

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

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

Melbourne—Tuesday, 25 February 2020

#### **MEMBERS**

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

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Mr David Southwick

Mr Meng Heang Tak

#### **WITNESS**

Ms Jennifer Huppert, President, Jewish Community Council of Victoria.

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**The CHAIR:** Welcome. I acknowledge the traditional owners of the land on which we are meeting. I pay my respects to their elders both past and present and to Aboriginal elders of other communities who may be here today.

I now declare open the public hearings for the Legal and Social Issues Committee Inquiry into Anti-Vilification Protections. I would like to introduce and welcome Jennifer Huppert, who is no stranger to all of us, the President of the Jewish Community Council of Victoria.

All evidence taken by this Committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, including on social media, these comments may not be protected by this privilege. All evidence given today is recorded by Hansard and is also being broadcast live on Parliament's website. Please note any footage can only be rebroadcast in accordance with the conditions set out in standing order 234. You will also be provided with a proof version of the transcript for you to check as soon as available. Verified transcripts, PowerPoint presentations and handouts will be placed on the Committee's website as soon as possible.

Thank you, and you may begin with your presentation.

**Ms HUPPERT:** Thank you, and I thank you very much for the opportunity to present to you this afternoon. I would also like to begin by acknowledging the traditional owners of the land on which we are meeting today and pay my respects to their elders past, present and emerging.

The Jewish Community Council of Victoria is the peak body for Victorian Jewry, and we represent the over 52 000 Jews living in Melbourne. We are a roof body. We have over 50 Jewish community organisations who are affiliated with our organisation. They cover a range of aspects of the Jewish community—educational, welfare, religious, social, youth, sporting and communal organisations. We have acted as the voice of the Victorian Jewish community for 80 years, and we are particularly active in the area of social justice, community welfare, social inclusion and social cohesion. We reach far into the Jewish community, and we hear the views of many people in the Jewish community through our affiliate organisations and our regular meetings where people raise issues of concern.

I will start by saying that we are very happy that Victoria is a very good place for the Jewish community. We are comfortable in Victoria. We are part of the fabric of Victorian society at all levels, as evidenced by the number of members of our community who serve in Parliament, who serve in leadership, who serve at all levels of society. So we do not want to overstate the problems relating to vilification and hate, but they do exist, and the impact of those, even though they may be small in number, is far-reaching and has a large impact on our community and we believe on society generally. In view of that, we really welcome this Inquiry to consider the current state of protections in Victoria and the opportunity to make some suggestions and recommendations for how those protections can be improved and strengthened.

Anti-Semitism is obviously the form of hate which our community is familiar with. In my submission we gave you the working definition of anti-Semitism which has been adopted by the International Holocaust Remembrance Alliance. Australia is a full member of that organisation, which is an international diplomatic effort to combat anti-Semitism and hatred around the world. That definition is that:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

That has been adopted around the world by many governments, and it is a very useful tool in identifying what is anti-Semitism and how it can be combated around the world. But it is only that; it is just a tool. The fact that countries around the world have adopted that as a definition—in our view it is not sufficient merely to adopt a definition of what is anti-Semitism. A state such as Victoria does need to protect its citizens with legislation such as the existing *Racial and Religious Tolerance Act*, the *Equal Opportunity Act* and to regularly review that legislation to ensure that they provide sufficient protection for its citizens. So as we said, the definition is very

important, and I think it would be very useful if the Victorian Parliament would consider whether or not it wishes to adopt that definition when it is considering how it deals with anti-Semitism and other forms of hate in Victoria, but that is not an end in itself, and our view is that there are other legislative protections which are necessary in order to protect the citizens of Victoria.

