

INQUIRY INTO ANTI-LGBTIQA+ HATE CRIMES IN VICTORIA

Organisation: South-East Monash Legal Service and Justice Q

Date Received: 15 May 2026

SUBMISSION

Prepared by South-East Monash Legal Service Inc. and Justice Q for
the Legislative Council and Social Issues Committee

In relation to the

Inquiry into Anti- LGBTIQ+ Hate Crimes in Victoria

Date submitted: 15 May 2026



W: smls.com.au



Contents

Acknowledgement of Country	3
Our Organisation	3
LGBTIQA+ Community	4
Contact us	4
Scope of submission	5
Terms of Reference	5
Acronyms	5
Terminology	6
Summary of Recommendations	7
1. EXECUTIVE SUMMARY	9
2. SMLS/JUSTICE Q AND MATTERS INVOLVING HATE-CRIMES AND ACTS OF VIOLENCE	9
3. LEGAL AND POLICY CONTEXT	12
4. POSITIVE DUTY TO PREVENT VILIFICATION	13
5. EXPANDING THE POWER OF THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION (VEOHRC)	14
6. TECHNOLOGY-FACILITATED HATE CRIMES	15
7. ONLINE RADICALISATION	16
8. SCALE, TRENDS AND DATA GAPS ON LGBTIQA+ HATE CRIMES	18
Deficiencies in police data, reporting, and responses	18
Historical criminalisation of the LGBTIQA+ communities	21
LGBTIQA+ Liaison Officers	23
LGBTIQA+ Hate crimes database	23
9. FINANCIAL ASSISTANCE SCHEME (FAS) REFORM	25
Barriers for LGBTIQA+ Community Members	26
10. IMPROVED AND STRENGTHENED FRONTLINE SUPPORT	29
11. EXPANSION OF JUSTICE NAVIGATOR PILOTS IN VICTORIA	30
12. PREVENTION AND SYSTEMIC RESPONSES	33
Limitations of criminal response	33
Early Intervention and Preventative initiatives	34
13. RESTORATIVE JUSTICE MODELS	36

Acknowledgement of Country

SMLS acknowledges the Bunurong People and the Wurundjeri People, the traditional owners of the land where we work, and First Peoples language groups and communities across Victoria and Australia. We pay our respects to Elders past and present. We celebrate the people, traditions, culture and strength of Aboriginal and Torres Strait Islander peoples, and the fight for survival, justice and country that has taken place across Victoria and Australia.

We sincerely thank the Traditional Custodians for caring for Country for thousands of generations. SMLS recognises the ongoing impact of colonisation, dispossession and racism experienced by Aboriginal peoples. As a Community Legal Centre, we acknowledge the violence of Australian law and its ongoing role in processes of colonisation. We recognise that sovereignty was never ceded, and that this always was and always will be Aboriginal land.

Our Organisation

Established in 1973, South-East Monash Legal Service ('**SMLS**') is a community legal centre that provides free legal advice, assistance, information, and education to people experiencing disadvantage in our community within the City of Greater Dandenong, the City of Casey and the Shire of Cardinia.

SMLS operates a duty lawyer service at various courts in Victoria, including Dandenong Magistrates Court, the Children's Court and provides legal representation at courts and tribunals such as the Victorian Civil and Administrative Tribunal, Fair Work Commission, and the Federal Circuit and Family Court.

SMLS has one of the oldest clinical legal education programs in Australia, in partnership with Monash University's Faculty of Law, whereby law students undertake a practical placement at the legal service as part of their undergraduate degree.

SMLS has an extensive community legal education program that is developed in response to feedback from the range of community engagement and community development activities that we are and have been involved in.

SMLS provides integrated, wrap around services through our Support Connect Integrated Program, where clients receive legal assistance, assistance from social workers.

SMLS also has a significant policy, advocacy, and law reform program, contributing to reforms in family violence laws and practices, access to civil procedure reforms, employment law, sexual assault and victims of crime, youth law, and other legal topics relevant to our service delivery and the needs of our community.

Justice Q

Justice Q is SMLS' LGBTIQA+ specialised legal service. Justice Q was established in October 2024 in light of SMLS' growing involvement in local LGBTIQA+ communities which pointed to rapidly

increasing complex and shifting legal assistance needs of LGBTIQ+ people in Melbourne's south-east corridor.

LGBTIQ+ Community

SMLS is committed to supporting LGBTIQ+ people and communities, both as an employer, as a service provider, and an advocacy organisation. We stand with LGBTIQ+ people and communities and oppose any form of violence, bullying, harassment, vilification and discrimination, and stand with them in seeking to advance respect for their human rights.

We affirm our commitment to supporting LGBTIQ+ students, staff, volunteers, clients, and communities. We will continue to support all our people to better understand, support and engage in advocacy with LGBTIQ+ people and communities in our region.

Contact us

South-East Monash Legal Service



W: smls.com.au



Scope of submission

SMLS makes this submission in response to the [Victorian Inquiry into anti-LGBTIQA+ hate crimes](#). We have only provided comments where we were confident that our expertise was a valuable contribution to the subjects raised.

Terms of Reference

- 1) the communication and recruitment methods of anti-LGBTIQA+ influencers and hate groups that endorse anti-LGBTIQA+ hate crimes, including those creating and sharing online content steeped in racism, misogyny, transphobia, homophobia, far-right ideology and unhealthy masculinities.
- 2) current strategies to counter anti-LGBTIQA+ hate crimes, particularly among young people and how these could be strengthened.
- 3) current anti-LGBTIQA+ hate crime prevention initiatives, and how these could be strengthened.
- 4) existing public and online safety initiatives supporting LGBTIQA+ community members who have experienced hate crimes, including how these supports could be strengthened.
- 5) the role and responsibilities of social media and digital platform owners in preventing and responding to anti-LGBTIQA+ hate crimes.
- 6) existing empirical data regarding the prevalence and trends of anti-LGBTIQA+ hate crimes Australia-wide.
- 7) the impact of anti-LGBTIQA+ hate crimes on diverse LGBTIQA+ communities, including Rainbow Mob, people with disability, and multifaith and multicultural community members.
- 8) interjurisdictional strategies and methods to combat anti-LGBTIQA+ hate crimes across borders.
- 9) the relevant work of the Commissioner for LGBTIQA+ Communities, relevant government advisory groups, including but not limited to relevant community, health and law enforcement organisations to combat anti-LGBTIQA+ hate crimes.

Acronyms

ALRC Australian Law Reform Commission

CASA Centres Against Sexual Assault

CLC Community Legal Centre

FAS Financial Assistance Scheme

FAS Act Victims of Crime (Financial Assistance Scheme) Act 2022 (Vic)

FAS Guidelines Financial Assistance Scheme Guidelines dated 30 June 2025

JLAA *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic)

SASVic Sexual Assault Services Victoria

SMLS South-East Monash Legal Service Inc.

TGD Trans and gender diverse.

VEOHRC Victorian Equal Opportunity and Human Rights Commission

VLRC Victorian Law Reform Commission

VLS Victims Legal Service

Terminology

Perpetrators and Users of Violence

‘Perpetrator’ is adopted in this submission for the sake of consistency. SMLS acknowledges that the terms ‘Perpetrators’ and ‘Users of Violence’ are complex, in particular SMLS does not recommend using these terms for young people who use violence in relationships, at home or against family members nor for women who use force or violence in the context of being victim-survivors of family violence. SMLS acknowledges that many young people who use violence in a relationship or at home have themselves experienced family violence. The service and justice system often do not recognise or address these experiences, trauma and used behaviours. SMLS also notes that in family violence contexts, LGBTIQA+ people may be at increased risk of being misidentified by police and other services as perpetrators, rather than being recognised as victim-survivors.

Summary of Recommendations

1. **Introduce a Positive Duty to Prevent Vilification** – Introduce a positive duty requiring organisations, including digital platforms, to take proactive, reasonable and proportionate steps to prevent vilification before harm occurs.
2. **Early Intervention and Convergence of Ideologies** – Identify and monitor areas where harmful ideologies converge to enable early, preventative interventions that reduce the risk of hate-motivated harm.
3. **Media Literacy and Online Safety Education** – Leverage the under-16 social media ban to strengthen media literacy and online safety education, including understanding algorithms, recognising recruitment tactics and managing online conflict.
4. **Platform Responsibility and Safety Standards** – Require social media platforms and dating or social applications to strengthen safety messaging, implement robust reporting mechanisms, and actively enforce policies on hateful conduct.
5. **Role of the eSafety Commissioner** – Expand community and practitioner education on online safety, alongside timely and effective removal of harmful, intimidating and vilifying online content.
6. **Diversifying Data Sources** – Supplement police data with independent and community-led data sources to better reflect the true scale and nature of anti-LGBTIQA+ hate.
7. **Mandatory LGBTIQA+ Competency Training for Police** – Rigorously and independently evaluate the effectiveness of mandatory police training to ensure improved identification and investigation of hate crimes.
8. **Extending the Role of LGBTIQA+ Liaison Officers** – Expand the powers and capacity of LGBTIQA+ Liaison Officers to respond substantively to hate crime matters beyond referral functions.
9. **Establishing a Dedicated Hate Crimes Unit** – Establish a specialist Hate Crimes Unit within Victoria Police, modelled on the Western Australian approach.
10. **Hate Crimes Scrutiny Panels** – Establish Hate Crimes Scrutiny Panels to enable structured, community-led review of hate crime investigations and police responses.
11. **Better State and Federal Police Coordination** – Improve coordination between Victoria Police and the Australian Federal Police, particularly for cross-border and online hate crimes.
12. **Research into Root Causes and Intersections of Anti-LGBTIQA+ Hate Crimes** – Commission research into the root causes of anti-LGBTIQA+ hate and its intersections with other forms of extremist and hate-motivated violence.
13. **Hate Crimes Database** – Establish an LGBTIQA+-specific hate crimes database linked to victim support services to improve data quality and resource allocation.
14. **Automatic Expungement and Reparations** – Introduce automatic expungement of historical LGBTIQA+-targeted convictions, accompanied by a reparations framework including compensation, formal apologies and tailored support services.
15. **Reduce the Evidentiary Threshold** – Lower evidentiary thresholds under the Financial Assistance Scheme for vulnerable victim-survivors, including LGBTIQA+ people, to reflect trauma-informed practice.

