
- Yes
- No
- Maybe

In response, 90.3% of people think that education in schools would help reduce hate speech or vilification in our communities, followed by whole of community education, tougher criminal offences, modernise definitions of gender identity and sexuality and include coverage for intersex people and Stronger accountability for online platforms/social networks all 71% agree.



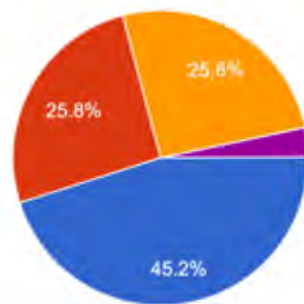
Demographic data

Our data was 25.8% identifying non-binary folk, 25.8% male and 45.2% female. We had 41.9% of folk different gender than the one that was presumed at birth, and 41.9% identified as Lesbian followed by 29% identifying as Queer.



Which of the following best describes your gender?

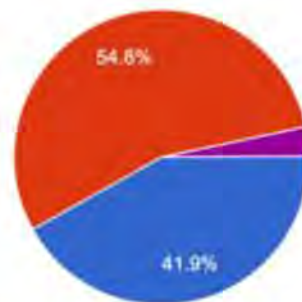
31 responses



- Female
- Male
- Non-Binary
- Prefer not to say
- if I am emotionally well I am a woman if I am emotionally exhausted I am a non binary trans fem

Is your gender different to what was presumed for you at birth?

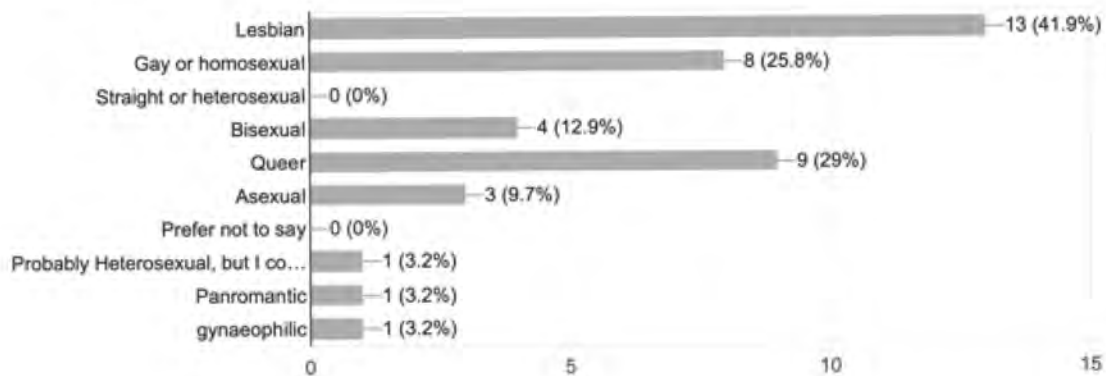
31 responses



- Yes
- No
- Unsure
- Prefer not to say
- I guess it is , as I have known all my life and because of my own characteristics I just prefer just female gender - I was born in 1956 - and grew up in the country so have always had a very strong sense of self

Which of the following best describes your sexual identity?

31 responses



What's your suburb or post code?

30 responses

