



Submission to the Legislative Council Legal and Social Issues Committee

**Inquiry into anti-LGBTIQ+ hate crimes in Victoria**

May 2026

## **Acknowledgement of Country**

Thorne Harbour Health acknowledges the Traditional Owners of the lands on which our communities live, work and come together.

We pay our respects to Aboriginal and Torres Strait Islander people, particularly Rainbow Mob, and to Elders past, present and rising. We acknowledge the diversity of Rainbow Mob, Brotherboys and Sistergirls, their communities and cultures, and their intrinsic connection to the land and waters as Traditional Owners of Country.

Thorne Harbour Health appreciates and celebrates the stories, traditions, culture and strength of Aboriginal and Torres Strait Islander people and is honoured when they work together with us.

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## About Thorne Harbour Health

Thorne Harbour Health is Victoria’s largest LGBTIQA+ community-controlled health organisation, governed by its members and accountable to the communities it serves.

At Thorne Harbour Health, the communities we serve are made up of unique people with diverse backgrounds and experiences who identify as lesbian, gay, bisexual, trans and gender diverse, non-binary, intersex, queer, other sexualities and genders, and all people living with HIV.

Operating since 1983, Thorne Harbour Health delivers HIV and sexual health clinical services, health promotion and community engagement. We support our communities with mental health, alcohol and drug supports, family violence and specialist sexual violence services. We build community with a full calendar of events, supported by hundreds of volunteers.

As a community-controlled health services, our approach to everything we does—by community, for community—ensures services are culturally safe, contextually appropriate and trusted by the people who need them.

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## Executive Summary

Thorne Harbour Health welcomes the opportunity to contribute to the Legislative Council Legal and Social Issues Committee's (**Committee**) Inquiry into anti-LGBTIQA+ hate crimes in Victoria (**Inquiry**). This submission draws on our work responding to the recent spate of app-facilitated homophobic attacks, our broader experience supporting LGBTIQA+ Victorians who have experienced hate-based violence, and the comparative legal and policy evidence shaping reforms in Victoria and in other jurisdictions.

Since June 2024, Victoria Police has identified at least 95 reports of men being lured through Grindr and similar hookup apps and then assaulted, robbed, extorted and subjected to homophobic abuse. The violence is severe, often filmed for online distribution, and the offending follows a coordinated pattern repeated across Australia and internationally.

These attacks have occurred within a broader environment of intensifying anti-LGBTIQA+ hostility — anti-trans mobilisation, far-right organising, religious-conservative backlash and algorithmically amplified online hate — that has measurably reshaped the conditions of safety for LGBTIQA+ Victorians.

The impacts fall most severely on people who experience intersecting forms of marginalisation including trans and gender diverse people, Rainbow Mob, and LGBTIQA+ people from multicultural and faith communities.

Victoria's current legal, policing, support and prevention systems are not adequate to that reality. The criminal law does not consistently name these crimes for what they are. Police capability to identify, evidence and prosecute hate crimes is uneven, and trust between LGBTIQA+ communities and police remains fragile. Victim support depends on reporting pathways many LGBTIQA+ victims will not use. And there is no coordinated government strategy to address the radicalisation pathways, ideological currents and platform failures that produce this violence.

The recommendations set out in the following section respond to these failures as a coherent framework: legal recognition without specialist policing capability will be undercharged; policing reform without accessible victim support will not generate reporting; nor will it reduce the underlying harm without sustained prevention. The pace and patterning of anti-LGBTIQA+ violence in Victoria demands a faster and more direct response than has characterised earlier reforms in this area. The recommendations are listed in the following section and elaborated in the body of this submission.

## Summary of recommendations

### *Improving justice responses to anti-LGBTIQ+ hate crimes*

1. Introduce a new scheme of hate-based aggravated offences in the *Crimes Act 1958* that:
  - a. prescribes a list of base offences more expansive than the current aggravated offences, capturing those most often experienced by LGBTIQ+ people; and
  - b. for the listed offences, prescribes an aggravating circumstance where the perpetrator was wholly or partly motivated by, or demonstrated hostility, malice or ill-will in respect of, a victim's actual or perceived protected attributes.
2. Reform the sentencing guidelines in section 5 of the *Sentencing Act 1991* to:
  - a. incorporate a definition of 'common characteristics' that includes the protected attributes in section 195M of the *Crimes Act 1958*; and
  - b. include an additional provision that an offence is taken to be motivated by hatred or prejudice when there is demonstration of hostility, malice or ill-will, based on section 11B(2) of the *Sentencing Act 1997 (Tas)*.
3. Reform the *Criminal Procedure Act 2009* to require that, where an offence is found to be motivated by hatred or prejudice:
  - a. the court must state in open court that the offence was so motivated, naming the relevant protected attribute; and
  - b. the criminal record must record that finding and the relevant protected attribute, based on sections 1 and 2 of the Hate Crime and Public Order (Scotland) Act 2021.

### *Policing anti-LGBTIQ+ hate crimes*

4. Improve Victoria Police's response to anti-LGBTIQ+ hate crimes by:
  - a. creating a Hate Crimes Unit to lead investigations and prosecutions of hate crimes and hate-related incidents, with specialist digital investigation capacity and a mandate for inter-jurisdictional coordination with counterpart units and Commonwealth agencies;
  - b. implementing third-party (community-led) reporting mechanisms, modelled on existing community registers such as the Islamophobia Register Australia, through trusted LGBTIQ+ community organisations and health and legal services;
  - c. strengthening training for front-line officers on recognising anti-LGBTIQ+ hate motivation and gathering the evidence required to charge and prosecute hate crimes, including evidence to establish the Demonstration element of the proposed aggravated offences scheme;
  - d. introducing a Hate Crime Scrutiny Panel to provide community-led oversight of the policing response to hate crimes, based on the United Kingdom model; and
  - e. conducting an independent evaluation of Victoria Police's LGBTIQ+ awareness training and the extent to which it equips officers to identify, evidence and charge hate-motivated offending.

5. Advocate for further development of the Australian Institute of Criminology's National Hate Crime Database to better capture hate crimes against LGBTIQ+ communities.

### **Victim support**

6. Reform the *Victims of Crime (Financial Assistance Scheme) Act 2022* to allow victims to make reports to medical professionals or support services instead of requiring reports to police.
7. Fund community organisations to support victims of anti-LGBTIQ+ hate crimes, including:
  - funding for Thorne Harbour Health to provide community engagement and safety messaging, dedicated counselling and victim support, and support to victims to report anti-LGBTIQ+ hate crimes to police;
  - funding for Switchboard Victoria to continue to provide dedicated phone support for victims of anti-LGBTIQ+ hate crimes; and
  - funding for Q+Law to provide legal support for victims of anti-LGBTIQ+ hate crimes, including support to access the Victims of Crime Financial Assistance Scheme.
8. Fund a restorative justice project for LGBTIQ+ victims of hate crimes.
9. Expand Sexual Assault Services Victoria's Justice Navigator Pilot to include specialist justice navigators for LGBTIQ+ victims of crime, including through youth justice processes.

### **Preventing anti-LGBTIQ+ hate crimes**

10. Establish an LGBTIQ+ Hate Crime Prevention Strategy with clear outcomes and indicators to reduce and prevent hate crimes.
11. Establish a formal LGBTIQ+ Hate Crimes Taskforce — incorporating community organisations, justice and legal bodies, education, health and academic stakeholders, and the Commissioner for LGBTIQ+ Communities — to oversee the development and implementation of the Prevention Strategy.
12. Impose an enforceable positive duty to eliminate vilification in section 15 of the Equal Opportunity Act 2010, requiring duty-holders to take reasonable and proportionate measures to eliminate vilification before it turns into violence.
13. Establish intervention and rehabilitation programs within Youth Justice and the Violence Reduction Unit that specifically address radicalisation of at-risk youth into anti-LGBTIQ+ ideologies.
14. Mobilise the Department of Education to tackle anti-LGBTIQ+ prejudice and ideology within school settings by leveraging the Safe Schools program and Respectful Relationships curriculum to address anti-LGBTIQ+ prejudice and ideology in young people, with a particular focus on schools in areas where hate crimes occur and where offenders live.
15. Advocate to the Commonwealth for reforms to the *Online Safety Act 2021* that hold digital platforms accountable for the role they play in enabling anti-LGBTIQ+ hate crimes.

16. Fund La Trobe University's Private Lives survey, which documents hate and prejudice against LGBTIQ+ communities.
17. Invest in further research on anti-LGBTIQ+ hate crimes, including:
  - research that improves understanding of ideologies that target LGBTIQ+ individuals and their intersection with other forms of hate; and
  - research that improves understanding of LGBTIQ+ victims' experiences of violence, reporting, and support.

