

From: s.22(1)(a)(ii)
To: s.22(1)(a)(ii)
Cc: Swinbourne, Emma; s.22(1)(a)(ii)
Subject: RE: For input: jurisdictional arrangements - Hate Crimes and Incidents [SEC=OFFICIAL:Sensitive]
Date: Thursday, 3 April 2025 4:59:24 PM
Attachments: image001.jpg
[For jurisdictional input - current approaches to reporting of hate crimes and incidents - DJCS CVE Unit.docx](#)

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Good afternoon s.22(1)(a)

I hope you're well.

Please find **attached** DJCS CVE Unit's completed response. I understand that the Victoria Police representatives will be reaching out with a separate response, in the interest of document length and due to their own internal review / approval requirements.

Cheers,

s.22(1)(a)(ii)
she/her/hers
Senior Manager
Countering Violent Extremism
Police, Racing, Victims and Coordination
Department of Justice and Community Safety

s.22(1)(a)(ii)

A picture containing shape Description automatically generated

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From: s.22(1)(a)(ii)
Sent: Thursday, 20 March 2025 9:31 AM
To: s.22(1)(a)(ii)
Cc: Swinbourne, Emma; s.22(1)(a)(ii)
Subject: For input: jurisdictional arrangements - Hate Crimes and Incidents [SEC=OFFICIAL:Sensitive]

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Good morning VIC colleagues,

Thank you for your nominations to participate in the working group to support the development of a national hate crimes and incidents database.

To inform next steps on this work we are requesting input from members on the current approaches in their jurisdiction for the reporting of hate crimes and incidents, including relevant legislation, guidance material and reporting mechanisms. The input will be used to inform the development of consistent definitions of hate crimes and incidents and the design of the national database, and will be discussed at future working group meetings.

Please fill out the **attached** document and return your jurisdiction's input by **COB 3 April 2025**.

Noting the Working Group includes members from both police and justice policy agencies in your jurisdiction, we would be happy to receive either consolidated input from your jurisdiction, or an individual response from each agency, depending on your preferences.

Kind regards,

s.22(1)(a)(ii)
Director | Hate Crimes Reporting Section
National Security Information Branch | Attorney-General's Department
s.22(1)(a)(ii)

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National Hate Crimes and Incidents Database – Current jurisdictional arrangements

	Victoria
Definition/s of a <u>hate crime</u> (including any protected attributes specified)	Current legal definitions - <i>Racial and Religious Tolerance Act 2001 (Vic)</i> Under sections 7 and 8 of the <i>Racial and Religious Tolerance Act 2001 (Vic)</i>, unlawful conduct is that which “incites hatred, serious contempt, revulsion or severe ridicule” against a person or class of person on the basis of their race, religious belief or activity. This includes the use of the internet or emails to publish or transmit statements or other material. Such behaviour can occur on a single occasion or over a number of occasions, and may occur inside or outside of Victoria. In determining whether a person has engaged in unlawful vilification under section 7 or 8: - Motive is irrelevant (section 9(1)) - It does not matter whether the race or religious belief / activity of another person or class of persons is the only or dominant ground for vilifying conduct, as long as it is a substantial ground (section 9(2)) - It is irrelevant whether a person’s behaviour was informed by an incorrect assumption about someone’s race or religious belief or activity (section 10). Under section 15 of the Act, authorising or assisting vilification or victimisation is prohibited. Under section 16, an individual who authorises or assists is also liable for vilification (in addition to the individual who conducts the unlawful vilification under section 7 or 8). If a person in the course of their employment (or while acting as an agent) engages in unlawful (section 7 and 8) or prohibited (section 15) behaviour, the employer or principal is also liable vicariously. Exceptions: • Section 11 of the Act states that a person does not contravene section 7 or 8 of the Act if the person’s conduct was engaged in reasonably and in good faith: (a) In the performance, exhibition or distribution of an artistic work; (b) In the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for- (i) Any genuine academic, artistic, religious or scientific purpose; or (ii) Any purpose that is the in the public interest; or (c) In making or publishing a fair and accurate report of any event or matter of public interest.” • Section 12 of the Act states that a person does not contravene section 7 or 8 of the Act if that the person engaged in the conduct in circumstances

	Victoria
	that may reasonably be taken to indicate that the parties to the conduct desire it to be heard or seen only by themselves. Serious racial or religious vilification is an offence under section 24(1) and 25(1) of the Act. Serious vilification is “conduct that the offender knows is likely to incite hatred against that other person or class of persons; and threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons” on the basis of their race, religious belief or activity. This includes the use of the internet or emails to publish or transmit statements or other material. Such behaviour can occur on a single occasion or over a number of occasions, and may occur inside or outside of Victoria. The penalty for this conduct is 6 months or 60 penalty units or both. Under section 24(2) and 25(2), a person must not, on the basis of the race, religious belief or activity of another person or class of persons, “intentionally engage in conduct that the offender knows is likely to incite serious contempt for, or revulsion or severe ridicule of, that other person or class of persons”. This includes the use of the internet or emails to publish or transmit statements or other material. Such behaviour can occur on a single occasion or over a number of occasions, and may occur inside or outside of Victoria. The penalty for this conduct is 6 months or 60 penalty units or both. Section 26 of the Act states that, in determining whether a person has committed an offence against section 24 or 25, it is irrelevant whether or not the person made an assumption about the race, religious belief or activity of another person or class of persons that was incorrect at the time that the offence is alleged to have been committed. In the Act, ‘race’ means: (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. In the Act, ‘religious belief or activity’ 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. <u>Prospective legal definitions - Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 (passed in both Houses; awaiting Royal Assent)</u>

	Victoria
	The Bill will amend the <i>Crimes Act 1958</i> to make 'incitement on the ground of protected attribute' an offence (penalty: 3 years imprisonment). A person commits an offence if— (a) the person engages in conduct that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, another person or a group of persons; and (b) the person engages in the conduct on the ground of a protected attribute of the other person or the group; and (c) the person either— (i) intends that conduct to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, the other person or the group; or (ii) believes that conduct will probably incite hatred against, serious contempt for, revulsion towards or severe ridicule of, the other person or the group. The Bill also amends the <i>Crimes Act 1958</i> to make 'threaten[ing] physical harm or property damage on [the] ground of protected attribute' an offence (penalty: maximum 5 years imprisonment). A person commits an offence if— (a) the person threatens— (i) physical harm towards another person or a group of persons; or (ii) to damage property of, or otherwise related to, another 15 person or a group of persons; and (b) the person threatens the physical harm or the property damage on the ground of a protected attribute of the other person or the group; and (c) the person either— (i) intends that the other person or a person of the group will believe the threat will be carried out; or (ii) believes that the other person or a 25 person of the group will probably believe the threat will be carried out. For the purpose of the two new offences, 'protected attribute' means any of the following attributes: (a) Disability (b) Gender identity (c) Race (d) Religious belief or activity (e) Sex (f) Sex characteristics (g) Sexual orientation (h) Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes. Further, for the purpose of the two new offences, it will be irrelevant whether the person who committed the offence was incorrect about-

	Victoria
	(a) A protected attribute of the other person or group of persons; or (b) Whether the other person or group of persons had a particular protected attribute. In light of these new offences, the Bill repeals the serious vilification offence (Part 4) under the <i>Racial and Religious Tolerance Act</i> (commencing the day after Royal Assent). The Bill then repeals the full <i>Racial and Religious Tolerance Act</i> on 18 September 2028. Finally, the bill also adds a new Part to the <i>Equal Opportunity Act 2010</i> (Part 6A – Prohibition of vilification). This Part makes vilification and incitement unlawful. ‘Unlawful vilification’ is defined as public conduct which would ‘be reasonably likely to be considered by a reasonable person with the protected attribute to be hateful or seriously contemptuous of, or reviling or severely ridiculing, the other person or group of persons’. ‘Incitement’ is defined as public conduct which is ‘likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, another person or a group of persons on the ground of a protected attribute of that other person or group of persons’. For the purpose of determining whether someone has contravened these provisions, it will be irrelevant whether the person was incorrect about- (a) A protected attribute of the other person or group of persons; or (b) Whether the other person or group of persons had a particular protected attribute. Exceptions include conduct engaged in reasonably and in good faith: (a) In the performance, exhibition or distribution of an artistic work; or (b) In the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for any genuine academic, artistic, public interest, religious or scientific purpose; or (c) In making or publishing a fair and accurate report of any event or matter of public interest. Disputes about ‘unlawful vilification’ and ‘incitement’ can be brought to the Victorian Equal Opportunity and Human Rights Commission. <u>Working definitions (non-legislative)</u> • ‘Prejudice-motivated crime’ (Victoria Police definition) “A prejudice motivated crime is any crime motivated by bias or hatred towards a person or a group. This crime would be because of the victim’s actual or perceived characteristic/s. These might be:

	Victoria • religion • race • sex • age • disability • sexual identity • gender identity • homelessness • political activity. It doesn't matter if the person has one of these characteristics. What matters is the perpetrator is targeting the victim because they believe the victim belongs to a group, which has one of these characteristics".
Definition of a <u>hate incident</u> (including any protected attributes specified)	No specific definitions
Relevant legislation or policies relating to hate crimes and incidents	<u>Racial and Religious Tolerance Act 2001 (Vic)</u> • Section 7 (race) section 8 (religion) – unlawful conduct • Section 15 – prohibition of assisting vilification or victimisation • Section 24 (race) and section 25 (religion) – serious vilification offence Detailed information on these provisions is provided above. <u>Sentencing Act 1991 (Vic)</u> Under Section 5 (Sentencing Guidelines) of Part 2 (Governing Principles) of the Act: "In sentencing an offender a court must have regard to: • (daaa) whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated". <u>Equal Opportunity Act 2010 (Vic)</u> Under Section 15, duty holders (such as employers, schools, and goods and service providers) have a positive duty to eliminate discrimination, sexual harassment and victimisation, as far as possible (i.e., reasonably and proportionately). <u>Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024</u> (currently in the Legislative Council)

	Victoria
Government hate crimes reporting mechanisms	Victorian Equal Opportunity and Human Rights Commission
Government hate incidents reporting mechanisms	Victorian Equal Opportunity and Human Rights Commission
Existing jurisdictional systems or databases and information sharing	Nil / not known
Local or non-government reporting mechanisms and databases	Islamophobia Register Australia - Islamic Council of Victoria – ICV Islamophobia Support Service Action Against Islamophobia - Combating Islamophobia in Australia Call it Out First Nations Racism Register Jewish Community Support Group (Victoria) COVID-19 Coronavirus Racism Incident Report (racism against Asian Australians stemming from the COVID-19 pandemic) Anti-Palestine Racism in Schools Register
Development or publication of reports on hate crimes	The Victorian Equal Opportunities and Human Rights Commission collects data on complaints and reports in relation to discrimination, sexual harassment, victimisation, vilification, and change or suppression practices. This data is captured in public-facing annual reports.

From: s.22(1)(a)(ii)
To:
Subject: FW: National Hate Crimes Databases - VicPol feedback
Date: Monday, 7 April 2025 2:35:23 PM
Attachments: [image001.jpg](#)
[VicPol input - current approaches to reporting of hate crimes and incidents feedback doc.docx](#)

From: s.22(1)(a)(ii)
Sent: Monday, 7 April 2025 2:28 PM
To: s.22(1)(a)(ii) Swinbourne, Emma
s.22(1)(a)(ii)
Cc: s.22(1)(a)(ii)
Subject: FW: National Hate Crimes Databases - VicPol feedback

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Good afternoon,

Please find attached document outlining current approaches to the reporting of hate crimes and incidents in Victoria.

Happy to discuss further if required.

Kind regards

s.22(1)(a)(ii)

Project/Research Officer
Strategy and Projects Unit| Crime Command | Victoria Police

E.s.22(1)(a)(ii)

t, Docklands



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National Hate Crimes and Incidents Database – Current jurisdictional arrangements - Victoria

	VICTORIA
Definition/s of a <u>hate crime</u> (including any protected attributes specified)	In Victoria, there is no express statutory definition of a “hate crime” or a single provision in Victorian legislation that codifies a “hate crime” as a distinct offence. <u>Prejudice Motivated Crime</u> In Victoria, a term used interchangeably with a “hate crime” is a “prejudice motivated crime” which can be any crime that is motivated (wholly or partly) by hatred for, or prejudice against, a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated and is addressed at time of sentencing.¹ Pursuant to subsection 5(2)(daaa) of the <i>Sentencing Act 1991</i>, in sentencing an offender for any crime, a court must have regard to “<i>whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated</i>”.² This aggravating factor at sentencing is designed to increase the seriousness of the offence, elevate the importance of denouncing the type of conduct the offender engaged in, and elevate the importance of deterrent sentencing in prejudice motivated crime. The <i>Sentencing Act 1991</i> is silent on any further definition or reference to prejudice motivated crime. Beyond this sentencing principal, a framework of laws including the <i>Equal Opportunity Act 2010</i>, the <i>Racial and Religious Tolerance Act 2001</i> and the <i>Charter for Human Rights and Responsibilities Act 2006</i> address conduct motivated by prejudice or hatred, providing civil protections against discrimination, vilification and related offences. <u>Racial and Religious Tolerance Act 2001</u> Whilst the <i>Racial and Religious Tolerance Act 2001</i> does not provide an express definition of a “hate crime”, the <i>Racial and Religious Tolerance Act 2001</i> makes it unlawful for a person to intentionally engage in conduct that the offender knows is likely to incite hatred against, physical harm against, serious contempt for, or revulsion or severe ridicule of, a person or a class of persons based on the ground of race³ or religious belief or activity.⁴

¹ *Sentencing Act 1991*, Subsection 5(2)(daaa); Victoria Police, *Prejudice Motivated Crime*, Internet Webpage accessible [here](#).

² *Sentencing Act 1991*, Subsection 5(2)(daaa)

³ *Racial and Religious Tolerance Act 2001*, Section 7 and Section 24

⁴ *Racial and Religious Tolerance Act 2001*, Section 8 and Section 25

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	VICTORIA
	<u>Equal Opportunity Act 2010</u> The <i>Equal Opportunity Act 2010</i> prohibits unlawful discrimination on the basis of protected attributes that occurs in certain areas of public life, such as employment, education, in the provision of goods and services or accommodation, club membership and sporting activities, and local government.⁵ Protected attributes which are prohibited from discrimination include: • age; • breastfeeding; • employment activity; • gender identity; • disability; • industrial activity; • lawful sexual activity; • marital status; • parental status or status as a carer; • physical features; • political belief or activity; • pregnancy; race; • religious belief or activity; • sex; • sex characteristics; • sexual orientation; • an expunged homosexual conviction; • a spent conviction; and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.⁶ Pursuant to section 7 of the <i>Equal Opportunity Act 2010</i>, discrimination means direct or indirect discrimination on the basis of a protected attribute. Direct discrimination occurs when a person treats, or proposes to treat, a person with an attribute unfavourably of that attribute.⁷ Indirect discrimination, on the other hand, focuses on the effect rather than the intent of the action. Indirect discrimination occurs when a person imposes or proposes to impose a requirement, condition or practice that appears on its face to be impartial but has, or is likely to have, the effect of disadvantaging persons with an attribute and that is not reasonable.⁸

⁵ *Equal Opportunity Act 2010*, Part 4

⁶ *Equal Opportunity Act 2010*, Section 6

⁷ *Equal Opportunity Act 2010*, Section 8

⁸ *Equal Opportunity Act 2010*, Section 9

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	VICTORIA
Definition of a <u>hate incident</u> (including any protected attributes specified)	In Victoria, there is no express statutory definition of a "hate incident".⁹ <u>Prejudice Motivated Incident</u> On the <i>Prejudice Motivated Crime</i> Victoria Police internet page, Victoria Police provide that a "prejudice motivated incident" (a term used interchangeably with a "hate incident") is an incident that does not meet the threshold of a crime but still targets the actual or perceived characteristics of the victim.¹⁰ Where an individual has experienced an incident or action where no crime is committed but the action is still motivated by hate, prejudice or discrimination on grounds that of a protected attribute¹¹, sexual harassment, racial or religious vilification¹² or victimisation¹³, they may make a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). VEOHRC, including its functions, structure and board, is established under the <i>Equal Opportunity Act</i> and has a number of responsibilities and investigatory and conciliation powers under the <i>Equal Opportunity Act 2010</i> and the <i>Racial and Religious Tolerance Act 2001</i>.¹⁴
Relevant legislation or policies relating to hate crimes and incidents.	Victoria <u><i>Equal Opportunity Act 2010</i></u> Section 6 – Attributes Section 8 – Direct discrimination Section 9 – Indirect discrimination <u><i>Racial and Religious Tolerance Act 2001</i></u> Section 7 – Racial vilification unlawful Section 8 – Religious vilification unlawful Section 24 – Offence of serious racial vilification¹⁵ Section 25 – Offence of serious religious vilification¹⁶ <u><i>Sentencing Act 1991</i></u> Subsection 5(2)(daaa) – Sentencing guidelines

⁹ The Commonwealth Department of Home Affairs provide that a "hate incident" is an incident where no crime is committed but an action is still motivated by hate, racism or prejudice [Department of Home Affairs, *Addressing Hate*, Internet Webpage accessible [here](#).]

¹⁰ Victoria Police, *Prejudice Motivated Crime*, Internet Webpage accessible [here](#).

¹¹ *Equal Opportunity Act 2010*, Section 6

¹² *Racial and Religious Tolerance Act 2001*, Section 7, Section 8, Section 24 and Section 25

¹³ *Equal Opportunity Act 2010*, Section 104 provides that victimisation is where a person (Person A) subjects or threatens to subject the other person (Person B) to any detriment because the other person, or a person associated with the other person (Person B) has brought a dispute, complaint or any other proceeding under the *Equal Opportunity Act 2010*.

¹⁴ VEOHRC also has responsibilities and powers under the and the *Charter for Human Rights and Responsibilities Act 2006* as it relates to monitoring and compliance with human rights in Victoria.

¹⁵ *Racial and Religious Tolerance Act 2001*, Section 24 provides it is a criminal offence that is committed by a person who intentionally incites hatred, threatens physical harm, or incites contempt, revulsion, or severe ridicule of that other person or class of persons based on their race.

¹⁶ *Racial and Religious Tolerance Act 2001*, Section 25 prohibits provides it is a criminal offence that is committed by a person who intentionally incites hatred, threatens physical harm, or incites contempt, revulsion, or severe ridicule of that other person or class of persons based on their religious belief or activity.

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	VICTORIA
	<u>Charter of Human Rights and Responsibilities Act 2006</u> Section 15 – Freedom to Expression¹⁷ <u>General Criminal Offences</u> As aforementioned, any crime that was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated is addressed at time of sentencing in Victoria.¹⁸ Common offences include offences against the person and criminal damage to property provided for under both the <i>Summary Offences Act 1966</i> and the <i>Crimes Act 1958</i>. <u>Summary Offences Act 1966</u> Section 9 – Wilful destruction, damage etc. of property Section 17 – Obscene, indecent, threatening language and behaviour etc. in public¹⁹ Section 17A – Disorderly conduct Section 41K – Public display or performance of Nazi symbols or gestures²⁰ Subsection 41J(5) – Police Direction to remove Nazi symbol or Nazi gesture from public display (contravention offence)²¹ <u>Crimes Act 1958</u> Section 15A – Causing serious injury intentionally in circumstances of gross violence Section 16 – Causing serious injury intentionally Section 18 – Causing injury intentionally or recklessly Section 20 – Threats to kill Section 21 – Threats to inflict serious injury Section 21A – Stalking Section 31 – Assaults Section 195H – Affray Section 195I – Violent disorder Section 195K – Grossly offensive public conduct Section 197 – Destroying or damaging property Section 317 – Offences connected with explosive substances Section 321G – Incitement
Government hate crimes reporting mechanisms	All reporting of reported crime in Victoria is done through the Crime Statistics Agency. There is no specific reporting mechanism for crime relating to hate. Homepage Crime Statistics Agency Victoria

¹⁷ *Charter of Human Rights and Responsibilities Act 2006*, Subsection 15 establishes the right to freedom of expression and provides that it may be subject to lawful restrictions if reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality.

¹⁸ *Sentencing Act 1991*, Subsection 5(2)(daaa).

¹⁹ *Summary Offences Act 1966*, Section 17 prohibits a person from using threatening, abusive or insulting words or behaving in an offensive or insulting manner in public. The maximum penalty is 10 penalty units or two months imprisonment for a first offence, 15 penalty units or three months' imprisonment for a second offence, and 25 penalty units or six months imprisonment for third and subsequent offences.

²⁰ *Summary Offences Act 1966*, Section 41K prohibits the intentional display of a Nazi symbol of gesture in a public place. The maximum penalty is 120 penalty units, or imprisonment for 12 months, or both.

²¹ *Summary Offences Act 1966*, Section 41J(5) prohibits a person without reasonable excuse to contravene a police direction to cease the display of Nazi symbol or Nazi gesture. The maximum penalty is 10 penalty units.

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	VICTORIA
Government hate incidents reporting mechanisms	There is no mechanism to collate or report hate incidents.
Existing jurisdictional systems or databases and information sharing	Victoria Police has an established process to report displays of prohibited terrorist organisation symbols contrary to the AFP (contrary to the Criminal Code). The records are manually populated and involve data entry across three different databases.
Local or non-government reporting mechanisms and databases	Victoria Police has no interaction with any local or non-government reporting mechanisms or data bases other than reported suspected offences.
Development or publication of reports on hate crimes	Reports are not developed and distributed.

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From: s.22(1)(a)(ii)
To: s.22(1)(a)(ii)
Cc: s.22(1)(a)(ii) [Swinbourne, Emma](#) s.22(1)(a)(ii)
Subject: FW: For input: jurisdictional arrangements - Hate Crimes and Incidents [SEC=OFFICIAL:Sensitive]
Date: Tuesday, 8 April 2025 1:34:25 PM
Attachments: [image001.png](#)
[For jurisdictional input - current approaches to reporting of hate crimes and incidents \(NSW consolidated input\).DOCX](#)

Hi s.22(1)(a)(ii)

Thank you for your patience while NSW has compiled input on our jurisdictional arrangements for reporting of hate crimes and incidents.

Please see attached consolidated input from DCJ, NSWPF, TCO and Premier's Department.

Please feel free to contact us if you have any questions.

s.22(1)(a)(ii)

A/Director

Law Enforcement and Crime Team
 Policy, Reform and Legislation Branch
 Department of Communities and Justice

s.22(1)(a)(ii)

www.dcj.nsw.gov.au



From: s.22(1)(a)(ii)
Sent: Thursday, 20 March 2025 9:15 AM
To: s.22(1)(a)(ii)
Cc: s.22(1)(a)(ii) [Swinbourne, Emma](#)
 <s.22(1)(a)(ii)>
Subject: For input: jurisdictional arrangements - Hate Crimes and Incidents [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Good morning NSW colleagues,

Thank you for your nominations to participate in the working group to support the development of a national hate crimes and incidents database.

To inform next steps on this work we are requesting input from members on the current approaches in their jurisdiction for the reporting of hate crimes and incidents, including relevant legislation, guidance material and reporting mechanisms. The input will be used to inform the

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development of consistent definitions of hate crimes and incidents and the design of the national database, and will be discussed at future working group meetings.

Please fill out the **attached** document and return your jurisdiction's input by **COB 3 April 2025**.

Noting the Working Group includes members from both police and justice policy agencies in your jurisdiction, we would be happy to receive either consolidated input from your jurisdiction, or an individual response from each agency, depending on your preferences.

