

## LEGISLATIVE COUNCIL

## JUSTICE LEGISLATION AMENDMENT (ANTI-VILIFICATION AND SOCIAL COHESION) BILL 2024

(Amendments and New Clause to be proposed in Committee by AIV PUGLIELLI)

## NEW CLAUSE

1. Insert the following New Clause before clause 1—

**"1AA Statement for this Act**

The Parliament recognises the right of all Victorians to be free from vilification and to participate equally in a democratic society.

The diversity of the people of Victoria enhances our community and Victorians embrace the benefits provided by this diversity and are proud that people live together harmoniously. However, vilification is still occurring in Victoria.

Vilification harms social cohesion through its inherent divisiveness and perpetuates the unequal distribution of power. Vilifying conduct is contrary to democratic values because of its effect on the people who are subjected to it. It diminishes their dignity, sense of self-worth and belonging to their community and can cause profound physical and psychological harm. It also reduces their ability to contribute to, or fully participate in, all social, political, economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.

It is the intention of Parliament to enact law for the people of Victoria that respects the inherent dignity of all of us and promotes our equal participation in public life."

2. Clause 1, after line 5 insert—

"(ab) to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression; and

(ac) to promote full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute; and"

3. Clause 4, page 7, line 27, before "A" insert "(1)".
4. Clause 4, page 7, line 28, omit "195O(1)—" and insert "195O(1)".
5. Clause 4, page 7, line 29, omit "(a)".
6. Clause 4, page 7, line 29, after "by" insert "or with the consent of".

7. Clause 4, page 7, line 30, omit "Prosecutions or a" and insert "Prosecutions."
8. Clause 4, page 7, line 31, omit all words and expressions on this line.
9. Clause 4, page 8, lines 1 to 5, omit all words and expressions on these lines.
10. Clause 4, page 8, after line 5 insert—

"(2) In determining whether an offence against section 195N(1) or 195O(1) is to be prosecuted, the Director of Public Prosecutions must take into account all the circumstances (including the social, cultural and historical circumstances) surrounding the conduct that is alleged to constitute the offence."
11. Clause 9, page 14, line 1, after "circumstances" insert "(including the social, cultural, historical and other circumstances of the other person or group of persons)".
12. Clause 9, page 15, after line 4 insert—

"(4) In determining, for the purposes of subsection (1), whether particular public conduct is likely to have the effect described in that subsection, all the circumstances surrounding that conduct (including the social, cultural, historical and other circumstances of the other person or group of persons) are to be taken into account."
13. Clause 9, page 16, line 4, after "proselytising" insert "that is in conformity with the doctrines, beliefs or principles of that religion".