

# MEDIA FACT SHEET

## Explaining Victoria's new anti-hate laws

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in the *Equal Opportunity Act 2010* (the Equal Opportunity Act) and criminal protections in the *Crimes Act 1958*, and repealed the RRTA.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:

1. **encouraging hatred in others** - that is behaviour likely to incite hatred in others because of a person's or group's protected characteristic
2. **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 from vilification?

The new laws protect more people against hate speech and hateful behaviour. Protections apply when someone with a protected characteristic experiences hate because of that protected characteristic or more than one of the following personal characteristics (see the section on "definitions" for full definitions): [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, on social media or online, in schools, 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 conduct may not amount to vilification if engaged in reasonably and in good faith for a genuine protected purpose:

- 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 section 15 the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) in Victoria. Everyone has the right to hold an opinion and impart ideas of all kinds. However, special duties and responsibilities are attached to freedom of expression and the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of others, and for the protection of national security, public order, public health or public morality (section 15(3) of the Charter).

Under the vilification reforms, everyone can still share their views and engage in robust discussions so long as they do not cause harm to others or incite others to hatred against a person with a protected characteristic, or the conduct is done reasonably, in good faith, for a genuine protected purpose.

## How do these laws relate to the media?

The prohibition on vilification under the *Equal Opportunity Act* applies to everyone in Victoria, including media reporting, broadcasting, publishing and online content. This means the media must not engage in public conduct that would incite others to hate because of a person or group's protected characteristic. It is also unlawful for media to engage in hate speech or hateful behaviour because of a person or group's protected characteristic.

Exceptions outlined above apply to the media when done reasonably, in good faith, for a genuine protected purpose.

## What are the criminal offences?

Serious cases of hate speech and hateful behaviour can be a crime and can be reported to Victoria Police. Since 20 September 2025, two vilification offences have been included in the *Crimes Act 1958*:

1. **an incitement offence**, when a person engages in conduct that is likely to incite hatred towards others with a protected characteristic, done because of the protected characteristic and the person intends their conduct to incite hatred or believes it probably will;
2. **a threat offence**, when a person threatens physical harm or property damage to a person or group of people with a protected characteristic and the person intends others believe the threat will, or probably will, be carried out.

## How to complain or report vilification?

Anyone can contact the [Victorian Equal Opportunity and Human Rights Commission](#) for information on vilification and to get help. We host a [vilification anti-hate rights hub](#) with more information on vilification laws.

**Enquiry service:** The Victorian Equal Opportunity and Human Rights Commission has trained staff that can help with vilification enquiries by telephone Monday to Friday on 1300 292 153, or by email [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)

**Dispute resolution:** The Victorian Equal Opportunity and Human Rights Commission helps resolve complaints of vilification. The dispute resolution service is free, impartial, and confidential. It is voluntary and takes a simple and flexible approach to meet the needs of the parties. More information on making a complaint can be found on the [Commission's website](#).

**Anonymous report:** Anyone can make an anonymous report of vilification through the online Community Reporting Tool hosted by the Victorian Equal Opportunity and Human Rights Commission. People do not need to give their name or contact details unless they want a trained staff member to call them back. More information on the [Community Reporting Tool](#) is found on the Commission's website.

Complaints of vilification can also be lodged with the Victorian Civil and Administrative Tribunal.

The Victorian Equal Opportunity and Human Rights Commission can give information to people about reporting a crime of vilification to Victoria Police.

## Where can people get professional support services?

Hate speech and hateful behaviour can cause significant harm to a person's health and wellbeing. To support community, the Victorian Equal Opportunity and Human Rights Commission hosts a [directory of services](#) that can connect people who have experienced vilification with professional services.

## Definitions of protected characteristics

Under section 4 of the *Equal Opportunity Act*, the protected characteristics (attributes) are defined as:

**Disability** means:

- a) total or partial loss of a bodily function; or
  - b) the presence in the body of organisms that may cause disease; or
  - c) total or partial loss of a part of the body; or
  - d) malfunction of a part of the body, including
    - i. a mental or psychological disease or disorder;
    - ii. a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder; or
  - e) malformation or disfigurement of a part of the body—
- and includes a disability that may exist in the future (including because of a genetic predisposition to that disability) and, to avoid doubt, behaviour that is a symptom or manifestation of a disability.

**Gender identity** means a person's gender-related identity, which may or may not correspond with their designated sex at birth, and includes the personal sense of the body (whether this involves medical intervention or not) and other expressions of gender, including dress, speech, mannerisms, names and personal references.

**Race** includes:

- a) colour;
- b) descent or ancestry;
- c) nationality or national origin;
- d) ethnicity or ethnic origin;
- e) if 2 or more distinct races are collectively referred to as a race—
  - i. each of those distinct races;
  - ii. that collective race.

**Religious belief** means:

- a) holding or not holding a lawful religious belief or view;
- b) engaging in, not engaging in or refusing to engage in a lawful religious activity.

**Sex** is not defined under the Equal Opportunity Act and is often understood as male and female.

**Sex characteristics** means a person's physical features relating to sex, including

- a) genitalia and other sexual and reproductive parts of the person's anatomy; and
- b) the person's chromosomes, genes, hormones, and secondary physical features that emerge as a result of puberty.

**Sexual orientation** means a person's emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender.

**Personal association** means an association with someone who has one of these protected characteristics.