Kind regards,

s.22(1)(a)(ii)

Director | Hate Crimes Reporting Section

National Security Information Branch | Attorney-General's Department

s.22(1)(a)(ii)

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National Hate Crimes and Incidents Database – Current jurisdictional arrangements

	[State or territory]
Definition/s of a <u>hate crime</u> (including any protected attributes specified)	[Please detail any legal or working definitions of <u>hate crimes</u> used in the jurisdiction. If those definitions list specific attributes or characteristics of the victim (e.g. crimes against persons based on their race) please include details of the attributes specified. If the victim (or witnesses) perception of the motivation for the incident is a relevant consideration, please include details.] New South Wales The term 'hate crime' is not used in NSW criminal legislation and therefore does not have a specific definition. NSW legislation creates offences that are often described as hate crimes. These offences are referred to below. Attributes that are protected by NSW offences that are often referred to as hate crimes include: • Race – an attribute specified in sections 93Z and 93ZAA of the <i>Crimes Act 1900</i> • Religious belief – an attribute specified in section 93Z of the <i>Crimes Act 1900</i> • Sexual orientation – an attribute specified in section 93Z of the <i>Crimes Act 1900</i> • Gender identity – an attribute specified in section 93Z of the <i>Crimes Act 1900</i> • Intersex status – an attribute specified in section 93Z of the <i>Crimes Act 1900</i> • HIV/AIDS status – an attribute specified in section 93Z of the <i>Crimes Act 1900</i> <u>NSW Police Force website definition of 'hate crime'</u> The NSW Police Force's website has a page which discusses hate crimes and incidents. It provides information to the public about operational responses to such crimes: https://www.police.nsw.gov.au/crime/hate_crimes. The NSW Police Force's website broadly provides that a hate crime is: <i>'Any crime motivated by hate, prejudice or bias towards a person or group of people because of their:</i> • <i>Race</i> • <i>Religion or Faith</i> • <i>Ethnic/National Origin</i> • <i>Sex or Gender</i> • <i>LGBTQA+</i> • <i>Mental or Physical Disability</i> • <i>Political</i> • <i>Homelessness</i> • <i>Age (discrimination)</i> • <i>HIV/AIDS Status'</i>
Definition of a <u>hate incident</u> (including any	[Please detail any legal or working definitions of <u>hate incidents</u> used in the jurisdiction. If those definitions list specific attributes (e.g. incidents against persons based on their race) please include details of the attributes specified. If the victim (or witnesses) perception of the motivation for the crime is a relevant consideration, please include details.] New South Wales

	[State or territory]
protected attributes specified)	The term 'hate incident' is not used in NSW criminal legislation and therefore does not have a specific definition. However, the NSW Police Force's website broadly provides that: 'When there is no crime committed, but an action is still motivated by hate, prejudice or bias, it is known as a hate incident.' The <i>Anti-Discrimination Act 1977</i> (NSW) provides civil protections against vilification, defined as a public act which incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of religion, race, transgender status, homosexuality and HIV/AIDS status.
Relevant legislation or policies relating to hate crimes and incidents	[Please detail any civil or criminal laws relating to <u>hate crimes and/or incidents</u> (acts that fall short of crimes) in the jurisdiction, or policies, guidance or training materials relating to hate crimes and/or incidents. Relevant legislation includes specific offences or provisions (e.g. relating to vilification) or provisions of more general application (e.g. hate as an aggravating factor in sentencing). We have pre-populated this section based on information currently held by the department. Please confirm if these are accurate and include any other relevant provisions.] New South Wales • <i>Anti-Discrimination Act 1977</i> Part 2 Div 3A – civil vilification on the ground of race • <i>Anti-Discrimination Act 1977</i> Part 3A Div 5 – civil vilification on the ground of transgender status • <i>Anti-Discrimination Act 1977</i> Part 4BA – civil vilification on the ground of religion • <i>Anti-Discrimination Act 1977</i> Part 4C Div 4 – civil vilification on the ground of homosexuality • <i>Anti-Discrimination Act 1977</i> Part 4F – civil vilification on the grounds of HIV/AIDS status • <i>Anti-Discrimination Act 1977</i> Part 9 Div 2 – procedure to complain to Anti-Discrimination NSW about civil vilification. • Section 93Z of the <i>Crimes Act 1900</i> – offence of publicly threatening or inciting violence • Section 93ZAA of the <i>Crimes Act 1900</i> – offence of intentional public incitement of hatred on the ground of race* • Section 93ZA(1) of the <i>Crimes Act 1900</i> – offence of public display of a Nazi symbol • Section 93ZA(1AA) of the <i>Crimes Act 1900</i> – aggravated offence of public display of a Nazi symbol at a synagogue, Jewish school or the Sydney Jewish Museum • Section 214B of the <i>Crimes Act 1900</i> – offences relating to obstruction and intimidation of persons accessing or leaving places of worship** • s 21A(2)(h) of the <i>Crimes (Sentencing Procedure) Act 1999</i> – hatred and prejudice as an aggravating factor on sentence • Section 4(2) and section (6)(c) of the <i>Graffiti Control Act 2008</i> – graffiti at a place of worship is an aggravated graffiti offence *** *has not yet commenced, will commence on Proclamation: see Crimes (Inciting Racial Hatred) Act 2025. ** has not yet commenced, received assented on 2 March 2025, will commence three months after assent or earlier upon proclamation: see Crimes Amendment (Places of Worship) Act 2025. *** The Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025 made marking graffiti on a place of worship an aggravated graffiti offence for the purposes of the <i>Graffiti Control Act 2008</i>. The Act was introduced in response to incidents of antisemitic graffiti, including on or near synagogues and Jewish schools, and other criminal acts of antisemitism in NSW. <u>New South Wales Police Force public education</u>

	[State or territory]
	The NSW Police Force launched the Hate Crime Awareness Campaign, a public education strategy consisting of short videos and print material (in five community languages) on how to identify and report hate crimes and hate incidents. Materials can be found on the NSW Police Force website: https://www.police.nsw.gov.au/crime/hate_crimes .
Government hate crimes reporting mechanisms	[Please detail any mechanism for reporting of <u>hate crimes</u> to government agencies in the jurisdiction, and detail which government agencies receive reports and the reporting mechanism (e.g. public reporting, referrals from other bodies). Please detail how information in such reports is used (e.g. information is reported to law enforcement for potential investigation).] New South Wales Hate crimes are reported to the NSW Police Force. The NSW Police Force website includes a page for 'How to report a hate crime or hate incident': https://www.police.nsw.gov.au/crime/hate_crimes/bias_crime_categories/why_people_dont_report
Government hate incidents reporting mechanisms	[Please detail any mechanisms for reporting of <u>hate incidents</u> to government agencies, and detail which government agencies receive reports and the reporting mechanism (e.g. public reporting, referrals from other bodies). Please detail how information in such reports is used (e.g. information is reported to human rights bodies to consider whether a breach of anti-discrimination law has occurred).] New South Wales The processes for reporting hate incidents to the NSW Police Force are the same as provided above. The NSW Police Force website also refers the public to other organisations to report matters to including Anti-Discrimination NSW, eSafety Commissioner and the Australian Human Rights Commission with links to their websites: https://www.police.nsw.gov.au/crime/hate_crimes/bias_crime_categories/support_services Under the <i>Anti-Discrimination Act 1977</i> (NSW), a vilification complaint may be made to Anti-Discrimination NSW. Anti-Discrimination NSW may investigate the complaint and attempt to resolve the dispute by facilitating conciliation between the parties. Anti-Discrimination NSW has the power to refer complaints to the NSW Civil and Administrative Tribunal for determination in certain circumstances. NCAT may make orders for civil remedies where appropriate.
Existing jurisdictional systems or databases and information sharing	[Please detail any existing systems or databases recording <u>hate crimes and/or incidents</u> are maintained by agencies in the jurisdiction, including whether digital or hard copy records are maintained. Please detail: • who can access the information in an existing system or database (e.g. law enforcement officers) • how the system or database is populated (e.g. automatically populated based on public reporting, manually inputted by law enforcement officers) • whether there is any vetting or assessment of public reports to determine whether they give rise to a hate crime or incident before they are included in a system or database If the jurisdiction has specific arrangements to support sharing of information about hate crimes or incidents between agencies, please include details.] New South Wales <u>Information captured by the NSW Police Force</u>

	[State or territory]
	Hate crimes and hate incidents that are reported to the NSW Police Force are captured in the NSW Police Force Computerised Operational Policing System when flagged as 'Hate Crime Related'. <u>Anti-Discrimination NSW Annual Report</u> Anti-Discrimination NSW Annual Report includes data on the number of complaints about vilification relevant to protected attributes. In FY2023/24, Anti-Discrimination NSW received a total of 95 vilification complaints. <u>Research into Mapping Online Hate in Australia</u> • The NSW Government is leading a three-year research pilot with Deakin University which aims to create a standardised way to measure and categorise a broad range of hateful content. • The approach uses machine learning to aggregate and categorise hateful content across a range of social media and online platforms at a high level. • The research project will <u>assess publicly available data only</u>. The reporting will not capture or record individual posts, authors or commentary and will instead focus on high-level trends. • It does not capture or categorise individual hate crimes or incidents. Instead, it is designed to capture trends in hateful content directed at particular communities. • It is hoped the project will help governments and community organisations to develop evidence-based approaches to counter hate and help create a safer online and offline environment. • The research may also help to identify patterns or predictors of offline extremist violence, significant community tensions, and other indicators of fracturing social cohesion. • The project has the approval of the ethics committee at Deakin University and is supported by a Governance Committee which includes representatives from the Australian Human Rights Commission, Victorian Human Rights and Equal Opportunity Commission and the eSafety Commissioner. • At this preliminary pilot stage, final end use cases have not yet been confirmed. • Access to captured data is currently only available to project staff, with future phases of the project seeking to identify other end users amongst other state, territory and Australian government agencies. • Deakin researchers are able to provide tailored briefing drawn from the initial data collection on request at this stage.
Local or non-government reporting mechanisms and databases	[If you are aware of or use information from any non-government or local government hate crimes and/or incidents reporting mechanisms (e.g. the Islamophobia Register Australia) please include details and links here]. <u>Call it Out Register</u> • The Jumbunna Institute for Indigenous Education and Research, which is part of the University of Technology, Sydney facilitates the Call it Out Register. • The Register was launched on 21 March 2022 as a simple and secure way for people to report incidents of racism and discrimination toward First Nations peoples. • The development of the Register began when it was recognised there was a serious absence in any online or other community-based national platform for reporting racism against First Nations Peoples. • The purpose is to collect information on racism, including how it is experienced, how often it is occurring and the impact it is having on people. • The details of individuals reporting on the Register are confidential.

	[State or territory]
	- The incidents reported on the Register are collected and analysed by the Indigenous Law and Justice Hub. This information informs evidence-based research to report on racism and its impacts, inform anti-racism action, support the response of First Nations organisations and leaders and educate the wider community. - The most recent report Annual Report was released in March 2025 and covered reported incidents from March 2023 to March 2024. - See the Register at https://www.uts.edu.au/research/centres/jumbunna-institute-indigenous-education-and-research/our-research-hubs/indigenous-law-and-justice-hub/call-it-out-racism-register <u>Community Security Group NSW</u> - The Community Security Group NSW operates under the auspices of the NSW Jewish Board of Deputies, and is part of the Jewish Communal Appeal family of organisations. - Their website enables people to report antisemitic incidents in NSW: https://www.csgnsw.org.au/ - The Community Security Group publishes an annual report on antisemitic incidents that have been reported to Community Security Groups across Australia: see the latest report at https://www.csgnsw.org.au/publications <u>Report on Antisemitism in Australia</u> - Each year since 1990, the Executive Council of Australian Jewry (ECAJ), the peak elected national representative body of the Australian Jewish community, has published the Report on Antisemitism in Australia. - The reports cover the 12-month period ending 30 September each year. - This is compiled using data that has been collected from across the volunteer Community Security Groups Jewish state roof bodies and the ECAJ. - In these reports, the ECAJ records antisemitism in two broad categories: incidents and discourse. - The latest Antisemitism report is available at https://www.ecaj.org.au/antisemitism-report/ <u>The Islamophobia Register Australia</u> - The Islamophobia Register Australia was founded on 17 September 2014 in response to growing anecdotal evidence suggesting a rise in incidents of Islamophobia. - The Register is a non-for-profit organisation and the first of its kind in Australia to provide a platform for incidents of Islamophobia to be reported, recorded and analysed into a published report. - The Register collects data on Islamophobic incidents and Islamophobic content: this includes data on hate incidents, hate crimes, religious discrimination and vilification, whether online or in the physical world. - Since its inception, the Register has published four national reports on Islamophobia in Australia, with what it states is a highly developed methodology for analysing patterns and trends in both online and offline hate. - See the Islamophobia Register at https://islamophobia.com.au/ <u>Action against Islamophobia</u> - Action Against Islamophobia (AAI) is an Australian National Imams Council (ANIC) initiative to both record incidents of Islamophobia whilst at the same time providing confidential crisis support. - A report can be lodged via their website or via phone, which is then recorded and assessed by staff who will then seek to provide the victim with an appropriate level of support. - This is a recent initiative, believed to be launched in approximately 2024 and as such there appears to be limited publicly available data associated with this initiative.

	[State or territory]
	See the website at: https://actionagainstislamophobia.org.au/
Development or publication of reports on hate crimes	[Please detail whether the jurisdiction or agencies in the jurisdiction prepare internal or public reporting on hate crimes and/or incidents in the jurisdiction, and provide links to relevant reports. Please detail what information is included (e.g. number of crimes taken place, number of crimes reported to police, which groups were targeted, number of crimes successfully prosecuted, sentencing decisions).] On 21 November 2024 the NSW Law Reform Commission's report on the effectiveness of s 93Z of the <i>Crimes Act 1900</i> (NSW) in addressing serious racial and religious vilification was tabled in NSW Parliament: https://lawreform.nsw.gov.au/completed-projects/recent/section-93z.html On 18 December 2023 the report of the NSW Special Commission of Inquiry into LGBTIQ hate crimes was published: https://www.nsw.gov.au/departments-and-agencies/cabinet-office/resources/special-commissions-of-inquiry/lgbtiq-hate-crimes#:~:text=The%20Special%20Commission%20of%20Inquiry,NSW%20between%201970%20and%202010 <u>Tracking the 2023 Wave of Anti-Trans and Anti-Drag Mobilisation in Australia</u> - Produced in 2025 by Deakin University and arising through the ongoing work Premier's Department is undertaking to map online hate in Australia, this report analyses the relationship between online hate and offline events targeting transgender and gender-diverse communities in Australia. - Drawing from a dataset of over 86,000 tweets, Deakin examined patterns in digital discourse, the role of far-right networks, and potential early warning indicators of violent mobilisation. - The findings offer insights for policymakers, law enforcement and grassroots organisations seeking to mitigate online hate and prevent violent mobilisation against gender diverse communities in Australia. Key findings included: - There was a simultaneous surge in online and offline anti-trans mobilisation around March 2023, coinciding with the Australian visit of British activist Posie Parker - Australian far-right networks played a role in coordinating information dissemination - Anti-politics discourse may serve as a potential early indicator of violence - Hateful language can persist beyond events - Geographical distribution of online hate has multiple factors, for example local social dynamics may influence hate levels - Global anti-trans influencers and information sources impacted Australian mobilisation.

From:
To:

s.22(1)(a)(ii)

Cc: [Inverarity, Tara](#); [Swinbourne, Emma](#); s.22(1)(a)(ii)
Subject: RE: Action items – Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]
Date: Tuesday, 15 April 2025 8:19:04 AM

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL: Sensitive

Good morning,

From a Victoria Police perspective – we have reviewed and have no issues with the ToR, noting the existing definitions vary across the nation and consideration of national definitions will be important.

As discussed at the meeting, a significant issue is the reporting and recording on a national data base of 'Hate Crimes' with different terms used across the nation. This includes varying legislation across all jurisdictions; thus this will be challenging.

Victoria Police supports the task of defining the **purpose and scope of the database**. As highlighted at the meeting this would assist to frame up the next steps.

Regards

s.22(1)(a)(ii)

Acting Commander
Crime Command | Victoria Police

s.22(1)(a)(i)

Reporting racial and religious hate

Options for improving third-party reporting avenues

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*



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Acknowledgements

The development of *Reporting racial and religious hate: Options for improving third-party reporting avenues* was supported by the Victorian Government.

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The Commission complies with Victorian privacy laws and the confidentiality provisions of the Equal Opportunity Act. Our privacy policy is available online at humanrightscommission.vic.gov.au/privacy or by contacting us.

Disclaimer

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

Reporting racial and religious hate

Options for improving third-party reporting avenues

October 2024

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

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Reporting racial and religious hate: Options for improving third-party reporting avenues

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Acknowledgements

The Victorian Equal Opportunity and Human Rights Commission acknowledges Aboriginal people as the First Peoples, Traditional Owners and custodians of the land and waterways, upon which our lives depend.

Our office is located on the lands of the Wurundjeri people – the lands on which many of our team members also live and work from home. We acknowledge and pay our respects to ancestors of this country and Elders past and present. We extend that respect to all First Peoples.

We recognise that First Peoples are disproportionately affected by prejudice and hate. In moving forward to address these issues, it is important to acknowledge the ongoing harms that colonisation causes to First Peoples communities, including entrenched and systemic racism.

We honour the tireless efforts of generations of First Peoples who have stood against racism and advanced the values of freedom, fairness and equality. It is through the ongoing efforts of First Peoples leaders and communities that language, lore, custom and culture continue and flourish.

We commit to working with First Peoples to try to prevent historical injustices from continuing, including through truth-telling and developing Treaty.

Project acknowledgements

We would also like to recognise the knowledge and expertise held within Victoria's many communities on hate incidents and reporting. In undertaking this project, the Commission has aimed to look beyond traditional academic research to understand the knowledge held and shared by communities who have to deal with the reality of racial and religious hate.

We wish to acknowledge the contributions and insights of the researchers, community members and knowledge-holders – many of whom brought both research expertise and lived experiences in their perspectives – who generously participated in the project's consultations in challenging times.

1 Executive summary

Racial and religious hate conduct^a harms people, communities and societies. In its preamble, Victoria's key law against vilifying conduct, the *Racial and Religious Tolerance Act 2001*, describes this conduct as diminishing the dignity, self-worth and belonging of First Peoples, racialised people and marginalised religious people.¹ Decades of research shows that hate conduct harms health, leads to violence and marginalises communities.²

When someone experiences or witnesses a hate incident in Victoria, they can report these incidents through one or more avenues:

- **4 statutory reporting avenues** operated by government agencies under their statutory functions: the Victorian Equal Opportunity and Human Rights Commission (the Commission), Victoria Police, the Australian Human Rights Commission and the eSafety Commissioner
- **8 third-party reporting avenues (TPRs)** led and operated primarily by community organisations.

As part of its response to the Victorian Legislative Assembly Legal and Social Issues Committee's *Inquiry into anti-vilification protections* (the Inquiry), the Victorian Government funded the Commission to prepare this options paper on potential next steps for the Victorian Government to support TPRs as an additional avenue to statutory agencies.

The Commission has consistently heard from Victorian communities that hate incidents occur frequently, they want to be able to report them, and they want to see individual or systemic outcomes. In the Commission's 2024 survey on racism and religious hatred, more than one-fifth (22.9%, n=106) of Victorian respondents reported that they experienced racism or religious hatred on a daily basis. A further 18.6% (n=86) reported experiencing racism or religious hatred on a weekly basis.

Reporting avenues can play a dual role in terms of hate incidents: in responding to harm and in collecting data to inform efforts to prevent future harm. Without this data, prevention strategies are less targeted and may be less effective.^b

'The collection of data [...] is vital in helping advocates and policymakers alike get a better sense of the depth and breadth of the issues they are trying to tackle. As we know, what gets measured, gets acted on.' – Mariam Veiszadeh, Founding Chair of the Islamophobia Register Australia³

^a In this paper, this includes behaviours, speech and actions which express, support, cause, encourage or are motivated by racial and religious prejudice and hate.

^b The Commission's *Preventing racial and religious hate: An evidence-based toolkit for preventing prejudice and vilification* (2024) details evidence-based prevention approaches. That report was also completed in response to the Inquiry and with the support of the Victorian Government.

In preparing this options paper, the Commission conducted an international literature review and spoke with community members, experts and operators of reporting avenues. It became clear that Victorians want to be able to report for different reasons, in ways that are accessible and convenient, and through a range of avenues depending on their individual needs, confidence and trust.

However, empirical and anecdotal evidence demonstrates that hate incidents are underreported. There are significant barriers to reporting for community members, including awareness, trust and accessibility. There are also operational challenges for third-party reporting avenues themselves, primarily around resourcing and capacity.

The Commission identified 3 key priorities for reporting avenues: **awareness**, **access** and **support**. This options paper outlines key barriers to reporting in **Chapter 3**, provides profiles on each reporting avenue available in Victoria (as well as notable case studies of hybrid third-party/statutory reporting models) in **Chapter 4**, and finally, in **Chapter 5**, explores 6 options for the Victorian Government to improve awareness, access and support:

1. To **increase awareness** of what communities can report and where
2. To **expand coverage** and increase community access to reporting avenues
3. To **improve multilingual access** to reporting avenues
4. To **improve support outcomes** for those accessing third-party reporting avenues
5. To **share know-how** and best practice between existing and prospective TPRs
6. To **support new avenues** by providing a ready-to-go turnkey for prospective TPRs

These options can be implemented individually, but when implemented together in this order, they build on each other with the aim to:

- improve the **effectiveness** and **reach** of existing avenues
- establish frameworks to ensure existing and prospective TPRs are **skilled** and **trusted**
- support a **sustainable, diversified system** of reporting avenues, where statutory and third-party avenues **complement** each other in providing pathways for communities.

In the 3 years since the Inquiry's final report was released, the reporting landscape has grown, and communities have welcomed and used the new avenues available to them alongside the existing ones. Throughout our consultations, community members were pleased to learn about the avenues available to them.

The need for community-led reporting avenues has grown as geopolitical events and domestic political discourse lead to heightened racism in Australia. Anxiety, distress and harm are increasing for Victoria's communities affected by racial and religious hate: First Peoples, racialised Victorians and Victorians from marginalised religious communities.

In this context, the Commission presents this paper recommending 6 options – underpinned by evidence and feedback from consultations – for consideration. The Victorian Government has an opportunity to strengthen the reporting landscape at a time when communities need these avenues most.

2 Background to the options paper

In 2020, the Victorian Legislative Assembly Legal and Social Issues Committee (the Committee) examined Victoria's current anti-vilification laws and the effectiveness of the operation of the Racial and Religious Tolerance Act. The Committee considered a range of issues, including evidence of increasing vilification and hate behaviours in Victoria.

The Committee made 36 recommendations to strengthen Victoria's anti-vilification protections, including recommendation 33:

That the Victorian Government implement third party (community led) reporting mechanisms in trusted community organisations as an additional avenue to report vilification and hate crimes to relevant authorities—the Victorian Equal Opportunity and Human Rights Commission and Victoria Police.⁴

In 2023, the Victorian Government funded the Commission to prepare this options paper to inform its response to recommendation 33. This options paper focuses on **third-party reporting avenues (TPRs) available to people in Victoria** and how Victoria's TPR landscape can be strengthened. It also considers the role of the Commission's Community Reporting Tool (CRT) in supporting the TPR landscape.

2.1 About the Commission

The Commission is Victoria's human rights regulator. We are an independent body with responsibilities under 4 laws:

- the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (Vic)
- the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter)
- the *Equal Opportunity Act 2010* (Vic)
- the Racial and Religious Tolerance Act.

The Commission's role is to protect and promote human rights; to eliminate discrimination, sexual harassment and victimisation to the greatest extent possible; and to prevent and respond to change or suppression practices. We do this through a range of functions, including resolving complaints and reports; undertaking investigations; developing and delivering educational resources and programs; and assisting Victorians to understand their rights.

2.2 Definitions and terminology

This report uses terms drawn primarily from Victorian and international human rights frameworks, as well as literature on hate incidents.

Charter of Human Rights and Responsibilities (the Charter)	The Charter is a Victorian law that sets out rights, freedoms and responsibilities for all people in Victoria. It is about the relationship between government and the people it serves. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with and give proper consideration to the human rights in the Charter.
Communities affected by racial and religious hate	These are the communities most likely to experience (and be impacted by) hate incidents on the basis of their race and/or religion: First Peoples, racialised communities and religious communities that are marginalised. This is the result of negative racialisation and/or marginalisation on the basis of religion. We distinguish First Peoples because of their unique experiences of racism due to the colonial history of Australia. Language in this space is continually evolving and there are limitations for every term.
Community Reporting Tool (CRT)	This is an online form that allows people in Victoria to report discrimination, vilification, sexual harassment and victimisation to the Commission. It is embedded on the Commission's website and a range of external stakeholders' websites. The CRT is explored in 4.3.1 Victorian Equal Opportunity and Human Rights Commission.
Complaint (about an incident)	This is when someone makes a formal allegation about an incident to an organisation or external body (e.g., the Commission) which seeks follow-up action. In some cases, reports (see below) can lead to complaints, but complaints are different from reports.
Hate incidents	These are incidents of hate behaviours. To consider the broadest possible range of incidents that might be experienced or reported, this options paper focuses on racial and/or religious hate incidents, including: ▪ vilification (defined in this paper as non-violent hate behaviours – words, symbols, depictions or actions which express, support, cause or encourage prejudice or hate)^c ▪ hate crimes (crimes against an individual, a group or property motivated by hatred, prejudice or hostility) ▪ any other behaviours or conduct which express, support, cause or encourage prejudice or hate.

