# NOTICE OF FILING

## Details of Filing

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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. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

Affidavit of: **Daniel Patrick McCoach**

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

Occupation: Solicitor

Date: 18 September 2025

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Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

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| 14 | Exhibit "DPM-13", being a copy of the Senate Hansard for the 'Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)' dated 20 September 2024. | 16 | 1101 |
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| 16 | Exhibit "DPM-15", being a document entitled 'University of Sydney External Review Report' (November 2024) by Bruce Hodgkinson AM SC. | 18 | 1255 |
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| 19 | Exhibit “DPM-18”, being a document entitled ‘Our commitment to anti-racism - Supplementary resources’ published by the University of Sydney retrieved on 17 September 2025. | 21 | 1381 |
| 20 | Exhibit “DPM-19”, being a letter sent by me by way of email to the representatives (respectively) of the first respondent and second respondent on 30 July 2025. | 22 | 1389 |
| 21 | Exhibit “DPM-20”, being a document entitled ‘Antisemitism in Australian Universities Post 7 October – Survey by Australian Academic Alliance Against Antisemitism’ by Emeritus Professor Andrew Markus, Associate Professor Efrat Eilam and Emerita Professor Suzanne Rutland dated May 2025. | 23 | 1393 |
| 22 | Exhibit “DPM-21”, being a document entitled ‘ANTISEMITISM IN THE CULTURAL AND CREATIVE INDUSTIES – MONASH INITIATIVE FOR RAPID RESEARCH INTO ANTISEMITISM (MIRRA)’ by Associate Professor David Slucki, Dr Lauren Chalk, Professor Paul Long and Noè Harsel dated 2025. | 24 | 1569 |
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| 28 | Exhibit “DPM-27”, being a document entitled ‘Submission of the Australian Academic Alliance Against Antisemitism to the NSW Legislative Council Parliamentary Inquiry into Antisemitism’ submitted by Suzanne Rutland OAM and Gregory Rose and dated 5 April 2025. | 30 | 2251 |
| 29 | Exhibit “DPM-28”, being a document entitled ‘Quality of governance at Australian higher education providers - 5A Submission to the Senate Education and Employment Legislation Committee’ by the Australian Academic Alliance Against Antisemitism submitted on or around 2 September 2025. | 31 | 2277 |

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| 30 | Exhibit "DPM-29", being a document entitled '5A Submission to the Senate and Constitutional Affairs Legislation Committee Inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024' submitted by Gregory Rose and Melinda Jones and Gregory Rose. | 32 | 2303 |
| 31 | Exhibit "DPM-30", Being a document entitled 'Submission 603- Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)' by the Australian Academic Alliance Against Antisemitism and extracted on 18 September 2025 | 33 | 2318 |

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 reply to:

   (a) the first respondent's application for orders pursuant to rule 16.21 of the *Federal Court Rules 2011* (Cth) ("**Rules**") that certain parts of the applicant's Amended Statement of Claim filed on 30 July 2025 ("**ASOC**") be struck out with no leave to replead, and that the applicants pay the first respondent's costs of that application;

   (b) the second respondent's application for orders pursuant to section 31A of the *Federal Court of Australia Act 1976* (Cth) and rule 26.01(a) and (c) of the Rules that certain claims against the second respondent in the ASOC be dismissed summarily; and

   (c) the second respondent's application for orders pursuant to rule 16.21 of the Rules that certain parts of the ASOC be struck out.

4. Annexed to this affidavit and marked "**DPM-1**" ("**Gen08 Survey**") is a copy of *Report Series on the Gen08 Survey – Preliminary Findings: Melbourne & Sydney* (August 2009 Report 1) by Andrew Marcus, Nicky Jacobs and Tanya Aronov first published 2009 and reprinted in 2011 and retrieved on 17 September 2025 from a link located at https://www.monash.edu/arts/acjc/research-and-projects/past-projects/jewish-attitudinal-surveys/gen08/gen08-preliminary-findings.

5. Annexed to this affidavit and marked "**DPM-2**" ("**Gen17 Survey**") is a copy of *Gen17 Australian Jewish Community Survey – Preliminary Findings* by David Graham and Andrew Marcus first published March 2018 and retrieved on 17 September 2025 from a

link located at https://www.monash.edu/arts/acjc/research-and-projects/past-projects/jewish-attitudinal-surveys/gen17.

6. Annexed to this affidavit and marked "**DPM-3**" ("**Crossroads 23 Survey**") is a copy of *Crossroads 23: Surveying Australian Jews on Israel* dated 14 June 2023 and retrieved on 17 September 2025 from a link located at https://thejewishindependent.com.au/surveying-australian-jews-on-israel.

7. Annexed to this affidavit and marked "**DPM-4**" ("**Jewish University Experience**") is a copy of *The Jewish University Experience Survey – July 2023* (Version: 1) prepared by The Social Research Centre and retrieved on 17 September 2025 from a link located at https://www.ecaj.org.au/the-jewish-university-experience-survey-july-2023/.

8. Annexed to this affidavit and marked "**DPM-5**" ("**Shadow of War Survey**") is a copy of *Australian Jews in the Shadow of War: Main Survey Findings* by Dr Adina Bankier-Karp & Dr David Graham dated May 2024 and retrieved on 17 September 2025 from a link located at https://www.monash.edu/arts/acjc/research-and-projects/current-projects/australian-jews-in-the-shadow-of-war-ajsw.

9. Annexed to this affidavit and marked "**DPM-6**" ("**ADA Review 2025**") is a copy of *Review of the Anti-Discrimination Act 1977* (NSW) by the NSW Law Reform Commission dated May 2025.

10. Annexed to this affidavit and marked "**DPM-7**" ("**2023 CSG Report**") is a copy of *A CSG Analysis of Reported Antisemitic Incidents in Australia in 2023* by Community Security Group dated 2024 and retrieved on 17 September 2025 from a link located at https://www.csgnsw.org.au/publications.

11. Annexed to this affidavit and marked "**DPM-8**" ("**IHRA Definition**") is a copy of *IHRA non-legally binding working definition of antisemitism – Adopted by the IHRA Plenary in Bucharest* published by the International Holocaust Remembrance Alliance dated 26 May 2016 and retrieved on 17 September 2025 from a link located at https://holocaustremembrance.com/resources/working-definition-antisemitism.

12. Annexed to this affidavit and marked "**DPM-9**" ("**Fox and Topor**") is a copy of an extract of chapter 4 of the book *Why Do People Discriminate Against Jews?* (Oxford University Press) by Jonathan Fox and Lev Topor published 2021.

13. Annexed to this affidavit and marked "**DPM-10**" is a copy of materials extracted and redacted on 18 September 2025 from sections of websites associated with Jewish Australian schools and/or youth movements as follows:
    (a) Australasian Zionist Youth Council the Roof Body For Australia and New Zealand's Zionist youth movements;
    (b) Betar;
    (c) Hineni;
    (d) Hashy;

(e) Habonim Dror;

(f) Bnei Akiva;

(g) Netzer;

(h) Hatzofim;

(i) CatZ;

(j) JAZY;

(k) Moriah College;

(l) Masada College;

(m) Mount Scopus Memorial College;

(n) Bialik College; and

(o) The King David School.

14. Annexed to this affidavit and marked "**DPM-11**" ("**J-United Petition**") is a copy of the Change.org *Petition: The Jewish Council of Australia Does Not Represent Me!* retrieved on 17 September 2025.

15. On 17 September 2025, Richard Hutchings of Cornwalls Solicitors provided to me by way of email and imbedded link, a document setting out various screenshots of the first respondent's X (Twitter) account posts from 7 October 2023 to 23 December 2023 taken on 23 December 2023. Annexed to this affidavit and marked "**DPM-12**" ("**Riemer X Posts**") is a copy of that document.

16. Annexed to this affidavit and marked "**DPM-13**" ("**Inquiry into Antisemitism Hearing**") is a copy of the Senate Hansard for the *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)* dated 20 September 2024.

17. Annexed to this affidavit and marked "**DPM-14**" ("**Legislative Council, Wednesday 4 September 2024, Skills, Tafe and Tertiary Education**") is a copy of a transcript of Portfolio Committee No. 3 – Education (NSW) *Examination of proposed expenditure for the portfolio area – SKILLS, TAFE AND TERTIARY EDUCATION* (Corrected) dated 4 September 2024.

18. Annexed to this affidavit and marked "**DPM-15**" ("**Hodgkinson Report**") is a copy of the *University of Sydney External Review Report* prepared by Bruce Hodgkinson AM SC dated November 2024.

19. On 17 September 2025, Andy Smidt (Adjunct Associate Professor at the University of Sydney as part of the Centre for Disability Research and Policy) provided to me a redacted document entitled *WSMS RFS Report - 1-488253* dated 3 September 2024. Annexed to this affidavit and marked "**DPM-16**" ("**SafeWork Investigation Findings**") is a copy of that document.

20. Annexed to this affidavit and marked "**DPM-17**" ("**Universities Australia Definition on Combatting Antisemitism**") is a copy of *Statement on Racism* media release by Universities Australia dated 27 February 2025 retrieved on 17 September 2025.

21. Annexed to this affidavit and marked "**DPM-18**" ("**USYD Endorsement of UA Definition**") is a copy of *Our commitment to anti-racism - Supplementary resources* by the University of Sydney retrieved on 17 September 2025 from a link located at https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity/anti-racism-commitment.html.

22. Annexed to this affidavit and marked "**DPM-19**" ("**Particulars Letter**") is a copy of a letter sent by me by way of email to the representatives (respectively) of the first respondent and second respondent on 30 July 2025.

23. Annexed to this affidavit and marked "**DPM-20**" ("**5A Survey**") is a copy of *Antisemitism in Australian Universities Post 7 October – Survey by Australian Academic Alliance Against Antisemitism* by Emeritus Professor Andrew Markus, Associate Professor Efrat Eilam and Emerita Professor Suzanne Rutland dated May 2025.

24. Annexed to this affidavit and marked "**DPM-21**" ("**MIRRA**") is a copy of *ANTISEMITISM IN THE CULTURAL AND CREATIVE INDUSTIES – MONASH INITIATIVE FOR RAPID RESEARCH INTO ANTISEMITISM (MIRRA)* by Associate Professor David Slucki, Dr Lauren Chalk, Professor Paul Long and Noè Harsel dated 2025 and retrieved on 17 September 2025 from a link located at https://www.monash.edu/arts/acjc/monash-initiative-for-rapid-research-into-antisemitism-mirra.

25. Annexed to this affidavit and marked "**DPM-22**" ("**Gen 17 Education**") is a copy of *Gen17 Australian Jewish Community Survey – Jewish Education in Melbourne* by Andrew Marcus, Miriam Munz and Tanya Munz first published 2020 and retrieved on 17 September 2025 from a link located at https://www.monash.edu/arts/acjc/research-and-projects/past-projects/jewish-attitudinal-surveys/gen17.

26. Annexed to this affidavit and marked "**DPM-23**" ("**2023 ECAJ**") is a copy of *Report on Antisemitism in Australia 2023 – 1 October 2022 – 30 September 2023* by Julie Nathan published by the Executive Council of Australian Jewry dated 31 December 2023 and retrieved on 17 September 2025 from a link located at https://www.ecaj.org.au/the-ecaj-2023-antisemitism-report/.

27. Annexed to this affidavit and marked "**DPM-24**" is a copy of various submissions received by the committee of the *Inquiry into a Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)* and retrieved on 18 September 2025 from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/AntisemitismBill/Submissions, being submissions numbered and submitted by the following:

    (a) 61 – StandWithUs Australia;

    (b) 97 – Executive Council of Australian Jewry Inc. (ECAJ);

    (c) 103 – ACT Jewish Community;

    (d) 114 – Zionist Federation of Australia;

(e) 134 – Australasian Union of Jewish Students;

(f) 136 – Australia/Israel & Jewish Affairs Council (AIJAC);

(g) 137 – Moriah College;

(h) 138 – Never Again is Now Ltd;

(i) 158 – Australian Association of Jewish Holocaust Survivors and Descendants Inc;

(j) 178 – Ms Moran Dvir;

(k) 179 – Miss Dror Liraz;

(l) 195 – Mr Mark Friedgut;

(m) 319 – Mr Marc Light;

(n) 422 – Jillian Segal AO; and

(o) 634 – Miss Freya Leach.

28. Annexed to this affidavit and marked "**DPM-25**" is a copy of an extract of a section of the website of the Jewish Council of Australia's entitled *Who are we?* retrieved on 18 September 2025 from https://www.jewishcouncil.com.au/who-we-are.

29. Annexed to this affidavit and marked "**DPM-26**" is a redacted copy of *Incident Hazard Report – [113]* printed 26 June 2024.

30. Annexed to this affidavit and marked "**DPM-27**" ("**5A Parliamentary Inquiry**") is a copy of *Submission of the Australian Academic Alliance Against Antisemitism to the NSW Legislative Council Parliamentary Inquiry into Antisemitism* submitted by Suzanne Rutland OAM and Gregory Rose and dated 5 April 2025.

31. Annexed to this affidavit and marked "**DPM-28**" ("**5A Senate**") is a copy of *Quality of governance at Australian higher education providers - 5A Submission to the Senate Education and Employment Legislation Committee* by the Australian Academic Alliance Against Antisemitism submitted on or around 2 September 2025.

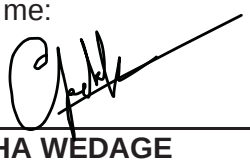
32. Annexed to this affidavit and marked "**DPM-29**" ("**5A Hate Crimes**") is a copy of *5A Submission to the Senate and Constitutional Affairs Legislation Committee Inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024* submitted by Gregory Rose and Melinda Jones and Gregory Rose.

33. Annexed to this affidavit and marked "**DPM-30**" ("**5A Judicial Sub**") is a copy of *Submission 603- Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)* by the Australian Academic Alliance Against Antisemitism and extracted on 18 September 2025 from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/AntisemitismBill/Submissions.

AFFIRMED at
Melbourne in the
State of Victoria on
this 18th day of
September 2025

**DANIEL PATRICK MCCOACH**
*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:



**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.

## Schedule of Parties

**Applicants**

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

**Respondents**

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

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-1" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
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**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

REPORT SERIES ON THE GEN08 SURVEY

# PRELIMINARY FINDINGS:
## MELBOURNE & SYDNEY


**AUTHORS:**

ANDREW MARKUS
NICKY JACOBS
TANYA ARONOV



Gen08

MONASH University
Australian Centre for Jewish Civilisation

AUGUST 2009

REPORT 1

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## ACKNOWLEDGEMENTS

This report is the second publication of the Jewish population study, established in 2007 through a partnership between Monash University's Australian Centre for Jewish Civilisation and Jewish Care Victoria.

The establishment of this project was made possible by the support of the Australian Research Council under its Linkage Grants program and by the Industry Partner, Jewish Care Victoria. We particularly acknowledge the key roles of Jewish Care President Robyne Schwarz and CEO Bruce Salvin. We also gratefully acknowledge the financial support provided by the Pratt Foundation, the Gandel Charitable Trust, the Besen Family Foundation, Lorraine Topol and the Benjamin Slome Charitable Foundation, The D & R Goldschlager Family Charitable Foundation, the Ricci Swart Family, and the National Council of Jewish Women. Grahame Leonard AM (Past President, Executive Council of Australian Jewry) provided support and encouragement at all stages of the project and was instrumental in fostering the contacts necessary for a national study. Laurence Joseph has played a leadership role in Melbourne.

The project's implementation in New South Wales and hence its national scope was made possible by the support of JCA (Jewish Communal Appeal) Planning, under the leadership of Jillian Segal AM. JCA Planning provided staff time and financial support for survey implementation, under the direction of Amanda Goodman, Naomi Gelbart and Miri Sonnabend.

We gratefully acknowledge the expertise and generous commitment of time of our committee members. The Jewish population study is directed by its Melbourne Steering Committee, chaired by Laurence Joseph, with membership comprising Anton Block (Past President, Jewish Community Council of Victoria), David Brous, Dr Nicky Jacobs, Grahame Leonard, Professor Andrew Markus, Dr Miriam Munz and Bruce Salvin. Amanda Goodman and then Naomi Gelbart were the Sydney representatives on this committee. The Sydney Steering Committee is chaired by Jillian Segal and comprises Susi Brieger OAM, Professor Bettina Cass AO, Dr Gary Eckstein, David Knoll, Paul Kaplan and Peter Philippsohn OAM, with Andrew Markus as the Melbourne representative. The project's Technical Advisory Committee is chaired by Andrew Markus and comprises Dr Susan Feldman, Anita Frayman, Dr John Goldlust, Dr Nicky Jacobs, Daniel Leighton, Dr Philip Mendes, Dr Miriam Munz, Professor Bernard Rechter, Irving Saulwick AM and Barbara Szwarc.

Confidential access to databases for the first phase of contact with potential respondents was provided by JCCV, UIA Victoria, Maccabi Victoria and JCA Planning. The weightings for the survey were prepared by John Hinchy, his services made possible *pro bono* by Dhruba Gupta, Managing Director of DBM Consulting Pty. Ltd. The project was undertaken with oversight at its several stages by the Monash University Standing Committee on Ethics in Research Involving Humans.

This report was written by Andrew Markus. Nicky Jacobs took responsibility for analysis of life satisfaction data and assisted with statistical analysis. Tanya Aronov was project co-ordinator during the administration of the survey, undertook analysis of a large and complicated data file and helped compile this publication. Additional assistance in project administration and promotion was provided by Leanne Moss, Abie Munz, Kieran Mitchell, Karen Klein, Miriam Munz, Anita Frayman and Ran Porat. JCA and the Sydney Steering Committee played a key role in the implementation of the online survey.

This first report of the Jewish Population Survey provides a general overview of findings for Melbourne and Sydney. Subsequent reports will develop the analysis (including consideration of changing patterns revealed by close examination of earlier Melbourne surveys) and consider other centres of Jewish population in Australia and New Zealand. If organisations require specific information they should contact the authors at the Australian Centre for Jewish Civilisation, Monash University.

## EXECUTIVE SUMMARY

The key points to emerge from this survey are:

- There is a very strong **sense of Jewish identification**; depending on definition, between 80% and 90% of respondents see their 'Jewishness' as an important or defining characteristic of their lives.
- A distinguishing characteristic of Jews in Australia is the **connectedness of families**. Over 70% of respondents indicated that they spent Friday evening Sabbath with their family every week or most weeks.
- Support for **Israel** unifies the Jewish community. There is evidence of division of opinion in response to many issues, but much of the difference disappears when Israel is considered; close to 80% of respondents indicated that they regarded themselves as Zionist, while only 13% did not. There are, however, a wide range of views on the policy to be followed in pursuit of peace with Palestinians.
- There is a relatively high level of **discrimination**, understood in terms of antisemitism, reported by Jewish Australians. Of those who have experienced antisemitism in Australia (59% of respondents), 45% in Melbourne and 45% in Sydney reported one or more incidents in the last twelve months.
- When asked about the extent of change in **antisemitism** in Australia over the last five years, 45% were of the view that it was about the same as five years ago. But those who thought that it was less of a problem were outnumbered more than six to one by those who considered antisemitism to be 'worse' or 'much worse'.
- Generally there was strong support for the **Jewish community**. Only 20% of respondents indicated that they felt no connection (or only a 'slight' connection) with the community. A larger proportion of one third, however, indicated that they could 'never' or 'hardly ever' have a say on issues that were important to them.
- Comparison of the outlook of **Jewish day school** graduates with those who had no Jewish day school education indicates a marked differentiation. But closer examination points to factors additional to the type of school attended in the shaping of identity, two of which are considered in this report: religion (or its absence) in the parental home, and involvement in UJEB/BJE supplementary classes or secular youth groups. Differentiation in outlook and reported behaviour is most evident when those of religious background who attended a Jewish day school are compared with those of secular background who attended a non-Jewish school.
- Almost nine out of ten respondents indicated that they were very satisfied or satisfied with their 'life as a whole', a marginally higher level than is indicated by general Australian surveys. Consideration of a range of variables with possible impact on **life satisfaction** indicated that socio-economic status produced the largest variation.
- While **poverty** is at a relatively low level within the Jewish population, those at greatest risk by a large margin are those unable to work because of a disability.
- A comparison of **immigrants** from South Africa, the Former Soviet Union (FSU) and Israel highlights differences in experience – and the range and extent of problems faced by FSU immigrants, including serious difficulty finding employment, obtaining recognition of qualifications and inadequate income. Notwithstanding difficulties experienced, FSU-born together with South Africa-born, indicated a high level of satisfaction with their lives in Australia compared to their former homelands. A majority of the Israel-born also indicated satisfaction, but there was more equivocation in their responses.

# INTRODUCTION

This report presents the preliminary findings for Melbourne and Sydney of the Gen08 Jewish population survey which was conducted from September 2008 to April 2009 in Australia and New Zealand. Gen08 was the first national and cross-national survey undertaken in the two countries. A lengthy questionnaire of some 144 questions was completed by over 6200 respondents. Details of the respondent profile are contained in the methodological note at the end of the report.

This report of the preliminary findings for Melbourne and Sydney, based on 5100 completed surveys, deals with three sets of issues. First, it considers six thematic areas: sense of identity; sense of community, including connectedness and disconnectedness; perceptions and experience of antisemitism; attitudes to Israel; education; and life satisfaction. It then considers the impact, necessarily briefly, of two cross-cutting variables: patterns of religious (and non-religious) identification and birthplace, with reference to three major immigrant groups, most of whose members arrived over the last three decades. It also considers issues related to the incidence of poverty. The third section looks at key findings in the context of change over time, benchmarking findings against earlier survey work conducted in Melbourne, and compares the findings for Melbourne and Sydney with some major Jewish population centres in the Diaspora.

## Who was considered Jewish?

The study included those aged 18 and above who saw themselves as 'Jewish in any way at all'.

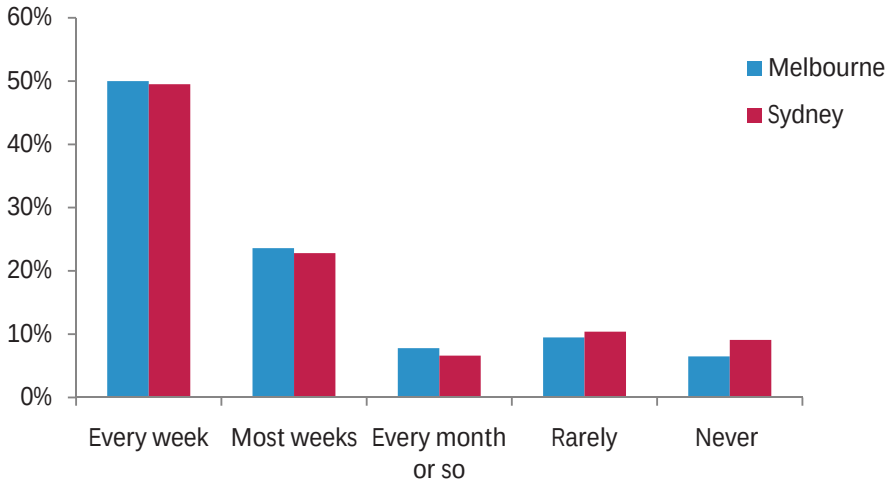
## JEWISH IDENTITY

A major finding of the survey is the strength of Jewish identity – a finding that largely holds consistently across age groups.

When asked 'how important is being Jewish in your life today?' close to 90% of respondents in Melbourne and Sydney indicated that being Jewish was 'very important' or 'important'. When a more narrowly directed question asked respondents 'which best expresses your sense of being Jewish?', 27% indicated that it was a 'central element' in their lives and 51% that it was a 'significant element'. Taking these two questions together and depending on definition, **between 80% and 90% of respondents see their 'Jewishness' as an important defining characteristic of their lives.**

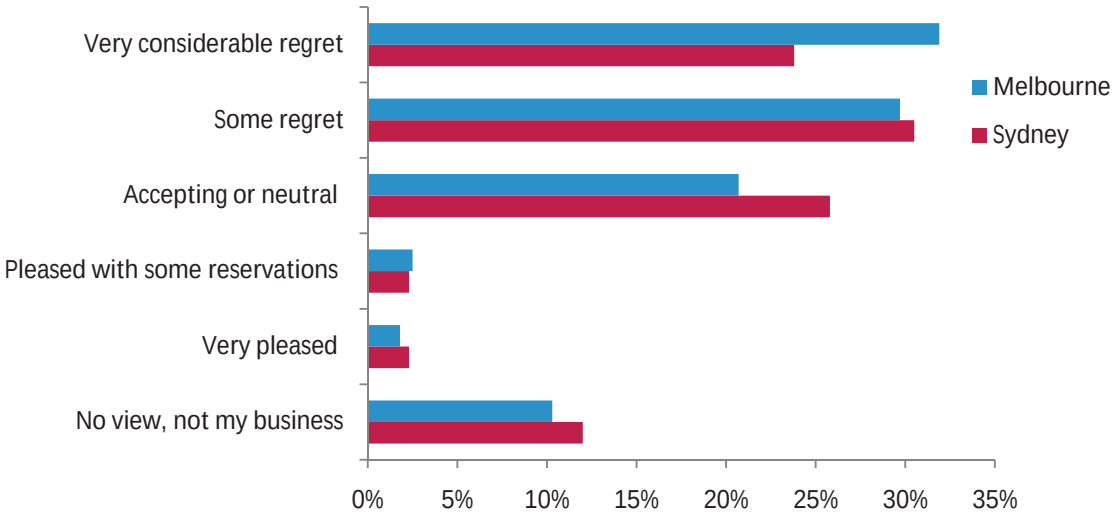
An important distinguishing characteristic of Jews in Australian society is the strength of family ties. In both Melbourne and Sydney more than 70% of respondents indicated that they spent Friday evening Sabbath with their family on a regular basis, with 50% of respondents indicating that they spent 'every week' with their family and 23% 'most weeks'. Of those who indicated that they observed Sabbath, 8% did 'not observe any rituals', 75% 'observe some rituals', and 15% indicated 'completely strict observance'.

**Figure 1: How often do you spend Friday night Sabbath with your family?**



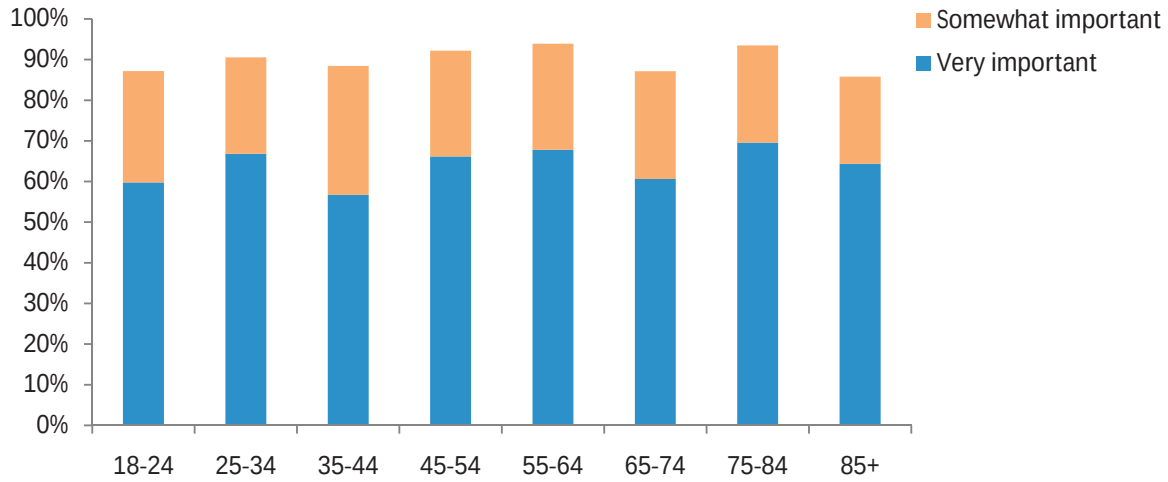

Indicating the strength of feeling supportive of Jewish continuity, only a small minority responded that news of intermarriage in the community left them 'pleased' or 'accepting or neutral': thus 4% indicated that they were 'very pleased' or 'pleased with some reservations' with intermarriage, 23% were 'accepting or neutral' and a further 11% had 'no view', it was not their business. **A majority, close to 60%, indicated that they regarded intermarriage with regret or considerable regret.** When those with children were asked for their views concerning intermarriage, a further 10% (or 70% in total) indicated that they would view with regret the marriage of one of their children to a non-Jewish person.

**Figure 2: When you hear about intermarriage in the community, how do you feel?**



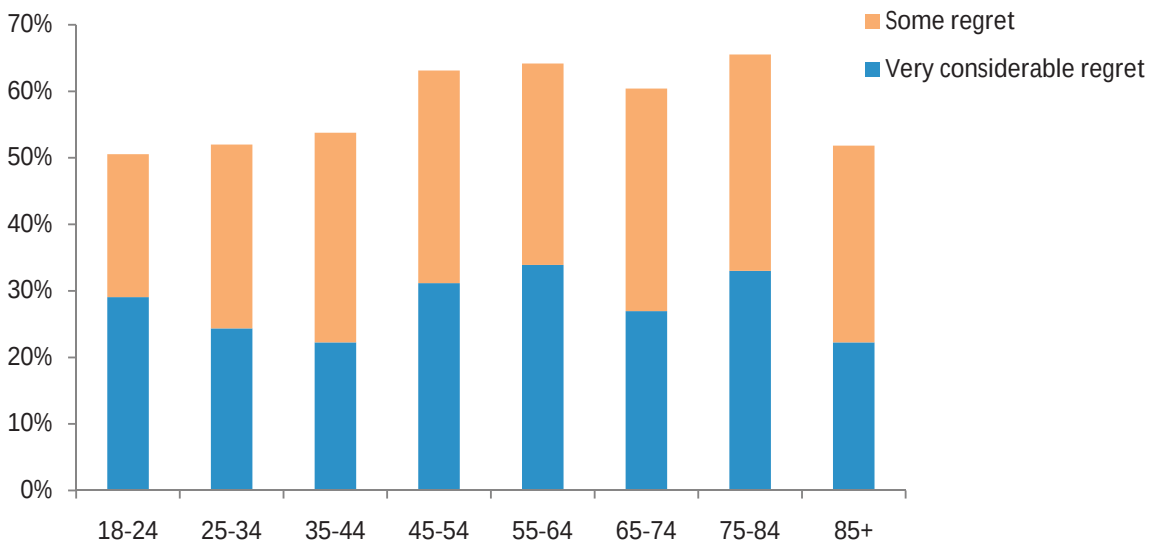

When attitudes across age groups were considered, a large degree of consistency was found with regard to importance of Judaism, as indicated in Figure 3. This consistency was largely maintained when intermarriage was raised, although a division was evident between those aged 18-44 and 45-84; around 50% of those in the younger age groups indicated regret, compared with over 60% of those aged 45-84.

**Figure 3: How important is being Jewish in your life today? Cross-tabulated by age[1]**




[1] Unless results for Melbourne and Sydney are specified, data for the two cities is aggregated in this report. The number of respondents in the age categories is 18-24, 460; 25-34, 677; 35-44, 701; 45-54, 857; 55-64, 938; 65-74,476; 75-84, 414; 85+, 274.

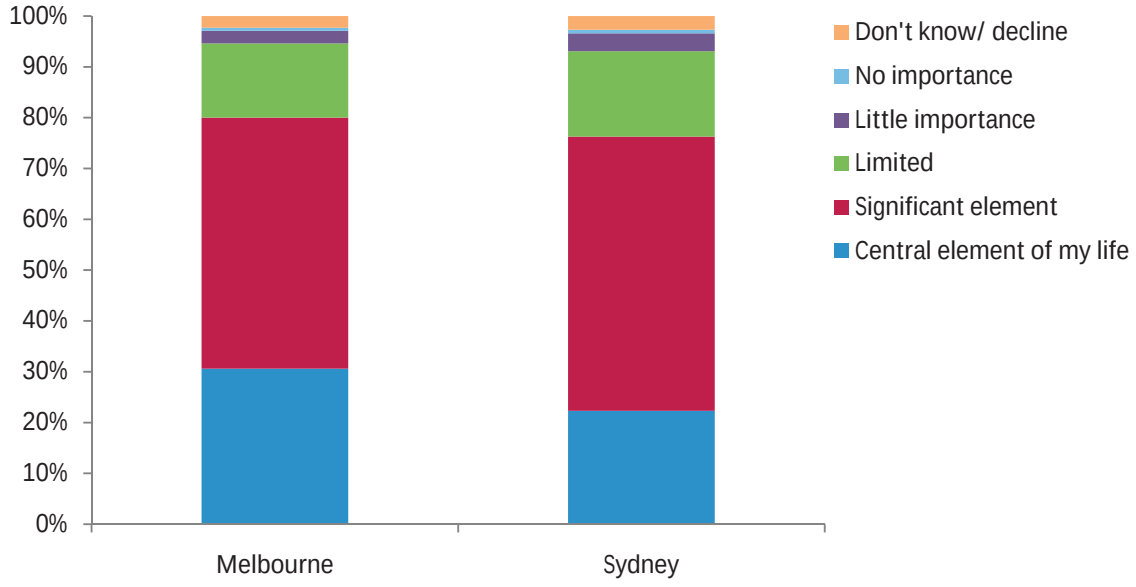
**Figure 4: When you hear about intermarriage in the community, how do you feel? Cross-tabulated by age**




## Melbourne and Sydney

**Results for Melbourne and Sydney followed a similar pattern on most questions – but with one important difference. There was a tendency for a higher proportion of Melbourne Jews to agree with the strongest affirmations of Jewish identity.** Thus 67% in Melbourne and 62% in Sydney indicated that being Jewish was 'very important' in their lives; 32% in Melbourne and 22% in Sydney that being Jewish was 'a central element' in their lives; 33% in Melbourne and 23% in Sydney indicated 'very considerable regret' at the news of intermarriage in the community. On the frequency of Sabbath observance with their families, there was no difference – 50% of respondents in both cities indicated observance with families 'every week' and 23% on 'most weeks'.

**Figure 5: Which of the following best expresses your sense of being Jewish?**

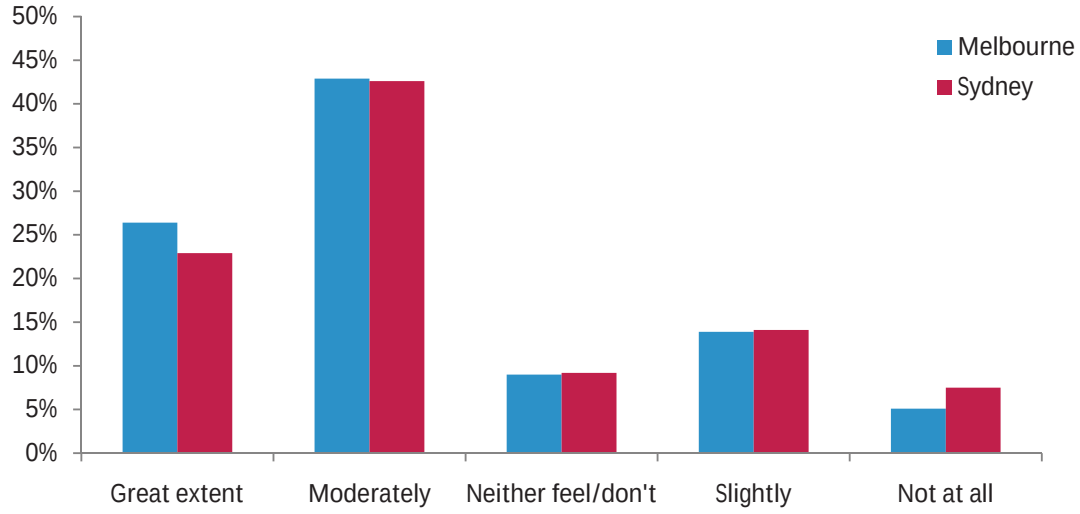


As a means of validating this finding, cross-checks were undertaken within sub-sets of respondents, providing further scope to compare the two cities. The differentiation of response was consistently maintained in the sub-groups. Thus the responses within four sub-groups (two socio-economic, comprising those describing themselves as 'prosperous' and 'living very comfortably', and two religious, the 'Modern Orthodox' and 'Traditional') were considered for the question 'Which of the following best expresses your sense of being Jewish?' In each sub-group a higher proportion of Melbourne residents opted for the first choice, 'it is a central element in my life'.

## JEWISH COMMUNITY

**Two thirds of respondents indicated that they felt connected to the Jewish community to a 'great' (25%) or 'moderate extent' (43%)**; 9% were neutral, 14% only felt a slight connection, while 6% indicated no connection at all.

**Figure 6: How connected do you feel to Jewish communal life?**




The combined 'slight' or 'not at all' proportion comprised 19% in Melbourne, 22% in Sydney. These respondents were asked a follow-up question, asking for their reasons for lack of connectedness. Answers were widely dispersed, with a similar pattern in Melbourne and Sydney. The two most common, with an almost equal number, were a feeling that the community leadership did not represent their views and that they lived outside the Jewish neighbourhoods. Of the total sample, however, those providing these responses relating to leadership and residence totalled 458 out of 5100 respondents, or less than 5% in each case. The next ranked reasons for lack of connectedness concerned financial position, marriage to a non-Jewish person and immigrant status.

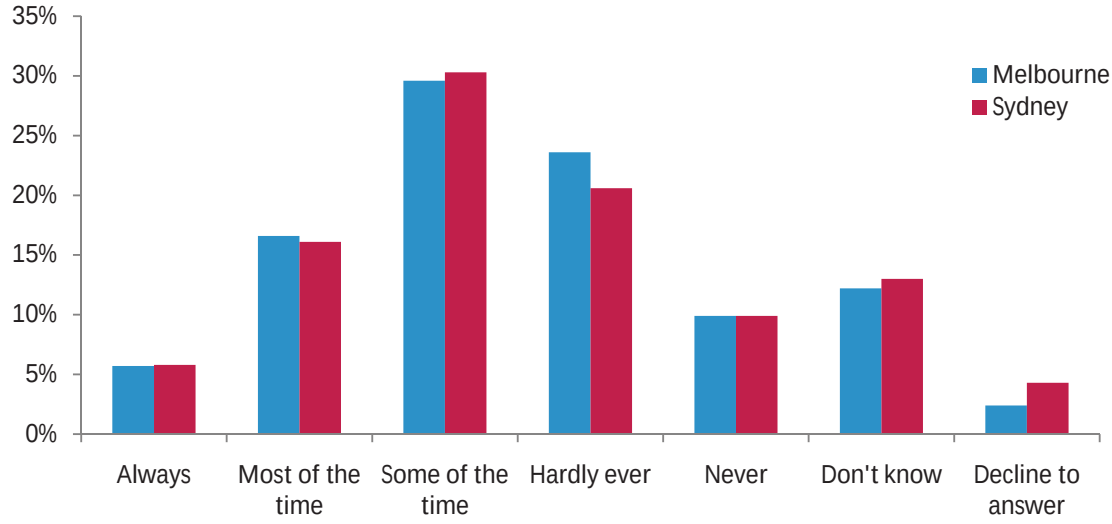
**Table 1: Which factors have led you to feel that you are not (or only slightly) part of the community?**

| **Not connected** | **20.1%** |
|---|---|
| | |
| **Reasons for not feeling connected** | |
| Views different from leadership | 4.8% |
| Live outside the Jewish neighbourhoods | 4.7% |
| Financial | 2.7% |
| Partner not Jewish | 2.4% |
| Immigrant | 2.2% |
| Not Zionist | 1.8% |
| Children not Jewish | 0.8% |
| Sexual identity | 0.8% |
| **N** | **5101** |

In Melbourne, there have been assertions that there are problems with community leadership, as a recent writer in the *Australian Jewish News* observed: 'As the mountains of anecdotal evidence demonstrate, there is an unusually high degree of dissatisfaction with the JCCV and communal leadership in general' (Yoram Symons, *AJN*, 3 July 09). **The survey,** however, **does not provide evidence of widespread disaffection.** As has been noted, only 5% of respondents indicated a sense of disconnectedness because of the views of the community leadership and a further 2% because they were not Zionists.

In response to a second question, however, **a substantial minority indicated that they lacked influence in community decisions.** Gen08 asked respondents if they felt that they could have a say in the Jewish community on issues that were important to them. Slightly more than half of the respondents indicated that they felt they could have a say 'always' (6%), 'most' (16%) or 'some of the time' (30%). The combined 'always' and 'most of the time' response of 22% is lower than the finding of a 2006 Australian Bureau of Statistics Survey which found that 29% of Australians reported that they were able to have a say in their community on important issues all or most of the time.[2] A substantial minority of respondents felt they could 'hardly ever' (21%) or 'never' (10%) have a say. A further relatively high proportion indicated that they did not know (13%) or declined to answer (3%).

**Figure 7: On issues that are important to you, do you feel that you are able to have a say in the Jewish community?**




Further questions asked for indication of the major strengths and problems facing the Jewish community. Respondents had the option to choose five factors from a list of 14 strengths; after selecting the five factors they were asked to rank them, from first to fifth.[3] There was marked difference between Melbourne and Sydney in the first preference. **'Support for Israel' was the most popular first ranked choice in Melbourne**, chosen by 21% of respondents. The second and third ranked choices were the 'very welcoming community' and the passing on of traditions across the generations. But **in Sydney, the success of fundraising ranked first and third**: the raising of funds to support community organisations (20%) and the less fortunate (13%). Support for Israel (15%) ranked second.

[2] Australian Social Inclusion Board, *A Compendium of Social Inclusion indicators* (2009), pp.41-2
[3] The following discussion of ranked strengths and problems does not include respondents to the print version of the survey as a significant number of these respondents did not provide rankings.

**Table 2: What do you see as the major strengths of the Jewish community in Melbourne/Sydney, first preferences, ranked**

| | First preference | | |
|---|---|---|---|
| | Rank | Melbourne | Sydney |
| There is support for Israel | 1/2 | 20.8% | 15.4% |
| Traditions are passed from one generation to the next | 2/4 | 18.1% | 11.0% |
| is a very welcoming community | 3/6 | 14.3% | 9.1% |
| Funds are raised to support the less fortunate | 4/3 | 10.4% | 13.3% |
| There is support in times of difficulty | 5 | 9.6% | 10.4% |
| Funds are raised to support community organisations | 6/1 | 7.0% | 19.7% |
| **N** | | **2235** | **1612** |

When respondents were asked to select and rank five factors from a list of 15 relating to major problems or challenges facing the Jewish community, there was greater agreement between Melbourne and Sydney. **The problem of intermarriage and assimilation was the standout first choice**, selected by 32% in Sydney and 27% in Melbourne. Division between religious and secular Jews and the rejection by young people of traditions of Jewish life ranked second and third. The fourth ranked factor in Melbourne was growing antisemitism and prejudice against Jews (9%), in Sydney it was the division between rich and poor (7%).

**Table 3: What do you see as the major problems or challenges, if any, facing the Jewish community in Melbourne/Sydney, first preferences, ranked**

| | First preference | | |
|---|---|---|---|
| | Rank | Melbourne | Sydney |
| Intermarriage, assimilation | 1 | 26.7% | 31.6% |
| Division between religious and secular Jews | 2 | 14.2% | 13.3% |
| Young people reject the traditions of Jewish life | 3 | 9.4% | 9.9% |
| Growing antisemitism, prejudice against Jews | 4/5 | 8.8% | 6.5% |
| Duplication of community organisations, services | 5/ | 6.3% | |
| Division between the rich and poor | 6/4 | 5.9% | 7.4% |
| Too few people volunteer | /6 | | 5.7% |
| **N** | | **2177** | **1615** |

With all five choices were aggregated, a further variation is evident; the 'duplication of community organisations and services' was noted as a problem by over a quarter of respondents (26%) in Melbourne, a markedly lower 18% in Sydney. The differences between Melbourne and Sydney – namely, the perceived effectiveness in Sydney of fundraising and the lower proportion concerned with duplication of organisations and services – may be explained by the success of the Jewish Communal Appeal model.

## DISCONNECTEDNESS

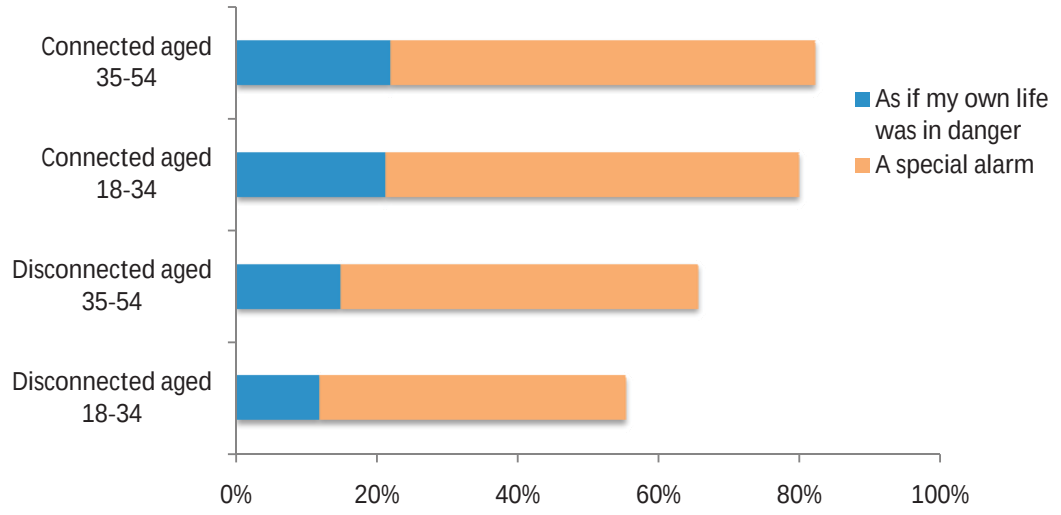
Gen08, with 5100 respondents in Melbourne and Sydney, provides the opportunity to explore the attitudes of the minority who indicated little sense of connection to the Jewish community.

The responses of those who indicated that they were 'only slightly' or 'not at all' connected were contrasted with those who felt connected 'to a great extent' or 'to a moderate extent'. Two age groups, 18-34 and 35-54, were considered, with results combined for Melbourne and Sydney to yield a more reliable sample. Within these age groups there were over 560 respondents who identified as 'disconnected', of whom 214 were aged 18-34; the 'connected' comprised some 1800 respondents, of whom 779 were aged 18-34.

A marked contrast was found in response to a number of questions, with the lowest level of differentiation when attitude to Israel and sense of Jewish identity were considered.

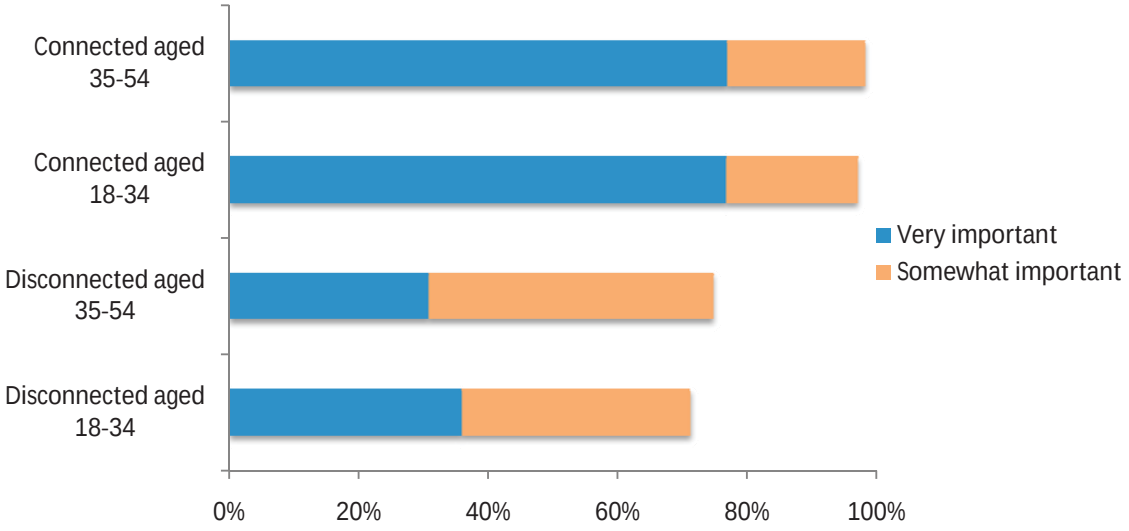
Identification as a Zionist was in the range 85%-90% among the connected, 60%-65% among the disconnected, with the younger age group at the lower end of this range. While some 80% of respondents who identified as connected indicated a 'special alarm' or a 'reaction so strong that it was almost the same as if their own life was in danger', 55% of the disconnected aged 18-34 and 66% aged 35-54 indicated a similar level of concern.

**Figure 8: When international events put Israel in danger, which one of the following best describes how you feel?**



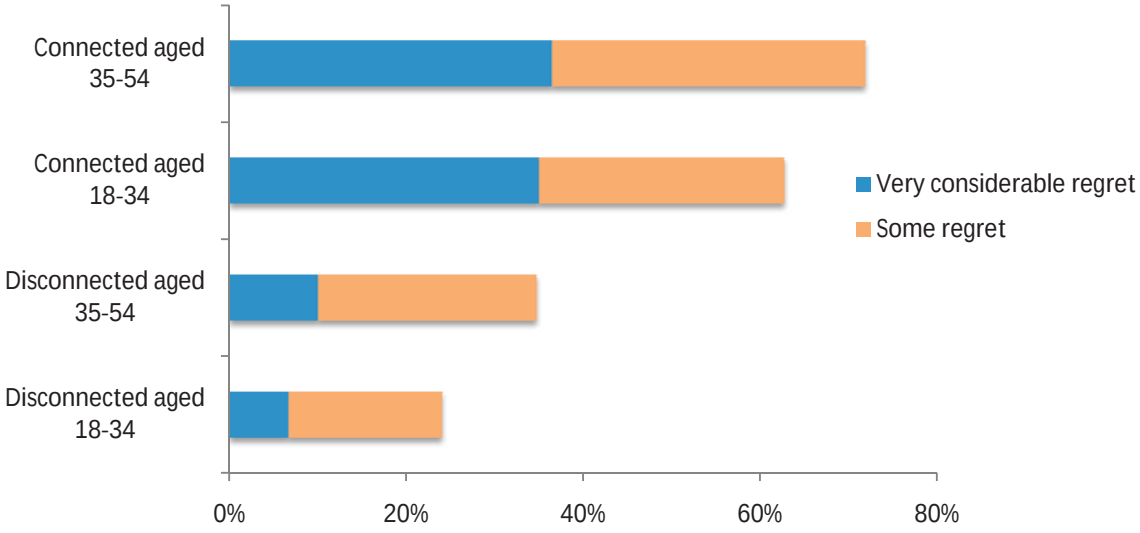

When importance of being Jewish was considered, the combined 'very important' and 'somewhat important' responses indicated a differentiation of 25%-30% between the connected and disconnected, with an even more marked differentiation at the level of the strongest response, 'very important'.

**Figure 9: How important is being Jewish in your life today?**




**Divergence was most marked when friendship patterns and intermarriage were considered.**
Among the connected, close to 68% of respondents indicated that 'all' or 'nearly all' of their friends were Jewish, compared to around 36% of the disconnected. With regard to attitudes towards intermarriage, difference was evident within each group by age, but the contrast between the two groups was more marked. Of those aged 18-34 and disconnected, less than 25% considered intermarriage with a degree of regret, compared to over 60% of those aged 18-34 among the connected; for those aged 35-54 the variance was from close to 35% to over 70%.

**Figure 10: When you hear about intermarriage in the community, how do you feel?**



## ANTISEMITISM

There are a number of indicators of the extent of discriminatory behaviour in Australian society. One of these, the 2007 Scanlon Foundation Social Cohesion Survey, found that almost one quarter (26%) of Australians had experienced discrimination as a consequence of their national or ethnic background and less than one in ten (8%) on the basis of their religion. Almost one in ten (9%) of Australians reported having encountered discrimination in the last twelve months on the basis of their national or ethnic background or their religion.[4]

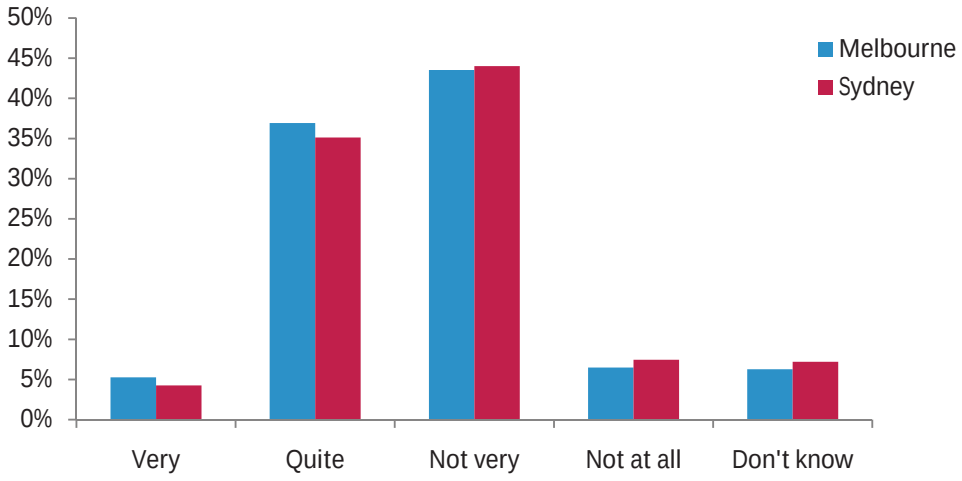
There is a much higher level of discrimination, understood in terms of antisemitism, reported by Jewish respondents. In Melbourne 60% and in Sydney 57% of respondents indicated experience of antisemitism in Australia. Of these, **45.1% in Melbourne and 44.9% in Sydney reported one or more incidents of antisemitism over the last twelve months.**

Antisemitism was not defined in the Gen08 survey and responses were based on individual perceptions of antisemitic behaviour, ranging from comments made in conversation to physical assault; when referring to incidents of antisemitism very few responses were concerned with media coverage. The most common form of antisemitism reported (as in the Social Cohesion Survey) was 'verbal abuse' (64% of the reported cases in the two cities), followed by graffiti and vandalism (23%). Some 5% of respondents who reported incidents of antisemitism specified physical assault (more frequently reported in Melbourne than Sydney). The reported antisemitic incidents were most likely to occur 'on the street' (19%), followed by 'place of work', including application for work (11%), 'at a sporting event as a spectator or participant' (7%), and at school or university (combined 14%). The other most frequently mentioned occurrences were 'outside a Jewish building' (6%), and in social contexts, such as 'in conversation' (3%).

A large minority (41% in Melbourne, 39% in Sydney) were of the view that antisemitism was a 'very serious' or 'quite serious' problem, close to 50% considered that antisemitism was 'not a very serious problem' or 'not a serious problem at all'; the remaining 10% indicated that they did not know or declined to answer. While there was relatively little difference across age groups, those aged 18-24 were most likely to view antisemitism as 'very serious'. When the 'very serious' and 'quite serious' responses were combined, the highest level of agreement was among those aged 45-54 (46%), followed by a similar level of response among those aged 18-44 (43%). Contrary to the assumption that the elderly are the most likely to be concerned, a relatively low 38% of those aged 65-74 and 36% aged 75-84 viewed antisemitism as 'very serious' and 'quite serious'. **The highest proportion (7%) reporting the experience of at least one antisemitic incident a month were aged 18-24, more than double for any other age group.**

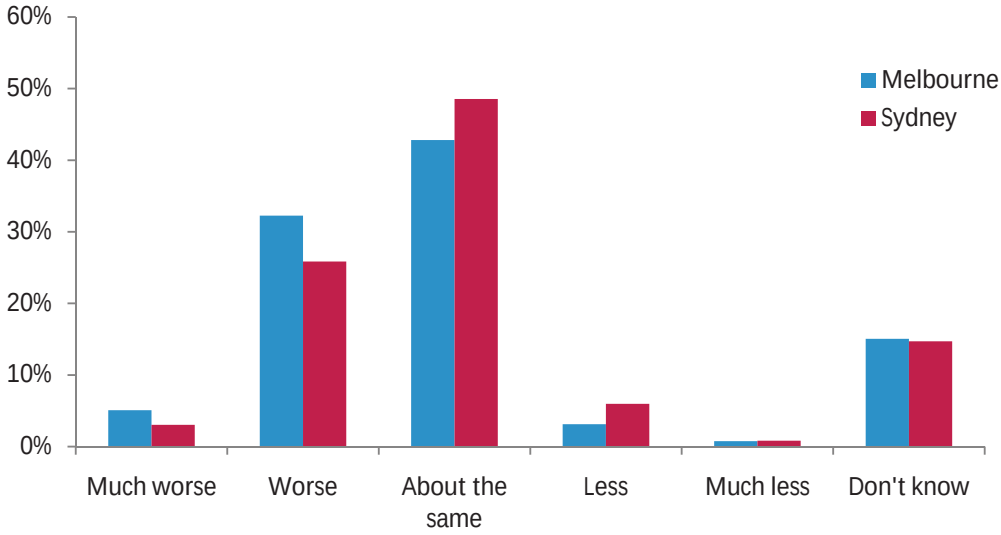
[4] Andrew Markus and Arunachalam Dharmalingam, *Mapping Social Cohesion: The Scanlon Foundation Surveys* (2007), p.61

**Figure 11: How serious would you say antisemitism is in Australia today?**




When asked about the extent of change, if any, in antisemitism in Australia over the last five years, 45% were of the view that it was 'about the same' as it was five years ago (43% Melbourne, 49% Sydney). But **the proportion who thought that it was 'less of a problem' (4%) were outnumbered more than six to one (34%) by those who considered antisemitism to be 'worse' or 'much worse'.**

**Figure 12: Do you feel antisemitism is worse, about the same or less than it was five years ago?**




More than a quarter of respondents (28% in Melbourne, 26% in Sydney) indicated that concern over antisemitism had influenced their actions over the last five years, for example leading them to decide not to attend a public function or to be more careful in public places.

## ISRAEL

It is common for visitors to Australia to comment on the strength of identification with Israel and Zionism within the Jewish communities. Thus Professor Fania Oz-Salzberger, holder of joint professorial appointments at Monash (the Leon Liberman Chair in Modern Israel Studies) and Haifa Universities, recently observed:

> I am yet to find a single Australian Jew who is indifferent towards Israel. There is a level of proximity here that one cannot find amid British or American Jewry, where many individuals are unstirred by their Jewish ancestry, uninvolved with Israel, or both. I like telling my Jewish-Australian friends that they are first cousins to us Israelis, while many other communities are second cousins at best. (*AJN*, 5 June 2009)

**Eighty per cent of respondents indicated that they regarded themselves as Zionist, while only 13% did not**; a further 7% indicated that they did not know, or declined to answer. The relative proportions in Melbourne and Sydney were almost identical, with a marginally higher proportion (82%, 78%) identifying as Zionist in Melbourne.

Some variation is evident when the level of highest educational attainment is considered. The highest proportion indicating that they regarded themselves as Zionist were those with some tertiary study or a completed Bachelor degree. The lowest proportions were among those with trade or apprenticeship level qualifications, a Diploma or PhD.

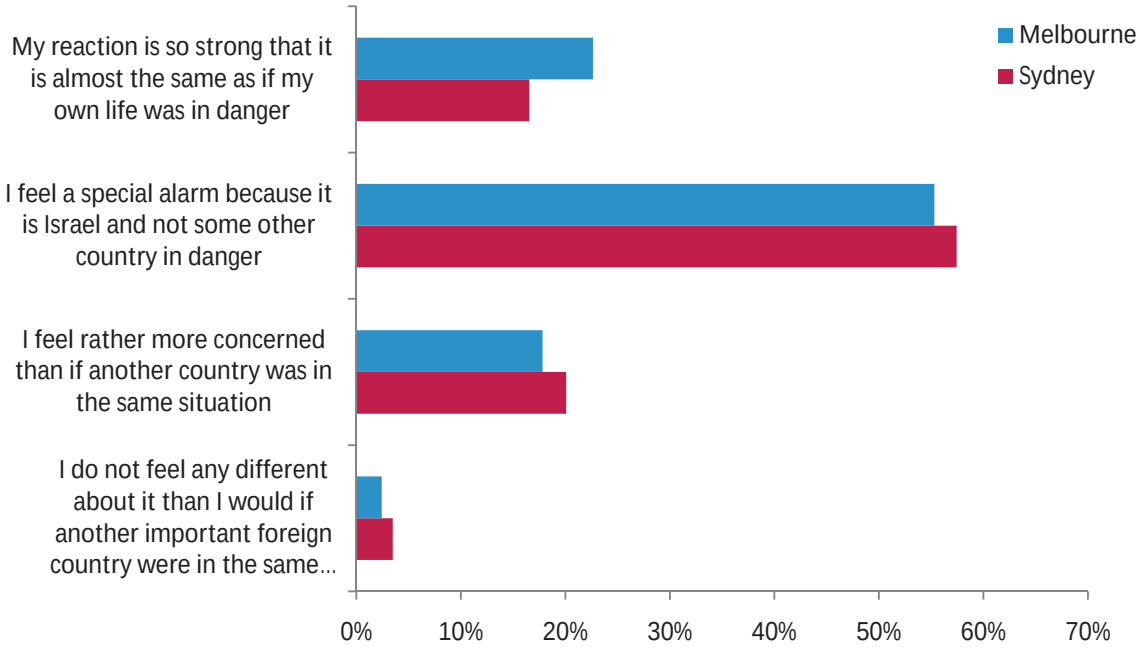
**Table 4: Do you regard yourself as a Zionist?[5] Cross-tabulated by highest level of educational attainment, Melbourne and Sydney**

| | Highest level of formal education | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | **Year 11-12** | **Trade or apprenticeship** | **Diploma** | **Some tertiary** | **Bachelor degree** | **Postgraduate diploma** | **Masters degree** | **PhD** |
| Yes | 80.9% | 70.7% | 74.1% | 85.1% | 84.4% | 81.8% | 83.7% | 77.4% |
| No | 11.8% | 18.0% | 16.2% | 10.4% | 10.6% | 11.5% | 11.3% | 14.5% |
| Don't know/ Decline to answer | 7.3% | 11.3% | 9.7% | 4.5% | 5.0% | 6.8% | 4.9% | 8.1% |
| **N** | **560** | **75** | **384** | **503** | **1519** | **891** | **635** | **207** |

When asked for their reaction to international events which put Israel in danger, a large majority indicated that they felt a 'special alarm' (56%) or as if their own life was in danger (20%).

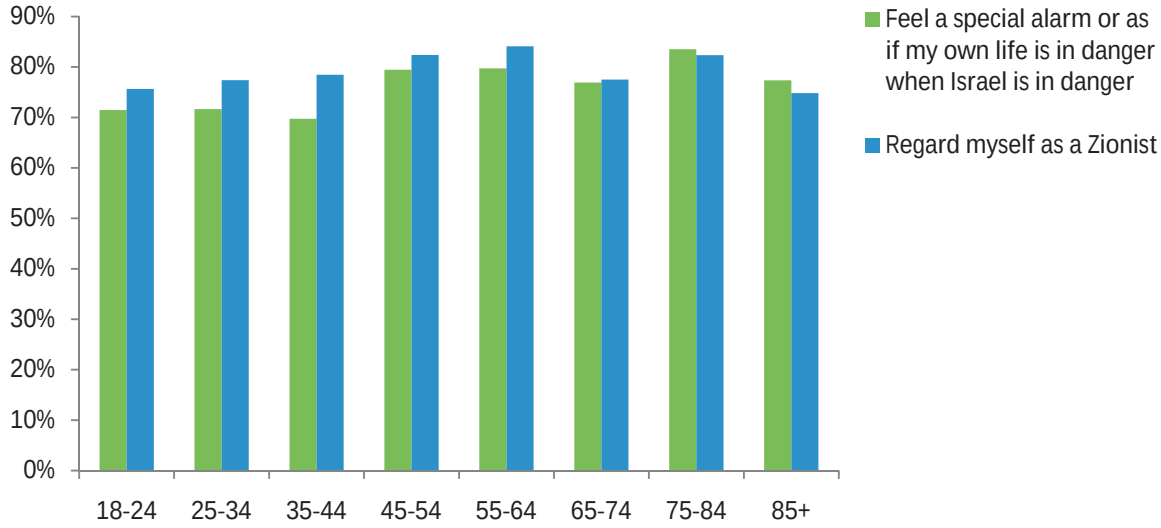
[5] The question on Zionism was worded: 'Do you regard yourself as a Zionist? By the term Zionist we mean that you feel connected to the Jewish people, to Jewish history, culture and beliefs, the Hebrew language and the Jewish homeland, Israel.'

**Figure 13: When international events put Israel in danger, which one of the following best describes how you feel?**




Across age groups there is a large measure of consistency in identification with Zionism, with the highest level among those aged 45-64, but with a narrow band of variation in the range 75%-85%. This level of consistency (or correlation) is maintained when the two questions – identification with Zionism and concern when international events put Israel in danger – are placed side by side.

**Figure 14: Zionism and reaction 'when international events put Israel in danger', cross-tabulated by age**



Indicative of the level of engagement with Israel, some 63% kept up with events in Israel 'a lot' or 'to quite a large extent'. **Only 2% of respondents in Melbourne and 5% in Sydney indicated total disinterest**, in that they kept up with events in Israel 'not at all'.

In terms of personal contact, **74% of respondents have relatives and 53% close friends living in Israel. Eighty six per cent of respondents had visited Israel, with 50% in Melbourne and 45% in Sydney indicating that they had visited three or more times.** A significant proportion of the community undertakes regular visits. Thus in the last four years, more than four out of ten respondents had visited Israel.

Excluding respondents born in Israel, the most common length of stay in Israel was 'two to four weeks' (32%); 28% of visits were for 'one to three months', 15% for 'four to twelve months', and 14% of respondents had spent 'more than one year' in Israel.

To obtain an indication of views of the peace process, respondents were asked what proportion of settlements in the West Bank Israel should be willing to dismantle as part of a permanent settlement. Responses on a five point scale ranging from 'all settlements' to 'none' indicated divided views, with a similar distribution of attitudes in Melbourne and Sydney, including a high proportion (18%) who indicated that they 'do not know'. Close to one-third responded that they favoured 'few' or 'no' settlements being dismantled, a marginally smaller proportion favoured dismantling 'all' or 'most', while close to one in five responded 'dismantle some'.

**Table 5: What proportion of settlements in the West Bank should Israel be willing to dismantle as part of a permanent settlement?**

| | Melbourne | Sydney |
|---|---|---|
| Dismantle all or most | 29% | 29% |
| Dismantle some | 18% | 18% |
| Dismantle few or none | 32% | 29% |
| Don't know | 17% | 19% |
| Decline to answer | 4% | 6% |
| **N** | **2932** | **2169** |

## EDUCATION

Education is seen as a key issue for the future of Jewish life in Australia, an issue much discussed in the context of the pressure of rising institutional costs and school fees. The Gen08 survey enables this issue to be considered at a level of detail rarely possible.

First, the survey provides evidence of views on the strengths and weaknesses of the day schools. The survey asked respondents to select key advantages and weaknesses and then to rank their selections in order of importance, from first to fifth. Tables 6 and 7 indicate the top ranked first and second preferences for Melbourne and Sydney.[6] Of advantages, **the strengthening of Jewish identity was, by a large margin, the factor of first choice**; the encouragement of Jewish friendship was a clear second option, followed by the quality of academic education. A combined 75% of respondents chose strengthening of Jewish identity as their first or second preference.

**Table 6: What do you consider to be the main advantages (if any) of full-time Jewish schooling? First and second preferences, ranked**

| | First preference | | | Second preference | | |
|---|---|---|---|---|---|---|
| | Rank | Melbourne | Sydney | Rank | Melbourne | Sydney |
| Strengthens Jewish identity | 1 | 56.8% | 55.3% | 2 | 19.5% | 19.1% |
| Encourages the development of Jewish friendships | 2 | 14.5% | 14.8% | 1 | 30.4% | 30.3% |
| Provides a strong academic education; outstanding results for university entry | 3 | 8.9% | 10.2% | 3 | 12.2% | 11.7% |
| Encourages Jewish observance | 4 | 5.1% | 3.7% | 4 | 11.0% | 10.4% |
| Education takes place in a Jewish environment | 5 | 4.6% | 5.4% | 5/6 | 10.2% | 7.8% |
| Teaches knowledge of Hebrew | 6 | 2.2% | 3.0% | 6/5 | 7.0% | 8.0% |
| **N** | | **2314** | **1726** | | **2088** | **1544** |

When disadvantages were considered, there was no stand-out selection. The similarity in Melbourne and Sydney opinion was still evident, but in Melbourne the cost of schooling was the first ranked disadvantage, in Sydney it was the 'artificial separation of Jews from other Australians'. When the top two preferences are combined, 40% of Melbourne respondents and almost 50% of Sydney respondents saw the 'separation of Jews from other Australians' as the main disadvantage. (In another section of the survey, respondents with children under the age of 21 were asked if the cost of school fees had ever prevented them from sending one or more of their children to Jewish day schools; both in both Melbourne and Sydney 27% of respondents answered yes, 62% no, while 11% declined to answer or did not know.)

[6] The following discussion of ranked advantages and disadvantages does not include respondents to the print version of the survey as a significant number of these respondents did not provide rankings.

**Table 7: What do you consider to be the main disadvantages (if any) of full-time Jewish schooling? First and second preferences, ranked**

| | First preference | | | Second preference | | |
|---|---|---|---|---|---|---|
| | Rank | Melbourne | Sydney | Rank | Melbourne | Sydney |
| Too expensive; not good value for money | 1/2 | 26.8% | 19.6% | 4 | 10.6% | 10.4% |
| Artificially separates Jews from other Australians | 2/1 | 23.0% | 28.3% | 1 | 16.6% | 20.2% |
| Does not prepare students for their lives after school | 3 | 10.7% | 9.7% | 2/3 | 15.2% | 12.6% |
| Too religious | 4 | 5.1% | 7.9% | /5 | | 8.1% |
| Too elitist | 5 | 5.1% | 6.6% | 3/2 | 15.1% | 14.7% |
| Limited subject choice | 6 | 5.0% | 3.6% | | | |
| Poor discipline | | | | 5/ | 8.4% | |
| Lack of sport/ other extra-curricular activities | | | | 6 | 7.4% | 7.6% |
| **N** | | **2045** | **1615** | | **1611** | **1273** |

The survey provides scope to compare the attitudes of Jewish day school graduates with those who had no Jewish day school education. Respondents aged between 18-54 who were born in Australia or who arrived in Australia under the age of 10 were considered, divided between (a) those who spent a minimum of three years in a Jewish day school at primary and three years at secondary level (a minimum of six years of Jewish education in total) and (b) those who spent no years in a Jewish day school. As demonstrated in Table 8, there is a marked differentiation by type of school attended, together with some difference between Melbourne and Sydney. This differentiation is most evident in stated knowledge of Hebrew and friendship patterns. Differentiation is of the order of 20% in response to questions of identity, and almost at that level on views of intermarriage and identification as a Zionist.

**Table 8: Selected questions by type of school attended**

| | Attended Jewish day school | | Did not attend Jewish day school | |
|---|---|---|---|---|
| | Melbourne | Sydney | Melbourne | Sydney |
| How well can you read Hebrew? 'Very well' or 'well' | 76% | 72% | 26% | 24% |
| Proportion of close friends who are Jewish: 'all' or 'nearly all' | 72% | 67% | 43% | 39% |
| Sense of being Jewish: 'it is a central element in my life' | 42% | 36% | 21% | 18% |
| Importance of being Jewish: 'very important' | 73% | 73% | 53% | 49% |
| View of intermarriage: 'very considerable regret' or 'some regret' | 69% | 61% | 52% | 43% |
| Are you a Zionist? 'Yes' | 86% | 85% | 67% | 68% |
| **N** | **660** | **280** | **274** | **335** |

Further analysis of responses indicates that the differentiation of attitudes is not as simple or clear cut as the above comparison indicates. There are two other variables of significance which are explored in the following discussion. These are: (i) religious observance (or absence of) in the parental home, and (ii) attendance in UJEB/BJE classes or secular youth groups by those who did not attend Jewish day school. In this analysis, which is concerned to explore sub-groups, Melbourne and Sydney data are combined to increase sample reliability.

The categories for comparison are the following:[7]

(1) Attended Jewish day school[8] and Jewish religious background.[9]
(2) Attended Jewish day school and secular background.
(3) Did not attend Jewish day school[10] and Jewish religious background.
(4) Did not attend Jewish day school and secular background.
(5) Did not attend Jewish day school and attended UJEB or BJE for at least 3 years.[11]
(6) Did not attend Jewish day school and attended a secular youth group, Habonim Dror, Hashomer Hatzair or Skif.

For the age groups analysed, the following proportion of respondents from a Jewish religious background had at least six years of Jewish education: Strictly Orthodox 100%, Modern Orthodox 85%, Traditional 67% and Progressive 23%.

This analysis reveals three patterns. First, with regard to some of the issues considered, including speaking, reading and understanding Hebrew, the marked differentiation between attendance at Jewish and non-Jewish schools is maintained, most evidently in the ability to speak Hebrew.

[7] The number of respondents in these categories are: [1] 786; [2] 94; [3] 383; [4] 166; [5] 219; [6] 194.
[8] Sub-sample aged 18-54, born in Australia or arrived in Australia under the age of 10, and spent at least three years in Jewish primary school and three years in Jewish secondary school (minimum of six years of Jewish education).
[9] Background is determined by response to a question which asked respondents 'How would you describe religious attitudes in the home in which you grew up?' Respondents were provided with a list of major forms of Jewish religious identification, as discussed on p.28 of this report; those who indicated that they were 'Not religious (secular home)', 'opposed to religion' and 'opposed to Judaism' were included in the secular category for the purposes of this analysis.
[10] Sub-sample aged 18-54, born in Australia or arrived in Australia under the age of 10, and spent no years at Jewish day school.
[11] Those in the UJEB/BJE and youth group category spent no years at Jewish day school. They are not disaggregated by religious attitudes in the home in which the respondent grew up as the sample size precluded such disaggregation. UJEB/BJE refers to the United Jewish Education Board in Victoria and Academy BJE (New South Wales Board of Jewish Education) in New South Wales. These organisations provide Jewish education to children in schools which are outside the Jewish day school system. These include religious education, Hebrew language and Jewish studies classes (after school or on Sundays). Detailed information is available on the internet sites of the two organisations.

**Figure 15: At present, how well can you speak Hebrew?**

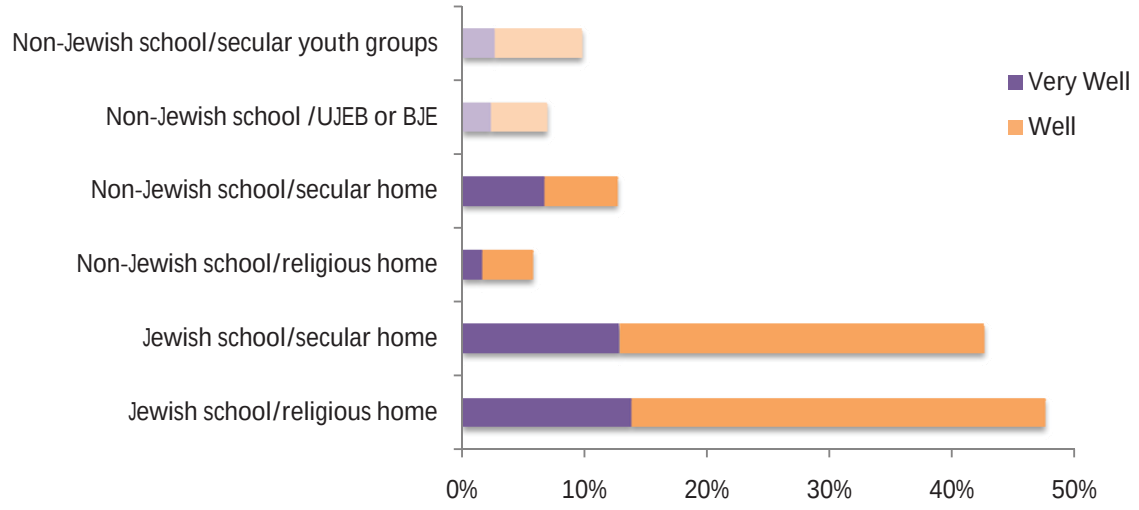
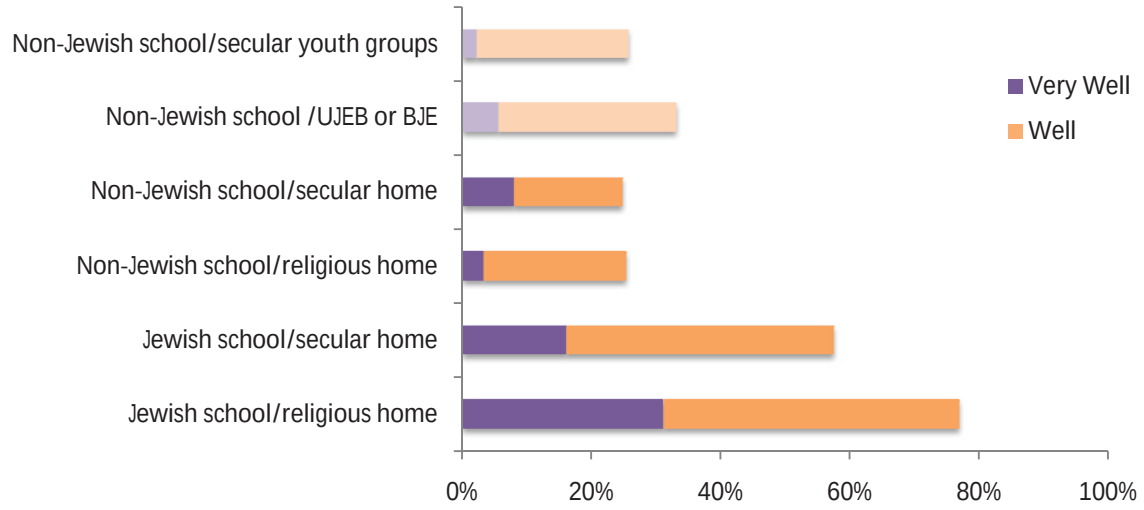



**Figure 16: At present, how well can you read Hebrew?**




Second, differentiation is also evident when attitudes to intermarriage and friendship patterns are considered, although there are some qualifications: (i) the evidence of differentiation is strongest at the top level of the scale ('very considerable regret', 'all or nearly all'); (ii) in response to a number of questions, including those relating to friendship networks, differentiation of attitudes is most marked for those of religious background who attended a Jewish day school and those of secular background who attended a non-Jewish school; (iii) the differentiation is attenuated by attendance at UJEB/BJE classes and secular youth groups. **The role of the day schools seems to be most significant in the maintenance and reinforcement of attitudes developed in the home.**

**Figure 17: When you hear about intermarriage in the community, how do you feel?**

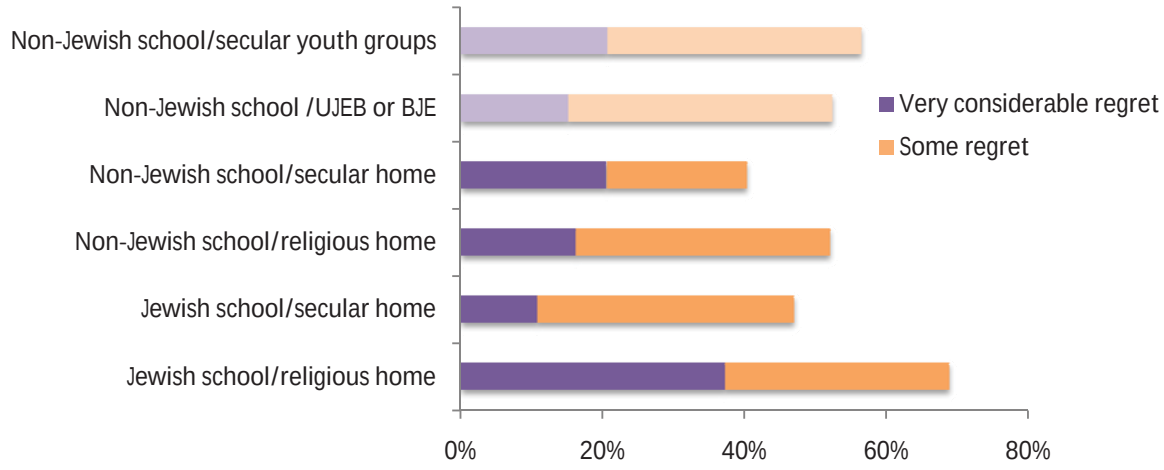
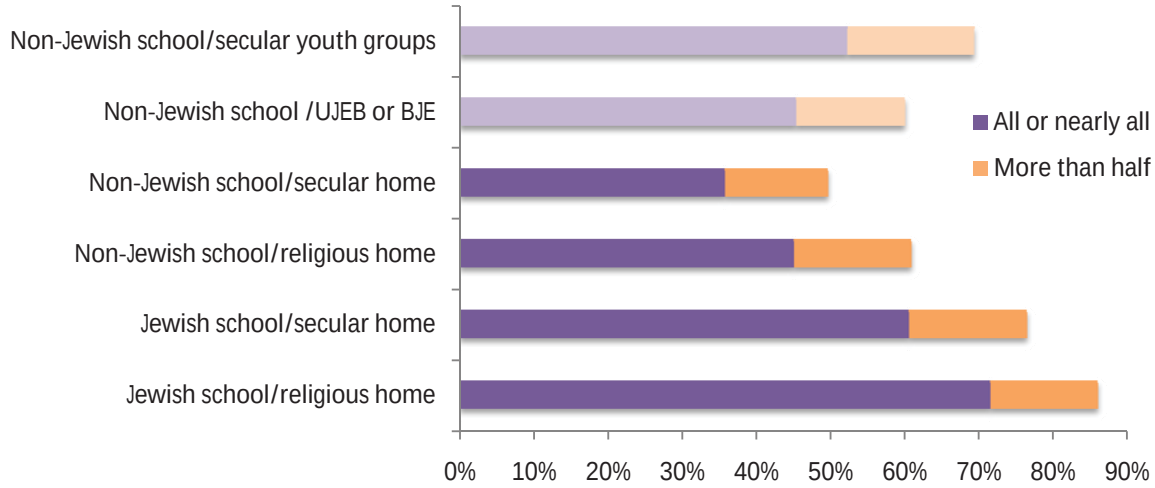



**Figure 18: Thinking of your close friends, how many of them are Jewish?**




Third, with regard to some general issues, such as strength of identity considered in broad terms and identification with Israel, the apparent impact of Jewish day school education is greatly lessened to the point of being statistically non-significant. Thus statistical testing of responses to the question of Zionist identification indicates no significant variation by educational experience. Further analysis of this topic will be undertaken in Melbourne and Sydney.

**Figure 19: How important is being Jewish in your life today?**

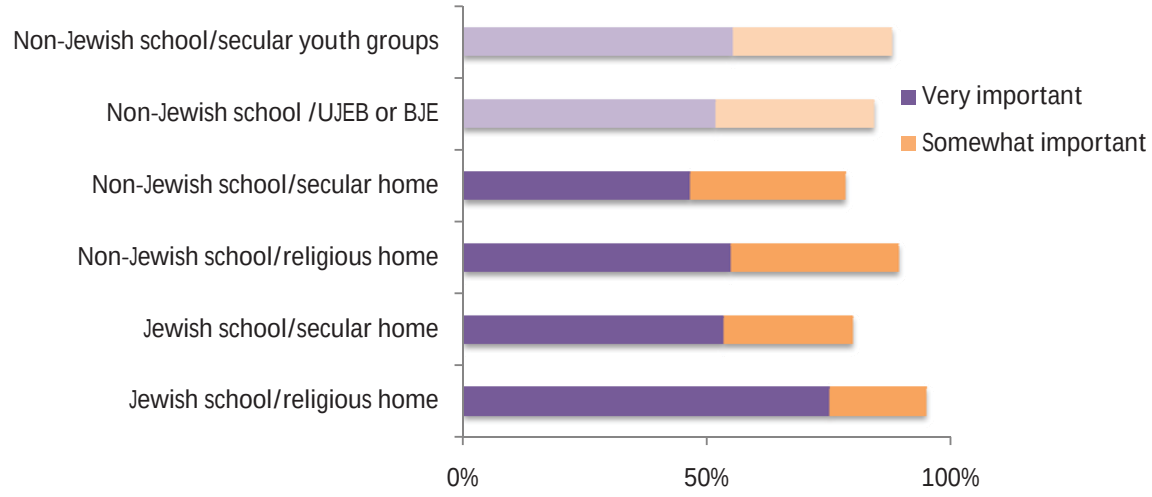
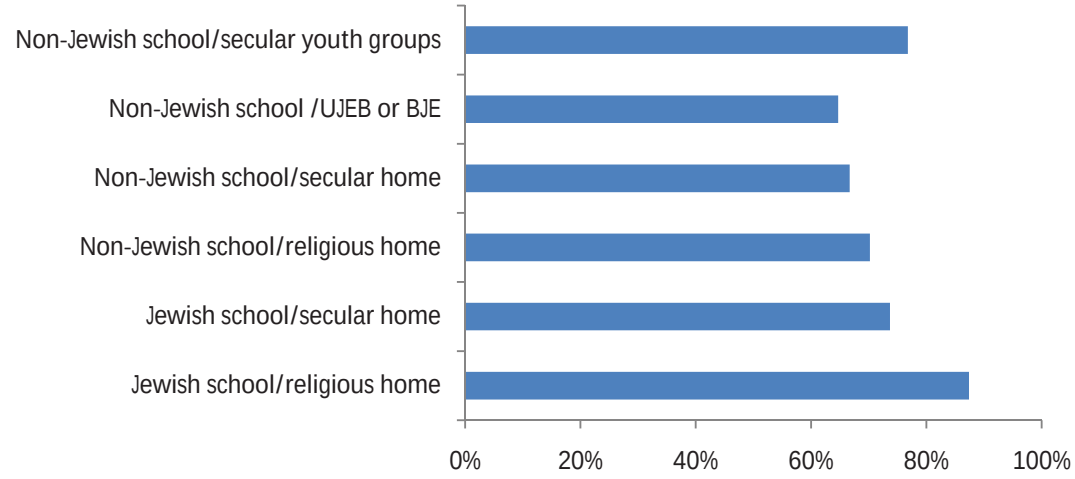



**Figure 20: Do you regard yourself as a Zionist? 'Yes'**



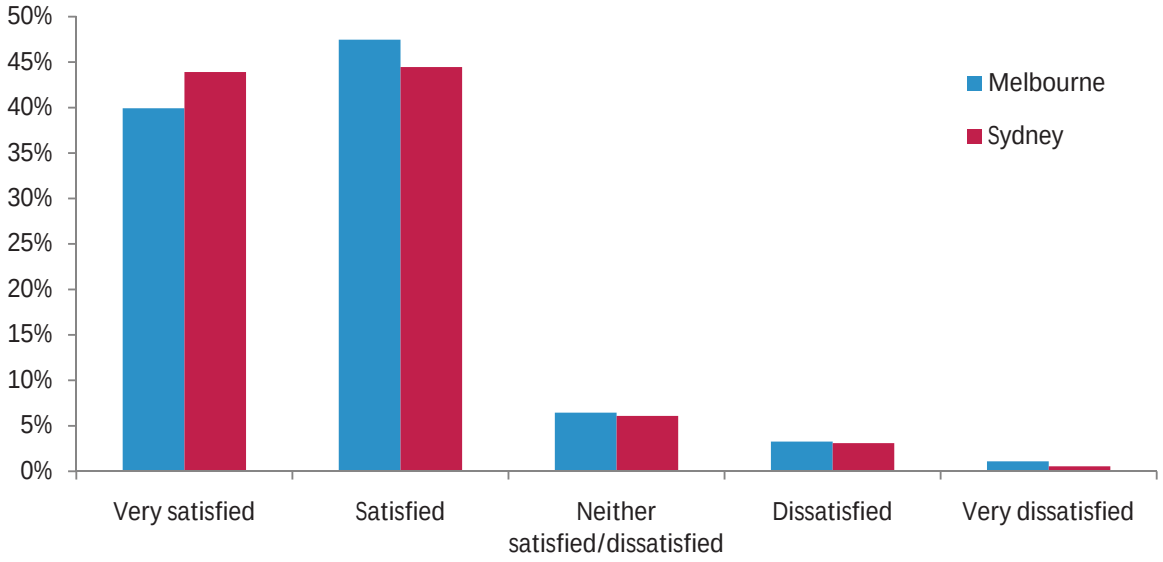

The apparent finding concerning the significance of the home is reinforced when the category 'Attended Jewish day school and Jewish religious background' is further analysed through division between those who attended a Jewish day school and described the parental home as: (i) Ultra-Orthodox, Strictly Orthodox or Modern Orthodox and (ii) Conservative, Traditional or Progressive.

Differentiation is marked when religious practice and observance is considered. For example, 62% from the first category attend synagogue at least once per month, compared to 28% of the second, the relative proportions for strict Kosher observance are 36% and 8%. With a number of questions ranked on a four or five point scale, those from Orthodox homes register the strongest level of agreement; thus in response to the question on sense of identity, 59% of those from an Orthodox background indicate that being Jewish is a 'central element' in their life, compared to 32% from a Conservative, Traditional or Progressive background; 55% of the first group indicate considerable regret at intermarriage, compared to 25%. However, with a range of questions relating to friendship, Israel, and Friday evening Sabbath, the difference is narrowed or disappears; in particular, 85% of those from Orthodox homes indicate that they regard themselves as Zionist, compared to 90% of those from a Conservative, Traditional or Progressive background.

## LIFE SATISFACTION

**When asked to rate level of satisfaction with 'life as a whole', a combined total of almost nine out of ten respondents indicated that they were 'very satisfied'** (42%, with a marginally higher proportion in Sydney) or 'satisfied' (46%); 4% indicated that they were 'dissatisfied' or 'very dissatisfied 'and 6% a neutral position – 'neither satisfied nor dissatisfied'.

**Figure 21: Thinking about your own life and personal circumstances, how satisfied are you with your life as a whole?**

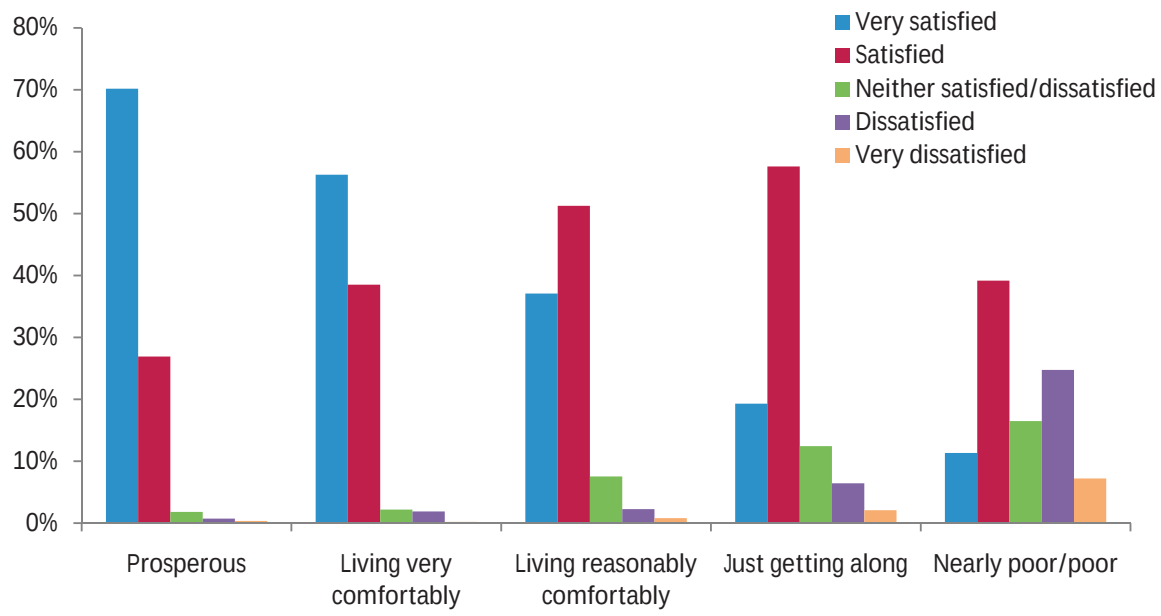



This finding is consistent with surveys conducted across the Australian population, with a marginally higher proportion indicating the highest levels of satisfaction in the Jewish community and a marginally lower proportion indicating dissatisfaction. For example, a 2007 Australian survey asked respondents to rate their level of happiness over the last year, 'taking all things into consideration'. 89% of respondents indicated that they were 'very happy' (35%) or 'happy' (54%); 8% of respondents indicated that they were 'very unhappy' or 'unhappy'. [12]

The Gen08 results were further examined by state of residence, gender, country of birth, religious observance and self-rated socio-economic status. For all of the variables considered, a very low proportion indicated that they were very dissatisfied with their lives, with a large degree of consistency. Self-reported socio-economic status produced the largest variation – of those reporting their status as 'prosperous', 97% in Melbourne and Sydney indicated that they were 'very satisfied' or 'satisfied' with their lives; of those who reported that they were 'just getting along', 77% indicated satisfaction; of those reporting that they were 'poor', 51% indicated satisfaction.

[12] Andrew Markus and Arunachalam Dharmalingam, *Mapping Social Cohesion: The Scanlon Foundation Surveys* (2007), pp. 63-4

**Figure 22: Thinking about your own life and personal circumstances, how satisfied are you with your life as a whole? Cross-tabulated by self-rated socio-economic status[13]**




In response to other questions, 90% reported satisfaction with their standard of living; 80% with their health; 74% with their life achievements; 80% with their personal relationships; 90% with feeling safe; 89% with their access to health care; and 79% with their access to sport and physical activity.

## Socio-Economic Status

Gen08 provided for socio-economic status to be self-rated by participants on a scale ranging from 'prosperous' to 'poor'. **As prosperity decreased so did people's satisfaction with their health, personal life achievements and satisfaction with personal relationships.** About 42% of those self classified as 'poor' still reported to be 'satisfied' or 'very satisfied' with their relationships. Most dissatisfaction was reported by the 'poor' in relation to personal safety, but again, overall the community is satisfied with their level of personal safety. Acceptance in the community was differentiated by socio-economic status, and as prosperity decreased so did people's level of feeling accepted by the community, with the 'poor' reporting the highest levels of being 'dissatisfied' and 'very dissatisfied' (25%).

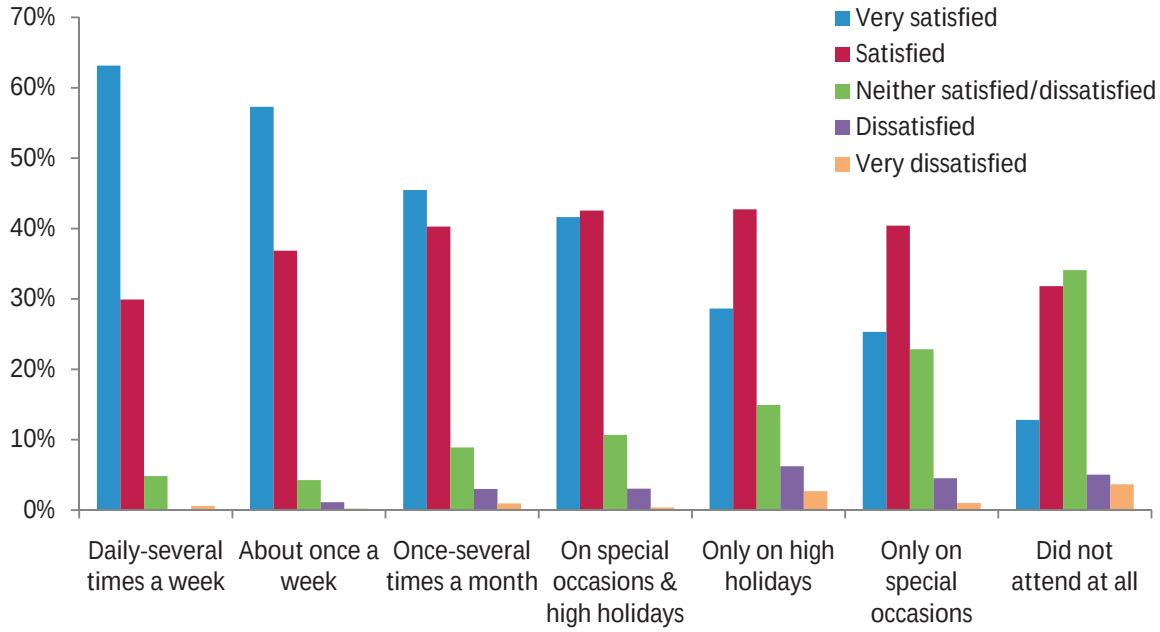
## Level of Religious Observance

Level of religious observance as indicated by frequency of synagogue attendance did not impact on people's overall level of personal life satisfaction or with most aspects of their lives. Across all levels of religious observance from 'did not attend at all' to 'daily-several times a week', 88% of the community reported being either satisfied or very satisfied with their overall life as a whole.

[13] For the relative proportions in the several socio-economic categories, see below, p.45.

There was however, large variation when perception of acceptance was correlated with levels of religious observance; those who attend synagogue more frequently felt more satisfied with their acceptance within the community than those who 'did not attend at all'.

**Figure 23: Thinking about your own life and personal circumstances, how satisfied are you with your acceptance in the Jewish community? Cross-tabulated by synagogue attendance[14]**




As to be expected, those who attended synagogue more regularly reported higher levels of spiritual satisfaction (around 90% satisfaction) than those who 'did not attend at all' (41%) and 'only on special occasions' (51%). However, almost 35% of the less observant reported ambivalence about their spirituality, rather than dissatisfaction.

[14] The number of respondents in the categories is: daily-several times a week, 331; about once a week, 446 ; once-several times a month, 731; on special occasions and High Holy Days, 1607; only on High Holy Days, 482; only on special occasions, 683 ; did not attend at all, 437.

## POVERTY

There were three indicators of poverty in the survey: those who, when asked concerning their present financial circumstances, indicated that they were 'poor' or 'nearly poor'; those who indicated that in the last 12 months they had to reduce the size of their meals because there was not enough money to buy food; those who indicated that they could not afford prescription medicine. The findings are presented below.

**Table 9: Indicators of poverty**

| | Melbourne | | Sydney | |
|---|---|---|---|---|
| | Total* | Percentage | Total* | Percentage |
| Nearly poor | 32 | 1.1% | 22 | 1.0% |
| Poor | 19 | 0.6% | 13 | 0.6% |
| Reduce meals 1-4 occasions | 75 | 2.5% | 44 | 2.1% |
| Reduce meals 5-10 occasions | 28 | 0.9% | 15 | 0.7% |
| Reduce meals more than 10 occasions | 51 | 1.7% | 34 | 1.6% |
| Could not afford prescription medicine | 126 | 4.2% | 79 | 3.8% |

* Unweighted frequencies

Cross-tabulation of categories showed that about two-thirds of those who responded that they had to reduce the size of their meals also described themselves as 'nearly poor' or 'poor'. In the following preliminary analysis reduction of meals is used as a proxy for financial difficulty. Correlation analysis was undertaken with four variables: present employment situation, present religious identification, age, and country of birth for five countries – Australia, United Kingdom, FSU, South Africa and Israel. This analysis shows that **those who described their present employment situation as 'unable to work because of a disability' were 17 times more likely than the average to reduce their meals because they did not have enough money** (significant at the .001 level); those who stated that they were 'unemployed and not looking for work' were three times more likely to have to reduce their meals. Above average indicators of the need to reduce meals were also found among those identifying as Ultra-Orthodox and Strictly Orthodox and those born in the FSU, with a lower but above average indicator for those born in Israel.

Correlation with this index of poverty, in a context in which low levels of dissatisfaction were recorded, indicated that **the poor, when compared with all respondents, were twice as likely to be dissatisfied with their health, more than four times as likely to be dissatisfied with their access to health care, five times as likely to be dissatisfied with their level of personal safety.**

## PATTERNS OF JUDAISM

Respondents were asked: 'As far as your present feelings about the Jewish religion are concerned, which of these best describes you?' They were provided with a range of options, which had been determined in consultation with religious leaders. There was a similar pattern of response in Melbourne and Sydney, with a marginally larger proportion of Ultra-Orthodox and Strictly Orthodox in Melbourne and a larger proportion of Modern Orthodox and Conservative respondents in Sydney. The largest category, Traditional, and the categories Progressive, Not Religious and Opposed to Judaism/Religion were of similar proportions.

For purposes of analysis, responses were grouped into six categories: the Strictly Orthodox (including the Ultra-Orthodox), Modern Orthodox, Conservative, Traditional, Progressive and Secular. These categories may indicate denominational affiliation or personal identification; they have been used for the purpose of establishing general patterns in observance and outlook across the Jewish population, not specific detail. Responses were tabulated for these groups for a range of questions, including religious observance, attitude to Judaism, friendship patterns, attitudes towards intermarriage, Israel, the Jewish community, and involvement in voluntary work.

When responses are located on a continuum, the Strictly Orthodox are at one end, the Secular at the other. On most indicators, the Modern Orthodox are positioned at the mid-point between the Strictly Orthodox on the one hand and the Conservative and Traditional on the other, with the Progressive at the next position on a number, but not all, indicators. On a few questions, such as involvement in voluntary work, there is little or no differentiation.

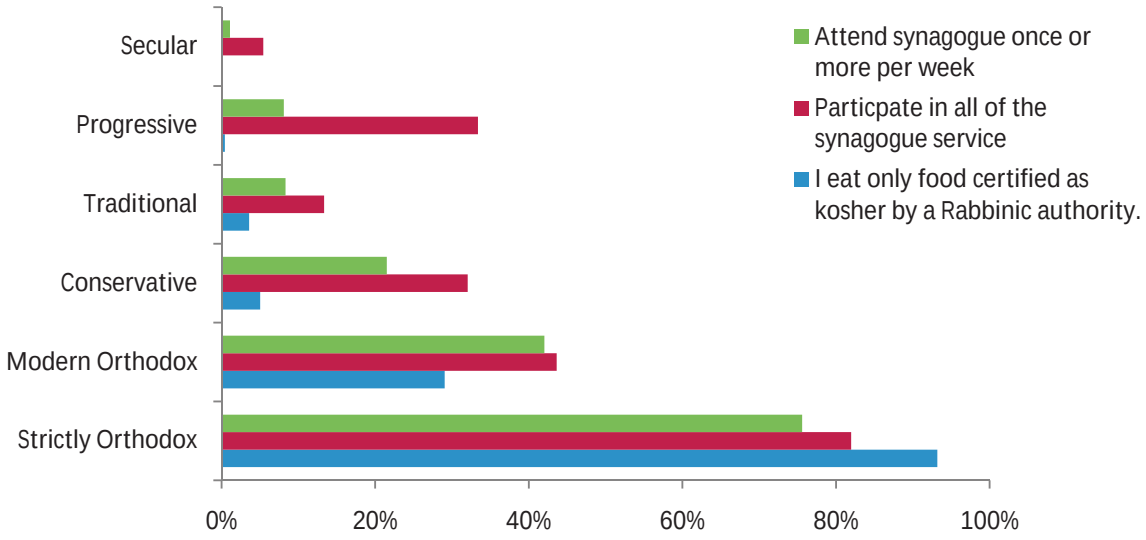
**Table 10: Patterns of Judaism, overview (5% intervals)**

| | Religious observance | | | | | |
|---|---|---|---|---|---|---|
| | **Strictly Orthodox** | **Modern Orthodox** | **Conservative** | **Traditional** | **Progressive** | **Secular** |
| Attend synagogue once or more per week | 70% | 40% | 20% | 10% | 5% | 0% |
| Attend synagogue once or more per month | 15 | 25 | 30 | 15 | 25 | 0 |
| Observe Kosher – eat only certified | 90 | 25 | 5 | 5 | 0 | 0 |
| Observe some Kosher laws, not others | 5 | 60 | 70 | 60 | 40 | 20 |
| Being Jewish is a central element of my life | 90 | 50 | 30 | 25 | 15 | 5 |
| Being Jewish is a significant element of my life | 10 | 45 | 50 | 65 | 60 | 40 |
| Very important to be Jewish | 100 | 85 | 75 | 75 | 55 | 35 |
| Somewhat important to be Jewish | 0 | 15 | 25 | 25 | 40 | 40 |
| Observe Friday Sabbath with family every week | 85 | 70 | 55 | 55 | 35 | 25 |
| Observe Friday Sabbath with family most weeks | 10 | 20 | 20 | 25 | 30 | 25 |
| Connection to Jewish communal life 'great' | 60 | 40 | 30 | 25 | 20 | 5 |
| Connection to Jewish communal life 'moderate' | 35 | 45 | 50 | 50 | 45 | 35 |
| All close friends are Jewish | 55 | 25 | 10 | 20 | 5 | 10 |
| Nearly all close friends are Jewish | 40 | 50 | 50 | 50 | 35 | 30 |
| View intermarriage with much regret | 90 | 55 | 20 | 30 | 10 | 10 |
| View intermarriage with some regret | 5 | 30 | 40 | 40 | 30 | 25 |
| Zionist | 80 | 95 | 90 | 90 | 75 | 65 |
| Israel endangered - feel same as if own life was in danger | 45 | 25 | 20 | 20 | 15 | 10 |
| Israel endangered - feel special alarm | 50 | 60 | 60 | 60 | 55 | 55 |
| Dismantle all or most settlement in the West Bank | 5 | 20 | 35 | 25 | 40 | 40 |
| Dismantle few or no settlements in the West Bank | 80 | 45 | 30 | 30 | 15 | 15 |
| Volunteer once or more per week | 25 | 25 | 20 | 15 | 20 | 10 |
| Volunteer once or more per month | 25 | 20 | 20 | 20 | 20 | 10 |
| **N** | **265** | **918** | **168** | **1774** | **678** | **1031** |

As to be expected, in terms of **synagogue attendance** the highest proportion of the Strictly Orthodox report attendance at least once per week (higher among male respondents), followed by a sharp decline to the Modern Orthodox at 40% per week. About 65% of the Modern Orthodox, 50% Conservative, 24% Traditional and over 30% Progressive indicate synagogue attendance once or more per month.

With regard to **observance of Jewish dietary laws**, only the Strictly Orthodox meet the requirement of only eating 'food certified as Kosher by a Rabbinic authority'; 57% of Progressive and 80% of the Secular 'do not keep any dietary laws'. Close to 80% of the Strictly Orthodox indicate that they are able to participate in 'all of the service' in synagogue, over 41% Modern Orthodox and around 30% Conservative and Progressive.

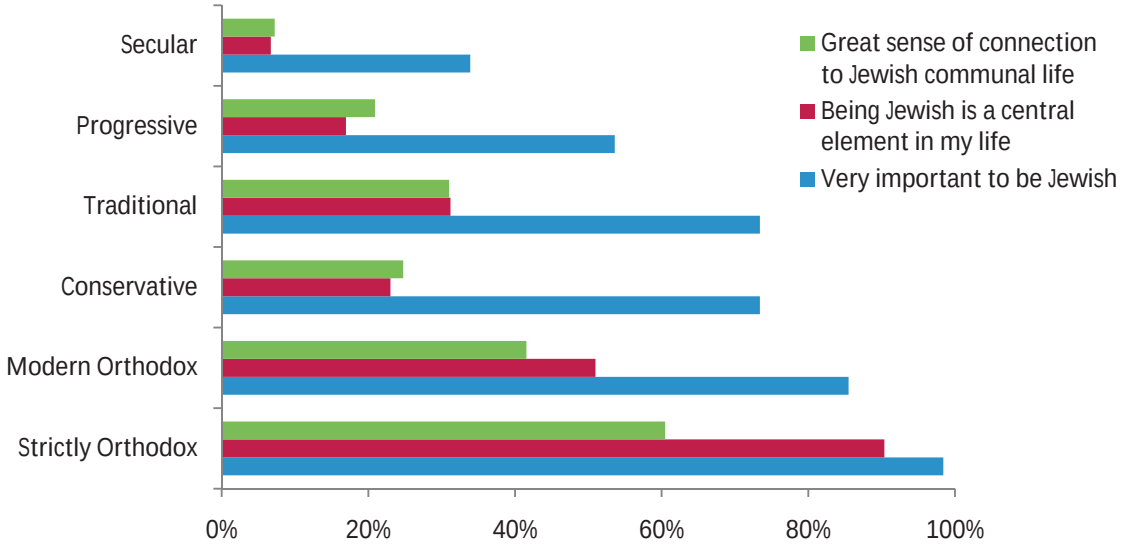
**Figure 24: Patterns of observance**




In response to the narrower question dealing with **identity**, 90% of the Strictly Orthodox and 51% Modern Orthodox indicate that Judaism is 'a central element' in their lives; this compares with 31% Conservative, 23% Traditional, 17% Progressive and 7% Secular. A broader question on identity yields less differentiation, ranging from close to 100% agreement by the Strictly Orthodox with the proposition that it is 'very important to be Jewish', 74% by Conservative and Traditional respondents, 54% by Progressive and 34% by Secular.

When asked about **sense of connection to Jewish life**, there is again a marked differentiation at the level of 'great sense of connection', ranging from 61% by the Strictly Orthodox to 7% by the Secular.

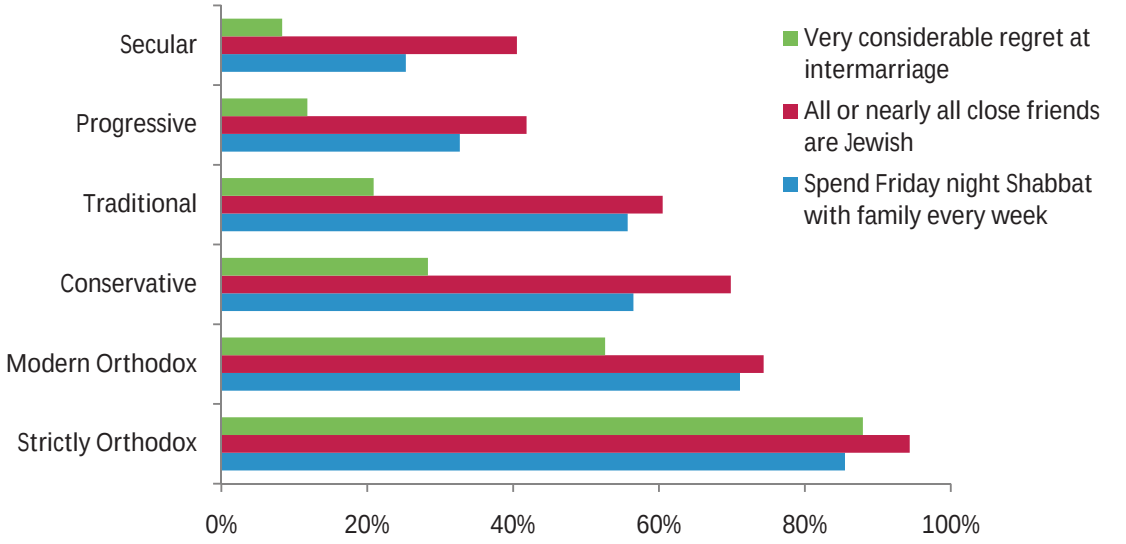
**Figure 25: Importance of Judaism and sense of connectedness**




Weekly **Sabbath observance or Friday family gathering** ranges from 86% by the Strictly Orthodox to 33% Progressive and 25% Secular. Sabbath observance with family for 'most weeks' or 'every week' is indicated by 64% of Progressive and 50% Secular Jews.

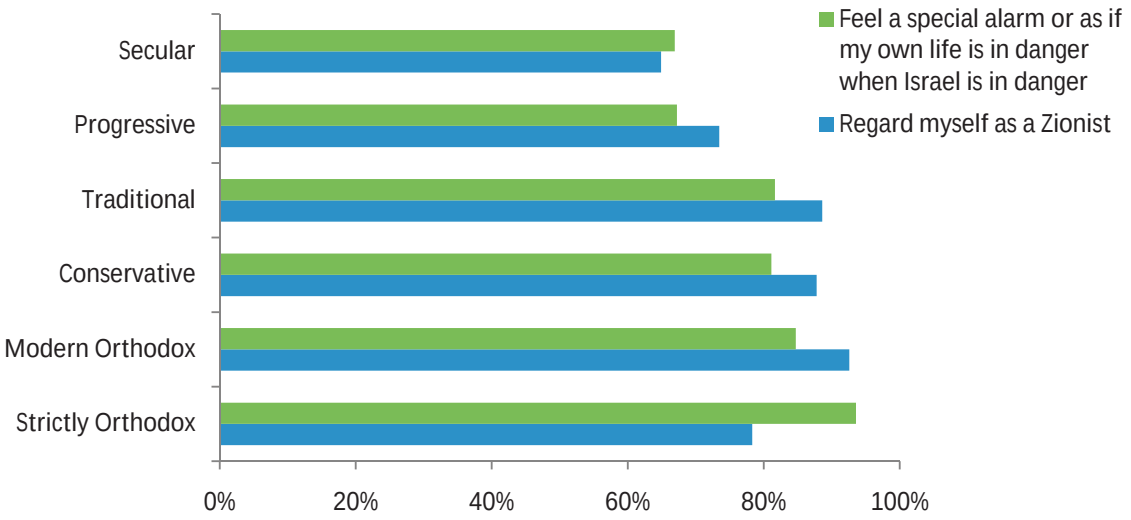
There is marked differentiation in **friendship patterns and attitude to intermarriage**. The proportion indicating that all or nearly all of their friends are Jewish ranges from 95% to 40%. The proportion indicating very considerable regret at intermarriage ranges from close to 90% by the Strictly Orthodox, 55% Modern Orthodox, and under 30% for other groups, with the low point under 10% for Secular.

**Figure 26: Family, friendship and intermarriage**



Questions relating to Israel elicit a much narrower range of differentiation, with the notable exception of the peace process. In response to the question of identification with **Zionism**, the highest level is in the range 88%-93% among the Modern Orthodox, Traditional and Conservative, followed by 78% Strictly Orthodox, 74% Progressive and 65% Secular. There is a similar range in the response to **sense of threat when Israel is in danger**, although on this question the Strictly Orthodox indicate the highest level of concern. By contrast, on the question of the proportion of settlements in **the West Bank** that Israel should be willing to dismantle as part of a permanent peace settlement, a large majority (80%) of the Strictly Orthodox favour 'none' or 'few', the largest proportion among the Progressive and Secular (40%) favour 'all' or 'most'.

**Figure 27: Zionism and reaction 'when international events put Israel in danger', cross-tabulated by religious identification**



## IMMIGRANTS

There were sufficient respondents to provide for analysis by five countries of birth: Australia, United Kingdom, Former Soviet Union, South Africa and Israel.[15]

On most questions, those born in Australia and United Kingdom indicated a similar pattern of response. Those from South Africa were also similar, but with some questions indicating higher levels of Jewish observance and stronger levels of identification. The Israel-born respondents indicated negativity in response to some questions. On most indicators in Melbourne and Sydney the FSU-born held a position at the end of the continuum of attitudes and reported behaviour.

- **Synagogue attendance** at the level of once or more times each month was highest for the South African at 41%, 33% for the Australia and UK-born, 17% for the FSU and 14% for Israeli.
- 88% of South African-born spent **Friday night Sabbath** with their families 'every week' or 'most weeks', 77% Australia-born, 76% Israeli, 68% UK, and a markedly lower 41% FSU.
- A substantial majority of FSU (63%) and Israeli (63%) do not follow **Jewish dietary laws**.
- 83% of South Africa-born indicated that **Judaism** was a significant or central element in their lives, similar to the proportion among the Australia and UK-born; the proportion for the Israel-born was 74% and much lower 54% for FSU.
- The highest proportion (88%) of those indicating that half or more of their **friends** were Jewish was among the South African, the lowest at 66% among FSU (but a high proportion, compared to other indicators for FSU).
- Half of the Israel-born respondents indicated that they did not regard the marriage decisions of others as their concern, or indicated that they were neutral, accepting or pleased with **intermarriage**. This was close to the FSU proportion. Among UK-born the proportion was 41%, 38% among Australia-born and 33% among South African.
- Sense of **connectedness** with Jewish life was highest among Australia-born, with 72% indicating connectedness to a great or moderate extent, closely followed by the UK and South African (69%-70%), with a much lower figure for Israeli (52%) and FSU (42%).

[15] The number of respondents in the several categories is: Australia, 2354; United Kingdom, 230; Former Soviet Union, 345; South Africa, 686; and Israel, 280.

**Figure 28: Synagogue attendance, view of intermarriage and Jewish identity**

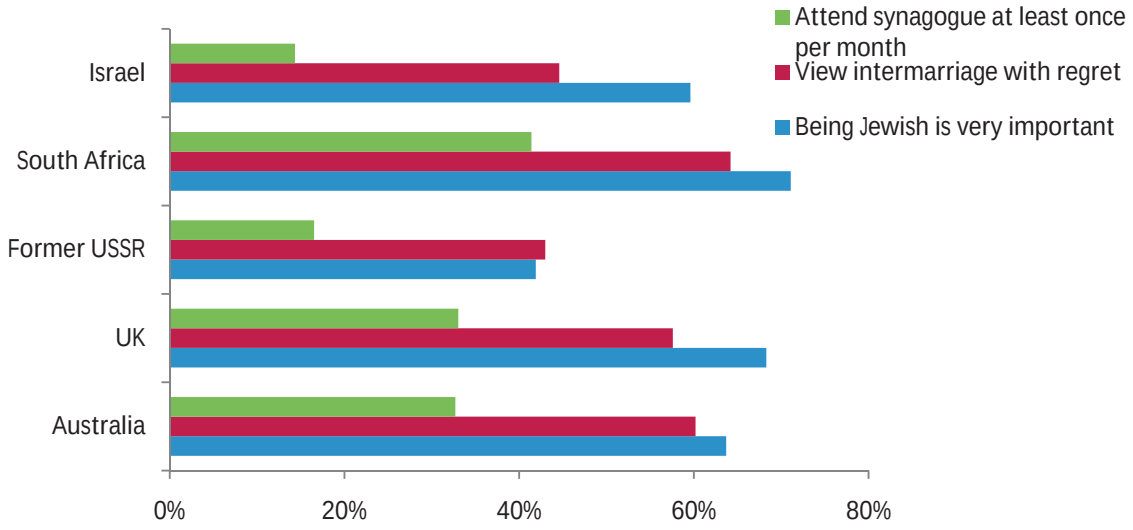
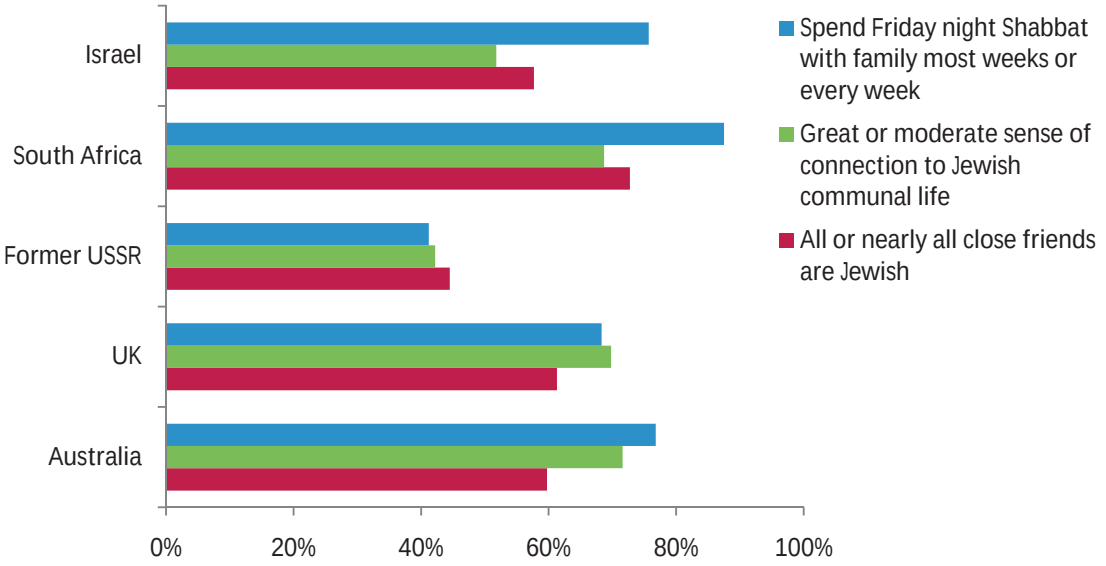
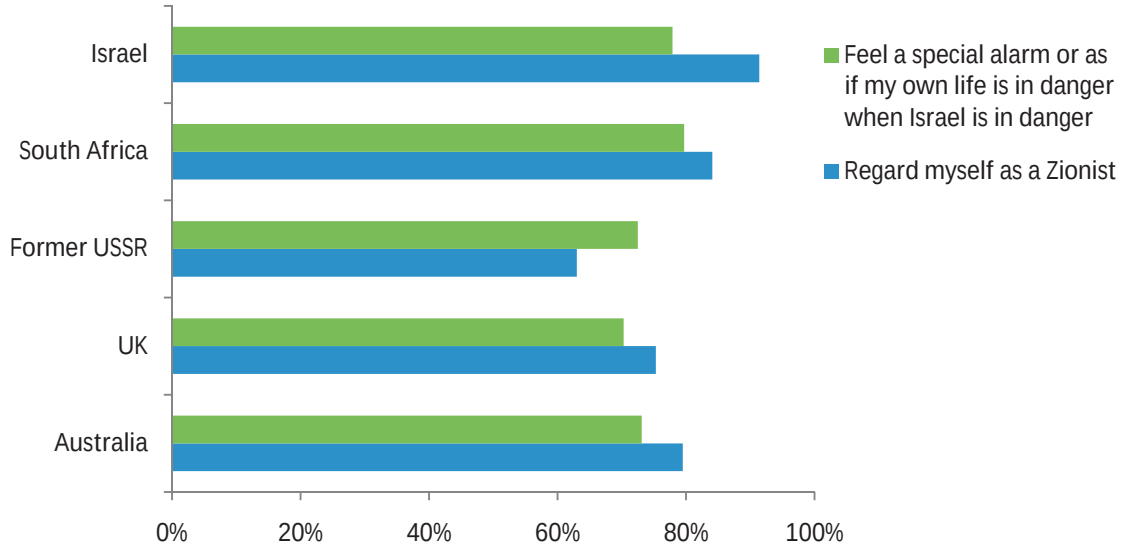



**Figure 29: Connection to community, friends and family**



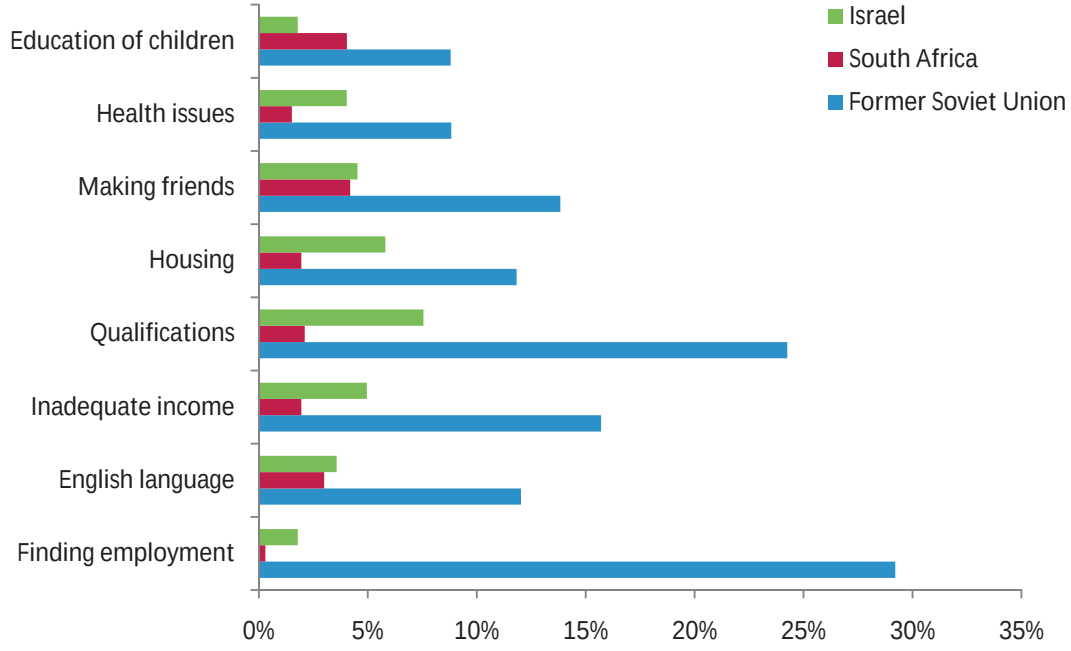

When attitudes to **Israel** were considered, the pattern of differentiation largely disappeared. The key feature was the narrow differentiation in attitude, with the highest proportion of **Zionists** among the Israel-born. Respondents born in the FSU were equally concerned for the safety of Israel and only marginally lower in Zionist identification when compared to the Australia-born.

**Figure 30: : Zionism and reaction 'when international events put Israel in danger'**




Immigrants were asked to indicate if they had experienced difficulties since their arrival in Australia. Eleven options were listed, with answers on a three point scale: 'yes, serious', 'yes, moderate', and 'no'. When the FSU, South African and Israeli immigrants were considered, **the proportion of respondents indicating 'serious difficulty' at 10% or above were found for six categories among the FSU**: finding employment (29%), recognition of qualifications (24%), inadequate income (16%), making friends (14%), English language (12%) and finding suitable housing (12%). Among the South Africa-born the highest level of serious difficulty was making friends (4%) and education of children (4%), among the Israel-born recognition of qualifications (8%) and housing (6%).

**Figure 31: Highest rated indication of 'serious' difficulties encountered by overseas-born**



**Notwithstanding difficulties experienced, FSU-born, together with South African, indicated a high level of satisfaction with their lives.** When asked to compare their level of satisfaction to life in Australia compared to their former homelands, 64% FSU and 55% South African indicated that they were 'much more satisfied', 18% of FSU and 30% South African were 'more satisfied'. Thus a combined 82% FSU and 85% South African indicated satisfaction. The 'less satisfied' comprised 3% of South African and 1% FSU, with others adopting a neutral position or indicating that they did not know or declined to answer.

**The pattern was different for the Israel-born.** Only 22% indicated that they were 'much more satisfied', 38% that they were 'more satisfied', a total of 60%. A high proportion, 19%, indicated that they did not know, 15% were neither satisfied nor dissatisfied, and 5% indicated that they were 'less satisfied'.

## CHANGE OVER TIME

Comparing survey findings is a hazardous exercise; comparison of survey results is useful for highlighting trends, not for consideration of specific detail.

Changes in the wording and the context of the questions (placement in the survey, balance of questions in the survey) may impact on responses. Further, communities change; Jewish life in Melbourne and Sydney is not a replica of life twenty or forty years ago. The distribution and ethnic character of the Jewish population has undergone significant change. The Jewish population of Melbourne is more concentrated than it was twenty years ago (51.4% in Glen Eira LGA in 2006, 44.6% in 1991). The proportion of the population born and raised in Australia has increased; the generation of Holocaust survivors and other post-war immigrants have declined; and there has been the impact of the large numbers of immigrants from the Former Soviet Union and South Africa.

**Table 11: Survey findings 1967-2009**

| | 1967 Melb. | 1991 Melb. | 2008/9 Melb. | 2008/9 Sydney |
|---|---|---|---|---|
| Attend synagogue once or more per month | 15% | 22% | 32% | 31% |
| Observe Friday Sabbath with family most weeks | 68 | 71 | 74 | 72 |
| Kosher - strict/only certified | | 7 | 14 | 8 |
| - keep some, not all | | 42 | 42 | 49 |
| - do not keep | | 52 | 43 | 43 |
| Hold or attend Passover Seder each year | 84 | 84 | 86 | 84 |
| Fast on Yom Kippur every year | 64 | 53 | 56 | 61 |
| Being Jewish is very important | 45 | 58 | 66 | 62 |
| Half of more close friends are Jewish | | 89 | 89 | 86 |
| Antisemitism in Australia - very serious problem | 8 | 12 | 5 | 4 |
| Antisemitism in Australia - quite a serious problem | 59 | 51 | 37 | 35 |
| Visited Israel at least once | | 73 | 87 | 86 |
| Have friends or family in Israel | | 75 | +79 | +68 |
| When Israel endangered - feel same as if own life in danger | | 28 | 23 | 17 |
| - feel special alarm | | 58 | 55 | 57 |

The major trend to emerge from the comparison of survey findings is the indication of higher levels of religious identification and practice. Comparing the 1991 and 2008/9 Melbourne surveys, there is change in the frequency of synagogue attendance, Friday night Sabbath and Kosher observance, and in Jewish identification – as a rough generalisation, the proportion indicating observance and identification has increased by around 10%. Attendance at a Passover Seder (already at a very high level), fasting on Yom Kippur and Friday night Sabbath with family did not show any significant change. With regard to the indicators considered, where data is available there is a consistent pattern across the three Melbourne surveys in the direction of greater identification. Thus 'being Jewish' was important to 45% of respondents in 1967, 58% in 1991 and 66% in 2008/9.

The pattern of increased religious identification is to be found in other faith-groups in Australia. Professor Gary Bouma in his *Australian Soul: Religion and Spirituality in the Twenty-First Century* (2006), discusses the evidence that many young people are more intense religiously than their parents. He also notes the grass roots movements that reflect the revitalisation of religion, as evident in Jewish Australia.

With regard to other indicators which can be compared, concern at the seriousness of antisemitism shows a decline, as does indication of concern when Israel is in danger; a larger proportion of the community has visited Israel, as would be expected given the greater affordability of international travel.

## ATTITUDES ACROSS THE DIASPORA

There is considerable difference in the character of Diasporic Jewish communities. At one extreme, found in the United States, there are communities characterised by low levels of synagogue attendance, observance of rituals and High Holidays. 'Being Jewish' is less central to the lives of those of Jewish descent, the proportion of close friends who are Jewish is fewer, and only a small minority of students attend Jewish day schools. Only a minority of the Jewish population has visited Israel and the level of attachment to Israel is at similarly low levels. These general observations do not, of course, apply to all segments of the Jewish population. Rather, Jewish population centres of America have a significant differentiation between the core and the periphery. Major centres of Jewish learning, strength of institutional development, close Israel connectedness and a vibrant Jewish life in all of its forms characterise the core.

In a second type of community the differentiation of core and periphery is less marked, the proportion of those on the periphery of Jewish life is much smaller. These types of communities are to be found in Australia, the United Kingdom and South Africa. A large majority of families are together on Friday nights; a higher proportion of the population is involved in the ritual aspects of Jewish life; being Jewish is seen as very important by a majority; a majority of the school age population attends Jewish day schools; and the level of direct Israel connectedness is markedly higher. Of the three countries considered, the level of engagement seems to be highest in South Africa.

**Table 12: Comparison of survey findings across countries**

| | USA 2000/1 | Boston 2005 | Atlanta 2006 | London 2002 | South Africa 2005 | Melb. & Sydney 2008/9 |
|---|---|---|---|---|---|---|
| **Estimated Population** | **+5.2m** | **210,000** | **120,000** | **195,000** | **88,000** | **100,000** |
| Attend synagogue once or more per month | 19% | 29% | 31% | 36% | 48% | 31% |
| Light Sabbath candles always or most weeks | 19 | 22 | 33 | 82 | 76 | 73 |
| Light Sabbath candles sometimes | 19 | 25 | 33 | | 16 | 7 |
| Attend Passover Seder – last year | 57 | 52 | 64 | 75 | 95 | 85 |
| Fast on Yom Kippur – every year | 32 | | 56 | | 90 | 58 |
| Half or more close friends are Jewish | 45 | | | +80 | | 87 |
| Jewish day school attendance/ secondary | 11 | 16 | 11 | +50 | 70 | 60 |
| Visited Israel once | 29 | 38 | 36 | 88 | 83 | 86 |
| Visited Israel twice or more | 12 | 22 | | | | 64 |
| Have family in Israel | 31 | 37 | | | 78 | 74 |
| Have close friends in Israel | | 26 | | | | 53 |
| Emotional attachment to Israel - very strong | 25 | 33 | 37 | | | [75] |
| - somewhat | 34 | 36 | 39 | | | |

Sources: NJPS, Boston and Atlanta surveys, SPSS data files, North American Jewish Data Bank; *The 2005 Boston Community Survey: Preliminary Findings* (2006); *A Portrait of Jews in London and the Southeast* (2003); O. Valins et al., *The Future of Jewish Schooling in the United Kindgom* (2002); Shirley Bruk Research, *The Jews of South Africa 2005 – Report on a Research Study*

## NOTE ON METHODOLOGY

The methodology adopted in this survey is distinctive. Its successful implementation was dependent on the active support of a broad range of community leaders and institutions and public acceptance of the goals and worth of the project.

Earlier Australian (and most overseas) studies have been undertaken with a relatively small number of respondents. For example, the 1991 Melbourne survey had 640 respondents, the 1967 survey had 504. Both employed face to face interviews. While the number of respondents is small, these surveys have claims to be 'scientific'. If their sample targets are met they can provide an overview of a population with a high degree of reliability, at best plus or minus 2.5%. The inherent limitation of such work is that the high cost per completed survey usually limits the sample, leaving little or no scope to examine sub-groups of interest. The 1991 Melbourne study, for example, included a total of 40 respondents who described themselves as Strictly Orthodox. Sub-groups of this size cannot be reliably disaggregated for analysis.

There is a second issue, independent of cost or sample size. A 'scientific' sample is only as reliable as the database from which the sample is drawn. Community databases will necessarily under-represent marginal groups. Further, acceptance of an invitation to participate in a survey differs across segments of the community, with the potential to compromise its claims to be 'scientific'.

If a random methodology is used to locate participants, as adopted in a number of American surveys which start without a database from which the sample may be drawn, then a very large number of contacts need to be initiated for each completed survey. The US 2000-2001 national survey took one year to administer and began with an initial sample of more than 1.2 million phone numbers. Some 180,000 people were contacted for 4500 completed interviews with Jewish adults, with a short version of the survey completed by an additional 650 individuals of Jewish background. On average each completed survey with a Jewish respondent required 1,500 calls for a total of 6.7 million dialings. Surveys of this nature are necessarily very expensive, with the cost of the US survey reaching more than US$6 million.

With such a low ratio of completed survey per potential respondent approached, even if pre-determined stratification targets are met there can be problems of reliability. With all of the resources at its disposal, the 2000-2001 American national survey did not succeed in meeting its targets in the first phase of surveying and in the second phase resorted to paying participants, introducing a further element of potential bias to the sample. A storm of controversy met the release of its findings.[16]

A further problem with random telephone surveying is that there is differential access to telephones across a population and increasingly segments of the population are unwilling to respond to surveys. Further, many people now only have mobile phones and a range of issues, including privacy laws and difficulty in establishing sample frames, preclude systematic surveying over mobile connection.

The Gen08 survey achieved over 6200 completed surveys in Australia and New Zealand – for a fraction of the cost of major overseas surveys. In place of payment to trained staff to administer and score the survey, the survey was self administered and scored. With a total of 144 questions, a number of which included a range of sub-questions, the survey was long and at the limit of self-administration in a general population. In Melbourne and Sydney, 87.8% (or 4479) of the questionnaires were completed online, 12.2% (or 622) in print.

[16] See, for example, Leonard Saxe and Charles Kadushin, 'Population study: questioning the validity', *Jewish Week*, September 2003.

Gen08 clearly engaged the interest and commitment of Australian Jews, for some 89% of those who began the online survey completed it, despite fears expressed at the pilot stage that completion rates would be well below 50%. The surveys completed in the print version were entered in the database by four project employees who worked together to ensure consistency in coding.

The validation of the survey depended on two factors. First, detailed demographic data on Australian Jews derived from the census, a source not available in the United States where there is no religion question in the census. American surveys, by far the most extensive and well funded in the Jewish world, expend much effort on establishing the basic demographic profile of the Jewish population. Such surveys are necessarily both demographic and attitudinal, and the survey itself contributes to establishing the basis for weights to be applied to the sample frame. In Australia demographic data is obtained independent of the survey. While census data is subject to interpretation, as only some 70% of the population indicate religion (an optional question), most estimates for the Jewish population are within a narrow range and the relativities for gender balance, age profile, qualification, income, residential pattern, place of birth, and a number of other demographic variables can be established with a large measure of certainty.

Prior to the Gen08 survey detailed analysis of the 2006 census was undertaken in Melbourne and Sydney, utilising customised data purchased from the Australian Bureau of Statistics. In common with survey practice, this data provided the basis for weighting of the Gen08 survey to accurately reflect the total Jewish population, utilising three key variables: gender, age and educational attainment. Due to large variation in the size of weights, the weights were trimmed to reduce the mean squared error of key outcome estimates. Weights that were greater than the median weight plus six times the inter-quartile range of the weights were made equal to that limit. A total of 67 weights (1.1% of the total) did not meet that criteria and were trimmed.

As a second means of checking the reliability of the achieved sample, results were examined across three respondent categories: those who (1) responded to an invitation to participate in the survey; (2) requested to participate and completed the survey online; (3) requested to participate and completed the print version of the survey. Through a category code embedded in passwords used by respondents to access the survey, and a code used to enter the print versions, it was possible to track categories of respondents. There was a fourth category employed, a random sample of invited participants, which yielded 805 completed surveys (15.8% of the total), but not at a level of statistical significance to warrant its use in this preliminary report.

Over 25,000 invitations to participate were mailed or emailed to all identified households using a database compiled for the survey in Melbourne and the database of the JCA (Jewish Communal Appeal) in Sydney.

In Melbourne, where there is currently no organisation with a comprehensive database of the Jewish population, three leading organisations (JCCV, UIA Victoria and Maccabi Victoria) provided access to their records on condition of strictest confidentiality, enabling a composite database of households to be compiled. These organisations were chosen because between them they provided the most comprehensive coverage available, with the Maccabi database most likely to include individuals who are relatively unaffiliated with the mainstream. This database was at no time removed from the offices of the organisations involved and once letters and labels were generated the database was destroyed. Likewise, all data from the JCA offices was used with strict confidentiality and no link could be made between individual identity and survey response.

Every available means was used, in addition to invitation by mail, to publicise the survey, including an advertising campaign conducted in the *Australian Jewish News* and the Hebrew-language *Eton,* Facebook, distribution of promotional cards with passwords at various functions and venues, and promotion through various email networks, both personal and organisational. The 21 JCA member organisations greatly assisted recruitment of participants amongst their membership. A special effort was made to ensure the participation of the marginalised and members of two immigrant groups whose involvement was known to present special challenges - those from the Former Soviet Union and Israel. Over 30 focus groups were held in Melbourne and Sydney prior to the commencement of surveying, in part to refine the survey instrument, but also to establish a broad range of contacts and build confidence in the project. A number of meetings were also held with key individuals. In Sydney, a letter from a rabbi was mailed to members of a large religious congregation with significant involvement by immigrants from the FSU and a significant effort was made to recruit FSU immigrants by JewishCare.

In Melbourne several Russian-speaking people were engaged to assist participation using the print version of the survey. In addition, in Melbourne two Ph.D. students (Anita Frayman and Ran Porat) worked to increase participation by the elderly and by those born in Israel.

A final objective was to ensure greater participation by young people. In addition to publicity at various venues, during Orientation Week in February 2009 in Melbourne and Sydney, in co-operation with the Australian Union of Jewish Students (AUJS) and Hillel, a small incentive payment (the payment of membership fees in the university student organisation, worth $10) was offered to encourage completion of the survey, either online or in the print version. A small incentive payment was made to AUJS and a Chabad group with contacts among youth across Australia. A number of prizes in raffles were offered; during the main period of surveying, those completing the survey online or in print were eligible to enter a draw to win one of three iPhones. In February 2009 university students completing the survey could enter a draw to win $50 shopping vouchers.

All this effort will be recognised as well and good, but in communities known for their critical inquiry and scepticism the first question to be asked relates to the reliability of the survey findings. What evidence, it will be asked, is there to indicate that that data is representative of views of Jewish Australians in the two cities considered in this report?

As a first step in responding to such legitimate questioning, the respondent profile was subject to analysis. Three respondent categories have been disaggregated to allow for comparison of respondent profiles and patterns of response. This examination, much of it too detailed to be included in this report of preliminary findings, discloses that respondents in the invited group have marginally higher socio-economic status and marginally higher representation of some overseas born groups; those who took the initiative to request a password to participate online are marginally younger, marginally more likely to be born in Australia and marginally more religiously identified. The main distinguishing factor across the three respondent frames relates, as to be expected, to age; those who requested to complete the survey in print form contain an older age cohort, a difference which is diluted somewhat by young people completing the print version of the survey during Orientation Week at their universities in February 2009. Again in keeping with an older age profile, the print version includes respondents of lower educational attainment and lower socio-economic profile, but with only marginal differentiation by other demographic categories.

**Table 13: Respondent profile by respondent frame, Melbourne and Sydney**

| | N | % | Year of birth | | Education | | Socio-economic status | |
|---|---|---|---|---|---|---|---|---|
| | | | Mean | Std. Dev. | Mean | Std. Dev. | Mean | Std. Dev. |
| Invited | 2914 | 57.1% | 1958.9 | 16.9 | 6.77 | 1.98 | 2.61 | 0.87 |
| Requested – online | 1565 | 30.7% | 1964.6 | 16.7 | 6.78 | 1.94 | 2.75 | 0.86 |
| Requested – print | 622 | 12.2% | 1947.1 | 25.0 | 5.68 | 2.29 | 2.81 | 0.88 |
| Total/Average | 5101 | 100% | 1959.2 | 18.7 | 6.65 | 2.04 | 2.68 | 0.87 |

| | Country of birth | | Identity: religious / secular | | Gender | |
|---|---|---|---|---|---|---|
| | Mean | Std. Dev. | Mean | Std. Dev. | Mean | Std. Dev. |
| Invited | 3.93 | 3.74 | 5.23 | 1.83 | 1.53 | .499 |
| Requested – online | 3.69 | 3.84 | 5.17 | 1.91 | 1.56 | .496 |
| R Requested – print | 3.89 | 3.04 | 5.21 | 1.91 | 1.57 | .496 |
| Total/Average | 3.85 | 3.69 | 5.21 | 1.87 | 1.54 | .498 |

When answers to questions are disaggregated by respondent profile, the strongest finding is the similar pattern of response. There is limited variation between the two online respondent categories, more marked variation when comparison is made with print version respondents. Variation, to be subject to further analysis, appears to be explained in the respondent demographics, notably the age and educational variables, which may account for the higher proportion of the 'Don't know/ Decline to answer' and which explains much of the variation. It was also possible to leave questions unanswered in the print version (but not online), which also adds to the 'Decline to answer' category.

**Table 14: How important is being Jewish is your life today? Cross-tabulated by respondent frame**

| | Invited | Requested - online | Requested - print |
|---|---|---|---|
| Very important | 64.4% | 66.3% | 59.8% |
| Somewhat important | 28.1% | 25.1% | 22.0% |
| Not very important | 4.4% | 6.5% | 7.9% |
| Not at all important | 1.6% | 1.2% | 3.8% |
| Don't know/decline | 1.5% | 0.7% | 6.4% |

**Table 15: When you hear about intermarriage in the community, how do you feel? Cross-tabulated by respondent frame**

| | Invited | Requested - online | Requested - print |
|---|---|---|---|
| No view, not my business | 9.8% | 11.3% | 14.8% |
| Very pleased | 1.6% | 2.4% | 2.7% |
| Pleased with some reservations | 2.1% | 3.0% | 2.5% |
| Accepting or neutral | 24.6% | 21.9% | 18.3% |
| Feel some regret | 32.5% | 27.3% | 26.2% |
| Feel very considerable regret | 27.1% | 32.1% | 26.6% |
| Don't know/decline | 2.3% | 1.8% | 8.8% |

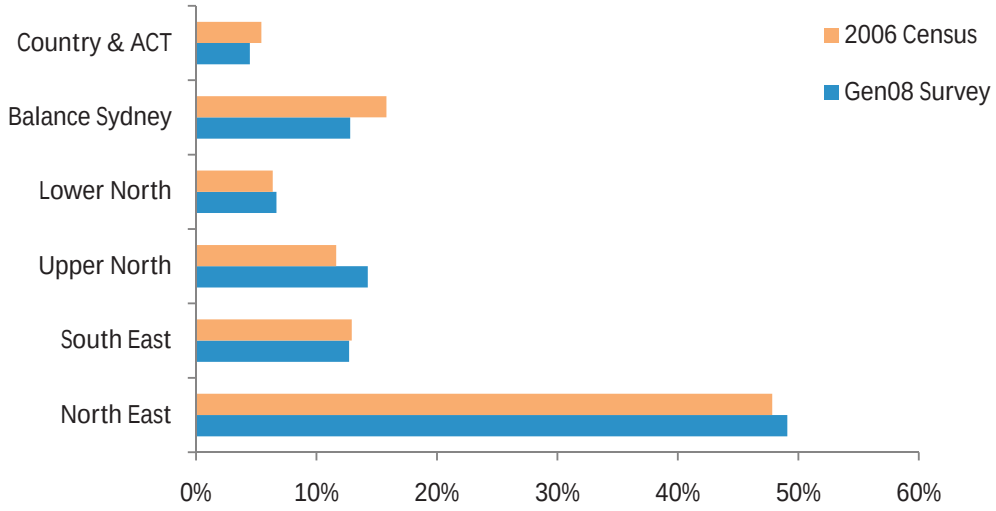
The last part of this analysis of respondent profile considers the extent to which the aggregated respondent categories match demographic indicators available in the 2006 census and data on school enrolments.

One important indicator is residential pattern. A failure to match the known residential pattern would indicate that the survey did not reach across the community; this failure to match the known distribution could be random, indicative of an unreliable sample, or concentrated in the regions of heavy Jewish concentration, indicating that the survey reached the core but not the periphery of the community. The following data (a table which plots distribution by postcode in Melbourne and a graph representing regional distribution in New South Wales) indicates that the survey succeeded in reaching across the Jewish population.

**Table 16: Respondent location by postcode, 2006 Census and Gen08 compared, Melbourne**

| | Estimated Jewish population 2006 Census | Proportion Jewish population 2006 Census | Gen08 Survey |
|---|---|---|---|
| Caulfield North 3161 | 8,841 | 16.1% | 18.2% |
| Caulfield South 3162 | 8,716 | 15.9% | 15.6% |
| St Kilda East/Balaclava 3183 | 5,291 | 9.6% | 9.1% |
| Bentleigh 3204 | 3,040 | 5.5% | 3.8% |
| Carnegie 3163 | 3,006 | 5.5% | 4.8% |
| Bentleigh East 3165 | 2,883 | 5.2% | 4.0% |
| Ripponlea 3185 | 2,580 | 4.7% | 4.8% |
| Toorak 3142 | 2,219 | 4.0% | 5.0% |
| Brighton East 3187 | 2,137 | 3.9% | 3.5% |
| Brighton 3186 | 1,144 | 2.1% | 2.4% |
| Malvern 3144 | 1,042 | 1.9% | 2.6% |
| Caulfield East 3145 | 908 | 1.7% | 2.3% |
| South Yarra 3141 | 903 | 1.6% | 1.4% |
| Elwood 3184 | 893 | 1.6% | 1.9% |
| Glen Iris 3146 | 773 | 1.4% | 2.0% |
| Armadale 3143 | 727 | 1.3% | 1.4% |
| Melbourne 3004 | 727 | 1.3% | 1.4% |
| Auburn 3123 | 620 | 1.1% | 1.3% |
| Kew 3101 | 577 | 1.1% | 1.3% |
| Hampton 3188 | 478 | 0.9% | 1.6% |
| Hawthorn 3122 | 401 | 0.7% | 0.4% |
| Doncaster 3108 | 367 | 0.7% | 0.5% |
| South Melbourne 3205 | 320 | 0.6% | 0.5% |
| Balwyn North 3104 | 315 | 0.6% | 0.3% |
| Camberwell 3124 | 284 | 0.5% | 0.7% |
| Hughesdale 3166 | 268 | 0.5% | 0.5% |
| Cheltenham 3192 | 264 | 0.5% | 0.4% |
| Doncaster East 3109 | 254 | 0.5% | 0.3% |
| Moorabbin 3189 | 229 | 0.4% | 0.3% |
| **Total** | **50,207** | **91.4%** | **92.3%** |

**Figure 32: NSW Jewish population, residential location, 2006 Census and Gen08 compared**




Four additional variables were considered:

- Male/female ratio: the survey respondent frame is within one percent of the census for Melbourne, within three percent for Sydney; for Melbourne, 46.5% of respondents were male (census 47.4%), female 53.4% (census 52.6%); for Sydney, 44.5% of respondents were male (census 47.4%), female 55.5% (census 52.6%).
- Age distribution: there is some over-representation for the age groups 18-24 and 55-64, under-representation of other groups, but the variance is within a relatively narrow range; thus combined Melbourne and Sydney, the age group 25-34 in the census was 16%, in the survey 15.1%; of those aged 35-44, the relative proportions were 15.5% (census) and 13.3% (survey); for 45-54, 18.7% and 16.9%.
- Birthplace: of the four major birthplace groups plus the UK-born, discussed in this report, the match is very close for three groups. Thus, for Melbourne there were exact matches for the UK and Israel-born, for South Africa-born the difference was 0.4%; for Sydney, the variance for UK and Israel-born was under 1%, for the large South African population there was a slight over-representation (21.0% in the census, 23.8% in the survey). There is an over representation of the Australia-born and an under representation of FSU-born in the survey; the census indicated that 45% of the Melbourne and 37% of the Sydney population was born in Australia, for the survey the proportions were 55% and 44%; the under-representation of the FSU was around 3%.

One additional cross-check was undertaken – day school attendance. An over-representation of survey respondents with day school education would again indicate that the survey had failed to reach across the community. It is estimated that in the past decade in any specific year some 60% of the school age population attended day schools, with a slightly higher number attending at the primary than the secondary level. The proportion attending day schools was lower in earlier decades, at around 40% in the 1980s in Sydney, closer to 60% in Melbourne where the day schools were developed earlier and had wider acceptance. It is difficult to exactly match these figures with the survey, as those who 'ever attended' a day school will be higher than those attending a day school in a specific year and the survey captured the former (or boosted) category.

For Melbourne, among the population aged 18-34, 69% of respondents attended a Jewish day school at primary level and 64% at secondary level. For Sydney, the proportion for those aged 18-34 was 57% at primary level and 57% at secondary level. Given that the data is not directly comparable, this finding indicates that the survey either very closely matches or marginally exceeds the expected level. Of all respondents aged 18-54, around 55% in Melbourne and 35% in Sydney had at least one year of day school attendance in Australia.

As has been remarked in the substantive part of this report, the survey findings for Melbourne and Sydney are either close to identical or vary within a narrow range, with a similar pattern of response in the two cities. This similarity is also evident in the demographic profile of respondents in the two cities. Thus the self-described economic status of respondents:

**Table 17: Which of the following terms best describes your financial circumstances today?**

| | Melbourne | Sydney |
|---|---|---|
| Prosperous | 7.0% | 7.1% |
| Living very comfortably | 33.3% | 33.9% |
| Living reasonably comfortably | 44.1% | 42.6% |
| Just getting along | 12.2% | 12.4% |
| Nearly poor | 1.1% | 1.0% |
| Poor | 0.6% | 0.6% |
| Don't know/decline to answer | 1.8% | 2.4% |
| Total | 100% | 100% |
| **N** | **3000** | **2101** |

The indicators considered above all point to the representative character of the achieved sample, but there is one additional criticism that may be made. The sample may be reliable for the engaged members of the community, for the closely affiliated, but it may not have reached the marginalised, despite the fact that it seems to have achieved a representative sample as judged against census and other statistical data. The following points may be made in response:

- The survey findings indicate that those of lower socio-economic status are less likely to be affiliated. As indicated in the immediately preceding table, some 14% of respondents in Melbourne and Sydney indicated that they were 'just getting along', 'nearly poor' or 'poor'. This compares with 17.7% in the four lowest household gross weekly income categories (nil to $499) as indicated by the 2006 census.
- 19% of respondents in Melbourne and 22% in Sydney indicated that they were 'only slightly' or 'not at all connected' to Jewish communal life, while a further 9% indicated that they were neutral with regard to their community engagement; thus there were between 1000 and 1500 respondents (depending on definition) in the two cities without close communal identification whose views are available for analysis.

These statistics point to the success of the survey in reaching a broad range of sub-groups within the community. Even if it is thought that the representation of marginal groups is too small, there is basis for analysis of relevant sub-groups. The number of disconnected respondents makes possible the section of the report dealing with this sub-group. It is known that the level of engagement of immigrants from the Former Soviet Union and Israel is at a lower level than for the Australia and South Africa-born. The survey was completed by 339 FSU-born and 295 Israel-born in Melbourne and Sydney. These sub-groups were also of a size sufficient for separate analysis, as evident in the discussion of recent immigrant groups in this report.

REPORT 1

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-2" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

Gen17

JCA today tomorrow forever

MONASH University
Australian Centre for Jewish Civilisation

# GEN17 AUSTRALIAN JEWISH COMMUNITY SURVEY

# PRELIMINARY FINDINGS

DAVID GRAHAM & ANDREW MARKUS

Gen17

## Research Partners

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MONASH University
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# FOREWORD

Whilst having the ninth largest Jewish population in the world, the Australian Jewish community has again punched well above its weight in delivering Gen17: Australia's Jewish Community Survey. With 8,621 responses nationally, it is not only the largest such study ever conducted in Australia but one of the largest samples ever collected across the globe in a national Jewish community study.

Even before considering the findings, this highlights the success, nature and engagement of our dedicated community. A survey is only as good as the willingness of participants to complete it. When a survey requires as much time from each of the respondents as this one, their diligence, and the importance they attached to the survey, must be acknowledged.

Further we can be confident that the findings provide insights into the entire community beyond those who are communally active, by reason of the meticulous approach taken by the lead authors in applying appropriate weights to the final dataset.

The original Gen08 report was ground-breaking in its findings and in the quality of data-driven insights it provided into Australia's Jewish community. Gen08 was a strategic treasure to JCA and NSW's Jewish communal organisations. I understand that it was also recognised as an important resource by a range of Melbourne organisations, as testified by the funding received in Melbourne from major philanthropists and Jewish Care Victoria. JCA proudly partnered with Monash University on Gen17, an evolved iteration of the Gen08 survey and report.

JCA's vision is of a sustainable, vibrant and secure Jewish community. Like most, if not all, Jewish communities around the world we spend countless hours around the boardroom and Shabbat tables, dreaming and debating about the kind of community we want to create for our future generations – an engaging and empathetic community, enriched by core Jewish values. To realise our aspirations and plan more effectively — even to dream more fully — we must understand who we are in the here and now. What drives our community today? Who are we as Jews? What are our communal needs? How do we give back? What matters to us? How do we relate to one another? It is these questions, and so many more, that the Gen17 survey has endeavoured to answer.

The results of past studies have helped shape our communal agendas, catalysing the creation of new initiatives and realigning priorities. In Sydney, programs such as Youth 2 Israel (Y2i) and JBridge were direct outcomes from the insights provided by Gen08. Our hope is that the findings from this survey will inform strategic planning and also prove helpful to synagogues, day schools, and other Jewish service providers, funders, and grassroots organisations; regional, national, and international Jewish organisations; public officials and the media; and scholars, students, and the public at large.

It is with pride, gratitude, and a sense of accomplishment that we invite you to read the findings of Gen17: Australia's Jewish Community Survey.

Sincerely,

Stephen Chipkin
JCA President

# ACKNOWLEDGEMENTS

This report is based on data from The Gen17 Australian Jewish Community Survey, which was conducted by JCA (Jewish Communal Appeal) in Sydney and the Australian Centre for Jewish Civilisation (ACJC), Monash University, Melbourne, with data gathering managed by Research Now.

JCA and ACJC are particularly indebted to our donors for their communal leadership and generous financial support, without which the survey would not have been possible. In NSW, JCA was able to fully fund its equal share of the costs of the project thanks to the generous support of the Education Heritage Foundation. In Victoria, we thank Gandel Philanthropy, Pratt Foundation, Besen Family Foundation, Cher Family Foundation, JewishCare Victoria and Australian Jewish Funders.

We also acknowledge and thank the many Jewish community organisations across Australia and their executives for their assistance in developing and refining the survey questions, as well as their assistance in publicising the survey.

In NSW, we wish to sincerely thank all the staff and volunteers without whom this report would never have been achieved. We specifically wish to thank Jillian Segal AM, Peter Philippsohn OAM, Peter Wertheim AM, Dr Leanne Piggott, Danny Goldberg, Stephen Chipkin, Bruce Goldsmith, Alain Hasson, Nicola Zeh-Katz, Shari Lowe, Elyse Chiert, Ashleigh Levett, Greg Einfeld, and William Nemesh.

In Melbourne, we gratefully acknowledge the expertise and generous commitment of time of the Melbourne Planning Committee members Adina Bankier-Karp, Dr Anita Frayman, Dr John Goldlust, Emmanuel Gruzman, Professor Andrew Markus, Dr Miriam Munz and Dr Ran Porat. Confidential access to databases for email and postal contact was made possible by Jewish Care Victoria. Tanya Munz, the Research Associate on this project, co-ordinated the roll out and promotion of this survey, undertook data analysis and designed this report. Additional assistance in project administration and promotion was provided by Adina Bankier-Karp, Emmanuel Gruzman, Karen Klein, Dani Miller, Dr Miriam Munz, Gabi Newman and Dr Ran Porat. We wish to also thank community members of Melbourne, Perth, Brisbane and Adelaide who acted as project ambassadors, promoting the survey to their networks.

Dr David Graham and Professor Andrew Markus
Lead Authors

# AUTHORS

The Gen17 project is the result of collaboration over a three-year period between the lead authors and their respective institutions in Sydney and Melbourne. As such, this report is also a collaborative effort and each centre focused on specific sections. David Graham was the principal author of the following: Demographic overview of Australia's Jewish population, Socioeconomic wellbeing and disadvantage, Jewish education, Jewish intermarriage, Charitable giving, World comparisons and the Methodology. Andrew Markus was the principal author of the sections on: Immigrants, Antisemitism, Israel, Communal life and Change over time. Both authors contributed to the section on Jewish identity.

**Dr David Graham** is a research consultant to JCA in Sydney. He is an Honorary Associate at the Department of Hebrew, Biblical and Jewish Studies, University of Sydney and Senior Research Fellow at the Institute for Jewish Policy Research (JPR) in the UK. He has published widely for academic, professional and general interest audiences both nationally and internationally on the topics of Jewish identity and demography. His most recent publications have utilised UK census and survey data to analyse intermarriage and Israeli migration and he has worked on Australian census data to produce two socio-demographic analyses of that Jewish community. He holds a DPhil in geography from the University of Oxford.

**Professor Andrew Markus** is the Pratt Foundation Research Professor in Jewish Civilisation and Director of the Australian Centre for Jewish Civilisation, Monash University. He is a Fellow of the Academy of the Social Sciences in Australia and has published extensively in the fields of Australian race relations, immigration history and community attitudes. Andrew was the lead researcher on the Gen08 Jewish community survey and heads the Scanlon Foundation social cohesion research program, which has conducted ten national surveys since 2007. His recent publications include *Australians Today: The Australia@2015 Scanlon Foundation Survey* and *Mapping Social Cohesion: The Scanlon Foundation Surveys 2017.*

## Glossary

| | |
|---|---|
| ABS | Australian Bureau of Statistics |
| ACJC | Australian Centre for Jewish Civilisation |
| FSU | Former Soviet Union (encompasses Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan) |
| JCA | Jewish Communal Appeal known as 'JCA' |
| JDS | Jewish day school |
| RoA | Rest of Australia |

# EXECUTIVE SUMMARY

## Jewish identity

Jewish identity is a deeply personal attribute and there is no such thing as a 'typical Australian Jew'. Gen17 provides a rare, empirical glimpse into the diversity of Australian Jewish identity and Jewish life and of undercurrents of change within it. For example, by comparing the type of Jewish upbringing respondents have experienced with their current positions, we see that overall there has been a shift away from Traditional/Orthodox streams towards more progressive and secular streams. Nevertheless, Jewish identity is keenly felt and wide-spread. The identification markers that resonate most broadly, and are therefore the most uniting, chime with basic human instincts like justice and fairness. Thus, almost all Jews regard remembering the Holocaust, upholding strong moral and ethical behaviour, and combatting antisemitism, as being important aspects of their own sense of Jewish identity. Yet on matters of religious belief and doctrine, such as 'Believing in God', acceptance is far less universal and more likely to engender differences of opinion across groups. Whilst overall, less than half of respondents (46%) regard 'Believing in God' to be important to their Jewish identity, among the Modern Orthodox Jews it is 81% and among the Secular Jews it is 9%.

In terms of Jewish behaviour, Passover *seder* attendance is the most commonly observed Jewish practice, with 90% of Jews attending most years. Almost two out of three (63%) Jews usually attend a Friday night (Shabbat) meal with their family, but on more restrictive and less socially-oriented practices there is rather less engagement; less than one in three Jews (29%) lives in a home for which only kosher meat is purchased.

Like fraternal twins, the Jewish communities of Melbourne and Sydney, Australia's two dominant Jewish population centres, exhibit similar characteristics in a great many respects but they are not identical, and this is most apparent in terms of Jewish identity. Compared with Sydney, Melbourne exhibits higher levels of religious behaviour and a generally greater *intensity* in its sense of Jewish belonging and belief. Though many Jews in Sydney are religious, and a majority exhibit a very strong sense of communal belonging, the intensity of lived Jewish life in a traditional sense, remains stronger in Melbourne than in Sydney.

## Intermarriage

Almost two out of three respondents (63%) say they are concerned about intermarriage in Australia. Fewer (55%) say they would feel regret if their child married a non-Jew, although this, like so many variables, is sensitive to one's religious identification. Thus, most (84%) Strictly Orthodox Jews would feel regret if a family member married out, compared with half (54%) of Conservative and a quarter (26%) of Secular Jews.

Almost a quarter of Jews living in couples have a non-Jewish partner (23%), although among married couples this proportion is lower (17%). But the overall Australian intermarriage rate, revealed here possibly for the first time, was 33% for the period 2010 to 2017. That is, since 2010, out of every three marriages involving at least one Jew, two were in-marriages and one was an out-marriage. Although this is almost double the rate of the 1990s (at 17%) it is just over half the rate in the United States (58%). It is higher in Sydney (35%) than in Melbourne (26%), and higher among Secular Jews (62%) than Progressive/Reform (49%) or Traditional Jews (13%). Intermarriage is rare among Orthodox Jews.

## Jewish education

Jewish education, in the broadest sense, has been widely experienced by respondents. For example, over half (54%) have attended a youth movement and half have attended a Jewish day school (51%). Most men (84%) have had a Bar Mitzvah. Overall, the younger the respondent, the more Jewish educational experiences they are likely to have had.

In terms of Jewish day schooling, respondents believe that its main advantage is to 'Strengthen Jewish identity', but attitudes deviate by city. Respondents in Melbourne are far more likely to express a preference for Jewish schooling despite being more likely than Sydney respondents to say the main disadvantage of Jewish schools is 'High cost of fees'. Moreover, Sydney respondents are more likely to believe Jewish schools

'Provide a sense of belonging to the Jewish community' whereas Melbourne respondents are more likely to believe they 'Provide strong Jewish education'.

One out of three households (32%) says the cost of fees prevented them from sending at least one child to a Jewish school. And among households which currently have a child in a Jewish school, over half (55%) say doing so entails a significant or major financial sacrifice for them.

## Communal life

A large majority (70%) of respondents indicate a sense of connectedness to the Jewish community, but among those who do not, the most likely reason is their 'secular outlook/lifestyle'. Out of a list of 13 services provided by the Jewish community, respondents ranked helping those with 'Infirmity due to old age' in first place. And respondents say Jewish communal life can best be improved or changed by increasing 'Jewish day school fee assistance' (43%) and reducing 'religious division between Jews' (42%).

## Socioeconomic wellbeing

We know that in a national context, the Jewish community as a whole is economically thriving, but not everyone is so fortunate. One in five Jews (19%) assesses their own financial circumstances as being marginal—they feel they are 'just getting along' or else are nearly poor. This financial strain closely follows a typical life course which is no doubt related to the financial pressures of childrearing: rising from early adulthood, peaking in the late forties and thereafter declining and flattening out. But the data also reveal the extent of material deprivation in the community with one in 20 (6%) Jews saying they are on, or near, the breadline having had to reduce meal size or having not been able to afford medicine in the previous 12 months.

## Charitable giving

Jewish charity, often referred to by the Hebrew term *tzedakah*, meaning justice or righteousness, is central to Australian Jewish life, testified by the fact that eight out of ten (78%) Jews say that 'donating money to charity' is important to their own sense of Jewish identity. And it is demonstrated by a strong commitment to giving. In NSW and ACT, 86% personally donated money in the previous 12 months and one in five (42%) donated up to $500. That charity starts at home is no less true of Australian Jews with 45% prioritising 'Jewish charities in Australia' and 19% prioritising 'Israel charities'. The amount people give, and to whom, is driven by a variety of factors but three key ones are income, age and level of religious observance. Whilst wealthier respondents give more, this is also the case the older they are. Similarly, religious background also matters: outside NSW and ACT, 68% of Modern Orthodox Jews gave $500 or more to charity compared with 42% of Traditional and 29% of Secular Jews.

## Immigrants

Today, the majority of the community's immigrant population hails from the Former Soviet Union (FSU), South Africa, and Israel. Of those arriving since 1980, more than half indicated they came to Australia for family reasons, such as joining a partner. Immigrants from the FSU have experienced the most challenging settlement issues including difficulties with language (72%), inadequate income (48%) as well as difficulty making friends in the community. This too was also indicated by two out of five (38%) Israeli immigrants. Nevertheless, most (91%) FSU immigrants indicated that they were more satisfied with their life in Australia than in their former homeland, as were most South African (80%) and Israeli (69%) immigrants.

## Israel

Israel is a strong unifying theme for Australian Jews. Among Melbourne and Sydney respondents, the vast majority (88%) feel a personal responsibility to ensure that the Jewish State 'continues to exist'. This is also characterised by very high levels of connectedness with 92% having visited Israel and two out of three (66%) having close family living there.

Nevertheless strong attachment does not equate to blind support or cross-communal unity on every issue. On a list of 18 key Jewish identity markers, 'Visiting Israel' ranks in 8th position. Moreover, almost half (47%) of respondents say there is too much corruption in Israel's political system. There is mixed evidence as to whether younger generations are more 'distant' from Israel than older generations: fewer in the younger age groups feel personally responsible for Israel's continued existence, but in terms of identifying as Zionist, a label close to seven out of ten (69%) self-ascribe to, younger generations identify as strongly as their elders.

Further, opinion is divided on several key issues, especially in terms of Jewish background. Thus, while almost two out of three (64%) say Orthodox Judaism has too much influence in Israel's society, the figure is 90% among Progressive and 43% among Modern Orthodox respondents. And whilst 58% of respondents agree Israeli control of the West Bank (Judea/Samaria) is vital for its security, 34% of Secular Jews share this view.

## Antisemitism

Opinion in the community is divided about how big a problem antisemitism may or may not be in Australia today. Whilst a majority (57%) believe it is not a big problem, more than two out of five (43%) feel it is a (fairly or very) big problem. Even so, in terms of actual antisemitic experiences, these are most likely to have occurred online, with half (51%) of respondents having encountered antisemitism on Facebook and two out of five (42%) encountering it in online discussion and comment forums over the last 12 months. As many as eight out of ten (80%) Jews aged in their twenties have seen antisemitic content on Facebook. Asked whether they took any action following such an experience, half (53%) responded by replying or reporting it, though almost half (47%) took no action. In terms of more personal—as opposed to virtual—experience of antisemitism, almost one in ten Jews (9%) indicated that they had witnessed or experienced verbal insults and harassment over the previous 12 months, with the highest level being among Strictly Orthodox Jews aged under 40 (31%).

# INTRODUCTION

The *Gen17 Jewish Community Survey* was a nationwide study designed to gather detailed information about Australia's Jewish community. This Preliminary Findings Report provides insight into selected key findings that have emerged from a preliminary data analysis. It has been designed to demonstrate the potential breadth and value of Gen17 data to the many organisations and Jewish service providers operating in the community. The present analysis barely scratches the surface of the information that is potentially available from this survey and more in-depth, topic-based reports are planned for the near future.

## About the Gen17 survey

Australia's Jewish community is fortunate to be able to benefit from a national census that includes a question on religion and which takes place every five years. This invaluable data source has provided a plethora of organisations with a detailed understanding of the socio-demographic makeup of the Jewish population that could not be obtained through any other method[1]. However, the census is an instrument of government planning, not of Jewish communal planning, and the data it gathers can only tell so much about the Jewish community. For example, the census is silent on key matters of Jewish belief, belonging and behaviour, and therefore overlooks the complexity of Jewish identity with its mix of religious, ethnic and cultural traits. Moreover, it fails to inform us about day-to-day Jewish life in Australia, information that is crucial to ensuring the health, welfare, safety and happiness of Jewish Australians in the future.

Survey data from Gen17, especially when combined with census information, provide community leaders, service providers and many other interested parties with an extremely powerful empirical tool for planning, appraising and delivering products and services aimed at the Jewish community. Without reliable data, planners are forced to fall back on anecdote and intuition in order to understand and provide for this community; in any other context, such an approach would be deemed inadequate and wasteful.

Gen17 covers a wide variety of topics aimed at delivering information about all major aspects of the Jewish Australian experience. For a population with a significant migrant component, it explores migratory histories, languages and experiences. For a community committed to furthering Jewish life it covers Jewish schooling, Jewish education, Jewish student experience, Jewish identity, Jewish partnerships as well as aspects of Jewish communal life from fundraising to volunteering. For a caring community it investigates child care, health and welfare, socioeconomics and poverty. And for a politically engaged community it provides data on attitudes towards and engagement with Israel, experience of antisemitism, the Holocaust, as well as data about life in Australia more generally.

## Goals of Gen17

A project of this scale is a complex and expensive exercise and therefore only happens infrequently. In the past, large-scale community studies have been limited to the state level,[2] and it was only in 2008 that the first attempt to survey the community on a national scale took place with Gen08.[3] In subsequent years, a number of monographs utilising Gen08 have been published, on topics including Jewish Continuity, Education, Poverty, Antisemitism, and the Elderly[4]. The present study, carried out almost a decade later, has built on that work and the experience gained by undertaking it.

---

**Note: The online links listed in these footnotes are as accessed on 8 March 2018.**

[1] For a detailed analysis of the 2011 Census data see Graham D 2014 The Jewish population of Australia: Key findings from the 2011 Census, Monash University Melbourne and JCA Sydney

[2] Encel S and Buckley B 1978 (first published 1972) The New South Wales Jewish Community, New South Wales University Press; Goldlust J 1993 The Melbourne Jewish Community: A Needs Assessment Study, Australian Government Publishing Service, Canberra

[3] Markus A, Jacobs N and Aronov T 2009 2008-09 Jewish Population Survey, Preliminary Findings: Melbourne & Sydney, Monash University

[4] See http://artsonline.monash.edu.au/gen08/ to gain free access to these and other Gen08 reports

From its inception, a central aim of the Gen17 project team was to ensure the widest range of communal voices were heard and, where possible, accommodated in the questionnaire. Major Jewish charities and communal organisations in Australia were consulted in the preparatory stages of this project to ensure, as far as possible, that the data are relevant and valuable.

Another central aim was to deliver high-quality data within the limitations of communal financial resources. It was important not only for the data to be broadly representative but also for the dataset to be sufficiently large to facilitate the highly detailed analytical work that will benefit the widest array of Jewish subgroups and organisations.

Note that a large part of this report presents an overview of findings using the consolidated Australian dataset, in other sections analysis is narrowed to Melbourne and Sydney, where most of the Jewish population resides, to allow for more precise analysis of change between the earlier Gen08 survey and Gen17. As a result, there are minor differences in reported findings as indicated, some applicable to the Australian sample, others to the narrower focus on Melbourne and Sydney. In every instance the geographical focus is clearly indicated.

## Technical details

Gen17 was carried out online between February and May 2017. It was conducted jointly by JCA in Sydney and the ACJC at Monash University in Melbourne.[5] The total sample size is 8,621, an enormous number when compared with a number of international studies; for example, the Pew Research Center 2013 survey of American Jews utilised a sample of 3,475 and the 2013 JPR study of British Jews a sample 3,736 respondents.[6] Gen17 includes 4,571 households which can be identified in the data due to the use of a pioneering filtering mechanism implemented in the survey and which did not rely on the use of personal addresses information.

**Table 1: Gen17 dataset - Unique household counts and individual counts by state (unweighted)**

| | UNIQUE HOUSEHOLDS | TOTAL INDIVIDUALS |
|---|---|---|
| New South Wales | 2,072 | 3,938 |
| Victoria | 2,136 | 4,109 |
| Queensland | 89 | 138 |
| South Australia | 42 | 56 |
| Western Australia | 140 | 249 |
| Tasmania | 20 | 29 |
| Northern Territory | 5 | 7 |
| Australian Capital Territory | 67 | 95 |
| **Total** | **4,571** | **8,621** |

Unless otherwise stated, the survey data presented in this report have been weighted. **A detailed methodological chapter is included at the end of this report** (p78) explaining the sampling procedure and the approach taken to weighting the final dataset.

[5] JCA (https://www.jca.org.au/) and ACJC (https://arts.monash.edu/acjc/)
[6] Pew Research Center 2013 Portrait of Jewish Americans, Findings from a Pew Research Center Survey of U.S. Jews p119; Graham et al 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, JPR p41

# DEMOGRAPHIC OVERVIEW OF AUSTRALIA'S JEWISH POPULATION

## MAIN FINDINGS

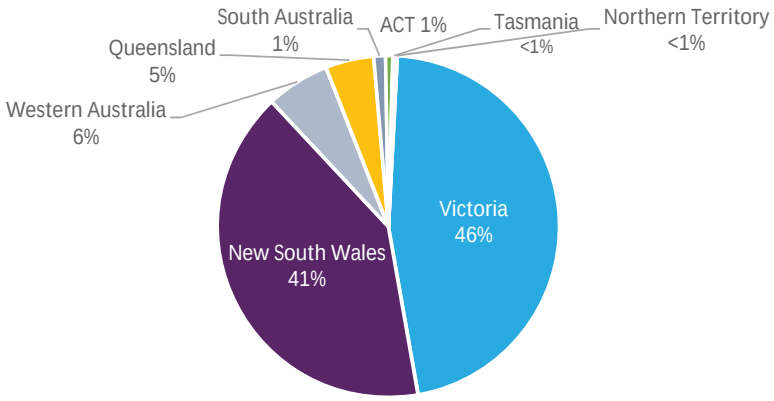
- There are estimated to be 113,000 Jews in Australia and the majority (87%) lives in Victoria or New South Wales (NSW)
- The age profile of the Jewish population is slightly older than the general population and contains a large cohort of 'baby boomers' currently entering retirement
- Just over half the population is Australian-born with the major immigrant groups since the 1970s coming from the Former Soviet Union, South Africa, and Israel
- Relative to the general Australian population, Jews have above average levels of educational qualifications and above average incomes, although there are also significant pockets of poverty

In the following section we outline some of the key demographic determinants of the Jewish community based on findings from the 2011 Census. Although 2016 Census data were available at the time of writing, they have not been reproduced in this section due to concerns about the potential impact of changes to the religion question formatting between 2011 and 2016. (A review of the impact of these changes on the 2016 Census is planned for the near future.) Moreover, since evidence outside the census leads us to expect to find that the community as a whole did not undergo significant demographic change between 2011 and 2016, we believe the 2011 data remain accurate for our present purposes.

## Geographical distribution

Australia's Jewish population was estimated to number 112,000 people in 2011 and constituted 0.5% of the national population. A more recent estimate revises the figure to 113,000.[7] The community is principally bimodal with 87% of the population living in Victoria or New South Wales. Within Victoria, 98% of Jews live in Melbourne, and in NSW 95% of Jews live in Sydney.

**Figure 1: Proportionate distribution of the total Australian Jewish population by state and territory**




**Source:** ABS 2011 Census

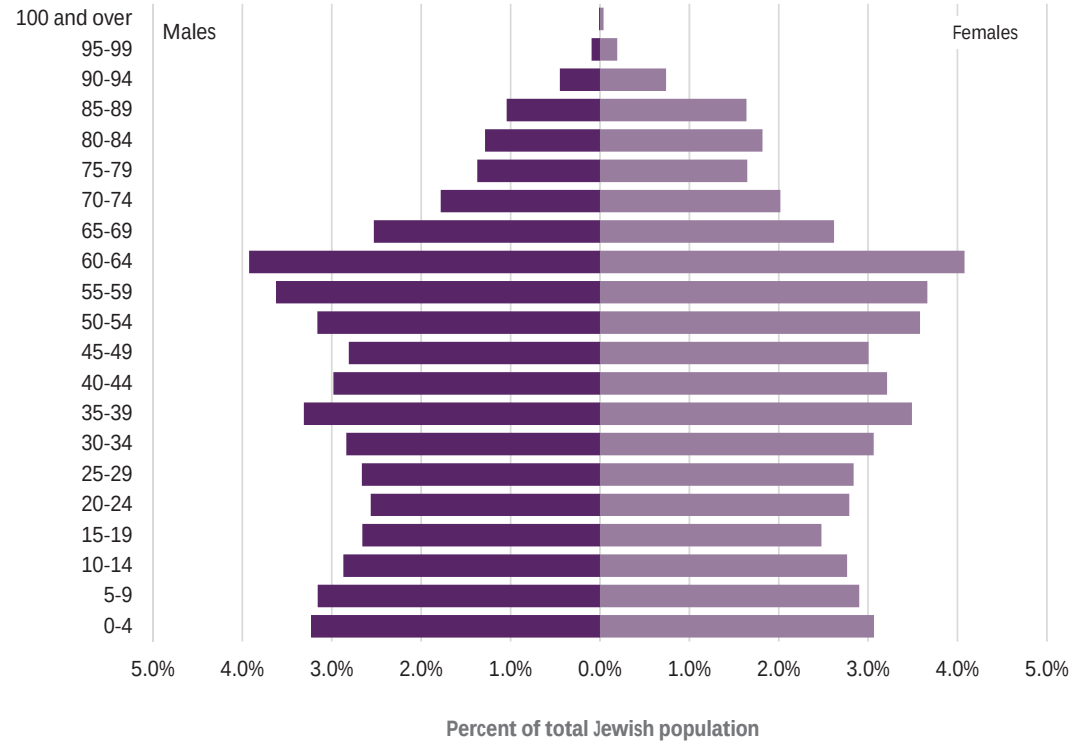
[7] As published in Graham D 2014 The Jewish population of Australia: Key findings from the 2011 Census, Monash University Melbourne and JCA Sydney p2; Dashefsky A, DellaPergola S, and Sheskin I 2016 World Jewish Population, 2016 Berman Jewish Databank, p23

## Age and sex

The Jewish population is slightly older than the general Australian population. In 2011, 23% of Jews were aged under 20 years old compared to 26% in the general population, and 7% of Jews were aged 80 years or over compared with 4% generally.

The Jewish population's age distribution has a relatively high number of people aged in their fifties and early sixties—these are 'baby boomers' born in the years following the Second World War, many of whom have already entered retirement. There is a smaller peak of people aged in their late thirties who are the children of the baby boomers which in demographic terminology is an echo. We can also see a second echo at the base of the graph where a third peak occurs; these are the boomers' grandchildren.

**Figure 2: Age-sex pyramid for the Jewish population**




**Source**: ABS 2011 Census

## Birthplace

Australia's Jewish population has benefited from several waves of migration that have contributed to a steady increase in its size over the last century. Compared with other Jewish diaspora populations, Australia's community contains a very high proportion of migrants. In 2011, just over half of the Jewish population was Australian-born compared with 81% in the UK[8]. The largest migrant group was South African born accounting for one in seven of Australia's Jewish population and almost one in five in NSW.

[8] ONS 2011 Census Table DC2207

**Table 2: Country of birth by state***

| | NSW | VICTORIA | WESTERN AUSTRALIA | REST OF AUSTRALIA | TOTAL |
|---|---|---|---|---|---|
| Australia | 48% | 57% | 41% | 49% | 52% |
| South Africa | 19% | 8% | 28% | 7% | 14% |
| Former Soviet Union | 6% | 10% | 1% | 2% | 8% |
| Israel | 5% | 7% | 7% | 9% | 6% |
| UK | 5% | 3% | 10% | 11% | 5% |
| Other | 16% | 15% | 13% | 22% | 16% |
| **Total** | **100%** | **100%** | **100%** | **100%** | **100%** |

* Columns may not sum to 100% due to rounding

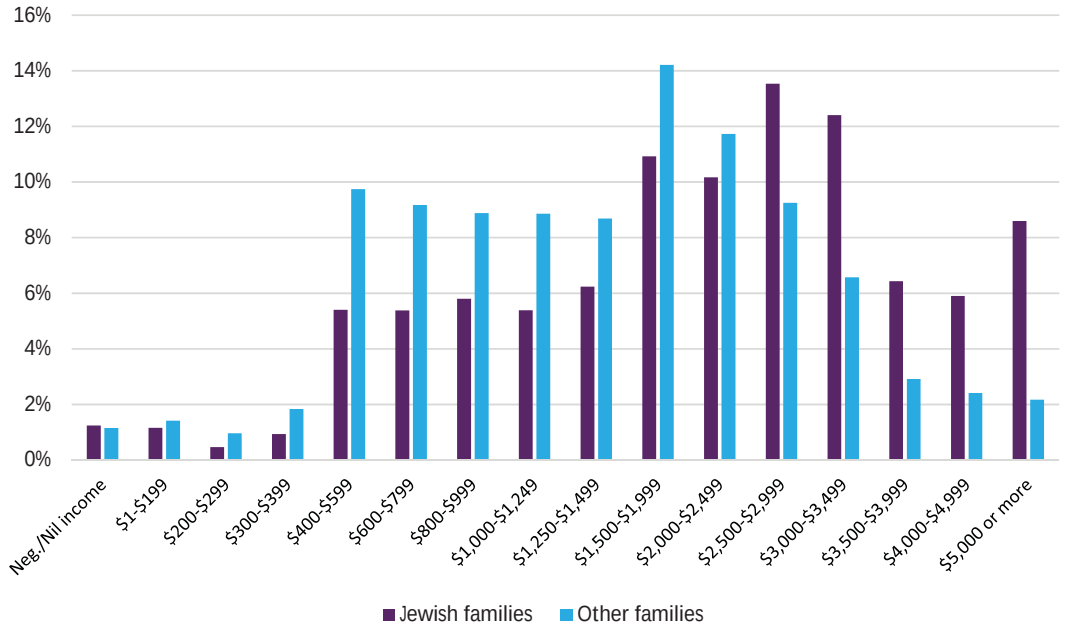
**Source:** ABS 2011 Census. Data exclude inadequately described and not stated responses

## Economic indicators

The Jewish community has an above average level of educational achievement with 36% overall having completed a bachelor degree or above compared with 15% among Australians generally.

Similarly, in terms of personal income, Jews are more likely to be in the upper brackets with 18% having an annual personal income of $104,000 or more compared with 7% generally. This is also reflected in data on family income where Jews are considerably more likely to be in the upper income brackets and considerably less likely to be in the lower income brackets.

**Figure 3: Weekly total family income, Jewish population and remainder of the Australian population**



# JEWISH IDENTITY

## MAIN FINDINGS

- Gen17 considers differences within the streams of Judaism from the perspective of individual community members. It considers what it means to be a Jewish person who identifies, for example, as Modern Orthodox, Traditional, Progressive, or Secular in the Australia of 2017.
- One indication of difference in attitude is provided by a segment of the survey that asked for indication of the importance of eighteen attitudinal statements and markers of identity 'for your own sense of Jewish identity.' The highest level of strong and consistent positive response were indicated for 'upholding strong moral and ethical behaviour,' 'remembering the Holocaust,' 'sharing Jewish festivals with your family,' and 'combatting antisemitism'.
- As expected, the lowest level of agreement was in response to statements concerning religious belief and practice. These markers of identity find greatest difference within the community, with a range from above 90% strong positive indicated by the Strictly Orthodox (when asked, for example, concerning the importance of religious law or prayer) to less than 10% strong positive for some aspects of religious observance and belief among Conservative, Progressive, non-denominational, and Secular.
- When asked about the importance of 'being Jewish,' 96% of Strictly Orthodox indicated that it is a 'central element of my life,' 62% Modern Orthodox, 38% Conservative, 30% Traditional, 23% Progressive, 14% non-denominational, and 10% Secular.
- The largest Jewish stream by current self-identification is 'Traditional' (30%) although more people grew up in this stream (36%). In general, the direction of 'switching' from the position of one's upbringing to one's current position is away from Traditional/Orthodox streams towards more progressive and non-religious/Secular streams, i.e. a secularising trend.

One of the key advantages of a survey like Gen17 is that it allows us to explore the identity of Jews in a way that is simply not possible using census or other administrative datasets. Jewish identity is complex and multifaceted and therefore it is necessary to include a wide variety of questions about Jewish belief, belonging and behaviour in order to obtain a detailed picture of what being Jewish means to those who identify as Jews in Australia today.

There are differences on a broad range of issues within the Jewish population. The eight major Jewish day schools in Melbourne, each with distinctive values and observances, exemplify these differences.

Gen17 considers these differences not from the perspective of theology and interpretations of religious law, but from the perspective of individual community members. It seeks to bring understanding to the lived reality; it considers what it means to be a Jewish person who self-identifies, for example, as Modern Orthodox or Progressive or Secular in the Australia of 2017. It seeks to answer the often-asked question – 'what does it mean to be a Traditional Jew in the contemporary world?' Survey findings are necessarily in terms of probability—the likelihood of a person who identifies with a specific stream of Judaism holding to a view on a specific issue or observing a religious practice.

First, the number of adherents. We can use the Gen17 data to derive estimates of the numerical size of key Jewish sub-groups or 'streams' in the community. The figures in Table 3 are based on self-assessed responses to the question, 'how would you describe your current religious identification?' and are based on the assumption that there are about 85,000 Jewish adults (aged 18 and above) in Australia. It is emphasised that these are only estimates, and a numerical range (from minimum to maximum) is indicated.

**Table 3: Streams of Judaism, estimated numbers of adults and proportions, Australia, 2017***

| SELF-IDENTIFIED STREAM OF JUDAISM | ESTIMATED MINIMUM (NUMBER) | ESTIMATED MAXIMUM (NUMBER) | ESTIMATED PROPORTION |
|---|---|---|---|
| Strictly Orthodox/ Hareidi | 3,400 | 4,200 | 4% |
| Modern Orthodox | 14,100 | 15,400 | 18% |
| Traditional | 23,700 | 25,400 | 30% |
| Conservative | 2,600 | 3,300 | 3% |
| Progressive | 8,800 | 10,000 | 11% |
| No-denomination, just Jewish | 9,300 | 10,500 | 12% |
| Secular | 16,200 | 17,600 | 21% |
| Mixed religion (Jewish and another religion) | 800 | 1,200 | 1% |
| Total | 78,900 | 87,600 | 100% |

* The lower and upper bounds are 95% confidence limits

A sufficient number of survey respondents identifying as adherents of the different streams of Judaism were obtained by the Gen17 survey to enable analysis of the distribution of attitudes and religious practice within the major streams of Judaism.

In developing weights for Gen17, synagogue membership data were collected, these being a key baseline indicator of Jewish affiliation that are measurable and independent of the survey and census processes. The data were stratified in three ways: Affiliated Orthodox, Affiliated Non-Orthodox and Unaffiliated. In this way it was possible to redress the inevitable oversampling of more engaged Jews that a communal survey such as this will achieve (see Methodology on page 78).

Given the large number of respondents, it has been possible to analyse sub-groups within the different streams, for example by gender and age. Some of this analysis is presented in this preliminary report, but the scope for detailed analysis will be fully utilised in reports to be developed on the model of the specialised Gen08 reports.

