



Office of the  
**Director-General**

Department of  
**Children, Youth Justice  
and Multicultural Affairs**

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Our reference: CYJMA 02460-2021

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Mr Peter Russo MP  
Chair  
Legal Affairs and Safety Committee  
lasc@parliament.qld.gov.au

Dear Mr Russo

Thank you for your letter regarding the Legal Affairs and Safety Committee's (Committee) inquiry into serious vilification and hate crimes.

As requested, please find enclosed a written briefing from the Department of Children, Youth Justice and Multicultural Affairs to assist the Committee in its examination of the matter.

Thank you also for your invitation for departmental officers to attend the public briefing on Monday, 24 May 2021. I would like to nominate Ms Kate Connors, Deputy Director-General, Strategy and Mr Wayne Briscoe, Executive Director, Multicultural Affairs from the department to attend the public briefing.

In the course of the inquiry, it is suggested the Committee consider the ways in which children differ from adults (whether as victims or as perpetrators/offenders); and that the Committee indicates whether and to what extent its recommendations apply to children.



Yours sincerely

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**Written Briefing – Inquiry into serious vilification and hate crimes  
Department of Children, Youth Justice and Multicultural Affairs (DCYJMA)**

**Background**

In August 2020, the Cohesive Communities Coalition (Coalition) wrote to the Honourable Anastacia Palaszczuk MP, Premier of Queensland and Minister for Trade, advocating for legislative reform regarding serious vilification and 'hate crimes', and provided an options paper titled '*Serious vilification and hate crime: The need for legislative reform*' (options paper).

During the 2020 state election, the Honourable Steven Miles MP, Deputy Premier, wrote to the Coalition making an election commitment to refer the options paper to an appropriate Parliamentary Committee for review and consultation.

The matter was referred to the Legal Affairs and Safety Committee (Committee) on 21 April 2021 for detailed review and consultation. The Committee is required to report on the inquiry into serious vilification and hate crimes by 31 January 2022.

**Inquiry Terms of Reference of relevance to DCYJMA**

DCYJMA addresses the following terms of reference of the Inquiry into serious vilification and hate crime (the inquiry):

- (1a) That the Committee inquire into and report to the Legislative Assembly on the nature and extent of hate crimes and serious vilification in Queensland and whether there is evidence of increasing instances of serious vilification in Queensland.
- (2b) The effectiveness of activities and programs of the Queensland Government (including the Queensland Police Service and Office of the Director of Public Prosecutions) and the Commonwealth Government responding to hate crime, including record keeping practices.

**Racism and discrimination**

DCYJMA regularly meets with and engages a broad range of stakeholders, including faith and community leaders, religious groups and community organisations. Through this engagement, DCYJMA is aware that racism and discrimination continue to occur in the Queensland community, and is cognisant of the detrimental impacts these incidents can have on people's mental health and wellbeing, and on their ability to participate in civic and economic life. DCYJMA is also aware these incidents are largely under reported.

DCYJMA is aware of anecdotal evidence, including through feedback from community leaders, that experiences of racism and discrimination escalated during the COVID-19 pandemic, which resulted in part from the spread of misinformation that initially accompanied the pandemic. This observation is supported by community-based surveys, including:

- the Australian Broadcasting Commission survey of personal experiences of racism during the pandemic indicated large numbers of people reported they had either witnessed or been involved in racially charged incidents on the streets, in their cars and most commonly in supermarkets, throughout the lockout period<sup>1</sup>;
- the Asian Australian Alliance survey of Asian-Australians' experiences of racism throughout the COVID-19 pandemic found the overwhelming majority of survey respondents who had experienced an incident of COVID-19-related racism (around 90 per cent) did not report it to the police<sup>2</sup>;
- an Australian National University survey of more than 3000 people found 84.5 per cent of Asian Australians reported at least one instance of discrimination between January and October in 2020<sup>3</sup>.

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<sup>1</sup> Australian Broadcasting Corporation. 14 May 2020. 'Here's what you told us about racism in Australia during the coronavirus pandemic'. <https://www.abc.net.au/news/2020-05-14/racism-in-australia-during-the-coronavirus-covid-19-pandemic/12234832?nw=0>.

<sup>2</sup> Asian Australian Alliance. 24 April 2020. 'I am not a virus: COVID-19 Coronavirus Racism Incident Report'. <http://diversityarts.org.au/app/uploads/COVID19-racism-incident-report-Preliminary-Official.pdf>.

