

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Anti-Vilification Protections

Melbourne—Wednesday, 27 May 2020

MEMBERS

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

WITNESSES

Ms Kristen Hilton, Commissioner, and

Ms Emily Minter, Senior Legal Adviser, Victorian Equal Opportunity and Human Rights
Commission (*both via videoconference*).

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

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 comments repeated outside this hearing may not be protected. Any deliberately false evidence or misleading evidence to the committee may be considered contempt of Parliament. All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will also be made public and posted on the committee's website.

I now welcome from the Victorian Equal Opportunity and Human Rights Commission Kristen Hilton, the Commissioner, and Emily Minter, the Senior Legal Adviser. Today you will be able to present for up to 10 minutes followed by general discussion and questions from committee members. Thank you so much for being here today. So far our IT is going very well. Please proceed with your submission.

Ms HILTON: Thank you very much, Chair. Thank you for taking the time to speak with us this afternoon, and thank you to all of the other Committee members. I too would like to begin by acknowledging the traditional owners of the lands on which we are all meeting. I am coming to you from Bunurong country today, and so I pay my respects to their elders past, present and emerging. And I also recognise the significance of today as we start National Reconciliation Week. I think it is timely that we are having a discussion about how we can better protect Victorians from racial vilification during this time.

I have, as you mentioned, a short statement to read about some of the key elements of our submission, and then I look forward to hearing from the committee in relation to questions or comments that they may have.

We made a submission in February this year to this inquiry as the regulator of *Racial and Religious Tolerance Act*, and in that submission we called for a number of reforms to the Act to better ensure that all Victorians can live free from hate. Since then over the last couple of months COVID-19 has brought into sharp relief the importance of work of this committee and I think made those reforms and considerations of those reforms even more urgent.

Throughout the pandemic we have seen a very worrying increase in reports of racism through both our inquiries and our complaints functions. In April of this year we received daily inquiries about racial vilification—eight times more than the same period last year—and we have seen use of our community reporting tool double since March 2020. That tool is where members of the community can go online and report either experiences that they have had of racial vilification or any type of discrimination as well as incidents that they may have witnessed.

What we know is that people continue to be abused in public, online, while at work and also while going to work. One inquiry or report that we received recently was from a person who reported feeling unsafe at work because of graffiti next to their office which said, 'Shame on you, China. Go home, you yellow dog'. We also heard from a doctor of Asian background who works at one of Melbourne's busiest hospitals who was abused so aggressively while getting the train to work that he now no longer takes public transport. He is a frontline emergency worker and he is unable to take public transport because of the racial vilification that he received.

These incidents, while I think are garnering more attention at the moment, are not a new phenomenon, and they are part of a pattern of ongoing and persistent hate, ignorance and, I think, fear in parts of the community, including anti-Semitic and Islamophobic abuse of schoolchildren, a Nazi flag that was flown over a house in

regional Victoria recently and the ongoing racial abuse that we hear of from many African Victorians. These concerning increases support the commission's view that systemic reform is needed to strengthen protections against racism, create a system that can better hold perpetrators to account and provide hope for victims that enduring vilification or racism is not something to be normalised and just part of their experiences of life.

The first thing that we believe that we need to do is to make sure the law focuses on the harm that is caused by vilification. The commission has regulated the RRTA since its inception, and we know that the Act is not working effectively to either prevent or respond to hate conduct. To date there have only been two successful matters before VCAT and one successful prosecution of serious vilification. And one of the factors that has made it so difficult for people to run successful vilification cases is the very high legal threshold that people must meet to show that vilification has occurred.

We recommend that the threshold in RRTA civil test, which is currently in section 7 and section 8, be changed from prohibiting conduct that incites hate or strong feelings to conduct that expresses or is reasonably likely to incite hate or strong feelings. A major problem with the current incitement test is that it requires consideration of the impact on a witness to hate conduct, not on the victim who is experiencing the harm. We believe that that is the wrong focus. If I can give you an example of how this plays out, we heard of a case recently in which a man complained that his neighbours were regularly vilifying him and his family by yelling racist abuse. This obviously caused significant distress to the man and his family, but because there was no third party or passer-by or witness that was incited to act as a result of hearing the neighbour's abuse, the RRTA was unable to provide the man with the sort of redress that he would otherwise have under a different framework.