## Jewish identity

There are various approaches that can be taken to unpacking the complexity of Jewish identity within the confines of a quantitative survey. One of the approaches adopted in the survey was to present respondents with eighteen attitudinal statements and markers of identity, randomised so that each respondent saw the questions in a difference order, and to ask respondents to indicate its importance or unimportance 'to your own sense of Jewish identity.' Each statement provided six response options, 'very important', 'fairly important', fairly unimportant', 'very unimportant', 'don't know,' and 'prefer not to say'. The following discussion focuses on the strongest level of positive response, i.e. 'very important', providing insight into the extent of differentiation with regard to firmly held views within the Jewish population. Tables are, however, provided to allow for separate consideration of both strong positive and the combined strong and second level positive responses. (See Tables 4 and 5)

Of the eighteen statements and markers of identity, the highest level of strong positive response ('very important') across the streams of Judaism was obtained in answer to four markers, each of which obtained above 60% of respondents indicating 'very important'. These were, in rank order, 'upholding strong moral and ethical behaviour,' 'remembering the Holocaust,' 'sharing Jewish festivals with your family,' and 'combatting antisemitism'. For example, the range for respondents indicating that 'remembering the Holocaust' is 'very important' for their identity was sixteen points – from 64%-65% (Strictly Orthodox, Secular) to 80% (Traditional).

Three additional statements obtained agreement that they were 'very important', averaging above 50% among respondents; these related to belonging to a Jewish community, identification with the Jewish people world-wide, and 'marrying another Jew'. Among Secular Jews, however, less than one-third agreed that these considerations were 'very important,' and only one-third identifying as Progressive or non-denominational agreed that 'marrying another Jew' was 'very important.'

Another seven statements obtained average strong positive response in a relatively low range, 35%-37% of respondents; these related to learning about Jewish history and culture, Israel connectedness, social justice, and support for charities. A statement concerning 'supporting social justice causes' obtained relatively minor variation across the different streams of Judaism, from a low of 28% (Strictly Orthodox) to a high of 44%-45% (Conservative, Progressive).

The lowest strong positive average was obtained in response to four statements concerning religious belief and practice. As was to be expected, strong positive response was very high, above 90%, among the Strictly Orthodox. It was, however, relatively low at 42% among those identifying as Modern Orthodox, and below 15% among other forms of identification – it was at 12% among Traditional, 10% Progressive, and 2% Secular. The range for 'observing Halacha (Jewish law)' was 98 percentage points - indicated as very important - by 98% Strictly Orthodox, 41% Modern Orthodox, 6% Traditional, 7% Conservative, 3% Progressive and non-denominational, and 0% Secular.

The following graph provides an overview of the pattern of response. This is followed by findings by stream of Judaism provided in Tables 4 and 5.

**Figure 4: 'How important or unimportant are each of the following to your own sense of Jewish identity?' Percent reporting 'Very important' and 'Fairly important', Melbourne and Sydney (N=8,047)**

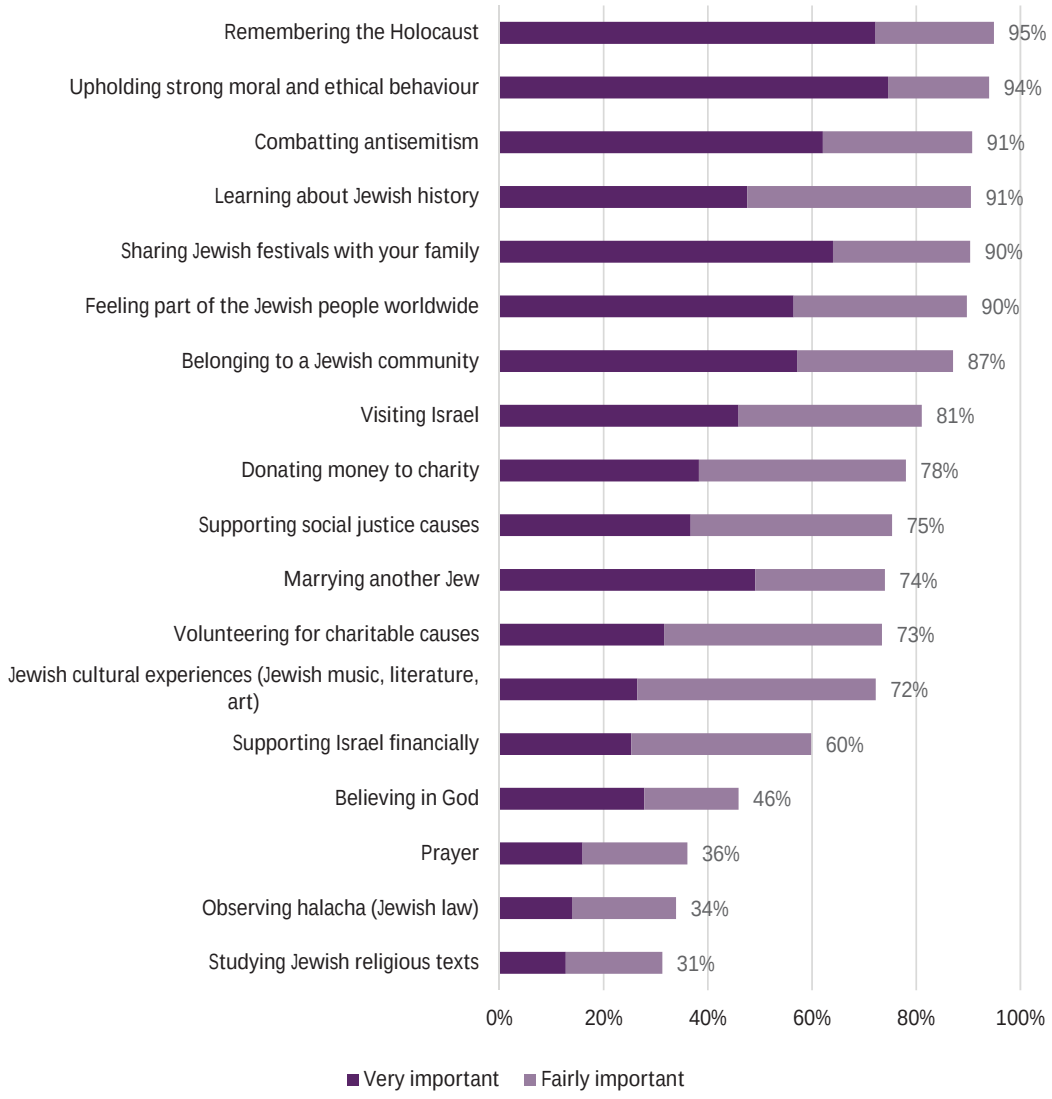


**Table 4: 'How important or unimportant are each of the following to your own sense of Jewish identity?' Response: 'Very important', by self-described religious identity, Melbourne and Sydney (N=7,742)**

| | Total | Strictly Orthodox/ Hareidi | Modern Orthodox | Traditional | Conservative | Progressive/ Reform | No denomination - just Jewish | Non-practising/ Secular |
|---|---|---|---|---|---|---|---|---|
| Upholding strong moral and ethical behaviour | 75% | 96% | 86% | 79% | 80% | 78% | 68% | 60% |
| Remembering the Holocaust | 73% | 65% | 75% | 80% | 69% | 69% | 71% | 64% |
| Sharing Jewish festivals with your family | 65% | 94% | 87% | 79% | 74% | 64% | 44% | 35% |
| Combatting antisemitism | 63% | 51% | 68% | 71% | 67% | 62% | 62% | 50% |
| **Group average** | **69%** | **76%** | **79%** | **77%** | **72%** | **68%** | **61%** | **52%** |
| Belonging to a Jewish community | 58% | 96% | 85% | 71% | 72% | 61% | 40% | 25% |
| Feeling part of the Jewish people worldwide | 57% | 82% | 75% | 67% | 66% | 57% | 50% | 31% |
| Marrying another Jew | 51% | 99% | 86% | 66% | 52% | 33% | 34% | 15% |
| **Group average** | **55%** | **92%** | **82%** | **68%** | **63%** | **50%** | **41%** | **24%** |
| Learning about Jewish history | 48% | 68% | 62% | 49% | 55% | 41% | 43% | 36% |
| Jewish cultural experiences (Jewish music, literature, art) | 26% | 23% | 29% | 28% | 32% | 27% | 23% | 20% |
| **Group average** | **37%** | **45%** | **45%** | **38%** | **43%** | **34%** | **33%** | **28%** |
| Visiting Israel | 47% | 45% | 66% | 54% | 54% | 39% | 39% | 29% |
| Supporting Israel financially | 26% | 36% | 43% | 34% | 30% | 21% | 21% | 12% |
| **Group average** | **36%** | **41%** | **54%** | **44%** | **42%** | **30%** | **30%** | **20%** |
| Donating money to charity | 39% | 89% | 61% | 45% | 45% | 37% | 28% | 19% |
| Supporting social justice causes | 36% | 28% | 34% | 35% | 44% | 45% | 37% | 37% |
| Volunteering for charitable causes | 31% | 60% | 47% | 34% | 35% | 36% | 22% | 17% |
| **Group average** | **35%** | **59%** | **47%** | **38%** | **41%** | **39%** | **29%** | **24%** |
| Believing in God | 27% | 98% | 58% | 27% | 25% | 20% | 12% | 5% |
| Prayer | 15% | 93% | 39% | 9% | 13% | 11% | 5% | 2% |
| Observing halacha (Jewish law) | 14% | 98% | 41% | 6% | 7% | 3% | 3% | 0% |
| Studying Jewish religious texts | 12% | 88% | 31% | 4% | 11% | 8% | 4% | 1% |
| **Group average** | **17%** | **94%** | **42%** | **12%** | **14%** | **10%** | **6%** | **2%** |

**Table 5: 'How important or unimportant are each of the following to your own sense of Jewish identity?' Response: 'Very important' + 'Fairly important' combined, by self-described religious identity, Melbourne and Sydney (N=7,742)**

| | Total | Strictly Orthodox/ Hareidi | Modern Orthodox | Traditional | Conservative | Progressive/ Reform | No denomination - just Jewish | Non-practising/ Secular |
|---|---|---|---|---|---|---|---|---|
| Upholding strong moral and ethical behaviour | 94% | 99% | 98% | 96% | 96% | 96% | 92% | 88% |
| Remembering the Holocaust | 95% | 93% | 96% | 97% | 94% | 93% | 94% | 93% |
| Sharing Jewish festivals with your family | 91% | 100% | 99% | 98% | 96% | 95% | 83% | 75% |
| Combatting antisemitism | 91% | 86% | 94% | 95% | 94% | 92% | 89% | 86% |
| **Group average** | **93%** | **94%** | **97%** | **97%** | **95%** | **94%** | **90%** | **85%** |
| Belonging to a Jewish community | 88% | 100% | 99% | 97% | 96% | 94% | 82% | 66% |
| Feeling part of the Jewish people worldwide | 90% | 97% | 97% | 96% | 94% | 94% | 87% | 77% |
| Marrying another Jew | 76% | 100% | 97% | 92% | 84% | 68% | 67% | 43% |
| **Group average** | **85%** | **99%** | **98%** | **95%** | **91%** | **85%** | **79%** | **62%** |
| Learning about Jewish history | 91% | 96% | 95% | 92% | 95% | 91% | 88% | 86% |
| Jewish cultural experiences (Jewish music, literature, art) | 72% | 55% | 76% | 77% | 77% | 76% | 69% | 65% |
| **Group average** | **81%** | **75%** | **86%** | **85%** | **86%** | **83%** | **78%** | **76%** |
| Visiting Israel | 82% | 85% | 93% | 90% | 88% | 79% | 81% | 63% |
| Supporting Israel financially | 61% | 75% | 82% | 73% | 67% | 59% | 52% | 36% |
| **Group average** | **72%** | **80%** | **88%** | **82%** | **78%** | **69%** | **66%** | **50%** |
| Donating money to charity | 78% | 98% | 93% | 85% | 86% | 82% | 70% | 62% |
| Supporting social justice causes | 75% | 60% | 75% | 78% | 81% | 84% | 74% | 73% |
| Volunteering for charitable causes | 74% | 94% | 86% | 80% | 83% | 79% | 64% | 56% |
| **Group average** | **76%** | **84%** | **85%** | **81%** | **83%** | **82%** | **70%** | **64%** |
| Believing in God | 46% | 99% | 81% | 54% | 47% | 37% | 30% | 9% |
| Prayer | 35% | 98% | 76% | 37% | 47% | 38% | 16% | 4% |
| Observing halacha (Jewish law) | 34% | 99% | 79% | 38% | 34% | 22% | 14% | 3% |
| Studying Jewish religious texts | 30% | 98% | 63% | 25% | 36% | 27% | 16% | 10% |
| **Group average** | **36%** | **99%** | **75%** | **39%** | **41%** | **31%** | **19%** | **6%** |

Further detailed insight into beliefs and practices was provided by the broad range of questions across the survey, providing scope for more nuanced understanding of groups. 24 questions are considered in the following discussion. Again, focus is on the strongest level of positive response (for questions where a scale of responses was available) and tables make possible a comparison of strongest positive and combined strongest and second level positive responses (See Tables 6 and 7).

Synagogue membership was indicated in the range 76%-80% among Strictly Orthodox, Modern Orthodox, Conservative and Progressive, but synagogue attendance once or more times a week was indicated by less than 15%, with the exception of Strictly Orthodox and Modern Orthodox.

Attendance 'always' at a Passover *seder* meal was the festival observed by the highest proportion, indicated by a majority of respondents, with lowest proportions among Secular (56%) and non-denominational (63%), above 95% for other streams of Judaism with the exception of a marginally lower proportion (86%) indicated by the Progressive.

Participation in a Shabbat meal 'always' was indicated by 43% of respondents, and 'always' and 'usually' by 63%. In the latter group, the rate of participation within the different streams of Judaism was 95% among the Strictly Orthodox, 89% among Modern Orthodox, 76%-77% among Traditional and Conservative, 60% among Progressive, and 37%-39% among the non-denominational and Secular.

Kosher observance in meat bought for the home found marked variation: 99% Strictly Orthodox, 71% Modern Orthodox, 31% Traditional, 21% Conservative, and 5% or lower among Progressive, non-denominational and Secular.

Jewish identity as a 'central element of my life' was indicated by 96% Strictly Orthodox, 62% Modern Orthodox, 38% Conservative, 30% Traditional, 23% Progressive, 14% non-denominational, and 10% Secular. The proportion of combined 'central element' and 'significant element' was indicated by close to nine out of ten (or higher) by all streams of Judaism, with the exception of non-denominational (67%) and Secular (59%).

With this set of questions, the highest proportion indicating positive response was obtained in regard to Israel. An average of 69% indicated that they were Zionist, with lowest the proportion among the Strictly Orthodox (48%). The range for other streams of Judaism was from 85% Modern Orthodox, 76%-78% Traditional and Conservative, to 68% Progressive and 55% Secular.

Finally, comparing Melbourne and Sydney, and focusing just on the 'Very important' responses, reveals subtle differences in the way each community constructs Jewish identity. Overall, the two populations are rather similar with the same items ranking near the top, middle and bottom. But closer inspection reveals that respondents in Melbourne are more likely to view 14 of the 18 markers as being 'Very important' than respondents in Sydney. In other words, on most items, Jews in Melbourne generally exhibit a more intensive level of Jewish identity than Jews in Sydney. In proportionate terms, the differences are greatest on the most religious items such as 'Prayer' and 'Observing halacha (Jewish law)'. Differences are smaller on markers with a more communal-facing or ethnocentric flavour such as 'Belonging to the Jewish community' and 'Feeling part of the Jewish people'. On only four of the 18 items are Sydney respondents more likely than Melbourne respondents to say they are 'Very important', and each of these is ethnocentric: 'Remembering the Holocaust', 'Combatting antisemitism', 'Visiting Israel', and 'Supporting Israel financially'.

**Figure 5: 'How important or unimportant are each of the following to your own sense of Jewish identity?' Percent reporting 'Very important', Melbourne and Sydney compared (N=8,047)**

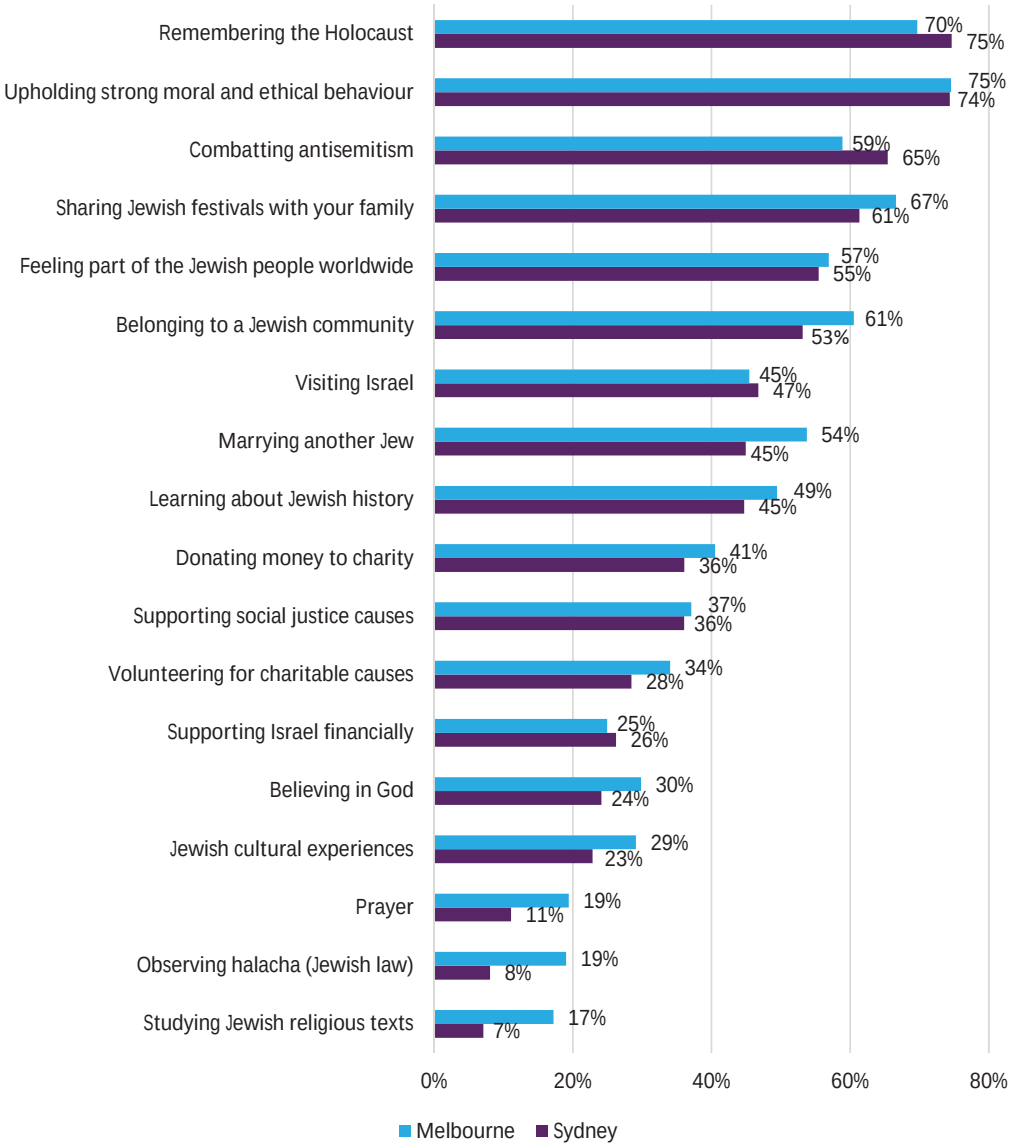


**Table 6: Patterns of Judaism, selected questions by self-described religious identity, strongest response only, Melbourne and Sydney (N=7,742)**

| | TOTAL | Strictly Orthodox/ Hareidi | Modern Orthodox | Traditional | Conservative | Progressive/ Reform | No denomination-just Jewish | Non-practising/ Secular |
|---|---|---|---|---|---|---|---|---|
| Yes, paid synagogue membership | 37% | 76% | 78% | 58% | 80% | 79% | 18% | 13% |
| Attend synagogue once or more per week | 14% | 69% | 45% | 8% | 13% | 12% | 3% | 1% |
| Always attend a Friday night Shabbat meal | 43% | 93% | 75% | 52% | 47% | 30% | 23% | 18% |
| Always light candles at home on Friday night* | 42% | 99% | 76% | 49% | 49% | 30% | 15% | 8% |
| Always attend a Passover *seder* meal | 82% | 100% | 98% | 95% | 95% | 86% | 63% | 56% |
| Always fast on Yom Kippur | 43% | 78% | 70% | 57% | 58% | 37% | 23% | 14% |
| Only kosher meat bought for the home* | 29% | 99% | 71% | 31% | 21% | 4% | 5% | 2% |
| **Observance average** | **41%** | **88%** | **73%** | **50%** | **52%** | **40%** | **21%** | **16%** |
| Being Jewish is 'a central element of my life' | 31% | 96% | 62% | 30% | 38% | 23% | 14% | 10% |
| All close friends are Jewish | 27% | 74% | 45% | 32% | 19% | 13% | 18% | 11% |
| Very concerned about intermarriage in Australia | 30% | 75% | 59% | 39% | 31% | 16% | 15% | 8% |
| Feel 'very considerable regret' if own child married out | 30% | 73% | 61% | 41% | 26% | 14% | 13% | 8% |
| Strong preference for a Jewish Day (HIGH) School | 42% | 97% | 73% | 52% | 41% | 22% | 25% | 13% |
| Raising children Jewish | 86% | 99% | 99% | 99% | 96% | 96% | 78% | 58% |
| **Children, intermarriage average** | **41%** | **86%** | **66%** | **49%** | **42%** | **31%** | **27%** | **18%** |
| Very connected to Jewish communal life | 30% | 83% | 57% | 34% | 35% | 32% | 14% | 9% |
| Volunteers for a Jewish organisation at least once a week | 37% | 43% | 40% | 34% | 32% | 38% | 36% | 39% |
| Highest priority for Jewish charities in Australia | 45% | 79% | 66% | 55% | 41% | 42% | 35% | 23% |
| **Connectedness average** | **37%** | **68%** | **54%** | **41%** | **36%** | **37%** | **28%** | **24%** |
| Zionist-yes | 69% | 48% | 85% | 76% | 78% | 68% | 62% | 55% |
| When Israel in danger- feel 'as if own life in danger' | 16% | 36% | 23% | 16% | 20% | 8% | 18% | 8% |
| I feel a sense of responsibility to ensure that the State of Israel continues to exist - Strongly agree | 62% | 67% | 78% | 69% | 73% | 60% | 58% | 45% |
| **Israel average** | **49%** | **50%** | **62%** | **54%** | **57%** | **45%** | **46%** | **36%** |

* Unique households only; data for kosher meat excludes vegetarians

**Table 7: Patterns of Judaism, selected questions by self-described religious identity, strongest and second strongest response combined, Melbourne and Sydney (N=7,742)**

| | TOTAL | Strictly Orthodox/ Hareidi | Modern Orthodox | Traditional | Conservative | Progressive/ Reform | No denomination- just Jewish | Non-practising/ Secular |
|---|---|---|---|---|---|---|---|---|
| Yes, paid synagogue membership + other form of membership | 42% | 93% | 88% | 66% | 85% | 86% | 24% | 16% |
| Attend synagogue more than once a month | 25% | 83% | 67% | 23% | 35% | 34% | 8% | 3% |
| Always + usually attend a Friday night Shabbat meal | 63% | 95% | 89% | 76% | 77% | 60% | 39% | 37% |
| Always + usually light candles at home on Friday night* | 59% | 99% | 89% | 74% | 74% | 54% | 29% | 19% |
| Always + usually attend a Passover *seder* meal | 90% | 100% | 100% | 99% | 99% | 95% | 81% | 74% |
| Always + usually fast on Yom Kippur | 52% | 79% | 73% | 66% | 67% | 50% | 38% | 22% |
| Only kosher meat + non-kosher meat but not pork bought for the home* | 70% | 99% | 94% | 84% | 79% | 63% | 58% | 34% |
| **Observance average** | **57%** | **93%** | **86%** | **70%** | **74%** | **63%** | **40%** | **29%** |
| Being Jewish is 'a central element' + 'significant element' of my life | 82% | 100% | 98% | 92% | 96% | 87% | 67% | 59% |
| All + more than half close friends are Jewish | 70% | 95% | 88% | 82% | 66% | 58% | 62% | 49% |
| Very concerned + somewhat concerned about intermarriage in Australia | 64% | 84% | 85% | 79% | 71% | 60% | 55% | 34% |
| Feel 'very considerable regret' + 'some regret' if own child married out | 56% | 75% | 83% | 71% | 59% | 43% | 46% | 27% |
| Strong preference + some preference for a Jewish Day (HIGH) School | 63% | 99% | 89% | 77% | 65% | 48% | 47% | 34% |
| Raising children Jewish* | 86% | 99% | 99% | 99% | 96% | 96% | 78% | 58% |
| **Children, intermarriage average** | **70%** | **92%** | **90%** | **83%** | **75%** | **65%** | **59%** | **43%** |
| Very connected' + 'somewhat connected' to Jewish communal life | 70% | 97% | 92% | 83% | 80% | 81% | 56% | 42% |
| Volunteers for a Jewish organisation at least once a month | 62% | 67% | 66% | 58% | 62% | 68% | 59% | 63% |
| Highest priority for Jewish charities in Australia + Israeli charities | 65% | 92% | 89% | 78% | 65% | 55% | 60% | 37% |
| **Connectedness average** | **66%** | **85%** | **82%** | **73%** | **69%** | **68%** | **58%** | **48%** |
| Zionist-yes* | 69% | 48% | 85% | 76% | 78% | 68% | 62% | 55% |
| When Israel in danger- feel 'as if own life in danger' + 'special alarm' | 74% | 92% | 87% | 81% | 78% | 70% | 73% | 56% |
| I feel a sense of responsibility to ensure that the State of Israel continues to exist - Strongly agree + agree | 89% | 86% | 95% | 94% | 94% | 92% | 89% | 76% |
| **Israel average** | **77%** | **75%** | **89%** | **84%** | **83%** | **77%** | **75%** | **63%** |

* Unique households only; data for kosher meat excludes vegetarians

## SWITCHING JEWISH STREAMS

By comparing respondents' description of their current Jewish/religious identification with the description of their Jewish identification growing up, we can establish how Jewish identity changes when people are free to choose their identity as opposed to assuming the one they were ascribed. In one sense this is akin to viewing Jewish identity in a 'free market', highlighting the choices people make about the type of Jew they want to be after having grown up. Note these labels have been self-selected by respondents (albeit from a pre-determined, randomised list) and are not based on any particular Jewish bodies or institutions, nor should this be viewed as a direct measure of religious change over time.

The largest group self-identifies as 'Traditional', a label adopted by three out of ten (30%) respondents. However, a larger proportion (36%) say they grew up Traditional indicating that this stream of Judaism is less favoured once respondents are free to choose. Generally, we can see that the switches for each stream are modest but overall, there has been a marked switching away from Traditional/Orthodox strands towards more progressive and non-religious/Secular strands of Judaism. For example, there is a net switching into 'Non-practising (Secular/cultural)' but also a slight net switching away from Modern Orthodox. Overall therefore we can say that the main thrust of Jewish switching once respondents are free to choose, reflects a trend towards secularisation in the form of a shift away from traditional (small 'T') strands towards more progressive (small 'P') strands.

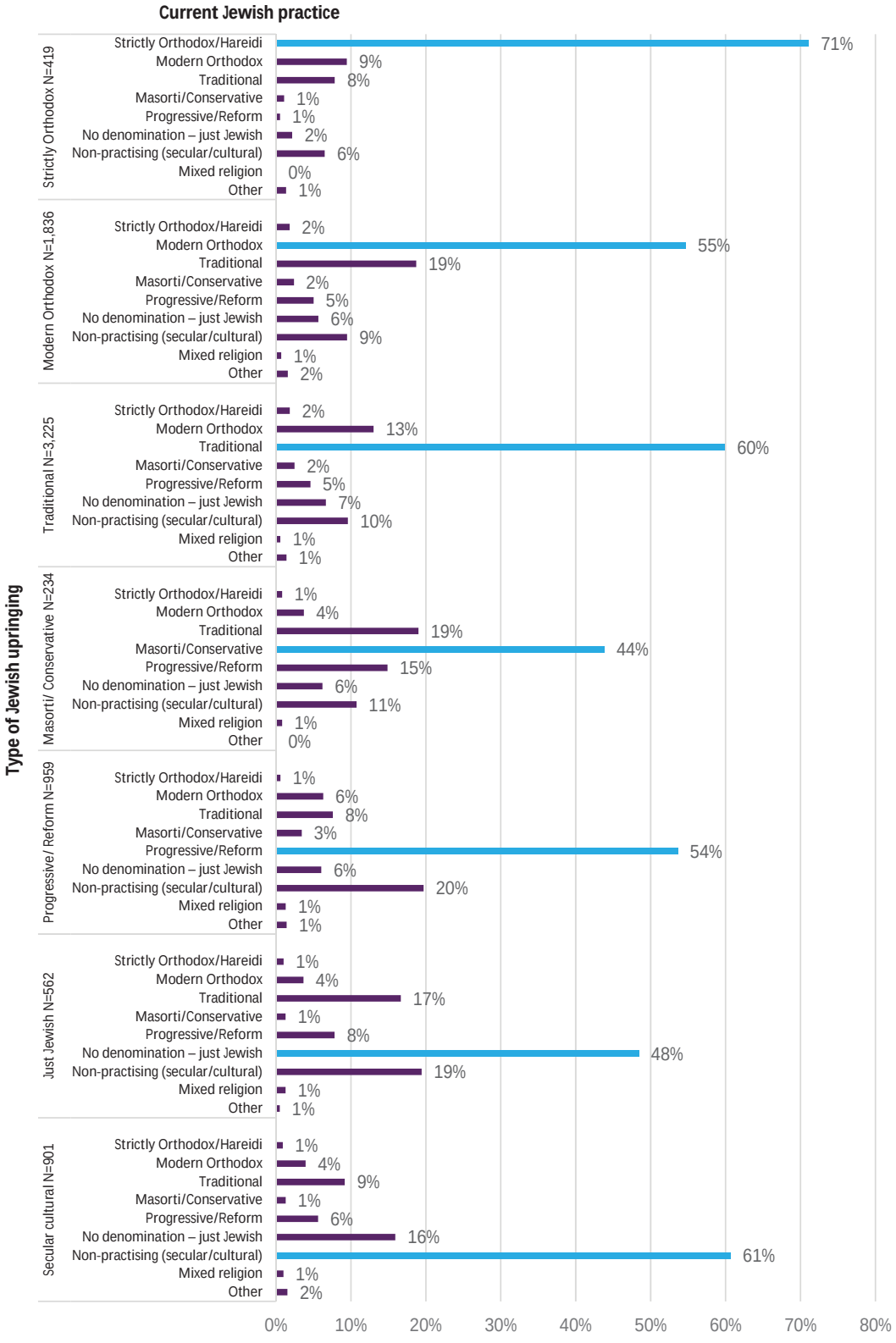
**Table 8: Switching streams: comparison between Jewish identification during upbringing and current self-described religious/Jewish identification, Australia (N=8,621)**

| | RELIGIOUS/ JEWISH IDENTIFICATION OF THE HOME IN WHICH YOU GREW UP | CURRENT RELIGIOUS/ JEWISH IDENTIFICATION |
|---|---|---|
| Traditional | 36% | 30% |
| Non-practising (Secular/cultural) | 16% | 19% |
| Modern Orthodox | 19% | 18% |
| No denomination – just Jewish | 10% | 12% |
| Progressive/Reform | 10% | 11% |
| Strictly Orthodox/ Hareidi | 5% | 5% |
| Masorti/ Conservative | 3% | 4% |
| Mixed religion (Jewish and another religion) | 1% | 1% |
| **Total** | **100%** | **100%** |

Since the net position only shows the total change, it belies some the switching complexity between each stream. For example, not everyone switches. Indeed, a majority has maintained the stream of their upbringing. The extent to which a religious stream has maintained adherents is a measure of its stability and the data show that the most stable stream is Strictly Orthodox with 71% of those raised in this stream remaining within it. The least stable category is 'Mixed religion (Jewish and another religion)' with just 22% currently adhering to this category.[9] Focusing on some of the larger groups, we can see that among those raised 'Traditional,' 40% no longer adhere to this stream and of these, most (63%) have chosen more secular/progressive streams whilst 37% have chosen more orthodox streams. In other words, movement away from 'Traditional' has mainly been towards more secular positions.

[9] Since only people who currently identity as Jewish (in any way) are included in Gen17, the data excludes anyone who was raised Jewish but no longer considers themselves to be Jewish which would likely impact some of these figures.

**Figure 6: Jewish stream 'switching': current position by type of Jewish upbringing, Australia**



# JEWISH INTERMARRIAGE

## MAIN FINDINGS

- Household size is closely related to religious identification. On average 2.4 people live in Progressive/Reform households compared with 3.0 in Modern Orthodox households
- Almost one in four (23%) of households with more than one person living there are mixed faith homes
- Among Jews living in couples, 23% have a non-Jewish partner
- The intermarriage rate for the period 2010 to 2017 was 33% which is almost double the 1990's rate
- In Sydney the intermarriage rate is 35% compared with 26% in Melbourne
- Among Traditional Jews the intermarriage rate is 13%; it is 49% among Progressive/Reform Jews
- By almost all attitudinal measures, intermarried Jews exhibit weaker levels of Jewish identification and Jewish behaviour than their in-married counterparts
- 63% of respondents say they are concerned about intermarriage in Australia. Respondents aged under 40 are consistently less likely to be concerned about intermarriage than those aged 40 and above
- 55% say they would feel at least some regret if their child married a non-Jew. This is sensitive to religious identification: it is 84% among the Strictly Orthodox, 54% among Conservative and 26% among Secular Jews

## Jewish household makeup

The Gen17 survey was carefully designed not only to capture data about Jewish individuals but also about households. This was done in such a way that ensured household data related to *unique* households only so as to avoid double-counting.[10] As a result, the survey contains data on 4,517 unique households with an average of 2.7 people in each household.

Households in Sydney are slightly smaller (2.6 people) and households in Melbourne are slightly larger (2.9 people). This size gap is related to the differing religious profiles; broadly speaking, the more religious a Jewish household is, the larger it tends to be and Jews in Melbourne tend to be somewhat more religious than Jews in Sydney. In terms of self-identified Jewish stream, we found that Masorti/Conservative and Progressive/Reform households had an average of 2.3 and 2.4 persons respectively, among Traditional households it was 2.7, 3.0 among Modern Orthodox and 3.8 among Strictly Orthodox households. These differences also reflect variation in age structures as well as varying attitudes towards family formation in that the more religious Jews are, the greater the importance they attach to procreation.

Religiosity also influences the makeup of Jewish households. For example, a Jewishly *homogenous* household refers to any household in which all its members identify (or are identified) as being Jewish. By contrast, a Jewishly *heterogenous* household refers to any household in which at least one person is not (or does not identify as) Jewish. We found that 81% of all households are Jewishly homogenous (all-Jewish) and 19% are heterogenous (mixed). However, since all lone person households are, by definition, Jewishly homogenous,

[10] This was achieved without compromising strict data confidentiality rules such as collecting personal address details.

multi-person households should be considered separately. Thus, among multi-person households only, 23% are heterogenous or almost one in four.

Examining the data by state in NSW a quarter (25%) of multi-person Jewish households are heterogenous compared with 19% in Victoria. But outside of Australia's main Jewish centres, more than half (56%) of multi-person Jewish households contain non-Jews. Such data reflect the reality that a large proportion of 'Jewish households' and therefore, the 'Jewish community', consists of significant numbers of non-Jews.

**Table 9: Proportion of Jewish households that are mixed (heterogeneous)* by state and household type, Australia (N=4,751)**

| | ALL HOUSEHOLDS | MULTI-PERSON HOUSEHOLDS (EXCLUDING LONE-PERSON HOUSEHOLDS) |
|---|---|---|
| NSW | 19% | 25% |
| Victoria | 15% | 19% |
| Western Australia | 19% | 22% |
| Rest of Australia | 42% | 56% |
| Australia | 19% | 23% |

* A 'heterogenous' Jewish household implies not all household members are Jewish

## Jewish partnerships

The nature of Jewish household heterogeneity can be quite varied, for example, it may arise due to Jews sharing a home with non-Jewish flatmates, more common among young adults, or where a Jewish household employs non-Jewish live-in staff (such as *au pairs* and carers). But the most common reason a Jewish household is religiously heterogenous is due to interfaith partnerships or intermarriage.

Gen17 contains data on 3,161 unique couple households (with or without children and other household members present). Of these Jews in couples, 77% have a Jewish partner and almost a quarter (23%) has a partner who is not Jewish. As with household heterogeneity, we find this to be more common in NSW (24%) and less common in Victoria (19%) but most common outside of the main Jewish centres (54%).

**Table 10: Religion of partner for Jews in couples by state, Australia (N=3,161*)**

| | PARTNER JEWISH | PARTNER NOT JEWISH |
|---|---|---|
| NSW | 76% | 24% |
| Victoria | 81% | 19% |
| Western Australia | 77% | 23% |
| Rest of Australia | 46% | 54% |
| Australia | 77% | 23% |

* All respondents in unique households and who are living with their partner

Most couples are married but 11% are de facto (cohabiting) partnerships. Mixed-faith coupling is far more likely among de facto couples than among married couples. Whilst 17% of married couples are exogamous (i.e. intermarried), this is the case for 63% of de facto couples.[11]

[11] These figures are similar to the results obtained in the 2011 census. For example, 9% of couples were de facto, 20% of married couples were exogamous and 60% of de facto couples were exogamous. (Such correspondence is also reassuring since it increases our confidence in the accuracy of the Gen17 dataset.) See Graham D 2014 The Jewish Population of Australia: Key findings from the 2011 Census, p19-20

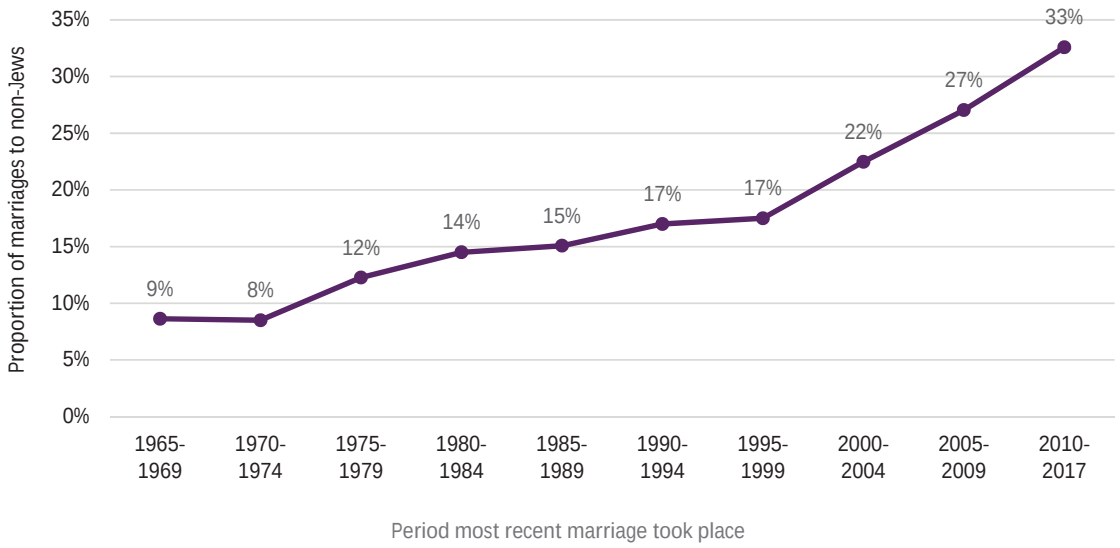
## The intermarriage rate

Although the census provides detailed data on intermarriage,[12] it is important to recognise that census data have always been restricted to measures of the *prevalence* of intermarriage (i.e. a snapshot of the total number of cases in the whole partnered population at a particular point in time) rather than the *incidence* of intermarriage (i.e. the number of new cases occurring over a particular period of time) more commonly known as the *intermarriage rate*. This is because unlike Gen17, the census does not include a question about *when* marriages took place.

As such, Gen17 provides some of the first statistically reliable measurements of intermarriage rates in Australia.[13] The intermarriage rate is the number of intact[14] exogamous (i.e. out-married) marriages that took place in a specified time period as a proportion of all intact marriages involving Jews in that same time period. The Australian intermarriage rate for the period 2010 to 2017 was 33%.[15] In other words, for every three weddings occurring since 2010 that involved at least one Jewish person, two were marriages between Jews and one was a marriage between a Jew and a non-Jew.[16] Similar data for the United States reveal an intermarriage rate of 58%.[17]

The intermarriage rate has been increasing steadily over time. It has doubled over the last 20 years.

**Figure 7: The Jewish intermarriage rate over time, Australia (N=3,314*)**




* All respondents who are married (or separated and not remarried) or widowed and who live in unique households

[12] Graham 2014 ibid

[13] Even so, Gen17 only provides an *approximation* of the intermarriage rate since the data are also a snapshot in time, rather than a complete record of all marriages involving Jews over time. In other words, despite weighting the data, some people are excluded such as those who married but have since passed away or emigrated. Further, the data do not specify *where* the marriage took place.
Note that the figures cited here report intact marriages only, i.e. they exclude anyone whose current marital status is 'divorced and not remarried'.

[14] 'Intact' means married and living with one's spouse, or married but separated, or widowed from a marriage and not remarried.

[15] This is likely to be a slight understatement since only data for NSW and Victoria have been weighted for Jewish identity. (see notes on weighting)

[16] It is not possible to directly corroborate these figures with the census—indeed one of the reasons surveys such as Gen17 are carried out is precisely because the census cannot reveal statistics such as the intermarriage rate. However, 2011 Census data showing intermarriage prevalence by age indicate that a peak of 33% occurred among Jews aged 35-39 years. (Graham 2014 op cit p21)

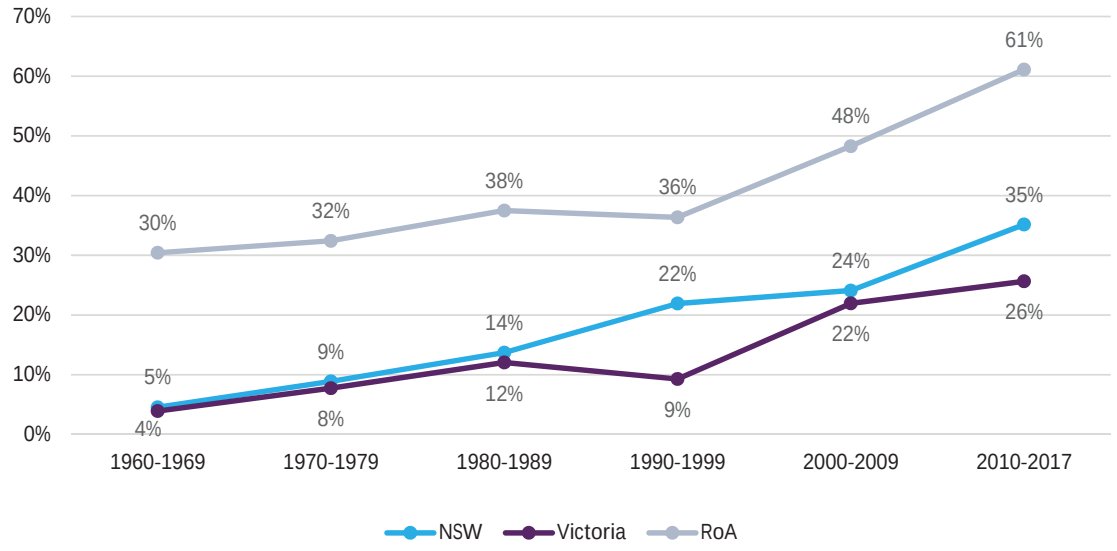
[17] PEW 2013 A Portrait of Jewish Americans, p35. This figure is for the period 2005-2013 and relates to the 'Net Jewish' (i.e. Jews by religion and Jews of no religion combined) population.

## Intermarriage by location

Intermarriage rates vary considerably from place to place. In general, the larger and denser the local Jewish population, the lower intermarriage rates tend to be; conversely, the smaller and more dispersed the Jewish population, the higher they tend to be. In NSW the intermarriage rate for the 2010 to 2017 period was 35% whereas in Victoria it was 26% which, given the larger Jewish population in Victoria, follows the expected pattern (Figure 8). Outside of these two Jewish centres, where the Jewish population is small and highly dispersed the intermarriage rate is considerably greater (61%).

We can also examine the long-term intermarriage trend for each state. This reveals that intermarriage has been more common in NSW than in Victoria since at least the 1960s although the extent of the difference has varied. For instance, there appears to have been significant divergence in the 1990s when NSW exhibited an intermarriage rate more than double that of Victoria. It is currently one third greater in NSW.

**Figure 8: The intermarriage rate by decade and location for all intact marriages, Australia (N=3,314)***

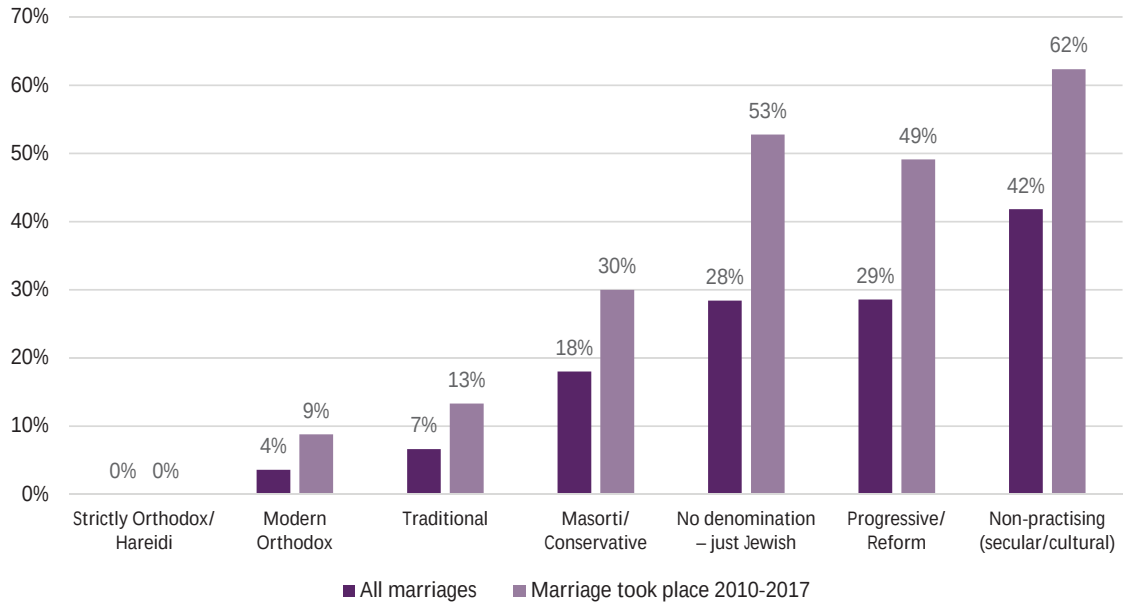



* All respondents who are married (or separated and not remarried) or widowed and who live in unique households

## Intermarriage prevalence by type of Jewish upbringing

The type of Jewish upbringing a person experienced is also closely related to the likelihood of their being intermarried. And as we have just seen, intermarriage is more likely the more recently the marriage took place. Figure 9 shows this relationship, for example, 7% of Traditional Jews are intermarried but this is almost double (13%) among Traditional Jews who married since 2010. But among Progressive/Reform Jews the overall prevalence of intermarriage is 29% and among those who married since 2010, half (49%) are intermarried.

**Figure 9: The prevalence of intermarriage and most recent intermarriage rate by religious identification, Australia (N=3,314)**

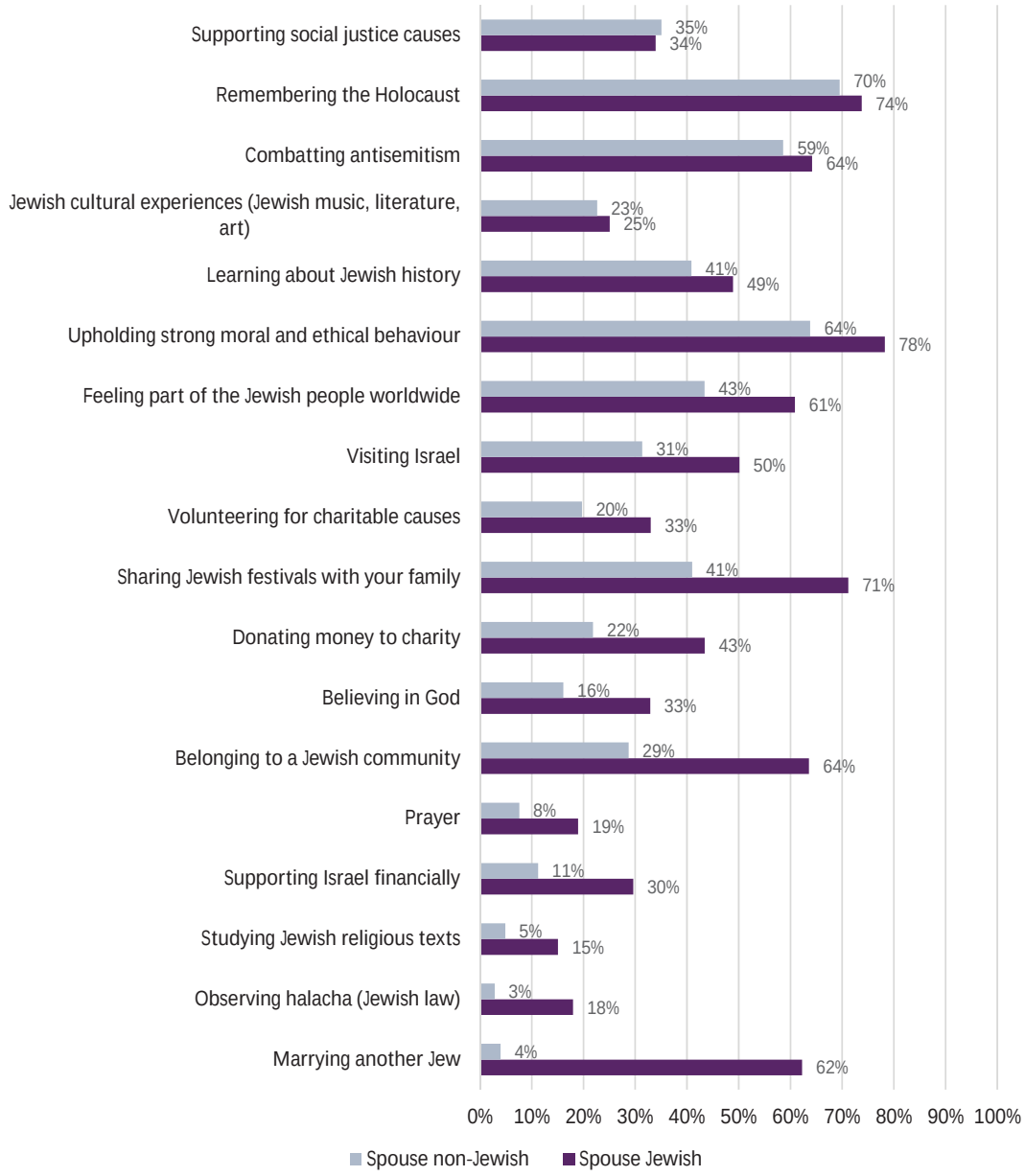



* All respondents who are married (or separated and not remarried) or widowed and who live in unique households

## Intermarriage and Jewish identity

By almost all attitudinal measures, intermarried Jews exhibit weaker levels of Jewish identification than their in-married counterparts. Although the cause is unlikely to be simply the result of intermarriage (as level of Jewish identification can itself influence choice of partner), the differences are important nevertheless. In relative terms, they are greatest with respect to more religious aspects of identification as well as matters related to communal belonging and Israel. For example, 'Belonging to the Jewish community' (64% in-married versus 29% intermarried), 'Sharing festivals with your family' (71% in-married v 41% intermarried), and 'Supporting Israel financially' (30% in-married v 11% intermarried). But the differences are smaller when it comes to the more cultural universal items like 'Remembering the Holocaust', and 'Supporting social justice causes'.

**Figure 10: 'How important or unimportant are each of the following to your own sense of Jewish identity?', percent answering 'Very important', Australia (N=6,020*)**




* All respondents who are married and living with their spouse. Data ordered by proportionate difference between bars.

Similarly we also find that intermarried Jews exhibit weaker levels of Jewish behaviour compared with in-married Jews. For example, intermarried Jews are five times more likely to say they 'Never' observe Shabbat be that a Friday night meal with family (40% in-married v 8% intermarried) or lighting candles (49% in-married v 10% intermarried). They are also far less likely to attend a *seder* meal at Passover (Pesach), fast on Yom Kippur, or eat kosher meat.

**Table 11: Jewish behaviour for in-married and intermarried Jews, various indicators, Australia (N=6,020*)**

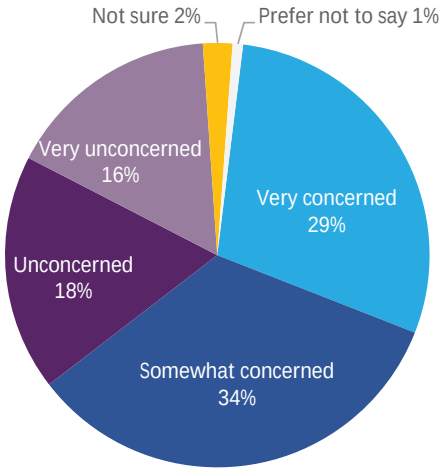
| VARIABLE | SUB-CATEGORY | MARRIED, LIVING WITH JEWISH SPOUSE | MARRIED, LIVING WITH NON-JEWISH SPOUSE |
|---|---|---|---|
| How often, if at all, do you attend a Friday night Sabbath (Shabbat) meal with your family? | Always | 50% | 14% |
| | Never | 8% | 40% |
| How often, if at all, are candles lit at home on Friday night Sabbath (Shabbat)? | Always | 53% | 14% |
| | Never | 10% | 49% |
| How often, if at all, do you attend a *seder* meal at Passover (Pesach)? | Always | 88% | 48% |
| | Never | 1% | 14% |
| How often, if at all, do you fast on Yom Kippur? | Always | 61% | 20% |
| | Never | 21% | 57% |
| What kind of meat, if any, is bought for your home? | Only kosher meat | 35% | 4% |
| | Ordinary (non-kosher) meat, but not pork products | 47% | 37% |
| | Ordinary (non-kosher) meat including pork products | 17% | 59% |
| Do you eat non-kosher meat outside your own home? | Only kosher meat | 24% | 2% |
| | Ordinary (non-kosher) meat, but not pork products | 47% | 37% |
| | Ordinary (non-kosher) meat including pork products | 29% | 61% |

* All respondents who are married and living with their spouse.

## Community attitudes towards intermarriage

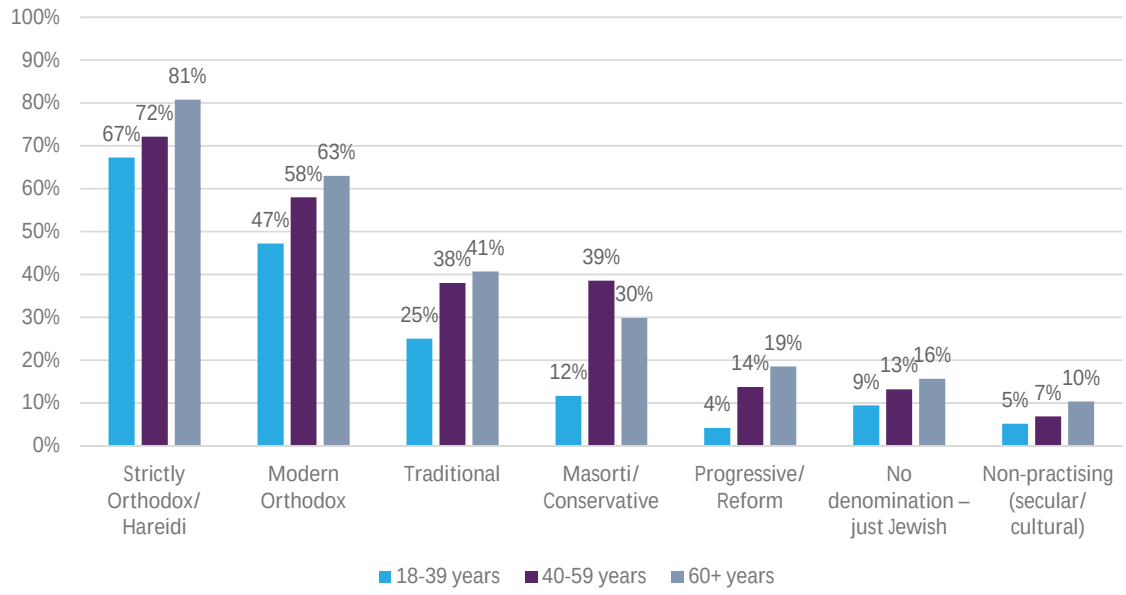
The Gen17 survey included a number of questions about Jewish people's general attitudes toward intermarriage. One of the questions asked respondents, 'To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' A minority (34%) said they are unconcerned but most respondents (63%) express some level of concern.

**Figure 11: 'To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?', Australia (N=8,621)**



Focusing on the pattern by age, the proportion responding 'Very concerned' rises steadily from around 25% for those aged under 25 years old, peaks at 45% for those aged 50-54 years, but thereafter flattens out and even begins to decline. This pattern is similar when respondents who selected the 'Very' and 'Somewhat concerned' options are combined. However, some religious sub-groups exhibit clearer age gradients than others. In Figure 12, whilst we see a consistent pattern of lower levels of concern expressed among those aged 18-39 regardless of Jewish identification, among the older age groups the pattern varies. For example, among the Orthodox groups it rises with age, in the Traditional group it flattens out and in the Conservative group it even declines in later ages.

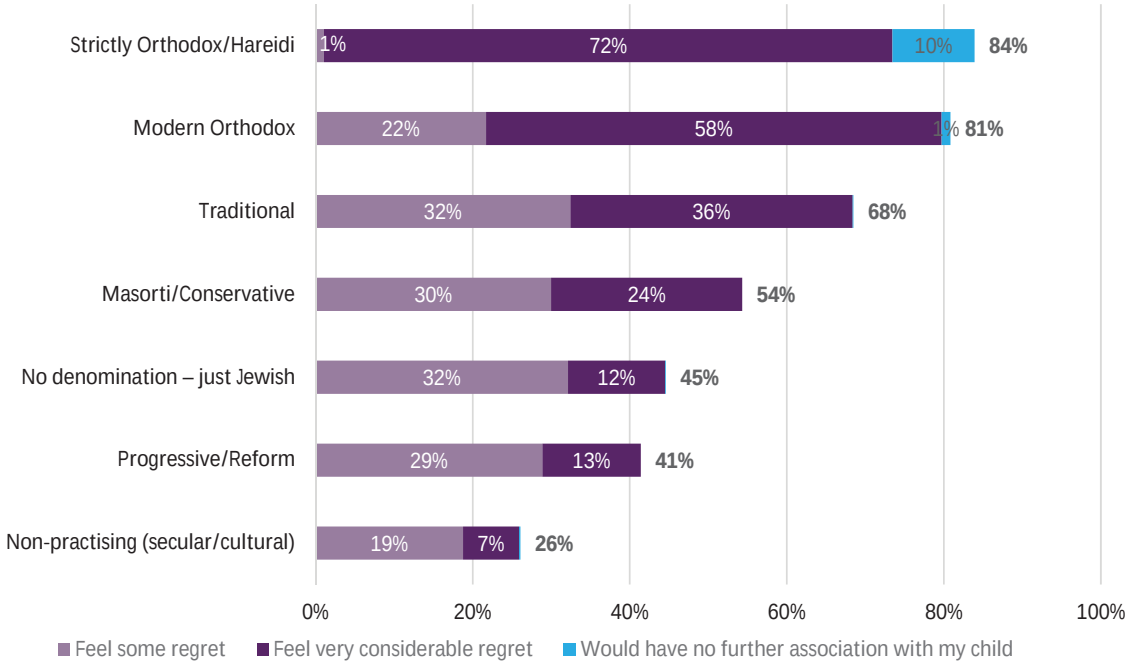
**Figure 12: 'To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' Response: 'Very concerned'. By age and religious identification, Australia (N=8,621)**




In addition, all respondents were asked a more direct question about how they would feel 'If one of your children said they were going to marry a non-Jew'. Again, most respondents express negativity with over half (55%) saying they would feel 'some regret' or 'very considerable regret'. Most of the remainder (25%) would be 'Accepting or neutral'. And as we saw with general levels of concern, respondents aged under 40 years are less likely to express regret than older respondents (46% versus 58% for those above 40 years).

Attitudes are highly sensitive to the respondent's Jewish background (Figure 13). Among non-practising Jews, one quarter (26%) said they would regret their child marrying a non-Jew (i.e. three-quarters would not regret this) but among Traditional Jews, the proportion expressing regret rises to 68%. Nevertheless, expressions of regret are highest among Haredim (84%) and within this group, 10% go so far as to say they 'Would have no further association with my child', a traditional religious response that might have been more common in the past but is barely in evidence anywhere else in the community.

**Figure 13: 'If one of your children said they were going to marry a non-Jew, how would you feel about it?', by current Jewish identification, Australia (N=8,621)**



# JEWISH EDUCATION

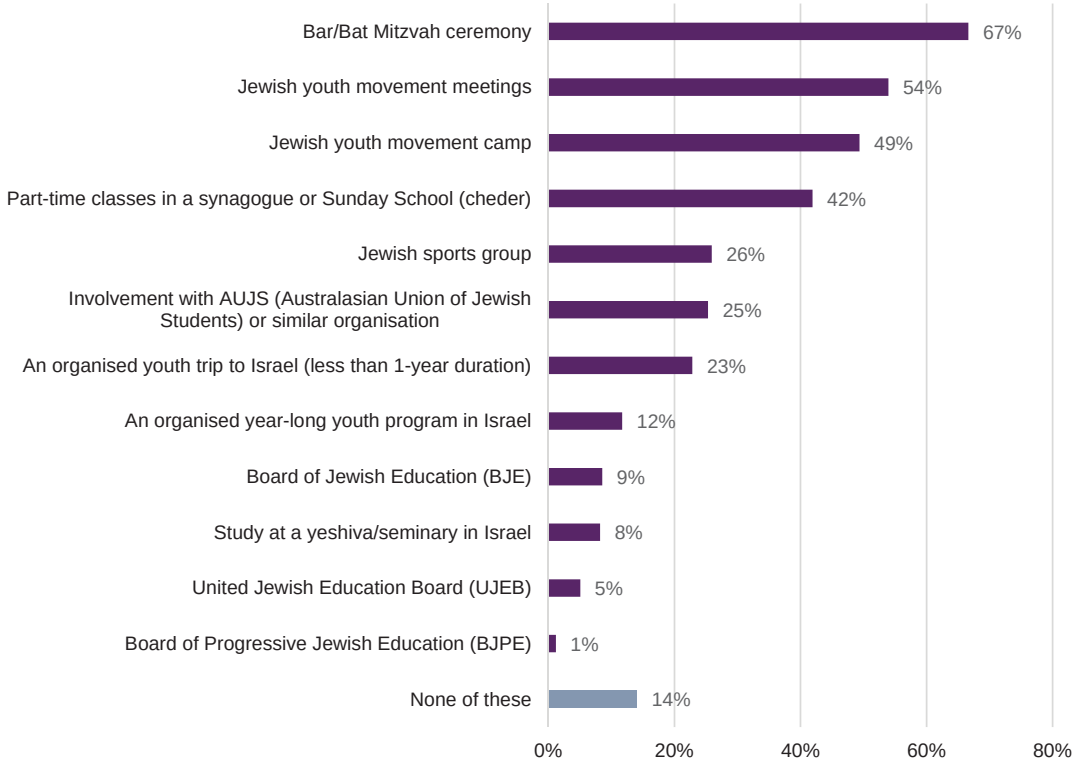
## MAIN FINDINGS

- Bar/Bat Mitzvah is the most common type of Jewish educational experience to take place outside Jewish school settings at 67% (84% for males) followed by Jewish youth movement meetings (54%)
- The younger a respondent is, the more of these educational items they are likely to have experienced
- 49% of respondents have never attended a Jewish day school (JDS)
- 32% have attended a Jewish primary school and 32% have attended a Jewish high school in Australia
- The younger the respondent, the more likely they are to have attended a JDS
- Respondents in Melbourne are far more likely to express preference for a JDS over other types of schools than respondents in Sydney
- The more religious respondents are the more likely they are to prefer a JDS
- Respondents believe the main advantage of a JDS is to 'Strengthen Jewish identity'; the main disadvantage is 'High cost of fees/too expensive' although opinions vary between Melbourne and Sydney
- Among those who had considered the option, 32% said cost had prevent them from sending a child to a JDS
- 55% of those with a child/children at a JDS said this entails significant or major financial sacrifice
- The most common way of funding JDS fees is 'personal/household income' (62%)

Whilst the Jewish day school typifies many people's idea of 'Jewish education' the reality is that for most people, the Jewish educational experience takes place in a variety of contexts that may, or may not, include formalised school-based learning.

The most common type of Jewish education experienced (excluding JDS attendance) is the Bar/Bat Mitzvah ceremony (67%) followed by Jewish youth movement meetings (54%). All other types of education were experienced by less than half of the respondents. Gender makes a difference on some variables, in particular, 84% of males have had a Bar Mitzvah whereas 51% of females have had a Bat Mitzvah. Indeed, female respondents are more likely to have attended Jewish youth movement meetings (54%) than have had a Bat Mitzvah.

**Figure 14: Type of Jewish educational experience (other than JDS attendance), Australia (N=8,621)**

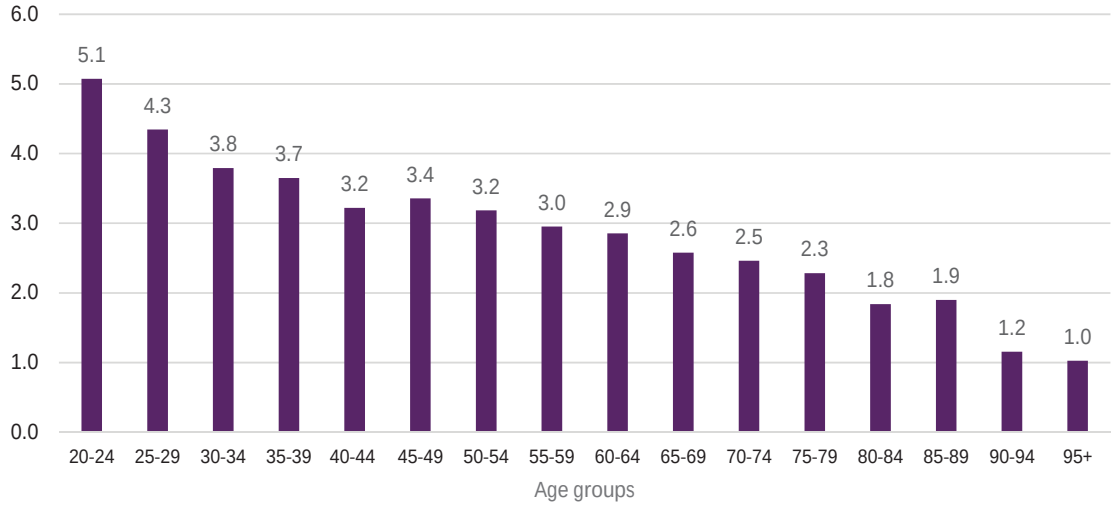



With the exception of state-specific programs (like BJE in Sydney and UJEB in Melbourne), comparisons between Sydney and Melbourne exhibit only minor difference in this respect but differences were greater for:

- Part-time classes in a synagogue or Sunday School (cheder) (46% Sydney v 37% Melbourne)
- An organised youth trip to Israel (less than 1-year duration) (27% Sydney v 20% Melbourne)
- An organised year-long youth program in Israel (10% Sydney v 14% Melbourne)
- Study at a yeshiva/seminary in Israel (5% Sydney v 12% Melbourne)

We can use the data to create a scale of non-day school educational experience. On average, respondents have experienced just over three (3.2) items each but there is a clear relationship with age. The younger a respondent is, the more items they are likely to have experienced. Thus, respondents aged 20-24 have experienced an average of five items whereas their parents (aged 50-54) experienced around three items and their grandparents (aged 80-84), less than two items. A possible explanation is that this reflects different levels of opportunity with younger respondents having a greater choice of options than their forbears but it may equally be related to increased communal investment in Jewish education over time.

**Figure 15: Average number of non-day school Jewish educational items experienced by age, Australia (N=8,621)**




## Jewish day school education

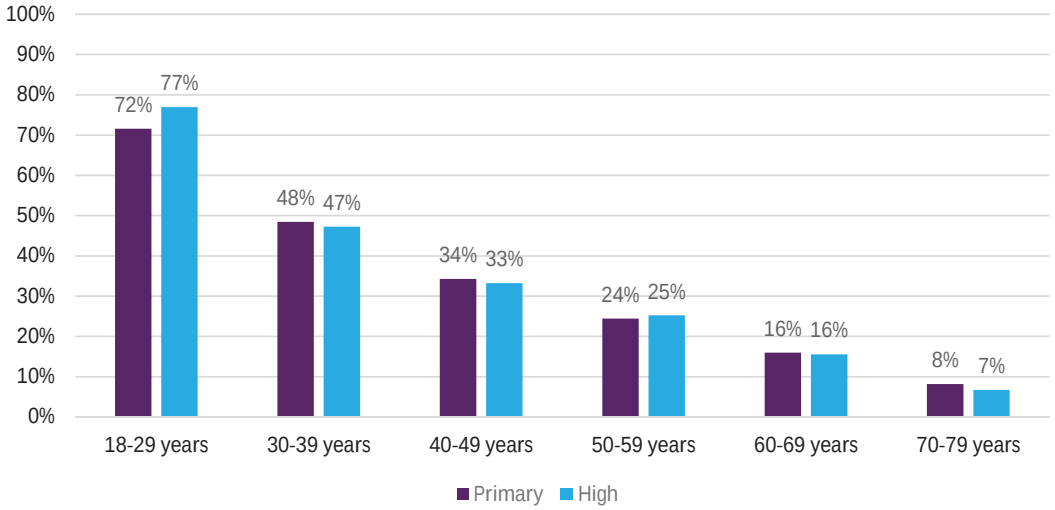
Just over half (51%) of respondents have attended a Jewish day school (JDS) for at least some of their schooling either in Australia or overseas. A third (32%) of respondents attended a Jewish primary school in Australia and the same proportion attended a Jewish high school in Australia.

**Table 12: Jewish day school (JDS) attendance by stage and location, Australia (N=8,621)**

| | |
|---|---|
| **Never attended** JDS | 49% |
| Attended JDS at primary stage in Australia | 32% |
| Attended JDS at secondary stage in Australia | 32% |
| Attended JDS at primary stage overseas | 17% |
| Attended JDS at secondary stage overseas | 14% |

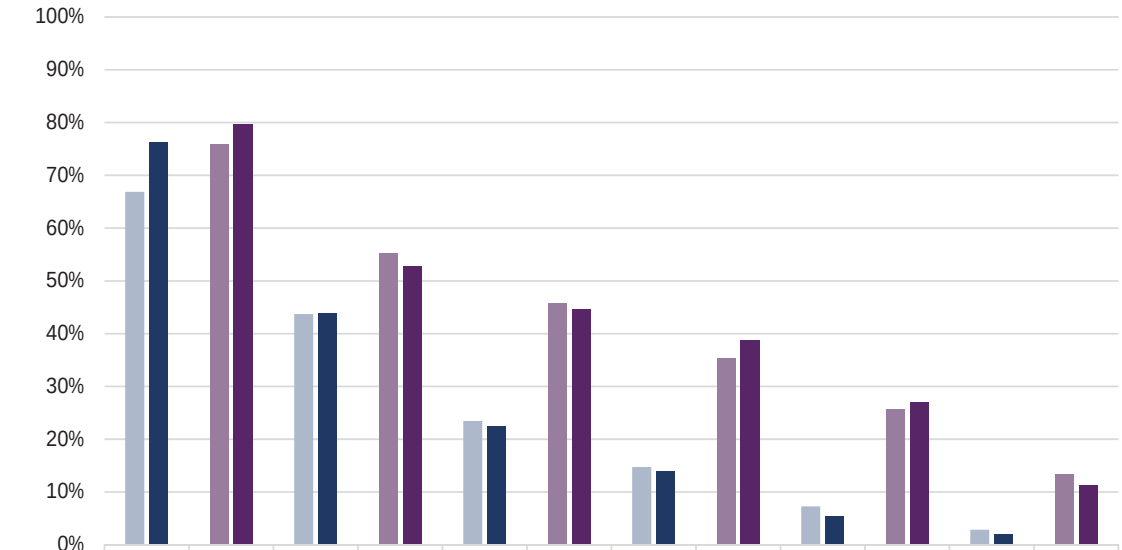
The likelihood of having attended an Australian JDS is higher the younger the age group. Thus over three quarters of respondents (77%) aged in their twenties had attended a Jewish high school compared to just under half (47%) of respondents aged in their thirties. It is notable that although JDS take-up is far higher in the youngest cohort than any other, there is a slight shift in favour of Jewish high schools over Jewish primary schools. In other words, in most generations the proportions attending Jewish primary and high schools are more or less balanced but in the youngest cohort (aged 18-29), a preference for Jewish high schools over primary schools is apparent.

**Figure 16: Jewish day school attendance by stage and age, Australia (N=8,237)**




Whilst respondents in Melbourne are more likely to have attended an Australian Jewish primary and high school than respondents in Sydney, the gap between the two states decreases the younger respondents are, especially among those aged in their twenties. For example, in Melbourne, respondents in their forties are twice as likely to have attended a Jewish high school than respondents of the same age in Sydney whereas the difference between the two states among respondents in their twenties is minimal (76% NSW v 80% Victoria).

**Figure 17: Australian Jewish day school attendance by age, Melbourne and Sydney (N=7,686)**




| | Syd | Melb | Syd | Melb | Syd | Melb | Syd | Melb | Syd | Melb | Syd | Melb |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 18-29 years | | 30-39 years | | 40-49 years | | 50-59 years | | 60-69 years | | 70-79 years | |
| Primary | 67% | 76% | 44% | 55% | 23% | 46% | 15% | 35% | 7% | 26% | 3% | 13% |
| High | 76% | 80% | 44% | 53% | 22% | 45% | 14% | 39% | 5% | 27% | 2% | 11% |

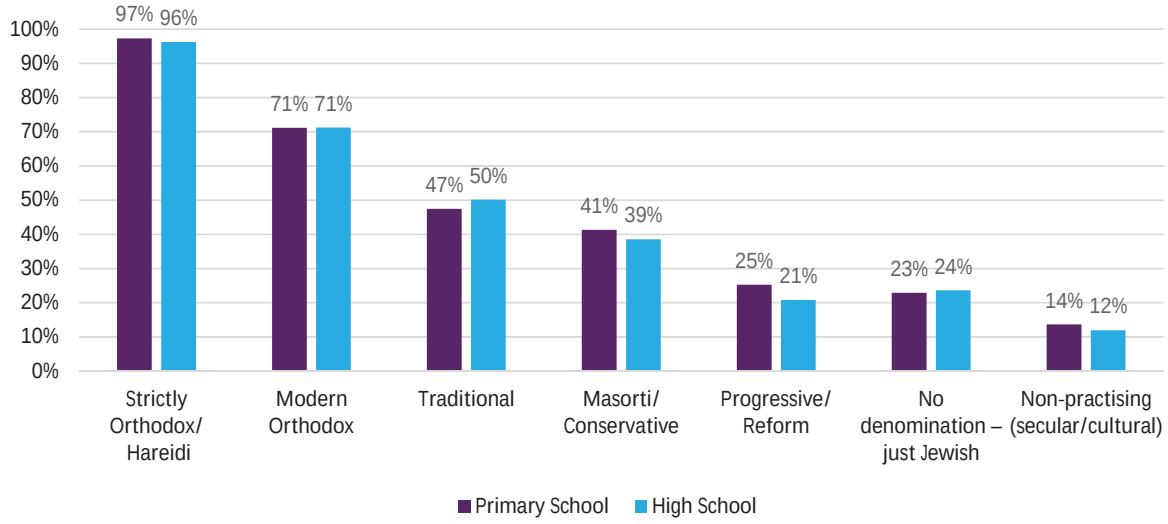
## Attitudes towards Jewish day schools

Respondents were asked: 'Whether or not you have children, do you feel it is preferable for Jewish children to attend a school that is Jewish OR non-Jewish OR do you have no preference either way?'. They were also asked to indicate whether school stage made a difference. We found that there is relatively little difference between the levels of preference expressed for primary and secondary stages with 41% expressing a 'Strong preference for a Jewish Day School' at both primary and high stages and 23% expressing 'Some preference for a Jewish Day School' at the primary and 21% at the high school stage.

However, a sizable difference is observed when we compare responses from Sydney and Melbourne. In essence, respondents in Melbourne are far more likely to express a strong preference for a JDS than respondents in Sydney. At the primary level, 32% of Sydney respondents express a strong preference for a JDS compared with 48% in Melbourne. Similarly, at the secondary level, 33% of Sydney respondents express a strong preference for a JDS compared with 48% in Melbourne.

There is also considerable difference depending on self-reported religious stream with more religious respondents being more likely to express a strong preference for a JDS than less religious respondents. For example, almost all (97%) Strictly Orthodox respondents express a strong preference for a JDS at the primary level, compared with 71% of Modern Orthodox respondents and 25% of Progressive respondents.

**Figure 18: 'Strong preference for a Jewish day school' by current religious stream and school stage, Australia (N=8,621)**



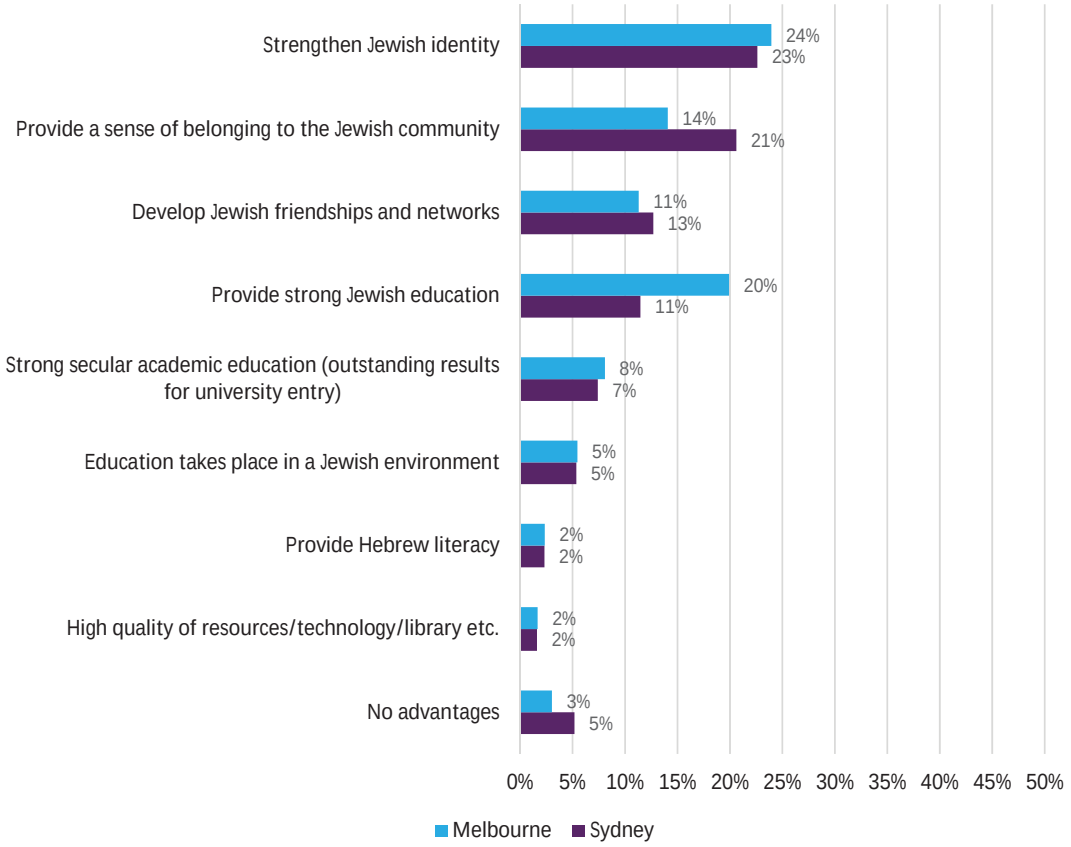

## Perceived advantages and disadvantages of Jewish day schools

Respondents were also asked a series of questions about what they considered to be the key benefits and drawbacks of Jewish day schools. Respondents were asked to list up to three advantages in order of importance out of a randomised list of 16 options. The data can be analysed in a number of ways but here we focus on responses relating to the *First main advantage* only. This shows that a quarter of respondents (24%) place 'Strengthen Jewish identity' as the first main advantage of a Jewish school. (The top *Second main advantage* was the same as the top *Third main advantage* which was to 'Develop Jewish friendships and networks' mentioned by 20% of respondents in each case.)

Again we see clear differences between Sydney and Melbourne. Whilst 'Strengthen Jewish identity' is most likely to be mentioned as the *First main advantage* in both states (just under a quarter in each), Sydney respondents were far more likely to mention 'Provide a sense of belonging to the Jewish community' (21%) than respondents in Melbourne (14%) as being the *First main advantage*. By contrast, respondents in

Melbourne were far more likely to mention 'Provide strong Jewish education' than respondents in Sydney (20% versus 11% respectively). Such results attest to clear differences of priorities between these two states about the role of Jewish schooling.

**Figure 19: First main advantage* of Jewish day schools, Melbourne and Sydney (N=8,028)**

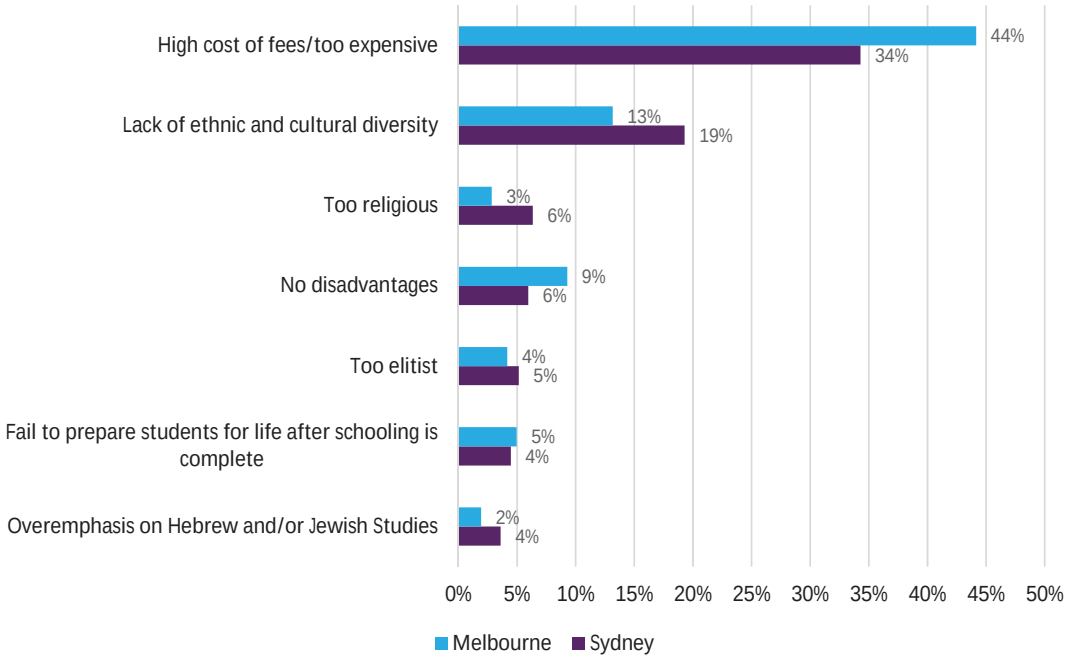



* Note respondents were asked to list up to three main advantages so this graph reflects the top priority only

Respondents were asked to list up to three disadvantages of Jewish day schools from a list of 15 options. Focusing on the *First main disadvantage*, by far the item most likely to be mentioned was 'High cost of fees/too expensive', which was selected by almost two out of five respondents (39%). (The top *Second main disadvantage* was 'Lack of ethnic and cultural diversity' (15%) as was the top *Third main disadvantage* (14%).)

Contrasting Sydney and Melbourne once more, high cost is the top *First main disadvantage* in both places but respondents in Melbourne are rather more likely than those in Sydney to mention this (44% versus 34% respectively).

**Figure 20: First main disadvantage of Jewish day schools, Melbourne and Sydney (N=8,028)**




* Note respondents were asked to list up to three main disadvantages so this graph reflects the top priority only

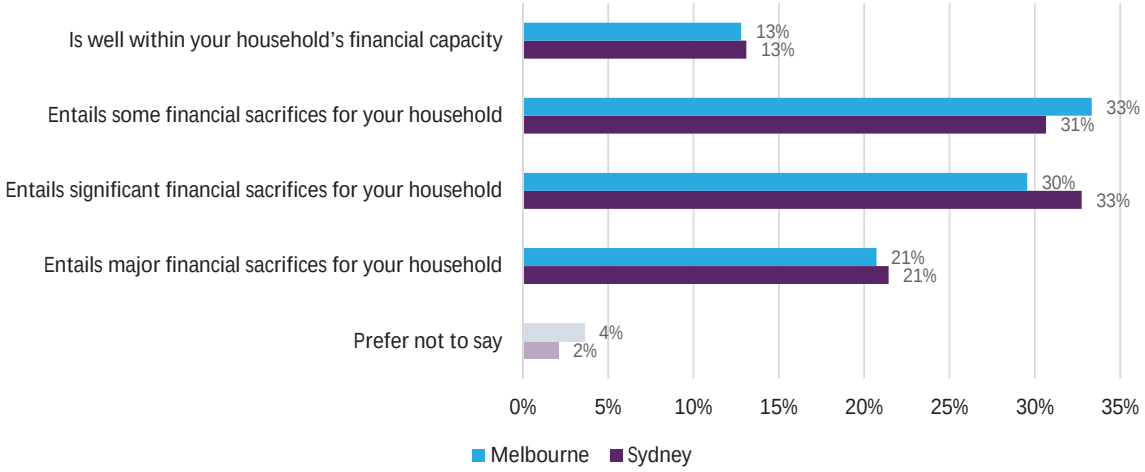
Finally, the younger the respondents are, the more likely they are to mention high cost as being the *First main disadvantage*. This was also the case with regard to 'Lack of ethnic and cultural diversity'. Older respondents were more likely than younger respondents to say there were 'No disadvantages' to a JDS (4% among the under forties and 13% among those aged 60 and above).

## Sending children to Jewish day schools: the financial dimension

All householders with children were asked 'Has the cost of school fees ever prevented you from sending one or more children to a Jewish Day School in Australia?'. 19% said this was not applicable as they had never considered the option. But among those for which it was relevant, 32% said the cost of JDS fees *had* prevented them from choosing this option. This was more likely to be the case among Sydney householders (34%) than those in Melbourne (28%).

Among householders who currently have a child or children attending a JDS, 13% said the cost was 'well within [their] household's financial capacity', 33% said it 'entails some financial sacrifices for [their] household', 30% said it 'entails significant financial sacrifices for [their] household', and 22% said this 'entails major financial sacrifices for [their] household'. There is little difference in responses between householders in Sydney and Melbourne although Sydney householders are slightly more likely to report 'significant' or 'major' sacrifice than those in Melbourne (54% versus 51% respectively).

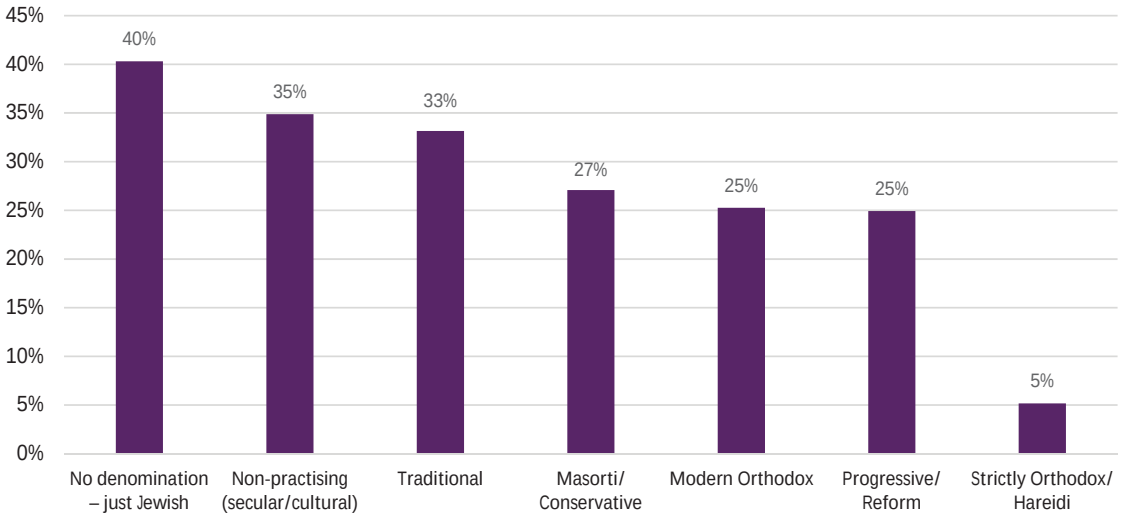
**Figure 21: 'To what extent does the cost of sending your child/children to a Jewish day school entail financial sacrifice?', Melbourne and Sydney (N=969)***




* All householders with children currently in JDS

Among households with children who have ever considered a JDS option, the likelihood of the cost of JDS fees deterring them from choosing a JDS for their child/children is closely related to Jewish denominational stream. In general, the more religious a householder reports being, the *less* likely it is that fees were considered a barrier to choosing a Jewish school. However, this is a loose relationship since it is notable that there is no difference between Modern Orthodox and Progressive/Reform householders; in both cases 25% claim fees were a barrier.

**Figure 22: Proportion of householders saying the cost of school fees has prevented them from sending one or more children to an Australian Jewish day school, by religious stream, Australia (N=3,529)***



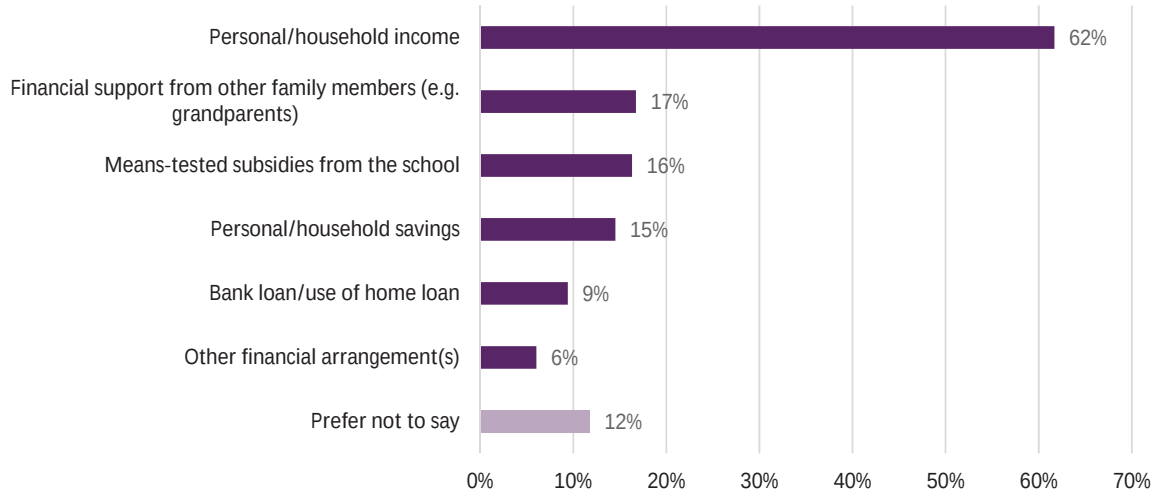

* All householders with children who have considered a JDS option

Householders were also asked about how they were funding the JDS fees for their child/children. They were presented with a list of five options plus 'Other' and asked to select all that applied. By far the most common way in which respondents said they were currently financing JDS fees was through 'personal/household income' (62%). The next most common form of finance was through 'other family members (e.g. grandparents)' at 17%.

Most householders (71%) are funding their JDS fees through one mode of finance but 29% reported using two or more approaches.

Differences between Sydney and Melbourne were small for all items except 'Means-tested subsidies from the school' which was selected by 11% of NSW respondents but 20% of Victorian respondents. In terms of Jewish denomination, the most important difference between the groupings also relates to mean-tested subsidies, which was selected by 42% of Strictly Orthodox respondents compared with an average of 16%.

**Figure 23: 'In what way or ways are you currently financing your child's/children's Jewish day school fees?' (N=1,077)***




* All householders with children currently in JDS

# JEWISH COMMUNAL LIFE

## MAIN FINDINGS

- A large majority (70%) of survey respondents indicate a sense of connection to the community: 30% are 'very connected,' 40% 'somewhat connected'
- Those who do not have a sense of connection were asked to indicate their reason. By a large margin (32% in Melbourne, 31% in Sydney), the most frequently indicated reason was 'secular outlook/ lifestyle,' followed by a feeling of not fitting in (14%,16%) and lack of interest in Jewish communal life (10%,11%).
- Gen17 asked respondents if there were any aspects of Jewish communal life that needed to be improved or changed. Two issues stood out, each selected by more than 40% of respondents: 'increase Jewish day school fee assistance' (43%) and 'reduce religious division between Jews' (42%).
- An additional question asked respondents to indicate their priority in the provision of services by the Jewish community. The top ranked services were those provided to people with limited capacity to help themselves: the infirm elderly (43%) and children (40%) and adults (29%) with developmental, intellectual and physical disabilities.

## Sense of connection

A large majority of survey respondents in Melbourne and Sydney indicate a sense of connection to the community: 30% 'very connected,' 40% 'somewhat connected', a total of 70%; 14% were neutral, 16% felt 'somewhat unconnected' or 'very unconnected'. The combined 'somewhat' and 'very connected' proportion was 73% in Melbourne, 66% in Sydney. The combined unconnected proportion was 13% in Melbourne, 19% in Sydney.

**Table 13: 'How connected do you feel to Jewish communal life?' Melbourne and Sydney (N=8,047)**

| | TOTAL | MELBOURNE | SYDNEY |
|---|---|---|---|
| Very connected | 30% | 35% | 24% |
| Somewhat connected | 40% | 38% | 42% |
| **Sub-total connected** | **70%** | **73%** | **66%** |
| Neither connected nor unconnected | 14% | 13% | 15% |
| Somewhat unconnected | 9% | 7% | 11% |
| Very unconnected | 7% | 6% | 8% |
| **Sub-total unconnected** | **16%** | **13%** | **19%** |
| Don't know/ decline | 1% | 1% | 1% |
| Total | 100% | 100% | 100% |

The 30% of respondents who indicated a neutral response or that they were not connected were asked to indicate their reason. Eleven possible response options were specified, with an additional option to write-in a response under the 'Other' category. A similar pattern of response was obtained in both Melbourne and Sydney.

By a large margin (31%, 32%), the most frequently indicated reason was 'Secular outlook/ lifestyle,' followed by a feeling of not fitting in (14%-16%) and lack of interest in Jewish communal life (10%-11%). More than half the sample selected one of the top three responses, 59% in Melbourne and 55% in Sydney. No other response option was selected by more than 10% of respondents. Although respondents had options to indicate a lack of connection because of specific actions taken by community leadership or attitudes within the community, only a very small proportion of respondents specified such a factor. Thus 'your views on Israel' was selected as a main reason by 4% in Melbourne and 6% in Sydney, with similar proportions selecting 'your partner is not Jewish,' 'your financial situation,' and 'you don't know many Jewish people.' The 'other', write in, option was selected by less than 10% of respondents and there was no specific reason nominated by a large number of respondents: responses included age, 'children do not attend a Jewish school,' 'communal groups not welcoming,' 'elitism,' 'treatment of women,' 'do not have time,' and 'I don't see a need.'

**Table 14: 'You indicated you do not feel that connected to Jewish communal life. Are there any particular reasons leading you to feel this way?' Melbourne and Sydney (N=8,047)**

| | MELBOURNE MAIN REASON | SYDNEY MAIN REASON |
|---|---|---|
| Your secular outlook/lifestyle | 32% | 31% |
| You don't feel you fit in | 16% | 14% |
| You are not interested in Jewish communal life | 11% | 10% |
| You live far from Jewish communal centres | 6% | 6% |
| Your views on Israel | 4% | 6% |
| Your partner is not Jewish | 3% | 6% |
| You don't know many Jewish people | 4% | 5% |
| Your financial situation | 4% | 5% |
| You recently arrived in Australia | 2% | 1% |
| Your sexual identity | 2% | 1% |
| Your children are not Jewish | 0% | 0% |
| Other | 7% | 9% |
| Don't know / Prefer not to say | 10% | 8% |
| Total | 100% | 100% |

## What the community needs to do to improve

Respondents were asked if in their view there were any aspects of Jewish communal life that needed to be improved or changed. They were presented with fifteen options in sequence and asked if there was need for improvement or change with a yes/no response option. The online survey was designed to randomly rotate the order of the questions, so each respondent saw the sequence in different order. There was a similar pattern of response in Melbourne and Sydney, although for seven response options there was variation.

The two issues that stood out from the list, selected by the largest proportion of respondents, were 'increase Jewish day school fee assistance' (43%) and 'reduce religious division between Jews' (42%). (See Figure 24)

Six issues selected by between a quarter and one third of respondents followed these top ranked issues. Three of these issues related to reduction of divisions in the community and acceptance of diversity, two relate to aged care and disability services. They are: 'increase communal involvement of young adults' (32%); 'increase funding of aged care services' (28%); 'improve acceptance of Jews who are LGBTI' (26%); 'reduce divisions between wealthy and impoverished Jews' (26%); improve acceptance of interfaith couples' (26%); and 'increase funding of services for people with disabilities' (24%).

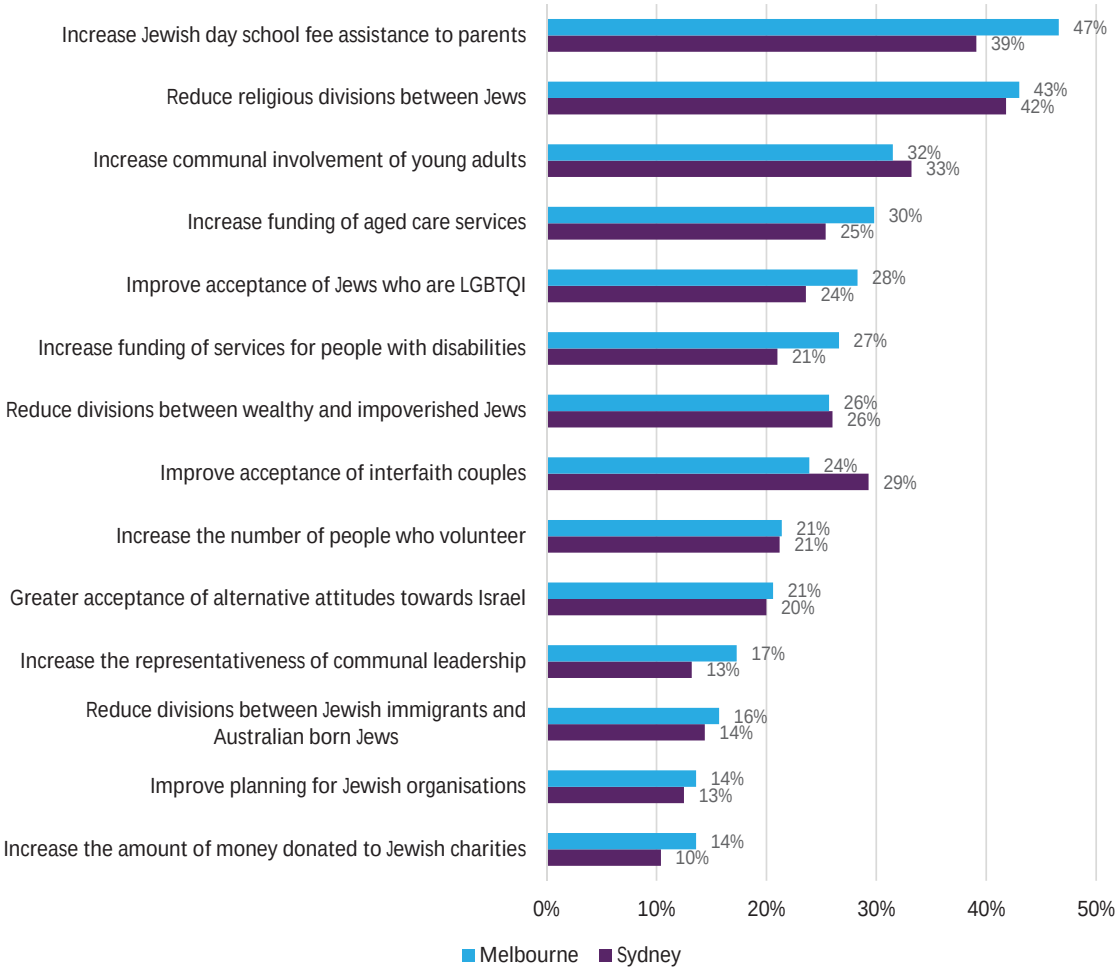
Three of the issues ranked in the bottom seven, but with still a substantial proportion indicating that they are of significance, relate to community leadership and Israel: 'greater acceptance of alternative attitudes to Israel' was selected by one in five respondents (21%), 'increased representativeness of communal leadership' by close to one in seven (15%), with a similar proportion indicating 'improved planning for Jewish organisations (13%).

Just 6% of respondents selected the write-in option, indicating another aspect of communal life; over 99% of respondents indicated at least one aspect for improvement or change.

In response to a number of aspects of communal life, a higher proportion of Melbourne respondents indicated the need for change or improvement.

The major aspects that differentiated Melbourne and Sydney responses were the higher proportion in Melbourne indicating the need for increased day school fee assistance (47%, 39%), funding of aged care services (30%, 25%), and of services for people with disabilities (27%, 21%). A higher proportion in Melbourne also indicated the need to increase the representativeness of communal leadership (17%, 13%), acceptance of Jews who are LGBTI (28%, 24%), and increased donations to Jewish charities (14%, 10%). The only area in which a significantly higher proportion in Sydney indicated a priority was in acceptance of interfaith couples (29%, 24%).

**Figure 24: 'Many people feel this is a thriving Jewish community but others do not. Are there any aspects of Jewish communal life that you believe need to be improved or changed?' Melbourne and Sydney (N=8,047)**



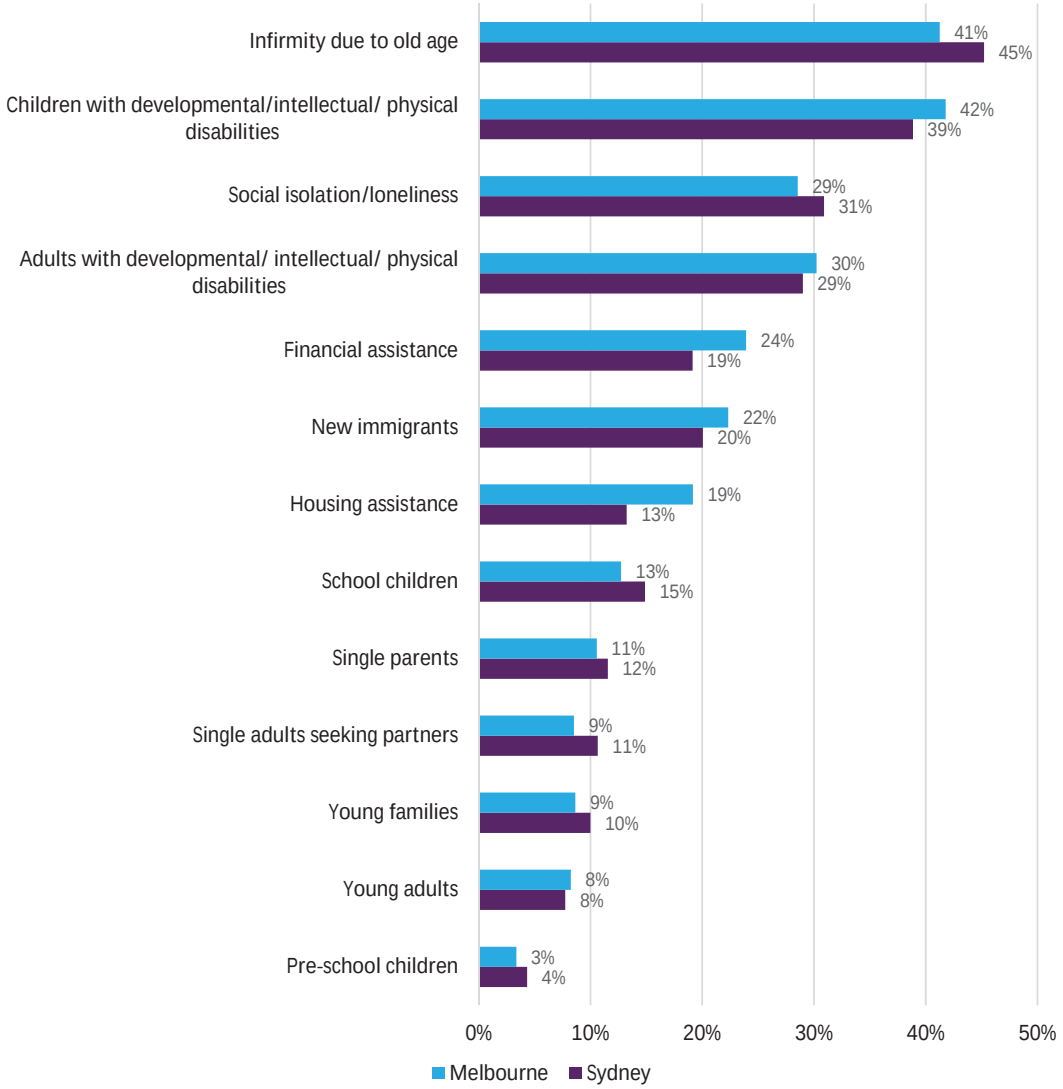
## Priority in service provision

An additional question asked respondents to indicate their priority in the provision of services. For each service specified respondents were asked to indicate if they considered the service to be important or not, a yes/no response.

The top ranked services were those provided to those with limited capacity to help themselves: with infirmity due to old age (43%) and children (40%) and adults (29%) with disabilities. A relatively large proportion of respondents also selected support to the socially isolated. A lower proportion, close to one in five, indicated financial assistance and services to new immigrants.

To a large extent there was a similar pattern of responses in Melbourne and Sydney, with largest difference in ranking of three services; a marginally higher proportion in Sydney indicated services to the infirm elderly, while higher proportions in Melbourne indicated financial and housing assistance.

**Figure 25: 'The Jewish community is currently providing services and support to these groups. For which of these groups do you think it is most important that the Jewish community provides services?' Melbourne and Sydney (N=8,047)**



# SOCIOECONOMIC WELLBEING AND DISADVANTAGE

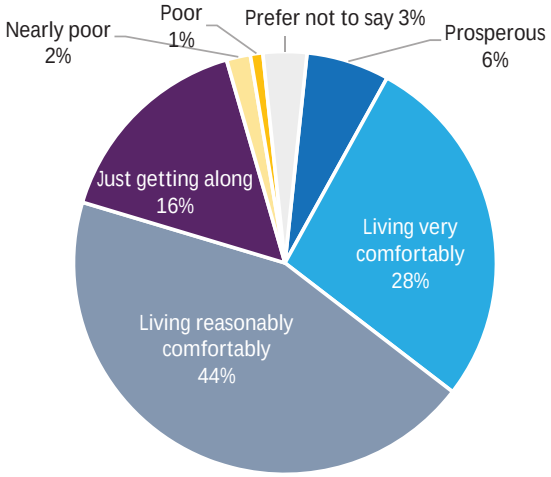
## MAIN FINDINGS

- The majority of respondents assesses their own financial circumstances as being comfortable or better. However, one in five (19%) say they are 'Just getting along' or worse
- Financial wellbeing is sensitive to age with maximum stress being experienced by people in their late forties—among this age group, one in four (27%) are 'Just getting along' or worse
- Material deprivation (not being able to afford basic necessities like food and medicine) was experienced by 1 in 20 respondents (6%) in the twelve months prior to the survey
- This was most likely to have been the case among Strictly Orthodox Jews (14%)
- The weaker a respondent's financial wellbeing, the less likely they are to hold paid synagogue membership

The census provides detailed information on personal and household income of Jews—demonstrating the community's income to be well above average (see Figure 3)—but such data, whilst indicating the numbers on relatively lower income levels, provide only a partial picture of poverty and economic disadvantage in the Jewish community. In part this is because financial well-being is often relative; we assess how rich we feel based on the wealth we believe others possess. But it is also because low income may disguise other financial assets such as high savings and, conversely, high income may disguise high outgoings on debts like mortgages or private school fees. Therefore, Gen17 included a number of questions to help us better understand the nature and extent of economic disadvantage in the Jewish community.

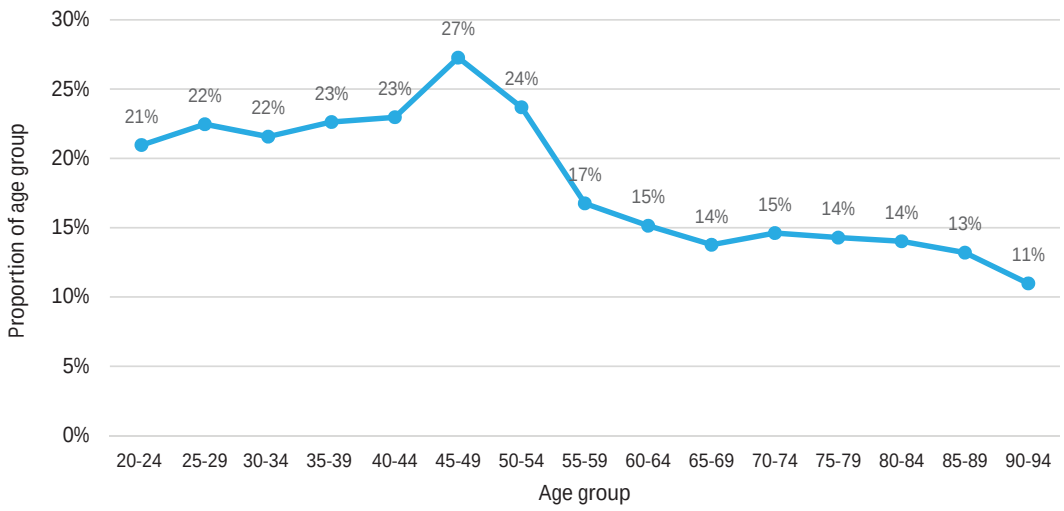
One such question asked respondents to describe their current financial circumstances. This was a purely self-assessed measure and no guidance was offered about how to interpret categories like 'Poor' or 'Prosperous'. Therefore, respondents had to provide an answer based on their personal judgement, a feeling of financial security or insecurity. Whilst a majority (78%) assess their financial circumstances to be, at the very least, 'comfortable', almost one in five (19%) say they were 'Just getting along' and 3% say they were 'Nearly poor' or 'Poor'.

**Figure 26: 'Which of the following terms best describes your current financial circumstances?', Australia (N=8,621)**



Setting aside those who preferred not to report their self-assessed financial circumstances (3% of respondents) and focusing on those who feel they are 'Just getting along' or poorer (19% of the remainder), this is more likely to be the case in Victoria than in NSW (20% v 18% respectively). However, a clearer, and potentially more important, relationship was found between feelings of financial insecurity and age with maximum stress occurring in the late forties. Among this age group as many as 27% feel like they are 'Just getting along' financially or are otherwise 'Nearly poor' or 'Poor'. After this age people's self-assessed financial circumstances improve steadily. The proportion feeling financial strain levels off at around 14% once respondents reach their sixties. This suggests financial wellbeing is related to life stage since people in their forties are at peak family forming years, and therefore most likely to be experiencing financial pressure such as upsizing their property and, for many, funding private school fees.

**Figure 27: Proportion describing their current financial circumstances as 'Just getting along' or worse by age group, Australia (N=8,621)**




## Material deprivation

An alternative, and more absolute, measure of socioeconomic disadvantage examined in Gen17 aimed at understanding whether respondents had recently experienced material deprivation. One set of questions asked whether or not they had needed to reduce the size of their meals in the previous twelve months 'because there wasn't enough money to buy food' and another question asked whether they had needed prescription medicine but did not get any because they 'couldn't afford to buy it'.

A total of 6% (more than 1 in 20 people) reported that they had personally reduced their meal size and/or gone without prescription medicine in the previous twelve months because they could not afford it. The likelihood of such material deprivation correlates with a wide range of variables. For example, it is notably more prevalent in Victoria than in NSW and female respondents were more likely to report such deprivation than male respondents. Further, younger respondents, especially those aged in their twenties and forties, were more likely to experience deprivation than other age groups. However, the group which was by far the most likely to report material deprivation in the previous twelve months were the Strictly Orthodox at 14%, i.e. more than double the average.

**Table 15: Reduced size of meal(s) and/or gone without prescription medication due to lack of money in the previous twelve months by various indicators, Australia (N=8,621)**

| VARIABLE | SUB-CATEGORY | EXPERIENCED FOOD AND/OR MEDICINAL DEPRIVATION |
|---|---|---|
| **Sex** | % of males | 4.7% |
| | % of females | 7.0% |
| **Age** | 18-29 years | 9.9% |
| | 30-39 years | 6.9% |
| | 40-49 years | 8.2% |
| | 50-59 years | 6.5% |
| | 60-69 years | 3.4% |
| | 70-79 years | 2.4% |
| | 80+ | 2.3% |
| **State** | NSW | 4.4% |
| | Victoria | 7.0% |
| | Western Australia | 8.4% |
| | Rest of Australia | 9.8% |
| **Country of birth** | Russian Federation/former USSR | 8.2% |
| | Israel | 7.9% |
| | Australia | 6.5% |
| | South Africa | 5.3% |
| **Current Jewish identity** | Strictly Orthodox/Hareidi | 13.7% |
| | No denomination – just Jewish | 8.2% |
| | Modern Orthodox | 5.7% |
| | Traditional | 5.0% |
| | Non-practising (Secular/cultural) | 4.9% |
| | Progressive/Reform | 4.3% |

## Economic disadvantage and Jewish identity

Gen17 is ideally placed to develop a detailed examination of the relationship between Jewish identity and financial wellbeing. For example each of the three indicators of financial wellbeing was assessed at the individual and household level and this shows, as expected, a negative relationship between paid synagogue membership and disadvantage: higher levels of economic disadvantage are associated with lower levels of paid synagogue membership.

Similarly, the higher a respondent's personal or household income, the more likely they are to be paid synagogue members. For example, among those with a personal income of less than $10,000, 28% are paid synagogue members compared with 58% of those with personal incomes of $500,000 or more.

**Table 16: Relationship between personal and household income and paid synagogue membership, Australia (N=8,621 personal income; N=4,571 household income)**

| INCOME BRACKET | PERCENTAGE OF EACH INCOME BRACKET HOLDING PAID SYNAGOGUE MEMBERSHIP | |
|---|---|---|
| | FOR PERSONAL INCOME | FOR HOUSEHOLD INCOME |
| Less than $10,000 | 28% | 30% |
| $10,000 to $24,999 | 25% | 28% |
| $25,000 to $49,999 | 34% | 33% |
| $50,000 to $74,999 | 33% | 42% |
| $75,000 to $99,999 | 37% | 42% |
| $100,000 to $149,999 | 36% | 36% |
| $150,000 to $199,999 | 42% | 40% |
| $200,000 to $299,999 | 51% | 47% |
| $300,000 to $499,999 | 58% | 56% |
| $500,000 or more | 58% | 60% |

We see the same relationship when paid synagogue membership is measured against self-assessed financial circumstances and, again, it makes no difference if we focus on the individual or the household. Hence, less than 20% of those who say they are 'Nearly poor' or 'Poor' are paid synagogue members compared with 56% of those who report being 'Prosperous'. This pattern also holds with respect to absolute measures of poverty. Thus, in households that had to reduce their meal size or forgo prescription medicine because they could not afford it, 34% are paid synagogue members compared with 46% among those who did not experience such financial hardships. This pattern is similar at the individual level.

# CHARITABLE GIVING

## MAIN FINDINGS

- When asked which type of charitable causes they prioritise, 45% indicate 'Jewish charities in Australia' and 19% indicate 'Israel charities'. 23% prioritise 'general charities in Australia'
- The older respondents are, the more likely it is they prioritise Israel-related causes; the younger they are, the more likely they are to prioritise overseas aid
- Priorities relate closely to the religious stream with which respondents identify: Jewish charities in Australia are prioritised by 65% of Modern Orthodox, 39% of Progressive and 23% of Secular respondents
- 78% of all respondents indicate that 'donating money to charity' is important to their own sense of Jewish identity, but this is more likely to be the case the older respondents are and the more religious they are
- In NSW/ACT in the previous 12 months, 14% of respondents had not personally donated any money to charity, 42% had donated up to $500 and 20% had donated between $501 and $2,000
- In Victoria, 10% of respondents said that 'they or their household' had donated no money to charity, 44% had donated up to $500 and 20% had donated between $501 and $2,000
- The amount donated increases the older respondents are, the greater their income is and the more religious they are
- Among those giving $500 or more to charity in Australia (but excluding NSW and ACT), this was the case for 29% of Secular, 42% of Traditional and 68% of Modern Orthodox Jews
- Respondents in Sydney are more likely to support a centrally organised communal fundraising model; in Melbourne they are more likely to support each charity fundraising independently

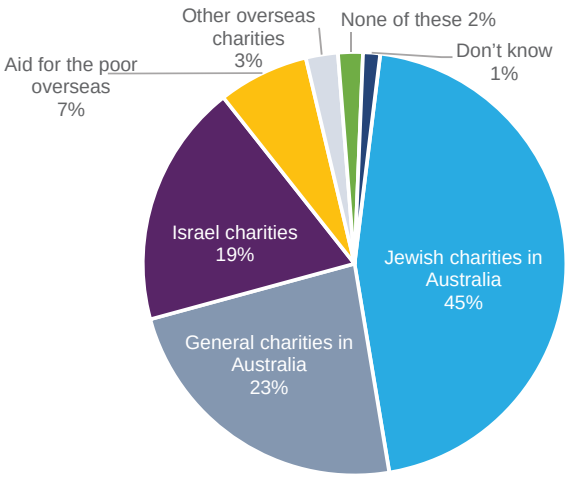
Fundraising and charitable giving, often referred to by the Hebrew term *tzedakah* (meaning justice or righteousness), are central aspects of Jewish communal life in Australia. Gen17 contained multiple questions in order to develop a thorough understanding of these key communal pillars. Here we focus on overall trends, but Gen17 data contains detailed information about giving to all the major Australian Jewish charities.

## Charitable priorities

When asked which type of charitable cause respondents prioritise, 45% say 'Jewish charities in Australia' followed by 'General charities in Australia' (23%), confirming the adage that charity begins at home.

There is very little difference in this pattern between the three main Jewish centres of Sydney, Melbourne and Perth although in the Rest of Australia, respondents prioritise 'General charities in Australia' ahead of 'Jewish charities in Australia' (35% and 32% respectively).

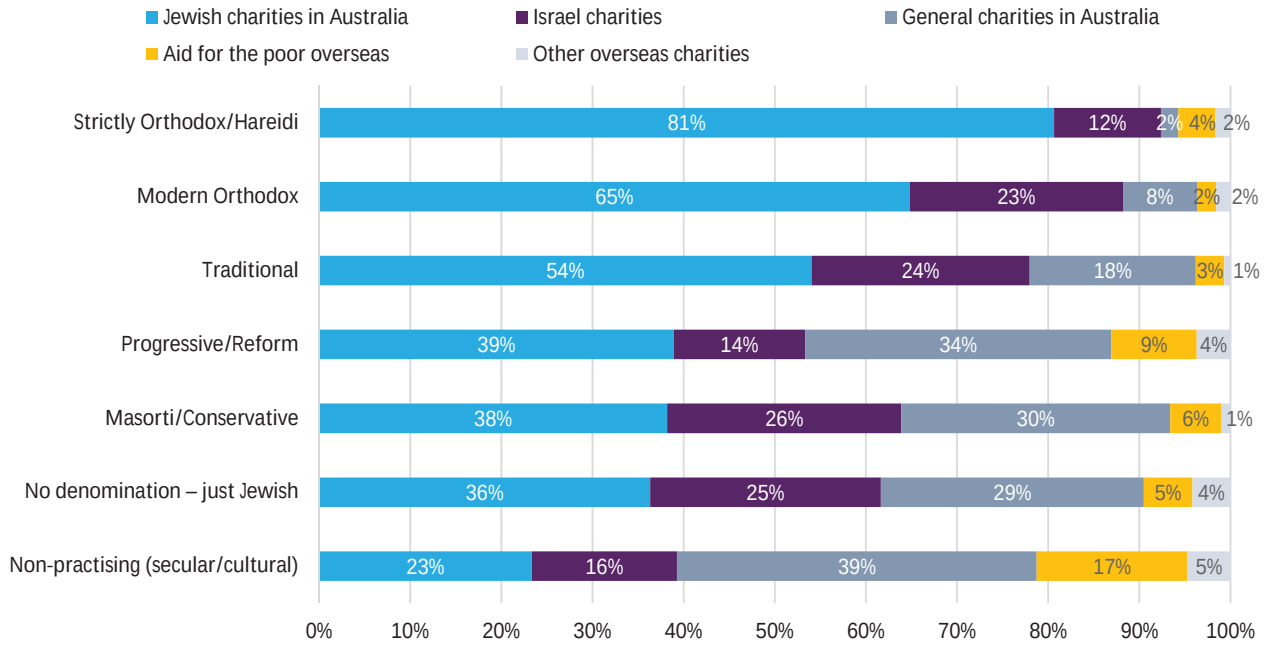
**Figure 28: Charitable giving priorities,* Australia (N=8,621)**




* 'To which of the following causes, if any, do you give the highest and second highest priority?' Chart indicates 'Highest priority'

Some notable differences are observed in terms of age. The older respondents are, the more likely it is they prioritise Israel charities whereas the younger respondents are, the more likely it is they prioritise 'Aid for the poor overseas'. But the most revealing differences are found in terms of self-assessed Jewish identity. The more religious streams place far greater importance on Jewish causes in Australia (e.g. 81% of Strictly Orthodox respondents place this as their highest priority compared with 23% of Secular respondents). Conversely, the more religious respondents are, the lower priority they place on General Australian charities, whereas the less religious respondents are, the more likely they are to prioritise general (non-Jewish) charities.

**Figure 29: 'To which of the following causes, if any, do you give the highest priority?' by Jewish denomination,* Australia (N=8,621)**



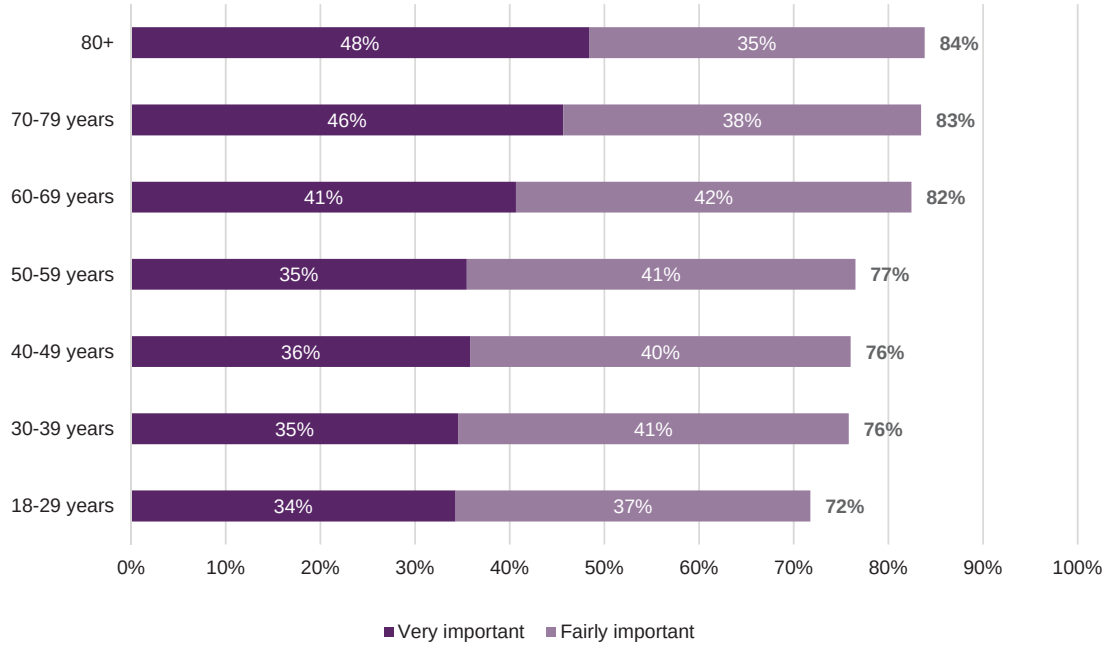

* Chart indicates 'Highest priority'

## Importance of charitable giving to one's Jewish identity

In addition to which causes they prioritise, respondents were also asked how important 'Donating money to charity' is to their own sense of Jewish identity. Just over three-quarters (78%) say it is important (38% 'Very Important' and 40% 'Fairly important') confirming the centrality of charitable giving to most Jews.

However, the importance placed on charity is related to age whereby the older a person is, the greater the level of importance they attached to charitable giving. Whilst giving is deemed important to 84% of respondents aged 80 and above this is the case for 72% of respondents aged under 30 years old.

**Figure 30: Importance of charitable giving by age,* Australia (N=8,621)**




* 'How important or unimportant are each of the following to your own sense of Jewish identity?: Donating money to charity'

There is a clear and strong relationship between the importance placed on charitable giving to one's own sense of Jewish identity and religious position. The more religious the stream, the greater the level of importance is attached to 'Donating money to charity'. Among those who say giving is 'Very important', this was the case for 88% of the Strictly Orthodox, 57% for Modern Orthodox, 40% for Traditional, 35% for Progressive/Reform, 27% among the non-denominational 'Just Jewish' respondents, and 17% among Secular Jews.

## Amount donated to charity[18]

In NSW/ACT, 14% of respondents had not 'personally' donated any money to charity in the previous 12 months, 42% had donated up to $500 and 20% had donated between $501 and $2,000. In Victoria, 10% of respondents said that 'they or their household' had donated no money to charity, 44% had donated up to $500 and 20% had donated between $501 and $2,000.

[18] Gen17 asked differently worded questions about amount donated to charity in NSW/ACT (where individual and household donations were differentiated) compared with Victoria and the rest of Australia (where no such differentiation was made). This precludes some national and interstate comparisons. In all states respondents were asked to 'exclude synagogue membership and Jewish school fees' from their assessments.

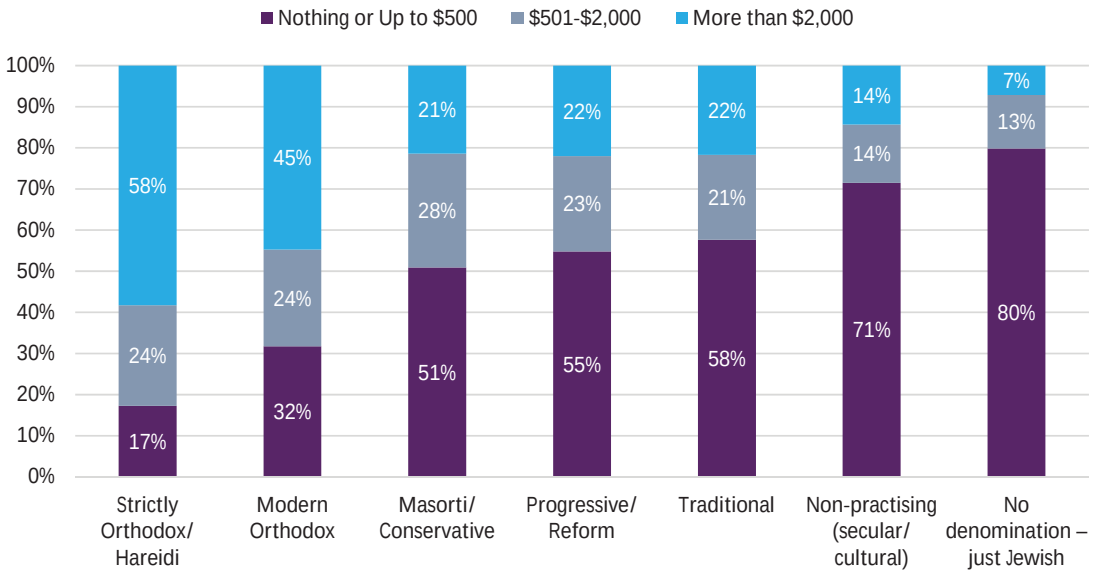
The amount donated by households is greater than the amount donated by individuals, thus in NSW/ACT, 16% of individuals had donated between $2,001 and $10,000 but this was the case for 22% of households.

Three variables have been found in other studies that strongly predict levels of charitable giving among Jews.[19] These are age, income and stream of Judaism. As regards age, the Australian data show that the older people are, the more money they personally donate to charity. Hence, in NSW/ACT, 13% of respondents aged under 30 gave more than $500 compared with 48% of people in their fifties and 68% of people in their eighties.

Similarly, and not surprisingly, there is a close relationship between income and the amount donated to charity. The higher a respondent's personal income, the more money they donated in the previous 12 months. Again in NSW/ACT, 20% of respondents with personal incomes of under $50,000 donated more than $500 in the previous year compared with 79% of those with personal incomes of $200,000 or more.

As noted, it has been shown elsewhere that Jewish identity is also a strong predictor of the amount donated to charity. For example, data for Victoria and the rest of Australia (excluding NSW and ACT) on those giving $500 or more to charity in the previous 12 months indicate this was the case for 29% of Secular Jews, 42% of Traditional Jews and 68% of Modern Orthodox Jews.

**Figure 31: Amount donated to charity by stream of Judaism, Australia excluding NSW/ACT* (N=3,757)**




* In Victoria and other states outside NSW/ACT, respondents were asked 'How much in total have you or your household given to Jewish and/or general charities IN THE PAST 12 MONTHS? If you are unsure, please estimate. Please exclude synagogue membership and Jewish school fees.'

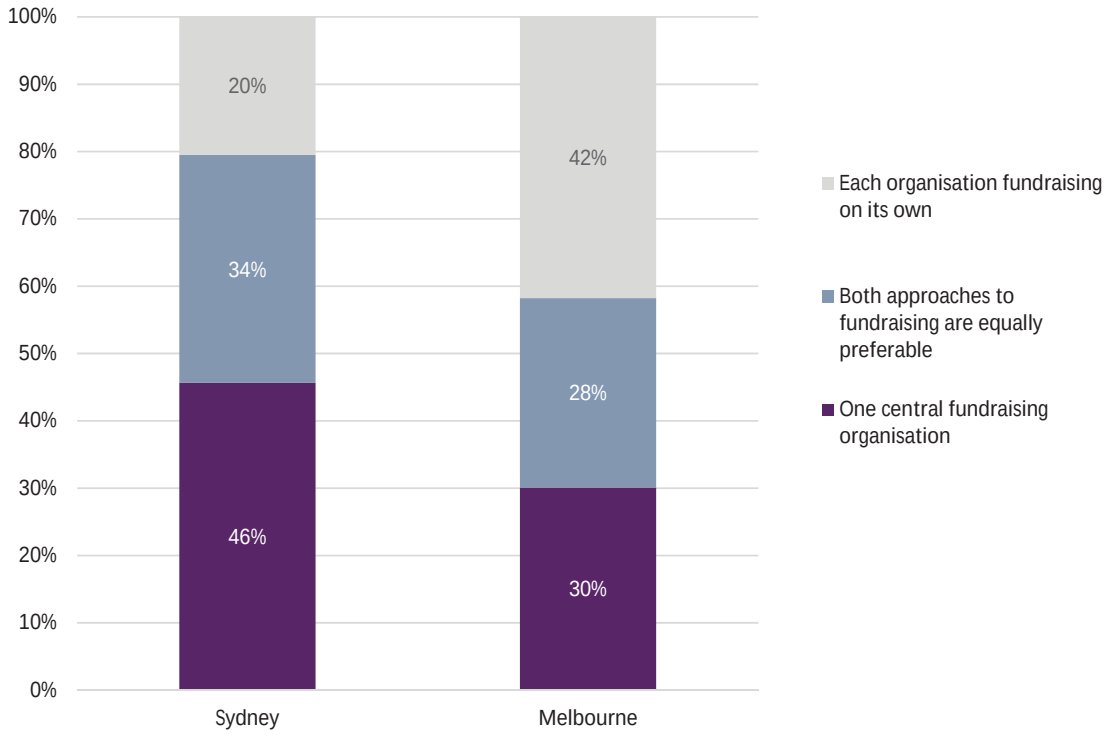
[19] See Graham D and Boyd J 2016 Charitable giving among Britain's Jews: Looking to the future, Institute for Jewish Policy Research, London

## Fundrasing models

Finally, respondents were asked about their attitudes towards different models of communal fundraising. This is in the context of different models being in operation across Australia. In NSW and ACT, a significant proportion of fundraising is channelled through JCA in Sydney, an umbrella body representing 22 constituent charities. By contrast, in Melbourne, each charity carries out fundraising independently. Gen17 respondents were asked 'Which approach to Jewish communal fundraising is more preferable: fundraising through one central organisation acting on behalf of all charities and schools (though not synagogues), OR, each Jewish organisation fundraising on its own?' Overall, 17% of respondents said they did not know which approach was better (and these proportions were the same in Sydney and Melbourne—17% in each).

Focusing on those respondents who did provide an opinion, we see widely differing views in the two cities. Support for centralised fundraising is much stronger in Sydney (46%) than in Melbourne (30%) and, conversely, support for the independent structure is far stronger in Melbourne (42%) than in Sydney (20%).

**Figure 32: Preferred model for Jewish communal fundraising, Melbourne and Sydney (N=6,994)**



# IMMIGRANTS

## MAIN FINDINGS

- The Jewish communities of Melbourne and Sydney have been significantly impacted by immigration. The 2011 census indicated that 52% of the New South Wales Jewish population and 43% of the Victorian population were born overseas, both substantially higher than the figure for the total Australian population—28%.
- Since the 1970s there have been three significant Jewish immigration waves: from the Former Soviet Union (FSU), South Africa, and most recently from Israel.
- When asked for the reason that prompted them to come to Australia, the highest proportion, more than half, indicated family reasons – to join family or a partner, or they came as a child with parents.
- Immigrants from the FSU experienced substantial difficulties in Australia: 72% had difficulties with the English language, 48% inadequate income, 46% finding suitable employment, and 40% inability to afford adequate housing and difficulty in making friends in the community. Lower levels of difficulty were indicated by arrivals from South Africa and Israel. The highest proportion indicated by South Africans, at 25%, was inadequate income.
- A relatively high proportion of Israelis, close to one in three, indicated difficulties with the English language (37%), difficulties making friends (38%), and difficulty finding suitable employment (35%).
- Although they encountered a higher level of settlement and adjustment difficulties, 91% of immigrants from the FSU indicated that they were more satisfied with life in Australia than in their former homeland, compared to 80% South African and 69% Israelis. The strongest level, 'much more satisfied', was indicated by 70% FSU, 52% South African, and 39% Israeli.

## Immigrant communities

The Jewish communities of Melbourne and Sydney have been significantly impacted by immigration. At the peak of European immigration between 1947 and 1961, the Jewish population more than doubled in size.

Since the post-war years, there have been three significant waves of Jewish immigration to Melbourne and Sydney:

- From the Former Soviet Union (FSU), with arrivals at a relatively high level from 1979-80 and 1989-94, and a peak of arrivals of over 500 in 1992;
- South Africa from 1986-89 and 1994-2004, with arrivals over 500 in 1986 and again in 1997;
- Most recently from Israel since 2001, but with considerably lower number of arrivals, with peaks close to 200 in 2007 and 2015.

The 2011 census indicated that 52% of the New South Wales Jewish population and 43% of the Victorian were born overseas born, substantially higher than the 28% of the total Australian population.

In Sydney today, the largest overseas-born groups are from South Africa at 19%, with the FSU and Israel both in the 5%-6% range; in Melbourne there is a higher proportion born in the FSU at 10%, and a considerably lower proportion of those born in South Africa at 8%, and of those born in Israel at 7%.

The following discussion considers the three largest immigrants groups, which make up some 60% of the overseas-born group in these main centres of Jewish population.

## Reasons for migrating to Australia

The main reason for leaving their countries of birth was indicated by responses to the question 'Which, if any, of the following reasons prompted you to leave your country of origin'. The responses, consistent for the three immigrant groups, focused on family reunion, with a number of respondents also indicating that they left their countries of birth as children. In addition, those from the FSU indicate 'poor future for my children', 'to escape persecution' and 'poor political situation'; those from South African indicate 'poor political situation', 'to escape social strife/ crime', and 'poor future for my children'. Among immigrants from Israel, the highest proportion, almost half, indicated family reasons, close to double the proportion for the other two national groups.

When asked for the reasons that prompted them to come to Australia, again the highest proportion, more than half, indicated family reasons - to join family or a partner, or that they came as a child with parents. Other important factors indicated by arrivals from the FSU and South Africa were 'better future for my children' and 'a safe environment'; among Israeli born, additional reasons were selected by a lower proportion, with close to 10% indicating 'better future for my children' and 'employment reasons.'

**Table 17: 'Which of the following reasons prompted you to come to live in Australia?' (Most important reason). Sydney and Melbourne, arrivals after 1980 (N=1,959)***

| | FORMER SOVIET UNION | SOUTH AFRICA | ISRAEL |
|---|---|---|---|
| To join family or partner here | 24% | 20% | 25% |
| Came with my parents as a child | 24% | 20% | 22% |
| Better future for my children | 21% | 17% | 11% |
| A safe environment | 12% | 16% | 7% |
| Australia is similar to my country of origin | 1% | 11% | 0% |
| Employment reasons (e.g. recruited by employer) | 2% | 3% | 11% |
| Ability to obtain an Australian visa | 6% | 5% | 3% |
| Better economic prospects | 5% | 1% | 6% |
| Educational reasons (e.g. to study) | 2% | 1% | 4% |
| The Jewish community here | 1% | 3% | 1% |
| Other reason(s) to move here (Please specify) | 2% | 3% | 8% |
| Prefer not to say | - | 1% | 2% |
| Total | 100% | 100% | 100% |

* Columns may not sum to 100% due to rounding

## Difficulties encountered by immigrants

Respondents were asked to indicate if they experienced difficulty on arrival in Australia, with a number of response options provided. With the responses 'Yes to a great extent' and 'Yes to some extent' combined, the highest levels of difficulty was indicated by immigrants from the FSU; 72% had difficulties with the English language, 48% inadequate income, 46% finding suitable employment, and 40% inability to afford adequate housing and make friends in the community. Lower levels of difficulty were indicated by arrivals from South Africa and Israel. The highest proportion indicated by South Africans, at 25%, was inadequate income, marginally above housing costs (22%) making friends in the community (21%) and finding suitable employment

(21%). A relatively high proportion of Israelis, close to one in three, indicated difficulties with the English language (37%), difficulties making friends (38%), and difficulty with finding suitable employment (35%).

**Table 18: 'Did you experience any of the following difficulties when you first arrived in Australia?' Response: 'Yes, to a great extent' and 'Yes, to some extent' combined. Sydney and Melbourne, arrivals after 1980 (N=1,959)**

| | FORMER SOVIET UNION | SOUTH AFRICA | ISRAEL |
|---|---|---|---|
| With English language | 72% | 0% | 37% |
| Getting qualifications recognised | 23% | 17% | 21% |
| Finding suitable employment | 46% | 21% | 35% |
| Making friends in the community | 40% | 21% | 38% |
| Inadequate income | 48% | 25% | 29% |
| Inability to afford adequate housing | 40% | 22% | 20% |
| Educating your children | 9% | 6% | 11% |
| Personal health issues | 15% | 8% | 9% |
| Discrimination at work | 12% | 5% | 8% |
| Discrimination mixing with Australians | 26% | 18% | 22% |
| Discrimination from Jewish community | 24% | 11% | 21% |

## Jewish identification

Responses concerning strength of Jewish identification were analysed of those aged 18-39 and 40-69 in the three immigrant groups. These were compared to the responses concerning strength of Jewish identification of those respondents who were both born in Australia and who have to Australian-born parents (here referred to as third generation Australians). There was no analysis of those over the age of 69 because of the limitations of sample size for the overseas born.

Comparison by age group and country of origin finds a large degree of consistency. Limited, little or no importance was attached to 'being Jewish' in the responses of 31% of FSU-born aged 18-39, and 34% aged 40-69. For those born in Israel in these age groups, the figures were 30% and 39% respectively. For those born in South Africa, the figures were much lower, at 11% and 12% respectively, which are proportions close to those indicated by Jewish third generation Australians (13% and 12%).

However, among the three immigrant groups and third generation Australians aged 18-39, a large majority - in the range 66%-88% - indicated that 'being Jewish' was 'a central element' or 'a significant element' in their lives. The proportion was marginally lower at 59% among those aged 40-69 born in Israel.

**Table 19: 'Which of the following best expresses your sense of being Jewish? Being Jewish is...', arrivals after 1980 compared with third generation Australians, Melbourne and Sydney by age (N=1,959)***

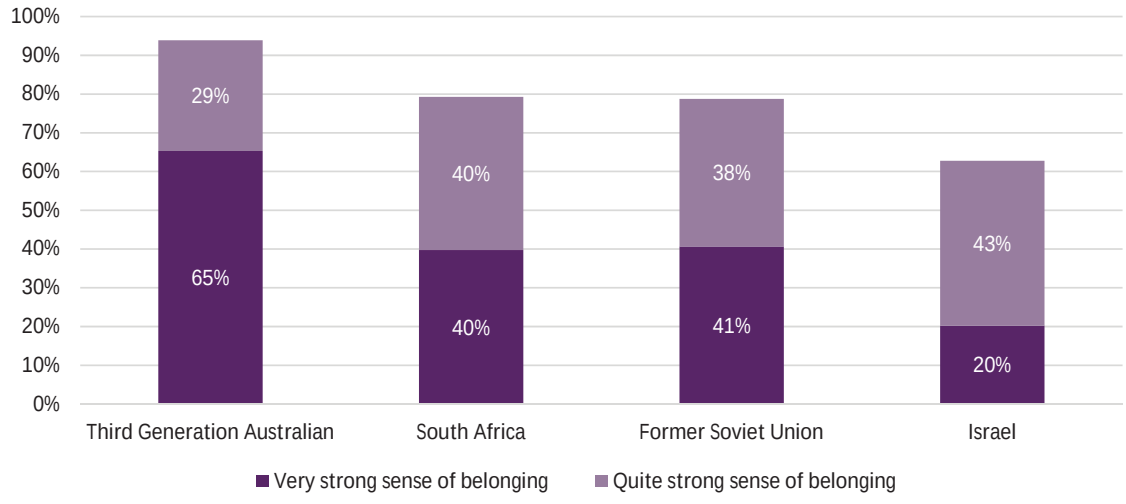
| AGE | BEING JEWISH IS... | THIRD GENERATION AUSTRALIAN* | SOUTH AFRICA | FORMER SOVIET UNION | ISRAEL |
|---|---|---|---|---|---|
| **18-39** | A central element of my life | 38% | 38% | 14% | 25% |
| | A significant element of my life | 48% | 50% | 52% | 45% |
| | **Sub-total** | **86%** | **88%** | **66%** | **70%** |
| | Limited to taking part in some communal or family activities+ of little importance + of no importance | 13% | 11% | 31% | 30% |
| | Don't know/ decline | 1% | 1% | 4% | 0% |
| | Total | 100% | 100% | 100% | 100% |
| | | | | | |
| **40-69** | A central element of my life | 32% | 33% | 6% | 15% |
| | A significant element of my life | 55% | 55% | 59% | 44% |
| | **Sub-total** | **87%** | **88%** | **65%** | **59%** |
| | Limited to taking part in some communal or family activities+ of little importance + of no importance | 12% | 12% | 34% | 39% |
| | Don't know/ decline | 1% | 1% | 1% | 1% |
| | Total | 100% | 100% | 100% | 100% |

* Australian-born respondents with both parents Australian-born; Columns may not sum to 100% due to rounding

## Sense of belonging in Australia

Respondents were asked a question to indicate their sense of belonging in Australia. A large majority, in the range from 63% to80% indicated a 'very strong sense of belonging' or 'quite strong sense of belonging', compared to 94% of Jewish third generation Australians. The highest level of identification, a 'very strong sense', was selected by 65% of third generation Australians, 41% of FSU-born, 40% of South African born, and considerably fewer - 20% - of Israeli–born respondents.

**Figure 33: 'To what extent do you have a sense of belonging in Australia?' Melbourne and Sydney (N=1,959)**

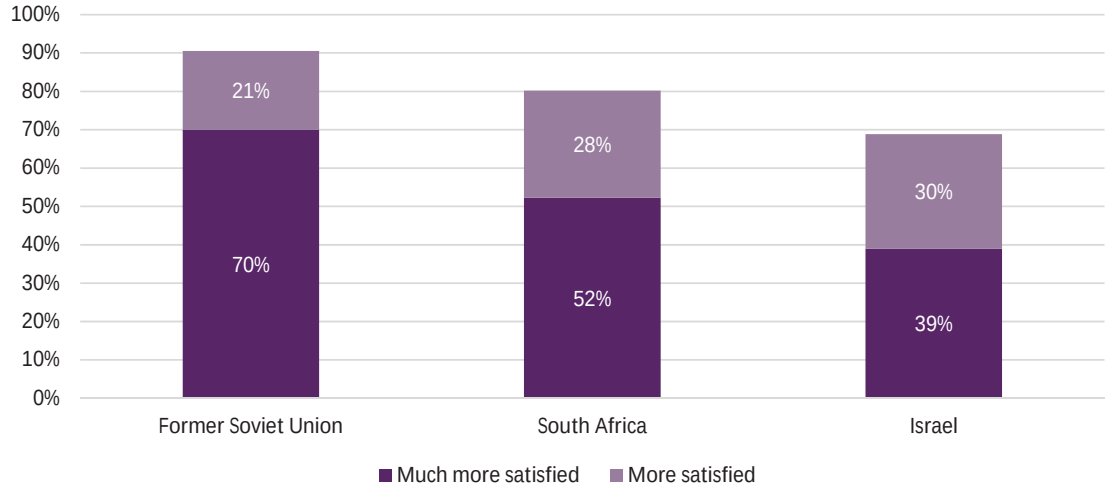


## Life satisfaction of immigrants

Survey respondents were asked to indicate their level of life satisfaction in Australia, compared to life in their country of former permanent residence. The highest proportion - those indicating that they were 'much more satisfied' - ranged from 70% of those from the FSU, 52% of those from South Africa and 39% of those from Israel.

With the top two responses combined, 'much more satisfied' and 'more satisfied', a substantial majority of the three national groups indicated satisfaction, but again with a considerable range: 91% FSU, 80% South Africa, and 69% Israel.

**Figure 34: 'Compared to life in the country you lived in permanently before coming to Australia, how satisfied are you with your life in Australia?' Sydney and Melbourne, arrivals after 1980 (N=1,959)**



# ISRAEL

## MAIN FINDINGS

- A very high level of personal connectedness with Israel characterises the Jewish communities of Melbourne and Sydney; 92% have visited Israel, more than 60% three or more times. One in five has lived in Israel for one year or longer. The majority indicate that they have relatives or close friends who live in Israel.
- 69% identify as Zionist.
- Overseas Jewish community research finds lower engagement with Israel by age, particularly among young members of the community. There is evidence of this pattern in response to some questions, but it is not a consistent finding. In fact, the highest level of identification is indicated by 18-29 year olds.
- Responses to a series of propositions about Israeli society and the peace process indicate substantial agreement on some propositions that are critical of Israel. A majority (64%) agree that the Orthodox have too much influence in Israeli society and a substantial minority (47%) consider that there is 'too much corruption in Israel's political system.' On the other hand, only 13% of respondents disagree with the proposition that 'democracy in Israel is alive and well.'
- A proposition concerning the peace process finds opinion almost evenly split, 42% agree and 44% disagree that 'Israel should give up territory in exchange for guarantees of peace with the Palestinians', although 58% agree that 'control of the West Bank (Judea/Samaria) is vital for Israel's security.'
- The largest proportion indicating agreement with negative propositions concerning Israel are found among those self-identifying as Conservative, Progressive and Secular. Yet even among this section of the Jewish population, there is majority agreement with the proposition that 'democracy in Israel is alive and well' and with the proposition that 'Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security;'
- In a very strong finding, 88% feel a personal 'sense of responsibility to ensure that the state of Israel continues to exist.'
- One of the key unifying issues within the Jewish community is a sense of personal connection to Israel. The security of Israel is the immediate issue of concern that unifies Australian Jews more than any other.

## Personal connectedness with Israel

A high level of personal connectedness with Israel characterises the Jewish communities of Melbourne and Sydney. This is indicated by visits, with 92% indicating that they had visited Israel at least once in their life, and 62% in Melbourne and 61% in Sydney having visited three or more times. Close to one in five have lived in Israel for more than one year, 24% of Melbourne residents not born in Israel and 17% of Sydney residents. Close to 40% of respondents (42% Melbourne, 37% Sydney) had visited Israel at least once over the last three years (2015-17).

More than half of Melbourne and Sydney respondents indicated that they had relatives or close friends living in Israel. Close family living in Israel was indicated by 66% of respondents, close friends by 58%. Again, the proportions were marginally higher in Melbourne than Sydney.

In response to a question which asked respondents if they intended to make Aliyah ('How likely is it that you will choose to live permanently in Israel in the future?'), 4% indicated 'very likely', 7% 'fairly likely', while 32% indicated 'not very likely' and 52% (49% in Melbourne, 56% in Sydney) 'not at all likely.'

## Are you a Zionist?

69% of respondents indicated that they regarded themselves as Zionist, while 22% did not, and a relatively high 10% indicated that they did not know, or declined to answer. This is a lower proportion than those indicating Zionist identification in the Gen08 survey, when the proportion was 80%– a fall of close to 10 percentage points.

The lower proportion, however, may be the result of a change in the question wording

> Gen17 – 'Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?'

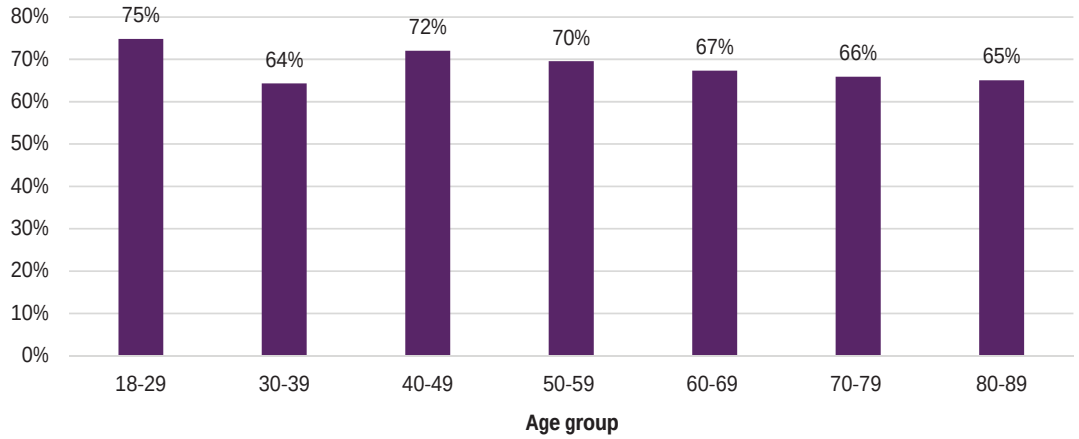
This contrasts with Gen08, which provided a wide-ranging definition of Zionism, one so general that those who were equivocal may have been persuaded to answer 'yes.'

> Gen08 – 'Do you regard yourself as a Zionist? By the term Zionist we mean that you feel connected to the Jewish people, to Jewish history, culture and beliefs, the Hebrew language and the Jewish homeland, Israel?'

Overseas Jewish community research finds lower engagement with Israel by age, particularly among young members of the community. There is evidence of this pattern in response to some questions asked in the Gen17 survey, but it is not a consistent finding.

In each ten-year age group, between 65% and 75% of respondents gave an affirmative response to the question 'Are you a Zionist'. The age group with the highest proportion of affirmative responses (at 75%) was the youngest age category. No consistent correlation of age and identification as a Zionist is indicated.

**Figure 35: 'Do you consider yourself to be a Zionist?' Melbourne and Sydney by age group (N=8,047)**

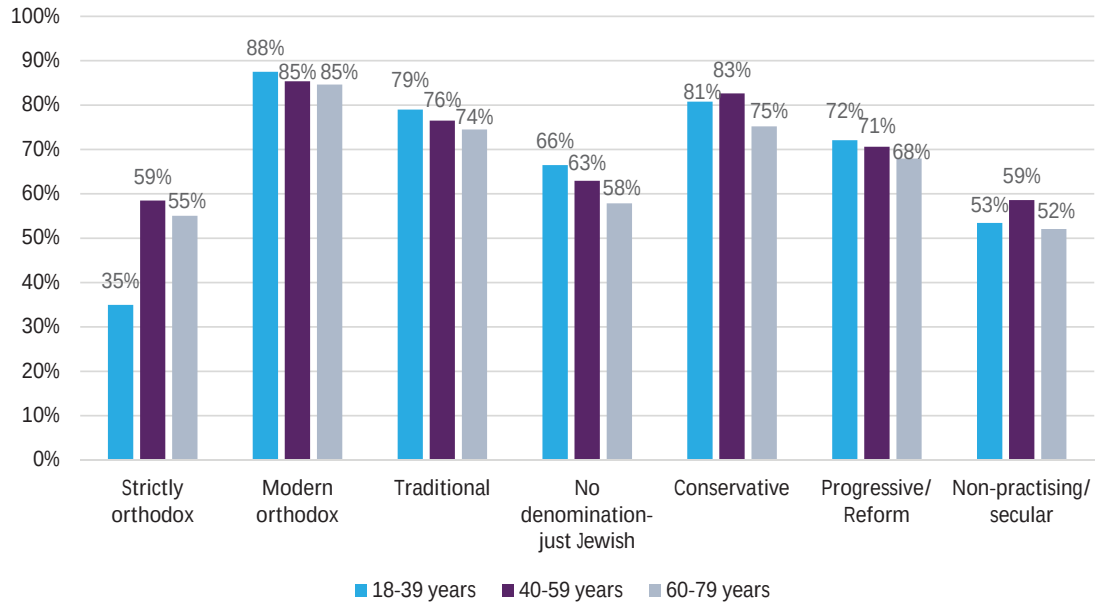



Analysis by age and Jewish identification similarly finds no consistent decline in Zionist identification, although different levels of Zionist identification are indicated within the different streams of Judaism.

The sample is of sufficient size to allow for analysis of streams of Judaism by 20 year groupings. Among Modern Orthodox, Zionist identification is indicated by 88% aged 18-39, 85% aged 40-59, and 85% aged 60-79; among Traditional, the proportions are 79%, 77% and 75%; among Progressive, 72%, 71%, and 68%.

Among the secular, a lower proportion indicate Zionist identification in the younger age group, but the difference is marginal at around five percentage points.

**Figure 36: 'Do you consider yourself to be a Zionist?' By age group and Jewish identification, Melbourne and Sydney (N=8,047)**




Other questions in the two surveys which were asked in identical terms and provided four response options, (as distinct from the yes/no option in the question on Zionism) provide a precise basis for evaluating any possible shift in opinion. The response pattern for these additional questions finds little or no shift.[20]

One question common to the two surveys asked 'When international events put Israel in danger, which one of the following best describes how you feel?' with four detailed response options:

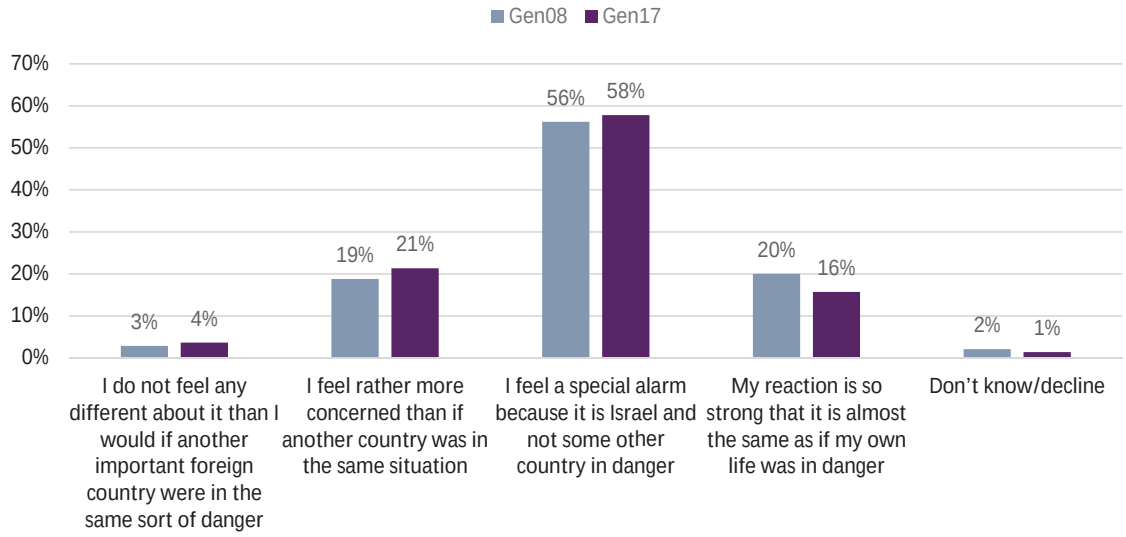
- 'I do not feel any different about it than I would if another important foreign country were in the same sort of danger'
- 'I feel rather more concerned than if another country was in the same situation'
- 'I feel a special alarm because it is Israel and not some other country in danger'
- 'My reaction is so strong that it is almost as if my own life was in danger'

A large majority of respondents selected one of the two strongest indications of concern, with 16% indicating that their reaction was almost as if their own life was endangered and 58% a special alarm, 74% combined. Gen08 obtained almost the same proportion, 76%. Very few indicated that they were uninterested in Israel's fate, just 4% (3% Gen08).

The range by age group indicating lack of interest was 7% aged 18-29, 6% aged 30-39, and 3% or lower for other age groups.

[20] Care should be taken in drawing direct comparisons between Gen08 and Gen17 data. Unlike Gen17, the Gen08 data were not weighted to account for varying levels of Jewish identification. In other words, Gen08 data are more likely than Gen17 data to have over-represented the more engaged sections of the Jewish population.

**Figure 37: 'When international events put Israel in danger, which one of the following best describes how you feel?' Gen08 and Gen17 compared, Melbourne and Sydney* (N=5,101; 8,047)**

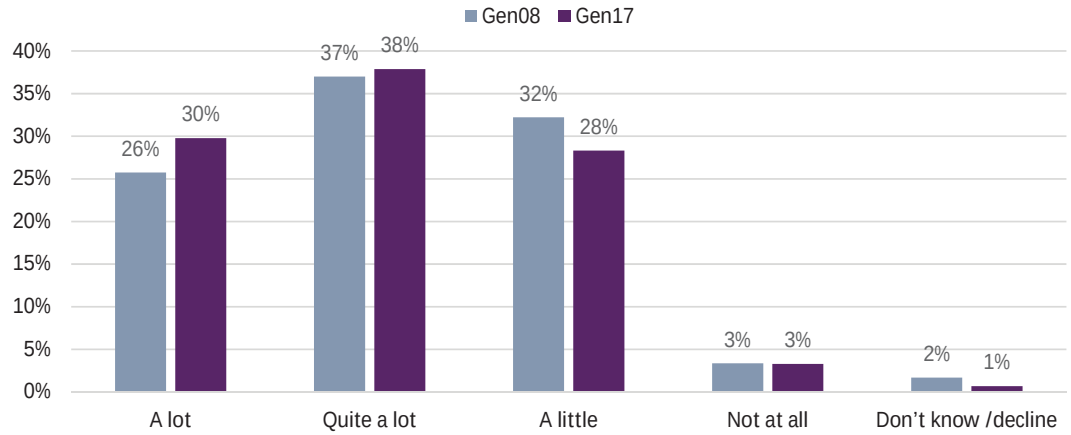



*In this section analysis is restricted to Melbourne and Sydney as an objective of this section is to enable comparison between the Gen08 and Gen17 surveys with the maximum of precision.

A second question (asked in identical terms in the two surveys) asked 'To what extent do you keep up with current events which involve Israel?' The response options were 'a lot'; 'quite a lot'; 'a little', 'not at all'.

Interest at the level of 'a lot' or 'quite a lot' is indicated by 68% of respondents, almost identical to the proportion who indicated that they were Zionists and 5 percentage points higher than respondents to Gen08; again a very small proportion, just 3%, indicated lack of interest.

**Figure 38: To what extent do you keep up with current events which involve Israel?' Gen08 and Gen17 compared, Melbourne and Sydney (N=5,101, 8,047)**



To explore attitudes further, respondents were presented with a number of propositions concerning Israeli society and the peace process.

One of the propositions obtained a majority negative response – 'Orthodox Judaism has too much influence in Israel's society' found 64% in agreement ('strongly agree' or 'agree'); just under a majority (47%) agreed that 'there is too much corruption in Israel's political system'; a minority, but close to one in three respondents (37%), agreed that 'In Israel, non-Jewish groups suffer from discrimination.' In contrast, only a very small minority (13%) are in disagreement with the proposition that 'democracy in Israel is alive and well.' while 74% agree (See Table 20).

A proposition concerning the peace process finds opinion almost evenly split, 42% agree and 44% disagree that 'Israel should give up territory in exchange for guarantees of peace with the Palestinians'. Less than one-third (32%) agree that 'Israel should negotiate with Hamas' to achieve peace, a small majority (51%) disagree; and less than one in four (24%) disagree with the proposition that 'Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security', a much larger proportion (58%) agree that it is vital.

Responses were analysed by gender, religious identification and age of respondent; this analysis found that a higher proportion of women are less sure about specific questions on Israel, resulting in a higher proportion indicating 'Don't know' or 'Decline to answer.' For example, 15% of women and 5% of men indicated that they had no opinion or did not know when asked concerning democracy in Israel, 17% of women and 7% of men responded in the same terms when asked if Israel should give up territory for peace.

Analysis by Jewish identification finds considerable difference in the balance of opinion.

Of the Strictly Orthodox, the only proposition that finds majority agreement with a view critical of Israel relates to corruption in Israel's political system, with 51% in agreement.

Among those who identify as Modern Orthodox, a large minority agree that Orthodox Judaism has too much influence in Israel (43%) and that there is too much corruption (45%).

Among those who identify as Traditional, the proposition concerning the influence of Orthodox Judaism finds majority agreement (61%), with a large minority (40%) in agreement that there is too much corruption and Israel should give up territory for guarantees of peace (36%).

The largest proportion indicating agreement with negative propositions concerning Israel are amongst those identifying with the Conservative stream of Judaism, the Progressive and the Secular. Yet even among this section of the Jewish population, less than a third disagree with the proposition that 'democracy in Israel is alive and well,' and disagreement with the proposition that 'Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security' is indicated by a minority, at 32%-35% amongst Conservative and Progressive, and 47% among Secular.

**Table 20: 'To what extent do you agree or disagree with the following statements?', Melbourne and Sydney (N=7,742)**

| | TOTAL | STRICTLY ORTHODOX/ HAREIDI | MODERN ORTHODOX | TRADITIONAL | CONSERVATIVE | PROGRESSIVE/ REFORM | NO DENOMINATION, JUST JEWISH | NON-PRACTISING/ SECULAR |
|---|---|---|---|---|---|---|---|---|
| ISRAELI SOCIETY | | | | | | | | |
| Orthodox Judaism has too much influence in Israel's society<br>- 'Strongly agree' + 'tend to agree' | **64%** | 4% | 43% | 61% | 84% | 90% | 73% | 83% |
| There is too much corruption in Israel's political system<br>- 'Strongly agree' + 'tend to agree' | **47%** | 51% | 45% | 40% | 58% | 51% | 44% | 59% |
| In Israel, non-Jewish groups suffer from discrimination<br>- 'Strongly agree' + 'tend to agree' | **37%** | 8% | 23% | 28% | 50% | 49% | 36% | 59% |
| Democracy in Israel is alive and well<br>- 'Tend to **disagree**' + 'strongly **disagree**' | **13%** | 10% | 5% | 7% | 17% | 18% | 12% | 28% |
| PEACE PROCESS | | | | | | | | |
| Israel should give up territory in exchange for guarantees of peace with the Palestinians<br>-'Strongly agree' + 'tend to agree' | **42%** | 6% | 31% | 36% | 58% | 58% | 42% | 65% |
| The government of Israel should negotiate with Hamas in its efforts to achieve peace<br>- 'Strongly agree' + 'tend to agree' | **32%** | 8% | 24% | 26% | 41% | 42% | 31% | 48% |
| Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security<br>- 'Tend to **disagree'** + 'strongly **disagree'** | **24%** | 4% | 10% | 17% | 35% | 32% | 23% | 47% |

## Sense of responsibility for Israel's existence

A final question asked for responses to the proposition that 'I feel a sense of responsibility to ensure that the State of Israel continues to exist'. This proposition obtained the highest level of positive response across the survey. Concern about threats to Israel's continuing existence is the issue that unifies the Jewish community more than any other.

Almost nine out of ten respondents (88%) indicated agreement while 6% disagreed and a further 6% indicated that they had no opinion, preferred not to say or did not know.

- Analysis by age group finds the lowest proportion in agreement are among those aged 18-29, but still at 82%, with the same proportion among those aged 30-39; agreement was above 90% among those aged 50-89
- When responses were analysed by stream of Judaism, agreement was in the range 92%-95% among Modern Orthodox, Traditional, Conservative and Progressive, with disagreement at 4% or below
- The lowest proportion in agreement was among those identifying as Secular, but it was still indicated by three out of four respondents (76%), with disagreement at 15%

**Figure 39 'I feel a sense of responsibility to ensure that the State of Israel continues to exist' 'To what extent do you agree or disagree?' By age group, Melbourne and Sydney (N=8,047)**

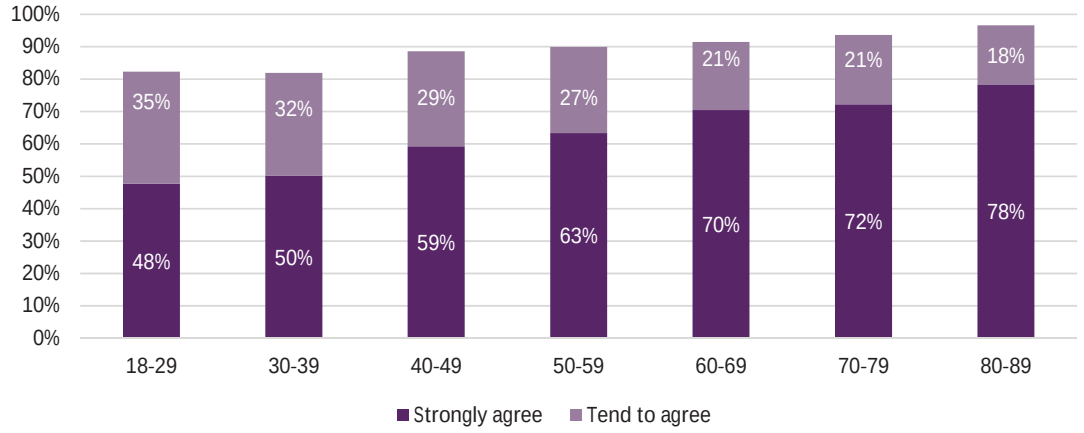
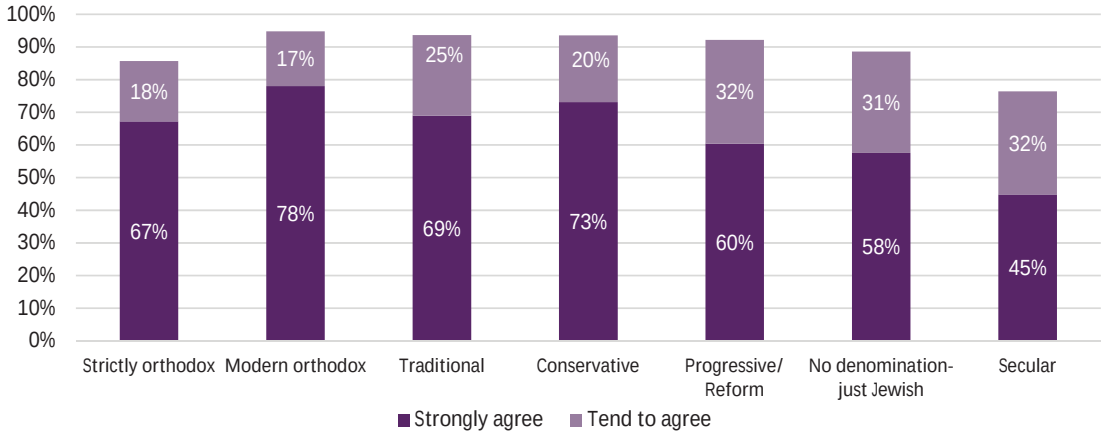



**Figure 40: 'I feel a sense of responsibility to ensure that the State of Israel continues to exist' 'To what extent do you agree or disagree?' By religious identification, Melbourne and Sydney (N=7,742)**



# ANTISEMITISM

## MAIN FINDINGS

- Survey respondents were asked for their view of the seriousness of antisemitism in Australia today. Opinion was divided, but the larger proportion considered that it is 'not a very big problem' or 'not a problem at all' (54%), compared to a substantial minority (43%) who considered that it was 'a very big problem' or 'a fairly big problem'.
- One finding points to what may be a significant new development: a majority of respondents have encountered antisemitism online over the last year, including 51% on Facebook, with a much higher proportion (80%) among those aged 18-29. Just 21% of respondents indicated that they had 'not seen any antisemitic content online and social media.'
- Antisemitic comment on the Internet or social media was seen as a 'very big' or 'fairly big' problem by 64% of respondents, 73% among those aged 18-39.
- On viewing antisemitic content online, 53% took some form of action such as replying or reporting it, but almost half (47%)'took no action'
- Gen17 also considered direct or personal – as distinct from virtual – experience of antisemitism. Almost one in ten respondents indicated that they had witnessed or experienced verbal insults and harassment over the last 12 months, with a high level of 31% indicated by Strictly Orthodox aged 18-39.

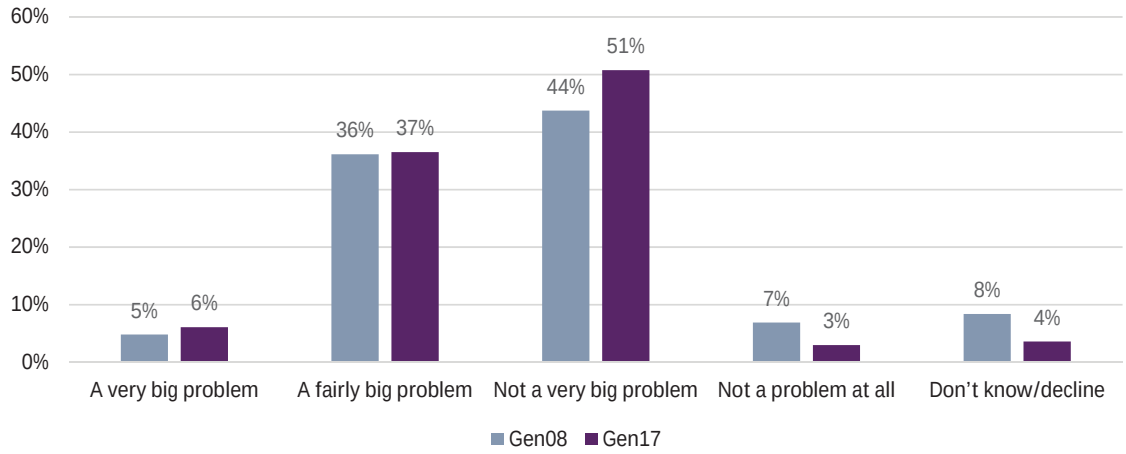
## How big a problem is antisemitism?

Respondents were asked 'In your opinion, how big a problem is antisemitism in Australia today?,' with four response options: 'a very big problem,' 'a fairly big problem', 'not a very big problem,' and 'not a problem at all.' Opinion was divided and the results were almost a mirror of those obtained by the Gen08 survey.

At the extremes, 6% regard antisemitism to be a 'very big' problem, 3% 'not a problem at all.'

For the large majority, 88%, antisemitism is a problem of some magnitude, but a majority are of the view that it is 'not a very big problem' or 'not a problem at all' (54%). Aggregating the two levels (not very big/ not a problem – very big/ fairly big) obtains a 54%/43% divide. For the Gen08 survey the proportions were 51%/41%. Allowing for margins of error in surveying this is almost an identical result.

**Figure 41: 'In your opinion, how big a problem, if at all, is antisemitism in Australia today?' Gen08 and Gen17 compared, Melbourne and Sydney* (N=5101, 8,047)**



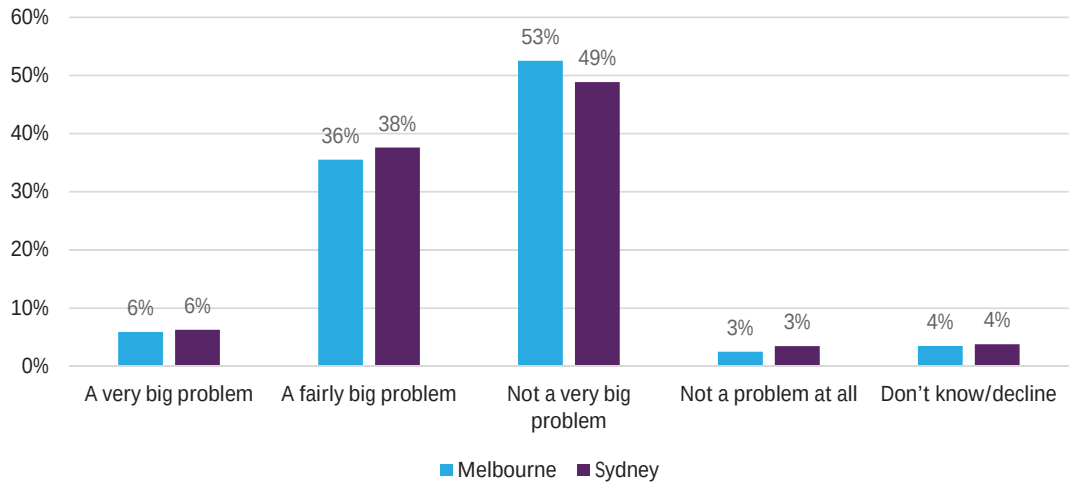

* In this section analysis is restricted to Melbourne and Sydney as an objective of this section is to enable comparison between the Gen08 and Gen17 surveys with the maximum of precision.

Disaggregation by sub-groups finds that a marginally higher proportion of Sydney than Melbourne respondents consider that antisemitism is a 'very big' or 'fairly big' problem (44%, 42%);

- A higher proportion of women than men (47%, 37%)
- Strictly Orthodox, Modern Orthodox and Traditional (50%, 50%, 50%) than Progressive, Conservative and Secular (40%, 37%, 31%)
- Analysis by age finds only minor variation: 42% aged 18-29, 44% aged 30-39, then by ten-year age groups 44%, 45%, 39%, 43%, 41%, 41%

In none of these subgroups do 10% or more consider that antisemitism is a 'very big' problem. For example, it is considered in such terms by 7%-8% of Strictly Orthodox, Modern Orthodox, Traditional; 5% Progressive; and 3% Conservative and Secular.

**Figure 42: 'In your opinion, how big a problem, if at all, is antisemitism in Australia today?' Melbourne and Sydney compared (N=8,047)**



## Experience of antisemitism: online

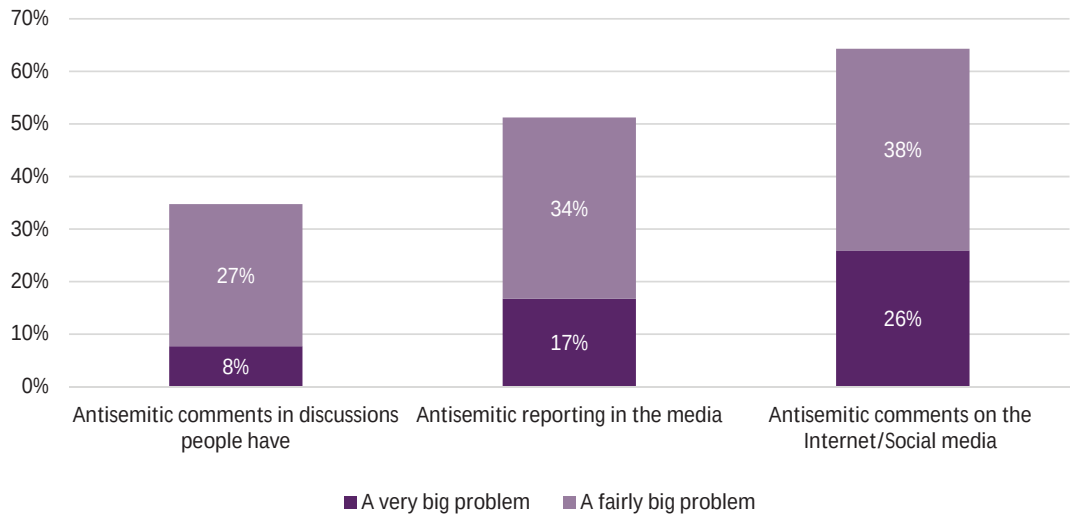
In contrast with the minority (43%) ranking of antisemitism as a 'very big' or 'fairly big' problem when a question is asked in general terms, a large majority of respondents indicate that they have encountered antisemitism over the last year, particularly on the Internet. This finding points to what may be a significant change that is occurring in Australian society.

Respondents were asked, 'from what you have personally experienced, to what extent, if at all, are the following a problem in Australia today?'

- Antisemitic comments in discussions people have (for example, at the workplace, at school, or elsewhere)
- Antisemitic reporting in the media (for example, TV, radio, newspapers)
- Antisemitic comments on the Internet or social media (including discussion forums, social networking sites)

Antisemitic comment in personal discussions was seen as 'a very big problem' by 8% of respondents, antisemitic reporting in the media by 17%, and on the Internet or social media by 26%. The combined 'very big problem' and 'fairly big problem' response for antisemitism in personal discussions was 35%, antisemitic reporting in the media 51%, and on the Internet or social media 64% (73% among those aged 18-39).

**Figure 43: 'From what you have personally experienced, to what extent, if at all, are the following a problem in Australia today?' Melbourne and Sydney (N=8,047)**




Antisemitism is encountered in a range of online contexts, with much evidence of its presence on social media platforms and sites of political commentary and other discussion forums. The world of online media provides enhanced opportunities for antisemites to spread messages of hatred, a development that has been documented in the annual report on antisemitism produced for the Executive Council of Australian Jewry, by the Online Hate Prevention Institute and other organisations.

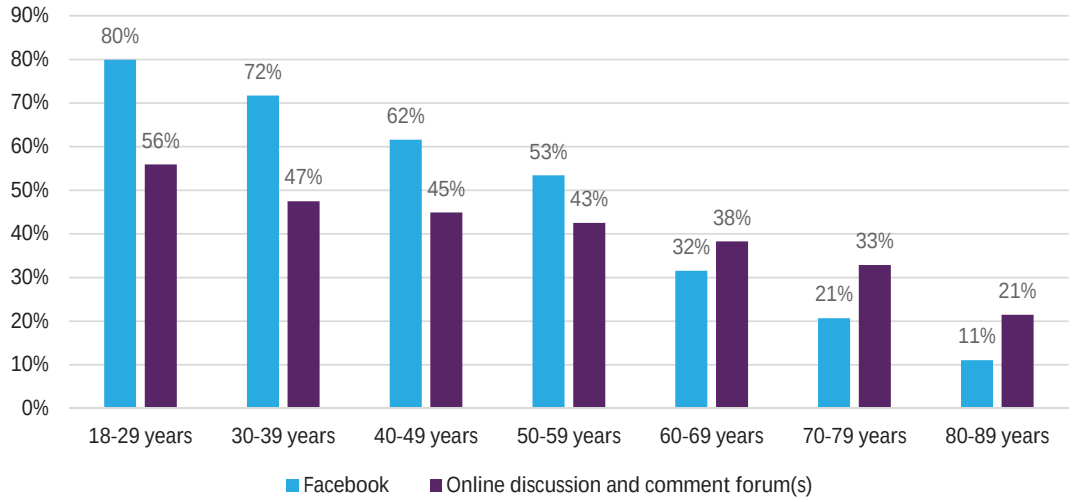
In response to a question on Internet-based antisemitism, just 20% of respondents indicated that they had 'not seen any antisemitic content online and on social media.' Close to half (51%) had encountered antisemitism on Facebook, 42% on online discussion forums, 38% on online news sites, 24% on YouTube, and 11% on Twitter.

These proportions are much higher within subgroups that make greater use of the Internet.

- 80% among those aged 18-29 had seen antisemitic content on Facebook, 72% aged 30-39, 62% aged 40-49, compared to 21% aged 70-79.

Those who had seen antisemitic content online were asked how they had responded; 21% indicated that they reported it to the website or platform operator (35% of those aged 18-29), 7% reported it to a Jewish authority such as CSG (Community Security Group) or State Jewish roof body, and 18% wrote an online comment. One in five (20%) shared the content with family, friends or colleagues (highest among those in the older age groups, thus 29% of those age 60-69, 32% aged 70-79, compared to just 13% of aged 18-39. Almost half (47%) indicated that they 'took no action'.

**Figure 44: 'In the last 12 months, have you personally seen antisemitic content on any of the following?' Melbourne and Sydney, (N=8,028)**




## Experience of antisemitism: physical attack, verbal insult and harassment

Gen17 also considered direct or personal – as distinct from virtual – experiences of antisemitism. Respondents were asked if they had 'personally witnessed' 'other Jews being verbally insulted or harassed' and 'other Jews being physically attacked.' In a separate question they were asked if they had personally experienced 'verbal insults or harassment' and 'physical attack.'

A small proportion indicated they had witnessed (2%) or experienced (0.5%) physical attack over the last twelve months. More than one in ten, however, had witnessed verbal insults and harassment – 15% of men and 8% of women indicated witnessing such incidents. The highest proportions – 32% of men, 21% of women – were indicated by those aged 18-29.

There is further significant variation when responses are analysed by age and religious identification.

- 31% of Strictly Orthodox aged 18-39 had personally experienced verbal insults and harassment over the last twelve months, 17% Modern Orthodox, 10% Traditional, 17% Conservative, 16% Progressive, 11% no-denomination, and 14% Secular.

The large measure of consistency indicated by young adults across the different streams of Judaism indicate that targets of attacks are not simply those who antisemites think are Jewish, identified by visible markers such as distinctive clothing.

**Table 21: 'In the last twelve months, have you personally experienced any of the following types of antisemitic incidents in Australia?' Response: 'I have been verbally insulted or harassed.' Melbourne and Sydney, (N=7,742)**

| AGE | TOTAL | Strictly Orthodox/ Hareidi | Modern Orthodox | Traditional | Conservative | Progressive/ reform | No denomination -just Jewish | Non-practising/ secular |
|---|---|---|---|---|---|---|---|---|
| 18-39 | 14% | 31% | 17% | 10% | 17% | 16% | 11% | 14% |
| 40-59 | 10% | 28% | 13% | 6% | 10% | 7% | 7% | 8% |
| 60-79 | 5% | 21% | 6% | 4% | 5% | 3% | 5% | 3% |
| 80+ | 2% | - | 1% | 2% | - | 3% | 3% | 2% |
| Total | 9% | 26% | 12% | 6% | 9% | 7% | 7% | 7% |

# APPENDIX 1: CHANGE OVER TIME

Comparison of findings between surveys is a difficult exercise. Changes in question wording, in the mode of survey (interviewer administered, self-administered) and in the context of question (placement in the survey, balance of questions in the survey) may influence responses. Results may also be influenced by different approaches to survey weighting.[21] Further, communities change over time, so comparison is not necessarily like with like. The geographic distribution and ethnic character of the Jewish population has undergone significant change. For example, the Jewish population of Melbourne is more concentrated in the Glen Eira Local Government Area than it was twenty-five years ago. The proportion of the population born and raised in Australia has increased; the generation of Holocaust survivors and other post-war immigrants has declined; and there has been the impact of the large numbers of immigrants from the Former Soviet Union, South Africa and Israel. Comparison of survey results is most useful for highlighting broad trends, not for minor variation in individual questions.

## Jewish observances

With these limitations in mind, comparison of findings on Jewish observance, perception of antisemitism in Australia, and selected attitudinal questions has been undertaken. The four Jewish population surveys conducted in Melbourne (1967, 1991, 2008/9, 2017) and three relating to Sydney (1971, 2008/9, 2017) are considered, which provide scope for comparison of Melbourne and Sydney.

Questions relating to behaviour can be expected to be less influenced by changes in wording and survey context than attitudinal questions. One significant aspect of behaviour, the incidence of intermarriage, has been discussed earlier in this report (see p. 24).

A large degree of consistency in the Melbourne surveys is indicated for attendance at a Passover *seder*; across the four surveys, it is in the range 84%-86%. Fasting on Yom Kippur 'every year' declined between 1967 and 1991 (64%, 53%), was at close to the same level in 1991 and 2008/9 (53%, 56%), and further declined in 2017 (43%). Observance of Friday Sabbath 'always' or 'usually' finds a larger measure of consistency, in the range 67%-74%, but a decline of 7 percentage points between 2008/9 and 2017. With regard to synagogue attendance once or more per month, Melbourne surveys find an increase between 1967 and 2008/9 (from 15% to 32%), with the 2017 finding almost identical with 2008/9.

To the extent that direct comparisons can be made (see important caveats above), data for Sydney indicate that overall there has been a pattern of decline in observance since the 1970s though not on every indicator. Thus we see that there has been moderate decline in festival observance including a small decline in Passover *seder* attendance, and a steeper decline in fasting on Yom Kippur (though both trends could also be explained by changing age structures). A clear decline is observed with respect to synagogue attendance apparently halving in almost fifty years. However, Shabbat observance whilst apparently lower than in 2008/9 is actually higher than in the early 1970s.

[21] As previously noted, care should be taken in drawing direct comparisons between Gen08 and Gen17 data since unlike Gen17, the Gen08 data were not weighted to account for varying levels of Jewish identification.

