

Victorian Government response to the recommendations of the Legislative Assembly Legal and Social Issues Committee's Inquiry into Anti-Vilification Protections

Introduction

The Victorian Government welcomes the Report and recommendations of the Legislative Assembly Legal and Social Issues Committee's *Inquiry into Anti-Vilification Protections*.

The government thanks the Committee for its comprehensive review of anti-vilification protections in Victoria, and those who provided submissions and evidence to the Inquiry, particularly given the sensitive subject matter. The Report provides valuable insight into the significant and cumulative harm caused by vilification, highlighting the importance of a robust framework to both prevent and respond to vilification and hate conduct in Victoria.

The government firmly believes that vilification has no place in our community. Sadly, the evidence presented to the Committee suggests hate conduct and vilification are clearly present in Victoria. Exposure to vilification and hate conduct appears to be more prevalent for Aboriginal people, people from culturally and linguistically diverse backgrounds, people from particular faiths, women, people who identify as LGBTIQ, and people with disability. Vilification occurs across many settings - schools, sporting grounds, workplaces, services, and online.

Instances of hate conduct and vilification are often linked to external events – for example, acts of terror or negative public discourse or public backlash against issues of community interest. This was illustrated when sectors of the Victorian community reported an increase in incidents of racism and vilification in the context of the coronavirus (COVID-19) pandemic.

The harm caused by hate conduct and vilification can be profound, affecting the physical and psychological wellbeing of individuals as well as whole communities' ability to participate in daily life. Significantly, hate conduct and vilification challenges the very core of Victoria's social cohesion through its inherent divisiveness and unequal distribution of power.

The government would like to again acknowledge the very important work of the Legal and Social Issues Committee, as well as the individuals and organisations who shared their experiences, time and expertise with the Inquiry.

The Victorian Government's response

The government is pleased to respond to the Committee's Report.

Addressing the causes of and responses to vilification and hate conduct is complex. The government is committed to engaging with the findings of the Report and will continue to develop and implement evidence-based initiatives to prevent and address vilification in our community.

The government's response addresses each recommendation in the Report, identifying current government initiatives aimed at addressing hate conduct and vilification in Victoria, as well as future priorities and actions that will respond to the Inquiry's recommendations.

The government's Anti-Racism Taskforce is performing important work developing Victoria's new Anti-Racism Strategy. The Anti-Racism Strategy will complement the implementation of the Inquiry's recommendations that relate to racial vilification.

This response was prepared in consultation with key agencies, including Victoria Police, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), and the Victorian Multicultural Commission (VMC). It builds on the government's submissions to the Inquiry in December 2019 and June 2020 and the options explored in those submissions to prevent and respond to hate conduct and vilification in Victoria.

Response to recommendations

No.	Recommendation	Response	Considerations
1	<p>That the Victorian Government extend anti-vilification provisions (in both civil and criminal laws) to cover the attributes of:</p> <ul style="list-style-type: none"> a. race and religion b. gender and/or sex c. sexual orientation d. gender identity and/or gender expression e. sex characteristics and/or intersex status f. disability g. HIV/AIDS status h. personal association. 	Support in Principle	<p>The government acknowledges that, sadly, individuals and groups throughout our community are regularly subjected to vilifying conduct on the basis of more than just their race or religion. The impacts of this can be profound and ongoing, particularly on vulnerable members of our community. All people who experience vilifying conduct would benefit from the extension of anti-vilification laws to better protect and support them.</p> <p>The government will carefully consider extending anti-vilification protections to additional groups of people, including all those groups protected from discrimination under the <i>Equal Opportunity Act 2010</i>.</p> <p>To ensure the most appropriate terminology is used and determine which attributes should be considered, the government will undertake extensive consultation and work with the Victorian community to determine the best way to extend the scope of Victoria's anti-vilification laws.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
2	That the Victorian Government amend anti-vilification laws to ensure people can make complaints on the basis of more than one attribute.	Support	<p>The government agrees a person should be able to make a complaint of vilification based on more than one attribute. Clarifying complaints can be made on the basis of more than one attribute will better facilitate the making of complex vilification complaints and recognise the compounding effects of vilification through an intersectional lens. This will be all the more important with the proposed expansion to cover additional attributes.</p> <p>The government will address this recommendation through future amendments to Victoria's anti-vilification laws.</p>