The best remedy to this is the introduction of a separate test for vilification that focuses on whether the person who is the target of the hate speech or of the hate conduct is harmed by it. This test would be an objective assessment of harm caused and experienced from the perspective of the target, rather than having to supply evidence that a third party—often a hypothetical third party—was motivated to act in a hateful way. This harm-based test would also enable, for example, the family being vilified by the neighbour to be protected by the law and to make a complaint under the RRTA.

We also consider that the accompanying criminal offences in the RRTA require reform. We consider that it is very appropriate that criminal offences should only apply to the most serious forms of hate conduct, but the current criminal test and the evidence that is needed to support it is currently too high. Sections 24 and 25, which contain those criminal provisions, only prohibit the offender intentionally engaging in conduct that they know is likely to incite hatred and to threaten physical harm towards other persons. We believe that the test should be simplified and revised to prohibit any intentional or reckless hate conduct and it should prohibit threats to harm or incitement rather than requiring both to be unlawful. So it moves from an and-based to an or-based test.

We also think that the serious vilification offences need to be incorporated into the *Crimes Act*. They currently sit in the RRTA. This change would improve visibility of hate as a crime and we consider that it would streamline and help Victoria Police enforcement of hate crime. In our consultations with Victoria Police the location of the serious vilification offences in the RRTA is a barrier to enforcement, but moving the offences to the *Crimes Act* would make it clear to police that serious vilification is a crime. I note that this has happened recently in New South Wales and it is also a feature of other jurisdictions.

As part of a broader suite of reforms we also consider that it should be a crime to publicly display symbols, images and materials that are designed to incite or spread hate, and this should include but not be limited to Nazi symbols.

We also know that there are many other groups who are the victims of hate and who need protection beyond protection for racial vilification and religious vilification. In particular during the consultations that we held last year and early this year we heard from many members of the LGBTIQ community, from women, and also from people living with a disability who had experienced either online or public vilification because of their identity or attribute. Almost all LGBTIQ young people have experienced abuse because of their identity. Studies show that half of Australia's young women have experienced online abuse and people with a disability continue to experience verbal abuse and offensive language, particularly in public places. These groups, while they have protection under the discrimination framework in the *Equal Opportunity Act*, do not have protection under vilification laws in Victoria, despite significant evidence of harm.

We recommend expanding the scope of anti-vilification protections to include sexual orientation, gender identity, sex characteristics, gender, disability and personal association. This would acknowledge the profound harm that results from all of these forms of hate as well as providing more effective redress for people who experience different forms and compounding forms of intersectional hate, such as Muslim and African women.

We also know that vilification often occurs alongside a range of other unlawful conduct, like discrimination, and it is because of that that we recommend that the protections in the RRTA are incorporated into the *Equal Opportunity Act*. We consider that this would bring better awareness around the vilification protections. We know from the community that the EOA—the *Equal Opportunity Act*—is far better known and far better accessed than the RRTA, and we think that this would streamline Victoria’s discrimination and vilification framework.

We also consider that to properly take advantage of these reforms, the commission’s role needs to be strengthened. Part of this is about shifting the burden from responding to hate from individual victims and instead creating a system that can drive change. As the regulator of the RRTA, we believe we are well-positioned to play a stronger role in that respect. We believe that the reform should include a positive obligation on duty holders such as employers to try to prevent hate and vilification before it occurs rather than just responding to it. We could enforce this positive duty through an investigations function which is similar to the one that we currently have under the *Equal Opportunity Act* and allows us to take that systemic and structural perspective rather than just relying on individuals to come forward with complaints.

We also need stronger powers to resolve and receive complaints of vilification, particularly in the age of anonymous online abuse. Currently we can only accept complaints with named respondents, but we know that many people come to us reporting vilification without necessarily knowing who the respondent or the perpetrator is. If we had the power to compel the provision of documents, where possible, to identify the potential perpetrators, then we would overcome that barrier around anonymity that is particularly relevant in the online space and help those people engage in our voluntary dispute resolution process. For example, we received a complaint about a Facebook page that was vilifying Chinese people. However, the owner of the Facebook page could not be identified so we could not accept the complaint. Where we had those powers, we would be able to seek that information from Facebook and make that respondent a party to a dispute resolution process.

