

20 December 2019



The Committee Manager
Legislative Assembly Legal and Social Issues Committee
Parliament House
Spring Street
East Melbourne, Victoria 3002

LA LSIC - AVP INQUIRY
SUBMISSION NO. 27
RECEIVED 20 DECEMBER 2019

CC: Fiona Patten, Reason Party Leader
Sam Hibbins, Greens LGBTIQ Equality Spokesperson
David Davis, Shadow Minister for Equality

To whom it may concern,

The Victorian Gay & Lesbian Rights Lobby (**VGLRL**) provides the following submission in response to the Inquiry into Anti-Vilification Protections.

The VGLRL is a community based advocacy group that works towards equality, social justice and advancing human rights for lesbian, gay, queer, bisexual and same sex attracted Victorians. We work constructively, cooperatively and respectfully with transgender, bisexual, intersex and other organisations that support our organisation's mission and vision.

Our submission addresses legislative and social reform necessary to address the incidence and impacts of vilification against LGBTI Victorians.

This submission can be made public and we would value the opportunity to address any questions you may have at public hearings. We thank you for taking the time to review this submission.

Yours sincerely,

Ms Nevena Spirovska
Co-Convener, VGLRL



Mr Maxim Thomas
Co-Convener, VGLRL



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Inquiry into Anti-Vilification Protections

Summary of recommendations

Recommendation 1: Anti-vilification protections should be expanded to address vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

Recommendation 2: The definitions of gender identity and sex characteristics should be those in clause 7 of the Racial and Religious Tolerance Bill 2019.

Recommendation 3: The definition of sexual orientation should be the same as that in the *Sex Discrimination Act 1984* (Cth).

Recommendation 4: The definition of HIV/AIDS status should be the same as that in section 67A(3) of the *Anti-Discrimination Act 1991* (ACT).

Recommendation 5: The threshold test for vilification should be either:

(a) 'conduct that is reasonable likely to incite hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons';

(b) 'conduct that is reasonably likely to cause harm' or similar wording to that effect; or

(c) 'conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of that person or class of persons'.

Recommendation 6: There should (continue to be) exceptions for public conduct based on legitimate public debate, artistic expression and academic research.

Recommendation 7: There should (continue to be) exceptions for proselytising.

Recommendation 8: There should not be criminal sanctions for vilification.

Recommendation 9: Anti-vilification protections based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status should be located in a separate part of the *Equal Opportunity Act 2010* that is not confined to certain areas of public life, rather than extending the *Racial and Religious Tolerance Act 2001*.

Recommendation 10: The *Equal Opportunity Act 2010* should be amended to reinstate the powers of the Victorian Equal Opportunity and Human Rights Commission to conduct public inquiries, issue compliance notices and enter into enforceable undertakings, in line with clause 12 of the Equal Opportunity Amendment (LGBTI Equality) Bill 2016.

Recommendation 11: The Government should fund a No To Homophobia style public education campaign to challenge vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

Recommendation 12: The Government should fund the Anti Violence Project to expand its online reporting mechanism to cover vilification based on sexual orientation, gender identity, sex

characteristics and HIV/AIDS status and – where consent is given – to provide these reports to appropriate authorities.

Recommendation 13: The Government should ensure that Switchboard Victoria is adequately funded to provide support for people experiencing vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

Background

Experiences of vilification

1. History shows that LGBTI people are frequently vilified on the basis of their sexual orientation, gender identity or intersex status. The 1980s and 1990s saw a spate of 'gay bashings' and a violent culture towards gay and bisexual men.¹ Our 2010 community survey found that "levels of public abuse directed at Victorian gay men, transgender people, lesbians and bisexuals remain high and are clearly unacceptable."² The vilification experienced by LGBTI people continues today.
2. A 2015 survey found that just over 71% of LGBTI people had experienced violence, harassment or bullying on the basis of their sexual orientation, gender identity or intersex status.³ A similar survey in 2006 survey found that just under 60% of LGBTI people had experienced personal insults or verbal abuse.⁴
3. A 2018 survey found that just under 95% of LGBTI young people had experienced heterosexual abuse.⁵ A 2014 survey found that over 64% of LGBTI young people have been the subject of verbal abuse based on their sexual orientation, gender identity or intersex status.⁶ A similar survey in 2010, found this to be 61%.⁷
4. During the Australian Marriage Law Postal Survey, the Queensland LGBTI Legal Service collected more than 220 examples of hate speech directed against LGBTI people ranging from posts on social media to posters around university campuses. This period saw an increase in hate speech, with specialist health services reporting a corresponding 40% increase in people seeking counselling and support.
5. A report for the LGBTI Legal Services found that there was an 'increasing prevalence of hateful comments on... Facebook "newsfeeds"'.⁸ However, "the "virtual status" of these offences renders people less likely to take action."⁹ Not only this, but the 'lack of confidence that a sympathetic

