

Merri-bek Civic Centre

90 Bell Street
Coburg Victoria 3058
T: (03) 9240 1111

Postal Address

Locked Bag 10
Brunswick Victoria 3056

merri-bek.vic.gov.au



Director, Community Justice
Department of Justice and Community Safety (DJCS)

Submitted via Engage Victoria online form

To whom it may concern,

Expanding Victoria's anti vilification laws

Merri-bek City Council appreciates the opportunity to provide a submission on the expansion to Victoria's anti-vilification laws.

Merri-bek sits on the lands and waterways of the Wurundjeri Woi-Wurrung people in the northern suburbs of Melbourne. Our community is strengthened by our diversity in gender, sexual orientation, disability and culture.

Council's Human Rights Policy establishes the organisations obligations under the United Nations Declaration of Human Rights, the Australian Human Rights Framework and Victorian Charter of Human Rights and Responsibilities which sets out the basic rights, freedoms and responsibilities of all Victorians. A primary goal of the Human Rights Policy is to advance inclusion and social cohesion in the community. The policy identifies LGBTIQ+ communities and people with a disability as priority community groups who are at greater risk of social and economic exclusion.

Merri-bek is proud of our large and diverse LGBTIQ+ population, who are active in a range of projects and programs in the community. People with a disability play an important role in our city, through a long history of advocacy and activism.

As an organisation, Council is committed to working with these communities through our LGBTIQ+ action plan, Disability Access and Inclusion plan and Social Cohesion plan.

Council supports the expansion of anti-vilification legislation and the recommendations put forward by the Legislative Assembly Legal and Social Issues Committee. Council believes these would provide greater protections to many people in our diverse community.

Merri-bek believes there is an urgent need to strengthen laws to protect individuals on the attributes of gender/sex, sexual orientation, gender identity/or expression, sex characteristics/and or intersex status, disability, HIV/AIDS status and personal association. This follows a concerning increase in hate-speech notably towards LGBTIQ+ communities and people with a disability.

Vilification directed towards transgender and gender diverse community members is particularly concerning. [Fuelling Hate](#) a report from The Trans Justice Project and Victorian Pride lobby suggests up to 1 in 2 Australian trans people have experienced vilification and up to 90% have witnessed online hate-speech. Vilification towards the trans community also appears to be rising.

Merri-bek City Council has held a range of events to celebrate our LGBTIQ+ communities. However, these have also been the scene of hate-speech directed towards community members and Council staff. This follows a concerning pattern seen across many local councils in Victoria. This abuse extends beyond the physical realm and there has been an increase in the use of social media and other carriage services to harass or vilify.

This hate-speech has negative health and wellbeing impacts on LGBTIQ+ community members and those from associated groups.

To protect those in our community, Council considered what action officers can take under the General Local Law and the Summary Offences Act to protect the community from vilification ([August 9 Council Meeting agenda](#)). The review considered the most appropriate mechanism to control vilification aimed at the LGBTIQ+ community. It was identified that there are limitations in developing and applying a local law in this context. Vilification of vulnerable population groups is a significant social issue impacting residents across the wider Victorian community requiring a State-wide response. Council concluded State Government Anti-Vilification law amendment are most appropriately placed to address/control LGBTIQ+ vilification.

In addition, Council is aware that disability vilification occurs in Merri-bek. Residents with disabilities have reported being ridiculed, teased, humiliated, and intimidated on the basis of their disability, whether this be people with visible disabilities and people with 'hidden' disabilities.

Currently in Victoria, people with disability are not protected in certain areas of public life against hate speech and vilification. The current protections available to people with a disability are clearly inadequate. Expanding Victoria's anti-vilification laws to include disability will significantly strengthen existing legal protections that are not currently covered by legislation such as the Disability Discrimination Act (1992) and the Victorian Equality Opportunity Act (2010).

Stigma resulting from insult and humiliation is a major determinant of poor social, health and economic outcomes for people with disabilities. Expanding anti-vilification laws has the ability to reduce negative attitudes towards people with a disability and stop harmful behaviours that they experience. While anti-vilification laws are not the only solution, they are widely considered to be one of the most important and effective mechanisms to change attitudes and behaviours, and critical in and eliminating discrimination and inequality experienced by people with disabilities.

Council recommends that any changes in legislation need to consider vilification can take various forms; verbal, written or in digital and online spaces. Protections need to be offered in all instances. An additional consideration is that community members should be empowered to make anti-vilification complaints. Individuals should have the knowledge of what vilification is and the protections they are offered. Appropriate educational campaigns and resources should be developed to complement any changes in legislation. These resources should be created in a collaborative environment with those communities the legislation is designed to protect. This would give community members agency and empower them to make complaints, strengthening law in practice.

Merri-bek City Council supports the expansion of anti-vilification laws to provide greater protection to many in our community. There are currently limited legal protections offered to LGBTIQ+ communities and people with a disability from hate-speech. Increasing in hate-speech directed towards these groups demonstrates the urgency of expanding this legislation.

Merri-bek City Council is in support of the recommendations put forward by the Legislative Assembly Legal and Social Issues Committee. We note the recommendations have the support of the Centre for Multicultural Youth, Equality Australia, the Human Rights Law Centre and the Victorian Pride Lobby.

Merri-bek believes that the expanded anti-vilification protections are necessary and will improve the wellbeing of many community members living within our city, including LGBTIQ+ people and people with a disability. The laws would support Council's own Human Rights Policy and promote social cohesion and harmony across the community.

Yours sincerely



Eamonn Fennessy
DIRECTOR COMMUNITY
6/9/23