16. **Remove Mandatory Police Reporting as the Primary Gateway** – Amend the Financial Assistance Scheme to allow alternative documentary evidence beyond police reporting.
17. **Reduce Structural Reliance on Police Involvement** – Remove or narrow requirements that compel victim-survivors to assist police investigations as a condition of eligibility for the Financial Assistance Scheme.
18. **Recognise Hate-Motivated Violence within the Scheme** – Amend the Financial Assistance Scheme to explicitly recognise prejudice-motivated violence in eligibility criteria, reporting timeframes and quantum of assistance.
19. **Improve Accessibility Beyond an Online-Only Application Model** – Introduce non-digital, assisted and translated application pathways within the FAS to ensure equitable access for all applicants.
20. **Ongoing Certainty in Funding Models** – Provide long-term funding certainty for essential victim support and legal assistance services.
21. **Embed and Expand Justice Navigator Roles** – Expand Justice Navigator pilots to include dedicated LGBTIQ+ specific roles embedded within trusted community organisations, without requiring police reporting.
22. **Adopt a Coordinated Early Intervention and Prevention Approach to Anti-LGBTIQ+ Hate Crime** – Implement a whole-of-system, prevention-focused approach prioritising early intervention, public education and sustained community-led initiatives.
23. **Victim-Centred Restorative Justice for Anti-LGBTIQ+ Hate Crimes** – Ensure restorative justice options are strictly victim-centred, consent-based and voluntary, with strong safeguards and LGBTIQ+ community partnership in design and oversight.

1. Executive Summary

South-East Monash Legal Service and our specialist LGBTIQ+ legal service, Justice Q, makes this submission drawing on extensive frontline experience supporting LGBTIQ+ people who have experienced violence, discrimination and hate-motivated conduct. This experience demonstrates that anti-LGBTIQ+ hate crime extends beyond physical violence to include harm occurring in domestic and family violence contexts, workplaces, education settings, public spaces and online environments. Such harm is driven by intersecting factors including homophobia, transphobia, misogyny, moral panic narratives, rigid gender norms and online radicalisation, and disproportionately affects trans and gender diverse people, young people, migrants and individuals experiencing multiple forms of marginalisation.

Recent reforms to Victoria's anti-vilification framework strengthen criminal and civil protections; however, a range of structural barriers continue to limit their practical effectiveness. These include widespread underreporting linked to historical criminalisation and ongoing mistrust of police, inconsistent identification and recording of hate-motivated conduct, misgendering and data inaccuracies, and gaps in police training, oversight and specialist hate crime responses. Emerging trends such as technology-facilitated hate crimes—particularly those involving social and dating platforms—further highlight limitations in current prevention strategies, platform accountability mechanisms and interjurisdictional coordination. Reliance on police data alone continues to obscure the true scale, trends and impacts of anti-LGBTIQ+ hate.

The submission also identifies significant barriers to safety, recovery and access to support for LGBTIQ+ victim-survivors, including within the Financial Assistance Scheme, which relies heavily on police reporting, applies high evidentiary thresholds, and does not recognise prejudice-motivated harm as a distinct or compounding factor. Improved trauma-informed, culturally safe frontline responses are required, alongside more accessible and flexible support pathways and expanded Justice Navigator-style roles embedded within trusted community organisations.

Overall, the issues outlined in this submission indicate the need for a coordinated, whole-of-system response that complements criminal justice mechanisms with prevention, early intervention and community-led approaches. This includes strengthening proactive duties to prevent vilification, enhancing institutional oversight and accountability, improving police practice and data integrity, addressing online harms and platform responsibility, and providing sustained, long-term investment in community-based prevention and early intervention initiatives that support LGBTIQ+ safety, inclusion and wellbeing.

2. SMLS/Justice Q and matters involving hate-crimes and acts of violence

SMLS/Justice Q have extensive experience working with victim-survivors of violence, discrimination and hate-motivated conduct, including LGBTIQ+ people. We take the position that anti-LGBTIQ+ hate crimes must be understood far more broadly than acts of overt physical

violence such as assaults and sexual assaults. Limiting the definition in this way fails to capture the full range of harm experienced by LGBTIQ+ people. Anti-LGBTIQ+ hate-motivated violence and abuse also occurs in other contexts, including domestic and family violence, workplace bullying and harassment, and discrimination in public life. This includes harm and exclusion experienced at work, in schools and tertiary education settings (including universities), and in the provision of goods and services.

As LGBTIQ+ victim-survivors of overt physical violence, such as assaults and sexual assaults, often report these matters directly to police rather than seeking legal advice, we frequently become aware of anti-LGBTIQ+ hate-motivated conduct through SMLS/Justice Q clients presenting with family violence matters. In this context, conduct that is fundamentally linked to a person's sexual orientation or gender identity is commonly categorised and responded to solely as family violence rather than recognised as hate-motivated conduct.

We have observed that family violence experienced by LGBTIQ+ victim-survivors may include repeated and deliberate deadnaming and misgendering, restrictions on gender expression, denial or interference with access to hormones and other gender-affirming medical care, as well as degrading, condescending or manipulative commentary directed at an individual's worth on the basis of their gender identity and/or sexuality. In some matters, this conduct has also included sexualised violence, such as non-consensual touching or groping of genitals, used as a means of asserting control or undermining a person's gender identity.

Samara's Story*

Samara* is a young transgender woman who came to Australia on a visitor visa to be with her partner. Soon after arriving, she was coerced into sex work, with her partner controlling her movements, finances and daily life, and subjecting her to ongoing abuse.

Her partner kicked her out of their home and left her without support, threatening her with further violence should she go to the police. Samara continued to experience serious violence and abuse at the hands of her clients. When she later entered a new relationship, this also became characterised by severe family violence.

In her new relationship, Samara experienced ongoing physical, sexual and psychological abuse, along with coercive control, surveillance of her communications, and persistent transphobic and racist abuse, including interference with her access to hormone therapy. When she tried to leave, her partner used threats of self-harm to maintain control.

Despite fearing police due to her past experiences, Samara bravely sought help. But the police did not act. Instead, she was misidentified as the perpetrator of family violence, and was also subjected to discriminatory treatment linked to her gender identity. One attending officer

laughed at her after asking if she was transgender. This response reinforced her distrust of authorities and illustrates the real impact of discrimination on victim-survivors seeking help.

Our service provided intensive, cross-disciplinary legal support, urgently lodging a Protection Visa, advising on family violence options, and advocating with police to challenge the misidentification. The involvement of a LGBTIQ+ Liaison Officer was critical in escalating concerns and seeking a review of police action.

This case highlights the significant family violence experienced by LGBTIQ+ clients, the impact of discrimination, and the level of resourcing required to provide holistic legal support and address systemic failures.

**Name has been changed*

In addition to forms of abuse that are overtly connected to gender identity or sexuality, LGBTIQ+ victim-survivors also experience family violence in ways that are comparable to non-LGBTIQ+ victim-survivors, including coercive control, intensive surveillance, threats, physical violence such as choking, and other extreme controlling behaviours. However, where a victim-survivor's gender identity or sexuality is a contributing factor to the abuse—either as a direct target of the violence or as a mechanism through which control is exercised—it raises significant questions about whether such conduct should also be understood, recorded and responded to as hate-motivated violence, rather than being exclusively framed within a family violence paradigm.

Anti-LGBTIQ+ hate crimes are motivated by a variety of factors, and may include:

- moral panic about grooming and children's safety, often invoking the archaic notion that gay and bisexual men are paedophiles;
- a similar moral panic about women's safety, reflected in anti-trans sentiments about transgender women in "female only" spaces;
- LGBTIQ+ communities being seen as a threat to various types of traditionalism, often with specific intersecting religious and cultural underpinnings and expectations in relation to rigid gender roles;
- deep-seated homophobic and transphobic attitudes and values;
- discomfort with feeling same-sex attraction, due to deep-seated homophobia (including internalised homophobia) and rigid gender norms;

- discomfort with feeling attraction towards transgender people, due to deep-seated transphobia and rigid gender norms;¹ and
- sexist and misogynistic attitudes and values which drive the predatory, exploitative and manipulative behaviour towards highly vulnerable women in the LGBTIQ+ community such as migrant transgender women.²

Many LGBTIQ+ people who experience hate-motivated conduct, including physical and sexual assaults, may never need or seek assistance from a lawyer. Reporting to police often occurs only where an individual feels safe and supported enough to do so. As a result, community legal centres such as SMLS/Justice Q are often one of the few services to become aware of anti-LGBTIQ+ hate-crime experiences, including in circumstances such as the following:

- where an LGBTIQ+ person seeks incidental legal advice related to a hate-motivated incident, for example advice about applying for an intervention order or making an application under the Victims of Crime Financial Assistance Scheme (**FAS**);
- where an LGBTIQ+ person seeks advice about hate conduct, including potential hate crimes, experienced in the context of an abusive relationship, a toxic workplace, or discrimination encountered in public life; and
- where an LGBTIQ+ person, such as a young person or a newly arrived migrant, seeks guidance after experiencing a particularly serious anti-LGBTIQ+ hate crime (for example an assault or sexual assault), due to unfamiliarity with their rights in Australia and/or a lack of trust in police or other authorities.

