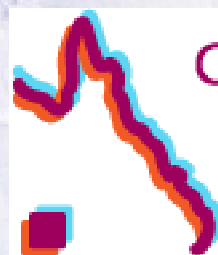


# Serious vilification and hate crime: The need for legislative reform



Cohesive  
Communities  
Coalition

[www.betterlawsforsafeqld.com.au](http://www.betterlawsforsafeqld.com.au)

# Cohesive Communities Coalition members

Aboriginal & Torres Strait Islander Legal Service (ATSILS)  
Access Community Services Ltd  
Anglican Church  
Asia Pacific Centre for The Responsibility to Protect (UQ School of Political Science)  
Australian Muslim Advocacy Network (AMAN)  
Courage to Care  
Eidfest Community Services Inc  
Ethnic Communities Council Queensland  
Gandhi Salt March Ltd  
Gold Coast Sikh Association  
Indian Times  
Islamic Council of Queensland (ICQ)  
Islamic Women's Association of Australia (Queensland)  
Multicultural Australia  
Queensland African Communities Council  
Queensland Chinese Forum  
Queensland Human Rights Commission  
Queensland Jewish Board of Deputies  
Queensland Jewish Community Services Inc (QACC)  
Queensland Multicultural Council  
Pacific Islands Council of Queensland  
Sikh Nishkam Society of Australia

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# Glossary: racial and religious hate terms

## Jewish community codes and terms

|       |   |
|-------|---|
| HH    | HH, which stands for 'Heil Hitler'.   |
| JQ    | Jewish Question. Alternatively, sometimes "JP" = Jewish Problem.  |
| ZOG   | Acronym for "Zionist Occupational Government" implying that "the Jews" control the government.  |
| 14/88 | 14/88 and its variations, is one of the most popular white supremacist slogans. "14" refers to the 14 words of the White Supremacy credo by David Lane ("We must secure the existence of our people and a future for White children"). "88" corresponds to letters of the alphabet. |
| 18    | as in the Combat 18 group) corresponds to letters of the alphabet, ie AH, which stands for 'Adolf Hitler'.  |
| 420   | Code for "April 20", Hitler's birthday.   |

For more explanation and other hate terms for the Jewish community see the Executive Council of Australian Jewry's [Report on Antisemitism in Australia 2019](#) (p96-97).

References to swastikas in this paper denote the usage of this symbol by Nazi, neo-Nazi and right-wing extremists only. It has no connection to the traditional use and meaning of the swastika symbol in Hindu, Buddhist, or Jain religious worship or practice. The theft and misappropriation of this symbol by Nazis is in itself an act of religious violence and intolerance.

## Muslim community terms

|              |  |
|--------------|--|
| Remove Kebab | Term that originated in the 1990s in Serbia, and was used by Brenton Tarrant in his manifesto. It was written on one of his weapons. 'Remove kebab' is a call to expel or kill Muslims |
| St Tarrant   | St Tarrant is idolising the Christchurch terrorist as a saint.   |



# Executive summary

In March 2019, the Christchurch massacre demonstrated the horrific consequences that can flow from religious and racial intolerance when they fester unchallenged within the broader community. This intolerance can manifest in acts of barbarism – including the tragedy in Christchurch, but also closer to home.

This year, the COVID-19 pandemic has resulted in a widely-publicised wave of racially motivated incidents – firstly directed at members of Asian communities, and more recently the Brisbane African community. The increase in acts of racism, discrimination and vilification prompted Police Commissioner Katarina Carroll and Queensland Government Ministers for Police and for Multicultural Affairs to publicly denounce the “racially motivated offences”. Evidence of its spread is also documented in the recently released *COVID-19 Coronavirus Racism Incident Report: Reporting Racism Against Asians in Australia Arising due to the COVID-19 Coronavirus Pandemic* report.

In light of this, and the experiences of many of Queensland’s diverse ethnic and religious communities over many years, an Advisory Group was formed to collaborate with the Queensland Human Rights Commission to consider ways for strengthening protections against hate crimes. This group forms the basis of the Cohesive Communities Coalition.

The proposals set out in this options paper seek to address a number of problems with Queensland’s existing legislative scheme including:

- The absence of actual hate crime laws leading to low reporting, victim vulnerability and compromised data.
- The existing offence of serious vilification not being used to respond to criminal incitement.
- The distribution and display of hateful material (including symbols such as the Nazi Flag) not being subject to criminal sanction in Queensland.

Options for addressing these shortfalls are examined in this paper, and evidence provided of the impact on communities of allowing hate crime to go unprosecuted. Readers are warned that the examples provided in this paper are real ones and have been provided by the community: as such, some of their content may be distressing.

There is a critical need to strengthen the protections the law offers in order for communities to live safely and harmoniously. This will need to include a more rigorous oversight of the way hate crimes are policed. It will also require trust to be built between our diverse communities and police, and a willingness to report these crimes when they occur. But law reform is an important first step in this process, and in building a Queensland where everyone feels safe and welcome.

Our diversity is our strength, and it should be protected.

# Recommendations

## Addressing the gap in current protections

**Introduce a specific summary offence, or make racial or religious motivation a circumstance of aggravation on existing offences.**

**Introduce a new species of Order, created along the same lines as a Peace and Good Behaviour Order or Domestic Violence Order, to address concerning behaviour that falls short of criminal offences but which if repeated, a breach of the order of the court is penalised.**

## Addressing the under-utilisation of the existing offence

**Create a special power for police to obtain warrants to preserve online evidence, or increase the penalty in s131A of the *Anti-Discrimination Act 1991* to three years' imprisonment.**

**Remove the requirement for approval of the Director of Public Prosecutions or Attorney-General in order to commence prosecution under s131A.**

## Addressing the distribution or display of hate material

**Introduce a complementary offence to criminalise the possession, distribution, or display of hateful material.**

## Addressing low levels of reporting and community confidence

**Adopt a civil hate crime injunction.**

**Introduce hate crime scrutiny panels, based on the United Kingdom model.**



# Racism and hate speech in Queensland

People from minority religious and racial communities often face vilification or hate speech in our communities. This happens on our streets, in our neighbourhoods and in the media.

There is particular concern about the growth of hate speech in online communities where racist and sometimes violent people can meet easily with those who are like-minded.

Groups often targeted include the Sikh, Muslim, Jewish, Asian and African communities.

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*"A white lady in her forties came to my office initially enquiring about any job or volunteering opportunities...She said "you should not be working here, especially as a manager because this is not your country. You do not know our problems. You just arrived by boat. I should be the one working here as a manager." She refused to leave my office and continued racially abusing me until I called my director from Sydney to speak to her to leave. I also threatened to call the police if she did not leave my office. The whole situation unfolded in front of my staff members who were absolutely horrified by the incidents."*

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– Logan, October 2013.

## Prevalence

Community surveys provide perhaps the best indication of the far-reaching nature of racism, vilification and hate crime in Queensland and Australia more broadly, due to shortcomings in data collection and reporting which are discussed later in this paper.

The Confronting Racism in Communities project, funded through Multicultural Affairs Queensland, undertook to identify the nature and extent of racism in Queensland. Its final report examines 398 incidents reported over a two year period between 2006 and 2007. It found:

*Reported incidents involved a wide range of ethnic backgrounds and took diverse forms including physical violence, threats of physical violence, property damage, verbal, written and non-verbal harassment, social exclusion, discrimination and institutional racism. Racist incidents occurred most often in public places including the street, work, real estate agents, public transport, shops and educational institutions. Most of the reported instances involved total strangers with no prior warning. Other relationships to perpetrators included employers and work colleagues, public transport officials, real estate agents, government agencies, police and educational staff as well as neighbours.<sup>1</sup>*

The largest numbers of incidents reported to the project were from people from the Indian, Chinese, and African communities.

