




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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**CRIMINAL CODE (SERIOUS VILIFICATION AND HATE CRIMES) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (4.56 pm): I rise to address the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 220. In doing so, I want to start by associating myself with the words of many in this chamber and express dismay at what is currently occurring and unfolding in Israel and to condemn the terrorist actions of Hamas. I want to commend the member for Chatsworth in particular for his ongoing role with the Parliamentary Friends of Israel and for hosting the event here in parliament the other night. As a student of history, I guess I have a fear, more than anything, that these kinds of conflicts have an ability to become bigger and more devastating than we can ever imagine, and it is my hope and my prayer that that is not the case in this instance—that the tragic loss of life can end sooner rather than later and we can go back to a peaceful coexistence not only there but also across the world.

As others in the LNP have said, we completely and utterly condemn vilification and hate crimes. As a former member of the Legal Affairs and Safety Committee alongside the member for Currumbin, I was involved in the original report that has led to this legislation. In my contribution on the committee report I explained that, thanks to the upbringing my parents provided me, I have never understood—never understood—how someone could vilify someone else or express, using words or action, a form of hate that would require this kind of legislation. To me, it still defies belief that these things occur, but as we heard on that committee, and no doubt the committee heard again as they were considering this legislation, sadly those kind of actions continue, those kind of words, those kind of thoughts and belief practices still exist, and therefore it requires this legislation.

I know that others have said—the committee certainly said it in their original report—that alongside legislative reform there needs to be ongoing education—education of the broader community around what is acceptable but also education of the community, including multicultural communities, around the existing laws and how they can be used when instances like this occur.

There was certainly lot of discussion around the fact that laws did exist that the police and prosecutors could have used with regard to those individuals who have perpetrated some of these heinous crimes previously. What was clear was some were convoluted. As we are discussing today, one required special approval to use it. This bill will address that by removing that requirement. Other times it was a case that it was far easier to prosecute using another piece of the Criminal Code than to use the one that might have determined a more serious outcome where vilification and hate crime were involved. Having said that, what we are now debating today is a change to the law to strengthen it around serious vilification and hate crime, and the LNP and I support that. I would point out, as I suspect a number of others have, we have to do this whilst balancing it with freedom of expression.

I do want to share one interaction I had with a concerned community member within the Glass House electorate. He came to me when he heard these laws were being considered and was quite concerned that it would curtail his freedom of expression. I went to great lengths calling up the legislation that currently exists and calling up this legislation to explain to him the high bar that is required to be

met for a prosecution to occur under the existing legislation and this changed legislation. I think it is important that there is a high bar. Again, please do not get me wrong; I am not condoning vilification or hate crime in the slightest, but to get the balance right we need to make sure it is a high bar and it is an act that is worthy of these kinds of penalties.

I must admit I probably did not convince that constituent that we were getting the balance right and I suspect there are many in the community who may feel it is tenuous. I again say that having witnessed and heard some harrowing stories as part of that committee, there is no question that we as legislators need to ensure we have the right laws to stamp this out. Serious vilification, hate crime, cannot continue, cannot be condoned and cannot be seen to be occurring in Queensland. We are better than that. We really are.

I do want to pick up on the primary concern that I and the shadow minister and others in the LNP have had. It was picked up also by the committee in their report. It is around the protected attributes. It was the one that most stakeholders had some concern with. Bear with me while I note the committee's comment in this area. It stated—

The committee notes that the protected attributes included in the Bill were broadly supported by submitters. Submitters also raised a wide range of other attributes they would like to see included in the protected attributes in the Bill such as age, disability, impairment, HIV/AIDS status, homelessness, sex, sex work and sex worker and other attributes set out in s 7 of the AD Act.

The committee notes with approval the criteria of demonstrable need, additional harm and suitability in selecting additional attributes to be protected.

On the basis of these criteria, the committee is of the view that it would be appropriate to include age and impairment (including both disability and HIV/AIDS status) as additional protected attributes. This is particularly the case where these attributes are already protected under the current AD Act.

The committee recommends that the Queensland Government considers, as part of its review of the AD Act, the inclusion of additional protected attributes in relation to ss 124A and 131A of the AD Act (vilification and serious vilification), s 52B of the Criminal Code (circumstance of aggravation) and s 52C of the Criminal Code (prohibited symbols).

In relation to crimes committed on the basis of mistaken or false beliefs or stereotypes related to protected attributes, the committee is satisfied that this will be captured in relation to circumstances of aggravation by the inclusion of the term 'presumed' in s 52B of the Criminal Code. The committee is also of the view that such circumstances may also be captured under s 52B where the offender can be shown to be 'partly' motivated by hatred or serious contempt based on a protected attribute.

What we are doing is moving certain sections from the Anti-Discrimination Act into the Criminal Code. The committee has picked up that there is a number of protected attributes that will be falling through the cracks. The department said we will capture those as part of a broader review into the Anti-Discrimination Act. Given that is not progressing as quickly as I think many would hope, there is a concern that disability and age in particular are two areas that will fall through the cracks in the meantime. It is interesting—and I think others will potentially raise this when we get to consideration in detail—that the government has chosen not to address that recommendation of the committee. To be blunt, it beggars belief why that would be the case. It seemed a fairly simple addition and a very sensible one at that given the serious consideration that was given by the committee of this matter. I look forward to the closing remarks of the minister. I appreciate the minister will be doing it on behalf of another minister. I would be very keen to hear if there is an explanation as to why that was not the case.

I will leave my remarks at that. I commend those on the committee who have now looked at this matter twice—first, more broadly and, secondly, in relation to this specific legislation. I know from my personal experience on that first committee that dealing with some of the stories was quite challenging but nowhere near as challenging as being the individual to which those realities actually occurred. It is those realities that we have a responsibility to ensure do not happen.

I call on all members in this chamber and I call on all members of the community to do what they can to continue to educate those around them that whilst we can have differences of opinion, we can express those differences of opinion. Let's use words that are meaningful, not hurtful, that are in a form of respectful debate, that are not designed to bring others down and certainly do not vilify or harm.