3. Legal and Policy Context

Victoria's regulation of LGBTIQ+ hate speech has undergone significant reform in the last year with the enactment of the *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) (**JLAA**). The JLAA replaced the *Racial and Religious Tolerance Act 2001* (Vic) and amended the *Crimes Act 1958* (Vic), the *Equal Opportunity Act 2010* (Vic), and related legislation, following the 2021 Legal and Social Issues Committee inquiry which recommended stronger and broader protections. The reforms introduced new criminal and civil anti-vilification protections, extending coverage to gender identity and sexual orientation, as well as people associated with those holding protected attributes.

Criminal offences commenced in September 2025, creating offences for conduct intended to incite hatred or serious contempt, and for threatening physical harm or property damage on the basis of a protected attribute, with significant maximum penalties. While the reforms to the *Crimes Act 1958*

¹ Zoe Belle Gender Collective, 'Responding to the objectification, fetishisation and sexual exploitation of trans women and trans feminine people by cisgender men' (2024), https://zbgc.org.au/wp-content/uploads/2024/12/Transfemme_Practitioner_Guide-2024.pdf

² Ibid.

(Vic) introduced by the JLAA may theoretically strengthen protections for LGBTIQ+ people experiencing hate crimes, they will have limited practical impact unless police consistently identify and charge anti-vilification offences. Given the significant discretion retained by police in charging and withdrawing matters, targeted training is essential to ensure officers understand both the nature of anti-LGBTIQ+ hate crimes and the operation of the reformed provisions.

The JLAA also strengthened civil protections³ against vilification, which commenced on 15 April 2026, while preserving existing complaint pathways through the Victorian Equal Opportunity and Human Rights Commission (**VEOHRC**) and Victorian Civil and Administrative Tribunal (**VCAT**).⁴

While LGBTIQ+ organisations have broadly welcomed the reforms, it is too early to assess their practical effectiveness, particularly given police discretion in charging decisions and ongoing concerns about identification and investigation of anti-LGBTIQ+ hate crimes. These reforms also sit within a fragmented national landscape, with no federal anti-vilification framework and inconsistent protections across jurisdictions. In this context, Victoria's reforms may serve as both a partial remedy and a potential model, while underscoring the need for a more uniform, national approach to LGBTIQ+ anti-vilification protections.

These Victorian anti-vilification reforms occur against a stark backdrop of no federal anti-vilification legislation. Although the *Sex Discrimination Act 1984* (Cth) prohibits discrimination on the basis of sexual orientation, gender identity and intersex status,⁵ this is distinct from anti-vilification legislation which prohibits hateful speech and behaviour. We support the introduction of uniform legislation to provide consistent protections for members of the LGBTIQ+ community.

4. Positive duty to prevent vilification

We support a positive duty be introduced to prevent vilification, similarly to how the *Equal Opportunity Act 2010* (Vic) imposes a positive duty to prevent discrimination. At present, the onus is on a victim-survivor of vilification to identify harm and seek a remedy after the harm has occurred. This is reactive, intervening only after an instance of vilification has occurred.

A positive duty would adopt a proactive approach by shifting the responsibility onto an organisation or person (including social media companies, digital platforms and online service providers) to take steps to prevent discrimination, vilification and hate before it happens.

Given the central role that digital platforms play in amplifying, normalising and monetising hateful content, such a duty is especially important in addressing anti-LGBTIQ+ vilification occurring online. Platform-level responsibilities could include effective content moderation, robust reporting

³ Sections 102D and 102E

⁴ 'New Protections against Vilification', *Victorian Government* (Web Page, 15 April 2026) <<https://www.vic.gov.au/new-protections-against-vilification>>.

⁵ Australian Human Rights Commission, 'Good Practice, Good Business: A Quick Guide to Australian Discrimination Laws' (Guide, accessed 28 April 2026) <<https://humanrights.gov.au/\ \ data/assets/file/0020/56504/GPGB\ quick\ guide\ to\ discrimination\ laws.pdf>>.

and removal mechanisms, algorithmic risk mitigation, user education, and transparency in enforcement of community standards.

This approach aligns with recommendation 18 of the Legal and Social Issues Committee Inquiry into anti-vilification protections, for the *‘Victorian Government [to] implement a positive duty for organisations to take reasonable and proportionate steps to prevent vilification, as is currently the case for discrimination, sexual harassment and victimisation matters under the Equal Opportunity Act 2010 (Vic).’*⁶

Recommendations
1) Introduce a Positive Duty to prevent vilification We recommend that the Victorian Government introduce a positive duty to prevent vilification, explicitly applying to digital platforms, consistent with the <i>Equal Opportunity Act 2010</i> (Vic), shifting responsibility from victim-initiated complaints to proactive, reasonable, and proportionate prevention by organisations and online service providers with the capacity to prevent and respond to hate-motivated harm.

5. Expanding the power of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

We support expanding the power of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) to enable it to address situations where duty holders fail to meet the standard set by a positive duty. Currently, the VEOHRC generally resolves complaints made under the *Equal Opportunity Act 2010* (Vic) through conciliation, however we suggest that the VEOHRC should have powers to:

- develop binding or authoritative practice guidelines;
- review compliance, on both a voluntary and compulsory basis;
- conduct own-motion investigations of the positive duty; and
- report publicly on compliance activities and outcomes, including steps taken by organisations or individuals to meet the positive duty.

We also support the VEOHRC being adequately resourced to support the implementation of the positive duty, as well as relevant education and monitoring. We note that the *Equal Opportunity Amendment Act 2011* (Vic) removed the VEOHRC’s power to conduct public inquiries, reduced its

⁶ Legislative Assembly Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into Anti-Vilification Protections* (2021) 142-144.

capacity to conduct investigations, and removed its own-motion powers to compel witness evidence (which now requires a VCAT order). We submit that the VEOHRC is most effective at ensuring equal opportunity individuals when it is empowered to conduct its own investigations and compel its own evidence.⁷

6. Technology-facilitated hate crimes

As has been widely reported in other Australian states and in New Zealand,⁸ there is an emerging trend of perpetrators using dating apps like Grindr (but now also expanding to other platforms like Scruff, Wizz and Snapchat) to “lure” victims—generally gay and bisexual men—into robbery and assault.

We understand that Victoria Police have reported that there have been at least 95 known incidents of this type, resulting in approximately forty-two arrests, with many alleged perpetrators yet to be arrested or charged. Sources from Victoria Police confirm five incidents of violence linked to Grindr in Berwick. An additional four incidents were reported across Greater Dandenong, Casey and Cardinia.

These technology-facilitated hate crimes most commonly involve groups of perpetrators rather than a single individual. Perpetrators are generally young, typically ranging in age from thirteen to just over twenty years.

We recognise that there are likely significant gaps in police data about the anti-LGBTIQA+ hate crimes experienced by trans and gender diverse people in Victoria due to inaccuracies and inconsistencies in the way names and gender markers have been recorded. Victoria Police have also acknowledged significant gaps in available data, with only a proportion of incidents being captured. This under-reporting appears to be driven by several factors, including a lack of safety or confidence among victim-survivors in reporting incidents to police, deficiencies in how hate crimes are identified, recorded, and categorised, and the existence of substantial additional incidents identified through media reporting and community-reported information.

Sources from Victoria Police have also confirmed that up until December 2024, an individual's name was routinely recorded using their deadname or legal name at birth and, and gender was always recorded according to sex assigned at birth, even where a person had legally changed the name and gender marker or had undergone hormonal and/or surgical procedures. While we understand that this is no longer Victoria Police practice, ongoing issues remain. We continue to

⁷ 'How Victoria's Equal Opportunity Act Has Changed over Time', *Victorian Equal Opportunity and Human Rights Commission* (Web Page) <<https://www.humanrights.vic.gov.au/about-us/our-history/equal-opportunity-timeline/>>.

⁸ See in Victoria: <https://www.abc.net.au/news/2025-05-09/dating-app-lgbtqi-scammers-crime/105270744>; in New South Wales: <https://theconversation.com/dating-apps-are-facilitating-lgbtq-hate-crimes-how-can-users-stay-safe-276862> and <https://www.abc.net.au/news/2026-02-25/lgbtq-sydney-teenagers-bashed-on-camera-in-is-inspired-attacks/106381614>; in Western Australia: <https://www.fusemagazine.com.au/lgbtiq-news/australia/1148-five-teenagers-jailed-for-grindr-assault-scheme.html>; in New Zealand: <https://www.thepress.co.nz/nz-news/350085624/i-thought-i-was-going-die-gay-bashing-victims-fear-justice-wont-be-served>.

see trans and gender diverse people being deadnamed and misgendered on intervention order documentation including safety notices and Police briefs.

We suspect that many transgender women, non-binary people, and even transgender men and transmasculine individuals targeted via dating apps such as Grindr may be inaccurately recorded as gay and bisexual men by Victoria Police. This misclassification risks obscuring the prevalence of anti-trans hate-motivated conduct and undermines the accuracy of data collection and responses.

