




Speech By
James Martin

MEMBER FOR STRETTON

Record of Proceedings, 11 October 2023

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

 **Mr MARTIN** (Stretton—ALP) (4.40 pm): I rise to support the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill. The bill amends the Anti-Discrimination Act 1991, the Criminal Code, the Police Powers and Responsibilities Act and the Summary Offences Act. I start by acknowledging all of the multicultural Queenslanders who contributed to this legislation. The reforms are a direct result of their hard work and advocacy. Sharing their experiences of hatred and vilification can be difficult, so I thank all of those community members who shared their stories.

I want to single out a few people in particular and acknowledge their contribution to this bill. The first is Clement Sham, the President of the Queensland Chinese Forum. He is known to many members of this House. He is also the principal solicitor at Firths lawyers here in Queensland. He stated that 'this bill isn't just another law, it's the real beginning to advance multiculturalism'. Ali Kadri, the CEO of the Islamic College of Brisbane, which is located in the Stretton electorate, and a member of the Cohesive Communities Coalition, said—

When it comes to vilification and racism people can often ignore it unless it is violent or calls for violence. But words can often cut deeper and are much harder to heal than a bruise. These laws will help us ensure our society is free of racial vilification and treat it as it should be treated—as a crime.

Christine Castley, the CEO of Multicultural Australia, said—

This Bill will have real impact and it will change lives for the better. It will send a clear message that everyone has the right to be safe and that, as a Queensland community, we stand together to stand up for your right to live your life without fear that you will be harmed or vilified because of your race, faith or cultural background.

I want to mention the contribution of the former member for Stretton, Duncan Pegg. Some members in this place might remember an adjournment speech Duncan gave back in 2021 about an incident that happened in Sunnybank Hills. Members would know that Duncan liked to say on every occasion that he was proud to be the member for the most multicultural electorate. He said it all the time. I have tried to ease off a little bit, but I am still very proud of it.

Mr Russo: Can you verify that last statement?

Mr MARTIN: I can verify it. He was open to the fact that, even though we have a very successful multicultural electorate, sometimes people in Stretton do the wrong thing. A disturbing incident happened when a resident of Sunnybank Hills put highly offensive signs on their front fence. Essentially they were Islamophobic and were attacking the Muslim community. There was a picture of a pig with words like: 'Bikini or burqa? Your choice'; the word 'Islamic' crossed out; 'Islamic is un-Australian'; 'Our culture, not yours!'; and a big sign on their fence that said 'Ban Islam'. Duncan reported that to the police at the time. Unfortunately, the police attended and then came back to the electorate office and

said that what they had put up was not a criminal offence. Duncan spoke about that in this place. He said—

I reported the incident to police a month ago and I have been following up on the investigation. Unfortunately, none of these signs and stickers have been removed as yet. I hope that will happen very soon. Quite frankly, if it does not breach the law, we need to change the laws on racial and religious vilification and hatred because, in my view, this very clearly meets that criteria.

I think Duncan would be very happy that we have seen this legislation through.

I have mentioned a few of the community members who have contributed to this legislation. I would like to thank everyone who contributed their experiences and also their expertise. Too many members of our diverse communities continue to experience the negative impacts of hatred and bias, which is why we need laws that adequately protect our communities. We need to make it clear that racial vilification has no place in Queensland and no place in Australia.

Our hate crimes and vilification frameworks must reflect modern community standards and reflect the wonderful diversity of which we are all so proud. Hatred and bigotry in all of their forms must be called out and stamped out at every opportunity. The Palaszczuk government is committed to doing that by strengthening and protecting the rights of every Queenslanders, no matter who they are or where they come from.

Multiculturalism benefits all of us. The diversity that it brings is a strength to my local area and it is a strength to the whole of Queensland. Our multicultural communities are made up of fantastic, hardworking people of many different backgrounds, cultures and religions. People have come from all over the world to settle in our vibrant, diverse and multicultural community. In the suburbs of Stretton, that is so evident. In fact, the Stretton electorate has the highest proportion of people who speak a language other than English at home. These are people who value hard work, family and, importantly, education. This can be seen in the Census figures. Along with the diverse range of backgrounds and languages, the people in Stretton outperform the Queensland average when it comes to higher education.

For many in my local area, the journey here was about securing a better life, and that is true of so many people I know in Stretton. They are people from many different backgrounds. So many of them tell me the same story. They tell me how proud they are of their children, that they are doing well in school, and that they have ambitions and hopes for their kids. It is a place where I see multiculturalism working, and it is a place where people of all different backgrounds can come together to celebrate each other's cultures.

However, as I said, unfortunately, there are some people who do not do the right thing. Even in the electorate of Stretton, people can be targeted simply because of the colour of their skin or their religion, and that is why we need laws to deal with serious vilification and hate crimes. These changes do not unfairly or unreasonably affect people's free speech. Ultimately, everyone accepts some limitations on speech. A notable example of this is defamation laws which balance people's right to protect their reputation from unfair attack. Like defamation laws, racial vilification laws have also been around for a long time. The changes in this bill simply update and reflect the community standards of our growing multicultural community.

We often talk about Australia being a harmonious multicultural country. There is great value in this and it is something we should protect, but we cannot take it for granted. We must keep working on it. We do not want to go down the route of disharmony where communities become more and more polarised, which we have seen in other countries around the world. More importantly, we do not want a situation where people get blamed for all of the problems of the world because of their religion or the colour of their skin.

The changes in this bill are proportionate and in response to a real concern. The new laws in this bill will increase the maximum penalties for hate crimes, make it easier to prosecute vilification and ban the public display of hate symbols. I thank the former attorney-general and now Minister for Health, as well as the Legal Affairs and Safety Committee for their work on this legislation. Following their extensive inquiry, the Legal Affairs and Safety Committee made a number of recommendations to the Palaszczuk government which are either supported or supported in principle. This legislation implements four of the committee's recommendations. The first recommendation is to remove the requirement for Crown Law officer consent to prosecute under section 131A of the Anti-Discrimination Act. The second recommendation is to introduce a statutory aggravation regarding hate and serious vilification. The third recommendation is to relocate the offence of serious vilification to the Criminal Code. The fourth recommendation is to prohibit the display of hate symbols. These amendments will make it easier to prosecute vilification and hate crimes while increasing available maximum penalties to better reflect the long-lasting impact these offences can and do have on their victims.

The bill removes the requirement that the consent of the Attorney-General or Director of Public Prosecutions must be obtained before a proceeding can be commenced under section 131A of the Anti-Discrimination Act, and also relocates the provision to the Criminal Code. Furthermore, there are increased maximum penalties for serious vilifications from six months imprisonment to three years, and this better reflects the seriousness of the offence and the community expectations. It also allows telecommunication warrants to be issued under federal legislation so that police can more easily establish who is responsible for online offending.

The bill also adds a circumstance of aggravation to the offences of going armed as to cause fear, threatening violence, disturbing religious worship, common assault, assault occasioning bodily harm, threats, unlawful stalking, intimidation, harassment or abuse, wilful damage, public nuisance and trespass. This circumstance of aggravation will increase the maximum penalty where the offender is motivated, wholly or partly, by hatred or serious contempt for someone or a group of people based on their race, religion, sexuality, sex characteristics or gender identity.

I am very happy we have seen this bill through from the speech that Duncan made back in 2021 to today. I am very happy to support this bill and commend it to the House.