

**From:** [REDACTED]  
**To:** [Legal Affairs and Safety Committee](#)  
**Subject:** Parliamentary Committee inquiry into serious vilification and hate crime - individual submission [REDACTED]  
**Date:** Tuesday, 1 June 2021 12:08:44 AM  
**Attachments:** [Submission to the Old Human Rights Commission about serious vilification and hate crimes.docx](#)

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Dear Panel Chair

Thank you for inviting submissions on this most concerning issue. The problem is how to support civil discourse and how to take action against uncivil discourse that does not also result either in real or perceived reductions in freedom of speech rights. I believe that it can and must be done but that aside from updating the law, it will involve a massive, sustained multi-pronged education program to support positive cultural change to combat the appalling growth in hate-crime we have seen across our community.

# Serious vilification and hate crimes

Submission to the Legal Affairs and Safety Committee,  
Queensland Parliament

[REDACTED]

[REDACTED]

[REDACTED]

## My personal experience of vilification and hate crime

I was vilified by a person, let's call her L, who assumed that either I was not suffering from the medically diagnosed mental health condition that I was actually suffering from or that because I was suffering from a mental health condition that she could get away with treating me with ongoing contempt in a bid to get me to resign so she could recruit someone else to my position.

L was a lesbian and appeared to be comfortable with her identity. However, on reflection I now believe that L was anxious to over-prove her credentials with her peers and managers by speaking to and communicating with me in harsh, aggressive terms in any and all public meetings and fora (live, conference and online) and in most private meetings too, by subjecting me to arbitrary and unreasonable directions, by setting me up for failure when she could and by getting angry and hypercritical when I succeeded anyway, by denying me access to critical information and resources, by isolating me and by failing to communicate with me in a clear, consistent and professional manner.

While she wanted my position in her team, L told me in a couple of private conversations that she wanted to get rid of me from that position and the organisation and was prepared to do whatever it took either to get me sacked or made redundant. Unfortunately I had no way of proving that L said this since there was no witness.

L was equally unreasonable in her treatment of a colleague (P) who was openly homosexual. At the time we were the only two people in the team that L continually singled out for bullying and public humiliation on a regular basis.

After P and I moved from L's team to other roles, L and her close associate B continued vilifying me with my new managers and with senior managers and she then proceeded to bully another colleague W. W sought and was paid compensation for the damage L did to her health.

Though our health, careers and reputations were also damaged, P and I did not seek compensation since we did not want to exacerbate our illnesses by undertaking such a pathway and we had no confidence in the system supporting any claim we could lodge, so instead we did the best we could to get over it and move on. My understanding is that L continued to 'other' and to abuse other people she did not like and in doing so to vicariously bully those team members that were in her 'in' group with ongoing illustrations of what she would do to them if they fell out of favour with her.

This type of vilification is severe bullying and it must be opposed wherever it happens (and this includes public places, workplaces and, indeed, any other place) and those who engage in this conduct must be brought to account both for the damage they do to individuals such as myself and the way that they poison and corrode the sense of social cohesion, safety and harmony between individuals and the wider group.

I did report L's behaviour towards me to my Human Resources department and her senior manager. This only resulted in L subjecting me to yet more abuse. I felt so betrayed that I did not pursue formal compensation since I was already suffering from an illness and the abuse I had endured from L only made it worse. From what I could see, the formal compensation process, in itself would only make my illness worse and after what I had experienced, I had no confidence that this course of action would ultimately support my recovery – and I was utterly determined to recover.

## My opinion on vilification and hate crime laws

As well as my own suggestions contained in other responses, I have reviewed the suggestion put forward by the Cohesive Communities Coalition and endorse the following recommendations.

- 1, That gaps in the current protections be addressed by introducing
  - a) A specific summary offence including an aggravated variant on the offence for serious damage to the victim and/or their property.
  - b) A new species of Order (similar to a Domestic Violence Order) to address concerning behaviour that falls short of a criminal offence but which, if repeated, a breach of a court order is deemed and penalised accordingly
2. Make it easier for police and victims to use the existing offence by
  - a. Creating a special power for police to obtain warrants to preserve online evidence
  - b. Increasing the penalty in s131A of the Anti-Discrimination Act 1991 to three years imprisonment
  - c. Removing the requirement that either the Director of Public Prosecutions or the Attorney-General must approve prosecution under s131A
3. Criminalise the creation, production, distribution and/or display of material **in any mode and medium** that promotes any of the following
  - a. Hate
  - b. Hate crime