**Table A1.1: Selected Jewish observances, specified surveys**

| | 1967 Melbourne | 1991 Melbourne | 2008/9 Melbourne | 2017 Melbourne | 1971 Sydney | 2008/9 Sydney | 2017 Sydney |
|---|---|---|---|---|---|---|---|
| Hold or attend Passover *seder* each year | 84% | 84% | 86% | 84% | 82% | 84% | 78% |
| Fast on Yom Kippur every year | 64% | 53% | 56% | 43% | 80% | 61% | 42% |
| Observe Friday Sabbath with family always/ usually | 68% | 71% | 74% | 67% | 55% | 72% | 59% |
| Attend synagogue once or more per month | 15% | 22% | 32% | 31% | 42% | 31% | 19% |

* Melbourne Jewish Sociological Survey 1967, data tables; John Goldlust 1993, The Jews of Melbourne: A Community Profile. A Report on the Findings of the Jewish Community Survey, 1991; Encel S and Buckley B 1978 The New South Wales Jewish Community: A Survey

## Antisemitism

Questions on perception of antisemitism asked across the four Melbourne surveys finds a decline in the proportion who regard the level of antisemitism in Australia to be 'very serious' or 'quite serious' between 1991 and 2008/9 (from 63% to 42%), and no change between the 2008/9 and 2017 surveys. The proportion indicating the strongest level of response, 'very serious', also declined, but by a smaller proportion (15% to 5%-6%). The question was asked with different wording in 1967.

Comparison of the Gen08 and Gen17 surveys finds similar level of concern in Melbourne and marginal increase in Sydney. In 2008/9 42% of respondents in Melbourne considered that antisemitism was 'very serious' or 'quite serious' in Australia; in 2017 the proportion was unchanged. In Sydney, however, the proportion increased from 39% to 44%.

**Table A1.2: Perception of antisemitism in Australia, Melbourne surveys**

| | 1967 'Extent of antisemitism in Australia' | 1991 'How serious a problem is antisemitism in Australia' | 2008/9 'How serious would you say antisemitism is in Australia' | 2017 'How big a problem is antisemitism in Australia...' |
|---|---|---|---|---|
| 'Great'; 'very serious'; 'very big' | 7% | 12% | 5% | 6% |
| 'Fair amount'; 'quite serious'; 'fairly big' | 25% | 51% | 37% | 36% |

## Attitudinal indicators

Three attitudinal indicators were considered for this first report: importance of being Jewish, concern about Jews marrying non-Jews, and level of concern for Israel's security.

Changes in question wording preclude the scope for comparison across the four surveys conducted in Melbourne, but Gen08 and Gen17 provide some scope for comparison of the two cities and of age groups, here considered with reference to respondents aged 18 to 29.

The main finding is the large measure of consistency in the pattern of response – there is much less variation in attitudinal indicators than in behavioural indicators.

The response to two of the questions indicates consistency for Melbourne and for Sydney between the two surveys – and also a consistent pattern of differentiation.

There is a marginal increase among those who indicate that 'being Jewish is a central element in my life;' in Melbourne the increase is from 31% to 36%, in Sydney from 22% to 24%. The proportion among those aged 18-29 increased from 34% to 39%.

The proportion indicating the highest level of concern 'about Jews marrying non-Jews' is consistent across the two surveys for each city, and among 18-29 year olds, but it is at a higher level in Melbourne than in Sydney (33%-33% Melbourne, 24%-25% Sydney). The proportion indicating 'some regret' finds increase in Sydney and among 18-29 year olds.

The final question considered, about level of concern for Israel's security, obtains findings consistent with the analysis presented in earlier sections of this report that found high levels of identification with Israel across a broad range of groups. Thus, the responses to this question show little difference as between Melbourne and Sydney. There is a decline between Gen08 and Gen 17 in the number of respondents expressing the strongest level of concern about Israel's security in Melbourne (from 23% to 16%) and among those aged 18-29 (from 18% to 12%) , but for both cities a strong level of concern is indicated by close to 75%.

**Table A1.3: Selected attitudinal indicators*, Gen08 and Gen17 surveys**

| Indicator* | Category | Gen08 Melbourne | Gen17 Melbourne | Gen08 Sydney | Gen17 Sydney | Gen08 Melbourne and Sydney combined, age 18-29 | Gen17 Melbourne and Sydney combined, age 18-29 |
|---|---|---|---|---|---|---|---|
| **Sense of being Jewish** | Being Jewish is a central element in my life | 31 | 36 | 22 | 24 | 34 | 39 |
| | A very important element | 49 | 47 | 54 | 55 | 45 | 47 |
| | **Sub-total** | **80** | **83** | **76** | **79** | **79** | **86** |
| **Attitudes towards intermarriage** | Concerned about Jews marrying non-Jews – 'very concerned'/ 'very considerable regret' | 32 | 33 | 24 | 25 | 25 | 23 |
| | 'Somewhat concerned'/ 'some regret' | 30 | 31 | 31 | 36 | 25 | 33 |
| | **Sub-total** | **62** | **64** | **55** | **61** | **50** | **56** |
| **Concern for Israel's security** | When Israel is in danger – 'as if my own life was in danger' | 23 | 16 | 17 | 15 | 18 | 12 |
| | 'A special alarm' | 55 | 57 | 57 | 59 | 52 | 51 |
| | **Sub-total** | **78** | **73** | **74** | **74** | **70** | **63** |

* Question wording: 'Which of the following best expresses your sense of being Jewish?' (Gen08 and Gen17); "When you hear about intermarriage in the community, how do you feel?' (Gen08); To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' (Gen17); 'When international events put Israel in danger, which one of the following best describes how you feel?' (Gen08 and Gen17)

# APPENDIX 2: WORLD COMPARISONS

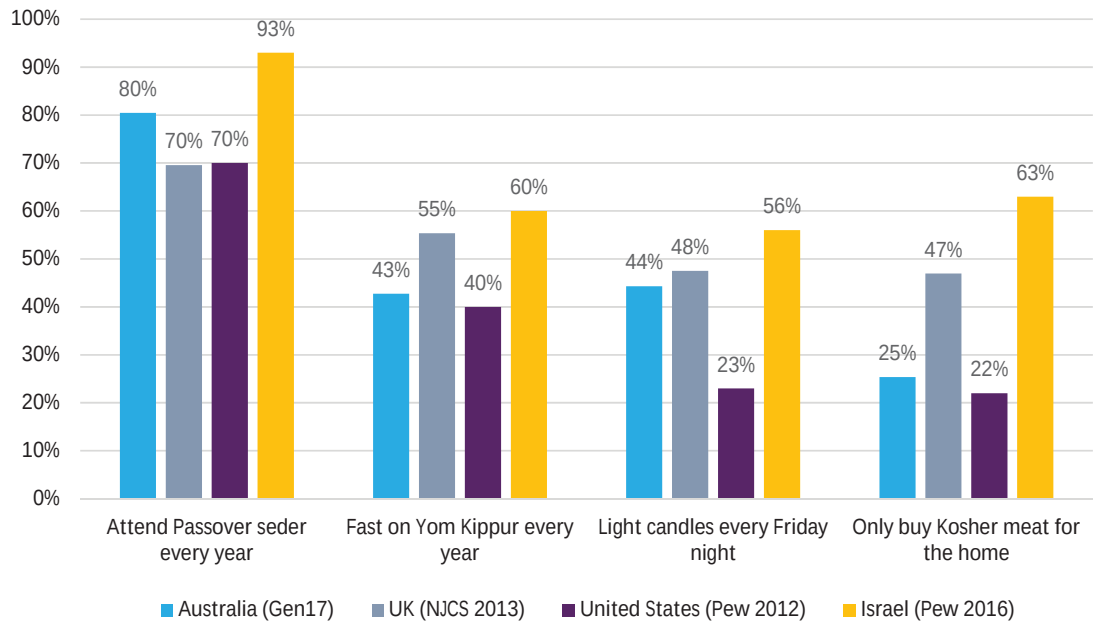
Several major Jewish communal studies have been carried out worldwide in recent years enabling us to contextualise the Gen17 data internationally.

In terms of Jewish behaviour, we can compare Australia with the United States, Israel and the UK. Israel exhibits consistently higher levels of Jewish commitment than the other populations and the US exhibits consistently lower levels. Australia tends to fall in between the two.

As is common across the Jewish world, attendance at a Passover *seder* is one of the most universally observed Jewish practises. Australians are more likely to observe this than their British and American counterparts, but not as likely as Israelis where Passover is effectively a national holiday. The High Holiday practice of fasting on Yom Kippur is another widely observed ritual although here we see that Australians are closer to the Americans than to the British.

Australian and British Jews exhibit similar levels of behaviour with respect to Sabbath observance (here measured in terms of lighting Shabbat candles on Friday night), again well ahead of American Jewry but not as pervasive as in Israel. But it is on the most stringent behavioural variable, keeping a kosher home where Australia is notably different. Here Australia is about on par with the United States (25%, 22%) and almost half the level of the UK (47%).

**Figure A2.1: International comparisons of Jewish behaviour, various indicators, Australia, the United Kingdom, the United States and Israel compared***




* UK: Graham D, Staetsky L, and Boyd J 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, Institute for Jewish Policy Research, London; US: Pew Research Center 2013 Portrait of Jewish Americans, Findings from a Pew Research Center Survey of U.S. Jews (Question asked was: Do you keep kosher in your home?); Israel: Pew Research Center 2016 Israel's Religiously Divided Society. Data on Kosher meat include vegetarians.

Comparative data can also be assessed internationally with respect to the topic of Israel. The number of Australian Jews who have ever visited Israel is near universal and in that sense, it is very similar to the UK. But both Australia and the UK highlight how relatively low the level is in the US at less than half the Australian level.

**Table A2.1: Proportion who have ever visited Israel. Australia, the United Kingdom and the United States compared**

| | VISITED ISRAEL AT LEAST ONCE |
|---|---|
| Australia (Gen17) | 92% |
| UK (2010)* | 95% |
| US (2012) (Net Jewish)* | 43% |

* Graham D and Boyd J 2010 Committed, concerned and conciliatory: The attitudes of Jews in Britain towards Israel: Initial findings from the 2010 Israel Survey, Institute for Jewish Policy Research, London. p12; Pew Research Center 2013 Portrait of Jewish Americans, Findings from a Pew Research Center Survey of U.S. Jews, p175

British and Australian Jews were also asked whether they would describe themselves as being 'Zionist'. The data reveal remarkable levels of similarity in this respect with 70% in Australia and 72% in the UK describing themselves as Zionists.

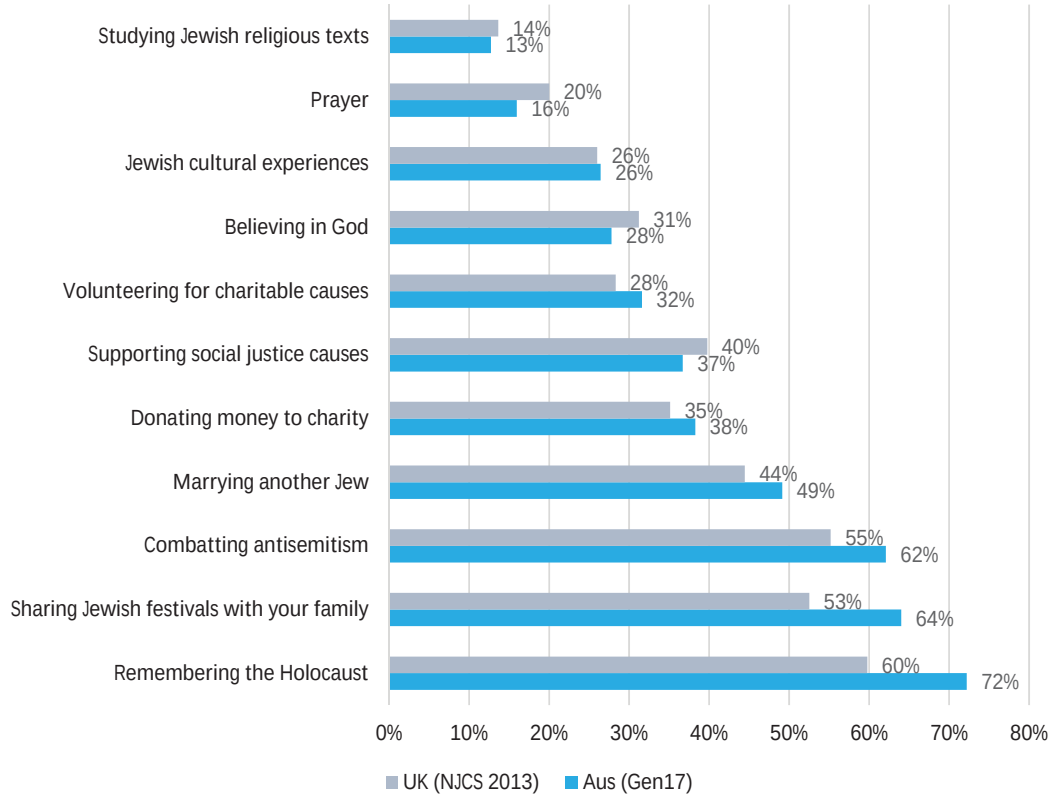
**Table A2.2: 'Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?' Australia and the United Kingdom**

| | AUSTRALIA (GEN17) | UK (2010)* |
|---|---|---|
| Yes | 70% | 72% |
| No | 22% | 21% |
| Don't know | 8% | 7% |
| Total | 100% | 100% |

* UK: Graham D and Boyd J 2010 Committed, concerned and conciliatory: The attitudes of Jews in Britain towards Israel: Initial findings from the 2010 Israel Survey, Institute for Jewish Policy Research, London. p12

Finally we are also able to directly compare Jewish identity in the UK and Australia by means of responses to a set of attitudinal Jewish markers. In both countries, respondents were asked 'How important or unimportant is each of the following to your own sense of Jewish identity?' and again, a high level of similarity is observed. The relative ordering of the indicators is very similar with high importance attached to ethnocentric markers and low importance attached to religious markers. But one notable difference is that Australians attach a higher level of importance to ethnocentric markers than the British whereas the British attach a higher level of importance to religious markers.

**Figure A2.2: 'How important or unimportant is each of the following to your own sense of Jewish identity?', Response = 'Very important', Australia and the United Kingdom**




* UK: Graham D and Boyd J 2010 Committed, concerned and conciliatory: The attitudes of Jews in Britain towards Israel: Initial findings from the 2010 Israel Survey, Institute for Jewish Policy Research, London. p13

# APPENDIX 3: METHODOLOGY

## Questionnaire design

Whilst the survey instrument was broadly based on the Gen08 questionnaire,[22] it was by no means a carbon copy. In the first instance, the survey team was keen to try to shorten the length of the survey in order to reduce the time burden on respondents. But amendments were also implemented following a comprehensive consultation exercise with the community. For example, in NSW, the survey team met with key stakeholders and communal representatives (e.g. school presidents, the NSW Jewish Board of Deputies, the Community Security Group, the Executive Council of Australian Jewry, Jewish Care, and the Sydney Jewish Museum) to test questions and identify new topics and issues facing different service providers. Questions were also amended or removed where it was felt they had not worked optimally in the 2008 survey or were no longer relevant or required amending for other reasons.

One key difference made to the 2017 instrument was the implementation of a set of questions enabling the survey team to uniquely identify households without compromising the confidentiality requirements of Monash University's ethics review panel. Importantly, this avoided the possibility of double counting households, and also reduced the total response time burden by ensuring only one person in each household completed household-specific questions.

## Sampling

It is not possible to carry out a random probability sample of Australian Jews, since no universal and up-to-date list of names and contact details exists from which a sample can be drawn. Therefore alternative approaches must be sought to identify Jews in a scientifically reasonable manner. In the United States, major national community studies (such an NJPS 2000-01 and the 2013 Pew Research Center Survey) have been carried out using random (or stratified-random) digit telephone dialling.[23] But in Australia, where the Jewish population, in relative terms, is four times rarer than in the US, and where the Jewish population is well understood from census data on religion, such a strategy is financially unviable, but also unnecessary.[24]

Thus, a pragmatic approach to sampling was devised considering the limited budgets available, but one that also minimised the extent to which data integrity might be compromised. The approach utilised and built on the methods successfully employed in the Gen08 project as well as those used internationally such as in the UK's 2013 NJCS study.[25]

## Sampling procedure

The initial approach taken was a geographically stratified, non-probability convenience sample. It was carried out online[26] and eligibility was assessed by a series of questions starting with whether respondents saw themselves 'as being Jewish in any way at all'. Independent approaches to sampling were developed in order to maximise the response level. In NSW/ACT the sampling frame was initially based on a combined list provided by the extensive and very well-maintained databases held by JCA and the NSW Jewish Board of Deputies (NSWJBD). In Melbourne there is no community database of comparable size and reliability to those in Sydney. As a consequence, the Australian Centre for Jewish Civilisation (ACJC) worked with a wide range of community organisations to promote the Gen17 survey. A key partner, Jewish Care Victoria, posted invitations to participate to 3000 randomly selected households on their database and an additional 3000 on their email database. A follow up email was sent three weeks later. Other invitations were sent to email lists and via their

[22] Markus et al 2009 2008-09 Jewish Population Survey Preliminary Findings: Melbourne and Sydney, Monash University
[23] UJC 2004 The National Jewish Population Survey 2000-01: Strength, Challenge And Diversity In The American Jewish Population p28; Pew Research Center 2013 A Portrait of Jewish Americans: Findings from a Pew Research Center Survey of U.S. Jews p129
[24] Even though the US Jewish population is over 55 times larger than the Australian Jewish population it was still necessary for NJPS to screen 175,000 phone numbers and Pew to screen 71,000 phone numbers.
[25] Graham et al 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, JPR
[26] The survey could be completed on computers and tablet devices but not on mobile phones.

newsletters by various organisations including synagogues and schools and other community organisations. In Melbourne the survey was also promoted via a designated Gen17 Facebook page and individuals were encouraged to promote the survey to their social media networks. An animated video was created which was viewed and shared in emails and on Facebook. The Gen17 Facebook page, managed by ACJC, generated 379 'followers', 10 (of several) posts were 'boosted' (i.e. turned into paid campaigns to a target audience) reaching 7,630 people and leaving 17,790 impressions.

The survey was promoted for six weeks in both Sydney and Melbourne in paid advertising in the Australian Jewish News and in the Jewish Report. In Melbourne promotional cards were distributed at key communal events, outside kosher establishments, on university campuses and at the In One Voice festival. A promotional flier was generated for the elderly community and distributed by Jewish Care and Emmy Monash, encouraging members of their family to help them complete the survey. A flier was also translated into Russian and distributed by Jewish Care and members of the Russian Jewish community. The survey was also promoted to Israelis via specific Facebook groups, websites and blogs.

In NSW/ACT sampling was carried out in three stages: direct invitation (seed list), referrals and open web survey. Initially reliance was placed on utilising the full database assembled from JCA and NSWJBD—the seed list. Each email invitation was uniquely embedded with a link enabling invitees to open the survey but also allow them to leave the survey and return to the same point they exited if they were unable to complete it in a single sitting. Up to three rounds of reminders were subsequently issued to those who had not responded or eligible respondents who had only partially responded. To further broaden the survey beyond those already included on the seed list, all NSW/ACT respondents were asked, on completion of the survey, if they would forward a pre-prepared email text inviting other Jewish people to take part. These 'referrals' were instructed to either contact JCA by email or enter their email address in a submission page hosted by the survey administrators. In each case, once assessed for duplication, referrals were then sent uniquely linked invitations to take part. This developed what was initially a convenience sample into a snowball sample. Finally, towards the end of the fieldwork stage, an open survey was launched by advertising the email submission page on JCA's own Gen17 Facebook page allowing any potential respondent to opt in and submit their email address. Once assessed for duplication, they too were sent an invitation to participate.

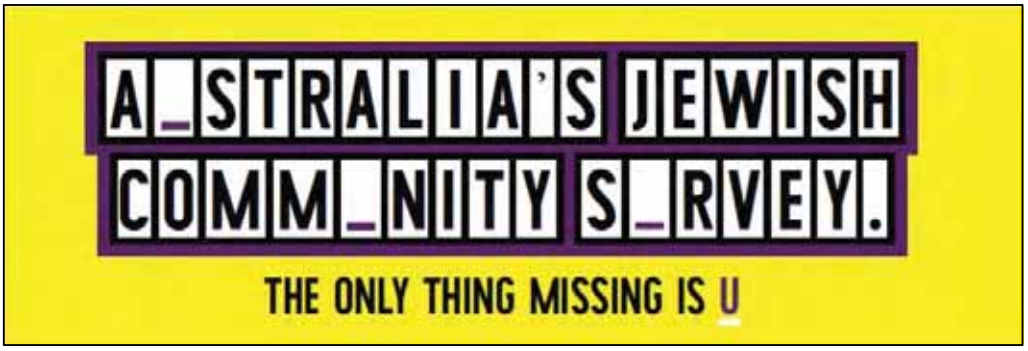
Almost two out of five (38%) NSW/ACT respondents took up the opportunity to invite 'other Jewish people, by email, to complete the survey' but it is not possible to determine how many of these people actually followed through. However, a total of 326 respondents can be identified as referrals (7% of the NSW response and 27% of the ACT response). Further analysis indicates that this sub-set of referred respondents is demographically more representative of the Jewish population than the invited sample. For example, unadjusted data show that 24% of the NSW/ACT sample is under 40 years old, but this is the case for 34% of the invited sample and 32% in the 2011 census. And 49% of referrals are male compared with 44% in the invited sample and 48% in the 2011 census. It is also more representative of the whole Jewish community since 42% are not synagogue members compared with 30% in the invited sample.

In Victoria those who received a direct invitation to participate were also provided with a password providing access to the survey; people could also visit the survey website and request a password, which was sent to them by an automated survey. A significant finding, as presented in this report, is the large measure of consistency in response across the two major states surveyed, which was obtained despite the different approaches to recruitment of participants.

The Gen17 survey questionnaire was highly complex and necessitated the recruitment of a professional polling company to program the online instrument, send out and track thousands of unique invitations, and securely collect and collate the responses. The international polling company Research Now was enlisted for this task based on the success of previous collaborations with ACJC and work on Gen08 itself.

The team also undertook a sophisticated marketing campaign prior to, and during, the fieldwork. This was designed to increase communal awareness of the project pre-launch and publicise it as widely as possible during the fieldwork period. To do this, a professional PR/ad agency was enlisted to create a design concept, theme, logo, branding and messaging for the campaign using traditional and new media outlets. Finally, to

encourage maximum participation, a financial incentive was offered in the form of a prize draw for the chance to win one of three cash vouchers each worth $400AUD.

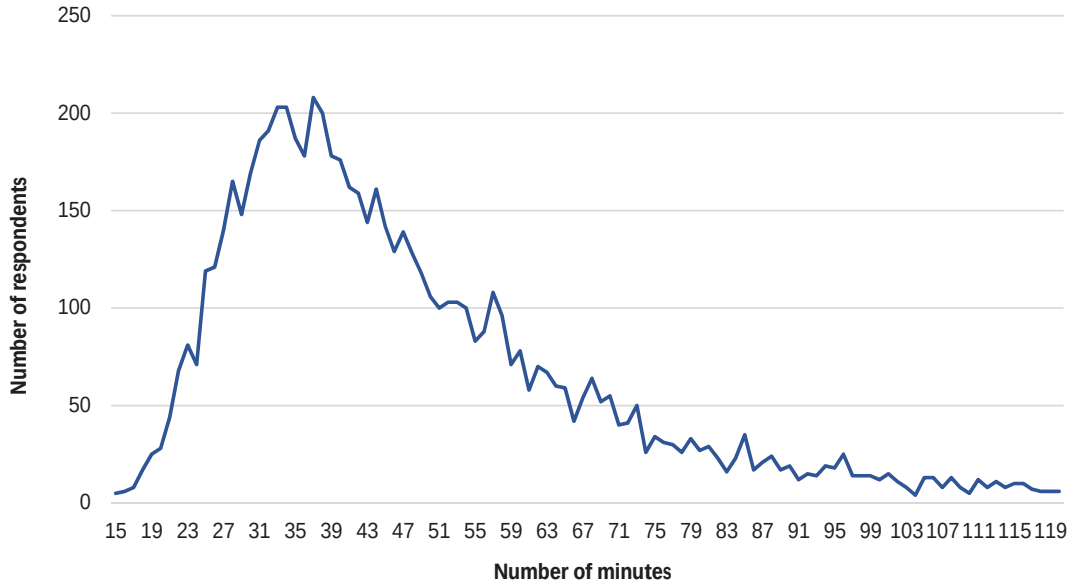



## Response diagnostics

The graph below plots the total time taken to complete the Gen17 survey by frequency. This shows most respondents completed the survey in between half an hour and three quarters of an hour; the modal[27] time taken was 37 minutes. This is reflective of the considerable investment by respondents in the Gen17 project. It also shows a long tail (truncated at 120 minutes in the graph) since many people completed the survey in multiple sittings and did not necessarily log out of the system between sessions.

The median[28] time taken to complete the survey was 49 minutes. However, Householders (i.e. those randomly selected to complete household-specific questions) took slightly longer to do so (52 minutes) than non-householders (46 minutes). Respondents in NSW spent longer completing the survey (53 minutes) than respondents in Victoria (45 minutes).

**Figure A3.1: Time taken to complete Gen17 questionnaire***

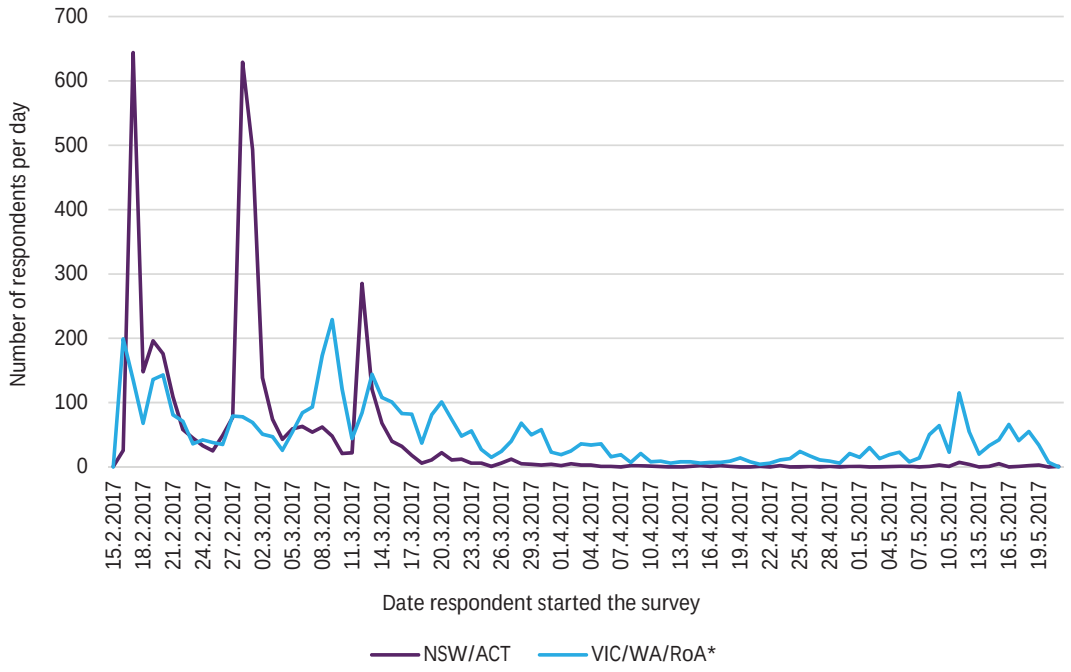



* This chart shows 80% of the data. For reasons of space we have not shown the long tail of data beyond 120 minutes (see text)

[27] The mode is the point in a distribution where the highest frequency occurs (in other words 'the most').
[28] The median of a distribution is the point where half the population is below the point and half is above.

Gen17 was in the field for just under 14 weeks. It went live on 15 February 2017 and was finally closed on 22 May 2017. The chart below shows the response pattern for the two independent sampling frames, JCA (NSW and ACT) and ACJC (Victoria and the rest of Australia). Because quite different approaches were taken we can see the response patterns are distinct. The centralised database used in NSW/ACT enabled mass email-outs and this shows that following the initial invitation (17 February) two further peaks were in response to two reminder emails being sent out (28 February and 12 March). But for Victoria and the rest of Australia, where there was no centralised list, each major organisation needed to be dealt with separately and this can be seen in the lower but more frequent set of peaks throughout much of the duration of the period. Despite the two different approaches taken, we still obtained very similar response patterns in the two samples.

**Figure A3.2: Response rate by date respondents started the survey by sampling frame**




*RoA = Queensland, South Australia, Tasmania and Northern Territory

## Sample evaluation and data weighting

It was the intention of the survey team to achieve a very large sample in order to facilitate more detailed statistical analyses. The final Gen17 sample size was 8,621 respondents including 4,571 unique households. (The survey also contains information on other household members so in total there are data on 13,643 people.)

The size of the Gen17 sample is enormous by any comparative standards and almost 50% larger than the Gen08 survey containing 5,840 respondents. Since there were between 85,000 and 90,000 Jewish people aged 18 and above in Australia in 2016[29], Gen17 represents 10% of the entire Jewish population. The sheer size of the sample means that detailed sub-group analyses can be carried out that are simply not feasible using smaller sample sets. By way of contextualisation, the 2013 Pew survey of the United States' Jewish community

[29] The number of people aged 18 or over in 2016 was 71,479. However, this is the reported number unadjusted for non-response due to the voluntary nature of the religion question. Further, the 2016 Census changed the format of the religion question which further depressed the likelihood of Jews reporting their religion as Jewish.

contains a sample of 3,475 Jewish respondents[30] for a population of six million Jews and the UK's NJCS achieved a sample of 3,736 respondents[31] for a population of 300,000 Jewish people. The New York 2011 study (population 1.5 million) contained 5,993 responses making it 'the largest such study ever conducted in North America'[32].

However the key question, as far as the quality of the data are concerned, is less about the absolute size of the sample and more about its *representativeness*. Given Gen17 is a non-probability sample, even a very large sample size may be skewed towards certain demographics and particular sections of the community who are more predisposed to such a survey than others. In the post-field context, the best way to address this issue is through weighting. In this regard Australia is fortunate in being able to rely on high-quality quinquennial national census data that includes a voluntary question on religion to bolster communal surveys.[33]

Weights have been applied to the final dataset in order to statistically adjust the data so that they more accurately reflect the known structure and distribution of Jews in Australia. For example, since the survey was primarily focused on NSW, VIC and ACT, other states were likely to be undersampled. Similarly, since the survey was carried out online people such as the very elderly were more likely to be undersampled. Weighting adjusts the actual data so that they align with a reliable baseline such as the census. Weights were created to adjust the survey data in line with 2016 Census[34] results on age, sex, state, and country of birth.

Further, a survey like Gen17 is also vulnerable to oversampling the communally engaged and connected as compared with communally distant and less engaged Jews. No amount of census weighting can adjust for this type of self-selection bias. Therefore, in addition to the census baseline data, a synagogue membership survey was carried out in NSW and Victoria to provide a baseline measure of Jewish communal engagement with which to further weight the data.[35] By subtracting the total membership figures from the total population size recorded in the 2016 census,[36] it was possible to create a baseline for weighting by 'Jewish identity': 1) those affiliated to an Orthodox synagogue; 2) those affiliated to a non-Orthodox synagogue; [37] and 3) those not affiliated to any synagogue.

In addition to the above measures taken to ensure the data are as representative as possible, we can also carry out some basic comparisons with fine-grained census data. For example, what evidence is there to indicate that the sample obtained is indeed representative of the Jewish community? This question can be considered with reference to the two major centres of Jewish population, Melbourne and Sydney, where close to 90% of the survey respondents were located.

Examination of the 2011 and 2016 Australian censuses in terms of the geographic location of the Jewish population shows consistent findings between the location of the Jewish population and the geographic location of survey respondents. Tables A3.1 and A3.2 indicate the distribution of the Jewish population in the census and Gen17 survey. Suburbs are ranked in terms of Jewish population size; first the five suburbs with the largest Jewish population, then succeeding groupings by five suburbs. Comparison with the weighted

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[30] Pew Research Center 2013 Portrait of Jewish Americans, Findings from a Pew Research Center Survey of U.S. Jews p119
[31] Graham et al 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, JPR p41
[32] Cohen SM, Ukeles JB, and Miller R 2012 Jewish Community Study of New York: 2011 Comprehensive Report, UJA-Federation of New York, p5
[33] Graham D 2014 The Jewish Population of Australia Key findings from the 2011 Census
[34] It was mentioned earlier in this report that changes in the formatting of the census question on religion between 2011 and 2016 give us cause for concern about the accuracy of the 2016 Census count for Jews (and some other religious groups). However, we have taken the view that although these changes probably resulted in a Jewish undercount in 2016, our initial assessment suggests the relative (between-group) measures should still be reliable. As such, 2016 Census data form the basis of the Gen17 survey weighting.
[35] Synagogue membership data were gathered in NSW by the NSW Jewish Board of Deputies and in Victoria by researchers at the ACJC at Monash University. Despite considerable effort, attempts to gather synagogue membership data in other states and territories could not be achieved in a timely manner.
[36] As discussed, this was complicated by concerns that the 2016 Census data appear to have undercounted the total size of the Jewish population relative to the 2011 census. Detailed examination of this issue is ongoing but for the purposes of Gen17 the 2016 Census is assumed to have surveyed 88.4% of the Jewish population it would have sampled had the question format remained unchanged from 2011. Note this adjustment does not account for any non-response that may have occurred due to the voluntary nature of the census question.
[37] Orthodox = Hareidi, Strictly Orthodox, Modern Orthodox, Inclusive Orthodox, Chabad, Orthodox, and Sephardi synagogues; Non-Orthodox = Masorti, Progressive and Renewal, Progressive and Egalitarian, Conservative/Masorti, Liberal/Reform, and Jewish Humanist synagogues.

Gen17 data, which has been used throughout this report, is comparable to within 3 percentage points, an acceptable margin of error for such sample data.

**Table A3.1 Geography – suburb of residence, Melbourne**

| SUBURBS % OF JEWISH POPULATION | SUBURBS INCLUDE | 2011 CENSUS | 2016 CENSUS | GEN17 UNWEIGHTED | GEN17 WEIGHTED* |
|---|---|---|---|---|---|
| Rank 1-5 | Caulfield/Caulfield North/ St Kilda East/Bentleigh | 49.7% | 50.4% | 56.2% | 52.6% |
| Rank 6-10 | Elsternwick/Carnegie/Toorak/ Brighton/Brighton East | 18.0% | 17.6% | 17.0% | 17.9% |
| Rank 11-15 | Windsor/Malvern/Malvern East/ Armadale/South Yarra | 7.0% | 7.0% | 8.4% | 8.1% |
| Rank 16-20 | Glen Iris/Elwood/St Kilda/ Cheltenham/Hawthorn East | 5.2% | 4.8% | 4.7% | 4.7% |

* Note Gen17 weights only accounted for state-level geography, not sub-state level

**Table A3.2 Geography – suburb of residence, Sydney**

| SUBURBS % OF JEWISH POPULATION | SUBURBS INCLUDE | 2011 CENSUS | 2016 CENSUS | GEN17 UNWEIGHTED | GEN17 WEIGHTED* |
|---|---|---|---|---|---|
| Rank 1-5 | Bondi/ Vaucluse/ Dover Heights/ Watsons Bay/ Rose Bay/Bellevue Hill/ St Ives | 41.7% | 41.1% | 47.8% | 41.9% |
| Rank 6-10 | Maroubra/ Randwick/ Bondi Junction/ Queens Park Darling Point/ Point Piper/ Edgecliff/ Matraville | 15.6% | 16.2% | 17.1% | 18.8% |
| Rank 11-15 | Coogee/ Woollahra/ Double Bay/ Kingsford/ Daceyville/ Bronte/ Waverley | 7.0% | 7.1% | 8.6% | 8.2% |
| Rank 16-20 | Paddington/ Centennial Park Riverview/Lane Cove Waterloo/ Zetland/Kensington Darlinghurst/ Surry Hills | 5.0% | 4.8% | 4.5% | 4.8% |

* Note Gen17 weights only accounted for state-level geography, not sub-state level

It is also possible to compare demographic indicators in the Gen08 and Gen17 surveys to establish if like is being compared with like. Have the two surveys reached a similar cross-section of the Jewish community, or are these significantly different samples that would invalidate their use in establishing change (or otherwise) over the last decade?[38]

One directly comparable indicator is self-assessed financial status. Respondents were asked in both surveys 'which of the following best describes your financial status/circumstances?' There is again a high level of consistency in response in the weighted results (Tables A3.3), with a maximum variation under 3 percentage points within the categories.

[38] As previously noted, care should be taken in drawing direct comparisons between Gen08 and Gen17 data. Unlike Gen17, the Gen08 data were not weighted to account for varying levels of Jewish identification. In other words, Gen08 data are more likely than Gen17 data to have over-represented the more engaged sections of the Jewish population.

**Table A3.3: Which of the following best describes your financial status (Gen08) / circumstances (Gen17)? Melbourne and Sydney***

| | GEN08 MELBOURNE | GEN17 MELBOURNE | GEN08 SYDNEY | GEN17 SYDNEY |
|---|---|---|---|---|
| Prosperous | 5.7% | 5.7% | 5.8% | 7.3% |
| Living very comfortably | 28.9% | 26.6% | 30.8% | 28.2% |
| Living reasonably comfortably | 45.7% | 45.7% | 41.7% | 43.2% |
| Just getting along | 14.4% | 16.0% | 15.5% | 15.3% |
| Nearly poor | 1.2% | 2.1% | 1.1% | 1.5% |
| Poor | 0.9% | 1.0% | 0.8% | 0.7% |
| Don't know/ Prefer not to say | 3.2% | 2.9% | 4.2% | 3.8% |
| Total | 100% | 100% | 100% | 100% |

* Columns may not sum to 100% due to rounding

# APPENDIX 4: RESPONDENT PROFILE

The respondent profile (unweighted counts) relevant to sub-group analysis presented in this report is as follows:

**Table A4.1: State**

| New South Wales | Victoria | Queensland | South Australia | Western Australia | Tasmania | Northern Territory | Australian Capital Territory | Total |
|---|---|---|---|---|---|---|---|---|
| 3,938 | 4,109 | 138 | 56 | 249 | 29 | 7 | 95 | 8621 |

**Table A4.2: Age**

| | SYDNEY | MELBOURNE | TOTAL |
|---|---|---|---|
| 18-29 years | 389 | 664 | 1,053 |
| 30-39 years | 561 | 628 | 1,189 |
| 40-49 years | 699 | 771 | 1,470 |
| 50-59 years | 686 | 641 | 1,327 |
| 60-69 years | 893 | 792 | 1,685 |
| 70-79 years | 528 | 434 | 962 |
| 80-89 years | 158 | 152 | 310 |
| 90 years+ | 24 | 27 | 51 |
| Total | 3,938 | 4,109 | 8,047 |

**Table A4.3: Current religious identification**

| | SYDNEY | MELBOURNE | TOTAL |
|---|---|---|---|
| Strictly Orthodox | 60 | 390 | 450 |
| Modern Orthodox | 1,005 | 904 | 1,909 |
| Traditional | 1,317 | 1,192 | 2,509 |
| Conservative | 216 | 138 | 354 |
| Progressive/ Reform | 492 | 497 | 989 |
| No denomination - just Jewish | 318 | 291 | 609 |
| Non-practising / Secular | 440 | 482 | 922 |
| Total | 3,848 | 3,894 | 7,742 |

### Table A4.4: Gen08 and Gen17

| | GEN08 | GEN17 |
|---|---|---|
| Sydney + Melbourne combined | 5,101 | 8,047 |

### Table A4.5: Country of birth

| SYDNEY + MELBOURNE COMBINED | THIRD GENERATION AUSTRALIAN | SOUTH AFRICA | ISRAEL | FORMER SOVIET UNION | TOTAL |
|---|---|---|---|---|---|
| All | 1,242 | 1,570 | 436 | 323 | 3,571 |
| Arrived in Australia after 1980 | - | 1,398 | 326 | 235 | 1,959 |

### Table A4.6: Country of birth by age group

| AGE | SOUTH AFRICA | ISRAEL | FORMER SOVIET UNION | TOTAL |
|---|---|---|---|---|
| 18-39 | 302 | 151 | 68 | 521 |
| 40-69 | 903 | 170 | 135 | 1,208 |

### Table A4.7: Partnership status and religion of partner by state

| | PARTNER JEWISH | PARTNER NOT JEWISH | NO PARTNER |
|---|---|---|---|
| New South Wales | 1,187 | 256 | 629 |
| Victoria | 1,237 | 233 | 666 |
| Queensland | 31 | 29 | 29 |
| South Australia | 10 | 16 | 16 |
| Western Australia | 77 | 23 | 40 |
| Tasmania/Northern Territory* | 9 | 10 | 6 |
| Australian Capital Territory | 18 | 25 | 24 |
| Total | 2,569 | 592 | 1,410 |

* Categories combined for reasons of confidentiality

Gen17

JCA today tomorrow forever

MONASH University
Australian Centre for Jewish Civilisation

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-3" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# CROSSROADS23
# SURVEYING AUSTRALIAN JEWS ON ISRAEL

Preliminary analysis by Emeritus Professor Andrew Markus
Monash University
Produced by Plus61J Media
June 14, 2023

PLUS 61J MEDIA

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# INTRODUCTION

Plus61J Media creates platforms for a diverse range of voices on issues of interest to Australia, Israel and the Jewish world. When the Office of Israel's president launched *Kol Ha'am – Voice of the People* to consult with Diaspora communities, we wanted to ensure that the many voices of our community would be heard.

*Crossroads23: Surveying Australian Jews* on Israel produced a cleaned data sample of 1080 self-selected respondents in a week. The response alone is an indication that members of the community feel strongly about Israel and want to express their opinions.

The survey results indicate a strong baseline identification with Israel: 90% agree that it is important that the Australian Jewish community maintains close ties with Israel, 88% feel a high level of personal connectedness with Israel, 86% agree that the existence of Israel is essential for the future of the Jewish people, 83% keep up with Israeli current events involving Israel and 80% indicate a high level of concern for Israel's safety.

## BUT FAITH IN ISRAEL'S FUTURE IS FAR FROM STRONG WITH 57% INDICATING THEY ARE OPTIMISTIC ABOUT ISRAEL'S FUTURE, 42% PESSIMISTIC AND 8% UNCERTAIN.

Responses are weaker still when the survey drills down to current issues, and comparison with the Gen17 survey shows a marked decline in Australian Jews' faith in Israel's politics and society. Only 46% agree that democracy is "alive and well", in sharp contrast with the 76% obtained for this question in the Gen17 survey; 77% agree that "there is too much corruption in Israel's political system" (up from 48%) and 85% agree that "Orthodox Judaism has too much influence" (up from 62%). Asked about their changing feelings, 66% of respondents say they feel less confident Israel is a democratic country than they did five years ago. The lowest positive response comes in relation to judicial reform which only 14% of respondents consider good for Israel.

In relation to the Israel-Palestinian conflict, the survey also finds a declining confidence in Israel's policies: 57% of respondents agree less with Israeli policy than they did five years and a minority 41% believe that Israel's control of the West Bank is vital for Israel's security. But 56% believe a viable solution to the conflict is possible.

The survey indicates that Australian Jews feel a strong stake in Israel and a right to be involved: 79% agree "It is acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies". In particular, they believe Diaspora Jews have a stake in Israel's policies on Jewish status (75%), recognition of pluralism (67%) and the role of Orthodox Judaism (62%). More than half also consider Diaspora Jews should voice their opinions on the situation of Palestinians in the West Bank/Gaza, women's rights, judicial reform, LGBTQI+ rights and Arab citizenship rights. But there is little confidence that Diaspora Jews' input will be respected, with 57% agreeing with the proposition that "Israelis do not care what Diaspora Jews think".

Producing this data in the very short timeframe between the announcement of the Kol Ha'am Australian consultation and the event was a remarkable achievement. It could not have happened without the dedicated work of Professor Andrew Markus and the tremendous efforts of the Plus61J Media team. We hope it will contribute to a fruitful consultation that enhances the relationship between Israel and Diaspora Jews.

**Deborah Stone**

Editor-in-Chief, Plus61J Media

# BACKGROUND TO THE SURVEY

An invitation to participate in a series of consultations was issued to members of 15 Jewish communities worldwide by the President of Israel, Isaac Herzog, in May 2023. His message inviting participation stated:

> We are celebrating 75 years of Israel, a momentous milestone for our nation. Over the years, we have risen from the ashes of great catastrophes and cultivated a thriving centre of Jewish life that is innovative, creative, and a force of good in the world. However, the growing distance between our Jewish communities concerns me deeply. The gaps between us are widening, and we struggle to agree on essential issues. Even more concerning, we are often unable to discuss them, eroding the critical web of connectedness that has sustained our people for millennia. This lack of contact is leading to indifference, which undermines our sense of belonging and collective story.
>
> As a culture, we celebrate dialogue and acknowledge that we must listen and learn from one another in order to grow. It is with great pleasure that I announce the creation of Voice of the People: A Worldwide Jewish Dialogue. This is a first-of-its-kind global council for Jewish dialogue, designed to be a collaborative, nonpartisan, and apolitical forum - a Jewish Davos, so to speak - that can accommodate and reflect the full and diverse range of Jewish voices.
>
> This platform is where we can engage in meaningful, sensitive, and strategic discussions on the most complex and pressing issues facing our people. We can come up with concrete proposals and action items to address, while cultivating the next generation of Jewish leaders who can bear the torch of our peoplehood and infuse it with new life, keeping it relevant, buoyant, and alive. This is not a one-time gathering but a framework for an ongoing conversation and dialogue, under the auspices of the President of Israel, for all Jews today and for generations to come.
>
> In pursuit of this vision, I have enlisted The Jewish Agency and the World Zionist Organization to help me transform it into reality. Now, we reach out to you. To further develop this vision collaboratively, we have organised a series of "strategic labs" facilitated by a professional team from the international consulting firm Deloitte, in 15 major Jewish communities worldwide, including Israel, Latin and Central America, Europe, South Africa, Australia, and North America.
>
> I cordially invite you, as Jewish leaders, to participate in one of these labs, to help us develop this vision into a viable operating model. For those who cannot join physically, virtual labs will also be held on Zoom.
>
> I strongly encourage you to participate in one of the labs and express your thoughts and concerns. This is an opportunity for you to help shape the future of our collective community. Let us commit to working hand in hand and shoulder to shoulder to shape our shared future and write the next chapter in the story of our people.

In response to the President's initiative, *Plus61J Media* initiated a survey to give all members of the Australian Jewish community an opportunity to voice their views. The invitation from Plus61J Media was presented in terms of a historic opportunity, with Israel reaching out to the Diaspora for the first time in its history. In an email distributed on May 30, it explained:

**CROSSROADS23: SURVEYING AUSTRALIAN JEWS ON ISRAEL IS A ONE-OFF OPPORTUNITY TO COMMUNICATE YOUR VIEWS ON ISRAEL THROUGH A DIRECT LINE TO THE OFFICE OF ISRAEL'S PRESIDENT.**

Australian Jews have a brief opportunity to register their feelings about Israel in a survey which will feed into an international project to better connect the Diaspora and Israel.

*Plus61J Media* has initiated Crossroads23: Surveying Australian Jews on Israel to enable all Australian Jews to have their say in an international consultation project, Kol Ha'am – Voice of the People, initiated by the office of Israel's president.

The aim of this survey is to provide input into forthcoming discussions at Melbourne's workshop for *Kol Ha'am* on Sunday, June 18.

*Kol Ha'am*, subtitled The President's Initiative for Worldwide Jewish Dialogue, is a global consultation project to reconnect Israel with the Diaspora. It was created in response to the growing divide between Israeli and Diaspora Jews, which has been brought to a head by the controversial judicial overhaul proposals.

The Australian [forum] ... will be held in Melbourne on June 18 for invited delegates. But Plus61J Media has launched the survey to ensure all Australian Jews have the opportunity to contribute. The Zionist Federation of Australia will distribute the survey to its affiliates and Plus61J Media is seeking wider participation to ensure the broadest spectrum of views.

"*Kol Ha'am* means the Voice of the People and that should be all the people. We want as many Australian Jews as possible to have their say on what they feel and believe about Israel through this survey," said Plus61J Media publisher Uri Windt.

"The timetable set by Israel is very short, so it is essential people fill in the survey straight away and share it widely," he said.

The survey is anonymous. Data will be analysed and reported by Emeritus Professor Andrew Markus, Monash University.

*The Plus61J Media* initiative was supported by the Zionist Federation of Australia, which also promoted the survey by email and social media on May 30. The ZFA described the survey in the following terms:

## CROSSROADS23: SURVEYING AUSTRALIAN JEWS ON ISRAEL

The Australian Jewish community has a unique opportunity to voice their opinions on key topics related to the relationship between Israel and the Australian Jewish community. The data this survey creates will help inform discussion at the Kol Ha'am - Voice of the People conference, an important project initiated by the President of Israel, Isaac Herzog.

Hosted by Plus 61J Media, the survey's aim is to provide input from a wide spectrum of Australian Jewry perspectives into the discussions that will take place at the Melbourne-based conference.

For the survey to be as accurate and well-rounded as possible, it's really important for as many Australian Jews – from across the political spectrum and from across Australia – to provide their outlooks on Israel and the Jewish people.

The survey is anonymous, takes only 10-15 minutes to complete and will make a great impact on the quality of the discussions held in the *Kol Ha'am - Voice of the People* conference.

## I'VE COMPLETED THE SURVEY, NOW WHAT?

This survey's accuracy is dependent on the participation of as many Australian Jews as possible. Send the link to your Jewish friends, families, colleagues and neighbours and encourage them to complete the survey as soon as possible.

The survey closes on Tuesday, June 6, and can be completed from your computer or mobile device.

# QUESTIONNAIRE DESIGN

The questionnaire drew on a number of sources: the Gen17 Australian Jewish communal survey, conducted in 2017, recent surveys conducted in Jewish communities in the United States and England, and questions suggestions by *Plus61J Media* and the Zionist Federation of Australia.

The questionnaire comprised eight substantive questions, including one with 14 sub-questions and one with five. In addition, there were two open-ended questions and 12 demographic questions. A copy of the questionnaire is included in the appendix to this report.

The thematic areas covered by questionnaire included:

- Identification with Israel (eight questions)
- The Israeli-Palestinian conflict (two)
- Functioning of Israeli democracy (three)
- The controversy over the Israeli government's plan for judicial reform (two)
- Disunity in the Jewish world (one)
- Consultations with the Diaspora (three)

The questions covering the thematic areas were followed by five questions dealing with change in attitudes over the past five years, concerned with:

- Sense of connection with Israel
- Israeli democracy
- Policy towards Palestinians
- Advocating for Israel among the respondent's Jewish friends
- Advocating for Israel among non-Jewish friends

The survey included 12 demographic questions, to provide scope to establish the profile of the achieved sample, which was benchmarked against the 2021 census and the community profile indicated by the Gen17 survey, which was completed by 8,6210 respondents. The key demographic questions covered age, gender, country of birth, state where the respondent lives, stream of Judaism, political views, visits to Israel, time spent in Israel, relatives and close friends who are resident in Israel, and organisational membership or affiliation.

The two open-ended questions concerned critical challenges facing the Jewish people and perception of the Australian Jewish community's responsibility to Israel. The findings of the open-ended questions will be reported at a later time, once the responses have been coded for analysis.

# SURVEY ADMINISTRATION

As noted, the survey was promoted by *Plus61J Media* and the Zionist Federation of Australia. The survey was only available for completion online, using one of five entry points provided – separate links were provided to enable tracking of respondents. The five points of access were:

1. Crossroad23, the link promoted for *Plus61J Media* respondents, which was also shared by the ZFA to its affiliates
2. ZFA organisational link
3. *Plus61J Media* social media link
4. ZFA social media link
5. *Australian Jewish News*, link provided in a front-page advertisement

The survey was open for eight days, between May 30 and June 6. The survey was accessed on 1511 occasions. Nearly all of the access (1357 cases) was through the Crossroads23 link, with small numbers accessing the link provided in the *Australian Jewish News* (17), *Plus61J Media* social media (31), ZFA organisational (79) and ZFA social media (27).

# DATA CLEANING

It was recognised that there was risk of fraudulent completion of the survey, with multiple surveys completed by the one person, some possibly motivated by hostility to the Jewish community.

To lessen the risk, the achieved sample was examined with attention to time taken for completion, repeat entry to the survey from the one internet enabled device, and pattern response.

With regard to time taken to complete the survey, examination of the data file indicated that 180 persons entered the survey but exited within two minutes, while another 49 persons began the survey but exited within four minutes. A check of the online site found that it was possible to complete the survey in under four minutes if the open-ended questions were skipped, although not many would be able to complete in such a short time. Most surveys were completed between five and 11 minutes, and the median for completion was 11 minutes and 30 seconds. A number of survey completions (14.7%) took over 23 minutes, possibly a reflection of the age of respondents and respondents failing to exit the survey, with their internet connection left open.

Indication of time to complete is provided in Table 1. For analysis, the 229 surveys that were completed under four minutes were excluded. The data file with these exclusions comprised 1282 cases and are referenced as **Crossroads23 [A]** in this report.

Table 1 **Crossroad23 survey: completion time**

| Minutes (seconds in brackets) | Number of surveys | Percentage (cumulative percentage in brackets) |
|---|---|---|
| 0–2 (>119) | 180 | 11.9 |
| 2–4 (120-239) | 49 | 4.3 (15.2) |
| 4–5 (240-299) | 40 | 2.6 (17.8) |
| 5–8 (300-479) | 269 | 17.8 (35.6) |
| 8–11 (480-659) | 287 | 19.0 (54.6) |
| 11–14 (660-839) | 215 | 14.2 (68.8) |
| 14–17 (840-1019) | 121 | 8.0 (76.8) |
| 17–20 (1020-1199) | 71 | 4.7 (81.5) |
| 20–23 (1200-1379) | 57 | 3.8 (85.3) |
| 23+ (1400+) | 222 | 14.7 (100) |

A second check of respondents was made with reference to the number of surveys completed on the one internet device (computer or telephone), made possible by the IP address of the device captured in the case record. It was found that seven surveys were completed from one IP address, six surveys from a second IP address. The data obtained from these two IP addresses was manually checked and did not disclose pattern response, for example, consistent negative responses to all or most questions.

In addition, 13 devices were used three times to complete the survey and 75 devices to complete the survey twice. The large majority of surveys, 1080, were completed on individual devices. The analysis of IP addresses is provided in Table 2.

A second data set was created and restricted to the 1080 cases with surveys completed on individual devices. This data set is referenced as **Crossroads23 [B]** in this report. In the overview of survey findings, data from Crossroads23 [A] and Crossroads23 [B] is presented side by side. The result obtained from the two data sets is almost identical, with responses consistent within one percentage point.

Table 2 **IP address of surveys commenced (excluding surveys closed in under 4 minutes)**

| Unique IP address, number of times used to access the survey | Frequency | Cases | Percentage |
|---|---|---|---|
| 7 | 1 | 7 | 0.5 |
| 6 | 1 | 6 | 0.5 |
| 3 | 13 | 39 | 3.0 |
| 2 | 75 | 150 | 11.7 |
| 1 | 1080 | 1080 | 84.2 |

Hence this cleaning of the survey data has produced two data sets, Crossroads23 [A] comprising 1282 respondents (surveys completed in more than four minutes) and Crossroads23 [B] with 1080 respondents (surveys completed in more than four minutes and no more than one survey completion on an individual device).

# THE ACHIEVED SAMPLE

There were three approaches to determining the character of the achieved sample: comparison of identical questions in the Gen17 and Crossroads23 surveys; the 2021 Australian census; and analysis with reference to segments of the community.

Comparison with the Gen17 survey finds that the respondents to the Crossroads23 survey were more connected with Israel, and with more positive attitudes to Israel when questions of a general nature, as distinct from current developments, were considered.

As summarised in Table 3, 77% of Crossroads23 respondents identified as Zionist, compared with 71% in Gen17; 74% of Crossroads23 respondents indicated that they had visited Israel three or more times, compared with 65% Gen17; 72% of Crossroads23 respondents had family and close friends living in Israel, compared with 59%-65% in Gen17.

Table 3 **Gen17 and Crossroads23 surveys compared, selected questions**

| | Gen17 % | Crossroads [A] % | Crossroads23 [B] % |
|---|---|---|---|
| Identification as Zionist | 71 | 77 | 77 |
| Concern when Israel is in danger – top two indications of concern | 77 | 80 | 80 |
| Number of times visited Israel – three or more | 65 | 74 | 74 |
| Close family living in Israel | 65 | 72 | 72 |
| Close friends living in Israel | 59 | 72 | 72 |
| Number | 8621 | 1282 | 1080 |

As to be expected, in a survey available only for a brief period of eight days and promoted most effectively using organisational email and social media, those with organisational connections will be over-represented. A key finding of the demographic analysis is that the younger members of the community, always difficult to survey, were under-represented in the Crossroads23 survey. The census finding is that 37% of people of Jewish faith are under the age of 44, a much lower 18% in Crossroads23; 32% are aged 65 or over, in the Crossroads23 survey 51%.

With regard to other demographic indicators, the survey did surprisingly well, given the limited time it was available and limited promotion. Thus, 53% of the survey respondents are female, within one percentage point of the census; 55% of the survey respondents were born in Australia, again within one percentage point of the census finding for the population over the age of 18; 50% of the survey respondents live in Victoria, within three percentage points of the census.

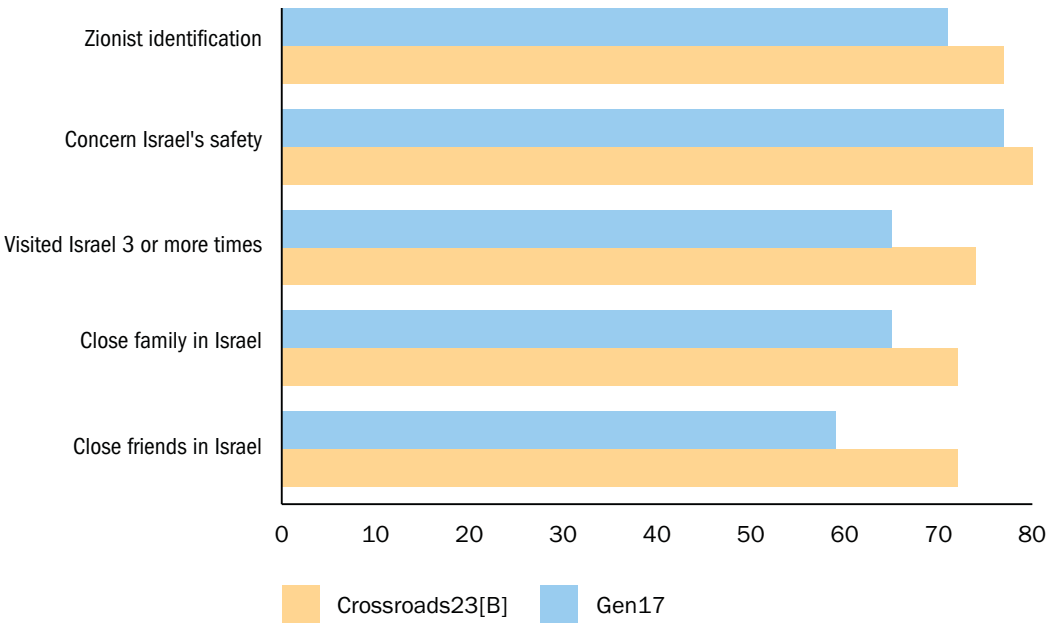
Table 4 **Sample profile, percentage**

| SEX | Female | Male | | | | |
|---|---|---|---|---|---|---|
| Crossroads23 [B] | 53 | 46 | | | | |
| Census | 52 | 48 | | | | |
| **AGE** | **18-34** | **35-44** | **45-54** | **55-64** | **65-74** | **75+** |
| Crossroads23 [B] | 9 | 9 | 12 | 19 | 32 | 19 |
| Census | 22 | 15 | 16 | 15 | 18 | 14 |
| **BIRTHPLACE** | **Australia** | **South Africa** | **Israel** | **Russian Fed./ Ukraine** | **England** | **US** |
| Crossroads23 [B] | 55 | 11 | 10 | 1 | 6 | 3 |
| Census | 56 | 13 | 7 | 3 | 4 | 3 |
| **STATE** | **Victoria** | **NSW** | **Queensland** | **Western Australia** | **South Australia** | **ACT** |
| Crossroads23 [B] | 50 | 37 | 7 | 2 | 1 | 2 |
| Census | 47 | 40 | 5 | 6 | 1 | 1 |

*The 2021 census data is for Jewish religion, aged 18 or above, Australia*

A third and most important way of locating a non-probability survey, such as Crossroads23, in its community is by analysis focused on population sub-groups. While the achieved sample may be skewed at the community level, for some sub-groups with significant number of respondents (in this survey notably those affiliated with Zionist organisations and *Plus61J Media*), the skew is less, providing a reliable insight into the pattern of opinion within these segments. The third part of this report presents the survey findings for sub-groups.

**Figure 1: Israel connections**



# OVERVIEW OF CROSSROADS23 FINDINGS

An overview of the survey finds strongest positive response for general questions related to Israel. Thus, 77% of respondents indicate that they identify as a Zionist, 90% agree that it is important that the Australian Jewish community maintains close ties with Israel, 88% feel a high level of personal connectedness with Israel, 86% agree that the existence of Israel is essential for the future of the Jewish people, 80% indicate a high level of concern for Israel's safety when it is endangered by international events, and 83% keep up with current events involving Israel.

A lower proportion (64%) indicate that they feel more secure in the knowledge that if antisemitism increased in Australia they could go to Israel, possibly a lower positive response because Australians do not expect a deterioration in their conditions of life in Australia leading to their departure for Israel.

These strong positive responses provide an important context for the negative results obtained by a number of other questions in the survey: they clearly demonstrate that the achieved sample obtained by Crossroasd23 is not an unrepresentative cohort with little positive connection with Israel.

There is just one general proposition that obtains a relatively low positive response: when asked if optimistic about Israel's future, 49% were optimistic (with only 18% strongly optimistic) and 42% were pessimistic while a further 8% indicated that they did not know.

For some of the other thematic areas covered in the survey, questions obtain lower positive responses, in keeping with the lower sense of optimism for Israel's future. Thus, a relatively low 56% agree that a viable solution to the Israeli-Palestinian conflict is possible, and a minority 41% agree that Israel's control of the West Bank is vital for Israel's security.

With regard to the functioning of Israeli democracy, 46% agree that its democracy is "alive and well", in sharp contrast with the 76% obtained for this question in the Gen17 survey; 77% agree that "there is too much corruption in Israel's political system" (up from 48% obtained by Gen17) and 85% agree that "Orthodox Judaism has too much influence" (62% Gen17).

The lowest positive response is obtained by two questions concerned with proposed judicial reform in Israel; 76% indicate that they have followed the discussion of judicial reform, but only 14% have formed the view that the reforms are good for Israel.

With regard to the proposition that "it is acceptable for Jewish people who do not live in Israel to publicly express their views about the Israel government and its policies", a substantial majority of 79% indicate agreement with freedom to express views, although there is little confidence that such views are respected, with 57% agreeing with the proposition that "Israelis do not care what Diaspora Jews think".

When asked to indicate issues on which Diaspora Jews should voice an opinion, in the context of the consultation process initiated by the President of Israel, the highest level of agreement was obtained for Jewish status, with reference to conversion (75%), recognition of pluralism (67%) and the role of Orthodox Judaism (62%). A number of issues were indicated by a smaller majority (including the situation of Palestinians and women's rights), while the lowest level was obtained for the "status of Holy places" (42%) and "security issues" (34%).

The last series of five fixed-choice questions asked respondents to consider any change in their attitudes when compared to five years ago. The largest change was obtained when respondents were asked to consider "Israel as a democratic country": 62% indicated that they were now less confident that Israel is a democratic country, compared with 16% who were more confident.

When asked to consider their confidence in advocating for Israel among their non-Jewish friends, 44% were less confident, 26% were more. As expected, respondents were more confident advocating for Israel among their Jewish friends.

Views on Israeli policy on issues related to Palestinians strongly moved in the negative, with 57% indicating less agreement with Israeli policy, only 14% more.

Sense of connection with Israel is least changed, in keeping with the largely positive response to general questions related to Israel: 34% indicated that they felt more connected to Israel, 42% neither more nor less, while that lowest proportion, 24%, indicated a lower sense of connection.

# IDENTIFICATION WITH ISRAEL

Table 5 **Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist? Please select one answer**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| Yes | 984 | 77 | 77 | 71 |
| No | 172 | 13 | 14 | 20 |
| Don't know | 95 | 7 | 8 | 8 |
| Prefer not to say | 12 | 1 | 1 | 1 |
| Missing | 19 | 1 | | |
| Total | | 100 | 100 | 100 |
| N | 1282 | | 1080 | 8621 |

Table 6 **To what extent do you agree or disagree with the following statement? It is important that the Australian Jewish community and Israel maintain close ties**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 818 | 66 | 66 |
| Tend to agree | 296 | 24 | 24 |
| Tend to disagree | 54 | 4 | 4 |
| Strongly disagree | 21 | 2 | 2 |
| No opinion | 37 | 3 | 3 |
| Don't know | 19 | 2 | 1 |
| Prefer not to say | 3 | 0 | 0 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

**Table 7 To what extent do you agree or disagree with the following statement? I feel a high level of personal connectedness to Israel**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 704 | 56 | 56 |
| Tend to agree | 391 | 31 | 32 |
| Tend to disagree | 81 | 6 | 7 |
| Strongly disagree | 40 | 3 | 3 |
| No opinion | 15 | 1 | 1 |
| Don't know | 9 | 1 | 1 |
| Prefer not to say | 8 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

Table 8 **To what extent do you agree or disagree with the following statement? The existence of Israel is essential for the future of the Jewish people**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 821 | 66 | 67 |
| Tend to agree | 243 | 19 | 19 |
| Tend to disagree | 76 | 6 | 6 |
| Strongly disagree | 64 | 5 | 6 |
| No opinion | 15 | 1 | 1 |
| Don't know | 25 | 2 | 2 |
| Prefer not to say | 4 | 0 | 0 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

Table 9 **When international events put Israel in danger, which one of the following best describes how you feel? Please select one answer**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| I do not feel any different about it than I would if another important foreign country were in the same sort of danger | 50 | 4 | 4 | 3 |
| I feel rather more concerned than if another country was in the same situation | 182 | 14 | 15 | 19 |
| I feel a special concern because it is Israel and not some other country in danger | 783 | 62 | 63 | 60 |
| My reaction is so strong that it is almost the same as if my own life was in danger | 228 | 18 | 17 | 17 |
| Don't know | 6 | 0 | 1 | |
| Prefer not to say | 10 | 1 | 1 | |
| Total | | 100 | 100 | 100 |
| Missing | 23 | | | |
| N | 1282 | | 1080 | 8621 |

Table 10 **To what extent do you keep up with current events which involve Israel? Would you say... Please select one answer**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| A lot | 500 | 40 | 39 | 32 |
| Quite a lot | 537 | 43 | 44 | 38 |
| A little | 207 | 16 | 17 | 26 |
| Not at all | 9 | 1 | 1 | 3 |
| Don't know | 1 | 0 | | 0 |
| Prefer not to say | 5 | 0 | 0 | 0 |
| Total | | 100 | 100 | |
| Missing | 23 | | | |
| N | 1282 | | 1080 | 8621 |

Table 11 **To what extent do you agree or disagree with the following statement? I feel more secure knowing I could go to Israel if antisemitism increased in Australia**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 427 | 34 | 34 |
| Tend to agree | 382 | 31 | 30 |
| Tend to disagree | 173 | 14 | 14 |
| Strongly disagree | 116 | 9 | 10 |
| No opinion | 88 | 7 | 7 |
| Don't know | 56 | 4 | 4 |
| Prefer not to say | 6 | 0 | 0 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

Table 12 **To what extent do you agree or disagree with the following statement? I am optimistic about Israel's future**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 207 | 17 | 18 |
| Tend to agree | 382 | 31 | 31 |
| Tend to disagree | 365 | 29 | 28 |
| Strongly disagree | 171 | 14 | 14 |
| No opinion | 19 | 2 | 2 |
| Don't know | 97 | 8 | 8 |
| Prefer not to say | 7 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

# ISRAELI-PALESTINIAN CONFLICT

Table 13 **To what extent do you agree or disagree with the following statement? Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| Strongly agree | 237 | 19 | 20 | 33 |
| Tend to agree | 269 | 22 | 21 | 28 |
| Tend to disagree | 318 | 25 | 26 | 14 |
| Strongly disagree | 289 | 23 | 23 | 9 |
| No opinion | 25 | 2 | 2 | 4 |
| Don't know | 96 | 8 | 8 | 11 |
| Prefer not to say | 14 | 1 | 1 | 2 |
| Total | | 100 | 100 | 100 |
| Missing | 34 | | | |
| N | 1282 | | 1080 | 8621 |

Table 14 **To what extent do you agree or disagree with the following statement? A viable solution to the Israeli-Palestinian conflict is possible**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 208 | 17 | 16 |
| Tend to agree | 499 | 40 | 40 |
| Tend to disagree | 271 | 22 | 22 |
| Strongly disagree | 81 | 6 | 7 |
| No opinion | 20 | 2 | 1 |
| Don't know | 160 | 13 | 13 |
| Prefer not to say | 9 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

# ISRAELI DEMOCRACY

Table 15 **To what extent do you agree or disagree with the following statement? Democracy in Israel is alive and well**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| Strongly agree | 239 | 19 | 19 | 40 |
| Tend to agree | 331 | 27 | 27 | 36 |
| Tend to disagree | 318 | 25 | 26 | 10 |
| Strongly disagree | 306 | 25 | 24 | 3 |
| No opinion | 16 | 1 | 1 | 3 |
| Don't know | 34 | 3 | 2 | 7 |
| Prefer not to say | 4 | 0 | 0 | 1 |
| Total | | 100 | 100 | 100 |
| Missing | 34 | | | |
| N | 1282 | | 1080 | 8621 |

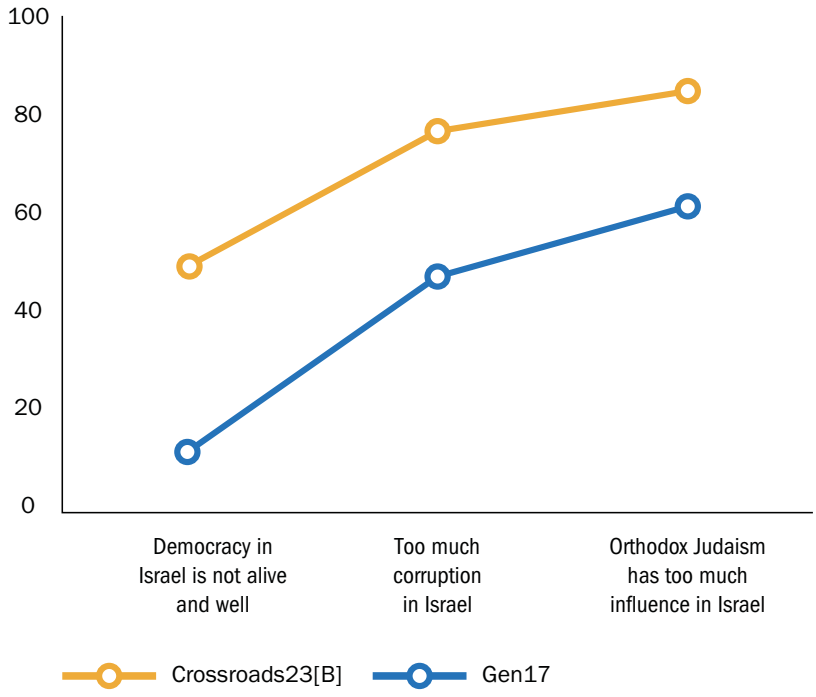
Table 16 **To what extent do you agree or disagree with the following statement? There is too much corruption in Israel's political system**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| Strongly agree | 444 | 36 | 36 | 16 |
| Tend to agree | 512 | 41 | 41 | 32 |
| Tend to disagree | 71 | 6 | 6 | 12 |
| Strongly disagree | 31 | 2 | 2 | 3 |
| No opinion | 57 | 5 | 5 | 13 |
| Don't know | 125 | 10 | 11 | 23 |
| Prefer not to say | 8 | 1 | 1 | 2 |
| Total | | 100 | 100 | 100 |
| Missing | 34 | | | |
| N | 1282 | | 1080 | 8621 |

Table 17 **To what extent do you agree or disagree with the following statement? Orthodox Judaism has too much influence in Israel's society**

| | Crossroads23 [A] | | Crossroads23 [B] | Gen17 |
|---|---|---|---|---|
| | Frequency | % | % | % |
| Strongly agree | 702 | 56 | 56 | 35 |
| Tend to agree | 345 | 28 | 29 | 27 |
| Tend to disagree | 96 | 8 | 8 | 12 |
| Strongly disagree | 38 | 3 | 3 | 8 |
| No opinion | 34 | 3 | 3 | 7 |
| Don't know | 26 | 2 | 2 | 9 |
| Prefer not to say | 7 | 1 | 1 | 1 |
| Total | | 100 | 100 | 100 |
| Missing | 34 | | | |
| N | 1282 | | 1080 | 8621 |

**Figure 2: Israeli democracy**



# JUDICIAL REFORM

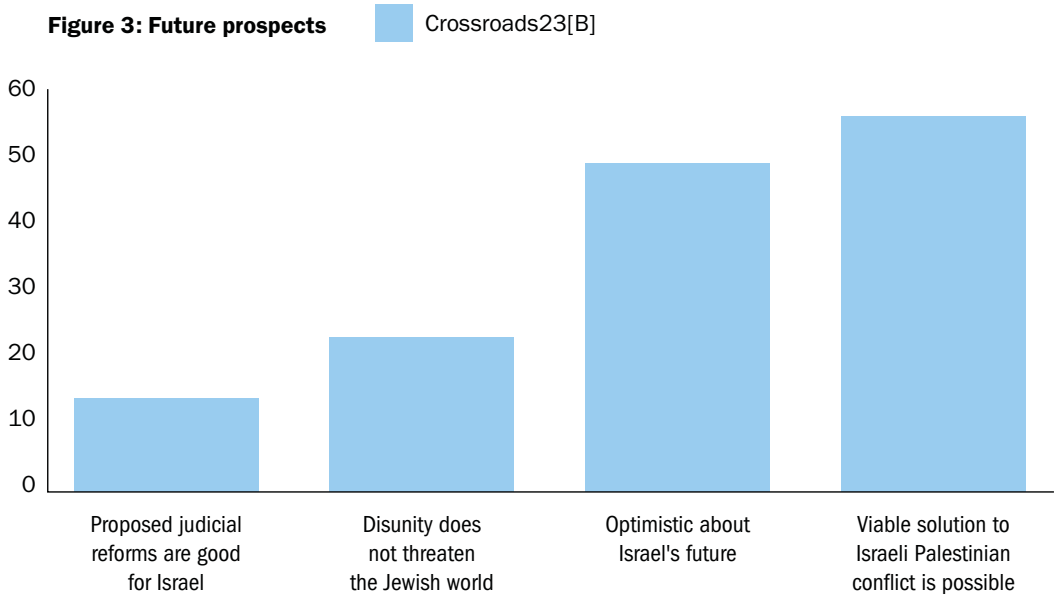
Table 18 **To what extent have you followed the discussion of judicial reform proposals in Israel?**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| A lot | 437 | 35 | 35 |
| Quite a lot | 502 | 41 | 41 |
| A little | 268 | 22 | 22 |
| Not at all | 29 | 2 | 2 |
| Prefer not to say | 1 | 0 | |
| Total | | 100 | 100 |
| Missing | 45 | | |
| N | 1282 | | 1080 |

Table 19 **To what extent do you agree or disagree with the following statement? The proposed judicial reforms are good for Israel.**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 72 | 6 | 6 |
| Tend to agree | 98 | 8 | 8 |
| Tend to disagree | 173 | 14 | 14 |
| Strongly disagree | 745 | 60 | 59 |
| No opinion | 50 | 4 | 4 |
| Don't know | 100 | 8 | 8 |
| Prefer not to say | 10 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

**Figure 3: Future prospects**



# DISUNITY IN THE JEWISH WORLD

Table 20 **To what extent do you agree or disagree with the following statement? Disunity threatens the Jewish world**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 474 | 38 | 38 |
| Tend to agree | 403 | 32 | 34 |
| Tend to disagree | 187 | 15 | 16 |
| Strongly disagree | 90 | 7 | 7 |
| No opinion | 39 | 3 | 3 |
| Don't know | 49 | 4 | 3 |
| Prefer not to say | 6 | 0 | 0 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

# CONSULTATIONS

Table 21 **To what extent do you agree or disagree with the following statement? It is acceptable for Jewish people who do not live in Israel to publicly their views about the Israeli government and its policies**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 524 | 42 | 42 |
| Tend to agree | 452 | 36 | 37 |
| Tend to disagree | 155 | 12 | 13 |
| Strongly disagree | 55 | 4 | 5 |
| No opinion | 29 | 2 | 2 |
| Don't know | 22 | 2 | 2 |
| Prefer not to say | 11 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

Table 22 **To what extent do you agree or disagree with the following statement? Israelis do not care what Diaspora Jews think about Israel's government or its policies**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Strongly agree | 182 | 15 | 14 |
| Tend to agree | 533 | 43 | 43 |
| Tend to disagree | 262 | 21 | 22 |
| Strongly disagree | 66 | 5 | 5 |
| No opinion | 40 | 3 | 3 |
| Don't know | 158 | 13 | 13 |
| Prefer not to say | 7 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 34 | | |
| N | 1282 | | 1080 |

Table 23 **The President of Israel has initiated a process to consult with Diaspora communities. On which of the following issues in Israel do you think Diaspora Jews should voice an opinion? (Mark as many as you consider to be important)**

| | Crossroads23 [A] | Crossroads23 [B] |
|---|---|---|
| | Percent | % |
| Jewish status (who is a Jew, conversion) | 74 | 75 |
| Recognition of pluralism in Israel | 67 | 67 |
| The role of Orthodox Judaism | 61 | 62 |
| Situation of Palestinians in the West Bank/ Gaza | 58 | 58 |
| Women's rights | 58 | 57 |
| Judicial reform | 55 | 54 |
| LGBTQI+ rights | 51 | 50 |
| Arab citizenship rights | 51 | 51 |
| Status of Holy places | 42 | 41 |
| Security | 34 | 34 |

# PERCEIVED CHANGE IN ATTITUDES – THE PAST FIVE YEARS

Table 24 **Compared to five years ago ... I feel more/less connected to Israel**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Much more | 220 | 18 | 18 |
| Somewhat more | 194 | 16 | 16 |
| Neither more nor less | 518 | 42 | 42 |
| Somewhat less | 202 | 16 | 16 |
| Much less | 93 | 7 | 8 |
| No opinion | 7 | 1 | 1 |
| Don't know/ Prefer not to say | 9 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 39 | | |
| N | 1282 | | 1080 |

Table 25 **Compared to five years ago ... I feel more/less confident that Israel is a democratic country**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Much more | 85 | 7 | 7 |
| Somewhat more | 103 | 8 | 9 |
| Neither more nor less | 248 | 20 | 20 |
| Somewhat less | 400 | 32 | 32 |
| Much less | 383 | 31 | 30 |
| No opinion | 12 | 1 | 1 |
| Don't know/ Prefer not to say | 12 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 39 | | |
| N | 1282 | | 1080 |

Table 26 **Compared to five years ago ... I agree more/less with Israeli policy on issues related to the Palestinians**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Much more | 71 | 6 | 5 |
| Somewhat more | 103 | 8 | 9 |
| Neither more nor less | 284 | 23 | 23 |
| Somewhat less | 268 | 22 | 22 |
| Much less | 449 | 36 | 35 |
| No opinion | 27 | 2 | 2 |
| Don't know/ Prefer not to say | 41 | 3 | 3 |
| Total | | 100 | 100 |
| Missing | 39 | | |
| N | 1282 | | 1080 |

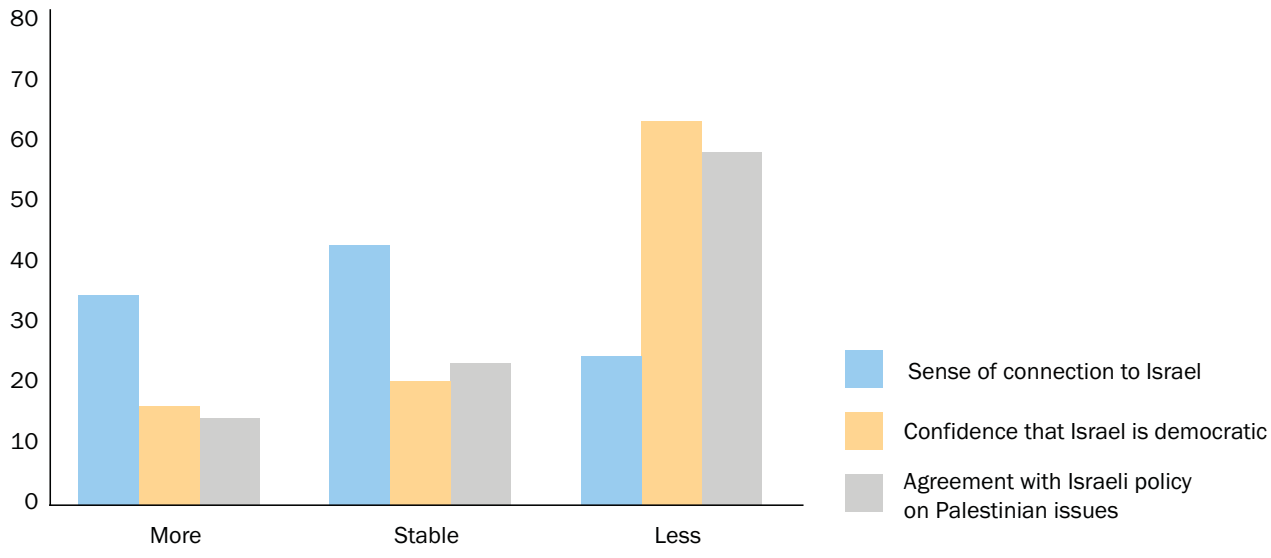
Table 27 **Compared to five years ago ... I feel more/less confident advocating for Israel among my Jewish friends**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Much more | 174 | 14 | 14 |
| Somewhat more | 200 | 16 | 16 |
| Neither more nor less | 409 | 33 | 34 |
| Somewhat less | 213 | 17 | 17 |
| Much less | 198 | 16 | 16 |
| No opinion | 37 | 3 | 3 |
| Don't know/ Prefer not to say | 12 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 39 | | |
| N | 1282 | | 1080 |

Table 28 **Compared to five years ago ... I feel more/less confident advocating for Israel among my Jewish friends**

| | Crossroads23 [A] | | Crossroads23 [B] |
|---|---|---|---|
| | Frequency | % | % |
| Much more | 141 | 11 | 11 |
| Somewhat more | 177 | 14 | 15 |
| Neither more nor less | 338 | 27 | 27 |
| Somewhat less | 251 | 20 | 21 |
| Much less | 291 | 23 | 23 |
| No opinion | 30 | 2 | 2 |
| Don't know/ Prefer not to say | 15 | 1 | 1 |
| Total | | 100 | 100 |
| Missing | 39 | | |
| N | 1282 | | 1080 |

**Figure 4: Compared to five years ago ...**



# SUB-GROUP ANALYSIS: UIA AND PLUS61J MEDIA

The Crossroads23 survey asked respondents to "indicate your organisational membership or affiliation". Membership or affiliation was indicated by more than 200 respondents for three organisations: the United Israel Appeal (265, henceforth UIA), Jewish National Fund (240, henceforth JNF) and *Plus61J Media* (245).

JNF is not analysed because of the extent of overlap in membership with the UIA; a sample of 50 respondents found that 40 (or 80%) indicated dual membership or affiliation with the JNF and UIA.

The demographic profile of respondents finds very few aged 18-34, and only a small minority under the age of 54, 17% UIA and 21% *Plus61J Media*.

Among UIA respondents there is almost the same proportion of women and men, while among *Plus61J Media* respondents there is an over-representation of women (66% female, 34% male).

Reflecting the character of the two organisations, the UIA has a higher proportion of respondents who indicate alignment with the Modern Orthodox and Traditional streams of Judaism, 64% compared to 34% *Plus61JMedia*, while a higher proportion of *Plus61J Media* respondents indicate alignment with Conservative or progressive streams or identify as "Just Jewish" (43%, compared to 29%), and a much higher proportion indicate secular identification (20%, compared to 5%)

In terms of political alignment, the differentiation indicated by respondents again reflects the character of the two organisations: 24% of the respondents who indicate membership or affiliation with the UIA identify as conservative and 49% as moderate or centrist, a combined 73%, in contrast with *Plus61J Media* respondents, the largest proportion of whom (67%) identify as progressive.

The findings point to a high level of positive response from those associated with both organisations with regard to identification as a Zionist, connectedness to Israel and the importance of close ties with Israel. A substantial majority (71% UIA, 86% *Plus61J Media*) agree that it is acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies. A substantial majority of both organisations are concerned that disunity threatens the Jewish world, 86% UIA, 61% *Plus61J Media*.

But the large measure of consensus is not maintained beyond these questions. Thus, with regard to the workings of democracy, a central issue identified in this survey, only 33% of those associated with *Plus61J Media* agree that democracy in Israel is alive and well, compared with 68% of those associated with UIA. A lower 59% associated with UIA indicate that they are either more positive or stable in their view that Israel is a democratic country, compared with a small minority of 20% *Plus61J Media*.

The lowest proportion among those associated with the UIA is obtained in response to the proposition that the proposed judicial reforms are good for Israel (24% agree, 61% disagree, 14% indicate no opinion or don't know), compared with just 3% agreement among those associated with *Plus61J Media*.

Contrasting proportions are also obtained for a question on the possibility of a viable solution to the Israeli-Palestinian conflict, agreed to by 46% UIA associates and a higher 71% *Plus61J Media*. Despite their pessimistic view on the prospects for a viable solution to the conflict, 75% UIA associates are optimistic about Israel's future, comparted to a much lower 33% for *Plus61J Media* associates.

This potential contradiction in views may be explained on the basis that while UIA associates are not optimistic about peace with the Palestinians, they have confidence in the ability of the Israeli state to cope with any challenges arising from the conflict, whereas a majority of *Plus61J Media* associates believe that a viable solution can be reached, but are pessimistic that it will be reached. This is reflected in other questions, for example, in the different response with regard to confidence in advocating for Israel among non-Jewish friends, indicated by 71% of UIA associates and 34% *Plus61J Media.*

With regard to issues on which Diaspora Jews should voice an opinion, there is agreement that the top two issues relate to Jewish status (conversion) and recognition of pluralism in Israel; security issues, on the other hand, rate last, seen by a large majority as a matter to be left to Israelis. The issues of rights for women, LGBTQI+ persons and Arab citizenship rate substantially higher among *Plus61J Media* associates, as does the situation of Palestinians (70% *Plus61J Media*, compared with 48% UIA).

Table 29 **Demographic indicators, membership or affiliation with UIA and** Plus61J Media **(percentage)**

| | Age 18-34 | 35-44 | 45-54 | 55-64 | 65-74 | 75-84 |
|---|---|---|---|---|---|---|
| UIA | 1 | 8 | 8 | 15 | 39 | 24 |
| Plus61J | 8 | 6 | 7 | 20 | 42 | 20 |

| | Female | Male |
|---|---|---|
| UIA | 51 | 49 |
| Plus61J | 66 | 34 |

| | Modern Orthodox | Traditional | Progressive/ Conservative | Just Jewish | Secular |
|---|---|---|---|---|---|
| UIA | 27 | 37 | 19 | 10 | 5 |
| Plus61J | 9 | 25 | 28 | 15 | 20 |

| | Conservative | Moderate or centrist | Progressive |
|---|---|---|---|
| UIA | 24 | 49 | 22 |
| Plus61J | 2 | 28 | 67 |

Table 30 **Pattern of response, UIA and** Plus61J Media **(Crossroads23 [B], percentage)**

| | UIA | Plus61J |
|---|---|---|
| Consider yourself to be a Zionist – yes | 93 | 74 |
| High level of personal connectedness to Israel – strongly agree or tend to agree | 96 | 85 |
| The existence of Israel is essential for the future of the Jewish people Israel – strongly agree or tend to agree | 100 | 79 |
| It is important that the Australian Jewish community and Israel maintain close ties - strongly agree or tend to agree | 100 | 89 |
| Acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies – strongly agree or tend to agree | 71 | 86 |
| Optimistic about Israel's future – strongly agree or tend to agree | 75 | 33 |
| A viable solution to the Israeli-Palestine conflict is possible – strongly agree or tend agree | 46 | 71 |
| Disunity threatens the Jewish world – strongly agree or tend to agree | 86 | 61 |
| Democracy in Israel is alive and well – strongly agree or tend to agree | 68 | 33 |
| Proposed judicial reforms are good for Israel – strongly agree or agree | 24 | 3 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident that Israel is a democratic country | 59 | 20 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... connected to Israel [Somewhat less, much less] | 88 | 66 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ...advocating for Israel among my Jewish friends | 83 | 48 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident advocating for Israel among my non-Jewish friends [Somewhat less, much less] | 71 | 34 |
| Compared to five years ago I agree ... much more, somewhat more, neither more nor less ... with Israeli policy on issues related to the Palestinians | 58 | 16 |
| N | 265 | 245 |

**Figure 5: Pattern or response, UIA and Plus16J affiliates**

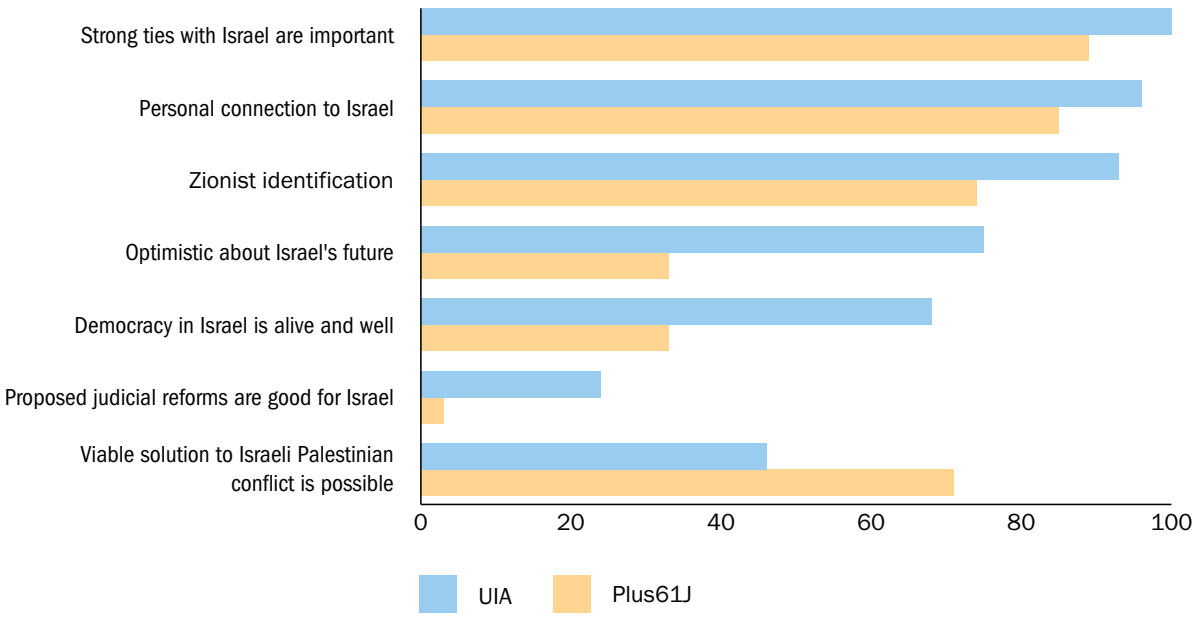


Table 31 **The President of Israel has initiated a process to consult with Diaspora communities. On which of the following issues in Israel do you think Diaspora Jews should voice an opinion? (Mark as many as you consider to be important) (Crossroads23 [B])**

| | UIA | Plus61 J |
|---|---|---|
| | % | % |
| Jewish status (who is a Jew, conversion) | 79 | 78 |
| Recognition of pluralism in Israel | 65 | 81 |
| The role of Orthodox Judaism | 61 | 68 |
| Women's rights | 51 | 73 |
| Judicial reform | 52 | 67 |
| Situation of Palestinians in the West Bank/ Gaza | 48 | 70 |
| LGBTQI+ rights | 43 | 65 |
| Status of Holy places | 43 | 43 |
| Arab citizenship rights | 41 | 69 |
| Security | 38 | 30 |
| N | 265 | 245 |

## AGE AND SEX

The extent of variation evident in attitudes of UIA and *Plus61J Media* associates is not replicated when age groups and men and women are considered. There is a consistently high level of identification with Israel. Thus, the affirmation of personal connectedness with Israel is in the narrow range 84%-90%, concern about the threat of disunity among the Jewish people is at a high level, in the range 69%-72%, and three-quarters or more respondents across the groups (76%-89%) agree that it is acceptable for Jewish people who do not live in Israel to express views about the Israeli government.

Confidence in advocating for Israel among non-Jewish friends almost evenly divides respondents across the groups, with higher level of confidence indicated by those aged 65 or older (55%) and men (60%).

Confidence in the workings of Israeli democracy is indicated by a minority across all the groups but it is at the lowest level among those aged 18-34: 23% in this age group consider that Israeli democracy is alive and well and only 26% indicate that compared to five years ago, they are more confident or stable in the view that Israel is a democratic country. In general, men are more positive than women in their attitudes

The issue of proposed judicial reform obtains a very high negative response, seen in positive terms by just 5% of those aged 18-34, with the highest positive view at only 20%, indicated by men.

# POLITICAL ALIGNMENT AND RELIGIOUS IDENTIFICATION

Assessment by political alignment and religious identification finds substantial variation in response to a number of questions, similar to the pattern of response obtained by analysis of organisational affiliation.

There is high level of identification with Zionism, in the range 90%-97% across political alignment and 75%-94% across streams of Judaism, with an outlier of 57% indicated by secular respondents.

Personal connectedness with Israel is similarly indicated by a large majority, in the range 83%-94% by political alignment and 80%-96% by stream of Judaism.

However, views on the functioning of Israeli democracy sharply divide, viewed as "alive and well" by 86% of those who indicate that they are conservative, 21% by those progressive, 68% by Modern Orthodox, 37% "just Jewish" and 19% secular.

While a bare majority of 51% of conservatives view the proposed judicial reforms as positive, this view is not shared by even 20% among other groupings: the proposed reforms are viewed as positive by 14% centrists, 3% progressives, 18% traditional, 12% "just Jewish" and 5% secular.

Optimism about Israel's future is high among those of conservative political alignment at 84% and , among Modern Orthodox at 79%, but it is at what might be seen as an alarmingly low level among those of progressive political beliefs at 28%, 42% of Progressive or Conservative faith, and 21% secular.

A majority of all groups agree that it is acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government, with agreement at the lowest level among conservatives (54%) and those of Modern Orthodox faith (59%), at the highest levels among those of progressive political belief (90%), Progressive or Conservative faith (89%), "just Jewish" (86%) and secular (87%).

**Figure 6: Pattern of response by political alignment**

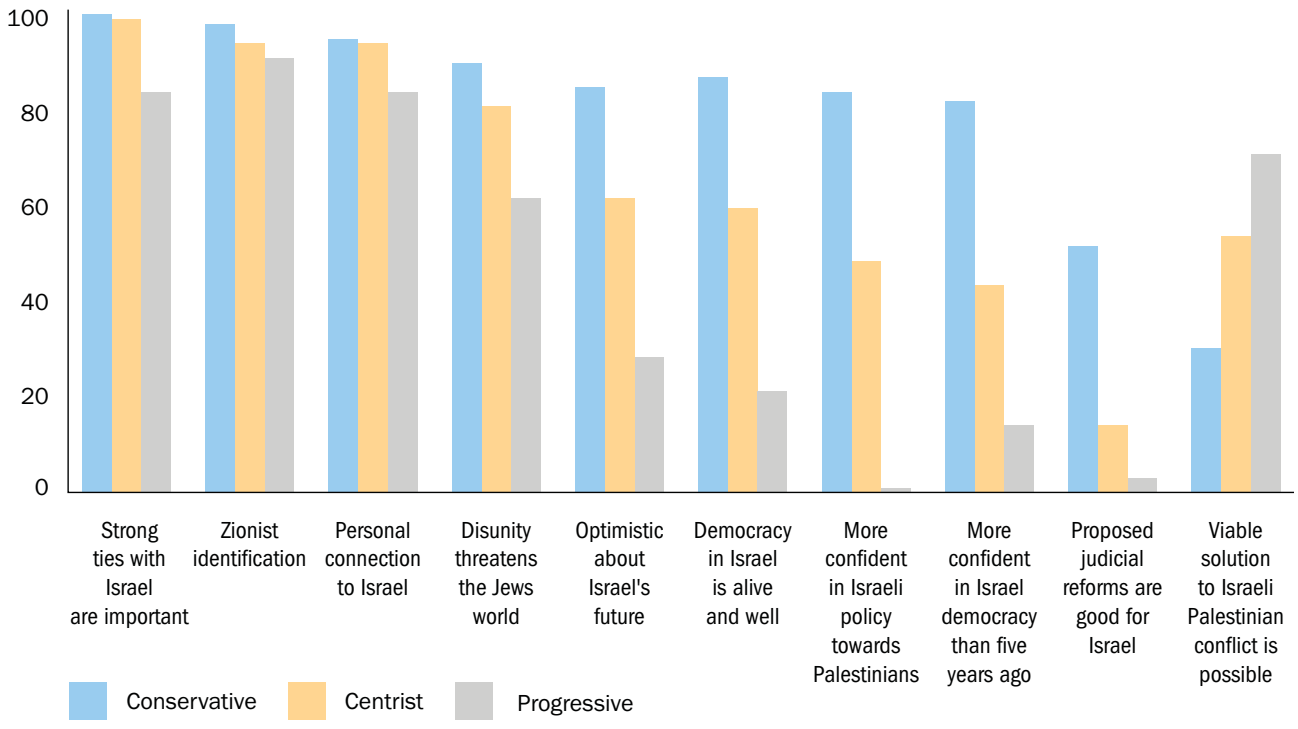


Table 32 **Selected questions by age and sex (Crossroads23 [B], percentage)**

| | Age 18-34 | 35-44 | 45-54 | 55-64 | 65/+ | Female | Male |
|---|---|---|---|---|---|---|---|
| Consider yourself to be a Zionist – yes | 74 | 74 | 86 | 77 | 77 | 76 | 81 |
| High level of personal connectedness to Israel – strongly agree or tend to agree | 84 | 86 | 89 | 86 | 90 | 89 | 88 |
| The existence of Israel is essential for the future of the Jewish people – strongly agree or tend to agree | 75 | 80 | 88 | 83 | 90 | 86 | 87 |
| Optimistic about Israel's future – strongly agree or tend to agree | 31 | 34 | 45 | 45 | 56 | 42 | 56 |
| A viable solution to the Israeli-Palestine conflict is possible – strongly agree or tend agree | 54 | 52 | 59 | 59 | 57 | 58 | 55 |
| Democracy in Israel is alive and well – strongly agree or tend to agree | 23 | 37 | 49 | 49 | 48 | 38 | 54 |
| Proposed judicial reforms are good for Israel – strongly agree or agree | 5 | 10 | 14 | 16 | 17 | 10 | 20 |
| Disunity threatens the Jewish world – strongly agree or tend to agree | 71 | 69 | 74 | 71 | 72 | 72 | 72 |
| Acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies – strongly agree or tend to agree | 86 | 89 | 76 | 76 | 78 | 78 | 80 |
| It is important that the Australian Jewish community and Israel maintain close ties - strongly agree or tend to agree | 77 | 84 | 92 | 91 | 93 | 90 | 92 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... connected to Israel [Somewhat less, much less] | 66 [33] | 63 [36] | 77 [22] | 75 [25] | 79 [20] | 75 [24] | 76 [24] |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ...confident that Israel is a democratic country | 26 | 31 | 30 | 32 | 42 | 30 | 43 |
| Compared to five years ago I agree ... much more, somewhat more, neither more nor less ...with Israeli policy on issues related to the Palestinians | 32 | 32 | 44 | 36 | 39 | 32 | 45 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... advocating for Israel among my Jewish friends | 59 | 54 | 62 | 68 | 66 | 61 | 68 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident advocating for Israel among my Jewish friends [Somewhat less, much less] | 51 [45] | 48 [47] | 49 [49] | 52 [46] | 55 [42] | 47 [50] | 60 [38] |
| N | 95 | 87 | 123 | 187 | 506 | 529 | 461 |

Table 33 **Political alignment (In general, would you describe your political views as ...?) (Crossroads23 [B], percentage)**

| | Conservative | Moderate or centrist | Progressive |
|---|---|---|---|
| Consider yourself to be a Zionist – yes | 97 | 93 | 90 |
| High level of personal connectedness to Israel – strongly agree or tend to agree | 94 | 93 | 83 |
| The existence of Israel is essential for the future of the Jewish people – strongly agree or tend to agree | 100 | 95 | 76 |
| Optimistic about Israel's future – strongly agree or tend to agree | 84 | 61 | 28 |
| A viable solution to the Israeli-Palestine conflict is possible – strongly agree or tend agree | 30 | 53 | 70 |
| Democracy in Israel is alive and well – strongly agree or tend to agree | 86 | 59 | 21 |
| Proposed judicial reforms are good for Israel – strongly agree or agree | 51 | 14 | 3 |
| Disunity threatens the Jewish world – strongly agree or tend to agree | 89 | 80 | 61 |
| Acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies – strongly agree or tend to agree | 54 | 76 | 90 |
| It is important that the Australian Jewish community and Israel maintain close ties - strongly agree or tend to agree | 99 | 98 | 83 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... connected to Israel [Somewhat less, much less] | 98 [2] | 85 [14] | 61 [38] |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ...confident that Israel is a democratic country | 81% | 43 | 14 |
| Compared to five years ago I agree ... much more, somewhat more, neither more nor less ... with Israeli policy on issues related to the Palestinians | 83 | 48 | 1 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... advocating for Israel among my Jewish friends | 93 | 78 | 45 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident advocating for Israel among my Jewish friends [Somewhat less, much less] | 84 [13] | 64 [33] | 33 [64] |
| N | 141 | 360 | 443 |

Table 34 **Stream of Judaism (Crossroads23 [B], percentage)**

| | Modern Orthodox | Traditional | Progressive/ Conservative | Just Jewish | Secular |
|---|---|---|---|---|---|
| Consider yourself to be a Zionist – yes | 94 | 89 | 75 | 75 | 57 |
| High level of personal connectedness to Israel – strongly agree or tend to agree | 96 | 93 | 84 | 88 | 80 |
| The existence of Israel is essential for the future of the Jewish people – strongly agree or tend to agree | 98 | 96 | 82 | 87 | 68 |
| Optimistic about Israel's future – strongly agree or tend to agree | 79 | 60 | 42 | 41 | 21 |
| A viable solution to the Israeli-Palestine conflict is possible – strongly agree or tend agree | 43 | 50 | 63 | 56 | 70 |
| Democracy in Israel is alive and well – strongly agree or tend to agree | 68 | 60 | 41 | 37 | 19 |
| Proposed judicial reforms are good for Israel – strongly agree or agree | 35 | 18 | 6 | 12 | 5 |
| Disunity threatens the Jewish world – strongly agree or tend to agree | 83 | 78 | 70 | 71 | 57 |
| Acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies – strongly agree or tend to agree | 59 | 71 | 89 | 86 | 87 |
| It is important that the Australian Jewish community and Israel maintain close ties - strongly agree or tend to agree | 99 | 97 | 91 | 90 | 74 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... connected to Israel [Somewhat less, much less] | 93 [7] | 81 [18] | 70 [29] | 75 [24] | 60 [39] |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident that Israel is a democratic country | 60 | 47 | 27 | 33 | 15 |
| Compared to five years ago I agree ... much more, somewhat more, neither more nor less ... with Israeli policy on issues related to the Palestinians | 64 | 47 | 31 | 34 | 17 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... advocating for Israel among my Jewish friends | 83 | 76 | 61 | 55 | 44 |
| Compared to five years ago I feel ... much more, somewhat more, neither more nor less ... confident advocating for Israel among my Jewish friends [Somewhat less, much less] | 72 [24] | 63 [34] | 47 [50] | 42 [56] | 36 [60] |
| N | 151 | 245 | 232 | 153 | 177 |

# APPENDIX 1

## DEMOGRAPHIC PROFILE

Table 35

**Age distribution, Jewish population aged 18-100**

| | Crossroads23 [B] | 2021 Census – Jewish population by religion |
|---|---|---|
| | % (N in brackets) | % |
| 18-34 | 9% (95) | 22% |
| 35-44 | 9% (87) | 15% |
| 45-54 | 2% (123) | 16% |
| 55-64 | 19% (187) | 15% |
| 65-74 | 32% (319) | 18% |
| 75/+ | 19% (187) | 14% |
| Missing | 1% (8) | |
| Total | 100% | 100% |

Table 36

**Gender, Jewish population aged 18-100**

| | Crossroads23 [B] | 2021 Census – Jewish population by religion |
|---|---|---|
| | % | % |
| Male | 46% | 48% |
| Female | 53% | 52% |
| Total | 100% | 100% |

Table 37

**Country of birth, Jewish population aged 18-100**

| | Crossroads23 [B] | 2021 Census – Jewish population by religion |
|---|---|---|
| | % | % |
| Australia | 55% | 56% |
| South Africa | 11% | 13% |
| Israel | 10% | 7% |
| United Kingdom | 6% | 4% |
| Russian Federation/ Ukraine | 1% | 3% |
| USA | 3% | 3% |
| Hungary | 2% | 1% |
| Poland | 2% | 1% |
| New Zealand | 2% | 1% |

Table 38

**Location – state in which currently live, Jewish population aged 18-100**

| | Crossroads23 [B] | 2021 Census – Jewish population by religion |
|---|---|---|
| | % | % |
| Victoria | 50% | 47% |
| NSW | 37% | 40% |
| Queensland | 7% | 5% |
| Western Australia | 2% | 6% |
| ACT | 2% | 1% |
| South Australia | 1% | 1% |
| Total | 100% | 100% |

Table 39

**Number of times visited Israel**

| | Crossroads23 [B] | Gen17 |
|---|---|---|
| | % | % |
| Never | 4 | 7 |
| Once | 9 | 13 |
| Twice | 13 | 15 |
| Three or more | 74 | 65 |
| Prefer not to say | 0 | 0 |
| Total | 100 | 100 |

Table 40

**Longest time spent in Israel (excludes born in Israel)**

| | Crossroads23 [B] | Gen17 |
|---|---|---|
| | % | % |
| <2 weeks | 5 | 6 |
| 2 weeks- 1 month | 22 | 28 |
| 1 month – 4 months | 32 | 34 |
| 4 months – 12 months | 13 | 12 |
| 1 year – 3 years | 17 | 15 |
| 3 years / + | 11 | 6 |
| Prefer not to say | 0 | |
| Total | 100 | 100 |

Table 41

**Close family living in Israel**

| | Crossroads23 [B] | Gen17 |
|---|---|---|
| | % | % |
| Yes | 72 | 65 |
| No | 27 | 34 |
| Prefer not to say | 1 | 1 |
| Total | 100 | 100 |

Table 42

**Close friends in Israel**

| | Crossroads23 [B] | Gen17 |
|---|---|---|
| | % | % |
| Yes | 72 | 59 |
| No | 28 | 40 |
| Prefer not to say | 1 | 1 |
| Total | 100 | 100 |

Table 43

**Political views**

| | Crossroads23 [B] |
|---|---|
| | % |
| Very conservative | 1 |
| Conservative | 14 |
| Moderate or centrist | 36 |
| Progressive | 44 |
| Radical | 2 |
| Prefer not to say/ Other | 2 |
| Total | 100 |

Table 44

**Religious identification/stream of Judaism**

| | Crossroads23 [B] | Gen17/ communal data |
|---|---|---|
| | % | |
| Strictly Orthodox/ Modern Orthodox | 16 | 22 |
| Traditional | 24 | 30 |
| Progressive/ Reform/ Conservative | 23 | 14 |
| Just Jewish | 15 | 12 |
| Secular | 18 | 21 |
| Total | 100 | 100 |

# APPENDIX 2

## QUESTIONNAIRE, KOL HA'AM SURVEY 2023

### Q1

ALL

**Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?**

Please select one answer

1. Yes ☐
2. No ☐
3. Don't know ☐
4. Prefer not to say ☐

### Q2

ALL

**When international events put Israel in danger, which one of the following best describes how you feel?**

Please select one answer

1. I do not feel any different about it than I would if another important foreign country were in the same sort of danger ☐
2. I feel rather more concerned than if another country was in the same situation ☐
3. I feel a special concern because it is Israel and not some other country in danger ☐
4. My reaction is so strong that it is almost the same as if my own life was in danger ☐
5. Don't know ☐
6. Prefer not to say ☐

### Q3

ALL

**To what extent do you keep up with current events which involve Israel? Would you say ...**

Please select one answer

1. A lot ☐
2. Quite a lot ☐
3. A little ☐
4. Not at all ☐
5. Don't know ☐
6. Prefer not to say ☐

### Q4

ALL except Q3, response 4

**To what extent have you followed the discussion of judicial reform proposals in Israel?**

Please select one answer

1. A lot ☐
2. Quite a lot ☐
3. A little ☐
4. Not at all ☐
5. Don't know ☐
6. Prefer not to say ☐

# Q5

ALL

**To what extent do you agree or disagree with the following statements?**

Please select one answer on each row

| | | Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | No opinion | Don't know | Prefer not to say |
|---|---|---|---|---|---|---|---|---|
| 1. | Democracy in Israel is alive and well | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 2. | I feel a high level of personal connectedness to Israel | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 3. | There is too much corruption in Israel's political system | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 4. | Orthodox Judaism has too much influence in Israel's society | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 5. | Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 6. | I feel more secure knowing I could go to Israel if antisemitism increased in Australia | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 7. | The existence of Israel is essential for the future of the Jewish people | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 8. | The proposed judicial reforms are good for Israel | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 9. | Disunity threatens the Jewish world | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 10. | A viable solution to the Israeli-Palestinian conflict is possible | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 11. | It is acceptable for Jewish people who do not live in Israel to publicly express their views about the Israeli government and its policies | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 12. | It is important that the Australian Jewish community and Israel maintain close ties | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 13. | Israelis do not care what Diaspora Jews think about Israel's government or its policies | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 14. | I am optimistic about Israel's future | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

# Q6

ALL

**Compared to five years ago ....**

Please select one answer on each row

| | Much more | Somewhat more | Neither more nor less | Somewhat less | Much less | No opinion | Don't know/ Prefer not to say |
|---|---|---|---|---|---|---|---|
| 1. I feel more/ less connected to Israel | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 2. I feel more/ less confident that Israel is a democratic country | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 3. I agree more / less with Israeli policy on issues related to the Palestinians | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 4. I feel more/less confident advocating for Israel among my Jewish friends | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |
| 5. I feel more/less confident advocating for Israel among my non-Jewish friends | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ |

# Q7

ALL

**The President of Israel has initiated a process to consult with Diaspora communities.**
**On which of the following issues in Israel do you think Diaspora Jews should voice an opinion?**

Mark as many as you consider to be important

1. Jewish status (who is a Jew, conversion) ☐
2. The role of Orthodox Judaism ☐
3. Recognition of pluralism in Israel ☐
4. Status of Holy places ☐
5. Judicial reform ☐
6. Arab citizenship rights ☐
7. Women's rights ☐
8. LGBTQI+ rights ☐
9. Security ☐
10. Situation of Palestinians in the West Bank/Gaza ☐
11. Other (please specify) ☐

# Q8

ALL

**The President of Israel has initiated a process to consult with Diaspora communities.**
**On which of the following issues in Israel do you think Diaspora Jews should voice an opinion?**

**Select the three most important to you, in order of importance**

| | | 1st (most important) | 2nd | 3rd |
|---|---|---|---|---|
| 1. | Jewish status (who is a Jew, conversion) | ☐ | ☐ | ☐ |
| 2. | The role of Orthodox Judaism | ☐ | ☐ | ☐ |
| 3. | Recognition of pluralism in Israel | ☐ | ☐ | ☐ |
| 4. | Status of Holy places | ☐ | ☐ | ☐ |
| 5. | Judicial reform | ☐ | ☐ | ☐ |
| 6. | Arab citizenship rights | ☐ | ☐ | ☐ |
| 7. | Women's rights | ☐ | ☐ | ☐ |
| 8. | LGBTQI+ rights | ☐ | ☐ | ☐ |
| 9. | Security | ☐ | ☐ | ☐ |
| 10. | Situation of Palestinians in the West Bank/ Gaza | ☐ | ☐ | ☐ |
| 11. | Other (please specify) | ☐ | ☐ | ☐ |

# DEMOGRAPHIC

## Q9

ALL

**What age are you?**

1. 18–24 ☐
2. 25–34 ☐
3. 35–44 ☐
4. 45–54 ☐
5. 55–64 ☐
6. 65–74 ☐
7. 75–84 ☐
8. 85 or older ☐
9. Prefer not to say ☐

## Q10

ALL

**Are you...?**

Please select one answer

1. Male ☐
2. Female ☐
3. Non-binary/ Other ☐
4. Prefer not to say ☐

## Q11

ALL

**In which country were you born?**

Please select one answer

1. Australia ☐
2. South Africa ☐
3. Russian Federation/USSR ☐
4. Ukraine ☐
5. Israel ☐
6. New Zealand ☐
7. United Kingdom ☐
8. United States of America ☐
9. France ☐
10. Germany ☐
11. Hungary ☐
12. Poland ☐
13. Other country (please specify) ☐

## Q12

ALL

**In which state or territory do you currently live?**

Please select one answer

1. Victoria ☐
2. New South Wales ☐
3. Western Australia ☐
4. Queensland ☐
5. South Australia ☐
6. ACT ☐
7. Tasmania ☐
8. Northern Territory ☐

# Q13

ALL

**Which of the following best describes your religious beliefs, even if none of the options is exactly right?**

Please select one answer

1. Strictly Orthodox/ Haredi ☐
2. Modern Orthodox ☐
3. Traditional ☐
4. Progressive/Reform/Conservative ☐
5. Just Jewish ☐
6. Secular ☐
7. Prefer not to say ☐
8. Other (please specify) ☐

# Q14

ALL

**In general, would you describe your political views as ...?**

Please select one answer

1. Very conservative ☐
2. Conservative ☐
3. Moderate or centrist ☐
4. Progressive ☐
5. Radical ☐
6. I don't know ☐
7. Prefer not to answer ☐
8. Other (please specify) ☐

# Q15

IF NOT BORN IN ISRAEL (NOT Q11, response 5)

**How many different times in your life have you visited Israel?**

Please select one answer

1. Never ☐
2. Once ☐
3. Twice ☐
4. Three or more times ☐
5. Don't know ☐
6. Prefer not to say ☐

# Q16

IF NOT BORN IN ISRAEL (NOT Q11, response 5)

**What was the longest time you spent in Israel at any one visit?**

Please select one answer

1. Less than 2 weeks ☐
2. weeks but less than 1 month ☐
3. month but less than 4 months ☐
4. months but less than 12 months ☐
5. year but less than 3 years ☐
6. years or more ☐
7. Don't know ☐
8. Prefer not to say ☐

# Q17

ALL

**When were you last in Israel?**

Please select one answer

1. 2023 ☐
2. 2022 ☐
3. 2021 ☐
4. 2020 ☐
5. 2019 ☐
6. 2018 ☐
7. 2017 or earlier ☐
8. Prefer not to say ☐

# Q18

ALL

**Have you any ... ?**

Please select one answer per column

| | (A) close family living in Israel? | (B) close friends living in Israel? |
|---|---|---|
| 1. Yes | ☐ | ☐ |
| 2. No | ☐ | ☐ |
| 3. Don't know | ☐ | ☐ |
| 4. Prefer not to say | ☐ | ☐ |

# Q19

ALL

**Please indicate you organisational membership or affiliation**

Please select all that apply

1. UIA ☐
2. JNF ☐
3. Jewish day school parent organisation or board ☐
4. Jewish Care ☐
5. Zionist youth movement ☐
6. AUJS ☐
7. WIZO ☐
8. National Council of Jewish Women ☐
9. Australian Federation of Russian Jewry ☐
10. Maccabi ☐
11. Ameinu ☐
12. Friends of Likud ☐
13. ARZA ☐
14. Meretz ☐
15. Mercaz Masorti ☐
16. Plus61J ☐
17. NIF ☐
18. Prefer not to say ☐
19. Other(s) (please write) ☐

# Q20

ALL

**OPEN ENDED**

1. What do you think are the critical challenges facing the Jewish people over the next three years?

2. What do you see as the Australian Jewish community's responsibilities to Israel, if any?

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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-4" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
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# The Jewish University Experience Survey

JULY 2023

Social Research Centre

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# 1. Key messages

Jewish students report frequent encounters with antisemitic behaviour while attending university in Australia. Appearance makes a difference; students who are visibly Jewish (that is they wear clothing and/or jewellery identifiable as Jewish) were more likely to report antisemitic experiences.

Antisemitism is affecting how Jewish students approach their appearance while at university. It is not uncommon for these students to hide their Jewish identity when on campus. The extent of hiding their Jewish identity is higher among those who have previously experienced antisemitism in a university setting. These antisemitic experiences are affecting Jewish students both within a classroom environment and externally of the class setting.

Students were largely dissatisfied and faced many barriers when trying to raise a complaint with their university in response to antisemitic behaviour. The majority of those who did raise a complaint were dissatisfied with their university's response. Many students won't raise a complaint as they don't believe complaining will make a difference.

## 1.1. Summary of findings

Antisemitism in a university setting has been experienced by many of the Jewish students surveyed. Almost two thirds (64%) reported at least one incident of antisemitism during their time at university. The majority (88%) of these students had encountered antisemitism within their last twelve months of university.

A range of antisemitic behaviours have been experienced by students in a university setting. When asked whether they'd experienced one or more of a range of possible incidents, the most reported experience was 'people or events that made you feel intimidated because of your Jewish identity' (47%). Other experiences included:

- Antisemitism based on perceptions of Jewish money, power or influence (37%)
- Someone comparing Israel to Nazi Germany (37%)
- Antisemitism based on religion or race (31%)
- Someone denying or minimising the Holocaust (30%)
- Being involuntarily singled out, or excluded, because of matters relating to Israel (25%)

These antisemitic behaviours were experienced by students on a relatively frequent basis. For many, these incidents occurred either monthly or more often, every few months, or every 6 to twelve months.

For a substantial minority, these antisemitic incidents stemmed from the actions of staff. University staff were identified as active participants on 29% of occasions. Further, around 70% of those who indicated that university staff were present, though not active participants, went on to state that this antisemitic behaviour was ignored by these staff members.

Those who experienced antisemitism were more likely to report hiding their Jewish identity when attending university (67% vs 38% of those who have not experienced antisemitism). Avoiding campus at times, due to the antisemitic behaviour of others was a reality for some. This preventative action was reported by 19% of students surveyed.

Although many of the Jewish university students surveyed experienced antisemitism, the incidence of submitting a complaint in response to their most impactful experience was low (14%). Those who did complain were largely dissatisfied with the response received from their university.

Those who did not complain identified many barriers to submitting a complaint. The top two barriers included: a belief that complaining would not make a difference (61%); and that the university would not think the incident was serious enough (48%).

Responses were mixed when students were asked to rate how confident they would feel about making a complaint to their university about antisemitism. Similar proportions reported feeling confident and not confident in this situation (37% and 38% respectively). There were some sub-group differences present. Males (47%) and those who had not experienced antisemitism at university (56%) more likely to feel confident in raising a complaint. Similarly, only 26% of students who had experienced antisemitism at university felt confident about making a complaint. Confidence levels improved when students were asked about the impact of their university adopting a definition of antisemitism. Many (84%) of those who were initially not confident in raising a complaint, indicated that they would feel more confident if their university adopted such a definition.

# 2. About the research

## 2.1. Methodological overview

The Zionist Federation of Australia (ZFA), with support of the Australasian Union of Jewish Students (AUJS), the Scanlon Foundation, the Besen Family Foundation and the World Zionist Organization (WZO), commissioned the Social Research Centre (SRC) to undertake the Jewish University Experience Survey. The aim of the survey was to understand Jewish students' experiences of antisemitism in Australian universities. This is the first survey of its kind in Australia.

An online survey was conducted between March and April 2023 with current and former (within the last five years) Jewish university students. Given the challenges in reaching this specific student population, there were two pathways to survey entry provided to maximise responses:

- Survey invitations were sent by the SRC to contacts on the AUJS database
- The SRC provided an opt-in link to the ZFA, who then promoted the survey through their own communication channels.

A total of n=563 surveys were completed over a three-week period, this comprised of n=396 from the AUJS database and n=167 from the opt-in link. Please see Appendix 2 for the detailed methodology.

## 2.2. About the data

This report provides an overview of key findings relating to the antisemitic experiences of Jewish students while attending university in Australia. The survey primarily consisted of a series of fixed response items; however, some open-ended responses were also included to allow respondents to provide further detail. These responses were coded to reflect the themes of the survey participants' answers.

Several points should be kept in mind when considering the data presented in this report:

- Some questions required respondents to provide responses in relation their experience of antisemitic behaviour in a university setting. In cases where the respondent had more than one antisemitic experience, they were asked to answer about their most impactful experience of antisemitism.
- Where figures in charts were either zero or one percent, data labels have not been shown for ease of reading the chart.
- Unless indicated, responses of 'don't know' or 'prefer not to say' have been excluded from the display of charts and tables.
- In some tables and figures the totals shown and/or mentioned in the accompanying text may differ slightly from the apparent sum of their component elements. This is simply due to the effects of rounding.
- Unless indicated, when the term 'university students' or 'students' is used in the report, this refers to both the current and former university students who completed the survey.
- Statistical tests were conducted to establish whether differences between the responses of subgroups of survey participants were genuine rather than due to random variation. Significance has been reported when the difference is significant at the 0.05 level. Where differences do exist, they have been called out in text.

- The subgroups examined for analysis included:
    - Gender
    - Judaism stream
    - Incidence of wearing clothing and/or jewellery identifiable as Jewish
    - Importance of a sense of connection to Israel for Jewish identity
    - Ever experienced antisemitism at university
    - Sample source (AUJS database or opt-in link)

# 3. University experience of Jewish students

This part of the report summarises responses across all core survey questions. These questions sought to not only understand the experience of antisemitism among the surveyed Jewish university students, but also explored:

- Frequency and source of these experiences
- Complaints process, including satisfaction levels and barriers
- Identifying a statement or action as antisemitic
- Adopting a definition of antisemitism
- Impact of antisemitism on day-to-day behaviours.

## 3.1. Experiences of antisemitism

To measure experiences of antisemitism, students were provided with six behaviours. They were then asked if, during their time at university, they had experienced any of these in a university setting (either on campus or online).

Almost two thirds (64%) of the students surveyed had experienced at least one antisemitic behaviour during their time at university. The majority (88%) of these students had recently experienced antisemitism, that is, within their last twelve months of university. Females (92% vs 82% of males) and those who wear Jewish clothing and/or jewellery (92% vs 84% of those who don't) more likely to have recent experience with antisemitic behaviour.

### 3.1.1. Types of antisemitic behaviours

The percentage of students surveyed reporting each type of antisemitic behaviour is shown in Figure 1.

Of the six behaviours measured, the most common form experienced was 'people or events that made you feel intimidated because of your Jewish identity', at 47%. A higher proportion of females (53% vs 39% of males) reported feeling intimidated in this way.

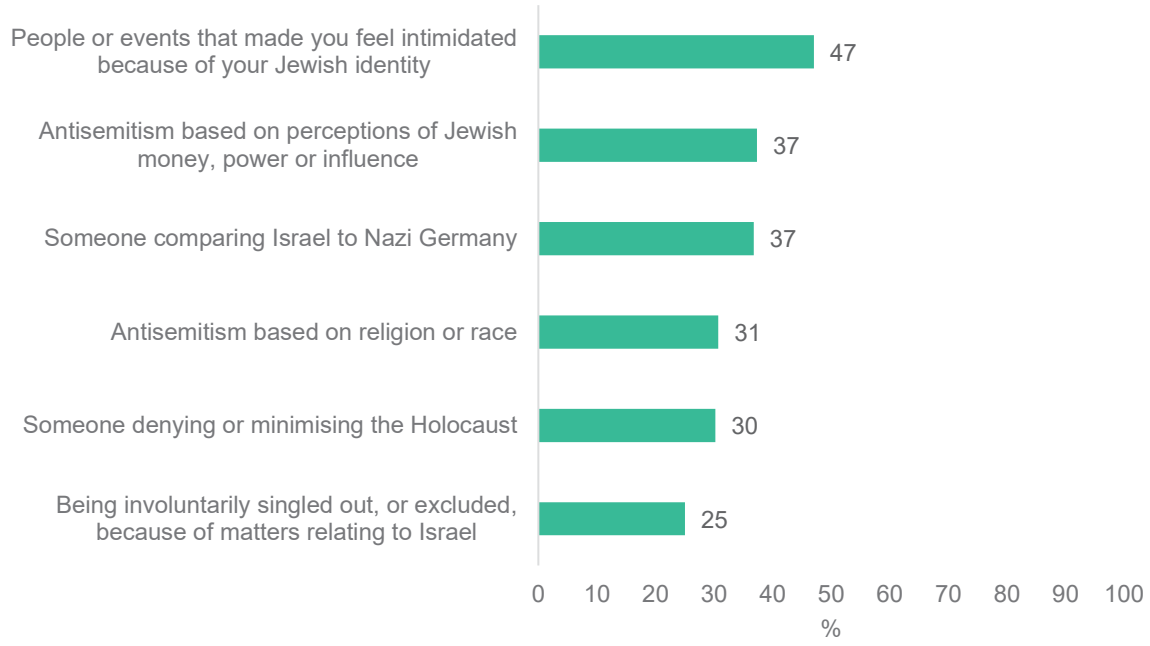
The next most common experiences were:

- Antisemitism based on perceptions of Jewish money, power or influence (37%)
- Someone comparing Israel to Nazi Germany (37%)
- Antisemitism based on religion or race (31%)
- Someone denying or minimising the Holocaust (30%), more likely among females (34% vs 25% of males)

One in four (25%) students survey reported 'being involuntarily singled out, or excluded, because of matters relating to Israel'.

Across all antisemitic behaviours, students who are visibly Jewish (i.e., wear Jewish clothing and/or jewellery) were more likely to report exposure to these behaviours.

**Figure 1** **Types of antisemitic behaviour experienced by respondents in a university setting (%)**




Q1: Thinking about your time at university, have you ever experienced any of the following, either on campus or online in a university setting (such as online lectures/ tutorials and university affiliated online meetings)? (n=563)

### 3.1.2. Frequency of antisemitism

Those who experienced antisemitic behaviour (n=360) were asked how frequently this had occurred during their last twelve months of university. Most respondents had experienced antisemitic behaviour on a regular basis. There were some small differences in frequency between the antisemitic behaviours measured, as shown in Table 1.

One third (33%) reported being made to feel intimidated at least monthly because of their Jewish identity. Slightly smaller proportions reported this behaviour occurring every few months (30%) or every six to 12 months (25%).

**Table 1** **Frequency of experiencing antisemitic behaviours in a university setting**

| | Monthly or more often | Every few months | Every 6 to twelve months | Not experienced in last twelve months of university |
|---|---|---|---|---|
| People or events that made you feel intimidated because of your Jewish identity (n=265) | 33% | 30% | 25% | 13% |
| Antisemitism based on perceptions of Jewish money, power or influence (n=210) | 25% | 28% | 31% | 16% |
| Someone comparing Israel to Nazi Germany (n=207) | 29% | 23% | 33% | 15% |
| Antisemitism based on religion or race (n=173) | 21% | 31% | 29% | 18% |

| | Monthly or more often | Every few months | Every 6 to twelve months | Not experienced in last twelve months of university |
|---|---|---|---|---|
| Someone denying or minimising the Holocaust (n=170) | 18% | 27% | 39% | 15% |
| Being involuntarily singled out, or excluded, because of matters relating to Israel (n=141) | 31% | 33% | 26% | 11% |

Q2: During your last 12 months at university, how often did you experience these, either on campus or online in a university setting (such as online lectures/ tutorials and university affiliated online meetings)? (n=360)

## 3.2. Where are these experiences occurring, and who is participating?

Students were asked a series of questions about the setting of their most impactful experience of antisemitism. This sought to understand if these antisemitic experiences were occurring within certain fields of study (or outside of a class setting) and who actively participated.

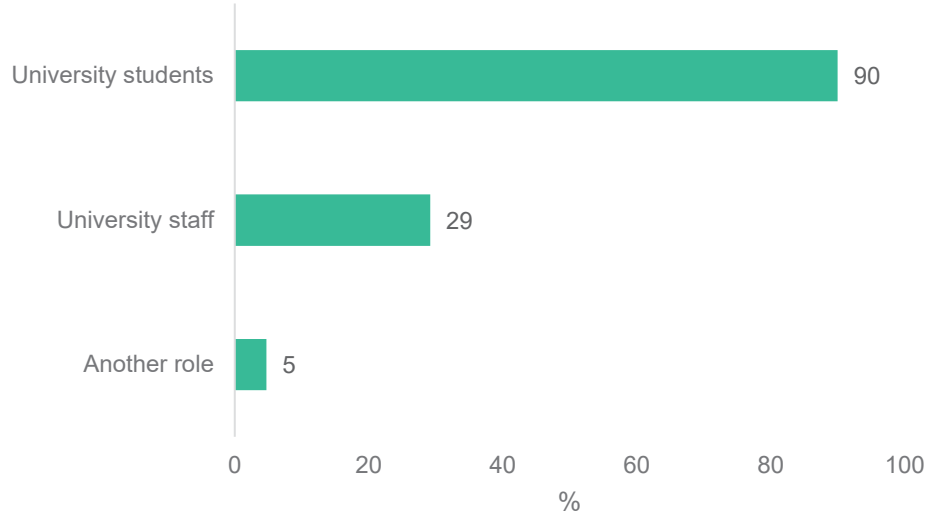
These antisemitic behaviours were reported as occurring equally within a classroom environment, and outside of a class setting. For almost half (49%) of those who experienced antisemitic behaviour (n=360), their most impactful incident did not occur in a subject or class setting.

Students who are visibly Jewish through their choice of clothing and/or jewellery were more likely identify a field of study as the setting for this antisemitic experience (63% vs 39% of those don't wear Jewish clothing and/or jewellery).

Political and social sciences was the most frequently named field of study (15%) among those who experienced antisemitism in a class setting. For the full list of responses please see Appendix 3, noting these have been reported by very small proportions.

University students were reported as active participants in these antisemitic behaviours the majority (90%) of the time. Smaller proportions (29%) of respondents had witnessed university staff as active participants, shown in Figure 2.

**Figure 2 Reported as actively participating in antisemitic behaviour (%)**

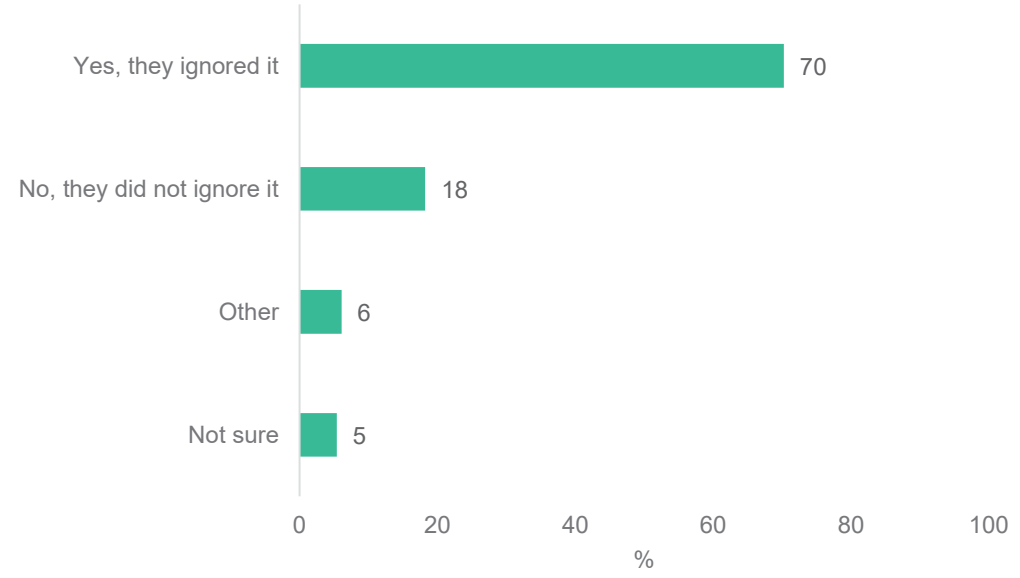



Q3: Thinking about your most impactful experience of antisemitic behaviour in a university setting, who actively participated in this antisemitic behaviour? Multiple response. (n=360)

A follow up question asked respondents who had not selected university staff as an active participant in the previous question (n=257), if university staff were present at the time of this incident. Less than one in five (18%) of these respondents reported that university staff were present at this time.

As shown in Figure 3, the incidence of university staff who were present ignoring antisemitic behaviour was relatively high, at 70%.

**Figure 3 Incidence of university staff ignoring antisemitic behaviour (%)**




Q5: And during this most impactful experience did you see university staff ignore this antisemitic behaviour? (n=148)

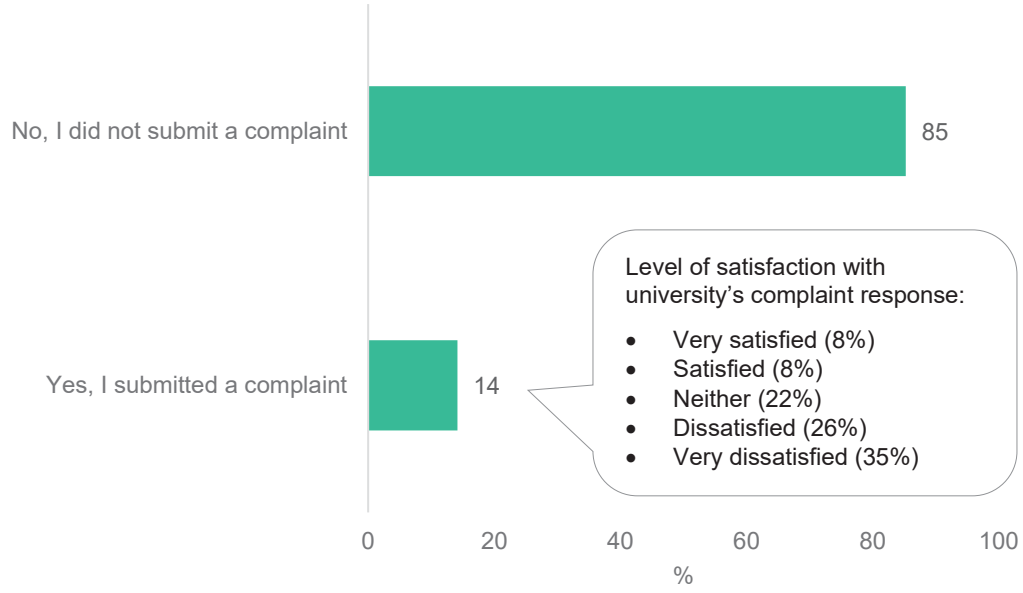
## 3.3. Complaints experience

To explore the complaints experience, those who experienced antisemitism were asked if they submitted a complaint to their university. Follow up questions asked about either their satisfaction with how the complaint was handled, or reasons for not submitting a complaint.

Few students' surveyed had submitted a complaint to their university after an antisemitic experience, as shown in Figure 4. Less than one in five (14%) of those who experienced antisemitism (n=360) indicated they submitted a complaint to their university.

Among the students who did raise a complaint (n=51), their university's response to and handling of the complaint did not meet expectations. High levels of dissatisfaction were recorded among these respondents. Approximately two in three (61%) were dissatisfied overall with the university's response to their complaint, including 35% 'very dissatisfied' and 26% 'dissatisfied'.

**Figure 4 Incidence of submitting a complaint after most impactful experience (%)**



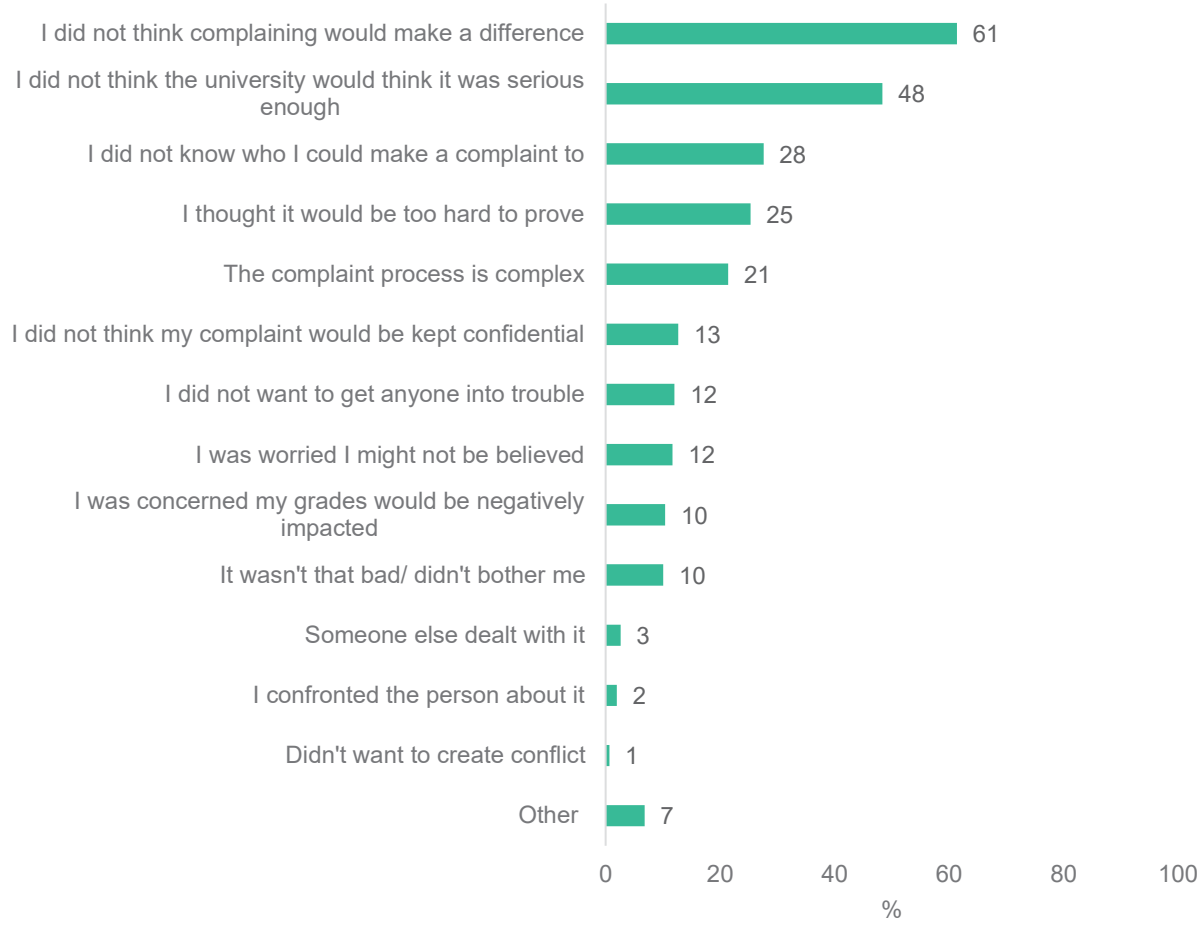

Q7: Did you submit a complaint to the university after this most impactful experience of antisemitic behaviour? (n=360)
Q8: How satisfied were you with the university's response to your complaint? (n=51)

Students who did not complain (n=308) were then asked why they decided not to submit a complaint in response to the antisemitism they experienced.

The top two barriers revolved around the ineffectiveness of complaining (Figure 5). Many (61%) students thought that complaining would not make a difference, while close to half (48%) felt the university would not think the antisemitic incident was serious enough.

Additional barriers related to a complex and unclear complaints process. More than one quarter (28%) did not know who to complain to, and around 25% thought it would be too hard to prove the antisemitism. A further 21% felt the complaints process was too complex.

**Figure 5 Reasons for not submitting a complaint (%)**




Q9: Why did you decide **not** to submit a complaint to the university? (n=307)

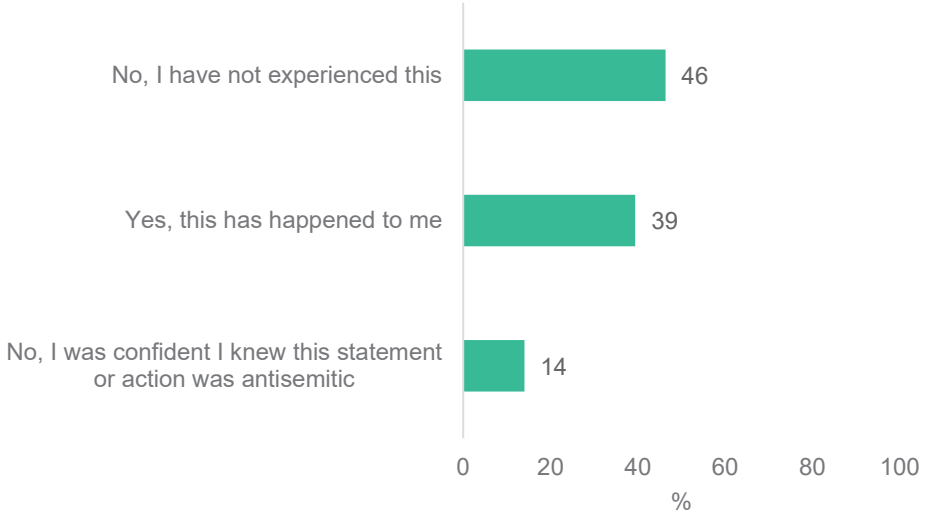
# 4. Defining antisemitism in a university setting

Being able to clearly identify when a personally offensive statement or action has crossed the line into antisemitism was difficult for some students.

This level of uncertainty about when a statement or action becomes antisemitic was present for almost two in five (39%) of those surveyed, as shown in Figure 6. This cohort indicated they had experienced a statement or action that offended them as a Jew but were unsure if it was antisemitic. This uncertainty was more common among females (45% vs 32% of males) and those who had previously experienced antisemitism (53% vs 16% of those who have not).

Close to half (46%) had not experienced such a statement or action, while the remaining 14% were confident they knew when a statement or action they experienced was antisemitic.

**Figure 6** **Incidence of respondents' experiencing a statement or action they found offensive as a Jew, but were unsure if it was antisemitic (%)**




Q10: Thinking about your last 12 months at university, have you experienced a statement or action in a university setting (by either university staff or students) that offended you as a Jew, but you weren't sure whether it crossed the line into antisemitism? (n=563)

# 5. Confidence in raising complaints

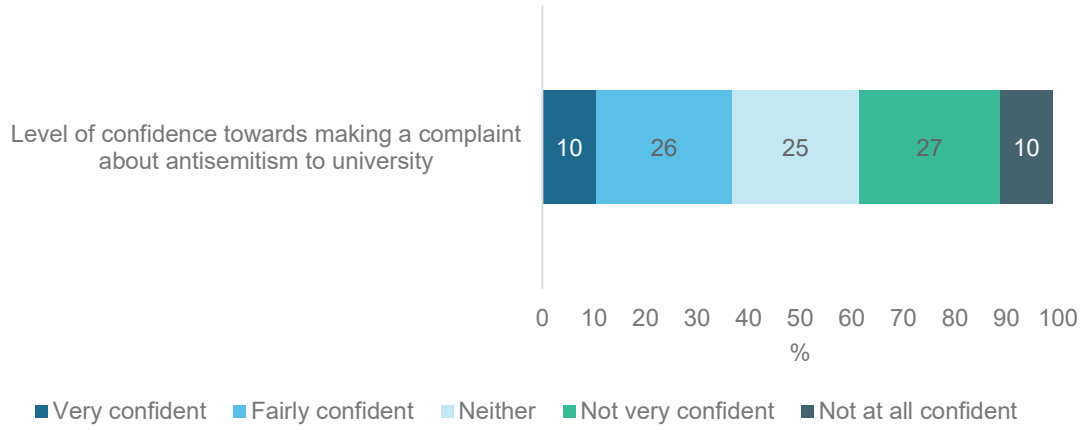
Responses were mixed when survey participants were asked how confident they would feel making a complaint about antisemitism to their university.

More than one third of students surveyed (38%) indicated they would not feel confident in making a complaint about antisemitism to their university. A similar proportion (37%) stated they would be confident in doing so (Figure 7).

Students who indicated they were confident ('fairly' or 'very') in making a complaint were more likely to be:

- Male (47% vs 30% of females)
- Have not experienced antisemitism at university (56% vs 26% of those who had experienced antisemitism)
- Entered the survey through the opt-in link (43% vs 34% of those from the AUJS database)

**Figure 7 Overall confidence in making a complaint to university about antisemitism (%)**

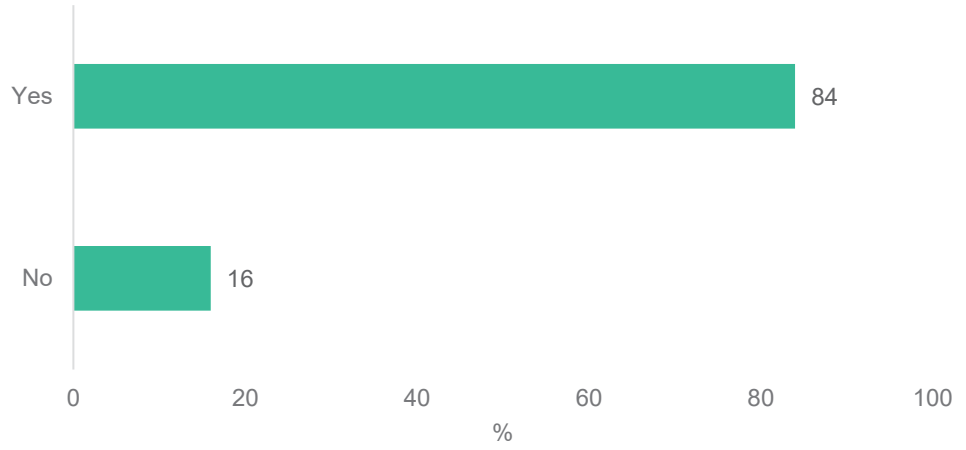



Q12: Overall, how confident <do you / did you > feel about making a complaint about antisemitism to your university? (n=563)

Respondents were then asked if they would be more confident in making a complaint about antisemitism if their university adopted a definition of antisemitism.

Adopting of a definition of antisemitism had a notable impact on those who were previously not confident in making a complaint (Figure 8). The majority (84%) of those with self-reported low levels of confidence (n=211, 'not very' and 'not at all' confident) in making a complaint indicated they would be more confident in raising a complaint if their university adopted a definition of antisemitism.

**Figure 8** **More confident in making a complaint if university adopted a definition of antisemitism, among those with low confidence levels (%)**




Q13: Would you be more confident making a complaint about antisemitism if your university adopted a definition of antisemitism? Note: This figure reports on the responses of those who were 'not very confident' or 'not at all confident' in Q12 (n=211)

# 6. Changing behaviours

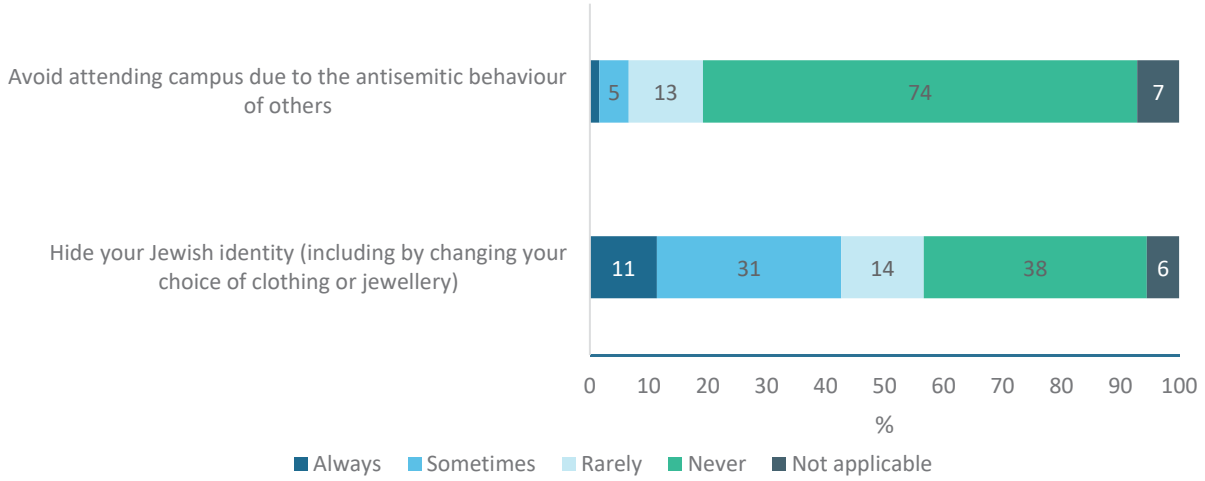
The following question provides a measure of how often survey participants are intentionally changing their appearance and/or campus visitation behaviours. Students were asked how often they avoid attending campus due to the antisemitic behaviours or others, and/or hide their Jewish identity (including by changing clothing or jewellery choice).

As shown in Figure 9 below, there may be a level of concern or fear among some Jewish students. Students are choosing to conceal their Jewish identity and/or change university attendance behaviours to avoid antisemitism.

Many (57%) students surveyed reported hiding their Jewish identity while attending university (either 'always', 'sometimes', or 'rarely'). A previous experience with antisemitic behaviour influences the extent to which students are choosing to conceal their Jewish identity. Those who had previously experienced antisemitism were more likely to hide their Jewish identity while attending university (67% vs 38% of those who have not experienced antisemitism at university). Females were also more likely to hide their Jewish identity when attending university (62% vs 49% of males).

Almost one in five (19%) students avoid attending their university campus due to the antisemitic behaviour of others (either 'always', 'sometimes', or 'rarely'). This avoidance behaviour was also more likely among those who had previously experienced antisemitism (27% vs 6% of those who have not experienced antisemitism at university), and females (24% vs 13% of males).

**Figure 9 Incidence of respondents avoiding campus and / or hiding Jewish identify (%)**




Q11: While attending university, either on campus or online, how frequently, if at all, <do / did> you… (n=563)

# 7. Additional feedback

When respondents were given the opportunity to share additional information about their experiences as a Jewish university student, close to a quarter (23%) took this opportunity to provide further commentary. These verbatim responses were varied, with many of these survey participants providing detailed recounts of their challenges and experiences as a Jewish university student.

The text responses were coded into similar themes, however the individuality of many responses meant it was difficult to allocate these to a common theme. Table 2 summarises the top themes arising from the verbatim responses.

**Table 2 Additional feedback**

| Response categories | |
|---|---|
| Anti-Israel sentiment crosses into antisemitism | 15% |
| Experienced antisemitism from students | 13% |
| Experienced antisemitism from student organizations and groups | 13% |
| Complaints about antisemitism not taken seriously by university | 9% |
| Feel supported / appreciative of what's being done | 8% |
| Issues related to students participating in BDS/ Free Palestine movement | 8% |
| Experienced antisemitism from staff | 8% |
| Insensitive subject matter in courses | 8% |
| Would like more support on campus | 8% |
| Experienced antisemitism at university (no specific mention of staff, students or groups) | 7% |
| Have issues with IHRA definition of antisemitism | 5% |
| Nothing else / No issues | 4% |
| Would have liked more opportunity to explain responses | 3% |
| No consideration of religious days | 3% |
| Other | 40% |
| Total, provided a verbatim response | n=130 |
| Did **not** provide a verbatim response | n=433 |

Q14: Thank you for answering these questions about your experiences at university as a Jewish student. Is there anything more you would like to share about your experiences? (n=563)

Select verbatim responses have been highlighted below to provide context and specific examples of how respondents answered this question[1]. These responses relate to the types of antisemitism experienced, source, complaints process, feeling uncomfortable on campus, and defining antisemitism.

The types of antisemitism experienced at university included both targeted comments and conversational antisemitism:

> *[At my university], it is of a very popular position to take by both staff and student to make antisemitic remarks, especially in regards to Israel. Comments such as 'from the river to the sea' and Jewish colonist occupiers are very common and makes me very wary of being open about my Jewish identity.*

[1]Minor grammatical edits have been made to verbatim responses for clarity and to protect respondent identity.

*Conversational antisemitism seems to be the most common, where people are just ignorant but also reject criticism of their offensive comments. They're rarely intentional, and this adds to the apathy of reporting, despite the comments impacting more so than others due to the friendlier context before/after.*

Student movements / groups were highlighted by some respondents as a source of antisemitism on their university campus:

*The socialist movement has said things to me, including calling me a "dirty Zionist Jew" as someone who is clearly a religious student with kippah, tzitzit and a beard.*

*I feel very unsafe with the presence of anti-Jewish student clubs on campus, such as Students for Palestine.*

Some respondents described the challenging processes they encountered when complaining about antisemitism to their university:

*Administration bureaucracy to assess antisemitic incidents was very frustrating. Sometimes it would take six months to deal with an issue, usually not leading to any repercussions. The whole process turned me off from informing the university about things.*

*[My university] has not been taking antisemitic concerns seriously at all. They don't have any systems in place to deal with it properly, with multiple roadblocks when complaints have been made. They don't take any concerns seriously and no meaningful action has occurred when complaints have been made by students.*

Other students described when and why they feel uncomfortable as a Jewish student on campus:

*I do feel unsteady on campus when things in Israel flair up because of student reactions. Also, especially around Nakba Day I do feel hesitant to come on campus.*

*I feel uncomfortable about being openly Jewish with other students (other than my close friends). Whenever I would mention it, it always feels a bit like coming out where you don't exactly know how people will respond, if they will judge you negatively or change their behaviour because of it.*

Comments about defining antisemitism included concerns about universities not listening to Jewish students, and one student's personal journey to being more confident in identifying antisemitism:

*It is very difficult to be a Jewish student at university, especially with regard to non-Jewish people minimising or gaslighting you when you call something antisemitic. Situations are often underplayed by staff and students. They feel that they have the right to define antisemitism and fail to listen to Jewish students. Universities need to be held accountable. They have a duty to hold both their staff and students to account for their actions and must listen to Jewish voices, as they do any other minority groups.*

*I was offended by certain things that student clubs at my university did, and I wasn't too sure what was considered antisemitic or not. But my friend showed me an AUJS post and I started following AUJS and learning way more about the IHRA definition of antisemitism. This has made it easier to be able to identify antisemitism. I am still a bit scared to call out antisemitism at times because I feel that people will start to dissociate from me.*

# Appendix 1 Sample profile

**Table 3 Sample profile**

| Survey completion source | % | n |
|---|---|---|
| Client sample | 70.3 | 396 |
| Open link | 29.7 | 167 |
| Gender | % | n |
| Woman or female | 56.1 | 316 |
| Man or male | 41.9 | 236 |
| Non-binary | 1.6 | 9 |
| Prefer not to say | 0.4 | 2 |
| **Age** | **%** | **n** |
| 16-21 | 46.2 | 260 |
| 22-34 | 51.2 | 288 |
| 35 and over | 2.7 | 15 |
| **State / Territory of current or most recent university** | **%** | **n** |
| VIC | 52.2 | 294 |
| NSW | 30.7 | 173 |
| ACT | 6.9 | 39 |
| WA | 6.7 | 38 |
| QLD | 2.0 | 11 |
| SA | 0.9 | 5 |
| TAS | 0.2 | 1 |
| NT | 0.0 | 0 |
| Prefer not to say | 0.2 | 1 |
| Not sure | 0.2 | 1 |
| **Stream of Judaism** | **%** | **n** |
| Modern Orthodox | 40.3 | 227 |
| Reform | 20.1 | 113 |
| Traditional | 19.4 | 109 |
| Secular | 8.2 | 46 |
| Conservative | 5.2 | 29 |
| Ultra-Orthodox | 2.3 | 13 |
| None | 3.7 | 21 |
| Other | 0.9 | 5 |
| **Importance of a sense of connection to Israel for Jewish identity** | **%** | **n** |
| Very important | 60.4 | 340 |
| Somewhat important | 28.8 | 162 |
| Not very important | 8.2 | 46 |
| Not at all important | 2.5 | 14 |
| Not sure | 0.2 | 1 |

| Incidence of wearing Jewellery or clothing identifiable as Jewish | % | n |
|---|---|---|
| Yes, jewellery | 35.9 | 202 |
| Yes, clothing | 19.4 | 109 |
| No | 51.5 | 290 |
| Not sure | 0.4 | 2 |
| **Level of university enrolment (current or most recent)** | **%** | **n** |
| Bachelor Degree Level | 80.5 | 453 |
| Postgraduate Degree Level (incl. master degree, doctoral degree, other postgraduate degree) | 16.2 | 91 |
| Graduate Diploma and/or Graduate Certificate Level | 2.1 | 12 |
| Advanced Diploma and/or Diploma Level | 1.2 | 7 |
| **Current or former university student** | **%** | **n** |
| I am currently studying at university | 76.2 | 429 |
| I am not currently studying at university, but did so in the last five years | 23.8 | 134 |
| **Year commenced current university studies (BASE: current students n=429)** | **%** | **n** |
| Between 2015 and 2018 | 4.2 | 18 |
| 2019 | 10.7 | 46 |
| 2020 | 20.0 | 86 |
| 2021 | 26.6 | 114 |
| 2022 | 19.8 | 85 |
| 2023 | 18.2 | 78 |
| Prefer not to say | 0.5 | 2 |
| **Current or most recent university** | **%** | **n** |
| Monash University | 24.9 | 140 |
| The University of Melbourne | 11.4 | 64 |
| The University of Sydney | 8.5 | 48 |
| UNSW | 8.3 | 47 |
| The Australian National University | 6.6 | 37 |
| Macquarie University | 5.2 | 29 |
| Deakin University | 4.4 | 25 |
| University of Technology | 4.3 | 24 |
| The University of Western Australia | 3.6 | 20 |
| Swinburne University of Technology | 3.2 | 18 |
| Australian Catholic University | 3.0 | 17 |
| RMIT University | 2.7 | 15 |
| La Trobe University | 2.0 | 11 |
| Curtin University | 1.8 | 10 |
| University of Wollongong | 1.2 | 7 |
| The University of Queensland | 1.1 | 6 |
| The University of Adelaide | 0.7 | 4 |

| Current or most recent university | % | n |
|---|---|---|
| Charles Sturt University | 0.5 | 3 |
| Edith Cowan University | 0.5 | 3 |
| Queensland University of Technology | 0.4 | 2 |
| The University of Newcastle | 0.4 | 2 |
| Torrens University | 0.4 | 2 |
| University of Tasmania | 0.4 | 2 |
| Bond University | 0.2 | 1 |
| Charles Darwin University | 0.0 | 0 |
| Griffith University | 0.2 | 1 |
| Murdoch University | 0.2 | 1 |
| The University of New England | 0.2 | 1 |
| The University of Notre Dame Australia | 0.2 | 1 |
| University of Canberra | 0.2 | 1 |
| University of South Australia | 0.2 | 1 |
| Victoria University | 0.2 | 1 |
| Western Sydney University | 0.2 | 1 |
| Other | 2.1 | 12 |
| Prefer not to say | 1.1 | 6 |

# Appendix 2 Methodology

The Zionist Federation of Australia (ZFA), with support of the Australasian Union of Jewish Students (AUJS), the Scanlon Foundation, the Besen Family Foundation and the World Zionist Organization (WZO), commissioned the Social Research Centre (SRC) to undertake the Jewish University Experience Survey. This is the first survey of its kind in Australia.

The questionnaire was provided by the ZFA after consultation with the Scanlon Foundation and refined by the SRC, please see Appendix 4 for a copy of the questionnaire.

An online survey was conducted between March and April 2023 with current and former (within the last five years) Jewish university students. Due to the challenges in reaching this specific student population, there were two pathways to survey entry provided to maximise responses:

- Survey invitations were sent by the SRC to contacts on the AUJS database
- The SRC provided an opt-in link to the ZFA, who then promoted the survey through their own communication channels.

Approximately 70% of all completed surveys were from the AUJS database, with the remaining 30% accessing the survey through the opt-in link (Table 4).

**Table 4 Key project statistics**

| | Total |
|---|---|
| Date of survey launch | 14th March 2023 |
| Date of survey close | 3rd April 2023 |
| **Total invitations (AUJS database)** | **3,330** |
| Completed surveys from AUJS database | 396 |
| Proportion of total completes | 70.3% |
| Sample yield from AUJS database | 11.9% |
| | |
| Completed surveys from opt-in link | 167 |
| Proportion of total completes | 29.7% |
| **Total completed surveys** | **563** |

## Recruitment and sample

Jewish university students were recruited via two pathways for survey completion, through the AUJS database and an opt-in link that was promoted by the ZFA.

The AUJS database was securely transferred to the SRC using the SRC's secure file exchange system. This database contained names, email addresses and mobile numbers of students who have provided their contact details to the AUJS. Several steps were taken by the SRC prepare the database for field. This included removing duplicate records, testing email quality and deliverability using *Everest*, and assigning each record a unique set of survey links.

Respondents from the AUJS database were sent an initial email invitation, followed by 3 email reminders and an SMS reminder. The bulk email and SMS marketing software *Vision6* was used to facilitate the email and SMS sends. See Figure 10 for the proportion of database survey completes over the fieldwork period.

The second pathway into the survey was through an opt-in link that was provided to the ZFA by the SRC. By following this link, potential respondents were prompted to enter their email address and after submission would receive an email with their own unique survey link. The ZFA promoted the survey and opt-in link through their own communication channels to encourage participation. See Figure 11 for the proportion of opt-in survey completes over the fieldwork period.

**Figure 10** **Proportion of survey completes over fieldwork period; survey invitation and reminder communications (BASE: AUJS sample, n=396 completed surveys)**

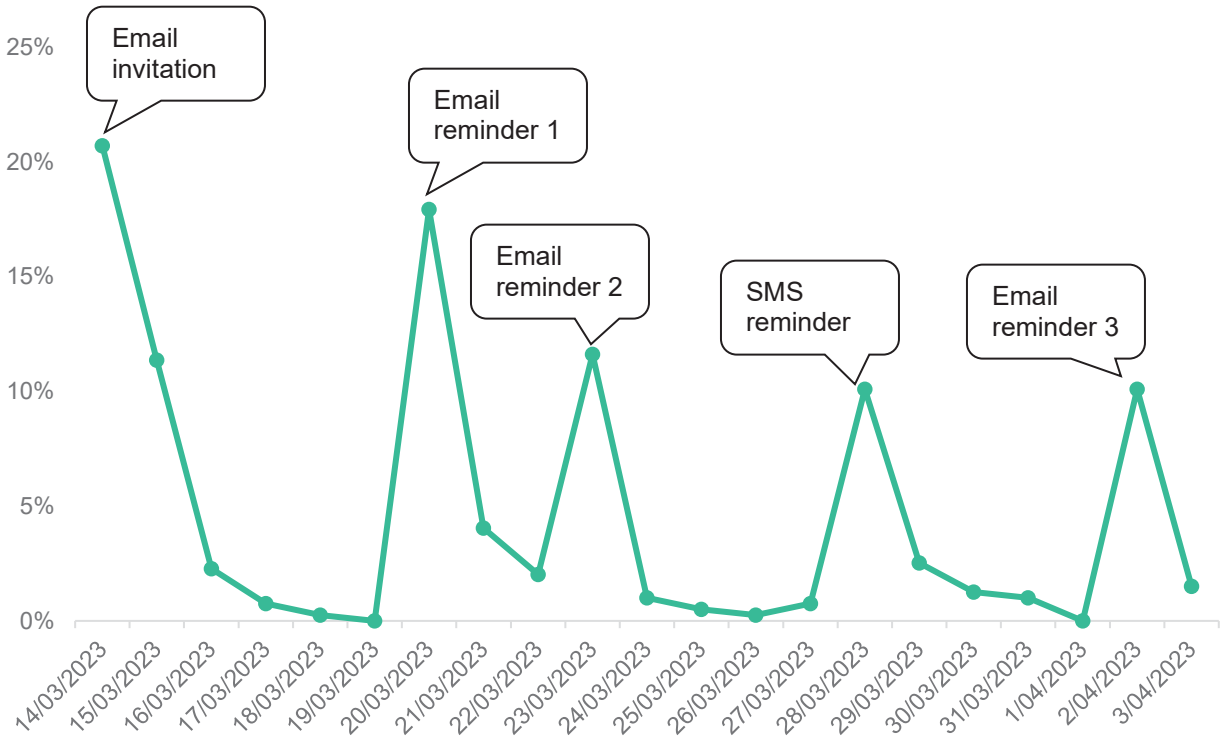
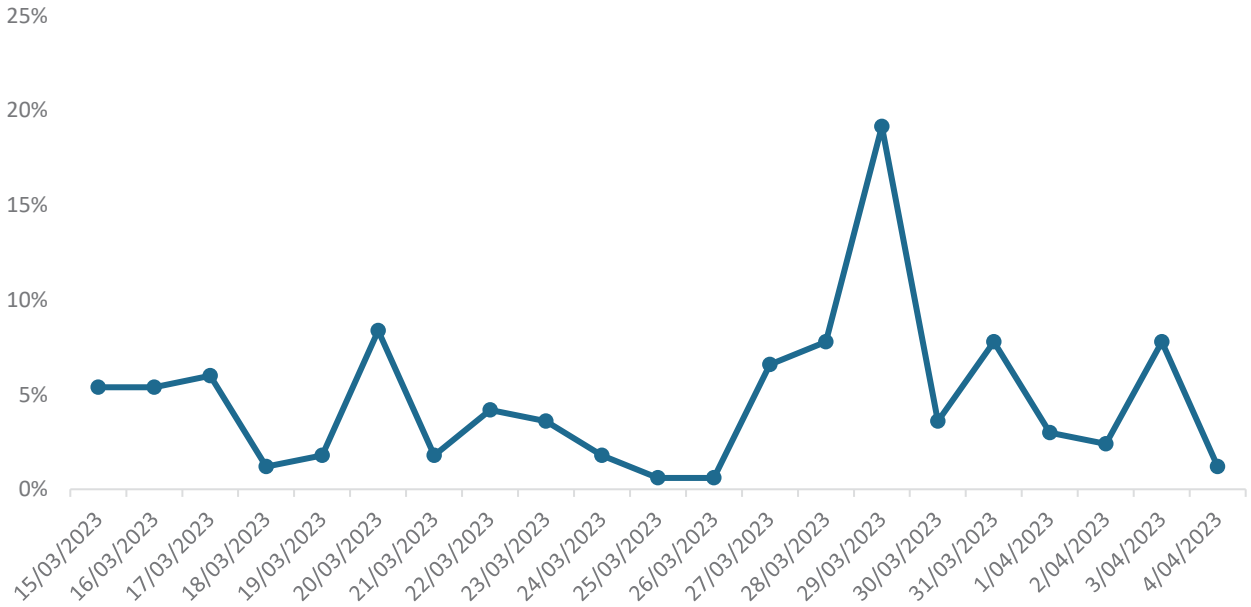



**Figure 11** **Proportion of survey completes via opt in link over fieldwork period (BASE: opt-in link, n=167 completed surveys)**



Participation in the survey was voluntary. Responses have been de-identified and combined for analysis, and used only for the purposes of this research project.

The Social Research Centre is accredited under the ISO 20252 scheme. All aspects of this research were undertaken in accordance with the Research Society code of practice, ISO 20252 standards, the Australian Privacy Principles and the Privacy (Market and Social Research) Code.

# Appendix 3 Field of study where antisemitic experience occurred

**Table 5 Field of study where antisemitic experience occurred (all responses)**

| Full list of response | % | n |
|---|---|---|
| This did not occur in subject or class setting | 48.9 | 176 |
| Political and social sciences | 15.3 | 55 |
| Law and law enforcement | 6.9 | 25 |
| Health (e.g. Medicine, nursing, pharmacy, dental studies, veterinary studies) | 6.1 | 22 |
| Management and commerce (e.g. Accounting, marketing, business, economics, banking and finance) | 4.4 | 16 |
| Creative arts (e.g. Graphic design, performing arts, journalism) | 3.6 | 13 |
| Language and literature, philosophy and religious studies | 3.3 | 12 |
| Natural and physical sciences (e.g. Statistics, astronomy, chemistry, earth sciences, zoology, marine science, microbiology | 2.5 | 9 |
| Education (e.g. Teaching) | 2.2 | 8 |
| Architecture and building | 1.9 | 7 |
| Engineering and related technologies | 1.7 | 6 |
| Information technology (e.g. Computer graphics, systems analysis) | 0.8 | 3 |
| Food, hospitality and personal services | 0.6 | 2 |
| Mixed field programmes (e.g. Employment Skills / General Education / Social Skills programs) | 0.3 | 1 |
| Prefer not to say | 0.3 | 1 |
| Other | 0.8 | 3 |
| Not sure | 0.3 | 1 |
| **TOTAL** | **100.0** | **360** |

Q6: Please select the field of study that aligns with the subject or class where this antisemitic experience occurred. (n=360)

# Appendix 4 Questionnaire

## ZIONIST FEDERATION OF AUSTRALIA

## THE JEWISH UNIVERSITY EXPERIENCE SURVEY

Developed by the Social Research Centre (SRC) and the Australasian Union of Jewish Students (AUJS), with the support of the Zionist Federation of Australia (ZFA) and the Scanlon Foundation.

Note when reading this questionnaire:

- All programmer notes and interview notes are in UPPERCASE text.

### PROGRAMMING NOTES

*Please display Social Research Centre, Australasian Union of Jewish Students (AUJS), Zionist Federation of Australia (ZFA) and Scanlon Foundation logos in the header.
*For questions that have different tense options (e.g. current/ most recent, do/did), please select 'current'/ 'do' for respondents where DEM1=1 (current university student). Please select 'most recent' / 'did' for respondents where DEM1=2 (not currently studying).

### INTRODUCTION

*(ALL)
INTRO Welcome to the Jewish university experience survey. This is an important study conducted by the Social Research Centre on behalf of the Australasian Union of Jewish Students (AUJS), with the support of the Zionist Federation of Australia (ZFA) and the Scanlon Foundation.

We are interested in understanding the university experiences of Jewish students. No matter your age, circumstances, views or experiences, your participation is important to ensure the results represent the views and experiences of all Jewish students.

The survey takes about 5 minutes, depending on your answers.

Participation in this survey is completely voluntary. This survey is being conducted in accordance with the requirements of the Privacy Act and the Australian Privacy Principles. Your responses will be used for research purposes only and will be held in the strictest confidence. Any information provided will not be disclosed to any other organisation for marketing or research purposes. The responses of everyone who participates in this survey will be combined for analysis. Any open-end responses / comments you provide will be provided anonymously to the Australasian Union of Jewish Students (AUJS), the ZFA and the Scanlon Foundation.

For more information or technical support please contact the Social Research Centre via email at JUES@srcentre.com.au or by phone at 1800 023 040.

Please click 'Next' to start the survey.

### SCREENING AND INITIAL DEMOGRAPHICS

*(ALL)

INTRODUCTION

INTRO To start with, we have some questions about yourself.

*(ALL)

DEM1 Which of the following best describes your university studies in Australia?

1. I am currently studying at university
2. I am **not** currently studying at university, but did so in the last five years
3. None of the above (TERM 1)

99. Prefer not to say (TERM 1)

*(ALL)

DEM2 Do you consider yourself to be Jewish?

1. Yes, Jewish
2. No, I am not Jewish (TERM 1)

99. Prefer not to say (TERM 1)

*(ALL)

DEM3 What is your age today?

1. Age given (RECORD AGE IN YEARS) (RANGE 16 to 99)

98. Not sure
99. Prefer not to say

*(DEM3=99 OR 98, UNSURE OR PREFER NOT TO SAY AGE)

DEM3a Which of these age groups do you belong to?

1. 16-17
2. 18-21
3. 22-24
4. 25-34
5. 35-44
6. 45-54
7. 55-64
8. 65 and over

98. Not sure
99. Prefer not to say

*(ALL)

DEM4 How do you describe your gender?

1. Woman or female
2. Man or male
3. Non-binary
4. I use a different term (please specify)

98. Not sure
99. Prefer not to say

*(ALL)

DEM5 In which state or territory is your <current / most recent> university located?

1. NSW
2. VIC
3. QLD
4. SA
5. WA
6. TAS
7. NT
8. ACT

98. Not sure
99. Prefer not to say

## MODULE 1

*(ALL)

INTRODUCTION

The next questions are about your experiences as a Jewish student at university.

*(ALL)

Q1 Thinking about your time at university, have you ever experienced any of the following, either on campus or online in a university setting (such as online lectures/ tutorials and university affiliated online meetings)?

*(ROTATE)
(STATEMENTS)

a) Antisemitism based on religion or race
b) Antisemitism based on perceptions of Jewish money, power or influence
c) Someone denying or minimising the Holocaust
d) Someone comparing Israel to Nazi Germany
e) Being involuntarily singled out, or excluded, because of matters relating to Israel
f) People or events that made you feel intimidated because of your Jewish identity

(RESPONSE FRAME)

1. Yes
2. No

98. Not sure
99. Prefer not to say

*(Q1=ANY A-F, EXPERIENCED ANY DISPLAYS OF ANTISEMITIC BEHAVIOUR)

Q2 During your last 12 months at university, how often did you experience these, either on campus or online in a university setting (such as online lectures/ tutorials and university affiliated online meetings)?

*(ONLY SHOW STATEMENTS A-F SELECTED IN Q1)

a) Antisemitism based on religion or race
b) Antisemitism based on perceptions of Jewish money, power or influence
c) Someone denying or minimising the Holocaust
d) Someone comparing Israel to Nazi Germany
e) Being involuntarily singled out, or excluded, because of matters relating to Israel
f) People or events that made you feel intimidated because of your Jewish identity

(RESPONSE FRAME)

1. Weekly or more
2. Monthly
3. Every few months
4. Every 6 to 12 months
5. Did not experience this in my last 12 months of university

98. Not sure
99. Prefer not to say

*(Q1=ANY A-F, EXPERIENCED ANY DISPLAYS OF ANTISEMITIC BEHAVIOUR)

Q3 Thinking about your **most impactful** experience of antisemitic behaviour in a university setting, who **actively participated** in this antisemitic behaviour?

***Please select all that apply***

(MULTIPLE RESPONSE CODES 1-3)

1. University staff
2. University students
3. Another role (specify)

98. Not sure
99. Prefer not to say

*(Q3=2-99, UNIVERSITY STAFF NOT SELECTED AS ACTIVE PARTICIPANT)

Q4 During this most impactful experience of antisemitic behaviour, were university staff present at this time?

1. Yes, university staff were present
2. No, university were **not** present

98. Not sure
99. Prefer not to say

*(Q3=1 OR Q4=1, UNIVERSITY STAFF WERE PRESENT)

Q5 And during this most impactful experience did you see university staff **ignore** this antisemitic behaviour?

1. Yes, they ignored it
2. No, they did **not** ignore it
3. Other (specify)

98. Not sure
99. Prefer not to say

*(Q1=ANY A-F, EXPERIENCED ANY DISPLAYS OF ANTISEMITIC BEHAVIOUR))

Q6 Please select the field of study that aligns with the subject or class where this antisemitic experience occurred.

1. Natural and physical sciences (e.g. Statistics, astronomy, chemistry, earth sciences, zoology, marine science, microbiology, pharmacology)
2. Information technology (e.g. Computer graphics, systems analysis)
3. Engineering and related technologies
4. Architecture and building
5. Agriculture, environmental and related studies
6. Health (e.g. Medicine, nursing, pharmacy, dental studies, veterinary studies)
7. Education (e.g. Teaching)
8. Management and commerce (e.g. Accounting, marketing, business, economics, banking and finance)
9. Language and literature, philosophy and religious studies
10. Law and law enforcement
11. Political and social sciences
12. Creative arts (e.g. Graphic design, performing arts, journalism)
13. Food, hospitality and personal services
14. Mixed field programmes (e.g. Employment Skills / General Education / Social Skills programs)
15. This did **not** occur in subject or class setting

96. Other (please specify)
98. Not sure
99. Prefer not to say

*(Q1=ANY A-F, EXPERIENCED ANY DISPLAYS OF ANTISEMITIC BEHAVIOUR)

Q7 Did you submit a complaint to the university after this most impactful experience of antisemitic behaviour?

1. Yes, I submitted a complaint
2. No, I did not submit a complaint

98. Not sure
99. Prefer not to say

*(Q7=1, SUBMITTED A COMPLAINT)

Q8 How satisfied were you with the university's response to your complaint?

1. Very satisfied
2. Satisfied
3. Neither satisfied nor dissatisfied
4. Dissatisfied
5. Very dissatisfied

98. Not sure
99. Prefer not to say

*(Q7=2, DID NOT SUBMIT A COMPLAINT)

Q9 Why did you decide **not** to submit a complaint to the university?

***Please select all that apply***

(MULTIPLE RESPONSE CODES 1-96)
(RANDOMISE)

1. I was concerned my grades would be negatively impacted
2. The complaint process is complex
3. I did not think complaining would make a difference
4. I did not know who I could make a complaint to
5. I did not think my complaint would be kept confidential
6. I was worried I might not be believed
7. I did not want to get anyone into trouble
8. I thought it would be too hard to prove
9. I did not think the university would think it was serious enough
96. Other (specify)

98. Not sure
99. Prefer not to say

*(ALL)

Q10 Thinking about your last 12 months at university, have you experienced a statement or action in a university setting (by either university staff or students) that offended you as a Jew, but you weren't sure whether it crossed the line into antisemitism?

1. Yes, this has happened to me
2. No, I was confident I knew this statement or action was antisemitic
3. No, I have not experienced this

98. Not sure
99. Prefer not to say

*(ALL)

Q11 While attending university, either on campus or online, how frequently, if at all, <do / did> you…

(STATEMENTS) (ROTATE)

a) Hide your Jewish identity (including by changing your choice of clothing or jewellery)
b) Avoid attending campus due to the antisemitic behaviour of others

(RESPONSE FRAME)

1. Always
2. Sometimes
3. Rarely
4. Never

97. Not applicable

98. Not sure
99. Prefer not to say

*(ALL)

Q12 Overall, how confident <do you / did you > feel about making a complaint about antisemitism to your university?

1. Very confident
2. Fairly confident
3. Neither
4. Not very confident
5. Not at all confident

98. Not sure
99. Prefer not to say

*(ALL)

Q13 Would you be more confident making a complaint about antisemitism if your university adopted a definition of antisemitism?

1. Yes
2. No

98. Not sure
99. Prefer not to say

*(ALL)

Q14 Thank you for answering these questions about your experiences at university as a Jewish student. Is there anything more you would like to share about your experiences?

(SPECIFY: FULL VERBATIM)

1. No, nothing else to add.

## CLOSING QUESTIONS

*(ALL)

INTRODUCTION

Thank you for your responses, to finish we have a few more questions about you, and your university studies.

*(ALL)

C1 Which stream of Judaism do you most identify with?

1. Reform

1. Conservative
2. Traditional
3. Modern Orthodox
4. Ultra-Orthodox
5. None
6. Other (please specify)

99. Prefer not to say

*(ALL)

C2 How important is a sense of connection to Israel to your Jewish identify?

1. Very important
2. Somewhat important
3. Not very important
4. Not at all important

98. Not sure
99. Prefer not to say

*(ALL)

C3 Do you usually wear jewellery or clothing that would likely identify you to others as Jewish?

(MULTIPLE RESPONSE CODES 1-2)

1. Yes, jewellery
2. Yes, clothing
3. No (EXCLUSIVE)

98. Not sure
99. Prefer not to say

*(ALL)

C4 What level university course <are you currently / were you most recently> enrolled in?

1. Advanced Diploma and/or Diploma Level
2. Bachelor Degree Level
3. Graduate Diploma and/or Graduate Certificate Level
4. Postgraduate Degree Level (incl. master degree, doctoral degree, other postgraduate degree)
5. Other (please specify)

99. Prefer not to say

*(DEM1=1, CURRENTLY ENROLLED AT UNIVERSITY))

C5 In what year did you commence your current university course?

1. (SPECIFY YEAR) (RANGE 2010 TO 2023)

99. Prefer not to say

.

*(ALL)

C6 What university <do you currently / did you most recently> attend?

(DROP DOWN LIST)

1. Australian Catholic University
2. Avondale University
3. Bond University
4. Carnegie Mellon University
5. Charles Darwin University
6. Charles Sturt University
7. CQUniversity
8. Curtin University
9. Deakin University
10. Edith Cowan University
11. Federation University Australia
12. Flinders University
13. Griffith University
14. James Cook University
15. La Trobe University
16. Macquarie University
17. Monash University
18. Murdoch University
19. Queensland University of Technology
20. RMIT University
21. Southern Cross University
22. Swinburne University of Technology
23. The Australian National University
24. The University of Adelaide
25. The University of Melbourne
26. The University of New England
27. The University of Newcastle
28. The University of Notre Dame Australia
29. The University of Queensland
30. The University of Sydney
31. The University of Western Australia
32. Torrens University
33. University of Canberra
34. University of Divinity
35. UNSW
36. University of South Australia
37. University of Southern Queensland
38. University of Tasmania
39. University of Technology, Sydney
40. University of the Sunshine Coast
41. University of Wollongong
42. Victoria University
43. Western Sydney University

98. Other (please specify)
99. Prefer not to say

*(ALL)

C7 Thank you. In the future, the Social Research Centre, may wish to conduct additional research related to today's survey. This could take place over the phone, online or in person (such as an in-depth interview or a focus group).

Can we contact you for this?

1. Yes – please provide your:
   Contact name (SPECIFY
   Email address (SPECIFY)
   Phone number (SPECIFY)
2. No thanks

## CLOSING SCREEN

*(ALL)

Thank you for taking the time to answer those questions! Your help in this survey has been greatly appreciated.

This survey was conducted by the Social Research Centre on behalf of the Australasian Union of Jewish Students (AUJS), with the support of the Zionist Federation of Australia and the Scanlon Foundation. This study has been carried out in compliance with the Privacy Act and the Australian Privacy Principles, and the information you have provided will only be used for research purposes. Our Privacy Policy is available via our website.

Your answers have been submitted. You may now close the page.

Thank you again for participating.

If you felt upset or distressed at any time during the survey, we encourage you to contact the *beyondblue* (www.beyondblue.org.au, 1300 22 4636) or Life line Australia (https://www.lifeline.org.au/, 13 11 14).

## TERMINATION SCRIPS

TERM 1: For the purposes of this survey, we are looking to speak with current university students or those who completed their studies in the last five years, and who identify as Jewish. Thank you for your time. *(TERMINATE)

The Zionist Federation of Australia, with the support of the Australasian Union of Jewish Students, the Scanlon Foundation, the Besen Family Foundation and the World Zionist Organization, commissioned the Social Research Centre to undertake the Jewish University Experience Survey.

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-5"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# Australian Jews in the Shadow of War: Main Survey Findings

Dr Adina Bankier-Karp & Dr David Graham

May 2024

Image: AFP Via Getty Images

Research partners

Funding partners

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We are deeply grateful for the support of JCA and the Loti & Victor Smorgon Family Foundation, in partnership with the Australian Jewish Funders, whose generosity and foresight enabled this survey to be conducted.

We are appreciative of Yaffa Bart for her contribution to the analysis of the qualitative survey responses.

Finally, we thank the 7,611 Jewish people of Australia who participated in the survey. This research would not have been possible without their willingness to share insights into their lives by responding to our questions.

We extend our sincere appreciation to all those who contributed, directly or indirectly, to this research. We hope you find yourselves in the diversity of views presented here. May this report serve as a catalyst for dialogue, inspire further inquiry, and contribute meaningfully to our shared pursuit of knowledge.

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## About the authors

Dr. Adina Bankier-Karp is a research affiliate at the Australian Centre for Jewish Civilisation, Monash University, and associate editor of the journal Contemporary Jewry. She has written for academic and general audiences on topics including Jewish identity formation, Australian Jewry, Jewish education and the intersection of religion and wellbeing. Her most recent publications have examined Jewish identity resilience and the relevance of Jewish denominations to understanding Jewish values and engagement. Adina holds a PhD in Education from Monash University.

Dr David Graham is a demographic and social research consultant based in Sydney. He is an Honorary Associate at the Department of Hebrew, Biblical and Jewish Studies, University of Sydney and Senior Research Fellow at the Institute for Jewish Policy Research (JPR) in the UK. And Honorary Research Associate at the University of Cape Town. A geographer by training and expert in the study of Australian Jews in the UK, Australia and South Africa, his skills encompass statistical analysis, survey design, census analysis and geographic information system mapping. He has published widely for academic and general interest audiences and holds a DPhil from the University of Oxford.

# Executive Summary

## The impact of the Israel-Hamas war on Jewish people in Australia

The aim of this survey was to carry out an empirical assessment of the initial impact the Israel-Hamas war on Australia's Jewish community. The attack on Israel by Hamas on 7 October 2023 was the start of an extremely traumatic period and while anecdote has its place in the record, it is evidence-based, systematic data-gathering that we rely on to fully understand what Jewish people were experiencing and how they reacted.

The findings of this survey, conducted during the fifth week of the war between Israel and Hamas (10-17 November 2023), are based on responses from 7,611 Australian Jewish adults from diverse backgrounds. As we show here, at this point in time, the impact of these events was profound.

## News consumption

There was an extremely high level of engagement in news related to the Israel-Hamas war among Jewish people with news being consumed from local and international sources as well as Israeli sources. Jewish people were also obtaining information from personal contacts living in Israel.

High level of interest in the war among Australian Jews

- Eight out of ten Australian Jewish adults (79%) were following news about the Israel-Hamas war 'very' closely, a further 19% were following it 'fairly' closely. Therefore 98% are following the news closely.
- In addition to Australian news sources, 63% of Australian Jews were consuming Israeli news sources, and 60% were getting news from personal conversations.
- Eight out of ten (81%) Australian Jews were talking about the war on a daily basis with their friends and family in Australia, highlighting how the war in Israel is nevertheless a very personal experience for many Australian Jews living as far away as Australia.
- Almost one in three (64%) Australian Jews with close family and friends living in Israel were in personal contact with them every few days of more often since 7 October.

## Distress and concern about the war

The data reveal an extraordinarily high level of distress experienced by people in the Jewish community, whether from being upset, offended or frightened by content they had seen on social media or the news; whether by being concerned or upset at the reactions of some of their own non-Jewish friends or colleagues. All of this was reflected in widespread feelings of anxiety and worry.

The emotional toll of social media

- Three quarters (74%) of Australian Jews felt upset, more than half (54%) felt offended and more than a third (38%) felt frightened by social media content about the war on a 'daily basis'.

Reactions of non-Jewish friends and colleagues

- Six out of ten Jewish people (60%) were concerned or upset by the reactions of their non-Jewish friends since 7 October.

- And almost half (48%) were concerned or upset by the reactions of their non-Jewish colleagues.
- On the other hand, a large majority (83%) of Australian Jews said that non-Jewish friends and acquaintances had reached out to them with messages of sympathy.

Mental health strain

- 44% of Jewish people felt nervous, anxious or on edge on a 'daily basis' since the war had begun, and a further 38% felt this way frequently.
- 31% said they had not been able to stop or control worrying on a 'daily basis' and a further 36% felt this way frequently.

# Concern for the lives of Israelis and Palestinians

Australian Jews in Australia expressed concern for the lives of Israels as well as the lives of Palestinians living in Gaza.

- A large majority (91%) of Australian Jews felt 'very much' concerned for the lives of the Israelis.
- Eight out of ten Australian Jews (79%) felt 'somewhat' or 'very much' concerned about the lives of Palestinians in Gaza.

