

## Abstract

In June 2009 the Victorian Sentencing Council was asked to urgently advise the Attorney-General as to how the Sentencing Act 1991 (VIC) could be amended so that where an offence is motivated by hate or prejudice against a particular group (for example based on their race, religion, ethnicity, disability or sexual orientation) this motivation is taken into account as an aggravating circumstance at the time of sentencing. The Council was not asked to advise on the merit of amending the Victorian Act but rather the form of such an amendment.

In this presentation, Arie Freiberg (the chair of the Council) and Felicity Stewart (the Council's Principal Legal Policy Officer) discuss the context in which the reference occurred, the Council's advice to the Attorney-General and the developments in Victoria since the advice was provided.