

# Explaining Victoria's new anti-hate laws

## Factsheet

April 2026

**Anti-vilification and anti-hate laws have been strengthened in Victoria. The reforms aim to ensure equal participation in public life by addressing the profound harm that hate causes when it targets people for parts of their identity. Everyone should live with dignity and feel safe in our state.**

### Why have the laws changed?

Racial and religious vilification has been against the law for the last 25 years under the *Racial and Religious Tolerance Act 2001* (the RRTA). However, the high threshold to prove incitement and lack of application to other communities impacted by hate meant that very few people sought protection under the law. After significant consultations and a [Parliamentary Inquiry into anti-vilification protections](#), the *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025* was passed in April 2025 that includes new civil and criminal protections. It inserted civil vilification protections in the *Equal Opportunity Act 2010* (the Equal Opportunity Act) and criminal protections in the *Crimes Act 1958*, and repealed the RRTA.

### What is vilification?

Vilification is behaviour that is hateful or seriously contemptuous of, or reviling or severely ridiculing of another person or group because they have one or more protected characteristics. From 15 April 2026, under the Equal Opportunity Act, there are two grounds of vilification:

- **encouraging hatred in others** - that is behaviour likely to incite hatred in others because of a person or group's protected characteristic
- **hate speech or hateful behaviour** that a reasonable person from the target group is likely to consider to be hateful and the reason for the hateful behaviour is the person or group's protected characteristic.

### Who is protected?

More people are now protected against hate speech and hateful behaviour targeting their identities, backgrounds and personal characteristics. Protections apply because of a person's [disability](#), [gender identity](#), [race](#), [religious belief](#), [sex](#), [sex characteristics](#) and [sexual orientation](#), or [personal association](#) with someone who has one of these protected characteristics.

### Where can vilification occur?

Vilification protections apply to "public conduct". Public conduct includes hateful words said, written, displayed, broadcasted and communicated in public, such as on the street, online and social media, in school, workplaces or anywhere the public can hear or see it. Public conduct also includes actions and gestures, clothes, signs, flags, emblems and insignia that are observable by the public.

## What can vilification look like?

Whether behaviour amounts to vilification will depend on the circumstances. Examples of behaviour that may be vilification include:

- speaking out against or encouraging hatred of people because of a protected characteristic in a way that could make other people hate or ridicule them
- using brochures, stickers, broadcast or publications, websites, email or social media to spread hatred, for example, disseminating pamphlets at people's homes with hateful messaging about people relating to a characteristic that is protected
- speech directed at an individual that can be heard by the public
- publishing claims that a person or group with a protected characteristic is involved in serious crimes without any proof
- verbally abusing someone on public transport because of their protected characteristic
- encouraging violence against people, or damaging their property because of their protected characteristic
- web-based abuse, including encouraging or contributing to hateful content in public chat forums, livestreams, posts, and videos.

## Are there any exceptions to the law?

Vilification does not include private behaviour. However, depending on the circumstances, some private conduct may be public conduct even if it occurs on private property or land, or at a place not open to the general public. For example, private conduct may be public conduct even if it occurs at a school or a workplace. Conversations may be vilification if they can be heard by the people around them. Private acts that take place within public view may also be vilification. Some public behaviour may not amount to vilification if engaged in reasonably and in good faith:

- in the performance, exhibition or distribution of artistic work
- in the course of any statement, published work, discussion or debate engaged in for a genuine academic, artistic, religious, scientific or public interest purpose
- in making or publishing a fair and accurate report in the media.

## What about freedom of expression?

Freedom of expression is a protected right under the *Charter of Human Rights and Responsibilities Act 2006* in Victoria. Under the anti-vilification reforms, everyone can still share their views and engage in robust discussions so long as they do not cause harm to others, or are done reasonably, in good faith, for a genuine protected purpose.

## What can you do if you have experienced vilification?

If you have experienced vilification, you can get help from the [Victorian Equal Opportunity and Human Rights Commission](#).

We can give you information on:

- making an anonymous report through our online Community Reporting Tool
- making a formal complaint to our dispute resolution service
- lodging a complaint with the Victorian Civil and Administrative Tribunal
- reporting a crime to Victoria Police with your consent

Hate speech and hateful behaviour can cause significant harm to a person's health and wellbeing. To support community, the Commission hosts a [directory of services](#) that can connect you with professional services.

To learn more, visit our website at [www.humanrights.vic.gov.au](http://www.humanrights.vic.gov.au) or call us on **1300 292 153**.

This information is intended as a guide only. It is not a substitute for legal advice.