

To:

The Members of the Legal and Social Issues Committee
Parliament of Victoria

Re: Inquiry into anti-LGBTIQ+ hate crimes in Victoria

Introduction

We welcome the opportunity to contribute to the Inquiry into anti-LGBTIQ+ hate crimes in Victoria. Anti-LGBTIQ+ hate is a serious and persistent form of identity-based harm. Through our work, we see first-hand the profound and often long-lasting impacts these incidents have on individuals' safety, wellbeing and participation in public life.

This submission is informed by our frontline legal practice, community engagement work, and broader systemic advocacy experience. These combined insights provide a grounded understanding of how hate conduct is experienced, the barriers victim-survivors face in accessing support, and the limitations of current system responses.

Who we are

Q+Law is Victoria's statewide specialist legal service for LGBTIQ+SB communities. The service is delivered by Fitzroy Legal Service in partnership with Queerspace. It is funded by the Victorian Government and was established as an initiative of *Pride in Our Future: Victoria's LGBTIQ+ Strategy 2022–2032*

Q+Law provides culturally safe(r), specialised legal information, advice and representation to LGBTIQ+SB people across metropolitan and regional Victoria. Our team is peer led – team members identify as part of LGBTIQ+SB communities, supporting the delivery of trauma-informed and affirming assistance in environments free from discrimination and judgment. In addition to direct legal services, Q+Law undertakes community engagement and community legal education to strengthen awareness of legal rights, improve access to support, and address systemic barriers to our communities living lives free from discrimination and harm.

Q+Law provides specialist assistance to clients across a broad range of legal issues, including discrimination and vilification, victims of crime, human rights, access to gender-affirming care, rights in prison and with police, expungement of historical homosexual convictions, name and identity recognition, and migration matters. The service plays an important role in addressing gaps in mainstream legal assistance where specialist expertise and cultural confidence are required.

Overview

Anti-LGBTIQ+ hate is not a new or isolated problem. It reflects longstanding patterns of prejudice, criminalisation, surveillance and institutional harm, which continue to shape how victim-survivors experience and respond to identity-based harm today.

In our frontline legal work, we have observed that hate conduct is increasingly hybrid in nature, occurring across online and offline environments, and often escalating over time in the absence of effective early intervention. These incidents frequently result in significant psychological, financial and social harms, with long-term impacts on safety, wellbeing and community participation.

In our experience, current responses to hate crimes are overly reliant on the criminal legal system, which is limited in its ability to prevent harm, meet the needs of victim-survivors, or address underlying drivers of hate and discrimination. Many of our clients do not experience police-led pathways as safe or effective. As a result, existing frameworks capture only a small proportion of harm and leave significant gaps in prevention, early intervention and support.

Addressing anti-LGBTQIA+ hate therefore requires rebalancing the current system beyond narrow, punitive models towards a holistic, coordinated and prevention-focused approach.

This submission proposes a set of reforms that:

- strengthen prevention and early intervention, including through a coordinated, whole-of-government prevention strategy that embeds the voices of people with lived experience of hate crimes, evidence-based anti-prejudice programs, and targeted behavioural interventions
- introduce proactive system accountability, including a positive duty to prevent vilification and enforceable obligations on institutions and digital platforms
- expand accessible, survivor-centred pathways, including restorative justice options, meaningful and accessible financial compensation to help survivors rebuild their lives, support navigating complex, overlapping, and often distrusted systems, and holistic services that are not contingent on police reporting
- improve coordination and oversight across systems, including strengthened roles for independent bodies and mechanisms to enhance accountability and community trust

These reforms recognise that effective responses to hate must be coordinated across multiple systems, including education, health, justice, community services and digital environments. Furthermore, these responses must be grounded in the lived experience of those most affected by the hate conduct.

This submission is structured in two parts. Part One sets out what we are seeing through our frontline legal practice, including the nature and evolution of hate conduct, its impacts on victim-survivors and communities, and the limitations of current system responses. Part Two builds on these observations to propose a set of reform directions, focused on prevention, system accountability, and the development of accessible, survivor-centred pathways to safety and justice.

We thank Allens for their pro bono assistance in preparing background research relevant to this submission. The views expressed in this submission are those of Q+Law.

We also wish to thank the Q+Law clients who have generously shared their voices and their experiences with us for this submission. We acknowledge the courage and strength it takes to seek help from a lawyer, and the heavy additional burden they have taken on to revisit a deeply traumatic experience and share their voices in this submission.

We have also drawn heavily on insights from our broader casework throughout our submission, including the experiences of survivors who weren't able, or didn't want, to be quoted directly. We are grateful to all survivors for their dedication to improving systems. It is an act of profound care for the LGBTQIA+ community.

We also acknowledge the many, many survivors who will not, and cannot, seek legal help with current policy settings, and hope that the recommendations in this submission are adopted and lead to meaningful and lasting changes.