***Historical accountability***

18. Establish a Board of Inquiry into historical anti-LGBTIQ+ hate crimes, to examine institutional histories of violence, discrimination, and stigma that drive contemporary hate crimes against LGBTIQ+ communities in Victoria, including Rainbow Mob.
19. Reform the historical homosexual convictions scheme in Part 8 of the Sentencing Act 1991 to:
  - a. include resisting arrest and making false statements to police within the definition of 'historical homosexual offence'; and
  - b. incorporate a redress scheme, based on the Tasmanian model.

## Anti-LGBTIQA+ hate and violence

### App-facilitated homophobic attacks

In June 2024, Victoria Police alerted Thorne Harbour Health to a series of homophobic attacks in Melbourne’s outer north. What initially appeared to be a local cluster soon revealed a wider pattern: near-identical attacks on gay and bisexual men being targeted through hookup apps, lured to isolated locations and ambushed by groups of offenders. The consistency of this pattern matters: these are planned attacks in which sexuality is the basis for target selection.

Similar attacks have occurred across Australia<sup>1</sup>, New Zealand<sup>2</sup> and other countries around the world<sup>3</sup>, indicating the state is confronting one manifestation of a wider pattern of organised homophobic violence.<sup>4</sup>

As of December 2025, Victoria Police had identified 95 reports of these attacks in the previous two years. Forty-two offenders had been arrested, with some linked to multiple attacks, and several investigations remained active.<sup>5</sup> Offenders are predominantly groups of young males aged 13 to 24. Incidents are concentrated in peri-urban and outer-urban Melbourne — with clusters recorded in Berwick, Craigieburn, Fitzroy, Mill Park and Ballarat — though attacks have occurred across the metropolitan area and beyond.

Those figures are alarming. They also understate the problem. At Thorne Harbour Health’s community forum at the Laird Hotel in June 2025, twelve attendees identified themselves as victims of homophobic attacks. Only two had reported to police, and one regretted doing so because of how his matter had been handled.

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<sup>1</sup> See for example Sean Rubinsztein-Dunlop, “Gay and Bisexual Sydney Teenagers Lured and Bashed on Camera in IS-Inspired Attacks,” ABC News, 24 February 2026, <https://www.abc.net.au/news/2026-02-25/lgbtq-sydney-teenagers-bashed-on-camera-in-is-inspired-attacks/106381614>; Victor Petrovic, “Police Search Homes, Seize Electronic Devices as They Investigate Alleged Homophobic Assaults of Men on Dating Apps in Canberra,” ABC News, 3 October 2024, <https://www.abc.net.au/news/2024-07-22/police-investigating-dating-app-alleged-assaults/104126926>; David Weber, “Horrific Bashings of Five Men at the Hands of Teenagers ‘Targeting’ Gay People Detailed in Court,” ABC News, 18 June 2025, <https://www.abc.net.au/news/2025-06-18/teens-sentenced-over-perth-attacks-targeting-gay-people-grindr/104376462>.

<sup>2</sup> Sinead Gill, “How a Vicious Gay-Bashing Ring Unfolded in Christchurch,” The Press, <https://www.thepress.co.nz/nz-news/350289794/how-vicious-gay-bashing-ring-unfolded-christchurch>.

<sup>3</sup> See for example “Gang Jailed after Using Grindr Dating App in Midlands to Assault and Rob Victims,” The Guardian, 13 January 2025, <https://www.theguardian.com/uk-news/2025/jan/13/gang-jailed-after-using-grindr-dating-app-in-midlands-to-assault-and-rob-victims>; “Hairstylist Responding on Gay Dating App Gets Beaten Up, Robbed,” Malay Mail, 20 March 2025, <https://www.malaymail.com/news/malaysia/2025/03/20/hairstylist-responding-on-gay-dating-app-gets-beaten-up-robbed/170180>; Robin Richardot, “Homophobic Ambushers Are Baiting and Beating Gay Men across France,” Le Monde, 26 May 2024, [https://www.lemonde.fr/en/france/article/2024/05/26/homophobic-ambushers-are-baiting-and-beating-gay-men-across-france\\_6672738\\_7.html](https://www.lemonde.fr/en/france/article/2024/05/26/homophobic-ambushers-are-baiting-and-beating-gay-men-across-france_6672738_7.html); Siyabonga Goni, “Grindr Abductions — More Victims Expected to Come Forward as Suspects Appear in Court,” Daily Maverick, 4 August 2024, <https://www.dailymaverick.co.za/article/2024-08-04-grindr-abductions-more-victims-expected-to-come-forward/>.

<sup>4</sup> Melissa Cunningham and Cameron Houston, “James Thought He Was Meeting a Date. Attackers Beat Him and Laughed While He Screamed,” The Age, 28 May 2025, <https://www.theage.com.au/national/james-thought-he-was-meeting-a-date-attackers-beat-him-and-laughed-while-he-screamed-20250528-p5m2sv.html>.

<sup>5</sup> Victoria Police briefing, LGBTIQA+ Portfolio Reference Group meeting, 1 April 2026.

At a subsequent forum in March 2026, a community member shared that he had made two reports of such violence to Crime Stoppers after October 2025—when Victoria Police said the last attack of this kind had been reported. Police data systems do not consistently capture reports made through alternate channels.

This should be treated as significant evidence of both the scale of under-reporting and the degree to which current systems fail to give victims confidence that reporting will lead to safety, recognition or justice.

Victims' retelling of these attacks show the severity of the violence and the forms of hate involved. Accounts told to Thorne Harbour, and reported in the media, consistently involve being beaten with metal poles and bats, punched, kicked and stamped, choked and threatened and slashed with machetes.<sup>6</sup>

Hateful dehumanisation is part of the violence. Offenders will repeat homophobic slurs as they attack, force victims to say degrading comments about themselves, and film it for later circulation among the offenders' networks.<sup>7</sup> The purpose is not only to injure but to dominate, degrade and communicate contempt for gay and bisexual men as a group. One victim, left bloodied on the ground by his attackers, later recalled: "They were laughing at me as I was screaming for help."<sup>8</sup>

The injuries are lasting. Victims have reported fractured bones, severe blood loss, permanent nerve damage and lasting psychological impacts including agoraphobia, social withdrawal, job loss and avoidance even of queer community spaces.

Community members have also expressed anger and disbelief at sentencing outcomes they regard as wholly inadequate to the gravity of the violence.<sup>9</sup> That response is itself important evidence: it shows that many victims and community members experience the justice process not as recognition of hate-based harm, but as a further diminution of it.

Frank Bonnici, a former model in Thorne Harbour's Drama Down Under campaigns, was slashed with a machete by a fourteen-year-old while walking with his partner. The offender received a \$100 fine, good behaviour bond and referral to a social worker, while Frank sustained permanent damage, trauma and ongoing financial costs from rehabilitation and lost income: "This isn't punishment, it's a fucking joke ... What would it have taken for this to be treated seriously, me dying?"<sup>10</sup>

These experiences — and the submissions from individuals to this Inquiry who have experienced violence — should remain central to the Committee's understanding of the problem.

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<sup>6</sup> Accounts made directly to Thorne Harbour Health; Cunningham and Houston, "James Thought He Was Meeting a Date."

<sup>7</sup> Jason Om, "New Wave of Homophobic Attacks Targets Users of Gay Dating Apps Like Grindr," 7.30, ABC News, 5 July 2025, <https://www.abc.net.au/news/2025-07-06/gay-dating-app-users-lured-into-violent-homophobic-attacks/105464048>.

<sup>8</sup> Cunningham and Houston, "James Thought He Was Meeting a Date."

<sup>9</sup> This has been a consistent issue raised at THH's community forums. See also, Dean Arcuri, "Victim of Homophobic Machete Assault Outraged by Outcome," QNews, 28 May 2025, <https://qnews.com.au/victim-of-homophobic-machete-assault-outraged-by-outcome/>.

<sup>10</sup> Arcuri, "Victim of Homophobic Machete Assault."

The app-facilitated attacks reveal several interconnected failures in the current system. The true scale of the offending remains unknown because many victims do not trust reporting pathways. The law does not consistently recognise these attacks as hate crimes. Victims are not adequately supported. And the conditions that produce radicalised young offenders have not been addressed. The sections that follow propose reforms to each of these failures.

## **A rise in hate against LGBTIQ+ people**

The app-facilitated attacks have not emerged in isolation. They have occurred within a broader environment in which anti-LGBTIQ+ hostility has become more visible, more organised and, in some contexts, more socially licensed. For many LGBTIQ+ Victorians, the significance of the recent attacks lies not only in their brutality but in the fact that they confirm a wider deterioration in safety.

