T R A N S C R I P T

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Anti-Vilification Protections

Melbourne—Wednesday, 24 June 2020

(via videoconference)

MEMBERS

Ms Natalie Suleyman—Chair
Mr James Newbury—Deputy Chair
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Ms Emma Kealy
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Mr David Southwick
Mr Meng Heang Tak

WITNESS

Professor Katharine Gelber, Head of School, School of Political Science and International Studies, Faculty of Humanities and Social Sciences, University of Queensland.

The CHAIR: I declare open the Legislative Assembly Legal and Social Issues Committee public hearing for the Inquiry into Anti-Vilification Protections in Victoria. Please ensure mobile phones are switched to silent and background noise is minimised.

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

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

I now welcome Professor Katharine Gelber, Head of School, School of Political Science and International Studies, Faculty of Humanities and Social Sciences, University of Queensland. I invite you to begin your presentation of up to 10 minutes followed by members' questions at the conclusion. Thank you very much for being here today, Katharine. I welcome you.

Prof. GELBER: Thank you for having me. May I start by saying thank you very much for the invitation to give evidence to the committee today. It is a great pleasure for me to be able to do so, and I hope to be able to contribute to your deliberations. I am an academic who has specialised in the area of freedom of speech and the regulation of hate speech or vilification for well over 20 years. I have published widely in this area, and one of the projects that I did, for example, with Professor Luke McNamara, who is at the University of New South Wales, was a large-scale study into the operation of anti-vilification laws across Australia over 25–30 years, that we concluded a couple of years ago. So the material or the information I will be giving you today is derived from that very long history of research in this area.

I would like to start with a general discussion about the purpose of such legislation. Of course the first term of reference of the committee is to inquire into:

> The effectiveness of the operation of … (the Act)—

in Victoria—

> in delivering upon its purposes …

In the Act itself the purposes are listed as promoting tolerance by prohibiting vilifying conduct and providing redress to targets of hate speech. And those things are of course very well understood to be the purposes of anti-vilification legislation, but I might just elaborate on them a little bit. The primary purpose, in my view and across the world really, of hate speech laws or anti-vilification laws is to ameliorate the harm. So the reason that we want to promote tolerance and protect communities from this type of conduct is to ameliorate and remedy if we can but prevent as well the harms of vilification. And the literature has well established now for 20 years, 30 years, that vilification is a type of speech that harms in important and in substantive ways. So I think that the literature has moved well beyond the dictum that, 'Sticks and stones may hurt my bones, but names will never hurt me', and we understand now that speech does things in the world.

There are benign examples of speech doing things in the world, such as, for example, when Natalie Suleyman introduced these proceedings and went through a set of procedures that did things—it established parameters, it informed people and it gave consent, for example. So we do things with our words, and it is well documented that vilification can harm. It can harm in two primary ways. The first of those is causal, and that means that the vilification causes a discrete and separate act of harm, such as discriminating against somebody in the workplace, refusing them a job, preventing them from getting access to a good or service, or preventing them from gaining access to housing, for example. And the type of phrasing used in the Victorian legislation speaks

very strongly to that causal harm because it is about inciting hatred, severe ridicule, contempt et cetera among an audience, all of which then has the capacity to do other harms to the targets.

But there is another way in which vilification is alleged to harm in the literature, which is very convincing, and that is a constitutive type of harm. By that I mean that vilification is regarded as in and of itself an act of discrimination, that it does not require a separate or discrete act of discrimination to occur for vilification to be harmful, and that in vilifying somebody what speakers are attempting to do is to rank them as inferior, to posit them as marginalised, to exclude them from the legitimacy of equal participation in public debate. And by doing that, by excluding them, ranking them as inferior, marginalising them, the speech in and of itself is regarded as harmful. Now, this is well documented. Of course, even in the jurisdiction that protects free speech to the greatest extent possible amongst liberal democracies, which is the United States, speech is not absolutely and always protected. But certainly in a country like Australia it has been a well-established dictum for a very long time now that one of the areas in which free speech may legitimately be restricted—not absolutely but in narrow and careful ways—is where it involves acts of vilification.

