

Serious vilification and hate crimes

Submission to the Legal Affairs and Safety Committee, Queensland Parliament

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Name of organisation (include branch etc. if relevant): Rainbow on the Reef Ltd

What we know about vilification and hate crimes

Rainbow On the Reef is based in Gladstone, Central QLD, and was recently established as a non-for-profit, company limited by guarantee with charitable purpose with the objective to cultivate a culture of pride in identity and diversity that empowers the LGBTQIA+ community.

Whilst Rainbow on the Reef has only recently been established (1 July 2021), through our community meetings (fortnightly since April 2021) and discussions on this inquiry, LGBTQIA+ persons from the regional have opened up about some of their experiences in Queensland.

For our community here, this has included physical assault, verbal threats and intimidation, harassment and denial of access to public utilities and services. From a whole-of-community perspective, this has negatively impacted the community and led to self-censorship, feeling of not belonging, changes in behaviours, sense of loneliness and isolation, and a fear of being out.

Younger members of our community have also informed us of some of the activities which are taking place in the local schools, such as the hanging of a purple paper person on wear it purple day (a day to celebrate LGTBQIA+ youth) in addition to homophobic language. It is also reported that men have non-consensually touched and restrained members of our community in public venues over the past couple of years.

Of particular concern is the treatment of one of our trans women who has reported the following experiences occurring over the past 4 years, some within the past 3 months: physical assault for being trans in a nightclub, consistent deadnaming in her place of work, refusal of access to the women's toilets at venues, harassment for using women's toilets, refusal of access to gender affirming healthcare, and a public harassment campaign. She was barred from a venue for using the women's toilets, despite identifying as a woman, and then publicly told not to use them at a later date despite having a letter from her doctor stating she is female. This has caused her significant distress. More details are in the video interviews with her.

The effectiveness of current legal protections for vilification and hate crimes in Queensland

It appears that there is a lack of awareness of the legal protections offered to members of our community, in particular that gender identity is a protected attribute. We have reports that in cases of physical violence, police have offered to assist. In other cases, especially with respect to denial of access to services, no system of recourse has been affective for the impacted persons.

Seeking legal assistance often comes with a cost that may be prohibitive. It is also unclear whether local services are informed on the rights of the LGBTQIA+ community. There is certainly some indication that they may not be prepared. The services offered in regional areas may be much more limited than what may be offered in South-East Queensland.

It is hard for the legal protections to be effective if they are unknown and if the cost of accessing them is prohibitive.

Our position on future vilification and hate crime laws

We have received feedback that including LGTBQIA+ education and history in schools would assist in combatting vilification and hate crimes for our community here.

Education of the broader community is also required, especially public venues which have particularly been a place of concern.

We submit that people should be protected from vilification and hate crimes on the grounds of disability, sex and age in addition to race, religion, sexuality or gender identity. There are those in our community who have been worse affected who have more than one of the attributes. Such intersectionality may have exposed some parts of our community to increased levels of vilification.