

Submission to the Legal Affairs and Safety Committee, Queensland Parliament – Inquiry into serious vilification and hate crimes



SIKH NISHKAM SOCIETY
OF AUSTRALIA

A NOT-FOR PROFIT ORGANISATION

Introduction

Sikhism is a monotheistic religion founded in the Punjab region of Southern Asia in the 15th century. It emphasised faith and meditation on the Name of One Creator through singing hymns and selfless service. Since the advent of the religion, Sikhism has always stood for equal rights, human dignity, ethical living, gender equality and liberty for all. History lay witness to the countless sacrifices that the Sikh Gurus and their followers made to uphold religious freedom, human rights, and social justice. Throughout the centuries, Sikhs have fought for these rights worldwide- throughout the World Wars and to the present day.

Sikhs have resided in Queensland for over a century. Sikhs are a well-integrated and hardworking community. According to the 2016 census, more than 17,000+ Sikhs call Queensland home. Since the 9/11 attacks, Sikhs have witnessed a rising tide of hate and vilification throughout the world. Australia is no different. Sikhs across Queensland and Australia broadly have experienced assault in many forms, including physical, verbal abuse, vilification, Islamophobia¹ etc. Studies find that the distinct appearance of the Sikhs make them more likely to experience hate and vilification, than other members of the community. Despite this, many incidents go unreported in Queensland due to a lack of proper reporting mechanism and law enforcement. This trend is likely to increase with the rising threats of white nationalism, toxic political discourse, and xenophobic sentiment stemming from the COVID-19 pandemic.

The Sikh Nishkam Society of Australia is a not-for-profit organisation. It was established:

1. To assist and promote the development of community services and programs of social value in the community.

¹ Sikhs are often mistaken for terrorists because of their distinct appearance of wearing a turban and supporting a beard - Sikhs do not cut their hair and uncut hair are an article of faith.

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2. To foster a Sikh spirit of neighbourly co-operation, community spirit, wellbeing, participation and support within the community by developing awareness of the needs of others.
3. To facilitate and implement educational programs to raise awareness in the wider community of the Sikh religion and lifestyle through information, displays, workshops, literature, publications, forums, conferences, panel interviews, media articles and other methods deemed necessary or beneficial.
4. To enhance interfaith cooperation and dialogue.

Method of collecting lived experiences and survivor stories

The Sikh Nishkam society of Australia, along with other partner organisations and members of the community, collected the stories of the community through two primary methods:

1. **Social media marketing campaign** – raised awareness across social media channels Facebook, LinkedIn, Twitter and Instagram and leveraged platform Young Sikh Professionals Network (YSPN) to spread the word. YSPN is a volunteer not-for-profit organisation, with the mission of creating the conditions for Young Sikh Professionals to Succeed and amplify their influence. Our social media marketing campaign informed our Sikh community of the inquiry and encouraged them to participate by filling out a google form that recorded their lived experiences.
2. **In-person consultation campaign** – we organised stalls and in-person consultation sessions across the Gurdwaras (Sikh place of worship) in Brisbane, Gold Coast, and Toowoomba to give our community the chance to talk to us in person and to create a safe space to engage in these conversations. A list of those Gurdwaras is attached in Appendix

Demographics and nature of incidents

- From all the respondents - 41% identified as of Indian background, 27% of Punjabi background, 16% of Sikh ethnicity, 8% of Indian/Iranian background and 8% of Asian ethnicity.
- 66% of our respondents were male, and 34% female.
- From the online questionnaire 91% people identified as practicing Sikhs, while 9% identified as from the Baha'i Faith.
- 72.7% incidents occurred in a public space
- 83.3% did not report the incidents to the police
- In regards to the question whether the racism experienced was a single incident or a repeated pattern of incidents; 54.5% stated it to be a repeated pattern of incidents and 45.5% as single isolated incidents.

Types of racial vilification and hate crimes

When describing racism, it is important to differentiate between *covert and overt racism*. The data collected and the interactions we had with the members of the community support this

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hypothesis that *covert and overt racism* are two individual elements of a broader impact of racial vilification and hate crimes. Covert incidents are the “micro-aggressions”, remarks or actions disguised as non-racist but are racist. Covert racism includes awkward stares in public, touching of beard and/ or turban, being ignored or being treated differently when waiting in line at stores, paranoia when a person of different culture/ race is walking past, favouritism towards a member of the dominant community, to just name a few. Overt racism includes outright maltreatment of the minority community that includes but not limited to verbal abuse and racial remarks, and violent/ threatening behaviour being exhibited towards a person etc.

Throughout discussions with the Sikh community, many community members described experiencing both covert and overt racism due to Islamophobia. As mentioned above, since 9/11, Islamophobia has spread and has targeted groups indiscriminately. Sikhs worldwide, and in Queensland, have been subject to this discrimination due to their appearance of wearing a turban and uncut hair as an article of faith, which often leads to Sikhs being mistaken as Muslim.

