



Queensland Jewish Board of Deputies Inc.

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The Voice of Queensland Jewry since 1948

12 July 2021

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
Alice Street
Brisbane QLD 4000

Email: lasc@parliament.qld.gov.au

Dear Sir/Madam

Re: Inquiry into serious vilification and hate crimes in Queensland

The Queensland Jewish Board of Deputies (QJBD) makes the following submission in response to the Inquiry by the Legal Affairs and Safety Committee into the nature and extent of hate crimes and serious vilification in Queensland; and the effectiveness of section 131A of the *Anti-Discrimination Act 1991* (the Act) and other existing Queensland laws responding to hate crimes.

The QJBD is the peak, elected, representative body of the Queensland Jewish community. This submission is also made on behalf of the QJBD's 27 affiliated organisations and the 4000+ Jews living throughout Queensland.

We believe this Inquiry provides the Queensland Parliament with an opportunity to ensure protection for the Jewish community, as well as members of other vulnerable groups based on race, religion, sexuality or gender.

Although the Jewish community is well-integrated into, and generally well-regarded by the wider community, it is also the target of hatred from a range of disparate sources across Queensland, and we know too well that leaving such conduct unpunished invites even worse conduct – not only against Jews, but also against other vulnerable minorities.

The reform we advocate in our submission does not involve a major nor strategic change, but rather the minimum changes necessary to make the law fulfill its original purpose in practice, and to protect the rights of all citizens.

If you would like any further information or discuss the submission, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Jason Steinberg', written over a thin horizontal line.

Jason Steinberg
Vice President
Queensland Jewish Board of Deputies



TIME TO STOP JEW HATRED

Submission to the Queensland Parliamentary
Inquiry into serious vilification and hate crime



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Board of Deputies Inc.

The voice of Queensland Jewry since 1948

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About the Jewish community in Queensland

The first record of Jewish settlement in Queensland was around the same time the colony of Queensland separated from New South Wales in 1859. Several Jewish families left Sydney to settle in Queensland and on Sunday 5 March 1865 the first communal meeting was held to start the establishment of a formal congregation and place of Jewish worship in Brisbane.

For over 156 years, members of the Jewish community have been active in all sections of Queensland life, including sport, academia, law, health, education, philanthropy, industry, commerce, welfare and politics.

According to the Australian Bureau of Statistics Population Census of 2016, there are approximately 4,300 Jews living in Queensland. The community is dispersed across the state with high populations in the southeast corner (Brisbane, Gold Coast, Sunshine Coast and Toowoomba) and smaller numbers in Cairns and Townsville.

The total number of Jews in Queensland identified in the Census is considered an underestimate (by a factor of 50%) because the Census does not list Judaism as a religion – respondents must select ‘other’ and then write ‘Jewish’ or ‘Judaism’. It is also important to note for the purposes of this Inquiry that a proportion of the Jewish community will not openly identify as Jewish, even on the Census form, for fear of antisemitism. For some, it is because of their family’s Holocaust legacy and, for some, it is because of their lived experience of antisemitism.

About the Queensland Jewish Board of Deputies

The Queensland Jewish Board of Deputies Inc. (QJBD) is the official roof-body of all Queensland Jewry. The QJBD is recognised by the Queensland State Government and its agencies, the media and other ethnic and religious groups as the representative body of the Jewish community. It speaks on the community’s behalf on all matters affecting the status, welfare and interest of Queensland Jewry.

Its objectives are:

- To provide a united and responsible Jewish voice that is heard by all levels of government – Local, State and Federal.
- To provide an effective means of combating antisemitism.
- To provide friendly forums that allow difficulties and problems to be discussed and resolved.
- To organise communal ceremonies such as functions for visiting dignitaries.
- To provide speakers on Jewish topics to service clubs, schools and Church groups.
- To promote knowledge and understanding of the Jewish people and Judaism and work towards inter-community harmony and goodwill with other religious, ethnic and cultural groups. This includes active participation in the Queensland Forum of Christians, Jews and Muslims and the Ethnic Communities Council of Queensland.

The QJBD is a constituent body of the Executive Council of Australian Jewry (ECAJ), which represents all Australian Jews in its dealings at a national level.

Table of contents

About the Jewish community in Queensland	3
About the Queensland Jewish Board of Deputies	3
1 Submission overview	5
2 Antisemitism	7
2.1 History	7
2.2 Definition of antisemitism	9
2.3 Incidents of hate and vilification against Jews in Queensland	10
2.3.1 ECAJ annual report on antisemitism	10
2.3.2 Research into antisemitism in Queensland – the voice of Jewish victims	11
2.4 Examples of antisemitism in Queensland	17
2.4.1 White supremacist and other far-right extremist groups	19
2.4.2 Case study 1: ██████████	20
2.4.3 Case study 2: ██████████	24
2.4.4 Case study 3: ██████████	26
3 Recommendations	28
3.1 Proposed amendments	28
3.2 Ban Nazi symbols	34
4 Supporting information and background	36
4.1 Global Working Definition of Antisemitism	36
4.2 Codes and Terms for “Jew”	38
4.3 State and Territory laws proscribing vilification	40

This submission has been prepared by the Public Affairs sub-committee of the QJBD. For information, please email info@qjbd.org.

Special thanks to Peter Wertheim (Co-CEO) and Julie Nathan (Research Director) of the ECAJ for the input and access to their high-quality research. Without the ECAJ’s work, a submission of this nature would be difficult for a small community like Queensland. Thanks also to Professor Andrew Marcus and his team at the Social Research Centre on its probability-based Life in Australia panel who prepared the Plus61J survey on attitudes to Israel, Jews and antisemitism¹.

¹ <http://plus61j.net.au/wp-content/uploads/2021/05/Plus61J-report-19-May-final-corrected.pdf>

1 SUBMISSION OVERVIEW

The terms of reference for the Legal Affairs and Safety Committee are to inquire into:

- 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
- The effectiveness of Section 131A of the *Anti-Discrimination Act 1991* (the Act) and other existing Queensland laws responding to hate crimes.

Our submission highlights that most Jewish people in Queensland have experienced some form of hate and vilification because they are Jewish and there has been an increase in such incidents. Targeted members of the Jewish community are often not prepared to speak up to the Police because they are fearful of more racism by the perpetrators. This submission provides examples of Jewish people's experiences of hatred and vilification in Queensland.

There is also evidence that far-right white supremacist groups and individuals are gaining strength in the state, increasing hate-based activity. Details of far-right groups and a range of antisemitic incidents are also provided in the submission. Within these examples, we have also provided commentary on the relevance to the Inquiry and to support our recommendations.

Section 131A has proven to be ineffective in prosecuting incitement of racial hatred and does not fulfil its professed purpose. Since its introduction in 1991, none of the matters referred for prosecution under Section 131A of the Act has resulted in a prosecution, let alone a conviction. On this basis, we contend that the section has failed to operate in line with community expectations.

A review of Australia's Federal, State and Territory laws proscribing incitement of violence or vilification based on race or religion shows a failure to deal adequately with the advocacy of violence. The exception appears to be Chapter XI of the *Criminal Code Act 1913* (WA) dealing with racist harassment and incitement to racial hatred, which has demonstrated its effectiveness in a matter that came before a 12-person jury and resulted in a conviction and the imposition by the jury of the maximum penalty, namely three years imprisonment.

On 31 January 2011, ██████████ became the first person sentenced under Western Australia's anti-vilification laws. He was sentenced to three years imprisonment by a jury in the Perth District Court after being found guilty of six charges of racial vilification. In 2009, Mr ██████████ had posted footage of himself on the internet showing him harassing and insulting a young Jewish man and of a speech filmed outside the Bell Tower in Perth. The offences also related to an altercation between Mr ██████████ and two young Jewish men at a protest rally outside an IGA supermarket in south Perth. The protest was being conducted by the group 'Friends of Palestine' against the sale of oranges from Israel at the IGA store. Members of the Australasian Union of Students attended the protests leading to the altercation.²

² DPP v ██████████ (File No. IND ██████████ of 2009); ██████████ v State of Western Australia [2012] WASCA 96

We recommend amendments to the Act in order to define key terms and adopt similar standards to the Western Australian Criminal Code. We also recommend, as a way of expediting the laying of charges, that the penalties be increased to provide a suitable deterrent and the removal of the requirement for approval by the Director of Public Prosecutions or Attorney-General in order to commence prosecution.

Reform of the Act is needed to protect the basic right of all citizens to go about their daily lives free from racial hatred and vilification with the unimpaired capacity to participate to the best of their abilities in all aspects of the life of the community. This is, in fact, the intent of the *Queensland Multicultural Recognition Act 2016*, which is to promote Queensland as a unified, harmonious and inclusive community.

Reforming the Act also will bring it into an accepted approach by western governments that currently criminalise antisemitic acts. These countries use the 'Working Definition of Antisemitism' adopted by the International Holocaust Remembrance Alliance (IHRA) in May 2016, of which Australia became a full member in June 2019.³

Without amending and modernising the *Anti-Discrimination Act*, elements in our society who are determined to erode the harmonious and inclusive communities we have across Queensland will be able to continue to spread their hatred against Jews and other minorities.

With this concept in mind, the law should be amended to target public conduct or possession of materials for dissemination or display, that is intended, or likely, to intimidate or harass others or incite animosity or hatred on the basis of race, religion, sexuality or gender. It should also criminalise the use of hate symbols such as the swastika when they are used to intimidate or harass others or incite animosity or hatred.

The Jewish community knows too well that leaving such conduct unpunished invites even worse conduct - not only against Jews, but also against other vulnerable minorities.

The reform we advocate would not involve a major or strategic change, but rather the minimum changes necessary to make the law fulfill its original purpose in practice and protect the rights of all citizens.

“My home office was completely destroyed with Nazi symbols written on things and Heil Hitler written everywhere ... I just think that antisemitism and the behaviour towards Jewish people in this country is treated as if it's not important – as if it's a joke.”

60-year-old Jewish man living on the Gold Coast

³ IHRA Working Definition of Antisemitism: <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

2 ANTISEMITISM

2.1 HISTORY ⁴

The term 'Antisemitism', despite its name, is not directed at Semitic languages or Semitic peoples as a whole. It is directed solely at Jews. The word 'antisemitismus' ('antisemitism') was coined in 1879 by German journalist, Wilhelm Marr to replace the traditional word *Judenhass* ("hatred of Jews"), which denoted traditional hatred of Jews for religious reasons.

Antisemitism is racism and bigotry against Jews. It is prejudice and hatred spanning approximately 3000 years. Racism and religious bigotry generally are the products not only of a fear of difference and aversion to "the other", but also of a reductionist mindset that craves simplification and cannot cope adequately with complexity.

With the advent of rival forms of monotheism, Christianity and Islam, the cultural prejudices of the ancient world gave way to religiously based hatred. The Jews' refusal to accept the theological claims of Jesus or Mohammed elicited indignation and demonisation from their respective followers.

Christian doctrine for many centuries held Jews collectively to be eternally guilty of Deicide (the killing of Christ), a belief not officially abandoned until the second half of the 20th Century.

During the Crusades antisemitism broke out into mob violence ("pogroms"), which entailed the massacre of Jews and looting of their property. New anti-Jewish myths were developed: the ritual slaughter of Christian children, the desecration of the sacred Host and the poisoning of wells. These were slanders which persisted powerfully, especially in Eastern Europe, and continue to be propagated in many parts of the Middle East.

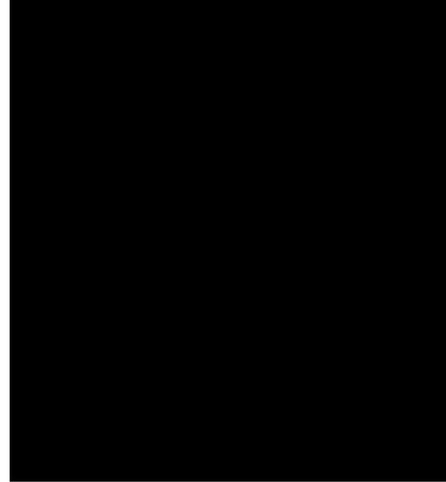
From the late 1800s onwards, religious antisemitism was eclipsed by the anti-Jewish racial theories eventually embraced by the Nazis. These theories were put forward in the name of genetic "science", but without the slightest evidentiary foundation. There was a paranoid belief in a Jewish world conspiracy that aimed to undermine societies, overthrow governments, and seize power throughout the world. This was the claim of a document fabricated by a Russian secret policeman at the end of the 19th century and published between 1903 and 1905 as *The Protocols of the Learned Elders of Zion*. Hitler found the entirely fictional Protocols "enormously instructive". They served both as a primer for Nazi politics and as (false) documentary 'proof' of a Jewish world conspiracy. Two years after the Nazis came to power the Protocols became required reading in German schools.

With the discrediting of Nazi racial doctrine after the devastation of the Holocaust, antisemitism went underground for several decades.