Australia has adopted an approach now for decades which emphasises the civil laws. Often those civil laws work in conjunction with criminal laws, and I know that many jurisdictions have both, but in practice it is the operation of the civil laws that is the primary focus, because they are the laws that have the most effect in terms of achieving the second purpose of Victoria's legislation, which is providing redress. That redress can be provided either directly through a complaints mechanism or more broadly and indirectly through organisations such as human rights authorities conducting education campaigns and awareness campaigns and telling people where the lines have been drawn. Communities who are the target of vilification will frequently and often say that they very strongly support these laws; that they see these laws as providing a line in the sand, if you like; and that they appreciate that governments around Australia have taken a decision that while free speech is very important, it is not absolute and that this is where we are going to draw the line. We are going to draw it around a narrowly understood and a narrowly constructed set of speech that we consider crosses the line into harm and, in a manner commensurate with other types of harmful conduct, we are therefore going to regulate it.

Now, that is the sort of generic introduction. I guess the first point that arises in the context of the terms of reference of your committee in relation to that is that the harms of hate speech are not always well captured by legislation such as Victoria's *Racial and Religious Tolerance Act*, which focuses on the incitement mechanism—which is more the causal mechanism—rather than the experiences of the target. So the primary vilification law that we have in Australia that does focus on the target's experience is section 18C of the federal *Racial Discrimination Act*. And I understand that that is a very controversial provision, but my view—and I would be happy to elaborate on this in questions—is that section 18C is actually in practice drawn in quite a narrow way. Importantly, it is understood judicially in quite a narrow way, and the cases that we hear about in the news are highly unrepresentative.

The project that I did with Professor Luke McNamara showed that all around the country, of all the complaints that are made around vilification laws every year, only 1.8 per cent of those end up in a tribunal or a court. Not all of those, of course, are section 18C cases. Some of them are Victorian cases and from other jurisdictions. Of those about 50 per cent are upheld and about 50 per cent are dismissed. It is less than 1 per cent of cases nationally that end up being upheld in tribunal reports, so they are very unrepresentative. In the vast majority of cases this legislation operates in quite uncontroversial ways to provide support and a remedy and an apology to an aggrieved party and to educate the community more generally.

So my first point is that the harms to the direct targets are not necessarily captured by the current wording of the legislation, which focuses on the incitement of an audience as opposed to the experience of the targets.

The second point I would like to make is the breadth of the categories. So one thing that is quite distinctive about Victoria's current situation is that race and religion are covered. As you well know, I am sure, religion is not universally covered in the jurisdictions in Australia that have anti-vilification law, although race is. But there are other categories that are not covered in the Victorian legislation, and the most obvious ones for inclusion would be sexuality/homosexuality. I say that because different jurisdictions use different terminology to mean vilification based on somebody's sexuality. 'Sexuality' is broader, of course. I would prefer that term. Disability is another form of systemic marginalisation and discrimination, and it would be good to see disability covered. Then possibly the most controversial but I think very logical one to include would be gender-based vilification, and I say it is most controversial because actually there are no jurisdictions in Australia that

substantively or effectively have a gender vilification law now. There is a provision in Tasmania, section 17 of the *Anti-Discrimination Act*, which arguably provides for a gender vilification law, but in operation it has not acted in that way. There have been, to my knowledge at least, no cases. Nevertheless, I think that the logic of anti-vilification law would suggest that gender could be included. So that was my second point.

My third point is about the process of lodging complaints and carrying those out through to conclusions. One thing that Professor McNamara and I have argued in previous work is that it would be a good idea to allow relevant authorities to self-initiate complaints. The criticism of this is that it is a conflict of interest. But in my view the way that the law currently operates imposes a significant burden on target communities to be the instigators of complaints. That sometimes can take a very long time to carry through to conclusion. More importantly I think the current complaint system which rests on one individual making a complaint about another individual kind of individualises or personalises what is essentially a public wrong. The reason that we legislate against vilification is because we regard it as a public wrong. It does harm to our community. It does harm to the targets, but through them it does harm to our community. And we think our community would be stronger and better off if we could address vilification. So my third point is that I think it would be worthwhile the committee considering the possibility of authorities to self-initiate complaints.

