



昆士蘭華人論壇

QUEENSLAND CHINESE FORUM

12/07/2021

PresidentDaniel Wong
[REDACTED]
[REDACTED]Vice-PresidentsClement Sham
[REDACTED]
[REDACTED]SecretarySusan Liu
[REDACTED]
[REDACTED]TreasurerDr Kee Cheung OAM
[REDACTED]
[REDACTED]Honorary PresidentsPeter Low OAM
[REDACTED]
[REDACTED]Dr Kee Cheung OAM
[REDACTED]
[REDACTED]Dr Peter Ho AM
[REDACTED]
[REDACTED]

Dear Legislative Assembly,

RE: Inquiry into serious vilification and hate crimes

Queensland Chinese Forum (QCF) is writing to submit our views and recommendations in relation to the proposed legislative reform regarding “Serious Vilification and hate crime”.

Executive Summary: -

It is our submission that the legislative reform is necessary due to the following reasons: -

1. Majority of the Chinese/Asian community has experienced vilification and hate crime while living in Queensland.
2. The act of vilification and hate crime could happen anywhere in Queensland, but often happens on the road, in the queue of public transport or at times in private premises.
3. The act of vilification and hate crime takes place in the form of verbal or/and physical attack.
4. The most common form of attacks are in the form of verbal attack in the public place and majority of the Asian community has direct experienced in it. Languages such as “F. Asian”, “F. Chinese”, “F Asian goes back to your own country” are the most common.
5. Whilst it is not majority, there are still considerably significant numbers of Asian community has experienced physical attack and insult, simply due to their ethnicity.
6. Majority of the communities do not feel safe when living in the community, especially if walking or travelling alone in the street.
7. Majority of the communities believe the current law is very inadequate in protecting the Asian community nor preventing crimes from happening.

It is also our submission that the legislative reform should include the following: -

1. Formally recognizing Vilification and hate crime as a form of crime pursuant the Criminal Code Act 1899.
2. The reform should allow for a more serious sentence when the prosecution can prove that the charges involving the element of racial vilification and racism.
3. Assaults involving element of racial vilification and racism should be regarded as an indictable offence which the charges must not be head and decided summarily.
4. Penalty, such as Good Behaviour Order, should be introduced for repeated online abuse, vilification or any other form of more minor offence.
5. No matter the reform’s outcome, it is necessary to invest more resources in educating, public, law enforcement and some targeted communities.



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Background in preparing for the submission.

In preparation of this submission, QCF has identified the following issues of importance:-

1. Racism vilification and hate crime exists in the community.
2. Such conducts are no longer some isolated acts but conducts of significant number that causing concerns to the community.
3. Apart from such conducts exist, whether the communities at large aware of the existing law and understand how to deal with the situation in the current legislative framework.
4. Whether the community believe the current law is adequate in preventing or deterring vilification and hate crime from happening.
5. What the community wants to see in the proposed legislative reform.

Methodology: -

QCF believes the community voices and views are of the most importance. In preparing for the submission, QCF adopted the following methods in gathering information and voices from the communities.

1. Public Survey – a survey has been prepared and circulated in the communities to submit their views.
2. Private Interview – the QCF committee has interviewed various members from the communities to gather their views on the subject topic.

The outcomes:-

Through the public survey and private interview, we summarize the outcomes as follow:-

1. About 70% of the Chinese/Asian community has experienced vilification and hate crime during their life in Queensland.
2. Most of those population experienced verbal attack.
3. Whilst physical attack does not occasion often, it often resulting in serious physical or/and psychological injuries to the victim.
4. 50% of the community do not know any existing laws against vilification and hate crime.
5. 90% of the population believe the current law against racism is inadequate.
6. 60% of the population do not feel safe.
7. 60 % of the community believe police either do not have the right power to fight or they are simply not helpful.
8. 95% of the community supports a radical reform in the law against vilification and hate crime.



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The Analysis:-

It is our submission that the upcoming reform should aim to address the following:-

1. Tougher penalty for more serious offences, such as assaults.
2. Good behavior order for less serious offences, such as verbal vilification or display of hate materials.
3. Reform to allow police has sufficient power to investigate all type of offences involving racism, involving online abuse.
4. Once the legislation has received the Royal assent, the government should adopt a proactive approach in educating the community about the new laws.
5. Local MPs should also work with multicultural organizations to conduct regular forums, family activities day to increase awareness of the reform.
6. The Queensland Police Services should also receive training in the operation and implications of the new training and should be encouraged to prosecute any offenders.

Conclusion and Future Committee Hearings

Upon discussion, QCF unanimously agree and submit that the legislative reform on Serious vilification and hate crime is necessary. We believe the current law is dated and inadequate for the current climate. As the generation goes, multiculturalism is becoming the heart of Australia's culture, values. Therefore, to further advance multiculturalism as our core values and to foster our next generations, it is critically important for our community to understand the law endorse the same values and the law will not tolerate any racism in the community.

Finally, should the opportunity arise at the later committee hearings, QCF would like to have its representative to attend and present our findings and views on this upcoming reform as we strongly support the proposed reform and the causes behind.

Your Faithfully

Daniel Wong
President
Queensland Chinese Forum