




Speech By
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MEMBER FOR COOPER

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

 **Ms BUSH** (Cooper—ALP) (3.32 pm): I rise to make a contribution to the serious vilification bill. I am really pleased with the work that our committee has done in this space both on this particular bill and on our report No. 22, which followed the public inquiry we held into hate crime and vilification. Through those hearings we heard, regrettably, how extremists and hate groups are on the rise in Australia and around the world, leading to an increase in hate speech, which in turn leads to an increase in hate crime. We have witnessed that particularly since COVID-19 and it has regrettably continued.

The threat assessment by the Australian Security Intelligence Organisation in February 2020 was that the terrorism threat in Australia now includes a growing and more organised right-wing extremist threat. Anti-discrimination legislation plays such an important role in setting the standards of behaviour and in providing avenues for recognition and redress for unacceptable conduct. Thanks to this government, Queensland now has some of the strongest responses to prevent and respond to hate crime and vilification.

Our committee undertook a comprehensive parliamentary inquiry at the end of 2021, hearing from those impacted and their advocates right throughout the state. Our committee tabled its report in January 2022, making 17 recommendations covering areas like strengthening protections for victims, expanding the range of behaviours that could be considered hate crimes, exploring restorative justice strategies for greater victim participation and public education campaigns.

This bill legislates four of those recommendations: recommendation 7 to remove the requirement for Crown Law officer consent to prosecute under section 131A of the Anti-Discrimination Act; recommendation 8 to introduce a statutory aggravation regarding hate and serious vilification; recommendation 9 to relocate the offence of serious vilification to the Criminal Code; and recommendation 16 to prohibit the display of hate symbols. Collectively, these amendments will make it easier to prosecute vilification and hate crime while increasing the available maximum penalties to better reflect the long-lasting impact that these offences have on their victims.

I would like to start my contribution on an amendment that clearly demonstrates our government's commitment to categorising and treating hate crime as the serious and violent hate crime it is. The relocation of section 131A, the offence of serious racial, religious, sexuality or gender identity vilification, from the Anti-Discrimination Act to the Criminal Code signals clearly to investigators and prosecutors that this is no longer a civil but a criminal act. As the Queensland Human Rights Commissioner advised the committee in our report 22, it will be a means of increasing police awareness and use of the offence and it will offer victims the recognition they told us they needed.

Secondly, the bill removes the requirement that the consent of the Attorney-General or the Director of Public Prosecutions must be obtained before a proceeding can be commenced while also relocating the provision. These amendments were generally supported by submitters, with Full Stop Australia suggesting this would remove an administrative bottleneck for the prosecution of serious vilification offences which will hopefully allow such offences to be dealt with more expeditiously.

I want to talk about sentencing because sentencing of offenders serves many purposes. It gives recognition to victims harmed. Sentencing can be a specific or a general deterrent. It can also be a public denunciation of the act. This bill addresses recommendation 8 in our report, increasing the available maximum sentence for these types of crimes from six months imprisonment to three years. This better reflects the seriousness of the offence and the impact these offences have on their victims. It also better reflects community condemnation of these types of crimes, recognising that vilification and harassment of others based on characteristics of sex, gender, race, religion, sexual preference or any other protected attribute has no place in Queensland.

This amendment enables telecommunication warrants to be issued under federal legislation. As our committee noted in report No. 22, a serious contravention of a law under the Telecommunications Act is limited to offences for which there is a maximum penalty of at least three years imprisonment. This amendment will allow the Queensland Police Service to apply for a stored communications warrant when investigating a suspected breach. Additionally, the amendments add 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 partially, by hatred or serious contempt for someone or a group of people based on their race, religion, sexuality, sex characteristics or gender identity.

In relation to the advancement of recommendation 16, we have had recent examples of individuals and groups of people displaying Nazi salutes or Nazi symbols or paraphernalia. I think most of us would agree that the deliberate display of what are objectively hateful and triggering symbols is an intentional act of violence against others. Not only does it have no place in Queensland, but every step should be taken to allow law enforcement to prosecute those involved, and that is what this bill will achieve.

The offence will carry a maximum penalty of six months imprisonment. Unlike other jurisdictions that have specified prohibited symbols in legislation, our framework will proscribe symbols by regulation. This will mean that our laws can cover a broader range of hate symbols and will be able to respond to new symbols or hate movements if they, unfortunately, do emerge.

During our committee hearings there was a lot of consideration given to this aspect of the bill and the granting of the powers to the minister to prescribe via regulation what would constitute hate symbols. The bill requires that before proscribing a symbol, the minister must consult with the CCC, the Queensland Human Rights Commission and the Police Service. The minister must also be satisfied that the symbol is widely known by the public or by members of a relevant group as representing ideology of extreme prejudice.

The offence is intended to capture a broad range of circumstances. There is also a non-exhaustive list of excuses to the offence including if the display or distribution is for genuine artistic, religious, educational, historical, legal or law enforcement purposes; a public interest purpose; or to oppose the ideology represented by the prohibited symbol. While the bill does not proscribe a prohibited symbol, we have announced our intention to ban symbols related to Nazi and ISIS ideology.

Finally, I want to acknowledge the advocacy and the tenacity of all of the stakeholders throughout Queensland who have made contributions both to these bills and to the cause over quite a substantial period of time. I know a lot of people have been acknowledged by other speakers. I would like to acknowledge the Cohesive Communities Coalition and particularly acknowledge Christine Castley and Rita Jabri-Markwell as co-chairs of the coalition. I have had the pleasure of working with Christine in other areas of work. She is a formidable advocate. She is absolutely killing it in her role as CEO of Multicultural Australia. We are really fortunate to have her here in Queensland.

I, of course, thank the secretariat and my parliamentary colleagues for their work and collegialism on the bill. These reforms are another great stride towards creating a safer society for all. I commend the bill to the House.