Then my final point in these introductory remarks will be about religion as a category. I note of course that religion is explicitly covered in the Victorian legislation whereas it is not in some other jurisdictions. I appreciate the complexities and the difficulties of legislating on this ground. I appreciate that there has been an attempt to differentiate between vilifying adherents of a religion, which is vilification, and saying things about a religion per se, which is held not to be vilification. I guess my response to that is that in a perfect world I think it is entirely logical for religion to be included as a ground in this type of legislation, and I am not against the inclusion of religion. However, I do think that there are particular challenges to do with the operationalisation of vilification laws around religion, and in particular that is because it is very, very difficult in practice to differentiate proselytising, speaking about one's faith, and speaking in a way that vilifies individual adherents of that faith.

I do note that in the United Kingdom, although it is very controversial, religion-based hate speech laws have a different burden and a higher threshold than racially based hate speech laws. Now, in the UK of course we are talking about criminal laws, but in the UK a case for religious-based vilification does require intent and it requires threatening conduct, and they are much wider exemptions than for similar conduct based on race. So I would leave it up to the committee and other commentators to make a distinction there, but I think it might be worth clarifying the operation of the law in the area of religion to give assistance to tribunals and other bodies, to assist them in interpreting where the reach of the law should be here, and—I will finish on the first point I started with—the reach of the law should be harm. In the area of religion that can be particularly challenging to differentiate—not impossible, but particularly challenging—and it would be helpful if that were to be recognised. Thank you.

The CHAIR: Thank you so much, Katharine, for your presentation. I might begin, and then I will move on to Christine. Some stakeholders have recommended moving anti-vilification protections to the *Equal Opportunity Act*. What are some of your views in relation to this proposal?

Prof. GELBER: On the whole I think it is very helpful for civil vilification provisions to be co-located in law with other anti-discrimination provisions, because it makes it very, very clear that they are an anti-discrimination provision, that that is their raison d'être. So I would be generally speaking in favour of the civil laws being co-located. And you may be about to ask me this question, but I would similarly be in favour of taking the criminal provision and co-locating that with other criminal provisions so that there is a very clear differentiation between civil provisions and criminal provisions and both of them are co-located with the other laws that apply to similar types of conduct.

The CHAIR: Just one more question, and I know this is one that really stands out because we continue to hear the online vilification. It has been extremely significant throughout this inquiry. Members have probably been at the tail end of this as well, and I certainly have a lot of online vilification against me on a daily basis. What are some of the current problems that Victoria may face, just to seek your view, in attempting to regulate this space? For example, not just limited to jurisdiction, what could the role of the commonwealth government be and spaces like Facebook, Twitter, Instagram and so on, where we see such an increase in active—and it is a seven-day, 24-hour cycle—online vilification, online hate, and freely done without any form of accountability,

whether it is from the administrators or the editors of publication of some of the more organised online activity? If you could just provide your views in relation to how better to regulate this space.

Prof. GELBER: Well, that is a $60 000 question, isn't it? Firstly, I am very sorry to hear that you personally are subjected to online abuse, as are many parliamentarians and as are, unfortunately, many members of our community. I think that there are several things going on here. One is the misunderstanding around the use of the term 'hate'. I think 'hate speech' itself is a very unhelpful term, and I am very happy that in legislation Australia overwhelmingly uses the word 'vilification' because it is much clearer. But one of the problems with the term 'hate speech' being so widely used and misunderstood is that it implies that the central characteristic around the speech that ought to be regulated is whether it expresses personal dislike or hatred towards something. As I have tried to make clear in my opening remarks, that is not what it is about at all. It is only a certain category of speech that is capable of harming others by enacting discrimination against others that should be regarded as regulable in this context. So I think one of the things that could be really helpful is—and I do not know that it is legislative; it is more about education and about regulation and about what the human rights authorities do—that if people were to understand more clearly the difference between what is actually vilification and what is somebody saying something horrible but not something that the state necessarily should regulate – that would be helpful. That is the first point.