7. Online radicalisation

Existing research heavily links anti-LGBTIQA+ hate crimes with the online radicalisation of primarily young, disenfranchised men.⁹ Online spaces present an effective mode of extremist contagion in the absence of direct interactions—the decentralised yet interconnected nature of online spaces facilitates the transmission of extremist narratives, allowing them to gain foothold across disparate groups. Anti-LGBTIQA+ sentiment and the vilification of other marginalised communities is a common unifying factor between extremist groups with contrasting ideologies, from Jihadis to far right groups, and QAnon conspiracy-believers to “involuntary celibates” or “incels”.¹⁰ The reach of an extended “manosphere” virtual space—a harmful proponent of anti-LGBTIQA+ rhetoric, is now in a “transnational and highly networked form”, with a diverse cast of influencers who act as gateways into more extreme ideologies.¹¹

As indicated by the 2023-2024 Federal Parliamentary Inquiry into Right Wing Extremist Movements in Australia, there are several factors that contribute to a susceptibility to radicalisation including social withdrawal/isolation, aggressive/hostile views that are ideologically founded and engagement in low-level crime.¹² These sociodemographic, psychological and contextual characteristics heighten individuals’ propensity to engage in extremist ideologies, both online and offline. Lower life satisfaction, disenfranchisement and distrust of institutions and authorities are a constellation of factors which make extremist narratives compelling explanations for why the system has failed, while also promising a sense of belonging to individuals who have these grievances.¹³

⁹ Alexandra Phelan et al, *Misogyny, Hostile Beliefs, and the Transmission of Extremism: A Comparison of the Far-Right in the UK and Australia* (May 2023). See: https://crestresearch.ac.uk/site/assets/files/4503/23-001-01_misogyny_hostile_beliefs_and_the_transmission_of_extremism_full_report.pdf.

¹⁰ Jared R Dmello, Mia Bloom and Sophia Moskalenko, ‘LGBTQ+ Victimization by Extremist Organizations: Charting a New Path for Research’ (2025) 58(3) *PS: Political Science & Politics* 447. See: cambridge.org/core/services/aop-cambridge-core/content/view/5C54F149E27B54F845200B2F64DF7993/S1049096524001173a.pdf/div-class-title-lgbtq-victimization-by-extremist-organizations-charting-a-new-path-for-research-div.pdf.

¹¹ Vivian Gerrand et al, ‘Mapping the Neo-Manosphere(s): New Directions for Research’ (2025) 28(5) *Men and Masculinities* 443.

¹² Parliamentary Inquiry into right wing extremist movements in Australia – Chapter 3 – Pathways to radicalisation: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/RWExtremists23/Report/Chapter_3_-_Pathways_to_radicalisation.

¹³ James Paterson, ‘Australia’s social media ban is only half the solution for online radicalisation’, *The Interpreter* (online, 12 February 2026) <<https://www.lowyinstitute.org/the-interpreter/australia-s-social-media-ban-only-half-solution-online-radicalisation>>.

We are also aware that community events championing LGBTIQ+ people have been targeted, such as drag story time—trans and gender diverse communities are especially vulnerable to these threats from bad actors.¹⁴

Justice Q and SMLS - Trans Day of Visibility Event

In 2025, Justice Q and SMLS participated in a Trans Day of Visibility event hosted by a consortium of organisations at the City of Greater Dandenong Council Chambers. In the lead-up to the event, a social media post published by a participating organisation advertising the event attracted a number of hateful and transphobic comments. The comments on this post were later disabled due to the offensive and harmful nature of the content.

After becoming aware of the online hostility associated with the event, SMLS developed a risk assessment and safety management plan to identify, minimise and mitigate potential risks to staff and community members attending the event. As part of this risk management approach, SMLS/Justice Q proactively notified a trusted contact within Victoria Police who manages the LGBTIQ+ Liaison portfolio of both the event and the hateful online commentary, to ensure that appropriate action could be taken in the event of an emergency.

In light of the historical and ongoing strained relationship between trans and broader LGBTIQ+ communities and police, Victoria Police did not attend the event and were not requested to do so. Notification was limited to ensuring emergency responsiveness rather than a visible policing presence. The event went ahead without incident.

This example highlights the prevalence of anti-LGBTIQ+ hate directed at community events, including at an organisational level, and illustrates the role of online platforms in amplifying transphobic hostility and hate-motivated conduct.

While age restrictions on social media may limit access to radicalising content for young people, it is well-documented that “prohibition without addressing underlying demand creates displacement, not prevention.”¹⁵ The underlying reasons why the content is appealing must therefore be addressed.

¹⁴ See e.g. Monash Council having to cancel their drag story time event amidst violent threats: <https://www.sbs.com.au/news/article/drag-childrens-storytime-event-cancelled-in-melbourne-following-violence-threats/wviczmi4>.

¹⁵ James Paterson, 'Australia's social media ban is only half the solution for online radicalisation', *The Interpreter* (Online Article, 12 February 2026) <<https://www.lowyinstitute.org/the-interpreter/australia-s-social-media-ban-only-half-solution-online-radicalisation>>.

Recommendations

2) Early intervention and convergence of ideologies

We recommend early identification and monitoring of areas where harmful ideologies converge, to enable proactive interventions that reduce the risk of hate-motivated harm against marginalised groups.

3) Media literacy and online safety education

We recommend that policymakers leverage the under-16 social media ban to strengthen media literacy and online safety education,¹⁶ including understanding algorithmic manipulation, recognising online recruitment tactics, and developing strategies for managing online conflict.¹⁷

4) Platform responsibility and safety standards

We recommend that social media platforms and dating or social applications strengthen safety messaging, implement robust and accessible reporting mechanisms, and regularly review and enforce policies on hateful conduct and community standards.

5) Role of the eSafety Commissioner

We recommend that the eSafety Commissioner continue to expand community and practitioner education—including in schools—on safe social media use, alongside timely and effective action to remove harmful, intimidating, and vilifying online content that contributes to hate-motivated harm.

8. Scale, Trends and Data Gaps on LGBTIQ+ Hate Crimes

Deficiencies in police data, reporting, and responses

Police data is very limited due to systemic barriers in the data collection and reporting process. We consider that official statistics significantly understate the true prevalence and nature of anti-LGBTIQ+ hate crimes in Victoria.

Recent scholarly articles and reports have noted growing threats of harassment, intimidation and abuse directed at trans and gender diverse (TGD) people in Australia.¹⁸ Police data provides some insight into rates of violence to an extent but offers limited understanding of the circumstances

¹⁶ Guanxiong Huang, Wufan Jia and Wenting Yu, 'Media Literacy Interventions Improve Resilience to Misinformation: A Meta-Analytic Investigation of Overall Effect and Moderating Factors,' (2024) *Communication Research* <<https://journals.sagepub.com/doi/10.1177/00936502241288103>>.

¹⁷ Paterson (n 7).

¹⁸ Australian Human Rights Commission, *Equal Identities: A Human Rights Review of the Experiences of Trans and Gender Diverse People in Australia* (Report, March 2026) 34 <<https://humanrights.gov.au/resource-hub/by-resource-type/reports/lgbtqia/equal-identities>>.

facing the LGBTIQ+ community, partially due to the historical mistrust established by policing behaviour described above, as well as general limitations of police data collection. Police data does not reflect the high rates of harassment and violence experienced by LGBTIQ+ people according to large-scale surveys like the 'Private Lives' Survey.¹⁹ Crimes pertaining to hate speech or vilification are at risk of being underreported and therefore underrepresented in crime statistics.

Authors of the joint Trans Justice Project/Victorian Pride Lobby report 'Fuelling Hate' (2023)²⁰ claimed that their report was the largest of its kind in Australia, with over 3,000 TGD people responding to their survey. We encourage this form of community led data collection, run by members of the LGTBQIA+ community and collected without police involvement. To more accurately understand the scale of LGBTIQ+ hate crimes in Victoria, the Victorian government should invest in research and accurate statistics by groups other than the police, such as community-based data.

More complex and comprehensive data sets could create better understandings of LGBTIQ+ hate crimes and vilification, and how they intersect with other forms of hate. More complex and meaningful data collection, both at the state and national levels, would assist in understanding the scale of the problem and understand how to address it. In our experience, the following factors impact the statistical accuracy of Victoria Police's data:

Safety concerns:

Clients frequently report that police do not adequately respond to their experiences of violence or safety concerns, including reports of assault, sexual assault, breaches of intervention orders, and threats from intimate partners, neighbours, or others. Some clients have described dismissive or discouraging responses when seeking police assistance, while others report being incorrectly identified as perpetrators rather than victims, despite having no prior criminal history or involvement with intervention orders.

These types of experiences contribute to a deep and ongoing mistrust of police among LGBTIQ+ clients. This mistrust is grounded not only in individual encounters, but also in the broader historical criminalisation and marginalisation of LGBTIQ+ communities by police. As a result, many clients do not feel safe or confident reporting acts of violence or seeking protection through law enforcement.

¹⁹ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University, see for example pp 35, 37-41.

²⁰ Australian Human Rights Commission, *Equal Identities: A Human Rights Review of the Experiences of Trans and Gender Diverse People in Australia* (Report, March 2026) 34 <<https://humanrights.gov.au/resource-hub/by-resource-type/reports/lgbtqi/equal-identities>>, referencing submissions 26, 28, 40, 41, 46, 47, 48, 49, 50, 51, 61, 69, 75, 76, 86, 91 and 97.

This mistrust is often more pronounced for LGBTIQ+ people who experience intersecting forms of marginalisation, including transgender and gender-diverse people and people of colour, who may face heightened risks of being disbelieved, misidentified, or harmed through police engagement.

Pradeep's Story*

Pradeep* is a middle-aged gay man of South Asian background who was living with a disability in community housing. He had hoped for stable, affordable housing where he could feel safe and focus on his health and independence.