¹ See e.g. Seb Starcevic, 'Why Victoria Needs to Confront its Homophobic Past', *Star Observer* (10 October 2019); Seb Starcevic, 'Streets of Shame: The Victims of Victoria's Secret Crime Wave', *Herald Sun* (1 March 2019).

² *Enough is Enough: A Report on Discrimination and Abuse Experienced by Lesbians, Gay Men, Bisexuals and Transgender People in Victoria* (Victorian Gay and Lesbian Rights Lobby, 2010) 36.

³ *Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights: National Consultation Report* (Australian Human Rights Commission, 2015) 16.

⁴ Marian Pitts et al, *Private Lives: A report on the health and wellbeing of GLBTI Australians* (Australian Research Centre in Sex, Health and Society, 2006) 50.

⁵ William Leonard & Bianca Fileborn, *Policing for Same Sex Attracted and Sex and Gender Diverse Young Victorians* (Australian Research Centre in Sex, Health and Society, 2018) v.

⁶ Kerry Robinson et al, *Growing Up Queer: Issues Facing Young Australians Who Are Gender Variant and Sexually Diverse* (Young and Well Research Cooperative, 2014) 49.

⁷ Lynne Hiller et al, *Writing Themselves in 3: The third national study of the sexual health and wellbeing of same sex attracted and gender questioning young people* (Australian Research Centre in Sex, Health and Society, 2010) 39.

⁸ Emma Fell et al, *Like Love Project: Vilification Protections for LGBTIQ People* (LGBTI Legal Service, 2017) 3.

⁹ Emma Fell et al, *Like Love Project: Vilification Protections for LGBTIQ People* (LGBTI Legal Service, 2017) 5 referencing Matthew Williams, 'Virtually Criminal: Discourse, Deviance and Anxiety within Virtual Communities' (2000) 13 *International Review of Law, Computers and Technology* 103.

response will be achieved' or that their complaints will be taken seriously renders people less likely to take action, alongside the distress bringing an action may cause.¹⁰

6. Vilification of gay and bisexual men is also closely linked with vilification on the basis of HIV/AIDS status. In one instance reported to ACON as part of their Lesbian and Gay Anti-Violence Project, a man reported enduring 20 years of vilification from his neighbour, including taunts such as "Why don't you poofers drop dead of AIDS?", "AIDS poofers", etc.¹¹

Impact of vilification

7. Vilification has a significant impact on the mental health of LGBTI people.
8. A 2010 survey found that 40% of LGBTI young people who had been verbally abused had thought of self-harm, and were twice as likely to have attempted suicide compared to their peers who had not been verbally abused.¹²
9. In the example provided as part of ACON's Lesbian and Gay Anti-Violence Project, the victim was on anti-depressants and dreaded venturing as far as his front yard because of the fear of abuse.¹³
10. For these and many other reasons, LGBTI people and people living with HIV/AIDS require anti-vilification protections.

Legislative reform

11. In this section we shall consider legislative reform to address experiences and impacts of vilification against LGBTI people.

Commonwealth law

12. Under the *Racial Discrimination Act 1975*, it is unlawful for a person to do an act that is "reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people" on the basis of their race, colour, national origin or ethnic origin.
13. Under the *Marriage Law Survey (Additional Safeguards) Act 2017*, it was unlawful for a person to vilify another person on the basis of their sexual orientation, gender identity or intersex status. However, this Act has since been repealed.

¹⁰ Emma Fell et al, *Like Love Project: Vilification Protections for LGBTIQ People* (LGBTI Legal Service, 2017) 6 referencing Katherine Gelber and Luke McNamara, 'Anti-Vilification Laws and Public Racism in Australia: Mapping the Gaps Between the Harms Occasioned and the Remedies Provided' (2016) 29(2) *UNSW Law Journal* 507.