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*A woman of Indian descent was walking along a main road in Brisbane when a car approached her and slowed down. She was hit by pebble-like rocks which were thrown from the car, and verbally abused. She didn't know the perpetrators.*

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Brisbane, 2014.

The Scanlon Foundation's Mapping Social Cohesion surveys provide a longitudinal study of the attitudes and experiences of Australians in a variety of areas. While the study does not look at hate crime specifically, their 12 surveys from 2007-2018 have asked respondents whether they have experienced discrimination based on 'skin colour, ethnic origin or religion:

*Reported experience of discrimination increased from 9% in 2007 to a peak of 19% in 2013; this level dropped over the next two surveys, but rose again in 2016 and 2017. It is at 19% in 2018 and 2019. **The average for the first six surveys (2007-13) was 13%, for the last six surveys (2014-19) a much higher 18%.<sup>2</sup>***

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1 Babacan, H & Hollinsworth, D (2019) Confronting Racism in Communities Project: A final report on the nature and extent of racism in Queensland Brisbane: Centre for Multicultural Pastoral Care. Report available at <http://multiculturalcare.org.au/assets/uploads/confronting-racism-in-communities-final-report.pdf>.

2 Markus, A (2019) *Mapping Social Cohesion: the Scanlon Foundation Surveys* Caulfield East: Monash University p72. Online at <https://scanlonfoundation.org.au/wp-content/uploads/2019/11/Mapping-Social-Cohesion-2019-FINAL-3.pdf>



Muslim women, especially those wearing burkas, niqabs and hijabs, are frequently the target of violent attacks and hate speech. The *Islamophobia in Australia* report, which surveyed 243 incidents involving physical, verbal and online attacks, found in cases where the gender of the victim was known, 67.7 per cent were female. The report found 79.6 per cent of women abused were wearing a head covering, and more than 30 per cent were accompanied by their children.<sup>3</sup>

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*A Muslim woman was accosted by a man in an unprovoked attack on a West End street in Brisbane, when he threatened to set her hijab on fire with a cigarette lighter. He was fined \$500.*

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Brisbane, 2014

The *Report on Antisemitism in Australia 2019* examines 368 anti-Semitic incidents between October 2018 and September 2019. Although the total number of incidents reported was little different from the preceding year (366), the report found that there was a significant increase in the numbers of more serious categories of incidents, including direct verbal abuse and intimidation (up 30% from the previous year), and graffiti attacks (106% increase).<sup>4</sup>

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*A 75-year-old Jewish man was abused in a carpark next to a synagogue with words of: "Move your car, you fucking Jew bastard. I hate Jews."*

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Gold Coast, October 2018.

In 2017, the Human Rights Committee commented on the prevalence of racism and hate speech in Australia following "increasing reports of racist profiling and targeting of ethnic and migrant groups including African communities, Muslim, Jewish and Sikh communities". The recommendations included:

- Enhancing funding and supporting initiatives aimed at promoting tolerance for diversity;
- Police training;
- More thorough investigation of hate crimes;
- Ensuring adequate measures of response to instances of incitement to discrimination or violence on racial or religious grounds.<sup>5</sup>

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3 Iner, Derya, ed. *Islamophobia in Australia Report II* (2017-2018). Sydney: Charles Sturt University and ISRA, 2019. Report available from: <https://www.isra.org.au/publications-1>

4 Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p7 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

5 United Nations Human Rights Committee (2017) *Concluding observations on the sixth periodic report of Australia* CCPR/C/AUS/CO/6. Online at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsoAl3%2FFsniSQx2VAmWrPA0uA3KW0KkpmSGQue15UG42EodNm2j%2FnCTyghc1kM8Y%2FLQ4n6KZBdggHt5qPmUYCI8eCslXZmnVIMq%2FoYCNPyKpg>.

## Reporting and data collection

Complaints data from the Australian Human Rights Commission showed a spike in complaints under the federal Racial Discrimination Act in February, and one third of all complaints to the AHRC between February and May 2020 have been related to COVID-19. These statistics were widely quoted in the media, but as federal Race Discrimination Commissioner Chin Tan wrote for the ABC in May 2020:

*[A]lthough our statistics are truthful and accurate, they do not tell the full story of what is happening in the community, nor do they illustrate the sustained spike in racism that has been widely observed.*

*This is because the Commission's data only captures complaints it receives that allege a breach of the Racial Discrimination Act, and the volume of these is fairly small in statistical terms.*

*The great demand for the Commission's race complaints data — in spite of its limitations being explained to all journalists who enquire — indicates the desperate need for better reporting of racial abuse.<sup>6</sup>*

The Queensland Human Rights Commission has also experienced an increased demand for complaints data during the pandemic, particularly in regards to racial discrimination and vilification – and like the AHRC, its data has its limits, including the understandable reluctance some people feel about lodging an official complaint, and about what is and isn't technically covered by Queensland's anti-discrimination and human rights laws. These barriers aren't specific to the pandemic or to Chinese and Asian communities, but are a long-standing issue when it comes to incidents of racial abuse or discrimination.

Of the 2727 complaints accepted by the Queensland Human Rights Commission between 1 July 2015 and 30 June 2019, 31 were about racial or religious vilification. They account for 1.1% of the Commission's accepted complaints during that time period – an average of fewer than 8 complaints a year.<sup>7</sup>

In response to the growing need for better data collection and easier reporting processes for communities, the Commission launched a new online tool in June 2020 to allow the community to report incidents of racially motivated abuse or discrimination without going through an official complaints process. Other actions are being taken to ensure its complaints process is as accessible and culturally safe as possible, while still operating within the confines of the process as laid out in legislation – specifically, the *Anti-Discrimination Act 1991*.

However, a broader legislative response is also required in order to provide communities with genuine options for pursuing action.

<sup>6</sup> Tan, C "COVID-19 has prompted a spike in racist attacks. We need to start tracking them better" ABC News, 9 May 2020. Online at <https://www.abc.net.au/news/2020-05-09/coronavirus-covid-19-racist-attacks-data-collection-strategy/12229162?nw=0>.

<sup>7</sup> Queensland Human Rights Commission Annual Reports are available at <https://www.qhrc.qld.gov.au/about-us/annual-reports>.

## Barriers to reporting

The Confronting Racism in Communities project found that of 398 racist incidents:

*Seventy percent did not formally report their experiences, with nineteen percent having reported and eleven percent not specifying.<sup>8</sup>*

According to the Islamophobia in Australia II study, only 22% of incidents reported to the study had been reported to police.<sup>9</sup>

A survey of the Cairns Asian community about racism during COVID-19 found that of 55 respondents who had experienced a racist incident, just one made a report to the police.<sup>10</sup>

Barriers to reporting are well described by the Confronting Racism in Communities project report:

*The main reasons for not reporting included not knowing the identity of the perpetrator, not having witnesses or other evidence, fear of further racism, fear of the consequences of reporting, not believing it would result in any useful outcome, not knowing where or how to report, negative feelings prolonged by reporting or that such events were so frequent as to be not worth bothering with.<sup>11</sup>*

Barriers to reporting may therefore be loosely grouped into two main categories: the practical difficulties associated with reporting (which are somewhat beyond the scope of this paper), and low levels of community confidence that reporting is worthwhile or will lead to positive outcomes.