# Antisemitism

The high level of concern that Australian Jews expressed about antisemitism in Australia during this period was almost certainly unprecedented. The data show that the experience of antisemitism in the five-week period following 7 October was broad, whether or not these incidents ended up being recorded in official statistics. Many Australian Jews felt the need to hide their Jewish identity in public.

- 64% of Australian Jews felt that antisemitism was 'very much' a big problem in Australia. This was ten times higher than in 2017 when a similar question was asked of Australian Jews in more peaceful times.
- Since the beginning of the war, i.e., over a period of about 40 days, one in five (20%) Jewish adults in Australia said they had personally experienced an insult or harassment because they are Jewish, rising to 43% among those aged 18 to 29 years.
- 71% of these victims said they had *not* reported the antisemitic incident to any authority.
- Since the beginning of the Israel-Hamas war, one in five (22%) Jewish people in Australia had been less open about their Jewish identity in public.

# Hostility towards Israel at universities

Jewish students were asked about their experiences on Australian campuses during this five-week period.

- More than two-thirds (68%) of Jewish students studying at Australian universities had personally encountered hostility towards Israel from other students at their university by this point.
- Half of all students (51%) had encountered hostility towards Israel from their own close friends at university.
- 46% had experienced hostility towards Israel from university lecturers and staff.

# Attachment to Israel

The data highlight that most Jewish people in Australia feel a very strong emotional attachment to Israel and most have multiple personal connections through their family members and friends who live and work there. Almost all Jewish people in Australia have visited Israel and many have lived there themselves. Five weeks after 7 October, Australian Jews reported widespread charitable support directed towards Israel.

Close attachment to Israel

- Three quarters (75%) of Jewish people said they were 'very' emotionally attached to Israel and a further 16% said they were 'somewhat' attached. Therefore 91% of Australian Jews felt at least somewhat emotionally attached to Israel.
- 87% said they felt 'a special alarm' given that Israel had been put in danger. 37% said they were so alarmed 'it is almost as if my own life was in danger.' In 2017, in more peaceful times, the equivalent proportion was 16%, meaning it was almost 2.5 times higher at this point.
- A very large proportion (82%) of Jewish people in Australia have personal social connections to Israel through close family members and friends who live there.
- The vast majority (93%) of Jewish people in Australia have visited Israel. Indeed, most have visited more than once and one in five (20%) has either lived there or was born there.

Charitable support

- In the 40-day period since the start of the war, almost three quarters (73%) of Australian Australian Jews had made charitable contributions because of the conflict.
- Over half (52%) had contributed to an Israel-based charity.
- Almost half (46%) had contributed to an Australian-based charity focused on Israel.
- By contrast, 11% had donated to Australian-based Jewish charities.

# Introduction

*Australian Jews in the shadow of war* (AJSW) is a survey that was conducted by the Australian Centre for Jewish Civilisation (ACJC) at Monash University, Melbourne in conjunction with the charity JCA in Sydney, Australia. This study was funded by JCA and the Loti and Victor Smorgon Family Foundation, in partnership with Australian Jewish Funders. The study employed post-hoc population weights developed out of an analysis of the 2021 Australian Census and a separate Jewish congregational census, to make the data more representative of Australia's Jewish population.

The tumultuous events which occurred in Israel on the 7th of October 2023 and the subsequent war between Israel and Hamas—which was still in its early stages as the survey was being conducted—had ramifications not only for the warring parties but also for Australian Jews around the world. We were primarily motivated to provide an empirical basis of understanding about the emotional impact of these events on Australian Jews in Australia and their personal experiences. The main areas of interest were the views of Australian Jews about the Israel-Hamas war itself, their attitudes towards Israel and their personal connections to the Jewish State, and their perceptions and experiences of antisemitism in the wake of this war.

In doing so, we sought to take a balanced and scientifically rigorous approach to this work whilst acknowledging first, that this was a survey of Jewish people and not of others who may have been affected by the war, and second, that there are a multitude of perspectives on the Middle East conflict within the Jewish community and there is always a risk that bias may be perceived, regardless of these efforts.

Specifically, the study sought to:

- Understand the attitudes of Australian Jewish people towards—and experience of living during—the Israel-Hamas war, including opinions about the actions of Israel and Hamas; media and social media access; confidence in their familiarity with the situation in Israel; feelings and actions in response to the war; philanthropic activity; reactions to responses by non-Australian Jews in their lives.
- Examine the nature of Australian Jews' Israel attachment, including their familial and social connections in Israel, and their visits to Israel.
- Capture perceptions of and experiences with antisemitism.
- Detail Australian Jews' views about how Australian political leadership has performed in response to the events in Israel and Australia.
- Explore effects on Australian Jews' mental health.
- Contextualise current attitudes by comparing responses at this moment, with responses gathered in 2017 during a 'normal' period.

The survey was conducted in the early days of the war between the 10th and 17th of November 2023, closing on the 41st day of the conflict. The final dataset contained complete responses from 7,611 self-identifying Australian Jews aged 18 and above from across Australia.

## Australian Jewry: demographic context

There has been a Jewish community continually present in Australia since the landing of the First Fleet in 1788. In 2021, the size of the Jewish population was estimated to be 116,967,[1] which is just under 0.5% of total

[1] This estimate is larger than the enumerated 2021 Australian Census figure of 99,956 as it takes into account estimated Jewish non-response to the census's voluntary religion question and those who identified as Jewish in the

Australian population. The estimated size of the Jewish population aged 18 and above is 92,300. The Jewish population is highly concentrated in a very small number of urban areas: 83% of all Australian Jews live in either Greater Melbourne or Greater Sydney, and a further 8% live in either Greater Perth or Greater Brisbane. While 57% of Australian Jews are Australian born, this is a smaller proportion than for the general population at 71%. Just over an estimated 8,000 Australian Jews living in Australia were born in Israel.[2]

ancestry question but not in the religion question. See further Graham, D. 2024. (forthcoming). The Jewish population of Australia: Key findings from the 2021 Census, JCA Sydney.

[2] Australian Bureau of Statistics, 2021. 2021 Australian population census. https://www.abs.gov.au/statistics/people/population/population-census/2021

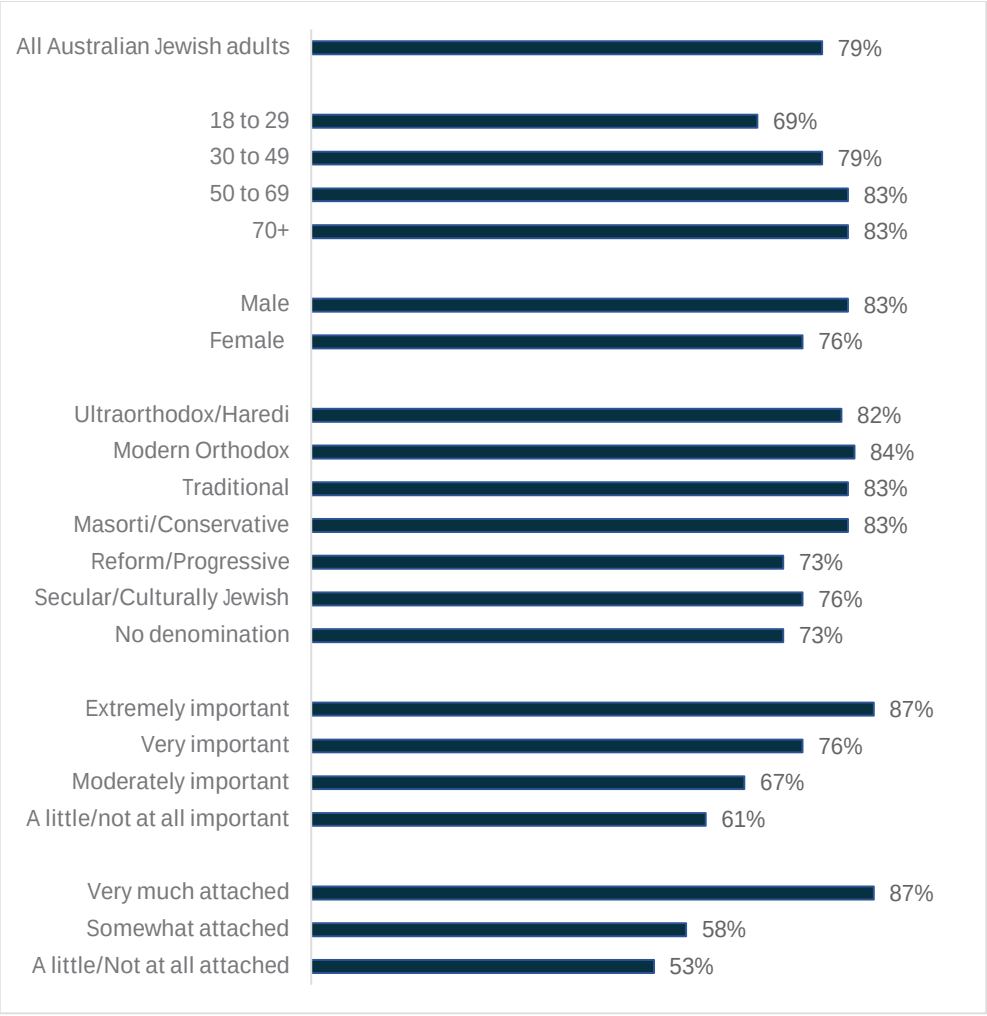
# Survey Results

## News consumption

### Following news about the war

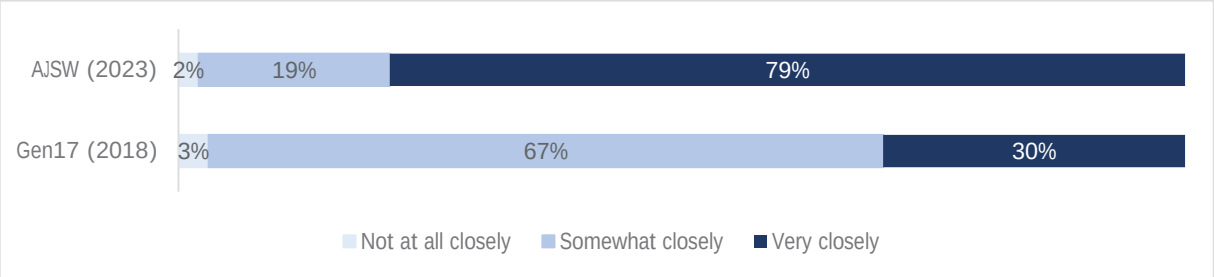
Almost 8 out of 10 Australian Jewish adults (79%) were following news about the Israel-Hamas war very closely (Figure 1). A further 19% were following it fairly closely. In other words, almost all (98%) Jewish adults in Australia were highly motivated in gathering information about this conflict. Indeed, even among those who are not at all attached to Israel, 62% are following the news at least fairly closely.

Figure 1. How closely have you been following the news about the Israel-Hamas war? – Very closely



In 2017, the last time a survey of Australian Jews in Australia was conducted,[3] 30% said they followed news on Israel 'a lot'. In the present survey a similar, but not identical, question was asked which we believe is sufficiently comparable provide reliable contextualisation. This showed that 79% of Jewish adults had been following the news about the Israel-Hamas war 'very closely' (Figure 2). The substantial rise in consumption of news about Israel by Australian Jews is striking.

Figure 2. Following news about Israel Gen17 (2017) and AJSW (2023) compared



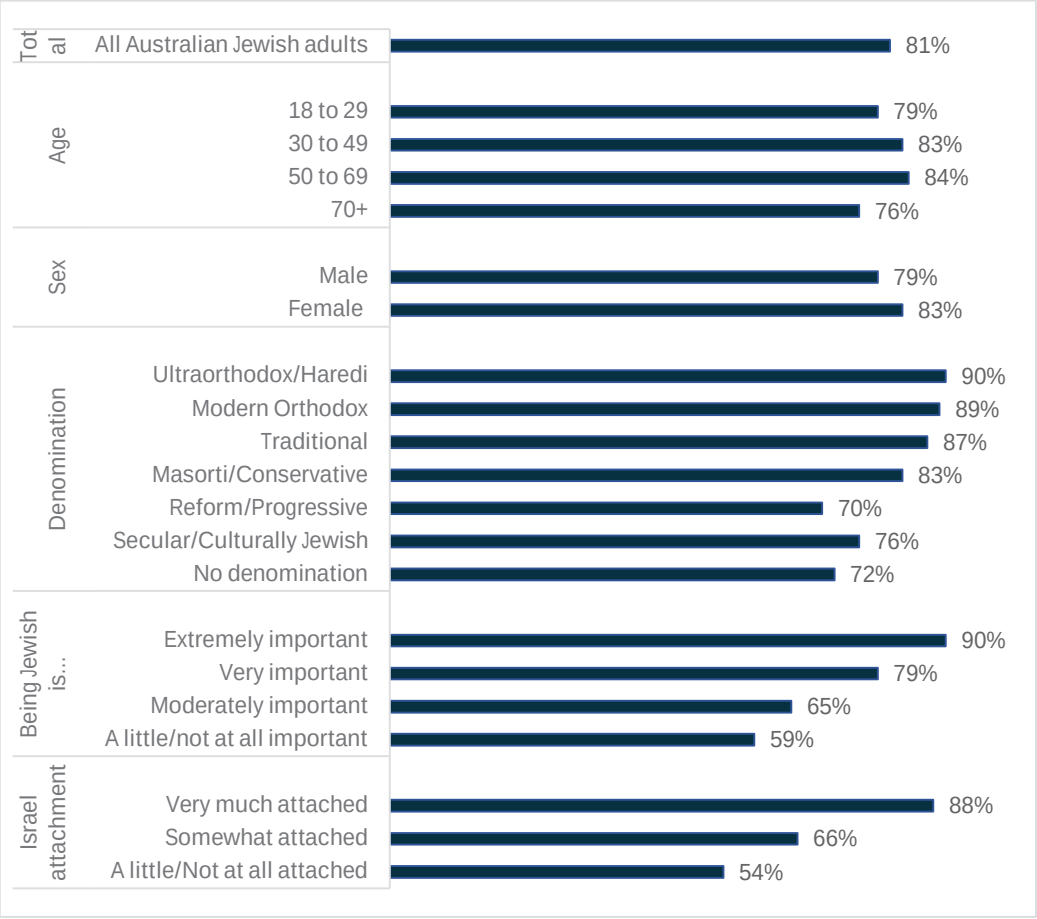

Question asked in AJSW 2023: How closely have you been following the news about the Israel-Hamas war? Very closely, Fairly closely, Not very closely, Not at all
Question asked in Gen17 2017: To what extent do you keep up with current events which involve Israel? Would you say... A lot, Quite a lot, A little, Not at all

## Discussing the war with friends and family in Australia

More than eight out of ten (81%) Australian Jews were talking about the war with friends and family in Australia on a daily basis (Figure 3), which accords with the above finding about engagement with news about the war. A further 15% were having such conversations every few days. Therefore, the vast majority of Australian Jewish adults (96%) were talking almost daily with family and friends in Australia about the war.

[3] See Graham, D. and Markus, A. 2018. *Gen17 Australian Jewish Community Survey*. Australian Centre for Jewish Civilisation and JCA. https://www.monash.edu/__data/assets/pdf_file/0009/1531791/gen17-initial-findings-report-online-version-final-22_3.pdf

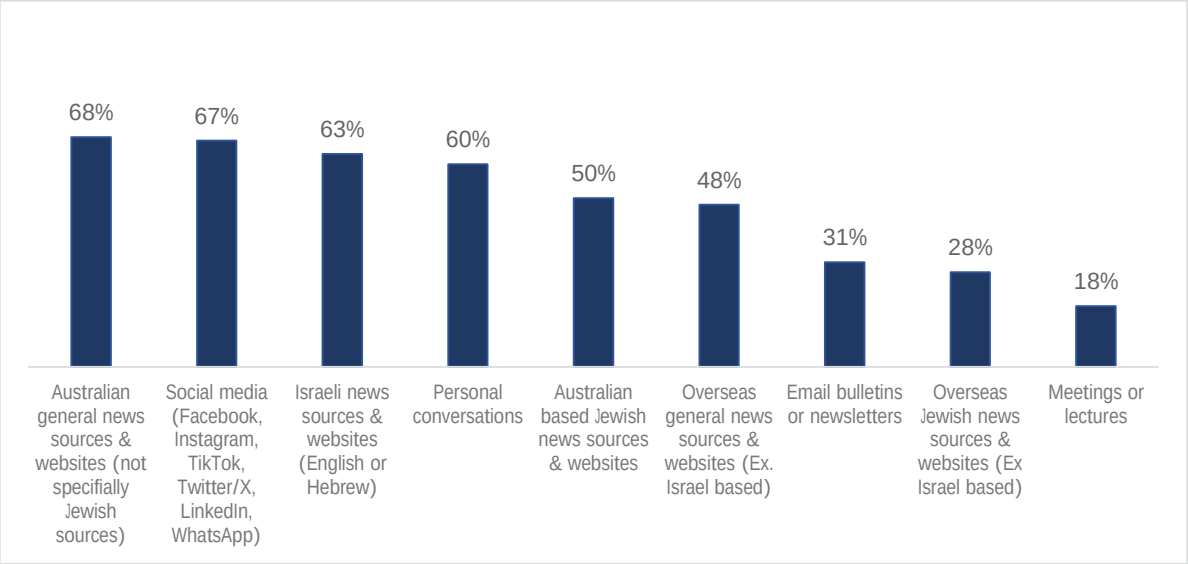
Figure 3. How often have you had conversations with your friends and family in Australia about the Israel-Hamas war?




## Main sources of information about the war

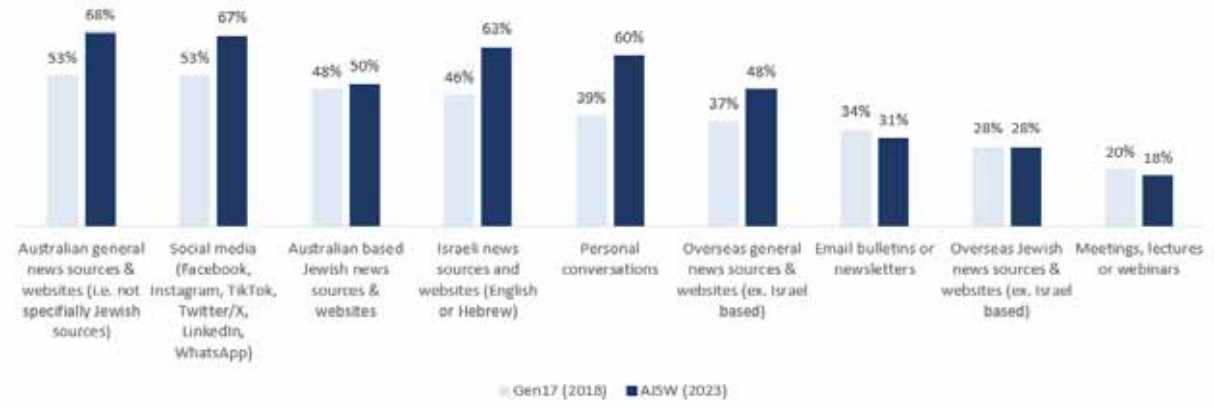
Jews in Australia were obtaining information about the war from a very wide variety of sources. Figure 4 shows the news sources which were read, watched or engaged with by Australian Jews most frequently. About two-thirds of Australian Jewish adults most frequently consumed Australian general news sources (i.e., that were not specifically Jewish) (68%), social media (67%), Israeli news sources (63%) and through personal conversations (60%). And half consumed Australian-based Jewish news sources (50%) and overseas general (i.e. not specifically Jewish) news sources (48%).

Figure 4. Since the beginning of the Israel-Hamas war, which news sources have you read or watched or engaged in most frequently? (Check all that apply) – Frequently




In 2017, Jewish people in Australia were asked what their main sources of information were about the Jewish world and Israel.[4] Comparing those 2017 responses with those during the Israel-Hamas war allows us to gain some understanding about how this particular moment had impacted Jewish peoples' behaviour when it comes to news consumption (Figure 5). In proportionate terms, the largest changes were increases in personal conversations, the consumption of Israeli news sources and the consumption of overseas general (i.e., not specifically Jewish) news sources.

Figure 5. News sources accessed for following news about Israel, Gen17 (2018) and AJSW (2023) compared*




[4] Graham, D. and Markus, A. 2018. *Op. cit.*

* Question in Gen17: What are your main sources of information about the Jewish world and Israel?; Question in AJSW 2023: Since the beginning of the Israel-Hamas war, which news sources have you read or watched or engaged in most frequently?

About two-thirds of Australian Jews said that the news sources which they read, watched or engaged in most frequently were Australian general news sources and websites (68%), social media (Facebook, Instagram, TikTok, Twitter/X, LinkedIn, WhatsApp, 67%), Israeli news sources and websites (in English or Hebrew, 63%) or personal conversations (60%). Half of Australian Jews also said that they read, watched or engaged in Australian-based Jewish news sources and websites (50%). The types of news sources that Jewish people were accessing are closely related to demographic and identity profiles. For example, news source consumption significantly differs by age group, especially in terms of social media which was consumed far more by younger people (84% of those aged 18 to 29) than older people (42% of those age 70 and older). In contrast, Australian general news sources were consumed more by older people (75% of those aged 70 and above) than younger people (65% of those aged 18 to 29). Compared with Jewish men, Jewish women were more likely to use social media (72% vs 61%) and have personal conversations about the war (65% women vs 54% men). Israeli news sources were far more likely to be read by those who feel very much attached to Israel (71%) compared to those who felt a little or not at all attached (33%) to Israel. Israeli news sources were also far more likely to be read by those who were Haredi and Modern Orthodox (70% and 71%), compared with those who had no denomination (53%).

## Use of social media during the war

The vast majority of Jewish people in Australia (89%) had used social media during the war and 65% of these people had changed their viewing habits in the five weeks since the start of the war (Table 1). More than half of Australian Jewish adults had increased their use of social media (57%), and a small minority had decreased their use (8%). Younger people were more likely to change their habits than older people and Jewish women were more likely to have done so than Jewish men. Those who are more Orthodox, more emotionally attached to Israel and for whom being Jewish is important were all more likely to have increased their social media use.

Table 1. Since the beginning of the Israel-Hamas war, has your use of social media….?

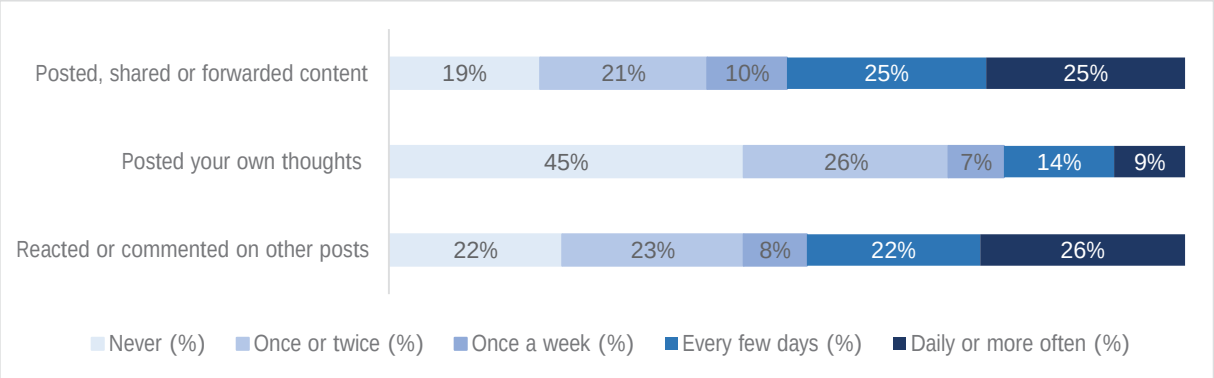
| | I haven't used social media at all (n=879) (%) | Decreased (n=581) (%) | Stayed the same (n=1,771) (%) | Increased (n=4,303) (%) | Total (n=7,534) (%) |
|---|---|---|---|---|---|
| Australian Jewish adult total | 11 | 8 | 24 | 57 | 100 |
| Age | | | | | |
| 18 to 29 | 2 | 14 | 24 | 60 | 100 |
| 30 to 49 | 5 | 10 | 20 | 64 | 100 |
| 50 to 69 | 9 | 6 | 26 | 59 | 100 |
| 70+ | 29 | 2 | 28 | 40 | 100 |
| Sex | | | | | |
| Male | 14 | 6 | 29 | 51 | 100 |
| Female | 8 | 10 | 21 | 62 | 100 |
| State | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| New South Wales | 12 | 7 | 25 | 56 | 100 |
| Victoria | 9 | 9 | 23 | 59 | 100 |
| Rest of Australia | 9 | 8 | 26 | 56 | 100 |
| | | | | | |
| Denomination | | | | | |
| Ultraorthodox/Haredi | 8 | 13 | 17 | 62 | 100 |
| Modern Orthodox | 9 | 8 | 19 | 64 | 100 |
| Traditional | 9 | 6 | 20 | 65 | 100 |
| Masorti/Conservative | 10 | 9 | 31 | 50 | 100 |
| Reform/Progressive | 16 | 12 | 30 | 43 | 100 |
| Secular/Culturally Jewish | 10 | 8 | 27 | 54 | 100 |
| No denomination | 16 | 7 | 31 | 46 | 100 |
| | | | | | |
| Being Jewish is… | | | | | |
| Extremely important | 9 | 8 | 18 | 65 | 100 |
| Very important | 13 | 9 | 26 | 53 | 100 |
| Moderately important | 11 | 7 | 33 | 48 | 100 |
| A little/not at all important | 14 | 5 | 43 | 38 | 100 |
| | | | | | |
| Israel attachment | | | | | |
| Very much attached | 10 | 7 | 20 | 63 | 100 |
| Somewhat attached | 13 | 11 | 34 | 42 | 100 |
| A little/Not at all attached | 11 | 10 | 45 | 34 | 100 |

## How social media was being used by Australian Jews in Australia

Among the 89% of Jewish people who had been using social media since the start of the war, they were far more likely to share content or react to other people's content than post their own thoughts about the situation (Figure 6). Half (50%) had posted, shared or forwarded content about the situation on social media at least every few days and almost half had reacted or commented on other people's posts by this stage.

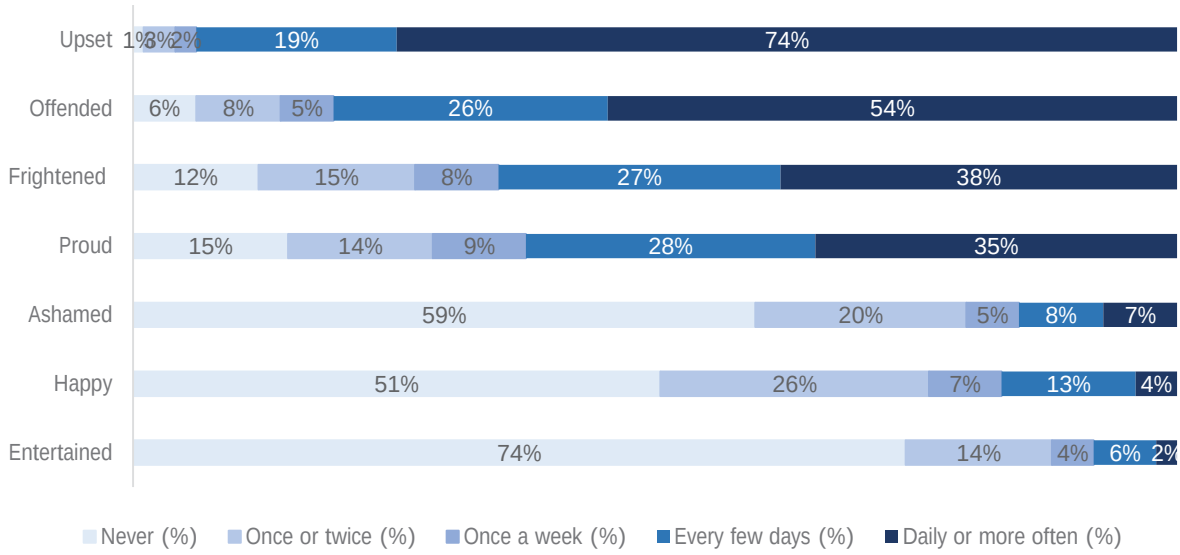
Figure 6. Since the beginning of the Israel-Hamas war, how often have you...?



## Emotional impact of social media content about the war on Jewish people in Australia

It is evident that the emotional impact of social media content about the war had been very substantial on Jewish people living in Australia (Figure 7). Three quarters (74%) of Australian Jews had felt upset on a daily basis. More than half (54%) said they had felt offended by social media content on a daily basis. 38% said they had felt frightened daily or more often when viewing social media and a further 27% had felt this way every few days. But a similar proportion found themselves frequently feeling proud on viewing social media, daily or more often (35%).

Figure 7. Since the beginning of the Israel-Hamas war, when viewing content on social media, how often have you found yourself feeling…

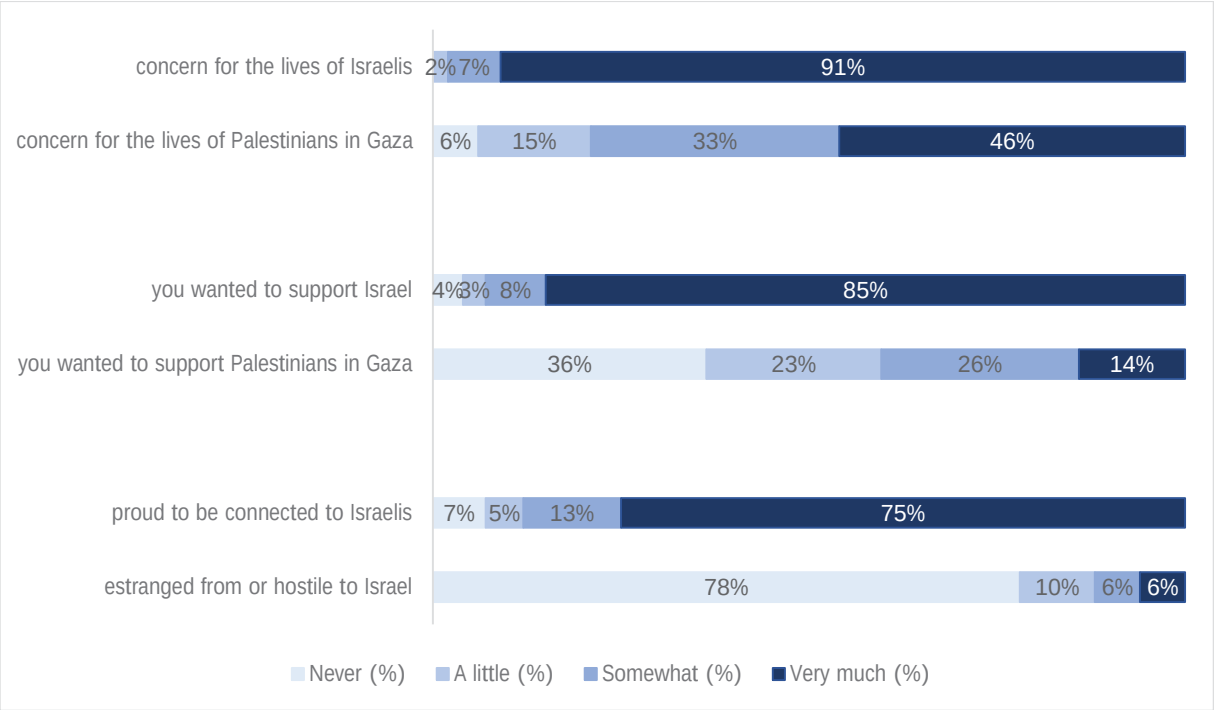


# The effect of the war on Jewish people in Australia

## Jewish peoples' feelings about the war

Five weeks into the war, a large majority (91%) of Australian Jews said they felt very much concerned for the lives of Israelis (Figure 8), and almost as many felt they wanted to support Israel (85%) and felt proud to be connected to Israelis (75%). But it is also noteworthy that despite the deep concern that they felt for Israel and Israelis, almost eight out of ten of Australian Jews in Australia (79%) were somewhat or very concerned about the lives of Palestinians in Gaza at this stage.

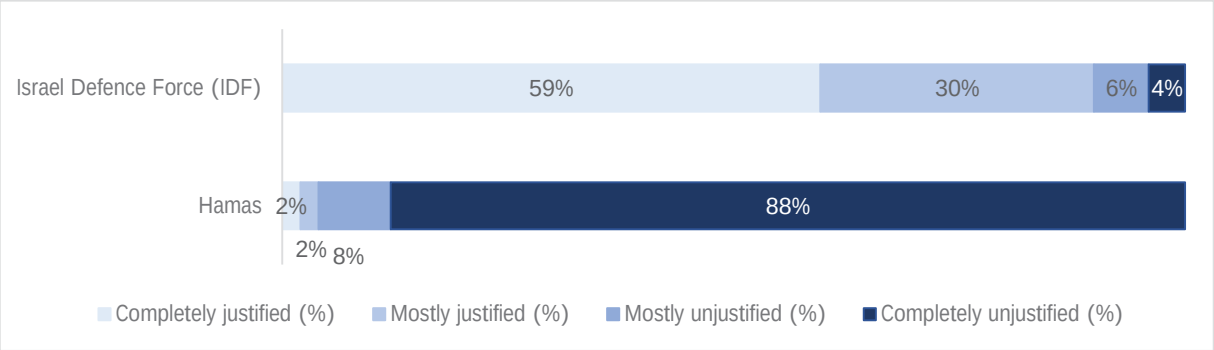
Figure 8. Thinking about the Israel-Hamas war, to what extent have you felt...?




## Jewish people's attitudes towards the actions of the IDF and Hamas

Five weeks into the war, the vast majority (90%) of Jewish people in Australia felt the actions of the Israel Defence Force (IDF) had been justified (Figure 9). Indeed, a majority (59%) said that the actions of the IDF were completely justified. By contrast, hardly any Jewish people (4%) felt the actions of Hamas had been justified.

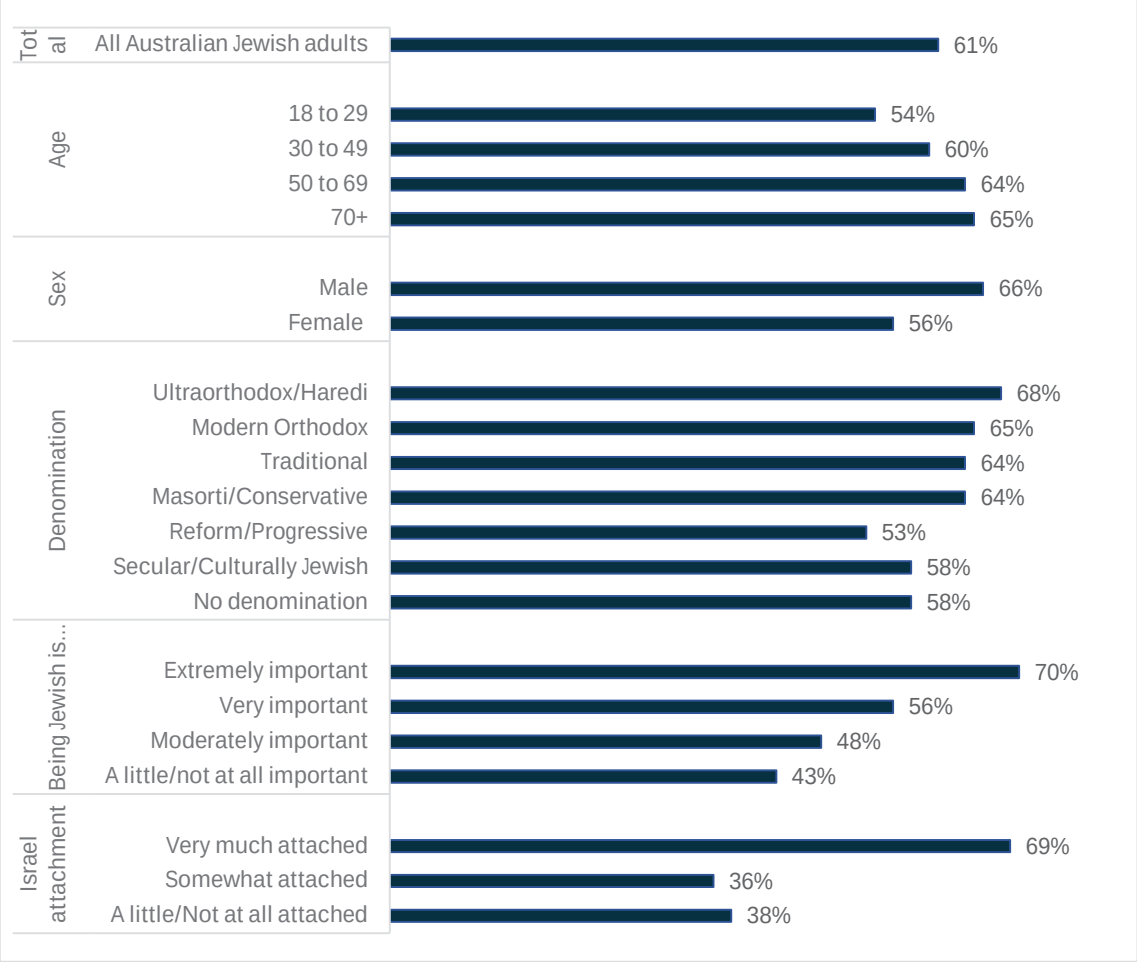
Figure 9. In the current war between Israel and Hamas, how justified or unjustified, do you think each side's actions have been?




## How well do Jewish people feel they understand the current situation in Israel?

Considering the complexity of the situation it is striking that 93% of Jewish people in Australia agreed that they felt confident in their understanding of the current situation in Israel (Figure 10).

Figure 10. To what extent do you agree or disagree with the following statement? I feel confident that I understand the current situation in Israel – strongly agree



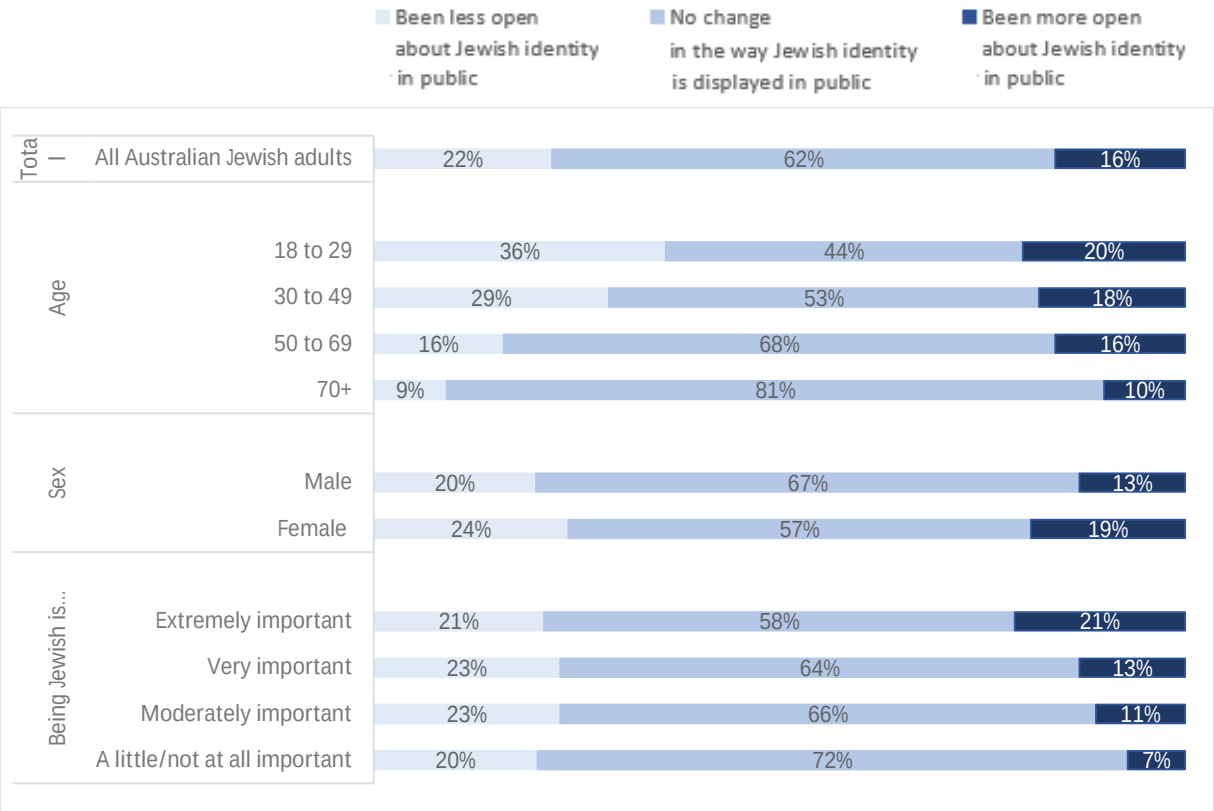

## Showing support for Israel

In the five-week period since the start of the war, more than half (57%) of Australian Jews had demonstrated support or solidarity with Israel by attending a rally or event, putting up a sign, flag, poster or ribbon. Support was more likely to be expressed in this way by Australian Jews who are more Orthodox, feel more attached to Israel and who are more likely to say that being Jewish is important to them.

## Openness about Jewish identity in public

Almost two out of five Australian Jews (38%) had chosen to change the way they displayed their Jewish identity in public as a result of the war (Figure 11). Overall, more Jewish people had chosen to be less open than more open about their Jewish identity in public in Australia. Change of any kind was more likely among younger Jewish people, Jewish women, those who are more closely attached to Israel, those who are more Orthodox and those for whom being Jewish is more important.

Figure 11: As a Jewish person living in Australia, since the beginning of the Israel-Hamas war, would you say you have…




## Charitable donations made since the start of the war

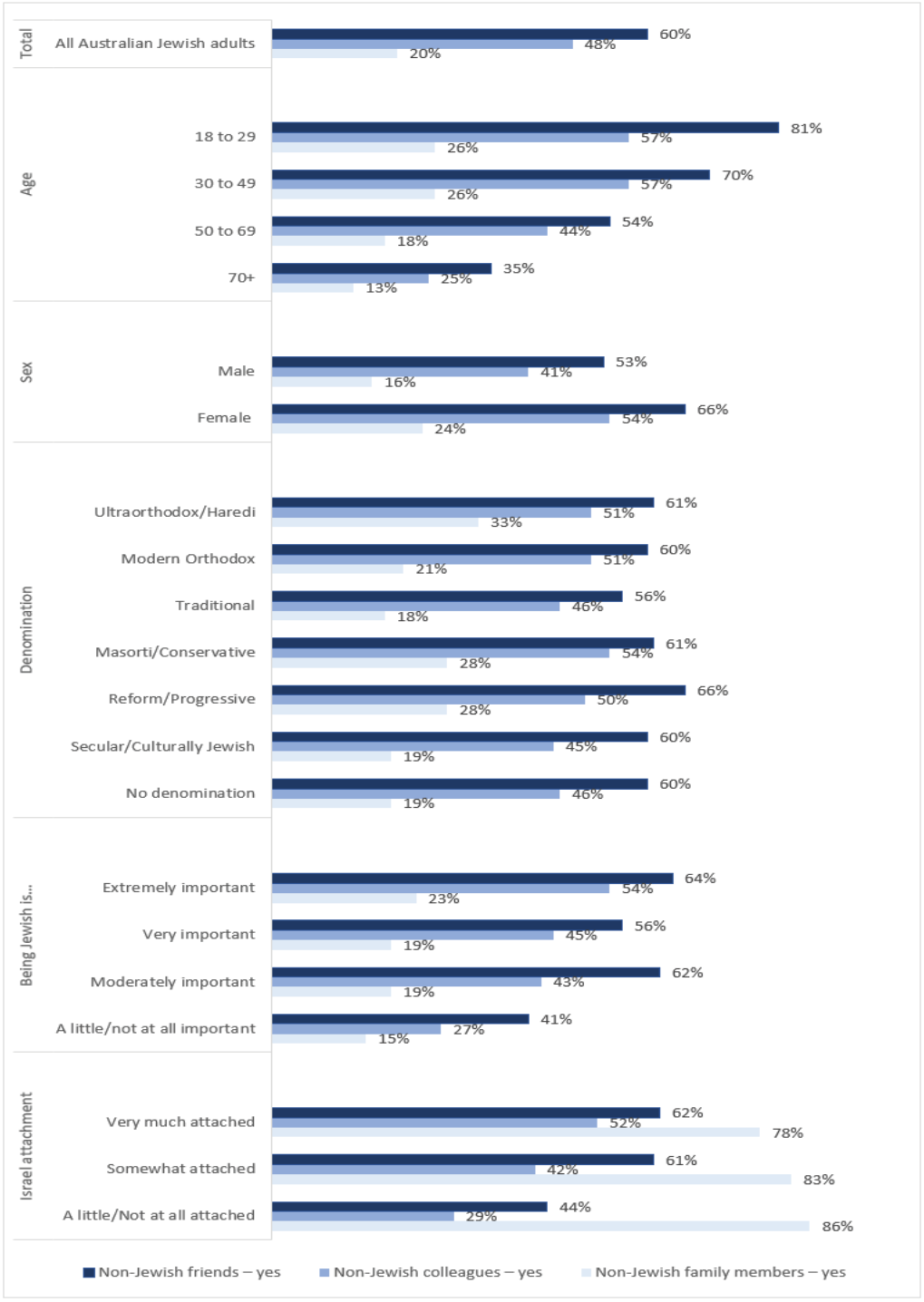
During the five-week period since the start of the war, almost three quarters (73%) of Australian Jews said they had made charitable contributions. Over half (52%) had contributed to an Israel-based charity and almost half (46%) had contributed to an Australia-based charity focused on Israel. Relatively few Jewish people (11%) had contributed to Australian-based Jewish charities (despite the role these play in combatting antisemitism in Australia). Older Jewish people were less likely to have made a charitable contribution than younger Jewish people. Similarly, those who are more Orthodox, who feel greater attachment to Israel, and those for whom being Jewish is more important to their identity were more likely to have made charitable donations than those who are more secular, who have a weaker attachment to Israel and for whom being Jewish is less important. Separately, 4% of Jewish people had contributed to a charity focused on helping Palestinians in Gaza.

## Jewish people's feelings about the reaction of non-Jewish friends and colleagues to the war

While Australian Jews are highly integrated into Australian society, 60% had been concerned or upset by the reactions of their non-Jewish friends to the war, 48% had been concerned or upset by non-Jewish colleagues and 20% had been concerned or upset by non-Jewish family members (Figure 12).

The younger people are, the more likely they were to say that they felt concerned or upset by the reactions of their non-Jewish friends and colleagues. The younger Jewish people are, the more likely they were to have close non-Jewish friends (not shown in Figure 12) and it is conceivable they were, therefore, at greater risk of experiencing adverse reactions. Indeed, 81% of people aged 18-29 had been concerned or upset by the reactions of non-Jewish friends, and 70% of those aged 30-49 had been similarly concerned. More than half (57%) of those under the age of 50 had been concerned or upset by the reactions of non-Jewish colleagues, and about a quarter of people (26%) the same age had been concerned or upset by the reactions of non-Jewish family members.

Figure 12: Since the beginning of the Israel-Hamas war, have you been concerned or upset by the reactions of any of your…




On the other hand, in the first five weeks of the war, 83% of Australian Jews said that non-Jewish friends and acquaintances had reached out to them with messages of sympathy, either frequently (14%) or sometimes (68%). The younger Jewish people are, the more likely they were to say that their non-Jewish friends and

acquaintances had *not* reached out to them since the start of the war. This was the case for one-quarter (24%) of Australian Jews aged under 30 which is also the group with the largest proportion of non-Jewish friends. Australian Jews with the weakest levels of attachment to Israel and for whom being Jewish is less important to them—also subgroups with the largest proportions of close non-Jewish friends—were the most likely to say that their non-Jewish friends had not reached out to them. This reflects how even the most peripherally attached Australian Jews had been adversely impacted by the war.

# Connections to Israel

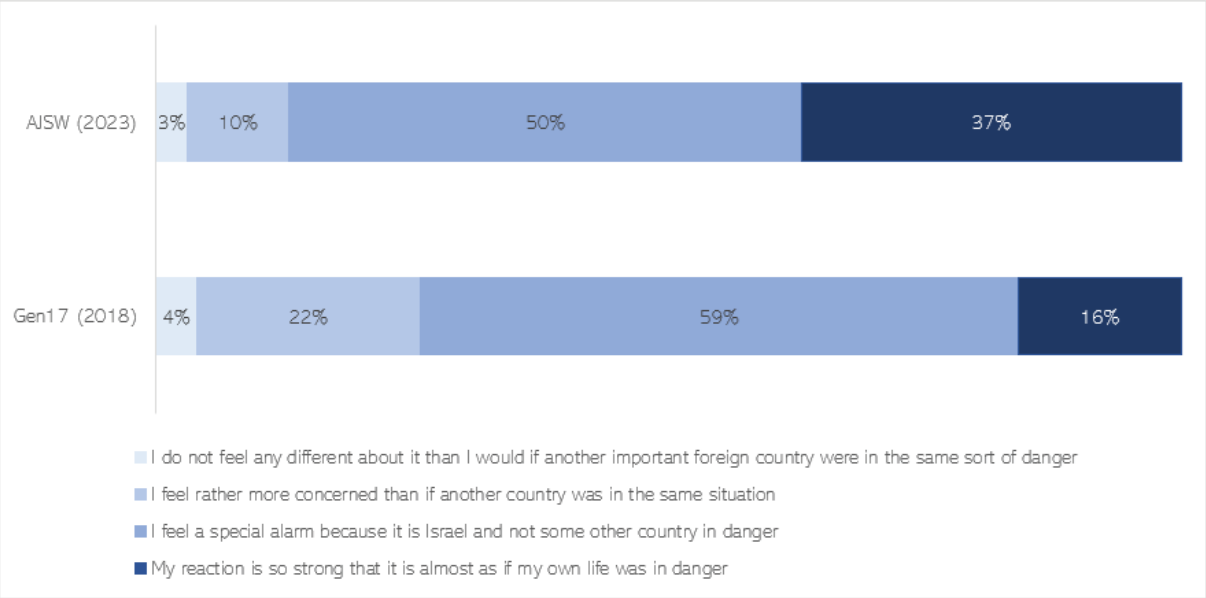
## Jewish peoples' emotional attachment to Israel

Levels of emotional attachment to Israel were extremely high at the time of the survey, almost certainly far higher than they would have been prior to the conflict. Three quarters (75%) of Australian Jews said they were very much attached to Israel and a further 22% said they were either somewhat (16%) or a little (6%) attached to Israel. Therefore 91% of Australian Jews felt at least somewhat emotionally attached to Israel at this time.

## Jewish people's attitudes about Israel when it is put in danger

To obtain a clearer understanding of how the war had affected Jewish people's attitudes towards Israel at this stage, Australian Israel were asked how they feel when Israel is in danger, a question that had been posed in several earlier Australian Jewish community studies (Figure 13). Nearly two out of five (37%) people said when Israel is in danger 'my reaction is so strong that it is almost as if my own life was in danger.' A further 50% said 'I feel a special alarm because it is Israel and not some other country in danger.' These results are directly comparable with data obtained prior to the war in 2017 during a relatively peaceful period for Israel. At that earlier point, 16% said it was 'almost as if my own life was in danger,' meaning that the proportion reporting the highest level of concern about Israel being in danger was almost 2.5 times higher in the immediate7 October aftermath, compared with 2017.

Figure 13. As the current war has put Israel in danger, which one of the following best describes how you feel? Gen17 (2017) and AJSW (2023) compared*

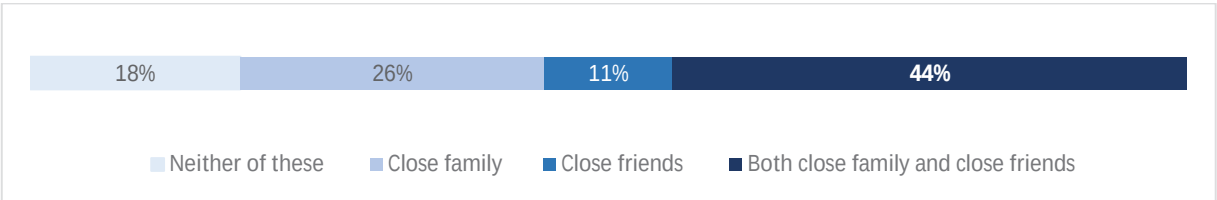



*Note: In Gen17, this question was posed hypothetically: "When international events put Israel in danger, which one of the following best describes how you feel?" Response options as per chart.

## Personal connections to Israel among Australian Jews

A very large proportion (82%) of Jewish people in Australia have personal, social connections with people living in Israel who are either close family members, close friends or both of these (Figure 14). The younger people are, the more likely it is that they have such personal connections. Having such personal connections with Israel was less likely among those who are less emotionally attached to Jewish, less Orthodox and those who say that Jewish is less important.

Figure 14. Do you have any close family or close friends living in Israel?




## Discussing the war with friends and family in Israel

As noted above, 82% of Australian Jews have close family and friends living in Israel. Of these people, about two-thirds (64%) had been in contact with them every few days (42%) or daily (22%) since the war had begun. An additional 32% said they had been in touch with family and friends in Israel occasionally. In other words, Jewish people in Australia were likely to be getting information about the war directly from their personal contacts in Israel. In addition, this again highlights how war in Israel is a very personal experience for Australian Jews living as far away as Australia.

## Whether Australian Jews have visited Israel

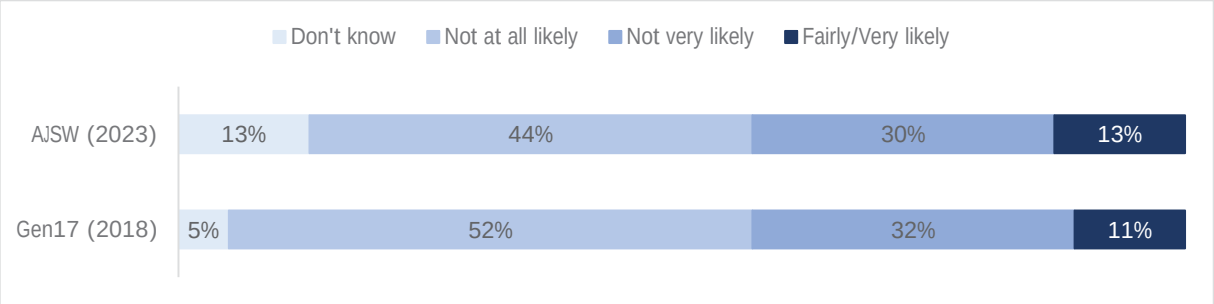
The vast majority (93%) of Jewish people in Australia have visited Israel. Indeed, the vast majority of Australian Jewish adults have visited the Jewish State more than once (60%) and one in five (20%) have either lived in the country or were born there. An additional 13% have visited once, and 7% have not visited Israel.

## Likelihood that Jewish people in Australia would choose to live in Israel

Despite the overwhelming evidence shown here of a very close relationship between Australian Jews in Australia with Israel, it is nevertheless the case that, five weeks into the war, relatively few (13%) Jewish people said that it would even be fairly likely that they would choose to live permanently in Israel in the future (8% fairly likely, 5% very likely).

Australian Jews were also asked this question in 2017, in more peaceful times for Israel, and we see that the proportion of Jewish people saying they may live in Israel in the future was rather similar (11% were fairly or very likely to live permanently in Israel in the future compared with 13% in the current survey) (Figure 15). This suggests that the war has not changed people's attitudes about 'aliya', immigrating to live in Israel. However, it is also the case that the proportion who said they 'don't know' almost tripled from 5% to 13%, so perhaps the feelings of vulnerability and insecurity were having an impact on how Australian Jews view aliya.

Figure 15. How likely is it that you will choose to live permanently in Israel in the future? Gen17 (2017) and AJSW (2023) compared




# Antisemitism and perceptions of personal safety

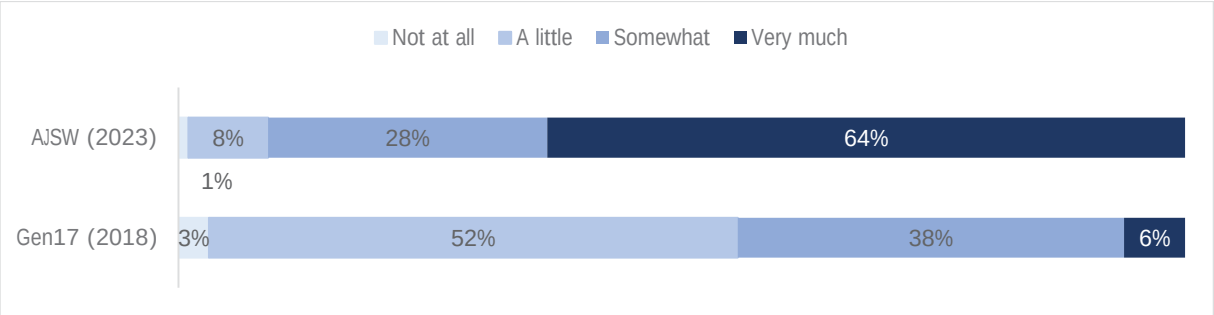
## Jewish people's perceptions of the prevalence of antisemitism

There is a strong historical link between conflicts in Israel and waves of antisemitism in countries around the world.[5] In 2017, a relatively peaceful period for Israel, a very small minority (6%) of Jewish people in Australia said that they felt antisemitism was a very big problem in Australia. In the present survey, a similar question asked 'how big a problem, if at all, is antisemitism in Australia today' finding that, five weeks into

[5] Eilam, S. and Enshed, T. 2021. Increased Antisemitism in the United States Following Operation Guardian of the Walls: Permanent or Short-Lived? *The Institute for National Security Studies*. Tel-Aviv University. https://www.inss.org.il/publication/antisemitism-and-guardian-of-the-walls/

the war, 64% of Australian Jews felt that antisemitism was very much a big problem (Figure 16). These results are directly comparable and show that Jewish people's concern that antisemitism was a problem in Australia at that point was about 10 times higher than in 2017.

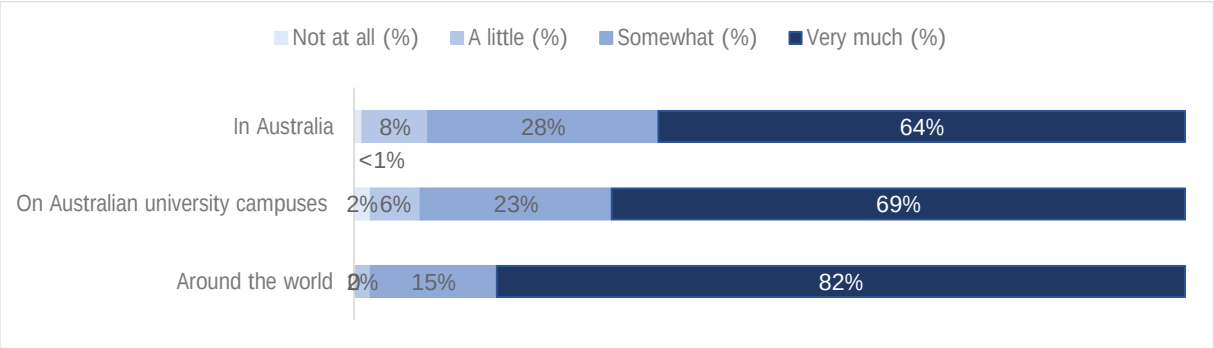
Figure 16. How big a problem, if at all, is antisemitism in Australia today, Gen17 (2017)* and AJSW (2023) compared




* Question asked in Gen17: In your opinion, how big a problem, if at all, is antisemitism in Australia today? A very big problem, A fairly big problem, Not a very big problem, Not a problem at all.

We also asked respondents about their perception of antisemitism in other places and contexts (Figure 17). It is apparent that they felt antisemitism was worse on Australian university campuses than in Australia generally. And notably, 82% said antisemitism was very much a big problem around the world compared with 64% saying this was the case in Australia.

Figure 17. How big a problem, if at all, is antisemitism today…




## Jewish peoples' experience of antisemitism since the beginning of the war

Since the beginning of the war, a period of about five weeks, one in five (20%) Jewish adults in Australia said they had personally experienced an insult or harassment *because they are Jewish* (Table 2). This rises to 43% for Jewish people aged 18 to 29. A majority of these incidents were experienced via social media although 11% more experienced such incidents in person. Among Jewish people aged 18 to 29, 22% had experienced an insult or harassment *in person* since the beginning of the war because they are Jewish. Fifteen percent of Australian Jews living in states and territories outside of Victoria and New South Wales had also experienced an insult or harassment in person since the beginning of the war because they are Jewish.

Less than 1% of people (n=34) said that they had experienced a physical attack, in that five-week period, because they are Jewish. (Not shown in Table 2 for reasons of confidentiality).

Table 2. Since the Israel-Hamas war began, have you personally experienced any of the following because you are Jewish? (Choose all that apply)

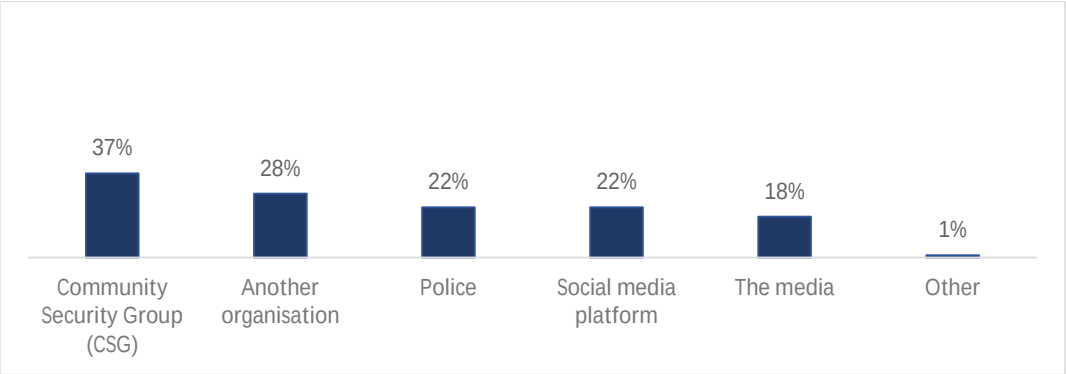
| | Insult or harassment on social media (n=1,365) (%) | Insult or harassment in person (n=711) (%) | None of these (n=5,783) (%) |
|---|---|---|---|
| Australian Jewish adult total | 20 | 11 | 75 |
| Age | | | |
| 18 to 29 | 35 | 22 | 57 |
| 30 to 49 | 25 | 13 | 68 |
| 50 to 69 | 15 | 7 | 80 |
| 70+ | 5 | 3 | 93 |
| Sex | | | |
| Male | 18 | 12 | 76 |
| Female | 22 | 9 | 74 |
| State | | | |
| New South Wales | 17 | 8 | 79 |
| Victoria | 22 | 11 | 72 |
| Rest of Australia | 22 | 15 | 70 |
| Denomination | | | |
| Ultraorthodox/Haredi | 24 | 31 | 55 |
| Modern Orthodox | 22 | 15 | 71 |
| Traditional | 20 | 8 | 76 |
| Masorti/Conservative | 19 | 10 | 76 |
| Reform/Progressive | 20 | 9 | 76 |
| Secular/Culturally Jewish | 19 | 8 | 77 |
| No denomination | 14 | 9 | 80 |
| Being Jewish is… | | | |
| Extremely important | 24 | 13 | 70 |
| Very important | 17 | 8 | 79 |
| Moderately important | 16 | 9 | 79 |
| A little/not at all important | 10 | 6 | 84 |
| Israel attachment | | | |
| Very much attached | 22 | 12 | 72 |
| Somewhat attached | 15 | 7 | 81 |
| A little/Not at all attached | 9 | 5 | 89 |

## Reporting antisemitic incidents

Of those who mentioned having at least one of the three aforementioned forms of antisemitic experiences—verbal, physical and social media—71% did not report their experience(s) to any authority (Figure 18).

Most of those who did do so, told the Community Security Group (CSG) (37%), a Jewish non-profit organisation that works with the authorities to ensure the safety of Jewish people at public gatherings. There were no significant differences across age, sex, state, denomination, Israel attachment, or Jewish identity traits in those who did not report antisemitic experiences.

Figure 18. To whom did you report this [antisemitic incident]?




# Australian Jewish university students

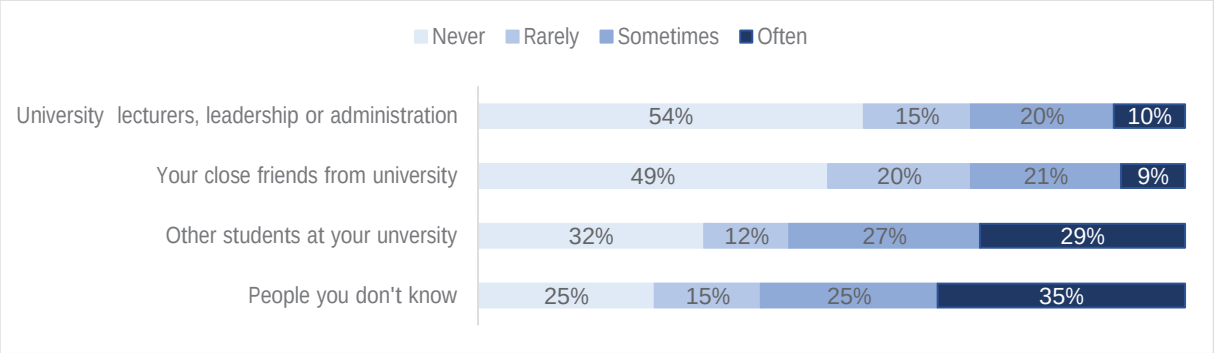
## Experiences of Australian Jewish university students

The following two figures focus on the experiences of the 562 respondents who were university students during the 2023 academic year.

It is notable that at this stage, university students regarded antisemitism as being slightly *less* of a problem on campus than other Australian Jews. 60% of university students said antisemitism was very much a problem on university campuses, compared with 70% of other Australian Jews.

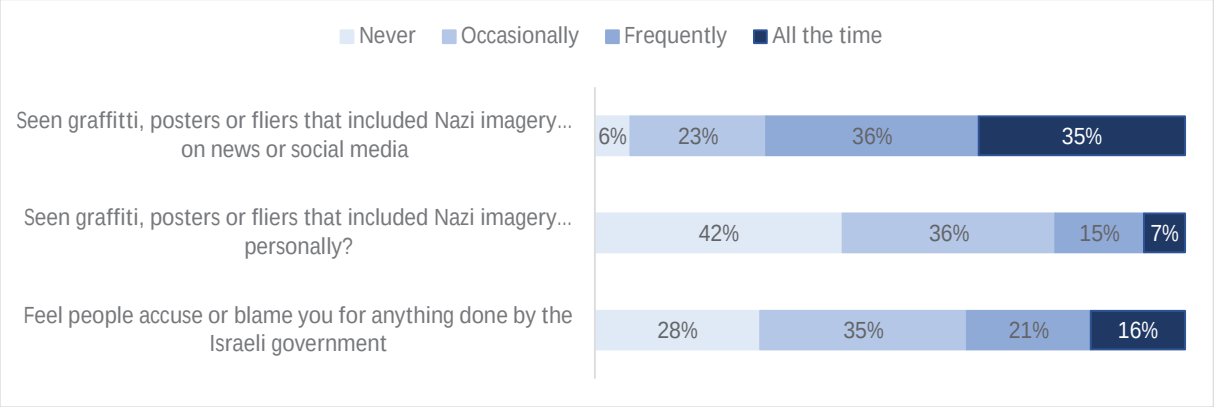
In the five weeks since the war started, more than two-thirds (68%) of Jewish students studying at Australian universities said they had personally encountered hostility towards Israel from other students at their university (Figure 19). Half of all students (51%) had experienced hostility from their own close friends at university. And 46% had experienced hostility towards Israel from university lecturers, leadership or administration.

Figure 19. Since the Israel-Hamas war began, how often have you personally encountered (either in person or on social media) hostility toward Israel from…?




Ninety four percent of university students had seen graffiti, posters or fliers that included Nazi imagery or antisemitic slogans on social media since the war began, 35% of whom had seen this all the time (Figure 20). More than half (58%) had seen these forms of Nazi imagery or antisemitic slogans personally, 7% saying they saw it all the time. Close to three-quarters (72%) said that they felt people accused or blamed them for anything done by the Israeli government because they are Jewish, 16% said this occurred all the time.

Figure 20. Since the Israel-Hamas war began, have you…? (Jewish university students)




## Mental Heath

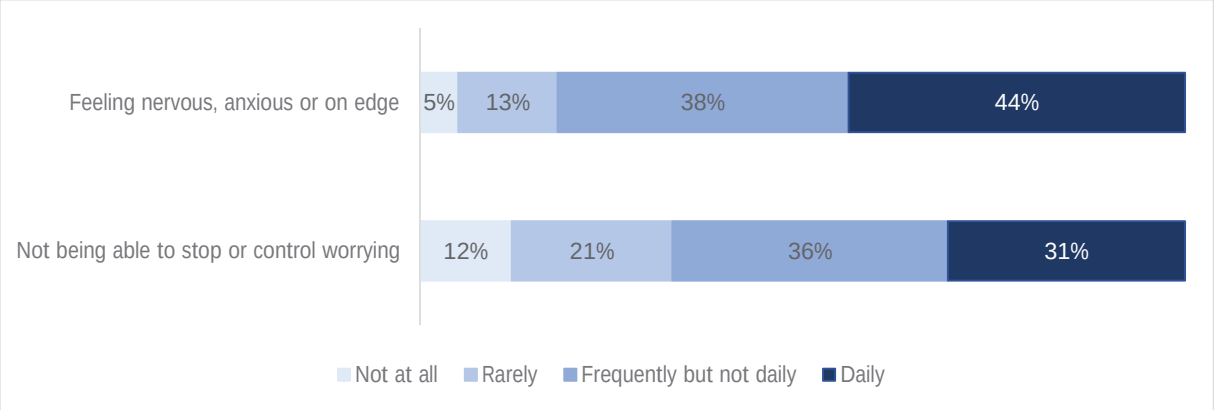
The Generalised Anxiety Disorder 2-item scale (GAD-2) is an established measure used in Australia and internationally for measuring the frequency of symptoms of anxiety.[6] Five weeks into the war, respondents

[6] See, for example, Staples, L. et al. 2019. Psychometric properties and clinical utility of brief measures of depression, anxiety, and general distress: The PHQ-2, GAD-2, and K-6. *General Hospital Psychiatry, 56*, 13-18. https://doi.org/10.1016/j.genhosppsych.2018.11.003

were asked to estimate how often they had felt worried or anxious since the war had started, with summed scores of 3 or above (i.e. 'daily' for at least one of the two questions) meeting the threshold for anxiety.[7]

Overall at this point, 44% of Jewish people said they had felt nervous anxious or on edge on a daily basis since the war had begun and 31% said they had not been able to stop or control worrying on a daily basis (Figure 21). When these scores are summed, 47% of Australian Jews can be said to have experienced symptoms of anxiety based on the GAD scale. We do not have any comparable data from earlier Jewish community studies, and while this cannot be considered a clinical diagnosis, when this scale has been used in questionnaires (i.e., self-assessment rather than by a clinician), 10-15% of the general population report that they have experienced symptoms of GAD in the past 7 days.[8] This suggests that the proportion of Australian Jews who were experiencing anxiety at this time were multiple times higher than would be expected using the general Australian population as a baseline.

Figure 21. Since the Israel-Hamas war began, how often have you been bothered by …?




Jewish women are far more likely to report having felt nervous, anxious or on edge than Jewish men and they were also far more likely to have been severely worried on a daily basis (Figure 22). The more important being Jewish is to a person's identity, the more likely they were to have experienced anxiety and worry. Similarly, the more emotionally attached Jewish people are to Israel, the more likely they were to have felt anxious and worried.

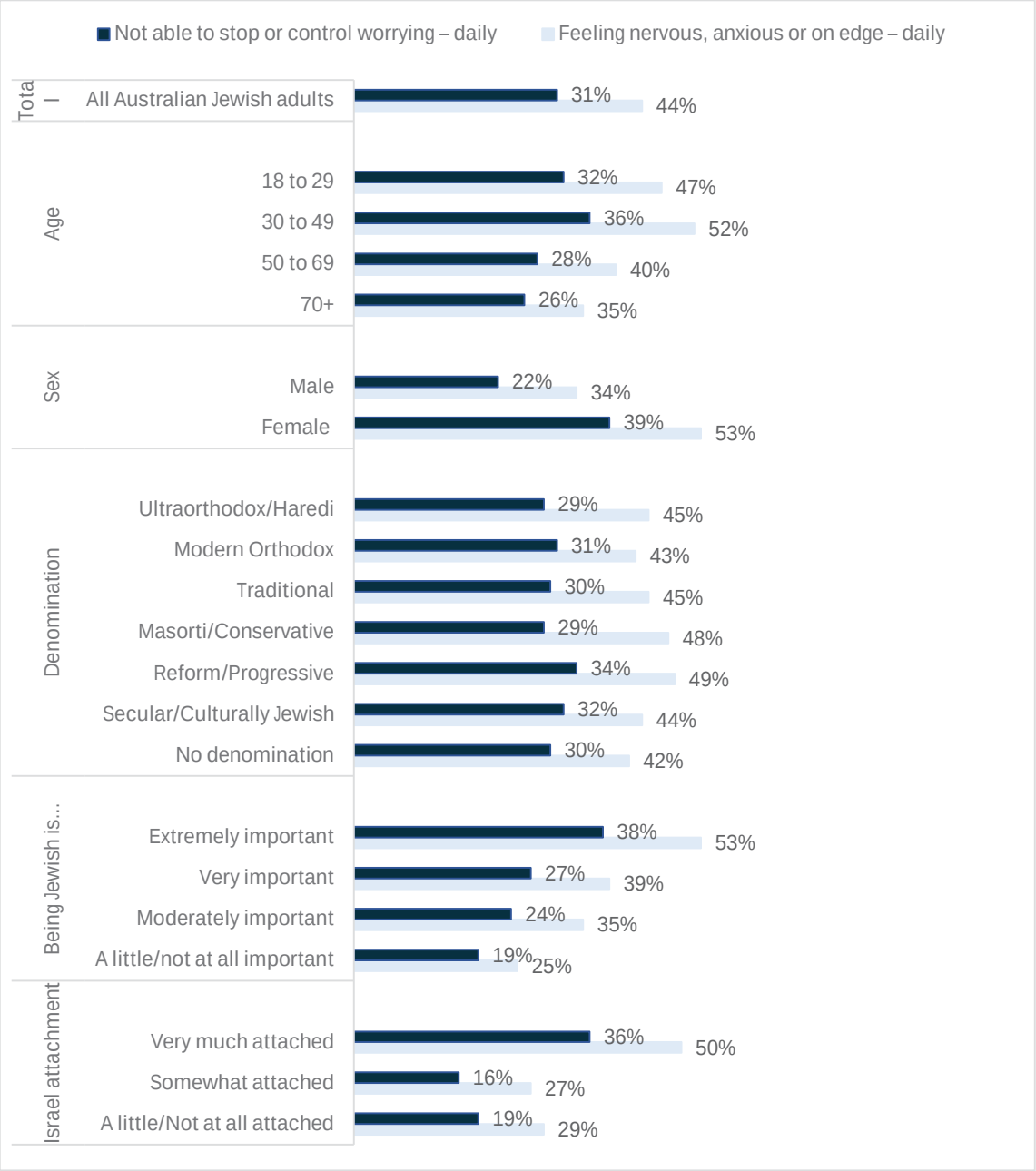
Anxiety and worry were greater among those who had been upset by the reaction of their non-Jewish friends and colleagues and family members.

Interestingly, those who had *changed* their social media usage, either increasing or decreasing it, were more likely to say they were anxious or worried compared with those who had not changed their social media usage. Similarly, those who had *changed* how open they were about their Jewish identity in public (by being either more *or* less open about it) were more likely to say that they were anxious or worried, compared to those who had not changed their Jewish identity in public (not shown in Figure 22). Both findings suggest that *change* in behaviour is associated with heightened anxiety, but further analysis is required to better understand these relationships.

[7] The GAD-2 original categories are Not at all, Several days, More than half days, Nearly every day. See Kroenke K. et al. 2007. Anxiety disorders in primary care: prevalence, impairment, comorbidity, and detection. *Ann Intern Med*. 2007;146:317-25. https://doi.org/10.7326/0003-4819-146-5-200703060-00004

[8] Personal correspondence with Professor Hans-Ulrich Wittchen. See Wittchen, H. -U., and Jurgen H. 2001. Generalized anxiety disorder: Nature and course. *Journal of Clinical Psychiatry 62* (Suppl11): 15-19. https://www.psychiatrist.com/read-pdf/7719/

Figure 22. Since the Israel-Hamas war began, how often have you been bothered by …?




## Your experiences as a Jewish Australian: Qualitative reflections

Anticipating that respondents might wish to share their views on topics not fully covered, the survey closed with the following open-ended question: "Is there anything else you would like to share about your experiences relating to the Israel-Hamas war as a Jewish person living in Australia?" There were 3,565 respondents (47%) who answered this question (Table 3). Collectively, there were close to 250,000 words in these responses, itself a reflection of the huge emotional impact of the war.

The following table shows a summary of the responses we received by topic (for all items mentioned by at least 50 people). By far the most common item discussed (by 2,599 respondents or 36% of the total) related to antisemitism. Unlike the preceding sections, these responses have not been weighted to be representative of the entire Jewish community.

Table 3: Qualitative reflections by theme

| Theme | Explanation | Number of codes | |
|---|---|---|---|
| Antisemitism | Australian experiences of antisemitism; Reflections on the impact of feeling a loss of safety; hiding Jewish identity as a consequence of antisemitism | 1614 | |
| | Australian's parents' fears for their children's safety; children's experiences of antisemitism at school | 214 | |
| | Antisemitism in Australian workplaces – including the arts, business, law, medicine, sport and academia | 207 | |
| | Global Antisemitism in the world/global/other specific places (not including Israel) | 564 | 2,599 |
| Australian leadership and law enforcement | Government: Gratitude/thanks for support | 21 | |
| | Government: Criticism for insufficient support | 669 | |
| | Police: Gratitude and thanks for protection | 23 | |
| | Police: Criticism of police for insufficient protection | 314 | 1027 |
| Thinking about Israel | Israel attachment: Feelings of connection to Israel; support for the Israeli people / IDF; Israel as refuge | 519 | |
| | Hostages: Concern for their welfare; prayers/demands for their immediate return | 347 | 866 |
| Media and social media | Media: Praise of specific media outlets and journalists for fair coverage | 55 | |
| | Media: Criticism of specific media outlets and general bias in mainstream media | *537* | |
| | Social media: Observations of bias; role in fomenting antisemitism | 166 | 758 |
| Mental health | Mental health: Explicit reference to anxiety, nightmares and poor mental health post October 7 | 252 | |
| | Holocaust connections: Identifies self as a survivor or child/grandchild of a survivor and attributes current feelings to Holocaust trauma; antisemitism stirring fears of another Holocaust | 251 | 503 |
| Australian Jewish community | Comfort and pride in community coming together; pride in feeling more connected to the community | 166 | |
| | Pride in and gratitude for organisations & leadership (including some feedback for how leadership could continue to help people at these times) | 237 | 403 |
| Interactions with non-Jewish Australian friends and colleagues | Non-Jewish friends and colleagues who reach out to support and listen | 56 | |
| | Silence is deafening' - silence from non-Jewish friends or work colleagues; loss of friendships as a direct result of October 7 and the aftermath | 119 | |
| | Betrayal by the left' - social justice activists (LGBT, Indigenous, interfaith, etc.) who have rejected them for being Jewish, despite/after years of shared social activism | 114 | 289 |

| | | | |
|---|---|---|---|
| Opportunities for change | Importance of education, for improved understanding of the Israel-Hamas war and experience of Australian Jews | 287 | 287 |
| Other | Observations about the situation not categorised above, but too small in number to appear on their own above. These include, but are not limited to, the importance of Jewish-Muslim dialogue, yearnings for peace, and concerns about social cohesion in Australia. | | 435 |
| Total | | | 7167 |

## Thinking about Israel

Considering the high proportion of Australian Jews who have family and friends in Israel (noted earlier), it is unsurprising that 866 people mentioned Israel in their responses. Of those, 519 discussed their feelings of connection to Israel and their support of the Israeli people and Israeli Defence Forces. Others elaborated on the idea that, for them, Israel represents a refuge which they feel is critical to their sense of safety in Australia. These responses reflect Jewish people's feelings and opinions five weeks into the war.

*My extended family has had two family members murdered and four taken hostage by Hamas. On the other side of the family, another was killed. We are beyond devastated.* – Female, 50-69

*My eldest brother is living there. Bombs fly over his head every day, with him hiding in the bomb shelters scared for his life. I have been affected greatly.* – Male, 18-29

*I have a close relative who miraculously escaped the massacre at the music festival on 7 October. I have gratitude and relief but also survival guilt and rage on behalf of those who did not escape.* – Female, 70+

*I have participated as a reservist in [redacted names of wars in Israel]. I am worried sick for all the reservists in this current war and their families. All news about Israeli soldiers lost are like live bullets in my chest. I hope they all come home safely.* – Male, 70+

*In my lifetime, the existence of Israel has always sat alongside our identity as this comfort - a place that we can go that we will be safe. That will come rescue us if our country turns against us … It's impossible to explain but the existence of this tiny piece of land and an army that will come get us if we need is as fundamental to my identity as being female or a [profession redacted] or even now as a mum. For my entire life of studying the atrocities of the Holocaust in every class or discussion where we were taught about what happened and shown images of ghostly emaciated bodies and gas chamber walls covered in scratches, the teacher would always temper our horror with something along the lines of "but don't worry children, this will never happen to us because now we have Israel." It's the Jewish version of "but in the end they all lived happily ever after."* – Female, 30-49

*I am especially heartened by the increase in unity amongst Australian Jews and Israelis. I believe that Israel needs to do what it needs to do, and we need to support them to do that, despite the increase in risk everywhere. Australian Jews do not need go like sheep to the slaughter no matter how inconvenient that is for anyone else.* – Male, 30-49

Among those who mentioned Israel, there were 347 who specifically mentioned the Israelis who were captured and held hostage in Gaza. Some explained that they were personally related to these hostages, others noted that the plight of the hostages was causing them considerable concern, while some observed the lack of outrage regarding the hostages' continued captivity.

*Fear for hostages. Seven [redacted close relatives] feared to be hostages and had 3 murdered, making it very personal.* – Male, 70+

*How quickly most have forgotten the massacred Israelis and the hostages. Some people's total lack of empathy for these Israelis/Australian Jews (and others) has been palpable and unexpected.* – Female, 70+

*I weep every night for those poor Israeli girls kidnapped by sadists whose only aim is to rape and maim and the babies and children put in cages and taunted by Hamas… the frightened Israelis still reeling from one of the most egregious in human history and frightened Australian Jews worldwide who feel the collective, falsely legitimised, unleashing of antisemitism here and around the world.* – Female, 30-49

*Until the hostages are returned, there is an open wound in the soul of all Australian Jews which causes daily anguish and pain.* – Male, 70+

*I feel I'm living in an alternate universe where the entire world can no longer discern good from pure evil. Where is the outcry over the 240+ hostages of over 30 nations and of several different faiths?* – Female, 50-69

## Media and social media

There were 758 people who mentioned the media or social media in their responses. Of these, there were 55 people who singled out particular newspapers and news programs, praising them for their coverage and support. Again, these responses reflect Jewish people's feelings and opinions five weeks into the war.

*I am shocked by the lack of information and distortion of historical fact in the reporting of this war in Australian media, with notable exception The Australian newspaper.* – Female, 50-69

*I am very disappointed in the Australian media as their reporting is one sided and promotes antisemitism. There is no fact checking from them, just blind belief in the propaganda Hamas spew. Ray Hadley and Ben Fordham [Radio 2GB] as well as Sky News Australia are the exception.* – Female, 50-69

*Lots of praise to 3AW Neil Mitchell and Tom Elliot.* – Female, 30-49

*I am heartened by the news presentation in The Herald Sun.* – Male, 70+

The reportage of the media was criticised, however, in many more responses (537). Many shared their despair with bias and lack of fact-checking. Others aired concerns that reportage was contributing to the increase in antisemitism. Some even shared that the coverage by mainstream media had motivated them to seek news elsewhere, including the Israeli media.

*Overall, the standard of journalism about the Middle East is biased and poor. Very simplistic and unrealistic. All the expectation is centred on Israel without expecting reciprocal accountability on the Palestinians.* – Male, 70+

*The bias in the media reporting even for children is revolting (watch episode 30 of BTN from ABC which is shown to school-aged children). They didn't even acknowledge the attack from Hamas.* – Female, 30-49

*The amount of blatant propaganda being spread online is absurd. Most people take anything they see at face value and don't put in time or research to verify anything. I have spoken with many Pro-Palestine campaigners and from my experience half of them don't know very much about this situation at all. – Male, 18-29*

*It is the first time in my life I have felt so frightened by the obvious antisemitism so blatantly displayed by our national broadcaster ABC and its attempts to stir up controversy … Media has a responsibility to not encourage antisemitism within Australia and the daily showing of Palestinians war cry "from the river to the sea" is not being outed as a vile trope.* – Female, 50-69

*I am furious with the editorial policies of The Age newspaper and have cancelled my subscription. In my view The Age is participating in fomenting hatred of Australian Jews in its misinformation and one-sided reporting, and in allowing the rewriting of history go unchallenged in its letters pages.* – Female, 70+

*I am deeply offended by the pro-Palestinian slant of most of the Australian news media. We mostly watch/listen to the ABC or SBS, but we believe that they are now actively biased against Israel. As a consequence, we've been tuning into [Israeli news channel] i24 and reading Times of Israel, Jerusalem Post or Haaretz.* – Female, 70+

Socia media was also raised in the open-ended responses (166). Many shared their concerns about inaccuracy, the ignorance of those reposting information, the emotional toll of social media consumption and concerns for the vulnerability of children. Some shared their frustrations with the lack of social media regulation and the need for legislation to curb hate speech.

*It's extremely difficult to navigate. Having many non-Jewish friends, it's an extremely uncomfortable situation given that everyone is picking a side. Mostly with very limited knowledge … A good friend of mine posted something on Insta last night about a ceasefire … I couldn't sleep last night. I wasn't sure how to manage it. [Redacted details of resources used to inform friend about her/his perspective] She apologised for the post and admitted she was ill informed and really wasn't coming from a bad place - which I knew, as I know her well. It was just so disheartening… so many 'affluent' and 'ignorant' people are being so vocal without much thought or real knowledge … I don't know how we fix this … my heart is so heavy today.* – Female, 30-49

*Another issue is that Facebook has not removed a single one of my reports against hate speech including one that claimed that Australian Jews had murdered more people than anyone else. Then there's trolls commenting on Jewish sites. It's toxic. I actually removed the Facebook app from my phone last week because of the toxic nature which was significantly impacting on my well-being.* – Male, 30-49

*I have tried hard to escape my echo chamber and listen to other stories. For me social media is a binary screaming match fuelling hate - no one is listening to each other. Peace is abstract unless we listen and understand the pain of another.* – Female, 50-69

*Social media has been a big problem . It allows people who are so uneducated and yearn to spread misinformation and don't understand the repercussions by posting. – Male, 18-29*

*There is so much misinformation circulating on social media and teenagers are particularly vulnerable to it especially as they have no knowledge of history, couldn't find Israel on a map, and don't understand what radical Islamists are and what they are doing or how Iran is involved and determined to destroy the west - which includes them.* – Female, 50-69

*Social media has exaggerated and prioritised the views of the most ill-informed and fostered hate and misinformation to the extent that it is causing hurt and distress and feelings of danger to Australian citizens - it should, in my view, require closer attention and even control by government and legal and social institutions.* – Male, 70+

## Mental health

The toll of the Israel-Hamas war on the mental health of Australian Jews five weeks into the war was mentioned by 503 people. Of those, 252 people made explicit reference to anxiety, nightmares and other signs of poor mental health post-7 October. Most mentioned the events of 7 October, lack of support from friends or government, or caustic social media as triggering their poor mental health

*The bottom line is I'm absolutely not okay. Nightmares, weight loss, hair loss, and inability to focus at work. Generally, feel dissociated from life - and not truly supported by government - they are weak and haven't visited Israel and are too influenced by votes or anti-Semitic beliefs rather than by what is moral.* – Female, 50-69

*I am a psychologist [specialisation redacted], in my work having to support more clients who are presenting with symptoms of acute stress disorder. There is an increasing sense of isolation and lack of support from those outside the community. To have people justify the slaughtering of Jewish people or for the head of the UN to use words like "it hasn't occurred in a vacuum" makes the world seem unsafe.* – Female, 30-49

*The lies and deception are so palpable that my anxiety and stress is at the complete lack of morality in society.* – Female, 50-69

*I'm much more conscious of people knowing I'm Jewish or my Israeli parents. Especially at work or at non-Jewish friends' gatherings. I feel I need to hide my identity out of fear, and this makes me really sad. – Female, 18-29*

*I got off social media (Instagram) around 3 weeks into the War and it has made a big positive impact on my mental health.* – Female, 18-29

*I actually feel like I have a form of PTSD. I am in a constant state of anxiety, and I constantly fear for the safety of my kids at school and us in general from a potential antisemitic attack. It's a horrible time.* – Female, 30-49

There were also 251 people who mentioned how their personal connections to the Holocaust made the events of 7 October and the aftermath even more traumatic. Some of the responses were offered by Holocaust survivors themselves; others, the children and grandchildren of survivors explained how they had also felt traumatised by current events, as a consequence of generational Holocaust trauma.

*I am a child survivor of the Holocaust. When news of the Hamas attack came through, I felt traumatised to a degree that I have never felt before.* – Male, 70+

*I never thought that I would have to worry about antisemitism in Australia. It has been a very disappointing experience. Being a holocaust survivor, I know what evil looks like and we have stared it in the face lately.* – Male, 70+

*I came here as a 2-year-old from a displaced persons camp with my [redacted family members] and my Holocaust survivor parents. This was the lucky country. No antisemitism, just the most beautiful friendly Aussies. Now we are considering leaving. The hate and vile behaviour have made us realise it's not safe for us here... Our grandchildren's schools have to have guards with guns. Our synagogues have guards, Yesterday, there was a huge police presence outside our synagogue. We are peaceful people.* – Female, 70+

*As a child of Holocaust survivors, I am deeply, deeply triggered by Palestinian rallies in Sydney where they are chanting, 'Gas the Australian Jews," The police are standing next to the crowd to ensure the rally is "peaceful", and not enforcing any laws on racial vilification. This puts me into a tailspin of anxiety.* – Female, 50-69

*"I am the grandchild of Holocaust survivors. I think the nature and degree of inter-generational antisemitic trauma plays a significant role in people's response to the current war."* – Female, 30-49

## Australian Jewish community

The wellbeing of the Australian Jewish community was also foremost in people's minds (403). Within those responses, there were 166 people who reflected upon the support and comfort they have derived from the Jewish community and their sense of pride in feeling more connected to the community and their sense of Jewish identity.

*The community has come together in the most amazing way … The generosity of the community has been overwhelming and what this shows is that we are strong and resilient and will not be beaten.* – Female, 50-69

*Overwhelmed by the way Jewish people have come together and organised practical things that we can do to help the people of Israel. Pride in the dignified manner in which we carry ourselves. Pride in the emotional, Bring Them Home rallies. Proud that my non-Jewish husband is brimming with anger and emotion. Very aware in the way I am now prouder and louder in being a Jew.* – Female, 50-69

*Prior to October 7th I did not see myself as particularly Jewish or Israeli. I was an Australian born into a Jewish family. Now I see myself as an Australian-Israeli-Jew and this has honestly been a major shift in my identity which I am still grappling with.* – Female, 18-29

*I dug out my Magen David [which I received] from my bat-mitzvah and have been wearing it since October 7, having hardly worn it in previous years. My 3-year-old is engaging with it and loves seeing it and commenting on family and friends' Magen-Davids also ... I feel lucky to live in an area with Jewish neighbours.* – Female, 30-49

*Completely heartbroken… but silver lining in all of this is seeing the "Jewish warrior" coming out of so many friends who were very quietly Jewish.* – Female, 50-69

An additional 237 people complimented Jewish communal leaders on the ways in which they have supported Australian Jews, through events, resources and support.

*Huge appreciation for the NSW Jewish Board of Deputies for their leadership and the organising of events and webinars and relevant information to help keep us connected. Also great appreciation for UIA, JNF, Zionist Federation of Australia, etcetera, for their support.* – Female, 50-69

*The response of the Australian Jewish Community has felt unified, supportive and affirming. Our Jewish leadership (Board of Deputies, UIA, etc) have been so active and their work had made me feel safer. A special acknowledgement to … CSG whose presence at Synagogue and Jewish events has been very reassuring.* – Female, 30-49

*Excellent Jewish community leadership and unity has been a source of reassurance and hope during a difficult time.* – Female, 30-49

*The Jewish community and all its representatives and organisations have been supportive and active in every way for Israel and the local Jewish community which gives us the strength and resilience to continue proudly as Australian Jews and in support of Israel.* – Female 70+

*I am feeling so proud to be a Jewish person in the Sydney Jewish community and getting a lot of comfort attending all the communal events.* – Female, 50-69

## Interactions with non-Jewish Australian friends and colleagues

Australian Jews are well-integrated into Australian society, most having non-Jewish Australian friends and work colleagues, which were reflected on by 289 people. Of those, 56 noted with gratitude the non-Jewish friends and colleagues who reached out to offer support.

*I have also been blown away by a few non-Jewish friends who have been a source of light and security.* – Female, 30-49

*Many of my non-Jewish friends, colleagues, and relatives have reach out to check how we are, offer support, and learn more. Despite my constant worry about our family in Israel, I have felt comforted knowing that other Australians care and reject antisemitism.* – Female, 50-69

*I have a number of non-Jewish friends and colleagues. They are most likely left voters. They have known me for a long time and know I am Jewish. I have reached out to them personally and have shared my experiences. They are respectful and supportive.* – Female, 30-49

*Had the most supportive conversation with my Christian Lebanese neighbour who is anti-Hamas, anti-Hezbollah 100% supports Israel and the Jewish people. Christian Lebanese are an endangered minority there too.* – Female, 30-49

There were more people, however, who shared their disappointment in non-Jewish friends and colleagues for not being supportive in the aftermath of 7 October (119). "Silence is deafening" was a refrain in these shared reflections, some hurt by the absence of support, others by hurtful comment, while some shared that they had lost friends over the events of 7 October.

*It has made me understand what people mean when they say that silence is deafening.* – Female, 18-29

*I am particularly worried about the silence in academia where I work as a lecturer. Had close to no support from colleagues and managers, yet it is the silence that is more deafening than any outright form of antisemitism.* – Female, 30-49

*The reaction of my non-Jewish friends, which is most of them, has been incredibly saddening and disappointing. I feel I cannot rely on them for any support. – Female, 18-29*

*The majority of our family friend groups are not Jewish and the response to our situation has been underwhelming to say the least. It's often along the lines of 'How awful for you, but Israel shouldn't have...' The feelings of decades-long friends have been distressing in itself.* – Female, 50-69

*It's awful. I feel like we are calling out and no one is listening. No one cares. We all feel so isolated. I've lost friends over this, they won't speak to me because of who I am.* – Female, 18-29

There were 114 people whose reflections details feelings of betrayal by the left, social justice activists with whom they had worked on common causes, but who had rejected them for being for being Jewish, despite years of shared volunteer work in social activist spaces.

*I don't understand what I did wrong. I've stood up for everyone in need. I've donated money I didn't have to try and make the lives better of refugees, the Indigenous community, the LGBTQIA+ community. I have fought for the environment, the homeless and those struggling. I call out racism and bigotry ... The only way that I can get through the day is by blocking it all out and pretending it isn't happening ... but even that is not enough. I live my life with light and kindness, compassion and empathy ... but I don't have much left.* – Female 30-49

*As a left-wing person I feel dismayed and almost betrayed by the left in Australia and around the world. The lack of empathy shown to Israel, the lack of criticism of Hamas verging on support for its aims, the cynical or ignorant misappropriation and twisting of words like "genocide" and "ethnic cleansing", the blindness to Hamas efforts to kill their own people. It has felt very lonely being Jewish in Australia.* – Male, 30-49

*The penny has dropped for me, about the relationship between antizionism and antisemitism. Before Oct 7 I would usually be very careful and nuanced on such matters and allow a space for critique of Israeli politics. But what I have seen since I cannot unsee; there is a level of passionate irrationality in those who are hostile to Israel, very severe moral inconsistency, and I see a very clear link to Soviet era antisemitic propaganda, which the modern left has blindly adopted. One of the hardest parts of this for me has been the feeling of being excommunicated from the left, for something I have no real agency over. This is racism, pure and simple, and it is being performed by the high priests of anti-racism.* – Male, 30-49

*It frustrates me that all diversity and inclusion initiatives and or reporting about minorities don't seem to count Australian Jews. It's a massive blind spot. Australian Jews are seen as too privileged to be a minority. At work we spend so much time doing DEI initiatives but being Jewish doesn't count at all here.* – Male, 30-49

*I have never, in all my life, been so horrified by the silence of most Australians. I work in the social service sector, and I am consumed with rage by the lack of comment or support from Australians and the not-for-profit community. Australian Jewry has been exceptionally generous to this country and are disproportionately philanthropic. I think that this is a huge wake up call for Australian Jewry, and that there needs to be a serious re-think into the time, money and effort which is given to the non-Jewish charity sector.* – Female, 30-49

## Opportunities for change

There were 287 people who mentioned ignorance as an obstacle to understanding and dialogue, calling for a greater Jewish communal focus on educational resources – both for community members and for Australians more broadly. Many respondents shared quiet frustrations at their own inability to succinctly advocate for Australian Jews in Australia and Israel; they expressed the desire for the assistance of communal leadership in providing resources to support them when communicating with their non-Jewish friends and work colleagues. Others highlighted the need for greater advocacy within the general Australian community, calling on leaders to fill those roles.

> *Would be wonderful if there were some key messages/points that could be issued to the community which could be used when discussing the topic with non-Jewish colleagues or friends, especially when chatting with people who might not quite understand what is going on and only rely on what they hear in local media or socials for their information.* – Female, 30-49

> *I graduated in [date redacted] from a private Jewish day school and I feel that the school did not prepare us enough to face these challenges or have difficult conversations about Israeli history OR arm us with enough resources to be confident to debate or inform a neutral party (i.e., prepare us to have the argument with someone say pro-Palestinian). I would like to create an initiative to further educate students and alumni and would love help.* – Male, 30-49

> *keep sharing any information I receive with all my FB friends. The problem is they are mostly Jewish, so I am only preaching to the converted, so to speak. The information, the truth needs to be circulating with the general population of Australia because most of the media as we all know is biased against Israel. In other words, we need a better PR system. The Palestinian/ Muslim population seem to have the upper hand when it comes to PR and press releases, and it has always been this way. Time for this to change somehow.* – Female, 70+

> *My non-Jewish friends are naive at no fault of their own. They don't understand what is happening and I don't blame them. It is too abstract for them to comprehend. They are not stakeholders on the issue. Education on the matter needs to be highly prioritized. We need people to see for themselves the beauty and multi-cultural nature of Israel. We need to send more politicians and students there to see it for themselves. - Male, 18-29*

> *A massive education program is needed regarding antisemitism and Australian values . It has to be routed out of Australian culture at a grass roots level.* – Female, 50-69

# Appendix A. Methodological Appendix

## Methodology overview

This study is based on an analysis of data collected between the 10th and 17th of November 2023. The final sample size was 7,611. The survey was open to anyone who was at that time living in Australia, aged 18 or above, and who considered themselves to be Jewish in any way at all. Fieldwork commenced during the fifth week of the Israel-Hamas war. The survey was carried out online and a link was circulated by Jewish communal organisations across Australia to their membership lists, which was further circulated by participants to other Australian Jews via private messaging. The survey was anonymous and promotion of the survey on public platforms and social media was strongly discouraged to minimise the potential risk of sabotage.

While the size of sample is extremely large by any comparable measure, and to have obtained it in one week is unprecedented,[9] it is also a convenience sample (that is, non-random). The most important criterion for any sample is for it to accurately represent the total Jewish population in Australia as closely as possible. Fortunately, there are excellent sources of baseline data about Australian Jews that can be utilised in this regard. The national census is carried out every five years by the Australian Bureau of Statistics and contains data on religion[10], age, sex, and geographical location. This provides a highly reliable baseline to weight (that is, to statistically align) the survey data and make it more representative of the Jewish population. However, another biasing factor in any Jewish survey is Jewish identity, since participating in such surveys is more likely to be attractive to more engaged Jewish people than less engaged Jewish people. To address this, a national synagogue membership survey was carried out in November 2023 and these data were used to weight data collected in the survey for this purpose.[11] Synagogue membership data are the only whole population baseline source available that provides data on Jewish identity.

There are, however, limits to what can be achieved with survey weighting. Systematic sampling bias can occur when a survey is more likely to be of interest to one group than another. In the present case, a survey about Israel is likely to be of less interest to those who feel *less* strongly about the country than those who feel *more* strongly about it. If the two groups differ systematically then weighting is less likely to overcome this.

## Questionnaire design

The survey instrument draws on three main sources. First is the *Gen17 Australian Jewish Community Survey*, a national study conducted of the Jewish community across Australia in 2017.[12] A sample of questions was drawn from that survey to track possible changes in attitudes and behaviours vis-à-vis Jewish identity, Israel, politics and antisemitism. The second source is a series of university student-focused surveys conducted contemporaneously by the Cohen Center for Modern Jewish Studies, Brandeis University (https://www.brandeis.edu/cmjs/research/antisemitism/hotspots-2023-report1.html). A sample of questions

[9] The authors interpret this overwhelming response, obtained without the need for any survey incentive, as an additional expression of the impact of the war; Jewish people wanted to have their voice heard.
[10] The religion question is voluntary and is adjusted by the community using multiple data sources to take account of Jewish non-response.
[11] This provides data on those who belong to Orthodox synagogues, those who belong to non-Orthodox synagogues and those who do not belong to any synagogue, the latter calculated by subtracting the affiliated totals from the Jewish population count in the census.
[12] Graham, D. and Markus, A. 2018. Op. cit.

was drawn from that survey to track opinions about and responses to the Israel-Hamas war, Israel attachment and antisemitism. The third source is a series of novel questions developed by the survey team.

The Monash University Human Research Ethics Committee granted approval for this research (Project number 40944). The survey was programmed and administered using the Qualtrics survey platform.

## Sampling procedure

There were several limitations in terms of sampling procedure. First, there is no list from which to sample Jewish people. Second, no polling company holds a sufficiently large sample from which a statistically useful Jewish sample could be extracted. Third, there was a time constraint—during the first few weeks post-7 October, the situation was evolving rapidly and the aim of the survey was to capture opinion before a substantive change in the situation had occurred. Fourth, there were security concerns given the sensitive nature of the topics dealt with in the survey. These factors necessitated the building of a convenience sample and as short a field period as possible.

Jewish community organisations received a copy of the invitation to participate, which contained a web-link to the online survey instrument. The survey was launched at 9am on Friday 10th of November 2023, when these organisations emailed this invitation to their respective lists. The instruction was given that the survey link was not to be promoted publicly on social media platforms but could be shared on private networks with friends and family in Australia.

While in theory anyone could have completed the survey if they had chosen to be dishonest about the screening question, comparing key demographic and Jewish identity distributions from the survey with previous surveys carried out on the Jewish community show very close correspondence giving us high confidence that the vast majority of people, if not all, were eligible respondents. Theoretically multiple responses may also have been submitted from the same individual. However, since the survey software, Qualtrics, is designed to prevent multiple responses from the same IP address, this is unlikely to have occurred.

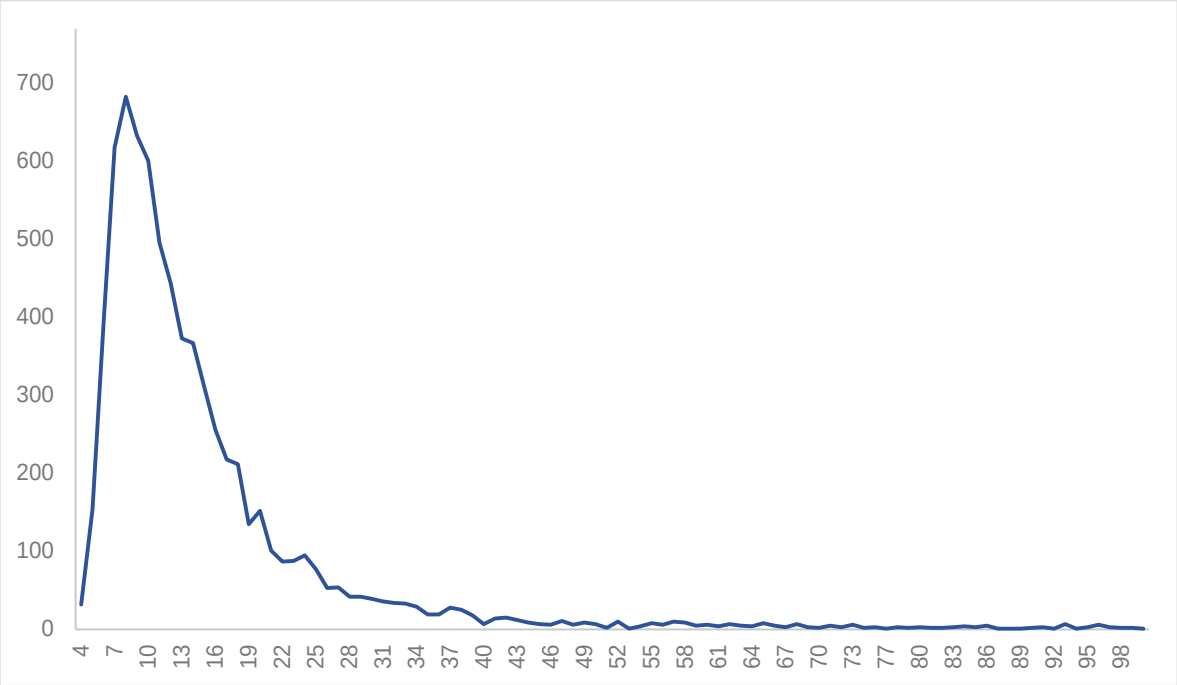
Survey recruitment in NSW and ACT was managed by JCA. In Victoria, which has the largest Jewish population in Australia, there is no comparable centralised body, the Australian Centre for Jewish Civilisation (ACJC) at Monash University and a range of community organisations promoted the survey to their member lists. The survey was extensively promoted in other states and territories through local Jewish organisations and the Executive Council of Australian Jewry (ECAJ).

The survey was in the field for one week across all states and territories and was closed at 11.59pm on Thursday 16th of November 2023 Australian Eastern Standard time.

## Response diagnostics

Figure 23 plots the total time taken to complete the survey by frequency. This shows that most respondents completed it in about 10 minutes; the modal[13] time taken was 8 minutes. It also shows a long tail (truncated at 100 minutes in the graph) mainly due to people completing the survey in multiple sittings and not necessarily logging out of the system between sessions. It may also be due to people writing lengthy and considered responses to the open-ended question. The median[14] time taken to complete the survey was 12 minutes.

Figure 23. Time taken to complete the questionnaire*




* This chart shows 97% of the data. For reasons of space we have not shown the long tail of data beyond 100 minutes (see text).

[13] The mode is the point in a distribution where the highest frequency occurs (in other words 'the most').
[14] The median of a distribution is the point where half the population is below the point and half is above.

## Sample evaluation

It was the intention of the survey team to achieve a very large sample in order to facilitate more detailed statistical analyses and indeed this was achieved. The final sample size of 7,611 Australian Jewish adults was similar to Gen17's 8,621 respondents and larger than Gen08's 5,840[15] despite the significant constraints on the sampling procedure for the survey. Since there were an estimated 92,300 Jewish people aged 18 and above in Australia in 2021, and assuming minimal demographic change between August the 2021 Census and October 2023, the sample represents over 8% of the entire adult Jewish population of Australia. The sheer size of the sample means that detailed sub-group analyses can be carried out that are simply not feasible using smaller sample sets. By way of contextualisation, the Pew Research Center's *Jewish Americans in 2020* study contains a sample of 5,881 respondents[16] for an estimated population of 6-7.5 million Australian Jews.

Unless otherwise stated, percentage data in this report present weighted survey findings and can be extrapolated to the entire Australian Jewish population. N values are unweighted counts from the survey.

## Demographic subpopulation variables and sample size

The following data present demographic, geographic, denominational and identity metrics for the sample comparing unweighted and weighted results. The data are presented to aid the reader when interpreting survey results.

Age

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| 18 to 29 | 792 | 11 | 17 |
| 30 to 49 | 2,302 | 31 | 32 |
| 50 to 69 | 2,677 | 36 | 30 |
| 70+ | 1,651 | 22 | 21 |
| Total | 7,422 | 100 | 100 |

Sex

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| Male | 2,953 | 39 | 46 |
| Female | 4,517 | 60 | 54 |
| Other | 34 | <1 | <1 |
| Total | 7,504 | 100 | 100 |

[15] Markus, A., Jacobs, N. and Aronov, T. 2009. The Gen08 Survey: Preliminary findings: Melbourne and Sydney (Report 1). Australian Centre for Jewish Civilisation, Monash University. https://www.monash.edu/__data/assets/pdf_file/0007/1676473/gen08-report1-preliminary-findings.pdf

[16] The Pew Research Center's total sample was 5,881. This included respondents who identified themselves as Jewish—either by religion (n=3,836) or of no religion (n=882)—as well as respondents who were categorised as having a Jewish background (n=802) or Jewish affinity (n=361). Only the former 2 self-identifying groups were deemed Jewish for the purpose of that study, thereby yielding a Jewish sample of 3,737. See Pew Research Center. 2021. Jewish Americans in 2020. https://www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020/

State

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| Queensland | 163 | 2 | 3 |
| New South Wales | 3,476 | 46 | 42 |
| Victoria | 3,304 | 44 | 44 |
| Western Australia | 366 | 5 | 7 |
| ACT, NT, TAS & SA comb.* | 225 | 4 | 4 |
| Total | 7,534 | 100 | 100 |

*Australian Capital Territory, Northern Territory, Tasmania and South Australia were combined to protect anonymity

Denomination

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| Ultraorthodox/Haredi | 249 | 3 | 3 |
| Modern Orthodox | 1,975 | 27 | 23 |
| Traditional | 1,707 | 23 | 22 |
| Masorti/Conservative | 326 | 4 | 3 |
| Reform/Progressive | 784 | 11 | 8 |
| Secular, Culturally Jewish | 1,889 | 25 | 33 |
| No denomination, just Jewish | 510 | 7 | 9 |
| Total | 7,440 | 100 | 100 |

How important is being Jewish to how you think about yourself?

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| Extremely important | 3,905 | 51 | 47 |
| Very important | 2,443 | 32 | 33 |
| Moderately important | 895 | 12 | 15 |
| A little important | 221 | 3 | 4 |
| Not at all important | 70 | <1 | 1 |
| Total | 7,534 | 100 | 100 |

How emotionally attached are you to Israel?

| | Unweighted frequencies | Unweighted % | Weighted % |
|---|---|---|---|
| Very much attached | 5,841 | 78 | 75 |
| Somewhat attached | 1,102 | 15 | 16 |
| A little attached | 398 | 5 | 6 |
| Not at all attached | 193 | 3 | 3 |
| Total | 7,534 | 100 | 100 |

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-6" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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# Review of the Anti-Discrimination Act 1977 (NSW)

## Unlawful conduct

24

CONSULTATION PAPER

May 2025

NSW Law Reform Commission

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**Acknowledgement of Country**

The NSW Law Reform Commission acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that have contributed to this review.

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# Participants

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The Hon Justice Anna Mitchelmore (Deputy Chairperson)

Kate Eastman AM SC

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Rebecca Winder, Policy Officer (from February 2025)

# Terms of reference

Pursuant to section 10 of the *Law Reform Commission Act 1967* (NSW), the NSW Law Reform Commission is asked to review and report on the *Anti-Discrimination Act 1977* (NSW) (ADA).

In undertaking this review, the Commission is to consider matters including, but not limited to:

1. whether the Act could be modernised and simplified to better promote the equal enjoyment of rights and reflect contemporary community standards
2. whether the range of attributes protected against discrimination requires reform
3. whether the areas of public life in which discrimination is unlawful should be reformed
4. whether the existing tests for discrimination are clear, inclusive and reflect modern understandings of discrimination
5. the adequacy of protections against vilification, including (but not limited to) whether these protections should be harmonised with the criminal law
6. the adequacy of the protections against sexual harassment and whether the Act should cover harassment based on other protected attributes
7. whether the Act should include positive obligations to prevent harassment, discrimination and vilification, and to make reasonable adjustments to promote full and equal participation in public life
8. exceptions, special measures and exemption processes
9. the adequacy and accessibility of complaints procedures and remedies
10. the powers and functions of the Anti-Discrimination Board of NSW and its President, including potential mechanisms to address systemic discrimination
11. the protections, processes and enforcement mechanisms that exist in other Australian and international anti-discrimination and human rights laws, and other NSW laws
12. the interaction between the Act and Commonwealth anti-discrimination laws
13. any other matters the Commission considers relevant to these Terms of Reference.

[*Dated 19 June 2023*]

# Questions

## 3. Tests for discrimination

### Question 3.1: Direct discrimination

Could the test for direct discrimination be improved or simplified? If so, how?

### Question 3.2: The comparative disproportionate impact test

Should the comparative disproportionate impact test for indirect discrimination be replaced? If so, what should replace it?

### Question 3.3 Indirect discrimination and inability to comply

What are your views on the "not able to comply" part of the indirect discrimination test? Should this part of the test be removed? Why or why not?

### Question 3.4: Indirect discrimination and the reasonableness standard

(1) Should the reasonableness standard be part of the test for indirect discrimination? If not, what should replace it?

(2) Should the ADA set out the factors to be considered in determining reasonableness? Why or why not? If so, what should they be?

### Question 3.5: Indirect discrimination based on a characteristic

Should the prohibition on indirect discrimination extend to characteristics that people with protected attributes either generally have or are assumed to have?

### Question 3.6: Proving indirect discrimination

(1) Should the ADA require respondents to prove any aspects of the direct discrimination test? If so, which aspects?

(2) Should the ADA require respondents to prove any aspects of the indirect discrimination test? If so, which aspects?

### Question 3.7: Direct and indirect discrimination

(1) How should the relationship between different types of discrimination be recognised?

(2) Should the ADA retain the distinction between direct and indirect discrimination? Why or why not?

### Question 3.8: Intersectional discrimination

(1) Should the ADA protect against intersectional discrimination? Why or why not?

(2) If so, how should this be achieved?

### Question 3.9: Intended future discrimination

Should the tests for discrimination capture intended future discrimination? Why or why not? If so, how could this be achieved?

## 4. Discrimination: protected attributes

### Question 4.1: Age discrimination

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "age"?

(2) What changes, if any, should be made to the age-related exceptions?

### Question 4.2: Discrimination based on carer's responsibilities

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "responsibilities as a carer"?

(2) Should the ADA separately protect against discrimination based on someone's status of being, or not being, a parent?

### Question 4.3 Disability discrimination

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "disability"?

(2) Should a new attribute be created to protect against genetic information discrimination? Or should this be added to the existing definition of disability?

(3) What changes, if any, should be made to the public health exception?

### Question 4.4: Discrimination based on homosexuality

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "homosexuality"?

### Question 4.5: Discrimination based on marital or domestic status

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "marital or domestic status"?

### Question 4.6: Racial discrimination

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "race"?

(2) Are any new attributes required to address potential gaps in the ADA's protections against racial discrimination?

### Question 4.7: Sex discrimination

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "sex"?

(2) Should the ADA prohibit discrimination based on pregnancy and breastfeeding separately from sex discrimination?

### Question 4.8: Discrimination on transgender grounds

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "transgender grounds"?

### Question 4.9: Extending existing protections

(1) Should the ADA protect people against discrimination based on any protected attribute they have had in the past or may have in the future?

(2) Should the ADA include an attribute which protects against discrimination based on being a relative or associate of someone with any other protected attribute?

## 5. Discrimination: potential new protected attributes

### Question 5.1: Guiding principles

What principles should guide decisions about what, if any, new attributes should be added to the ADA?

### Question 5.2: Potential new attributes

(1) Should any protected attributes be added to the prohibition on discrimination in the ADA? If so, which what should be added and why?

(2) How should each of the new attributes that you have identified above be defined and expressed?

(3) If any of new attributes were to be added to the ADA, would any new attribute-specific exceptions be required?

### Question 5.3: An open-ended list

Should the list of attributes in the ADA be open-ended to allow other attributes to be protected? Why or why not?

## 6. Discrimination: Areas of public life

### Question 6.1: Discrimination at work — coverage

(1) Should the definition of employment include voluntary workers? Why or why not?

(2) Should the ADA adopt a broader approach to discrimination in work, like the way the *Sex Discrimination Act 1984* (Cth) approaches harassment? Why or why not?

(3) Should local government members be protected from age discrimination while performing work in their official capacity? Why or why not?

### Question 6.2: Discrimination in work — exceptions

What changes, if any, should be made to the exceptions to discrimination in work?

### Question 6.3: Discrimination in education

(1) What changes, if any, should be made to the definition and coverage of the protected area of "education"?

(2) What changes, if any, should be made to the exceptions relating to:

(a) single-sex educational institutions, and

(b) disability and age discrimination in educational institutions?

### Question 6.4: The provision of goods and services — coverage

What changes, if any, should be made to the definition and coverage of the protected area of "the provision of goods and services"?

### Question 6.5: Superannuation services and insurance exceptions

What changes, if any, should be made to the exceptions applying to insurance and superannuation?

### Question 6.6: The provision of goods and services — exceptions

What changes, if any, should be made to the exceptions to sex, age and disability discrimination in relation to the provision of goods and services?

### Question 6.7: Discrimination in accommodation — coverage

What changes, if any, should be made to the definition and coverage of the protected area of "accommodation"?

### Question 6.8: Discrimination in accommodation — exceptions

What changes, if any, should be made to the exceptions for private households, age-based accommodation and charitable bodies in relation to discrimination in accommodation?

### Question 6.9: Discrimination by registered clubs — coverage

What changes, if any, should be made to the definition and coverage of the protected area of "registered clubs"?

### Question 6.10: Discrimination by registered clubs — exceptions

What changes, if any, should be made to the exceptions for registered clubs in relation to sex, race, age and disability discrimination?

### Question 6.11: Discrimination based on carer's responsibilities

(1) Should discrimination based on carer's responsibilities be prohibited in all protected areas of public life? If not, what areas should apply and why?

(2) In general, should discrimination be prohibited in all protected areas for all protected attributes? Why or why not?

### Question 6.12: Additional areas of public life

(1) Should the ADA apply generally "in any area of public life"? Why or why not?

(2) Should the ADA specifically cover any additional protected areas? Why or why not? If yes, what area(s) should be added and why?

## 7. Wider exceptions

### Question 7.1: Religious personnel exceptions

(1) Should the ADA provide exceptions for:

  (a) the training and appointment of members of religious orders?

  (b) "the appointment of any other person in any capacity by a body established to propagate religion"?

(2) If so, what should these exceptions cover and when should they apply?

### Question 7.2: Other acts and practices of religious bodies

Should the ADA provide an exception for other acts or practices of religious bodies? If so, what should it cover and when should it apply?

### Question 7.3: Exceptions for other forms of unlawful conduct

Should the general exceptions for religious bodies continue to apply across the ADA, including to all forms of unlawful conduct under the Act?

### Question 7.4: Exceptions for providers of adoption services

Should the ADA have a specific exception for providers of adoption services? If so, what should it cover and when should it apply?

### Question 7.5: Private educational authorities employment exceptions

(1) Should the ADA contain exceptions for private educational authorities in employment? Should these be limited to religious educational authorities?

(2) If you think the Act should provide exceptions in this area:

  (a) what attributes should the exceptions apply to?

  (b) what requirements, if any, should duty holders meet before an exception applies?

### Question 7.6: Discrimination against students and prospective students

(1) Should the ADA contain exceptions for private educational authorities in education? Should these be limited to religious educational authorities?

(2) If you think it is necessary for the ADA to provide exceptions in this area:

(a) what attributes should the exceptions apply to?

(b) should they apply to prospective students, existing students, or both?

(c) what requirements, if any, should duty holders meet before an exception applies?

### Question 7.7: Exceptions relating to sport

Should the ADA provide exceptions to discrimination or vilification in sport? If so, what should they cover and when should they apply?

### Question 7.8: The charities exception

Should the ADA provide exceptions relating to charitable benefits? If so, what should they cover and when should they apply?

### Question 7.9: Voluntary bodies exception

Should the ADA provide an exception for voluntary bodies? If so, what should it cover and when should it apply?

### Question 7.10: Aged care accommodation providers exception

Should the ADA provide an exception for aged care accommodation providers? If so, what should it cover and when should it apply?

### Question 7.11: The statutory authorities exception

Should the ADA provide an exception for acts done under statutory authority? If so, what should it cover and when should it apply?

## 8. Civil protections against vilification

### Question 8.1: Protected attributes

(1) What changes, if any, should be made to the way the ADA expresses and defines the attributes currently protected against vilification?

(2) Should the ADA protect against vilification based on a wider range of attributes? If so, which attributes should be covered and how should these be defined?

### Question 8.2: The test for vilification

(1) Should NSW adopt a "harm-based" test for civil vilification? If so, should this replace or supplement the existing "incitement-based" test?

(2) What, if any, other changes should be made to the incitement-based test for civil vilification?

### Question 8.3: The definition of "public act"

What changes, if any, should be made to the definition of "public act" in the test for vilification in the ADA?

### Question 8.4: Exceptions

What changes, if any, should be made to the exceptions to the vilification protections in the ADA?

### Question 8.5: Religious vilification

What changes, if any, should be made to the protection against religious vilification in the ADA?

## 9. Harassment

### Question 9.1: The definition of sexual harassment

(1) Should the reasonable person test be expanded to include the "possibility" of offence, intimidation or humiliation? Why or why not?

(2) Should the ADA expressly require consideration of an individual's attributes, or the relationship between the parties, in determining whether a person would be offended, humiliated or intimidated by the conduct? Why or why not?

(3) Does the ADA need to define "conduct of a sexual nature"? Why or why not?

### Question 9.2: Other sex-based conduct

(1) Should harassment on the ground of sex be expressly prohibited by the ADA? Why or why not?

(2) Should the ADA prohibit workplace environments that are hostile on the ground of sex? Why or why not?

(3) Are there any other options or models to prohibit conduct which may fall in the gap between sex discrimination and sexual harassment? What could be the benefits of these options?

### Question 9.3: Sexual harassment in the workplace

Should the ADA adopt the *Sex Discrimination Act*'s approach of prohibiting sexual harassment in connection with someone's status as a worker or person conducting a business or undertaking? Why or why not?

### Question 9.4: Workplace-related laws regulating sexual harassment

(1) Are workplace-related sexual harassment laws and the ADA currently working well together, in terms of the definitions of sexual harassment?

(2) Should the ADA and workplace-related sexual harassment laws be more aligned?

### Question 9.5: Expanding the areas of life where sexual harassment is prohibited

(1) Should the ADA continue to limit the areas of life where sexual harassment is unlawful? Why or why not?

(2) Should sexual harassment be unlawful in other areas of life? For example:

(a) areas of life that are protected from discrimination

(b) all areas of public life, or

(c) any area of life, public or private?

### Question 9.6: The private accommodation exception

Should sexual harassment be prohibited in private accommodation? Why or why not? If an exception for private accommodation is required, how wide should it be?

### Question 9.7: Attribute-based harassment

If the ADA was to prohibit attribute-based harassment, which attributes and areas should it cover?

## 10. Other unlawful acts and liability

### Question 10.1: Victimisation

(1) Should the prohibition of victimisation in the ADA expressly extend to situations where a person threatens to victimise someone? Why or why not?

(2) Should the ADA provide that victimisation is unlawful even if it was done for two or more reasons? If so, how best could this be achieved?

### Question 10.2: Advertisements

Should it be a defence to publishing an unlawful advertisement that the person reasonably believed publication was not unlawful? Why or why not?

### Question 10.3: The forms of liability

What, if any, concerns or issues are raised by the ADA's approach to the various forms of liability?

### Question 10.4: The exceptions for liability

Should the ADA continue to provide two exceptions to vicarious liability (that is, the "reasonable steps" and "unauthorised acts" exceptions)? Or is a single "reasonable steps" exception sufficient?

### Question 10.5: Liability and artificial intelligence

Does the use of AI challenge the ADA's approach to liability? If so, how could the ADA be amended to address this?

## 11. Promoting substantive equality

### Question 11.1: Adjustments

(1) Should the ADA impose a duty to provide adjustments? If so, what attributes should this apply to?

(2) Should this be a separate duty, form part of the tests for discrimination, or is there another preferred approach?

(3) Should a person with a protected attribute first have to request an adjustment, before the obligation to provide one arises?

### Question 11.2: Special measures

(1) Should the ADA generally allow for special measures? Why or why not?

(2) If so, what criteria for a special measure should the ADA apply?

(3) If a general special measures section is added to the ADA, should it replace the existing exemption and certification processes? Why or why not?

### Question 11.3: A positive duty to prevent or eliminate unlawful conduct

(1) Should the ADA include a duty to take reasonable and proportionate measures to prevent or eliminate unlawful conduct? Why or why not?

(2) If so:

  (a) What should duty holders be required to do to comply with the duty?

  (b) What types of unlawful conduct should the duty cover?

  (c) Who should the duty holders be?

  (d) What attributes and areas should the duty apply to?

# 1. Introduction

**In brief**

This is the first of two consultation papers in which we will invite you to share your views on the *Anti-Discrimination Act 1977* (NSW) (ADA). In this paper, we consider issues relating to the tests for discrimination, who is protected, the areas in which discrimination is prohibited and exceptions. We also consider harassment, civil vilification and other unlawful acts, as well as liability and measures to promote substantive equality. We ask if any of these aspects of the ADA should change and, if so, how.

**Content warning:** This consultation paper deals with content that some people may find distressing. This includes discrimination, sexual harassment, and vilification (including hate speech). We also refer to concepts and language used in the ADA that can be offensive or upsetting. The ADA project page on our website lists some free services you can contact if you need support.


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1.1 The NSW Attorney General has asked us to review the *Anti-Discrimination Act 1977* (NSW) (ADA). Among other things, we have been asked to consider whether the ADA "could be modernised and simplified to better promote the equal enjoyment of rights and reflect contemporary community standards".[1]

1.2 This is the first of two consultation papers that we will release in this review. In this consultation paper, we focus on the conduct that is (or should be) unlawful under the ADA. In summary, we seek your views on:

1. The terms of reference for this review are set out at page ix of this consultation paper.

- the types of acts and conduct that should be prohibited, and the circumstances in which the prohibitions should apply
- the people and groups who should be entitled to the ADA's protections
- the people and organisations who should be held responsible for unlawful conduct, and when (if ever) their actions should be exempt from the ADA, and
- whether the ADA should do more to promote substantive equality.

1.3 Our second consultation paper will consider the procedural aspects of the ADA, including complaint pathways, enforcement options, remedies and options for preventing unlawful conduct.

## Background to this review

1.4 The ADA was groundbreaking when it was enacted almost 50 years ago. As the first broad discrimination Act in Australia, it prohibited discrimination based on race, sex and marital status. When the legislation was introduced into the NSW Parliament, the Premier said "I am confident that this legislation is the most enlightened, and will be the most effective, legislation in this field in Australia".[2]

1.5 Much has changed in NSW since 1977. By the 1990s, there were concerns that the ADA had not stood the test of time. This led to the NSW Government asking the NSW Law Reform Commission (NSWLRC) to review the ADA in 1991. As the NSWLRC explained in it its final report:

> The legislation as it currently exists tends to reflect the political and social climate at the time of its enactment. Although the ADA has been amended several times to reflect changing community values, these amendments have been piecemeal. ... Taking into account the length of time that has elapsed since the introduction of the ADA, and the law's inability to deal once and for all with constantly evolving social, political and legal conditions, it is appropriate that there be a comprehensive review of the legislation.[3]

1.6 Our predecessors' 8-year review of the ADA was indeed comprehensive. The NSWLRC's 1999 report made 161 recommendations and contained a Draft Anti-Discrimination Bill. While some recommendations were implemented, most were not.

1.7 In the years since 1999, there have been many changes to discrimination laws across Australia. Other states and territories have reviewed their discrimination laws. Some of these reviews have led to significant legislative reform. There have

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2. NSW, *Parliamentary Debates*, Legislative Assembly, Second Reading Speech, 23 November 1976, 3347.
3. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [1.9].

been developments in employment law and reviews of discrimination laws at the federal level too.[4]

1.8 In 2021, there were renewed calls by community and legal groups for a comprehensive review of the ADA.[5] In announcing this review in 2023, the NSW Attorney General recognised that:

> There have been monumental shifts in society, demographics and attitudes since the Act came into force nearly half a century ago. … It is essential to conduct reviews of this nature to ensure our laws represent who we are today as a community.[6]

1.9 It could still be said, as the NSWLRC did in 1999, that many aspects of the ADA continue to "reflect the political and social climate at the time of its enactment". In addition to concerns about its substantive content, many believe the ADA uses outdated and offensive language, and its style and structure is difficult for the community to navigate.

1.10 Our role in this review is to examine the ADA thoroughly and, where necessary, make recommendations to ensure that this law serves our community effectively.

## Our process so far

1.11 We received the terms of reference for this review in June 2023. Since that time, we have conducted significant research into the operation of the ADA and into discrimination laws elsewhere.

1.12 We called for preliminary submissions on 20 July 2023. We received 98 preliminary submissions, many of which are available on our website. Appendix A to this consultation paper contains a list of the preliminary submissions we received. They were immensely helpful in identifying the key issues of community concern, as well as areas for further research and consideration.

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4. For an overview, see Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 46–49. More recent reviews include Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022); Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report* (2023); Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2024).
5. Public Interest Advocacy Centre, *Leader to Laggard: The Case for Modernising the NSW Anti-Discrimination Act* (2021); Public Interest Advocacy Centre and others, Open Letter to the NSW Attorney General, 5 August 2021.
6. NSW Government, "NSW Government Commissions Review of Anti-Discrimination Law" (Media Release, Attorney General, 20 July 2023).

1.13 We also conducted targeted preliminary consultations with agencies and academics to help clarify issues about the operation of the ADA. Appendix B contains a list of these preliminary consultations.

1.14 From February to September 2024, we completed a separate review into the effectiveness of s 93Z of the *Crimes Act 1900* (NSW) in addressing religious and racial vilification. Our report on this review was tabled in Parliament and released on 21 November 2024.[7]

1.15 We received 69 submissions during that review, and we consulted a wide range of individuals and groups. This included judicial officers, bodies that represent the legal profession, community legal centres, police and prosecutors, academic experts, groups representing Aboriginal people, religious groups, multicultural groups, and groups advocating on behalf of members of LGBTQIA+ communities and people living with HIV/AIDS.

1.16 While the s 93Z review was limited to examining serious racial and religious vilification, submissions and consultations raised many related issues about the ADA. These included concerns about the ADA's civil vilification protections and the effectiveness of complaint mechanisms. The views expressed in those submissions and consultations have also assisted us in preparing this consultation paper.

## About this consultation paper

1.17 This paper seeks your views on the ADA, focusing on the conduct that it prohibits. We provide information to explain the current law. We also set out some possible options for reform, drawn from our research and suggestions made in preliminary submissions.

1.18 We emphasise that these options and issues are presented in this consultation paper for the purpose of discussion only. We have not yet formed a position or developed any recommendations in this review.

1.19 Many of the options in this paper are informed by developments in discrimination law in other states, territories and at the federal level. These include reviews conducted by other law reform agencies. Many of these reviews led to legislative amendments that have reshaped discrimination laws elsewhere. We refer to these developments throughout this consultation paper.

1.20 In doing so, we recognise that the law in this area is changing rapidly. At the time of writing, for example, there is uncertainty about the future of recent discrimination

7. NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151 (2024).

law reforms in the Northern Territory and Queensland.[8] We acknowledge this in the consultation paper where relevant.

## Chapter overview

1.21 In this consultation paper:

- **Chapter 2** outlines the background and context to the ADA
- **Chapter 3** sets out the tests for discrimination
- **Chapter 4** considers the attributes that are currently protected from discrimination
- **Chapter 5** considers other attributes that some say should also be protected from discrimination
- **Chapter 6** sets out the areas of public life in which discrimination is prohibited, some area-specific exceptions, and related issues
- **Chapter 7** considers the wider exceptions in the ADA, some of which apply across the whole Act
- **Chapter 8** focuses on the civil vilification protections in the ADA
- **Chapter 9** discusses the ADA's prohibition on sexual harassment and whether other forms of harassment should also be prohibited
- **Chapter 10** considers other unlawful behaviours under the ADA (including victimisation) and how liability for unlawful behaviours works under the ADA
- **Chapter 11** sets out options for possible mechanisms to promote substantive equality, such as adjustments, special measures and positive duties to prevent discrimination and unlawful conduct
- **Appendix A** lists the preliminary submissions received
- **Appendix B** lists the preliminary consultations conducted

## Accessible alternatives

1.22 On our website, we have published accessible alternatives to this consultation paper:

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8. M Garrick, "NT's CLP Government Confirms Plans to Scrap Labor's Hate Speech Changes" (2 March 2025) *ABC News* <www.abc.net.au/news/2025-03-02/nt-anti-discrimination-hate-speech-laws-repealed/104991288> (retrieved 9 April 2025); D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 2 April 2024). On 30 April 2025, the Queensland Parliament passed amendments to delay the commencement to a date to be fixed by proclamation. However, as of 9 May 2025, this had yet to receive assent: Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025.

- a short community summary of this consultation paper, which outlines key issues in our review in simpler language, and
- an Easy Read consultation paper.[9]

# How to have your say

1.23 We invite you to share your thoughts on the issues raised in this consultation paper. The diverse views, experiences, and perspectives of individuals and groups within our community are vital to this review.

1.24 If you would like to have your say, you can

- make a submission
- complete our online survey, or
- answer the questions in our Easy Read consultation paper.

1.25 The due date for submissions, survey responses, and answers to our Easy Read questions is **15 August 2025.**

1.26 Submissions and Easy Read responses can be emailed to us at adareview@dcj.nsw.gov.au.

## What to include in a submission

1.27 This consultation paper includes questions that can help guide your response to the issues raised.[10]

1.28 However, you do not need to answer all the questions. We also encourage you to raise other issues and options that we have not covered in this consultation paper.

1.29 For further information, please visit our web page on how to make a submission.[11]

## You can email your submission to us

1.30 When emailing your submission to us, please let us know if you would like your submission to be kept confidential or anonymous. Our general policy is to publish the submissions we receive on our website, unless they are confidential or unsuitable for publication. We may also refer to them in our final report.

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9. NSW Law Reform Commission, *Anti-Discrimination Act review* <https://lawreform.nsw.gov.au/current-projects/anti-discrimination-act-review.html>.
10. A list of questions is available at page x of this consultation paper.
11. NSW Law Reform Commission, *How to make a submission* <lawreform.nsw.gov.au/contribute-to-law-reform/submission.html>.

1.31 You can find our privacy and information management policy on our website.[12]

### You can complete our survey

1.32 Instead of making a submission, you may prefer to complete our online survey. Our community summary of this consultation paper can help you complete the survey.

1.33 If you prefer, you can download the survey from our website in Word or PDF, and email your responses to adareview@dcj.nsw.gov.au. Please write "ADA Survey Response" as the subject.

1.34 Please tell us if you want your responses to remain confidential or anonymous.

## Next steps

1.35 Once submissions on this first consultation paper have closed, we will release a second consultation paper. This will consider issues relating to the procedures for enforcing the ADA, such as complaint processes and other options for addressing unlawful conduct.

1.36 We will gather more input through submissions and consultations. We will continue to research and develop options for reform.

1.37 We will present our recommendations to the NSW Attorney General in a final report. Your input and our research will inform our recommendations.

1.38 The Attorney General must table the report in both Houses of Parliament within 14 sitting days of Parliament. Once that happens, we will publish the report on our website.

1.39 After that, it is up to the NSW Government to decide how to respond.

1.40 Our website has more information on our process, including a short video that explains what we do.[13]

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12. NSW Law Reform Commission, *Privacy and Information Management Policy* <lawreform.nsw.gov.au/about-us/policy-documents/privacy-information-management.html>.
13. NSW Law Reform Commission, *What We Do* <lawreform.nsw.gov.au/about-us/what-we-do.html>.

# 2. Background and context

**In brief**

This chapter situates our review of the *Anti-Discrimination Act 1977* (NSW) in the international and Australian legal context. It explains key concepts including the human rights to equality and non-discrimination, and the concepts of formal and substantive equality.


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2.1 In this consultation paper, we invite you to share your views on, and experiences with, the *Anti-Discrimination Act 1977* (NSW) (ADA). The various chapters explain the specific protections and exceptions in the ADA, compare them to discrimination laws and other related laws in force elsewhere, and set out some possible reform options. We also provide some questions that you may wish to respond to.

2.2 Before we address the specific substantive aspects of the ADA, this chapter sets the scene. We explain some foundational concepts relevant to the rights to equality and non-discrimination that underpin discrimination laws in Australia. We outline how the ADA approaches these concepts.

2.3 We also introduce the broader context of state, territory and federal laws that deal with discrimination, harassment and vilification. The ADA operates within a complex, intersecting system of laws. There are many gaps, overlaps and unresolved issues across this system.

## An introduction to the ADA

2.4 The NSW Parliament enacted the ADA in 1977. The Act initially protected against direct discrimination based on race, sex and marital status.

2.5 The ADA has been amended over the years to protect people with other attributes, to cover other forms of conduct, and to expand the protections to additional areas. Today, it prohibits four main categories of conduct: discrimination, vilification, sexual harassment and victimisation. It defines who is entitled to be protected from such conduct and who can be held responsible for it.

2.6 The ADA also defines the specific circumstances, relationships and areas of life in which this conduct is unlawful. In general, discrimination law is concerned with how people are treated in the public sphere. The ADA does not apply to personal or family relationships or private interactions that occur, for example, at home.

2.7 However, the coverage is not consistent across the categories of unlawful conduct. While there is some overlap, each category protects different attributes and applies to different duty holders. There is also a complex web of exceptions — some apply to certain forms of conduct, others to certain areas or attributes, and some apply across the whole Act.

2.8 The ADA also provides for a system of complaint handling and dispute resolution. It sets out the roles and functions of the NSW Anti-Discrimination Board (now known as Anti-Discrimination NSW – or ADNSW for short). Among other things, a key function of ADNSW is to conciliate complaints under the ADA. If this is unsuccessful, complainants can apply to the NSW Civil and Administrative Tribunal.

## Equality and non-discrimination

2.9 The rights to equality and non-discrimination are the foundation of discrimination law. From the 1970s, parliaments across Australia began to enact anti-discrimination and equal opportunity laws to give effect to Australia's international human rights obligations in relation to these rights.[1]

2.10 In this section, we outline the core treaties that articulate the rights to equality and non-discrimination. We also reflect on the way the ADA seeks to give effect to these rights and introduce some concepts that appear throughout this consultation paper.

1. An earlier South Australian Act provided more limited protection against racial discrimination in certain areas, including the provision of services, accommodation and employment: *Prohibition of Discrimination Act 1966* (SA) s 3–8, repealed by *Racial Discrimination Act 1976* (SA) s 2.

## The international human rights context

2.11 Human rights are indivisible, interdependent and interrelated — the enjoyment of one human right is closely related to the enjoyment of others.[2] The rights to equality and non-discrimination are part of a wider array of such rights. They are among the "cornerstones" of the concept of human rights articulated in human rights treaties.[3]

2.12 Australia is party to seven core international human rights treaties. These treaties set out obligations for the States that have agreed to be bound by them.

2.13 The first of these treaties is the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD). It requires States Parties to prohibit racial discrimination "by any persons, group or organization".[4]

2.14 The ICERD defines "discrimination" as

> any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.[5]

2.15 The first federal discrimination law, the *Racial Discrimination Act 1975* (Cth) (*Racial Discrimination Act*), uses this definition.[6]

2.16 Two other human rights treaties are the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights*.

2.17 States Parties to these treaties must ensure the equal enjoyment of rights without discrimination of any kind. This includes discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.[7] This is known as the principle of non-discrimination.

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2. World Conference on Human Rights, *Vienna Declaration and Programme of Action*, UN Doc A/CONF.157/23 (25 June 1993) [5], endorsed by United Nations General Assembly, World Conference on Human Rights, GA Res 48/121, UNGAOR, UN Doc A/48/49 (20 December 1993) [5].
3. D Moeckli, *Human Rights and Non-Discrimination in the War on Terror* (Oxford University Press, 2008) 57.
4. *International Convention on the Elimination of All Forms of Racial Discrimination*, 660 UNTS 195 (entered into force 4 January 1969) art 2(d).
5. *International Convention on the Elimination of All Forms of Racial Discrimination*, 660 UNTS 195 (entered into force 4 January 1969) art 1(1).
6. *Racial Discrimination Act 1975* (Cth) s 9(1).
7. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 2(1); *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3 (entered into force 3 January 1976) art 2(2).

2.18 The ICCPR also contains a standalone right to equality before the law. This provides that "[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law". Parties to the ICCPR must prohibit, and guarantee effective protection against, discrimination "on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".[8]

2.19 Another treaty focuses on sex discrimination — the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).[9] It defines discrimination in similar terms as the ICERD.[10] One of the objects of the federal *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*) is to give effect to aspects of CEDAW.[11]

2.20 Two more recent treaties focus on the human rights of children, and people with disability.[12] The *Convention on the Rights of Persons with Disabilities* goes further than other treaties in addressing equality and non-discrimination. Like the ICCPR, it refers to the right to the "equal protection of the law". But it also refers to the right to "equal benefit of the law".[13] This aspect of the right requires States Parties to take positive actions, such as by providing reasonable accommodation and ensuring accessibility.[14]

## Equality and non-discrimination and the ADA

2.21 Throughout this consultation paper, we refer to different ways of understanding and giving effect to the rights to equality and non-discrimination. These understandings have evolved since the ADA was enacted and may continue to do so. A significant issue in this review is whether the ADA has kept pace with these changes, and whether it appropriately addresses issues of intersecting and competing rights.

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8. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 26.
9. *Convention on the Elimination of All Forms of Discrimination against Women*, 1249 UNTS 13 (entered into force 3 September 1981).
10. *Convention on the Elimination of All Forms of Discrimination against Women*, 1249 UNTS 13 (entered into force 3 September 1981) art 1. See also Human Rights Committee, *General Comment No 18 on Non-Discrimination* (10 November 1989) [7].
11. *Sex Discrimination Act 1984* (Cth) s 3(a).
12. *Convention on the Rights of the Child*, 1577 UNTS 3 (entered into force 2 September 1990); *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008).
13. *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008) art 5(1).
14. Committee on the Rights of Persons with Disabilities, *General Comment No 6 on Equality and Non-Discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018) [16].

## Formal and substantive equality

2.22 Two common understandings of equality are "formal" and "substantive" equality.

2.23 As originally enacted, the ADA promoted what is known as "formal equality". This reflects the view that equality involves treating people the same way. It is also known as equality of opportunity.[15]

2.24 While it does not contain a specific objectives clause, the long title of the ADA indicates the purpose of the Act. This has remained unchanged since the ADA was enacted in 1977: "An act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons".

2.25 Formal equality also underpins the ADA's test for "direct discrimination". In summary, this recognises that it is discriminatory to treat someone less favourably compared to someone else because of an aspect of their identity (known as an attribute).

2.26 However, equal treatment does not always result in equal outcomes. Another concept of equality — "substantive equality" — recognises that some people need to be treated differently to promote an equal outcome or equal access to opportunities.[16] This requires an approach which extends beyond comparing the treatment of individuals, and addresses the adverse impact of broader practices, cultural norms, customs and attitudes, and unconscious bias. Addressing these barriers to equality means treating people or groups in a way that achieves equal outcomes or access to equal opportunities.

2.27 In 1981, the ADA was amended to also prohibit indirect discrimination. In doing so, the ADA moved towards addressing substantive equality. Indirect discrimination looks at the adverse outcome of a seemingly neutral requirement or condition (in effect, the same treatment) for people with different attributes. The requirement may have an unequal effect on certain groups, which is not reasonable. People with certain attributes may be unable to comply with that requirement, but people without those attributes can.[17]

2.28 Take, for example, a requirement that all job applicants attend an interview in a building that is only accessible by stairs. While the requirement applies equally to all applicants, this would not result in an equal outcome for an applicant who uses a

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15. D Allen, "An Evaluation of the Mechanisms Designed to Promote Substantive Equality in the *Equal Opportunity Act 2010* (Vic)" (2020) 44 *Melbourne University Law Review* 459, 464.
16. S Fredman, "Substantive Equality Revisited" (2016) 14 *International Journal of Constitutional Law* 712, 718–20.
17. D Allen, "An Evaluation of the Mechanisms Designed to Promote Substantive Equality in the *Equal Opportunity Act 2010* (Vic)" (2020) 44 *Melbourne University Law Review* 459, 464.

wheelchair. They would not be able to comply with this requirement without adjustments such as a lift, but other applicants who do not use wheelchairs may be able to comply.

2.29 Some people think the ADA could do more to help achieve substantive equality. For instance, some other Australian discrimination laws express the objective of

> promoting and facilitating the progressive realisation of equality, as far as reasonably practicable, by recognising that ... the achievement of substantive equality may require the making of reasonable adjustments, reasonable accommodation and the taking of special measures.[18]

2.30 Examples of mechanisms to promote substantive equality include:

- requiring duty holders to provide adjustments for some people with protected attributes
- enabling duty holders to adopt "special measures" for groups who have experienced disadvantage, which allow them to be treated differently to best promote their rights, and
- imposing a positive duty to prevent discrimination and other unlawful conduct.

2.31 We consider these potential options for reform in chapter 11.

### When exceptions may be justified

2.32 Across several chapters, we refer to the ADA's complex and extensive exceptions that allow duty holders to engage in what would otherwise be unlawful conduct. One of the most controversial issues in this review is whether these exceptions remain appropriate.

2.33 International human rights law recognises that the right to non-discrimination can be limited in certain circumstances. Generally, a policy or practice will not be considered discriminatory if it pursues a legitimate aim, and is appropriate, necessary and proportionate to that aim.[19] A recent review considered that duty holders should meet similar tests before they can access an exception.[20] An example is the requirement in the Australian Capital Territory (ACT) that discrimination must be "reasonable, proportionate and justifiable in the circumstances" for a respondent to be able to rely on an exception.[21]

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18. *Discrimination Act 1991* (ACT) s 4(d); *Equal Opportunity Act 2010* (Vic) s 3(d)(iii).
19. OHCHR and the Equal Rights Trust, *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation*, 2023, 51.
20. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 99. See also ACT, Legislative Assembly, *Yoursay Listening Report: Discrimination Law Reform* (2022) 4.
21. *Discrimination Act 1991* (ACT) s 33C(b).

2.34 In its 1999 report on the ADA, the New South Wales Law Reform Commission observed that "because discrimination law protects fundamental human rights, the prohibitions should not be lightly displaced. There must be good justification for any genuine exception".[22]

2.35 Throughout this report, we invite consideration of whether the existing exceptions in the ADA meet this description.

### Intersectionality

2.36 Another important concept is "intersectionality". The ADA only prohibits discrimination, vilification and harassment that occurs because of a limited range of protected attributes. It does not prohibit unlawful conduct that is based on more than one, or a combination of, protected attributes.

2.37 However, this does not always reflect the realities of how discrimination, vilification and harassment are experienced. Nor does it acknowledge that people may have more than one attribute.

2.38 Some have argued that the ADA needs to recognise and address "intersectional" forms of discrimination, vilification and harassment. This is conduct that occurs because of more than one attribute that a person identifies with.

### Systemic discrimination

2.39 The concept of "systemic discrimination" focuses on the structural aspects and causes of discrimination. It regards discrimination as a social, rather than simply an individual issue, to address. This moves beyond examining an individual's experiences of discrimination to consider the policies, practices and patterns of behaviour which create or perpetuate disadvantage for people with certain attributes.[23]

2.40 Some other discrimination laws express the objective of encouraging "the identification and elimination of systemic causes of discrimination", sexual harassment and victimisation.[24] Victoria recently enacted changes to its vilification laws, with one of the purposes being "to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression".[25]

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22. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.2].
23. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 52.
24. *Equal Opportunity Act 2010* (Vic) s 3(c); *Discrimination Act 1991* (ACT) s 4(c).
25. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 1(ab).

2.41 One issue is whether the ADA's individual complaints model can address these wider structural causes of discrimination and other unlawful conduct. Some say more proactive, regulatory mechanisms are needed.

2.42 For example, the Australian Human Rights Commission (AHRC) has the power to inquire into any matter that may relate to "systemic unlawful discrimination". This means unlawful discrimination that affects a class or group of people, and is continuous, repetitive or forms a pattern.[26] We will examine these issues in our second consultation paper.

# The wider Australian context

2.43 The ADA cannot be considered in isolation from other protections against discrimination, vilification and sexual harassment that exist across Australia. While some laws cover the same or similar conduct, there are important differences in coverage.

2.44 It can be extremely difficult to determine which laws, protections and processes apply in different situations. Where there are similarities or overlaps, it can be challenging to choose the most appropriate forum for bringing a complaint.

2.45 It is important to consider the interactions between these laws when considering reforms to the ADA's coverage. Throughout this consultation paper, we compare the ADA to other relevant laws. We ask if the way they define the scope of the various categories of unlawful conduct could inform any changes to the ADA.

2.46 In our second consultation paper in this review, we will consider the various NSW and federal complaint pathways in greater detail.

## Australian discrimination laws

2.47 The ADA is part of the system of anti-discrimination and equal opportunity laws that apply across Australia.

### Federal law

2.48 Four federal discrimination laws operate concurrently with the ADA:

- *Age Discrimination Act 2004* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Racial Discrimination Act 1975* (Cth), and

26. *Australian Human Rights Commission Act 1986* (Cth) s 35L.

- *Sex Discrimination Act 1984* (Cth).[27]

2.49 A person can make a complaint under these Acts to the AHRC. If it is not resolved by conciliation at the AHRC, the person may seek a judicial remedy in the Federal Court of Australia or the Federal Circuit and Family Court of Australia.[28]

2.50 This consultation paper highlights gaps and overlaps between the ADA and federal law. Sometimes, the same or similar conduct is covered by both federal law and the ADA. When that happens, people can choose whether to seek a remedy through federal discrimination law or the ADA. The ADA does not prevent a person from making a complaint under the ADA just because they have made a complaint based on the same facts elsewhere.[29]

2.51 For example, depending on the circumstances, a person may be able to make a complaint alleging racial discrimination to the AHRC under the *Racial Discrimination Act*. Or they may make a complaint to ADNSW under the ADA.[30]

2.52 In some areas, there are differences in coverage between the ADA and federal discrimination law. For example, some attributes, such as bisexuality and gender identity, are protected under the *Sex Discrimination Act* but not the ADA.[31] This will affect where a complaint can be made.

2.53 Other mechanisms of making a complaint to the AHRC exist, but these do not provide a pathway to a judicial remedy. The AHRC has separate powers to inquire into, and attempt to conciliate, complaints alleging:

- discrimination in employment and occupation, as part of its functions relating to equal opportunity in employment[32]
- systemic discrimination,[33] and
- acts or practices of the Commonwealth that breach particular human rights.[34]

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27. *Age Discrimination Act 2004* (Cth) s 12(2); *Disability Discrimination Act 1992* (Cth) s 13(3); *Racial Discrimination Act 1975* (Cth) s 6A(1); *Sex Discrimination Act 1984* (Cth) s 10(3).
28. *Australian Human Rights Commission Act 1986* (Cth) s 11(1)(aa), s 46PO.
29. *Anti-Discrimination Act 1977* (NSW) s 88B(1).
30. *Racial Discrimination Act 1975* (Cth) s 15; *Anti-Discrimination Act 1977* (NSW) s 8.
31. *Sex Discrimination Act 1984* (Cth) s 4(1) definition of "gender identity", definition of "sexual orientation", s 5A, s 5B.
32. *Australian Human Rights Commission Act 1986* (Cth) s 31.
33. *Australian Human Rights Commission Act 1986* (Cth) s 35L.
34. *Australian Human Rights Commission Act 1986* (Cth) s 11(1)(f).

2.54 These powers cover a wide range of attributes recognised in international human rights law and labour law instruments, many of which are not covered in federal discrimination law or the ADA.[35]

### Other states and territories

2.55 Other states and territories in Australia have their own discrimination laws.[36] There are similarities in coverage between them. However, many of these laws offer more protections and apply more widely (including by protecting more attributes and covering more areas) than the ADA. We provide examples of the approaches adopted in other states and territories in this consultation paper.

2.56 The ACT, Victoria and Queensland have human rights legislation that exists alongside dedicated discrimination legislation. These Human Rights Acts recognise, protect and promote the rights to equality and non-discrimination.[37] However, they also cover a much wider range of human rights recognised in international human rights treaties than discrimination laws do.

2.57 There is no such Act in NSW or federally, although a parliamentary committee recently recommended the enactment of a federal Human Rights Act.[38] Additionally, the Australian Constitution provides limited rights protection.[39]

2.58 Whether NSW should have a Human Rights Act is beyond the scope of our review of the ADA.

## Workplace protections

2.59 The ADA also operates alongside specific employment law protections against discrimination and sexual harassment at work.

2.60 In particular, the *Fair Work Act 2009* (Cth) (*Fair Work Act*) protects against adverse action in employment, and against the termination of employment, based on a wide

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35. *Australian Human Rights Commission Act 1986* (Cth) s 3(1) definition of "discrimination", definition of "human rights"; *Australian Human Rights Commission Regulations 2019* (Cth) reg 6.
36. *Discrimination Act 1991* (ACT); *Anti-Discrimination Act 1992* (NT); *Anti-Discrimination Act 1991* (Qld); *Equal Opportunity Act 1984* (SA); *Anti-Discrimination Act 1998* (Tas); *Equal Opportunity Act 2010* (Vic); *Equal Opportunity Act 1984* (WA).
37. *Human Rights Act 2019* (Qld) s 8; *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 15; *Human Rights Act 2004* (ACT) s 8.
38. Parliament of Australia, Parliamentary Joint Committee on Human Rights, *Inquiry into Australia's Human Rights Framework* (2024) rec 1.
39. See generally G Williams and D Hume, *Human Rights under the Australian Constitution* (Oxford University Press, 2nd ed, 2013).

range of protected attributes.[40] It also protects against sexual harassment at work.[41]

2.61 The *Fair Work Act* applies across Australia, including to many workplaces in NSW. However, it does not apply to the NSW public sector and local government.[42] Other limits also apply to some forms of protection, as we explain in chapter 5.

2.62 In NSW, the *Work Health and Safety Act 2011* (NSW) prohibits workplace discrimination based on a person's work health and safety activities. It requires employers to make workplaces safe, including to manage risks from hazards that can cause psychological harm, by eliminating or minimising reasonably foreseeable hazards.[43] Harassment and unfair decision-making are recognised as common hazards.[44]

## Other potential complaints mechanisms

2.63 In the second consultation paper, we will outline other complaint pathways in related legal areas. For instance, complaints of unfair treatment or discrimination by NSW Government agencies, local councils, and government-funded service providers can be made to the NSW Ombudsman.[45]

## Criminal vilification offences

2.64 NSW has both civil and criminal protections against vilification. The ADA protects against public acts that incite hatred, serious contempt or severe ridicule towards a person or group, based on specific protected attributes.

2.65 The ADA's civil protections operate alongside the criminal law. Section 93Z of the *Crimes Act 1900* (NSW) makes it an offence to publicly threaten or incite violence based on specific protected attributes. NSW Parliament recently passed amendments to create a new offence of inciting racial hatred by public act, but this offence has not come into effect yet.[46]

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40. *Fair Work Act 2009* (Cth) s 342, s 351, s 772(1).
41. *Fair Work Act 2009* (Cth) s 527D.
42. *Industrial Relations (Commonwealth Powers) Act 2009* (NSW) s 6(c), s 6(f). See, eg, *AB* [2014] FWC 6723.
43. *Work Health and Safety Act 2011* (NSW) s 19; *Work Health and Safety Regulation 2017* (NSW) cl 55D.
44. SafeWork NSW, *Code of Practice: Managing Psychosocial Hazards at Work* (2021) 8.
45. NSW Ombudsman "Complaints We Can Help You With" (2025) <www.ombo.nsw.gov.au/complaints/complaints-we-can-help-you-with> (retrieved 3 April 2025).
46. *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93ZAA (uncommenced).

2.66 Federal vilification offences, and the civil protections in the *Racial Discrimination Act*, also operate to protect people in NSW.[47]

2.67 One issue in this review is whether there should be greater alignment between the NSW civil and criminal vilification laws in terms of the attributes they protect and certain aspects of their tests. We consider this, along with other issues about the ADA's vilification protections, in chapter 8.

47. *Criminal Code* (Cth) s 80.2A, s 80.2B; *Racial Discrimination Act 1975* (Cth) s 18C.

# 3. Tests for discrimination

**In brief**

The *Anti-Discrimination Act 1977* (NSW) (ADA) prohibits direct and indirect discrimination. We ask if the tests for discrimination are working as they should and, if not, how they could be changed. We also consider the burden of proof and whether the distinction between direct and indirect discrimination should remain. Finally, we ask if the ADA should cover intended future discrimination and intersectional discrimination.


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3.1 In the previous chapter, we consider the different concepts of equality. We now build on that discussion by outlining the two ways the *Anti-Discrimination Act 1977* (NSW) (ADA) defines discrimination.

3.2 The ADA prohibits what is commonly known as "direct discrimination" and "indirect discrimination" (although the ADA does not use these expressions). The ADA sets out the tests for these types of discrimination. These tests have multiple steps or "elements".

3.3 Even if these tests are satisfied, discrimination is only unlawful if the conduct in question is based on a protected attribute and occurs in one of the areas in which the ADA prohibits discrimination. Certain exceptions may also apply, permitting

what would otherwise amount to unlawful discrimination. We discuss these aspects of the ADA in later chapters.

3.4 There are mixed views on the tests for discrimination in the ADA. Some think they are appropriate, while others think they are too complicated and outdated.

3.5 In this chapter, we ask for your views about:

- whether the tests to prove direct or indirect discrimination should be changed
- who should prove that discrimination occurred
- whether the ADA should also capture intersectional and future discrimination, and
- whether the distinction between direct and indirect discrimination should remain.

3.6 Throughout this chapter, we use the term "complainant" to mean a person with a protected attribute who is making a discrimination complaint. We use the term "respondent" to mean the person or organisation who is responding to a discrimination complaint about them.

## Direct discrimination

3.7 In summary, direct discrimination happens when someone is treated less favourably compared to how someone else is treated because they have a protected attribute. Protected attributes are characteristics about a person or group that are protected from discrimination, such as race, sex and age. We consider the existing protected attributes in chapter 4.

3.8 An example of direct discrimination is where an employer decides an employee will not be trained to work on new machinery because they say the employee is too old to learn new skills.[1] It is unlawful for an employer to discriminate against an employee by preventing them from accessing training opportunities because of their age, if the employer prefers younger workers and the employee's age is a reason for the decision.[2]

3.9 Direct discrimination relates to the concept of formal equality, which we explain in chapter 2.

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1. *Equal Opportunity Act 2010* (Vic) s 8(1).
2. *Anti-Discrimination Act 1977* (NSW) s 49ZYB(2)(b).

3.10 Under the ADA, direct discrimination has two elements: the comparator test and the causation test. Discrimination laws in some other parts of Australia have a similar test for direct discrimination.[3]

3.11 The test for direct discrimination based on race is slightly different. In addition to the standard test, the ADA covers a situation where, based on their race, someone is segregated, or separated, from people of a different race.[4]

3.12 Direct discrimination also occurs when someone is treated less favourably because of a protected attribute of their relative or associate.[5] However, this does not apply where the discrimination is based on an individual's responsibilities as a carer.[6]

## The comparator test

3.13 To show direct discrimination has occurred, a complainant must prove they were, or would have been, treated differently compared to another person without that attribute (the "comparator").

3.14 The different treatment must be less favourable, in the sense of being undesirable, disadvantageous or unfair. The focus is on the treatment, not how a person feels when they believe they have been treated less favourably.

3.15 The comparison of the treatment must be undertaken by considering a comparator in the same, or mostly the same, circumstances. Where there is no real person to be a comparator, a hypothetical person in those same circumstances may be used.[7]

### Concerns about the comparator test

3.16 There are mixed views about the comparator test. Some think it is objective and appropriate. However, others think it is confusing, outdated, difficult to prove and complex.

3.17 One reason for these concerns is that it can be hard to identify an appropriate comparator. For example, treating a woman unfavourably because she is pregnant can be a form of unlawful sex discrimination.[8] But it is unclear whether the

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3. See, eg, *Disability Discrimination Act 1992* (Cth) s 5(1); *Sex Discrimination Act 1984* (Cth) s 5(1); *Age Discrimination Act 2004* (Cth) s 14; *Equal Opportunity Act 1984* (WA) s 8–10A; *Equal Opportunity Act 1984* (SA) s 6(3); *Anti-Discrimination Act 1992* (NT) s 20(2); *Anti-Discrimination Act 1998* (Tas) s 14(2); *Anti-Discrimination Act 1991* (Qld) s 10(1).
4. *Anti-Discrimination Act 1977* (NSW) s 7(1)(b).
5. *Anti-Discrimination Act 1977* (NSW) s 7(1)(a)–(b), s 24(1)(a), s 38B(1)(a), s 49B(1)(a), s 49ZG(1)(a), s 49ZYA(1)(a).
6. *Anti-Discrimination Act 1977* (NSW) s 49T.
7. *Boehringer Ingelheim Pty Ltd v Reddrop* [1984] 2 NSWLR 13, 19, EOC 92-108, 76,052–76,053; *Commissioner of Police v Mohamed* [2009] NSWCA 432 [25]–[26].
8. *Anti-Discrimination Act 1977* (NSW) s 24(1B).

appropriate comparator in this case would be a non-pregnant woman, a menopausal woman, or a man.[9]

3.18 It may be especially difficult to prove someone was treated less favourably than someone else in the same or mostly the same circumstances. The circumstances focus on the context of the treatment given, or to be given, to the person with the protected attribute. This is a factual exercise. The circumstances are all the objective features which surround the actual or intended treatment of the person with the particular attribute. The circumstances cannot be hypothetical.[10]

3.19 Once these circumstances have been identified, a comparison must be made with the treatment that was or would have been given to a person without the attribute in circumstances that were the same, or not materially different. The question is what would have been done in those circumstances if the person concerned did not have that attribute.

### An "unfavourable treatment" test

3.20 One option to address these concerns could be to replace the comparator test with an "unfavourable treatment" test. Victoria and the Australian Capital Territory (ACT) take this approach.[11] In 2024, Queensland enacted reforms to introduce an unfavourable treatment test. Along with other reforms to Queensland's discrimination law, this change was due to commence on 1 July 2025.[12] However, the Queensland Government decided to postpone the commencement of the amendments to conduct further consultations.[13]

3.21 Instead of comparing the treatment of a complainant with another person, this test asks if the complainant was treated unfavourably because they have one or more protected attributes.[14] This allows the effect or consequences of the treatment to be taken into account.

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9. See, eg, *Thomson v Orica Australia Pty Ltd* [2002] FCA 939, 116 IR 186 [121]–[122]; *Mayer v Australian Nuclear Science and Technology Organisation* [2003] FMCA 209 [58].
10. *Purvis v New South Wales* [2003] HCA 62, 217 CLR 92 [222]–[224].
11. *Discrimination Act 1991* (ACT) s 8(2); *Equal Opportunity Act 2010* (Vic) s 8(1).
12. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7B, amending *Anti-Discrimination Act 1991* (Qld) s 10 (uncommenced).
13. See D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 4 April 2024).
14. *Discrimination Act 1991* (ACT) s 8(2). The Victorian test only considers whether the treatment was because of a single attribute: *Equal Opportunity Act 2010* (Vic) s 8(1). See, eg, *Re Prezzi and Discrimination Commissioner* (1996) 39 ALD 729 [24], EOC 92-803 [24].

3.22 Many reviews of discrimination laws in Australia have recommended replacing the comparator test with an unfavourable treatment test.[15] In 1999, the NSW Law Reform Commission (NSWLRC) similarly recommended a test that focused on whether the conduct caused detriment based on an attribute.[16]

3.23 Some say this test is simpler, as it avoids the need to find a comparator. A simpler test, that is easier to understand, could improve access to justice. It could also account for intersectional discrimination, which we discuss below.[17]

3.24 Adopting this test would make the ADA inconsistent with the law in some other states and territories and in some federal laws. However, this may not be an issue if the recommendations of the other law reform bodies, mentioned above, are implemented.

## Causation

3.25 A complainant must also prove that a reason they received the less favourable treatment was because they either had

- a protected attribute, or
- a characteristic that people with that attribute have or are presumed to have.[18]

3.26 In summary, the issues are:

- Why did the less favourable treatment occur?
- Did it occur because of the person's attribute (or related characteristic)?

3.27 It does not matter if there was more than one reason why the complainant was treated unfavourably, some of which do not amount to unlawful discrimination. It is

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15. Australia, Senate, Standing Committee on Legal and Constitutional Affairs, *Effectiveness of the Sex Discrimination Act 1984 in Eliminating Discrimination and Promoting Gender Equality* (2008) rec 5; Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 279, 342; *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", rec 4.23; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 95; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 5.
16. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [3.31], [3.51]–[3.52], rec 3.
17. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.1.2]; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 95.
18. *Anti-Discrimination Act 1977* (NSW) s 7(1)(a), s 7(2), s 24(1)(a), s 24(1A), s 38B(1)(a), s 38B(2), s 39(1)(a), s 39(1A), s 49B(1)(a), s 49B(2), s 49T(1)(a), s 49T(2), s 49ZG(1)(a), s 49ZG(2), s 49ZYA(1)(a), s 49ZYA(2).

enough if one the reasons for the treatment amounts to unlawful discrimination, even if this is not the "dominant or a substantial reason".[19]

3.28 Causation can be hard to prove. The complainant may experience and feel they have been treated less favourably, and genuinely believe it must be because of their personal attribute. However, the test is not subjective. It requires objective proof of the reason for the treatment.

3.29 This does not mean the complainant has to prove a respondent deliberately discriminated or intended to discriminate. Rather, the complainant must prove that their attribute was a reason for the treatment. The central question is: "why was the person with the attribute treated as they were?".[20]

3.30 The complainant often does not have evidence to prove why the respondent treated them this way and may have to rely on an inference being drawn. Later in this chapter, we discuss this issue in relation to the burden of proof.

3.31 Also, many people are not fully aware of the factors that influence the decisions they make.[21] This might cause difficulties in proving discrimination if the respondent's actions are influenced by unconscious bias.

3.32 The ADA does not say whether the respondent must have made a conscious decision to treat the complainant less favourably. Potentially, this could be clarified by adopting an aspect of the Victorian approach to causation.

3.33 Victorian discrimination law states that it is not relevant whether the respondent was aware of the discrimination or if they considered the treatment to be unfavourable.[22] It may still be discrimination if the respondent acted out of unconscious bias, but did not intend to discriminate.[23]

**Question 3.1: Direct discrimination**

Could the test for direct discrimination be improved or simplified? If so, how?

19. *Anti-Discrimination Act 1977* (NSW) s 4A.
20. *Purvis v New South Wales* [2003] HCA 62, 217 CLR 92 [236].
21. N Rees, S Rice and D Allen, *Australian Anti-Discrimination and Equal Opportunity Law* (Federation Press, 3rd ed, 2018) [3.2.28].
22. *Equal Opportunity Act 2010* (Vic) s 8(2)(a), s 10.
23. *Austin Health v Tsikos* [2023] VSCA 82, 324 IR 1 [71], [84]–[85].

## Indirect discrimination

3.34 "Indirect discrimination" was added to the ADA in 1981.[24] Other discrimination laws across Australia also prohibit indirect discrimination, but use slightly different and more contemporary tests.

3.35 Indirect discrimination occurs when a rule or requirement that applies to everyone, unfairly disadvantages a person or group with a protected attribute. This moves beyond formal equality and towards substantive equality. We discuss these concepts in chapter 2.

3.36 To prove indirect discrimination, the complainant must show that:

- a requirement or condition was imposed on them by the respondent
- they are unable to comply with a requirement or condition (the "unable to comply" test)
- a substantially higher proportion of people who do not have the attribute can comply with it (the "disproportionate impact" test), and
- the requirement or condition is not reasonable having regard to the circumstances of the case (the "reasonableness" test).[25]

3.37 An example of indirect discrimination is where a store requires all customers to produce photo identification in the form of a driver licence to collect an order. This may disadvantage someone with a visual impairment who is not eligible to hold a driver licence.[26]

### The comparative "disproportionate impact" test

3.38 The complainant must also show that a substantially higher proportion of people without an attribute can comply with a condition or requirement, compared to people with that attribute.

3.39 This means identifying all the people on whom the requirement or condition is imposed. This becomes the base group.

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24. *Anti-Discrimination (Amendment) Act 1981* (NSW) sch 5 cl 4.
25. *Anti-Discrimination Act 1977* (NSW) s 7(1)(c), s 24(1)(b), s 38B(1)(b), s 39(1)(b), s 49B(1)(b), s 49T(1)(b), s 49ZG(1)(b), s 49ZYA(1)(b).
26. *Equal Opportunity Act 2010* (Vic) s 9. See generally *Waters v Public Transport Corporation* (1991) 173 CLR 349, 406.

3.40 After identifying this group, the next step is to ask which of those people who have the attribute can comply, and which of the people who do not have the attribute can comply. Then a comparison is made.[27]

3.41 This can be illustrated by an example involving a cinema that requires patrons to enter the premises using stairs. Assume, over a particular period, 100 people want to watch a movie at the cinema. This is the base group.

3.42 In this example, the base group of 100 patrons includes a wide range of people, including:

- 80 people without disability, all of whom can use the stairs, and
- 20 people with a mobility disability, 5 of whom can use the stairs.

3.43 A comparison is made between the people without disability who can comply with the stairs requirement, and those with disability who can comply with this requirement. In this example:

- 100% (80 out of 80) of the people without disability can comply with the requirement to use the stairs, and
- 25% (5 out of 20) of the people with a mobility disability can comply.

3.44 This means a substantially higher proportion of people without disability can comply with the requirement, compared with the proportion of people with mobility disability who can comply.

3.45 Concerns about the disproportionate impact test include that it:

- is unnecessarily complex and technical
- can be difficult to identify an appropriate comparator group
- is hard to prove, often requiring complex evidence, such as statistics and data, which a complainant is unlikely to have access to
- can be difficult to apply if the relevant groups are small, as the comparisons between proportions can be distorted, and
- is particularly challenging for complainants with limited resources or legal knowledge.[28]

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27. See, eg, *Bonella v Wollongong City Council* [2001] NSWADT 194 [76]–[77] citing Sackville J in *Commonwealth Bank of Australia v Human Rights and Equal Opportunity Commission* (1997) 80 FCR 78, 118–121.

28. See, eg, Victorian Department of Justice, *An Equality Act for a Fairer Victoria: Equal Opportunity Review, Final Report* (2008) [5.28], rec 42; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.2.1]; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 98.

3.46 One option could be to refocus the test. In several parts of Australia, the test for indirect discrimination does not assess disproportionate impact by reference to a comparator group. Instead, the issue is whether a requirement or condition disadvantages a person with a protected attribute.[29]

3.47 For example, the ACT test focuses on the following questions:

- Has a condition or requirement been imposed, or is there a proposal to impose a condition or requirement?
- Does the condition or requirement have the effect of disadvantaging a person because they have a protected attribute(s)?
- Is the condition or requirement reasonable?[30]

3.48 Recent reviews in Western Australia (WA) and Queensland also recommended replacing the disproportionate impact test with a disadvantage test.[31] In 2024, Queensland enacted amendments to implement this reform. The amendments were due to commence on 1 July 2025 but, for the reasons explained above, it is now uncertain when they will commence.[32]

3.49 In 1999, the NSWLRC acknowledged the complexities created by the disproportionate impact test. However, it concluded that some assessment of proportionality may be necessary to establish a link between the detriment and the attribute.[33]

**Question 3.2: The comparative disproportionate impact test**

Should the comparative disproportionate impact test for indirect discrimination be replaced? If so, what should replace it?

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29. *Equal Opportunity Act 2010* (Vic) s 9(1); *Discrimination Act 1991* (ACT) s 8(3); *Age Discrimination Act 2004* (Cth) s 15(1); *Sex Discrimination Act 1984* (Cth) s 7B.
30. *Discrimination Act 1991* (ACT) s 8(3)–(4).
31. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 101; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 9, [4.1.2.1].
32. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7B, amending *Anti-Discrimination Act 1991* (Qld) s 11 (uncommenced). But see D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 7 April 2024).
33. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [3.99]–[3.100]. See *Bonella v Wollongong City Council* [2001] NSWADT 194 [94].

## The "inability to comply" element

3.50 To prove indirect discrimination, complainants need to show that they do not, or cannot, comply with the requirement or condition. Some other discrimination laws in Australia also require this.[34]

3.51 However, some recent reviews concluded that this is an unnecessary requirement.[35] Generally, the fact that a complainant does not comply with a requirement or condition can be assumed. Anyone who does comply would be unlikely to seek to challenge it.[36]

3.52 The Queensland Human Rights Commission (QHRC) was concerned that the term "not able to comply" might be interpreted literally. This could exclude complainants who are capable of complying but choose not to because the requirement would be detrimental to them.[37]

3.53 This requirement is not part of the test for indirect discrimination in the ACT, Victoria, Tasmania or the *Sex Discrimination Act 1984* (Cth).[38]

3.54 This may be another argument in support of a "disadvantage" test, which does not require complainants to prove they are unable to comply with a requirement or condition.[39]

**Question 3.3: Indirect discrimination and inability to comply**

What are your views on the "not able to comply" part of the indirect discrimination test? Should this part of the test be removed? Why or why not?

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34. *Disability Discrimination Act 1992* (Cth) s 6(1)(b); *Racial Discrimination Act 1975* (Cth) s 9(1A)(b); *Anti-Discrimination Act 1991* (Qld) s 11(1)(a); *Equal Opportunity Act 1984* (WA) s 9(2)(c); *Equal Opportunity Act 1984* (SA) s 29(2a)(b). But see *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7B, inserting *Anti-Discrimination Act 1991* (Qld) s 11A (uncommenced).
35. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.2.3], rec 11; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 98; Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 296, 339.
36. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.2.3].
37. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 98.
38. See, eg, *Discrimination Act 1991* (ACT) s 8(3)–(4); *Equal Opportunity Act 2010* (Vic) s 9(1); *Anti-Discrimination Act 1998* (Tas) s 15(1); *Sex Discrimination Act 1984* (Cth) s 7B. But see *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7B, amending *Anti-Discrimination Act 1991* (Qld) s 10 (uncommenced).
39. See, eg, *Discrimination Act 1991* (ACT) s 8(3)–(5); *Equal Opportunity Act 2010* (Vic) s 9.

## The "reasonableness" standard

3.55 To prove indirect discrimination, the complainant must also show that the requirement is "not reasonable having regard to the circumstances of the case".[40]

3.56 Other Australian discrimination laws, even those that use a disadvantage test, incorporate a reasonableness element. But, unlike the ADA, many other discrimination laws place the onus on the respondent to prove that a requirement it imposed was reasonable.[41]

3.57 We have heard concerns about the use of a reasonableness test, including that it is ambiguous and insufficiently stringent. Other reviews have also questioned its use, finding that it is vague and open to different interpretations.[42] We set out some reform options, for consideration, below.

### Factors relevant to "reasonableness"

3.58 To address this, an option could be to list factors to consider when determining whether a requirement is reasonable.

3.59 The ADA does not list such factors. Under the ADA, whether a requirement is reasonable depends on the circumstances. However, some NSW tribunal decisions have indicated factors that may be relevant in a particular case.[43] For example, this may include the:

- financial or economic circumstances of the respondent
- ability of the respondent to accommodate the needs of the complainants, and
- the availability of alternative approaches which would achieve the objectives of the respondent, in a less discriminatory way.[44]

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40. *Anti-Discrimination Act 1977* (NSW) s 7(1)(c), s 24(1)(b), s 38B(1)(b), s 39(1)(b), s 49B(1)(b), s 49T(1)(b), s 49ZG(1)(b), s 49ZYA(1)(b).
41. *Age Discrimination Act 2004* (Cth) s 15(2); *Disability Discrimination Act 1992* (Cth) s 6(4); *Sex Discrimination Act 1984* (Cth) s 7C; *Discrimination Act 1991* (ACT) s 70; *Equal Opportunity Act 2010* (Vic) s 9(2); *Anti-Discrimination Act 1991* (Qld) s 205.
42. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 296; Australia, Senate, Standing Committee on Legal and Constitutional Affairs, *Effectiveness of the Sex Discrimination Act 1984 in Eliminating Discrimination and Promoting Gender Equality* (2008) rec 6, [11.13], [11.17].
43. See, eg, *Bonella v Wollongong City Council* [2001] NSWADT 194 [95–111]; *Gardiner v WorkCover Authority of NSW* [2004] NSWADTAP 1 [24]–[41].
44. *Bonella v Wollongong City Council* [2001] NSWADT 194 [95]–[97].

3.60 Other discrimination laws give more guidance.[45] In Victoria, whether a requirement, condition or practice is reasonable depends on all the relevant circumstances, including:

- the nature and extent of the disadvantage resulting from its imposition, or proposed imposition
- whether the disadvantage is proportionate to the result sought by the duty-holder who seeks or proposes to impose it
- the cost of any alternative
- the financial circumstances of the duty-holder imposing it, or proposing to, and
- whether reasonable adjustments or reasonable accommodation could be made to reduce the disadvantage caused.[46]

3.61 A recent review in WA recommended an approach modelled on Victoria.[47] The NSWLRC also supported a similar approach in 1999.[48]

### A proportionality test

3.62 Another option could be to replace reasonableness with a proportionality test. This would assess whether a requirement or condition is a proportionate means of achieving a legitimate aim. Some think a proportionality test is a better way of balancing the interests of someone with a protected attribute, and the legitimate activities of organisations.

3.63 The *Equality Act 2010* (UK) has a proportionality test. It requires an assessment of whether a requirement or a condition is "a proportionate means of achieving a legitimate aim".[49]

3.64 Some reviews of federal discrimination law have also supported consideration of a "legitimate and proportionate" test. The Australian Human Rights Commission (AHRC) stated that it "would enable more rigour and specificity" than the reasonableness test.[50]

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45. *Discrimination Act 1991* (ACT) s 8(5); *Equal Opportunity Act 2010* (Vic) s 9(3); *Sex Discrimination Act 1984* (Cth) s 7B(2).
46. *Equal Opportunity Act 2010* (Vic) s 9(3).
47. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 10, [4.1.2.2].
48. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 6, [3.104].
49. *Equality Act 2010* (UK) s 19.
50. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 296. See also Australia, Senate, Standing Committee on Legal and Constitutional Affairs, *Effectiveness of the Sex Discrimination Act 1984 in Eliminating Discrimination and Promoting Gender Equality* (2008) rec 6, [11.17].

3.65 However, the QHRC recommended against introducing proportionality into the test for indirect discrimination. It considered that proportionality would be too onerous and complex for respondents to understand and apply.[51]

### Systemic discrimination

3.66 The reasonableness standard does not address systemic discrimination. Whether a requirement is reasonable is measured at a particular point in time and for a specific group. But some argue that a failure to change systemic barriers or practices should itself be considered a form of discrimination.

3.67 This could be addressed by requiring duty holders to take steps to prevent or eliminate unlawful conduct, including discrimination. We discuss this in chapter 11.

**Question 3.4: Indirect discrimination and the reasonableness standard**

(1) Should the reasonableness standard be part of the test for indirect discrimination? If not, what should replace it?

(2) Should the ADA set out the factors to be considered in determining reasonableness? Why or why not? If so, what should they be?

## Indirect discrimination based on characteristics

3.68 As we note above, the test for direct discrimination protects against discrimination based on characteristics that people with a protected attribute either generally have or are presumed to have. However, this does not apply to indirect discrimination.

3.69 Some other states and territories do not make this distinction.[52]

3.70 To address this, an option could be to change the way protected attributes are defined. In the ACT, for example, a protected attribute is defined to include "a characteristic that people with the attribute generally have" and "a characteristic that people with the attribute are generally presumed to have".[53] The Law Reform Commission of WA (LRCWA) recommended a similar approach. In its view, it should never be lawful to discriminate based on attributes or characteristics.[54]

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51. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 103.
52. See, eg, *Discrimination Act 1991* (ACT) s 7(2); *Equal Opportunity Act 2010* (Vic) s 7(2); *Anti-Discrimination Act 1991* (Qld) s 8.
53. *Discrimination Act 1991* (ACT) s 7(2)(a)–(b).
54. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 65.

**Question 3.5: Indirect discrimination based on a characteristic**

Should the prohibition on indirect discrimination extend to characteristics that people with protected attributes either generally have or are assumed to have?

## The burden of proof

3.71 In NSW, complainants – not respondents – must prove each part of the tests for discrimination. That means the complainants have the "burden of proof".

3.72 Discrimination claims must be proved on the balance of probabilities, like all civil claims. This means that the evidence must show it is more likely than not that the discrimination occurred.

3.73 It can be hard for complainants to gather the evidence they need. They often do not have clear evidence that discrimination occurred, as they do not know why the respondent treated them that way. Instead, they must rely on circumstantial evidence and ask the court to draw an inference of discrimination.[55]

3.74 This can be particularly complex where, for instance:

- the discrimination was due to unconscious bias or stereotypical views about people with particular attributes, and/or
- where the respondent does not realise their actions or requirements are discriminatory.

3.75 For instance, it can be hard to prove causation when only the respondent knows why they acted a certain way or made a certain decision.[56]

3.76 It is also particularly difficult for people without legal representation. This can be a barrier to justice and could deter them from making a claim.

3.77 Considering this, some argue the law should change so that respondents bear the burden of proving some aspects of the tests for discrimination. We set out some options for consideration, below.

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55. D Allen, "Reducing the Burden of Proving Discrimination in Australia" (2009) 31 *Sydney Law Review* 579, 583.
56. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.8]; D Allen, "Reducing the Burden of Proving Discrimination in Australia" (2009) 31 *Sydney Law Review* 579, 583; ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 142.

## Direct discrimination

3.78 The *Fair Work Act 2009* (Cth) (*Fair Work Act*) provides one model for consideration. Under this Act:

- the employee must prove their employer subjected them to adverse action, which can include being treated unfavourably, and
- the employer must then prove that the treatment *was not* for a prohibited reason, being the employee's attribute such as sex, race or disability.[57]

3.79 The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability supported this approach in its recommendations to reform the *Disability Discrimination Act 1994* (Cth).[58]

3.80 Queensland has recently implemented another model, which applies more generally to complaint proceedings (including direct discrimination or indirect discrimination complaints). The respondent will be taken to have unlawfully discriminated against the complainant if:

- the complainant proves facts from which it could be decided, without any other explanation, that the respondent unlawfully discriminated against them, and
- the respondent *does not prove*, on the balance of probabilities, that they did not unlawfully discriminate against the respondent.[59]

3.81 This is like the model in the *Equality Act 2010* (UK).[60] The AHRC and the LRCWA have recommended reforms based on this model.[61]

## Indirect discrimination

3.82 The ADA also requires complainants, rather than respondents, to prove each part of the test for indirect discrimination. However, in some other parts of Australia, the respondent has the burden of proving that a requirement is reasonable.[62]

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57. *Fair Work Act 2009* (Cth) s 351, s 361.
58. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 302, rec 4.23.
59. *Anti-Discrimination Act 1991* (Qld) s 204.
60. *Equality Act 2010* (UK) s 13(1), s 136.
61. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) [3.4]; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 97.
62. *Age Discrimination Act 2004* (Cth) s 15(2); *Disability Discrimination Act 1992* (Cth) s 6(4); *Sex Discrimination Act 1984* (Cth) s 7C; *Discrimination Act 1991* (ACT) s 70; *Equal Opportunity Act 2010* (Vic) s 9(2).

3.83 The NSWLRC recommended this in 1999, as did the LRCWA in 2022.[63]

3.84 If this were applied in NSW, with no other changes to the indirect discrimination test, the complainant would have to prove:

- they have an attribute protected by the ADA
- they are unable to comply with a requirement or condition, and
- that a substantially higher proportion of people who do not have a protected attribute can comply.

3.85 The respondent would then have to prove that the requirement or condition was reasonable, in the circumstances.

**Question 3.6: Proving indirect discrimination**

(1) Should the ADA require respondents to prove any aspects of the direct discrimination test? If so, which aspects?

(2) Should the ADA require respondents to prove any aspects of the indirect discrimination test? If so, which aspects?

# Some overarching issues

3.86 We also invite you to consider three overarching issues. Preliminary submissions raised concerns that the ADA's tests do not:

- recognise that direct and indirect discrimination can overlap
- protect against intersectional discrimination, or
- protect against intended future discrimination.

## Overlapping forms of discrimination

3.87 A fundamental issue is whether the ADA should continue to treat direct and indirect discrimination separately. Under the ADA, discrimination can be either direct or indirect — but not both.[64]

3.88 It can be hard to differentiate between direct and indirect discrimination. Some conduct could constitute either form of discrimination. This can be illustrated by the example of denying women opportunities because there are inadequate toilet facilities. This could be direct discrimination. It involves treating a woman less favourably compared to how a man is treated because they are a woman and need

63. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 6; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 97.

64. *Waters v Public Transport Corporation* (1991) 173 CLR 349, 392–393.

their own toilet facilities. Or it could be indirect discrimination, as it involves a requirement that applies to everyone (that is, that all employees use male bathrooms). But this unfairly disadvantages women.[65]

3.89 Some think the ADA should acknowledge that direct and indirect discrimination can overlap. For example, the *Discrimination Act 1991* (ACT) states that "discrimination occurs when a person discriminates either directly or indirectly, or both, against someone else".[66]

3.90 This was based on recommendations of the ACT Law Reform Advisory Council. In its view, the change would reduce confusion by clarifying that the two concepts are not mutually exclusive.[67]

3.91 In another approach, one preliminary submission suggested adopting a single definition that does not include the concepts of direct and indirect discrimination.[68]

**Question 3.7: Direct and indirect discrimination**

(1) How should the relationship between different types of discrimination be recognised?

(2) Should the ADA retain the distinction between direct and indirect discrimination? Why or why not?

## Intersectional discrimination

3.92 Another issue is whether the ADA should protect against discrimination that is based on more than one attribute. This is known as "intersectional discrimination".

3.93 In the ADA, separate sections set out the tests for discrimination for each attribute. It does not provide for discrimination based on more than one attribute. It could be said that this does not reflect how discrimination occurs in real life.[69]

3.94 People can experience discrimination based on more than one attribute. For example, Aboriginal women may experience discrimination based on both race and sex. Discrimination of this kind can expose individuals to unique and compounding types of disadvantage.[70]

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65. *Australian Iron and Steel Pty Ltd v Banovic* (1989) 168 CLR 165, 176–177.
66. *Discrimination Act 1991* (ACT) s 8(1).
67. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 31.
68. NSW Council for Civil Liberties, *Preliminary Submission PAD21*, 14.
69. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.3]; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 50.
70. Committee on the Rights of Persons with Disabilities, *General Comment No 6 on Equality and Non-Discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018) [19].