¹¹ *Addressing Sexual Orientation and Sex and/or Gender Discrimination: Consultation Report* (Australian Human Rights Commission, 2011) 14.

¹² Lynne Hiller et al, *Writing Themselves in 3: The third national study of the sexual health and wellbeing of same sex attracted and gender questioning young people* (Australian Research Centre in Sex, Health and Society, 2010) 51.

¹³ *Addressing Sexual Orientation and Sex and/or Gender Discrimination: Consultation Report* (Australian Human Rights Commission, 2011) 14.

New South Wales law

14. Under the *Anti-Discrimination Act 1977*, it is unlawful to vilify a person on the ground that the person is a transgender person, homosexual or HIV/AIDS infected.
15. Under the *Crimes Act 1900*, it is an offence to threaten or incite violence against a person on the basis of their sexual orientation, gender identity, intersex status or HIV/AIDS status.

Queensland law

16. Under the *Anti-Discrimination Act 1991*, it is unlawful to vilify a person on the basis of their sexuality or gender identity. The Act also stipulates that it is an offence to threaten or incite physical harm against a person on the basis of their sexuality or gender identity.

Australian Capital Territory law

17. Under the *Discrimination Act 1991*, it is unlawful to vilify a person on the basis of their sexuality, gender identity, intersex status or HIV/AIDS status.
18. Under the *Criminal Code 2002*, it is an offence to threateningly vilify a person on the basis of their sexuality, gender identity, intersex status or HIV/AIDS status.

Tasmanian law

19. Under the *Anti-Discrimination Act 1998*, it is unlawful to vilify a person on the basis of their sexual orientation, gender identity or intersex variations of sex characteristics.

Victorian law

20. Under the *Equal Opportunity Act 2010*, it is unlawful for a person to discriminate against another person on the basis of their sexual orientation or gender identity. There are no protections based on intersex or HIV/status, though these could fall under other protected attributes. Under the *Racial and Religious Tolerance Act 2001*, it is unlawful for a person to vilify another person on the basis of their race or religion. There are no protections based on sexual orientation, gender identity, sex characteristics or HIV/AIDS status.
21. During the debate on the motion to refer this inquiry into anti-vilification laws to the Legal and Social Issues Committee, the Manager for Opposition Business noted that “originally a bill was being put in the upper house by the leader of the Reason Party, Fiona Patten... We think this is a sensible move – to send it off to a committee so the committee can look at it, investigate it.”¹⁴ As such, our submission will address the Racial and Religious Tolerance Amendment Bill 2019, which is currently at its Second Reading stage.

Protected attributes

22. Clauses 7 and 8 of the Bill would expand the Act to include attributes such as sexual orientation, gender identity and sex characteristics. In particular, we note that the definition of ‘gender identity’

¹⁴ Victoria, *Parliamentary Debates*, Legislative Assembly, 12 September 2019, 3334 (Kim Wells, Manager of Opposition Business).

is vastly improved from the out-of-date definition in the *Equal Opportunity Act 2010*. However, the definition of 'sexual orientation' refers to the out-of-date definition in the *Equal Opportunity Act 2010* instead of the better definition in the *Sex Discrimination Act 1984*.

23. We support the expansion of anti-vilification laws to address vilification based on sexual orientation, gender identity and sex characteristics, the latter two of which are currently protected attributes under the *Equal Opportunity Act 2010*. However, we believe this should be expanded to address vilification based on HIV/AIDS status, in keeping with equivalent laws in New South Wales and the Australian Capital Territory.

Recommendation 1: Anti-vilification protections should be expanded to address vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

Recommendation 2: The definitions of gender identity and sex characteristics should be those in clause 7 of the Racial and Religious Tolerance Bill 2019.

Recommendation 3: The definition of sexual orientation should be the same as that in the *Sex Discrimination Act 1984* (Cth).

Recommendation 4: The definition of HIV/AIDS status should be the same as that in section 67A(3) of the *Anti-Discrimination Act 1991* (ACT).

Test for vilification

24. The threshold test for vilification, per sections 7(1) and 8(1) of the Act, is 'conduct that incites'.

25. It is widely accepted that this test is too high and "involves a level of proof almost impossible to satisfy."¹⁵

26. We have considered two options. First, the test could be changed to 'is reasonably likely to incite', which is more in keeping with section 18C of the *Racial Discrimination Act 1975*.

