

T R A N S C R I P T

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Anti-LGBTIQA+ Hate Crimes in Victoria

Melbourne – Wednesday 24 June 2026

MEMBERS

Joe McCracken – Chair

Michael Galea – Deputy Chair

Ryan Batchelor

Anasina Gray-Barberio

Renee Heath

Ann-Marie Hermans

Rachel Payne

Lee Tarlamis

WITNESSES

Cassandra Martin, Managing Lawyer, Q+Law, and

Sebastian Sharp, Senior Lead, Policy and Community Legal Education, Q+Law, Fitzroy Legal Service; and

Heather Corkhill, Legal Director (*via videoconference*), and

Savanh Tanhchareun, Senior Adviser, International Policy (*via videoconference*), Equality Australia.

The CHAIR: Welcome back to the Legal and Social Issues Committee inquiry into anti-LGBTIQA+ hate crimes. I am Joe McCracken, Chair of the inquiry, and we will go through and introduce our committee members. I will go to my left, my right and then those online.

Ann-Marie HERMANS: I am Ann-Marie Hermans, Member for the South-Eastern Metropolitan Region.

Aiv PUGLIELLI: Aiv Puglielli, Member for North-Eastern Metropolitan.

Michael GALEA: Michael Galea, Member for South-Eastern Metropolitan and Deputy Chair. I will note that I have worked professionally in the past with Cassandra.

Ryan BATCHELOR: Ryan Batchelor, Member for the Southern Metropolitan Region.

The CHAIR: We have got Anasina online.

Anasina GRAY-BARBERIO: Good afternoon. Anasina Gray-Barberio, Northern Metro Region.

The CHAIR: We may also have Sheena Watt, who is online as well, but she might just be coming back in a couple of minutes. If you see her appear online, you will know that she is part of this inquiry as well.

All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information that you provide at this hearing today is protected by law. You are protected for anything you say during the hearing, but if you go elsewhere and repeat those same things, they may not necessarily be protected by the same privilege that exists in this room right now. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

The evidence is being recorded. You will be provided with a proof version of the transcript. Ultimately that will be made public, because it will be published on the committee's website.

Just for the Hansard record, can I please get people here today to just say your name, title and the organisation you are appearing on behalf of. I will go to those in the room first, and then I will invite those online to do the same. I will go to Cassandra first.

Cassandra MARTIN: Cassandra Martin. I am the Managing Lawyer from Q+Law.

Sebastian SHARP: Sebastian Sharp, the senior policy and education lead from Q+Law.

The CHAIR: Perfect, thanks – and those online?

Heather CORKHILL: Good morning. My name is Heather Corkhill, Legal Director at Equality Australia.

Savanh TANHCHAREUN: I am Savanh Tanhchareun, the senior policy adviser at Equality Australia.

The CHAIR: Perfect. Thank you very much and welcome. I will ask those in the room first for just 8 to 10 minutes or whatever for your opening, and then we will go to those online. Thank you very much, both groups, for appearing today. Welcome. I will hand it over to you.

Cassandra MARTIN: Thank you, Chair and members of the committee, for the opportunity to appear today. I would like to acknowledge the Wurundjeri Woi-wurrung people of the eastern Kulin nation, on whose lands we meet today, and pay my respects to their elders past and present. My name is Cassandra Martin, and I

am the Managing Lawyer at Q+Law. I am joined today by my colleague Sebastian Sharp, the senior policy and community legal education lead. We appear on behalf of Q+Law, Victoria's statewide specialist legal service for LGBTQIA+ communities. Through our frontline legal work we regularly assist people who have experienced anti-LGBTQIA+ discrimination, vilification, identity-based abuse, family violence and hate crimes.

I would like to start by sharing with you the words of one of Q+Law's clients, David, who has courageously and generously agreed for his experience to be shared.

He told us:

I was baited on an app like Grindr, and badly beaten by two guys. It turned my life upside down. Physically I am still recovering. I'll have a permanent injury as a result of this. Mental health support was harder to access and get in a timely fashion. There were times during that period that I was suicidal, because you just don't know how it's all going to go. That was a pretty dark time. It was hard to deal with everything: medical diagnostics, police, work. I needed three months off work. There was a period where I couldn't get dressed, shower, or function independently at all. I'll learn to live with the physical impacts, but going through it mentally at the time was really hard.

David's experience illustrates one of the central findings of our submission – that victim-survivors are often left to navigate multiple systems while recovering from profound trauma. Our casework and consultations also point to a broader theme. Many victim-survivors tell us they are seeking outcomes and forms of accountability that existing responses do not always provide. For these reasons, today we want to focus on two priorities: improving support for victim-survivors through a justice navigator model and expanding the pathways available when seeking justice and accountability through establishing a restorative justice pilot.

