



**TRUTH, JUSTICE, REPARATIONS,
AND NON-RECURRENCE:
AUSTRALIAN RESEARCH CENTRE IN
SEX, HEALTH AND SOCIETY
SUBMISSION TO INQUIRY INTO
ANTI-LGBTIQA+ HATE CRIMES IN
VICTORIA**

Submitted by:

Australian Research Centre in Sex, Health & Society
La Trobe University

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Legislative Council Legal and Social Issues Committee

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The Australian Research Centre in Sex, Health and Society ('ARCSHS') makes the following submission to the Legislative Council Legal and Social Issues Committee's inquiry into anti-LGBTIQ+ hate crimes in Victoria. ARCSHS is a leading research and knowledge translation centre housed in the School of Psychology and Public Health at La Trobe University.

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About the Australian Research Centre in Sex, Health and Society and Rainbow Health Australia

This submission is made jointly by the Australian Research Centre in Sex, Health and Society (ARCSHS) at La Trobe University and Rainbow Health Australia (RHA), a program of ARCSHS.

ARCSHS is Australia's leading research centre in sexuality, gender, and health. Its work includes the *Private Lives* survey series, the largest and most comprehensive longitudinal study of LGBTIQ+ health and wellbeing in Australia, as well as a substantial program of research on violence, discrimination, and structural disadvantage experienced by LGBTIQ+ communities. ARCSHS researchers have contributed to national and state policy on LGBTIQ+ health, family violence, sexual violence, and hate crime across multiple jurisdictions.

Rainbow Health Australia is program of ARCSHS. RHA's work focuses on health equity for LGBTIQ+ people and communities, with a specific and long-standing program of work on building LGBTIQ+ inclusive gender-based violence prevention. In partnership with Our Watch, RHA is currently co-developing *Changing with Pride*, the forthcoming national framework for the primary prevention of violence against LGBTIQ+ people.



Executive Summary

Pride in our Future: Victoria's LGBTIQ+ Strategy 2022–32 states that 'LGBTIQ+ people and their families should enjoy lives free of stigma, discrimination and violence.'¹ Hate crimes and other forms of violence against LGBTIQ+ people are a serious violation of human rights and the Victorian Government has a responsibility to prevent and respond to such rights violations. Though this inquiry was brought about because of the ongoing spate of hate crimes against gay and bisexual men in Victoria, there are also increasing rates of violence and hate speech directed towards trans and gender diverse people, in particular trans women. In addition, lesbian and bisexual women also experience heightened violence, as well as intersex and asexual Victorians.

Anti-LGBTIQ+ violence is not inevitable – it is preventable. To stop violence against LGBTIQ+ people before it starts, it is critical to identify and address the underlying drivers of violence – the specific social factors that make violence more likely and enable it to continue. Understanding and addressing these drivers, and the broader social context in which violence against LGBTIQ+ people occurs, are key to preventing this violence from happening in the first place. This approach is outlined in our forthcoming publication, in partnership with Our Watch, *Changing with Pride: A National Framework to Prevent Violence Against LGBTIQ+ People*. In that, we identify the following drivers that give rise to violence against LGBTIQ+ people:

- Rigid, binary, and hierarchical norms about gender and sexuality
- Sexism, homophobia, and transphobia in dominant forms of masculinity and male peer relations
- Normalising and minimising of violence experienced by LGBTIQ+ people
- Denying LGBTIQ+ people control of their lives, selves, and bodies
- Social norms, practices, and structures that reinforce inequality and exclusion for LGBTIQ+ people

Other reinforcing factors for violence include condoning of violence in general; experience of, and exposure to violence (e.g. in childhood); factors that weaken prosocial behaviour (e.g. poverty and disadvantage); and backlash and resistance. LGBTIQ+ people are a particular target for violence motivated by backlash and resistance to LGBTIQ+ equality – violence which is more likely to be excused or legitimised on political or social grounds. In addition, most of the violence against LGBTIQ+ people is perpetrated by cisgender men.² Specific legislative, policy, and programmatic responses are needed to address backlash and resistance, men's violence, and the other factors driving hate crimes against LGBTIQ+ people.

In addition to prevention, what is needed is a suite of actions that intervene early to prevent harm, respond appropriately to the perpetration harm and provide support to victims in their recovery from harm. No one part of the continuum across primary prevention, early intervention, response, and recovery can succeed in isolation. All are critical and need acknowledgment, investment, and support. There is currently minimal attention or investment dedicated to prevention of violence against LGBTIQ+ people across Victoria. The Government's Violence Reduction Unit has yet to announce any programs targeting anti-LGBTIQ+ hate crimes. Whilst steps have been taken, such as the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025*, to protect LGBTIQ+ from vilification, further specific measures are urgently needed to combat anti-LGBTIQ+ hate crimes, as outlined in our submission.

These recommendations in this submission are underpinned and guided by our proposed LGBTIQ+ Hate Crime Prevention Action Plan developed in collaboration with the Victorian Government's LGBTIQ+ Taskforce. This Prevention Action Plan can address the specific hate experienced by LGBTIQ+ Victorians and promote truth, justice, reparations, and non-recurrence.

¹ Victorian Government, *Pride in our Future: Victoria's LGBTIQ+ Strategy 2022–32* (2023) 19.

² Our Watch, *Preventing Violence Against LGBTIQ+ People* (2024).



Summary of recommendations

Research and evidence base

Recommendation 1: Invest in further research on LGBTIQ+ experiences of crime, including:

- a) La Trobe University's Private Lives survey that documents hate and prejudice against LGBTIQ+ communities;
- b) new research that improves understanding of ideologies that target LGBTIQ+ individuals and their intersection with other forms of hate; and
- c) new research that improves understanding of LGBTIQ+ victims' experiences of violence, reporting, and support

LGBTIQ+ Hate Crime Prevention Action Plan

Recommendation 2: Establish an LGBTIQ+ Hate Crime Prevention Action Plan, with:

- a) clear outcomes and indicators to reduce and prevent hate crimes consistent with outcome 1.2 in the *Pride in our Future: Outcomes Framework*; and
- b) attention to the diversity of experiences of anti-LGBTIQ+ violence and the intersections of these experiences with other systems of marginalisation and oppression.

Recommendation 3: Task the Victorian Government's LGBTIQ+ Taskforce with overseeing the development and implementation of the Prevention Action Plan, with support from the Department of Families, Fairness & Housing

Hate prevention initiatives

Recommendation 4: Implement the recommendations of the Deakin University report to the Department of Justice and Community Safety's Crowded Place Safety unit that are relevant to LGBTIQ+ communities

Recommendation 5: 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

Recommendation 6: Mobilise the Department of Education to tackle anti-LGBTIQ+ prejudice and ideology within school settings by:

- a) 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; and
- b) updating the school chaplaincy policy to explicitly prohibit anti-LGBTIQ+ prejudice and ideology by chaplains

Recommendation 7: Impose an enforceable positive duty to eliminate vilification in section 15 of the *Equal Opportunity Act 2010* to require duty-holders to take reasonable and proportionate measures to eliminate vilification before it turns into violence

Victim-survivor support

Recommendation 8: Request the Victims of Crime Commissioner to carry out an inquiry on the experiences and needs of LGBTIQ+ victims of crime and publish a report in accordance with the Victims of Crime Commissioner Act 2015

Recommendation 9: Amend the Victims' Charter Act 2006 and other relevant legislation to apply appropriate rights and responsibilities to courts in their engagement with victims of crime, including LGBTIQ+ victims



Recommendation 10: Reform:

- a) 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; and
- b) the *Victims' Charter Act 2006* and the *Victims of Crime Commissioner Act 2015* to remove the requirement that a victim must first make a complaint to a justice agency before complaining to the Victims of Crime Commissioner

Recommendation 11: Fund community organisations to support victims of anti-LGBTIQ+ hate crimes, including:

- a) funding for Switchboard to continue to provide dedicated phone support for victims of anti-LGBTIQ+ hate crimes;
- b) funding for Thorne Harbour Health to provide community safety messaging, dedicated counselling and victim support, and support to victims to report anti-LGBTIQ+ hate crimes to police; and
- c) funding for Q+Law for provide legal support for victims of anti-LGBTIQ+ hate crimes, including support to access the Victims of Crimes Financial Assistance Scheme

Recommendation 12: Fund a restorative justice project for LGBTIQ+ victims of hate crimes

Recommendation 13: Expand the Sexual Assault Services Victoria's Justice Navigator Pilot to include specialist justice navigators for LGBTIQ+ victims of crime, including within youth justice processes

Recommendation 14: Invest in supporting mainstream family violence, sexual assault, and mental health services to achieve Rainbow Tick accreditation, with particular attention to services in regional and rural areas where specialist LGBTIQ+ services are limited.

Legal and criminal justice reform

Recommendation 15: Introduce a new scheme of hate-based aggravated offences in the *Crimes Act 1958* that incorporates:

- a) a prescribed list of offences drawing from section 195U; and
- b) for the listed offences, an aggravating circumstance that the perpetrator was wholly or partly motivated by or demonstrated hostility, hatred, or other relevant emotions in respect of a victim's protected attributes

Recommendation 16: Introduce a statement section for the serious vilification part of the *Crimes Act 1958* that clearly denounces hate crimes and signals their unacceptability, based on section 1AA of the *Justice Legislation (Anti-vilification and Social Cohesion Act) 2025*

Recommendation 17: 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, hatred, or other relevant emotions, based on section 11B(2) of the *Sentencing Act 1997 (Tas)*

Recommendation 18: Reform the *Criminal Procedure Act 2009* to require that, where an offence is found to be motivated by hatred or prejudice, the criminal record must contain this and the relevant protected attribute, based on the Scottish model

Policing and hate crime recording

Recommendation 19: Improve Victoria Police's response to anti-LGBTIQ+ hate crimes by:

- a) strengthening existing practices of recording and responding to hate crimes and hate-related incidents, including training on recognising and gathering evidence to prosecute hate crimes and hate-related incidents;
- b) setting a target of having an LGBTIQ+ Liaison Officer at all regularly manned police stations;



- c) creating a Hate Crimes Unit to lead investigations and prosecutions of hate crimes and hate-related incidents;
- d) introducing a Hate Crime Scrutiny Panel to provide 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 educates police on how to recognise and address hate

Recommendation 20: Advocate for further development of the Australian Institute of Criminology's National Hate Crime Database to better capture hate crimes against LGBTIQ+ communities

Interjurisdictional strategies

Recommendation 21: Champion the implementation of Changing with Pride: A National Framework to Prevent Violence Against LGBTIQ+ People, including through advocating for its adoption within the Second Action Plan under the National Plan to End Violence Against Women and Children 2022–2032, and through dedicated funding for its implementation in Victoria

Recommendation 22: Advocate for the Second Action Plan under the National Plan to include explicit, funded, and measured commitments to LGBTIQ+ communities across the full prevention continuum: primary prevention, early intervention, response, and recovery

Historical anti-LGBTIQ+ hate crimes

Recommendation 23: 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

Recommendation 24: Amend the historical homosexual conviction expungement scheme in part 8 of the *Sentencing Act 1991* to incorporate a redress and capture ancillary offences such as resisting arrest and making false statements to police, based on the Tasmanian model



Section 1: Understanding anti-LGBTIQ+ violence through a prevention lens

The violence that prompted this inquiry

Gay and bisexual men are subject to an ongoing spate of hate crimes across Victoria. In March 2026, Victoria Police announced they had received 95 reports of attacks on men lured to a public place through Grindr and other dating apps; 42 offenders have been arrested, with some responsible for multiple incidents and other investigations still active and offenders yet to be identified.³ The highest number of incidents was in south-east Melbourne, with hotspots in Berwick in the south-east, as well as Craigieburn and Epping in the north, central Melbourne, and the inner south.

This inquiry was established in response to these attacks on gay and bisexual men, attacks that were long overdue for serious policy attention. The use of digital platforms and dating applications to target, lure, and assault gay and bisexual men represents a form of organised, premeditated violence that has caused serious harm and that has, for too long, been treated as a problem of individual risk rather than one of structural safety. It is correct to name this as a hate crime, and it is necessary to respond with full force across all levers of policy, legislation, and prevention.

This inquiry has, however, both an opportunity and a responsibility to do more than respond to the specific attacks that prompted it.

A pattern of violence, not a single experience

Anti-LGBTIQ+ violence does not affect all LGBTIQ+ people in the same way, and any policy response that proceeds as if it does will risk reproducing the very erasure it seeks to address.