Practical barriers to reporting vilification and hate speech can include having to name a respondent, which is particularly difficult for online hate speech or incidents which happen in public. The Queensland Human Rights Commission has at times been able to track down individuals if there is some way to identify the person, such as a license plate, or if the complainant has taken a photograph of the person or involved the police. However, these cases are rare, and their rarity helps account for the low numbers of complaints of vilification which are able to be accepted by the Commission.

Low levels of community confidence in reporting is another issue, and one which a stronger legislative framework could help address.

Amongst those who did report the incidents there were two-thirds who were unsatisfied or very unsatisfied with the outcome, and only twenty percent satisfied or very satisfied. Main reasons for satisfaction with reporting outcomes included a speedy response, apologies, perpetrators being confronted, and apparent measures to avoid repetition. Key factors in dissatisfaction with reporting outcomes included trivialising reports, lack of action by reporting agencies, experiences not being validated, and future incidents not being prevented.<sup>12</sup>

8 Babacan, H & Hollinsworth, D (2019) Confronting Racism in Communities Project: A final report on the nature and extent of racism in Queensland Brisbane: Centre for Multicultural Pastoral Care. Report available at <http://multiculturalcare.org.au/assets/uploads/confronting-racism-in-communities-final-report.pdf>.

9 p159 at 3.

10 Unpublished data provided to the Queensland Human Rights Commission, July 2020. Used with permission.

11 p5 at 7.

12 Ibid.





# Current protections against vilification and hate speech under the *Anti-Discrimination Act* 1991

Vilification is unlawful in Queensland under the *Anti-Discrimination Act 1991*.

There are two types of vilification under the Act: unlawful vilification (s124A), which is a civil matter, and serious vilification (s131A), which is a criminal offence.



## 124A Vilification on grounds of race, religion, sexuality or gender identity unlawful

*(1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality or gender identity of the person or members of the group.*

*(2) Subsection (1) does not make unlawful—*

*(a) the publication of a fair report of a public act mentioned in subsection (1); or*

*(b) the publication of material in circumstances in which the publication would be subject to a defence of absolute privilege in proceedings for defamation; or*

*(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including public discussion or debate about, and expositions of, any act or matter.<sup>13</sup>*

For an act to be unlawful vilification under the Act it has satisfy the following elements:

- A public act;
- Capable of inciting;
- Hatred towards, serious contempt for, or severe ridicule of;
- A person, or a group of people;
- Because of their race, religion, sexuality or gender identity.

Section 4A of the Act defines a public act as follows.

### 4A Meaning of public act

*(1) A public act includes—*

*(a) any form of communication to the public, including by speaking, writing, printing, displaying notices, broadcasting, telecasting, screening or playing of tapes or other recorded material, or by electronic means; and*

*(b) any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia.*

*(2) Despite anything in subsection (1), a public act does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter.<sup>14</sup>*

Unlawful vilification which includes a threat of harm to a person or their property, or inciting others to threaten physical harm to a person or their property, is a criminal offence. This is called serious vilification and is a police matter.

<sup>13</sup> Anti-Discrimination Act 1991 (Qld) s124A. Online at <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1991-085>.

<sup>14</sup> Ibid, s4A.

## 131A Offence of serious racial, religious, sexuality or gender identity vilification

*(1) A person must not, by a public act, knowingly or recklessly incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality or gender identity of the person or members of the group in a way that includes—*

*(a) threatening physical harm towards, or towards any property of, the person or group of persons; or*

*(b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.*

*Maximum penalty—*

*(a) for an individual—70 penalty units or 6 months imprisonment; or*

*(b) for a corporation—350 penalty units.*

*(2) A Crown Law Officer's written consent must be obtained before a proceeding is started by complaint under the Justices Act 1886 in relation to an offence under subsection (1).*

*(3) An offence under subsection (1) is not an offence for section 155(2) or 226.*

*(4) In this section— Crown Law Officer means the Attorney-General or Director of Public Prosecutions.<sup>15</sup>*

Subsection (3) means that the Queensland Human Rights Commissioner cannot investigate or commence proceedings for the offence of serious vilification.

## Complaints and reporting avenues

A person targeted by vilification can make a complaint to the Queensland Human Rights Commission. A complaint about vilification may also be made by an organisation instead of an individual person, if that organisation primarily exists to promote the interests or welfare of people of a particular race, religion, sexuality or gender identity. The organisation must satisfy the Commission that:

- the complaint is made in good faith;
- the alleged vilification is likely to affect people whose interests the organisation represents; and
- it is in the interests of justice to accept the complaint.

Incidents of serious vilification can be the subject of a police report or a Commission complaint, or both. A person may still make a civil claim for vilification even if the matter is pursued by the police or if they decide not to complain to the police.

The Commission has specific functions under the *Anti-Discrimination Act*, including complaint resolution (Chapter 7, Part 1, Division 1 of the Act).<sup>16</sup> The Commission usually attempts to resolve complaints through conciliation. Conciliation conferences generally involve all parties (the complainant/s, the respondent/s, and any legal representatives for any party) participating in a face to face meeting or teleconference to attempt to reach an agreement on how to resolve the complaint. The Commission is impartial in this process and the role of the conciliator is to manage the conciliation conference and facilitate discussion and resolution.<sup>17</sup>

<sup>15</sup> Ibid, s131A.

<sup>16</sup> Ibid, ch7.

<sup>17</sup> More information on the Queensland Human Rights Commission complaint handling process is available at <https://www.qhrc.qld.gov.au/complaints>.



# Addressing the gap in current protections

The current criminal offence in s131A of the *Anti-Discrimination Act 1991* (serious vilification) does not cover the majority of harassment experienced by targeted communities.

This has a significant impact on offending behaviours due to perceived impunity, low reporting of crime due to low community confidence, poor victim protection and deterrence outcomes, and severely compromised data collection.

## Recommendation 1: Introduce a specific summary offence, or make racial or religious motivation a circumstance of aggravation on existing offences.

Introducing vilification as a circumstance of aggravation on existing offences (including assault and threat, wilful damage, graffiti, and public nuisance) is one option in regards to this recommendation. Examples of community experiences relevant to this recommendation are provided in the appendix from page 24.

This approach could result in increases in the number of charges, with police being more likely to lay charges they are familiar with. Including vilification as a circumstance of aggravation is a logical fit for public nuisance offences, and banning orders already exist for these offences. Including a circumstance of aggravation for these charges also recognises the prejudice motivation for racial or religious vilification.

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*“Neighbouring couple have been observed several times filming children under the age of 10 years playing at the park across the road from the family’s home. The situation escalated recently as a man was seen throwing rocks at children while they were playing. He and his partner called the children “coons, dirty...” and other derogatory terms. When the mother went and asked the couple, they yelled at her and continued racially abusing her and the children. Later on, the couple came over and dumped rubbish at the backyard of the family.”*

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*Redbank Plains, August 2020.*

Introducing a specific vilification summary offence or offences for racially or religiously aggravated assault, damage to property, harassment, and public order is an alternative solution to this problem.

A specific offence (or offences) would, as above, recognise the prejudice motivation for racial or religious vilification. However, the other benefit of this approach would be in terms of data collection. A specific offence or offences would make counting prejudice motivated crimes in the police database easier, making it a less hidden problem.

