




Speech By  
**Charis Mullen**

**MEMBER FOR JORDAN**

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

 **Mrs MULLEN** (Jordan—ALP) (6.41 pm): The former secretary-general of the United Nations, Ban Ki-moon, once said something that has always stuck with me, and I think it has a particular resonance following the contribution of the previous speaker. Ban Ki-moon said that defeating racism, tribalism, intolerance and all forms of discrimination will liberate us all, victim and perpetrator alike. I am very proud to rise and speak in support of this important bill, the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023. I would like to thank the Legal Affairs and Safety Committee for their significant work, not only on this bill, but on the inquiry into serious vilification and hate crimes in Queensland. That report did not make for light reading, and that is the point, because it certainly shone a light on some of the more hateful behaviour that so many in our community face each and every day.

Many Queenslanders are subject to vilification, and some to serious vilification and hate crimes. These Queenslanders include people from culturally and linguistically diverse backgrounds, people with disabilities, Aboriginal and Torres Strait Islander peoples and members of the LGBTIQ+ community. Vilification and hate crimes occur online and in a wide range of physical settings throughout our state such as on public transport, on the street, in the workplace, shops or schools. The descriptions that were provided by so many on the nature and extent of hate crimes and vilification faced by members of the community captured only part of the story. The ongoing impacts are much deeper. A sample provided to the committee expressed the following—

The victims of vilification and hate crimes are left being intimidated, vulnerable, in fear of their own safety and the safety of their families and they often feel like an outsider—feeling as though they do not belong in the Queensland community. The psychological impacts of these experiences leave victims with ongoing trauma.

Or this—

The impact of racial vilification or hate crimes is a far-reaching consequence. It instils a sense of nonbelonging for victims and it 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 ... 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 are heartbreaking words.

When I was at school, I had to do a project on multiculturalism. The focus of my project was on my own family’s experience of living in multicultural Australia. My mother came to Australia in 1959. As a 10-year-old girl who was displaced from her homeland, she faced terrible racism—constantly being told to go home, having her hair pulled, being punched and being described in terrible terms. My father came to Australia in 1969 as an older student. His experience was slightly better, but he still faced significant discrimination and he was often ridiculed for the way he expressed himself, English not being his first language. In 1989, my experience as someone of Greek heritage was, at times, difficult. There

is a particular word that was used to describe those of Greek or Italian descent and I was often called that when I was growing up. It was hurtful, it made me feel like I did not belong and it also made me turn against my own culture. I recall it was around 1989 that a TV show called *Acropolis Now* was able to take those hateful words, the stereotypes and the cultural cringe and completely own it, subvert it and make it kind of cool. I cannot tell you what a relief that was for this Greek girl.

For some, there is not relief; there is continued anger, pain, humiliation, insecurity and anxiety and it will not be easy to counter. It will require a multifaceted and concerted approach to combat the type of thinking and behaviour—much of it learnt—which manifests in serious vilification and hate crimes. In 1989, I did not have to worry about social media. The online platforms that are now available to those who seek to behave in this abhorrent way, mostly in the anonymity of the internet and without accountability, makes it even harder to counter. I am pleased, however, that as difficult as it is, we recognise that it needs to be addressed. As the committee has recommended, it is important that our government work with the Commonwealth government and other states and territories on ways to address this, including legal enforcement, where there is evidence of online vilification.

The bill before us has some important provisions that will make an important difference in addressing serious vilification and hate crimes. The bill amends the Anti-Discrimination Act 1991 to increase the existing penalty for the offence under 131A, the vilification of serious racial, religious, sexuality or gender identity vilification. The bill also inserts a new section 52B into the Criminal Code that introduces circumstances of aggravation for prescribed offences where the offender was wholly or partly motivated to commit the offence by hatred or serious contempt for a person or group of persons based on actual or presumed race, religion, sexuality, sex characteristics or gender identity. Importantly, the following offences are prescribed in the Criminal Code: going armed as to cause fear; threatening violence; disturbing religious worship; common assault; assault occasioning bodily harm; threats; unlawful stalking; intimidation, harassment, or abuse; and wilful damage.

The other important area which has been canvassed broadly has been the new section 52D—‘Display, distribution or publication of prohibited symbols’—into the Criminal Code. This provision will prohibit the public display, public distribution or publication of a prohibited symbol ‘in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended’ ‘unless the person has a reasonable excuse’. Prohibited symbols will be a symbol or image that is proscribed by regulation. Critically, under section 52C(3), the minister responsible for administering the Criminal Code may, after consultation with the Crime and Corruption Commission, Queensland Police Service and the Queensland Human Rights Commission, recommend the Governor in Council make a regulation proscribing a prohibited symbol. This can only be done if the minister is satisfied that the symbol or image is widely known by the public, or by members of a relevant group, ‘as being solely or substantially representative of an ideology of extreme prejudice against a relevant group’.

Whilst the bill does not prohibit a specific symbol, it is rightly anticipated that symbols relating to Nazi ideology will ultimately be proscribed. This recognises that swastika symbols have a profound meaning in some religions including Hinduism, Buddhism and Jainism. The new laws will allow these symbols to be used in these respectful circumstances, but it will prevent them from being used as a symbol of hate. This speaks also to the reasonable excuse provision in the bill, which recognises that a person will not commit the offence if they engaged in conduct for a genuine, artistic, religious, educational, historical, legal, law enforcement or public interest purpose, or to oppose the ideology represented by that prohibited symbol. The offence captures a broad range of circumstances, including the public display of tattoos, and, importantly, the public distribution or publication of prohibited symbols online.

Depictions of hate symbols have no place in Queensland. As a community we cannot tolerate the deliberate use of these symbols to cause fear or to promote hatred towards our communities. Make no mistake, we are seeing the rise of right-wing extremist groups, sadly sometimes fuelled by legitimate political parties whose very existence thrives on fear, division and deliberate misinformation. I am pleased that our government is taking this important step in the banning of hate symbols, and I would like to congratulate the Attorney-General and Minister for Justice on progressing this law. For those who have expressed concerns about the impact of the prohibition of hate symbols on freedom of expression, I quote the words of the parliamentary report that points out that ‘human rights are not absolute and that freedom of expression must be balanced against the rights of equality and non-discrimination, freedom of religion and cultural rights’. I believe that the proposed new section 52D strikes the right balance between these competing rights.

I am fortunate to represent a diverse electorate where I am honoured to be invited to many multicultural and religious events. In the past month alone I have attended a Filipino festival, a Sri Lankan cultural program and an Indian festival, all celebrating the beautiful and rich cultures of these

communities. At these events I always say that the diversity of Queensland is its greatest strength, and I truly believe that. Our government is committed to a Queensland that is harmonious, fair and inclusive and where individuals or groups are not vilified based on their race, religion, language, ethnicity, nationality, sexual orientation or gender. The laws proposed today make that commitment even more possible. I commend the bill to the House.