The second point is to differentiate between different types of online vilification—or online harms perhaps would be a better way of putting it—such as revenge porn, for example, versus online vilification versus organised hate groups. Again, it would be helpful in the debate to try and differentiate between those things. There is a very good scholar in the United States called Danielle Citron who has been working—in the first amendment context of course, in the United States—with policy bodies and regulators on ways to achieve take-down mechanisms that are compatible with the first amendment. So if they can do it there, we can do it. So it is possible for governments to establish a threshold at which a take-down order could be implemented, and I would highly recommend the work of Danielle Citron if you wanted to explore that better. So there are those kinds of direct mechanisms, take-down requests and so on, that can be established.

One of the most challenging issues here is that we are dealing with private companies, so they have a great deal to answer for in terms of what they permit. One of the research projects I am currently involved in is trying to work with one of those very large, very well-known platforms to try and help clarify for them what vilification is and what can be taken down, because, firstly, their central organising staff tend to be schooled in the first amendment, they tend to come out of the US, so they tend only to want to react to the most egregious forms of abuse and, secondly, they have a kind of binary approach to this, which is, 'Well, if it's free speech, you've got to leave that up, and if it crosses a line, you can take it down'. But there is a whole spectrum of activity in the middle there which might not be taken down but which could be responded to.

So I am all in favour of educative mechanisms. I am all in favour of automated mechanisms that provide alerts or fact checks or so on of particular types of conduct that would not necessarily be removed but would be alerted or where the person would be encouraged to go to a different site that would provide some helpful information for them. There is a really good book in the US called *Algorithms of Oppression* written by Safiya Noble. There is a lot of work in the US that says the way that the algorithms are written that run all these platforms that we now live our lives on encourages people. Because the bottom line for the platforms is page hits—they want more and more page hits because that way they can sell more and more advertising. So the algorithms that drive the maximisation of page hits tend to drive people into more extreme versions of views than they might initially come to the internet with. So there is some work going on with those private companies about rewriting the algorithms so that instead of people being offered content or suggested content that is a more extreme version of what they are already pursuing, perhaps they could be diverted into opposite-type content or a different type of content that might help to open their eyes to different points of view and different facts. Speaking of facts, I also think truth and facts absolutely still matter and that governments should not shy away at all from mechanisms that enable us to say what is true and what is not true in the social world.

So I am sorry that is very general and capacious answer to your question. There obviously is no silver bullet. We are talking about a multilayered regulatory response from private actors, government actors, community actors—there are a lot of people out there in the community very concerned about this. So we have to have a multilayered regulatory approach, but we also need to have greater clarity on what is harmful and what is just unpleasant but not harmful and therefore should not be subjected to government regulation but should be approached in a different way in terms of promoting civic discourse.

Mr TAK: Thank you, Katharine, for your presentation. Your research also focuses on civil remedy. Coming from the context of cross-jurisdiction vilification, online vilification from interstate and overseas, what is your view on the role of criminal law, for instance, where serious vilification may occur? How do we embark on that?

Prof. GELBER: Well, I am in favour of having a criminal law and I disagree very strongly with people who say, for example, 'We've had a criminal law for 20 years and there's not been one prosecution. Therefore it's useless and we should get rid of it'. The reason I disagree with that argument is that the criminal law does set a standard, it does put a line in the sand, and it is important for us to have that law in place regardless of how seldom or how often it is used. So I believe that there is a role for the criminal law. I also believe, however, that the criminal law should only be used in the most egregious of instances, so it has to have a high threshold. It should have a threshold that includes threatening conduct, actual or threatened violence, in the context of vilification.

I do, however, think it that would be good for a prosecution not to require the active consent of the DPP, because I think that is an unnecessary burden. Those kinds of provisions were put in to, I guess, give succour to free speech advocates who were worried about the impact of these laws on free speech. My project with Professor McNamara showed conclusively that there is no evidence of a chilling effect in Australia—that public policy matters are discussed extensively and rigorously in Australian public debate and there is no evidence that free speech has been unfairly or unduly or overly or over broadly restricted by laws of this nature. Therefore I think that not having a requirement for a DPP to consent is a good idea, but similarly, because of course criminal conduct can result in a jail term, and this is a very significant thing, it needs to be a high threshold. So it needs to be threatening conduct, it needs to be actual or threatened physical violence, it needs to be done in the context of vilifying behaviour and so on. I hope that is helpful.

