



AUSTRALIAN MUSLIM ADVOCACY NETWORK

FRIDAY, 24 MAY 2024

## **QUEENSLAND TRIBUNAL ASSERTS JURISDICTION OVER TWITTER AUSTRALIA AND X CORP IN ANTI-DISCRIMINATION CASE**

A precedent-setting decision has paved the way for global social media companies to be held accountable for locally accessible content that may breach Australian hate speech laws.

In a groundbreaking decision on 21 May 2024, the Queensland Civil and Administrative Tribunal (QCAT) declared its jurisdiction over Twitter Australia Holdings Pty Limited and X Corp.

This landmark ruling comes in response to a complaint by the Australian Muslim Advocacy Network Ltd (AMAN), which accused the companies of violating the Anti-Discrimination Act 1991 (Qld) by allowing the publication of anti-Muslim content.

Represented by Retired Federal Court Judge Ron Merkel KC, Jessie Taylor Barrister, and Birchgrove Legal, AMAN's case claims the material incites hatred, serious contempt, and severe ridicule of Muslims in Queensland, violating Section 124A of the Anti-Discrimination Act 1991 (Qld) (AD Act). Despite requests, X had refused to remove the material from its platform.

QCAT addressed two primary jurisdictional issues affirmatively:

1. Subject Matter Jurisdiction: Section 124A of the AD Act applies to X Corp's conduct in Australia and the USA.
2. Personal Jurisdiction: QCAT can compel a foreign corporation, such as X Corp, to appear and be made subject to its orders.

Within the detailed reasons, it was found that the local impact of X Corp's activities granted the Tribunal the authority to adjudicate the matter. The Tribunal also inferred that X Corp generates revenue from advertising directed at its Queensland users, making its business operations globally integrated rather than isolated to the USA.

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A spokesperson for AMAN stated that the decision would have positive significance for many communities affected by hate speech.

“This is the first such legal victory against a social media company under Australian vilification laws, which we may bear consequences to all social media companies operating in Australia, including those with pending legal actions against them.”

“Protections in Australia do apply to social media companies, and hate speech is governed by clear standards, not corporate discretion.”

“Since the Christchurch terrorist attack, we have been resolute in our mission to eliminate the platforming of dehumanising conspiracy theories about Muslims.”

“Recently, we have witnessed the hateful denial of documented atrocities against Palestinians and the mocking of Palestinian deaths in Gaza. This dehumanisation of grieving and distressed people is a scourge that should not be exploited for profit by companies or any other bad actors.”

Twitter may appeal the decision. AMAN awaits the next orders from the Tribunal regarding the final elements of the complaint to be decided.

The complaint focuses on content published by X, originating from a far-right, anti-Muslim conspiracy blog. This content, including videos, photos, and posts, has been widely shared and commented upon. The complaint lists 29 instances, alleging it denigrates, dehumanises, and demonises Muslims, portraying them as an existential threat.

AMAN also has a legal complaint against Meta Inc and Facebook Australia Pty Ltd before the Australian Human Rights Commission.

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