I have also provided you with some evidence of increasing vilification and hate against Jews in Victoria and Australia, with a link to the Executive Council of Australian Jewry's anti-Semitism report. It issues an annual report, and while there has been a significant increase in incidents between 2013 and 2019, in the last 12 months there was not a significant increase in the number of incidents but there was an increase in the severity of those incidents. The sorts of incidents that have been reported are more serious in the nature of assaults and verbal abuse rather than merely emails—I should not say merely—but the nature of anti-Semitism has been changing. The experience of anti-Semitism in our community has been changing over the recent times. And its impact can be significant. Obviously there is the short-term, immediate impact of physical abuse, and verbal abuse can lead to issues such as loss of self-esteem and negative health outcomes for the individuals that are impacted. But it can have a broader impact on a community largely. It can lead to people being concerned about identifying as Jews and expressing their identity freely in their community, and it can impact on people's wellbeing in their workplace and their sense of belonging in their workplace or in their school or university. And there are well-reported incidents of these types of things in the newspapers and other media in recent times.

Vilification can also lead to discrimination. I know we are looking at vilification now, rather than discrimination protections, but it is almost a slippery slope and our view is that by dealing with vilification you send a strong message that supports the protections against discrimination. Because they are related, and it is difficult to deal with discrimination and vilification in isolation.

In my submission I looked at some of the issues arising from the current legislative framework. I did make a couple of suggestions and recommendations that our community thinks would be very important. Obviously the *Racial and Religious Tolerance Act* does provide protections only for race and religion, which do obviously provide protections for people in my community, but we are looking to the wellbeing of the whole community. In view of that we think it is important to broaden the attributes that are protected by anti-vilification legislation to the types of attributes that are protected by the *Equal Opportunity Act* so that all Victorians have similar protections against vilifications to those that people of the Jewish community or other racial and religious groups have.

The *Racial and Religious Tolerance Act* has two types of offences. It has a civil scheme and a criminal scheme, and clearly because of the impact of those offences being proven those have to be dealt with separately. In terms of the civil scheme, at the moment we think that the test, which is one based on incitement, is not satisfactory, and our view is that we should take a harm-based approach and that we would be better served in our community if in considering whether or not there has been a civil offence committed we could look at the harm of the people who are affected by that offence and not whether or not it will incite others to vilify. That is the way of protecting our community from the types of negative acts that I raised before, and I think that that would be something that would be really a very good thing to happen in our community.

I would also like to broaden the types of offences. In terms of the criminal offence, I think it would also be very useful if the criminal offence were included in the *Crimes Act*. It would lend strength to Victoria Police; it would make it easier for them to deal with those types of offences. It would raise the importance of that offence to that of the other offences that are contained in the *Crimes Act*, rather than sidelining it to a separate piece of legislation. Again the criminal offence is a very high bar, and our view is also that it should be broadened to include reckless as well as intentional behaviour and also 'likely to incite' rather than merely 'incite' vilification. I think that by broadening the scope of the criminal offence we would provide greater protections to our community.

The other matter I wanted to raise, which is not something that I dealt with in my original submission but which has come to the fore since some recent incidents of swastikas and flags being flown in regional Victoria and regional New South Wales, is to include material that is harmful within the scope of the legislation. We think that would also be very useful. Some people have talked specifically about banning the swastika, but I do not think that is an appropriate step to take. I think it would be more appropriate to have a broad offence that relates to harmful material.

The only other thing I would say is that legislation is of course not the only tool available to combat anti-Semitism and other forms of racism and hate. Government policies, the support of community institutions, education and those types of issues are also very important, and I think there needs to be a suite of actions taken to protect our community against the negative impacts of hate.

Thank you very much, and I am happy to answer any questions.

**Mr NEWBURY:** Thank you so much for being here. Just to reclarify your comments just before, you do not specifically support a legislative ban of the Nazi swastika?

**Ms HUPPERT:** There was some wording that was originally intended when the *Racial and Religious Tolerance Act* was first drafted 17 or 18 years ago that was not included in the final version that talked about material that was hateful and could incite hate, and I think that the use of the swastika would come within that; I think that is perhaps broader. It may be that the legislation could use examples, because these days modern drafting often does include examples, and it may be useful to include that as an example in the legislation as to what is hateful and likely to incite hatred. But I think we need a broader ban than merely a ban of the swastika.

**Mr NEWBURY:** Okay. I understand the distinction. So the idea of using an example in legislation specifically—you are not opposed to that?

**Ms HUPPERT:** No, I am not opposed to that.

**Mr NEWBURY:** Okay. Can I draw your attention to the reports today on the ASIO director-general, Mike Burgess, who said, and I quote:

In Australia, the extreme right-wing threat is real and it is growing.