Sebastian SHARP: Our submission drew on our direct casework experience and detailed interviews with the victim-survivors of these hate crimes. We also consulted with affected community members and had discussions with legal, academic and community stakeholders working in the area. We understand this inquiry was established in the wake of the recent dating app attacks targeting members of our community. We have assisted victim-survivors of those attacks, and we see the profound impact that they have had on the individuals involved and on the broader community. However, those attacks are not isolated incidents. Through our work, we see a much broader pattern of anti-LGBTQIA+ hate-related harm. For example, we do assist people who have been targeted through the dating apps and lured into violent assaults. We assist people who have been subjected to coordinated doxing campaigns and sustained online harassment. But we have also assisted people who have experienced identity-based abuse in their workplaces, schools, universities and communities, and we also see the impact of anti-LGBTQIA+ hate in family violence. These harms have profound consequences. As a direct result of hate contact, we see clients who have been diagnosed with PTSD, who have lifelong physical injuries. We see people who have experienced suicidal ideation and attempts. We see people who have withdrawn from education, employment and community life. As our clients told us, 'I don't feel safe leaving my house, we don't feel safe, nobody seems to be out there backing us, it seems like we're all alone'.

Cassandra MARTIN: But despite the severity of these harms, for many in our community reporting to police is not a safe option, meaning that official data undercounts the scale of the problem. Our lawyers tell us that the vast majority of clients they speak to are hesitant or fearful of speaking to police, even in situations where they have suffered extreme violence or are in current danger. They fear they will not be believed or that they will be discriminated against, dismissed or treated as the problem rather than the victim. While some of our clients report being treated with dignity and respect by the officers that they spoke to, others report experiences that left them feeling unsupported, disbelieved or further harmed. Even those who have had positive experiences do not always feel that they have got justice from a criminal process.

Even where victim-survivors do seek help, current systems place an enormous burden on them. Many people who experience hate crimes find themselves navigating not only police but also courts, counselling, hospitals, financial assistance schemes, housing providers, schools, workplaces and online platforms simultaneously. One of the clients who spoke to us for our submission kept a spreadsheet after he was violently attacked. He recorded more than 720 hours of missed work, 241 hours of appointments, and more than 230 points of contact with different services.

Another client described the experience this way:

The whole process has been so difficult. There is no help out there. You just get fobbed from one place to another. You're on your own.

For many victim-survivors, especially those experiencing trauma, disability, financial disadvantage or other forms of marginalisation, that burden is simply too much. We have worked with people who give up, who disengage and who stop seeking support.

Sebastian SHARP: Taken together, these experiences point to two significant gaps in the current response to anti-LGBTQIA+ hate. The first is a support gap. As David's story just illustrated, victim-survivors are often required to navigate multiple, complex systems at a time when they are recovering from really significant trauma, and they are expected to coordinate that all by themselves. We think that a justice system navigator could provide a single, trusted point of contact to help victim-survivors access support, understand their rights and navigate those complex systems.

But support is only one part of the picture. Our casework also points to a second gap, which is in safe, accessible pathways for victim-survivors to have their justice needs met. As Cassandra just mentioned, police are not always a safe option for many victim-survivors, and many people feel that existing pathways do not provide them with the accountability that they are seeking. That is why we are calling for a restorative justice pilot for these hate crimes. Restorative justice will not be the choice of every survivor, and it is not a replacement for the criminal justice response, but when appropriately designed, when it is voluntary and trauma-informed, restorative justice can provide an additional pathway for victim-survivors who are seeking those outcomes. We believe these approaches should be included as a part of a broader, survivor-based response to hate towards our community.

Cassandra MARTIN: To be effective, any responses must be embedded in trusted community-led organisations that people feel safe approaching and engaging with. I would like to finish as I started, with the words of a Q+ Law client, Bradley, who approached our service after experiencing a homophobic hate crime. He told us:

... I felt safe to speak openly and honestly, knowing that my experiences would be treated with respect, professionalism, and without judgement. Having a legal service that is community-led and grounded in lived experience is essential. It made the process accessible and allowed me to seek support when I otherwise might not have.

Thank you, and we welcome your questions.

The CHAIR: Thank you. I will go to those online now. Who would like to speak?

Savanh TANHCHAREUN: I will begin.

The CHAIR: Sure. Go for it. Thank you.

Savanh TANHCHAREUN: Thank you for the opportunity to appear today. I would also like to acknowledge the Wurundjeri Woi-wurrung people as custodians of the land and also recognise the ongoing struggle for rights and self-determination for all First Nations people, who also experience the effects of rising hate in this country.

Everybody deserves to live free of violence and abuse, and yet in Victoria LGBTQIA+ people face a deeply concerning increase in incidences of violent hate crimes, crimes that are expressly motivated by anti-LGBTQIA+ hatred. These violent crimes are the most extreme form of a broader rise in prejudice against our communities, and we have data telling us that homophobia and transphobia are rising for the first time in many years in Australia. The impetus for this inquiry was obviously the dozens of acts of brutal app-facilitated violence that have been discussed already at length this morning. There have been victims of all ages, and as has been made clear already, the data we have is really limited, because these crimes are so under-reported. It is also worth noting the data we have from New South Wales, which underscores the extent of the problem in the context that New South Wales has a dedicated hate crimes unit. New South Wales police recorded 197 incidents of LGBTQIA+ hate-related violence from January 2023 to October 2025, and 64 per cent of those offences were committed by young people, mostly males aged 12 to 24. It is also important to note that trans people are particularly subject to growing levels of violence and hate, and as a small, highly marginalised community, they face even more significant barriers to reporting hate crimes. The prevalence of violence against trans people is therefore likely to be under-represented in any dataset, and the limited evidence we have also suggests that hate crimes are particularly targeted at LGBTQIA+ people who simultaneously experience other forms of prejudice, such as First Nations people and people with disabilities.