Available data supports that concern. *Private Lives 3*, the largest national survey of LGBTIQ+ health and wellbeing, found that more than one-third of respondents had experienced verbal abuse and one-quarter had experienced harassment in the preceding twelve months because of their sexual orientation or gender identity.<sup>11</sup> Among younger people, *Writing Themselves In 4* found that 66 per cent of LGBTQA+ respondents aged 14 to 21 had experienced harassment based on their identity, with large proportions reporting not feeling safe at school, TAFE or university.<sup>12</sup>

Trans and gender diverse communities have been particularly severely affected. The *Fuelling Hate* report found that more than half of trans respondents had experienced anti-trans hate in the preceding year and one in six had experienced anti-trans violence, with substantial increases in in-person abuse and widespread exposure to online hate since 2020.<sup>13</sup> These findings matter beyond the immediate question of anti-trans harm: they demonstrate that anti-LGBTIQ+ hostility has been intensifying across multiple parts of the community, and that public rhetoric, online abuse and real-world violence are closely connected.

Available data itself understates the problem. A Victorian Pride Lobby survey of 1,500 LGBTIQ+ Victorians found that four in five respondents did not feel they could trust police to use their powers reasonably.<sup>14</sup> Official data cannot be read as a full measure of anti-LGBTIQ+ hate when many victims do not regard reporting as safe, worthwhile or likely to produce a just outcome.

The last decade has included moments of acute escalation with measurable effects on LGBTIQ+ communities. The 2017 Marriage Equality postal survey is the clearest Australian example. Research found that the survey period functioned as a significant minority stress event, with LGBTIQ+ participants reporting increased fear, anxiety, anger and depression associated with exposure to anti-LGBTIQ+

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<sup>11</sup> Adam O. Hill et al., *Private Lives 3: The Health and Wellbeing of LGBTIQ People in Australia*, ARCSHS Monograph Series No. 122 (Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University, 2020).

<sup>12</sup> Adam O. Hill et al., *Writing Themselves In 4: The Health and Wellbeing of LGBTQA+ Young People in Australia*, ARCSHS Monograph Series No. 124 (Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University, 2021).

<sup>13</sup> Hiero Badge et al., *Fuelling Hate: Anti-Trans Abuse, Harassment and Vilification* (Melbourne: Trans Justice Project and Victorian Pride Lobby, 2023).

<sup>14</sup> Victorian Pride Lobby, *Upholding Our Rights: LGBTIQ+ Attitudes and Experiences of Policing in Victoria* (Melbourne: Victorian Pride Lobby, 2025)

campaign material.<sup>15</sup> Service providers reported demand increases of 20 to 40 per cent.<sup>16</sup> The importance of this moment is not only historical: it demonstrated that public campaigns contesting the legitimacy of LGBTIQ+ people's relationships and identities produce measurable harm, even when framed as public debate rather than violence.

Anti-LGBTIQ+ hostility did not dissipate after the postal survey. It was redirected and intensified, particularly through anti-trans organising, far-right mobilisation and online ecosystems that circulate dehumanising narratives. In Victoria, this became especially visible from 2022: neo-Nazis disrupted a family-friendly youth event in Moonee Ponds,<sup>17</sup> Drag Story Time events were cancelled following threats,<sup>18</sup> and the March 2023 "Let Women Speak" rally became a prominent example of convergence between anti-trans activism and far-right extremism when National Socialist Network affiliates performed Nazi salutes on the steps of Parliament House.<sup>19</sup> These were not isolated provocations but a visible expression of an organising ecosystem that has continued to grow.

The significance of these events lies in the convergence they reveal. Anti-LGBTIQ+ hostility is no longer expressed through a single ideological stream. It now circulates across far-right networks, anti-trans campaigns, religious-conservative mobilisation, conspiracist subcultures and algorithmically amplified online communities.<sup>20</sup> The language used in the app-facilitated attacks — in which offenders force victims to "confess" on camera to paedophilia — reflects that used by neo-Nazis displaying a banner reading "Destroy Paedo Freaks" as an anti-trans rally.<sup>21</sup> This is wider ecosystem of dehumanising rhetoric, rather than a purely local or spontaneous form of prejudice.

For LGBTIQ+ communities, the result is cumulative harm. The issue is not only the number of discrete incidents but the repeated exposure to hostility across public debate, social media, schools, workplaces, transport, nightlife and the criminal justice system itself. Community members are required to assess risk constantly: whether to disclose identity, whether to attend events, whether to use dating applications, whether to report an incident, and whether authorities will respond appropriately if they do.

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<sup>15</sup> Sarah Ecker et al., "Impact of the Australian Marriage Equality Postal Survey and Debate on Psychological Distress among Lesbian, Gay, Bisexual, Transgender, Intersex and Queer/Questioning People and Allies," *Australian Journal of Psychology* 71, no. 3 (2019): 285–95; Sharon Verrelli et al., "Mental Health, Minority Stress, and the Australian Marriage Law Postal Survey: A Longitudinal Study," *American Journal of Orthopsychiatry* 91, no. 3 (2021): 348–56.

<sup>16</sup> Ecker et al., "Impact of the Australian Marriage Equality Postal Survey," 285–95.

<sup>17</sup> Shibu Thomas, "Melbourne Neo-Nazis Target Drag Performer at Family-Friendly Youth Fest," *Star Observer*, 3 October 2022, <https://www.starobserver.com.au/news/melbourne-neo-nazis-target-drag-performer-at-family-friendly-youth-fest/217074>.

<sup>18</sup> Cam Wilson, "'Share Far and Wide': How the Far Right Seeds and Spreads Drag Storytime Protests," *Crikey*, 23 May 2023, <https://www.crikey.com.au/2023/05/23/drag-story-time-protest-neo-nazis-far-right/>.

<sup>19</sup> Cam Wilson, "Kellie-Jay Keen: Anti-Trans Activist Says Supporters Aren't Neo-Nazis," *Crikey*, 20 March 2023, <https://www.crikey.com.au/2023/03/20/kellie-jay-keen-anti-trans-neo-nazis-protest-melbourne/>; Elise Thomas, *A Year of Hate: Anti-Drag Mobilisation Efforts Targeting LGBTQ+ People in Australia* (London: Institute for Strategic Dialogue, 2024).

<sup>20</sup> Kim Sengul and Bethany Shannon, "Mainstreaming LGBTIQ+ Hate: The Far-Right's Anti-Gender Countermovement in Australia," *Australian Journal of Political Science* (2025); Thomas, *A Year of Hate*.

<sup>21</sup> Cait Kelly and Mostafa Rachwani, "What's behind the 'terrifying' backlash against Australia's queer community?" *The Guardian*, 24 March 2023, <https://www.theguardian.com/australia-news/2023/mar/25/whats-behind-the-terrifying-backlash-against-australias-queer-community>.

Many clients of Thorne Harbour Health’s therapeutic services describe experiences of hate crimes, often without even recognising them for what they are. The normalisation of violence as part of the queer experience obscures the prevalence of hate crimes even to those who are targeted. The cumulative weight of hate and hostility erodes wellbeing and sense of safety—a feeling of being under siege.

This context is essential to the reforms proposed in the sections that follow. If the recent attacks are treated as a discrete crime trend without regard to the broader rise in anti-LGBTIQA+ hostility, the response will be too narrow. The legal system must name hate crimes for what they are. Policing must be reformed so that reporting is safe and effective. Victims must be properly supported. And prevention must address the radicalisation pathways, platform failures and ideological conditions in which this violence has become thinkable, repeatable and, for too many victims, unsurprising.

## Improving justice responses to anti-LGBTIQA+ hate crimes

The recent spate of app-facilitated attacks is plainly hate-motivated. Victims are chosen because they are gay or bisexual men, drawn out through hookup apps used by that community, and subjected to homophobic abuse during the attack itself.

Yet under current Victorian law, these attacks are generally prosecuted as assaults, robberies, threats and other base offences. While hate motivation may be raised at sentencing, it does not appear as an element of the charge, as part of the conviction itself, or as a structured entry on the offender’s criminal record.

An aggravated offences scheme would ensure that the criminal law recognises what victims, the community and Victoria Police already know: these are hate crimes. They should be charged as such and should be reflected in the offender’s record. When they are not, it minimises victims’ experiences and weakens the law’s capacity to denounce the anti-LGBTIQA+ attitudes driving the violence.

Thorne Harbour Health therefore supports two mutually reinforcing reforms: the creation of a scheme of hate-based aggravated offences, and reform of Victoria’s existing sentencing factor for hate-motivated offending. The two reforms are often confused in public debate, so for clarity we use the following terminology:

- **Aggravated offences** elevate an existing ‘base offence’ — such as common assault — into a more serious form when that offence is committed because of hate. The hate element appears on the charge sheet, the conviction and the record from the outset. Only a prescribed list of offences would be elevated, so it is critical that the list captures the offences most often committed against LGBTIQA+ communities.
- **Aggravated sentencing** operates after conviction. Where the court is satisfied that the offender acted out of hatred or prejudice, the court must take the hate motivation into account in determining sentence, which may result in a more severe sentence than would otherwise have been imposed.

