

Ms. Fiona Patten MLC
Member for Northern Metropolitan Region
Unit 1, 747 Sydney Road
Brunswick, VIC 3065

By email: fiona.patten@parliament.vic.gov.au

Dear Fiona,

Racial and Religious Tolerance Amendment Bill 2019

The Law Institute of Victoria (**'LIV'**) supports the passage of the Racial and Religious Tolerance Amendment Bill 2019 (the **'Bill'**) and commends the Reason Party in reviewing and amending the *Racial and Religious Tolerance Act 2001* (Vic) (the **'Act'**) to eliminate vilification.

The Bill seeks to amend and rename the Act to widen the anti-vilification protections under the Act to vilification based on gender, disability, sexual orientation, gender identity and sex characteristics. The LIV welcomes these protections from vilification and congratulates the Reason Party for being the first in Australia to create a protection for gender-based vilification. Furthermore, the LIV supports that the Bill protects the LGBTIQ+ community and Victorians with disabilities. This amendment will align Victoria with existing legislation in New South Wales, Queensland, Tasmania and the Australian Capital Territory.

The LIV endorses the Bill's proposal to extend the investigative powers of the Victorian Human Rights and Equal Opportunity Commissioner to enable her to identify online 'trolls' who hide behind anonymity to denigrate and disparage others. The LIV recognises that the intention of this clause is to illustrate that hate speech via social media will be approached in the same way as hate speech communicated in any other way.

The LIV acknowledges that the Bill is in response to the prevalence of online vilification and supports its passage as a necessary measure to combat the high volume of online hate speech. The LIV understands that this online vilification has led to hate crimes, self-harm and continues to cause physical, psychological and emotional abuse. The LIV believes that this Bill is a positive step forward in addressing the rampant nature of trolling and online bullying.

The LIV notes that there is a gap in current legislation in protecting people online, and requires amendment to address the changing landscape of social media and technology. Currently, our laws only address vilification on the grounds of racial and religious grounds. The LIV believes that the laws should go further in protecting from other types of vilification and addressing the platforms with which this can be communicated.

The LIV respects that there are widely divergent views on how race, religion, gender, disability, sexual orientation, gender identity and sex characteristics should be protected under current legislation, however submits that the laws should reflect changing social mores and characteristics. If you wish to discuss this letter further, please contact Nethmi Perera, Policy Officer for LIV's Administrative Law and Human Rights Section at nperera@liv.asn.au or on 9607 9338.

Sincerely yours,

Stuart Webb

President

Law Institute of Victoria