

# WHAT YOU NEED TO KNOW

## RACIAL AND RELIGIOUS TOLERANCE ACT

### Maintaining a vibrant and diverse Victoria

Victorians come from diverse ethnic, cultural and religious backgrounds. It is this rich diversity that underpins Victoria's economic and social development and contributes to a vibrant and harmonious society.

In order to protect our way of life and to continue to reap the benefits of a multicultural society, the Government has introduced legislation to ensure that all Victorians live without fear of racial and religious vilification. This new legislation, the Racial and Religious Tolerance Act, makes racial and religious vilification unlawful and provides a mechanism for victims to have their complaints heard and to seek redress.

This is especially important for Victorians from diverse linguistic, cultural and ethno-religious backgrounds whom the legislation seeks to protect from extreme behaviour. All Victorians have a responsibility to respect other cultures and religions. By providing a balance through the inclusion of both rights and responsibilities, the legislation seeks to achieve mutual respect between all racial and religious groups.

The term "racial and religious vilification", includes behaviour that conveys serious racial and religious intolerance through actions that seriously malign, abuse or derogate people or groups because of their racial or religious background. Actions can include intimidation, damage to property, graffiti and expressions of hatred or contempt. The legislation also extends to communications over the Internet.

### The Racial and Religious Tolerance Act

The Racial and Religious Tolerance Act is effective from 1 January 2002.

The Act provides an inexpensive and accessible avenue of redress for all Victorians who feel they have been victims of vilifying behaviour based on their racial or religious backgrounds. As well as providing rights for victims of racial vilification, the legislation places responsibility on the residents of Victoria not to engage in behaviour that promotes hatred or contempt.

The legislation provides for both civil redress and criminal sanctions. The civil provisions apply to behaviour that is sufficiently serious to incite hatred, contempt or revulsion. The criminal offence is confined to behaviour that has the intent of inciting hatred, serious contempt or severe ridicule.

### What does the Act cover?

Under the legislation vilification will be unlawful where it occurs in public and also where it occurs in private in circumstances that could reasonably be expected to be heard or observed by a third party.

Examples of behaviour that may be covered by the new Act include:

- writing racist graffiti in public places;
- making racist speeches at a public rally;
- displaying racist posters or stickers in a public place;
- vilifying racist or religious abuse in a public place; and
- offensive racist comments in a publication, including Internet and e-mail.

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All Victorians.*

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The legislation acknowledges the importance of freedom of expression, while at the same time protecting the rights of all citizens to participate in society as equals. It includes exceptions for conduct or discussion that is engaged in reasonably and in good faith in relation to:

- an artistic work or performance;
- a statement, publication, discussion or debate for any genuine academic, artistic, religious or scientific purpose or which may be considered in the public interest; and
- a fair or accurate report on a matter of public interest.

### Racial and religious vilification in the workplace

One important aspect of the legislation is that employers will be required to ensure that workplaces are free of racial and religious vilification. The purpose of this provision is to make workers feel comfortable in their employment, resulting in greater workplace harmony and productivity.

Employer guidelines have been developed to assist employers create workplaces that are free from vilifying behaviour. These guidelines are available on the websites listed below.

### How to make a complaint under the legislation

If you are the victim of racial or religious vilification you should contact the Equal Opportunity Commission Victoria (EOCV). The EOCV will assist you in formulating a complaint and will investigate the matter. If there is a case, the EOCV will undertake to resolve the complaint through the conciliation process. While the focus of the legislation is on resolution through conciliation, if conciliation is unsuccessful, matters can be referred to the Victorian Civil and Administrative Tribunal.

If the vilifying behaviour includes a potential criminal offence, the matter will be referred to Victoria Police. Criminal prosecution by Victoria Police is a separate process to any EOCV investigation.

There are no charges for lodging a complaint with the EOCV and it is not necessary to have legal representation during the conciliation process.

### Representative complaints

If you are uncomfortable with lodging a complaint your complaint can be lodged by another person or by a representative body, such as an ethnic community organisation, or a religious organisation.

#### More information

If you need more information or want to make a complaint, you can contact:

Equal Opportunity Commission Victoria  
Level 3  
380 Lonsdale Street  
Melbourne, Victoria 3000

**Telephone:** 1800 13 41 42  
9281 7100 (for calls made in  
Melbourne)

**Website:** [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au) or  
[www.dpc.vic.gov.au](http://www.dpc.vic.gov.au)

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