

Parliament of Victoria

Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024

Annie Wright

No. 2 | February 2025

Bill Brief

Parliamentary Library & Information Service

Table of Contents

Executive Summary	1
Introduction	2
1 Key definitions	2
<i>What is vilification?</i>	2
<i>What is social cohesion?</i>	3
2 Current context of anti-vilification laws in Victoria	4
<i>Federal protections</i>	5
<i>Racial and Religious Tolerance Act 2001 (Vic)</i>	5
<i>Policies and strategies</i>	9
3 Committee inquiries	9
<i>Inquiry into anti-vilification protections in Victoria (2019–2021)</i>	9
<i>Inquiry into extremism in Victoria (2022)</i>	10
<i>Federal inquiries into extremism</i>	11
4 Increase in vilification in Victoria	11
5 Development of the Bill	14
6 Second reading speech	14
7 The Bill	15
<i>Expanding the number of protected attributes</i>	15
<i>Amendments to the Crimes Act 1958</i>	16
<i>Amendments to the Equal Opportunity Act 2010</i>	17
<i>Other amendments</i>	19
8 Responses to inquiry recommendations	20
9 Stakeholder responses to the Bill	22
10 Comparative vilification frameworks in Australian jurisdictions	26
Reference List	32

Bill information

Introduced: 26 November 2024

House: Legislative Assembly

Second Reading: 27 November 2024

Commencement:

(1) This Act (other than Parts 2, 3, 4 and 6) comes into operation on the day after the day on which it receives the Royal Assent.

(2) Subject to subsections (3) and (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If section 32 or a provision of Part 2, Part 4 (other than Division 2) or Part 6 (other than Division 2) does not come into operation before 20 September 2025, it comes into operation on that day.

(4) If a provision of Part 3 (other than section 32), Division 2 of Part 4 or Division 2 of Part 6 does not come into operation before 18 September 2027, it comes into operation on that day.

Links to key documents including the Bill, Explanatory Memorandum, Statement of Compatibility and Second reading Speech can be found at the [Library's Infolink page for this Bill](#).

For further information on the progress of this Bill, please visit the [Victorian Legislation and Parliamentary documents website](#).

Executive Summary

The Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 was introduced by the Minister for Police and then-Minister for Crime Prevention Anthony Carbines, on 26 November 2024. It seeks to update and expand Victoria's anti-vilification offences in response to repeated criticisms of the current legislation. During his second reading speech, the Minister stated: 'Vilification has no place in our community. It is contrary to our democratic values and undermines social cohesion and the benefits that inclusion, multiculturalism and diversity brings to our community'.¹

The Bill will repeal the current anti-vilification legislation, the *Racial and Religious Tolerance Act 2001*, and amend the *Crimes Act 1958* and the *Equal Opportunity Act 1984* to include the criminal and civil anti-vilification provisions, respectively.

The Bill comes after a long period of consultation beginning with the Legislative Assembly Legal and Social Issues Committee inquiry into anti-vilification laws in Victoria. The committee heard that while vilification is common among many communities across Victoria, the current legislation is not broad enough to protect all who experience vilification and has not been utilised by police effectively.

One of the key updates will be to expand anti-vilification legislation from the current protections for race and religion to also include disability, gender identity, sex, sex characteristics, sexual orientation and personal association with a person who is identified by reference to any of the previous. While the Bill has been welcomed by some key stakeholders, other have expressed concerns about how it will impact free speech.

This Bill Brief provides contextual background to the Bill, as well as an overview of its key components. It includes a discussion of stakeholder views and concludes with a comparison of anti-vilification protections in other Australian jurisdictions.

¹ A. Carbines, Minister for Police and Minister for Crime Prevention (2024) '[Second reading speech: Justice Legislation Amendment \(Anti-vilification and Social Cohesion\) Bill 2024](#)', *Debates*, Victoria, Legislative Assembly, 27 November.

Introduction

After many years of consultation, the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 was introduced into the Legislative Assembly on 27 November 2024. In recent years, ethnic, religious and cultural communities in Victoria have reported a rise in vilification. These experiences have a negative effect on individuals and the unity among the broader community. The *Racial and Religious Tolerance Act 2001* and the *Equal Opportunity Act 2010* provide protections for people against abuse based on their race or religion. However, some argue that these protections do not go far enough to protect other groups—such as the LGBTQIA+ community or those with disability, who also experience vilification—and that the laws have not been used by police effectively to target bad behaviour.

Following the introduction of a private Member's Bill in 2019, the Legislative Assembly's Legal and Social Issues Committee commenced an inquiry into anti-vilification protections in Victoria. The committee recommended that the protections in the current legislation be expanded and clarified. The Bill expands the number of protected attributes covered by the legislation, introduces a new offence of serious vilification into the *Crimes Act 1958*, amends the *Equal Opportunity Act 2010* to introduce new civil anti-vilification protections and repeals the *Racial and Religious Tolerance Act 2001*, as the protections it provides are now found in other Acts. The inclusion of the term 'social cohesion' in the Bill title is intended to reflect the government's intention that these laws will promote community spirit and harmony.

This Bill Brief will outline the development of the Bill, the rise in vilification across the community, the provisions of the Bill and responses to it from key stakeholders. It also provides a jurisdictional comparison of similar laws across Australian states and territories and at the federal level. This Bill Brief is not intended to be legal advice or legislative interpretation and only covers selected sections of the Bill. For more information, please refer to the Explanatory Memorandum and Bill text.

1 | Key definitions

What is vilification?

Under the *Racial and Religious Tolerance Act 2001*:

A person must not, on the ground of the race of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.²

There is no consensus, however, on what this means in practice. Aroney and Taylor, writing in the *Queensland Law Journal*, state that, 'when used generically ... "vilification" lacks precise meaning',³ but also that:

Vilifying speech at an appropriate threshold arguably warrants regulation because of its destructive capability. It usually targets the community's most vulnerable, and it can affect an individual's or entire group's ability to participate fully in the ordinary activities that most Australians take for granted.⁴

As highlighted in the comparison below (see p. 27), each Australian jurisdiction has legally defined vilification differently and applies those protections to different protected groups.

The lack of a nationally accepted definition of vilification was an issue identified by the Legislative Assembly's Legal and Social Issues Committee inquiry into anti-vilification protections in Victoria (LALSIC inquiry) in its March 2021 report. One of the issues highlighted in the inquiry is that 'terminology such as vilification and racial hatred often have different

² *Racial and Religious Tolerance Act 2001*, ss 7(1), 8(1).

³ N. Aroney & P. Taylor (2023) 'Building tolerance into hate speech laws: state and territory anti-vilification legislation reviewed against international law standards', *Queensland Law Journal*, 42(3), p. 326.

⁴ *ibid.*, p. 319.

legal meanings to how they are commonly understood’ and that a ‘regular person’ defines vilification differently to the legal community.⁵

The Institute of Public Affairs expressed this concern to the LALSIC inquiry, saying that there is little guidance as to what vilification looks like in reality. It argued that the current definition:

... fails to provide meaningful specificity as to what it means in practice. A restriction on conduct which is likely to incite hatred or severe ridicule for instance fails to establish an objective standard for unlawful speech.⁶

A joint submission to the LALSIC inquiry from Liberty Victoria and the LGBTQI Legal Service said the definition should focus on the risk of harm to a person.⁷

What is social cohesion?

Like vilification, there is no widely accepted definition of social cohesion.⁸ The Scanlon Institute, a not-for-profit organisation that studies social cohesion in Australia, states that ‘there are multiple, and somewhat contested, definitions of the term social cohesion. The breadth, intention and tone of the term depends heavily on whether the audience is a policy or academic community’.⁹ The Institute states that ‘social cohesion’ is also not multiculturalism or ‘a sense of homogeneity’.¹⁰

The OECD would label a society ‘cohesive’ ‘if it works towards the well-being of all its members, fights exclusion and marginalisation, creates a sense of belonging, promotes trust, and offers its members the opportunity of upward social mobility’.¹¹ In 2007, the Australian Medical Association defined social cohesion as ‘the quality of social relationships and the existence of trust, mutual obligations and respect in communities’.¹²

While the Bill does not include a definition of social cohesion, it does acknowledge, ‘Vilification harms social cohesion through its inherent divisiveness and perpetuates the unequal distribution of power’.¹³

Since 2007, the Scanlon Institute has run a nationwide survey measuring and tracking the social cohesion of Australia. The survey contains five domains, with a score determined from people’s responses to multiple survey questions. This allows for a high-level analysis of social cohesion over time.

⁵ Legislative Assembly Legal and Social Issues Committee (2021) *Inquiry into anti-vilification protections*, final report, March, Melbourne, The Committee, pp. 5, 114–5.

⁶ Institute of Public Affairs (2019) ‘[Submission to the Legislative Assembly Legal and Social Issues Committee](#)’, Inquiry into anti-vilification protections, September, Melbourne, Legislative Assembly Legal and Social Issues Committee, p. 4.

⁷ Victorian Gay and Lesbian Rights Lobby (2019) ‘[Submission to the Legislative Assembly Legal and Social Issues Committee](#)’, Inquiry into anti-vilification protections, September, Melbourne, Legislative Assembly Legal and Social Issues Committee, p. 9.

⁸ OECD (2011) *Perspectives on Global Development 2012: Social Cohesion in a Shifting World*, Paris, OECD Publishing, p. 53.

⁹ Scanlon Foundation Research Institute (date unknown) ‘[What is social cohesion?](#)’, Scanlon Foundation Research Institute website.

¹⁰ *ibid.*

¹¹ OECD (2011) *op. cit.*

¹² Australian Medical Association (2007) ‘[Social Determinants of Health and the Prevention of Health Inequities – 2007](#)’, *Position Statement*, AMA website.

¹³ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, proposed new section 102A.

Table 1: Scanlon Institute’s Scanlon-Monash Index of Social Cohesion, July 2018 to 2024¹⁴

Measure	2018	2019	2020	2021	2022	2023	2024	Change 2023–24	Change 2018–24
1. Sense of belonging	85	86	88	84	81	78	77	-1	-8
2. Sense of worth	77	80	84	82	78	75	74	-1	-3
3. Social inclusion and justice	88	93	112	97	86	77	74	-3	-14
4. Political participation	95	83	95	95	97	96	100	+4	+5
5. Acceptance and rejection	63	67	67	81	74	65	63	-2	0
Overall social cohesion	82	84	89	88	83	78	78	0	-4

2 | Current context of anti-vilification laws in Victoria

The Racial and Religious Tolerance Act (RRTA) is one part of Victoria’s human rights framework. This framework also includes the *Equal Opportunity Act 2010* (EOA) and the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). These comply with Victoria’s obligations to ensure that citizens are protected from racial and religious discrimination or hatred under international law. These obligations include the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Australia in 1975, and the International Covenant on Civil and Political Rights (ICCPR), which was ratified in 1980. Protections must be balanced with ensuring that the right to freedom of speech is upheld.

The EOA complements the RRTA. It codifies Victoria’s anti-discrimination framework and promotes the right to equality. The Charter sets out which civil, political and cultural rights are protected in Victoria, which public authorities must observe. To complement the legislative framework, both the Victorian Parliament and Victoria’s court system must take human rights into account when making legislation or judgements. The *Sentencing Act 1991* was updated in 2009 to include the requirement for the courts to consider whether the offence was motivated ‘by hatred or prejudice’ when sentencing.¹⁵ Other complementary legislation includes the following Acts:

- Gender Equality Act 2020
- Multicultural Victoria Act 2011
- Advancing the Treaty Process with Aboriginal Victorians Act 2018

¹⁴ J. O’Donnell, Q. Guan & T. Prentice (2024) *Mapping Social Cohesion*, November, Melbourne, Scanlon Institute, p. 15.

¹⁵ Legislative Assembly Legal and Social Issues Committee (2021) *op. cit.*, p. 17.

Federal protections

While state legislation includes anti-vilification protections for race and religion, Victorians are also protected from racial vilification under federal legislation. These laws are meant to complement each other. The *Racial Discrimination Act 1975* (Cth) (RDA) ‘civilly prohibits conduct that offends, insults, humiliates or intimidates a person or group based on race, colour or national or ethnic origin’.¹⁶ While religious discrimination is not currently covered by the RDA, there have been proposals to apply the same protections to religion.¹⁷

The other three main pieces of legislation which make up Commonwealth anti-discrimination legislation are the *Sex Discrimination Act 1984* (Cth), the *Disability Discrimination Act 1992* (Cth) and the *Age Discrimination Act 2004* (Cth). The *Fair Work Act 2009* (Cth) also includes some protections against workplace discrimination. The Australian Human Rights Commission is responsible for resolving disputes under the RDA and under other anti-discrimination legislation.¹⁸

Criminal charges may be brought under the *Criminal Code Act 1995* (Cth). This Act contains offences for ‘intentionally urging violence against groups or members of groups distinguished by race, religion, nationality, national or ethnic origin or political opinion, with penalties up to five years imprisonment’.¹⁹

Racial and Religious Tolerance Act 2001 (Vic)

Before the 1999 election campaign, the Victorian Labor party committed to introducing a Bill to address racial and religious discrimination.²⁰ The topic had been on Parliament’s radar since the early 1990s when an independent committee was established to report on whether Victoria should introduce any measure to address racial vilification.²¹ The committee report was released in 1992, and legislation was introduced into parliament.²² This Bill, however, did not progress past the second reading stage.²³

Following Labor’s electoral win, then-Premier Steve Bracks introduced the Racial and Religious Tolerance Bill in May 2001. While the Bill ultimately passed, during the second reading debate Members expressed concerns about how to balance freedom of speech and vilification protections. The RRTA came into force on 1 January 2002.²⁴

The Act is an ‘incitement-based regime that prohibits conduct that incites hatred of another person or group because of their race and/or religion’.²⁵ It contains both civil and criminal vilification offences, with the onus on individuals and groups to report vilification to either Victoria Police, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Victorian Civil and Administrative Tribunal (VCAT).