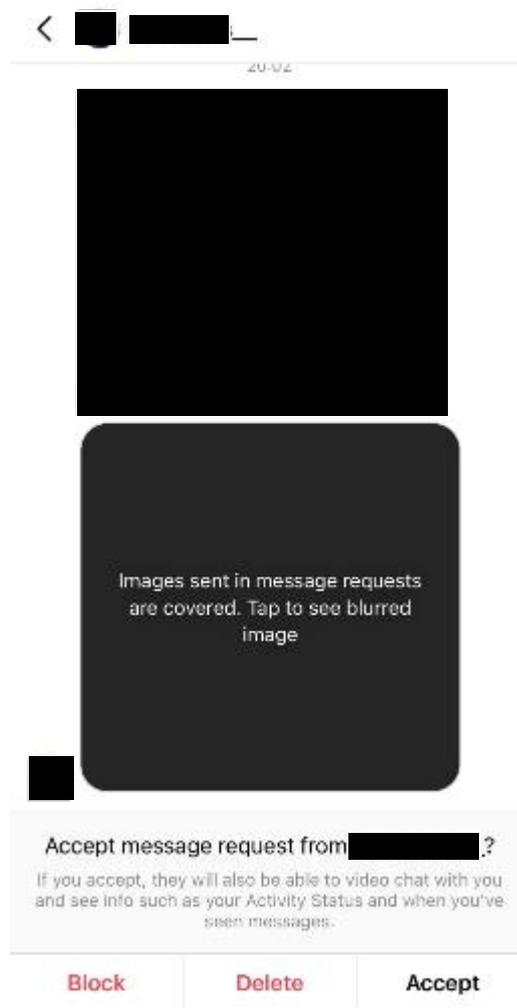
⁴ Provided with input from the Executive Council of Australian Jewry, 2021

Contemporary antisemitism is back with a vengeance, and also now takes the form of a denial of Jewish peoplehood and basic rights, particularly in relation to Israel and Zionism.

Examples of this include the following images: 2021 Graffiti “Zionists [redacted] Off” in front of an Israeli restaurant in Brisbane, the owner was fearful of attacks, and the Queensland Premier was targeted with the antisemitic slogan “Zionist pawn” in 2020.



In addition, members of the Queensland Jewish community have received the following kinds of online hatred during 2021. A person unknown to the member of the Jewish community calls for another Holocaust and for the killing of Jews.



2.2 DEFINITION OF ANTISEMITISM

The most widely accepted definition of antisemitism by western governments, among others, is the 'Working Definition of Antisemitism' adopted by the International Holocaust Remembrance Alliance (IHRA) on 26 May 2016. Australia was admitted to full membership of the IHRA in June 2019.

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

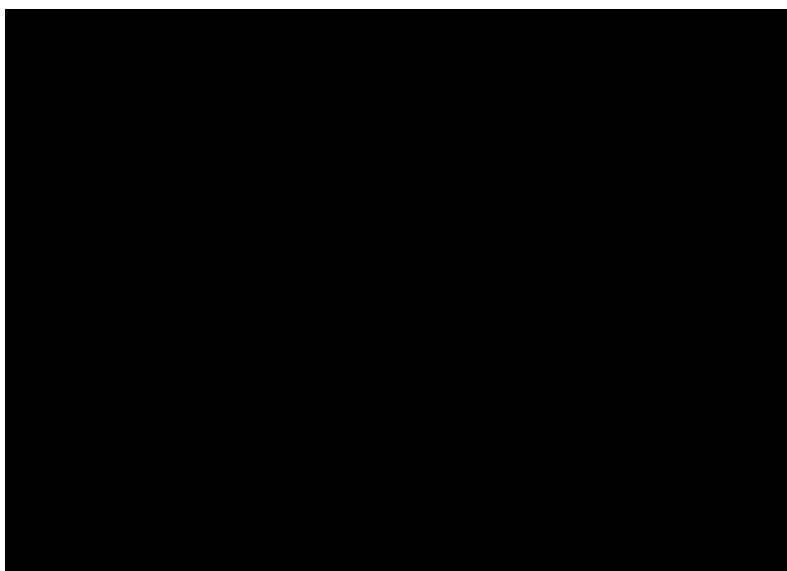
IHRA working definition

In summary, contemporary antisemitism is manifested through:

1. Religious anti-Jewish themes deriving from Christian and Islamic theological supersessionism and supremacism
2. Racial antisemitism deriving from racial supremacist ideologies, including Nazi and white supremacist ideologies
3. Political antisemitism disguised as anti-Zionism and the denial of Jewish peoplehood, history, rights and dignity, emanating from both the far Left and the far Right.

For more information visit: <https://www.jewishqld.com/faqs/what-is-antisemitism/>

Below is an example of antisemitic graffiti seen in Brisbane in May 2021. 'Blood and soil' was a Nazi slogan used in Germany to promote the idea of a pure 'Aryan' race.



2.3 INCIDENTS OF HATE AND VILIFICATION AGAINST JEWS IN QUEENSLAND ⁵

2.3.1 ECAJ annual report on antisemitism

Each year, the Executive Council of Australian Jewry (ECAJ) produces a Report on Antisemitism in Australia. Data in this report relating to Queensland is supported by the QJBD. These reports are available at: <https://www.ecaj.org.au/antisemitism-report/>

The ECAJ uses eight categories of incidents: physical assault, abuse/harassment/intimidation, property damage/vandalism, graffiti, and threats by email, postal mail, telephone, leaflets/posters. It is worth noting that in contrast to other organisations that produce reports for other targeted communities in Australia, the ECAJ does not include as “incidents” expressions of hate that are published online, unless they involve clear threat of harm to a specific person or institution.

Already, as at the time of this submission, there has been the same number of incidents recorded in 2021 to date as there were for the whole 2020. Also, in 2018, one neo-Nazi group, [REDACTED] (referenced later in this chapter) was most present in Queensland. Its followers were responsible for a total of 133 incidents across Australia which comprised 42 in Queensland, 35 in Victoria, 29 in NSW, 21 in SA, 4 in Tasmania and 2 in WA.

Table: Antisemitic Incidents Tally in Queensland 2014-2021 (Please note dates are for 12-month periods from 1 October to 30 September each year.)

Incident	2014	2015	2016	2017	2018	2019	2020	YTD 2021
Physical assault	1	-	-	-	-	-	-	1
Abuse, harassment, intimidation		-	-	-	-	7	5	3
Vandalism		-	-	-	1	-	-	-
Graffiti	2	1	1	5	1	6	2	6
Email		-	6	-	4	3	1	2
Postal mail		-	-	-	-	4	-	-
Telephone, text, fax		-	-	-	-	3	4	-
Leaflets, posters, stickers		-	-	15	43	2	2	2
TOTAL	3	1	7	20	49	25	14	14

⁵ Compiled by the Executive Council of Australian Jewry and the QJBD

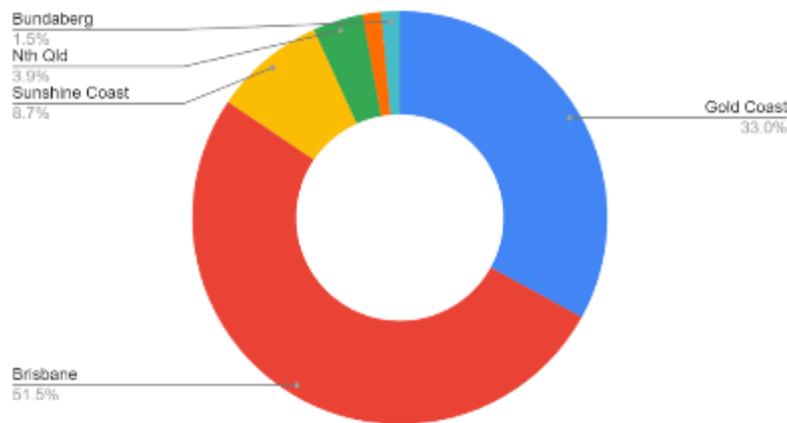
2.3.2 Research into antisemitism in Queensland – the voice of Jewish victims

As part of the QJBD’s submission to the Inquiry, a first-of-its-kind online survey was distributed to the Jewish community to provide information about the review. The survey was titled “Have you experienced antisemitism?” and its purpose was to hear personal stories from Jewish community members who have been verbally or physically abused or harassed or bullied because of their race or religion. Respondents were also asked if they would like to share their experiences as part of this submission to the Inquiry.

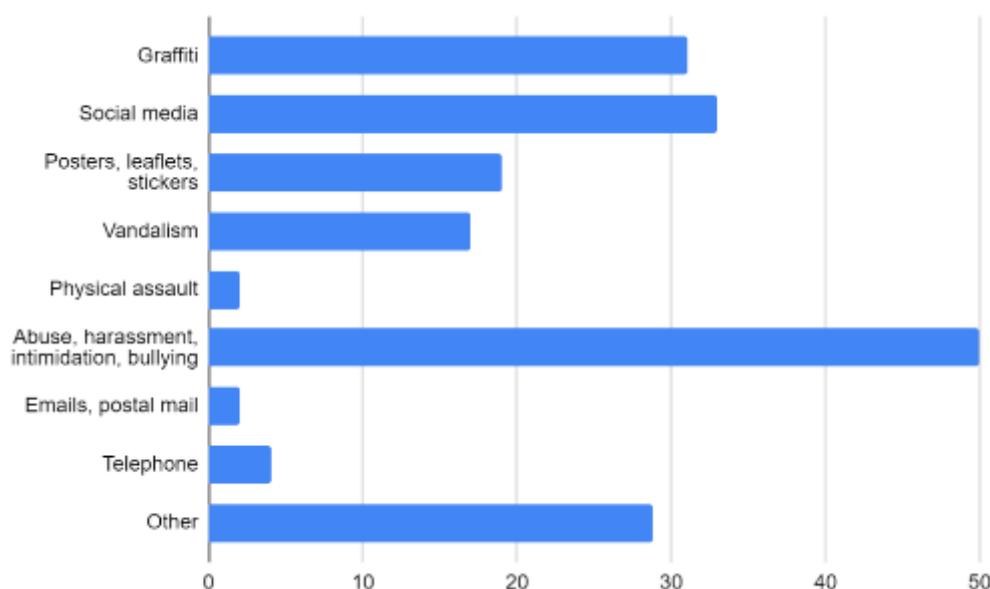
The key questions were:

- Have you ever experienced antisemitism in Queensland? And, if so, what form of antisemitic incident (based on the ECAJ categories highlighted above in 2.3.1).
- How many times have you experienced antisemitism in Queensland?
- Would you like to share your stories?

While many survey respondents (51.5%) were from Brisbane, there was representation from north Queensland and Bundaberg. Below is an illustration of respondent’s locations.

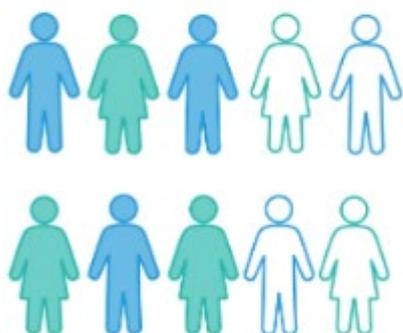


In terms of the forms of antisemitic incidents people selected, the graph below shows the frequency of each category. Abuse, harassment, intimidation, and bullying is the largest (50%), followed by social media (33%) and graffiti (31%).



The summary of results below indicate the extent of hatred against Jews in Queensland and a selection of some individual's personal stories (these also form part of our video submission).

Why we need stronger hate crime laws



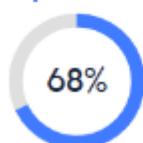
6 out of 10

Jews in Queensland* have been victimised by a form of antisemitism.

Antisemitism = Racism, discrimination and bigotry against Jewish people

Experiences of antisemitism

Multiple encounters



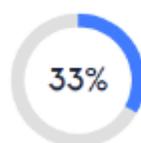
Nearly 70% of Jews in Qld had up to 5 incidences of antisemitism

Abuse, harassment, intimidation, bullying



50% of incidents are these types of personalised hate

Social media



More than a 1/3 of Qld Jewry experience online hate

Anti-Israel



Of Jews also experience hatred against Israel

Experience hate, but remain silent.

91.5%

Only 8.5% of respondents were prepared to share their stories of antisemitism. Reasons included:

- fear of more antisemitism
- "Police can't do anything"
- hatred against Jews and Israel is popular
- governments don't take this seriously

The following five brave Queenslanders wanted to share their stories.

1: Jewish woman forced to move jobs and home

(NB At the request of the woman, her face is not shown)

She said to me: "All the Jews should die, they should all go to hell!"...

A 50+ year-old European-born Brisbane woman shared her story of being victimised by a co-worker: "We couldn't believe this happened in Australia ...We felt completely helpless. We had no idea who to turn to, who to ask for advice," she said.

"What do we do? Do I fight it? Or do I disappear? And we chose to disappear. Mainly because of our children. We were too frightened to do anything else."

She was threatened, harassed and abused simply for being Jewish – and, she feels, for having an Israeli husband. So concerned was she for her safety, she and her family moved to a new house, and she asked to be transferred from her secure job, one that she loved and had held for 8 years. Despite working within a multicultural team, she felt singled out. Here is more of her story:

"I started noticing that she disliked me, but I didn't know why. And I fleetingly wondered if it was the Jewish/Israeli thing. I thought: surely, I'm in Australia, that's not a thing. At the time I couldn't believe this was happening to us. I tried to wrack my brain whether there was anything that I - as a person - could have done to antagonise the behavior. But I felt there was absolutely nothing. I think it was just me. She saw me as the Jew.

"I didn't want to complain, I didn't want to say anything. I just wanted to disappear and not be there anymore. They told me I was a good worker, they didn't want to lose me and asked if I would accept another position elsewhere. I said I would love that because I didn't really want to lose my job. I need an income. I didn't say goodbye to any of my colleagues. I just disappeared. They gave me a new job somewhere else. And I changed my phone numbers. And we also moved to a new house."