Finally, we think that law reform should enable representative complaints without naming individual complainants. We receive a significant number of anonymous inquiries in relation to vilification, but many times people do not want to pursue a complaint or a formal inquiry because they are worried about further victimisation. For example, we heard about an employee who was concerned about a post on their employer’s Facebook page which vilified Muslim people, but they were not prepared to complain because they thought they might lose their job and they could not do so anonymously. If representative complaints were possible under the RRTA, an organisation such as the Islamic Council of Victoria could complain or bring a complaint on behalf of the Muslim community and seek that the post be removed. This would encourage reporting—we know that this sort of conduct is vastly underreported at the moment—it would alleviate that fear of victimisation and it would improve redress available for groups who experience hate.

We also consider that any legal measures must be accompanied by a strong policy response and a strong education and awareness program. We need tailored training—that will be critical for Victoria Police members to help them understand the reforms and identify hate conduct and address it effectively—and we need to work with affected communities to make sure they understand the relief that is provided by the Act.

All Victorians should live free from hate. Hate conduct impacts people’s dignity, their sense of self-worth, their belonging in a community and, as we have seen recently, their ability even to participate in employment. Two decades ago the Victorian Parliament acknowledged the public benefit of a culturally diverse and cohesive society. There is much that we have in Victoria to be proud of, and today we have the benefit of seeing how the RRTA has operated in practice and where it falls short. This is a golden opportunity to really seize an opportunity to respond proactively to the rise in hateful behaviour that we are seeing right now and to send a strong message that hate conduct is not only harmful but against the law. In my view it is key also to the response and building of a resilient community post the COVID-19 pandemic. Thank you.

I am very happy, Chair, now to take any questions or receive any comments from the panel for the inquiry.

The CHAIR: Thank you very much for presenting today. It was a very informative submission.

Ms COUZENS: Thank you so much for that presentation. It was really comprehensive, and we appreciate your time today. My issue relates to First Nations people and the fact that they have faced racism, vilification and discrimination along with a whole range of other things since European settlement and we still have not got that right. What do you see as the learnings going forward now on some of these issues, and have you got a view on how we can move forward?

Ms HILTON: Thanks very much for that question. It is a really important one, and certainly when we were putting together this submission we consulted with Aboriginal and Torres Strait Islander people. We have also recently done a piece of work which is about improving our services and making sure that we connect better with the Aboriginal and Torres Strait Islander community, because I think there is still low awareness of rights and responsibilities under all of our equality frameworks really. Probably though I would say that the least often used is the *Racial and Religious Tolerance Act*, and I think a number of the reasons that I outlined is that people find it very inaccessible. The test is really high, so with much of the conduct that people might experience—it might be vilification in a supermarket, it might be online—unless you can prove at the moment that a third party was incited to act in a hateful way because of something that they heard or saw, you will not make out the criteria under the RRTA, and that is a significant barrier. And I think there is an understanding that in the community they are aware of the Act that those thresholds are very high, and so people are dissuaded from using the mechanisms that currently exist.

This is one of the reasons we also say that it should be brought into the *Equal Opportunity Act*. Just to give you a breakdown, our demographic data shows that we receive far more inquiries and complaints under the EOA—I mean it has a broader scope—but certainly also far more engagement with that legislation from Aboriginal and Torres Strait Islander people than the RRTA. So if we were to simplify the legislative framework, make it easier for people to access, make our services easier for people to access, that is one way to improving. But also strengthening enforcement provisions and also placing more accountability or duty on duty holders, whether that is employers, public authorities, so that it is reducing that burden on individuals to bring a complaint forward.

I also think it is really critical to make sure that we have strong partnerships with communities so that they are empowering their people about their rights under the Act and making sure that there is a really good awareness and assistance to use those provisions that are there. It can be very empowering I think to go out and talk to communities about the rights that they have. Part of it is being able to work out how to exercise those rights effectively.

Ms COUZENS: But they have to be assured that there are outcomes as well, and at the moment that is best—

Ms HILTON: Absolutely. And that is one of the disincentives at the moment for using the RRTA. There has only been one successful prosecution in all of that time. The number of reports to Victoria Police and the number of ways in which they categorise hate crime is pretty low. Often hate crime will be characterised as another type of offence, whether that is trespass or some other criminal offence. But it is very important, we believe, to record it as hate crime so we get an understanding of how prevalent it is in the community and how we can assist other community members to overcome it. And absolutely right—the enforcement and the ability to drive home a remedy and to ensure accountability is critical to giving people trust and confidence in the legislative regime.