¹⁶ *Racial Discrimination Act 1975* (Cth); Legislative Assembly Legal and Social Issues Committee (2021) op. cit., pp. xiii–xiv.

¹⁷ While bills have previously been introduced to Parliament for religious tolerance, they have not passed. In 2024, the Australian Human Rights Commission released its [report](#) into Religious Educational Institutions and Anti-Discrimination Laws.

¹⁸ Australian Human Rights Commission (date unknown) ‘[Complaints under the Racial Discrimination Act](#)’, Australian Human Rights Commission website.

¹⁹ Legislative Assembly Legal and Social Issues Committee (2021) op. cit., p. 12; *Criminal Code Act 1995* (Cth) ss 80.2A–2B.

²⁰ ALP (1999) *Brumby unveils new solutions for Victoria: Labor’s plan for Victoria in the first decade of the new century*, media release, 18 February.

²¹ Committee to Advise the Attorney-General on Racial Vilification (1990) *Racial vilification in Victoria*, July, Melbourne, The Committee.

²² Committee to Advise the Attorney-General on Racial Vilification (1992) *Racial vilification in Victoria: report of the Committee to Advise the Attorney-General on Racial Vilification*, Melbourne, Attorney-General’s Department.

²³ [Racial and Religious Vilification Bill 1992](#)

²⁴ Legislative Assembly Legal and Social Issues Committee (2021) op. cit., pp. 12–13.

²⁵ *ibid.*, p. 105.

Civil complaints

Under a civil complaint, it is unlawful to engage in conduct that incites hatred, serious contempt for, revulsion, or severe ridicule of another person or class of persons.²⁶ An offence can be a single event or multiple occasions and occur inside or outside Victoria.²⁷ Motive for the vilification is irrelevant, as is whether the accused offender was correct in their assumption about a person's race or religious activity.²⁸

Sections 11 and 12 of the RRTA protect freedom of expression through private and public exceptions. A person can demonstrate that their actions were 'engaged in reasonably and in good faith' if they were taken in one of the following contexts:

- during the performance or display of artistic work;
- for genuine academic, artistic, religious, scientific or public interest purposes;
- in the fair or accurate reporting of an event; or
- conduct was meant to be seen or heard only by themselves.²⁹

A civil complaint is heard by the VEOHRC or VCAT. While an alleged victim may bring the complaint, a person may also bring one on their behalf.³⁰ The VEOHRC cannot award compensation or make orders; however, it acts to resolve complaints in other ways such as an apology, financial compensation or a charity donation.³¹ Complaints that are made directly to VCAT can result in one of the following outcomes:

- the person refrains from committing any further breaches of the RRTA;
- the person pays compensation to the complainant within a specified period of time; or
- the person does anything specified in the order with a view to redressing any loss, damage or injury suffered by the complainant as a result of the breach.³²

One of the key criticisms of the current legislation is that the legal threshold is too high and complex. The LALSIC inquiry said that stakeholders were 'frank in their criticism' of the high threshold for the incitement test.³³ A joint submission from the Human Rights Law Centre, GetUp!, the Anti-Defamation Commission, Victorian Trades Hall Council and the Asylum Seeker Resource Centre told the LALSIC inquiry that:

While the Victorian RRT Act does provide a definition for what vilification means, the definition fails to provide meaningful specificity as to what it means in practice. A restriction on conduct which is likely to incite hatred or severe ridicule for instance fails to establish an objective standard for unlawful speech.³⁴

The Law Institute of Victoria has also been critical of the incitement test (for both the civil and criminal offences), saying they have:

... proven to be largely ineffective due to their reliance on an incitement model and a focus on witnesses to an incident of vilification and not those who are subjected to it.

These tests have also failed to adequately prioritise the needs and/or experiences of those subject to public vilification and have often been inconsistent with the stated purpose of the

²⁶ Racial and Religious Tolerance Act 2001, ss 7, 8.

²⁷ *ibid.*, ss 7, 8.

²⁸ *ibid.*, ss 9, 10.

²⁹ *ibid.*, ss 11, 12.

³⁰ *ibid.*, s 19.

³¹ Victorian Equal Opportunity and Human Rights Commission (2020) '[Submission to the parliamentary inquiry into anti-vilification protections](#)', Inquiry into anti-vilification protections, January, Melbourne, Legislative Assembly Legal and Social Issues Committee, p. 25.

³² Racial and Religious Tolerance Act 2001, s 23C; Legislative Assembly Legal and Social Issues Committee (2021) *op. cit.*, p. 5.

³³ Legislative Assembly Legal and Social Issues Committee (2021) *op. cit.*, p. 29.

³⁴ Human Rights Law Centre, GetUp!, Anti-Defamation Commission, Victorian Trades Hall Council & the Asylum Seeker Resource Centre (2020) '[Stopping hate in its tracks: Joint submission to the Victorian Government's anti-vilification protections inquiry](#)', Inquiry into anti-vilification protections, January, Melbourne, Legislative Assembly Legal and Social Issues Committee, p. 13.

Act. Further, the civil and criminal provisions focus on the likely response of witnesses to an event – and not on the experience of the individuals who are subjected to public vilification.

Consequently, the incitement model requires not only that there be a witness to the event in question but for that witness to have been incited to hatred, serious contempt or other emotions. The incitement model, and the need for a witness to be present and to have been incited to engage in vilifying behaviour, has resulted in a complex test that has failed to adequately address the problems facing Victoria’s racial and religious minority communities.³⁵

Criminal complaints

A criminal complaint of ‘serious racial vilification’ or ‘serious religious vilification’ is found in part 4 of the Act. These complaints can only be brought about following written consent from the Director of Public Prosecutions (DPP) and may lead to jail time for an offender.³⁶ For a criminal offence, a person must not intentionally engage in conduct they know is likely to:

- incite hatred against a person or class of persons; and
- threaten, or incite others to threaten, physical harm towards that person or class of person on the grounds of their race or religious practice.³⁷

A person must also not, on the grounds of a person or class of person’s race or religious practice:

... intentionally engage in conduct that the offender knows is likely to incite serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.³⁸

Similarly to the civil provisions, the offences can occur on a singular occasion and either inside or outside Victoria, and it is irrelevant whether the accused was correct about a person’s race or religious beliefs at the time of the offence.³⁹ For both offences, the penalty is imprisonment for six months, 60 penalty units (approximately \$11,855), or both.⁴⁰

Statistics

During the LALSIC inquiry into vilification protections in Victoria, the LALSIC inquiry heard that there were only two successful criminal prosecutions under the RRTA in 20 years, which the LALSIC described as ‘not indicative of the prevalence of serious vilification in the community’.⁴¹ The number of convictions is so small that the Sentencing Advisory Council does not publish sentencing data on those convicted under the Act. As the offence numbers are larger, some statistics are published by the Crime Statistics Agency, which are shown in Table 2.⁴²

³⁵ Law Institute of Victoria (2023) ‘LIV advocacy: Proposed expansion of anti-vilification laws’, LIV website.

³⁶ Racial and Religious Tolerance Act 2001, ss 24(4), 25(4).

³⁷ *ibid.*

³⁸ *ibid.*, ss 24(2), 25(2).

³⁹ *ibid.*, ss 24(3)(b), 24(3)(b), 26.

⁴⁰ *ibid.*, ss 24(2), 25(2). The current value of a penalty unit in Victoria for FY2024–25 is \$197.59; see: Department of Justice and Community Safety (2025) ‘Penalties and values’, DJCS website.

⁴¹ Legislative Assembly Legal and Social Issues Committee (2021) *op. cit.*, p. xix.

⁴² The Crime Statistics Agency has developed its own offence classification system which consists of divisions (the broadest level), subdivisions (the intermediate level) and groups (the finest level). See: Crime Statistics Agency (2025) ‘Offence classification’, CSA website.

Table 2: Offences recorded under the Racial and Religious Tolerance Act 2001, 2015–2024 (year ending September)⁴³

Offence subgroup	Offence description	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
A731 FV Threatening behaviour ⁴⁴	Incite racial contempt/revulsn/ridicule					1				1	
A732 Non-FV Threatening behaviour	Incite racial contempt/revulsn/ridicule	12	11	2	10	6	2	8	3	3	2
	Incite racial hatred/threaten harm psn	6	6	5	3	2	3	2	1		1
	Incite religious hatred/threat harm pers			1	1	1					

In its submission to the LALSIC inquiry, the VEOHRC provided statistics on successful complaints. There have only been two successful cases of vilification at VCAT, in 2005 and 2007.⁴⁵ Between 2012–2013 and 2018–2019, VCAT resolved six matters by compulsory conference and seven matters by conciliation. VCAT finalised another 25 matters, including nine that were withdrawn, 11 that were struck out and five that were dismissed.⁴⁶

The VEOHRC stated that in the previous six years to 2019, 64 per cent of conciliations under the RRTA had been resolved.⁴⁷ Table 3 shows the number of racial and religious vilification complaints received by the VEOHRC from 2014–15 to 2023–24.

Table 3: Number of racial and religious vilification complaints made to the VEOHRC, 2014–15 to 2023–24⁴⁸

	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Racial vilification	45	9	3	4	4	12	16	10	9	7
Religious vilification	37	4	5	14	5	6	18	2	13	7

⁴³ Crime Statistics Agency (2025) 'Offences Recorded - Tabular Visualisation', T5. Offence code and description: *Racial and Religious Tolerance Act 2001*, Melbourne, CSA.

⁴⁴ FV refers to offences related to family violence.

⁴⁵ Victorian Equal Opportunity and Human Rights Commission (2020) op. cit., p. 26.

⁴⁶ ibid.

⁴⁷ ibid., p. 25.

⁴⁸ C. Le Grand (2024) 'Allan government faces showdown with faith groups over hate laws', *The Age*, 18 November; Equal Opportunity and Human Rights Commission (2017) *Annual Report 2016–17*, Carlton, Victorian Government, pp. 88–89; Victorian Equal Opportunity and Human Rights Commission (2018) *Annual Report 2017–18*, Carlton, Victorian Government pp. 80–81; Victorian Equal Opportunity and Human Rights Commission (2021) *Annual Report 2020–21*, Carlton, Victorian Government, pp.160–161; Victorian Equal Opportunity and Human Rights Commission (2024) *Annual Report 2023–24*, Carlton, Victorian Government, pp. 108–109.

Policies and strategies

The Victorian government has developed several policies and strategies to address hatred and offensive behaviour across society and to promote social cohesion. These include:

- [Inclusive Victoria: state disability plan \(2022–2026\)](#)
- [Pride in our future: Victoria's LGBTIQ+ strategy \(2022–32\)](#)
- [Safe and strong: a Victorian Gender Equality Strategy](#)
- [Victoria's anti-racism strategy \(2024–2029\)](#)
- [Victorian Aboriginal Affairs Framework](#)
- [Victorian Multicultural Policy Statement](#)

3 | Committee inquiries

Both the Victorian and federal parliaments have undertaken committee inquiries in response to growing concerns about increased extremism and vilification in Australia.

Inquiry into anti-vilification protections in Victoria (2019–2021)

In 2019, the Legislative Assembly Legal and Social Issues Committee commenced an inquiry into Victoria's anti-vilification protections. Reason Party Member Fiona Patten had introduced a private Member's Bill into the Legislative Council that sought to extend the list of protected attributes under the Act.⁴⁹ While the Bill was introduced into the Legislative Council, the Legislative Assembly ultimately decided to refer the issue to committee.⁵⁰ The Bill did not advance past the second reading stage in the Legislative Council and lapsed at the end of the 59th Parliament, in November 2022.⁵¹

The committee received 62 submissions and 11 supplementary submissions. Public hearings were held over seven days, hearing evidence both in person and—due to the COVID-19 pandemic—over video link. The committee tabled its report in March 2021.

The terms of reference explicitly asked the committee to consider 'the effectiveness of the operation of the Racial and Religious Tolerance Act 2001 (the Act) in delivering upon its purposes'.⁵² The committee was also asked to investigate how effective the current approach is, whether the protections should be expanded and whether the protected classes should also be expanded.⁵³

Following the inquiry, the committee made 36 recommendations and found that:

Symbolically, the RRTA sets the standards of appropriate behaviour for a harmonious, multicultural society. However, its ability to address racial and religious vilification is questionable and the incidence of vilification and hate conduct continues to rise.⁵⁴

The committee heard from many people about their experiences of public vilification but acknowledged that it is broadly under-reported, making it difficult to establish an accurate picture of the level of vilification in Victoria.⁵⁵ The committee also heard stories of vilification from groups that are not covered by the RRTA, as it decided that those stories needed to be heard 'to ensure meaningful consideration of the various, complex and interrelated harms experienced by communities, much of which stems from serious prejudice or hatred, rather than solely incitement of a third party'.⁵⁶ Hearing stories from a broad cross-section of the

⁴⁹ [Racial and Religious Tolerance Amendment Bill 2019](#)

⁵⁰ J. Hennessy, Attorney-General (2019) 'Reference: Legal and Social Issues Committee', *Debates*, Victoria, Legislative Assembly, 12 September, pp. 3332–3333.

⁵¹ [Racial and Religious Tolerance Amendment Bill 2019](#)

⁵² Legislative Assembly Legal and Social Issues Committee (2021) op. cit., p. ix.

⁵³ J. Hennessy, Attorney-General (2019) op. cit., pp. 3332–3333.

⁵⁴ Legislative Assembly Legal and Social Issues Committee (2021) op. cit., p. xiii.

⁵⁵ *ibid.*, pp. 25–60.

