

31 January 2020

The Hon Natalie Suleyman MP
Chair
Legislative Assembly: Legal & Social Issues Committee
Parliament of Victoria

Dear Ms Suleyman,

Inquiry into anti-vilification protections

Gender Equity Victoria endorses the expansion of the *Racial and Religious Tolerance Act 2001* to broaden its operation to protect women and gender diverse people from gendered hate, vilification and dangerous misogyny.

Following the rape and murder of Eurydice Dixon in Princes Park on 13 June 2018, the Victorian community spontaneously created a memorial site in her honour and as a protest against gendered violence on our streets and in our homes. Ten hours before a public vigil was to take place, Andrew Nolch defaced the memorial site by spray painting a large penis over the top of it.

Nolch was charged and convicted with criminal damage, offensive behaviour and making offensive graffiti. He received an 18 month community corrections order.

The Victorian legal response to his behaviour was inadequate and his sentence lenient. Such was Nolch's level of dangerous hatred towards women and advocates of women's rights, that he was willing to commit criminal damage to communicate those views more widely. His purpose was media attention and incitement. Nolch's behaviour was much more than a "graffiti incident" and amounted to a serious gendered hate crime.

Unfortunately, Victorian women and gender diverse people do not have protections against hate and vilification of their sex and gender. People with dangerous views such as Nolch are free to incite hatred and threaten physical harm towards women and gender diverse people with few consequences.

Victoria has laws making it clear that racial and religious vilification is unlawful. It sets a 6 month imprisonment benchmark for serious cases of unlawful behaviour. GEN VIC would like

to see the Act extended to ensure similar provisions cover incidents of gendered hate and vilification.

While examples of gendered hate and incitement demonstrated by Nolch are thankfully rare, in the digital world it is a daily occurrence for Victorian women engaged in social media – whether as advocates of women’s issues or otherwise - to be attacked on the basis of their sex and gender. The failure to provide regulation and control of digital hate and vilification is causing online behaviours to spill out more frequently into public life, too.

Ending online hate and vilification of women is a key focus of Gender Equity Victoria. In Partnership with Media Arts and Entertainment Alliance, we have produced research into Enhancing the Online Safety for Women Working in the Media.

https://www.genvic.org.au/wp-content/uploads/2019/10/GV_MEAA_PolicyDoc_V5_WEB.pdf

We are now working across Victorian newsprint, digital, radio and TV media to develop responses to online hate. Our work would be enhanced by stronger Victorian laws that make it clear that the unlawfulness of hate and vilification extends to online trolling and other offensive digital communication and. behaviour.

Further Submission

The Committee has requested advice on a number of other issues relating to the function and operation of the Act. While we would like to comment on those, our limited resources mean that we cannot do so within the time required. End of Year and New Year submission deadlines greatly disadvantage women, who often take leave in December and January to attend to the care of school aged and other children.

We would be pleased to attend a committee hearing to discuss these matters and address any additional queries, or indeed provide a supplementary submission, should the committee be interested further in our views.

Yours faithfully,

Tanja Kovac
CEO
Gender Equity Victoria