27. Second, the test could be reframed in line with section 18C of the *Racial Discrimination Act 1975* and the provisions against sexual harassment in the *Equal Opportunity Act 2010*, namely to focus not on the incitement to cause harm but rather on the harm caused. Both prohibit conduct that offends, humiliates or intimidates. Section 18C of the *Racial Discrimination Act 1975* also includes insults. However, there have been criticisms that "the prohibitions on speech which offends and insults, even on the basis of race, go too far. Feelings of offence and insult are not serious enough to justify restrictions on the human right to freedom of speech."¹⁶

28. One way forward could be to prohibit conduct that is reasonably likely to harm. This "would involve an objective test determining if the harm done by the conduct was reasonably foreseeable by the respondent. This approach avoids casting the net too widely, unfairly catching those who could not

¹⁵ Bronwen Gray et al, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (Joint Working Group of the Attorney-General's and Health Minister's Advisory Committees on GLBTI Issues, 2006) 43.

¹⁶ Sarah Joseph, 'Submission on the Repeal of Section 18C of the Racial Discrimination Act' (Castan Centre for Human Rights Law, 2014) 5.

reasonable have anticipated that their conduct might cause harm.”¹⁷ This also avoids prohibiting mere offence or insult. Some may argue that this still sets too low a bar. Another option could be to prohibit conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of that other person or class of persons. This would retain a high bar for restricting freedom of speech, while placing the focus not on the incitement to cause harm but rather on the harm caused.

Recommendation 5: The threshold test for vilification should be either:

- (a) ‘conduct that is reasonable likely to incite hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons’;**
- (b) ‘conduct that is reasonably likely to cause harm’ or similar wording to that effect; or**
- (c) ‘conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of that person or class of persons’.**

29. Sections 7(2)(a) and 8(2)(a) stipulate that conduct may be constituted by a single occasion or by a number of occasions. This should remain the case.

Exceptions

30. Section 11 of the Act contains certain exceptions for public conduct based on legitimate public debate, artistic expression and academic research.

31. We support the retention of these exceptions.

Recommendation 6: There should (continue to be) exceptions for public conduct based on legitimate public debate, artistic expression and academic research.

Proselytising

32. Clause 14(2) of the Bill would remove the exception for proselytising. According to the Cambridge English Dictionary, to proselytise means “to try to persuade someone to change their religious... beliefs.”

33. We have no objection to this practice and thus do not believe removing this exemption is necessary. As the explanatory memorandum for the Act states, “the exception will not apply to conduct... if it is not engaged in reasonably in good faith. For example, a member of a religious body cannot use the religious exception to racially vilify an ethnic group.” Similarly, if the scope of anti-vilification laws were to be expanded, this exception could not be used to vilify a person on the basis of their sexual orientation, gender identity, sex characteristics or HIV/AIDS status – there is no reasonable and good faith basis on which such conduct would be necessary to persuade someone to change their religious beliefs. We do, however, strongly object to the exemptions in the *Equal Opportunity Act 2010* that allow religious employers and schools to fire LGBT workers and expel LGBT students. These exemptions should be removed.

Recommendation 7: There should (continue to be) exceptions for proselytising.

¹⁷ Bronwen Gray et al, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues, 2006) 42.

Sanctions

34. Sections 24 and 25 of the Act create offences for serious vilification.
35. We generally oppose criminal offences as there are concerns about the record of the police in LGBT relations and because criminal offences are often ineffective in dealing with vilification in part because they are hard to prosecute.
36. In regards to the latter, we note that there has only been one successful prosecution under the Act and no prosecutions under equivalent laws in New South Wales.
37. In regards to the former, we note the majority of prejudice-motivated conduct is not reported by victims to the police “for a variety of reasons, including a lack of trust in reporting to police... the belief that their complaint will not taken seriously... [and] lack of confidence in police responses.”¹⁸ Whilst our 2017 community survey found that the majority of LGBTI adults would report an LGBTI-related crime to police, trans and gender diverse people were less likely to feel safe discussing or reporting a crime related to their gender identity with police. Later research has indicated that the majority of LGBTI young people feel that police do not understand their issues, and half were unlikely to report hate crimes to police, with the majority identifying perceived prejudice within the police force as a disincentive to reporting.¹⁹
38. We welcome the recent public apology by the Victorian Police Chief Commissioner to the LGBTI community and his acknowledgement that “there have clearly been times when police actions caused unnecessary and unacceptable harm to the community” and have “fallen short of the expectations that the community rightly puts upon us.”²⁰ However, there is still some way to go for police to earn the trust and confidence of the LGBTI community.
39. Finally, there is a radical argument against criminalisation. As La Trobe University academic Emma Russell notes, “though LGBT people were previously targeted by the criminal-legal system as sexual and gender ‘outlaws’, many LGBT anti-violence campaigns now call upon that same system to criminalise ‘others’ on our behalf.”²¹ Furthermore, “working from within this framework, police are implicitly positioned as a ‘neutral’ institution that can objectively advance queer safety, rather than an institution thoroughly implicated in the politics and practices that sustain social ideologies of queer inferiority.”²² In short, there is scepticism about whether the criminal law can provide protection and justice to LGBTI people.²³
40. There are strong arguments for criminal sanctions for vilification: they can operate as a deterrent; they send a message and what conduct is unacceptable; and they increase public awareness.