We know why this increase is happening. Hostility and violence against our communities are not new, but the drivers and the patterns of hate are evolving. Much of the organising and encouragement behind these actions now happens online, where young men are joining online communities that expose them to a steady stream of hateful and extremist content. It is well established also that far-right groups are deliberately seeding hate in Australia and around the world, as recently recognised in the New South Wales inquiry into far-right extremism. These efforts also target other communities.

We would like to acknowledge that Victoria, in many respects, is ahead of other jurisdictions, and in particular the 2025 changes to Victoria's anti-vilification protections are a welcome and necessary step in the right direction. Yet clearly much more work remains to be done. By and large, we already have many of the answers, and I will let Heather outline some of those.

Heather CORKHILL: To start with, the most effective way to tackle hate crimes is to prevent them from happening in the first place. We do often see governments reaching for criminal solutions first, which might be quick to implement but are not enough. Prevention requires deliberate effort by government to foster cultural change in all parts of people's lives where hate can occur, from institutional environments like schools and workplaces to public places like streets and libraries to people's homes and personal relationships. It is really particularly important to reach young people in this education. Prevention should also take the form of structured and tailored programs to help offenders, and particularly young offenders, disengage early from these behaviours. Much can be learned from the countering violent extremism programs already in operation around the country, including in Victoria, but the government could also look at further expansion and resourcing for these models. The earlier that young people can engage with these programs, the better. It is also important to ensure the regulation of digital platforms is improved. While we think it is primarily a Commonwealth responsibility, Victoria could take this opportunity to make an important contribution – for example, by amending the *Equal Opportunity Act* to create a positive duty to prevent vilification before it occurs, which would require organisations to take reasonable and proportionate steps to prevent vilification.

Victoria also needs to make changes to the policing response so that people are more likely to report to police. This includes ensuring all police officers understand how to recognise and respond to anti-LGBTIQ+ hate crimes, at the same time as strengthening the role of existing LGBTIQ+ liaison officers. It is important to establish a specialised, centralised hate crimes unit, similar to the model that has been created in Western Australia, where complainants can reach specialist police quickly. We also recommend that Victoria would benefit from the introduction of a scheme of aggravated offences for hate crimes, as distinct from aggravated sentencing, which is already in place. This model originally comes from the UK but has been operational in Queensland for a couple of years and would ensure that a hate motivation is recognised as a core element of the offending conduct at the outset rather than as an afterthought considered only at the sentencing stage. This is different from the established standalone offence that was introduced last year.

An effective response to anti-LGBTIQ+ hate crimes will be complex and require political leadership. We agree with other submissions to the inquiry that it will require a coordinated effort across government, so we also support a Victorian LGBTIQ+ hate crime prevention strategy or something similar. Thanks so much for taking this inquiry, and of course we would be happy to answer any questions as well. Thank you.

The CHAIR: No worries. Thank you very much. I am just going to get my timer sorted. I will go first, and we will just go through some of the committee members who have questions as well. I will go to Q+Law first. Data is a topic that has been coming up, at least from the last couple of witnesses that we have had. I know you said that people are fearful of coming forward for a various number of reasons – distrust in the police – and that is a challenge in collecting data. Obviously if it is not reported, how can it be collected? Do you have any ideas on how we could make it easier for data to be collected so that decision-makers and policymakers can have a more accurate picture of the extent of the problem that exists?

Sebastian SHARP: I think the justice system navigator model that we mentioned might be one avenue where, if there were more safe avenues for victim-survivors to actually access and where they could access services, regardless of whether they wanted to pursue criminal legal responses, that might create a more fulsome picture of the problems that we are dealing with. But right now there are just so many who are not captured by those systems.

The CHAIR: Yes, I had it down on my notes actually. One of the comments that I think was from one of the clients that you have was that they said you are left on your own to navigate a really complex system – a lot of moving parts within that system, depending on what your requirements and needs are – and that one of the suggested responses you have got is a justice navigator. What does that look like to you? What do you envisage that to actually be? How does it function? I want to explore that a bit.

Cassandra MARTIN: I can speak to that. It is a service that currently exists in a very limited form for survivors of sexual violence. It is operated by Sexual Assault Services Victoria. The central premise is that there are a lot of players in the ecosystem but they have all got their specific roles. When someone comes to see us, our role is to give them legal advice about what their legal options are. When they go and see a psychologist or a counsellor, that person is providing them with therapeutic support. Police are investigating a crime. You know, everyone has got their role. But where people find it really difficult and where we frequently see people who will fall off or desist in pursuing justice in whatever form that looks like to them is being able to navigate between those services.

The CHAIR: Is it a first point of contact where you go to someone and you say, ‘This has happened’? ‘What should I do? Where should I go?’ ‘Okay, you need police, you need whatever it might be.’

Cassandra MARTIN: Yes: ‘This is what they might look like; these are all your options.’ But then also as someone is going through the process, so that someone is not having to repeat their story afresh to every new person they see, so that they can get meaningful referrals rather than being pinged around and being told, ‘No, you’re not eligible’, helping to collate – there can often just be huge amounts of documentation that people have to collate. All of those kinds of tasks are really difficult.