Key Recommendations

Structural reform, prevention and early intervention

- Establish a Victorian LGBTIQIA+ Hate Crime Prevention Strategy with clear outcomes, cross-portfolio responsibility - the Strategy should ensure that perspectives of people with lived experience of LGBTIQIA+ hate crimes are embedded in decision-making
- Establish a multi-sector Hate Crime Taskforce to oversee implementation
- Fund evidence-based prevention programs to reduce prejudice and discriminatory attitudes
- Invest in evidence-based education, institutional training and early intervention mechanisms
- Implement truth-telling and redress measures to address historical harm and rebuild trust

System accountability and legal reform

- Introduce a positive duty to prevent vilification, extending the *Equal Opportunity Act 2010* (Vic)
- Strengthen powers and resourcing of the Victorian Equal Opportunity and Human Rights Commission to investigate and respond to vilification, taking the burden off survivors
- Introduce enforceable obligations on digital platforms to prevent and respond to harmful content

Victim-survivor support and access to justice

- Expand existing justice system navigator roles to support access to legal and non-legal pathways
- Fund holistic, trauma-informed support services delivered by trusted community organisations
- Invest in specialist, community-based legal services as trusted entry points to justice, to deliver culturally safe, trauma-informed support and improve engagement beyond police-led pathways
- Fund a restorative justice project for LGBTIQIA+ victims of hate crimes as an alternative and complementary response to punitive systems
- Ensure access to financial assistance without mandatory police reporting
- Ensure the harms of hate crimes are recognised by introducing a prejudice uplift to victims of crime who apply for compensation through the Financial Assistance Scheme

PART ONE – WHAT WE SEE

Historical continuity: from criminalisation to contemporary harm

Anti-LGBTIQA+ hate crime cannot be understood as a new or isolated phenomenon. Our client work demonstrates that contemporary hate conduct occurs within a broader historical and structural context of harm towards our community.

Research has documented the role of criminalisation, discriminatory policing practices and state surveillance in shaping longstanding patterns of institutional distrust, under-reporting and vulnerability, the effects of which continue to influence the experiences of victim-survivors today (see, for example, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQA+ Communities in Victoria* (2026); Human Rights Law Centre, *Righting Historical Wrongs* (2014)). While Victoria has decriminalised homosexuality and has introduced important reforms such as expungement schemes and formal apologies, these measures have not fully addressed past and ongoing harms.

Historically, same-sex intimacy and gender diversity were not only criminalised but actively policed through practices such as entrapment, targeted surveillance and public humiliation. These practices operated alongside patterns of community violence in which individuals were deliberately targeted on the assumption they would be unlikely to report, due to stigma, fear of exposure, or prior negative experiences with police. Q+Law regularly works with older gay men who have historical convictions for homosexuality. Through our current client work, we continue to see the enduring effects of this dynamic, including deep reluctance to engage with police and other formal systems, even in the context of serious harm.

These harms have not ended with decriminalisation. Despite important reforms, our client work demonstrates that harmful interactions with police and the criminal legal system persist. As outlined below in our section on “Limits of criminal legal responses”, these experiences can be re-traumatising and serve to reinforce longstanding distrust.

While improvements to online platform regulation and safety mechanisms are necessary, they will not be sufficient on their own. Without addressing the underlying drivers of under-reporting, institutional distrust, and the conditions that enable targeted harm, responses risk addressing only the surface aspects of a deeper and more enduring problem.

[What happened to me] is a symptom of a resurgence in anti LGBTQ behaviour and the people committing those crimes do not fear getting caught or the consequences. They don't think they've done anything wrong. It was a very brazen attack, in broad daylight. - Q+Law client, David

Nature and evolution of hate conduct

Our client work demonstrates that contemporary hate conduct is increasingly networked and hybrid in nature, operating across online and offline environments in ways that intensify harm and complicate responses.

Clients report being deliberately targeted through digital platforms, often in premeditated and coordinated ways. This includes incidents where individuals are lured via dating applications to

isolated locations under false pretences and subjected to threats or physical violence, sometimes involving multiple perpetrators.

I was baited online through an app like Grindr. I had spoken to this person over 1-2 months, they had profile that would pop up and go away. They suggested meeting on a Sunday afternoon. They had premeditated plans, another guy was there, and he was armed with a knife.

Within a few minutes it was very clear that was their intention, I ended up in hospital with a shattered left shoulder. I was certainly given one hell of a beating.

They were caught the following week doing the same thing to somebody else. - Q+Law client, David

Harm also manifests through sustained, multi-platform harassment campaigns. Clients describe coordinated abuse, including doxxing and the circulation of defamatory allegations (for example, accusations of paedophilia or “grooming”), which are amplified by loosely organised networks, including extremist groups. These dynamics can rapidly escalate harm by causing significant reputational damage and creating credible risks to personal safety.

Importantly, these forms of harm are not confined to anonymous online spaces or stranger interactions. Our casework demonstrates that anti-LGBTIQA+ hate occurs across a range of settings, including institutional environments such as schools, TAFEs and workplaces, as well as within intimate and family relationships, and in neighbour, street-based, and community violence.

In the context of family or intimate partner violence, harmful conduct is often directed at a person’s sexual orientation or gender identity and can form part of broader patterns of coercive control. This may include deliberate misgendering, pressure to conceal identity, restrictions on gender expression, withdrawal of care or housing, and threats or violence linked to a person’s identity. These behaviours frequently operate cumulatively and alongside other forms of family or intimate partner violence, contributing to significant and ongoing harm.

We are frequently approached for help by community members who suffer identity-based abuse by neighbours, community members, and street-based harassment (e.g. having slurs yelled at them from cars, being attacked by strangers on the street).