For example, a trans woman navigating an online dating platform experiences violence shaped by transmisogyny: the specific intersection of transphobia and misogyny that positions trans and gender diverse women as legitimate targets for objectification, fetishisation, sexual exploitation, and physical assault. A gay or bisexual man attacked through a dating application or on a public street experiences violence rooted in homophobia and a form of masculinity that cannot tolerate same-sex desire. An intersex person may face violence that is institutional and medical in nature, authorised by professional and legal frameworks rather than criminalised by them. An asexual or aromantic person may find themselves absent from both the evidence before this inquiry and the policy response that follows it.

These experiences are related, sharing common roots in rigid gender norms and in the policing of bodies, sexualities, and relationships that deviate from a narrow normative standard. But they are not equivalent, and prevention, intervention, and response systems that treat them as interchangeable will serve some community members well, others partially, and others not at all.

Connecting hate crime with gender-based violence

The framing of this inquiry as an inquiry into "hate crimes" reflects the legal and political context in which these attacks occurred. This submission does not dispute that framing. It argues, however, that the response will be most effective if it also draws on a body of knowledge that the hate crime field has not yet systematically engaged: the gender-based violence prevention and response field, and the evidence it has generated on how violence against people can be understood, prevented, and responded to as a social problem.

Anti-LGBTIQ+ violence is not a category of violence separate from gender-based violence but can be seen as an expression of it. The same rigid gender norms, hierarchies of masculine power, and cultures of entitlement that drive men's violence against women also drive violence against people whose gender, sexuality, or bodily characteristics fall outside those norms. Recognising this connection should not diminish the specificity of anti-LGBTIQ+ hate crime. It connects it to a substantial body of evidence on what makes violence more likely and what can prevent it.

Central to what the gender-based violence field offers is the prevention continuum, a way of organising responses to violence that is now embedded in national and state policy.⁴ The continuum organises action across four interconnected domains. Primary prevention addresses the social norms, attitudes, and environments that make violence likely before it occurs, changing the

³ Patrick Lenton, 'Vic Police say there have been no new Grindr hate crime attacks reported since arrests', *Star Observer* (31 March 2026).

⁴ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (2022).



conditions that produce violence rather than responding to its consequences. Early intervention identifies and responds to risk factors before violence escalates. Response encompasses the legal, policing, health, and support systems that address violence when it happens. Recovery focuses on the long-term healing and rebuilding of people and communities affected by violence. This continuum is not widely applied in the hate crime field, which has tended to focus on criminal justice responses – the response domain – while leaving primary prevention largely unaddressed. A response to anti-LGBTIQ+ hate crimes that draws only on criminal justice mechanisms will address violence after it occurs but will not change the social conditions that make it likely. Coordinated action across the full continuum is what this submission argues for.

The gender-based violence prevention and response field has built something of genuine value: a prevention continuum framework, a growing prevention workforce, national and state strategies, and an evidence base on what works. But it has also, to date, inadequately included LGBTIQ+ people as people who experience violence, perhaps because our identities, bodies, and relationships challenge the normative assumptions embedded in much of the field's infrastructure. Indeed, the term 'gender-based violence' itself is often understood as synonymous with 'violence against women', despite some recent shifts in Australian policy and practice towards LGBTIQ+ inclusive understandings. The field itself has increasingly come to recognise this problem, and that has motivated the collaborative work now underway to build more genuinely inclusive approaches. The consequence of this gap, however, has been real. LGBTIQ+ people have been nominally included in policy frameworks (if at all) but not consistently and reliably. Work with men and boys to address violence has remained largely oriented around men's violence in relationships with women. LGBTIQ+ inclusion has been treated as the responsibility of specialist community organisations rather than of the mainstream violence prevention and response sector. And the specific drivers of violence against LGBTIQ+ people, including normalising and minimising of violence experienced by LGBTIQ+ people, denying LGBTIQ+ people control of their lives, selves and bodies, social exclusion, as well as social norms, practices and structures that reinforce inequality and exclusion for LGBTIQ+ people, have not been consistently addressed within mainstream violence prevention programs. The current inquiry exists, in part, as a consequence of that gap. It reflects the reasonable conclusion by LGBTIQ+ communities and their advocates that existing systems have been far from adequate, and that a focused, community-specific response is needed.

Dedicated investment in LGBTIQ+ community-led prevention must be sustained and substantially increased. At the same time, the mainstream prevention and response sectors, including, critically, the emerging men and masculinities field, must become genuinely LGBTIQ+ inclusive. They are the two parallel investments required to build a prevention architecture that works for LGBTIQ+ communities across the full continuum.

What this submission offers

ARCSHS and Rainbow Health Australia have led the crucial work to bridge these fields in the Australian context. Together, we developed *Pride in Prevention*, the foundational evidence framework for primary prevention of family violence against LGBTIQ+ people, and are co-developing *Changing with Pride*, the forthcoming national framework that explicitly situates anti-LGBTIQ+ violence within a gender-based violence primary prevention approach. And we have, over more than fifteen years, invested in building the community-led prevention practice infrastructure that underpins this field.

This submission draws on that accumulated evidence and practice to argue that anti-LGBTIQ+ hate crimes require a response that is simultaneously broader and more specific than the hate crime framing alone provides: broader, because it must address the gender norms, institutional structures, and social environments that create the conditions for violence; more specific, because it must be designed with and for the communities who experience that violence in meaningfully distinct ways. We argue for a coordinated prevention continuum, from primary prevention of the norms and environments that make violence possible, early intervention when signs of violence show, through to the legal, health, and justice responses that follow it and systems to support victims in their recovery. This approach should be anchored by a LGBTIQ+ Hate Crime Prevention Action Plan and implemented through sustained investment in the organisations and communities that long have been doing this work, often without adequate recognition or resources.



Section 2: The evidence base: what we know about anti-LGBTIQ+ violence in Victoria

Effective prevention requires a clear and current understanding of who is experiencing violence, in what forms, at what rates, and with what consequences. The evidence base on anti-LGBTIQ+ violence in Australia has grown substantially over the past two decades, and the organisations producing this submission are responsible for much of it. This section summarises the key findings from that evidence base. Two points should be noted at the outset:

- First, the evidence consistently shows that anti-LGBTIQ+ violence is not uniform, but differs in nature, frequency, and severity across different communities, and responses that do not account for this variation will fail those most at risk.
- Second, the evidence base itself remains incomplete, and investment in research infrastructure is itself a priority: without reliable data on who is being harmed and how, it is not possible to design, target, or evaluate the prevention and response systems this Committee is being asked to investigate.

High-quality research and data on LGBTIQ+ communities' experiences of violence is vital. A deficit in data limits the ability to design effective policy and develop appropriate responses. In this regard, ARCSHS conducts a national survey of health and wellbeing of LGBTIQ+ adults, *Private Lives*, that includes questions about hate and prejudice. The first *Private Lives* report was released in 2006, and two surveys have been released since (2012 and 2020). The latest survey, *Private Lives 3*, was funded jointly by the Department of Health and the Department of Premier and Cabinet and included both a national report and a summary report on Victorian data. The *Private Lives* reports provide important understanding of the nature and prevalence of hate-related incidents and information to support work and initiatives aimed at reducing hate. Our report, *Private Lives 3: The Health and Wellbeing of LGBTQ People in Victoria*, found that, in the past 12 months, participants had experienced the following forms of violence or harassment due to their sexual orientation or gender identity:⁵

- verbal abuse, including hateful or obscene phone calls: 32.7%
- harassment, such as being spat at or receiving offensive gestures: 22.6%
- written threats of abuse via emails or social media: 21.3%
- threats of physical violence, physical attack, or assault: 14%
- written threats of abuse in other ways: 11.3%
- written threats of abuse via graffiti: 5.8%
- deliberate damage or vandalism of house: 4%
- physical attack or assault with a weapon: 3.4%
- deliberate damage or vandalism of car: 2.9%

The reports of verbal abuse, harassment, and physical attack or assault with a weapon were higher than in the last *Private Lives* survey in 2012, suggesting that these forms of violence are increasing. Importantly, these findings suggest that anti-LGBTIQ+ hate is not only persistent but, in some contexts, becoming more visible and severe, including through online environments and digitally facilitated forms of targeting. The surveys also showed that 'trans and gender diverse participants reported higher levels of harassment and abuse than cisgender participants',⁶ and higher levels of victimisation are also observed among people of colour, those with lower levels of education, those living with disability, and among those in regional and rural areas.⁷ More broadly, exposure to hate-related incidents has been consistently linked to elevated psychological distress, suicidality, anxiety, depression, and reduced wellbeing across LGBTIQ+ populations. The national survey therefore provides an important picture of the experience of hate and prejudice against LGBTIQ+ communities, which communities are most impacted, and how that has changed over time.

The evidence produced through *Rainbow Realities: The State of LGBTQ+ Communities in Australia* – a national evidence synthesis produced through a research partnership between ARCSHS, the University of Sydney, the Telethon Kids Institute, and the University of Western Australia – complements the *Private Lives* survey data by synthesising the broader evidence base on LGBTIQ+ health and wellbeing, including experiences of stigma, discrimination, and violence. Together, *Private Lives* and *Rainbow Realities* provide the most comprehensive picture available of the experiences of LGBTIQ+ communities in Australia, and both inform the recommendations set out in this submission.

⁵ Adam Hill et al, *Private Lives 3: The Health and Wellbeing of LGBTQ People in Victoria* (ARCSHS, 2021) 32.

⁶ Adam Hill et al, *Private Lives 3: The Health and Wellbeing of LGBTQ People in Australia* (ARCSHS, 2020) 41.

⁷ Matthew Mitchell et al, 'Anti-queer violence in Australia: An intersectional analysis of victimisation among LGBTQ+ adults' (2026) 73(8) *Journal of Homosexuality*.



There is also a need to invest in further research on anti-LGBTIQ+ hate crimes, in two key respects. First, there is a need for research that improves understanding of ideologies that target LGBTIQ+ individuals, and their intersection with other forms of hate, including misogyny, as identified in the Deakin University report (discussed below). There has been some research on this suggesting that anti-LGBTIQ+ ideology is caught up with other fringe ideologies (e.g. anti-vaccine, anti-Smart Cities, pseudo-law, and 'anti-woke'),⁸ but there is a need for further detailed research on this topic.

Second, there is a need for research that improves understanding of LGBTIQ+ victims' experiences of violence, reporting, and support.⁹ This is in line with the Human Rights Law Centre's *End the Hate* report, which recommended that the Government 'fund longitudinal research into the cumulative impact of prejudice motivated conduct on health outcomes for the LGBTI community.'¹⁰ This research would identify mechanisms to improve reporting of anti-LGBTIQ+ hate crimes and victim support.

Recommendation 1: Invest in further research on LGBTIQ+ experiences of crime, including:

- a) La Trobe University's *Private Lives* survey that documents hate and prejudice against LGBTIQ+ communities;
- b) new research that improves understanding of ideologies that target LGBTIQ+ individuals and their intersection with other forms of hate; and
- c) new research that improves understanding of LGBTIQ+ victims' experiences of violence, reporting, and support

What we do know is that anti-LGBTIQ+ hate and violence is substantially underreported, meaning that even the most comprehensive survey data is likely to represent a lower bound on the true prevalence¹¹.

Research findings like these have a direct implication for prevention. Effective prevention must be tailored for specific communities and not just treat LGBTIQ+ people as a homogeneous group. It must address the social environments and norms that produce underreporting, because a community that cannot safely report violence cannot be meaningfully supported by any response system. And it must be understood as a long-term investment in safety, not a short-term response to discrete incidents. It is with these principles in mind that the following sections set out what a comprehensive prevention approach requires.

⁸ Mark Chou et al, 'Mapping the "fringe" in Australian local politics: Fringe political actors in the 2024 NSW and VIC local government elections' (2025) 60(4) *Australian Journal of Political Science*.

⁹ Matthew Mitchell et al, 'Anti-queer violence in Australia: An intersectional analysis of victimisation among LGBTQ+ adults' (2026) 73(8) *Journal of Homosexuality* 1880.

¹⁰ Human Rights Law Centre, *End the Hate: Responding to Prejudice Motivated Speech and Violence Against the LGBTI Community* (2018) 26.

¹¹ Adam Hill et al, *Private Lives 3: The Health and Wellbeing of LGBTQ People in Victoria* (ARCSHS, 2021) 32.



Section 3: Prevention in practice

The evidence base for LGBTIQ+ primary prevention

The primary prevention of violence against LGBTIQ+ people is not a new field, but it remains a substantially underdeveloped and underinvested one. *Pride in Prevention: A guide to primary prevention of family violence experienced by LGBTIQ communities*, produced by Rainbow Health Australia at ARCSHS, represents the foundational contribution to this field in the Australian context. *Pride in Prevention* made several contributions that were new at the time of publication and remain the basis for Australian LGBTIQ+ family violence primary prevention practice. Drawing on the national framework for primary prevention of violence against women, *Change the Story*, and on a systematic review of the literature on LGBTIQ family violence, it proposed a socio-ecological model of the drivers of family violence experienced by LGBTIQ communities. This model established that the drivers of family violence against LGBTIQ people are both similar to and distinct from those driving violence against women and children. At the societal level, rigid gender norms, cisnormativity, and heteronormativity operate together as the structural foundations of violence, producing homophobia, biphobia, transphobia and endosexism – which are all connected with the same systems of gender inequality that drive men's violence against women. At institutional, organisational and individual levels, inequality in recognition of LGBTIQ bodies, identities and relationships creates the conditions in which violence is condoned, unrecognised, and inadequately responded to.