The CHAIR: Okay, thanks. If I had more time, I would love to get more into that. But I do apologise. I have got some questions for Equality Australia too. One of your prevention suggestions is to have an enforceable positive duty to eliminate vilification. Do you think that duty falls to the providers of some of the dating apps that have been talked about to provide – a positive duty to eliminate vilification? And how do you think that would look?

Heather CORKHILL: There is already a positive duty in Victoria in relation to discrimination, so it would be a simple matter of extending that to vilification as well, which would then empower the Victorian equal opportunity commission to be able to investigate and look into these sorts of systemic harms and of course to also look at promoting or enforcing compliance with that positive duty. It might be a new and novel sort of way to look at tackling the issue. I definitely agree that not just dating apps but many places online, particularly social media organisations, definitely have a big role to play in this. We have definitely seen that there has been a decrease in moderation of harmful speech online over time. That is quite well documented and evidenced, which then allows for this hate to breed and spread and for young people to find each other of course, to then [Zoom dropout] the victims. So we definitely see a role for that positive –

The CHAIR: Just before my time runs out – and I am so sorry to push – dating apps in particular facilitate attacks, essentially. What specific obligations do you think should be considered for those organisations that run those apps or websites?

Heather CORKHILL: I think what would also be a relevant consideration is the digital duty of care, which the Commonwealth is already legislating for, which is specific to that environment. It might be well tailored to this sort of situation, which is where there is a higher risk kind of environment, such as a dating app, the obligations are even more significant in terms of the duty of care to the users. The whole purpose of that is to shift the onus off individual victims who are expected to report these crimes and address poor behaviour on the apps and instead put the onus squarely on those that are providing the service.

The CHAIR: Thank you very much. I appreciate that. Mr Galea, over to you.

Michael GALEA: Thank you, Chair. Thank you for joining us and especially for all the work that you do. I might start with Equality Australia and stay with you, Heather. Given that you are a national organisation, you obviously do get the benefit of seeing things from across Australia. You touched on this a little bit in your opening remarks, but I am just wondering if I could get a bit of a snapshot from you of the commonalities that you are seeing in offending between states but also any differences that you are seeing and any particular trends

that you think would be interesting for us to hear about at a national level and how they compare to Victoria, specifically through the app-based attacks but also more broadly.

Heather CORKHILL: I think the under-reporting, which has been mentioned a number of times already, does make it very, very difficult to actually compare data between different jurisdictions. But just to note, these kinds of app-facilitated attacks are not only in Australia but all over the world. I have even spoken to someone in Lebanon who described exactly the same kind of attack occurring there. They are in the UK, Canada and the US, and unfortunately these kinds of copycat offences are occurring in many places. I think what is common to them is that they basically are preying on situations where people are very vulnerable as users of these apps. While there have always been hate-motivated crimes against our communities, the level of access and the ability to reach victims is at a different level now. What we have also seen are of course some commonalities in terms of the offender profiles. They are almost always young men between the ages of 12 and 24, which I think Savanh mentioned earlier on. In terms of the motivations, though, they can be quite mixed. They may be influenced by far-right ideologies. It can be more of that post-and-boast type of offence, where they are trying to impress other young people that they have met online. Savanh, is there anything else you want to add around the specific app attacks?

Savanh TANHCHAREUN: No, that is great.

Heather CORKHILL: Okay. Thank you.

Michael GALEA: On a similar point, you have spoken – I think it was you, Savanh – about the anti-vilification laws in Victoria and indeed the post-and-boast laws, which were also in the past year. You cited some UK examples in your opening remarks, but I am curious if there are any other Australian jurisdictions that we could learn something from in Victoria.

Heather CORKHILL: I might take that one too. Sorry, Savanh. I think probably what we do not have in Victoria at this point, which have been trialled of course in Queensland, are aggravated offences. The difference is that, for example, if someone has already experienced a serious assault, that would then be charged from the outset as having a circumstance of aggravation based on hate motivation or even hate demonstration. If during the course of the offence they perhaps use homophobic slurs, it is quite obviously a hate crime, and that then is charged from the outset rather than waiting for the end of the process, which is aggravated sentencing and in which it is then left up to a court to potentially add an aggravated factor towards the end. The benefits are that police are very familiar already with the existing underlying base offence and it is not criminalising speech any further because these would have already been crimes. But the recognition is there from the victim at the outset that this was recognised as a hate crime, and that is incredibly meaningful to people.

Michael GALEA: Thank you. Your submission also talks about your concerns with international networks marshalling money to erode the rights of gay, trans and other queer people around the world. Is there a direct correlation between those efforts and hate crimes against LGBTIQ+ people?

Savanh TANHCHAREUN: I might take that one. Look, it is difficult to point to a direct statistical correlation. What we know is that the international groups that we mentioned in our submission are operating in a range of countries around the world, including Australia, and that often they partner with local groups to deliberately seed and facilitate hate speech, as well as using avenues such as strategic litigation to try and wind back rights. It is difficult to point to a direct operational link, but I think we can certainly say from the evidence that we have that international anti-LGBTIQ+ hate groups are contributing to the broader environment of rising hate.

Michael GALEA: Thank you. We have had good discussions already, and I am sure we will continue to have them, about what we can do within our jurisdictions to address and prevent this. What role, if any, do Australian state and federal governments have in countering this international extremism – these efforts from overseas?