## Recommendation 2: Introduce a new species of Order, created along the same lines as a Peace and Good Behaviour Order or Domestic Violence Order, to address concerning behaviour that falls short of criminal offences but which if repeated, a breach of the order of the court is penalised.

Introducing a new species of order along these lines would have several benefits.

It would help focus on victim protection and security, a primary concern of Cohesive Communities Coalition members and the communities they represent.

A new order could also assist in addressing place-based harassment and vilification, such as that which takes place in public spaces outside places of worship, for example. Examples of community experiences relevant to this recommendation are provided in the appendix from page 24.

An order would not need an overt criminal offence to be triggered, but would address repeated behaviour of a concerning nature. It would not need to be proven beyond reasonable doubt, as with criminal offences.

Introducing an order would address the concern around the incursion on free speech, as a proportionate response to protect other rights which are impacted by the behaviour of the respondent. It would also provide legal certainty, as a breach of the order would be a criminal act.

Police are already familiar with DVOs and Peace and Good Behaviour Orders, so may be more likely to impose a similar order aimed at addressing racially or religiously motivated behaviours.

Finally, an order could act as a stepping stone towards charges being laid under s131A of the *Anti-Discrimination Act* (the serious vilification offence). For example, the significance of graffiti P86B or C18 can be explained and articulated in the application for an order. That then informs the prosecution as to when more serious charges should be laid.

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*"I was entering my apartment building, when I was pushed out. A fellow resident had pushed me and told me that I was not allowed to enter the building unless I was quarantined and cleared of the coronavirus. I said that I don't have it and that resident replied that "all Asians have it because of our disgusting eating habits."*

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*Brisbane, 2020.*





# Under-utilisation of existing offence

Section 131A of the *Anti-Discrimination Act 1991* is not being charged, even when it is an available option. This has a negative impact on community confidence and trust, and consequently on community reporting of crimes.

Cohesive Communities Coalition members are aware of several instances where cases cannot be prosecuted under s131A because police cannot obtain a warrant to preserve online evidence.

Currently an offence needs to have a penalty of three years imprisonment in order for a warrant for online evidence to be issued.

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*"Ultimately, it is the moslems themselves who will have to decide whether they want to re-join the human race....or race to extinction. Because the way they are behaving today they are making a lot of us westerners very, very angry...we might take a while to have our anger roused, but when it reaches a certain point we will hit back....the moslems will feel the full weight of our wrath and if we do not falter we will wipe out islam completely. There is only one attitude we must have towards islam. Leave islam or leave our nations. If you refuse....you die!"*

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- Facebook post from Queenslander Michael Holt, January 2015.

### Recommendation 3: Create a special power for police to obtain warrants to preserve online evidence, or increase the penalty in s131A of the *Anti-Discrimination Act 1991* to three years' imprisonment.

Of these options, increasing the penalty in s131A may be the simpler. The current sentence for this offence – six months' imprisonment – is too low to warrant prosecuting a complex and high threshold offence.

Cohesive Communities Coalition members are of the opinion the punishment is not sufficient for the serious impact of the offence.

Without further legislative intervention, police would not be able to seek a warrant to preserve online evidence (which requires suspicion of an offence carrying a penalty of at least three years imprisonment).

The other barrier to greater use of the existing offence under s131A is the requirement for the approval of the Director of Public Prosecutions or the Queensland Attorney-General before commencing prosecution.

### Recommendation 4: Remove the requirement for approval of the Director of Public Prosecutions or Attorney-General in order to commence prosecution under s131A.

Cohesive Communities Coalition members suspect this requirement acts as a deterrent to police laying charges under s131A. Removing it would expedite the laying of these charges and remove the procedural burden on Queensland police seeking to prosecute offenders.

Further examples of community experiences relevant to this recommendation are provided in the appendix from page 24.



# Addressing the distribution and display of hate material or hate symbols

The distribution and display of hate material or hate symbols is currently largely unaddressed, unless the behaviour is so extreme that it constitutes an incitement to hatred.

Distributing or displaying hate material is endemic through mediums such as publications, graffiti, flyers, posters, stickers or flags.

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*"At least twice a week this month, activists have been going out putting up posters, to the point where AR propaganda is becoming quite a noticeable feature on the Gold Coast. Propaganda has also been put up in Toowoomba, Sunshine Coast, and Brisbane, where they were noticed and picked up in the local news..."*

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*Excerpt from January 2018 newsletter of far-right group Antipodean Resistance.*



Examples of community experiences relevant to this recommendation are provided in the appendix from page 24. The law, however, should only address the more egregious and harmful forms of hate material.

### Recommendation 5: Introduce a complementary offence to criminalise the possession, distribution, or display of hateful material.

In cases where the distribution or display of hateful material is not capable of inciting hatred in other people to the threshold required in s131A, alternative offences may be a more effective way of combatting hate.


One option may be to adopt offences currently available in Western Australia which address the possession, distribution or display of hateful material, while extending them to other protected groups. Those laws include:

- possession of material for dissemination with intent to incite racial animosity or racist harassment;
- possession of material for dissemination that is likely to incite racial animosity or racist harassment ;
- conduct intended to racially harass and likely to racially harass (which do not require proof of incitement).<sup>18</sup>

Adopting these provisions has the benefits of utilising existing legislative drafting from another Code State, as well as existing judicial decisions on the provisions.

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<sup>18</sup> *Criminal Code Act Compilation Act 1913 (WA)*, s79, 80, 80A, 80B.



# Addressing low levels of reporting and community confidence

Current operational practices in the policing and prosecution of hate crimes result in low community confidence and therefore create low levels of reporting.

Addressing these issues would result in improving community-police relations, which is critical for any successful hate crime policing program.

It could also help address the sense of fear and danger which permeates through a victim's community following an attack.

## Recommendation 6: Adopt a civil hate crime injunction.

The introduction of a civil hate crime injunction is discussed in the submission by the Australian Hate Crime Network to the NSW Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010:

*In other jurisdictions, the introduction of a comparable civil law response to hate crimes has been successful in improving victim protection. 'Civil injunctions' are similar to ADVOs in the way they operate. A civil injunction is placed on hate crime offenders to deter recidivism with the risk of punishment for breaching conditions of the injunction. Unlike ADVOs, however, injunctions are designed to protect the victim and their entire community instead of being limited to the individuals named in the order.<sup>19</sup>*

A civil injunction does not need to prove evidence beyond a reasonable doubt, but still provides longer term protection to the victim and greater deterrence.

Based on the United States' Vermont model, a hate crime injunction (protective order) orders the offender not to harass or contact the victim and not to commit further hate crimes against a victim or anyone else, and can include other requirements for the victim's protection.

## Recommendation 7: Introduce hate crime scrutiny panels, based on the United Kingdom model.

The way this model operates in the United Kingdom is described by Asquith and Bartkowiak-Theron as follows:

*Each of the UK's 43 policing services is required to create local Hate Crime Scrutiny Panels, which are tasked with reviewing a random sample of hate crimes reported to an area command during a monthly or tri-monthly period. Scrutiny Panels consist of specialists (sworn and unsworn) working with volunteer members of the victim communities. Importantly, specialists officers participating in these panels are not required to defend specific officers' (in)actions. Rather, the panel as a whole, asks for clarification from, and makes recommendations to, responding officers and area commanders; at times this takes the form of an official recommendation to be included in individual officer's file for outstanding service delivery.<sup>20</sup>*

This approach brings scrutiny to all aspects of police response. It involves a detailed outline of individual cases, procedures taken by responding officers and commanders, and a critical discussion of the problems encountered in operationalising the hate crime policies and standard operational procedures.