Critically, *Pride in Prevention* found that existing family violence primary prevention programs focused on addressing men's violence against women and had not consistently included LGBTIQ people and the drivers of violence against LGBTIQ communities. And it argued that effective prevention requires sustained coordination between the LGBTIQ community sector and mainstream family violence primary prevention organisations, with each bringing distinct but complementary expertise.

That call for coordination was the origin of what is now *Changing with Pride*, being developed jointly by Rainbow Health Australia and Our Watch. *Changing with Pride* is the first national framework explicitly connecting anti-LGBTIQ+ violence with a gender-based violence prevention approach, establishing shared drivers, shared principles, and a shared responsibility across sectors. It is currently in final phase of development and due for release later in 2026.

LGBTIQ+ Hate Crime Prevention Action Plan

Various state departments and agencies are acting to address hate, but a coordinated, all-of-government approach is needed to address this multifaceted and complex problem and ensure that the interventions by different state departments and agencies have maximum effect. Without a comprehensive and holistic plan that tackles hate as a social problem, there is a real risk that LGBTIQ+ people will continue to feel the devastating effects of hate into the future.

It has now been twenty years since the Joint Working Group of the Attorney-General's and Health Minister's Advisory Committees on GLBTI Issues landmark report, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria*.¹² While many of that report's recommendations have been implemented, especially through new anti-vilification laws,¹³ its central recommendation of a whole-of-government policy against harassment based on sexual orientation and gender identity remains unimplemented.

A LGBTIQ+ Hate Crime Prevention Action Plan could develop a full suite of options to prevent and address anti-LGBTIQ+ hate across Victoria. This would enable delivery of outcome 1.2 In the Victorian Government's *Pride in our Future: Outcomes Framework*: that LGBTIQ+ people have safe and effective ways to access justice, including increased awareness of justice services and responsiveness by justice systems to LGBTIQ+ people's legal needs and improved police responses to LGBTIQ+ Victorians.¹⁴ It would also ensure that state departments and agencies prevent and address anti-LGBTIQ+ hate in a coordinated rather than piecemeal way.

A LGBTIQ+ Hate Crime Prevention Action Plan could also be informed by the forthcoming *Changing with Pride* framework and serve as a key mechanism for addressing the stated goals of *Pride in our Future*,

A LGBTIQ+ Hate Crime Prevention Action Plan could be developed by the Victorian Government's LGBTIQ+ Taskforce, which consists of the Co-Chairs of the LGBTIQ+ Justice and Health & Wellbeing Working Groups, as well as community, legal, professional, and academic stakeholders from across government and LGBTIQ+ communities. The Taskforce would then monitor the implementation of the Prevention Action Plan and the effectiveness of the actions implemented.

¹² Joint Working Group of the Attorney-General's and Health Minister's Advisory Committees on GLBTI Issues report, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (2006).

¹³ *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025*.

¹⁴ Victorian Government, *Pride in our Future: Outcomes Framework* (2024) 16–17.



Recommendation 2: Establish an LGBTIQ+ Hate Crime Prevention Action Plan with:

- a) clear outcomes and indicators to reduce and prevent hate crimes consistent with outcome 1.2 in the *Pride in our Future: Outcomes Framework*; and
- b) attention to the diversity of experiences of anti-LGBTIQ+ violence and the intersections of these experiences with other systems of marginalisation and oppression.

Recommendation 3: Task the Victorian Government's LGBTIQ+ Taskforce with overseeing the development and implementation of the Prevention Action Plan, with support from the Department of Families, Fairness & Housing

Section 4: Hate prevention initiatives

The authorising environment for violence

Anti-LGBTIQ+ hate crimes are preventable, not inevitable. The best approach is always to stop crime before it starts. A primary prevention framework offers a specific and important lens for this analysis. The concept of the "authorising environment", drawn from the socio-ecological model established in *Change the Story* and extended in *Pride in Prevention*, describes the social conditions that make violence more or less likely: the norms, attitudes, peer cultures, and institutional practices that signal whether violence is acceptable, excused, or expected. Law enforcement and diversion responses, while necessary, cannot substitute for the upstream work of shifting the social norms and platform environments that create the conditions for radicalisation in the first place. The following sub-section addresses the radicalisation pipeline directly: the specific programs, institutional mechanisms, and school-based strategies needed to intervene before violence occurs.

The Department of Justice and Community Safety recently commissioned a report from Deakin University regarding terrorist target selection,¹⁵ which found that ideology and symbolism play an important role in target selection, as reflected in the targeting of drag story time,¹⁶ LGBTIQ+ venues,¹⁷ and libraries.¹⁸ It also found an increase in anti-LGBTIQ+ online rhetoric by Victorian-based extremist groups. The report included several recommendations relevant to LGBTIQ+ communities, including investing in research on ideologies targeting LGBTIQ+ people (discussed further above). These recommendations should be implemented.

Recommendation 4: Implement the recommendations of the Deakin University report to the Department of Justice and Community Safety's Crowded Place Safety unit that are relevant to LGBTIQ+ communities

In the current spate of hate crimes against gay and bisexual men, offenders are mostly teenage boys and young men who have been radicalised online into violent homophobic and conspiratorial ideologies that equate homosexuality with paedophilia. This is consistent with research showing that homophobic and transphobic attitudes remain common among adolescent boys.¹⁹ There is therefore a need to establish intervention and rehabilitation programs that specifically address radicalisation of young people into homophobic ideologies. The recently established Violence Reduction Unit,²⁰ led by former Youth Justice Commissioner Andrea Davidson, provides an ideal vehicle to lead these programs that will turn people away from crime.

Recommendation 5: 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

There are reported increases in attacks on LGBTIQ+ youth in schools and thus a need to mobilise the Department of Education and its LGBTIQ+ Reference Group to tackle anti-LGBTIQ+ prejudice and ideology within school settings by leveraging existing programs. The Safe Schools program works to ensure schools are safe places for LGBTIQ+ students by providing professional development and training for school staff.²¹ In addition, the Respectful Relationships program includes a comprehensive suite of age-appropriate resources on hate speech. While both could be mobilised to tackle anti-LGBTIQ+ prejudice and ideology and respond to early signs of radicalisation, the quality of implementation of these programs across schools is inconsistent. Competing

¹⁵ Deakin University, 'Understanding target selection in the Victorian context'

<<https://citizenshipglobalisation.deakin.edu.au/project/understanding-target-selection-in-the-victorian-context/>>.

¹⁶ Cait Kelly and Benita Kolovos, 'Victorian councils to hold emergency meeting on far-right targeting of drag queen storytime events', *The Guardian* (16 May 2023).

¹⁷ Michael James, 'Melbourne venues The Laird and Eagle Leather vandalised with homophobic graffiti', *Star Observer* (6 July 2025).

¹⁸ Victorian Government, 'Rainbow libraries toolkit launches on Wear It Purple day' <<https://www.premier.vic.gov.au/rainbow-libraries-toolkit-launches-wear-it-purple-day>>.

¹⁹ The Men's Project, *The Adolescent Man Box: Findings from a Survey with Australian Adolescents Aged 14-18 Years* (Jesuit Social Services, 2025).

²⁰ Victorian Government, 'Violence reduction unit to stop crime before it starts' <<https://www.premier.vic.gov.au/violence-reduction-unit-stop-it-starts>>.

²¹ Victorian Government, 'Safe schools' <<https://www.vic.gov.au/safe-schools>>.



priorities, staff turnover, a lack of capacity and guidance, and fears of backlash mean that these programs are not always able to achieve their intended impact. Increased investment and support for teachers and other school staff is needed.

In addition, there is a need to update the Department's School Chaplaincy Policy²² in light of reports of school religious instructors connected to a chaplaincy provider in Victoria instructing students to seek counselling if they had homosexual feelings,²³ and other reports of school chaplains describing being gay as 'unnatural, indecent and perverse'.²⁴ The School Chaplaincy Policy should address homophobia and other forms of anti-LGBTIQA+ prejudice and ideology, including change or suppression practices.²⁵

Recommendation 6: Mobilise the Department of Education to tackle anti-LGBTIQA+ prejudice and ideology within school settings by:

- a) leveraging the Safe Schools program and Respectful Relationships curriculum to address anti-LGBTIQA+ prejudice and ideology in young people, with a particular focus on schools in areas where hate crimes occur and where offenders live; and
- b) updating the school chaplaincy policy to explicitly prohibit anti-LGBTIQA+ prejudice and ideology by chaplains

Technology-facilitated abuse against LGBTIQA+ people: the evidence gap and how it is being addressed

The role of online spaces in facilitating and amplifying anti-LGBTIQA+ violence is not incidental to this inquiry, it is central to it. The attacks that prompted this inquiry were organised and executed through digital platforms. The ideologies that motivated them were cultivated, reinforced, and transmitted online. Online environments are, in this sense, powerful authorising environments. Algorithms that amplify homophobic and transphobic content, platforms that allow coordinated targeting of LGBTIQA+ people, and online communities that frame violence against LGBTIQA+ people as legitimate or even admirable: these are not simply channels for pre-existing violence, but environments that generate and reinforce the conditions in which violence occurs.

While the relationship between online hate and physical violence against gay and bisexual men has received increased attention and is the immediate subject of this inquiry, a parallel and related form of technology-facilitated harm has received far less policy attention: the systematic abuse, objectification, fetishisation, and sexual exploitation of transgender women in online dating and digital spaces.

Trans women experience technology-facilitated abuse at disproportionate rates.²⁶ Online dating platforms, the same environments implicated in attacks on gay and bisexual men, are also sites of significant harm for trans women, in whom men's entitlement, curiosity, and hostility converge in ways that range from fetishisation and sexual coercion to threats, harassment, and physical violence. These harms share their roots with the violence examined elsewhere in this submission: rigid gender norms, the policing of bodies that deviate from normative expectations, and a social environment that positions trans women as less than fully human and therefore as legitimate targets.

Until recently, there has been a significant gap in the evidence base on this form of technology-facilitated harm, both in terms of its prevalence and nature, and in terms of what primary prevention approaches might effectively address it. *Respectful Connections*, a world-first project currently being undertaken by ARCSHS (including Rainbow Health Australia) in partnership with the Zoe Belle Gender Collective, and La Trobe University's Reducing Gender-based Violence Research Group (ReGEN), is directly addressing this gap. Funded by the eSafety Commissioner's Preventing Tech-based Abuse of Women Grants Program, *Respectful Connections* is expanding the evidence base on transgender women's experiences of technology-facilitated abuse in online dating contexts. Crucially, it does not only focus on the experiences of victim-survivors: it also works with cisgender men dating transgender women, exploring what knowledge, skills, and social norms are needed for respectful and safe engagement in online spaces.

²² Victorian Government, 'School operations – Chaplaincy' <<https://www2.education.vic.gov.au/pal/chaplaincy/policy>>.

²³ Benjamin Riley, 'Religious instruction in schools faces overhaul after homophobic Biblezine controversy', *Star Observer* (30 May 2014).

²⁴ Matthew Knott, 'Anti-gay chaplains driving children to self-harm, says outgoing Labor Senator Louise Pratt', *Sydney Morning Herald* (18 June 2014).

²⁵ *Change or Suppression (Conversion) Practices Prohibition Act 2021*.

²⁶ Suzie Dunn, 'Technology-Facilitated Gender-Based Violence: An Overview', *Centre for International Governance Innovation: Supporting a Safer Internet Paper No 1*, (2020).



This project reflects a foundational principle of primary prevention: that the most effective point of intervention is not after harm has occurred, but in the attitudes, behaviours, and social environments that make harm possible. By working with men at the point of online dating, and before sexual harm occurs, *Respectful Connections* models a prevention approach that no other active project in Australia is currently taking in this specific context. Early findings (yet to be published) demonstrate that the same online environments that are sites of harm can become sites of prevention: that platforms, communities, and social norms can be shifted, not merely regulated.

Digital platforms: a legal obligation to prevent harm

The terms of reference specifically ask this Committee to examine the role and responsibilities of social media and digital platform owners in preventing and responding to anti-LGBTIQ+ hate crimes. The current paradigm of platform accountability is reactive and individualist. It is built around complaint mechanisms, content moderation, and the removal of specific harmful content only after it has been reported. This approach has well-documented limitations: it is slow, inconsistently applied, places the burden on victim-survivors, and does nothing to address the algorithmic amplification of harmful content or the platform design choices that create environments in which harassment and abuse are normalised. Most critically for the purposes of this inquiry, it does not address the authorising environment problem at all.