Ms COUZENS: Yes, and I would imagine that the education component of that is really critical as well.

Ms HILTON: Yes, absolutely, so I think any changes to the laws that happen as a result of this inquiry must be accompanied by a really thorough education campaign that is working directly with community. It is not a one size fits all; it is about understanding the type of vilification or the type of discrimination that that particular community faces and making sure that the education and awareness is tailored to those circumstances.

Ms COUZENS: Great. Thank you.

Ms HILTON: You are welcome.

The CHAIR: I have just got one question if I may. Would you be able to outline what constitutes private or public conduct, especially considering your recommendation that the respondents should bear the onus of proof? Can public conduct occur on private land?

Ms HILTON: Yes. The approach that we have taken is that the definition of ‘prohibited conduct’ for the purposes of the Victorian Act should be broadened. We also do make the distinction that two people, for example, having a discussion about something will not necessarily be vilification, but conduct that can be exposed to the public—a great example of that is the flying of the Nazi flag on your own property—we consider to be, even though it happens on private land, public conduct. We are following here the definition that is being adopted of a ‘public act’ under the *Crimes Act* in New South Wales. They considered this very matter when they were designing their reforms. It would also mean any form of communication, such as speaking or writing or displaying notices. So if you are putting up on your fence, you know, ‘All Jews deserve to die’—excuse that, but that is sometimes the sort of thing that we see—then that is public conduct even though it is happening on your private fence, if you like, and the same is with the wearing or displaying of clothing or signs or other emblems. So making sure that we capture that conduct which is actually not private and has a public element to it.

The CHAIR: Okay, if I could just add another question in relation to online vilification. I know that this is a very complex matter and involves a number of jurisdictions and is a global issue, but the rise of online vilification, hate conduct, that occurs on this platform—what is your view and I suppose some of the issues that may or may not be involved in this particular complex issue?

Ms HILTON: It is a really complex issue and it is one that requires really a national and global response. In terms of I think what Victoria can do, one of the amendments that we suggest should be made is the empowering of the commission to be able to identify anonymous respondents. That is that example I gave of where someone makes a complaint about something that they have seen on someone’s Facebook page that is vilifying them or a particular group and if that is reported to the commission, allowing us then to compel, for example, Facebook to release the identity of that person who has posted that image so that we can then contact them. That is not a prosecution from us, but we contact them and ask them to take down that offensive material and also try and engage them in a dispute resolution process. At the moment we are very hamstrung by the inability to be able to compel that sort of information which would identify a respondent. We know that so many people hide behind some sort of anonymity on Facebook or other forms of social media.

So there are a few discreet things that I think we can do that would chip away at this, acknowledging that it requires a partnership with, for example, the eSafety Commissioner, that it requires discussion at a national level about how we better regulate and respond to online abuse. We were talking before about that general awareness and the positive duty. So at the moment the system still very much depends on the individual making the complaint. If we had a positive duty under the *Racial and Religious Tolerance Act* or whatever framework it comes to look like, that would mean, for example, within the workplace that employers would have a responsibility to make sure that they were taking reasonable steps—they cannot do everything—to make sure that that sort of online vilification is not happening in their workplace, so, for example, on work-related social media sites. And that is something that helps move the responsibility and the burden away from the victim and helps others who are perhaps more empowered to take a bit of accountability.

Mr TAK: Thank you, Kristen and Emily. I heard about an incident of a front-liner who appeared to be of Chinese heritage. Do you have any comment regarding the reported rise in racially motivated incidents resulting in this COVID-19 space?

Ms HILTON: Yes. We have joined in a number of consultations with the Victorian Multicultural Commission. Actually, at the end of this hearing we are holding another one with Asian communities to find out what their experiences have been during the pandemic, and also to get some information about what would best assist them. What I can say is that we are seeing, every day, more and more inquiries about racial vilification coming through to our complaints and inquiries line. I imagine that we are only capturing a very small percentage of what is happening out there. And also, as we start to ease restrictions and people are starting to move around again and perhaps use public transport and occupy public spaces, I worry that there will be an increase again of that sort of behaviour, which is predominantly, I think, motivated by fear, ignorance and very base prejudice.

