

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 1/10/2025 5:16:09 PM AEST
Date Accepted for Filing: 1/10/2025 5:16:15 PM AEST
File Number: NSD951/2025
File Title: JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights



Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Daniel Patrick McCoach in support of the Applicants' submissions in response to the First Respondent's and Second Respondent's objections.	3	1
2	Exhibit "DPM-1", being the Applicants' interlocutory application dated 1 August 2025 and a supporting affidavit of the First Applicant of same date.	4	11
3	Exhibit "DPM-2", being the draft Amended Originating Application and draft Amended Statement of Claim in this proceeding provided to the Respondents' representatives on 5 September 2025	5	134
4	Exhibit "DPM-3", being the further draft Amended Originating Application and further draft Amended Statement of Claim in this proceeding provided to the Respondents' representatives on 30 September 2025.	6	159

Document number	Details	Paragraph	Page
5	Exhibit "DPM-4", being copies of correspondence with Vanessa Crawford dated 19 November 2024 and 26 November 2024.	7	184
6	Exhibit "DPM-5", being copies of documents entitled "Academic BDS Pledge", "Open letter, March 2021: Professor Alison Bashford – Please reconsider the Dan David Prize" and "Australian Academics Open Letter in Solidarity with Palestine and Call for Action".	8	190
7	Exhibit "DPM-6", being a copy of email correspondence between Dr Loren Mowszowski and Sharon Naismith between 13 June 2024 and 21 June 2024.	9	216
8	Exhibit "DPM-7", being a copy of the exit survey of Associate Professor Andy Smidt.	10	223
9	Exhibit "DPM-8", being copies of email correspondence between an Jewish student studying at the University of Sydney in 2024 and Kelsey Rimmer dated between 28 February 2024 and 7 March 2024, and to the Vice Chancellor of the University of Sydney entitled dated 10 May 2024; and a copy of another student (non-Jewish) complaining to Sophie Carruthers dated 29 May 2024.	11	227
10	Exhibit "DPM-9", being copy of an email from Jutta Allmendinger to the First Respondent dated 21 November 2023.	12	242
11	Exhibit "DPM-10", being a table setting out eight (8) website links accessed on 30 September and 1 October 2025.	13	244
12	Exhibit "DPM-11", being a copy of a table setting out a collection of X (Twitter) posts by the First Respondent between 8 October 2023 and 16 September 2025 and viewed on 28 September 2025.	14	246
13	Exhibit "DPM-12", being a copy of a letter from the First Respondent to the Vice Chancellor of the University of Sydney dated 6 November 2023.	15	272

I, Daniel Patrick McCoach of Suite 409, 488 Bourke Street, Melbourne VIC 3000, Director at Rotstein Commercial Lawyers, affirm:

1. I am a Director of the firm Rotstein Commercial Lawyers, the solicitors for the Applicants.
2. Unless otherwise stated, I make this affidavit on my own knowledge, information and belief, including information provided to me by or on behalf of one or more of the Applicants which I believe to be true.
3. I make this affidavit in support of the Applicants' submissions in response to:
 - (a) the First Respondent's Outline of Objections on Interlocutory Application filed in this proceeding on 22 September 2025; and

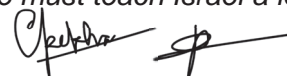


- (b) the Second Respondent's Objections to Amended Originating Application and Statement of Claim Dated 5 September 2025 filed in this proceeding on 19 September 2025.
4. On 1 August 2025, my colleague Upekha Wedage of Rotstein Commercial Lawyers emailed Michael Bradley of Marque Lawyers (solicitors for the First Respondent) and Julie Mills of Ashurst (solicitors for the Second Respondent) serving copies of the Applicants' interlocutory application dated 1 August 2025 and a supporting affidavit of the First Applicant Joseph Toltz of same date ("**Interlocutory Application and Toltz Affidavit**"). Annexed to this affidavit and marked "**DPM-1**" is a copy of the Interlocutory Application and Toltz Affidavit.
 5. On 5 September 2025, I emailed Mr Bradley, Lauren Gasparini and Andrea Farrugia of Marque Lawyers and Ms. Mills, Stephen Woodbury, Erina Higgins and Jennifer Chen of Ashurst attaching draft copies of the Applicants' Amended Originating Application and Amended Statement of Claim in this proceeding ("**Draft Amended Pleadings**"). Annexed to this affidavit and marked "**DPM-2**" is a copy of the Draft Amended Pleadings.
 6. On 30 September 2025, I emailed Mr Bradley, Ms Gasparini and Ms Farrugia of Marque Lawyers and Ms. Mills, Mr Woodbury, Ms Higgins and Ms Chen of Ashurst attaching draft copies of the Applicants' further Amended Originating Application and further Amended Statement of Claim in this proceeding ("**Further Draft Amended Pleadings**"). Annexed to this affidavit and marked "**DPM-3**" is a copy of the Further Draft Amended Pleadings.
 7. Annexed to this affidavit and marked "**DPM-4**" are copies of the following:
 - (a) a letter by email from Levitt Robinson (the Applicants' former solicitors) to Vanessa Crawford of the Australian Human Rights Commission ("**AHRC**") which *inter alia* made submissions in support of Professor Peter Morgan's inclusion as an 'aggrieved person' for the purposes of the complaint; and
 - (b) an amendment decision of 25 November 2024 in which the AHRC confirmed that Professor Morgan was included as a person on whose behalf the complaint was lodged.
 8. Annexed to this affidavit and marked "**DPM-5**" are copies of the following:
 - (a) *Academic BDS Pledge* (undated) and retrieved on 29 September 2025 from a link located at https://sydneystaff4bds.org/?page_id=2427;
 - (b) *Open letter, March 2021: Professor Alison Bashford – Please reconsider the Dan David Prize* shown as posted on 15 March 2021 and retrieved on 30 September 2025 from a link located at <https://sydneystaff4bds.org/?p=2518>; and
 - (c) *Australian Academics Open Letter in Solidarity with Palestine and Call for Action* (originally posted on or around 3 June 2021) and retrieved on 29 September 2025 from a link located at <https://australiaacademicspalestine.weebly.com/>.



9. Annexed to this affidavit and marked “**DPM-6**” is a copy of email correspondence between Dr Loren Mowszowski (a proposed represented person) and Sharon Naismith between 13 June 2024 and 21 June 2024.
10. On 29 September 2025, Associate Professor Andy Smidt (the proposed Fifth Applicant) emailed me regarding her “exit survey” from the University of Sydney, being a survey copied from an online form which she says, and which I truly believe, she completed and submitted to the Second Respondent prior to the end of her employment with the Second Respondent on or around 8 February 2024 (“**Exit Survey**”). Annexed to this affidavit and marked “**DPM-7**” is a copy of the Exit Survey.
11. Annexed to this affidavit and marked “**DPM-8**” are redacted copies of the following:
- (a) email correspondence between a Jewish student studying at the University of Sydney in 2024 who has sought to be de-identified and whose identity has been redacted (“**Complainant**”), and Kelsey Rimmer entitled “Intifada, Hamas and Solidarity” dated between 28 February 2024 and 7 March 2024; and
 - (b) an email from the Complainant to the Vice Chancellor of the University of Sydney entitled “Campus Safety and Jews” dated 10 May 2024; and
 - (c) email correspondence between a student (non-Jewish) studying at the University of Sydney in 2024 who has sought to be de-identified and whose identity has been redacted, and Sophie Carruthers which includes a complaint made (among various Jewish student complaints) regarding *inter alia* Hamas and “*protestors glossing over the actual genocidal actions and intent of Hamas, as stated in their charter of the 1980s: In summary “The Covenant proclaims that Israel will exist until Islam obliterates it...”*”.
12. On 29 September 2025, the First Applicant provided to me by way of email a copy of an email from Jutta Allmendinger to the First Respondent dated 21 November 2023 (“**WZB Email**”). Annexed to this affidavit and marked “**DPM-9**” is a copy of the WZB Email.
13. Annexed to this affidavit and marked “**DPM-10**” is a table setting out several website links accessed on 30 September and 1 October 2025 (“**External Links**”) to videos, pictures and articles described as follows:
- (a) <https://www.memri.org/tv/hamas-official-ghazi-hamad-we-will-repeat-october-seven-until-israel-annihilated-victims-everything-we-do-justified> - an article dated 24 October 2023 and excerpts from an interview video of Ghazi Hamad of Hamas’ political bureau on LBC TV (Lebanon) which includes the following statements (as subtitled in the video):

Israel is a country that has no place on our land. We must remove that country because it constitutes a security, military, and political catastrophe to the Arab and Islamic nation, and must be finished. We are not ashamed to say this, with full force... We must teach Israel a lesson,



and we will do this again and again. The Al-Aqsa Flood is just the first time, and there will be a second, a third, a fourth, because we have the determination, the resolve, and the capabilities to fight... We are called a nation of martyrs, and we are proud to sacrifice martyrs. (0:16-0:48)

and

The occupation must come to an end. Anchor: Occupation where? In the Gaza Strip? Hamad: No, I am talking about all the Palestinian lands.

Anchor: Does that mean the annihilation of Israel? Hamad: Yes, of course (1:05-1:13);

- (b) <https://www.haaretz.com/israel-news/2023-11-01/ty-article/hamas-official-we-will-repeat-october-7-attacks-until-israel-is-annihilated/0000018b-8b9d-db7e-af9b-ebdfbee90000> - a *Haaretz* article dated 1 November 2023 entitled “*Hamas Official: We Will Repeat October 7 Attacks Until Israel Is Annihilated*”, regarding the speech of Ghazi Hamad, Hamas official, referred to in paragraph 13(a) above;
- (c) <https://www.nytimes.com/2023/10/13/world/middleeast/hamas-israel-attack-gaza.html> - a *New York Times* article dated 13 October 2023 entitled “*The Secrets Hamas Knew about Israel’s Military*”, with detailed information and pictures of the 7 October attacks including the focus on civilians in over 15 villages and cities;
- (d) <https://x.com/TheTreeni/status/1710542234351968655> - an X video dated 7 October 2023 with descriptive heading of the conduct in the video - “*BREAKING: Hamas leader, Ismail Haniyeh in Qatar celebrates and prays for the success of the terror attacks happening right now in Israel*”;
- (e) <https://www.timesofisrael.com/idf-publishes-audio-of-hamas-terrorist-calling-family-to-brag-of-killing-jews/> - a *Times of Israel* article dated 25 October 2023 entitled “*IDF publishes audio of Hamas terrorist calling for family to brag about killing Jews*” with audio recording which includes *inter alia* the following statements (as subtitled):
 - Hi Dad... Open my WhatsApp now and you’ll see all those killed.*
 - Look how many I killed with my own hands! Your son killed Jews!*
 - ... Dad I’m talking to you from a Jewish woman’s phone*
 - I killed her and I killed her husband*
 - I killed ten with my own hands! Dad, ten with my own hands!*
 - Dad open Whatsapp and see how many I killed dad...*
 - I am the first (to enter) under the protection and help of Allah... There is no going back – it’s either death or victory. My mother gave birth to me for the religion... Open Whatsapp, see the dead, open it...;*
- (f) <https://www.timesofisrael.com/hamas-leader-touts-ceasefire-as-a-defeat-for-israel-while-hailing-oct-7-atrocities/> - a *Times of Israel* article dated 16 January 2025



entitled " *Hamas leader touts ceasefire as a defeat for Israel while hailing Oct. 7 atrocities*" concerning Khalil al-Hayya, Senior Hamas leader and stating *inter alia*:
He praised the Hamas-led massacres of Israelis on October 7, 2023, when Palestinian terrorists killed 1,200 people, mostly civilians, and took 251 captives, amid atrocities including rape and torture. The deadliest slaughter of Jews in a single day since the Holocaust was a "military accomplishment" and "a source of pride for our people... to be passed down from generation to generation," al-Hayya said. Hamas's top negotiator in the ceasefire and hostage talks said despite suing for an end to the war, the group would continue to pursue Israel's destruction, looking toward Jerusalem and the Al-Aqsa Mosque as a "compass."

- (g) <https://www.middleeastmonitor.com/20231009-haniyeh-outlines-context-and-objectives-of-hamas-operation-al-aqsa-flood/> - a *Middle East Monitor* (Qatari publication) article dated 9 October 2023 entitled "*Haniyeh outlines context and objectives of Hamas Operation Al-Aqsa Flood*", which quotes a speech by Ismail Haniyeh of 7 October 2023, head of the Hamas Political Bureau, stating *inter alia*:
*...our Palestinian people, O children of our Ummah [the Arab-Muslim community]. Today you have a rendezvous with a great victory and a dazzling triumph. From the front line of the indomitable and proud Gaza, Operation Al-Aqsa Flood has been launched by Al-Qassam Brigades [the military wing of Hamas]... You have seen the grand images...
...Operation Al-Aqsa Flood was launched from Gaza, but it will extend to the West Bank, to Al-Quds and to our people within the territories occupied in 1948, as well as to the Resistance and the Palestinian people abroad... it concerns the entire land of Palestine and Al-Quds and Al-Aqsa, it is the battle of the entire Arab-Muslim community.
...We have only one thing to say to you: get out of our land. Get out of our sight. Get out of our city of Al-Quds and our Al-Aqsa Mosque. We no longer wish to see you on this land. This land is ours, Al-Quds is ours, everything [here] is ours. You are strangers in this pure and blessed land. There is no place or safety for you.
...This is the ultimate jihad, the outcome of which can only be victory or martyrdom.*

- (h) <https://www.theaustralian.com.au/inquirer/israel-must-destroy-hamas-despite-the-cost/news-story/0697b6adb1a5ca2629ea359e256f7456> - a *The Australian* article by Greg Sheridan dated 14 October 2023 entitled "*Israel must destroy Hamas despite the cost*" describing the nature of Hamas as an Islamist terrorist organisation and the events of the day, stating *inter alia*:

the greatest mass murder of Jewish civilians since Adolf Hitler's Holocaust.... young women degraded and tortured; old women doused in petrol and set on fire; children murdered in front of their parents; babies killed, their cots covered in blood...

On Monday night, when the Opera House was illuminated in the colours of the Israeli flag as a gesture of human solidarity, Jews were told by the police to stay home for their own safety. The police instead allowed, "facilitated", a pro-Palestinian march that ended with a mob chanting "F..k the Jews"... and similar slogans of intense, violent racial hatred.

- (i) <https://saturday-october-seven.com/> - a website which is said to provide documentation of the Hamas terrorist acts (noted as predominantly against civilians) of 7 October 2023 taken from "*publicly accessible sources*" and showing *inter alia* videos, footage, maps of attacks on affected communities, and the Music Festival.
14. On 28 September 2025, Gigi Evans, a research assistant assisting the legal representatives of the Applicants, provided to me by way of email a table setting out a collection of X (Twitter) posts by the First Respondent between 8 October 2023 and 16 September 2025 and viewed on 28 September 2025 ("**X Post Table**"). Annexed to this affidavit and marked "**DPM-11**" is a copy of the X Post Table.
15. Annexed to this affidavit and marked "**DPM-12**" is a copy of a letter from the First Respondent to the Vice Chancellor of the University of Sydney dated 6 November 2023.

AFFIRMED at
Melbourne in the State
of Victoria on this 1st
day of October 2025



DANIEL PATRICK MCCOACH

Who states that their signature was made to this affidavit by electronic means in accordance with Part 3 of the Oaths and Affirmations Act 2018 (Vic).

Before me:



UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to take an affidavit.

Who states that their signature was made to this affidavit by electronic means, the witnessing of the execution of this document was done by audio-visual link and all the requirements of Part 3 of the Oaths and Affirmations Act 2018 (Vic).

I also observe the following:

DANIEL PATRICK MCCOACH signed and initialed this affidavit by electronic means and not by hand/handwriting.

DANIEL PATRICK MCCOACH has affirmed this affidavit in my presence by audio-visual link.

This affidavit that I am signing in my capacity as an authorised affidavit taker is an electronic copy, not an original.

Handwritten signature and initials in black ink.

Schedule of Parties

Applicants

Second Applicant: Suzanne Rutland OAM
Third Applicant: Ariel Eisner
Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

A handwritten signature in black ink, appearing to be 'Ariel Eisner' followed by a stylized flourish.

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-1" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-1

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Interlocutory Application (Human Rights Div 2.4 Exemption) - Form 35 - Rule 17.01(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 1/08/2025 2:39:15 PM AEST
Date Accepted for Filing: 1/08/2025 2:43:03 PM AEST
File Number: NSD951/2025
File Title: JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Interlocutory application

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

To the Respondents

The Applicants apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing

Place: 184 Phillip St Sydney

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Hamish Rotstein
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 9604 7888 Fax _____
Email hamish@rotsteins.com.au
Address for service Suite 409, 488 Bourke Street Melbourne VIC 3000
(include state and postcode)



Interlocutory orders sought

1. Leave for the First and Second Applicants to continue the proceeding on their own behalf and on behalf the following people:
 - a. Lionel Babicz
 - b. Yulia Berlin-Firer
 - c. David Celermajer AO
 - d. Ilan Dar-Nimrod
 - e. Jennifer Dowling
 - f. Yona Gilead
 - g. Judy Kay
 - h. Gustav Lehrer FAA AM
 - i. Guy Mayraz
 - j. Peter Morgan
 - k. Loren Mowszowski
 - l. Andy Smidt
 - m. Lynne Swarts
2. Leave to amend the title of the proceeding accordingly.
3. Leave to amend the Originating Application and the Statement of Claim in the form attached to the supporting affidavit of the First Applicant.

Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 1 August 2025

A handwritten signature in blue ink, appearing to read 'Hamish Rotstein'.

Hamish Rotstein
Lawyer for the Applicants



Schedule of Parties

Applicants

Second Applicant: Suzanne Rutland OAM

Third Applicant: Ariel Eisner

Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 1/08/2025 2:39:15 PM AEST
Date Accepted for Filing: 1/08/2025 2:43:09 PM AEST
File Number: NSD951/2025
File Title: JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others

Applicants

John Keane and another

Respondents

Affidavit of: **Joseph Toltz**
Address: 41 Renwick Street Alexandria NSW 2015
Occupation: Manager, Research Support at the University of Sydney
Date: 01/08/2025

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Joseph Toltz in support of the interlocutory application for NSD951/2025 Joseph Toltz & Ors v John Keane & Anor affirmed on 30/07/2025		
2	Exhibit "JT1", being copy of an email with attachments from my solicitors to Lionel Babicz, Yulia Berlin-Firer, David Celermajer AO, Ilan Dar-Nimrod, Jennifer Dowling, Yona Gilead, Judy Kay, Gustav Lehrer FAA AM, Guy Mayraz, Peter Morgan, Loren Mowszowski, Andy Smidt and Lynne Swarts at my direction	4	7
3	Exhibit "JT2", being copy of an email with attachments from my solicitors to Yona Gilead at my direction	5	35
4	Exhibit "JT3", being copy of email responses of persons named in documents numbered 2 and 3 confirming consent in writing	6	63

Filed on behalf of (name & role of party) The Applicants
 Prepared by (name of person/lawyer) Hamish Rotstein
 Law firm (if applicable) Rotstein Commercial Lawyers
 Tel (03) 9404 7888 Fax _____
 Email hamish@rotsteins.com.au
 Address for service Suite 409, 488 Bourke Street, Melbourne VIC 3000
 (include state and postcode)

Joseph Toltz *[Signature]*

Document number	Details	Paragraph	Page
5	Exhibit "JT4", being the Amended Originating Application and Statement of Claim	7	93

I, Joseph Toltz of 41 Renwick Street Alexandria NSW 2015, Manager, Research Support at the University of Sydney, affirm

1. I am the First Applicant in the proceeding, and I am authorised to make this affidavit on the Applicants' behalf.
2. Unless otherwise stated, the contents of this affidavit are true to the best of my knowledge, information and belief, based on my own inquiries and information provided to me by others.

Consent of Group Members

3. I make this affidavit in support of the Applicants' interlocutory application for orders as follows:

(a) leave for myself and the Second Applicant (Emeritus Professor Suzanne Rutland OAM) to continue the proceeding on our own behalf and on behalf of the following people:

- i. Lionel Babicz
- ii. Yulia Berlin-Firer
- iii. David Celermajer AO
- iv. Ilan Dar-Nimrod
- v. Jennifer Dowling
- vi. Yona Gilead
- vii. Judy Kay
- viii. Gustav Lehrer FAA AM
- ix. Guy Mayraz
- x. Peter Morgan
- xi. Loren Mowszowski
- xii. Andy Smidt
- xiii. Lynne Swarts

(Represented Persons);

 Joseph Toltz

(b) leave to amend the title of the proceeding accordingly; and

(c) leave to amend the Originating Application and the Statement of Claim in the proceeding in the form attached to this affidavit as exhibit **JT4**.

4. On 30 July 2025, on my instructions the Applicants' solicitors sent an email to each of the Represented Persons attaching a proposed version of the amended Originating Application and Statement of Claim and asking the Represented Persons to confirm their consent to the Application being made by the First and Second Applicants representing them in the proceeding.

Now produced and shown to me and marked "**JT1**" is a true copy of that email and attachments.

5. Also on 30 July 2025, on my instructions the Applicants' solicitors sent a further email to Yona Gilead providing the same proposed amended Originating Application and Statement of Claim with minor changes in paragraph [8e] of the amended Statement of Claim, and again seeking Dr Gilead's consent to being represented by myself and Professor Rutland in this proceeding.

Now produced and shown to me and marked "**JT2**" is a true copy of that email and attachments.

6. Between 30 - 31 July 2025 I, my colleague the Second Applicant, and/or the Applicants' solicitors received email responses with written consent from each of the Represented Persons. I have been provided with copies of all such email responses and truly believe that they are received from the Represented Persons and manifest their consent in writing to this application being made by the First and Second Applicant on their behalf and that the First and Second Applicant may represent them in the proceeding.

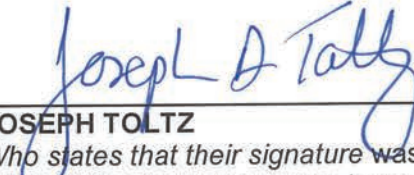
Now produced and shown to me and marked "**JT3**" is a true copy of those emails.

7. Following my receipt of the written consents of the Represented Persons as referred to in paragraph 6 of this my affidavit, I instructed the Applicants' solicitors to produce to me the amended Originating Application and amended Statement of Claim for purposes of filing and serving consistent with the above which they have so done.

Now produced and shown to me and marked "**JT4**" is a true copy of the amended Originating Application and Statement of Claim in the proceeding referred to in this paragraph 7 of this my affidavit.

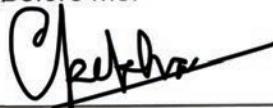
 Joseph L. Tolty³

AFFIRMED at
Sydney in the State
of New South Wales
on this 1st day of
August 2025



JOSEPH TOLTZ
*Who states that their signature was made to this
affidavit by electronic means in accordance with the
Part 3 of the Oaths and Affirmations Act 2018 (Vic).*

Before me:



UPEHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths and Affirmations Act 2018 to
take an affidavit.

Who states that their signature was made to this affidavit by electronic means, the
witnessing of the execution of this document was done by audio-visual link and all
the requirements of Part 3 of the Oaths and Affirmations Act 2018 (Vic).

I also observe the following:

JOSEPH TOLTZ signed and initialed this affidavit by electronic means and not by
hand/handwriting.

JOSEPH TOLTZ has affirmed this affidavit in my presence by audio-visual link.

This affidavit that I am signing in my capacity as an authorised affidavit taker is an
electronic copy, not an original.

Schedule of Parties

Applicants

Second Applicant: Suzanne Rutland OAM

Third Applicant: Ariel Eisner

Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

~~Opetka~~ Joseph A Tilly⁵
20

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

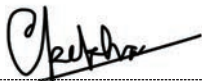
John Keane and another
Respondents

Affidavit of: **Joseph Toltz**
Address: 41 Renwick Street Alexandria NSW 2015
Occupation: Manager, Research Support at the University of Sydney
Date: 01/08/2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "JT1" annexed to the Affidavit of Joseph Toltz dated
1 August 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)
A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

Date: 1 August 2025

From: [Elijah Rasic](#)
To: [Joseph Toltz](#); [Suzanne Rutland](#)
Cc: [Daniel McCoach](#); [Hamish Rotstein](#)
Bcc: [peter@hereford.net.au](#); [smidtandy@gmail.com](#); [gilehrer@yahoo.com.au](#); [jennifer.yasminke@gmail.com](#); [lionel.babicz@gmail.com](#); [lynne.swarts@gmail.com](#); [david.celermajer@health.nsw.gov.au](#); [g.mayraz@gmail.com](#); [yuliaberlin@gmail.com](#); [idarnimrod@gmail.com](#); [judy.kay@gmail.com](#); [loren@reneuro.com.au](#); [wiselqilead@gmail.com](#); [adambutt@wentworthchambers.com.au](#)
Subject: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 9:10:47 AM
Attachments: [image001.png](#)
[image002.png](#)
[Keane Statement of Claim 30 July AB.pdf](#)
[originating application Keane 30 July AB.pdf](#)

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



Amended Statement of claim

No. of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

Joseph Toltz ~~and others~~ on behalf of himself and the represented persons listed in Schedule A

Applicants

John Keane and another

Respondents

Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by sections 46PO and 46POA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

Parties

2. The Applicants and the persons named in Schedule A are all natural persons capable of suing and ordinarily resident in Australia.
3. The First Applicant (**Dr Joseph Toltz**) is and at all relevant times was:
 - a. a researcher at The University of Sydney (**Sydney University**), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and
 - b. a Jewish person.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland OAM**) is and at all relevant times was:
 - a. a Professor Emeritus of The Sydney University of Sydney, Department of Hebrew, Biblical & Jewish Studies; and
 - b. a Jewish person and an Israeli citizen.

5. The Third Applicant (**Mr Ariel Eisner**):
- a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

Particulars

- i. AUJS is the peak representative body for Jewish university students across Australia and New Zealand.
 - ii. From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
 - iii. From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS; and
- b. was until he graduated in November 2024 a student enrolled at Sydney University studying a Bachelor of Architecture; and
 - c. is and at all relevant times was a Jewish person.

6. The Fourth Applicant (**Mr Yaniv Levy**):

- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; ~~and~~
- b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and
- c. is and at all relevant times was a Jewish person and an Israeli citizen.

7. Each Applicant:

- a. is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (**Israeli person**) and identifies as Zionist.

Particulars

- i. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.
8. The First and Second Applicants also bring this proceeding under Rule 9.21 of the Federal Court Rules 2011 on behalf of persons listed in Schedule A, as to whom:
- a. Dr Lionel Babicz is a Jewish person and an Israeli citizen who is and at all relevant times was an academic at Sydney University teaching Japanese Studies

and Asian Studies in the School of Languages and Culture. He also identifies as Zionist.

- b. Ms Yulia Berlin-Firer is a Jewish person and an Israeli citizen who is and at all relevant times was a casual academic staff member at Sydney University teaching in the Department of Hebrew, Biblical and Jewish Studies and involved in administration for that Department. She also identifies as Zionist.
- c. Professor David Celermajer AO is a Jewish person who is and at all relevant times was the Scandrett Professor of Cardiology at Sydney University, Faculty of Medicine and Health. He also identifies as Zionist.
- d. Associate Professor Dr Ilan Dar-Nimrod is a Jewish person and an Israeli citizen who is and at all relevant times was an Associate Professor at Sydney University in the School of Psychology, Faculty of Science. He believes in Israel being a nation state and the national home of and for the Jewish people
- e. Dr Yona Gilead is a Jewish person and an Israeli citizen who is and at all relevant times was the Malka Einhorn Modern Hebrew Senior Lecturer and Program Coordinator at the Faculty of Arts and Social Sciences at Sydney University (retiring at the end of July this year). She also identifies as Zionist.
- f. Professor Judy Kay is a Jewish person who is and at all relevant times was a Professor of Computer Science in the Faculty of Engineering at Sydney University. She also identifies as Zionist.
- g. Emeritus Professor Gustav Lehrer FAA AM is a Jewish person who is and at all relevant times was a Professor Emeritus of Sydney University, School of Mathematics and Statistics, recognised internationally for his mathematical research. He also identifies as Zionist.
- h. Dr Guy Mayraz is a Jewish person and an Israeli citizen who was at all relevant times until early July 2024, a behavioural economist teaching at Sydney University, School of Economics, thereafter has had an adjunct status with Sydney University. He also identifies as Zionist.
- i. Associate Professor Andy Smidt is a Jewish person who was until about February 2024, a Senior Lecturer and Faculty Disability Liaison Officer at Sydney University, Sydney School of Health Sciences, Faculty of Medicine and Health. She also identifies as Zionist.
- j. Dr Jennifer Dowling is a Jewish person who is and at all relevant times was the Manager, Education Innovation and Design in the Faculty of Arts and Social

Sciences at Sydney University. She believes in Israel being a nation state and the national home of and for Jewish people.

- k. Dr Lynne Swarts is a Jewish person who, at Sydney University: (a) is and at all relevant times was a Sessional Academic and Guest Lecturer in the Hebrew, Biblical and Jewish studies Department; (b) was until 2023 a Research Affiliate in the History Department; and (c) in first semester 2024 became a Senior Academic Tutor at St Andrews College (which is part of Sydney University). She also identifies as Zionist.
- l. Dr Loren Mowszowski is a Jewish person and a dual Australian-Israeli citizen who was, until about mid-July 2024, a Senior Research Fellow, Clinical Neuropsychologist and Leader of the Cognitive Intervention Research Stream for the Healthy Brain Ageing Program at the Brain and Mind Centre and Faculty of Science, at Sydney University. She also identifies as Zionist.
- m. Professor Peter Morgan, who is addressed more fully in [9] below, is and at all relevant times was Director of the European Studies Program at the School of Languages and Cultures at Sydney University.

9. Whereas Professor Morgan does not identify as Jewish or Israeli, he is nevertheless an affected or aggrieved person protected by the operation of the *Racial Discrimination Act 1975* (Cth) (**RDA**) and the AHRC Act for Professor Keane's unlawful discrimination set out below, by reason of the following facts, matters and circumstances:

- a. He has more than an intellectual or emotional concern in the subject matter of Professor Keane's Staff Member's Post;
- b. He has a grievance beyond a general member of the public by being expressly named and vilified in Keane's Staff Member's Post, or directly impugned in the unlawful vilification of his (senior) academic associates of Sydney University;
- c. The target or imputations of the Staff Members Post as set out below were to offend, insult, humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity or nationality, to paint them as racist, or as devoid of morals, scruples or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human;
- d. He was either painted as, and could be seen to be by viewers of the Post as, a Jew or Israeli with those negative features, or as a person associated with and supporting Jews or Israelis with those negative features. Either outcome is a substantial grievance and the sort of mischief that the RDA seeks to redress.

- e. Further or alternatively, he is aggrieved as an associate of, or a person with a close connection with, the named Jewish/Israeli staff members, as a person who was supporting them in the email written by Associate Professor Avril Alba (see [42.a] below), and then vilified in Professor Keane's escalation on his X Page.
 - f. Further or alternatively, Professor Morgan, in a representative role with the Applicant and represented person staff members, was aggrieved by virtue of his special responsibility to safeguard the interests of Jewish or Israeli staff/academics at least at Sydney University, in joining and supporting Jewish/Israeli representative staff/academics attempting to do the same, and was vilified for so doing.
 - g. The reliance in the Amended Statement of Claim concerning Professor Keane in respect of the Hamas Flag Post and the Staff Members Post is cumulative, with the consequence that both can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA.
10. Each of the persons named in [8] above:
- a. Have the same interest in the proceeding in that they were exposed to the same unlawful conduct, namely to Professor Keane's Staff Members' Post and his Hamas Flag Post the details of which are set out below.
 - b. By reason of that exposure are entitled to the same relief and remedies as the First and Second Applicants by virtue of the operation of s18C of the RDA and s46PO(4) of the AHRC Act; and
 - c. Each has consented in writing to be represented in this proceeding.
11. For the purposes of the RDA *Racial Discrimination Act 1975* (Cth):
- a. Jewish ~~people~~ persons constitute a group of people with a shared race, descent and/or ethnic origin.
 - b. Israeli citizens and Israeli ~~people~~ persons constitute a group of persons with a shared ethnic origin and/or nationality.
12. Israel is a nation state and the national home of and for the Jewish people. Its citizens are mostly Jewish persons.
13. The First Respondent (**Professor John Keane**):
- a. is a natural person capable of being sued; and
 - b. is and at all relevant times was a Professor of Politics at Sydney University.

14. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and capable of being sued.

Professor John Keane X (Twitter) Page

15. Professor John Keane operates and at all material times operated, as a professor of the Sydney University, from Sydney, New South Wales or elsewhere in Australia an X page (**Keane X Page**) at the web address: https://x.com/jkeaneSDN?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

Particulars

- a. Professor Keane's title is stated to be '@jkeaneSDN'
 - b. Professor Keane cites his title as 'professor.'
 - c. Professor Keane commenced that site on March 2013.
16. In or around October 2024 the Keane X Page had approximately 7,934 Followers, and at the time of this Amended Statement of Claim had about ~~7,835~~ 7,873 Followers.
17. The Keane X Page is and was at all relevant times accessible by members of the public whether or not they "follow" Professor Keane.
18. The Keane X Page is regularly updated by Professor Keane posting various publications including text, photos and audio-visual recordings of remarks and speeches.
19. A number of the publications which appear on the Keane X Page include links to various written or oral material published by Professor Keane or to material that he endorses or on which he comments.

Hammas

20. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
21. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of "*destroying Israel*".
22. The Hamas Covenants express intention is to dismantle Israel as '*the Zionist entity*' and to create an Islamic State in its place.
23. The Hamas Covenants identify Hamas' raison d'être as "*obliterating*" Israel and "*killing the Jews*".

24. Under s 80.2E '*Prohibited symbols*', which is part of '*Subdivision CA—Publicly displaying, and trading in, prohibited symbols and giving Nazi salute*', a prohibited terrorist organisation symbol is defined as:
- a. a symbol that a terrorist organisation (within the meaning of Division 102) uses, or members of a terrorist organisation use, to identify the organisation;
 - b. something that so nearly resembles a symbol to which paragraph a. applies that it is likely to be confused with, or mistaken for, that symbol.

7 October 2023

25. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused and tortured more than 1,200 Jewish persons or Israeli persons.
26. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish or Israeli persons including women, children and the elderly.
27. Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were overwhelmingly Jewish persons or Israeli persons; and
 - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

Impugned publication made on 8 October 2023 – the Hamas Flag Post

28. On or about 8 October 2023, the first day after the 7 October 2023 Hamas terrorist attacks described in [25]-[27] above, Professor Keane published the following picture on his Keane X Page, which shows 5 green Hamas flags with Arabic writing visible on them (**the Hamas Flag Post**):



29. The Hamas Flag Post:
 - a. continued to be and remained posted and visible on the Keane X Page as from 8 October 2023;
 - b. as at 23 October 2024, had 6,125 views; and
 - c. as at the time of the Amended Statement of Claim, had about ~~6,204~~ 6,232 views.
30. Each flag was, and was known and intended by Professor Keane to be, a Hamas flag used by the Hamas military wing.
31. Each flag was, or is, known by the Applicants, and the persons on whose behalf the Amended Statement of Claim is filed, to be the Hamas flag.
32. The Applicants and the persons on whose behalf the Amended Statement of Claim is filed also knew, or now know, that the Hamas flag is the flag used by the Hamas military wing.
33. At all material times the Hamas Flag was thus recognisable as the Hamas flag.
34. Professor Keane's Hamas Flag Post was and continued to be a post of a "*prohibited terrorist organisation symbol.*"

Imputations

35. The Hamas Flag Post conveyed the following imputations:
 - a. The activities described in [25]-[27] above of Hamas on October 7, which involved the killing, rape, maiming, sexual abuse, kidnapping and torture of Jewish and Israeli ~~people~~ persons, because they were believed to be Jewish or Israeli, was an event that was to be celebrated, endorsed, supported and approved of.

- b. Professor Keane celebrated, endorsed, supported and approved those activities.
- c. Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above) were to be celebrated, endorsed, supported and approved.
- d. Professor Keane celebrated, endorsed, supported and approved of Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above).

Contravention of s 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA)

36. Professor Keane's posting of the Hamas Flag Post was an act which caused images to be communicated to the public. They were:
- a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
37. Professor Keane's posting of the Hamas Flag Post and its non-removal, by conveying any, all or some of the imputations alleged in [35] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Applicants, the persons in Schedule A, as well as other Jewish ~~people~~ persons and Israeli ~~people~~ persons in Australia.
38. The posting and its non-removal was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
- a. The subject matter of the post, considering its timing, was directly related to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - b. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - c. The posting was actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's act.
39. In the premises set out in [15]-[38] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Impugned publication made on 8 November 2023 – Keane’s Staff Members Post

40. On about 8 November 2023, Professor Keane posted to the Keane X Page, a post which contains the under-mentioned text displayed above a letter, which was stated to have been sent by the complainants and the represented persons to him on 7 November 2023 (**Keane’s Staff Members Post**). Professor Keane stated in the post that the letter was:

“an ad hominem response to my Open Letter by a small group of pro-Israel staff members: defamatory insults (‘repulsive’ etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...”

41. A screenshot of the post as it was seen on the Keane X Page is set out below.

John Keane
@jkeaneSDN

an *ad hominem* response to my Open Letter by a small group of pro-Israel staff members: defamatory insults (‘repulsive’ etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...

Tue 07/11/2023 11:12 AM [view more](#)

Dear John,

The University’s Charter of Freedom of Speech and Academic Freedom allows you to express your views. However, those reading your letter should be aware of its inaccuracies. You accuse Israel of promoting indiscriminate warfare and genocide and the murder of innocents without compunction, and your letter culminates in a repulsive reversal of victims and perpetrators in which you liken the actions of Israel to those of the Nazis. There is also not one mention of the atrocities of October 7, which is not only deeply disappointing, but also a shockingly inhumane omission. We believe that in the context of war, any loss of civilian life is tragic: Palestinian, Israeli, and any other nationality. To draw an equivalence, however, between the acts of terror witnessed and documented via bodycams from Hamas themselves, and the awful civilian deaths of Gazans (many of whom are deliberately placed in the line of fire as human shields) by Israeli army fire, is unconscionable.

Dr Michael Abrahams-Sprod
A/Prof Avril Alba
Dr Lionel Babicz
Yulia Berlin-Firer
Professor David Celermajer
A/Prof Ilan Dar-Nimrod
Dr Jennifer Dowling
Dr Yona Gilead
Professor Judy Kay
Professor Gustav Lehrer
Dr Guy Mayraz
Prof Datar M...

which students are fee-paying customers, nor ivory towers sheltered from the harsh realities of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of ‘knowledge’ and ‘reality’, laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports ‘the rights of students and staff to engage in political discourse’ but that anybody who utters ‘pro-terrorist statements or commentary, including support for Hamas’s recent terrorist attacks’ will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an every bias within your definition of the tolerable. It is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, settler violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the wilful destruction of mosques, churches, schools and universities, and crazed plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it’s an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerāre*, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed

Gideon Levy and 9 others

3:38 PM · Nov 8, 2023 · **9,981** Views

25 Reposts **5** Quotes **63** Likes **10** Bookmarks

42. The post had the following accessible attachments:

- An email authored by Associate Professor Avril Alba of Sydney University (with certain modifications compared to the actual email) on 7 November 2023 to

Professor Keane and Vice Chancellor Mark Scott, copying a large number of Sydney University groups, and being an email in a chain of emails among Sydney University academics. The attachment Keane put up contained a photograph of Professor Alba.

b. A picture with the names of 17 academics from Sydney University in larger font (all of whom were Jewish and/or Israeli academics except for Peter Morgan), namely:

1. Dr Michael Abrahams-Sprod
2. A/Prof Avril Alba
3. Dr Lionel Babicz
4. Yulia Berlin-Firer
5. Professor David Celermajer
6. A/Prof Ilan Dar-Nimrod
7. Dr Jennifer Dowling
8. Dr Yona Gilead
9. Professor Judy Kay
10. Professor Gustav Lehrer
11. Dr Guy Mayraz
12. Professor Peter Morgan
13. Dr Loren Mowszowski
14. Professor Suzanne Rutland (Second Applicant)
15. Dr Andy Smidt
16. Dr Lynne Swarts
17. Dr Joseph Toltz (First Applicant)

c. A letter which purports to be Professor Keane's response of 6 November 2023 to a communication of Vice Chancellor Mark Scott to all Sydney University staff and students of 26 October 2023 (in the post it appeared on a letterhead instead of being in email form).

43. The Vice Chancellor's original communication dated 26 October 2023, to which Professor Keane's 6 November email responded, was not attached to the post. In that email the Vice Chancellor and President had said that Sydney University would not tolerate support for Hamas' recent terrorist attacks.
44. No permission or authorisation was sought by Professor Keane, or was obtained by him, from any of the 17 named academics to publish their names or the content of their email.

45. Professor Keane's Staff Members Post remained on his Keane X Page from 8 November 2023 until it was removed as a result of a Sydney University disciplinary process on or about 21 May 2024.

Particulars of the disciplinary process

(a) Complaints were made by Jewish/Israeli staff of Sydney University from 8 November 2023 onwards. This included but was not limited to complaints made directly by or on behalf of persons including: Professor Emerita Suzanne Rutland (Second Applicant), Dr Sarah Aamidor, Dr Michael Abrahams-Sprod, Associate Professor Avril Alba, Dr Lionel Babicz, Dr Larisa Barnes, Professor David Celermajer AO, Associate Professor Ronald Clarke, Dr Jennifer Dowling, Dr Yona Gilead, Talia Gonda, Emmilly Graf, Dr Eve Guerry, Associate Professor Sabina Kleitman, Professor Emerita Ines Krass, Professor Emeritus Gustav Lehrer AO, Mr Yaniv Levy (Fourth Applicant), Associate Professor Tania Markovic, Sarah Marks, Dr Guy Mayraz, Professor Peter Morgan, Dr Loren Mowszowski, Adam Muscio, Isabella Nahon, Emeritus Professor Leo Radom, Tracie Sillers, Dr Andy Smidt, Rachel Sullivan, Dr Lynne Swarts, Dr Joseph Toltz (First Applicant), Vanina Vaisman-Levy, Yulia Berlin-Firer.

(b) Examples include:

- i. On 8 November 2023, Avril Alba, Yulia Berlin-Firer, Suzanne Rutland and Michael Abrahams-Sprod complained to Mark Scott (Vice Chancellor) and Annamarie Jagose (Provost and Deputy Vice Chancellor) about Professor Keane (and Jake Lynch).
- ii. On 9 November Dr Loren Mowszowski wrote to Mark Scott and Annamarie Jagose endorsing her colleague's complaints. Lionel Babicz wrote to Professor Jagose reinforcing Ms Berlin-Firer's complaint.
- iii. On 30 November 2023 Dr Mowszowski followed up Professors Jagose and Scott, concerned that she had had no response or acknowledgment to her email sent 3 weeks earlier.
- iv. On 1 December 2023, Peter Wertheim of the Executive Council of Australian Jewry and Mark Scott discussed concerns of Jewish staff and students including their unanswered complaints regarding Professor Keane's email.
- v. On 22 December 2023, Dr Mowszowski wrote to Naomi Connolly, Senior Manager in Workplace Relations, concerned at the slowness

of the process which was compounding her distress and causing her to largely avoid attending main campus.