Despite the seriousness of this conduct, it is not consistently recognised as hate-motivated or as a form of identity-based violence within existing systems. In practice, it is often minimised, or addressed without regard to its discriminatory and identity-based dimensions.

Impacts on victim-survivors and communities

Clients affected by hate conduct consistently describe profound and lasting impacts on their safety, wellbeing and participation in community life.

Many report severe psychological harms following incidents, including impacts consistent with trauma and post-traumatic stress. These harms often have cascading effects, limiting people’s ability to work, study, and participate in public and community life. Some individuals incur significant financial costs in attempting to protect their safety, while others describe ongoing fear that persists long after the initial incident.

These experiences also point to broader, collective impacts. Hate conduct contributes to community-wide fear, withdrawal from public spaces, and diminished trust in institutions. Notably, many of these

experiences are shared by people who do not engage with formal reporting or legal systems, meaning the scale and impact of harm is likely significantly under-recognised in official data.

I live with my partner, who is also my carer. For the last 10 years, we have had a homophobic neighbour next door. He has constantly threatened to kill us, called us slurs, even physically intimidated us and now assault. My partner and I have both been diagnosed with post-traumatic stress as a result. We don't feel safe leaving our house. We're scared because physical repercussions are always possible. We've made statements to police, they haven't followed up. [Housing service] don't respond to us. That's the worst part. Nobody seems to be out there backing us, it seems like we're all alone and coping it from everybody. - Q+Law client

I was baited on an app like Grindr, and badly beaten by two guys. It turned my life upside down. Physically I'm still recovering. I'll have a permanent injury as a result of this. Mental health support was harder to access and get in a timely fashion. There were times during that period that I was suicidal, because you just don't know how it's all going to go. That was a pretty dark time. It was hard to deal with everything: medical diagnostics, police, work. I needed three months off work. There was a period where I couldn't get dressed, shower, or function independently at all. I'll learn to live with the physical impacts, but going through it mentally at the time was really hard. - Q+Law client, David

I was subjected to constant, extreme homophobic, dehumanising language, as well as racist insults. This included a physical assault where I was spat directly on and called a "dirty faggot". I didn't feel safe in my own home. It's caused me ongoing stress, anxiety, and affected my wellbeing. Even now, I don't feel safe. The prolonged nature of the abuse has had a lasting impact on my sense of safety. It has also affected my ability to work and caused financial strain. - Q+Law client

My son has been stalked, harassed, and threatened for the past two and a half years because of his sexuality. He's been bashed, they've threatened to kill him, they've threatened to stab him, we've had our house egged and sprayed with paint, we've had people bash on the windows and doors. He basically can't leave the house without being harassed and threatened. He's tried to commit suicide because of it. He can't go for a walk. He's left school and has no education, because of other people bullying him and abusing him because he's gay. We don't feel safe in our own home. It's not a nice feeling, sitting in your own home waiting to see what's going to happen next. - Q+Law client

Fragmented systems and barriers to access

Responses to anti-LGBTIQ+ hate crime currently sit across a wide range of systems. In practice, victim-survivors may engage with police, courts, schools and universities, housing providers, online platforms, community legal services, and counselling and support services. While each of these systems plays an important role, responses are dispersed across government and community systems, with limited coordination between them.

In our experience, this creates a system that is difficult to navigate and does not operate as a coherent pathway. There is no single, clear entry point, and victim-survivors are often required to move between multiple services to access support. Clients describe uncertainty about where to go, and report encountering inconsistent or conflicting responses depending on which service they

approach. This can delay access to support, prolong harm, and place a significant financial, administrative and emotional burden on those already experiencing trauma.

As our client David described:

Since this happened I've kept a spreadsheet – I've had 720 hours of missed work, 241 hours of appointments including with lawyers, hospital and physio. 230 points of contact with different services. I had to learn how the system works and then how to make the system work for me, had to find the right doors to keep knocking on. At least half the time I would hear this is the wrong service, or we don't have capacity.- Q+Law client, David

Other clients similarly emphasised how difficult it was to access the support they needed in the wake of experiencing a hate crime:

The system response felt fragmented and inconsistent, with a lack of coordination and delays that prolonged the situation. It was difficult to have the matter recognised and flagged as a prejudice-motivated crime. - Q+Law client

The whole process has been so difficult. There is no help out there. You just get fobbed from one place to another. You're on your own. - Q+Law client

Delays and barriers to accessing support services further compound these challenges, particularly in relation to mental health care:

By far the hardest thing to get was mental health support. I got accepted and did intake through [a community organisation], but I had to push back on them further than I'd like to. I was told it will be 4-6 weeks, and then told it would be 3 months. I needed help tomorrow. - Q+Law client, David

These experiences are consistent with findings from the Victims' Charter Review (2025), which identified widespread lack of awareness of victim rights and pathways, leaving many victim-survivors uncertain about where to go, how to access support, or how to have their concerns addressed.

Trusted, community-based entry points

Our experience indicates that victim-survivors are more likely to engage with responses that are accessible, culturally safe, and delivered through trusted community organisations, rather than through the criminal legal system alone.