A positive duty approach to platform responsibility asks a different set of questions. Not only: did this platform take down harmful content when it was reported? But: did this platform design its systems, communities, and recommendation algorithms in ways that make anti-LGBTIQ+ harassment and vilification more or less likely? Did it invest in the community standards, user education, and norm-shifting interventions that reduce the incidence of harm rather than simply responding to it? Did it treat LGBTIQ+ safety as a design principle rather than a compliance requirement?

Currently, Victoria protects people from vilification via a complaint mechanism, where the onus – and burden – is on the victim to take steps to address and rectify a breach of the law. A positive duty is an obligation on an organisation to take reasonable and proportionate steps to prevent vilification before it happens. This type of duty focuses on promoting cultural change rather than only reacting to individual complaints from victims and, in this way, is akin to existing duties under workplace health and safety laws. It also helps organisations to avoid the costs of vilification, including complaints, reduced productivity of staff, and reputational damage.

Most importantly, a positive duty would create an obligation on social media platforms to take steps to prevent vilification from occurring online and to remove material proactively rather than waiting for an individual to complain about it.

Victoria has a positive duty to prevent discrimination under the *Equal Opportunity Act 2010*,²⁷ but does not include a positive duty to prevent vilification, though it has been recommended by the Legislative Assembly Legal and Social Issues Committee,²⁸ and exists in both the Australian Capital Territory²⁹ and Queensland.³⁰ It is time for Victoria to act on this.

Recommendation 7: Impose an enforceable positive duty to eliminate vilification in section 15 of the *Equal Opportunity Act 2010* to require duty-holders to take reasonable and proportionate measures to eliminate vilification before it turns into violence

²⁷ *Equal Opportunity Act 2010* s 15.

²⁸ Legislative Assembly Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into Anti-Vilification Protections* (2021) 144.

²⁹ *Discrimination Act 1991* (ACT) s 75.

³⁰ *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25.



Section 5: Diverse community impacts

Anti-LGBTIQ+ violence is not experienced uniformly across LGBTIQ+ communities. Different communities face different forms of violence, driven by different combinations of rigid gender, sexual, and bodily norms, and intersecting inequalities of race, disability, geography, and socioeconomic status. A prevention and response framework that treats LGBTIQ+ people as a homogeneous group will systematically fail those whose experiences are most marginalised within an already marginalised population.

This section sets out what the evidence shows about the specific experiences of key LGBTIQ+ communities. It is not exhaustive, as the diversity of LGBTIQ+ communities is not reducible to a set of sub-group profiles, but it does aim to ensure that the communities most consistently rendered invisible in both the evidence base and policy responses are named and attended to. For each community, the prevention implication is the same: effective prevention must be designed with and for the specific community it seeks to reach, grounded in that community's own knowledge and experience, and resourced accordingly. The LGBTIQ+ Hate Crime Prevention Action Plan recommended in this submission provides the coordinating mechanism through which this community-specific prevention work can be developed, funded, and held to account.

Lesbian and bi+ women's experiences

Lesbian and bi+ women are also impacted by sexism and discrimination, including sexism from other LGBTIQ+ people. Our report, *Writing Themselves In 4: The Health and Wellbeing of LGBTQA+ People in Australia*, showed that, among young lesbian, bi, and queer women, 71.2% of trans women and 30.2% cisgender women experienced verbal harassment in relation to their sexuality in the last twelve months.³¹ Further research has shown that, anti-lesbian hate crimes are often rendered 'invisible or given secondary, and sometimes inaccurate, attention' with police responses described as not only 'apathetic but harmful.'³² There is a need to ensure that lesbian and bi+ women's experiences are visible in the proposed LGBTIQ+ Hate Crime Prevention Action Plan .

Trans and gender diverse experiences

There are also increasing rates of violence and hate speech directed towards trans and gender diverse people, in particular trans women. The Trans Justice Project and Victorian Pride Lobby report, *Fuelling Hate*, highlights that, in the space of two years, 49.2% of trans people have been subjected to online anti-trans abuse, harassment, or vilification.³³ The Australian Human Rights Commission's report, *Equal Identities*, found that rates of physical, sexual, and technology-facilitated violence against trans and gender diverse people are rising, driven substantially by online hate, disinformation, and coordinated harassment.³⁴

Transphobia and transmisogyny (discrimination or prejudice against trans women) create the authorising environment that condones violence against trans and gender diverse people.³⁵ Simultaneously, many trans and gender diverse people do not feel safe in reporting to police or other services, which contributes significantly to the lack of data on anti-trans hate crimes.

Often because of objectification or fetishisation, trans and gender diverse people, especially trans women, experience high rates of sexual violence, including on dating apps. However, this violence has largely gone unaddressed and is often not prioritised compared to violence against other communities. Examples of successful prevention initiatives include Zoe Belle Gender Collective's ('ZBGC') *Transfemme* project addressing men's violence against women, including its practice guide on responding to the objectification, fetishisation and sexual exploitation of trans women and trans feminine people by cisgender men.³⁶ ZBGC has also developed sexual consent resources for the partners for trans and gender diverse people,³⁷ and frameworks for trans and

³¹ Adam Hill et al, *Writing Themselves In 4: The Health and Wellbeing of LGBTQA+ Young People in Australia – National Report* (ARCSHS, 2021).

³² Elizabeth Bartle, 'Lesbians and hate crimes' (2000) 4(4) *Journal of Poverty* 36.

³³ Trans Justice Project and Victorian Pride Lobby, *Fuelling Hate: Abuse, Harassment, Vilification and Violence Against Trans People in Australia* (2023).

³⁴ Australian Human Rights Commission, *Equal Identities: A Human Rights Review of the Experiences of Trans and Gender Diverse People in Australia* (2026).

³⁵ Zoe Belle Gender Collective and Women's Health in the North, *Allyship in Action: Frameworks for Trans and Gender Diverse Inclusion in Prevention of Gender-based Violence Initiatives* (2026) 9.

³⁶ Starlady et al, *Responding to the Objection and Fetishisation of Trans Women and Trans Feminine People by Cisgender Men: A Transfemme Practice Guide* (Zoe Belle Gender Collective, 2024).

³⁷ Zoe Belle Gender Collective, *Gender Diversity: Sex and Consent – A Resource for the Partners of Trans and Gender Diverse People* (nd).



gender diverse inclusion in prevention of gender-based violence initiatives.³⁸ Such initiatives could be incorporated and further supported in the LGBTIQ+ Hate Crime Prevention Action Plan.

Intersex experiences

Many people with innate variations of sex characteristics are subjected to invasive medical and clinical procedures, including 'normalising' medical treatments,³⁹ often without their consent. Intersex people have called for structural change to end these human rights violations and the 'pathologisation and stigmatisation of healthy intersex bodies', advocating for bodily autonomy and self-determination.⁴⁰ The Parliament has responded to these calls with the passage of the *Health Safeguards for People Born with Variations in Sex Characteristics Act 2026*. Victoria Police should develop guidance for officers on the criminal provisions in the Act, developed in consultation with intersex people and organisations. Such issues should also be addressed in the LGBTIQ+ Hate Crime Prevention Action Plan.

Asexual and aromantic experiences

There is limited academic research looking at the experiences of violence against asexual and aromantic people, but some community-led research.⁴¹ People who experience little or no sexual or romantic attraction often report being excluded and made to feel invisible across society as a consequence of social norms that determine sexual or romantic relationships. There is some evidence that people across the asexual/aromantic spectrum experience significant sexual violence and harassment, linked to experiences of pathologisation, stigmatisation, social pressure, and even 'corrective' violence.⁴² Further research is needed on the experiences of violence against asexual and aromatic people, which could be addressed in the LGBTIQ+ Hate Crime Prevention Action Plan. In addition, the Victorian Government should amend the definition of 'sexual orientation' in the *Equal Opportunity Act 2010* to better protect asexual people from vilification and other forms of discrimination.

Experience of Rainbow Mob

Research has highlighted that LGBTIQ+ Aboriginal people are disproportionately impacted by violence and discrimination, and that the combined impacts of colonialism, racism, homophobia, and transphobia result in compounded and poorer physical and mental health outcomes.⁴³ Mistrust between Aboriginal LGBTIQ+ people and policing institutions is deepened by the long and painful history of Aboriginal communities' relationship with police and the justice system. Aboriginal LGBTIQ+ people therefore face unique vulnerabilities that warrant specific recognition, reckoning, and targeted response.

Again, such issues could be addressed in LGBTIQ+ Hate Crime Prevention Action Plan and through further consultation with Aboriginal community-controlled organisations, which are well-placed to lead culturally safe violence prevention, early intervention, response, and healing programs, drawing on necessary cultural authority, trusted community relationships, and deep expertise.

Multicultural LGBTIQ+ experiences

Many multicultural LGBTIQ+ people experience a combination of anti-LGBTIQ+ and racist violence – across society and within families and communities. For many racialised LGBTIQ+ people, experiences of racial and sexual orientation, gender identity, and sex characteristics discrimination and violence may be difficult, if not impossible, to disentangle.⁴⁴ A multicultural LGBTIQ+ person subjected to violence or harassment may, therefore, not always be able to determine whether the incident was driven by

³⁸ Zoe Belle Gender Collective and Women's Health in the North, *Allyship in Action: Frameworks for Trans and Gender Diverse Inclusion in Prevention of Gender-based Violence Initiatives* (2026).

³⁹ Morgan Carpenter, 'The "normalisation" of intersex bodies and "othering" of intersex identities in Australia' (2018) 15(4) *Journal of Bioethical Inquiry*.

⁴⁰ Morgan Carpenter, 'The human rights of intersex people: Addressing harmful practices and rhetoric of change' (2016) 24(47) *Reproductive Health Matters*.

⁴¹ Kate Wood, *'I Don't Know If This Counts But...': Asexual Lived Experiences Survey 2021: Final Report* (2024).

⁴² R Chan and F Hung, 'Sexual violence victimisation and substance use among individuals identifying on the asexual spectrum: Differences between asexuality, greysexuality, and demisexuality' (2024) 62(9) *Journal of Sex Research*.

⁴³ Bronwyn Carlson, 'We are the data, but never the researchers: Epistemic violence in the study of technology-facilitated abuse' (forthcoming) *Journal of Sociology*; Madi Day et al, *Aboriginal and Torres Strait Islander LGBTQIASB+ People and Mental Health and Wellbeing* (Australian Institute of Health and Welfare, 2022); B Hill et al, *Breaking the Silence: Insights into the Lived Experiences of WA Aboriginal/LGBTIQ+ People: Community Summary Report* (2021).

⁴⁴ M Judge, *Blackwashing Homophobia: Violence and the Politics of Sexuality, Gender and Race* (Routledge, 2017); A Flores et al, 'Violent victimisation at the intersections of sexual orientation, gender identity, and race: National Crime Victimization Survey, 2017-2019' (2023) 18(2) *PLOS ONE*; D Meyer, *Violence Against Queer People: Race, Class, Gender, and the Persistence of Anti-LGBT Discrimination* (Rutgers University Press, 2015).



racism, anti-LGBTIQ+ prejudice, or a combination of these factors.⁴⁵ There is a need for further research that explores the intersection of race and LGBTIQ+ victimisation in greater depth and incorporation of this research and appropriate strategies into the proposed LGBTIQ+ Hate Crime Prevention Action Plan.

Experiences of LGBTIQ+ people with a disability

LGBTIQ+ people with a disability experience a high level of violence and victimisation.⁴⁶ ARCSHS research provided for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability shows that more than two-fifths of LGBTIQ+ people with a disability experienced verbal abuse including hateful or obscene phone calls in the last twelve months, one-fifth had experienced threats or physical violence or assault with a weapon, and 6.1% had been physically attacked or assaulted with a weapon.⁴⁷ In addition, LGBTIQ+ people with a disability experience discrimination from within both LGBTIQ+ and disability communities, compounding their sense of social marginality and isolation. Again, it is important that these issues are addressed in the proposed LGBTIQ+ Hate Crime Prevention Action Plan.