⁵⁶ *ibid.*, p. 25.

community led to the committee recommending that the list of protected attributes be expanded and that people should be able to make complaints based on multiple attributes.⁵⁷

The committee heard criticisms of the RRTA, including that it was underutilised and hard to enforce. The high threshold for proving incitement and the difficulty substantiating complaints contributed to the Act being underutilised and therefore lacking effectiveness.⁵⁸ Centring ‘incitement’ makes it difficult to get a conviction. Targeted hatred and abuse are usually how people experience vilification, but the incitement test focuses more on the actions of a third party rather than the impact on a victim.⁵⁹

The government responded to the committee report on 2 September 2021.⁶⁰ It supported in full or in principle 34 of the 36 recommendations. It responded that recommendation 23, on duplicating the criminal anti-vilification protections in the Crimes Act, needed further consideration and that recommendation 30, suggesting that the VEOHRC and Victoria Police work to strengthen relationships within the community, was not for the government to address.⁶¹ Recommendation 24, regarding criminalising the display of the Nazi salute and other paraphernalia, was acquitted through the *Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022* and the *Summary Offences Amendment (Nazi Salute Prohibition) Act 2023*.

Inquiry into extremism in Victoria (2022)

In February 2022, the Victorian Legislative Council’s Legal and Social Issues Committee self-referred an inquiry into extremism in Victoria. The committee was to look at the rise of extremism in Victoria, and what steps need to be taken to counter groups contributing to the rise. The inquiry report was tabled on 30 August 2022.⁶²

The inquiry examined the rise of far-right extremist movements after the COVID-19 lockdowns and the anti-lockdown and anti-vaccine mandate protests that occurred in Melbourne in 2021. It also focused on the impact these events and the rise of extremism have had on multicultural communities.

The committee heard and reported that, since 2015 and 2016, there has been a resurgence of far-right extremism in Victoria, specifically a rise in racism, Islamophobia, anti-Semitism and an increased threat to LGBTQIA+ communities. The committee made 12 recommendations and 46 findings, including that the Government continue to implement the recommendations from the anti-vilification inquiry, specifically recommendations 33 and 34.⁶³

The committee also recommended that the government ‘develop a strategy to support community-driven social cohesion initiatives’ to strengthen trust and connection.⁶⁴

The government responded on 21 June 2023.⁶⁵ In its response, the government stated it is ‘committed to continuing to revise and refine its multi-faceted approach to countering violent extremism’.⁶⁶ It supported five of the 12 recommendations and another seven in principle.⁶⁷

⁵⁷ *ibid.*, pp. xxiii, ix, 27.

⁵⁸ *ibid.*, pp. xvii, 105–129.

⁵⁹ *ibid.*, pp. 117–119.

⁶⁰ Victorian Government (2021) ‘[Government response](#)’, Inquiry into anti-vilification protections, September, Melbourne, Legislative Assembly Legal and Social Issues Committee.

⁶¹ Recommendation 30 is addressed by this Bill.

⁶² Legislative Council Legal and Social Issues Committee (2022) *Inquiry into extremism in Victoria*, final report, March, Melbourne, The Committee, p. xiv.

⁶³ *ibid.*, p. 48.

⁶⁴ *ibid.*, p. 91.

⁶⁵ Victorian Government (2023) ‘[Government response](#)’, Inquiry into extremism in Victoria, September, Melbourne, Legislative Council Legal and Social Issues Committee.

⁶⁶ Victorian Government (2023) *op. cit.*, p. 3.

⁶⁷ *ibid.*

Federal inquiries into extremism

The federal parliament has examined the issue of right-wing extremist movements in two recent committee inquiries, but only one was completed. In December 2020, the Parliamentary Joint Committee on Intelligence and Security commenced an inquiry into extremist movements and radicalism in Australia.⁶⁸ A final report was never completed, as the committee ceased to exist with the dissolution of the House of Representatives on 11 April 2022. However, the committee published an interim report on 1 April 2022.⁶⁹ On 7 December 2023, the References Committee of the Senate Standing Committees on Legal and Constitutional Affairs was referred an inquiry into right-wing extremist movements in Australia.⁷⁰ This report was tabled in December 2024.⁷¹

The Joint Committee's interim report made one recommendation, that the 47th Parliament continue the inquiry.⁷² In 2024, the Senate Committee made six recommendations, including that the government develop a national framework for engaging with young people to deter them from extremism and that a nationally consistent definition of what constitutes a hate crime be developed.⁷³ It found that it is hard to categorise ideological positions and class ideas as extreme or not, but that extremists pose a threat to culturally diverse groups, religious communities, women, LGBTQIA+ communities, First Nations peoples and young people.⁷⁴ The committee also heard about the growing links and sense of community formed between extremists in Australia and those based overseas, and the risks that online communities may pose.⁷⁵

The government has not yet responded to the committee's six recommendations.

4 | Increase in vilification in Victoria

Over the last few years, events both in Australia and overseas have led to an increase in reports of vilification. Events such as the COVID-19 pandemic, the 2023 Indigenous Voice referendum, the October 7 attack on Israel and subsequent war in Gaza, and the 2024 US election have led to reports of increased community tensions.

Quantifying vilification is difficult as most cases go unreported; a point which was highlighted in the LALSIC inquiry.⁷⁶ As not many people have been charged or convicted under the RRTA, crime statistics can also not be relied upon to quantify vilification in Victoria. Furthermore, some statistics that are available are often collected by peak bodies representing certain groups and, as such, the data can be difficult to independently verify.

The Scanlon Institute conducts a social cohesion survey annually, where it asks Australians their views on a variety of issues that impact social cohesion and unity.⁷⁷ The graphs below highlight that the number of people reporting positive attitudes towards religious groups has declined since 2018, while the proportion of adults with a very or somewhat negative attitude towards religious groups has increased.

⁶⁸ P. Dutton, Minister for Home Affairs (2020) [Letter to the Parliamentary Joint Committee on Intelligence and Security](#), 9 December.

⁶⁹ Parliamentary Joint Committee on Intelligence and Security (2022) [Inquiry into extremist movements and radicalism in Australia](#), interim report, April, Canberra, The Committee.

⁷⁰ A. Urquhart (2023) 'References: Legal and Constitutional Affairs References Committee', *Debates*, Canberra, Senate, 7 December, p. 6834.

⁷¹ Senate Standing Committees on Legal and Constitutional Affairs (2024) [Right wing extremist movements in Australia](#), final report, December, Canberra, The Committee.

⁷² Parliamentary Joint Committee on Intelligence and Security (2022) *op. cit.*, p. 3.

⁷³ Senate Standing Committees on Legal and Constitutional Affairs (2024) *op. cit.*, pp. xiii–xiv.

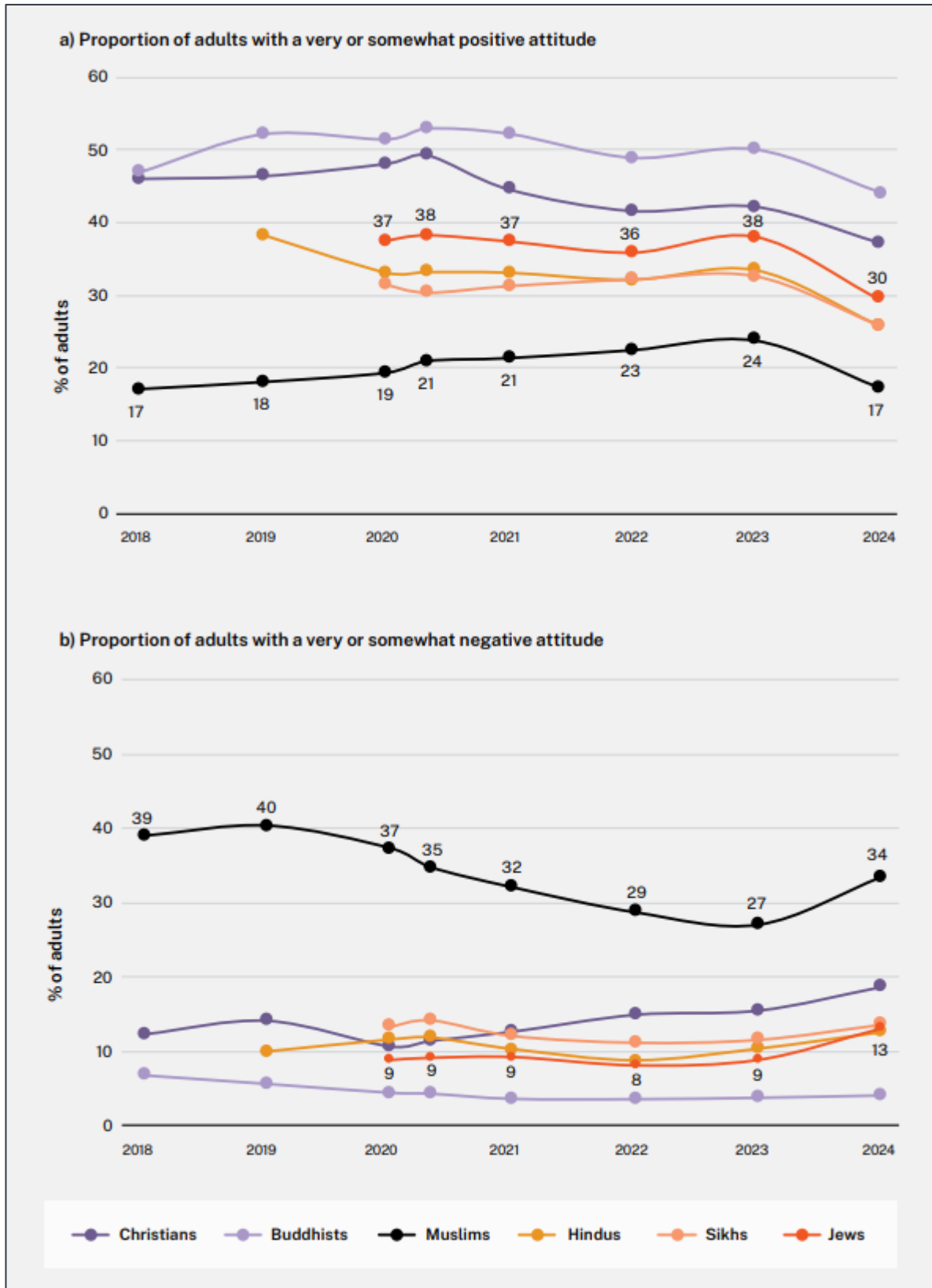
⁷⁴ *ibid.*, pp. 62–63, 183, 185.

⁷⁵ *ibid.*, pp. 28–31.

⁷⁶ Legislative Assembly Legal and Social Issues Committee (2021) *op. cit.*, pp.187–220.

⁷⁷ O'Donnell, Guan & Prentice (2024) *op. cit.*

Figure 1: Scanlon Institute social cohesion survey findings on attitudes towards religious groups, 2018–2024⁷⁸



⁷⁸ O'Donnell, Guan & Prentice (2024) op. cit., p. 46; See: Figure 14, 'Is your personal attitude positive, negative or neutral towards...', share of adults who have positive and negative attitudes towards religious groups, *Life in Australia™*, 2018-2024.

Further insights from the report included the following finding:

- When asked if multiculturalism has been good for Australia, 85 per cent agree it has been. This is down from 89 per cent in 2023, but higher than pre-COVID-19 (80 per cent in 2019 and 77 per cent in 2018).⁷⁹

Other reports have noted several trends:

- There has been an increase in racism towards Asians since the COVID-19 pandemic.⁸⁰
- 76 per cent of respondents to a 2024 survey of adults who identify as being part of culturally and racially diverse communities stated that they or someone they cared about had experienced racism.⁸¹
- There has been an increase in the number of anti-Semitic incidents reported. The 2023 Victorian Antisemitism Report published by the Jewish Community Council of Victoria reported 364 anti-Semitic incidents—the highest total ever recorded in a calendar year. This is higher than the 111 anti-Semitic incidents reported in 2022, and the 131 incidents reported in 2021.⁸²
- There has been an increase in Islamophobia, especially following the 7 October Hamas attack. The Islamophobia Register Australia has recorded 932 incidents since then, more than three times the previous eight years combined.⁸³
- In a 2023 survey, 49 per cent of trans people reported they have experienced online anti-trans abuse, harassment or vilification, and 47 per cent reported experiencing in-person anti-trans abuse, harassment or vilification.⁸⁴
- In recent surveys, 58 per cent of LGBTQIA+ Victorians felt that they have faced unfair treatment based on sexual orientation, and 33 per cent of LGBTQ+ people from multicultural backgrounds feel that they have faced unfair treatment based on their ethnicity, cultural identity, or heritage.⁸⁵
- There were 31 reported incidents of racism against First Nations peoples from March 2022 to March 2023, recorded in the *Call it out* report in Victoria.⁸⁶
- More people are becoming the target of online hate speech, with around one in seven adults reporting to the eSafety Commissioner in 2019 that they were the target of it in the previous 12 months.⁸⁷
- In 2022–23, 46 per cent of complaints received by the Australian Human Rights Commission were about disability discrimination.⁸⁸

⁷⁹ O'Donnell, Guan & Prentice (2024) op. cit., p. 39.

⁸⁰ J. Ben & A. Elias (2024) 'Pandemic racism in Australia: a systemic review', *Journal of Intercultural Studies*, 45(3), pp. 392–413.

⁸¹ M. Peucker, F. Vaughan, J. Doley & T. Clark (2024) *Understanding reporting barriers and support needs for those experiencing racism in Victoria*, research report, Melbourne, Victoria University, p. 5.

⁸² Jewish Community Council of Victoria & Community Security Group Victoria (2024) '2023 Victorian antisemitism report', Caulfield South, JCCV. [2024's report has not been published at time of publication.] The JCCV report uses the International Holocaust Remembrance Alliance's working definition of anti-Semitism. The definition is used internationally by most major organisations, including the Victorian government. However, the definition has been criticised because it 'doesn't distinguish between legitimate critiques of Israel's occupation of Palestine and antisemitism'; see: J. Shanes (2025) 'Harvard expands its definition of antisemitism - when does criticism of Israel cross a line?', *The Conversation*, 25 January.