These events greatly traumatised her and her husband. "We've never mentioned it since. It upsets us both a lot. We couldn't believe that it happened in Australia - which we both love. My husband is reluctant to go to events for security reasons. He feels that, as a Jewish person, he's not safe being in a situation that's clearly identifiable as a Jewish event

"At the time we felt completely helpless. We had no idea who to turn to, who to ask for advice. What do we do? Do I fight it? Or do I disappear? And we chose to disappear. Mainly because of our children. We were too frightened to do anything else."

2: A Gold Coast mother shares her daughter's antisemitic experience

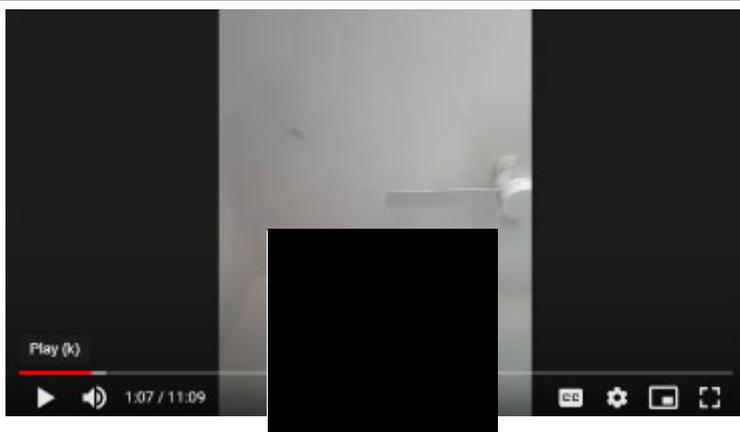
Her 13-year-old daughter was playing a ball game in the school playground, her sister was there, alongside lots of other kids. The mother shares what happened.

“She [her daughter] caught the ball and was about to pass it on when a girl in the year below her called her ‘a Jewish pig’

“My daughter, who was quite shaken up by it, went to one of the supervising teachers. It then became a “reported issue” and my daughter spoke to a school counselor.

“A few days after the event, I received an email from the school clearly stating that my daughter was involved in an antisemitic incident. So, I was very happy to hear it in those terms, and that it wasn't downgraded to just name-calling. They said that they were looking into the growth of racism and antisemitism in the class.

“My daughter received an apology letter after the incident, where the perpetrator wrote that she didn't realise that calling someone a pig was offensive and that her parents had grounded her for two weeks with no devices. We were upset the girl and her parents didn't understand that her statement was offensive by saying ‘Jewish pig’. My daughter wrote a letter to the girl expressing her pride in being Jewish.”



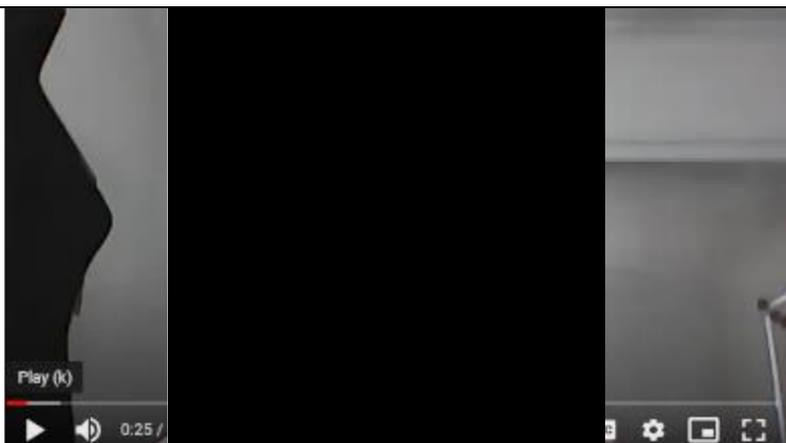
3: 19-year-old Gold Coast girl shares her experience of being attacked

A Israeli Jewish woman from the Gold Coast was physically attacked by a Muslim women during Israel's last war against Hamas (May 2021). Here is a summary of her story:

“She was my best friend and she's Muslim. When the war started again in Israel a few months ago, she was going to the mosque because it was Ramadan.

“They were trying to say that we were all murderers and calling us the army.

“In the past we agreed that politics wasn't going to be part of our friendship, so we kept it separate. “But this time it was different, and she started sending me messages saying we were murderers and a lot of hateful stuff. I didn't want to see her.



"I went shopping with my friend and I ran into her. She came up to me, started yelling and came up very close to me. I started crying and said I didn't want to talk to her and I ran away. She found me eventually. Her friends were holding her back so she wouldn't attack. But she broke free and started attacking me – holding me and then kicking me. I defended myself and got marks on my leg.

"I didn't report it because I just didn't think anyone would listen to me. And there were witnesses that never really did anything.

"I just didn't think I'd have a voice because I'm Jewish nobody would believe me.

When you live in a foreign country and you have to hide who you are to be accepted - it's not right. I'm very proud that I'm from Israel and I'm Jewish."

4: Townsville mother share's her daughter's experiences with racism

Mother of two high school students from Northern Townsville recounts what has been happening periodically.

"My two daughters tend to face prejudice and antisemitic comments and actions, such as joking about the Holocaust, drawing the swastika, praising Adolf Hitler and saluting him. This has been increasing since COVID started," she said.

"Whenever it has been reported, incident reports are filed, but no formal action is ever taken. Just last week, one of my daughters was asked by a fellow student if she was Jewish while in a group. One of the other students said they were Catholic, he drew the cross sign and said to her, 'You pray to the devil'. My daughter was very upset.

"So that's giving you some sort of understanding of their education. But, where are they obtaining that information from?

"I just feel like, they don't take it as seriously as they do with other race issues. If it was another race or ethnicity, they wouldn't stand for it. I'm just disappointed that they think it's okay.

"It seems quite dismissive of the antisemitic issues and trivialising it. It is as though it's not important to the school or the local community."

5: Gold Coast man terrorised by neo-Nazi

“My home office was completely destroyed with Nazi symbols written on things and Heil Hitler written everywhere ... I just think that antisemitism and the behaviour towards Jewish people in this country is treated as if it's not important – as if it's a joke.”

A 60-year-old observant Gold Coast man became very emotional in sharing his story of being victimised by a young male

acquaintance. He felt powerless and, to this day, he and his wife still live in fear of being attacked. Not only was his home vandalised, but he was harassed with antisemitic slurs and further threats. In addition to these acts of hatred, he felt he was discriminated against at his workplace for not allowing him to practice his faith by observing Shabbat (the Jewish Sabbath). They expected him to work Saturdays, despite his request not to due to his religious customs.

Having grown up in the United States, this gentleman experienced extreme antisemitism during his childhood. He recounted that on his first day of school, at just 10 years of age, four students tied him to a tree and beat him so severely he was put in the hospital. More acts of violence continued during his youth.

He felt coming to the “Lucky Country” would leave all that hatred behind.

“So when I came here, the very first day, driving past a skate park, on one of the ramps was a swastika, and I thought to myself: Does ignorance have to follow me everywhere?”

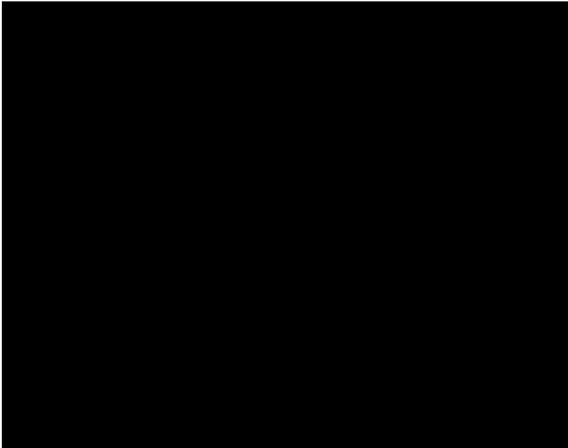
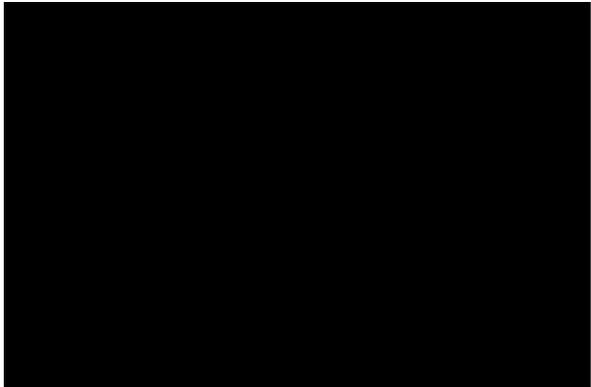
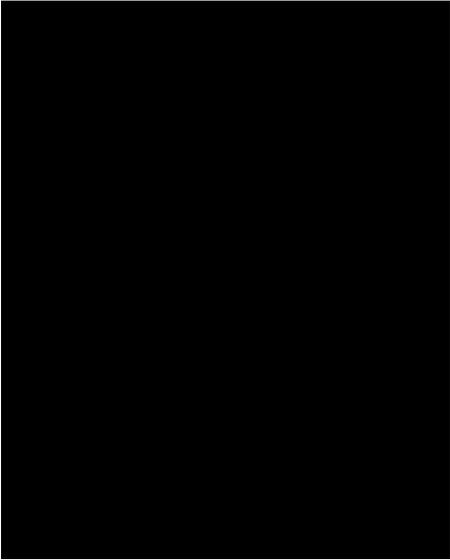
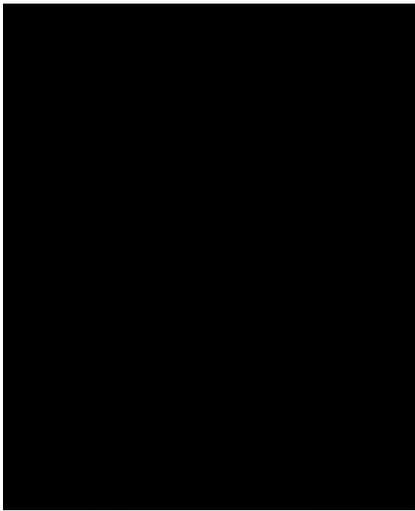
“Having to live with this antisemitism, you begin to assimilate. You don't want to. You're still Jewish, but you don't want people to know that you're Jewish. And when I came to this country, I thought, well, things will be different. But to see the same behaviours after 60 years of life, and in this country, I've seen it grow worse.

“You just can't pack up and leave and move. And you shouldn't have to live with fear in your life. You see these things on the news and it's just ignorance. You wonder when is this ignorance going to stop?”

“We need to make people understand that any type of hate needs to be eliminated, and we need to educate, at a very young age, on differences. We need education in the schools, talking about the differences of people and their culture, and the diversity of everyone.

“Because until we start educating people on diversity - people like myself, people of colour, people with other different religious beliefs, we'll always have to deal with this type of hate. And it's time that we start just educating – to understand that we're different – all of us.”

2.4 EXAMPLES OF ANTISEMITISM IN QUEENSLAND ⁶

	
<p>Graffiti of "Synagogue of Satan" on a synagogue in Brisbane, 10 Sep. 2019</p>	<p>Graffiti of "Kill the Jews", Bundaberg, 4 June 2018</p>
	
<p>Pork rind placed at the front door to a Jewish home, Ascot, Brisbane, 6 April 2020</p>	<p>"Heil Hitler" salutes and shouting about Jewish money and world control, outside a synagogue, Brisbane, March 2020</p>
	
<p>Graffiti: "White Power", Brisbane, 30 Nov. 2018</p>	<p>Nazi-themed striptease performer in Brisbane, Sep 2012</p>

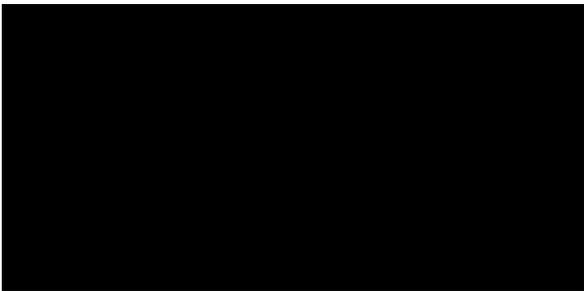
⁶ Majority of images sourced from: Julie Nathan, ECAJ Report on Antisemitism in Australia, for 2017, 2018, 2019, 2020



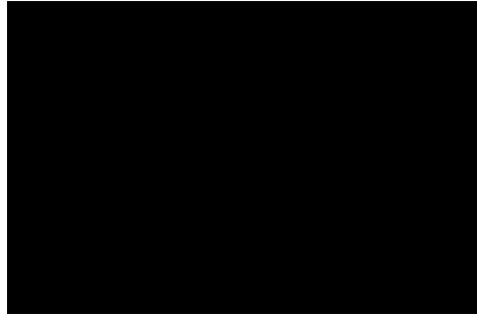
“Arbeit Macht Frei” (“Work Makes Free”, words displayed at Nazi concentration camps) sign, Brisbane, 4 April 2019



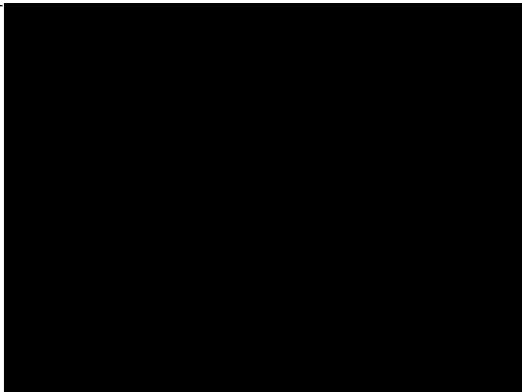
Graffiti stencil of a swastika and the words “██████████”, Brisbane, 5 Feb. 2018