Impact of vilification and hate crimes

The impact of racial vilification and hate crime is a far-reaching consequence. It instils a sense of non-belonging for victims and creates a feeling of being an outsider. As a result, people of all ages, not just children, “*always try to fit in*”, and this need to assimilate has left many Sikhs with the inability to embrace and accept their own culture and heritage. Others report a tendency to work harder than anyone else to get somewhere, and to be always cautious of their actions; since even a small misstep labels the whole community as the offender. Other respondents mentioned feeling “alien, or outsider” and cited the impacts of shame, humiliation. These problems often exacerbate the issue of “low levels of reporting or underreporting and a lack of community confidence” (as also outlined in the Cohesive Communities Coalition’s report: ‘Serious vilification and hate crime: The need for legislative reform’).

The primary feedback we got from the community for non-reporting the incidents was a lack of awareness/knowledge on how to report and where to report. Some respondents thought that a report can only be made if the incident were a physical altercation. Hate crime, hate speech, racial vilification had become so normalized in their lives that they just did not feel the need to report and exhibited the emotions that “this is to expect in foreign countries” or “you gotta suck it up”. For recent migrants the problems were even more severe. Some noted that a lack of language skills and access to legal information prevented them from making a police report. Some even thought that if we report the incidents our visas will be cancelled and we will be deported back. This trend of victimising the CALD communities was evident all across the spectrum. Even the people who had been living in Australia for a long time and are citizens often cited that reporting racism, hate speech at the workplace will get them fired.

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In the google forms and in the interactions with the Sikh community, it became highly evident that bullying in schools due to the Sikh children's unique identity is prevalent. Name calling such as a girl, towel head, terrorist, your father is a terrorist, etc leaves a feeling of despair and unwelcomed. For children these incidents have an impact on their education and personal development and cause psychological trauma which they carry for the rest of their lives. The children are left vulnerable and insecure.

Routine vilification, especially face to face encounters and lack of action by employers and enforcement services results in a deficit in the justice system. This in turn leaves a society that has no faith in a justice system that cannot deter, apprehend and punish those inflicting such behaviours. This was evident when we spoke to those in the transport and child care industry.

View about the operation and effectiveness of legislation in other jurisdictions to protect victims of vilification and hate crimes

Hate crime and vilification of a particular class of people is a serious offence. Hence, it should be treated as a criminal offence, as is the case with many Commonwealth countries. For example- Scotland has various laws that offer additional protection to people from crimes based on their disability, race, religion, sexual orientation and transgender identity. It means that crimes can be treated more seriously by the courts and law enforcement when “malice and ill-will” intentions towards the victim based on their association to the protected groups can be proved in the court of law. The Scottish parliament has also introduced a new bill which adds hate crime based on a person’s age to the list of protected groups. Through the data and stories collected by our organisation, it is of particular importance that “youth” should be treated as a group that can be subjected to hate crimes and vilification, and it often does.

In the U.S., 18 states collect data on hate crime incidents, which paints a full picture for state and federal law enforcement authorities and helps states understand which crimes are occurring against whom; hence adequate resources can be allocated towards the safeguarding of that community. It can positively impact communities across the state and help vulnerable communities receive the support and attention they necessitate. Data collection also means that equal protection can be legislated and enforced by Queensland and other states in Australia. Because often it is a case, when there exist wide disparities in the protections provided by various state hate crime laws- resulting in unequal protection from similar violent crimes in different jurisdictions. Therefore, it is our opinion that data collection should be mandated in the state of Queensland.

Following the 2019 Christchurch Mosque attack, the royal commission has recommended a broader definition of hate crime, what constitutes hate speech, and making hate speech a criminal offence. The bill has been taken up by the New Zealand government and introduced in the parliament. The proposed changes would cover written and spoken word, on online platforms, and cover speech that intentionally incites hatred based on “sex, marital status, religious belief,

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ethical belief (meaning the lack of a religious belief), colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, or sexual orientation”. New Zealand would make it a crime to “intentionally incite/stir up, maintain or normalise hatred”.

Effectiveness of current legal protections & future recommendations

The Sikh Nishkam Society of Australia agree with our community members and partners that we spoke with and collected stories from that the current legislation to prosecute against vilification and hate crimes is insufficient. The lack of community confidence, the capacity of the police to enforce existing laws, and the reporting mechanism available are all not effective and do not protect the minority communities in their pursuit of legal protection from racial vilification. Hence, our position is that the current laws be revisited and revised, and stronger, more effective laws around vilification and hate crimes are implemented.

We wholeheartedly support the legislative and legal protections recommended by the Cohesive Communities Coalition group (Attached in Appendix 1). Furthermore, we like to put forward the following suggestions which were collected throughout the consultation process:

1. Education on racism and cultural diversity should be incorporated into the school curriculum.
2. Education for staff and supporting staff on how to identify cases where students or co-workers are experiencing hate crimes or vilification and how/ what they can do to stop such behaviours.
3. Reporting mechanisms of hate crimes and vilifications should be overhauled. A system such as a central database should be implemented, which collects all reported incidents independently. This could be achieved either through an advocacy group or through law enforcement.
4. Public facing campaign to spread awareness of racism and hate crimes highlighting the effects it has and how our community can be more educated on the topic.
5. Incorporating more people of different faiths and identities in government social media campaigns as this demonstrates inclusion and acceptance.
6. Mandatory unconscious bias training, value diversity and racism/cultural competency courses for places of employment

Experiences of Racism in Queensland

The stories collected are present below:

1. We have received permission to share the following stories and lived experiences of victims of hate and racial vilification in the following pages numbered 6-16.