^c Note that this definition reflects general usage of 'vilification' by reporting avenues and in research. It does not reflect how vilification is currently defined under the Racial and Religious Tolerance Act.

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	Note that definitions of hate incidents, vilification or hate crimes in law, research or advocacy differ across jurisdictions, countries and contexts, and there is no national or international consistency.⁵ While statutory reporting avenues align with legal definitions of vilification and hate crimes, third-party reporting avenues generally do not limit reportable conduct to legal frameworks. They also usually allow people to report anything that they themselves perceive as a racial or religious hate incident. Although this paper refers to racial and religious hate incidents together, the Commission notes a 2016 American study and other emerging evidence suggesting that there are characteristic differences between how people report racial hate incidents and religious hate incidents.⁶
Perpetrator	This is a person who has vilified or perpetrated a hate incident against another person.
Racialisation	This is when people are categorised based on race. Racialisation is one way that the powerful people and organisations which control resources and influence systematically exclude minorities in order to make themselves more powerful. It is the basis on which hierarchies are structured and racism occurs, where some groups are racially privileged (or positively racialised) and others racially marginalised (negatively racialised). Throughout this report, when the term 'racialised' is used, we mean 'negatively racialised'.
Referral	This is when one service directs or transfers someone to another service. Referrals can occur in one of two ways: ▪ A cold referral is when a service provides a user with contact details of another service to contact. Unlike warm referrals, the first service does not facilitate this referral (by supporting the user to make contact or providing a handover to the second service). ▪ A warm referral is when a service facilitates a referral of a user to another service. This can include supporting the user to make contact or providing a handover to the second service.
Report (of an incident)	This is when someone raises a concern or allegation about an incident. Reports can be informal (often to friends, family members or coworkers) or formal (through official organisational processes or to authorities like the Commission). Formal reporting avenues can sometimes receive anonymous reports. When someone makes a report, they might not be looking for a follow-up action or response.^d In some cases, reports can lead to complaints (see above), but reports are different from complaints.
Reporting avenues	These are ways that people can report hate incidents. These include apps, phone lines, websites and in-person reporting. Reporting avenues are

^d There are several reasons why people might report an incident (see [5.1.1 Reasons for reporting](#)).

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	usually available to targets, victims, bystanders and witnesses. Some reporting avenues allow for anonymous reporting. There are two types of reporting avenue: ▪ statutory reporting avenues operated by governments, government agencies, statutory authorities and/or police organisations ▪ third-party reporting avenues (see below). Reporting avenues may have different purposes or intended outcomes (e.g., giving targets and victims a voice, providing pathways to remedies, understanding trends of incidents). This paper does not look at reporting avenues that are used primarily to gather intelligence for investigations (e.g., Crime Stoppers and STOPIT). Reporting avenues are explored in 4 Current reporting avenues available in Victoria.
Reporting places	These are places which can help someone report an incident to an avenue. They are not avenues themselves, but they might have a formal or informal association or agreement with an avenue. They are sometimes called third-party reporting centres.
Target	This is a person who has been the subject of a hate incident on the basis of their (perceived or actual) race or religion. Targets can also be referred to as victims (e.g., by reporting avenues or victim support services).
Third-party reporting avenues (TPRs)	These are alternative reporting avenues to those operated by: ▪ a government agency, like the Commission or the eSafety Commissioner ▪ a police organisation, like Victoria Police ▪ a government. TPRs are usually operated by community organisations. Many TPRs focus on receiving reports from specific communities and/or of specific types of hate incidents (e.g., an Islamic TPR that only receives reports of Islamophobia and anti-Arab racism, a Jewish TPR that only receives reports of antisemitism, a TPR that only receives reports from First Peoples women and women of colour). In line with recommendation 33, this paper refers to third-party reporting avenues and community-led reporting avenues interchangeably. Some TPRs may: ▪ have agreements with government or police organisations to share or refer reports they receive ▪ provide referrals, services or supports to people reporting hate incidents.
Turnkey	This is a type of product designed to be ready for immediate use. In the context of this report, turnkey is used in an option to create a reporting platform that is ready-to-go for organisations to adapt and adopt for their communities.

2.3 Scope and data sources

The project aims to understand key evidence and local experiences of reporting hate incidents. The options paper explores:

- community perceptions, barriers and experiences relating to reporting racial and religious hate incidents
- existing statutory and third-party reporting avenues
- options for improving third-party reporting avenues (as alternative or complementary pathways to statutory avenues) to support the next stage of the Victorian Government's implementation of recommendation 33.

The options paper **does not**:

- present or explore definitions of (or an appropriate threshold for) hate incidents, vilification or hate crimes
- provide detailed assessments of the sustainability, scalability, viability, costs or resourcing of options
- propose options wholly relating to statutory reporting avenues (including the Commission's core services and Victoria Police reporting avenues).

The following table details the data sources that inform this paper. The project's approach is modelled off evidence-informed practice, which integrates:

- the rights and perspectives of those affected (in this instance, communities affected by racial and religious hate)
- the best available research and evaluation evidence
- practitioner knowledge and insights (in this instance, reporting avenue operators)
- contextual information (in this instance, about the community, legal and reporting contexts in Victoria and Australia).⁷

Existing avenues and networks	We analysed a range of existing statutory and third-party reporting avenues, including Victorian, Australian and notable international reporting avenues. We consulted with several reporting avenues and networks: ▪ Call It Out – Jumbunna Institute for Indigenous Education and Research and the National Justice Project ▪ COVID-19 Racism Incident Report Survey – Asian Australian Alliance ▪ Fight Against Hate – Online Hate Prevention Institute ▪ Islamophobia Register Australia ▪ Jewish Emergency App – Community Security Group Victoria ▪ Southeast Anti-Racism Support Network ▪ True Vision – the National Police Chiefs' Council (United Kingdom). We also contacted several other reporting avenues and networks who did not respond or participate: ▪ Islamophobia Support Service – Islamic Council of Victoria ▪ Maya Cares – The Creative Co-Operative ▪ Wyndham Anti-Racism Support Network. In addition, we met with Victoria Police's Priority and Safer Communities Division and the Commission's Enquiries team. Following drafting of the options paper, we invited the reporting avenues that participated to review their respective profile from 4 Current reporting avenues in Victoria to ensure that the information we present is accurate and fairly represents the avenue and the work it does. The following avenues reviewed their profiles: ▪ Associate Professor Mario Peucker, as lead for the local anti-racism support networks ▪ Call It Out ▪ Fight Against Hate ▪ Islamophobia Register Australia.
Group discussions	We conducted several group discussions: ▪ 2 in-person consultations with First Peoples – facilitated and run in partnership with the Victorian Aboriginal Legal Service (VALS) and the Victorian Aboriginal Community Services Association Limited (VACSAL), respectively ▪ 1 in-person consultation with international students who responded to a callout to participate through Study Melbourne's ambassadors program ▪ 4 with members of the Victorian Multicultural Commission (VMC) Regional Advisory Councils who responded to a callout to participate in a series of online group discussions co-hosted with the VMC ▪ 1 with dispute resolution staff at the Commission who have worked on vilification complaints under the Racial and Religious Tolerance Act.

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Interviews	We interviewed 4 experts and stakeholders from: ▪ Deakin University ▪ Future Forte ▪ Greater Dandenong City Council ▪ Victoria University.
Literature review	We undertook a literature review focused on experiences, needs and reporting of hate incidents. Our review included 96 relevant items of literature from 2001 to 2024, primarily from Australia, Europe, the UK and the USA. These included: ▪ academic literature on the experiences and needs of people reporting hate ▪ academic and non-academic literature on reporting avenues ▪ relevant legislation ▪ reports, analyses, practice and submissions from both statutory and third-party reporting avenues and registers. Notably, published evaluations of TPRs are ‘extremely limited’,⁸ so we supplemented literature on TPRs with consultations (see Existing avenues and networks above). All analysed journal articles also underwent brief credibility checks using Beall's List, PubPeer and the Retraction Watch Database, as well as searches of the Directory of Open Access Journals and the use of a journal evaluation tool in some instances. No publishers or journals were flagged as having potential quality or credibility issues.
Quantitative data	We considered relevant quantitative data on: ▪ enquiries, reports and complaints to the Commission under the Racial and Religious Tolerance Act between 1 July 2013 and 31 December 2023 (covering the last 10 financial years of data, plus the full 2023 calendar year) ▪ reports to Victorian and Australian registers of racial and religious discrimination, vilification and hate crime.
Survey	Between January and February 2024, the Commission ran a public online survey on racism and religious hatred, available in 9 languages on the Engage Victoria platform. Notably, the survey period was in the months following the Voice Referendum and the beginning of the conflict in the Middle East that started in October 2023. Many respondents shared experiences that reflected this context, and some responses demonstrated tensions between, within and against some of Victoria's racial and religious communities. We received 499 responses, 462 of which were from people living in Victoria. Most of these responses included detailed comments. This project focused on a qualitative analysis of these comments.

2.4 The Victorian context

Community members told the Commission that hate incidents have increased in frequency and severity. These incidents have been experienced in waves linked to major events – most recently, during the COVID-19 pandemic and associated restrictions, before and after the Voice Referendum, and through the conflict in the Middle East that started in October 2023. Numbers of reports of and enquiries about racial and religious vilification to the Commission support these community reflections:

- More than one-fifth (22.6%, n=353) of all racial and religious vilification enquiries made in the 10-year period up to 30 June 2023 occurred in the first 12 months of COVID-19.^e
- Between 1 January and 31 December 2023, 42% (n=37) of racial and religious vilification enquiries were between October and December, coinciding with the outcome of the Voice Referendum (14 October) and the beginning of the conflict in the Middle East that started in 2023 (7 October).

Community members spoke about many ‘contexts of concern’ where they have experienced and/or witnessed hate incidents:

- schools and universities
- workplaces and volunteering
- social media and online comments
- news media and political discourse
- sports and gaming venues
- civic participation (e.g., at council meetings, on local government social media)
- healthcare and support services (e.g., interactions with hospital staff, general practitioners, paramedics, aged care services)
- public transport
- extended families (e.g., comments and behaviour from in-laws, relationships being forbidden on the basis of race or religion)
- general public life (e.g., interactions at petrol stations, retail, parks, restaurants, bars, local events, social events).

Several of these areas are also reflected in the number of formal complaints of racial and religious vilification made to the Commission’s dispute resolution service. Between 1 July 2013 and 30 June 2023:

- 50.3% (n=81) of complaints were about vilification in general public life – in public places, at social events, or in hospitality or retail
- 17.4% (n=28) were about vilification in media, press or advertising

^e March 2020 to February 2021.

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- 13.7% (n=22) were about vilification in social media – this is notable given the additional barriers in raising complaints against international social media platforms (e.g., identifying and engaging with staff in overseas organisations like Meta).

The Commission understands that the Crime Statistics Agency Victoria (CSA) is currently unable to publish data on prejudice-motivated incidents due to limitations in Victoria Police data (e.g., inconsistent recording practices, complexities in identifying prejudice motivation). There are low numbers of offences recorded under the Racial and Religious Tolerance Act's criminal provisions.⁹ There have been 97 criminal offences under the Racial and Religious Tolerance Act recorded between April 2014 and March 2024. In the last full recorded year (April 2023 to March 2024):

- 4 offences were for inciting serious contempt, revulsion or ridicule on the basis of race (1 of these was in a family violence context)
- 1 offence was for inciting hatred or threatening harm on the basis of race.¹⁰

It is important to note that the figures above do not represent the full picture of racial and religious hate incidents in Victoria due to the high threshold of current Victorian vilification laws,¹¹ as well as the limitations of reporting data.

2.5 Limitations of reporting data

The primary limitation of the available data on reporting of hate incidents is **underreporting**. This is well established in the international literature and was confirmed in the Commission's consultations and local research.¹² For example, a 2024 Victorian study with 703 survey participants and 159 focus group participants found that:

- only 16% of participants had ever reported an experience of racism to an organisation or community group
- the vast majority of people (85%) viewed reporting as a high-cost, low reward process
- nearly four-fifths of people (78%) felt both distressed by the process and disappointed in the outcome
- the two most common reasons for not reporting were 'nothing would change' (91%) and 'reporting is too difficult' (83%)
- underreporting leads to limitations in reported and recorded data about hate incidents.¹³

Even when there is reporting data, these statistics might not always accurately reflect incident trends because they can be influenced by various **barriers** and **influencing factors**, including:

- communications and engagement campaigns (e.g., campaigns to raise awareness of reporting options might result in a temporary spike in reporting that is not linked to an actual increase in hate conduct)
- encouragement or discouragement within communities (which can be specific to particular avenues) – this can be related to trust or perceived safety

- changes in trust towards recipient organisations about how they might respond to or handle a report
- perceived lack of outcomes following past reports (either an individual's own reports or other people's reports)
- changes in individuals' and communities' perceived thresholds for behaviour (e.g., if more people recognise certain conduct is vilifying)
- changes in recording practices within recipient organisations (e.g., if recipient organisations change their thresholds or definitions of hate conduct)
- how recipient organisations choose to analyse, aggregate and/or release data.

The key barriers to reporting are explored in **3 Barriers to reporting**.

Ultimately, we know that there is a larger picture of hate incidents that have not been reported to or recorded by authorities or registers.¹⁴ This hinders the ability of governments, communities and authorities to make data-informed decisions, including around targeted prevention or response strategies.^f

^f The Commission's *Preventing racial and religious hate* (2024) includes evidence-based guidance on effective prevention approaches for racial and religious prejudice and hate, as well as how to give prevention strategies the best chance of success and lasting impact.

3 Barriers to reporting

Underreporting is primarily the result of a range of barriers to reporting.¹⁵ In the Victorian context, the *Inquiry into anti-vilification protections* outlined several key barriers, including:

- a lack of awareness of the relevant protections
- a high onus on individuals
- a lack of culturally appropriate support services
- under-resourcing of existing support services
- reluctance of targeted communities to engage with police or the justice system
- broad community tolerance of hate incidents due to the normalisation of harm or violence and victimisation
- the high threshold of current Victorian vilification laws.¹⁶

Since the Inquiry, local researchers have continued to explore barriers to reporting,¹⁷ which exist across every step of the journey – from experiencing or witnessing a hate incident to the incident being officially recorded. That journey is a series of decisions made by the target or witness, including:¹⁸

Step in the journey for the target or witness	Potential barriers for the target or witness
1. Recognising the incident as motivated by prejudice or hate	<u>3.1 Lack of awareness of an incident being reportable</u> <u>3.5 Internalised barriers</u>
2. Being aware that the incident can be reported	<u>3.1 Lack of awareness of an incident being reportable</u>
3. Being willing to report	<u>3.3 Lack of trust in reporting avenues</u> <u>3.4 Fear of negative consequences</u> <u>3.5 Internalised barriers</u>
4. Knowing where they can report (assuming a suitable reporting avenue exists)	<u>3.2 Lack of knowledge of reporting options</u> <u>3.6 Lack of community-specific reporting avenues</u>
5. Being comfortable or confident to report – this includes trusting the chosen reporting avenue and having positive or neutral perceptions about reporting outcomes	<u>3.3 Lack of trust in reporting avenues</u> <u>3.4 Fear of negative consequences</u>
6. Being able to access the chosen avenue to make the report	<u>3.7 Accessibility of reporting avenues</u>

After these steps in the *reporting* journey, there are still steps required for *recording* reports. For example, the reporting avenue needs to be able to accept the report (e.g., due to jurisdiction, threshold or legal framework) and it needs to appropriately record it.

3.1 Lack of awareness of an incident being reportable

Many people do not know whether an incident is reportable or not. If an individual does not know that a hate incident is reportable, they are unlikely to report it.

During consultations, the Commission repeatedly heard that, across communities affected by racial and religious hate, awareness and understanding of concepts and terms like ‘racism’, ‘prejudice’, ‘hate speech’, ‘vilification’ and ‘hate crime’ – and their legal definitions (see [4.1 Differences between statutory and third-party reporting](#)) – is mixed and often very low. This conclusion is supported by contemporary Australian research.¹⁹ During one of our First Peoples consultations, community members noted that in the absence of education or information, communities affected by hate conduct are further burdened with the responsibility of learning what is reportable.

Awareness can also be influenced by internalisation of an incident, preventing people from realising they can report experiences they may have normalised or rationalised (see [3.5 Internalised barriers](#)).²⁰

3.2 Lack of knowledge of reporting options

The Commission heard in consultations with third-party reporting avenues, expert stakeholders and community members that many community members are not familiar with reporting avenues other than Victoria Police. A recent Victorian study supports this, finding that, of its survey participants:

- three-quarters (75.2%) did not know where and how to report racism or hate²¹
- about one-third (35.4%) were not aware of the Commission (and higher proportions were not aware of other non-police reporting avenues)
- about one-fifth (19.5%) knew how to access the Commission’s services
- about 1 in 10 (9.5%) were aware of the Commission’s Community Reporting Tool, with lower percentages for the Islamophobia Support Service (8.3%; see [4.2.4 ICV Islamophobia Support Service](#)) and the Islamophobia Register (6.7%; see [4.2.1 Islamophobia Register Australia](#)).²²

Consultation participants also stressed that knowledge of reporting options varied considerably between different communities in Victoria:

- International students reported receiving no information about discrimination, hate and off-campus reporting options as part of their induction.

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- Jewish and Muslim communities in Victoria generally have stronger awareness of reporting due to the existence, promotion and other activities of more established, active and visible community-specific TPRs like the Jewish Emergency App (see [4.2.5 Jewish Emergency App](#)) and the Islamophobia Register (see [4.2.1 Islamophobia Register Australia](#)).
- Many communities affected by racial and religious hate in Victoria do not have their own TPR (see [3.6 Lack of community-specific reporting avenues](#)) and are reliant on statutory avenues they may not know about or trust.
- Even though First Peoples communities have access to 2 TPRs (see [4.2.6 Call It Out](#) and the women-only [4.2.7 Maya Cares](#)), community members reported that they did not know about these.

3.3 Lack of trust in reporting avenues

Trust in institutions and police is a key contributor to fostering reporting of hate incidents, and one of the most significant influences on reporting in the literature.²³ Higher trust in the police and higher perceived legitimacy of the police as an institution both lead to higher reporting, whereas lower trust and perceived legitimacy lead to lower reporting.²⁴ One First Peoples community member told us:

‘I know our community would never report to Victoria Police.’ – Community member

While this options paper focuses on third-party reporting avenues, community perceptions of and experiences with police are important to note. Through our consultations, it became clear that for many, interactions with police are the main or only reference point when they think about reporting hate incidents. In other words, poor experiences with or perceptions of reporting to police anecdotally appeared to affect willingness to engage with reporting avenues in general.

Community distrust is often grounded in historic and continuing traumatic relationships between police and communities affected by racial and religious hate.²⁵ In both the literature and consultations, we heard how the intergenerational impact of violent mistreatment and oppressive over-policing from police is felt particularly keenly by First Peoples.²⁶ Police efforts to rebuild or create good faith relationships have not fully addressed the distrust (and at times hostility) many communities hold towards police.²⁷ Notably, different communities have different relationships and measures of trust with police, and some do have higher trust and stronger relationships than others.²⁸ For example, the Community Security Group Victoria runs training days for Victoria Police officers to educate police on antisemitism and community issues (see [4.2.5 Jewish Emergency App](#)).

Similarly, consultations revealed that past (individual and anecdotally shared) experiences with the Commission – as well as community perceptions of the organisation, its services and its functions – can lead to low trust or perceived approachability.²⁹

‘When you think about the Commission’s name, it sounds like a monolith. Am I just going to get lost in the system?’ – Community member

Community members, TPRs and experts all emphasised to the Commission how essential trust is for reporting avenues. Some TPRs noted how some of their success came from time and effort spent building trust with their communities, including in proactively communicating with community on how reports are being used and responding to feedback.

Multiple participants in the Commission's consultations encouraged reporting avenues, particularly statutory avenues, to 'close the loop' by reporting back after a report is made (both individually and at a community or state level through reports, maps or dashboards). Doing so could help build trust, increase transparency, contribute to the public historical record of incidents, and demonstrate to communities that they are being heard.

'It's a question we always get: "What is going to be done with my report?"' – TPR operator

The Commission heard definitively that people do not and would not report a hate incident to an avenue that they felt they could not trust or would not meet their needs, especially if their first experience was negative. For TPRs, trust extended across all levels of reporting operations, from managing data and privacy appropriately to providing tailored, community-specific victim support services.

In addition, the Commission heard that delays to actioning reports or complaints can discourage people from reporting in the first place, although this would depend on the circumstances and what outcome the individual was seeking (e.g., immediate support or remedy). This is notable as some statutory avenues have reported they are currently experiencing delays in actioning complaints.⁹

Community members expressed concerns about perpetrators continuing to harm people in the time between a report and a resolution. There were also concerns about the mental health impacts for targets of hate if outcomes were delayed. One community member told us that:

'Delays in addressing hate incidents can be critical and sometimes fatal.' – Community member

⁹ For example, the Australian Human Rights Commission currently notes on [its website](#) that may be a significant delay in actioning complaints due to a large increase in complaints (see also [4.3.3 Australian Human Rights Commission](#)).

3.4 Fear of negative consequences

In both literature and consultations, the fear of negative consequences has emerged as a strong barrier to reporting.³⁰ This can include fears of:

- having an incident or their ‘victim status’ being found out, disclosed or discussed without their consent or comfort (particularly if there might be a sense of shame or vulnerability)
- being outed as LGBTIQA+^h through the reporting process or experience (e.g., staff at a reporting avenue disclosing or discussing someone’s LGBTIQA+ status without their consent; someone reluctantly or unwillingly disclosing their LGBTIQA+ status to a reporting avenue and/or in order to access the avenue’s services)
- retaliation from the perpetrator (particularly if the perpetrator is a family member or coworker)
- being victimised or getting in trouble themselves (including concerns about potential implications for their visa status)
- being responsible for a perpetrator being punished (e.g., worrying that the perpetrator might lose their job)
- impacts to their life (e.g., work, community standing).³¹

Additionally, the psychological and mental cost of making a complaint and having to retell and relive traumatic experiences can discourage some victims from reporting. This is particularly the case if people receive cold referrals or are navigating multiple services by themselves, requiring them to retell their experiences each time they access a different service. This barrier to reporting can be compounded by other factors like language and cultural barriers in the reporting process.

3.5 Internalised barriers

A target or witness’s beliefs, values and perceptions can be barriers to reporting, including internalised beliefs that normalise, validate or minimise racial and religious prejudice and hate.³² They can include:

- feelings of denial or hopelessness
- normalising or expecting hate as a part of daily life
- believing that prejudice and hate are permitted or accepted in a society, community or context (e.g., in a geographic area, at a particular workplace, between or within particular racial or religious groups)
- cultural or social norms of shame or vulnerability.

^h For LGBTIQA+ communities, outing is when someone’s gender identity, sexual orientation, variation of sex characteristics or health information (e.g., HIV status, medical procedures) is disclosed, shared or discussed without their consent or comfort.

Community members expressed these internalised barriers to the Commission in different ways and contexts. We heard that some international students come to Australia pre-warned of racism, so they see it as a normalised and expected part of the international student experience.

‘Growing up in India, there is expectation that you go to Australia and face racism; [you’re] conditioned to expect it. I know that when I come here, [Australians] are not going to like the fact that I am brown.’ – Community member

Evidence suggests that internalisation is a particularly strong barrier to reporting of hate incidents for First Peoples communities in Victoria.³³ In consultations, First Peoples community members spoke of a range of reasons they have not or would not report: hopelessness, structural oppression, knowing the system is not built for them, pressure to adhere to social norms, and not wanting to bring the community into disrepute.