⁸³ A. Jones & J. Bahr (2025) 'Endemic and unreported': Special envoy says Islamophobia 'normalised' in Australia', *SBS News*, 24 January.

⁸⁴ Trans Justice Project & Victorian Pride Lobby (2023) *Fuelling Hate: Abuse, Harassment, Vilification and Violence Against Trans People In Australia*, Marrickville & St Kilda, Trans Justice Project & Victorian Pride Lobby.

⁸⁵ Department of Families, Fairness and Housing (2023) *Pride in our future: Victoria's LGBTIQ+ strategy 2022-32*, Melbourne, Victorian Government.

⁸⁶ F. Allison, C. Cunneen & A. Selcuk (2023) *In Every Corner of Every Suburb: The Call It Out Racism Register 2022-2023*, Sydney, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney.

⁸⁷ eSafety Commissioner (2020) *Online hate speech: findings from Australia, New Zealand and Europe*, Sydney, eSafety Commissioner, p. 6.

⁸⁸ Australian Institute of Health and Welfare (2024) *People with disability in Australia 2024*, Canberra, AIHW, p. 168.

5 | Development of the Bill

After the release of the LALSIC inquiry report and the government's response, the Victorian Government began a process of engagement around updating the state's anti-vilification legislation. Between July and October 2023, Engage Victoria held a three-phase consultation: 'Protecting more Victorians from vilification', 'Criminal anti-vilification protections' and 'Civil anti-vilification protections'. At each stage, Engage Victoria published a consultation paper, and people were invited to make written submissions on each topic or to complete a survey. During the 102 days the consultation was open, it received 619 survey responses and 122 written submissions.⁸⁹

Following these consultations, in May 2024 Engage Victoria released *Report Back – Strengthening Victoria's laws against hate speech and hate conduct*, which outlined broad community support to:

- expand protections to more Victorians;
- streamline current criminal offences; and
- support Victorians to access resolutions.⁹⁰

Submissions also supported the idea that the law should:

- protect and promote human rights; and
- be supported by education, funding, and greater support for communities.⁹¹

In September 2024, the Department of Justice and Community Safety released the publication, *Overview of proposed anti-vilification protections for all Victorians*.⁹² Between 20 September 2024 and 11 October 2024, a public consultation period was held regarding the proposed changes. Feedback from this consultation was included in the Bill introduced on 26 November 2024.⁹³

6 | Second reading speech

The second reading speech was delivered by the Minister for Police and then-Minister for Crime Prevention, Anthony Carbines, in the Legislative Assembly on 27 November 2024. In his opening statement, the Minister said:

Vilification has no place in our community. It is contrary to our democratic values and undermines social cohesion and the benefits that inclusion, multiculturalism and diversity brings to our community.⁹⁴

He acknowledged the rise in vilification affecting various communities and the need to balance the right to freedom of speech with ensuring community and personal safety. He called the right of freedom of expression 'an essential component of our society'.⁹⁵

The Minister outlined the 'extensive public and stakeholder consultation' that went into the development of the Bill, including the submission process, the consultation papers and surveys run by Engage Victoria. He thanked all those involved in the engagement process and

⁸⁹ Engage Victoria (2024) 'Strengthening Victoria's laws against hate speech and hate conduct', Engage Victoria website.

⁹⁰ *ibid*; Department of Justice and Community Safety (2024) *Report back: Strengthening Victoria's laws against hate speech or conduct*, Melbourne, DJCS;.

⁹¹ Engage Victoria (2024) 'Strengthening Victoria's laws against hate speech and hate conduct', Engage Victoria website

⁹² Department of Justice and Community Safety (2024) *Overview of proposed anti-vilification protections for all Victorians*, Melbourne, DJCS.

⁹³ Engage Victoria (2024) 'Proposed changes to Victoria's anti-vilification laws', Engage Victoria website.

⁹⁴ A. Carbines, Minister for Police and Minister for Crime Prevention (2024) 'Second reading speech: Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024', *Debates*, Victoria, Legislative Assembly, 27 November, p. 4791.

⁹⁵

acknowledged that ‘it has not been possible to adopt or reconcile all views—it is clear that Victorians have diverse opinions about these reforms’.⁹⁶

Both the Premier and the then-Attorney-General, Jaclyn Symes, spoke in support of the Bill. The Premier stated, ‘the Victoria I love is a place where we come from hundreds of different backgrounds, but we are one community ... this is simply about fairness for all’.⁹⁷ The then-Attorney-General said, ‘freedom of expression is important—but this must be balanced with the vital right for Victorians to be safe and take part in public life. That’s what our laws will aim to achieve’.⁹⁸

7 | The Bill

The Bill seeks to amend the:

- *Crimes Act 1958*, to include serious vilification offences;
- *Equal Opportunity Act 2010*, to include civil anti-vilification protections; and the
- *Bail Act 1977*, in relation to the offence of performing a Nazi gesture.

It also seeks to repeal the *Racial and Religious Tolerance Act 2001*.

This section provides an overview of some of the key amendments introduced in the Bill. This Bill Brief is not intended to be legal advice or legislative interpretation and only covers selected sections of the Bill. For more information, please refer to the Explanatory Memorandum and Bill text.

Some of the key amendments, such as expanding the number of protected attributes, are duplicated in both the Crimes Act and the EOA and reflect what was in the RRTA. This includes that:

- it does not matter if the offender or the victim is not in Victoria.⁹⁹ As explained in the second reading speech, the offences will still apply to:
 - a person living outside Victoria who creates a Facebook post threatening physical harm against a protected group with members in Victoria, and
 - a person in Victoria who incites hatred against a person or group with a protected attribute.¹⁰⁰
- it is irrelevant whether a person was correct about a protected attribute or not.¹⁰¹ The explanatory memorandum provides examples of how this could be used:
 - if a person vilifies someone in the mistaken belief that they have a disability, the person’s behaviour will not be excused because the other person did not, in fact, have a disability.¹⁰²

Expanding the number of protected attributes

Protected attributes are certain characteristics which cannot be discriminated against.¹⁰³ Currently, the RRTA only classes race and religion as protected attributes.

The Bill seeks to expand the list of protected attributes in both the Crimes Act and the EOA to include:

⁹⁶ A. Carbines (2024) op. cit., p. 4792.

⁹⁷ M. Patterson (2024) ‘It’s about time’: transgender Warrnambool man welcomes vilification laws’, *Warrnambool Standard*, 9 December.

⁹⁸ A. Carswell (2024) ‘Crackdown on hate crime’, *Bendigo Times*, 16 December.

⁹⁹ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 4, new section 195N(1)(5),(6),(7), new section 195O(3)(4); cl 9, new section 102D(2)(b).

¹⁰⁰ *ibid.*, cl 4, new section 195N(1)(5),(6),(7), new section 195O(3)(4); cl 9, new section 102D(2)(b).

¹⁰¹ *ibid.*, cl 4, new section 195P; cl 9, new section 102F.

¹⁰² Explanatory Memorandum, Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, p. 11.

¹⁰³ Victoria Legal Aid (date unknown) ‘Discrimination and victimisation’, Victoria Legal Aid website.

- Disability
- Gender identity
- Race
- Religious belief or activity
- Sex
- Sex characteristics
- Sexual orientation
- Personal association with a person who is identified by reference to any of the above.¹⁰⁴

The explanatory memorandum explains that, while it does not have to be the only reason, ‘it is intended that the protected attribute must be a substantial reason for [a person to be] engaging in the conduct’ for it to be considered an offence.¹⁰⁵

The definitions of these attributes are in accordance with the definitions in the EOA.¹⁰⁶ The definition of disability is intended to capture both mental illness and HIV/AIDS status.¹⁰⁷

Amendments to the *Crimes Act 1958*

The Bill will insert a new division into part 1 of the *Crimes Act 1958* to introduce two new serious vilification offences:

- Incitement on the grounds of a protected attribute¹⁰⁸
- Threaten physical harm or property damage on the grounds of a protected attribute.¹⁰⁹

As outlined in the explanatory memorandum:

Serious vilification includes a broad range of seriously hateful conduct. It undermines social cohesion and can be profoundly harmful to the physical and psychological health and safety of people who experience it. It reduces their ability to fully participate in society, thus reducing the benefits that diversity brings to the community.¹¹⁰

Incitement on the grounds of a protected attribute

Proposed new section 195N of the *Crimes Act* will include a new offence where a person is shown to have incited or intended to incite ‘hatred against, serious contempt for, revulsion towards or severe ridicule of, another person or a group of persons’, and they engage in such conduct because of those persons’ protected attribute/s.

The explanatory memorandum states that the definition of ‘incite’ ‘is intended to take its ordinary or dictionary meaning ... which includes to urge, spur on, stir up, stimulate or encourage’ and will cover conduct ‘both overt and subtle’.¹¹¹ The use of the phrase ‘likely to incite’ lowers the threshold for the offence from its previous iteration in sections 7 and 8 of the RRTA. In the current legislation, there must be proof that the accused knew that their conduct would incite harm, but it is not necessary to prove that their actions did so. This new offence is meant to target the worst and most extreme behaviour and not to ‘capture mere contempt, distaste or ridicule’ or “seriously unkind’ conduct or ‘bad thoughts’”.¹¹²

¹⁰⁴ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 4, new section 195M; cl 9, new section 102B.

¹⁰⁵ Explanatory Memorandum, op. cit., p. 6.

¹⁰⁶ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 4, new section 195M; cl 9, new section 102B; Explanatory Memorandum, op. cit., p. 15.

¹⁰⁷ Explanatory Memorandum, op. cit., p. 15; Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 32.

¹⁰⁸ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill, cl 4, new section 195N.

¹⁰⁹ *ibid.*, cl 4, new section 195O.

¹¹⁰ Explanatory Memorandum, op. cit., p. 2.

¹¹¹ *ibid.*, p. 4.

¹¹² *ibid.*, p. 6.

Online conduct is intended to be included in the definition of conduct. When the RRTA was introduced in 2001, a note was included in the text to clarify that use of email and the internet was included in the understanding of ‘engages in conduct’.¹¹³ In the new sections, this note is removed, as using email and the internet is a large part of everyday life.

Sentencing

The new incitement offence could result in a three-year prison sentence.¹¹⁴ In the current RRTA, the serious vilification offences carry a maximum penalty of six months’ imprisonment and/or 60 penalty units (approximately \$11,855).¹¹⁵

Defences for ‘genuine political purpose’

A new section will be created stating that ‘genuine political purpose’ is a defence for any offence charged under subsection (1).¹¹⁶

Threaten physical harm or property damage on the grounds of a protected attribute

New section 195O relates to the threat of physical harm or property damage because of a person’s protected attribute. A person may be charged with this offence if they threaten physical harm towards another person, group of persons or damage property, because of a protected attribute and if the accused intends that the person with the protected attribute will believe or probably believe the threat will be carried out.

New section 195P states that an offence can still apply regardless of whether a person was incorrect about a protected attribute. It also is ‘not necessary to prove that the other person actually believed the threat would be carried out’.¹¹⁷

The terms ‘physical harm’ and ‘property’ are intended to have their common law meanings. ‘Property’ may include places of worship, schools or venues used to host events for people with that attribute.¹¹⁸

Sentencing

This offence holds a possible jail sentence of up to five years.¹¹⁹ Only the Department of Public Prosecutions or a police officer may lay charges under this new section.¹²⁰

Amendments to the *Equal Opportunity Act 2010*

Part 3 of the Bill makes amendments to the EOA. The Bill will expand the Act’s purpose and objectives to reflect its new role in addressing vilification. A new subsection of the purpose section will read:

To protect and promote the right to equality by prohibiting certain conduct involving the vilification of persons with a protected attribute ...¹²¹

¹¹³ *ibid.*, p. 4.

¹¹⁴ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill, cl 4, new section 195N(2).

¹¹⁵ Explanatory Memorandum, *op. cit.*, p. 3; *Racial and Religious Tolerance Act 2001*, ss 24, 25; Department of Justice and Community Safety (2025) ‘Penalties and values’, *op. cit.*

¹¹⁶ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill, cl 9, new section 195(N)(4)

¹¹⁷ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 4, new section 195O(1)(c); Explanatory Memorandum, *op. cit.*, p. 10.

¹¹⁸ Explanatory Memorandum, *op. cit.*, p. 9.

¹¹⁹ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 4, new section 195O.

¹²⁰ *ibid.*, cl 4, new section 195Q.

¹²¹ *ibid.*, cl 5, new section 1(ab).

The Bill will amend the Act's objectives to state that the Act will 'promote the full and equal participation of every person in a society that values freedom of expression and is an open and diverse democracy' and to enable the VEOHRC to resolve vilification accusations.¹²²

Clause 9 inserts a new part 6A, 'Prohibition of vilification', into the EOA. This new part essentially transfers the civil anti-vilification laws from the RRTA to the EOA.¹²³

New section 102A

The Bill inserts a new section that begins with an opening 'Statement for this Part', which states that 'Parliament recognises the right of all Victorians to be free from vilification and to participate equally in a democratic society'.¹²⁴ It states that Parliament acknowledges the importance of freedom of speech and balancing those rights with the need to protect people who are harmed by vilification. It also outlines the harms that vilification has on social cohesion and the harm to individuals. It concludes:

It is the intention of Parliament to enact law for the people of Victoria that respects the inherent dignity of all of us and promotes our equal participation in public life.¹²⁵

Definition of public conduct

New section 102C introduces a new definition of 'public conduct', which will apply in part 6A. The civil anti-vilification laws will only be applied to public conduct, and private conversations are not captured in this section.¹²⁶ Public conduct includes:

- (a) any form of communication (including speaking, writing, displaying notices, playing recorded material, broadcasting, and communicating through social media and other electronic methods) to the public; and
- (b) actions and gestures, and the wearing or displaying of clothing, signs, flags, emblems and insignia, observable by the public.