Our strong preference is for hate-motivated conduct to be identified and charged as an aggravated offence from the outset. Where the hate element is missed at the charging stage, however, sentencing

should still be able to recognise it. The two mechanisms should operate together, with aggravated sentencing serving as a backstop to ensure that the hate element is not lost.

The framework should also ensure that double punishment is avoided: the sentencing factor should apply only where the aggravated offence has not already been established on the same conduct.

Both mechanisms should incorporate a Demonstration element: the hate motivation should be capable of being established not only by proving the offender’s subjective motivation, but also by evidence that the offender demonstrated or expressed hostility, malice or ill-will in respect of a protected attribute at the time of the offence, or immediately before or after it.

This is critical for anti-LGBTIQ+ hate crimes, where offenders routinely leave behind clear and recorded evidence of their hostility — anti-LGBTIQ+ slurs during the attack or graffiti on property, forced “confessions” or degrading comments on camera, footage distributed online, sentiment expressed between offenders — but where proving what was going on inside the offender’s head may be far more difficult. The Demonstration element should operate at the charging stage to establish the aggravating circumstance, and at the sentencing stage as a fallback where the aggravated offence was not charged.

### **Aggravated offences**

There are six practical reasons to locate the hate element in the offence itself rather than leaving it to sentencing alone.

First, it delivers the recognition that victims ask for. Anti-LGBTIQ+ hate crimes do more than inflict physical injury. They attack identity, reinforce a long history of targeted violence, and communicate to the victim and the wider community that some people are legitimate targets. When the law processes a homophobic machete attack or a group ambush via Grindr as though it were a common assault, victims are told — directly or by implication — that the thing that happened to them did not really happen.

Second, it gives the community the signal it needs. Hate crimes are expressive acts. Offenders choose their victims to send a message to the victim’s group, and the criminal law can, and should, answer in the same register. Creating a distinct, named category of hate-based aggravated offences tells LGBTIQ+ Victorians and the wider public that the violence targeting our communities is taken seriously as a distinct category of harm, rather than absorbed into general statistics.

Third, it closes Victoria’s hate-crime data gap. Capturing the hate element at the charging stage means the offence is recorded as a hate crime from the moment police lay charges. This feeds directly into the evidence base that Victoria presently lacks — a gap identified by the Parliamentary Committee in its Inquiry into Extremism in Victoria.<sup>22</sup>

Without an aggravated offences scheme, the dating app attacks will continue to be counted as common assaults, robberies and related offences; the homophobic motivation will remain largely invisible in crime data; and government, police, support services and community organisations will continue to struggle to respond to a pattern they cannot clearly see.

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<sup>22</sup> Legislative Assembly Legal and Social Issues Committee, Inquiry into Extremism in Victoria: Final Report (Melbourne: Parliament of Victoria, 2022).

Fourth, it is a realistic tool for police and prosecutors. A circumstance of aggravation sits within an existing offence rather than creating a wholly new one. Investigators and prosecutors already know how to charge the base offence. The aggravation adds a specific evidentiary element — proof of hate motivation or demonstrated hostility — within a familiar legal framework. That significantly reduces implementation risk compared with standalone hate crime offences.

Fifth, it reduces the risk that a prosecution fails on the hate element. If the aggravating circumstance is not proven at trial, the accused may still be convicted of the base offence. This is a critical advantage over standalone hate crime offences, where an unproven hate element may jeopardise the whole prosecution. Given the evidentiary difficulties of proving motivation, that fallback matters.

Sixth, it is comparatively straightforward to implement. Introducing aggravated offences does not require Victoria to draft entirely new criminal offences from scratch. Existing offences are elevated where the hate element is made out.

The urgency of the present situation does not permit the kind of extended legislative process that characterised Victoria’s anti-vilification reforms — from when the Inquiry into Anti-Vilification Protections was referred in 2019, to its reporting in 2021 and eventual passage of the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act* in 2025.<sup>23</sup> During those six years, anti-LGBTIQ+ violence escalated. The pace and patterning of anti-LGBTIQ+ violence demands a faster and more direct legislative response.

For those reasons, aggravated offences should be a primary reform. Aggravated sentencing remains necessary, but as a complement and backstop rather than a substitute.

Queensland provides the closest existing Australian model. Section 52B of the *Criminal Code 1899* (Qld)<sup>24</sup> prescribes a list of base offences and attaches a higher maximum penalty to each where the offender was motivated by hatred or serious contempt based on a victim’s protected attributes.

A Victorian scheme should improve on this model by incorporating a Demonstration element and by expanding the list of prescribed base offences to also capture offences commonly committed against LGBTIQ+ communities, including sexual offences, robbery and image-based offending.

### **Aggravated sentencing**

Aggravated sentencing comes into play after a person pleads guilty or is found guilty of an offence. Where a sentencing court concludes that the offender acted because of the victim’s protected attributes, the court must take the hate motivation into account in determining sentence, which may result in a more severe sentence than would otherwise have been imposed.

In December 2025, Tasmania amended its sentencing laws to incorporate a formulation drawn from United Kingdom legislation. Section 11B of the *Sentencing Act 1997* (Tas)<sup>25</sup> now provides that aggravated sentencing can apply where the offender was motivated, wholly or partly, by hatred or prejudice in

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<sup>23</sup> Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections: Final Report* (Melbourne: Parliament of Victoria, 2021), <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-anti-vilification-protections/>.

<sup>24</sup> *Criminal Code Act 1899* (Qld) s 52B.

<sup>25</sup> *Sentencing Act 1997* (Tas) s 11B.

respect of a protected attribute. Critically, this motivation element is satisfied where the offender *demonstrated or expressed* hostility, malice or ill-will in respect of the attribute at the time of the offence, or immediately before or after it. Prosecutors do not need to establish what was going on inside the offender’s head. They can rely on what the offender said and did at the time.

The Demonstration element is pivotal for anti-LGBTIQ+ hate crimes, where offenders often leave behind clear and recorded evidence of their hostility.

In the recent Victorian app-facilitated attacks, the pattern of conduct includes selecting victims through hookup apps used by gay and bisexual men; calling victims “paedophiles” and “filthy animals” during the attack; forcing victims on camera to recite homophobic slurs, and in one case to ask “Jesus for forgiveness”; and circulating the footage online.<sup>26</sup>

In and beyond the app-facilitated attacks, community members regularly describe incidents of this kind. One community member recounted frequent verbal harassment on Chapel Street, where groups of young men shout ‘faggot’, ‘gay’ and other slurs at LGBTIQ+ people; on one occasion this escalated to him being chased by three men and seeking refuge behind security guards at a nearby venue.

Trans and gender diverse community members report similar patterns, documented in detail in the *Fuelling Hate* report. In one case shared with Thorne Harbour Health, transphobic language and conduct accompanied an attack which police initially considered to involve sexual violence, but which was ultimately charged only as common assault.

This is exactly the kind of observable, contemporaneous conduct that the Demonstration element is designed to capture.

New South Wales has recently moved in the same direction as Tasmania. A Bill introduced in response to high levels of anti-LGBTIQ+ hate crime<sup>27</sup> clarifies the operation of its existing aggravating sentencing factor in these terms:

*For the purposes of subsection (2)(h), if, at the time of committing the offence or immediately before or immediately after committing the offence, the offender demonstrated or expressed hatred for or prejudice against a group of people to which the offender believed the victim belonged, the offence is taken to have been motivated by hatred or prejudice.*<sup>28</sup>

The NSW aggravating factor already captures offences partially or wholly motivated by hatred or prejudice against a group of people to which the offender believed the victim belonged, including on the basis of sexual orientation, gender identity and sex characteristics.

At the federal level, the Commonwealth Parliament has recently included an aggravating sentencing factor for hate-motivated offending, but only in relation to race, national or ethnic origin.<sup>29</sup> LGBTIQ+ communities are excluded from that federal protection.

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<sup>26</sup> Cunningham and Houston, “James Thought He Was Meeting a Date”; Om, “New Wave of Homophobic Attacks.”

<sup>27</sup> Rubinsztein-Dunlop, “Gay and Bisexual Sydney Teenagers Lured and Bashed on Camera.”

<sup>28</sup> *Crimes Legislation Amendment (Hate Crimes) Bill 2026 (NSW)* sch 3 item [1].

<sup>29</sup> *Combating Antisemitism, Hate and Extremism (Criminal and Migration Laws) Bill 2026 (Cth)*.