In suburbs around Australia, small cells regularly meet to salute Nazi flags, inspect weapons, train in combat and share their hateful ideology.

With that in mind, do you think that there may be a need to address this issue in a very timely manner?

**Ms HUPPERT:** I am aware of that report, and obviously our community is very aware of these types of incidents occurring. We are very mindful that we believe that these things are occurring, and we are well aware of them within the community. There has obviously got to be a difference between public and private acts, and it is difficult because we have to balance freedoms. If behaviour is private, I think that many people would find that inimical to—against our expression of freedoms, to limit private behaviours. I think there is a definition of ‘public act’ in New South Wales legislation that I have read and think is probably a good distinction between public and private, because I am concerned about these types of activities and I would hope that ASIO and the federal police and other intelligence organisations are monitoring them. I know that they do have the appropriate legislative powers to do that, which is why we know about it.

So we already have the powers required to monitor. We obviously have to make sure that they keep in touch with changes in social media, changes in technology and those types of things, but we currently obviously have the powers; ASIO and like organisations—because of this report—have the powers required to monitor private acts. We obviously are concerned here about public acts, so I think it would be prudent to have a timely review of our legislation, as is happening here. I would hope that this would lead to a recommendation and amending legislation in a timely manner that would deal with the public acts that may result from that private behaviour, which is currently being monitored under existing legislation by our intelligence agencies.

**Mr NEWBURY:** I guess, just finally, when I said ‘timely’ I meant whether or not you felt there was an immediate need—and I mean an immediate need.

**Ms HUPPERT:** Look, I am cautious about very quick responses to one-off incidents or particular incidents that occur. I have a personal preference for well-thought-out legislation that deals with these issues. But in terms of timely, if there was legislation before the Parliament, I would review it. I would have to look at the legislation itself. I think that I would like to see reforms as part of a broader reform, and I would have concerns that there would be a quick fix for a particular issue that might lead people to say, ‘Well, we don’t need to do the broader reforms’.

So, yes, while I think that it would be good to deal with these matters in a timely manner, I think we need to deal with them broadly as part of a suite of reforms that deal with hate generally. As I said, I think obviously the fact that ASIO knows of this incident shows that they are being monitored. I am not saying no—obviously I would not support legislation before the Parliament that dealt with these particular incidents—but I would want to make sure that it does not have a broader impact and limit our broader response to hate generally.

**Mr NEWBURY:** And I do appreciate your distinction between monitoring and a lack of any further power. In my community someone put a giant sign up on their private property facing outward of a Nazi symbol, down the road from a school, and there was no power.

**Ms HUPPERT:** No, I agree. I think it is something that we need to deal with, but I think all of this needs to be dealt with in a timely manner.

**Mr TAK:** Thank you, Jennifer, for your presentation. What can you tell us about whether there is any sort of evidence in terms of increasing vilification and hate conduct in Victoria?

**Ms HUPPERT:** Well, the information is that which is contained in the Executive Council of Australian Jewry anti-Semitism report. So the Victorian Jewish community does collect incidences of anti-Semitism. We ask people to report it to our community security group. That community security group sends that information in to the Executive Council of Australian Jewry, as do similar organisations where there are Jewish communities in other states, and that is collated. So that is the information that I have referred you to in the submission. That is a lengthy report, but that report clearly shows that there has been an increase in anti-Semitic incidences in Victoria and in the rest of Australia in the last eight or nine years.

Anecdotally we also hear people talking. There are many people who do not want to actually officially report incidences. And it is quite interesting the types of people who are reporting incidences. There are anti-Semitic incidences occurring in places where there are no Jews living in the particular communities. We get people calling us from regional communities saying they saw something that offended them on behalf of the Jewish community. So we get reports from across Victoria, obviously as evidenced by that swastika. Late last year there was a group of young men in Nazi uniforms in a supermarket in Woodend.