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3	That the Victorian Government fund ongoing research on the drivers behind vilification conduct and prejudice, and effective strategies to prevent this conduct.	Support in Principle	<p>The government recognises the importance of understanding the key causes of, and conditions conducive to vilifying conduct. Currently, the VMC partners with research institutions to conduct research on issues related to racial vilification.</p> <p>Working closely with the VMC and VEOHRC, the government will consider ways to better support research into drivers behind vilification on other grounds. In depth research will guide the development of any future education and communication campaigns to tackle vilifying conduct in the community.</p> <p>During 2020-21, the government supported a research project conducted by Western Sydney University investigating experiences of racism during the coronavirus (COVID-19) pandemic through funding provided by Fairer Victoria.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
4	That the Victorian Government advocate to the Commonwealth Government to implement the Australian Competition and Consumer Commission's recommendation six of its Digital Platforms Inquiry Final Report to establish a national regulatory framework for all forms of media.	Support	<p>Recommendation six of the Australian Competition and Consumer Commission Final Report of the Digital Platform Inquiry seeks the creation of a harmonised media regulatory framework to regulate all forms of media, including online digital platforms. Currently, very little media regulation applies to digital platforms.</p> <p>The Commonwealth Review of Australian Classification Regulation is currently exploring options in response to recommendation six insofar as it relates to professionally produced content. The regulation of user-generated (or amateur) content, such as hate speech or vilification by an individual on a social medial platform may be covered by the Commonwealth's Online Safety Act 2021.</p> <p>The government will continue to engage with the Commonwealth on the implementation of recommendation six, including the seeking a formal update on the Review into Australian Classification Regulation.</p>

No.	Recommendation	Response	Considerations
5	<p>That the Victorian Government implement programs within primary schools to strengthen respect, diversity and cohesion among all students.</p>	<p>Support in Principle</p>	<p>The government supports the Committee's report in highlighting the criticality of 'targeting prejudice in early schooling' and the imperative to 'allow children to feel safe, and to learn and develop at school'.</p> <p>Education plays a critical role in strengthening inclusion in our community. Schools provide an environment where respectful relationships, acceptance of diversity, knowledge of other cultures and an understanding of global and local issues can be developed and championed.</p> <p>There is a range of programs and initiatives available to schools to address the issues highlighted in this inquiry, and opportunities may exist to expand or better target programs and supports. Programs and supports include the School-Wide Positive Behaviour Support (SWPBS) Framework, and the Safe Schools program.</p> <p>The government will consider this recommendation and examine existing programs that are available within primary schools, to identify opportunities for new programs or expansion (or improved promotion and targeting to primary schools) of existing programs and curriculum approaches proposed in the report.</p>
6	<p>That the Victorian Government promote clearer understanding among educators and school leadership on preventing and responding to hate conduct within schools, including through professional development, policies and strategies. Topics to cover may include:</p> <ol style="list-style-type: none"> a. the role of school-based interventions, at both primary and secondary levels, to reduce discriminatory views and attitudes and prevent systemic prejudice b. the impact of broader societal and structural influences on schools' responses to alleged incidents of vilification or harassment c. appropriate responses of teachers, principals and school bodies to incidents of alleged vilification and harassment between students d. possible expansion of the Report Racism hotline to include other groups who experience serious harassment at school, such as LGBTIQ+ youth. 	<p>Support in Principle</p>	<p>The government acknowledges that the Committee heard about multiple incidents of vilification linked to schools and acknowledges the distress caused to families.</p> <p>The government does not tolerate bullying or any form of vilification in schools. All allegations of student harm are taken very seriously, and the government and schools are committed to ensuring all students are able to feel safe and included and able to thrive in a positive learning environment.</p> <p>The government acknowledges and supports-in-principle the specific report finding that the Department of Education and Training can play a greater role in ensuring adequate staff development and professional training to respond to serious incidents.</p> <p>It also acknowledges and supports-in-principle the expansion of the Report Racism Hotline to include other groups who experience serious harassment at school.</p> <p>The government will consider this recommendation and approaches suggested in the report, in the context of existing programs, supports and guidance available to schools.</p>

