




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 10 October 2023

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

 **Mr NICHOLLS** (Clayfield—LNP) (6.56 pm): I look forward to my contribution for the next 3½ minutes, as I am sure you all do. I would have thought the member for Nudgee could have spun it out just a little bit longer, but anyway. I did notice a slight slowing down of her speech towards the end there. The Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill follows report No. 22 of the 57th Parliament of the Legal Affairs and Safety Committee. That report was delivered in January 2022 following a referral from the Assembly made on 21 April 2021. The report was of the committee's inquiry into the nature and extent of hate crimes and serious vilification in Queensland and whether there is evidence of increasing instances of serious vilification in Queensland and the effectiveness of section 131A of the Anti-Discrimination Act 1991 and other existing laws responding to hate crimes.

In its consideration, the committee looked at the options paper titled *Serious vilification and hate crime: the need for legislative reform*; the interaction of Queensland and Commonwealth legislation in relation to online vilification, and we just heard from the minister in respect of the Commonwealth's recent actions in that regard; the effectiveness of activities and programs of the government, including the Police Service, the Office of the Director of Public Prosecutions and the Commonwealth government in responding to hate crime, including record-keeping practices which were dealt with in both reports; the Human Rights Act 2019 and any rights which are engaged by the current law and any proposals for reform, including a human rights analysis under section 13 of the act for any recommended legislative amendments as well as constitutional limitations, together with the current legal framework and relevant reports, reviews and inquiries in other Australian and international jurisdictions; and the appropriateness of the conciliation-based anti-discrimination framework under section 124A of the ADA. As members can imagine, a very comprehensive report was produced.

The result of the inquiry was 17 recommendations and the government has supported or supported in principle those recommendations. This bill gives effect to recommendations 7, 8, 9 and 16 of that Legal Affairs and Safety Committee report. The recommendations were set out in the LASC report as follows: recommendation 7, that the Queensland government investigate the viability of removing the requirement for the written consent of a Crown Law officer before commencing a prosecution for serious racial, religious, sexuality or gender identity vilification under section 131A as it exists and the offence of those matters under the Anti-Discrimination Act; recommendation 8, that the Queensland government introduce a statutory aggravation offence regarding hate and serious vilification into the Criminal Code Act and Summary Offences Act to apply to criminal conduct; recommendation 9, that the Queensland government relocate section 131A from the Anti-Discrimination Act into the Criminal Code; and recommendation 16, that the Queensland government establish a criminal offence that prohibits the display of hate symbols, including those relating to Nazi and ISIS ideology, with considered exceptions.

An additional objective identified through consideration of the LASC report is to increase the maximum penalty for the offence under section 131 of the AD Act. The increase to the maximum penalty of three years reflects the seriousness of this type of offending and the community's denunciation of such conduct. I also want to comment on the very many good and serious organisations and individuals that made submissions to the committee inquiry into this bill and the previous inquiry.