Over time, that sense of safety was disrupted. A neighbour began directing repeated threats towards Pradeep, including threats of sexual violence. Pradeep became increasingly fearful in his own home and sought help. He contacted police multiple times and raised concerns with his housing provider, but his reports were not acted on. Instead, he was told to pursue his own intervention order, leaving him to manage the risk on his own.

The situation escalated into a serious assault that caused significant and lasting physical harm. When Pradeep reported what had happened, police initially did not accept his complaint. It was only after persistent advocacy from a support worker that his report was formally recorded.

Following this, Pradeep reached out to our service seeking help to stabilise his housing and regain a sense of safety. We provided tenancy advice and support, including options to address the unsafe living environment, and assisted him to consider making a complaint about police conduct.

Pradeep's story reflects how quickly stability can unravel when early warnings are not taken seriously. It highlights the heightened vulnerability of LGBTIQ+ people with disabilities in unsafe housing, and the critical role of well-resourced legal services in restoring safety and access to justice.

**Name has been changed*

Misgendering and inaccurate information recording:

As noted above, we frequently observe Victoria Police deadnaming and misgendering clients in official paperwork, even where this does not appear to reflect formal policy. Beyond the immediate and significant distress this causes individuals, misgendering undermines the accuracy of police records and erodes trust between LGBTIQ+ communities and law enforcement.

We further note that practices around naming and gender markers are highly inconsistent, which exacerbates issues of data inaccuracy and confusion across systems. In some matters, clients have been deadnamed and misgendered despite having legally changed their name and gender marker. In other cases, police records have mixed correct and incorrect identifiers—such as recording a client's gender correctly while still using a former name—creating further inconsistency and harm.

Lack of understanding of hate motivations:

Attending police officers frequently fail to recognise or adequately identify the hate-motivated nature of offences committed against LGBTIQ+ people. As a result, conduct that should properly be classified and investigated as hate crime is often recorded under generic offence categories. This practice obscures the nature, seriousness, and prevalence of anti-LGBTIQ+ violence and harassment.

Current approaches to recording and responding to hate-motivated offences require review and critical evaluation. Police records should consistently and accurately capture indicators of hate motivation, and response protocols should be applied in a systematic and informed way. At present, police are often insufficiently equipped to identify the drivers and risk factors associated with anti-LGBTIQ+ hate-motivated conduct.

Clients have reported situations where ongoing threats or harassment were not treated as serious or indicative of escalating risk, despite repeated reports. In some cases, factors such as homophobic or transphobic language or conduct were only explored at a much later stage, despite being relevant to understanding the severity and motivation of the offending. Earlier inquiry into these factors may have assisted in identifying heightened risks and enabling more effective protective responses.

Police responses would benefit from greater awareness of the additional sensitivities and vulnerabilities faced by LGBTIQ+ people reporting violence or harassment. Complaints should be taken seriously, and officers should proactively inquire into potential hate motivations when responding to reports from LGBTIQ+ individuals.

Historical criminalisation of the LGBTIQ+ communities

As highlighted above, there are notable limitations to existing data on LGBTIQ+ targeted hate crimes. LGBTIQ+ communities have historically been targets of police violence and over-policing, meaning that individuals may now feel reluctant or uncomfortable reporting a hate crime to the police. The historical criminalisation of the LGBTIQ+ communities included ‘moral offences’ such as buggery, loitering for homosexual purposes, and offensive behaviour—which were actively enforced and policed.²¹ After these same-sex intimacy offences were abolished, the LGBTIQ+ community continued to be actively policed on the basis of ‘neutral’ offences like ‘offensive behaviour’ and ‘soliciting for immoral purposes’, which were deployed disproportionately against gay men.²² LGTBQIA+ women were also policed, and although gender nonconformance was not

²¹ Human Rights Law Centre, ‘Righting Historical Wrongs: Background Paper for a Legislative Scheme to Expunge Convictions for Historical Consensual Gay Sex Offences in Victoria’ (Report, 12 January 2014) 14-15, available at <<https://www.hrlc.org.au/app/uploads/2025/04/1401-Righting-Historical-Wrongs-Report.pdf>> ; Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 8.

²² Human Rights Law Centre, ‘Righting Historical Wrongs: Background Paper for a Legislative Scheme to Expunge Convictions for Historical Consensual Gay Sex Offences in Victoria’ (Report, 12 January 2014) 20-21, available at <https://www.hrlc.org.au/app/uploads/2025/04/1401-Righting-Historical-Wrongs-Report.pdf> ; Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 9.

formally criminalised, gender nonconforming individuals experienced routine surveillance and harassment.²³

While police often subject LGBTIQ+ people to increased surveillance, they also routinely fail to adequately respond to complaints by LGBTIQ+ people. One Justice Q client reported being stopped by police for a minor offence in a public place. The client was initially incorrectly gendered by police and given a warning. After the client corrected this misidentification, police escalated their response by conducting a search and discovering prohibited items. While the client did possess those items, the sequence of events raises concerns that the decision to search may have been influenced by perceptions of gender non-conformity rather than objective risk factors. This example illustrates how discretionary police powers may be applied inconsistently and in ways that disproportionately affect transgender and gender-diverse people.

Some individuals continue to carry charges arising from these historically LGBTIQ+-targeted offences.²⁴ The *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014* (Vic) amended the *Sentencing Act 1991* (Vic) establishing a Victorian expungement scheme for historical convictions of homosexuality-related offences. Victoria's model allows for expungement of any offence used to punish consensual same-sex intimacy between adults, provided the conduct would not constitute an offence under current Victorian law.²⁵ This broad definition is more flexible than expungement models overseas, which tend to list specific offences that are eligible for expungement.²⁶ Accordingly, the Victorian model can more accurately respond to the varied and creative ways that the law was used to police sexuality.

However, Victoria's expungement scheme does not clearly extend to convictions arising from the historical policing of gender nonconformity.²⁷ It also does not consider, or revisit matters where false evidence was provided to the police. The scheme is application-based rather than automatic, and there has been relatively little uptake since its introduction.²⁸ Nor does the scheme include any form of compensation or reparations for the material harm, stigma, loss of liberty and life-long consequences experienced by those criminalised under these laws. An automatic expungement process, accompanied by a reparations framework—including financial compensation, formal

²³ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 10.

²⁴ Part 8.

²⁵ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 12.

²⁶ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 12.

²⁷ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 12.

²⁸ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 12.

apologies, and access to tailored support services—would provide a fairer, more trauma-informed and complete response to these historical injustices.

LGBTIQA+ Liaison Officers

We have found that engagement with LGBTIQA+ Liaison Officers has, at times, helped draw attention to anti-LGBTIQA+ hate-motivated incidents. However, the capacity of these roles is often limited, and reliance on liaison officers alone is insufficient to address systemic gaps in frontline police practice. While SMLS is aware that Victoria Police have recently undertaken LGBTIQA+ competency training, the effectiveness and consistency of this training in improving police responses have yet to be evaluated.

We note that competency training alone may not address or override homophobic, transphobic, and misogynistic attitudes held by individual police officers that LGBTIQA+ people may encounter in frontline interactions.

In one matter, a client reported that when police attended a family violence incident, an attending officer made inappropriate remarks concerning the client's gender, misidentified her as the perpetrator, and laid charges against her. We subsequently engaged with Victoria Police through an LGBTIQA+ Liaison Officer to address the misidentification, resulting in the charge being withdrawn. While this outcome was achieved through advocacy, the incident highlights the limitations of relying solely on training and liaison mechanisms to prevent harm. To build trust with LGBTIQA+ communities and effectively mitigate homophobia, transphobia, and misogyny within the police force, Victoria Police must develop and implement safer reporting pathways and accountability mechanisms that extend beyond competency training.

LGBTIQA+ Hate crimes database

The Australian Government has established the National Hate Crimes database which identifies reported hate crimes and provides relevant information broken down by jurisdiction, such as the total number of hate crime offences for that jurisdiction, the type of hate crime and the location that it occurred.²⁹ We recommend establishing a similar LGBTIQA+ hate crimes database would be useful to collect information specific to the LGBTIQA+ community. This database could be used to identify trends, such as whether there are particular identity groups that are more likely to be the victims of a hate crime, whether they were known or strangers, and the circumstances leading up to the hate crime itself. We also suggest that rather than being a punitive exercise, this LGBTIQA+ hate crimes database should be linked to victim support. The Government would be better able to allocate resources in order to best support the parts of the LGBTIQA+ community that are most at risk of being the subject of a hate crime.

²⁹ 'National Hate Crimes Database', *Australian Institute of Criminology* (Web Page) <<https://www.aic.gov.au/statistics/national-hate-crimes-database>>.

Recommendations

6) Diversifying data sources

Reliance on police data alone, for the reasons above, provides an incomplete picture of the scale and prevalence of the problem. Police data should be supplemented with information from other sources, such as La Trobe University's Private Lives survey data. External data sources may be better positioned to capture the experiences of individuals who do not feel comfortable reporting crimes to the police, to provide a more holistic understanding of the issue.

7) Mandatory LGBTIQ+ competency training for police

While the introduction of mandatory LGBTIQ+ competency training for Victoria Police members³⁰ is a step in the right direction, the actual effectiveness of this training should be rigorously and independently evaluated over time. It should be assessed whether there is meaningful improvement in police interactions with LGBTIQ+ individuals, particularly as it pertains to hate crime reporting and investigations.