Experiences of LGBTIQ+ young people

There has been an increasing rise of anti-LGBTIQ+ attitudes impacting young people and youth events. Minus18 Foundation's survey, *Queer Youth Now*, found that 89% of LGBTIQ+ young people have experienced anti-LGBTIQ+ hate in their life and 57% in just the past year, with 1 in 10 experiencing physical violence in the past year due to anti-LGBTIQ+ hate.⁴⁸

Community-run LGBTIQ+ youth events can significantly enhance young people's sense of safety and belonging.⁴⁹ These events foster wellbeing, build resilience, and empower LGBTIQ+ young people to live authentically.⁵⁰ In recent times, however, LGBTIQ+ events that aim to promote safety, diversity, and connection have been targeted as part of an organised backlash. This has manifested in threats and harassment towards LGBTIQ+ youth events, closure of LGBTIQ+ events due to threats of violence, and harassment and threats against LGBTIQ+ youth workers. Some examples include:

- In March 2023, City of Casey cancelled a drag workshop after threats from far right and self-proclaimed "Christian" groups, including a barrage of threatening calls and emails, as well as an altercation wherein a group barged into a Council meeting and flung homophobic and transphobic comments through the room.⁵¹
- In April 2023, protestors derailed a Monash City Council meeting over a planned drag story time event by hurling abuse at the Councillors and community members in the public gallery.⁵² The following month, the Council cancelled the event after threats of violence escalated to include intimidation from neo-Nazis, including Thomas Sewell.⁵³
- In May 2023, Boroondara Council cancelled a rainbow story-time singalong at Hawthorn Library on the basis that they could not create a safe environment for attendees.⁵⁴ The Council made this decision after monitoring similar events across Victoria which had been threatened by intrusions of anti-social behaviour.⁵⁵
- Also in May 2023, a story-time at Eltham Library was targeted by fascists pushing for the event to be shut down, including through hateful emails and phone calls to library staff and social media posts online.⁵⁶ Despite Council being determined for the event to go ahead, it had to be moved online because of the threats.

⁴⁵ D Meyer, 'Interpreting and experiencing anti-queer violence: Race, class, and gender differences among LGBT hate crime victims' (2008) 15(3/4) *Race, Gender and Class*.

⁴⁶ William Leonard and Rosemary Mann, *The Everyday Experiences of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People Living with a Disability* (ARCSHS, 2018) 5–6.

⁴⁷ Adam Hill et al, *Violence, Abuse, Neglect and Exploitation of LGBTQA+ People with Disability: A Secondary Analysis of Data from Two National Surveys* (ARCSHS, 2022) 82–83.

⁴⁸ Minus18 Foundation, *Queer Youth Now: The National Survey of LGBTQA+ Youth Voice in Australia* (2025) 7.

⁴⁹ Faith Ong, Clifford Lewis, and Girish Prayag, 'This is what being queer looks like: The roles LGBTQ+ events play for queer people based on their social identity' (2025) 106 *Tourism Management*.

⁵⁰ Ivy McGowan et al, 'Affirmation, friendship, and volunteerism: Understanding and facilitating what makes LGBTQA+ young people in Australia feel good about themselves' (2024) 21 *Sexuality Research and Social Policy*.

⁵¹ Brandon Bentley, 'City of Casey cancels drag event after far-right threats', *Star Observer* (5 April 2023); Eleanor Wilson, "'Vile" threats cancel event', *Star Journal* (30 March 2023).

⁵² Allannah Sciberras, 'Protestors derail Melbourne council meeting over drag storytime event', *9 News* (27 April 2023).

⁵³ Sophie Aubrey, "'Disappointing": Monash Council cancels drag queen story time event', *The Age* (4 May 2023).

⁵⁴ Cait Kelly, 'Councils call off drag storytime and LGBTQ+ events after far-right threats', *The Guardian* (13 May 2023).

⁵⁵ Jewel Topsfield, "'Incredibly disappointed": Drag queen story time event moved online after threats', *The Age* (15 May 2023).

⁵⁶ Cait Kelly, 'Councils call off drag storytime and LGBTQ+ events after far-right threats', *The Guardian* (13 May 2023); Jewel Topsfield, "'Incredibly disappointed": Drag queen story time event moved online after threats', *The Age* (15 May 2023).



- In June 2023, the Rural City of Wangaratta decided to delay the Rainbow Ball, a regional celebration of the LGBTIQ+ community, for the safety of participants, due to the event being targeted by groups with radical views.⁵⁷ This followed the police providing information to the Council to inform their risk assessment.⁵⁸
- In November 2023, a drag story-time event at Shepparton Library was cancelled by Greater Shepparton City Council due to police intelligence raising safety risk concerns and a protest that led to the library locking its doors and police being called to the scene.⁵⁹

In response, Rainbow Health Australia have developed a guide, *Celebrate Pride*, which details why hosting dedicated LGBTIQ+ youth events is an essential component of violence prevention work and embedding safety and inclusion within local communities.⁶⁰ The guide provides practical advice and key considerations when hosting LGBTIQ+ events and supports event organisers who may experience backlash. In addition, the Victorian Government has launched the *Rainbow Libraries Toolkit* following a rise in anti-LGBTIQ+ vilification and targeting of LGBTIQ+ events, including drag story time events for rainbow young people and families, held at libraries.⁶¹ The toolkit provides information to support public library staff welcoming LGBTIQ+ people and families into libraries. We encourage the roll-out of these resources across councils, libraries, and other venues hosting LGBTIQ+ youth events.

Recommendation 2: Establish an LGBTIQ+ Hate Crime Prevention Action Plan with:

- a) clear outcomes and indicators to reduce and prevent hate crimes consistent with outcome 1.2 in the *Pride in our Future: Outcomes Framework*; and
- b) attention to the diversity of experiences of anti-LGBTIQ+ violence and the intersections of these experiences with other systems of marginalisation and oppression.

⁵⁷ Erin Somerville and Anna Chisholm, 'Wangaratta's Rainbow Ball delayed amid safety concerns for participants targeted by radical groups', *ABC News* (2 June 2023).

⁵⁸ 'Rainbow Ball postponed due to negative commentary on social media', *Wangaratta Chronicle* (1 June 2023).

⁵⁹ Callum Marshall and Bransen Gibson, 'Pop-up drag queen story time held in Shepparton after official event cancelled', *ABC News* (16 November 2023).

⁶⁰ Olivia Brozecki, Flis Marlowe, and Meg-an Windred, *Celebrate Pride: Creating Spaces Where Young People Can Connect, Belong and Thrive* (ARCSHS, 2025).

⁶¹ Victorian Government, 'Rainbow libraries toolkit launches on Wear It Purple day' <<https://www.premier.vic.gov.au/rainbow-libraries-toolkit-launches-wear-it-purple-day>>.



Section 6: Victim–survivor support: the health and prevention interface

Structural barriers prevent LGBTIQ+ people from accessing the formal systems of complaint, compensation, and redress that exist to support victims of crime. LGBTIQ+ people are significantly less likely than the general population to report violence to police or engage with formal justice mechanisms, due to historical experiences of institutional discrimination, fears of being outed, and well-founded mistrust of systems that have not consistently served them.

Little is known about the experiences and needs of LGBTIQ+ victims of crime, including hate crimes. Studies have identified a 'limited capability and willingness of criminal legal institutions to respond meaningfully to LGBTIQ+ victimisation' and a need for 'research and policy development concerned with supporting LGBTIQ+ victims.'⁶² We discussed the need for further research on this topic above, but there is also a need to understand the specific gaps in justice and victims' services agencies responses to LGBTIQ+ victims. The *Victims of Crime Commissioner Act 2015* empowers the Commissioner to carry out inquiries on systemic victim of crime matters,⁶³ if requested to do so or on their own motion.⁶⁴ This provides a valuable opportunity to investigate the experiences and needs of LGBTIQ+ victims of crime and the responses from justice and victims' services agencies.

Recommendation 8: Request the Victims of Crime Commissioner to carry out an inquiry on the experiences and needs of LGBTIQ+ victims of crime and publish a report in accordance with the Victims of Crime Commissioner Act 2015

The *Victims' Charter Act 2006* requires that investigatory agencies, prosecuting agencies, and victims' services agencies are responsive to the needs of victims of crime relating to their sexual orientation, sex, or gender identity.⁶⁵ However, this requirement does not apply to judicial officers, defence barristers, and justice agencies interacting with victims during court processes, including hearings and trials. This means that LGBTIQ+ victims of crime may encounter further trauma during the court process, and that judicial and other court officers may not be appropriately trained to respond to the needs of LGBTIQ+ victims of crime. This should be addressed, consistent with the recommendation in the Victims of Crime Commissioner's review of the Act.⁶⁶

Recommendation 9: Amend the Victims' Charter Act 2006 and other relevant legislation to apply appropriate rights and responsibilities to courts in their engagement with victims of crime, including LGBTIQ+ victims

Victims of crime compensation schemes can meet victims' needs more effectively than other parts of the justice system, by avoiding interaction between the perpetrator and the victim, having a lower standard of proof than criminal justice processes, and providing relatively quick outcomes compared with taking civil action.

The *Victims of Crime (Financial Assistance Scheme) Act 2022* requires that, for a victim to be able to make a claim, the act of violence must be reported to police. However, LGBTIQ+ people who are victims of hate may have limited access to the scheme because of reticence to report to police based on historical mistreatment of LGBTIQ+ people by police or a fear of being outed.

⁶² Matthew Mitchell et al, 'Anti-queer violence in Australia: An intersectional analysis of victimisation among LGBTQ+ adults' (2026) 73(8) *Journal of Homosexuality* 1880 referencing K Nadal et al, 'Lesbian, gay, bisexual, and queer people's perceptions of the criminal justice system: Implications for social services' (2015) 27(4) *Journal of Gay and Lesbian Social Services*; J Grasso, V Jenness, and S Vogler, 'Understanding the context for police avoidance: The impact of social identity, police legitimacy and legal cynicism on willingness to report hate crime' (2023) 35(2) *Current Issues in Criminal Justice*; J Pickles, 'Policing hate and bridging communities: A qualitative evaluation of relations between LGBT+ people and police within the north east of England' (2020) 30(7) *Policing and Society*.

⁶³ *Victims of Crime Commissioner Act 2015* s 13(1)(b).

⁶⁴ *Victims of Crime Commissioner Act 2015* s 23(2).

⁶⁵ *Victims of Crime Charter Act 2006* ss 6(2), 18(2).

⁶⁶ *Victims of Crime Commissioner, Review of the Operation of the Victims' Charter Act 2006 and its Benefits for Victims* (2025) 115.



There is an exception to this requirement if there are 'special circumstances',⁶⁷ but it is unclear if this would apply in this circumstance. The Act is currently undergoing a review by the Nous Group,⁶⁸ and this barrier to accessing the scheme should be removed. Similarly, there is a requirement in the *Victims' Charter Act 2006*⁶⁹ and the *Victims of Crime Commissioner Act 2016*⁷⁰ that a victim first complain to a justice agency before making a complaint to the Victims of Crime Commissioner. This requirement is a barrier to LGBTIQ+ victims making complaints and should be removed, consistent with the recommendation in the Victims of Crime Commissioner's review.⁷¹

Recommendation 10: Reform:

- a) 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; and
- b) the *Victims' Charter Act 2006* and the *Victims of Crime Commissioner Act 2015* to remove the requirement that a victim must first make a complaint to a justice agency before complaining to the Victims of Crime Commissioner

LGBTIQ+ people are more likely to use LGBTIQ+ community-controlled services,⁷² but these services are often significantly under-resourced. Last year, the Government announced a new service delivered by Switchboard Victoria, providing free and confidential support from trained LGBTIQ+ professionals on how to report incidents to police and how to connect with medical, legal, and counselling services.⁷³ Switchboard has also worked with Thorne Harbour Health and Q+Law to build a strong support and referral network. This work to support LGBTIQ+ victims of crime should be funded, consistent with the principles in the *Victims' Charter Act 2006* regarding the needs of victims of crime relating to their sexual orientation, sex, or gender identity.⁷⁴

Recommendation 11: Fund community organisations to support victims of anti-LGBTIQ+ hate crimes, including:

- a) funding for Switchboard to continue to provide dedicated phone support for victims of anti-LGBTIQ+ hate crimes;
- b) funding for Thorne Harbour Health to provide community safety messaging, dedicated counselling and victim support, and support to victims to report anti-LGBTIQ+ hate crimes to police; and
- c) funding for Q+Law for provide legal support for victims of anti-LGBTIQ+ hate crimes, including support to access the Victims of Crimes Financial Assistance Scheme

Restorative justice has been used for several years in cases of anti-LGBTIQ+ hate crimes in Europe, but it is also recognised that 'there is a need to make Restorative Justice accessible and appropriate for LGBTIQ people who have experienced hate crime.'⁷⁵ Research has also shown that restorative justice 'has the potential to address... lasting harm by allowing [victims] to seek answers about why the incident happened, explain how it made them feel, and regain a sense of power and control' and that it reduces reoffending by 14%.⁷⁶ It can also challenge prejudice and undermine the beliefs that motivate people to commit hate crimes. In

⁶⁷ *Victims of Crime (Financial Assistance Scheme) Act 2022* s 31(2)(a)(i). See also s 22(1)(e).