**Mr NEWBURY:** Southland.

**Ms HUPPERT:** Yes, that is right—the graffiti in Southland. So it is around Victoria. It is not limited in location. There is clear evidence that the number of incidences is increasing—but, I must say, from a very low base. So whereas there is an increase in anti-Semitism, I would not say it was rampant in the community. I would say it is a problem and it is something that we do wish to address, but still, compared to the incidences of anti-Semitism being experienced by members of the Jewish community in places in Europe and other places around the world, we are very fortunate to be living in Victoria, which has such a strong, cohesive multicultural community. It is there; it is outliers.

The other issue, of course, is that when it increases in other parts of the world we are concerned that Victoria may be following. We may follow what happens in other parts of the world. And vilification not only leads to discrimination but it obviously also can lead to violence, as we have seen in the United States and in Germany in recent times. And of course other religions have been impacted by this—Christchurch, Sri Lanka. So vilification needs to be addressed because it is a forerunner to more physical forms of action.

**Ms COUZENS:** Thank you very much for coming along today. We really appreciate your submission and your speaking about your submission and giving us a bit more information. You have talked about the evidence being there that vilification is growing in your community. I suppose for me I think, ‘Well, why is that happening?’. Do you think social media is inciting that in some way, or is it something else that is out there that is allowing people to think that it is okay?

**Ms HUPPERT:** I mean, I am not a sociologist and this is just a layperson’s view and from the reading that I have done: social media does, in my view, play the role of an echo chamber, so it allows people who may have been isolated—

This is this difference between public and private that we were just stressing before. Previously I think those views always existed, but they were underground. What we see with social media is through various different

platforms people finding people with like minds and being emboldened by the fact that they are finding people with like-minded ideas. So yes, social media does have an impact; there is no doubt about it.

I also think this is the experience, again, that we have seen in various places, like some parts of countries in Europe where there is social turmoil and where there is social unrest, economic difficulties. People look for a reason for feeling isolated and feeling not part of society. Now, obviously at its worst we saw what happened in Nazi Germany, which was in response to the Great Depression, where people with particular views could play on the fears of people in a broader community who were feeling disenfranchised and being socially left out of wealth and social mobility, which is why I think we need to be very on guard about those things at a time when there is a great deal of social and economic dislocation. We do need to be on guard, because that is a time when people can be susceptible to falling into these types of views.

**Ms COUZENS:** I would be interested to hear, from your point of view, whether there is a difference between regional communities and metro communities.

**Ms HUPPERT:** Look, I think it is perhaps that the regional communities sometimes do not have the same opportunities for education, knowledge, that metropolitan communities do. I know that there are a lot of people who are trying to address those—some of the organisations that are active, some of our affiliate organisations who are active within the Jewish community. For example, the Courage to Care program, which is run by B'nai B'rith, which is one of our affiliate organisations, makes a point of going to regional areas to provide anti-bullying education programs for school-aged children. They make a point of visiting regional centres so that people in the regions do have an opportunity to get the same access as people in Melbourne—metropolitan areas—do. Schools in metropolitan areas get the opportunity to visit—I think in my submission I referred to the really important role that can be played by community museums, which I know are supported by the Victorian Government in many instances. But of course they are mostly based in Melbourne, and students at secondary level in regional areas do not always have the same opportunity to visit those community museums and to learn about the various communities that make up Victoria and the contribution they have made to Victorian society. So I think we do need to be aware of making sure that students and people in regional Victoria do have those opportunities as well.

**Ms COUZENS:** In your submission it discusses legislation not being the only tool. What else do you think is there?

**Ms HUPPERT:** Well, I think that government policies can be really effective because they send a really strong message. Every time there is a release of a new multicultural policy which talks about the contribution which has been made by various multicultural communities to Victoria's wellbeing, I think those are very important. I did mention the museums and the role of education programs. I think that the NGO sector is very important, and we do really appreciate the support that we get from the Victorian Government for our activities. I know other non-government organisations also are very active in this area, where we work together with other faith, cultural and language groups to strengthen Victoria's community.