Ms COUZENS: Thank you, Katharine, for your presentation today and certainly for the work that you are doing. It sounds really interesting actually. In your research have you found why people resort to vilifying other people? Can Victoria address the root causes of hate and vilification?

Prof. GELBER: That is very interesting. I do not really do that work, because that is more the work of psychologists. There are a range of theories of course. There is the insider-outsider theory—people are scared of things outside of what they know. There is the role of one's family environment, one's religion, one's school et cetera. Of course there are historical path dependencies here; we have all been raised in a community. I do not intend an offence to any individual by saying this but I think it is true to say that, well, I grew up in Australia, and everybody who has grown up in Australia has been raised in a community that is suffused with racism in ways that are often invisible. The growing awareness around vilification means that people are more likely to call it out now perhaps than they once were, and that might to some people indicate that there is a problem that we did not used to have, but to me that just means that we are naming and making visible something that has been in Australian political culture certainly to my knowledge since white settlement—I do not know enough about before that to make a comment.

So there are a variety of arguments as to the root causes. I guess the way I would primarily respond to that is: it does not really matter what the root cause is as long as we can make a differentiation and we can win the argument in the community that you can believe whatever you want to believe, you can think whatever you want to think and in private you can say whatever you want to say. What we are saying—those of us who support vilification laws—is when you conduct yourself in public you have a responsibility to conduct yourself in public in ways that do not harm other people.

So you can hold any views you like; we are not going to do anything about that. You can say what you like in a private conversation. But in public, because we are a society and because as a community we want to maximise people's ability to participate, we want to maximise people's ability to engage, all that vilification laws ask you to do—because obviously it only relates to public conduct, right—is to comport yourself or conduct yourself in public debate in a way that does not harm others.

Now, at its simplest that is actually not a radical idea. We do not allow people to go around in public and punch people they disagree with, we do not allow people to go around in public and steal money from people they disagree with, so why would we allow people to go around in public and vilify other people? Obviously the

critical issue there is for people to understand that vilification is harmful. Once people understand that vilification understood in specific ways harms in substantive ways, then I think it is not too big an ask.

Then I think you get away from the sort of psychological arguments about what causes it and therefore is it unable to be fixed? I do not for a moment think that vilification laws can fix racism. All we are asking vilification laws to do—those of us who support them—is to encourage people to conduct themselves in public in a way that does not harm other members of the public who also want to be in the same public space.

Ms COUZENS: I agree with you, and I do not think we are ever going to eradicate vilification, but I would like to think at some point that we can get to a stage where we change people's thinking. Your comments about people saying things behind closed doors, that is fine, but they are still racist or discriminatory people. We are trying to get away from that, which sort of leads into my next question. You talked about education earlier, and we have heard from a number of people giving evidence the view that teaching or providing that form of teaching to young students will eventually lead to that cultural change of, you know, moving away from racism, for example, or discriminatory behaviour or vilification overall. Do you see that as being a critical social aspect in the early learning space through, say, education, that that is an opportunity to change that culture?

Prof. GELBER: Yes is the short answer. When I said before that people can say what they like at home I did not intend to imply, and I am sorry if I was understood that way, that it is okay to be racist.

Ms COUZENS: Oh no, I did not think you did.

Prof. GELBER: Of course we want to change people's thinking, and anti-vilification legislation is one of the many measures that societies can take to try and encourage that change. So yes, I agree with you that education is important, but education takes many forms and I would not like to limit the understanding of education to something really explicit like going into childcare centres or primary schools, because having the legislation itself is educative.

There is plenty of evidence from when communities find out about the legislation. Firstly, there is evidence that affected communities do not know that vilification laws exist, then there is evidence that when they do find out they are like, 'Well, this is terrific', and then there is evidence that actually very few of them would ever bother lodging a complaint. But what they might do is go to the person vilifying them or within their community and have a conversation, and sometimes that is really explicit. People in the Jewish people in particular have been very effective at doing this—taking judgements that say Holocaust denial is an unacceptable form of racial vilification and going to somebody and saying, 'Look, do you know that if you say that, it is actually unlawful conduct?'. People explicitly and implicitly use the existence of the legislation in educative ways.

