

1 May 2026

Submission to Victorian Parliament Inquiry into anti-LGBTIQ+ hate crimes in Victoria

I write this submission as the Victorian Victims of Crime Commissioner. My role is established under the *Victims of Crime Commissioner Act 2015* (VIC):

The objectives of this Act are—

- (a) to promote the recognition of victims of crime in the justice system; and*
- (b) to provide for the representation of the concerns of victims of crime in the decision making of government; and*
- (c) to promote the inclusion and participation of victims of crime in the justice system.*

Under the VOCC Act s13(1)(a), my functions and powers include 'to advocate for the recognition, inclusion, participation and respect of victims of crime by government departments, bodies responsible for conducting public prosecutions and Victoria Police [...]':

Furthermore, my position is guided by the intent of *Victims' Charter Act 2006* (VIC).

The objects of this Act s4(1)(a) include:

- (a) to recognise the impact of crime on the victims of that crime, including the impact on members of victims' families, witnesses to the crime and in some cases, the broader community.*

The Victims Charter Act s 6(2) requires, among other things, that relevant agencies:

take into account, and be responsive to, the particular needs of persons adversely affected by crime, particularly needs relating to differences such as—
(b) sex or gender identity... (d) sexual orientation...

I strongly support systemic improvements to better prevent, respond to and support victims of anti-LGBTIQ+ hate crimes

No one chooses to be a victim of crime. Being victimised for a core part of your identity, such as a hate crime, is particularly egregious. I am concerned by evidence that I have

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heard about rising rates of anti-LGBTIQ+ sentiment and violence, in Victoria and more widely.

My Office's 2023 report *Silenced and sidelined: Systemic inquiry into victim participation in the justice system* heard that LGBTIQ+ victims of crime:

- face ongoing systemic barriers that prevent reporting, and many report feeling marginalised, minoritised or even criminalised by the criminal justice system.
- need access to more targeted and specialised streams of support.
- face significant barriers in reporting to police. I note this reflects the Victorian Pride Lobby's 2021 *Upholding our rights: LGBTIQ+ attitudes towards and experiences of policing in Victoria* and findings from the 2021 Victorian parliamentary Inquiry into Victoria's Justice System.

The history of LGBTIQ+ criminalisation and ongoing systemic barriers impacting LGBTIQ+ victims has serious flow on impacts on the ability and willingness to engage with justice systems.

I wish to highlight three key issues :

- LGBTIQ+ victims being less likely to report crimes to Victoria Police which creates barriers in applying to the Financial Assistance Scheme, due to the mandatory reporting requirements of that Scheme. Changes that better enable LGBTIQ+ victims of crime, including hate crimes, to access the Financial Assistance Scheme would be an important measure to provide substantive equity and access to justice for these victims.
- Under the *Victims' Charter Act 2006* and *Victims of Crime Commissioner Act 2015*, victims of crime must first complain to the responsible agency before they can complain to the Victims of Crime Commissioner. For victims from communities who are hesitant to engage with justice system agencies in the first place, requiring them to also complain to that same agency is a serious barrier to justice. I refer the Inquiry to recommendation 16 of my 2025 *Review of the operation of the Victims' Charter Act 2006 and its benefits for victims*, which proposed amending these two acts to remove the requirement that a victim survivor must first make a complaint to the justice and victims' services agency. Alongside this and more generally, building community knowledge of independent complaint avenues such as the Victims of Crime Commissioner is an important part of supporting community and ensuring justice system accountability.

- I advocate for improved training and education, plus data and evidence collection, by Victoria Police on both LGBTIQ+ demographics and hate crimes. Consultation with stakeholders has made me aware that while hate motivation provisions in sentencing have been in place since 2019, there have only been 2 charges laid. I encourage measures to ensure that the experiences of LGBTIQ+ victims of crime are recorded accurately, respectfully and comprehensively.

With these difficult relationships in mind, I note the suggestion raised by the LGBTIQ+ sector of a restorative justice pilot for LGBTIQ+ victims of hate crimes. Each victim should be supported on their unique pathway to justice. It would be positive to see alternative approaches developed for LGBTIQ+ victims of crime.

Additionally, LGBTIQ+ victims of crime require specialist support services. I was pleased by the establishment of Victoria's first dedicated LGBTIQ+ community legal service, Q+Law. I encourage the Inquiry to consider mechanisms to ensure specialist services are resourced to sustainably meet community demand. I note that my consultation with LGBTIQ+ stakeholders raised the possibility of additional funding for Q+Law and/or relevant specialist LGBTIQ+ community organisations to support victims in areas such as reporting to police and applying to the Financial Assistance Scheme. Inquiries and complaints raised with my Office consistently highlight the complex and challenging nature of Financial Assistance Scheme applications.

My consultations also heard the suggestion of funding dedicated services for victims of hate crimes. For example, this could include extending the Justice Navigator Pilot to LGBTIQ+ victims of crime and establishing a dedicated hate crimes unit in Victoria Police.