Savanh TANHCHAREUN: I might start off and add in if you like. I think what we need to understand is the nature of the links between international groups and groups in Australia. At the moment we do not have a clear picture of things like funding flows, of links in terms of relationships in a membership of broader international organisations by Australian organisations. Heather, do you want to add, particularly from a CVE perspective?

Heather CORKHILL: I think it is important to note that this is also about defending democracy. It is often the same sorts of groups that are coming after LGBTIQ+ people who are also trying to undermine our democracy. We are often seen as quite easy targets in that process. So I think that, yes, there is an obligation, particularly on our federal government, to be looking at these actors and how they are attempting to operate not only in Australia but in the Asia Pacific region as well, as we are seeing these trends really all over this part of the world.

Michael GALEA: Thank you. Thank you, Chair.

The CHAIR: Mr Puglielli, over to you.

Aiv PUGLIELLI: Thank you, Chair. Good afternoon. I might start with Q+Law. Just looking at recommendations from your submission, you talk about funding of restorative justice projects for LGBTQIA+ victims of these crimes. Can you take us through any particular models that the committee should be noting for any potential findings or recommendations in this space?

Cassandra MARTIN: Thank you. I think the point that we would really make is that what is required is pilot funding that would explore models. I think it is really important that models are co-designed with community, not imposed on community, and I think there needs to be consultation to work out what the models are that would work well. Yes, I think it needs to incorporate community consultation, lived experience consultation, but it is also important to note there are groups in Victoria who are very experienced and have a lot of expertise – in particular the Centre for Innovative Justice – in running restorative justice processes that can be designed to be safe, victim centred and voluntary and support positive outcomes for both people who have caused harm and people who have experienced harm. I think there are a range of different models that could work, but what we would be suggesting is that there is some modelling that is done in consultation with community.

Aiv PUGLIELLI: Absolutely. Noting all of those points, which that have just been well made, perhaps, if necessary, you can come back to us if there are any particular jurisdictions that are doing some of this work really well, that the committee could reflect on, that perhaps would be of use. Is that something you can come back to us with?

Cassandra MARTIN: There are a couple of jurisdictions that have trialled different models. We can come back in writing.

Aiv PUGLIELLI: Thank you. Much appreciated. You also talk about non-police-led entry points. Can you explain for the committee's understanding what you mean by this?

Sebastian SHARP: Do you mean specifically for the restorative justice process?

Aiv PUGLIELLI: No, in general – so someone seeking justice but are not using police as a point of entry to pursue justice for them. What does that mean in the submission that you have made?

Sebastian SHARP: It means, as we talked about before, that so many of these crimes are not actually being captured by the data. Something that really comes through with the clients that we speak to is that they have had negative experiences with police in the past – not every police officer, but it has been a common theme. That goes through a full range from being misgendered to being disbelieved or, in some cases, being misunderstood as the perpetrator. So they have had a lot of trauma from those experiences and do not consider the police a safe avenue. It is also quite common in our client experiences that people will come to us about a particular legal issue and they will recount other experiences that actually do constitute hate crimes that they have not even pursued because of the factors that we have just discussed.

Aiv PUGLIELLI: Thank you. I might move to Equality Australia now. Your submission speaks to deradicalising individuals who are at risk of committing hate crimes. Can you expand on the importance of this and what you are speaking to there?

Savanh TANHCHAREUN: I can start on that one. There is a difference, I guess, between disengagement, which is a focus on changing a person's behaviour and actions, versus deradicalisation, which is seeking to change someone's mindset or beliefs. What we are looking at in many instances is trying to focus on

disengagement at a point where a perpetrator has been identified as being at risk of committing a violent act, and our understanding is that it is often much more difficult to change a person's beliefs but much more achievable to change a person's behaviour so that they do not act on those beliefs. It is challenging. There is potential for things like mandatory reporting for schools, psychologists, NDIS providers and so on where extremism is identified. But yes, it is challenging at the moment, because my understanding is a lot of this is not mandatory.

Aiv PUGLIELLI: Thank you. Can I ask: are there any particular programs – I am referring to jurisdictions again; it is helpful for our committee, often, to be able to point to examples where programs are working and where there are things we can build upon – that you are aware of that do this work well that we should be perhaps looking to for inspiration?

Heather CORKHILL: I think it makes sense to look at domestic violence prevention programs, as they are quite similar in nature. I know that countering violent extremism programs are actually all over the country, and they are federally funded. There is a new venture called Step Together as well, which is about actually finding bystanders who can identify these kinds of concerning behaviours and help a person engage in the programs.

We are already seeing a lot of this nationwide, but what we do not have right now is a lot of evaluation of the effectiveness of these programs. They can be very hard to effectively evaluate, particularly because if the person in the program does actually experience change, it might not be that easy to necessarily attribute it specifically to the program. So I guess I would like to see proper resourcing of this, consideration of expansion of programs where appropriate and, at this stage, evaluation and continued investment at this end, because we often see it ending up that the investment is at the criminal end or the policing stage, really, when things have gone way too far and escalated too far for change to be possible.

Aiv PUGLIELLI: Thank you. Thanks, Chair.

The CHAIR: Thanks. Mrs Hermans, over to you.