3.6 Lack of community-specific reporting avenues

In addition to personal or internal barriers to reporting, there are also practical and structural barriers. For many racial and religious communities in Victoria, there is no dedicated community-specific TPR, leaving them with only statutory reporting avenues.ⁱ However, low trust can discourage communities from accessing these statutory avenues (see **3.3 Lack of trust in reporting avenues**). This likely means that communities without TPRs are under-represented in reporting data and less able to effectively advocate for prevention or response measures for their communities.

In addition to this, reporting options can be dependent on the type of incident, with different options fulfilling different needs. The following table demonstrates some examples of what members of different communities can currently access, focusing on some of the reasons that people report hate incidents (see **5.1.1 Reasons for reporting** for further detail on each reason).^j

ⁱ In Victoria, targets or witnesses can access TPRs for First Peoples, Asian, Jewish or Muslim communities, as well as a TPR for anti-Palestine racism in schools and a TPR for First Peoples women and women of colour (see **4 Current reporting avenues available in Victoria**).

^j These examples are illustrative only and do not portray the intersectional experiences of some community members (e.g., Muslim African people).

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	Individual support	Contributing to the historical record	Formal individual remedy or outcome	Formal systemic remedy or outcome
A Muslim woman reporting <u>a hate incident and assault</u>	Third-party: ▪ Islamophobia Register Australia ▪ Islamophobia Support Service ▪ Maya Cares (through self-care and emotional processing exercises)	Statutory: ▪ Australian Human Rights Commission ▪ Victoria Police ▪ Victorian Equal Opportunity and Human Rights Commission Third-party: ▪ Islamophobia Register Australia ▪ Islamophobia Support Service ▪ Maya Cares	Statutory: ▪ Australian Human Rights Commission ▪ Victoria Police ▪ Victorian Equal Opportunity and Human Rights Commission	Statutory: ▪ Australian Human Rights Commission ▪ Victorian Equal Opportunity and Human Rights Commission
An African man reporting <u>an online hate incident</u>		Statutory: ▪ Australian Human Rights Commission ▪ eSafety Commissioner ▪ Victorian Equal Opportunity and Human Rights Commission	Statutory: ▪ Australian Human Rights Commission ▪ eSafety Commissioner ▪ Victorian Equal Opportunity and Human Rights Commission	Statutory: ▪ Australian Human Rights Commission ▪ Victorian Equal Opportunity and Human Rights Commission

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	Individual support	Contributing to the historical record	Formal individual remedy or outcome	Formal systemic remedy or outcome
A Jewish man reporting a <u>non-violent hate incident</u>	Third-party: Jewish Emergency App	Statutory: - Australian Human Rights Commission - Victorian Equal Opportunity and Human Rights Commission Third-party: - Jewish Emergency App	Statutory: - Australian Human Rights Commission - Victorian Equal Opportunity and Human Rights Commission	Statutory: - Australian Human Rights Commission - Victorian Equal Opportunity and Human Rights Commission
An Asian woman reporting a <u>hate incident with property damage</u>		Statutory: - Australian Human Rights Commission - Victoria Police - Victorian Equal Opportunity and Human Rights Commission Third-party: - COVID-19 Racism Incident Report Survey^k	Statutory: - Australian Human Rights Commission - Victoria Police - Victorian Equal Opportunity and Human Rights Commission	Statutory: - Australian Human Rights Commission - Victorian Equal Opportunity and Human Rights Commission

^k As explored in [4.2.3 COVID-19 Racism Incident Report Survey](#), the survey can receive non-COVID-19-related reports of anti-Asian racism.

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In consultations, we heard that TPRs are important for community development, fostering education and awareness of prejudice and hate, and offering culturally appropriate and safe reporting avenues that are truly community-led.

‘There needs to be connection as part of community for me to feel comfortable to report. More specific third-party support will make individuals feel connected. There is an idea that someone from the community has gone through something similar.’ – Community member

3.7 Accessibility of reporting avenues

Another practical barrier is the accessibility of reporting avenues. Multiple factors may limit accessibility, including:

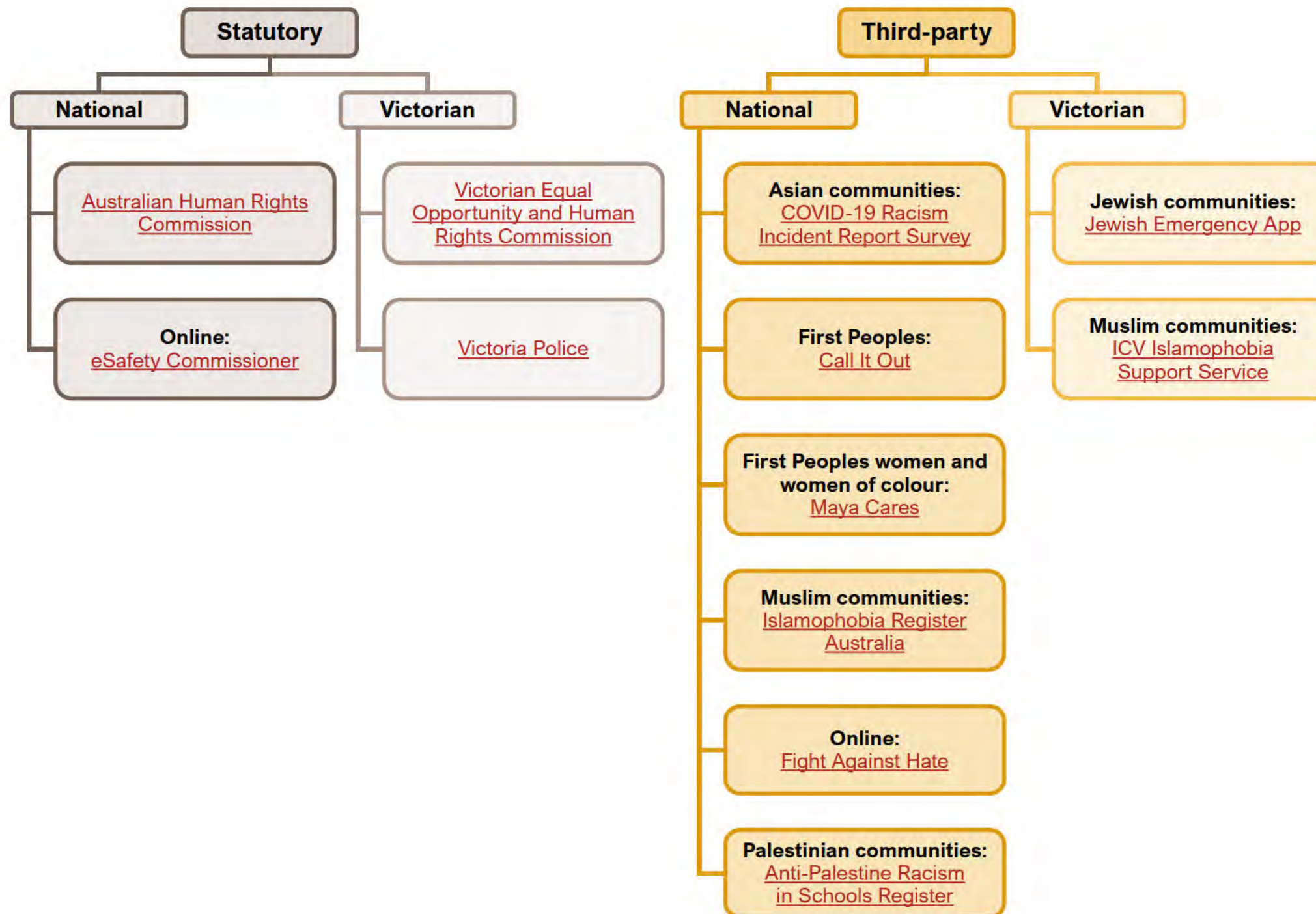
- **physical barriers**, including location, lack of in-person access to reporting, and physical access to buildings
- **digital exclusion** created by organisations’ preferences for online or app-based reporting, which can be more pronounced for older people, people with disability and people in regional or remote areas
- **language barriers**, including availability in languages other than English, and the clarity and phrasing of reporting questions
- **technical and design-oriented barriers**, such as design or the user experience of finding and navigating reporting avenues.³⁴

Both the literature and our consultations emphasised the importance of a ‘no wrong door’ approach to reporting avenues. Recent Victorian research found that, of 685 survey respondents, the most preferred reporting methods were talking to someone in-person (60.7%) and reporting online (56.3%).³⁵ Community members told us that different people have different needs, and reporting avenues need to reflect that. TPRs also raised this point and saw co-design, community testing and responsiveness to feedback as essential to improving accessibility and safety.

In addition, TPRs discussed the relationship between resourcing and accessibility. Most TPRs were clear that they are small, with limited resources and little funding stability. Limited resourcing and capacity can result in TPRs having to make compromises when trying to meet communities’ needs and ensure that people can report hate (e.g., only receiving reports online as opposed to through in-person reporting centres).

4 Reporting avenues in Victoria

As of August 2024, there are 8 TPRs and 4 statutory reporting avenues available to people in Victoria.



This chapter provides further detail on TPRs in chronological order (from oldest to newest), as well as on statutory reporting avenues. This chapter also includes reflections from TPRs that participated in the Commission's consultations (see [2.3 Scope and data sources](#)). Finally, the chapter explores case studies of hybrid third-party/statutory reporting avenues.

4.1 Differences between statutory and third-party reporting

Unlike statutory reporting avenues, TPRs do not align with specific legal definitions or thresholds of hate incidents, and generally accept reports of what the targets or witnesses from those communities themselves perceive to be racial or religious hate (as these thresholds or specific conduct can vary). This complicates the comparability of TPR data, as it means that reports can fluctuate depending on what communities, segments of communities or individuals perceive as hate incidents (including in response to current or recent events), more so than statutory avenues with fixed definitions and thresholds. One TPR told the Commission that it originally aligned with legal definitions but – due to low understanding of racism and tendencies to diminish experiences of racism in the broader community, and a perceived narrow scope of current legal definitions – it now deliberately allows people to report *any* perceived experience of racism (see [4.2.6 Call It Out](#)).

While some TPRs can lead to informal outcomes, they do not have powers to handle complaints, resolve, investigate allegations or issue content removal notices – powers which the various statutory avenues have. However, TPRs can provide individual support and undertake advocacy in ways that statutory reporting avenues cannot. Notably, recent Victorian research into what people wanted after an experience of racism found that, of 693 survey respondents:

- 82.4% wanted emotional support and to be listened to
- 69.5% wanted psychological and/or mental health support
- 48.6% wanted legal support
- 41.9% wanted conflict resolution (e.g., through mediation).³⁶

TPRs and statutory reporting avenues can complement each other in meeting the different needs of people experiencing hate. This also follows international practice in the area, particularly in the UK and Europe,³⁷ and links to 2 of the Inquiry's recommendations:

- **recommendation 27**, for the Victorian Government to fund services that support communities affected by racial and religious hate³⁸
- **recommendation 30**, for the Commission and Victoria Police to strengthen working relationships and information sharing, including to relevant peak and community organisations where appropriate.³⁹

4.2 Third-party reporting avenues

People in Victoria can access 8 main third-party reporting avenues for racial and religious hate: 2 at the state level, and 6 at a national level.

4.2.1 Islamophobia Register Australia

Operator	Islamophobia Register Australia Incorporated
Established	17 September 2014
What can be reported	Islamophobia; discrimination against Muslim people; racism targeting Arab communities
Who can report to this TPR	People affected by Islamophobia, including Muslim communities and anyone perceived to be Muslim
Region served	Australia
Core features for users	Reporting; individual support services
Availability	Online, SMS
Access options	Islamophobia Register Australia website (online forms using a custom platform), email, SMS (including the ability to request a call-back), social media messages, voice messages (via SMS or social media)
Allows for anonymous reporting	No (reports require an email address) ^l
Language options	Arabic; English; Turkish; Urdu
Most recent public reports using reporting data	▪ Fourth report, covering data from September 2014 to December 2021^m ▪ Interactive map data from September 2014 to December 2021

The Islamophobia Register Australia (the Register) can receive reports from targets, witnesses or people who have heard about an Islamophobic incident, including: interpersonal, institutional and structural discrimination; Islamophobia; and racism targeting Arab communities more broadly. The Register told the Commission that the majority of reports are from women who are visibly Muslim (e.g., they wear a hijab, niqab or other form of head covering).

^l Note that it is easy to create non-identifying email addresses, so anonymous reporting is in some ways possible.

^m The next (fifth) report will be published in March 2025.

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Two of the Register's key functions are:

- to provide on-request referrals to support services for targets of Islamophobia – these are facilitated by victim support officers, and referrals can be to Muslim-centred legal, mental health and victim support services, as well as escalation to police
- as an academic and research tool, monitored by a small team of researchers – data is collected, analysed and published every 2 years.

All reports are verified through follow-ups by staff and volunteers.ⁿ The Commission heard that offline reports are harder to verify, and reports that cannot be verified are discarded to preserve the quality and veracity of the data.

Anecdotally, the Commission has heard that some groups in Muslim communities discourage reporting to the Register due to community political disagreements, as well as the Register being founded and led by women.

Initial development

The Register was founded in 2014 in response to growing anecdotal evidence of Islamophobia. It began as a Facebook page and later became an online form, developed in collaboration with academics. The Register was the first of its kind in Australia to record, analyse and publish data on Islamophobia.

Ongoing development

The Register is regularly updated based on community feedback and academic analysis. Ongoing development is research-driven, then tested and reviewed by and with community. Changes to the reporting form are largely in response to strategic targets and conversations with community leaders, alongside the Register's academic team. The mental health and wellbeing impacts of Islamophobia are current academic research priorities, reflected in the reporting form's current questions. The Register told the Commission that when it makes changes, it is careful not to make its form longer, as that can dissuade people from reporting.

The Register estimated that 80% of reports are submitted through the online form and stated that ease-of-access is a priority. The Register told the Commission that it has chosen not to develop an app, citing the high resource requirements to develop and maintain an app, additional cybersecurity risks, and low number of additional reports it expects would be made through an app. It is instead prioritising other, more resource-efficient access options (e.g., its introduction of a call-back service in 2023).

Reflections from the operator

The Register highlighted the importance of trust and lived experience in reporting avenues. Sporadic funding (i.e., relying on donations and grants) is an ongoing strain on the organisation. The Register encouraged governments to fund existing community organisations that know and understand their communities to provide wraparound supports.

ⁿ The Commission only heard about verification processes from one other TPR (see [4.2.5 Jewish Emergency App](#)). Other TPRs we consulted may have their own verification processes that were not mentioned during consultations.

The Register also noted that more resourcing could better enable it to publicly advocate for targets of hate and address the drivers of Islamophobia, including through education, campaigns and engagement with media.

4.2.2 Fight Against Hate

Operator	Online Hate Prevention Institute (OHPI)
Established	10 December 2014
What can be reported	Online hate incidents
Who can report to this TPR	Anyone
Region served	Australia (online)
Core features for users	Reporting
Availability	Online
Access options	OHPI website pages on antisemitism , anti-Asian racism and racism against First Peoples (embedded online form using a custom platform)
Allows for anonymous reporting	Yes
Language options	English
Most recent public reports using reporting data	▪ Report on online anti-Muslim hate and anti-Palestinian and anti-Arab racism between October 2023 and February 2024 ▪ Report on online antisemitism after 7 October 2023 ▪ Report on anti-Asian racism on Australian social media ▪ Report on online antisemitism before 7 October 2023 ▪ Report on online antisemitism in Australia during 2023

Fight Against Hate (FAH) can receive reports of hate content online, with a focus on social media platforms. OHPI uses these reports to monitor online hate content and platforms' responses to that content (e.g., content removal or moderation).

Users can report harmful content without registering, however users who choose to register can classify the items they report and see the history of their previous reports.

OHPI's recent work has mostly focused on antisemitism, Islamophobia, anti-Asian racism, anti-First Peoples racism, and anti-LGBTIQA+ hate. Most of OHPI's projects and reports use proactive data collection, where OHPI staff conduct structured searches for online hate content. A small number of OHPI's reports use data collected from the FAH platform. OHPI staff use a system based on FAH for internal use only.

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OHPI's other software platform, Crowd Sourced Intelligence – Cyber Hate And Threats (CSI-CHAT), has live access to all data reported to FAH.⁴⁰ The intention is for select organisations to be able to classify and analyse reporting data from FAH through CSI-CHAT.

OHPI regularly shares data through [its online briefings](#), with government and researchers through submissions and other ad hoc data provision, and with key organisations:

- **Executive Council of Australian Jewry (ECAJ):** OHPI has a contract with the ECAJ to provide data from its online hate monitoring activities to complement offline hate data (e.g., from state-based Jewish community security groups; see also [4.2.5 Jewish Emergency App](#)). This data is provided in a structured format that includes URLs and images of the content, along with details of whether content remains online.
- **Online platforms:** OHPI has shared data with Meta (for content on Facebook, Instagram and Threads) and with Google (for content on YouTube, web searches and reviews of businesses). This data provision supports content removal and review of platforms' policies.

Initial development

OHPI first designed FAH in 2011 and launched it on the evening before International Human Rights Day 2014.⁴¹ The original version of the FAH platform and reporting form was on a standalone website, [fightagainsthate.com](#) ([Internet Archive link](#)). It went offline in late 2023 following a period where both the original and current versions ran in parallel. The current version still operates from a dedicated state at [fightagainsthate.org](#) and, like the Commission's CRT (see [4.3.1 Victorian Equal Opportunity and Human Rights Commission](#)), can be embedded on third-party sites.

Each embedded version of the FAH form is called a 'gateway'. These gateways can be customised for each site, and one website can have multiple gateways configured to accept reports of specific forms of online hate (e.g., a gateway for reporting antisemitism, a gateway for reporting racism against First Peoples). While the same gateway can appear on multiple sites, the intention is for different organisations to have dedicated gateway, with the ability for each hosting organisation to view data reported via their gateway in real-time.

Ongoing development

OHPI told the Commission that an updated version of CSI-CHAT is in development. However, work to make CSI-CHAT operational is currently on hold due to resource limitations. When fully operational, it will allow registered non-government organisations, government agencies, law enforcement agencies and researchers to access real-time incoming reports, summaries and trend analyses.⁴² The overall data would be based on the full collection of data across FAH's instances, however the data available to each data requester would be limited based on agreements between them and OHPI. OHPI intends these agreements to ensure a legal and ethical use of the data (e.g., researchers would have to comply with the National Statement on Ethical Conduct in Human Research, government agencies would require a legal basis to collect data).

4.2.3 COVID-19 Racism Incident Report Survey

Operator	Asian Australian Alliance (the Alliance)
Established	2 April 2020
What can be reported	Anti-Asian racism
Who can report to this TPR	Asian people
Region served	Australia
Core features for users	Reporting
Availability	Online
Access options	Alliance website (online surveys using SurveyMonkey); I Am Not a Virus website
Allows for anonymous reporting	No (reports require a name) ^o
Language options	Chinese (Simplified) ; Chinese (Traditional) ; English ; Korean
Most recent public reports using reporting data	▪ First report, covering data from April 2020 to June 2021 ^p

The COVID-19 Racism Incident Report Survey (the COVID-19 Survey) can receive reports of racism against Asian people in Australia. Although it was established to document COVID-19-related anti-Asian racism, the survey is still available, and the Alliance told the Commission that it continues to receive reports of general anti-Asian racism on a daily basis.

Initial development

The Alliance set up the COVID-19 Survey in 2020 in response to growing anecdotal evidence of COVID-19 anti-Asian racism. The COVID-19 Survey was the first of its kind in Australia to record, analyse and publish data on anti-Asian hate.

The Alliance was aware of the USA-based [Stop AAPI Hate](#), a TPR for Asian American and Pacific Islander communities. This TPR influenced the Alliance, which contacted the Islamophobia Register (see [4.2.1 Islamophobia Register Australia](#)) and initially modelled the COVID-19 Survey on the Register.

^o Although the form requires a name, the form says that users can use an alias if they are not comfortable using their own name.

^p The Alliance plans to release another report soon.

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Ongoing development

As the COVID-19 Survey continues to be used to report general anti-Asian hate, the Alliance is currently considering how to respond to the current (post-COVID-19) needs of Asian communities in Australia. The Alliance told the Commission that being able to report hate helps people heal, and it recommends people also report to police so that there is a police record of the incident.

The Alliance is looking to develop its role in supporting healing for Asians who have experienced hate. This includes looking to work in Asian and African communities in the USA on healing from trauma, and how those models could be applied in the Australian context.

Reflections from the operator

The Alliance told the Commission that prior to the COVID-19 Survey, some people within Asian communities, and in broader Australian society, denied the existence of anti-Asian racism. It also noted that while the report statistics do not represent the full picture of anti-Asian hate (see [2.5 Limitations of reporting data](#)), the data it has received has helped demonstrate that racism is an issue Asian communities still face in Australia. It has also led to some Asian people attending anti-racism protests for the first time.

The Alliance noted to the Commission that it needs more capacity and resources to do more to support Asian communities. It is currently run by volunteers and wants to be able to hire researchers and build its data analysis capabilities, including for intersectional research (e.g., First Peoples with Asian heritage). The Alliance would also like to translate the COVID-19 Survey into more languages.

4.2.4 ICV Islamophobia Support Service

Operator	Islamic Council of Victoria (ICV)
Established	2021
What can be reported	Islamophobia
Who can report to this TPR	People affected by Islamophobia
Regions served	Victoria
Core features for users	Reporting; referrals to legal and mental health support services; referrals to the Commission, Victoria Police or other organisations
Availability	Online, telephone
Access options	ICV website (online survey using Microsoft Forms), phone line, email
Allows for anonymous reporting	No (reports require a name, an email address and a phone number)
Language options	English
Most recent public reports using reporting data	No dedicated published reports based on reporting data to date; however, ICV does use reporting data to inform submissions ⁴³

ICV's Islamophobia Support Service (the ICV Service) is a free service that provides support to Victorians who have been affected by Islamophobia. Individuals can report incidents of Islamophobia and receive tailored support and referrals. The ICV Service also notes on its website that in some instances, reports may result in remedies for targets (e.g., an acknowledgement or apology).⁴⁴ The website also says that, if an incident may be considered religious discrimination or religious vilification, they can help someone make a complaint to the Commission.

Development

During 2019, ICV hosted the Commission's CRT during the CRT's pilot phase. Later in 2019, ICV began providing support services. In 2021, ICV launched an online form to also receive reports of Islamophobia. The ICV Service appeared to be down between July 2023 and May 2024, and was relaunched in May 2024. Alongside the relaunched ICV Service, ICV released [a position statement](#) on the context, drivers and impacts of Islamophobia.

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4.2.5 Jewish Emergency App

Operator	Community Security Group Victoria (CSG)
Established	2021
What can be reported	Antisemitism
Who can report to this TPR	Anyone
Region served	Victoria
Core features for users	Reporting; referrals to supports; referrals to Victoria Police; announcements regarding community and security issues
Availability	Telephone, smartphone
Access options	Android app , iPhone app , 24-hour phone line
Allows for anonymous reporting	No (registration to use the app requires a name and a phone number)
Language options	English
Most recent public reports using reporting data	▪ National report covering data from 2023, created in collaboration with counterpart community security groups across Australia ▪ Victorian report covering data from 2023, created in collaboration with the Jewish Community Council of Victoria

CSG can receive reports of antisemitism in Victoria either through its 24-hour phone line or the Jewish Emergency App (JEAP). CSG does not take reports of online antisemitism due to the volume of those reports.

JEAP gives users immediate access to both CSG (for security-related incidents) and the Jewish ambulance service Hatzolah (for medical emergencies). JEAP also includes a shortcut to Triple Zero and information on the user's location, which is sent to CSG or Hatzolah if the user is contacting either. Both CSG and Hatzolah can also use JEAP to send notifications of important information for Jewish communities (e.g., security or safety alerts).