Name	-	-	-	-	██████████	-	-	██████████	-	██████████	██████████
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Racism story	While walking in the city with my husband who wears a turban was bad-mouthed as “a ██████████ Indian and terrorist”.	I felt racism when I started working in childcare. I have done my masters and bachelor degree from Punjab, but here I want to get more knowledge about the Australian framework. I completed cert 3 and started looking for a job; with God's grace, I got the job, but it's not enough for us.	I had multiple issues at my workplace. Using abusive language towards me, calling me a ██████████ Indian”, and lying to my boss that I am not doing my job properly. The company didn't take any action against it even after complaining and giving them proof as	While driving a taxi	I was going to Market Place Chermshire from Larapinta via Milton Road. On my way there, a Caucasian blue Holden driver was driving aggressively and was trying to overtake my truck, but he couldn't. He	We were 2 ladies with 2 toddlers, loading our groceries in the car. I was putting my child in the child car seat on the passenger door of the driver's side. I had balanced my car door well enough onto myself so that it wouldn't touch the car parked next to us. But	When I was a teenager on a train home from school, a man sat behind me and constantly directed racist slurs and insults at me for the ten minutes I was on the train. He said things like	Back in high school, there were some events that occurred between me and some other kids at school (the other kids and I made mistakes initially); however, this led to a long series of unnecessary and extreme bullying. I was then targeted for my religion, wearing a turban, was called a terrorist, had bomb jokes made about me, and was	At the time I attended studies in Brisbane Southbank, I would often travel to and from my place of studies by bus. This event took place on the way to the bus platform to catch a bus and go home. If you are unaware, underneath the bus platform there is a walkway that leads to stairs to walk up to the platform. As	My first experience with racism was at 15 years old when I worked at my local Woolworths. It was my first ever shift, and my job role was as a long-life employee, which meant stacking shelves. It was during peak hour that my supervisor requested me to help out on registers with no experience. I signed onto the register, and an	One day I was driving back from work when suddenly an SUV cut into the front of me in the lane without properly indicating. As a natural reaction, I honked. This somehow triggered the 4 white males in the car, and they started showing middle fingers. In just a few seconds, the car changed lanes again and slowed down to come at the back of