- vi. On 17 January 2024, Professor Rutland wrote to the Vice Chancellor, provost, Chancellor, and the Senate, supported by some 30 predominantly Jewish/Israeli staff, who comprised a newly formed Sydney University branch of the Australian Academic Alliance Against Antisemitism (**5A Group**). The letter appended 'Key Issues' concerning 'ongoing the pro-Palestinian campaign' at Sydney University since Hamas' 7 October invasion. The Issues included "*Intimidation and defamation of academic staff over University email and on social media*", noting Professor Keane's inflammatory letter and subsequent events and the slow response of the Workplace Department.
- vii. On 22 January 2024 Dr Mowszowski sought a further update.
- viii. On 13 February 2024, Mark Scott responded to Professor Rutland's 17 January complaint on behalf of the 5A Group. Nothing expressly or adequately addressed the Keane concern.
- ix. On 19 March 2024 the 5A Group were informed that Workplace Relations completed a preliminary assessment and advised next steps to Lisa Adkins, Dean of Faculty of Art and Sciences.
- x. On 3 April 2024, Lisa Adkins sent an outcome letter regarding the Keane complaint. Professor Keane's conduct was found to contravene University policies and codes and to be Misconduct under Sydney University's Enterprise Agreement. The University would discipline Professor Keane and direct him to delete the Staff Members Post.
- xi. On 8 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly, communicating 'extreme concern' that Professor Keane's Post was still on X, causing '*further insult and offense*' and questioning what consequences Keane received and how complainants could be assured disciplinary actions will be effective.
- xii. On 10 April 2024, Dr Mowszowski was advised that the University would not provide additional details regarding Professor Keane's disciplinary action. The same day she sought that Professor Keane be contacted directly to ensure the Post's removal was not significantly delayed.
- xiii. On 26 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly noting the Staff Post was still online, which was perpetuating

“distress, intimidation and offence,” undermining the complaint process and asking why he was not being held to account.

- xiv. During 28 April to 10 May 2024, Dr Babicz wrote several emails to/from Lisa Adkins and Naomi Connolly, expressing major concern about the University’s lack of effective action regarding Keane’s Staff Post, stating: *“considering the ongoing events on campus, including the involvement of jihadist elements external to the University, the potential threat to the safety of the people doxed by that post is increasing day by day.”* (10 May)
 - xv. On 3 and 7 May 2024, Ms Connolly wrote to Dr Mowszowski, failing to address her concerns.
 - xvi. On 21 May 2024, Jodi Dickson, Director of Workplace Relations, wrote to the 5A Group complainants informing them that Professor Keane had removed their names from the posts he made on X.
46. Until the date of the removal of the post from Professor Keane’s X page on 21 May 2024, Professor Keane’s Staff Member’s Post had about 30,000-31,000 views.
47. Professor Keane’s Staff Members Post conveyed the following imputations:
- a. The named Jewish and Israeli staff members regarded, treated, considered and were convinced that Palestinians are “non-humans” (meaning something less than or other than human beings).
 - b. The named Jewish and Israeli staff members were racists who regarded, treated, considered and were convinced that Palestinians challenging Israel as a Jewish homeland, or as their “Promised land”, are “non-humans”.
 - c. The named Jewish and Israeli persons, in seeking to defend the existence of Israel should be condemned and publically exposed as self-righteous racists without any morals, scruples or conscience.
 - d. Jewish persons and Israeli persons believe that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “Promised land” are “non humans”.
 - e. Jews and Israelis, or the named Jews and Israelis, were acting like the Nazis in considering Palestinians as “non-humans” or as something less than, or other than, human beings.
48. Contrary to the imputations set out immediately above:
- a. None of the staff members identified in the post were racists nor were they persons who regarded, treated, considered or were convinced that Palestinians

or Palestinians challenging Israel as a Jewish homeland or as “*their Promised land*” were “*non-humans*”.

- b. Jewish persons and Israeli persons as a group or otherwise did not regard, treat, consider and were not convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “*Promised Land*” were “*non-humans*”.

49. The reference to “non-humans” has particular resonance for Jewish and Israeli ~~people~~ persons given its historical use to describe Jewish persons ~~people~~ in that way.

50. The First and Second Applicants and each of the persons in Schedule A, who were all named in Keane’s Staff Members Post, suffered distress, loss and damage, including harm to their reputation, and/or psychological injury by reason of the publication and non-removal of the Keane’s Staff Members Post.

Contravention of s 18C of the RDA

51. Professor Keane’s posting of, and failure to remove prior to 21 May 2024, Keane’s Staff Members Post were acts which caused words and images to be communicated to the public. They were:

- a. done in a public place; and were
- b. done in the sight and hearing of people who were in a public place; and
- c. not acts done in private.

52. Professor Keane’s posting of, and his failure to remove prior to 21 May 2024, Keane’s Staff Members Post, by conveying any or all of the imputations alleged above and by attributing the false characteristics alleged to those named Jewish and Israeli Staff Members and to Jewish persons and Israeli persons on the basis of their group membership or otherwise, was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Jewish and Israeli Staff Members named in Keane’s Staff Members Post and other Jewish persons and Israeli persons.

53. The posting and its non-removal prior to 21 May 2024 was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:

- a. The post referred to and criticised only Jewish and Israeli people;
- b. It did so by reference to their position as being “pro-Israel”;
- c. The subject matter of the post was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;

- d. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the people named;
- e. Professor Keane had earlier posted the Hamas Flag Post which provides context for the real reason why the Staff Members Post was actuated by race and/or ethnic origin and/or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's conduct; and
- f. Professor Keane has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

54. In the premises set out in [40]-[53] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Professor Keane's Staff Members Post – Vicarious liability of Sydney University

- 55. Professor Keane is an employee of Sydney University.
- 56. The posting, and the non-removal until on or about 21 May 2024, of Professor Keane's Staff Members Post was made in connection with his duties as an employee of Sydney University:
 - a. the communications that precipitated the Staff Members Post were internal staff University email exchanges about University matters;
 - b. the Staff Members Post had the potential to (and actually did) adversely affect the working relationship of the named employees of Sydney University, and for other Jewish/Israeli employees;
 - c. The following documents make it clear that communications of this kind are directly connected to employment by Sydney University:
 - i. Sydney University Complaint Procedures;
 - ii. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cll 354, 360, 361, 362, 366 and 368);
 - iii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - iv. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - v. *University of Sydney Act 1989 (NSW)* (eg. s 2);
 - vi. *Charter of Freedom of Speech and Academic Freedom 2019*.

57. The Staff Members Post and its non-removal are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [40]-[54] above.
58. Sydney University failed to take all reasonable steps to prevent Professor Keane from publishing the Staff Members Post considering:
- a. the correspondence referred to or described in [40]-[44] above;
 - b. the disciplinary process and the complaints described in [45] and the failure of Sydney University to act on those complaints appropriately, with due diligence or due expedition.
59. In the premises above, Professor Keane Staff Members Post and its non-removal were acts of Professor Keane done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Professor Keane pursuant to s 18E of the RDA.

Complaint to the Australian Human Rights Commission

60. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~ a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
61. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
62. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~, on the ground that there was no reasonable prospect of the matter being settled by conciliation.

Particulars

- a. AHRC Notice of Termination in File No. 2024-15489 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

Relief

63. In the premises, the Applicants and each of the persons in Schedule A are entitled to the relief claimed in the Amended Originating Application.

Date: ~~13 June~~ 30 July 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

Certificate of lawyer

I Hamish Rotstein certify to the Court that, in relation to the Amended Statement of Claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~13 June~~ 30 July 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

Certificate of First and Second Applicants

I, Joseph Toltz, and Suzanne Rutland, certify to the Court that each person on whose behalf the application is made has consented in writing to the making of the application on the person's behalf.

Date: 30 July 2025

Signed by Joseph Toltz
First Applicant

Date: 30 July 2025

.....
Signed by Suzanne Rutland
Second Applicant

**Amended Originating application under the Australian Human Rights
Commission Act 1986**

No. _____ of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others named in the schedule~~ suing on behalf of himself and on behalf of the
persons named in Schedule A

Applicants

John Keane and another named in the schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claims that, on the grounds set out in the accompanying Amended Statement of Claim:

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by posting and not removing two X posts, each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants,
 - b. the persons they First and Second Applicants represent, and
 - c. ~~Jewish or Israeli persons in Australia any other Jewish or Israeli persons in Australia when the posts, reposts or publications the subject of the complaint were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this claim,~~
and were acts done because of the Jewish race, descent or ethnic origin or the Israeli ethnic or national origin of the persons set out above.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Keane's Staff Members Post and its non-removal until about 21 May 2024 being acts done in connection with Keane's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

The First and Second Applicants also bring this application on behalf of themselves and on behalf of the persons named in Schedule A.

1. Legislation

The Applicants claims that the discrimination complained of is unlawful under sections 18C and 18E of the *Racial Discrimination Act 1975*.

Remedy sought

The Applicants asks the Court for:

1. A declaration that Professor John Keane's posting of the Hamas Flag Post and his Staff Members Post, as well as their non-removal, contravened s 18C of the RDA and therefore constituted unlawful discrimination.

2. A declaration that Sydney University, by reason of its vicarious liability for Professor Keane's unlawful discrimination of the RDA, has contravened s 18C and engaged in unlawful discrimination in respect of Keane's Staff Members Post and its non-removal.
3. Injunctions requiring Professor Keane to remove or to cause the removal of:
 - a. the Hamas Flag Post from the Keane X Page or any other internet platform page or website;
 - b. Keane's Staff Members Post from any other internet platform page or website.
4. Injunctions requiring Professor Keane not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the Hamas Flag Post or the Keane Staff Members Post or the imputations described in the Statement of Claim filed in this proceeding.
5. Injunctions requiring Professor Keane and Sydney University to perform any reasonable act or course of conduct, including to pay and/or redress any distress, loss or damage (including harm to repute) and psychological injury suffered by any of the Applicants complainants or the persons the First and Second Applicants they represent, in a form to be determined, and to pay aggravated and punitive damages by reason of Professor Keane's and Sydney University's unlawful discrimination.
6. An order:
 - a. for payment of damages by way of compensation for loss and damage (including harm to repute and aggravated and punitive damages) and for distress and psychological injury suffered by any of the First and Second Applicants or persons they represent, being suffered by the seventeen staff members named in Keane's Staff Members Post, because of the unlawful discrimination arising from or by reason of the Post;
 - b. alternatively, at their option, an order for the payment of an amount equal to the compensation to which they would be entitled paid to a charity or charities nominated by them.
7. Interest
8. An order for public apologies by Professor Keane and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
9. Costs.
10. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

Applicants' details

The Applicants' and represented persons' relationship to the Respondent is fellow staff members at or students of Sydney University.

The Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Rotstein Commercial Lawyers, Level 4, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicants' address is Level 4, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 30 July ~~13 June~~ 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

Schedule

No. of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Applicants

Second Applicant: Suzanne Rutland OAM
Third Applicant: Ariel Eisner
Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

Date: 30 July ~~13 June~~ 2025

Schedule A – Represented Persons Under Rule 9.21

No. _____ of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

<u>No.</u>	<u>Name</u>	<u>Consent filed</u>
<u>1</u>	<u>Lionel Babicz</u>	
<u>2</u>	<u>Yulia Berlin-Firer</u>	
<u>3</u>	<u>David Celermaier AO</u>	
<u>4</u>	<u>Ilan Dar-Nimrod</u>	
<u>5</u>	<u>Jennifer Dowling</u>	
<u>6</u>	<u>Yona Gilead</u>	
<u>7</u>	<u>Judy Kay</u>	
<u>8</u>	<u>Gustav Lehrer FAA AM</u>	
<u>9</u>	<u>Guy Mayraz</u>	
<u>10</u>	<u>Peter Morgan</u>	
<u>11</u>	<u>Loren Mowszowski</u>	
<u>12</u>	<u>Andy Smidt</u>	
<u>13</u>	<u>Lynne Swarts</u>	

Date: 30 July 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

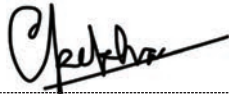
John Keane and another
Respondents

Affidavit of: **Joseph Toltz**
Address: 41 Renwick Street Alexandria NSW 2015
Occupation: Manager, Research Support at the University of Sydney
Date: 01/08/2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "JT2" annexed to the Affidavit of Joseph Toltz dated
1 August 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)
A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

Date: 1 August 2025

From: [Elijah Rasic](#)
To: wisalgilead@gmail.com
Cc: [Joseph Toltz](#); [Suzanne Rutland](#); [Hamish Rotstein](#); [Daniel McCoach](#)
Bcc: adambut@wentworthchambers.com.au
Subject: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 2:32:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[Keane Statement of Claim 30 July AB.pdf](#)
[originating application Keane 30 July AB.pdf](#)

Dear Yona,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



Amended Statement of claim

No. of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others~~ on behalf of himself and the represented persons listed in Schedule A
Applicants

John Keane and another
Respondents

Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by sections 46PO and 46POA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

Parties

2. The Applicants and the persons named in Schedule A are all natural persons capable of suing and ordinarily resident in Australia.
3. The First Applicant (**Dr Joseph Toltz**) is and at all relevant times was:
 - a. a researcher at The University of Sydney (**Sydney University**), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and
 - b. a Jewish person.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland OAM**) is and at all relevant times was:
 - a. a Professor Emeritus of The Sydney University of Sydney, Department of Hebrew, Biblical & Jewish Studies; and
 - b. a Jewish person and an Israeli citizen.

5. The Third Applicant (**Mr Ariel Eisner**):
- a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

Particulars

- i. AUJS is the peak representative body for Jewish university students across Australia and New Zealand.
 - ii. From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
 - iii. From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS; and
- b. was until he graduated in November 2024 a student enrolled at Sydney University studying a Bachelor of Architecture; and
 - c. is and at all relevant times was a Jewish person.

6. The Fourth Applicant (**Mr Yaniv Levy**):

- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; ~~and~~
- b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and
- c. is and at all relevant times was a Jewish person and an Israeli citizen.

7. Each Applicant:

- a. is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (**Israeli person**) and identifies as Zionist.

Particulars

- i. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.
8. The First and Second Applicants also bring this proceeding under Rule 9.21 of the Federal Court Rules 2011 on behalf of persons listed in Schedule A, as to whom:
- a. Dr Lionel Babicz is a Jewish person and an Israeli citizen who is and at all relevant times was an academic at Sydney University teaching Japanese Studies

- and Asian Studies in the School of Languages and Culture. He also identifies as Zionist.
- b. Ms Yulia Berlin-Firer is a Jewish person and an Israeli citizen who is and at all relevant times was a casual academic staff member at Sydney University teaching in the Department of Hebrew, Biblical and Jewish Studies and involved in administration for that Department. She also identifies as Zionist.
 - c. Professor David Celermajer AO is a Jewish person who is and at all relevant times was the Scandrett Professor of Cardiology at Sydney University, Faculty of Medicine and Health. He also identifies as Zionist.
 - d. Associate Professor Dr Ilan Dar-Nimrod is a Jewish person and an Israeli citizen who is and at all relevant times was an Associate Professor at Sydney University in the School of Psychology, Faculty of Science. He believes in Israel being a nation state and the national home of and for the Jewish people.
 - e. Dr Yona Gilead is a Jewish person and an Israeli citizen who is and at all relevant times was the Malka Einhorn Modern Hebrew Senior Lecturer and Program Coordinator at the Faculty of Arts and Social Sciences at Sydney University (retiring at the end of July this year). She believes in Israel being a nation state and the national home of and for the Jewish people.
 - f. Professor Judy Kay is a Jewish person who is and at all relevant times was a Professor of Computer Science in the Faculty of Engineering at Sydney University. She also identifies as Zionist.
 - g. Emeritus Professor Gustav Lehrer FAA AM is a Jewish person who is and at all relevant times was a Professor Emeritus of Sydney University, School of Mathematics and Statistics, recognised internationally for his mathematical research. He also identifies as Zionist.
 - h. Dr Guy Mayraz is a Jewish person and an Israeli citizen who was at all relevant times until early July 2024, a behavioural economist teaching at Sydney University, School of Economics, thereafter has had an adjunct status with Sydney University. He also identifies as Zionist.
 - i. Associate Professor Andy Smidt is a Jewish person who was until about February 2024, a Senior Lecturer and Faculty Disability Liaison Officer at Sydney University, Sydney School of Health Sciences, Faculty of Medicine and Health. She also identifies as Zionist.
 - j. Dr Jennifer Dowling is a Jewish person who is and at all relevant times was the Manager, Education Innovation and Design in the Faculty of Arts and Social

Sciences at Sydney University. She believes in Israel being a nation state and the national home of and for Jewish people.

- k. Dr Lynne Swarts is a Jewish person who, at Sydney University: (a) is and at all relevant times was a Sessional Academic and Guest Lecturer in the Hebrew, Biblical and Jewish studies Department; (b) was until 2023 a Research Affiliate in the History Department; and (c) in first semester 2024 became a Senior Academic Tutor at St Andrews College (which is part of Sydney University). She also identifies as Zionist.
- l. Dr Loren Mowszowski is a Jewish person and a dual Australian-Israeli citizen who was, until about mid-July 2024, a Senior Research Fellow, Clinical Neuropsychologist and Leader of the Cognitive Intervention Research Stream for the Healthy Brain Ageing Program at the Brain and Mind Centre and Faculty of Science, at Sydney University. She also identifies as Zionist.
- m. Professor Peter Morgan, who is addressed more fully in [9] below, is and at all relevant times was Director of the European Studies Program at the School of Languages and Cultures at Sydney University.

9. Whereas Professor Morgan does not identify as Jewish or Israeli, he is nevertheless an affected or aggrieved person protected by the operation of the *Racial Discrimination Act 1975 (Cth) (RDA)* and the AHRC Act for Professor Keane's unlawful discrimination set out below, by reason of the following facts, matters and circumstances:

- a. He has more than an intellectual or emotional concern in the subject matter of Professor Keane's Staff Member's Post;
- b. He has a grievance beyond a general member of the public by being expressly named and vilified in Keane's Staff Member's Post, or directly impugned in the unlawful vilification of his (senior) academic associates of Sydney University;
- c. The target or imputations of the Staff Members Post as set out below were to offend, insult, humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity or nationality, to paint them as racist, or as devoid of morals, scruples or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human;
- d. He was either painted as, and could be seen to be by viewers of the Post as, a Jew or Israeli with those negative features, or as a person associated with and supporting Jews or Israelis with those negative features. Either outcome is a substantial grievance and the sort of mischief that the RDA seeks to redress.

- e. Further or alternatively, he is aggrieved as an associate of, or a person with a close connection with, the named Jewish/Israeli staff members, as a person who was supporting them in the email written by Associate Professor Avril Alba (see [42.a] below), and then vilified in Professor Keane's escalation on his X Page.
 - f. Further or alternatively, Professor Morgan, in a representative role with the Applicant and represented person staff members, was aggrieved by virtue of his special responsibility to safeguard the interests of Jewish or Israeli staff/academics at least at Sydney University, in joining and supporting Jewish/Israeli representative staff/academics attempting to do the same, and was vilified for so doing.
 - g. The reliance in the Amended Statement of Claim concerning Professor Keane in respect of the Hamas Flag Post and the Staff Members Post is cumulative, with the consequence that both can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA.
10. Each of the persons named in [8] above:
- a. Have the same interest in the proceeding in that they were exposed to the same unlawful conduct, namely to Professor Keane's Staff Members' Post and his Hamas Flag Post the details of which are set out below.
 - b. By reason of that exposure are entitled to the same relief and remedies as the First and Second Applicants by virtue of the operation of s18C of the RDA and s46PO(4) of the AHRC Act; and
 - c. Each has consented in writing to be represented in this proceeding.
11. For the purposes of the RDA *Racial Discrimination Act 1975* (Cth):
- a. Jewish ~~people~~ persons constitute a group of people with a shared race, descent and/or ethnic origin.
 - b. Israeli citizens and Israeli ~~people~~ persons constitute a group of persons with a shared ethnic origin and/or nationality.
12. Israel is a nation state and the national home of and for the Jewish people. Its citizens are mostly Jewish persons.
13. The First Respondent (**Professor John Keane**):
- a. is a natural person capable of being sued; and
 - b. is and at all relevant times was a Professor of Politics at Sydney University.

14. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and capable of being sued.

Professor John Keane X (Twitter) Page

15. Professor John Keane operates and at all material times operated, as a professor of the Sydney University, from Sydney, New South Wales or elsewhere in Australia an X page (**Keane X Page**) at the web address: https://x.com/jkeaneSDN?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

Particulars

- a. Professor Keane's title is stated to be '@jkeaneSDN'
 - b. Professor Keane cites his title as 'professor.'
 - c. Professor Keane commenced that site on March 2013.
16. In or around October 2024 the Keane X Page had approximately 7,934 Followers, and at the time of this Amended Statement of Claim had about ~~7,835~~ 7,873 Followers.
17. The Keane X Page is and was at all relevant times accessible by members of the public whether or not they "follow" Professor Keane.
18. The Keane X Page is regularly updated by Professor Keane posting various publications including text, photos and audio-visual recordings of remarks and speeches.
19. A number of the publications which appear on the Keane X Page include links to various written or oral material published by Professor Keane or to material that he endorses or on which he comments.

Hammas

20. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
21. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of "*destroying Israel*".
22. The Hamas Covenants express intention is to dismantle Israel as '*the Zionist entity*' and to create an Islamic State in its place.
23. The Hamas Covenants identify Hamas' raison d'être as "*obliterating*" Israel and "*killing the Jews*".

24. Under s 80.2E '*Prohibited symbols*', which is part of '*Subdivision CA—Publicly displaying, and trading in, prohibited symbols and giving Nazi salute*', a prohibited terrorist organisation symbol is defined as:
- a. a symbol that a terrorist organisation (within the meaning of Division 102) uses, or members of a terrorist organisation use, to identify the organisation;
 - b. something that so nearly resembles a symbol to which paragraph a. applies that it is likely to be confused with, or mistaken for, that symbol.

7 October 2023

25. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused and tortured more than 1,200 Jewish persons or Israeli persons.
26. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish or Israeli persons including women, children and the elderly.
27. Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were overwhelmingly Jewish persons or Israeli persons; and
 - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

Impugned publication made on 8 October 2023 – the Hamas Flag Post

28. On or about 8 October 2023, the first day after the 7 October 2023 Hamas terrorist attacks described in [25]-[27] above, Professor Keane published the following picture on his Keane X Page, which shows 5 green Hamas flags with Arabic writing visible on them (**the Hamas Flag Post**):



29. The Hamas Flag Post:
 - a. continued to be and remained posted and visible on the Keane X Page as from 8 October 2023;
 - b. as at 23 October 2024, had 6,125 views; and
 - c. as at the time of the Amended Statement of Claim, had about ~~6,204~~ 6,232 views.
30. Each flag was, and was known and intended by Professor Keane to be, a Hamas flag used by the Hamas military wing.
31. Each flag was, or is, known by the Applicants, and the persons on whose behalf the Amended Statement of Claim is filed, to be the Hamas flag.
32. The Applicants and the persons on whose behalf the Amended Statement of Claim is filed also knew, or now know, that the Hamas flag is the flag used by the Hamas military wing.
33. At all material times the Hamas Flag was thus recognisable as the Hamas flag.
34. Professor Keane's Hamas Flag Post was and continued to be a post of a "*prohibited terrorist organisation symbol.*"

Imputations

35. The Hamas Flag Post conveyed the following imputations:
 - a. The activities described in [25]-[27] above of Hamas on October 7, which involved the killing, rape, maiming, sexual abuse, kidnapping and torture of Jewish and Israeli ~~people~~ persons, because they were believed to be Jewish or Israeli, was an event that was to be celebrated, endorsed, supported and approved of.

- b. Professor Keane celebrated, endorsed, supported and approved those activities.
- c. Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above) were to be celebrated, endorsed, supported and approved.
- d. Professor Keane celebrated, endorsed, supported and approved of Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above).

Contravention of s 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA)

- 36. Professor Keane's posting of the Hamas Flag Post was an act which caused images to be communicated to the public. They were:
 - a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
- 37. Professor Keane's posting of the Hamas Flag Post and its non-removal, by conveying any, all or some of the imputations alleged in [35] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Applicants, the persons in Schedule A, as well as other Jewish ~~people~~ persons and Israeli ~~people~~ persons in Australia.
- 38. The posting and its non-removal was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
 - a. The subject matter of the post, considering its timing, was directly related to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - b. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - c. The posting was actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's act.
- 39. In the premises set out in [15]-[38] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Impugned publication made on 8 November 2023 – Keane’s Staff Members Post

40. On about 8 November 2023, Professor Keane posted to the Keane X Page, a post which contains the under-mentioned text displayed above a letter, which was stated to have been sent by the complainants and the represented persons to him on 7 November 2023 (**Keane’s Staff Members Post**). Professor Keane stated in the post that the letter was:

“an ad hominem response to my Open Letter by a small group of pro-Israel staff members: defamatory insults (‘repulsive’ etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...”

41. A screenshot of the post as it was seen on the Keane X Page is set out below.

42. The post had the following accessible attachments:

- a. An email authored by Associate Professor Avril Alba of Sydney University (with certain modifications compared to the actual email) on 7 November 2023 to

Professor Keane and Vice Chancellor Mark Scott, copying a large number of Sydney University groups, and being an email in a chain of emails among Sydney University academics. The attachment Keane put up contained a photograph of Professor Alba.

b. A picture with the names of 17 academics from Sydney University in larger font (all of whom were Jewish and/or Israeli academics except for Peter Morgan), namely:

1. Dr Michael Abrahams-Sprod
2. A/Prof Avril Alba
3. Dr Lionel Babicz
4. Yulia Berlin-Firer
5. Professor David Celermajer
6. A/Prof Ilan Dar-Nimrod
7. Dr Jennifer Dowling
8. Dr Yona Gilead
9. Professor Judy Kay
10. Professor Gustav Lehrer
11. Dr Guy Mayraz
12. Professor Peter Morgan
13. Dr Loren Mowszowski
14. Professor Suzanne Rutland (Second Applicant)
15. Dr Andy Smidt
16. Dr Lynne Swarts
17. Dr Joseph Toltz (First Applicant)

c. A letter which purports to be Professor Keane's response of 6 November 2023 to a communication of Vice Chancellor Mark Scott to all Sydney University staff and students of 26 October 2023 (in the post it appeared on a letterhead instead of being in email form).

43. The Vice Chancellor's original communication dated 26 October 2023, to which Professor Keane's 6 November email responded, was not attached to the post. In that email the Vice Chancellor and President had said that Sydney University would not tolerate support for Hamas' recent terrorist attacks.
44. No permission or authorisation was sought by Professor Keane, or was obtained by him, from any of the 17 named academics to publish their names or the content of their email.

45. Professor Keane's Staff Members Post remained on his Keane X Page from 8 November 2023 until it was removed as a result of a Sydney University disciplinary process on or about 21 May 2024.

Particulars of the disciplinary process

(a) Complaints were made by Jewish/Israeli staff of Sydney University from 8 November 2023 onwards. This included but was not limited to complaints made directly by or on behalf of persons including: Professor Emerita Suzanne Rutland (Second Applicant), Dr Sarah Aamidor, Dr Michael Abrahams-Sprod, Associate Professor Avril Alba, Dr Lionel Babicz, Dr Larisa Barnes, Professor David Celermajer AO, Associate Professor Ronald Clarke, Dr Jennifer Dowling, Dr Yona Gilead, Talia Gonda, Emmilly Graf, Dr Eve Guerry, Associate Professor Sabina Kleitman, Professor Emerita Ines Krass, Professor Emeritus Gustav Lehrer AO, Mr Yaniv Levy (Fourth Applicant), Associate Professor Tania Markovic, Sarah Marks, Dr Guy Mayraz, Professor Peter Morgan, Dr Loren Mowszowski, Adam Muscio, Isabella Nahon, Emeritus Professor Leo Radom, Tracie Sillers, Dr Andy Smidt, Rachel Sullivan, Dr Lynne Swarts, Dr Joseph Toltz (First Applicant), Vanina Vaisman-Levy, Yulia Berlin-Firer.

(b) Examples include:

- i. On 8 November 2023, Avril Alba, Yulia Berlin-Firer, Suzanne Rutland and Michael Abrahams-Sprod complained to Mark Scott (Vice Chancellor) and Annamarie Jagose (Provost and Deputy Vice Chancellor) about Professor Keane (and Jake Lynch).
- ii. On 9 November Dr Loren Mowszowski wrote to Mark Scott and Annamarie Jagose endorsing her colleague's complaints. Lionel Babicz wrote to Professor Jagose reinforcing Ms Berlin-Firer's complaint.
- iii. On 30 November 2023 Dr Mowszowski followed up Professors Jagose and Scott, concerned that she had had no response or acknowledgment to her email sent 3 weeks earlier.
- iv. On 1 December 2023, Peter Wertheim of the Executive Council of Australian Jewry and Mark Scott discussed concerns of Jewish staff and students including their unanswered complaints regarding Professor Keane's email.
- v. On 22 December 2023, Dr Mowszowski wrote to Naomi Connolly, Senior Manager in Workplace Relations, concerned at the slowness

of the process which was compounding her distress and causing her to largely avoid attending main campus.

- vi. On 17 January 2024, Professor Rutland wrote to the Vice Chancellor, provost, Chancellor, and the Senate, supported by some 30 predominantly Jewish/Israeli staff, who comprised a newly formed Sydney University branch of the Australian Academic Alliance Against Antisemitism (**5A Group**). The letter appended 'Key Issues' concerning 'ongoing the pro-Palestinian campaign' at Sydney University since Hamas' 7 October invasion. The Issues included "*Intimidation and defamation of academic staff over University email and on social media*", noting Professor Keane's inflammatory letter and subsequent events and the slow response of the Workplace Department.
- vii. On 22 January 2024 Dr Mowszowski sought a further update.
- viii. On 13 February 2024, Mark Scott responded to Professor Rutland's 17 January complaint on behalf of the 5A Group. Nothing expressly or adequately addressed the Keane concern.
- ix. On 19 March 2024 the 5A Group were informed that Workplace Relations completed a preliminary assessment and advised next steps to Lisa Adkins, Dean of Faculty of Art and Sciences.
- x. On 3 April 2024, Lisa Adkins sent an outcome letter regarding the Keane complaint. Professor Keane's conduct was found to contravene University policies and codes and to be Misconduct under Sydney University's Enterprise Agreement. The University would discipline Professor Keane and direct him to delete the Staff Members Post.
- xi. On 8 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly, communicating 'extreme concern' that Professor Keane's Post was still on X, causing '*further insult and offense*' and questioning what consequences Keane received and how complainants could be assured disciplinary actions will be effective.
- xii. On 10 April 2024, Dr Mowszowski was advised that the University would not provide additional details regarding Professor Keane's disciplinary action. The same day she sought that Professor Keane be contacted directly to ensure the Post's removal was not significantly delayed.
- xiii. On 26 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly noting the Staff Post was still online, which was perpetuating

“distress, intimidation and offence,” undermining the complaint process and asking why he was not being held to account.

- xiv. During 28 April to 10 May 2024, Dr Babicz wrote several emails to/from Lisa Adkins and Naomi Connolly, expressing major concern about the University’s lack of effective action regarding Keane’s Staff Post, stating: *“considering the ongoing events on campus, including the involvement of jihadist elements external to the University, the potential threat to the safety of the people doxed by that post is increasing day by day.”* (10 May)
 - xv. On 3 and 7 May 2024, Ms Connolly wrote to Dr Mowszowski, failing to address her concerns.
 - xvi. On 21 May 2024, Jodi Dickson, Director of Workplace Relations, wrote to the 5A Group complainants informing them that Professor Keane had removed their names from the posts he made on X.
46. Until the date of the removal of the post from Professor Keane’s X page on 21 May 2024, Professor Keane’s Staff Member’s Post had about 30,000-31,000 views.
47. Professor Keane’s Staff Members Post conveyed the following imputations:
- a. The named Jewish and Israeli staff members regarded, treated, considered and were convinced that Palestinians are “non-humans” (meaning something less than or other than human beings).
 - b. The named Jewish and Israeli staff members were racists who regarded, treated, considered and were convinced that Palestinians challenging Israel as a Jewish homeland, or as their “Promised land”, are “non-humans”.
 - c. The named Jewish and Israeli persons, in seeking to defend the existence of Israel should be condemned and publically exposed as self-righteous racists without any morals, scruples or conscience.
 - d. Jewish persons and Israeli persons believe that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “Promised land” are “non humans”.
 - e. Jews and Israelis, or the named Jews and Israelis, were acting like the Nazis in considering Palestinians as “non-humans” or as something less than, or other than, human beings.
48. Contrary to the imputations set out immediately above:
- a. None of the staff members identified in the post were racists nor were they persons who regarded, treated, considered or were convinced that Palestinians

or Palestinians challenging Israel as a Jewish homeland or as “*their Promised land*” were “*non-humans*”.

- b. Jewish persons and Israeli persons as a group or otherwise did not regard, treat, consider and were not convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “*Promised Land*” were “*non-humans*”.

49. The reference to “non-humans” has particular resonance for Jewish and Israeli ~~people~~ persons given its historical use to describe Jewish persons ~~people~~ in that way.

50. The First and Second Applicants and each of the persons in Schedule A, who were all named in Keane’s Staff Members Post, suffered distress, loss and damage, including harm to their reputation, and/or psychological injury by reason of the publication and non-removal of the Keane’s Staff Members Post.

Contravention of s 18C of the RDA

51. Professor Keane’s posting of, and failure to remove prior to 21 May 2024, Keane’s Staff Members Post were acts which caused words and images to be communicated to the public. They were:

- a. done in a public place; and were
- b. done in the sight and hearing of people who were in a public place; and
- c. not acts done in private.

52. Professor Keane’s posting of, and his failure to remove prior to 21 May 2024, Keane’s Staff Members Post, by conveying any or all of the imputations alleged above and by attributing the false characteristics alleged to those named Jewish and Israeli Staff Members and to Jewish persons and Israeli persons on the basis of their group membership or otherwise, was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Jewish and Israeli Staff Members named in Keane’s Staff Members Post and other Jewish persons and Israeli persons.

53. The posting and its non-removal prior to 21 May 2024 was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:

- a. The post referred to and criticised only Jewish and Israeli people;
- b. It did so by reference to their position as being “pro-Israel”;
- c. The subject matter of the post was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;

- d. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the people named;
- e. Professor Keane had earlier posted the Hamas Flag Post which provides context for the real reason why the Staff Members Post was actuated by race and/or ethnic origin and/or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's conduct; and
- f. Professor Keane has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

54. In the premises set out in [40]-[53] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Professor Keane's Staff Members Post – Vicarious liability of Sydney University

- 55. Professor Keane is an employee of Sydney University.
- 56. The posting, and the non-removal until on or about 21 May 2024, of Professor Keane's Staff Members Post was made in connection with his duties as an employee of Sydney University:
 - a. the communications that precipitated the Staff Members Post were internal staff University email exchanges about University matters;
 - b. the Staff Members Post had the potential to (and actually did) adversely affect the working relationship of the named employees of Sydney University, and for other Jewish/Israeli employees;
 - c. The following documents make it clear that communications of this kind are directly connected to employment by Sydney University:
 - i. Sydney University Complaint Procedures;
 - ii. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cll 354, 360, 361, 362, 366 and 368);
 - iii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - iv. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - v. *University of Sydney Act 1989 (NSW)* (eg. s 2);
 - vi. *Charter of Freedom of Speech and Academic Freedom 2019*.

57. The Staff Members Post and its non-removal are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [40]-[54] above.
58. Sydney University failed to take all reasonable steps to prevent Professor Keane from publishing the Staff Members Post considering:
- a. the correspondence referred to or described in [40]-[44] above;
 - b. the disciplinary process and the complaints described in [45] and the failure of Sydney University to act on those complaints appropriately, with due diligence or due expedition.
59. In the premises above, Professor Keane Staff Members Post and its non-removal were acts of Professor Keane done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Professor Keane pursuant to s 18E of the RDA.

Complaint to the Australian Human Rights Commission

60. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~ a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
61. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
62. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~, on the ground that there was no reasonable prospect of the matter being settled by conciliation.

Particulars

- a. AHRC Notice of Termination in File No. 2024-15489 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

Relief

63. In the premises, the Applicants and each of the persons in Schedule A are entitled to the relief claimed in the Amended Originating Application.

Date: ~~13 June~~ 30 July 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

Certificate of lawyer

I Hamish Rotstein certify to the Court that, in relation to the Amended Statement of Claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~13 June~~ 30 July 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

Certificate of First and Second Applicants

I, Joseph Toltz, and Suzanne Rutland, certify to the Court that each person on whose behalf the application is made has consented in writing to the making of the application on the person's behalf.

Date: 30 July 2025

Signed by Joseph Toltz
First Applicant

Date: 30 July 2025

.....
Signed by Suzanne Rutland
Second Applicant

**Amended Originating application under the Australian Human Rights
Commission Act 1986**

No. _____ of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others named in the schedule~~ suing on behalf of himself and on behalf of the
persons named in Schedule A

Applicants

John Keane and another named in the schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claims that, on the grounds set out in the accompanying Amended Statement of Claim:

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by posting and not removing two X posts, each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants,
 - b. the persons they First and Second Applicants represent, and
 - c. ~~Jewish or Israeli persons in Australia any other Jewish or Israeli persons in Australia when the posts, reposts or publications the subject of the complaint were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this claim,~~
and were acts done because of the Jewish race, descent or ethnic origin or the Israeli ethnic or national origin of the persons set out above.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Keane's Staff Members Post and its non-removal until about 21 May 2024 being acts done in connection with Keane's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

The First and Second Applicants also bring this application on behalf of themselves and on behalf of the persons named in Schedule A.

1. Legislation

The Applicants claims that the discrimination complained of is unlawful under sections 18C and 18E of the *Racial Discrimination Act 1975*.

Remedy sought

The Applicants asks the Court for:

1. A declaration that Professor John Keane's posting of the Hamas Flag Post and his Staff Members Post, as well as their non-removal, contravened s 18C of the RDA and therefore constituted unlawful discrimination.

2. A declaration that Sydney University, by reason of its vicarious liability for Professor Keane's unlawful discrimination of the RDA, has contravened s 18C and engaged in unlawful discrimination in respect of Keane's Staff Members Post and its non-removal.
3. Injunctions requiring Professor Keane to remove or to cause the removal of:
 - a. the Hamas Flag Post from the Keane X Page or any other internet platform page or website;
 - b. Keane's Staff Members Post from any other internet platform page or website.
4. Injunctions requiring Professor Keane not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the Hamas Flag Post or the Keane Staff Members Post or the imputations described in the Statement of Claim filed in this proceeding.
5. Injunctions requiring Professor Keane and Sydney University to perform any reasonable act or course of conduct, including to pay and/or redress any distress, loss or damage (including harm to repute) and psychological injury suffered by any of the Applicants complainants or the persons the First and Second Applicants they represent, in a form to be determined, and to pay aggravated and punitive damages by reason of Professor Keane's and Sydney University's unlawful discrimination.
6. An order:
 - a. for payment of damages by way of compensation for loss and damage (including harm to repute and aggravated and punitive damages) and for distress and psychological injury suffered by any of the First and Second Applicants or persons they represent, being suffered by the seventeen staff members named in Keane's Staff Members Post, because of the unlawful discrimination arising from or by reason of the Post;
 - b. alternatively, at their option, an order for the payment of an amount equal to the compensation to which they would be entitled paid to a charity or charities nominated by them.
7. Interest
8. An order for public apologies by Professor Keane and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
9. Costs.
10. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

Applicants' details

The Applicants' and represented persons' relationship to the Respondent is fellow staff members at or students of Sydney University.

The Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Rotstein Commercial Lawyers, Level 4, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicants' address is Level 4, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 30 July ~~13 June~~ 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

Schedule

No. of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Applicants

Second Applicant: Suzanne Rutland OAM
Third Applicant: Ariel Eisner
Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

Date: 30 July ~~13 June~~ 2025

Schedule A – Represented Persons Under Rule 9.21

No. _____ of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

<u>No.</u>	<u>Name</u>	<u>Consent filed</u>
<u>1</u>	<u>Lionel Babicz</u>	
<u>2</u>	<u>Yulia Berlin-Firer</u>	
<u>3</u>	<u>David Celermaier AO</u>	
<u>4</u>	<u>Ilan Dar-Nimrod</u>	
<u>5</u>	<u>Jennifer Dowling</u>	
<u>6</u>	<u>Yona Gilead</u>	
<u>7</u>	<u>Judy Kay</u>	
<u>8</u>	<u>Gustav Lehrer FAA AM</u>	
<u>9</u>	<u>Guy Mayraz</u>	
<u>10</u>	<u>Peter Morgan</u>	
<u>11</u>	<u>Loren Mowszowski</u>	
<u>12</u>	<u>Andy Smidt</u>	
<u>13</u>	<u>Lynne Swarts</u>	

Date: 30 July 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants


John Keane and another
Respondents

Affidavit of: **Joseph Toltz**
Address: 41 Renwick Street Alexandria NSW 2015
Occupation: Manager, Research Support at the University of Sydney
Date: 01/08/2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "JT3" annexed to the Affidavit of Joseph Toltz dated
1 August 2025

Before me:



.....
UPEKMA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)
A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

Date: 1 August 2025

From: smidtandy@gmail.com
To: [Elijah Rasic](#); [Joseph Toltz](#); [Suzanne Rutland](#)
Cc: [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 6:03:06 PM
Attachments: [image001.png](#)
[image002.png](#)

I consent to Joseph and Suzanne to represent me in the Keane Proceedings - let me know if there is specific wording you need from me or if this email is sufficient

Andy

From: Elijah Rasic <Elijah.Rasic@rotsteins.com.au>
Date: Wednesday, 30 July 2025 at 9:11 am
To: Joseph Toltz <josephholtz@me.com>, Suzanne Rutland <suzannerutlandlegal@gmail.com>
Cc: Daniel McCoach <daniel.mccoach@rotsteins.com.au>, Hamish Rotstein <hamish@rotsteins.com.au>
Subject: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [David Celermajer \(Sydney LHD\)](#)
To: [Elijah Rasic](#); [Joseph Toltz](#); [Suzanne Rutland](#)
Cc: [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: RE: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 9:29:43 AM
Attachments: [image001.png](#)
[image002.png](#)

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding

David Celermajer

From: Elijah Rasic <Elijah.Rasic@rotsteins.com.au>
Sent: Wednesday, 30 July 2025 9:11 AM
To: Joseph Toltz <josephholtz@me.com>; Suzanne Rutland <suzannerutlandlegal@gmail.com>
Cc: Daniel McCoach <daniel.mccoach@rotsteins.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>
Subject: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



This email is intended for the addressee named and may contain confidential information. If you are not the intended recipient, you must not disclose, copy or distribute this email. If you have received this email in error, please notify the sender immediately, delete it from your system and destroy any copies.

Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

From: [Gus Lehrer](#)
To: [Joseph Toltz](#); [Suzanne Rutland](#); [Elijah Rasic](#)
Cc: [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Thursday, 31 July 2025 4:04:42 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Elijah Rasic,

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

Best wishes,
Gus Lehrer.

On Wednesday 30 July 2025 at 09:10:59 am AEST, Elijah Rasic <elijah.rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating "I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding."

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Guy Mayraz](#)
To: [Elijah Rasic](#)
Cc: [Joseph Toltz](#); [Suzanne Rutland](#); [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 9:48:52 AM

Dear Elijah,

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

King regards,

Guy Mayraz

On 30 Jul 2025, at 9:10, Elijah Rasic wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Ilan Dar-nimrod](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 10:49:32 AM
Attachments: [image001.png](#)
[image002.png](#)

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding

On Wed, Jul 30, 2025 at 9:11 AM Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Jennifer Dowling](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 11:20:24 AM
Attachments: [image001.png](#)
[image002.png](#)

“I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

Jennifer Dowling

On Wed, 30 Jul 2025 at 09:11, Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



--
--

What we've got here is failure to communicate.
— Cool Hand Luke

From: [Judy Kay](#)
To: [Elijah Rasic](#)
Cc: [Joseph Toltz](#); [Suzanne Rutland](#); [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 3:04:40 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Elijah Rasic

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

Judy Kay

Human-Centred Technology Research Cluster, University of Sydney.
THE UNIVERSITY OF SYDNEY

Rm 307, Computer Science Building, J12 | The University of Sydney | NSW | 2006
T +61 2 9351 4502 | F +61 2 9351 3838 | W: judykay.name

On Wed, 30 Jul 2025 at 09:11, Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error,

and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Lionel Babicz](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 2:46:10 PM

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

Lionel Babicz

On 30 Jul 2025, at 09:10, Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating "I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding."

