



The Hon Jarrod Bleijie MP
Attorney-General and Minister for Justice


In reply please quote: 544931/1; 1933144

Your Ref: 10.4 Petitions

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Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
Corner Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie 

Thank you for your letter dated 28 May 2012 regarding petition number 1844-12 received by the Legislative Assembly which calls for support for " *legislative change to ensure Queensland has the toughest laws in Australia to enable the banning and punishment of Neo Nazis and other race hate proponents' activities*".

The Queensland Government is strongly committed to ensuring that Queensland's laws appropriately protect the right of every person to go about their daily lives free from unfair discrimination and free from racial or religious vilification.

To this end, the *Anti-Discrimination Act 1991* (the Act) prohibits discrimination in certain areas, including race and religion, and in addition, specifically prohibits racial and religious vilification - that is, public acts which incite hatred towards, serious contempt for, or severe ridicule of a person or group on the basis of race or religion (section 124A).

The prohibition in section 124A is subject to a number of exceptions. These exceptions recognise the need to protect other rights and freedoms which are fundamental to a healthy democracy such as the right to freedom of speech.

As well as prohibiting certain conduct, the Act provides a means to deal with complaints that may constitute a breach of the Act. This is a two-step process:

- a complaint must first be made to the Anti-Discrimination Commission Queensland; and
- if it is not resolved, it can be referred to the Queensland Civil and Administrative Tribunal for determination.


(2)

In addition to the civil remedies for racial or religious vilification, the Act also provides criminal sanctions for serious racial or religious vilification. An offence is committed when a person, by a public act, knowingly or recklessly incites hatred towards, serious contempt for or severe ridicule of a person or group on the basis of race or religion in a way that includes threatening physical harm towards a person or their property or inciting others to threaten harm towards a person or their property (section 131A). The offence carries a maximum penalty of \$7000 fine or six months imprisonment for an individual or \$35,000 fine for a corporation.

I am satisfied that the vilification provisions in the Act fairly balance the right not to be vilified on the basis of race or religion with the right to freedom of speech.

I trust this information is of assistance to the petitioners.

Yours sincerely



JARROD BLEIJIE MP
Attorney-General and Minister for Justice