¹⁸ *End the Hate: Responding to Prejudice Motivated Speech and Violence Against the LGBTI Community* (Human Rights Law Centre, 2018) 15.

¹⁹ William Leonard & Bianca Fileborn, *Policing for Same Sex Attracted and Sex and Gender Diverse Young Victorians* (Australian Research Centre in Sex, Health and Society, 2018).

²⁰ Christopher Kelly, ‘Victoria Police Commissioner Apologises for Historical Persecutions of Gay Men’, *Star Observer* (19 August 2019).

²¹ Emma Russell, *Queer Histories and the Politics of Policing* (Routledge, 2019) 105.

²² Emma Russell, *Queer Histories and the Politics of Policing* (Routledge, 2019) 106.

²³ Emma Russell, *Queer Histories and the Politics of Policing* (Routledge, 2019) 115.

However, we question whether the existing criminal penalties in the *Racial and Religious Tolerance Act 2001* and interstate laws have met these objectives. Surveys indicate that vilification against LGBTI people has not fallen and perhaps has increased over the last decade.

Recommendation 8: There should not be criminal sanctions for vilification.

Equal Opportunity Act

41. In light of the above, we believe it would be better for anti-vilification protections based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status to be located in the *Equal Opportunity Act 2010* rather than extending the *Racial and Religious Tolerance Act 2001* to cover these attributes as the *Racial and Religious Tolerance Act 2001* is “seriously limited as a legislative tool.”²⁴ As a report of the then Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues noted, the *Equal Opportunity Act 2001* is preferable due to:

- *its existing operation in relation to the protected attributes of gender identity, sexual orientation and lawful sexual activity;*
- *its well-established and accessible complaints model; and*
- *the flexibility it provides to VCAT to order remedies in relation to conduct which is proven to be unlawful.*²⁵

42. Nevertheless, it is important that vilification not be conflated with discrimination. As such, anti-vilification protections should be included in a separate part of the *Equal Opportunity Act 2010*, in a similar fashion to the prohibition of sexual harassment.

43. Furthermore, anti-vilification protections should not be confined to certain areas of public life, unlike the protections against discrimination and sexual harassment.

Recommendation 9: Anti-vilification protections based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status should be located in a separate part of the *Equal Opportunity Act 2010* that is not confined to certain areas of public life, rather than extending the *Racial and Religious Tolerance Act 2001*.

44. The Victorian Equal Opportunity and Human Rights Commission has an important role in enforcing human rights legislation. The *Equal Opportunity Act 2010* needs reforms in general to increase the powers of the Victorian Equal Opportunity and Human Rights Commission and undo the *Equal Opportunity Amendment Act 2011*, which took away some of the Commission’s powers to conduct public inquiries into systemic discrimination, issue compliance notices and enter into enforceable undertakings.

45. In 2016, the Member for Prahran, Sam Hibbins, released an exposure draft Equal Opportunity Amendment (LGBTI Equality) Bill 2016, clause 12 of which would have achieved this objective.

²⁴ Bronwen Gray et al, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues, 2006) 36.

²⁵ Bronwen Gray et al, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues, 2006) 36.

Recommendation 10: The *Equal Opportunity Act 2010* should be amended to reinstate the powers of the Victorian Equal Opportunity and Human Rights Commission to conduct public inquiries, issue compliance notices and enter into enforceable undertakings, in line with clause 12 of the Equal Opportunity Amendment (LGBTI Equality) Bill 2016.