<sup>3</sup> Australian National University. 28 October 2020. The experience of Asian-Australians during the COVID-19 pandemic: Discrimination and wellbeing. [https://csmr.cass.anu.edu.au/sites/default/files/docs/2020/11/The\\_experience\\_of\\_Asian-Australians\\_during\\_the\\_COVID-19\\_pandemic.pdf](https://csmr.cass.anu.edu.au/sites/default/files/docs/2020/11/The_experience_of_Asian-Australians_during_the_COVID-19_pandemic.pdf).

In a survey of 6100 temporary visa holders (including 5000 international students), the Migrant Worker Justice Initiative found:

- Almost a quarter (23 per cent) indicated they had experienced racism in the form of verbal abuse and a quarter (25 per cent) indicated they had experienced racism in the form of people avoiding them because of their appearance; and
- women were more likely than men to experience racism in the form of people avoiding them (26 per cent of women, 23 per cent of men), whereas men were more likely to experience racism in the form of verbal abuse (25 per cent of men, 22 per cent of women)<sup>4</sup>.

While reports of incidents of racism and discrimination may not necessarily be classified as 'serious vilification', DCYJMA is aware of the rise in right wing extremism in Australia, evidenced by increasing incidents of hate speech and serious vilification that are aimed at particular groups of people, including but not limited to, Muslim, Jewish and African communities. The impacts of such anti-social behaviour on communities and individuals is devastating. The local impact of anti-social behaviour in other jurisdictions can be equally as devastating. The horrific attack at the Christchurch Mosque in March 2019 highlights the severity of this issue.

### Legislative and policy framework

DCYJMA's work is underpinned by the *Multicultural Recognition Act 2016* (the Act), which sets out a vision for an inclusive, harmonious and united community. Section 3 of the Act states the purposes of the Act are:

- (a) to recognise the valuable contribution of diverse groups of people to the Queensland community; and
- (b) to promote Queensland as a unified, harmonious and inclusive community by establishing the multicultural charter; and
- (c) to ensure services provided by government entities are responsive to the diversity of the people of Queensland by—
  - (i) establishing the council; and
  - (ii) providing for the multicultural policy and multicultural action plan; and
  - (i) requiring that employees of government entities be made aware of the multicultural charter, multicultural policy and multicultural action plan; and
  - (iv) establishing reporting obligations for particular government entities.

The Multicultural Queensland Charter at Schedule 1 of the Act, acknowledges that the Parliament honours the Aboriginal peoples and Torres Strait Islander peoples, the First Australians, whose lands, winds and waters we all now share, and their ancient and enduring cultures. The Charter sets out eight principles articulating Queensland's values and aspirations about equity and fairness, welcome and belonging, and the right to express culture, language and traditions under the democratic rule of law.

The Queensland Multicultural Policy, '*Our story, our future*':

- acknowledges that Queenslanders are from many backgrounds, starting with the rich cultural traditions of the First Australians, the Aboriginal peoples and Torres Strait Islander peoples;
- includes a recognition statement relating to Australian South Sea Islanders who are the Australian-born direct descendants of people who were brought to Australia between 1863 and 1904 to work as indentured labourers in primary industries, and have contributed significantly to the social, cultural and economic development of Queensland;
- makes a statement condemning racism in Queensland and commits the Queensland Government to taking action by working with government, businesses and industries to promote the Multicultural Queensland Charter.

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<sup>4</sup> Migrant Worker Justice Initiative. 2020. 'As if we weren't humans: The abandonment of temporary migrants in Australia during COVID-19.' <https://static1.squarespace.com/static/593f6d9fe4fcb5c458624206/t/5f6056e68758b84c79540c5c/1600149242800/As+if+we+weren%E2%80%99t+humans+Report.pdf>.

The accompanying *Queensland Multicultural Action Plan 2019–20 to 2021–22* includes two whole-of-government actions, for which all Queensland Government departments and a number of statutory authorities have responsibility to implement and report on annually:

- Sign up and participate in the Australian Human Rights Commission *Racism. It stops with me* campaign.
- Promote the Multicultural Queensland Charter to government agency staff and to consider its principles when developing policies and providing services.