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate

<image001.png>

Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation

<[image002.png](#)>

<Keane Statement of Claim 30 July AB.pdf><originating application Keane 30 July AB.pdf>

From: loren@reneuro.com.au
To: [Elijah Rasic](#)
Cc: [Daniel McCoach](#); [Hamish Rotstein](#)
Subject: RE: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 9:27:20 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Elijah,

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

Kind regards,
Loren Mowszowski

From: Elijah Rasic <Elijah.Rasic@rotsteins.com.au>
Sent: Wednesday, 30 July 2025 9:11 AM
To: Joseph Toltz <josephholtz@me.com>; Suzanne Rutland <suzannerutlandlegal@gmail.com>
Cc: Daniel McCoach <daniel.mccoach@rotsteins.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>
Subject: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic
Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Lynne Swarts](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Thursday, 31 July 2025 10:42:37 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Elijah,

“I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

Best,
Lynne

On Wed, 30 Jul 2025 at 09:11, Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation

--
Lynne Swarts (PhD)
M: 0407275559

From: [Peter Morgan](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Thursday, 31 July 2025 12:23:13 PM

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

All the best
Peter Morgan

Peter Morgan
8/69 Hereford St.,
Forest Lodge 2037
NSW

0419 046 495
peter@hereford.net.au

†

From: [Yona Gilead](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 2:37:12 PM
Attachments: [image001.png](#)
[image002.png](#)

I accept

Best, yona

On Wed, Jul 30, 2025 at 2:32 PM Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear Yona,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



From: [Yulia Berlin](#)
To: [Elijah Rasic](#)
Subject: Re: Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor
Date: Wednesday, 30 July 2025 3:50:55 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello,

I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.

Kind regards,
Yulia Berlin Firer

On Wed, 30 Jul 2025 at 09:11, Elijah Rasic <Elijah.Rasic@rotsteins.com.au> wrote:

Dear all,

As foreshadowed, we are writing to obtain your consent to be represented by Dr Joseph Toltz and Emeritus Professor Suzanne Rutland in Proceeding NSD951/2025 Joseph Toltz on behalf of himself and represented persons & Ors v John Keane & Anor (**Keane Proceeding**) which is being brought as a representative proceeding under Rule 9.21 of the *Federal Court Rules 2011*.

For your information and provided to you on a confidential basis, please see **attached** the applicable statement of claim and originating application on behalf of the Applicants.

This email is sent to obtain your written consent to enable Dr Toltz and Professor Rutland to be able to certify to the Court that you have consented to the application being made by them on your behalf. We would be grateful for your prompt response so that we can progress matters efficiently.

To manifest your consent, would you please reply to this email by stating “I consent to Dr Toltz and Professor Rutland representing me in the Keane Proceeding.”

We kindly ask that you direct all responses to our office only and that you limit your responses to strictly the wording provided above if you do so consent.

Please be in touch with our office at the telephone details below if you have any questions.

Looking forward to your response.

Kind regards,

Elijah Rasic

Law Graduate



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia

T (61 3) 9604 7888

E elijah.rasic@rotsteins.com.au

W www.rotsteins.com.au

Disclaimer: This email and any attachments are confidential and may be legally privileged (and neither is waived by mistaken delivery). It is intended for the addressee only. Please notify us if you received it in error, and remove both emails. Our liability in connection with transmitting this message and its attachments, is limited to re-supply. Liability limited by a scheme approved under Professional Standards Legislation



Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

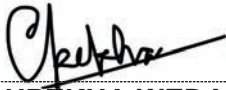
John Keane and another
Respondents

Affidavit of: **Joseph Toltz**
Address: 41 Renwick Street Alexandria NSW 2015
Occupation: Manager, Research Support at the University of Sydney
Date: 01/08/2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "JT4" annexed to the Affidavit of Joseph Toltz dated
1 August 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)
A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

Date: 1 August 2025

Amended Statement of claim

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others~~ on behalf of himself and the represented persons listed in Schedule A
Applicants

John Keane and another
Respondents

Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by sections 46PO and 46POA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

Parties

2. The Applicants and the persons named in Schedule A are all natural persons capable of suing and ordinarily resident in Australia.
3. The First Applicant (**Dr Joseph Toltz**) is and at all relevant times was:
 - a. a researcher at The University of Sydney (**Sydney University**), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and
 - b. a Jewish person.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland OAM**) is and at all relevant times was:
 - a. a Professor Emeritus of The Sydney University of Sydney, Department of Hebrew, Biblical & Jewish Studies; and
 - b. a Jewish person and an Israeli citizen.

5. The Third Applicant (**Mr Ariel Eisner**):
- a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

Particulars

- i. AUJS is the peak representative body for Jewish university students across Australia and New Zealand.
 - ii. From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
 - iii. From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS; and
- b. was until he graduated in November 2024 a student enrolled at Sydney University studying a Bachelor of Architecture; and
 - c. is and at all relevant times was a Jewish person.

6. The Fourth Applicant (**Mr Yaniv Levy**):

- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; ~~and~~
- b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and
- c. is and at all relevant times was a Jewish person and an Israeli citizen.

7. Each Applicant:

- a. is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (**Israeli person**) and identifies as Zionist.

Particulars

- i. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.
8. The First and Second Applicants also bring this proceeding under Rule 9.21 of the Federal Court Rules 2011 on behalf of persons listed in Schedule A, as to whom:
- a. Dr Lionel Babicz is a Jewish person and an Israeli citizen who is and at all relevant times was an academic at Sydney University teaching Japanese Studies

- and Asian Studies in the School of Languages and Culture. He also identifies as Zionist.
- b. Ms Yulia Berlin-Firer is a Jewish person and an Israeli citizen who is and at all relevant times was a casual academic staff member at Sydney University teaching in the Department of Hebrew, Biblical and Jewish Studies and involved in administration for that Department. She also identifies as Zionist.
 - c. Professor David Celermajer AO is a Jewish person who is and at all relevant times was the Scandrett Professor of Cardiology at Sydney University, Faculty of Medicine and Health. He also identifies as Zionist.
 - d. Associate Professor Dr Ilan Dar-Nimrod is a Jewish person and an Israeli citizen who is and at all relevant times was an Associate Professor at Sydney University in the School of Psychology, Faculty of Science. He believes in Israel being a nation state and the national home of and for the Jewish people.
 - e. Dr Yona Gilead is a Jewish person and an Israeli citizen who is and at all relevant times was the Malka Einhorn Modern Hebrew Senior Lecturer and Program Coordinator at the Faculty of Arts and Social Sciences at Sydney University (retiring at the end of July this year). She believes in Israel being a nation state and the national home of and for the Jewish people.
 - f. Professor Judy Kay is a Jewish person who is and at all relevant times was a Professor of Computer Science in the Faculty of Engineering at Sydney University. She also identifies as Zionist.
 - g. Emeritus Professor Gustav Lehrer FAA AM is a Jewish person who is and at all relevant times was a Professor Emeritus of Sydney University, School of Mathematics and Statistics, recognised internationally for his mathematical research. He also identifies as Zionist.
 - h. Dr Guy Mayraz is a Jewish person and an Israeli citizen who was at all relevant times until early July 2024, a behavioural economist teaching at Sydney University, School of Economics, thereafter has had an adjunct status with Sydney University. He also identifies as Zionist.
 - i. Associate Professor Andy Smidt is a Jewish person who was until about February 2024, a Senior Lecturer and Faculty Disability Liaison Officer at Sydney University, Sydney School of Health Sciences, Faculty of Medicine and Health. She also identifies as Zionist.
 - j. Dr Jennifer Dowling is a Jewish person who is and at all relevant times was the Manager, Education Innovation and Design in the Faculty of Arts and Social

Sciences at Sydney University. She believes in Israel being a nation state and the national home of and for Jewish people.

- k. Dr Lynne Swarts is a Jewish person who, at Sydney University: (a) is and at all relevant times was a Sessional Academic and Guest Lecturer in the Hebrew, Biblical and Jewish studies Department; (b) was until 2023 a Research Affiliate in the History Department; and (c) in first semester 2024 became a Senior Academic Tutor at St Andrews College (which is part of Sydney University). She also identifies as Zionist.
- l. Dr Loren Mowszowski is a Jewish person and a dual Australian-Israeli citizen who was, until about mid-July 2024, a Senior Research Fellow, Clinical Neuropsychologist and Leader of the Cognitive Intervention Research Stream for the Healthy Brain Ageing Program at the Brain and Mind Centre and Faculty of Science, at Sydney University. She also identifies as Zionist.
- m. Professor Peter Morgan, who is addressed more fully in [9] below, is and at all relevant times was Director of the European Studies Program at the School of Languages and Cultures at Sydney University.

9. Whereas Professor Morgan does not identify as Jewish or Israeli, he is nevertheless an affected or aggrieved person protected by the operation of the *Racial Discrimination Act 1975* (Cth) (**RDA**) and the AHRC Act for Professor Keane's unlawful discrimination set out below, by reason of the following facts, matters and circumstances:

- a. He has more than an intellectual or emotional concern in the subject matter of Professor Keane's Staff Member's Post;
- b. He has a grievance beyond a general member of the public by being expressly named and vilified in Keane's Staff Member's Post, or directly impugned in the unlawful vilification of his (senior) academic associates of Sydney University;
- c. The target or imputations of the Staff Members Post as set out below were to offend, insult, humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity or nationality, to paint them as racist, or as devoid of morals, scruples or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human;
- d. He was either painted as, and could be seen to be by viewers of the Post as, a Jew or Israeli with those negative features, or as a person associated with and supporting Jews or Israelis with those negative features. Either outcome is a substantial grievance and the sort of mischief that the RDA seeks to redress.

- e. Further or alternatively, he is aggrieved as an associate of, or a person with a close connection with, the named Jewish/Israeli staff members, as a person who was supporting them in the email written by Associate Professor Avril Alba (see [42.a] below), and then vilified in Professor Keane's escalation on his X Page.
 - f. Further or alternatively, Professor Morgan, in a representative role with the Applicant and represented person staff members, was aggrieved by virtue of his special responsibility to safeguard the interests of Jewish or Israeli staff/academics at least at Sydney University, in joining and supporting Jewish/Israeli representative staff/academics attempting to do the same, and was vilified for so doing.
 - g. The reliance in the Amended Statement of Claim concerning Professor Keane in respect of the Hamas Flag Post and the Staff Members Post is cumulative, with the consequence that both can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA.
10. Each of the persons named in [8] above:
- a. Have the same interest in the proceeding in that they were exposed to the same unlawful conduct, namely to Professor Keane's Staff Members' Post and his Hamas Flag Post the details of which are set out below.
 - b. By reason of that exposure are entitled to the same relief and remedies as the First and Second Applicants by virtue of the operation of s18C of the RDA and s46PO(4) of the AHRC Act; and
 - c. Each has consented in writing to be represented in this proceeding.
11. For the purposes of the RDA *Racial Discrimination Act 1975* (Cth):
- a. Jewish ~~people~~ persons constitute a group of people with a shared race, descent and/or ethnic origin.
 - b. Israeli citizens and Israeli ~~people~~ persons constitute a group of persons with a shared ethnic origin and/or nationality.
12. Israel is a nation state and the national home of and for the Jewish people. Its citizens are mostly Jewish persons.
13. The First Respondent (**Professor John Keane**):
- a. is a natural person capable of being sued; and
 - b. is and at all relevant times was a Professor of Politics at Sydney University.

14. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and capable of being sued.

Professor John Keane X (Twitter) Page

15. Professor John Keane operates and at all material times operated, as a professor of the Sydney University, from Sydney, New South Wales or elsewhere in Australia an X page (**Keane X Page**) at the web address: https://x.com/jkeaneSDN?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

Particulars

- a. Professor Keane's title is stated to be '@jkeaneSDN'
 - b. Professor Keane cites his title as 'professor.'
 - c. Professor Keane commenced that site on March 2013.
16. In or around October 2024 the Keane X Page had approximately 7,934 Followers, and at the time of this Amended Statement of Claim had about ~~7,835~~ 7,873 Followers.
17. The Keane X Page is and was at all relevant times accessible by members of the public whether or not they "follow" Professor Keane.
18. The Keane X Page is regularly updated by Professor Keane posting various publications including text, photos and audio-visual recordings of remarks and speeches.
19. A number of the publications which appear on the Keane X Page include links to various written or oral material published by Professor Keane or to material that he endorses or on which he comments.

Hammas

20. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
21. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of "*destroying Israel*".
22. The Hamas Covenants express intention is to dismantle Israel as '*the Zionist entity*' and to create an Islamic State in its place.
23. The Hamas Covenants identify Hamas' raison d'être as "*obliterating*" Israel and "*killing the Jews*".

24. Under s 80.2E '*Prohibited symbols*', which is part of '*Subdivision CA—Publicly displaying, and trading in, prohibited symbols and giving Nazi salute*', a prohibited terrorist organisation symbol is defined as:
- a. a symbol that a terrorist organisation (within the meaning of Division 102) uses, or members of a terrorist organisation use, to identify the organisation;
 - b. something that so nearly resembles a symbol to which paragraph a. applies that it is likely to be confused with, or mistaken for, that symbol.

7 October 2023

25. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused and tortured more than 1,200 Jewish persons or Israeli persons.
26. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish or Israeli persons including women, children and the elderly.
27. Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were overwhelmingly Jewish persons or Israeli persons; and
 - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

Impugned publication made on 8 October 2023 – the Hamas Flag Post

28. On or about 8 October 2023, the first day after the 7 October 2023 Hamas terrorist attacks described in [25]-[27] above, Professor Keane published the following picture on his Keane X Page, which shows 5 green Hamas flags with Arabic writing visible on them (**the Hamas Flag Post**):



29. The Hamas Flag Post:
 - a. continued to be and remained posted and visible on the Keane X Page as from 8 October 2023;
 - b. as at 23 October 2024, had 6,125 views; and
 - c. as at the time of the Amended Statement of Claim, had about ~~6,204~~ 6,232 views.
30. Each flag was, and was known and intended by Professor Keane to be, a Hamas flag used by the Hamas military wing.
31. Each flag was, or is, known by the Applicants, and the persons on whose behalf the Amended Statement of Claim is filed, to be the Hamas flag.
32. The Applicants and the persons on whose behalf the Amended Statement of Claim is filed also knew, or now know, that the Hamas flag is the flag used by the Hamas military wing.
33. At all material times the Hamas Flag was thus recognisable as the Hamas flag.
34. Professor Keane's Hamas Flag Post was and continued to be a post of a "*prohibited terrorist organisation symbol.*"

Imputations

35. The Hamas Flag Post conveyed the following imputations:
 - a. The activities described in [25]-[27] above of Hamas on October 7, which involved the killing, rape, maiming, sexual abuse, kidnapping and torture of Jewish and Israeli ~~people~~ persons, because they were believed to be Jewish or Israeli, was an event that was to be celebrated, endorsed, supported and approved of.

- b. Professor Keane celebrated, endorsed, supported and approved those activities.
- c. Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above) were to be celebrated, endorsed, supported and approved.
- d. Professor Keane celebrated, endorsed, supported and approved of Hamas and its objectives (including those outlined in [21], [22], [23] and [27] above).

Contravention of s 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA)

36. Professor Keane's posting of the Hamas Flag Post was an act which caused images to be communicated to the public. They were:
- a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
37. Professor Keane's posting of the Hamas Flag Post and its non-removal, by conveying any, all or some of the imputations alleged in [35] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Applicants, the persons in Schedule A, as well as other Jewish ~~people~~ persons and Israeli ~~people~~ persons in Australia.
38. The posting and its non-removal was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
- a. The subject matter of the post, considering its timing, was directly related to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - b. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - c. The posting was actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's act.
39. In the premises set out in [15]-[38] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Impugned publication made on 8 November 2023 – Keane’s Staff Members Post

40. On about 8 November 2023, Professor Keane posted to the Keane X Page, a post which contains the under-mentioned text displayed above a letter, which was stated to have been sent by the complainants and the represented persons to him on 7 November 2023 (**Keane’s Staff Members Post**). Professor Keane stated in the post that the letter was:

“an ad hominem response to my Open Letter by a small group of pro-Israel staff members: defamatory insults (‘repulsive’ etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...”

41. A screenshot of the post as it was seen on the Keane X Page is set out below.

The screenshot shows a post by John Keane (@jkeaneSDN) on X. The post text reads: "an *ad hominem* response to my Open Letter by a small group of pro-Israel staff members: defamatory insults (‘repulsive’ etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...". Below the text is a screenshot of an email received on Tuesday, 07/11/2023 at 11:12 AM. The email is addressed to "Dear John," and contains a letter from a group of staff members. The letter discusses the University's Charter of Freedom of Speech and Academic Freedom, accuses Israel of promoting indiscriminate warfare and genocide, and mentions the atrocities of October 7. It concludes that the actions of Israel are unconscionable. To the right of the email text is a list of names: Dr Michael Abrahams-Sprod, A/Prof Avril Alba, Dr Lionel Babicz, Yulia Berlin-Firer, Professor David Celermajer, A/Prof Ilan Dar-Nimrod, Dr Jennifer Dowling, Dr Yona Gilead, Professor Judy Kay, Professor Gustav Lehrer, and Dr Guy Mayraz. Below the email and list, it says "Gideon Levy and 9 others" and "3:38 PM · Nov 8, 2023 · 9,981 Views". At the bottom, there are statistics: 25 Reposts, 5 Quotes, 63 Likes, and 10 Bookmarks.

42. The post had the following accessible attachments:

- An email authored by Associate Professor Avril Alba of Sydney University (with certain modifications compared to the actual email) on 7 November 2023 to

Professor Keane and Vice Chancellor Mark Scott, copying a large number of Sydney University groups, and being an email in a chain of emails among Sydney University academics. The attachment Keane put up contained a photograph of Professor Alba.

- b. A picture with the names of 17 academics from Sydney University in larger font (all of whom were Jewish and/or Israeli academics except for Peter Morgan), namely:

1. Dr Michael Abrahams-Sprod
2. A/Prof Avril Alba
3. Dr Lionel Babicz
4. Yulia Berlin-Firer
5. Professor David Celermajer
6. A/Prof Ilan Dar-Nimrod
7. Dr Jennifer Dowling
8. Dr Yona Gilead
9. Professor Judy Kay
10. Professor Gustav Lehrer
11. Dr Guy Mayraz
12. Professor Peter Morgan
13. Dr Loren Mowszowski
14. Professor Suzanne Rutland (Second Applicant)
15. Dr Andy Smidt
16. Dr Lynne Swarts
17. Dr Joseph Toltz (First Applicant)

- c. A letter which purports to be Professor Keane's response of 6 November 2023 to a communication of Vice Chancellor Mark Scott to all Sydney University staff and students of 26 October 2023 (in the post it appeared on a letterhead instead of being in email form).

43. The Vice Chancellor's original communication dated 26 October 2023, to which Professor Keane's 6 November email responded, was not attached to the post. In that email the Vice Chancellor and President had said that Sydney University would not tolerate support for Hamas' recent terrorist attacks.
44. No permission or authorisation was sought by Professor Keane, or was obtained by him, from any of the 17 named academics to publish their names or the content of their email.

45. Professor Keane's Staff Members Post remained on his Keane X Page from 8 November 2023 until it was removed as a result of a Sydney University disciplinary process on or about 21 May 2024.

Particulars of the disciplinary process

(a) Complaints were made by Jewish/Israeli staff of Sydney University from 8 November 2023 onwards. This included but was not limited to complaints made directly by or on behalf of persons including: Professor Emerita Suzanne Rutland (Second Applicant), Dr Sarah Aamidor, Dr Michael Abrahams-Sprod, Associate Professor Avril Alba, Dr Lionel Babicz, Dr Larisa Barnes, Professor David Celermajer AO, Associate Professor Ronald Clarke, Dr Jennifer Dowling, Dr Yona Gilead, Talia Gonda, Emmilly Graf, Dr Eve Guerry, Associate Professor Sabina Kleitman, Professor Emerita Ines Krass, Professor Emeritus Gustav Lehrer AO, Mr Yaniv Levy (Fourth Applicant), Associate Professor Tania Markovic, Sarah Marks, Dr Guy Mayraz, Professor Peter Morgan, Dr Loren Mowszowski, Adam Muscio, Isabella Nahon, Emeritus Professor Leo Radom, Tracie Sillers, Dr Andy Smidt, Rachel Sullivan, Dr Lynne Swarts, Dr Joseph Toltz (First Applicant), Vanina Vaisman-Levy, Yulia Berlin-Firer.

(b) Examples include:

- i. On 8 November 2023, Avril Alba, Yulia Berlin-Firer, Suzanne Rutland and Michael Abrahams-Sprod complained to Mark Scott (Vice Chancellor) and Annamarie Jagose (Provost and Deputy Vice Chancellor) about Professor Keane (and Jake Lynch).
- ii. On 9 November Dr Loren Mowszowski wrote to Mark Scott and Annamarie Jagose endorsing her colleague's complaints. Lionel Babicz wrote to Professor Jagose reinforcing Ms Berlin-Firer's complaint.
- iii. On 30 November 2023 Dr Mowszowski followed up Professors Jagose and Scott, concerned that she had had no response or acknowledgment to her email sent 3 weeks earlier.
- iv. On 1 December 2023, Peter Wertheim of the Executive Council of Australian Jewry and Mark Scott discussed concerns of Jewish staff and students including their unanswered complaints regarding Professor Keane's email.
- v. On 22 December 2023, Dr Mowszowski wrote to Naomi Connolly, Senior Manager in Workplace Relations, concerned at the slowness

of the process which was compounding her distress and causing her to largely avoid attending main campus.

- vi. On 17 January 2024, Professor Rutland wrote to the Vice Chancellor, provost, Chancellor, and the Senate, supported by some 30 predominantly Jewish/Israeli staff, who comprised a newly formed Sydney University branch of the Australian Academic Alliance Against Antisemitism (**5A Group**). The letter appended 'Key Issues' concerning 'ongoing the pro-Palestinian campaign' at Sydney University since Hamas' 7 October invasion. The Issues included "*Intimidation and defamation of academic staff over University email and on social media*", noting Professor Keane's inflammatory letter and subsequent events and the slow response of the Workplace Department.
- vii. On 22 January 2024 Dr Mowszowski sought a further update.
- viii. On 13 February 2024, Mark Scott responded to Professor Rutland's 17 January complaint on behalf of the 5A Group. Nothing expressly or adequately addressed the Keane concern.
- ix. On 19 March 2024 the 5A Group were informed that Workplace Relations completed a preliminary assessment and advised next steps to Lisa Adkins, Dean of Faculty of Art and Sciences.
- x. On 3 April 2024, Lisa Adkins sent an outcome letter regarding the Keane complaint. Professor Keane's conduct was found to contravene University policies and codes and to be Misconduct under Sydney University's Enterprise Agreement. The University would discipline Professor Keane and direct him to delete the Staff Members Post.
- xi. On 8 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly, communicating 'extreme concern' that Professor Keane's Post was still on X, causing '*further insult and offense*' and questioning what consequences Keane received and how complainants could be assured disciplinary actions will be effective.
- xii. On 10 April 2024, Dr Mowszowski was advised that the University would not provide additional details regarding Professor Keane's disciplinary action. The same day she sought that Professor Keane be contacted directly to ensure the Post's removal was not significantly delayed.
- xiii. On 26 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly noting the Staff Post was still online, which was perpetuating

“distress, intimidation and offence,” undermining the complaint process and asking why he was not being held to account.

- xiv. During 28 April to 10 May 2024, Dr Babicz wrote several emails to/from Lisa Adkins and Naomi Connolly, expressing major concern about the University’s lack of effective action regarding Keane’s Staff Post, stating: *“considering the ongoing events on campus, including the involvement of jihadist elements external to the University, the potential threat to the safety of the people doxed by that post is increasing day by day.”* (10 May)
 - xv. On 3 and 7 May 2024, Ms Connolly wrote to Dr Mowszowski, failing to address her concerns.
 - xvi. On 21 May 2024, Jodi Dickson, Director of Workplace Relations, wrote to the 5A Group complainants informing them that Professor Keane had removed their names from the posts he made on X.
46. Until the date of the removal of the post from Professor Keane’s X page on 21 May 2024, Professor Keane’s Staff Member’s Post had about 30,000-31,000 views.
47. Professor Keane’s Staff Members Post conveyed the following imputations:
- a. The named Jewish and Israeli staff members regarded, treated, considered and were convinced that Palestinians are “non-humans” (meaning something less than or other than human beings).
 - b. The named Jewish and Israeli staff members were racists who regarded, treated, considered and were convinced that Palestinians challenging Israel as a Jewish homeland, or as their “Promised land”, are “non-humans”.
 - c. The named Jewish and Israeli persons, in seeking to defend the existence of Israel should be condemned and publically exposed as self-righteous racists without any morals, scruples or conscience.
 - d. Jewish persons and Israeli persons believe that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “Promised land” are “non humans”.
 - e. Jews and Israelis, or the named Jews and Israelis, were acting like the Nazis in considering Palestinians as “non-humans” or as something less than, or other than, human beings.
48. Contrary to the imputations set out immediately above:
- a. None of the staff members identified in the post were racists nor were they persons who regarded, treated, considered or were convinced that Palestinians

or Palestinians challenging Israel as a Jewish homeland or as “*their Promised land*” were “*non-humans*”.

- b. Jewish persons and Israeli persons as a group or otherwise did not regard, treat, consider and were not convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “*Promised Land*” were “*non-humans*”.

49. The reference to “non-humans” has particular resonance for Jewish and Israeli ~~people~~ persons given its historical use to describe Jewish persons ~~people~~ in that way.

50. The First and Second Applicants and each of the persons in Schedule A, who were all named in Keane’s Staff Members Post, suffered distress, loss and damage, including harm to their reputation, and/or psychological injury by reason of the publication and non-removal of the Keane’s Staff Members Post.

Contravention of s 18C of the RDA

51. Professor Keane’s posting of, and failure to remove prior to 21 May 2024, Keane’s Staff Members Post were acts which caused words and images to be communicated to the public. They were:

- a. done in a public place; and were
- b. done in the sight and hearing of people who were in a public place; and
- c. not acts done in private.

52. Professor Keane’s posting of, and his failure to remove prior to 21 May 2024, Keane’s Staff Members Post, by conveying any or all of the imputations alleged above and by attributing the false characteristics alleged to those named Jewish and Israeli Staff Members and to Jewish persons and Israeli persons on the basis of their group membership or otherwise, was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Jewish and Israeli Staff Members named in Keane’s Staff Members Post and other Jewish persons and Israeli persons.

53. The posting and its non-removal prior to 21 May 2024 was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:

- a. The post referred to and criticised only Jewish and Israeli people;
- b. It did so by reference to their position as being “pro-Israel”;
- c. The subject matter of the post was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;

- d. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the people named;
- e. Professor Keane had earlier posted the Hamas Flag Post which provides context for the real reason why the Staff Members Post was actuated by race and/or ethnic origin and/or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's conduct; and
- f. Professor Keane has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

54. In the premises set out in [40]-[53] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Professor Keane's Staff Members Post – Vicarious liability of Sydney University

- 55. Professor Keane is an employee of Sydney University.
- 56. The posting, and the non-removal until on or about 21 May 2024, of Professor Keane's Staff Members Post was made in connection with his duties as an employee of Sydney University:
 - a. the communications that precipitated the Staff Members Post were internal staff University email exchanges about University matters;
 - b. the Staff Members Post had the potential to (and actually did) adversely affect the working relationship of the named employees of Sydney University, and for other Jewish/Israeli employees;
 - c. The following documents make it clear that communications of this kind are directly connected to employment by Sydney University:
 - i. Sydney University Complaint Procedures;
 - ii. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cll 354, 360, 361, 362, 366 and 368);
 - iii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - iv. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - v. *University of Sydney Act 1989 (NSW)* (eg. s 2);
 - vi. *Charter of Freedom of Speech and Academic Freedom 2019*.

57. The Staff Members Post and its non-removal are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [40]-[54] above.
58. Sydney University failed to take all reasonable steps to prevent Professor Keane from publishing the Staff Members Post considering:
- a. the correspondence referred to or described in [40]-[44] above;
 - b. the disciplinary process and the complaints described in [45] and the failure of Sydney University to act on those complaints appropriately, with due diligence or due expedition.
59. In the premises above, Professor Keane Staff Members Post and its non-removal were acts of Professor Keane done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Professor Keane pursuant to s 18E of the RDA.

Complaint to the Australian Human Rights Commission

60. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~ a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
61. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
62. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~, on the ground that there was no reasonable prospect of the matter being settled by conciliation.

Particulars

- a. AHRC Notice of Termination in File No. 2024-15489 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

Relief

63. In the premises, the Applicants and each of the persons in Schedule A are entitled to the relief claimed in the Amended Originating Application.

Date: ~~13 June~~ 31 July 2025



Signed by Hamish Rotstein
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

Certificate of lawyer

I Hamish Rotstein certify to the Court that, in relation to the Amended Statement of Claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~13 June~~ 31 July 2025

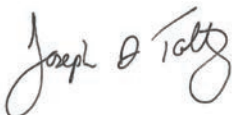


Signed by Hamish Rotstein
Lawyer for the Applicants

Certificate of First and Second Applicants

I, Joseph Toltz, and Suzanne Rutland, certify to the Court that each person on whose behalf the application is made has consented in writing to the making of the application on the person's behalf.

Date: 31 July 2025



Signed by Joseph Toltz
First Applicant

Date: 31 July 2025

Suzanne Rutland

.....
Signed by Suzanne Rutland
Second Applicant

Form 116
Rule 34.163(1)

**Amended Originating application under the Australian Human Rights
Commission Act 1986**

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others named in the schedule~~ suing on behalf of himself and on behalf of the
persons named in Schedule A

Applicants

John Keane and another named in the schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date: 31 July 2025

.....
Signed by an officer acting with the authority
of the District Registrar

Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claims that, on the grounds set out in the accompanying Amended Statement of Claim:

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by posting and not removing two X posts, each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants,
 - b. the persons they First and Second Applicants represent, and
 - c. ~~Jewish or Israeli persons in Australia any other Jewish or Israeli persons in Australia when the posts, reposts or publications the subject of the complaint were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this claim,~~
and were acts done because of the Jewish race, descent or ethnic origin or the Israeli ethnic or national origin of the persons set out above.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Keane's Staff Members Post and its non-removal until about 21 May 2024 being acts done in connection with Keane's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

The First and Second Applicants also bring this application on behalf of themselves and on behalf of the persons named in Schedule A.

1. Legislation

The Applicants claims that the discrimination complained of is unlawful under sections 18C and 18E of the *Racial Discrimination Act 1975*.

Remedy sought

The Applicants asks the Court for:

1. A declaration that Professor John Keane's posting of the Hamas Flag Post and his Staff Members Post, as well as their non-removal, contravened s 18C of the RDA and therefore constituted unlawful discrimination.

2. A declaration that Sydney University, by reason of its vicarious liability for Professor Keane's unlawful discrimination of the RDA, has contravened s 18C and engaged in unlawful discrimination in respect of Keane's Staff Members Post and its non-removal.
3. Injunctions requiring Professor Keane to remove or to cause the removal of:
 - a. the Hamas Flag Post from the Keane X Page or any other internet platform page or website;
 - b. Keane's Staff Members Post from any other internet platform page or website.
4. Injunctions requiring Professor Keane not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the Hamas Flag Post or the Keane Staff Members Post or the imputations described in the Statement of Claim filed in this proceeding.
5. Injunctions requiring Professor Keane and Sydney University to perform any reasonable act or course of conduct, including to pay and/or redress any distress, loss or damage (including harm to repute) and psychological injury suffered by any of the Applicants complainants or the persons the First and Second Applicants they represent, in a form to be determined, and to pay aggravated and punitive damages by reason of Professor Keane's and Sydney University's unlawful discrimination.
6. An order:
 - a. for payment of damages by way of compensation for loss and damage (including harm to repute and aggravated and punitive damages) and for distress and psychological injury suffered by any of the First and Second Applicants or persons they represent, being suffered by the seventeen staff members named in Keane's Staff Members Post, because of the unlawful discrimination arising from or by reason of the Post;
 - b. alternatively, at their option, an order for the payment of an amount equal to the compensation to which they would be entitled paid to a charity or charities nominated by them.
7. Interest
8. An order for public apologies by Professor Keane and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
9. Costs.
10. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

Applicants' details

The Applicants' and represented persons' relationship to the Respondent is fellow staff members at or students of Sydney University.

The Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Rotstein Commercial Lawyers, Level 4, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicants' address is Level 4, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 31 July ~~13 June~~ 2025

A handwritten signature in blue ink, appearing to read 'Hamish Rotstein', is written over a horizontal dotted line.

Signed by Hamish Rotstein
Lawyer for the Applicants

Schedule

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Applicants

Second Applicant: Suzanne Rutland OAM
Third Applicant: Ariel Eisner
Fourth Applicant: Yaniv Levy

Respondents

Second Respondent: The University of Sydney

Date: 31 July ~~13 June~~ 2025

Schedule A – Represented Persons Under Rule 9.21

No. NSD951 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

<u>No.</u>	<u>Name</u>	<u>Consent filed</u>
<u>1</u>	<u>Lionel Babicz</u>	<u>Yes</u>
<u>2</u>	<u>Yulia Berlin-Firer</u>	<u>Yes</u>
<u>3</u>	<u>David Celermaier AO</u>	<u>Yes</u>
<u>4</u>	<u>Ilan Dar-Nimrod</u>	<u>Yes</u>
<u>5</u>	<u>Jennifer Dowling</u>	<u>Yes</u>
<u>6</u>	<u>Yona Gilead</u>	<u>Yes</u>
<u>7</u>	<u>Judy Kay</u>	<u>Yes</u>
<u>8</u>	<u>Gustav Lehrer FAA AM</u>	<u>Yes</u>
<u>9</u>	<u>Guy Mayraz</u>	<u>Yes</u>
<u>10</u>	<u>Peter Morgan</u>	<u>Yes</u>
<u>11</u>	<u>Loren Mowszowski</u>	<u>Yes</u>
<u>12</u>	<u>Andy Smidt</u>	<u>Yes</u>
<u>13</u>	<u>Lynne Swarts</u>	<u>Yes</u>

Date: 31 July 2025

Federal Court of Australia

No. NSD951 of 2025

District Registry: NSW

Division: Human Rights

Joseph Toltz and others

Applicants

John Keane and another

Respondents

Affidavit of: **Daniel Patrick McCoach**

Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000

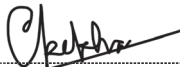
Occupation: Solicitor

Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-2" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

Amended Originating application under the Australian Human Rights Commission Act 1986

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others named in the schedule~~ suing on behalf of himself and on behalf of the persons named in Schedule A

Applicants

John Keane and another named in the schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

.....
Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Hamish Rotstein
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 9098 8785 Fax _____
Email hamish@rotsteins.com.au
Address for service Level 4, 488 Bourke Street, Melbourne VIC 3000
(include state and postcode) _____

Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claims that, on the grounds set out in the accompanying Amended Statement of Claim:

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by posting and not removing two X posts, each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants,
 - b. the persons they First and Second Applicants represent, and
 - c. ~~Jewish or Israeli persons in Australia any other Jewish or Israeli persons in Australia when the posts, reposts or publications the subject of the complaint were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this claim,~~

and were acts done because of the Jewish race, descent or ethnic origin or the Israeli ethnic or national origin of the persons set out above.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Keane's Staff Members Post and its non-removal until about 21 May 2024 being acts done in connection with Keane's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

The First and Second Applicants also bring this application on behalf of themselves and on behalf of the persons named in Schedule A.

1. Legislation

The Applicants claims that the discrimination complained of is unlawful under sections 18C and 18E of the *Racial Discrimination Act 1975*.

Remedy sought

The Applicants asks the Court for:

1. A declaration that Professor John Keane's posting of the Hamas Flag Post and his Staff Members Post, as well as their non-removal, contravened s 18C of the RDA and therefore constituted unlawful discrimination.

2. A declaration that Sydney University, by reason of its vicarious liability for Professor Keane's unlawful discrimination of the RDA, has contravened s 18C and engaged in unlawful discrimination in respect of Keane's Staff Members Post and its non-removal.
3. Injunctions requiring Professor Keane to remove or to cause the removal of:
 - a. the Hamas Flag Post from the Keane X Page or any other internet platform page or website;
 - b. Keane's Staff Members Post from any other internet platform page or website.
4. Injunctions requiring Professor Keane not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the Hamas Flag Post or the Keane Staff Members Post or the imputations described in the Statement of Claim filed in this proceeding.
5. Injunctions requiring Professor Keane and Sydney University to perform any reasonable act or course of conduct, including to pay and/or redress any distress, loss or damage (including harm to repute) and psychological injury suffered by any of the Applicants complainants or the persons the First and Second Applicants they represent, in a form to be determined, and to pay aggravated and punitive damages by reason of Professor Keane's and Sydney University's unlawful discrimination.
6. An order:
 - a. for payment of damages by way of compensation for loss and damage (including harm to repute and aggravated and punitive damages) and for distress and psychological injury suffered by any of the First and Second Applicants or persons they represent, being suffered by the seventeen staff members named in Keane's Staff Members Post, because of the unlawful discrimination arising from or by reason of the Post;
 - b. alternatively, at their option, an order for the payment of an amount equal to the compensation to which they would be entitled paid to a charity or charities nominated by them.
7. Interest
8. An order for public apologies by Professor Keane and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
9. Costs.
10. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

Applicants' details

The Applicants' and represented persons' relationship to the Respondent is fellow staff members at or students of Sydney University.

The Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Rotstein Commercial Lawyers, Level 4, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicants' address is Level 4, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 5 September ~~13 June~~ 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

ScheduleNo. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Applicants

Second Applicant:	Suzanne Rutland <u>OAM</u>
Third Applicant:	Ariel Eisner
Fourth Applicant	Yaniv Levy
<u>Fifth Applicant</u>	<u>Andy Smidt</u>

Respondents

Second Respondent:	The University of Sydney
--------------------	--------------------------

Date: 5 September ~~13 June~~ 2025

Schedule A – Represented Persons Under Rule 9.21No. NSD951 of 2025Federal Court of AustraliaDistrict Registry: NSWDivision: Human Rights

<u>No.</u>	<u>Name</u>	<u>Consent filed</u>
<u>1</u>	<u>Lionel Babicz</u>	<u>Yes</u>
<u>2</u>	<u>Yulia Berlin-Firer</u>	<u>Yes</u>
<u>3</u>	<u>David Celermaier AO</u>	<u>Yes</u>
<u>4</u>	<u>Ilan Dar-Nimrod</u>	<u>Yes</u>
<u>5</u>	<u>Jennifer Dowling</u>	<u>Yes</u>
<u>6</u>	<u>Yona Gilead</u>	<u>Yes</u>
<u>7</u>	<u>Judy Kay</u>	<u>Yes</u>
<u>8</u>	<u>Gustav Lehrer FAA AM</u>	<u>Yes</u>
<u>9</u>	<u>Guy Mayraz</u>	<u>Yes</u>
<u>10</u>	<u>Peter Morgan</u>	<u>Yes</u>
<u>11</u>	<u>Loren Mowszowski</u>	<u>Yes</u>
<u>12</u>	<u>Lynne Swarts</u>	<u>Yes</u>

Date: 5 September 2025

Amended Statement of claim

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others on behalf of himself and the represented persons listed in Schedule A
Applicants

John Keane and another
Respondents

Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by sections 46PO and 46POA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

Parties

2. The Applicants and the persons named in Schedule A are all natural persons capable of suing and ordinarily resident in Australia.
3. The First Applicant (**Dr Joseph Toltz**) is and at all relevant times was:
 - a. a researcher at The University of Sydney (**Sydney University**), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and
 - b. a Jewish person.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland OAM**) is and at all relevant times was:
 - a. a Professor Emeritus of The Sydney University of Sydney, Department of Hebrew, Biblical & Jewish Studies; and
 - b. a Jewish person and an Israeli citizen.

Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Hamish Rotstein
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 9098 8785 Fax _____
Email hamish@rotsteins.com.au
Address for service Level 4, 488 Bourke Street, Melbourne VIC 3000
(include state and postcode) _____

5. The Third Applicant (**Mr Ariel Eisner**):

- a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

Particulars

- i. AUJS is the peak representative body for Jewish university students across Australia and New Zealand.
- ii. From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
- iii. From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS; and
- b. was until he graduated in November 2024 a student enrolled at Sydney University studying a Bachelor of Architecture; and
- c. is and at all relevant times was a Jewish person.

6. The Fourth Applicant (**Mr Yaniv Levy**):

- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; ~~and~~
- b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and
- c. is and at all relevant times was a Jewish person and an Israeli citizen.

7. The Fifth Applicant (**Associate Professor Andy Smidt**):

- a. was at all relevant times until about February 2024, a Senior Lecturer and Faculty Disability Liaison Officer at Sydney University, Sydney School of Health Sciences, Faculty of Medicine and Health; and
- b. is and at all relevant times was a Jewish person.

8. Each Applicant:

- a. is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (**Israeli person**) and identifies as Zionist.

Particulars

- i. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people.

A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.

9. The First and Second Applicants also bring this proceeding under Rule 9.21 of the *Federal Court Rules 2011* on behalf of persons listed in Schedule A, as to whom:
- a. Dr Lionel Babicz is a Jewish person and an Israeli citizen who is and at all relevant times was an academic at Sydney University teaching Japanese Studies and Asian Studies in the School of Languages and Culture. He also identifies as Zionist.
 - b. Ms Yulia Berlin-Firer is a Jewish person and an Israeli citizen who is and at all relevant times was a casual academic staff member at Sydney University teaching in the Department of Hebrew, Biblical and Jewish Studies and involved in administration for that Department. She also identifies as Zionist.
 - c. Professor David Celermajer AO is a Jewish person who is and at all relevant times was the Scandrett Professor of Cardiology at Sydney University, Faculty of Medicine and Health. He also identifies as Zionist.
 - d. Associate Professor Dr Ilan Dar-Nimrod is a Jewish person and an Israeli citizen who is and at all relevant times was an Associate Professor at Sydney University in the School of Psychology, Faculty of Science. He believes in Israel being a nation state and the national home of and for the Jewish people.
 - e. Dr Yona Gilead is a Jewish person and an Israeli citizen who is and at all relevant times was the Malka Einhorn Modern Hebrew Senior Lecturer and Program Coordinator at the Faculty of Arts and Social Sciences at Sydney University (retiring at the end of July this year). She believes in Israel being a nation state and the national home of and for the Jewish people.
 - f. Professor Judy Kay is a Jewish person who is and at all relevant times was a Professor of Computer Science in the Faculty of Engineering at Sydney University. She also identifies as Zionist.
 - g. Emeritus Professor Gustav Lehrer FAA AM is a Jewish person who is and at all relevant times was a Professor Emeritus of Sydney University, School of Mathematics and Statistics, recognised internationally for his mathematical research. He also identifies as Zionist.
 - h. Dr Guy Mayraz is a Jewish person and an Israeli citizen who was at all relevant times until early July 2024, a behavioural economist teaching at Sydney University, School of Economics, thereafter has had an adjunct status with Sydney University. He also identifies as Zionist.