It also clarifies that conduct can be deemed public conduct even if it occurs on private property or a place not open to the public—for example, a school or a workplace.¹²⁷

Conduct required to establish unlawful vilification and unlawful vilification—incitement

The new section 102D proposed by the Bill relates to 'conduct required to establish unlawful vilification' and the harm-based protections of the civil sections of the Act.¹²⁸ In order for conduct to be considered vilification, the harm caused by the conduct needs to be assessed from the perspective of the targeted person or group;¹²⁹ to meet the 'vilification' threshold, a person must engage in public conduct *because of* a protected attribute and engage in conduct that could be seen by a reasonable person *with that attribute* as being 'hateful or seriously contemptuous of, or reviling or severely ridiculing' that person.¹³⁰ The use of these terms aims to capture conduct that is more than just offensive.¹³¹

¹²² *ibid.*, cl 6.

¹²³ Explanatory Memorandum, Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9.

¹²⁴ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, new section 102A.

¹²⁵ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, new section 102A.

¹²⁶ Explanatory Memorandum, Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, p. 16.

¹²⁷ *ibid.*, p. 16.

¹²⁸ *ibid.*, p. 17.

¹²⁹ *ibid.*

¹³⁰ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, new section 102D(1).

¹³¹ Explanatory Memorandum, *op. cit.*, p. 18.

New section 102E specifies what conduct constitutes ‘unlawful vilification—incitement’. This protection is a modified ‘civil incitement-based protection’, which is based on sections 7 and 8 of the RRTA. Section 102E(1) of the Bill outlines what needs to happen for conduct to be considered unlawful vilification—incitement. This is similar to section 102D, but relates to inciting vilification rather than engaging in vilification. Section 102E(3) includes the clarification that ‘the person’s motive in engaging in any conduct is irrelevant’.¹³²

Following on from 102E(3), 102F states that it is irrelevant whether a person was correct or incorrect about whether the other person had a protected attribute.

Exceptions

The Bill includes several exceptions where a person cannot be charged with contravening sections 102D or 102E.¹³³ These apply if a person’s conduct was ‘engaged in reasonably and in good faith’, for reasons such as a performance, artistic work, genuine academic or religious purposes or during an accurate reporting of an event.¹³⁴ Section 102G(2) clarifies that ‘genuine religious purpose’ under the previous section includes, but is not limited to, worship, observance, practice and teaching.¹³⁵

Dispute resolution

The VEOHRC is the body responsible for resolving accusations of vilification, as it currently is under the RRTA. While an alleged victim may bring a case to the VEOHRC, a representative body may also bring the case on their behalf.¹³⁶ The Bill makes amendments so that a person may now bring a complaint to the VEOHRC based on more than one attribute, as it has been recognised that often people identify with more than one protected attribute.¹³⁷

Penalties

The Bill makes amendments so that the VEOHRC may issue an order against someone who is found to have contravened the new part 6A and parts 4, 6, and 7 of the EOA.¹³⁸ Examples include the following:

- An order that the person publish an apology or retraction.
- An order that the person develop or implement a program, policy, or training.
- An order that the person remove material from an online publication.¹³⁹

Other amendments

Other key amendments in the Bill include the following:

- Clause 32 amends section 4(1) of the EOA to add an example at the end of the definition of ‘disability’. This will clarify that included in the definition is AIDS or HIV status.
- Clause 36 provides that the Attorney-General must review the Act no later than five years after the commencement.
- Clause 37 inserts a new section 359(1)(ab) into the *Criminal Procedure Act 2009*, which will apply during proceedings against new sections 195N(1) and 195O(1). This will allow the court to set up alternative directions for evidence-giving to assist in making it more comfortable for witnesses.

¹³² Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, new section 102E(3)

¹³³ Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, cl 9, new section 102G.

¹³⁴ *ibid.*

¹³⁵ *ibid.*, cl 9, new section 102G(2).

¹³⁶ *ibid.*, cl 13, new section 114A.

¹³⁷ *ibid.*, cl 14.

¹³⁸ *ibid.*, cl 16.

¹³⁹ *ibid.*

- Clause 40 amends the Bail Act to include ‘performance of Nazi gestures’ into item 10 as an exception to the prohibition on refusing bail. This means that when the appropriate bail tests have been applied, a person may be refused bail if they are charged with this offence.
- Clause 43 repeals the RRTA.

8 | Responses to inquiry recommendations

The following table outlines which aspects of the Bill respond to recommendations from the LALSIC inquiry. More information on how each recommendation is acquitted through this Bill can be found in the explanatory memorandum.

Table 4: List of LALSIC inquiry recommendations and relevant Bill provisions

Inquiry recommendation	How the Bill implements this recommendation
<p>1. That the Victorian Government extend anti-vilification provisions (in both civil and criminal laws) to cover the attributes of:</p> <ul style="list-style-type: none"> a. race and religion b. gender and/or sex c. sexual orientation d. gender identity and/or gender expression e. sex characteristics and/or intersex status f. disability g. HIV/AIDS status h. personal association. 	<p>The Bill amends both the Crimes Act (new section 195M) and the EOA (new section 102B) to expand the number of protected attributes to include those recommended by the LALSIC inquiry. Clause 32 of the Bill will also clarify that a person’s HIV/AIDS status is part of the definition of disability under the Equal Opportunity Act.</p>
<p>2. That the Victorian Government amend anti-vilification laws to ensure people can make complaints on the basis of more than one attribute.</p>	<p>The Bill will amend both the Crimes Act (new section 195N) and the EOA (new section 113(1A); new section 123(1A)) to allow people to make complaints based on more than one attribute.</p>
<p>8. That the Victorian Government lower the civil incitement test from ‘conduct that incites’ to ‘conduct that is likely to incite’.</p>	<p>The Bill will introduce a new section 102E to the EOA to include the civil vilification offences and lower the civil incitement test to include ‘conduct that is likely to incite’.</p>
<p>9. That the Victorian Government introduce a new civil harm-based provision to assess harm from the perspective of the target group.</p>	<p>The Bill will introduce a new section 102D to the EOA that will require harm to be assessed from the perspective of the target group.</p>
<p>10. That the Victorian Government formulate the harm-based provision to make unlawful conduct that ‘a reasonable person would consider hateful, seriously contemptuous, or reviling or seriously ridiculing of a person or a class of persons’.</p>	<p>The Bill will introduce a new section 102D(1) to the EOA which states that a person must not engage in public conduct that would ‘be reasonably likely to be considered by a reasonable person with the protected attribute’ to be a form of vilification.</p>

Inquiry recommendation	How the Bill implements this recommendation
11. That the Victorian Government explore, in consultation with LGBTIQ+ and religious organisations, narrowing the religious purpose exception in section 11(2) to align with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic).	The Bill will modernise the definition of ‘religious purpose’ (new section 102G(2)) in the EOA to align it with the right to freedom of religion and belief under section 14(1)(b) of the <i>Charter of Human Rights and Responsibilities Act 2006</i> .
12. That the Victorian Government amend the public interest exception in section 11(1)(b)(ii) to include the word ‘genuine’: any genuine purpose that is in the public interest.	The Bill will introduce the word ‘genuine’ in new section 102G(1)(b) of the EOA when outlining exemptions allowed for academic, artistic, public interest, religious or scientific purposes.
13. That the Victorian Government adopt the definition of ‘public act’ in s93Z (5) of the <i>Crimes Act 1900</i> (NSW), and ensure it apply to civil and criminal incitement-based and harm-based provisions in Victoria’s anti-vilification laws.	The Bill will introduce a new section 102C of the EOA to explain the meaning of ‘public conduct’. The definition is very similar to the definition found in the <i>Crimes Act 1990</i> (NSW).
14. That the Victorian Government streamline anti-vilification legislation by moving provisions to the <i>Equal Opportunity Act 2010</i> (Vic) and review the operation and effectiveness of the laws, as described in this report, in five years.	The Bill will introduce a new part 6A into the EOA which moves the civil anti-vilification protections into this Act. Clause 36 (new section 189A) of the Bill inserts requirements for review of the legislation no later than five years after the commencement of part 3.
15. That the Victorian Government extend current powers of the Victorian Equal Opportunity and Human Rights Commission under the <i>Equal Opportunity Act 2010</i> (Vic) to vilification regulation. These powers relate to practice guidelines, research, legal interventions, compliance reviews, action plans and conducting investigations.	As outlined in the Second Reading Speech, the Bill will extend the VEOHRC’s existing powers to be able to: <ul style="list-style-type: none"> • initiate investigations into systemic vilification in the community • conduct voluntary dispute resolution, investigations, research and reviews of organisations’ programs and practices • provide advice to organisations about preparing voluntary action plans • issue practice guidelines • provide information and public education, and • intervene and provide information in court and tribunal vilification proceedings.
20. That the Victorian Government reform the current criminal offences of serious vilification to simplify and lower the thresholds, and in particular, to specify that: A person must not, <i>on the ground of one of the protected attributes, intentionally or recklessly engage</i> in conduct that— <p>a. is likely to incite hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons; or</p>	The Bill will introduce a new section 195N(1) to the <i>Crimes Act</i> that outlines the offence of incitement on the groups of a protected attribute.

Inquiry recommendation	How the Bill implements this recommendation
b. to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons.	
21. That the Victorian Government review the requirement for the written consent of the Director of Public Prosecutions before commencing a prosecution for serious vilification. ¹⁴⁰	The Bill clarifies that in adult prosecutions under the Crimes Act, the police are able to commence prosecution without the consent of the Director of Public Prosecutions (new section 195Q).
22. That the Victorian Government review maximum penalties for serious vilification offences.	Under the RRTA, serious vilification offences have a maximum penalty of 6 months imprisonment and/or 60 penalty units. The Bill will introduce a new section 195N(2) of the Crimes Act which will increase the possible jail time to three years.
23. That the Victorian Government duplicate criminal anti-vilification offence provisions in the <i>Crimes Act 1958</i> (Vic).	The Bill will repeal the RRTA (clause 43) and move the criminal anti-vilification offence provisions to the Crimes Act (part 2 of the Bill).
29. That the Victorian Government enable a representative complaint to be made to the Victorian Equal Opportunity and Human Rights Commission without the need to name an individual complainant.	The Bill introduces a new section 114A to the EOA, which will allow a representative body to bring a complaint on behalf of an unnamed person.

9 | Stakeholder responses to the Bill

Political parties

During the final consultation period, Shadow Attorney-General Michael O'Brien criticised the government for not consulting widely enough with the community. He said that 'getting the balance right is crucial and Labor must extend the consultation period to give more Victorians a chance to have their say'.¹⁴¹

Then-Deputy Leader of the Liberal Party David Southwick told the *Australian Jewish News* that:

Labor have yet to provide the detail on it or how these laws will keep the community safe. Since October 7, we have seen antisemites using the term 'Zionist' when they clearly mean 'Jew'. Will the 'political purpose' exemption to hate speech apply in this case?¹⁴²

Mr Southwick told ABC Radio in January 2025 that 'there are some issues' his party has with the proposed legislation and that there is 'no use having new laws if the laws don't actually solve the problem[s] that are there in the first place'.¹⁴³ He stated that: 'I think the intention

¹⁴⁰ Recommendation 21 was mislabelled as recommendation 22 in the EM, pg. 11

¹⁴¹ Liberal Party (2024) *Labor must extend consultation period on anti-vilification proposals*, media release, 9 October.

¹⁴² P. Kohn (2024) 'Vilification laws strengthened', *Australian Jewish News (VIC edition)*, 29 November.

¹⁴³ A. Moore (2025) 'Interview with David Southwick', *ABC Drive*, recording, 23 January.

in terms of ... combating anti-Semitism and combating hate speech is important. I support that. I was part of the committee' [referring to the LALSIC inquiry].¹⁴⁴

In 2023 the Victorian Greens introduced a Bill to expand the number of protected attributes to include vilification on the basis of sexuality, HIV/AIDS status, intersex status and gender. At the time, Greens LGBTIQ+ spokesperson Gabrielle de Vietri said that the change in the law would 'make clear, in law, that anti-LGBTIQ+ hate has no place in Victoria, and help prevent the events in recent months from ever happening again' (in reference to the Let Women Speak rally where a neo-Nazi group also attended, as well as increased harassment towards the LGBTIQ+ community).¹⁴⁵

Catholic Church

Archbishop of Melbourne Peter Comensoli told *The Age* that he was concerned about how the changes will impact freedom of religious expression. He stated:

Attempts to lower the threshold of what constitutes vilification must not stifle genuine discussion and acts done in good faith, particularly the sharing of religious beliefs by people of faith ... The current proposals include highly subjective elements that risk limiting legitimate religious speech while the religious purposes defence is not sufficiently clear.¹⁴⁶

Christian groups

President of the Australian Christian Lobby Jasmine Yuen told *The Age* that the Bill had 'sent a shockwave' through the Christian community as people were going to fear that 'preaching and teaching in Christian schools and churches on anything regarding biblical sexual ethics and God's creation of biology could be considered hate speech if someone feels it is offensive to them'.¹⁴⁷ Freedom for Faith, a Christian legal think tank, called the harms-based provisions 'extremely dangerous' and claimed that it 'gives unprecedented authority over religious speech, including sermons'.¹⁴⁸

Disability advocates

Women with Disabilities chief executive Julie Kun said she was glad that the new changes protected both women and people with disabilities.¹⁴⁹ Victorian Disability Worker Commissioner Dan Stubbs welcomed the Bill as 'an excellent further step toward inclusion and ensuring people are generally treated with respect, which profoundly impacts a person's quality of life', as people with disability have often had to 'quietly put up with' negative behaviour.¹⁵⁰

Equal Opportunity and Human Rights Commissioner

The VEOHRC said that it welcomed the changes 'to help Victoria become a fair, safe and inclusive place where everyone is respected and treated with dignity'.¹⁵¹ Ro Allan, the Commissioner, told *The Age* that they supported the changes as:

The current law does not go far enough to protect Victorians ... The law needs to be changed to provide broader protection against hateful conduct so that people in Victoria are safer and perpetrators are held to account.¹⁵²

¹⁴⁴ *ibid.*

¹⁴⁵ Victorian Greens (2023) '[The Time to act is now: Greens to introduce anti-vilification bill](#)', media release, 15 May.