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7	<p>That the Victorian Government work with relevant organisations (such as the Victorian Equal Opportunity and Human Rights Commission and the Victorian Multicultural Commission) to develop community education campaigns on vilification and hate conduct. Such education should be both broad to the public and also tailored to specific groups that are protected under amended anti-vilification laws. Topics addressed should include creating awareness about vilification laws, hate conduct, responding to incidents, online vilification and strengthening social cohesion.</p>	<p>Support in Principle</p>	<p>VEOHRC and the VMC provide a range of education materials relating to vilification and hate conduct, including through the Reducing Racism Project, in which VEOHRC engages with people from multicultural and multi-faith backgrounds on promoting rights and complaint mechanisms.</p> <p>In addition, the government's Local Anti-Racism Initiatives Grants Program provides funding to community organisations to deliver activities and initiatives which empower local communities to tackle racism, which includes vilification and hate conduct on the basis of race. Grants have been awarded to organisations including the Closing the Gap Foundation, Centre for Multicultural Youth and the Bendigo Queer Arts Festival. A comprehensive list of grants awarded is can be found on the Victorian Government website (www.vic.gov.au).</p> <p>The government will continue to work with VEOHRC and the VMC to address the need for additional community education programs when anti-vilification laws are extended to cover additional attributes. The government will also consult with relevant Aboriginal organisations when determining the need for community education programs.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

No.	Recommendation	Response	Considerations
8	That the Victorian Government lower the civil incitement test from 'conduct that incites' to 'conduct that is likely to incite'.	Support in Principle	<p>The government acknowledges the Committee's findings – and the views of many Victorians – that the threshold for the civil incitement test is currently too high and is a barrier to effective use of the legislation.</p> <p>The government will carefully consider all options, including models in other jurisdictions, to ensure any change to the civil incitement test appropriately balances the rights to equality and freedom of expression under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Charter).</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
9	That the Victorian Government introduce a new civil harm-based provision to assess harm from the perspective of the target group.	Support in Principle	<p>The government recognises a new civil harm-based provision would increase recognition of harm experienced by people who experience vilification and in turn facilitate an increase in enquiries and complaints, providing redress to those who have suffered from the impacts of vilification.</p> <p>The government will carefully consider this recommendation and will undertake extensive consultation with key stakeholders to ensure any new provision appropriately balances the rights to equality and freedom of expression under the Charter.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
10	That the Victorian Government formulate the harm-based provision to make unlawful conduct that 'a reasonable person would consider hateful, seriously contemptuous, or reviling or seriously ridiculing of a person or a class of persons'.	Support in Principle	<p>The government acknowledges that the Committee's proposal for a harm-based test more clearly describes prohibited and permissible conduct, as compared with the provision in section 18C of the <i>Racial Discrimination Act 1975</i> (Cth).</p> <p>As above, the government will ensure any harm-based provision appropriately balances the rights to equality and to freedom of expression under the Charter.</p>

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11	That the Victorian Government explore, in consultation with LGBTIQ+ and religious organisations, narrowing the religious purpose exception in section 11(2) to align with the <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> .	Support in Principle	<p>The government will carefully consider this recommendation, acknowledging any narrowing of section 11(2) of the <i>Racial and Religious Tolerance Act 2001</i> may affect the right to freedom of religion under the Charter.</p> <p>The government has already committed to amending religious exceptions in the <i>Equal Opportunity Act 2010</i> to better protect LGBTIQ+ students, teachers and staff. This will more appropriately balance the right to freedom of religion with the right to equality.</p> <p>The government will consult extensively with LGBTIQ+ and religious organisations in considering this recommendation. In addition, careful consideration will be given to relevant rights under the Charter, including the rights to freedom of expression, equality, freedom of religion and belief and cultural rights, to ensure any reform strikes an appropriate balance between these rights.</p>
12	That the Victorian Government amend the public interest exception in section 11(1)(b)(ii) to include the word 'genuine': any genuine purpose that is in the public interest.	Support	<p>The government agrees with the Committee's findings that the public interest exception should be aligned with artistic, scientific, academic and religious exceptions in section 11(1)(b)(i) of the <i>Racial and Religious Tolerance Act 2001</i>, as it will create greater clarity and consistency between the two provisions.</p> <p>The government will address this recommendation through future amendments to Victoria's anti-vilification laws.</p>
13	That the Victorian Government adopt the definition of 'public act' in s93Z(5) of the <i>Crimes Act 1900 (NSW)</i> , and ensure it apply to civil and criminal incitement-based and harm-based provisions in Victoria's anti-vilification laws.	Support in Principle	<p>The government recognises the <i>Racial and Religious Tolerance Act 2001</i> does not include a definition of 'public act' and that current anti-vilification laws would benefit from a clear definition.</p> <p>The government will consult with relevant stakeholders on this recommendation, and examine definitions such as the definition of 'public act' in s93Z(5) of the <i>Crimes Act 1900 (NSW)</i>, to determine the appropriate definition for Victorian anti-vilification laws.</p>
14	That the Victorian Government streamline anti-vilification legislation by moving provisions to the <i>Equal Opportunity Act 2010 (Vic)</i> and review the operation and effectiveness of the laws, as described in this report, in five years.	Support in Principle	<p>The government is carefully considering options to streamline anti-vilification legislation, including moving provisions into the <i>Equal Opportunity Act 2010</i>.</p> <p>The government supports the recommendation to review any amendments to anti-vilification legislation in five years.</p>