8) Extending the role of LGBTIQ+ Liaison Officers

We support the expansion of the roles and powers of LGBTIQ+ Liaison Officers (LLOs), given the significant value they provide in facilitating safe and effective engagement with the justice system for vulnerable individuals in the LGBTIQ+ community. At present, LLOs are often limited to acting as a point of referral, directing affected individuals to other officers or services. We recommend that LLOs should be more equipped to deal substantively with hate crime matters themselves including appropriately responding to and managing hate crime reports, rather than acting solely as an intermediary.

9) Establishing a dedicated Hate Crimes Unit

We recommend establishing a dedicated Hate Crimes Unit within Victoria Police which follows the model adopted in Western Australia.

10) Hate Crimes Scrutiny Panels

Drawing on the experience of Hate Crime Scrutiny Panels in the United Kingdom, the establishment of a similar mechanism in Victoria could be useful to facilitate structured dialogue between LGBTIQ+ communities and Victoria Police regarding the investigation and handling of hate crimes. We submit that such a panel would be most effective if it adopted a model involving the de-identified review of investigations, with the community panel providing recommendations for improvement. This approach would go beyond the consultative model

³⁰ Developed in partnership with Transgender Victoria and other LGBTIQ+ community organisations.

used in the United Kingdom and enable a more substantive and constructive exchange between police and affected communities.

11) Better state and federal police coordination

Because anti-LGBTIQA+ hate crimes are not confined to state boundaries, effective responses require efficient coordination between state and federal law enforcement agencies. The Inquiry should consider measures to improve coordination between Victoria Police and the Australian Federal Police in the identification, investigation, and prosecution of hate crimes, particularly for those with an online dimension.

12) Research into root causes and intersections of anti-LGBTIQA hate crimes

The Inquiry should recommend new research into the root causes of anti-LGBTIQA+ hate crimes. This research should also focus on the intersections between different forms of hate-motivated crimes, such as the activities of far-right and neo-Nazi groups who target Muslim, people of colour and LGBTIQA+ communities. Understanding the relationships between these forms of hatred is essential to developing effective, holistic policy responses.

13) Hate crimes database

We recommend that the Government establish an LGBTIQA+-specific hate crimes database, modelled on the National Hate Crimes Database, to collect and analyse information on reported incidents affecting the LGBTIQA+ community, identify patterns and risk factors, and link reporting with victim-support services so that resources can be targeted effectively to those most at risk of hate crime victimisation.

14) Automatic expungement and reparations

We recommend the introduction of an automatic expungement process, accompanied by a reparations framework—including financial compensation, formal apologies and access to tailored support services—to more fairly, accurately and comprehensively address the ongoing harm caused by historical criminalisation of LGBTIQA+ people.

9. Financial Assistance Scheme (FAS) Reform

In Victoria, the Financial Assistance Scheme (**FAS**) was established under the *Victims of Crime (Financial Assistance Scheme) Act 2022* (Vic) (**FAS Act**), commencing operation in November 2024 and replacing the former Victims of Crime Assistance Tribunal (**VOCAT**). The FAS represents a significant shift from a tribunal-based, quasi-judicial model to an administrative scheme intended to be more trauma-informed, accessible, and victim-centred. Unlike VOCAT, which relied on hearings, legal submissions, and determinations by tribunal members, the FAS aims to reduce adversarial processes and streamline access to financial assistance for victim-survivors. While this reform was intended to lower barriers and improve timeliness, its practical operation and impact on

different cohorts of victim-survivors—particularly those facing systemic disadvantage—remain important areas for ongoing scrutiny and reform.

Financial assistance is critical to victim-survivor recovery, enabling access to safety measures, mental and physical health services, housing, family support, education and wellbeing support.³¹ At face value, the scheme aims to adopt trauma-informed principles to guide decision making including:³²

- (a) supporting victim wellbeing and dignity;
- (b) protecting victims from further trauma;
- (c) treating the safety as paramount;
- (d) recognition that the needs of victims may vary;
- (e) ensuring flexibility and accessibility; and
- (f) promoting cultural safety for Aboriginal or Torres Strait Islander victims.

An independent review of the FAS Act is underway and due to conclude in November 2026,³³ presenting an opportunity to influence reforms that better support victim-survivors by reducing barriers to financial assistance and justice.

Barriers for LGBTIQ+ Community Members

LGBTIQ+ community members are recognised as a priority group who experience structural barriers to accessing the justice system, including higher rates of victimisation and discrimination.³⁴ While the FAS framework provides some flexibility through the recognition of special circumstances in the FAS Guidelines, structural features of the scheme remain significant barriers for LGBTIQ+ victim-survivors:

High evidentiary threshold: Although the FAS Guidelines intend the evidentiary threshold under the scheme to be low, the Victims Legal Service's (VLS) practice evidence suggests that this not an operational reality, particularly for vulnerable clients.³⁵ For example, the VLS Impact Report identifies that the FAS process itself can be re-traumatising, particularly where victim-survivors must deal directly with police to obtain their own statements, or go through Freedom of Information processes.³⁶ Given the documented underreporting of crime by LGBTIQ+ people due to historical

³¹ Victims Legal Service, Impact Report: Three years of Victoria's Victims Legal Service – March 2026, p2-3; FAS Act ss 40-41.

³² Victims of Crime (Financial Assistance Act) 2022 (Vic) s 6.

³³ FAS Act s 71.

³⁴ VLS Impact Report p 7.

³⁵ VLS Impact Report p21-22; FAS Guidelines p 6>

³⁶ VLS Impact Report p 21, 23.

and ongoing policing harms, the evidentiary threshold should be lowered for particularly vulnerable LGBTIQ+ victim-survivors.

Mandatory police reporting: Related to the evidentiary threshold is the requirement for applicants to report to the police within a reasonable time. Unlike the scheme in New South Wales which expressly accepts alternative documentary evidence (i.e., reports by Government agencies or other support service agencies),³⁷ police reporting is the primary gateway under the FAS. The decision-maker must refuse an application where an applicant has not made such a report, and they are unable to establish that special circumstances exist. As documented above, there are significant and well-documented reasons why this may deter LGBTIQ+ victim-survivors.³⁸

Structural reliance on police involvement: In the event a police report has been made, the decision-maker must also refuse an application where the victim-survivor failed to provide reasonable assistance to investigating or prosecuting authorities unless special circumstances apply.³⁹ While the Guidelines state that this refusal may only occur in limited circumstances (i.e., if the victim “obstructed or hindered” an investigation and the conduct was “prejudicial”), for the reasons identified above, the requirement to cooperate with police investigations can deter engagement from the LGBTIQ+ community particularly due to negative past interactions, a lack of information, support and trust, and concerns regarding further harm.⁴⁰

Absence of hate-crime recognition: Special financial assistance is payable to primary victims as a form of community recognition for harm suffered as a direct result of a violent act, in addition to general financial assistance available under the scheme.⁴¹ The special financial assistance categories are structured around offence type (e.g., sexual penetration, armed robbery, assault) rather than motive.⁴² The FAS Act does not define or use the term ‘hate crime’; instead referring to “acts of violence”, broadly defined as a criminal act or series of criminal acts (which constitute a relevant offence) committed by one or more persons in Victoria which has directly resulted in injury to one or more persons.⁴³

The FAS does not recognise prejudice-motivated offending as a factor capable of extending reporting timeframes, nor as a discrete category or aggravating factor in determining eligibility or quantum of assistance.⁴⁴ This omission is significant, as hate-motivated violence occurs within contexts of systemic inequality that compound harm and often create additional barriers to

³⁷ *Victims' Rights and Support Act 2013* (NSW), s 39(2)(b)(i)).

³⁸ VLS Impact Report p 21.

³⁹ FAS Guidelines p 19, 24; FAS Act s 31.

⁴⁰ VLS Impact Report p 21, 23.

⁴¹ FAS Guidelines p 64.

⁴² FAS Guidelines p 65.

⁴⁴ FAS Act s 32; Explanatory memorandum, *Victims of Crime (Financial Assistance Scheme) Bill 2022*, p 20. However, the explanation of ‘special circumstances’ under the FAS Guidelines include consideration of factors which would likely align with the experience of members of the LGBTIQ+ community who choose not to report to police: FAS Guidelines p 22.

accessing justice and support. These factors warrant substantive consideration within scheme design, beyond procedural assistance with accessing the scheme.

Online-only application: The VLS Impact Report identifies the actual method of accessing the scheme is itself inaccessible. The system is entirely online, requires online accounts and ID documentation, and has no available translation.⁴⁵ This mode of application exacerbates existing barriers for LGBTIQ+ victim-survivors who may also be experiencing a range of other intersectional issues such as homelessness, family estrangement or violence, technology access issues, or low literacy or technological literacy.⁴⁶

Uncertain funding models: The VLS Impact Report demonstrates both the critical importance of specialist legal assistance in enabling victim-survivors to access the FAS and the significant unmet legal need that persists. Even with the introduction of the FAS in November 2024, there is a persistent need for legal assistance to support victim-survivors to understand their rights and options and effectively navigate access to financial assistance.⁴⁷ There is a significant risk that these needs will remain unmet if funding certainty is not provided to the frontline and support services tasked with assisting victim-survivors with accessing justice and navigating complex legal systems. CLCs typically receive short-term funding grants which affect their ability to provide certainty to victim-survivors, community partners, and specialist staff.⁴⁸ This uncertainty can lead to service disruption, loss of key staff, and reduced reach to communities.⁴⁹

Recommendations

15) Reduce the evidentiary threshold:

Lower the evidentiary threshold under the FAS for particularly vulnerable victim-survivors, including LGBTIQ+ people, to better reflect trauma-informed practice and address the operational barriers identified in the VLS Impact Report.