I was actually listening to my rabbi speak about that in synagogue a few months ago, and he said, 'There is a rise in anti-Semitism. What can we do to combat that?'. Well, one of these ways is just to go out and meet people, so people know. Multiculturalism, a strong multicultural society, is a very important way of combating anti-Semitism and other forms of hatred. There are a number of different levels at which we can support multiculturalism: obviously Government agencies such as the Victorian Multicultural Commission and the Victorian Equal Opportunity and Human Rights Commission, which I must admit I am a board member of, so I am declaring that interest. Those Government agencies are very important. The Victoria Police multicultural portfolio reference group is also a very important agency in combating vilification. And as I said, there are the different cultural organisations' community-based programs. The Jewish Community Council of Victoria is very fortunate; we were partnered with the Australasian Union of Jewish Students and two Muslim groups, the Australian Intercultural Society and Benevolence Australia, in a pilot program which was funded out of the Anti-Racism Action Plan to provide bystander training. So it was basically a program designed at empowering members of the grassroots, members of the community, to deal with vilification when they saw it in the streets, on public transport, at their schools and universities and in their workplaces. We reached a few hundred people on that program. With the pilot we had 10 programs that were run at community-based events, police stations, local councils. Those types of grassroots-based programs I think also have a far greater reach and an ability to

reach more people, including in regional areas, which you are obviously concerned about as a regional Member of Parliament.

**Ms COUZENS:** Yes. So would you agree that regional community leaders or community leaders generally have a role to play in this message?

**Ms HUPPERT:** Yes, absolutely.

**Mr SOUTHWICK:** I want to touch on the schools. In your submission and in terms of the point ‘Impact of Antisemitism’ you mentioned that there are reports of students who have experienced anti-Semitism in a school environment being forced to change schools and families electing to homeschool their children, and obviously those have been reported extensively through media. Understanding the fact that the JCCV has been working with the Government, and there are a number of things that the Government are implementing there, what other things do you think should be happening within the school environment? I particularly make reference to the fact of ensuring that schools themselves have more of a general education about race, religion, different people’s backgrounds and faiths, and there has been talk of Holocaust studies being a specific curriculum being embedded in the schools. Do you think that these things have an important role to play in Victoria?

**Ms HUPPERT:** The Holocaust is part of the national curriculum.

**Mr SOUTHWICK:** Not as a compulsory through all schools.

**Ms HUPPERT:** Not as a compulsory, but it is there. We think that it should be given greater prominence in the curriculum in schools, because it does play a very important educative role, which is why, for example, there are programs such as Courage to Care, which is an anti-bullying program, a general anti-bullying program, but it is using the lessons from the Holocaust, and the ‘righteous among the nations’, those non-Jewish people who saved Jews at risk of their own life during the Holocaust, as well as more recent examples of people who have gone out of their way to assist people, as an educational tool. I know the State Government is in the process of signing a new agreement with Courage to Care for delivery of their programming in schools.

So education is very important. We would like more prominence to be given to studies of the Holocaust as part of our curriculum, and we think it is very important that schools—as part of the professional development for their staff—are given tools on how to deal with our diverse community. There are specific anti-bullying programs dealing with various aspects of people, like LGBTIQ+, other types of things, and I think that a specific anti-bullying program that addresses differences around race and religion would also be of use.

I know that there has been some work done with schools through the Victorian Equal Opportunity and Human Rights Commission, which has been doing some pilot programs as well in schools, looking at how they can deal with this type of issue as well. So I know there is a lot of work being done. I guess the problem is we are asking schools to do everything, and schools cannot do everything. There are problems, and I would like to see resources to enable principals and other staff at schools to deal with these issues when they occur. The education department has developed a 10-point plan, which has been designed to address the issues that you have raised, that came up late last year in the media. We have been talking with the minister’s office and been getting updates on how those ideas are being implemented. It would appear from what we understand that they are being implemented, and we have been keeping an eye on it to make sure that they are implemented because we think that is very important.

One of the things from our community that we have seen is that we have an organisation—it is one of our affiliate organisations—called the United Jewish Education Board. The United Jewish Education Board provides cultural education outside normal school hours for Jewish students in government schools and non-government schools as well, and they play a very important role. I think that one of the things that is good about our schools is the emphasis on identifying the cultural groups that make up a school and making sure that all those cultural groups are represented when they are dealing with cultural issues within the school.