No.	Recommendation	Response	Considerations
15	<p>That the Victorian Government extend current powers of the Victorian Equal Opportunity and Human Rights Commission under the <i>Equal Opportunity Act 2010</i> (Vic) to vilification regulation. These powers relate to practice guidelines, research, legal interventions, compliance reviews, action plans and conducting investigations.</p>	<p>Support in Principle</p>	<p>Under the <i>Racial and Religious Tolerance Act 2001</i>, VEOHRC's role includes assisting people with vilification complaints and settling disputes through dispute resolution mechanisms. Under the <i>Equal Opportunity Act 2010</i>, VEOHRC also has a public education function, which includes disseminating information and educating the public on the objectives of the <i>Racial and Religious Tolerance Act 2001</i>. VEOHRC can also report to the Attorney-General on issues arising from its education function.</p> <p>The government acknowledges that VEOHRC's regulatory functions relating to vilification and discrimination matters under <i>Equal Opportunity Act 2010</i> differ.</p> <p>The government is considering the need for greater regulatory functions for VEOHRC to better address hateful conduct in the Victorian community. The government will carefully consider this recommendation and work closely with the VEOHRC to ensure any changes to its powers and functions are appropriate and effective.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
16	<p>That the Victorian Government consider reinstating the powers removed from the Victorian Equal Opportunity and Human Rights Commission in 2011 and extend these powers to vilification.</p>	<p>Support</p>	<p>In May 2011, the former Coalition Government amended the <i>Equal Opportunity Act 2010</i> to remove VEOHRC's powers to investigate systemic discrimination, conduct public inquiries, and enforce the outcome of an investigation in relation to discrimination. These powers did not originally extend to vilification matters under the <i>Racial and Religious Tolerance Act 2001</i>.</p> <p>In relation to discrimination matters, VEOHRC currently has powers to undertake non-criminal investigations, issue practice guidelines, intervene in legal proceedings on issues of equality, conduct compliance reviews, provide advice on developing and implementing action plans, undertake research and education and report on arising issues. With regard to vilification, VEOHRC's powers include dispute resolution, education and reporting.</p> <p>The government will carefully consider expanding VEOHRC's powers to address discrimination and hateful conduct in the Victorian community, and will work closely with VEOHRC and the Victorian community in relation to any proposed changes.</p>

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17	That the Victorian Government enable the Victorian Equal Opportunity and Human Rights Commission to direct a person to provide information or produce a document needed for a complaint and enforce such a direction by filing it with the Victorian Civil and Administrative Tribunal.	Support in Principle	<p>The government is carefully considering this recommendation, and will consult with the VEOHRC, Victoria Police and the Victorian Civil and Administrative Tribunal (VCAT) to ensure it is effective in practice.</p> <p>The government notes that section 131 of the <i>Equal Opportunity Act 2010</i> enables VEOHRC to go to VCAT for an order for the production of information or documents in relation to a non-criminal investigation. However, VCAT currently does not have the ability to enforce its own orders. This must be undertaken through a court.</p>
18	That the Victorian Government 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 <i>Equal Opportunity Act 2010</i> (Vic).	Support in Principle	<p>Under the <i>Equal Opportunity Act 2010</i>, organisations have a positive duty to eliminate discrimination, sexual harassment, and victimisation as far as possible.</p> <p>The government acknowledges the Committee's finding that there is need for a positive duty for organisation to take reasonable steps to prevent vilification. In considering of the extent and scope of such duty, the Government will consult with employers, providers of accommodation, education, goods and services and clubs and sporting associations.</p>
19	That the Victorian Government fund the Victorian Equal Opportunity and Human Rights Commission based on the reforms to the anti-vilification legislative framework.	Support in Principle	<p>The government recognises any reforms to Victoria's vilification laws will have a significant resourcing impact for VEOHRC.</p> <p>The government will continue to work closely with VEOHRC to determine the scope of any additional funding required due to any changes to Victoria's anti-vilification laws.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
20	<p>That the Victorian Government reform the current criminal offences of serious vilification to simplify and lower the thresholds, and in particular, to specify that: A person must not, on the ground of one of the protected attributes, intentionally or recklessly engage in conduct that:</p> <ol style="list-style-type: none"> a. is likely to incite hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons; or b. to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons. 	Support in Principle	<p>The government acknowledges the Committee's findings that the threshold for the criminal offence of serious vilification is currently too high and is a barrier to effective use of current legislation.</p> <p>Together with the civil incitement test, the government will carefully consider all options, including models in other jurisdictions, to ensure any change to the criminal incitement test appropriately balances the rights to equality and freedom of expression under the Charter.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