Aggravated sentencing is therefore an essential part of the reform. It is, however, a weaker mechanism than aggravated offences for two reasons. First, a sentencing finding that an offence was motivated by hatred does not necessarily become part of the offender's criminal record. If the same person offends again, the next sentencing court has no automatic way of knowing that the earlier conduct was found to be hate-motivated.

Second, convictions data does not necessarily reflect that finding either, which means policymakers, legislators and communities cannot track the prevalence of hate-related crime through the most authoritative dataset available.

Scotland has addressed both problems. Under the *Hate Crime and Public Order (Scotland) Act 2021*<sup>30</sup>, when a court finds that an offence is aggravated by prejudice, three consequences follow.

- The court must state in open court that the offence was aggravated by prejudice, naming the relevant characteristic.
- The aggravation must be recorded on the extract of conviction or sentence, so that it formally appears on the offender's criminal record.
- The court must take the aggravation into account in sentencing, which may result in a higher sentence than would otherwise have been imposed.

These consequences work together. Rehabilitation, diversion and restorative justice responses can be better aligned to the nature of the offending. Future sentencing courts know that the person has previously been found to have offended out of hatred. Researchers and policymakers can track hate-motivated offending through convictions data.

Importantly, the court's open-court statement performs an essential denunciatory function. It publicly names the hatred at the centre of the crime and affirms to the victim and the community that the prejudice was not incidental to what occurred, but central to it.

**Thorne Harbour Health recommends:**

1. Introduce a new scheme of hate-based aggravated offences in the Crimes Act 1958 that:
  - a. prescribes a list of base offences more expansive than the current aggravated offences, capturing those most often experienced by LGBTIQ+ people; and
  - b. for the listed offences, prescribes an aggravating circumstance where the perpetrator was wholly or partly motivated by, or demonstrated hostility, malice or ill-will in respect of, a victim's actual or perceived protected attributes.
2. Reform the sentencing guidelines in section 5 of the Sentencing Act 1991 to:
  - a. incorporate a definition of 'common characteristics' that includes the protected attributes in section 195M of the Crimes Act 1958; and
  - b. include an additional provision that an offence is taken to be motivated by hatred or prejudice when there is demonstration of hostility, malice or ill-will, based on section 11B(2) of the Sentencing Act 1997 (Tas).

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<sup>30</sup> *Hate Crime and Public Order (Scotland) Act 2021*, asp 14, ss 1–2.

3. Reform the Criminal Procedure Act 2009 to require that, where an offence is found to be motivated by hatred or prejudice:
  - a. the court must state in open court that the offence was so motivated, naming the relevant protected attribute; and
  - b. the criminal record must record that finding and the relevant protected attribute, based on sections 1 and 2 of the Hate Crime and Public Order (Scotland) Act 2021.

## **Policing anti-LGBTIQ+ hate crimes**

The policing reforms proposed in this section are the operational infrastructure on which the legal reforms depend. The aggravated offences scheme requires police to identify and charge the hate element from the outset. The sentencing reforms depend on prosecutors presenting evidence of hate motivation to the court. The recording requirement depends on courts making findings that police and prosecutors have put before them. Without specialist capability, training and oversight within Victoria Police, those legal reforms risk being undercharged, underenforced, or — as has occurred with criminal vilification offences in other Australian jurisdictions — effectively dormant.

Thorne Harbour Health acknowledges that Victoria Police has made genuine progress in its engagement with LGBTIQ+ communities in recent years to rebuild trust after a long and difficult history. In particular, Victoria Police’s LGBTIQ+ Portfolio Manager has worked closely with Thorne Harbour Health on community engagement and safety messaging related to the spate of app-facilitated attacks, and its LGBTIQ+ Liaison Officer (LLO) program is the most extensive in the country.<sup>31</sup> However, much remains to be done.

The recommendations are an argument that the current structures are not yet adequate to sustain an effective long-term response. Investigations into anti-LGBTIQ+ hate crimes have operated as a reactive response to a specific wave of offending. What is needed is a permanent, specialist capability that can identify, investigate and prosecute hate crimes across the state, and that gives victims the confidence to come forward.

## **Reporting pathways**

The mistrust and under-reporting documented in this submission have direct implications for how policing reform is designed. Even the most capable investigative unit cannot act on crimes that are never reported.

Victims of app-facilitated attacks face barriers that go beyond general distrust of police. Being outed to family, employers or faith communities is a significant deterrent, as is the prospect of having sexual histories scrutinised by police. Victims from multicultural and faith communities, or those with insecure visa status, face compounding risks that perpetrators actively exploit.

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<sup>31</sup> Victoria Police, “LGBTIQ+ Liaison Officers,” accessed 13 April 2026, <https://www.police.vic.gov.au/LGBTIQ+liaison-officers>.

Victims also fear retribution from attackers, who are confident they will receive light sentences if caught and convicted. In the video of one attack, played in court, an offender could be heard saying, “If you call the cops, it’s not going to end well for you ... We went easy on you.”<sup>32</sup>

Community members who have reported to local stations describe encountering officers who lacked a basic understanding of how hate crimes manifest. Others have described being unaware of Crime Stoppers as an alternative reporting avenue. One community member told Thorne Harbour Health he made two reports through Crime Stoppers after October 2025, when Victoria Police had stated there had been no further reports of attacks. That suggests a disconnect between reporting channels and the intelligence picture on which police rely.

Third-party reporting through trusted community organisations offers a practical response. Victims should be able to report to Thorne Harbour Health, Switchboard Victoria, Q+Law or another support service, with the report captured in a form that contributes to the intelligence picture while remaining under the victim’s control. Community-run registers already operate effectively elsewhere, including the Islamophobia Register Australia<sup>33</sup> and the Executive Council of Australian Jewry’s antisemitism reporting hub. The Committee’s earlier Inquiry into Anti-Vilification Protections recommended community-led reporting.<sup>34</sup>

### **Victoria Police Hate Crimes Unit**

Hate crime investigation requires specialist capability. It involves identifying bias motivation, preserving digital evidence, supporting victims through a process many find retraumatising, and building prosecutable cases across that may involve online platforms and digital forensics. That capability cannot be assumed at every local station.

Without specialist investigative infrastructure, the aggravated offences scheme proposed in this submission will be undercharged. The serious vilification offences in the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* also risk the dormancy that has characterised equivalent provisions in other jurisdictions.<sup>35</sup> Specialist investigative capacity is therefore not an optional enhancement; it is a precondition for effective enforcement.

Current policing systems do not reliably detect patterns across incidents. Trend identification has depended on manual observation, including trawling free-text fields and noticing repeated incidents in the same area.

New South Wales and Western Australia both operate dedicated Hate Crimes Units that provide useful models for Victoria. A Victorian unit should combine the community trust-building functions of the NSW model with the autonomous investigative powers and digital investigation capacity of the WA model. That digital capability is particularly important in the app-facilitated attacks, which involve fake profiles,

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<sup>32</sup> Cunningham and Houston, “James Thought He Was Meeting a Date.”

<sup>33</sup> Islamophobia Register Australia, accessed 13 April 2026, <https://islamophobia.com.au/>.

<sup>34</sup> Executive Council of Australian Jewry, “Antisemitism Reporting Hub,” accessed 13 April 2026, <https://www.ecaj.org.au/report/>.

<sup>35</sup> NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report No 151 (Sydney: NSWLRC, 2024), [1.8]–[1.11], [3.46]–[3.51], [8.51]–[8.57].

conversations moved to less moderated platforms, encrypted communication between co-offenders, and online distribution of attack footage.

A Hate Crimes Unit would support the work of Victoria Police officers by providing specialist advice where it is needed, and complement the existing LGBTIQ+ Liaison Officer program. Liaison Officers play a critical role in community trust, but they are not resourced to conduct complex investigations or build system-wide intelligence. A Hate Crimes Unit would operationalise insights gained through Liaison Officer relationships and ensure that reports translate into enforcement outcomes.

App-facilitated attacks have occurred across every Australian jurisdiction, yet there has been no coordinated national policing response. A Victoria Police Hate Crimes Unit could be mandated to engage with other state and territory police, and with Commonwealth agencies, on intelligence-sharing and the intersection of hate crime with violent extremism frameworks.

### **Training and evidence-gathering**

The aggravated offences and sentencing reforms proposed in this submission create new legal tools. Those tools depend entirely on officers at first point of contact being able to recognise anti-LGBTIQ+ hate motivation and gather the evidence required for prosecution. That includes anti-LGBTIQ+ slurs during an assault, dating app communications, attack footage distributed online, and the patterns of victim selection that establish bias motivation.

Without that capability, the aggravating circumstance will not be identified at the charging stage. The Demonstration element depends on evidence of hostility being recognised and preserved. Any requirement to record hate findings on the criminal record depends on that evidence reaching the court.