3.95 Across Australia, reviews of discrimination laws have recommended changes to protect against intersectional discrimination.[71] International human rights bodies have recommended this too.[72]

3.96 Currently, only the ACT provides some protection from intersectional discrimination. Under the ACT law, discrimination occurs if a person is treated unfavourably because of "1 or more protected attributes".[73]

3.97 However, the ACT test may not protect against discrimination based on the combined effect of multiple attributes.[74] For example, an employer might refuse to employ women of colour but employ men of colour and white women. This could be described as discrimination based on a combination of attributes (sex and race), rather than discrimination based separately on sex and race.[75] This may not be captured by the ACT test.

3.98 To avoid uncertainty, another approach might be to prohibit discrimination based on the combined effect of two or more protected attributes. The AHRC, LRCWA, and QHRC supported this approach.[76] Queensland enacted reforms to do this, although at the time of writing it is uncertain when they will commence.[77]

3.99 Some other countries address discrimination based on more than one protected attribute, or on a combination of attributes. For example, the Canadian *Human Rights Act* protects against discrimination on "one or more prohibited grounds ... or

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71. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) [4.7(c)]; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 3.2; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 13.

72. Human Rights Committee, *Concluding Observations on the Sixth Periodic Report of Australia*, UN Doc CCPR/C/AUS/CO/6 (1 December 2017) [18]; Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Combined Second and Third periodic Reports of Australia*, UN Doc CRPD/C/AUS/CO/2–3 (15 October 2019) [10].

73. *Discrimination Act 1991* (ACT) s 8(2)–(3).

74. A Blackham and J Temple "Intersectional Discrimination in Australia: An Empirical Critique of the Legal Framework" (2020) 43 *UNSW Law Journal* 773, 781.

75. See Victoria, Commission for Gender Equality in the Public Sector, "Applying Intersectionality" (11 February 2022) <www.genderequalitycommission.vic.gov.au/applying-intersectionality> (retrieved 7 April 2025).

76. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) [4.7(c)]; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 13; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 3.2.

77. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7A, inserting *Anti-Discrimination Act 1991* (Qld) s 8(2) (uncommenced). But see D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 7 April 2024).

on the effect of a combination of prohibited grounds".[78] The UK legislation contains a section to address "combined" discrimination, although it has not entered into force.[79]

3.100 Protecting against intersectional discrimination could more accurately reflect the many ways discrimination can occur. It could also mean the ADA covers more instances of discrimination. On the other hand, allowing complaints to be based on overlapping attributes may increase complexity.[80]

**Question 3.8: Intersectional discrimination**

(1) Should the ADA protect against intersectional discrimination? Why or why not?

(2) If so, how should this be achieved?

## Intended future discrimination

3.101 Some Australian discrimination laws protect against intended future discriminatory conduct.[81] The ADA does not do this. The ADA generally cannot be used to prevent discrimination.[82] However, there is a prohibition on advertisements that indicate an intention to do something unlawful under the ADA. We consider this in chapter 10.

3.102 This could be addressed by extending the test for direct discrimination to include when a duty holder "proposes to treat" someone unfavourably. This has been done in the ACT, Victoria, the Northern Territory, Queensland and in the *Age Discrimination Act 2004* (Cth) (*Age Discrimination Act*).[83]

3.103 In 1999, the NSWLRC recommended that the test for direct discrimination should include future discrimination. This would mean that a potential victim could make a complaint if they were aware of intended discrimination.[84]

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78. *Canadian Human Rights Act* 1985 (Canada) s 3.1.
79. *Equality Act 2010* (UK) s 14.
80. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [4.1.3].
81. See, eg, *Discrimination Act 1991* (ACT) s 8(2)–(3); *Equal Opportunity Act 2010* (Vic) s 8(1), s 9(1); *Anti-Discrimination Act 1992* (NT) s 20(2); *Anti-Discrimination Act 1991* (Qld) s 10(1), s 11(1); *Age Discrimination Act 2004* (Cth) s 14, s 15(1).
82. *Woods v Wollongong City Council* (1986) EOC 92-174.
83. See, eg, *Discrimination Act 1991* (ACT) s 8(2); *Equal Opportunity Act 2010* (Vic) s 8(1); *Anti-Discrimination Act 1992* (NT) s 20(2); *Anti-Discrimination Act 1991* (Qld) s 10(1); *Age Discrimination Act 2004* (Cth) s 14.
84. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [3.58], rec 4.

3.104 The test for indirect discrimination could also cover when someone proposes to impose a requirement, condition, or practice, which effectively captures intended future indirect discrimination. This applies in the ACT, Victoria, Queensland, and the *Age Discrimination Act*.[85]

**Question 3.9: Intended future discrimination**

Should the tests for discrimination capture intended future discrimination? Why or why not? If so, how could this be achieved?

85. *Discrimination Act 1991* (ACT) s 8(3); *Equal Opportunity Act 2010* (Vic) s 9(1); *Anti-Discrimination Act 1991* (Qld) s 11(1); *Age Discrimination Act 2004* (Cth) s 15(1).

# 4. Discrimination: protected attributes

**In brief**

The *Anti-Discrimination Act 1977* (NSW) only protects against discrimination that is based on certain, specified attributes. We seek your views on the definitions and descriptions of the existing protected attributes, and on certain attribute-specific exceptions.


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4.1 The *Anti-Discrimination Act 1977* (NSW) (ADA) makes it unlawful to discriminate based on certain features or "attributes" that can form part of someone's identity. Listed in alphabetical order, the ADA prohibits discrimination based on:

- age
- carer's responsibilities
- disability
- homosexuality
- marital or domestic status
- race
- sex (including pregnancy and breastfeeding), and
- transgender status (referred to as "transgender grounds" in the ADA).

4.2 It is unlawful to discriminate against someone based on one of these attributes. It is also unlawful to discriminate based on a characteristic that people with a protected attribute either have or are presumed to have. This protects against discrimination that stems from stereotypical views.

4.3 For someone to discriminate based on an attribute, they must have knowledge of the attribute.[1] It can be difficult to prove that a person has an attribute, particularly where an attribute is not visible (such as a hidden disability).

4.4 The ADA also prohibits direct discrimination against someone based on a protected attribute of their relative or associate. But this does not cover discrimination based on carer's responsibilities. Also, relatives and associates of people with any attributes are not protected from indirect discrimination.

4.5 In preliminary submissions, we heard concerns that the language used to describe and define existing protected attributes is outdated and, sometimes, offensive. Many also argued that other protected attributes should be added to the ADA.

4.6 In this chapter, we ask if the way the existing protected attributes are expressed or defined should change. We also set out some attribute-specific exceptions that limit the scope of the protections in certain circumstances. We consider other exceptions in chapters 6 and 7.

4.7 We set out some options for reform suggested by preliminary submissions and our research. But we encourage you to raise other issues and make other suggestions.

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1. *Tate v Rafin* [2000] FCA 1582 [65].

4.8 In the next chapter, we build on this discussion by asking if it should be unlawful to discriminate based on other protected attributes.

4.9 The ADA also prohibits vilification based on certain protected attributes, some of which are also protected against discrimination. While we focus on discrimination in this chapter, we note where the definitions of protected attributes apply to vilification too. Chapter 8 provides more detail on the law about vilification.

## Age

4.10 The ADA protects people against discrimination based on their age, and the age of their relatives or associates. Age includes "age group".[2] It also covers discrimination based on the characteristics that people of a particular age or age group generally have or are thought to have.[3]

4.11 We did not receive any options in preliminary submissions for changing the definition or scope of this attribute. However, we welcome any suggestions.

4.12 The ADA also separately protects against compulsory retirement due to age. This does not apply to judges or certain other office holders.[4] In 1999, the NSW Law Reform Commission (NSWLRC) recommended that this be merged with the prohibition against age discrimination, to align their coverage.[5]

4.13 The ADA contains exceptions that allow otherwise unlawful age discrimination. These include exceptions in relation to credit applications, some compulsory retirement and laws about the legal capacity or welfare of people under 18 years old.[6]

4.14 An exception applies to certain acts relating to driver licences. Where done to meet safety considerations that are reasonable in the circumstances, it is not unlawful to discriminate based on age relating to:

- the manner in which fitness to control a vehicle is assessed, or
- the terms and conditions on which, and length of time during which, a licence to drive or ride a vehicle is provided or made available.[7]

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2. *Anti-Discrimination Act 1977* (NSW) s 49ZYA(2).
3. *Anti-Discrimination Act 1977* (NSW) s 49ZYA.
4. *Anti-Discrimination Act 1977* (NSW) s 49ZYK, s 49ZV, s 49ZX.
5. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.111].
6. *Anti-Discrimination Act 1977* (NSW) s 49ZYU, s 49ZX, s 49ZYQ.
7. *Anti-Discrimination Act 1977* (NSW) s 49ZYV.

4.15 In 1999 the NSWLRC recommended the repeal of this exception. It thought the same objective could be achieved through the general exception relating to compliance with statutory requirements (which we consider in chapter 7).

4.16 The ADA also allows for the creation of regulations to declare any otherwise unlawful age discrimination lawful.[8] For example, the *Anti-Discrimination Regulation 2019* (NSW) makes it lawful for a registered club to give a benefit to a member based on age.[9]

**Question 4.1: Age discrimination**

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "age"?

(2) What changes, if any, should be made to the age-related exceptions?

## Carer's responsibilities

4.17 The ADA protects against discrimination based on someone's responsibilities as a carer. This covers responsibilities to care for or support:

- their child or stepchild, who is dependent on them or in need of care or support
- any child or adult in need of care or support, if they are an authorised carer or guardian, or have parental responsibility under legislation, or
- any immediate family member (as defined) in need of care or support.[10]

4.18 The ADA also protects against discrimination based on past and/or future carer's responsibilities. This includes responsibilities that someone is thought to have currently, has had previously, or will have in future.[11]

4.19 An issue is whether this attribute, as currently defined, sufficiently reflects the diversity of cultures and relationships in our community. If not, there are a range of other options to consider.

### Whether the attribute should be defined

4.20 The widest approach could be to leave the attribute undefined. This could allow its meaning to change with time and respond to diverse family structures.[12]

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8. *Anti-Discrimination Act 1977* (NSW) s 49ZYX.
9. *Anti-Discrimination Regulation 2019* (NSW) cl 4.
10. *Anti-Discrimination Act 1977* (NSW) s 49S(1), s 49S(3)–(4).
11. *Anti-Discrimination Act 1977* (NSW) s 49S(2).
12. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 308, 311, rec 26.

4.21 In 2024, the Queensland Parliament enacted reforms to:

- remove the existing attribute, and definition, of "family responsibilities", and
- replace it with a new attribute of "family, carer or kinship responsibilities", without defining its scope.[13]

4.22 These changes, along with other reforms to Queensland's discrimination law, were due to commence on 1 July 2025. However, the current Queensland Government decided to postpone the commencement of the reforms to conduct further consultations.[14]

4.23 If the ADA's definition was repealed, but not replaced, it is unclear how courts or tribunals would interpret it. Questions may arise as to whether the attribute should be interpreted differently to the former statutory definition. This could lead to uncertainty.

## Options for different definitions of "carer"

4.24 Some might prefer that the legislation provide more guidance, without being too narrow. One option could be to use a wider definition of "carer" that does not depend on specific categories. For instance, the Victorian discrimination law does not use categories. It defines a "carer" as a person on whom someone is wholly or substantially dependent for ongoing care and attention, generally excluding commercial arrangements.[15]

4.25 A different idea could be to align the ADA with the *Carers (Recognition) Act 2010* (NSW).[16] This defines a carer as someone who provides ongoing personal care and assistance to a person with disability, or a person who needs care because of a medical condition, mental illness or old age.[17]

4.26 If this were adopted, consideration should be given to including other existing aspects of the ADA definition. For instance, the definition in the carer's legislation does not cover caring for other children or adults that need care or support.

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13. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3)(p), amending *Anti-Discrimination Act 1991* (Qld) s 7(p) (uncommenced).
14. D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 4 April 2024).
15. *Equal Opportunity Act 2010* (Vic) s 6(i), s 4 definition of "carer". See also *Discrimination Act 1991* (ACT) s 7(l) dictionary definition of "carer".
16. Carers NSW, *Preliminary Submission PAD71*, 2.
17. *Carers (Recognition) Act 2010* (NSW) s 5(1).

### Other forms of relationships could be recognised

4.27 Another option could be to expressly recognise certain other relationships. For instance, discrimination law in the Australian Capital Territory (ACT) recognises the attribute of "parent, family, carer or kinship responsibilities".[18] This could encompass a variety of family, caring and kinship relationships, including kinship connections among Aboriginal and Torres Strait Islander communities.[19] It could also include kinship responsibilities of other Indigenous peoples and cultural groups.

4.28 Some other discrimination laws also separately protect against discrimination based on "parental status". This includes the status of being or not being a parent.[20] The ADA does not currently recognise the status of "not" being a parent.

**Question 4.2: Discrimination based on carer's responsibilities**

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "responsibilities as a carer"?

(2) Should the ADA separately protect against discrimination based on someone's status of being, or not being, a parent?

## Disability discrimination

4.29 The ADA protects against discrimination based on someone's disability, or the disability of their relative or associate.[21] As we discuss in chapter 8, the ADA does not protect against disability vilification. However, it does protect against vilification against a person, or group of persons, with HIV/AIDS.[22]

4.30 The ADA defines "disability" as

> (a) total or partial loss of a person's bodily or mental functions or of a part of a person's body, or
>
> (b) the presence in a person's body of organisms causing or capable of causing disease or illness, or
>
> (c) the malfunction, malformation or disfigurement of a part of a person's body, or
>
> (d) a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction, or

18. *Discrimination Act 1991* (ACT) s 7(l).
19. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 73, rec 11.
20. *Equal Opportunity Act 2010* (Vic) s 4 definition of "parental status", s 6(i); *Anti-Discrimination Act 1998* (Tas) s 3 definition of "parental status", s 16(i); *Anti-Discrimination Act 1991* (Qld) s 7(d), sch 1 definition of "parental status".
21. *Anti-Discrimination Act 1977* (NSW) pt 4A.
22. *Anti-Discrimination Act 1977* (NSW) pt 4F.

(e) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.[23]

4.31 This is similar to the definition in the *Disability Discrimination Act 1992* (Cth) (*Disability Discrimination Act*).[24] However, we note some differences below.

4.32 Although it does not use these terms, the ADA's definition is broad enough to include a range of conditions including physical disability, cognitive impairment, mental illness, learning differences and people living with illnesses such as HIV and hepatitis. "Disability" also includes past, future and presumed disability.[25]

4.33 It is also unlawful to discriminate against someone based on characteristics that a person with that disability generally has or is generally thought to have. Among other things, this includes conduct based on a person having:

- an assistance dog, where the disability relates to vision, hearing or mobility (which we discuss below)
- a palliative or therapeutic device, or mechanical equipment, to help them, or
- an interpreter, reader, assistant or carer who provides interpretive, reading or other services.[26]

## The language used to define "disability"

4.34 We have heard concerns about the language the ADA uses to define disability. Many think the definition is outdated and overly limited.

### Negative or deficit-based language

4.35 Discrimination laws across Australia, including the ADA, define disability with reference to negative or deficit-based terms. These terms include "disorder", "malfunction", "malformation", "disfigurement" and "disturbed behaviour".[27] This is because they mostly align with the definition in the *Disability Discrimination Act.*

4.36 It may be possible to replace them with more inclusive alternatives, while keeping the essence of the definition in the *Disability Discrimination Act*. For instance, there have been proposals to:

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23. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "disability".
24. *Disability Discrimination Act 1992* (Cth) s 4 definition of "disability".
25. *Anti-Discrimination Act 1977* (NSW) s 49A.
26. *Anti-Discrimination Act 1977* (NSW) s 49B(3)–(3A).
27. *Disability Discrimination Act 1992* (Cth) s 4 definition of "disability"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "disability"; *Equal Opportunity Act 1984* (SA) s 5 definition of "disability"; *Anti-Discrimination Act* 1991 (Qld) sch 1 definition of "impairment"; *Anti-Discrimination Act 1992* (NT) s 4 definition of "disability"; *Discrimination Act 1991* (ACT) s 5AA definition of "disability".

- refer to "disfigurement of part of the body", but delete the references to "malfunction" and "malformation",[28] or
- replace "the malfunction, malformation or disfigurement of a part of a person's body" with "an impairment or disturbance in the structure or functioning of the person's body or a part of the person's body".[29]

4.37 Alternative words might be "restriction" or "limitation". These words are used, for example, in the World Health Organization's International Classification of Functioning, Disability and Health and medical or census definitions.[30]

### A social model of disability

4.38 Another issue is whether the definition should reflect a social model or a human rights model of disability.

4.39 The definitions in the ADA, the *Disability Discrimination Act* and other Australian discrimination laws reflect a "medical model" of disability. This views disability as a deficit, abnormality or medical problem requiring a cure.[31] It does not account for external factors that may cause, worsen or alleviate disability.

4.40 The social model is the "response to, and rejection of" the medical model.[32] It argues that people are disabled by social and environmental barriers to participation, including physical and communication barriers, and discriminatory attitudes. It also includes the failure to give people with disability the adjustments they need to participate in society.[33]

4.41 A human rights approach or model can identify structural, policy and legal changes to enable people with disability to have full and equal access to their rights.[34]

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28. Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024 (NSW) sch 1 [1].
29. Draft Anti-Discrimination Bill 2024 (Qld) sch 1 definition of "disability".
30. See, eg, Australian Bureau of Statistics, "Disability" (27 November 2023) <www.abs.gov.au/statistics/detailed-methodology-information/concepts-sources-methods/personal-safety-survey-user-guide/2021-22/disability> (retrieved 21 March 2025); World Health Organization, "International Classification of Functioning, Disability and Health (ICF)" (2025) <www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health> (retrieved 21 March 2025).
31. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Executive Summary (2023) "Our Vision for an Inclusive Australia and Recommendations", 17.
32. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability,* Executive Summary (2023) "Our Vision for an Inclusive Australia and Recommendations", 18.
33. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Interim Report (2020) 346.
34. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability,* Executive Summary (2023) "Our Vision for an Inclusive Australia and Recommendations", 18.

4.42 The *Convention on the Rights of Persons with Disabilities* (CRPD) is sometimes described as representing both approaches.[35] The CRPD states:

> Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.[36]

4.43 In NSW, a private member's bill proposes to implement aspects of the CRPD definition. This would retain aspects of the current ADA definition but incorporate aspects of the CRPD definition.[37]

4.44 One preliminary submission proposed another definition:

> disability is any impairment, including a physical, mental, intellectual, cognitive, neurological, learning, communication, or sensory impairment, or a functional limitation whether permanent, temporary, or episodic in nature, whether evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.[38]

4.45 There may be benefits in keeping the ADA definition consistent with other Australian discrimination laws. However, the ADA could reflect the social and human rights models in other ways, including underpinning a new proactive requirement to provide adjustments, which we consider in chapter 11.

## Options for expanding the ADA's coverage

4.46 The ADA definition is broad. It does not specify particular disabilities or require any severity of symptoms. It covers physical, mental and cognitive impairments, and certain illnesses.

4.47 However, some think the definition should more clearly include psychosocial disability, mental illness or addiction. For instance, the Queensland Human Rights Commission (QHRC) noted concerns that the Queensland definition might not cover people who experience episodic mental conditions, or who do not meet diagnostic criteria.[39]

4.48 Another issue is whether the definition should expressly refer to addiction to alcohol or other drugs. Currently, addiction can fall within the definition of disability if characterised as affecting:

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35. *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008); *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 44.
36. *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008) art 1.
37. Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024 (NSW) sch 1 [1].
38. Dementia Australia, *Preliminary Submission PAD17*, 5.
39. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 267.

- bodily and mental functions, and/or
- thought processes, perception of reality, emotions or judgment or disturbed behaviour.[40]

4.49 The ADA's prohibition on disability discrimination at work does not apply if the disability relates to a person's addiction to a prohibited drug.[41] We discuss concerns about this exception in chapter 6.

4.50 Whether an addiction falls within the definition depends on each particular case. It is possible that a gambling addiction could be covered by the definition also. However, tribunals have not yet confirmed this in NSW.[42]

4.51 No other Australian discrimination law explicitly covers addiction in the definition of disability. However, the QHRC recommended that the definition should clearly include addiction.[43]

4.52 An alternative could be to protect against discrimination based on "health status", separately from disability. This could cover health conditions that fall outside the definition of disability, or conditions not considered to be disability by those who experience them. We discuss this option in chapter 5.

## Recognising the rights of people with assistance animals

4.53 Another concern, raised in preliminary submissions, relates to the way the ADA refers to assistance animals. The ADA treats the use of an assistance dog as a "characteristic" that is generally held by people with disability relating to vision, hearing or mobility.[44] Discrimination based on this characteristic is a form of disability discrimination.

4.54 However, under the ADA there is no protection for someone who has:

- an assistance animal other than a dog, or
- disability that does not relate to vision, hearing or mobility.

4.55 People with disabilities that are unrelated to vision, hearing or mobility often also use assistance dogs. For instance, they can be used to support people who have a psychosocial disability, mental illness or who experience seizures. Also, animals

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40. *Marsden v HREOC* [2000] FCA 1619 [54]; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.92].
41. *Anti-Discrimination Act 1977* (NSW) s 49PA.
42. *Hinder v Salvation Army (NSW) Property Trust (No 3)* [2017] NSWCATAD 16 [77]–[80]. See also *McDougall v Kimberley-Clark Australia Pty Ltd* [2006] VCAT 2211.
43. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 21.4.
44. *Anti-Discrimination Act 1977* (NSW) s 49B(3).

other than dogs assist people with disability. For example, horses are used during equine therapy for people with psychosocial support needs.

4.56 The *Disability Discrimination Act* is broader than the ADA. It protects all people with disability when they use an assistance animal, defined as any animal:

- accredited under state or territory law to assist people with disability
- accredited by a prescribed animal training organisation, or
- trained to assist people with disability.[45]

4.57 There are also differences between the ADA and the *Companion Animals Act 1988* (NSW). This Act contains rules about when assistance animals must be allowed in NSW. It uses the *Disability Discrimination Act* definition of an assistance animal.[46]

4.58 Recent reviews in Western Australia (WA) and Queensland supported the approach in the *Disability Discrimination Act*.[47] However, this has not been implemented in either state. By contrast, discrimination legislation in the Northern Territory (NT), ACT and South Australia recognises other accredited assistance animals (as well as dogs).[48]

## Discrimination based on genetic information

4.59 With advances in technology, the use of genetic information is of increasing concern. For instance, should employers be allowed to screen potential employees for genetic predisposition to disability?[49]

4.60 In some cases, the ADA can protect against discrimination based on genetic information, because it covers discrimination based on a possible future disability.[50] However, there may benefits of an express protection.

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45. *Disability Discrimination Act 1992* (Cth) s 8, s 9(2).
46. *Companion Animals Act 1988* (NSW) s 5 definition of "assistance animal".
47. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 21.3; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 18. See also Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024 (NSW) sch 1 [1].
48. *Equal Opportunity Act 1984* (SA) s 5 definition of "assistance animal"; *Discrimination Act 1991* (ACT) s 5AA(3) definition of "assistance animal"; *Anti-Discrimination Act 1992* (NT) s 4A definition of "assistance animal".
49. See, eg, L Heap, *No Blood-No Job: Australia's Privacy Laws and Workers' Rights* (Australia Institute, 2024) 13, 17–18.
50. *Anti-Discrimination Act 1977* (NSW) s 49A.

4.61 One option could be to include "a genetic predisposition" to disability in the definition of disability. The *Disability Discrimination Act* states that a possible future disability includes a genetic predisposition to that disability.[51]

4.62 Another option could be to add "genetic information" as a separate protected attribute, like the ACT.[52] This could cover situations in which genetic information is used for purposes other than predicting disability.[53] For example, it could prevent employers basing employment decisions on genetic information that suggests certain behavioural characteristics.

## The public health exception

4.63 It is not unlawful to discriminate based on disability if the disability is an infectious disease, and the discrimination is reasonably necessary to protect public health.[54] As the NSWLRC noted in 1999, this exception is based on the view that it is necessary to control the spread of infectious disease.[55]

4.64 The *Disability Discrimination Act* and discrimination laws of the ACT, NT and Queensland have similar exceptions.[56]

4.65 However, in 1999 the NSWLRC recommended changes to make the exception more targeted. It recommended the exception apply where:

- the disability involves a condition that is transmissible in circumstances that might arise if a certain act is not done, and
- the act is based on medical or expert opinion, upon which it is reasonable to rely in the circumstances, and
- the act is proportionate to the risks.[57]

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51. *Disability Discrimination Act 1992* (Cth) s 4 definition of "disability". See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 22; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 264, 266; Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024 (NSW) sch 1 [1], [3].
52. *Discrimination Act 1991* (ACT) s 7(1)(h).
53. ACT Law Reform Advisory Council, *Inquiry into the Discrimination Act 1991 (ACT)*, Final Report, (2015) 60.
54. *Anti-Discrimination Act 1977* (NSW) s 49P.
55. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.272].
56. *Disability Discrimination Act 1992* (Cth) s 48; *Discrimination Act 1991* (ACT) s 56; *Anti-Discrimination Act 1992* (NT) s 55; *Anti-Discrimination Act 1991* (Qld) s 107.
57. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 66.

4.66 The NSWLRC also recommended an exception for acts done to comply with the *Public Health Act 1991* (NSW) or the *Mental Health Act 1990* (NSW).[58]

**Question 4.3: Disability discrimination**

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "disability"?

(2) Should a new attribute be created to protect against genetic information discrimination? Or should this be added to the existing definition of disability?

(3) What changes, if any, should be made to the public health exception?

## Homosexuality

4.67 The ADA prohibits both discrimination and vilification based on "homosexuality". It protects "homosexual persons" and anyone thought to be a "homosexual person". "Homosexual" is defined as a "male or female homosexual".[59]

4.68 However, this attribute does not include other sexual orientations, like asexuality, bisexuality and heterosexuality. Many preliminary submissions told us that this leaves a significant gap in protection.

4.69 Across Australia, laws use other expressions such as "sexual orientation" or "sexuality". They are defined to recognise the rights of a wider range of people. These laws provide a range of options to consider.

4.70 For instance, s 93Z of the *Crimes Act 1900* (NSW) (*Crimes Act*) currently makes it an offence to threaten or incite violence based on "sexual orientation", among other attributes. Like the *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*), the *Crimes Act* defines this to include sexual orientation towards people of:

- the same sex,
- a different sex, or
- the same sex and a different sex.[60]

58. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 66. See *Mental Health Act 2007* (NSW), repealing *Mental Health Act 1990* (NSW).

59. *Anti-Discrimination Act 1977* (NSW) s 49ZF, s 49ZG, s 4(1) definition of "homosexual".

60. *Crimes Act 1900* (NSW) s 93Z(5) definition of "sexual orientation"; *Sex Discrimination Act 1984* (Cth) s 4 definition of "sexual orientation". See also NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 36.

4.71 Other discrimination laws use a definition based on principles developed by international human rights law experts.[61] For example, Victoria defines sexual orientation as:

> A person's emotional, affectional and sexual attraction to, or intimate or sexual relations with, persons of a different gender or the same gender or more than one gender.[62]

4.72 The Law Reform Commission of Western Australia (LRCWA) and QHRC recommended a similar definition.[63] In 2024, Queensland enacted reforms to include this definition in their discrimination law but, as we explain above, it is uncertain when these changes will commence.[64]

4.73 Another issue is whether the definition should include asexuality. The Queensland and WA reviews also recommended including people who do *not* have attraction to, or intimate sexual relations with, other people in the definition of sexual orientation.[65]

4.74 Queensland has enacted reforms to include protection for a "lack of capacity, for emotional, affectional and sexual attraction to, or intimate or sexual relation" with others.[66] It is also unclear when this will commence.

4.75 The ACT and Tasmania provide a further, flexible option. There, sexuality/sexual orientation is defined as "including" heterosexuality, homosexuality and bisexuality.[67] This word "including" was added to the ACT law to protect a wider understanding of sexuality.[68]

4.76 In 2023, a NSW private member's bill, the "Equality Bill", originally proposed to replace the ADA definition of "homosexuality" with "sexuality". It proposed to

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61. *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (2007) 8.
62. *Equal Opportunity Act 2010* (Vic) s 4 definition of "sexual orientation". See also *Anti-Discrimination Act 1992* (NT) s 4 definition of "sexual orientation".
63. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 54; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 23.1.
64. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(2), s 52(2), amending *Anti-Discrimination Act 1991* (Qld) s 7(n), sch 1 definition of "sexual orientation"(uncommenced).
65. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 285, rec 23.2; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 117.
66. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7, s 52(2) amending *Anti-Discrimination Act 1991* (Qld) s 7(n), sch 1 definition of "sexual orientation"(uncommenced).
67. *Discrimination Act 1991* (ACT) dictionary definition of "sexuality"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "sexual orientation", s 16.
68. Explanatory Statement and Human Rights Compatibility Statement, Justice Legislation Amendment Bill 2020 (ACT) 13–14.

define this to include homosexuality, bisexuality or asexuality.[69] This, along with other reforms to the ADA, were not ultimately enacted in the *Equality Act 2024* (NSW).

4.77 However, some who supported the original Equality Bill said an attribute of "sexual orientation" was their preferred option. In their view, the changes proposed in the original Equality Bill were intended only as an interim measure. They were designed to fit within the ADA's existing tests and structure (including the comparator test), which they thought required wider reform.[70] We explain the existing tests and structure in chapter 3.

**Question 4.4: Discrimination based on homosexuality**

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "homosexuality"?

## Marital or domestic status

4.78 "Marital or domestic status" is another protected attribute under the ADA. This includes being single; married; married but living separately from one's spouse; divorced; widowed; or in a de facto relationship (that is, two people who live together as a couple).[71]

4.79 One issue is whether this definition should recognise other forms of relationships. For instance, other Australian discrimination laws also recognise:

- de facto partners who live separately[72]
- former de facto partners and the surviving de facto partner of someone who has died,[73] and
- civil partnerships.[74]

69. Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW) First Print, sch 1 [23].
70. Public Interest Advocacy Centre, Submission No 17 to Legislative Assembly Committee on Community Services, *Inquiry into Equality Legislation Amendment (LGBTIQA+) Bill 2023* (12 April 2024) 4–5.
71. *Anti-Discrimination Act 1977* (NSW) s 39, s 4(1) definition of "marital or domestic status"; *Interpretation Act 1987* (NSW) s 21C.
72. *Sex Discrimination Act 1984* (Cth) s 4 definition of "marital or relationship status".
73. *Sex Discrimination Act 1984* (Cth) s 4; *Anti-Discrimination Act 1992* (NT) s 4 definition of "relationship status".
74. *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "relationship status"; *Discrimination Act 1991* (ACT) s 2, dictionary definition of "relationship status"; *Legislation Act 2001* (ACT) s 169.

4.80 Some of these discrimination laws use the expression "relationship status".[75] Some people may consider this to be a more inclusive and modern expression.

**Question 4.5: Discrimination based on marital or domestic status**

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "marital or domestic status"?

# Race

4.81 The ADA protects against both discrimination and vilification based on race. The ADA defines race to include colour, nationality, descent, ethnic origin, ethno-religious origin, and national origin.[76] While this is a broad definition, preliminary submissions identified some areas that it either does not cover or only covers indirectly.

4.82 We address the issue of "ethno-religious" origin when considering religious discrimination in chapter 5.

## Some potential gaps in coverage

4.83 Some suggest amending the definition of race to expressly prohibit discrimination based on caste, immigrant status and language (including someone's accent).

4.84 The ADA does not protect against caste discrimination.[77] Caste is a codified, socio-religious hierarchical class system, which affects people of South Asian backgrounds in Australia.[78]

4.85 Nor does the ADA expressly protect against discrimination based on immigrant status. However, the definition of race includes the related concept of "nationality" which has been interpreted as meaning citizenship.[79] Nationality in terms of citizenship is different from "national origin".[80] The definition of "race" in the ADA also includes "national origin", which refers to where someone was born, the nation

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75. *Discrimination Act 1991* (ACT) s 7(1)(s); *Anti-Discrimination Act 1991* (Qld) s 7(b); *Anti-Discrimination Act 1992* (NT) s 19(1)(e).
76. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "race".
77. Coalition Against Caste Discrimination, *Preliminary Submission PAD28*, 13. See also Periyar Ambedkar Thoughts Circle Australia, *Submission SV06*, 1; Australian Muslim Advocacy Network, *Submission SV19*, 3–4.
78. Australian Human Rights Commission, *National Anti-Racism Framework Scoping Report 2022* (2022) 73. See also Periyar Ambedkar Thoughts Circle Australia, *Submission SV06*.
79. *SUPRA v Minister for Transport Services* [2006] NSWADT 83 [63].
80. *SUPRA v Minister for Transport Services* [2006] NSWADT 83 [62], citing *Macabenta v Minister for Immigration and Multicultural Affairs* (1998) 90 FCR 202, 211.

or nations their parents are connected to, and where their parents have made their home.[81]

4.86 In some cases, the race attribute indirectly covers language as a "characteristic" of race.[82] But an express protection could arguably be clearer.[83]

4.87 Reform options could include:

- expanding the definition of "race" to clearly include caste, immigrant status and/or language, or
- creating standalone protected attributes.

4.88 The approach in other states and territories varies. For example:

- In 2024 Queensland passed amendments to add "caste" discrimination to the definition of "race", but the commencement of this change is now uncertain.[84]
- The NT and Tasmania protect immigrant status as part of the definition of race, and Queensland will soon also, although the date of commencement for this change is uncertain. However, the ACT recognises it as a standalone protected attribute.[85]
- The NT recognises "language" as a separate protected attribute. This has the benefit of including "signed language" within its scope.[86]

4.89 It may be clearer to add distinct attributes to cover these issues. On the other hand, the risk of overlap and duplication may increase if additional, related attributes are added to the ADA.

4.90 If immigration status was added as a standalone attribute, or to the definition of race, another issue is whether any specific exceptions would be required. In the ACT, it is lawful to discriminate based on immigration status if the discrimination is

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81. *Ealing London Borough Council v Race Relations Board* [1972] AC 342, 346; *SUPRA v Minister for Transport Services* [2006] NSWADT 83 [57]; *Macabenta v Minister for Immigration and Multicultural Affairs* (1998) 90 FCR 202, 210.
82. See, eg, *Hamzy v Commissioner of Corrective Services NSW* [2022] NSWCA 16, 107 NSWLR 544 [55].
83. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 108–109.
84. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 52, amending *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "race" (uncommenced).
85. *Anti-Discrimination Act 1992* (NT) s 4 definition of "race"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "race"; *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 52, amending *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "race" (uncommenced); *Discrimination Act 1991* (ACT) s 7. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 84, rec 31.
86. *Anti-Discrimination Act 1992* (NT) s 19(1)(ab).

reasonable, having regard to any relevant factors.[87] This allows an employer to consider a person's visa status when offering employment. However, the ACT Government intended that it would not be lawful to refuse someone access to services because they are a refugee.[88]

4.91 In Queensland, a broad exception allows some government bodies to require individuals to have a certain citizenship or visa status to receive assistance, services or support.[89] The QHRC thought it was important to keep this exception.[90]

## Recognising Aboriginal and Torres Strait Islander peoples

4.92 Another issue is whether the definition of race should specifically recognise Aboriginal and Torres Strait Islander peoples. The Western Australian Law Reform Commission recommended this option should be considered, subject to consultation with First Nations people.[91]

4.93 This might not change the law in a significant way. Aboriginal peoples are already considered a "race" under discrimination law. Protections under both the ADA and the *Racial Discrimination Act 1975* (Cth) extend to them.[92]

4.94 However, a specific reference to Aboriginal and Torres Strait Islander peoples could be an important statement of community standards. It could also clearly affirm their right to be free from racial discrimination. However, such an amendment should only be made after consultation with Aboriginal and Torres Strait Islander peoples.

**Question 4.6: Racial discrimination**

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "race"?

(2) Are any new attributes required to address potential gaps in the ADA's protections against racial discrimination?

87. *Discrimination Act 1991* (ACT) s 57P.
88. Explanatory Statement, Discrimination Amendment Bill 2016 (ACT) 14.
89. *Anti-Discrimination Act 1991* (Qld) s 106B.
90. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 25.3.
91. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 108.
92. *Eatock v Bolt* [2011] FCA 1103, 197 FCR 261 [314].

# Sex discrimination

4.95 The ADA prohibits sex discrimination. Preliminary submissions suggested changes to the way the ADA describes this attribute and defines its scope.

## Gender discrimination and sex discrimination

4.96 One view is that it would be more accurate, and inclusive, for the ADA to refer to "gender" discrimination rather than "sex" discrimination.[93] The Australian Government's Guidelines on Sex and Gender explain the distinction as follows:

- "sex refers to the chromosomal, gonadal and anatomical characteristics associated with biological sex", and
- "gender is part of a person's personal and social identity" and "refers to the way a person feels, presents and is recognised within the community".[94]

4.97 However, the language of sex discrimination has been well-established in Australian law. Only Tasmania lists "gender" as a protected attribute.[95] The QHRC recently recommended against adding a gender attribute, as it thought that separating the concepts of sex and gender could create uncertainty.[96]

## Binary and non-binary language

4.98 Another question is whether the ADA should continue to use binary concepts to define sex discrimination.

4.99 The ADA does not define "sex" directly. However, it defines "man" and "woman" as being members of the male sex and female sex, respectively.[97] The tests for sex discrimination also adopt a binary approach, requiring comparisons with "a person of the opposite sex".[98]

4.100 On the other hand, the ADA also recognises the existence of persons of "indeterminate sex".[99] In light of the use of this phrase in the ADA, the High Court concluded that another NSW law "recognises that a person may be other than male or female".[100]

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93. Equality Australia, *Preliminary Submission PAD07*, 7.
94. *Australian Government Guidelines on the Recognition of Sex and Gender* (2015) [11], [13] (emphasis omitted).
95. *Anti-Discrimination Act 1998* (Tas) s 16.
96. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 272, 280.
97. *Anti-Discrimination Act 1977* (NSW) s 23.
98. *Anti-Discrimination Act 1977* (NSW) s 24(1).
99. *Anti-Discrimination Act 1977* (NSW) s 38A(c).
100. *NSW Registrar of Births, Deaths and Marriages v Norrie* [2014] HCA 11, 250 CLR 490 [18], [46].

4.101 Following amendments in 2013, the *Sex Discrimination Act* refers to people of a "different sex" instead of people of the "opposite sex".[101] Recent reviews in WA and Queensland recommended against the use of terms such as "opposite gender" or male and female.[102] Despite recent amendments, the Queensland Act still contains references to "male" and "female".[103]

## Discrimination based on pregnancy or breastfeeding

4.102 The ADA does not list pregnancy and breastfeeding as distinct protected attributes. Instead, they are dealt with as part of the test for sex discrimination.

4.103 Among other things, the test for direct discrimination covers acts based on:

- someone's sex, or
- a characteristic that people of that sex generally either have or are generally presumed to have.[104]

4.104 The fact that a woman is or may become pregnant, is breastfeeding or may breastfeed, is treated as a "characteristic" that women generally have. In this way, discrimination based on pregnancy or breastfeeding is considered a form of sex discrimination against women. The ADA provides that granting a woman rights or privileges in connection with pregnancy, childbirth or breastfeeding does not constitute sex discrimination against a man.[105]

4.105 Another approach could be to clearly recognise pregnancy and breastfeeding as separate attributes, not tied to sex discrimination. The NSWLRC recommended this in 1999. The NSWLRC thought it would make the law clearer and thought there was wide support for it.[106] Other discrimination laws across Australia include pregnancy as a separate attribute.[107] Some recognise breastfeeding as a separate attribute.[108]

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101. *Sex Discrimination Act 1984* (Cth) s 5, s 4 definition of "sexual orientation".
102. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 30; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 280.
103. *Anti-Discrimination Act 1991* (Qld) s 98, s 111.
104. *Anti-Discrimination Act 1977* (NSW) s 24(1)–(1A).
105. *Anti-Discrimination Act 1977* (NSW) s 35.
106. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 31, [5.40], [5.42].
107. *Sex Discrimination Act 1984* (Cth) s 7; *Discrimination Act 1991* (ACT) s 7(1)(o); *Equal Opportunity Act 2010* (Vic) s 6(b); *Anti-Discrimination Act 1991* (Qld) s 7(c); *Equal Opportunity Act 1984* (WA) s 10; *Anti-Discrimination Act 1998* (Tas) s 16(g); *Anti-Discrimination Act 1992* (NT) s 19(f); *Equal Opportunity Act 1984* (SA) s 85T(4).
108. *Sex Discrimination Act 1984* (Cth) s 7AA; *Discrimination Act 1991* (ACT) s 7(d); *Equal Opportunity Act 2010* (Vic) s 6(l); *Anti-Discrimination Act 1991* (Qld) s 7(e); *Equal Opportunity Act 1984* (WA) s 10A; *Anti-Discrimination Act 1998* (Tas) s 16(h); *Anti-Discrimination Act 1992* (NT) s 19(h); *Equal Opportunity Act 1984* (SA) s 85T(5), s 87B(1).

**Question 4.7: Sex discrimination**

(1) What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "sex"?

(2) Should the ADA prohibit discrimination based on pregnancy and breastfeeding separately from sex discrimination?

# Transgender grounds

4.106 The ADA prohibits discrimination and vilification on "transgender grounds". It defines a transgender person as someone:

- who identifies "as a member of the opposite sex" by living or seeking to live as such
- who has identified "as a member of the opposite sex" by living as such, or
- who, "being of indeterminate sex, identifies as a member of a particular sex by living as a member of that sex".[109]

4.107 This applies whether or not they are a "recognised transgender person", that is, a person whose record of sex has been altered under the relevant law. The reference to a "transgender person" also includes a person being thought of as transgender, whether or not they are "in fact a transgender person".[110]

## "Gender identity" as a potential alternative

4.108 Aside from NSW and WA, discrimination laws across Australia include gender identity as a protected attribute.[111]

4.109 The *Sex Discrimination Act* and s 93Z of the *Crimes Act* use the expression "gender identity". Both define it as:

> the gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.[112]

4.110 Courts have found this is broad enough to cover:

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109. *Anti-Discrimination Act 1977* (NSW) s 38A.

110. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "recognised transgender person", s 38A.

111. *Sex Discrimination Act 1984* (Cth) s 5B; *Discrimination Act 1991* (ACT) s 7; *Equal Opportunity Act 2010* (Vic) s 6; *Anti-discrimination Act 1991* (Qld) s 7; *Equal Opportunity Act 1984* (SA) s 29; *Anti-Discrimination Act 1998* (Tas) s 16; *Discrimination Act 1992* (NT) s 19. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 28, rec 29.

112. *Crimes Act 1900* (NSW) s 93Z; *Sex Discrimination Act 1984* (Cth) s 4.

- transgender identity (when a person's current gender differs from their assigned sex at birth)
- cisgender identity (when a person's gender corresponds to the sex registered for them at birth), and
- "other kinds and aspects of gender identification".[113]

4.111 Queensland takes another approach, defining gender identity as being:

> (a) the person's internal and individual experience of gender, whether or not it corresponds with the sex assigned to the person at birth; and
>
> (b) without limiting paragraph (a), includes—
>
> (i) the person's personal sense of the body; and
>
> (ii) if freely chosen — modification of the person's bodily appearance or functions by medical, surgical or other means; and
>
> (iii) other expressions of the person's gender, including name, dress, speech and behaviour.[114]

4.112 This aligns with human rights law principles on sexual orientation and gender identity, which were developed by international legal experts.[115]

4.113 One issue is how an attribute of "gender identity" would operate alongside the comparator test for direct discrimination, if this remains.[116] The Federal Court dealt with this in a recent case by defining the "comparator" as a person who identifies as a "different gender identity" to the complainant.[117] However, as we outline in chapter 3, some think the comparator test is too complicated and should be removed.

## Redefining "transgender grounds"

4.114 A less far-reaching option could be to keep the expression "transgender grounds", but to redefine it. The original Equality Bill proposed to remove the concept of a "recognised transgender person" from the ADA. It also proposed to redefine "transgender person" as someone who:

- lives as a member of another sex, or
- who identifies as a particular sex that is not exclusively male or female by living as a member of that sex.[118]

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113. *Tickle v Giggle for Girls Pty Ltd (No 2)* [2024] FCA 960, 333 IR 296 [74].
114. *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "gender identity".
115. *The Yogyakarta Principles: Principles on the on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (2007) 6. See also Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 276–276, rec 22.1.
116. Equality Australia, *Preliminary Submission PAD07*, 5.
117. *Tickle v Giggle for Girls Pty Ltd (No 2)* [2024] FCA 960, 333 IR 296 [74].
118. Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW) First Print, sch 1 [1], [3]–[5].

4.115 However, as we note above, some advocates of the original Equality Bill intended this to only be an interim measure of protection. More broadly, they expressed a preference for an attribute of "gender identity".[119]

**Question 4.8: Discrimination on transgender grounds**

What changes, if any, should be made to the way the ADA expresses and defines the protected attribute of "transgender grounds"?

# Extending existing protections

4.116 Another related question is whether the existing attributes should be extended in the ways described below.

## Past or future attributes

4.117 One reform option could involve extending a feature that already applies to disability and carer discrimination. As noted above, the ADA protects against discrimination based on someone's past or future disability, or their past or future carer's responsibilities.[120] But this only applies to disability and carer discrimination and not generally across all attributes.

4.118 Some other Australian discrimination laws more broadly protect against discrimination based on an attribute that someone had in the past.[121] The LRCWA also recommended protecting against discrimination based on an attribute that someone is planning, or proposing, to adopt in the future.[122]

## Relatives and associates of people with protected attributes

4.119 Another option could be to extend protections to relatives and associates of people with a recognised attribute, in all cases. As we explain in chapter 3, the ADA generally protects someone against direct discrimination based on a protected attribute that they, or that their relative or associate, has.[123] However, this does not apply to direct discrimination based on carer's responsibility. And it does not form part of the test for indirect discrimination for any attribute.

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119. NSW, *Parliamentary Debates*, Legislative Assembly, Second Reading Speech, 24 August 2023, 9145; Public Interest Advocacy Centre, Submission No 17 to Legislative Assembly Committee on Community Services, *Inquiry into Equality Legislation Amendment (LGBTIQA+) Bill 2023* (12 April 2024) 5.
120. *Anti-Discrimination Act 1977* (NSW) s 49A(c), s 49A(d), s 49S(2).
121. See, eg, *Discrimination Act 1991* (ACT) s 7(2); *Equal Opportunity Act 2010* (Vic) s 7(2); *Anti-Discrimination Act 1991* (Qld) s 8; *Anti-Discrimination Act 1992* (NT) s 20(2).
122. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 14.
123. *Anti-Discrimination Act 1977* (NSW) s 7(1), s 24(1), s 38B(1)(a)–(b), s 49B(1), s 49ZG(1), s 49ZYA(1).

4.120 Adding a specific protected attribute could address this. Other discrimination laws identify being an "associate" of someone with a protected attribute, as a protected attribute itself.[124] This covers relatives and associates under both the direct and indirect discrimination tests. This might more clearly, and generally, protect against discrimination based on having a relationship with someone with a protected attribute.

**Question 4.9: Extending existing protections**

(1) Should the ADA protect people against discrimination based on any protected attribute they have had in the past or may have in the future?

(2) Should the ADA include an attribute which protects against discrimination based on being a relative or associate of someone with any other protected attribute?

124. *Equal Opportunity Act 2010* (Vic) s 6; *Discrimination Act 1991* (ACT) s 7; *Anti-Discrimination Act 1992* (NT) s 19; *Anti-Discrimination Act 1998* (Tas) s 16; *Anti-Discrimination Act 1991* (Qld) s 7. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 50.

# 5. Discrimination: potential new protected attributes

**In brief**

The *Anti-Discrimination Act 1977* (NSW) (ADA) only protects against discrimination and vilification based on certain, specified attributes. In this chapter we ask if the ADA should recognise and protect against discrimination based on other attributes.


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5.1 In the previous chapter, we explain that the *Anti-Discrimination Act 1977* (NSW) (ADA) prohibits discrimination based on a limited range of recognised protected attributes. Many preliminary submissions argued that other protected attributes should be recognised.

5.2 In its 1999 review of the ADA, the NSW Law Reform Commission (NSWLRC) thought that changes to the protected attributes would "inevitably follow from changing social attitudes and practice".[1] This can be important to ensure the ADA responds to societal changes and recognises the rights of those most at risk of discrimination.

1. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.8].

However, no new protected attributes have been recognised since discrimination based on carer's responsibilities was added in 2000.

5.3 Discrimination laws in other parts of Australia have been amended more recently to expand the range of protected attributes. Other discrimination and employment laws protect a far wider range of attributes than the ADA. This has led to uneven protection across Australia and significant gaps in protection in NSW.

5.4 In this chapter, we consider whether the ADA should prohibit discrimination based on other attributes. We set out a range of options that we have drawn from preliminary submissions and our research. Other options, that relate closely to existing protected attributes, are profiled in the previous chapter.

5.5 In presenting these options for consideration, we recognise they may not be the only possible options. We welcome suggestions of other attributes that could be added to the ADA's discrimination protections.

# Principles that could guide reform

5.6 Before outlining some reform options, we invite you to comment on the principles that could guide consideration of potential new protected attributes. An important consideration is whether there are gaps in protection in state and federal laws.

## Identifying the guiding principles

5.7 In its recent review of Queensland's discrimination law, the Queensland Human Rights Commission (QHRC) provided some principles that might also assist to guide reform in NSW. It grouped the attributes protected in Queensland into three main categories. In summary, these protected attributes:

- relate to immutable characteristics, that is, traits a person cannot change
- relate to the characteristics of historically marginalised groups, and/or
- are based on attributes protected under international human rights instruments.[2]

5.8 The QHRC then identified criteria and questions, summarised below, that it thought should guide decisions about whether an attribute should be protected.

2. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 310.

### Table 5.1: Possible criteria for including new attributes[3]

| Criteria | Questions |
|---|---|
| Whether there is a gap in protection | ▪ Is there sufficient information to show that people with a particular characteristic need the protection of the Act?<br>▪ Are they already protected under an existing attribute?<br>▪ Are they already protected by other legislation, eg employment legislation? |
| Whether the proposed attribute is comparable to those already covered by the Act | ▪ Is the group of a comparable nature to people represented by the attributes already recognised by the Act?<br>▪ Is the group experiencing discrimination that cannot be reasonably and objectively justified?<br>▪ Is the group vulnerable, having suffered and continuing to suffer marginalisation? |

5.9 We invite your views on whether these criteria are appropriate for NSW, or if other criteria should influence decisions about which attributes to include in the ADA.

## Identifying gaps between federal and state law

5.10 One of the issues identified by the QHRC is whether an attribute is already protected by other legislation.

5.11 In our second consultation paper, we will address the issue of federal and state complaint pathways and procedures in detail. However, the relationship between federal and state laws is also important to consider when assessing the extent of any gaps in protected attributes in NSW. The complex relationship means that people with some attributes may be unable to obtain an effective remedy under either NSW or federal discrimination law.

### The federal unlawful discrimination jurisdiction

5.12 Under federal discrimination law, "unlawful discrimination" refers to discrimination that breaches the *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*), *Disability Discrimination Act 1992* (Cth) or the *Age Discrimination Act 2004* (Cth). Together, these Acts cover discrimination based on age, race, colour, descent, national or ethnic origin, sex, sexual orientation, gender identity, marital or relationship status, pregnancy, breastfeeding, family responsibilities or disability.

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3. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 309–310.

5.13 The Australian Human Rights Commission (AHRC) can attempt to conciliate complaints of unlawful discrimination. If this is unsuccessful, the complainant can seek a judicial remedy in the Federal Court of Australia or Federal Circuit and Family Court of Australia.[4]

5.14 Someone in NSW who experiences discrimination may be able to make a complaint under either state or federal discrimination law, depending on their respective coverage (including any relevant exceptions).

5.15 There are differences between the coverage of the ADA and federal discrimination law. Sometimes, there are overlaps. Other times, federal law covers a gap in the ADA. An example is bisexuality, which is protected by the federal definition of sexual orientation, but which is not protected by the ADA.

### Other federal complaint pathways

5.16 The AHRC has separate powers to inquire into, and attempt to conciliate, complaints alleging:

- discrimination in employment and occupation, as part of its functions relating to equal opportunity in employment
- systemic discrimination, and
- acts or practices of the Commonwealth that breach particular human rights.[5]

5.17 These powers cover a wide range of attributes recognised in international human rights and labour law instruments, many of which are not covered in federal discrimination law. For instance, the equal opportunity jurisdiction includes the power to inquire into complaints about discrimination based on attributes such as religion, political opinion, medical record, irrelevant criminal record and trade union activity.[6]

5.18 Where there is a gap in the attributes protected by the ADA or in federal discrimination law, people in NSW may be able to use these pathways to complain to the AHRC. But there are limits to what they can achieve in terms of seeking an effective remedy.

5.19 This is because such complaints cannot be taken to court if conciliation is unsuccessful. Instead, the AHRC can report to the Minister if it considers the act or

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4. *Australian Human Rights Commission Act 1986* (Cth) s 11(1)(aa), s 46PO.
5. *Australian Human Rights Commission Act 1986* (Cth) s 3(1) definition of "discrimination", s 31(b), s 35L, s 11(1)(f); *Australian Human Rights Commission Regulations 2019* (Cth) reg 6.
6. *Australian Human Rights Commission Act 1986* (Cth) s 3(1) definition of "discrimination"; *Australian Human Rights Commission Regulations 2019* (Cth) reg 6.

practice constitutes discrimination or is inconsistent with, or contrary to any human right.[7]

### Adverse action in employment under the *Fair Work Act*

5.20 Another gap is created by the interplay of the *Fair Work Act 2009* (Cth) (*Fair Work Act*) and the ADA. The *Fair Work Act* protects against "adverse action" in employment based on a broader range of personal attributes than the ADA or federal discrimination law. That is:

> race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, marital status, family or carer's responsibilities, subjection to family and domestic violence, pregnancy, religion, political opinion, national extraction or social origin.[8]

5.21 Adverse action includes a range of conduct against an employee, such as:

- dismissing them
- injuring them in their employment
- altering their position to their prejudice, and
- discriminating between them and other employees.[9]

5.22 However, an exception provides that this does not apply to conduct that is not unlawful under any anti-discrimination law in force where the conduct occurs.[10] If neither the ADA nor federal discrimination law prohibits discrimination based on these attributes, people in NSW cannot use the *Fair Work Act* to complain about certain forms of adverse action in employment based such attributes either. For instance, neither the ADA nor federal discrimination law covers discrimination based on family and domestic violence, religion, political opinion and social origin.

5.23 This means people in NSW can be doubly disadvantaged compared to people in other states and territories in which these attributes are protected.

5.24 Adding certain attributes to the ADA might enliven the employment protections under the *Fair Work Act* relating to that attribute (subject to any exceptions). This will need to be considered carefully to avoid further complexity and inconsistency between the jurisdictions. We will return to this issue in our second consultation paper.

5.25 This exception does not apply to other related protections in the *Fair Work Act*. This includes the prohibition on taking adverse action against someone because they:

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7. *Australian Human Rights Commission Act 1986* (Cth) s 11(1)(f), s 20A, s 31(b), s 31(e), s 32A.
8. *Fair Work Act 2009* (Cth) s 351(1).
9. *Fair Work Act 2009* (Cth) s 342(1) item 1.
10. *Fair Work Act 2009* (Cth) s 351(2), s 723. See *McIntyre v Special Broadcasting Services Corporation* [2015] FWC 6768; *Krcho v University of NSW* [2021] FWCFB 350.

- are or are not a member of an industrial association, or
- engage, propose to engage, or do not engage, in industrial activity.[11]

5.26 In addition, the exception does not apply to the prohibition on the termination of employment based on the broad list of attributes we mention above.[12]

**Question 5.1: Guiding principles**

What principles should guide decisions about what, if any, new attributes should be added to the ADA?

# Some options for new protected attributes

5.27 In preliminary submissions, we received a range of suggestions for possible new protected attributes. We outline these below, highlighting potential considerations relating to their expression, definitions and exceptions drawn from other laws and law reform processes. We encourage you to comment on these options and to suggest others.

## Irrelevant criminal record

5.28 In preliminary submissions, we heard concerns that discrimination based on irrelevant criminal record can make it hard to enter the workforce. This form of discrimination can affect some groups disproportionately, such as Aboriginal people, sex workers and gender diverse communities, due to their high level of contact with the criminal justice system.[13]

5.29 Discrimination based on irrelevant criminal record is unlawful in the Australian Capital Territory (ACT), the Northern Territory (NT) and Tasmania.[14] The AHRC says this should be unlawful under federal discrimination law too, with judicial remedies available.[15] Currently, the AHRC can inquire into and try to conciliate complaints of discrimination at work based on irrelevant criminal record.[16] However, as we note above, judicial remedies are not available for such complaints.

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11. *Fair Work Act 2009* (Cth) s 346.
12. *Fair Work Act 2009* (Cth) s 772(1)(f).
13. See, eg, HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60*, 10; Inner City Legal Centre, *Preliminary Submission PAD40*, 2; Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 266.
14. *Anti-Discrimination Act 1992* (NT) s 19(q); *Discrimination Act 1991* (ACT) s 7(1)(k); *Anti-Discrimination Act 1998* (Tas) s 16(q).
15. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 262.
16. *Australian Human Rights Commission Act 1986* (Cth) s 31(b); *Australian Human Rights Commission Regulations 2019* (Cth) reg 6(a)(iii).

5.30 In 1999, the NSWLRC recommended against including lapsed criminal convictions as an attribute. It said there was no reason for the ADA to cover criminal records, as other laws dealt with spent convictions and when a criminal record must be disclosed.[17]

5.31 In 2024, the Queensland Parliament enacted reforms to add "irrelevant criminal record" as a protected attribute. This, and other amendments to Queensland's discrimination law, was due to commence on 1 July 2025.[18] However, the current Queensland Government decided to defer the commencement of all these amendments to conduct further consultations. It expressed concerns that the attribute of "irrelevant criminal record" could affect government decision-making on issues such as weapons licensing, police protection notices or security provider licensing.[19]

### Models for defining the scope

5.32 If NSW was to recognise irrelevant criminal record as a protected attribute, other states and territories might provide models. For instance, the ACT defines "irrelevant criminal record" to include:

- a record relating to an alleged offence where the proceedings were not finalised
- a record relating to an alleged offence where the individual was acquitted
- instances where the individual was served with an infringement notice
- instances where the individual had a conviction for an offence, but the circumstances of the offence were not directly relevant to the situation in which discrimination arose, and
- spent convictions (which includes extinguished homosexual convictions).[20]

5.33 An issue is how the ADA might deal with discrimination based on expunged convictions for homosexuality offences, which have now been repealed. One option is to treat extinguished or expunged homosexual convictions as "irrelevant criminal records", as in the ACT, the NT and Tasmania.[21]

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17. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)* Report 92 (1999) [5.236]. See also *Criminal Records Act 1991* (NSW) s 8, s 9, s 12.
18. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3), inserting *Anti-Discrimination Act 1991* (Qld) s 7(pe) (uncommenced).
19. D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 7 April 2024).
20. *Discrimination Act 1991* (ACT) s 2, dictionary definition of "irrelevant criminal record"; *Spent Convictions Act 2000* (ACT) pt 3A.
21. *Discrimination Act 1991* (ACT) s 2, dictionary definition of "irrelevant criminal record"; *Spent Convictions Act 2000* (ACT) pt 3A; *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "irrelevant

5.34 Alternatively, "expunged homosexual conviction" could be recognised as a distinct attribute, as in Victoria.[22] The former Queensland Government preferred this approach because expunged homosexual offence convictions should never have existed. This differentiates them from other convictions.[23]

### Possible exceptions

5.35 Another issue is whether exceptions to discrimination based on "irrelevant criminal record" are needed to balance competing interests. For instance, exceptions apply elsewhere relating to:

- employment that involves working with vulnerable people, if the discrimination is reasonably necessary to protect their wellbeing[24]
- employment that involves working with children if the discrimination is reasonably necessary to protect children's wellbeing,[25] or
- providing accommodation, where it is reasonably necessary to protect the wellbeing of nearby residents.[26]

## Domestic and family violence

5.36 We heard that victim-survivors of domestic and family violence can experience a range of discriminatory practices. This includes in the areas of accommodation, work and education.[27]

5.37 South Australia, the ACT and the NT protect against discrimination based on domestic or family violence.[28] It is also covered by the *Fair Work Act*, but this

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criminal record", s 19(1)(q); *Anti-Discrimination Act 1998* (Tas) s 3 definition of "irrelevant criminal record", s 16(q). See also Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 316–317, rec 29.1; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 90, rec 36.

22. *Equal Opportunity Act 2010* (Vic) s 6(pa), s 6(pb).
23. Queensland Parliament, Community Safety and Legal Affairs Committee, *Respect at Work and Other Matters Amendment Bill 2024*, Report No 13 (2024) 7, rec 29; *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3), inserting *Anti-Discrimination Act 1991* (Qld) s 7(pd)–(pe) (uncommenced).
24. *Anti-Discrimination Act 1992* (NT) s 37(1).
25. *Anti-Discrimination Act 1998* (Tas) s 50.
26. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 19, rec 89.
27. See, eg, Law Society of NSW, *Preliminary Submission PAD31,* 9; Legal Aid NSW, *Preliminary Submission PAD87*, 15.
28. *Equal Opportunity Act 1984* (SA) s 85T(8); *Discrimination Act 1991* (ACT) s 7(1)(x); *Anti-Discrimination Act 1992* (NT) s 19(1)(jb). See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 55, 124.

protection against discrimination does not extend to NSW (as we discuss above).[29] The Queensland Parliament passed amendments in 2024 to add this attribute but, as we note above, the commencement date is now uncertain.[30]

5.38 Federally, the AHRC broadly supported a new prohibition against discrimination based on domestic and family violence. However, it thought the framing of any such prohibition needed further consideration.[31]

5.39 Another option is to include protections for people who have been subjected to sexual violence more generally.[32] This could go beyond the domestic and family violence context. It could protect a wider range of people who may be vulnerable to experiencing discrimination.

## Health status and irrelevant medical record

5.40 Two other potential protected attributes are "health status" and "irrelevant medical history". These could be added to the ADA separately from the disability attribute, which we outline in chapter 4. While this could expand protections, another view is that it might lead to overlaps with disability discrimination.

### Health status

5.41 A new "health status" attribute might cover discrimination based on a range factors, for instance mental health status, blood borne virus status, and/or sexually transmissible infection status. Some argue this could:

- be a more appropriate way of recognising the rights of people with HIV/AIDS, who may not consider having HIV/AIDS to be a disability, and
- protect people who experience episodic mental health issues, which may not be covered clearly by the definition of disability.[33]

5.42 Another view is that a "health status" attribute should protect people who use drugs and/or alcohol, regardless of their degree of use, to address the discrimination and stigma they face.[34]

5.43 In NSW, the ADA's definition of disability likely covers the first three of these conditions. It is also broad enough to capture drug or alcohol addiction, in some

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29. *Fair Work Act 2009* (Cth) s 351(1).
30. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3), inserting *Anti-Discrimination Act 1991* (Qld) s 7(pa) (uncommenced).
31. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 271.
32. Full Stop Australia, *Preliminary Submission PAD70*, 3.
33. See, eg, HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60*, 8.
34. NSW Users and AIDS Association, *Preliminary Submission PAD52*, 6.

cases.[35] This suggests that a new "health status" attribute may lead to a degree of overlapping coverage. The QHRC recently recommended against a separate health status attribute because such overlaps could create further complexity.[36]

### Irrelevant medical record

5.44 Some instances of discrimination based on medical history may also be considered disability discrimination. This could happen where, for example, someone's medical history involves records about a disability they either had or were thought to have, or they may have in the future.[37]

5.45 However, an "irrelevant medical record" attribute may provide clearer protections. It could also protect against discrimination that goes beyond disability discrimination.

5.46 This is recognised as a protected attribute in discrimination law in Tasmania and the NT.[38] The AHRC can inquire into employment discrimination based on this attribute as part of its equal opportunity function.[39] However, as we note above, judicial remedies are not available for such complaints.

5.47 The Queensland Parliament passed amendments in 2024 to cover discrimination based on medical records that are "not directly relevant to the situation in which the record or part of the record is being considered".[40] However, the commencement date is now uncertain.

5.48 The Law Reform Commission of Western Australia (LRCWA) similarly recommended adding this attribute to WA's discrimination law and considered it should also cover workers' compensation history. In its view, people may be reluctant to make valid workers' compensation claims if they think the claims may be disclosed to future employers.[41]

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35. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "disability"; *Marsden v HREOC* [2000] FCA 1619 [54]; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.92]. But see *Anti-Discrimination Act 1977* (NSW) s 49PA.
36. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 271.
37. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of disability, s 49A.
38. *Anti-Discrimination Act 1998* (Tas) s 16(r); *Anti-Discrimination Act 1992* (NT) s 19(1)(p).
39. *Australian Human Rights Commission Regulations 2019* (Cth) reg 6(a)(ii); *Australian Human Rights Commission Act 1986* (Cth) s 31(b).
40. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3), s 52(2), inserting *Anti-Discrimination Act 1991* (Qld) s 7(pf), sch 1 definition of "irrelevant medical record" (uncommenced).
41. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 93, rec 37–38.

## Industrial activity or political belief or activity

5.49 Another idea could be to protect against discrimination based on industrial activity, and/or political belief or activity. We heard this could prevent people being targeted at work because of their involvement in such activities.[42]

### Industrial activity

5.50 In 1999, the NSWLRC recommended against adding industrial activity or trade union membership to the ADA as a protected attribute. It concluded this was already protected by industrial laws.[43]

5.51 However, discrimination laws in most other states and territories prohibit discrimination based on:

- industrial activity[44]
- trade union activity,[45] or
- trade union or employer association activity.[46]

5.52 Federally, the AHRC can inquire into complaints about discrimination based on trade union activity as part of its functions relating to equal opportunity in employment.[47] However, federal judicial remedies do not apply.

5.53 As we note above, the *Fair Work Act* also protects against adverse action against someone because they:

- are or are not a member of an industrial association, or
- engage, propose to engage, or do not engage, in industrial activity.[48]

5.54 In the discrimination laws of other states and territories, this attribute generally covers a range of activities, including:

- being a member of an organisation, as well as proposing or refusing to join one
- establishing or forming, or being involved in establishing or forming, an organisation

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42. Unions NSW, *Preliminary Submission PAD90*, 4–5.
43. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.221]–[5.222].
44. *Equal Opportunity Act 2010* (Vic) s 6(f); *Anti-Discrimination Act 1998* (Tas) s 16(l); *Discrimination Act 1991* (ACT) s 7(1)(j).
45. *Anti-Discrimination Act 1991* (Qld) s 7(k).
46. *Anti-Discrimination Act 1992* (NT) s 19(1)(k).
47. *Australian Human Rights Commission Act 1986* (Cth) s 31(b); *Australian Human Rights Commission Regulations 2019* (Cth) reg 6(a)(viii).
48. *Fair Work Act 2009* (Cth) s 346.

- participating in, organising, encouraging, assisting or promoting lawful industrial activity (or proposing to)
- not participating in, or refusing to participate in, lawful industrial activity, and
- representing or advancing the views, claims or interests of members of an industrial organisation or industrial association.[49]

5.55 Tasmania specifically permits discrimination in employment based on industrial activity if it is based on a genuine occupational requirement relating to a particular position.[50]

### Political belief, opinion or activity

5.56 International human rights law prohibits discrimination based on political or other opinion.[51] Some laws in Australia also protect against this:

- While the expressions vary, some other states and territories protect against discrimination based on political belief or activity.[52]
- The AHRC can receive complaints of discrimination in employment based on this attribute as part of its equal opportunity jurisdiction.[53] However, judicial remedies do not apply.
- The *Fair Work Act* also protects against adverse action based on political opinion.[54] An exception to this currently applies in NSW, for the reasons we note above.

5.57 Although the definitions in these laws differ, this attribute generally includes:

- having, or not having, a political conviction, belief, opinion or affiliation, and
- engaging, or not engaging in, political activity.[55]

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49. *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "industrial activity"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "industrial activity"; *Discrimination Act 1991* (ACT) dictionary, definition of "industrial activity". See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 85–86, rec 33.
50. *Anti-Discrimination Act 1998* (Tas) s 49.
51. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 2(1); *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3 (entered into force 3 January 1976) art 2(2).
52. *Anti-Discrimination Act 1991* (Qld) s 7(j); *Anti-Discrimination Act 1998* (Tas) s 16(m)–(n); *Equal Opportunity Act 2010* (Vic) s 6(k); *Anti-Discrimination Act 1992* (NT) s 19(1)(n); *Discrimination Act 1991* (ACT) s 7(1)(n); *Equal Opportunity Act 1984* (WA) s 53.
53. *Australian Human Rights Commission Act 1986* (Cth) s 3 definition of "discrimination", s 31(b).
54. *Fair Work Act 2009* (Cth) s 351(1).
55. *Discrimination Act 1991* (ACT) s 7(1)(n), dictionary definition of "political conviction". See also *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "political belief or activity"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "political belief or affiliation"; *Anti-Discrimination Act 1992* (NT) s 4(5), s 19(1)(n).

5.58 In 1999, the NSWLRC recommended including "political opinion" as a protected attribute in the ADA.[56]

5.59 If NSW was to recognise this as a protected attribute, one issue is what kinds of beliefs or opinions should be protected. For instance:

- the ACT Tribunal found that "political" means "concerned with the 'processes of government'" or "bearing on government"[57]
- the NSWLRC recommended defining "political opinion" as opinions about the role of the state and state power,[58] and
- Victoria confines the protection to a "lawful political belief" and "lawful political activity".[59]

5.60 Some laws permit discrimination based on this attribute in relation to employment in political roles (such as ministerial advisors or employees of political parties).[60] However, the LRCWA said this should only apply when:

- holding or not holding a political conviction, or engaging (or failing to engage) in any lawful political activities, is an inherent requirement of the job
- the person cannot comply with the requirement because of their political conviction, and
- it is reasonable and proportionate in the circumstances.[61]

5.61 Victoria has two additional exceptions, which apply to clubs established principally for a political purpose and local councillors.[62] In 1999, the NSWLRC supported these exceptions.[63]

## Physical features or appearance

5.62 Another option is to protect against discrimination based on physical features or appearance.

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56. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 39.
57. *Kovac v Australian Croatian Club Ltd* [2014] ACAT 41 [70].
58. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 39.
59. *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "political belief or activity".
60. *Discrimination Act 1991* (ACT) s 45; *Equal Opportunity Act 1984* (WA) s 66(2); *Anti-Discrimination Act 1998 (Tas)* s 53; *Equal Opportunity Act 2010* (Vic) s 27.
61. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 201–202, rec 92.
62. *Equal Opportunity Act 2010* (Vic) s 66A, s 73–74.
63. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 82, rec 83.

5.63 While this may overlap with existing protections against disability discrimination, it could also go beyond them. For instance, a new attribute could apply more generally to protect against discrimination based on height, weight, size or other bodily features.[64]

5.64 In Victoria, this attribute has been interpreted broadly to include characteristics that a person has from birth or that emerge later in life. It also protects against discrimination based on physical features that come from deliberate bodily alterations, such as tattoos.[65]

5.65 However, an issue is whether the law should prohibit discrimination against someone based on physical features they have chosen to adopt. The QHRC concluded it was not necessary to protect against discrimination based on chosen alterations. It said that people with tattoos, certain hairstyles or cosmetic procedures do not experience broader structural disadvantage, unless this aspect of their appearance relates to another existing attribute (such as race).[66] The recent Queensland amendments take a similar approach but, as we note above, the commencement of these changes is uncertain.[67]

5.66 Some other exceptions could also be considered. For instance, discrimination based on physical features or appearance is allowed elsewhere if:

- it is necessary to protect health, safety, or property[68]
- there is a genuine occupational requirement, for example, in forms of employment such as modelling,[69] or
- welfare services are being provided to people with particular physical features.[70]

5.67 In 1999, the NSWLRC recommended against including this attribute in the ADA. It said the concept could not be articulated clearly.[71]

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64. *Discrimination Act 1991* (ACT) dictionary definition of "physical features"; *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "physical features".
65. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 327.
66. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 30, 328. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 99, rec 41–42.
67. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 52(2), inserting *Anti-Discrimination Act 1991* (Qld) dictionary, definition of "physical appearance" (uncommenced).
68. *Discrimination Act 1991* (ACT) s 57R; *Equal Opportunity Act 2010* (Vic) s 86(1).
69. *Equal Opportunity Act 2010* (Vic) s 26(4).
70. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 203, rec 93.
71. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.230].

## Religious belief or activity

5.68 International human rights law contains a right to non-discrimination based on religion.[72] In most Australian states and territories, it is unlawful to discriminate based on religious belief, conviction and/or activity.[73] Federally, the AHRC can inquire into complaints based on religious discrimination in work as part of its equal opportunity function, but judicial remedies are not available.[74]

5.69 The ADA does not contain a protected attribute that addresses religious discrimination. The *Fair Work Act*'s protections against adverse action based on religion do not apply in NSW, for the reasons we outline above.[75] Many think this creates a significant gap in protection in NSW.

### Existing religious protections

5.70 In the ADA, the definition of racial discrimination provides limited and indirect protections for religion. Discrimination based on "ethno-religious origin" is a form of racial discrimination. This term was added to the ADA to clarify that ethno-religious groups, such as members of the Jewish, Islamic and Sikh faiths, are protected against racial vilification and discrimination.[76]

5.71 However, "ethno-religious origin" has been interpreted inconsistently. One view is that it protects against discrimination based on being a Muslim from a particular national grouping, but not against discrimination based on being a member of that religion generally.[77] Other Tribunal decisions have not drawn this clear line, making it hard for Anti-Discrimination NSW to advise the public clearly about their rights.[78]

5.72 The complex system of exceptions is another way the ADA indirectly protects freedom of religion. For instance, religious organisations and private schools have broad exceptions from the ADA. We outline these in chapter 7.

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72. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 2(1); *International Covenant on Economic, Social and Cultural Rights,* 993 UNTS 3 (entered into force 3 January 1976) art 2(2).
73. *Equal Opportunity Act 2010* (Vic) s 6(n); *Anti-Discrimination Act 1991* (Qld) s 7(i); *Anti-Discrimination Act 1998* (Tas) s 16(o); *Anti-Discrimination Act 1992* (NT) s 19(1)(m); *Discrimination Act 1991* (ACT) s 7(1)(t); *Equal Opportunity Act 1984* (WA) s 53.
74. *Australian Human Rights Commission Act 1986* (Cth) s 3(1) definition of "discrimination", s 31(b).
75. *Fair Work Act 2009* (Cth) s 351(1).
76. NSW, *Parliamentary Debates,* Legislative Council, Second Reading Speech, 4 May 1994, 1827.
77. See, eg, *Khan v Commissioner of Corrective Services* [2002] NSWADT 131 [20]; *Ekermawi v Nine Network Australia Pty Ltd* [2019] NSWCATAD 29 [32], [102].
78. Anti-Discrimination NSW, *Preliminary Submission PAD83*, 9.

5.73 Previous reviews have recommended that specific protections against religious discrimination should be introduced in NSW and federal law.[79] However, attempts at enacting such protections have so far been unsuccessful.

### Defining any new protected attribute

5.74 If NSW were to protect against religious discrimination, other parts of the ADA and other laws provide examples of approaches that could be adopted or adapted.

5.75 While the ADA does not prohibit religious discrimination, it does prohibit religious vilification. It is unlawful to publicly incite hatred towards, serious contempt for or severe ridicule of an individual or a group of people based on their:

- religious belief or affiliation (or lack of), or
- engagement, or lack of engagement, in religious activity.[80]

5.76 The ADA does not define "religious belief", "religious affiliation" or "religious activity". As we discuss in chapter 8, we heard many concerns about this approach.

5.77 Some preliminary submissions suggest that the ADA's religious vilification protection should use the definitions in s 93Z of the *Crimes Act 1900* (NSW) instead.[81] Section 93Z makes it an offence to publicly threaten or incite violence based on a specific religious belief or affiliation. This is defined as "holding or not holding a religious belief or view". It appears to be narrower than the protection offered in the ADA. It only includes affiliation with a religious group if this amounts to holding a religious belief or view and does not include engaging in a religious activity.

5.78 Other states and territories may also provide models. Their protections against discrimination based on religious belief and/or activity, or religious conviction generally cover:

- holding or not holding a religious belief, and
- engaging, or not engaging, in religious activity.[82]

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79. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) 95, rec 16; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 38; Parliament of NSW, Joint Select Committee, *Inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*, Report (2021) 2–3, rec 1.
80. *Anti-Discrimination Act 1977* (NSW) s 49ZE(1).
81. See, eg, Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 11. See also Public Interest Advocacy Centre, *Submission SV10,* 4, rec 1.
82. *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "religious belief or activity"; *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "religious activity", definition of "religious belief"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "religious activity", definition of "religious belief or affiliation"; *Discrimination Act 1991* (ACT) dictionary definition of "religious conviction".

5.79 Some laws only prohibit discrimination based on "lawful" religious activities and/or beliefs.[83] The ADA's prohibition on religious vilification does not have this qualification. However, one view is that this is unnecessary, as lawfulness is part of the well-established judicial definition of "religion".[84]

5.80 Developing this new attribute could also provide an opportunity to recognise the rights of Aboriginal and Torres Strait Islander peoples. The ACT recognises the cultural heritage and distinct spiritual practices of Aboriginal and Torres Strait Islander peoples. In the NT, "religious belief or activity" includes "Aboriginal spiritual belief or activity".[85] In 1999, the NSWLRC recommended that a similar form of recognition be part of a new religious belief attribute.[86]

5.81 Other characteristics related to religion could also be protected. For instance, the LRCWA recently recommended expressly protecting against discrimination based on religious appearance or dress.[87]

5.82 An alternative could be to add a broader attribute that protects freedom of thought, conscience and religion. The AHRC recommended adding this to federal discrimination law.[88] This is the approach in the UK, where the protected attribute of "religion or belief" includes philosophical beliefs.[89]

### The relationship with race discrimination

5.83 If new protections against religious discrimination are added, it might not be necessary to keep "ethno-religious origin" in the definition of race. The NSWLRC recommended in 1999 that it be removed, preferring to expressly protect against religious discrimination instead.[90]

5.84 But there may be benefits in keeping "ethno-religious" origin in the definition of "race". Arguably, having both could provide broad protections to people of faith.[91]

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83. *Equal Opportunity Act 2010* (Vic) s 6(n), s 4(1) definition of "religious belief or activity"; *Anti-Discrimination Act 1991* (Qld) s 7(i), sch 1 definition of "religious activity".
84. *Church of the New Faith v Commissioner of Pay-Roll Tax (Vic)* (1983)154 CLR 120, 136.
85. *Discrimination Act 1991* (ACT) dictionary definition of "religious conviction"; *Anti-Discrimination Act 1992* (NT) s 4(4).
86. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 38.
87. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 112, rec 51. See also *Equal Opportunity Act 1984* (SA) s 85ZN.
88. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 261–262.
89. Explanatory Notes, *Equality Act 2010* (UK) s 10(2), [51]–[52].
90. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.14], rec 30.
91. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 106–107.

### Exceptions

5.85 If NSW adds a new protected attribute, the question of exceptions will need to be carefully considered. The interaction between any new protections against religious discrimination and other protected attributes, such as sex, sexual orientation and gender identity, is likely to be complicated.

5.86 Given this, we consider the existing exceptions relating to religious belief in greater detail in chapter 7. These include exceptions for private educational authorities, charities, adoption services and religious bodies.

## Sex characteristics

5.87 Unlike most other Australian discrimination laws, the ADA does not protect against discrimination or vilification based on having innate variations of sex characteristics.[92] Many preliminary submissions told us it should. We heard that people with innate variations of sex characteristics regularly experience discrimination, including in employment and schools.[93]

5.88 The criminal vilification offence in the *Crimes Act* provides one option for expressing and defining this attribute. Under s 93Z of the *Crimes Act*, it is an offence to publicly threaten or incite violence towards an individual or group because they are of intersex status. This is defined as having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male
- a combination of female and male, or
- neither female nor male.[94]

5.89 For consistency with the criminal law, this definition could be adopted in the ADA. The *Sex Discrimination Act* and the *Fair Work Act* also use it.[95]

5.90 However, other expressions and definitions may be more widely accepted by people entitled to this protection. In particular, the attribute of "sex characteristics"

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92. See *Equal Opportunity Act* (2010) (Vic) s 6(oa); *Discrimination Act 1991* (ACT) s 7(v); *Sex Discrimination Act 1984* (Cth) s 5C; *Equal Opportunity Act 1984* (SA) s 29; *Anti-Discrimination Act 1998* (Tas) s 16(eb); *Anti-Discrimination Act 1992* (NT) s 19(ca); *Anti-Discrimination Act 1991* (Qld) s 7(o). See also *Fair Work Act 2009* (Cth) s 351(1).
93. Intersex Human Rights Australia, *Preliminary Submission PAD02*, 18.
94. *Crimes Act 1900* (NSW) s 93Z(5) definition of "intersex status".
95. *Sex Discrimination Act 1984* (Cth) s 4 definition of "intersex status", s 5C; *Fair Work Act 2009* (Cth) s 12 definition of "intersex status", s 351(1), s 772(1)(f).

reflects the terminology and definitions developed by international human rights law experts.[96]

5.91 Several other states and territories already protect against discrimination based on sex characteristics. They define this as "a person's physical features relating to sex", including:

- genitalia and other sexual and reproductive parts of the person's anatomy, and
- the person's chromosomes, hormones and secondary physical features emerging as a result of puberty.[97]

5.92 However, the interaction between a protected attribute of "sex characteristics" and the existing test for direct discrimination, if unchanged, might cause complications. As everyone has sex characteristics, it might be hard to identify an appropriate comparator. As such, some argue the ADA may not effectively protect people with innate variations of sex characteristics if the comparator test is kept.[98]

5.93 As first introduced, the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW) (Equality Bill) proposed to protect people with "a variation of sex characteristics", or those thought to have this. This would have been defined as "a person who has an innate variation of primary or secondary sex characteristics that differ from norms for female or male bodies".[99] This was not enacted. Other reforms were passed that refer to "variations of sex characteristics", without defining this term.[100]

## Sex work, lawful sexual activity and occupation

5.94 Sex work has been mostly decriminalised in NSW for almost 30 years. However, we heard that sex workers regularly experience discrimination in many areas of life, including accommodation, employment, and accessing financial services.[101]

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96. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 315, citing *The Yogyakarta Principles Plus 10* (adopted 10 November 2017, Geneva) 7. See also Intersex Human Rights Australia, *Preliminary Submission PAD02*, 8.
97. *Discrimination Act 1991* (ACT) s 7(v) dictionary definition of "sex characteristics"; *Equal Opportunity Act* (2010) (Vic) s 4(1) definition of "sex characteristics"; *Anti-Discrimination Act 1998* (Tas) s 3 definition of "sex characteristics"; *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "sex characteristics"; *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "sex characteristics". See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 116, rec 52, rec 53.
98. Equality Australia, *Preliminary Submission PAD07*, 8.
99. Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW), First Print, sch 1 [13].
100. See, eg, *Equality Legislation Amendment (LGBTIQA+) Act 2024* (NSW) sch 2 [1], amending *Children and Young Persons (Care and Protection) Act 1998* (NSW) s 9(2)(b) (to commence 1 July 2025).
101. See, eg, Respect Inc, *Preliminary Submission PAD57*, 2, 4.

5.95 Discrimination laws in other states and territories could provide models for reform. Options include prohibiting discrimination based on sex work, lawful sexual activity or, more broadly, based on profession, trade, occupation or calling.

### Protections specifically for sex workers

5.96 The first option could be to specifically prohibit discrimination against sex workers. Queensland defines "sex work activity" to cover adults who provide, for payment or reward, services that involve:

- participating in a sexual activity with another person, or
- the use or display of their body for the sexual arousal or gratification of another person.

This includes people who currently provide such services or who have done so in the past.[102]

5.97 This is not confined to "lawful" sex work activity. This word was avoided to include people who work outside the licenced sector.[103]

5.98 In NSW, the Equality Bill originally proposed to prohibit discrimination based on being, or previously being, a sex worker (that is, a "person who provides sexual services on a commercial basis").[104]

### Protections for lawful sexual activity

5.99 Another approach, from Tasmania and Victoria, could be to prohibit discrimination based on lawful sexual activity. This includes engaging, not engaging or refusing to engage in lawful sexual activity.[105] This would also protect against discrimination based on any other forms of lawful sexual activity, in addition to sex work.

5.100 An issue is whether there should be any exceptions to this prohibition. As part of sex worker decriminalisation processes, Victoria and Queensland recently repealed exceptions that allowed a person to refuse accommodation to someone who intended to use it for lawful commercial sexual activity.[106] Victoria did this to

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102. *Anti-Discrimination Act 1991* (Qld) s 7(l), sch 1 definition of "sex work activity". See also *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "sex work", s 19(1)(ec).
103. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 290.
104. Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW), First Print, sch 1 [39].
105. *Anti-Discrimination Act 1998* (Tas) s 3 definition of "sexual activity"; *Equal Opportunity Act 2010* (Vic) s 4(1) definition of "lawful sexual activity".
106. *Equal Opportunity Act 2010* (Vic) s 62, repealed by *Sex Work Decriminalisation Act 2022* (Vic) s 36; *Anti-Discrimination Act 1991* (Qld) s 106C, repealed by *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* (Qld) s 5.

address discrimination against sex workers in accommodation settings.[107] Queensland made the change because it is consistent with decriminalisation, and it sought to reduce the stigma and discrimination experienced by sex workers.[108]

5.101 In 2022 the LRCWA considered that such an exception remained necessary in WA, where sex work is generally unlawful.[109]

### A wider protection: profession, trade, occupation or calling

5.102 Prohibiting discrimination based on profession, trade, occupation or calling would be an even wider option. The ACT and Victoria have this model.[110] This attribute could apply generally, protecting a wide range of people against discrimination based on the work they do.

5.103 Although it has a wide application, Victoria added this specifically to protect sex workers.[111] As we note above, it also has a "lawful sexual activity" attribute that protects other forms of sexual activity in addition to lawful sex work. If NSW introduced an attribute to protect profession, trade, occupation or calling, it could clarify in a definition that sex work is an occupation.

5.104 While this is a broad protection, some exceptions may be necessary. For instance, Victoria permits discrimination in employment based on this attribute if:

- experience in a particular profession is a genuine occupational requirement, and
- it is reasonable to discriminate, on that basis, in the circumstances.[112]

5.105 The ACT permits discrimination based on profession, trade, occupation or calling if:

- the profession is relevant to the "transaction", and
- the discrimination is reasonable in the circumstances.[113]

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107. Explanatory Memorandum, Sex Work Decriminalisation Bill 2021 (Vic) cl 36.
108. Queensland Law Reform Commission, *A Decriminalised Sex-Work Industry for Queensland*, Report (2023) vol 1 [4.95], [4.97].
109. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 94. But see Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 39, rec 90.
110. *Equal Opportunity Act 2010* (Vic) s 6(la); *Discrimination Act 1991* (ACT) s 7(1)(p).
111. *Equal Opportunity Act 2010* (Vic) s 6(la); Explanatory Memorandum, Sex Work Decriminalisation Bill 2021 (Vic) cl 34.]
112. *Equal Opportunity Act 2010* (Vic) s 26(5).
113. *Discrimination Act 1991* (ACT) s 57N.

## Socio-economic status

5.106 Some other Australian states and territories prohibit discrimination based on certain features relating to socio-economic status. Adding this to the ADA could help protect the rights of some of the most vulnerable members of the community.

### Homelessness or accommodation status

5.107 Discrimination based on "accommodation status" is unlawful in the ACT and the NT. Broadly speaking, this covers:

- tenants, boarders, lodgers or licensees
- people experiencing homelessness or transient forms of accommodation, and
- residents in aged care facilities, or in disability or supported care accommodation.[114]

5.108 In recommending this protection, the ACT Law Reform Advisory Council acknowledged the experiences of people with no fixed address or secure accommodation. For example, the Council reported that some people have been told that they cannot make a doctor's appointment until they have a permanent address.[115]

5.109 However, there may be scope for some exceptions to this protection. In the ACT, it is it not unlawful to discriminate based on accommodation status where this is reasonable, having regard to any relevant factors.[116] This was added to allow certain conduct, like looking at someone's rental history when deciding whether to rent accommodation to them.[117]

5.110 The Queensland amendments will, upon commencement, prohibit discrimination based on "homelessness".[118] The narrower approach was taken to clearly protect this disadvantaged group.[119]

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114. *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "accommodation status", s 19(1)(ea); *Discrimination Act 1991* (ACT) s 7(1)(a) dictionary definition of "accommodation status". See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 67–68, rec 15, rec 16, rec 17.
115. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 79.
116. *Discrimination Act 1991* (ACT) s 26(2). See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 195, rec 86.
117. Explanatory Statement, Discrimination Amendment Bill 2016 (ACT) cl 22.
118. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 7(3), inserting *Anti-Discrimination Act 1991* (Qld) s 7(pb) (uncommenced).
119. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 337–338, rec 32.

### Employment status

5.111 The ACT and the NT also prohibit discrimination based on employment status. This includes:

- being unemployed
- receiving a pension or another social security benefit
- receiving compensation
- being employed on a part-time, casual or temporary basis, and
- undertaking shift or contract work.[120]

5.112 The LRCWA also recommended introducing this protection. Among other reasons, it recognised that the growing reliance on non-standard work arrangements, such as gig economy work, could increase opportunities for discrimination.[121]

5.113 However, exceptions may also be required to balance different interests. The ACT permits discrimination against applicants and employees based on employment status where reasonable, having regard to any relevant factors.[122] For example, if an agent looked at an applicant's work history when assessing their suitability for employment.[123]

### Social origin or status

5.114 International human rights law also contains a right to non-discrimination based on social origin.[124] We received some suggestions that the ADA should prohibit discrimination based on social origin or status.[125] This could apply, for instance, where former students of exclusive schools receive preferential treatment in hiring decisions.[126]

5.115 Discrimination based on social origin is addressed in a limited way under federal laws. The *Fair Work Act* prohibits adverse action because of "social origin" but, as

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120. *Discrimination Act 1991* (ACT) dictionary definition of "employment status"; *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "employment status".
121. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 75–76, rec 23, rec 24.
122. *Discrimination Act 1991* (ACT) s 57O. See also *Anti-Discrimination Act 1992* (NT) s 35A.
123. Explanatory Statement, Discrimination Amendment Bill 2016 (ACT) cl 27.
124. *International Covenant on Civil and Political Rights,* 999 UNTS 171 (entered into force 23 March 1976) art 2(1); *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3 (entered into force 3 January 1976) art 2(2).
125. See, eg, M Thornton, *Preliminary Submission PAD59*, 1–2; Women's Legal Service NSW, *Preliminary Submission PAD55*, 4; HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60,* 12.
126. Legal Aid NSW, *Preliminary Submission PAD87*, 18–19.

we explain above, this does not apply in NSW currently.[127] While complaints can be made to the AHRC about discrimination in employment based on social origin, this does not include access to judicial remedies.[128]

5.116 However, discrimination based on social origin is not prohibited by other states and territories. Reviews in other states have not supported adding it as a protected attribute. Their reasons include that the attribute is too broad and uncertain, there is not enough evidence about what it is designed to address, and it lacks community support.[129]

5.117 In 1999, the NSWLRC considered that social status should not be added as an attribute on the basis that there was no evidence that discrimination based on social origin was occurring.[130]

**Question 5.2: Potential new attributes**

(1) Should any protected attributes be added to the prohibition on discrimination in the ADA? If so, what should be added and why?

(2) How should each of the new attributes that you have identified above be defined and expressed?

(3) If any of new attributes were to be added to the ADA, would any new attribute-specific exceptions be required?

## An alternative approach: an open-ended list

5.118 Currently, discrimination is only unlawful under the ADA if it is based on a recognised attribute. The only way to protect against other forms of discrimination is if NSW Parliament enacts legislation to change the ADA. This can take time, and may mean that the law does not keep up with changing community attitudes.

5.119 A more flexible alternative could be to enact a non-exhaustive list of attributes. This might prohibit discrimination based on:

- the protected attributes specifically recognised in the legislation, and
- any other attributes that meet certain criteria.

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127. *Fair Work Act 2009* (Cth) s 351(1). But see the protections against termination: s 772(1)(f).
128. *Australian Human Rights Commission Act 1986* (Cth) s 3(1) definition of "discrimination", s 31(b).
129. Victoria, Department of Justice, *An Equality Act for a Fairer Victoria: Equal Opportunity Review,* Final Report (2008) rec 47, 95–98; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 337; Law Reform Commission of Western Australia, R*eview of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 118–119.
130. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.248].

5.120 In South Africa, for instance, discrimination is prohibited based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or HIV/AIDS status. The legislation also prohibits discrimination based on any other attribute, where discrimination based on that attribute:

- causes or perpetuates systemic disadvantage
- undermines human dignity, or
- adversely affects the equal enjoyment of rights and freedoms in a serious manner that is comparable to discrimination based on the attributes set out above.[131]

5.121 Similarly, international human rights law prohibits discrimination based on an undefined category of "other status".[132]

5.122 On the other hand, recent reviews of other discrimination laws have not supported the concept of an open-ended list. Their concerns included that this approach could be uncertain and complex, particularly for duty holders.[133]

**Question 5.3: An open-ended list**

Should the list of attributes in the ADA be open-ended to allow other attributes to be protected? Why or why not?

131. See, eg, *Promotion of Equality and Prevention of Unfair Discrimination Act 2000* (South Africa) s 1(1)(xxii) definition of "prohibited grounds".

132. *International Covenant on Civil and Political Rights, 999* UNTS 171 (entered into force 23 March 1976) art 2(1); *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3 (entered into force 3 January 1976) art 2(2).

133. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 311; Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 271; ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT),* Final Report (2015) 56.

# 6. Discrimination: Areas of public life

**In brief**

The *Anti-Discrimination Act 1977* (NSW) defines the areas of public life in which discrimination is unlawful. It also includes exceptions that apply to specific protected areas. We ask if the scope of any of these existing areas should change and if any new areas should be recognised.


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6.1 Discrimination can happen anywhere — it is not limited to specific relationships, places or events. However, it can be hard to define who should have a duty to not discriminate, and where and when that duty should apply to make discrimination unlawful.

6.2 The *Anti-Discrimination Act 1977* (NSW) (ADA) only prohibits discrimination that happens in specific areas of activity, relationships and places. Broadly, these areas are:

- work
- education
- the provision of goods and services
- the provision of accommodation, and
- certain activities of registered clubs.

6.3 These protected areas operate in what can be loosely termed as "public life". The ADA does not apply to personal or family relationships or private interactions that occur, for example, at home. In its 1999 review of the ADA, the NSW Law Reform Commission (NSWLRC) said this distinction was important to protect personal and private choice, thought and expression.[1]

6.4 However, the ADA does not cover all areas of public life. Also, many exceptions limit the scope of each protected area. These exceptions do not apply consistently. Some apply across multiple areas, while others are limited to specific areas or attributes. Some exceptions are limited to discrimination and/or vilification, while others apply to all conduct prohibited by the ADA.

6.5 There is a view that the ADA has not kept pace with societal changes. These changes include the rise of the gig economy, such as ridesharing, which challenges traditional employment relationships. The ADA's coverage should be relevant and effective today, and flexible enough to respond to future challenges.

6.6 In this chapter, we outline the protected areas of public life and the exceptions that are specific to particular areas. We discuss wider exceptions, including those applying to multiple areas, in chapter 7.

6.7 We ask if the scope of these areas should change, and if the ADA should prohibit discrimination in other areas too. We also outline possible options for reform, drawn from our research and preliminary submissions. We welcome other suggestions too.

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1. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.2].

# Discrimination in work

6.8 The ADA prohibits discrimination in work. This covers all protected attributes and a wide range of work-related scenarios. The protected area includes a wide range of subcategories of work-related situations, as set out in the table below.

### Table 6.1: Discrimination prohibited in work

| Discrimination by | Discrimination against | Summary of coverage |
|---|---|---|
| An employer | Applicants and employees | ▪ Offering employment, and the terms and conditions<br>▪ Promotion, transfer, training, other benefits<br>▪ Dismissal or other detriment |
| A principal | Commission agents, or potential commission agents | ▪ Engaging a commission agent, and the terms and conditions<br>▪ Promotion, transfer, training, other benefits<br>▪ Termination or other detriment |
| A principal | Contract workers | ▪ Terms of work<br>▪ Not allowing them to work<br>▪ Access to benefits<br>▪ Any other detriment |
| Partnerships (6 or more partners) or people proposing to form a partnership | Partners and potential partners | ▪ Offering a partnership role and the terms<br>▪ Benefits arising from firm membership<br>▪ Expulsion or any other detriment |
| Local government councillors | Another member of the council | ▪ While performing official functions |
| Industrial organisations | Non-members and members | ▪ Admission to membership and terms<br>▪ Access to benefits<br>▪ Varying terms or depriving membership<br>▪ Any other detriment |
| Qualifying bodies (for a profession, trade or occupation) | Persons qualified or seeking to be qualified | ▪ Conferring, renewing or extending authorisation or qualification<br>▪ Withdrawing, or varying the terms, of the authorisation or qualification |
| Employment agencies | People seeking its services | ▪ Whether it provides its services<br>▪ How it provides its services |

6.9 As we note in chapter 4, the ADA also protects against compulsory retirement due to age.[2] This does not apply to judges or certain other office holders.[3]

## Issues relating to coverage

6.10 The ADA prohibits discrimination in many work situations, but there may be gaps in its coverage.

### Unpaid workers and volunteers

6.11 The ADA's definition of "employment" includes "work under a contract for services". It is unclear if this includes unpaid work or volunteering. In contrast, the ADA expressly protects volunteers and unpaid trainees from sexual harassment.[4]

6.12 In 1999, the NSWLRC recommended protecting volunteers, trainees and unpaid workers against discrimination.[5] More recent discrimination law reviews made similar recommendations, including because excluding unpaid work may discourage volunteering, and these roles can be important for young people.[6]

6.13 Some other discrimination laws in Australia clearly protect volunteers.[7] In Queensland, for instance, the definition of "work" includes voluntary or unpaid work, work experience, vocational placement, and apprenticeships.[8]

### Gig economy workers

6.14 Another potential gap relates to gig economy workers. In this type of work, mobile apps and websites connect people providing services with consumers.[9]

6.15 Gig economy workers could be covered under the ADA in some situations. For example, in some cases they may be regarded as "contract workers". Under the ADA, contract workers perform work for an employer or, if there is no contract of

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2. *Anti-Discrimination Act 1977* (NSW) pt 4E.
3. *Anti-Discrimination Act 1977* (NSW) s 49ZX.
4. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "employment", s 22B(6), s 22B(9) definition of "workplace participant".
5. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977* (NSW), Report 92 (1999) rec 9, [4.42].
6. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 59, 131–133; Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 253, 255.
7. See, eg, *Discrimination Act 1991* (ACT) dictionary definition of "employment"; *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "work"; *Equal Opportunity Act 1984* (SA) s 5 definition of "employee"; *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "work".
8. *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "work".
9. Australia, Fair Work Ombudsman, "Employee-Like Workers" <www.fairwork.gov.au/find-help-for/independent-contractors/regulated-workers/employee-like-workers> (retrieved 1 April 2025).

employment, a "principal".[10] It is unlawful for an employer to discriminate against an employee, and for a principal to discriminate against a contract worker.

6.16 But it is not always clear who the employer or principal is when it comes to the gig economy. For example, an online platform could argue that a gig economy worker is not performing work for them, but for the consumer using the platform. If this is the case, the worker would not be able to complain or seek a remedy from the online platform for discrimination occurring on its platform.

### A possible broader approach to discrimination at work

6.17 Some think we need to reconsider who is held responsible for discrimination in work contexts. Currently, like other Australian discrimination laws, the ADA covers situations where a person with authority at work discriminates against someone without that authority. However, some say the focus should be on how and whether someone has been discriminated against at work. It should not focus on whether they have a particular relationship with the person who discriminated against them.[11]

6.18 For example, the *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*) prohibits sexual harassment by any person if it is in connection with either the complainant's or respondent's status at work.[12]

6.19 There may be benefits to applying this approach to discrimination as well, including that it could be simpler for complainants. This is because it would not require them to establish a specific work relationship with the person who discriminated against them. It might also capture more instances of discrimination, like where a customer, patient or visitor to a business discriminates against staff.[13]

6.20 Any change to this area needs to be considered carefully, as it could make more people responsible for discrimination. For example, an employee could be found to have unlawfully discriminated against a colleague, or their employer. Other issues include whether this would overlap with other forms of unlawful conduct, including vilification and harassment.

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10. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "contract worker", definition of "principal".
11. A Blackham, "'We are All Entrepreneurs Now': Options and New Approaches for Adapting Equality Law for the 'Gig Economy'" (2018) 34 *International Journal of Comparative Labour Law and Industrial Relations* 431, 433.
12. *Sex Discrimination Act 1984* (Cth) s 28B(5)–(6).
13. NSW Nurses and Midwives' Association, *Preliminary Submission PAD50*, 3.

### Local government and age discrimination

6.21 The ADA prohibits discrimination by local government members against fellow members while performing official functions.[14] This was introduced to protect local government members who perform unpaid work in their official capacity.[15]

6.22 It applies to all attributes, except age. It is unclear why age discrimination was excluded from this protection. It could be time to revisit this exclusion.

**Question 6.1: Discrimination at work — coverage**

(1) Should the definition of employment include voluntary workers? Why or why not?

(2) Should the ADA adopt a broader approach to discrimination in work, like the way the *Sex Discrimination Act 1984* (Cth) approaches harassment? Why or why not?

(3) Should local government members be protected from age discrimination while performing work in their official capacity? Why or why not?

## Exceptions to discrimination in work

6.23 The ADA has many exceptions to its discrimination protections. We consider the exceptions specific to the area of work, below. Other, wider exceptions apply to this area too (as we discuss in chapter 7).

### Employment for private household purposes

6.24 The protections against discrimination for applicants and employees do not apply to employment for a private household.[16] Most other discrimination laws in Australia contain a similar exception.[17]

6.25 The NSWLRC did not recommend significant changes to this in 1999. It said the purpose of the exception was to protect privacy, and discrimination law should not intrude into someone's decision about who enters their home. It also thought the exception would not have a widespread impact due to the low number of people employed in private households.[18]

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14. *Anti-Discrimination Act 1977* (NSW) s 10B, s 27B, s 38G, s 42B, s 49H, s 49Z, s 49ZKA.
15. NSW, *Parliamentary Debates*, Legislative Council, Second Reading Speech, 4 May 1994, 1830.
16. *Anti-Discrimination Act 1977* (NSW) s 8(3), s 25(3)(a), s 49D(3)(a), s 49ZYB(3), s 38C(3)(a), s 49ZH(3)(a), s 40(3)(a), s 49V(3)(a).
17. See, eg, *Equal Opportunity Act 2010* (Vic) s 24(1); *Discrimination Act 1991* (ACT) s 24; *Equal Opportunity Act 1984* (WA) s 11(3); *Anti-Discrimination Act 1991* (Qld) s 26(1); *Disability Discrimination Act 1992* (Cth) s 15(3); *Age Discrimination Act 2004* (Cth) s 18(3); *Sex Discrimination Act 1984* (Cth) s 14(3).
18. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.88]–[4.89].

6.26 However, the NSWLRC recommended that the exception only apply to work in a dwelling occupied by the employer or their relative. It said the expression "employment for the purposes of a private household" was unclear and could lead to the exception being applied widely. For instance, it could allow discrimination by employment agencies that provide private household workers.[19]

6.27 The Australian Human Rights Commission (AHRC) has raised concerns about similar exceptions in federal discrimination laws. It suggested these exceptions could be limited to the selection of the worker and not to treatment that occurs during employment.[20]

### Employment by small businesses

6.28 Another exception applies to employers with five or less employees. This covers all protected attributes except for race and age.[21] In 1999, the NSWLRC recommended removing this exception. It said small businesses provide significant employment opportunities, which should be available to everyone. In the NSWLRC's view removing the exception would not intrude on personal relationships significantly.[22]

### Discrimination by small partnerships

6.29 The prohibitions against discrimination by partnerships only apply to firms of six or more partners.[23] Many other discrimination laws in Australia have a similar exception.[24]

6.30 The NSWLRC recommended removing this exception. It said small partnerships were like small businesses, so the same considerations applied.[25]

### Persons addicted to prohibited drugs: disability discrimination

6.31 The protections against disability discrimination do not apply if:

- the disability relates to addiction to a prohibited drug, and

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19. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 9, [4.90]–[4.92].
20. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 278.
21. *Anti-Discrimination Act 1977* (NSW) s 25(3)(b), s 38C(3)(b), s 40(3)(b), s 49D(3)(b), s 49V(3)(b), s 49ZH(3)(b).
22. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 14, [4.99].
23. *Anti-Discrimination Act 1977* (NSW) s 10A, s 27A, s 38F, s 42A, s 49G, s 49Y, s49ZK, s 49ZYE.
24. See, eg, *Anti-Discrimination Act 1991* (Qld) s 16, s 17; *Equal Opportunity Act 2010* (Vic) s 31; *Equal Opportunity Act 1984* (WA) s 14; *Disability Discrimination Act 1992* (Cth) s 18; *Age Discrimination Act 2004* (Cth) s 21; *Sex Discrimination Act 1984* (Cth) s 17.
25. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 15, [4.102].

- the person who is being discriminated against is addicted to a prohibited drug at that time.

This applies to all subcategories of work except for local government councillors, industrial organisations and qualifying bodies.[26]

6.32 It could be argued that this exception:

- discourages people from accessing harm reduction and treatment services, and
- allows discrimination based on addiction, rather than encouraging decisions to be made based on whether someone is able to perform the job requirements.

6.33 An option could be to address concerns about work suitability or performance through the inherent requirements exceptions, which we discuss next.

### The "inherent requirements" and "unjustifiable hardships" exceptions

6.34 The ADA allows some duty holders to discriminate against someone who is unable to carry out the "inherent requirements" of the role. This only applies to discrimination based on disability and carer's responsibilities.

6.35 This also applies if someone:

- requires services, facilities or arrangements to carry out those inherent requirements, which people without that attribute do not require, and
- it would cause the duty holder "unjustifiable hardship" to provide them.

6.36 A related exception applies to discrimination by industrial organisations in the provision of benefits. The ADA permits discrimination based on disability or carer's responsibilities where someone:

- requires the benefit to be provided in a special manner, and
- the industrial organisation cannot provide it in this manner without "unjustifiable hardship".

6.37 One or more of these exceptions applies to the subcategories of "work" aside from discrimination of local government councillors.[27]

6.38 Several factors must be considered to assess someone's ability to carry out the inherent requirements of a role. These include:

- their past training, qualifications and experience relevant to the role
- their performance (as relevant), and

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26. *Anti-Discrimination Act 1977* (NSW) s 49PA(1).
27. *Anti-Discrimination Act 1977* (NSW) s 49D(4), s 49E(3), s 49F(2), s 49G(3), s 49I(3), s 49J(2), s 49K(2), s 49V(4), s 49W(3), s 49X(2), s 49Y(3), s 49ZA(3), s 49ZB(2), s 49ZC(2).

- all other factors that are reasonable to take into account.[28]

6.39 All relevant circumstances are to be considered in working out if there would be unjustifiable hardship. These include:

- the nature of the likely benefit or detriment to anyone concerned
- the effect of the person's disability or responsibilities as a carer, and
- the financial circumstances of the duty holder and the amount of expenditure required.[29]

6.40 The *Fair Work Act 2009* (Cth) (*Fair Work Act*) also contains an "inherent requirements" exception to its protections against adverse action and being terminated because of a protected attribute.[30]

6.41 The Disability Royal Commission criticised the "inherent requirements" exception in the *Disability Discrimination Act 1992* (Cth) (*Disability Discrimination Act*). The Royal Commission found the exception does not encourage employers to discuss adjustments. Also, a lack of information about the inherent requirements of a job may discourage people with disability from applying for it.[31]

6.42 The Royal Commission recommended employers should be required to consider two more factors in determining whether a person with disability is able to meet a role's inherent requirements. These are:

- the nature and extent of any adjustments made, and
- the extent of consultation with the person with disability.[32]

6.43 An option could be to link the inherent requirements exception with a duty to make adjustments. We discuss the concept of adjustments in chapter 11. However, in summary, this option could involve:

- requiring duty holders to make an adjustment to accommodate another person's needs arising from a protected attribute, and
- permitting employers to discriminate if the person cannot meet the inherent requirements of the role, despite any adjustments able to be made by the employer.[33]

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28. *Anti-Discrimination Act 1977* (NSW) s 49D(4), s 49E(3), s 49F(2), s 49G(3), s 49J(2), s 49K(2), s 49V(4), s 49W(3), s 49X(2), s 49Y(3), s 49ZB(2), s 49ZC(2).
29. *Anti-Discrimination Act 1977* (NSW) s 49C(c), s 49U(c).
30. *Fair Work Act 2009* (Cth) s 351(2)(b), s 772(2)(a).
31. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 7, "Inclusive Education, Employment and Housing" Part B, 389.
32. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 7, "Inclusive Education, Employment and Housing" Part B, rec 7.26, 438.
33. See, eg, *Discrimination Act 1991* (ACT) s 74, s 33C.

6.44 The Australian Capital Territory (ACT) takes this approach. There, discrimination must be reasonable, proportionate and justifiable in the circumstances for the inherent requirements exception to apply.[34]

6.45 A further issue is whether the exception should apply to attributes other than disability and carer's responsibilities. The ACT model applies to all protected attributes. This could reduce concerns inherent requirements exceptions are used specifically to permit discrimination against people with disability and carers.

6.46 We discuss adjustments more in chapter 11, and the option of a targeted inherent requirements exception for religious employment in chapter 7.

### Exceptions based on "genuine occupational qualifications"

6.47 Broad exceptions apply in relation to certain attributes that are considered an occupational qualification. The ADA permits discrimination based on race, sex or age including

- for "authenticity", in entertainment, art, performance, or the provision of food or drink, or
- to provide welfare or similar services to people of that same race, sex or age.[35]

6.48 In 1999, the NSWLRC thought the "authenticity" exceptions to racial discrimination were appropriate, as they were likely to benefit minority races.[36] However, it recommended changes to other aspects of the genuine occupation qualification exceptions.

6.49 In relation to sex discrimination, the ADA lists situations in which being of a particular sex will be a genuine occupational qualification for a job. Among other things, this includes where the job requires physical strength or stamina, or involves fitting clothes, conducting searches, or entering a bathroom or change room.[37]

6.50 The NSWLRC thought two situations should be removed from this list. That is, where the job:

- is one of two to be held by a married couple, or

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34. *Discrimination Act 1991* (ACT) s 33C.
35. *Anti-Discrimination Act 1977* (NSW) s 14, s 31, s 49ZYJ.
36. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.151].
37. *Anti-Discrimination Act 1977* (NSW) s 31(2)(a)–(i).

- involves providing people of a particular sex with personal services relating to welfare or education, and they might object to someone of an opposite sex doing that.[38]

6.51 The NSWLRC also recommended the removal of a regulation-making power, which can be used to extend the exception to age and sex discrimination to other jobs, or classes of jobs. It could see no need for making the exception any wider. Finally, the NSWLRC said employers should be required to act in good faith when using the genuine occupational requirement exceptions for sex discrimination.[39]

6.52 The ACT provides a different model, in which a single broad exception covers genuine occupational qualifications. This exception applies to discrimination based on any protected attribute, except religious conviction. It provides that discrimination is not unlawful if:

- it is a genuine occupational qualification that the position be filled by a person with a particular protected attribute, and
- the discrimination is reasonable, proportionate and justifiable.[40]

6.53 The ACT legislation provides the following examples of a genuine occupational qualification:

- employing a female carer to provide personal care services for a woman due to privacy or modesty
- selecting someone of a particular race for a role in a theatrical performance based on authenticity, aesthetics or tradition, and
- preferencing people with lived experience of family and domestic violence for peer support positions in a women's crisis centre.[41]

6.54 Requiring employers to show the act is "reasonable, proportionate and justifiable" could provide more protection than the ADA. Also, a single exception could be easier to navigate.

6.55 However, the NSWLRC recommended against this approach. It thought it was unclear, as it does not spell out the situations in which the exception applies in the same detail as the ADA.[42]

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38. *Anti-Discrimination Act 1977* (NSW) s 31(2)(h)–(i); NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 55, rec 56.
39. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.180], [6.323], rec 55, rec 57, rec 73.
40. *Discrimination Act 1991* (ACT) s 33B(1)(a).
41. *Discrimination Act 1991* (ACT) s 33B.
42. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.150].

### Discrimination against young people

6.56 Other exceptions to age discrimination apply to the employment of people under 21 years old. For example, it is not unlawful under the ADA to pay young workers lower wages. This exception can be removed by proclamation.[43]

6.57 In 1999, the NSWLRC said this exception was hard to justify and should be removed by December 2000. But it did not recommend immediate repeal, as the issue of junior wages was being considered federally.[44]

6.58 Another option could be to limit the exception to circumstances where the young worker is being offered a lower wage in accordance with an industrial award or agreement. This is the approach in SA, WA and the ACT.[45]

6.59 Under the *Fair Work Act*, modern awards can include minimum wages, including wage rates for junior employees. An award does not discriminate against junior employees simply because it provides a minimum wage for all junior employees or a class of employees.[46]

### Discrimination in favour of married couples

6.60 It is not unlawful to discriminate based on marital or domestic status, if a job is one of two to be held by a married couple.[47] The NSWLRC recommended this should also include couples in a domestic relationship, but that this exception should only apply where there is a reasonable need.[48]

6.61 Other discrimination laws have similar exceptions, which also apply to people in de facto relationships.[49]

### Employment outside NSW

6.62 The prohibitions on race discrimination do not apply if someone:

- is not normally a resident of NSW, and they are employed to learn skills to be used entirely outside NSW, or

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43. *Anti-Discrimination Act 1977* (NSW) s 49ZYI.
44. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.321].
45. *Equal Opportunity Act 1984* (SA) s 85F(4)(b); *Equal Opportunity Act 1984* (WA) s 66ZS(1)(b); *Discrimination Act 1991* (ACT) s 57B.
46. *Fair Work Act 2009* (Cth) s 139(1), s 153(3).
47. *Anti-Discrimination Act 1977* (NSW) s 46.
48. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 63, [6.248].
49. See, eg, *Discrimination Act 1991* (ACT) s 35; *Equal Opportunity Act 1984* (WA) s 29; *Anti-Discrimination Act 1991* (Qld) s 31.

- was engaged outside NSW to be employed on a ship or aircraft in NSW.[50]

6.63 The *Racial Discrimination Act 1975* (Cth) (*Racial Discrimination Act*) contains a similar exception in relation to employment on a non-Australian ship or aircraft if engaged outside Australia.[51]

6.64 The NSWLRC recommended removing these exceptions, describing them as inappropriate. The exceptions also cover situations that could, in its view, be addressed by an exemption application to the Anti-Discrimination Board. We describe this procedure in chapter 11.[52]

**Question 6.2: Discrimination in work — exceptions**

What changes, if any, should be made to the exceptions to discrimination in work?

# Education

6.65 "Education" is another protected area. It is unlawful for an "educational authority" to discriminate against students and people applying to be students. This applies to discrimination based on all protected attributes, except carers' responsibilities.

6.66 This area includes situations where an educational authority:

- refuses or fails to accept someone's application for admission as a student
- accepts someone's application on discriminatory terms
- denies or limits a student's access to any benefit, or
- expels a student or subjects them to another detriment.[53]

## Issues relating to coverage

6.67 An issue is whether the prohibition should apply more broadly to other institutions. The ADA definition of "educational authority" includes a person or body administering a school, college, university or other institution at which education or training is provided.[54]

6.68 The *Disability Discrimination Act* is broader. It extends duties to other "education providers", such as organisations whose purpose is to develop or accredit

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50. *Anti-Discrimination Act 1977* (NSW) s 15, s 16.
51. *Racial Discrimination Act 1975* (Cth) s 9(3).
52. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 54, [6.164]–[ 6.166].
53. *Anti-Discrimination Act 1977* (NSW) s 17, s 31A, s 49L, s 49ZYL, s 38K, s 49ZO, s 46A.
54. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "educational authority".

curricula.[55] The Law Reform Commission of Western Australia (LRCWA) recently supported this approach, as these bodies set rules for curricula and exams that could discriminate against students.[56]

6.69 Another issue is whether the ADA covers all relevant conduct. The LRCWA recommended the education area in WA discrimination law should expressly cover discrimination in selecting or evaluating student applications. While the LRCWA thought this may already be unlawful, it preferred setting it out in legislation.[57] The WA discrimination legislation is like the ADA in its coverage of the education area.[58]

## Exceptions to discrimination in education

6.70 A range of exceptions limit the discrimination protections in education. These apply to sex, disability, and age discrimination.

6.71 We consider wider exceptions that apply to discrimination in education, and to other areas and forms of unlawful conduct, in chapter 7. These include the exceptions for private educational authorities, which apply in the work and education area in relation to most protected attributes.

### Single-sex educational institutions

6.72 The prohibition against sex discrimination does not apply to single-sex educational institutions. This includes both public and private schools. An institution is considered single-sex even if it admits transgender people who identify with the sex the institution is conducted for. Single-sex educational institutions can lawfully refuse, or fail to accept, an application from someone of the opposite sex.[59]

6.73 One issue is whether this exception can be used to exclude transgender students from single-sex schools that are consistent with their gender identity. Some argue this exception should clearly state that it does not allow discrimination against transgender students.[60]

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55. *Disability Discrimination Act 1992* (Cth) s 4(1) definition of "education provider".
56. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 127, rec 57.
57. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 128, rec 58.
58. *Equal Opportunity Act 1984* (WA) s 18, s 35AJ, s 35I, s 35W, s 44, s 61, s 66ZD.
59. *Anti-Discrimination Act 1977* (NSW) s 31A(3)(b), s 31A(4).
60. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 63–64.

### Disability discrimination exceptions

6.74 The ADA also provides an exception for schools, colleges, universities, or other institutions that are run solely for students with a particular disability. They can refuse or fail to accept applications by people without the same disability.[61]

6.75 In 1999, the NSWLRC recommended repealing this exception. It described it as "obscure". The NSWLRC thought that students with disability could benefit from associating with students with different disabilities.[62]

6.76 Other exceptions apply. These include where a person with disability requires services or facilities not required by students who do not have a disability, or a benefit to be provided in a "special manner". It is not unlawful to discriminate where these cannot be provided without causing the educational authority "unjustifiable hardship".[63]

6.77 An option for reform is to instead require educational authorities to provide adjustments. We consider this option in chapter 11.

### Age discrimination exceptions

6.78 The ADA includes exceptions which allow schools to refuse to enrol children under 6 years old. It also allows educational institutions to only provide education or training for students above a particular age and to provide age-based benefits, including concessions, to students.[64]

6.79 In 1999, the NSWLRC recommended replacing this with exceptions for:

- age discrimination relating to the provision of educational services up to and including secondary school
- a minimum age requirement on a particular educational program, and
- quotas in relation to students of different ages.

6.80 In the NSWLRC's view, it may be appropriate for an educational authority to impose a maximum admission age in some cases. However, the NSWLRC thought they should apply to the Anti-Discrimination Board for an exemption to do so.[65] We consider exemptions in chapter 11.

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61. *Anti-Discrimination Act 1977* (NSW) s 49L(3)(b).
62. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.280]–[6.285], rec 67.
63. *Anti-Discrimination Act 1977* (NSW) s 49L(4)–(5).
64. *Anti-Discrimination Act 1977* (NSW) s 49ZYL(3)(a), s 49ZYL(4)–(5).
65. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 74, [6.336].

**Question 6.3: Discrimination in education**

(1) What changes, if any, should be made to the definition and coverage of the protected area of "education"?

(2) What changes, if any, should be made to the exceptions relating to:

(a) single-sex educational institutions, and

(b) disability and age discrimination in educational institutions?

# The provision of goods and services

6.81 The ADA prohibits discrimination in the provision of goods and services. This covers:

- refusing to provide goods or services, and
- discriminating in the terms on which goods or services are provided.[66]

6.82 The ADA does not define "goods". It defines "services" to include services:

- relating to banking, insurance and the provision of grants, loans, credit or finance
- relating to entertainment, recreation or refreshment
- relating to transport or travel
- of any profession or trade
- provided by a council or public authority, and
- consisting of access to, and the use of any facilities in, any place or vehicle that the public, or section of the public, is entitled or allowed to enter (whether or not for payment).[67]

6.83 We outline some issues relating to the coverage of this area, including the exceptions that apply to superannuation services and insurance, below. We consider the related issue of discrimination in the administration of state laws and programs later in this chapter.

## Issues relating to coverage

### The manner in which goods and services are provided

6.84 The ADA prohibits discrimination in the terms on which someone is provided with goods or services. This only applies to the terms and conditions initially offered. It does not prohibit discrimination in the manner, or the way, in which the good or service is provided after the terms and conditions are agreed.

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66. *Anti-Discrimination Act 1977* (NSW) s 19, s 33, s 49M, s 49ZYN, s 38M, s 49ZP, s 47.

67. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "services".

6.85 In one case, for example, a transgender person was allowed to board a public bus on the same terms as everyone else. The driver insulted them after they boarded the bus. The Tribunal said there was a gap in the law because it only covered the terms and conditions on which services were offered but not the manner in which they were provided.[68]

6.86 Other discrimination laws prohibit discrimination in the manner, or way, goods and services are provided.[69] Some make it unlawful to subject someone "to any other detriment" or treat them "less favourably in any way" in connection with the supply of goods and services.[70]

6.87 In 1999, the NSWLRC recommended the ADA should prohibit discrimination in the "manner" in which goods and services are provided. It preferred this expression because it is used elsewhere in Australia and provides broad protection.[71]

### The receipt of goods and services

6.88 Unlike NSW, the Northern Territory (NT) makes it unlawful for someone who receives goods, services or facilities to discriminate against someone in the way they receive those goods, services or facilities.[72] This was added in 2022 to address discrimination by customers against staff in pubs, and race-based discrimination against taxi drivers by passengers.[73] It might also protect gig economy workers who may experience discrimination in providing goods and services to app users.

6.89 However, it could be said that this goes beyond the traditional reach of discrimination law. It imposes obligations on people who receive goods and services — not just those who provide them. This may have unintended consequences. For example, questions arise as to whether it might capture consumer boycotts. Without specific exceptions, it could also apply to customers receiving goods and services in their homes.

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68. *Turner v State Transit Authority* [2004] NSWADT 89 [71]–[73].
69. *Anti-Discrimination Act 1991* (Qld) s 46; *Anti-Discrimination Act 1992* (NT) s 41; *Age Discrimination Act 2004* (Cth) s 28(c); *Disability Discrimination Act 1992* (Cth) s 24(c); *Discrimination Act 1991* (ACT) s 20(c); *Equal Opportunity Act 1984* (WA) s 66K(c); *Sex Discrimination Act 1984* (Cth) s 22(c).
70. *Equal Opportunity Act 2010* (Vic) s 44(1)(c); *Anti-Discrimination Act 1992* (NT) s 41.
71. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 17, [4.140]–[4.143], [4.152], [4.163].
72. *Anti-Discrimination Act 1992* (NT) s 41.
73. Northern Territory, Department of the Attorney-General and Justice, *Modernisation of the Anti-Discrimination Act*, Discussion Paper (2017) 19–20.

### Access to premises

6.90 Another issue is whether the ADA should more clearly prohibit discrimination relating to someone's ability to access and use premises. This particularly affects people with disability.

6.91 One option could be to extend the ADA's definition of "services". As we note above, this currently includes "services consisting of access to, and the use of any facilities".[74] In 1999, the NSWLRC recommended a wider definition to prohibit discrimination relating to:

- someone's access to any place, vehicle or facility that members of the public are entitled to use
- the terms on which access is allowed
- the provision of means of access, and
- the requirement to leave or stop using any place, vehicle or facility.[75]

6.92 Another option is to add "access to premises" as a separate, protected area. Under the *Disability Discrimination Act*, it is unlawful to discriminate against someone:

- by refusing to allow them to access or use premises, or its facilities, that the public can enter or use (whether or not for payment)
- in the terms and conditions of their access or use of those premises or facilities
- in relation to providing means of access to those premises, or
- by requiring them to leave the premises or stop using the facilities.[76]

6.93 Victoria has a similar approach.[77] A Victorian review found that treating access to premises as a subset of "goods and services" led to patchy and unclear rules.[78]

6.94 However, in 1999 the NSWLRC thought that a new "access to premises" area could be confusing. It noted that the provision of a service often includes providing access to premises too. The NSWLRC preferred to expand the definition of services.[79]

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74. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "services".
75. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.198], rec 23.
76. *Disability Discrimination Act 1992* (Cth) s 23.
77. *Equal Opportunity Act 2010* (Vic) s 57(2) definition of "premises".
78. Victoria, Department of Justice, *An Equality Act for a Fairer Victoria: Equal Opportunity Review,* Final Report (2008) [5.73], rec 45.
79. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.198], rec 23.

**Question 6.4: The provision of goods and services — coverage**

What changes, if any, should be made to the definition and coverage of the protected area of "the provision of goods and services"?

## Exceptions for superannuation services and insurance

6.95 The ADA does not recognise superannuation or insurance as distinct, protected areas. However, services relating to insurance are mentioned specifically in the definition of "services". Superannuation may also fall within this broad and non-exhaustive definition.[80]

6.96 In 1999, the NSWLRC recommended that superannuation should be listed as part of the definition of "services".[81] Some other discrimination laws in Australia take this approach, including the *Disability Discrimination Act* and the *Age Discrimination Act 2004* (Cth).[82]

6.97 Another option could be to recognise superannuation as a separate area of public life in the ADA. Several states and territories have taken this approach.[83]

6.98 Under either option, or even if there is no change, there remain questions about what — if any — exceptions should be provided to insurers and superannuation funds. Currently, the ADA provides both with broad exceptions in relation to certain attributes.

6.99 It should be noted that insurance and superannuation is regulated by federal legislative schemes.[84] Under the *Australian Constitution*, federal law prevails over inconsistent state law and state law is invalid to the extent of the inconsistency.[85] The High Court has found certain protections against discrimination in the ADA invalid to the extent of inconsistency with federal life insurance legislation.[86] This indicates that the relationship between federal and state law will require careful

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80. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.149].
81. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 18.
82. *Disability Discrimination Act 1992* (Cth) s 4(1) definition of "services"; *Age Discrimination Act 2004* (Cth) s 5 definition of "services". See also *Anti-Discrimination Act 1998* (Tas) s 3 definition of "services"; *Equal Opportunity Act 1984* (WA) s 4(1) definition of "services".
83. *Anti-Discrimination Act 1991* (Qld) pt 4 div 5; *Equal Opportunity Act 1984* (WA) s 35AR, s 66P, s 66ZL; *Equal Opportunity Act 1984* (SA) s 63, s 78; *Anti-Discrimination Act 1992* (NT) s 48; *Discrimination Act 1991* (ACT) s 28.
84. See, eg, *Life Insurance Act 1995* (Cth).
85. *Australian Constitution* s 109.
86. *Australian Mutual Provident Society v Goulden* (1986) 160 CLR 330, 339–340. See also *McNally v Resolution Life Australasia Ltd* [2024] NSWCATAD 388.

consideration before any decision is made to change the ADA's approach to superannuation and insurance.

### Exceptions for insurance services

6.100 The ADA permits sex, age and disability discrimination in relation to insurance terms and conditions.[87]

6.101 Sex and age discrimination in the terms on which insurance is offered or may be obtained is permitted when the discrimination is:

- based on actuarial or statistical data on which it is reasonable to rely, and
- reasonable, having regard to the data and other relevant factors.

The insurer must disclose the source on which the data is based if the Tribunal requires it.[88] For age discrimination, the insurer must also disclose any relevant factors relied upon, if required.[89]

6.102 The exception for discrimination based on disability is similar. However, a key difference is that the discriminatory terms and conditions do not need to be based on actuarial or statistical data if this data is not available and cannot reasonably be obtained. In this scenario, the terms and conditions must be reasonable having regard to any other relevant factors.[90]

6.103 Some have observed the disability discrimination exception has been misused to deny or excessively limit cover, or to increase premiums such that a person with disability cannot afford insurance.[91] There may be a lack of evidence to support the discriminatory decision, but people can face barriers when seeking to challenge the insurer's decision. This can include poor communication by insurers about the complex review options, and a lack of affordable specialised legal assistance for insured people.[92] The exception may also discourage people from seeking diagnosis and treatment for conditions.[93]

6.104 In 1999, the NSWLRC was concerned about the exception relating to sex discrimination. It did not consider sex to be a reliable basis on which to assess risk for insurance premiums, without compelling evidence. It recommended an

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87. *Anti-Discrimination Act 1977* (NSW) s 37, s 49Q, s 49ZYT.
88. *Anti-Discrimination Act 1977* (NSW) s 37(b), s 49Q(b), s 49ZYT(b).
89. *Anti-Discrimination Act 1977* (NSW) s 49ZYT(b).
90. *Anti-Discrimination Act 1977* (NSW) s 49Q(b).
91. Legal Aid NSW, *Preliminary Submission PAD87*, 40; Public Interest Advocacy Centre, *Mental Health Discrimination in Insurance* (2021) 14–15.
92. Public Interest Advocacy Centre, *Mental Health Discrimination in Insurance* (2021) 15, 72, 74.
93. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 389.

exception like the one found in the *Sex Discrimination Act*, which requires discrimination to be based on reasonable actuarial or statistical data that is presented to the consumer on request.[94]

### Superannuation exceptions

6.105 Currently, superannuation funds are permitted to discriminate in their terms and conditions based on sex, marital or domestic status, age or disability. Generally this applies if the terms or conditions:

- are based on actuarial or statistical data on which it is reasonable to rely, and
- are reasonable having regard to the data and any other relevant factors.

6.106 If no such data is available and cannot be reasonably obtained, the terms or conditions must be reasonable having regard to any other relevant factors.[95]

6.107 For sex, marital or domestic status, and disability, the source of any data and other relevant factors must be disclosed to the Tribunal, if the Tribunal requires it.[96]

6.108 For age, discrimination is also permitted if:

- it occurred because of other specific legal requirements under NSW or federal superannuation laws, or
- it is based on an existing condition and the person became a member of the scheme before, or within 12 months of, the exception being introduced, or the discrimination happened within 12 months of the exception being introduced.[97]

6.109 In 1999, the NSWLRC expressed concerns about the breadth of the exceptions relating to sex and what was then known as "marital status".[98]

6.110 The NSWLRC considered the onus should instead be on superannuation funds to obtain an exemption if they could justify discrimination based on sex or marital or domestic status (chapter 11 outlines the exemption process). It also recommended that existing funds that discriminate based on sex or marital or domestic status

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94. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 62, [6.239]–[6.241].
95. *Anti-Discrimination Act 1977* (NSW) s 36, s 49, s 49Q, s 49ZYS(1)(c)–(e).
96. *Anti-Discrimination Act 1977* (NSW) s 36, s 49, s 49Q, s 49ZYS(2).
97. *Anti-Discrimination Act 1977* (NSW) s 49ZYS(1)(a)–(b), s 49ZYS(1)(f).
98. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 64, [6.254], [6.216]–[6.222], [6.228].The attribute was expanded to include "domestic status" in 2008: *Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008* (NSW) sch 1 [1], [5], [6].

could continue if they did not accept new members and offered existing members an option to transfer into another fund.[99]

6.111 The NSWLRC considered that the ADA exception relating to disability offered better protection than the equivalent federal exception.[100] This allows people to be refused insurance cover or membership of a superannuation fund and does not require disclosure of the source that is relied on.[101]

6.112 The ADA also permits superannuation funds to treat a transgender person as being "of the opposite sex from the sex with which the transgender person identifies".[102] In preliminary submissions, we heard concerns that this perpetuates harm and the practice of misgendering.[103]

6.113 The NSWLRC recommended repealing this exception. It could not see any justification for the exception, and thought its removal would not affect superannuation providers significantly.[104]

### Alternatives to the ADA's insurance and superannuation exceptions

6.114 NSW could look to other Australian discrimination laws for alternative models. For instance, the ACT allows superannuation providers (and insurers) to discriminate against a person with any protected attribute if:

- the discrimination is based on actuarial or other statistical data, or other relevant documents
- it is reasonable to rely on that data or documents, and
- the discrimination is reasonable, proportionate and justifiable in the circumstances.[105]

6.115 The insurer or superannuation provider must also provide the customer with the data or other documents, or a "meaningful explanation" of them, in writing, upon request.[106]

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99. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 61, rec 64, rec 65, [6.230], [6.270].
100. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.289].
101. *Disability Discrimination Act 1992* (Cth) s 46(1).
102. *Anti-Discrimination Act 1977* (NSW) s 38Q.
103. ACON, *Preliminary Submission PAD44*, 10; NSW Council for Civil Liberties, *Preliminary Submission PAD21* [109].
104. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.402], rec 80.
105. *Discrimination Act 1991* (ACT) s 28(2).
106. *Discrimination Act 1991* (ACT) s 28(3). See also *Sex Discrimination Act 1984* (Cth) s 41(1)(e).

6.116 Another option, supported by the Queensland Human Rights Commission (QHRC), is to include a non-exhaustive list of factors to guide consideration of whether it is reasonable to rely on the actuarial or statistical data. This would include factors such as whether the data is up-to-date and from a reasonable source.[107]

**Question 6.5: Superannuation services and insurance exceptions**

What changes, if any, should be made to the exceptions applying to insurance and superannuation?

## Other exceptions to discrimination in goods and services

6.117 There are specific exceptions relating to sex, age and disability which limit the protections against discrimination in "goods and services". These are in addition to the wider exceptions that apply more generally across areas (chapter 7).

6.118 It is not unlawful for someone to exercise a skill in relation to men or women only, when they commonly exercise that skill in a different way for men and for women.[108]

6.119 In addition, it is not unlawful age discrimination to:

- offer or provide holiday tours to people of a particular age or age group
- discriminate based on age in disposing of goods or services by gift or will, or
- provide benefits, including concessions, to someone because of their age.[109]

6.120 The NSWLRC thought the first two age-related exceptions should be repealed. It recommended the exception relating to benefits and concessions should be replaced with a narrower exception to allow the provision of benefits or services at concessional, age-based rates.[110]

6.121 Another exception applies where the provision of goods and services to a person with disability would impose "unjustifiable hardship" on the provider.[111] We consider this exception, and alternatives to it, in chapter 11.

**Question 6.6: The provision of goods and services — exceptions**

What changes, if any, should be made to the exceptions to sex, age and disability discrimination in relation to the provision of goods and services?

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107. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 41.
108. *Anti-Discrimination Act 1977* (NSW) s 33(2).
109. *Anti-Discrimination Act 1977* (NSW) s 49ZYN(2)–(3).
110. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 74, [6.337]–[6.338].
111. *Anti-Discrimination Act 1977* (NSW) s 49M(2).

# Accommodation

6.122 Accommodation is another protected area. It is unlawful for a principal or agent to discriminate against someone, based on any protected attribute:

- by refusing or deferring their application for accommodation, or giving them lower priority than other applicants
- in the terms on which they are offered accommodation
- by denying or limiting access to benefits associated with their accommodation, or
- evicting or subjecting them to any other detriment.[112]

## Issues relating to coverage

6.123 The definition of "accommodation" includes residential or business accommodation.[113] In 1999, the NSWLRC said it should more clearly cover caravans and mobile homes.[114] Other types of accommodation could be specified, too.

6.124 Another issue is whether the coverage of this area should more clearly reflect the rights of people with disability. For example, in Victoria, accommodation providers must allow a person with disability to make reasonable alterations to accommodation if certain conditions are met. Failure to allow this could amount to discrimination.[115]

6.125 Similar requirements about reasonable alterations exist in Queensland, the NT and under the *Disability Discrimination Act*.[116] In 1999, the NSWLRC recommended the ADA should also include a similar protection as it aligns with these other discrimination laws.[117]

6.126 In Victoria, it is also unlawful to refuse accommodation to a person with disability because they have an assistance dog. It is unlawful to make them keep their dog elsewhere or pay an extra charge because of the dog.[118]

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112. *Anti-Discrimination Act 1977* (NSW) s 20(1)–(2), s 34(1)–(2), s 49N(1)–(2), s 49ZYO(1)–(2), s 38N(1)–(2), s 49ZQ(1)–(2), s 48(1)–(2).
113. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "accommodation".
114. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.218], [4.219], rec 24.
115. *Equal Opportunity Act 2010* (Vic) s 55(1).
116. *Anti-Discrimination Act 1991* (Qld) s 84; *Anti-Discrimination Act 1992* (NT) s 39; *Disability Discrimination Act 1992* (Cth) s 25(2)(d).
117. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.221]–[4.222], rec 25.
118. *Equal Opportunity Act 2010* (Vic) s 54(1)–(2).

6.127 If NSW were to take this approach, consideration could be given to whether other assistance animals should also be included. As we discuss in chapter 4, people with disability may use assistance animals other than dogs.

6.128 Currently, the ADA provides an exception to the prohibition on disability discrimination if:

- a person with disability requires special services or facilities, or requires a benefit to be provided in a special manner, and
- it would impose "unjustifiable hardship" on the accommodation provider to provide these services or facilities, or the benefit in that manner.[119]

6.129 Refusing to allow reasonable alterations or assistance dogs could already be unlawful in NSW, if the test for direct or indirect disability discrimination is met and the accommodation provider cannot prove that doing so would cause unjustifiable hardship.[120] However, it could be argued that the Victorian approach is clearer. We consider the option of an obligation to provide adjustments in chapter 11.

**Question 6.7: Discrimination in accommodation — coverage**

What changes, if any, should be made to the definition and coverage of the protected area of "accommodation"?

## Exceptions to discrimination in accommodation

6.130 Several other exceptions apply specifically to discrimination in accommodation, which we discuss below. Certain wider exceptions also apply, which we discuss in chapter 7.

### Exceptions for private households

6.131 There are exceptions for private households. These apply if the accommodation is for six people or less, and the person providing the accommodation, or their near relative, lives there.[121]

6.132 In 1999, the NSWLRC broadly supported such an exception. It said deciding who to live with is a personal choice. However, it thought an exception should only apply to accommodation in the main home. This would clarify that a self-contained granny flat would not be exempt.[122] This was based on the NT approach.[123]

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119. *Anti-Discrimination Act 1977* (NSW) s 49N(4), s 49N(6).
120. *Anti-Discrimination Act 1977* (NSW) s 49B(3), s 49N(6).
121. *Anti-Discrimination Act 1977* (NSW) s 20(3), s 34(3), s 38N(3), s 49N(3), s 48(3), s 49ZQ(3), s 49ZYO(3)(a)–(b).
122. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 26, [4.227].
123. *Anti-Discrimination Act 1992* (NT) s 40(1).

6.133 Other discrimination laws also exempt private households, although Tasmania only applies the exception to discrimination based on gender.[124] Some limit the exception to accommodation for no more than 3 people, other than the provider or their near relatives.[125] Others do not limit the number of people.[126]

6.134 The NSWLRC noted the limit of up to 6 people in accommodation was intended to ensure business activities were not exempt from the ADA. It did not recommend changing the NSW approach.[127]

### Exceptions for age-based accommodation

6.135 Another exception applies to age-based accommodation. This permits discrimination in the provision of accommodation if a concession is provided in good faith to a person because of their age.[128]

6.136 The NSWLRC recommended that this exception be removed. It thought a new, general special measures "exception" would be a better way of addressing the issues raised by age-based accommodation.[129] We discuss the concept of special measures in chapter 11.

6.137 As we detail in chapter 7, a related exception applies across the ADA. This exception allows establishments that provide "housing accommodation for aged persons" to limit admission to people of a particular sex, marital or domestic status or race.[130]

### Exception for charitable bodies – disability discrimination

6.138 Another exception allows charitable bodies that provide accommodation to people with a particular disability to discriminate based on disability. This also applies to other bodies that do not distribute profits to members.[131] Chapter 7 has more detail on general exceptions for charitable bodies.

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124. *Age Discrimination Act 2004* (Cth) s 29(3); *Disability Discrimination Act 1992* (Cth) s 25(3)(a); *Sex Discrimination Act 1984* (Cth) s 23(3)(a); *Racial Discrimination Act 1975* (Cth) s 12(3); *Equal Opportunity Act 2010* (Vic) s 59; *Equal Opportunity Act 1984* (WA) s 21(3). But see *Anti-Discrimination Act 1998* (Tas) s 16(e), s 27(1)(e).
125. *Sex Discrimination Act 1984* (Cth) s 23(3)(a)(ii); *Age Discrimination Act 2004* (Cth) s 29(3)(b); *Disability Discrimination Act 1992* (Cth) s 25(3)(a)(ii); *Equal Opportunity Act 2010* (Vic) s 59(1)(b); *Equal Opportunity Act 1984* (WA) s 21(3)(a)(ii).
126. *Racial Discrimination Act 1975* (Cth) s 12(3); *Anti-Discrimination Act 1992* (NT) s 40(1).
127. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.226].
128. *Anti-Discrimination Act 1977* (NSW) s 49ZYO(3)(c).
129. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 76.
130. *Anti-Discrimination Act 1977* (NSW) s 59.
131. *Anti-Discrimination Act 1977* (NSW) s 49N(5).

**Question 6.8: Discrimination in accommodation — exceptions**

What changes, if any, should be made to the exceptions for private households, age-based accommodation and charitable bodies in relation to discrimination in accommodation?

## Registered clubs

6.139 The ADA prohibits discrimination by registered clubs.[132] A club is a "registered club" if it has a club licence under the *Liquor Act 2007* (NSW).[133]

6.140 Under the ADA, it is unlawful for registered clubs to discriminate against potential members, based on a protected attribute:

- by refusing or failing to accept a membership application, or
- in the terms on which it is prepared to accept them as a member.

6.141 It is also unlawful for registered clubs to discriminate against members based on a protected attribute by:

- denying or limiting access to club benefits
- removing membership or varying the terms of their membership, or
- subjecting them to any other detriment.

6.142 In December 2024 there were around 1250 registered clubs in NSW. This included, for instance, bowling clubs, golf clubs and RSL clubs.[134]

### Issues relating to coverage

6.143 One question is whether this protected area is too limited. Limiting the duty holders to clubs that hold a liquor licence may be a way to distinguish between larger public or commercial clubs and smaller, private groups.[135] But there may be other ways to ensure that the ADA covers groups that are "public" in nature.

6.144 In 1999, the NSWLRC said the ADA should instead prohibit discrimination by "clubs and associations". This would include incorporated associations and registered

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132. *Anti-Discrimination Act 1977* (NSW) s 20A(1)–(2), s 34A(1)–(2), s 38O, s 48A, s 49O(1)–(2), s 49ZR, s 49ZYP(1)–(2).
133. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "registered club"; *Registered Clubs Act 1976* (NSW) s 4(1) definition of "registered club".
134. Liquor and Gaming NSW, "Licenced Premises Data" (2025) <www.liquorandgaming.nsw.gov.au/resources/licensed-premises-data> (retrieved 28 February 2025).
135. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 142.

corporations whose membership is open to the public. The NSWLRC said this would identify the "public" groups that should be covered by the ADA more accurately.[136]

6.145 Another option is to use the definition of club from the *Disability Discrimination Act*. This defines a "club" as an association of people

- who associate for social, literary, cultural, political, sporting, athletic or other lawful purposes, and
- which provides and maintains its facilities using the funds of the association.[137]

6.146 This distinguishes between the private and public sphere by treating any association that has its own facilities and raises funds to maintain them, as public.

6.147 The definition in the *Sex Discrimination Act* additionally requires that clubs have 30 or more members, and that they sell or supply liquor.[138]

6.148 The QHRC supported the *Disability Discrimination Act* definition. It thought that providing or maintaining facilities indicates that a club has "more of a public, rather than private character", and that the sale of alcohol was an irrelevant criterion.[139] However, this recommendation was not implemented in recent discrimination law reforms in Queensland.

6.149 If the ADA was to include a broader definition of "club", the existing general exception for "voluntary bodies" must also be considered.[140] In its current form, this broad exception may exempt certain clubs that might otherwise be covered by a broader definition of "club". We discuss this exception in chapter 7.

**Question 6.9: Discrimination by registered clubs — coverage**

What changes, if any, should be made to the definition and coverage of the protected area of "registered clubs"?

## Exceptions to discrimination by registered clubs

6.150 Exceptions in the ADA allow registered clubs to discriminate lawfully in certain situations. Below, we discuss two that apply specifically to registered clubs. Other wider exceptions also apply. We discuss these in chapter 7.

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136. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 27, [4.269], [6.88].
137. *Disability Discrimination Act 1992* (Cth) s 4(1) definition of "club".
138. *Sex Discrimination Act 1984* (Cth) s 4(1) definition of "club". Neither the *Racial Discrimination Act 1975* (Cth) nor the *Age Discrimination Act 2004* (Cth) defines "club".
139. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 358–359, rec 35.
140. *Anti-Discrimination Act 1977* (NSW) s 57.

### Clubs that provide benefits to certain groups of people

6.151 There is an exception for registered clubs whose principal object is to provide benefits to people of a particular race or age, or who have a particular disability.[141] They can discriminate against people of other races, disabilities or ages, including in relation to who they accept as members. However, the relevant race cannot be defined by colour.[142]

6.152 The NSWLRC recommended repealing this exception. But it supported a new exception to race discrimination for clubs that operate principally to either reduce the disadvantage of people of a particular culture or to preserve a minority culture. The exception would allow such clubs to exclude applicants who do not share that cultural identity. The NSWLRC said this should operate in addition to a new special measures "exception", as not all such clubs would meet the tests for a special measure.[143]

6.153 If religion was added as a protected attribute, the NSWLRC recommended an exception to permit religious discrimination by clubs established for people of a particular religion or belief. It thought they should have the same protections as cultural groups.[144]

6.154 The ACT takes a different approach. It allows clubs to discriminate against someone with any protected attribute, but only if:

- the club is established to benefit people who share a protected attribute, and
- the discrimination is reasonable, proportionate and justifiable.[145]

### Exceptions to sex discrimination

6.155 If membership of a registered club is only available to members of one sex, an exception to sex discrimination allows the club to exclude someone of the opposite sex. A registered club for members of one sex can admit a transgender person who identifies as that sex without affecting its status as a registered club for people of the same sex only.[146]

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141. *Anti-Discrimination Act 1977* (NSW) s 20A(3), s 49O(3), s 49ZYP(3)(a).
142. *Anti-Discrimination Act 1977* (NSW) s 20A(3).
143. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.157].
144. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.436].
145. *Discrimination Act 1991* (ACT) s 31.
146. *Anti-Discrimination Act 1977* (NSW) s 34A(3), s 34A(3A).

6.156 The NSWLRC said this exception was discriminatory and recommended its repeal. In its view, organisations should apply to the Anti-Discrimination Board for an exemption from the ADA instead.[147]

6.157 A further exception relates to club benefits. Registered clubs can discriminate against members based on sex if it is not practicable to offer the club's benefit or services to men and women simultaneously or to the same extent.[148] The NSWLRC recommended keeping this exception. It thought there could be legitimate reasons for applying it, including where it would be inappropriate for women and men to share facilities at the same time.[149]

### Exception to disability discrimination

6.158 The ADA provides an exception to disability discrimination where a person with disability requires a benefit to be provided in a special manner, and this cannot be done without causing "unjustifiable hardship" to the registered club.[150] We discuss the reform option of a duty to provide adjustments in chapter 11.

**Question 6.10: Discrimination by registered clubs — exceptions**

What changes, if any, should be made to the exceptions for registered clubs in relation to sex, race, age and disability discrimination?

## Protecting all attributes in all areas

6.159 So far in this chapter, we have set out the areas of public life in which discrimination is prohibited. But not all attributes are protected in all the protected areas. The ADA protects people who have a protected attribute in all areas of public life, except for carers. It only prohibits discrimination based on carer's responsibilities in work and not in any other area.

6.160 Federal discrimination law has a similar gap. The *Sex Discrimination Act* only prohibits discrimination based on family responsibilities at work.[151] Some other discrimination laws protect all attributes in all areas (unless an exception applies).[152]

147. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 59, [6.194].
148. *Anti-Discrimination Act 1977* (NSW) s 34A(4).
149. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.197].
150. *Anti-Discrimination Act 1977* (NSW) s 49O(5).
151. *Sex Discrimination Act 1984* (Cth) pt 2 div 1.
152. *Discrimination Act 1991* (ACT) s 7; *Anti-Discrimination Act 1991* (Qld) s 7; *Anti-Discrimination Act 1992* (NT) s 19; *Anti-Discrimination Act 1998* (Tas) s 16.

6.161 In its 1999 report, the NSWLRC supported limiting the protections for carers. It was only aware of discrimination based on caring responsibilities in the work context. However, it said the law should be revised if discrimination against carers became a problem in other areas.[153]

6.162 It could be time to revise this assessment.[154] The AHRC supported prohibiting discrimination based on family responsibilities in all protected areas of public life. In its view, this would be more consistent and less complex than having different protections for different attributes.[155] The LRCWA also recommended consistency across the protected attributes, unless an exception applies.[156]

**Question 6.11: Discrimination based on carer's responsibilities**

(1) Should discrimination based on carer's responsibilities be prohibited in all protected areas of public life? If not, what areas should apply and why?

(2) In general, should discrimination be prohibited in all protected areas for all protected attributes? Why or why not?

# Other potential protected areas

6.163 Many preliminary submissions suggested that the ADA should cover additional areas of public life. We outline some options below. First, we set out one option to ensure the ADA is flexible enough to respond to new areas as they arise.

## A broader application to all areas of public life

6.164 Like most Australian discrimination laws, the ADA does not apply to all conduct that occurs "in public". It only applies in the areas we outline above.

6.165 A different approach could be a non-exhaustive list that prohibits discrimination in any area of public life. This might enable the ADA to evolve to meet society's needs, without requiring legislative change each time another area is identified.

6.166 The *Racial Discrimination Act* provides one model. It prohibits racial discrimination "in the political, economic, social, cultural or any other field of public life". Without limiting that definition, the Act specifically prohibits discrimination in relation to

153. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [5.219]–[5.220].

154. See, eg, Carers NSW, *Preliminary Submission PAD71*, 3.

155. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 256.

156. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 56, 125–126.

land, housing and other accommodation, access to places and facilities, the provision of goods and services, the right to join trade unions, and employment.[157]

6.167 Proposals to change other laws to prohibit discrimination in "any area of public life" have been unsuccessful.[158] Concerns have been raised that this approach is less clear than identifying specific areas of application.[159] A related view is some emerging areas may not fit neatly in the public or private spheres.[160]

6.168 The NSWLRC did not support this approach. It preferred the ADA's approach of prohibiting discrimination in defined areas, rather than in all areas of public life.[161]

## Disposal of interests in land

6.169 Some other state and territory discrimination laws prohibit discrimination in the disposal of interests in land, including the sale or transfer of property.[162]

6.170 The ADA does not cover this area. However, people in NSW are protected by federal discrimination law under which it is unlawful to discriminate based on disability, sex or age:

- by refusing or failing to distribute an interest in land, or
- in the terms or conditions on which the interest in land is offered.[163]

6.171 In 1999, the NSWLRC recommended adding disposal of interests in land to the ADA as an area of public life. It warned that permitting discrimination in this area could enable apartheid.[164]

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157. *Racial Discrimination Act 1975* (Cth) s 9(1), s 11–15.
158. See, eg, Exposure Draft, Human Rights and Anti-Discrimination Bill 2012 (Cth) cl 22; ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT),* Final Report (2015) 52, rec 6.1.
159. ACT Legislative Assembly, *Yoursay Listening Report: Discrimination Law Reform* (2022) 4; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 347; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 125; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.26]–[4.29].
160. Law Reform Commission of Western Australia*, Review of the Equal Opportunity Act 1984 (WA),* Project 111, Final Report (2022) 125.
161. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.29].
162. *Equal Opportunity Act 2010* (Vic) s 50; *Equal Opportunity Act 1984* (SA) s 38(1), s 60(1), s 75(1), s 85J, s 85ZF(1)–(2); *Equal Opportunity Act 1984* (WA) s 21A(1), s 35AN(1), s 35ZA(1), s 47A, s 66ZH(1); *Anti-Discrimination Act 1991* (Qld) s 77.
163. *Disability Discrimination Act 1992* (Cth) s 26(1); *Sex Discrimination Act 1984* (Cth) s 24(1); *Age Discrimination Act 2004* (Cth) s 30(1).
164. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.289], rec 28.

## Government functions and the administration of laws

6.172 The ADA only protects against discrimination in state laws and programs when these are considered a "service" under the "provision of goods and services" area.[165] However, some preliminary submissions said it is sometimes unclear when a government agency is providing a "service" for this purpose.[166]

6.173 For example, police conducting the initial investigation of a complaint has been found to be a "service" to victims. But whether the later stages of an investigation, including decisions about whether to arrest or prosecute, are "services" depends on each case.[167]

6.174 Some think the ADA should expressly protect against discrimination in the administration of state laws and programs.[168] Many other discrimination laws do this.[169] The ADA itself prohibits sexual harassment in the administration of state laws and programs.[170]

6.175 Similarly, in 1999, the NSWLRC said that the government should have to comply with its own discrimination standards. It recommended the ADA prohibit discrimination in the administration of state and local government laws and programs, and the functions and powers of local government.[171]

6.176 Another option could be to expand the definition of services to clearly include the administration of state and local government laws and programs.

## Requests for information

6.177 The ADA does not protect against discriminatory requests for information. Some other states and territories do.[172] For example, in Queensland, requesting a birth

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165. See, eg, *New South Wales v Whiteoak* [2014] NSWCATAP 99.
166. Legal Aid NSW, *Preliminary Submission PAD87*, 24; NSW Aboriginal Women's Advisory Network, *Preliminary Submission PAD27*, 9.
167. *Commissioner of Police v Mohamed* [2009] NSWCA 432 [87]–[88].
168. See, eg, Equality Australia, *Preliminary Submission PAD07*, 19; Legal Aid NSW, *Preliminary Submission PAD87*, 24; NSW Aboriginal Women's Advisory Network, *Preliminary Submission PAD27*, 9; Sex Workers Outreach Project NSW, *Preliminary Submission PAD77*, 5; Law Society of NSW, *Preliminary Submission PAD31*, 10.
169. *Discrimination Act 1991* (ACT) s 23C; *Anti-Discrimination Act 1991* (Qld) s 101; *Disability Discrimination Act 1992* (Cth) s 29; *Sex Discrimination Act 1984* (Cth) s 26; *Age Discrimination Act 2004* (Cth) s 31. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 60.
170. *Anti-Discrimination Act 1977* (NSW) s 22J.
171. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 29, [4.302]–[4.303].
172. See, eg, *Anti-Discrimination Act 1991* (Qld) s 124(1); *Discrimination Act 1991* (ACT) s 23; *Anti-Discrimination Act 1992* (NT) s 26.

date in a job application form has been found to be unlawful if it would be sufficient to ask if an applicant is over 18.[173]

6.178 This area is also covered in federal discrimination law in relation to age, disability, and sex discrimination. This provides a measure of protection for people in NSW, but only in relation to those attributes. Under federal law, it is unlawful for a duty holder to request information from someone with a protected attribute if the duty holder:

- requires the information in connection with an act that constitutes unlawful discrimination
- needs the information to discriminate against that person, and
- would not request the information from someone without that attribute in the same circumstances.[174]

6.179 The ACT provides another approach. The ACT prohibits requests for information in connection with an act that constitutes unlawful discrimination.[175] However, unlike federal law, the ACT does not require a comparison with what the duty holder would have done to someone without that attribute. This might make the test simpler and easier to prove.

6.180 Queensland takes a broader approach. It is unlawful to request information on which discrimination "might" be based. However, it is a defence if the respondent can prove the information was reasonably required for a non-discriminatory purpose.[176]

6.181 This approach can capture a wider range of conduct than the federal law. This is because there is no requirement that the information be intended to be used for a discriminatory purpose. The LRCWA supported this model.[177]

## Sport and other competitions

6.182 The ADA does not expressly include sport as an area of public life in which discrimination is prohibited. This is different to sexual harassment, in which the ADA's protections extend to people engaged in sporting activities.[178]

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173. *Willmott v Woolworths Ltd* [2014] QCAT 601 [37].
174. *Age Discrimination Act 2004* (Cth) s 32; *Sex Discrimination Act 1984* (Cth) s 27(1); *Disability Discrimination Act 1992* (Cth) s 30(1)–(2).
175. *Discrimination Act 1991* (ACT) s 23. See also *Anti-Discrimination Act 1992* (NT) s 26(1).
176. *Anti-Discrimination Act 1991* (Qld) s 124(1), s 124(3).
177. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 65, 144–145.
178. *Anti-Discrimination 1977* (NSW) s 22I.

6.183 In relation to discrimination, participation in sport may be covered indirectly by other areas of public life in some cases. For instance, when it is a benefit provided by a registered club.[179]

6.184 Also, sport may also be considered a "service" if it relates to "entertainment, recreation or refreshment".[180] Similar terms in the *Sex Discrimination Act* have been found to include the facilitation of participation in a sailing event.[181]

6.185 However, there could be benefits to expressly clarifying that sport is a protected area. One option could be to expressly list sports as a "service", which forms part of the goods and services area of public life. The NT and Queensland take this approach.[182]

6.186 Another option could be to recognise sport as a distinct protected area. The ACT, Victoria and the *Disability Discrimination Act* take this approach.[183] In the ACT, for example, people responsible for running "formally organised" sporting activities cannot discriminate against someone with a protected attribute in relation to their participation in those activities.

6.187 Examples of "formally organised" sporting activities include basketball competitions organised by a private school, and dodgeball league matches. It does not cover informally organised sport, such as a backyard cricket match.[184]

6.188 Other discrimination laws do not distinguish between formal and informal sporting activities. In Victoria, a person must not discriminate against someone by:

- refusing or failing to select them in a sporting team, or
- excluding them from participating in a sport activity.[185]

6.189 A related issue is whether non-sporting competitions should be recognised as a protected area. Only the ACT prohibits discrimination in other, formally organised competitions. Examples of this might include a radio singing contest, a children's chess competition or a not-for-profit short film festival.[186]

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179. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.236]. See, eg, *Umina Beach Bowling Club v Ryan* [1984] 2 NSWLR 61.
180. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "services".
181. *Coady v Yachting Victoria Inc* [2019] FCCA 2095 [160].
182. *Anti-Discrimination Act 1992* (NT) s 4(1) definition of "services", s 41; *Anti-Discrimination Act 1991* (Qld) sch 1 definition of "services", s 46.
183. *Discrimination Act 1991* (ACT) s 23A; *Equal Opportunity Act 2010* (Vic) s 71; *Disability Discrimination Act 1992* (Cth) s 28.
184. *Discrimination Act 1991* (ACT) s 23A.
185. *Equal Opportunity Act 2010* (Vic) s 71.
186. *Discrimination Act 1991* (ACT) s 23B.

6.190 The ADA currently excludes certain conduct relating to sport from the protections against discrimination (and where relevant, vilification).[187] Exceptions for sport also apply in other discrimination laws across Australia, including those that expressly protect against discrimination in sport. We consider exceptions relating to sport in more detail in chapter 7.

## Strata committees and owners' corporations

6.191 The ADA does not cover the acts of strata committees and owners' corporations, unless they are a "service".[188] While some of their functions may be considered a service, no court or tribunal has said that general strata management is a service.[189] No other state, territory or federal discrimination law provides a general protection against discrimination by strata committees or owners' corporations.

6.192 Some argue this should be addressed in the ADA. Many people own or live in strata and community-titled property. Strata committees and owners' corporations can have a significant impact on people's lives. Owners' corporations control the common property in a strata titled property, which includes shared areas, entrance ways and stairs.

6.193 A person with disability may require an alteration to common property to get to their apartment, like a ramp or a device to open a door automatically. Currently, alterations to common property must be agreed through a special resolution. This requires the support of 75% of voters.[190] But because owners' corporations are not generally subject to the ADA, failing to provide an adjustment is not considered unlawful discrimination.

6.194 In Victoria, owners' corporations must allow an owner or an occupier with a disability to make reasonable adjustments to common property to meet their needs, if certain conditions are met.[191] However, this only protects people with disability and not people with other attributes. For example, it would not address issues with body corporates banning breastfeeding on common property, children from using a shared swimming pool, or owners from displaying gay pride flags on their balconies.[192]

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187. *Anti-Discrimination Act 1977* (NSW) s 22, s 38, s 38P(1), s 49R, s 49ZYW(1).
188. C Sherry, *Preliminary Submission PAD01*, 1.
189. C Sherry, "Does Discrimination Law Apply to Residential Strata Schemes?" (2020) 43 *UNSW Law Journal* 307, 333; *Hulena v Owners Corporation Strata Plan 13672* [2009] NSWADT 119.
190. *Strata Schemes Management Act 2015* (NSW) s 108(1)–(2), s 5(1)(b)(i). An amendment to the Act will, upon commencement, lower the threshold for passing a special resolution in relation to accessibility infrastructure. Such a resolution will pass if less than 50% of votes cast are against it: *Strata Schemes Legislation Amendment Act 2025* (NSW) sch 1 [2].
191. *Equal Opportunity Act 2010* (Vic) s 56(1)–(2).
192. C Sherry, "Does Discrimination Law Apply to Residential Strata Schemes?" (2020) 43 *UNSW Law Journal* 307, 338.

6.195 One way the ADA could address this gap would be to extend its coverage to services and facilities associated with land and accommodation. This could include services provided by strata schemes to owners and residents. This would go further than the Victorian approach and would apply to individually owned lots too.[193] It could also protect people with other attributes, not just disability.

**Question 6.12: Additional areas of public life**

(1) Should the ADA apply generally "in any area of public life"? Why or why not?

(2) Should the ADA specifically cover any additional protected areas? Why or why not? If yes, what area(s) should be added and why?

193. C Sherry, "Does Discrimination Law Apply to Residential Strata Schemes?" (2020) 43 *UNSW Law Journal* 307, 336.

# 7. Wider exceptions

**In brief**

The *Anti-Discrimination Act 1977* (NSW) contains many exceptions, some of which apply across the Act. Others only apply to discrimination, but across a range of protected areas and attributes. We ask if these exceptions are appropriate and outline some possible reform options.


**Religious bodies** 130

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Racial discrimination and vilification exception 158

**Charitable benefits** 159

**Voluntary bodies** 160

**Aged care accommodation providers** 161

**Acts done under statutory authority** 162


7.1 In the previous chapter, we consider the areas in which the *Anti-Discrimination Act 1977* (NSW) (ADA) makes it unlawful to discriminate based on a protected attribute. The coverage is not absolute, even within these areas. The protections in the ADA are limited by exceptions that make otherwise unlawful acts, lawful.

7.2 The exceptions in the ADA are complex. Some apply specifically to certain attributes. We discuss most of these attribute-specific exceptions in chapter 4. Other exceptions apply to protected areas in which discrimination would otherwise be unlawful, like work. We address most of these in chapter 6.

7.3 The ADA contains broader exceptions too. Some of these apply across the entire ADA, including to the prohibitions on discrimination, vilification, harassment, victimisation and unlawful advertisements. Some apply to both discrimination and vilification. Others only apply to discrimination, but across a range of protected areas and attributes.

7.4 In this chapter, we consider the exceptions relating to:

- religious bodies and faith-based organisations
- adoption services
- private educational authorities, including religious educational authorities
- sport
- charities
- voluntary bodies
- aged care accommodation, and
- acts done under statutory authority.

## Religious bodies

7.5 One of the most controversial issues in discrimination law is whether and, if so when, religious bodies should be granted exceptions that allow them to discriminate.

7.6 The ADA provides broad exceptions for religious bodies. Section 56 of the ADA states:

> Nothing in this Act affects:
>
> (a) the ordination or appointment of priests, ministers of religion or members of any religious order,
>
> (b) the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order,
>
> (c) the appointment of any other person in any capacity by a body established to propagate religion, or
>
> (d) any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

7.7 These exceptions apply to the whole ADA, not just the prohibition of discrimination. This means the exceptions also permit religious bodies to engage in other forms of otherwise unlawful conduct (including sexual harassment and vilification).

7.8 In some circumstances, certain religious bodies will be able to access other exceptions. This includes the exceptions for private educational authorities, adoption service providers, voluntary bodies, charitable benefits, and aged care accommodation providers, which are each outlined later in this chapter.

7.9 This is a complex and sensitive area, which raises issues about the best way to accommodate intersecting human rights. These include the right to non-discrimination (including based on sex, sexual orientation, gender identity, marital or relationship status, pregnancy, race, or religion). They also include the right to freedom of thought, conscience, and religion.[1]

7.10 As we discuss in chapter 2, international human rights law recognises that the right to non-discrimination can be limited in some cases.[2]

7.11 International human rights law also recognises that some, but not all, aspects of the right to freedom of thought, conscience, and religion can be limited. There are two aspects to this right: freedom of belief, and freedom to manifest that belief. Freedom of belief means adopting a religion or belief of one's choice. This right cannot be limited because no one can be compelled to reveal what they believe in their own mind.[3]

7.12 The freedom to manifest beliefs, such as through worship, observance, practice and teaching, includes the freedom to choose religious leaders and teachers, and to establish religious schools.[4] Under international human rights law, this aspect of the right can be limited in certain circumstances, including to protect other people's human rights.[5] United Nations guidance explains that freedom of religion or belief should never be used to justify ends that are inconsistent with any human rights instruments.[6]

7.13 We received a range of views in preliminary submissions about the ADA's religious exceptions. Most generally accepted that, in a diverse society, religious exceptions in some form are important to respect freedom of religion. We heard that religious

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1. See *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 18(1); *International Convention on the Elimination of All Forms of Racial Discrimination*, 660 UNTS 195 (entered into force 4 January 1969) art 5(d)(vii).
2. OHCHR and Equal Rights Trust, *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (2023) 51.
3. Human Rights Committee, *General Comment No 22: Article 18: Freedom of Thought, Conscience or Religion*, UN Doc CCPR/C/21/ Rev 1/Add 4 (30 July 1993) [3].
4. Human Rights Committee, *General Comment No 22: Article 18: Freedom of Thought, Conscience or Religion*, UN Doc CCPR/C/21/ Rev 1/Add 4 (30 July 1993) [4].
5. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 18(3).
6. A Shaheed, *Report of the Special Rapporteur on Freedom of Religion or Belief: Gender-Based Violence and Discrimination in the Name of Religion or Belief*, UN Doc A/HRC/43/48 (24 August 2020) [60].

exceptions are needed to allow churches and other religious bodies to operate according to their convictions, doctrines, tenets and beliefs.[7]

7.14 But there is disagreement about how wide the exceptions should be, who they should apply to, and under what conditions. As we outline below, questions have been raised about whether the breadth of the ADA's exceptions for religious bodies is appropriate.

## Training and appointing religious personnel

7.15 Two of the exceptions relate to the training and appointment of members of religious bodies.[8] These are closely tied to the exercise of religious freedom. For example, s 56(a) allows a church to discriminate based on any protected attribute when appointing a priest.

7.16 Most other Australian discrimination laws have similar exceptions about appointing and training members of religious orders.[9] Preliminary submissions generally supported exempting the appointment and education of religious leaders from the discrimination prohibitions. This view was shared by some who were concerned about the breadth of other religious exceptions.[10]

7.17 The Australian Law Reform Commission (ALRC) considered that an identical exception to sex discrimination in the *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*) should be amended so that it better reflects the diversity of descriptions of religious leaders across religions.[11]

7.18 In 1999, the NSW Law Reform Commission (NSWLRC) also thought that s 56(a) and (b) should not focus on the Christian faith alone. It proposed a revised exception to discrimination regarding the selection, ordination or appointment of persons to perform functions in relation to a religion. It would also cover training or education

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7. Presbyterian Church of Australia in New South Wales, *Preliminary Submission PAD56*, 3, 6; Catholic Archdiocese of Sydney, *Preliminary Submission PAD37*, 2; Catholic Schools NSW, *Preliminary Submission PAD80*, 3.
8. *Anti-Discrimination Act 1977* (NSW) s 56(a)–(b).
9. *Sex Discrimination Act 1984* (Cth) s 37(1)(a)–(b); *Equal Opportunity Act 2010* (Vic) s 82(1); *Anti-Discrimination Act 1998* (Tas) s 52(a)–(c); *Discrimination Act 1991* (ACT) s 32(1)(a)–(c); *Anti-Discrimination Act 1992* (NT) s 51(a)–(c); *Equal Opportunity Act 1984* (WA) s 72(a)–(c); *Anti-Discrimination Act 1991* (Qld) s 109(1)(a)–(c); *Equal Opportunity Act 1984* (SA) s 50(1)(a)–(b).
10. Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 15. See also Anonymous, *Preliminary Submission PAD89*, 27; NSW, Office of the Advocate for Children and Young People, *Preliminary Submission PAD78*, 17; Rainbow Families, *Preliminary Submission PAD36*, 15–16.
11. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 2. See also NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 46.

for religious appointments. For the exception to apply, the discrimination must be necessary to comply with the doctrines, tenets or belief of that religion.[12]

## Appointing any other person in any capacity

7.19 A more controversial exception relates to the appointment of other personnel. Section 56(c) covers the appointment of "any other person in any capacity by a body established to propagate religion".

7.20 The ADA does not explain what a "body established to propagate religion" is, and much will depend on the facts of a particular case. It has, however, been found to include charitable institutions established by churches (as we explain below).[13]

7.21 There is also a view that similar wording in the *Sex Discrimination Act* is broad enough to potentially include religious educational institutions.[14] There may be some overlaps with the exceptions for private educational authorities, which we consider below.

7.22 The exception in the ADA is wide enough to cover appointments to roles that do not have a religious character.[15] If this exception is considered too broad, there are a range of ways it could be changed.

### Inherent requirements, reasonableness and proportionality tests

7.23 One option could be to only allow discrimination in employment if the teaching, observance or practice of religion is an inherent requirement of the position or a genuine occupational requirement. As we mentioned in chapter 5, the NSWLRC recommended making religious belief and practices a protected attribute. It also recommended adding a new exception to allow religious discrimination in employment where religious belief is a genuine occupational qualification.[16]

7.24 There is a view, however, that further safeguards are needed. Some argue that such an exception could indirectly allow discrimination against LGBTQIA+ people, their supporters, and others who do not adhere to a particular religion's beliefs on marriage, sexuality and gender. For instance, it could be argued that adherence to these beliefs is a genuine occupational requirement of the role.[17]

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12. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.70], Appendix A: Draft Anti-Discrimination Bill 1999, cl 66.
13. *OV v QZ (No 2)* [2008] NSWADT 115 [69]–[70].
14. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) [4.166].
15. *OV v Wesley Mission Council* [2010] NSWCA 155, 79 NSWLR 606 [70].
16. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 84.
17. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 76–77, reforms 12, 13.

7.25 Some discrimination laws have additional requirements that religious bodies must meet. For example, religious bodies in Victoria can discriminate based on religious belief or activity if:

- conformity with the doctrines of the religion is an inherent requirement of the position, and
- the discrimination is reasonable and proportionate in the circumstances.[18]

7.26 In Victoria, this exception applies to the whole work relationship, not just at the point of appointment. If this model is considered for NSW, an option could be to confine the exception to appointments (as the ADA does currently).

7.27 The Queensland Human Rights Commission (QHRC) similarly recommended that religious organisations should only be able to discriminate based on religious belief or activity in relation to work if:

- it was reasonable and proportionate in the circumstances, and
- participation in the teaching, observance or practice of a particular religion was a genuine occupational requirement.[19]

### Adherence to religious beliefs and/or practices

7.28 An alternative option could be to allow religious institutions (potentially including religious educational institutions) to discriminate by preferring a candidate or refusing to hire them, or in the allocation of duties and responsibilities, depending on whether they:

- adhere to the religious beliefs and practices of the institution, or
- conduct themselves consistently with the religious beliefs and practices of the institution.[20]

7.29 As a safeguard, it has been suggested that the law could require institutions to have a written policy. Employers would only be allowed to terminate employees under this exception if they breach a written agreement to conduct themselves in accordance with the ethos of the institution.[21]

7.30 The Australian Capital Territory (ACT) takes a similar approach. There, religious bodies can discriminate in employment, but only on the ground of religious conviction:

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18. *Equal Opportunity Act 2010* (Vic) s 82A(1). See also *Discrimination Act 1991* (ACT) s 33C.
19. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 39.1–39.2.
20. S C Derrington, "Of Shields and Swords: Let the Jousting Begin!" (Paper presented at Freedom19 Conference, Sydney, 4 September 2019) 8–9.
21. S C Derrington, "Of Shields and Swords: Let the Jousting Begin!" (Paper presented at Freedom19 Conference, Sydney, 4 September 2019) 8–9.

- where this conforms to the doctrines, tenets or beliefs of the body's religion, and
- when the discrimination is necessary to avoid injury to the religious susceptibilities of adherents of the religion, and the body has published an employment policy.[22]

7.31 The exception does not apply to employment at a religious educational institution, or to a religious body whose sole or main purpose is commercial.[23] The ACT Law Reform Advisory Council recommended amending this exception so it only permits discrimination where it is reasonably justified.[24]

### Duties relating to religious observance or practice

7.32 A narrower option could be to exempt only the selection or appointment of people to perform duties or functions in relation to "religious observance or practice". Many other discrimination laws in Australia contain this exception.[25] In 2023, a private members' Bill (the Equality Bill) proposed to add a similar exception to the ADA.[26] This aspect of the Bill was not enacted.

**Question 7.1: Religious personnel exceptions**

(1) Should the ADA provide exceptions for:
   (a) the training and appointment of members of religious orders?
   (b) "the appointment of any other person in any capacity by a body established to propagate religion"?

(2) If so, what should these exceptions cover and when should they apply?

## Other acts or practices of religious bodies

7.33 A related issue is whether religious bodies should be permitted to discriminate in relation to any other acts and practices.

7.34 Section 56(d) contains a wide exception for any body "established to propagate religion". Nothing in the ADA applies to the acts or practices of such bodies that either:

- conform to the doctrines of that religion, or

22. *Discrimination Act 1991* (ACT) s 32(1)(e).
23. *Discrimination Act 1991* (ACT) s 32(2)–(3).
24. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) rec 19.2.
25. *Sex Discrimination Act 1984* (Cth) s 37(1)(c); *Equal Opportunity Act 2010* (Vic) s 82(1)(c); *Anti-Discrimination Act 1998* (Tas) s 52(c); *Discrimination Act 1991* (ACT) s 32(1)(c); *Anti-Discrimination Act 1992* (NT) s 51(c); *Equal Opportunity Act 1984* (WA) s 72(c); *Anti-Discrimination Act 1991* (Qld) s 109(1)(c).
26. Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW), First Print, sch 1 [40].

- are necessary to avoid injury to the religious susceptibilities of the adherents of that religion.[27]

7.35 As we note above, the ADA does not define what a "body established to propagate religion" is. However, it has been found to include charitable institutions that are established by churches.[28] For example, it applied to a foster care service provided by the Wesley Mission.[29]

7.36 An almost identical exception in the *Sex Discrimination Act* permitted aged care services run by religious organisations to discriminate against same sex couples.[30]

7.37 The ALRC observed that the *Sex Discrimination Act* exception could also apply to religious educational institutions. It recommended expressly excluding them.[31]

7.38 The *Fair Work Act 2009* (Cth) contains a similar exception to its protection against termination because of one or more protected attributes. An exception applies if the person is a staff member of an institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed. The termination must be in good faith and "to avoid injury to the religious susceptibilities of adherents of that religion or creed".[32]

7.39 The ALRC recommended amending this exception in relation to religious educational institutions. It considered the exception should be no broader than the ALRC's recommended exceptions under the *Sex Discrimination Act*.[33]

7.40 As discussed above, some submissions supported retaining the current religious exceptions because they safeguard freedom of thought, conscience and religion.[34] However, some think s 56(d) is too broad and argue it prioritises religious freedom over other human rights.[35]

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27. *Anti-Discrimination Act 1977* (NSW) s 56(d).
28. *OV v QZ (No 2)* [2008] NSWADT 115 [69]–[70].
29. *OW v Wesley Mission* Council [2010] NSWADT 293 [35].
30. Australia, Attorney-General's Department, *Consolidation of Commonwealth Anti-Discrimination Laws: Human Rights and Anti-Discrimination Bill 2012*, Explanatory Notes, Exposure Draft (2012) [190]; *Sex Discrimination Act 1984* (Cth) s 37(1)(d), s 37(2)(a). This exception was amended in 2013 to no longer apply to Commonwealth-funded aged care.
31. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 1, [4.165]–[4.166].
32. *Fair Work Act 2009* (Cth) s 772(2)(b). See also *Fair Work Act 2009* (Cth) s 351(2)(c).
33. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 5.
34. See, eg, Catholic Archdiocese of Sydney, *Preliminary Submission PAD37*, 4.
35. See, eg, NSW Council for Civil Liberties Inc, *Preliminary Submission PAD21* [104]; Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 7; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 15; New South Wales Bar Association, *Preliminary Submission PAD86* [40].

7.41 If this exception is considered too broad, there may be ways to limit its scope while respecting freedom of religion. We set out some possible options below.

### Limit the exception to certain attributes

7.42 Currently, the exception in s 56(d) applies to all protected attributes. An option could be limit it to certain attributes.

7.43 In Victoria, a general exception for religious bodies only permits discrimination based on religious belief, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.[36] The exception does not permit discrimination based on other attributes, such as disability or race.

7.44 In 2018, a federal expert panel on religious freedom (the Religious Freedom Review) recommended that jurisdictions with exceptions for religious bodies with respect to pregnancy, disability, race or intersex status should review them.[37]

7.45 Alternatively, the exception could be limited to only allow religious bodies to discriminate based on religious belief or activity. The QHRC recommended this approach.[38]

### Require reasonableness and proportionality

7.46 Another option could be to add further requirements into the exception. For example, Victoria allows a religious body to discriminate in most areas but only if it is reasonable and proportionate in the circumstances. Different rules apply to religious bodies that are employing people or providing services.[39]

7.47 The Law Reform Commission of Western Australia (LRCWA) and the QHRC recommended a similar approach.[40] The QHRC also supported a non-exhaustive list of factors to help determine if the discrimination is reasonable and proportionate. These include the importance of the conduct in protecting the ethos of the religious organisation and the religious susceptibilities of adherents of that religion.[41]

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36. *Equal Opportunity Act 2010* (Vic) s 82(2).
37. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 1.
38. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 38.1.
39. *Equal Opportunity Act 2010* (Vic) s 82(2).
40. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 75–76; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 38.1.
41. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 38.2.

### Special rules for religious bodies providing public goods and services

7.48 Many religious bodies provide essential public services, including health and aged care, and they often receive public funding to deliver these services. One view is that churches that provide social services to the community need to have exceptions, so they can maintain the character of their organisation by only employing people who support their faith.[42]

7.49 However, some preliminary submissions suggested faith-based bodies should not be permitted to discriminate when providing public services or receiving public funding.[43] The right to non-discrimination in international law includes the right to have equal access to public services.[44]

7.50 In 2016, a South Australian review recommended clarifying that an existing exception does not apply to discrimination by religious bodies in the provision of public services, such as health and education.[45]

7.51 Another option could be to add specific requirements before religious bodies providing public services can lawfully discriminate. Victoria, for example, only allows religious bodies to discriminate in the provision of government-funded goods or services based on religious belief or activity (and not other attributes). The discrimination must:

- be reasonable and proportionate in the circumstances, and
- conform with the doctrines and beliefs of the religion or be necessary to avoid injury to the religious sensitivities of followers of the religion.[46]

7.52 The QHRC proposed factors to help determine if discrimination by a religious body is reasonable and proportionate when providing goods and services. These include:

- whether the religious organisation operates in a commercial manner
- the reasonable availability of alternative services, and
- whether the services are essential services.[47]

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42. Presbyterian Church of Australia in New South Wales, *Preliminary Submission PAD56*, 6.
43. See, eg, NSW Council for Civil Liberties Inc, *Preliminary Submission PAD21* [105]; Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 7; Anti-Discrimination NSW, *Preliminary Submission PAD83*, 13; Legal Aid NSW, *Preliminary Submission PAD87*, 12.
44. See *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 25(c).
45. South Australian Law Reform Institute, *"Lawful Discrimination": Exceptions under the Equal Opportunity Act 1984 (SA) to Unlawful Discrimination on the Grounds of Gender Identity, Sexual Orientation and Intersex Status*, Report (2016) rec 2.
46. *Equal Opportunity Act 2010* (Vic) s 82(2), s 82B. See also *Discrimination Act 1991* (ACT) s 32(1).
47. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 38.2.

7.53 The *Sex Discrimination Act* also treats religious body exceptions differently when certain public services are involved. Although it has a broad exception for religious bodies, this does not apply to the provision of Commonwealth-funded aged care by a religious body, except in relation to employment.[48]

### Replace the exception with area-specific exceptions

7.54 Another option could be to replace the broad exception in s 56(d) with more targeted, area-specific exceptions. This may be particularly important if the ADA is amended to prohibit religious discrimination.

7.55 As we outline in chapter 5, in 1999 the NSWLRC recommended adding religion as a protected attribute. It also recommended replacing s 56(d) with area-specific exceptions to allow:

- religious discrimination in employment where religious belief is a genuine occupational requirement
- educational institutions that operate according to religious principles to discriminate in employment based on sex, domestic status, sexuality, transgender status and religion
- educational institutions established for particular religious groups to discriminate based on religion, and
- discrimination based on religion in relation to accommodation established for religious purposes.[49]

7.56 It recommended, for instance, a new accommodation exception modelled on Queensland's discrimination law.[50] The Queensland exception applies where accommodation is controlled by a religious body and the discrimination is both:

- in line with the doctrine of their religion, and
- necessary to avoid "offending the religious sensibilities" of people of that religion.[51]

7.57 The ALRC offered another approach. It recommended that the *Sex Discrimination Act* should not permit religious educational institutions to discriminate in the provision of accommodation.[52]

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48. *Sex Discrimination Act 1984* (Cth) s 37(2).
49. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.72], rec 16, rec 46, rec 84–85, rec 87.
50. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 87.
51. *Anti-Discrimination Act 1991* (Qld) s 90.
52. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 1.

7.58 The NSWLRC also considered whether there should be an exception to religious discrimination in relation to access to sites of religious significance. However, it concluded this would be best addressed through a general "special measures" exception (we discuss this in chapter 11).[53]

7.59 Other states and territories have specific exceptions that allow access to significant sites to be restricted. The Northern Territory (NT) allows a person to restrict access to land, a building or a place of cultural or religious significance by people who are not of a particular sex, age, race or religion. This is an exception to discrimination in the area of goods, services and facilities. For the exception to apply, the restriction must be:

- in accordance with the culture or doctrine of the religion, and
- necessary to avoid offending cultural or religious sensitivities of people of that culture or religion.[54]

7.60 An almost identical Queensland exception to discrimination in goods and services permits people to restrict access to sites of cultural or religious significance. Another Queensland exception permits discrimination in the sale of land based on sex, age, race or religion, if the relevant interest in land is of cultural or religious significance.[55]

**Question 7.2: Other acts and practices of religious bodies**

Should the ADA provide an exception for other acts or practices of religious bodies? If so, what should it cover and when should it apply?

## Harassment, vilification and victimisation by religious bodies

7.61 As we note above, the exceptions for religious bodies in s 56 apply to all forms of unlawful conduct under the ADA, including discrimination, harassment, victimisation and vilification.

7.62 Another issue is whether these exceptions should instead be limited to discrimination, as the NSWLRC recommended in 1999. It stated that "this protection should not be something which religious groups are allowed to hide behind in cases where harassment or vilification of a particular group occurs".[56]

53. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 88.
54. *Anti-Discrimination Act 1992* (NT) s 43(1).
55. *Anti-Discrimination Act 1991* (Qld) s 48, s 80.
56. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.71].

7.63 One view is that exceptions to harassment or victimisation are never permissible. This conduct cannot be justified under international human rights law.[57]

7.64 Aside from NSW, only Western Australia (WA), Queensland and the NT have exceptions for religious bodies that potentially extend to harassment or victimisation in some cases.[58] However, the LRCWA recommended narrowing the WA exception to only apply to discrimination.[59]

7.65 Section 56 of the ADA also applies to vilification. Some consider this important to protect genuine religious teaching and religious freedom.[60] It operates alongside the specific vilification exceptions for religious discussion and/or instruction. We discuss these vilification-specific exceptions in chapter 8.

7.66 Aside from NSW, only Queensland and the NT have exceptions allowing religious bodies and faith-based organisations to engage in vilification.[61] Victoria has an exception for genuine religious purposes, such as conveying or teaching a religion or proselytising.[62]

**Question 7.3: Exceptions for other forms of unlawful conduct**

Should the general exceptions for religious bodies continue to apply across the ADA, including to all forms of unlawful conduct under the Act?

## Adoption services

7.67 The ADA contains an exception for faith-based organisations that provide adoption services. For the purposes of this exception, a "faith-based organisation" is an organisation established or controlled by a religious organisation, which is accredited under the *Adoption Act 2000* (NSW) to provide adoption services.[63]

7.68 The prohibitions on discrimination and vilification based on homosexuality or transgender grounds do not apply to the policies and practices of such

57. OHCHR and Equal Rights Trust, *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (2023) 53.
58. *Anti-Discrimination Act 1992* (NT) s 51; *Equal Opportunity Act 1984* (WA) s 72; *Anti-Discrimination Act 1991* (Qld) s 109.
59. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 74, rec 77.
60. Anglican Church Diocese of Sydney, *Submission SV22* [23], [29]. See also Shia Muslim Council of Australia, *Submission SV53* [59].
61. *Anti-Discrimination Act 1991* (Qld) s 109; *Anti-Discrimination Act 1992* (NT) s 51.
62. *Racial and Religious Tolerance Act 2001* (Vic) s 11(1)(b)(i), s 11(2).
63. *Anti-Discrimination Act 1977* (NSW) s 59A(3) definition of "faith-based organisation".

organisations concerning the provision of adoption services. However, this does not permit discrimination against any child who is or may be adopted.[64]

7.69 There are conflicting views on this exception. Some argue it is important to faith-based adoption agencies, because same sex adoption is incompatible with some religious views about child raising.[65] Others argue that faith-based adoption services should not be allowed to discriminate in the provision of services for which they receive public funding.[66]

7.70 Any law reform efforts will require consideration of the interactions between this exception and the general exceptions for religious bodies in s 56 of the ADA. The general exception for the acts and practices of religious bodies in s 56(d) (outlined above) has been found to apply to foster care services provided by a faith-based organisation.[67] This suggests faith-based adoption service providers may be able to rely on the general exception, even if the specific adoption service exception is repealed.

7.71 There is also a view that the general exception in s 56(d) is wider than the adoption services exception. The adoption services exception does not permit discrimination against children — no such limitation applies to s 56(d).[68]

**Question 7.4: Exceptions for providers of adoption services**

Should the ADA have a specific exception for providers of adoption services? If so, what should it cover and when should it apply?

## Private educational authorities

7.72 The ADA has specific exceptions for "private educational authorities". These allow any "private educational authority" to discriminate in relation to work or education, based on almost any protected attribute.

