




Speech By
Jason Hunt

MEMBER FOR CALOUNDRA

Record of Proceedings, 18 August 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr HUNT** (Caloundra—ALP) (3.03 pm): I rise to speak briefly about one of the most interesting and engaging committee processes I have been involved with. In the words of American author and feminist Audre Lorde—

It is not differences that divide us. It is our inability to recognise, accept, and celebrate those differences.

Report No. 22 is titled *Inquiry into serious vilification and hate crimes*. As always—and as is right and proper with a report of this nature—the committee approached this with a collegiate mindset, and the secretariat worked even harder than usual on this report. Thanks go to the chair, Peter Russo, the member for Toohey; the member for Cooper, Jonty Bush; the member for Noosa, Sandy Bolton; the member for Currumbin, Laura Gerber; and the member for Glass House, Andrew Powell.

The manner of consultation was extremely broad, with regular hearings, written submissions and, on this occasion, video submissions from a vast array of stakeholders. The committee also held four public hearings in Brisbane: on 3 September, attended by 35 witnesses representing 15 organisations; on 9 September, with 32 witnesses representing 19 organisations; on 10 September, with 15 witnesses representing nine organisations; and on 15 October, attended by three witnesses representing a single organisation. All outlined their own experiences with not only instances of hate speech but also how the machinery of state responded to these instances. It must be said that the response was not always ideal, if there was a response at all.

The report outlines that ‘hate crimes are criminal acts committed with a bias motive’. The bias motive element of a hate crime means that the perpetrator intentionally chose the target of the crime or their property because of some protected characteristic. A protected characteristic is a characteristic shared by a group such as a race, language, religion, ethnicity, nationality or any other similar common factor such as sexual orientation or being transgender. To be considered a hate crime, the act must be a criminal offence such as intimidation, threats, property damage, assault or murder.

A stakeholder explained how a hate crime differs from a crime without a bias motive. A person may spit on another person just because they do not like a person. That is a quite different thing from it being targeted at a person because of a personal characteristic such as their race, their disability or some other characteristic. It is always the distinguishing feature to keep in mind. This is about conduct that has a link to a personal characteristic that a person cannot control and is an expression of some sort of contempt, hatred, disgust or some other form of prejudice based behaviour.

Some of the testimony was difficult to hear. The Queensland Jewish Board of Deputies described one such instance when a representative said—

Only six days ago a member of our community was walking with his young son to the Brisbane Synagogue. He was abused by someone shouting ‘Heil Hitler’ and giving him the Nazi salute.

When approached, the perpetrator attacked and punched the Jewish man simply because he was identified as Jewish as he was wearing a yarmulke. That this is still happening in this day and age absolutely beggars belief. Thus, I am very proud of recommendation 16. The committee considers that the display of symbols of hate such as the Nazi swastika and symbols of ISIS ideology should be banned. These hate symbols can cause distress to Queenslanders, particularly those from persecuted communities. The committee stresses that such a ban should include exceptions so that, for example, symbols of Hinduism, Buddhism and Jainism are not inadvertently prohibited.

Across a broader front, recommendation 4 seeks to ensure that anti-vilification provisions will be applied to cover race, religion, gender and/or sex, sexual orientation, gender identity or gender expression, sex characteristics and/or intersex status, disability and medical status including HIV status. I am hopeful and confident that all 17 recommendations will go some way towards addressing these levels of insecurity and the disciples of hate that grow from them, but it needs to be acknowledged that we are certainly swimming upstream against a pooling of ignorance that occurs on social media and on the darknet. Time will not allow me to speak adequately about the required legal changes, but that will be explored and recommended. I look forward to unpacking that further when we speak directly to the bill at a later date.