Victoria Police's LGBTIQ+ awareness training has not been independently evaluated against the question this Inquiry raises: does it equip officers to recognise, respond to and gather evidence for anti-LGBTIQ+ hate crimes? Evidence from comparable jurisdictions suggests that police responses to non-physical forms of hate — online hate speech, threats, stalking and intimidation — remain inconsistent, with reports of physical violence more likely to receive an appropriate response than other forms of harm.<sup>36</sup> Given the central role officer recognition plays in every downstream reform, an independent evaluation is a foundational investment.

### **Hate Crime Scrutiny Panel**

External oversight would strengthen policing reform. Thorne Harbour Health recommends that Victoria adopt a Hate Crime Scrutiny Panel, drawing on models established in United Kingdom police forces.<sup>37</sup> These panels bring together community representatives, legal and academic experts, and police to review case outcomes, identify systemic issues and make recommendations grounded in the lived experience of targeted communities.

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<sup>36</sup> Luke Hubbard, "Policing Anti-LGBT Hate Crime" (PhD thesis, University of Surrey, 2024), 152–60, 238–41.

<sup>37</sup> See, for example, Police & Crime Commissioner for Leicester, Leicestershire & Rutland, "Hate Crime Scrutiny Panel," Leicestershire Police, accessed 10 April 2026, <https://www.leics.pcc.police.uk/what-we-do/meetings/hate-crime-scrutiny-panel/>; Humberside Police & Crime Commissioner, "Hate Crime Scrutiny Panel," accessed 10 April 2026, <https://www.humberside-pcc.gov.uk/get-involved/volunteering/hate-crime-scrutiny-panel>.

In the United Kingdom, Scrutiny Panels have delivered measurable improvements across several dimensions:

- improved accuracy in hate crime recording;
- a stronger focus on victim care in case management;
- structured feedback to officers and supervisors on case handling;
- identification of systemic or policy issues requiring change;
- escalation of thematic concerns to senior leadership; and
- sustained input from community members whose lived experience informs operational practice.

In Victoria, a Scrutiny Panel should include LGBTIQ+ community organisations, legal bodies, the Victorian Equal Opportunity and Human Rights Commission, academic researchers and the Commissioner for LGBTIQ+ Communities. A Scrutiny Panel would build on Victoria Police’s existing progress by adding the structured oversight and accountability needed to sustain meaningful reform over time and to give communities confidence that improvements are being monitored and maintained.

#### **Thorne Harbour Health recommends:**

4. Improve Victoria Police’s response to anti-LGBTIQ+ hate crimes by:
  - a. creating a Hate Crimes Unit to lead investigations and prosecutions of hate crimes and hate-related incidents, with specialist digital investigation capacity and a mandate for inter-jurisdictional coordination with counterpart units and Commonwealth agencies;
  - b. implementing third-party (community-led) reporting mechanisms, modelled on existing community registers such as the Islamophobia Register Australia, through trusted LGBTIQ+ community organisations and health and legal services;
  - c. strengthening training for front-line officers on recognising anti-LGBTIQ+ hate motivation and gathering the evidence required to charge and prosecute hate crimes, including evidence to establish the Demonstration element of the proposed aggravated offences scheme;
  - d. introducing a Hate Crime Scrutiny Panel to provide community-led oversight of the policing response to hate crimes, based on the United Kingdom model; and
  - e. conducting an independent evaluation of Victoria Police’s LGBTIQ+ awareness training and the extent to which it equips officers to identify, evidence and charge hate-motivated offending.
5. Advocate for further development of the Australian Institute of Criminology’s National Hate Crime Database to better capture hate crimes against LGBTIQ+ communities.

## **Victim support**

Research consistently demonstrates that hate crime victimisation is qualitatively different from, and more severe than, comparable non-bias-motivated crime. Victims of anti-LGBTIQ+ hate crimes experience elevated depression, anxiety, anger and post-traumatic stress, with distress often lasting longer because the violence is directed at identity.<sup>38</sup> The harm extends beyond the individual victim,

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<sup>38</sup> Gregory M. Herek, Jeanine C. Cogan, and J. Roy Gillis, “Victim Experiences in Hate Crimes Based on Sexual Orientation,” *Journal of Social Issues* 58, no. 2 (2002): 319–39; Mark A. Walters et al., “Hate Crimes Against Trans People: Assessing Emotions, Behaviors, and Attitudes Toward Criminal Justice Agencies,” *Journal of Interpersonal Violence* 35, nos. 21–22 (2020): 4583–613.

sending a message of threat to the victim's whole community and producing wider fear, withdrawal and concealment of identity.<sup>39</sup> This is the experience Thorne Harbour's clients and community members often describe.

Victoria's victim support system is not built for this reality. Access to financial assistance still depends on a police report that many LGBTIQ+ victims will not make. Community organisations providing front-line support are largely unfunded for that work. Victims navigating the justice system are often left uninformed of their rights. The result is a system that deepens the isolation that hate crimes are designed to produce.

Barriers to accessing support compound across LGBTIQ+ communities in distinct ways — trans and gender diverse people face heightened risks of misgendering and disbelief; people from multicultural and faith communities face fear of being outed where disclosure carries severe social consequences; and Rainbow Mob carry intersecting legacies of colonisation, criminalisation and institutional discrimination. Any victim support framework proposed in this section must be designed with this diversity at its centre if it is to reach the communities most affected by hate and most excluded from existing support pathways.

### **Financial assistance**

The *Victims of Crime (Financial Assistance Scheme) Act 2022*<sup>40</sup> requires victims to report to police in order to access financial assistance. For LGBTIQ+ victims of hate crimes, the majority of whom do not report for reasons documented throughout this submission, that requirement functions as a barrier to support rather than a safeguard.

Victims of app-facilitated attacks have been hospitalised with fractured eye sockets, broken ribs, permanent nerve damage and severe blood loss. Frank Bonnici's arm remained numb six months after a teenager slashed it with a machete, with daily tingling, restricted hand function and ongoing rehabilitation paid entirely out of his own pocket.<sup>41</sup> The costs of treatment, counselling and recovery should not depend on a victim's willingness to engage with a system they do not trust.

Allowing reports to medical professionals or community support services would bring the Scheme into line with the reality of under-reporting. It would ensure that financial assistance is available to victims on the basis of harm suffered, not on the basis of whether they felt able to report to police. Victoria has already recognised this logic in the family violence context, where alternative reporting pathways exist for victims who face barriers to police engagement. The same principle applies here.

### **Community support services**

Community-controlled organisations are often the first, and sometimes the only, point of contact for LGBTIQ+ victims of hate crimes. They hold community trust, cultural competency, peer knowledge and referral relationships that government agencies and mainstream services structurally cannot replicate.

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<sup>39</sup> Paul Iganski, "Hate Crimes Hurt More," *American Behavioral Scientist* 45, no. 4 (2001): 626–38.

<sup>40</sup> *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic).

<sup>41</sup> Dean Arcuri, "Victim of Homophobic Machete Assault Outraged by Outcome," QNews, 28 May 2025, <https://qnews.com.au/victim-of-homophobic-machete-assault-outraged-by-outcome/>.

Regarding both app-facilitated attacks, and anti-LGBTIQ+ hate crimes broadly, Thorne Harbour Health has provided community safety messaging, dedicated counselling and victim support, and assistance to report to police. Switchboard Victoria has delivered dedicated phone and online support as a low-barrier first point of contact. Q+Law provides specialist legal assistance, but requires sustained funding.

The third-party reporting mechanisms proposed above depend on these organisations being resourced to receive, record and respond to reports. Community-led reporting cannot function if the community organisations through which victims are expected to report are not funded to do so.

These organisations also identify hate crime victimisation that would otherwise remain invisible. Thorne Harbour Health’s therapeutic services staff observe that clients regularly disclose experiences of hate-motivated violence — sometimes explicitly, sometimes through descriptions of incidents whose hate-based character the client has not themselves identified. These disclosures represent a significant source of intelligence about the prevalence and nature of anti-LGBTIQ+ hate that is never captured by police data.

Sustained funding is needed both to respond to the current crisis and to build durable support capacity. If government expects community organisations to perform these functions — and the policing, reporting and data reforms proposed throughout this submission assume that they will — it must fund them to do so.

## **Restorative justice**

The criminal justice system, even when it works well, does not address all dimensions of the harm caused by hate crime. A conviction and sentence respond to the offender’s culpability. They do not provide a structured opportunity for the victim to have the impact of the crime acknowledged in their own terms, to confront the prejudice that drove the offence, or to participate in determining what accountability looks like.