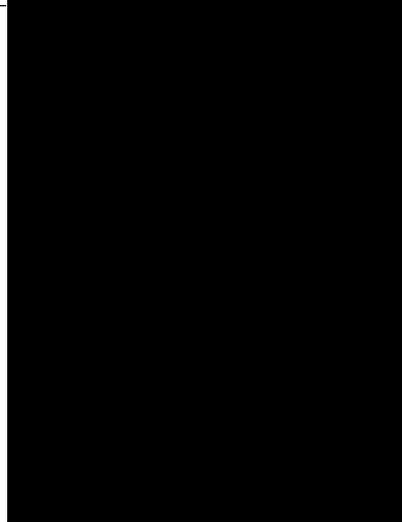
Banner: “Only the Illuminati, Jewish media...”, Brisbane, 2 Oct. 2017



Graffiti, Bundaberg, Qld, 4 Feb 2017
“White Power”

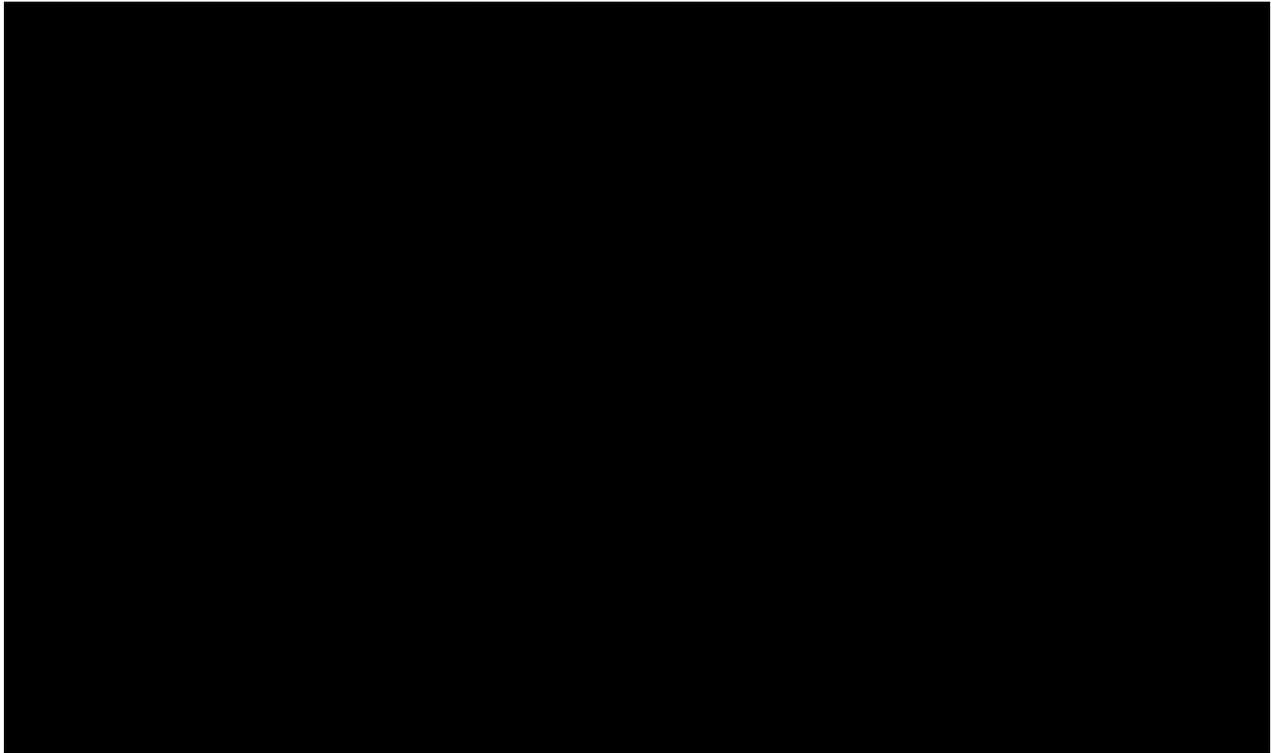


Kuraby skate park, Brisbane - May 2014
“Hitler did nothing wrong”



Kuraby skate park, Brisbane - May 2014
“Nazi Youth HQ”

Below: June 2015, Police raid a house in regional Queensland for drugs and find Nazi flags and symbols.



2.4.1 White supremacist and other far-right extremist groups ⁷

Informal and institutionalised racism have had a long history across Australia. The end of the White Australia policy, reconciliation with Indigenous Australians and the evolution of a multicultural Australia have enjoyed broad support among Australians, but have been actively resisted by miniscule groups on the far-right fringes of Australian politics.

Fascist groups made their first appearance in Australia before World War II, but it was not until the 1980s that they engaged in organised acts of violence.

The last 10 years in particular have seen a burgeoning of far-right groups in Australia. They represent every conceivable gradation of far-right political opinion, from anti-immigrant and anti-globalist groups who seek to ‘restore’ Australian democracy by removing ‘alien’ foreign influences, to secretive cabals of Hitler-saluting neo-Nazis who are intent on overthrowing it. The current crop of white supremacist and far-right groups have evolved from a melange of loosely organised groups espousing an assortment of Australian nationalist (“patriotic”) themes and anti-immigrant, anti-multicultural, anti-Muslim, antisemitic, anti-Indigenous, anti-Asian and anti-gay hatreds.

⁷ Commentary provided by the Executive Council of Australian Jewry, 2021

2.4.2 Case study 1: [REDACTED] ⁸

[REDACTED] lives in Ipswich, Queensland. He has had many social media accounts, often multiple accounts on each platform – Facebook, Twitter, YouTube, and Gab. Many of his posts are of major concern, due to his expressions of racism, notably antisemitism, and advocating violence.

[REDACTED] formed the group, [REDACTED] ([REDACTED]) – supporting a white-only Australia. In addition, [REDACTED] designs, prints and puts up posters, especially of [REDACTED] views. His published comments have been directed against - Jews, blacks, Muslims, homosexuals, and women – and have been expressed in his hip-hop videos.

Some of his comments include:

- “1488 Race War Gas all the [REDACTED] [REDACTED]” (published on June 21, 2019)
- “Islam is only in the west because of Jews opening the borders of western nations with their subversion. Islam is A problem. Jews are THE ROOT of the problem.” (posted September 19, 2019)
- “now I’m gonna bag every [REDACTED] [REDACTED]” song lyrics from “Don’t Need That Suffering” (published on YouTube)

It would appear that the publication of these statements has breached both civil and criminal law in Qld, under the Anti-Discrimination Act 1991 (Qld):

- s.124A: Publicly threatening or inciting hatred, serious contempt or severe ridicule; and
- s.131A: Publicly inciting hatred, serious contempt, or severe ridicule by threatening harm or inciting others to threaten harm, respectively.

Despite complaints to the Queensland Police and Federal Police, [REDACTED] has not been charged under either of these sections. However, on 4 October 2019 he was charged under the Commonwealth Criminal Code Act 1995 474.17: ‘Using a carriage service to menace, harass or cause offence’, for threatening violence against a named police officer.



(Left) A poster designed by [REDACTED] that was stuck on a rubbish bin by an unknown person promoting “Research the JQ” by [REDACTED], Ipswich, Qld, 24 July 2019
“[REDACTED]” refers to “Jewish Question”.

⁸ Compiled by Julie Nathan, Research Director, Executive Council of Australian Jewry (ECAJ)

⁹ Source: ECAJ Report on Antisemitism 2019

██████████ Facebook posts

██████████ has posted online using the name "██████████"

- ██████████ · [July 4](#) · 2019
The goyim know. The Greatest Shoah in human history is about to manifest, Globally...
No where to hide this time.
- ██████████ · [July 5](#) · 2019
God says J*ws are Evil Australian Law says they aren't allowed in Parliament.
Anyone Defending Them, Is A Traitor, Legally.
- ██████████ · [July 8](#) · 2019
Vote 1 ██████████ in the next election and I will Lobby to Expel the J*w.
- ██████████ · [July 21](#) · 2019
Never Forget The Real Enemy Is The Jew
- ██████████ · [July 21](#) · 2019
So many people Hate on M*sl*ms Yet M*sl*ms are Better Allies than Anti-White
Whites... M*sl*ms actually Oppose Jewish Supremacy

██████████ videos

██████████ produces hip-hop style videos with his own lyrics. Many of the lyrics express violence against particular minorities. ██████████ YouTube channel was terminated by YouTube on c. 29 June 2019. ██████████ then established another YouTube channel, under the name ██████████'. In the first video below, the video lyrics vilify Jews ("██████████"), blacks, Muslims, homosexuals ("██████████"), and women ("██████████" = "that ██████████ over there" or "thirsty ██████████ out there").

- **Don't Need That Suffering ~ by Ipswich Jesus lyrics include:**
"I'll never need another... don't be surprised/ when I advocate for the fourth Reich
night and day/ mutha ██████████ fighting my way to a brighter day/

just trying to keep these dirty lying ██████████ away/ ... got a Reich within/ begin stepping
in/ this oven ██████████ get in/ Get in/ This oven/ ██████████ get in/ ...

██████████ stinking out ma home and moaning Kebabs/ ...

¹⁰ Compiled by Executive Council of Australian Jewry (ECAJ), published in the [ECAJ Report on Antisemitism in Australia 2019](#)

now I'm gonna bag every [REDACTED] [REDACTED] / and drag em naked behind a horse on jagged gravel/ until they're (sic) limbs are [REDACTED] dangling off/ and feed em to crows/

while I'm holding a cross/praise god/ I'm just working for the boss/ crusade every Muslim on the face of earth/ convert em by blade or make em drop/

you're not gonna wanna hear what I got/ in store for the [REDACTED] / Your gonna bleed a lot/ but ya used to that/ so keep ya pads ready in ya hand bag we'll be needing that/

And heebz/ you'll leaving as ash/ Get in the oven."

- 🎵 HONOUR ME 🎵 🔥 🔥 🔥

[REDACTED] · Published on Jun 21, 2019 By [REDACTED].
"1488 Race War Gas all the [REDACTED] [REDACTED]"

- **Who Owns Hollywood?**

[REDACTED] · Published on Jul 12, 2019

"... / [REDACTED] ya optics/ ... get the attention/ then I mention/ Jews/ watch this/ reaction/ cute/ if you think I'm anti Semitic/ you/ got no idea/ ill guide I'll steer/ till ya mind is clear/ Who/ owns all the banks/ Who/ owns all the oil/ Who/ owns big pharma/ Who/ owns all the media/ They're trying to harm ya/ Who/ owns Hollywood/ They're trying to harm ya/ Im naming the Jew everyday/ are ya?/ If not/ you better start brah/ start another/ Shoah/ ... open da eyes/ ride with da Reich/ right for the fight/ eye for and eye/ that's what's like with these [REDACTED] /"

[REDACTED]: Gab posts

- [REDACTED] [REDACTED] · [Aug 31, 2019](#) ·

At the end of the day - Jews are their own Race - it's that simple. Therefor they can never fully be trusted. They have their own Genetic Self-Determination and Interest which will forever be contrary to our own. All Jews are our Enemy, Theological or not, all Jews Harm and Cause Loss for the West and the European Peoples.

- [REDACTED] [REDACTED] · [Aug 31, 2019](#) ·

JEWS are the Only Problem, and an Enemy to ALL Mankind.

- [REDACTED] [REDACTED] · [Sep 01, 2019](#) ·

Happy to 'Ally' with any Nation that openly declares Opposition to World Jewry.