Social reform: prevention, reporting and support

46. Legislative reform is not enough to combat vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status. As we have previously argued, vilification “cannot easily be stopped by introducing new laws and tougher penalties for offenders, given the circumstances of many incidents.”²⁶ Furthermore, “individual-based remedies are ineffective at producing a broader systemic cultural change to prevent prejudice motivated conduct against LGBTI people.”²⁷ What is also needed is social reform.

47. The then Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues noted that:

A comprehensive education and awareness strategy to combat homophobic harassment relies on a combination of... two approaches...

One element of the strategy should include broad-based public education and awareness campaigns that seek to reduce homophobia by changing community attitudes and initiatives that target the most likely perpetrators of homophobic harassment. These are consistent with the Government’s social justice and human rights agenda that aim to combat prejudice and discrimination of all kinds.

The second element of the strategy aims to increase the capacity of GLBTI people to respond to homophobic harassment and encourage reporting of homophobic incidents. In addition, increased reporting of harassment provides police and other government agencies with much-needed incidence and perpetrator data which they can use to design and implement more effective anti-homophobia initiatives. Furthermore, an improved environment for reporting also helps build supportive relationships between GLBTI people and the police and other government authorities...

*No single approach is sufficient to reduce homophobic harassment and its effects... What is needed is a coordinated long-term strategy which includes a variety of approaches that target different sections of the community.*²⁸

Public education campaign

48. In 2010, we argued for the need to “take steps toward raising public awareness of the consequences of homophobia... in order to ensure that the issue of public violence directed at LGBT

²⁶ *Enough is Enough: A Report on Discrimination and Abuse Experienced by Lesbians, Gay Men, Bisexuals and Transgender People in Victoria* (Victorian Gay and Lesbian Rights Lobby, 2010) 36.

²⁷ *End the Hate: Responding to Prejudice Motivated Speech and Violence Against the LGBTI Community* (Human Rights Law Centre, 2018) 19.

²⁸ Bronwen Gray et al, *With Respect: A Strategy for Reducing Homophobic Harassment in Victoria* (Joint Working Group of the Attorney-General’s and Health Minister’s Advisory Committees on GLBTI Issues, 2006) 30.

people remains on various media, health promotion, law enforcement and other policy making agendas.”²⁹

49. In 2012, the then Minister for Mental Health launched a ground-breaking national campaign against homophobia, biphobia and transphobia, No To Homophobia, which included television advertisements, online resources and social media, to send the message that this kind of vilification is not acceptable and that those who experience and witness it have official avenues of redress.

50. Aside from legislative reform, we need a No To Homophobia style public education campaign.

Recommendation 11: The Government should fund a No To Homophobia style public education campaign to challenge vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

Reporting and support mechanisms

51. LGBTI people are more likely to report vilification if they can speak to people with specific LGBTI experience and knowledge in the issues affecting them and if they have confidence in the people they speak to.

52. In 1997, Victoria’s Anti Violence Project was established. It offers an online reporting mechanism that supports victims by liaising between them, Victoria Police and other agencies.

53. The Government should look at community reporting mechanisms such as that by the Anti-Violence Project and ensure that they are adequately funded to do their work. In particular, it should review the Victorian Equal Opportunity and Human Right’s Commission’s Reporting Racism trial – an online platform for victims and bystanders to report incidents of racially motivated violence.

Recommendation 12: The Government should fund the Anti Violence Project to expand its online reporting mechanism to cover vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status and – where consent is given – to provide these reports to appropriate authorities.

54. In 1991, Switchboard Victoria was established. It offers telephone and web counselling referral and information services for LGBTI Victorians.

55. During the Australian Marriage Law Postal Survey, the Switchboard saw a 25% increase in calls.³⁰ The Government provided \$200,000 to support the surge in demand for Switchboard Victoria’s services.

Recommendation 13: The Government should ensure that Switchboard Victoria is adequately funded to provide support for people experiencing vilification based on sexual orientation, gender identity, sex characteristics and HIV/AIDS status.

²⁹ *Enough is Enough: A Report on Discrimination and Abuse Experienced by Lesbians, Gay Men, Bisexuals and Transgender People in Victoria* (Victorian Gay and Lesbian Rights Lobby, 2010) 36.

³⁰ Matthew Wade, ‘Queer Counselling Service in Melbourne Sees 25 Per Cent Spike in Calls’, *Star Observer* (12 September 2017).