- i. Dr Jennifer Dowling is a Jewish person who is and at all relevant times was the Manager, Education Innovation and Design in the Faculty of Arts and Social Sciences at Sydney University. She believes in Israel being a nation state and the national home of and for Jewish people.
 - j. Dr Lynne Swarts is a Jewish person who, at Sydney University: (a) is and at all relevant times was a Sessional Academic and Guest Lecturer in the Hebrew, Biblical and Jewish studies Department; (b) was until 2023 a Research Affiliate in the History Department; and (c) in first semester 2024 became a Senior Academic Tutor at St Andrews College (which is part of Sydney University). She also identifies as Zionist.
 - k. Dr Loren Mowszowski is a Jewish person and a dual Australian-Israeli citizen who was, until about mid-July 2024, a Senior Research Fellow, Clinical Neuropsychologist and Leader of the Cognitive Intervention Research Stream for the Healthy Brain Ageing Program at the Brain and Mind Centre and Faculty of Science, at Sydney University. She also identifies as Zionist.
 - l. Professor Peter Morgan, who is addressed more fully in [10] below, is and at all relevant times was Director of the European Studies Program at the School of Languages and Cultures at Sydney University.
10. Whereas Professor Morgan does not identify as Jewish or Israeli, he is nevertheless an affected or aggrieved person protected by the operation of the *Racial Discrimination Act 1975* (Cth) (**RDA**) and the AHRC Act for Professor Keane's unlawful discrimination set out below, by reason of the following facts, matters and circumstances:
- a. He has more than an intellectual or emotional concern in the subject matter of Professor Keane's Staff Member's Post;
 - b. He has a grievance beyond a general member of the public by being expressly named and vilified in Keane's Staff Member's Post, or directly impugned in the unlawful vilification of his (senior) academic associates of Sydney University;
 - c. The target or imputations of the Staff Members Post as set out below were to offend, insult, humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity or nationality, to paint them as racist, or as devoid of morals, scruples or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human;
 - d. He was either painted as, and could be seen to be by viewers of the Post as, a Jew or Israeli with those negative features, or as a person associated with and

supporting Jews or Israelis with those negative features. Either outcome is a substantial grievance and the sort of mischief that the RDA seeks to redress.

- e. Further or alternatively, he is aggrieved as an associate of, or a person with a close connection with, the named Jewish/Israeli staff members, as a person who was supporting them in the email written by Associate Professor Avril Alba (see [43.a] below), and then vilified in Professor Keane's escalation on his X Page.
- f. Further or alternatively, Professor Morgan, in a representative role with the Applicant and represented person staff members, was aggrieved by virtue of his special responsibility to safeguard the interests of Jewish or Israeli staff/academics at least at Sydney University, in joining and supporting Jewish/Israeli representative staff/academics attempting to do the same, and was vilified for so doing.
- g. The reliance in the Amended Statement of Claim concerning Professor Keane in respect of the Hamas Flag Post and the Staff Members Post is cumulative, with the consequence that both can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA.

11. Each of the persons named in [9] above:

- a. Have the same interest in the proceeding in that they were exposed to the same unlawful conduct, namely to Professor Keane's Staff Members' Post and his Hamas Flag Post the details of which are set out below.
- b. By reason of that exposure are entitled to the same relief and remedies as the First and Second Applicants by virtue of the operation of s18C of the RDA and s46PO(4) of the AHRC Act; and
- c. Each has consented in writing to be represented in this proceeding.

12. For the purposes of the RDA ~~Racial Discrimination Act 1975~~ (Cth):

- a. Jewish ~~people~~ persons constitute a group of people with a shared race, descent and/or ethnic origin.
- b. Israeli citizens and Israeli ~~people~~ persons constitute a group of persons with a shared ethnic origin and/or nationality.

13. Israel is a nation state and the national home of and for the Jewish people. Its citizens are mostly Jewish persons.

14. The First Respondent (**Professor John Keane**):

- a. is a natural person capable of being sued; and

b. is and at all relevant times was a Professor of Politics at Sydney University.

15. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and capable of being sued.

Professor John Keane X (Twitter) Page

16. Professor John Keane operates and at all material times operated, as a professor of the Sydney University, from Sydney, New South Wales or elsewhere in Australia an X page (**Keane X Page**) at the web address: https://x.com/jkeaneSDN?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

Particulars

- a. Professor Keane's title is stated to be '@jkeaneSDN'
- b. Professor Keane cites his title as 'professor.'
- c. Professor Keane commenced that site on March 2013.
17. In or around October 2024 the Keane X Page had approximately 7,934 Followers, and at the time of this Amended Statement of Claim had about ~~7,835~~ 7,873 Followers.
18. The Keane X Page is and was at all relevant times accessible by members of the public whether or not they "follow" Professor Keane.
19. The Keane X Page is regularly updated by Professor Keane posting various publications including text, photos and audio-visual recordings of remarks and speeches.
20. A number of the publications which appear on the Keane X Page include links to various written or oral material published by Professor Keane or to material that he endorses or on which he comments.

Hammas

21. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
22. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of "*destroying Israel*".
23. The Hamas Covenants express intention is to dismantle Israel as '*the Zionist entity*' and to create an Islamic State in its place.
24. The Hamas Covenants identify Hamas' raison d'être as "*obliterating*" Israel and "*killing the Jews*".

25. Under s 80.2E ‘*Prohibited symbols*’, which is part of ‘*Subdivision CA—Publicly displaying, and trading in, prohibited symbols and giving Nazi salute*’, a prohibited terrorist organisation symbol is defined as:
- a. a symbol that a terrorist organisation (within the meaning of Division 102) uses, or members of a terrorist organisation use, to identify the organisation;
 - b. something that so nearly resembles a symbol to which paragraph a. applies that it is likely to be confused with, or mistaken for, that symbol.

7 October 2023

26. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused and tortured more than 1,200 Jewish persons or Israeli persons.
27. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish or Israeli persons including women, children and the elderly.
28. Hamas’s terrorist acts described above were taken because Hamas’s leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were overwhelmingly Jewish persons or Israeli persons; and
 - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

Impugned publication made on 8 October 2023 – the Hamas Flag Post

29. On or about 8 October 2023, the first day after the 7 October 2023 Hamas terrorist attacks described in [26]-[28] above, Professor Keane published the following picture on his Keane X Page, which shows 5 green Hamas flags with Arabic writing visible on them (**the Hamas Flag Post**):



30. The Hamas Flag Post:
 - a. continued to be and remained posted and visible on the Keane X Page as from 8 October 2023;
 - b. as at 23 October 2024, had 6,125 views; and
 - c. as at the time of the Amended Statement of Claim, had about ~~6,204~~ 6,232 views.
31. Each flag was, and was known and intended by Professor Keane to be, a Hamas flag used by the Hamas military wing.
32. Each flag was, or is, known by the Applicants, and the persons on whose behalf the Amended Statement of Claim is filed, to be the Hamas flag.
33. The Applicants and the persons on whose behalf the Amended Statement of Claim is filed also knew, or now know, that the Hamas flag is the flag used by the Hamas military wing.
34. At all material times the Hamas Flag was thus recognisable as the Hamas flag.
35. Professor Keane's Hamas Flag Post was and continued to be a post of a "*prohibited terrorist organisation symbol.*"

Imputations

36. The Hamas Flag Post conveyed the following imputations:
 - a. The activities described in [26]-[28] above of Hamas on October 7, which involved the killing, rape, maiming, sexual abuse, kidnapping and torture of Jewish and Israeli ~~people~~ persons, because they were believed to be Jewish or Israeli, was an event that was to be celebrated, endorsed, supported and approved of.
 - b. Professor Keane celebrated, endorsed, supported and approved those activities.

- c. Hamas and its objectives (including those outlined in [22], [23], [24] and [28] above) were to be celebrated, endorsed, supported and approved.
- d. Professor Keane celebrated, endorsed, supported and approved of Hamas and its objectives (including those outlined in [22], [23], [24] and [28] above).

Contravention of s 18C of the *Racial Discrimination Act 1975 (Cth) (RDA)*

- 37. Professor Keane's posting of the Hamas Flag Post was an act which caused images to be communicated to the public. They were:
 - a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
- 38. Professor Keane's posting of the Hamas Flag Post and its non-removal, by conveying any, all or some of the imputations alleged in [36] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Applicants, the persons in Schedule A, as well as other Jewish ~~people~~ persons and Israeli ~~people~~ persons in Australia.
- 39. The posting and its non-removal was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidated by the posting including because:
 - a. The subject matter of the post, considering its timing, was directly related to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - b. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - c. The posting was actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's act.
- 40. In the premises set out in [16]-[39] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. Australian Human Rights Commission Act 1986 (Cth).

Impugned publication made on 8 November 2023 – Keane's Staff Members Post

- 41. On about 8 November 2023, Professor Keane posted to the Keane X Page, a post which contains the under-mentioned text displayed above a letter, which was stated to have

been sent by the complainants and the represented persons to him on 7 November 2023 (**Keane's Staff Members Post**). Professor Keane stated in the post that the letter was:

“an ad hominem response to my Open Letter by a small group of pro-Israel staff members: defamatory insults ('repulsive' etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...”

42. A screenshot of the post as it was seen on the Keane X Page is set out below.

John Keane
@jkeaneSDN

an *ad hominem* response to my Open Letter by a small group of pro-Israel staff members: defamatory insults ('repulsive' etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...

Tue 07/11/2023 11:12 AM [view more](#)

Dear John,

The University's Charter of Freedom of Speech and Academic Freedom allows you to express your views. However, those reading your letter should be aware of its inaccuracies. You accuse Israel of promoting indiscriminate warfare and genocide and the murder of innocents without compunction, and your letter culminates in a repulsive reversal of victims and perpetrators in which you liken the actions of Israel to those of the Nazis. There is also not one mention of the atrocities of October 7, which is not only deeply disappointing, but also a shockingly inhumane omission. We believe that in the context of war, any loss of civilian life is tragic: Palestinian, Israeli, and any other nationality. To draw an equivalence, however, between the acts of terror witnessed and documented via bodycams from Hamas themselves, and the awful civilian deaths of Gazans (many of whom are deliberately placed in the line of fire as human shields) by Israeli army fire, is unconscionable.

Dr Michael Abrahams-Sprod
A/Prof Avril Alba
Dr Lionel Babicz
Yulia Berlin-Firer
Professor David Celermajer
A/Prof Ilan Dar-Nimrod
Dr Jennifer Dowling
Dr Yona Gilead
Professor Judy Kay
Professor Gustav Lehrer
Dr Guy Mayraz
Prof Peter Morgan

which students are fee-paying customers, nor ivory towers sheltered from the harsh realities of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of 'knowledge' and 'reality', laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pro-terrorist statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an eerie bias within your definition of the tolerable. It is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, settler violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the willful destruction of mosques, churches, schools and universities, and crazed plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerāre*, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed

Gideon Levy and 9 others

3:38 PM · Nov 8, 2023 · **9,981** Views

25 Reposts 5 Quotes 63 Likes 10 Bookmarks

43. The post had the following accessible attachments:

- a. An email authored by Associate Professor Avril Alba of Sydney University (with certain modifications compared to the actual email) on 7 November 2023 to Professor Keane and Vice Chancellor Mark Scott, copying a large number of Sydney University groups, and being an email in a chain of emails among Sydney

University academics. The attachment Keane put up contained a photograph of Professor Alba.

b. A picture with the names of 17 academics from Sydney University in larger font (all of whom were Jewish and/or Israeli academics except for Peter Morgan), namely:

1. Dr Michael Abrahams-Sprod
2. A/Prof Avril Alba
3. Dr Lionel Babicz
4. Yulia Berlin-Firer
5. Professor David Celermajer
6. A/Prof Ilan Dar-Nimrod
7. Dr Jennifer Dowling
8. Dr Yona Gilead
9. Professor Judy Kay
10. Professor Gustav Lehrer
11. Dr Guy Mayraz
12. Professor Peter Morgan
13. Dr Loren Mowszowski
14. Professor Suzanne Rutland (Second Applicant)
15. Dr Andy Smidt (Fifth Applicant)
16. Dr Lynne Swarts
17. Dr Joseph Toltz (First Applicant)

c. A letter which purports to be Professor Keane's response of 6 November 2023 to a communication of Vice Chancellor Mark Scott to all Sydney University staff and students of 26 October 2023 (in the post it appeared on a letterhead instead of being in email form).

44. The Vice Chancellor's original communication dated 26 October 2023, to which Professor Keane's 6 November email responded, was not attached to the post. In that email the Vice Chancellor and President had said that Sydney University would not tolerate support for Hamas' recent terrorist attacks.

45. No permission or authorisation was sought by Professor Keane, or was obtained by him, from any of the 17 named academics to publish their names or the content of their email.

46. Professor Keane's Staff Members Post remained on his Keane X Page from 8 November 2023 until it was removed as a result of a Sydney University disciplinary process on or about 21 May 2024.

Particulars of the disciplinary process

(a) Complaints were made by Jewish/Israeli staff of Sydney University from 8 November 2023 onwards. This included but was not limited to complaints made directly by or on behalf of persons including: Professor Emerita Suzanne Rutland (Second Applicant), Dr Sarah Aamidor, Dr Michael Abrahams-Sprod, Associate Professor Avril Alba, Dr Lionel Babicz, Dr Larisa Barnes, Professor David Celermajer AO, Associate Professor Ronald Clarke, Dr Jennifer Dowling, Dr Yona Gilead, Talia Gonda, Emmilly Graf, Dr Eve Guerry, Associate Professor Sabina Kleitman, Professor Emerita Ines Krass, Professor Emeritus Gustav Lehrer AO, Mr Yaniv Levy (Fourth Applicant), Associate Professor Tania Markovic, Sarah Marks, Dr Guy Mayraz, Professor Peter Morgan, Dr Loren Mowszowski, Adam Muscio, Isabella Nahon, Emeritus Professor Leo Radom, Tracie Sillers, Dr Andy Smidt (Fifth Applicant), Rachel Sullivan, Dr Lynne Swarts, Dr Joseph Toltz (First Applicant), Vanina Vaisman-Levy, Yulia Berlin-Firer.

(b) Examples include:

- i. On 8 November 2023, Avril Alba, Yulia Berlin-Firer, Suzanne Rutland and Michael Abrahams-Sprod complained to Mark Scott (Vice Chancellor) and Annamarie Jagose (Provost and Deputy Vice Chancellor) about Professor Keane (and Jake Lynch).
- ii. On 9 November Dr Loren Mowszowski wrote to Mark Scott and Annamarie Jagose endorsing her colleague's complaints. Lionel Babicz wrote to Professor Jagose reinforcing Ms Berlin-Firer's complaint.
- iii. On 30 November 2023 Dr Mowszowski followed up Professors Jagose and Scott, concerned that she had had no response or acknowledgment to her email sent 3 weeks earlier.
- iv. On 1 December 2023, Peter Wertheim of the Executive Council of Australian Jewry and Mark Scott discussed concerns of Jewish staff and students including their unanswered complaints regarding Professor Keane's email.
- v. On 22 December 2023, Dr Mowszowski wrote to Naomi Connolly, Senior Manager in Workplace Relations, concerned at the slowness of the process which was compounding her distress and causing her to largely avoid attending main campus.
- vi. On 17 January 2024, Professor Rutland wrote to the Vice Chancellor, provost, Chancellor, and the Senate, supported by some 30 predominantly Jewish/Israeli staff, who comprised a newly formed Sydney University branch of the Australian Academic Alliance Against

- Antisemitism (**5A Group**). The letter appended 'Key Issues' concerning 'ongoing the pro-Palestinian campaign' at Sydney University since Hamas' 7 October invasion. The Issues included *"Intimidation and defamation of academic staff over University email and on social media"*, noting Professor Keane's inflammatory letter and subsequent events and the slow response of the Workplace Department.
- vii. On 22 January 2024 Dr Mowszowski sought a further update.
 - viii. On 13 February 2024, Mark Scott responded to Professor Rutland's 17 January complaint on behalf of the 5A Group. Nothing expressly or adequately addressed the Keane concern.
 - ix. On 19 March 2024 the 5A Group were informed that Workplace Relations completed a preliminary assessment and advised next steps to Lisa Adkins, Dean of Faculty of Art and Sciences.
 - x. On 3 April 2024, Lisa Adkins sent an outcome letter regarding the Keane complaint. Professor Keane's conduct was found to contravene University policies and codes and to be Misconduct under Sydney University's Enterprise Agreement. The University would discipline Professor Keane and direct him to delete the Staff Members Post.
 - xi. On 8 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly, communicating 'extreme concern' that Professor Keane's Post was still on X, causing *'further insult and offense'* and questioning what consequences Keane received and how complainants could be assured disciplinary actions will be effective.
 - xii. On 10 April 2024, Dr Mowszowski was advised that the University would not provide additional details regarding Professor Keane's disciplinary action. The same day she sought that Professor Keane be contacted directly to ensure the Post's removal was not significantly delayed.
 - xiii. On 26 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly noting the Staff Post was still online, which was perpetuating *"distress, intimidation and offence,"* undermining the complaint process and asking why he was not being held to account.
 - xiv. During 28 April to 10 May 2024, Dr Babicz wrote several emails to/from Lisa Adkins and Naomi Connolly, expressing major concern about the University's lack of effective action regarding Keane's Staff Post, stating: *"considering the ongoing events on campus, including the involvement of jihadist elements external to the University, the potential*

threat to the safety of the people doxed by that post is increasing day by day.” (10 May)

- xv. On 3 and 7 May 2024, Ms Connolly wrote to Dr Mowszowski, failing to address her concerns.
 - xvi. On 21 May 2024, Jodi Dickson, Director of Workplace Relations, wrote to the 5A Group complainants informing them that Professor Keane had removed their names from the posts he made on X.
47. Until the date of the removal of the post from Professor Keane’s X page on 21 May 2024, Professor Keane’s Staff Member’s Post had about 30,000-31,000 views.
48. Professor Keane’s Staff Members Post conveyed the following imputations:
- a. The named Jewish and Israeli staff members regarded, treated, considered and were convinced that Palestinians are “non-humans” (meaning something less than or other than human beings).
 - b. The named Jewish and Israeli staff members were racists who regarded, treated, considered and were convinced that Palestinians challenging Israel as a Jewish homeland, or as their “Promised land”, are “non-humans”.
 - c. The named Jewish and Israeli persons, in seeking to defend the existence of Israel should be condemned and publically exposed as self-righteous racists without any morals, scruples or conscience.
 - d. Jewish persons and Israeli persons believe that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “Promised land” are “non humans”.
 - e. Jews and Israelis, or the named Jews and Israelis, were acting like the Nazis in considering Palestinians as “non-humans” or as something less than, or other than, human beings.
49. Contrary to the imputations set out immediately above:
- a. None of the staff members identified in the post were racists nor were they persons who regarded, treated, considered or were convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as “*their Promised land*” were “*non-humans*”.
 - b. Jewish persons and Israeli persons as a group or otherwise did not regard, treat, consider and were not convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their “*Promised Land*” were “*non-humans*”.
50. The reference to “non-humans” has particular resonance for Jewish and Israeli ~~people~~ persons given its historical use to describe Jewish persons ~~people~~ in that way.

51. The First and Second Applicants and each of the persons in Schedule A, who were all named in Keane's Staff Members Post, suffered distress, loss and damage, including harm to their reputation, and/or psychological injury by reason of the publication and non-removal of the Keane's Staff Members Post.

Contravention of s 18C of the RDA

52. Professor Keane's posting of, and failure to remove prior to 21 May 2024, Keane's Staff Members Post were acts which caused words and images to be communicated to the public. They were:
- a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
53. Professor Keane's posting of, and his failure to remove prior to 21 May 2024, Keane's Staff Members Post, by conveying any or all of the imputations alleged above and by attributing the false characteristics alleged to those named Jewish and Israeli Staff Members and to Jewish persons and Israeli persons on the basis of their group membership or otherwise, was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Jewish and Israeli Staff Members named in Keane's Staff Members Post and other Jewish persons and Israeli persons.
54. The posting and its non-removal prior to 21 May 2024 was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
- a. The post referred to and criticised only Jewish and Israeli people;
 - b. It did so by reference to their position as being "pro-Israel";
 - c. The subject matter of the post was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - d. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the people named;
 - e. Professor Keane had earlier posted the Hamas Flag Post which provides context for the real reason why the Staff Members Post was actuated by race and/or ethnic origin and/or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's conduct; and

- f. Professor Keane has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

55. In the premises set out in [41]-[54] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Professor Keane's Staff Members Post – Vicarious liability of Sydney University

56. Professor Keane is an employee of Sydney University.
57. The posting, and the non-removal until on or about 21 May 2024, of Professor Keane's Staff Members Post was made in connection with his duties as an employee of Sydney University:
- a. the communications that precipitated the Staff Members Post were internal staff University email exchanges about University matters;
 - b. the Staff Members Post had the potential to (and actually did) adversely affect the working relationship of the named employees of Sydney University, and for other Jewish/Israeli employees;
 - c. The following documents make it clear that communications of this kind are directly connected to employment by Sydney University:
 - i. Sydney University Complaint Procedures;
 - ii. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cll 354, 360, 361, 362, 366 and 368);
 - iii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - iv. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - v. *University of Sydney Act 1989* (NSW) (eg. s 2);
 - vi. *Charter of Freedom of Speech and Academic Freedom 2019*.
58. The Staff Members Post and its non-removal are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [41]-[55] above.
59. Sydney University failed to take all reasonable steps to prevent Professor Keane from publishing the Staff Members Post considering:
- a. the correspondence referred to or described in [41]-[45] above;
 - b. the disciplinary process and the complaints described in [46] and the failure of Sydney University to act on those complaints appropriately, with due diligence or due expedition.

60. In the premises above, Professor Keane Staff Members Post and its non-removal were acts of Professor Keane done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Professor Keane pursuant to s 18E of the RDA.

Complaint to the Australian Human Rights Commission

61. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~ a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
62. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
63. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the AHRC Act ~~*Australian Human Rights Commission Act 1986 (Cth)*~~, on the ground that there was no reasonable prospect of the matter being settled by conciliation.

Particulars

- a. AHRC Notice of Termination in File No. 2024-15489 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

Relief

64. In the premises, the Applicants and each of the persons in Schedule A are entitled to the relief claimed in the Amended Originating Application.

Date: ~~13 June~~ 5 September 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

Certificate of lawyer

I Hamish Rotstein certify to the Court that, in relation to the Amended Statement of Claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~13 June~~ 5 September 2025

.....
Signed by Hamish Rotstein
Lawyer for the Applicants

Certificate of First and Second Applicants

I, Joseph Toltz, and Suzanne Rutland, certify to the Court that each person on whose behalf the application is made has consented in writing to the making of the application on the person's behalf.

Date: 5 September 2025

.....
Signed by Joseph Toltz
First Applicant

Date: 5 September 2025

.....
Signed by Suzanne Rutland
Second Applicant

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

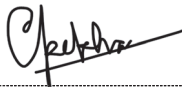
John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-3" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-3

Form 116
Rule 34.163(1)

Amended Originating application under the Australian Human Rights Commission Act 1986

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and ~~others named in the schedule~~ suing on behalf of himself and on behalf of the persons named in Schedule A

Applicants

John Keane and another named in the schedule

Respondents

To the Respondents

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Hamish Rotstein
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 9098 8785 Fax _____
Email hamish@rotsteins.com.au
Address for service Level 4, 488 Bourke Street, Melbourne VIC 3000
(include state and postcode)

Details of claim under the Australian Human Rights Commission Act 1986

The Applicants claims that, on the grounds set out in the accompanying Amended Statement of Claim:

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by posting and not removing two X posts, each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants,
 - b. the persons they First and Second Applicants represent, and
 - c. ~~Jewish or Israeli persons in Australia any other Jewish or Israeli persons in Australia when the posts, reposts or publications the subject of the complaint were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this claim,~~

and were acts done because of the Jewish race, descent or ethnic origin or the Israeli ethnic or national origin of the persons set out above.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Keane's Staff Members Post and its non-removal until about 21 May 2024 being acts done in connection with Keane's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

The First and Second Applicants also bring this application on behalf of themselves and on behalf of the persons named in Schedule A.

1. Legislation

The Applicants claims that the discrimination complained of is unlawful under sections 18C and 18E of the *Racial Discrimination Act 1975*.

Remedy sought

The Applicants asks the Court for:

1. A declaration that Professor John Keane's posting of the Hamas Flag Post and his Staff Members Post, as well as their non-removal, contravened s 18C of the RDA and therefore constituted unlawful discrimination.

2. A declaration that Sydney University, by reason of its vicarious liability for Professor Keane's unlawful discrimination of the RDA, has contravened s 18C and engaged in unlawful discrimination in respect of Keane's Staff Members Post and its non-removal.
3. Injunctions requiring Professor Keane to remove or to cause the removal of:
 - a. the Hamas Flag Post from the Keane X Page or any other internet platform page or website;
 - b. Keane's Staff Members Post from any other internet platform page or website.
4. Injunctions requiring Professor Keane not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the Hamas Flag Post or the Keane Staff Members Post or the imputations described in the Statement of Claim filed in this proceeding.
5. Injunctions requiring Professor Keane and Sydney University to perform any reasonable act or course of conduct, including to pay and/or redress any distress, loss or damage (including harm to repute) and psychological injury suffered by any of the Applicants complainants or the persons the First and Second Applicants they represent, in a form to be determined, and to pay aggravated and punitive damages by reason of Professor Keane's and Sydney University's unlawful discrimination.
6. An order:
 - a. for payment of damages by way of compensation for loss and damage (including harm to repute and aggravated and punitive damages) and for distress and psychological injury suffered by any of the First and Second and Fifth Applicants or persons represented by the First and Second Applicants, being suffered by the seventeen staff members named in Keane's Staff Members Post, because of the unlawful discrimination arising from or by reason of the Post;
 - b. alternatively, at their option, an order for the payment of an amount equal to the compensation to which they would be entitled paid to a charity or charities nominated by them.
7. Interest
8. An order for public apologies by Professor Keane and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
9. Costs.
10. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

Applicants' details

The Applicants' and represented persons' relationship to the Respondent is fellow staff members at or students of Sydney University.

The Applicants are over 18 years.

Applicants' address

The Applicants' address for service is:

Place: Rotstein Commercial Lawyers, Level 4, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicants' address is Level 4, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 30 September ~~13 June~~ 2025

Signed by Hamish Rotstein
Lawyer for the Applicants

Schedule

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Applicants

Second Applicant: Suzanne Rutland OAM
Third Applicant: Ariel Eisner
Fourth Applicant Yaniv Levy
Fifth Applicant Andy Smidt

Respondents

Second Respondent: The University of Sydney

Date: 30 September ~~13 June~~ 2025

Schedule A – Represented Persons Under Rule 9.21No. NSD951 of 2025Federal Court of AustraliaDistrict Registry: NSWDivision: Human Rights

<u>No.</u>	<u>Name</u>	<u>Consent filed</u>
<u>1</u>	<u>Lionel Babicz</u>	<u>Yes</u>
<u>2</u>	<u>Yulia Berlin-Firer</u>	<u>Yes</u>
<u>3</u>	<u>David Celermajer AO</u>	<u>Yes</u>
<u>4</u>	<u>Ilan Dar-Nimrod</u>	<u>Yes</u>
<u>5</u>	<u>Jennifer Dowling</u>	<u>Yes</u>
<u>6</u>	<u>Yona Gilead</u>	<u>Yes</u>
<u>7</u>	<u>Judy Kay</u>	<u>Yes</u>
<u>8</u>	<u>Gustav Lehrer FAA AM</u>	<u>Yes</u>
<u>9</u>	<u>Guy Mayraz</u>	<u>Yes</u>
<u>10</u>	<u>Peter Morgan</u>	<u>Yes</u>
<u>11</u>	<u>Loren Mowszowski</u>	<u>Yes</u>
<u>12</u>	<u>Lynne Swarts</u>	<u>Yes</u>

Date: 30 September 2025

Amended Statement of claim

No. NSD951 of 2025

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz ~~and others~~ on behalf of himself and the represented persons listed in Schedule A
Applicants

John Keane and another
Respondents

Jurisdiction

1. This proceeding is within the jurisdiction of the Federal Court of Australia conferred by sections 46PO and 46POA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

Parties

2. The Applicants and the persons named in Schedule A are all natural persons capable of suing and ordinarily resident in Australia.
3. The First Applicant (**Dr Joseph Toltz**) is and at all relevant times was:
 - a. a researcher at The University of Sydney (**Sydney University**), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and
 - b. a Jewish person.
4. The Second Applicant (**Professor Emeritus Suzanne Rutland** **OAM**) is and at all relevant times was:
 - a. a Professor Emeritus of ~~The~~ Sydney University of Sydney, Department of Hebrew, Biblical & Jewish Studies; and
 - b. a Jewish person and an Israeli citizen.

Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Hamish Rotstein
Law firm (if applicable) Rotstein Commercial Lawyers
Tel 61 3 9098 8785 Fax _____
Email hamish@rotsteins.com.au

Address for service Level 4, 488 Bourke Street, Melbourne VIC 3000
(include state and postcode)

5. The Third Applicant (**Mr Ariel Eisner**):
- a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (**AUJS**);

Particulars

- i. AUJS is the peak representative body for Jewish university students across Australia and New Zealand.
 - ii. From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.
 - iii. From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS; and
- b. was until he graduated in November 2024 a student enrolled at Sydney University studying a Bachelor of Architecture; and
 - c. is and at all relevant times was a Jewish person.

6. The Fourth Applicant (**Mr Yaniv Levy**):
- a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; ~~and~~
 - b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and
 - c. is and at all relevant times was a Jewish person and an Israeli citizen.

7. The Fifth Applicant (**Associate Professor Andy Smidt**):
- a. was at all relevant times until about February 2024, a Senior Lecturer and Faculty Disability Liaison Officer at Sydney University, Sydney School of Health Sciences, Faculty of Medicine and Health; and
 - b. is and at all relevant times was a Jewish person.

8. Each Applicant:
- a. is a **Jewish person** or a person who is, or is eligible to be, an Israeli citizen (**Israeli person**) and identifies as Zionist.

Particulars

- i. Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people.

A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.

9. The First and Second Applicants also bring this proceeding under Rule 9.21 of the *Federal Court Rules 2011* on behalf of persons listed in Schedule A, as to whom:
- a. Dr Lionel Babicz is a Jewish person and an Israeli citizen who is and at all relevant times was an academic at Sydney University teaching Japanese Studies and Asian Studies in the School of Languages and Culture. He also identifies as Zionist.
 - b. Ms Yulia Berlin-Firer is a Jewish person and an Israeli citizen who is and at all relevant times was a casual academic staff member at Sydney University teaching in the Department of Hebrew, Biblical and Jewish Studies and involved in administration for that Department. She also identifies as Zionist.
 - c. Professor David Celermajer AO is a Jewish person who is and at all relevant times was the Scandrett Professor of Cardiology at Sydney University, Faculty of Medicine and Health. He also identifies as Zionist.
 - d. Associate Professor Dr Ilan Dar-Nimrod is a Jewish person and an Israeli citizen who is and at all relevant times was an Associate Professor at Sydney University in the School of Psychology, Faculty of Science. He believes in Israel being a nation state and the national home of and for the Jewish people.
 - e. Dr Yona Gilead is a Jewish person and an Israeli citizen who is and at all relevant times was the Malka Einhorn Modern Hebrew Senior Lecturer and Program Coordinator at the Faculty of Arts and Social Sciences at Sydney University (retiring at the end of July this year). She believes in Israel being a nation state and the national home of and for the Jewish people.
 - f. Professor Judy Kay is a Jewish person who is and at all relevant times was a Professor of Computer Science in the Faculty of Engineering at Sydney University. She also identifies as Zionist.
 - g. Emeritus Professor Gustav Lehrer FAA AM is a Jewish person who is and at all relevant times was a Professor Emeritus of Sydney University, School of Mathematics and Statistics, recognised internationally for his mathematical research. He also identifies as Zionist.
 - h. Dr Guy Mayraz is a Jewish person and an Israeli citizen who was at all relevant times until early July 2024, a behavioural economist teaching at Sydney University, School of Economics, thereafter has had an adjunct status with Sydney University. He also identifies as Zionist.

- i. Dr Jennifer Dowling is a Jewish person who is and at all relevant times was the Manager, Education Innovation and Design in the Faculty of Arts and Social Sciences at Sydney University. She believes in Israel being a nation state and the national home of and for Jewish people.
 - j. Dr Lynne Swarts is a Jewish person who, at Sydney University: (a) is and at all relevant times was a Sessional Academic and Guest Lecturer in the Hebrew, Biblical and Jewish studies Department; (b) was until 2023 a Research Affiliate in the History Department; and (c) in first semester 2024 became a Senior Academic Tutor at St Andrews College (which is part of Sydney University). She also identifies as Zionist.
 - k. Dr Loren Mowszowski is a Jewish person and a dual Australian-Israeli citizen who was, until about mid-July 2024, a Senior Research Fellow, Clinical Neuropsychologist and Leader of the Cognitive Intervention Research Stream for the Healthy Brain Ageing Program at the Brain and Mind Centre and Faculty of Science, at Sydney University. She also identifies as Zionist.
 - l. Professor Peter Morgan, who is addressed more fully in [10] below, is and at all relevant times was Director of the European Studies Program at the School of Languages and Cultures at Sydney University.
10. Whereas Professor Morgan does not identify as Jewish or Israeli, he is nevertheless an affected or aggrieved person protected by the operation of the *Racial Discrimination Act 1975* (Cth) (RDA) and the AHRC Act for Professor Keane's unlawful discrimination set out below, by reason of the following facts, matters and circumstances:
- a. He has more than an intellectual or emotional concern in the subject matter of Professor Keane's Staff Member's Post;
 - b. He has a grievance beyond a general member of the public by being expressly named and vilified in Keane's Staff Member's Post, or directly impugned in the unlawful vilification of his (senior) academic associates of Sydney University;
 - c. The target or imputations of the Staff Members Post as set out below were to offend, insult, humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity or nationality, to paint them as racist, or as devoid of morals, scruples or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human;
 - d. He was either painted as, and could be seen to be by viewers of the Post as, a Jew or Israeli with those negative features, or as a person associated with and

supporting Jews or Israelis with those negative features. Either outcome is a substantial grievance and the sort of mischief that the RDA seeks to redress.

- e. Further or alternatively, he is aggrieved as an associate of, or a person with a close connection with, the named Jewish/Israeli staff members, as a person who was supporting them in the email written by Associate Professor Avril Alba (see [43.a] below), and then vilified in Professor Keane's escalation on his X Page.
- f. Further or alternatively, Professor Morgan, in a representative role with the Applicant and represented person staff members, was aggrieved by virtue of his special responsibility to safeguard the interests of Jewish or Israeli staff/academics at least at Sydney University, in joining and supporting Jewish/Israeli representative staff/academics attempting to do the same, and was vilified for so doing.
- g. The reliance in the Amended Statement of Claim concerning Professor Keane in respect of the Hamas Flag Post and the Staff Members Post is cumulative, with the consequence that both can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA.

11. Each of the persons named in [9] above:

- a. Have the same interest in the proceeding in that they were exposed to the same unlawful conduct, namely to Professor Keane's Staff Members' Post and his Hamas Flag Post the details of which are set out below.
- b. By reason of that exposure are entitled to the same relief and remedies as the First and Second (and Fifth) Applicants by virtue of the operation of s18C of the RDA and s46PO(4) of the AHRC Act; and
- c. Each has consented in writing to be represented in this proceeding.

12. For the purposes of the RDA *Racial Discrimination Act 1975* (Cth):

- a. Jewish ~~people~~ persons constitute a group of people with a shared race, descent and/or ethnic origin.
- b. Israeli citizens and Israeli ~~people~~ persons constitute a group of persons with a shared ethnic origin and/or nationality.

13. Israel is a nation state and the national home of and for the Jewish people. Its citizens are mostly Jewish persons.

14. The First Respondent (**Professor John Keane**):

- a. is a natural person capable of being sued; and

- b. is and at all relevant times was a Professor of Politics at Sydney University.
15. The Second Respondent (**Sydney University**) is a body corporate incorporated under s 5 of the *University of Sydney Act 1989* and capable of being sued.

Professor John Keane X (Twitter) Page

16. Professor John Keane operates and at all material times operated, as a professor of the Sydney University, from Sydney, New South Wales or elsewhere in Australia an X page (**Keane X Page**) at the web address: https://x.com/jkeaneSDN?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

Particulars

- a. Professor Keane's title is stated to be '@jkeaneSDN'
- b. Professor Keane cites his title as 'professor.'
- c. Professor Keane commenced that site on March 2013.
17. In or around October 2024 the Keane X Page had approximately 7,934 Followers, and at the time of this Amended Statement of Claim had about ~~7,835~~ 7,873 Followers.
18. The Keane X Page is and was at all relevant times accessible by members of the public whether or not they "follow" Professor Keane.
19. The Keane X Page is regularly updated by Professor Keane posting various publications including text, photos and audio-visual recordings of remarks and speeches.
20. A number of the publications which appear on the Keane X Page include links to various written or oral material published by Professor Keane or to material that he endorses or on which he comments.

Hamas

21. Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the *Criminal Code Act 1995* (Cth): s 102.1.
22. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of "*destroying Israel*".
23. The Hamas Covenants express intention is to dismantle Israel as '*the Zionist entity*' and to create an Islamic State in its place.
24. The Hamas Covenants identify Hamas' raison d'etre as "*obliterating*" Israel and "*killing the Jews*".

25. Under s 80.2E '*Prohibited symbols*', which is part of '*Subdivision CA—Publicly displaying, and trading in, prohibited symbols and giving Nazi salute*', a prohibited terrorist organisation symbol is defined as:
- a. a symbol that a terrorist organisation (within the meaning of Division 102) uses, or members of a terrorist organisation use, to identify the organisation;
 - b. something that so nearly resembles a symbol to which paragraph a. applies that it is likely to be confused with, or mistaken for, that symbol.

7 October 2023

26. On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused and tortured more than 1,200 Jewish persons or Israeli persons.
27. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish or Israeli persons including women, children and the elderly.
28. Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:
- a. were overwhelmingly Jewish persons or Israeli persons; and
 - b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

Impugned publication made on 8 October 2023 – the Hamas Flag Post

29. On or about 8 October 2023, the first day after the 7 October 2023 Hamas terrorist attacks described in [\[26\]-\[28\]](#) above, Professor Keane published the following picture on his Keane X Page, which shows 5 green Hamas flags with Arabic writing visible on them (**the Hamas Flag Post**):



30. The Hamas Flag Post:
 - a. continued to be and remained posted and visible on the Keane X Page as from 8 October 2023;
 - b. as at 23 October 2024, had 6,125 views; and
 - c. as at the time of the Amended Statement of Claim, had about ~~6,201~~ 6,232 views.
31. Each flag was, and was known and intended by Professor Keane to be, a Hamas flag used by the Hamas military wing.
32. Each flag was, or is, known by the Applicants, and the persons on whose behalf the Amended Statement of Claim is filed, to be the Hamas flag.
33. The Applicants and the persons on whose behalf the Amended Statement of Claim is filed also knew, or now know, that the Hamas flag is the flag used by the Hamas military wing.
34. At all material times the Hamas Flag was thus recognisable as the Hamas flag.
35. Professor Keane's Hamas Flag Post was and continued to be a post of a "*prohibited terrorist organisation symbol*."

Imputations

36. The Hamas Flag Post conveyed the following imputations:
 - a. The activities described in [26]-[28] above of Hamas on October 7, which involved the killing, rape, maiming, sexual abuse, kidnapping and torture of Jewish and Israeli people persons, because they were believed to be Jewish or Israeli, was an event that was to be celebrated, endorsed, supported and approved of.
 - b. Professor Keane celebrated, endorsed, supported and approved those activities.

- c. Hamas and its objectives (including those outlined in [22], [23], [24] and [28] above) were to be celebrated, endorsed, supported and approved.
- d. Professor Keane celebrated, endorsed, supported and approved of Hamas and its objectives (including those outlined in [22], [23], [24] and [28] above).

Contravention of s 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA)

37. Professor Keane's posting of the Hamas Flag Post was an act which caused images to be communicated to the public. They were:
- a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
38. Professor Keane's posting of the Hamas Flag Post and its non-removal, by conveying any, all or some of the imputations alleged in [36] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Applicants, the persons in Schedule A, as well as other Jewish ~~people~~ persons and Israeli ~~people~~ persons in Australia.
39. The posting and its non-removal was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
- a. The subject matter of the post, considering its timing, was directly related to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - b. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - c. The posting was actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's act.
40. In the premises set out in [16]-[39] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act, *Australian Human Rights Commission Act 1986 (Cth)*.

Impugned publication made on 8 November 2023 – Keane's Staff Members Post

41. On about 8 November 2023, Professor Keane posted to the Keane X Page, a post which contains the under-mentioned text displayed above a letter, which was stated to have

been sent by the complainants and the represented persons to him on 7 November 2023 (**Keane's Staff Members Post**). Professor Keane stated in the post that the letter was:

“an ad hominem response to my Open Letter by a small group of pro-Israel staff members: defamatory insults ('repulsive' etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...”

42. A screenshot of the post as it was seen on the Keane X Page is set out below.

John Keane
@jkeaneSDN

an *ad hominem* response to my Open Letter by a small group of pro-Israel staff members: defamatory insults ('repulsive' etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...

TUE 07/11/2023 11:12 AM [view more](#)

Dear John,

The University's Charter of Freedom of Speech and Academic Freedom allows you to express your views. However, those reading your letter should be aware of its inaccuracies. You accuse Israel of promoting indiscriminate warfare and genocide and the murder of innocents without compunction, and your letter culminates in a repulsive reversal of victims and perpetrators in which you liken the actions of Israel to those of the Nazis. There is also not one mention of the atrocities of October 7, which is not only deeply disappointing, but also a shockingly inhumane omission. We believe that in the context of war, any loss of civilian life is tragic: Palestinian, Israeli, and any other nationality. To draw an equivalence, however, between the acts of terror witnessed and documented via bodycams from Hamas themselves, and the awful civilian deaths of Gazans (many of whom are deliberately placed in the line of fire as human shields) by Israeli army fire, is unconscionable.

Dr Michael Abrahams-Sprod
A/Prof Avril Alba
Dr Lionel Babicz
Yulia Berlin-Firer
Professor David Celermajer
A/Prof Ilan Dar-Nimrod
Dr Jennifer Dowling
Dr Yona Gilead
Professor Judy Kay
Professor Gustav Lehrer
Dr Guy Mayraz
Prof David Mason

which students are non-paying customers, nor ivory towers sheltered from the harsh realities of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of 'knowledge' and 'reality', laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pro-terrorist statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an every bias within your definition of the tolerable. It is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, settler violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the wilful destruction of mosques, churches, schools and universities, and crazed plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerare*, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed

Gideon Levy and 9 others

3:38 PM · Nov 8, 2023 · **9,981** Views

25 Reposts **5** Quotes **63** Likes **10** Bookmarks

43. The post had the following accessible attachments:

- a. An email authored by Associate Professor Avril Alba of Sydney University (with certain modifications compared to the actual email) on 7 November 2023 to Professor Keane and Vice Chancellor Mark Scott, copying a large number of Sydney University groups, and being an email in a chain of emails among Sydney

University academics. The attachment Keane put up contained a photograph of Professor Alba.

- b. A picture with the names of 17 academics from Sydney University in larger font (all of whom were Jewish and/or Israeli academics except for Peter Morgan), namely:

1. Dr Michael Abrahams-Sprod
2. A/Prof Avril Alba
3. Dr Lionel Babicz
4. Yulia Berlin-Firer
5. Professor David Celermajer
6. A/Prof Ilan Dar-Nimrod
7. Dr Jennifer Dowling
8. Dr Yona Gilead
9. Professor Judy Kay
10. Professor Gustav Lehrer
11. Dr Guy Mayraz
12. Professor Peter Morgan
13. Dr Loren Mowszowski
14. Professor Suzanne Rutland (Second Applicant)
15. Dr Andy Smidt (Fifth Applicant)
16. Dr Lynne Swarts
17. Dr Joseph Toltz (First Applicant)

- c. A letter which purports to be Professor Keane's response of 6 November 2023 to a communication of Vice Chancellor Mark Scott to all Sydney University staff and students of 26 October 2023 (in the post it appeared on a letterhead instead of being in email form).

