

**Supplementary
Submission
No 58a**

INQUIRY INTO ANTI-VILIFICATION PROTECTIONS

Organisation: Aleph Melbourne

Date Received: 20 May 2020



The Committee Manager
Legislative Assembly Legal and Social Issues Committee
Parliament House, Spring Street
East Melbourne VIC 3002

LA LSIC - AVP INQUIRY
SUBMISSION NO. 58
SUPPLEMENTARY EVIDENCE

May 20 2020

To the Committee

In response to the Committee's email of May 8 calling for supplementary submissions relating to incidents of vilification connected to the coronavirus pandemic, we are providing examples of two incidents for consideration.

The first incident occurred on March 30 2020 when Melbourne's Jewish radio station J-AIR 87.5FM broadcast a syndicated interview in which the following claim was made:

"the pandemic is an exact designer drug ... that will remove ... problems ... in the form of homosexuality and gays"

Details of this incident, including the full quote and relevant section of audio, are available on our website:

<https://aleph.org.au/2020/04/02/jewish-broadcaster-j-air-airs-interview-stating-the-pandemic-is-an-exact-designer-drug-that-will-remove-problems-in-the-form-of-homosexuality-and-gays>

When brought to their attention, the radio station issued an immediate apology for the offensive comments, removed the podcast of the program and initiated a formal investigation.

Details of the apology are documented on the Aleph Melbourne website:

<https://aleph.org.au/2020/04/03/j-air-issues-apology-for-broadcasting-interview-claiming-the-coronavirus-pandemic-was-designed-to-eradicate-homosexuality-and-gays>

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At the conclusion of the formal investigation the radio station issued its findings in which it admitted the broadcast had vilified members of the LGBTIQ+ community:

1) The J-AIR complaints resolution committee, comprising J-AIR radio's executive committee, inquired into comments by Rabbi Mendel Kessin on The Tamar Yonah Show (30 March 2020) broadcast and podcast by J-AIR. Rabbi Kessin's comment were originally aired on 24 March on the INTR program The Mystical Meaning of the Coronavirus with Rabbi Mendel Kessin. The complaints resolution committee found Rabbi Kessin's comments were contrary to Australian law in that they vilified members of the homosexual (and LGBTIQ+) community.

The full J-AIR Complaints Resolution Committee findings are documented on the Aleph Melbourne website:

<https://aleph.org.au/2020/05/15/melbourne-jewish-radio-j-air-finds-march-30-broadcast-was-contrary-to-australian-law-and-vilified-members-of-the-homosexual-and-lgbtq-community>

In his May 16 2020 article "Discrimination Under the Cover of Corona" Alastair Lawrie notes of this J-AIR incident:

<https://alastairlawrie.net/2020/05/16/discrimination-under-the-cover-of-corona>

The third potential outbreak which concerns me is anti-LGBT vilification. That is, attacks on lesbian, gay, bisexual and transgender individuals – and the LGBT community more broadly – claiming that we are somehow responsible for promulgating the coronavirus, or deserving of infection because of our supposed 'sinful lifestyles'.

This is not a hypothetical fear, either. At the start of April, Melbourne Jewish radio station J-AIR broadcast the following homophobic and transphobic comments from a Rabbi Kessin:

...

But there is also no anti-LGBT vilification coverage in Victoria[iii] (meaning the earlier comments on a Melbourne Jewish radio station were likely lawful), or in Western Australia, South Australia or the Northern Territory.

The second incident also occurred on J-AIR, during the March 11 2020 broadcast of *Open Minds*:

<https://omny.fm/shows/open-minds/56-open-minds-reboot-episode-14-11-3-20-mohammed-ma>

In particular, the following comments were made:

3:28 [Bernard Korbman] *Well my Clearly, um, today involves, um, a Rabbi Mazuz from, ah, I think he's the head rabbi at the yeshiva in B'nai B'rak. Um, he has, put out, um, some sort of dictum that suggests that the reason that, um, there is coronavirus in the world as, but also especially in Israel, is because there was a gay pride parade in Jerusalem.*

4:10 [Dominic Carter] *Ah yes. Well, what do you expect?*

4:11 [Bernard Korbman] *Exactly and I think obviously he's 100% right.*

To the first-time listener it comes across that Bernard Korbman is wholeheartedly agreeing with the rabbi's claim that coronavirus is due to a gay pride march.

When approached about the offensive nature of these comments the station issued a statement, dismissing the concerns (and even requested an apology to the presenters):

1 Banter by hosts Dominic Carter and Bernard Korbman was satirical, tongue-in-cheek and ironic, and clearly ridiculed Rabbi Mazuz's comments, and in no way justified them. This banter was taken totally out of context in your unfair email assertions. Yours was the only concern, no other complaints/concerns have been forthcoming. The program has a wide following and has been downloaded almost 50 times since its broadcast.

2 The segment at the beginning of the program is entitled "Clearly ..." and is a regular tongue-in-cheek commentary on various community issues. Clearly, this was no different.

...

To the ear of a first-time listener, the comment in question comes across as matter-of-fact and lacks any indication of irony and satire. Irrespective of the station's claims, and in the absence of familiarity with the presenters' style, the comment may appear to be vilifying LGBTIQ+ people.

In this case the station and its presenters need to be mindful about how their message is received, and whilst they may have the best of intentions, the reality is that their casual commentary could easily be misconstrued. Vilifying people and later saying "I was only joking" is not acceptable to those who are being vilified.

Sincerely,



Michael Barnett
Co-convenor
Aleph Melbourne