Reports are received by CSG's incidents and investigations team – usually a team of 4 employees that, for several months after 7 October 2023, increased to 8 due to increased reporting. CSG's duty officers respond immediately to calls or reports to triage them as:

- an immediate threat to life requiring immediate response
- urgent requiring same-day response
- less urgent requiring next-day response.

Duty officers speak with people reporting incidents to gather information, assess what support they need (if any), and make referrals (e.g., to on-call psychologists).

CSG's incidents and investigations team verifies and analyses reports. CSG monitors trends and provides data and analysis to Victoria Police (and sometimes to the Victorian Government). CSG told the Commission that it will also increase its own resources (e.g., its mobile security groups and patrols) to locations where they have noticed increases in antisemitic incidents.

CSG staff are not trained counsellors and do not provide counselling. CSG employs a welfare manager to oversee staff wellbeing. All staff members receive mandatory debriefing sessions, as well as access to external psychologists and EAP. Managers proactively monitor staff wellbeing, staff are encouraged to look out for each other and take breaks, and CSG organises mental health first aid training for staff.^q

CSG has engaged a cybersecurity team to provide advice on privacy and data for JEAP.

Initial development

CSG developed JEAP in 2021 as an extension of its phone-based services, with funding primarily coming from community donations. The original version of JEAP required users to register and login. In response to negative feedback about access issues (and users forgetting passwords), CSG created a new version which did not require registration. JEAP is open to non-Jewish community members, and CSG told the Commission that it receives reports of antisemitism from both community and non-community members.

Ongoing development

CSG told the Commission that the number of reported antisemitic incidents – and the number of downloads of JEAP – increased significantly after 7 October 2023. There are now around 20,000 users.^r This has placed strain on the app and its infrastructure, so CSG has engaged 2 of its staff (who are developers) to develop a new version of the app, in part to accommodate the increased demand and traffic.

CSG also told the Commission that it has noticed that community members' perceptions of behaviours and incidents have shifted. It said that reports have increased in part because community members are interpreting a broader range of behaviours as suspicious and/or reportable.

^q CSG was the only TPR in the Commission's consultations that spoke about their operational processes for staff wellbeing. Other TPRs we consulted may have their own staff (and/or volunteer) wellbeing processes that were not mentioned during consultations.

^r As of 2021, there are 46,645 people living in Victoria who identify with Jewish ancestry. See the Victorian Government's Jewish community profile at <<https://www.vic.gov.au/jewish-community-profile>>.

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Reflections from the operator

CSG told the Commission that the community has provided very positive feedback about JEAP. It is advertised widely within Jewish communities (e.g., through Jewish news outlets) and has strong reach and uptake. Community members have told CSG that they tell their children to install JEAP, increasing its cross-demographic reach.

CSG highlighted the importance of having a clear single source of verified data. Over time, CSG has come to fill this role, allowing for comparisons with data from counterpart Jewish community security groups in other states and territories.

CSG also noted that they run quarterly training days for Victoria Police, where they take police officers to the Holocaust Museum and educate police on antisemitism. CSG told the Commission that this sensitises police officers to the experiences and needs of Jewish communities.

Executive Council of Australian Jewry

Along with other state-based Jewish community security groups, CSG provides data to the ECAJ to inform [its annual reports on antisemitism in Australia](#). The ECAJ can receive reports of antisemitism directly through its contact form and email, but it does not have a formal reporting avenue. The ECAJ also has a contract with the Online Hate Prevention Institute (see [4.2.2 Fight Against Hate](#)) to receive data on online antisemitism.

4.2.6 Call It Out

Operator	Jumbunna Institute for Indigenous Education and Research (University of Technology Sydney), in partnership with the National Justice Project
Established	21 March 2022
What can be reported	Racism and discrimination against First Peoples
Who can report to this TPR	Anyone
Region served	Australia
Core features for users	Reporting racism and discrimination against First Peoples; recording, analysing and reporting data; referring victims to supports
Availability	Online, post, email, smartphone
Access options	Call It Out website (online form using a custom platform), Android app (written and audio reports), iPhone and iPad app (written and audio reports), downloadable forms (printable, digital and Easy Read formats)
Allows for anonymous reporting	No (reports require a name and an email address or phone number) ^s
Language options	English
Most recent public reports using reporting data	▪ Second report, covering data from March 2022 to March 2023 ▪ First (interim) report, covering data from March to September 2022 ▪ Interactive map of reports received

Call It Out can receive reports of racism and discrimination towards First Peoples. Notably, Call It Out encourages and includes reports on systemic and structural racism. Unlike other TPRs run by a single community organisation, Call It Out is operated by a partnership between the university-based Jumbunna Institute for Indigenous Education and Research and a law firm, the National Justice Project.

Call It Out's operators emphasised to the Commission that it allows people to report any perceived experience of racism. This is because they have found that the broader community's understanding of racism is low and First Peoples' experiences are lessened through a failure to recognise the existence and impacts of racism, and the normalisation of this racism. They also found that legal definitions narrowed the scope of incidents that could be reported.

^s Call It Out's operators noted that anonymous reporting can be important for First Peoples communities. Although the form requires a name and an email address or a phone number, its operators told us that users can input any data in these fields.

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‘The legal system is not seen by First Peoples communities as a protective space. It didn’t make sense for the reporting tool to solely reflect that system.’ – TPR operator

Although Call It Out’s focus is on racism and discrimination against First Peoples, its operators told us that it benefits the whole community in confronting racism and has far-reaching benefits for the health and wellbeing of society as a whole.

Initial development

Call It Out was initially modelled on the Islamophobia Register (see [4.2.1 Islamophobia Register Australia](#)). First Peoples staff from both organisations were involved in this process, as well as the National Justice Project Indigenous Advisory Committee. It was then adapted and tested with community. It was launched on the International Day for the Elimination of Racial Discrimination 2022. It originally focused on recording the nature and extent of and responses to racism and discrimination, but later broadened to include advocacy and addressing barriers to reporting. As part of this, Call It Out also collects qualitative and quantitative data about people’s views on reporting barriers to inform its advocacy and formal reports.

Ongoing development

Call It Out has recently redesigned its brand and launched an app in response to community feedback to ensure it is as broad and inclusive as possible. Call It Out has an Indigenous Advisory Committee that its operators consult and test changes with. Changes have included allowing people to report more easily and in more detail if they want, and allowing for reporting with audio recordings to increase accessibility (including for people with low English literacy).

Call It Out’s operators told the Commission that, in future and with more resources, they would like to:

- translate Call It Out into different First Peoples languages
- provide support to people reporting incidents, including helping them connect to relevant complaint authorities
- resource the continual return of data to local communities (complying with and upholding Indigenous data sovereignty and governance principles)
- increase accessibility.

Reflections from the operator

Call it Out’s operators stressed the importance of the reporting avenue being owned by a trusted community organisation. They regarded the role of governments to be in responding to systemic discrimination and funding responses to racism, as identified by communities.

Call It Out’s operators told the Commission that they had discussed the potential in future for communities to use Call It Out to collect their own reports or to collect reports in their own ways, emphasising self-determination and sovereignty over data.

This is notable as the Commission heard in one of its First Peoples consultations that Call It Out's national approach might be too distanced from the diverse local needs of First Peoples, especially those in more rural communities. The Commission understands that Call It Out is working towards increasing awareness of the platform in regional, rural and remote communities.

4.2.7 Maya Cares

Operator	The Creative Co-operative
Established	21 March 2023
What can be reported	Racism against First Peoples women, Black women and women of colour
Who can report to this TPR	First Peoples women, Black women and women of colour
Region served	Australia
Core features for users	Reporting; emotional processing self-care exercises; referrals to supports
Availability	Online
Access options	Maya Cares website (chatbot using Josef)
Allows for anonymous reporting	Yes
Language options	English
Most recent public reports using reporting data	None to date

Maya Cares is a chatbot that provides self-care supports and resources for First Peoples women, Black women and women of colour and accepts reports of racism. While Maya Cares does not provide individual (professional) support, it provides exercises and resources to help users emotionally process experiences of racism, information on anti-racism, and information on complaint and support pathways, including community organisations and health services.

The chatbot states that reports are anonymous and inform research and advocacy. To date, Maya Cares has not published any formal reports.

The chatbot model is unique and unlike other TPRs. It requires a certain level of both English and IT proficiency, potentially limiting usability for some First Peoples women and women of colour.

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Initial development

The Creative Co-operative designed Maya Cares in 2022 and launched it in 2023 following consultations with community members, mental health practitioners and experts in anti-racism, including Mariam Veiszadeh, founder and former president of the Islamophobia Register (see [4.2.1 Islamophobia Register Australia](#)).⁴⁵

Ongoing development

On the Maya Cares website, the Creative Co-operative notes that it plans to:

- expand Maya Cares with more information on upcoming programs, initiatives and events
- engage and provide pro bono legal services to support people with complex legal claims.⁴⁶

4.2.8 Anti-Palestine Racism in Schools Register

Operator	Australia Palestine Advocacy Network (APAN)
Established	March 2024
What can be reported	Anti-Palestinian racism in schools
Who can report to this TPR	Teachers, school support staff, and parents and guardians
Regions served	Australia
Core features for users	Reporting
Availability	Online
Access options	APAN website (online survey using Google Forms)
Allows for anonymous reporting	No (reports require a name, an email address and a phone number)
Language options	English
Most recent public reports using reporting data	None to date

The Anti-Palestinian Racism in Schools Register (APR) allows teachers, school support staff, and parents and guardians to report incidents of anti-Palestinian racism and discrimination in schools. APAN set up the APR in response to concerns about people in schools experiencing discrimination based on their support for Palestine since 7 October 2023.

APAN also recommends that people report incidents to both the APR and the Islamophobia Register (see [4.1 Islamophobia Register Australia](#)).⁴⁷

The APR website states that reports will be anonymised and used to inform published research and statistical reporting of anti-Palestinian racism.⁴⁸ To date, APAN has not published any formal reports.

4.2.9 Potential new place-based avenues

In recent years, local anti-racism networks have emerged in Victoria as potential TPRs focused on specific geographic areas and the communities affected by racial and religious hate who live in those areas. These networks draw primarily from research, a pilot project, and guidance developed by Victoria University and Welcoming Cities on empowering communities to respond to racism.⁴⁹

Three place-based networks have been established so far, and the Commission understands they have recently received funding from the Victorian Government:

- the [Southeast Anti-racism Support Network](#), formed in 2024 and covering 3 local government areas (Cardinia, Casey and Greater Dandenong)
- the [Whittlesea Anti-racism Support Network](#), formed in late 2022 and coordinated by Whittlesea Community Connections
- the [Wyndham Anti-racism Support Network](#), formed in May 2021 and coordinated by Wyndham Community and Education Centre.

Together, these three networks cover 5 local government areas, with the remaining 74 local government areas in Victoria not having local anti-racism networks.

The three networks are members of the Victorian Alliance of Anti-Racism Support Networks, which is chaired by Victoria University and meets quarterly. The Commission heard through consultations that the networks plan to provide referrals and record reports of racism, and that funding is needed to ensure the networks and their functions are sustainable. They may also provide a limited amount of immediate support, in a similar way to mental health first aid.

The Commission also heard that local data and local responses to hate incidents may be more visible, tangible and manageable:

‘The data would be very useful if they are localised. A national survey might show that [racism] often happens in shopping centres, but if we know that it happens in a specific shopping centre [...] then we can create localised, specific and meaningful effective steps. We can then go to the centre and say we’ve received, say, 36 complaints about racism here. I think the management then has to do something about it, for example train their staff and security guards how to prevent or respond to racism [...] There’s a lot of cynicism in the community about those purely symbolic campaigns. So unless they are combined and connected with more tangible interventions, I think there’s a big problem in how communities perceive even the political commitment to end racism.’ – Expert participant

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‘For improved accessibility, faster response times, and personalised support, having local reporting options would be great. Local options would enhance the effectiveness of reporting and addressing hate incidents, helping to decrease the frequency of these incidents. Local authorities could respond more quickly and provide more relevant support, ensuring that each case receives the attention it deserves.’ – Community member

As new avenues, the networks’ longevity and sustainability have yet to be evaluated, however the Commission understands that evaluations are planned. Feedback from the pilot of the Wyndham Anti-racism Support Network indicated that place-based community-centred approaches could empower local racialised and marginalised communities.

‘The power has been put into our hands – and we feel like we as a community group are more in charge now... Through this project we have been empowered to play an active role as a community group. We no longer simply hope that others do something about racism.’ – South Sudanese community leader and participant in the Wyndham pilot⁵⁰

Future evaluation should consider how different networks balance the roles of local councils, local service providers, and organisations for and led by communities affected by racial and religious hate, as well as how this balance might affect trust and approachability as potential reporting avenues.

4.3 Statutory reporting avenues

People in Victoria can access 4 main government-run reporting avenues for racial and religious hate: the Commission and Victoria Police at the state level, and the Australian Human Rights Commission and the eSafety Commissioner at the federal level.

4.3.1 Victorian Equal Opportunity and Human Rights Commission

There are multiple ways that a person in Victoria who has experienced a hate incident can report it to the Commission:

- by making a [phone or email enquiry](#) to the Enquiries team
- by making a report via the [Community Reporting Tool](#) (CRT), which is received by the Enquiries team and followed up if the reporter requested it
- by making a complaint to the Dispute Resolution team via the [online complaints form](#).

As of February 2024, the Commission no longer accepts walk-in enquiries, however in-person enquiries are available by appointment. The continued availability of in-person services is important, particularly as a recent Victorian survey found that 60.7% (n=416) of respondents preferred to report racism in-person.⁵¹

Community Reporting Tool

The CRT aims to be a quick and easy way for people to report hate incidents to the Commission. It was developed through a design process led by a Code for Australia team embedded in the Commission in 2018 and 2019. Its development was part of broader work to address barriers to reporting racism and discrimination, particularly for members of Victoria's African and Muslim communities.⁵² The CRT partially succeeded the reporting app launched as part of the Commission's Anti-Hate campaign from 2012 to 2019 and the First Peoples-focused hybrid statutory/third-party reporting avenue Report Racism, piloted from 2014 to 2015 (see [4.4.2 Victoria: Report Racism](#)).

The CRT is hosted on the Commission's website and over 20 other websites, including local councils (see [Appendix A](#) for a complete list). Any organisation wanting to host the CRT can request a set-up kit from the Commission.

Reports to the Commission can be made by a target or by someone on their behalf. Reports through the CRT can also be made anonymously (without a name or contact details), though this means the Commission cannot provide further assistance. If someone needs help or an interpreter to make a report, they can contact the Commission by email or phone. The Commission provides information in several languages other than English about discrimination, human rights and the Commission's services on [its website](#).

In its consultations, the Commission heard that there was low awareness of the Commission's services and the CRT. We were also told that the CRT was difficult to find on our website, and that community members wanted more transparency about reporting data and outcomes. Recent Victorian research also reported this feedback.⁵³

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Use of the CRT has increased over time – in its first 3 years of operation (2019–20 to 2021–22), an average of 132.7 reports were made to the CRT per year. In the past 2 years, reports increased to 203 in 2022–23 and 249 in 2023–24. Although the CRT was originally focused on racism, people in Victoria can use it for any unlawful conduct under the Commission's laws. Of the 249 reports received in 2023–24, 111 were of racial or religious discrimination or vilification.

Complaints

The Commission can help people resolve complaints of discrimination, sexual harassment, victimisation and vilification through a conciliation process.^t The conciliation service is free, impartial, confidential and voluntary, and is an alternative to taking a complaint to the Victorian Civil and Administrative Tribunal.

After someone makes a complaint, the Commission assesses the complaint to see if it is covered by the Equal Opportunity Act or the Racial and Religious Tolerance Act. The Commission does not investigate complaints, but it will work with complainants and respondents to share their experiences, have open discussions and reach mutually agreeable outcomes. Outcomes from the complaints process can include:

- an apology (verbal or written, private or public)
- financial compensation
- access to a previously denied job opportunity or service
- an agreement to change or stop behaviour, amend or develop policies, or undertake training.

Referrals

Although the Commission does not directly provide support, it does provide referrals. The Enquiries team frequently provides cold referrals to people making a report or an enquiry and can also provide warm referrals. The Dispute Resolution team provides both cold and warm referrals for complainants whose complaints have been accepted for conciliation. They also provide cold referrals for complainants whose complaints have not been accepted.

The Commission and Victoria Police have a memorandum of understanding that allows the two organisations to refer enquiries and incidents under the Racial and Religious Tolerance Act to each other (e.g., the Commission referring an incident that may constitute serious vilification to Victoria Police for investigation).

^t In addition to these complaints, the Commission can also receive reports of change or suppression practices. These reports may lead to facilitated outcomes, targeted education or investigation.

4.3.2 Victoria Police

Victoria Police receives reports of hate incidents via multiple avenues:

- frontline presence (e.g., on the street, at train stations) and in police stations
- calls through Triple Zero (000)
- calls to the [Police Assistance Line](#) (for non-urgent crimes and events)
- its [Online Reporting form](#) (for non-urgent crimes and events)
- [STOPIT](#), an SMS line where people can report unwanted sexual behaviour and anti-social behaviour, whether it is physical or verbal, subtle or direct, ongoing or a one-off.

Although Victoria Police can only investigate hate incidents that amount to criminal behaviour under Victorian law, they also receive reports of non-criminal hate incidents – often because community members do not know where else to go. For non-criminal incidents, Victoria Police recommends that people report to the Commission.

Victoria Police has community liaison officers stationed in specific areas that represent and interact with specific communities. These officers are trained to be culturally aware and can help support people through the reporting process.

In addition to its own reporting avenues, Victoria Police receives reports from the not-for-profit organisation Crime Stoppers Victoria. Crime Stoppers Victoria operates [an online form](#) (available in 11 languages) and a phone line. It shares the reports it receives with Victoria Police, which then decides whether to investigate.

The Inquiry included findings and recommendations relating to how Victoria Police records and responds to prejudice-motivated crimes, including:

- **recommendation 31**, to make police recording of prejudice-motivated crime mandatory⁵⁴
- **recommendation 32**, to strengthen education and training for police on prejudice-motivated crime.⁵⁵

Reporting to Victoria Police is affected by low trust, including from past negative experiences of reporting. This was apparent in the Commission's consultations, as well as in the Inquiry's findings and recent Victorian research (see [3.3 Lack of trust in reporting avenues](#)).⁵⁶

The combination of underreporting and inconsistent recording practices on prejudice-motivated crime have affected the data that Victoria Police collects on hate incidents and that the CSA is able to publish (see also [2.4 The Victorian context](#)).

4.3.3 Australian Human Rights Commission

The Australian Human Rights Commission (AHRC) can investigate and conciliate civil complaints about racial hatred under the *Racial Discrimination Act 1975* (Cth).

Complaints can be lodged by the target or by someone on their behalf and must be put in writing through [an online or downloadable complaint form](#). Complaints can be made in any language, and the AHRC can arrange translation or interpreter services.

Although the AHRC does not directly provide support, the AHRC told us that its National Information Service increasingly facilitates warm referrals with state and territory bodies and with TPRs to address the barriers associated with cold referrals (see [3.4 Fear of negative consequences](#)).

In its consultations, we heard that there was low awareness of the AHRC's services. Consultation participants did not share any experiences about reporting to the AHRC.

4.3.4 eSafety Commissioner

The eSafety Commissioner is Australia's online safety regulator. Individuals can report some forms of online hate (cyberbullying, cyber abuse and illegal or restricted content) through [an online form](#). The eSafety Commissioner can then investigate and request the removal of harmful online content. In 2022–23, the eSafety Commissioner:

- made 601 informal notifications to service providers of adult cyber abuse, with providers removing material in 466 instances (77%)
- issued 3 formal removal notices for adult cyber abuse material, with providers removing content in all 3 instances
- made 646 informal removal requests of cyberbullying against children, with providers removing material in 543 instances (84%).⁵⁷

Consultation participants did not share any experiences about reporting to the eSafety Commissioner, although it does provide specific information for [First Peoples](#) and [culturally and linguistically diverse people](#). Recent Victorian research found that, of 491 survey respondents, 60.6% were not aware of the eSafety Commissioner.⁵⁸

4.4 Case studies: Hybrid third-party and statutory models

In Victoria, reporting avenues typically operate as either statutory or third-party. However, there are 2 notable case studies of hybrid models which integrate statutory and non-statutory organisations.

Both case studies involve reporting *places* (also called third-party reporting *centres*) which are places that can help someone report an incident to a statutory reporting *avenue*. Reporting places are not reporting avenues themselves, but they might have a formal or informal association or agreement with an avenue. Reporting places are not standalone services – they are usually run by local councils or community services as part of their broader service provision.

In the first case study, True Vision’s model integrates a statutory reporting avenue, reporting places, and information sharing agreements between the statutory avenue and multiple TPRs. In the second, the Report Racism pilot integrated a statutory reporting avenue with reporting places.

These hybrid models are notable because:

- they use a ‘no wrong door’ approach, where people can report and receive help through a range of pathways, including place-based, community-based and state-based options
- people can report incidents in ways that suit them and are accessible to them – in both case studies, both online and in-person reporting were available, which recent Victorian research found to be the most preferred reporting methods (see [3.7 Accessibility of reporting avenues](#))
- they demonstrate the need for and benefit of longevity in reporting avenues
- in the instance of True Vision, they demonstrate how a sector for reporting avenues could work together and lead to consistently high reporting rates that provide vital and trusted data and intelligence to community, police and government.

There are strengths to these hybrid models, where trusted community organisations facilitate reports to statutory avenues. However, they do not and cannot wholly replace TPRs, which are community-owned and retain data sovereignty within communities.

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4.4.1 UK: True Vision

Operator	National Police Chiefs' Council
Established	May 2004 (relaunched 1 February 2011)
What can be reported	Hate incidents on the basis of disability, gender identity, race, religion or sexual orientation (including online)
Who can report to this TPR	Anyone
Region served	United Kingdom
Core features for users	Reporting hate incidents; recording, analysing and reporting data; referring victims to police or supports
Availability	In-person, online, post, email
Access options	True Vision website (online form using custom platform); downloadable forms; partner third-party reporting avenues; reporting places
Allows for anonymous reporting	Yes
Language options	English

True Vision is the largest reporting avenue for hate in the UK. It is an online 'one stop shop' for the UK public to report all forms of hate conduct and crimes, including racial and religious hate. The True Vision website provides information on each form of hate, how people can report it, and what community or support organisations are available for each community. It was originally launched in limited areas in 2004⁵⁹ and significantly redeveloped for its national relaunch in 2011.⁶⁰

True Vision is not a TPR, as it is owned and operated by the National Police Chiefs' Council, the UK's national law enforcement coordination body. Although it is police-coordinated, True Vision has publicly available [information sharing agreements](#) with 4 TPRs:

- the [Community Security Trust](#) (for Jewish communities)
- [Kingston Race and Equalities Council](#) (for residents in the borough of Kingston)
- [Stop Hate UK](#) (UK-wide)
- [Tell MAMA](#) (for Muslim communities).

The agreements permit police and these TPRs to exchange data and information about reported hate incidents. Each organisation has a single point of contact to coordinate the agreements, ensure compliance and provide staff training as needed. These agreements and relationships aim to:

- better coordinate victim support services referrals

- foster relationships and trust between community and police
- help inform and evaluate efforts to protect and advise communities and reduce hate incidents.

In addition to these agreements and formalised relationships with TPRs, True Vision also provides [resources for TPRs](#), including [a guide](#) on how to receive reports and respond to targets. A significant number of local organisations and agencies operating reporting places across the UK (referred to as third-party reporting centres), where the organisations can report incidents to True Vision on a person's behalf and provide them with advice and support.

True Vision told the Commission that it is well-embedded in multiple communities and has strong branding that is repeatedly reinforced through promotional activities, media releases and government statements. Publicly released data to 2021 indicates an average of 7,000 reports a year made to True Vision,⁶¹ and True Vision noted to the Commission that it currently averages 12,000 reports a year.

As a hybrid statutory-TPR model with established data-sharing relationships, wide coverage, longevity and very high usage, True Vision serves as a potential case study for the Victorian Government in its implementation of recommendation 33. The next case study explores and details a proof-of-concept of the True Vision model in the Victorian context, piloted by the Commission, Victoria Police and the Victorian Aboriginal Legal Service from 2014 to 2016.