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21	That the Victorian Government review the requirement for the written consent of the Director of Public Prosecutions before commencing a prosecution for serious vilification.	Support	<p>The government notes the Committee's finding that the legislative requirement for the written consent of the Director of Public Prosecutions prior to commencing a prosecution of a serious vilification may act as a barrier.</p> <p>The government will review this requirement, in consultation with the Director of Public Prosecutions, when developing future amendments to Victoria's anti-vilification laws.</p>
22	That the Victorian Government review maximum penalties for serious vilification offences.	Support	<p>The government acknowledges the Committee's findings that penalties for serious vilification offences should be commensurate with comparable offences in Victoria.</p> <p>The government will review maximum penalties for these offences, including consideration of the penalties for similar offences in other jurisdictions, when developing future amendments to Victoria's anti-vilification laws.</p>
23	That the Victorian Government duplicate criminal anti-vilification offence provisions in the <i>Crimes Act 1958</i> (Vic).	Further consideration required	<p>The government acknowledges the Committee's findings about the location of criminal offences relating to vilification. The government also acknowledges views raised by stakeholders that the offences are less visible to police and the community as they are not situated within the <i>Crimes Act 1958</i>.</p> <p>While the government understands the premise of this recommendation (i.e. to create more awareness of the provisions and thus encourage application), the government considers duplicating offences may cause confusion.</p> <p>The government considers the underlying issue of anti-vilification offences not being appropriately visible could be addressed in other ways – for example, by moving the offences to the <i>Crimes Act 1958</i>, or through education and training for Victoria Police officers. The government will carefully consider options to address this issue.</p>

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24	That the Victorian Government establish a criminal offence that prohibits the display of symbols of Nazi ideology, including the Nazi swastika, with considered exceptions to the prohibition.	Support	<p>The government will introduce legislation to criminalise the display of the Nazi swastika and other symbols historically associated with Nazism, with appropriate exceptions. This reform will send a clear message that the display of these symbols is not tolerated in Victoria.</p> <p>The government is deeply concerned by the recent increase in the public display of Nazi symbols, in particular the Nazi swastika, in Victoria. Displaying symbols historically associated with Nazism causes significant harm to Victoria's Jewish community and offends all Victorians. The government is committed to protecting the rights of all Victorians to be free from discrimination and hatred and to ensure that all Victorians feel welcome and accepted.</p> <p>The government also acknowledges that the public display of Nazi symbols is used to communicate hatred and cause harm to a wide range of other groups, including Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with a disability and other racial and religious groups.</p> <p>In developing this legislation, the government will consult extensively with the Victorian Jewish community, the Aboriginal community, multicultural organisations, LGBTIQ+ organisations, enforcement agencies, creative industry and educational stakeholders to ensure the offence is appropriately targeted to address the significant harm caused by the display of these symbols.</p>
25	That the Victorian Government, in addition to implementing recommendation 24, monitor the public display of other hateful symbols to determine whether they should also be prohibited.	Support	The government will work with Victoria Police and other relevant agencies to monitor the display of other hateful symbols.
26	That the Victorian Government investigate issues related to prejudice-motivated crime such as: <ul style="list-style-type: none"> a. the test for motivation under section 5(2)(daaa) of the <i>Sentencing Act 1991</i> (Vic) b. international models such as the United Kingdom's approach to hate crimes. 	Support	The government will investigate issues related to prejudice-motivate crime in developing future amendments to Victoria's anti-vilification laws.