44. The Vice Chancellor's original communication dated 26 October 2023, to which Professor Keane's 6 November email responded, was not attached to the post. In that email the Vice Chancellor and President had said that Sydney University would not tolerate support for Hamas' recent terrorist attacks.
45. No permission or authorisation was sought by Professor Keane, or was obtained by him, from any of the 17 named academics to publish their names or the content of their email.
46. Professor Keane's Staff Members Post remained on his Keane X Page from 8 November 2023 until it was removed as a result of a Sydney University disciplinary process on or about 21 May 2024.

Particulars of the disciplinary process

(a) Complaints were made by Jewish/Israeli staff of Sydney University from 8 November 2023 onwards. This included but was not limited to complaints made directly by or on behalf of persons including: Professor Emerita Suzanne Rutland (Second Applicant), Dr Sarah Aamidor, Dr Michael Abrahams-Sprod, Associate Professor Avril Alba, Dr Lionel Babicz, Dr Larisa Barnes, Professor David Celermajer AO, Associate Professor Ronald Clarke, Dr Jennifer Dowling, Dr Yona Gilead, Talia Gonda, Emmilly Graf, Dr Eve Guerry, Associate Professor Sabina Kleitman, Professor Emerita Ines Krass, Professor Emeritus Gustav Lehrer AO, Mr Yaniv Levy (Fourth Applicant), Associate Professor Tania Markovic, Sarah Marks, Dr Guy Mayraz, Professor Peter Morgan, Dr Loren Mowszowski, Adam Muscio, Isabella Nahon, Emeritus Professor Leo Radom, Tracie Sillers, Dr Andy Smidt (Fifth Applicant), Rachel Sullivan, Dr Lynne Swarts, Dr Joseph Toltz (First Applicant), Vanina Vaisman-Levy, Yulia Berlin-Firer.

(b) Examples include:

- i. On 8 November 2023, Avril Alba, Yulia Berlin-Firer, Suzanne Rutland and Michael Abrahams-Sprod complained to Mark Scott (Vice Chancellor) and Annamarie Jagose (Provost and Deputy Vice Chancellor) about Professor Keane (and Jake Lynch).
- ii. On 9 November Dr Loren Mowszowski wrote to Mark Scott and Annamarie Jagose endorsing her colleague's complaints. Lionel Babicz wrote to Professor Jagose reinforcing Ms Berlin-Firer's complaint.
- iii. On 30 November 2023 Dr Mowszowski followed up Professors Jagose and Scott, concerned that she had had no response or acknowledgment to her email sent 3 weeks earlier.
- iv. On 1 December 2023, Peter Wertheim of the Executive Council of Australian Jewry and Mark Scott discussed concerns of Jewish staff and students including their unanswered complaints regarding Professor Keane's email.
- v. On 22 December 2023, Dr Mowszowski wrote to Naomi Connolly, Senior Manager in Workplace Relations, concerned at the slowness of the process which was compounding her distress and causing her to largely avoid attending main campus.
- vi. On 17 January 2024, Professor Rutland wrote to the Vice Chancellor, provost, Chancellor, and the Senate, supported by some 30 predominantly Jewish/Israeli staff, who comprised a newly formed Sydney University branch of the Australian Academic Alliance Against

Antisemitism (**5A Group**). The letter appended 'Key Issues' concerning 'ongoing the pro-Palestinian campaign' at Sydney University since Hamas' 7 October invasion. The Issues included "*Intimidation and defamation of academic staff over University email and on social media*", noting Professor Keane's inflammatory letter and subsequent events and the slow response of the Workplace Department.

- vii. On 22 January 2024 Dr Mowszowski sought a further update.
- viii. On 13 February 2024, Mark Scott responded to Professor Rutland's 17 January complaint on behalf of the 5A Group. Nothing expressly or adequately addressed the Keane concern.
- ix. On 19 March 2024 the 5A Group were informed that Workplace Relations completed a preliminary assessment and advised next steps to Lisa Adkins, Dean of Faculty of Art and Sciences.
- x. On 3 April 2024, Lisa Adkins sent an outcome letter regarding the Keane complaint. Professor Keane's conduct was found to contravene University policies and codes and to be Misconduct under Sydney University's Enterprise Agreement. The University would discipline Professor Keane and direct him to delete the Staff Members Post.
- xi. On 8 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly, communicating 'extreme concern' that Professor Keane's Post was still on X, causing '*further insult and offense*' and questioning what consequences Keane received and how complainants could be assured disciplinary actions will be effective.
- xii. On 10 April 2024, Dr Mowszowski was advised that the University would not provide additional details regarding Professor Keane's disciplinary action. The same day she sought that Professor Keane be contacted directly to ensure the Post's removal was not significantly delayed.
- xiii. On 26 April 2024, Dr Mowszowski wrote to Professor Adkins and Ms Connolly noting the Staff Post was still online, which was perpetuating "*distress, intimidation and offence,*" undermining the complaint process and asking why he was not being held to account.
- xiv. During 28 April to 10 May 2024, Dr Babicz wrote several emails to/from Lisa Adkins and Naomi Connolly, expressing major concern about the University's lack of effective action regarding Keane's Staff Post, stating: "*considering the ongoing events on campus, including the involvement of jihadist elements external to the University, the potential*

threat to the safety of the people doxed by that post is increasing day by day." (10 May)

- xv. On 3 and 7 May 2024, Ms Connolly wrote to Dr Mowszowski, failing to address her concerns.
 - xvi. On 21 May 2024, Jodi Dickson, Director of Workplace Relations, wrote to the 5A Group complainants informing them that Professor Keane had removed their names from the posts he made on X.
47. Until the date of the removal of the post from Professor Keane's X page on 21 May 2024, Professor Keane's Staff Member's Post had about 30,000-31,000 views.
48. Professor Keane's Staff Members Post conveyed the following imputations:
- a. The named Jewish and Israeli staff members regarded, treated, considered and were convinced that Palestinians are "non-humans" (meaning something less than or other than human beings).
 - b. The named Jewish and Israeli staff members were racists who regarded, treated, considered and were convinced that Palestinians challenging Israel as a Jewish homeland, or as their "Promised land", are "non-humans".
 - c. The named Jewish and Israeli persons, in seeking to defend the existence of Israel should be condemned and publically exposed as self-righteous racists without any morals, scruples or conscience.
 - d. Jewish persons and Israeli persons believe that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their "Promised land" are "non humans".
 - e. Jews and Israelis, or the named Jews and Israelis, were acting like the Nazis in considering Palestinians as "non-humans" or as something less than, or other than, human beings.
49. Contrary to the imputations set out immediately above:
- a. None of the staff members identified in the post were racists nor were they persons who regarded, treated, considered or were convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as "*their Promised land*" were "*non-humans*".
 - b. Jewish persons and Israeli persons as a group or otherwise did not regard, treat, consider and were not convinced that Palestinians or Palestinians challenging Israel as a Jewish homeland or as their "*Promised Land*" were "*non-humans*".
50. The reference to "non-humans" has particular resonance for Jewish and Israeli ~~people~~ persons given its historical use to describe Jewish persons ~~people~~ in that way.

51. The First and Second and Fifth Applicants and each of the persons in Schedule A, who were all named in Keane's Staff Members Post, suffered distress, loss and damage, including harm to their reputation, and/or psychological injury by reason of the publication and non-removal of the Keane's Staff Members Post.

Contravention of s 18C of the RDA

52. Professor Keane's posting of, and failure to remove prior to 21 May 2024, Keane's Staff Members Post were acts which caused words and images to be communicated to the public. They were:
- a. done in a public place; and were
 - b. done in the sight and hearing of people who were in a public place; and
 - c. not acts done in private.
53. Professor Keane's posting of, and his failure to remove prior to 21 May 2024, Keane's Staff Members Post, by conveying any or all of the imputations alleged above and by attributing the false characteristics alleged to those named Jewish and Israeli Staff Members and to Jewish persons and Israeli persons on the basis of their group membership or otherwise, was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the Jewish and Israeli Staff Members named in Keane's Staff Members Post and other Jewish persons and Israeli persons.
54. The posting and its non-removal prior to 21 May 2024 was made or done because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because:
- a. The post referred to and criticised only Jewish and Israeli people;
 - b. It did so by reference to their position as being "pro-Israel";
 - c. The subject matter of the post was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7;
 - d. The posting was plainly calculated to convey a message about or concerned with the race, ethnic origin or national origin (Jewish and/or Israeli) of the people named;
 - e. Professor Keane had earlier posted the Hamas Flag Post which provides context for the real reason why the Staff Members Post was actuated by race and/or ethnic origin and/or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Professor Keane's conduct; and

- f. Professor Keane has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people and Israeli people.

55. In the premises set out in [41]-[54] above, Professor Keane contravened s 18C of the RDA and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the AHRC Act. ~~*Australian Human Rights Commission Act 1986 (Cth)*~~.

Professor Keane’s Staff Members Post – Vicarious liability of Sydney University

56. Professor Keane is an employee of Sydney University.
57. The posting, and the non-removal until on or about 21 May 2024, of Professor Keane’s Staff Members Post was made in connection with his duties as an employee of Sydney University:
- a. the communications that precipitated the Staff Members Post were internal staff University email exchanges about University matters;
 - b. the Staff Members Post had the potential to (and actually did) adversely affect the working relationship of the named employees of Sydney University, and for other Jewish/Israeli employees;
 - c. The following documents make it clear that communications of this kind are directly connected to employment by Sydney University:
 - i. Sydney University Complaint Procedures;
 - ii. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cll 354, 360, 361, 362, 366 and 368);
 - iii. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - iv. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - v. *University of Sydney Act 1989 (NSW)* (eg. s 2);
 - vi. *Charter of Freedom of Speech and Academic Freedom 2019*.
58. The Staff Members Post and its non-removal are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [41]-[55] above.
59. Sydney University failed to take all reasonable steps to prevent Professor Keane from publishing the Staff Members Post considering:
- a. the correspondence referred to or described in [41]-[45] above;
 - b. the disciplinary process and the complaints described in [46] and the failure of Sydney University to act on those complaints appropriately, with due diligence or due expedition.

60. In the premises above, Professor Keane Staff Members Post and its non-removal were acts of Professor Keane done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Professor Keane pursuant to s 18E of the RDA.

Complaint to the Australian Human Rights Commission

61. On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the AHRC Act ~~Australian Human Rights Commission Act 1986 (Cth)~~ a complaint against the Respondents alleging unlawful discrimination (**AHRC Complaint**).
62. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
63. On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the AHRC Act ~~Australian Human Rights Commission Act 1986 (Cth)~~, on the ground that there was no reasonable prospect of the matter being settled by conciliation.

Particulars

- a. AHRC Notice of Termination in File No. 2024-15489 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).

Relief

64. In the premises, the Applicants and each of the persons in Schedule A are entitled to the relief claimed in the Amended Originating Application.

Date: ~~13 June~~ 30 September 2025

.....
Signed by Hamish Rotstein
Lawyer for the Applicants

This pleading was prepared by Adam Butt and settled by Saul Holt KC.

Certificate of lawyer

I Hamish Rotstein certify to the Court that, in relation to the Amended Statement of Claim filed on behalf of the Applicants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: ~~13 June~~ 30 September 2025

.....
Signed by Hamish Rotstein
Lawyer for the Applicants

Certificate of First and Second Applicants

I, Joseph Toltz, and Suzanne Rutland, certify to the Court that each person on whose behalf the application is made has consented in writing to the making of the application on the person's behalf.

Date: 30 September 2025

.....
Signed by Joseph Toltz
First Applicant

Date: 30 September 2025

.....
Signed by Suzanne Rutland
Second Applicant

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

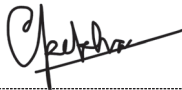
John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-4" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

Our Ref: SAL:DCL:240107

19 November 2024

Vanessa Crawford

By email: vanessa.crawford@humanrights.gov.au

Dear Ms Crawford,

Re: Amendment Request for AHRC Complaint against Professor John Keane and the University of Sydney (Your ref: 2024-15489)

Please see below request to amend the AHRC Complaint against Professor John Keane and the University of Sydney, (hereafter the 'Keane Complaint').

Amendments to Annexure 1, Details of Complaint

1. To remove paragraph 6(a) of the Keane Complaint and thereby remove the name of Michael Abrahams-Sprod.
2. To amend paragraph 6(o) of the Keane Complaint to read: *'Any other Jewish or Israeli persons in Australia, when the posts, reposts or publications, the subject of the complaint, were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this complaint.'*
3. To amend paragraph 34 of the Keane Complaint to read: *'Professor Keane's posting of the Hamas Flag Post, by conveying any or all of the imputations alleged in [32] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the complainants, the persons they represent as well as other Jewish persons and Israeli persons in Australia.'*

Submissions in support of Professor Morgan's inclusion as an 'aggrieved person' at paragraph 6(p) of the Keane Complaint.

A. Professor Morgan's inclusion in the complaint as an 'aggrieved person' under section 46P (2) of the Australian Human Rights Commission (AHRC) Act 1986, hereafter the 'AHRC Act', is supported by the summary of key legal principles which apply to 'aggrieved persons' below, and set out by Collier J in *For All Alliance (Hervey Bay) Inc v Hervey Bay City Council* (2007) 162 FCR 1313 (hereafter 'Hervey Bay').

1. To be a "person aggrieved," the complainant must have more than an intellectual or emotional concern in the subject matter of the proceedings. *Hervey Bay* at [37]. It is necessary to establish

This message contains confidential information and is intended only for the individual named. If you are not the intended recipient you should not disseminate, distribute or copy this email/fax. Please notify the sender immediately by email/fax if you have received this email/fax by mistake and delete this email/fax from your system. Email/fax transmission cannot be guaranteed to be secure or error free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete or contain viruses. The sender does not accept liability for any errors or omissions in the content or the receipt of this message which may arise or otherwise as a result of email/fax transmission. If verification is required please request a hard copy version.

p240107_066.docx

Liability limited by a scheme approved under Professional Standards Legislation

abn 40 690 774 938

levitt robinson
solicitors
ground floor, 162 goulburn street
surry hills nsw 2010
po box 850, darlinghurst nsw 1300

tel +612 9286 3133
fax +612 9283 0005
email info@levittrobinson.com
www.levittrobinson.com


CONSULEGIS
A LEADING GLOBAL NETWORK

that, if there has been a breach of the legislation, the complainant can show a grievance which will be suffered beyond that of an ordinary member of the public. See *Hervey Bay* at paragraphs, [41]-[43], [52].

2. The test is objective, not subjective.
 3. A person does not qualify merely because he or she feels aggrieved by the conduct. He or she must, in truth, be aggrieved by that conduct. See *Hervey Bay* at [41], citing *Cameron v Human Rights and Equal Opportunity Commission* (1993) 46 FCR 509 at 519 (hereafter '*Cameron*').
 4. The term 'person aggrieved' should not be interpreted 'narrowly'. See *Hervey Bay* [44].
 5. It is appropriate to accord a construction that promotes the purpose of the legislation. See *Hervey Bay* [45].
 6. The potential breadth of the term is seen in the reality that a body corporate can be the subject of racial discrimination, where the association is the subject of discrimination by reason of the race, colour or national or ethnic origin of any associate of the corporation. See *Executive Council of Australian Jewry v Scully* (1998) 79 FCR 537 (hereafter '*Scully*') and *Koowarta v Bjelke-Petersen & Ors* (1982) 153 CLR 168 [1982] (hereafter '*Koowarta*').
 7. The applicant needs to show it was a person aggrieved 'in its own right'. See *Hervey Bay* [58].
 8. In *Cameron*, French J (as his Honour was then) states at [519]: "(there is no) principle that only persons directly affected by unlawful conduct may seek redress in respect of it as persons aggrieved for the purposes of s 22 of the Racial Discrimination Act 1975. It is at least arguable that derivative or relational interests will support the claim of a person to be "aggrieved" for the purposes of the section. A close connection between two people which has personal or economic dimensions, or a mix of both, may suffice. The spouse or other relative of a victim of discrimination or a dependent of such a person may be a person aggrieved for the purposes of the section. It is conceivable that circumstances could arise in which a person in a close professional relationship with another might find that relationship affected by discriminatory conduct and have the necessary standing to lay a complaint."
 9. A person may be a "person aggrieved" because of a special responsibility to safeguard the interests of a group, as was the case for Jeremy Jones in *Scully*, as well as in other authorities therein (including *Ogle v Strickland*, *Bropho v Tickner* and other industrial and environmental cases). In *Scully*, Mr Jones was a "person aggrieved" as the Executive officer of the ECAJ, which represents the interests of Jews throughout the country, including in Launceston.
- B. Applying the above principles to Professor Peter Morgan, it can then be asserted that:
1. Professor Morgan has more than an intellectual or emotional concern in the subject matter of Keane's Staff Members post.
 2. There was a breach of section 18C of the Racial Discrimination Act 1975 (the RDA Act) by Keane's Staff Members Post, and Prof Morgan has a 'grievance' beyond a general member of the public because he is expressly named and vilified in the Post, or directly impugned in the vilification of his (senior) academic associates.
 3. Construing him as a person 'aggrieved' for the purposes of section 46P of the ARHC Act accords with the non-narrow interpretation that ought to be accorded with the legislation, bearing in mind

too that the purpose of the RDA is to “*deter and eliminate, and thus protect members of the public from, racial hatred and discrimination.*” See *Faruqi v Hanson* [2024] FCA 1264 at [342] and [345] (hereafter ‘*Faruqi*’).

4. The target or imputations of Keane’s Staff Members Post was to humiliate or intimidate named Jewish and Israeli staff members, because of their race, ethnicity, or nationality, to paint them as racist, or as devoid of morals, scruples, or conscience when it comes to Palestinians, or as akin to Nazis in considering Palestinians as less than human.
5. Keane was either painted as (and could be seen to be by viewers of the Post as) a Jew or Israeli with those negative features, or as a person associated with and supporting Jews or Israelis with those features. Either of those outcomes is a substantial ‘grievance’ in the requisite sense and the sort of mischief that the RDA seeks to redress.
6. Accordingly, Professor Morgan has a grievance in his own right in relation to the impugned racial discrimination.
7. Further, the RDA has been variously found to extend to ‘associates’ (*cf* s13 RDA), i.e. to persons in business with other persons or part of some community of interest uniting them, and to extend to corporations. In this regard, Morgan is a person aggrieved as an associate of, or as a person with a close connection with, the named Jewish/Israeli academics, being a person who was supporting them in the letter written by Prof Alba, and then vilified with them in the escalation by Keane on X. See *Koowarta* per Gibbs CJ and French J at 182; and *Cameron* as set out in point A. (6) above. If a corporation could be the victim of racial discrimination, there is no reason why Morgan could not be too when vilified directly in the same act.
8. In addition, he may also have standing based on a ‘special responsibility’ to safeguard the interests of Jewish or Israeli academics at least at the University, in that he was attempting to join with a number of Jewish representative academics attempting to do the same and was then vilified for so doing. Whether Professor Morgan has an entitlement to damages, as opposed to declaratory or injunctive relief, points B (1) – (7) above suggest that he has the entitlement to sue for damages given he was a direct target, named in the Post.
9. Further, the reliance in the complaint on Professor Keane’s Hamas Flag Post, and Keane’s Staff Members Post is ‘cumulative’ with the consequence that both posts can be relied upon together for the purposes of establishing the causation and racial elements in s18C of the RDA. See *Faruqi* at [199], [288], [289].

Yours faithfully,
LEVITT ROBINSON



Stewart Levitt

Principal and Managing Partner

Our ref: 2024-15489

AMENDMENT OF THE REPRESENTATIVE COMPLAINT

Section 46PA of the [Australian Human Rights Commission Act 1986 \(Cth\)](#) (AHRCA)

On 31 October 2024, Professor Emeritus Suzanne Rutland, Dr Joseph Toltz, Mr Ariel Eisner and Mr Yaniv Levy (the **Complainants**) lodged a representative complaint (**complaint**) under sections 46P and 46PB of the AHRCA with the Australian Human Rights Commission (the **Commission**) against Professor John Keane and The University of Sydney (the **Respondents**).

The complaint was accepted by the Assessment Delegate as being a complaint lodged by the Complainants on behalf of themselves and on behalf of those outlined at paragraph 6(a) - 6(o)¹ of Annexure 1, and as alleging racial hatred² against the Respondents under the [Racial Discrimination Act 1975 \(Cth\)](#) (**RDA**).

The complaint (which the Complainants refer to as being the **Keane Complaint**) totals 46 pages and consists of the Complainants' complaint forms and a document titled Annexure 1 – Details of Complaint (**Annexure 1**).

On 20 November 2024, the Complainants' legal representatives sent to the Commission a letter dated 19 November 2024 (**the Letter**) in which they requested to make the following amendments to Annexure 1:

1. To remove paragraph 6(a) of the Keane Complaint and thereby remove the name of Michael Abrahams-Sprod.
2. To amend paragraph 6(o) of the Keane Complaint to read: *'Any other Jewish or Israeli persons in Australia, when the posts, reposts or publications, the subject of*

¹ Based on the information provided in the complaint, the Assessment Delegate did not consider that Professor Peter Morgan at paragraph 6(p) of Annexure 1 was an 'aggrieved person' for the purposes of section 46P of the AHRCA.

² The Complainants' complaint forms ticked the boxes for racial discrimination and racial hatred. However, as Annexure 1 outlined a racial hatred complaint and not a racial discrimination complaint, the Assessment Delegate accepted the complaint as one alleging racial hatred only.

the complaint, were made or published and/or maintained as posts or reposts and who were, or were reasonably likely to be, offended, insulted, humiliated or intimidated, by the unlawful discrimination alleged in this complaint.'

3. To amend paragraph 34 of the Keane Complaint to read: *'Professor Keane's posting of the Hamas Flag Post, by conveying any or all of the imputations alleged in [32] was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate the complainants, the persons they represent as well as other Jewish persons and Israeli persons in Australia.'*

At the same time, the Complainants' legal representatives also provided an amended Annexure 1 dated 20 November 2024, reflecting the above amendments (**Amended Annexure 1**).

Submissions were also made in the Letter in support of Professor Peter Morgan's inclusion as an 'aggrieved person' at paragraph 6(p) of the complaint.

A copy of the amendment request (total 21 pages) is attached.

In accordance with section 46PA of the AHRCA, I grant leave for the Complainants to amend the complaint as requested and confirm that Professor Morgan has been included as a person on whose behalf the complaint has been lodged.

The effect of the above amendment is that the Complainants' complaint alleging racial hatred under the RDA against the Respondents is now being considered and progressed as a complaint by the Complainants on behalf of themselves and on behalf of those outlined at paragraph 6(b) - 6(p) of the Amended Annexure 1.

DATED 25 November 2024.



Hyun Joo Lee
Delegate of the President

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-5" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

University of Sydney Staff for Palestine

[Home](#)
[About University of Sydney Staff for BDS](#)
[Academic BDS pledge](#)
[Australian Support for BDS](#)

[Faced with the Gaza genocide, end University of Sydney links with the global arms trade](#)
[International Support for BDS](#)
[Media](#)

[Open Letter 2023](#)
[Union Palestine solidarity motions](#)

Academic BDS pledge

In response to the call from Palestinian civil society, including Palestinian academics and students, for an institutional academic boycott of Israel, and in recognition of Israeli universities' key role in enabling ongoing Israeli oppression of Palestinians, we undertake not to engage in any professional association with Israeli academic, research or government institutions, or collaborate professionally in any way with those institutions' leaders, until Israel complies with international law and elementary principles of human rights by

- ending its illegal occupation and annexation of internationally recognized Palestinian territory as defined by the UN;
- granting full equality before the law to Palestinian citizens of Israel; and
- recognizing the right of Palestinians to return to the land from which they have been and continue to be expelled.

We note that while this commits us to fully breaking ties with Israeli academic institutions, it does not preclude continuing collaboration with individual Israeli researchers who do not occupy leadership roles in them. We look forward to a time when Israel is prepared to negotiate seriously and in good faith with Palestinians, and civil society actions like the boycott are no longer necessary.

Dr Nick Riemer (English and Linguistics)

Dr David Brophy (History)

Associate Professor Jake Lynch (Peace and Conflict Studies)

Dr Victoria Grieves (Honorary ARC Indigenous Research Fellow, Sociology and Social Policy)

Dr Gareth Bryant (Political Economy)

Dr Frances Clarke (History)

Dr Mike Beggs (Political Economy)

Dr Sophie Loy-Wilson (History)

Dr Ben Miller (Writing Studies)

Associate Professor Ahmar Mahboob (Linguistics)

Associate Professor John Grumley (Philosophy)

Mr Andrew Brodzeli (Political Economy)

Associate Professor Susan Thomas (Writing Studies)

Professor Emeritus Stuart Rees, AM (Peace and Conflict Studies)

Dr Beatrice Wayne (History)

Dr Yvonne Low (Art History)

Professor Emeritus William Foley (Linguistics)

Dr Yaegan Doran (Linguistics)

Professor Sujatha Fernandes (Political Economy and Sociology)

Dr Tim Anderson (Political Economy)

Professor Adam Morton (Political Economy)

Dr Chin Jou (History)

Ms Natalia Maystorovich Chulio (Sociology and Social Policy)

Professor Gillian Cowlshaw (retired) (Anthropology)

Associate Professor Bill Dunn (Political Economy)

Dr Frances Di Lauro (Writing Studies)

Professor John **Keane** (Director, Sydney Democracy Network)

Dr Yasmine Musharbash (Anthropology)

Honorary Associate Professor John M O'Brien (Work and Organisational Studies)

Professor Emeritus Frank Stilwell (Political Economy)

Professor Nicola Piper (Director, Sydney Asia Pacific Migration Centre)

Dr Omid Tofighian (Philosophy)

Ms Mareese Terare (Education and Social Work)

Ms Rizanna Rosemary (Media and Communications)

Dr Beth Yahp (English)

Dr Briony Neilson (History)

Dr Rebecca Pearse (Political Economy)

Dr Robert Austin (Peace and Conflict Studies)

Mr Paul Duffill (Peace and Conflict Studies)

Dr Thomas Adams (History and American Studies)

Dr Belal Chami (Sydney Medical School)

Mr Fadi Baghdadi (Sociology and Social Policy)

Mr Rafi Alam (Sociology and Social Policy)

Dr Erdahl Teber (Sydney Medical School)

Professor Stephen Castles (Honorary Professor, Sociology)

Dr Jolynna Sinanan (Research Fellow in Digital Media and Ethnography)

Professor Michael McDonnell (History)

Dr Louise Marshall (Art History)

Ms Greta Werner (Sociology and Social Policy)

Associate Professor Ruth Phillips (Education and Social Work)

Dr Diana Shahinyan (Research Fellow in US Studies)

Dr Rick Kuhn (Visiting fellow, Political Economy)

Dr Cat Moir (Germanic Studies and European Studies)

Dr Evan Jones (Political Economy)

Dr Harriet Johnson (Philosophy)

Dr Fiona Martin (Media and Communications)

Dr Ross Morrow (Sociology and Social Policy)

Mr Andrew McLachlan (Sociology and Social Policy)

Dr Lucia Sorbera (Arabic Studies)

Associate Professor Susan Hood (Honorary Associate Professor, Linguistics)

Dr Helen McCue AM (Research Fellow, Sydney Law School)

Dr Holly High (Anthropology)

Dr Johanna Hood (ARC DECRA Research Fellow, Sociology)

Dr Sophie Chao (Postdoctoral Research Associate, History)

Dr Shima Shahbazi (Arabic Languages and Cultures / International and Comparative Literary Studies)

Dr Jason MacLeod (Peace and Conflict Studies)

Fahad Ali (School of Life and Environmental Sciences)

Sarah Jessup (Centre for Continuing Education)

James Godfrey (Sociology and Social Policy)

Dr Ben Eldridge (English)

Dr Toby Fitch (English)

Dr Aisha Malik (Gender and Cultural Studies)

Dr Robert Boncardo (International and Global Studies)

Omar Elkharaouf (Government and International Relations)

Associate Professor Tooran Alizadeh (Architecture, Design and Planning)

Joel Griggs (Political Economy)

Dr Lobna Yassine (Social Work and Policy Studies)

Kevin Fine (Student Administrative Services)

Aiden Magro (Art History)

Finola Laughren (Gender and Cultural Studies)

Dr Nikki Wedgwood (Behavioural and Social Sciences in Health)

Dr Markela Panegyres (Architecture, Design and Planning)

Sophie Cotton (Political Economy)

Dr Alex Luke (Centre for English Teaching)

Dr Caitlin Biddolph (International Relations)

Matte Rochford (Languages and Cultures)

Dr Anna Sturman (Sydney Environment Institute)

Nic Avery (Political Economy)

Robin Eames (History)

Dr Niro Kandasamy (History)

Zeina Taleb (English and Writing)

Hira Saud (NHMRC Clinical Trials Centre)

Yenni Hagman-Chafei (Educational Integrity)

Claire Parfitt (Political Economy)

Ioana A. Dumitru (Archaeology)

Roberta Pala (Social and Political Sciences)

Michelle Royer (French and Francophone Studies)

Student supporters

Jack Stubley

to add your name, please email Nick Riemer (nick.riemer@sydney.edu.au)

More information:

[Sydney Staff for BDS fact sheet 2018](#)

[Palestinian Campaign for the Academic and Cultural Boycott of Israel main page](#)

[US academic boycott campaign – frequently asked questions](#)

University of Sydney Staff for Palestine

[Home](#) [About University of Sydney Staff for BDS](#) [Academic BDS pledge](#) [Australian Support for BDS](#)

[Faced with the Gaza genocide, end University of Sydney links with the global arms trade](#) [International Support for BDS](#) [Media](#)

[Open Letter 2023](#) [Union Palestine solidarity motions](#)

Posted on **March 15, 2021** by **admin**

[← Previous](#) [Next →](#)

Open letter, March 2021: Professor Alison Bashford – Please reconsider the Dan David Prize

This open letter to Professor Alison Bashford (UNSW) was coordinated by members of Sydney Staff for BDS in collaboration with other Palestine supporters in Australian universities. The letter was originally available for signature [here](#).

Dear Professor Bashford,

We are academics, researchers and students. We ask you to please reconsider accepting your share of the prestigious 2021 Dan David Prize,[1] the academic award administered by and headquartered at Tel Aviv University (TAU).[2] This year's prize rewards scholars who have contributed to advances in and understanding of medicine and public health. In reality, however, accepting it serves to legitimize and normalize Israel's colonial violence and apartheid.

As we are sure you are aware, for decades, through its military occupation, blockade and apartheid, Israel has been undermining Palestine's health systems and systematically denying Palestinians medical care.[3] In a report from November last year, the director of the World Health Organisation noted that Israel's 'chronic occupation has profound implications for the sustainability of health-care provision by public authorities, in terms of both revenue raising and affordability.'[4] Palestinians are regularly blackmailed into collaboration with the Israeli Security Services in order to get the permits they need to leave the West Bank and Gaza for medical treatment.[5] Currently, while Israel has been hailed for vaccinating its population, it is refusing to immunize all Palestinians under its rule,[6] as is its responsibility,[7] and placing obstacles in the way of transfer of vaccines into Gaza and the West Bank, entry to which it fully controls – clear testament to the apartheid regime it maintains.[8]

Since 2005, Palestinian civil society organizations have been calling on supporters of justice and antiracism around the world to express solidarity with the Palestinian people and the Palestinian cause by boycotting Israel, including its academic institutions. Accepting the prize would be a clear violation of this call, and an outright refusal of Palestinians' aspirations for freedom. We ask you to respect the wishes of Palestinian people and not side with their oppressor.

TAU directly facilitates Israel's ongoing illegal occupation of the West Bank and its illegal blockade of Gaza. It must be held accountable for supporting Israel's repression of Palestinians. Examples of TAU's complicity in Israel's anti-Palestinianism are numerous:

- An affiliate of the university's Sackler School of Medicine, the Abu Kabir Forensic Institute,[9] is currently stockpiling the bodies of scores of Palestinians for use as leverage in negotiations, refusing to release them to their families, a practice which contravenes international treaties and conventions.[10]

- TAU hosts the Institute for National Security Studies, whose 2018 'Plan' recommends completing the illegal separation wall, and 'ongoing construction in settlement blocs' – in other words, perpetuation of Israeli apartheid – and which declares in its current report that 'it is necessary to prepare for the next war'. [11]
- TAU's Yuval Ne'eman Workshop for Science, Technology and Security cooperates closely with the Israeli Defence Force and other security services, and hosts work on, among other things, 'missiles and guided weapons, homeland security, [and] force build-up policy'. [12] In 2008 the TAU President described himself as 'awed by the magnitude and scientific creativity of the work being done behind the scenes at TAU that enhances the country's civilian defense capabilities and military edge'. [13]
- TAU's Iby and Aladar Fleischman Faculty of Engineering runs an 'entrepreneurship program' with Elbit Systems, [14] a major Israeli arms manufacturer, whose weapons and technology are battle-tested on Palestinians. [15]
- Since 2016, as at all Israeli universities, soldiers' TAU tuition fees are paid after discharge from the army. [16]
- In 2014, TAU offered a year's free tuition to students who had participated in the murderous military attacks on Gaza. [17]
- In 2012, TAU started collaboration with settlement organisations in archaeological digs in Palestinian East Jerusalem, in violation of international agreements. [18]

Professor Bashford, we call on you to follow the lead of your colleague and fellow historian Professor Catherine Hall, who in 2016 refused the Dan David Prize prize. [19] Doing so would make an important contribution to the cause of antiracism and opposition to apartheid in Israel in a context in which state-led resolution efforts have failed. It would also avoid a flagrant contradiction with your own published work, which aims to contribute to 'the critical history of colonialism, nationalism and public health', investigating, among other topics, 'segregation as both hygienic – that is, as part of public health – and racial – as part of the systems and cultures of race management'. [20]

Israel's racist policies against Palestinians, long criticised as instances of apartheid by Palestinians themselves, as well as by international legal and humanitarian authorities (including recently by the Israeli NGO B'Tselem) are an egregious example of racial segregation imposed on an entire population, with all the desperate consequences for Palestinians' health and well-being that this implies. [21]

Professor Bashford, you have a significant opportunity to contribute to public understanding of the importance of antiracism and anti-apartheid. In 2003, you and a co-author noted that 'even repressive regimes have been eroded through criticism generated by external human rights groups attempting to universalise democratic ideals'; as you pointed out, 'it is difficult to imagine the dismantling of apartheid in South Africa, for example, without the chorus of international calls to release high-profile political prisoners on Robben Island'. [22] Palestinians' appeal for boycott is an attempt to mobilise a chorus of international calls of exactly this kind.

Nothing obliges you to accept the Dan David prize and the financial reward that accompanies it. Doing so would be a sharp rebuke to the unanimous call from Palestinian organisations to support their struggle for freedom. As you have noted, 'liberalism and the idea of democratic rule — most recently through the language of human rights — problematises arbitrary detention, the incarceration of non-criminals and of political prisoners'. [23] These are, however, among the very practices which Israel imposes on Palestinians. Refusing the award, opposing the whitewashing of Israel's crimes, and rejecting collaboration with an Israeli academic institution complicit with the oppression of Palestinians, would earn you the respect and admiration of all those who believe that academic research must serve the cause of freedom, in Palestine and in the world.

Samah Sabawi, independent scholar, Melbourne
 Nick Riemer, University of Sydney
 Rima Najjar, Al Quds University, Palestine
 Ahmed Alnajjar, Director of Public and International Relations, Ministry of Education, Palestine
 Randa Abdel-Fattah, Macquarie University
 Randa Farah, University of Western Ontario
 Wael Hallaq, Columbia University
 Laleh Khalili, Queen Mary University of London

Lila Abu-Lughod, Columbia University
Rashid Khalidi, Columbia University
Nadia Abu El-Haj, Columbia University
Saree Makdisi, UCLA
Judith Butler, UC Berkeley
Ilan Pappé, University of Exeter
Omar Barghouti, independent scholar
J. Kehaulani Kauanui, Wesleyan University
Jasbir Puar, Rutgers University
Peter Slezak, University of New South Wales
John Keane, University of Sydney
Alistair Sisson, University of New South Wales
Michael Grewcock, University of New South Wales
Alana Lentin, University of Western Sydney
David Brophy, University of Sydney
James Godfrey, Birkbeck, University of London
Jumana Bayeh, Macquarie University
Adi Ophir, Tel Aviv University, Emeritus, Brown University, visiting
Sara Dehm, University of Technology, Sydney
Ntina Tzouvala, Australian National University
Lucia Sorbera, University of Sydney
Kieron Cadey, Canterbury Christ Church
Inna Michaeli, independent scholar, Germany
Michael Griffiths, University of Wollongong
Sara Saleh, University of New South Wales
Liyana Kayali, Australian National University
Micaela Sahhar, University of Melbourne
Kate Davison, University of Melbourne
Daniel A. Segal, Pitzer College of the Claremont Colleges, USA
Nicola Perugini, University of Edinburgh
Sharri Plonski, Queen Mary, University of London
Ronit Lentin, Trinity College Dublin
Ryan Al-Natour, Charles Sturt University
Robert Boyce, London School of Economics
Mohd Nazari bin Ismail, University of Malaya
Lobna Yassine, Australian Catholic University
Suzita Noor, University of Malaya
Karel Arnaut, KU Leuven
Paola Manduca, University of Genoa, Italy
John King, New York University
Angelo Baracca, University of Florence
Zati Azizul, University of Malaya
Marcelo Svirsky University of Wollongong
Elsa Haniffah Mejia Mohamed, University Malaya
MY Musa, USM
Aneesa Abdul Rashid, Islamic Medical Association of Malaysia
Herman De Ley, Ghent University
Bruce Robbins, Columbia University
Brinkley Messick, Columbia University
Gil Hochberg, Columbia University
Samera Esmeir, UC Berkeley
Mark Ayyash, Mount Royal University, Canada
Raja Jamilah Raja Yuso, University of Malaya
Norhayati Ab.Rahman, University of Malaya
Brian Boyd, Columbia University
David Faber, Flinders University
Noor Fadiya Mohd Noor, University of Malaya
Noor Adwa Sulaiman University of Malaya
Fatiha Shabaruddin, Universiti Malaya
Marc De Meyere Gent University
Susan Ferguson, Wilfrid Laurier University
Nozomi Takahashi, Staff scientist, VIB/Ghent University
Snehal Shingavi, University of Texas, Austin
Hassan Basri, University of Sultan Zainal Abidin
J. Ahmad, Universiti Teknologi MARA, Malaysia
Meera Atkinson, University of Notre Dame Australia
George H Morgan, Western Sydney University
Brian Brophy, University of Adelaide

Zul'aini Zainal Abidin, Kolej Poly-Tech MARA
Sharmani Patricia Gabriel, Universiti Malaya
Amir Nor, Islamic Science University
Omar bin Yaakob, Universiti Teknologi Malaysia
Mike Cushman, London School of Economics
Harry Smaller, York University, Canada
M.Tashid, University of Technology Malaysia
Rozaini Roslan, UTHM
Mohamed Hatta Shaharom, Chairman Ikram Foundation of Malaysia
Harlina Halizah Siraj, Universiti Kebangsaan Malaysia (UKM)
Prof Dr Hayati, USIM
Borhanuddin Mohd Ali, Universiti Putra Malaysia
Azman Che Mat, UiTM
Mustafa Mohd Hanefah, Universiti Sains Islam Malaysia
Ramli Bin Nazir, Universiti Teknologi Malaysia
Ahmad Hariza Hashim, Universiti Putra Malaysia
Prof Dr Norhasmah, UPM
Nor Azan, Universiti Kebangsaan Malaysia
Abdul Rashid Mohamed, Universiti Sains Malaysia
Daing Nasir Ibrahim University Malaysia Pahang
Sahrim Ahmad, UKM, Malaysia
Haiyun Ma, Frostburg State University, USA
Mahamod Ismail, Universiti Kebangsaan Malaysia
Tengku Shahrom Tengku Shahdan, Universiti Selangor
Suhaimi Mhd Sarif, International Islamic University Malaysia
A'zzah, CEO, Al Musab Institute
Wan Jeffrey Basirun University Malaya
Adlina SuleimanAcademy of Professors Malaysia
Khairul Saidah Abas Azmi, University of Malaya
Noorsyazly Rameli, Malaysia
Mohammad Nazri, Universiti Malaya
Kelton Muir Sydney University
John Michael O'Brien, University of Sydney
Souheir Edelbi, UNSW
Paul Russell, Victoria University
Toby Fitch, University of Sydney
Finola Laughren, University of Sydney
Azmi Aminuddin, UiTM
Rohana Hassan, UiTM
Christiane Schomblond, Université Libre de Bruxelles
Kathryn Ticehurst, University of Sydney
Carol Que, University of Melbourne
Noor Sapiei, University of Malaya
Alan Hill, RMIT University, Melbourne
Goldie Osuri, University of Warwick
Azman Hassan, Universiti Teknologi Malaysia
Meloni Muir, University of Sydney
Liam Ward, RMIT University, Melbourne
David Klein, California State University Northridge
Vannina Sztainbok, University of Toronto
Colin Mooers, Ryerson University, Canada
Sylvat Aziz, Queens University, Toronto
Joy Moore, Dawson College, Montreal
Asha Varadharajan, Queen's University
Brett Story, Ryerson University
Larry Hannant, University of Victoria
Sumi Hasegawa, McGill University
Nicola Pratt, University of Warwick
David Borgonjon, Rhode Island School of Design
Kevin Moloney, York University, Toronto
Steven Jordan, McGill University
Tim Anderson, Centre for Counterhegemonic Studies
Peter Chidiac, University of Western Ontario
Anne Meneley, Trent University
Edwin E. Daniel, University of Alberta
Christo El Morr, York University
Natalia Maystorovich Chulio, University of Sydney
Matilda Fay, University of Technology Sydney

Mark LeVine, UC Irvine
Robert Austin, University of Sydney
Viviana Ramírez, independent scholar, Chile
Mohd Hilmi Jaafar, University of Malaya
Victor Wallis, Berklee College of Music
Zuhaimy ismail, Universiti Teknologi Malaysia
Shira Robinson, George Washington University
Daing Nasir Ibrahim, University Malaysia Pahang
Malek Abisaab, McGill University
Graham Holton, University of Queensland
Ben Golder, University of New South Wales
Izlin Ismail, University of Malaya
Suzannah Henty, University of Melbourne
Shamsul Izwan bin Saharani, University of Malaya
Yara Hawari, University of Exeter
Nate George, Columbia University
Jake Lynch, University of Sydney
Michael Leonard Furtado, University of Queensland
Lewis Turner, Newcastle University
Owen Marsden-Readford, Sydney University SRC
Sonia Qadir, University of New South Wales
Susan Spronk, University of Ottawa
David Heap University of Western Ontario
Ximena de la Barra, lecturer and writer, Spain
Lim Yat Yuen, Universiti Malaya
Briony Neilson, University of Sydney
Didier Samain, Sorbonne Université, Paris.
Mohd Rais Mustafa, Universiti Malaya
UNSW Students for Palestine club, UNSW
Lauren Banko, University of Manchester
Evan Jones, Sydney University
Sujatha Fernandes, University of Sydney
Raja Hisyamudin, Senior Lecturer University of Malaya
Ben Etherington, Western Sydney University
Nurhazwani Abdul Rahman, Assistant Bursar, University of Malaya
David Pritchard, The University of Queensland
Judith Grbich, Griffith University
Eshah AWahab, University of Malaya
Muhammad Shamil, Pondicherry University
Roza Hazli Zakaria, University of Malaya
Sharmila Jayasingam, Universiti Malaya
Paola Rivetti, Dublin City University
Kevin Bruyneel, Babson College
Marc Lamont Hill, Temple University
Michelle Hartman, McGill University
Stephen Sheehi, William & Mary
Ariella Azoulay, Brown University
Haim Bresheeth-Zabner SOAS, University of London
Sarah Schulman, City University of New York, College of Staten Island
Sherene Seikaly, UCSB
Peter Eglin, Wilfrid Laurier University
Andrew Brooks, UNSW
Holly High, University of Sydney
Valentina Baú, University of New South Wales
Noam Peleg, UNSW
Safiah Muhammad Yusoff, University Malaya
Jonathan Dunk, University of Melbourne
Mohamad Said Bin Othman, University Of Malaya
Joseph Pugliese, Macquarie University
Andy Kaladelfos, UNSW
Matthew Abbott, Federation University
Claire Launchbury, Leeds
Meaghan Morris, University of Sydney
Anna Hush, University of New South Wales
Aurelien Mondon, University of Bath
Helen Goritsas, Academy of Information Technology, Australia
Judith Mcvey, University of Sydney
Amy Thomas, University of Technology Sydney