⁶⁸ Victorian Government, 'Victims of crime: Reports and reviews' <<https://www.victimsofcrime.vic.gov.au/reports-and-reviews>>.

⁶⁹ *Victims' Charter Act 2006* s 19B.

⁷⁰ *Victims of Crime Commissioner Act 2015* s 25A(b).

⁷¹ Victims of Crime Commissioner, *Review of the Operation of the Victims' Charter Act 2006 and its Benefits for Victims* (2025) 131.

⁷² Adam Hill et al, *Private Lives 3: The Health and Wellbeing of LGBTIQ People in Australia* (ARCSHS, 2020).

⁷³ Victorian Government, 'Standing against hate with LGBTIQ+ Victorians' <<https://www.premier.vic.gov.au/standing-against-hate-lgbtqa-victorians>>.

⁷⁴ *Victims of Crime Charter Act 2006* ss 6(2), 18(2).

⁷⁵ Linda Millington, 'Using restorative justice in cases of LGBTIQ hate crime' in Alexi de Graaf and Kely Grossthal (eds), *Safe To Be Handbook* (Speak Out Project, 2020) 46. See also Malini Laxminarayan, *Promising Strategies of Restorative Justice in Anti-LGBT Hate Crimes Cases* (LetsGoByTalking Project Consortium, 2021).

⁷⁶ Linda Millington, 'Using restorative justice in cases of LGBTIQ hate crime' in Alexi de Graaf and Kely Grossthal (eds), *Safe To Be Handbook* (Speak Out Project, 2020) 52.



addition, it may also address ‘the tendency of victims of anti-LGBT hate crimes to under-report hate crimes and... the distrust that these victims often feel towards political and judicial institutions.’⁷⁷

In Victoria, the Department of Justice and Community Safety’s Victim-Centred Restorative Justice Program offers people who have been harmed by crime the option to use restorative justice to communicate with perpetrators about the harm they have experienced, provided that the victim is on the Victims Register and they and the offender are adults.⁷⁸ In addition, RMIT University’s Centre for Innovative Justice offers a restorative just service entitled Open Circle for adults who have been affected by crimes and other incidents of harm.⁷⁹ Open Circle is developing a potential restorative justice for LGBTIQ+ community members who experience hate crimes, allowing them to engage with perpetrators in a facilitated process.

Recommendation 12: Fund a restorative justice project for LGBTIQ+ victims of hate crimes

When LGBTIQ+ survivors of hate crimes engage with the justice system, it can be a confronting and disempowering experience. Too often, the burden is on survivors to navigate a complex system that fails them by compounding trauma and making recovery difficult, particularly where services lack the competence or inclusivity needed to respond effectively to LGBTIQ+ experiences. Building on recommendations from the Victorian Law Reform Commission report, *Improving the Justice System Response to Sexual Offences*,⁸⁰ justice navigators will be embedded in Victorian special sexual assault services.⁸¹ Justice navigators support survivors to understand and exercise their rights, assist survivors to navigate the options available to them, and provide support and information to secondary victims, such as children, friends, and family members. The service is free and available to survivors for as long as support is needed and does not require a survivor to report to police before accessing support. It complements and is integrated with existing legal supports and services in Victoria and builds the capacity of other professionals and sectors to work with and advocate for survivors. In short, justice navigators improve justice outcomes for survivors. The project is still in its design stage but offers a useful model for LGBTIQ+ victims of hate crimes.

Recommendation 13: Expand the Sexual Assault Services Victoria’s Justice Navigator Pilot to include specialist justice navigators for LGBTIQ+ victims of crime, including within youth justice processes

LGBTIQ+ affirmative systems and services as a prerequisite for effective victim support

For many victim-survivors, LGBTIQ+ health and community organisations are the first, and sometimes the only, point of contact after experiencing violence. The capacity of those organisations to provide safe, trauma-informed, and affirmative responses is therefore not peripheral to the victim support system, it is integral to it.

Rainbow Health Australia at ARCSHS has developed and administers the *Rainbow Tick*, a nationally recognised quality framework and accreditation program that supports health and community service organisations to embed safe and affirmative systems and practices for LGBTIQ+ staff and service users. The Rainbow Tick Standards provide a comprehensive framework for organisational change, covering organisational capability, workforce development, service user participation, physical and digital accessibility, disclosure and documentation practices, and culturally safe service delivery. The framework is grounded in the understanding that to embed affirmative practices for LGBTIQ+ people requires more than individual acts of goodwill or sensitivity, it requires systematic change to how organisations operate, how staff are trained, and how services are designed and delivered. A Rainbow Tick revision is currently underway, incorporating learnings from extensive consultation and reflecting developments in the field since the previous edition. The underlying approach and commitment to LGBTIQ+ affirmation will remain at the framework’s centre.

⁷⁷ Ignacio Ruiz and Malin Jubany, ‘Restorative justice and anti-LGBT hate crimes: Experiences and disparities from the ground’ (2024) 1 *Droit et Cultures*.

⁷⁸ Department of Justice and Community Safety, ‘Restorative justice for victims of crime on the Victims Register’ <<https://www.justice.vic.gov.au/vcrj/restorative-justice-for-victims-of-crime-on-the-victims-register>>.

⁷⁹ RMIT University, ‘Open Circle’ <<https://cij.org.au/opencircle/who-we-are/>>.

⁸⁰ Victorian Law Reform Commission, *Improving the Justice System Response to Sexual Offences* (2021).

⁸¹ Sexual Assault Services Victoria, ‘About the justice navigator pilot’ <<https://sasvic.org.au/about-us/justicenavigators/>>.



In the context of victim-survivor support, Rainbow Tick standards have direct and specific implications. LGBTIQ+ people who have experienced hate-motivated violence often carry intersecting experiences of trauma not only from the violence itself, but from prior encounters with institutions that have failed to recognise, comprehend the impacts of, or properly handle their experiences. A service that is not actively LGBTIQ+-affirming risks replicating that institutional harm. Conversely, a service that meets Rainbow Tick standards, where staff are trained, systems are inclusive, disclosure is handled safely, and the environment signals genuine welcome, is one in which victim-survivors are more likely to engage, disclose, and access the support they need.

The gap between specialist and mainstream services

Victoria has a number of specialist LGBTIQ+ health and community organisations that provide support for LGBTIQ+ people who have experienced violence, including Switchboard Victoria, Thorne Harbour Health, and Q+Law, each of which is named above. These organisations have deep community trust, specialist expertise, and the established referral networks to support victim-survivors effectively. Their capacity to do this work must be sustained and expanded, as the recommendations in this section make clear.

However, specialist organisations alone cannot meet the full scope of need. Most health and community services in Victoria are generalist, such as mainstream family violence services, sexual assault services, mental health services, general practice, and hospital emergency departments. Many LGBTIQ+ people experiencing violence will encounter these services first, particularly in regional and rural areas where specialist LGBTIQ+ services are limited or unavailable. The evidence is consistent that mainstream services are frequently not equipped to respond effectively to LGBTIQ+ victims of violence: normative assumptions about LGBTIQ+ people, inadequate staff training, and the absence of LGBTIQ+-inclusive processes all compound rather than alleviate harm.

Building the capacity of mainstream services to respond effectively to LGBTIQ+ people is therefore an essential complement to funding specialist services. The Rainbow Tick framework provides a clear, evidence-based pathway for mainstream services to undertake this work. Investment in supporting health and community services to achieve Rainbow Tick accreditation or equivalent standards of LGBTIQ+ affirmative practice would make a measurable difference to the experiences of LGBTIQ+ victim-survivors across Victoria.

The mental health burden of hate crime exposure

Exposure to hate-motivated violence carries a mental health burden that is distinct from, and compounds, the immediate physical harm. As the evidence establishes, exposure to hate-related incidents is consistently associated with elevated psychological distress, anxiety, depression, and reduced wellbeing, and these effects are cumulative: they accumulate across repeated experiences of hate and violence over a lifetime. For LGBTIQ+ victim-survivors, the mental health impact of hate crime is therefore rarely attributable to a single incident in isolation; it is experienced in the context of institutional failures and the ongoing social environment that makes further violence possible.

Effective victim-survivor support must be responsive to this complexity. It requires mental health services that understand minority stress, that are trained to work with the specific forms of trauma associated with hate-motivated violence, and that can engage with the cumulative dimension of LGBTIQ+ people's experiences rather than treating each incident as discrete. Investment in LGBTIQ+-affirming mental health capacity, within specialist organisations and across mainstream mental health services, is accordingly a prevention investment as much as a response investment: it supports recovery in ways that rebuild the resilience and community connection that are protective factors against further harm.

Recommendation 14: Invest in supporting mainstream community and mental health services to achieve Rainbow Tick accreditation, with particular attention to services in regional and rural areas where specialist LGBTIQ+ services are limited.



Section 7: Legal and criminal justice reform

The prevention continuum established the outset of this submission spans primary prevention and early intervention through to response and recovery. The sections that follow address the response dimension of that continuum: the legal and criminal justice reforms needed to ensure that when anti-LGBTIQA+ violence occurs, perpetrators are held accountable, victims are supported, and the law signals clearly that this violence is neither acceptable nor trivial. These reforms are not alternatives to prevention; they are necessary complements to it. A society that fails to criminalise hate-based aggravation, that rarely applies the sentencing provisions it has, and whose victims face structural barriers to accessing justice, sends a signal that anti-LGBTIQA+ violence is tolerated. That signal itself functions as part of the authorising environment that makes further violence more likely. Legal reform and primary prevention must therefore advance in parallel, each reinforcing the other.

Aggravated offending and vilification

Aggravated offences are those where an additional element is applied as an aggravating factor within specific offences that are prescribed in legislation.⁸² Hatred based on a victim's protected attributes is not an aggravating factor in any existing aggravated offences in the *Crimes Act 1958*.⁸³ This is a major gap in Victoria's criminal law. Victoria recently introduced 'post and boast laws',⁸⁴ which provide a model for a new scheme of hate-based aggravated offences.

Additionally, within hate crimes or hate-based aggravated offences, hate has traditionally been included as an extra element of *motivation* by hatred, but this has not been particularly successful because of the difficulty in proving a perpetrator's motivation in doing an action. Instead, an alternative formulation is that hate-based aggravation exists when the extra element of *demonstration* of hatred is proven.⁸⁵ The former has been proven to be much more effective, based on the number of successful prosecutions in those jurisdictions with this element.

Recommendation 15: Introduce a new scheme of hate-based aggravated offences in the Crimes Act 1958 that incorporates:

- a) a prescribed list of offences drawing from section 195U; and
- b) for the listed offences, an aggravating circumstance that the perpetrator was wholly or partly motivated by or demonstrated hostility, hatred, or other relevant emotions in respect of a victim's protected attributes

It is also important that the law publicly denounces incitements to hate and threatening physical harm or property on the grounds of a person's protected attributes, including their LGBTIQA+ status, to show support to marginalised communities and to signal that this kind of conduct is never acceptable.

Section 1AA of the *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025* includes such a statement,⁸⁶ recognising the right of all Victorians to be free from vilification and to participate equally in a democratic society. However, this provision will be repealed on 30 June 2027.⁸⁷ In order to ensure that there is both a clear denunciation of hate and a signal of its unacceptability, this provision should be replicated in the serious vilification part of the *Crimes Act 1958*.⁸⁸

Recommendation 16: Introduce a statement section for the serious vilification part of the *Crimes Act 1958* that clearly denounces hate crimes and signals their unacceptability, based on section 1AA of the *Justice Legislation (Anti-vilification and Social Cohesion Act) 2025*

⁸² See, e.g., *Criminal Code 1899* (Qld) s 52B.

⁸³ *Crimes Act 1958* ss 53E, 53G, 77, 77B, 79A, 317AD, 317AF.

⁸⁴ *Crimes Amendment (Performance Crimes) Act 2025*.

⁸⁵ *Sentencing Amendment (Aggravating Factors) Act 2025* (Tas) s 4.

⁸⁶ *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025* s 1AA.

⁸⁷ *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025* s 44.

⁸⁸ *Crimes Act 1958* pt 1 div 2D.