No.	Recommendation	Response	Considerations
27	<p>That the Victorian Government fund services to provide support to impacted communities who experience vilification including:</p> <ol style="list-style-type: none"> a. services and programs that provide counselling and other support, and b. services and programs providing legal information and assistance to navigate the system for reporting vilification. 	Support in Principle	<p>Providing appropriate support services and programs for people who experience vilification will be essential to support the expansion of Victorian anti-vilification laws.</p> <p>The government already funds several such services, including:</p> <ul style="list-style-type: none"> • the Islamophobia Support and Outreach program, delivered by the Islamic Council of Victoria, which helps Muslim community members respond to Islamophobic incidents through the provision of advice, referrals, information, and ongoing care; • the My Rental Rights program delivered by the Tenants Union of Victoria which supports Victoria's South Sudanese community to understand their rights in the context of discrimination in private rentals; and • funding to ensure vulnerable workers are safe and secure in their employment and that their rights are respected, and they are able to access supports to address workplace issues including discrimination and vilification. <p>The government will examine options to either strengthen or expand existing programs or develop and identify areas for possible future services. This will include addressing any need for additional support when anti-vilification laws are extended to cover additional attributes. The government will work closely with relevant agencies such as VEOHRC, the VMC, Victoria Legal Aid and the Victorian Aboriginal Legal Service in the first instance to determine where additional funding is required.</p> <p>If additional funding is required to implement this recommendation, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
28	<p>That the Victorian Government fund organisations such as Victorian Legal Aid and the Victorian Aboriginal Legal Service to engage in strategic litigation on vilification matters to develop practice in this area.</p>	Support in Principle	<p>The government will carefully consider this recommendation. Both Victoria Legal Aid and the Victorian Aboriginal Legal Service operate independently from government. While the government provides funding to Victoria Legal Aid, it would not be appropriate for the government to direct these agencies to engage in strategic litigation on a particular issue.</p> <p>The government will closely work with Victoria Legal Aid and the Victorian Aboriginal Legal Service to determine whether additional funding is required to support strategic litigation on vilification matters which have occurred within the Victorian community.</p> <p>If additional funding is required to implement this recommendation, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

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29	That the Victorian Government enable a representative complaint to be made to the Victorian Equal Opportunity and Human Rights Commission without the need to name an individual complainant.	Support in Principle	<p>The government acknowledges the difficulties which can arise for individuals who are the victims of vilification and the challenges they can face in bringing a complaint.</p> <p>The government will consider this recommendation in developing future amendments to Victoria's anti-vilification laws.</p>
30	That the Victorian Equal Opportunity and Human Rights Commission and Victoria Police strengthen working relationships, information sharing and cooperation to ensure all reports or complaints about vilification are appropriately addressed. This should also include relevant peak and community organisations where appropriate to share research, data and information.	NA	This recommendation is not directed to the Victorian Government.
31	That the Victorian Government make the recording of prejudice motivated crime mandatory by Victoria Police officers. This requirement should be accompanied by sufficient training, resources and procedures, as well as the establishment of relevant guidelines and standards to ensure standardization of record keeping processes.	Support in Principle	<p>The government will carefully consider this recommendation and work closely with Victoria Police on how best to record prejudice motivated crime occurring in the Victorian community. Operational decisions, including the establishment of operational guidelines and police training are matters for the Chief Commissioner of Police. The government notes, as a matter of course, Victoria Police revises its training and operational policy upon changes to legislation.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
32	That the Victorian Government strengthen education and training on responding to vilification and prejudice motivated crime. This could include comprehensive and ongoing education and training for police officers as well as members of the judiciary on serious vilification offences, sentencing provisions and investigating and prosecuting prejudice motivated crimes.	Support in Principle	<p>The government acknowledges the Committee's finding that training and education on responding to vilification and prejudice motivated crime could be improved for police, prosecutors, and the judiciary. Additional training and education could create a deeper awareness and understanding of sentencing and offence provisions and will be especially important if the government makes significant legislative reforms to Victoria's anti-vilification laws.</p> <p>The government will consider options to strengthen education and training for members of the police force and the judiciary and will work closely with Victoria Police and other relevant agencies to develop appropriate programs – noting that operational decisions, including the establishment of operational guidelines and police training are matters for the Chief Commissioner of Police.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