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		<p>We are from different countries and communities, so we have to face this racism every time. This is a story from childcare they recently opened in Bellbird Park. I was the first educator when they opened, and they hired me first. I helped them a lot in setting up the centre, doing their work, even which was not part of my job. I never got any extra money for the extra time and efforts I put into the centre. As I have recently completed cert 3, therefore, don't have enough experience. I had only 8 months of experience when I started working in Bellbird Park. Slowly, and slowly 2 other educators came to the centre and got positions as they have more experience than me and they are from Australia. The owner gave importance to them and not</p>	<p>well.</p>		<p>then started following me and reached Marketplace behind me. As soon as I stopped at Chermshire, the driver came up to my door and started bashing it and punching it. He then started shouting and swearing and giving me nasty remarks. I was feeling threatened and not safe, so I did not open the door. After a while, a store manager came out and tried to calm the man down. Then after a few minutes, he left, and I immediately reported it to my boss, Gurtej Singh, and supervisor, Micheal.</p>	<p>somehow, when my child tried to climb into the car, the door got pushed, and it touched the car parked next to us. The car owner came out shouting profanity, and I tried to talk to her and apologise, but she did not listen at all. She instead approached my side of her car to inspect. She squished me in between my friend's car and the car door while I was holding my child. She did this action twice while using profanity and racial comments, and comments about having children. I screamed for help and told her to stop. My friend herself was holding onto her child and scared. I didn't have enough time to either climb into the car or move out of it. I was too scared</p>	<p>"Indians eat cow █", "your food smells like █", "you worship cows".</p>	<p>compared to Osama Bin Ladin. They knew I was a strict vegetarian for my religion, so they purposely broke into my locker, placed meat there, stole my possessions, and misplaced them. On a few occasions (3 to my memory), they tried to physically take off my turban (but they weren't successful). Then the bullies and I had some physical altercations leading to fights, and whilst fighting, they tried taking off my turban (luckily, they were not unsuccessful, but they still hit and partly grabbed my turban). This wasn't needed, their issue wasn't with my religion, but they felt that was a god target and something to attack and hurt me with by attacking my faith and religion. We had a few physical fights. This went on for nearly an entire year; I was harassed online by a bully as well, racial slurs were also used online. And overall, it was</p>	<p>I was walking to the stairs, there were two males sitting on the bench to my left. I initially heard noises as I was unsure what they had said but I could quickly tell they were shouting 'Jihad', 'Terrorist', 'Osama', etc. and that it was directed at me as they were pointing and laughing at the same time. As I got closer, one of the males got up and stood in my path. I heard him asking me questions, for example 'do you wrap the bomb wires in your turban?', etc. This continued until I was almost parallel to where the two males were sitting down. At which point the second male also walked and stood in my path. They continued to talk down to me and say racial slurs, calling me names and saying that I was 'not</p>	<p>elderly Caucasian lady came to my register and started unloading her groceries on the conveyor belt. I picked up the very first item, and she rushed from the end of the conveyor belt to the front where I was and hit my hand quite hard and said loudly, "I don't want your dirty brown hands touching my food." My manager saw the commotion, but in the retail industry, "customers are always right". My manager asked me to jump off the register and go back to the aisles instead of defending or helping me out on my first day. Another experience was years later at university in a tutorial. We were asked by our tutor to form groups for an assessment. I didn't know anyone, and I had turned around to the table behind me to ask if they wanted to form a group, but before I even verbally said</p>	<p>me. The car then started honking and using his high beams behind me. Just when we reached a red light, the car pulled next to me and started shouting racial slurs such as "towel head", "█ Indian", "Go back to where you came from █", etc. It is hard to mention all the abusive and racial language they used at the red light. I tried my best to ignore them, didn't look at them, and rolled up my windows. Once the lights turned green, I tried my best to speed up and get rid of them from my tail. Just as we were going straight, there was a lane that was turning right, the SUV went into in, and a guy came out of the window and threw a water bottle which hit my car, and the guy in front threw another drink at my car which landed on the windscreen. I immediately pulled to the side of the road to the left, took out my phone and noted the rego number of that</p>
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		<p>only importance, but she ignored me every time. They put me on float - only lunch covers, and the girls who were still studying didn't have any completed qualifications. They put them in rooms, and every day, they gave me tasks to clean the centre, mopping, brooming, packing up, and washing dishes. Even though there was a chef, they still forced me to do it. Whenever I plan activities for kids and bring material from home, they used my material but then gave me the tasks of cleaning. The educational leader and room leader yelled at me and treated me like a slave. On my locker, they wrote, "Indians go back" and "get lost". When I raised my voice, they gave me a warning, "you are Indian, you have to do this, you are from a</p>				<p>that she might harm my child. I had not done any damage to the other lady's car at all. Her car was an old 2005 Toyota Camry which was already in shabby condition with lots of scratches and rust. Upon buckling up our kids, we sat in the car, and I was telling my friend what happened and how I was feeling pain. The owner of the other car started taking our photos, not photos of the rego plate but photos of our kids and us. I approached the lady and tried to talk to her again to get insurance details, but she did not stop bad language and told me to [REDACTED] off.</p>		<p>just a constant ongoing vicious cycle. It didn't start with targeting my religion, appearance, or race, but they certainly targeted that once we had our differences. It was always me against multiple bullies throughout these incidents, so it was always to outnumber or gang up on me. I was constantly ostracised, picked on, and made fun of in larger groups by these bullies to belittle me and for them to get more people against me. They even had teachers against me who only heard their side of the story and didn't check up on me if I was okay! I did approach teachers about these issues, but they honestly were no help whatsoever.</p>	<p>allowed' to pass them. I attempted to walk around however, one of them pushed me back. At this point I was shocked as he had physically pushed me back, I explained I had a bus to catch and asked them to get out of my way and attempted again to walk past, however I was pushed back again resulting in a physical confrontation between all three of us. An onlooker yelled out and walked in our direction. As I saw an opening and was no longer being blocked, I collected my bag and hurried off to the stairs and went up to the bus platform.</p>	<p>anything, the young male put his hand up to my face and said, "No, thank you, I'd rather have someone who can actually speak English in my group." I didn't say anything, neither did any of the students. I was really shocked and felt embarrassed. It was no surprise that by the end of the class, it was only the ethnics that were left and hadn't been able to join a couple with the other students, so we formed our own group. I should also note that this university subject and the degree as a whole is stereotypically Caucasian represented. Another noteworthy experience was within my workplace, where my HR manager suggested to me that I should stick to my shortened nickname instead of using my full name on my CV for future reference. When I</p>	<p>SUV. After that, I called 000 and explained the whole incident to them. By the time they had gone away. The operator on the call told me that there's not much they can do, and I would have to go home and fill out an online report and provide all the details. After that, it will be looked into appropriately.</p>
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		<p>poor country, you are not meant to be here, get lost". They said if I don't do, or follow their orders, they will complain about me and cancel my blue card. This means I will not get a job anywhere in Australia, so I don't want this, and I was doing my job. One day my teacher came from college as I was doing my diploma, so my teacher came to visit me to mark my assessments, but they complained to my teacher that I am a ridiculous girl, not good, doesn't follow orders and never do my tasks on time. They made me cry, and I cried a lot in front of my teacher. She said, "I know you. This place is not for you; it's better you leave your job and find another one." Everyone at work got their 3 breaks, 10min morning tea break and 10min evening break +</p>								<p>corrected her on the way to say my name as well, she said, "that's too hard. I'll stick to how I want to say it." This should've been a sign of the company's culture as the rest of the employees were no better, but sometimes we don't have the luxury of being choosy with our careers when we have financial obligations. I was also so early in my career I didn't want to be deemed "too difficult"</p>	
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		40min lunch break. Still, they never gave me a break for more than 30mins and always gave me cleaning tasks. Sometimes I had to wash employees' cars as well and clean the bins. It was the worst experience of my life, every day they put a note in my bag "Indians are losers, poor, bad, go back" and so on.									
Who did it	White old guy	Staff members, especially the educational leader, owner, and room leader of the toddler's room	Co-worker	Passengers	Caucasian man	A middle-aged lady	Random adult male	A group of fellow classmates, in my grade, in my high school	Two males aged roughly between 17-21 years of age.	1) Elderly Caucasian lady 2) Young Caucasian male early 20s 3) Middle aged Caucasian lady	4 males of 24-29 years old age
Experience	Single incident	A repeated pattern of incidents	A repeated pattern of incidents	A repeated pattern of incidents	Single incident	A repeated pattern of incidents	Single incident	A repeated pattern of incidents	Single incident	A repeated pattern of incidents	Single incident
Public space	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes
How did you feel at the time?	Really bad as our Sikh community is always ready to help others irrespective of colour and religion	Broken and very bad	Shocked	Bad	Scared, insecure and threatened.	I felt scared and vulnerable as she attacked me. I am a small stature person and she was double my size.	Confused, embarrassed	Upset, targeted, helpless, defensive at times depending on the situation (mainly during fights, especially if they targeted my turban, I was very defensive), but overall, not positive, worried as well, a little fearful as well, I wasn't	Shock initially, I felt scared and alone as there were two of them and I was alone. I also felt targeted and angry.	A combination each time of anger, shock, confusion and hurt. I used to be a very timid person so I would also feel too scared to say anything because I didn't want to be targeted further.	I felt horrified and scared. If I had replied to any of their provocations, the incident would have been much worse.