Sentencing reforms

Whilst Victoria does not have hate-based aggravated offences in the *Crimes Act 1958*, it does have hate-based aggravated sentences in a provision in the *Sentencing Act 1991*,⁸⁹ which comes into play after a person pleads guilty or has been found guilty of an offence. Based on this provision, a sentencing judge can determine that the person who committed the offence did so because of the victim's characteristics, and so the sentence handed down should be higher than what might otherwise have been the case (though it must remain within the range for that offence). The Legislative Assembly Legal and Social Issues Committee has previously found that 'this sentencing provision is rarely used in practice' and there have only been two judgments to date where the conduct was found to be motivated by prejudice based on homosexuality.⁹⁰

In those two cases, four defendants took part in an assault that occurred on Christmas Day 2020 on two gay men who were holding hands on Sydney Road. Two of the defendants shouted homophobic abuse at the couple and one, Billal Ali, threw a bottle at the head of one of the victims before the offenders all chased down and kicked and punched the victims. The offenders were prosecuted for assault by Victoria Police in the Sunshine Magistrates Court before Magistrate Peter Mallas. Billal Ali was found to have been motivated by prejudice based on the victims' sexual orientation and handed a three-month suspended sentence, fined \$1500, and placed on a 12-month community-based order. However, the Magistrate could not prove beyond reasonable doubt that two of the other offenders were specifically motivated by prejudice in the attack. (The fourth was sentenced later and found to have been motivated by prejudice.) After the handing down of the sentences, Victoria Police told the media they intended to lodge an appeal via the Office of Public Prosecutions based on the belief that the sentence issued to the offenders was too lenient.⁹¹ However, the matter never went to appeal.

Tasmania recently amended its sentencing laws and now provides the best Australian example of a regime that caters for LGBTIQ+ victims.⁹² The amendments incorporate a list of protected characteristics that include gender identity, sexual orientation, and sex characteristics. This contrasts with Victorian law, that only uses the term 'common characteristics' but does not specify what these are. Like Victoria, hate-based aggravated sentencing can be imposed if the offender was motivated by hatred or prejudice. However, the Human Rights Law Centre's *End the Hate* report found that 'the high threshold of proving prejudice motivation in court' meant that the Victorian provisions have been rarely used.⁹³ Importantly, the Tasmanian amendments mean this motivation element can be met if the offender *demonstrated*, or expressed, hostility, malice, or ill-will in respect to one of the protected characteristics during or immediately around the time of the offence. This would ensure the sentence is easier to apply. The Government has announced a review of the *Sentencing Act 1991* by the Sentencing Advisory Council,⁹⁴ and these matters should be considered as part of that review.

Recommendation 17: 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, hatred, or other relevant emotions, based on section 11B(2) of the Sentencing Act 1997 (Tas)

Equally essential, sentencing factors should become a part of the offender's criminal record and therefore available to a sentencing judge if there are subsequent offences by that individual. It also makes it difficult for policy makers and legislators to understand the prevalence of hate-related crime convictions if the criminal record itself does not have the hate element attached.

Recently, Scotland has introduced best practice laws to require that, where an offence is found to be motivated by hatred or prejudice, the criminal record must contain this and the relevant protected attributes by which the offence is aggravated.⁹⁵ This

⁸⁹ *Sentencing Act 1991* (Vic) s 5(2)(daaa).

⁹⁰ Legislative Assembly Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into Anti-Vilification Protections* (2021) 183. These two cases are *Kerry v Billal Ali* (Magistrates Court of Victoria, 17 October 2011) and *Kerry v Hussain el Halabi* (Magistrates Court of Victoria, 19 December 2011).

⁹¹ Andie Noonan, 'Hate crime sentence to be appealed', *Star Observer* (20 October 2011).

⁹² *Sentencing Amendment (Aggravating Factors) Act 2025* (Tas).

⁹³ Human Rights Law Centre, *End the Hate: Responding to Prejudice Motivated Speech and Violence Against the LGBTI Community* (2018) 2.

⁹⁴ Victorian Government, 'Sentencing must meet community expectations' <<https://www.premier.vic.gov.au/sentencing-must-meet-community-expectations>>.

⁹⁵ *Hate Crimes and Public Order (Scotland) Act 2021* s 2(2).



would ensure the hate motivation is on the criminal record, not buried in sentencing remarks and thus can be relied upon in later proceedings, including to show a pattern of behaviour. It also forms a useful dataset on hate crime prevalence and patterns.

Recommendation 18: Reform the *Criminal Procedure Act 2009* to require that, where an offence is found to be motivated by hatred or prejudice, the criminal record must contain this and the relevant protected attribute, based on the Scottish model



Section 8: Policing and hate crime recording

Policing and law enforcement sit at the intersection of the response and recovery dimensions of the prevention continuum and, when done well, can contribute to prevention itself. When LGBTIQ+ people trust that reporting violence will result in a respectful, competent, and effective response, they are more likely to report. Higher reporting rates produce better data, enable more targeted prevention investment, and send a social signal that anti-LGBTIQ+ violence is taken seriously. Conversely, when that trust is absent – as it has been, for well-documented historical reasons, between LGBTIQ+ communities and Victoria Police – underreporting becomes endemic, the evidence base is impoverished, and the message sent to both victims and perpetrators is one of institutional indifference. Improving policing responses to anti-LGBTIQ+ hate crimes is therefore not only a matter of justice for individual victims. It is a structural precondition for an effective prevention and response system. The reforms recommended in this section are accordingly understood as integral to the broader coordinated response this submission argues for, rather than as a separate law enforcement agenda.

Until 2020, the Crime Statistics Agency reported data on the number of offences registered with the modus operandi code ‘prejudicially motivated crime – sexual orientation’. The data showed that the number of crimes motivated by prejudice on account of the victim’s sexual orientation increased from 2004 to 2020. As report in the *Star Observer* documents this increase:

Between 2004 and 2013, the number of such offences remained below 50, except for 2006 when it shot up to 58. The low numbers could be attributed to low reporting or recording of such crimes. In 2014, the number of such offences climbed to 102, before dropping the next year to 87. Anti-gay hate crime offences then maintained its upward trajectory from 2016 onwards (160), except for 2018 when it fell to 79. For the other years, the annual number of gay-hate offences were 102 (2017), 121 (2019), 148 (2020).⁹⁶

Following this, the Crime Statistics Agency determined that the recording of prejudice-motivated codes is not of sufficient quality for release or use. Therefore, they no longer provide data for prejudice-motivated crimes based on sexual orientation. The Crime Statistics Agency determined this because the modus operandi code is not a mandatory field and is often not completed by police. It is essential that existing Victoria Police practices of recording hate crimes and hate-related incidents be strengthened, including training on recognising, recording, and gathering evidence to prosecute hate crimes and hate-related incidents.

Another way to address this would be to create a Hate Crimes Unit within Victoria Police. Specialist Hate Crimes Units increase capacity to deal with these complex matters, with trained officers with the cultural capability to deal with hate crimes. A specialist Hate Crimes Unit should be centralised and should be able to receive online and in-person reports. It should provide expert support to local police in local stations. A dedicated Engagement and Hate Crime Unit exists with NSW Police Force, which oversights and works with local police to investigate hate-motivated incidents.⁹⁷

Additionally, a Hate Crime Scrutiny Panel model would increase community faith in policing. Hate Crime Scrutiny Panels are structures within a police service that provide oversight over designated hate crimes. They consist of police members and members of the communities at whom hate is directed. They meet regularly as a group to review the policing response to – and investigation of – hate crimes. Based on this review, they offer suggestions for improvement. Hate Crime Scrutiny Panels exist in the United Kingdom and the Queensland Police Service is in the process of establishing a Hate Crimes Scrutiny Panel.⁹⁸

In 2024, in response to recommendations from the inquest into the death of Bridget Flack, Victoria Police committed to making training on LGBTIQ+ awareness mandatory for all police service members. That training has now launched, with a 70% completion rate to date, and Victoria Police is considering annual refresher training. What is also essential is that there is an independent evaluation into the training and the extent to which it educates police on how to recognise and address anti-LGBTIQ+ hate.

⁹⁶ Shibu Thomas, ‘Victoria records spike in gay-hate crimes in 2020’, *Star Observer* (29 March 2021).

⁹⁷ NSW Police Force, ‘NSW Police Force Engagement and Hate Crime Unit’ <https://www.police.nsw.gov.au/crime/terrorism/terrorism_categories/nsw_police_force_engagement_hate_crime_unit>.

⁹⁸ Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into Serious Vilification and Hate Crimes* (2022) 52.



Recommendation 19: Improve Victoria Police’s response to anti-LGBTIQA+ hate crimes by:

- a) strengthening existing practices of recording and responding to hate crimes and hate-related incidents, including training on recognising and gathering evidence to prosecute hate crimes and hate-related incidents;
- b) setting a target of having an LGBTIQA+ Liaison Officer at all regularly manned police stations;
- c) creating a Hate Crimes Unit to lead investigations and prosecutions of hate crimes and hate-related incidents;
- d) introducing a Hate Crime Scrutiny Panel to provide oversight of the policing response to hate crimes, based on the United Kingdom model; and
- e) conducting an independent evaluation of Victoria Police’s LGBTIQA+ awareness training and the extent to which it educates police on how to recognise and address hate

The Australian Institute of Criminology recently launched the National Hate Crimes Database,⁹⁹ based on police data. However, it needs further development to create a full picture of hatred against LGBTIQA+ people, particularly because not all incidents are reported to police and not all hate crimes are recorded by police.

Recommendation 20: Advocate for further development of the Australian Institute of Criminology’s National Hate Crime Database to better capture hate crimes against LGBTIQA+ communities

⁹⁹ Australian Institute of Criminology, ‘National hate crimes database’ <<https://www.aic.gov.au/statistics/national-hate-crimes-database>>.

Section 9: Interjurisdictional strategies

Anti-LGBTIQ+ hate crime is not a Victoria-only problem, and Victoria's response to it cannot be effective in isolation. The social norms, online environments, and ideological movements that drive violence against LGBTIQ+ people operate across state and national boundaries. The evidence base on what works to prevent this violence is national and international. And the legislative, policy, and practice frameworks that shape Victoria's response are determined not only at the state, but at the Commonwealth and local government, level. A coordinated, interjurisdictional approach is therefore not optional. It is a structural prerequisite for an effective response.

A National Framework for prevention: *Changing with Pride*

The most significant development in Australia's interjurisdictional approach to preventing violence against LGBTIQ+ people is the forthcoming framework *Changing with Pride: A National Framework to Prevent Violence Against LGBTIQ+ People*, being developed jointly by Rainbow Health Australia and Our Watch. *Changing with Pride* is the first national framework to explicitly situate anti-LGBTIQ+ violence within a gender-based violence prevention approach, establishing shared drivers, shared principles, and a shared responsibility across jurisdictions and sectors. Its development follows directly from the evidence established in *Pride in Prevention* and represents the translation of more than a decade of community-led prevention practice into national prevention infrastructure.

Victoria has an opportunity and a responsibility to champion the implementation of *Changing with Pride* nationally. As the home of the organisations that developed both frameworks, Victoria is well placed to lead, through the Second Action Plan under the *National Plan to End Violence Against Women and Children 2022–2032* and in line with its own commitments under *Pride in our Future*.

Recommendation 21: Champion the implementation of *Changing with Pride: A National Framework to Prevent Violence Against LGBTIQ+ People*, including through advocating for its adoption within the Second Action Plan under the *National Plan to End Violence Against Women and Children 2022–2032*, and through dedicated funding for its implementation in Victoria

It is important, however, to be clear about what *Changing with Pride* does and does not cover. The framework focuses on primary prevention: addressing the social norms, environments, and structures that create the conditions for violence before it occurs. It does not, and is not designed to, provide a comprehensive national framework for early intervention, response, or recovery. A complete interjurisdictional strategy for anti-LGBTIQ+ hate crime must therefore extend beyond *Changing with Pride* to encompass coordinated national action across the full prevention continuum. A national plan that references LGBTIQ+ inclusion in prevention while remaining silent on LGBTIQ+ people's access to early intervention, response and recovery services is not an adequate interjurisdictional strategy.

Recommendation 22: Advocate for the Second Action Plan under the *National Plan to End Violence Against Women and Children 2022–2032* to include explicit, funded, and measured commitments to LGBTIQ+ communities across the full prevention continuum: primary prevention, early intervention, response, and recovery

Learning from other jurisdictions

Other Australian jurisdictions and international comparators offer useful models that Victoria can draw on and advocate for nationally. As detailed elsewhere in this submission, New South Wales has established a Special Commission of Inquiry into historical LGBTIQ hate crimes, demonstrating that formal inquiry mechanisms can both establish authoritative historical records and generate reform recommendations with bureaucratic weight. Tasmania has introduced best-practice sentencing amendments and a dedicated compensation scheme for people convicted under historical anti-homosexuality laws, providing a replicable model for other jurisdictions. Queensland is in the process of establishing a Hate Crimes Scrutiny Panel within its police service, offering a community oversight model worth adapting for Victoria. Scotland has introduced criminal records



reforms requiring that where an offence is found to be motivated by hatred, the record must contain this and the relevant protected attribute – a data and accountability measure that would significantly strengthen hate crime monitoring if adopted nationally.