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33	That the Victorian Government implement third party (community led) reporting mechanisms in trusted community organisations as an additional avenue to report vilification and hate crimes to relevant authorities—the Victorian Equal Opportunity and Human Rights Commission and Victoria Police.	Support in Principle	<p>The government acknowledges community-led reporting mechanisms could build a more comprehensive and fulsome picture of vilification in Victoria.</p> <p>VEOHRC's existing community reporting tool provides a quick and informal way to inform VEOHRC of experiences of racism, sexual harassment or discrimination of any kind via its website, www.humanrights.vic.gov.au.</p> <p>In addition, the government funds a number of projects which support the reporting of racism in Victorian communities, including:</p> <ul style="list-style-type: none"> • the Reflect Forward project, delivered by One Love Australia, which empowers sporting and school communities to take an effective stand against racism in sport, including through an online racism incident reporting tool; and • the 'Islamophobia Support and Outreach' program (also see recommendation 27) delivered by the Islamic Council of Victoria, which has developed an Islamophobia Reporting platform. <p>The government will explore additional options and consult with relevant community organisations to explore the feasibility of third-party (community led) reporting mechanisms to facilitate the reduction of barriers to reporting vilification in the Victorian community.</p> <p>Given the implementation of the recommendation will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

No.	Recommendation	Response	Considerations
34	<p>That the Victorian Government work with agencies—including the Victorian Equal Opportunity and Human Rights Commission, Victoria Police, Victorian Crime Statistics Agency and the Victorian Civil and Administrative Tribunal—to develop a strategy to collect, monitor and regularly report government data on vilification conduct and prejudice motivated crime. Data should refer to outcome measures and indicators to monitor the effectiveness of legislation, programs and services in reducing vilification.</p>	<p>Support in Principle</p>	<p>The government acknowledges collecting, monitoring, and reporting on data relating to vilification conduct and prejudice motivated crime in the Victorian community will allow for a more comprehensive understanding of vilification issues and support the government to evaluate the effectiveness of and refine Victoria's anti-vilification laws and programs aimed at reducing vilification in the Victorian community. Currently, while some data on vilification is collected, the detail and scope of that data varies across agencies and is somewhat limited.</p> <p>The government will work closely with agencies to identify opportunities for the management and analysis of data on vilification conduct, noting that this will be complex, may be resource intensive and will require appropriate technology and systems to be in place. The government will carefully consider whether the development of a broader strategy to collect, monitor on vilification conduct and prejudice motivated crime.</p> <p>Given the implementation of any strategy will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>
35	<p>That the Victorian Government work with relevant agencies, community organisations and stakeholders (such as the Victorian Equal Opportunity and Human Rights Commission, Office of the eSafety Commissioner, the Online Hate Prevention Institute and others) to develop a strategy to reduce and prevent vilification online. The strategy should include steps to build digital literacy and online safety skills, data collection and publication and raising awareness of the application of the anti-vilification laws to online settings.</p>	<p>Support in Principle</p>	<p>The government acknowledges the increased prevalence of online vilification and that there are significant challenges in protecting Victorians from hateful online content and conduct. Any strategy with the aim of mitigating or preventing online vilification should be coordinated at a national level with the Commonwealth and other states and territories.</p> <p>In 2019, the government successfully advocated for 'harmful online content' to be a standing item on the agenda of the former Council of Attorneys-General. The government considers any strategy to reduce online vilification will be most effective if coordinated and led nationally due to the transborder nature of the internet, and will continue to advocate for a national approach.</p> <p>Given the implementation of any strategy will require considerable government investment above existing levels, support for the recommendation is subject to further funding consideration by government as part of future budget processes.</p>

No.	Recommendation	Response	Considerations
36	<p>That the Victorian Government explore options, in coordination with the Commonwealth and other states and territories, to address online vilification such as:</p> <ul style="list-style-type: none"> a. reporting and referral tools between the Office of the eSafety Commissioner and antidiscrimination and human rights agencies throughout Australia b. encourage social media platforms to adopt jurisdiction verification tools c. collecting and publishing information and data on social media platforms and vilification, including policies and processes for reducing vilification d. a legal framework for law enforcement authorities to handle online vilification issues. 	Support in Principle	<p>The government recognises the need for greater regulatory functions and powers to address online vilification in the Victorian community and notes work is being undertaken at the federal level including the Commonwealth's Online Safety Bill 2021 which has passed both levels of Federal Parliament. The government will work with the Commonwealth and other states and territories to explore options for a national approach to online vilification.</p>