- [REDACTED] [REDACTED] · [Sep 04, 2019](#) ·

I remember learning about how the Holocaust was Fake; and about the Rothschild International Banking Scam yearssss ago. Ever since then - I have been calling out these Elite [REDACTED]

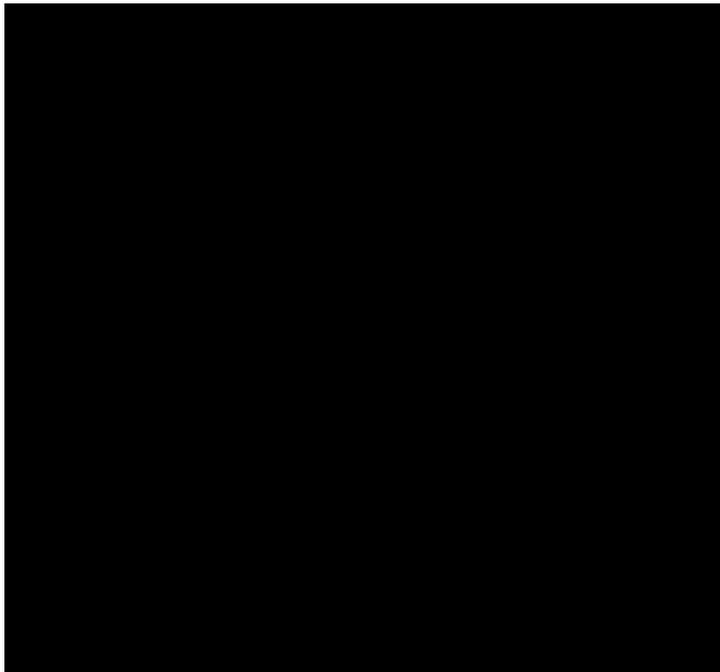
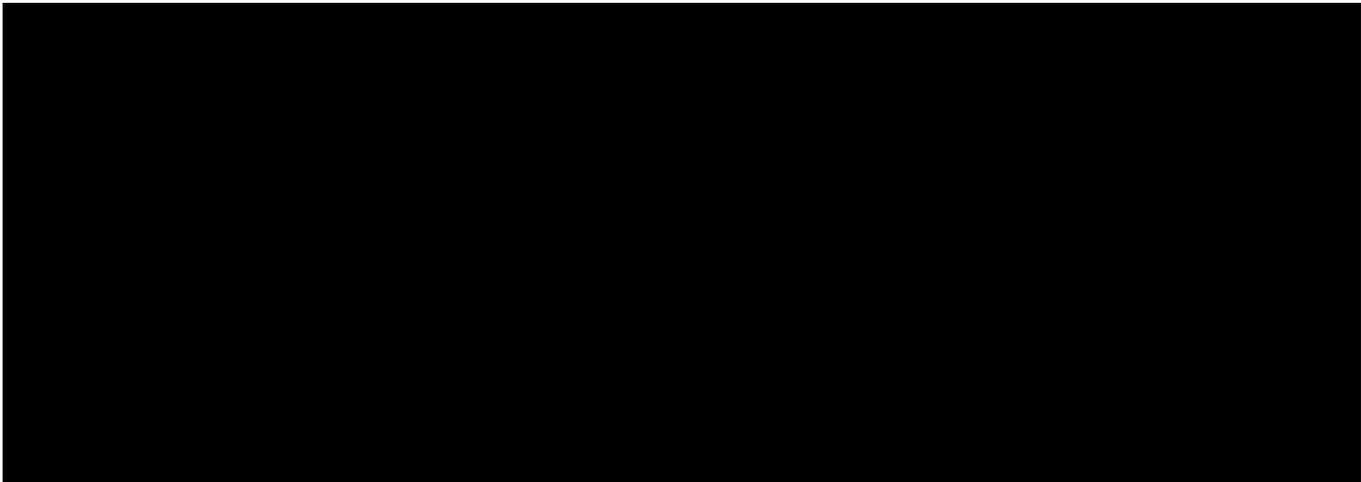
- [REDACTED] [REDACTED] · [Sep 04, 2019](#) ·

Islam is only in the west because of Jews opening the borders of western nations with their subversion. Islam is A problem. Jews are THE ROOT of the problem.

- [REDACTED] [REDACTED] · [Sep 22, 2019](#) ·
Support me when I run in the Next Election - and I will Opening Campaign for an 'Extension' to this list... The Expulsion of Jews from Australia is Stage One. Stage Two will be Repatriation of ALL Chinese/Africans and Muslims.
- [REDACTED] [REDACTED] · [Sep 24, 2019](#) ·
Me: *Heats Up Oven To 1488 Degrees*
- [REDACTED] [REDACTED] · [Sep 28, 2019](#) ·
Soon we will GOOSE STEP these [REDACTED] Mutha' [REDACTED], FOR GOOD...

[REDACTED] and weapons

[REDACTED] expresses a very keen interest in weapons, predominantly bows/arrows and swords. He possesses such weapons and trains with them. He stated that he specifically has weapons that are not illegal, in order to be able to have weapons that police cannot seize.

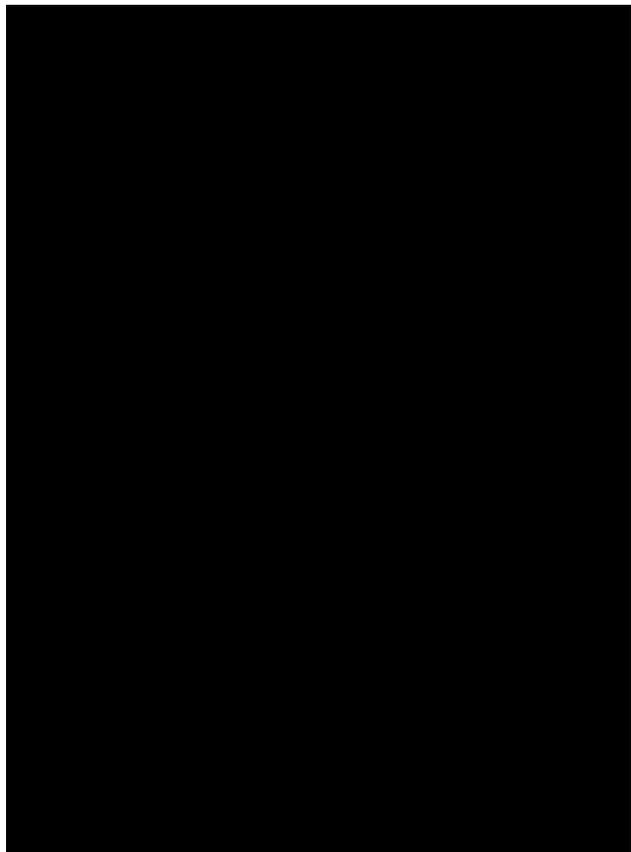
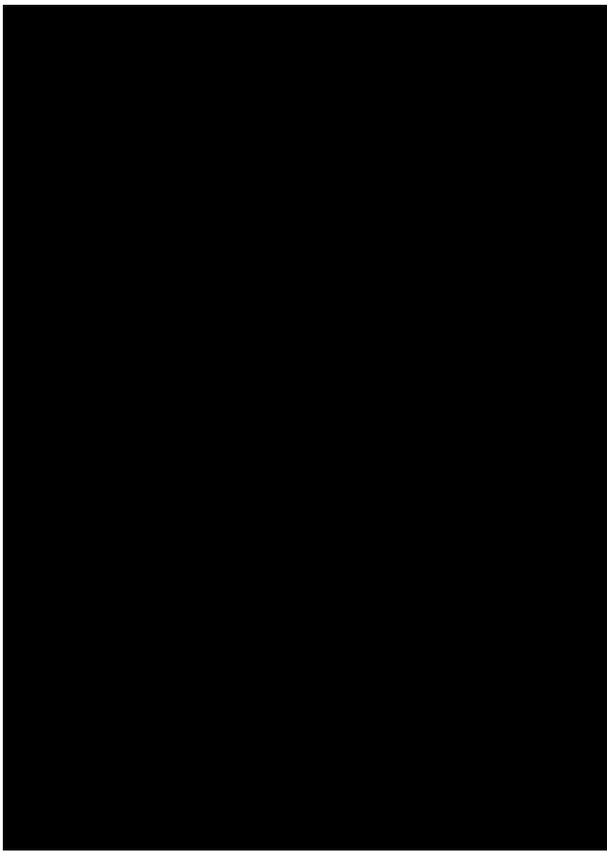


2.4.3 Case study 2: [REDACTED]

In the past decade, rapidly rising to prominence in Queensland was the overtly neo-Nazi group [REDACTED] ([REDACTED]), formed in 2016 (see photo below left of a sticker placed on the gates of the synagogue in Margaret Street, Brisbane and posted on social media by [REDACTED]). [REDACTED] adopted an ideology that is neo-Nazi, white supremacist, antisemitic, anti-gay, and against non-white immigration, as indicated by the material (posters and stickers) it has distributed (see images below, including calling to “Legalise the execution of Jews”) and its pronouncements online. [REDACTED] became inactive online in late 2018.

Relevance to the Inquiry

Section 131A has not been effective to prevent the public dissemination of such inciteful and hate-fueled material. It also does not deter people from possessing the material. If the law was similar to that of Western Australia, a case could be developed to lay charges against the individuals involved.



[REDACTED] activities in Qld ¹¹

¹¹ Compiled by Executive Council of Australian Jewry (ECAJ) and QJBD, and published in the 2017 and 2018 ECAJ Report on Antisemitism

During 2017 and 2018, [REDACTED] was prolific in disseminating their hate-fueled material across south-east Queensland. Below is a summary.

2017: 20 April – Brisbane CBD, standard stickers, for Hitler’s birthday.

25 May – University of Qld (UQ) at St Lucia campus, Brisbane, ‘National Socialism or Nothing’ posters and standard stickers.

8 July – Brisbane, standard [REDACTED] sticker on the Brisbane Synagogue, Contemporary Australian Indigenous Art centre, and elsewhere. University buildings around South Bank, Brisbane.

7 August – Queensland University of Technology (QUT), Gardens Point Campus. Posters ‘National Socialism or Nothing’, standard stickers. Also, outside State Parliament in Brisbane, and Griffith Uni on the Gold Coast.

September – Griffith and Bond universities in Qld, posters.

16 September – standard [REDACTED] sticker on the Brisbane Synagogue

18 September – CBD, West End and New Farm, in Brisbane, posters.

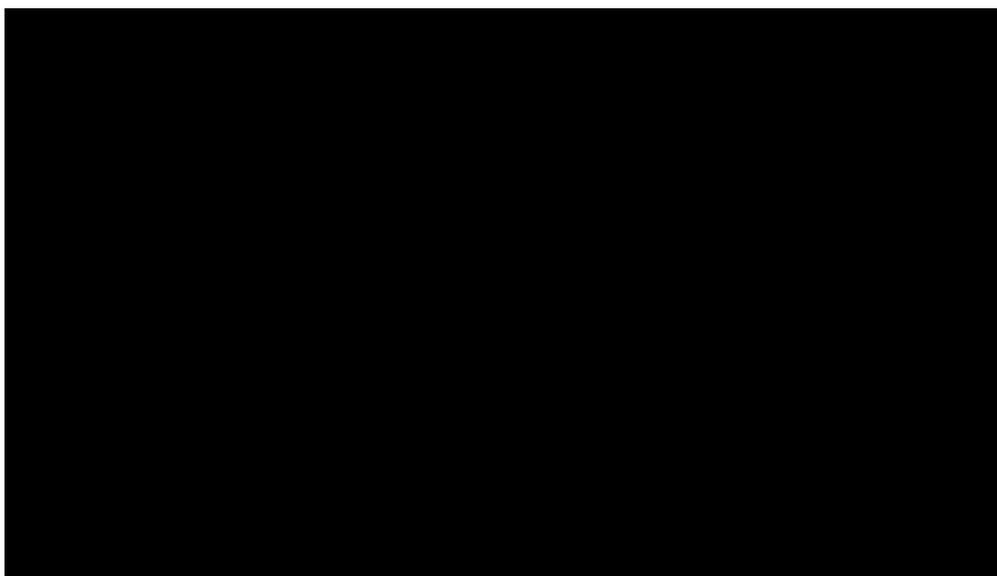
21 September – Toowoomba schools, St Mary’s College, Queens Park, TAFE, posters. “Nazi Youth”, ‘National Socialism or Nothing’,

30 September – University of Qld, stickers.

3 October – University of Qld, stickers.

2018: 20 February – Toowong Village pedestrian bridge

Below, members of [REDACTED] in Queensland. 1 January 2018



2.4.4 Case study 3: [REDACTED] 12

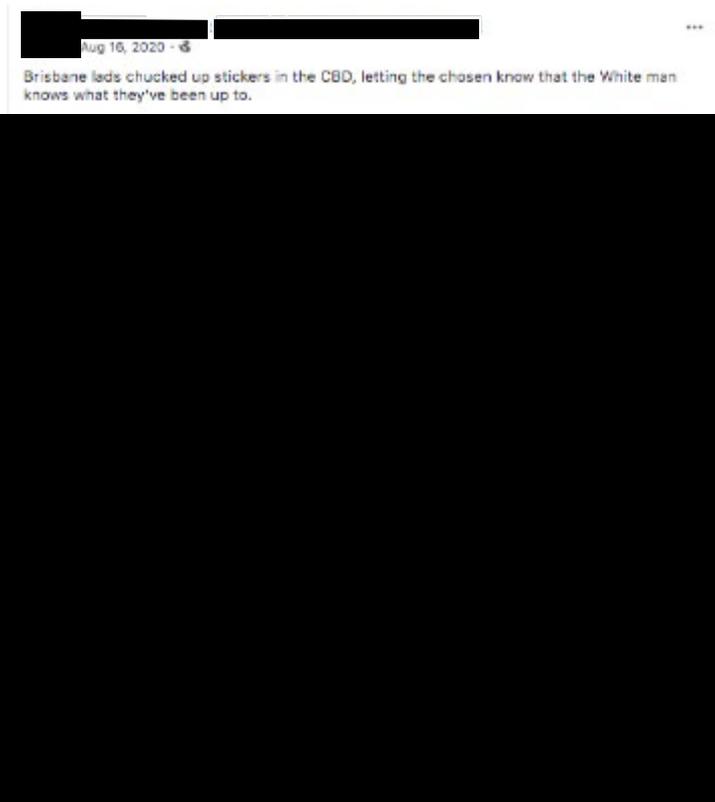
In January 2020 a new organisation, [REDACTED] ([REDACTED]), went public online as an apparent successor to [REDACTED]. [REDACTED] appears to involve many of the key figures of [REDACTED] and have been active in Brisbane. [REDACTED] also expressly subscribes to classical [REDACTED] ideology, as espoused by Adolf Hitler and the pre-War German Nazi Party. It calls for “the coming race war” to redeem “embattled Aryan mankind” and “create a White Australia of the [REDACTED] [REDACTED] and Fascist creed!” Its slogan is “White Revolution is the only Solution”.

[REDACTED]'s main public profile was initially online. However, [REDACTED] members also placed stickers and/or photographed themselves, often with the [REDACTED] flag at in public places. [REDACTED] seems to prefer Celtic-style symbols to the Nazi swastika, although it uses both.