7.73 These exceptions were introduced in 1981, when the ADA was amended to prohibit discrimination against staff or students in public schools. They were intended to

64. *Anti-Discrimination Act 1977* (NSW) s 59A(1)–(2).
65. See, eg, Freedom for Faith, *Preliminary Submission PAD25*, 6–7.
66. See, eg, Rainbow Labor NSW, *Preliminary Submission PAD30*, 2; Rainbow Families, *Preliminary Submission PAD36*, 16.
67. *Anti-Discrimination Act 1977* (NSW) s 56(d); *OW v Wesley Mission Council* [2010] NSWADT 293 [35].
68. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 85, referring to the *Anti-Discrimination Act 1977* (NSW) s 56(d), s 59A(2).

address the concerns about private schools and mainstream churches about being subject to the ADA.[69]

7.74 One view is that that private schools are private communities, set up to create "distinct schooling environments".[70] Some preliminary submissions support exceptions for religious schools in particular, because the exceptions:

- protect the right to freedom of thought, conscience and religion
- allow schools to maintain their ethos and identity in all aspects of school life, including by employing staff and preferring families whose values align with the school's ethos
- allow parents the freedom to choose a faith-based schooling environment for their child, that aligns with their religious and moral convictions, and
- allow schools to teach a distinctive worldview without having to deal with costly discrimination claims.[71]

7.75 Many other preliminary submissions argued that these exceptions are too broad.[72] Some are concerned that the exceptions apply unconditionally, without requiring duty holders to justify their conduct.[73] There are also specific concerns that the exceptions:

- can be used to permit discrimination against LGBTQIA+ people and their supporters[74]
- do not reflect contemporary community standards and provide people in NSW with less protections than in other parts of Australia,[75] and
- are outdated, unjustified and undermine inclusivity.[76]

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69. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.104]–[4.105], [4.178], [4.181].
70. Australian Christian Lobby, *Preliminary Submission PAD12*, 8.
71. See, eg, David A W Miller, *Preliminary Submission PAD15*, 3; Freedom for Faith, *Preliminary Submission PAD25*, 5; Adventist Schools Australia, Australian Association of Christian Schools, Christian Schools Australia, *Preliminary Submission PAD26*, 4; Presbyterian Church of Australia in New South Wales, *Preliminary Submission PAD56*, 3, 7; Family First Party Australia, *Preliminary Submission PAD65* [5.3.2]; Catholic Schools NSW, *Preliminary Submission PAD80*, 3.
72. See, eg, Respect Inc, *Preliminary Submission PAD57*, 7; Equality Australia, *Preliminary Submission PAD07*, 12; Independent Education Union of Australia NSW/ACT Branch, *Preliminary Submission PAD19*, 1; HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60*, 18; Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 7; Sex Workers Outreach Project NSW, *Preliminary Submission PAD77*, 3; Unions NSW, *Preliminary Submission PAD90*, 12.
73. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 61, 68.
74. Equality Australia, *Preliminary Submission PAD07*, 3.
75. Independent Education Union of Australia NSW/ACT Branch, *Preliminary Submission PAD19*, 1.
76. Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 3.

7.76 A recent parliamentary inquiry also noted that NSW is the only part of Australia that allows discrimination against school staff and students based on disability. It recommended that consideration be given to removing the exceptions which permit discrimination against people with disability in private schools.[77]

7.77 There is also a view that religious schools should be subject to secular laws as they receive public funding and tax benefits.[78]

7.78 In the following sections, we consider the scope of the exceptions for private educational authorities, and how they apply in employment and education.

7.79 We also raise some possible alternatives for consideration. In doing so, we note that any attempts to change these exceptions will need to consider the effects of the general exceptions for religious bodies (outlined above).[79] There are possible overlaps between these categories of exceptions, as the general exceptions potentially include religious educational institutions.

## The exceptions cover a wide range of educational bodies

7.80 The ADA is the only Australian discrimination law with exceptions for "private educational authorities". Some other states and territories, and the *Sex Discrimination Act*, have more targeted exceptions for religious schools instead.

7.81 A preliminary issue is whether any such exceptions should extend to all private educational authorities. To the extent that exceptions are considered necessary, should they be limited to religious educational authorities?

7.82 In 1999, the NSWLRC observed the exceptions reflect the idea that the state should not interfere with education in the "private sphere". But it concluded there is no coherent rationale for the "extremely broad" exceptions and recommended replacing them with narrower exceptions specifically for religious schools.[80]

7.83 Under the ADA, a "private educational authority" includes any school, college, university or other institution at which education or training is provided, which is not public. It excludes any university established under an Act of incorporation.[81]

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77. NSW, Legislative Council Portfolio Committee No 3, *Children and Young People with Disability in New South Wales Educational Settings*, Report 52 (2024) rec 24, [3.75].
78. See NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.119]; Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) [2.23].
79. *Anti-Discrimination Act 1977* (NSW) s 56(c)–(d).
80. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 16, [4.104]–[4.106].
81. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "private educational authority".

However the definition includes any business colleges and other private post-secondary institutions that are not established under an Act of incorporation.[82]

7.84 Many NSW schools fit this definition. Most of these private schools have a religious affiliation. In 2023, 37.1% of NSW students were enrolled in non-government schools.[83] Eighteen percent of NSW students were enrolled in Catholic schools. Nineteen percent were enrolled in independent schools, 83% of which have a religious affiliation.[84]

7.85 In 2022–23, combined government funding (from both the Australian and NSW Governments) for non-government schools in NSW was $6.6 billion.[85]

7.86 The statistics indicate that limiting the exceptions to religious schools would confine the scope of the exception, but not significantly. Nor would it address the issue of whether the exceptions appropriately address the intersection between religious freedom and other rights in relation to work and education. Other issues require consideration.

## Discrimination in work

7.87 Exceptions in the ADA allow private educational authorities to discriminate based on sex, disability, transgender grounds, homosexuality, or marital or domestic status in relation to employment.[86] For example, they can discriminate:

- in deciding who to employ and the terms of employment
- by denying or limiting access to promotions, transfers, training or other benefits, or
- by dismissing an employee or subjecting them to other detriment.[87]

7.88 Most other Australian discrimination laws contain specific work-related exceptions for religious educational authorities.[88] The *Sex Discrimination Act*, for example, has

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82. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.106].
83. NSW, Centre for Education Statistics and Evaluation, *Schools and Students: 2023 Statistical Bulletin* (2024) 2.
84. Association of Independent Schools of NSW, *Independent Schools in NSW Snapshot* (2024) 2–3.
85. Australia, Productivity Commission, *Report on Government Services 2025: Child Care, Education and Training*, (part B) (2025) table 4A.2.
86. *Anti-Discrimination Act 1977* (NSW) s 25(3)(c), s 38C(3)(c), s 40(3)(c), s 49D(3)(c), s 49ZH(3)(c).
87. See, eg, *Anti-Discrimination Act 1977* (NSW) s 25(2), s 25(3)(c).
88. *Sex Discrimination Act 1984* (Cth) s 38(1); *Anti-Discrimination Act 1998* (Tas) s 51(2); *Discrimination Act 1991* (ACT) s 46(2); *Equal Opportunity Act 2010* (Vic) s 83A; *Equal Opportunity Act* 1984 (SA) s 34(3); *Equal Opportunity Act 1984* (WA) s 73(1)–(2); *Anti-Discrimination Act 1991* (Qld) s 25.

a broad exception for any educational institution that is "conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion".[89]

7.89 On the other hand, some discrimination laws do not contain this kind of exception.[90] In 2022, the NT Act was amended to remove an exception that permitted religious educational authorities to discriminate based on religious belief or activity, or sexuality, in employment.[91] The intention was to provide greater community inclusion.[92]

7.90 One option could be to repeal the existing private educational authority employment exceptions and introduce a more general employment exception. The NT, for instance, still allows discrimination if it is based on a genuine occupational qualification.[93] We outline this option in more detail in chapter 6.

7.91 However, the current NT Government has indicated that it plans to reintroduce the targeted religious educational authorities' employment exception, to "restore religious freedoms".[94]

7.92 In NSW, some may continue to support distinct employment exceptions for private educational authorities or for religious educational authorities, more specifically. This raises questions about what any such exceptions should cover. We set out some considerations, below.

### The relevant attributes

7.93 The ADA's exceptions for private educational authorities permit discrimination in work based on sex, disability, transgender grounds, homosexuality, and marital or domestic status.

7.94 Some Australian discrimination laws are narrower and only permit religious educational institutions to discriminate in work based on religious belief or activity.[95] The ALRC supported this narrow application. It considered that if religious

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89. *Sex Discrimination Act 1984* (Cth) s 38(1).
90. See, eg, *Disability Discrimination Act 1992* (Cth); *Racial Discrimination Act 1975* (Cth); *Anti-Discrimination Act 1992* (NT).
91. *Anti-Discrimination Amendment Act 2022* (NT) s 17, repealing *Anti-Discrimination Act 1992* (NT) s 37A.
92. Northern Territory Attorney-General's Department, "Modernising the Anti-Discrimination Act 1992" <agd.nt.gov.au/law-reform-reviews/law-reforms/modernising-the-anti-discrimination-act-1992> (retrieved 19 March 2025).
93. *Anti-Discrimination Act 1992* (NT) s 35(1)(b)(i).
94. M Garrick, "NT's CLP Government Confirms Plans to Scrap Labor's Hate Speech Changes" (2 March 2025) *ABC News* <www.abc.net.au/news/2025-03-02/nt-anti-discrimination-hate-speech-laws-repealed/104991288> (retrieved 9 April 2025).
95. *Anti-Discrimination Act 1998* (Tas) s 51(2); *Discrimination Act 1991* (ACT) s 46(2); *Equal Opportunity Act 2010* (Vic) s 83A.

discrimination is made unlawful at the Commonwealth level, there should be a limited exception for religious educational institutions.[96]

7.95 However, this may still raise issues about how to reconcile competing views. There is an argument that such an exception could permit a religious school to terminate an employee who refused to believe that marriage can only be between a man and a woman. This could be considered a form of discrimination based on religious belief (or lack of).[97] Opinions will differ on whether such an outcome would strike the right balance, with some arguing that certain safeguards should apply to limit the exception.

7.96 Others have supported allowing religious educational authorities to discriminate based on other attributes. The Religious Freedom Review concluded that religious educational authorities should be able to discriminate in employment based on sexual orientation, gender identity and relationship status. But they should not be able to discriminate based on race, disability, pregnancy or intersex status.[98]

7.97 In 1999 the NSWLRC concluded that religious educational authorities should be allowed to discriminate in employment based on sexual orientation, transgender status, domestic status, sex and pregnancy. It also recommended permitting religious discrimination in employment where religious belief is a genuine occupational requirement.[99]

### The circumstances in which an exception applies

7.98 Another issue is whether the ADA should contain further requirements that must be met before any such exceptions to discrimination in work apply.

7.99 If an exception applies only to religious educational authorities, one approach could be to confine it to acts promoting or protecting the observance of religious beliefs.

7.100 The *Sex Discrimination Act*, for example, applies an exception to acts done in good faith to avoid injury to the religious susceptibilities of adherents of that religion.[100] However, the ALRC recommended repealing this exception.[101]

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96. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 7(B).
97. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 9–10.
98. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 5– 6.
99. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 16, rec 84, appendix A: Draft Anti-Discrimination Bill 1999, cl 28(5).
100. *Sex Discrimination Act 1984* (Cth) s 38(1)–(2).
101. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 1.

7.101 Some other reviews have proposed that religious educational authorities should be able to discriminate in employment if:

- the discrimination is founded in the precepts of the religion,[102] or
- the school has a genuine belief that the discrimination is required to comply with the tenets of the religion.[103]

7.102 Another view is that the *Sex Discrimination Act* should allow religious institutions (including religious schools) to discriminate in employment by preferring a candidate, or refusing to hire them, depending on whether:

- they adhere to the institution's religious beliefs and practices, or
- their conduct is consistent with the institution's religious beliefs and practices.[104]

7.103 Employers would be allowed to terminate employees that breach a written agreement to conduct themselves in accordance with the ethos of the school.[105]

7.104 As an additional safeguard, some discrimination laws require educational authorities to publish a policy. The ACT requires the school to publish a readily accessible policy in relation to employment of staff and engagement of contractors.[106] South Australia requires a school to have a written policy stating its position in relation to the matter of the precepts of the religion as it relates to sexual orientation, gender identity or intersex status, which is provided on request.[107]

7.105 The Religious Freedom Review supported a similar requirement.[108] This can make prospective employees aware of the school's beliefs, and they can choose not to apply for roles at the school if this raises any concerns.

7.106 Other models apply further safeguards to confine the application of the exception. In Victoria, religious educational institutions may only discriminate against someone in relation to employment where:

- conformity with the doctrines of the religion is an inherent requirement of the position

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102. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 5(a).
103. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 16.
104. S C Derrington, "Of Shields and Swords: Let the Jousting Begin!" (Paper presented at Freedom19 Conference, Sydney, 4 September 2019) 8–9.
105. S C Derrington, "Of Shields and Swords: Let the Jousting Begin!" (Paper presented at Freedom19 Conference, Sydney, 4 September 2019) 8–9.
106. *Discrimination Act 1991* (ACT) s 46(4)–(5).
107. *Equal Opportunity Act 1984* (SA) s 34(3).
108. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 5.

- the person cannot meet the inherent requirement because of their religious belief or activity, and
- the discrimination is reasonable and proportionate based on the circumstances.[109]

7.107 In determining the inherent requirements of the position, the nature of the religious body and the religious doctrines, beliefs or principles in accordance with which it is conducted must be considered.[110]

7.108 For example, the Victorian Attorney-General observed that, in most religious schools, conformity with the doctrines, beliefs or principles of the school's religion would be an inherent requirement of a religious education position. This is unlikely to be the case for support positions, such as school gardeners. Another safeguard in Victorian law is the requirement that the discrimination be reasonable and proportionate. The Attorney-General indicated that this may require consideration of factors such as:

- the nature of the role
- the nature and extent of the inconsistency of the employee's belief
- the consequences for both the employee and the employer should the discriminatory action happen or not happen, and
- whether there are any other responses available to the employer.[111]

7.109 Others have also suggested adding requirements of reasonableness and proportionality.[112] For example, the ALRC recommended only allowing religious educational authorities to discriminate based on religion and only when selecting staff. The discrimination must be:

- reasonably necessary to build a community of faith, and
- proportionate to the aim of building a community of faith, including considering any disadvantage or harm that may be caused to any person.[113]

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109. *Equal Opportunity Act 2010* (Vic) s 83A(1).
110. *Equal Opportunity Act 2010* (Vic) s 82A(2).
111. Victoria, *Parliamentary Debates*, Legislative Council, Second Reading Speech, 19 November 2021, 4646.
112. See, eg, Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 79; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 39.2; South Australian Law Reform Institute, *"Lawful Discrimination": Exceptions under the Equal Opportunity Act 1984 (SA) to Unlawful Discrimination on the Grounds of Gender Identity, Sexual Orientation and Intersex Status*, Report (2016) rec 3.
113. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 7B.

**Question 7.5: Private educational authorities employment exceptions**

(1) Should the ADA contain exceptions for private educational authorities in employment? Should these be limited to religious educational authorities?

(2) If you think the Act should provide exceptions in this area:

(a) what attributes should the exceptions apply to?

(b) what requirements, if any, should duty holders meet before an exception applies?

## Discrimination in education

7.110 Other broad exceptions in the ADA allow private educational authorities to discriminate against students or potential students based on sex, disability, age, transgender grounds, homosexuality or marital or domestic status.[114] These institutions can discriminate based on these attributes by:

- refusing admission
- admitting students subject to certain terms
- denying or limiting access to benefits, or
- expelling students or subjecting them to any other detriment.[115]

7.111 For example, it is not unlawful discrimination for a private school to expel a student who identifies as transgender. Similarly, students with disability will not be protected by the ADA if they are expelled from a private school because of their disability.[116]

7.112 As discussed above, no other Australian laws contain exceptions for "private educational authorities". However, some other Australian discrimination laws have exceptions to discrimination in education that apply only to religious educational institutions.[117] As above, an option could be to similarly make these exceptions only available to religious educational institutions.

7.113 However, a more fundamental question is whether religious educational institutions should be able to access exceptions to discrimination in relation to students and prospective students. Some argue that religious educational authorities should

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114. *Anti-Discrimination Act 1977* (NSW) s 31A(3)(a), s 38K(3), s 46A(3), s 49L(3)(a), s 49ZYL(3)(b), s 49ZO(3).

115. See, eg, *Anti-Discrimination Act 1977* (NSW) s 31A.

116. NSW, Legislative Council Portfolio Committee No 3, *Children and Young People with Disability in New South Wales Educational Settings*, Report 52 (2024) ix.

117. *Sex Discrimination Act 1984* (Cth) s 38(3); *Equal Opportunity Act 2010* (Vic) s 39, s 61; *Anti-Discrimination Act 1998* (Tas) s 51A; *Discrimination Act 1991* (ACT) s 46(1); *Equal Opportunity Act 1984* (SA) s 85ZE(5); *Equal Opportunity Act 1984* (WA) s 73(3); *Anti-Discrimination Act 1991* (Qld) s 41.

never be permitted to discriminate against students or prospective students. This is because:

- discrimination is harmful to vulnerable students
- discriminating against students with protected attributes in the name of religion is inconsistent with international human rights obligations, and
- schools that are funded with public money should be safe for all students and accountable to community expectations.[118]

7.114 The ALRC recently recommended repealing the *Sex Discrimination Act* exception that allows religious schools to discriminate against students and prospective students.[119] If this option is pursued in NSW, consideration would need to be given to the overlapping operation of the exceptions for private educational authorities and the general exceptions for religious bodies in s 56.

7.115 However, as we acknowledge above, others argue that exceptions for religious schools are important to protect religious freedom, enable religious schools to uphold their ethos and values, and give families a choice of education for their children. On this basis, some may argue that the exceptions should be retained — at least in some form.

7.116 This raises further questions about what any such exceptions should cover. We set out some considerations, below.

### The relevant attributes

7.117 The current exceptions in the ADA apply to discrimination in education based on sex, disability, transgender grounds, homosexuality, or marital or domestic status.

7.118 Other discrimination laws take a narrower approach. In Victoria, the ACT, Queensland and Tasmania, religious educational authorities can only discriminate in education based on religious belief. South Australia only allows discrimination based on religious appearance.[120]

7.119 Both the NSWLRC and the Religious Freedom Review recommended that religious educational authorities should also be permitted to discriminate based on domestic

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118. See Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) [4.23]. See also NSW Council for Civil Liberties Inc, *Preliminary Submission PAD21* [101]–[102].
119. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 1.
120. *Equal Opportunity Act 2010* (Vic) s 39(a); *Anti-Discrimination Act 1998* (Tas) s 51A(1), s 51A(4); *Discrimination Act 1991* (ACT) s 46(1)–(2); *Equal Opportunity Act 1984* (SA) s 85ZE(5); *Anti-Discrimination Act 1991* (Qld) s 41(a).

status, sexuality, and gender identity. In 1999, the NSWLRC also recommended the exception should permit sex discrimination.[121]

### Application to prospective or existing students

7.120 Another question is: at what point in the educational relationship should the exceptions apply? Currently, as noted above, the exceptions apply across a wide range of points in the relationship between a student or prospective student, and a private educational authority.

7.121 Other Australian discrimination laws provide more limited exceptions. For example, some only allow discrimination against prospective students at admission, and not when students are already enrolled.[122] This would allow a school to refuse to admit a student because of their religious beliefs at the time of enrolment. But they could not discriminate against a student once they are enrolled.[123]

7.122 Similarly, the NSWLRC previously recommended an exception to religious discrimination relating to admission to educational institutions established for particular religious groups.[124]

### The circumstances in which the exception should apply

7.123 Another issue is whether the ADA should contain further requirements that must be met before any such exceptions to discrimination in education will apply.

7.124 As with discrimination in work, one approach could be to link the exception to acts promoting or protecting the observance of religious beliefs. The *Sex Discrimination Act*, for instance, applies an exception in education to acts done in good faith to avoid injury to the religious susceptibilities of adherents of that religion.[125] However, as noted above, the ALRC has recommended repealing this exception.[126]

7.125 Another view is that religious educational authorities should be allowed to prefer or refuse to admit a student based on whether:

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121. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 7; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 20, rec 22.
122. *Anti-Discrimination Act 1998* (Tas) s 51A(2); *Discrimination Act 1991* (ACT) s 46(1); *Anti-Discrimination Act 1991* (Qld) s 41.
123. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 385.
124. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 85.
125. *Sex Discrimination Act 1984* (Cth) s 38(3). See also *Anti-Discrimination Act 1977* (NSW) s 56(d).
126. Australian Law Reform Commission, *Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws*, Report 142 (2023) rec 1.

- the student (or their parents) adheres to the religious beliefs and practices of the institution, and
- the student is recognised by the institution as either "having the relevant religious status" or conducting themselves in accordance with the religious beliefs and practices of the institution.

Under this model, the exception would only apply to conduct that is consistent with the religious beliefs and practices of the institution.[127]

7.126 Other reviews suggested other requirements, such as consideration of the best interests of the child. The Religious Freedom Review recommended that religious schools be allowed to discriminate against students, including enrolled students, if:

- the discrimination is founded in the precepts of the religion, and
- the school has regard to the best interests of the child as the primary consideration.[128]

7.127 The Religious Freedom Review also recommended that religious educational authorities should have to publish policies setting out their position.[129] This enables parents to choose not to enrol their child in a school if their beliefs are inconsistent with the school's policy.

7.128 This is currently required in Tasmania and the ACT. In Tasmania, the educational institution's admissions policy must demonstrate that the criterion for admission relates to the religious belief or affiliation, or religious activity of the prospective student, their parents or grandparents.[130] In the ACT, a religious educational institution must publish a widely accessible admissions policy.[131]

7.129 However, some argue that more safeguards are required. Even if religious schools are only permitted to discriminate based on religious belief, there is a view that this could still be used indirectly to discriminate against LGBTQIA+ students and their supporters. For example, it may still be open to a school to require students to adhere to a particular religion's teachings on gender and sexuality.[132]

7.130 Another option is to require religious schools to meet requirements of reasonableness and proportionality. Victoria permits religious educational

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127. S C Derrington, "Of Shields and Swords: Let the Jousting Begin!" (Paper presented at Freedom19 Conference, Sydney, 4 September 2019) 7.
128. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 7.
129. P Ruddock, *Religious Freedom Review: Report of the Expert Panel* (2018) rec 7.
130. *Anti-Discrimination Act 1998* (Tas) 51A(4).
131. *Discrimination Act 1991* (ACT) s 46(3).
132. Equality Australia, *Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations* (2024) 65, reform 7.

institutions to discriminate based on religious belief or activity. However, the discrimination must be reasonable and proportionate in the circumstances. It must also either:

- conform with the doctrines, beliefs, or principles in accordance with which the religious educational institution is to be conducted, or
- be reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion in accordance with which the religious educational institution is to be conducted.[133]

**Question 7.6: Discrimination against students and prospective students**

(1) Should the ADA contain exceptions for private educational authorities in education? Should these be limited to religious educational authorities?

(2) If you think it is necessary for the ADA to provide exceptions in this area:

  (a) what attributes should the exceptions apply to?

  (b) should they apply to prospective students, existing students, or both?

  (c) what requirements, if any, should duty holders meet before an exception applies?

# Sport

7.131 The ADA also contains exceptions relating to discrimination in sport. These exceptions apply to discrimination based on race, sex, transgender grounds, disability and age.[134] Other exceptions may apply if, for example, the sporting organisation is a "voluntary body" (we outline this exception below).

7.132 The key issue is whether these exceptions for sport strike an appropriate balance between ensuring sporting competitions remain fair, while protecting the rights to equality and non-discrimination.

## Sex discrimination exception

7.133 Under the ADA, it is lawful to exclude people of one sex from participating in any sporting activity. The exception does not include coaching or administration.[135]

7.134 Other discrimination laws have more limited exceptions for sex discrimination in sport, which only apply:

133. *Equal Opportunity Act 2010* (Vic) s 83(2). See also *Equal Opportunity Act 2010* (Vic) s 39.

134. *Anti-Discrimination Act 1977* (NSW) s 22, s 38, s 38P, s 49R, s 49ZYW.

135. *Anti-Discrimination Act 1977* (NSW) s 38.

- to competitive sporting activities[136]
- where the strength, stamina or physique of competitors is relevant to the activity[137]
- to people over the age of 12,[138] and
- where the restriction is reasonable or "reasonable, proportionate and justifiable in the circumstances".[139]

7.135 The exception in the *Sex Discrimination Act* contains some of these safeguards. It allows someone to be excluded from participating in a competitive sporting activity because of their sex if the strength, stamina or physique of competitors is relevant. This does not apply to sporting activities for children under the age of 12.[140]

7.136 In 1999, the NSWLRC recommended narrowing the exception to include criteria relating to strength, stamina and physique. But it thought the exception should continue to apply to children under the age of 12. Its view was there could still be sex-based differences in strength, stamina and physique in young children.[141]

## Transgender discrimination and vilification exception

7.137 Another exception permits the exclusion of a transgender person from sporting activities, other than coaching or administration, "for members of the sex with which the transgender person identifies". The exception applies to the protections against discrimination and transgender vilification.[142]

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136. *Sex Discrimination Act 1984* (Cth) s 42(1); *Discrimination Act 1991* (ACT) s 41(1); *Equal Opportunity Act 2010* (Vic) s 72; *Anti-Discrimination Act 1992* (NT) s 56(1); *Anti-Discrimination Act 1991* (Qld) s 111(1); *Anti-Discrimination Act 1998* (Tas) s 29; *Equal Opportunity Act 1984* (SA) s 48; *Equal Opportunity Act 1984* (WA) s 35(1).
137. *Sex Discrimination Act 1984* (Cth) s 42; *Discrimination Act 1991* (ACT) s 41(a); *Equal Opportunity Act 2010* (Vic) s 72(1); *Anti-Discrimination Act 1992* (NT) s 56(1)(a); *Anti-Discrimination Act 1991* (Qld) s 111(1)(a); *Equal Opportunity Act 1984* (SA) s 48(a); *Equal Opportunity Act 1984* (WA) s 35(1).
138. *Sex Discrimination Act 1984* (Cth) s 42; *Anti-Discrimination Act 1992* (NT) s 56(2), *Anti-Discrimination Act 1991* (Qld) s 111(2); *Anti-Discrimination Act 1998* (Tas) s 29; *Equal Opportunity Act 2010* (Vic) s 72(3).
139. *Discrimination Act 1991* (ACT) s 41(1)(b); *Anti-Discrimination Act 1991* (Qld) s 111(1)(a); *Anti-Discrimination Act 1992* (NT) s 56(1)(a).
140. *Sex Discrimination Act 1984* (Cth) s 42(2)(e).
141. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 60, [6.204].
142. *Anti-Discrimination Act 1977* (NSW) s 38P(1).

7.138 One view is that this exception is necessary to ensure that women's sport is kept fair and safe.[143] Others think the exception is too broad.[144] Some highlight that banning transgender people from participating in sport is stigmatising and damaging to health and wellbeing.[145]

7.139 If reform is considered necessary, one option could be to repeal the exception. For example, the ACT, NT, Tasmania and South Australia do not provide exceptions to discrimination in sport based on gender identity.

7.140 Another option could be to retain the exception but make it more targeted. Other discrimination laws have narrower exceptions. For example, some:

- prohibit discrimination against children under 12 years old[146]
- limit the exception to competitive sporting activities[147]
- only apply to the extent that the strength, stamina or physique of competitors is relevant to the sport (the NSWLRC recommended this also),[148] and
- provide that the exception does not apply to umpiring or refereeing.[149]

7.141 Another option could be to require that any discrimination against transgender athletes be reasonable and proportionate.[150]

## Disability discrimination exception

7.142 Another exception allows the exclusion of people with disability from a sporting activity, if:

- they are not reasonably capable of performing the actions reasonably required

143. Family First Party Australia, *Preliminary Submission PAD65* [5.2.1]–[5.2.9]; Feminist Legal Clinic Inc, *Preliminary Submission PAD72* [8].
144. Equality Australia, *Preliminary Submission PAD07*, 15; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 16; Anti-Discrimination NSW, *Preliminary Submission PAD83*, 12–13; Anonymous, *Preliminary Submission PAD89*, 30–31; ACON, *Preliminary Submission PAD44*, 10; NSW Council for Civil Liberties Inc, *Preliminary Submission PAD21* [108].
145. ACON, *Preliminary Submission PAD44*, 10.
146. *Sex Discrimination Act 1984* (Cth) s 42(2)(e); *Equal Opportunity Act 2010* (Vic) s 72(3).
147. *Sex Discrimination Act 1984* (Cth) s 42(1); *Equal Opportunity Act 2010* (Vic) s 72(1); *Anti-Discrimination Act 1991* (Qld) s 111(3).
148. *Sex Discrimination Act 1984* (Cth) s 42(1); *Equal Opportunity Act 2010* (Vic) 72(1); *Anti-Discrimination Act 1991* (Qld) s 111(3); NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 60, rec 81.
149. *Sex Discrimination Act 1984* (Cth) s 42(2)(b); *Anti-Discrimination Act 1991* (Qld) s 111(4)(b), *Equal Opportunity Act 1984* (WA) s 35(2)(b).
150. Equality Australia, *Preliminary Submission PAD07*, 15–16; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 16.

- selection for participation in the sporting activity is done in a reasonable way, based on skills and abilities relevant to the sporting activity and relative to other participants, or
- the sporting activity is conducted for people with a particular disability and the person does not have that disability.[151]

7.143 There is a similar exception in the *Disability Discrimination Act 1992* (Cth).[152] All other states and territories also have exceptions that allow the exclusion of people with disability from sporting activities in some cases.[153] However, some states and territories:

- limit the exception to competitive sporting activities[154]
- require that discrimination is reasonable, proportionate and justifiable,[155] and
- clearly exclude coaching, administration and umpiring of sporting activities.[156]

7.144 In 1999, the NSWLRC recommended repealing this exception. It noted that sport is not a protected area under the ADA, such that this section was unnecessary.[157] However, this is arguably inconsistent with its recommendations to retain the other sport-related exceptions.

## Age discrimination exception

7.145 The ADA also makes it lawful to exclude people of particular ages from participating in any sporting activity, other than coaching or administration.[158]

7.146 There is no sport exception in the *Age Discrimination Act 2004* (Cth), but other states and territories permit discrimination in sport based on age.[159] Their

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151. *Anti-Discrimination Act 1977* (NSW) s 49R.
152. *Disability Discrimination Act 1992* (Cth) s 28(c).
153. *Discrimination Act 1991* (ACT) s 57; *Equal Opportunity Act 2010* (Vic) s 72(2)(c); *Anti-Discrimination Act 1992* (NT) s 56(1)(d); *Anti-Discrimination Act 1991* (Qld) s 111(1)(d); *Anti-Discrimination Act 1998* (Tas) s 43; *Equal Opportunity Act 1984* (SA) s 81; *Equal Opportunity Act 1984* (WA) s 66N(3).
154. *Discrimination Act 1991* (ACT) s 57(1); *Equal Opportunity Act 2010* (Vic) s 72(2); *Anti-Discrimination Act 1991* (Qld) s 111(1).
155. *Discrimination Act 1991* (ACT) s 57(1)(a).
156. *Discrimination Act 1991* (ACT) s 57(2); *Anti-Discrimination Act 1992* (NT) s 56(3); *Anti-Discrimination Act 1991* (Qld) s 111(4).
157. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.295], rec 68.
158. *Anti-Discrimination Act 1977* (NSW) s 49ZYW.
159. *Discrimination Act 1991* (ACT) s 57M(1); *Equal Opportunity Act 2010* (Vic) s 72(2)(b); *Anti-Discrimination Act 1992* (NT) s 56(1)(c); *Anti-Discrimination Act 1991* (Qld) s 111(1)(c); *Anti-Discrimination Act 1998* (Tas) s 31; *Equal Opportunity Act 1984* (SA) s 85Q; *Equal Opportunity Act 1984* (WA) s 66ZJ(3).

exceptions are often narrower than in the ADA, as they only apply to competitive sport.[160]

7.147 In 1999, the NSWLRC recommended narrowing the exception to only apply to competitive sporting activities where the strength, stamina or physique of the competitors is relevant. It considered that age distinctions can be arbitrary and may not reflect the level of skill or ability.[161]

## Racial discrimination and vilification exception

7.148 The ADA also permits discrimination and vilification based on nationality, place of birth or length of residence in:

- selecting people to represent a place in any sport or game, or
- the eligibility to compete, under the rules of any competition, in a sport or game.[162]

7.149 The characteristics relevant to this exception are different to the ADA's wide definition of race, which "includes colour, nationality, descent and ethnic, ethno-religious or national origin".[163]

7.150 The purpose of this exception may be different to the other sport exceptions. In 1999, the NSWLRC noted the view that its primary purpose was to allow sporting groups based on national identity to exclude people of different national origins. However, it thought the formation of clubs on racial grounds could have wider, detrimental effects. The NSWLRC recommended repealing this exception and introducing a narrow exception to discrimination by registered clubs. This new exception would be targeted at actions to reduce disadvantage or preserve minority culture (which we discuss in chapter 6).[164]

**Question 7.7: Exceptions relating to sport**

Should the ADA provide exceptions to discrimination or vilification in sport? If so, what should they cover and when should they apply?

160. *Discrimination Act 1991* (ACT) s 57M(1); *Equal Opportunity Act 2010* (Vic) s 72(2); *Anti-Discrimination Act 1992* (NT) s 56(1); *Anti-Discrimination Act 1991* (Qld) s 111(1)(c); *Anti-Discrimination Act 1998* (Tas) s 31; *Equal Opportunity Act 1984* (SA) s 85Q.
161. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 79, [6.396].
162. *Anti-Discrimination Act 1977* (NSW) s 22.
163. *Anti-Discrimination Act 1977* (NSW) s 4(1) definition of "race".
164. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.160], rec 53.

## Charitable benefits

7.151 An exception applies across the ADA in relation to:

- a provision of a deed, will or other instrument that confers charitable benefits (or enables them to be conferred) on people of a class identified by reference to one or more of the attributes protected from discrimination, and
- an act which is done to give effect to such a provision.[165]

7.152 The ADA defines a "charitable benefit" as a benefit for purposes that are exclusively charitable according to the law in force anywhere in Australia.[166] Commonwealth law defines "charitable purposes" broadly, to include a wide range of purposes including advancing health, education, public welfare and religion.[167]

7.153 The exception can have wide applications. For example, it allowed someone to bequeath funds to a hospital for the medical treatment of exclusively "white babies".[168]

7.154 If this exception is considered too broad, but some form of exception is desirable, there are several other options to consider.

7.155 In 1999, the NSWLRC considered an exception of this type was important, partly because the exception seeks to ensure the ADA does not intrude into the private sphere. However, it did not support the exception in its current form. It recommended replacing the general exception with one covering the provision of goods, or disposal of property by gift or will, to a specific recipient.[169] As we discuss in chapter 6, the NSWLRC recommended that the ADA specifically prohibit discrimination in the disposal of interests in land.

7.156 Another option would be to adopt the approach used in federal discrimination law, which only grants an exception to registered charities and not individuals.[170]

7.157 A different option, recommended by the LRCWA, was to exempt only acts that were:

- consistent with the stated purpose of the relevant charity, and

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165. *Anti-Discrimination Act 1977* (NSW) s 55.
166. *Anti-Discrimination Act 1977* (NSW) s 55(2) definition of "charitable benefits".
167. *Charities Act 2013* (Cth) s 12 definition of "charitable purpose".
168. *Kay v South Eastern Sydney Area Health Service* [2003] NSWSC 292 [19]–[20].
169. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 45, [6.59].
170. *Sex Discrimination Act 1984* (Cth) s 36; *Disability Discrimination Act 1992* (Cth) s 49; *Age Discrimination Act 2004* (Cth) s 34; *Racial Discrimination Act 1975* (Cth) s 8(2).

- reasonable and proportionate to the public benefit the charity was trying to achieve.[171]

7.158 The *Equality Act 2010* (UK) provides another model to consider. Subject to certain exceptions, it allows a person to restrict the provision of benefits to people with certain protected characteristics, if this is done in pursuance of a charitable instrument. However, the provision of benefits must be either:

- a proportionate means of achieving a legitimate aim, or
- for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic.[172]

**Question 7.8: The charities exception**

Should the ADA provide exceptions relating to charitable benefits? If so, what should they cover and when should they apply?

## Voluntary bodies

7.159 The ADA has a broad exception for non-profit bodies. The exception provides that nothing in the ADA applies to:

- any rule or practice of a body that restricts admission to membership, and
- the provision of benefits, facilities or services to members of that body.[173]

7.160 This applies across the whole ADA, including the protections against discrimination, harassment, vilification, victimisation and unlawful advertisements.

7.161 Examples of voluntary bodies covered by this exception include a surf lifesaving club and a social tennis group.[174] However, the exception does not apply to bodies established by legislation. Nor does it apply to certain bodies registered under legislation, including registered clubs, cooperatives, friendly societies, building societies or credit unions, and cooperative housing societies.[175]

7.162 On one view, voluntary bodies should be exempt from discrimination law because they operate within the private sphere. It could be argued that they need independence so they can maintain a specific organisational culture, or associational autonomy.

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171. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 70, rec 71.
172. *Equality Act 2010* (UK) s 193(2).
173. *Anti-Discrimination Act 1977* (NSW) s 57(2).
174. *Webb v Surf Life Saving New South Wales* [2020] NSWCATAD 232 [27]–[34]; *Grass v Voyager Tennis Pty Ltd* [2023] NSWCATAD 68 [58].
175. *Anti-Discrimination Act 1977* (NSW) s 57(1).

7.163 Others think they should be covered by the ADA, including because they often receive substantial public funding and benefits, and provide important community services.[176]

7.164 In 1999, the NSWLRC recommended repealing this exception. It concluded that the ADA should prohibit discrimination in relation to membership and access to benefits by all incorporated associations with membership open to the public or a section of the public.[177] We discuss the issue of clubs further in chapter 6.

7.165 Another option could be to make the exception narrower. For instance, a similar exception in the ACT only covers discrimination. It only applies if:

- the club or body is established to benefit a class of people sharing a protected attribute, and
- the discrimination is reasonable, proportionate and justifiable in the circumstances.[178]

**Question 7.9: Voluntary bodies exception**

Should the ADA provide an exception for voluntary bodies? If so, what should it cover and when should it apply?

## Aged care accommodation providers

7.166 Another exception applies to establishments that provide "housing accommodation for aged persons". The ADA does not apply to any rule or practice of these establishments that restricts admission to people of a particular sex, marital or domestic status, or race.[179]

7.167 The NSWLRC recommended this exception be repealed. It concluded that people should not be arbitrarily excluded from accommodation based on race, sex or marital status. Instead, it thought a new "special measures" exception should be implemented to accommodate the needs of particular groups.[180] We consider special measures in chapter 11.

176. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.77], [6.83].
177. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 27, rec 47, [6.88].
178. *Discrimination Act 1991* (ACT) s 31. See also Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 72.
179. *Anti-Discrimination Act 1977* (NSW) s 59.
180. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 48, [6.93]–[6.96].

7.168 WA is the only other state or territory with an exception about admission to aged care accommodation.[181] The LRCWA recommended repealing it.[182]

7.169 Aged care providers with religious affiliations may also be able to access the general exceptions for religious bodies, which we discuss above. If the aged care exception is repealed, consideration should also be given to whether s 56(c) and s 56(d) should be amended.

**Question 7.10: Aged care accommodation providers exception**

Should the ADA provide an exception for aged care accommodation providers? If so, what should it cover and when should it apply?

## Acts done under statutory authority

7.170 There is an exception from the whole ADA for anything that is "necessary" to comply with a requirement of:

- any other Act, whether passed before or after the ADA
- any regulation, ordinance, by-law or other instrument made under any other Act, or
- an order of the NSW Civil and Administrative Tribunal (NCAT), or
- any court order, aside from those made by bodies with the power to fix minimum wages, or other terms and conditions of employment.[183]

7.171 Other discrimination laws have narrower exceptions. For example, the *Sex Discrimination Act* lists the laws that the relevant exception applies to.[184] This requires parliament to consider laws that may conflict with the prohibition on sex discrimination and add them to the list if necessary.

7.172 The exception relating to court and NCAT orders raises further issues. Federal discrimination law contains similar exceptions for court orders.[185]

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181. *Equal Opportunity Act 1984* (WA) s 74(2)(a).
182. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984* (WA), Project 111, Final Report (2022) rec 82.
183. *Anti-Discrimination Act 1977* (NSW) s 54.
184. *Sex Discrimination Act 1984* (Cth) s 40(2B)–(3). See also *Disability Discrimination Act 1992* (Cth) s 47(2).
185. *Disability Discrimination Act 1992* (Cth) s 47(1); *Age Discrimination Act 2004* (Cth) s 39(7); *Sex Discrimination Act 1984* (Cth) s 40(1)(d)–(e).

7.173 In 1999, the NSWLRC thought the exception about complying with a court or NCAT order was unnecessary. This was because such an order was unlikely to require conduct that would be unlawful under the ADA.[186]

7.174 Other reviews have taken different approaches. The ACT Law Reform Advisory Council considered the exception for court and tribunal orders should be limited to an act done under an order of a court or tribunal, which was mandatory and specific about conduct that must be performed in the absence of a non-discriminatory alternative.[187] However, the LRCWA concluded an exception for acts done to comply with a court or tribunal order was appropriate.[188]

**Question 7.11: The statutory authorities exception**

Should the ADA provide an exception for acts done under statutory authority? If so, what should it cover and when should it apply?

186. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 43, [6.38].

187. *Discrimination Act 1991* (ACT) s 30(1); ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) rec 19.1.

188. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 158.

# 8. Civil protections against vilification

**In brief**

We seek your views on the protections in the *Anti-Discrimination Act 1977* (NSW) against vilification based on race, homosexuality, transgender grounds, HIV/AIDS, and religious belief, affiliation or activity. We ask if these protections should extend to other attributes. We also invite views on the test for vilification, and the exceptions to it.


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8.1 Vilification, discrimination and other hate-based conduct causes significant harm to victims and our community.[1] Vilification laws are designed to protect diverse

1. See NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151 (2024) ch 3.

communities from hate speech and denigration, and can also play an important role in promoting inclusion and social cohesion.

8.2 A key issue is whether vilification laws strike the right balance with other rights and freedoms. International human rights law recognises that everyone has the right to freedom of expression.[2] The enjoyment of freedom of expression "enables vibrant, multi-faceted public interest debate giving voice to different perspectives and viewpoints".[3]

8.3 However, the right to freedom of expression "carries with it special duties and responsibilities".[4] Like the rights to equality and non-discrimination, this right may be restricted in certain circumstances, as provided under international human rights law.[5]

8.4 NSW has civil and criminal protections against different forms of vilification. The *Anti-Discrimination Act 1977* (NSW) (ADA) protects against public acts that incite hatred, serious contempt or severe ridicule towards a person or group, based on specific protected attributes.

8.5 Section 93Z of the *Crimes Act 1900* (NSW) (*Crimes Act*) makes it an offence to publicly threaten or incite violence based on specific protected attributes. A new offence of inciting racial hatred by public act has been enacted, although it has not commenced at the time of writing.[6]

8.6 In 2024, we reviewed the effectiveness of s 93Z in addressing serious racial and religious vilification.[7] Our current review of the ADA raises wider issues about civil vilification laws, which we were not able to address within the narrow scope of the s 93Z review. In this chapter, we invite you to share your views on the:

- attributes protected against vilification in the ADA, including the 2023 reforms to prohibit religious vilification
- tests for civil vilification, including the definition of "public act", and

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2. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 19(2).
3. "Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence" in Human Rights Committee, *Annual Report of the United Nations High Commissioner for Human Rights*, UN Doc A/HRC/22/17/Add 4 (11 January 2013) [8]; *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 19(3).
4. *International Covenant on Civil and Political Rights*, 999 UNTS 171 (entered into force 23 March 1976) art 19(3).
5. See Human Rights Committee, *General Comment No.34 on Article 19: Freedoms of Opinion and Expression*, UN Doc CCPR/C/GC/34 (29 July 2011) [21]–[22].
6. *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93ZAA (uncommenced).
7. NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151 (2024).

- exceptions to civil vilification.

# Protections against vilification: an overview

8.7 As we mention above, NSW has both civil and criminal protections against vilification. People and groups in NSW are also protected against vilification by federal law.

## NSW protections against vilification

### Civil protections

8.8 The ADA protects against vilification based on the protected attributes of race, homosexuality, transgender grounds, HIV/AIDS, and religious belief, affiliation or activity. The protection against HIV/AIDS vilification also protects people thought to have HIV/AIDS (whether or not they do).[8]

8.9 Under the ADA, it is unlawful to publicly incite hatred, serious contempt or severe ridicule towards a person or group, on the ground the person or members of the group have a protected attribute.[9]

### Criminal offences

8.10 Section 93Z of the *Crimes Act* covers more serious forms of conduct. This section commenced in 2018. Previous serious vilification offences were consolidated, updated and moved from the ADA to the *Crimes Act*.[10]

8.11 Under s 93Z, it is an offence to publicly threaten or incite violence towards another person, or group of people, because they have a protected attribute. The offence applies to the protected attributes of race, religious belief or affiliation, sexual orientation, gender identity, intersex status, and having HIV or AIDS.

8.12 A police officer or the Director of Public Prosecutions can commence a prosecution under s 93Z.[11] An individual convicted of this offence can face a maximum penalty of 100 penalty units ($11,000), 3 years' imprisonment, or both. For corporations, the maximum penalty is 500 penalty units ($55,000).

8.13 The NSW Parliament recently enacted legislation to add a related offence to the *Crimes Act*. Upon commencement, it will be a criminal offence to incite racial hatred

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8. *Anti-Discrimination Act 1977* (NSW) s 49ZXB.
9. *Anti-Discrimination Act 1977* (NSW) s 20C, s 38S, s 49ZXB, s 49ZE, s 49ZT.
10. *Crimes Amendment (Publicly Threatening and Inciting Violence) Act 2018* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93Z.
11. *Crimes Act 1900* (NSW) s 93Z(4).

against a person or group. The offence will operate for three years.[12] This means there will be two potential pathways for addressing acts that incite racial hatred: a civil complaints pathway under the ADA and a criminal prosecution.

8.14 The new criminal offence will only apply to public acts that intentionally incite hatred based on race. The NSW Government has also commissioned a further review of criminal law hate speech protections for vulnerable communities.[13]

8.15 Like the civil vilification law in the ADA, the new criminal offence will require proof that a person, by a public act, incited hatred against a person or group based on race. However, the new offence will have two additional requirements:

- that the person accused of the offence *intentionally* incited racial hatred, and
- that the act would cause a reasonable person, who was part of the target group, to fear harassment, intimidation, or violence, or to fear for their safety.[14]

## Federal protections

### Civil protection

8.16 Under s 18C of the *Racial Discrimination Act 1975* (Cth) (*Racial Discrimination Act*) it is unlawful for a person to do an act, otherwise than in private that:

- is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people, and
- is done because of the race, colour or national or ethnic origin of the other person or of some or all the people in the group.

8.17 Under this civil protection, complaints can be made to the Australian Human Rights Commission.[15]

8.18 The regulation of broadcasting services provides another way of addressing vilification. For example, the Commercial Radio Code of Practice states that licensees must not broadcast a program which, in all the circumstances:

> is likely to incite in a reasonable listener, hatred against, or serious contempt for, or severe ridicule of, any person or group of persons because of age, ethnicity,

12. *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93ZAC (uncommenced).
13. NSW Government, "Review into Hate Speech Protections for Vulnerable Communities" (Media Release, Attorney General, 8 May 2025) <www.nsw.gov.au/ministerial-releases/review-into-hate-speech-protections-for-vulnerable-communities> (retrieved 12 May 2025).
14. *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93ZAA(1) (uncommenced).
15. *Australian Human Rights Commission Act 1986* (Cth) s 46P.

> nationality, race, gender, sexual preferences, religion, transgender status or disability ...[16]

### Criminal offences

8.19 There are also federal criminal protections against vilification. These apply to protect groups, members of groups, and close associates of groups that are distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality, national or ethnic origin or political opinion.

8.20 Under the *Criminal Code* (Cth) (*Criminal Code*), it is an offence for a person to advocate the use of force or violence against these groups, their members, or their close associates. The person may have in mind a combination of the protected attributes mentioned above.

8.21 The accused person does not have to intend that the force or violence occur. It is sufficient if they are reckless as to whether force or violence will occur.[17]

8.22 It is also an offence to threaten the use of force or violence against these groups, or their members or close associates, if a reasonable member of the targeted group would fear that the threat will be carried out.[18]

8.23 It is also an offence to advocate force or violence by causing damage to property (for example, painting an offensive slogan on a building). This only applies if the targeted group is distinguished by race, religion or ethnic origin.[19]

8.24 Aggravated versions of each offence (with a higher maximum penalty) may apply if the use of force or violence would threaten the peace, order, and good government of the Commonwealth if carried out.[20]

## The protected attributes: civil vilification

8.25 The ADA prohibits vilification based on:

- race
- homosexuality
- transgender grounds
- having HIV/AIDS, and

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16. Commercial Radio Australia, *Commercial Radio Code of Practice* (2017, last updated March 2018) cl 2.1.4. See also *Broadcasting Services Act 1992* (Cth) s 123.
17. *Criminal Code* (Cth) s 80.2A(2)(b), s 80.2B(2)(b).
18. *Criminal Code* (Cth) s 80.2BA(2), s 80.2BB(2).
19. *Criminal Code* (Cth) s 80.2BE(2)(d).
20. *Criminal Code* (Cth) s 80.2A(1)(d), s 80.2B(1)(e), s 80.2BA(1)(d), s 80.2BB(1)(e).

- religious belief, affiliation or activity, including not having a religious belief or affiliation, or not engaging in religious activity.[21]

8.26 If someone brings a complaint on behalf of other people, each person on whose behalf the complaint is made must:

- have the characteristic that the conduct in question was based on, or
- claim to have that characteristic, and there is no sufficient reason to doubt this.[22]

8.27 We will consider complaints procedures and remedies in detail in our second consultation paper.

8.28 In preliminary submissions, we heard concerns that:

- the way the ADA expresses and defines certain attributes that are protected against vilification is outdated and under-inclusive, and
- other people, and groups of people, should be protected against vilification.

## How the protected attributes are expressed and defined

8.29 As we detail in chapter 4, preliminary submissions raised many concerns about the way the ADA expresses and defines certain attributes in relation to the discrimination protections. While we do not repeat them here, many concerns are also relevant to the way the same attributes are expressed in the vilification sections of the ADA.

8.30 Some have specifically suggested that NSW should harmonise the expressions and definitions in the ADA's vilification protections with those in s 93Z of the *Crimes Act*.

8.31 The offence in s 93Z covers public acts that threaten or incite violence based on any of the following attributes:

> (a) the race of the other person or one or more of the members of the group,
>
> (b) that the other person has, or one or more of the members of the group have, a specific religious belief or affiliation,
>
> (c) the sexual orientation of the other person or one or more of the members of the group,
>
> (d) the gender identity of the other person or one or more of the members of the group,
>
> (e) that the other person is, or one or more of the members of the group are, of intersex status,
>
> (f) that the other person has, or one or more of the members of the group have, HIV or AIDS.[23]

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21. *Anti-Discrimination Act 1977* (NSW) s 20C(1), s 38S(1), s 49ZT(1), s 49ZXB(1), s 49ZE(1).
22. *Anti-Discrimination Act 1977* (NSW) s 88.
23. *Crimes Act 1900* (NSW) s 93Z(1).

8.32 It is irrelevant whether the alleged offender's assumptions or beliefs about an attribute of the other person or member of a group were correct or incorrect at the time of the relevant conduct.[24]

8.33 As defined in s 93Z:

- "race" includes colour, nationality, descent and ethnic, ethno-religious or national origin
- "religious belief or affiliation" means holding or not holding a religious belief or view
- "sexual orientation" means a person's sexual orientation towards persons of the same sex, persons of a different sex, or persons of the same sex and persons of a different sex
- "gender identity" means the gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth, and
- "intersex status" means the status of having physical, hormonal or genetic features that are neither wholly female nor wholly male, or a combination of female and male, or neither female nor male.[25]

8.34 The definition of "race" in s 93Z is the same as the ADA. But there are differences in relation to the other attributes.

8.35 Some have argued that the expressions and definitions of the protected attributes in s 93Z are wider, more modern, and more inclusive of LGBTQIA+ people than the ADA.[26] Compared to the ADA, s 93Z covers:

- sexual orientation (as opposed to "homosexuality" in the ADA)
- gender identity (as opposed to "transgender grounds" in the ADA), and
- people of intersex status (who are not covered at all in the ADA, under either the discrimination or vilification protections).

8.36 If the ADA mirrored these protected attributes as expressed in s 93Z, it would give people with these attributes the ability to make a civil complaint. This may be particularly important in cases that do not meet the criminal threshold.

8.37 We also heard concerns about the expression used in the ADA regarding HIV/AIDS vilification. The ADA refers to a person as being "HIV/AIDS infected". This is

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24. *Crimes Act 1900* (NSW) s 93Z(2).
25. *Crimes Act 1900* (NSW) s 93Z(5).
26. See, eg, NSW Aboriginal Women's Advisory Network, *Preliminary Submission PAD27*, 7; Law Society of NSW, *Preliminary Submission PAD31*, 13.

considered outdated and stigmatising, as it emphasises the illness rather than the person.[27]

8.38 Options could include using the expression in s 93Z, that is, a person who "has ... HIV or AIDS". One preliminary submission suggested person-centred language such as "persons living with HIV/AIDS".[28] Another suggested extending the vilification protections to include the unwanted disclosure of a person's HIV/AIDS status or threats to disclose it.[29]

8.39 We consider the definition of "religious belief or affiliation" in detail later in this chapter, when we discuss the 2023 reforms that prohibited vilification on this ground.

## Other potential protected attributes

8.40 Some think the ADA fails to protect certain other groups that experience high levels of social stigma and hate speech. In submissions both to this review and our review of s 93Z, we received suggestions that the law should prohibit vilification based on:

- disability[30]
- caste[31]
- people who experience mental illness, and their families and carers[32]
- sex workers,[33] and
- all members of LGBTQIA+ communities, including bisexual+ people, non-binary and other gender diverse people and people with diverse sex characteristics.[34]

8.41 The Disability Royal Commission recommended that the *Disability Discrimination Act 1992* (Cth) should:

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27. ACON, *Preliminary Submission PAD44*, 7; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 7.
28. Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 7.
29. HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60*, 14.
30. See, eg, NSW Aboriginal Women's Advisory Network, *Preliminary Submission PAD27*, 7; Vision Australia, *Preliminary Submission PAD68*, 3; Family Advocacy, *Preliminary Submission PAD75*, 1.
31. Periyar Ambedkar Thoughts Circle Australia, *Submission SV06*, 7–11.
32. Mental Health Carers NSW, *Preliminary Submission PAD42*, 6.
33. See, eg, ACON, *Preliminary Submission PAD44*, 7; Respect Inc, *Preliminary Submission PAD57*, 1, 6; Neophile, *Preliminary Submission PAD66*, 9; Scarlet Alliance, Australian Sex Workers Association, *Preliminary Submission PAD74*, 5–6; Sex Workers Outreach Project, *Preliminary Submission PAD77*, 7.
34. See, eg, Intersex Human Rights Australia, *Preliminary Submission PAD02*, 9; ACON, *Preliminary Submission PAD44*, 7; Neophile, *Preliminary Submission PAD66*, 13–14.

- contain a new protection against offensive behaviour, modelled on the *Racial Discrimination Act*, and
- make it unlawful to perpetrate or encourage violence or serious abuse, or incite hatred, because of disability.[35]

8.42 The Royal Commission also recommended that criminal vilification offences be extended to cover the vilification of people with disability based on their disability or perceived disability.[36]

8.43 Others have cautioned against expanding the list of protected attributes. We heard concerns about the potential impact of expanding vilification law on freedom of speech and freedom of religion.[37]

8.44 We invite you to comment on whether the coverage of the ADA's civil vilification protections should be expanded and, if so, which groups should be added. We set out below some considerations, adopted from other recent reviews, that could guide your response.

### General principles to guide decision-making about protected attributes

8.45 A preliminary issue is what principles should guide decisions about which, if any, new attributes should be covered by the ADA's civil vilification protections.

8.46 The New South Wales Law Reform Commission (NSWLRC) took a cautious approach in its 1999 review of the ADA, noting arguments that:

- vilification laws can have a chilling effect on free speech, and
- wider protections may increase complaints, which can have resource implications.[38]

8.47 The NSWLRC's view in 1999 was that vilification laws should only protect groups that are "socially significant", and who are being harmed noticeably and actively by hatred. It considered that the coverage of vilification laws should be justifiable and based on statistical information on the incidence of vilification of a particular group. In its view, new or extended vilification prohibitions should only be recommended where there is evidence that:

- a practical problem needs to be addressed

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35. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", rec 4.29, rec 4.30.
36. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", rec 4.30.
37. See, eg, Australian Christian Lobby, *Preliminary Submission PAD12*, 11, 12; Feminist Legal Clinic, *Preliminary Submission PAD72*, 3.
38. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.79]–[7.80].

- existing laws are ineffective in addressing this problem
- the proposed prohibition might reasonably be expected to have an appropriate impact on this problem, and
- the proposed prohibition would not disproportionately diminish freedom of speech.[39]

8.48 Applying these considerations, the NSWLRC did not support expanding the ADA's coverage to prohibit gender, religion or disability vilification.[40] However, a prohibition on religious vilification was added to the ADA in 2023.[41]

8.49 More recent reviews of vilification laws have also identified principles to guide attribute selection. Some similarly considered that protections against vilification should only be extended to other groups if there is empirical evidence that the group is targeted or is at risk of experiencing vilifying behaviour.[42]

8.50 The Law Commission of England and Wales identified a range of factors that could be used to assess whether there is a "demonstrable need" for protection against vilification. These include the:

- severity of the vilifying behaviour experienced by the group
- total amount of vilifying behaviour targeted at the group, and
- amount of vilification targeted at the group, compared with the size of the group.[43]

8.51 Other recent reviews also supported adding new groups that had been omitted from protection. This could involve consideration of whether:

- the attribute is protected in other states and territories
- the attribute is protected under discrimination law, but not vilification law, and
- existing human rights standards provide any guidance.[44]

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39. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.75], [7.84], [7.93].
40. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.81]–[7.92].
41. *Anti-Discrimination Act 1977* (NSW) s 49ZE, inserted by *Anti-Discrimination Amendment (Religious Vilification) Act 2023* (NSW) sch 1.
42. England and Wales, Law Commission, *Hate Crime Laws*, Final Report No 402 (2021) [3.45]; Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) 54–55.
43. England and Wales, Law Commission, *Hate Crime Laws*, Final Report No 402 (2021) [3.42], [3.45].
44. See Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) 54–55; Queensland Parliament Legal Affairs and Safety Committee, *Inquiry into Serious Vilification and Hate Crimes*, Report 22 (2022) 44; Law Reform

8.52 The Law Commission of England and Wales also referred to the principle of "additional harm". This considers if there is evidence that the vilification of a member of a particular group also causes harm to other members, and to society more widely. "Additional harm" is harm that is "associated with a shared sense of collective identity".[45]

### Consistency between discrimination law and civil vilification law

8.53 One issue is whether the civil vilification protections should apply to the same groups as the ADA's discrimination protections.

8.54 The ADA's vilification protections apply to a narrower range of attributes than the discrimination protections, as we set out in the table below.

### Table 8.1: Attributes protected from civil vilification and discrimination

| Attributes protected from civil vilification | Attributes protected from discrimination |
|---|---|
| ▪ being "HIV/AIDS infected", actually or presumed<br>▪ homosexuality<br>▪ race<br>▪ religious belief, affiliation or activity (including not having one)<br>▪ transgender grounds | ▪ age<br>▪ carer's responsibilities<br>▪ disability<br>▪ homosexuality<br>▪ marital or domestic status<br>▪ race<br>▪ sex (including pregnancy and breastfeeding)<br>▪ transgender grounds |

8.55 For instance, the ADA:

- prohibits discrimination based on age, carer's responsibilities, disability, marital or domestic status and sex, but does not protect against vilification on these grounds, and
- specifically prohibits vilification based on a person being, or thought to be, "HIV/AIDS infected",[46] but HIV/AIDS status is not a distinct protected attribute for the purposes of discrimination law. Instead, discrimination on the basis of HIV/AIDS status may constitute a form of disability discrimination (we discuss this more in chapter 4).

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Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 229–230.

45. England and Wales, Law Commission, *Hate Crime Laws*, Final Report No 402 (2021) [3.83].
46. *Anti-Discrimination Act 1977* (NSW) s 49ZXB.

8.56 It could be argued that the groups at risk of experiencing discrimination are likely also to be at risk of experiencing vilification. However, there may be differences in principle between discrimination and vilification that justify different coverage.

8.57 In 1999, the NSWLRC did not accept that all groups protected against discrimination should also be protected against vilification. Instead, it considered the merits and problems of extending vilification protections to each specific group, and applied the principles set out above.

8.58 Views may differ about whether this approach is still appropriate today. For instance, in its 2015 report, the ACT Law Reform Advisory Council recommended that vilification laws should cover all attributes protected by discrimination laws.[47] This was not adopted, and the Australian Capital Territory (ACT) discrimination protections continue to cover many more attributes than its civil vilification protections.[48]

8.59 As we discuss in chapter 9, the ADA's specific protections against harassment only cover sexual harassment and not harassment based on protected attributes.

### Consistency between the civil and criminal law

8.60 Another question is whether s 93Z of the *Crimes Act* and the ADA's civil vilification protections should cover the same protected attributes. There is a view that some of the expressions and definitions used in s 93Z are more modern and should be adopted in the ADA.

8.61 As noted above, currently s 93Z goes beyond the ADA by covering vilification based on "intersex status" and "sexual orientation" (as opposed to "homosexuality").

### Identifying gaps based on the coverage of other civil vilification laws

8.62 Some other states and territories prohibit vilification based on a wider range of attributes than the ADA. These include:

- disability[49]
- gender identity[50]
- age[51]

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47. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 96.
48. *Discrimination Act 1991* (ACT) s 7, s 67A.
49. *Discrimination Act 1991* (ACT) s 67A(1)(a); *Anti-Discrimination Act 1992* (NT) s 19(1)(j), s 20A; *Anti-Discrimination Act 1998* (Tas) s 16(k), s 17(1), s 19(b).
50. *Discrimination Act 1991* (ACT) s 67A(b); *Anti-Discrimination Act 1992* (NT) s 19(1)(ba), s 20A; *Anti-Discrimination Act 1991* (Qld) s 124A(1); *Anti-Discrimination Act 1998* (Tas) s 16(ea), s 17(1), s 19(e).
51. *Anti-Discrimination Act 1992* (NT) s 19(1)(d), s 20A; *Anti-Discrimination Act 1998* (Tas) s 16(b), s 17(1).

- relationship, accommodation, or employment status,[52] and
- association with a person who has, or is believed to have, a protected attribute.[53]

8.63 The Northern Territory (NT) discrimination law protects the widest range of attributes against vilification. However, the NT Government recently signalled its intention to repeal these vilification protections.[54]

8.64 Recent reviews in other states have recommended extending their own protections to cover more attributes, including attributes not currently covered in NSW.[55]

8.65 Some states have introduced or proposed new laws to expand the list of protected attributes in vilification laws. Most recently, the Victorian Parliament passed amendments to its vilification law to protect the attributes of disability, gender identity, sex, sex characteristics, sexual orientation, in addition to the existing protected attributes of race and religious belief.[56]

8.66 The Victorian amendments also provide that it is irrelevant that the person engaging in the conduct was incorrect about:

- a protected attribute of the other person or group, or
- whether the other person or group had a particular protected attribute.[57]

8.67 The Queensland Parliament passed similar amendments in 2024.[58] Along with other reforms, these amendments were due to commence on 1 July 2025. However, the

52. *Anti-Discrimination Act 1992* (NT) s 19(e)–(eb), s 20A.
53. *Anti-Discrimination Act 1992* (NT) s 19(r), s 20A.
54. M Garrick, "NT's CLP Government Confirms Plans to Scrap Labor's Hate Speech Changes" (2 March 2025) *ABC News* <www.abc.net.au/news/2025-03-02/nt-anti-discrimination-hate-speech-laws-repealed/104991288> (retrieved 9 April 2025).
55. See, eg, Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 114; Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) rec 1, 60; Queensland Parliament Legal Affairs and Safety Committee, *Inquiry into Serious Vilification and Hate Crimes*, Report 22 (2022) 44, rec 4.
56. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102B (uncommenced). See also *Racial and Religious Tolerance Act 2001* (Vic) s 7–8.
57. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102F (uncommenced). See also *Racial and Religious Tolerance Act 2001* (Vic) s 10.
58. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 21., amending *Anti-Discrimination Act 1991* (Qld) s 124A (uncommenced).

current Queensland Government decided to postpone the commencement of the reform package.[59]

8.68 A further issue is whether the ADA should protect against vilification based on having an association, real or perceived, with a targeted group. This might be a way of protecting people who are friends, parents, or relatives of someone with protected attributes.

8.69 This is currently part of the NT law.[60] Victoria has passed amendments to include this in its list of protected attributes.[61]

8.70 Another issue is whether NSW should prohibit vilification based on more than one attribute. The Victorian amendments will, upon commencement, provide that it does not matter if the conduct is claimed to have been in respect of one or more protected attributes.[62]

8.71 After recent amendments, the federal vilification offences can apply if the accused person had in mind a combination of protected attributes when targeting an individual or group.[63]

8.72 Prohibiting vilification that occurs because of more than one attribute might recognise that people with multiple protected attributes can experience vilification in unique and intersectional ways. It could also simplify the law, as it is sometimes hard to work out which attribute a vilifying act was based on.[64]

**Question 8.1: Protected attributes**

(1) What changes, if any, should be made to the way the ADA expresses and defines the attributes currently protected against vilification?

(2) Should the ADA protect against vilification based on a wider range of attributes? If so, which attributes should be covered and how should these be defined?

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59. D Frecklington, "Media Statement: Crisafulli Government to Consult on Anti-Discrimination Laws" (14 March 2025) *Queensland Government* <statements.qld.gov.au/statements/102168> (retrieved 4 April 2024).
60. *Anti-Discrimination Act 1992* (NT) s 19, s 20A.
61. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102B(h) (uncommenced).
62. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 14, inserting *Equal Opportunity Act 2010* (Vic) s 113(1A) (uncommenced).
63. *Criminal Code* (Cth) s 80.2A(3A), s 80.2B(4A), s 80.2BA(5), s 80.2BB(6), s 80.2BC(5), s 80.2BD(6), s 80.2BE(4).
64. Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) 58–59.

## The test for vilification

8.73 Under the ADA, vilification occurs when a person, by public act, incites hatred towards, serious contempt for, or severe ridicule of a person or group because they have a protected attribute. This is an "incitement-based" test.

8.74 There are mixed views on incitement-based tests. In general, some consider them unclear and overly restrictive. Another criticism is that incitement-based tests ignore the harm experienced by the victim.[65]

8.75 We heard specific concerns about the test in the ADA. Some observe that the ADA imposes a higher standard than the *Racial Discrimination Act*.[66] Others consider the ADA's focus on a third-party audience sets the bar too high.[67]

8.76 On the other hand, we heard concern that a lower threshold would unjustifiably restrict free speech and prevent criticisms of religion.[68] In its 1999 report, the NSWLRC did not recommend changes to the incitement-based test.[69]

8.77 Section 93Z also contains an incitement-based test. We did not recommend changes to this test in our review of that section. However, we have not reached a view on the test as it operates in the ADA, or on any potential alternatives. If it is felt that the ADA test requires reform, there are a range of options to consider.

### An overview of the ADA's incitement-based test

8.78 The ADA's test focuses on whether the public act incites, or is capable of inciting, particular emotions or responses in others. It does not consider the effect of the act on the targeted person or group. Similar tests are found in the civil vilification laws of several other states and territories.[70]

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65. NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151 (2024) [8.72]–[8.75]; Queensland Parliament Legal Affairs and Safety Committee, *Inquiry into Serious Vilification and Hate Crimes*, Report No 22 (2022) 31, 45.
66. NSW Bar Association, *Preliminary Submission PAD86* [29]; NSW Aboriginal Women's Advisory Network, *Preliminary Submission PAD27*, 7.
67. Kingsford Legal Centre, *Preliminary Submission PAD35*, 5.
68. Australian Christian Lobby, *Submission SV56*, 3–4.
69. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.107]–[7.110].
70. *Discrimination Act 1991* (ACT) s 67A(1); *Anti-Discrimination Act 1991* (Qld) s 124A(1); *Civil Liability Act 1936* (SA) s 73(1); *Racial and Religious Tolerance Act 2001* (Vic) s 7, s 8; *Anti-Discrimination Act 1998* (Tas) s 17.

8.79 The ADA does not define the word "incite". However, courts have held it to mean "to rouse, to stimulate, to urge, to spur on, to stir up or to animate", and that it "covers conduct involving commands, requests, proposals, actions or encouragement".[71]

8.80 The public act must reach an intended audience. Under the ADA, the act must be capable of inciting an ordinary member of that audience to feel hatred, serious contempt or severe ridicule based on the protected attribute. When assessing whether an act could incite those emotions, the context and intended audience of the act is relevant.[72]

8.81 Importantly, there is no need to show that the person who did the act intended to incite those emotions. It is also not necessary for anyone to in fact, be incited to feel those emotions.[73]

## A harm-based test

8.82 One reform option could be to introduce a harm-based test. This would focus on the impact of the conduct on the individuals and groups targeted by a public act. For instance, harm-based tests elsewhere focus on whether the conduct:

- is reasonably likely to offend, insult, humiliate, intimidate or ridicule a person with a protected attribute,[74] or
- would be reasonably likely to be considered by a reasonable person with the protected attribute to be hateful, seriously contemptuous, or reviling or seriously ridiculing of the targeted person or group.[75]

### Perspectives on a harm-based test

8.83 Some argue harm-based tests better reflect how members of the community understand and experience vilification.[76] This is because they consider how the target group experiences the conduct.

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71. *Sunol v Collier (No 2)* [2012] NSWCA 44 [41]. See also *Catch the Fire Ministries Inc v Islamic Council of Victoria Inc* [2006] VSCA 284, 15 VR 207 [12]–[14].
72. *Sunol v Collier (No 2)* [2012] NSWCA 44 [34], [61]–[62]. See also *Margan v Manias* [2015] NSWSC 307 [61]–[62], [76].
73. *Sunol v Collier (No 2)* [2012] NSWCA 44 [29]–[31].
74. See, eg, *Racial Discrimination Act 1975* (Cth) s 18C(1)(a); *Anti–Discrimination Act 1998* (Tas) s 17(1).
75. See, eg, Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti–Vilification Protections* (2021) rec 10; *Justice Legislation Amendment (Anti-Vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102D(1)(b) (uncommenced).
76. Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) rec 9, 119.

8.84 A harm-based test could also lower the threshold for civil vilification complaints. Removing the need to prove the conduct could have incited a third party might reduce the burden on the complainant.[77]

8.85 In our recent review of s 93Z of the *Crimes Act*, we concluded that a harm-based test should not be introduced into the NSW criminal vilification offence. We were concerned that the elements of a harm-based test are insufficiently certain for application in the criminal law. Such a test could lead to unintended consequences, especially if it had an "objective" standard and there was no element that focused on the accused person's state of mind.[78]

8.86 However, we have not reached a view about whether a harm-based test should be part of the ADA's civil vilification framework. Different considerations may apply to civil vilification laws, where no criminal penalty applies.

### Examples of civil harm-based tests

8.87 Harm-based tests apply in civil vilification laws in the NT, Tasmania and in the *Racial Discrimination Act*.[79] Amendments to introduce such a test were recently enacted in Victoria.[80] Recent inquiries supported the introduction, or consideration, of such a test in other states and territories too.[81]

8.88 If NSW was to introduce a civil harm-based test, an issue is whether it should replace the existing ADA test or operate in addition to it. Some laws, such as the civil vilification protections in the NT and the *Racial Discrimination Act*, only apply a harm-based test.[82]

8.89 However other civil vilification laws apply both a harm-based and an incitement-based test, in separate sections. This ensures that a wide range of vilifying behaviours are unlawful.[83]

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77. Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) rec 9, 119; Explanatory Notes, Respect at Work and Other Matters Amendment Bill 2024 (Qld) 11; Queensland Parliament Legal Affairs and Safety Committee, *Inquiry into Serious Vilification and Hate Crimes*, Report No 22 (2022) 45.
78. NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151(2024) [4.55]–[4.70].
79. *Racial Discrimination Act 1975* (Cth) s 18C(1)(a); *Anti-Discrimination Act 1992* (NT) s 20A(1)(a); *Anti-Discrimination Act 1998* (Tas) s 17(1).
80. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102D(1)(b) (uncommenced).
81. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [6.3.2]; ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 95, rec 17.1, rec 17.2.
82. *Racial Discrimination Act 1975* (Cth) s 18C(1)(a); *Anti-Discrimination Act 1992* (NT) s 20A(1)(a).
83. See, eg, *Anti-Discrimination Act 1998* (Tas) s 17(1), s 19.

8.90 Tasmania, for example, applies an incitement-based test to vilification based on race, disability, sexual orientation, lawful sexual activity, religious belief, affiliation or activity, gender identity or sex characteristics. A harm-based test applies to a wider range of attributes.[84]

8.91 The Victorian amendments will, upon commencement, provide for a harm-based test in addition to a separate incitement-based test. These will cover the same protected attributes.

8.92 First, the Victorian harm-based test will make it unlawful to engage in public conduct:

- because of a protected attribute of another person or group of persons
- that would, in all the circumstances, be reasonably likely to be considered by a reasonable person with the protected attribute to be hateful or seriously contemptuous of, or reviling or severely ridiculing, the other person or group of persons.[85]

8.93 The test will provide for conduct that is engaged in for two or more reasons. Where one of the reasons is a protected attribute, the conduct is taken to have been engaged in because of a protected attribute. This applies even if this is not the dominant or substantial reason for the conduct.[86]

8.94 Second, the Victorian incitement-based test will cover public conduct:

> that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, another person or a group of persons on the ground of a protected attribute of that other person or group of persons.[87]

8.95 The test will provide that the motive for engaging in any such conduct is irrelevant.[88]

8.96 The Queensland amendments would also introduce a new harm-based test to operate alongside an incitement-based test.[89] However, as we explain above, their commencement date is now uncertain.

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84. *Anti-Discrimination Act 1988* (Tas) s 17(1), s 19.
85. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102D(1) (uncommenced).
86. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102D(3) (uncommenced).
87. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102E(1) (uncommenced).
88. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102E(3) (uncommenced). See also *Racial and Religious Tolerance Act 2001* (Vic) s 9.
89. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 21, inserting *Anti-Discrimination Act 1991* (Qld) s 124C, s 124D (uncommenced).

### The new offence of inciting hatred

8.97 Although a criminal provision, the new NSW offence of inciting hatred will use aspects of both an incitement-based and harm-based test.

8.98 Section 93ZAA of the *Crimes Act* will, upon commencement, require proof that the accused person intentionally incited racial hatred towards another person or group. It will also require proof that their act would cause a reasonable person, who was the target of the incitement of hatred or a member of the targeted group, to fear harassment, intimidation or violence, or to fear for their safety.

## Other options for reform

8.99 Another option might be to lower the threshold in the ADA's incitement-based test to cover a public act that is "likely" to incite. The Victorian incitement-based test will take this approach.[90] It was considered that this reform may reduce the burden on complainants.[91]

8.100 Other options, drawn from Victoria, include confirming that the conduct may:

- consist of a single occasion or a number of occasions over time, and
- occur in or outside the state.[92]

8.101 Further considerations could include changing the conduct that is prohibited. For example, the ADA could make it unlawful to:

- commit a public act that expresses (rather than incites) hostility against, brings into contempt or ridicules a person with a protected attribute[93]
- engage in conduct that is likely to create, promote or increase animosity towards, threaten, seriously abuse or severely ridicule,[94] or
- threaten vilification.[95]

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90. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102E(1) (uncommenced). See also *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 21, inserting *Anti-Discrimination Act 1991* (Qld) s 124D (uncommenced).
91. Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) rec 8, rec 9, 112–119; Department of Justice and Community Safety, *Strengthening Civil Anti-Vilification Protections for all Victorians: Implementing the Legislative Recommendations of the Victorian Inquiry into Anti-vilification Protections* (2023) 8–9.
92. *Racial and Religious Tolerance Act 2001* (Vic) s 7; *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102D(2), s 102E(2) (uncommenced).
93. Kingsford Legal Centre, *Preliminary Submission PAD35*, 5.
94. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 113.
95. HIV/AIDS Legal Centre, Positive Life NSW, *Preliminary Submission PAD60*, 14.

**Question 8.2: The test for vilification**

(1) Should NSW adopt a "harm-based" test for civil vilification? If so, should this replace or supplement the existing "incitement-based" test?

(2) What, if any, other changes should be made to the incitement-based test for civil vilification?

# The definition of public act

8.102 The prohibitions on vilification in the ADA and in the *Crimes Act* only apply to public acts. Maintaining a distinction between public and private acts is one way the law seeks to protect diverse groups, without unjustifiably intruding into the private sphere. However, there may be ways of clarifying the definition of "public act" to ensure it covers relevant conduct and keeps pace with social change.

## The ADA takes a broad approach to "public act"

8.103 The ADA provides that a "public act" includes:

> (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and
>
> (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, and
>
> (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons [on the basis of the protected attribute of the person or members of the group].[96]

8.104 Tribunals have interpreted the expression "public act" broadly. It includes conduct or communication that is "capable of being seen or heard, without undue intrusion, by a non-participant".[97]

8.105 The NSW Civil and Administrative Tribunal has observed that the following factors may be helpful in determining if there has been a public act:

- whether there is an audience (where a speaker addresses an audience, it is more likely to be public)
- the size of any audience (where a speaker addresses a group, it is more likely to be public)
- the nature of the communication

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96. *Anti-Discrimination Act 1977* (NSW) s 20B, s 49ZS. See also *Anti-Discrimination Act 1977* (NSW) s 38R, s 49ZD, s 49ZXA.

97. *Z v University of A (No 7)* [2004] NSWADT 81 [100].

- the intention of the person or people communicating, and
- the circumstances that led to the communication.[98]

8.106 For instance, the following have been found to be public acts:

- words shouted in the stairwell of an apartment block[99]
- shouting words from private property into a public street,[100] and
- a police exercise involving 200 people at a public train station that was closed to the public.[101]

8.107 In some situations, acts directed at sections of the public, or limited classes of people, can be considered public acts. In one case, this included a teacher's spoken communication to a high school class.[102]

8.108 Certain online activity has also been considered a public act. For example, where someone posts:

- written text on a website that is not password protected[103]
- written text on a public Facebook page or one that has an audience of "a number of people",[104] or
- a link on a public website to another website containing vilifying material, with an express invitation to access that link.[105]

8.109 While broad, the definition of public act is not unlimited. For instance, a statement made in a school staff muster meeting was found not be a public act. This was because the meetings were not open to the public.[106]

8.110 Also, the definition does not apply to all online acts. For instance, social media posts directed at smaller, private audiences may not be public acts. The Tribunal has commented that posting a link to a website that contains vilifying material on a private Facebook page will not, in and of itself, be a public act.[107]

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98. *Barry v Futter* [2011] NSWADT 205 [74]–[76].
99. *Anderson v Thompson* [2001] NSWADT 11 [25].
100. *Lamb v Campbell* [2021] NSWCATAD 103 [23]–[28].
101. *Ekermawi v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 79 [42]–[46].
102. *Wolf v NSW Department of Education* [2023] NSWCATAD 202 [44]–[45].
103. *Collier v Sunol* [2005] NSWADT 261 [33].
104. *Burns v Smith* [2019] NSWCATAD 56 [34]–[35].
105. *Burns v Sunol* [2015] NSWCATAD 131 [41]; *Burns v Sunol* [2016] NSWCATAD 16 [35]–[36].
106. *Riley v NSW Department of Education* [2019] NSWCATAD 223 [118].
107. *Burns v McKee* [2017] NSWCATAD 66 [62].

## Options for clarifying the definition

8.111 Views differ about whether the ADA's definition of "public act" is appropriate and effective. Some think it is too narrow, unclear, inconsistent and inadequate in its application to online acts.[108] Others think the definition is too broad and should be narrowed to preserve freedom of speech and religion.[109]

8.112 In our recent review of s 93Z of the *Crimes Act*, we examined whether the definition of public act in this criminal vilification offence should be amended. We considered a range of potential reform options suggested in submissions and drawn from our research of the law in other states, territories and federally.

8.113 We concluded it was unnecessary to amend the definition. We considered it appropriately broad and flexible, with scope for argument on a case-by-case basis. The definition is well-established in NSW, and we expressed concern that any attempt to amend it may lead to unnecessary complications.[110]

8.114 The definition of public act in s 93Z was based on the civil definition in the ADA. Given this close relationship, it is likely that these considerations also apply to the ADA. However, it may be that minor amendments could clarify the civil definition.

8.115 One option could be to further harmonise the ADA's definition of public act with the definition in s 93Z.[111] Although the definitions are similar, there are some differences. Unlike the ADA, s 93Z expressly clarifies that a public act can include:

- communicating through social media and other electronic means
- graffiti, and
- acts that occur on private land.[112]

8.116 The reference to graffiti was added to s 93Z in March 2025.[113]

8.117 Making similar amendments to the ADA could lead to further alignment between the civil and criminal vilification regimes in NSW. It would address the situation that

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108. NSW Greens, *Preliminary Submission PAD85*, 9–10; Inner City Legal Centre, *Preliminary Submission PAD40*, 3; Anti-Discrimination NSW, *Preliminary Submission PAD83*, 16.
109. Catholic Women's League Australia, NSW Inc, *Preliminary Submission PAD88*, 5; Australian Christian Lobby, *Preliminary Submission PAD12*, 20.
110. NSW Law Reform Commission, *Serious Racial and Religious Vilification*, Report 151 (2024) [6.26]–[6.55]
111. Anti-Discrimination NSW, *Preliminary Submission PAD83*, 16; Inner City Legal Centre, *Preliminary Submission PAD40*, 3.
112. *Crimes Act 1900* (NSW) s 93Z(5).
113. *Crimes Act 1900* (NSW) s 93Z(5) definition of "public act", amended by *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* (NSW) sch 1 [1].

the definition in the criminal legislation is expressed in wider terms than in the civil legislation.

8.118 However, to the extent it would reflect existing interpretations of the ADA, it may not practically change the law. For instance, certain conduct involving graffiti has been held to be a "form of communication to the public" for the purpose of a homosexual vilification claim under the ADA.[114]

8.119 The definitions in the ADA and s 93Z also differ in their approach to the "distribution or dissemination of any matter to the public". To be considered a public act, the ADA requires this be done "with knowledge that the matter promotes or expresses" vilification.[115] Section 93Z does not require that the person distributing or disseminating the material had knowledge that it promotes or expresses vilification.[116]

8.120 In 1999, the NSWLRC reported that the ADA's knowledge requirement "prevents those innocently distributing material, without being aware of its contents, from being liable".[117] It is not clear why this requirement was not included in s 93Z, although it may relate to the mental elements of knowledge and recklessness that apply to this offence. Regardless, this indicates that the differences between the civil and criminal contexts may need consideration if alignment between the two definitions is contemplated.

8.121 Other developments in Victoria and Queensland could also be considered. The Victorian amendments include a definition of "public conduct" based on the s 93Z definition of "public act". For avoidance of doubt, the Victorian definition will also provide:

- conduct may be public even if it occurs on private property or land, or at a place that is not open to the general public, and
- a display on a person's body by means of tattooing or other body modification is not considered "public conduct".[118]

8.122 The Queensland amendments would also clarify that conduct may still be a public act even if it happens somewhere the public do not ordinarily access.[119]

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114. *Burns v Dye* [2002] NSWADT 32 [86]–[88].
115. *Anti-Discrimination Act 1977* (NSW) s 20B(c).
116. *Crimes Act 1900* (NSW) s 93Z(5) definition of "public act".
117. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.113].
118. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102C(2)–(3) (uncommenced).
119. *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 21, inserting *Anti-Discrimination Act 1991* (Qld) s 124B(2) (uncommenced).

**Question 8.3: The definition of "public act"**

What changes, if any, should be made to the definition of "public act" in the test for vilification in the ADA?

## Exceptions

8.123 There are a range of exceptions to the ADA's protections against vilification. Some, such as the general exceptions for religious bodies, apply across the ADA, including to the prohibitions on vilification. Others apply to both discrimination and vilification, such as the exceptions for faith-based organisations providing adoption services and the exception relating to transgender people in sport. We outline these broad exceptions in chapter 7.

8.124 Other exceptions apply specifically to vilification. The prohibitions on vilification do not apply to:

- a fair report of a public act of vilification
- the communication, distribution or dissemination of any matter that would be subject to a defence of absolute privilege in defamation proceedings, or
- a public act, done reasonably and in good faith, for certain purposes.[120]

### "Fair report" and "absolute privilege for defamation" exceptions

8.125 The first category of exceptions applies to "a fair report" of an act of vilification. The purpose of this exception is to allow the media to report freely, provided the reporting is fair and factual.[121]

8.126 In 1999, the NSWLRC recommended that the Anti-Discrimination Board (now known as Anti-Discrimination NSW or "ADNSW") should have the power to create guidelines on what is a fair report.[122] This was not implemented and may be an option for consideration regarding the powers and functions of ADNSW. We will detail these powers and functions in our second consultation paper in this review.

8.127 The second category of exceptions concerns the defence of absolute privilege to defamation. It is a defence to a claim of defamation if the defendant can prove that the material in question was published on an occasion of "absolute privilege". The defence only covers certain situations, and in some cases, certain people or bodies.

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120. *Anti-Discrimination Act 1977* (NSW) s 20C(2), s 38S(2), s 49ZE(2), s 49ZT(2), s 49ZXB(2).
121. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.132]–[7.133].
122. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 95.

For example, a person may have a defence of absolute privilege if the communication was made:

- during the proceedings of a parliamentary body
- during the proceedings of an Australian court or tribunal, or
- to a police officer while the officer is acting in their official capacity.[123]

8.128 In 1999, the NSWLRC considered this exception should remain.[124]

## The public interest exceptions

8.129 The third category of exceptions aims to allow acts and discussions to occur when there is a public interest justification. They are designed to achieve a balance between the right to free speech, and the right to live free from vilification and the harms it causes.[125]

8.130 Generally, each of the public interest exceptions in the ADA apply to public acts, done reasonably and in good faith, for:

- academic, artistic, scientific or research purposes, or
- other purposes in the public interest including discussion or debate about, and expositions of, any act or matter.[126]

8.131 As we discuss below, the public interest exceptions for homosexual, transgender grounds, HIV/AIDS and religious vilification also refer to certain religious purposes.

### Perspectives on the public interest exceptions

8.132 In 1999, the NSWLRC noted the public interest exceptions were appropriate and an important safeguard of the right to freedom of expression.[127]

8.133 However, some have argued that the exceptions go too far and do not protect the rights of marginalised groups.[128] A related view is that the exceptions give a special status to acts done for certain purposes. Some consider this unfair, particularly

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123. *Defamation Act 2005* (NSW) s 27(1)–(2)(b1).
124. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.136].
125. NSW, *Parliamentary Debates*, Legislative Assembly, Second Reading Speech, 4 May 1989, 7488.
126. *Anti-Discrimination Act 1977* (NSW) s 20C(2)(c), s 38S(2)(c), s 49ZE(2)(c), s 49ZT(2)(c), s 49ZXB(2)(c).
127. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.140].
128. Scarlet Alliance, Australian Sex Workers Association, *Preliminary Submission PAD74*, 5.

where people engaging in these purposes have significant privilege and acts done for these purposes could inflict harm.[129]

8.134 If it is desirable to narrow the exception, one option could be to qualify that the academic, artistic, scientific, religious or research purpose should be "genuine". Victoria, the NT and the *Racial Discrimination Act* take this approach.[130]

8.135 A Victorian Parliamentary Committee recommended that the exception for acts done for any "purpose in the public interest" should also be confined to "genuine" purposes.[131] The Victorian amendments will introduce this.[132]

8.136 On the other hand, adding the word "genuine" might not lead to significant changes in the law's application. There may also be further uncertainty if the criteria to be used in assessing whether a purpose is "genuine" are unclear.

8.137 The Victorian amendments also provide exceptions for conduct engaged in reasonably and in good faith in:

- the performance, exhibition or distribution of an artistic work, or
- making or publishing a fair and accurate report of any event or matter of public interest.[133]

8.138 Another issue is whether the public interest exception should extend to "fair comment". Exceptions in the NT and the *Racial Discrimination Act* extend to "a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment".[134] The NSWLRC did not support such an exception in 1999. It noted concerns that this could exempt any public comments made by someone who believes them to be true, no matter how abusive or offensive they are.[135]

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129. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.138].
130. *Racial Discrimination Act 1975* (Cth) s 18D; *Anti-Discrimination Act 1992* (NT) s 20B; *Racial and Religious Tolerance Act 2001* (Vic) s 11(1)(b)(i).
131. Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Anti-Vilification Protections* (2021) rec 12, 126.
132. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102G(1)(b) (uncommenced).
133. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102G(1)(a), s 102G(1)(c) (uncommenced). See also *Racial and Religious Tolerance Act 2001* (Vic) s 11(1)(a), s 11(1)(c).
134. *Racial Discrimination Act 1975* (Cth) s 18D(c)(ii); *Anti-Discrimination Act 1992* (NT) s 20B(c)(ii).
135. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.134].

### Religious discussion or instruction purposes

8.139 The public interest exception to homosexual vilification extends to acts done for the purposes of "religious instruction". The exceptions for vilification based on transgender grounds, HIV/AIDS, or religious belief, affiliation or activity apply more broadly to "religious discussion or instruction purposes".[136]

8.140 In contrast, the public interest exception to racial vilification in the ADA does not expressly include these purposes. However, the recently enacted NSW offence of publicly inciting racial hatred does not apply to an act that "consists only of directly quoting from or otherwise referencing a religious text for the purpose of religious teaching or discussion".[137]

8.141 The vilification protections in the ACT, the NT, and the *Racial Discrimination Act* do not provide exceptions for acts done for religious purposes.[138]

8.142 However, the Victorian exception extends to acts done for genuine religious purposes. This is currently defined as including, but not limited to, conveying or teaching a religion or proselytising.[139]

8.143 The Victorian amendments will, upon commencement, clarify that a religious purpose includes, but is not limited to, worship, observance, practice, teaching, preaching and proselytising in conformity with the doctrines, beliefs or principles of that religion.[140]

8.144 An issue is whether a religious purposes exception to vilification is necessary or desirable in the ADA. One consideration is that there may be a degree of overlap between these aspects of the public interest exceptions and other exceptions in the ADA. As we discuss in chapter 7, a general exception applies throughout the ADA (including the vilification protections) to the acts or practices of a body established to propagate religion, that:

- conforms to the religion's doctrine, or
- is necessary to avoid injury to the religious susceptibilities of adherents of that religion.[141]

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136. *Anti-Discrimination Act 1977* (NSW) s 49ZT(2)(c), s 38S(2)(c), s 49ZXB(2)(c), s 49ZE(2)(c).
137. *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) sch 1, inserting *Crimes Act 1900* (NSW) s 93ZAA(2) (uncommenced).
138. *Racial Discrimination Act 1975* (Cth) s 18D; *Discrimination Act 1991* (ACT) s 67A(2); *Anti-Discrimination Act 1992* (NT) s 20B. See also *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 21, inserting *Anti-Discrimination Act 1991* (Qld) s 124D(2)(c) (uncommenced).
139. *Racial and Religious Tolerance Act 2001* (Vic) s 11(1)(b)(i), s 11(2).
140. *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic) s 9, inserting *Equal Opportunity Act 2010* (Vic) s 102G(2) (uncommenced).
141. *Anti-Discrimination Act 1977* (NSW) s 56(d).

8.145 Another exception excludes the policies and practices of faith-based adoption services from the prohibitions on vilification based on homosexuality and transgender grounds.[142]

8.146 Others have considered it unnecessary to exempt acts done for religious purposes from vilification protections. The Law Reform Commission of Western Australia concluded that prohibitions on vilification do not unduly prevent individuals from expressing their religious views and opinions. Individuals can hold, and even strongly express, their religious views without this amounting to civil vilification.[143]

**Question 8.4: Exceptions**

What if any, changes should be made to the exceptions to the vilification protections in the ADA?

## Religious vilification protections

8.147 In preliminary submissions to this review of the ADA, and during our 2024 review of s 93Z of the *Crimes Act*, we heard concerns about the ADA's protection against religious vilification.

8.148 It is unlawful, by public act, to incite hatred towards, serious contempt for or severe ridicule of a person, or group of people, because they:

- have or do not have a religious belief or affiliation, or
- engage, or do not engage, in religious activity.[144]

8.149 This was added to the ADA in 2023. Some regard this reform as an important protection for people of faith in the context of growing intolerance.[145] Others, while generally supporting protections against religious vilification, argue that the legislation is unclear, too broad and does not strike the right balance with freedom of expression.

142. *Anti-Discrimination Act 1977* (NSW) s 59A.

143. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 231.

144. *Anti-Discrimination Act 1977* (NSW) s 49ZE(1)(a).

145. See, eg, National Catholic Education Commission, *Preliminary Submission PAD16*, 2; Australian National Imams Council, *Preliminary Submission PAD23*, 7; Australian Muslim Advocacy Network, *Preliminary Submission PAD47* [2.3]; Hindu Council of Australia, *Preliminary Submissions PAD58* [35].

## The definition of religious belief, affiliation and activity

8.150 In particular, some noted that the ADA does not define "religious belief", "religious affiliation" and "religious activity".[146] When the reform was introduced, concerns were expressed that the term "religious affiliation" is ambiguous, and could protect anyone claiming to be affiliated with a religion or a religious group.[147] Some argued individuals could bring a complaint if they are affiliated with a religious organisation that received public criticism.[148]

8.151 Some have suggested the ADA should adopt the definition of religious belief and affiliation in s 93Z of the *Crimes Act*.[149] It is an offence to threaten or incite violence towards a person, or group, because the person or one or more members of the group has a "specific religious belief or affiliation".

8.152 Unlike the ADA, s 93Z:

- defines "religious belief or affiliation" as "holding or not holding a religious belief or view",[150] and
- does not expressly cover public acts of incitement based on a person or group engaging, or not engaging in, religious activity.

8.153 Others have raised concerns that the ADA does not only protect against vilification based on "lawful" religious activities.[151] However, as we outline in chapter 5, others have argued that lawfulness is already part of the well-established judicial definition of "religion".[152] Chapter 5 also considers other options for defining religious protections.

## Other concerns about the religious vilification protections

8.154 Some preliminary submissions expressed concerns that the ADA could go beyond protecting individuals and groups against vilification based on their religious beliefs

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146. Public Interest Advocacy Centre, *Submission SV10*, 3; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 11; NSW Greens, *Preliminary Submission PAD85*, 12; Legal Aid NSW, *Preliminary Submission PAD87*, 30.
147. NSW, *Parliamentary Debates*, Legislative Assembly, 2 August 2023, 48.
148. Public Interest Advocacy Centre, *Submission SV10*, 15.
149. Public Interest Advocacy Centre, *Submission SV10*, 4; Public Interest Advocacy Centre, *Preliminary Submission PAD82*, 11.
150. *Crimes Act 1900* (NSW) s 93Z(5) definition of "religious belief or affiliation".
151. Public Interest Advocacy Centre, *Submission SV10*, 3; Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 8; Legal Aid NSW, *Preliminary Submission PAD87*, 30.
152. NSW, *Parliamentary Debates*, Legislative Council, 3 August 2023, 8196–8197, 8203–8204. See also *Church of the New Faith v Commissioner for Pay-Roll Tax (Vic)* (1983) 154 CLR 120, 136.

or views. There is a view that it could also be used to silence criticism of those beliefs and views themselves.[153]

8.155 When the reform was introduced into Parliament, the Attorney General said it was not intended to "protect religion or religious beliefs themselves, and they are not intended to be used to silence criticism or debate".[154] An option could be to clarify this in the ADA for the avoidance of doubt.

8.156 Some also argued the ADA does not only protect individuals and groups of people against religious vilification. It could also allow religious organisations, including churches, to seek redress for being vilified as an organisation.[155] This is because the prohibition covers the vilification of a "person" or a "group of persons".[156] In NSW, a "person" includes "an individual, a corporation and a body corporate or public".[157]

8.157 The other vilification protections in the ADA also apply to persons and groups of persons. There is a view that this is less concerning in relation to vilification based on other protected attributes. This is because other organisations are arguably unable to be characterised as having race, sexuality, gender identity or HIV/AIDs status, but can be characterised as "religious".[158]

8.158 Some argued that vilification complaints made by religious organisations against individuals could silence public debate and undermine democratic engagement and institutional accountability.[159] One suggestion involved clarifying that the ADA's protection against religious vilification only applies to "natural persons".[160]

**Question 8.5: Religious vilification**

What changes, if any, should be made to the protection against religious vilification in the ADA?

153. NSW Council for Civil Liberties, *Preliminary Submission PAD21* [71]; Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 8.
154. NSW, *Parliamentary Debates*, Legislative Assembly, Second Reading Speech, 28 June 2023, 4.
155. Public Interest Advocacy Centre, *Submission SV10*, 3; NSW Council for Civil Liberties, *Preliminary Submission PAD21* [74]; Legal Aid NSW, *Preliminary Submission PAD87*.
156. *Anti-Discrimination Act 1977* (NSW) s 49ZE(1).
157. *Interpretation Act 1987* (NSW) sch 4 definition of "person".
158. Public Interest Advocacy Centre, *Submission SV10*, 13.
159. NSW Council for Civil Liberties, *Preliminary Submission PAD21* [74].
160. Public Interest Advocacy Centre, *Submission SV10*, 13–14; NSW Council for Civil Liberties, *Preliminary Submission PAD21* [74]–[75].

# 9. Harassment

**In brief**

The *Anti-Discrimination Act 1977* (NSW) (ADA) prohibits sexual harassment. We ask if changes are required to the tests for sexual harassment and to the areas of public life in which sexual harassment is unlawful. We also ask whether and, if so, how the ADA should prohibit harassment based on an individual's attributes.


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9.1 The *Anti-Discrimination Act 1977* (NSW) (ADA) prohibits sexual harassment. Sexual harassment is unwelcome sexual conduct that would make a person feel offended, humiliated, or intimidated.[1] This chapter focuses on the definition of sexual harassment, the areas of life where sexual harassment is prohibited and whether harassment on other grounds should be covered by the ADA.

1. *Anti-Discrimination Act 1977* (NSW) s 22A.

9.2 A significant issue is whether the ADA should be updated to reflect recent developments in sexual harassment law. The sexual harassment sections in the ADA have not been amended since they were introduced in 1997.

9.3 However, major changes have occurred at the federal level. The Australian Human Rights Commission (AHRC)'s national inquiry into sexual harassment in workplaces has led to this change. In its 2020 *Respect@Work* report, the AHRC found that the federal sexual harassment laws (which were broadly consistent with the ADA) were not fit for purpose in addressing workplace sexual harassment. It recommended changes to place greater emphasis on victims, gender and intersectionality.[2] The *Sex Discrimination Act 1984* (Cth) (*Sex Discrimination Act*) was amended to implement the AHRC's recommendations.

9.4 Another issue is how the ADA relates to other laws that prohibit sexual harassment. The *Sex Discrimination Act*, federal employment laws, and NSW work health and safety laws also prohibit sexual harassment, either directly or indirectly. This means NSW complainants can face different options about which law to use and where to make a complaint.

9.5 They might also have options about how to frame their complaint. Sexual harassment can also amount to sex discrimination, bullying or subjecting someone to a hostile work environment.[3] Serious instances of sexual harassment can also amount to criminal conduct, including sexual assault.[4]

9.6 This chapter considers some of these legal frameworks and asks if there are any gaps in the ADA or indeed any overlaps with existing protections. We also ask if there is benefit in reforming the ADA to be more consistent with these frameworks.

9.7 We consider in chapter 11 whether there should be a positive obligation to prevent and eliminate harassment. In the second consultation paper, we will consider remedies, enforcement and complaints handling.

## The test for sexual harassment under the ADA

9.8 There are four elements to sexual harassment under the ADA. The test in the *Sex Discrimination Act* is similar, but with some important differences that we explain below.

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2. Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 10.
3. *Anti-Discrimination Act 1977* (NSW) s 24; *Fair Work Act 2009* (Cth) s 789FD(1); *Sex Discrimination Act 1984* (Cth) s 28M.
4. *Crimes Act 1900* (NSW) pt 3 div 10.

## The ADA's four-step test for sexual harassment

9.9 Sexual harassment can include a broad range of behaviours, from sexually suggestive comments or questions to unwanted physical contact.[5] A single or isolated act of sexual conduct may be enough to be unlawful.[6]

9.10 The first step in the test is identifying what a person did and the sexual nature of the conduct. Sexual conduct includes sexual advances and requests for sexual favours.[7] However, the conduct does not have to be sexually explicit. For example, it can include sexual "[i]nnuendo, insinuation, implication, overtone, undertone, horseplay, a hint, a wink or a nod".[8]

9.11 The intention of the person engaging in the sexual conduct is irrelevant. This includes the person's view about their conduct and how it was received by the complainant.[9] Instead, whether the conduct is "sexual in nature" depends on the facts of the situation. This is what is known as an "objective" element.[10]

9.12 The second step is that the conduct must be directed to or done in relation to the complainant. This means there must be some connection between the conduct and the complainant. Simply being a bystander or observing sexual conduct may not be enough to be considered sexual harassment.[11]

9.13 The next step is that the sexual conduct must be unwelcome to the complainant. Whether the conduct is "unwelcome" is determined from the complainant's perspective at the time of the conduct.[12] In other words, it is a "subjective" element.[13] Sometimes, it may be "obvious" just from the nature of the conduct that

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5. See, eg, *Cooke v Plauen Holdings Pty Ltd* [2001] FMCA 91; *San v Dirluck Pty Ltd* [2005] FMCA 750, 222 ALR 91; *Elliott v Nanda* [2001] FCA 418, 111 FCR 240; *Poniatowska v Hickinbotham* [2009] FCA 680; *Kraus v Menzie* [2012] FCA 3 [53].
6. See, eg, *Hall v Sheiban Pty Ltd* (1989) 20 FCR 217, 231; *Cooke v Plauen Holdings* [2001] FMCA 91 [25]; *Johanson v Blackledge Meats* [2001] FMCA 6 [85]; *Aldridge v Booth* (1988) 80 ALR 1, 5.
7. *Anti-Discrimination Act 1977* (NSW) s 22A(a).
8. *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [125].
9. *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [82], [96], [98]; *Huang v University of New South Wales* [2008] FCA 1930 [48].
10. *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [34].
11. *Zanella v Carroll's Auto Repairs Pty Ltd* [2001] NSWADT 220 [70]–[74]; *Carter v Linuki Pty Ltd* [2004] NSWADT 287 [24], [27]; *Noble v Baldwin* [2011] FMCA 283 [237].
12. *Ewin v Vergara (No 3)* [2013] FCA 1311 [447].
13. *Aldridge v Booth* (1988) 80 ALR 1, 5; *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [34]; *Hall v Sheiban Pty Ltd* (1989) 20 FCR 217, 247; *Elliott v Nanda* [2001] FCA 418, 111 FCR 240 [109]; *Poniatowska v Hickinbotham* [2009] FCA 680 [289].

it was unwelcome.[14] There is no requirement that the complainant expressly objected to the conduct or said that the conduct was unwelcome.[15]

9.14 The final step is that a reasonable person, with knowledge of all the circumstances, would anticipate that the complainant would be offended, humiliated or intimidated by the unwelcome sexual conduct.

9.15 This is known as the "reasonable person" test or standard. It is objective, meaning it is not assessed from the perspective of the complainant, but rather from the perspective of a hypothetical reasonable person with knowledge of the situation.[16]

## Differences to the *Sex Discrimination Act*

9.16 Under both the ADA and the *Sex Discrimination Act*, sexual harassment includes engaging in unwelcome conduct of a sexual nature in relation to another person. An objective "reasonable person" standard applies in both laws to determine whether the unwelcome sexual conduct could be considered as offending, humiliating or intimidating to the complainant.

9.17 However, there are important differences between these two laws. An issue is whether the ADA should be amended to align with the *Sex Discrimination Act*.

### The threshold of the "reasonable person" standard

9.18 One difference is that the threshold of the "reasonable person" standard is lower under the *Sex Discrimination Act*. It requires a reasonable person to anticipate "the possibility" that the person harassed would be offended, humiliated or intimidated.[17] By contrast, the ADA requires a reasonable person to anticipate that the person harassed would be offended, humiliated or intimidated.[18]

9.19 The *Sex Discrimination Act* was previously the same as the ADA standard. However, it was lowered in response to concerns that the previous standard:

- was too narrow,[19] and
- could allow a person to "run the risk" of causing offence, humiliation or intimidation.[20]

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14. *Hughes v Hill* [2020] FCAFC 126, 277 FCR 511 [23].
15. *Aldridge v Booth* (1988) 80 ALR 1, 5; *O'Callaghan v Loder* [1983] 3 NSWLR 89 103–104.
16. See, eg, *Johanson v Blackledge Meats* [2001] FMCA 6 [84].
17. *Sex Discrimination Act 1984* (Cth) s 28A(1)(b), s 28AA(1)(b), s 28M(2)(c).
18. *Anti-Discrimination Act 1977* (NSW) s 22A.
19. Explanatory Memorandum, Sex and Age Discrimination Legislation Amendment Bill 2010 (Cth) [69]–[70].
20. Australia, Senate Standing Committee on Legal and Constitutional Affairs, *Effectiveness of the Sex Discrimination Act 1984 in Eliminating Discrimination and Promoting Gender Equality (*2008) [11.36], rec 15.

### Matters to be considered

9.20 Another difference is that the *Sex Discrimination Act* lists matters to be considered in determining whether a reasonable person would anticipate the possibility of offence, insult or humiliation. These are:

- the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, disability, race, colour or national or ethnic origin of the person harassed
- the relationship between the person harassed and the harasser, and
- any other relevant circumstance.[21]

9.21 By contrast, the ADA says that the reasonable person would have regard to "all the circumstances".[22] It does not specify what those circumstances could include.

9.22 There could be benefits in listing some circumstances for consideration, as the *Sex Discrimination Act* does. For example, it would expressly allow for consideration of the complainant's individual circumstances, including their protected attributes. Some may consider this important, as inequalities that arise from an individual's characteristics can influence their risk of sexual harassment, and how they experience and respond to it.[23]

9.23 However, some have argued the *Sex Discrimination Act* list is ineffective. There is a view that complainants' attributes continue to be ignored in sexual harassment matters.[24]

### Definition of "conduct of a sexual nature"

9.24 The final difference between the definitions of sexual harassment in the ADA and *Sex Discrimination Act* relates to the term "conduct of a sexual nature". In the *Sex Discrimination Act*, this includes making an oral or written statement of a sexual nature to a person or in the presence of a person.[25]

9.25 The ADA does not define this term. One view is that defining it could make it clear that conduct can include statements. However, it may not be necessary to define it.

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21. *Sex Discrimination Act 1984* (Cth) s 28A(1A).
22. *Anti-Discrimination Act 1977* (NSW) s 22A.
23. Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 359.
24. Australian Discrimination Law Experts Group, Submission to the Australian Human Rights Commission, *National Inquiry into Sexual Harassment in Australian Workplaces* (4 March 2019) 23. See also Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 456.
25. *Sex Discrimination Act 1984* (Cth) s 28A(2). See also *Discrimination Act 1991* (ACT) s 58(2); *Equal Opportunity Act 2010* (Vic) s 92(2)(b).

The NSW Court of Appeal has found that it is a broad term and it should not be interpreted in a limited way.[26] Defining the term could even have the effect of narrowing the current interpretation.

**Question 9.1: The definition of sexual harassment**

(1) Should the reasonable person test be expanded to include the "possibility" of offence, intimidation or humiliation? Why or why not?

(2) Should the ADA expressly require consideration of an individual's attributes, or the relationship between the parties, in determining whether a person would be offended, humiliated or intimidated by the conduct? Why or why not?

(3) Does the ADA need to define "conduct of a sexual nature"? Why or why not?

# Other sex-based conduct

9.26 Unlike the ADA, the *Sex Discrimination Act* also prohibits:

- harassment "on the ground of sex",[27] and
- subjecting someone to a workplace that is "hostile on the basis of sex".[28]

9.27 We refer to these as "sex-based conduct". These forms of conduct are different from sexual harassment in that they do not need to be sexual in nature.

## Tests for other sex-based conduct

9.28 Under the *Sex Discrimination Act*, "harassment on the ground of sex" occurs when a person engages in unwelcome, demeaning conduct in relation to the complainant because of the complainant's sex.[29] A reasonable person must anticipate the possibility that the conduct would offend, humiliate or intimidate the complainant.[30]

9.29 Subjecting someone to a workplace that is "hostile on the ground of sex" happens when:

- a person engages in conduct in the workplace, and

26. *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [97].
27. *Sex Discrimination Act 1984* (Cth) s 28AA.
28. *Sex Discrimination Act 1984* (Cth) s 28M, inserted by *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth) sch 1 cl 5.
29. *Sex Discrimination Act 1984* (Cth) s 28AA(1)(a).
30. *Sex Discrimination Act 1984* (Cth) s 28AA(1)(b).

- a reasonable person would anticipate the possibility that the conduct would result in a workplace environment that is offensive, intimidating or humiliating to a person of the sex of the complainant.[31]

9.30 Factors to be considered in determining whether someone has been subjected to either form of conduct include:

- the seriousness of the conduct
- whether it was repeated, and
- the role, influence and authority of the person engaging in the conduct.[32]

## Benefits of prohibiting sex-based conduct

9.31 Adopting similar protections in NSW could clarify the law and address some existing "grey areas" in the ADA. This includes behaviours that are not clearly prohibited by sex discrimination or sexual harassment laws in the ADA.[33] For example, behaviour that is:

- sexist rather than sexual in nature,[34] or
- not specifically directed to a person, for example, workplaces with an underlying culture of inappropriate behaviour.[35]

9.32 Introducing similar protections in NSW would allow people to pursue these sex-based claims under the ADA rather than having to use the federal laws. It would also reduce the inconsistency across Australia.

## Concerns about prohibiting sex-based conduct

9.33 However, adding these protections to the ADA could make it harder for a complainant to decide which law best applies to their experience. This could arise where the same conduct could constitute sex discrimination, sex-based harassment and sexual harassment.[36]

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31. *Sex Discrimination Act 1984* (Cth) s 28M(2).
32. *Sex Discrimination Act 1984* (Cth) s 28AA(2), s 28M(3).
33. Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 457, 460; Revised Explanatory Memorandum, Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021 (Cth), Statement of Compatibility with Human Rights [12].
34. Women's Legal Service NSW, *Preliminary Submission PAD55* [43]–[45].
35. Revised Explanatory Memorandum, Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (Cth) [6]. See also Australian Lawyers for Human Rights, *Preliminary Submission PAD62* [6].
36. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 136–137, 140–141; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 460.

9.34 One alternative is to clarify in the ADA that in some cases a hostile work environment may constitute indirect discrimination.[37] Further, better education and information about sex discrimination and sexual harassment may also help reduce confusion.[38]

9.35 Another consideration is whether the ADA needs to prohibit conduct that is already prohibited by the *Sex Discrimination Act*. Currently, complainants can use the *Sex Discrimination Act* to make complaints about other sex-based conduct.

9.36 Even if it is considered that the ADA should prohibit sex-based conduct, the *Sex Discrimination Act* may not be the preferred model. Aspects of this law have been criticised, including the:

- requirement for conduct to be "demeaning" to be considered harassment on the ground of sex
- requirement for someone to be "subjected" to a workplace that is hostile on the ground of sex, and
- factors listed in the *Sex Discrimination Act* to determine whether sex-based conduct has occurred.

9.37 Some think that the requirement for conduct to be "demeaning", as part of the test for harassment on the ground of sex, is unnecessary. The tests for sexual harassment and sex discrimination do not have this requirement. Some think it should be enough that a person was exposed to unwelcome conduct because of their sex, and that the "reasonable person" standard was met.[39]

9.38 The Queensland Human Rights Commission (QHRC) considered that the requirement could lead to misunderstandings, including that:

- conduct must be demeaning to be considered unlawful sex discrimination or sexual harassment, and
- demeaning conduct is only unlawful in relation to sex, not other attributes.[40]

9.39 Some think that the *Sex Discrimination Act*'s prohibition of a hostile workplace environment is ineffective and onerous for complainants. There are also concerns

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37. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 141.
38. See, eg, Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 460; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 135, 141.
39. Australian Discrimination Law Experts Group, Submission to the Senate Standing Committees on Legal and Constitutional Affairs, *Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* (11 October 2022) [10].
40. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 136–137.

that the protection may not fill the gaps in the law, as it was intended to. In particular, it may not overcome one problem that sexual harassment complainants face — that is, the need to prove that the respondent's actions directly affected them. This is because "subjecting" someone to a hostile environment would still require a person's actions to directly impact another person.[41]

9.40 There may also be concerns about the factors listed in the *Sex Discrimination Act* to be considered in determining if sex-based conduct has occurred. One view is that these factors pose unnecessary hurdles for complainants. It could be argued that factors such as the seriousness or repetition of the conduct are higher barriers than those found in the tests for sexual harassment.[42]

**Question 9.2: Other sex-based conduct**

(1) Should harassment on the ground of sex be expressly prohibited by the ADA? Why or why not?

(2) Should the ADA prohibit workplace environments that are hostile on the ground of sex? Why or why not?

(3) Are there any other options or models to prohibit conduct which may fall in the gap between sex discrimination and sexual harassment? What could be the benefits of these options?

## Areas in which sexual harassment is unlawful

9.41 The ADA only prohibits sexual harassment in the following areas of public life:

- employment
- education
- goods and services
- accommodation
- land dealings
- sport
- state programs
- bodies that confer trade or occupational qualifications, and
- employment agencies.[43]

41. Australian Discrimination Law Experts Group, Submission to the Senate Standing Committees on Legal and Constitutional Affairs, *Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* (11 October 2022) [16].
42. Australian Discrimination Law Experts Group, Submission to the Senate Standing Committees on Legal and Constitutional Affairs, *Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* (11 October 2022) [12].
43. *Anti-Discrimination Act 1977* (NSW) s 22B–s22J.

9.42 The application of the ADA in these areas is, as we describe below, complicated. However, other laws take a different approach.

## Overview of the ADA's approach

9.43 Within the areas of public life listed above, the ADA specifies who is prohibited from sexually harassing who. In most areas, the prohibition applies broadly. For example, it is unlawful to sexually harass someone while:

- providing or receiving goods and services
- providing or receiving accommodation
- engaging in sporting activities (including as a coach, player, official or administrator), or
- carrying out any function under NSW law for a state program.[44]

9.44 In some areas, the ADA only prohibits a person who has authority in a relationship from sexually harassing a person who does not have this authority. For example:

- members or employees of bodies that issue trade or occupational qualifications must not sexually harass people seeking those qualifications, and
- operators or employees of employment agencies must not sexually harass people who they are providing services to.[45]

9.45 Some areas are further limited. For instance, in the area of "education", the prohibition applies to staff members sexually harassing students aged 16 and over, and students aged 16 and over sexually harassing staff members.[46]

9.46 It does not apply where a student sexually harasses another student, or a staff member sexually harasses another staff member. However, the latter scenario may be covered by the prohibition on sexual harassment in the "employment" area.

## Comparisons with the *Sex Discrimination Act*

9.47 The ADA's coverage is similar to the areas of life protected from sexual harassment under the *Sex Discrimination Act*. However, the *Sex Discrimination Act* also prohibits sexual harassment in clubs, and unions or employer associations.[47]

9.48 The *Sex Discrimination Act* also protects more types of workers from sexual harassment. Its approach to prohibiting sexual harassment in the workplace is simpler than the ADA's.

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44. *Anti-Discrimination Act 1977* (NSW) s 22F, s 22G, s 22I, s 22J.
45. *Anti-Discrimination Act 1977* (NSW) s 22C, s 22D.
46. *Anti-Discrimination Act 1977* (NSW) s 22E.
47. *Sex Discrimination Act 1984* (Cth) s 28D, s 28K.

9.49 The *Sex Discrimination Act* prohibits sexual harassment in connection with a person's status as a "worker" or "person conducting a business or undertaking".[48] These terms are broadly defined to cover a wide range of people in the employment sphere.

9.50 Workers include employees, contractors, apprentices, students gaining work experience, outworkers and volunteers.[49] A person conducting a business or undertaking includes a person doing so alone, and whether or not for profit or gain.[50]

9.51 By contrast, the ADA prohibits sexual harassment of specific types of workers by other specified workers or employers. For example, the ADA prohibits the sexual harassment of:

- an employee by their employer or a fellow employee
- a commission agent or contractor by their employer or fellow commission agent or contractor, and
- a partner in a partnership by another partner in the partnership.[51]

9.52 The ADA restricts the protection of other less traditional types of workers. It prohibits the sexual harassment of a "workplace participant" by another "workplace participant", but only where this occurs at the workplace of both these people.[52]

9.53 Workplace participants include the more conventional types of workers listed above, as well as:

- self-employed people, and
- volunteers or unpaid trainees.[53]

9.54 This means that the following instances of sexual harassment must occur in the workplace of both parties to be unlawful under the ADA:

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48. *Sex Discrimination Act 1984* (Cth) s 28B(3)–(8).
49. *Work Health and Safety Act 2011* (NSW) s 7(1) definition of "worker".
50. *Work Health and Safety Act 2011* (NSW) s 5(1) definition of "person conducting a business or undertaking".
51. *Anti-Discrimination Act 1977* (NSW) s 22B(1)–(5).
52. *Anti-Discrimination Act 1977* (NSW) s 22B(6).
53. *Anti-Discrimination Act 1977* (NSW) s 22B(9) definition of "workplace participant".

### Table 9.1: Unlawful sexual harassment in the workplace

| Sexual harassment by | Sexual harassment of |
|---|---|
| Any workplace participant | A self-employed person, volunteer or unpaid trainee |
| A member of Parliament | Any workplace participant |
| A member of Parliament | A member of Parliament |
| A co-worker who is an employee | A commission agent or contractor |
| An employee, commission agent or contractor | A partner |

9.55 A "workplace" is defined as a place where a workplace participant works or attends "in connection" with being a workplace participant.[54] This includes accommodation provided by an employer, modes of transportation to attend work events and places where there are social gatherings of work colleagues.[55]

9.56 If NSW adopted the *Sex Discrimination Act* approach, it would mean:

- more types of workers would be covered by the prohibition on sexual harassment
- all types of workers would be treated the same, with no differences in requirement for where the sexual harassment took place, and
- sexual harassment done by any person, not just an employer or co-worker, would be prohibited, if done in connection with someone's status as either a worker or a person conducting a business or undertaking.

9.57 The Australian Law Reform Commission (ALRC) recently recommended the *Sex Discrimination Act* should prohibit sexual harassment in "all areas of public activity".[56] The ALRC also recommended that the Australian Government consider whether the prohibition should be expanded further to apply "universally" — that is, to any area of life, public or private.[57] The Australian Government has not yet responded to these recommendations.

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54. *Anti-Discrimination Act 1977* (NSW) s 22B(9) definition of "workplace".
55. See, eg, *Ewin v Vergara (No 3)* [2013] FCA 1311; *South Pacific Resort Hotels Pty Ltd v Trainor* [2005] FCAFC 130, 144 FCR 402. These cases discuss the definition of "workplace" in the *Sex Discrimination Act*, which was the same as the ADA definition at the time.
56. Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, Report 143 (2025) rec 48.
57. Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, Report 143 (2025) rec 49.

**Question 9.3: Sexual harassment in the workplace**

Should the ADA adopt the *Sex Discrimination Act*'s approach of prohibiting sexual harassment in connection with someone's status as a worker or person conducting a business or undertaking? Why or why not?

## Workplace-related laws also regulate sexual harassment

9.58 Employment laws and work health and safety laws also regulate sexual harassment. These laws are limited to the workplace.

9.59 Sexual harassment in the workplace is prohibited, directly or indirectly, under the *Fair Work Act 2009* (Cth) (*Fair Work Act*) and the *Work Health and Safety Act 2011* (NSW) (*WHS Act*).[58] These Acts apply to "workers" and "people conducting a business or undertaking". These Acts cover more types of workers than the ADA currently does.

9.60 The *Fair Work Act* uses the *Sex Discrimination Act* definition of sexual harassment. Under the *Fair Work Act*, a person must not sexually harass a "worker" or "person conducting a business or undertaking" if the harassment occurs "in connection" with the person being either of those things.[59]

9.61 The *Fair Work Act* also prohibits bullying at work, which involves repeated unreasonable behaviour towards a worker or group of workers in a workplace, that creates a risk to health and safety.[60] A person may apply to the Fair Work Commission for an order to stop the bullying or an order to stop the sexual harassment.[61]

9.62 The *Fair Work Act* applies to most workplaces in NSW, but it does not apply to the state public sector and local government.[62]

9.63 The *WHS Act* imposes duties on people conducting a business or undertaking to:

- ensure, as far as reasonably practicable, the health and safety of their workers and others, and

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58. *Fair Work Act 2009* (Cth) s 527D; *Work Health and Safety Act 2011* (NSW) s 19; *Work Health and Safety Regulation 2017* (NSW) pt 3.2 div 11.
59. *Fair Work Act 2009* (Cth) s 527D(2) definition of "worker"; *Work Health and Safety Act 2011* (Cth) s 7 definition of "worker".
60. *Fair Work Act 2009* (Cth) s 789FD(1).
61. *Fair Work Act 2009* (Cth) s 789FC, s 527F.
62. See *Industrial Relations (Commonwealth Powers) Act 2009* (NSW) s 6(c), s 6(f); *AB* [2014] FWC 6723.

- manage risks arising from hazards that may cause psychological harm.[63]

9.64 Harassment is recognised in the SafeWork NSW code of practice on psychosocial hazards as a common hazard that may cause psychological harm.[64] SafeWork NSW also has a separate code of practice which provides guidance to workers and people conducting a business or undertaking on how to identify and manage the risks of sexual and gender-based harassment.[65]

**Question 9.4: Workplace-related laws regulating sexual harassment**

(1) Are workplace-related sexual harassment laws and the ADA currently working well together, in terms of the definitions of sexual harassment?

(2) Should the ADA and workplace-related sexual harassment laws be more aligned?

## Prohibiting sexual harassment in other areas of life

9.65 We heard some support for expanding the areas of life in which sexual harassment was prohibited. Options to consider included:

- prohibiting sexual harassment in any area of life, public or private
- prohibiting sexual harassment in all areas of public life, and
- expanding the areas of life protected from sexual harassment to cover all areas of life that are protected from discrimination under the ADA.

9.66 Prohibiting sexual harassment in any area of life, public or private, would make it unlawful to sexually harass a person on the street or in the home. This is the approach taken in Queensland and the Northern Territory (NT).[66] In 2022, the QHRC concluded this was operating well.[67] The ALRC also favoured this approach in its recent review of justice responses to sexual violence.[68]

9.67 Arguments in favour of this approach include that it would:

- simplify and clarify the ADA, and

63. *Work Health and Safety Act 2011* (NSW) s 19; *Work Health and Safety Regulation 2017* (NSW) pt 3.2 div 11.
64. *Work Health and Safety Regulation 2017* (NSW) cl 55D; SafeWork NSW, *Managing Psychosocial Hazards at Work: Code of Practice* (2021) 8.
65. SafeWork NSW, *Sexual and Gender-Based Harassment: Code of Practice* (2023).
66. *Anti-Discrimination Act 1991* (Qld) s 118; *Anti-Discrimination Act 1992* (NT) s 22.
67. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 130.
68. Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, Report 143 (2025) rec 49, [14.79]–[14.112].

- cover instances of sexual harassment that are pervasive but which the ADA does not prohibit, including sexual harassment on the street.[69]

9.68 It may also be considered appropriate that sexual harassment is unlawful no matter which area of life or type of relationship it occurs in. However, an argument against including areas of private life is that it may be inconsistent with the ADA's current distinction between public and private areas of life, and limitation to the public sphere only.[70]

9.69 A second option is to prohibit sexual harassment in all areas of public life. As with the first option, this would remove the need for the ADA to specify areas of life or who is prohibited from sexually harassing who. This would be simpler than the current approach and may also eliminate any uncertainty about where harassment is unlawful.[71]

9.70 A third option is to expand the areas of life protected from sexual harassment to cover all areas of life that are protected from discrimination under the ADA. For example, registered clubs are included in the areas of life protected from discrimination, but not sexual harassment.[72]

9.71 Only NSW, South Australia (SA) and Western Australia (WA) do not expressly prohibit sexual harassment in clubs. However, SA prohibits sexual harassment by a "member of a governing body of an association", which may extend to clubs.[73]

9.72 Further, WA may adopt the recommendation of the Law Reform Commission of Western Australia (LRCWA) to extend the prohibition against sexual harassment to all areas of public life that are protected from discrimination. The LRCWA considered that sexual harassment should not be tolerated in any of those areas.[74]

**Question 9.5: Expanding the areas of life where sexual harassment is prohibited**

(1) Should the ADA continue to limit the areas of life where sexual harassment is unlawful? Why or why not?

(2) Should sexual harassment be unlawful in other areas of life? For example:

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69. Australian Lawyers for Human Rights, *Preliminary Submission PAD62*, 6–7; NSW Council for Civil Liberties, *Preliminary Submission PAD21*, 21–22; Inner City Legal Centre, *Preliminary Submission PAD40*, 3.
70. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.17].
71. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 52.
72. *Anti-Discrimination Act 1977* (NSW) s 20A, s34A, s 38O, s 48A, s 49O, s 49ZR, s 49ZYP.
73. *Equal Opportunity Act 1984* (SA) s 87(6g).
74. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 56, [4.3.1].

(a) areas of life that are protected from discrimination

(b) all areas of public life, or

(c) any area of life, public or private?

## The private accommodation exception

9.73 The ADA prohibits sexually harassing someone while providing, or offering to provide, accommodation to them.[75] However, this does not apply to accommodation in a private household.[76]

9.74 Only NSW completely excludes private accommodation from the prohibition on sexual harassment. While the *Sex Discrimination Act* has an exception for private accommodation, it applies only where the private accommodation is being provided by a near relative.[77]

9.75 The ADA's sexual harassment exception is broader than the private accommodation exception that applies to discrimination (we discuss this in chapter 6). The discrimination exception only applies where:

- the person providing the accommodation is a near relative and intends to continue to reside at the premises, and
- the accommodation provided is for no more than 6 people.[78]

9.76 In 1999 the NSW Law Reform Commission recommended repealing the private accommodation exception for sexual harassment.[79]

9.77 We discuss other exceptions that apply across the ADA, including to the sexual harassment protections, in chapter 7.

**Question 9.6: The private accommodation exception**

Should sexual harassment be prohibited in private accommodation? Why or why not? If an exception for private accommodation is required, how wide should it be?

75. *Anti-Discrimination Act 1977* (NSW) s 22G(1).
76. *Anti-Discrimination Act 1977* (NSW) s 22G(2).
77. *Sex Discrimination Act 1984* (Cth) s 4(1) definition of "near relative", s 28H.
78. *Anti-Discrimination Act 1977* (NSW) s 20(3), s 34(3), s 38N(3), s 48(3), s 49N(3), s 49ZQ(3), s 49ZYO(3)(a)–(b).
79. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [7.49], rec 91.

# Harassment based on protected attributes

9.78 Harassing a person based on a protected attribute is not currently prohibited under the ADA. However, attribute-based harassment is prohibited elsewhere, including in Tasmania, the NT, WA and in some federal discrimination laws.[80]

## Arguments for and against new prohibitions

9.79 Arguably, attribute-based harassment may already be prohibited by other means. There are instances where this conduct may be considered:

- unlawful discrimination (if for example, a person was treated less favourably based on a protected attribute)[81]
- vilification (if the conduct incited hatred or violence of people with that protected attribute)[82]
- intimidation (including for example, if the conduct caused the person to fear for their safety),[83] or
- workplace bullying (if the conduct created a risk to health and safety).[84]

9.80 However, an attribute-based approach to harassment may make it easier for people who are subjected to offensive, intimidating and humiliating treatment, based on their attributes, to make a complaint. Currently, they would need to make a discrimination or vilification complaint. But not all attribute-based harassment meets the threshold of discrimination or vilification.

9.81 Expressly prohibiting attribute-based harassment may better reflect the reality of people's experiences of harassment.[85] For example, a person of colour may experience sexual and racial harassment in the same conduct. Currently, they would need to pursue a sexual harassment claim and a separate race discrimination claim. They may decide it is easier to only pursue one claim or to not make a complaint. If the ADA prohibited attribute-based harassment, they may only need to satisfy one test.

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80. *Anti-Discrimination Act 1998* (Tas) s 17(1); *Anti-Discrimination Act 1992* (NT) s 20(1)(b); *Racial Discrimination Act 1975* (Cth) s 18C; *Disability Discrimination Act 1992* (Cth) s 35, s 37, s 39; *Equal Opportunity Act 1984* (WA) s 49A(3), s 49B(2), s 49C(2).
81. *O'Callaghan v Loder* [1983] 3 NSWLR 89; *Hall v Sheiban Pty Ltd* (1989) 20 FCR 217. See also ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 90.
82. *Anti-Discrimination Act 1977* (NSW) s 20C, s 38S, s 49ZE, s 49ZS, s 49ZT, s 49ZXB; *Crimes Act 1900* (NSW) s 93Z.
83. *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 7 definition of "intimidation", s 13.
84. *Fair Work Act 2009* (Cth) s 789FD(1).
85. Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 463.

## Conduct that could be considered attribute-based harassment

9.82 The type of conduct covered in various states, territories and federally differs. Tasmania has the broadest model, covering conduct that offends, humiliates, intimidates, insults or ridicules a person. This applies to both sexual harassment and attribute-based harassment. The only difference between attribute-based harassment and sexual harassment in Tasmania is that sexual harassment must be sexual in nature.[86]

9.83 Part of the Tasmanian test is that a reasonable person would have anticipated that the complainant would be offended, humiliated, intimidated, insulted or ridiculed.[87]

9.84 Other places cover a narrower range of conduct. WA limits attribute-based harassment to threats, abuse, insults or taunts.[88] Also, WA and the NT treat attribute-based harassment as a form of discrimination. This means complainants must establish that they were disadvantaged or treated less favourably because of the harassment.[89] This is a higher standard than the objective "reasonable person" standard used in Tasmania and for sexual harassment in the ADA.

9.85 The LRCWA recommended removing the requirement to establish disadvantage. It recommended adopting an objective standard.[90] It considered this would make it clearer that harassment is unacceptable.[91]

9.86 The *Disability Discrimination Act* does not define harassment. It has been interpreted narrowly by the courts, requiring repetitive and serious conduct.[92] The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) found that the *Disability Discrimination Act* has been ineffective in preventing harassment, with no successful claims since 2000.[93]

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86. *Anti-Discrimination Act 1998* (Tas) s 17(1), s 17(3).
87. *Anti-Discrimination Act 1998* (Tas) s 17(1).
88. *Equal Opportunity Act 1984* (WA) s 49A(3), s 49B(2), s 49C(2).
89. *Anti-Discrimination Act 1992* (NT) s 20(1)(b), s 20(2); *Equal Opportunity Act 1984* (WA) s 49A(3)(b), s 49B(2)(b), s 49C(2)(b).
90. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 104, rec 105.
91. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [5.2.1].
92. *McCormack v Commonwealth of Australia* [2007] FMCA 1245 [75].
93. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability,* Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 318.

9.87 The *Sex Discrimination Act* requires the conduct to be "demeaning". As discussed earlier in the chapter, this has been criticised as unnecessary.[94] The *Sex Discrimination Act* is the only discrimination law that lists factors to be considered for attribute-based harassment. These include:

- the attributes of the complainant
- any power imbalance in the relationship between the parties
- the seriousness of the conduct, and
- whether the conduct was repeated.[95]

## Harassment on the ground of other attributes and areas of life

9.88 Australian discrimination laws take different approaches to which attributes are protected from harassment and in which areas of life. Some align the attributes and areas with discrimination, while others are more limited.

9.89 One approach is to protect the same attributes and the same areas of life from both discrimination and harassment. Only the NT takes this approach.[96] Tasmania and the federal *Sex Discrimination Act* protect the same areas of life (but not attributes) from both harassment and discrimination.

9.90 A benefit of aligning the areas and attributes may be that it could be easier to understand when harassment and discrimination were unlawful, and it could promote consistency across the ADA.

9.91 However, some discrimination laws only protect selected attributes from harassment. The extent of the protection varies:

- In Tasmania, most attributes protected from discrimination are also protected from harassment. The exceptions are industrial activity, political and religious beliefs and activities, irrelevant criminal and medical records, and associations with people who have these or other protected attributes.[97]
- Federal discrimination law protects two attributes from harassment: sex and disability.[98]
- By contrast, WA only protects against harassment based on race.[99]

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94. Australian Discrimination Law Experts Group, Submission to the Senate Standing Committees on Legal and Constitutional Affairs, *Inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022* (11 October 2022) [10].
95. *Sex Discrimination Act 1984* (Cth) s 28AA(2).
96. *Anti-Discrimination Act 1992* (NT) s 20(1)(b).
97. *Anti-Discrimination Act 1998* (Tas) s 16(l)–(s).
98. *Sex Discrimination Act 1984* (Cth) s 28AA; *Disability Discrimination Act 1992* (Cth) s 35, s 37, s 39.
99. *Equal Opportunity Act 1984* (WA) s 49A, s 49B, s 49C.

9.92 A concern with prohibiting harassment based on some attributes and not others is that it may suggest that harassing behaviour is sometimes acceptable.[100]

9.93 Some discrimination laws only protect against harassment in limited areas of life. WA and the *Disability Discrimination Act* only prohibit harassment in three areas of life. This approach has been criticised. For example, the LRCWA considered that racial harassment should not be tolerated in any area of life, and recommended extending the prohibition to all areas of public life protected by its Act.[101] Similarly, the Disability Royal Commission considered that the limited scope of the disability harassment provision is one reason why it has been ineffective.[102]

**Question 9.7: Attribute-based harassment**

If the ADA was to prohibit attribute-based harassment, which attributes and areas should it cover?

100. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 136–137.

101. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) [5.2.2.1], rec 106.

102. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report* (2023) vol 4, "Realising the Human Rights of People with Disability", 319. See also *Disability Discrimination Act 1992* (Cth) s 35, s 37, s 39.

# 10. Other unlawful acts and liability

**In brief**

The *Anti-Discrimination Act 1977* (NSW) (ADA) prohibits other behaviour, including victimisation and unlawful advertisements. We invite comment on the ADA's approach to these unlawful acts. We also seek your views on how liability for unlawful conduct operates under the ADA. This includes whether the use of artificial intelligence in automated decision-making challenges current understandings of liability.


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Liability and artificial intelligence 222


10.1 In previous chapters, we consider the prohibitions against discrimination, vilification and sexual harassment under the *Anti-Discrimination Act 1977* (NSW) (ADA). The ADA also makes it unlawful to:

- victimise someone for taking action under the ADA, or
- publish advertisements that contravene the ADA.

10.2 In this chapter, we outline what is covered by these forms of unlawful conduct and the defences that apply to them. We ask if any changes should be made.

10.3 We also discuss who may be held liable for unlawful conduct under the ADA and in what circumstances. We ask whether the growing use of artificial intelligence (AI) in decision-making challenges established understandings of liability and, if so, how this could be addressed.

## Victimisation

10.4 Victimisation occurs where someone experiences retribution or further disadvantage because they exercise their rights under the ADA. One example of exercising rights under the ADA is making a discrimination complaint.

## When victimisation occurs

10.5 Someone would be victimised under the ADA if they were subjected to any "detriment" because they had:

- brought proceedings under the ADA
- given evidence or information in connection with proceedings under the ADA
- alleged that someone had done something that contravened the ADA, or
- otherwise done anything under or by reference to the ADA.

10.6 Victimisation also occurs when someone is subjected to a detriment because the respondent knew that they intended to do any of these things, or suspected they had done them.[1]

10.7 A "detriment" means any form of "disadvantage",[2] loss, damage or injury.[3] The detriment needs to be of some substance and not merely trivial.[4] Examples include being:

- dismissed from a role at work[5]
- denied opportunities at work[6]
- excluded from a community social group,[7] and
- exposed to public humiliation or abuse.[8]

10.8 It is a defence if the allegation made under the ADA (for which someone believed they were being victimised) was false and not made in good faith.[9]

## Options to expand or clarify the coverage of this prohibition

10.9 There are questions about whether the prohibition against victimisation should more clearly cover two other scenarios.

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1. *Anti-Discrimination Act 1977* (NSW) s 50(1).
2. *Borg v Department of Corrective Services* (2002) EOC 93-198 [173].
3. *Shaikh v NSW Fire Brigades* (1996) EOC 92-808 [48].
4. *Bogie v University of Western Sydney* (1990) EOC 92-313; *Sivananthan v NSW Police Service* [2001] NSWADT 44 [40]–[41].
5. *Kolavo v Ainsworth Nominees* (1994) EOC 92-576.
6. *Borg v Department of Corrective Services* (2002) EOC 93-198.
7. *Grass v McIntosh, Leong and Auyeng* [2023] NSWCATAD 258.
8. See, eg, *Ferguson v Shoalhaven City Council* [2023] NSWCATAD 276; *Burns v Sunol* [2012] NSWADT 246; *Burns v Sunol* [2014] NSWCATAD 61.
9. *Anti-Discrimination Act 1977* (NSW) s 50(2).

### Threats to victimise

10.10 The first scenario is where a person threatens to victimise someone. The ADA appears to require someone alleging victimisation to prove that a detriment has already occurred. By contrast, most other Australian anti-victimisation laws expressly cover threats to victimise someone.[10]

10.11 In 1999, the NSW Law Reform Commission (NSWLRC) thought that the ADA should clearly prohibit any conduct, actual or threatened, which would undermine its purposes, which include enabling people to bring complaints. The NSWLRC recommended that the ADA expressly cover a situation where the respondent threatened to victimise someone.[11]

### Victimisation that occurs for two or more reasons

10.12 The second scenario is where someone was victimised for two or more reasons. For instance, they were victimised both for bringing an action under the ADA and for other reasons unrelated to the ADA. Currently, the ADA does not clearly include this in the test for victimisation.

10.13 By contrast, the ADA is clearer when it comes to unlawful discrimination. If an act was done for two or more reasons, and one reason was unlawful discrimination, the act is taken to be done for a discriminatory reason. This applies even if this was not the dominant or substantial reason.[12]

10.14 However, where a person victimises someone for two or more reasons, it has been found to be sufficient that one of the "real, genuine or true reasons" for doing so was that the person was pursuing a right under the ADA.[13]

**Question 10.1: Victimisation**

(1) Should the prohibition of victimisation in the ADA expressly extend to situations where a person threatens to victimise someone? Why or why not?

(2) Should the ADA provide that victimisation is unlawful even if it was done for two or more reasons? If so, how best could this be achieved?

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10. See, eg, *Sex Discrimination Act 1984* (Cth) s 47A(2); *Anti-Discrimination Act 1991* (Qld) s 130(1); *Equal Opportunity Act 2010* (Vic) s 104(1); *Equal Opportunity Act 1984* (WA) s 67(1).
11. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 98, [7.154].
12. *Anti-Discrimination Act 1977* (NSW) s 4A.
13. *Nicholls v Department of Education and Training (No 2)* [2009] NSWADTAP 20 [36]; *Jones v TRAD* [2013] NSWCA 389, 86 NSWLR 241; *Shaikh v NSW Fire Brigades* (1996) EOC 92-808; *Waterhouse v Bell* (1991) 25 NSWLR 99.

## Unlawful advertisements

10.15 It is unlawful to publish, or cause to be published, an advertisement that indicates an intention to do something that is unlawful under the ADA.

10.16 An "advertisement" includes any notice, sign, label, circular and any similar thing. It also includes anything that is not in writing, but which conveys a message because of the form or context in which it appears. The prohibition covers publishing the advertisement by any means, including in a newspaper or periodical, by radio or television broadcast, or in a film.[14]

10.17 The maximum penalty for contravening this section is 50 penalty units ($5500) for a body corporate or 10 penalty units ($1100) in any other case.[15]

10.18 One issue is whether there should be a defence to this form of unlawful conduct. Under the ADA, it is a defence if a person believed on reasonable grounds that the publication of the advertisement was not an offence.[16]

10.19 Only South Australia has a similar defence.[17] Queensland and Victoria have defences that the person took reasonable precautions and exercised due diligence to prevent publication.[18] Other Australian discrimination laws do not provide any defences to publishing something unlawful.[19]

**Question 10.2: Advertisements**

Should it be a defence to publishing an unlawful advertisement that the person reasonably believed publication was not unlawful? Why or why not?

## Liability for unlawful behaviour

10.20 To establish a breach of the ADA, a complainant must identify who engaged in or did the wrongful act. Duty holders under the ADA include employers, partners, educational authorities, and people who provide services or accommodation. These duty holders may be individuals, partnerships, corporations, associations or government agencies.

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14. *Anti-Discrimination Act 1977* (NSW) s 51(1).
15. *Anti-Discrimination Act 1977* (NSW) s 51(2).
16. *Anti-Discrimination Act 1977* (NSW) s 51(4).
17. *Equal Opportunity Act 1984* (SA) s 103(2).
18. *Anti-Discrimination Act 1991* (Qld) s 127(2)–(3); *Equal Opportunity Act 2010* (Vic) s 183.
19. See, eg, *Sex Discrimination Act 1984* (Cth) s 86; *Discrimination Act 1991* (ACT) s 69; *Anti-Discrimination Act 1998* (Tas) s 20.

10.21 It is often possible to identify who engaged in certain conduct or made decisions. However, sometimes it can be difficult to identify the duty holder who is legally responsible under the ADA.

## Forms of liability

10.22 There are several ways a duty holder may be liable for conduct or decisions that breached the ADA. These forms of liability are:

- direct or personal liability
- vicarious liability
- joint and several liability, and
- accessorial liability.

10.23 One way is if an individual is a duty holder, and they engage in conduct that is prohibited by the ADA. The individual would be personally liable or responsible for their actions. This is direct or personal liability.

10.24 Another way is if the duty holder is an employer, educational authority or government. The conduct of individuals may be treated as the conduct of the employer, educational authority or government. In this instance, the duty holder may be held:

- directly liable for the conduct of an individual, generally where the individual was an officer, director, principal, agent or employee, or
- vicariously liable under the ADA for the acts of an agent[20] or employee[21], unless they can prove a defence (we discuss this in the next section).

10.25 In some circumstances, the individual employee or agent and the employer or principal are both liable.[22] This is joint and several liability.

10.26 Finally, any person who caused, instructed, induced, aided or permitted another person to do an act that was unlawful under the ADA will be liable.[23] This is accessorial liability.

10.27 To establish accessorial liability, a complainant must prove:

- a breach of the ADA occurred by a person (person A)
- another person (person B) had reason to think the breach would occur

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20. See, eg, *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [43].
21. *Shellharbour Golf Club Ltd v Wheeler* [1999] NSWSC 224, 46 NSWLR 253 [30], [33]; *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147, 105 NSWLR 403 [43]. See also *NSW Breeding and Racing Stables Pty Ltd v V* [2005] NSWCA 114 [25]–[33].
22. *Anti-Discrimination Act 1977* (NSW) s 53(2).
23. *Anti-Discrimination Act 1977* (NSW) s 52.

- person B had the power to prevent it, and
- it was what person B did or failed to do that permitted the breach by person A.[24]

10.28 A person may be liable in an accessorial way for conduct they could have prevented, or where they assisted, directly or indirectly, a duty holder to do an unlawful act. This includes a person who knowingly places someone in a situation where there is a real possibility that unlawful conduct will occur.[25]

10.29 Accessorial liability can also be a way of holding an employee liable for unlawful discrimination against a fellow employee. For example, in one case a complainant succeeded in claims of unlawful discrimination against her employer and her supervisor. The employer was found to have breached the ADA. Further, the supervisor was found to have caused the employer to discriminate, resulting in a finding that the supervisor was liable in an accessorial way. The Tribunal then treated the employer and supervisor as jointly and severally liable.[26]

10.30 These forms of liability do not override exceptions under the ADA or other immunities from liability. For example, the immunity of judicial officers performing their functions.[27]

**Question 10.3: The forms of liability**

What, if any, concerns or issues are raised by the ADA's approach to the various forms of liability?

## Exceptions for employers or agents

10.31 The ADA provides two defences for employers or principals. The onus is on the employer or principal to prove that they either:

- took all reasonable steps to prevent the agent or employee from breaching the ADA, or
- did not authorise the agent or employee to do the act.[28]

10.32 The "reasonable steps" exception to vicarious liability is common to all Australian discrimination laws.[29] This exception was added to the ADA at the same time as the prohibition on sexual harassment. The purpose was to align the ADA with the *Sex*

24. *City of Adelaide v Australasian Performing Right Association Ltd* (1928) 40 CLR 481, 487; *Dixon v RNJ Sicame Pty Ltd* [2002] NSWADT 154 [51]; *Hollingsworth v NSW Police* [2004] NSWADT 17.
25. *Elliott v Nanda* [2001] FCA 418, 111 FCR 240 [163].
26. *Borg v Department of Corrective Services* [2002] NSWADT 42 [120]–[121].
27. See, eg, *Johnston v New South Wales* [2009] NSWADT 314 [61].
28. *Anti-Discrimination Act 1977* (NSW) s 53(1), s 53(3).
29. See, eg, *Sex Discrimination Act 1984* (Cth) s 106(2); *Discrimination Act 1991* (ACT) s 121A(3); *Equal Opportunity Act 2010* (Vic) s 110.

*Discrimination Act 1984* (Cth), and to encourage employers to adopt sexual harassment grievance handling policies and procedures.[30]

10.33 What steps are "reasonable" may depend on the resources and circumstances of the principal or agent. A large company may be required to take more steps than a small company.[31]

10.34 The employer or principal must take "all" reasonable steps, not just "some" reasonable steps.[32] For instance, the mere existence of a policy or training addressing the unlawful behaviour is not necessarily enough. The policy or training must be adequate, implemented and brought to the attention of the employee or agent.[33]

10.35 However, the ADA is the only discrimination law in Australia that includes an exception relating to unauthorised acts. Whether an act was "authorised" has been interpreted broadly:

- an act has been considered authorised if the principal or employer was aware it was likely to occur and took no action,[34] and
- a principal or employer must prove they did not authorise the conduct "at any time", not just after the unlawful act occurred.[35]

10.36 In its 1999 review of the ADA, the NSWLRC recommended that the "unauthorised act" exception be removed. It said that the "reasonable steps" exception was sufficient and "achieved a practical approach" to the issue of attributed liability.[36]

**Question 10.4: The exceptions for liability**

Should the ADA continue to provide two exceptions to vicarious liability (that is, the "reasonable steps" and "unauthorised acts" exceptions)? Or is a single "reasonable steps" exception sufficient?

30. NSW, *Parliamentary Debates*, Legislative Council, Second Reading Speech, 20 November 1996, 6265.
31. *Johanson v Blackledge* [2001] FMCA 6 [101]; *McAlister v SEQ Aboriginal Corporation* [2002] FMCA 109 [143]; *Cooke v Plauen Holdings Pty Ltd* [2001] FMCA 91 [37].
32. *Van Schoeler v Allen Taylor and Company Ltd (No 2)* [2020] FCAFC 13, 273 FCR 189 [60].
33. See, eg, *Van Schoeler v Allen Taylor and Company Ltd (No 2)* [2020] FCAFC 13, 273 FCR 189 [85]; *Caton v Richmond Club Ltd* [2003] NSWADT 202; *Richardson v Oracle Corporation Australia Pty Ltd* (2013) 232 IR 31 [158], [164].
34. *Shellharbour Golf Club Ltd v Wheeler* [1999] NSWSC 224, 46 NSWLR 253 [58]. See also *Hudson v Strathfield Golf Club* [2000] NSWADT 88 [183]; *NSW Breeding and Racing Stables Pty Ltd v V* [2005] NSWCA 114 [32]-[33].
35. *Shellharbour Golf Club Ltd v Wheeler* [1999] NSWSC 224, 46 NSWLR 253 [74].
36. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 100, [7.209]–[7.210].

## Liability and artificial intelligence

10.37 Another issue is how liability operates when it comes to automated decision-making by AI. AI is being increasingly used to make decisions that affect people's rights, including in government services and recruitment processes.[37] This can result in discrimination where, for example, the data used to train the computer program was biased.[38]

10.38 Decisions made by AI technologies can have limited human involvement. This could make it difficult to assign liability for any resulting unlawful discrimination.

10.39 One option to address this issue could be to amend the ADA to clarify the law on attributing acts to an individual or body corporate. For instance, the ADA could provide that decisions made by a computer program used by an individual or body corporate would be attributed to that individual or body corporate. Similar provisions exist in other Australian laws.[39]

10.40 The onus would then be on the individual or body corporate to prove a defence. For example, a defence could include that they took all reasonable steps to prevent the unlawful conduct, such as an audit of the computer program. If the individual or body corporate was found liable, those who developed or sold the product could also be found liable for causing or assisting the employer to discriminate.[40] We discuss accessorial liability above.

**Question 10.5: Liability and artificial intelligence**

Does the use of AI challenge the ADA's approach to liability? If so, how could the ADA be amended to address this?

37. Australian Human Rights Commission, *Human Rights and Technology,* Final Report (2021) 35.
38. N Sheard, "Employment Discrimination by Algorithm: Can Anyone Be Held Accountable?" (2022) 45 *UNSW Law Journal* 617, 625–626.
39. *Migration Act 1958* (Cth) s 495A; *Social Security (Administration) Act 1999* (Cth) s 6A(2).
40. N Sheard, "Employment Discrimination by Algorithm: Can Anyone Be Held Accountable?" (2022) 45 *UNSW Law Journal* 617, 638.

# 11. Promoting substantive equality

**In brief**

We consider a range of mechanisms to promote substantive equality: adjustments, special measures and positive duties to prevent discrimination and other unlawful conduct. We invite views on whether (and if so, how) these mechanisms should be part of the *Anti-Discrimination Act 1977* (NSW).


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11.1 Around Australia and internationally, discrimination laws increasingly look beyond achieving formal equality, which involves treating everyone the same way. There is a focus on what more could be done to achieve substantive equality.

11.2 As we discuss in chapter 2, this requires an approach which extends beyond comparing the treatment of individuals, and addresses the adverse impact of broader practices, cultural norms, customs and attitudes, and unconscious bias. Addressing these barriers to equality means treating people or groups in a way that achieves equal outcomes or access to equal opportunities.

11.3 Currently, how the *Anti-Discrimination Act 1977* (NSW) (ADA) seeks to address substantive equality is limited to prohibiting indirect discrimination (we discuss this in chapter 3). However, other mechanisms to promote substantive equality can be found in discrimination laws across Australia. These include:

- a requirement for duty holders to provide adjustments for some people with protected attributes

- special measures for groups who have experienced disadvantage, which allow them to be treated differently to best promote their rights, and
- a positive duty to prevent discrimination and other unlawful conduct.

11.4 In this chapter, we outline these mechanisms and ask if they should be part of the ADA. We will return to issues relating to the enforcement of any new mechanisms in the second consultation paper.

# Adjustments

11.5 Adjustments are requirements for duty holders to support people with certain attributes to participate in the community and areas where discrimination is unlawful.

11.6 Adjustments can come in many forms. For example, an adjustment could involve providing:

- a ramp for accessing a building
- a machine reading software package to assist someone who is blind or vision impaired
- a student with a uniform that corresponds with their gender identity, or
- time off work for Sorry Business for an Aboriginal and Torres Strait Islander employee.[1]

11.7 Adjustments are sometimes called "reasonable adjustments" or "reasonable accommodation". Parties to the *Convention on the Rights of Persons with Disabilities*, including Australia, must take steps to ensure that "reasonable accommodation" is provided to people with disability.[2]

11.8 The ADA does not require duty holders to provide adjustments. We discuss the current model in the ADA below and ask whether it should change.

## The current model in the ADA

11.9 As we detail in chapter 6, certain exceptions apply to discrimination based on disability in the areas of work, accommodation, education, the provision of goods and services, and the activities of registered clubs. These exceptions apply if

1. See, eg, Explanatory Statement and Human Rights Compatibility Statement, Discrimination Amendment Bill 2022 (ACT) cl 30.
2. *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008) art 2 definition of "reasonable accommodation", arts 5, 14, 24, 27.

people with that attribute require a particular arrangement and it would impose an "unjustifiable hardship" on the duty holder to provide it.[3]

11.10 Similar exceptions apply to discrimination based on carer's responsibilities in employment (the only protected area applicable to this attribute).[4] All relevant circumstances are to be considered in working out if there would be unjustifiable hardship. These include:

- the nature of the benefit or detriment likely to anyone concerned
- the effect of the person's disability or responsibilities as a carer, and
- the financial circumstances of the duty holder and the amount of expenditure required.[5]

11.11 These exceptions imply that duty holders are sometimes required to provide adjustments for people with these two attributes so they can, for instance, fulfill the inherent requirements of a job. However, there is no clear duty to provide adjustments.

## Models for a new requirement to provide adjustments

11.12 Many preliminary submissions supported amending the ADA to include such a duty. Potential benefits could include helping to prevent discrimination, promote equality and reduce the burden on individuals to seek the adjustments to support their participation and inclusion. It might also clarify parties' rights and obligations.

11.13 The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) considered that a standalone duty would be consistent with Australia's international obligations in relation to people with disability.[6]

11.14 If the ADA was to include a requirement to provide adjustments, other discrimination laws provide two main models for consideration.

### Adding adjustments to the test for discrimination

11.15 The *Disability Discrimination Act 1992* (Cth) (*Disability Discrimination Act*) provides one model. It deals with "reasonable adjustments" as part of the definition of direct and indirect disability discrimination.[7] For example, a failure to make reasonable

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3. *Anti-Discrimination Act 1977* (NSW) s 49D(4)(b), s 49E(3)(b), s 49F(2)(b), s 49G(3)(b), s 49L(4).
4. *Anti-Discrimination Act 1977* (NSW) s 49V(4)(b), s 49W(3)(b), s 49X(2)(b), s 49Y(3)(b).
5. *Anti-Discrimination Act 1977* (NSW) s 49C, s 49U.
6. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 308.
7. *Disability Discrimination Act 1992* (Cth) s 5(2), s 6(2).

adjustments that results in a person with disability being treated less favourably may be direct discrimination.[8]

11.16 This means any consideration of adjustments only arises in the areas where discrimination is unlawful and through the definition of "discrimination". However, there is no clear obligation to provide an adjustment to a person with disability separate from the definition of "discrimination" applying to the particular alleged unlawful conduct.[9] A 2017 full Federal Court decision found that for the right to a reasonable adjustment under the *Disability Discrimination Act* to be enforceable, a person with disability must show that:

- they are disadvantaged by a failure to provide a reasonable adjustment, and
- their disability was a reason for the failure to provide the adjustment.[10]

11.17 We heard concerns that this approach has created more difficulties for people who require adjustments.

11.18 It is important to note that "reasonable adjustments" simply means any "adjustment" that does not impose unjustifiable hardship on the person who would need to make it. It is not necessary to determine what is "reasonable".[11]

11.19 Under the *Disability Discrimination Act*, what constitutes unjustifiable hardship depends on the circumstances, including the:

- nature of any benefit or detriment likely to be suffered
- effect of the disability, and
- financial circumstances and expenditure required by the person making the adjustment.[12]

### A separate duty to provide adjustments

11.20 Another model involves a separate duty to provide adjustments. This provides that a failure to provide adjustments can itself be unlawful discrimination.

11.21 Victoria has this model, for example. There, duty holders, including employers, educational institutions and service providers, are required to make reasonable adjustments for people with disability.[13]

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8. *Disability Discrimination Act 1992* (Cth) s 5(2).
9. *Purvis v New South Wales* [2003] HCA 62, 217 CLR 92 [104]; *Watts v Australian Postal Corporation* [2014] FCA 370, 222 FCR 220 [233].
10. *Sklavos v Australasian College of Dermatologists* [2017] FCAFC 128 [23]–[53].
11. *Watts v Australian Postal Corporation* [2014] FCA 370, 222 FCR 220 [22].
12. *Disability Discrimination Act 1992* (Cth) s 4 definition of "reasonable adjustment", s 11 definition of "unjustifiable hardship".
13. *Equal Opportunity Act 2010* (Vic) s 20, s 22A, s 33, s 40, s 45.

11.22 Whether an adjustment is reasonable depends on the context in which the duty applies. For instance, in the employment context, an adjustment is what a person with a disability requires to "adequately" perform the "genuine and reasonable requirements" of the role.[14]

11.23 The Victorian law sets out non-exhaustive lists of factors that must be considered in determining whether an adjustment is reasonable in each of the contexts where the duty applies. In employment contexts, this includes the:

- nature of the person's circumstances and disability
- nature of the role
- size and nature of the workplace, and
- financial impact of making the adjustment.[15]

11.24 In the Australian Capital Territory (ACT), duty holders must make adjustments to accommodate someone's "particular needs arising from a protected attribute", as long as this does not cause unjustifiable hardship for the duty holder.[16]

11.25 The Disability Royal Commission recommended that the *Disability Discrimination Act* should have a separate duty to make reasonable adjustments.[17] Other reviews have also recommended this model.[18] Reasons include that it would:

- be consistent with Australia's international obligations[19]
- improve clarity about people's rights and obligations, and
- encourage early intervention, preventing discrimination.[20]

## Attributes that could be covered

11.26 The models discussed above only apply to disability discrimination. If a requirement to provide adjustments was introduced in NSW, it could also extend to other attributes.

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14. *Dziurbas v Mondelez Australia Pty Ltd* [2015] VCAT 1432 [141]; *Equal Opportunity Act 2010* (Vic) s 20(1)(b)–(2), s 33(1)(b)–(2).
15. See, eg, *Equal Opportunity Act 2010* (Vic) s 20(3).
16. *Discrimination Act 1991* (ACT) s 74.
17. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 308, rec 4.26.
18. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 5.1; NSW, Legislative Council Portfolio Committee No 3, *Children and Young People with Disability in New South Wales Educational Settings,* Report 52 (2024) rec 25.
19. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", 308.
20. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 122–123.

11.27 One approach might involve providing adjustments to anyone with any protected attribute, as required. This is the approach taken in the ACT.[21] Similarly, the Northern Territory obliges duty holders to provide reasonable accommodation to any person who has a "special need" because of an attribute.[22]

11.28 Alternatively, an obligation to provide adjustments could apply to certain, specified protected attributes and contexts. For example, Victoria prohibits employers from unreasonably refusing to accommodate an employee's responsibilities as a parent or carer.[23]

11.29 The Law Reform Commission of Western Australia (LRCWA) recommended the obligation cover, at minimum, people with needs arising from family responsibilities or carer obligations, pregnancy and breastfeeding, as well as people with disability. The LRCWA also thought the option of extending the duty to all attributes and areas of life should be considered.[24]

11.30 Applying the duty to all protected attributes would allow more people to benefit from adjustments. But this could be a significant change in NSW, where duty holders may be less familiar with the concept of adjustments. Introducing a requirement to make adjustments in relation to a smaller range of attributes could give duty holders more time to prepare.

11.31 We discuss how a duty to make adjustments relates to inherent requirement exceptions in more detail in chapter 6.

**Question 11.1: Adjustments**

(1) Should the ADA impose a duty to provide adjustments? If so, what attributes should this apply to?

(2) Should this be a separate duty, form part of the tests for discrimination, or is there another preferred approach?

(3) Should a person with a protected attribute first have to request an adjustment, before the obligation to provide one arises?

(4) What test should be used to determine the scope of, including any limits to, the obligation to provide adjustments?

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21. *Discrimination Act 1991* (ACT) s 74.
22. *Anti-Discrimination Act 1992 (*NT) s 24(1).
23. *Equal Opportunity Act 2010* (Vic) s 17(1), s 19(1), s 22(1), s 32(1).
24. Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 151, rec 66.

# Special measures

11.32 "Special measures" are benefits, programs or policies that support some or all members of a disadvantaged group. They are implemented for the sole purpose of promoting substantive equality and redressing historical disadvantage. The concept comes from international human rights law.[25]

11.33 Although special measures involve treating people differently, this is not considered discrimination. This is because the purpose of a special measure is to secure the advancement of the group, so they can exercise and enjoy human rights and fundamental freedoms equally with others.[26]

11.34 Examples of special measures could include:

- a swimming pool located in an area with a significant Muslim population holding women-only swimming sessions to enable Muslim women to use the pool, or
- a company in an industry in which Aboriginal and Torres Strait Islander people are under-represented developing a training program to increase employment opportunities for Aboriginal and Torres Strait Islander people.[27]

## The ADA's approach

11.35 The ADA does not generally provide for special measures. Instead, it has:

- narrow "special needs" exceptions relating to race and age discrimination, and
- processes for duty holders to seek exemptions and certifications to undertake actions that promote equal opportunity.

### Special needs exceptions

11.36 The ADA has "special needs" exceptions to racial discrimination and vilification, and to age discrimination. The exceptions apply to anything done to provide certain people with access to facilities, services or opportunities to meet their special needs or to promote equal and improved access.[28] These exceptions do not promote the rights of people with other attributes.

11.37 The ADA has other exceptions of a similar nature. For example:

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25. *Convention on the Elimination of All Forms of Discrimination against Women*, 1249 UNTS 13 (entered into force 3 September 1981) art 4(1); *International Convention on the Elimination of All Forms of Racial Discrimination*, 660 UNTS 195 (entered into force 4 January 1969) art 1(4). See also *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008) art 5(4).
26. *Gerhardy v Brown* (1985) 159 CLR 70, 133.
27. *Equal Opportunity Act 2010* (Vic) s 12, examples.
28. *Anti-Discrimination Act 1977* (NSW) s 21, s 49ZYR.

- a duty holder can discriminate against men to give women rights or benefits relating to pregnancy, childbirth or breastfeeding, and
- educational authorities can discriminate based on race in certain situations, such as running language classes for migrants.[29]

### Exemptions

11.38 If a duty holder wishes to take affirmative action in relation to people with any other protected attribute, they can apply to the President of Anti-Discrimination NSW (ADNSW) for an exemption.[30]

11.39 For instance, exemptions might be granted for activities that help improve access to jobs, programs, services or facilities for groups that experience discrimination. An example might be targeted jobs or recruitment programs for people with protected attributes.[31]

11.40 Exemptions were intended to be a transitional measure to give duty holders time to comply with the ADA.[32] However, their use has increased over time. In 2023–2024, 77 exemption applications were made, of which 65 were granted. By comparison, 49 applications were made in 2018–2019, of which 35 were granted.[33]

11.41 In assessing an exemption application, the President of ADNSW must consider:

- whether it is necessary, and appropriate or reasonable
- whether there are non-discriminatory ways of achieving the purpose of the exemption
- whether the applicant can take or has taken reasonable steps to avoid any adverse impact of the exemption
- the community impact of granting the exemption, and
- any conditions or limitations that could be imposed.[34]

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29. *Anti-Discrimination Act 1977* (NSW) s 17(3), s 35; NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [4.182].
30. *Anti-Discrimination Act 1977* (NSW) s 126.
31. Anti-Discrimination NSW, *Annual Report 2022–23* (2023) 24.
32. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.124].
33. Anti-Discrimination NSW, *Annual Report 2023–24* (2024) 24; Anti-Discrimination Board of NSW, *Annual Report 2018–19* (2019) 14.
34. *Anti-Discrimination Regulation 2019* (NSW) cl 6(1).

11.42 ADNSW asks applicants to provide them with information that meets these criteria, as well as background information about the applicant's business and any anti-discrimination policies or initiatives it has in place.[35]

11.43 The President has the power to vary or revoke an exemption, considering the criteria listed above.[36] ADNSW asks exemption-holders to provide exemption compliance reports to monitor compliance with the exemption and any conditions attached to it.[37]

### Certifications

11.44 An alternative process is for a duty holder to seek "certification" of a special needs program or activity. Certifications are approvals granted by the NSW Attorney General for activities with a primary purpose to promote or improve access to facilities, services or opportunities that meet the special needs of people affected by unlawful discrimination.[38] For example, certification has been granted to programs for women in male-dominated industries.[39]

11.45 Certification provides an exception for anything done by a person in good faith for the purposes of the certified program or activity. The exception applies to discrimination based on sex, transgender grounds, marital or domestic status, disability, carer's responsibilities and homosexuality.[40]

11.46 Certifications are not required for programs based on race and age, which are covered by the ADA's existing special needs exceptions.

11.47 Compared to exemptions, certifications are relatively rare. Between 2018–19 to 2023–24, only 23 certifications were granted.[41] In 2023–24, only 5 applications were made, of which 4 were granted.[42]

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35. Anti-Discrimination NSW, "Exemptions and Certifications" (2025) <antidiscrimination.nsw.gov.au/anti-discrimination-nsw/organisations-and-community-groups/exemptions-and-certifications.html> (retrieved 4 March 2025).
36. *Anti-Discrimination Act 1977* (NSW) s 126(5).
37. Anti-Discrimination NSW, *Annual Report 2023–24* (2024) 24.
38. *Anti-Discrimination Act 1977* (NSW) s 126A(2).
39. Anti-Discrimination NSW, *Annual Report 2022–23* (2023) 38.
40. *Anti-Discrimination Act 1977* (NSW) s 126A(1).
41. Anti-Discrimination Board of NSW *Annual Report 2018–19* (2019) 14; Anti-Discrimination NSW, *ADNSW Annual Report 2019–20* (2020) 38; Anti-Discrimination NSW, *ADNSW Annual Report 2020–21* (2021) 31; Anti-Discrimination NSW, *Annual Report 2021–22* (2022) 35; *Annual Report 2022–23* (2023) 24; Anti-Discrimination NSW, *Annual Report 2023–24* (2024) 24.
42. Anti-Discrimination NSW, *Annual Report 2023–24* (2024) 24.

### Concerns about the existing measures and processes

11.48 Many preliminary submissions raised issues about the current processes. We heard that they are:

- resource intensive for both ADNSW and for applicants[43]
- difficult for the public to understand due to the overlap between what is covered by each process,[44] and
- inconsistent with the laws in all other states and territories, creating complexities for businesses operating across Australia.[45]

11.49 One reform option, supported by many preliminary submissions, would be for the ADA to generally permit duty holders to take special measures. In 1999, the NSW Law Reform Commission (NSWLRC) also recommended a general special measures "exception" to the prohibition against discrimination.[46]

11.50 This could avoid the need for duty holders to apply for an exemption or certification each time they wanted to take steps to advance substantive equality. It might be particularly important for employers that wish to run affirmative action-style targeted recruitment campaigns.[47]

## Options for a potential new "special measures" section

11.51 If the ADA were to generally allow for special measures, one question is how this should be framed. Sometimes, special measures are seen as "exceptions" to the prohibition on discrimination.[48] However, a better view is that they are "integral" to the meaning of the right to equality and discrimination, and not an exception to it.[49] Some discrimination laws reflect this latter view.[50]

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43. See, eg, Business Council of Australia, *Preliminary Submission PAD13*, 3–4; Anti-Discrimination NSW, *Preliminary Submission PAD83*, 19–20; Australian Industry Group, *Preliminary Submission PAD24*, 4; Transport for NSW, *Preliminary Submission PAD91*, 4.
44. Anti-Discrimination NSW, *Preliminary Submission PAD83*, 20.
45. Business Council of Australia, *Preliminary Submission PAD13*, 4.
46. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 49.
47. See, eg, Diversity Council Australia, *Preliminary Submission PAD14*, 2–3.
48. See, eg, NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) rec 49.
49. *Maloney v R* [2013] HCA 28, 252 CLR 168 [327].
50. See, eg, *Equal Opportunity Act 2010* (Vic) s 12; *Sex Discrimination Act 1984* (Cth) s 7D. See also ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) rec 20.1; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 4.1.

11.52 Perhaps the most significant issue involves identifying the criteria that should determine what constitutes a special measure. Under international human rights law, a special measure:

- is necessary to accelerate or achieve equality
- has a sole purpose of securing adequate advancement of certain people so that they can equally enjoy or exercise their human rights
- does not lead to separate or unequal rights between groups, and
- is discontinued once the objectives of the measure have been achieved.[51]

11.53 Other recent law reform reviews have recommended that the criteria for special measures in domestic discrimination laws should be consistent with international human rights law.[52]

11.54 Victoria provides an example of how this could be done. The Victorian Act allows a person to take a special measure for the purpose of promoting or achieving substantive equality for members of a group with a protected attribute. It provides that, to be a special measure, the action must be:

- undertaken in good faith for achieving substantive equality
- reasonably likely to achieve this purpose
- a proportionate means of achieving this purpose, and
- justified because members of the group have a particular need for assistance.[53]

11.55 Both the Queensland Human Rights Commission (QHRC) and the ACT Law Reform Advisory Council supported this model.[54]

11.56 In another approach, the NSWLRC recommended in 1999 that the following criteria should form part of a special measures "exception":

- the purpose is not to cause detriment or disadvantage to any other person

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51. *Convention on the Rights of Persons with Disabilities*, 2515 UNTS 3 (entered into force 3 May 2008) art 5(4); *Convention on the Elimination of All Forms of Discrimination against Women*, 1249 UNTS 13 (entered into force 3 September 1981) art 4(1); *International Convention on the Elimination of All Forms of Racial Discrimination*, 660 UNTS 195 (entered into force 4 January 1969) art 1(4).
52. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) rec 20.2; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 116.
53. *Equal Opportunity Act 2010* (Vic) s 12.
54. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) rec 20.1; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 4.1

- the measure is done in good faith for the purpose of securing the advancement or protecting the welfare of certain groups
- those groups are in need of advancement or protection because they are in a position of social disadvantage or isolation (including because of historical discrimination)
- those groups are likely to accept the benefit offered by the measure
- the measure is reasonably capable of achieving its purpose, and
- the measure will not continue indefinitely unless required, or beyond a period reasonably necessary to achieve its purpose.[55]

11.57 Other reviews have suggested additional criteria, including that the measure:

- does not restrict the rights of affected people, and
- should only be implemented after consultation with affected people and communities, particularly Aboriginal and Torres Strait Islander peoples.[56]

## The relationship with exemptions and certifications

11.58 Another issue is whether the existing exemption and certification processes should stay if the ADA provides for special measures more generally. There could be concerns about removing the exemption and certification processes.

11.59 The first relates to the removal of the oversight measures in these processes, which could be seen as important safeguards. These include:

- the ability for ADNSW or the Attorney General to deny inappropriate measures, and
- the power of ADNSW (and NCAT, in reviewing an exemption decision) to place conditions on exemptions.

11.60 There is also a risk that some measures that are currently covered by exemptions or certifications may fall outside the scope of a new special measures section. For example, some current exemptions allow certain employers to discriminate to comply with US export policies.[57]

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55. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) appendix A, Draft Anti-Discrimination Bill 1999, cl 68.
56. ACT Law Reform Advisory Council, *Review of the Discrimination Act 1991 (ACT)*, Final Report (2015) 20.2; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 4.3.
57. Anti-Discrimination NSW, "Current Exemptions" (2025) <antidiscrimination.nsw.gov.au/anti-discrimination-nsw/organisations-and-community-groups/exemptions-and-certifications/current-exemptions.html> (retrieved 4 March 2025). See also *Re Rheinmetall Defence Australia Pty Ltd* [2022] QIRC 440; *BAE Systems Australia Ltd* [2008] VCAT 1799.

11.61 One option could be to keep the exemption process, even if a new section dealing with special measures is introduced. Some other Australian discrimination laws have both.[58]

11.62 The NSWLRC also recommended this in 1999. However, the NSWLRC thought that its proposed special measures "exception" should replace the certification process. It thought this process was unnecessary and resource intensive.[59]

**Question 11.2: Special measures**

(1) Should the ADA generally allow for special measures? Why or why not?

(2) If so, what criteria for a special measure should the ADA apply?

(3) If a general special measures section is added to the ADA, should it replace the existing exemption and certification processes? Why or why not?

# A duty to prevent or eliminate unlawful conduct

11.63 Another mechanism to achieve substantive equality is to require duty holders to take steps to prevent or eliminate unlawful conduct, including discrimination, sexual harassment, vilification or victimisation. This goes further than making adjustments for someone, or taking special measures for protected groups, by seeking to prevent unlawful conduct.

11.64 Many discrimination laws in Australia impose such a duty.[60] Recent reviews have also recommended introducing positive duties to prevent unlawful conduct.[61]

## Arguments for and against a positive duty

11.65 Many preliminary submissions considered that the ADA should include a positive duty to prevent unlawful conduct. Such a duty might:

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58. See, eg, *Sex Discrimination Act 1984* (Cth) s 44; *Equal Opportunity Act 2010* (Vic) s 89; *Anti-Discrimination Act 1992* (NT) s 59.

59. NSW Law Reform Commission, *Review of the Anti-Discrimination Act 1977 (NSW)*, Report 92 (1999) [6.139], rec 51.

60. *Equal Opportunity Act 2010* (Vic) s 15; *Anti-Discrimination Act 1992* (NT) s 18B; *Discrimination Act 1991* (ACT) s 75; *Anti-Discrimination Act 1998* (Tas) s 104; *Sex Discrimination Act 1984* (Cth) s 47C. See also *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25, inserting *Anti-Discrimination Act 1991* (Qld) s 131I (uncommenced).

61. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", rec 4.27; Australian Human Rights Commission, *Free and Equal: Revitalising Australia's Commitment to Human Rights*, Final Report (2023) 82–83, 92, 95; Australian Human Rights Commission, *The National Anti-Racism Framework: A Roadmap to Eliminating Racism in Australia* (2024) rec 10; Australian Law Reform Commission, *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, Report 143 (2025) rec 53.

- reduce the burden that currently falls on victims having to make a complaint to address, or stop, a specific incident of discrimination or ongoing discrimination
- more effectively address the causes of discrimination than the current model of individual remedies, for example by requiring duty holders to change discriminatory policies
- improve understanding of the impact of discrimination and help to change prejudiced views, and
- help duty holders avoid the costs arising from unlawful conduct, including complaints, reduced productivity, and reputational damage.

11.66 On the other hand, we also heard some concerns about introducing a positive duty. These included that:

- existing duties are sufficient
- any new duties could conflict with existing duties, and
- any new duties could be too onerous.

11.67 Some NSW duty holders are already required to take steps to prevent discrimination, harassment and vilification under other laws. It could be argued that these existing duties are sufficient. In particular, NSW employers have obligations under other laws to:

- take reasonable and proportionate measures to eliminate sex discrimination, sexual or sex-based harassment, subjecting a person to a hostile workplace environment on the ground of sex, and related victimisation[62]
- ensure the physical and psychological health and safety of their workers by eliminating or minimising risks to health and safety, as far as is reasonably practicable,[63] and
- manage psychosocial risks arising from work-related hazards that could cause psychological harm by eliminating or minimising reasonably foreseeable hazards and reviewing measures taken to ensure they are effective.[64]

11.68 On the other hand, it could be said these existing duties are too limited because:

- they only apply to employers, not other duty holders under the ADA, and
- the work health and safety focus of these duties does not align with the purpose of discrimination laws.[65]

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62. *Sex Discrimination Act 1984* (Cth) s 47C(1)–(4).
63. *Work Health and Safety Act 2011* (NSW) s 17, s 19.
64. *Work Health and Safety Regulation 2017* (NSW) cl 34–35, cl 37–38, cl 55A definition of "psychosocial hazard", cl 55B definition of "psychosocial risk", cl 55D.
65. Australian Human Rights Commission, *Free and Equal: A Reform Agenda for Federal Discrimination Laws* (2021) 73.

11.69 A related concern is the risk that a new a positive duty in the ADA could conflict with these existing duties. It may not be clear to employers which duty they need to comply with, or how they can comply with multiple duties. However, some argued that new duties could work in a complementary and "mutually reinforcing" way alongside existing duties.[66] Careful legislative drafting would be needed to ensure this occurred.

11.70 Another concern is that positive duties could place a high regulatory burden on duty holders. There were different views on this. For example, some consider that a positive duty may decrease the burden on employers by reducing their risk of being found vicariously liable for discrimination or other unlawful conduct. As we discuss below, the regulatory burden could be managed by carefully framing the scope and requirements of the positive duty.

11.71 If NSW was to introduce a positive duty to prevent unlawful conduct, questions would arise about what it required of duty holders; the conduct, protected attributes and protected areas the duty should cover; and who the duty holders should be. We set out some options below.

## Options for a positive duty

### What the duty could require

11.72 The most common approach in other Australian discrimination laws is to require duty holders to take "reasonable and proportionate" steps to prevent or eliminate unlawful conduct. For example, this could require duty holders to:

- implement policies to prevent unlawful behaviour
- provide training on ADA obligations
- develop inclusion targets
- keep records in incident management and complaints systems,[67] and
- review policies and procedures, develop action plans and collect and monitor data.[68]

11.73 Victoria's discrimination law provides an example. Anyone who has a duty not to engage in discrimination, sexual harassment or victimisation must take reasonable

66. Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) 480; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 230.
67. NSW Nurses and Midwives' Association, *Preliminary Submission PAD50*, 4.
68. See, eg, Explanatory Statement and Human Rights Compatibility Statement, Discrimination Amendment Bill 2022 (ACT) cl 30; Explanatory Memorandum, Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (Cth) [14].

and proportionate measures to eliminate that conduct as far possible. What is "reasonable and proportionate" will depend on:

- the size, nature and circumstances of the duty holder's business
- the duty holder's resources
- the duty holder's business and operational priorities, and
- the practicability and cost of the measure.[69]

11.74 This approach requires meaningful action. However, the requirements are tailored to the circumstances of the duty holder. For instance, a small community organisation may only be required to ensure that its staff are aware of its commitment to treat them fairly, and of how compliance will be managed. By contrast, a large company will have to undertake a compliance assessment, develop a compliance strategy and undertake regular monitoring.[70]

### Types of conduct the duty should address

11.75 The ADA prohibits discrimination, harassment, vilification and victimisation. A positive duty to prevent unlawful conduct could address some or all of this conduct.

11.76 Positive duties in other discrimination laws across Australia cover discrimination and sexual harassment. Some also cover vilification,[71] and some cover victimisation.[72] Both the QHRC and LRCWA concluded that positive duties should not be confined to only some forms of prohibited conduct.[73]

11.77 The duty in the *Sex Discrimination Act* covers discrimination and other forms of conduct related to sex.[74] Some of this sex-based conduct is not currently prohibited by the ADA.[75] We discuss whether this conduct should be prohibited in chapter 9.

### Coverage of attributes, areas and duty holders

11.78 If the ADA were to adopt a positive duty, there are questions about what protected attributes and areas it should cover, as well as who the duty holders should be.

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69. *Equal Opportunity Act 2010* (Vic) s 15(6).
70. *Equal Opportunity Act 2010* (Vic) s 15, examples.
71. *Discrimination Act 1991* (ACT) s 75.
72. *Anti-Discrimination Act 1992* (NT) s 18B; *Equal Opportunity Act 2010* (Vic) s 15; *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25, inserting *Anti-Discrimination Act 1991* (Qld) s 131I(l) (uncommenced).
73. Queensland Human Rights Commission, *Building belonging: Review of Queensland's Anti-Discrimination Act 1991*, Report (2022) 230; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) 241.
74. *Sex Discrimination Act 1984* (Cth) s 47C.
75. *Sex Discrimination Act 1984* (Cth) s 28AA, s 28M.

11.79 Most positive duties in Australian discrimination laws apply to all protected attributes.[76] Federal positive duties do not exist for all protected attributes, however the Australian Human Rights Commission (AHRC) recommended they should.[77] Other law reviews also supported covering all protected attributes, stating this would avoid creating a "hierarchy" of attributes and better recognise intersectional discrimination.[78]

11.80 In terms of the areas of life covered, some discrimination laws apply the duty to unlawful conduct in all areas of public life in which discrimination or other unlawful conduct is prohibited.[79] Other discrimination law reviews have also recommended introducing positive duties across all areas of public life in which discrimination or other unlawful conduct is prohibited.[80]

11.81 A related issue is who the duty should apply to. In Victoria and the NT, it applies to anyone who has an obligation not to engage in discrimination, sexual harassment or victimisation.[81] The AHRC also recommended introducing a duty that applies to all duty holders under discrimination laws.[82]

11.82 Currently, the positive duty under the *Sex Discrimination Act* is limited to employers and anyone conducting a business or undertaking. This includes sole traders, not-for-profit organisations that engage and pay staff, government departments and companies.[83]

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76. *Equal Opportunity Act 2010* (Vic) s 15(2); *Anti-Discrimination Act 1992* (NT) s 18B(2); *Discrimination Act 1991* (ACT) s 75(2); *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25, inserting *Anti-Discrimination Act 1991* (Qld) s 131I (uncommenced).
77. Australian Human Rights Commission, *Free and Equal: Revitalising Australia's Commitment to Human Rights*, Final Report (2023) 82, 92, 95.
78. Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) 228.
79. *Equal Opportunity Act 2010* (Vic) s 15(1)–(2); *Anti-Discrimination Act 1992* (NT) s 18B(1)–(2); *Discrimination Act 1991* (ACT) s 75(1)–(2). See also *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25, inserting *Anti-Discrimination Act 1991* (Qld) s 131I (uncommenced).
80. Australian Human Rights Commission, *Free and Equal: Revitalising Australia's Commitment to Human Rights*, Final Report (2023) 82–83, 95; Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (2022) rec 15.2; Law Reform Commission of Western Australia, *Review of the Equal Opportunity Act 1984 (WA)*, Project 111, Final Report (2022) rec 125.
81. *Equal Opportunity Act 2010* (Vic) s 15(1); *Anti-Discrimination Act 1992* (NT) s 18B(1).
82. Australian Human Rights Commission, *Free and Equal: Revitalising Australia's Commitment to Human Rights*, Final Report (2023) 81–83.
83. *Sex Discrimination Act 1984* (Cth) s 47C(1), s 4 definition of "person conducting a business or undertaking"; *Work Health and Safety Act 2011* (Cth) s 5; Australian Human Rights Commission, *Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth)* (2023) 15.

11.83 Similarly, the ACT applies a positive duty to organisations and businesses, and people with "organisational management responsibility" for these bodies. This includes, for example, sole traders, small business owners or university chancellors. This includes people who are responsible for controlling or directing an organisation or business, but not general employees or mid to low-level managers.[84]

## A duty to promote equality

11.84 Another option could be to introduce a public sector equality duty. The Australian examples, discussed above, apply to government entities (such as an employer which is a government department) and to non-government actors, such as privately owned businesses.

11.85 However, the UK has a broader "equality duty" that applies only to public authorities.

11.86 The equality duty goes beyond taking steps to eliminate unlawful discrimination. It shapes the development of public policy decisions. When exercising their functions, public authorities must have due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance the equality of opportunity between people with a relevant protected attribute and those without it, and
- foster good relations between people with a relevant protected characteristic and those without it.[85]

11.87 Public authorities must publish information annually to demonstrate their compliance with the duty. They must also publish specific and measurable objectives for meeting their obligations.[86]

11.88 Victoria has a similar, but narrower, duty. Victorian public authorities must consider and promote gender equality, and take necessary and proportionate action towards achieving it.[87]

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84. *Discrimination Act 1991* (ACT) s 75(1), s 75(6) definition of "organisational management responsibility"; Explanatory Statement and Human Rights Compatibility Statement, Discrimination Amendment Bill 2022 (ACT) cl 30. See also *Respect at Work and Other Matters Amendment Act 2024* (Qld) s 25, inserting *Anti-Discrimination Act 1991* (Qld) s 131I (uncommenced).
85. *Equality Act 2010* (UK) s 149(1). See also *Northern Ireland Act 1998* (UK) s 75(2).
86. *Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017* (UK) reg 4, reg 5.
87. *Gender Equality Act 2020* (Vic) s 7.

11.89 Drawing on the UK and Victorian examples, the Disability Royal Commission recommended that all Commonwealth entities should be under a duty to promote disability equality and inclusion.[88]

11.90 A potential benefit of this approach is that, by just focusing on public authorities, it avoids imposing onerous obligations on private actors. On the other hand, this could also mean that the duty's ability to prevent discrimination is limited.

11.91 However, it would also be possible to introduce both:

- a duty to eliminate unlawful conduct that applies to private and public actors, and
- a broader UK-style duty to promote equality, that only applies to public authorities.

**Question 11.3: A positive duty to prevent or eliminate unlawful conduct**

(1) Should the ADA include a duty to take reasonable and proportionate measures to prevent or eliminate unlawful conduct? Why or why not?

(2) If so:

(a) What should duty holders be required to do to comply with the duty?

(b) What types of unlawful conduct should the duty cover?

(c) Who should the duty holders be?

(d) What attributes and areas should the duty apply to?

88. *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Final Report (2023) vol 4, "Realising the Human Rights of People with Disability", rec 4.12.