It allows for generalist or specialist scrutiny panels – for example, a generalist panel looking at all forms of hate crime, or a specialist panel (such as the West Yorkshire Police's Race Hate Crime Scrutiny Panel, and Sexuality Hate Crime Scrutiny Panel).

It provides additional contact with victims and enhances the trust between victim communities and the police, with the flow-on effect of increasing the willingness of vulnerable victims to report crimes to the police.

<sup>19</sup> Submission from Australian Hate Crime Network to the New South Wales Legislative Council Standing Committee on Social Issues inquiry Gay and transgender hate crimes between 1970 and 2010, February 2020 p21. Available online at <https://www.sydney.edu.au/content/dam/corporate/documents/sydney-law-school/research/centres-institutes/ahcn-gay-and-transgender-homicides-inquiry-submission.pdf>.

<sup>20</sup> Nicole L Asquith, 'Vulnerability and the Art of Complaint Making' in Isabelle Bartkowiak-Théron and Nicole L Asquith (eds), *Policing Vulnerability* (Federation Press, 2012) 147, 155

It allows for addressing cultural and operational practice obstacles which may be blocking the enforcement of laws, and also overcomes the drawbacks of the current QPS Muslim Community Reference group model or Police Ethnic Advisory Group (PEAG) models which:

- Are not focused on hate crime handling,
- Do not have any formalised requirement for police to consider recommendations and report back on changes considered or made (communication back tends to happen at the next meeting).
- Can be opaque in relation to police process.

In addition, a scrutiny panel would need a smaller number of expert representatives, one from each targeted community.

Guidance on setting up hate crime scrutiny panels is also available in a resource from the United Kingdom's Crown Prosecution Service.<sup>21</sup>

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21 A guide to setting up scrutiny panels Equality and Diversity Unit, Crown Prosecution Service, United Kingdom (2007). Available at <https://lemosandcrane.co.uk/resources/Guide%20to%20setting%20up%20hate%20crime%20scrutiny%20panels.pdf>



# Appendix: Experiences of racially motivated abuse and hate speech

The following examples have been provided by community, and offer insights to the types of incidents which might be prosecuted as aggravated offences.

All have taken place in Queensland.

Readers are warned that the examples provided here are real ones and have been supplied by the community: as such, some of their content may be distressing.



## Examples: Assault or threat of assault

"I was entering my apartment building, when I was pushed out. A fellow resident had pushed me and told me that I was not allowed to enter the building unless I was quarantined and cleared of the coronavirus. I said that I don't have it and that resident replied that "all Asians have it because of our disgusting eating habits" – Brisbane, 2020.<sup>22</sup>

"An elderly women attacked me with her walking stick and verbally. She approached me by saying to go F off out of this country, no one wants me here and I didn't F belong here. She continued with more verbal and offensive words and at the end she ask me to go back where I came from and take my virus/disease (she thinks I am Asian even though I am Latin). After this day, whenever I see her at the local beach carpark, she tries to intimidate me by staring at me while I walk to the beach or my car." – Lammermoor, April 2020.

A South Korean backpacker was assaulted by a teenager who accused her of bringing the coronavirus to Australia – Bundaberg, March 2020.<sup>23</sup>

Verbal abuse of an 87-year-old non-Jewish woman in a carpark next to a synagogue: "Move your car, you Jew bitch, or I'll throw paint over you and your car" – Gold Coast, December 2018.<sup>24</sup>

Imam reports wife spat at, and had coffee thrown at her at shopping centre in Brisbane – October 2016.<sup>25</sup>

Cairns woman grabbed, spat at and called a 'shitty Muslim' by two men in her shop in Shields St, Cairns. The men were charged with public nuisance and banned from city centre for 10 days – October 2016.<sup>26</sup>

Brisbane woman threatened with having her hijab set on fire in West End. The man who threatened her was fined \$500 for the unprovoked attack – Brisbane, October 2014.<sup>27</sup>

Woman wearing niqab verbally assaulted at supermarket at Logan, man charged with assault – Brisbane, September 2014.<sup>28</sup>

Sikh taxi drivers are often abused verbally by passengers and called names – even been spat on or had someone reach out to grab their turban. One driver was overcome by passengers and his evenings earnings stolen.<sup>29</sup>

22 Chui, O & Asian Australian Alliance (2020) Reporting Racism against Asians in Australia Arising due to the COVID-19 Coronavirus Pandemic (available online at <https://asianaustalianalliance.net/covid-19-coronavirus-racism-incident-report/covid-19-racism-incident-report-preliminary-report/>).

23 Handley, E & McCarthy, J "The Government has dismissed China's warning to its citizens about racism in Australia. Let's take a look at the evidence" ABC News, 11 June 2020. Online at <https://www.abc.net.au/news/2020-06-11/china-warns-students-racism-australia-evidence-covid19/12340208>.

24 Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p36 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

25 'Mosque opens doors and opens minds to diversity', *Morning Bulletin*, 31 October 2016.

26 "Pair accused of hate crime against woman" Cairns Post, 27 October 2016.

27 Baskin, B "Man who threatened to burn hijab fined \$500, runs from court with head covered", *Courier Mail*, 28 October 2014. Online at <https://www.couriermail.com.au/news/queensland/man-who-threatened-to-burn-hijab-fined-500-runs-from-court-with-head-covered/news-story/51e06180632e63412054bd6c56cfafad>

28 "Man charged after telling Muslim woman to 'go back to your country'" *The Australian*, 26 September 2014. Online at <https://www.theaustralian.com.au/nation/nation/man-charged-after-telling-muslim-woman-to-go-back-to-your-country/news-story/0202b64ae5e1ea4e56362b9260cb489e>

29 Unpublished data provided to Queensland Human Rights Commission, August 2020. Used with permission.

## Examples: Wilful damage to property

Large swastika, accompanied by the words “white power”, spray painted at a lookout – Mt Morgan, January 2020.<sup>30</sup>

Graffiti of “White Power” and a swastika in a public toilet - Strathpine, November 2018.<sup>31</sup>

Graffiti of swastikas and “Heil Hitler” on a bakery door – Brisbane, June 2019.<sup>32</sup>

Graffiti of swastika and “P86B” – Toombul, June 2019

Graffiti on synagogue building and concrete fence, with words: “Synagogue of Satan” and “Goyim Know”, plus graffiti on concrete fence of adjoining house of “Goyim knσw” and “911 was an inside job” – Brisbane, September 2019.<sup>33</sup>

Graffiti of swastikas, “worship Satan” and the Jewish Star of David with an arrow between them pointing to both, “Hitler”, and other images on a primary school – Gold Coast, September 2019.<sup>34</sup>

Graffiti: “White Power” – Brisbane, November 2018.<sup>35</sup>

Graffiti on Darra Mosque, ‘REMOVE KEBAB’, ‘RIP EBBA AKERLUND 07/03/17’, a flag of Sweden and another symbol [pictured below] – April, 2019. The term ‘Remove Kebab’ is a term that originated in the 1990s in Serbia, and was used by Brenton Tarrant in his manifesto. It was written on one of his weapons. ‘Remove kebab’ is a call to expel or kill Muslims.



30 McGhee, R “Swastika graffitied at Queensland’s popular Mount Morgan lookout – *ABC News Capricornia*, 23 January 2020. Online at [abc.net.au/news/2020-01-23/swastika-white-power-graffiti-mount-morgan-lookout-rockhampton/11885598](https://www.abc.net.au/news/2020-01-23/swastika-white-power-graffiti-mount-morgan-lookout-rockhampton/11885598).