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								always strong enough to stand up for myself.			
How did you feel after?	I felt that I should have stood against that guy and given his befitting reply.	As a result, I went through depression and anxiety and am still taking antidepressants because of the cruel staff. The centre, the owner was so mean and only liked Australians.	Demotivated	Very bad - didn't want to work	Self-conscious and unwelcomed in Australia.	I felt humiliated and painful from the physical injury. I had to get ultrasound scans done and multiple visits to GP and Chiropractors to fix the injury. I still have ongoing back and shoulder pain from the incident. I am unable to hold my child for more than 5 minutes.	Relieved it was over, but these kinds of incidents affected my self-esteem and trust in others growing up. There were a few like this, which occurred in public places. I did not tell anyone as I did not want my parents to feel upset.	Horrible, alone, helpless, depressed, upset, angry! All the expected emotions from a young kid experiencing bullying.	Extremely frustrated and angry. I felt that due to my appearance at the time, I was targeted. I also felt that my safety was in question everyday going to and from studies as those two males could return.	Very angry. In hindsight I always kicked myself for not being louder and more confident. Guilty I didn't stick up for myself.	I felt completely helpless as the law enforcement wouldn't act immediately despite calling them from the site of the incident.
Report to the police	No	No	No	No	No	Yes	No	No	No	No	Yes
If reported - satisfied with the result?	N/A	N/A	N/A	N/A	N/A	I was not satisfied as it was considered my mistake for touching the other car and also not taking details - photos of the damage and rego.	N/A	N/A	N/A	N/A	Not at all; they asked me to just fill out an online report which to me is just a delaying and non-responsive tactic.
Elaboration on what prevented you from reporting?	Such issues are never addressed appropriately.	No	I would have lost my job.	Never reported to the police because they don't do anything here	I reported the incident to my company instead	I could not provide a lot of details about the car rego etc., and was	I didn't think it was worthy of reporting.	Well, I was obviously in school and I did try to talk to some teachers about this, but they	I didn't believe any real action would be taken by the Police.	Honestly, I always just thought it was normal for being the skin colour that I am. I didn't grow	N/A

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				in Rockhampton		told that I would be liable to cover the damage to the car and litigation costs if I am reported guilty by the other car owner.		Unfortunately heard the bully's story and were influenced by it. However, there was some punishment issued to one student as a result of their bullying towards me. But overall, not much help at all from the school.	In addition, I studied close by to the Southbank train/bus station and I didn't want it to affect my studies or influence people's opinions of me.	up being told that it was wrong and there are legal consequences. Also didn't think it was worth reporting. The idea of "reporting" incidents like this felt too formal and also knew nothing would come of it. It has definitely become normalised and that is issue. People don't know their rights and just how unacceptable it is.	
Who else knew?	No one	Family	Friends	Family friends	Truck owner, ██████████ family, friends.	Social worker, GP	No-one	I didn't report it to my family, my family, in fact found out about it, but I did talk to them about it after they found out.	There were people who witnessed	My manager for the first incident. No one for the other two incidents.	Friends
What was the outcome of the report? (police, family etc)	Didn't report	I talked to my partner and then left that job.	My friends were shocked and said to be careful and get some hard-core evidence next time this happens again.	No outcome from the police. Never got my money back even when reported with full details of the runner.	The company did nothing about the incident, they just ignored it.	No outcome	N/A	They helped me so much and helped peacefully fix and solve the situation between the bullies and me.	N/A	N/A	I didn't fill out the report as I thought that nothing would come out of it. And later, it was just another day of being part of a minority community that can be racially abused without any blowback.
How did the experience of racism make you feel?	Bad	Very bad and as a result of that I'm suffering from various health issues, my mental health is	Feel demotivated	Worse	Not good, unwelcomed	Stateless and homeless. I felt that the Australian general public does not realise	Disappointed and frustrated	Obviously, it isn't a nice memory but even during when it happened and very soon after, it made me much	Unsafe, angry but mostly concerned and anxious.	Angry, and now that I'm older, I have so much regret about how I dealt with things - or, more	I felt completely disgusted and horrified that the QLD police and govt who make all these big promises