Ann-Marie HERMANS: Hi. First of all, thank you so much for actually coming in. I have to applaud the LGBTIQ community for their activism. They are without a doubt one of the strongest and most vocal and capable community groups in terms of speaking up. I know that you are speaking for people right now who have no voice in this or do not feel comfortable to come forward, but I have to say as a collective community you are very good at advocating, and that is, I think, seen in how rapid changes have been and what you have been able to achieve in a short space of time. And so for that I strongly applaud you.

I do also want to say from the outset that I strongly believe that the issue of people being raped, beaten, ridiculed, humiliated and put into situations where they are not safe physically in turning up for a date is just horrendous and should not be happening in a civilised nation, and I am completely against that. I feel, though, in this inquiry that it is like we have got, let us just say, a lettuce that we are looking at, and that is this issue, and then we are trying to make a salad out of the whole thing instead of just keeping that issue the main issue, and that does bother me.

I have got questions, and I want to start with this one. First of all, Cassandra, thank you so much for bringing forward David's testimony. He mentioned that he was baited on an app like Grindr. He did not say it was Grindr. Does that mean that there are a number of other apps out there? The earlier testimonials were that it was Grindr, but now there are several. So how many are we looking at that people are being impacted by, and do we know what those names are?

Cassandra MARTIN: Yes, thank you. I am not sure that I would be in a position to kind of comment on particular numbers, but I guess what I can say, from what we see from our casework, is that it is not limited to one app. We see harm happening across a range of different dating apps in a similar vein and people being baited and then being attacked. We also see harm across a range of different social media as well. I think that really speaks to the breadth of the anti-LGBTI hatred we see.

Ann-Marie HERMANS: And minors – are they also impacted in this? Obviously that has become a huge thing that we have become aware of through this inquiry – that there are 13-year-olds obviously involved in the brutalities. But are there also young people involved in using these apps that are being brutalised?

Cassandra MARTIN: Our kind of casework is really focused on helping survivors once something horrible has happened to them, so our focus is not so much on the perpetrators. I guess where we see harms happening to young people is not so much in the frame of sort of dating app facilitated violence, but that is not to say we do not see them experiencing hate.

Ann-Marie HERMANS: It is mostly adults that have been victims with the apps is what you are saying. In your experience as lawyers, are you only getting adults coming forward to you in the use of the apps?

Cassandra MARTIN: What we are seeing from young people are things like horrendous abuse and assault in their school and also in situations of family violence.

Sebastian SHARP: And that can spill over into social media and WhatsApp and other online environments as well, including for young people.

Ann-Marie HERMANS: Yes, absolutely. Secondly, there have been a number of things that have been raised. I have got so many questions. I have a question in terms of ideology, because underpinning this there seems to be a push about ideology here. If a person sees gender theory as a gender theory and does not see it as a fact but as a theory, that is a choice to believe in, does that make them somebody that is a person who is a perpetrator of hatred?

Cassandra MARTIN: I think what I can say that we see in our case work is that we are not seeing people who are coming to us because they have had a disagreement about opinions. We are seeing people who have come to us because they have suffered absolutely horrendous, vile abuse and violence.

Ann-Marie HERMANS: Yes, 100 per cent. I agree. But I guess the question – to those who are online, too – is: is that the definition of what is considered to be hatred?

Heather CORKHILL: Hatred has to go beyond – I mean, there is plenty of case law to sort of back this up – mere dislike or distaste for a person. Certainly what we are talking about with the particular hate crimes that are being facilitated through apps – they have absolutely already been crimes. But then because of the surrounding behaviours and perhaps evidence of what they have been looking at online et cetera, that then you can sort of identify the ideological basis for that. But no, certainly just having sort of a gender-critical perspective or something like that in itself is not hatred. It absolutely has to sort of go further than that to create a certain level of harm that is then identified as a hate-motivated matter.

Ann-Marie HERMANS: Thank you so much. Thank you for your time.

The CHAIR: Thank you. Mr Batchelor, over to you.

Ryan BATCHELOR: Thanks, Chair, and thank you all for coming in today. I just want to ask you guys a similar question to one I asked Thorne Harbour Health earlier today. They have advocated for the inclusion of essentially hate motivation as a circumstance of aggravation in the *Crimes Act*. One of the other things that I asked them about was the extent to which the post-and-boast laws that Victoria passed last year were relevant and useful to these types of circumstances. We had the evidence of the filming of attacks and that being used as sort of a social currency in some sections of online communities. I am just wondering if you had any perspectives on how well our post-and-boast laws are able to be used in these sorts of circumstances. I am not sure who wants to answer.

Cassandra MARTIN: I am sure Equality Australia will have things to say on this as well, but I guess from Q+Law's perspective we have not focused on those types of responses in our submission, purely for the reason that so many of the clients that we speak to just do not report at all. And so while those laws exist, they do not really have any impact on that cohort of clients for whom police reporting is completely inaccessible and unsafe. That is why we think it is so important to have both better support for people to be able to access those services but also alternatives to police reporting. But I know that Equality Australia might have more that they want to speak to on that.