So we need very effective messages around preventing that type of racial vilification. But that is also why we need a more effective legislative system that really deters people from engaging in that. The consequences of that sort of public vilification are not well known and nor are they particularly well enforced. You can have, I think, all of the education awareness campaigns in the world, but unless that is backed up at the very pointy end by some serious regulation that you hopefully only use in fairly serious circumstances but the threat of it is there, that is a necessary and powerful deterrent to that type of behaviour.

Mr TAK: Your submission recommends extending the anti-vilification protection to protect other groups. We have heard that other groups, given our Victorian community, can be so diverse. Do you have experience of those other groups, those who cannot converse well in English and may not know that they are being vilified or are victims, not knowing where or how to report the vilification?

Ms HILTON: Yes, absolutely. I think that is a very strong feature of the system at the moment. There are cultural, there are linguistic and there are awareness issues, all of which I think prevent interaction with the current scheme. And then there is also the fact that it is just not doing the job that it should do and that people do not have a lot of confidence in the outcomes that they might receive when they engage with it. So even if there is not a change as a result of this inquiry, which I hope there is, we definitely need to increase effort into promoting what the current regime and what the current rights and obligations are in those communities in their languages.

So to give you an example of what the commission is doing at the moment, we developed this community reporting tool which local councils can host on their website. We are also trying to get other organisations to host it as well. That is an online tool so people can go in and report and they can request that we call them back and take a formal complaint. We have just translated that into a number of different languages because, as you rightly point out, English is not everyone's first language, and even in English this kind of stuff is complicated. So making sure of the ability to access our reporting system and an understanding of what the rights and the possible remedies are is incredibly important both from a linguistic and cultural perspective. We are working closely with other organisations to do that.

Mr SOUTHWICK: Hi, Kristen and Emily. Thanks for your presentation. A couple of questions: firstly I am just interested in your thoughts—I know you touched on it—on reporting of hate crime and also on counting hate crime as part of crime statistics. Obviously if we know that we are seeing increases—particularly I will refer to things like graffiti attacks that may be hard to track down in terms of who was the initial person that did the graffiti—what are your thoughts on at least having that recorded under crime stats so we can see whether there have been increases in those types of incidents?

Ms HILTON: I think that is really important. The UK does that, so they are very good at capturing their hate crime data. We are not, and that is one of the reasons why we suggested these provisions should be moved into the *Crimes Act*. That is an Act that police are much more familiar with. They know how to enforce it, they know how to prosecute it, and we also think that the statistics will be better collected if it is within that Act. I think that data is really important in not only being able to understand what some of the systemic issues are but also targeting particular perpetrators or assisting particular communities who are subject to that type of conduct. And, again, we say that there should be a complementary offence around the display of materials such as a swastika or such as graffiti that is hateful in its nature.

Mr SOUTHWICK: And extending on from that, you mentioned the specific ban on symbols, and you referred to the swastika, which is great. You know certainly my position on that. I am just wondering: you mentioned also potential other symbols as well. How would you suggest that be done? The swastika is pretty easy to use because it is something that has been used in the past and it is being used in the present to target a whole range of different groups, but how would you go beyond that in terms of other symbols that may be included in future dates, future periods?

Ms HILTON: I think that is also a question that would need to be put to particular groups that find particular material really offensive and that there is a historical significance, I suppose, attached to the display of some of that sort of hateful material. The swastika is obviously a very, very prominent example, but I think there is a way of shaping a test that has an objective element to whether the material and the display of it is hateful or vilifying in nature. So it is probably up to the drafters to come up with that, but I think that that has happened in other jurisdictions, so we will not necessarily be reinventing the wheel. But I think it is important

to make sure that we are also not making it too wide. Freedom of expression has to be balanced in any type of offence that is crafted, but that balance has been struck in another provision so I am confident that it can be this time.

Mr SOUTHWICK: Have you got something else, another jurisdiction, that we could refer to that goes broader than that in terms of other symbols? Take it on notice if you like.

Ms HILTON: I can take it on notice, yes. I will get back to you on that.