31 Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p43 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

32 Ibid p47.

33 Ibid p49.

34 Ibid.

35 Ibid p196.

Graffiti on Holland Park Mosque 'REMOVE KEBAB', 'ST. TARRANT' and a swastika [pictured below] – September 2019.<sup>36</sup>



A man arrested after a decapitated pig's head was left outside a mosque in Stockleigh, south of Brisbane. The severed head was left at the front gate of the mosque. The man was arrested after photos were posted to social media showing two men outside the mosque's gate pulling shocking gestures – September 2017.<sup>37</sup>

Two men charged with wilful damage after throwing pork products at a Maroochydore site proposed to become an Islamic place of worship. The men bought the pork products at a supermarket before travelling to the Church St address being considered to become a mosque. The men threw meat onto various parts of the building, leaving a mess that had to be cleaned – Maroochydore, May 2015.<sup>38</sup>

Townsville home broken into, set on fire, and spray painted with anti-Islamic messages – December 2015.<sup>39</sup>

'Evil' graffiti on mosque – Mareeba, 2014.<sup>40</sup>

Brisbane man charged with wilful damage, trespass and nuisance after spraying menacing graffiti at mosque [pictured below] – Rocklea, 26 September 2014.<sup>41</sup>

Spiking car tyres owned by South Sudanese refugee during Ebola virus pandemic – Brisbane, November 2014.<sup>42</sup>

The front of the Cairns North mosque sprayed with large red letters calling for the worshippers to "integrate" or return to their "homelands" – Cairns, November 2013.<sup>43</sup>

36 "White supremacist graffiti sprayed on Brisbane mosque" *MSN News*, 11 September 2019: <https://www.msn.com/en-au/news/australia/white-supremacist-graffiti-sprayed-on-brisbane-mosque/ar-AAH8mgX?li=AAgfiYZ>

37 Mann, T "Man arrested for leaving decapitated pig's head outside mosque" *Metro News*, 5 September 2017. Online at <https://metro.co.uk/2017/09/05/man-arrested-for-leaving-decapitated-pigs-head-outside-mosque-6904953/>.

38 "Men charged with throwing pork on planned mosque site" *Sunshine Coast Daily*, 26 May 2015 <https://www.sunshinecoastdaily.com.au/news/man-charged-throwing-pork-planned-mosque-site/2651223/>

39 Tapiolas, P & Fernback, N "Townsville police hunt anti-Islamic vandals" *ABC News*, 11 December 2015 <https://www.abc.net.au/news/2015-12-11/townsville-police-hunt-racist-vandals-following-home-invasion/7020566>

40 "'Evil' painted on Qld mosque" *SBS News*, 26 September 2014. <https://www.sbs.com.au/news/evil-painted-on-qld-mosque>

41 Davidson, H "Brisbane Muslim prayer centre vandalism: man charged over messages" *The Guardian Australia*, 26 September 2014. Online at <https://www.theguardian.com/world/2014/sep/26/brisbane-muslim-prayer-centre-vandalism-man-charged>

42 Vonow, B "Ignorant attacks: Brisbane mum, kids targets of Ebola-inspired racial abuse" *Courier Mail*, 3 November 2014: <https://www.couriermail.com.au/news/queensland/ignorant-attacks-brisbane-mum-kids-targets-of-ebolainspired-racial-abuse/news-story/4eea44d6b77c887481c470da6f931cb8>

43 Nancarrow, K, Kim, S & Shorey, K "Vandals graffiti Cairns mosque" *ABC News*, 5 November 2013 <https://www.abc.net.au/news/2013-11-05/vandals-graffiti-cairns-mosque/5070180>



## Examples: Public nuisance

"Neighbouring couple have been observed several times filming children under the age of 10 years playing at the park across the road from the family's home. The situation escalated recently as a man was seen throwing rocks at children while they were playing. He and his partner called the children "coons, dirty..." and other derogatory terms. When the mother went and asked the couple, they yelled at her and continued racially abusing her and the children. Later on, they couple came over and dumped rubbish at the backyard of the family. At that particular time, there were a visiting cousin who immediately went out and asked the couple, "did you just come and dump the rubbish at our backyard?" Their response was a rude finger and racial abuse. The situation flared up with exchanges of words and the cousin of the victim decided to call the police. The police came about two hours later, asked a couple of questions and then said we will talk to the neighbours and if this happen again, you can report the matter to the council. The complainants then explained to the police and asked "how about the trespassing that just happened, and how about the videos/ images they took from the children?" One of the officers just shut the conversations down and said "stop asking questions."" – Redbank Plains, August 2020.

"A white lady in her forties came to my office initially enquiring about any job or volunteering opportunities. One of my staff members directed to her to my desk. I welcomed her and explained that unfortunately we did not have any vacancies at that particular time, but she was welcomed to volunteer. I explained to her the processes/ paperwork involved in becoming an official volunteer, which included filling out the application form, acquiring a blue card, verification of criminal history etc. The lady immediately stopped me from that point. She said "you should not be working here, especially as a manager because this is not your country. You do not know our problems. You just arrived by boat. I should be the one working here as a manager because I have a long experience from personal – marriage breakdown/family issues and a diploma qualification." I politely explained to her that she was in my office for the purpose looking for job or volunteering opportunities and that what I was there to help her with. I said to her that you either take what I was offering in response to her initial enquiry or leave my office because you had no idea how I came to Australia, what my qualifications or experience were and most importantly, why I was offered the job out of hundreds of applicants. She refused to leave my office and continued racially abusing me until I called my director from Sydney to speak to her to leave. I also threatened to call the police if she did not leave my office. The whole situation unfolded in front of my staff members who were absolutely horrified by the incidents – Logan, October 2013.

Two men charged following incidents at mosques in Kuraby and Oxley: A group of men attended the Kuraby Mosque and disrupted proceedings in the place of worship. The men also caused a public nuisance at the Darra Mosque in Oxley the next day. Police intercepted a vehicle in the vicinity where they seized recording equipment including video cameras and mobile phones from the group. Both men were charged with two counts of public nuisance and one count each of enter premises with intent and trespass – Brisbane, July 2018.<sup>44</sup>

44 "Public nuisance charges, Kuraby" Queensland Police News, 6 July 2018. Online at <https://mypolice.qld.gov.au/news/2018/07/06/public-nuisance-charges-kuraby/>.

## Examples: Potential breaches of good behaviour orders

The following cases fall short of criminal offence, but if repeated could be a breach of a good behaviour order.