#### Initiatives to promote harmony and cohesion

DCYJMA does not have a monitoring or compliance role in relation to serious vilification or hate crime. DCYJMA's role broadly involves:

- working with government agencies and community stakeholders to create welcoming communities;
- supporting community cohesion and resilience to prevent marginalisation of individuals from the wider community;
- working with and supporting multicultural communities or groups who are targeted by extremist beliefs and intolerance; and
- providing advice to other government agencies involved in response and recovery following national or international terrorist attacks or other events impacting particular communities in a negative way, and to non-government corporate and community-based partners on ways to communicate and engage with culturally and linguistically diverse communities.

#### *Unite Against Racism – Call to Action Stakeholder Toolkit*

In response to the apparent increased incidents of racism and discrimination during the COVID-19 pandemic, and in further support of the Queensland Government's stance against racism, Multicultural Affairs within the former Department of Local Government, Racing and Multicultural Affairs, developed a *Unite Against Racism – Call to Action Stakeholder Toolkit*. The toolkit includes key messages, hashtags, social media posts, copy deck of workplace conversations starters and relevant images which were circulated broadly through partnering stakeholders.

#### *Scanlon Foundation Mapping Social Cohesion national survey – Queensland boost*

Since 2007, the Scanlon Foundation Mapping Social Cohesion national survey has been undertaken annually to track the Australian public's opinions and attitudes on social cohesion, immigration, and population. The national survey report presents information at a national and State/Territory level on demographics, opinions and attitudes of Australians on their key issues of concern, globalisation and international affairs, immigration and integration.

To enable a higher level of reliability for state-level analysis of the national survey results and tracking of state level trends against national trends, DCYJMA, in partnership with the Department of Communities, Housing and Digital Economy, engages the Monash University Social Research Centre to boost the Queensland sample size in the annual Scanlon Foundation Social Cohesion Survey.

#### *Multicultural Queensland Advisory Council*

DCYJMA provides secretariat support to the Multicultural Queensland Advisory Council (the Advisory Council), which is chaired the Honourable Leanne Linard MP, Minister for Children and Youth Justice and Minister for Multicultural Affairs.

The role of the Advisory Council is to give advice and make recommendations to the Minister for Multicultural Affairs about the following:

- the needs, aspirations and contributions of people from diverse backgrounds;
- raising awareness of the Multicultural Queensland Charter within the Queensland community;

- developing and implementing government policies about multiculturalism; and
- how services and programs funded by the government can be responsive to the needs of people from diverse backgrounds.

Given the spotlight on racism and discrimination, the Advisory Council has included a focus on combating racism and improving social cohesion in Queensland in its 2020-21 workplan.

Last week, the Advisory Council met in Cairns, and hosted a community consultation led by the Australian Human Rights Commission (the Commission) on the draft *National Anti-Racism Framework*. The Australian Race Discrimination Commissioner, Mr Chin Tan, was present at the Advisory Council meeting and the community consultation.

Minister Linard has requested the Advisory Council makes a submission to the inquiry. The submission will include a foreword from Minister Linard noting the submission is from members of her Advisory Council and based on views and learnings from their respective areas of influence and from culturally diverse Queenslanders they engage and work with.

#### *Funded programs*

DCYJMA administers a number of funding programs to support positive intercultural connections and social and economic participation outcomes for culturally and linguistically diverse Queenslanders. This includes the Celebrating Multicultural Queensland program for events and projects, and the Asylum Seeker and Refugee Assistance Program.

In addition, in promoting an inclusive, harmonious and united Queensland, a number of DCYJMA activities and programs work to foster a caring, safe and inclusive community:

- The Multicultural Queensland Ambassador Program commenced in 2017 as a three-year program to promote the Multicultural Queensland Charter and embed it within the workforce and business practices of Queensland's leading organisations.
- DCYJMA's work with Welcoming Cities explores leading practice in supporting local governments to create welcome and plan for new arrivals in regional areas.
- The current Community Action for a Multicultural Society (CAMS) program is a partnership between State Government and community organisations delivering outcomes in social connectedness for culturally and linguistically diverse individuals and community groups. Program changes are pending in 2022-24 to strengthen local focus and economic as well as social outcomes from the program.

#### *Data collection*

The Queensland Multicultural Policy outlines the Queensland Government approach for collecting statistical information about the diversity of people who use Queensland Government services. Several Queensland Government agencies have committed to collecting customer information about country of birth, preferred language and whether an interpreter is required; some agencies are working towards collecting ethnicity data.

There is currently no specific commitment in the Multicultural Queensland Policy or Action Plan regarding the collection of data on racism by government agencies.