# Appendix A: Preliminary submissions

**PAD01** Professor Cathy Sherry, 20 July 2023

**PAD02** Intersex Human Rights Australia, 24 July 2023

**PAD03** Confidential, 2 August 2023

**PAD04** Mark Seymour, 8 August 2023

**PAD05** Shooters Union NSW, 19 August 2023

**PAD06** Councillor Nathan Zamprogno, 28 August 2023

**PAD07** Equality Australia, 31 August 2023

**PAD08** Dr Jason M Chin, 7 September 2023

**PAD09** M E Browne, 9 September 2023

**PAD10** Confidential, 15 September 2023

**PAD11** Confidential, 22 September 2023

**PAD12** Australian Christian Lobby, 22 September 2023

**PAD13** Business Council of Australia, 26 September 2023

**PAD14** Diversity Council Australia, 26 September 2023

**PAD15** David A W Miller, 26 September 2023

**PAD16** National Catholic Education Commission, 27 September 2023

**PAD17** Dementia Australia, 27 September 2023

**PAD18** Disability Advocacy NSW, 27 September 2023

**PAD19** Independent Education Union of Australia NSW/ACT Branch, 27 September 2023

**PAD19A** Independent Education Union of Australia NSW/ACT Branch, 17 April 2024

**PAD20** Shooting Industry Foundation Australia, 27 September 2023

**PAD21** NSW Council for Civil Liberties Inc, 28 September 2023

**PAD22** Amazon, 28 September 2023

**PAD23** Australian National Imams Council, 28 September 2023

**PAD24** Australian Industry Group, 28 September 2023

**PAD25** Freedom for Faith, 28 September 2023

**PAD26** Adventist Schools Australia, Australian Association of Christian Schools, Christian Schools Australia, 28 September 2023

**PAD27** NSW Aboriginal Women's Advisory Network, 28 September 2023

**PAD28** Coalition Against Caste Discrimination, 29 September 2023

**PAD29** Associate Professor Mark Fowler, 29 September 2023

**PAD30** Rainbow Labor NSW, 29 September 2023

**PAD31** Law Society of NSW, 29 September 2023

**PAD32** UNSW Allens Hub for Technology, Law and Innovation, 29 September 2023

**PAD33** Australian Feminists for Women's Rights, 29 September 2023

**PAD34** Falun Dafa Association of Australia Inc, 29 September 2023

**PAD35** Kingsford Legal Centre, 29 September 2023

**PAD36** Rainbow Families, 29 September 2023

**PAD37** Catholic Archdiocese of Sydney, 29 September 2023

**PAD38** Marque Lawyers Pty Ltd, 29 September 2023

**PAD39** National Justice Project, 29 September 2023

**PAD40** Inner City Legal Centre, 29 September 2023

**PAD41** NSW Ombudsman, 29 September 2023

**PAD42** Mental Health Carers NSW Inc, 29 September 2023

**PAD42A** Mental Health Carers NSW Inc, 30 September 2024

**PAD43** LGB Alliance Australia, 29 September 2023

**PAD44** ACON, 29 September 2023

**PAD45** Fair Game Australia, 29 September 2023

**PAD46** Associate Professor Bruce Baer Arnold and Associate Professor Wendy Bonython, 29 September 2023

**PAD47** Australian Muslim Advocacy Network, 29 September 2023

**PAD48** Confidential, 29 September 2023

**PAD49** Law Society of NSW Young Lawyers Human Rights Sub-Committee, 29 September 2023

**PAD50** New South Wales Nurses and Midwives' Association, 29 September 2023

**PAD51** Cleaning Accountability Framework, 29 September 2023

**PAD52** NSW User's and Aids Association, 29 September 2023

**PAD53** People with Disability Australia, 29 September 2023

**PAD54** UTS, Jumbunna Institute for Indigenous Education and Research, 29 September 2023

**PAD55** Women's Legal Service NSW, 29 September 2023

**PAD56** Presbyterian Church of Australia in New South Wales, 29 September 2023

**PAD57** Respect Inc, 29 September 2023

**PAD58** Hindu Council of Australia, 29 September 2023

**PAD59** Professor Margaret Thornton, 29 September 2023

**PAD60** HIV/AIDS Legal Centre, Positive Life NSW, 29 September 2023

**PAD61** Adrian Buckley, 29 September 2023

**PAD62** Australian Lawyers for Human Rights

**PAD63** Racial Justice Centre Ltd, 29 September 2023

**PAD64** Helena Chui, 29 September 2023

**PAD65** Family First Party Australia, 2 October 2023

**PAD66** Neophile, 3 October 2023

**PAD67** Church of Scientology Australia, 3 October 2023

**PAD68** Vision Australia, 3 October 2023

**PAD69** Australian Human Rights Commission, 4 October 2023

**PAD70** Full Stop Australia, 4 October 2023

**PAD71** Carers NSW, 4 October 2023

**PAD72** Feminist Legal Clinic Inc, 5 October 2023

**PAD73** Community Legal Centres NSW, 6 October 2023

**PAD74** Scarlet Alliance, Australian Sex Workers Association, 6 October 2023

**PAD75** Family Advocacy, 6 October 2023

**PAD76** Australian Retailers Association, 9 October 2023

**PAD77** Sex Workers Outreach Project NSW, 9 October 2023

**PAD78** Office of the Advocate for Children and Young People, 9 October 2023

**PAD79** Equal Pay for Equal Play NSW, 11 October 2023

**PAD80** Catholic Schools NSW, 12 October 2023

**PAD81** Sydney University Postgraduate Representative Association, 13 October 2023

**PAD82** Public Interest Advocacy Centre, 13 October 2023

**PAD83** Anti-Discrimination NSW, 13 October 2023

**PAD84** Australian Discrimination Law Experts Group, 13 October 2023

**PAD85** NSW Greens, 16 October 2023

**PAD86** New South Wales Bar Association, 18 October 2023

**PAD87** Legal Aid NSW, 20 October 2023

**PAD88** Catholic Women's League Australia, New South Wales Inc, 20 October 2023

**PAD89** Anonymous, 23 October 2023

**PAD90** Unions NSW, 25 October 2023

**PAD91** Transport for NSW, 31 October 2023

**PAD92** J Grass, 28 November 2023

**PAD93** The Sussan Group, 20 March 2024

**PAD94** Michael Page International, 16 April 2024

**PAD95** Aber Karhani, 2 November 2024

**PAD96** Philip Sacks, 28 November 2024

# Appendix B: Preliminary consultations

## Australian Discrimination Law Experts Group (PCAD01)

**29 August 2023**

Dr Alice Taylor

Associate Professor Anne Hewitt

Professor Beth Goldblatt

Liam Elphick

Peta Spyrou

Dr Robin Banks

Professor Simon Rice OAM

Professor Margaret Thornton

## Anti-Discrimination New South Wales (PCAD02)

**20 November 2023**

Helen McKenzie (President)

## Anti-Discrimination New South Wales staff workshop (PCAD03)

**5 December 2023**

## NSW Civil and Administrative Tribunal (PCAD04)

**20 December 2023**

Justice Lea Armstrong, President

Judge Susanne Cole (Deputy President and Division Head of Administrative and Equal Opportunity Division and Occupational Division)

Theresa Simon (Principal Member)

## NSW Civil and Administrative Tribunal (PCAD05)

**17 March 2025**

Justice Lea Armstrong, President

Judge Rashelle Seiden SC (Deputy President and Division Head of Administrative and Equal Opportunity Division and Occupational Division)

Acting Judge Nancy Hennessy (Deputy President)

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-7" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
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**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

Community SECURITY GROUP

CSG

# A CSG ANALYSIS OF REPORTED ANTISEMITIC INCIDENTS IN AUSTRALIA IN 2023

This Report has been authored by CSG for reference by relevant stakeholders.
It is not intended for broad public distribution.

Please note, this publication contains material which may be considered offensive.

CSG COMMUNITY SECURITY GROUP

COMMUNITY SECURITY GROUP

Members of the crowd chant “F-ck the Jews” and other slurs during an anti-Israel protest at the Sydney Opera House, two days after the Hamas terror attack in Israel, New South Wales, 9 October 2023.

An antisemitic poster at an anti-Israel protest in Melbourne, 12 November 2023.

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This publication is a specialist analysis by the Community Security Group. It is different in purpose and scope to that of the Annual Report on Antisemitism in Australia which is researched and published by the Executive Council of Australian Jewry (ECAJ), the elected national representative body of the Australian Jewish Community. The ECAJ Antisemitism Report is a comprehensive report of antisemitic incidents and public antisemitic discourse in Australia. This publication, authored by the Community Security Group, complements the ECAJ Antisemitism Report and provides additional analysis specifically of antisemitic incidents that have been reported to the various Community Security Groups and other relevant security bodies in Australia for use in the provision of security protection to the Australian Jewish Community. Because they serve different purposes, the ECAJ Antisemitism Report and this publication cover different time periods and apply different collection methods and different classifications of incidents.

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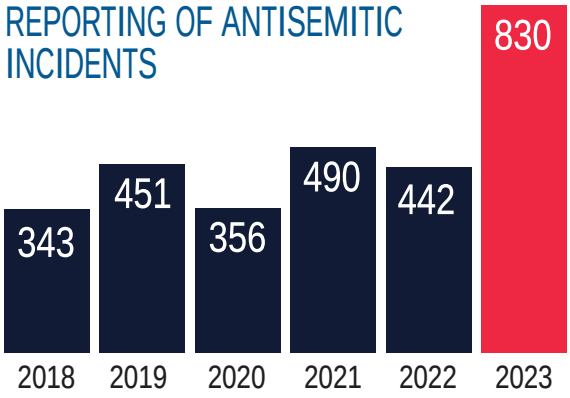
# EXECUTIVE SUMMARY

This report will statistically review antisemitic incidents in the 2023 calendar year, reported to the Community Security Group (CSG) across Australia.

This is the sixth published report by CSG on antisemitic incident statistics, albeit CSG has been recording antisemitic incidents since its inception.

**CSG recorded 830 antisemitic incidents in Australia in 2023. This represents an 88% increase in antisemitic incidents compared to the 442 incidents recorded in 2022. Further, this is the highest number of antisemitic incidents recorded by CSG in a calendar year and is 69% higher than the previous highest record in 2021 of 490 incidents. Such an increase represents an unprecedented rise in antisemitism across Australia.**

## REPORTING OF ANTISEMITIC INCIDENTS




This increase is attributed to a surge in antisemitic incidents related to the ongoing Israel-Hamas War. During the conflict, The Australian Jewish Community has been subject to unprecedented levels of vilification, including serious and unprovoked assaults; a riot outside a synagogue; hate speech during anti-Israel protests; death threats sent to prominent Jewish figures; and several hoax bomb threat campaigns. From January until September, there was an average of 32 antisemitic incidents per month; whereas between October and December, noting that the Israel-Hamas conflict began on 7 October 2023, there was an average of 182 antisemitic incidents per month. In fact, antisemitic incidents that occurred during the conflict comprised 65% of all antisemitic incidents for 2023. Whilst the rise in antisemitic incidents can be attributed to the local impact of the Israel-Hamas War, it cannot be labelled as the 'cause'. The cause continues to be the actions of individuals who seek to target and vilify the Jewish Community in Australia.

## KEY FINDINGS:

- The single highest category of antisemitic incident reported was abusive behaviour at 644, followed by 84 antisemitic threats, 44 incidents of damage and desecration of Jewish property, 36 antisemitic assaults, 20 incidents of antisemitic literature and two acts of extreme violence.

- There was an average of 69 antisemitic incidents per month in 2023. The highest number of antisemitic incidents was recorded in October at 223, which comprised 27% of all incidents. This was closely followed by 217 incidents in November as well as 105 incidents in December, all of which coincided with the Israel-Hamas War.

- New South Wales experienced the highest reported number of antisemitic incidents at 408 (49%), followed by 303 incidents in Victoria (37%), 58 incidents in Western Australia, 30 incidents in Queensland, 13 incidents in South Australia, 12 incidents in Tasmania, 6 incidents in the Australian Capital Territory and no reported incidents in the Northern Territory.

- Antisemitic incidents most commonly occurred in public places at 352 incidents (42%), followed by 158 incidents at synagogues, 99 incidents at Jewish organisations, 92 incidents at private properties, 82 incidents at Jewish private residences, businesses or properties and 47 incidents at Jewish schools.

- There were two acts of extreme violence. In October 2023, a Jewish man was seriously assaulted, resulting in extensive injuries and hospitalisation, after identifying himself as Jewish and displaying pro-Israel sentiment in a public place. The second act of extreme violence cannot be disclosed publicly as it remains part of an ongoing investigation.

- There were 36 assaults in 2023, which constituted a 227% increase compared to the 11 assaults in 2022. Further, this is the highest number of assaults recorded by CSG in a calendar year and is 200% higher than the previous highest record of 12 assaults in 2019. Most assaults occurred between October and December, and they disproportionately targeted identifiably Jewish individuals in public places and schoolchildren at non-Jewish schools.

- There were 84 threats in 2023, which constituted a 740% increase compared to the 10 threats in 2022. Further, this is the highest number of threats recorded by CSG in a calendar year and is 211% higher than the previous highest record of 27 threats in 2019.

Most threats in 2023 occurred between October and December. These included a series of hoax bomb threats sent to Jewish facilities across Australia in December; an online post to the social media page of an anti-Israel group calling for the beheading of Jews during a pro-Palestine rally; an ISIS beheading video sent to two Jewish organisations warning of violence; and an abusive message sent to a Jewish school, stating a desire to commit arson on the facility and kill the occupants inside.

- CSG identifies when certain types of discourse are involved in antisemitic incidents. In 2023, anti-Israel discourse was involved in 280 incidents, compared to 58 incidents in 2022, constituting a 383% increase. Further, there were 49 incidents which involved Islamist discourse, compared to 11 incidents in 2022, representing a 345% increase; and 321 incidents involved extreme-right discourse, compared to 247 incidents in 2022, representing a 30% increase. Although the nominal rise in incidents featuring extremist discourse is partially due to the overall increase in antisemitic incidents in 2023, the disproportionate increase in incidents involving anti-Israel discourse and Islamist discourse reflects the impact of the Israel-Hamas War on the local security environment.

- One-hundred and ninety-two incidents (23%) occurred on the Jewish Sabbath (Shabbat) and 88 incidents occurred during a Jewish festival (11%).

- Fifty-one incidents involved Jewish schoolchildren as victims, with 14 incidents targeting Jewish university students or staff on university campuses.

- Law enforcement across the country were notified of 355 incidents (43%). In New South Wales, the NSW Police Force recorded 333 reports to police as 'Hate Crime Related' and targeting the Jewish Community.

- Offenders were charged by law enforcement in relation to 28 antisemitic incidents.

- In addition to the 830 antisemitic incidents reported to CSG in 2023, there were more than 3000 reports of suspicious and non-suspicious security-related activity reported to CSG and processed by the CSG workforce, as part of CSG's role in the provision of security to the Australian Jewish community.

**"There remains significant under-reporting of antisemitic incidents to CSG and law enforcement in Australia, similar to other forms of hate crime. As a result, the true number of antisemitic incidents is likely to be much higher than recorded in this report. As such, the figures presented should be indicative of trends as opposed to nominal values. CSG encourages the Australian Jewish Community to report these incidents in future through the CSG 24/7 hotline for Emergency, Advice and Assistance (1300 000 CSG), CSG Alert app (New South Wales and Western Australia) JEAP app (Victoria) and to local police."**

# ABOUT CSG

**The Community Security Group (CSG) oversees the specialised and specific security needs of the Jewish Community in New South Wales, Victoria, Queensland and Western Australia. These organisations work closely with their associated Jewish Community Council or Jewish Board of Deputies, under the auspices of the Executive Council of Australian Jewry (ECAJ). In each representative state, CSG works closely with government and law enforcement to ensure oversight of each community's security and emergency management programs and policies.**

# DEFINITION OF ANTISEMITIC INCIDENTS

**CSG defines an antisemitic incident as any malicious act aimed at Jewish people, organisations or property, where there is evidence that the act has antisemitic motivation or content, or that the victim was targeted because they are or are believed to be Jewish.**[1]

Antisemitic motivation, language or targeting must be demonstrated for the incident to be classified as antisemitic. This definition is not dictated by Commonwealth or state legislation, with both non-criminal and criminal incidents included in this report.

The general activities of antisemitic organisations have not been included in this statistical assessment, as these activities are far-ranging, significantly unpublicised and, in some cases, so voluminous that the data would be substantially and improperly skewed.

Antisemitic incidents may occur in a variety of forms, including physical force against people or property, verbal or written abuse and antisemitic posters, leaflets or stickers. A large amount of antisemitic activity also takes place online, particularly on social media platforms. CSG statistically records all formally reported antisemitic online activity but excludes proactively located antisemitic material unless it specifically targets a Jewish site or person in Australia. Antisemitic incidents online are recorded only when the victim and/or the offender is located in Australia.

An incident involving neo-Nazi symbology, specifically including the swastika, is categorically considered antisemitic where there is an intended public audience or victim. This includes the 'Sieg Heil' gesture, commonly referred to as the 'Nazi salute'.

Incidents that are strictly anti-Israel are not classified as antisemitic. However, incidents containing anti-

Israel components are classified as antisemitic where the incident has involved antisemitic discourse, evident antisemitic motivation and/or the targeting of a victim because they are, or are believed to be, Jewish or associated with the Jewish Community.

Of note, hundreds of incidents in 2023 were originally reported to CSG as 'antisemitic' but were later recategorised as reports of activity, as they were not antisemitic but rather strictly anti-Israel or political in nature. These reports have been categorically excluded from this report. Each report of antisemitism made to CSG is evaluated by the professional workforce to verify credibility and accuracy, and to ensure correct categorisation for reliable reporting and data analysis purposes.

## EXAMPLES:

- During a pro-Palestine rally, an individual shouted, "I love Hamas and Hizballah. Get the f-cking Jews wiped out". The individual was later charged by police with offensive conduct (15 October 2023, New South Wales).

- Graffiti reading "Kill Jews" and "Jews live here" was spray painted in pink on the wall of a Jewish-owned apartment complex (16 November 2023, Victoria).

[1] CSG has based this publication on the model of the Community Security Trust's (CST) annual and biannual publication on antisemitic incidents; 'Antisemitic Incidents Report 2023', Community Security Trust, 2023.

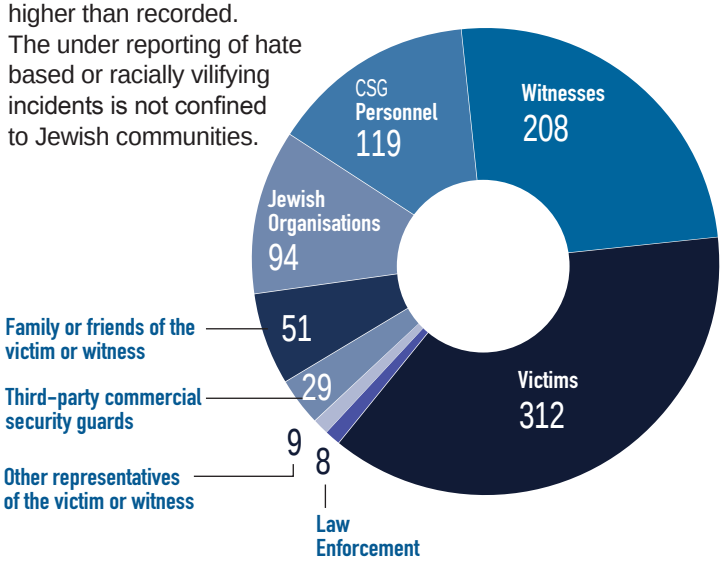
# REPORTING

**Antisemitic incidents are reported to CSG from an array of sources, including from victims and their family or friends, witnesses, the CSG workforce, third-party security guards operating at Jewish sites, other Jewish organisations and law enforcement.**

## REPORTER TYPE

Incidents were most commonly reported by victims at 312 incidents (38%), followed by 208 incidents by witnesses, 119 incidents by CSG personnel, 94 incidents by other Jewish organisations, 51 incidents by family or friends of the victim or witness, 29 incidents by third-party commercial security guards, nine incidents by other representatives of the victim or witness and eight incidents by law enforcement.

There is significant under-reporting of antisemitic incidents to CSG and law enforcement in Australia, particularly by victims, likely making the actual number of antisemitic incidents substantially higher than recorded.
The under reporting of hate based or racially vilifying incidents is not confined to Jewish communities.

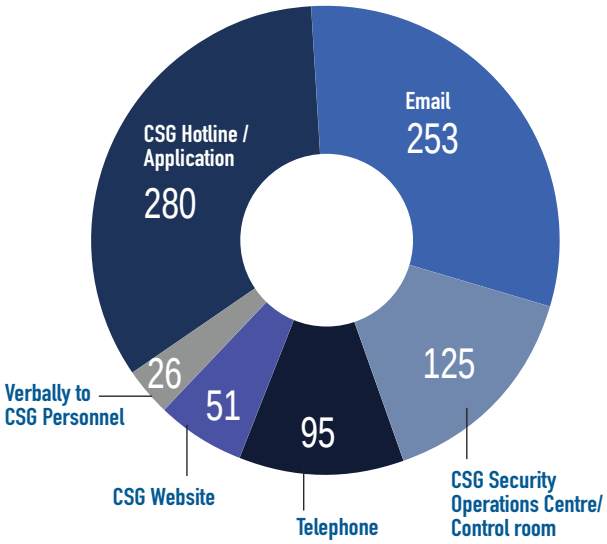



CSG notified law enforcement of 355 incidents, with offenders charged for 28 incidents.

CSG has a dedicated 24/7 hotline for emergency, advice and assistance, in addition to a smartphone application and website, for the reporting of antisemitic incidents.

## METHOD OF REPORTING

Incidents were most commonly reported to CSG via the CSG hotline / mobile app[2] at 280 incidents (34%), followed by email at 253 incidents. One-hundred and twenty-five incidents were reported to the CSG Security Operations Centre / Control Room, followed by 95 incidents via phone, 51 incidents via the CSG website and 26 incidents verbally to CSG personnel.




[2]Hotline (1300 000 274 [CSG]); CSG Alert app (NSW and WA) and JEAP app (VIC).

**CSG encourages the Australian Jewish Community to report all incidents through the CSG Hotline (1300 000 CSG) or app (CSG Alert for New South Wales and Western Australia, JEAP for Victoria) as preferred reporting methods".**

# INCIDENT CATEGORIES

**Antisemitic incidents are classified into six categories: extreme violence, assault, threat, damage and desecration, abusive behaviour and literature.[3]**

The single highest category of antisemitic incident reported was abusive behaviour at 644, constituting 78% of all antisemitic incidents. This was followed by 84 threats, 44 incidents of damage and desecration, 36 assaults, 20 incidents of literature and two acts of extreme violence. Whilst abusive behaviour typically comprises the vast majority of antisemitic incidents, it has historically constituted a higher proportion of all antisemitic incidents. In 2023, the highest proportion of antisemitic incidents was attributed to the more serious incidents of assaults and threats.

## EXTREME VIOLENCE

**Extreme violence is defined as any physical attack potentially causing loss of life or grievous bodily harm. It is considered the most severe category of antisemitic incident. An act of extreme violence can include an attempt which is unsuccessful.**

In 2023, there were two incidents of extreme violence reported to CSG.

### EXAMPLES:

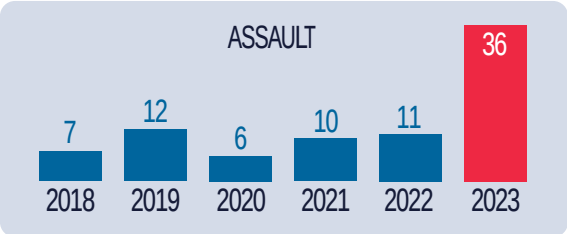
EXTREME VIOLENCE

| | |
|---|---|
| 2018 | 1 |
| 2019 | 2 |
| 2020 | 0 |
| 2021 | 0 |
| 2022 | 1 |
| 2023 | 2 |

- A Jewish man was seriously assaulted, resulting in extensive injuries and hospitalisation, after identifying himself as Jewish and displaying pro-Israel sentiment in a public place. The man was originally threatened by a group of individuals, who threw rocks at him and said that they would return to assault him. The man called 000; however, a larger group of people returned before police could arrive, where he sustained serious injuries after being severely beaten by the individuals (28 October 2023, New South Wales).
- The second incident of extreme violence cannot be disclosed publicly for confidentiality reasons, as it forms part of an ongoing investigation.

## ASSAULT

**Assault is any actual or attempted physical attack against a person that constitutes actual bodily harm or common assault. This includes violent use of force, chasing a target with a perceived intention to cause harm, and use of projectiles, even when the target is missed. In 2023, there were 36 assaults in 2023, which constitutes a more than two-fold increase compared to 2022 and is – by a significant margin – the highest number of assaults recorded by CSG in a calendar year.**




Twenty-six of the 36 antisemitic assaults (72%) occurred within the months of October through December, coinciding with the ongoing Israel-Hamas War. Almost half of all antisemitic assaults involved anti-Israel as well as antisemitic discourse, with four featuring extreme right discourse and three featuring Islamist discourse. Assaults occurred mainly in public places and private properties, and predominantly in areas with high Jewish populations in New South Wales and Victoria. Sixty-four percent of incidents targeted identifiably Jewish individuals, with all but five of these occurring in public places. Further, schoolchildren were disproportionately represented as victims, constituting 22% of assault victims, compared to comprising 6% of all antisemitic incident victims. In most cases, schoolchildren were assaulted at non-Jewish schools or in public places by other schoolchildren.

### EXAMPLES:

- An individual attempted to gain entry to a Holocaust museum to discuss “issues about the Holocaust”. After being denied entry twice, the individual shouted, “More of you should have been killed”. He then returned and assaulted the security guard at the facility, pushing him in the chest and grabbing his throat (16 October 2023, South Australia).

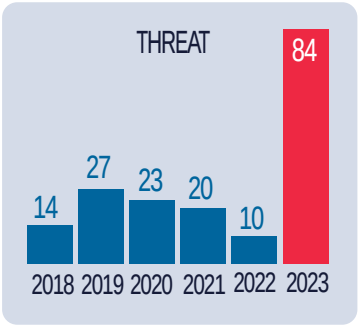
[3] ‘Antisemitic Incidents Report 2023’ CST, 2024. These are categories adopted by the CST in their classification of antisemitic incidents in the United Kingdom.

A Jewish man witnessed another individual attacking a service station attendant inside a service station. After calling 000, he began filming the encounter, at which point the individual exited the service station and then assaulted the Jewish man, punching him in the face whilst yelling “dirty rotten Jewish c-nt” and threatening to kill him. Police arrived on-scene, at which point the individual spat on and assaulted the attending officers, before eventually being arrested (8 November 2023, Victoria).

An identifiably Jewish man was assaulted inside a nightclub by a group of individuals who claimed to be Palestinian. The group initially approached the Jewish man and ripped his Star of David necklace off him, shouting: “Do you know where I’m from?, “I’m from Palestine, you f-ckwit” and “Stop killing our people”. After making a report to security at the nightclub, both the Jewish man and group were ejected from the premises. An individual from the group then approached the Jewish man outside the nightclub and punched him in the face (9 November 2023, Victoria)

## THREAT

**A threat is classified as any directly communicated intent to inflict a violent or hostile action. A threat may be verbal, written or physical. A threat is distinct from general abuse in that there is a direct insinuation of future violent or hostile action towards people and/or property.**




In 2023, CSG recorded 84 threats. This represents a more than eight-fold increase compared to the 10 incidents recorded in 2022 and is – by a significant margin – the highest number of threats recorded by CSG in a calendar year. Twenty-five of these threats were made verbally in-person to Jewish individuals, with 22 made via social media, 16 via phone call, 14 via email, five via letter and two as gestures. Offenders were charged in relation to eight threats, all of which were laid by NSW Police. They were charged with ‘using a carriage service to menace, harass or offend’, ‘using a carriage service to make threats to kill’ or ‘stalk and intimidate with intent to cause fear of physical or mental harm’.

### EXAMPLES:

An individual called a synagogue and said, “Is this the Jewish people? I am Hitler and I will f-cking kill you. You are going to f-cking die … I will gas the Jews” (8 April 2023, Tasmania).

A Jewish man was walking in an inner-city neighbourhood when an unknown individual approached him and asked whether he was Jewish, before yelling, “You are brave to be walking through here. You should be careful … Go back to Bondi. I will kill you. I’m serious” (2 May 2023, New South Wales).

An individual approached congregants gathered outside a synagogue and shouted, “Are you Jews scared of me? Well, you should be scared of me. I’m going to blow this place up.” (28 September 2023, New South Wales).

Two individuals walked past a synagogue and shouted “Allahu Akbar”, before saying that they would “blow up the synagogue” (8 October 2023, New South Wales).

A vehicle stopped next to a Jewish man and the occupants inside asked, “Do you know where any Jews are?”. When the man inquired as to why they were asking, the occupants replied with, “We are on the hunt to kill Jews” (10 October 2023, Victoria).

An individual sent several threats to Jewish organisations via social media. The first threat included a message that said, “We will blow your building up and cut your heads off soon. Gas a Jew”. The second and third messages included a video of an ISIS beheading and the caption, “We are coming for you soon, from western Sydney”. The offender was later identified by police and charged with several telecommunications offences in New South Wales (11-12 October 2023, New South Wales and Victoria).

An individual approached two Jewish individuals and asked if they were Jewish. He then shouted, “The Muslims are going to kill all the Jews. Hitler didn’t finish the job … Next time, I’m going bring a knife and kill you” (25 October 2023, Victoria).

- Two individuals began shouting “F-ck the Jews” and “F-ck Israel” towards crowds at a popular beach. After being told to leave the area by a member of the public, one of the individuals replied with “F-ck the Jews. F-ck you. F-ck Israel” and threatened to sexually assault his wife in front of him. Police later charged the individual with an intimidation offence (22 October 2023, New South Wales).

- A local individual posted on social media: “Time to extinct ALL jews. They are nothing but trash. Let’s go! Kill your neighbour jew. Kill the cun7s in Palestine. It is Palestine! Not fugging Israel! IT IS PALESTINE!!!!!!! End of story … Kill every jew! [sic]” (23 October 2023, Queensland).

## DAMAGE AND DESECRATION

**Damage and desecration is defined as any adverse material act against Jewish-owned property or property perceived to be associated with Jews. The act must be directed against property, with no potential harm to people. This category includes antisemitic graffiti, vandalism, postering and hacking, and is distinct to general abusive behaviour as it targets Jewish property.**

In 2023, CSG recorded 44 incidents of damage and desecration. This is a similar figure to the 41 incidents of damage and desecration recorded in 2022 and is the highest number of incidents of this kind recorded by CSG in a calendar year. Twenty-one of these incidents were acts of antisemitic vandalism of Jewish locations, followed by 16 incidents of graffiti and seven incidents of stickering. Most incidents (43%) targeted Jewish properties, businesses or residences, with 30% featuring anti-Israel as well as antisemitic discourse.

### EXAMPLES:

- At least 10 identifiably Jewish headstones were defaced with white stencils of a Nazi swastika at a Jewish cemetery (31 January 2023, New South Wales).

- On the anniversary of Adolf Hitler’s birthday, antisemitic stickers, with extreme right discourse and links to neo-Nazi groups, were placed on a synagogue and Jewish memorial by a minor. The offender was later identified and charged by police (20 April 2023, Australian Capital Territory).

- Graffiti including a Nazi swastika and the words, “Kill the Jews”, were located on the private residence of a Rabbi (11 November 2023, New South Wales).

- A swastika was spray painted in blue on the headstone of a Jewish grave (7 November 2023, Victoria).

- A gardener working at a property approached a group of Jewish individuals inside a vehicle and asked whether they were Jewish. After they indentified as Jewish, he then proceeded to extensively damage the vehicle using gardening tools. Police arrived, at which point the individual attempted to assault them, before eventually being arrested (9 November 2023, Victoria).

- An individual threw two glasses of red paint at a synagogue (23 November 2023, Western Australia).

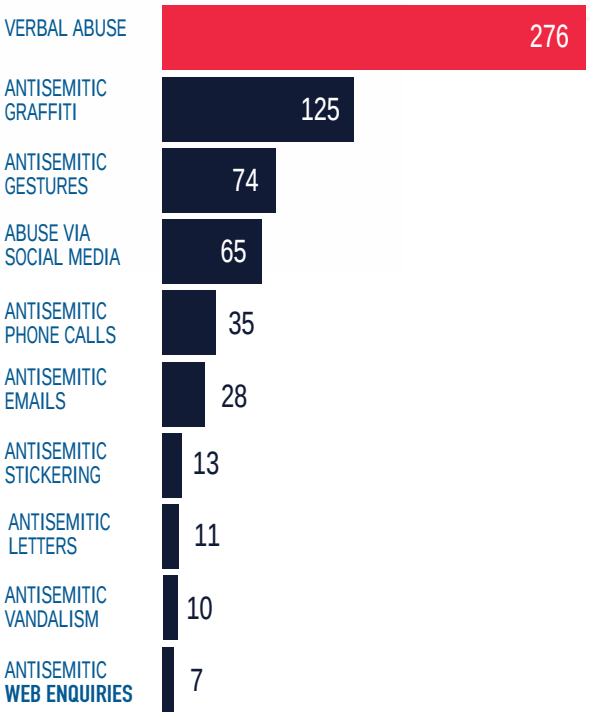
- A Jewish prayer book was found torn up, damaged and discarded on a public street (18 December 2023, Queensland).

# ABUSIVE BEHAVIOUR

**Abusive behaviour is insulting or offensive antisemitic activity. The behaviour may be directed towards a victim or be broadly offensive and may include verbal or written abuse and antisemitic gestures.**

In 2023, CSG recorded 644 incidents of abusive behaviour. Abusive behaviour constituted the largest category of reported antisemitic incidents in 2023, which is similar to previous years. Unlike previous years, however, abusive behaviour comprised a smaller proportion of overall antisemitic incidents, at 78%. This is mainly due to the sharp rise in antisemitic assaults and threats.

The 644 incidents of abusive behaviour in 2023 included 276 incidents of antisemitic verbal abuse (43%), 125 reports of antisemitic graffiti, 74 antisemitic gestures, 65 reports of antisemitic abuse on social media, 35 antisemitic phone calls, 28 antisemitic emails, 13 antisemitic stickers, 11 antisemitic letters, 10 reports of antisemitic vandalism and seven antisemitic web enquiries. This distribution of incidents is similar to historical data.




## EXAMPLES:

- An individual made comments, “Hitler was right. He should have killed all the Jews … Kanye [West] was right about the Jews”, before alluding to poisoning a Jewish person (6 January 2023, Victoria).
- A synagogue received a voicemail from an unknown individual, who yelled: ‘F-ck you Jew. I’ll f-cking gas you. Hitler’s coming back, you f-cking Jew’. The individual called the synagogue several days later and shouted ‘f-cking kike’ to a staff member over the phone. Police later identified the caller, and they were charged with ‘using a carriage service to menace, harass or offend’ (13 and 15 January 2023, New South Wales).
- Antisemitic graffiti reading, ‘Kill the Jews’, ‘Fag’, ‘KKK’ and ‘Hitler’, was located on a children’s playground (10 February 2023, New South Wales).
- A boat with the words, ‘Jew Hunter’ written on the side, was observed operating nearby a Jewish area (4 March 2023, New South Wales).
- An individual made comments in a predominantly Jewish area which included “he’s a bloody Jew”, “You Jews, Hitler should have finished the job” and “Jews should be wiped out”. The individual then approached two identifiably Jewish individuals and shouted “f-cking Jew” and “Jewish c-nt” towards them (24 June 2023, Victoria).

On the anniversary of the September 11 terror attacks, graffiti was located in a public area which included a Star of David, the words “911” and a link to a website which suggested that Jews were responsible for the terror attacks (11 September 2023, Victoria).

Multiple graffiti tags of ‘F-ck Jews’ were located nearby a synagogue in a park (9 October 2023, New South Wales).

An antisemitic email was sent to a Jewish organisation in relation to the Israel-Hamas War (13 October 2023, New South Wales).

History shows how hated you are I would crush a filthy Jew like a cockroach under foot .
If you show your ugly head to me in my country I will cut it off and roll it down the street I'm not a rag head Bring back the Furher No difference

An individual sent the following message to a Jewish school via Instagram. The individual was later charged with using a ‘carriage service to menace, harass or offend’ (18 October 2023, New South Wales).

You're school is nothing but a disgrace and I hope all the children, parents & staff who spend a cent to support the devil get cancer and die a slow painful death. Just as you should. Enjoy your day. I hope it's your last x

Praise hitler, if only he was here to continue the mass destruction of your blood line.

Two Stars of David were drawn next to a street sign which said, ‘No entry’ (8 November 2023, New South Wales).

Graffiti reading “Jew Free Zone” and “Jews not welcome” was located in an inner-city neighbourhood (18 November 2023, Victoria).

Graffiti reading ‘F-ck the Jews’ was located on private property (7 December 2023, New South Wales).

# LITERATURE

**Literature is antisemitic material that is distributed in multiple quantities, with each piece identical in content. It is often applicable in incidents of mass-produced antisemitic posters and stickers that are widely distributed over a geographic area, or identical antisemitic emails or letters sent to multiple recipients. Such a distribution would count as one incident to reflect that it is one act by one offender or group. This also avoids inflating the overall statistics. In addition, CSG excludes from statistical review proactively sought antisemitic literature that reflects the general activities of antisemitic organisations.**

In 2023, there were 20 incidents of literature recorded by CSG. This is the same figure as reported in 2022 and is generally similar to historical data. Eighty percent of all incidents contained extreme right discourse, which is similar to that recorded in 2022. This reflects the ongoing mass distribution of propaganda and extremist material by far-right groups across Australia, specifically the use of emails, letters, graffiti and stickering to spread antisemitic material. Further, compared to other incident categories, incidents of literature were reasonably spread across the country, with several incidents recorded in New South Wales, Queensland, Tasmania, Victoria and Western Australia.

## EXAMPLES:

- Several antisemitic letters containing far-right discourse were placed in residential letterboxes, including at Jewish residences (25 July 2023, New South Wales).
- Posters of Adolf Hitler, with Israeli Prime Minister Benjamin Netanyahu superimposed on the image, were affixed to numerous public locations in predominantly Jewish locations (5 November 2023, New South Wales).

**CSG staff have undergone specialist training to professionally respond to, assess, record and triage antisemitic and other security incidents, and provide specific security and incident advice to victims and witnesses. CSG respects the wishes and needs of incident victims including victim confidentiality and liaison with law enforcement."**

# ANALYSIS

## ISRAEL–HAMAS WAR 2023

**This report fundamentally demonstrates the extent of the impact of overseas conflicts involving Israel on the local security environment. CSG attributes the 88% increase in antisemitic incidents in 2023 almost entirely to the impacts of the ongoing Israel-Hamas War. This is supported by details of incident reports as well as captured data. In fact, prior to the Israel-Hamas War, projected analysis by CSG indicated that antisemitic incident levels in Australia in 2023 were likely to be 13% lower than 2022.**

**Sixty-five percent of all antisemitic incidents occurred during the conflict,** with an average of 182 antisemitic incidents recorded per month between October and December. This compares to the average of 32 antisemitic incidents per month between January and September, prior to the conflict. Further, 49% of antisemitic incidents during the Israel-Hamas War involved anti-Israel and/or Islamist discourse as well as antisemitic discourse. Incidents involving anti-Israel and Islamist discourse increased by 382% and 345% respectively when compared to 2022.

In addition to a nominal increase in the volume of antisemitic incidents in 2023, the Israel-Hamas War had a direct impact on the distribution and pattern of antisemitic incidents across the country. **There was a surge in more serious incidents, comprising acts of extreme violence, assaults and threats during the conflict period.** Of the 36 assaults recorded in 2023, which constituted a 227% increase, 26 of them (72%) occurred during the Israel-Hamas War, with 13 involving anti-Israel and/or Islamist discourse as well as antisemitic discourse. In the same vein, of the 84 threats recorded in 2023, which constituted a 740% increase, 68 of them (81%) occurred during the Israel-Hamas War, with 33 involving anti-Israel and/or Islamist discourse as well as antisemitic discourse.

**These findings demonstrate that an unprecedented increase in antisemitic violence and vilification targeting the Jewish community occurred during the Israel-Hamas War.** Such a sudden – and perhaps unexpected – change in Australia's security environment reflects the scale of this conflict, which has been the largest since Israel's inception. It also reflects how conflicts involving Israel can galvanise extremist and hostile actors whose beliefs and motivations may be otherwise hidden in the local environment.

The data relating to incidents reported to CSG during the Israel-Hamas War demonstrate other key insights:

- *Actors from across the ideological spectrum – Sunni extremist, Shia extremist, extreme right and extreme left – were all, to varying degrees, involved in perpetrating antisemitic incidents. Whilst it may be anticipated that offenders may be of certain profiles and hold particular ideologies, CSG's data – which accords with historical findings – demonstrates that offenders hold ideologies from across the ideological spectrum.*
- *There was a surge in incidents targeting Jewish individuals at their private residences, businesses and properties in 2023. In 2022, there were 21 antisemitic incidents which occurred at Jewish private residences, business and properties, comprising approximately 5% of all incidents. Throughout the Israel-Hamas War in 2023, 65 incidents occurred at Jewish private residences, business and properties, constituting a more than three-fold increase, and which does not even factor in any incidents recorded between 1 January and 6 October 2023. This demonstrates that Jewish individuals have been increasingly targeted at their homes and businesses, outside of public places and communal locations.*
- *There were countless reports of unprovoked incidents of abuse, threats and assaults targeting identifiably Jewish individuals, particularly in public places. In most cases, the nature of the incident demonstrated that perpetrators held anti-Israel and, at times, other motivations, yet targeted identifiably Jewish individuals entirely because of their religion which was overtly displayed. During the Israel-Hamas War, there were 169 incidents which targeted identifiably Jewish individuals, 58% of which occurred in public places.*
- *Of the 26 charges laid by law enforcement in 2023, 16 of them (62%) related to incidents that occurred during the Israel-Hamas War, reinforcing the finding that more serious incidents – by their qualification as 'criminal' and warranting prosecution – occurred during the conflict period.*

Amidst the findings in this report, the political dimension of this issue must be recognised. Ongoing conflicts in Israel over time have been distinct to other conflicts globally and in the Middle East. They have a uniquely far-reaching and emotive impact on diaspora communities around the world. Since the outbreak of the conflict, Jewish communal security groups worldwide have recorded surging levels of anti-Jewish hate crime, antisemitic hate speech and antisemitic protest activity.

**In the local security environment, there were some noteworthy and 'watershed' incidents directly related to the conflict.**

- *On Monday 9 October 2023, two days after the Hamas terror attacks in Israel, approximately 1000 protesters linked with far-left and anti-Israel groups gathered in Sydney CBD. They initially planned to hold a protest at Sydney Town Hall to protest against the expected Israeli retaliation to the attacks; however, the protest crowd later moved to Circular Quay to protest the lighting of the Sydney Opera House in the colours of the Israeli flag. Members of the crowd were filmed chanting "F-ck the Jews" and other slurs. Other members held Hizballah flags, burnt Israeli flags and assaulted and threatened Jewish community members who attended the area to view the Opera House. NSW Police have charged at least five individuals in relation to the assaults. No charges have yet been laid in relation to the offensive speech.*

*Police clash with protesters outside synagogue, sourced from The Herald Sun, 14 November 2023.*

*Pictures of the protest crowd, sourced from The Australian, 10 October 2023.*

- *On 10 November 2023, the day after a restaurant burnt down in Caulfield, pro-Palestine protesters gathered in the predominantly Jewish suburb to show support for the business owners. Protesters clashed with police, leading to several arrests and the evacuation of a nearby synagogue. Several Jewish community members were assaulted, threatened and verbally abused. Victoria Police also arrested other individuals in relation to an assault and an attempted vehicle ramming of members of the public nearby, several hours prior to the protest.*
- *Throughout December, numerous hoax bomb threats were made to synagogues across Australia.*

## EXAMPLES:

- A swastika was spray painted in black paint on a poster depicting an individual kidnapped by Gaza militant group, Hamas (22 October 2023, Victoria).
- Two identifiably Jewish individuals were exercising, when a group of construction workers yelled "Is that a bullet-proof vest?", referring to a weighted vest that one of the individuals was wearing. The workers then yelled, "You must be a Jew. F-ck you. Should we shoot you?" (24 October 2023, New South Wales).
- An antisemitic email was sent to a Jewish organisation (25 October 2023, New South Wales).
- A Jewish individual was walking with an Israeli flag when a crowd started chanting "Gas the Jews" and "F-ck the Jews" towards him (5 November 2023, Victoria).
- Whilst on a domestic flight with a major Australian airline, an identifiably Jewish couple were verbally abused by another passenger who shouted: "Free Palestine", "You're killing our babies" and "Go back to your home" (18 December 2023, New South Wales and Victoria).

# ISSUE-MOTIVATED INCIDENTS

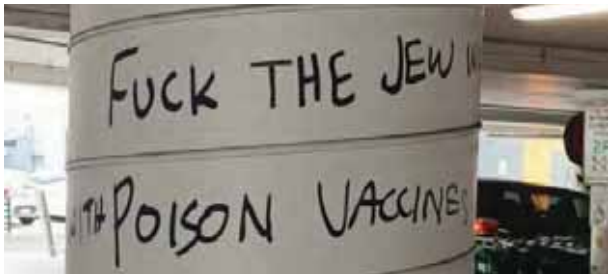
**In addition to the Israel-Hamas War, there were other identified patterns of antisemitic incidents which related to specific political and other issues in 2023. These included:**

- *Ongoing conspiracy theories relating to Jews creating the COVID-19 virus and vaccine.*
- *Sympathy and allegiance with antisemitic comments made by US celebrity, Kanye West in 2022.*
- *Antisemitic dimensions to views in relation to the ongoing Russia-Ukraine War. Antisemitic discourse has been present amongst some Russian nationalist movements, drawing on antisemitic tropes when describing the Ukrainian Government, a significant proportion of whom are Jewish; however, by the same token, antisemitic discourse has also been part of elements of the Ukrainian resistance, with local neo-Nazi groups sympathising with extremist Ukrainian militias. Incidents with these features have presented locally in protests and online.*
- *Extremist narratives alleging that 'The Voice' referendum was orchestrated by a powerful Jewish lobby attempting to impinge the rights of white Australians.*

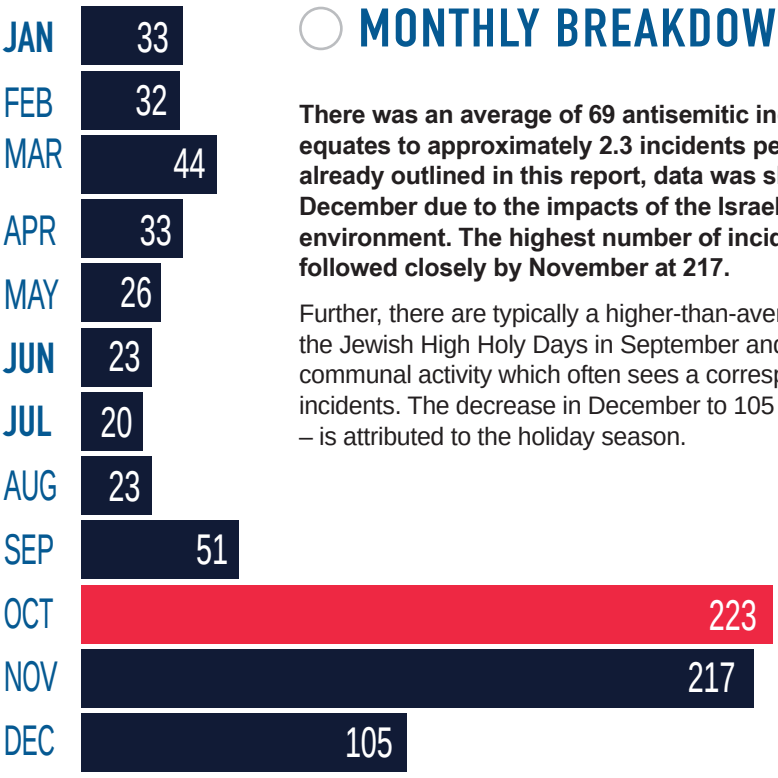
## EXAMPLES:

**COVID:** Graffiti which read "F-ck the Jews … with the poison vaccine" was located in a supermarket carpark (19 September 2023, Victoria).

**Kanye West:** Graffiti reading "Kanye was right" [referring to the antisemitic comments made by celebrity Kayne West] was spray painted over posters of hostages taken by Hamas during their incursion of Israel (22 October 2023, New South Wales).



# MONTHLY BREAKDOWN




**There was an average of 69 antisemitic incidents per month in 2023. This equates to approximately 2.3 incidents per day. Unlike previously and as already outlined in this report, data was skewed in October, November and December due to the impacts of the Israel-Hamas War on the local security environment. The highest number of incidents occurred in October at 223, followed closely by November at 217.**

Further, there are typically a higher-than-average number of incidents during the Jewish High Holy Days in September and October due to increased Jewish communal activity which often sees a corresponding rise in opportunistic antisemitic incidents. The decrease in December to 105 – compared to October and November – is attributed to the holiday season.

# INCIDENT VICTIMS

**Antisemitic incidents in 2023 targeted a large cross-section of the Jewish community across Australia.**

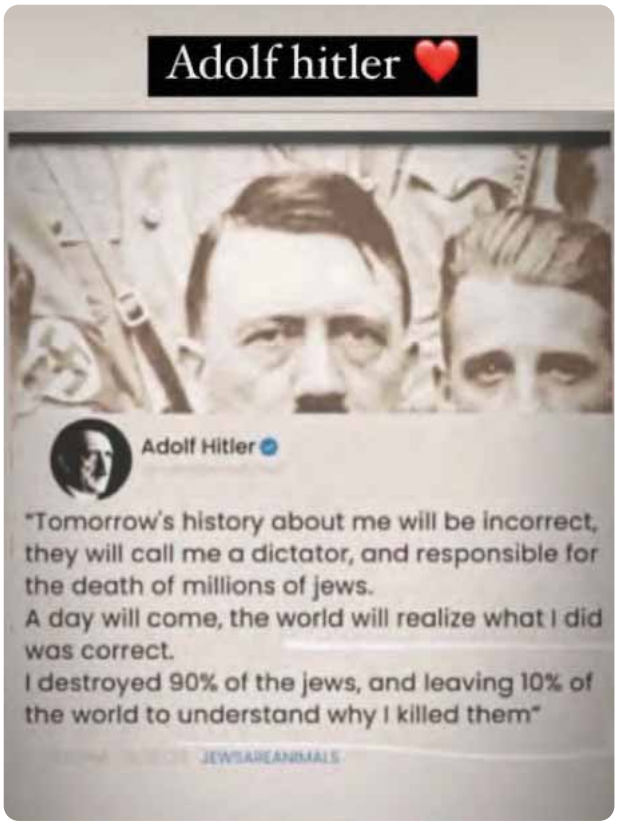
Identifiably Jewish individuals were the victims of 235 incidents (28%). This comprises a much higher proportion than historically. In 2022, 14% of antisemitic incidents were perpetrated against identifiably Jewish individuals. This is attributed – at least in part – to the local impact of the Israel-Hamas War, in which identifiably Jewish individuals were disproportionately targeted through assault, threat and abuse in public areas. Seventy-two percent of incidents targeting identifiably Jewish individuals in 2023 occurred during the period of the Israel-Hamas War. Twenty-three of the 36 assaults (64%) in 2023 targeted identifiably Jewish individuals, with 57% of all incidents which targeted identifiably Jewish individuals occurring in public places.

Schoolchildren were the victims of 51 incidents. Twenty-seven of these incidents (53%) occurred at non-Jewish schools, eight in public areas, eight at Jewish schools, four on public transport directly before or after school, three whilst travelling to or from school and one on social media. Eight incidents (16%) in which schoolchildren were victims involved assaults, whilst five were threats. Of the 41 incidents involving schoolchildren where the age of the offender was recorded, 32 were other minors, eight were adults and one involved both an adult and a minor.

Jewish university students or staff were the victims of 14 antisemitic incidents at universities across Australia. These included two assaults, with 10 incidents (71%) including anti-Israel as well as antisemitic discourse.

## EXAMPLES:

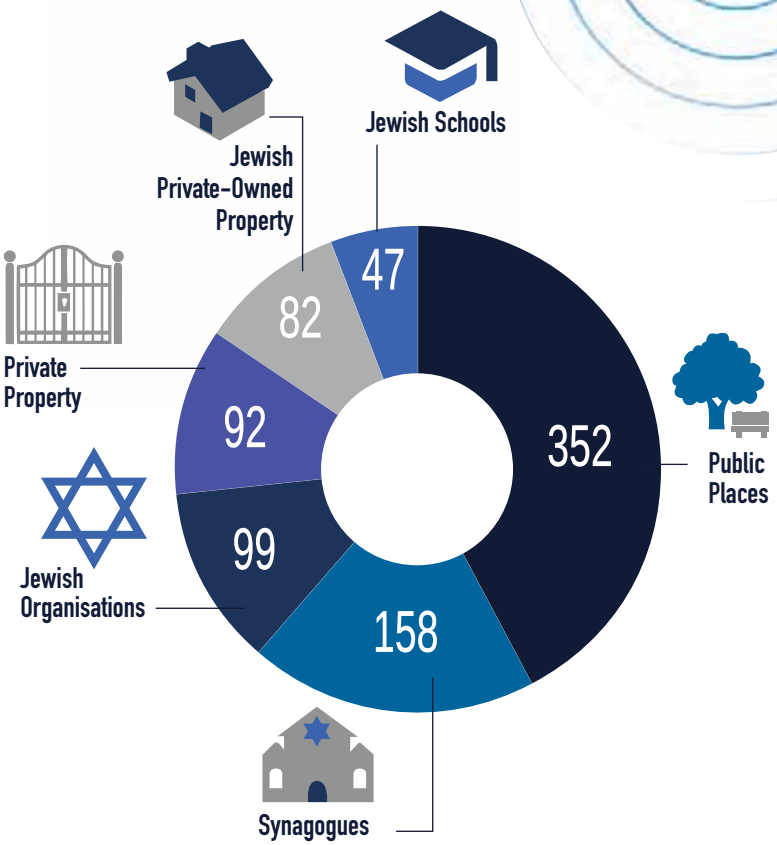
- Whilst walking home from synagogue, a driver stopped his vehicle nearby an identifiably Jewish individual, before yelling “F-ck the Jews” and performing a Nazi salute towards him (14 October 2023, New South Wales).
- Two schoolchildren from a Jewish school were aboard a public bus in their school uniforms. An individual (adult) boarded the bus and began verbally abusing them, saying that “Jews are murderers” and that the students were “killing people in Gaza”. Both students immediately alighted from the bus and fled the area (20 October 2023, New South Wales).
- A schoolchild was verbally abused at a non-Jewish school by other children, who threatened to stab him, as he was the son of a staff member who worked at a Jewish school (23 October 2023, Queensland).
- Two schoolchildren from a Jewish school in school uniform were approached by an individual who said, “You people are all monsters. I wish you were bombed instead” (10 November 2023, New South Wales).
- A vehicle with at least five occupants stopped in traffic outside a Jewish school and yelled towards an identifiably Jewish schoolchild, “Free Palestine. F-ck the Jews. F-ck your country. Everybody hates Jews. We have tons of gas.” (10 November 2023, Victoria).
- A university student shared a post glorifying Adolf Hitler with other students via social media (18 October 2023, New South Wales).



## SITES TARGETED

**Incidents most commonly occurred in public places at 352 (42%), followed by 158 incidents at synagogues, 99 at Jewish organisations, 92 on private properties, 82 at Jewish private residences, businesses or properties and 47 at Jewish schools.**

This composition is relatively similar to historical data, although incidents at Jewish private residences, businesses or properties increased in its share of total incidents by 5%.




## INCIDENT OFFENDERS

**Where possible, CSG has recorded the age, gender and appearance of incident offenders.**

In 402 incidents (48%), the age of an offender was recorded. From these 402 incidents, 341 involved adults, 56 involved minors and five involved both adults and minors. These findings are consistent with recent data outlining that minors are increasingly involved in hate and extremist activity. One hundred and fifty-six incidents involved more than one offender.

A physical description of the offender was obtained in 308 incidents (37%), noting that a large number of incidents are not physical (i.e. phone call, email, social media, etc). Offenders were described as Caucasian in 160 incidents, followed by Middle Eastern in 132 incidents, Asian in seven incidents, South Asian in four incidents, Pacific Islander in three incidents and Aboriginal or Torres Strait Islander in two incidents.

## SOCIAL MEDIA

**Ninety-three antisemitic incidents (11%) occurred on social media. These included 20 threats made to Jewish individuals and businesses as well as synagogues, Jewish organisations and schools. Whilst this is marginally higher than previous figures, it is relatively similar to historical data. The slight increase is likely due to the larger number of incidents relating to the Israel-Hamas War which occurred on social media, with 57 of the 93 incidents (61%) on social media featuring anti-Israel as well as antisemitic discourse.**

These figures marginally reflect the volume and scope of antisemitism on social media and other online platforms. A large amount of antisemitic content is frequently posted indiscriminately and anonymously by diverse social media users worldwide. CSG only statistically records formally reported antisemitic online activity where the victim and/or the offender is located in Australia. Proactively located antisemitic material posted online is excluded unless it specifically targets a Jewish site or person in Australia.

### EXAMPLES:

- A user posted a comment on a Jewish organisation's social media page: "We will remove all Jews in Australia" (29 October 2023, Queensland).

# DISCOURSE

**Particular and distinct types of discourse featured in an increasing number of antisemitic incidents in 2023. CSG records when Islamist, extreme right and/or anti-Israel discourse are involved in an incident alongside antisemitic discourse. This provides insight into the motivations of incident offenders and where extremist movements may be growing.**

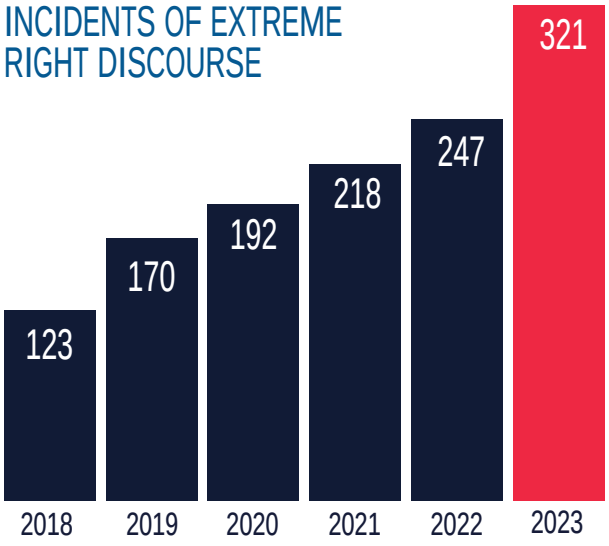
In 2023, there were 280 incidents which contained anti-Israel discourse, constituting 34% of total incidents. This compares to the 58 incidents with anti-Israel discourse in 2022, which comparatively comprised 12% of total incidents and represents a 383% increase. This increase is attributed to the local impact of the Israel-Hamas War.

There were 49 incidents involving Islamist discourse, comprising 6% of total incidents. This compares to the 11 incidents featuring Islamist discourse in 2022, which comparatively comprised 2% of total incidents and represents a 345% increase. This increase is also attributed to the local impact of the Israel-Hamas War.

Extreme right discourse featured in 321 incidents, constituting 39% of all antisemitic incidents. In 2022, by comparison, there were 247 incidents featuring extreme right discourse, comparatively constituting 56% of all antisemitic incidents. Although incidents of this type comprised a smaller proportion of total incidents in 2023, this figure reflects that the steady rise of extreme right sentiment across Australia remains.

Although all of these increases are partially due to the overall increase in antisemitic incidents, the increasing prevalence of certain types of discourse reflects how extremist rhetoric is becoming increasingly normalised and part of mainstream narratives.

## INCIDENTS OF EXTREME RIGHT DISCOURSE




## EXAMPLES:

An individual called a synagogue and left a voicemail, in which he discussed the Israel-Palestine conflict, before saying, “Do you want to send around a couple of Jewish f-cking scum to chuck rocks at my fence because I’d love to f-cking shoot them … You f-cking scumbag motherf-ckers are lower than f-cking sh-t” (24 August 2023, Tasmania).

An individual – with a Nazi flag affixed to his vehicle – was observed driving erratically and recklessly through predominantly Jewish areas. After multiple calls to CSG and 000, the individual was arrested soon after and charged with public display of a Nazi symbol (14 October 2023, New South Wales).

An individual was observed walking on a public beach with a swastika painted in white on his back (15 October 2023, Western Australia).

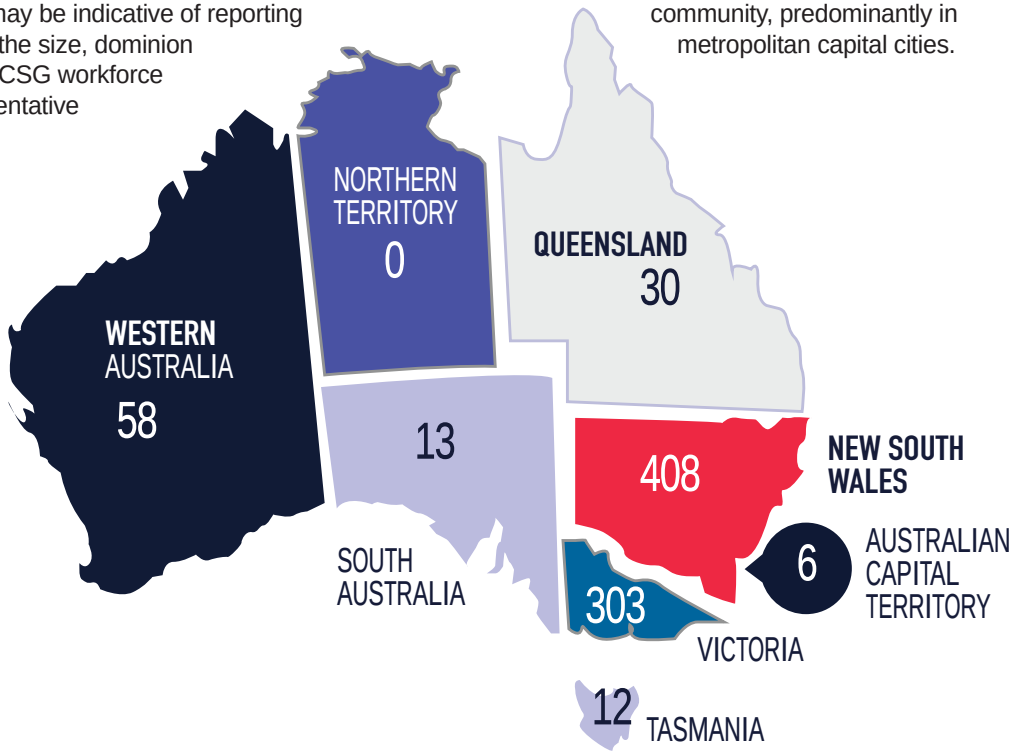
# GEOGRAPHIC ANALYSIS

**New South Wales experienced the highest reported number of antisemitic incidents at 408 (49%), followed by 303 incidents in Victoria (37%), 58 incidents in Western Australia, 30 incidents in Queensland, 13 incidents in South Australia, 12 incidents in Tasmania, 6 incidents in the Australian Capital Territory and no reported incidents in the Northern Territory.**

Of the 830 incidents recorded by CSG in 2023, 86% occurred in New South Wales and Victoria. This closely mirrors the distribution of Australian Jewry residing across the country, with 87% residing in either New South Wales or Victoria. Disparities between states may be indicative of reporting levels as well as the size, dominion and reach of the CSG workforce and other representative organisations.

Across all states, there were recorded increases in antisemitic incidents, although to varying degrees. Victoria recorded the highest increase from 103 to 303 incidents, constituting a surge of 194%. Queensland, Tasmania and Western Australia all recorded increases of more than 100%, whilst New South Wales recorded a 45% increase. Modest increases were observed in the Australian Capital Territory and South Australia, although analysis of percentage changes is generally unreliable when data sample sizes are small.

Incidents were generally concentrated in the suburbs and areas most heavily populated by the Jewish community, predominantly in metropolitan capital cities.




- *In New South Wales, 99% of incidents occurred in metropolitan Sydney, with 23% of incidents occurring in the Bondi area, although incidents were relatively spread across the city.*
- *In Victoria, all incidents occurred in metropolitan Melbourne, with 26% of incidents occurring in the Caulfield area.*
- *In Western Australia, 97% of incidents occurred in Perth, with 14 incidents occurring in Mount Lawley and nine incidents in Dianella.*
- *In Queensland, incidents were spread across cities in the state. Seventy percent of incidents occurred in metropolitan Brisbane, whilst four incidents occurred on the Gold Coast, three incidents on the Sunshine Coast and two incidents in Cairns.*
- *In South Australia, 85% of incidents occurred in Adelaide, with 46% in the Adelaide CBD area.*
- *In Tasmania, 58% occurred in Launceston and 33% occurred in Hobart.*
- *In the Australian Capital Territory, all incidents occurred in Canberra.*

# LAW ENFORCEMENT ACTION

**28 offenders were charged in relation to documented and reported incidents in 2023. This represents an 115% increase compared to 2022, although the percentage change must be viewed within the context of the overall increase in incidents, a significant proportion of which were more serious in nature. According to CSG records, all of these charges were laid by NSW Police, although several arrests were made by Victoria Police.**

Further, media reports have detailed that Victoria Police have made 42 arrests in relation to "alleged antisemitic crimes" in 2023[4]. This finding demonstrates that law enforcement, continue to hold antisemitic incident offenders accountable for their actions, where crimes have been committed. It must be noted, however, that a significant amount of antisemitic activity does not qualify as a criminal offence and not all victims wish to report incidents to law enforcement and/or provide statements for prosecution.

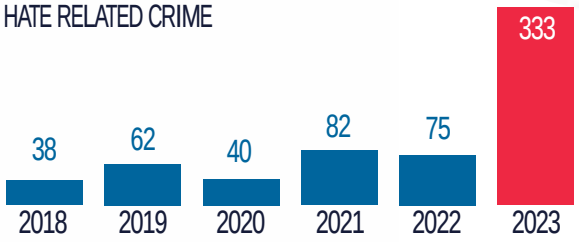
## EXAMPLES:

Three individuals walked past a Holocaust museum and made 'Sieg Heil' salutes whilst impersonating a soldier marching. Police were contacted and arrested the three individuals onsite. All three offenders were charged with public display of a Nazi symbol (13 October 2023, New South Wales).

The most common charge laid by law enforcement was 'using a carriage service to menace, harass or offend', a type of telecommunications offence. Pleasingly, six incidents resulted in prosecution in New South Wales for the recently enacted offence of publicly displaying the Nazi symbol without a reasonable excuse.

In each representative state, CSG works closely with government and law enforcement agencies to ensure oversight of each Jewish community's security and emergency management programs and policies. A key function of CSG is providing law enforcement with information relating to antisemitic incidents as well as evidence of hate crimes to assist with prosecutions. Law enforcement were notified in relation to 355 antisemitic incidents (43%) in 2023.

Hate crime statistics are actively recorded by law enforcement across Australia. In New South Wales, the New South Wales Police Force Engagement and Hate Crime Unit classified a total of 333 reports to police as 'Hate Crime Related' and targeting the Jewish Community in 2023 , noting that the collection and classification methods for recording this data are not the same as that used by CSG.




The concentration of the Australian Jewish population in particular areas of metropolitan cities across Australia has also meant that antisemitic incidents are generally confined to a select number of police jurisdictions.

## NSW

In New South Wales, 200 incidents occurred in Eastern Suburbs Police Area Command (PAC), followed by 34 in Eastern Beaches PAC, 32 in Sydney City PAC, 30 in Kings Cross PAC, 18 in Ku-Ring-Gai PAC, 13 in North Shore PAC, 10 in Inner West PAC, 10 in St George PAC, six in Parramatta PAC, six in South Sydney PAC, four in Leichhardt PAC, four in Surry Hills PAC, three in Bankstown PAC, three in The Hills PAC, two in Auburn PAC, two in Newcastle City Police District (PD), two in Northern Beaches PAC, two in Richmond PD, two in Ryde PAC, one in Blue Mountains PAC, one in Brisbane Water Police District, one in Burwood PAC, one in Campbelltown City PAC, one in Campsie PAC, one in Cumberland PAC, one in Fairfield City PAC, one in Mount Druitt PAC, one in Murray River PD, one in Port Stephens-Hunter PD, one in Riverstone PAC and one in Sutherland Shire PAC. One incident occurred within the jurisdiction of the Australian Federal Police and 12 incidents did not occur within a select NSW Police jurisdiction.

| | |
|---|---|
| **Eastern Suburbs** PAC | **200** |
| **Eastern Beaches** PAC | **34** |
| **Sydney City** PAC | **32** |
| **Kings Cross** PAC | **30** |
| **Ku-Ring-Gai** PAC | **18** |
| **North Shore** PAC | **13** |
| **Inner West** PAC | **10** |
| **St George** PAC | **10** |
| Parramatta PAC | **6** |
| **South Sydney** PAC | **6** |
| **Other** PACs and PDs | **36** |
| **N/A and AF:** | **13** |

[4] http://www.australianjewishnews.com/one-antisemitic-incident-every-day/

[5] NSW Police have not validated the data contained in this publication, nor CSG's interpretation of the data.

## VICTORIA

In Victoria, 126 incidents occurred in Caulfield Police Service Area (PSA), followed by 53 in St Kilda PSA, 23 in East Melbourne PSA, nine in Melbourne City PSA, nine in Prahan PSA, eight in Boroondara PSA, six in Bayside PSA, six in Malvern PSA, three in Doncaster PSA, three in Moorabbin PSA, three in Oakleigh PSA, two in Monash PSA, two in Mooney Valley PSA, two in Mornington Peninsula PSA, two in Stonnington PSA, one in Baw Baw PSA, one in Bentleigh PSA, one in Bethanga PSA, one in Box Hill PSA, one in Brimbank PSA, one in Darebin PSA, one in East Gippsland PSA, one in Flemington PSA, one in Geelong PSA, one in Hobsons Bay PSA, one in Kew PSA, one in Knox PSA, one in Merribek, one in the PSO / Public Transport area, one in Vermont South PSA, one in Wangaratta PSA, one in Whittlesea PSA, one in Yarra PSA and one in Yarra Ranges PSA. One incident occurred within the jurisdiction of the Australian Federal Police and 26 incidents did not occur within a select Victoria Police jurisdiction.

| | |
|---|---|
| **Caulfield PSA** | **126** |
| **St Kilda PSA** | **53** |
| **East Melbourne PSA** | **23** |
| **Melbourne City PSA** | **9** |
| **Prahan PSA** | **9** |
| **Boroondara PSA** | **8** |
| **Bayside PSA** | **6** |
| **Malvern PSA** | **6** |
| **Other PSAs** | **36** |
| **N/A and AFP** | **27** |

## WESTERN AUSTRALIA

In Western Australia, 21 incidents occurred in Morley Police Station Area, followed by 13 incidents in Bayswater PSA, eight in Wembley PSA, four in Perth PSA, two in Scarborough PSA, one in Fremantle PSA, one in Goldfields-Esperance PSA, one in Kalgoorie PSA, one Kannington PSA, one in Kensington PSA and one in Warwick PSA. Four incidents did not occur within a select Western Australia Police jurisdiction.

| | |
|---|---|
| **Morley PSA** | **21** |
| **Bayswater PSA** | **13** |
| **Wembley PSA** | **8** |
| **Perth PSA** | **4** |
| **Scarborough PSA** | **2** |
| **Other PSAs** | **6** |
| **N/A** | **4** |

**CSG encourages the Australian Jewish Community to report all incidents through the CSG Hotline (1300 000 CSG) or app (CSG Alert for New South Wales and Western Australia, JEAP for Victoria) as preferred reporting methods".**

# SUSPICIOUS ACTIVITY REPORTS

**A critical function of CSG is to identify, respond to and assess incidents of suspicious activity. This forms a vital part of CSG's role in overseeing the specialised and specific security needs of the Jewish community. Detecting and reporting potential hostile reconnaissance is critical in thwarting violent and/or planned terror activity. Individuals or groups seeking to perpetrate harm will often visit their target prior to carrying out their intended action.**

Antisemitic terror attacks continue to occur globally, perpetrated by terror actors across the ideological spectrum. In 2023, these included a shooting at two synagogues in Los Angeles and a shooting outside a Jewish preschool in Albany, New York. Fortunately, there were no fatalities.

In 2023, there was an increased number of foiled antisemitic terror attacks. Whilst this is a testament to the efforts by counter-terrorism authorities in thwarting acts of bias motivated violence, it reflects the extent of the security threat posed to Jewish communities worldwide. In chronological order, there have been plots foiled in Greece, USA (multiple), India and Brazil by actors from across the ideological spectrum, allegedly including Iran/Hizballah, white supremacists and Salafi-jihadists. Since the outbreak of the Israel-Hamas War, there have been multiple (at least three publicly reported) attack plots allegedly coordinated by Gazan militant group, Hamas to target Jewish sites across Europe, including in Germany, Denmark and the Netherlands.

**Across Australia, more than 3000 reports of suspicious and non-suspicious security-related activity were reported to CSG.**

Across Australia, more than 3000 reports of suspicious and non-suspicious security-related activity were reported to CSG. These reports included suspected incidents of hostile reconnaissance.

The CSG workforce has undergone specialist training in identifying suspicious indicators, enacting emergency procedures and response, collecting and assessing threat intelligence and providing law enforcement with specific detail and evidence to assist in their identification and investigative efforts, including closed-circuit television (CCTV). CSG encourages community awareness and resilience, and provides training to staff at Jewish sites to recognise and report suspicious activity to law enforcement and CSG.

# CONCLUSION

**In 2023, CSG recorded an 88% surge in antisemitic incidents across the country. Whilst this report analysed the pattern and distribution of these incidents, the unprecedented nature of these findings must be acknowledged overall. Eight hundred and thirty antisemitic incidents is – by a significant margin – the highest number of incidents recorded by CSG in a calendar year. These included substantial increases in serious incidents, including assaults of and threats directed towards the Jewish community.**

Insight into the incidents that occurred in 2023 reflects that the increase can be predominantly attributed to the Israel-Hamas War, which remains ongoing. As such, until the conflict is resolved, it is likely that CSG will continue to record heightened levels of antisemitic incidents and the Jewish community across the country will face ongoing vilification.

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App: CSG Alert / CSG & CHS Alert Assist
Facebook: Community Security Group NSW

### Victoria Office

Phone: 03 9519 8600
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### Western Australia Office

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Please direct all Australian Capital Territory, South Australian, Tasmanian and Northern Territory inquiries to the CSG national hotline.

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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-8" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
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**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

**26 May 2016**

# IHRA non-legally binding working definition of antisemitism

## Adopted by the IHRA Plenary in Bucharest

In the spirit of the Stockholm Declaration that states: "With humanity still scarred by …antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils" the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

**Adopt the following non-legally binding working definition antisemitism:**

**"Antisemitism is a certain perception of Jews, which may expressed as hatred toward Jews. Rhetorical and phys manifestations of antisemitism are directed toward Jewish or r Jewish individuals and/or their property, toward Jewish commu institutions and religious facilities."**

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

No. NSD950 of 2025

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**Joseph Toltz** and others

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| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
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| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-9" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 2025

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**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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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# 4

# Anti-Zionism and Anti-Israel Behavior and Sentiment

The second potential cause of discrimination against Jews that we address in this study is anti-Zionism and anti-Israel sentiment. On a basic level, this theory predicts a link between opposition to the state of Israel and discrimination against Jews. This relationship works concurrently along two mechanisms that are documented in the literature. First, anti-Zionism can mirror and is often a cover for more classical anti-Semitism; that is, anti-Zionism can be a "politically correct" cover for those who seek to target Jews for other reasons. Thus, when this form of anti-Zionism manifests, it is basically an indicator of levels of other forms of anti-Semitism.

Second, there is a tendency among at least some anti-Zionists to ascribe to all Jews responsibility for the perceived injustices committed by Israel or for the existence of Israel itself. Thus, the ideology can in and of itself be a motivation for discrimination against Jews.

However, in line with the vast majority of academic literature on the topic, we do not mean to imply that either of these trends can be ascribed to all anti-Zionists or to all people who hold anti-Israel views or who criticize Israel. In fact, the relationship between views on Zionism and anti-Semitism is quite complex. Views on Israel do not automatically translate into views on Jews. Also, just as many who hold anti-Zionist views do not express anti-Semitic views, there are Christian theologies that are pro-Israel but hold what can be classified as negative views on Jews. Zuckerman (1996: 25) discusses how this plays out in Armageddon theology, which

> reveals a contradictory impulse toward Jews. On the one hand, the return of Jews to Israel is to be encouraged, and Jews are to be positively supported in their endeavors to strengthen Israel as a sign of the hastening of the End of Times. On the other hand, it is anticipated that most Jews will suffer terribly during the period of Tribulation and that only those Jews who converted to Christ in the end will be redeemed.

Thus, Armageddon theology's support for Israel is combined with a belief that Jews are deserving of punishment for believing in the wrong God, a key element



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of the theologically based anti-Semitism discussed in the previous chapter. This set of beliefs is held only by a portion of US Christians who support Israel.

In contrast, there is a small portion of Christians who believe that Israel is a "violation of Christian teachings and as a false interpretation of the Jewish Bible" because Christians have replaced Jews as the chosen people (Jikeli, 2020: 4). Overall, Christian views on whether God's covenant with the Jews is still valid and, if valid, whether it includes a Jewish right to the state of Israel vary considerably (Jikeli, 2020).

For these reasons among others, the empirical portion of this chapter does not directly address either anti-Zionism or anti-Semitism. Rather, it focuses on anti-Israel attitudes and behavior as a potential cause for discrimination against Jews. That being said, it is difficult to discuss anti-Israel movements and attitudes without discussing anti-Zionism and its relationship to anti-Semitism. Still, we limit this discussion to the evolution and nature of the claims made by anti-Zionists and why there is a theoretical basis to believe that anti-Zionist beliefs or anti-Israel sentiment can cause discrimination against Jews outside of Israel.

This chapter proceeds as follows. First, we discuss our theoretical perspective on anti-Zionism. Second, we survey the history and content of the various manifestations of anti-Zionism. Third, we look at parallel theories in the general literature on the causes of discrimination. Finally, we examine the correlation between measures of anti-Zionism and discrimination against Jews.

## Our Theoretical Perspective on Anti-Zionism

As the goal of this study is to examine the causes of discrimination against Jews, we examine the literature and theories on anti-Zionism with a view to elicit what causal predictions can be found in this literature. In doing so, we include in this discussion literatures such as those which suggest that anti-Zionism is de facto anti-Semitism and the extent to which anti-Semitic motifs and conspiracy theories about Jews are present in anti-Zionist discourse. It is not our intent to paint all who hold anti-Israel attitudes with the same brush. This group is diverse and holds a wide range of views. Rather, we seek to examine precisely those elements of the anti-Zionist movement which are most likely to cause discrimination against Jews, to demonstrate that there is a theoretical basis to believe such a causal effect might exist, and to examine the nuances of this theorized causality.

Anti-Zionism is linked to events in the Middle East. This has two manifestations. First, many anti-Zionists believe that the establishment of state of Israel is illegitimate. Second, many object to specific Israeli government policies. While these criticisms focus to a great extent on Israel's actual policies, there is also a nontrivial element that ascribes to Israel nefarious policies with little

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basis in fact. These fictional policies often overlap with classic conspiracy theories against Jews, the subject of Chapter 5 of this volume.

Thus, in this chapter we discuss these views when relevant to our discussion of anti-Zionism, and in Chapter 5 we discuss them in the context of conspiracy theories against Jews, a phenomenon which predates anti-Zionism by more than a millennium. We posit that the anti-Zionism and conspiracy theory literatures provide important but different perspectives on this issue, which bring up different questions and theoretical predictions. For this reason we discuss them separately.

While views which blame all Jews for Israel's behavior or existence are on the extreme end of those who hold anti-Israel or anti-Zionist views, we posit that they are particularly important to understanding the causes of discrimination against Jews. That is, it is in particular when all Jews, including those living outside of Israel, are blamed that discrimination against Jews outside of Israel becomes more likely. Thus, we place particular emphasis on this element of anti-Zionism in this discussion in order to provide a foundation for this theory. Some of this discussion necessarily focuses on the links theorized in the literature between this aspect of anti-Zionism and anti-Semitism.

In addition, we discuss the use of anti-Semitic motifs in anti-Zionist discourse. Again, we make no claim that this is representative of all anti-Zionists, and it certainly is not representative of all who criticize Israel's policies. Rather, we seek to establish that such anti-Semitic motifs are present in at least some elements of anti-Zionist discourse. We argue that the presence of anti-Semitism in at least some elements of the anti-Zionist movement may influence the link, if any, between anti-Zionism and discrimination against Jews.

In this vein, we also discuss a literature which explicitly argues that anti-Zionism often constitutes anti-Semitism. We treat this literature as a body of theory which argues that there is a link between anti-Zionism and anti-Semitism and, therefore, it predicts that anti-Israel activities and beliefs may predict discrimination against Jews. This literature also provides some predictions of the circumstances under which anti-Zionism will be more strongly linked to anti-Semitism and, therefore, to discrimination against Jews.

We do not delve into the question of the legitimacy of the existence of the state of Israel or the accuracy of the claims made by anti-Zionists about Israel, other than to sometimes note that some claims regarding Israel's activities are non-evidence-based. Nor do we take a stand on the issue of the morality, correctness, or lack thereof of any policies by the Israeli government. Our sole concern is to discuss the anti-Zionist ideology, its advocates, the movement associated with it, and the relationship between all of these and discrimination against Jewish minorities outside of the state of Israel, if any such relationship exists. That being said, both the legitimacy of the establishment of Israel and policies and actions

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taken by Israel's government are central issues among anti-Zionists. We accordingly address these issues in that context.

We would also like to emphasize that we do not argue that criticism of Israel's government or its policies, and even anti-Zionism, are in and of themselves anti-Semitic. No government should be immune from criticism, and Israel is no exception. However, as we note, it is not uncommon that modern anti-Zionist discourse contains classical anti-Semitic stereotypes and tropes. A very effective method of identifying anti-Semitic anti-Zionism is Sharansky's (2004) "3D" test, which posits that the presence of any of the following three phenomena indicates anti-Semitism:

- *Demonization*: When Israeli actions are brought out of their proportions and when Israeli actions are compared to Nazi actions.
- *Double standard (discrimination)*: When there is a selective criticism over Israel and not over similar cases by others; when Israel is being criticized for harming human rights, but states such as Iran, North Korea, Syria, Cuba, and China are not being criticized.
- *Delegitimization*: When Israel's right of existence is being denied, while all other states have that right.

As we argued earlier, we would add to this list manifestations of anti-Zionism that blame all Jews for the perceived bad behavior of Israel. Sharansky likely does not include the latter on his list because his list focuses on types of critiques of Israel which he argues are anti-Semitic, and this last manifestation focuses not on Israel but on world Jewry. As we discuss in detail in this chapter, in some cases anti-Zionists do explicitly hold all Jews responsible for the perceived bad behavior of Israel. We argue that it is these manifestations of anti-Zionism that are more likely to result in discrimination against Jews. This makes the line between legitimate criticism of Israel and anti-Semitic manifestations of anti-Zionism theoretically and empirically important.

We also acknowledge that previous studies have shown an empirical link between ant-Zionist attitudes and anti-Semitic attitudes. Specifically, several survey-based studies find that people who hold anti-Zionist attitudes are more likely to hold anti-Semitic attitudes and vice versa (Kaplan & Small, 2006; Frindte et al., 2005).[1] However, it is important to emphasize that these studies show probabilities; that is, anti-Zionist views are not automatically anti-Semitic, nor do they automatically mean that those who hold such views are also anti-Semites. Rather, one who holds anti-Zionist or anti-Israel attitudes is statistically more likely to also hold anti-Semitic attitudes than someone who does not hold such attitudes. Studies also show that anti-Semitic incidents in Western countries

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spike at times of Israeli military confrontations with Palestinians (Feinberg, 2020a, 2020b; Jacobs et al., 2011).

The empirical findings in this chapter are consistent with these studies and show that measures of anti-Israel behavior and sentiment are clearly linked to discrimination against Jews outside of Israel. This adds to previous studies which focus on anti-Israel sentiment causing anti-Jewish attitudes. Here we show that anti-Israel sentiment and behavior can also lead to actions, more specifically to discrimination against Jews.

More precisely, we find that in Christian-majority countries, states which vote more often against Israel in the United Nations General Assembly also tend to engage in more government-based religious discrimination (GRD) against Jews. Anti-Israel and pro-Palestine views within a population are linked to more GRD against Jews. However, UN voting records on Israel and Palestine do not lead to more societal religious discrimination (SRD) against Jews, and pro-Palestine views are at most weakly connected to SRD. This implies that while government actions against Jews are, at least in part, connected to anti-Israel sentiment, there is no systematic connection between anti-Israel sentiment in society and societal actions taken against Jews. This implies that anti-Jewish actions taken by members of society, ranging from graffiti on synagogues to violent attacks against Jews, likely have other motives. The "Israel" motive is likely at least in part a cover for these other motives.

This chapter proceeds as follows. First, we discuss the history and content of the various manifestations of anti-Zionism. Second, we examine the links between anti-Zionism and discrimination against Jews. Third, we look at parallel theories in the general literature on the causes of discrimination. Finally, we examine the correlation between measures of anti-Zionism and discrimination against Jews.

## From National Emancipation to Delegitimization Campaigns: A Brief History of Anti-Zionism

Modern anti-Zionism can trace its roots to the success of Zionism. In the wake of the historical events surrounding World War II and the Holocaust, the Jewish people established the state of Israel in 1948. An Arab coalition declared war on the newly founded state and tried unsuccessfully to prevent Israel's establishment and independence. This coalition included Egypt, Jordan, Iraq, Syria, Saudi Arabia, the Arab Liberation Army, the Army of the Holy War, supporters from the Muslim Brotherhood movement, supporters from Pakistan, and many other countries.

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Anti-Zionism as a politically relevant and important phenomenon was a reaction to Israel's establishment. That being said, it is important to emphasize two aspects of anti-Zionism. First, anti-Zionism existed before the establishment of the state of Israel. It rose concurrently with the rise of the modern Zionist movement itself in the late nineteenth century. Zionism is an idea that was never unopposed. However, this discussion focuses on anti-Zionism after the establishment of the state of Israel.

Second, while it is not the focus of this book to determine what is and is not anti-Semitism, it is clear that there are some types of anti-Zionism that are not necessarily anti-Semitic, such as post-nation-state anti-Zionism, an opposition of all nation-states and not just the Jewish one.

However, as noted earlier, much of the literature on the topic is not neutral on this issue. Many explicitly argue that anti-Zionist trends are anti-Semitic. Some even call anti-Zionism the "New Antisemitism" (e.g., Sharansky, 2004; Bartov, 2005; Harrison, 2006; Wistrich, 2013; Heni, 2013; Gerstenfeld, 2015; Rosenfeld, 2015; Chesler, 2014; Johnson, 2016; Rich, 2016; Topor, 2018, 2021). They argue that anti-Zionism disguises its Jew-hatred as something else, such as left politics, post-colonialism, human rights promotion, and the Enlightenment. From this perspective, the "new" anti-Semitism is not so new. This literature is not lacking in evidence that at least some anti-Zionists behave similarly to classic anti-Semites. It documents that many anti-Zionists use the exact same tropes and prejudices that classical anti-Semites use against Jews, but direct it against the state of Israel and any Jewish support for Israel. From the perspective of this literature, while pre-1948 anti-Semitism existed mostly in right-wing circles, post-1948 anti-Semitism exists in both right- and left-wing circles.

Wistrich (2013) argues that anti-Zionism is perhaps most pronounced in Arab and Muslim-majority states and, not surprisingly, among Palestinians. Some of its advocates engage in efforts to delegitimize, demonize, and dehumanize Israel, Israeli citizens, and even Jews who are not related to Israel and live in other places in the world. Extreme anti-Zionists, especially among Muslim fundamentalists, claim that the Jews created post-colonialism, post-imperialism, democracy, and the democratization process, as well as the globalization and liberalization trends, in order to suppress Muslims and Islam and to control the world. This type of argument can also be found among some left-wing political activists in the West. This is an example of anti-Zionists borrowing from older conspiracy theories about Jews controlling the world (Litvak & Webman, 2010; Rich, 2016; Topor, 2018, 2021).

There are many early links between anti-Zionism in the Muslim world and anti-Semitic motifs, conspiracy theories, and individuals. For example, after the establishment of the state of Israel, Muslim movements such as the Muslim Brotherhood promoted anti-Semitic propaganda to discredit Jewish

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independence. Moreover, when some Nazi officers sought shelter after the defeat of the Axis powers, Egypt embraced them as military consultants for the "Jewish problem" of the Arab world. Even the Palestinian mufti of Jerusalem, Mohammed Amin al-Husseini, supported the Nazi regime and met with Adolf Hitler himself. After the Arab defeat in 1948, Arab leaders applied common anti-Semitic prejudices to Israel and blamed the Jews for controlling the media, the global economy, and even other states. Muslim clergymen, politicians, and scholars all blamed the Jews for the failing Arab economies and societies. The alleged motivation for these nefarious activities and conspiracies was support for the state of Israel (Wistrich, 2013).

Thus, Israel was blamed for many of the ills of the Arab world. Jews in general were blamed for supporting or even spearheading the efforts to create these ills in order to support the state of Israel. The accusations against Israel and Jews mirrored closely classic anti-Semitic tropes and conspiracy theories. However, they added a new element which ascribed to the global Jewish conspiracy the goal of creating and maintaining the state of Israel. This became a common pattern for anti-Zionist inspired anti-Semitism.

Arab nationalism, which was an increasingly popular ideology in the Arab world at the time of Israel's establishment and for several decades thereafter, effectively adopted anti-Semitic motifs from the religious types and the common European types. Even before 1948, in most Arab countries classic anti-Semitic texts such as *The Protocols of the Elders of Zion*, *Ford's International Jew*, Hitler's *Mein Kampf*, and August Rohling's *Talmud Jew* were translated and widely distributed (Perry and Schweitzer, 2008; Litvak & Webman, 2010). Many in the Arab world, including governments and the media, made use of conspiracy-theory accusations. For instance, the Jews were blamed for spreading the AIDS epidemic among Arab military officers in the second half of the twentieth century in a manner similar to the case of the Black plague in medieval times (Laqueur, 2006). This is an example of the "well poisoning" trope which we discuss in more detail in Chapter 5. There were also more classic blood libels, such as a Syrian TV show broadcast widely throughout the Middle East in which Jews kill a Muslim child to get blood to bake matzah for Passover (also discussed on more detail in Chapter 5).[2]

In another example of this phenomenon, the April 1981 issue of *al-Da'wa*', a major Muslim Brotherhood journal, was devoted to the 12 Jewish sins. These sins are almost identical to ancient Christian and Muslim anti-Semitism: opportunism, schizophrenia, racism, the desire to destroy the world, egoism, looting, sadism, lust for money, blackmail, pledge violations, lack of integrity, and spread of conflicts (Bodansky, 1999).

The 1967 war caused a transformation in anti-Zionist movement which led to the increased popularity of the movement worldwide. The Arab countries lost a

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significant amount of land to Israel, including the Golan Heights, the West Bank, the Sinai Peninsula, and the Gaza strip. When Israel was established in 1948, the Jewish people, previously perceived as persecuted, became the pioneers of hope and freedom. Many admired their ability to establish a state after the genocide of the Holocaust.

In contrast, in 1967 the Israelis already had a state. The 1967 military victory shifted perceptions of Israel in many quarters. It was seen as an illegitimate conqueror, occupier, and oppressor by many nations and people around the world. This created a perception of Palestinian Arabs as the new victims and as a stateless people. This view was particularly popular among the far left and in the developing world, much of which had recently gained their independence from colonial powers or had yet to gain their independence (Litvak & Webman, 2010; Topor, 2018).

This led to a rise in anti-Zionism among the global left. While much of this involved criticism of Israel's policies similar to criticism of other countries, some of it was overtly anti-Semitic. In fact, it led to new genera of anti-Semitic illustrations and caricatures of Jews in the Arab press and literature. Post-1967 caricatures depicted the Jewish people as oppressors and even as Nazis (Kotek, 2004).

Anti-Zionism also became mired in the superpower struggles of the Cold War. As the Soviet Union and the United States collided through their allies and proxies in the Middle East, the Soviets began spreading propaganda about Israel, an important American ally in the region. Internationally, this propaganda accused Israel of being an American imperial ally which tried to strengthen American control and power in the region. Domestically, some of the Soviet elite, including Stalin in the early 1950s, oppressed their Jewish citizens on the grounds that they were a fifth column that would eventually support the United States, based on the assumption of Jewish loyalty to Israel over that of their home country, a classic anti-Semitic trope (Kostychenko, 1995; Brandenberger, 2005; Brent & Naumov, 2003).

Historically, the Soviet hostility to Israel and even to Judaism was based upon the ideological foundations of Marxism and early socialism. Karl Marx was born as a Jew but quickly renounced Judaism. Though he did use anti-Semitic stereotypes in his writings, it can be argued that he criticized Judaism as an ethnocentric group that did not fall fully into his social vision. Marx wanted to free society from capitalism, Judaism, and religion in general (Blanchard, 1984). As he wrote in *The Jewish Question*: "What is the secular basis of Judaism? Practical need, *self-interest*. What is the worldly religion of the Jew? *Huckstering*. What is his worldly God? *Money*. . . . The *social* emancipation of the Jew is the *emancipation of society from Judaism*" (Marx, 1844).

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The Socialists, the Leninists, and the revolutionary groups in Russia and elsewhere based their ideology and criticism on Marxism, and specifically on its opposition to religion in general, which included Judaism. However, since Jews were seen as money seeking and greedy, some socialists conflated Jews with capitalism and with the Western world. Thus, among these groups, opposition to the state of Israel is linked to opposition to the United States, the West, and capitalism in general (Wistrich, 1979, 1990).

After the 1967 war and during the 1970s, anti-Zionism emerged as a significant political force in Europe, as well as in the developing world. This manifestation focused on Israel's occupation of Palestinian territory, as well as arguments that Israel oppressed the Palestinians. They advocated that the Gaza strip, Sinai, the West Bank, and East Jerusalem should all be handed back to the Arabs.

Moreover, this discourse facilitated a return of anti-Semitic expressions into mainstream political discourse among the political left. The peak of this early left anti-Zionism was likely the 1975 United Nations General Assembly Resolution 3379, which regarded Zionism as racism.[3] Seventy-five nations voted in favor of characterizing Jewish nationalism (and no other form of nationalism) as racism, including the German Democratic Republic, Poland, and the Soviet Union itself, among others. Though Great Britain and France voted against the act, many of their citizens supported it (Weitzman, 2008; Litvak & Webman, 2010; Topor, 2018, 2021).

The Iranian Islamic revolution of 1979 placed into power a regime that was headed by the anti-Semitic and anti-Zionist Ayatollah Ruhollah Khomeini. The regime declared that Israel was an imperial mistake which should be corrected (Weitzman, 2008; Litvak & Webman, 2010). Since that point in time, it has repeatedly and publicly stated its desire to destroy the "Zionist entity" and has engaged in Holocaust denial and other classical forms of anti-Semitic propaganda.

In the 1990s, events contributed to a decline in the popularity of anti-Zionism. More specifically, Israel was seen as changing its behavior and seeking peace. The 1991 Madrid Conference represented an ideational shift. In Madrid, Arab states, the Palestinian delegation, and Israel had shifted from an outlook of a zero-sum game to a mutual gain outlook.[4] The conference was the first time in the history of the conflict that the Israeli and the Palestinian delegations, the latter as part of a Jordanian delegation, had negotiated with each other (Herman & Newman, 2000: 107–153). As an indirect result of the conference, Israel and Jordan signed a peace agreement in October 1994 (Barak, 2005) which complimented the 1978 peace treaty with Egypt. Moreover, just before the conference took place, the United Nations had revoked the anti-Zionist and anti-Semitic resolution 3379 and adopted the General Assembly's resolution 46/86. Now, while 72 nations voted in favor of resolution 3379, 111 nations voted in favor of its revocation. Interestingly, Israel's Arab and Muslim neighbors voted against it, including

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Jordan, Lebanon, Syria, Saudi Arabia, Iraq, and Iran, among others. Egypt abstained.[5]

What became known as the Oslo peace process began shortly thereafter. Yasser Arafat, chairman of the Palestine Liberation Organization (PLO), sent a letter to the late Israeli prime minister, Yitzhak Rabin, on September 9, 1993. Arafat promised to recognize Israel's right of existence, to accept UN Security Council Resolutions 242[6] and 338,[7] and to negotiate a peace settlement with Israel. Israel, in response, recognized the PLO as the Palestinians' representative. On September 13 of that year, the Declaration of Principles between Israel and the PLO, concerning the former's existence and the latter's sovereignty, was signed in Washington, DC—the First Oslo Accord (Oslo A). This was followed by the second Oslo agreement (Oslo B) on September 28, 1995. This agreement was meant to strengthen what was now the Palestinian Authority and to give it responsibility over all Palestinian internal affairs (Herman & Newman, 2000: 107–153).

As a result of this, anti-Zionism declined in the 1990s with the belief that Israel would give up land and some regional interests, allowing a Palestinian independent state to be established. This decline continued until the failure of the 2000 Camp David Summit. Israeli prime minister Ehud Barak offered Yasser Arafat more than 90% of the West Bank, but Arafat rejected the offer. This led to the second Palestinian Intifada (Swisher, 2004: 312–334). These events revived the negative and critical stance within the European and global left which depicted Israel as an illegal and illegitimate occupier and oppressor (Topor, 2018).

This coincided with another shift in global trends in anti-Zionism. From 1948 until the early 2000s, anti-Zionism was mostly initiated by Arab and Muslim nations, opposing Israel's right of existence. This opposition was also supported and promoted by the Palestinians and the global post-colonial left ideology (Topor, 2018). The element of critiques of Israel's behavior was present, but it was not dominant.

At the beginning of the twenty-first century, critiques of Israel's behavior, real and imagined, increased. Some nongovernmental actors started promoting anti-Zionism. In some cases they blamed Israel and its Jewish supporters worldwide for most of the problems in the Middle East. However, most of them focused on Israel's policies toward the Palestinians.

Nongovernmental organizations (NGOs) and civil society organizations (CSOs) intensified their criticism over Israel, specifically regarding its policies toward the Palestinians. NGOs such as Human Rights Watch, the United Nations Human Rights Council, Amnesty International, and the International Federation of Human Rights began to devote more resources toward highlighting Israel's policies toward the Palestinians. While these organizations engage in a wide variety of other projects of promoting human rights and anti-racist acts, many

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argue that the resources they devoted to the rights of the Palestinians were highly disproportional. That is, they posit that, even if one accepts that all allegations made by these organizations are fully accurate, Israel is given a wildly disproportionate level of attention. Some go so far as to argue that this constitutes a double standard and discrimination against Israel (Steinberg, 2011).

The Durban conference against racism in 2001 serves as a good example. At this conference, despite the unfortunate abundance of human rights violators in the world, Israel was given a much higher level of attention. At the entrance of the conference, flyers were distributed widely among the visitors. The flyers contained anti-Semitic stereotypes applied to the state of Israel, including copies of the *Protocols of the Elders of Zion* and Nazi-like caricatures of Jews. The Durban conference and, later, the United Nations Human Rights Council called for an immediate weapons embargo and economic sanctions on Israel. Moreover, Israel was compared to the South African apartheid regime. Other countries that have objectively poor human rights records and that arguably behave worse in this respect than Israel, such as Iran, Venezuela, and North Korea, were largely ignored. Many consider this a manifestation of anti-Zionism (Steinberg, 2011; Schoenberg, 2008; Bayefsky, 2002; Topor, 2021).[8]

On a more general level, this double standard argument holds that, while it is legitimate to discuss and even focus on Israel's treatment of the Palestinians, the level of disproportionality of this criticism of Israel as compared to other states is unjustifiably high. This literature attributes this criticism to anti-Semitism. While the literature tends to consider the disproportionality sufficient proof for this charge, it also argues that the anti-Semitic motifs that are present in at least some of this criticism support this argument.

This literature also argues that many of the critiques essentially posit that Israel behaves illegitimately based on actions that objectively are common behaviors among states. Kontorovich argues that this is true of the international law literature. For example, many critics argue that Israel is a discriminating state, apartheid, since it passed the Jewish Nation State law in its Knesset in July 2018, which describes Israel as a Jewish nation. Yet multiple countries, including several European countries, have similar laws, often in their constitutions. As of 2014, other than Israel, at least 42 countries, including nearly all Middle Eastern countries, declare an official religion. None of them is religiously homogeneous (Fox, 2015, 2019, 2020). Kontrovich similarly argues that Israel is often criticized for violating international law for other acts, such as the siege of Gaza, despite that these acts technically do not violate international laws and that countries engaging in similar acts elsewhere are rarely similarly criticized.[9]

However, anti-Semitism is not the only potential motive. This criticism of Israel may also be a diversionary tactic. Henne (2018), for example, in a study that does not focus on Israel, demonstrates that many countries are active in

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human rights efforts precisely to deflect criticism away from their own poor human rights records.

While this discussion has emphasized the elements of anti-Zionism which overlap with anti-Semitism, again, it is not our intention to argue that all anti-Zionists and all who criticize Israel are anti-Semitic. Rather, our purpose is to establish that such trends are present in anti-Zionist and anti-Israel discourse and movements. In the next section we discuss how these elements can potentially cause discrimination against Jews.

## From Anti-Zionism to Discrimination

We argue here that a key link between anti-Zionism and discrimination against Jews is that in many cases, Jews outside of Israel are blamed and sometimes targeted for the perceived bad behavior of Israel. In some cases, those who criticize Israel's behavior consider all Jews to be part of the "evils" committed by Israel. Among those who oppose Israel's existence, some blame Jews for supporting the state of Israel. Thus they consider Jews complicit in and responsible for Israel's illegitimate existence. This, we argue, potentially provides a motivation to discriminate against Jews. This is a proposition we test empirically later in this chapter.

One manifestation of this phenomenon is the belief that Jews in countries like Britain, Germany, or the United States cannot be true citizens because of their loyalty to Israel. That some Jews actively oppose Israel's policies does not seem to undermine this in the eyes of at least some who hold this type of view; that is, even Jews who denounce Israel can still be suspect. This is analogous to the trend within Christianity described in Chapter 2 where even Jews who convert to Christianity are suspect due to an inherent imperfection that cannot be erased though conversion.

Another manifestation focuses on racism. If Zionism is racism, as enshrined by the UNGA 3379 resolution, and if Israel and the Jewish people are a whole, then all Jews are racists. This belief has led to some odd occurrences. On several occasions, anti-racist leftist groups in the United States and the United Kingdom blocked Jews and Israelis from attending and supporting other anti-racist and anti-fascist rallies. An awkward situation has evolved in which some anti-racist groups discriminate against Jews based on claims that all Jews, who are also Israel supporters, are racist and that all Jews are suspected of supporting Israel unless proven otherwise (Fine & Spencer, 2017; Topor, 2021).

A third manifestation excuses anti-Semitism and even violence toward Jews as the fault of Israel and Jewish support for Israel. Norman Geras argues that while not all who criticize Israel are anti-Semitic, a "substantial section" of the left

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uses Israel as an "alibi for a new climate of anti-Semitism on the left." This alibi phenomenon has multiple manifestations. First, it posits that anti-Semitism is caused solely by Israel. For example, according to this perspective, Arabs would not engage in Holocaust denial if it were not for their anger over the issue of Israel. Thus Israel's behavior or even existence is the reason for all anti-Semitism and, therefore, excuses it. Those who make this claim do not address why anti-Semitism existed before the founding of the state of Israel.[10]

A second manifestation of this phenomenon has it that expressing anti-Semitic tropes is not anti-Semitic unless the speaker intends them to be anti-Semitic. Geras (2013, n.p.) points out that this is an odd argument since "for no other kind of racism would such a narrowly-conceived" definition, which ignores "a language that embodies negative stereotypes, or of unconscious prejudicial assumptions, or of discriminatory practices, and so forth . . . be taken seriously even for a moment." Third, many simply ignore, dismiss as unimportant, or turn a blind eye to anti-Semitism. This can include the overtly anti-Semitic language used by groups like Hamas and Hezbollah in which anti-Semitism is ignored while the focus is shifted to their anti-Israel programs as criticism against Israel is indeed legitimate. It can also involve referring to terror attacks against Jews in the West as motivated by Israel, rather than anti-Semitism, despite abundant evidence of anti-Semitic ideas expressed by the terrorists.[11]

Finally, the intersectionality movement, which originated in feminist theory and has become "the dominant paradigm in many fields of study in the humanities and softer social sciences, [and] advocates treating oppressions as integrally linked" (Elman & Romirowsky, 2019: 228), has become increasingly anti-Zionist. Within this movement there is a developing "trend toward wiping the category 'liberal Zionist' off the map . . . even to the point of denying that Zionists of any kind can be feminists at all" (Brahm, 2019: 163). This has developed into a mandatory ideology in which disagreement is not permitted. "If you hold to one 'progressive' position, you've got to hold to everything else the leading progressives deem worthy of inclusion in their society. There is no room for disagreement among intersectional feminists" (Brahm, 2019: 163). There is also a trend within the movement which associates all Jews with "white privilege" and "oppression" (Brahm, 2019). Elman and Romirowsky (2019: 229) argue that this constitutes "anti-Jewish animus under the guise of anti-Zionism."[12]

This has led to a situation where Jews who identify with most aspects of the progressive movement but support Israel are ostracized. For example, in 2017 and 2018 at Chicago's "Dyke March," Jewish marchers were ejected for displaying a rainbow flag with a Jewish star, a Jewish symbol dating back to at least the twelfth century, which is also present on Israel's flag.

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> March organizers said last year in a statement that the women were ejected because they were pro-Israel while the march was explicitly anti-Zionist, and because of the Jewish star flag's "similarity to the Israeli flag and the flag's long history of use in pinkwashing efforts." Pinkwashing is a term used by critics of Israel alleging that the Israeli government touts its pro-LGBT policies in order to distract from its treatment of the Palestinians.[13]

The 2019 Washington, DC, Dyke March enacted a similar policy.[14] To place this in context, this would be akin to banning the cross because one is upset with Denmark, Finland, or Iceland, among many other countries, which have crosses on their flags.

Anti-Zionist ideologies can have practical consequences. That is, when Jews are blamed for Israel's policies, this can lead to overt discriminatory acts against Jews. This type of targeting is common on US college campuses. For example, in 2014 a pro-Palestinian organization marked the doors of many Jewish students and put paper notes on their dormitory room doors, blaming these Jewish students for Israeli policies in the conflict with the Palestinians.[15] A similar incident occurred in the dorms at Emory University in 2019, where activists posted eviction notices on the doors of Jewish students in protest against Israel's policies toward Palestinians.[16] To be clear, had these forms of protest been posted on all the doors in a dorm, this would not be singling out Jews for blame. That in both of these cases the notices were placed only on the doors of Jews signals that Jews outside of Israel are being blamed for Israel's perceived injustices. It is also a form of societal harassment and involves an implied threat in that it implicitly states, "we know who you are and where you live."

Another incident occurred at the University of California, Los Angeles, which focused on the dual loyalty trope. Rachel Beyda, a Jewish student who ran for student council, was asked by several student members whether she can be objective and not biased toward the state of Israel, simply because she is a Jew and belonged to a Jewish religious organization; that is, Rachel was asked whether she has dual loyalties. At first, the council voted against Rachel's attempt to be elected, and only after a university counselor intervened was she allowed to run for student council.[17]

In a similar incident at the University of Illinois at Champaign, the university's vice chancellor removed a Jewish student from the Campus Student Elections Commission during a discussion about divesting from Israeli companies and a debate over an Illinois Student Government resolution condemning the conflation of anti-Zionism with anti-Semitism, in which some students held up signs labeled "Free Palestine," "F— Zionists," and "F— Nazis, support Palestinians."[18] Other incidents at the university's campus between 2015 and 2020 include other incidents of Jews elected to student government being prevented from

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participating in the student legislation process, multiple incidents of vandalism of the university's Chabad house, anti-Semitic graffiti on campus including swastikas, rocks thrown through Jewish students' windows, and calling pro-Israel students "Nazis" and "white supremacists."[19]

These types of incidents are common. There have been anti-Semitic incidents at the majority of US college campuses with large Jewish populations. While the majority of these incidents take the form of classic anti-Semitism, about one-quarter of them are directly anti-Israel. However, anti-Israel incidents are more likely to show intent to harm Jewish students and staff. A study also found that the presence of anti-Israel activities and organizations on US college campuses is a strong predictor of anti-Semitic incidents on those campuses.[20]

This phenomenon is not limited to the United States. A 2019 study of young Jews (ages 16–34) in 12 European countries found that 46% had been subject to at least one anti-Semitic incident in the past 12 months. The report notes:

> Existing evidence shows that Jewish university students—especially those involved in some way in student politics—are known to be particularly susceptible to anti-Semitic harassment from their fellow students, often expressed in the form of anti-Israel discourse . . . over half of the young Jewish Europeans in this sample are students. . . . Such highly politicized university environments, often fueled by staunchly leftist political agendas, can feel acutely uncomfortable, and indeed anti-Semitic, for many of them. (O'Flahtery, 2019: 26)

In sum, several manifestations of anti-Zionism are very similar to classic anti-Semitism. The demonization of Israel is similar to the demonization of Jews in past (and current) ages (Sicher, 2011). As Johnson (2016) claimed in a report over allegations of anti-Semitism in the British Labour Party, anti-Semitism was once explained by religious, cosmopolitan, pseudo-scientific, communist, and capitalist explanations. Now, it is explained by the opposition to the right of existence of Israel. From this perspective, once, Jews were persecuted and discriminated against because of their religion. Then they were persecuted for their race. Now they are persecuted and discriminated against because of a Jewish state (Sacks, 2015: 3–44; Bergman, 2013). The empirical analysis in this chapter is intended to see whether the evidence supports this contention.

## Anti-Zionism and General Social Science Theory?

It is difficult to find any academic theories or literature on the causes of anti-Zionism that fail to focus also on anti-Semitism in the time after the establishment of the state of Israel.[21] While there have been attempts to link the issue to

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larger issues such as racism (e.g., Marcus, 2007), the word "anti-Semitism" generally appears prominently in those discussions.

Be that as it may, if one wants to discuss the question of whether there is any general social science theory which can lend understanding to the more specific case of anti-Zionism, there are two pertinent questions. First, is there any analogous situation where an entire identity group, whether that identity is based on religion, ethnicity, nationality, race, or some other basis for identity, is held responsible across a large number of countries for the behavior or perceived behavior of a state associated with that identity group? Second, if yes, is there any social science theory which addresses this situation that can be applied to understand the link between anti-Zionism and discrimination against Jews? It is not the purpose of this discussion to arrive at a definitive answer on the uniqueness of anti-Zionism, but rather to evaluate how anti-Zionism as a potential cause of discrimination against Jews fits into the larger social science literature.

It is certainly possible to find examples of individuals being sanctioned or attacked due to the behavior of other members of their perceived identity group. For example, across Western countries, societal discrimination against Muslims tends to spike after terror-related activity by Muslims. This certainly happened in the United States after September 11, 2001. In another interesting example, in Australia in September 2014, hundreds of police raided dozens of locations and arrested two Muslims on terrorism charges. This led to a wave of societal discrimination against Muslims in Australia. This occurred despite the fact that no terrorist acts had been committed in this case. These acts against Muslims included vandalism, verbal abuse in public, and anti-Muslim social media comments. There were some reports of low-level physical attacks, such as a coffee cup thrown at one Muslim, and another where a baby's stroller was kicked.[22]

There is a considerable social science discussion of this phenomenon in the context of Muslims in the West. There are several theories that are applied to explain this phenomenon. The relevance of these theories toward explaining the potential link between anti-Zionism and discrimination against Jews varies.

The first such argument is that discrimination occurs because Muslims pose a perceived security threat. This argument is most often framed in the context of securitization theory. Securitization theory was developed at least in part to explain how liberal democratic states are able to justify actions taken against Muslims and other immigrants that on their face violate liberal norms. It was also developed to explain how leaders use scapegoating in order to enhance their political power, though the focus of this discussion is on how the theory might help explain discrimination against Jews.

Securitization theory posits that when a minority is perceived as a security threat, this can attract discrimination. Specifically, when a group or minority is perceived as an "existential threat," a process of "securitization" may occur. This

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process is driven by "speech acts" by leaders that "securitize" the group. This process removes policy toward the group from normal policy and transforms it into the realm of extraordinary politics (Buzan et al., 1998; Mabee, 2007; Waever, 1995, 2011). "The theory suggests that a state representative can 'securitize' an issue by invoking 'security.' 'Securitized' issues are lifted above normal ordinary politics and moved from normal to emergency politics. They are assigned an urgency that requires extraordinary measures to eliminate the threat" (Fox & Akbaba, 2015: 176). This legitimizes discriminatory actions that would be illegitimate under normal circumstances. Many argue that this is what drives policy toward Muslims in the West (Cesari, 2013; Donnelly, 2007; Gearty, 2007; Razack, 2008).

Cesari (2013) takes this a step further, arguing that discriminatory acts that have little or no connection to security are often justified when a minority is hyper-securitized. This explains some types of common forms of discrimination against Muslims in the West which in no way address security concerns. These include restrictions on halal slaughter of meat, Muslim women wearing their traditional head coverings, and the building of new mosques.

While it is difficult to argue that Jews pose a security threat in the West, it is possible to apply the classic anti-Semitic trope of accusing Jews of dual loyalties. More specifically, securitization theory posits that speech acts are used to securitize a minority and depict them as an existential threat. In this case, painting Jews as loyal to a foreign government is an analogous type of speech act which portrays Jews as a threat. Though the danger Jews are said to pose is not strictly a security threat, these alleged foreign loyalties can be presented as a form of existential threat. As is the case with the securitization of Muslims, the truth of this accusation is less relevant than whether leaders are willing to engage in speech acts which make the accusation and whether these accusations find fertile ground; that is, securitization is about perceptions, which need not have a basis in reality. In both cases, the accusations create a perceived threat which justifies discrimination. Also, it is worth noting that based on core securitization theory, these speech acts are often made by opportunistic politicians, including but not limited to populists, seeking to amass power, who do not necessarily believe the accusations they are making.

Another branch of securitization theory applies it more broadly to immigrants in the West. For example, Chebel d'Appollonia (2015: 2) argues that

> since the 1990s, the categories of "new comers," "illegal immigrants," "bogus" asylum seekers, and "suspicious minorities" have been increasingly conflated in the media and general public discourse. Western governments have responded to concerns raised by the so-called new immigration (itself a euphemism for "non-European") by linking immigration policy to other high profile issues.

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While these issues include security issues like terrorism, they also include others, such as job security, drug trafficking, and other types of crime. Thus, it is arguable that all immigrants can be securitized under this rubric. If Jews are portrayed as foreign or as having dual loyalties, this can be seen as similar to the threat posed by "alien" immigrants.

This "speech act" and "securitization" process can also explain how leaders deal with Israel directly. Many leaders posit that Israel is a security threat or a threat to world peace. Multiple polls on the topic show that large numbers of people consider Israel the greatest threat to world security and world peace.[23] Setting aside how this may justify actions against Israel, to the extent that Jews are held responsible for Israel's actions, it can also securitize Jews living outside Israel.

The securitization framework, as a description of the process of how elites stigmatize Jews, is also useful to understand anti-Semitism throughout history. For example, as described in more detail in Chapter 3, in the early days of the Christian church, church leaders actively portrayed Jews as Christ killers. Their motivation at that time was at least in part to create a distinct Christian identity and to prevent Christians from leaving the church for Judaism. In time this became less of a concern, but the pattern of religious and secular elites across religions using speech acts to accuse Jews of various crimes in order to spark hatred and stigmatize Jews in order to justify discrimination against them has become a time-worn pattern.

It is clear that in both the Jewish and Muslim cases, speech acts are used to undermine the legitimacy of a minority and to justify discriminatory acts. In both cases, the minority is painted as somehow dangerous, alien, and deserving of punishment. However, the nature of the transgressions attributed to Muslims and Jews are qualitatively different. We discuss this in the context of conspiracy theories about Jews in Chapter 5. In Chapter 7 we propose expanding securitization theory beyond the issues of security and immigrants; that is, we propose using the securitization framework to address a wider array of reasons that a minority might be stigmatized using an elite-driven speech act process.

The second literature that seeks to explain discrimination against Muslims in the West focuses on threats to national culture. This type of argument focuses on protecting a national culture from perceived foreign encroachment. Muslims are seen as adhering to their foreign culture and refusing to assimilate, thereby undermining the national culture. Religion is generally recognized as a potential element of national identity (Breakwell, 1986; Little, 1995; Gurr, 1993, 2000; Horowitz, 1985; Smith, 2000). It is also linked to multiple national ideologies (Friedland, 2001: 129–130; Smith, 1999, 2000). In addition, some studies link individual religiosity and nationalism (Sorek & Cebanu, 2009; Voicu, 2011). Studies of ethnic conflict show that perceived cultural differences can result in

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discrimination against minority groups (Gurr, 1993, 2000; Horowitz, 1985). In fact, many compare nationalism and religion because they are both ideologies that confer exclusive identity and inspire high levels of commitment (Beit-Hallahmi, 2003: 20; Green, 2000: 70–71; Juergensmeyer, 1993).

This body of theory both applies and does not apply to anti-Zionism. On one hand, in most Western and European countries, Jews are considered part of the national culture and history, at least among the mainstream. For example, numerous Western and European states, including but not limited to Austria, Belgium, Germany, Hungary, Latvia, Lithuania, Poland, and Russia, have laws recognizing religions considered indigenous or traditional, or otherwise list those religions considered legal and legitimate. These lists include Judaism.

On the other hand, to an increasing extent, Jews are being depicted as foreign in Western countries in both far right- and left-wing circles. For example, UK Labour Party leader Jeremy Corbyn stated that Zionists "don't understand English irony." In a more blatant example, French philosopher Alain Finkielkraut, who is Jewish, was verbally assaulted by yellow vest protesters. The verbal attacks included "dirty Zionist [expletive deleted]" "go back to Tel Aviv" and "we are the French people, France is ours."[24] Incidentally, the hypocrisy of, on one hand, questioning the legitimacy of Jews having a state while in the same breath telling a Jew who has lived in France all of his life to go "back" to that state is inescapable.

Be that as it may, as discussed earlier, the anti-Zionist motivation for discrimination against Jews outside of Israel works through the mechanism of depicting Jews as foreign or somehow illegitimately loyal to Israel, or otherwise responsible or complicit in its behavior. From this perspective, all Jews are linked to this foreign power and, with perhaps the exception of those Jews who publicly denounce that foreign power, are complicit (though, as noted previously, there are some who would still consider these Jewish Israel-denouncers complicit). Thus, they pose a threat to the nation, though not the culture because there is no hint of a refusal to accept cultural norms, unless one considers anti-Zionism a cultural norm. In contrast, Muslims are perceived to pose a cultural threat precisely because they are seen as not subscribing to the cultural norms of the West.

Consequently, when applied to anti-Zionism, the securitization and the protection of national culture explanations merge. In both cases, Jews are stigmatized as loyal to a foreign power that is seen as illegitimate and even evil through elite speech acts. From both of these perspectives, Jews are seen as a threat, and the threat is not precisely a security threat, nor is it precisely due to cultural differences between Jews and other Westerners. Rather, from these perspectives, the threat is based on foreign-ness and having dual loyalties, a classic anti-Semitic trope.

A third potentially analogous phenomenon is also related to perceived foreign threats. There are numerous specific incidents where states involved in a conflict

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mistreat those perceived as being associated with the enemy state. A classic example of this phenomenon was the internment of US Japanese citizens during World War II. However, these cases are rarely persistent over long periods of time and tend to be limited to a single country or a small number of countries involved in a conflict; that is, they tend to be local responses to specific and usually local events during limited periods of time. While resentments can persist after the conflict, they tend to fade over time unless the conflict itself persists or reignites. Thus, this type of case does not provide a good basis for understanding the dynamics of anti-Zionism and discrimination.

A fourth body of theory used to explain discrimination against Muslims in the West is Samuel Huntington's "clash of civilizations" theory. Huntington (1993a, 1996) predicted that after the end of the Cold War most conflict would be between different civilizations. He divided the world into the Western, Slavic-Orthodox, Sino-Confucian, Islamic, Hindu, Japanese, Latin American, Buddhist, and African civilizations. He also predicted that conflict between the Islamic and Western civilizations would be particularly intense and violent. Huntington (1996: 252–254; 2000) specifically applies this theory to domestic conflict.[25] In fact, he argues that international conflicts are "a small, and possibly quite unrepresentative, sample of the violent conflicts in the world" (Huntington, 2000: 609). Thus his theory is easily applied as an explanation for discrimination against Muslim minorities in the West.[26]

It is difficult to apply this body of theory to Jews in the West for two reasons. First, Huntington (1996: 48) states, "Judaism clearly is not a major civilization. . . . It is historically affiliated with both Christianity and Islam, and for several centuries Jews maintained their cultural identity within Western, Orthodox, and Islamic civilizations." Second, most studies on Huntington's theory which assign Israel a civilization consider it part of the West. While Israel may be associated with the West, especially in the perceptions of many Muslims, Jewish minorities in Muslim-majority countries are generally considered indigenous.

Finally, there are at least two other examples of states considered illegitimate in world politics. Taiwan is considered by China to be part of China and therefore illegitimate. Many states do not recognize Taiwan, though this seems to be largely due to a desire to maintain good relations with China, a country that is a major world power. The Turkish government in Cyprus is recognized only by Turkey and is not recognized by any other country. Yet in neither of these cases does this illegitimacy lead to worldwide discrimination against either Taiwanese or Turks.

There is also no shortage of countries across the world that objectively violate human rights and other accepted international norms. Yet, it is difficult to think of any other case where an entire identity group is consistently, across dozens of countries, held responsible for the actions or perceived actions, much less the

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perceived illegitimacy, of a single state. For example, the concept of holding any random ethnic Russian responsible for the policies of Vladimir Putin's Russia seems ludicrous. Holding all ethnic Chinese responsible for the actions taken by China in Tibet or more recently against the Uyghur Muslims seems similarly farfetched. Yet synagogues across the world are regularly attacked and defaced by perpetrators who specifically state that their motivation is Israel's behavior. This is particularly interesting because most synagogues have no formal association with Israel, and most who attend synagogues outside of Israel are not Israeli. In the eyes of the perpetrators, being Jewish is enough. That being said, as we will see from the following evidence, it is likely that many of these societal attacks on Jews have motivations other than or in addition to anti-Zionism.

In sum, some of the social science literature which explains discrimination can be applied to map the dynamics or mechanism that links anti-Zionism to discrimination against Jews, particularly securitization theory and theories which focus on associating minorities with foreign threats. Yet, the anti-Zionist motivation for discrimination is distinct from how these theories apply to other minorities in both cases due to the exact nature of the perceived threat, and in that a single identity group is tied globally to the perceived injustices perpetrated by the actions taken by a single state, and even to that state's existence.

## Testing the Influence of Anti-Zionist Behavior and Sentiment on SRD and GRD

This study does not strictly measure anti-Zionism. Anti-Zionism is a multi-faceted and complex phenomenon that would be difficult to properly capture without a multi-country data-collection effort using a large battery of variables.

However, this study can measure anti-Israel government behavior and anti-Israel attitudes in society, which we argue provide good surrogate variables for the phenomenon we'd prefer to measure. More specifically, it measures societal attitudes toward Israel and Palestine, as well as how the government voted on Israel-related resolutions in the UN General Assembly between 1990 and 2014. Because many states abstain or fail to vote, we measure both the percentage of times a state votes in favor of Israel and the percentage of times it voted against Israel.[27] We also use polling data from the ADL Global 100 survey on what percentage of a country's population holds both anti-Israel and pro-Palestine views. For more details on these variables and the multivariate tests, see Appendix A.

As shown in Table 4.1, the results are mixed. Anti-Israel UN voting causes higher levels of GRD, but only in Christian majority countries.[28] This is logical because Muslim-majority countries nearly uniformly vote against Israel in the UN General Assembly. It is a known statistical reality that if a variable shows no

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**Table 4.1** UN Voting on Israel and Views on Israel and Palestine as Causes of SRD and GRD

| Cause of Discrimination | Societal Discrimination | Government-Based Discrimination |
|---|---|---|
| **UN voting** | | |
| Anti-Israel | Less discrimination | More discrimination in Christian-majority countries; no influence in Muslim-majority countries |
| Pro-Israel | No influence | No influence |
| **Views of country's population** | | |
| % Israel unfavorable | No influence | More discrimination |
| % Palestine favorable | More discrimination (weak result) | More discrimination |

The full multivariate analyses represented in this table are presented in Appendix A.

variation (that is, it is basically the same for all cases) it will not correlate with another variable. It is sort of like predicting that only people who breathe oxygen will be anti-Semites. As all humans need to breathe oxygen to live, this prediction is technically true, but it does not in practice discern who is and who is not an anti-Semite.

The results for SRD are perplexing. Anti-Israel UN General Assembly voting predicts less SRD.[29] We would expect the opposite. This is likely because a small number of countries which vote most often in favor of Israel in the United Nations—Australia, Canada, and the United States—also have relatively high levels of SRD against Jews.

An interesting aspect of these results is that while anti-Israel UN General Assembly voting influences both types of discrimination, pro-Israel voting does not. This means that supporting Israel is not necessarily a sign of favoritism toward Jews, but siding against it in the international political arena does have an influence, albeit a mixed one where SRD decreases but GRD increases.

The results for the ADL global 100 polling data are more straightforward. Higher levels of anti-Israel[30] and pro-Palestine[31] views in a country lead to more GRD. However, the results only weakly predict SRD and only on the Palestine-favorable variable.[32] This result is sufficiently weak that many would not consider it a statistically significant result.

We discuss the implications of these results in the following.

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## Conclusions

It is unlikely that anti-Zionism is the primary motivation for SRD. The ADL Global 100 variables which measure societal views on Israel show a weak, at best, connection between anti-Israel views and with SRD. UN voting by a country shows that anti-Israel government behavior is associated with lower SRD. This implies that even when those engaging in SRD against Jews in some manner communicate that they are doing so for anti-Zionist or anti-Israel reasons, other motivations are likely involved. Thus, at least in the case of SRD, saying that activities are motivated by Israel's behavior is likely a cover for other motivations for discriminating against Jews.

However, anti-Israel views are more strongly associated with GRD, as is anti-Israel UN voting, but only among Christian-majority countries for the latter. This is likely through two mechanisms. First, politicians respond to attitudes in society, and one of their responses to anti-Israel attitudes is GRD against Jews. Second, the attitudes of the politicians themselves may reflect those of their constituents.

We posit that both of these mechanisms influence GRD and that, at least during the study period of 1990–2014, anti-Zionist motivations for GRD are mostly an elite phenomenon. This is not to say that there is no anti-Zionism among non-elites, but rather it only translates to discrimination when elites are involved. If non-elite societal actors motivated by anti-Zionism were commonly directly involved in discrimination against Jews, we would see a stronger link between societal anti-Israel attitudes and SRD against Jews. However, when these attitudes are present, policymakers seem to be more willing to translate societal sentiments into government policy discriminating against Jews. Thus, while societal anti-Zionism does have an influence on GRD, it is likely mediated through elites.

If we rely on the concept that speech acts by elites are used to stigmatize Jews as complicit in Israel's perceived sins, as is posited by the modified version of securitization theory we discuss in this chapter, this brings anti-Zionist motivations for discrimination against Jews even further into the realm of elites. If this theory is accurate, societal anti-Zionist attitudes are to a great extent a result of the same process that causes GRD. That is, elite speech acts both mobilize anti-Zionist attitudes and justify the discriminatory policies of the government. Thus, the link between the two, to the extent that it exists, is that both anti-Israel attitudes and discrimination against Jews are at least in part a consequence of elite actions and decisions.

This complex relationship between anti-Zionism and discrimination against Jews is not surprising. This is because anti-Zionism is itself complex. It can involve criticism of Israel's behavior, as well as opposition to the state's existence.

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It can overlap with a wide range of political ideologies of both the left and the right. It often involves the use of anti-Semitic tropes that migrated from more classical anti-Semitism, a topic we discuss in more detail in Chapter 5. It can also be a cover for other types of anti-Semitism. Thus, while the measures used in this chapter are intended to measure the extent of anti-Israel sentiment and government policy in a country, in practice this involves tapping into a far more complex phenomenon.

It is also important to reiterate that the empirical portion of this chapter does not measure anti-Zionism directly. Rather, it measures attitudes in a society toward Israel and Palestine and how a country's government votes in the United Nations. This means that, irrespective of whether anti-Israel attitudes, pro-Palestine attitudes, or a country's UN voting record constitutes or is somehow influenced by anti-Zionism, these phenomena are strongly correlated with GRD—government-based discrimination against Jews. These results also remain valid whether or not there is any link between anti-Israel sentiment and anti-Israel UN voting, on one hand, and anti-Zionism or anti-Semitism, on the other. As we discuss in more detail in Chapter 7, this has considerable implications for our understanding of both anti-Semitism and anti-Zionism and their influence on the treatment of Jews worldwide.

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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-10"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

About us Board & Staff Programs
Movements Children Safety & Policies
Resources

# AZYC Building Strong Communiti

Australasian Zionist Youth Council the Roof Body For Australia and New Zealand's Zionist youth movements

ABOUT THE MOVEMENTS ABOUT AZYC

9

1869

307
Volunteers

7
Different Cities

607

## The Movements

# HOW TO SIGN UP FOR SHNAT

Shnat Hachshara is a year long educational and leadership program that is run for school leavers by each AZYC movement! The linked forms below may be in addition to forms required by each movement. More information about each Shnat program can be found here.

## Partners

Site Map

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## Contact us

306 Hawthorn Rd, Caulfield South, VIC 3162

(03) 9272 5678

exec.officer@azyc.com.au

About us
Board & Staff
Programs
Movements
Children Safety & Policies
Parents
AZYC Constitution

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# Movements

## Betar

**Activities in Victoria, New South Wales and Queensland**

Betar is a worldwide Zionist Jewish youth movement. Betar Australia has independent Maozim in Melbourne, Sydney and Brisbane, all of which unite for camps each year. In Betar, we strive to create a fun atmosphere for our chanichim, aiding in their social and personal development with high quality role models. We maintain a strong emphasis on core ethical values. Our activities instil a sense of Jewish identity through the unique Jewish community that Betar supports. We affirm all streams of Judaism, catering to all of them at our camps and functions. Furthermore, we teach our chanichim about the importance of Zionism as well as Israeli history, culture and contemporary politics. Betar has a keen focus on hasbarah and is active in Pro-Zionist events on university campuses and information

sessions for the Jewish community. Betar runs regular activities across all three states and we would love for you to get involved. Please click here for contact details of your local state representative.

**CONTACT:**

Hannah Mendels

Email: australia@betar.org.au

# Hineni

**Activities in Melbourne and Sydney**

Hineni is an Australian-born Jewish youth movement. The movement fosters a warm and dynamic culture of education, individuality and fun. Our movement is ideologically based on Modern-Orthodoxy, Political activism and Zionism. Our approach to learning is a pluralist and open-minded one, whilst being grounded in a traditional, Modern Orthodox atmosphere. Hineni is a place where young people from all backgrounds can come together to strengthen their Jewish identity. In Sydney, the movement is affiliated with The Central Synagogue and this is where we run most of our events and

activities. In Melbourne, Hineni is supported by and based at Caulfield Hebrew Congregation. Hineni also has a strong presence in Canberra, where we run events at the Canberra Jewish Community Centre. We invite all Jewish youth to come to Hineni for a uniquely inclusive atmosphere, a critical understanding of the world around them, long lasting friendships and a sense of true self confidence.

**CONTACT:**

Jasmine Harrison

Email: rosh@hineni.org.au

# Hashy

**Activities in Melbourne**

Hashomer Hatzair, also known as Hashy, is a secular humanist Jewish, Zionist and socialist youth movement that provides informal education to young Jewish people aged 8-18 through weekly educational programs, seminars, biannual camps, and community events. Founded in 1913 in Galicia, Austria-Hungary, Hashomer Hatzair came into being as a result of the merger of two groups, Hashomer (“The Guard”) a Zionist scouting group, and Ze’irei Zion (“The Youth of Zion”) which was an ideological circle that studied

Zionism, left wing socialism and Jewish history. Hashomer Hatzair is the oldest Zionist youth movement still in existence. In 1953 Hashomer Hatzair was established in Australia as a break away from Habonim Dror. The movement thrived in the Jewish communities of Melbourne and Sydney, however the ken (branch) in Sydney closed due to a lack of members as a result of many of the bogrim (leaders) making aliyah. In Melbourne, the ken is known as Bet Anielewicz, named after Warsaw ghetto uprising fighter and movement member Mordechai Anielewicz.

**CONTACT:**

Email: merakez@hashyaus.org

# Habonim Dror

**Activities in Australia in Melbourne, Sydney and Perth | Activities in New Zealand in Auckland, Wellington and Christchurch.**

Habonim Dror is a Jewish, Socialist-Zionist youth movement that operates throughout Australia and New Zealand, as well as all around the world. We strive to take responsibility for the Jewish People, Israeli society and the world. Through critically analysing the world around us, we strive to empower the youth, providing them with the ability to develop a meaningful Jewish, Zionist identity that exists in all spheres of life, which is to be used to improve oneself, the Jewish people and the wider world. The unique atmosphere created in the movement has ensured we are one of the largest Jewish youth organisations in Australia. Our vision for the Jewish people and for humanity is one in which all people understand the power of personal freedom, the importance of equality of human value (shivyon erech ha'adam), and the value of friendship, culture and community. We want to play our part in creating a world in which all people explore their identity, express their creativity, fight for morality and strive to improve society through critical analysis and communal teamwork. As a Jewish youth movement we believe that our contribution to this world picture should come through educating today's youth through the lens of the principles of Socialist-Zionism.

**CONTACT:**

Aaron Lemberg – Australia
Email: mazkir@hdoz.com

Rotem Einhar – New Zealand
Email: mazkirut@habo.org.nz

VISIT AUSTRALIA'S SITE

VISIT NEW ZEALAND SITE

# Bnei Akiva

**Activities in Melbourne, Sydney, Perth, Auckland and Wellington**

Bnei Akiva is the largest Zionist Youth Movement in the world. Running activities for over 45,000 young Jews in 34 different countries, it provides a unique framework for the young Religious Zionist community, imbuing the ideals of Torah V'Avodah. This ideology combines an unwavering commitment to full Torah observance, coupled with the recognition that we have an obligation to actively involve ourselves in society. The maxim "Am Yisrael b'Eretz Yisrael al pi Torat Yisrael" – "The Jewish Nation living in the Land of Israel according to the Torah of Israel", pithily sums up the movement's ideals. Only through Aliyah, the highest form of Zionist expression, can the Torah be fully kept.

For more information about Bnei Akiva Australia and its activities, please visit their website: www.bneiakiva.com.au

For more information about Bnei Akiva New Zealand and its activities, please visit their website: www.bneiakiva.org.nz

**CONTACT:**

Dina Zeimer – Australia

Email: federal@bneiakiva.com.au

Noga Malal – New Zealand

Email: merakez@bneiakiva.org.nz

# Netzer

**Activities in Melbourne, Sydney and Perth**

Netzer Australia is a Progressive Jewish and Reform Zionist Youth Movement. Founded in Melbourne in 1979, Netzer Olami today has 18 sniffim internationally and is an affiliate of the World Union for Progressive Judaism. Netzer facilitates immersive, informal education for chanichim/ot with a focus on our ideology and values in Tikkun Olam and social justice, intentionality and informed decision making. Netzer Australia is run by skilled volunteer youth leaders (Madrichim) of university age who have completed intensive leadership training and education on Shnat Netzer and Tzmicha (a year 13 program). Netzer Australia has programming in Melbourne, Sydney and Perth who meet regularly as well as leaders in Canberra and Adelaide. HaShoresh, Our Roots, is a Netzer House based in Melbourne in which federal seminars, monthly kabbalat shabbat services and regular community events take place.

**CONTACT:**

Georgie Davis + Jasmine Stern

Email: federal@netzer.org.au

# Hatzofim

**Activities in Melbourne, Sydney, and small Israeli communities in Australia and New Zealand.**

HaTzofim Australia is a branch of the Israeli Scouts youth movement. HaTzofim youth movement involves thousands of teenagers in Israel and around the world. Its programme gives the opportunity for every child and teenager to gain leadership skills and to integrate and take a meaningful part in Israeli society and the Jewish communities around the world. HaTzofim Australia have been active since 2013, with two operating branches “Shvatim”; Melbourne’s Shevet Onnot, and Sydney’s Shevet Shahar with a new Shevet opening in the Eastern Suburbs in 2023. We also run activities for the Israeli communities across Australia. We meet every Sunday and run activities in Hebrew which are centred around Israel and Israeli culture, leadership, Zionism, environment, friendship, current events and community values. We also experience scouting, hiking, camps and community events. Our activities start from

year 3 to year 12. During year 8 and year 9 the youth participate in our Hadracha and Leadership Course and later becoming ‘Shachbag’, Madrichim.

**CONTACT:**

Mia Rom

Email: Hatzofimau@israelscouts.org

## CatZ

**Activities in Canberra**

The AYZC collaborate with its participating movements to create a presence within the Canberra Jewish community through Canberra’s Jewish Pluralist Zionist Youth Movement, **CATZ,** Based out of the ACT Jewish Community Centre.

**CONTACT:**

Charlotte Freedman and Mia Kline

Email: catz.canberra@gmail.com

LEARN MORE

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# JAZY

**Activities in Adelaide**

JAZY is Adelaide's only Jewish youth movement that exists to enable every Jewish child in Adelaide the opportunity to attend a completely pluralist movement. JAZY has three main values;

1. Educating our chanich about all streams of Judaism and Zionism so that they can have a better understanding of their Jewish world as well as allowing them to develop the means to communicate with everybody in the Jewish community. We also value educating our chanich about Israel and Tikkun Olam as well as political and world issues to equip them with the knowledge and abilities they need to be global citizens.

2. Connecting the small group of Adelaide's Jewish youth with one another, and with the greater Jewish youth movement community. Providing our chanich with these opportunities to connect and relate to one another's experiences and more importantly, to form lifelong friendships is very important.

3. Equipping our chanich with the tools and supports they need to form their own Jewish identities.

**CONTACT:**

Oz Wittles

Email: jazy.adel@gmail.com

LEARN MORE

(03) 9272 5678

exec.officer@azyc.com.au

Children Safety & Policies

Parents

AZYC Constitution

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# OUR CORE VALUES

## OUR MISSION

Moriah College aspires to achieve **excellent academic standards** by promoting the **intellectual, spiritual, moral, social and physical development** of the students. We strive to foster **critical thought, cultural interests, tolerance, social responsibility and self-discipline**. The total development of all our students remains our overall concern – helping them to **proudly realise their full potential** as Jews, and as Australians.

Moriah not only aspires to achieve excellence in academic standards, but maintains and promotes among its students an **awareness of and a feeling for Jewish traditions and ethics**, an understanding of and a **positive commitment to Orthodox Judaism** and identification with and **love for Israel**. Moriah creates a stimulating and **caring environment** for each student, provides a **rich Jewish social and cultural experience** and offers wide-ranging support services for its students, including **support programs for children with special needs** and **careers information** and advice.

Moriah College is an **independent, co-educational Modern Orthodox Zionist Jewish school**, which prides itself on providing the highest standard of Jewish education.

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Request a Tour

# About Masada College.

Established in 1966, Masada College is a leading Jewish co-educational institution serving students from Early Learning Centre to Year 12. As the only Jewish school on Sydney's North Shore, we maintain a distinctive position in the educational landscape while upholding our vision of academic excellence combined with strong Jewish values.

Our leafy, green campus provides an ideal balance between personalised attention and comprehensive opportunities. The beautiful tree-lined grounds create a peaceful learning environment that encourages both academic focus and community connection.

Academically, Masada College consistently ranks among the top schools in New South Wales, with HSC results regularly placing our students in the highest achievement bands. Our curriculum integrates the NSW educational standards with Jewish studies, Hebrew language, and programs that foster entrepreneurial thinking and real-world skills.

The college is structured into three divisions: Early Learning Centre (ages 2-5), Junior School (Kindergarten to Year 6), and Senior School (Years 7-12).

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Our core Jewish values of Derech Eretz (respect and decency), Kavod (honour) and Chesed (compassion) form the foundation of our educational approach. These principles, together with a strong Zionist ethos, guide our teaching practices, behavioural expectations, and community interactions.

Masada College maintains formal accreditation with the NSW Education Standards Authority (NESA). Our global outlook is strengthened through partnerships with international Jewish schools and educational institutions, including our collaborative work with Harvard University's Project Zero research team.

Governance is provided by a Board of Directors comprised of community leaders, alumni, and parent representatives who bring a diverse skills matrix to oversee strategic direction while preserving our mission and values.

Established in 1966, Masada College is a Jewish co-educational school from preschool to Year 12 on Sydney's North Shore. Every Masada student is valued and nurtured to reach their full potential.

Our approach is to enhance a premium academic program with a focus on fostering the values, dispositions and behaviours that empower young people to excel at school and in their futures.

Masada students are resilient, determined, courageous, and empathetic with an ability to work with others and a desire to contribute to their community and society.

Our Jewish core values of Derech Eretz (conducting oneself with respect and decency), Kavod (showing respect to others)
and Chesed (emphasising compassion and generosity), is integrated into all aspects of school life, developing a strong and positive mindset within each student.

Our core Jewish values of Derech Eretz (respect and decency), Kavod (honour) and Chesed (compassion) form the foundation of our educational approach. These principles, together with a strong Zionist ethos, guide our teaching practices, behavioural expectations, and community interactions.

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Governance is provided by a Board of Directors comprised of community leaders, alumni, and parent representatives who bring a diverse skills matrix to oversee strategic direction while preserving our mission and values.

# Contact Us Today

Discover how Masada College can inspire curiosity and unlock the limitless potential in your child.

Enquire Now

# Hebrew Curriculum.

Hebrew learning at Masada is delivered by highly qualified and experienced teachers who bring exceptional expertise to our program. Our HSC students have a strong history of consistently performing at the top of the state in both Modern and Classical Hebrew, reflecting the academic excellence that defines our Hebrew studies. This outstanding performance is supported by our vibrant Israeli demographic community, which provides regular exposure to authentic Hebrew language and culture throughout the school day.

As a proud Zionist school, our love of Israel is central to our identity, and Hebrew holds special significance as the language of our homeland. Beyond its contemporary importance, we maintain a deep reverence for the study of ancient texts and biblical literature. Older students who choose to pursue this pathway have the opportunity to engage with these foundational sources of Jewish wisdom as an elective option, while all students encounter texts within our broader Jewish academic studies.

Hebrew is a vibrant part of life at Masada College, infused into every aspect of our campus. We have a dynamic community of native Hebrew speakers, with Israeli students receiving extended Hebrew language learning. Hebrew can be heard throughout the school from the classroom to the playground, creating an immersive environment where language learning happens naturally. Hebrew learning at Masada is integral to the curriculum from ELC right through to Year 12, fostering both linguistic competence and cultural connection.

## Jewish Holidays & Commemorative Days.

Jewish holidays and commemorative days hold a cherished place at Masada College, allowing students the opportunity to take an active role in our assemblies and celebrating key moments in the Jewish calendar. Our informal Jewish Life team provides dynamic, experiential programmes that complement formal learning. We celebrate Chaggim with joy and community spirit, marking festivals such as Purim, Pesach, Shavuot, Rosh Hashanah, Sukkot, and Chanukah. We gather to remember Yom HaShoah and Yom Hazikaron, culminating in a global celebration of Israel's birthday on Yom Ha'atzmaut. These experiences foster a deep pride in Jewish identity within our multicultural Australia and strengthen our connection to Israel.

Masada College

Masada College

Request a Tour

# Our Jewish Ethos.

We actively encourage and embrace families from all Jewish backgrounds, traditions, and levels of observance at Masada College.

Recognising that our diversity is one of our greatest strengths, our students learn about the richness of Jewish heritage in all its forms, exploring the various ways Jewish families express their faith and culture.

Masada College creates an inclusive environment where every family feels valued and every child can thrive, underpinned by traditional halachic observance and enduring Jewish values.

We believe that what unites us as a Jewish community far outweighs what might distinguish us, and this shared foundation allows us to grow together whilst honouring our individual journeys.

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We believe that what unites us as a Jewish community far outweighs what might distinguish us, and this shared foundation allows us to grow together whilst honouring our individual journeys.

## Our Jewish Values.

Our students represent a wide range of Australian Jewish life and are embraced by our close-knit community. We are committed to providing our students with a strong foundation of Jewish education, and a deep understanding of the values that have been the cornerstones of our faith for thousands of years.

Through a combination of formal and experiential learning, our Jewish Life Department inspires students to explore their heritage, deepen their understanding of diverse expressions of Judaism, and actively discover and celebrate their Jewish identities while making Judaism their own with pride through practice, community involvement, and social action.

From ELC through to senior school, our students' Jewish journey is marked by many special milestone events, such as Shabbat experiences, Siddur presentations, Shtetl performances, and much more. Torah and Zionism lie at the heart of our spiritual and cultural foundation, guiding our approach to learning, leadership, and community.

impact on the world.

## Our Vision.

### Cultivating Minds, Nurturing Souls

At Masada College, we cultivate a Growth-Oriented, Innovative, and Immersive Learning Culture in Jewish life.

We inspire students to take root like sturdy trees, embracing Jewish traditions and values, and making Judaism their own, thriving in their growth and fostering an everlasting bond with the land and people of Israel.

Our educators, like dedicated gardeners, provide essential care and guidance, nurturing not only Jewish knowledge but also middot/character and values, fortifying the roots of a strong, united community. We instill a sense of communal and global responsibility, guiding each individual to be a beacon of light unto the nations, driven to make a positive impact on the world.

As these young trees grow into mighty oaks, they will stand tall, bearing fruit and nurturing the next generation. Together, they will form a flourishing orchard, a testament to the enduring legacy of Masada College: where roots run deep, future leaders flourish and goodness truly makes greatness!

> “
>
> We cater to Jewish children of all backgrounds, allowing students to explore and develop their own Jewish identity.

## Contact Us Today

Discover how Masada College can inspire curiosity and unlock the limitless potential in your child.

Enquire Now

**Our College**

Scopus Mission Statement and Values
Scopus Horizons
History and Heritage
Governance
Leadership
Child Safeguarding

Our Child Safe Culture
Do you have a child safety concern?

School Performance Information
College Calendar
College Services
Working at Scopus
Privacy Policy
College Policies

# Scopus Mission Statement and Values

*Chazak V'Ematz - חזק ואמץ*

— Be strong and of good courage

Mission Statement

Within a proud Modern Orthodox and Zionist framework, Mount Scopus students learn and lead with menschlechkeit, integrity and purpose. With a strong Jewish identity the College cultivates academic excellence, holistic development and community service.

Within our mission statement, we aim to:

- Promote **excellence in learning** and academic achievement by means of inquiry and critical thinking and by creating a desire for lifelong learning
- Enable **holistic development** for all students by offering a wide range of activities, inside and outside of the classroom
- Provide Jewish learning, values and experiences, within a Modern Orthodox and Zionist framework, that enable each student to make an informed choice as to the meaning of their Jewish identity
- Develop the notions of **community and service** by engendering values, knowledge and skills so that students can play their full part in their communities – as members of the College, as Jews, as Australians and as citizens of the world.

---

Mount Scopus Memorial College aims to provide a high-quality schooling to all of its students,

- that is free from discrimination based on gender, sexual orientation, health, disability, race and socioeconomic background;
- that is underpinned by respectful relationships between all members of the school community;
- that takes place in an environment that is supportive and engaging for all school community members.

Our **Mission** is underpinned by our **Values** of:

- **Integrity**: We are true to ourselves and respectful to each other. We are honest. We have courage to do what is right even when it is hard. We live our values.
- **Compassion**: We show empathy to understand others' situations, emotions, and perspectives. We endeavour to assist in the fulfilment of the needs of others. We act on our feelings of empathy and show compassion and forgiveness.
- **Inclusion**: We create a caring and respectful environment where people feel connected and know they matter. People are valued for what they say, how they think. We honour the varied perspectives, circumstances and experiences of everyone in our community.
- **Curiosity**: We have a passion for asking questions. We are open minded as we explore our learning which we see as a life long journey. We are encouraged to wonder, question, dream and think deeply.

As an IB school, the College is bound by the Mission Statement of the International Baccalaureate Organisation:

The International Baccalaureate Organisation aims to develop inquiring, knowledgeable and caring young people who help to create a better and more peaceful world through intercultural understanding and respect.

*Our Values*

To this end the IBO works with schools, governments and international organisations to develop challenging programmes of international education and rigorous assessment.

These programmes encourage students across the world to become active, compassionate and lifelong learners who understand that other people, with their differences, can also be right.

The College supports and promotes the principles and practice of Australian democracy, including

- elected government
- the rule of law
- equal rights for all before the law
- freedom of religion
- freedom of speech and association; and
- the values of openness and tolerance

*opus Memorial College is a organisation and has a zero rance for child abuse.*

*nowledge the traditional ns of the land on which our is situated and we pay our o the Wurundjeri elders both past and present.*

GANDEL CAMPUS

Main Reception
(03) 9834 0000

Lew Family Secondary School
(03) 8888 8500

Smorgon Family Primary School
(03) 9834 0100

Enrolments
(03) 9834 0070

GANDEL BESEN HOUSE CAMPUS

(03) 9900 4600

FINK KARP IVANY CAMPUS

(03) 8554 4700

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About Bialik

Our Campus & Facilities

Alan Finkel Launch Lab

Gringlas Sports Centre

Genia Janover Learning Centre

Yoga for Kids

BK's Gymnastics

Maccabi Aquatics

Soccerwise

Our Leaders & Teachers

Senior Leadership Team

# About Bialik College

When your child is a Bialik College student they are welcomed into a vibrant Jewish community school where children of all ages grow together on one campus.

We pride ourselves on nurturing the emotional, social and spiritual needs of each child within an inclusive Jewish ethos and caring family environment.

Our school has a strong Zionist ethos and an inclusive, pluralist approach that teaches the full spectrum of Jewish identity. This gives them the confidence to contribute meaningfully to the Jewish, Australian and global communities.

Bialik's RIPER values – Respect, Integrity, Perseverance, Empathy and Responsibility – are central to our mission.

Bialik College instils a lifelong love of learning among our students, and we have attained a reputation for academic excellence which is

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*jewish school embracing the entire jewish community regardless of affiliation or practice."*

— Jeremy Stowe-Lindner, Principal

## How we learn and grow together

Bialik College is a pluralist Zionist Jewish school, embracing an inclusive approach to Judaism. Our ethos, which includes aspects from all streams of Judaism, closely mirrors the rich mosaic of Jewish identity in Melbourne.

All students attend one campus in Hawthorn, where they learn and grow together. This creates a close-knit community of students from as young as 3 months in the Children's Centre, and 3 to 18 years in the Genia Janover Learning Building and Main School.

Most Bialik College students live in the Caulfield and Elsternwick, many travelling to school on public transport or Bialik buses.



ADDRESS
429 Auburn Rd Hawthorn VIC 3122

CONTACT US
Early Learning Centre:
(03) 9822 4599

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We also acknowledge the Elders of the Bialik community who, in 1942 – a time of tragedy and horror for the Jewish people and for so many others around the world – visioned and developed Bialik College as a new type of schooling for the youngest members of our community.

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Our Campus & Facilities

Alan Finkel Launch Lab

Gringlas Sports Centre

Genia Janover Learning Centre

Yoga for Kids

BK's Gymnastics

Maccabi Aquatics

Soccerwise

Our Leaders & Teachers

Senior Leadership Team

Governance, Council and Annual Report

Child Safety & Wellbeing

Our Ethos

Jewish Life

Rosenkranz Centre for Excellence and Achievement

# Jewish Life

Jewish Life at Bialik is interwoven into every facet of the school, whether on camp, in the classroom or curriculum or at assemblies.

The *Mifgash*, Hebrew for "Meeting Place" (Centre for Jewish Life), beats like the heart of Bialik, providing a dynamic experiential and interactive environment in which the Jewish, Zionist and personal identity of our students can grow and develop. This is a place where everyone belongs and is made to feel at home. Our Informal Jewish Educators run experiential, values-based lessons and interactive learning programs focusing on a range of themes from student leadership and personal development to our connection with modern day Israel.

Shabbatonim, festivals and commemorations receive special attention at Bialik. The journey of exploration begins with model Kabbalat Shabbat in the ELC, which develops right into Primary School. By upper Primary and into Middle School our students experience first-hand a genuine Shabbat experience through our Shabbatonim (weekend retreats).

Our Campus & Facilities

Alan Finkel Launch Lab

Gringlas Sports Centre

Genia Janover Learning Centre

Yoga for Kids

BK's Gymnastics

Maccabi Aquatics

Soccerwise

Our Leaders & Teachers

Senior Leadership Team

Governance, Council and Annual Report

Child Safety & Wellbeing

Our Ethos

Jewish Life

Rosenkranz Centre for Excellence and Achievement

All Year 7 students participate in the year-long B'nei Mitzvah program, which emphasises community responsibility and social action and culminates in a combined B'nei Mitzvah ceremony. Bar-and Bat-Mitzvah lessons are offered free of charge as part of the College's Jewish Studies' program.

### Jewish Curriculum

The Jewish Studies curriculum embraces pluralistic narratives and ethical teachings of the Torah and emphasises Jewish values like Tikkun Olam ('healing the world') and Chessed (kindness) throughout the College. The three principles of Educate, Participate and Donate are central to the ongoing activities which mark the Jewish Life programs. Jewish Studies at Bialik develops the skills, knowledge and values essential for students to become active members across our Jewish community

At both Year 11 and Year 12 levels, students may enrol for ELECTIVE and SPECIALIST AREAS OF JEWISH STUDIES such as Hebrew, Global Politics (which focuses on modern Israel studies) and Religion and Society.

### Hebrew Language

Since its earliest days, Bialik's mantra for teaching Hebrew has been Ivrit B'Ivrit – or Hebrew in Hebrew. Learning Hebrew is an immersive experience for students and is an essential part of the curriculum from Bialik Children's Centre up to Year 8, with a substantial number of students continuing to study Hebrew for their VCE. As a Hebrew School, Bialik boasts an outstanding tradition of regularly obtaining the state's top VCE Hebrew results and the highest number of graduates of any school undertaking Hebrew studies in VCE.

At Bialik, Hebrew is believed to be the living, breathing language of the Jewish people and it can be heard around the campus regularly. Every ELC classroom has a Hebrew speaking educator and in the Primary School, Hebrew words and conversation are introduced into daily College life, a complement to the comprehensive formal curriculum. An opt-in, bilingual Hebrew Immersion program operates in Years 4 and 5 at Primary School level. In Middle School our Heb-J program allows students to elect to undertake additional classes taught in Hebrew beyond their regular Hebrew lessons. Learning Hebrew is optional from

640

Israel immersion experience – Chavayah

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Each year, Bialik ensures that its entire Year 10 cohort, regardless of financial background, can travel to Israel for an immersion experience in Israeli society. There they attend Alexander Muss High School which is chosen because of its healthy pluralist approach, which mirrors Bialik's own inclusive plurality. Students get to experience the daily lives of normal Israelis whilst appreciating their historical and biblical connections to Israel.

This is a life-changing experience which ties together so much of our educational programming. Students see Judaism, Zionism and modern life in action, engagement and vitality as can be found nowhere else. They delve into all of Israel's complexities, vitality and beauty with hands and hearts open, coming back to Melbourne changed forever for the better.

Chavayah is one of the jewels in the Bialik College crown.



ADDRESS

429 Auburn Rd Hawthorn VIC 3122

Main Reception: (03) 9822 7981

CONTACT US

Early Learning Centre: (03) 9822 4599
Bialik Children's Centre: (03) 9822 7982
shalom@bialik.vic.edu.au

We acknowledge the Wurundjeri people as the traditional owners of the land on which we learn. We thank Elders past and present for guarding Country and for reminding us of the importance to tread lightly.

We also acknowledge the Elders of the Bialik community who, in 1942 – a time of tragedy and horror for the Jewish

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## Our Campus & Facilities

- Alan Finkel Launch Lab
- Gringlas Sports Centre
- Genia Janover Learning Centre
- Yoga for Kids
- BK's Gymnastics
- Maccabi Aquatics
- Soccerwise

## Our Leaders & Teachers

- Senior Leadership Team
- Governance, Council and Annual Report

## Child Safety & Wellbeing

## Our Ethos

- Jewish Life
- Rosenkranz Centre for Excellence and Achievement

642

# Principal's Welcome

## Bruchim Habaim - Welcome to the King David School

Schooling is an integral part of our lives, establishing the foundation for our future success. I am proud that at King David, we prepare our students to thrive in the world they will graduate into, ensuring they are collaborative, critical and creative thinkers.

Our values of community-mindedness, equity, and social justice ensure that students develop emotional intelligence. Students are encouraged to use their achievements to create a better Australia.

From celebrating our Chagim (holidays) to debating Jewish ethics to researching Jewish history, our students experience Judaism as a rich and moving tradition that is relevant to their lives. Our Jewish Life team facilitates hands-on learning that strengthens our students' Jewish and Zionist identities.

As you look on the website, I encourage you to discover our educational philosophy and the extraordinary opportunities on offer both in and out of the classroom. From exceptional outdoor education, to musicals, debating, coding contests and more, our students are able to challenge themselves in a range of environments.

Our School's founders, Isador Magid AO and Rabbi Dr John Levi AC, stand as role models for our students and teachers alike by virtue of their dedication to learning and enlightenment. The school environment they created continues to this day, promoting critical inquiry, positive relationships and the embracing of difference.

It is a privilege to lead Australia's only Progressive Jewish school. I invite you to book a tour and learn more about the King David difference.

Marc Light, Principal

## Insights - Principal's Blog

*Each week our Principal, Marc Light shares his insights into current events and educational pedagogy, highlighting how these inform the educational programs and culture at The King David School.*

### Nurturing flow

We are in the midst of an extraordinary series of Performing Arts events at our school. This includes last week's success in winning the interschool Battle of the Bands competition and our fabulous Years 3 to 5 performance of The Jungle Book. This week has brought our extraordinary Spring Concert and this Sunday our

Read More »

### Positive Expectations

Every morning across the School we have heard the blasts of shofar from our Year 2 ba'ale tokea (masters of the blast) at the Dandenong Road Campus and a roster of student and staff volunteers at Magid Campus. We are now well into the month of Elul, the period where we sound

Read More »

### A meaningful antidote to climate anxiety

According to research referenced by the Climate Council in their Climate Anxiety Toolkit, more than three quarters of Australians are worried about climate change. In particular, a worldwide study found that more than half of young people surveyed are feeling "sad, anxious, angry, powerless, helpless, and guilty about climate change."

### Knowing ourselves so we can choose

This week our Year 7 cohort delighted their parents, grandparents and special friends with their celebration of the Kabbalat Mitzvah. This program is one that is focused on acknowledging the special stage of life that accompanies the B'nei Mitzvah years. In Jewish custom it is said that one does not

Read More »

Read More »

### Stronger together

Last week, I attended an extraordinary community event. The Eitan Chitayat – I am That Jew presentation organised by the combined parents' associations of King David, Bialik College, Leibler Yavneh College, Mount Scopus Memorial College and Yeshivah-Beth Rivkah College was a triumph. The sense of vibrancy and unity that was

Read More »

### Pride in our names and our heritage

Do you know an Oliver, a Noah, or a Henry? Or an Isla, a Charlotte or an Amelia? These were the top three most popular boys and girls baby names selected in Victoria in 2024. The most popular global names are harder to definitively ascertain as some countries do not

Read More »

### The thorough and purposeful approach of our ELC

Yesterday, I had the joy and nachat (pride) of attending the Senior Kindergarten Family Fun Day. It was a beautiful opportunity for our students, parents and educators to come together to celebrate the growth and learning that has taken place so far this year. Watching our students sing, dance, decorate family

Read More »

### Facing antisemitism

The recent school holiday period was a challenging time for the Melbourne Jewish community. The arson attack on the East Melbourne shule and the violent protest on diners at Miznon restaurant in the CBD were reflective of an increasing spate of antisemitic incidents and rhetoric which have left many in

Read More »

### Voting for Israel's democratic future

The relationship between Israel and Diaspora Jewish communities is a crucial one that has matured and changed over the 77 years of the State's existence. A prevailing understanding of shared interdependence now lies at the heart of our appreciation of the centrality of Israel to Jewish communities and of the

Read More »

### Examining the efficacy of exams

Many of us have a school examination story that reflects the particularly challenging place that these experiences play in our education. My mother used to tell me about a high school examination which she used as a life lesson. She had written an essay, reread it in the minutes before

Read More »

### Praying for Israel's safety

It has now been a week since the escalation of the war in Israel which has seen direct engagement with Iran. It has been an exceedingly worrying time for so many of us who have close friends and family members in Israel. Israelis have been cautious of entering directly into

Read More »

### Modelling disagreement

This week our Year 9 students were presented with a wonderful opportunity to hear from a broad panel of politicians from across the political spectrum. They learnt from the panellists' insights but also from their capacity to model collegiality and respect despite their differing worldviews. Within the Year 9 Nitzan

Read More »

Enquire online

Call us

ELC & Junior School (03) 9291 7979
Middle & Senior School Office: (03) 9291 7900
Admissions (03) 9527 0102

Email us

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Email | Staff Portal

The King David School is a forward-thinking school that fosters a love of learning, egalitarianism and a proud connection to Jewish identity.

The King David School acknowledges the Bunurong/Boon Wurrung and the Wurundjeri peoples of the Kulin nation as Traditional Owners of the land on which we are fortunate to teach and learn. We also acknowledge Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. In the spirit of *tikkun olam*, we seek to 'learn and understand' the history, struggle and culture of our First Nations People. We pay our respects to them and to their Elders past and present.

myKDS

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-11" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# The Jewish Council of Australia Does Not Represent Me!

Victory

This petition made change with 7,014 supporters!

**Share this petition**

5 updates

## The issue

The Jewish Council of Australia (JCA), has made a number of public statements that do not reflect the views and beliefs of many in our community. As members of this diverse community, it is crucial that we clarify that their statements and JCA do not represent us.

The Jewish community in Australia is rich in diversity, encompassing a wide range of opinions, beliefs, and values. JCA's recent public statements have caused concern among many of us, as they do not align with our views or the values we hold dear.

We, the undersigned, feel that the JCA's and its representatives' accusations against Israel of genocide, their support for the pro-Palestinian protest movement, and their criticism of Jillian Segal's appointment as Australia's first anti-Semitism envoy do not align with our perspectives. These statements have led to misrepresentations of our community's values and beliefs.

We urge the Australian Jewish community to sign this letter to demonstrate our lack of support for the JCA as the body who purports to represent us.

We request that the Australian media be reminded that statements by the Jewish Council of Australia should not be presented as a majority voice or representative body of the Australian Jewish community. Our primary organization, the Executive Council of Australian Jewry (ECAJ), represents the Australian Jewish community in dealings with the Federal government, parliamentary inquiries, national law enforcement agencies, and the national media. Additionally, the ECAJ can facilitate contact between the media and other Jewish organizations for diverse perspectives.

Please sign this petition to make it clear that the JCA as a body and its statements do not represent your views. Together, we can advocate for a more inclusive representation that genuinely reflects the diversity of our community. Share this petition with others who feel similarly, so our collective

voice can be heard.

A few links for reference:

https://www.instagram.com/p/C9IsOz6vw39/?img_index=1

https://www.instagram.com/p/C9G64_8PBmx/

https://www.instagram.com/p/C9BnPzEPmcu/?img_index=5

https://www.instagram.com/p/C78duPsvbjT/

Report a policy violation

**J- United**
Petition starter

**Media enquiries**

Support Change — **Become a member today**

Not beholden to politics or power brokers, Change.org is free for people everywhere to make change. Every day there are real victories for issues you care about, and they're only possible because we are 100% funded by everyday people like you.

$3 $10 $20 $30 Other

**Share this petition**

Pay with credit card or PayPal

## Petition updates

### Victory

19 July 2024 —
We want to express our sincere gratitude to each and every one of you (7000) who has taken the time to sign our petition that has been only open for one week. Your support is invaluable and demonstrates a shared commitment to ensuring our perspectives are not misrepresented by a minority.

Following recent coverage in the Australian and Jewish News, we have made the decision to close the petition. It is essential for us to ensure that the signatures we collect are genuine and reflect a true representation of our community's stance. We aim for accuracy and authenticity in our advocacy efforts, and this includes maintaining the integrity of our supporter base.

If we identify any signatures that do not align with our principles or appear to be from individuals who do not genuinely support our cause, we will take steps to amend the count accordingly. Our goal has always been to gather signatures organically, without databases, to ensure that each signature truly represents our communities voice.

Thank you once again for your courage and support. Together, we are making a difference in the fight against antisemitism.

J-United Team

**Victory!**

1 year ago

We want to express our sincere gratitude to each and every one of you (7000) who has taken the time to sign our petition that has been only open for one week. Your support is invaluable and demonstrates a shared commitment to ensuring our perspectives are not misrepresented by a minority. Following recent coverage in the Australian and Jewish News, we have made the decision to close the petition. It is essential for us to ensure that the signatures we collect are genuine and reflect a true representation of our community's stance. We aim for accuracy and authenticity in our advocacy efforts, and this includes...

7,000 supporters 1 year ago

**Take a Stand To Combat Antisemitism: Ask 5 People to Sign Our Petition Today!**

1 year ago

Our small community needs your support! J-United doesn't have a database to reach everyone, so we're asking for your help. This petition is a grassroots effort to ensure that our media understands that the JCA does not represent the majority view of our Jewish community. We have many other roof bodies that truly reflect our values. Please ask all your Jewish friends and family to sign and share to amplify our message!

6,000 supporters 1 year ago

**WE HIT 5k SIGNATURES....IF EVERYONE ASKS 1 MORE PERSON TO SIGN WE ARE AT 10k**

1 year ago

We reached 5000 Signatures in 48 hours. Brilliant Result. Lets each ask one more Jewish person to sign it and we get to 10,000 signatures. Please send this to your family and friends, sometimes it takes many times for people to see something before they sign it. Lets keep nudging! Yalla!

5,000 supporters 1 year ago

**Thankyou and Please keep spreading the petition**

1 year ago

We have had just over 4000 incredible Jewish community members sign this petition, however our work is not done, we want at least 10,000 signatures so we can show the world, that JCA does not represent us. Please send this to your family and friends, sometimes it takes many times for people to see something before they sign it. Be the Yiddishe nudges we know how to be!

can show the world, that JCA does not represent us. Please send this to your family and friends, sometimes it takes many times for people to see something before they sign it. Be the Yiddishe nudges we know how to be!

4,000 supporters 1 year ago

J- United started this petition 1 year ago

## Share this petition

Share this petition in person or use the QR code for your own material.

Download QR code

Share on Facebook

Send via WhatsApp

Post on X



648

Copy link

Send via email

Petition created on 11 July 2024

Change.org › National Employment Standards › The Jewish Council of Australia Does Not Represent Me!



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English (Australia)

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-12" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

Nick Riemer
6,808 posts
Follow
Nick Riemer
@NickRiemer1
Activist, linguistics academic. Currently president, USyd @NTEUnion. Author, Boycott Theory & the Struggle for Palestine (2023) : bit.ly/3dmJgTy. Views my own.
Stolen Gadigal land (Sydney)
actualtasks.wordpress.com
Joined January 2013
1,471 Following
3,983 Followers

1

Nick Riemer reposted
Ali Abunimah @AliAbunimah · Oct 7
The massive anti-colonial operation launched by the Palestinian resistance is still unfolding and clearly took the enemy totally by surprise. It is nonetheless the direct result of the enemy occupier's relentless aggression backed by the "West" against the Palestinian people.
Local Focus - Security Alerts @LocalFocus1 · Oct 7
UPDATE: Video of Al Qassam Elite Forces controlling an ISF military jeep inside Gaza.
twitter.com/LocalFocus1/st...
0:07
80
1.1K
3.6K
195K

2

Nick Riemer reposted
Dalia Hatuqa @DaliaHatuqa · Oct 7
A summary of what's going on in Gaza atm:
This morning, fighters from Gaza carried out an operation that took Israeli by surprise, reaching Sderot, and taking Israeli hostages amidst a barrage of rocket fire.
98
2.2K
6.5K
1.1M

3

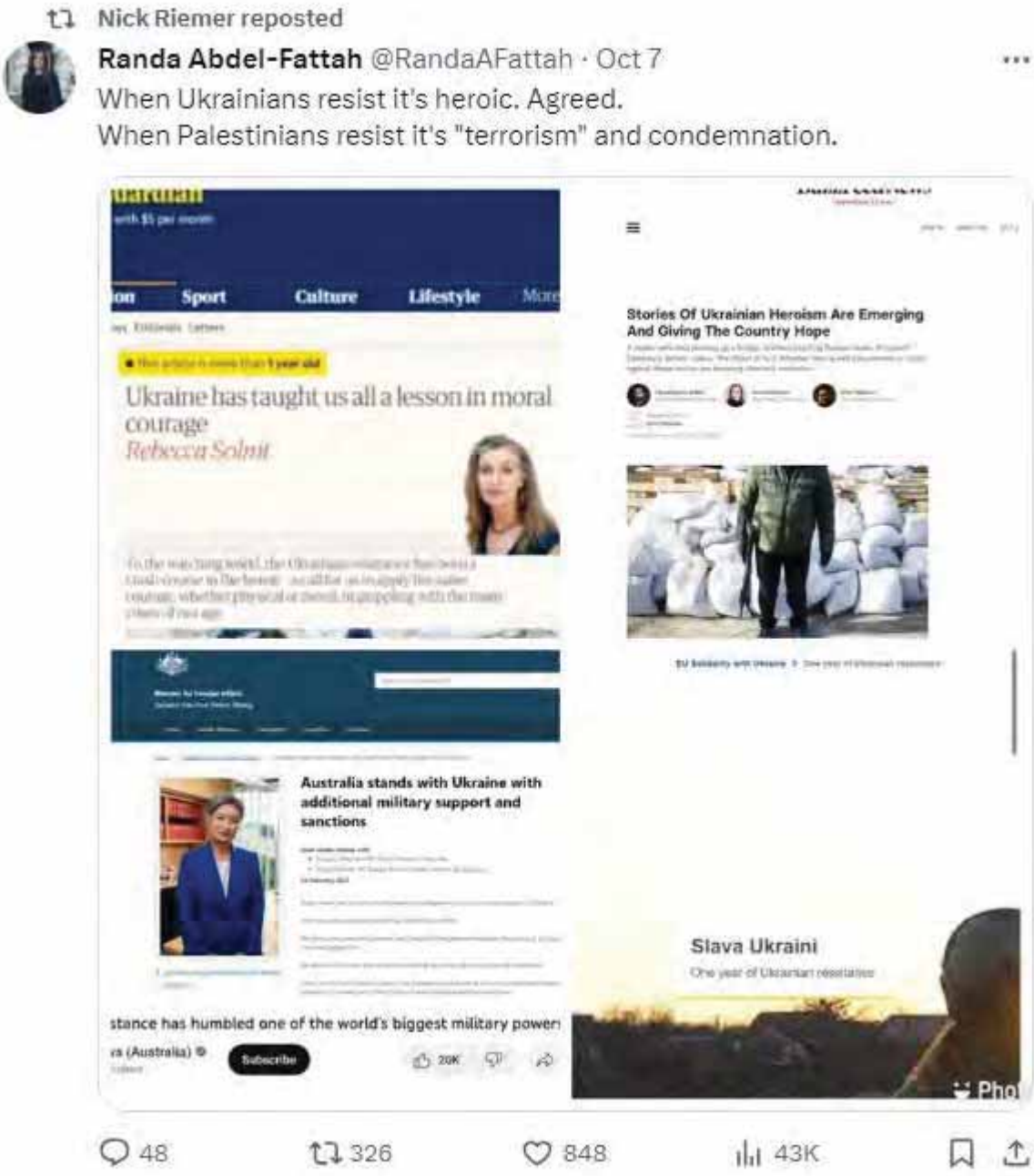
**Nick Riemer** @NickRiemer1 · Oct 7

Resistance is the right of occupied people. It's simple: everyone who wants a just world must stand with Palestine, for an end to brutal occupation, siege and apartheid.

Unconditional solidarity with Gazans. Free Palestine.

152 255 942 62K

4


Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Oct 7
When Ukrainians resist it's heroic. Agreed.
When Palestinians resist it's "terrorism" and condemnation.
Sport
Culture
Lifestyle
Ukraine has taught us all a lesson in moral courage
Rebecca Solnit
Stories Of Ukrainian Heroism Are Emerging And Giving The Country Hope
Australia stands with Ukraine with additional military support and sanctions
Slava Ukraini
stance has humbled one of the world's biggest military power
Subscribe
48
326
848
43K

5

Nick Riemer reposted

**Rania Zabaneh** @RZabaneh · Oct 7

Palestinians break into separation fence w/Israel, dozens of Israelis captured and brought into Gaza... In 2011, Israel released 1,027 prisoners for an Israeli soldier, many here see this as a rare chance for +550 Palestinians sentenced to life to be released in a similar deal.

42 1.5K 4.6K 918K

6

Nick Riemer reposted

**Yousef Munayyer** @YousefMunayyer · Oct 7

Replying to @YousefMunayyer

Hard to put into words the scale of embarrassment for the Israeli govt at this moment. Gaza is a besieged strip over which they exercise constant control, violence and surveillance and yet they seemed to have no clue about a massive operation that was surely planned for months.

5 103 487 24K

7

| | |
|---|---|
| | Nick Riemer reposted<br>**sara m. saleh \| سارة صالح** @SaraSalehTweets · Oct 7<br>If you're upset/shocked by images of Zionist bodies bloody & attacked & never shown a fleck of concern for the thousands of Palestinians who are under attack daily & murdered in cold blood, some whose bodies are held hostage as bargaining chips by Israeli occupiers - SPARE ME<br>29 274 1K 42K |
| 8 | Nick Riemer reposted<br>**Antony Loewenstein** @antloewenstein · Oct 8<br>Vital to hear the #Palestinian POV, not for "balance" but to understand what decades of #Israeli occupation does to a community both in #Palestine and globally.<br>@RandaAFattah @iamthenas and so many more are available and ready to go @ABCthedrum @abcnews @theprojecttv<br>36 199 571 37K |
| 9 | Nick Riemer reposted<br>**Randa Abdel-Fattah** @RandaAFattah · Oct 8<br>"Palestinians are terrorists. They should peacefully resist."<br><br>But not Boycott, Divestment and Sanctions (criminalised). Not Literature festivals (attacked, censored, refuse visas, lawfare). Not social media activism (shadow-ban them). Not protests (shoot them, mow the lawn).<br>58 3.2K 10K 541K |
| 10 | Nick Riemer reposted<br>**Randa Abdel-Fattah** @RandaAFattah · Oct 8<br>"Israel has the right to defend itself" against...the population it oppresses, colonises, controls, holds captive, bombs...<br><br>Any regime that sustains its power on that principle is a regime that is ethically and morally running out of time.<br>7 74 266 9.2K |

11

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Oct 7

Let's be clear #ApartheidIsrael has been at war with each and every Palestinian each and every day for 27,174 straight days!

#ApartheidIsrael has killed a Palestinian each and every day this year.

If you find yourself caring today, ask yourself why you didn't care yesterday?

8 43 97 4.9K

12

Nick Riemer reposted

**BDS movement** @BDSmovement · Oct 8

We strongly condemn the hypocrisy and complicity of the colonial West for, once again, ignoring Israel's decades-long oppression against Palestinians and attacking Palestinian armed resistance as if "violence" just began this morning.

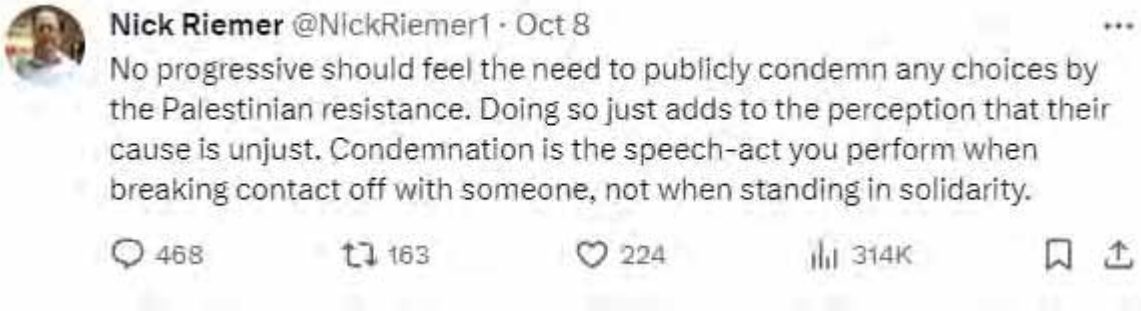
#ColonialHypocrisy

183 1.7K 3.7K 183K

13

Nick Riemer @NickRiemer1 · Oct 8
Emergency appeal for aid to Gaza. Donate now.
EMERGENCY
APPEAL
islamicrelief.org.au
8
14
28
3.6K

14


Nick Riemer @NickRiemer1 · Oct 8
No progressive should feel the need to publicly condemn any choices by the Palestinian resistance. Doing so just adds to the perception that their cause is unjust. Condemnation is the speech-act you perform when breaking contact off with someone, not when standing in solidarity.
468
163
224
314K

15

Nick Riemer reposted

**Jordy S** @jordana_s_ · Oct 8

important words from @iamthenas of @APAN4Palestine on our tvs just now

7 33 102 20K

16

**Nick Riemer** @NickReimer1 · Oct 8

A packed-to-the-rafters event in Balmain Town Hall to celebrate the publication of Hall Greenland's fascinating biography of Michel Pablo. A real privilege to have been asked to launch the book.

1 4 1.7K

17

Nick Riemer reposted

**Noura Erakat** @4noura · Oct 8

Civilians r taken hostage, soldiers r captured. This is a military tactic.Hamas has demanded release of all Palestinian political prisoners 5,200 now in captivity, 170 children, & 1200 held without charge or trial. Some like Walid Daqqah held since 1986 & denied cancer treatment.

> **The Spectator Index** @spectatorindex · Oct 7
> BREAKING: Hamas claims to have taken several Israeli soldiers hostage

58 688 1.7K 224K

18

Nick Riemer reposted

**Amal أمل** @amalfalastini · Oct 8

In 2003, activists painted no war on the opera house in opposition to US and israel backed Iraq war. They were arrested.

Tomorrow, the state will use this same building to display support to a genocidal apartheid regime which has waged war on Palestinians for over 75 years.

> **6 News Australia** @6NewsAU · Oct 8
> The Sydney Opera House will tomorrow night be lit in blue and white in solidarity with Israel | #6NewsAU

34 464 1.4K 124K

19

Nick Riemer @NickReimer1 · Oct 8
Sydney demonstration for Palestine, Monday 5.30pm, Town Hall.
Palestine Action Group Sydney
RALLY FOR A FREE PALESTINE
NO WAR ON GAZA!
5:30 MONDAY 9 OCTOBER
TOWN HALL
54
111
302
36K

20

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Oct 8
#Palestine #Gaza
War crimes are committed against Palestinians on a daily basis
ISRAEL AT WAR
Israeli hostages taken by Hamas militants
UN peacekeepers deployed along Lebanon Israel border to maintain stability
ABC NEWS
15:17 VIC
0:53
15
150
330
26K

21

Nick Riemer reposted

**Al-Haq الحق** @alhaq_org · Oct 8

NEW STATEMENT from Al-Haq, @AlMezanCenter @pchrgaza: For decades, our organizations have warned against the status quo & the deliberate failure & unwillingness of the int. community to address the root causes of the current situation in #Palestine

7 242 335 57K

22

**Nick Riemer** @NickReimer1 · Oct 9

Solidarity from Sydney Uni with all @NTEUMonash members on strike today! We're with you. Higher education is in crisis and it's heartening to see so much industrial action in Victorian universities!

> **Alison Barnes** @AlisonBarnes25 · Oct 9
> NTEU members at Monash University are on strike from noon today until noon Wednesday. Don't cross picket lines, online or in-person. Rally outside Chancellory 12:30 today. Not a member? Join now to take part: nteu.au/join Solidarity & best wishes from all NTEU members.

1 9 36 3.7K

23

Nick Riemer reposted
Nasser Mashni @iamthenas · Oct 9
What about Palestinian "hostages"?
More here...
abc.net.au/news/2023-10-0...
0:36
NEWS
4
61
137
12K

24

Nick Riemer reposted
Nasser Mashni @iamthenas · Oct 9
Israel has been at war with the Palestinians for more than 27,000 days, 24/7/365!
More here...
abc.net.au/news/2023-10-0...
0:30
Nasser Mashni
Australia Palestine Advocacy Network
NEWS
5
38
58
6.4K

25

Nick Riemer reposted

**ACT 4 PALESTINE** @Act4pal1 · Oct 9

"Resistance is the right of occupied people. It's simple: everyone who wants a just world must stand with #Palestine, for an end to brutal occupation, siege and #Apartheid."

@NickRiemer1, a senior lecturer at the University of Sydney and a member of the NTEU Sydney University...
Show more

7 16 4.3K

26

Nick Riemer @NickRiemer1 · Oct 9
Big crowd already on unceded Gadigal land for the Sydney Free Palestine demonstration.
0:08
405
287
1.2K
218K

27

Nick Riemer reposted
APAN @APAN4Palestine · Oct 9
Catch APAN president Nasser Mashni on The Project tonight at 6:30PM! (Channel 10)
Catch APAN president Nasser Mashni on The Project tonight at 6:30PM!
2
8
36
3.2K

28

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 9

Please donate generously and share widely! All funds to @MedicalAidPal!

MAP's team on the ground in Gaza are working to ensure hospitals and emergency responders have the supplies they need to cope with an unprecedented influx of casualties.

6 381 360 60K

29

**Nick Riemer** @NickReimer1 · Oct 9

Thousands of people out in support of justice for Palestine. Now marching to the Opera House.

84 99 386 25K

30

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Oct 9

Whoops

**6 News Australia** @6NewsAU · Oct 9

Anthony Albanese says people should NOT attend the pro-Palestine rally in Sydney | #6NewsAU

4 18 132 10K

31

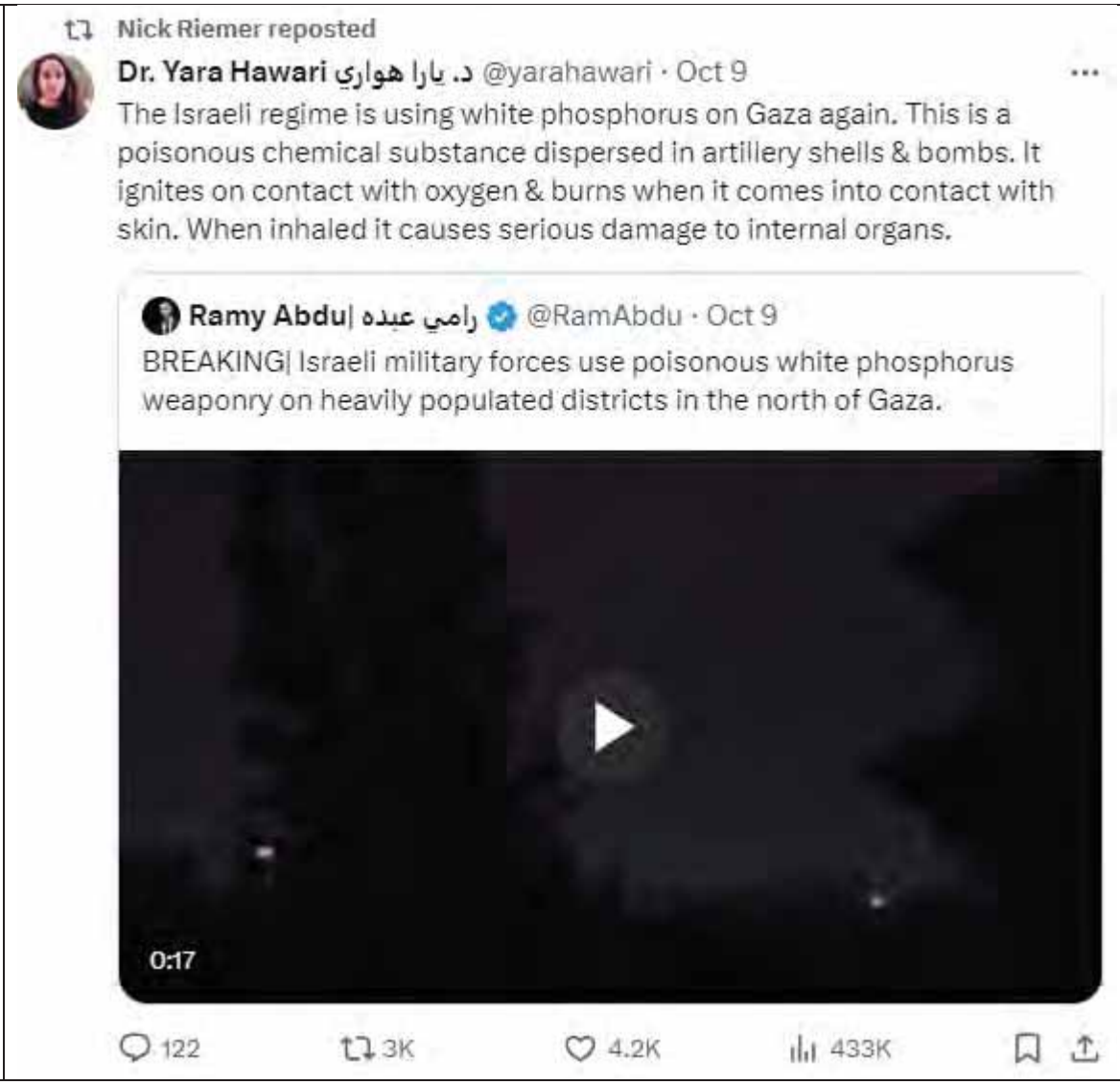
Nick Riemer reposted

**ACT 4 PALESTINE** @Act4pal1 · Oct 9

The UN Refugees and Works Agency (@UNRWA) says an #Israeli airstrike has targeted an UNRWA-run school used as a shelter for displaced #Palestinian families in the #Gaza Strip, causing serious damages.
#GazaUnderAttack
#IsraeliCrimes

12 14 1.8K

32


Nick Riemer reposted
Dr. Yara Hawari د. يارا هواري @yarahawari · Oct 9
The Israeli regime is using white phosphorus on Gaza again. This is a poisonous chemical substance dispersed in artillery shells & bombs. It ignites on contact with oxygen & burns when it comes into contact with skin. When inhaled it causes serious damage to internal organs.
Ramy Abdu| رامي عبده @RamAbdu · Oct 9
BREAKING| Israeli military forces use poisonous white phosphorus weaponry on heavily populated districts in the north of Gaza.
0:17
122
3K
4.2K
433K

33

Nick Riemer reposted

**Briony Neilson** @Briony_Neilson · Oct 9

If you feel like tuning in, I'll be on #latenightlive tonight on @RadioNational with @PhillipAdams_1, talking convict history, France's penal colony in New Caledonia and French convict poet Julien de Sanary who found sanctuary in Australia in 1920 abc.net.au/listen/live/ra...

usyd_humanities and Criminocorpus

2 3 28 3.3K

34

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Oct 9
This is what @AlboMP Australian state premiers are supporting. Palestinians being massacred.
Dalal IRIQAT دلال عريقات @DalalIRIQAT · Oct 9
#Gaza under everyone/everything is target to Israeli military machine! 3 mosques have been targeted on prayer times resulting in mass executions. In 36 hours, > 500 killed, includ 90 children, 60 women & 3000 injuries #Collective_punishment #War_crimes #EndIsraeliOccupation
0:05
26
35
113
10K

35

Nick Riemer @NickReimer1 · Oct 9
Exactly the right answer to anyone asking Palestine supporters if they 'condemn' Palestinian militants' actions.
Middle East Eye @MiddleEastEye · Oct 9
Husam Zomlot, the head of the Palestinian Mission to the UK, blasted the BBC over its biased coverage during an interview in which he was asked whether he would condemn the unprecedented military attack by Hamas on Israel
0:59
PALESTINIAN AMBASSADOR
66
163
539
38K

36

Nick Riemer reposted
Michael Grewcock @RoarPrawn1 · Oct 9
Sydney Opera House in response to the Israeli flag to be projected onto the Opera House #FreePalestine
0:42
19
94
324
28K

37

Nick Riemer reposted

**Electronic Intifada** @intifada · Oct 10

Explosions are heard in the background as Refaat Alareer gives his testimony of living under Israeli airstrikes in Gaza.

"The whole room is filled with gunpowder," @itranslate123 says. "We don't deserve this. We're not animals like the Israelis think. Our kids deserve better."

169 4.1K 7.8K 1.3M

38

Nick Riemer reposted

**naama** @derridalicious · Oct 10

A statement from @tzedekcollectiv

As a collective of progressive Jews in the diaspora, living as uninvited settlers in the colony of so-called Australia, we watch the news unfold in Palestine and Israel with grief and rage.

26 256 793 74K

39-40

**Nick Riemer** @NickRiemer1 · Oct 10

Pathetic to see the Australian political establishment clutching at every straw to discredit Palestine supporters. The Palestine Action Group statement on last night's demonstration should be widely read. Next demonstration, this Sunday 1pm.

alestine Action Group Sydney

ne Action Group statement on last night's protest:

ctober 2023, Palestine Action Group organised a successful ral
t of Palestine, calling for the end of the occupation and for Aust
to Israel. Thousands on thousands of diverse attendees marcl
era House and demonstrated our opposition to Australia's suppo
te of Israel, a genocidal apartheid regime which has waged wa
nians for over 75 years.
we have woken up to the Premier of NSW, the Prime-Minister, t
Affairs Minister and Independent MP, Allegra Spender condem
stests and questioning why it went ahead. Let us affirm, we have
demonstrate. At a conjuncture where anti-protest laws widen t
anyone who opposes the colonial and capitalist structures of thi
irst Nations movements to the Climate Justice movement, the st
on Pro-Palestinian protestors is no different. Australia as a color
perialist entity will always support Israel and the state is frighten
in their masses showing that we oppose imperialism and colon
ne where the people of Palestine resist over 75 years of war and
cres and Israel declares intent to commit genocide against the p
e, we will demonstrate, we will continue to demonstrate and we
his state that we oppose apartheid, we oppose settler-colonialis
ose genocide.

chant. They were quickly condemned for their chants and asked to leave. Long-standing Palestinian organisers and activists, Palestinian, Arab and Muslim elders attending the protest were disgusted and deplored by the action. This is not what our movement stands for. We oppose Zionism, an ideology distinct from Judaism. We oppose Israel, a racist state which has waged genocide on Palestinians. We are an anti-racist and anti-colonial movement and we refuse to fight racism with racism.

