

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into Anti-Vilification Protections**

Melbourne—Wednesday, 27 May 2020

#### **MEMBERS**

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

#### **WITNESSES**

Ms Ashleigh Newnham, Manager, Strategic and Community Development, and

Ms Katia Lallo, Community Lawyer, Springvale Monash Legal Service Inc. (*both via  
videoconference*).

**The CHAIR:** Good afternoon and welcome to the Legislative Assembly's Legal and Social Issues Committee Inquiry into Anti-vilification Protections in Victoria. Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting. I pay my respects to their elders past and present and Aboriginal elders of any other communities who may be here today.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Assembly standing orders. Therefore the information you provide during the hearing is protected by law; however, any comment repeated outside the hearing may not be protected. Any deliberately false evidence or misleading evidence to the committee made be considered a contempt of Parliament. All evidence is being recorded today. You will be provided with a proof version of the transcript following the hearing. Transcripts will be made public and posted on the committee's website.

Can I welcome now from the Springvale Monash Legal Service, Ashleigh Newnham, the Manager, Strategic and Community Development, and Katia Lallo, Community Lawyer. You will be provided with up to 10 minutes to provide a brief to the committee followed by questions from the members. Thank you very much for being here today, and welcome.

**Ms NEWNHAM:** Thank you for having us. We do not have any introductory statements. We are happy to get straight into the questions.

**The CHAIR:** Thank you. Members, do we have any questions or any observations?

**Ms SETTLE:** Thank you for being with us. You mentioned a case study in your submission around Rohingya women. I am just interested to know, generally in the community, what is the sort of level of awareness around the anti-vilification laws?

**Ms NEWNHAM:** It is hard to give an answer that is representative of such a diverse community out here in south-east Melbourne, but I would say that it is generally quite low. I think if you are involved in some kind of a society, like an ethnospecific agency or incorporated association, there might be an increased awareness, but it depends on your level of activity in that. I think it is generally low. Would you agree, Katia?

**Ms LALLO:** Yes, I would. I can add to that. Even just with previous work, working with students in the south east, international students often were not aware that there were mechanisms to make complaints about racial vilification.

**Ms SETTLE:** And you mentioned a proposal for education programs, advertising campaigns and affirmative action. Do you see that as a way to increase the awareness of these laws?

**Ms NEWNHAM:** Yes. I think the legislation is incredibly important for setting a standard, setting a bar to which we can all aspire, but I think the second piece of that is an educational element where people can learn first of all that there is this legislation, how to use it and where to go to get help.

In particular, my background and experience is working with multicultural and diverse communities. I think that, you know, it is hard to ask people who may be newly arrived in Australia to use the law straightaway. So I think it is really important to know where to get help, because a lot of people might assume that it is with, say, Victoria Police, but that is not necessarily the case. And I think that that is really important: to promote the role of, 'Well, where do I go?'. If I first of all know about the law; second of all, know how it might impact me; and third, know where I can go to get help, I think those are really important factors.

**Mr TAK:** Thank you, Ashleigh and Katia, for your submission. It is very interesting, because I have been living in the south-east—I actually grew up in Springvale—and I actually volunteer in a few of the community organisations. Can I just go on—with Michaela—in terms of education: what do you see as more effective, in terms of the respective ethnocommunity organisations, to carry out that education program? You know, like AMES.

**Ms NEWNHAM:** I will answer that. In my experience—I will just preface this statement by saying I used to work at the Southern Migrant and Refugee Centre before the legal centre—I think that there is a strong case to be made for giving some responsibility to ethnospecific organisations in, say, an educational promotion campaign. Because you could give funding to something like AMES or SMRC or a range of those types of organisations—and there might be a case for partnership funding—but I strongly feel that ethnospecific agencies know their communities better than anyone else, so what might work for one community may not work for another.

I will give you an example. With, say, the Hazara community that I have had a lot to do with over the years and also different communities within the South Sudanese community meetings and coming together are a really big and important part of what is practised, and it might be easy to run a group session to talk about something like this, whereas with another community—say, like the Sri Lankan Tamil community—even though there is that coming together, it is not as common to hold regular meetings where lots of people attend. So it might not be appropriate to run a group session; it might be better to have, say, a WhatsApp group promotional strategy. I think each community will have tailored ways in which they can best get the message out to their members. And I strongly feel that while some associations may not be—I do not know—amazing at writing grant applications in English, they will be really well-placed to run a campaign of sorts or partner with another agency to do something like that. I think that is really important—and also part of getting the message out there. Involving them in the process will help meet the objectives of a promotional strategy.

**Mr TAK:** Thank you. Just a subsequent question: do you have any comment regarding the reports of a rising of racially motivated incidents resulting from COVID-19?