¹⁴⁶ Le Grand (2024) *op. cit.*

¹⁴⁷ *ibid.*

¹⁴⁸ Freedom for Faith (2024) '[Victorian Anti-Vilification Legislation](#)', Freedom for Faith website.

¹⁴⁹ C. Jaegar & K. Rooney (2024) '[United against American-style division: Long-awaited anti-vilification reforms reach parliament](#)', *The Age*, 27 November.

¹⁵⁰ Equality Australia (2024) '[Community leaders welcome anti-vilification protections in Victoria](#)', Equality Australia website.

¹⁵¹ Victorian Equal Opportunity & Human Rights Commission (2024) '[We welcome stronger laws to protect Victorians from hate. – Our statement on the Justice Legislation Amendment \(Anti-vilification and Social Cohesion\) Bill 2024](#)', VEOHRC website.

¹⁵² Le Grand (2024) *op. cit.*

Fiona Patten

In 2019, Reason Party MP Fiona Patten introduced a Bill to update anti-vilification laws in the Legislative Council and chaired the Legislative Council’s extremism inquiry. In response to the government introducing a similar Bill in 2024, she told *The Age*:

We saw women being attacked so relentlessly online, it desperately affected their mental health and also, their ability to work ... We saw the harassment of people on the grounds of their sexuality, and increased rates of suicide within the LGBTI community. These were the reasons we went down this path.¹⁵³

Institute of Public Affairs

In its submission to the consultation on the laws, the Institute of Public Affairs wrote that the proposed changes are ‘a direct and egregious assault on free speech’ and ‘fatally flawed’, and called for them to be rejected so Victoria did not become ‘the censorship capital of Australia’.¹⁵⁴

Islamic groups

The Islamic Council of Victoria has long advocated for keeping the RRTA as a stand-alone Act and called for the Government to not abolish the RRTA. The council’s president, Adel Salman, stated:

We don’t support the termination of the RRTA and the inclusion of race and religion with other protected attributes in one ‘cover all’ legislation ... We believe that racial and religious vilification remains a serious problem—and is, in fact, increasing—and requires specific remedies.¹⁵⁵

In its submission to the LALSIC inquiry, the Council cited the increase in reported incidents to the Islamophobia Register as evidence that the RRTA ‘should remain in force, offering a robust stand-alone framework to address these prevalent forms of discrimination’.¹⁵⁶ It referred to the RRTA as having a ‘distinct purpose that cannot be understated’.¹⁵⁷

Jewish groups

At the press conference where the government announced the new legislation, Rabbi Gabi Kaltmann stated:

Doesn’t matter whether you wear a kippa or a hijab, if someone vilifies you, if someone wants to go after you, your faith, your background, your belief, your sexuality, the chances are that they will be charged and go to jail or heavily fined. We all become safer.¹⁵⁸

He was critical of other religious groups’ criticisms of the Bill, stating: ‘It’s hard to imagine that any person of faith would oppose the idea that all Victorians should feel safe’.¹⁵⁹

Jewish Community Council of Victoria chief executive Naomi Levin acknowledged that the current laws are not strong enough, but wants the term ‘Zionist’ to be included as she believes it is a term of ‘race or religious-based hatred’.¹⁶⁰ She was also concerned about the introduction of a ‘political expression’ defence, which she hoped would not ‘become a catch-

¹⁵³ *ibid.*

¹⁵⁴ Institute of Public Affairs (2024) ‘[Institute Of Public Affairs’ Submission On Proposed Changes To Victoria’s Anti-Vilification Laws](#)’, IPA website.

¹⁵⁵ Le Grand (2024) *op. cit.*

¹⁵⁶ Islamic Council of Victoria (2024) ‘[Submission to the Department of Justice and Community Safety on the ‘Overview of proposed anti-vilification protections for all Victorians’ consultation paper](#)’, West Melbourne, ICV, 11 October, p. 4

¹⁵⁷ *ibid.*

¹⁵⁸ B. Kolovos (2024) ‘[Victoria’s anti-vilification laws: how will they change and who will they protect?](#)’, *The Guardian*, 26 November.

¹⁵⁹ Le Grand (2024) *op. cit.*

¹⁶⁰ *ibid.*

all measure that renders these new laws unworkable'.¹⁶¹ She also called on Parliament to speedily pass the Bill.¹⁶²

LGBTQIA+ activists

Caeden McLaren, a transgender person who had previously been bullied and vilified by his manager when working on a farm, told the *Warrnambool Standard* that he welcomed the new laws and that 'it's about time'.¹⁶³

LGBTQIA+ Communities Victoria Commissioner Joe Ball refuted claims that the legislation would restrict free speech, saying 'it's about ensuring freedom from violence and hate'.¹⁶⁴

Legal commentary

Beth Gaze, a professor at Melbourne Law School, told *The Age* that the changes would bring Victoria into line with other states. She also stated that amending vilification legislation is often controversial and does not score a government any 'political points'.¹⁶⁵

Liberty Victoria does not support the Bill in its current form. While it supports some aspects of the Bill and 'the need to protect vulnerable people from hate speech', it does not believe that the balance between freedom of expression, legitimate protest and anti-vilification protections has been achieved.¹⁶⁶ President Michelle Bennett said, 'The risk is that it's used to suppress legitimate free speech and debate and for similar reasons, we don't think that criminal offences should have too low a bar'.¹⁶⁷

Multicultural groups

Multicultural Commissioner Dr Judy Tang reflected on her own experience as an Asian woman, a member of the LGBTQIA+ community and as a psychologist when expressing support for the Bill, saying she often sees how:

... hate can impact individuals for many different reasons beyond race and religion and cause immense harm.

...

The expanded and strengthened protections means that all Victorians will be able to participate in daily life without fearing being attacked or ridiculed for how they look, where they come from or their abilities and identities.¹⁶⁸

The Centre for Multicultural Youth also welcomed the new legislation and acknowledged the government's commitment to reforms. It wrote:

The expanded and strengthened protections will recognise the diverse and intersecting identities of individuals in our community, and ensure *all* Victorians can safely participate in daily life without fear of hate and vilification.¹⁶⁹

Women's rights groups

In a submission to the government regarding the proposed changes, the Women's Rights Network expressed concern that the changes in the Bill will be 'weaponised' against women by trans activists.¹⁷⁰

¹⁶¹ Jaegar & Rooney (2024) op. cit.

¹⁶² C. Douglas (2024) 'Jewish leaders urge Allan gov't to fast-track hate speech laws that could jail those who incite hatred', *Herald Sun*, 27 November.

¹⁶³ Patterson (2024) op. cit.

¹⁶⁴ Equality Australia (2024) op. cit.

¹⁶⁵ Le Grand (2024) op. cit.

¹⁶⁶ M. Bennett, Liberty Victoria (2025) *Comment on the Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Bill 2024 (Vic)*, media release, 28 January.

¹⁶⁷ Jaegar & Rooney (2024) op. cit.

¹⁶⁸ Equality Australia (2024) 'op. cit.

¹⁶⁹ Centre for Multicultural Youth (2024) 'Strengthening anti-vilification laws to keep more Victorians safe', CMY website.

¹⁷⁰ Le Grand (2024) op. cit.

10 | Vilification frameworks in Australian jurisdictions¹⁷¹

This is an updated version of the table found in Appendix B of the Legislative Assembly's Legal and Social Issues Committee inquiry into anti-vilification protections report.

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
Cth	Civil— Racial hatred	Racial Discrimination Act 1975	<ul style="list-style-type: none"> • Race • Colour or national or ethnic origin 	Based on a protected attribute, it is unlawful to do an act that is reasonably likely, in all the circumstances, to: <ul style="list-style-type: none"> • offend • insult • humiliate • intimidate. 	Conduct is public if it can be observed/ heard by the public	<ul style="list-style-type: none"> • The alleged victim or a person/ organisation on their behalf. • A person on behalf of two or more persons. • Represented complainants can remain anonymous for conciliation. 	Australian Human Rights Commission (AHRC)	Conciliation, including the following outcomes: <ul style="list-style-type: none"> • apology • employment reinstatement • compensation • other actions as appropriate. The AHRC may direct a person to take part in conciliation and enforce this direction. Unresolved complaints may be taken to the Federal Court. Only the Court can determine an act of unlawful discrimination.
	Criminal— Urging violence against groups	Criminal Code Act 1995	<ul style="list-style-type: none"> • Race • Religion • Nationality • National or ethnic origin • Political opinion 	Based on a protected attribute, it is an offence to intentionally urge the use of force or violence against a group; and the use of the force or violence would threaten the peace, order and good government of the Commonwealth.	n/a	Proceedings require consent of Attorney-General (AG).	Tribunal/ court	Imprisonment for five years.

¹⁷¹ Legislative Assembly Legal and Social Issues Committee (2021) op. cit., Appendix B, pp. 261-268; Department of Home Affairs, Department of Foreign Affairs and Trade, Attorney-General's Department (2021) 'Joint submission to the Inquiry into extremist movements and radicalism in Australia: Attachment 2', Inquiry into extremist movements and radicalism in Australia, February, Canberra, Parliamentary Joint Committee on Intelligence and Security; *Racial Discrimination Act 1975* (Cth); *Criminal Code Act 1995* (Cth); *Discrimination Act 1991* (ACT); *Criminal Code 2002* (ACT); *Anti-Discrimination Act 1977* (NSW); *Crimes Act 1900* (NSW); *Anti-Discrimination Act 1992* (NT); *Anti-Discrimination Act 1991* (Qld); *Criminal Code 1899* (Qld); *Racial Vilification Act 1996* (SA); *Civil Liability Act 1936* (SA); *Anti-Discrimination Act 1998* (Tas); *Criminal Code Act Compilation Act 1913* (WA).

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
ACT	Civil—Other unlawful acts including vilification	Discrimination Act 1991	<ul style="list-style-type: none"> Disability Gender identity HIV/AIDS status Race Religious conviction Sex characteristics Sexuality 	Based on a protected attribute, it is unlawful, other than in private, to incite: <ul style="list-style-type: none"> hatred revulsion serious contempt severe ridicule. 	Conduct is public if it can be observed/heard by the public, including: <ul style="list-style-type: none"> public social media posts wearing clothes, signs or flags actions observable by the public an interview intended for public broadcast. 	The alleged victim or a person/ organisation on their behalf. Joint complaints Complaints to the ACT Discrimination Commissioner by an agent must name the aggrieved person.	ACT Discrimination Commissioner	Conciliation, including the following outcomes: <ul style="list-style-type: none"> apology compensation other actions as appropriate. The ACT Discrimination Commissioner may direct a person to take part in conciliation and enforce this direction. Maximum penalty: 50 penalty units (PU)
	Criminal—Serious vilification	Criminal Code 2002	<ul style="list-style-type: none"> Disability Gender identity HIV/AIDS status Race Religious conviction Sex characteristics Sexuality 	Based on a protected attribute, it is an offence to intentionally carry out a threatening act in a reckless manner that incites: <ul style="list-style-type: none"> hatred revulsion serious contempt severe ridicule. 	It is an offence if the act occurs other than in private and if the offender is reckless about whether the act is private.	n/a	Tribunal/court	Maximum penalty: 50 PU
NSW	Civil—Vilification	Anti-Discrimination Act 1977	<ul style="list-style-type: none"> Race Transgender Homosexual HIV/AIDS status Religion 	Based on a protected attribute, it is unlawful to incite: <ul style="list-style-type: none"> hatred towards serious contempt severe ridicule. 	A public act includes: <ul style="list-style-type: none"> any form of communication to the public any form of conduct observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia the public distribution or dissemination of any matter. 	The alleged victim or a person/organisation on their behalf. Joint complaints if each complainant has the protected attribute. A representative body may make a complaint for a named person.	Anti-Discrimination NSW	Conciliation, including the following outcomes: <ul style="list-style-type: none"> apology compensation other actions as appropriate. The Commissioner may direct a person to take part in conciliation and enforce this direction. Unresolved complaints may be taken to the NSW Civil and Administrative Tribunal.
	Criminal—Inciting violence	Crimes Act 1900	<ul style="list-style-type: none"> Race Religion Sexual orientation Gender identity Intersex status 	Based on a protected attribute, it is an offence to intentionally or recklessly threaten or incite violence based on a protected attribute.	A public act includes: <ul style="list-style-type: none"> any form of public communication (including communicating through 	Proceedings may be commenced by police or DPP	Tribunal/court	Corporation: 500 PU (\$55,000) Individual: 100 PU (\$11,000) and/or three years' imprisonment