Relevance to the Inquiry

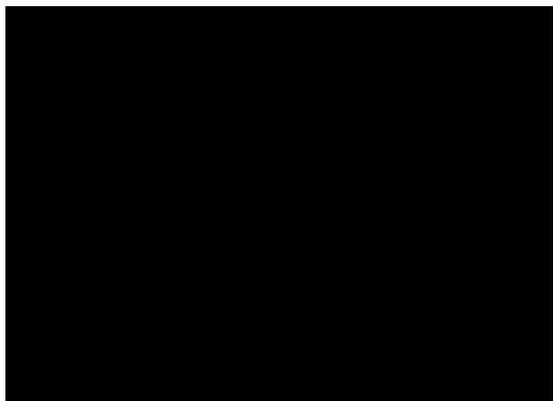
Section 131A has not been effective to prevent the public dissemination of such inciteful and hate-fueled material. It also does not deter people from possessing the material. If the law was similar to that of Western Australia, a case could be developed to lay charges against the individuals involved.

This page highlights some key images detailing [REDACTED]'s activities



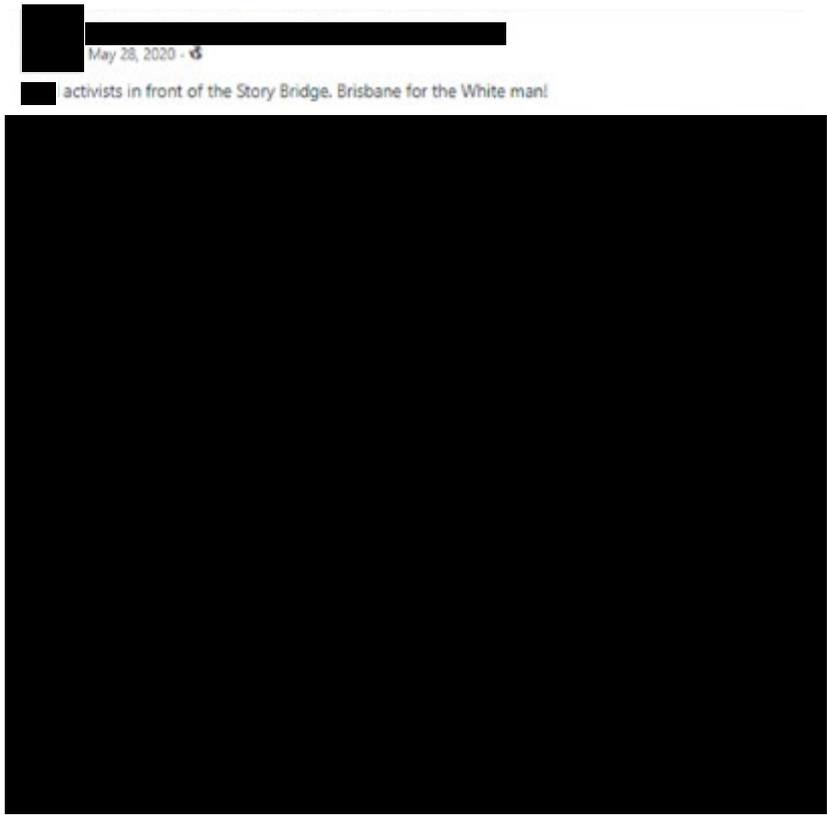
Left: a [REDACTED] sticker was placed outside the Brisbane Synagogue in August 2020

Below: [REDACTED] sticker on synagogue gate, Brisbane, 12 June 2020



¹² Compiled by Executive Council of Australian Jewry (ECAJ) and QJBD

Below: [redacted] photo was taken overlooking the Story Bridge, in Brisbane, claiming 'Brisbane for the White man!' Posted on Gab, 28 May 2020.



Left: [redacted] members showing their flag over the skyline of Brisbane CBD in January 2021, posted on Gab and Telegram.

3 RECOMMENDATIONS

3.1 PROPOSED AMENDMENTS

A two-tiered approach is proposed for each type of racial and religious vilification offences: firstly, offences that require ‘intent’ to be established with a higher maximum penalty; and secondly, offences that are likely to incite hatred which have lesser penalties.

The conduct to which they apply is extended from the current very limited actions to any conduct other than that carried out in private. It is intended to clearly demonstrate that conduct in whatever form that occurs in private is not the target of the legislation.

The table below provides our submissions recommendations to amend the act.

Chapter/Clause	Proposed amendment
Chapter 4 124A Vilification on grounds of race, religion, sexuality or gender identity unlawful	Given the recommendations contained in the amendments to 131A, it would be prudent to delete Chapter 4 in its entirety. Matters within it are dealt with in the proposed amendments to Chapter 5A 131A. Amendment: Delete Chapter and clause 124A
Chapter 5A	The Act does not currently define ‘serious’ which creates ambiguity and may be a key reason as to the limited number of referrals and prosecutions. Amendment: Delete ‘Serious’ from current chapter heading and replace with: Chapter 5A Offence of racial and religious vilification
131A	As above, the word ‘serious’ creates ambiguity. Amendment: Delete ‘serious’ from the clause heading to read: Offence of racial, religious, sexuality or gender identity vilification
131A (1)	Amendment: Delete all existing clauses and replace with the following: 131A (1)a Conduct intended to incite animosity or harassment on the basis of race, religion, sexuality or gender A person must not engage in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender. Maximum penalty -

(a) for an individual - 180 penalty units or 14 years imprisonment; or
(b) for a corporation—550 penalty units.

131A (1)b Conduct likely to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person must not engage in any conduct, otherwise than in private, that is likely to create, promote or increase animosity towards, or harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.

Maximum penalty -

(a) for a first offence by an individual - 70 penalty units
(b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment
(c) for a corporation—550 penalty units.

131A (2)a Possession of material for dissemination with intent to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person must not —

(i) possess written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person; and
(ii) intends the publication, distribution or display of the material to create, promote or increase animosity towards, or harassment of a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.

Maximum penalty -

(a) for an individual - 180 penalty units or 14 years imprisonment; or
(b) for a corporation—550 penalty units.

131A (2)b Possession of material for dissemination that is likely to incite animosity or harassment on the basis of race, religion, sexuality or gender

(i) A person must not possess written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person; and

(ii) A person must not publish, distribute or display material that would be likely to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group.

Maximum penalty -

(a) for a first offence by an individual - 70 penalty units or 1 years imprisonment
(b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment
(c) for a corporation—550 penalty units.

131A (3)a Possession of material for display with intent to harass on the basis of race, religion, sexuality or gender

A person must not —
(i) possess written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person; and
(ii) intends the display of the material to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.
Maximum penalty -
(a) for a first offence by an individual - 70 penalty units or 1 years imprisonment
(b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment
(c) for a corporation—550 penalty units.

131A (3)b Possession of material for display if material likely to harass on the basis of race, religion, sexuality or gender

(i) A person must not possess written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person; and
(ii) A person must display material that would be likely to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.
Maximum penalty -
(a) for a first offence by an individual - 50 penalty units or 6 months imprisonment
(b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment
(c) for a corporation—550 penalty units.

131A (4)a Conduct intended to harass on the basis of race, religion, sexuality or gender

A person must not engage in any conduct, otherwise than in private, by which the person intends to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.
Maximum penalty -
(a) for an individual - 180 penalty units or 5 years imprisonment; or
(b) for a corporation—550 penalty units.

131A (4)b Conduct likely to harass on the basis of race, religion, sexuality or gender

A person must not engage in any conduct, otherwise than in private, that is likely to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.
Maximum penalty -
(a) for a first offence by an individual - 50 penalty units or 6 months imprisonment
(b) for a second or subsequent offence by an individual 180 penalty

	<p>units or 2 years imprisonment (c) for a corporation—550 penalty units.</p>
<p>Clause 131A (2) A Crown Law Officer’s written consent must be obtained before a proceeding is started by complaint under the Justices Act 1886 in relation to an offence under subsection (1).</p>	<p>Making a hate crime contingent on receiving written consent of a Crown Law Officer before a proceeding is started may allow an offence to be politicised or diverted. The majority of offences, including many of the more serious, do not require such consent</p> <p>For example:</p> <ul style="list-style-type: none"> • 320 Grievous bodily harm does not need the consent of Crown Law Officer. • S349 Rape does not need the consent of a Crown Law Officer. • S419 Burglary does not need the consent of a Crown Law Officer. <p>In all these offences (and in many others) the consent of a Crown Law Officer is only required if it is alleged that the offence has a circumstance of aggravation that it was committed as part of serious organised crime (s161Q Penalties and Sentences Act 1992).</p> <p>Our recommendation is to consider hate crimes the same as most other criminal offence such as those listed above (by way of example) and delete the requirement for the written consent of a Crown Law Officer before a proceeding is started.</p> <p>Amendment: Delete clause</p> <p>However in relation to hate crimes if it is considered that consent from the Crown Law officer needs to be sought in some circumstances, we submit the two following clauses be added to the sections.</p> <p>Clause 1: The <i>Penalties and Sentences Act 1992</i>, section 161Q states a circumstance of aggravation for an offence against this section.</p> <p>Clause 2: An indictment charging an offence against this section with the circumstance of aggravation stated in the <i>Penalties and Sentences Act 1992</i>, section 161Q may not be presented without the consent of a Crown Law Officer.</p>
<p>Clause 131A (2)</p>	<p>Amendment: Delete clause</p>

<p>Clause 131A (3) An offence under subsection (1) is not an offence for section 155(2) or 226.</p>	<p>Amendment: Retain and rename 131A (5)</p>
<p>Clause 131A (4) In this section— Crown Law Officer means the Attorney-General or Director of Public Prosecutions.</p>	<p>Delete</p>
<p>New clause 131A (6)</p>	<p>Amendment: New clause to be inserted as follows:</p> <p>131A (6) Defences</p> <p>Subsections 1 and 2 does not make it unlawful to —</p> <p>a. Conduct a public act, done reasonably and in good faith:</p> <p>(i) in the performance, exhibition or distribution of an artistic work;</p> <p>(ii) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for —</p> <p>(a) any genuine academic, artistic, religious or scientific purpose; or</p> <p>(b) any purpose that is in the public interest;</p> <p>(iii) in proceedings for defamation the publication would be subject to a defence of absolute privilege;</p> <p>(iv) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.</p>
<p>Schedule - dictionary</p>	<p>Insert the following definitions in the appropriate alphabetical positions —</p> <p>conduct means activities that occur on a number of occasions over a period of time;</p> <p>display means display in or within view of a public place;</p> <p>distribute means distribute to the public or a section of the public;</p> <p>harass includes to threaten, seriously and substantially abuse or severely ridicule;</p> <p>member of a racial group includes a person associated or presumed to be associated with a racial group;</p> <p>private occurrence does not include any form of communication with the public or section of the public, or that it occurs in a public place or in the sight or hearing of people who are in a public place;</p>

	<p><i>publish</i> means publish to the public or a section of the public;</p> <p><i>racial group</i> means any group of persons defined by reference to race, colour or ethnic or national origins;</p> <p><i>written or pictorial material</i> means any poster, graffiti, sign, sticker, placard, book, magazine, newspaper, leaflet, handbill, writing, inscription, picture, drawing or other visible representation.</p>
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3.2 BAN NAZI SYMBOLS

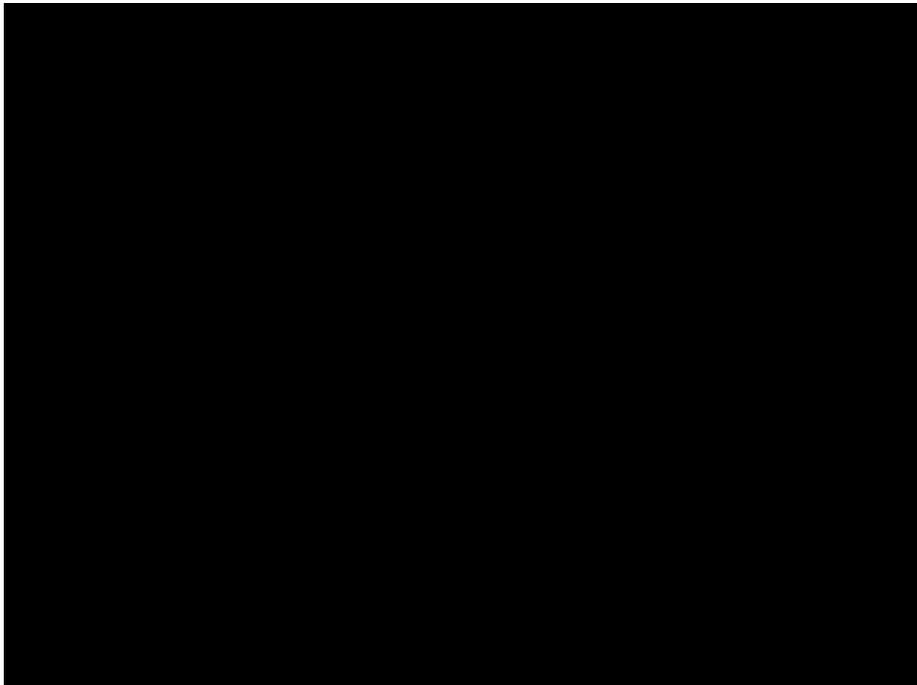
The public display and sale of items that include Nazi symbols, such as the swastika, with impunity, also impacts the sense of safety and security of all Queenslanders, including those who are members of groups and communities that have historically been the targets of Nazi policies of genocide, mass murder and other forms of persecution, such as Jews, Roma people, the disabled and LGBTIQ people.