Research from the Sussex Hate Crime Project found that many LGBTIQ+ victims preferred restorative justice over enhanced penalties as an intervention for hate crime.<sup>42</sup> What victims consistently sought was the chance to be heard, to have the prejudice confronted, and to know that the offender understood the harm caused.<sup>43</sup>

This is especially relevant where offenders are young people whose violence is driven by ideologies they may not fully understand. Evidence from specialist programs, including the Southwark Youth Justice Service’s hate crime program in London, suggests that properly facilitated restorative processes can reduce victim distress and reoffending.<sup>44</sup> That is only true, however, where those processes are led by practitioners with specific expertise in hate crime.

A restorative justice pathway for anti-LGBTIQ+ hate crime should be specialist from the outset — survivor-centred, voluntary, trauma-informed and designed with community input. It should be

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<sup>42</sup> Jenny Paterson, Mark A. Walters, and Rupert Brown, *The Sussex Hate Crime Project: Final Report* (Brighton: University of Sussex, 2018).

<sup>43</sup> Mark A. Walters, *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms* (Oxford: Oxford University Press, 2014).

<sup>44</sup> Walters, *Hate Crime and Restorative Justice*.

available both within and outside the youth justice system. Properly designed, it can complement rather than dilute accountability.

## Justice navigation

Justice navigation is not a peripheral support. It is one of the mechanisms through which victims are able to understand what is happening, exercise their rights, and remain engaged with the justice process. Without it, legal rights often exist only on paper.

Victims of anti-LGBTIQ+ hate crimes have told Thorne Harbour Health that they were not informed of their rights as victims of crime — including the right to make a victim impact statement, to access the Financial Assistance Scheme, and to be kept informed of the progress of an investigation. In one case, the victim of a machete attack learned of his attacker’s court outcome only through media reporting. This is precisely the failure that justice navigation is designed to prevent.

Sexual Assault Services Victoria’s Justice Navigator Pilot provides a model for specialist navigation support.<sup>45</sup> The rationale for that pilot — that sexual violence victims face unique barriers to justice engagement, including shame, fear of disbelief, and re-traumatisation — applies with equal force to LGBTIQ+ victims of hate crime.

This need is especially acute in youth justice processes, where many of the current cases are being heard. Victims of offending by minors can find the process particularly disorienting, as outcomes may appear disproportionate to the harm experienced. A justice navigator can help victims understand the youth justice framework, manage expectations, and ensure their voice is heard.

### Thorne Harbour Health recommends:

6. Reform the *Victims of Crime (Financial Assistance Scheme) Act 2022* to allow victims to make reports to medical professionals or support services instead of requiring reports to police.
7. Fund community organisations to support victims of anti-LGBTIQ+ hate crimes, including:
  - funding for Thorne Harbour Health to provide community engagement and safety messaging, dedicated counselling and victim support, and support to victims to report anti-LGBTIQ+ hate crimes to police;
  - funding for Switchboard Victoria to continue to provide dedicated phone support for victims of anti-LGBTIQ+ hate crimes; and
  - funding for Q+Law to provide legal support for victims of anti-LGBTIQ+ hate crimes, including support to access the Victims of Crime Financial Assistance Scheme.
8. Fund a restorative justice project for LGBTIQ+ victims of hate crimes.
9. Expand Sexual Assault Services Victoria’s Justice Navigator Pilot to include specialist justice navigators for LGBTIQ+ victims of crime, including through youth justice processes.

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<sup>45</sup> Sexual Assault Services Victoria, “Justice Navigator Pilot,” accessed 20 April 2026, <https://sasvic.org.au/about-us/justicenavigators/>.

## Preventing anti-LGBTIQA+ hate crimes

Throughout the crisis of app-facilitated attacks, Thorne Harbour Health has experienced a sustained absence of coordinated government response. No single department holds responsibility for the problem. No mechanism exists to bring together the intelligence held separately by police, health services, community organisations and Commonwealth agencies.

The gap is structural. The radicalisation of offenders engages education and counter-extremism policy. The methods of attack — luring through dating applications, distributing footage on social media — engage communications regulation and platform accountability. The needs of victims engage health, justice and community services. A crisis that crosses all of these boundaries requires a coordinated response, not a collection of siloed reactions.

### LGBTIQA+ Hate Crime Prevention Strategy

An LGBTIQA+ Hate Crime Prevention Strategy is needed, with clear outcomes and indicators, identifying actions across all portfolios and departments, and coordinated with the Commonwealth across Home Affairs, Communications and the Attorney-General. Victoria's Anti-Racism Strategy<sup>46</sup> demonstrates the model: a whole-of-government framework with measurable targets.

A formal Taskforce should oversee the Strategy's development and implementation, incorporating community organisations, justice and legal bodies, education, health and academic stakeholders, and the Commissioner for LGBTIQA+ Communities. The Taskforce should receive intelligence from the proposed Hate Crimes Unit and coordinate with equivalent bodies in other jurisdictions.

### Positive duty to eliminate vilification

Vilification is a precursor to violence. The Committee's earlier Inquiry into Extremism in Victoria found that hate speech normalises negative sentiment, undermines safety and damages the health of targeted communities. The same Committee found that threats from far-right extremist groups cause direct harm to LGBTIQA+ communities.

Victoria has already implemented a positive duty model for discrimination and sexual harassment under section 15 of the *Equal Opportunity Act 2010*<sup>47</sup>. The *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025*<sup>48</sup> inserts a new civil vilification framework in Part 6A of the same Act, commencing 30 June 2026.

Extending the positive duty to cover vilification is a logical next step — shifting the regulatory model from reactive (waiting for a complaint at VCAT after harm has occurred) to preventive (requiring duty-holders to take proactive steps). This was recommended by the Victorian Parliament's Inquiry into Anti-Vilification Protections and legislated, though not commenced, in Queensland.

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<sup>46</sup> Department of Premier and Cabinet, *Victoria's Anti-Racism Strategy 2024-2029*, (Melbourne: State of Victoria, 2024).

<sup>47</sup> *Equal Opportunity Act 2010 (Vic)* s 15.

<sup>48</sup> *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025 (Vic)*.

## Countering radicalisation: youth justice and education

The majority of offenders in the app-facilitated attacks are aged 13 to 24, with most in their teens. Their violence is not spontaneous. It is shaped by content encountered on TikTok, YouTube and Instagram, where influencers promote “lure-and-bash” videos and algorithms channel young people toward ideologies framing this targeting as vigilante justice.<sup>49</sup> At least one Victorian offender told police directly that he had been inspired by such content.<sup>50</sup>

Victims express deep and justified anger at sentencing outcomes they regard as derisory — a \$100 fine for a machete attack, nine months’ probation for a near-fatal beating.<sup>51</sup> But there is also recognition that custodial responses alone will not dismantle the belief systems driving this violence. As one attendee at Thorne Harbour Health’s community forum in March 2026 put it: “You don’t wake up one morning and decide you’re going to kill a gay person.”

The youth justice system does not currently address the ideological motivation behind hate-based offending. Intervention and rehabilitation programs within Youth Justice and the Violence Reduction Unit must specifically target radicalisation into anti-LGBTIQ+ ideologies. The Step Together initiative<sup>52</sup> and the Engagement and Support Program<sup>53</sup> provide models that support communities and individuals to overcome the challenges of violent extremism.

Prevention must also reach young people before radicalisation takes hold. The Department of Education should leverage the Safe Schools program and Respectful Relationships curriculum to address anti-LGBTIQ+ prejudice within school settings, with particular focus on schools in areas where hate crimes have occurred and where offenders live.

## Online platform accountability

The radicalisation of offenders and the methods of their attacks both depend on digital platforms. Social media algorithms push young people toward increasingly extreme anti-LGBTIQ+ content. Hookup apps allow underage offenders to create fake profiles on platforms designed for adults. Attack footage is distributed on social media for peer validation and status. At every stage of the hate crime cycle — radicalisation, targeting, attack and amplification — platforms play a role they are not currently required to prevent.

This failure is consistently identified by the LGBTIQ+ communities Thorne Harbour Health serves. At our community forums, attendees have repeatedly called for accountability across the full pipeline: of the influencers and content networks that radicalise young men into anti-LGBTIQ+ ideology, of the

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<sup>49</sup> Josh Taylor, “A Spate of Attacks on Gay Men Have Been Linked to Dating Apps. Are ‘Influencers’ Fostering Hate in Australia?,” *The Guardian*, 19 October 2024; Institute for Strategic Dialogue, “Investigation: Five-Year Overview of the Online and Offline Anti-LGBTQ+ Landscape,” *ISD Digital Dispatch*, accessed 14 April 2026.

<sup>50</sup> Josh Taylor, “Victorian Man Sentenced for Attacks on Men He Met on Grindr Says TikTok Vigilante Videos Inspired Him,” *The Guardian*, 3 June 2025.