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4.4.2 Victoria: Report Racism

Operator	Victorian Equal Opportunity and Human Rights Commission, with Victoria Police and the Victorian Aboriginal Legal Service (VALS)
Established	21 August 2014 (northern Melbourne pilot) 4 February 2015 (Shepparton pilot)
Closed	31 December 2015 (end of formal pilot period) 30 June 2016 (end of operating agreements) 23 November 2018 (end of reporting activity)
What can be reported	Racism and discrimination against First Peoples
Who can report to this TPR	Anyone
Region served	Victoria
Core features for users	Reporting racism and discrimination against First Peoples; recording, analysing and reporting data; access to dispute resolution; referring victims to police or supports
Availability	In-person, online, post, email
Access options	Report Racism website (Internet Archive link) (online form using SurveyGizmo, now Alchemer); printable forms; 14 reporting places in Melbourne and Shepparton
Allows for anonymous reporting	Yes
Language options	English

Report Racism was a hybrid statutory/third-party reporting model that focused on racism against First Peoples. The Commission piloted Report Racism between 2014 and 2016.⁶² The reporting model was based on [True Vision](#) (see [4.4.1 UK: True Vision](#)). It was described at the time as 'Australia's first ever third-party reporting mechanism for the Aboriginal community',⁶³ predating Call It Out (see [4.2.6 Call It Out](#)).

Report Racism had 3 key components:

- the reporting tool, available online or as a hard copy form
- reporting places which, following training from the Commission, could report incidents to the Commission on a person's behalf
- the reportracism.com.au website ([Internet Archive link](#)), which hosted the reporting form, information about reporting for targets and service providers, a video about reporting racism, and a list of reporting places.

Report Racism shares several features with the Commission's current CRT (see [4.3.1 Victorian Equal Opportunity and Human Rights Commission](#)). For example:

- reports could be made by a target or victim, a witness or a third-party
- reports could be made anonymously (without a name or contact details), though this meant the Commission could not provide further assistance
- for non-anonymous reports, the Commission would contact the person who made the report to discuss their options
- with the reporter's consent, the Commission could refer reports of criminal incidents or complaints about police members to Victoria Police.

There are also key differences. Unlike the CRT, the Report Racism form asks more specific detailed questions, similarly to how most TPRs structure their forms. In addition, a reporting place could receive updates on a report (if the person making the report consented).

Initial development

In 2013, the Commission published the *Reporting racism: What you say matters* research report. This report looked at Victorians' experiences of racism, reporting avenues, and laws responding to racist conduct and crime. The report was informed by consultations with community and community organisations, a desktop review, and a survey with 227 responses.

The report identified several next steps for the Commission, including:

- increasing awareness and encouraging reporting through its Anti-Hate website and app (both of which included a reporting form that accepted text, photo and video)
- collaborating with Victoria Police and the Victorian Aboriginal Legal Service (VALS) to trial a third-party reporting system, which became Report Racism.

The Report Racism tool was developed by the Commission in partnership with Victoria Police and the VALS under a memorandum of understanding. The Commission worked with Regional Aboriginal Justice Advisory Committees and considered demographic data to determine the 2 trial sites: northern Melbourne (Darebin, Whittlesea and Yarra) and Shepparton (including Mooroopna).

The 14 reporting places in the trial sites included:

- First Peoples community-controlled organisations (including justice and legal services)
- community service providers (including healthcare and childcare)
- a council service centre
- a community legal centre.

Outcomes and evaluation

Between August 2014 and December 2015, Report Racism received 54 reports.^u Of these:

- 8 were made at a reporting place and 1 from a police station
- 12 were made from the northern Melbourne trial site and 3 from the Shepparton trial site
- 25 were about racism towards First Peoples (13 of these were made by the targets themselves)
- 22 were anonymous
- 32 wanted to be contacted by the Commission (5 of these chose to enter a dispute resolution process)
- 12 wanted their report referred to the police (8 of these were recorded as police intelligence and 3 resulted in a person being charged).

PricewaterhouseCoopers Indigenous Consulting undertook a brief evaluation of the pilot in October 2015.⁶⁴ The (unpublished) evaluation found that Report Racism was on track for 3 of its 5 objectives:

- building the capacity and confidence of the community and individuals to report racist incidents
- building the capacity of the project partners (including the reporting places and Victoria Police) to support individuals to report racism and, where appropriate, provide responses to reports by improving their own systems and processes
- reducing barriers to reporting racist incidents, including simplifying complaint processes.

The evaluation found that the project required further work on its remaining 2 objectives:

- to establish an intelligence-driven reporting avenue that is culturally safe and accessible for First Peoples
- to identify and respond to issues of systemic racism.

The evaluation also noted that these objectives required longer than the 18-month pilot period to increase traction and awareness, and to remove barriers to reporting. This supports the need for long-term, sustained efforts to build and maintain reporting avenues.

The Commission's published outcomes report summarised the evaluation and explored a range of barriers to reporting, many of which were also explored in the later *Inquiry into anti-vilification protections* and **Chapter 3** of this paper. The outcomes report noted barriers and issues specific to staff at reporting places:

- not having enough time to take reports

^u Over its lifespan (August 2014 to November 2018), Report Racism received 200 complete reports. Of these, 36 were disqualified (generally because not enough information was provided or the incident being outside Victoria or Australia). A further 44 reports were started but not submitted.

- the risk that First Peoples staff who take reports of lateral violence would be blamed for any negative outcomes
- the risk of 'a fine line between listening, supporting and interfering', particularly for First Peoples agencies.⁶⁵

Reporting places found that participation in the trial opened discussions of racism. For non-First Peoples organisations, being a reporting place prompted them to consider their own service delivery for First Peoples and other racialised communities, as well as their internal practices.

The Commission also heard from reporting places that, while people did not always want to make a formal report, the existence of Report Racism empowered some to seek alternative solutions, including using Report Racism materials to directly resolve issues with organisations where they had encountered racism.

Post-evaluation

The evaluation made 8 recommendations to improve the Report Racism model if it continued:

1. For the Commission to work with the project's local governance groups (LGGs) to broaden approaches to community engagement and continue awareness programs.
2. For the Commission, in consultation with the LGGs to develop real-life case studies of different reporting paths and outcomes, to promote to communities through a range of media.
3. For the Commission to identify and appoint both First Peoples and non-First Peoples 'community ambassadors' to promote zero-tolerance messages on racism.
4. For the project's advisory group to review its terms of reference to incorporate the evaluation's findings and recommendations, particularly around reviewing and monitoring data.
5. For the Commission to redevelop the training for reporting places to enhance confidence and clarity in making reports, and to reaffirm their role in reporting incidents.
6. For the Commission to develop a toolkit for reporting places and other interested organisations to use as a resource to address racism.
7. For project partners and LGG members to agree to develop targeted approaches to address barriers to reporting.
8. For the project's advisory group to monitor data from the reporting places to determine if formal reports from each organisation increase over time.

Following the evaluation, the Commission consulted with the LGGs and conducted internal scoping and costing of possible next steps for Report Racism. While it was resource-intensive for the Commission, documents from the time suggest it was much less so for its partner organisations.

The Commission ultimately determined that it was unable to continue managing, coordinating and resourcing the reporting place model. Four options were considered:

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1. Maintaining third-party reporting in the trial sites through an external provider or with additional resourcing
2. Expanding third-party reporting (to other racialised communities in the trial sites, to First Peoples across the state, or to all communities across the state) through an external provider or with additional resourcing
3. Continuing Report Racism as a campaign and website
4. Continuing Report Racism without the third-party reporting component

The Commission ultimately did not continue Report Racism. Some reporting places continued through a formal interim period until 30 June 2016, and the website continued receiving reports until late 2018, after which it was shut down.

Report Racism was in part succeeded by the current CRT, which operates on a leaner model: an online reporting form where partner organisations embed the form from their website, instead of providing an in-person service where they facilitate reporting.

5 Strengthening the third-party reporting landscape

There are many opportunities to improve and strengthen Victoria's third-party reporting landscape. This paper recommends 6 options, outlined below. This chapter sets out some key considerations that may impact the implementation and effectiveness of the recommended options, followed by detail of the options.

The recommended options prioritise **awareness**, **access** and **support** for communities experiencing hate, as these were the priorities of community members and TPR operators we consulted with. Recent Victorian research demonstrates that access to support services can act to increase reporting rates.⁶⁶

The options we have identified to improve and strengthen TPRs aim to:

- improve the **effectiveness** and **reach** of existing avenues
- establish frameworks to ensure existing and prospective TPRs are **skilled** and **trusted**
- support a **sustainable, diversified system** of reporting avenues, where statutory and third-party avenues **complement** each other in providing pathways for communities.

Within this system, each reporting avenue might meet a different set of needs, depending on their capacity, their interest and what their communities want. Some may provide information and referrals alongside reporting for the historical record. Others may focus only on individual support and advocacy.

Following our consultation and research, we explored 14 options, assessing them on feasibility and impact, and taking into account the current budgetary context. From these 14, we determined that the following 6 options would be feasible and have the most positive outcomes for Victoria's communities, reporting avenues and the Victorian Government:

1. To **increase awareness** of what communities can report and where
2. To **expand coverage** and increase community access to reporting avenues
3. To **improve multilingual access** to reporting avenues
4. To **improve support outcomes** for those accessing third-party reporting avenues
5. To **share know-how** and best practice between existing and prospective TPRs
6. To **support new avenues** by providing a ready-to-go turnkey for prospective TPRs

While each option could be pursued in isolation, we have sequenced them in order of priority and anticipated feasibility over a 2-year period (detailed later in this chapter). In addition to explaining these 6 options (in narrative format in this chapter, and with detailed program logic

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models in [Appendix B](#)), this chapter also discusses the 8 options we do not recommend: 5 which we assessed as less feasible or lower impact, and 3 which we assessed as not feasible.

When implemented together, the recommended options would help the current set of statutory and third-party actors to form and grow a new sector for reporting avenues, where:

- statutory and third-party actors have complementary roles and functions
- new actors in the form of reporting and support services establish over time
- knowledge and practice are shared, and research and evaluation strengthen practice
- collaboration and coordination across the sector results in improved outcomes for communities and individuals experiencing harm.

This sector would take a ‘no wrong door’ approach, with anyone in Victoria able to report incidents and access support in whatever way best suits them:



5.1 Considerations and principles for implementation

Before explaining the recommended options further, there are some key considerations, factors and principles that should be explored.

5.1.1 Reasons for reporting

Understanding the outcomes that people want from reporting can help reporting avenues serve communities more effectively and determine what services they should offer. We heard from community members and TPRs that when reporting, communities want one or more of the following outcomes:

- **individual support** (e.g., having their experience validated, feeling heard, receiving emotional support to process an incident)

- **individual advocacy** (e.g., wanting to prevent others from experiencing the same thing, wanting to share their story)
- **contributing to the historical record** (e.g., adding their experience to a reporting avenue's data record of hate incidents, contributing to an avenue's data to support its advocacy efforts)
- **information** (e.g., finding out about rights, remedies or next steps)
- **referral(s) to support services** (e.g., mental health, legal and victim support)
- **referral(s) to a complaint-handling or investigation agency** (e.g., the Commission, Victoria Police)
- **a formal individual remedy or outcome** (e.g., seeking an acknowledgement of the incident, apology, compensation, charges or convictions for criminal incidents)
- **a formal systemic remedy or outcome** (e.g., a complaint respondent organising training or policy changes).

From recent research and consultation feedback, the Commission heard that people experiencing or witnessing hate are not typically seeking a remedy in the first instance, and instead often prioritise validation and support.⁶⁷ For many people and TPRs, there is an inherent link between reporting a hate incident and seeking support. Although many people would be aware of (and access) culturally specific supports that are not reporting avenues, TPRs have an opportunity to provide both a reporting service and context-specific specialist support. In order to receive this support, people must be aware of reporting avenues and be able to access them.

5.1.2 Operational challenges for reporting avenues

While this paper does not exhaustively explore operational challenges for reporting avenues,⁶⁸ some TPRs did share with the Commission two key challenges they face. These challenges are not unique to third-party avenues – they apply to statutory reporting avenues too, which may also have additional relevant legal obligations.

Data handling and privacy: Reporting avenues receive personal and sensitive information. They must carefully collect, store and manage access to this information. This requires expertise and resourcing, including cybersecurity awareness and capability. One consultation participant shared that they have heard concerns about cybersecurity, data breaches and the perceived onerousness of data collection. We also heard that responsible data handling becomes more complicated at larger scales of users and when additional entry points (like apps) are added.

Notably, there is also ongoing and increasing advocacy for both statutory and third-party reporting avenues to integrate Indigenous data sovereignty and governance principles into their data handling processes (where appropriate and feasible).

Internal capacity and longevity: Most existing TPRs have developed their own internal capacity and expertise to verify reports and analyse and share reporting data. Capacity and resourcing are also required to provide adequate care for TPR staff who receive and process reports that can be distressing or offensive. For prospective TPRs, this internal capacity and

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expertise can be a barrier to entry. For existing TPRs without this capacity, it can prevent them from expanding service provision and/or making better use of the data they collect.

Relatedly, inconsistent and short-term funding can also present a challenge. It takes time to set up services and establish trust and awareness in the community, as highlighted in the evaluation of the Report Racism pilot (see [4.4.2 Victoria: Report Racism](#)). Sustainable increases in funding can improve the capacity of a service and increase community expectations of that service's ability to respond to reports in a timely and supportive way. When funding unpredictably increases or decreases, this can cause sudden expansion or contraction of service provision, the latter of which has the potential to undermine community expectations and their trust.

5.1.3 Community-centred design and implementation

Most options include activities that involve consultation and engagement with TPRs and/or communities affected by hate. In addition to these specific activities, implementation of these options should use community-centred and -led design approaches (e.g., [design justice](#)) where possible, to meaningfully engage with communities, their contexts and their experiences in a trauma-informed way. These approaches can help tailor implementation to communities' contexts, build and strengthen government-community relationships, and allow for the identification of additional risks not identified here.

Ensuring TPR development is community-centred and led is particularly important given the varied cultural contexts and considerations across the many diverse communities affected by racial and religious hate. Additionally, the options should be developed with consideration for intersectionality, including:

- the concerns of women and LGBTIQ+ people, and the barriers they face reporting within their communities and/or to broader avenues
- accessibility and safety of reporting avenues for people with disability, older people and people without internet access.^v

Any implementation of options which affect First Peoples communities or the services they access should align with Victorian Government commitments to work in partnership with First Peoples communities (e.g., the Department of Justice and Community Safety's [Engagement Framework for a just and safe Victoria](#)). This includes First Peoples-led design, development and delivery of options. The Victorian Government should also note the potential for these options to contribute to its goals and measures under the current [Victorian Aboriginal Affairs Framework](#), including:

- **Goal 20: Racism is eliminated**
- **Measure 20.1.1:** Proportion of Aboriginal people who report having experienced racism in the previous 12 months
- **Measure 20.1.2:** Prevalence of racist attitudes against Aboriginal Victorians held by the Victorian community.⁶⁹

^v See also the Department of Families, Fairness and Housing's [Intersectional Policy Guide and Toolkit](#) (2024).

Implementation should also include continuous communication with communities affected by racial and religious hate and their organisations, as part of building trust over time and through actions.

The importance of community-specific services

In our consultations with community and TPRs, we heard a strong preference for community-specific and -led avenues and pathways. Published evaluations of TPRs are 'extremely limited',⁷⁰ and we did not find any evaluations of the outcomes and impact of community-specific reporting avenues for hate incidents. However, [a recent Australian Research Council Linkage Project](#) on service provision for culturally and linguistically diverse (CALD) people in Australia found that:

- ethnicity-specific health services are significantly more likely to be effective for CALD communities than mainstream health services⁷¹
- access to multicultural services is associated with higher levels of civic engagement among migrants⁷²
- multicultural services were perceived as more important and effective by people from non-Western and non-Christian backgrounds, people with lower English proficiency and recently arrived migrants.⁷³

In addition, there is evidence supporting the role of Aboriginal Community-Controlled Health Services in improving First Peoples health and healthcare.⁷⁴ Community-specific and -controlled reporting avenues can be a form of self-determination.

5.1.4 Human rights considerations

Design and implementation of any options pursued by the Victorian Government or a public authority should also consider how rights under the Charter, including recognition and equality before the law and privacy, may be engaged and limited (either directly or indirectly). This is because public authorities have obligations to consider human rights when making decisions and to act compatibly with the Charter.

Government departments, local councils and statutory authorities must also consider their obligations under the *Privacy and Data Protection Act 2014* (Vic), specifically in terms of how they collect, store, use, disclose and destroy data.

5.1.5 Building the evidence base

The Commission found an absence of (published) evaluations of TPRs and empirical research to establish their effectiveness and outcomes for communities. This means that the options recommended here are grounded in some key assumptions around their potential outcomes and impacts, including:

- that community members with higher awareness and knowledge would share information about reporting (and positive reporting experiences) with their contacts and other community members
- that higher reporting rates would result from:
 - higher awareness and knowledge of reportability and reporting options
 - wider access to reporting avenues

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- promotion of reporting avenues
 - availability of reporting in languages other than English
 - availability of supports and referrals will lead to higher reporting rates
 - improved operator practices
- that higher reporting rates would lead to more comprehensive data of sufficient quality to inform the targeting of prevention and response strategies
 - that more comprehensive data and targeted strategies would lead to reduced hate behaviours^w and improved community safety (both actual and perceived).

Through our consultations and literature review, there are indications that these assumptions are true. However, it is worth noting that, for example, there is emerging evidence of a significant gap in Victoria between people's stated intentions to report racism and their actual reporting behaviours:

- A 2024 study reported that 63.8% of 166 respondents who *had never* experienced racism said they would probably or definitely report it, but only 15.5% of the 536 respondents who *had* experienced racism reported it to a formal avenue.⁷⁵
- A smaller 2015 survey of First Peoples community members in northern Melbourne and Shepparton (undertaken as part of the evaluation of the Commission's Report Racism pilot) found that 73% of its 35 respondents had experienced racism, and 61% of them had not reported it.⁷⁶

This 'intention-behaviour gap' is a well-established phenomenon across many behaviours, with a 2016 synthesis of research noting that evidence suggests that, while intention to perform a behaviour is key to new or changed behaviours, intentions only turn into action approximately half the time.⁷⁷ We expect this gap would narrow through the implementation of these options, but pilot testing, monitoring and evaluation are required to test these assumptions.

Testing and evaluation could also help establish what would likely be a world-first evidence base, allowing governments, TPRs and communities to better understand what increases reporting and why. For example, local anti-racism support networks (see [4.2.9 Potential new place-based avenues](#)) might be an important and effective addition to the TPR landscape. In the absence of evidence on their effectiveness and impact, they should be supported and evaluated to test how the model works in practice and in their different local-specific formats.

Testing and evaluation of earlier options should also help shape later options to give them a better chance for success.

5.1.6 Complexities in changing behaviours

Behaviours (such as reporting hate incidents) are the complex result of many types of interrelated and interacting drivers, including influences, determinants, protective factors and

^w See the Commission's *Preventing racial and religious hate* (2024) for evidence-based guidance on effective prevention approaches for racial and religious prejudice and hate, as well as how to give prevention strategies the best chance of success and lasting impact.

risk factors. There are internal psychological drivers, social and relational drivers, and structural and environmental drivers.⁷⁸

Some drivers can encourage or enable a behaviour, and others can discourage or prevent a behaviour. For example, awareness is an internal psychological driver, and awareness of a reporting avenue might encourage someone to use that avenue. On the other hand, social pressure is a social and relational driver, and social pressure not to report can discourage someone from reporting. Similarly, structural barriers like access and infrastructure can encourage or discourage reporting behaviours.

The barriers explored in **3 Barriers to reporting** can discourage or prevent reporting behaviours, and the outcomes that people seek (see **5.1.1 Reasons for reporting**) can encourage those behaviours.

The options in this paper focus on meeting the outcomes that people seek and minimising these barriers in structures and processes. The options do not include actions dedicated to shifting individual behaviours, individual barriers or social barriers (e.g., social norms that discourage reporting, internalised barriers, prevention of negative consequences or victimisation). However, it is notable that a 2024 review of 147 meta-analyses of effective behaviour change interventions across a range of fields found that:

- interventions based around legal and administrative sanctions or trustworthiness had negligible effects on behaviours
- interventions using social norms, reminders or material incentives had small effects
- interventions focused on information and support to facilitate a behaviour had medium effects
- interventions focused on increasing access and resources to facilitate a behaviour had large effects on behaviours.⁷⁹

Future research could explore whether these interventions have similar effect sizes on reporting behaviours specifically. Further work may explore other drivers that encourage or enable reporting behaviours, what interventions are most effective at increasing reporting behaviours, and how to narrow the gap between reporting intentions and reporting behaviours (see **5.1.5 Building the evidence base**).

5.1.7 Key risks

Through research and consultation, the Commission has identified several key risks to both statutory and third-party reporting avenues. The below table outlines the risks, potential effects and proposed approaches. This is not an exhaustive list, and the risk levels would vary between reporting avenues.