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		not good.				that they do not belong to Australia as the native owners. The native owners and custodians are Aboriginals, and if they are not racist, then why are the white folks.		stronger, taught me to stand up for myself, and it's a learning stage in my past (I respect and understand this may not be for everyone and some may still struggle dealing with it). However, at the same time, it makes me disappointed in the lack of help teachers gave and the lack of attention they gave to it when it was happening right in front of their eyes.		accurately, didn't deal with things.	of protecting the community wouldn't act despite calling them from the scene of the incident.
How did it impact the decisions you make?	Now I try to stand against such incidents	N/A	Feels like i should leave job but can't afford at the movement	I always feel inferior now.	I try to avoid busy areas unless absolutely necessary and am very conscious about the road users around me.	I am insecure to use a car or take my child in the car. I prefer public transport with my child.	You become more cynical and wearier towards people	It makes me more aware, conscious of what's going on around me, makes me think twice in any situation, and makes me understand that people who are racist simply lack understanding of our faith/religion/ethnicity, etc. But it makes me stronger and quicker to stick up for people who are being harassed/bullied in any way. It taught me to stick up for myself as well.	Initially, I would meet a friend on the platform and walked to class with them. I sometimes found I would walk the long way to the bus platform, just to avoid that bench.	I was definitely more reserved when it happened as a teenager. However, during university and when I started working, I had "accepted" and understood that sometimes these incidents aren't personal - it's lack of knowledge and education on their part - then I felt more empathy for them.	I have installed a dashcam in my car since our word means nothing to the authorities.
What do you wish you dealt with	Given the guy a befitting reply	-	-	-	That I reported to the police	Yes. The police should have investigated	-	I definitely should've spoken up about it earlier	-	I wish I had spoken to someone about it at Woolworths, the	Immediate action by the cops

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differently?					and that my company should've taken action.	further to get CCTV footage and verified my incident.		and to family or friends. I wish I was stronger and stood up for myself more than what I did. But mainly, I wish the people who did see (the teachers) actually did something about it, especially those I talked to.		tutor, someone else in the company aside from HR. Even a family member or a friend to give some guidance.	
What do you think government, community, and/or community services can do to address racism?	Take the complaint seriously and appropriate actions should be taken rather than just noting down the complaint and doing nothing	They should post about these kind of stories	-	-	Put scribe policies in place, so that people think more carefully before committing racist acts.	There needs to be more awareness about racism and bullying in the general public. People should understand that the native custodians of the land are Aboriginals, and everyone else's ancestors migrated to Australia. Therefore, there is a mix of various races and cultures. People should be educated about the positive aspects of a multicultural society.	People should be encouraged to speak out when they see it. My experience in public spaces has been shocking in that people just sit and watch. There needs to be a culture change.	We need to educate wider communities and schools, especially young people (teens and young adults), about different religious groups and that it's okay if people are other, but it is not okay and not a reason to be targeted. Those of us in different ethnic groups and communities need to make it easier for young people to approach others in their religious/ethnic groups and communities.	Ignorance isn't an excuse. In my opinion, the social awareness and acceptance of people with different identities deters bullying. This is achievable through education at an early stage.	Stronger laws, greater consequences, more awareness in the community, education starting in primary school. Mandatory onboarding for places of employment that address racism and hate crimes.	Make the reporting mechanism efficient and effective. Make it enforceable
Should there be stronger criminal laws about vilification and hate crime?	Yes	-	Yes	-	-	Hate crimes should be dealt with strict punishments, not just fines. Offender's register should	-	Yes, most definitely, people should be charged, or it should be a stronger offence to vilify someone/hate	Yes.	Yes however, unsure of what it would be/ look like. Laws strong enough to deter the everyday person from committing	Yes absolutely. All the people vilified and picked on should be protected under special laws.