Mr SOUTHWICK: And the last one I have got for you: in terms of some of the recommendations that you are suggesting, obviously it means that there is a lot more work for your agency and others, the human rights commission, in terms of being able to ensure there is proper investigation work that is being done, there is education that you are proposing needs to be done, which is all really important, and particularly also some of the online stuff as well, and then ultimately subsequent penalties and financial costs. So you look at your agency now in terms of your resources, you are already pretty stretched in terms of the work that you need to do. Have you had a look at what would be required, because there is one thing in us getting legislative change but what would be required in terms of what your work will need in terms of what the agency might look like going forward from a resource perspective and from a people perspective as well?

Ms HILTON: Is this where I get to make my budget bid?

Mr SOUTHWICK: Yes. Again, you do not have to do it today but I think it just would be—it is important for us to understand, you know, how stretched you are and what you need.

Ms HILTON: We are pretty stretched at the moment, but that is also because we are working remotely and trying to homeschool small children, so—

Mr SOUTHWICK: On top of that.

Ms HILTON: And there is any number of human rights issues that are raising themselves at the moment during the pandemic. But, look, it is pretty easy for us to model what we think an increase might look like in terms of what then the capability or the capacity or the resourcing needs for the organisation are. So we can look at what we currently receive in terms of inquiries and complaints and also the education services that we provide as well as our policy and research, and we could say that we anticipate, as a result of education, awareness raising and laws that are easier to access, a 20 per cent increase in inquiries and complaints as well as a 20 per cent increase in the need for education, for example. And we could pretty readily model that, and in fact we have already started to do some of that. You know, we are an organisation currently with about 45 to 50 staff depending on what projects we have on at any given time, and we have a pretty big mandate. So we are stretched and I anticipate that this will drive a demand for services. That is in my view an entirely appropriate and necessary thing.

The other thing that I would also say is that where you change the focus of the legislation to give it more of a systemic and preventative bent, or a preventative shift, hopefully in time you will see a drop in the number of individual complaints. Now, I am not confident that that would happen for some time, because in fact where we see that there is increased awareness you will most likely see reports and complaints rise, and that actually is an indication that the awareness raising and the accessibility of the Act is improving. So I do anticipate that there will be a greater demand on our resources, and we would certainly hope that that would be recognised.

Mr SOUTHWICK: Could you model something similar to the family violence work that has been done and the increase in family violence reporting and policing and all the rest of it? I mean, obviously there has been a massive increase there, largely because the people are more comfortable coming forward and there have been more resources invested. I am interested in—

Ms HILTON: People are more comfortable in coming forward, and also the Act has changed to hold perpetrators better to account, which I think goes back to Member Couzens's point some time ago. So, absolutely. We have not done that in real detail at the moment, but it is definitely something that we could. So I am happy to take that on notice.

Mr SOUTHWICK: Yes, that would be great. Thank you.

Ms HILTON: The other thing that I would say is obviously the Victorian Multicultural Commission has a role in the education and awareness as well as us empowering communities themselves to help raise awareness and deliver education. That is certainly where we see an increase in inquiries and complaints and investigations and enforcement that will have an impact on our organisation.

The CHAIR: I just want to welcome Michaela Settle, MP, the Member for Buninyong, who is here with us now. Do you have any questions, Michaela?

Ms SETTLE: Yes. I understand that there is a memorandum of understanding in place with Victoria Police. Could you give us a little bit more information around that memorandum?

Ms HILTON: So we have an agreement with Victoria Police in relation to serious vilification matters. There have been very few referrals, and partly that is because we do not get as many complaints of serious vilification and because of the complexity of the test, particularly in relation to the criminal offences and the burden of proof that is required to establish serious vilification. So the preponderance of inquiries that we receive or complaints relate to the civil provisions. So the memorandum of understanding is there. Is it as effective as we anticipated that it would be? No, it is not, and any changes to the system will have to involve really good cross-referral and partnerships with Victoria Police.

The CHAIR: Thank you so much to the Victorian Equal Opportunity and Human Rights Commission for taking the time today to present to us. Our next steps will be that we have got a number of other public hearings and submissions and presentations to receive. After that process, all submissions will be put forward for deliberation by members and a report with some strong recommendations on this very important matter will be handed down to government, hopefully before September. Thank you so much again for presenting to us today, and all the very best.

Ms HILTON: Thank you, Chair, and thank you to all members, and good luck with your very important work. Stay safe. Take care.

Witnesses withdrew.