In its survey findings released in early 2021, the Plus61J survey on attitudes to Israel, Jews and antisemitism¹³ by the Social Research Centre on its probability-based Life in Australia panel found that a majority of Queenslanders indicated support for action against antisemitism in response to the statement that ‘To protect Jewish people from antisemitism, the Nazi symbol should be banned in Australia’; just 10% disagreed, 27% indicated that they neither agreed nor disagreed, while a substantial majority of 61% agreed.

Similarly, the ECAJ’s Annual Report on Antisemitism in Australia in 2020¹⁴ noted the rise in the number of incidents involving the public display of Nazi symbols and the public sale of Nazi memorabilia. Incidents across Australia includes occasions when the Nazi swastika was displayed from private homes, or when people dressed in SS uniforms and swastika armbands have entered places of business to do their shopping.

We believe that legislation banning the public display of hate symbols and empowering the police to remove and confiscate hate paraphernalia would be a useful tool in countering the proliferation of extremist ideologies, but it would only scratch the surface of the problem.

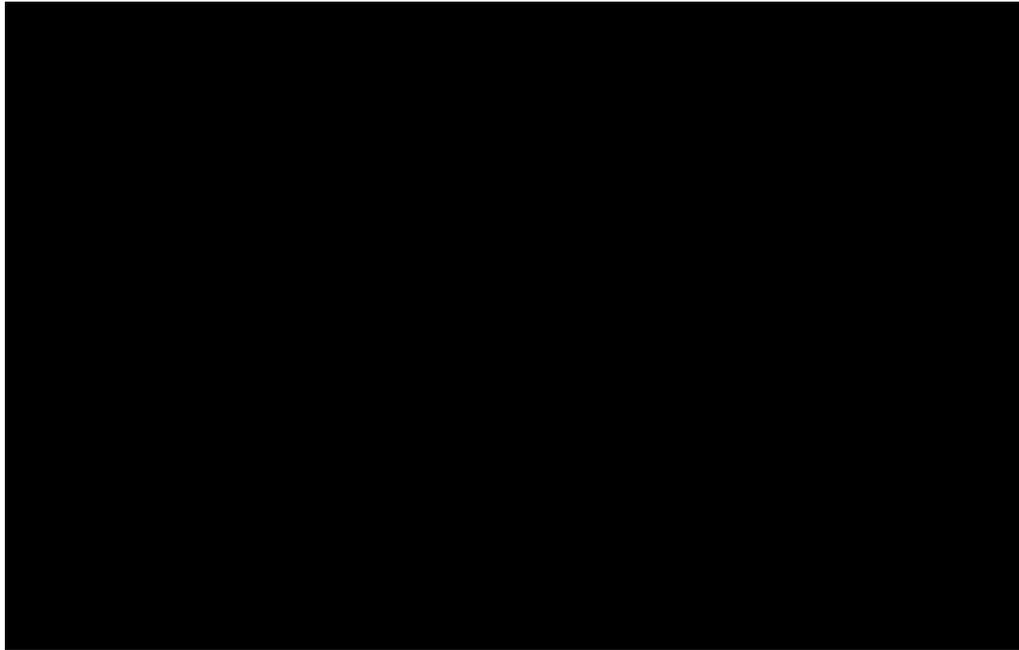
The photo below was posted on social media in 2020; the vehicle was outside Gladstone.



¹³ <http://plus61j.net.au/wp-content/uploads/2021/05/Plus61J-report-19-May-final-corrected.pdf>

¹⁴ <https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2020.pdf>

Right: swastikas and SS 'lightning bolts' on a gate and fence posts, Cooktown, 6 August 2020 ¹⁵.



A small number of countries, particularly those which historically suffered most at the hands of Nazi tyranny, have banned the public display of Nazi and other hate symbols. These countries include Germany¹⁶, Austria, France, Lithuania, Latvia, Poland, Ukraine, Brazil and Israel.

Most of these jurisdictions, which have introduced banning legislation provide exemptions or exclusions for the display of certain symbols when the purpose is clearly not to promote hatred. For example, the swastika in certain formats has, for centuries, been a religious and cultural symbol in several eastern and European traditions. Similarly, the use of Nazi symbols to educate the public about the appalling history of Nazism or for other genuine academic, research, scientific or artistic purposes, or other purposes in the public interest, should not be proscribed.

Any banning legislation that is introduced in Queensland would need to be flexible enough to accommodate the constant evolution of new hate symbols. A useful compendium of terms and symbols that have been developed in recent years to advocate hatred against Jews, for example, can be found in the ECAJ's Annual Report on Antisemitism in Australia in 2020.¹⁷

Overall, we believe that legislation banning the public display of hate symbols and empowering the police to remove and confiscate hate paraphernalia would be a useful tool in countering the proliferation of extremist ideologies, but it would only scratch the surface of the problem.

¹⁵ Julie Nathan, [Report on Antisemitism in Australia 2020](#), Executive Council of Australian Jewry, 29 November 2020.

¹⁶ Section 86a of the German *Criminal Code* outlaws "use of symbols of unconstitutional organizations" outside the contexts of "art or science, research or teaching". The law does not name the individual symbols to be outlawed, and there is no official exhaustive list. It has been used primarily to outlaw Nazi, Communist, and Islamist extremist symbols.

4 SUPPORTING INFORMATION AND BACKGROUND

4.1 GLOBAL WORKING DEFINITION OF ANTISEMITISM ¹⁸

The most widely accepted definition of antisemitism by western governments, among others, is the 'Working Definition of Antisemitism' adopted by the International Holocaust Remembrance Alliance (IHRA) on 26 May 2016. Australia was admitted to full membership of the IHRA in June 2019.

Working definition: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Manifestations might include the targeting of the State of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

To guide IHRA in its work, the following examples may serve as illustrations. Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

¹⁸ <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination e.g. by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of Israel a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g. claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for the actions of the State of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

4.2 CODES AND TERMS FOR “JEW”¹⁹

Antisemites often use coded words, symbols and terms in referencing Jews. Some use them in an attempt to evade a crackdown on racist speech by some platform providers. Others use these terms to highlight their hostility towards Jews, or to denigrate Jews, or to indicate their antisemitic beliefs or political alignments.

“14/88”, and its variations, is one of the most popular white supremacist slogans. “14” refers to the 14 words of the White Supremacy credo by ██████████ (“We must secure the existence of our people and a future for White children”). Some numbers correspond to letters of the alphabet, for example “88” is code for the letters HH, which stand for ‘Heil Hitler’; “18” is code for the letters AH, which stand for ‘Adolf Hitler’.

“420” is code for “April 20”, Hitler’s birthday.

“109” is code for the number of countries from which Jews allegedly have been expelled over the last 2000 years, and “110” includes a threatened future expulsion of Jews (presumably from western countries) advocated by these groups.

The use of older terms such as ‘cosmopolitans’, ‘globalists’, ‘internationalists’, ‘Rothschilds’, and newer terms such as ‘Soros’, ‘Cultural Marxist’, ‘European-Style Socialist’ (coined by neo-Nazi ██████████), “Chosenite” and “the Tribe” can, in context, be used as code to convey the meaning of “Jew”, and/or supposed Jewish wealth and power, but without saying the word “Jew”. The latest code is “small hats” or “little hats” in reference to the Jewish male head-covering. The triple parentheses or ‘Echoes’ symbol ((())) is placed by antisemites around the name of a person who is, or is thought to be, Jewish or around an entity considered to be controlled by Jews, to identify them as Jewish, for example (((Rosenberg))), (((media))).

“GTKRWN” stands for “Gas The ██████████, Race War Now”

“JQ” = Jewish Question. Alternatively, sometimes “JP” = Jewish Problem.

“Jew” may be spelt incorrectly and denigratingly as ‘Joo’ ‘Ju’ ‘j3w’ ‘jwz’ ‘j€w\$’ ‘Jew’ ‘Juze’ and other variants in order to avoid being picked up by online hate speech detectors. “████████” is an intensely derogatory word for Jew. It originated in the USA, and has been culturally assimilated into the online vocabulary of Australian antisemites.

“Red Pill” and “Blue Pill” are terms derived from the film *The Matrix* (1999) and are used as metaphors by white supremacists. Taking the Red Pill refers to “waking up” and seeing the world as it truly is (according to racist ideologies) that is the Jews control the world, feminism is destructive of societies etc. Taking the Blue Pill refers to remaining in one’s current state of blissful ignorance or current illusion of the world (according to far-right ideologies).

¹⁹ Compiled by Julie Nathan, Research Director, Executive Council of Australian Jewry (ECAJ)

“WN” = White Nationalist. This is the term by which they usually refer to themselves.

“ZOG” is the acronym for “Zionist Occupational Government” implying that “the Jews” control the government.

Hebrew and Yiddish words are used online by antisemites as a means to mock and denigrate Jews. The most common example is the use of the ancient Hebrew word “goyim” which simply means “nations” (“goy” is the singular, meaning “nation”), and is often translated as “gentiles”. Hebrew and Yiddish expressions are often incorrectly deployed to convey the false message that Jews see gentiles as inferior and hold them in contempt, by falsely claiming that “goy/goyim” means “cattle” in order to promote the myth that Jews believe they are superior to all other peoples. Hebrew or Yiddish is used to express the antisemitic idea of a Jewish conspiracy such as “Oy vey, the goyim know”. The Hebrew word “goy” is also being used by antisemites as a signifier that they are oppressed by “the Jews” and are appropriating what they see as a derogatory term to use for themselves. It also conveys the message that they are ethnonationalists who are awake to the “Jewish Question”. Some antisemites also use mock Hebrew words as online names “MosheShekelRod” or “Shabbos Shekels”.



“Shlomo” - antisemitic meme

A common method to caricature Jews is through the image of the cartoon character, originally known as “The Happy Merchant” and later as “Shlomo” (Hebrew for Solomon). The character is a caricature, depicted as a bearded, thickclipped hook-nosed male wearing a skullcap, rubbing his hands together in glee. It portrays Jews as greedy, deceptive, scheming, manipulative, conspiratorial, controlling – all antisemitic stereotypes. The character has been used on social media and elsewhere and has been embellished with colour and backgrounds.

4.3 STATE AND TERRITORY LAWS PROSCRIBING VILIFICATION ²⁰

In addition to the Queensland Act, the legislation that criminally proscribes vilification of individuals or groups on the basis of race exists in Western Australia, NSW, Victoria²¹, South Australia²² and the ACT²³. A summary is provided below for reference and relevance to the Inquiry.

Each of these States, except South Australia, also proscribes vilification on the basis of religion. There is some variation between these jurisdictions in the words used to describe the prohibited conduct and the prohibited grounds. Generally, however, among the elements which a prosecutor is required to prove are an incitement element (e.g. incitement of hatred of a person or group on the basis of their race or religion) and a threat element (e.g. a threat of physical harm or incitement of others to threaten physical harm).

Part 3, Division 8 (s.93Z) of the Crimes Act 1900 (NSW)

In 2018, Part 3, Division 8 (s.93Z) of the Crimes Act 1900 (NSW) was enacted, replacing former sections 20D, 38T, 49ZTA and 49ZXC of the Anti-Discrimination Act 1977. The new provision makes it a criminal offence, punishable by up to 3 years imprisonment and/or a fine, for any person to *threaten or incite violence* towards another person or a group of persons because of their race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status. The legislation was passed by both houses of the NSW parliament with cross-party support and was assented to on 27 June 2018. It commenced operation on 13 August 2018.

It remains to be seen whether the new legislation will be any more effective than the provisions it replaced. The social media posts of █████ founder █████ in 2019 stating that "it is time to legalise the █████ Cull" and "The only way to stop suicide is to cleanse the world of the Zionist Jew" were referred to the NSW DPP, but no prosecution eventuated. We understand that the reason there was no prosecution was that the DPP did not believe that even these egregious statements rise to the level of incitement of violence, still less a threat of violence, against Jews. The police, on the other hand, believed that the offence could be proved in this case and were keen to prosecute.

We have been informed that the NSW DPP is presently considering whether to prosecute █████ under s.93Z in respect of the posting online of his last tirade against Jews in December 2017. In this YouTube video █████ makes references to Israel as "the entity of the Jews" and Jerusalem as "the capital of the Jews", rather than the capital of Israel. This shows that █████ readily conflates a hatred for Israel with a hatred for Jews, and his rhetoric promotes an eliminationist attitude toward both. His words also carry an unmistakable threat that Jews anywhere who manifest support for Israel's right to exist in peace and security are to be considered legitimate targets for violence.

²⁰ Summary provided by the Executive Council of Australian Jewry, 2021

²¹ Racial and Religious Tolerance Act 2001, section 24.

²² Racial Vilification Act, 1996, section 4.

²³ Criminal Code 2002, section 750.

Chapter XI of the *Criminal Code Act 1913 (WA)*

The criminal liability regime in Chapter XI of Western Australia's Criminal Code (racist harassment and incitement to racial hatred) differs significantly from that contained in the legislation of other jurisdictions.

Chapter XI was first inserted by s 3 of the *Criminal Code Amendment (Racial Harassment and Incitement to Racial Hatred) Act 1990 (WA)*. Further amendments were introduced by the *Western Australian Criminal Code Amendment (Racial Vilification) Act 2004* in response to an upsurge in vilificatory conduct by the ██████████ in that state and difficulties with the existing vilification laws. In particular, the difficulties of proving intent and the low penalties were identified as in need of reform.