**Ms NEWNHAM:** I do not have any data off the top of my head that I can say. As a Victorian I think we have all seen through various social media and news outlets that it does appear to mean that there has been an increase. I mean, this is just a flippant story, but I heard a joke from someone who was an international student. They were from Latin America and yet in their appearance they thought that they looked quite Chinese. She joked that she used to tell people that she was Chinese to escape some stigma of, say, being an illegal immigrant or something from Latin America, but now that is backfiring on her because people are racist towards people of Chinese origin now. It was just a story she told, and I thought it was quite sad to think that, first of all, she had to pretend to be anything other than who she was, but that whatever identity she chose to assume received some kind of negative feedback.

I do not actually have any data on that at this time, but we can look into seeing what we could gather if that is something that the committee would find helpful.

**Mr SOUTHWICK:** Thank you very much for the presentation today. I just wanted to get a bit more of an understanding. Firstly, within the organisation how many cases would you be seeing in terms of general help, and then, of that, how many specifically do you deal with where there are issues around racial vilification?

**Ms LALLO:** Well, I will start by saying that my role is as a community lawyer with the Narre Warren office, and I think that what I see often coming through cases is there is not always a direct request for advice about racial or religious vilification, but often there might be circumstances in which it comes out in some way. So we may be giving advice on a personal safety order, or it could be advice about some kind of—

**Ms NEWNHAM:** Workplace—

**Ms LALLO:** workplace issue, like workplace harassment or unfair dismissal, and so it is not always a very clear or direct link between a client requesting help for that legal issue, but it is part of the process. So it often also means it is not something that we get to make complaints or litigate about because we actually end up giving advice about a different issue, like an unfair dismissal, rather than making a human rights complaint about racial vilification. But I feel like almost every case that comes through, if the client is from a diverse background, then almost every client will have something that is linked back to usually racial vilification.

**Mr SOUTHWICK:** For example, in that Zahra case that you referred to, case study 2 I think it was with Bunnings, obviously there is a fair amount of education needed as well as part of these kinds of situations. I

absolutely and totally understand the fear of those individuals not wanting to initially take part. But has there been an opportunity, or would you suggest more of an opportunity, to intersect with a number of organisations that are currently working in, let us say, the multicultural space to ensure there is support, awareness and interaction between these kinds of opportunities, because I would have thought this kind of thing would have been a perfect opportunity as a way of an Afghani group interacting with the broader community by being involved in such a thing? But I understand the apprehension as well. So how do we kind of get past that?

**Ms NEWNHAM:** That is a really good point. I think that is why it was suggested to them, because I think that it would have been a great opportunity, as you say, to take part in a uniquely Aussie activity and feel that Australian spirit, as at a Bunnings barbecue. But I think if anything we are further away from that now than ever before. When this took place I think it was a few years ago, and I think even now people would be less willing, if at all, based on global trends. But I do think that there is a place for helping. How can we as an organisation that works with migrants and newly arrived people support them to participate in activities like this? And there are some opportunities. For example, there is an Afghan association, or it is a network, called the Victorian Afghan Associations Network, and they hold an Eid event—they did not this year because of COVID-19, but generally—and I think they get 10 000 people attending. That is a really amazing opportunity to get Muslim people and non-Muslim people coming together, having fun, eating and having an amazing time.

There are other opportunities like that. I think Harmony Day is another opportunity for this type of thing. I know Harmony Day coincides with the international day for the elimination of racism, and in Australia we have chosen to call it Harmony Day. But I actually think that there is a case to be made for calling it the international day for the elimination of racism, being open and saying this is not just about harmony, this is actually about taking proactive steps to be anti-racist and getting to know our community, which is a diverse and multicultural community. That is who we are as Australians.

I think that organisations like ethnospecific organisations could be perhaps better supported to run events, and that might be through partnership funding with your AMES or your local councils, which often get strongly involved in these types of things. I know the City of Greater Dandenong is really involved in trying to work with organisations and provide small amounts of funding to help them run events. But I think that, say, with something like that Bunnings barbecue what would have potentially helped that group was if it was a joint activity with some non-Muslim people as well. I think that would have really strongly empowered them to feel like they are not just a group on display. I think that if, say, it had been delivered in partnership with other people who looked different to them, they might have felt a little bit less on display, and so I think a lot of it is about partnering. It might not be that it is a Muslim women's group activity; it might be a women's activity and we make sure that there are lots and lots of different types of women attending that. I think I have gone on enough there.

**Mr SOUTHWICK:** Sorry, just one last follow-up: obviously Monash is part of the university as well, yes?

**Ms NEWNHAM:** Well, we have a 40-year-long partnership with Monash University, but we are an independent organisation.

**Mr SOUTHWICK:** Yes, but in terms of things that may happen on campus, you are across that?

**Ms NEWNHAM:** Not entirely—to some extent, yes.

**Ms LALLO:** And I should also disclose that I actually used to be a student advocate at Monash University for their student union as well.

**Mr SOUTHWICK:** I am just wondering, getting back to what we said earlier and Heang's question, particularly around the international students—and I might be showing my age—a few years ago when I was at uni we had a very, very strong international students' association and they were really, really good at running events and promoting inclusivity in terms of what they do. Is that still alive and well or are there gaps around that at the moment?