For example, in response to the recent dating app-facilitated attacks targeting members of the LGBTIQ+ community, Q+Law worked with Switchboard Victoria to establish a dedicated referral pathway for affected individuals. This enabled people to access trauma-informed legal advice and support through a trusted community organisation, without requiring initial engagement with police. The pathway created a clear and culturally safe entry point for support, and facilitated more coordinated responses across legal and community services..

We also consistently receive feedback that culturally safe and accessible legal services are critical to ensure survivors can access help. Many of our clients who have experienced identity-based forms of harm (whether those are change or suppression practices, discrimination or vilification, hate crimes, or family violence) often express relief that LGBTIQ+ lawyers understand and respect the harms that identity based abuse can cause. Frequently, they have come to us after many months of attempting to have their workplace, educational institution, or police take what has happened to them seriously and respond to it. As our clients have told us:

When you're in my situation it's more comforting [to speak with a lawyer who is part of the LGBTQIA+ community]. There's a lot more acceptance of us now in the community, but you still get looks of doubt or uncertainty, but when you're with your own people, you feel at ease and a lot more comfortable.-
Q+Law client, 64 years old

I approached Q+Law following a homophobic incident, confident in their understanding of the issues affecting our community. Throughout the process, I felt safe to speak openly and honestly, knowing that my experiences would be treated with respect, professionalism, and without judgement. Having a legal service that is community-led and grounded in lived experience is essential. It made the process accessible and allowed me to seek support when I otherwise might not have. – Q+Law client, Bradley Cresswell.

This demonstrates the importance of strengthening safe and accessible community-based pathways and improving coordination between services. Without this, victim-survivors risk falling through gaps in the fragmented system described above.

These experiences underscore the need for a system that is better resourced, more coordinated, and designed to be accessible and genuinely centred on the needs of victim-survivors.

Early intervention and young people

Many of our client matters involve young people exposed to anti-LGBTIQA+ hate conduct within institutional settings where early intervention does not occur, resulting in compounded and prolonged harm. Across school, TAFE and community settings, we observe patterns of harassment that are often dismissed or minimised, despite clear signs of escalation.

In these matters, hateful conduct rarely presents as a single, discrete incident. Rather, it unfolds through repeated behaviour, including derogatory comments, exclusion, intimidation and online harassment. We also observe that these behaviours escalate over time in the absence of effective intervention.

In education settings, this escalation is often facilitated by digital environments. For example, clients report harassment occurring through group chats and social media platforms. This harassment often involves multiple students and is sustained over an extended period of time.

Institutional responses are often too slow and limited to effect meaningful intervention. Clients report that schools and training providers often treat targeted, identity-based conduct as more general 'bullying' or interpersonal conflict, obscuring its nature and leading to responses that fail to stem the risk of escalation.

Earlier intervention would have made a difference, definitely. The amount of numbers I rang and was just told sorry, I don't cover that, or that's community violence we don't do that. There is just nothing here [in regional Victoria] - Q+Law client

Prevention and early intervention gaps in current systems

We observe that current responses to anti-LGBTIQA+ hate are largely reactive, with limited mechanisms for early intervention or coordinated prevention. This failure is evident across multiple settings, including schools, workplaces, housing providers and policing. In many cases, responsibility for intervention is unclear, diffused, or not effectively exercised.

In practice, this means that victim-survivors are often left to endure prolonged periods of harm, including ongoing threats to their safety, before effective action is taken. As one client reflected:

A faster, more coordinated response and earlier intervention would have reduced the duration and impact [of the abuse by my neighbour]. Delays and inconsistent responses increase harm. Early and coordinated action is critical where there are safety concerns. I just wanted to feel safe in my home. - Q+Law client

Another client described the cumulative impact of sustained inaction:

It feels like [our housing provider] has given up. They can't be bothered helping us. The abuse and threats have been going on for years. - Q+Law client

These gaps reflect the absence of a coordinated, whole-of-government prevention and early intervention framework. As Equality Australia has identified, effective prevention requires sustained, evidence-based interventions targeting the underlying drivers of prejudice and hate, rather than relying solely on reactive, incident-based responses.

Limits of criminal legal system responses

Many victim-survivors report significant mistrust of police and discomfort engaging with law enforcement. This mistrust is grounded in both historical and contemporary experiences, including criminalisation, over-policing and discrimination, and is reinforced by ongoing interactions with the system. We know that there are many in the community who do not feel safe reporting to police.

Police apprehended [the people who attacked me] the following week after they attacked someone else. I don't think those were the only two incidents for this group. I don't believe all the victims pressed to have police involvement like I did. - Q+Law client, David

Based on what clients have shared with us, police-led pathways are often experienced as ineffective and, in some cases, unsafe.

I was unable to speak to an LGBTQIA+ Liaison Officer at my local police station, which would have been helpful. While I did receive some support, my overall experience across systems was inconsistent and difficult to navigate. - Q+Law client

Police have been completely unresponsive and unhelpful. One time I went to the local police station after my son was assaulted in [a supermarket] on camera. They told me they would get back to me, and they never have. So I went to the one in the next town and they said they would get back to me. They never did. – Q+Law client

Across Q+Law casework, clients describe a range of negative experiences when engaging with the criminal legal system. These include being misgendered, disbelieved, or having their experiences minimised; being treated with suspicion or, in some cases, incorrectly positioned as the offender; being asked invasive, irrelevant, and inappropriate questions about their sex lives; mocked or laughed at; or receiving delayed, limited, or no meaningful support. In this context, it is unsurprising that our lawyers report that almost every client they see expresses hesitation about reporting violence and harm to police. They are scared – and not without reason - that they will not be believed or treated with dignity and respect.