- c. Vilification
  - d. Nazism or any other ideology identified by the International Criminal Court as an ideology that directly inspired proven crimes against humanity
4. Foster community confidence in the efficacy of the improved legal provisions
- a. Introduce a civil hate crime injunction
  - b. Introduce hate crime scrutiny panels based on the United Kingdom model and, in addition, ensure each and every panel has proportional representation from Civil Liberties groups

I think that the laws should make it illegal for people to have online avatars on the basis that each person should be willing and able to stand by what they say and do online, in the same way that they are required to be visible and accountable outside the virtual environment (i.e. in the 'real world'). I think such laws would need people to have a grace period as they retire multiple avatars and adopt their one true avatar, but this reform can only happen if companies and organisations stop seeking to gag their employees exercising their right to freedom of speech without fear of reprisal.

I think that the principal of transparency should be extended to companies as well, by the way, so that just as customers should clearly identify themselves to companies they do business with, companies should be required to be equally transparent with customers. This would need extensive reform and phased alignment of company names and brands, but the pay off would be improved clarity and accountability and less opacity regarding company / conglomerate ownership structures and brands to complement the move towards people clearly identifying themselves online.

At the same time, attempts by organisations to stop employees from voicing their opinions online in their real personas must be seen as an attempt to stop people from exercising their right as private citizens to freedom of speech and all such attempts should be outlawed. Instead, organisations should have the right to appoint spokespersons to speak on behalf of the organisation and to require that other employees not falsely represent themselves as organisational spokespersons. In this case organisation would retain the right to reasonably sanction employees who do make such false claims. This would promote honest dialogue within organisations and between organisations and the wider public.

I think that the publication and dissemination of Nazi tropes, texts, symbols and any other cultural artefacts in the context of spreading Nazi values and views and/or recruiting adherents to Nazism and similar ideologies should be outlawed on the basis that Nazism effectively promoted mass genocide and crimes against humanity on a scale that the world rightly condemned in the Nuremberg trials. The proven crimes against humanity committed under the banner of Nazism provide irrefutable proof that Nazi ideology and culture is unacceptable in a civilised liberal democracy such as Australia. Furthermore, if the International Court identifies any other ideology as having a proven track record of promoting crimes against humanity, I believe that the spreading of those values and views and/or recruiting adherents should be outlawed.

At the most the study either of Nazism or of any other sanctioned ideology should be restricted to students of history and sociology with a view to illustrating what crimes

against humanity look like and how such crimes came to be committed, so we can best avoid creating a cultural/political and socio-economic environment that might foster such cancers to metastasis again. This should dampen the effect of demagogues and promote more reasoned, civil discourse in its place.

This type of law reform must be part of an overall package directed at engineering cultural change in much the same way that multiculturalism programmes complemented changes to the laws underpinning the White Australia policy and practices.

Not only do we all need to see that vilification is illegal, it must be seen as low, common, crude and a clear demonstration that the offender has no legitimate case and is therefore resorting to verbal violence.

The accompanying package needs to include an extensive, sustained and nuanced education program in the arts of civil debate and discussion as well as the laws themselves. Essentially if people are told what they cannot do anymore they must also be shown what they can do re: freedom of speech etc. This education needs to happen through direct education of children, young adults and adults.

The direct education elements need to be complemented by effective modelling of civil debate about contentious issues e.g. asylum seekers; climate change; workplace reform; alternative models of capitalism etc through magazine programmes on television and on streaming services. Similarly, efforts in televised / streamed public education programs about the achievements, coping skills and challenges faced by disabled people, mentally ill people, aging people, transgender people and people with non-heterosexual orientations and about the beliefs and practices of people who adhere to different religions and who identify with different cultural groups needs to continue.

Finally indirect education must also be managed. This means that content guidelines for the developers of television and online streaming programmes must include the requirement that vilification is to be seen as crude, infantile, irrational, cruel, stupid and uncivilised and that civility, dignity and reasoned dialogue is seen as stronger, wiser, cleverer, more creative and/or courageous and good. These messages need to be conveyed through dramatic, engaging and entertaining dramatic texts and comedies that strongly engage the imaginations of viewers.

These three approaches: firstly, direct education, secondly complementary education through role-modelling of civil dialogue about genuinely contentious issues and programs about the reality of the lives of groups often vilified and thirdly indirect education through entertainment genres that consistently privilege civil discourse over vilification will help to inform people of the law and help us all to move our culture in a more positive and inclusive direction.

People should be protected from vilification on the basis of any of the following

- Race and ethnic group
- Religion
- Sex
- Sexuality

- Gender identity
- Age
- Physical attribute (e.g. disability, size, appearance)
- Mental illness
- Intellectual disability