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						be made and repeat offenders locked up for their behaviour.		crime. There should be a stronger consequence without a doubt.		racist acts. Something stronger than a fine.	
How do you think laws should deal with online vilification and hate crimes?	Yes	-	Need new app which allow us record incidents on the spot	-	-	Online racism and vilification should be dealt with by actually finding the people making comments and taken to court for that.	-	Better censoring, better monitoring of kids' online activities and what they say to each other (in a hateful or bullying manner), that's how my school found one bully harassing me online. But dealing with it should be through the school and parents.	Legislative requirements for education and awareness of these crimes. How/where/when they occur and what support is available. But also, further legislative requirements on community awareness of people of different faiths/identities.	Stronger social media community guidelines that pick up on hate speech, automatic blocking and banning. AI that can pick up on key words that can trigger online reporting.	The online hate or racial comments that people make should and can be used against them in a court of law for civil or criminal charges (depending on the circumstances).
On what grounds do you think other people should be protected from vilification and hate crimes under the law?	Sex, colour, age	-	-	-	All grounds, age, sex, disability, religion, it is a basic human right that racism should not occur.	Women should be protected no matter what race or the community they belong to. There should be strict laws for offenders attacking women.	-	Yes, and on all grounds, race religion ethnicity, sex gender.	Vilification and hate crimes can occur in any environment, so all grounds.	Yes, on all grounds	Yes, all the classes which are prone to vilification and hate crimes should be protected.

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2. These are stories shared with us during our visits to the Gurdwaras (Sikh place of worship).
 - I. A young Sikh boy was on his way to school on a train. He was reading stuff on his phone when a young caucasian woman started abusing him using foul language. This went on for nearly 10 mins when he got off at the next stop and returned home. Initially, he was shocked that her abuse was directed at him. He could not understand what he had done to deserve this. The other passengers ignored the whole incident. He was upset and felt like he was not part of the Australian community. He is anxious when he has to catch public transport.
 - II. Two Sikh men working as removalists said that they had just helped a family move. The family was not interacting much as they went about lifting their furniture and other house contents into the truck and then off loaded at the new place. As soon as all the stuff was relocated to the new place, the family became very abusive and called them f..... Indians and told them to get out of their house. At one stage, they thought the male family members would get physical and were quite shocked and hurt. They said they were lucky to get paid this time as the money had been paid directly to their boss. When they reported this incident to their boss, he told them to be careful when out and about.
 - III. School children and adults constantly abuse Sikh bus drivers. They are called names, sworn at, and their buses littered with rubbish. When this is reported to their employers, no action is taken that gives them any confidence. The unions are also approached, and again no action to stop this bad behaviour. There is no support or counselling provided to them either. Instead, they call each other to share the story and get some solace by talking to another driver.
 - IV. Sikh Taxi / Uber drivers experience racism on almost a daily basis. They are called names and even injured and their money stolen. They said it was pointless reporting to police as nothing is done even when there is camera footage of the incident. Worse still, they report that their turbans are touched, and rowdy passengers have tried to take them off. To touch a Sikhs turban or beard is very disrespectful, and they are left feeling very hurt and disheartened.
 - V. Another Sikh taxi driver said he had an abusive passenger who was trying to reach and remove his turban. The passenger's language was getting worse, and he was calling him names which he could not repeat. He drove straight to the police station and asked the police to help. He was very disappointed as all the police said they could do was to ask the passenger to pay his fare. The passenger smirked and started swearing again. The police told him to pay and leave. The Sikh taxi driver said he didn't understand why the police did nothing as the passenger had tried to remove his turban and had got physical. He said he was disheartened and has not bothered reporting anything to the police since. Many

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times his and other Sikh drivers fares were not paid, and nobody reported it as the police did nothing.

- VI. Another Uber driver said he had a flat tyre, and he started changing it at a curb. A man from the nearby units came out and started throwing abuse at him. The Sikh driver asked him to let him change the tyre, and he would leave. The abuse got worse, and this man wanted him out of his area now! Other people came out of the units and said nothing. This made the man yell louder, and the language got worse. As the Sikh driver went to put the new tyre on, he was struck from the back, and he fell. Somebody called the police, and an ambulance arrived. The ambulance cleared him of any serious injury, and the police asked him to change the tyre quickly and leave. No action was taken against the man. The Sikh driver was very disappointed, and his frustration was evident as he shared his story.
- VII. A couple of ladies spoke of their work in elderly care homes. They said they are given shifts, and they are unable to negotiate work times like their Caucasian colleagues. They are not allowed to have tea breaks and have to report back early from lunch sometimes to let the other staff have longer breaks. They are called names and accused of not doing their job properly by their co-workers. The management is in on this, so they cannot report to anyone. They have to keep working as the mortgage has to be paid and need food on the table for the family.
- VIII. Many parents talked about their children being bullied at school. Their sons have long hair (Sikhs do not cut their hair), and older boys call them girls. The teachers had been approached, and there was not much help there. Most of this occurs in the playground. Sikh boys wear a head covering called a patka, which keeps their hair neat and tidy. Other children make attempts to remove the patkas, and fights start. Sometimes the parents approach the schools and other times they don't as not much help is provided. One parent said she had to stand up for her child as another parent in the school was picking on him! Some parents said that they feel something is not right, and the children don't tell them what is wrong at school. Bullying is an immense issue for Sikh children, and education institutes have not addressed this.
- IX. Children who spoke to us told us of name-calling, staring, and sometimes jostling by other children in the school. They have reported to the teachers, but they do nothing. They are frustrated and don't always tell their parents as the parents are telling them to stand up for themselves or will go to school and this, in turn, makes it worse for them as they are then labelled a "dobber", weak, mummy's boy etc. They feel hurt by such behaviours as they want to be friends with everyone and not be picked on.