<sup>51</sup> Thorne Harbour Health community forum, March 2026; see also Arcuri, “Victim of Homophobic Machete Assault”; Sean Rubinsztein-Dunlop, “LGBTQI Teens Targeted in IS-Inspired Attacks,” *ABC News*, 25 February 2026.

<sup>52</sup> Department of Home Affairs and NSW Department of Communities and Justice, “Step Together,” accessed 28 April 2026, <https://steptoegether.gov.au/>.

<sup>53</sup> Department of Home Affairs and NSW Department of Communities and Justice, “NSW Engagement and Support Program,” accessed 28 April 2026, <https://steptoegether.gov.au/national-programs/nsw-engagement-and-support-program.html>.

social media platforms whose algorithms surface and amplify that content, and of the dating applications, including Grindr, whose product design enables the targeting itself. Community members do not regard these as separate problems. They regard them as a single, foreseeable harm produced by systems operating without effective regulation.

The Commonwealth's 2024 statutory review of the *Online Safety Act 2021* recommended an enforceable duty of care, requiring platforms to proactively identify and mitigate systemic risks — including risks based on sexual orientation and gender identity — rather than waiting to remove individual pieces of content after harm has occurred.<sup>54</sup> The Commonwealth has committed to legislating that duty, but the legislation remains in the drafting phase.<sup>55</sup> Victoria has both an interest and an opportunity in shaping it.

Age verification is central. Offenders as young as 13 have accessed adult dating platforms to lure victims.<sup>56</sup> Effective age assurance protects minors from adult environments and protects adult users from the presence of minors. The burden should sit with platforms, not users. Any mandated process must, however, respect privacy and data security: hacks of dating applications have previously exposed identifying user data, and for LGBTIQ+ users — particularly those not publicly out — that risk is acute. Age-assurance systems must verify eligibility without retaining or linking identifying personal data.

## Research and data

The reforms proposed throughout this submission will begin to close Victoria's data gap. They must be complemented by investment in research. La Trobe University's *Private Lives* survey is the most comprehensive national dataset on LGBTIQ+ health and wellbeing, including experiences of hate and prejudice, and requires sustained funding.<sup>57</sup> Further research is needed into the ideological streams targeting LGBTIQ+ people, their intersection with other extremist movements, and victims' experiences of violence, reporting and support.

### Thorne Harbour Health recommends:

10. Establish an LGBTIQ+ Hate Crime Prevention Strategy with clear outcomes and indicators to reduce and prevent hate crimes.
11. Establish a formal LGBTIQ+ Hate Crimes Taskforce — incorporating community organisations, justice and legal bodies, education, health and academic stakeholders, and the Commissioner for LGBTIQ+ Communities — to oversee the development and implementation of the Prevention Strategy.
12. Impose an enforceable positive duty to eliminate vilification in section 15 of the Equal Opportunity Act 2010, requiring duty-holders to take reasonable and proportionate measures to eliminate vilification before it turns into violence.

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<sup>54</sup> Delia Rickard, Report of the Statutory Review of the Online Safety Act 2021 (Canberra: Commonwealth of Australia, 2024).

<sup>55</sup> Minister for Communications, "New Duty of Care Obligations on Platforms Will Keep Australians Safer Online," media release, 14 November 2024, <https://minister.infrastructure.gov.au/rowland/media-release/new-duty-care-obligations-platforms-will-keep-australians-safer-online>.

<sup>56</sup> Om, "New Wave of Homophobic Attacks."

<sup>57</sup> Hill et al., *Private Lives* 3.

13. Establish intervention and rehabilitation programs within Youth Justice and the Violence Reduction Unit that specifically address radicalisation of at-risk youth into anti-LGBTIQ+ ideologies.
14. Mobilise the Department of Education to tackle anti-LGBTIQ+ prejudice and ideology within school settings by leveraging the Safe Schools program and Respectful Relationships curriculum to address anti-LGBTIQ+ prejudice and ideology in young people, with a particular focus on schools in areas where hate crimes occur and where offenders live
15. Advocate to the Commonwealth for reforms to the *Online Safety Act 2021* that hold digital platforms accountable for the role they play in enabling anti-LGBTIQ+ hate crimes.
16. Fund La Trobe University's Private Lives survey, which documents hate and prejudice against LGBTIQ+ communities.
17. Invest in further research on anti-LGBTIQ+ hate crimes, including:
  - research that improves understanding of ideologies that target LGBTIQ+ individuals and their intersection with other forms of hate; and
  - research that improves understanding of LGBTIQ+ victims' experiences of violence, reporting, and support.

## Historical accountability

The hostility normalising anti-LGBTIQ+ violence is not new. It is continuous with historical harms perpetrated and sanctioned by state institutions: the criminalisation of same-sex intimacy and gender diversity, police entrapment, public humiliation through the courts, removal of children from lesbian mothers, and broader institutional neglect and stigma. These were features of a social and legal order that treated LGBTIQ+ people as legitimate targets for state and private violence.<sup>58</sup>

One community member shared the cumulative impact of a lifetime of harms. He recounted a physical and sexual assault, and an attempted murder, in the 1980s—for which the perpetrator received only a good behaviour bond, instilling a lasting scepticism in the justice system. He later described blatant discrimination and threats from healthcare providers, which entrenched his feelings of institutional prejudice and lack of confidence in systems that are meant to protect us.

This history is a direct and continuing cause of the severe under-reporting and mistrust of police that characterise anti-LGBTIQ+ hate crimes today. If Victoria is serious about improving reporting pathways and rebuilding trust, it must reckon with the institutional conditions that produced that mistrust.

A Board of Inquiry should be established to examine these institutional histories and their connection to contemporary anti-LGBTIQ+ hate crimes. The NSW Special Commission of Inquiry into LGBTIQ Hate Crimes has demonstrated the importance of statutory authority and independence where police conduct, investigative failure and systemic prejudice are under scrutiny.<sup>59</sup> Community-led truth-telling

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<sup>58</sup> Jeremie Bracka, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Melbourne: RMIT University, 2026).

<sup>59</sup> Special Commission of Inquiry into LGBTIQ Hate Crimes, Volume 1 (Sydney: NSW Government, 2023), <https://www8.austlii.edu.au/au/other/nsw/NSWBCPubInq/2023/3.pdf>.

remains important, but does not provide the same powers conferred under the *Inquiries Act* to compel participation and obtain institutional records.<sup>60</sup>

Victoria's historical homosexual convictions scheme in Part 8 of the *Sentencing Act 1991*<sup>61</sup> should be reformed to include resisting arrest and making false statements to police — charges commonly used against people targeted for their sexuality.<sup>62</sup> A redress scheme should be incorporated, based on the Tasmanian model.<sup>63</sup>

**Thorne Harbour Health recommends:**

18. Establish a Board of Inquiry into historical anti-LGBTIQ+ hate crimes, to examine institutional histories of violence, discrimination, and stigma that drive contemporary hate crimes against LGBTIQ+ communities in Victoria, including Rainbow Mob.
19. Reform the historical homosexual convictions scheme in Part 8 of the *Sentencing Act 1991* to:
  - a. include resisting arrest and making false statements to police within the definition of 'historical homosexual offence'; and
  - b. incorporate a redress scheme, based on the Tasmanian model.

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<sup>60</sup> *Inquiries Act 2014* (Vic).

<sup>61</sup> *Sentencing Act 1991* (Vic).

<sup>62</sup> *Sentencing Act 1991* (Vic) pt 8.

<sup>63</sup> "Expungement of Historical Offences," Tasmanian Government, accessed 4 April 2026, <https://www.ehos.tas.gov.au/>.

## Conclusion

The violence that has prompted this Inquiry was not unforeseeable. It emerged from conditions that have been documented for years: rising anti-LGBTIQA+ hostility, ideological streams that frame LGBTIQA+ people as legitimate targets, online platforms that amplify and operationalise that hostility, a criminal law that has not consistently named hate crimes as such, and a victim support system not designed for the people most likely to need it.

The victims who have shared their experiences with this Inquiry, and with Thorne Harbour Health, are asking for something specific. They want the law to recognise what happened to them as a hate crime. They want police to investigate it as one. They want practical support that does not depend on a reporting pathway many cannot safely use. And they want the conditions that produced their attackers — radicalisation, ideological grooming, unaccountable platforms — to be addressed before more people absorb the same content and act on it.

The reforms proposed in this submission respond to those asks. They draw on the best available comparative models from Queensland, Tasmania, New South Wales, Scotland and the United Kingdom, and adapt them to Victoria's context and the particular features of anti-LGBTIQA+ hate. They are designed to function as a coherent framework rather than a menu from which a partial response can be selected.

Thorne Harbour Health stands ready to work with the Committee, the Victorian Government, Victoria Police and our community partners to ensure that this Inquiry leads to durable change. We owe that to the victims who have already been harmed, and to those whose safety depends on a system that has not yet been built.