I know that UJEB, the United Jewish Education Board, provides classes out of hours—Hebrew classes, Jewish cultural classes—and sometimes also has the opportunity to run assemblies for the schools where there are Jewish students so that other students within the school have the opportunity to learn about the culture of the Jewish students. I am assuming the same thing happens for other cultures within schools. Obviously I do not

have that information—I only know about what is happening with Jewish students—but I think those all play an important part in ensuring that schools are welcoming places for people of different cultures and backgrounds.

**Mr SOUTHWICK:** Just touching on James's earlier point in terms of the general swastika and other symbol ban, I am just wondering—and I appreciate the JCCV does a huge amount of work in multicultural and interfaith communities—how you grapple with that and effectively the Jewish community at large and your members, like the Holocaust Centre, the Anti Defamation Commission, Maccabi Victoria, which are all very sensitive about not having a ban on what is a universal symbol of hate as a priority or a focus, and that is not leaving out the fact that other things should be caught up. Wouldn't that be something that the JCCV should be focused on as a priority?

**Ms HUPPERT:** Look, it is important to us, but we think it is important that it is dealt with in a systemic way as part of a broader suite of reforms, and if there is a reform brought in we are not objecting to it. I know that there has been some talk about legislation, and I understand that that will be presented. As I said, I do not have a problem with that. We have discussed it, and we think it is important that there is a ban on hate material. If the Parliament can deal with it immediately, then the Parliament can deal with it immediately. I just do not have a problem with that. We have been talking about this for a long time. It is not something that is new. There have been issues about swastikas, flags being flown and people doing other things. There have been instances of swastikas. Last year I think there was someone displaying a swastika in Geelong on a public housing estate. This is not new. It is something that has been simmering for a while, which is why we made—I mean, I made appointments to speak to the Attorney-General and other ministers last year to say we were concerned about these and we wanted reform. So it is not like we are sitting on our hands and not doing anything. I am just concerned that whatever reform is brought in is well thought through and actually deals with the issues in a fundamental way. So, yes, I would be very happy to see legislation which bans hate material, an example of which is the swastika, but I am just also wondering what you are going to do with the tiles on the floor of, I think, is it the old Werribee town hall which has recently been restored, which has a swastika pattern, and how that is going to be dealt with, because it is not as simple as just saying, 'No swastikas'.

**Mr SOUTHWICK:** As you know, Jennifer, there are a lot of exemptions that one could have, both religious and cultural.

**Ms HUPPERT:** Absolutely, so I think just a knee-jerk reaction of 'Let's ban the swastika' is what my concern is. My concern is that we have a well-thought-through piece of legislation which bans hate material with relative exemptions. The swastika is clearly hateful, and anyone who says that they are flying a swastika because it reflects their German heritage, which is what happened in rural Victoria, it is a problem for our community.

**Mr SOUTHWICK:** So you would accept the fact that those that are currently using that symbol, if that symbol was banned, would not be flying the hammer and sickle or another type of symbol in its place?

**Ms HUPPERT:** There are examples of people who are just choosing the swastika, but if you just ban the swastika they will find another symbol, be it that white supremacist hand movement. There was a soldier who was filmed making that symbol. That was the hand movement made by the perpetrator of the massacre in Christchurch. You ban a swastika and then something else will come in its place, so my concern is that it is a broader offence that relates to hateful material, not necessarily just a swastika, because people find ways of expressing the same view in a different way. The swastika is easily recognisable, but they will find another means of expressing the same thing in a different way. It might be the SS symbol—you know, the double Ss that were on the SS uniform, which were equally as offensive.

**Mr SOUTHWICK:** We have talked about Nazi symbols as part of what we are proposing.

**Ms HUPPERT:** Yes, so I think it is broader than just banning the swastika. As I said, I am looking forward to seeing some legislation and being able to provide comment on it because hate symbols, I think, should be banned and I am just concerned that a lot of the media I have seen to me does not express that there are broader ways that people can express hate. We need to make sure that it is done in a thoughtful way that captures all of those. So I am not saying no, do not ban the swastikas. I am just saying it is the way it is done. It needs to be well thought through and to deal with all the instances that we will have.