16) Remove mandatory police reporting as the primary gateway:

Amend the FAS to allow alternative documentary evidence from medical professionals, legal services, and support agencies, so that access to the scheme is not primarily dependent on police reporting.

17) Reduce structural reliance on police involvement:

Remove or narrow requirements that compel victim-survivors to assist police investigations as a condition of eligibility, recognising that such requirements can deter

⁴⁵ VLS Impact Report, p 21.

⁴⁶ VLS Impact Report p 21.

⁴⁷ VLS Impact Report p 3.

⁴⁸ VLS Impact Report p 3.

⁴⁹ VLS Impact Report p 19.

engagement due to well-documented histories of harm, mistrust, and lack of safety for LGBTIQ+ communities.

18) Recognise hate-motivated violence within the scheme:

Amend the FAS to expressly recognise prejudice-motivated violence as a relevant factor in determining eligibility, reporting timeframes, and the quantum of assistance, reflecting the compounded harm and systemic barriers experienced by victims of hate crimes.

19) Improve accessibility beyond an online-only application model:

Introduce non-digital and assisted application pathways, including translated materials and supported lodgement options, to ensure equitable access for victim-survivors facing barriers such as homelessness, family violence, limited technology access, or low literacy.

20) Ongoing Certain Funding Models:

Support services which are crucial for the operation of the scheme (such as VLS and CLCs) receive long-term funding grants.

10. Improved and strengthened frontline support

While reporting pathways can be useful in providing victim-survivors with access to justice, additional support mechanisms need to be considered to ensure frontline staff are able to appropriately and comprehensively assist victim-survivors.

Frontline responses to LGBTIQ+ people experiencing hate crimes must be trauma-informed, affirming, and victim-centred. LGBTIQ+ people who experience hate crimes often have complex and intersecting legal and non-legal needs that extend beyond any single reporting or compensation pathway. Legal assistance may be required in relation to intervention orders, criminal law matters, family law issues, housing and tenancy disputes, and anti-discrimination complaints, alongside broader support needs such as safe housing, mental health care, and social support.⁵⁰ The Australian Law Reform Commission has emphasised that people who experience violence require professional, empathetic, consistent, and ongoing support within the systems that respond to harm;⁵¹ this principle applies equally to victim-survivors of hate crimes. Access to culturally safe, LGBTIQ+-affirming non-legal support services that understand the dynamics of prejudice-motivated and intersectional trauma is therefore just as critical as access to legal services. Effective responses must be holistic, flexible, and accessible regardless of whether a person chooses to report a crime, improving equity of access and supporting confidence to seek

⁵⁰ Family Violence Reform Implementation Monitor, *Navigating the service system* (Web page, accessed 28 April 2026) <https://archive.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-crisis-response-recovery-model-victim-survivors/navigating-service-system>.

⁵¹ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence Final Report* (ALRC Report 143, January 2025), p 132 [3.92].

help. Specialised community-based services play a critical role in delivering this model and require secure, ongoing funding to build trust, plan for the long term, and provide increasingly trauma-informed support. Integrated, one-stop models—such as Islamophobia Register Australia, which combines incident reporting with support, education, and referrals⁵²—demonstrate how similar services for anti-LGBTIQA+ hate crime could improve reporting, visibility, and outcomes for victim-survivors.

11. Expansion of Justice Navigator pilots in Victoria

The Australian Law Reform Commission’s (ALRC) final report *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*⁵³ provides a useful template on which to build a policy framework for Justice Navigator roles in Victoria in relation to LGBTIQA+ hate crimes. The ALRC calls on the Australian Government, together with state and territory governments, to fund three “Safe, Informed, and Supported Services” (SIS Services): Independent Legal Services; Justice System Navigators; and Safe Places to Disclose.⁵⁴ Relevantly, Justice System Navigators provide “*for every person who has experienced sexual violence, support to access any chosen justice pathway; and for people who choose to pursue a criminal justice pathway, the provision of a trained support person to advocate and provide support in initial and ongoing interactions with police, prosecutors, the court, and related systems.*”⁵⁵ The ALRC specifically identified that navigators should be available to all people who have experienced sexual violence and “*ideally be located within existing and trusted sexual violence services [...] to ensure continuity of training, expertise, and a less disjointed process.*”⁵⁶

While the ALRC’s inquiry focused on sexual violence, the rationale applies equally to LGBTIQA+ victim-survivors of hate crimes. The barriers to engagement identified by the ALRC (including “persistent legal and institutional barriers”, the risk that “disclosure of sexual violence can be retraumatising, stigmatising, and risky”, and “intersectional barriers”) are amplified for LGBTIQA+ individuals who face additional layers of distrust, discrimination and marginalisation.⁵⁷ For example, the ALRC observed that “systemic and cultural factors within police agencies deter LGBTIQA+ people from reporting sexual violence,” and that “traditional ideas of domestic, sexual, and family violence may fail to capture abusive behaviours in LGBTIQA+ intimate relationships such as threatening to ‘out’ a person’s sexual orientation, gender identity or intersex status, or

⁵² Seeking support’, *Islamophobia Register Australia* (Web Page) <https://islamophobia.com.au/seeking-support/>

⁵³ (ALRC Report 143, January 2025)

⁵⁴ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* Final Report (ALRC Report 143, January 2025), p 20.

⁵⁵ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* Final Report (ALRC Report 143, January 2025), p 20.

⁵⁶ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* Final Report (ALRC Report 143, January 2025), p 132 [3.90].

⁵⁷ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* Final Report (ALRC Report 143, January 2025), p 131 [3.87].

using transphobic abuse.”⁵⁸ As previously mentioned, both the VLS and FAS identifies members of the LGBTIQ+ community as a priority group who may face structural barriers in accessing support or legal services and systems.⁵⁹

The ALRC heard on multiple occasions that the justice system can be a “confusing, inconsistent and re-traumatising legal maze” for people who have experienced sexual violence, and that legal options and processes can be unfamiliar and complex, further emphasising the unmet need in this area.⁶⁰ As it currently operates, the FAS framework in Victoria compounds these barriers due to the structural reliance on police reporting pathways and complex evidentiary burdens.

The ALRC identified that this framework has been operated successfully in international jurisdictions for over 20 years in England, Wales and Scotland.⁶¹ Evidence from overseas shows that navigators help increase justice system engagement, reduce the likelihood that complainants withdraw “support in formal investigations and prosecutions of sexual offences” and are cost-effective.⁶²

Victoria has committed to a Justice Navigator Pilot, developed in partnership between Sexual Assault Services Victoria (**SASVic**) and Family Safety Victoria.⁶³ Justice Navigator roles will be embedded in specialist sexual assault services and intended to:⁶⁴

- support survivors to understand and exercise their rights;
- assist survivors to navigate support, compensation, justice and recovery options;
- be free and available for as long as support is needed;
- not require a survivor to report to police before accessing support;
- provide support to secondary victims; and
- complement existing legal supports and services.

⁵⁸ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence Final Report* (ALRC Report 143, January 2025), p 121 [3.48].

⁵⁹ VLS Impact Report p 7; FAS Guidelines p 92.

⁶⁰ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence Final Report* (ALRC Report 143, January 2025), p 132 [3.91].

⁶¹ ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence Final Report* (ALRC Report 143, January 2025), p 133 [3.96]; Sexual Assault Services Victoria, *learning from our colleagues overseas: SASVic study tour* (accessed 28 April 2026 <<https://sasvic.org.au/study-tour-2024/>>).

⁶² ALRC, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence Final Report* (ALRC Report 143, January 2025), p 133 [3.95].

⁶³ Sexual Assault Services Victoria, *About the Justice Navigator Pilot* (accessed 28 April 2026) <<https://sasvic.org.au/about-us/justicenavigators/#navigator>>.

⁶⁴ Sexual Assault Services Victoria, *About the Justice Navigator Pilot* (accessed 28 April 2026) <<https://sasvic.org.au/about-us/justicenavigators/#navigator>>.

Respect Victoria's submission to the ALRC inquiry endorsed this model, noting that Justice Navigators have "great potential to reinforce education and prevention initiatives within the justice system."⁶⁵

While the Victorian pilot is focused on sexual violence, there is a compelling rationale for extending navigator-style roles to LGBTIQ+ victim-survivors of hate crimes. The barriers are analogous and in many cases compounding: distrust of police is well-documented among LGBTIQ+ communities; the FAS does not recognise bias motivation as a factor in eligibility or quantum; and the online-only FAS portal presents additional barriers for vulnerable applicants.⁶⁶ A dedicated navigator role in LGBTIQ+ communities and services would address these barriers by:

1. providing a trusted, non-police point of first engagement;
2. supporting informed decision-making about justice pathways (including FAS applications, police reporting, and civil remedies); and
3. providing start-to-end support to victim-survivors through the justice system in a way that is affirming and culturally safe.

We note that as our client experiences and stories demonstrate, our lawyers often fulfil the role of Justice Navigators in the absence of funding for Justice Navigator roles within CLCs.

Yasmin's Story*

Yasmin* is a young Black transgender woman who was out one Saturday night with her best friend Hannah, another young transgender woman. They had both only recently left school. While they were out, a man who was a few years older, began talking with Yasmin and suggested that they continue the evening at his house. Yasmin, Hannah and some friends agreed and went with him.

At the house, they were joined by several of the man's friends. After spending some time talking and drinking, Yasmin and one of the friends began kissing. When he attempted to take things further, Yasmin clearly communicated that she did not want to have sex. During this interaction, Yasmin disclosed that she is a transgender woman. Although he said he was comfortable with this, Yasmin later reflected that his behaviour changed.

