




Speech By  
**Linus Power**

**MEMBER FOR LOGAN**

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

 **Mr POWER** (Logan—ALP) (6.21 pm): When I originally saw this bill on the *Notice Paper* I was not going to speak to it, not because I do not have serious concerns about vilification, hate crimes and the presence of discrimination in our society but because I thought others would speak to it perhaps better than I. One of the things that motivated me to speak was when I began to get constituents speaking to me with a petition from the Australian Christian Lobby. When I read it I thought, 'I have to look back at the bill,' because it was not my memory of it. The petition says, 'Say no to the attack on freedom of free speech and expression.' Indeed, it was very similar to the speech that the member for Mirani gave. If I took at face value some of the accusations—that there were no definitions, that people found guilty of saying things that were not wanted by society, as the member for Mirani said, would face criminal offences—then I would be concerned about the bill. Instead, when I looked at it, that was not the case.

I want to speak first about how much we value the harmonious society that we have. On the weekend I went to the Zim festival, the biggest festival of Zimbabwean Australians. I highlight the passion of the people of different nationalities who were helping out at the Park Ridge Soccer Club, where the Zim festival was taking place with fantastic food and football. One of them was a Salvadoran volunteer photographer who was so excited to be a part of a Zimbabwean festival and part of a club, knowing that it was binding together people of so many different nationalities.

When I spoke at the festival I said that Zim festival was the most Aussie of events. I could see people's quizzical looks. I said that there is nothing more Aussie than gathering together with your family and sharing food, sport, language, culture, dance and music. That is one of the things that makes us Australian, along with bringing up your children in a peaceful atmosphere and in a peaceful way. That was a fantastic event. We were also reminded how fragile it is. Last night Suzi Smeed from Budapest spoke—unfortunately I missed it because I was in the chamber—about the experience of her family during the Holocaust. These are things that we need to work at. I think these laws are a positive thing.

After looking at the petition, I rang people who had filled it in. I looked at what was being said. It was as simple as—I say this to the member for Mirani—looking through the explanatory notes. There will be a new provision—we should take that very seriously—which prohibits the display of hate symbols, including those related to Nazi and ISIS ideology. The display of Nazi flags and Nazi symbols, especially to someone affected by the Holocaust, is a violent act. It is an act attempting to hurt our society and to propagate extraordinarily destructive ideas. I support the offence provisions.

I recognise that we do need to be careful. I note that the minister has to undertake a variety of consultation and that the regulation is subject to disallowance by this House. I think the test for the minister should be whether the very display of a symbol, like the swastika, should be regarded as an act of violence against others in our society. That is a serious thing. The member for Mirani did not focus much on that. He seemed to think that was a Trojan horse.

Let's have a look at the committee's original recommendations. Recommendation 7 was that the government investigate the viability or removing the requirement for the written consent of a Crown Law officer before commencing a prosecution for serious racial, religious, sexuality and gender identity vilification, section 131A. There will be a change in procedure—nothing for the member for Mirani, or indeed the Australian Christian Lobby, to get that dramatic about.

The next recommendation is that the Queensland government relocate section 131A—the offence of serious racial, religious, sexuality or gender identity vilification—from the AD Act into the Criminal Code. What was a criminal offence in the Anti-Discrimination Act is now being moved to the Criminal Code to make it clear. The member for Macalister spoke very clearly about that movement. It is a criminal offence under the Anti-Discrimination Act and will remain so. What is really important is that this is not just knowingly or recklessly, through a public act, inciting hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of race, religion, sexuality or gender identity; it must also be done in a way that includes threatening physical harm towards, or towards any property of, the person or group of persons, or inciting others to threaten physical harm towards, or towards any property of, the person or group of persons. These are serious criminal offences that are also attached to the incitement of hatred. The two things must be together in section 131A. I think no-one in this House should object to that. If either the Australian Christian Lobby or the member for Mirani understood that, they would support it. Of course, they are not actually showing what that is about.

Another recommendation is that there be introduced a statutory aggravation. This would mean that, for certain serious criminal offences—there is a significant list of them—once a person is found guilty of that offence—for instance, where someone has assaulted another person—if it is then proven that it was motivated by serious racial, religious, sexuality or gender identity vilification then it would be considered an aggravated offence in terms of determining the sentence to be given. This relates to people who it has been proven have, firstly, committed a criminal offence and, secondly, been motivated by this type of divisive hatred in the commission of the offence, which therefore becomes an aggravating factor and should be sentenced accordingly.

No-one could object to the four things we are addressing in this bill. It is bad enough when a person assaults someone. If they are motivated for reasons of serious racial or religious discrimination we should address that, because the nature of that assault is so much more profound. I am disappointed with those who seek to confuse this issue and pretend that it is something it is not. Those who are doing that are undermining our attempts to sensibly and clearly eliminate vilification that happens in our society. I note that these are sensible, clear and simple steps that every Queenslanders would support.