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Risk	Potential effects	Proposed approach
Risk of a reporting avenue's website being hijacked or its reporting forms being cloned for nefarious purposes This risk is higher for embedded forms and/or forms that are not hosted on a recognisable and verifiable domain.	- Collection and potential exploitation of personal and identifying information by bad-faith actors - Decreased trust in reporting avenues among community members	Engagement of cybersecurity advice on risk level and mitigation steps
Risk of bad-faith actors using reporting avenues maliciously This could include coordinated campaigns to skew data or expose TPR staff to offensive content (particularly for TPRs which accept audio, picture and/or video attachments).	- Harmful impacts on staff wellbeing and morale - Distortion of reporting data - Potential clouding of reporting data, obscuring legitimate reports among illegitimate reports - Decreased trust in reporting avenues among community members	- Active monitoring of incoming reports - Identify best practice for ensuring non-anonymous reports are genuine where possible (see Option 5: Share know-how) - Open communication with community about suspected malicious use of reporting avenues and avenues' next steps
Risk of any increases in reporting following promotion activities not lasting The Commission has observed this in its own statistics, where reports and enquiries increase for several weeks following promotion of the CRT, and then decrease again	Uneven trends in reporting data complicating the ability to meaningfully analyse data	Ongoing and consistent promotion and engagement activities (see Option 1: Increase awareness)
Risk of TPR staff experiencing vicarious trauma and/or burnout	- Poor staff wellbeing outcomes - High turnover of staff - Inconsistent experiences for community members - Risks to sustainability of TPRs	Consideration of support needs of TPR staff through funding conditions for TPR support service delivery (see Option 4: Improve support outcomes)

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Risk	Potential effects	Proposed approach
Risk of low longevity and sustainability among new and emerging TPRs⁸⁰	▪ Inconsistent availability and coverage of reporting avenues for communities ▪ Uneven trends in overall reporting data, in turn affecting usability of data to inform decisions ▪ Decreased trust in reporting avenues among community members	▪ Long-term funding and government commitments to support TPRs to successfully embed and sustain themselves
Risk of data analysis and comparison being complicated by: ▪ differing definitions and thresholds of hate incidents ▪ incidents being reported multiple times through different avenues	▪ Scepticism from community members, broader public and policymakers around data quality and usability	▪ Data from TPRs should not be directly compared ▪ Data from reporting avenues should always be analysed and presented separately, with transparency around how data is collected and analysed (see also 5.3.1 Data sharing between statutory and third-party reporting avenues)
Risk of large-scale reporting data collection without an immediately evident purpose	▪ Scepticism from community members around use of data ▪ Decreased trust in reporting avenues among community members	▪ Open communication with community about reporting statistics and how data is being used and shared (see Option 5: Share know-how)
Risk of data breaches due to poor data handling and privacy practices	▪ Uncontrolled disclosure of personal and identifying information ▪ Harmful impacts on community and staff wellbeing ▪ Decreased trust in reporting avenues among community members	▪ Engagement of cybersecurity advice on risk level and mitigation steps ▪ Identification and sharing of best practices for TPR data and privacy (see Option 5: Share know-how)
Risk of inconsistent or low-quality support provided by TPRs (This relates to Option 4: Improve support outcomes)	▪ Poor wellbeing outcomes for people reporting hate ▪ Decreased trust in reporting avenues among community members	▪ Minimum standards for TPR support service delivery (see Option 4: Improve support outcomes)

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Risk	Potential effects	Proposed approach
Risk of turnkey TPR source code being maliciously reused or exploited (This relates to Option 6: Support new avenues)	▪ Collection of data by bad-faith actors through a TPR clone ▪ Decreased trust in reporting avenues among community members	▪ Risk assessment of different models of sharing the source code (e.g., the source code only being available on-request and through a formal process with verification) ▪ Active monitoring of the reporting landscape, including downloads (and, where public, forks^x) of the source code ▪ Open communication with TPRs and community about suspected malicious use of the source code or security vulnerabilities

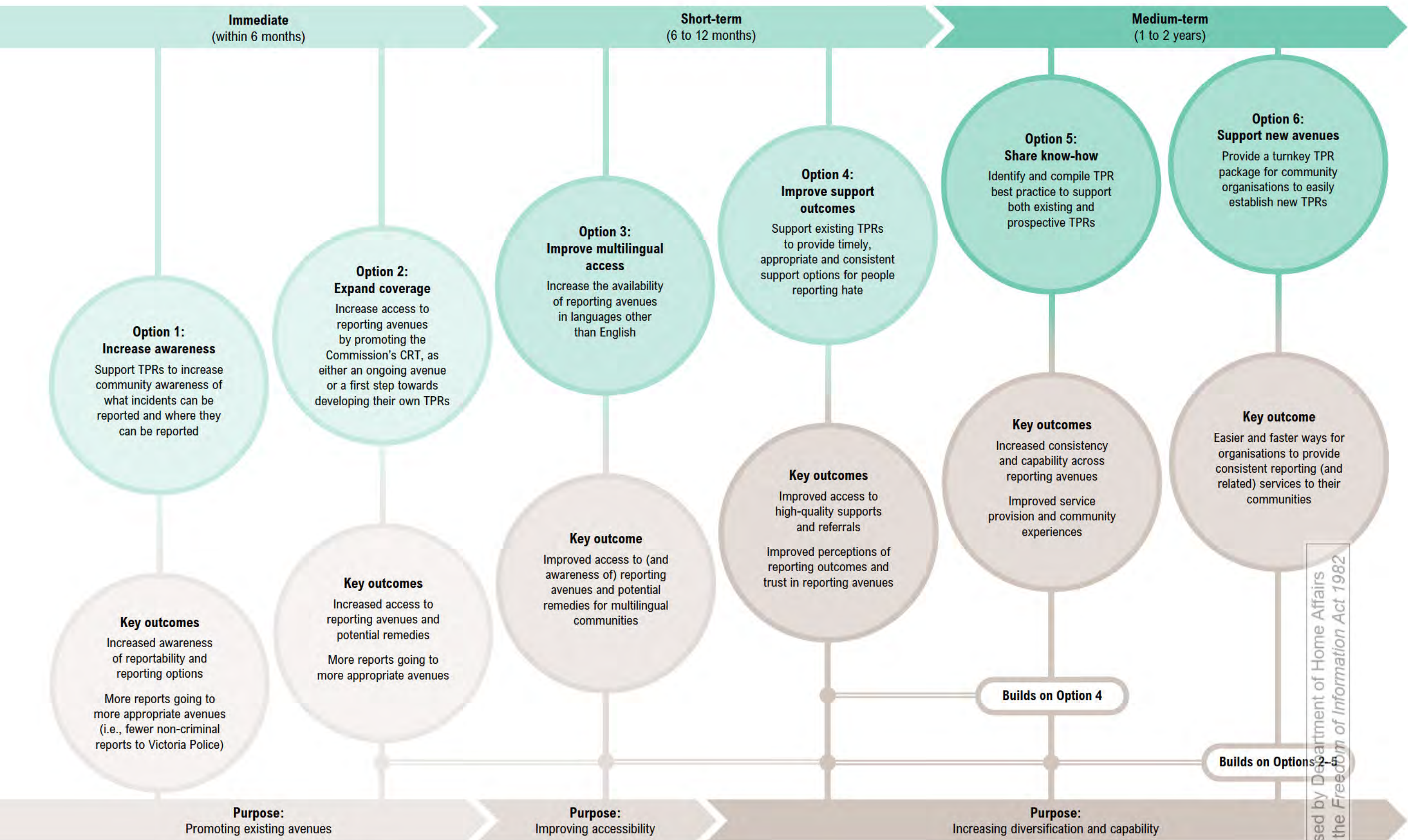
^x A fork is when someone copies a source code package and uses it to start new development separate from the original package. This generally happens for legitimate and good-faith reasons.

5.2 Recommended options

The options we recommend focus on the core reasons for reporting (see [5.1.1 Reasons for reporting](#)), and how actions to strengthen the third-party reporting landscape can support Victorians to access services that meet those reasons. The options also reflect the considerations and complexities explored above, and have an emphasis on community-centred work (see [5.1.3 Community-centred design and implementation](#)). Monitoring and evaluation will be needed to test and measure whether and how each option successfully achieves its intended outcomes (see [5.1.5 Building the evidence base](#) and [5.1.6 Complexities in changing behaviours](#)).

While each of the 6 options could be pursued in isolation, we have sequenced them in order of priority and anticipated feasibility from a budgetary perspective.

The following page shows these options in a proposed 2-year sequence, where later options build on the work done under earlier options, including the relationships and goodwill developed between government and communities and their reporting avenues. The outcomes of each option also build on and reinforce each other over time.



Option 1: Increase awareness (immediate)

This option involves supporting existing TPRs to increase community awareness of what hate incidents are and what people can do after a hate incident (where they can go, what they can access and how avenues protect them and their information).

Key activities in Option 1 are for:

- the Victorian Government to provide ongoing funding to TPRs, with a focus on TPRs that serve communities with changing membership (e.g., international students, temporary visa holders)
- TPRs to develop and roll out promotion campaigns and engagement activities through a range of channels (e.g., outreach, workshops, events).

These activities aim to achieve several outcomes, including:

- community members becoming more aware of reportability (see [3.1 Lack of awareness of an incident being reportable](#)) and reporting options (see [3.2 Lack of knowledge of reporting options](#)) – leading to higher reporting rates
- community members having fewer concerns about the negative consequences of reporting (see [3.4 Fear of negative consequences](#))
- community members reporting to more appropriate avenues – leading to, for example, Victoria Police receiving fewer reports of non-criminal incidents
- the Victorian Government having an improved awareness of hate incidents and an improved ability to make data-informed decisions on prevention and response strategies for racial and religious hate.

For full detail of resources, activities, outputs and outcomes for this option, see [its program logic in Appendix B](#).

The need for ongoing promotion and engagement

As noted in our international students consultation, promotion and engagement activities should be ongoing to make sure that they continue to reach successive waves of international students, temporary visa holders and other new members of the Victorian community. Support for ongoing promotion and engagement also allows new TPRs and hosts of the Commission's CRT to increase awareness about their new avenues (see [Option 2: Expand coverage](#) and [Option 6: Support new avenues](#)). Where possible, lessons and techniques from behavioural insights should be used to maximise the effectiveness of any awareness campaigns.

Community-specific engagement

As part of this option, there could also be engagement between TPRs and statutory avenues to help strengthen statutory avenues' understanding of community-specific manifestations and experiences of hate, similar to CSG's quarterly police training days (see [4.2.5 Jewish Emergency App](#)). If this is pursued, care should be taken to find a balance between empowering communities to be able to share directly with statutory avenue staff who receive

and process reports, and placing the onus on communities to educate statutory avenues at their own (emotional and financial) expense. There is also a risk that if only some communities engage with statutory avenues, these avenues may have an understanding of hate that is biased towards those communities' experiences and not others.

Using engagement to seek feedback

Active engagement activities could also be an opportunity for TPRs to seek and receive feedback from communities, particularly through in-person and interactive online engagement activities.

Option 2: Expand coverage (immediate)

This option is focused on communities without their own TPR and involves helping key community organisations know about and host the Commission's Community Reporting Tool (see [4.3.1 Victorian Equal Opportunity and Human Rights Commission](#)). This could be either as:

- an ongoing measure (e.g., the Victorian Arabic Social Services participated in the CRT's pilot phase in 2019 and continues to host the CRT)
- a first step to developing their own TPRs (e.g., the Islamic Council of Victoria also participated in the CRT's pilot phase, but later developed its own reporting avenue).

Key activities in Option 2 are for:

- the Commission to promote the CRT through their channels
- the Commission to provide set-up kits and support to CRT hosts, and to analyse and publish data on reports received through the CRT
- non-TPR organisations to opt-in to hosting the CRT and promote the CRT as a reporting avenues to their communities (see also [Option 1: Increase awareness](#))
- the Victorian Government to provide funding for the Commission to maintain and improve the CRT, and to handle an increased volume of reports.

These activities aim to achieve several outcomes, including:

- community members having increased access to reporting avenues and potential remedies (see [3.6 Lack of community-specific reporting avenues](#)), as well as increased awareness of reportability and reporting options – leading to higher reporting rates
- the Commission receiving increased reports through the CRT, and consequently providing more services to the Victorian community through its enquiries and dispute resolution functions
- non-TPR organisations becoming more aware of reporting as a function they could provide to their communities (either through their own TPR or the CRT)
- communities and organisations having increased awareness of the Commission and its functions, and increased engagement between these organisations and the Commission

- the Victorian Government and the Commission having an improved awareness of hate incidents and an improved ability to make data-informed decisions on prevention and response strategies for racial and religious hate.

For full detail of resources, activities, outputs and outcomes for this option, see [its program logic in Appendix B](#).

Note that the program logic is based on promotion to non-TPR organisations in general, however promotion could be directly targeted to specific trusted community organisations or trusted community organisations from communities which do not currently have their own reporting avenue.^y

Option 2 is primarily an expansion of the status quo. The Commission also explored the possibility of building upon this with a network of in-person reporting places based on the True Vision and Report Racism models explored in [4.4 Case studies: Hybrid third-party and statutory models](#); however, we assessed this as less feasible at this time (see [5.3.2 Re-establishing reporting places](#)).

Option 3: Improve multilingual access (short-term)

This option involves increasing the availability of reporting avenues in languages other than English. Most current TPRs (and the Commission's CRT) are only available in English.

Key activities in Option 3 are for:

- the Victorian Government to provide initial one-off funding for TPRs to translate their reporting forms (and additional funding when TPRs update their forms^z) and for the Commission to translate the CRT
- the Victorian Government to consider longer term funding for TPRs to be able to provide interpreter and/or translation services for in-person, verbal (phone) and written (online) reports (e.g., through the Australian Government's Translating and Interpreting Service)
- TPRs and the Commission to determine key community languages for their forms, coordinate translation, promote the availability of new languages, and collect and incorporate feedback from community members on multilingual access
- the Commission to also advise CRT hosts of the availability of other languages for the CRT, with the CRT hosts then promoting this availability through their own channels and advising the Commission of any feedback they receive.

^y Although we have not undertaken a detailed analysis, we are aware that several Victorian communities experiencing racism in recent years do not have formal reporting avenues (e.g., African communities, Arab communities, East and Southeast Asian communities outside of the COVID-19 context, Eastern European communities, Hindu communities, Middle Eastern communities, Nepalese communities, Sikh communities, South Asian communities).

^z The TPRs who participated in the Commission's consultations all noted that they have changed their forms and questions over time as a result of community feedback, continuous improvement and changing priorities.

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These activities aim to achieve several outcomes, including:

- community members having increased access to reporting avenues and potential remedies (see [3.6 Lack of community-specific reporting avenues](#)), as well as increased awareness of reportability and reporting options – leading to higher reporting rates
- Victoria Police receiving fewer reports of non-criminal incidents from community members who prefer or are more able to report in languages other than English
- the Victorian Government and the Commission having an improved awareness of hate incidents affecting people who prefer to report in non-English languages, and an improved ability to make data-informed decisions on prevention and response strategies affecting their communities.

For full detail of resources, activities, outputs and outcomes for this option, see [its program logic in Appendix B](#).

Option 4: Improve support outcomes (short-term)

This option involves assisting TPRs to ensure that they can provide timely and appropriate legal, psychological and social support options to people reporting hate – noting that these needs and supports might be different depending on the incident (e.g., if an incident is criminal in nature, if there is a risk of victimisation or other negative consequences for the target). This would be through warm referrals to appropriate services and/or individual support and case management. Two elements are key to this option:

- **Ongoing funding** will ensure that TPRs have time to build and refine appropriate support options, and that people affected by hate do not have sporadic or inconsistent access to appropriate supports. Not all TPRs may want to provide government-funded support options, and this may result in a subset of TPRs receiving this funding ('Support TPRs') which are subject to funding conditions.
- **Funding conditions for TPR support service delivery** will ensure that all communities with a Support TPR will be able to access a consistent and predictable baseline of support that is safe and delivered by well-trained and well-supported staff.^{aa} These should include consideration of the support needs of Support TPR staff (e.g., debriefing, clinical supervision where applicable),^{bb} as well as evaluation of the support services delivered.^{cc} Consultation on the funding conditions could include existing TPRs, key community organisations and potentially the Social Services Regulator.

^{aa} The Commission notes that training could include formal qualifications. If Support TPR staff are required to have minimum qualifications, these should be determined in consultation with TPRs. There should also be consideration of [the unintended consequences experienced during the implementation of mandatory minimum qualifications for Victorian specialist family violence practitioners](#).

^{bb} See [4.2.5 Jewish Emergency App](#) for an example of good practice on supporting TPR staff.

^{cc} Evaluation could consider outcomes such as access, awareness, satisfaction with the process and the support, and relevant wellbeing outcomes. Wherever possible, evaluations should be conducted with rigorous methods, validated measures and trauma-informed approaches, in line with evaluation best practice for community and social services.

Key activities in Option 4 are for:

- the Victorian Government to provide ongoing funding for TPRs that want to provide support options (and becoming Support TPRs) – this could be through funding agreements and processes modelled on those for other community services funded by the Victorian Government
- the Victorian Government and TPRs to collaborate on developing the funding conditions for Support TPRs
- prospective Support TPRs and existing Support TPRs to provide supports and warm referrals to people reporting hate, upskills existing staff and/or recruit new staff where needed, align with funding conditions, and identify support agencies and potential partnerships.

These activities aim to achieve several outcomes, including:

- community members receiving consistent, predictable and high-quality supports and referrals at the time when they report hate incidents
- community members having improved perceptions of reporting outcomes and the consequences of reporting, leading to improved trust in avenues and higher reporting rates (see [3.3 Lack of trust in reporting avenues](#) and [3.4 Fear of negative consequences](#))
- the Victorian Government and the Commission having an improved awareness of hate incidents and an improved ability to make data-informed decisions on prevention and response strategies for racial and religious hate.

For full detail of resources, activities, outputs and outcomes for this option, see [its program logic in Appendix B](#).

This option builds on **recommendation 27** of the Inquiry, for the Victorian Government to fund services that support communities affected by racial and religious hate.⁸¹

Recommendation 27 was aimed at reducing the burden of responsibility on individuals, prioritising culturally appropriate services, improving accessibility of supports, and helping address the effectiveness of Victoria's anti-vilification laws.⁸² This option also follows international practice in the area, particularly in the UK and Europe.⁸³

Based on the Commission's consultations, we do not expect all TPRs (either existing or prospective) would want to offer support options and referrals in the same way – this would be determined by the communities they serve. The funding conditions would apply only to TPRs receiving Victorian Government funding to provide support options and referrals.

As part of this option, formal agreements could be set up for the Commission and TPRs to make and receive warm referrals to each other.

Scaled version

A scaled version of this option (or an interim action to support this option) would be for existing TPRs to update their text-based reporting forms to automatically provide:

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- a list of relevant support services users can contact, possibly using keyword detection to determine which services might be most relevant – these would be cold referrals as opposed to the warm referrals of the full option above
- emotional processing and self-care exercises to help users in the moment as they make their report (see [4.2.7 Maya Cares](#) for an example of an existing avenue that provides these).

This interim action may require limited funding, depending on how existing TPRs have implemented their reporting forms (e.g., survey forms through Microsoft Forms or SurveyMonkey may need to be rebuilt or implemented on different platforms).

Option 5: Share know-how (medium-term)

This option involves identifying and compiling best practice processes and guidance for new and existing TPRs to share with each other, including around: ways of verifying, analysing and using reports and data; managing people's safety and risks or instances of victimisation; reporting back to users and community; ways of improving accessibility; data-handling practices, cybersecurity and privacy; and evaluation. This guidance should:

- draw from existing practices and expertise, as well as the funding conditions for TPR support service delivery (see [Option 4: Improve support outcomes](#))
- be presented in an approachable, non-prescriptive way to enable TPRs to tailor processes to their community's needs and contexts
- provide prospective TPRs with guidance on where they can start and how they can develop their avenue, including both an understanding of the risks of operating a TPR and reassurance that these risks can be controlled
- be able to be revised and updated as best practice changes over time
- consider True Vision's [guide for TPRs](#) on how to receive reports and support targets of hate (see [4.4.1 UK: True Vision](#)).

Key activities in Option 5 are for:

- the Victorian Government to consult on and lead development of best practice guidance, in collaboration with a working group of existing TPRs and the Commission, and with external advice where appropriate (e.g., on evaluation)
- existing TPRs to collaborate on developing the guidance
- both existing and prospective TPRs to adopt the best practice guidance and adapt them to their communities' needs and contexts.

These activities aim to achieve several outcomes, including:

- reporting avenues having opportunities to share knowledge and practice with each other
- communities having access to TPRs with better and more consistent practices
- fewer barriers for organisations to develop their own best-practice TPRs

- the Victorian Government having greater confidence in the consistency and (potential) comparability of reporting data – in turn contributing to an improved ability to make data-informed decisions on prevention and response strategies.

For full detail of resources, activities, outputs and outcomes for this option, see [its program logic in Appendix B](#).

Future directions for the working group

Over time, the working group could evolve into a community of practice for TPRs. Membership could include TPRs as core members, with the Commission and Victoria Police as observers and the Victorian Government (or agency) as secretariat. A community of practice could support coordination, collaboration, information-sharing, and continuing relationships and practice development between government, TPRs and statutory reporting avenues.

Integrating options 4 and 5

There is also the possibility of funding conditions for TPR support service delivery (see [Option 4: Improve support outcomes](#)) to expand and encompass the best practice identified in this option.

Option 6: Support new avenues (medium-term)

This option would involve the development of a turnkey TPR package available to any Victorian community. This would allow community organisations to implement reporting significantly faster and with the benefit of best practice building on the experience of existing TPRs. The turnkey package would include:

- best practice guidance (see [Option 5: Share know-how](#))
- an open-source code bundle for a text-based reporting platform available in multiple languages (see [Option 3: Improve multilingual access](#)) that prospective TPRs can choose to implement, tailor and own^{dd}
- funding conditions (for prospective TPRs interested in providing supports; see [Option 4: Improve support outcomes](#)).

The turnkey package could be provided either as something which prospective TPRs can access and implement entirely on their own, or alongside a grant round to provide one-off funding to organisations interested in establishing TPRs. This option could be an opportunity for the community organisations who became CRT hosts in [Option 2: Expand coverage](#) to determine whether they would like to continue as a CRT host or implement their own TPR.

Unlike hosting the CRT, this TPR would be something owned, hosted and maintained by community organisations. Reporting data would go directly to (and be held by) those organisations and not to the Commission.

^{dd} This could be based on the code for the Commission's CRT and should reflect existing TPR best practice. It should also be available in multiple languages (see [Option 3: Improve multilingual access](#)).

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Key activities in Option 6 are for:

- the Victorian Government to provide funding for, coordinate development and testing of, and organise hosting for the TPR's source code^{ee}
- the Victorian Government to promote availability of the turnkey TPR package and to consider the possibility of a grant round to support prospective TPRs to implement and embed the turnkey form
- existing TPRs without their own dedicated reporting platforms^{ff} to decide whether to adopt and adapt the turnkey to replace their existing system
- prospective TPRs to decide whether to adopt the turnkey (and adapt it where appropriate to their communities' needs and contexts)
- CRT hosts (including those that became CRT hosts in **Option 2: Expand coverage**) to decide whether they would like to become a TPR by adopting the turnkey to replace the CRT, or to continue as a CRT host.

These activities aim to achieve several outcomes, including:

- communities having a broader range of reporting avenues available to them, with new TPRs being set up with best practice processes, structures and forms
- Victoria Police receiving fewer reports of non-criminal incidents from members of communities that did not previously have a TPR
- the Victorian Government having an improved awareness of hate incidents across more communities and an improved ability to make data-informed decisions on prevention and response strategies.

For full detail of resources, activities, outputs and outcomes for this option, see **its program logic in Appendix B**.

The idea of a turnkey TPR builds on the existing precedent of new TPRs modelling their reporting forms off existing ones. For example, the Asian Australian Alliance, Call It Out and Maya Cares all consulted with or modelled their forms off the Islamophobia Register. This means that the Islamophobia Register's form is one possible base for the turnkey's form. The working group established in **Option 5: Share know-how** could advise on the turnkey form.

^{ee} The source code is the underlying code for a software program, application, website or form. In this instance, the code would be for the frontend of the reporting platform (i.e., what the form looks like and how it works for a user) and its backend (i.e., how it works behind the scenes, including how the reporting platform collects and stores data).

^{ff} For example, TPRs which use survey platforms like SurveyMonkey to collect data.

5.3 Options assessed as less feasible or lower impact

The Commission also considered several potential options that, following consultation and initial exploration, we have assessed as being less feasible or having a lower likely impact than the recommended options above.

5.3.1 Data sharing between statutory and third-party reporting avenues

Reporting avenues collect a large amount of data on racial and religious hate in Victoria. Data is important to inform both prevention and response strategies, and to help measure the effectiveness of these strategies.

There is potential to expand work under **recommendation 34** of the Inquiry⁸⁴ to harmonise data collection through information sharing agreements and practices. However, the differences in how reporting avenues collect, manage, verify and use data – as well as different thresholds for what incidents are reportable and the potential for the same incident to be reported multiple times by multiple people to multiple avenues – mean that data from multiple avenues should not be combined into or presented as a single dataset. Any reports or dashboards which present data from multiple avenues should present the different data streams separately and be transparent about how data is collected and analysed (e.g., definitions, thresholds, changes in practices).

Although this option may provide some benefit to government, it is unlikely to provide the same level of benefit for communities or TPRs as the recommended options above. In consultations, some community members did express interest in being able to see data reports and dashboards as an outcome of their reports.

This option may also require new roles or training for existing roles in TPRs to coordinate reporting to government. This option would also require exploration of how affected communities feel about the sharing of data provided and held by community. If this option is pursued, it could be developed as part of **Option 5: Share know-how** and should consider True Vision's [information sharing agreements](#) between police and key TPRs (see **4.4.1 UK: True Vision**).

5.3.2 Re-establishing reporting places

The case studies of hybrid third-party/statutory reporting models (see **4.4.1 UK: True Vision** and **4.4.2 Victoria: Report Racism**) demonstrate how in-person reporting could be implemented through trusted community organisations.

Although the Report Racism pilot was resource-intensive at the time, a leaner version of its model could be achieved using the CRT and its existing network of hosts. CRT hosts could become reporting places by providing in-person services to facilitate reports to the Commission via the CRT.

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There are 2 main approaches to this: CRT hosts could determine themselves whether to become reporting places, or CRT hosts could be selected and designated as reporting places. The latter would require more coordination and resourcing, but it would likely result in more evenly distributed coverage across communities and regions.

A leaner Report Racism model would involve:

1. CRT hosts that want to become reporting places deciding how to implement facilitated reporting based on their context and capacity (e.g., integrating the facilitation role into their existing general service provision, integrating it into the roles of designated existing staff, creating new dedicated staff positions).
2. The Commission developing and providing guidance to reporting places on how to facilitate reports, support targets of hate and safeguard staff wellbeing. This could be through an e-learning module and companion guidance (possibly modelled on True Vision's [resources for reporting places](#)). Reporting places would also need to ensure they are trained in trauma-informed practice.
3. The Commission maintaining ongoing relationships with reporting places in order to provide support or information as needed. If resourcing permitted, this could be a formal network or community of practice of reporting places.