Across these examples, the pattern is consistent: jurisdictions that have made meaningful progress on anti-LGBTIQA+ hate crime have done so through coordinated, whole-of-government approaches that span prevention, policing, legal reform, and victim support, not through piecemeal responses to individual incidents. The lesson for Victoria, and for Australia's national response, is that coordination across the continuum is as important as the quality of individual measures within it.



Conclusion

Anti-LGBTIQ+ hate crimes are not inevitable. They are the predictable consequence of social environments that tolerate, excuse, or actively produce violence against people whose gender, sexuality, or bodily characteristics fall outside a narrow normative standard. Because they are produced by social conditions, they can be changed by addressing those conditions. This is the central argument of this submission, and it is the central argument of the evidence base that ARCSHS and Rainbow Health Australia have spent more than fifteen years building.

The attacks that prompted this inquiry are but one expression of an ongoing pattern of violence that affects LGBTIQ+ communities in Victoria and across Australia in diverse and not always visible ways. Prosecuting individual perpetrators is necessary but insufficient. What is also required is understanding why those perpetrators believed their violence was permissible in the first place, and changing the social environments, both online and offline, that told them it was. It also requires a justice system that LGBTIQ+ people can trust and access, and justice services that are genuinely safe. And it requires the coordination across government and across agencies that has so far been absent.

This submission has argued for understanding anti-LGBTIQ+ violence as being inherently interconnected with gender-based violence rather than as a category of violence that is separate from it. That understanding connects this inquiry's concerns to an established and actionable evidence base. This submission has also argued that LGBTIQ+ inclusion must become a non-negotiable expectation of all primary prevention work, including work with men and boys, not only in specialist programs. The current prevention architecture has a structural disconnection that this inquiry provides an opportunity to address. We have also argued for sustained, dedicated and commensurate investment in LGBTIQ+ community-led primary prevention, early intervention, response, and recovery.

The organisations that have been doing this work have demonstrated what is possible when investment is made available and what has been achieved despite chronically inadequate funding rather than because of adequate funding.

The question before this Committee is whether Victoria is prepared to invest in prevention at the scale the evidence demands, or whether it will continue to respond to each new outbreak of violence without addressing the conditions that produce it. We urge the Committee to recommend a LGBTIQ+ Hate Crime Prevention Action Plan that spans the full continuum from primary prevention to early intervention to response and to recovery, that is resourced commensurate with the scale of the problem, and that draws on the evidence and community programs that already exist. The architecture for an effective response is largely in place. What is required now is the political will to fund it, coordinate it, and hold it to account.



Appendix A: Historical anti-LGBTIQ+ hate crimes

Victoria's journey toward recognition, dignity, and equality for LGBTIQ+ communities has been long and uneven. Until 1949, the death penalty was an available penalty for the crime of sodomy in Victoria.¹⁰⁰ Until 1981, consensual sexual activity between men remained a criminal offence.¹⁰¹ While same-sex attracted men were the primary targets of criminal prosecution, women and gender diverse people were also subject to discriminatory state intervention. For example, in 1976, two women were convicted of offensive behaviour for holding hands on a tram.¹⁰² Gender nonconformity, though not formally criminalised, was policed through summary offences and public morality laws, and historical records document routine surveillance and harassment of individuals whose gender expression departed from social norms.¹⁰³

Post-decriminalisation, during the 1980s and 1990s, Victoria experienced a wave of 'poofter bashing' violence, often targeting men at public meeting places.¹⁰⁴ Perpetrators were typically young men operating in groups, targeting gay men at known meeting places including parks and public toilets across Melbourne and regional Australia. Community reluctance to approach police was well documented and understood; victims were frequently selected precisely because they were perceived as unlikely to report violence to police. Following the 1985 fatal shooting of 55-year-old gay man John Sacco in Footscray Park, Victoria Police publicly acknowledged 'a reluctance on the part of the gay community to approach us because it might expose their sexual habits.' In some cases, allegations were made that police condoned violence.

Taken together, these patterns of group-based violence, under-reporting due to shame or stigma, and alleged institutional indifference contributed to a broader climate of vulnerability, one that resonates with contemporary forms of coordinated anti-LGBTIQ+ hate crimes. These contemporary harms are connected to deeper historical legacies.

Across Australia and internationally, governments are addressing legacies of violence against LGBTIQ+ communities through formal inquiry mechanisms. In 2023, following sustained advocacy that resulted in two parliamentary inquiries,¹⁰⁵ New South Wales established a Special Commission of Inquiry into LGBTIQ Hate Crimes ('Commission of Inquiry')¹⁰⁶ under the *Special Commissions of Inquiry Act 1983*, with powers to obtain access to police records, summon witnesses, and compel the production of documents.

The Commission of Inquiry investigated unsolved suspected hate crime-related homicides of persons known or presumed to be LGBTIQ between 1970 and 2010. Of the 32 homicides formally investigated, the Commission of Inquiry concluded that anti-LGBTIQ bias was a motivating factor in 25 cases,¹⁰⁷ but that there were instances in police investigations where bias indicators were overlooked or prematurely dismissed.¹⁰⁸ The Commission of Inquiry issued 19 recommendations, including a systematic review of unsolved homicides during the relevant period and mandatory, ongoing training for NSW Police officers in identifying and responding to bias-motivated crime.¹⁰⁹ The NSW Government has committed to implementing all 19 recommendations.¹¹⁰

In their report, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria*, the RMIT University School of Law recommended that Government establish a formal, state-led Board of Inquiry into historical anti-LGBTIQ+ violence under the *Inquiries Act 2014* with formal instigative powers.¹¹¹ The experience above demonstrates the value of a Board of Inquiry, which could establish an authoritative public record of harm, examine investigative failures, facilitate survivor participation and voice, and identify reforms to prevent recurrence.

Recommendation 23: 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

¹⁰⁰ *Crimes Act 1949* s 2(1)(e).

¹⁰¹ *Crimes (Sexual Offences) Act 1980*.

¹⁰² Francesca Rizzoli, "We are not invisible" – Lesbians join forces for "hold hands on a tram", *SBS News* (12 October 2017).

¹⁰³ Adrian McCrory, 'Policing gender nonconformity in Victoria, 1900–1940' (2021) 19 *Provenance: The Journal of Public Record Office Victoria*.

¹⁰⁴ Seb Starcevic, 'Why Victoria needs to confront its homophobic past', *Star Observer* (10 October 2019).

¹⁰⁵ Legislative Council Standing Committee on Social Issues, Parliament of New South Wales, *Gay and Transgender Hate Crimes between 1970 and 2010: Interim Report* (2019); Legislative Council Standing Committee on Social Issues, Parliament of New South Wales, *Gay and Transgender Hate Crimes between 1970 and 2010: Final Report* (2021).

¹⁰⁶ NSW Government, 'Special Commission of Inquiry into LGBTIQ hate crimes' <<https://www.nsw.gov.au/departments-and-agencies/cabinet-office/resources/special-commissions-of-inquiry/lgbtiq-hate-crimes>>.



As we noted, contemporary anti-LGBTIQ+ hate crimes have a long historical legacy, dating back to the criminalisation of homosexuality. Criminalisation and the enforcement of criminal laws against homosexuality is itself a form of hate, and a form of hate that has had lasting impact. In 2016, Premier Daniel Andrews delivered a parliamentary apology for the criminalisation of homosexuality, acknowledging that the State had 'invalidated' the humanity of LGBTIQ+ people and inflicted profound and lasting harm.¹¹²

This apology followed the introduction of a scheme enabling individuals to apply for the expungement of historical convictions for homosexual-related offences.¹¹³ Located in part 8 of the *Sentencing Act 1991*, the historical homosexual convictions expungement scheme permits expungement of any offence used to punish consensual same-sex intimacy between adults, including buggery and indecency-related offences, provided that the conduct would not constitute an offence under current Victorian law. The scheme was developed against an ageing cohort of surviving victims and available data suggests limited uptake, with 70 applications received until end of 2023, 29 approved, 2 refused, and 35 withdrawn.¹¹⁴

Expungement represents a meaningful corrective to historical injustice. Yet it addresses the criminal record rather than the broader social, psychological, and material consequences of criminalisation. Reparations acknowledge that historical criminalisation inflicted material, psychological, and reputational damage that expungement alone cannot undo. As the Human Rights Law Centre argue in their report, *Righting Historical Wrongs*, which led to the adoption of the expungement scheme in Victoria, 'concrete reparations measures should also be adopted... This can include financial compensation.'¹¹⁵

Following an independent statutory review,¹¹⁶ and parliamentary inquiry,¹¹⁷ into the operation of the Tasmanian expungement scheme, Tasmania established Australia's first dedicated compensation scheme for individuals convicted under historical anti-homosexuality laws upon expungement of those convictions.¹¹⁸ During the design stage, roundtable discussions highlighted the risks of discretionary, case-by-case assessment of compensation – subjectivity, inconsistency, evidentiary re-traumatisation, and delay – and instead adopted a structured three-tier model, benchmarked against wrongful conviction compensation principles, tort analogies, and international homosexuality conviction redress schemes. The tiered structured prioritises consistency, equality, and dignity over forensic individualisation. The demographic reality that many victims are ageing also informed the preference for a streamlined model. Reparations delayed risk becoming reparations denied.

The Tasmanian reforms also expanded the scope of the scheme to ancillary offences, for example, resisting arrest,¹¹⁹ in recognition of patterns of heavy-handed policing of homosexual communities. These offences are likely to arise incidental to the change of a historical homosexual offence, but do not fall within the definition of 'historical homosexual offence' within Victorian law and therefore cannot be expunged here, even in circumstances where they would not have been charged but for the fact that the applicant was being dealt with in relation to engaging in an alleged historical homosexual offence. The applicant therefore continues to have a criminal record with offences which could give rise to difficulties with employment, travel, or volunteering and could face additional potential discrimination arising from these matters appearing on their criminal record. As the Human Rights Law Centre argue in their report, *Righting Historical Wrongs*, 'it is only fair that such associated offences also be expunged.'¹²⁰

In their report, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria*, the RMIT University School of Law recommended that Government introduce a redress scheme that operates in conjunction with expungement and is based on the

¹⁰⁷ *Special Commission of Inquiry into LGBTIQ Hate Crimes* (Report, 2023) vol 1, 10.

¹⁰⁸ *Special Commission of Inquiry into LGBTIQ Hate Crimes* (Report, 2023) vol 1, 12–17.

¹⁰⁹ *Special Commission of Inquiry into LGBTIQ Hate Crimes* (Report, 2023) vol 1, 40–46.

¹¹⁰ NSW Government, 'Government response to the Special Commission of Inquiry into LGBTIQ Hate Crimes'

<<https://www.nsw.gov.au/media-releases/nsw-government-supports-all-recommendations-of-special-commission-into-historical-lgbtqi-hate-crimes>>.

¹¹¹ RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (2026) 6, 24.

¹¹² Victorian Government, 'State apology to those convicted under unjust laws against homosexual acts – Premier's speech' <<https://www.premier.vic.gov.au/state-apology-those-convicted-under-unjust-laws-against-homosexual-acts-premiers-speech>>.

¹¹³ *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014*.

¹¹⁴ Public Accounts and Estimates Committee, Parliament of Victoria, 'Question on notice: Historical homosexual convictions' <https://www.parliament.vic.gov.au/495dc3/contentassets/7ee3e30548cb42579baee5f21b0d2f85/attorney-general-qon-2_--updated_redacted.pdf>.

¹¹⁵ Human Rights Law Centre, *Righting Historical Wrongs: Background Paper for a Legislative Scheme to Expunge Convictions for Historical Consensual Gay Sex Offences in Victoria* (2014) 57.

¹¹⁶ Melanie Bartlett and Taya Ketelaar-Jones, *Independent Review of Expungement of Historical Offences Act 2017* (2020).

¹¹⁷ Joint Sessional Committee on Gender and Equality, Parliament of Tasmania, *Inquiry into the Expungement of Historical Offences Amendment Bill 2024* (2025).

¹¹⁸ *Expungement of Historical Offences Amendment Act 2025* (Tas) s 9.

¹¹⁹ *Expungement of Historical Offences Amendment Act 2025* (Tas) s 4.

¹²⁰ Human Rights Law Centre, *Righting Historical Wrongs: Background Paper for a Legislative Scheme to Expunge Convictions for Historical Consensual Gay Sex Offences in Victoria* (2014) 40.



Tasmanian model.¹²¹ To this, we would add that the expungement scheme should be expanded to capture ancillary offences, such as resisting arrest and making false statements to police.

Recommendation 24: Amend the historical homosexual conviction expungement scheme in part 8 of the *Sentencing Act 1991* to incorporate a redress and capture ancillary offences such as resisting arrest and making false statements to police, based on the Tasmanian model

¹²¹ RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (2026) 6, 25.



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