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
			<ul style="list-style-type: none"> HIV/AIDS status 		<p>social media and other electronic methods)</p> <ul style="list-style-type: none"> any conduct observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia the distribution or dissemination of any matter to the public. <p>For the avoidance of doubt, an act may be a public act even if it occurs on private land.</p>			
NT	Civil— Prohibited conduct based on protected attributes	Anti-Discrimination Act 1992	<ul style="list-style-type: none"> Race Language, including signed language Sex Gender identity Sexual orientation Sex characteristics Age Relationship status Accommodation status Employment status Employment in sex work or engaging in sex work, including past employment in sex work or engagement in sex work Pregnancy Carer responsibilities Breastfeeding Disability HIV/hepatitis status Subjected to domestic violence Trade union or employer association activity 	<p>Based on a protected attribute a person must not do an act that is reasonably likely to:</p> <ul style="list-style-type: none"> offend insult humiliate, or intimidate 	<p>Does not apply to acts done in public.</p> <p>An act is taken not to be done in public if it:</p> <ul style="list-style-type: none"> causes words, sounds, images or writing to be communicated to the public; or is done in a public place; or is done in the sight or hearing of people who are in a public place. 	<p>Proceedings may be brought by a person, aggrieved by prohibited conduct, a person authorised by the Commissioner on someone’s behalf or an organisation or body.</p>	<p>Northern Territory Anti-Discrimination Commission</p> <p>Northern Territory Civil and Administrative Tribunal (NTCAT)</p>	<p>Conciliation</p> <p>The Commissioner may direct a person to take part in conciliation and enforce this direction.</p> <p>Unresolved complaints may be taken to the NTCAT.</p>

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
			<ul style="list-style-type: none"> Religious belief or activity Political opinion, affiliation or activity Irrelevant medical record Irrelevant criminal record The person's details being published under section 66M of the <i>Fines and Penalties (Recovery) Act 2001</i> Association with a person who has, or is believed to have, an attribute referred to in this section 					
Qld	Civil— Anti- vilification	Anti-Discrimination Act 1991	<ul style="list-style-type: none"> Race Religion Sexuality Gender identity Sex characteristics¹⁷² 	Based on a protected attribute, it is unlawful to incite: <ul style="list-style-type: none"> hatred serious contempt severe ridicule. 	A Public Act includes: <ul style="list-style-type: none"> any form of communication to the public (including by electronic means) any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia. <p>But does not include distribution or dissemination of anything if the person does not know and could not reasonably know the content of the matter.</p>	<ul style="list-style-type: none"> The alleged victim or a person/ organisation on their behalf. Joint complaints. If a complaint is referred to the QLD Civil and Administrative Tribunal (QLDCAT), the QLD Human Rights Commission (QLDHRC) may give a direction prohibiting the disclosure of the person's identity. In relation to a representative complaint a complainant is a named person. 	QLDHRC	<p>Conciliation, including the following outcomes:</p> <ul style="list-style-type: none"> Apology Compensation Other actions as appropriate. <p>The Commissioner may direct a person to take part in conciliation and enforce this direction.</p> <p>Unresolved complaints may be taken to QLDCAT.</p>
	Criminal— Serious vilification	Criminal Code 1899	<ul style="list-style-type: none"> Race Religion Sexuality 	Based on a protected attribute, it is an offence to knowingly, or	As above	Proceedings require consent of AG or DPP	Tribunal/court	Maximum penalty—three years' imprisonment.

¹⁷² Further amendments to the ADA will come into effect 1 July 2025. These laws will update the number of protected attributes to include age, impairment, or sex. More information on these changes can be found [here](#).

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
			<ul style="list-style-type: none"> Gender identity Sex characteristics 	recklessly, incite hatred, serious contempt or severe ridicule in a way that includes threatening physical harm, or incites others to threaten physical harm.				
SA	Criminal— Racial vilification	Racial Vilification Act 1996	<ul style="list-style-type: none"> Race 	Based on a protected attribute, it is unlawful to incite: <ul style="list-style-type: none"> hatred serious contempt severe ridicule. 	Public Act means any form of communication with the public or conduct in a public place.	Proceedings require consent of the DPP	Tribunal/court	Body Corporation: \$25,000. Natural person: \$5,000 and/or three years' imprisonment. Damages cannot exceed \$40,000.
	Tort— Racial victimisation	Civil Liability Act 1936	<ul style="list-style-type: none"> Race 	Based on a protected attribute, it is unlawful to incite: <ul style="list-style-type: none"> hatred serious contempt severe ridicule. <p>An act of racial victimisation that results in detriment is actionable as a tort by the person who suffers the detriment.</p>	Public Act means any form of communication with the public or conduct in a public place.	n/a	Tribunal/court	Damages not exceeding \$40,000 may be awarded to compensate any form of detriment.
Tas	Civil (only)— Prohibited conduct based on protected attributes	Anti- Discrimination Act	<ul style="list-style-type: none"> Race Age Sexual orientation Lawful sexual activity Gender Gender identity Sex characteristics Marital status Relationship status Pregnancy Breastfeeding Parental status Family responsibilities Disability Industrial activity Political belief or affiliation 	Based on a protected attribute, it is unlawful in circumstances in which a reasonable person would expect the given outcome to: <ul style="list-style-type: none"> offend humiliate intimidate insult ridicule. 	Public Act includes: <ul style="list-style-type: none"> any form of communication to the public any conduct observable by the public the distribution or dissemination of any matter to the public. 	The alleged victim (including a child of significant maturity) or a person, organisation or union on their behalf may bring a complaint. The Tasmanian Anti-Discrimination Commissioner (ADC) may also initiate a complaint. Joint complaints may be made. A complaint must be filed within 12 months of the alleged incidence. A complaint must identify the alleged aggrieved person.	Tasmanian ADC	Conciliation or any other method deemed appropriate by the Tasmanian ADC. The Tasmanian ADC may direct a person to take part in conciliation and enforce this direction. Maximum penalty: 10 PU. Conciliation can be referred to an inquiry in which the Tasmanian ADC can make certain orders: <ul style="list-style-type: none"> respondent must not repeat or continue the conduct

	Civil/ Criminal offence	Key Legislation	Protected Attributes	Elements and threshold	Private and public acts/conduct	Who may bring a complaint/dispute	Arbitrator of dispute	Potential Outcomes
			<ul style="list-style-type: none"> • Political activity • Religious belief or affiliation • Religious activity • Irrelevant criminal record • Irrelevant medical record • Association with a person who has, or is believed to have, any of these attributes. 					<ul style="list-style-type: none"> • redress any loss, injury or humiliation suffered by the complainant • appropriate compensation • Fine of 20 PU maximum • any other order that is appropriate.
	Civil (only)— Inciting hatred	Anti-Discrimination Act 1998	<ul style="list-style-type: none"> • Race • Religion • Disability • Sexual orientation or lawful sexual activity • Gender identity or intersex variations of sex characteristics 	Based on a protected attribute, it is unlawful to incite: <ul style="list-style-type: none"> • hatred • serious contempt • severe ridicule. 	As above	As above	As above	As above
WA	Criminal (only)— Racial hatred	Criminal Code Act Compilation Act 1913	<ul style="list-style-type: none"> • Race 	There are four categories of racial hatred: <ul style="list-style-type: none"> • conduct intended or likely to incite racial animosity or racist harassment • possession of material for dissemination with intent or likely to incite racial animosity or racist harassment • conduct intended or likely to racially harass • possession of material for display with intent or likely to racially harass. 	n/a	Proceedings require consent of the DPP	Tribunal/court	Penalties range from one to 14 years' imprisonment and \$12,000–\$24,000 fines. A court may make an order for the forfeiture of unlawful material in respect of which offence was committed.

Reference List

Legislation

- *Anti-Discrimination Act 1977* (NSW)
- *Anti-Discrimination Act 1991* (Qld)
- *Anti-Discrimination Act 1992* (NT)
- *Anti-Discrimination Act 1998* (Tas)
- *Civil Liability Act 1936* (SA)
- *Crimes Act 1900* (NSW)
- *Crimes Act 1958* (Vic)
- *Criminal Code 1899* (Qld)
- *Criminal Code 2002* (ACT)
- *Criminal Code Act 1995* (Cth)
- *Criminal Code Act Compilation Act 1913* (WA)
- *Discrimination Act 1991* (ACT)
- *Equal Opportunity Act 2010* (Vic)
- Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024
- *Racial and Religious Tolerance Act 2001* (Vic)
- Racial and Religious Tolerance Amendment Bill 2019 (Vic)
- Racial and Religious Vilification Bill 1992 (Vic)
- *Racial Discrimination Act 1975* (Cth)
- *Racial Vilification Act 1996* (SA)

References

- Allison, F., C. Cunneen & A. Selcuk (2023) 'In Every Corner of Every Suburb: The Call It Out Racism Register 2022-2023', Sydney, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney. <https://callitout.com.au/wp-content/uploads/2023/11/Call-It-Out-Annual-Report-2022-2023-Final-v2.pdf>
- ALP (1999) *Brumby unveils new solutions for Victoria: Labor's plan for Victoria in the first decade of the new century*, media release, 18 February.
- Aroney, N. & P. Taylor (2023) 'Building tolerance into hate speech laws: state and territory anti-vilification legislation reviewed against international law standards', *Queensland Law Journal*, 42(3). <https://journal.law.uq.edu.au/index.php/uqlj/article/view/8537>
- Australian Human Rights Commission (date unknown) 'Complaints under the Racial Discrimination Act', Australian Human Rights Commission website. <https://humanrights.gov.au/our-work/complaint-information-service/complaints-under-racial-discrimination-act>
- Australian Institute of Health and Welfare (2024) *People with disability in Australia 2024*, Canberra, AIHW. <https://www.aihw.gov.au/getmedia/725731a5-5296-4b8d-8e49-40fa64937fb2/aihw-dis-72-people-with-disability-in-australia-2024.pdf>
- Australian Medical Association (2007) 'Social Determinants of Health and the Prevention of Health Inequities – 2007', *Position Statement*, AMA website. <https://www.ama.com.au/position-statement/social-determinants-health-and-prevention-health-inequities-2007>
- Ben, J. & A. Elias (2024) 'Pandemic racism in Australia: a systemic review', *Journal of Intercultural Studies*, 45(3). <https://www.tandfonline.com/doi/full/10.1080/07256868.2023.2298325#d1e136>
- Bennett, M., Liberty Victoria (2025) *Comment on the Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Bill 2024 (Vic)*, media release, 28 January. https://libertyvictoria.org.au/sites/default/files/Comment%20on%20the%20Anti-Vilification%20and%20Social%20Cohesion%20Bill_1.pdf
- Carbines, A., Minister for Police and Minister for Crime Prevention (2024) 'Second reading speech: Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024', *Debates*, Victoria, Legislative Assembly, 27 November. https://hansard.parliament.vic.gov.au/images/stories/daily-hansard/Assembly_2024/Legislative Assembly 2024-11-27.pdf

- Carswell, A. (2024) 'Crackdown on hate crime', *Bendigo Times*, 16 December.
<https://timesnewsgroup.com.au/bendigotimes/news/crackdown-on-hate-crime/>
- Centre for Multicultural Youth (2024) 'Strengthening anti-vilification laws to keep more Victorians safe', CMY website. <https://www.cmy.net.au/cmy-news/strengthening-anti-vilification-laws-to-keep-more-victorians-safe/>
- Committee to Advise the Attorney-General on Racial Vilification (1990) *Racial vilification in Victoria*, July, Melbourne, The Committee.
<https://library.parliament.vic.gov.au/mono/RacialVilificationInVictoria1990.pdf>
- Committee to Advise the Attorney-General on Racial Vilification (1992) *Racial vilification in Victoria: report of the Committee to Advise the Attorney-General on Racial Vilification*, Melbourne, Attorney-General's Department.
- Crime Statistics Agency (2025) 'Offences Recorded - Tabular Visualisation', T5. Offence code and description: *Racial and Religious Tolerance Act 2001*, Melbourne, CSA.
<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data/recorded-offences-2>
- Department of Families, Fairness and Housing (2023) 'Pride in our future: Victoria's LGBTIQ+ strategy 2022-32', Melbourne, Victorian Government. <https://www.vic.gov.au/pride-our-future-victorias-lgbtqi-strategy-2022-32/current-outcomes-lgbtqi-victorians>
- Department of Home Affairs, Department of Foreign Affairs and Trade, Attorney-General's Department (2021) 'Joint submission to the Inquiry into extremist movements and radicalism in Australia: Attachment 2', Inquiry into extremist movements and radicalism in Australia, February, Canberra, Parliamentary Joint Committee on Intelligence and Security.
<https://www.aph.gov.au/DocumentStore.ashx?id=98b48f4b-7419-4aab-a3a6-1d6be87a55cf&subId=702961>
- Department of Justice and Community Safety (2024) *Report back: Strengthening Victoria's laws against hate speech or conduct*, Melbourne, DJCS. <https://engage.vic.gov.au/download/document/35428>
- Department of Justice and Community Safety (2024) *Overview of proposed anti-vilification protections for all Victorians*, Melbourne, DJCS. <https://engage.vic.gov.au/download/document/36724>
- Department of Justice and Community Safety (2025) 'Penalties and values', DJCS website.
<https://www.justice.vic.gov.au/justice-system/finances-and-penalties/penalties-and-values>
- Douglas, C. (2024) 'Jewish leaders urge Allan gov't to fast-track hate speech laws that could jail those who incite hatred', *Herald Sun*, 27 November.
<https://www.heraldsun.com.au/news/victoria/jewish-leaders-urge-allan-govt-to-fasttrack-hate-speech-laws-that-could-jail-those-who-incite-hatred/news-story/3ee2e18af4ac8b306fd3ec2fa49a395f>
- Dutton, P., Minister for Home Affairs (2020) Letter to the Parliamentary Joint Committee on Intelligence and Security, 9 December.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/ExtremistMovements/Additional_Documents
- Engage Victoria (2024) 'Proposed changes to Victoria's anti-vilification laws', Engage Victoria website.
<https://engage.vic.gov.au/anti-vilification-reforms>
- Engage Victoria (2024) 'Strengthening Victoria's laws against hate speech and hate conduct', Engage Victoria website. <https://engage.vic.gov.au/anti-vilification>
- Equality Australia (2024) 'Community leaders welcome anti-vilification protections in Victoria', Equality Australia website. <https://equalityaustralia.org.au/community-leaders-welcome-anti-vilification-protections-in-victoria/>
- eSafety Commissioner (2020) *Online hate speech: findings from Australia, New Zealand and Europe*, Sydney, eSafety Commissioner. [https://www.esafety.gov.au/sites/default/files/2020-01/Hate speech-Report.pdf](https://www.esafety.gov.au/sites/default/files/2020-01/Hate%20speech-Report.pdf)
- Freedom for Faith (2024) 'Victorian Anti-Vilification Legislation', Freedom for Faith website.
<https://freedomforfaith.org.au/articles/victorian-anti-vilification-legislation/>
- Hennessy, J., Attorney-General (2019) 'Reference: Legal and Social Issues Committee', *Debates*, Victoria, Legislative Assembly, 12 September.
<https://www.parliament.vic.gov.au/4ace77/globalassets/hansard-daily-pdfs/hansard-2145855009-3666/hansard-2145855009-3666.pdf>