Re-establishing reporting places could be challenging and resource intensive. Further work would be needed to scope it and determine its viability and feasibility in the current environment. Anecdotally, the Commission has heard that councils – which are currently the largest cohort of CRT hosts (see [Appendix A](#)) – are experiencing capacity and resourcing constraints that would limit their ability to become reporting places. Engagement with community organisations that are CRT hosts would be needed to understand their capacity and interest in becoming reporting places.

This option faces the same risks as those noted in [5.1.7 Key risks](#). However, in-person reporting brings additional challenges and risks, including the risk that reporting place staff would be exposed to challenging behaviours. As with [Option 4: Improve support outcomes](#), there would be a need for an investment in trauma-informed practice training to receive reports, as well as a need for comprehensive and coordinated risk identification, mitigation and management across reporting places.

5.3.3 Online navigator model

This option would create an online portal to help people navigate reporting and support options after experiencing or witnessing a hate incident. It could be similar to [Ask Izzy](#) or other support portals.

Although this option may provide some benefit to community members, it would require significant ongoing promotion to cement it as the go-to place after an incident. It would also duplicate existing websites, including the Commission's [Reducing Racism Hub](#) (and [services directory](#)) and All Together Now's [Reporting Racism Clearing House](#). There could be greater impact from instead promoting these existing portals and ensuring they are as accessible and usable as possible.

5.3.4 In-person navigator model

This option would provide face-to-face navigators at key locations across the state to help people navigate reporting and support options after experiencing or witnessing a hate incident. It could be similar to existing peer navigator programs, such as those for [trans and gender diverse Victorians](#) or [people with mental health challenges in Western Australia](#).

The navigators could be entirely new roles or expansions of existing similar roles based in (or accessible from) council offices, community legal centres, libraries and local health clinics. A 2024 Victorian study found that 71.8% of its survey respondents felt that locally-provided support services were important or very important, and 60.7% of respondents preferred to speak to someone in-person to report racism.⁸⁵ The navigators could also be members of or have relationships with local anti-racism support networks (see [4.2.9 Potential new place-based avenues](#)).

Although there is community desire for in-person reporting and support, this option is currently less feasible due to the cost involved. The Commission recommends it for longer-term consideration.

5.3.5 Government-led expansion of third-party reporting

This option is similar to [Option 6: Support new avenues](#) as it would provide a turnkey TPR package. However, this option would involve the Victorian Government identifying communities without TPRs and directly providing them with the turnkey TPR package and funding to implement. By comparison, Option 6 involves communities choosing whether to adapt and adopt the turnkey package.

The Commission recommends that any expansion of third-party reporting should be community-led and -governed, with government support.

5.4 Options assessed as not feasible

Finally, the Commission considered 3 potential options that, following consultation and initial exploration, we have assessed as not being feasible:

5.4.1 New community-owned reporting avenue for all communities

This option would be a wholly community-owned and -operated reporting avenue. This would effectively be a third-party version of the Commission's CRT, operating in parallel with the CRT. This option would involve significant investment and result in significant duplication (as well as potential community confusion). It also does not account for the unique issues and priorities of each of Victoria's communities affected by hate, and it would necessitate the creation and negotiation of new governance and ownership structures and agreements.

5.4.2 Expansion of existing TPRs to other communities

This option would involve existing TPRs accepting reports of hate incidents against other communities (e.g., the Islamophobia Register receiving and handling non-Islamophobia). Each TPR has been developed by community for community, and this option would be inappropriate and would likely damage trust and relationships with TPRs and communities.

5.4.3 Exploration of improvements for users and operators

This option would involve funding for TPR-specific user research and implementation of changes. The Commission heard through consultations that responsiveness to user feedback is already part of ongoing practice for TPRs.

All the recommended options above do include improvements for users and operators, and there is potential for government to fund deeper user research that also considers barriers to reporting in user interfaces and user experience. This research could engage and integrate behavioural change design, implementation and testing expertise (e.g., through the Victorian Government's Behavioural Insights Unit).

Appendix A. Organisations hosting the CRT (as of July 2024)

The following organisations host an embedded version of the Commission's CRT on their website:

Local councils	Other organisations
Benalla Rural City	AMES Australia
Brimbank City Council	Religions for Peace Australia
Cardinia Shire Council	Switchboard
City of Ballarat	Tenants Victoria
City of Greater Bendigo	Victorian Arabic Social Services
City of Monash	
Greater Shepparton City Council	
Horsham Rural City Council	
Knox City Council	
Loddon Shire Council	
Maribyrnong City Council	
Melton City Council	
Merri-bek City Council	
Yarra City Council	

The following organisations link to the Commission's CRT from their website:

Local councils	Other organisations
City of Boroondara	Centre for Multicultural Youth
City of Darebin	Oakleigh Golf Club
City of Greater Geelong	Victorian Legal Services Board and Commissioner
City of Melbourne	Whittlesea Community Connections
Colac Otway Shire	
Glen Eira City Council	
Greater Dandenong City Council	

Appendix B. Program logic models for recommended options

The following pages outline the full program logic models for the 6 recommended options explored in [5.2 Recommended options](#). Each program logic provides an overview of their anticipated resources, activities, outputs and outcomes.⁹⁹

The outcomes generally link to the identified barriers and challenges (see [3 Barriers to reporting](#) and [5.1.2 Operational challenges for reporting avenues](#)) to demonstrate how each option intends to address the problems identified through this project.^{hh}

⁹⁹ This options paper draws from the program logic approach in Lisa Wyatt Knowlton and Cynthia C Phillips, *The logic model guidebook: Better strategies for great results* (SAGE, 2nd edition, 2012).

^{hh} Note that the resources and activities listed are not exhaustive. In addition, as some communities experience certain barriers differently, the anticipated outcomes and their timing may differ between communities.

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government Funding for TPR promotion and engagement activities	Victorian Government Provide ongoing funding to TPRs, with a focus on TPRs that serve communities with changing membership (e.g., international students, temporary visa holders)	Number of people reached through promotion activities Number of people reached through engagement activities	People reached by campaigns and engagement - Increased awareness of reportability (see 3.1 Lack of awareness of an incident being reportable) - Increased knowledge of reporting options they can access (see 3.2 Lack of knowledge of reporting options) - Reduced concern about negative consequences of reporting (see 3.4 Fear of negative consequences) - Reduced reporting to non-appropriate avenues (e.g., reporting non-criminal incidents to police)	Immediate contacts of people reached by campaigns and engagement (e.g., family, friends) - Increased awareness of reportability - Increased knowledge of reporting options they can access - Reduced concern about negative consequences of reporting - Reduced reporting to non-appropriate avenues (e.g., reporting non-criminal incidents to police)	Broader communities using reporting avenues - Increased awareness of reportability - Increased knowledge of reporting options they can access - Reduced concern about negative consequences of reporting - Reduced reporting to non-appropriate avenues (e.g., reporting non-criminal incidents to police)
TPRs Communications and engagement staff and/or volunteers	TPRs - Develop and roll out promotion campaigns - Engage with community through multiple channels (e.g., outreach, workshops, events)			Victoria Police - Fewer reports of non-criminal incidents received - Fewer resources dedicated to receiving non-criminal hate incident reports	Victorian Government - Improved awareness of hate incidents - Improved ability to make data-informed decisions on prevention and response strategies - Increased community trust of government from supporting these communities

Program logic for **Option 2: Expand coverage**

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government Funding for the Commission to maintain the CRT and handle increased reports	Victorian Government Provide funding to the Commission to maintain and improve the CRT and handle increased reports	Number of non-TPR organisations that express interest in becoming CRT hosts	Communities served by new CRT hosts - Increased access to reporting avenues and potential remedies (see 3.6 Lack of community-specific reporting avenues) - Increased knowledge of reporting options (see 3.2 Lack of knowledge of reporting options)	Commission - Increased reports through the CRT - Increased enquiries handled - Increased complaints received and resolved	CRT hosts - Increased awareness of desirability and feasibility of an own-built TPR for the communities they serve (see also Option 6: Support new avenues) - Improved ability to make data-informed decisions on advocacy and community engagement
Commission - CRT set-up kits (already developed and currently available) - Relevant stakeholder lists	Commission - Promote the CRT through Commission channels - Provide CRT set-up kits and support - Analyse and publish data on reports received through the CRT	Number of non-TPR organisations that become CRT hosts			
Non-TPR organisations Staff to update each organisation's website	Non-TPR organisations - Opt-in to hosting the CRT - Embed the CRT on website - Promote the CRT through their own channels (see also Option 1: Increase awareness)	Number of communities without TPRs that begin hosting the CRT	Non-TPR organisations Increased awareness of reporting as a function they could provide (either through their own TPR or the CRT)	Victoria Police - Fewer reports of non-criminal incidents received from communities without a TPR - Fewer resources dedicated to receiving non-criminal hate incident reports	Victorian Government - Improved awareness of hate incidents affecting communities which did not previously have a TPR - Improved ability to make data-informed decisions on prevention and response strategies
		Number of Victorian communities served by CRT host organisations	Commission - Increased awareness of the Commission and its functions among non-TPR organisations - Increased engagement between the Commission and non-TPR organisations		Commission Improved ability to make data-informed decisions on policy, engagement, investigations and other work

Program logic for **Option 3: Improve multilingual access**

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government - Funding for translation of forms (potentially through a grant) - Potential funding for TPR provision of interpreter and/or translation services	Victorian Government - Provide initial one-off funding for TPRs to translate their reporting forms (and additional funding when TPRs update their forms) - Provide one-off funding for the Commission to translate the CRT - Consider longer term funding for TPRs to be able to provide interpreter and/or translation services for in-person, verbal (phone) and written (online) reports	Number of languages TPRs have translated their forms into Number of languages the Commission has translated the CRT into	Communities served by TPRs - Improved access to reporting avenues and potential remedies (see 3.6 Lack of community-specific reporting avenues) - Improved accessibility of reporting avenues and potential remedies (see 3.7 Accessibility of reporting avenues)	Commission - Increased reports through the CRT - Increased enquiries handled - Increased complaints received and resolved	Victorian Government - Improved awareness of hate incidents affecting people who prefer or are more able to report in languages other than English - Improved ability to make data-informed decisions on prevention and response strategies
	TPRs - Determine key community languages for their forms - Coordinate translation of their forms - Promote the availability of other languages - Collect and incorporate feedback on multilingual access	Number of languages that reporting avenues are available in	Communities served by CRT hosts Increased access to reporting avenues and potential remedies	Victoria Police - Fewer reports of non-criminal incidents received from people who prefer or are more able to report in languages other than English - Fewer resources dedicated to receiving non-criminal hate incident reports	Commission Improved ability to make data-informed decisions on policy, engagement, investigations and other work
	Commission - Determine key community languages for the CRT - Coordinate translation of the CRT - Advise CRT hosts of the availability of other languages for the CRT - Collect and incorporate feedback on multilingual access	Number of people accessing TPRs in each new language			
	CRT hosts - Promote the availability of other languages for the CRT through their own channels - Collect feedback on multilingual access to provide to the Commission	Number of people accessing the CRT in each new language			

Program logic for **Option 4: Improve support outcomes**

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government - Funding for TPRs to improve support options (potentially through a grant or service agreement) - Funding conditions for TPR support service delivery - Funding for Support TPRs to meet the funding conditions	Victorian Government - Provide ongoing funding for TPRs to provide support options (as Support TPRs) - Consult on and lead development of support-related funding conditions - Consider expanding interpreter and/or translation services to TPR support options (see Option 3: Improve multilingual access)	Number of TPRs that apply for funding to provide support options Number of TPRs that receive funding to provide support options	Users of TPR support options - Improved perceptions of reporting outcomes (see 3.3 Lack of trust in reporting avenues) - Reduced concern about negative consequences of reporting (see 3.4 Fear of negative consequences) - Increased trust in reporting avenues (see 3.3 Lack of trust in reporting avenues)	Immediate contacts of users of TPR support options (e.g., family, friends) - Improved perceptions of reporting outcomes - Reduced concern about negative consequences of reporting - Increased trust in reporting avenues	Broader communities using reporting avenues - Improved perceptions of reporting outcomes - Reduced concern about negative consequences of reporting - Increased trust in reporting avenues
	TPRs without support options - Contribute to development of funding conditions - Determine what support options and referrals can and should be provided - Upskill existing staff and/or recruit new staff - Provide support to people reporting hate - Identify support agencies for referrals - Identify community-specific support agencies for potential partnerships - Provide warm referrals for people reporting hate to appropriate supports where the TPR cannot provide support directly - Align with funding conditions	Number of TPRs that adopt the funding conditions Number of roles created to deliver support options	Broader communities using reporting avenues Improved access to consistent, predictable and high-quality supports and referrals		Victorian Government - Improved awareness of hate incidents - Improved ability to make data-informed decisions on prevention and response strategies
	TPRs with existing support options - Contribute to development of funding conditions - Determine what further support options and referrals can and should be provided - Upskill existing staff and/or recruit new staff where necessary - Continue providing support to people reporting hate - Align with funding conditions	Number of community-specific support agencies engaged	TPRs - Strengthened relationships with community-specific support agencies - Expanded service provision for the communities they serve		

Program logic for **Option 5: Share know-how**

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government - Staff to compile and develop best practice guidance - Potential partnership with the Commission to support the working group and guidance development	Victorian Government - Convene a working group of existing TPRs and the Commission to support identifying and developing best practice - Consult on and lead development of best practice guidance, including engaging external advice where appropriate (e.g., on evaluation) - Promotion of best practice guidance (and its benefits) once developed	- Number of TPRs represented on the working group - Number of existing TPRs accessing and using the guidance	Broader communities served by TPRs Access to TPRs with better and more consistent practices	Communities without TPRs Increased likelihood of having access to a TPR	Broader communities using reporting avenues - Increased awareness of how their reports are used and the outcomes of TPRs - Improved perceptions of the safety of reporting experiences (see 3.4 Fear of negative consequences) - Improved management of instances of victimisation - Increased trust in reporting avenues (see 3.3 Lack of trust in reporting avenues)
Existing TPRs Staff to collaborate on the guidance	Existing TPRs - Collaborate on developing best practice guidance - Adapt and adopt best practice guidance to community needs and contexts	Number of prospective TPRs accessing and using the guidance	TPRs - Increased opportunities to share knowledge and practice with other TPRs - More consistent service provision for the communities they serve	Communities served by new TPRs - Increased access to reporting avenues and potential remedies (see 3.6 Lack of community-specific reporting avenues) - Increased knowledge of reporting options (see 3.2 Lack of knowledge of reporting options)	Victorian Government - Improved confidence in the consistency and (potential) comparability of reporting data - Improved ability to make data-informed decisions on prevention and response strategies - Ongoing relationships with TPRs
	Prospective TPRs Adapt and adopt best practice guidance to community needs and contexts	Number of organisations expressing interest in developing their own TPR	Prospective TPRs Improved capability and easier process to develop a robust TPR		

Program logic for **Option 6: Support new avenues**

Resources	Activities	Outputs	Short-term outcomes (3–6 months)	Intermediate-term outcomes (6–12 months)	Long-term outcomes (1–3 years)
Victorian Government - Funding for TPR source code development - Development and testing team - Hosting for source code - Potential funding for prospective TPRs to be established	Victorian Government - Provide funding for and coordinate development and testing of the TPR source code - Organise hosting for source code - Promote availability of the turnkey TPR package - Consider opening a grant round to support prospective TPRs to implement and embed the turnkey form	Number of downloads of the turnkey TPR package Number of existing TPRs adopting the turnkey (e.g., to replace use of a survey platform to collect reports)	Existing TPRs without reporting platforms Improved reporting service provision for the communities they serve	Communities served by new TPRs - Increased access to reporting avenues and potential remedies (see 3.6 Lack of community-specific reporting avenues) - Increased knowledge of reporting options (see 3.2 Lack of knowledge of reporting options)	Broader communities served by TPRs (when this option is combined with proceeding options) - Improved perceptions of reporting outcomes - Reduced concern about negative consequences of reporting - Increased trust in reporting avenues
	Existing TPRs without dedicated reporting platforms Determine whether they would like to adopt the turnkey to replace their existing system	Number of prospective TPRs adopting the turnkey	Prospective TPRs Easier and faster process to provide new services for their communities	Victoria Police - Fewer reports of non-criminal incidents received from communities without a TPR - Fewer resources dedicated to receiving non-criminal hate incident reports	Victorian Government Improved ability to make data-informed decisions on prevention and response strategies
	Prospective TPRs Adapt and adopt the turnkey	Number of CRT hosts adopting the turnkey	CRT hosts Improved (direct) service provision for the communities they serve		
	CRT hosts Determine whether they would like to become a TPR by adopting the turnkey to replace the CRT	Total number of times the turnkey has been adopted			

Endnotes

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- 74 Megan Ann Campbell et al, 'Contribution of Aboriginal Community-Controlled Health Services to improving Aboriginal health: An evidence review' (2018) 42(2) *Australian Health Review* 218.
- 75 Peucker et al (n 13).
- 76 PwC's Indigenous Consulting (n 67).
- 77 Paschal Sheeran and Thomas L Webb, 'The intention-behavior gap' (2016) 10(9) *Social and Personality Psychology Compass* 503.
- 78 Vincent Petit, *The behavioural drivers model: A conceptual framework for social and behaviour change programming* (UNICEF, 2019) <<https://www.unicef.org/mena/reports/behavioural-drivers-model>>.
- 79 Dolores Albarracín, Bita Fayaz-Farkhad and Javier A Granados Samayoa, 'Determinants of behaviour and their efficacy as targets of behavioural change interventions' (2024) 3(6) *Nature Reviews Psychology* 377.
- 80 Kevin Wong and Kris Christmann, 'Increasing hate crime reporting: narrowing the gap between policy aspiration, victim inclination and agency capability' (2016) 14(3) *British Journal of Community Justice* 5.
- 81 Legislative Assembly Legal and Social Issues Committee (n 4) 194.
- 82 Ibid 193.

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Reporting racial and religious hate: Options for improving third-party reporting avenues

⁸³ European Union Agency for Fundamental Rights (n 15); Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR) (n 37).

⁸⁴ Legislative Assembly Legal and Social Issues Committee (n 4) 220.

⁸⁵ Peucker et al (n 13).

From: s.22(1)(a)(ii)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Action items - Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]
Date: Monday, 28 April 2025 8:46:46 AM
Attachments: [image001.png](#)

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Dear Hate Crimes Secretariat

Thank you for providing the NSW Department of Communities and Justice the opportunity to review the revised terms of reference for the Hate Crimes and Incidents Database Working Group and for the opportunity to contribute our views on targeted stakeholder consultation on the database. We apologise for the delay in responding to you.

We have no issue with the revised terms of reference.

We consider that peak bodies representing groups with attributes that are covered by the Commonwealth hate crime amendments that were passed earlier this year should be included in the consultation. These attributes include:

- Aboriginal and Torres Strait Islander peoples
- Communities with diverse ethnic, cultural and linguistic backgrounds
- Religious communities
- People with disability
- People who identify as LGBTIQ+ or have HIV/AIDS status

In NSW there are many groups that represent communities with these attributes. These peak groups provided written submissions and attended roundtables as part of the NSW Law Reform Commission's 2024 review, *Serious Racial and Religious Vilification*. Appendices A and B of the Commission's report contain the details of these peak groups. A list of stakeholders who made submissions to the review can also be viewed here: <https://lawreform.nsw.gov.au/completed-projects/recent/section-93z/submissions.html>

The NSW Government has established a Faith Affairs Council and an LGBTIQ Advisory Council to advise the Government on matters relating to these communities. s. 47C(1) [REDACTED]
[REDACTED]

Details of the Faith Affairs Council members can be accessed at this link:

<https://multicultural.nsw.gov.au/media-releases/nsw-faith-affairs-council-starts-work/>

Details of the LGBTIQ+ Advisory Council members can be accessed at this link:

<https://www.nsw.gov.au/departments-and-agencies/premiers-department/lgbtiq>

Please contact me if we can be of any further assistance.

s.22(1)(a)(ii)
A/Director

Law Enforcement and Crime Team
Policy, Reform and Legislation Branch
Department of Communities and Justice

s.22(1)(a)(ii)

www.dcj.nsw.gov.au

From: s.22(1)(a)(ii)

Sent: Thursday, 24 April 2025 11:12 AM

To: s.22(1)(a)(ii)

Subject: RE: Action items - Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]

s. 47C(1)

s.22(1)(a)(ii)

Acting Deputy Secretary

Law Reform and Legal Services Division

s.22(1)(a)(ii)

Executive support: s.22(1)(a)(ii), Senior Executive Assistant |
E s.22(1)(a)(ii)

From: s.22(1)(a)(ii)

Sent: Wednesday, 23 April 2025 5:58 PM

To: s.22(1)(a)(ii)

Subject: RE: Action items - Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]

s. 47C(1)

s.22(1)(a)(ii)

s. 47C(1)

s.22(1)(a)(ii) s. 47C(1)

Cheers,

s.22(1)(a)(ii)

From: s.22(1)(a)(ii)

Sent: Wednesday, 23 April 2025 4:44 PM

To: s.22(1)(a)(ii)

Subject: FW: Action items - Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]

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under the Freedom of Information Act 1982

His.22(1)(a)(ii)

s. 47C(1)

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under the *Freedom of Information Act 1982*

s. 47C(1)

s.22(1)(a)(ii)

A/Director

Law Enforcement and Crime Team
Policy, Reform and Legislation Branch
Department of Communities and Justice

s.22(1)(a)(ii)

www.dcj.nsw.gov.au



From: s.22(1)(a)(ii)

Sent: Tuesday, 22 April 2025 9:04 AM

To: s.22(1)(a)(ii)

Subject: FW: Action items - Meeting 1 - Hate Crimes and Incidents Database Working Group
[SEC=OFFICIAL:Sensitive]

Sorry s.22(1)(a)(ii) – I didn't realise you weren't on this one. Apologies.

s.22(1)(a)(ii)

Acting Deputy Secretary

Law Reform and Legal Services Division

s.22(1)(a)(ii)

Executive support: s.22(1)(a)(ii), Senior Executive Assistant |

E: s.22(1)(a)(ii)

s.22(1)(a)(ii)

From: s.22(1)(a)(ii)
To:
Cc:
Subject: RE: Working Group Workshop - Definitions - Hate Crimes and Incidents Database [SEC=OFFICIAL:Sensitive]
Date: Friday, 9 May 2025 7:33:46 AM
Attachments: working copy ST comparison - existing definition of a hate crime and hate incident final.docx

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Good morning,

Please find an updated table from Vic Pol as I was advised that there were a few changes to the Victorian column which were outdated.

Regards

s.22(1)(a)(ii) | Commander
Crime Command | Victoria Police
s.22(1)(a)(ii)
website: www.police.vic.gov.au | www.vicpolice.vic.gov.au

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-----Original Appointment-----
From: s.22(1)(a)(ii)
Sent: Friday, 2 May 2025 2:20 PM
To: s.22(1)(a)(ii)
Subject: FW: Working Group Workshop - Definitions - Hate Crimes and Incidents Database [SEC=OFFICIAL:Sensitive]
When: Friday, 16 May 2025 1:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: Microsoft Teams

-----Original Appointment-----
From: s.22(1)(a)(ii)
Sent: Monday, 28 April 2025 2:57 PM
To: s.22(1)(a)(ii)

Inverarity, Tara;
Swinbourne, Emma; s.22(1)(a)(ii)

Cc: s.22(1)(a)(ii)
Subject: Working Group Workshop - Definitions - Hate Crimes and Incidents Database [SEC=OFFICIAL:Sensitive]
When: Friday, 16 May 2025 1:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: Microsoft Teams

OFFICIAL: Sensitive

Good afternoon all,

Please see the following invite for the upcoming workshop on potential definitions of a hate crime and hate incident, including protected attributes.

Working Group members are welcome to attend, or nominate appropriate subject matters experts to attend on their behalf. The outcomes of the workshop will be discussed at the next Working Group meeting.

Update: Attached is a draft comparative overview of definitions in advance of the workshop, to support the discussion. We would be grateful if you can review the document and provide any updates or changes prior to the workshop.

Kind regards

Secretariat
Hate Crimes and Incidents Database Working Group
s.22(1)(a)(ii)

Microsoft Teams [Need help?](#)
s.22(1)(a)(ii)

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