

26 July 2024

Our ref: BC:HRPL

Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
George Street
Brisbane QLD 4000

By email: [REDACTED]

Dear Committee Secretary

Respect at Work and Other Matters Amendment Bill 2024

Thank you for inviting the Queensland Law Society (QLS) to appear at the public hearing on Friday 12 July in relation to the Respect at Work and Other Matters Amendment Bill 224 (Bill).

QLS took two questions on notice at the hearing. The questions and our responses are set out below.

1. **Mr Mark Boothman MP, member for Theodore asked, if we take a faith-based organisation of whatever religion it may be, if you are not a follower of that religion and you hear a sermon that you take offence to, would that be classed as hateful?**

Whether or not the public act of delivering a religious sermon would be considered hateful, for the purpose of section 124C, would turn on the specific facts of the case and the application of the reasonable person test set out in section 124C (2).

In circumstances where the public act is found to be done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, it would not be deemed unlawful.

2. **Mr Mark Boothman MP, member for Theodore asked, there are clauses in the bill that allow for acts done by academic, artistic, scientific or research purposes. In our society, there are a lot of contrary opinions when it comes to academic and artistic purposes but also religion. Do you think that is something that is appropriate to be included in the clause?**

Respect at Work and Other Matters Amendment Bill 2024

QLS supports legislative reforms which address vilification in a way that strikes the appropriate balance between freedom of expression and protection from vilification.

Members of QLS's Human Rights and Public Law Committee are not aware of any jurisdiction that currently allows an exemption to vilification on the grounds of religion. It is well known that freedom of religion at international law contemplates limitations in the law that are necessary to protect the fundamental rights and freedoms of others¹.

Accordingly, QLS considers that the current exemptions to new section 124C strike the right balance and provide a broad exemption from the application of the section in favour of artistic works, statements made for public interest purposes and fair comment, provided they are made reasonably and in good faith.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED]

Yours faithfully



Rebecca Fogerty
President

¹ Article 18 of the International Convention on Civil and Political Rights.