Some victim-survivors report that police did not initially recognise them as victims or failed to provide culturally safe and affirming responses. Others describe ineffective protective mechanisms, including intervention orders that did not prevent ongoing harm, as well as financial and practical barriers associated with navigating the system.

We've reported it to police and we have an IVO, not that that gets you anywhere –Q+Law client

Clients have also described limited understanding of criminal legal processes and outcomes, including the purpose of sentencing beyond punishment, and that they were not included,

considered, or communicated with during the criminal legal process. This can contribute to confusion, frustration, and a perception that the process does not meaningfully acknowledge or address the harm they have experienced.

Police were fine, just poor communicators. The [LGBTQIA+ Liaison Officer] was good, they put me in contact with the [Financial Assistance Scheme] and a psychologist. We don't know what will happen moving forward. Police haven't followed up. Intervention orders didn't help us to feel safer. Of course we're still responsible for our safety even after we reported. Police made an application for an initial IVO, which was good, but after that, we were on our own – we had to be quite proactive in taking evidence and continuing the IVOs. I've got a disability, it was really hard to do. We were pretty much on our own. - Q+Law client

I was certainly taken seriously on the police side of things – they laid multiple charges, but their communication slowed down once they realised they weren't going to win the case. At no point was I offered or allowed to attend the hearing. I don't know that I would've, but it wasn't an option I was given. I had made sure to set up my happiness as not depending on the courts or police doing something that wasn't going to happen. Wanting justice on them isn't going to help me, and they didn't get it anyway. - Q+Law client, David

Taken together, these experiences highlight that current criminal legal system responses do not consistently provide safety, recognition, or effective redress for LGBTQIA+SB victim-survivors. They also help explain patterns of under-reporting and disengagement. For these reasons, improving responses cannot be achieved through increased reliance on punitive pathways alone. Instead, there is a need for a broader range of accessible, survivor-centred responses, including options that prioritise safety, agency, acknowledgement of harm, and prevention, and that are not contingent on engagement with police.

Dignity and respect when engaging with the criminal legal system

While establishing alternative justice pathways is essential to meet the needs of those for whom police are not safe people to report to, we know that seeking a criminal legal outcome can still be important for some survivors.

Being treated with respect and dignity, and having one's experiences understood and taken seriously, is important – no matter what the ultimate criminal outcome. As one client described:

I contacted police from the emergency department. They were really responsive. If they weren't, I may well have given up. The fact that they could give me very rapid referrals to the [LGBTQIA+ Liaison Officer], the training they had done on understanding the community, they weren't guessing or presuming but they actually understood what had happened, no biases in their view of me. That was surprisingly comforting.

I felt taken seriously. Despite the fact the system isn't going to help me as much as I'd like, the contact I had with people was always supportive and understanding. - Q+Law client, David

When survivors report hate conduct to police, it is critical that their experiences are taken seriously, they are given information to enable them to make informed decisions about their options, and are directed to safe and appropriate holistic supports. It is also important that LGBTQIA+ communities have ongoing opportunities to provide feedback about the policing of our communities and responses to hate crimes.

Digital platforms

Our client experiences indicate that digital and online platforms play a significant role in enabling and accelerating anti-LGBTIQIA+ hate. Harm is often initiated or intensified online, and can spill into offline environments, including physical violence and stalking.

Our clients experience a wide range of harmful behaviours online, including targeted harassment, impersonation, doxxing and the dissemination of defamatory content. We also see clients heavily impacted by hateful reporting on social and traditional media platforms – especially trans and gender diverse clients, who we have seen be the subject of reporting that misgenders them, uses photographs of them before their transition, and implies without basis that they are a threat to others. Others have had material posted on their personal social media accounts disseminated without their consent and used in anti-LGBTIQIA+ propaganda. Others have been deliberately targeted for premeditated harm on dating applications and social media.

One client shared the serious and ongoing impact of harmful content remaining online:

For a very long time, I've been scared to live my life again. Any sort of public or social activity has been really hard for me. – Q+Law client

Platform responses are primarily complaint-driven, reactive, and focused on individual pieces of content, rather than proactively moderating content or addressing systemic risks or patterns of harmful behaviour. Clients consistently report ineffective reporting mechanisms and limited safeguards to prevent repeat offending. Worryingly, clients subject to incredibly hateful behaviour have told us that social media giants have at times refused to remove content from platforms – telling them it did not breach their terms and conditions. Even where platforms remove harmful content or suspend accounts, these measures are ineffective when users can quickly create new profiles and continue their behaviour.

As our clients have described:

I reported it to the app, the original profile was deleted, but I kept seeing his new profiles pop up and knew that he'd probably just assaulted someone else. It's helpful that they've introduced some kind of age verification, but it won't help that much. The guys that attacked me were 15 or 16, but that wasn't what they said on the app. - Q+Law client, David

I found it really infuriating that they [the social media platform] wouldn't take the harmful content down. People were making personal attacks against me and trying to leak my personal information, and they [the social media platform] just didn't seem to care. – Q+Law client

This points to the need for a regulatory shift from reactive content moderation to proactive, systems-based regulation. International regulatory approaches increasingly impose obligations on platforms to identify and mitigate foreseeable risks of harm, including through product design, user verification mechanisms, behavioural detection systems, and stronger safeguards against repeat offending.