**Mr NEWBURY:** You mentioned that you were seeing the attorney last year in response to some public incidents and proposing legislative reforms. Are any of the issues we have raised today part of those discussions, or are there any specific—

**Ms HUPPERT:** The sorts of things that I have raised in my submission are the things I raised with the attorney.

**The CHAIR:** Just on a final question, your submission recommends allowing complaints to be made without the need to name individual complainants. Can you just explain a little bit of the benefits of that, and if there have been incidents in your community where putting forward their identity was a key.

**Ms HUPPERT:** It is only anecdotal—I do not have statistics—but by talking to everyone in our community, a lot of people, and the education system is one of those; we have been speaking to members. We have a quite active youth movement sector in the Jewish community, and while we have a very strong Jewish state school system many of the people who attend youth movements attend government or non-government schools, not Jewish schools. When the media reports of these particular instances came out, people in the community talked to representatives of the youth movement to gauge if they thought these were widespread, and they reported that there were widespread examples of anti-Semitism in schools but they did not feel comfortable making complaints. Now, I know one of the ways that this is being addressed is that the department is setting up a hotline so that it will be easier for families and students to raise these issues with the education department if they do not want to take it up with the school that they are at. That is one solution, but that is just an example where people have said they are not comfortable moving forward.

We think it would be useful, even if it is a complaint to an organisation such as the Victorian Equal Opportunity and Human Rights Commission, for a representative organisation to be able to bring forward examples of anti-Semitism, because there are people who are very concerned at coming forward. I think this is particularly in cases where these communities have a long history of discrimination and vilification, not just the Jewish community but the many other communities in Victoria where there is a long history of generational trauma, where people's parents or grandparents have experienced severe trauma in other countries. That message is passed down, and then people from the next generation are very hesitant to individualise reports of vilification because of their family history. That is just one example. That is why we think that being able to make some type of group representation regarding vilification would be a useful tool in the toolkit.

**Mr SOUTHWICK:** Do you think it is a concern that we do have kids that are homeschooled and do not want to go to a public school because they effectively do not feel safe?

**Ms HUPPERT:** Obviously parents have the right to homeschool their children, and I am not going to criticise anyone who chooses to homeschool their children. If the only reason is that they have experienced anti-Semitism, yes, it is a concern, absolutely, that anybody chooses to make that decision because they have experienced discrimination. Now, some people choose to homeschool because they want a different type of education for their children with a different emphasis.

**Mr SOUTHWICK:** That is not the question.

**Ms HUPPERT:** That is not the question, but yes, it is a concern—yes, it definitely is a concern—and this is why we think that there needs to be a change in how the education department deals with these instances when they are reported. Now, they have instigated and they have implemented changes. I would hope that they will be effective, and we look forward to keeping an eye on the progress of those changes.

**The CHAIR:** I have just one question. The current system, as we have heard in a previous submission, is very difficult to navigate. There has not been much success in prosecution. On the one hand you are seeing a rise in anti-Semitism and hate crimes, and on the other hand it is very, very clear that the current system is just not meeting or, I would say, is not adequately able to address those concerns. So I would ask just on a final note: what would you like to see as a number of priorities in this reform?

**Ms HUPPERT:** Well, I think one is that the civil offence is a harm-based offence rather than the impact on third parties. I think that the focus needs to be changed so that it is harm based, so it is the impact on the people who are vilified rather than incitement. In relation to the criminal offence, we do need to lower the barrier. Obviously we still need to have a fairly high burden, because it is a criminal offence, and the impact of being

found guilty of a criminal offence is significant. But if we could include 'likely to incite' rather than 'incite' and 'reckless' as well as 'intentional', move the offence so that it is part of the *Crimes Act* and deal properly with what is a public act and what is a private act, I think that would address some of those issues.

**The CHAIR:** Thank you so much, Jennifer, for presenting and also the work that JCCV does in our community in Victoria. The next steps will be that the Committee has a number of other public inquiries to conduct. At the end of that we will deliberate on all the submissions and of course give some strong recommendations back to Government. This is absolutely an important matter and one that affects all of us, so again thank you for taking the time to present to us.

**Ms HUPPERT:** Thank you.

**Witness withdrew.**