**Ms LALLO:** Yes, it is still alive and well, but one of the things that often happens on campus is that it becomes a divide between international students and domestic students. I think there are still definitely opportunities to bring together the two student groups. But just bringing in another case study for international students living in the community, I think that on campus there are opportunities, but where there are

interactions off campus or around campus, I think that there are definitely examples of where racial vilification comes into play. One example was business owners not allowing certain international students to come in and buy lunch or sit down, so there was also not just racism experienced by international students as a whole but depending on the country that you came from. So certain international students were allowed to access services over others, where business owners would not let them in. They were really very clear and quite horrendous examples of vilification and again students not being aware of processes to be able to make complaints.

**Mr SOUTHWICK:** Wow. Thank you for that.

**Ms COUZENS:** Thank you both very much for your presentation today. We appreciate it. I just want to go back to your response in relation to the education programs and advertising campaigns and so on. Am I right in assuming what you are saying about that is that it should be localised with those groups? Is that what you were saying? Rather than going to the statewide and the bigger organisations, it should be that grassroots—

**Ms NEWNHAM:** I have worked in the community services sector for, like, 12 years now and I have noticed that often it is very large organisations that do receive a lot of the funding. And often it is because they are amazing at what they do and they are fantastic at writing applications and evaluation and monitoring and those types of things. Say, for example, just off the top of my head, the Rohingya community group down in Cardinia, who are doing amazing things but it is sort of outside of your traditional funded agency type of activity, but they are providing round-the-clock services to their own group. And I think there are two things that can be achieved by supporting groups like that. One is that you are empowering people to learn about leadership, about systems and how to apply for funding and how to run events, compliance and legislation and all those things. But you are really very likely to reach people that, say, an organisation that is statewide or that has more Anglo-Saxon employees—you are probably more likely to reach those who are completely disconnected from accessing mainstream services, I think.

But I do also think that there is a place for messaging campaigns that would be more sort of statewide, government direct. I think there is a place for that, but I think we need to remember that many of the, say, first-generation communities do not watch regular scheduled television programming and are not watching ABC news. They might be watching SBS Arabic news. They are not listening to ABC radio or talkback radio. They have other platforms that they are engaging with, and I think sometimes when we do create rapid campaigns, even things like bushfire awareness, often it is completely lost on some communities because they are not necessarily watching the mainstream news or they are not necessarily listening to the mainstream radio, and it is really important. I think that the ethnospecific organisations often have their fingers on the pulse of what people are actually engaging with, and that is where I think the strength of those associations lies.

**Ms COUZENS:** What is your view on how Victoria could effectively regulate online vilification given the complex regulatory—those sorts of issues involved? What is your view on that?

**Ms NEWNHAM:** Well, I guess the idea of regulating these giant world all-consuming organisations is somewhat overwhelming, and I think that there is a reluctance—I mean, it is just too mind-numbingly huge to even possibly start thinking about. But I saw that one of the other submissions made a suggestion around being able to compel, say, your giant companies like Twitter or Facebook or whatever to release the identity of people that were engaged in vilification online. At first glance—we have not explored the sort of ramifications of what this might do—we were very interested by that suggestion, very much interested. We often bow down to these big corporations and think, ‘Oh, you know,’ but they should have to fit in with our society and the expectations we have of what kind of a Victoria we want to have. We want to have a Victoria where people feel safe to engage and to have a Twitter account and to post funny jokes and not be vilified, and I think that we have to have courage, in a sense, to kind of set a standard. I do realise that there would be a range of privacy implications that would need to be explored, but I think it is worth exploring them. Would you agree?

**Ms LALLO:** Yes, I think so. We have had cases of young women—and this is also a good example where there are intersections of different parts of your identity that might be vilified—from Muslim backgrounds where their accounts have been hacked and nude photos of them have been posted on social media platforms, and there is really not much that we can do. Apart from trying to assist clients to make complaints to the police, local police have no power to really do anything in this sphere. If that particular client wanted to take it further, you would be needing to get a court order in an international jurisdiction against that organisation. So unfortunately those clients end up with no form of redress because they never find out who their offender is. In

our submission we did not really go into the criminal framework, we just focused on civil, but in both cases even if you are trying to make a civil claim it is very hard to find out who your offender is.

**The CHAIR:** Can I thank the Springvale Monash Legal Service, in particular Ashleigh and Katia. Thank you so much for being here and for your in-depth presentation. The next steps will be that we have a number of other public hearings and submissions and presentations to hear from. The committee will then deliberate on all the submissions and the findings will be then submitted into a report handed to government with strong recommendations on this very important matter. So again, on behalf of the committee, thank you so much for taking the time to present to us today.

**Ms NEWNHAM:** Thank you for having us, and good luck with the report and everything.

**The CHAIR:** Thank you, Ashleigh. All the best.

**Committee adjourned.**