Impact on diverse communities

In our casework, we observe that anti-LGBTIQIA+ hate disproportionately impacts trans and gender diverse people, people living in public and community housing, multicultural and multifaith communities, and people with disabilities. These impacts are often compounded by intersecting forms of disadvantage, such as geographic isolation and migration status. We also know that Rainbow Mob are frequently subjected to hateful and vilifying conduct because of their race, as well as their LGBTIQIA+ status.

For trans and gender diverse clients in particular, identity-based harm frequently arises within family violence and intimate partner violence contexts. This can include deliberate misgendering, pressure to conceal identity, restrictions on gender expression, withdrawal of care or housing, and threats or violence linked to a person's gender identity. These behaviours often form part of broader patterns of coercive control and cumulative harm. However, in our experience, they are not consistently recognised by service systems as either family violence or as identity-based violence.

Across our broader casework, we also see how systemic gaps amplify risk for these communities. For example, clients in public or community housing report prolonged exposure to targeted abuse, including threats and physical violence, despite repeated reports to police and the existence of intervention orders, with limited effective system response.

Clients with disabilities describe additional barriers in navigating legal processes and maintaining their safety, while multicultural and newly arrived clients may be less likely to report due to distrust of authorities, fear of impacts on visa or migration status, language barriers, or lack of accessible pathways to support.

Barriers to reporting and support are therefore heightened for these communities. These barriers further contribute to under-reporting and limit access to appropriate protections. Culturally safe and community-led responses are important to ensuring access to justice for the most marginalised communities.

Role of Commissioner and sector

In response to the recent spate of anti-LGBTIQ+ hate crimes, Q+Law has met with the Commissioner for LGBTIQ+ Communities and sector partners, including the Centre for Innovative Justice, to discuss the impacts on affected communities and identify priority needs. These engagements have provided a timely opportunity to share frontline insights and ensure that responses are informed by the experiences of victim-survivors. They have reinforced the importance of coordinated, cross-sector approaches, the development of accessible and survivor-centred pathways (including restorative options), and the need to co-design responses with community organisations and people with lived experience.

PART TWO: FUTURE REFORM DIRECTIONS

1. Structural reform, prevention and early intervention

Strengthen prevention and early intervention

Our client work demonstrates that current responses to anti-LGBTIQA+ hate are largely reactive, with limited mechanisms for coordinated early intervention, prevention, or addressing underlying drivers such as prejudice and harmful social norms. As a result, responses are often focused on responding to harm after it occurs, rather than preventing it. We therefore support Equality Australia's recommendation for a sustained, whole-of-government prevention framework to address the root causes of hate. This should include:

- Establishing a Victorian LGBTIQA+ Hate Crime Prevention Strategy: a coordinated strategy is essential, given the levers for prevention span across multiple systems. This strategy could also provide a structured basis for sustained investment, evaluation and policy alignment over time, and should structurally embed lived experience voices.
- Establishing a multi-sector Hate Crime Taskforce: the Prevention Strategy should be overseen by a dedicated taskforce, with representation from community organisations, legal services, education providers, public health experts, researchers, and people with lived experience. This model would support oversight informed by interdisciplinary expertise and enable coordinated implementation across government and community settings.
- Fund evidence-based anti-prejudice programs: to target the root causes of hate, government must invest in programs designed to address discriminatory attitudes, norms and behaviours. These programs should be evidence-based and developed in consultation with experts in social psychology, sociology and public health.

Truth-telling and redress

As outlined in Part One, our client work shows that anti-LGBTIQA+ hate today does not happen in a vacuum. It is shaped by a long history of prejudice against our community, which has included criminalisation, surveillance and discrimination.

This history continues to shape distrust of police and criminal legal pathways, particularly where our clients report ongoing experiences of feeling unsafe, unsupported or not believed when they seek help.

On this basis, efforts to address hateful conduct must include a considered response to historical harm. Addressing this legacy is necessary to improve reporting, strengthen engagement with institutions, and support the prevention of future harm, including for those who may wish to engage with formal systems, but do not currently feel safe to do so, as well as those who seek non-punitive pathways to safety and justice.

There is an established recognition, both in Australia and internationally, that mechanisms such as truth-telling, redress and institutional reform play a critical role in addressing legacies of systemic harm and rebuilding trust. (See, for example, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQA+ Communities in Victoria* (2026); Katherine Fobear, 'Queering Truth Commissions' (2014) 6(1) *Journal of Human Rights Practice* 51).

Consistent with this body of work, and with emerging Victorian policy discussions, we support the development of state-led truth-telling and redress measures for LGBTIQ+ communities. These measures should be designed in partnership with community and may include:

- Truth-telling mechanisms, such as a formal inquiry or commission, to establish an authoritative public record of historical harm, recognise survivor experiences, and identify systemic failures
- Redress and reparations, including compensation schemes and other forms of material recognition, acknowledging that expungement and apology alone do not fully address the impacts of past criminalisation
- Memorialisation and public education, to acknowledge state-enabled harm, preserve collective memory, and contribute to long-term cultural change and prevention.

