

To whom this may concern,

I am writing to you in regard to the consultation taking place into Victoria's anti-vilification laws. I want to voice my support for the Racial and Religious Tolerance amendment bill; protecting minorities and the vulnerable is important to keep them safe and show that they are valued by our society, despite what a few hateful and egocentric people may tell them.

Women, people with disabilities and LGBTI are as equally deserving of protection from threats and intimidation as people are for their race and religion. Compared with other states, Victoria not including these in its anti-vilification framework has always seemed incomplete and allowed trolls to target some groups when they wouldn't get away with targeting others. Some people might argue otherwise, but they are not the ones who have to experience the fear and disrespect accompanying vilification, and have no stake in the matter themselves and therefore nothing to lose if these changes are enacted, unless of course they are the individuals who wish threaten, intimidate and ridicule innocent people based simply on who they are, in which case they should be challenged. Women, people with disabilities and LGBTI people do not deserve this, nor to have their concerns ignored by the state and police.

One aspect of the bill to amend the act that is particularly important I believe is replacing "incitement" with "likely to incite", deeming reckless vilification a criminal offence and changing the current subjective test for criminal vilification to an better object test so that judges do not have to attempt to ascertain what offenders knew or may or may not have intended to do. These changes are necessary because more often than not offenders will attempt to downplay their actions by claiming they never intended to offend, intimidate or humiliate the victim, despite the fact that their actions were obviously more likely than not going to have that affect regardless. The intentions of the offender are irrelevant to the victim, who is often left with feelings of fear and shame, which should not be ignored. The affect on the victim should take precedent to the unprovable claims of the offender about what their intentions where. If a person does the wrong thing, their intentions do not excuse that, and they should be held responsible for their actions. Furthermore, especially in cases involving religion, many may argue they were acting "in good faith", however, I can attest that there is no such thing as telling somebody they will "burn in hell" in good faith – it is clearly offensive and anybody saying it knows they're about to offend the person they tell it to even if they don't want the person to act offended – and once again, how the offender wanted or intended the victim to feel is of no help to them, or change how obscene the offenders actions were. Vilification against vulnerable people and minorities is unfortunately a prevalent problem in society, however, there are very few corresponding vilification convictions in Victoria, suggesting the that current threshold for proving vilification it too high; these changes would bring the bar to a more realistic yet reasonable level. For reference, an article that further explains why these changes are necessary can be found at:

<https://theconversation.com/victorias-new-anti-vilification-bill-strikes-the-right-balance-in-targeting-online-abuse-123014>

While the bill contains many necessary changes to the act, there is however further room for improvement; HIV/AIDS status should also be a protected attribute. While it is health related, it is not a disability and is therefore not covered by these changes. Many living with HIV would attest that like sexual orientation it is something trolls often vilify others for. I have seen many grotesque examples of this. Including it would not be without precedent as other states include it in their anti-vilification laws, including the most recent state to amend their

laws, New South Wales who do include HIV/AIDS statues. These issues are rarely looked at by parliament, and it would be remiss not to take this opportunity to make sure our laws are properly amended to include all those who are vulnerable and deserving of protection, including those people living with HIV, as it will likely be a long time before these too often ignored issues are looked at again.

Moreover, Victoria's racial and religious tolerance act prohibits a person from engaging in conduct against another person or group in public that incites hatred, serious contempt, revulsion or severe ridicule. Tasmania, however, provides far stronger protection for vilification, prohibiting conduct that a reasonable person would anticipate would offend, insult, ridicule, humiliate or intimidate another person. It also protects a more expansive range of attributes that include gender, age, relationship status and pregnancy. I believe that to truly protect people from vilification and treat vilification as the serious problem that it is, Victoria should adopt changes to our laws like those of Tasmania's that have a more comprehensive list of actions that constitute vilification including intimidation, humiliation, etc, and extends protection to a more comprehensive list of characteristics including gender, pregnancy, etc. These laws have operated well in Tasmania for over two decades without complaint nor evidence that they are too stringent; to the contrary, they have provided much better protection to those who have suffered from vilification than other states, especially those with a disability who form a significant proportion of complaints under Tasmania's stronger laws.

To demonstrate why these changes are necessary, I will detail a story from somebody I know involving vilification. At the beginning of this year during the Midsumma pride parade in Melbourne, an acquaintance of mine attended and did so wearing eclectic and feminine clothing including high heels. While in the city, he was approached by infamous neo-Nazi and founder of the United Patriots Front Neil Erikson, who has unsurprisingly been convicted under anti-vilification laws previously for inciting contempt against Muslims, as well as assault, affray and stalking. Unprovoked, Erikson filmed himself questioning, harassing and insulting him, and then uploaded the video to his Facebook page to further humiliate him and sick his followers onto him. A barrage of Erikson's followers left comments including "throw hydrochloric acid on it", "shoot the thing", "fucking putrid pricks", among other things, while others posted pictures of bullets suggesting there is "only one cure for degenerates like this" and that "there is so many of them now the bigger effective treatment is too expensive" and "this [the bullets] is the only cheap way to do them all." Under our current laws, there is nothing to hold these online far-right trolls accountable for their despicable actions which are clearly threatening, intimidating, humiliating and vilifying. LGBTI all too regularly have to face this online abuse, but there is nothing to protect them nor punish these reactionaries trying to make others feel unsafe in public because they hate us for simply existing. All that could be done was to pass on the evidence to advocacy group Equality Australia so they could bring it to the Victorian government to argue this demonstrates we need stronger laws.

With the federal Liberal/National government currently attempting to undermine anti-discrimination and anti-vilification laws in Australia, we need now more than ever to enact comprehensive protections for societies most targeted and vulnerable members and minorities so they can feel safe being in public simply being who they are, without being threatened, humiliated and vilified. For this reason, I urge you to support the Racial and Religious Tolerance amendment bill and the above suggested changes.

Thank you for your time and consideration.

Sincerely,

Liam Bywater