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████████████████████ - Director, Sikh Nishkam Society of Australia

████████████████████ - Sikh Community Youth Leader

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Dated: 12th July 2021

Appendix 1

All 18 recommendations from the Cohesive Communities Coalition - Legal Sub-group

Options for Reform on Serious Vilification and Hate crime in Queensland

Summary of Recommendations (18)

1. Use the principles of legal effectiveness outlined in our paper as a framework to measure the effectiveness of law reform in the area of hate crime and vilification.
2. Introduce a statutory aggravation regarding hate/bias into the *Criminal Code Act 1899* (QLD) and *Summary Offences Act 2005* (QLD) to apply to criminal conduct.
3. Adopt a harm-based test for determining this hate/bias aggravation that does not rely on establishing the perpetrator's state of mind. We have recommended a statutory hate/bias aggravation to apply where the criminal conduct
 - a. expresses hate; incites hatred, serious contempt, or severe ridicule, or directly discriminates against a group identified based on a protected characteristic; and
 - b. is reasonably likely to cause a person from a group, identified on the basis of that protected attribute, to have a reasonable fear for their safety or security of property.

Both parts consider the conduct and its effects on the victim and victim group, acknowledging the corrosive impact of hate crime on social worth, equality, belonging, inclusion, participation and cohesion.

4. Specify penalties for this form of aggravated criminal conduct in the Criminal Code regarding each base offence, including public nuisance, Willful Damage (property), Threatening violence, stalking, armed to cause fear, Assault and Grievous Bodily Harm, Deprivation of liberty.
5. Include a general provision regarding aggravation in the Criminal Code to allow for judicial discretion where police have not identified the aggravation but a judge considers it to be appropriate.
6. Mandate police to mark it as a hate crime on the first charge sheet where the aggravation is present.
7. Specify in the Criminal Code that when a crime is done for hate and another reason, it should still be considered a hate crime (per the UK legislation).
8. Continue to allow judges to consider sentencing considerations regarding circumstances of the offender or offending but that the crime still be labelled as a hate crime if it fulfils the aggravation threshold, providing that essential recognition to the community.
9. Expand the attributes protected by the *Anti-Discrimination Act 1991* (Qld) to include ethnicity, national origin, disability and gender, acknowledging that vulnerabilities exist across these domains and can be difficult to separate in a hate crime.

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- 10.** Increase section 131A's penalty to 3 years and financial element, remove the Crown Law officer approval requirement, move it from the Anti-Discrimination Act to the Criminal Code to heighten its visibility, and revisit its effectiveness in a few years.
- 11.** Introduce a new standalone criminal offence for publishing or distributing material that stirs up, maintains or normalises hatred, with regard for the New Zealand Government's proposal, and compares existing legislation in the United Kingdom and Western Australia. We recommend that the Committee consider how this legislation could be focused on actors engaged in the most dangerous forms of hate. To connect the offence to endangerment, the test could include intent to cause a person from a group, identified on the basis of that protected attribute, to have a reasonable fear for their safety or security of property.
- 12.** Consider the need for a statutory defence to such a new criminal offence to provide explicit protection for legitimate free speech, in line with the exceptions provided to section 124A of the Anti-Discrimination Act.
- 13.** Consider non-criminal options for enhancing enforcement of existing incitement to hatred laws, such as giving the Queensland Human Rights Commission additional powers to issue notices to platforms or to investigate complaints and issue fines.
- 14.** Introduce a new species of Order, created along the same lines as a Peace and Good Behaviour Order or Domestic Violence Order, to address behaviour that falls short of criminal offences, but which if repeated, a breach of the order of the court is penalised. We propose that such an order could protect:
 - a.** A previously targeted individual or group
 - b.** Culturally or religiously significant place (e.g., place of worship)
- 15.** Develop a restorative justice strategy in relation to hate crimes in consultation with affected communities.
- 16.** Invest in diversion options and community justice conferencing options for hate crime offenders and encourage academic partnerships that evaluate these initiatives to allow for improvement over time.
- 17.** Legislate a hate crime scrutiny panel involving police and community advocates as an ongoing mutual education process to guide improvements in practice and increase communication on high impact cases.
- 18.** Support specialist advocacy services or a legal clinic dedicated to hate crime, human rights, discrimination and vilification for CALD clients of limited socio-economic means. Additionally, private lawyer expertise in this field should be identified to make it easier for community members to seek advice.

Appendix 2

List of all Gurdwaras and their address

1. **Burbank Gurdwara** - 1257 Mount Gravatt Capalaba Rd, Burbank QLD 4156
2. **Brisbane Sikh Temple** - 2679 Logan Rd, Eight Mile Plains QLD 4113
3. **Guru Nanak Sikh Temple (Gurdwara) Inala Inc** - 16 Rosemary St, Inala QLD 4077
4. **Toowoomba Sikh temple and Community Centre** - 534 Anzac Avenue Drayton QILD 4350
5. **Singh Sabha Brisbane Taigum** - 101 Lemke Rd, Taigum QLD 4018