2. System accountability and legal reform

Positive duty and system accountability

As outlined in Part One, current responses to anti-LGBTIQ+ hate are largely reactive and complaint-driven. This approach places an unreasonable burden on victim-survivors to initiate action, despite often facing distress, trauma, ongoing safety risks, and well-founded distrust of the very systems they are expected to engage.

Part One also identified missed opportunities for intervention from organisations such as schools, workplaces, housing providers and digital platforms, where hate conduct was allowed to continue and escalate.

We therefore advocate for a shift toward proactive, system-level accountability, which reduces the burden on victim-survivors and places responsibility on institutions to prevent hate conduct before it occurs and causes harm.

Positive duty to prevent vilification

We recommend the introduction of a positive duty to prevent vilification, through extending the existing duty under the *Equal Opportunity Act 2010* (Vic).

A positive duty would require organisations to take reasonable and proportionate steps to prevent vilification before it occurs, rather than responding only after harm has taken place. This would align with existing duties in Victorian and national law requiring proactive steps to prevent discrimination and sexual harassment.

As Equality Australia has identified, a positive duty would:

- reduce the burden on victim-survivors to initiate complaints
- place responsibility onto organisations best placed to prevent the harm
- support early intervention and prevention
- drive cultural change within organisations

We also support Equality Australia's recommendation that the positive duty is supported by clear standards, oversight and enforcement mechanisms, including:

- authoritative guidance on what compliance requires in practice, tailored to different settings
- monitoring and compliance powers, including the ability for the Victorian Equal Opportunity and Human Rights Commission to conduct own-motion investigations

- adequate resourcing for education, engagement and enforcement
- accessible reporting pathways that do not rely solely on individual complaints

Proactive obligations of digital platforms

Our client work demonstrates that digital platforms play a pivotal role in facilitating and amplifying harm. However, platform responses remain largely reactive, content-based and complaint-driven. In our experience, this approach is ineffective in preventing repeat offending or addressing patterns of harmful behaviour.

International regulatory models are increasingly shifting toward proactive, systems-based obligations, including:

- requirements to undertake risk assessments of how platform design may enable harm
- obligations to implement mitigation measures, including safety-by-design features
- transparency and reporting requirements
- regulatory oversight with enforcement powers

These approaches are reflected in frameworks such as the EU Digital Services Act and the UK Online Safety Act, as well as emerging reform directions in Australia.

In particular, the 2024 statutory review of the Online Safety Act recommended the introduction of a digital duty of care, which would require platforms to take reasonable steps to identify and mitigate foreseeable harms, including through ongoing risk assessment and system design (Report of the Statutory Review of the Online Safety Act 2021 (2024)). This reflects a broader shift toward placing responsibility on platforms to prevent harm, rather than responding only after it occurs.

While primary responsibility for regulating digital platforms sits with the Commonwealth, state-based anti-vilification frameworks retain a clear role to reinforce the principle that institutions in which anti-LGBTIQA+ hate occurs must take proactive steps to prevent harm. We therefore support an approach that would extend the positive duty to digital environments.

The Victorian Government also has an important role to play in advocating for national reform. This should include supporting the development of a digital duty of care that would require platforms to take reasonable and proportionate steps to identify and mitigate foreseeable harms, including anti-LGBTIQA+ hate.

In addition, consideration should be given to mechanisms that require digital platforms to contribute to the costs of preventing and responding to harm arising on their services, including funding regulatory oversight and victim-survivor support pathways.

Cost-recovery and industry funding models are a common feature of regulatory frameworks in comparable sectors, and are increasingly being applied in online safety regimes. For example, the statutory review of the Online Safety Act recommended the development of cost-recovery mechanisms to fund regulatory functions, while international frameworks such as the EU Digital Services Act incorporate supervisory fees or cost-recovery models tied to platform size and revenue (see Report of the Statutory Review of the Online Safety Act 2021 (2024); European Union, Digital Services Act 2022).

3. Victim-survivor support and access to justice

No one-size fits all approach

In our experience, victim-survivors of anti-LGBTIQA+ hate do not seek a single or uniform outcome. Instead, they express diverse and often overlapping needs, which include:

- safety and protection from ongoing harm
- accountability from the person and systems responsible
- acknowledgement of their experience
- access to financial compensation and practical support

For many, these needs are not adequately met through a punitive response. While some victim-survivors may wish to pursue police or court-based pathways, others prioritise outcomes such as being heard, having the harm recognised, or preventing further incidents without having to engage with criminal legal processes.

These experiences highlight that effective responses to hate conduct should provide multiple, accessible pathways to safety and justice. A system response that is overly narrow or excessively focused on punishment risks failing to engage victim-survivors, which leaves the harm unaddressed and further contributes to under-reporting.

Justice system navigator

We consider that complaint-driven and self-navigation models are not well suited to complex, identity-based harms that cut across multiple systems. The burden on survivors to navigate these systems alone can be an impossibly heavy burden. As noted above, our client David told us:

Since this happened I've kept a spreadsheet – I've had 720 hours of missed work, 241 hours of appointments including with lawyers, hospital and physio. 230 points of contact with different services. I had to learn how the system works and then how to find how to make the system work for me, had to find the right doors to keep knocking on. At least half the time I would hear this is the wrong service, or we don't have capacity

The need for supported navigation is further reinforced by the Victims' Charter Review (2025), which found that many victim-survivors are not informed of their rights or available pathways, and are left to navigate complex systems without adequate support.

