

New criminal laws against serious vilification start on 20 September 2025

Fact Sheet

Background

From 20 September 2025, new laws will introduce two new serious vilification offences.

Vilification is often called hate speech or conduct. It is behaviour that encourages hatred against you because of who you are. This can cause profound harm to both individuals and entire communities.

As part of these changes to the law, two new offences will be added to the *Crimes Act 1958*. These will only apply to the most serious cases of hate speech or conduct.

Who is protected by the new laws?

The new laws will protect people with certain characteristics from hate speech and conduct. These protected attributes are:

- race
- religious belief or activity
- disability (including HIV, AIDS, or a mental illness)
- gender identity (including drag performers)
- sex
- sex characteristics
- sexual orientation
- personal association (whether as a relative or otherwise) with someone with a protected attribute.

What are the new criminal offences?

The two new offences are:

- an **incitement offence** and
- a **threat offence**.

Incitement offence

A person commits this offence if they say or do something that could encourage hatred against, serious contempt for, revulsion toward or severe ridicule of another person or group of persons:

- because of a protected attribute, and
- intending for their behaviour to result in inciting these emotions, or believing it will probably do so.

There is no need to prove that the behaviour did incite hatred, serious contempt, revulsion or severe ridicule.

Threat offence

A person commits this offence if they threaten another person or group with physical harm or property damage:

- because of a protected attribute, and
- intending that the person or a person of the group will believe the threat will be carried out, or believing they will probably believe it will be carried out.

For both offences, it does not matter if the person was wrong about the protected attribute. For example, if a person threatens to harm someone because they think they are from a particular ethnic group, they are still breaking the law if they are mistaken.

What are the penalties?

The maximum penalties are:

- 3 years in prison for the incitement offence
- 5 years in prison for the threat offence.

A maximum penalty is the highest possible penalty that can be imposed. A court may give a fine or community-based order, depending on the case.

Do the offences apply to private conduct?

Yes. The offences apply whether vilification happens:

- in public
- in private
- online, including in closed groups or private forums.

Do the offences regulate opinions and jokes?

The new offences will prohibit serious, hateful conduct. Victorians can have opinions, and can seek, receive and share information and ideas of all kinds.

However, saying opinions and jokes in a way that incites hatred, or threatens people or property, is not acceptable.

Do the new offences apply outside of Victoria?

The law applies if the person's actions are directly connected to Victoria. This means the law covers:

- people outside Victoria who target another person, group or property in Victoria
- people in Victoria who target another person, group or property outside Victoria.

How will the offences be prosecuted?

The Director of Public Prosecutions (DPP) must agree before anyone is prosecuted with one of these offences. The DPP will only prosecute if:

- it is in the public interest, and
- there is a reasonable chance of conviction.

The DPP must consider all the circumstances, including social, cultural and historical factors.

What powers do police have to enforce these offences?

Victoria Police can arrest and charge someone if their conduct appears to be a crime under the new laws.

How do I report an offence?

To report serious vilification, contact your local police station or call Crime Stoppers on 1800 333 000.

If you or someone else is in danger, call Triple Zero.