

Media Release

The Hon Sonya Kilkeny MP
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PROTECTING MORE VICTORIANS FROM HATE

The Allan Labor Government has passed landmark legislation to strengthen our anti-vilification and social cohesion laws – standing up to hatred while Brad Battin and the Liberals try to block these laws.

Despite the Liberals' attempts to water down the Bill, the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024* will:

- Protect more Victorians from vilification – which is the worst kind of hate speech or conduct that profoundly harms 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 recognising exceptions for religious and artistic purposes, and more.

Under the new laws, 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 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.

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.

These offences 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.

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 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.

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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 someone’s right in Victoria under this Government.

Quotes attributable to Attorney-General Sonya Kilkeny

“Victoria is proudly a place where people come from all sorts of backgrounds but are one united community.”

“Everyone deserves to feel safe in Victoria and these laws send the strongest message that we will make sure that’s the case.”

“Brad Battin ignored the voices of marginalised communities in favour of his conservative colleagues. It’s up to him to explain to Victorians facing hatred in their everyday life why he thought it was more important to listen to the hard right of the Liberal Party than to them.”

Quote attributable to Minister for Multicultural Affairs Ingrid Stitt

“Victoria’s diversity is our strength, and with the passage of this landmark legislation, we reaffirm our commitment to ensuring every individual – regardless of their background, faith, or identity – can live free from hate and discrimination.”