Verbal abuse of a 75-year-old Jewish man in a carpark next to a synagogue with words of: "Move your car, you fucking Jew bastard. I hate Jews" – Gold Coast, October 2018.<sup>45</sup>

Verbal abuse of a 92-year-old Jewish man in a carpark next to a synagogue: "Move your car, you Jew bastard. I hate Jews." – Gold Coast, December 2018.<sup>46</sup>

Verbal abuse of a 75 year old Jewish man in a carpark next to a synagogue: "Move your car, you Jew bastard." – Gold Coast, December 2018.<sup>47</sup>

Verbal abuse of Jews outside a synagogue, with words of "Fuck off, you Jewish bastard" and "Jewish cunt" – Gold Coast, April 2019.<sup>48</sup>

A male yelled out "Fuck the Jews" in a library at Queensland University Technology (QUT) – Brisbane, May 2019.<sup>49</sup>

"Due to the end of the farm season, we need to move to Bowen and after searching for new accommodation on Facebook due to the fact we need to find cross state housing information in advance, I messaged the person, the landlord. She was very rude when replying to my message and said that "we had to quarantine in our own country". I explained that due to flight cancellation, the farm requires us to move and the Australian Government is trying to work things out for us to stay. She then replied rudely and started to say things which discriminated against Asians. I got so angry that I deleted a lot of that message. She later counter attacked and threatened to report us to the Government." – Bowen, 2020.<sup>50</sup>

Reports of members of community with African background being name called 'Ebola' – Brisbane, September 2014.<sup>51</sup>

A young Sikh man was on his way to uni classes with a backpack carrying his laptop and books when a few young men started following him and calling him a terrorist. They yelled to watch the bomb on his back. This incident was a horrifying experience for the young man as people stopped and looked at him. At first, he could not understand what was happening. The men carried on yelling abuse at him and followed him for quite a while – Brisbane, date unknown.<sup>52</sup>

As a Sikh gentleman was about to exit a lift in the Myer Centre, 3 young men pushed past him and called him Bin Ladin. He asked what they meant, and they started laughing and calling him a terrorist and to go home. This experience was very disturbing as these young men had no fear of calling the Sikh man names in a busy shopping centre with so many people around.<sup>53</sup>

45 Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p34 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

46 Ibid p36.

47 Ibid.

48 Ibid, p38.

49 Ibid.

50 Chui, O & Asian Australian Alliance (2020) Reporting Racism against Asians in Australia Arising due to the COVID-19 Coronavirus Pandemic p14 (available online at <https://asianaustalianalliance.net/covid-19-coronavirus-racism-incident-report/covid-19-racism-incident-report-preliminary-report/>).

51 "Ignorant attacks: Brisbane mum, kids targets of Ebola-inspired racial abuse" *Courier Mail*, 3 November 2014. Online at <https://www.couriermail.com.au/news/queensland/ignorant-attacks-brisbane-mum-kids-targets-of-ebolainspired-racial-abuse/news-story/4eea44d6b77c887481c470da6f931cb8>

52 Unpublished data provided to the Queensland Human Rights Commission, August 2020. Used with permission.

53 Ibid.

## Examples: online hate speech and vilification

The following examples are cases which cannot be prosecuted under the existing s131A offence, as police cannot obtain a warrant to preserve online evidence.

### Raymond Foster<sup>54</sup>

Raymond Foster uses the following names online: Nacherel Jesus and The Australian Vanguard (TAV). He has had several Facebook accounts, Youtube accounts and Gab accounts. Foster has stated he plans to stand for the Senate at the next election. He believes that white genocide is occurring, and calls for the expulsion of those of non-European ethnicity (apart from Indigenous Australians), and also calls for the killing of Jews, homosexuals, and others. He also claims to be a supporter of Christianity and Jesus. Foster lives in Queensland.

Foster produces hip-hop style videos with his own political and hateful lyrics. Many of the lyrics express violence against particular minorities. Foster's 'Nacherel Jesus' Youtube channel was terminated by Youtube on c. 29 June 2019. Foster then established another Youtube channel, under the name 'Master R. Foster'. In the first video below, the video lyrics vilify Jews ("Kikes"), blacks, Muslims, homosexuals ("fags"), and women ("THOTS" = "that ho over there" or "thirsty hoes out there").

#### Don't Need That Suffering ~ by Ipswich Jesus

Nacherel Jesus · Published on Jun 16, 2019 / Raymond Foster – Aussie Independent

*"I'll never need another... don't be surprised/ when I advocate for the fourth Reich night and day/ mutha fuck fighting my way to a brighter day/ just trying to keep these dirty lying kikes away/ ... got a Reich within/ begin stepping in/ this oven kike get in/ Get in/ This oven/ Kike get in/ ... Sieg heil/88 ... but they won't mass gas ya/ ... ammo so stacked up/ ... blacks stinking out ma home and moaning Kebabs/ ... now I'm gonna bag every fucking fag/ and drag em naked behind a horse on jagged gravel/ until they're(sic) limbs are fucking dangling off/ and feed em to crocs/ while I'm holding a cross/praise god/ I'm just working for the boss/ crusade every Muslim on the face of earth/ convert em by blade or make em drop/ you're not gonna wanna hear what I got/ in store for the THOTS/ Your gonna bleed a lot/ but ya used to that/ so keep ya pads ready in ya hand bag we'll be needing that/ And heebs/ you'll leaving as ash/ Get in the oven."*

#### 88 Mutha Fuckas

Nacherel Jesus · Published on Jun 20, 2019

*"Stop nagging/ not acting/ ill be dragging/ bodies down an alley to stab em/ don't panic/ only kike maggots get damaged/ when at it/ I know you might think its tragic/ but open ya mind imagine/ if there was a tribe alive in competition with mine/ who owned all the banks and media/ what do you think they'd be teaching ya/ to hate your own kind that's what they're feeding ya/ ... mutha fuckas gonna know our names/ men will know we came/ we won't be tamed/ we're wild aryans we overtake/ no mistake/ roam with a ace/ up my sleeve/ happily put a knife to ya throat/ only live once/ so I better take yours before you take mine/ ... break through this Jewish cage/ refuse to shake/ moving through the maze/ gazing on never gonna stop/ raise another crop/ mate fuck ya optics/ I've lost it/ maybe I'll Holocaust it/ rooster in it/ I think I got time/ to drop every last dogshit kike/ ... always keep the kikes in the eye of your sight/ wars raging at our door/ so I'm like the forth Reich."*

<sup>54</sup> Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p120-122 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

## HONOUR ME

Nacherel Jesus · Published on Jun 21, 2019 By Master R. Foster.

*"1488 Race War Gas all the fucking kikes"*

## Who Owns Hollywood?

Master R. Foster · Published on Jul 12, 2019

*"... / fuck ya optics/ ... get the attention/ then I mention/ Jews/ watch this/ reaction/ cute/ if you think I'm anti Semitic/ you/ got no idea/ ill guide I'll steer/ till ya mind is clear/ Who/ owns all the banks/ Who/ owns all the oil/ Who/ owns big pharma/ Who/ owns all the media/ They're trying to harm ya/ Who/ owns Hollywood/ They're trying to harm ya/ Im naming the Jew everyday/ are ya?/ If not/ you better start brah/ start another/ Shoah/ ... open da eyes/ ride with da Reich/ right for the fight/ eye for and eye/ that's what's like with these kikes/"*

## Raymond Foster: Gab

<https://gab.com/Nacherel> · The Australian Vanguard @Nacherel

The Australian Vanguard@Nacherel · Aug 24, 2019:

*Plans ~ I just finished recording a new song. Yours Truly, Master R. Foster*

*[transcript]: "Then I/ recruited my troops/ cause/with Jews you loose/ ... gonna be under my boot/ it's true/ my people through with that shit/ Jew we're not acting this time we'll really going turn you into ashes/"*

The Australian Vanguard@Nacherel · Sep 09, 2019:

*I'd be putting a bullet in the back of your head "if and when it all goes down"... If you aren't explicitly Anti-Semitic - YOU are the Enemy of The White Race.*

The Australian Vanguard@Nacherel · Sep 24, 2019 :

*Me: \*Heats Up Oven To 1488 Degrees\**

The Australian Vanguard@Nacherel · Sep 28, 2019:

