



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
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Leader of the House

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03 OCT 2023

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
ClerksOffice@parliament.qld.gov.au

Dear Mr Laurie *Neil*

I refer to the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 (the Bill).

On 29 March 2023, the Bill was introduced to Parliament and referred to the Legal Affairs and Community Safety Committee (the Committee). The Committee tabled its report on the Bill on 30 June 2023.

Pursuant to Standing Order 31, please find **enclosed** the Government Response to the Committee's report, for tabling on my behalf on or before Tuesday, 3 October 2023.

If you have any questions in relation to the above, I invite you to contact my Chief of Staff, Simon Zanatta, on (07) 3719 7400 or at simon.zanatta@ministerial.qld.gov.au.

Thank you for your assistance.

Yours sincerely

Yvette D'Ath

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Enc.

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report No. 49, 57th Parliament

Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023

QUEENSLAND GOVERNMENT RESPONSE

1. INTRODUCTION

On 29 March 2023, Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 (the Bill) was introduced.

The Bill was referred to the Legal Affairs and Safety Committee (the Committee) for detailed consideration.

On 30 June 2023, the Committee tabled its report (No.49) in relation to the Bill (the Report).

The Queensland Government response to the Committee's recommendations in the Report is provided below.

2. RESPONSE TO RECOMMENDATIONS

No.	Recommendation	Position	Response
1.	The committee recommends the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 be passed.	Noted	The Queensland Government thanks the Committee for its consideration of the Bill and notes the Committee's recommendation that the Bill be passed.
2.	That the Queensland Government considers, as part of its review of the <i>Anti-Discrimination Act 1991</i> , the possible inclusion of additional protected attributes, particularly age and impairment, in relation to ss 124A and 131A of the <i>Anti-Discrimination Act 1991</i> (vilification and	Support	<p>As recommended by the Committee, the Queensland Government supports consideration of the possible inclusion of additional attributes as part of the review of the <i>Anti-Discrimination Act 1991</i>.</p> <p>As the Committee notes, the Queensland Government has committed to introducing legislation in response to the Queensland Human Rights Commission Report <i>Building Belonging – Review of Queensland's Anti-</i></p>

No.	Recommendation	Position	Response
	serious vilification), s 52B of the <i>Criminal Code Act 1899</i> (circumstance of aggravation) and s 52C of the <i>Criminal Code Act 1899</i> (prohibited symbols).		<p><i>Discrimination Act 1991</i> (QHRC Report) within the current term of government.</p> <p>The Queensland Government's Final Response to the QHRC Report supported-in-principle all recommendations in the QHRC Report.</p> <p>Relevant recommendations made by the LASC in its report will be carefully considered in conjunction with the implementation of the QHRC Report recommendations. This approach will ensure a cohesive approach across the entirety of vilification and hate crime legislation, the proposed new Anti-Discrimination Act, as well as Queensland's wider legislative context.</p>
3.	That the Queensland Government considers amending the Bill to include closed environments, such as hospitals and educational institutions, in the proposed amended s 131A of the <i>Anti-Discrimination Act 1991</i> and proposed new s 52D(4) of the <i>Criminal Code Act 1899</i> in relation to the display, distribution or publication of prohibited symbols.	Support	The Queensland Government will further consider this recommendation in conjunction the implementation of the QHRC Report recommendations.
4.	That the Queensland Government amends the definition of 'public act' in ss 124A and 131A of the <i>Anti-Discrimination Act 1991</i> to set out examples of communication by electronic means as, not limited to but including, online communication and social media posts and comments	Support-in-principle	The Queensland Government will further consider this recommendation in conjunction with the implementation of the QHRC Report recommendations.
5.	That the Queensland Government conducts a review within 24 months of the commencement of the Bill to ensure that the offences to which the circumstance of	Support-in-principle	The Queensland Government is committed to ensuring our laws and practices meet community expectations, and that the provisions in the Bill appropriately address serious vilification and hate crime in Queensland.

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	aggravation apply are adequate to address the serious vilification and hate crimes experienced by members of the Queensland community, with particular consideration to be given to the inclusion of sexual offences and property crimes such as graffiti.		The Government will give this recommendation detailed consideration, including the timeframe within which a review might occur, in conjunction the implementation of the QHRC Report recommendations.
6.	That the Queensland Government conducts a review within 24 months of the commencement of the Bill to consider the impact of the amendments on First Nations peoples.	Support-in-principle	<p>The Queensland Government is committed to reducing the over-representation of First Nations people in the criminal justice system.</p> <p>As noted in response to recommendation 5, the Queensland Government will give this recommendation detailed consideration, including the timeframe within which a review might occur, in conjunction with the implementation of the QHRC Report recommendations.</p>
7.	That the Queensland Government monitors the operation of the test in proposed new s 52D(1) of the <i>Criminal Code Act 1899</i> in relation to the display of prohibited symbols whereby a person commits an offence if they display, distribute or publish a prohibited symbol in a way that 'might reasonably cause a member of the public to feel menaced, harassed or offended' to ensure that the test is appropriate.	Support	The Queensland Government will monitor the operation of the test in proposed new section 52D(1) of the <i>Criminal Code Act 1899</i> in relation to the display of prohibited symbols whereby a person commits an offence if they display, distribute or publish a prohibited symbol in a way that 'might reasonably cause a member of the public to feel menaced, harassed or offended'.
8.	That the Queensland Government ensures that there is adequate culturally appropriate education and training in relation to the serious vilification and hate crime offences proposed by the Bill for the Queensland Police Service, the Office of the Director of Public Prosecutions, judicial	Support-in-principle	The Queensland Government will give the recommendation detailed consideration in the context of the implementation of the QHRC Report. This will enable the Government to consider, holistically, training opportunities in response to this Bill and any Bill developed in response to the QHRC Report.

No.	Recommendation	Position	Response
	officers and the public including community support groups.		
9.	That the Queensland Government commences a program of collecting accurate data in relation to serious vilification and hate crimes to ensure the effectiveness of the amendments included in the Bill.	Support-in-principle	<p>Recommendation 2 of the Legal Affairs and Safety Committee Report No. 22: <i>Inquiry into serious vilification and hate crimes</i> was that:</p> <p><i>the Committee recommends that the Queensland Police ensure standardisation of record-keeping for reports of hate crime and serious vilification.</i></p> <p>The recommendation was supported, noting that the QPS currently collects data about hate crime and serious vilification crimes (in QPRIME), and will review how reports of those crimes are recorded (including in QPRIME) to ensure a standardised approach, and ensure the results of the review are effectively communicated to frontline staff.</p> <p>In accordance with recommendation 2 of the LASC Report No.22, the QPS continue to review its record keeping practices in relation to serious vilification and hate crimes to ensure the collection of accurate data of those matters.</p>