

WELCOME TO THE EIGHTH EDITION OF OUR

MONTHLY NEWSLETTER

LGBTI LEGAL SERVICE INC

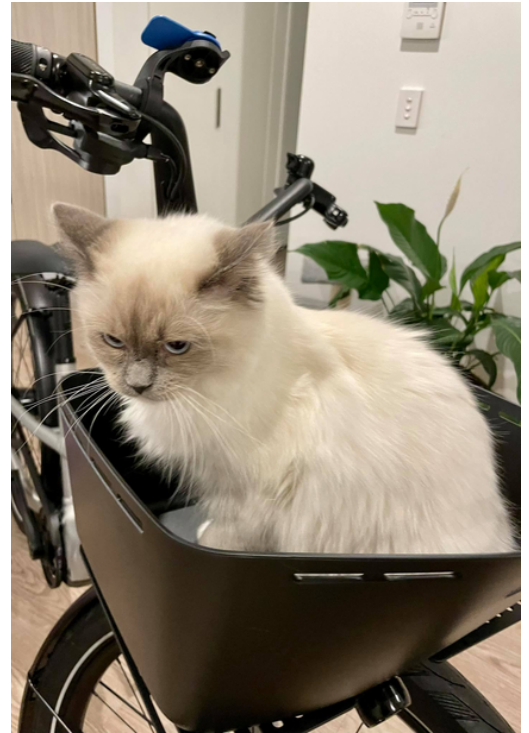


PRIDE FAIR DAY 2021

Pride Fair Day 2021 is on Saturday 2 October 2021. Pride Fair Day is a day to celebrate all things LGBTIQ+. The Pride rally and march will begin at 10am on the corner of Ann St and Brunswick St and finish at New Farm Park for more festivities at the Fair. During Pride Fair Day, there will be performances, games, music and all things that bring the community together. The LGBTI Legal Service will be running a stall at the fair so come down and say hi! We will be selling a range of awesome LGBTI merchandise including; hats, earrings, tattoos, badges and a lot more! We hope to see you at Pride Fair Day on October 2!

BELLE

Appreciation Section



I got my head stuck in a tissue box 😂



I also went on my first ever bike ride! 😂



Follow us on social media to keep updated on news and upcoming events



@LgbtiLegalService



LGBTI Community Legal Service



@LGBTILegal

LGBTI Legal Service pay our deepest respects to Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the lands on which we work and live. We recognise their continuing connection to land, water and culture. We acknowledge the Aboriginal and Torres Strait Islander LGBTIQ+ Sistersgirls & Brotherboys community and recognise the ongoing battle for visibility and inclusivity.

We pay respect to Elders past present and emerging. We acknowledge the wisdom, strength and truth telling of Aboriginal and Torres Strait Islander people. In the spirit of reconciliation, we are committed to fostering a culture of shared knowledge and learnings with Aboriginal and Torres Strait Islander people accessing justice.



HIGH COURT RULES THAT NEWS OUTLETS ARE RESPONSIBLE FOR COMMENTS ON SOCIAL MEDIA

In the recent High Court case of *Voller*, the Court decided whether various media outlets were deemed to be 'publishers' of comments by third party users on their Facebook posts.

The appellants in this case were several large media outlets who each run public Facebook pages where they share news articles and invite Facebook users to interact with their posts. After sharing articles in relation to the applicant's imprisonment, a number of Facebook users commented material that was deemed defamatory. These comments were not removed by the appellants on each post and were able to be read and interacted with by other Facebook users.

The issue in question was whether the comments on the appellant's Facebook posts were published by the appellants. The comments in question were made by a number of third party Facebook users with no affiliation with the appellants.

Mr Voller sued the various media outlets for defamation on the grounds that by not deleting the defamatory content the media outlets had contributed to 'publishing' the defamatory content. 'Publication' of defamatory matter is an essential element that must be satisfied in a defamation action.

The appellants argued that that they did not publish the defamatory matter as they did not make the comments available to the public, did not participate in their publication and were not in any relevant sense instrumental in the publication. The appellants acquainted their conduct to being the equivalent the supplier of paper to a newspaper owner or the supplier of a computer to an author. The appellants argued that to be publishers, the publication must have been intentional and that it is not sufficient that the defendant merely plays an instrumental role in the process of publication.



In a 5:2 majority decision, the High Court dismissed the appeal and found that the appellants were publishers of the third party Facebook comments. The High Court rejected the appellant's argument that for a person to be publisher they must be aware of the relevant defamatory matter and intend to convey it. In reaching its decision, the Court considered the monetary benefits gained by the appellants from leaving the defamatory comments on the posts and how this would increase traction and 'clicks'. The High Court held that the appellants had participated in the communication of the defamatory matter by facilitating and encouraging the third party comments on their Facebook posts. This conduct by the appellants assisted in the publication of the defamatory matter. Thus, the appellants were found to be publishers of the third party comments.

We attended the Senate Inquiry into serious vilification

On Friday 10 September the LGBTI Legal Service took part in a Queensland Senate Inquiry into serious vilification and hate crimes held by the Legal Affairs and Safety Committee.

The Service was invited to give testimony to the committee following on from our law reform submission made to the committee on the 12 July. The committee held three public inquiries and amongst the list of attendees were other LGBTQIA+ organisations such as Rainbow families, Queensland Council for LGBTI Health and Equality Australia.

The service answered questions on redefining the definition of incitement considering the high evidentiary bar placed on complainants in vilification matters in addition to discussing the legislative and cultural barriers for police in investigating serious vilification crimes.

In our submission we made recommendations for strengthening the wording of the civil provision to include 'incite hatred towards, revulsion of, serious contempt for, or severe ridicule of'. Revulsion being included specifically as the service has dealt first hand with this especially with online commentary.

Additionally, we highlighted the particular importance of ensuring the legislative framework for vilification be moved to the Criminal Code. This would make it clear that it is under the ambit of police as to emphasise their role in investigating vilifying conduct more accurately from a cultural standpoint. For further details on the things we discussed in the public hearing and more information on our other recommendations to the committee please click [here](#) for a copy of our submission.

The service is thankful for being able to take part in the inquiry and welcomes any changes to the vilification laws that will better represent and protect the ever-growing LGBTQIA+ community.

A report by the committee to the Legislative Assembly is due by 31 January 2022. So please watch this space!

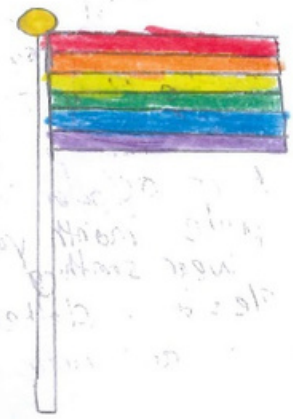


'Booklet of People' - By Charlotte

Polly's very talented daughter, Charlotte, wrote and illustrated an amazing booklet about 'rainbow people'.



Pride Month
Pride Month is a celebration for Rainbow people to be proud of who they are. In 2021 the pride month is October, and in pride month you can wear something purple: Hair, clothes shoes and more.



HI!

I'm Charlotte and
This IS MY Book.

What will I do in this book

well, this is about Rainbow people. These people are people who are born a girl but think on the inside their a boy, or a boy marries a boy and a girl marries a Girl.

How are Rainbow people treated?

Sadly, they are getting discriminated against, but are being accepted by most people.

How? ^{some} People think that no one should marry the same gender and think, if your born a boy, your a boy not a girl, or if your born a girl your a girl. Finally people of the same gender can get married since 2017.

