

Media Release

Hon Jacinta Allan MP
Premier



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YOU DESERVE TO BE SAFE IN OUR STATE – FREE OF HATE

Whoever you are, whatever you believe in, wherever you're from and whoever you love, you deserve to be safe in our state – free of hate.

That's why the Allan Labor Government is introducing new anti-vilification and social cohesion laws that are all about keeping Victorians safe and keeping Victoria united.

Premier Jacinta Allan and Attorney-General Jaclyn Symes joined community and multicultural leaders today to announce the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024*, which will:

- Protect more Victorians from vilification – which is the worst kind of hate speech or conduct that profoundly hurts people and undermines social cohesion
- Introduce new criminal offences for serious vilification, such as inciting hatred or threatening physical harm against someone because of who they are or what faith they follow
- Strengthen existing civil protections against vilification and provide more options for people to seek remedy and resolution if they have been harmed
- Protect the right to free speech and religion by creating a new defence for political expression and recognising exceptions for religious and artistic purposes, and more.

Protecting more Victorians from vilification

There are existing legal protections against vilification for race and religion.

Under the Bill, protections will be extended to cover disability, gender identity, sex, sex characteristics, sexual orientation, and personal association with a person who has a protected attribute– for example, being the parent of a disabled child.

That means all Victorians, in some shape or form, will be protected against vilification and hate for who they are, what faith they follow, where they're from or who they love or care for.

Introducing new criminal offences for serious vilification

The reforms will create two criminal offences to respond to serious vilification:

- It will be an offence to incite hatred, serious contempt, revulsion or severe ridicule against another person or group based on their protected attribute
- It will be an offence to threaten physical harm or property damage against a person or a group based on their protected attribute.

These offences will be placed in the Crimes Act, where they belong. They will apply when incitement or threats occur in Victoria in any context – private, public or online.

Media contact: Bodhi Droga 0413 701 929 | bodil.droga@minstaff.vic.gov.au

They will be easier to prove than Victoria's current serious vilification offences, with stronger penalties of up to five years imprisonment to hold perpetrators to account for their actions.

Strengthening existing civil protections against vilification

The Bill strengthens current laws to help protect people from things that are said or done in public or online that harm them.

This new harm-based protection could capture conduct such as posting photos publicly on social media that severely ridicule a person with disability or expressing hateful comments about a group's race at a public meeting.

The Bill also modifies existing protections against incitement to now include public conduct that is *likely* to incite hatred or revulsion, which reflects how the legal test is currently applied by the courts.

People and groups will still be able to make a complaint and seek a remedy through dispute resolution services at the Victorian Equal Opportunity and Human Rights Commission or the Victorian Civil and Administrative Tribunal.

Having this avenue for civil as well as criminal action will provide alternative options to address harm, including through an apology, compensation or removing harmful material.

Protecting and promoting the right to free speech and religion

This is all about protecting people's right to practice their religion, free from threats, vilification and severe ridicule in public. That is one of the most important religious freedoms of all and is at the heart of social cohesion in Victoria.

The Bill recognises freedoms by retaining the current exceptions in the law that protect activities done for genuine religious, academic, artistic, public interest or scientific reasons.

To be clear, that means the Bill protects genuine and legitimate religious activities, such as worshipping, practising, proselytising and teaching religion – they will always remain your right in Victoria under this Government.

To further protect free speech, the Bill introduces a new 'political expression' defence for the criminal incitement offence, to protect political communication and allow everyone to engage in genuine and robust debate.

What's next

The reforms have been informed by significant consultation, including with those most impacted by hate speech and conduct such as those experiencing anti-Semitism, homophobia and Islamophobia, and aim to carefully balance the right to freedom of expression, equality, religion and belief.

Just as the community has helped to shape this Bill, the Government commits to continuing to work with community groups over the coming months to listen, answer questions and take feedback. To see more about the Bill, including translated information, visit engage.vic.gov.au/anti-vilification-reforms

Quotes attributable to Premier Jacinta Allan

"The Victoria I love is a place where we come from hundreds of different backgrounds, but we are one community – Victoria united. Everyone deserves to be safe in our state, free of hate."

"These strong new laws support social cohesion by making it easier for police to charge anyone found to be inciting violence against specific groups or individuals on the basis of their race, religion and more."

"It also expands protections for more Victorians, because it should absolutely be against the law to vilify someone for being a woman or for being in a wheelchair. This is simply about fairness for all."

Quotes attributable to Attorney-General Jaclyn Symes

"Right now, we have Victorians and their loved ones who are afraid to be who they are without being the target of shame, ridicule or hatred. We have a responsibility to them and all Victorians to call out hateful behaviour and send a message that when the worst happens, we have their back."

"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."

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