Over the course of the evening, Yasmin was repeatedly pressured to have sex despite refusing. Her efforts to leave were obstructed, and her boundaries were not respected. Yasmin was

⁶⁵ Respect Victoria, Justice Responses to Sexual Violence (Inquiry Response, 14 June 2024) p 18.

⁶⁶ VLS Impact Report, p 21.

sexually assaulted. Her friend Hannah was placed in an extremely distressing position, witnessing what was happening and feeling unable to intervene.

At the time, both Yasmin and Hannah were young and did not know how to access support or what steps to take. They later contacted our service for assistance. We provided clear, supportive advice about their options and, with their consent, recommended reporting the matter to police.

We knew that Yasmin was young, vulnerable and had compounding barriers to navigating the justice system. Because of this, we recognised she needed extra support. We contacted the LGBTIQ+ Liaison Officer at Victoria Police, who connected us with SOCIT, and facilitated a conference call to support Yasmin and Hannah to make a report. We ensured that she had help at every stage of this process. For people like Yasmin, this kind of above-and-beyond support is essential to ensuring they can access better justice outcomes.

**Name has been changed*

Recommendations

21) Embed and expand Justice Navigator roles

Invest in the expansion of the current Justice Navigator pilots to include dedicated, LGBTIQ+-specific navigator roles embedded within existing LGBTIQ+ community-controlled organisations and legal services. Access to support should not be contingent on police reporting and should be available regardless of whether a victim-survivor has reported, or intends to report, to police. These navigator roles should be funded on a sustained, multi-year basis to ensure continuity of support and avoid the workforce disruption and service uncertainty.

12. Prevention and Systemic Responses

Limitations of criminal response

As discussed in the section on Legal and Policy Context, the current response to addressing anti-LGBTIQ+ hate crimes in Victoria is focused on criminal responses, relying on stricter punishments as a deterrent to offending. There are several concerns with this being seen as a complete solution to this problem. Initially this is a generally reactive response, as it intervenes to punish only after crimes have occurred and been prosecuted, and unlike preventative measures, it does not intervene at the earliest opportunity to prevent underlying harmful ideology.

The second main concern with this approach is that for members of the LGBTIQ+ community, institutional trust in police is still being rebuilt.⁶⁷ At the current point in this process, crimes against the LGBTIQ+ community are still often underreported, and victims are on occasion known to be selected for their unlikeliness to report being the victim of a crime.⁶⁸ Given the limitations of criminal justice responses, there is a need for a multidisciplinary approach to the prevention of these crimes.

Early Intervention and Preventative initiatives

Tackling hate crime requires more than a solely criminal justice response. While criminal law plays an important role in accountability, addressing the underlying drivers of hate—particularly prejudice, misinformation and social exclusion—requires sustained early intervention and prevention initiatives that operate well before harm escalates into criminal behaviour.

The plans and methods used to address other forms of radical behaviour provide a strong example of how early intervention preventative programs can be deployed. Specifically, Anti-racism Strategy places an emphasis on multiple different types of preventative strategies, including public campaigns to drive behaviour change, and supporting a range of local level community initiatives.⁶⁹

Having a coordinated plan such as this provides a framework for the support of preventive programmes and also specifies how they fit together as part of a coordinated approach to an issue. It also allows for an evidence-based approach that is capable of considering developments in the fields of public health, education and psychology as the plan is implemented or reviewed over time. This strategy should also be paired with a specific taskforce responsible for oversight and implementation to ensure effective results, we note that this is the approach that has currently been adopted in relation to Victoria's Anti-racism Strategy.⁷⁰

Community legal centres (**CLCs**) play a critical role in this preventative ecosystem. Organisations such as SMLS/Justice Q are embedded within communities and are uniquely placed to deliver early intervention initiatives that address harmful attitudes before they manifest as anti-LGBTIQ+ hate crimes. Through community legal education (**CLE**), school-based lawyer programs, and targeted youth engagement initiatives, these organisations work directly with young people and community members to build understanding, challenge prejudice, and promote inclusive social norms.

We currently run a range of integrated programs aimed at reducing the likelihood of future justice system involvement. These include formal CLE sessions and the School Lawyer Program, as well as informal and community-based initiatives. These initiatives are specifically designed to address

⁶⁷ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 11.

⁶⁸ Ibid.

⁶⁹ Victorian Department of Premier and Cabinet, *Victoria's anti-racism strategy 2024–2029* (Report, November 2024) 12.

⁷⁰ Ibid, 6.

early indicators of harm, focusing on education, relationship building, and values-based engagement rather than punishment.⁷¹

We also run a series of CLE programs with partner youth organisations, including residential care providers and youth mental health organisations. We deliver these initiatives directly to young people, and the feedback has been excellent—participants are highly engaged and genuinely look forward to the sessions. The CLEs are delivered in innovative ways which helps increase their impact and accessibility. While these initiatives are highly effective, they require ongoing funding to ensure sustainability and to expand their reach and impact over time.

Sporting Change is a youth engagement and early intervention program delivered by SMLS that uses sport as a practical and accessible framework to build legal understanding, promote positive social norms, and reduce young people's likelihood of future involvement with the justice system. Delivered through partnerships with schools and local sporting clubs, the program combines interactive, sport-based activities with tailored community legal education and access to an embedded school lawyer. By creating an informal, discussion-based environment grounded in shared activities, Sporting Change enables nuanced conversations about legal rights, responsibilities, and broader social issues—including harmful attitudes such as anti-LGBTIQ+ prejudice—while fostering trust, critical thinking, and meaningful engagement among young people.

This approach differs from strategies that rely on further criminalisation as a deterrent. Rather than depending on fear of punishment, prevention-focused programs create space for reflection, challenge discriminatory beliefs, and support shifts in underlying values and behaviour.

For these reasons, existing early intervention and prevention programs—such as Sporting Change, school lawyer initiatives, and community legal education delivered by CLCs should be fully and sustainably funded. Long-term funding is essential to enable effective planning, workforce stability, and the continued scaling and strengthening of programs that address the root causes of anti-LGBTIQ+ hate and reduce future harm.

Recommendations

22) Adopt a Coordinated Early Intervention and Prevention Approach to Anti-LGBTIQ+ Hate Crime

We recommend adopting a coordinated, prevention-focused approach to anti-LGBTIQ+ hate crime that goes beyond criminal justice responses and prioritises early intervention, public education and community-led initiatives, including through sustained funding for community legal centres such as SMLS and Justice Q to deliver community legal education, school-based

⁷¹ 'Integrated partnership and community programs', *South-East Monash Legal Service* (Web Page) <https://www.smls.com.au/integrated-partnership-and-community-programs/>

lawyer programs and youth engagement initiatives, supported by clear oversight and evidence-based implementation.

13. Restorative Justice Models

Restorative justice models typically involve placing victims of crime at the centre of the justice process, allowing them to share their experiences and reach new understandings of their experiences.⁷² This model can be effective in enabling victim survivors have their experiences recognised and to feel more valued throughout the justice process. It may also be something sought out by perpetrators who wish to move on from a previous, more hateful version of themselves, including those who perpetrate anti-LGBTIQ+ hate crimes due to struggling with their own LGBTIQ+ identity. However, restorative justice can involve direct communication between the victim-survivor and offender.⁷³ This process requires careful management, particularly in the context of anti-LGBTIQ+ hate crimes as offenders are often motivated by hateful ideologies which can not only be persistent and may be discretely signalled to by perpetrators in conversation.

Victim-survivor safety must be front and centre in any restorative justice model considered for this type of crime. This requires an informed consent process for victim-survivors ensuring that the process is presented as entirely optional, and only to be pursued if the victim-survivor has sufficient interest. The current approach taken to restorative justice in Victoria provides a good model for a consent first system.⁷⁴ Matters should also be pre-screened to ensure that there are no obvious indicators of risk to the victim-survivor. Beyond initial consent, the process needs to be designed to be flexible allowing victim-survivors to withdraw at any point if they feel unsafe or uncomfortable.

We also emphasise the importance of tailoring restorative justice options to LGBTIQ+ communities. These communities face unique risks, and have a history of past oppression that differs to other marginalised communities.⁷⁵ When designing restorative justice options, members of LGBTIQ+ communities should be directly consulted with to ensure that the specific needs of community members are incorporated into the design of the programme from the outset. Oversight of the programme should also be by people with specific LGBTIQ+ community experience to ensure that community members perspectives are placed front and centre. This approach is

⁷² 'About victim-centred restorative justice', Victorian Department of Justice and Community Safety (Web Page) <https://www.justice.vic.gov.au/vcjr/about-victim-centred-restorative-justice>

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Jeremie Bracka, RMIT University School of Law, *Transitional Justice and Historical Repair for LGBTIQ+ Communities in Victoria* (Report, 13 April 2026) 8.

consistent with the commitment in Victoria's current restorative justice programme to only use people with "appropriate resources and skills" to support victims through the process.⁷⁶

Recommendations

23) Victim-Centred Restorative Justice for Anti-LGBTIQA+ Hate Crimes

Ensure any use of restorative justice in anti-LGBTIQA+ hate crime matters is strictly victim-centred, consent-based and optional, with robust pre-screening, the ability for victim-survivors to withdraw at any stage, and programmes designed and overseen in partnership with LGBTIQA+ communities to prioritise safety, cultural competence and community trust.

⁷⁶ 'About victim-centred restorative justice', *Victorian Department of Justice and Community Safety* (Web Page) <https://www.justice.vic.gov.au/vcrl/about-victim-centred-restorative-justice>