- Human Rights Law Centre, GetUp!, Anti-Defamation Commission, Victorian Trades Hall Council & the Asylum Seeker Resource Centre (2020) ‘Stopping hate in its tracks: Joint submission to the Victorian Government’s anti-vilification protections inquiry’, Inquiry into anti-vilification protections, January, Melbourne, Legislative Assembly Legal and Social Issues Committee. https://www.parliament.vic.gov.au/4af511/contentassets/e577e4e339b24e67aa378a8da6e18c11/submission-documents/047_2020.01.31---human-rights-law-centre-et-al_redacted.pdf
- Institute of Public Affairs (2019) ‘Submission to the Legislative Assembly Legal and Social Issues Committee’, Inquiry into anti-vilification protections, September, Melbourne, Legislative Assembly Legal and Social Issues Committee. https://www.parliament.vic.gov.au/4af4ff/contentassets/c6e3b9ddf3694515abdd069ad63568bd/submission-documents/018_2019.12.19---institute-of-public-affairs_redacted.pdf
- Institute of Public Affairs (2024) ‘Institute Of Public Affairs’ Submission On Proposed Changes To Victoria’s Anti-Vilification Laws’, IPA website. <https://ipa.org.au/publications-ipa/submissions/institute-of-public-affairs-submission-on-proposed-changes-to-victorias-anti-vilification-laws>
- Islamic Council of Victoria (2024) ‘Submission to the Department of Justice and Community Safety on the ‘Overview of proposed anti-vilification protections for all Victorians’ consultation paper’, West Melbourne, ICV, 11 October. <https://icv.org.au/wp-content/uploads/2024/10/ICV-2024-Anti-Vilification-Submission.pdf>
- Jaegar, C. & K. Rooney (2024) ‘United against American-style division’: Long-awaited anti-vilification reforms reach parliament’, *The Age*, 27 November. <https://www.theage.com.au/politics/victoria/united-against-american-style-division-long-awaited-anti-vilification-reforms-reach-parliament-20241126-p5kltl.html>
- Jewish Community Council of Victoria & Community Security Group Victoria (2024) ‘2023 Victorian antisemitism report’, Caulfield South, JCCV. https://jccv.org.au/wp-content/uploads/2024/08/CKA12658_JCCV.VAC_2023.Report_FINAL.WEB_.pdf
- Jones, A. & J. Bahr (2025) ‘Endemic and unreported’: Special envoy says Islamophobia ‘normalised’ in Australia’, *SBS News*, 24 January. <https://www.sbs.com.au/news/article/endemic-and-unreported-atab-malik-says-islamophobia-normalised-in-australia/a0n6s1zm7>
- Kohn, P. (2024) ‘Vilification laws strengthened’, *Australian Jewish News (VIC edition)*, 29 November. <https://www.australianjewishnews.com/victoria-strengthens-vilification-laws>
- Kolovos, B. (2024) ‘Victoria’s anti-vilification laws: how will they change and who will they protect?’, *The Guardian*, 26 November. <https://www.theguardian.com/australia-news/2024/nov/26/victoria-anti-vilification-laws-racial-religious-discrimination-allan-government>
- Law Institute of Victoria (2023) ‘LIV advocacy: Proposed expansion of anti-vilification laws’, LIV website. https://www.liv.asn.au/web/law_institute_journal_and_news/web/lij/year/2023/12december/liv_advocacy__proposed_expansion_of_anti_vilification_laws.aspx
- Le Grand, C (2024) ‘Allan government faces showdown with faith groups over hate laws’, *The Age*, 18 November. <https://www.theage.com.au/politics/victoria/allan-government-faces-showdown-with-faith-groups-over-hate-laws-20241115-p5kqz2.html>
- Legislative Assembly Legal and Social Issues Committee (2021) *Inquiry into anti-vilification protections*, final report, March, Melbourne, The Committee. https://www.parliament.vic.gov.au/4af4ec/contentassets/56e922dff39041edb5d49ad3d6eaa808/inquiry_into_anti-vilification_protections_002.pdf
- Legislative Council Legal and Social Issues Committee (2022) *Inquiry into extremism in Victoria*, final report, March, Melbourne, The Committee. https://www.parliament.vic.gov.au/4af72e/contentassets/bc54c5064f8a44f3a536e0856690aaf1/lclsic-59-12_extremism-in-victoria.pdf
- Liberal Party (2024) *Labor must extend consultation period on anti-vilification proposals*, media release, 9 October. <https://www.liberalvictoria.org.au/media-releases/2024-10-09-obrien-labor-must-extend-consultation-period-on-anti-vilification-proposals?topic=attorney-general>
- Moore, A. (2025) ‘Interview with David Southwick’, *ABC Drive*, recording, 23 January.
- O’Donnell, J., Q. Guan & T. Prentice (2024) *Mapping Social Cohesion*, November, Melbourne, Scanlon Institute. https://scanloninstitute.org.au/sites/default/files/2024-12/Mapping_Social_Cohesion_-_2024_Report.pdf

- OECD (2011) *Perspectives on Global Development 2012: Social Cohesion in a Shifting World*, Paris, OECD Publishing. https://www.oecd.org/en/publications/perspectives-on-global-development-2012_persp_glob_dev-2012-en.html
- Parliamentary Joint Committee on Intelligence and Security (2022) *Inquiry into extremist movements and radicalism in Australia*, interim report, April, Canberra, The Committee. https://www.aph.gov.au/-/media/02_Parliamentary_Business/24_Committees/244_Joint_Committees/PJCIS/Extremism/FINAL_Interim_Report_-_Extremist_Movements_and_Radicalism_in_Australia.pdf
- Patterson, M. (2024) ‘It’s about time’: transgender Warrnambool man welcomes vilification laws’, *Warrnambool Standard*, 9 December. <https://www.standard.net.au/story/8830970/transgender-man-welcomes-states-new-anti-vilification-laws/>
- Peucker, M., F. Vaughan, J. Doley & T. Clark (2024) *Understanding reporting barriers and support needs for those experiencing racism in Victoria*, research report, Melbourne, Victoria University. <https://content.vu.edu.au/sites/default/files/documents/2024-07/barriers-to-reporting-racism.pdf>
- Scanlon Foundation Research Institute (date unknown) ‘What is social cohesion?’, SFRI website. <https://scanloninstitute.org.au/research/mapping-social-cohesion/what-social-cohesion>
- Senate Standing Committee on Legal and Constitutional Affairs (2024) *Right wing extremist movements in Australia*, final report, December, Canberra, The Committee. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000315/toc_pdf/RightwingextremistmovementsinAustralia.pdf
- Shanes, J. (2025) ‘Harvard expands its definition of antisemitism - when does criticism of Israel cross a line?’, *The Conversation*, 25 January. <https://theconversation.com/harvard-expands-its-definition-of-antisemitism-when-does-criticism-of-israel-cross-a-line-248199>
- Trans Justice Project & Victorian Pride Lobby (2023) *Fuelling Hate: Abuse, Harassment, Vilification and Violence Against Trans People In Australia*, Marrickville & St Kilda, Trans Justice Project & Victorian Pride Lobby. <https://transjustice.org.au/wp-content/uploads/2023/08/Fuelling-Hate-Anti-Trans-Abuse-Harassment-and-Vilification-WEB-SINGLES-1-1.pdf>
- Urquhart, A. (2023) ‘References: Legal and Constitutional Affairs References Committee’, *Debates*, Canberra, Senate, 7 December. https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansards/27153/0147/hansard_frag.pdf
- Victoria Legal Aid (date unknown) ‘Discrimination and victimisation’, Victoria Legal Aid website. <https://www.legalaid.vic.gov.au/discrimination-and-victimisation>
- Victorian Equal Opportunity and Human Rights Commission (2017) *Annual Report 2016-17*, Carlton, Victorian Government. https://www.humanrights.vic.gov.au/static/a881ecd6d8e6eacfebceb7533a6d5aaf/Resource-Annual_Report-2016-17.pdf
- Victorian Equal Opportunity and Human Rights Commission (2018) *Annual Report 2017-18*, Carlton, Victorian Government. https://www.humanrights.vic.gov.au/static/70b431f09d9bdf9a23707693ef8bf89/Resource-Annual_Report-2017-18.pdf
- Victorian Equal Opportunity and Human Rights Commission (2020) ‘Submission to the parliamentary inquiry into anti-vilification protections’, *Inquiry into anti-vilification protections*, January, Melbourne, Legislative Assembly Legal and Social Issues Committee. https://www.parliament.vic.gov.au/4af517/contentassets/29bba041dadb415d8a6761e04ae6b14e/submission-documents/051_2020.01.31_-_victorian_equal_opportunity_human_rights_commission_published.pdf
- Victorian Equal Opportunity and Human Rights Commission (2021) *Annual Report 2020-21*, Carlton, Victorian Government. https://www.humanrights.vic.gov.au/static/17e7f07a6011ef9bf0002454f5a65611/Resource_Annual_Report-2020-21.pdf
- Victorian Equal Opportunity and Human Rights Commission (2024) *Annual Report 2023-24*, Carlton, Victorian Government. https://www.humanrights.vic.gov.au/static/ff6edeb31893579b589538458406fd60/Resource-Annual_Report_2023-24-Nov_2024.pdf
- Victorian Equal Opportunity & Human Rights Commission (2024) ‘We welcome stronger laws to protect Victorians from hate.’ – Our statement on the Justice Legislation Amendment (Anti-vilification

and Social Cohesion) Bill 2024', VEOHRC website.

<https://www.humanrights.vic.gov.au/news/we-welcome-stronger-laws-to-protect-victorians-from-hate-our-statement-on-the-justice-legislation-amendment-anti-vilification-and-social-cohesion-bill-2024/>

Victorian Gay and Lesbian Rights Lobby (2019) 'Submission to the Legislative Assembly Legal and Social Issues Committee', Inquiry into anti-vilification protections, September, Melbourne, Legislative Assembly Legal and Social Issues Committee.

https://www.parliament.vic.gov.au/4af50c/contentassets/969d209b87a04024a2720817a842d6ec/submission-documents/027_2019.12.20---victorian-gay-and-lesbian-rights-lobby_redacted.pdf

Victorian Government (2021) 'Government response', Inquiry into anti-vilification protections, September, Melbourne, Legislative Council Legal and Social Issues Committee.

https://www.parliament.vic.gov.au/4af4ec/contentassets/54a36451f4394afaba3f53f93f79b1d4/government_response_to_inquiry_into_anti-vilification_protections_dqpqpk5p.pdf

Victorian Government (2023) 'Government response', Inquiry into extremism in Victoria, September, Melbourne, Legislative Council Legal and Social Issues Committee.

<https://www.parliament.vic.gov.au/4af72f/contentassets/4fac45070bb64aad83430d3212b498f3/inquiry-into-extremism-in-victoria---government-response.pdf>

Victorian Greens (2023) *'The time to act is now': Greens to introduce anti-vilification bill*, media release, 15 May. <https://greens.org.au/vic/news/media-release/time-act-now-greens-introduce-anti-vilification-bill>

Suggested citation

Wright, A. (2025) *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria.

Acknowledgements

The Parliament of Victoria Library acknowledges the Traditional Owners of the lands on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and we value Aboriginal and Torres Strait Islander history, culture and knowledge.

The author would like to thank Marianne Aroozoo, Ellie Florence, Caley Otter, Debra Reeves, Ben Reid, Angus Tonkin, Caleb Triscari, the Legislative Assembly Library, ACT, the Parliamentary Research Service, New South Wales, the Northern Territory Parliamentary Library, the Queensland Parliamentary Library and Research Service, South Australian Parliament Research Library, Parliamentary Research Service, Tasmania and the Western Australia Parliamentary Library for their assistance in the preparation of this paper.

Information in this paper was current as at the time of publication. It should not be considered as a complete guide to the particular subject or legislation covered. While it is intended that all information provided is accurate, it does not represent professional legal opinion. Any views expressed are those of the author(s). Some hyperlinks may only be accessible on the Parliament of Victoria's intranet.

© 2025 Parliamentary Library & Information Service, Parliament of Victoria



Research Notes produced by the Parliamentary Library & Information Service, Department of Parliamentary Services, Parliament of Victoria are released under a Creative Commons 3.0 Attribution-NonCommercial-NoDerivs licence.

By using this Creative Commons licence, you are free to share – to copy, distribute and transmit the work under the following conditions.

Attributions – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).

Non-Commercial – You may not use this work for commercial purposes without our permission.

No Derivative Works – You may not alter, transform, or build upon this work without our permission.

The Creative Commons licence only applies to publications produced by the Library, Department of Parliamentary Services, Parliament of Victoria.

All other material produced by the Parliament of Victoria is copyright. If you are unsure, please contact us.

Enquiries:

Victorian Parliamentary Library & Information Service
Parliament House, Spring Street
Melbourne VIC 3002
Telephone: (03) 9651 8640
<https://parliament.vic.gov.au/>

Bill Brief

Parliamentary Library & Information Service

ISSN: 2204-4779 (Print) 2204-4787 (Online)