LGBTI Legal Service files vilification case against hate speech during the Australian Marriage Law Postal Survey

The LGBTI Legal Service lodged today a complaint of vilification against 25 people responsible for engaging in public acts of hate speech during the Australian Marriage Law Postal Survey last year.

Last year, the LGBTI Legal Service received State Government funding to monitor and bring to account people engaging in unlawful hate speech during the postal survey. This project resulted in the complaint lodged today with the Anti-Discrimination Commission Queensland.

During the postal survey, the LGBTI Legal Service collected over 220 examples of hate speech. The hate speech ranges from individual posts on social media pages to neo-Nazi groups plastering posters around university campuses. From these examples, the LGBTI Legal Service selected the worst of the worst to sue under the Queensland vilification laws. These laws prohibit publicly engaging in hatred towards, serious contempt for, or severe ridicule someone because they identify as lesbian, gay, bisexual or transgender.

These Queensland laws draw a line between hate speech and free speech, recognising the harmful and destructive impact of vilification.

Matilda Alexander, President of the LGBTI Legal Service, said:

To those who would publicly vilify and condemn us for our simple acts of love, we say enough is enough. We have been shamed, shunned and looked down on for too many years. We have protections in the law and today we will use those legal protections to fight back.

We lodge this action on behalf of the lesbian, gay, bisexual, trans, gender queer and intersex communities around Australia who endured hatred during the postal survey. We stand with you and we stand up for you. We are taking this action against people who think “its ok to say no” means it’s ok to say “burn the faggots” or “send poofers to their own island” or “you are all getting rooftopped” or “Hitler had the right idea about homosexuals, burn them”. These shocking comments are hate speech and
today we are holding the perpetrators to account.

The Postal Survey opened the door to homophobia and vilification being expressed under the guise of legitimate debate. This case will close that door.

Contact

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Frequently Asked Questions

What is vilification?

If someone publicly incites hatred towards, serious contempt for, or severe ridicule of someone because they identify as lesbian, bisexual, or gay, it may be vilification. Vilification is against the law in Queensland under the Anti-Discrimination Act 1991 (Qld).

Does this conflict with freedom of religion or freedom of speech?

No. Hate speech will not be unlawful if it is done reasonably and in good faith for academic, scientific, artistic, research or religious discussion, or other purposes in the public interest or a fair report of a public act.

When will we know the outcome of the case?

The case will proceed through the Anti-Discrimination Commission Queensland (ADCQ) conciliation process. If this does not resolve the complaint to our satisfaction we will consider taking it to QCAT. This process could take over a year. We will be represented by Clayton Utz who have provided pro bono assistance throughout this project.

How can I find out more about laws about hate speech?

A good place to get information is the Anti-Discrimination Commission Queensland: https://www.adcq.qld.gov.au/resources/lgbti-people/Sexuality-and-your-rights.

Also, if you or anyone you know has experienced unlawful discrimination or vilification (hate speech), we encourage you to book an appointment to speak with our lawyers at the LGBTI Legal Service.

Why now?

There is a 12-month limitation on bringing complaints of discrimination and vilification. Many people reported hate speech to us over the survey period and we were required to consider each instance through a legal lens in order to decide whether it constituted hate speech and whether an exemption applied. After doing this, we found we had over 220 cases we could bring, however we wanted to ensure the focus was on the worst offenders. We have also been working to track down the people responsible for Facebook posts, which took time.
What if people used a different name on Facebook?

Many people engaging in this activity hide behind fake profiles on the internet and IP addresses can be tracked to make real people accountable for actions such as Facebook posts.

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