




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (12.26 pm): I rise in support of the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023. I want to begin by acknowledging the many multicultural Queenslanders who have been involved in advocating for and developing these reforms. In particular, I want to acknowledge Christine Castley and Rita Jabri-Markwell who were co-chairs of the Cohesive Communities Coalition. In the lead-up to the 2020 election, the Palaszczuk government committed to referring an options paper on hate crimes and vilification to a parliamentary committee for review. The legislation we are debating today is a direct result of that work.

We know there are too many members of our diverse communities who continue to experience the devastating impacts of hatred and bias. Throughout committee inquiries, round tables and meetings, and direct advocacy, we have heard countless stories from people who have experienced racism and bigotry firsthand—from Muslim women having their hijabs grabbed at to people being called terrorists and having horrible slurs yelled at them in the street. We know that it is not just individuals harmed by this abhorrent behaviour; it is entire communities. Queenslanders were rightly shocked last year when we saw a pig's head being left at an Arundel mosque and Nazi propaganda distributed in Brisbane suburbs.

It is important to note that these laws will not just protect our multicultural communities; they will also protect LGBTIQ+ Queenslanders. Across the country, and indeed around the world, we have seen a troubling rise in homophobic and transphobic rhetoric over the past 12 months. We have heard stories of being catcalled, having bottles and eggs thrown at them and being told that they are predators just because of who they are and who they love. Hatred and bigotry in all their forms must be called out and stamped out at every opportunity. This bill is an opportunity for all of us to commit to that.

Throughout the development of this bill in my former role as attorney-general, I was proud to host a number of round tables and meetings with multicultural community representatives. In October last year the police minister and I hosted a round table with the Cohesive Communities Coalition to hear directly from impacted communities and to ensure we delivered on the reforms that were needed. At this meeting we heard some heartbreaking stories about people's experiences with racism, bias and vilification, but we also heard hope from community members about the promise of a kinder Queensland under these new laws. Importantly, we got direct feedback about what people want these laws to achieve. We heard that people want laws that make it easier to prosecute hate crimes and reliable data on those prosecutions. We heard that people want laws that reflect community expectations and call out hate crimes for what they are, and we heard that people want laws that will keep them safe. I also met with members of the multicultural community in my electorate to discuss these reforms earlier this year. We discussed the vital need for people to feel safe and protected in their communities. I want to thank everyone who shared their story throughout this process, and I want them to know that the Palaszczuk government stands with them.

The reforms in this bill will give Queensland some of the strongest vilification and hate crime laws in the country. The bill implements four recommendations from the Legal Affairs and Safety Committee's inquiry into serious vilification and hate crimes. These changes will make it easier to prosecute vilification, introduce stronger offences for hate crimes and introduce harsher penalties. Currently under the Anti-Discrimination Act consent is provided by the Attorney-General or DPP to launch vilification proceedings. The bill removes that requirement while also moving the offence to the Criminal Code and increasing the maximum penalty to better reflect the seriousness of these offences.

The bill also introduces a circumstance of aggravation to the offences of going armed so 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. Having a circumstance of aggravation means that someone can be charged with a more serious offence, and this ensures that data can be collected so that these reprehensible crimes are called out for what they are. The bill also adds a circumstance of aggravation to the summary offence of public nuisance, which means that people will be charged with street-based harassment who might not otherwise meet the threshold for criminal offences. It can also be expected that someone displaying a Nazi salute might be captured by the public nuisance offence; however, as with all prosecutions, it depends on the circumstances.

The bill will also prohibit the public display of hate symbols, including those relating to Nazi and ISIS ideologies. Importantly, the proposed framework allows the minister to proscribe relevant symbols rather than enshrining this in legislation. This means that, as ideologies spread and symbols change to evade laws, our laws can respond quickly. There are also excuses under this offence, including in relation to religious purposes. This recognises that the swastika, which closely resembles the Nazi hooked cross, carries significant meaning in religions such as Hinduism and Buddhism.

The bill also ensures that the definitions of gender identity, race, sexuality and sex characteristics reflect modern society and are in line across the statute books. This includes consistency with definitions amended by the recently passed Births, Deaths and Marriages Registration Bill. In addition, the legislation makes amendments to allow telecommunication warrants to be issued under federal legislation so that police can more easily establish who is responsible for online offending.

We know that there is more to do to protect our diverse communities from bias and vilification. This bill implements four of the 17 recommendations from the Legal Affairs and Safety Committee's inquiry into serious vilification and hate crimes. Of these, 13 are for government and four are directed to the Queensland Police Service. The remaining nine recommendations will be implemented through other reforms currently underway. The government has committed to enacting a range of reforms as part of implementing the Queensland Human Rights Commission's *Building belonging* report. This includes aligning protected characteristics for discrimination and vilification and lowering the threshold for the civil offence of inciting violence.

I again want to acknowledge the tireless work of Christine Castley and Rita Jabri-Markwell as co-chairs of the Cohesive Communities Coalition. Their options paper laid the groundwork for this legislation and they have been key players in developing these changes. I also want to acknowledge the Queensland Jewish Board of Deputies, the Aboriginal and Torres Strait Islander Legal Service, the Multicultural Queensland Advisory Committee and all of the other stakeholders who engaged in this process. In addition, I would like to thank the Australian Medical Association Queensland, which has lent its support to this bill. Health workers are often called on to care for and treat people in the immediate aftermath of alleged hate crimes, whether that is for psychological or physical injuries, and I want to acknowledge their important role.

I am proud to be part of a government that is delivering these important reforms, and I am proud to have played a part in this process. These laws are an important step forward for Queensland and our diverse communities in particular. I hope that the work currently underway across government will create a safer, kinder Queensland. I commend the bill to the House.