Heather CORKHILL: Yes. I can speak to this. I have noted that the post-and-boast offences are based on certain underlying offences. One of those is robbery, and we do know that sometimes these hate-facilitated offences do lead to robbery, but not consistently. What is quite notable is that there is nothing here around

serious assaults, which is often the nature of the offending, so it may not apply and may not apply to sexual violence either, which can be a part of these offences. New South Wales has recently changed the laws to include serious assaults, so that is one potential option. But I would say that this almost misses the point a bit, because when people have experienced these crimes, obviously the exposure of having their material posted online is a certain type of trauma, but beyond that it is because the offence has occurred because of who they are and goes to the core of their identity. If that is not addressed as an aggravating circumstance, I do not think it is quite as meaningful to go to 'post and boast' as some sort of silver bullet here.

Ryan BATCHELOR: No, but it would be an element in trying to address it. I take your point, Cassandra, about the need to improve access to the justice system overall, particularly for the LGBTIQ+ community, who have faced clear and historic barriers to access to justice. We have an obligation as a committee to look at what the law is doing as well, because of all other things we are also legislators, so it is an important part of our remit. Your submission goes to providing alternative or non-police entry points into the justice system. How would they work, and how do you connect those alternative entry points, whether it is through community legal centres or the like, through to complaints, charges, prosecution? There are limits to the role that a CLC can play in bringing a criminal prosecution, so how do we bring those two things together?

Cassandra MARTIN: Probably the first point to make is that I think responses need to be led by the needs of the victims. And for some victims, some people we speak to, absolutely getting a prosecution through a criminal process is the most important thing that they need to feel that justice has been done, but for other people, that is just not their main priority and not something that is meaningful for them or not something that is accessible for them. So I think those kinds of non-police inputs really should be aimed at helping people to identify 'What is the option that's going to be right for me, and what's the option that's going to help me to recover and heal from these crimes?'.

Heather CORKHILL: Can I possibly add there around community-based reporting mechanisms? Is that okay?

Ryan BATCHELOR: Yes. Please.

Heather CORKHILL: There are actually different models as well that we have seen, particularly to address Islamophobia, antisemitism and also racism towards First Nations people. They are often called registers, such as the Islamophobia register, where a person can meet with and talk to someone in their own community and then get the support they need. It firstly creates a good dataset, so it sort of addresses that data gap issue, but that person is then immediately referred to legal support, social work support, psychologists et cetera to help them navigate through the justice system. Then if there is a dedicated hate crime unit, which I think Victoria direly needs, there would be links between that register or support service through to police, so that referral can be facilitated through. Of course that cannot be taken all the way necessarily through the whole process. Justice navigators could take on some of the role then, once the matter actually goes through the justice system. But yes, aside from justice navigators there are other established models that we know are already working. We just do not have one for the LGBTI community at this time.

Ryan BATCHELOR: Thanks, Chair.

The CHAIR: Cool. Thanks very much, Mr Batchelor. I will now go to Ms Gray-Barberio, who is online. Anasina, over to you.

Anasina GRAY-BARBERIO: Thanks very much, Chair, and thank you everybody for being here today. Can I please pick up on that point, Ms Corkhill, about the register? Is that something that you would recommend to the committee to explore and consider – like a specific register for LGBTIQ+?

Heather CORKHILL: Absolutely, yes. One of the specific barriers to reporting is the lack of that third-party, community-based reporting mechanism, as we have for other affected communities for hate crimes in Australia. And there are also models similar to that that are working overseas as well. I would strongly recommend that that is part of the consideration of this committee.

Anasina GRAY-BARBERIO: Thank you. And while I have you, before I go to Q+, can I just ask you: you have also recommended in your prevention submission establishing a statewide strategy or action plan with oversight from community organisations. Can you just speak more to that?

Heather CORKHILL: Yes. There have been other discussions earlier today about the lack of coordination. We have obviously got pockets of police doing really good work, victim support doing really good work, community legal centres. It is just to bring all of those folks together and also support that with a taskforce as well, to actually have some goals and some achievable things to work towards an action within set timeframes et cetera. I think that that would just bring everyone together and make sure that everyone is really talking to each other and there is that real sense of coordination across the sectors.

Anasina GRAY-BARBERIO: Thank you. Do you think that there is sufficient independent police monitoring and reporting when it comes to hate crimes and violence against the LGBTQIA+ community?

Heather CORKHILL: When you say independent –

Anasina GRAY-BARBERIO: What we are hearing today seems quite scant. There are significant gaps, and there seems to be a reliance on police data. In order to ensure that there is accountability and collection of these datasets, do you recommend to the committee independent reporting, like of the police, to make it public?

Heather CORKHILL: Okay, through data reporting?

Anasina GRAY-BARBERIO: Yes.

Heather CORKHILL: Absolutely. We are not even anywhere near that stage. I think we are really just at data-gathering stage and making sure that police systems are actually even set up for this in the first place. I am aware that, for example, in the UK things have been trialled. Like within the police system it will ask, for every matter, ‘Is this potentially a hate bias crime or a bias-motivated crime?’, which would then trigger consideration of adding that to the dataset. That then also leads through to specialist police looking at the matter. There are definitely things that can be embedded within the police system as well. Then absolutely the recording and reporting of that data – the fact is we have actually got so much more data from New South Wales because they have that hate crime unit, which we are sure is still an under-representation, but it goes a long way. We also do now have a national hate crime database as well, but it only has limited sources, which are based on police. We would really love to see alternative sources of data as well go into that, such as if there were community-based reporting mechanisms across all of the protected attributes. That would be a really significant source to collect within that national framework as well.