It is really interesting to me that the targeted communities themselves do not even know necessarily that these types of legislation exist, so the first bit of education is getting to those communities and saying, 'Do you know that this legislation exists to support you and to provide a remedy?'. These are the ways that you can use it. Even without lodging a complaint you can use it to educate yourself and others in your families and your broader community, and you can use it as a basis for some of the advocacy you do to spread the word among the community that there is this limit on freedom of speech.

Mr SOUTHWICK: Thank you, Katharine, for your presentation. I particularly wanted to just reinforce that last message that you said, the importance of actually the awareness and the triggers, if you like, of what this does. We see in a whole range of things bringing lawyers and going through courts and everything does not necessarily get you the results. It is more about raising the awareness and hoping that people will learn and change from that. So I think that is a really, really important point that you raised.

It is interesting you mentioned Holocaust denial, because I think that is an important example of this, particularly around universities, because universities have always been, you know, deemed as the last bastion of free speech. We see lots of organisations that will use campuses to raise and target people in all kinds of different ways and many universities being reluctant to get involved or to stop events or things from occurring and using free speech as being the kind of reason why. Do you have a view on that and what might be able to be done to ensure that ultimately you have not got groups of people that are being targeted? I think where we have had people like Holocaust deniers come onto campus and raise those issues is a good example. There are others obviously but that is one for you.

Prof. GELBER: Certainly. I just preface my response by saying I do not speak on behalf of the University of Queensland in making my response; I am just speaking to you in my own capacity as an individual researcher. One of the important things I think that we should do in the debate around free speech on university campuses is differentiate between different types of controversies that have all been put into the same basket. I believe there is a difference between an external speaker wanting to use campus venues versus a speaker who has been invited by the university, I think there is a difference between staff and students at the university versus external speakers, and so on.

Now, on the one hand, universities of course are centres of learning and knowledge creation, and so there is I think a stronger mandate on universities than possibly in other spaces to enable and to facilitate freedom of speech. Having said that, of course free speech is not absolute and in my view the lines that you draw on universities are related to what harms that educational and knowledge-creation environment. So if there is something that substantively harms the educational and knowledge-creation environment of a university, then it can justifiably be responded to. In saying responded to, again, there is more than one way of doing it. A university might choose to allow a particular speaker to appear on campus but—and this would be my preference—simultaneously make a very comprehensive statement from the leadership of the university, saying, 'This person's values are against the values of the university. We do not support them. We are providing a venue because we think it's the right thing to do to debate these issues openly, but we do not support it'. I think universities can do more of that than they do.

I think that certainly where the conduct that is going to be engaged in is a clear breach of the student code of conduct, if it is a student, for example, then there is no problem with regulating that, and if it is a staff member and it is a clear breach of the staff code of conduct—and all universities have codes of conduct that do not permit staff or students to engage in vilifying behaviour. So in many respects this is kind of a mountain out of a molehill. There is not a lot going on in universities that is not going on off campus as well. Universities can draw the line at vilifying behaviour just as communities can draw the line and do draw the line at vilifying behaviour.

So what could be done is stronger statements on the part of universities where these kinds of events go ahead, stating their values around implicit diversity and taking a position. I think university vice-chancellors and hierarchies tend to be a bit scared to take positions on these issues because they are scared that free speech advocates will criticise them for being too critical and other people will criticise them for not taking enough action. But I think if a university leadership develops a consistent publicly open and publicly available position that they apply across the board to different types of activities, then I do not think that should be a problem.

So I would encourage universities to get more involved, to be more vocal and not necessarily to shut things down but to feel able to shut things down where it crosses that legal line. After all, vilification is unlawful conduct in every state and territory jurisdiction in Australia except the Northern Territory, and we are all covered by section 18 of the RDA. So I do not have a problem with universities responding to behaviour that is unlawful. I hope that is helpful.

The CHAIR: Katharine, thank you so much for presenting here today. It has been quite an extensive submission and presentation. The next steps will be the committee will continue to deliberate, and at the conclusion of those deliberations we will prepare some strong recommendations in a report to be handed to Parliament. You will be kept up to date with the progress of the committee via the website. Again, on behalf of the committee, thank you so much for taking the time to present to us today.

Prof. GELBER: You are welcome.

Witness withdrew.