Finally, I note that recommendation 12 of my *2025 Review of the operation of the Victims' Charter Act 2006 and its benefits for victims* proposed the Victims' Charter Act 2006 (Vic) and other relevant legislation be amended to apply appropriate rights and responsibilities to the Court in its engagement with victim survivors. A whole-of-system view is important to ensuring that marginalised victims of crime see improved outcomes.

The rights enshrined to victims under the *Victims Charter Act 2006* can support victims of anti-LGBTIQ+ hate crimes

This *Victims Charter Act 2006* recognises:

- the impact of crime on victims, including members of victims' families, witnesses to the crime and in some cases, the broader community

- all persons adversely affected by crime, regardless of whether they report, should be treated with respect by all investigatory agencies, prosecuting agencies and victims' services agencies
- victims should be offered information to enable them to access appropriate services to help with the recovery process
- victims have an inherent interest in the response of the criminal justice system to that crime
- the importance of reducing the likelihood of secondary victimisation by the criminal justice system
- the need for victims to receive timely, accurate information and trauma-informed communications from investigatory, prosecuting and/or victims services agency.

Additionally, the *Victims Charter Act 2006* contains the following principle:

6 Treatment of persons adversely affected by crime

(1) All persons adversely affected by crime are to be treated with courtesy, respect and dignity by investigatory agencies, prosecuting agencies and victims' services agencies.

(2) Investigatory agencies, prosecuting agencies and victims' services agencies are to take into account, and be responsive to, the particular needs of persons adversely affected by crime, particularly needs relating to differences such as—

(a) race or indigenous background;

(b) sex or gender identity;

(c) cultural or linguistic diversity;

(d) sexual orientation;

(e) disability;

(f) religion;

(g) age.

Unfortunately, my Office's research demonstrates that community awareness of the *Victims Charter Act 2006* is low. A key part of successfully navigating the justice system is victim survivors knowing about, understanding and being able to advocate for their rights under the Charter. This is important in both deciding whether to engage with the justice system in the first place and, for those who do, having their rights upheld

throughout the process. Improving knowledge in LGBTIQ+ communities and specialist services, as well as mainstream services, may strengthen responses and supports for victims of anti-LGBTIQ+ hate crimes.

Additionally, my 2025 *Review of the operation of the Victims' Charter Act 2006 and its benefits for victims* made 25 recommendations to systemically improve outcomes for victims of crime. I encourage this Inquiry to consider opportunities in the wider victims' legislative environment to better respond to and support victims of anti-LGBTIQ+ hate crimes (and LGBTIQ+ victims generally).

In addition to awareness-raising measures, the review highlighted the need for significant improvements to education and training within justice agencies to improve compliance with the Charter when engaging with victims of crime. This is particularly the case for LGBTIQ+ victim-survivors, which are recognised by the Charter as experiencing particular needs or vulnerability in the justice system.

The Victims of Crime Commissioner systemic inquiry function may be beneficial to this Inquiry

The *Victims of Crime Commissioner Act 2015* enables the Victims of Crime Commissioner to conduct inquiries on any system victim of crime matter, at either the request of another or by the Commissioner's own motion. If pertinent to this Inquiry's findings and recommendations, my Office is available to discuss conducting a systemic inquiry into the issues raised by the Inquiry.

The Commissioner for LGBTIQ+ Communities is an invaluable resource and advocate

This role is essential to ensuring that the experiences, views and needs of Victoria's LGBTIQ+ community are brought to Government. As a fellow Victorian Commissioner, I am grateful for the LGBTIQ+ Commissioner's insight and advice. I would support measures to strengthen and ensure the sustainability of the Commissioner's role and functions.

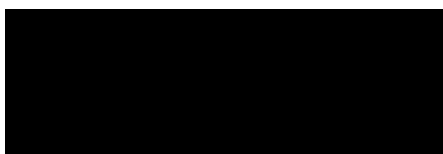
I encourage the Inquiry's recommendations, and any subsequent Government response and implementation, to be co-designed with LGBTIQ+ victims of crime and communities

My Office's research and engagement with victims, alongside similar findings across the victims' sector, shows consistent systemic barriers that re-traumatise victims. To ensure processes that truly service victims, processes and services should:

- be developed in close collaboration with victim-survivors.
- be trauma-informed, including providing support staff to assist victims.
- be transparent and seek to set victims' expectations, including explaining why compensation orders must remain unpaid for 12 months or more before the mechanism can be enacted.
- support all victims, including having information in languages other than English and meet best practice accessibility requirements.
- be designed for efficiency, to ensure victims are not deterred by overly burdensome administration.
- be designed to give victims clear and timely information, including upon submission and throughout assessment.
- seek to provide victims with outcomes as quickly as possible, to reduce the secondary trauma of wait times and unknown outcomes.
- consider victims' rights as per the *Victims Charter Act 2006*.

I am available to discuss this submission further if useful.

Yours sincerely



Elizabeth Langdon
Victims of Crime Commissioner