



## IPA Research Into Anti-Vilification Protections In Victoria

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The Institute of Public Affairs (“the IPA”) Is committed to undertaking research to promote the human dignity of all Australians. At the heart of human dignity is individual freedom. This is why a key focus of the IPA’s research is on freedom of speech, legal rights, and the rule of law which are at the core of Australia’s liberal democratic traditions.

This current inquiry has been launched in response to the introduction of the Racial and Religious Tolerance Amendment Bill 2019 (“the RRTA Bill”) in August 2019. The RRTA Bill is designed to amend the state’s Racial and Religious Tolerance Act 2001 (“the RRT Act”) by vastly expanding the anti-vilification framework by expanding the number of protected classes and will attempt for the first time in Australia to target so-called hate speech and trolling on social media. This submission addresses the relationship between Victoria’s vilification laws and the fundamental right to freedom of speech, and the impact that the RRTA Bill will have on this relationship.

Currently, sections 8 and 9 of the RRT Act make it unlawful for a person to engage in conduct that ‘incites hatred against, serious contempt for, or revulsion or severe ridicule’ of another person



because of their race or religious belief or activity. Sections 24 and 25 make it a criminal offence to engage in 'serious vilification'. The RRTA Bill would add gender, disability, and sexual orientation as new 'protected attributes' and lower the threshold for serious vilification offences.

IPA research identifies three Fundamental flaws in Victoria's current anti-vilification framework: firstly, Victorian vilification laws are illiberal and undemocratic restrictions on freedom of speech which damage social cohesion and individual human dignity; secondly, Victorian vilification laws are based on vague and subjective standards that require judges to make arbitrary determinations about lawful and unlawful speech, which is inconsistent with the rule of law; thirdly, Victoria's "serious" vilification provisions are poorly defined and set a threshold that is too low for imposing criminal penalties. Each of these flaws would be amplified by the RRTA Bill.

Download the IPA's full submission [here](#).