Anasina GRAY-BARBERIO: Thank you. That is really useful. Can I just come to Q+Law? In your submission you spoke about the system needing to be rebalanced to address the issues in the crime and the violence that the community is feeling right now. Can you just speak more to that? What do you want to see to ensure that there is a balance? I am sure it is a lot, but if you could just prioritise what you think we should be considering as a committee.

Cassandra MARTIN: Yes. I might speak to a couple of things that we have not yet raised. I think one of the things that we see from our casework is that we have already spoken to the burden that pursuing a case like this can put on survivors, and we think there are changes that could be made that would better place that burden elsewhere. One of these would be to amend the *Equal Opportunity Act* to introduce a positive duty to prevent vilification. As Equality Australia has already spoken to, this is based on an existing reform that exists within the *Equal Opportunity Act*. I think really importantly, though, it would also need to be accompanied with resourcing to the Victorian Equal Opportunity and Human Rights Commission so that they actually have the powers and the ability to proactively investigate vilification. Too often we hear from people who have experienced vilification at their school or in their public or community housing or their workplace. They report it and the organisation says, ‘That’s between you. It’s too hard. There’s nothing we can do,’ and that can sometimes be even more harmful than the initial vilification.

The final thing that I think would also assist in rebalancing who holds the responsibility for pursuing these matters would be the introduction of a digital duty of care, which I think Equality Australia has already spoken to as well.

Anasina GRAY-BARBERIO: Thank you. Chair, do I have any time or have I finished?

The CHAIR: Sadly, we are out, Anasina. Sorry.

Anasina GRAY-BARBERIO: No worries. Thank you. Thank you all.

The CHAIR: That is all right. Ms Watt is not online; what we will do then is we will go around. If anyone has got any other questions, we will do maybe a couple of minutes on the clock, and we will try and go back and forth. Does anyone have any? I will go to Michael. Aiv, do you have any? I have got Michael and Aiv.

Michael GALEA: Thank you. I might turn to Q+Law. Your opening remarks gave some very harrowing accounts from a couple of victim-survivors, and also page 7 of your submission has a number of examples, including victims of app-based violence but also a parent distressed about the way her son was being treated due to his sexuality, and the extreme things that he was being subjected to. I know so many people that I speak to about this issue and about this inquiry in the broader mainstream are very surprised that this is happening. Is this a conversation we need to be extending more into the mainstream to raise awareness?

Sebastian SHARP: One of the recommendations that we made in our report was also around truth-telling redress. There is a recent report that came out of RMIT that speaks quite compellingly to this, and I think it pinpoints exactly what you have raised and the lack of awareness around not just the contemporary harm to our community – really, there has been a lot that has not been unearthed. I think a lot of the core issues that we have raised today around the mistrust of institutions, serious trauma and feeling alienated from police et cetera are really big problems, and they cannot be addressed with bandaid solutions. So something that goes to acknowledging the harm that has been done to our community in a safe and considered manner would be, I think, one step in the right direction.

Michael GALEA: Thank you.

The CHAIR: Mr Puglielli, over to you.

Aiv PUGLIELLI: Thank you. That segues perfectly into my question. I am going to ask about the same recommendation from your submission. On the prevention and rebuilding trust side of the conversation, what do truth-telling and redress measures mean in that aspect? Do people feel when they come forward that they are going to be believed, that they are going to be taken seriously and that there is going to be justice served for what has happened to them?

Sebastian SHARP: I think that it is important to see truth-telling not just as a form of historical redress but also as something that is going to hopefully be understood by contemporary institutions. There are lessons that can be learned from these types of exercises that have been really effective in other jurisdictions. We are happy to provide more detail about that in written form and about how these kinds of truth-telling mechanisms have actually led to significant change in other jurisdictions.

Aiv PUGLIELLI: Thank you. That would be much appreciated. Can you speak to the context of trust between the community and authorities at the moment? I could reflect on a personal level, but in considering the people that you are speaking to more broadly, where are things at at the moment, at least in your assessment?

Cassandra MARTIN: I think there are a few things, and I think there are different experiences for different parts of the community. I think particularly we see a large number of older men who might come to us because they want a historical conviction expunged. For those men, it is very, very difficult to overcome distrust of police. They have been not just criminalised for who they are but actively baited and entrapped and often degraded and humiliated through that experience, and now some decades later it is still having an impact on their lives.

I would also say it is a relatively well-connected community. When one person experiences homophobia, transphobia, dismissiveness or not being listened to, those experiences filter through. Positive experiences also filter through; when someone has a respectful experience, others are going to feel safer going to the police as well. As a manager I ask my lawyers, 'What are you seeing? Is it a small percentage of people who are hesitant to go to police?' – particularly when we are seeing the levels of injury, harm and danger are so high – and their reflections are, 'No, it is really almost across the board. It is incredibly prevalent.'

Aiv PUGLIELLI: Okay. Thank you. Thank you, Chair.

The CHAIR: Thank you. That brings an end to this session. Q+Law and Equality Australia, thank you so much for your time today. We really appreciate it. As I said, you will get a proof version of the transcript when it is ready to go. But from us, thanks very much for your time today. We really appreciate it.

Witnesses withdrew.