Diana Shahinyan, University of Sydney
Marcus Banks, RMIT University, Melbourne
Tasnim Sammak, Monash University
Lina Koleilat, Australian National University
Catriona Menzies-Pike, Western Sydney University
Jordy Silverstein, La Trobe University
Iseult Mc Nulty, Trinity College Dublin
Maayan Geva, University of Roehampton
Cynthia Wright, York University
Ilan Kapoor, York University
Maya Ober, FHNW Academy of Art and Design, Switzerland
Michael Mohammed Ahmad, Western Sydney University
Najib Safieddine, University of Toronto
Diana Jefferies, Western Sydney University
Ned Curthoys, The University of Western Australia
John Docker, University of Sydney
Sophie Loy-Wilson, University of Sydney
Jimmy Yan, University of Melbourne
Anna Saunders, Harvard Law School
Caitlin Biddolph, University of New South Wales
Shaira Vadasaria, University of Edinburgh
Emma Russell, La Trobe University
Scott Burchill, Deakin University
Tarik Cyril Amar, Koc University, Turkey
Samia Khatun, SOAS, University of London
Gavan Titley, Maynooth University, Ireland
Francesco Saverio Leopardi, Ca' Foscari University of Venice
Laurence Davis, University College Cork
Ismail Patel, independent researcher, England
Mohamad Faithal Haji Hassan, University of Malaya
Effie Karageorgos, University of Newcastle, Australia
Dalia Abdelhady, Lund University, Sweden
Mod Faizul Sabri, University of Malaya
Roland Loh, Kingston University, UK
Hussain Mohd, University Malaya
Awangku Abdul Rahman, Islamic Science University of Malaysia
Khadijah Md Khalid, University of Malaya
Sarah Keenan, Birkbeck School of Law
Leah Price, Rutgers University
Saul Takahashi, Osaka Jogakuin University, Japan
Ben Silverstein, Australian National University
Terence Gomez, Universiti Malaya
Roshidah Hassan, Universiti Malaya
Maha Nassar, University of Arizona
Suria Zainuddin, University of Malaya
Dr Bedj Bedj Toufik, University of Malaya
NW Salman, University of Malaya
M Zaidi A Rahman, University of Malaya
Aishah Ahmad Fauzi, University Malaya
Rodiah Zawawi, University of Malaya
Aileen Moreton-Robinson, RMIT, Melbourne
Muhamad Ammar Remli, Islamic Science University of Malaysia
Ghazala Mir, University of Leeds
Judith E. Tucker, Georgetown University
Salwa Mohd Saleh, University College London
Yasmine Kherfi, London School of Economics and Political Science
Kamakshi Amar, London School of Economics
Zulqarnain Mohamed, Universiti of Malaya
Tg Muzaffar Tg Muda, Lancaster University
Roger Markwick, University of Newcastle, Australia
Shuaib Manjra, University of Cape Town
Zulqarnain Mohamed, University of Malaya
Usuf Chikte, University of Stellenbosch
Jasmine Duff, University of Wollongong
Fairuz Mullagee, University of the Western Cape
Abu Bakar, University of Indonesia
Catherine Ann Cullen, Trinity College Dublin
WZ Kamaruddin Ali, University of Malaya

Prof. Dr. Mohd Afandi Salleh, Universiti Sultan Zainal Abidin, Malaysia
 Yau'Mee Hayati Hj Mohamed Yusof, Universiti Teknologi MARA, Malaysia
 Wan Muhammad Afiq bin Wan Muhamad Fauzan, INSPEM Universiti Putra Malaysia
 Zulfakar Ramleem International Islamic University, Malaysia.
 Tuti Iryani Mohd Daud, Universiti Kebangsaan, Malaysia
 Sahrim Ahmad, Universiti Kebangsaan, Malaysia
 Zul'aini Zainal Abidin, Kolej Poly-Tech MARA, Malaysia
 Abdul Rashid bin Abdul Rahman, University of Cyberjaya, Malaysia
 Hadhrami Ab Ghani,Universiti Malaysia Kelantan
 Syamimi Saadon, Universiti Putra Malaysia
 Alwani Ghazali, Universiti Malaya
 Rohaida Mohd Saat, independent scholar, Malaysia
 Siti Zarina Mohd Muji, Universiti Tun Hussein Onn, Malaysia
 Ahmad Ainuddin Nuruddin, Universiti Putra, Malaysia
 Nurul Iffah Bt Ghazali, UiTM Puncak Alam
 Mandy Turner, University of Manchester
 Dror Warschawski, Sorbonne Université, France
 Ahmed Abbes, CNRS, France
 Professor Hairuddin Mohd Ali, International Islamic University Malaysia
 Nada Elia, Western Washington University, USA
 Carolyn D'Cruz, La Trobe University
 Siti Zaiton Mohd Hashim, Universiti Malaysia Kelantan
 Priya Kunjan, University of Melbourne
 Rabah Tahraoui, Université de Rouen, France.
 Poppy de Souza, Griffith University and UNSW
 Maree Pardy, Deakin University
 Dr Crystal McKinnon, RMIT, Melbourne
 Mohammed Massoud Morsi, Independent Scholar, Australia
 Clive Gabay, Queen Mary University of London
 Mahanim Hanid, Universiti Malaya, Malaysia
 AbdulRahman Sufi, City University of Mogadishu, Somalia
 Michael Harris, Columbia University
 Zoë Lawlor , University of Limerick
 James R. Levy, University of New South Wales Sydney
 David Landy, Trinity College Dublin
 Haim Bresheeth-Zabner, SOAS University of London
 Professor Yosefa Loshitzky, SOAS University of London
 Anam Matariyeh, Independent Scholar
 Kenneth W. Burchell, Independent historian
 Sarah Dweik, PSU
 Waad Marzuqi, University of London
 Lorenzo Ramero, Université de Lille
 Zuhair Idris, Independent Scholar
 Nour Ali, Brunel University
 Erik Karlström, Lund University (masters student)
 Abdulrachman Teves UPLB
 Adel Yousif, University of Tasmania
 C. Michael Hall, University of Canterbury
 Ana Madeira, Universidade Nova de Lisboa
 Anas Elkady, Ryerson University
 Rachid Darradji, MIT
 Shahd Al-Janabi, Charles Darwin University
 Elaine Bradley, independent scholar, Ireland
 Timothy Ström, independent scholar, Arena, Melbourne
 Dan Tout, Federation University, Australia
 Anitra Nelson, University of Melbourne
 David Scrimgeour, University of Adelaide
 Thalia Anthony, University of Technology, Sydney
 Andres Ramirez, University of Melbourne

Notes

[1] <https://newsroom.unsw.edu.au/news/general/unsw-sydney-historian-named-2021-dan-david-prize-laureate>

[2] <https://www.dandavidprize.org/about/about-the-prize>

[3] A 2020 report by the WHO Director General, 'Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan', for instance, finds that 'Israeli settler population in the West Bank, estimated to comprise more than 600000 persons, compared to Palestinians living in the same territory, have a

life expectancy almost nine years higher, infant mortality more than six times lower and maternal mortality nine times lower', 12.

https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

[4] 'Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan', 18.

https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_15-en.pdf

[5] <https://www.theguardian.com/world/2011/dec/28/palestinians-gaza-strip-collaborate-israel>

[6] <https://reliefweb.int/report/occupied-palestinian-territory/joint-letter-free-and-equitable-access-and-distribution-covid>

[7] <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26655>

[8] <https://www.theguardian.com/world/2021/feb/16/israel-blocked-covid-vaccines-from-entering-gaza-say-palestinians>

[9]

<https://www.health.gov.il/English/MinistryUnits/HealthDivision/MedicalAdministration/forensic/Pages/default.aspx>

[10] <https://www.aljazeera.com/news/2020/2/24/israel-slammed-for-necroviolence-on-bodies-of-palestinians>

<https://www.inss.org.il/publication/questions-answers-inss-plan-strategic-framework-israeli-palestinian-arena/>;

[11] <https://www.inss.org.il/publication/strategic-survey-the-operative-arena/>

[12] <https://en-sectech.tau.ac.il/about>

[13] https://english.tau.ac.il/sites/default/files/media_server/TAU%20Review%202008-09.pdf

[14] <https://en-engineering.tau.ac.il/Engineering-Faculty-Home-innobitenglish>

[15] <https://whoprofits.org/company/elbit-systems/>

[16] <https://www.israel365news.com/79016/first-time-idf-will-fully-fund-soldier-university-scholarships/>

[17] <https://electronicintifada.net/blogs/ali-abunimah/israeli-universities-lend-support-gaza-massacre>

[18] <https://www.haaretz.com/.premium-academics-urge-tel-aviv-u-not-to-join-e-j-lem-dig-1.5281799>

[19] <https://www.haaretz.com/israel-news/prominent-historian-rejects-israeli-academic-award-1.5386129>

[20] Bashford A. (2004) Introduction: Lines of hygiene, boundaries of rule. In: Imperial Hygiene. Palgrave Macmillan, London, pp. 13 and 2.

[21] https://www.btselem.org/publications/fulltext/202101_this_is_apartheid

[22] Bashford A. and Strange C., 'Isolation and exclusion in the modern world An introductory essay', in Bashford A. and Strange C. (eds) Isolation: Places and Practices of Exclusion, London, Routledge, 2003, p.14

[23] Bashford A. and Strange C. 'Isolation and exclusion in the modern world An introductory essay', in Bashford A. and Strange C. (eds) Isolation: Places and Practices of Exclusion, London, Routledge, 2003, p.14

This entry was posted in **Uncategorized** by **admin**. Bookmark the **permalink**.

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

AUSTRALIAN ACADEMICS OPEN LETTER IN SOLIDARITY WITH PALESTINE AND CALL FOR ACTION

SIGN HERE

As scholars, academics and students in Australia, a settler colony built on the dispossession of Aboriginal and Torres Strait Islander peoples, we stand in solidarity with Palestinians in their struggle for liberation and against Israeli settler colonialism. In the past month, Palestinians have faced brutal Israeli settler colonial violence in the Sheikh Jarrah neighbourhood of East Jerusalem and al-Aqsa mosque, the West Bank, Gaza, and in Palestinian cities and towns in Israel. This violence is rooted in a century of colonisation and Palestinian dispossession.

Israel has declared a war on Palestinians. We have seen worshipers attacked in al-Aqsa mosque during the holy month of Ramadan, families facing the threat of forced removal from their homes, protestors shot and tear gassed, Israeli security forces and Israeli-Jewish mobs attacking Palestinians in Lydda, Jaffa and Haifa. We have witnessed massacres in Gaza, with entire families obliterated.

Israel's actions are in violation of international law. East Jerusalem, the West Bank, and Gaza are considered occupied under international law and Israel is responsible to guarantee Palestinian residents of these territories special protection. Instead, Israel is confiscating Palestinian land and homes, committing ethnic cleansing, and engaging in war crimes and grave breaches of the Geneva Convention. The recent report of Human Rights Watch has concluded that Israeli actions towards Palestinians in territories it controls, from both sides of the Green Line, amount "to the crimes against humanity of apartheid and persecution."

The shelling of Gaza from air, sea and land; the mob violence enacted against Palestinians within Israel; and Israeli military and settler violence against Palestinians in the West Bank and East Jerusalem should not go unanswered by the international community. While ceasefire with Hamas in Gaza has been declared, we remind the world that Palestinians across all historic Palestine continue to be subject to Israeli colonisation, apartheid and occupation.

Silence is not an option.

We call on the Australian government to condemn the state of Israel and its actions, and re-evaluate its current and proposed trade agreements. We also call on the Australian government to suspend its defence cooperation with Israel and halt acquisitions of Israeli military equipment. As scholars, academics and students committed to decolonising knowledge, it is our responsibility to speak up and stand with Palestinians against the forces of colonialism, injustice and inequality and for an immediate cessation of Israeli violence in all its forms.

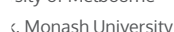
SIGN HERE

PLEASE NOTE: signatories are being uploaded manually by a few volunteers. Please be patient with us while we continue to update the list daily. Thank you for your support!

Signatories:

1. Aileen Moreton-Robinson, RMIT
2. Randa Abdel Fattah, Macquarie University
3. Gary Foley, Victoria University
4. Lana Tatour, University of New South Wales
5. Amy McQuire, University of Queensland
6. Ghassan Hage, The University of Melbourne
7. Tony Birch, Academic and Author
8. Samah Sabawi, Independent Scholar
9. Crystal McKinnon, RMIT
10. Sara Saleh, University of New South Wales
11. Alison Whittaker, University Technology Sydney
12. Suvendrini Perera, Curtin University
13. Jane Lydon, The University of Western Australia
14. Joseph Pugliese, Macquarie University
15. Chelsea Bond, The University of Queensland
16. Karima Laachir, Australian National University
17. Fethi Mansoori, Deakin University
18. Evelyn Araluen, The University of Sydney
19. University of Melbourne
20. Monash University

POWERED BY



Palestine and Australian Academics

OPEN LETTER

26. Michael Mohammed Ahmad, Western Sydney University
27. Bassam Dally, The University of Adelaide
28. Eugenia Flynn, Queensland University of Technology
29. Ryan Al-Natour, Charles Sturt University
30. Sary Zananiri, Leiden University
31. Ahmad Shboul, The University of Sydney
32. Amin Saikal, University of Western Australia
33. Halim Rane, Griffith University
34. Muhammad Sulaiman, University of South Australia
35. Andrew Brooks, University of New South Wales
36. Nick Riemer, University of Sydney
37. Alana Lentin, Western Sydney University
38. Na'ama Carlin, University of New South Wales
39. Ayman Qwaider
40. Debbie Bargallie, Griffith University
41. Jumana Bayeh, Macquarie University
42. Samya Jabbour, Curtin University
43. Ben Golder, University of New South Wales
44. Tanja Dreher, University of New South Wales
45. David Brophy, University of Sydney
46. Liyana Kayali, Australian National University
47. Adel Yousif, University of Tasmania
48. Farah Fayyad, Macquarie University
49. Jessie Moritz, Australian National University
50. Andy Kaladelfos, University of New South Wales
51. Leila Kouatly, Australian National University
52. Janja Peric, Australian National University
53. Esther Armanious, Australian National University
54. Philip Etches, Australian National University
55. Ian Parmeter, Australian National University
56. Amro Ali, American University in Cairo
57. Nesrine Basheer, The University of Sydney
58. Ali Aldahesh, The University of Sydney
59. Kirill Nourzhanov, Australian National University
60. Stephanie Hemelryk Donald, Monash University
61. Scheherazade Bloul, Deakin University
62. Eda Gunaydin, University of Sydney
63. Mariam Farida, University of New South Wales
64. Azima Akhmatova, Australian National University
65. Dara Conduit, Deakin University
66. Marika Sosnowski, GIGA Hamburg
67. Hadeel Abdelhameed, Deakin University
68. Sarah Philips, The University of Sydney
69. Nora Amath, Griffith University
70. Meaghan Morris, The University of Sydney
71. Nasser Ghobadzadeh, Australian National University
72. Peter Manning, UTS
73. Burcu Cevik-Compiegne, Australian National University
74. France Meyer, Australian National University
75. Jonathan Dunk, Deakin University
76. Giovanni Tiso, Overland Literary Journal
77. Toby Fitch, The University of Sydney
78. Claire Corbett, UTS
79. Souheir Edelbi, University of New South Wales
80. Mike Griffiths, University of Wollongong
81. Samy Akil, Australian National University
82. Khalid AlBostanji, Australian National University
83. Mona Albluwi, Australian National University
84. Eva Nisa, Australian National University
85. Firouzeh Khoshnoudiparast, Australian National University
86. Muath Amayreh, Australian National University
87. Geir Henning Presterudstuen, Western Sydney University
88. Laura Smith-Khan, UTS

POWERED BY

University
University

Palestine and Australian Academics

OPEN LETTER

96. Roanna Gonsalves
97. Scott Poynting, QUT and Charies Sturt
98. Jess Whyte, UNSW
99. Maria Giannacopoulos, Flinders University
100. John Maynard, University of Newcastle
101. Justine Lloyd, Macquarie University
102. Dave McDonald, The University of Melbourne
103. Margaret Mayhew, Independent Scholar
104. Samina Yasmeen, University of Western Australia
105. Mehal Krayem, UTS
106. Paul Tabar, Western Sydney University
107. Faisal Al-Asaad, Melbourne University
108. Lobna Yassine, Australian Catholic University
109. Dilnoza Ubaydullaeva, Australian National University
110. James Trevelyan, University of Western Australia
111. Nafiseh Ghafournia, University of Newcastle
112. Anisa Buckley, University of Melbourne
113. George Morgan, Western Sydney University
114. Noah Basil, Macquarie University
115. Maree Pardy, Deakin University
116. Julia Dehm, LaTrobe University
117. Randi Irwin, The University of Newcastle
118. Rifaie Tammam, University of Sydney
119. Baden Offord, Curtin University
120. Zora Simic, University of New South Wales
121. Anastasia Murney, University of New South Wales
122. Brigitta Olubas, University of New South Wales
123. Anne Monsour, University of Queensland
124. Padraic Gibson, University of Technology Sydney
125. Effie Karageorgos, The University of Newcastle
126. Scott Burchill, Deakin University
127. Marcelo Svirsky, University of Wollongong
128. Helen Groth, University of New South Wales
129. Rusaila Bazlamit, Curtin University
130. Julian Murphet, The University of Adelaide
131. Freya Higgins-Desbiolles, University of South Australia
132. Suzannah Henty, University of Melbourne
133. Ben Silverstein, Australian National University
134. Kathryn Daley, RMIT University
135. Sara Dehm, University of Technology
136. Sherene Idriss, Deakin University
137. Anjali Walisinghe
138. Barbara Bloch, Independent Scholar
139. S A Hamed Hosseini, University of Newcastle
140. Nisha Thapliyal, University of Newcastle
141. Debbi Long, University of Newcastle
142. Sharlene Leroy-Dyer, University of Queensland
143. Timothy Laurie, University of Technology Sydney
144. Benjamin Kelly, University of New South Wales
145. Nadia David, RMIT
146. Tristan Dunning, University of Queensland
147. Adis Duderija, Griffith University
148. Jan A. Ali, Western Sydney University
149. Ned Curthoys, University of Western Australia
150. Una Stone, RMIT
151. Peta Malins, RMIT
152. Meghan A. Bohren, Melbourne University
153. Martin Kear, University of Sydney
154. Evan Smith, Flinders University
155. Heba Al Adawy, Australian National University
156. Ari Jerrems, Independent scholar
157. Kurt Sengul, University of Newcastle
158. Leila Khaled, Charles Sturt University

POWERED BY

tre for Social and Cultural Research
dney

Palestine and Australian Academics

OPEN LETTER

166. Kate Clark, Monash University
167. Paige Donaghy, University of Queensland
168. Gok-Lim Finch, University of Western Australia
169. Yves Rees, La Trobe University
170. Jarrod Hore, UNSW
171. Priya Kunjan, University of Melbourne
172. Carlos Morreo, Institute of Postcolonial Studies
173. Sulagna Basu, University of Sydney
174. Nicholas Harrigan, Macquarie University
175. Claire Parfitt, Independent
176. Giles Fielke University of Melbourne
177. Ingrid Matthews, Western Sydney University
178. Emma Mitchell, Western Sydney University
179. Amanda Wise, Macquarie University
180. Melanie Ashe Monash University
181. Radha O'Meara, University of Melbourne
182. Francesco Ricatti, Monash University
183. Padraic Gibson, University of Technology Sydney
184. Jack Shield, University of Queensland
185. Melissa Fagan, Curtin University
186. Alistair Sisson, University of Wollongong
187. Sarah McDonald, University of South Australia
188. Anastasia Kanjere, La Trobe University
189. Raihan Ismail, Australian National University
190. Lina Koleilat, Australian National University
191. Jack Buckley, Independent
192. Tyler Gleason, University of Melbourne
193. Iain Davidson, University of New England
194. Arathi Sriprakash, University of Bristol (formerly USyd)
195. Dashiell Moore, University of Sydney
196. Flávia Julius, Macquarie University
197. Alissa Macoun, QUT
198. Rachel Coghlan, Deakin University
199. Peter Slezak, University of New South Wales
200. Abdul Rahman, Deakin University
201. Catherine Weiss, RMIT
202. Umut Ozguc, Deakin University
203. Sophie Rudolph, University of Melbourne
204. Beth Marsden, La Trobe University
205. Tony Allison, Australian National University
206. Rebecca Sheehan, Macquarie University
207. Jordan Mcswiney, The University of Sydney
208. Abdulla Al-Etaibi, Australian National University
209. Jane Carey, University of Wollongong
210. Joel Stern, Monash University
211. Caitlin Biddolph, UNSW
212. Mohammed Afefy, Latrobe University
213. Zainab Mourad, Western Sydney University
214. Megan Weier, University of New South Wales
215. Mhamed Biygautane, The University of Melbourne
216. Ayda Succarie, Western Sydney University
217. Khalil Al Jerjawi, Western Sydney University
218. Chin Jou, University of Sydney
219. Elisabeth Yarbakhsh, Australian National University
220. Isabella Gullifer-Laurie, The University of Melbourne
221. Lauren Piko, Independent scholar
222. Valentina Baú, University of New South Wales
223. Lindsay Kelley, UNSW
224. Phillip Wadds, UNSW
225. Hana Assafiri, APAN
226. Verónica Tello, UNSW
227. George (Kev) Dertadian, UNSW
228. Shakira Hussein, The University of Melbourne

POWERED BY

rsity
tional University

Palestine and Australian Academics

OPEN LETTER

236. Jessa Rogers, Macquarie University
237. Mahmood Nathie, University South Australia
238. Heather Gaye Anderson, Griffith University
239. Mary Anne Kenny, Murdoch University
240. Ihsan Yilmaz, Deakin University
241. Jon Piccini, Australian Catholic University
242. Monika Barthwal-Datta, University of New South Wales
243. Ntina Tzouvala, ANU
244. Cin Webb, Western Sydney University
245. Lucas Lixinski, UNSW
246. Peter Burdon, University of Adelaide
247. Cait Storr, University of Technology Sydney
248. Ghena Krayem, University of Sydney
249. Jeff sparrow, University of Melbourne
250. Jessica Gannaway, University of Melbourne
251. Salmaan Parkar, Charles Sturt University
252. Camilla Palmer, UNSW/Curtin
253. Jessica Mamons, Griffith University
254. Muhammad Ashraf, Islamic medical association of QLD
255. Lara Daley, University of Newcastle
256. Sara Cheikh, Deakin University
257. Jason Hartley, Griffith University
258. Justine Lloyd, Macquarie University
259. Hannah Carey, Griffith University
260. Lisa Hartley, Curtin University
261. Hakan Coruh, CISAC
262. Dina Afrianty, La Trobe University
263. Elizabeth Strakosch, University of Queensland
264. Gaala Watson, University of Queensland
265. Martin Clark, University of Tasmania
266. Jonathan Dunk, Deakin University
267. Rosalind Bellamy, La Trobe University
268. Saffaa, University of Sydney
269. Stephanie Green, Griffith University
270. Katie Maher, University of South Australia
271. Larry Stillman, Monash University
272. Enya Moore, University of Technology Sydney
273. Noah Riseman, Australian Catholic University
274. Hanan Dover, Psychcentral PTY LTD
275. Tobia Fattore, Macquarie University
276. Lindsay McCabe, University of Sydney
277. Marc Mierowsky, University of Melbourne
278. Mark LeVine, Sydney University
279. Alexia Derbas, Western Sydney University
280. Mainul Islam, University of Southern Queensland
281. Rosalie Atie, Western Sydney University
282. Christopher Mayes, Deakin University
283. Eman Taleb, University of Sydney
284. Shawna Tang, University of Sydney
285. Claire Akhbari, University of Melbourne
286. Michael Richardson, UNSW
287. Anna Copeland, Murdoch University
288. Simeon Gready, University of Melbourne
289. Katie Brennan, University of Queensland
290. Zarlisht Sarwari, Western Sydney University
291. Zuleyha Keskin, Charles Sturt University
292. Sigi Jottkandt, UNSW
293. David Pritchard, University of Queensland
294. Erick Viramontes, Australian National University
295. Mehal, University of Technology Sydney
296. Aidan Craney, La Trobe University
297. Isobel Beasley, University of Melbourne
298. Amanda Porter, Melbourne law school

POWERED BY

niversity
National University

Palestine and Australian Academics

OPEN LETTER

306. Dirk Moses, University of Sydney
307. Mohammed Rashidh, Jamia Madeenathunnoor
308. Shahjahan Khan, University of Southern Queensland
309. Nazanin Zadeh-Cummings, Deakin University
310. Selvaraj Velayutham, Macquarie University
311. Susan Forde, Griffith University
312. Cai Fong, University of Queensland
313. Brady Robards, Monash University
314. Joshua Badge, Swinburne University
315. Susie Latham, Western Sydney University
316. Batool Moussa, Swinburne University of Technology
317. Gavin Trewella, Charles Darwin University
318. Exequiel Sepulveda Escobedo, The University of Adelaide
319. Taylor Redwood, University of Sydney
320. Dylan Lino, University of Queensland
321. Bridget Backhaus, Griffith University
322. Jaime Pineda-Araneda, Griffith University
323. Aysun Veliefendi
324. Jamal Nabulsi, University of Queensland
325. Lila Moosad, University of Melbourne
326. Georgina Mulcahy, University of Sydney
327. Dhakshayini Sooriyakumaran, Australian National University
328. Ika Willis, University of Wollongong
329. Sertan Saral, University of Sydney
330. Catherine Greenhill, UNSW
331. Freya Moran, Griffith University
332. Ksenia Arapko, University of New South Wales
333. Anna Carlson, University of Queensland
334. Helen McCue, Sydney University
335. Leticia Anderson, Southern Cross University
336. Kyle Harvey, University of Tasmania
337. David Singh, University of Queensland
338. Edwin Kwong, University of Melbourne
339. Emily Hogan, JMC Academy
340. Tooran Alizadeh, The University of Sydney
341. Quah Ee Ling, University of Wollongong
342. Abdul Hadi Shah-Idil, Charles Sturt University
343. Zahra Taheri, Australian National University
344. Andrew Whelan, University of Wollongong
345. Kathryn Henne, Australian National University
346. Cristina Rocha, Western Sydney University
347. Greg Giannis, La Trobe University
348. Bonnie Jane Gordon, University of Melbourne
349. Rhiannon Bandiera, Maynooth University
350. Sophie Hardcastle, UNSW
351. Niall Edwards-FitzSimons, The University of Sydney
352. Mouna Elmir, University of Sydney
353. Achini Imesha Munasinghe Vitanege, Swinburne Online
354. Emma Rayward, Western Sydney University
355. Felicity Royds, Monash
356. Robert Brennan, University of Sydney
357. Adam Brown, Mt Maria College Mitchelton
358. Emma Ismawi, Collarts
359. Wahib Ali, RMIT University
360. Charlotte Mertens, University of Melbourne
361. Lisa L. Wynn, Macquarie University
362. Cyma Hibri, The University of Sydney
363. Tony Williams, Monash University
364. Rawah, Independent
365. Karla Elliott, Monash University
366. Joe Hughes, University of Melbourne
367. Yung En Chee, University of Melbourne
368. Mykaela Saunders, The University of Sydney

Palestine and Australian Academics

OPEN LETTER

376. Ramila Chanisheff, University of South Australia
377. Imad Mustafa, Iwaa aged care
378. Husnia Underabi, Western Sydney University
379. Arzu Yilmaz, Your Community Health
380. Sven Schottmann, Griffith University
381. Ania Anderst, The George Institute for Global Health
382. Alanna Kamp, Western Sydney University
383. Karen Burd, Griffith University
384. Mokh. Arif Bakhtiyar, Curtin University
385. Taelah Daley, UOW
386. Jane Brophy, University of Melbourne
387. Siti Rohmanatin Fitriani, University of South Australia
388. Sky Croeser, Curtin University
389. Lara Fielding, University of Melbourne
390. Sujatha Fernandes, University of Sydney
391. Annie Werner, University of Wollongong
392. Peker Ruska, RMIT
393. Maria Ishaq Bhatti, Western Sydney University
394. Tartila, Murdoch university
395. Sabrina Islam, University of Melbourne
396. Rebecca Scott Bray, The University of Sydney
397. Naama Blatman, The University of Sydney
398. Fuad Fudiyartanto, University of South Australia
399. Paul Kelaita, University of Sydney
400. Liz Conor, La Trobe University
401. Merve Onder, ICMG
402. Kazi S Rashid, Western Sydney University
403. Anna Dunn, University of Sydney
404. Jeremy George, The University of Melbourne
405. Fahim said Hashimy, University of South Australia
406. Sherine Al Shallah, University of New South Wales
407. Rhonda Itaoui, Western Sydney University
408. Noam Peleg, University of New South Wales
409. Abdul Rahman, University of South Australia
410. Suleyman Sertkaya, Charles Sturt University
411. Aisya, University of Queensland
412. Mostafa El-Gashingi, Charles Sturt University
413. Christine Hatton, Newcastle University
414. Elliot Dolan-Evans, Monash University
415. Paul Russell, Victoria University
416. Geoffrey Mead, The University of Melbourne
417. Elizabeth Dowding, UNSW
418. Brett Woods, Victoria University
419. Cat Hope, Monash University
420. Sam Coulter, Griffith University
421. Helen Keane, Australian National University
422. David Carter, University of Queensland
423. Niro Kandasamy, Australian Catholic University
424. Amy Thomas, UTS
425. Liam o'sullivan, Griffith University
426. Effie Sfrantzis, Independent
427. Charlotte Epstein, The University of Sydney
428. Mary Lou Rasmussen, ANU
429. Aisha Ismail, Monash University
430. Daud Batchelor, Australasian Muslim Times
431. Alison Holland, Macquarie university
432. Elias Nasser, University of Wollongong
433. Jake Lynch, University of Sydney
434. Cut Dhia Fadhilah, University of South Australia
435. Ann El Khoury, University of Sydney
436. Mark Bahnisch, Intercultural Communication Australia
437. Kate Clayton, La Trobe University
438. Michael Clarke, Australian National University

Palestine and Australian Academics

OPEN LETTER

446. Karen Crawley, Griffith University
447. Muhammad Mus'ab Yusof, ANU
448. Kareem Akila, ANU
449. Deborah Cleland, ANU
450. Sahiba Maqbool, La Trobe Law School
451. Tulsi Achia, University of Queensland
452. Cheuk Yui Kwong, Australian National University
453. Mandy Truong, Monash University
454. Mathew Marques, La Trobe University
455. David Au, Victoria University
456. Michelle Ryan, Australian National University
457. Ayema Samnakay
458. Chad Toprak, RMIT University
459. Patrick Thomsen, Griffith University
460. Brian p Brophy, University of Adelaide
461. Nadeen Madkour, University of New South Wales
462. Anastasia Gramatakos, University of Melbourne
463. Edward Clarke, Federation University Australia
464. Poppy de Souza, Griffith University and University of New South Wales
465. Jacob Ian Forsyth, Western Sydney University
466. Winnifred Louis, University of Queensland
467. Kathy Bowrey, University of New South Wales
468. Micah Goldwater, University of Sydney
469. Simon Farley, University of Melbourne
470. Paul Byron, UTS
471. Shaazia Esat, Murdoch University
472. Connie Musolino, Flinders University
473. Lana Laham, Victoria University
474. Kirk Graham, UQ
475. Hafsa Pirzada, Griffith University
476. Zelmarie Cantillon, Western Sydney University
477. Darren Austin, La Trobe University
478. Maria Elander, La Trobe University
479. Jessica Gerrard, University of Melbourne
480. Teresa Jopson, Australian National University
481. Louise Olliff, University of Melbourne and Western Sydney University
482. Jan Breckenridge, UNSW
483. Reema Alqassem, Monash University
484. Adrian Farrugia, La Trobe University
485. Elene Papazoglou, RMIT University
486. Sarah Maddison, University of Melbourne
487. Mia Martin Hobbs, University of Melbourne
488. Gabrielle Appleby, UNSW
489. Sianan Healy, La Trobe University
490. Naser Alziyadat, Murdoch University
491. Eden Bywater, University of Queensland
492. Sonia Qadir, UNSW Sydney
493. Kyle Smith, Queensland University of Technology
494. Bonnie Evans, University of Queensland
495. Angela Smith, UNSW
496. Anita Trezona, Deakin University
497. Christopher Teuma
498. Tash Reynolds, University of Adelaide
499. Mark Clayton, University of Queensland
500. Sharon Honeywood, Sydney university
501. Katimarie Finn, La Trobe University
502. Alice Gorman, Flinders University
503. Rawan abuyosef, UQ
504. Emma Green, University of Technology Sydney
505. Evan Lawless, Curtin University
506. Felicity Castagna, Western Sydney University
507. Rajni Gamage, University of Queensland
508. Cormac Opdebeeck, Wilson University of Queensland

Palestine and Australian Academics

OPEN LETTER

516. Halima Goss, Griffith University
517. Sidrah Samnakay, University of Western Australia
518. Jane Haggis, Flinders University
519. Alison Pullen, Macquarie University
520. Richard Joyce, Monash University
521. Daniel Palmer, RMIT
522. Madelaine Chiam, La Trobe University
523. Ali Asgher Ali Formerly, Macquarie University
524. Leah Williams Veazey, University of Sydney
525. Maria, University SA
526. Stephen Morgan, Queen Mary University of London
527. Yasmin Chilmeran, Swedish Institute of International Affairs, Monash GPS
528. Blair Williams, The Australian National University
529. Cass Lynch, Curtin University
530. Areej Yousef, Griffith University
531. Sabah Rind, Curtin University
532. Natalia Figueroa, University of Technology Sydney
533. Noor, University of Queensland
534. Nazar Imam Khan, Jamia Millia Islamia
535. Monica Campo, Women's Legal Service Victoria
536. Fulya Seker, Southern Cross University
537. Kelly, University of Wollongong
538. Shaun Wilson, Macquarie University
539. Jason MacLeod, The University of Sydney
540. Laura Roberts, Flinders University
541. Nida Denson, Western Sydney University
542. Shannon Kurt Brincat, University of the Sunshine Coast
543. Sumaiya Muyeen, University of Melbourne
544. Paola Balla, Victoria University
545. Sam Bowker, Charles Sturt University
546. Roxanne Moore, University of WA/ New York University
547. John Keane, University of Sydney
548. Jade McGarry, Griffith University
549. Nadia Niaz, The University of Melbourne
550. Julia Pelosi, ACU
551. Lu Lin, RMIT University
552. Wajeehah Aayeshah, University of Melbourne
553. Marianne van Galen Dickie, USQ
554. Abigail Fisher, University of Melbourne
555. Cameron Hurst, University of Melbourne
556. Kirsty Fentiman, Murdoch University
557. David Charles Harris, Monash University
558. Nicholas Anderson, University of Melbourne
559. Lara Kawtarani, University of Sydney
560. Jacqueline Mackaway, Macquarie University
561. Mehrnosh Lajevardi Fatemi, Western Sydney University
562. Justine Poon, Australian National University
563. Dianty Ningrum, Monash University
564. Kathleen Ann Butler, Victoria University
565. Shoshana Rosenberg, Curtin University
566. Nick Apoifis, UNSW
567. Ben Spies-Butcher, Macquarie University
568. Dadung Muktiono, University of Sydney
569. William Clapton, University of New South Wales
570. Jawad Al Majedi, Griffith University
571. Debra Kunda, Swinburne University of Technology
572. Gary Foley, Victoria University
573. Brett Martin, University of Western Australia.
574. Kim Munro, RMIT University
575. Lisa Radford, University of Melbourne
576. Charlie Sofu, Monash University
577. Clare Land, Victoria University
578. Benji Doyle, La Trobe University

POWERED BY



Palestine and Australian Academics

OPEN LETTER

586. David H McKinnon Edith, Cowan University
587. Kathleen Dunning
588. Zoë Jay, University of Tasmania
589. Semra Mese, Australian Catholic University
590. Hanne Worsoe, University of Queensland
591. Hadil Albarqi, University of Melbourne
592. Christian Meng Fai Liu, Monash University
593. Monica Keily, La Trobe University
594. Chloe Sinclair, University of Sydney
595. Steve Bell, University of Queensland
596. Maazuza Othman, RMIT University
597. Jyhene kebsi, Macquarie University
598. Claire Weiss, La Trobe University
599. Nur Shkemi, University of Melbourne
600. Mahmut Temurci, University of Melbourne
601. Jessica Kirk, Griffith University
602. Amelia Johns, UTS
603. Timothy Thornton
604. Molly Murphy, University of Queensland
605. Sahar Bajis, UNSW
606. Will Bracks, Victoria University
607. Mohammed Moishin, University of Southern Queensland
608. Souha Korbatiéh, Monash University
609. Chris Rodd, Independent
610. Lubna HADDAD, Macquarie University
611. Emad E Soliman, Independent
612. David Ellison, Griffith University
613. Diana El Masri, UWS
614. Rini Akmeliawati, University of Adelaide
615. Rosanna Taylor, UTS
616. Catalina Labra Odde, La Trobe University
617. France Karrubee, Independent
618. Tim King, Independent
619. Mary Goring, Independent
620. Jordan Wood, Griffith University
621. Tim Calabria, La Trobe University
622. Georgina Murray, Griffith University
623. Zehra La, Trobe University
624. Alan Hill, RMIT
625. Kamran Khalid, University of Sydney
626. Andrew Dougall, University of Queensland
627. Heather Valerio, University of New South Wales
628. Alexandra Roginski, Deakin University
629. Bianca Ibrahim, Western Sydney University
630. Rami AR, University of Tasmania
631. Omar AlMutoteh, University of Warwick
632. Leticia Funston, Sydney University
633. Yasmin Khan, Griffith University
634. Bilquis Ghani, University of Technology Sydney
635. Shabana khan, Western Sydney University
636. Rossella Tisci, Macquarie University
637. Tania Canas, University of Melbourne
638. Sadiq Abubakar, UNSW
639. Samira alimi, Deakin university
640. Diarmaid Harkin, Deakin University
641. Dalia Bajis, University of Sydney
642. Derya Iner Charles Sturt University
643. Marissa Dooris, University of Queensland
644. Azeem Mushtaq, NCBAE
645. Peter Klostos, University of Sydney
646. Sen Ada, Victoria University
647. Antonina Gentile, Macquarie University
648. Rosario Citriniti

Palestine and Australian Academics

OPEN LETTER

656. Mohammad Abdul-hwas, University of Canberra
657. Omar quiader, Independent
658. Elias adam, Independent
659. Maria Pia Lima, Italian Miur
660. Michael Fox, AM Access Australia
661. William Collins, University of Tasmania
662. Michael McKinley, Australian National University
663. Doug Hewitt, Formerly Australian Catholic University
664. Ian Hamilton McNicol
665. Ala MOHD Mustafa, Queensland University
666. Chris Nyland, Monash University
667. Elspeth Liberty, University of New England
668. Wendy Michaels, University of Newcastle
669. Margaret Scally
670. Oscar Granowski, Deakin University
671. Marie kennedy-burdekin
672. Barry Matthew Dale
673. Raymond Markey, Macquarie University
674. John Mester
675. Chris Geraghty
676. Henry Reynolds, University of Tasmania
677. Hans Rijdsdijk
678. Terry Mcauliffe, UNE
679. John Wallace
680. Bob Aikenhead, La Trobe University
681. Wayne Sanderson, UQ
682. Scott MacWilliam, ANU
683. Ron A Witton, University of Wollongong
684. John BRENNAN
685. Eberhard Frank, Adelaide University
686. Joyce Priest
687. Ginny Dixon Lowndes, Griffith University
688. Aaron Flanagan, RMIT
689. Alice Beauchamp, University of Sydney
690. Joseph Anthony Camilleri, La Trobe University
691. Paul Dickie
692. Ronald Kenneth Chute, Charles Darwin University
693. Martin Munz, Independent
694. Leslie Bravery
695. Judy Hemming, University of Canberra and Australian National University
696. BURT JOHNS
697. Haskell Musry, University of Technology Sydney
698. Sidney James Boucher
699. Raymond Millikin
700. Maria P Harries, University of Western Australia
701. Mac Halliday
702. David Coady, University of Tasmania
703. Terence Frank
704. Jane Kenway, Monash University
705. Rory McGuire
706. Lama Al Ramahi, Notre Dame University & University of New England
707. Claude Mostowik
708. Elizabeth Dale, University of Sydney
709. Michael Melki, University of Technology Sydney
710. Mike Callanan
711. Jack Dale, Ikon institute
712. Francis Flannery
713. Mark Diesendorf, UNSW
714. Amarjit Kaur, University of New England
715. Olivia Tasevski, University of Melbourne
716. Megan Evans, UNSW
717. Maryam Alizada, Flinders University
718. Roma Lois Dix

POWERED BY

of Sydney
of South Australia

Palestine and Australian Academics

OPEN LETTER

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-6" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-6

From: [Loren Mowszowski](#)
To: [Sharon Naismith](#)
Subject: Further information re. my recent experiences at the University
Date: Friday, 21 June 2024 12:15:00 PM
Attachments: [image001.png](#)

Dear Sharon,

Thank you for your support of my recent decision to resign from my Senior Research Fellow position with the HBA Program at BMC.

In our discussions, I shared that while there have been several contributing factors, the broader catalyst for my decision to resign from my role at this particular time has been the challenging environment that I have experienced at the University as a Jewish staff member over the last 7 months. Thank you for asking me to provide more information about this, and I understand that you may also raise this with the BMC Executive and our Head of School. This is not necessarily my aim, since as you'll see below, I feel I have already brought the issues to the attention of the University leadership and HR. However, if you would like to liaise with BMC and Psychology, I'm ok with you sharing the information.

There have been many issues and events in the last 8 months that have been distressing and disturbing. I have made multiple complaints to the Vice Chancellor's Office myself and as a member of the 5A group since November last year. The 5A group is the University of Sydney chapter of the Australian Academic Alliance Against Antisemitism, a grassroots organisation formed in the aftermath of the October 7 terror attacks in Israel last year, to respond to the ensuing antisemitic and anti-Zionist events on university campuses around the country. Our University of Sydney chapter comprises over 50 academic and professional staff, both Jewish and non-Jewish.

While I mentioned some of these issues in brief conversations with you, I acknowledge that I did not formally raise this with you. On reflection, I understand that I was trying very hard not to let the stress and preoccupation of these events hinder my productivity or work relationships, and I also wanted to protect myself by avoiding having the issues raised so prominently in my immediate work space, as I felt that the hostility and intimidation had not been readily apparent at the BMC as they have been on main campus. I have felt lucky to be somewhat sheltered from the full impact, in this regard.

With my resignation, I now feel more comfortable to speak openly about this. I appreciate you expressing your disappointment that this has been has my experience, and asking for more information to understand my perspective.

I can't provide a full list of the issues that have affected me both directly and indirectly, as there have been almost daily distressing incidents of hostility, political grandstanding, and intimidation both on campus and via digital University communication channels. The VC's office is fully aware of the multitude of issues due to regular communication from the 5A group with Mark Scott and Darren Goodsir. I think it is sufficient to provide a few brief examples here.

