




Speech By
Julianne Gilbert

MEMBER FOR MACKAY

Record of Proceedings, 12 October 2023

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

 **Mrs GILBERT** (Mackay—ALP) (4.47 pm): I would like to thank the member for Cook for her brave contribution today and for telling us from her heart what it is like to be somebody who stands out as being different in our community. Thank you very much.

If we lived in a society where everyone treated each other with respect, understanding and kindness, we would not be needing this bill, but unfortunately we are seeing people being vilified in our community because they are different, just as the member for Cook has outlined. Perpetrators of hate crimes are usually real cowards. They attack or make menacing threats anonymously over the internet or they wear masks. Recently, there was a video splashed around on mainstream media where masked men were burning an Aboriginal flag, calling out names of people and giving Nazi salutes. They were just cowards. This whole exercise was a message of hate and was designed to deliver fear. This is not acceptable in our society.

We pride ourselves on being a successful, multicultural nation. We boast about being a melting pot. To be successful, we need to be inclusive, with all citizens feeling culturally and physically safe. Since 2013 the Mackay Regional Council has been keeping tally of the different countries that people receiving citizenship in our region have come from. At the Australian citizenship ceremony last month, the tally clicked over to 100. This is probably reflective around our state, with an even higher number of nationalities in larger centres. Many have public celebrations where they want the wider community to learn about their culture. We learn about the Maltese, Italians and South Sea islanders. We have Africa Day, open day at the mosque and Filipino celebrations. Soon we will be heading down to Queens Park to celebrate Global Grooves, sharing food, music and fellowship as a cohesive community. Queensland is one of the most multicultural places on earth with a diverse range of cultures, faith systems and religions, languages and life experiences, and this is what makes our communities so rich.

The provisions in this bill will implement four of the committee's recommendations: recommendation 7, to remove the requirement for consent of a Crown Law officer before prosecution 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. 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 have on victims.

I am pleased that this bill will increase the maximum penalties for hate crimes, making it easier to prosecute vilification and ban public display of hate symbols. Importantly, in relation to hate symbols, it is intended that the laws will apply to online conduct and the public display of tattoos. We know that too many members of our diverse communities continue to experience the devastating impacts of hatred and bias.

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 under section 131A of the Anti-Discrimination Act, while also relocating the provision to the Criminal Code. The bill will also increase the maximum penalty for serious vilification from six months imprisonment to three years imprisonment. This better reflects the seriousness of the offence and 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.

In addition, the bill adds a circumstance of aggravation to the offences of going armed 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. The 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. The offence is intended to capture a broad range of circumstances.

I have been contacted by groups who use symbols for religious or peaceful purposes that are similar to those that have been also associated with groups for hate. There is also a non-exhaustive list of excuses to the offence, including if the display and distribution is for a genuine artistic, religious, educational, historical, legal or law enforcement purpose or a public interest purpose. A defendant relying on an excuse must prove their conduct was reasonable in the circumstances. It is intended that an excuse might be available where the public display is made in books, satire, documentaries or museums and during historical re-enactments.

While the bill does not prescribe a prohibited symbol, the intention is to ban symbols related to Nazi and ISIS ideology. When referring to the Nazi symbol, it is important to note that the Nazi hooked cross is the correct terminology for the most widely known symbol. The hooked cross closely resembles the swastika, which has a peaceful and profound meaning in some religions, including Hinduism and Buddhism. The bill will recognise the religious and cultural use of the swastika; that is, the offence will ensure the swastika can continue to be used for religious and cultural purposes to acknowledge the swastika's important contribution to Buddhist and Hindu communities. There is no place in Queensland or Australia for hatred and bigotry, and symbols that are used to instil fear in all their forms must be stamped out.

Yesterday the member for Mirani called the provisions of this bill woke—a very trendy, far right wing approach to this bill. I can recall many occasions when the member has made some very impassioned speeches in this House, sharing the history and the pain that his community suffered when they were blackbirded and indentured to work in the sugar industry here in Queensland. This act of violence towards his community and the racism they have endured since in Queensland is horrific and heartbreaking. The intergenerational trauma is still evident in the community today. I sat with the member for Mirani and leaders from his community when they explained how the health of their community is affected because of the treatment received previously in history, in hospital where people with minor ailments were dying overnight at the hands of a doctor who had no regard for them as people, only as scientific specimens. I remember when the member shared with us the story of where his family were unable to buy a farm because the sellers would not sell to a person of colour.

In recent weeks I have heard people in my community talking about people of colour across the Mackay community in really terrible terms, and I do not want this for people of colour in my community or people who look different or who come from different communities. That is why I am voting for this bill. I call for the member for Mirani to stand up against white supremacy and join with us in voting for this bill. I cannot imagine what the stress of living with vilification and hatred might be, so I call on everyone to join in and vote for this bill. I support the bill.