*Soon we will GOOSE STEP these Kike Mutha' Fuckers, FOR GOOD...*

## Michael Holt

Michael Holt lives in Queensland. The following is a post from his facebook page on 10 January 2015, accompanying a link to an ABC article "'Replace indoctrination' calls Al-Qaeda hit-listed Ayaan Hirsi Ali after Charlie Hebdo attack", [<https://www.abc.net.au/7.30/replace-indoctrination-calls-al-qaeda-hit-listed/6009626>]:

*"While this is an excellent message, the only problem is that Dutch writer, activist and former MP Ayaan Hirsi Ali has left islam and therefore she cannot do anything to bring this idea about. Ultimately, it is the moslems themselves who will have to decide whether they want to re-join the human race....or race to extinction. Because the way they are behaving today they are making a lot of us westerners very, very angry... we might take a while to have our anger roused, but when it reaches a certain point we will hit back....the moslems will feel the full weight of our wrath and if we do not falter we will wipe out islam completely.*

*There is only one attitude we must have towards islam. Leave islam or leave our nations. If you refuse....you die!"*

## Examples: distribution or display of hate material

Hanging of Nazi flag on Story Bridge by Nationalist Socialist network – Brisbane, June 2020.<sup>55</sup>

Poster of “Research The JQ. Research The Kalergi Plan” by The Australian Vanguard on a wheelie bin – Ipswich, July 2019. ‘JQ’ refers to the “Jewish Question”.<sup>56</sup>

Arbeit Macht Frei” (“Work Makes Free”, words displayed at Nazi concentration camps) sign – Brisbane, April 2019.<sup>57</sup>

A punk band, Big Bongin’ Baby, unfurled swastika flags onstage during a performance at ‘The Bearded Lady’ venue in West End, Brisbane, on Saturday night, 5 January 2019. The management of the Bearded Lady evicted the band.<sup>58</sup>

Car sticker sighted on two occasions in three weeks on car window in Rockhampton “Save the country, shoot a Muslim” – Rockhampton, March 2019.<sup>59</sup>

A pig’s head dumped outside the Islamic College of Brisbane, found inside a bag with a swastika label – Brisbane, July 2017.<sup>60</sup>

Antipodean Resistance group: various posters displaying hatred against Aboriginals, Jews, LGBTI community and those with HIV/AIDS – multiple locations across Gold Coast, Toowoomba, Sunshine Coast and Brisbane, March 2018. The following entry and images are from the Antipodean Revolution’s “January 2018 Action Report” newsletter:

*“Happy new year from Queensland. Our month has filled with lots of postering, a well as helping the newly formed Antipodean Resistance Women’s Alliance (ARWA) get on its feet.*



*At least twice a week this month, activists have been going out putting up posters, to the point where AR propaganda is becoming quite a noticeable feature on the Gold Coast. Propaganda has also been put up in Toowoomba, Sunshine Coast, and Brisbane, where they were noticed and picked up in the local news...*

55 Garcia, J “Government urged to check resurgence of neo Nazi group in Brisbane” *Brisbane Times*, 3 June 2020. <https://www.brisbanetimes.com.au/national/queensland/government-urged-to-check-resurgence-of-neo-nazi-group-in-brisbane-20200529-p54xrh.html>

56 Nathan, J (2019) *Report on Antisemitism in Australia 2019* Executive Council of Australian Jewry, p64 (available at <https://www.ecaj.org.au/wordpress/wp-content/uploads/2019/11/ECAJ-Antisemitism-Report-2019.pdf>).

57 Ibid p197.

58 Ibid p91.

59 Interview with Rockhampton resident and witness Chris Cole interviewed on ABC radio (Capricornia) 26 March 2019.

60 Withy, A “Pig’s head dumped outside Islamic College of Brisbane” *ABC News*, 19 July 2017. Online at <https://www.abc.net.au/news/2017-07-19/pigs-head-islamic-college-brisbane-swastika/8723544>



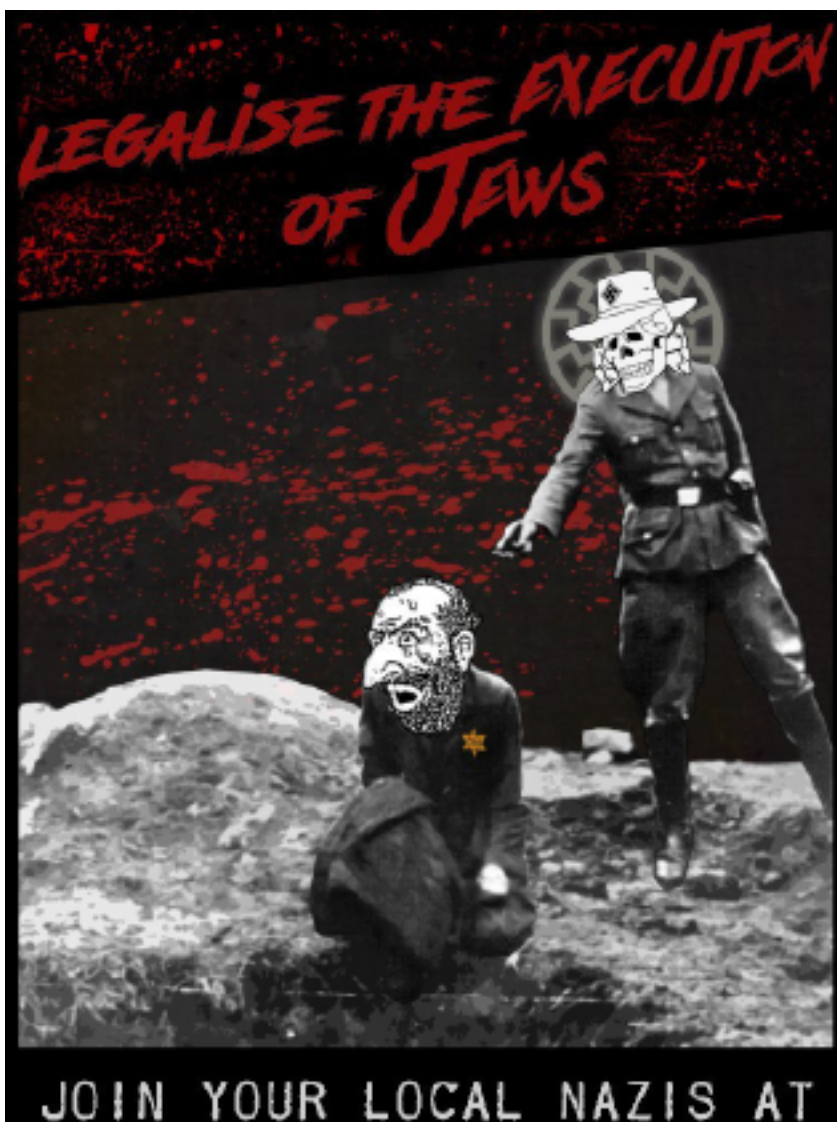
Later on we also posted up Musgrave Park and the botanic gardens on the eve of the 26th, where “invasion day” protests were to be held. The posters are even visible on the day of the event.”



The group’s February 2018 newsletter contained the following images and text:

*“The work from last month has continued for Queensland. Our fitness training and posterings have become quite regular routines now, and we’re building up both in terms of quality and quantity...With the rest of the country, we participated in the nationwide hit. Postering runs were done in Brisbane, Coolangatta, Kirra Beach, Sunshine Coast, and Toowoomba.”*







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