- The most distressing and frightening incident that affected me directly was the publication by a University academic on social media of internal University correspondence regarding

the October 7 attack and the Israel-Gaza war, accompanied by a ‘doxxing’ of my name and workplace (along with a small group of co-signatories), and a sarcastic, intimidatory, and offensive caption. Concurrently, the internal correspondence included an intimidating and borderline threatening comment from another academic staff member, insinuating that our small group should be isolated and ostracised by the University community due to our opinions on the matter. Both incidents were distressing enough, but were then further exacerbated by a lack of response from the University leadership until I made a further complaint, and subsequent to this, what I felt was an unsatisfactory 5-month process of University investigation and outcome. After my first complaint about these incidents on 09/11/2023, the process was only resolved recently, on 21/05/2024. As I have communicated to HR throughout, this process has been unacceptable and has prolonged the feelings of intimidation, concern for my physical safety and for reputational damage, and distress. The incident was recently covered in a national media publication, but I was not able to make any comment due to a University confidentiality order. *I have been asked to note that I am referring to this complaint process on an understanding that this will be kept confidential, but that if you wish to obtain further details regarding this process, you can contact Jodi Dickson, Workplace Relations Director, for additional information*.

- Other incidents include numerous protest and/or demonstration activities on campus which have been openly hostile and intimidatory, including the use of extremist flags, posters, images and chants that are recognised across the world as promoting hate speech and antisemitism, and that have also been used worldwide for invoking violence against Jews. The University has refused to take a stand on this, hiding behind semantics and free speech, and effectively ignoring multiple reports of concern, distress, and fear from Jewish staff and students. I know of several staff members who have taken sick leave or required flexible work arrangements to avoid attending main campus, as well as several students who have been too fearful or uncomfortable to attend university lectures or events because of this.
- There have been several occasions where University staff have inappropriately used official University communication channels (email, Yammer) to further their own political agenda, including one stand-out email sent under the guise of circulating a 2024 calendar – a supposedly ‘mistakenly named’ attachment to an administrative email that was instead an unsolicited distribution of propaganda material. There are other such examples of politically charged, inappropriate communications which encroach on day-to-day University business.
- There have been multiple disruptions to core teaching on campus, including the distressing, hostile and unwelcome disruption of a fellow Psychology academic’s lecture earlier this year by a group of pro-Palestinian activists.
- The Pro-Palestinian encampment has been allowed to remain on campus for over 8 weeks, despite clear disruption to University ‘business as usual’ (including graduation activities), damage to University lands and property, use of extremist flags, images and chants as noted above, hosting of a children’s activity including indoctrination and invocation of hate speech by an academic from Macquarie University, and infiltration by extremist groups not affiliated with the University at all. This has become more widely known since the recent media exposure on 60 Minutes last week of an international Jihadist group’s involvement with the encampment, but has been going on since the beginning, with no apparent concern or action from the University.

It's important to note that these events have occurred against a backdrop of an enormous and appalling surge in antisemitism worldwide, including here in Sydney (who can forget the vile Opera House chants of 'F the Jews' on 9th October last year) – as recently acknowledged by both the Prime Minister and the Opposition Leader.

The effects of these various events on me have been emotional (distress, fear, anxiety), cognitive (poor concentration, distractibility, overwhelm) and behavioural (avoiding main campus, avoiding University communications e.g. Yammer). I have been afraid to wear my Star of David necklace on University grounds if I cannot easily hide it under my clothing, in the event of a potential confrontation or if I encounter a protest. I no longer talk with colleagues about Jewish holidays or weekly Sabbath activities. This has made me angry and upset. I have also felt confused, as I have felt a moral obligation to advocate for Jewish staff and students during this time, most prominently through my involvement with 5A, and while this is an honour, it has been exhausting and often feels futile. While the University leadership has been reasonably receptive to hearing these concerns, there has been minimal action or response, and the overwhelming perspective within the Jewish community is that the University of Sydney is a hotbed of vile antisemitism. I know of several families where young adults are no longer considering attending USyd for tertiary studies because of the current atmosphere and events.

The cumulative effects of these issues have worn me down. I have felt disregarded and undervalued by the University. In recent months, this has not been a culturally safe or inclusive workplace for me as a Jew, and I do not feel that it is a place where I can do my best work. After such a fruitful career and so much learning, development and professional and personal achievement here at the University, the last few months have been heartbreaking.

Thank you for taking the time to read this. Please note as above, that if you feel it's important to have any further information regarding the confidential complaint process I mentioned in my first point, please contact Jodi Dickson.

Kind regards,
Loren

DR LOREN MOWSZOWSKI, MAPS FCCN
Senior Research Fellow | Clinical Neuropsychologist |
Leader, Cognitive Intervention Research Stream, Healthy Brain Ageing Program

Available Mondays, 8am - 4pm; Wednesdays, 12.30-4pm

The University of Sydney
Brain and Mind Centre; Faculty of Science, School of Psychology



From: [Loren Mowszowski](#)
To: [Sharon Naismith](#)
Subject: RE: Resignation from the Healthy Brain Ageing Program
Date: Thursday, 13 June 2024 11:50:00 PM
Attachments: [image001.png](#)

Dear Sharon,

Thank you for your kind words and for your support of my decision.

I also appreciate you offering to take up the challenges I've experienced in recent months with higher management. While I have liaised directly with the Vice Chancellor's Office and subsequently HR myself and also as a member of the USyd chapter of the Australian Academic Alliance Against Antisemitism over the last few months, I recognise that perhaps I should have notified you more directly about these issues as well. I mentioned the challenges briefly in a couple of conversations, but did not necessarily formalise this, and perhaps did not convey the extent of it or the personal impact on me as I was trying very hard not to let it affect my productivity. I think I also did not want to draw attention to my Jewish identity in this context, within the BMC where (to-date) there has not been overt hostility – I did not want to risk bringing the issues to the fore at BMC as they are within the broader digital University space and on main campus.

In terms of listing out specifics, the main issue that has directly affected me is subject to confidentiality per HR's directive, and I will need to consult them to see whether I can discuss it with you. Other issues have had an indirect, but cumulative effect, and are not subject to confidentiality.

I will contact HR on Monday and come back to you.

Best wishes,
Loren

DR LOREN MOWSZOWSKI, MAPS FCCN
Senior Research Fellow | Clinical Neuropsychologist |
Leader, Cognitive Intervention Research Stream, Healthy Brain Ageing Program

Available Mondays, 8am - 4pm; Wednesdays, 12.30-4pm

The University of Sydney
Brain and Mind Centre; Faculty of Science, School of Psychology



From: Sharon Naismith <sharon.naismith@sydney.edu.au>
Sent: Thursday, June 13, 2024 10:01 AM
To: Loren Mowszowski <loren.mowszowski@sydney.edu.au>; Lisa Vizza

<lisa.vizza@sydney.edu.au>

Subject: Re: Resignation from the Healthy Brain Ageing Program

Dear Loren,

Thanks for sending this resignation along in writing. I am of course saddened to be losing you but do understand we can't keep you forever and you must spread your wings! I am most disappointed to hear of your discontent with the University regarding issues of importance to the Jewish community and will certainly like raise this issue with higher management. If you have any time to document a few of these, I would like to share this with our head of school and BMC Executive. I understand if you'd rather not do this.

I have copied [@Lisa Vizza](#) here who can advise how challenging it will be to change the contract or whether we are best just to proceed with submitting this to workday as a formal resignation, and setting something up casually.

I'd like to take this opportunity to thank you for your enormous contributions to the development, leadership and operations of HBA over the last 15 years Loren, and for your invaluable support of the team and playing a major role in the conduct and integrity of the HBA clinic and data collection. You will be missed!

Warmest regards,
Sharon

From: Loren Mowszowski <loren.mowszowski@sydney.edu.au>

Date: Thursday, 13 June 2024 at 9:19 AM

To: Sharon Naismith <sharon.naismith@sydney.edu.au>

Subject: Resignation from the Healthy Brain Ageing Program

Dear Sharon,

Thanks for taking the time to meet with me yesterday afternoon. I am sending this email in follow-up to our discussion, to formally document my decision to resign from my role as Senior Research Fellow in the Healthy Brain Ageing program.

As discussed yesterday, a number of factors have contributed to this decision. Recently, I have reached several key milestones and achievements within the projects I am working on, and I see that my role across these projects is naturally moving into a stage of decreasing active involvement. Concurrently, I have felt that the environment at the University in the last 6-7 months has been very challenging and uncomfortable for me as a Jewish person, and I don't feel that the University has responded satisfactorily. Taking these factors together, I feel this is the right time for me to move on from this role and to explore new pathways in my career.

I want to thank you sincerely for your support, mentorship, and leadership during my 15 years with the Healthy Brain Ageing team. You have taught me so much, helped to develop my skills as a researcher and academic, and provided opportunities for me to build expertise and

collaborations. It has been a pleasure and a privilege to work with you and learn from you, and to work alongside the incredible HBA team.

As discussed yesterday, my last day in the role at 0.3 FTE will be 10th July 2024. However, you have suggested that it would be helpful for me to have a graded reduction in capacity, e.g. to continue with 0.1 FTE for 3-4 weeks or on a casual basis, thereafter. I am happy to do this and have sought guidance from our team's research manager as to the best way forward with this, from a contracting perspective.

Kind regards,
Loren

DR LOREN MOWSZOWSKI, MAPS FCCN
Senior Research Fellow | Clinical Neuropsychologist |
Leader, Cognitive Intervention Research Stream, Healthy Brain Ageing Program

Available Mondays, 8am - 4pm; Wednesdays, 12.30-4pm

The University of Sydney
Brain and Mind Centre; Faculty of Science, School of Psychology
100 Mallett St, Camperdown NSW 2050
T +61 2 9351 0757 | F +61 2 9351 0551
e loren.mowszowski@sydney.edu.au | w <https://sydney.edu.au/brain-mind/>



Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

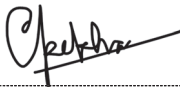
John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-7" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-7

In your opinion, what are the most positive aspects of working at the University? (Required)

This is a really hard question because there are so many aspects. I value the educational innovation team and their work to improve the experience for students but I have found it difficult to connect successfully with them at a faculty level although the central EI team is fantastic. Education is valued and there are options for staff to improve their teaching such as the grad cert, MPLF and Fellowship of the HEA program and support.

But at other levels my experience has been less positive - including within my faculty and my school. There are some good people there but there are also really difficult people who make life stressful and impact my mental health and wellbeing. Throughout my 10+ years at the uni, I have been bullied, ignored, publicly humiliated, denied promotion support, told not to apply for promotion because I would not get it, subject to antisemitism and excluded from a range of team based activities. I have used the union for support on one occasion and sought out peer supports on other occasions. Ultimately I sought a safe place to be in the uni by volunteering for university-wide projects, aligning myself with educational innovation staff and teaching outside of my discipline wherever possible.

I value the genuine support for diversity. I have been involved in projects supporting gender equity and disability equity and I do believe the university is supportive of people of diverse backgrounds whatever they may be. However, the focus on first nations people is problematic. I totally support the need for cultural competence but I believe it should be broader than just first nations people. What about being culturally supportive of other cultures?

On a scale of 0 to 10 (1 = Not at all likely, 10 = Extremely likely), how likely would you be to recommend this University as a great place to work? (Required)

It depends on the person and the place they would work. For someone Jewish, at this point in time, I would say absolutely do not work at USYD. The level of antisemitism is just too high and it is not safe to identify as Jewish on campus right now. For others I would ask about their priorities and robustness. There is a lot of pressure at Sydney and the praise is all for the super high-flyers. If you plan to have millions of dollars of grants etc, then it is a great place to work. But for someone just happy to come to work, do a good job, support students etc. it is not a great place to work because there is just not enough value for what we do.

I have provided guest lectures at other unis where they get so excited about my background, publications etc and say "we are so grateful for your expertise etc" to the students. That is just missing I think at USYD.

What are the main factors that contributed to you accepting a job with us before you commenced work here? (Please select up to three options) (Required)

- Flexible work arrangements
- Learning and development opportunities
- Skill fit

What are your main reasons for deciding to leave the University ? (Please select up to three options) (Required)



A screenshot of a survey form with a white background and a thin grey border. It contains four grey rectangular buttons, each with a small 'x' icon on the left and a hamburger menu icon on the right. The buttons are stacked vertically and contain the following text:

- × Dissatisfaction with workplace culture and / or values
- × To pursue a better career path / new opportunities
- × Dissatisfaction with the University's leadership and direction
- × Relationship with my team members

What is your reasoning for selecting the answers above? (Required)

I did my PhD at USYD, it was close to home, I could work part-time whilst raising my family and it seemed like a "good fit".

Since the merger into the larger faculty of Medicine and Health, there have been some odd hierarchies created which means that some of the leadership positions are filled by junior staff and this has been stressful. The work culture is good if you consider that this means people encouraging you to take sick leave if you are sick, don't over work on the weekends etc but this feels superficial. To me, a more important work culture is about how we as a team work together to achieve best outcomes for students. We used to do this but the new leadership is lacking skills in this space. It feels like the program director is making the decisions and consulting with the rest of the team about her decisions. This is not team work! Between us we have many many years of experience here and in other universities. As a brilliant, bright, motivated group of staff we could create something brilliant but that is not what happens. I think the current leaders are scared to involve the longstanding staff members in case that makes them look less like leaders but for me a true leader is able to guide a team to the best outcome without needing to "lead" every discussion.

In your own words, please describe your main reasons for deciding to leave the University: (Required)

My children are now adults and I am able to think about my own career and what I want not only what is most convenient for my family. I am constantly frustrated by the way my discipline behave. I have worked at the uni for over ten years and only in the last year have I been invited by a member of my discipline to join a grant application - and only because I brought in the PhD student. I have not been included on other PhD supervisory teams, or grant writing teams and have really needed to find my supports elsewhere.

The position I am going to is a leadership position (level D) and they looked at my CV and were impressed and excited about what I bring - the team at Sydney just aren't interested. I am regarded as being innovative by educational innovation, by other leaders in the faculty and others in the wider university but the messaging I receive from the speech pathology discipline is that they want me to be less innovative, that innovation is not good for students etc. I feel suffocated by the speech pathology team at USYD and I need to work somewhere that my innovation is celebrated.

What did you like most about your role here at the University? (Required)

In my role as faculty disability liaison officer I was able to work with a range of academics to genuinely support students with a disability or chronic condition. This work had a good deal of autonomy which I valued and my work was respected and valued

If you could change one thing about the University what would it be? (Required)

Spread the concepts of cultural competence beyond just first nations people and teach others how to be respectful of a range of cultures.

Please provide any additional comments, final thoughts, feedback or suggestions you may have: (Required)

I am sad to leave - it is a long time that I have been involved with USYD as first PhD student and then staff member but I am looking forward to the new challenges in my new role. I think I need a change - the ongoing burden of not feeling valued is exhausting.

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

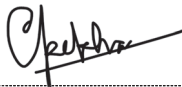
John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-8" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025



From: Kelsey Rimmer <k.rimmer@usu.edu.au> **On Behalf Of** Director Programs
Sent: Thursday, March 7, 2024 9:35 AM
To: [REDACTED]
Subject: RE: Intifada, Hamas and Solidarity

Dear [REDACTED]

Thank you for reaching out. Sincere apologies in the delay in getting back to you.

The USU works closely with the University to ensure that we are facilitating a safe campus for all our members. We strongly believe that every member should feel supported, safe and feel welcomed on campus.

'Solidarity' is not registered with the USU, and as such we unfortunately have no oversight of their actions currently. We have and will continue to work with Security Services and the Student Life team to monitor and provide support to all our impacted members. If there are instances where the USU logo or emblem is being misused, we try to mitigate this. The views of registered USU Clubs and Societies remain their own and does not represent the USU leadership or management. The use of University spaces is also not controlled or overseen by the USU.

Please let us know if you require any further assistance or support.

Warm Regards,

KELSEY RIMMER (she/her)
CLUBS & SOCIETIES MANAGER



USU acknowledges the Gadigal people of the Eora Nation, who are the traditional owners of the land on which we walk, work, and gather. We pay our respects to Aboriginal Elders, past present and emerging, and we extend this acknowledgement to any other Aboriginal and Torres Strait Islander people.

This email and any attachments to it are confidential. Any unauthorised use is strictly prohibited. If you receive this email in error, please delete it and any attachments.

From: [REDACTED]
Sent: Wednesday, February 28, 2024 3:21 PM
To: Director Programs <d.programs@usu.edu.au>
Subject: Intifada, Hamas and Solidarity

Hi,

The Solidarity Students organisation has so far planned (at least) 2 events in the last 6 months championing Hamas, which has been a federally proscribed terrorist organisation since 2001. The posters for these events, placed all over campus, include images from the October 7 massacre. The first was 'the case for global intifada' on 1/11/23, which is unequivocally a call to violence, and the second is the 'who is Hamas' event on 28/02/24.

Jewish students have been avoiding coming to campus for fear of violence, let alone verbal harassment, which many of us deal with as simply a cost of existing in society. The fact that a USU organisation can implicitly call for violence against a minority group, and not face any consequences, is outrageous, it beggars belief that Solidarity is still a part of USU and allowed to use USYD spaces.

These issues are outside the realm of free speech and protest. Calling for a global intifada is an explicit call for violence and terror. I did not attend due to fear for my safety, but I doubt the 'who is Hamas' event was focused on the organisations murderous history and horrific ideologies. Again, as a fairly rational person who is absolutely in favour of the right to free speech and protest, I cannot rationalise how such an organisation continues to bear the USU and USYD banner, and use their premises.

I would really appreciate any explanation or answer.

Thanks,





From: [REDACTED]
Sent: Friday, May 10, 2024 11:41 AM
To: vice.chancellor@sydney.edu.au
Subject: Campus Safety and Jews

Dear Vice Chancellor,

I have opened the university complaints form several times recently, but I do not have faith in the system that anything positive will come from my actions. I am also dissuaded by the fact that the experiences of Jews on campus do not fit properly into any of the categories listed, so I am raising my voice here.

I would like to refer to the right to free speech and its corresponding responsibility, and enforcement of the university code regarding these issues. The rights of protestors, including those at the encampment, should not be infringed upon, yet there must also be responsibility for those stretching the limits of their free speech. When a group of students planned an event titled The Case for a Global Intifada, and the university stepped in to shut it down, I had some hope for the quiet and safety on campus. When the same group hosted an event titled Who is Hamas, which then took place on campus, I did not understand how has there been no disciplinary action. That an official student club and its members can continue openly supporting a proscribed terrorist group, and calling for violence against a visible minority, without fear of consequences, is purely astounding.

As to the word intifada, Jews have been familiar with the term far before the 7th of October. Prior to the war, when the word was referenced in our communities, it occasionally required a clarifying question, "which intifada; of stones, bombs, or knives?" Linguists and scholars can debate the etymology or contexts for the word, but that will not change the fact that for almost twenty years, the Jewish community has associated 'intifada' with suicide bombings and stabbings. For Jews, intifada only has connotations of death and violence, evoked by events in our living memory; we all know victims.

A common deflection by protestors is that they are antizionist, and expressly not antisemitic. Many of their chants and actions cross the line to antisemitism, but that does not cause as much pain as the double standard Jews are subjected to. No other minority is forced to endure such discrimination, and then promptly dismissed and gaslit when pursuing justice and safety. We ask that you prevent people from crying for the violent destruction of our ancient homeland, we request that you act against those calling for a global wave of violence against us, and we are told that expressing these beliefs do not constitute unacceptable behaviour. There is a fringe yet vocal group who dissents, but despite that almost all Jews agree that such things are hateful, our fears are dismissed and our priorities questioned. I am certain if I were to go to campus tomorrow and vilify any individual from a visible ethnic minority about a war their minority is involved in, I would be disciplined, swiftly and justly.

The university has sought to cultivate a campus rich with multiculturalism, freedom of expression, and safety, but Jews don't seem to count. Please act to restore our safety on campus.

Please respond with any further information that may be relevant, and if you have any questions, as a kippa-wearing student I may have some more insights I would be happy to provide.

Regards, [REDACTED]

Upekha Wedage

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Wed, May 29, 2024 at 3:24 PM
Subject: Re: Your Complaint - 24/5193
To: Sophie Carruthers <sophie.carruthers@sydney.edu.au>

Hello again Sophie,

Do you have any update on my complaint? Can I please organise to meet with whoever is dealing with the encampment?

All the best

[REDACTED]

On Fri, 10 May 2024 at 5:50 pm, [REDACTED] wrote:

Hi Sophie,

Thanks for getting back to me.

I would be surprised if the antisemitism on campus remained unknown at this point, but I will outline them for you so as to explain why *"I feel disgusted and ashamed of the antisemitic and ignorant "encampment" that I walk past each day."*

I apologise for the lengthiness or educational tone, but it seems that explaining my concerns are required.

Firstly, and most importantly for me, **my complaint is not only about the antisemitism of the protestors on campus, but largely about the lack of educational response by the university.** I can understand that the university does not take political stances, that is not my expectation. In fact, for what it's worth as someone who has no ties to Israel aside from friendships in the Jewish

and non jewish israeli and australian communities, I don't support much of the Israeli government's stance or actions. But **I do expect the university to be able to provide a balanced historical and political perspective to counter the antisemitic misconstruing of the current and historic situation on campus.** I believe that should be part of the university's duty as an educator.

Antisemitism manifests in a misconstruing of narratives around Jews, "zionism" and the state of Israel. Sadly, many examples of this occurring on the university of sydney campus have been well documented and are becoming increasingly renowned in the media. you quote me as being "ashamed":

there was the time that primary school children were lead in chants of intifada among others.

there was the time that israeli university representatives, attending an exchange expo, were locked inside a hall with protestors, making very misinformed proclamations, with seemingly a spectacularly belated response from the university of sydney.

there is a very troubling group of interviews, i believe conducted by the daily mail, where the encampment protesters are asked about the genocidal attack of october 7th. Each one dismissed the attack and reframed them as part of a resistance, or something that should be expected by people living under "apartheid".

Unfortunately for the university, there are more, all occurring on campus and generally with your iconic quadrangle as a backdrop.

I choose not to engage with the protestors directly. But i provide a number of observations i have made while walking by, or when i have stopped to listen without engaging.

Examples include:

Hearing a man state "I'm not saying that the holocaust didn't happen, im just saying there are questions but what is happening in Gaza now is actually a holocaust". Comparisons to the holocaust are common in the current anti Israel/anti Jew narrative. It works to diminish the holocaust itself and reframe any response to existential threats such as October 7th that Israel has as one of nazis. I'm not Jewish (or religious at all), but when Jewish friends describe how deeply painful that is, I can understand it. Aside from the impacts on many Jews, it is also unfounded. Aside from diminishing or questioning the holocaust, understanding what is happening and determining facts on what is occurring in Gaza is not straight forward and take time. Students making unchallenged claims of genocide or a holocaust, with no actual proof (as is being determined in various courts and governmental discussions around the world currently) while i would assume not being privy to the information that those specialists involved have, reflects not only badly on the universty as their host, but this sort of uninformed opinion is intended to exasperbate hate and misconception of israel and in turn Jews.

My complaint is a hope that education about the history of the region, and it seems, the meaning of words like genocide and apartheid could be undertaken by the university. not with the aim of changing minds but with the aim of countering ignorance and perpetuation of hate on campus. I believe there have been surveys of jewish students suggesting that it is becoming more common for students to avoid campus as they feel uncomfortable. I am, as you quoted "ashamed and disgusted" that universities, including sydney, are ignoring this.

<https://www.abc.net.au/listen/programs/radionational-breakfast/australian-universities-reject-not-safe-label-/103798170>

I don't regard comparisons such as the following generally useful, but in this case, my complaint is precisely about this discrepancy. If a group of students were to complete a survey and express that they feel increasingly unsafe on campus due to their sex, gender or race, I would absolutely hope that the university would not respond by dismissing it. I think that the university has done so in this case is wrong. Again, I understand that the encampments are here for a reason and that they have every right to be, but I am urging the university to respond at the very least, use the knowledge and resources at your disposal to provide some historical education about the situation and encourage people to be more thoughtful about their passionate positions when considering a currently murky situation occurring in a country far away.

I saw another encampment educator stating that as a Jew, she doesn't support Israel's right to exist, she spoke about the land being stolen and the emergence of the state through violent purging of people. She stated that her family had escaped the Holocaust to Israel so it had been important for the survival of her family, but that she didn't support it as a colonial project and thought it shouldn't exist. Firstly, what she said is at the very least contested by historical records and international law, if you would like me to provide the various views on the region of Palestine during the Ottoman Empire, the 20 years or so English Mandate and the creation of Israel, I can, I imagine you don't.

Secondly, she was speaking to an elderly couple from Israel. On campus an Australian person, felt that it was OK to tell people from another country, that their country should not exist. I spoke to the elderly couple afterwards as I could see that they were quite shaken, the man told me that he used to work in administration at the university in the quadrangle many many years ago and had just brought his wife to see the building. I was "ashamed and disgusted" that this was their experience of the university.

I mention interviews with the protestors glossing over the actual genocidal actions and intent of Hamas, as stated in their charter of the 1980s: In summary "The Covenant proclaims that Israel will exist until Islam obliterates it, and jihad against Jews is required until Judgement Day. Compromise over the land is forbidden. The documents promote holy war as divinely ordained, reject political solutions, and call for instilling these views in children."

https://avalon.law.yale.edu/20th_century/hamas.asp

Although there have been additions to this charter, this clear and primary intent has never been removed. Justifying the massacre of October 7th, an outwardly genocidal action, manifesting Hamas' stated intentions is profoundly antisemitic, hateful and dangerous. I, and the general public have heard people on campus speak of violent actions as a struggle against apartheid and land occupation.

Within the borders of Israel, there is no group who has different rights, the 25% non Jewish Arab population attend the same universities, have businesses next to Jewish ones, attend the same hospitals, events, libraries, services, sit on the same bus seats, etc. there are places of worship and religious centres of all types. When I was there, the right wing government removed Arabic as a national language (as in it would no longer be included on street signs etc.). There were huge protests, I am not sure if this terrible policy was passed, but I imagine, with the current right wing majority it did. Nonetheless, this is not apartheid. A major talking point in the protests against this policy was that it went against the declaration of independence:

"The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."

I provide you with this context to demonstrate that, very similar to Australia, there are 1) remote communities of bedouins who live with very much limited resources and advocacy, and 2) jewish, christian, muslim and even secular communities living separately namely around areas with historically important cultural and religious values (such as ein karem, Jaffa and many others), much like you may find in areas of sydney. This is not an apartheid.

Perhaps the protestors are referring to the occupation of areas c and b in the West Bank (as it was named by Jordan when they annexed it after attacking israel in 1948)? Areas that were part of a land-for -peace agreement (the second and third Oslo accords namely) - intended to remain under security control of Israel until an agreed period of peace (where by the PLO would renounce terrorist attacks) and a stable governing authority would be established in palestine. This was something agreed to by both sides, but not upheld, and due to the proximity to major cities like tel aviv and haifa, it would be hard to argue that any country in israel's position would relinquish security control of these areas. Perhaps they are referring to the very sad border wall that israel constructed and which has resulted in a 90% decrease in bombings, stabbings and shootings of civilians in contested areas of israel. Unfortunately, since 2000 Israel on average receives on average 3 rockets or missiles a week from Gaza alone and experiences periods of stabbings, suicide bombings and other forms of attack, meaning that they are still in occupying areas c and b. This is not an apartheid, it is very sad a failed peace process, where in Israel has reacted with increased aggression and sometimes brutal force against Palestinians who have perpetrated brutal violence and a clearly stated intention to erase Israel. Calling it an apartheid perpetuates hate and blame of Jews and is not true. It is very uncomfortable to have to try and defend israel, that is not actually my intention, I do hope to protect the complex and and sad truth though. This is a very complex and sad situation and i hope that the university could work towards tactfully bringing an understanding of just that rather than a defense of either side:

A definition to really beleaguer the point:

Merrimack-Webster:

Apartheid:

racial segregation. specifically : a former policy of segregation and political, social, and economic discrimination against the non-white majority in the Republic of South Africa.

This would mean that the 25% of non-Jewish israeli-Arabs, or even the 30% of north African or middle eastern Jews living in Israel would be segregated and living with a subset of rights. This is not true. You ask for evidence of antisemitism, and I am saying that perpetuating lies like this is antisemitism, it is the groundwork and justification of hate and violence towards Israelis and Jews. I explained in my previous email that the large majority of Israelis (i think its more then 70% in total) and even of the 75% Jewish population (35%) is from the Middle East and North Africa (from which they fled). It also ignores the fact that jews are indigenus with a continuous presence in the area. There are historic towns and villages that are dominated by the different religions throughout the area, but taking jerusalem as an example, jews have always been recorded as being a significant presence, despite various invasions, persecutions and the ottoman millet system. in 1864 the british

consulate in Jerusalem conducted a census and found that there were 8000 Jews of 15000 Jewish, Christian and Muslim residents in the city. "Report on the Commerce of Jerusalem in the Year 1863", May 1864, in the National Archives (UK), Foreign Office (FO) 195/808

They have been there continuously for thousands of years. Yet, on signs and in conversations I have the displeasure to hear at the encampment, the state of Israel is described as a European colonial project and the Jews (many of which come from the Near/Middle East and North Africa) portrayed as invaders. This is anti-Semitic. The immigration of Jews into the area increased around the first and second world war from Russia and Europe for obvious reasons, also due to the lifting of restrictions after being restricted under the British mandate and in the Ottoman Empire's 400 year rule. The creation of Israel (including the West Bank and Gaza) occurred from the British mandate of the fallen Ottoman Empire - as did Jordan, Iraq and Lebanon and Syria from the French mandate. All of these countries are colonial enterprises. The problem, it seems, is that Israel was designated to Jews, an indigenous population, who had faced endless centuries of persecution, largely because they did not have a state, and now face antisemitism because they do. For this reason, many Jews see this kind of attack on Israel as a continuation of antisemitism.

I very commonly hear people and see signs using the word "zionist" as a derogatory term, the Oxford Language's definition of Zionism is:

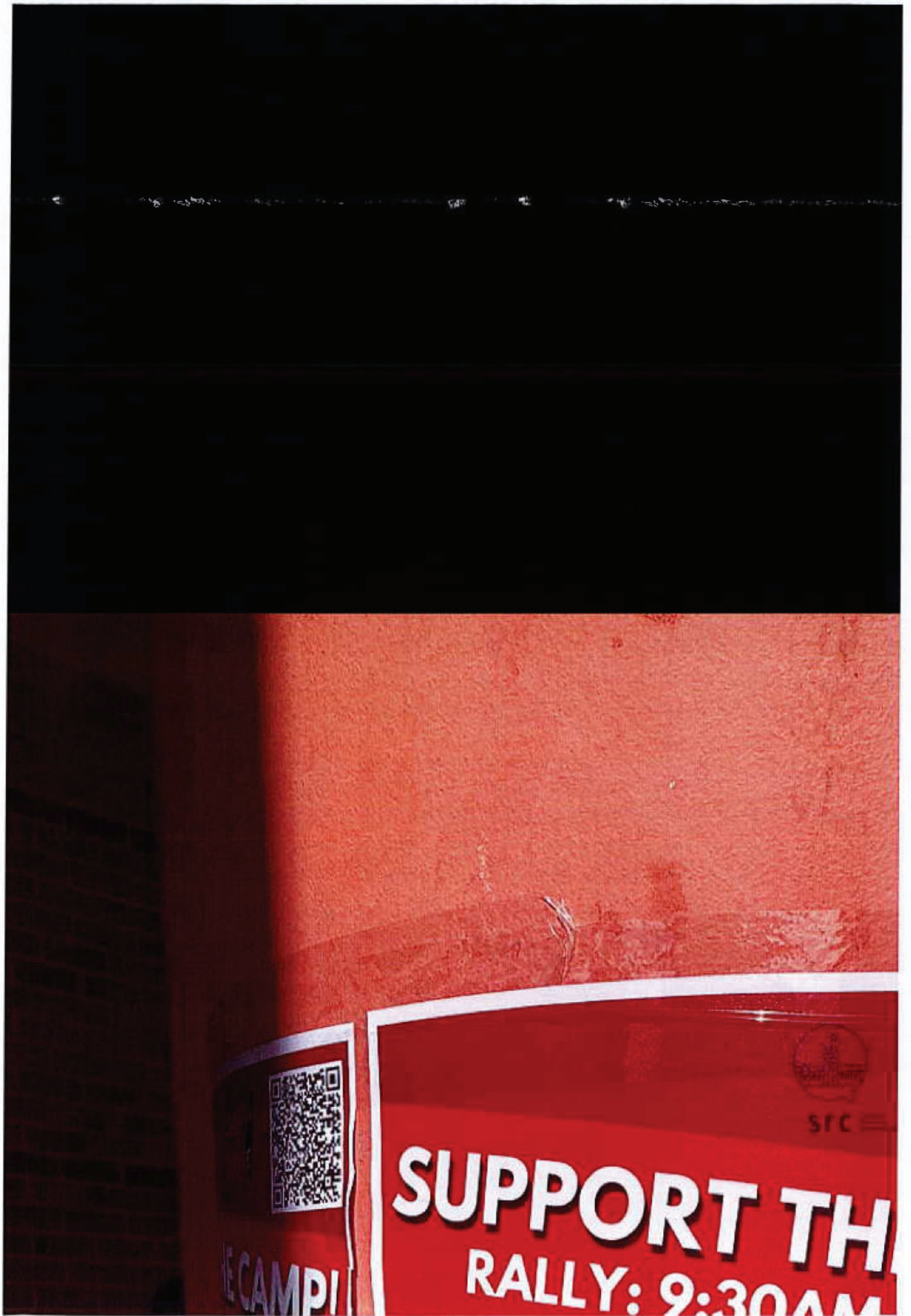
"a supporter of Zionism; a person who believes in the development and protection of a Jewish nation in what is now Israel."

We don't have a word in the common lexicon for people who support the existence of other countries, especially countries facing existential threats from their neighbors.

"Zionists" is a slight on anyone who supports the idea that Israel should exist. While other partition states: Pakistan/Bangladesh/India Soweto/South Africa, Sudan/South Sudan, post-soviet states etc. do not have to constantly justify their existence (except for Ukraine right now unfortunately), there is no dirty word for someone who supports the existence of Taiwan for example. This misrepresentation and ignorance is antisemitism. If the university is to divest from Israel, I imagine there will be a lot of other countries that it will need to divest from, in order to not continue the two tier standards that are the basis of antisemitism.

There are other, more insidious examples of antisemitism on campus:

The "students for Palestine" logo, you will see in the top right of the poster below, posted on campus, against "zionists" who apparently were attending an antisemitism rally (in fact I have two Iranian dissident friends who, proudly calling themselves Zionists, did attend this rally) Shows the entirety of the state of Israel as Palestine. The "from the river to the sea Palestine will be free" that was chalked onto the plant pots outside Chemistry and Anderson Stuart all last week, on tents, commonly on signs and in chants are not attempts to get the belated peace process back on track, they are advocacy for the erasure of Israel as a whole and underpin the forces that have derailed the peace process and committed the lives of Palestinians and Israelis to continued conflict and violence. Playing coy with the meaning of these statements is irresponsible at the very least.





Reviewing the term “antisemitism” There is again a dictionary definition: hostility to or prejudice against Jewish people.

It doesn't mention criticism of israel. Israeli (jewish or not) and jewish friends have engaged me in conversations that are highly critical of israel and the israeli government. However, the historical and present misrepresentation of israel, the indirect and sometimes direct calls for the destruction of israel, the indirect and sometimes direct support of the genocidal cause against Jews in israel is not criticism of israel, it is hateful and dangerous.

To many jews israel is representative of their safety, identity and continued survival. Again the declaration of independence (excuse the soaring biblical language):

"The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, defiant returnees, and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood."

Using lies to reframe israel as a colonial, apartheid and even nazi-like genocidal state that should be destroyed.... all from the comfort of australia, is, an attack on the sense of safety and identity of many jews. You have had staff members and students from the university confirm this, and i think it is "disgusting" and "shameful" to deny people this expression.

Antisemitism, one of the oldest and most continuous types of hate in human history, historically and presently, often pertains to events of violence, subjugation or exclusion, and extermination, well beyond the borders of germany and even Russia. Very importantly, a long (I would argue continuous) **period of mis-information and false narratives lead up to and support the eventuation of violence.** Pick a century and there will be multiple examples of this pattern of antisemitism. This is why i feel confident in saying it is important to act now. I regard what is happening on the university of Sydney grounds to be an unchallenged campaign of this exact kind of misinformation. Unfortunately there is a growing "oeuvre" of misinformation and antisemitic content being filmed and documented for eternity online. In clearer eyed times, the actions, or lack there of, taken to challenge this will be remembered.

Again, I am not hoping that you will close the encampment down, i understand and very much respect the need for free speech. With the resources of for example, the history departments and jewish studies surely the university can formulate a coherent and educational response. By no means painting the current israeli government in any particular light, nor lending support to the current killing of civilians, but encouraging and arguing for care in understanding the complexities of this issue, checking the arrogance that comes with criticising another countries struggle with an existential threat and encouraging introspect rather than repetition of intended or unintended hateful refrain or perpetuation of mistruths of history and politics as antisemitic currency. I would hope that my university would engage productively in a much needed conversation and leverage this opportunity for education and discussion for those who feel the need to involve themselves in something that they are seemingly often strangers too.

Again i apologise for the lengthy and possibly patronising "educational" email, i am sure you are already aware of much of what i have said, but i feel that i need to not only describe the antisemitism but explain the antisemitism i percieve as weponised counterfactual retellings against a group of people. This requires long winded, and frankly exhausting responses. I truly believe that left unchallenged, these beliefs can be at best, profoundly unhelpful in the current climate and more likely, dangerous contributions to growing anti semitic momentum.

I would also like to point out that many many months ago, I wrote to the pro-vice chancellor and others about setting up online classes for afghani girls to attend. I had at the time connections to two schools in Afghanistan who are attempting to continue teaching for women and girls. I heard absolutely nothing from the university in response. Would there be any way of getting a response to this inquiry?

All the best



On Mon, May 6, 2024 at 8:46 AM Sophie Carruthers <sophie.carruthers@sydney.edu.au> wrote:

Dear [REDACTED]

I write with respect to your complaint, submitted to the Student Affairs Unit (SAU) on 30 April 2024.

In accordance with clause 8 of the *Student Complaints Procedures 2015* (attached), I am undertaking a preliminary assessment to determine the next steps in response to your complaint.

In your complaint you state "*I feel disgusted and ashamed of the antisemitic and ignorant "encampment" that I walk past each day.*" However, you have not specified which occurrences or actions you consider have been antisemitic. Therefore, to assist with my assessment, can you please provide further information on specific incidents or occurrences that you consider to be antisemitic.

You are welcome to provide any other information you think relevant to assist with my assessment.

Kind regards

Sophie

University Support Services

All students at the University can access free professional and confidential counselling and wellbeing support through Student Wellbeing. If you would like to speak with someone about accessing support, please contact Student Wellbeing by telephone on 02 8627 8433, or email at student.wellbeing@sydney.edu.au.

If you need to speak to someone for immediate support and you are located in Australia, the University of Sydney Mental Wellbeing Support Line is available any time day or night, including University close-down periods and public holidays. You can call 1300 474 065 or text 0488 884 429 (for SMS chat option). The Support Line is available 24/7 and provides free and confidential access to wellbeing support and advice to help you find relief from current emotional distress, explore coping strategies, and advice on pathways for longer term solutions.

If you are an international student currently offshore, a range of support options is available here:

<https://www.sydney.edu.au/students/counselling-and-mental-health-support/support-for-offshore-students.html>

All international students (onshore or offshore) can access [Sonder](#) - a free 24/7 safety and wellbeing app to get you the support you need, whenever and wherever you are. Download the Sonder app on your smart phone to access.

Sophie Carruthers | Acting Manager

Student Affairs Unit | Office of the Deputy Vice-Chancellor (Education)

Level 5, Jane Foss Russell Building G02

The University of Sydney

Sydney NSW 2008

sophie.carruthers@sydney.edu.au | +61 (0) 2 8627 5501

This email plus any attachments to it are confidential. Any unauthorised use is strictly prohibited.

If you receive this email in error, please delete it and any attachments. It is strictly forbidden to share any part of this message with any third party, without written consent of the sender.

Acknowledging the traditional owners upon whose ancestral lands the University of Sydney campuses stand.

Federal Court of Australia

District Registry: NSW

Division: Human Rights

Joseph Toltz and others

Applicants

John Keane and another

Respondents

Affidavit of: **Daniel Patrick McCoach**

Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000

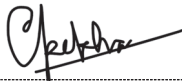
Occupation: Solicitor

Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-9" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-9

Jutta Allmendinger jutta.allmendinger@wzb.eu

Re: Your fellowship with the WZB

To: John Keane

Tue 21/11/2023 12:17 AM

Dear John,

I would have liked to have talked to you in person before submitting these lines, but for understandable wonderful private reasons (congrats!), you are not available.

I am writing to you concerning your latest postings on the social media platform X.

On October 7, 2023 you posted a photo by Reuters depicting the flags of the “Harakat al-Muqawama al-Islamiya” organisation, commonly known as HAMAS. You must be aware that many countries, including those of the European Union, list HAMAS as a terrorist organisation – an organisation that murdered 1,400 Israeli civilians in the most barbaric way on the very day of your post.

Your post can only be understood as support for HAMAS and their actions – also in light of your posts publishing an open letter to the Vice-Chancellor of the University of Sidney.

This cannot be handled as a matter of private opinion as you are an internationally known political scientist, affiliated with the WZB – which you also explicitly mention in your profile on X.

Displaying public support for a terrorist organisation and their violent actions contradicts the values of the WZB. It is also a possibly criminal offense in Germany. The WZB has huge concerns and expressly distances itself from such kind of statements. **Hence, I urge you to explain the context and intention of this post to me: Do you support the attacks on Israel on October 7? What is the meaning of your uncommented tweet of the flags of Hamas on the day of the attacks?**

If your explanation does not amount to a condemnation of the cruel terrorist attack by Hamas, I will have to revoke your fellowship status with the WZB with immediate effect. I would then also ask you to adjust your communication about your current affiliations – be it online or offline – accordingly.

I would regret that a successful collaboration of many years has to end like this.

Sincerely,

Jutta

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-10" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

DPM-10

EXHIBIT DPM-10

No	Link
1.	https://www.memri.org/tv/hamas-official-ghazi-hamad-we-will-repeat-october-seven-until-israel-annihilated-victims-everything-we-do-justified
2.	https://www.haaretz.com/israel-news/2023-11-01/ty-article/hamas-official-we-will-repeat-october-7-attacks-until-israel-is-annihilated/0000018b-8b9d-db7e-af9b-ebdfbee90000
3.	https://www.nytimes.com/2023/10/13/world/middleeast/hamas-israel-attack-gaza.html
4.	https://x.com/TheTreeni/status/1710542234351968655
5.	https://www.timesofisrael.com/idf-publishes-audio-of-hamas-terrorist-calling-family-to-brag-of-killing-jews/
6.	https://www.timesofisrael.com/hamas-leader-touts-ceasefire-as-a-defeat-for-israel-while-hailing-oct-7-atrocities/
7.	https://www.middleeastmonitor.com/20231009-haniyeh-outlines-context-and-objectives-of-hamas-operation-al-aqsa-flood/
8.	https://www.theaustralian.com.au/inquirer/israel-must-destroy-hamas-despite-the-cost/news-story/0697b6adb1a5ca2629ea359e256f7456
9.	https://saturday-october-seven.com/

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-11" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

Chronology of Keane X Posts from 8 October 2023 – 16 September 2025 (viewed on 28 September 2025)

1	<p>16 September 2025</p> <p>John Keane @jkeaneSDN</p> <p>too little, too late; and polls show a big majority of non-Arab Israelis still basically support what the IDF has done since October 7th; not realising they're on the wrong side of history, they're apologists of a terrible genocide that will curse them for generations to come...</p> <p>Fania Oz-Salzberger 🇮🇱 🇪🇬 פניה עוז-זלצברגר @faniaoz · Sep 16 It's important, at this point, to tell the world that thousands of Israelis are protesting against the war, devastation and killing of innocents in Gaza. Not just for the Israeli hostages. For humanity.</p>  <p>7:01 AM · Sep 16, 2025 · 2,764 Views</p> <p>3 2 18</p> <p>https://x.com/jkeaneSDN/status/1967695232562237852</p>
2	31 August 2025

John Keane @jkeaneSDN

test case: after reading your 'liberal' defence of 'Zionism', I ask you, daughter of Amos Oz @faniaoz to comment on/support @NickRiemer1 and me @jkeaneSDN in our precedent setting Australian court battle against the ugly lawfare of self-declared pro-Israel Zionists...