We therefore recommend the establishment and funding of a dedicated Justice System Navigator model to support victim-survivors of anti-LGBTIQA+ hate to understand and access available pathways to safety and justice.

As one client shared with us:

A dedicated support person could have helped me navigate this process and advocate for what happened to me to be recognised as a prejudice motivated crime from the start. It would also help with accessing financial assistance. A major barrier is having to repeatedly relive and document traumatic experiences. I haven't applied for financial assistance yet because of this. – Q+Law client

This approach is consistent with the model proposed by the Australian Law Reform Commission in *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143),

which recognises the value of specialist navigators in supporting victim-survivors to engage safely and effectively across complex and intersecting legal and service systems.

A navigator model would provide trauma-informed and culturally safe support to:

- assist victim-survivors to understand their options across legal and non-legal pathways, including police reporting, civil claims, restorative justice processes, counselling and support services
- support informed, voluntary decision-making about which, if any, pathways to pursue
- coordinate engagement across multiple systems
- provide continuity of support over time, particularly where matters are ongoing or involve multiple processes

In our view, this model should not be contingent on engagement with the criminal legal system. As shared in Part One, our experience indicates that many victim-survivors prefer to access support through trusted, community-based pathways, and may choose not to engage with police at all. A navigator model should therefore facilitate access to support regardless of pathway choice, while preserving victim-survivor agency.

To be effective, the model should be:

- accessible, including options for remote access
- available irrespective of police reporting
- independent and confidential, to support safety, privacy and sustained engagement
- holistic and integrated, with the ability to coordinate legal, psycho-social and practical supports
- culturally safe to diverse communities
- community-embedded, delivered through or in partnership with trusted LGBTQIA+SB community or legal organisations, to promote trust and accessibility

Restorative justice

The experiences outlined in Part One underscore that reliance on criminal legal system responses alone is insufficient to prevent and respond to the nature and impact of anti-LGBTQIA+ hate. A more comprehensive, survivor-centred approach is required.

Some of our clients have expressed ambivalence about responses that focus solely on punishment, particularly where they consider outcomes such as acknowledgement of harm, education, and behavioural change to be more meaningful. There are also currently limited structured opportunities for accountability or behaviour change for people who engage in hate conduct.

Restorative justice offers an important additional pathway. It provides a structured, trauma-informed process through which victim-survivors can have their experiences heard, ask questions, and participate in shaping outcomes. In appropriate cases, it can also support people responsible for harm to understand the consequences of their conduct and take meaningful accountability.

There is a well-established evidence base indicating that restorative justice can meet needs that are often unmet by criminal legal processes. For instance, the Australian Law Reform Commission has recognised restorative justice as a valuable complementary pathway, particularly in contexts where adversarial processes are limited in addressing trauma, ongoing needs, and relational harm (*Safe,*

Informed, Supported, 2025, pp. 383–388). More specifically in the context of anti-LGBT hate crime, research indicates that restorative justice can reduce secondary victimisation, improve victim-survivor wellbeing, and contribute to social and attitudinal change (Domínguez Ruiz and Roiha, ‘Restorative Justice and Anti-LGBT Hate Crimes: Experiences and Disparities from the Ground’ (2024) 86 *Droit et Cultures*).

Restorative justice is not appropriate in all cases. However, when carefully designed and delivered with safeguards, it can provide a safe and effective response in suitable matters. Established practice models emphasise that safety depends on structured, trauma-informed design, including voluntary participation and rigorous suitability assessment, extensive preparation phases to assess readiness and identify risks, and skilled, independent facilitation. Processes are also flexible and may involve indirect or staged participation where direct engagement is not appropriate.

International programs responding to LGBTQ+ hate crime, such as the *Why Me?* project in the UK, further illustrate the value of restorative approaches in addressing harms that are ongoing, community-based, or not effectively captured by criminal legal responses (*Why Me?, LGBTQ+ Restorative Justice Good Practice Guide*, 2024, pp. 6–9).

We recommend the development and resourcing of a carefully designed, community-informed restorative justice pilot for anti-LGBTIQ+ hate crime in Victoria. This pilot should be delivered in partnership with specialist LGBTQIA+SB organisations and community stakeholders and be embedded within a broader, coordinated system response. It should operate as an additional pathway (complementing, rather than replacing, existing legal responses) and be supported by appropriate resourcing and evaluation.

Financial assistance Scheme Reform

As noted above, the financial impact of being a victim of a hate crime can be substantial. We see clients who require significant time off work to recover, or who incur hefty security, medical, and psychological expenses.

We recommend that the Financial Assistance Scheme be amended so that survivors can access financial assistance without requiring police reporting, including enabling reporting through medical or support services. This is critical in a context where under-reporting is driven by well-founded mistrust of police.

We further recommend that a prejudice-motivated uplift is formally incorporated into the Financial Assistance Scheme. At present, lack of an uplift means that survivors cannot access an appropriate level of financial compensation. By treating hate crimes the same as equivalent crimes committed totally randomly, the system fails to recognise the increased impact of identity-based violence. This contributes to survivors feeling that their experiences are not respected or taken seriously.