Chapter XI currently creates categories of offence that depend on an accused's state of mind. Sections 77, 79, 80A and 80C require proof of an intention by the accused either to incite racial animosity or racist harassment, or to racially harass a person or group; ss 78, 80, 80B and 80D refer only to conduct having that likely effect.

The latter category can be characterised as strict liability offences, and the defences in s 80G of the Criminal Code apply only to them.²⁴ Section 80G defences are "good faith" type defences similar to those in s.80.3 of the Commonwealth Criminal Code, as discussed in section 4.1 of this submission. The accused bears the onus of proving a defence under s.80G on the balance of probabilities.²⁵

As mentioned previously, in May 2009, one ██████████ attended a Friends of Palestine protest at the IGA supermarket in South Perth, demonstrating against the sale of oranges imported from Israel. During the protest he followed around a Jewish student who was also present, haranguing and taunting him, shouting that Judaism is a "*religion and race of hate*" and calling the student a "*racist homicidal maniac*". He was pointing a video camera at the student and recorded the incident. ██████████ then video-recorded himself calling Judaism a "death cult", and urging Jewish people to leave their religion. He subsequently placed the entire video recording on YouTube.

██████████ was charged with various offences under Chapter XI of the WA Criminal Code and brought to trial in the Perth District Court.²⁶ He was convicted by a 12-person jury on 6 counts of racial incitement and harassment under sections 77 and 79 of the WA Criminal Code. He was sentenced to 3 years imprisonment, and appears to have served the full term.

The fact that there was a conviction by way of a unanimous verdict of a 12-person jury suggests that the law works as it was intended to, and that it has a high level of public acceptance. The small number of cases that have been prosecuted under Chapter 11 of the Criminal Code (WA) may also be interpreted as an indication that its provisions have only been resorted to infrequently and when the evidence is straightforward. It seems to us likely that those provisions would survive any challenge based on an alleged violation of the implied

²⁴ *Mulhall v Barker* [2010] WASC 359 *per* Hall J.

²⁵ *Ibid.*

²⁶ *DPP v ██████████* (File No. IND ██████████ of 2009).

constitutional freedom of communication between people concerning political or government matters.

We, therefore, believe that these provisions of the WA Criminal Code Act provide a superior response to vilification referred to in the Queensland Act.

In Queensland and all other jurisdictions (except WA), the proof of a threat or incitement of violence (or both) is required. In our view that is too high a bar, and leaves vulnerable groups without reasonable protection against harassment and vilification that falls short of a threat or incitement of violence.



Queensland Jewish Board of Deputies Inc.

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31 August 2021

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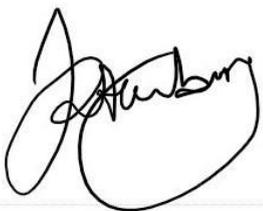
Dear Sir/Madam

Re: Minor amendments to our submission on serious vilification and hate crimes

The Queensland Jewish Board of Deputies (QJBD) wishes to provide some minor amendments to its submission made to the Legal Affairs and Safety Committee on 12 July 2021. The amendments are to section "3.1 Proposed Amendments" of our submission and relate to the suggested changes to the Act, namely:

- Reinstating S124A – our 12 July submission called for this to be deleted.
- In the Schedule - definitions our proposed 131A, we make two changes:
 - a) Remove the definition of the word 'conduct'; and
 - b) In the definition of 'written or pictorial material' replace the word 'means' with the word 'includes'.

These are the only amendments we seek to make at this time. Attached is a clean version of our Chapter 3 Recommendation. If you would like any further information or discuss the submission, please do not hesitate to contact me.



Jason Steinberg
Vice President
Queensland Jewish Board of Deputies

3 RECOMMENDATIONS

3.1 PROPOSED AMENDMENTS

A two-tiered approach is proposed for each type of racial and religious vilification offences: firstly, offences that require ‘intent’ to be established with a higher maximum penalty; and secondly, offences that are likely to incite hatred which have lesser penalties.

The conduct to which they apply is extended from the current very limited actions to any conduct other than that carried out in private. It is intended to clearly demonstrate that conduct in whatever form that occurs in private is not the target of the legislation.

The table below provides our submissions recommendations to amend the act.

Chapter/Clause	Proposed amendment
Chapter 5A	<p>The Act does not currently define ‘serious’ which creates ambiguity and may be a key reason as to the limited number of referrals and prosecutions.</p> <p>Amendment: Delete ‘Serious’ from current chapter heading and replace with:</p> <p>Chapter 5A Offence of racial and religious vilification</p>
131A	<p>As above, the word ‘serious’ creates ambiguity.</p> <p>Amendment: Delete ‘serious’ from the clause heading to read:</p> <p>Offence of racial, religious, sexuality or gender identity vilification</p>
131A (1)	<p>Amendment: Delete all existing clauses and replace with the following:</p> <p>131A (1)a Conduct intended to incite animosity or harassment on the basis of race, religion, sexuality or gender A person must not engage in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender. Maximum penalty - (a) for an individual - 180 penalty units or 14 years imprisonment; or (b) for a corporation—550 penalty units.</p> <p>131A (1)b Conduct likely to incite animosity or harassment on the basis of race, religion, sexuality or gender A person must not engage in any conduct, otherwise than in private, that is likely to create, promote or increase animosity towards, or</p>

harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.

Maximum penalty -

(a) for a first offence by an individual - 70 penalty units

(b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment

(c) for a corporation—550 penalty units.

131A (2)a Possession of material for dissemination with intent to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person must not —

(i) possess written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person; and

(ii) intends the publication, distribution or display of the material to create, promote or increase animosity towards, or harassment of a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.

Maximum penalty -

(a) for an individual - 180 penalty units or 14 years imprisonment; or

(b) for a corporation—550 penalty units.

131A (2)b Possession of material for dissemination that is likely to incite animosity or harassment on the basis of race, religion, sexuality or gender

(i) A person must not possess written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person; and

(ii) A person must not publish, distribute or display material that would be likely to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group.

Maximum penalty -

(a) for a first offence by an individual - 70 penalty units or 1 years imprisonment

(b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment

(c) for a corporation—550 penalty units.

131A (3)a Possession of material for display with intent to harass on the basis of race, religion, sexuality or gender

A person must not —

(i) possess written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person; and

(ii) intends the display of the material to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.

	<p>Maximum penalty - (a) for a first offence by an individual - 70 penalty units or 1 years imprisonment (b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment (c) for a corporation—550 penalty units.</p> <p>131A (3)b Possession of material for display if material likely to harass on the basis of race, religion, sexuality or gender</p> <p>(i) A person must not possess written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person; and (ii) A person must display material that would be likely to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.</p> <p>Maximum penalty - (a) for a first offence by an individual - 50 penalty units or 6 months imprisonment (b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment (c) for a corporation—550 penalty units.</p> <p>131A (4)a Conduct intended to harass on the basis of race, religion, sexuality or gender</p> <p>A person must not engage in any conduct, otherwise than in private, by which the person intends to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.</p> <p>Maximum penalty - (a) for an individual - 180 penalty units or 5 years imprisonment; or (b) for a corporation—550 penalty units.</p> <p>131A (4)b Conduct likely to harass on the basis of race, religion, sexuality or gender</p> <p>A person must not engage in any conduct, otherwise than in private, that is likely to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender.</p> <p>Maximum penalty - (a) for a first offence by an individual - 50 penalty units or 6 months imprisonment (b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment (c) for a corporation—550 penalty units.</p>
<p>Clause 131A (2) A Crown Law Officer's written</p>	<p>Amendment: Delete clause</p>

<p>consent must be obtained before a proceeding is started by complaint under the Justices Act 1886 in relation to an offence under subsection (1).</p>	
<p>Clause 131A (2)</p>	<p>Amendment: Delete clause</p>
<p>Clause 131A (3) An offence under subsection (1) is not an offence for section 155(2) or 226.</p>	<p>Amendment: Retain and rename 131A (5)</p>
<p>Clause 131A (4) In this section— Crown Law Officer means the Attorney-General or Director of Public Prosecutions.</p>	<p>Delete</p>
<p>New clause 131A (6)</p>	<p>Amendment: New clause to be inserted as follows:</p> <p>131A (6) Defences</p> <p>Subsections 1 and 2 does not make it unlawful to —</p> <p>a. Conduct a public act, done reasonably and in good faith:</p> <p style="padding-left: 40px;">(i) in the performance, exhibition or distribution of an artistic work;</p> <p style="padding-left: 40px;">(ii) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for —</p> <p style="padding-left: 80px;">(a) any genuine academic, artistic, religious or scientific purpose; or</p> <p style="padding-left: 80px;">(b) any purpose that is in the public interest;</p> <p style="padding-left: 40px;">(iii) in proceedings for defamation the publication would be subject to a defence of absolute privilege;</p> <p style="padding-left: 40px;">(iv) in making or publishing a fair and accurate report or analysis of any event or matter of public interest.</p>

<p>Schedule - dictionary</p>	<p>Insert the following definitions in the appropriate alphabetical positions —</p> <p><i>display</i> means display in or within view of a public place;</p> <p><i>distribute</i> means distribute to the public or a section of the public;</p> <p><i>harass</i> includes to threaten, seriously and substantially abuse or severely ridicule;</p> <p><i>member of a racial group</i> includes a person associated or presumed to be associated with a racial group;</p> <p><i>private</i> occurrence does not include any form of communication with the public or section of the public, or that it occurs in a public place or in the sight or hearing of people who are in a public place;</p> <p><i>publish</i> means publish to the public or a section of the public;</p> <p><i>racial group</i> means any group of persons defined by reference to race, colour or ethnic or national origins;</p> <p><i>written or pictorial material</i> includes any poster, graffiti, sign, sticker, placard, book, magazine, newspaper, leaflet, handbill, writing, inscription, picture, drawing or other visible representation.</p>
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QUEENSLAND ANTI DISCRIMINATION ACT

Amendment to submission by Queensland Jewish Board of Deputies.
Alteration to drafting of proposed new S131A(1) to S131A(4)

131A (1)a Conduct intended to incite animosity or harassment on the basis of race, religion, sexuality or gender.

A person who engages in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender,

is guilty of a crime.

Maximum penalty -

- (a) for an individual - 180 penalty units or 14 years imprisonment; or
- (b) for a corporation—550 penalty units.

131A (1)b Conduct likely to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person who engages in any conduct, otherwise than in private, that is likely to create, promote or increase animosity towards, or harassment of, a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender, is guilty of a crime.

Maximum penalty -

- (a) for a first offence by an individual - 70 penalty units
- (b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment
- (c) for a corporation—550 penalty units.

131A (2)a Possession of material for dissemination with intent to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person who-

- (i) possesses written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person; and
 - (ii) intends the publication, distribution or display of the material to create, promote or increase animosity towards, or harassment of a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender,
- is guilty of a crime.

Maximum penalty -

- (a) for an individual - 180 penalty units or 14 years imprisonment; or
- (b) for a corporation—550 penalty units.

131A (2)b Possession of material for dissemination that is likely to incite animosity or harassment on the basis of race, religion, sexuality or gender

A person who-

- (i) Possesses written or pictorial material that is threatening or abusive intending the material to be published, distributed or displayed whether by that person or another person, and
 - (ii) The publication, distribution or display of that material would be likely to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group,
- the person possessing the material is guilty of a crime.

Maximum penalty -

- (a) for a first offence by an individual - 70 penalty units or 1 years imprisonment
- (b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment
- (c) for a corporation—550 penalty units.

131A (3)a Possession of material for display with intent to harass on the basis of race, religion, sexuality or gender

A person who —

- (i) possesses written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person, and
 - (ii) intends the display of the material to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender,
- is guilty of a crime.

Maximum penalty -

- (a) for a first offence by an individual - 70 penalty units or 1 years imprisonment
- (b) for a second or subsequent offence by an individual 180 penalty units or 5 years imprisonment
- (c) for a corporation—550 penalty units.

131A (3)b Possession of material for display if material likely to harass on the basis of race, religion, sexuality or gender

A person who-

- (i) Possesses written or pictorial material that is threatening or abusive intending the material to be displayed whether by that person or another person; and
 - (ii) The display of that material would be likely to create, promote or increase animosity towards, or harass a group, or a person as a member of a group that identifies from another race, religion, sexuality or gender,
- the person possessing the material is guilty of a crime.

Maximum penalty -

- (a) for a first offence by an individual - 50 penalty units or 6 months imprisonment
- (b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment
- (c) for a corporation—550 penalty units.

131A (4)a Conduct intended to harass on the basis of race, religion, sexuality or gender

A person who engages in any conduct, otherwise than in private, by which the person intends to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender, is guilty of a crime.

Maximum penalty -

(a) for an individual - 180 penalty units or 5 years imprisonment; or

(b) for a corporation—550 penalty units.

131A (4)b Conduct likely to harass on the basis of race, religion, sexuality or gender

A person who engages in any conduct, otherwise than in private, that is likely to harass a racial group, or a person as a member of a group that identifies from another race, religion, sexuality or gender, is guilty of a crime.

Maximum penalty -

(a) for a first offence by an individual - 50 penalty units or 6 months imprisonment

(b) for a second or subsequent offence by an individual 180 penalty units or 2 years imprisonment

(c) for a corporation—550 penalty units.