Fania Oz-Salzberger פניה עוז-זלצברגר @faniaoz · Aug 30

My new piece in @FT, The battle for the soul of Israel.
 "Here's a truth to reckon with: neither Israelis nor Palestinians are going to disappear any time soon. No one can destroy their respective claims to a sovereign state in their ancestral homeland, which happens to be the

[Show more](#)

9:00 PM · Aug 31, 2025 · 1,376 Views

1 6

<https://x.com/jkeaneSDN/status/1962108238213861720>

3 25 August 2025

John Keane @jkeaneSDN

courage: this week, in defiance of spineless vice-chancellors, provosts, deans and heads of school who say and do nothing, Australia's university students are voting to censure the government's complicity in genocide and to end university contracts with weapons manufacturers...

NATIONAL STUDENT REFERENDUM ON PALESTINE

ON CAMPUSES ACROSS AUSTRALIA
20-28 AUGUST

NUS

Honi Soit and 9 others

3:28 PM · Aug 25, 2025 · 2,536 Views

2 16 40 1

<https://x.com/jkeaneSDN/status/1959850465501540355>

4 3 August 2025

John Keane
@jkeaneSDN

⌵ ...

an inspiring, extraordinary day here in Sydney; at least 100,000 souls rallied against Israeli barbarism...



👤 paola caridi and 9 others

9:27 PM · Aug 3, 2025 · 2,387 Views

💬 1 ↻ 12 ❤️ 41 📌 ↗

<https://x.com/jkeaneSDN/status/1951968247907262611>

5 15 July 2025

John Keane
@jkeaneSDN

⌵ ...

meanwhile, the EC's antisemitism envoy @kschnurbein says reports of starvation in Gaza and other IDF war crimes are mere 'rumours' and 'bake sales for Gaza' fuel 'ambient antisemitism' @EUAntisemitism



From euobserver.com

12:59 PM · Jul 15, 2025 · 507 Views

💬 ↻ 3 ❤️ 6 📌 ↗

<https://x.com/jkeaneSDN/status/1944954976394244471>

6 14 July 2025

John Keane
@jkeaneSDN

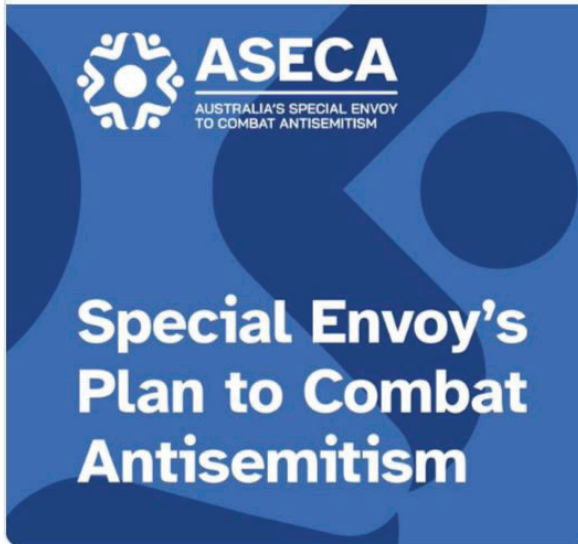


Australia's top investigative journalist [@MichaelWestBiz](#) well summarises a just-published official report on [#antisemitism](#) - its silence about Israel's genocide is so brazen that among its possible perverse unintended effects will be to fuel the [#antisemitism](#) it decries...

Michael West [@MichaelWestBiz](#) · Jul 11

Just read the Segal Report. Gaza not mentioned. Pretty twisted stuff, totalitarian, implicitly racist. Not a lot of self-awareness from the Zionists. They appear to truly believe that they are not to blame for anything

If Albo touches this, it will not end well...



12:14 PM · Jul 14, 2025 · 1,909 Views

1 6 13 1

<https://x.com/jkeaneSDN/status/1944581259482558910>

7

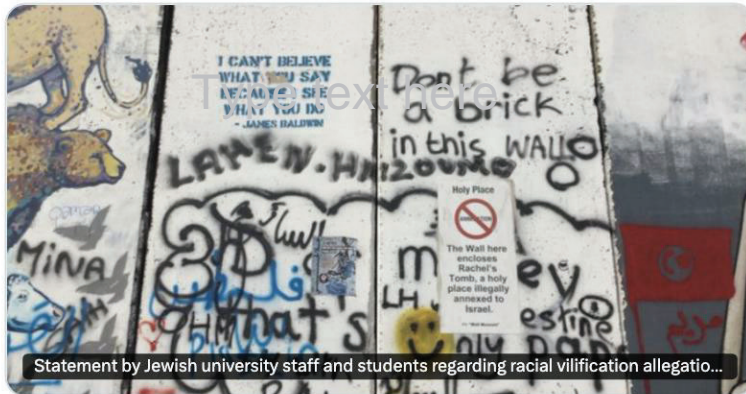
30 May 2025



John Keane
@jkeaneSDN



'we repudiate the attempt...to conflate Zionism, a political ideology with Jewish and non-Jewish adherents, with Jewish identity':
a brave and honest statement of support for @NickRiemer1 and me in our current legal battle against apologists of genocide



Statement by Jewish university staff and students regarding racial vilification allegatio...

From overland.org.au

7:44 AM · May 30, 2025 · 6,918 Views



↻ 45

❤ 87

🔖 4



<https://x.com/jkeaneSDN/status/1928205782069199310>

8

19 May 2025



John Keane
@jkeaneSDN



why old words can't capture the monstrous barbarity of Israel's crimes in Palestine: time to speak of the Destruction (al-Ibādah), writes Ghada Ageel



Seventy-seven years after the Nakba, we are naming our new ruin

From aljazeera.com

4:36 PM · May 19, 2025 · 4,227 Views



↻ 17

❤ 27

🔖 1



<https://x.com/jkeaneSDN/status/1924353406975812087>

9

17 April 2025 – Gigi

John Keane @jkeaneSDN

so long as pro-Israel warriors spit talk of ‘antisemitism’, trample on academic freedoms and harass their critics by weaponising law, there will be active resistance - and victories big and small, as my colleague @NickRiemer1 and I have just shown here in Sydney... 🙌

fundraising for a class action in the Federal Court since at least June 2024, well before they lodged their complaint with the Human Rights Commission. We noted that this demonstrated their intention, from the very beginning, to misuse the AHRC by treating it cynically as a mere means of proceeding to litigation.

We stand firm in our commitment to Palestinian rights and, indeed, to the rights of everyone living between the Mediterranean and the Jordan, regardless of their background, ethnicity, or faith. That is why we oppose the genocide currently underway. Since October 2023, Israel has flattened vast tracts of Gaza, and destroyed all or most universities, schools, hospitals and places of worship. After taking well over 50,000 human lives, Israel is now

competing perceptions of “knowledge” and “reality”, laboratories of life in which the university community breathes the air of civility, hence to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports “the rights of students and staff to engage in political discourse” but that anybody who utters “pro-terrorist statements or commentary, including support for Hamas’s recent terrorist attacks” will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an irony lies within your definition of the tolerable: it is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, aerial violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the willful destruction of mosques, churches, schools and universities, and cruel plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it’s an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin tolerare, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed

Prof Ben Saul - UN SR Human Rights & Counterterrorism and 9 others

12:59 PM · Apr 17, 2025 · 2,778 Views

1 16 32 2

<https://x.com/jkeaneSDN/status/1912702488622559638>

10 10 April 2025

John Keane @jkeaneSDN

‘Weaponising “antisemitism” on university campuses to punish students and staff who express support for Palestinians has long been a goal of Zionist lobby groups’, writes @mckinnon_a in his report on conflicts and crackdowns @Sydney_Uni everythingisfine.beehiiv.com/p/we-see-what-... via @mckinnon_a

8:51 PM · Apr 10, 2025 · 7,381 Views

26 51 8

<https://x.com/jkeaneSDN/status/1910284616373825809>

11 20 November 2024

John Keane @jkeaneSDN

how talk of ‘antisemitism’, ‘safety’ and ‘psychosocial harm’ is being misused by apologists of Israel’s genocidal crimes to silence and politically frighten scholars and students in Australian universities and other public institutions @Lana_Tatour overland.org.au/2024/11/a-cult...

7:11 PM · Nov 20, 2024 · 2,950 Views

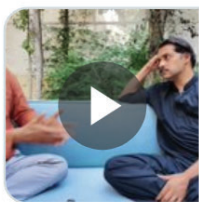
14 38 5

<https://x.com/jkeaneSDN/status/1859147595807129664>

12 13 September 2024

 **John Keane**
@jkeaneSDN 🗑️ ...

how a prominent writer and Nobel Peace Prize nominee - currently suspended on X - sees Israel's ruthless enforcement of a 'vast ecosystem of genocidal methodologies' youtu.be/shldmQvL1tM?si... via @YouTube



DM
youtube.com
Burmese genocide scholar Dr. Maung Zarni interview after...
Enjoy the videos and music you love, upload original content, and share it all with friends, family, and the world...

8:28 PM · Sep 13, 2024 · 601 Views

💬 2 ↻ 1 ❤️ 6 📌 2 ⬆️

<https://x.com/jkeaneSDN/status/1834539618580021252>

13 4 June 2024

 **John Keane**
@jkeaneSDN 🗑️ ...

Day 43: despite cold winter nights, wind and heavy rain the Palestine solidarity occupation @Sydney_Uni continues - its democratic spirit, courage and determination unbroken...



👤 Honi Soit and 9 others

1:38 PM · Jun 4, 2024 · 4,368 Views


💬 2 ↻ 8 ❤️ 38 📌 ⬆️

<https://x.com/jkeaneSDN/status/1797835175440888079>

14 3 May 2024

John Keane @jkeaneSDN

Australia's leading independent journalist @MichaelWestBiz speaks frankly about Israeli genocide, hypocrisy, silence and my defence of the right to say the unsayable...



youtube.com
Victim Blaming | The West Report
Amid student protests against the Isreal war lobby university academics are coming under huge pressure for ...

6:24 PM · May 3, 2024 · 836 Views


🗨️ 2 ❤️ 8 📌 1 ↗️

<https://x.com/jkeaneSDN/status/1786310844424523927>

15 15 April 2024

John Keane @jkeaneSDN

this weekend's huge civil society demonstration in Berlin - against Zionism, in support of Palestine, under the noses of 2,500 police - shows that Germany's business/political/media class love affair with Israel is not universally popular...



IWM and 9 others

11:39 PM · Apr 15, 2024 · 6,031 Views


🗨️ 4 ↻️ 34 ❤️ 78 📌 5 ↗️

<https://x.com/jkeaneSDN/status/1779867176742293807>

16 1 April 2024

John Keane @jkeaneSDN

'In November, University of Sydney political theorist John Keane quit the well-regarded WZB Berlin Social Science Centre after the institution accused him of being a "secret supporter" of Hamas.' yes, and another reply to @WZB_Berlin is coming soon..



Australian academics 'cancelled' in Germany over Gaza

From canberratimes.com.au

7:04 AM · Apr 1, 2024 · 4,069 Views


11 replies, 21 likes, 5 bookmarks

<https://x.com/jkeaneSDN/status/1774528287093788996>

17 1 March 2024

John Keane @jkeaneSDN

subcontracting guilt (Esra Özyürek): targeting local Palestinians, Muslims and 'disloyal' Jews, Berlin high schools are instructed to distribute a pamphlet denying Nakba and defending Israel's genocidal actions - in the name of combatting 'anti-semitism'...



Germany: Berlin schools asked to distribute leaflet describing the 1948 Nakba as a 'my...

From middleeasteye.net

4:24 PM · Mar 1, 2024 · 2,018 Views

1 reply, 6 retweets, 12 likes, 4 bookmarks

<https://x.com/jkeaneSDN/status/1763435214595109123>

18 8 February 2024

John Keane @jkeaneSDN

in sacking star anthropologist [@anthroprofhage](#) - world-class critical analyst of bigotry and hatred - Germany's Max Planck Society joins that country's shamefully long list of institutions de facto collaborating with Israeli genocide [mpg.de/21510445/state...](#)


Research News > Statement of the Max Planck Society about Prof. Ghassan Hage

freedoms come with great responsibility. Researchers abuse their civil liberties when they undermine the credibility of science with publicly disseminated statements, thereby damaging the reputation and trust in the institutions that uphold it. The fundamental right to freedom of opinion is constrained by the mutual duties of consideration and loyalty in the employment relationship.

Statement of the Max Planck Society about Prof. Ghassan Hage

FEBRUARY 07, 2024
Research Policy

The renowned Lebanese-Australian scholar Ghassan Hage, who is highly acclaimed in the scientific community, has been working at the Max Planck Institute for Anthropology since April 2023. Recently, he has shared a series of posts on social media expressing views that are incompatible with



Heinrich-Böll-Stiftung HBS and 9 others

5:14 PM · Feb 8, 2024 · **145.8K** Views

14 312 697 78

<https://x.com/jkeaneSDN/status/1755475138374676892>

19 30 December 2023

John Keane @jkeaneSDN

the hypocrite propagandist of genocide [@simon_schama](#) carries on and on...with cloth ears incapable of hearing much louder and more terrifying screams without words...

Simon Schama @simon_schama · Dec 29, 2023

'Screams Without Words': How Hamas Weaponized Sexual Violence on Oct. 7 [nytimes.com/2023/12/28/wor...](#) All this obscene atrocity undoubtedly happened and was directly witnessed. So I dont want to hear rape and grotesquely sadistic mutilation, dignified as "resistance" .

8:45 AM · Dec 30, 2023 · **1,251** Views

6 1 3 1

<https://x.com/jkeaneSDN/status/1740851656219312433>

20 22 December 2023

John Keane @jkeaneSDN

'virtually every major institution in Germany' is 'engaged in a wave of repression'; its 'scale and intensity...is unprecedented' says @KumarsSalehi 'The targets are Palestinians, other people of color and Jewish anti-Zionists alike.' thehill.com/opinion/intern...

5:42 AM · Dec 22, 2023 · 1,634 Views

1 6 19 2

<https://x.com/jkeaneSDN/status/1737906340838932930>

21 21 December 2023


John Keane @jkeaneSDN

few commentators dare say it: in 21st century wars, genocide is ecocide....

War Monitor @WarMonitors · Dec 20, 2023

⚡ If you're gonna watch anything today, let it be this.

This is what the zionist terrorists did to Gaza. We won't forget, we won't forgive.



0:21

5:54 PM · Dec 21, 2023 · 12.1K Views


1 34 50 3

<https://x.com/jkeaneSDN/status/1737728238968000822>

22 19 December 2023

John Keane @jkeaneSDN

my Berlin lecture @FU_Berlin @HumboldtUni on 'Universities in Troubled Times' is now publicly available: youtu.be/lhY1bBvZKGM?si...



IWM and 9 others

5:33 PM · Dec 19, 2023 · 16K Views

2 31 93 39

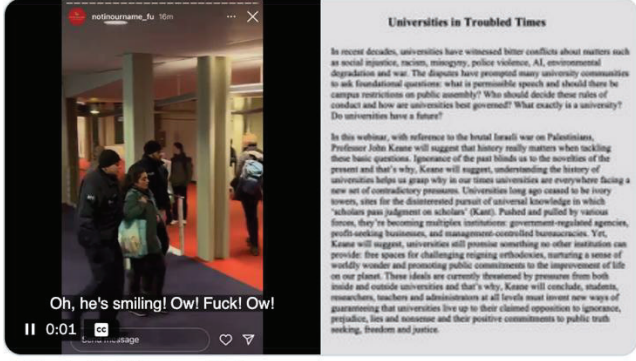
<https://x.com/jkeaneSDN/status/1736998294352716067>

23

16 December 2023

John Keane @jkeaneSDN

for the first time in my career, police began arresting students peacefully gathered @FU_Berlin to hear my lecture 'Universities in Troubled Times'; the students regathered in local cafes and the webinar - soon on @YouTube - went ahead...



Humboldt-Stiftung and 9 others


















9:07 AM · Dec 16, 2023 · 471.9K Views

84 1K 1.8K 228

<https://x.com/jkeaneSDN/status/1735783687705465288>

24

14 December 2023

	<div data-bbox="277 210 411 248">  John Keane @jkeaneSDN </div> <div data-bbox="783 210 826 230">  ... </div> <div data-bbox="277 262 804 306"> speaking tonight about 'Universities in Troubled Times' to students at Berlin's @HumboldtUni @FU_Berlin @TUBerlin </div> <div data-bbox="277 320 826 927" style="background-color: #f0f0f0; padding: 10px;"> <p style="text-align: center;">Universities in Troubled Times</p> <p>In recent decades, universities have witnessed bitter conflicts about matters such as social injustice, racism, misogyny, police violence, AI, environmental degradation and war. The disputes have prompted many university communities to ask foundational questions: what is permissible speech and should there be campus restrictions on public assembly? Who should decide these rules of conduct and how are universities best governed? What exactly is a university? Do universities have a future?</p> <p>In this webinar, with reference to the brutal Israeli war on Palestinians, Professor John Keane will suggest that history really matters when tackling these basic questions. Ignorance of the past blinds us to the novelties of the present and that's why, Keane will suggest, understanding the history of universities helps us grasp why in our times universities are everywhere facing a new set of contradictory pressures. Universities long ago ceased to be ivory towers, sites for the disinterested pursuit of universal knowledge in which 'scholars pass judgment on scholars' (Kant). Pushed and pulled by various forces, they're becoming multiplex institutions: government-regulated agencies, profit-seeking businesses, and management-controlled bureaucracies. Yet, Keane will suggest, universities still promise something no other institution can provide: free spaces for challenging reigning orthodoxies, nurturing a sense of worldly wonder and promoting public commitments to the improvement of life on our planet. These ideals are currently threatened by pressures from both inside and outside universities and that's why, Keane will conclude, students, researchers, teachers and administrators at all levels must invent new ways of guaranteeing that universities live up to their claimed opposition to ignorance, prejudice, lies and nonsense and their positive commitments to public truth seeking, freedom and justice.</p> </div> <div data-bbox="277 931 421 954">  WZB and 8 others </div> <div data-bbox="277 967 510 987"> 4:54 PM · Dec 14, 2023 · 19K Views </div> <div data-bbox="277 1012 826 1039">  5  34  118  20  </div> <div data-bbox="261 1043 927 1072"> https://x.com/jkeaneSDN/status/1735176317098926560 </div>
25	<div data-bbox="261 1122 488 1151" style="background-color: #e0e0e0; padding: 2px;"> 11 December 2023 </div> <div data-bbox="277 1173 448 1225">  John Keane @jkeaneSDN </div> <div data-bbox="922 1173 975 1193">  ... </div> <div data-bbox="277 1240 959 1355"> hypocrisy: pop pundit @simon_schama poses a fake question, guesses an answer, draws a double standard conclusion justifying Israel's brutality, power games and planned military annihilation of Palestinians... </div> <div data-bbox="277 1373 975 1538" style="border: 1px solid #ccc; border-radius: 10px; padding: 10px; margin: 10px 0;"> <div data-bbox="288 1391 762 1417">  Simon Schama  @simon_schama · Dec 10, 2023 </div> <div data-bbox="288 1426 959 1523"> If anyone bothered to ask people chanting "Free free Palestine" whether they imagine such a Palestine existing in place of Israel or alongside it, I'm guessing the vast majority would answer the former. Which presupposes an annihilation of Jews that is never going to happen. </div> </div> <div data-bbox="277 1561 584 1583"> 8:37 PM · Dec 11, 2023 · 4,085 Views </div> <div data-bbox="277 1619 970 1646">  3  10  36  2  </div> <div data-bbox="261 1668 927 1697"> https://x.com/jkeaneSDN/status/1734145261314637869 </div>
26	<div data-bbox="261 1749 472 1778" style="background-color: #e0e0e0; padding: 2px;"> 9 December 2023 </div>

 **John Keane**
@jkeaneSDN

⌵ ...

'sovereign state' of Israel terrorist criminals in action in Gaza...



 Mehdi Hasan and 9 others

8:15 AM · Dec 9, 2023 · 4,651 Views

 4

 17

 47

 3



<https://x.com/jkeaneSDN/status/1733233874023666037>

27

7 December 2023

 **John Keane**
@jkeaneSDN

⌵ ...

an important open letter from Berlin: 'From a democratic perspective, nation states must never grant each other unconditional and uncritical support; this also applies to the relationship between Germany and Israel'



Letter from Berlin - Boston Review

Letter from Berlin

From [bostonreview.net](https://www.bostonreview.net)

4:00 AM · Dec 7, 2023 · 8,358 Views

 1

 30

 66

 11



<https://x.com/jkeaneSDN/status/1732444972404851182>

28

5 December 2023

John Keane @jkeaneSDN

punked! a digital intifada feared by every 'You can't tell me what to do' university Vice-Chancellor and President....

Lowkey @LowkeyOnline · Dec 1, 2023

A Palestinian student confronts the Vice-Chancellor about the University of Melbourne's Lockheed Martin partnership.

The arms firm Lockheed Martin provides the Israeli airforce with the F-16 and F-35 jets to bomb Gaza with....

4:03 PM · Dec 5, 2023 · **48.4K** Views

13 49 154 10

<https://x.com/jkeaneSDN/status/1731902188480270545>

29 4 December 2023

John Keane @jkeaneSDN

Helmut Suttor's important critique of Jürgen Habermas, Rainer Forst et al: 'German raison d'état...serves as a sham legitimisation for the disregard of the human rights situation of Palestinians in the Middle East and Germany' helsut.de/2023/11/19/a-c...

Middle East Monitor and 8 others


4:25 PM · Dec 4, 2023 · **4,750** Views

<https://x.com/jkeaneSDN/status/1731545157097664819>

30 3 December 2023

John Keane @jkeaneSDN

Jürgen Habermas and other German pro-Israel intellectuals note: the first-ever AI-guided genocide, a 'mass assassination factory' for the 'physical destruction in whole or in part' (Genocide Convention Article II c) of uprooted, terrorised Palestinians



from 2022 **The Guardian**
 'The Gospel': how Israel uses AI to select bombing targets in Gaza

From theguardian.com

9:07 AM · Dec 3, 2023 · 8,909 Views


3 29 65 23

<https://x.com/jkeaneSDN/status/173107262200654811>

31 2 December 2023

John Keane @jkeaneSDN

now in Farsi: why - after 25 years - I resigned from the WZB Berlin following ill-judged, foolish, unscholarly allegations of my criminal liability for supporting a 'terrorist organisation' @WZB_Berlin @JA_Allmendinger @3yyash



telegra.ph
 نامه‌ی استعفای جان کین از مرکز پژوهش‌های علوم اجتماعی برلین

3:57 PM · Dec 2, 2023 · 2,588 Views

1 5 23

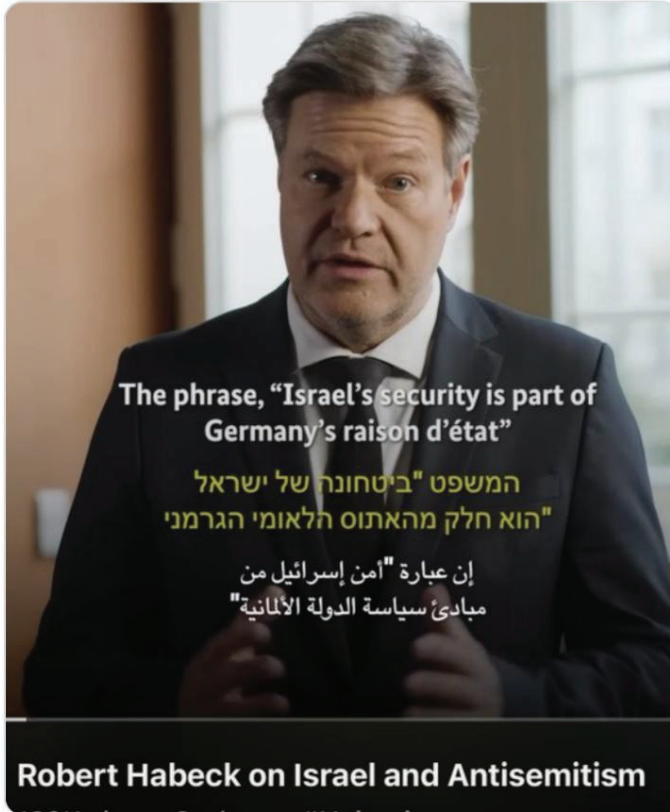
<https://x.com/jkeaneSDN/status/1730813295773552908>

32 28 November 2023

John Keane
@jkeaneSDN

🗑 ...

surely Germany's Vice-Chancellor Robert Habeck understands that the mantra 'Israel's security is part of Germany's *raison d'état*' de facto grants Netanyahu's government a 'sovereign' right to imperil the 'security' of millions of people, including Jews? youtu.be/MdZvkkpJaVI?si...



DW Deutsche Welle and 9 others

9:24 AM · Nov 28, 2023 · 15.2K Views

💬 1

↻ 34

❤ 94

🔖 15

📌

<https://x.com/jkeaneSDN/status/1729265014962602098>

33

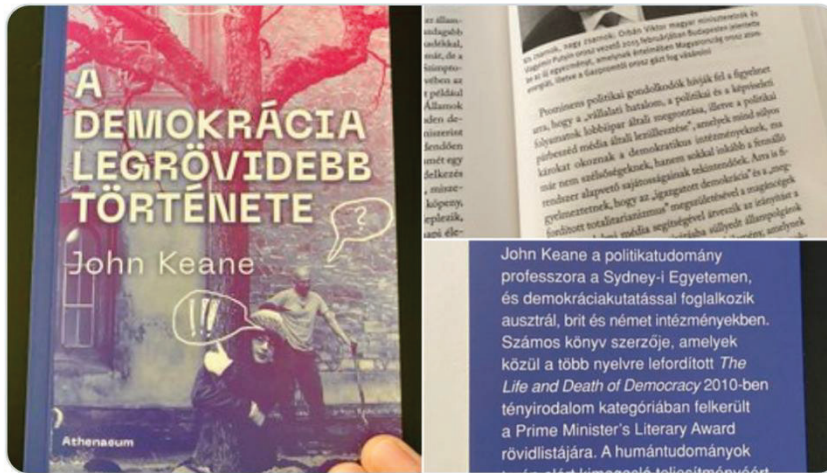
26 November 2023



John Keane
@jkeaneSDN



delighted to receive copies of the elegant Hungarian translation of **The Shortest History of Democracy** may it give scholarly inspiration and practical guidance to citizen readers tired of living under Orbán's boot



Eurozine and 9 others

5:43 PM · Nov 26, 2023 · 7,357 Views



<https://x.com/jkeaneSDN/status/1728665849266118788>

34

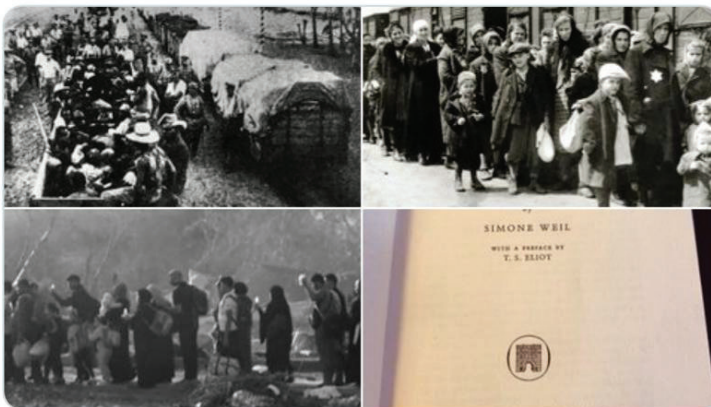
24 November 2023



John Keane
@jkeaneSDN



'Uprootedness happens whenever there is a military conquest; it is nearly always an evil' (Simone Weil) people are dragged from their homes, classified, queued at gunpoint, for destinations unknown: Herero and Nama (Namibia 1904); Jews (Netherlands 1943); Palestinians (2023)



UN Genocide Prevention and 9 others

4:41 PM · Nov 24, 2023 · 8,947 Views



<https://x.com/jkeaneSDN/status/1727925460653482438>

35

23 November 2023



John Keane
@jkeaneSDN



pro-Israeli warmongers are typically silent about the country's decade-long slide from democracy to **despotism**: government capture of media, parliament, judges and bureaucrats; yes-men patronage; demagoguery; fetish of elections; violence against 'enemies'...



New York Review and 8 others

3:00 PM · Nov 23, 2023 · 15K Views



↻ 35

♥ 74

🔖 11



<https://x.com/jkeaneSDN/status/1727537617833758957>

36

17 November 2023

John Keane
@jkeaneSDN



'embedded' journalism, BBC-style propaganda for the Israeli war machine: 'Our visit [into Gaza, in an APC] was tightly controlled; we had very limited time on the ground and were not able to speak to doctors or patients there.' @LucyWilliamson

BBC goes inside Al-Shifa hospital with the Israeli army

🕒 11 hours ago



Israel-Gaza war



Watch: The BBC team's access to Al-Shifa hospital was limited by the Israel Defense Forces and they were not able to speak to doctors or patients

By Lucy Williamson at Al-Shifa hospital, Gaza City
BBC News

👤 BBC Breaking News and 9 others

8:58 AM · Nov 17, 2023 · 5,620 Views



<https://x.com/jkeaneSDN/status/1725272190713475451>

37

8 November 2023 – removed on or about 21 May 2024.

John Keane @jkeaneSDN · Nov 8

an *ad hominem* response to my Open Letter by a small group of pro-Israel staff members: defamatory insults ('repulsive' etc) mixed with self-righteous indignation of people convinced they are victims of non-humans (Palestinians) who imperil their Promised Land...

Dear John,

The University's Charter of Freedom of Speech and Academic Freedom allows you to express your views. However, those reading your letter should be aware of its inaccuracies. You accuse Israel of promoting indiscriminate warfare and genocide and the murder of innocents without compunction, and your letter culminates in a repulsive reversal of victims and perpetrators in which you liken the actions of Israel to those of the Nazis. There is also not one mention of the atrocities of October 7, which is not only deeply disappointing, but also a shockingly inhumane omission. We believe that in the context of war, any loss of civilian life is tragic. Palestinian, Israeli, and any other nationality. To draw an equivalence, however, between the acts of terror witnessed and documented via bodycams from Hamas themselves, and the awful civilian deaths of Gazans (many of whom are deliberately placed in the line of fire as human shields) by Israeli army fire, is unconscionable.

Dr Michael Abrahams-Sprod
A/Prof Avril Aliba
Dr Lionel Babicz
Yulia Berlin-Firer
Professor David Celermajer
A/Prof Ian Dar-Nimrod
Dr Jennifer Dowling
Dr Yona Gilead
Professor Judy Kay
Professor Gustav Lehrer
Dr Guy Mayraz

Photo: P. D. & B. / Shutterstock

Since nations are the primary concern, not every nation deserves more the same treatment of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of knowledge and reality, laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to imagination and ignorance, lies and nonsense.

Less welcome are your attitudes on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pre-emptive statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted as very true within your definition of the intolerable. It is founded on silence about such ugly matters as non-stop aerial bombardments, the illegal use of white phosphorus bombs on civilians, aerial violence, bulldozers wrecking the homes of disabled innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the willful destruction of mosques, churches, schools and universities, and crowd plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerare*, to endure, or *contemnere*, to bear or put up with some person or situation otherwise detested.

Gideon Levy and 9 others

12 68 193 30K

38 8 November 2023

John Keane @jkeaneSDN

'Toleration is a form of colonisation.' My open letter to the Vice-Chancellor of the University of Sydney on Israel, Palestine, genocide and toleration is now available in Arabic and Farsi and circulating widely in China...

which nations are the primary concern, not every nation deserves more the same treatment of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of knowledge and reality, laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to imagination and ignorance, lies and nonsense.

Less welcome are your attitudes on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pre-emptive statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted as very true within your definition of the intolerable. It is founded on silence about such ugly matters as non-stop aerial bombardments, the illegal use of white phosphorus bombs on civilians, aerial violence, bulldozers wrecking the homes of disabled innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the willful destruction of mosques, churches, schools and universities, and crowd plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerare*, to endure, or *contemnere*, to bear or put up with some person or situation otherwise detested.

تحمیل والدین در برابر رفتار شیطنانیز کودکتان حریف میزیتیم یا تحمیل مهندسان در برابرهای اختلاف اندازهای قطعات ماشینیها. دقت کنید که چطور تحمیل بالضروره نوعی رابطه قدرت نابرابر را میان موضوع و قاعیل تحمیل ایجاد میکند.

تحمیل. جفت نابردباری است. تحمیل یعنی از بالا به پایین نگرش. خوار شمردن، تحقیر و تحقیر کردن. تحمیل نوعی از استعمارگری است. به این دلیل است که معیار توانایی سکونت در فراخوان شما برای تحمیل پذیرفته نیست و کسی خواهان آن نیست: به همین دلیل

Sydney Uni Media and 9 others

9:43 AM · Nov 8, 2023 · 4,982 Views

1 10 50 9

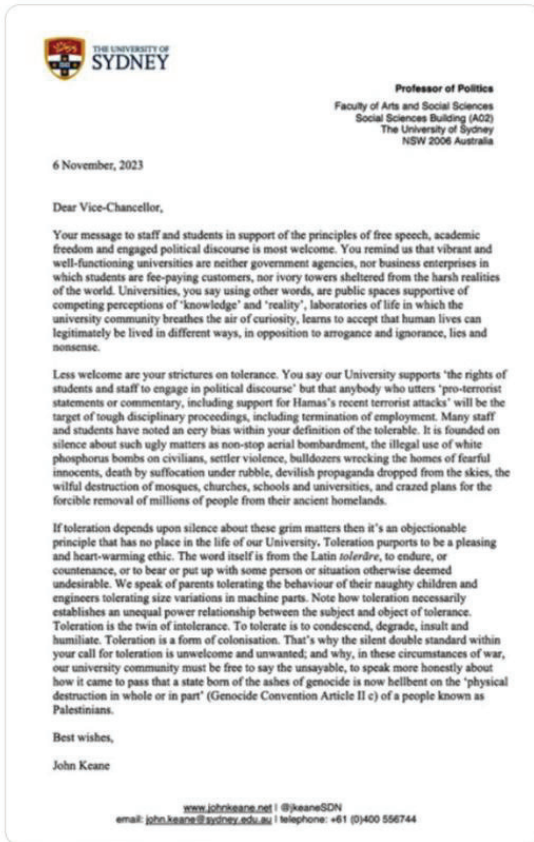
<https://x.com/jkeaneSDN/status/1722022019724656707>


39 6 November 2023

 **John Keane**
@jkeaneSDN



'Toleration is a form of colonisation'; my open letter to the Vice-Chancellor of the University of Sydney on Israel, Palestine, genocide and toleration



 THE UNIVERSITY OF SYDNEY

Professor of Politics
Faculty of Arts and Social Sciences
Social Sciences Building (A02)
The University of Sydney
NSW 2006 Australia

6 November, 2023

Dear Vice-Chancellor,

Your message to staff and students in support of the principles of free speech, academic freedom and engaged political discourse is most welcome. You remind us that vibrant and well-functioning universities are neither government agencies, nor business enterprises in which students are fee-paying customers, nor ivory towers sheltered from the harsh realities of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of 'knowledge' and 'reality', laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pro-terrorist statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an every bias within your definition of the tolerable. It is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, settler violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the wilful destruction of mosques, churches, schools and universities, and crazed plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerare*, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed undesirable. We speak of parents tolerating the behaviour of their naughty children and engineers tolerating size variations in machine parts. Note how toleration necessarily establishes an unequal power relationship between the subject and object of tolerance. Toleration is the twin of intolerance. To tolerate is to condescend, degrade, insult and humiliate. Toleration is a form of colonisation. That's why the silent double standard within your call for toleration is unwelcome and unwanted; and why, in these circumstances of war, our university community must be free to say the unsayable, to speak more honestly about how it came to pass that a state born of the ashes of genocide is now heliborn on the 'physical destruction in whole or in part' (Genocide Convention Article II c) of a people known as Palestinians.

Best wishes,
John Keane

www.johnkeane.net | @jkeaneSDN
email: john.keane@sydney.edu.au | telephone: +61 (0)400 556744



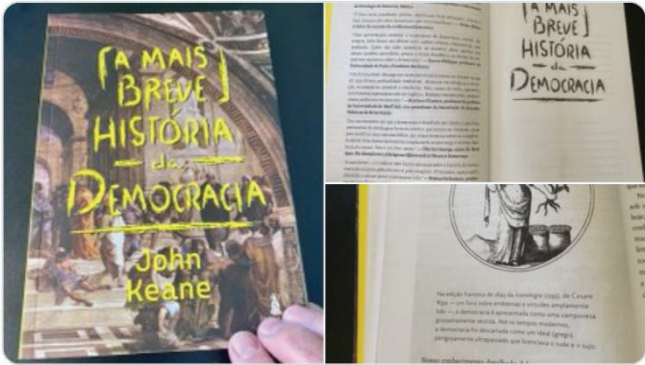
9:48 AM · Nov 6, 2023 · 123K Views

 60  221  508  70 

<https://x.com/jkeaneSDN/status/1721298581288788311>

John Keane @jkeaneSDN

a new arrival from Rio de Janeiro: the Brazilian edition of **The Shortest History of Democracy** @altabooks



A.M. Heath and 7 others

11:36 AM · Oct 30, 2023 · 4,448 Views

3 retweets 20 likes 1 bookmark

<https://x.com/jkeaneSDN/status/1718788864398266441>

41 23 October 2023

John Keane @jkeaneSDN

war as hell on Earth: terrified Gaza residents scrambling for safety from Israeli bombs [aje.io/8mjpp0](https://ajenglish.com/8mjpp0) via @AJEnglish

4:31 PM · Oct 23, 2023 · 3,092 Views

2 replies 6 retweets 11 likes 1 bookmark


<https://x.com/jkeaneSDN/status/1716326356097900784>

42 18 October 2023

John Keane @jkeaneSDN

who would've thought? a state arising from the ashes of genocide declares its genocidal commitment to the 'physical destruction in whole or in part' (Genocide Convention Article II c) of an 'entire nation' of Palestinians....@WZB_GlobCon @IWM_Vienna

Sprinter Press News @SprinterPress · Oct 14, 2023
Israeli President says there are no innocent citizens in the Gaza Strip



1:55 PM · Oct 18, 2023 · 4,795 Views

6 8 27 4

<https://x.com/jkeaneSDN/status/1714475350321979755>

43 9 October 2023

John Keane @jkeaneSDN

in recent days, I've been struck by how many European public intellectuals fell silent, or rushed blindly to defend Israel's colonisation of Palestinians; to understand why @hanskundnani notions of 'Eurowhiteness' and 'imperial amnesia' are surely pertinent...



IWM and 9 others


4:37 PM · Oct 9, 2023 · 5,532 Views

2 8 31 10

<https://x.com/jkeaneSDN/status/1711254416798720339>

44 8 October 2023

John Keane @jkeaneSDN



7:58 AM · Oct 8, 2023 · 6,243 Views

3 2 7 7

<https://x.com/jkeaneSDN/status/1710761436446916714>

45 8 October 2023

Oliver Stuenkel @OliverStuenkel · Oct 8, 2023
 Hamas claims to have captured 53 "prisoners of war"

folha.uol.com.br
 Who are the Israeli hostages taken by Hamas - 10/...
 There are 53 'prisoners of war', held in 'safe locations and tunnels', says Hamas

5 3 45 9.3K

John Keane @jkeaneSDN

why the pro-Israeli euphemisms in your comments?

8:24 AM · Oct 8, 2023 · 231 Views

1

<https://x.com/jkeaneSDN/status/1710768179402936677>

46 8 October 2023

EMPR.media @EuromaidanPR · Oct 7, 2023
 Israel we know what you feel today.
 Be strong.
 Ukrainians with you.

1.4K 4.9K 13K 7M

John Keane @jkeaneSDN

oh, yes, Israel is indeed the great force for peace, rule of law and good government in the region...

8:32 AM · Oct 8, 2023 · 261 Views

<https://x.com/jkeaneSDN/status/1710770219311144971>

Federal Court of Australia
District Registry: NSW
Division: Human Rights

Joseph Toltz and others
Applicants

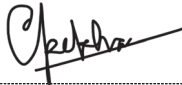
John Keane and another
Respondents

Affidavit of: **Daniel Patrick McCoach**
Address: Suite 409, 488 Bourke Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 1 October 2025

Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-12" annexed to the Affidavit of Daniel Patrick McCoach dated 1 October 2025

Before me:



.....
UPEKHA WEDAGE

of Suite 409, 488 Bourke Street, Melbourne VIC 3000
Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

A person authorised under section 19(1) of the Oaths
and Affirmations Act 2018 to take an affidavit.

*Who states that their signature was made to this
affidavit by electronic means, the witnessing of the
execution of this document was done by audio-visual
link and all the requirements of Part 3 of the Oaths
and Affirmations Act 2018 (Vic).*

Date: 1 October 2025

Professor of PoliticsFaculty of Arts and Social Sciences
Social Sciences Building (A02)
The University of Sydney
NSW 2006 Australia

6 November, 2023

Dear Vice-Chancellor,

Your message to staff and students in support of the principles of free speech, academic freedom and engaged political discourse is most welcome. You remind us that vibrant and well-functioning universities are neither government agencies, nor business enterprises in which students are fee-paying customers, nor ivory towers sheltered from the harsh realities of the world. Universities, you say using other words, are public spaces supportive of competing perceptions of 'knowledge' and 'reality', laboratories of life in which the university community breathes the air of curiosity, learns to accept that human lives can legitimately be lived in different ways, in opposition to arrogance and ignorance, lies and nonsense.

Less welcome are your strictures on tolerance. You say our University supports 'the rights of students and staff to engage in political discourse' but that anybody who utters 'pro-terrorist statements or commentary, including support for Hamas's recent terrorist attacks' will be the target of tough disciplinary proceedings, including termination of employment. Many staff and students have noted an eery bias within your definition of the tolerable. It is founded on silence about such ugly matters as non-stop aerial bombardment, the illegal use of white phosphorus bombs on civilians, settler violence, bulldozers wrecking the homes of fearful innocents, death by suffocation under rubble, devilish propaganda dropped from the skies, the wilful destruction of mosques, churches, schools and universities, and crazed plans for the forcible removal of millions of people from their ancient homelands.

If toleration depends upon silence about these grim matters then it's an objectionable principle that has no place in the life of our University. Toleration purports to be a pleasing and heart-warming ethic. The word itself is from the Latin *tolerāre*, to endure, or countenance, or to bear or put up with some person or situation otherwise deemed undesirable. We speak of parents tolerating the behaviour of their naughty children and engineers tolerating size variations in machine parts. Note how toleration necessarily establishes an unequal power relationship between the subject and object of tolerance. Toleration is the twin of intolerance. To tolerate is to condescend, degrade, insult and humiliate. Toleration is a form of colonisation. That's why the silent double standard within your call for toleration is unwelcome and unwanted; and why, in these circumstances of war, our university community must be free to say the unsayable, to speak more honestly about how it came to pass that a state born of the ashes of genocide is now hellbent on the 'physical destruction in whole or in part' (Genocide Convention Article II c) of a people known as Palestinians.

Best wishes,

John Keane