PAG has a long-standing history of working with Jewish activists and organisers who oppose Zionism, from Tzedek to Jews against the occupation, we share anti racist and anti colonial values with our anti-Zionist Jewish siblings. We thank them for their ongoing solidarity, including the contingent who attended this very rally. We've checked in with as many of those Jewish people in the contingent as we know to ensure they are feeling safe and okay.

For over a decade we have organised peaceful Palestinian rallies and we

he streets at 1pm, Sunday 15 Octobe
t both attacks on Palestinian resistar
ide on Palestinians. We will not bow t
nd our mobilisations. We will demon
to the sea!
ck racism.

52 194 581 41K

**Nick Riemer** @NickRiemer1 · Oct 10

facebook.com
Palestine Action Group... - Palestine Action Group S
Palestine Action Group statement on last night's protest: On 9 October 2023, Palestine Action Grou...

5 3 7 2.1K

41

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Oct 9

This is genocidal.

Israeli Defense Minister Yoav Gallant:

"I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed. We are fighting human animals and we act accordingly."

3.4K 6.1K 879K

42

Nick Riemer reposted

**Noura Erakat** @4noura · Oct 10

Not only has Israel not created a humanitarian corridor- it has bombed the one crossing it doesnt control. They have deliberately trapped Palestinians in one of the most crowded place on earth as they continue indiscriminate aerial bombardment.

madamasr.com/en/2023/10/09/...

#Gaza

114 1.3K 2.2K 204K

43

Nick Riemer reposted

**Free Gaza Australia** @GFFAusGroup · Oct 10

Support the Palestinian people's struggle for freedom, justice and equality... Protests this week in 7 capital cities across another settler colony - Australia.

BDS movement and Samidoun Network

6 11 1.1K

44

Nick Riemer reposted
Muhammad Smiry @MuhammadSmiry · Oct 10
Al-Rimal neighborhood, nothing but destruction. #Gaza
0:23
382
4K
6.8K
1.2M

45

**Nick Riemer** @NickRiemer1 · Oct 11

In the last few days, more Sydney University staff have pledged to uphold the academic boycott of Israel. Israeli universities play a major role in sustaining the oppression of Palestinians. The boycott is a non-violent response and should be supported. sydneystaff4bds.org/?page_id=2427

# 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.

49 106 286 16K

46

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Oct 10

I wrote this on the lighting of buildings around the world in support of the apartheid state.

20 98 198 19K

47

**Nick Riemer** @NickReimer1 · Oct 11

Disgraceful attempt by the NSW Police to obstruct basic democratic rights. Defending Palestine amidst the horrific brutalization of Gaza is morally necessary. Fortunately, protest does not need anyone's legal permission in NSW. The demo must happen regardless of police support.

> **Amal** أمل @amalfalastini · Oct 11
> Breaking: Our form 1 for sundays demonstration just got rejected by cops despite them being very cooperative and happy with how we organised our demonstration on Monday. This is a targeted political campaign to silence and criminalise dissent. (1/3)

38 100 307 41K

48

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Oct 11

Joined a contingent of Sydney Uni staff for BDS at this important moment to stand against thr brutality of ongoing colonisation, the renewed threats on Palestinians, and the crackdown on protest here in NSW. Proud to stand with fellow unionists in solidarity from Gadical to Gaza.

8 13 45 2.7K

49

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Oct 11

Israel is creating a media blackout in Gaza. No electricity, water, food, medical supplies. It is destroying Gaza neighbourhood by neighbourhood and massacring the population. Support for Israel's actions in Gaza is a support for genocide.

21 385 807 44K

50

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Oct 11

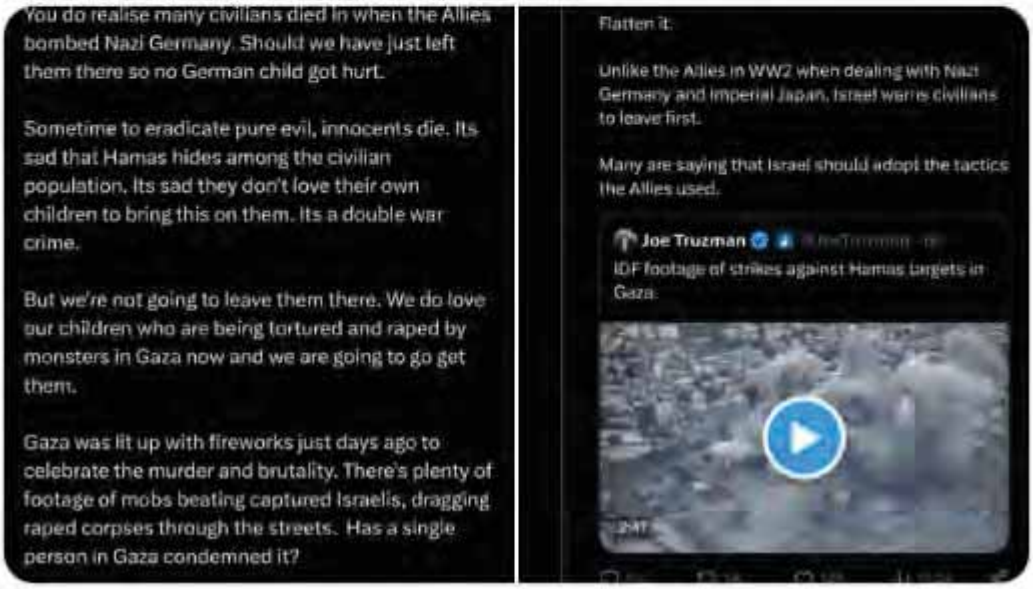
This is an open call for genocide, a War Crime.

The AJA must be investigated, condemned and all necessary action taken by the relevant authorities. @VictoriaPolice @AusFedPolice @nswpolice

Just sickening.

We must end the divisiveness in this country.

All life is precious!



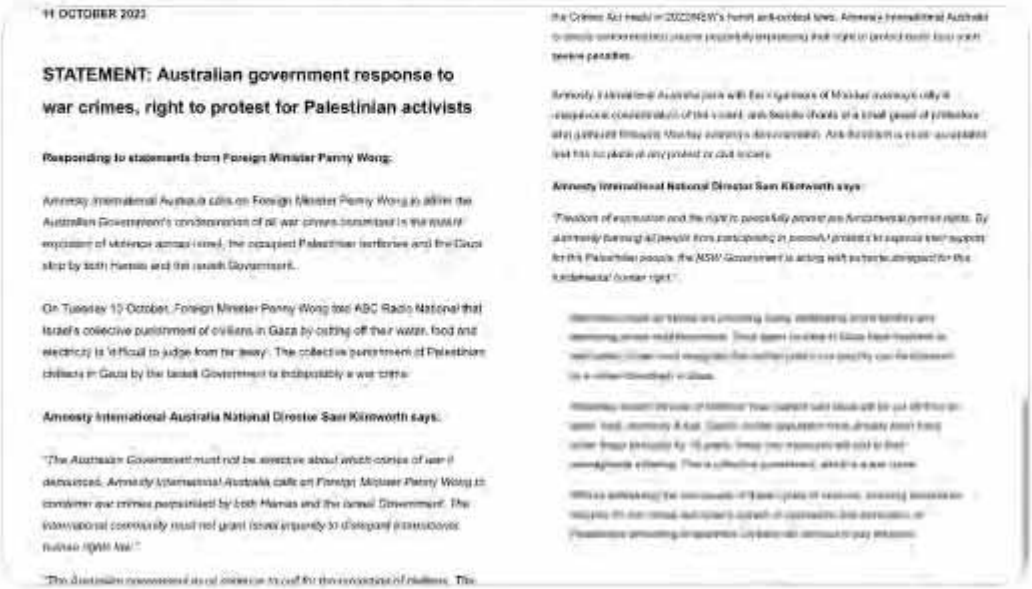

26 193 416 110K

51

Nick Riemer reposted

**Amnesty International Australia** @amnestyOz · Oct 11

Amnesty International Australia statement on the Australian government's response to Hamas and Israeli war crimes, and NSW gov denial of Palestinian activists' right to peaceful protest



11 OCTOBER 2023

**STATEMENT: Australian government response to war crimes, right to protest for Palestinian activists**

**Responding to statements from Foreign Minister Penny Wong:**

Amnesty International Australia calls on Foreign Minister Penny Wong to affirm the Australian Government's condemnation of all war crimes committed in the recent escalation of violence across Israel, the occupied Palestinian territories and the Gaza strip by both Hamas and the Israeli Government.

On Tuesday 10 October, Foreign Minister Penny Wong told ABC Radio National that Israel's collective punishment of civilians in Gaza by cutting off their water, food and electricity is "difficult to judge from far away". The collective punishment of Palestinian civilians in Gaza by the Israeli Government is indisputably a war crime.

**Amnesty International Australia National Director Sam Klintworth says:**

"The Australian Government must not be selective about which crimes of war it denounces. Amnesty International Australia calls on Foreign Minister Penny Wong to condemn war crimes perpetrated by both Hamas and the Israeli Government. The international community must not grant Israel impunity to disregard international human rights law."

88 309 600 197K

52

**Nick Riemer** @NickReimer1 · Oct 11

10-12 hours, after which Gaza will be even more cut off from the world, with the IDF able to move in with impunity and massacre more Gazans with the full-throated blessing of the West.

48m ago 17.56 AEDT

**Gaza's only power plant has 10 to 12 hours of fuel left**

The Gaza Strip's **sole power plant and only current provider of electricity will run out of fuel in 10 to 12 hours**, the Palestinian Energy Authority chair, Thafer Melhem, told Voice of Palestine radio on Wednesday.

Israel cut off its own electricity supply to Gaza on Monday as part of what it called a "complete siege" in response to the Hamas attack.

Updated at 18.27 AEDT

16 29 54 4.5K

53

Nick Riemer @NickRiemer1 · Oct 11
Very glad to see my union, @NTEUNSW signing this letter Open Letter calling on the NSW Premier to uphold the right to protest for Palestine. Protest is a basic right and mustn't be obstructed. You can't dispute that & call yourself a democrat. nswccl.org.au/open_letter_pe... via @NSWCCL
nswccl.org.au
Open Letter: Peak Bodies & Trade Unions call on Premier to affirm support for the right to protest
18
41
100
6.5K

54

Nick Riemer reposted
Josh Pallas @joshpallas · Oct 11
Hey @nswpolice I'd love to know what power you think you have to refuse a Form 1 on this basis 👇, because when I read the law, I don't see one #nswpol #nswlaw
Amal أمل @amalfalastini · Oct 11
Funny they said that because they've also informed us that they will not be accepting ANY FURTHER FORM 1. They're weaponising procedural issues to hide political motivations twitter.com/isobelroe/stat...
2
25
83
8K

55

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Oct 11

This is not self-defence (as many are trying to spin this). Rather, this is one of many of grave breaches of the Geneva Convention and serious violations of international law enacted by the state of Israel...otherwise known as war crimes

123 140 464 17K

56

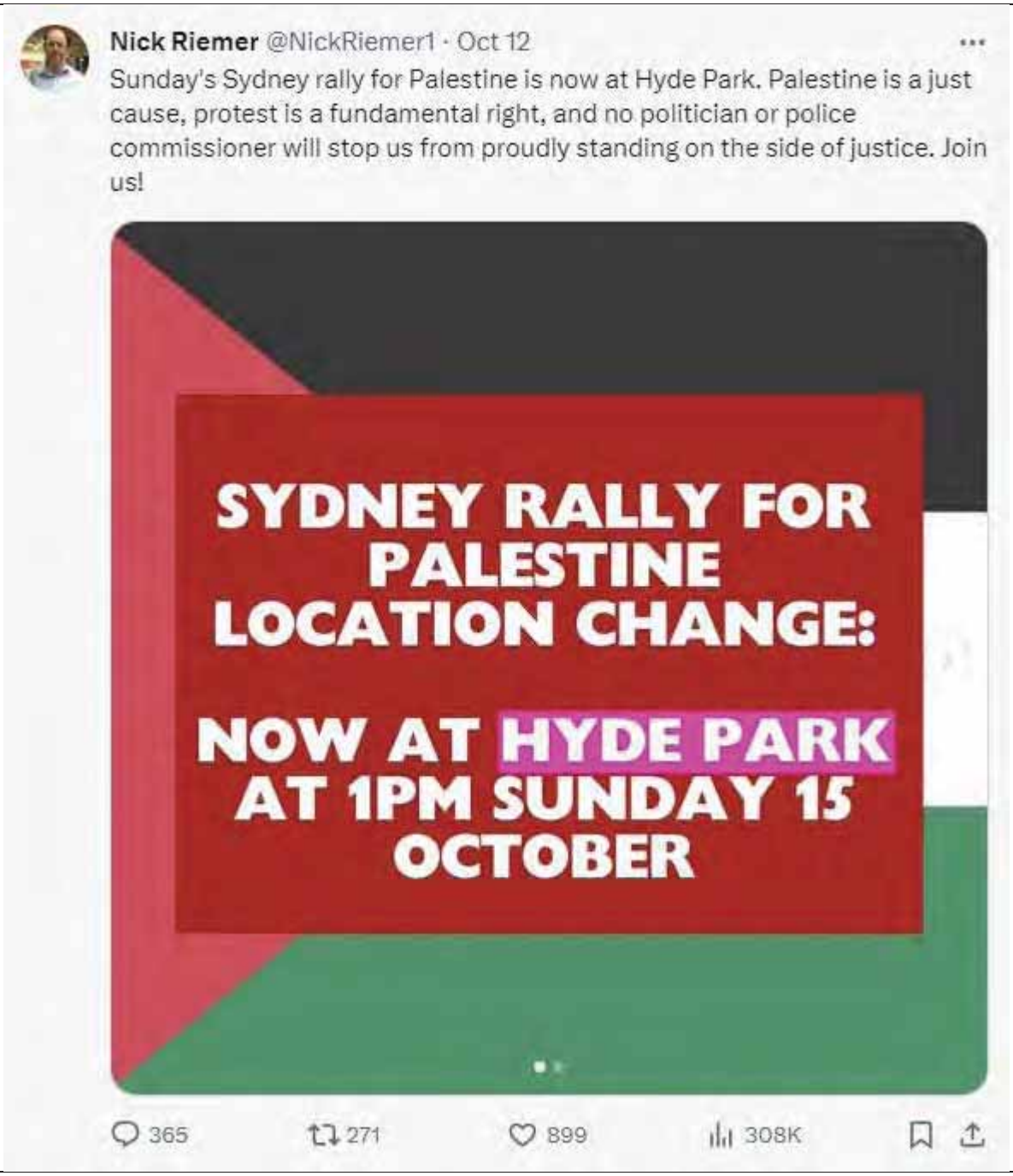
Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Oct 12

If all the progressives and celebrities rushing to react on socials could take a step back and pick up a damn book on Palestine.

14 46 238 8.1K

57


Nick Riemer @NickRiemer1 · Oct 12
Sunday's Sydney rally for Palestine is now at Hyde Park. Palestine is a just cause, protest is a fundamental right, and no politician or police commissioner will stop us from proudly standing on the side of justice. Join us!
SYDNEY RALLY FOR PALESTINE LOCATION CHANGE:
NOW AT HYDE PARK AT 1PM SUNDAY 15 OCTOBER
365
271
899
308K

58-59

**Nick Riemer** @NickRiemer1 · Oct 11

Next Sydney protest, this Sunday 1pm. Let's make it a huge one. Justice for Palestine.

140 183 542 72K

**Nick Riemer** @NickRiemer1 · Oct 12

Now at Hyde Park.

44 37 102 80K

60

**Nick Riemer** @NickRiemer1 · Oct 12

Congratulations to @jennyleong for being one of the rare Australian politicians to react appropriately.

> **Jenny Leong MP 梁珍妮** @jennyleong · Oct 12
>
> (1/6) Yesterday in Parliament, I had the opportunity to acknowledge the horrific situation currently unfolding as a result of the most recent escalation of the conflict between Israel and Palestine.

47 91 358 24K

61

Nick Riemer reposted

**Josh Pallas** @joshpallas · Oct 12

Great write up from @crikey_news on the stakes for the right to protest of government rhetoric and actions this week msn.com/en-au/news/oth... #protectprotest #nswpol @BarnsGreg @NSWCCL @amalfalastini

5 13 39 4.5K

62

**Nick Riemer** @NickRiemer1 · Oct 12

No water, fuel for Gaza until captives freed: Israeli minister aje.io/f8595l?update=... via @AJEnglish

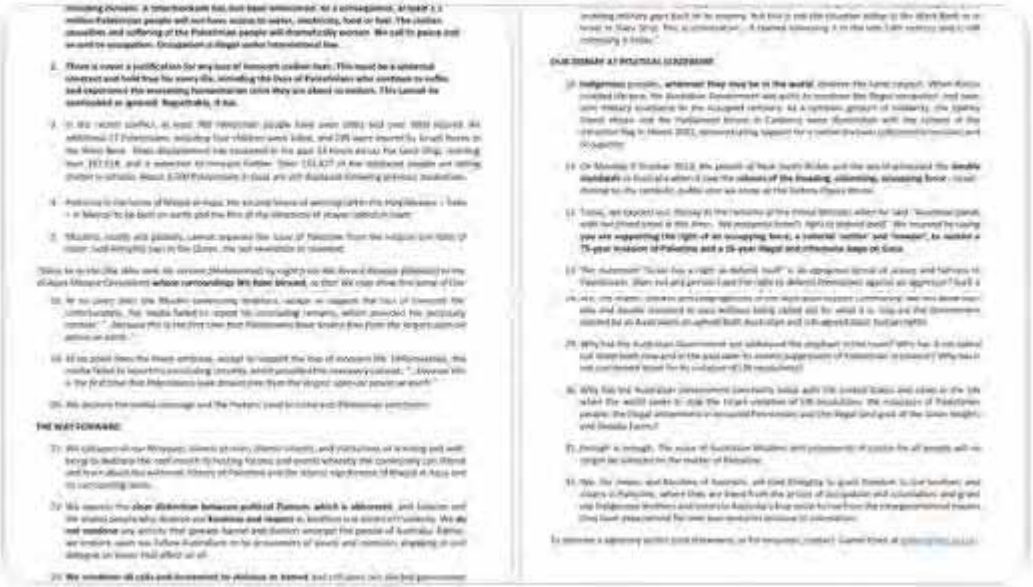
14 5 14 2.3K

63

Nick Riemer reposted

**lydia_shelly** @lydia_shelly · Oct 12

Statement issued by members of the Australian Muslim community on the issue of Palestine. #palestine #auspol #nswpol



13 30 60 15K

64

Nick Riemer reposted
Josh Pallas @joshpallas · Oct 13
Why is it newsworthy that a staffer went to a protest? Why is an apology warranted for attending a protest? Staffers should be left alone by the media unless there's impropriety.
Sky News Australia @SkyNewsAust · Oct 12
A 22-year-old staffer who works for Environment Minister Tanya Plibersek has apologised after attending a pro-Palestine rally in Sydney earlier this week, but concerns are now being raised over Labor's ability to hire "decent" staff.
...
Show more
28
72
512
42K

65

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 12

The Sydney rally is happening. This Sunday, 1 pm, at Hyde Park.

If you cannot stomach war crimes and collective punishment, you must stand with us. If you care about civil liberties and right to public assembly, you must stand with us. We need your solidarity now more than ever.

31 204 659 27K

66

Nick Riemer reposted
Save Australian Universities @SaveAusUnis · Oct 13
Big respect to @mcassidywelch. Academia is about integrity. This is why most of the managers don't belong into academia, because they don't have integrity. Solidarity with staff at ACU, who are mistreated, disrespected and abused and still maintain integrity!
@JasonClareMP twitter.com/mcassidywelch/...
This post is unavailable.
5
20
1.9K

67

Nick Riemer @NickRiemer1 · Oct 13
Palestine Legal Stands Firmly with the Palestine Movement, Condemns Rising Anti-Palestinian Attacks
PALESTINE LEGAL STANDS FIRMLY WITH THE PALESTINE MOVEMENT, CONDEMNS RISING ANTI-PALESTINIAN ATTACKS.
palestinelegal.org
Palestine Legal Stands Firmly with the Palestine Mov
Palestine Legal expresses our firm and unequivocal solidarity with the Palestinian people in their ...
9
3
5
1.1K

68

Nick Riemer reposted

**Birzeit University** @BirzeitU · Oct 11

Birzeit University condemns the Israeli occupation's attack on the Islamic University in Gaza Strip on Monday Oct 6, 2023, and the bombing of several university's buildings. The assault caused substantial damage to a number exterior and interior equipment and facades.⅓

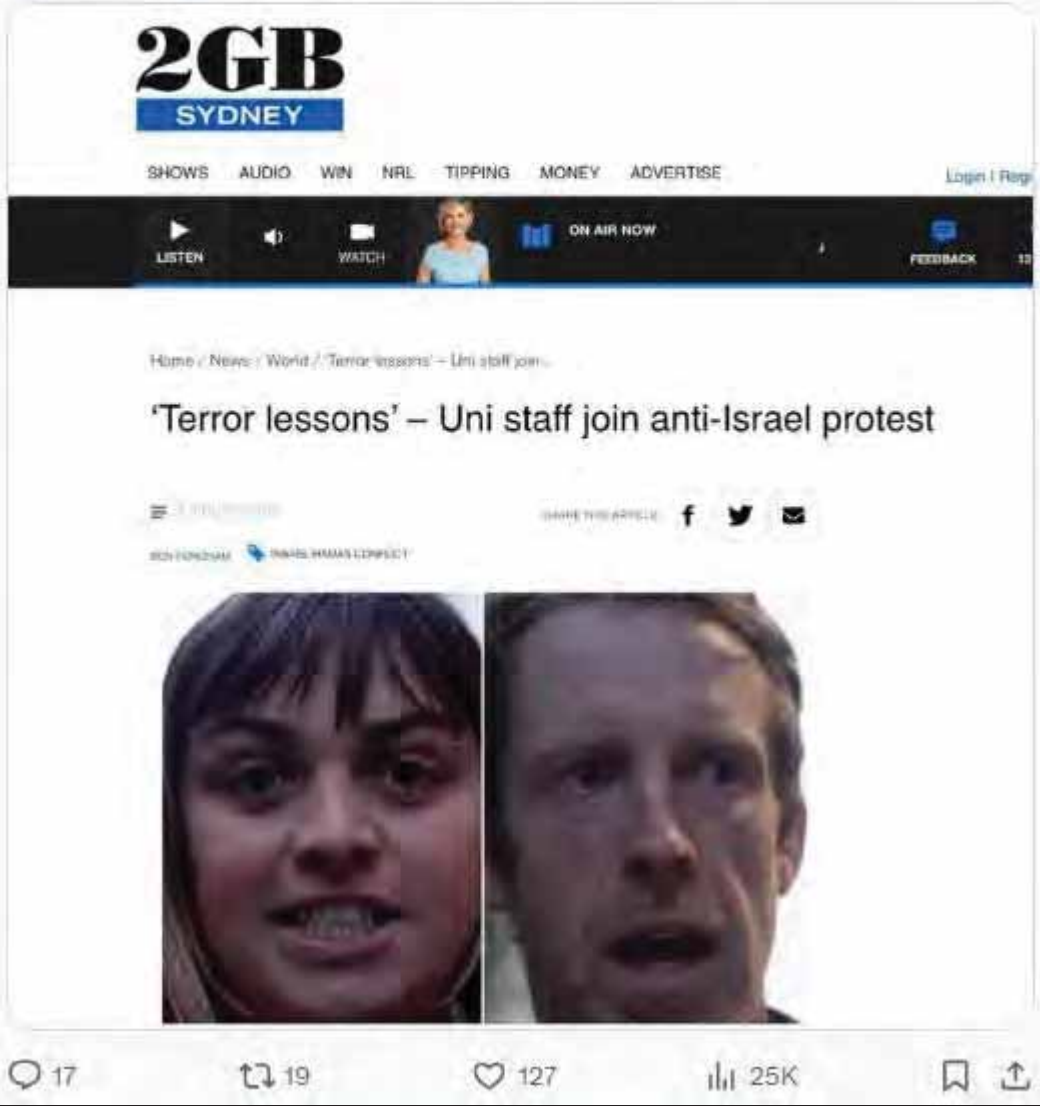
2 34 83 6.6K

69

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Oct 13

We will not be intimidated by rightwing media commentators or police threats
With ½ a million mobilised by Israel, white phosphorous & increasing bombings, it's crucial we speak out against escalating brutalities
It's more important than ever to stand in solidarity
@Dave_Brophy




17 19 127 25K

70

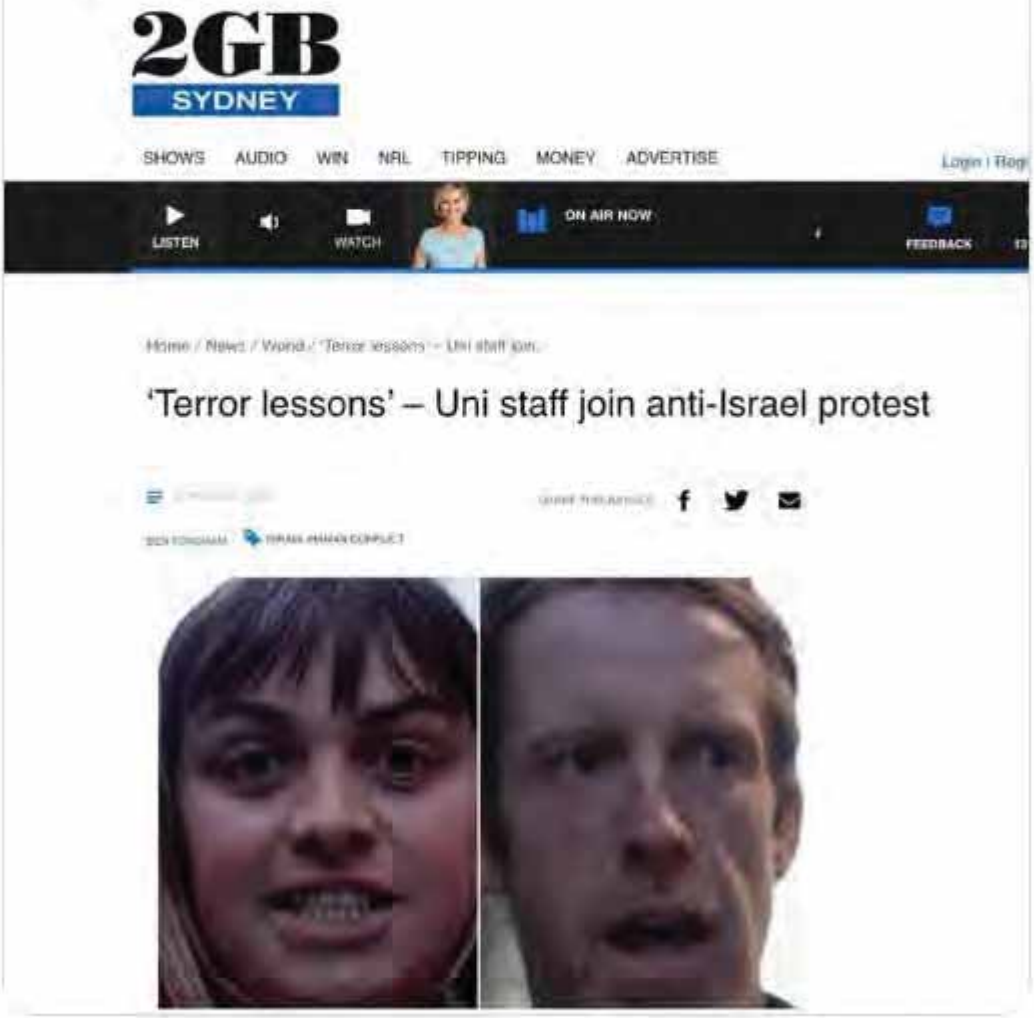
Nick Riemer reposted

**David Brophy** @Dave_Brophy · Oct 13

Happy for Ben Fordham, or anyone else, to publicise the fact that I oppose Israeli brutality against the Palestinians. You should too!

**Sophie Fyfe** @sophfyfe · Oct 13

We will not be intimidated by rightwing media commentators or police threats
With ½ a million mobilised by Israel, white phosphorous & increasing bombings, it's crucial we speak out against escalating brutalities
It's more important than ever to stand in solidarity...
Show more




20 19 159 17K

71

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Oct 13

A statement from @MehreenFaruqi , @SueHigginson_ and I on the Palestinian Action Group Rally happening this Sunday at 1pm.

**STATEMENT FROM MEHREEN FARUQI, JENNY LEONG AND SUE HIGGINSON ON THE PALESTINE ACTION GROUP RALLY**

We confirm our support for the Palestine Action Group's rally on Sunday 15 October calling for an end to the Israeli occupation of Palestine this Sunday in Sydney's Hyde Park.

We reject the attempts by NSW Police and the NSW Government to prevent the Palestinian community and their supporters from exercising the right to engage in peaceful protest. These shameful attempts to silence those calling attention to the worsening humanitarian crisis in Gaza set a chilling precedent for freedom of speech and threaten the right to protest in this State.

Palestinian and Jewish communities are suffering. All communities have the right to safety as they gather and grieve together and they have the right to engage in peaceful political protest together. This is one of the core tenets of our democracy and must be protected.

Everyone in this State has the right to gather peacefully to demonstrate their views, regardless of their background or political persuasion.

They do not need police permission to peacefully assemble and protest on public land – in spite of this Government's bad faith statements to the contrary. They certainly shouldn't be subjected to threats by the police that attempt to intimidate people into not protesting. The announcement that the NSW Police will be granted extraordinary powers to search protestors without reasonable cause is alarming and draconian.

Already, too many lives, so many of them civilians, have been lost. With UN experts condemning the indiscriminate bombing of Gaza as "collective punishment" in breach of international law and food, water, and electricity supplies in Gaza running dangerously low, we know the suffering will only continue.

War is never the answer. The Australian Government must work to de-escalate the situation, and call for an immediate end to the blockade of Gaza. To end the cycle of violence, the illegal Israeli occupation of Palestine must end.

We mourn the loss of life. We stand in solidarity with the movement for a free Palestine. We are unanimous in our view that there is no place anywhere for anti-semitism, Islamophobia, racism, or discrimination.

Here in NSW and around the world, we will always support the right for people to engage in collective action and peaceful protest.

56 90 269 18K

72

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Oct 13

"I am part of a class whose deaths don't matter but whose violence is counted . . . If you can't understand these words, then try to feel what makes a body write them."

Micaela Sahhar on the demand for Palestinians to explain and defend their humanness.

2 57 114 8.7K

73

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 15

From Tzedek Collective. Lots of love to our Jewish friends and allies who refuse to allow a genocidal regime to speak on their behalf as it massacres Palestinians with impunity. We walk into the future together, for a free Palestine, for a world free of racism. 🇵🇸❤️✡️

2 104 338 11K

74

**Nick Riemer** @NickRiemer1 · Oct 15

My call in @OverlandJournal for solidarity with Palestine, which is also a necessity for defending democratic rights in the West. With Israel committing inconceivable crimes in Gaza, it has never been more important than now.

5 12 28 2.2K

75

**Nick Riemer** @NickReimer1 · Oct 15

There have been massive rallies for Palestine and Gaza in the UK overnight. Let's be out in force in Hyde Park at 1 today to call for an end to permanent war and genocidal crimes against Palestinians, equality & justice for everyone in the Middle East, and a free Palestine.

20 53 151 13K

**Nick Riemer** @NickReimer1 · Oct 15

Standing in solidarity with Palestine has never been more important, including for the defence of democratic freedoms in the West.

2 2 932

76

**Nick Riemer** @NickRiemer1 · Oct 15

Lots of interest in our placards for the Sydney Palestine demonstration, which clearly going to be big!

23 19 131 5.2K

77

**Nick Riemer** @NickRiemer1 · Oct 15

Official government spares no effort to slander us and intimidate us from standing up for Palestine, and still a huge crowd turns out in Sydney. End the Gaza blockade, end the genocide. Free Palestine.

22 119 367 14K

78

Nick Riemer @NickReimer1 · Oct 15
Couldn't be prouder to have been out with Sydney Uni staff again standing for Palestine.
0:35
95
153
714
27K

79

Nick Riemer @NickReimer1 · Oct 15
Sydney's Palestine protest today brought together 5000+ antiracists of all backgrounds & all faiths - Muslims, Jews, Christians, atheists - in a powerful & moving call for justice. Shame on @ChrisMinnsMP & the other politicians who tried to stop it happening. We will remember you
JUSTICE FOR PALESTINE
22
111
437
13K

80

Nick Riemer reposted

**Dr. Yara Hawari د. يارا هواري** @yarahawari · Oct 15

The ultimate goal is to push Palestinians out of Gaza... this amounts to a war crime. Its the forced displacement of a population that are already mostly refugees... thats why people in Gaza are saying they will not leave their homes because they know it could mean permanent exile.

95 2.5K 4.5K 244K

81

**Nick Riemer** @NickReimer1 · Oct 16

Important appeal from @BirzeitU. University staff and their unions must respond.

> **Birzeit University** @BirzeitU · Oct 16
>
> Do Not be Silent about Genocide
> Open Letter from Birzeit University in Palestine to International Academic Institutions
> bit.ly/3tE2viS

BIRZEIT UNIVERSITY

**October 15, 2023**

**Do Not be Silent about Genocide**

Open Letter From Birzeit University in Palestine to International Academic Institutions

We at Birzeit University call upon international academic institutions to take concrete action to stop the genocidal war on the Palestinian people and to end Israeli settler colonialism. Over the past 8 days, Israel's brutal and vicious bombardment of the Gaza Strip—which has been besieged by Israel for the past 17 years—has resulted in the killing of over **2,400** Palestinians, one third of whom are children, the injuring of over **10,000** Palestinians, the deliberate displacement of more than **half a million** Palestinians and the call for the removal of another **million** from the north of the Gaza Strip, the destruction of **60,000** residential units, in addition to targeted attacks on hospitals, schools and universities.

Recent statements by Israeli government officials calling Palestinians "human animals" that are to be starved and further made hostage through a complete blockade of food, water, electricity, and fuel amplifies Israel's founding racist ideology that operates with pervasive international impunity and complicity. This war of **elimination** begun in 1948 continues to escalate, devoid of humane rules or ethical constraints, exacerbating an already insufferable living situation for Palestinians.

Birzeit University calls upon the international academic community, unions, and students to fulfill their intellectual and academic duty of seeking truth, maintaining a critical distance from state-sponsored propaganda, and to hold the perpetrators of genocide and those complicit with them accountable.

We also hold Israeli universities responsible as they have been indispensable to the regime of settler colonial oppression and apartheid, complicit in grave violations of human rights including developing weaponry, military doctrines, and legal justification for the indiscriminate, mass targeting of Palestinians. These academic institutions must be shunned by the international academic community.

Birzeit University urges the international community to immediately intervene to stop this barbaric aggression and to protect Palestinians from the dramatic escalation of Israeli war crimes, crimes against humanity, and ethnic cleansing throughout all of Palestine. The ongoing impunity granted by the international community to the Israeli occupying forces must end today

8 · 21 · 1.7K

82

**Nick Riemer** @NickRiemer1 · Oct 16

'The onus is not on us to demonstrate our moral credentials. There's no blood on our hands. There are no grounds to question our morality or our political objectives' - my article on Palestine solidarity in @OverlandJournal , accompanying Micaela Sahhar's essay 'On human animals'.

> **Overland Journal** @OverlandJournal · Oct 16
> Replying to @OverlandJournal
> ...followed by @NickRiemer1's argument for why it has never been more vital to stand in solidarity with Palestine. overland.org.au/2023/10/it-has...

3 8 17 3K

83

Nick Riemer reposted

**Sydney Staff for BDS** @sydneystaff4bds · Oct 16

Important hybrid forum this Friday, October 20, 17-18.30 (Sydney time). Palestinian, Jewish and other speakers on the history and context of the Gaza conflict and apartheid in Israel, and the importance of the BDS campaign, including in universities.

1 29 26 8.5K

84

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Oct 16

Excellent line-up of speakers for this event on Friday: Dr Ihab Shalbak, Rand Khatib, @jamal_nabulsi, Dr Ronit Lentin, Kevin Fine, @LuciaSorbera, @NickReimer1. #USyd folks please share and attend!

> **Sydney Staff for BDS** @sydneystaff4bds · Oct 16
>
> Important hybrid forum this Friday, October 20, 17-18.30 (Sydney time). Palestinian, Jewish and other speakers on the history and context of the Gaza conflict and apartheid in Israel, and the importance of the BDS campaign, including in universities.

4 12 30 4.9K

85

**Nick Riemer** @NickReimer1 · Oct 16

Our 'Unionists for Palestine' solidarity statement is almost at 300 signatures, purely off the back of word of mouth and personal contacts. If you're a union member in Australia and haven't signed yet, please do so, and encourage others to join you. forms.gle/tyNHDoBRc9KVei...

101 239 362 84K

86

Nick Riemer reposted

**Ho Ho Ho Chi Minh** @JonPiccini · Oct 16

I just signed this petition, you should too.

> **Nick Riemer** @NickReimer1 · Oct 16
>
> Our 'Unionists for Palestine' solidarity statement is almost at 300 signatures, purely off the back of word of mouth and personal contacts. If you're a union member in Australia and haven't signed yet, please do so, and encourage others to join you.
> forms.gle/tyNHDoBRc9KVei...
>
>
> 

8 16 57 5.9K

87

**Nick Riemer** @NickReimer1 · Oct 17

Over 500 signatures! If you're a union member in Australia, add your name at the link to show solidarity with Palestinians and support the cause of peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East.

> **Nick Riemer** @NickReimer1 · Oct 16
>
> Our 'Unionists for Palestine' solidarity statement is almost at 300 signatures, purely off the back of word of mouth and personal contacts. If you're a union member in Australia and haven't signed yet, please do so, and encourage others to join you.
> forms.gle/tyNHDoBRc9KVei...
>
>
> 

6 71 105 11K

88

Nick Riemer reposted
naama @derridalicious · Oct 17
Signed, as a Jewish (& Israeli) NTEU member
Nick Riemer @NickReimer1 · Oct 16
Our 'Unionists for Palestine' solidarity statement is almost at 300 signatures, purely off the back of word of mouth and personal contacts. If you're a union member in Australia and haven't signed yet, please do so, and encourage others to join you.
forms.gle/tyNHDoBRc9KVei...
UNIONISTS
FOR
PALESTINE
5
16
127
11K

89

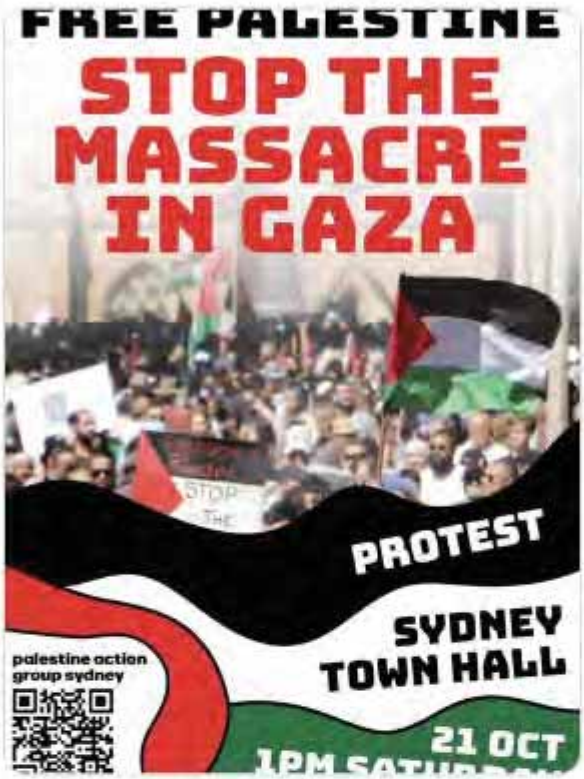
Nick Riemer reposted
BDS_Australia @BDS_Australia · Oct 17
Replying to @NickReimer1
We call for Australian unions and unionists to #Boycott #Divest and for the Australian government to apply #Sanctions (just like they did in July this year on over 1,000 Russian individuals and entities..)
foreignminister.gov.au/minister/penny....
foreignminister.gov.au
Further sanctions in response to Russia's invasion of
Today Australia has imposed targeted sanctions on 35 entities in Russia's defence, technology and ...
1
5
6
698

90-92

**Nick Riemer** @NickRiemer1 · Oct 18

In face of the unspeakable news from Gaza, we are not powerless and we need to act. Here are three things you can do.

1. Attend the next solidarity demonstration where you live. Sydney's is at 1pm this Saturday at Town Hall Sqare. Thread.




45 · 138 · 378 · 22K

**Nick Riemer** @NickRiemer1 · Oct 18

2. Sign any solidarity statements that you can find. Here's one for union members which has almost 1000 signatures already.
forms.gle/tExgYvPWZ8UbC7...

4 · 21 · 55 · 2K

**Nick Riemer** @NickRiemer1 · Oct 18

3. Support solidarity organisations like @APAN4Palestine and groups supporting @BDSmovement. Donate to appeals for Gaza - there are many.

None of these things can reverse the horrors in Gaza. But they will contribute to a political climate where Israel's impunity is challenged

1 · 13 · 41 · 1.7K

93

Nick Riemer reposted

**Birzeit University** @BirzeitU · Oct 18

Birzeit University calls on the international community to put an end to the genocide and war crimes of the Israeli occupation against Palestinians. The latest and worst of which is the massacre in Ahli Arab Hospital (Baptist) in Gaza, resulting in more than 500 martyrs.

5 116 139 12K

94

Nick Riemer reposted

**John Reynolds** @SeanMac_R · Oct 18

Public statement by over 800 scholars and practitioners of international law, conflict studies and genocide studies, warning of the possibility of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip

31 1.1K 1.6K 225K

95

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Oct 18

Western media must stop repeating Israeli lies & repeating Israeli claim that Jihad bombed the hospital, like it did with the beheaded babies. It is time for serious, responsible & ethical journalism. Palestinians are paying with their lives over the recklessness of western media

8 132 320 12K

96

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 17

I have never see worse genocide apologia than @camstewarttheoz's latest piece, in which he justifies a door-to-door massacre of Palestinian civilians. "It will be slow, bloody, and unspeakably brutal," he says. As we call for peace, this propagandist calls for death.

3 48 166 4.8K

97-98

**Nick Riemer** @NickReimer1 · Oct 18

USyd NTEU stands with students in opposing cuts to Philosophy. Cuts affect everyone. The uni has the money to offer a full range of courses. In choosing not to, it obediently sets out to habituate the next generation to austerity. It's great that that's just not going to happen.

2 9 49 2.5K

**Nick Riemer** @NickReimer1 · Oct 18

3 531

99

Nick Riemer @NickReimer1 · Oct 18
Donate to this vital aid appeal for Gaza, sponsored by @apheda, who have a long and proud record of support for Palestine.
Union Aid Abroad @apheda · Oct 17
With your support, the MA'AN Development Center will work with local organisations to provide water, food, medical supplies and shelter; psychosocial support for families and individuals; and dignity and hygiene kits for displaced people in Gaza. gaza-emergency-appeal-2023.raisely.com
2
2
11
1.6K

100

Nick Riemer @NickReimer1 · Oct 18
Please donate to the Union Aid Abroad @apheda appeal for the people of Gaza. Union Aid Abroad is the Australian union movement's overseas development arm, and has a long and proud history of support for Palestine. gaza-emergency-appeal-2023.raisely.com
IONIS
FOR
LESTI
4
16
24
2K

101

Nick Riemer reposted

**APAN** @APAN4Palestine · Oct 18

Actions across the continent for Palestine.
1. Vigil in Perth
2. Vigil in Canberra
3. Forum in Sydney & online
4. Rally in Canberra
5. Rally in Brisbane
6. Rally in Sydney
7. Rally in Perth
8. Vigil in Hobart
9. Rally in Melbourne...
Show more

9 99 110 14K

102

Nick Riemer reposted

**Rawan Arraf** @rawanarraf · Oct 18

Your thoughts are not. Decades of cover for this impunity. Over the past week your govt provided carte blanche for your "friends" these war criminals, to bomb and bomb and bomb, deny food, water, electricity, fuel; the necessary elements for life and survival, from these liars.

> **Senator Penny Wong** @SenatorWong · Oct 18
> The scenes from the explosion at a Gaza City hospital are deeply distressing. It is clear there has been a devastating loss of life.
>
> Our thoughts are with those killed, those injured and their loved ones.

8 82 237 12K

103

Nick Riemer reposted

**Birzeit University** @BirzeitU · Oct 19

Do Not be Silent about Genocide Open Letter from Birzeit University in Palestine to International Academic Institutions bit.ly/3tE2vlS

4 103 125 13K

104

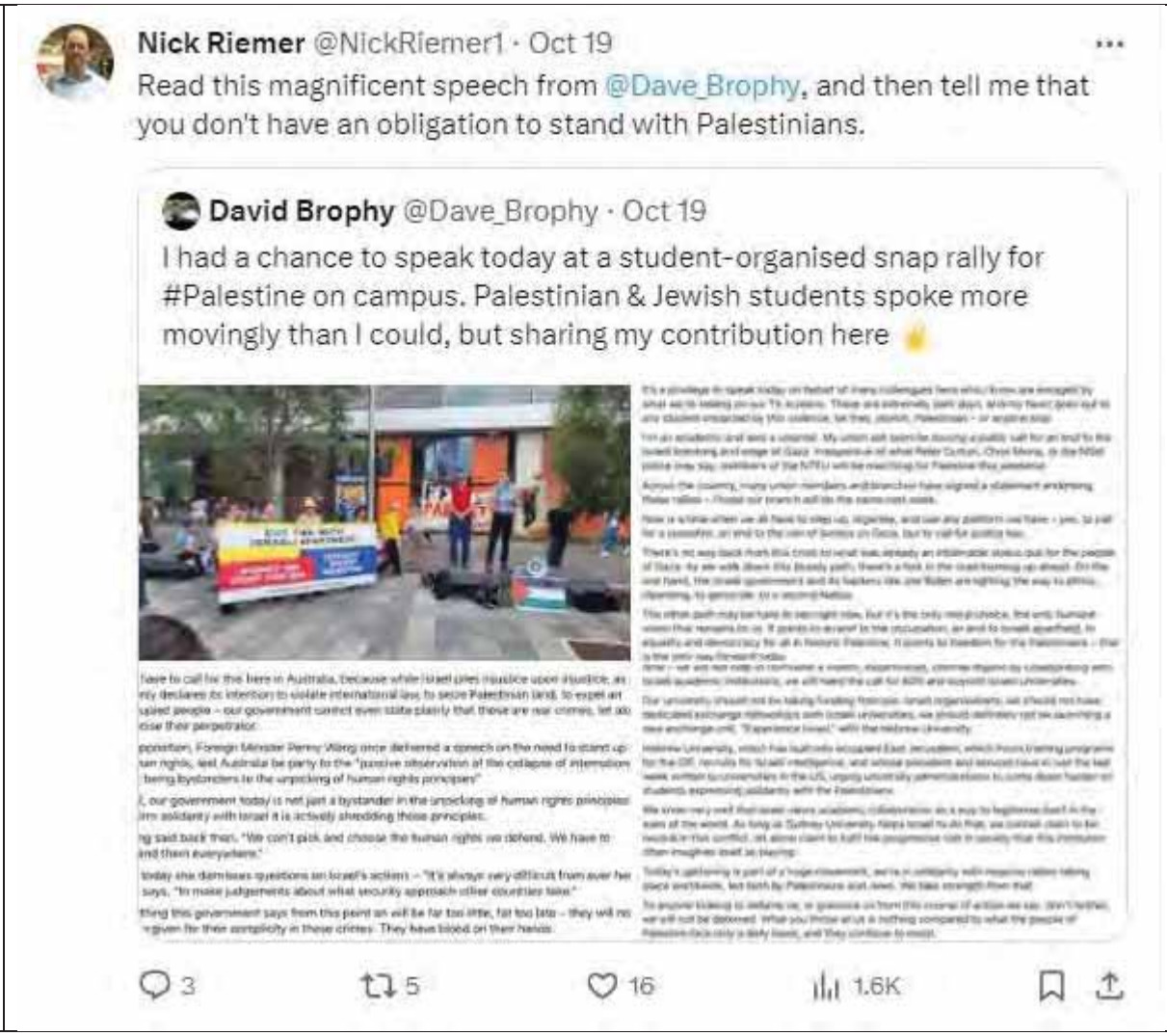
Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Oct 19

At least 31 dead in Rafah now, with people still trapped under the rubble. Do you know how Palestinians report casualties? According to family. How horrifying is that.

13 225 452 35K

105



**Nick Riemer** @NickReimer1 · Oct 19

Read this magnificent speech from @Dave_Brophy, and then tell me that you don't have an obligation to stand with Palestinians.

**David Brophy** @Dave_Brophy · Oct 19

I had a chance to speak today at a student-organised snap rally for #Palestine on campus. Palestinian & Jewish students spoke more movingly than I could, but sharing my contribution here



3 5 16 1.6K

106

**Nick Riemer** @NickRiemer1 · Oct 19

There's a real groundswell of Palestine solidarity among members of the union movement at the moment. Time for union leaderships to catch up and unequivocally support Palestinian rights - for the sake of everyone in the Middle East.

10 11 49 1.7K

107

**Nick Riemer** @NickRiemer1 · Oct 19

Poetry for a Free Palestine. "Joudah's poem reminds us that Palestinians are repeatedly required to prove their humanity and even love for their oppressor."

links.org.au
Poetry for a Free Palestine
Markela Panegyres — As Israel enacts a genocidal war on Gaza, the words of Palestinian-American ...

4 3 659

| | |
|---|---|
| 108 | **Nick Riemer** @NickRiemer1 · Oct 19<br>Important act of Palestine solidarity from @NTEUnion. Proud that my membership dues are contributing to this. @NTEUNSW<br><br>**Union Aid Abroad** @apheda · Oct 19<br>Solidarity from @NTEU for Gaza as they have just informed us of their decision to grant $15K to our appeal ❤️🟤 @unionsaustralia @eduint @ituc<br><br>3 5 48 2.3K |
| 109 | Nick Riemer reposted<br>**Tasnim Mahmoud Sammak** 🇵🇸 @SammakTasnim · Oct 18<br>As Palestinian youth living in the Australian colony, we are enraged and not surprised that the Australian settler government stands with Israel's genocidal war on Gaza.<br><br> <br><br>9 16 35 2.4K |

110

**Nick Riemer** @NickRiemer1 · Oct 20

Pro-Palestinian protestors have blocked access to the US surveillance base at Pine Gap in Alice Springs.

A group of activists at the Pine Gap Joint Defence Facility near Alice Springs. Picture: Territorians for Palestine

Pro-Palestinian protestors have blocked access to the US surveillance base at Pine Gap in Alice Springs, with one protestor locking himself to a barrel splattered with red paint on the middle of the road.

Workers at the military base have been prevented from entering from around 5am, with metal cables previously covering the road.

At 7:20am the fire brigade arrived and have begun the process of removing the barrel from the road.

*More to come*

145 524 1.5K 75K

111

**Nick Riemer** @NickRiemer1 · Oct 20

Over 210 people in person and online at the @sydneystaff4bds forum 'Gaza in context. The duty of solidarity in the West' at @Sydney_Uni. Students, staff and community coming together to speak, understand and act. Recording coming soon.

33 27 135 5.5K

112

Nick Riemer reposted

**Padraic Gibson** @paddygibson · Oct 20

Israel is not simply above the law; Israel is the law of empire.

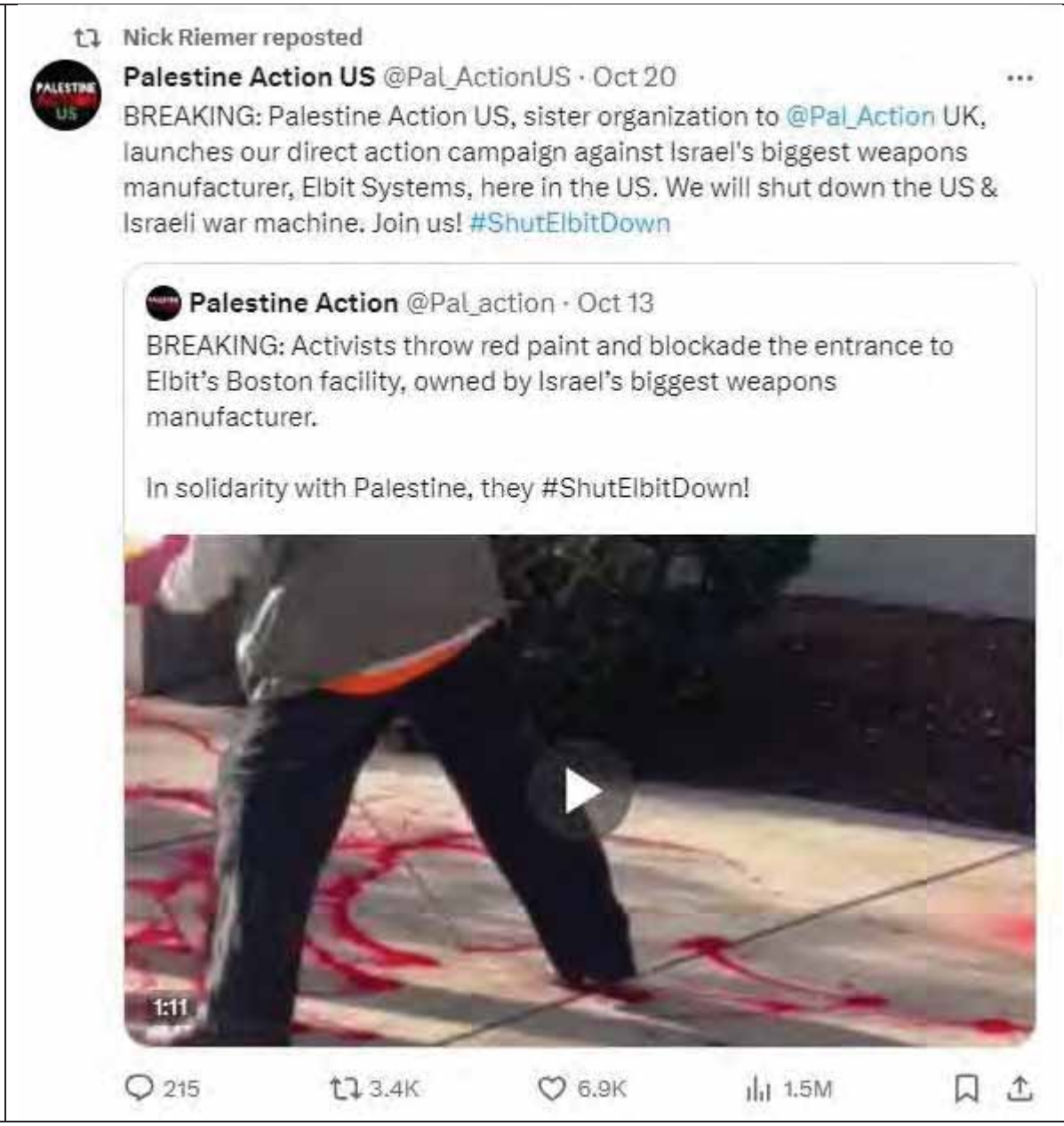
Israel is not above politics; Israel is the politics of settler-colonialism.

Israel is not above ethics; Israel is the ethics of Western domination

-Dr Ihab Shalbak at the Sydney Uni Staff for BDS forum tonight

7 42 104 2.9K

113


Nick Riemer reposted
Palestine Action US @Pal_ActionUS · Oct 20
BREAKING: Palestine Action US, sister organization to @Pal_Action UK, launches our direct action campaign against Israel's biggest weapons manufacturer, Elbit Systems, here in the US. We will shut down the US & Israeli war machine. Join us! #ShutElbitDown
Palestine Action @Pal_action · Oct 13
BREAKING: Activists throw red paint and blockade the entrance to Elbit's Boston facility, owned by Israel's biggest weapons manufacturer.
In solidarity with Palestine, they #ShutElbitDown!
1:11
215
3.4K
6.9K
1.5M

114

Nick Riemer reposted

**Free Gaza Australia** @GFFAusGroup · Oct 20

🇵🇸2,500+ people rally and march in #Canberra for justice in Palestine, demanding #CeasefireNOW, an end to Israel's #genocide of Palestinian people and the illegal blockade of Gaza and for Albanese Labor govt to stop supporting genocide. #FreePalestine

15 27 1.1K

115

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Oct 20

'With the arcs of Palestinian dehumanisation so ingrained in Western media, institutions, and government, resistance to this discourse must come from people everywhere, all the time.'

@EDolanEvans on the law and political economy of dehumanisation

overland.org.au
The wretched of Gaza: the law and political economy
The discourses of dehumanisation that spread from Israeli narratives and are championed by Western ...

6 11 1.8K

116

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Oct 21

Finishing up our working bee and getting ready to head to Town Hall. Join the rally at 1pm. #UnionistsforPalestine

8 6 46 2.5K

117

Nick Riemer reposted

**Amal** أمل @amalfalastini · Oct 20

Part of my interview with Today, this morning talking about the solution to ending the cycle of violence (and no it's not giving everyone a big hug?)

47 171 545 35K

118

**Nick Riemer** @NickRiemer1 · Oct 21

First outing for the new Unionists for Palestine banner at the Sydney demonstration. Members from NTEU, Nurses and Midwives, ASU, MUA and many other unions will be gathering behind it in solidarity with a free Palestine

151 90 353 13K

119

**Nick Riemer** @NickRiemer1 · Oct 21

Another huge public upsurge for Palestine in Sydney. Huge cross-section of society here, except of course for our gutless political 'leaders' cowering behind Israel's 'right to defend itself' when that means Gaza being flattened and starved.

38 160 471 15K

120

Nick Riemer @NickRiemer1 · Oct 21
Crowd in Sydney now about to march. Chants of "Palestine will be free", "Long live Gaza", "In our thousands in our millions, we are all Palestinians".
0:44
142
251
707
24K

121

Nick Riemer @NickReimer1 · Oct 21
Union members from @NTEUnion and @raffwu marching for Palestine.
32
26
94
4.2K

122

Nick Riemer reposted

**Free Gaza Australia** @GFFAusGroup · Oct 21

30,000 people rally and march in #Gadigal / #Sydney for justice in Palestine, demanding #CeasefireNOW, an end to Israel's #genocide of Palestinian people and the illegal blockade of Gaza and for @AlboMP Labor govt to stop supporting genocide. #FreePalestine

15 127 233 10K

123

Nick Riemer reposted
Rawan Arraf @rawanarraf · Oct 21
If you don't understand 'from the river to the sea', you don't understand, 'always was, always will be'.
Amy McQuire @amymcquire · Oct 21
#NewProfilePic
FROM THE
VER TO TI
SEA
ALWAYS WAS
WAYS WILL
21
158
623
125K

124

Nick Riemer reposted

**Dr. Yara Hawari** د. يارا هواري @yarahawari · Oct 21

Just 20 trucks for 2.2 million people.

Meanwhile the Israeli regime bombardment continues not only unabated and with complete impunity but also with increased material support from the US.

> **Mada Masr** مدى مصر @MadaMasr · Oct 21
>
> BREAKING: 20 trucks of aid enter Gaza via Rafah crossing
>
> Twenty trucks of aid crossed from North Sinai into the Gaza Strip on Saturday morning via the Rafah border crossing, the first supplies to be delivered to Gaza's population of 2.2 million Palestinians in almost ...
> Show more

49 1.4K 2.4K 146K

125

Nick Riemer reposted
Birzeit University @BirzeitU · Oct 22
War on Gaza ... A war on humans and intellect
الحرب على غزة.... حرب على الإنسان والقلم
1:03
2
47
67
5.2K

126

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Oct 21
Over 1000 Palestinian, Arab, SWANA, First Nations, Bla(c)k artists & allies sign solidarity statement to Tony Burke, Minister for the Arts, demanding action to stop Israel's campaign of genocide, occupation & apartheid.
@OverlandJournal
overland.org.au
12
110
239
15K

127

128

129

130

131

Nick Riemer reposted

**Union Aid Abroad** @apheda · Oct 21

2.2 million Gazans are still cut off from water, food, fuel. They are dying. They need #AidNow. They need help from Australia and @AlboMP for an urgent #CeasefireNow @ACFID @unionsaustralia @VicUnions @TeachersFed @nswnma @NTEUnion @ituc

8 108 112 19K

132

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Oct 22

Apparently these leaflets were dropped by Israel on Gaza North today: "anyone who chooses not to evacuate could be identified as an accomplice of a terrorist org." Basically they transform the hundreds of thousands of civilians who remained in their homes into killable subjects

1 107 142 52K

133

Nick Riemer reposted

**Greg Barns SC** @BarnsGreg · Oct 22

Replying to @NickRiemer1 and @OverlandJournal

I just subscribed We must support media in Australia that supports #Palestinians

1 2 461

134

Nick Riemer reposted

**Hannah McCann** @binarythis · Oct 22

We're here rallying for a free Palestine in Melbourne today @NTEUUniMelb

92 49 280 11K

135

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Oct 22

Here we are doing everything we can to summarise, shrink, meme it, make it digestible against our better judgment - so please don't insult us and say you didn't know. Say you chose to ignore it, say you chose to be complicit instead.

84 170 6.6K

136

Nick Riemer reposted

**Padraic Gibson** @paddygibson · Oct 22

30,000 strong on the streets for Gaza yesterday on Gadigal land.

Sydney's multicultural working class stands with Palestine even as the gutless Labor Party back Israel's genocidal war.

The movement will only grow. Break Australian support for Israel. Down with imperialism!

124 161 472 15K

137

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Oct 22

proud to join other unionists standing with Palestine today

7 7 38 1.6K

138

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Oct 23

Israel is refusing to accept its hostages. Think about that next time you question the humanity of Palestinians, who are committed to the return of every Palestinian in Israeli prisons.

> **Al Jazeera English** @AJEnglish · Oct 22
>
> Replying to @AJEnglish
>
> Israeli PM's office has confirmed that Israel declined to accept two Israeli hostages from Hamas, stating that they will not address what is considered to be "mendacious propaganda" by the group.
>
> LIVE updates aje.io/a8glal

4 203 402 25K

139

Nick Riemer reposted

**Cerveaux non disponibles** @CerveauxNon · Oct 23

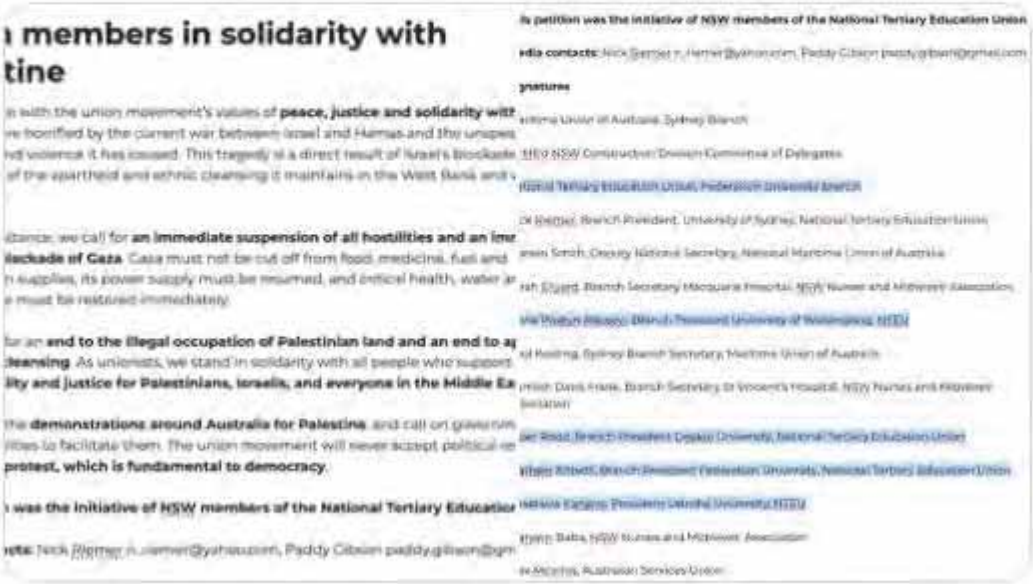
Un monde fou à Paris place de la République pour demander l'arrêt des attaques d'israël à Gaza et la fin de la colonisation

65 377 983 54K

140

**Nick Riemer** @NickReimer1 · Oct 23

The rank-and-file unionists' petition for Palestine is getting close to 2000 signatures from across the Australian labour movement. Especially glad to see the hundreds and hundreds of @NTEUnion members who've signed. Add your name if you haven't already: forms.gle/RfLrTaAhCtZaP8...


members in solidarity with
tine
peace, justice and solidarity with
an immediate suspension of all hostilities and an imm
blockade of Gaza
end to the illegal occupation of Palestinian land and an end to a
demonstrations around Australia for Palestine
protest, which is fundamental to democracy.
was the initiative of NSW members of the National Tertiary Educatio

17 100 176 16K

141

Nick Riemer reposted

**alana lentin** @alanalentin · Oct 23

New collective just dropped @westernsydneyu #WSU4Palestine. Sign our open letter docs.google.com/forms/d/1MjZR6...

7 28 49 8.3K

142

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 23

How good is this incredible work from insanely talented comrade @efanlyons - please them give them a follow; they're a young, powerful voice of Blak sovereignty and they deserve your attention.

9 176 724 21K

143

Nick Riemer reposted

**Dr. Yara Hawari د. يارا هواري** @yarahawari · Oct 23

Media coverage may be dying down, but Palestinians in Gaza are reporting that last night saw the most intensive Israeli regime bombardment yet, including in the south which was continues to be touted by Israeli officials as a safe zone.

15 1K 1.3K 50K

144

Nick Riemer reposted

**Dr. Yara Hawari** د. يارا هواري @yarahawari · Oct 23

Over the last 2 weeks, across the West Bank, Israeli soldiers have been invading Palestinian communities with a ferocious intensity.

1000s have been arrested & are being held captive.

The total no. of Palestinians currently incarcerated by the Israeli regime is approx 10,000.

4 421 450 23K

145

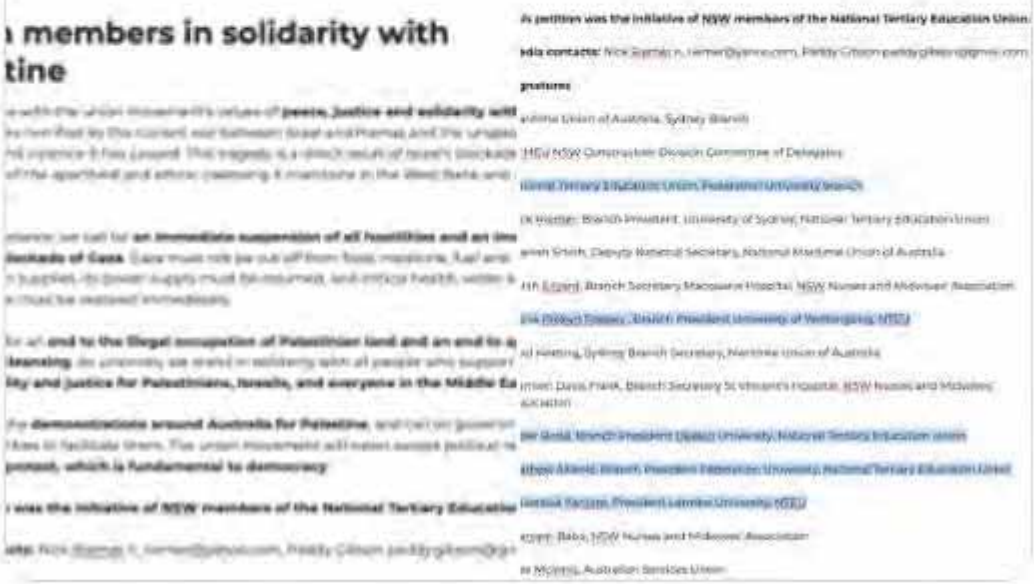
Nick Riemer reposted

**Wendy Bacon** @Wendy_Bacon · Oct 24

If you are a unionist, you may wish to add your name to this petition

**Nick Riemer** @NickReimer1 · Oct 23

The rank-and-file unionists' petition for Palestine is getting close to 2000 signatures from across the Australian labour movement. Especially glad to see the hundreds and hundreds of @NTEUnion members who've signed. Add your name if you haven't already: forms.gle/RfLrTaAhCtZaP8...



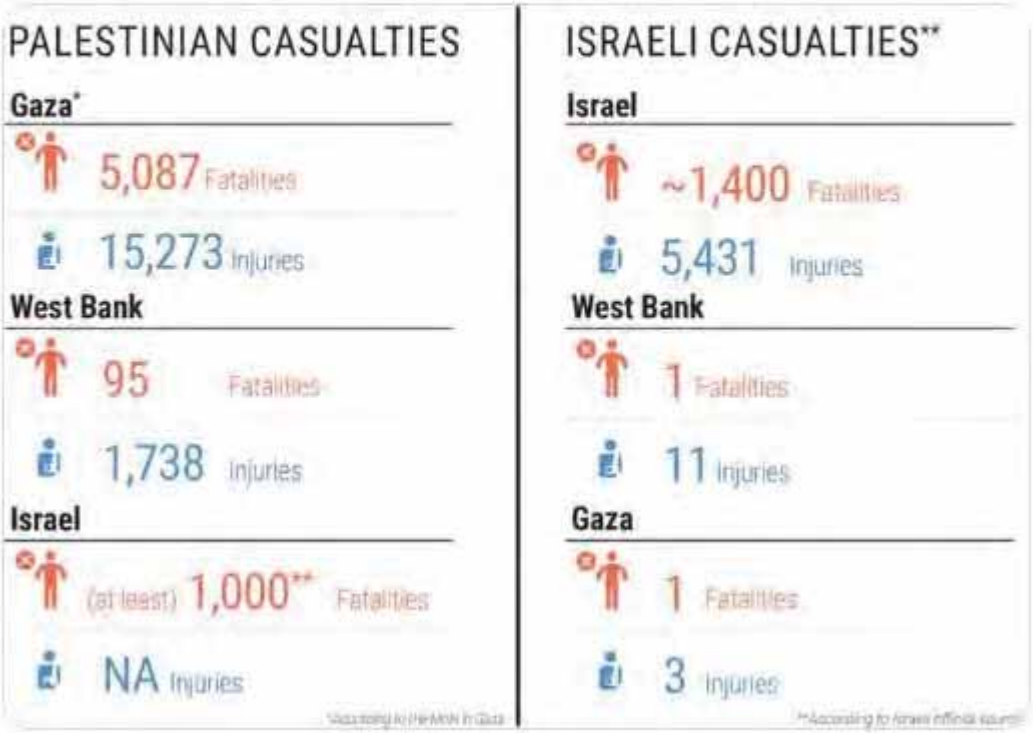

1 6 8 1.2K

146

Nick Riemer reposted

**Union Aid Abroad** @apheda · Oct 24

This is the daily update from the UN in Gaza. 436 Palestinians have been killed over the past 24 hours. Another 20 trucks carrying food, water and medical supplies were allowed to cross the border. 1/2
ochaopt.org/content/hostil...




2 16 9 1K

147

Nick Riemer reposted

**Birzeit University** @BirzeitU · Oct 24

Ne restons pas silencieux face au génocide
Lettre ouverte de l'Université palestinienne de Birzeit aux institutions académiques internationales.
birzeit.edu/ar/do-not-be-s...

BIRZEIT UNIVERSITY

25 octobre 2023

**Ne restons pas silencieux face au génocide**

Lettre ouverte de l'Université palestinienne de Birzeit aux institutions académiques internationales

Nous, à l'Université de Birzeit, exhortons les institutions académiques internationales à prendre des mesures concrètes pour mettre fin à la guerre génocidaire contre le peuple palestinien et au colonialisme israélien.

Au cours du seizième jour de bombardements brutaux et vicieux d'Israël sur la bande de Gaza – qui est assiégée par Israël depuis 17 ans – plus de 4650 Palestiniens sont morts, dont le tiers sont des enfants, et plus de 14 000 sont blessés. Ces actes criminels ont entraîné également le déplacement forcé de plus d'un demi-million de Palestiniens et l'appel à déplacer un autre million du nord de la bande de Gaza, la destruction de 60 000 unités résidentielles, et le bombardement délibéré des hôpitaux, des écoles et des universités.

Les récentes déclarations du gouvernement israélien qualifiant les Palestiniens comme des "bêtes humaines" à affamer et à prendre en otage par un blocus total de la nourriture, de l'eau, de l'électricité et du carburant rendent visible l'idéologie raciste fondatrice d'Israël, qui opère en toute impunité et avec la complicité de la communauté internationale. Cette guerre visant à l'élimination des Palestiniens a commencé en 1948 et elle continue de s'intensifier, sans règles humaines ni règles éthiques, aggravant une situation de vie déjà insupportable pour les Palestiniens.

L'université de Birzeit fait appel à la communauté académique internationale, aux syndicats et aux étudiants pour qu'ils remplissent leur devoir intellectuel et académique de recherche de la vérité, à garder une distance critique par rapport à la propagande parrainée par l'État israélien et à demander des comptes aux auteurs du génocide et à leurs complices.

Nous considérons les universités israéliennes également responsables de cette situation car elles ont joué un rôle indispensable dans le régime d'oppression coloniale et d'apartheid, et elles ont été complices de graves violations des droits de l'homme, y compris le développement d'armements, de doctrines militaires et de justifications juridiques pour le ciblage massif et indiscriminé des Palestiniens. Ces institutions académiques doivent être bannies par la communauté académique internationale.

L'Université de Birzeit exhorte la communauté internationale à intervenir immédiatement pour mettre fin à cette agression barbare et pour protéger les Palestiniens de l'escalade dramatique

des crimes de guerre israéliens, des crimes contre l'humanité et du nettoyage ethnique dans l'ensemble de la Palestine. L'impunité accordée par la communauté internationale aux forces d'occupation israéliennes doit cesser dès aujourd'hui.

2 34 38 3.5K

148

Nick Riemer reposted

**Zachary Foster** @_ZachFoster · Oct 24

Why don't Palestinians embrace non-violent resistence?

You've probably heard this question asked a lot over the past 2 weeks.

A short response. A 🟥.

706 19K 34K 3.4M

149

**Nick Riemer** @NickRiemer1 · Oct 25

'From Gadigal To Gaza': important Indigenous-Palestinian solidarity meeting tomorrow in Marrickville hosted by Blak Caucus & Autonomous Collective Against Racism, with Lizzie Jarrett, @efanlyons @LyndaJune1 @Lana_Tatour @RandaAFattah @amalfalastini.

14 27 61 5.8K

150

**Nick Riemer** @NickRiemer1 · Oct 25

Well-attended lunchtime Palestine solidarity protest organised by students at Sydney Uni today. Grateful to have been given the chance to say why taking a side matters, and why taking the side of the oppressed means listening to Palestinians and standing with Palestine.

39 38 138 7.5K

151

Nick Riemer reposted

**lydia_shelly** @lydia_shelly · Oct 25

Tonight I was elected President of the @NSWCCL. I'm looking forward to promoting & defending civil liberties. I hope to build upon the legacy of the last 60 years of advocacy! Thank you to past pres @joshpallas for your leadership - you leave big 🔪 to fill! #ccl #auspol #nswpol

12 9 49 3.1K

152

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Oct 26

If you read anything, read every single word of this searing brilliant piece by @sareemakdisi @nplusonemag
nplusonemag.com/online-only/on...

10 701 1K 98K

153

Nick Riemer reposted

**NSW Council for Civil Liberties** @NSWCCL · Oct 26

Welcoming @lydia_shelly as newly elected President of @NSWCCL. Last night @joshpallas handed the reigns to Lydia. Both are both incredible warriors defending civil liberties and standing up for human rights. 💪👏

3 4 23 934

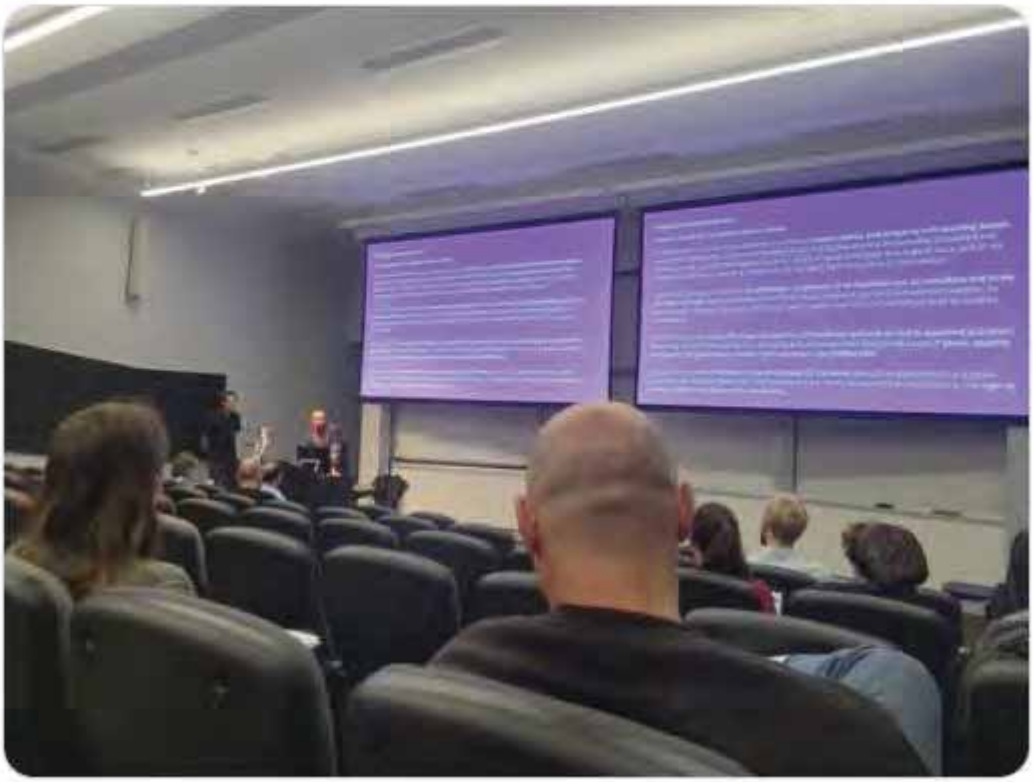
154

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Oct 26

Proud to have moved a successful motion in solidarity with Palestine at the University of Sydney branch of my union @NTEUNSW

Thanks to all my colleagues at the meeting and a special thanks to comrade @strom_m



3 60 383 7.6K

155

Nick Riemer reposted

**Dylan Griffiths** @DylanInnerWest · Oct 26

Waverley council descending into madness with councillors trying to remove councils only First Nations councillor from the reconciliation action committee after he spoke out about Palestine.
Will @WaverleyLabor be supporting this motion?

Extraordinary Council Agenda — 26 October 2023

**NOTICE OF MOTION**
**CM/4.2/23.10E**

WAVERLEY

| | |
|---|---|
| **Subject:** | **Appointment of Councillors to Committees** |
| **TRIM No:** | SF23/196 |
| **Submitted by:** | Councillor Goltsman<br>Councillor Betts<br>Councillor Kay |

**MOTION:**

That Council:

1. Removes Crs Fabiano and Wy Kanak from the following committees:
   (a) Traffic Committee
   (b) Access and Inclusion Advisory Panel.
   (c) Audit, Risk and Improvement Committee.
   (d) Multicultural Advisory Committee.
   (e) Reconciliation Action Plan Advisory Committee.
   (f) Sustainability Expert Advisory Panel.
2. Removes Crs Fabiano and Wy Kanak as delegates to the following organisations:
   (a) Southern Sydney Regional Organisation of Councils
   (b) Sydney Coastal Council Group.

**Background**

*This notice of motion was signed by Crs Goltsman, Betts and Kay in accordance with clause 17.7 of the Code of Meeting Practice.*

8 34 72 4.9K

156

**Nick Riemer** @NickReimer1 · Oct 26

Our members' meeting of the Sydney Uni @NTEUnion today didn't quite reach quorum, but overwhelmingly endorsed the union solidarity with Palestine statement, which is now over 2100-strong. If you belong to an Australian union and haven't yet signed, do so:
forms.gle/v9d3pJZtpA6N7y...

## Union members in solidarity with Palestine

In accordance with the union movement's values of **peace, justice and solidarity with working people**, we are horrified by the current war between Israel and Hamas and the unspeakable bloodshed and violence it has caused. This tragedy is a direct result of Israel's blockade and siege of Gaza, and of the apartheid and ethnic cleansing it maintains in the West Bank and within its own borders.

In the first instance, we call for **an immediate suspension of all hostilities and an immediate end to the blockade of Gaza**. Gaza must not be cut off from food, medicine, fuel and humanitarian supplies, its power supply must be resumed, and critical health, water and other infrastructure must be restored immediately.

We also call for an **end to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing**. As unionists, we stand in solidarity with all people who support the cause of **peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East**.

We support the **demonstrations around Australia for Palestine**, and call on governments and police authorities to facilitate them. The union movement will never accept political restrictions on the **right to protest, which is fundamental to democracy**.

**This petition was the initiative of NSW members of the National Tertiary Education Union.**

38 51 124 9.6K

157

Nick Riemer reposted

**naama** @derridalicious · Oct 26

During the Holocaust, as millions of Jews were sent to slaughter, the USA sanitised & diminished Nazi atrocities & Jewish testimonies.

When we say our struggle is shared, this is what we mean. Jews stand in solidarity with Palestine!

Nobody's free until everybody's free.

> **Kaitlan Collins** @kaitlancollins · Oct 26
>
> Biden doesn't have confidence in the Gaza death toll: "I have no notion if Palestinians are telling the truth...I'm sure innocents have been killed & it is the price of waging war..Israel should be incredibly careful to ensure they're going after the folks propagating this war."

12 220 553 25K

158

Nick Riemer reposted

**Jordy S** @jordana_s_ · Oct 26

the @NTEUUniMelb branch committee has passed a statement in solidarity with Palestine.

read the whole thing here: nteu.informz.net/nteu/data/imag...

2 51 154 7K

159

**Nick Riemer** @NickRiemer1 · Oct 27

Reposting an article from the last time Gaza was being bombed about why Palestine solidarity is union business. @NTEUnion should be proud of the stand it and its members are taking.

11 31 77 2.7K

160

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Oct 27

The Israeli government will approve on Sunday shooting live ammunition at protestors.

**כאן חדשות** @kann_news · Oct 27

חשיפת כאן חדשות: הממשלה תאשר ירי חי במפגינים חוסמי צירים בזמן חירום

@SuleimanMas1 @moyshis #חדשותהערב

12 365 360 59K

161

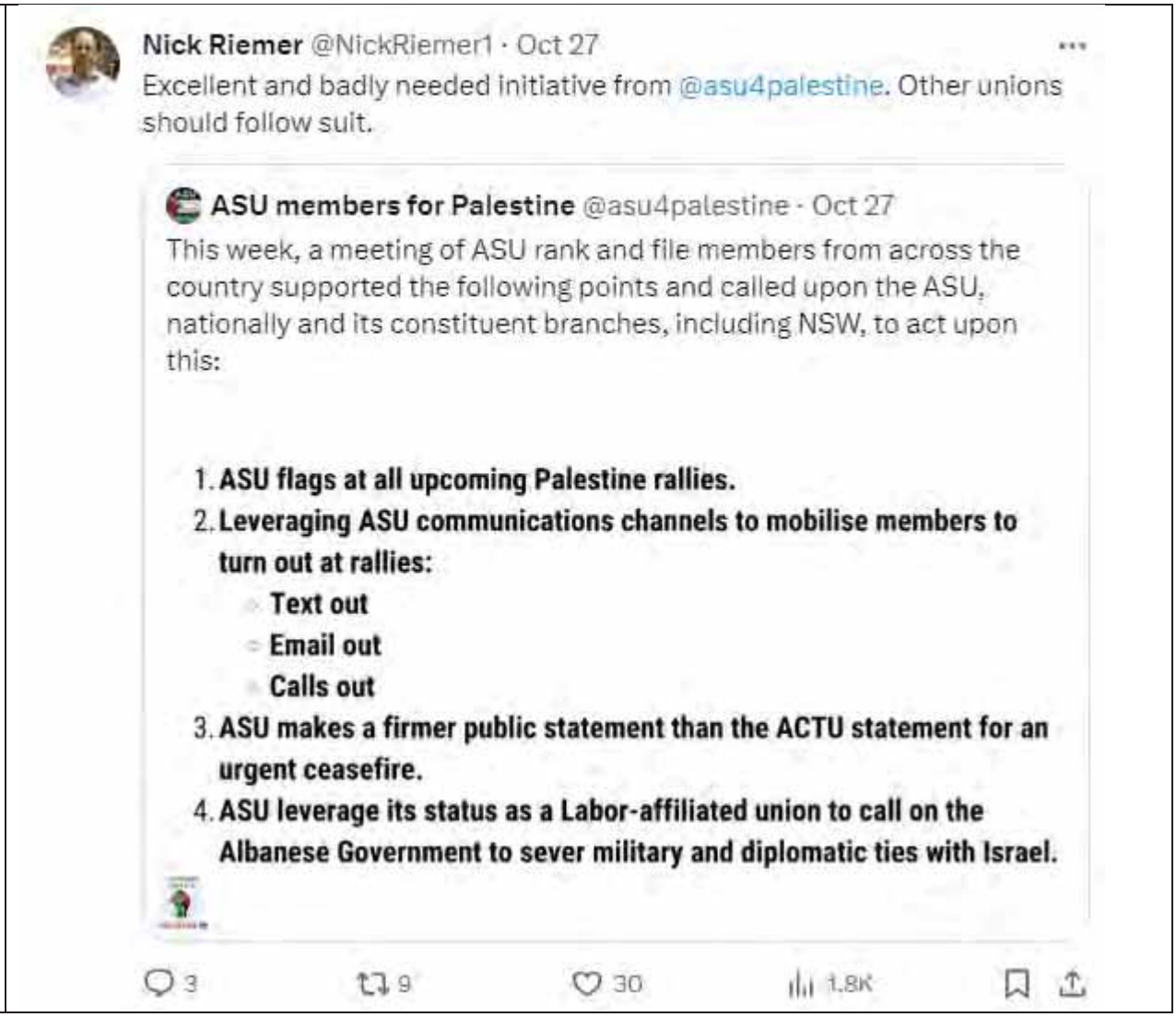
Nick Riemer reposted

**alana lentin** @alanalentin · Oct 27

Outside @AlboMP office to say you're a turn coat! Free Palestine

2 31 153 4.4K

162



**Nick Riemer** @NickRiemer1 · Oct 27

Excellent and badly needed initiative from @asu4palestine. Other unions should follow suit.

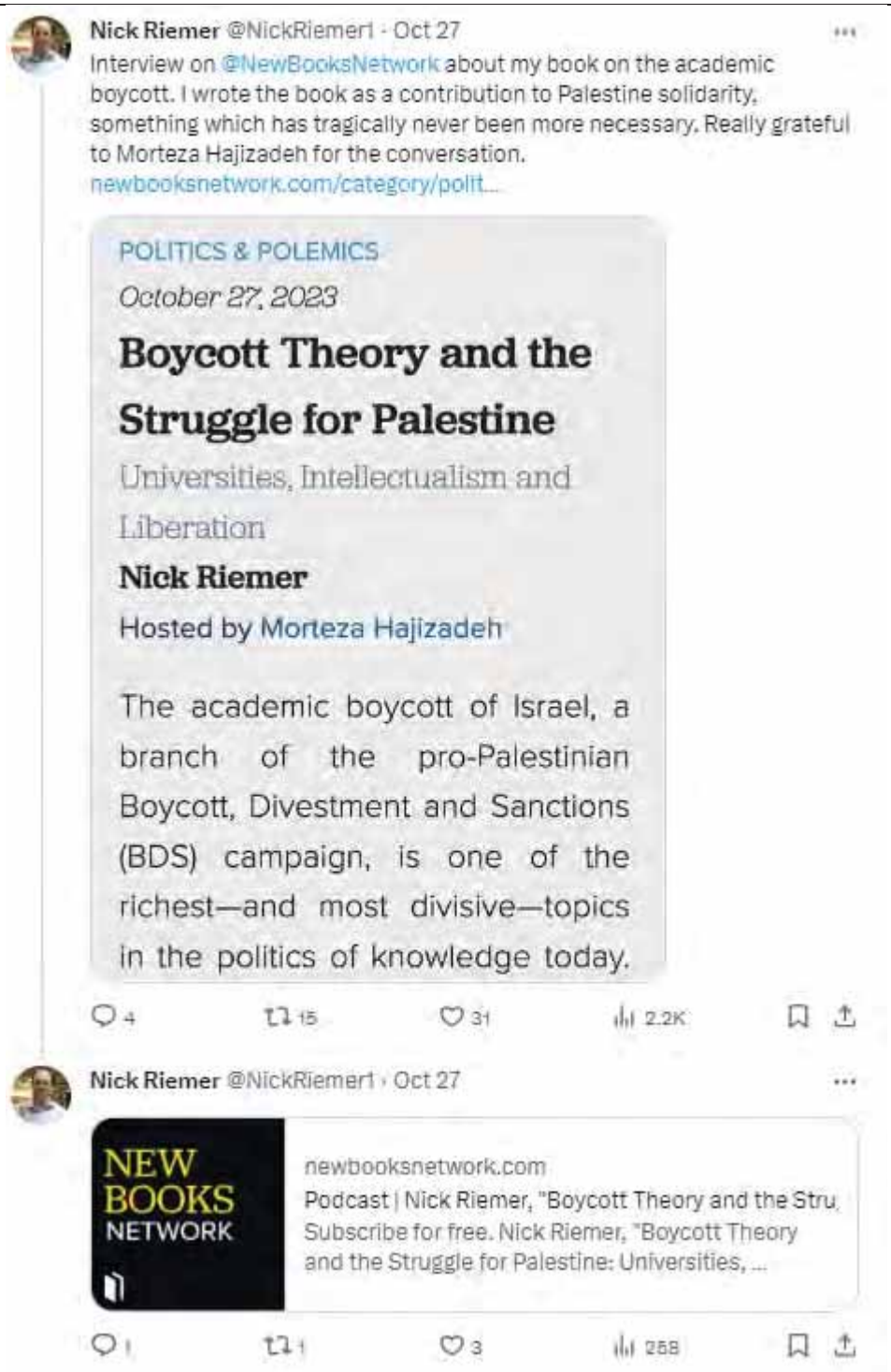
**ASU members for Palestine** @asu4palestine · Oct 27

This week, a meeting of ASU rank and file members from across the country supported the following points and called upon the ASU, nationally and its constituent branches, including NSW, to act upon this:

1. **ASU flags at all upcoming Palestine rallies.**
2. **Leveraging ASU communications channels to mobilise members to turn out at rallies:**
   - **Text out**
   - **Email out**
   - **Calls out**
3. **ASU makes a firmer public statement than the ACTU statement for an urgent ceasefire.**
4. **ASU leverage its status as a Labor-affiliated union to call on the Albanese Government to sever military and diplomatic ties with Israel.**

3 9 30 1.8K

163


Nick Riemer @NickRiemer1 · Oct 27
Interview on @NewBooksNetwork about my book on the academic boycott. I wrote the book as a contribution to Palestine solidarity, something which has tragically never been more necessary. Really grateful to Morteza Hajizadeh for the conversation.
newbooksnetwork.com/category/polit...
POLITICS & POLEMICS
October 27, 2023
Boycott Theory and the Struggle for Palestine
Universities, Intellectualism and Liberation
Nick Riemer
Hosted by Morteza Hajizadeh
The academic boycott of Israel, a branch of the pro-Palestinian Boycott, Divestment and Sanctions (BDS) campaign, is one of the richest—and most divisive—topics in the politics of knowledge today.
4
15
31
2.2K
Nick Riemer @NickRiemer1 · Oct 27
NEW BOOKS NETWORK
newbooksnetwork.com
Podcast | Nick Riemer, "Boycott Theory and the Stru
Subscribe for free. Nick Riemer, "Boycott Theory and the Struggle for Palestine: Universities, ...
1
1
3
268

164

| | |
|---|---|
| | Nick Riemer reposted<br>**David Brophy** @Dave_Brophy · Oct 28<br>Australia just sat on its hands and refused to support the #UNGA motion (which got up) for a "humanitarian truce leading to a cessation of hostilities." Our government wants the violence to continue.<br> <br>2 20 38 12K |
| 165 | Nick Riemer reposted<br>**David Brophy** @Dave_Brophy · Oct 28<br>With a Labor government supporting this massacre, Australian unions have work to do to convince the world we're not complicit too. The @NTEUnion needs to be calling its members out to rallies this weekend. @DamienCahill8 @AlisonBarnes25<br>3 13 42 2K |
| 166 | Nick Riemer reposted<br>**Amy McQuire** @amymcquire · Oct 27<br>Australian journalists who have gone on propaganda tours of Israel: Daily Tele editor Ben English, ABC David Lipson, Channel 7 Alex Hart, SMH Bevan Shields, SBS Managing Director James Taylor, Sky News Sharri Markson, The Oz Greg Sheridan, AFR Aaron Patrick,<br>34 296 720 37K |

167

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Oct 28

.@SenatorWong @AlboMP Australia abstained. Your position is clear. I will not appeal to you on moral terms. You have none. We will do what it takes to swing the Muslim & Arab vote from Labor bc YOUR vote is for our genocide.

> **UN News** @UN_News_Centre · Oct 28
>
> BREAKING: UN General Assembly ADOPTS resolution on "protection of civilians and upholding legal and humanitarian obligations" on the ongoing Gaza crisis
>
> FOR: 120...
> Show more

204 703 2K 117K

168

Nick Riemer reposted

**L'Anticapitaliste** @Lanticapitalis1 · Oct 28

Sur la place de la République à #Paris, rassemblement spontané en soutien aux populations de Gaza, bombardées sans relâche depuis le début de la soirée après que toute communication ait été coupée avec la bande de Gaza par l'armée israélienne.
#Gaza

23 131 348 21K

169

Nick Riemer reposted

**Amy McQuire** @amymcquire · Oct 28

We know that the Saturday Paper is owned by Zionists but I think it's important to keep on the public record who was silent in the face of genocide. History will remember. This is there top stories for the week.

105 284 878 102K

170

Nick Riemer @NickRiemer1 · Oct 28
Stand with Palestinians tomorrow in Sydney.
Let's deliver a massive public rebuke to the support for genocide from @AlboMP, @SenatorWong and the near entirety of the sickening parties of government in this country.
PROTEST
STOP THE GENOCIDE IN GAZA
NEW START TIME
PLEASE SHARE
FREE PALESTINE
ORGANISED BY
PALESTINE ACTION GROUP SYDNEY
SUNDAY 29 OCTOBER
2PM HYDE PARK NORTH
48
222
375
16K

171

Nick Riemer reposted
APAN @APAN4Palestine · Oct 28
We call on @elonmusk to provide satellite connection for the besieged people in the Gaza strip, just as it was provided for Ukrainians during Russia's invasions. The cutting off of internet by Israel has provided a blanket and enabled Israel's genocide of Gazans. #StarLinkForGaza
12
147
246
18K

172

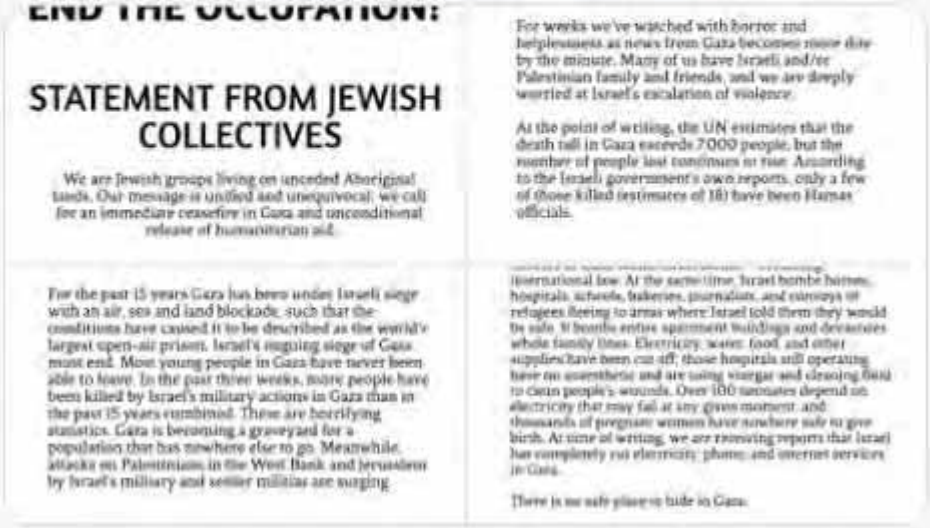
Nick Riemer reposted

**Jordy S** @jordana_s_ · Oct 28

Statement from Tzedek, Loud Jew Collective, Jews Against the Occupation, Jews Against Fascism.

Ceasefire now! End the Occupation!

Full statement at tzedekcollective.com/statements/cea...



END THE OCCUPATION!

STATEMENT FROM JEWISH COLLECTIVES

We are Jewish groups living on unceded Aboriginal lands. Our message is unified and unequivocal: we call for an immediate ceasefire in Gaza and unconditional release of humanitarian aid.

For the past 15 years Gaza has been under Israeli siege with an air, sea and land blockade, such that the conditions have caused it to be described as the world's largest open-air prison. Israel's ongoing siege of Gaza must end. Most young people in Gaza have never been able to leave. In the past three weeks, more people have been killed by Israel's military actions in Gaza than in the past 15 years combined. These are horrifying statistics. Gaza is becoming a graveyard for a population that has nowhere else to go. Meanwhile, attacks on Palestinians in the West Bank and Jerusalem by Israel's military and settler militias are surging.

For weeks we've watched with horror and helplessness as news from Gaza becomes more dire by the minute. Many of us have Israeli and/or Palestinian family and friends, and we are deeply worried at Israel's escalation of violence.

At the point of writing, the UN estimates that the death toll in Gaza exceeds 7000 people, but the number of people just continues to rise. According to the Israeli government's own reports, only a few of those killed (estimates of 18) have been Hamas officials.

[illegible] international law. At the same time, Israel bombs homes, hospitals, schools, bakeries, journalists, and convoys of refugees fleeing to areas where Israel told them they would be safe. It bombs entire apartment buildings and demolishes whole family lines. Electricity, water, food, and other supplies have been cut off; those hospitals still operating have no anaesthetic and are using vinegar and cleaning fluid to clean people's wounds. Over 100 neonates depend on electricity that may fail at any given moment, and thousands of pregnant women have nowhere safe to give birth. At time of writing, we are receiving reports that Israel has completely cut electricity, phone, and internet services in Gaza.

There is no safe place to hide in Gaza.

1 · 156 · 301 · 16K

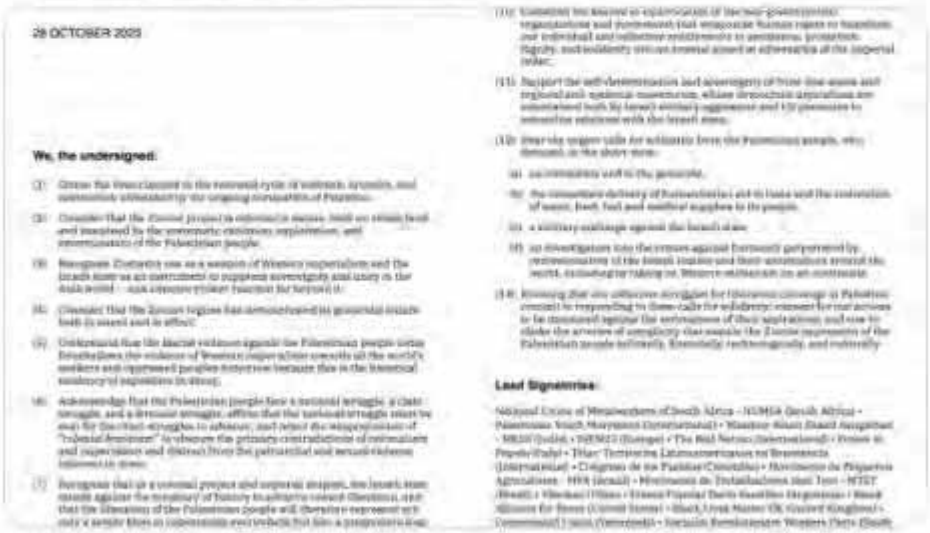
173

Nick Riemer reposted

**Progressive International** @ProgIntl · Oct 29

BREAKING "The Gaza Resolution"

Amid the unfolding genocide in Gaza, movements, parties, and unions across the world issue a pledge to stand for Palestinian liberation and sever ties of complicity with the State of Israel.



28 OCTOBER 2023

We, the undersigned:

Lead Signatories:

Palestinian Youth Movement and 9 others

83 · 4.1K · 7.7K · 633K

174

Nick Riemer reposted

naama @derridalicious · Oct 29

Never again will I wonder how Jews - including some of my family - were massacred, while the world stood by and did nothing.

We will not forgive. We will not forget. Free Palestine.

11 466 1.7K 34K

175

Nick Riemer @NickReimer1 · Oct 29

Replying to @NickReimer1

Staff from the Sydney Uni BDS group out in numbers too.

1 2 36 1K

176

Nick Riemer @NickReimer1 · Oct 29
UNIONS, WORKERS, OUT IN PRIDE - WE SAY *NO* TO GENOCIDE!
New chant for the union contingent at the Sydney Palestine demonstration. War, siege, apartheid, genocide: poison to workers everywhere. Union business if anything is.
8
18
64
2.3K

177

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Oct 29

So happy to see our beautiful comrade @jordana_s_ and other Jewish mob showing their solidarity for Palestine today 🟤🖤

22 137 560 21K

178

**Nick Riemer** @NickReimer1 · Oct 30

'The level of deprivation and human need is nothing like I've ever seen before. No one had expected or prepared for this level of devastation in Gaza.'

20 20 51 2.9K

179-180

Nick Riemer @NickReimer1 · Oct 29
Unions out in force for Palestine in Sydney today: NTEU, RAFFWU, MUA, ASU, Teachers, Nurses...
Rank and file union members know their responsibility in a genocide. Free Palestine.
UNIONISTS FOR PALESTINE
0:10
42
338
904
32K
Nick Riemer @NickReimer1 · Oct 30
@WorkersinPales1
2
1
433

181

**Nick Riemer** @NickReimer1 · Oct 31

Support to @iamthenas and @APAN4Palestine in the face of the usual sorry and baseless accusations. The cause of Palestine is the cause of antiracism.

# Protest organiser threatened with legal action

RALLIES

EXCLUSIVE

RACHEL BAXENDALE
VICTORIAN POLITICAL REPORTER

Jewish human rights campaigner Myuchem Vorchheimer is threatening to sue Australia Palestine Advocacy Network president Nasser Mashni, accusing the organiser of recent pro-Palestinian rallies in Melbourne of breaching Victoria's Racial and Religious Tolerance Act.

The action has prompted leading barrister Robert Richter KC, who once defended Mr Vorchheimer after he was the victim of a violent anti-Semitic attack, to state that while he supports the right of Palestinian supporters to demonstrate, those who conflate "all Jews" with Israel "may well be guilty" of the criminal offence of incitement to hatred.

In letters to Mr Mashni this week, Mr Vorchheimer accuses the property developer and Greens donor of a "serious act of incitement" in leading protesters at a Melbourne rally to join him in chanting "From the river to the sea, Palestine will be free". Mr Vorchheimer says the chant – which refers to the Jordan River and Mediterranean Sea on Israel's eastern and western borders – is "a call used by Hamas terrorists for the annihilation of Israel and Jews".

Robert Richter KC

"You will appreciate that this is a serious act of incitement and a breach of the Racial and Religious Tolerance Act 2001," he writes in a letter to Mr Mashni.

The accountant, who is completing a Juris Doctor of Law, also argues that Mr Mashni is responsible for breaching the Racial and Religious Tolerance Act as one of the organisers of pro-Palestine protests at which the crowd has called for an "intifada" against Jews, and chanted "Khaybar, Khaybar ya yahud, jaish Muhammad sawfa ya'ud" outside state parliament.

The Arabic phrase, which is often used by extremist groups such as Islamic State, al-Qa'ida and the Muslim Brotherhood, translates as "Remember Khaybar, oh Jews. The army of Muhammad will return."

It refers to the massacre of Jews at Khaybar, in present-day Saudi Arabia, in 628 CE.

The Australian is not suggesting Mr Mashni chanted the phrase, only that he was one of the organisers of a rally at which Mr Vorchheimer alleges the phrase was prominently chanted.

"This conduct caused significant harm to both myself and members of the Jewish community," Mr Vorchheimer writes of the chanting of all three phrases in his letter to Mr Mashni.

"Before commencing proceedings, I invite you to engage and advise what steps you propose taking to remedy these breaches and undertakings not to engage in such activity in the future."

Mr Vorchheimer reached a settlement with Victoria Police after using the Racial and Religious Tolerance Act to take legal action over a notorious 2006 incident in which he was racially abused, punched in the face and had his kippah (religious skullcap) taken.

The three men who attacked him as he walked to a synagogue with his children were members of the Ocean Grove Football Club, who had been in a bus driven by an off-duty police officer.

Mr Richter, who represented Mr Vorchheimer over the 2006 incident, said: "As a critic of the actions of (Israeli Prime Minister Benjamin) Netanyahu and the Israeli government, I support the right of Palestinian supporters to demonstrate. People are entitled to demonstrate and express their political views.

"However, anyone demonstrating against 'all Jews', including Israelis who protest the actions of the Israeli government, and anyone who conflates all diaspora Jews as a whole with 'Israel' may well be guilty of incitement to hatred, which is criminalised by the Racial and Religious Tolerance Act of 2001."

Mr Richter is a Jewish atheist whose Polish and Ukrainian parents survived the Holocaust.

Mr Mashni did not respond to multiple requests for comment.

32 · 55 · 142 · 16K

182

Nick Riemer reposted
Jordy S @jordana_s_ · Oct 31
i am so angry at this article in the australian, and this legal threat against Nasser Mashni. firstly, the chant is not antisemitic, and the fact that some ppl can't understand that freedom for all doesn't mean 'death to the Jews' is on them only. secondly, Nasser is amazing.
Protest organiser threatened with legal action
Menachem Vorchheimer argues that in leading a common pro-Palestinian chant at protests, Nasser Mashni is 'inciting hatred' against all Jews.
2
117
367
21K

183

Nick Riemer reposted

**Birzeit University** @BirzeitU · Oct 31

The bombings of the Israeli occupation have targeted the academic institutions in the ravaged Gaza strip, along with thousands of children and Academic cadres. All part of the onslaught against our people in Gaza that still continue to reek havoc upon it for 24 consecutive days.

4 287 271 55K

184

Nick Riemer reposted

**Ho Ho Ho Chi Minh** 🎄🇻🇳 @JonPiccini · Oct 31

A wonderful piece by @gabrielwinant on the lopsided nature of mourning in Palestine: 'One side has an enormous grief machine, the best in the world, up and running, feeding on bodies and tears and turning them into bombs. The other is starved for grief.'

2 25 62 6.5K

185

Nick Riemer reposted

**'Australian' Unions: Stop Arming Israel** @dontarmgenocide · Oct 31

Replying to @dontarmgenocide

Sign the open letter here, then act from where you are to stop the flow of arms to Israel!

docs.google.com
Unions: Stop Arming Israel
Palestinian unions have issued an urgent global call to action, calling on workers everywhere to halt th...

2 28 32 16K

186

Nick Riemer reposted

**Palestine Deep Dive** @PDeepdive · Nov 1

MUST READ: "The US president's support for the genocide of the Palestinians is hardly surprising given his country's settler-colonial past."

Article by @haidareid in @AJEnglish

1 21 22 1.4K

187

Nick Riemer reposted

**WACA** @akaWACA · Nov 1

BREAKING: Anti-Zionist Jewish activists & supporters occupying @richardmarlesMP's office in solidarity w/ #FreePalestine #StopArmingIsrael

Shame on @AustralianLabor siding with war criminals in genocide.

9 79 187 5.2K

188

**Nick Riemer** @NickReimer1 · Nov 1

A student meeting on Palestine at @Sydney_Uni has been banned on the false grounds that it 'may be linked to support for terrorist activities', without a shred of evidence. I've written to VC @mscott in protest: the university must be a place for critical & independent thought.

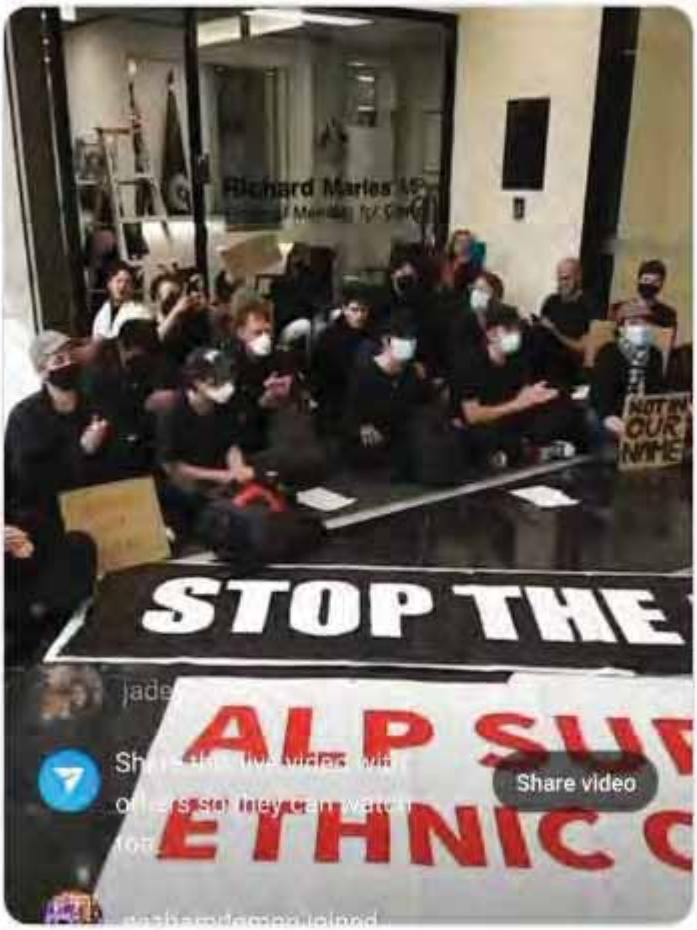
154 362 721 123K

189

Nick Riemer reposted

sara m. saleh | سارة صالح @SaraSalehTweets · Nov 1

Happening in 'Australia' RIGHT NOW!
Unwavering, principled solidarity from anti-Zionist Jewish activists inside the office of Defence Minister Richard Marles. They have secured themselves by their necks using bicycle locks & are refusing to leave, singing/chanting for freedom!




36 617 1.4K 76K

190

Nick Riemer reposted
Jake Lynch @ProfJakeLynch · Nov 1
A student meeting @Sydney_Uni calling for "global intifada" has been banned on grounds that it "may be linked to support for terrorist activities". Appalling. My message to VC @mscott below and thanks @NickReimer1 for leadership on this.
12
40
111
7.6K

191

Nick Riemer reposted
Antony Loewenstein @antloewenstein · Nov 1
Just signed this important petition:
Australian Jews Call for Ceasefire in Gaza
docs.google.com
Australian Jews Call for Ceasefire in Gaza
As of 17 December, this letter has been signed by over 900 people. It has been sent to relevant ...
31
168
480
16K

192

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 1

Israel is killing its own hostages. Seven civilian hostages were killed in Israeli bombardment of Jabalia.

**قناة الجزيرة** @AJArabic · Nov 1

#عاجل | كتائب القسام: مقتل 7 من المحتجزين المدنيين لدينا في مجزرة #جباليا أمس من ضمنهم 3 من حملة الجوازات الأجنبية
#حرب_غزة

8 133 173 19K

193

Nick Riemer reposted

PRCS @PalestineRCS · Nov 1

✋🚑Humanitarian workers risk their lives to save people in #Gaza strip. This video shows a glimpse of the terror that paramedics have been experiencing for over three weeks due to the continuous aggression on Gaza.

43 1.3K 1.3K 75K

194

**Nick Riemer** @NickRiemer1 · Nov 2

Get down there on Saturday and show our abject political leaders what side we're on.

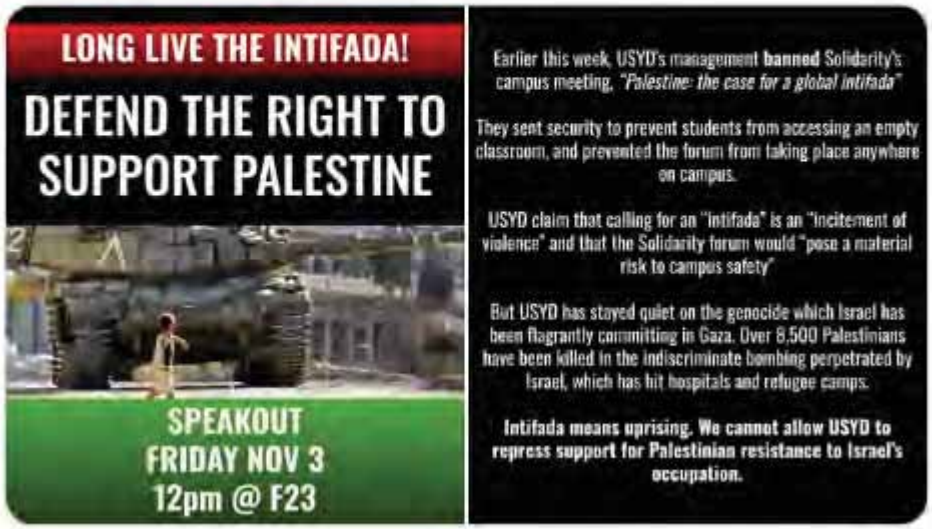
94 194 373 23K

195

Nick Riemer reposted

**Padraic Gibson** @paddygibson · Nov 2

Our @soli_aus student group was banned by Sydney Uni from holding a forum on the need for a global Intifada to defeat Israel's genocide. Security were mobilised to close rooms and stop the discussion. Students will rally on campus tomorrow to defy the ban.




9 63 118 5.2K

196

Nick Riemer reposted

**Brendan Ciarán Browne** @brendancbrowne · Nov 3

Fantastic to see this solidarity, despite a few knobs on here not understanding the nuances of engaging in impactful boycott.

Shame they're such careerists.

Encourage those in D4 to read a wonderful text by @NickRiemer1 called 'Boycott Theory'.

You might learn something, lads.

> **Academics for Palestine** @AcaforPalestine · Nov 3
> Over 600 signatories by the deadline today! Thanks to all for their solidarity in signing. We are in process of sending out for publication and will post links when it is out officially. twitter.com/AcaforPalestin...

8 38 3.9K

197

**Nick Riemer** @NickRiemer1 · Nov 3

Let's cover campuses with Palestinian flags.

> **David Brophy** @Dave_Brophy · Nov 3
>
> Put a flag up outside my office window this morning. I hope - genuinely - that my institution won't mind a small gesture of support for people currently getting carpet bombed. Do the same if you can.

54 47 222 11K

198

Nick Riemer reposted

**Mehreen Faruqi** @MehreenFaruqi · Nov 2

This attempt from @Sydney_Uni management to stop those expressing solidarity with Palestine is appalling.

Staff and students across campuses have a long and proud history of solidarity with Palestine and this will continue despite efforts to silence them.

> **Nick Riemer** @NickReimer1 · Nov 1
>
> A student meeting on Palestine at @Sydney_Uni has been banned on the false grounds that it 'may be linked to support for terrorist activities', without a shred of evidence. I've written to VC @mscott in protest: the university must be a place for critical & independent thought.

16 250 580 56K

199

**Nick Riemer** @NickRiemer1 · Nov 3

Sizeable crowd building outside @AlboMP's Marrickville office calling out his shameful backing of genocide.

95 254 641 19K

200

**Nick Riemer** @NickRiemer1 · Nov 3

Full house at the @MUASydneyBranch for the Trade Unionists for Palestine meeting.

64 95 394 17K

201

**Nick Riemer** @NickRiemer1 · Nov 4
Replying to @NickRiemer1
There was a time when Albanese professed support for Palestinians.

More recently he's denounced BDS, which has been called for by the entirety of Palestinian civil society, who he brushes off with the back of his hand as though they don't even exist.

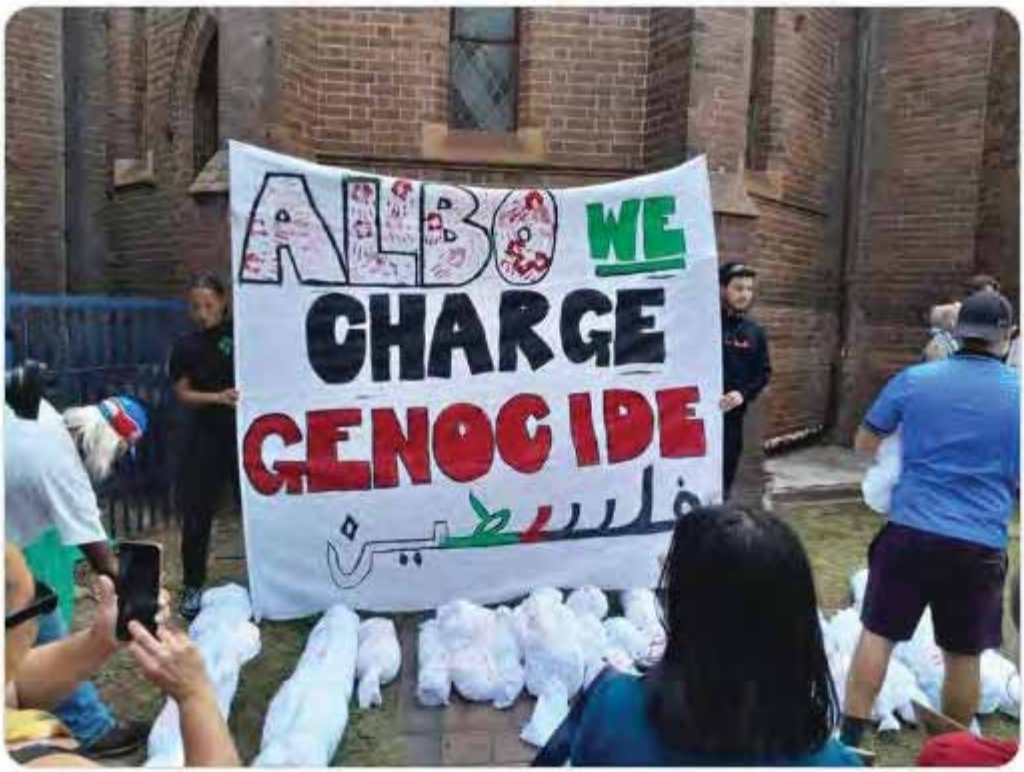
2 4 29 820

202-213

**Nick Riemer**
@NickRiemer1

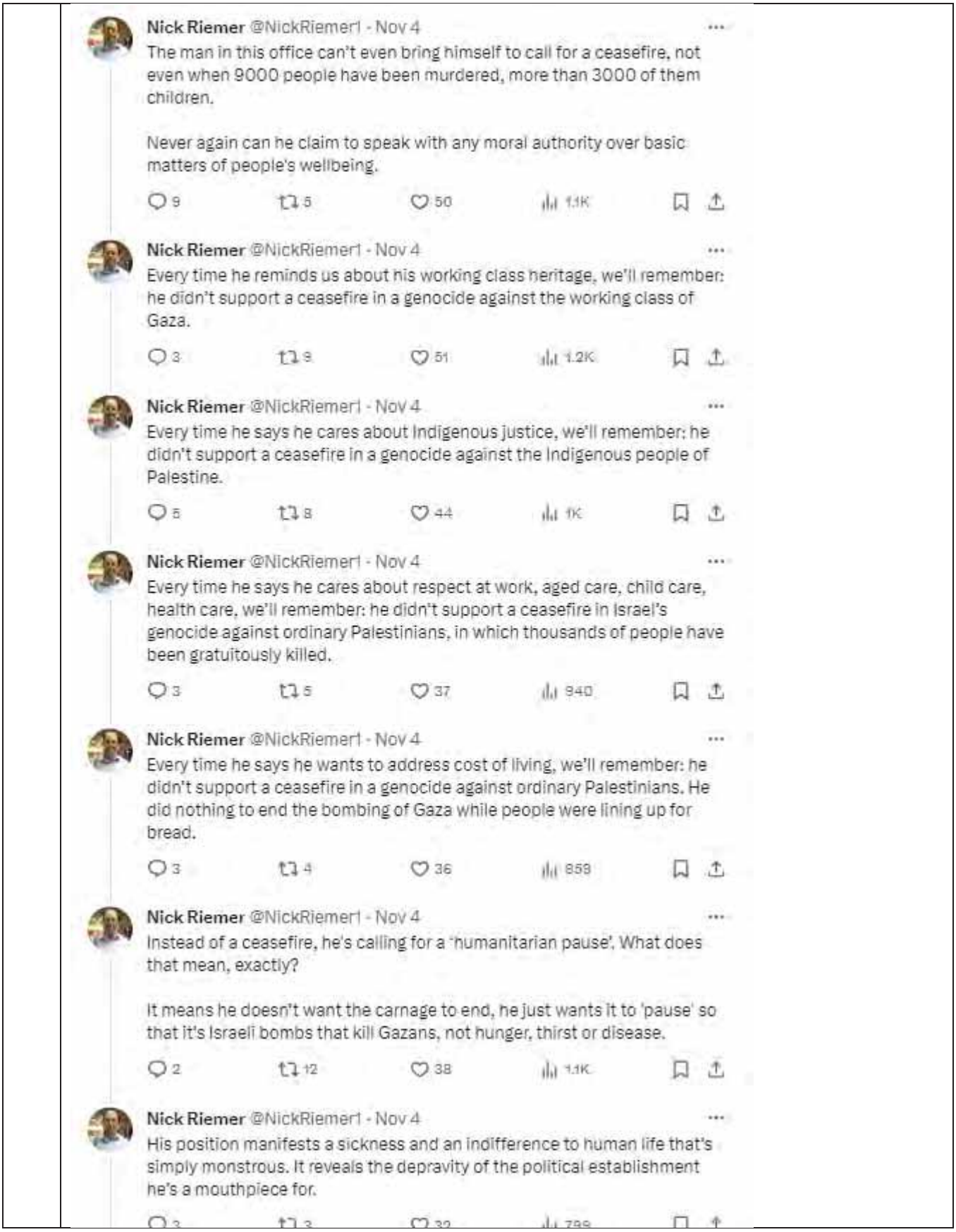
Spoke at a demonstration yesterday outside @AlboMP's electoral office. We always hear about Albo the underdog, Albo the child of a single mum, now Albo the PM.

What we'll remember is Albo the genocide supporter.




8:51 AM · Nov 4, 2023 · **51K** Views

72 182 465 9



**Nick Riemer** @NickReimer1 · Nov 4

The man in this office can't even bring himself to call for a ceasefire, not even when 9000 people have been murdered, more than 3000 of them children.

Never again can he claim to speak with any moral authority over basic matters of people's wellbeing.

9 5 50 1.1K

**Nick Riemer** @NickReimer1 · Nov 4

Every time he reminds us about his working class heritage, we'll remember: he didn't support a ceasefire in a genocide against the working class of Gaza.

3 9 51 1.2K

**Nick Riemer** @NickReimer1 · Nov 4

Every time he says he cares about Indigenous justice, we'll remember: he didn't support a ceasefire in a genocide against the Indigenous people of Palestine.

5 8 44 1K

**Nick Riemer** @NickReimer1 · Nov 4

Every time he says he cares about respect at work, aged care, child care, health care, we'll remember: he didn't support a ceasefire in Israel's genocide against ordinary Palestinians, in which thousands of people have been gratuitously killed.

3 5 37 940

**Nick Riemer** @NickReimer1 · Nov 4

Every time he says he wants to address cost of living, we'll remember: he didn't support a ceasefire in a genocide against ordinary Palestinians. He did nothing to end the bombing of Gaza while people were lining up for bread.

3 4 36 859

**Nick Riemer** @NickReimer1 · Nov 4

Instead of a ceasefire, he's calling for a 'humanitarian pause'. What does that mean, exactly?

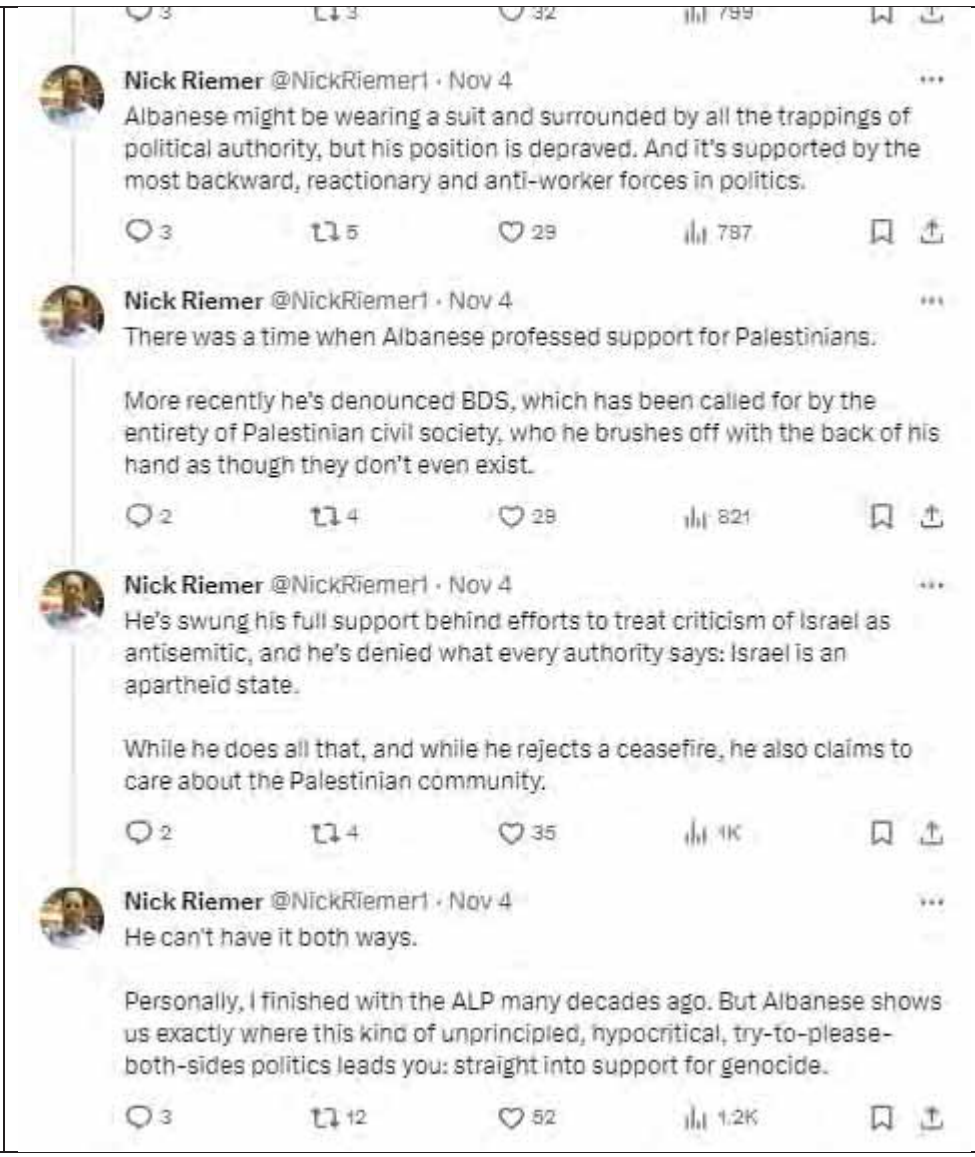
It means he doesn't want the carnage to end, he just wants it to 'pause' so that it's Israeli bombs that kill Gazans, not hunger, thirst or disease.

2 12 38 1.1K

**Nick Riemer** @NickReimer1 · Nov 4

His position manifests a sickness and an indifference to human life that's simply monstrous. It reveals the depravity of the political establishment he's a mouthpiece for.

3 3 32 799



**Nick Riemer** @NickReimer1 · Nov 4

Albanese might be wearing a suit and surrounded by all the trappings of political authority, but his position is depraved. And it's supported by the most backward, reactionary and anti-worker forces in politics.

3 · 5 · 29 · 787

**Nick Riemer** @NickReimer1 · Nov 4

There was a time when Albanese professed support for Palestinians.

More recently he's denounced BDS, which has been called for by the entirety of Palestinian civil society, who he brushes off with the back of his hand as though they don't even exist.

2 · 4 · 29 · 821

**Nick Riemer** @NickReimer1 · Nov 4

He's swung his full support behind efforts to treat criticism of Israel as antisemitic, and he's denied what every authority says: Israel is an apartheid state.

While he does all that, and while he rejects a ceasefire, he also claims to care about the Palestinian community.

2 · 4 · 35 · 1K

**Nick Riemer** @NickReimer1 · Nov 4

He can't have it both ways.

Personally, I finished with the ALP many decades ago. But Albanese shows us exactly where this kind of unprincipled, hypocritical, try-to-please-both-sides politics leads you: straight into support for genocide.

3 · 12 · 52 · 1.2K

214

Nick Riemer reposted

**AROC #FreePalestine** @AROCBayArea · Nov 4

BREAKING: The military ship has left the port of Oakland and is heading to Tacoma, WA where organizers are preparing to Block the Boat. Organizers in Oakland protested until the last moment to demand an end to US military aid to Israel. #ceasefireNow #blocktheboat #FreePalestine

103 2.7K 4.9K 682K

215-219

**Nick Riemer**
@NickReimer1

More and more unions here at the Sydney demonstration. Thread. NTEU. @NTEUnion

1:51 PM · Nov 4, 2023 · **11.7K** Views

63 86 344 3

**Nick Riemer** @NickRiemer1 · Nov 4

RAFFWU @raffwu

2 3 36 826

**Nick Riemer** @NickRiemer1 · Nov 4

Teachers' Fed @TeachersFed

5 5 30 709

**Nick Riemer** @NickReimer1 · Nov 4
RAFFWU @raffwu

2 3 36 826

**Nick Riemer** @NickReimer1 · Nov 4
Teachers' Fed @TeachersFed

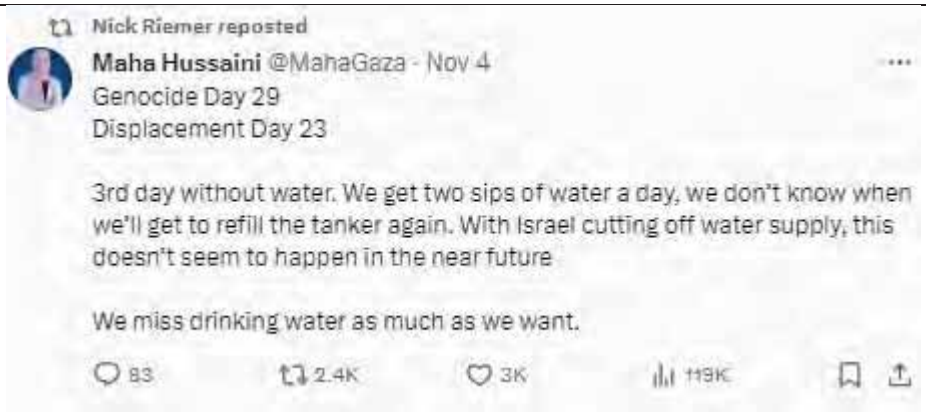
5 5 30 709

**Nick Riemer** @NickRiemer1 · Nov 4
ASU @ASUnion

3 7 38 1.3K

**Nick Riemer** @NickRiemer1 · Nov 4
MUA @MUASydneyBranch

6 7 41 1.3K

| | |
|---|---|
| 220 |  Nick Riemer reposted<br>Maha Hussaini @MahaGaza · Nov 4<br>Genocide Day 29<br>Displacement Day 23<br>3rd day without water. We get two sips of water a day, we don't know when we'll get to refill the tanker again. With Israel cutting off water supply, this doesn't seem to happen in the near future<br>We miss drinking water as much as we want.<br>83<br>2.4K<br>3K<br>119K |
| 221 | Nick Riemer reposted<br>David Landy @dlandy100 · Nov 3<br>I'm very proud that over 600 academics in Ireland have signed our @AcaforPalestine call for Irish universities to cut ties with Israeli institutions.<br>'Academics call for ties with Israeli institutions to be cut'<br>irishexaminer.com<br>59<br>324<br>922<br>24K |

222

Nick Riemer reposted

**Academics for Palestine** @AcaforPalestine · Nov 4

Our letter is now in published in the Irish Times.

'War in the Gaza Strip
Academics call on Irish universities to suspend ties with Israeli institutions'

The full list of over 600 signatories can be viewed in the IT's online version:
irishtimes.com/opinion/letter...

# the Editor

## War in the Gaza Strip

Sir, – We write as academics and scholars in or from Ireland. The scale and severity of Israel's current war on the Gaza Strip has exceeded all previous levels of violence in the prolonged and brutal Israeli occupation of Palestine.

It is a campaign of ethnic cleansing and, according to many experts, genocidal violence.

The incursion by Palestinian armed groups on October 7th included criminal attacks against civilians.

But under no circumstances does international law permit the systematic bombardment and collective punishment of civilians in a besieged occupied territory.

The dehumanising language and tropes widely used by Israeli leaders in reference to Palestinians echo those typically associated with genocidal incitement and intent.

In the past three weeks, Israel's military acts have matched those words, killing more than 9,000 Palestinians inside Gaza, including some 3,760 children (more than the annual number of children killed in the rest of the world's armed conflicts combined).

Many more Palestinians are dying from the lack of fuel, water, electricity and medical supplies due to the deliberate blockade. Gaza's hospitals are barely able to function – no power for ventilators, using vinegar as an antiseptic, performing surgeries without anaesthetic – and continue to be hit by Israeli air-

cide studies have called this "a textbook case of genocide". Bosnian genocide experts have likewise stated that "what is happening in Gaza is genocide".

After the first week of Israel's onslaught, a group of more than 800 international lawyers and genocide scholars were "compelled to sound the alarm about the possibility of genocide being perpetrated by Israeli forces", while UN human rights special rapporteurs warned of "the risk of genocide against the Palestinian people", calling on all states and international organisations to fulfil their duties to prevent genocide.

The killing and destruction has only escalated since then. More than 60 UN member states have now used the language of genocide to describe Israel's attacks on Gaza's population. This week, the South African foreign minister referenced the Rwandan genocide and "reminded the international community not to stand idle while another genocide is unfolding".

With the atrocities in Gaza now added to Israel's 75 years of colonisation and occupation of Palestinian lands, there should be nothing remotely approximate to "business as usual" continuing.

Many Irish universities and EU-funded research projects have active collaborations with Israeli universities. Israeli universities are, in the words of the Palestinian Campaign for the Academic and Cultural Boycott

Meanwhile, several Palestinian universities in Gaza have been destroyed by the Israeli airstrikes, with some 70 academics and 2,000 students among the civilians killed.

We call on all universities in Ireland to immediately sever any existing institutional partnerships or affiliations with Israeli institutions. Those ties should be suspended until the occupation of Palestinian territory is ended, the Palestinian right to equality and self-determination are vindicated, and the right of Palestinian refugees to return is facilitated.

Anything less at this point amounts to tacit support for crimes against humanity. – Yours, etc,

PROF KATHLEEN LYNCH, University College Dublin.
PROF SIOBHAN WILLS, Ulster University.
PROF EUGENIA SIAPERA, University College Dublin.
PROF EMER NOLAN, Maynooth University.
PROF LAURA McATACKNEY, University College Cork.
PROF NICHOLAS DALY, University College Dublin.
PROF AOIFE O'DONOGHUE, Queen's University Belfast.
PROF DEREK JOHERTY, Trinity College Dublin.
PROF GAVAN TITLEY, Maynooth University.
PROF LIONEL PILKINGTON, University of Galway.
PROF MICHELLE FARRELL,

1 · 583 · 879 · 243K

-

223

Nick Riemer reposted
Brendan Ciarán Browne @brendancbrowne · Nov 4
There are no universities left in Gaza.
Muhammad Smiry @MuhammadSmiry · Nov 4
No universities left in Gaza
0:21
1
177
229
27K

224

Nick Riemer reposted

**Birzeit University** @BirzeitU · Nov 4

The Israeli occupation bombs and destroys Al-Azhar University in Al-Mughraqa in Gaza, continuing its war crimes against humanity.
The Israeli occupation's hatred targets everything in Gaza; school, universities, hospitals, churches, mosques, and organizations all being bombed.

39 1.1K 1.4K 1M

225

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 4

From the country that demands the "right to self defence"! This is not self defence, the pictures tell the real story, a racist ideology emboldened by allies to unleash the very worst of human attributes - when unadulterated power & unchecked hate are mixed together.

**Michael Galant** @michael_galant · Nov 4

"Palestinian workers, stranded since the October 7 attacks... show bracelets on which are written the numbers assigned to them while they were detained by Israel." This should look all too familiar. Source: AFP

6 49 119 8.2K

226

Nick Riemer reposted

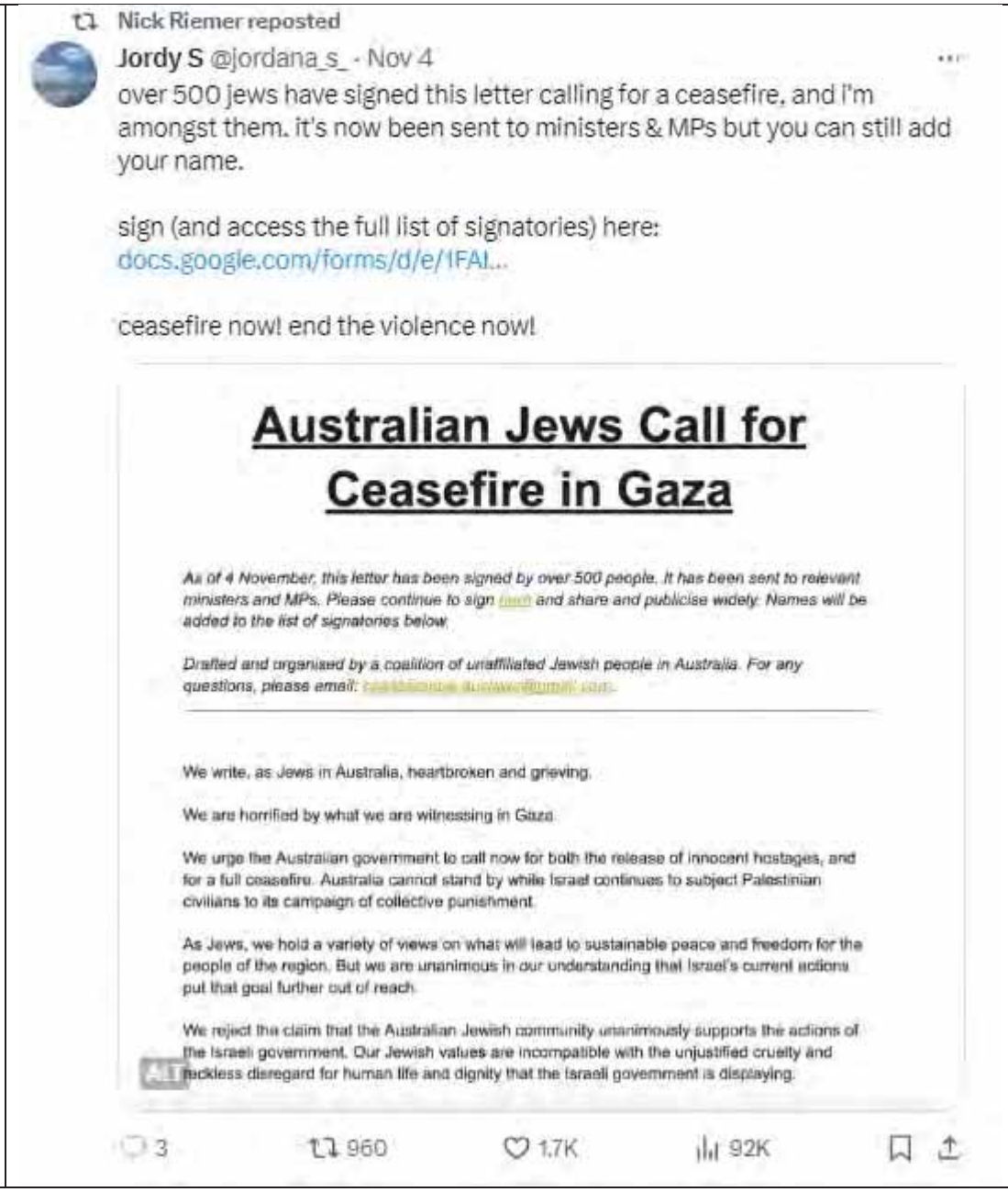
**Nasser Mashni** @iamthenas · Nov 5

Call for a ceasefire now.
Follow @APAN4Palestine and take immediate action.

Please share...

9 175 230 14K

227



Nick Riemer reposted

**Jordy S** @jordana_s_ · Nov 4

over 500 jews have signed this letter calling for a ceasefire, and i'm amongst them. it's now been sent to ministers & MPs but you can still add your name.

sign (and access the full list of signatories) here:
docs.google.com/forms/d/e/1FAI...

ceasefire now! end the violence now!

# Australian Jews Call for Ceasefire in Gaza

*As of 4 November, this letter has been signed by over 500 people. It has been sent to relevant ministers and MPs. Please continue to sign and share and publicise widely. Names will be added to the list of signatories below.*

*Drafted and organised by a coalition of unaffiliated Jewish people in Australia. For any questions, please email:*

We write, as Jews in Australia, heartbroken and grieving.

We are horrified by what we are witnessing in Gaza.

We urge the Australian government to call now for both the release of innocent hostages, and for a full ceasefire. Australia cannot stand by while Israel continues to subject Palestinian civilians to its campaign of collective punishment.

As Jews, we hold a variety of views on what will lead to sustainable peace and freedom for the people of the region. But we are unanimous in our understanding that Israel's current actions put that goal further out of reach.

We reject the claim that the Australian Jewish community unanimously supports the actions of the Israeli government. Our Jewish values are incompatible with the unjustified cruelty and reckless disregard for human life and dignity that the Israeli government is displaying.

3 960 1.7K 92K

228

**Nick Riemer** @NickRiemer1 · Nov 5

Important action this coming Saturday in Sydney . Start planning your transport now. Details in the thread.

> **Palestine Justice Movement Sydney** @PalestineRising · Nov 4
>
> Stop the genocide in Gaza! Protest 12pm next Saturday at Port Botany. The ZIM shipping line is a major transporter of armaments. It isn't welcome in Port Botany, or anywhere people stand against genocide and war crimes

64 226 389 22K

229

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 4

Israel has put the nail in the coffin of its fascist savage regime. The depravity & butchery that has defined it for 75 yrs which we have been pleading for the world to stop can no longer be denied. Israel is finished. It's frenzy of barbarity proves that it knows it.

29 224 629 25K

230

Nick Riemer reposted

**Omar Sakr** @omarsakrpoet · Nov 5

We need more than protests. The protests against the Iraq war showed us that. We need strikes, we need civil disobedience, we need to make politicians unable to continue with any other business by making this demand so overwhelming they must give in.

> **الكسندرا ميراي** @LexiAlex · Nov 5
> What if millions of people went to the streets to yell "ceasefire" and nobody in power cares.

18 10K 22K 776K

231

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 5

#MELBOURNE out in force for #palestine not too late to join us at the State Library

6 194 548 16K

232

Nick Riemer reposted

**evelyn araluen** @evelynaraluen · Nov 3

Do you work for an Australian organisation that has advised staff and affiliates not to speak about Palestine, or has placed restrictions on any expression of support for Palestine? We are gathering anonymous data on Aus orgs censoring their staff.

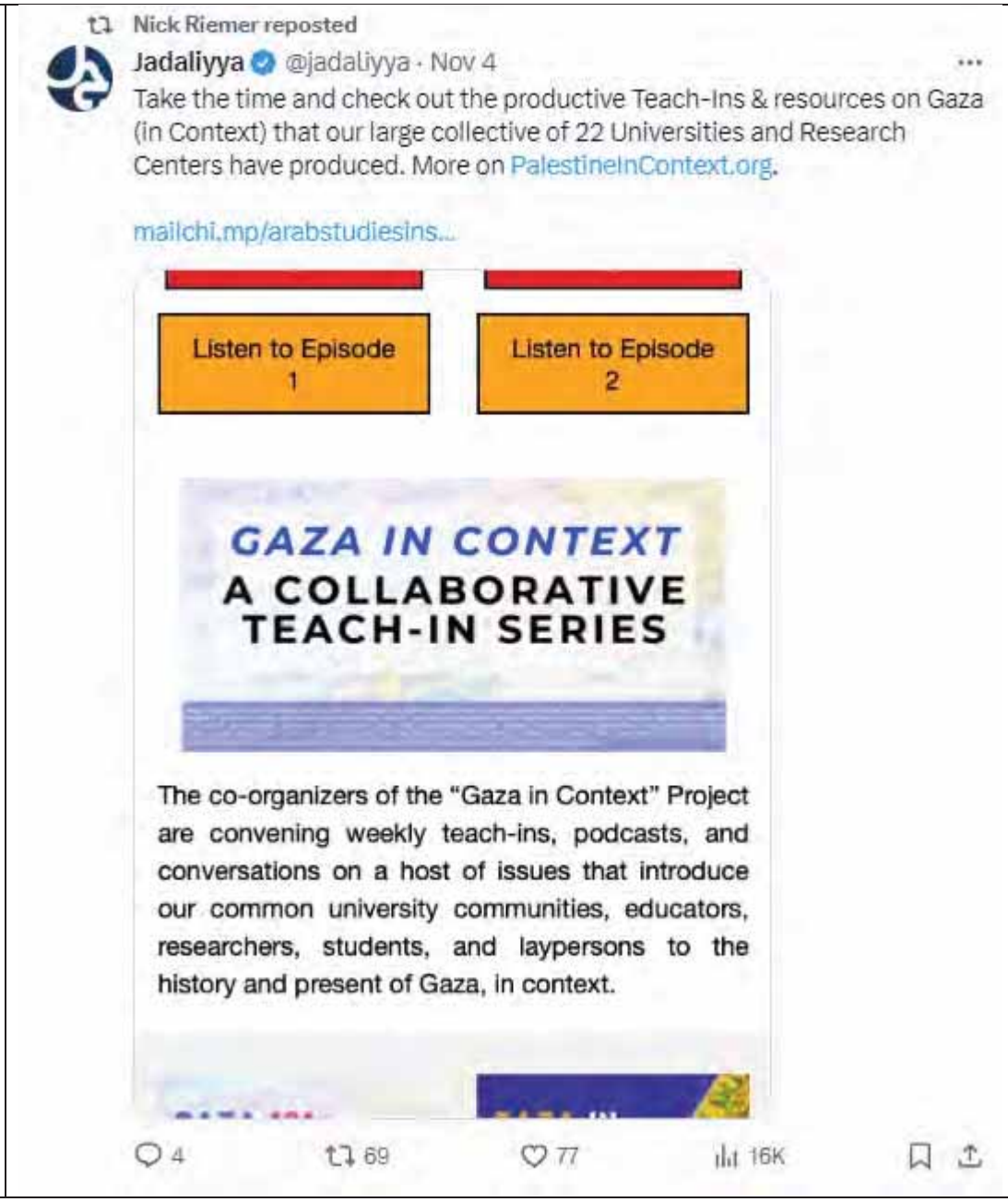
docs.google.com
Exposing censorship in Australian organisations
Since well before October 7, major Australian news publishers have conspicuously avoided supposedl...

27 900 1K 148K

233

Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 4
The level of sheer cruelty is beyond comprehension. First they deny water & electricity, & now they are bombing water tanks & solar panels. The Israeli regime is a criminal genocidal regime. They have broken every red line & the West is giving them the green light to do so.
LIVE UPDATES
'Last nail in the coffin': Israel bombs water tanks, solar panels in Gaza
Dozens of Palestinians in besieged enclave killed in attacks targeting ambulances, hospital areas and shelters.
By Mersiha Gadzo, Virginia Pietromarchi
44
3.6K
4.7K
191K

234


Nick Riemer reposted
Jadaliyya @jadaliyya · Nov 4
Take the time and check out the productive Teach-Ins & resources on Gaza (in Context) that our large collective of 22 Universities and Research Centers have produced. More on PalestineInContext.org.
mailchi.mp/arabstudiesins...
Listen to Episode 1
Listen to Episode 2
GAZA IN CONTEXT
A COLLABORATIVE TEACH-IN SERIES
The co-organizers of the "Gaza in Context" Project are convening weekly teach-ins, podcasts, and conversations on a host of issues that introduce our common university communities, educators, researchers, students, and laypersons to the history and present of Gaza, in context.
4
69
77
16K

235

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Nov 5

Last year @Sydney_Uni rang its bells for Ukraine. Can we ring them for #Gaza now? How about it @mscott? @arjagose?

> **Sydney Uni Media** @SydneyUni_Media · Mar 4, 2022
>
> UKRAINE: Ring the bells for peace
>
> University of Sydney carillon will ring for peace in Ukraine on Saturday, joining bells around the world.
>
> ...
>
> Show more

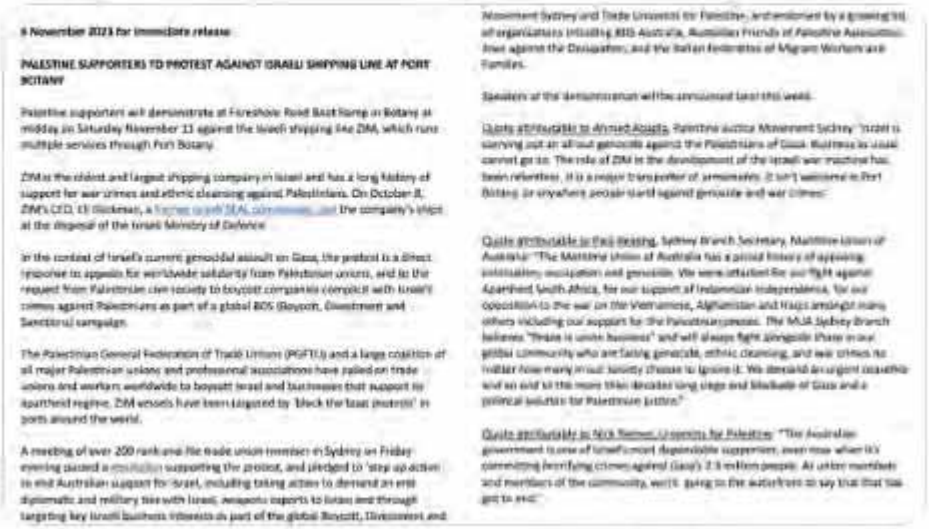
5 28 88 8.3K

236

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 6

MEDIA RELEASE - Palestine supporters to protest against Israeli shipping line at Port Botany.



6 November 2023 for immediate release

**PALESTINE SUPPORTERS TO PROTEST AGAINST ISRAELI SHIPPING LINE AT PORT BOTANY**

Palestine supporters will demonstrate at Foreshore Road Boat Ramp in Botany at midday on Saturday November 11 against the Israeli shipping line ZIM, which runs multiple services through Port Botany.

ZIM is the oldest and largest shipping company in Israel and has a long history of support for war crimes and ethnic cleansing against Palestinians. On October 8, ZIM's CEO, Eli Glickman, a former Israeli SEAL commander, said the company's ships at the disposal of the Israeli Ministry of Defence.

In the context of Israel's current genocidal assault on Gaza, the protest is a direct response to appeals for worldwide solidarity from Palestinian unions, and to the request from Palestinian civil society to boycott companies complicit with Israel's crimes against Palestinians as part of a global BDS (Boycott, Divestment and Sanctions) campaign.

The Palestinian General Federation of Trade Unions (PGFTU) and a large coalition of all major Palestinian unions and professional associations have called on trade unions and workers worldwide to boycott Israel and businesses that support its apartheid regime. ZIM vessels have been targeted by 'block the boat protests' in ports around the world.

A meeting of over 200 rank-and-file trade union members in Sydney on Friday evening passed a resolution supporting the protest, and pledged to 'step up action to end Australian support for Israel, including taking action to demand an end diplomatic and military ties with Israel, weapons exports to Israel and through targeting key Israeli business interests as part of the global Boycott, Divestment and Sanctions campaign.

Maritime Union of Australia, Transport Workers Union of Australia, Australian Manufacturing Workers Union, Australian Nursing and Midwifery Federation, Australian Education Union, National Tertiary Education Union, Sydney Trades and Labour Council, Maritime Union of Australia Sydney Branch, Transport Workers Union Sydney Branch, Australian Manufacturing Workers Union Sydney Branch, Australian Nursing and Midwifery Federation Sydney Branch, Australian Education Union Sydney Branch, National Tertiary Education Union Sydney Branch

237

**Nick Riemer** @NickRiemer1 · Nov 6

"I had been waiting for and just begun an important course at IUG. Now it was gone in the blink of an eye."

> **Electronic Intifada** @intifada · Nov 6
> I had just graduated from the Islamic University of Gaza, then Israel bombed it. bit.ly/3MvVAyO

7 16 40 4.3K

238

Nick Riemer reposted

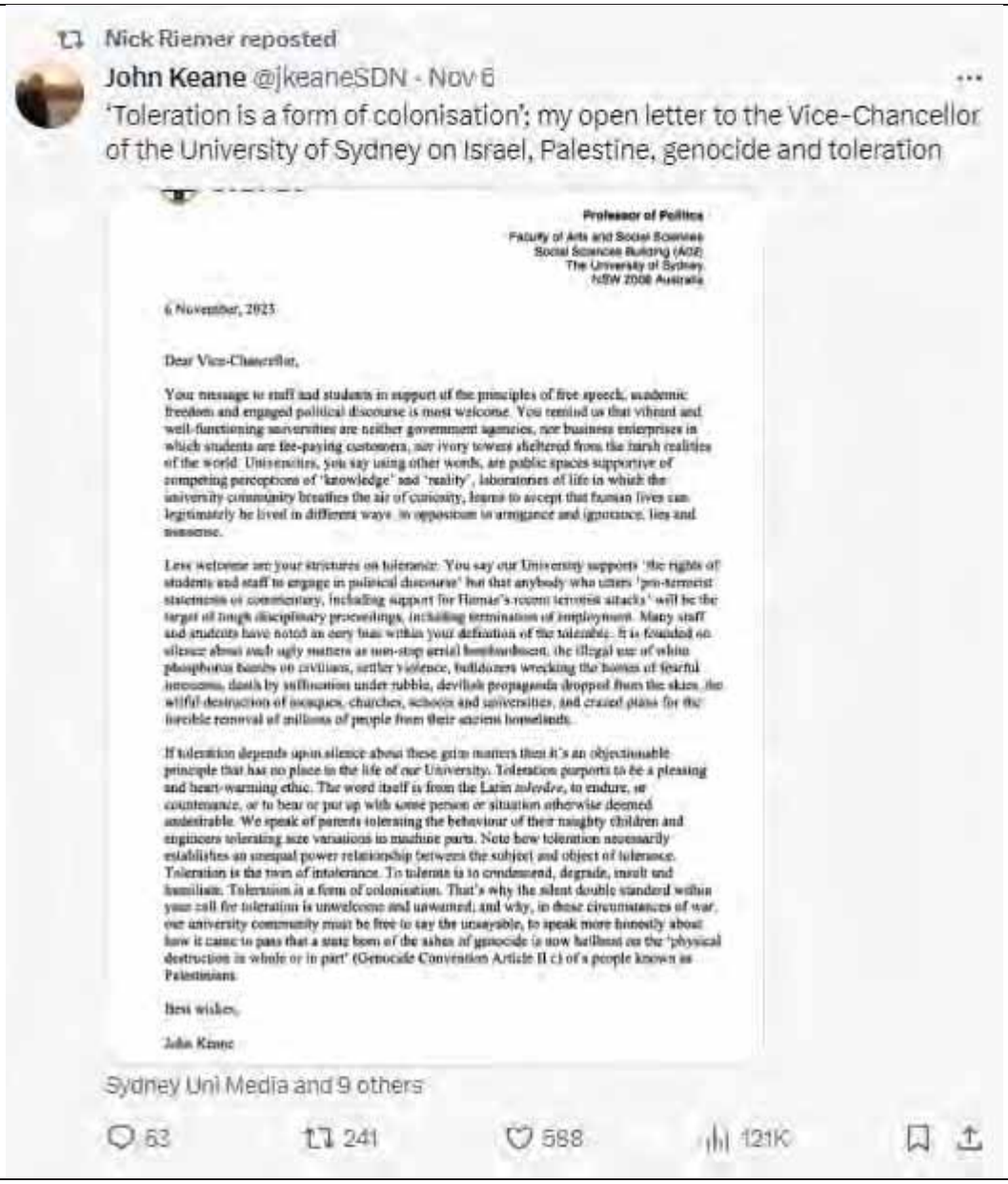
**Mathew Abbott** @mathew_abbott · Nov 6

This Wednesday 5.30pm

78 Webb Dock Drive, Port Melbourne

264 403 23K

239



Nick Riemer reposted

**John Keane** @jkeaneSDN · Nov 6

'Toleration is a form of colonisation': my open letter to the Vice-Chancellor of the University of Sydney on Israel, Palestine, genocide and toleration

**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 easy 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 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 *tolerāre*, to endure, to 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 brilliant on the 'physical destruction in whole or in part' (Genocide Convention Article II c) of a people known as Palestinians.

Best wishes,

John Keane

Sydney Uni Media and 9 others

63 241 588 121K

240

**Nick Riemer** @NickRiemer1 · Nov 6

Statement of solidarity with Palestine from Australian university staff: 'We stand in unwavering solidarity with the Palestinian people. We join millions around the world in the call for an immediate stop to this genocidal war and justice for Palestine'.

150 293 704 25K

241

Nick Riemer reposted

**Lowkey** @Lowkey0nline · Nov 7

Dockworkers in Barcelona are refusing to load ships with military hardware to be sent to Israel.

257 6.8K 23K 458K

242

Nick Riemer reposted

**Mariam Barghouti** مريم البرغوثي @MariamBarghouti · Nov 7

There are mass trials and torture that's beyond description happening in the West Bank.

Prisons are overflowing and we're reaching record highs of arrests with no trial or charge.

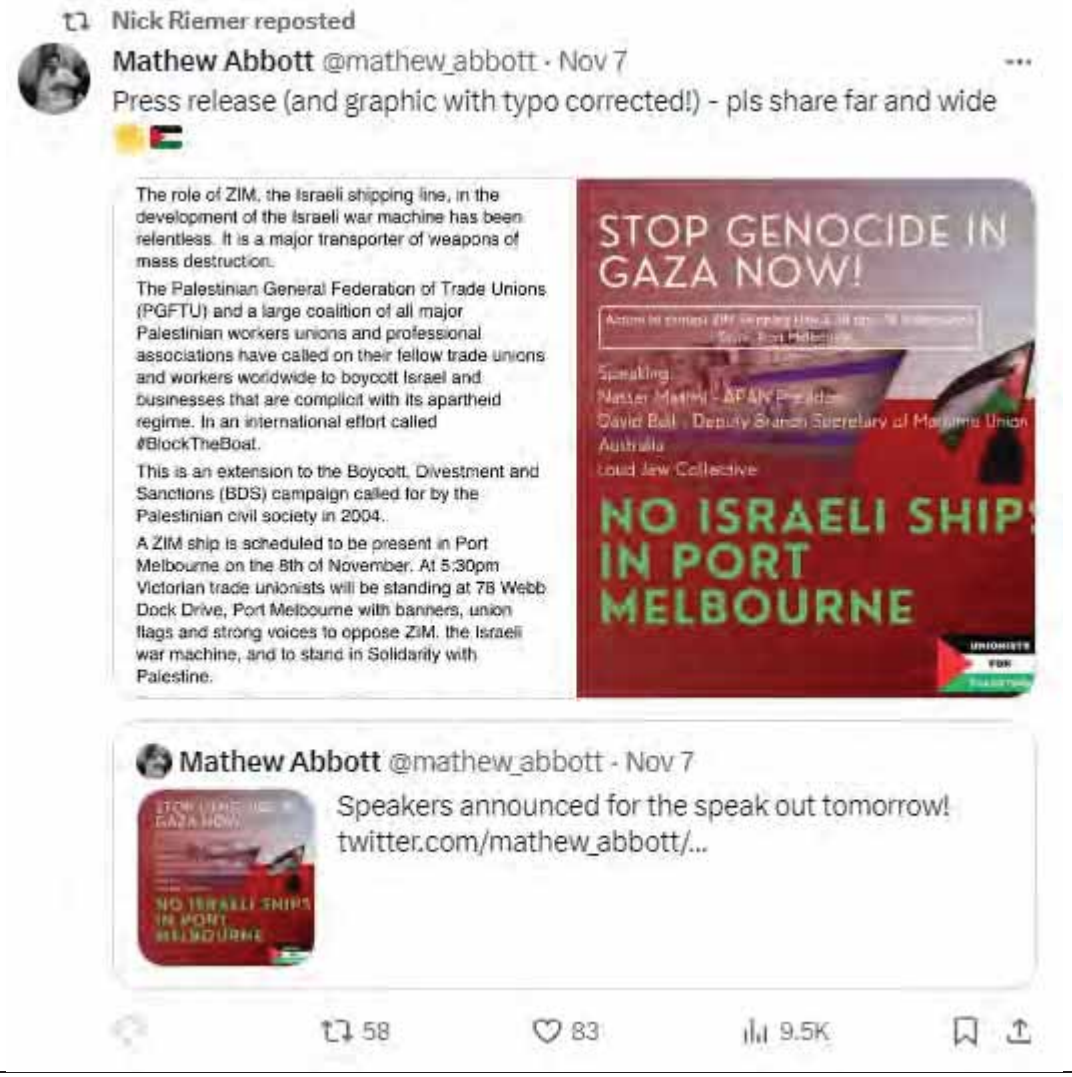
Stop this madness.

59 1.8K 2.4K 75K

243

Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 7
Not too late to add your signature. Don't be silent on genocide.
docs.google.com/forms/d/e/1FAI...
Nick Riemer @NickReimer1 · Nov 6
Statement of solidarity with Palestine from Australian university staff: 'We stand in unwavering solidarity with the Palestinian people. We join millions around the world in the call for an immediate stop to this genocidal war and justice for Palestine'.
overland.org.au/2023/11/statem...

244


Nick Riemer reposted
Mathew Abbott @mathew_abbott · Nov 7
Press release (and graphic with typo corrected!) - pls share far and wide
The role of ZIM, the Israeli shipping line, in the development of the Israeli war machine has been relentless. It is a major transporter of weapons of mass destruction.
The Palestinian General Federation of Trade Unions (PGFTU) and a large coalition of all major Palestinian workers unions and professional associations have called on their fellow trade unions and workers worldwide to boycott Israel and businesses that are complicit with its apartheid regime. In an international effort called #BlockTheBoat.
This is an extension to the Boycott, Divestment and Sanctions (BDS) campaign called for by the Palestinian civil society in 2004.
A ZIM ship is scheduled to be present in Port Melbourne on the 8th of November. At 5:30pm Victorian trade unionists will be standing at 78 Webb Dock Drive, Port Melbourne with banners, union flags and strong voices to oppose ZIM, the Israeli war machine, and to stand in Solidarity with Palestine.
STOP GENOCIDE IN GAZA NOW!
Speaking:
Loud Jew Collective
NO ISRAELI SHIP
IN PORT
MELBOURNE
Mathew Abbott @mathew_abbott · Nov 7
Speakers announced for the speak out tomorrow!
twitter.com/mathew_abbott/...
58
83
9.5K

245

**Nick Riemer** @NickRiemer1 · Nov 7

'It is time for the entirety of the academic world to take urgent action to stop Israel's genocide in Gaza and its ongoing scholasticide against all Palestinians. If not now, when?'

30 31 81 4.2K

246

Nick Riemer reposted

**evelyn araluen** @evelynaraluen · Nov 7

Respectfully, Phillip, you don't subscribe to Overland, or if you do I can't find record of you in our system. We have supported Palestine and Palestinian writers for many years, so when the authors of this letter approached us we chose to continue our support.

> **Phillip Adams** @PhillipAdams_1 · Nov 7
> I've a lifelong association with the left wing Overland magazine- and agree with Barry Jones in deploying its line on Hamas

15 57 506 41K

247

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 8

Black-Palestinian solidarity - yesterday,today and tomorrow!

273 409 1.3K 79K

248

Nick Riemer reposted

**Birzeit University** @BirzeitU · Nov 6

138000 students were suspended from face-to-face education in 34 higher academic institutions in the West Bank due to the difficulties of transports for the staff and students, caused by the occupation's roadblocks and the settler terrorism.
#Gaza_Attack #STOP_THE_GENOCIDE

2 160 135 32K

249

Nick Riemer @NickReimer1 · Nov 8
Important BDS victory in Australia. Congratulations to the activists involved. More universities should follow suit.
BDS_Australia @BDS_Australia · Nov 7
Amidst the horror of Israel's assault on Gaza, we are able to bring news of a #BDS victory in Australia as one of the big universities confirms it's no longer partnering with #Elbit @BDSmovement #EndMilitaryTiesWithIsrael @RMIT @RMITSU #StopTheGenocide bdsaustralia.net.au/bds-victory-rm...
BDS VICTORY
RMIT DITCHES ELBIT !
22
178
472
19K

250

**Nick Riemer** @NickReimer1 · Nov 8

The union members' petition on Palestine keeps growing. It now has 2650+ signatures, including from some official union bodies. Congratulations to all unionists who've exercised their right to take a stand. Justice & solidarity: the essence of unionism.
forms.gle/xw2ogn4k1FVV7t...

## Union members in solidarity with Palestine

In accordance with the union movement's values of **peace, justice and solidarity with working people**, we are horrified by the current war between Israel and Hamas and the unspeakable bloodshed and violence it has caused. This tragedy is a direct result of Israel's blockade and siege of Gaza, and of the apartheid and ethnic cleansing it maintains in the West Bank and within its own borders.

In the first instance, we call for **an immediate suspension of all hostilities and an immediate end to the blockade of Gaza**. Gaza must not be cut off from food, medicine, fuel and humanitarian supplies, its power supply must be resumed, and critical health, water and other infrastructure must be restored immediately.

We also call for an **end to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing**. As unionists, we stand in solidarity with all people who support the cause of **peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East**.

We support the **demonstrations around Australia for Palestine**, and call on governments and police authorities to facilitate them. The union movement will never accept political restrictions on the **right to protest, which is fundamental to democracy**.

20 91 223 8.5K

251

Nick Riemer reposted

**Warwick Gow** @warwickgowphoto · Nov 8

Proud to be supporting @asu4palestine as a member of @servicesunion and be a signatory of this!

**Nick Riemer** @NickReimer1 · Nov 8

The union members' petition on Palestine keeps growing. It now has 2650+ signatures, including from some official union bodies. Congratulations to all unionists who've exercised their right to take a stand. Justice & solidarity: the essence of unionism. forms.gle/xw2ogn4k1FVV7t...

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1 6 12 873

252

Nick Riemer @NickReimer1 · Nov 8
Why won't @Sydney_Uni pay casual staff for all the work they do? No one can give students proper feedback when they're paid 13 minutes per 1000-word essay. Great to be at @NTEUnion members' teach-in as they make this basic, basic point.
4
18
104
3.6K

253

Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 8
Join us this coming Monday for a conversation on carcerality and Palestinian children with UN Special Rapporteur @FranceskAlbs and children's rights expert @NoamPeleg at @unswcclj. Join in person (UNSW Law) or via zoom. Register via this link: cclj.unsw.edu.au/event/multilay...
59
62
6.5K

| | |
|---|---|
| 254 | |

Nick Riemer @NickReimer1 · Nov 8
Thanks to @daniellamariewh for covering this story and for highlighting that Sydney University has gone further than other Australian institutions in penalizing pro-Palestinian speech.
smh.com.au
The Sydney Morning Herald
25
91
176
10K

255

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Nov 8

**MARK-IN / SCOTT-OUT**

A group of casual staff brought our essay marking to USYD management today to show what it looks like when we're given just 13 minutes to mark a paper

@mscott is prioritising $$$$ over education

Casual staff should be listened to, not ignored

> **Nick Riemer** @NickReimer1 · Nov 8
> Why won't @Sydney_Uni pay casual staff for all the work they do? No one can give students proper feedback when they're paid 13 minutes per 1000-word essay. Great to be at @NTEUnion members' teach-in as they make this basic, basic point.

2 14 842

256

**Nick Riemer** @NickReimer1 · Nov 8

Pro-Palestine protesters block Israeli shipping line in Melbourne. Great, quick work from Naarm activists.

canberratimes.com.au
Pro-Palestine protesters block Israeli shipping line
A Melbourne shipyard has ground to a halt after hundreds of pro-Palestine protesters blocked entr...

8 26 89 2K

257

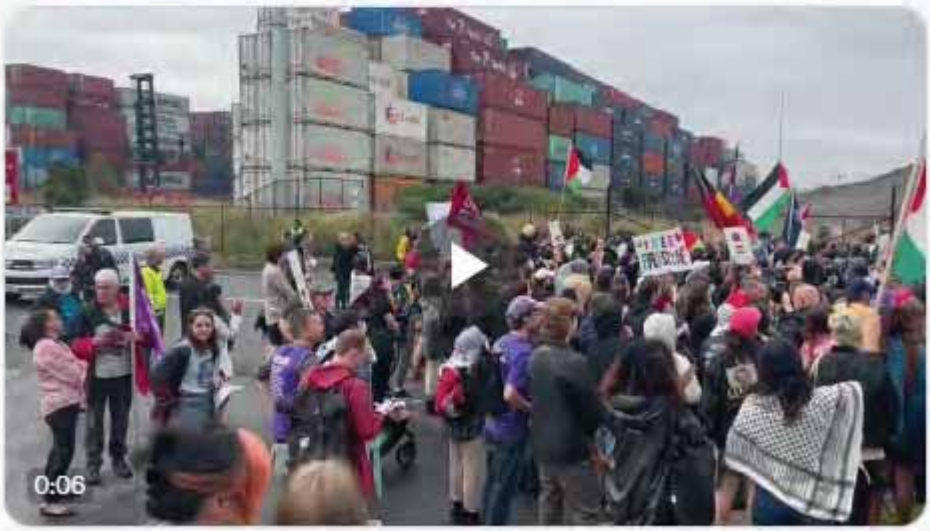
Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 8

The #BlockTheBoat action worked! The boat has bypassed Melbourne. WIN!

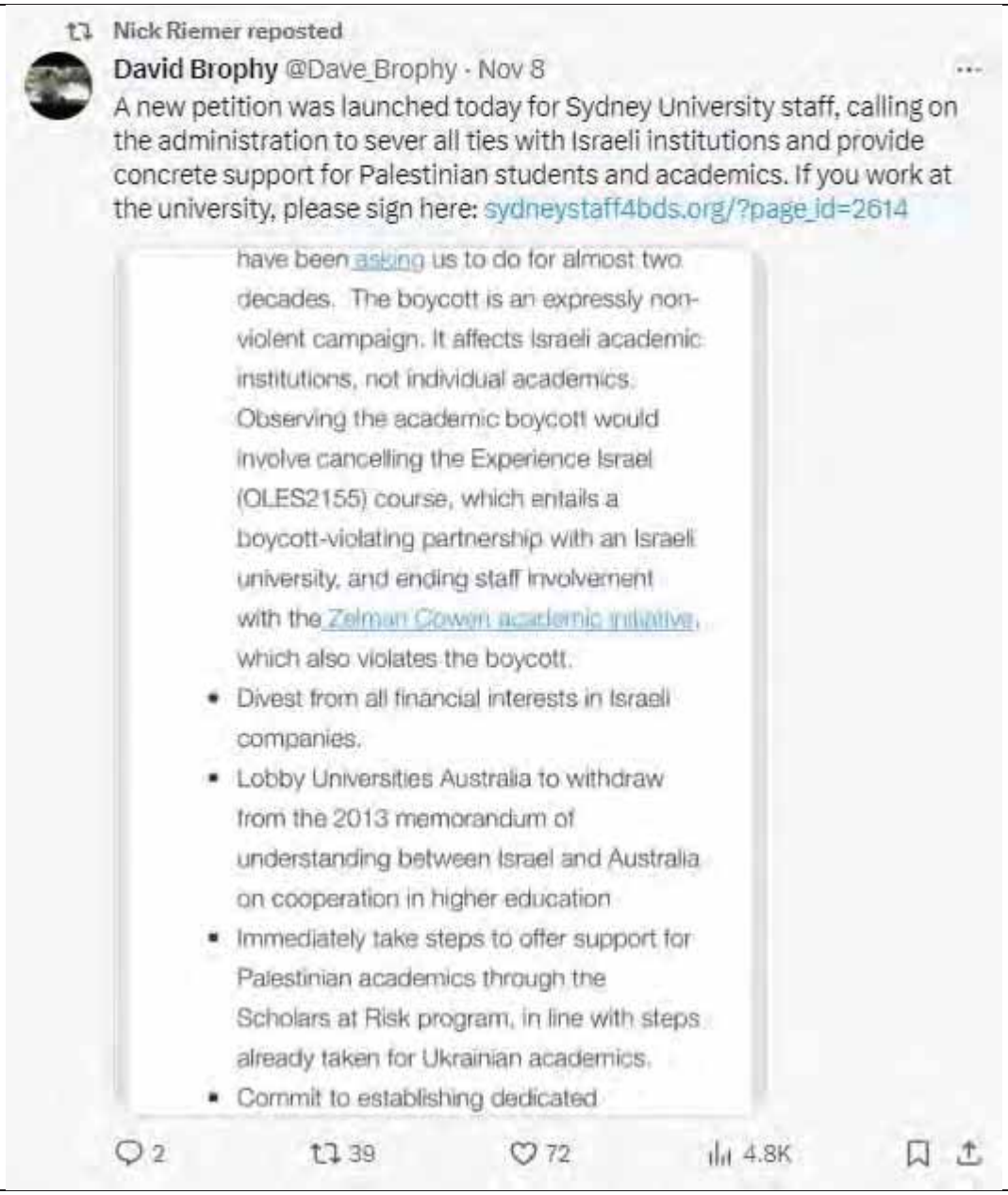
Solidarity activists now taking direct action against at @ZimShipping

#StopGenocideInGaza #CeasefireForGazaNOW #CeasefireForGaza #CeaseFire

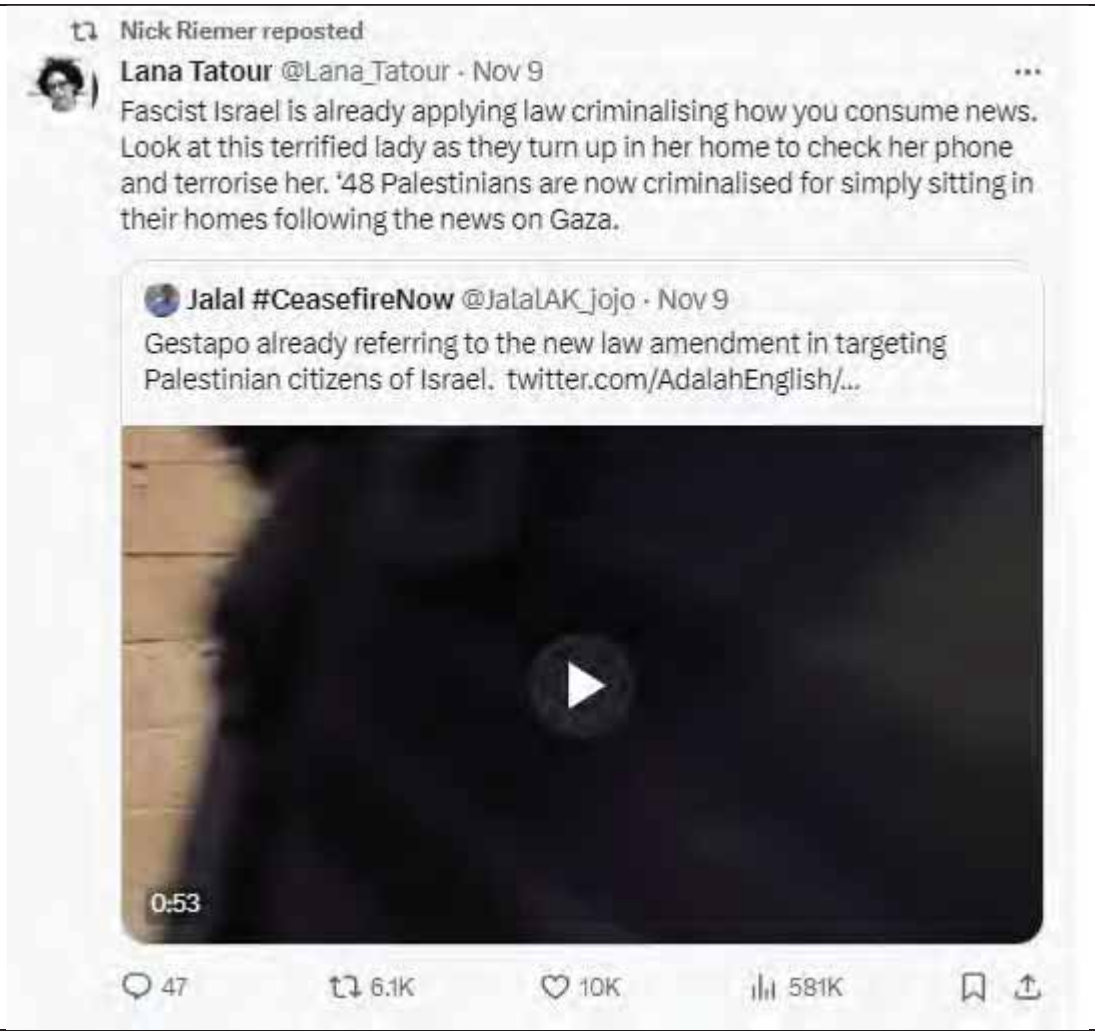



26 440 901 75K

258


Nick Riemer reposted
David Brophy @Dave_Brophy · Nov 8
A new petition was launched today for Sydney University staff, calling on the administration to sever all ties with Israeli institutions and provide concrete support for Palestinian students and academics. If you work at the university, please sign here: sydneystaff4bds.org/?page_id=2614
have been asking us to do for almost two decades. The boycott is an expressly non-violent campaign. It affects Israeli academic institutions, not individual academics. Observing the academic boycott would involve cancelling the Experience Israel (OLES2155) course, which entails a boycott-violating partnership with an Israeli university, and ending staff involvement with the Zelman Cowen academic initiative, which also violates the boycott.
Divest from all financial interests in Israeli companies.
Lobby Universities Australia to withdraw from the 2013 memorandum of understanding between Israel and Australia on cooperation in higher education
Immediately take steps to offer support for Palestinian academics through the Scholars at Risk program, in line with steps already taken for Ukrainian academics.
Commit to establishing dedicated
2
39
72
4.8K

259


Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 9
Fascist Israel is already applying law criminalising how you consume news. Look at this terrified lady as they turn up in her home to check her phone and terrorise her. '48 Palestinians are now criminalised for simply sitting in their homes following the news on Gaza.
Jalal #CeasefireNow @JalalAK_jojo · Nov 9
Gestapo already referring to the new law amendment in targeting Palestinian citizens of Israel. twitter.com/AdalahEnglish/...
0:53
47
6.1K
10K
581K

260

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 9

IMPORTANT UPDATE ON SATURDAY

ZIM has changed its schedule and their boat may not be in port on Saturday. Nevertheless, our protest against ZIM at 12pm is still ON.

We'll also come back whenever we know a ZIM boat is there. We won't have much notice, so register for updates!

6 56 68 6.2K

261

Nick Riemer reposted

**Sydney Staff for BDS** @sydneystaff4bds · Nov 9

Yesterday we launched a petition calling on Sydney University management to endorse the institutional academic boycott of Israel, and support Palestinian scholars and students. If you work at the uni, add your name at the link. sydneystaff4bds.org/?page_id=2614

- Commit the university to the institutional academic boycott of Israel, as Palestinians have been asking us to do for almost two decades. The boycott is an expressly non-violent campaign. It affects Israeli academic institutions, not individual academics. Observing the academic boycott would involve cancelling the Experience Israel (OLES2155) course, which entails a boycott-violating partnership with an Israeli university, and ending staff involvement with the Zelman Cowen academic initiative, which also violates the boycott.
- Divest from all financial interests in Israeli companies.
- Lobby Universities Australia to withdraw from the 2013 memorandum of understanding between Israel and Australia on cooperation in higher education
- Immediately take steps to offer support for Palestinian academics through the Scholars at Risk program, in line with steps already taken for Ukrainian academics.
- Commit to establishing dedicated international scholarships for Palestinian students.

4 8 15 928

262

Nick Riemer reposted

**Daniel Lopez** @NoLuckLopez · Nov 9

"Australian households have suffered the largest fall in living standards of any advanced economy over the past year"

All under a Labor government.

It's quite stark — we won't turn things around unless the unions and the left are willing to fight Labor.

11 54 183 24K

263

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Nov 9

'To let suffering speak' | Overland's co-editor @jonathandunk responds to some of the criticism we have received for our solidarity with Palestine.

4 125 239 47K

264

Nick Riemer reposted

**Samah Sabawi** @gazaheart · Nov 8

A reminder of what we mean when we say from the river to the sea Palestine will be free. My liberation anthem poem. We will all be free. #Gazagenocide #Israel #Palestine

> **The Canada Files** @TheCanadaFiles · Nov 8
>
> A Canadian-Australian-Palestinian professor, Dr. Samah Sabawi, presented her Liberation Anthem after facing an audience attendee who asked her why Jews don't have a right to a homeland, asking in defence of the Israeli occupation's 'right to exist'.

5 102 199 17K

265

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 9

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ZIM has changed its schedule and their boat may not be in port on Saturday. Nevertheless, our protest against ZIM at 12pm is still ON.

We'll also come back when we know for sure that a ZIM boat is there. We won't have much notice, so register for updates!

4 52 75 5.1K

266

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 9

YouGov polling shows that a clear majority of Australians want a ceasefire and that a small minority of Australians believe that Israel's blockade and attacks on Gaza are reasonable acts of self defence.

Find the link to the full report here: apan.org.au/2023-opinion-p...

12 115 180 16K

267

Nick Riemer reposted

**evelyn araluen** @evelynaraluen · Nov 9

It's a very strange thing to be running a subscriberthon during a genocide, so please don't take our annual campaign as opportunistic in any regard - we're proud to serve our community of readers and writers and the support has been deeply humbling ♥

> **Overland Journal** @OverlandJournal · Nov 9
> On the second-last day of our '23 Subscriberthon, our co-chief editor @evelynaraluen speaks truth to power. overland.org.au/2023/11/on-the...

5 14 94 5K

268

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 9

Tune in on Monday at 9:30pm AEDT to watch APAN president Nasser Mashni on QandA ! twitter.com/abcnews/status...

> This post is unavailable.

6 36 2.1K

269

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Nov 9

On the 24th of November (10am UK time) the @EdinburghPIR Middle East Research group and @CRITIQUE_CENTRE will host @NickReimer1 for a timely conversation on academic boycotts, justice and liberation in Palestine. The event will be online. Register here eventbrite.co.uk/e/boycott-theo...

School of Social & Political Science Edinburgh

23 38 3.3K

270

Nick Riemer reposted

**Hind Khoudary** @Hind_Gaza · Nov 9

I had a couple of chocolate wafers for breakfast today.

I miss feeling full.

I never felt this hungry in my life.

444 11K 45K 1.4M

271

Nick Riemer reposted

**hiero badge | انقذوا فلسطين** @hierobadge · Nov 9

Last night Merribek Council became the first govt body to condemn Israeli war crimes and demand a ceasefire! They also called for:

- An end to the occupation
- Severing diplomatic ties w/ Israel
- The release of hostages (inc Palestinians)

All Councils should do this!

calling on the Australian government to:

2. Strongly condemn the war crimes being carried out by Israel against the Palestinians in Gaza.
3. Call for an immediate ceasefire and end to Israel's indiscriminate bombing.
4. Call for the immediate lifting of the siege on Gaza to allow Palestinians in Gaza to have unlimited access to food, water, fuel, electricity, medical supplies and construction materials to repair damaged homes and civilian infrastructure.
5. Advocate for all Palestinian and Israeli hostages to be released.
6. Advocate for a political resolution to the decades-long conflict which includes an end to Israel's illegal Occupation of Palestine in order for there to be a just

legitimate, non-violent tactics used by individuals and organisations to pressure foreign governments over human rights abuses and war crimes, including Israel's brutal and illegal colonisation of Palestine.

9. Receives a report to explore options for council to cancel contracts with companies that support Israel's illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.
10. Amends the Community Flag Schedule outlined in Council's Flags Policy by raising the Palestinian flag on the fourth flag pole at Council's Coburg Civic Centre for six months in recognition of the specific situation of a genocide being carried out against the Palestinians in Gaza. That this decision be communicated to the communities who were expecting their flags to be on other dates after six months the decision will be reviewed by Council.

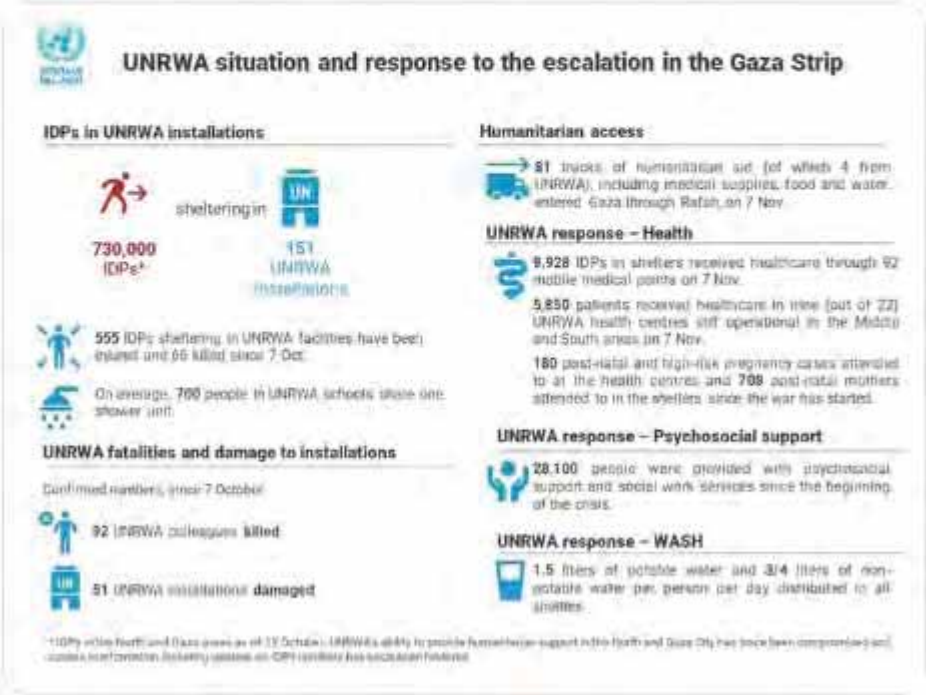
1 · 444 · 1.1K · 35K

272

Nick Riemer reposted

**Rohan Talbot** @rohantalbot · Nov 9

Awful stats on the humanitarian situation in #Gaza from @UNRWA:
- An average of 4,834 people per shelter, with on average 700 people sharing a single shower unit.
- 92 UN workers killed
- 555 people have been injured and 66 killed while sheltering at UNRWA installations




5 · 89 · 82 · 6.8K

273

**Nick Riemer** @NickReimer1 · Nov 9

Even now with 10000+ dead and the bombs still raining down, the lectures never end on how 'simplistic' and 'unnuanced' it is to support Palestine, what a 'complex' situation Gaza faces us with, and how the thing we most need is 'serious debate'.

21 · 38 · 131 · 5.3K

274

Nick Riemer reposted

**naama** @derridalicious · Nov 9

Haaretz reports: increase in number of israeli soldiers who film themselves torturing Palestinians.

Note that the increase isn't in the torture per se, but in the brazenness of recording & sharing it online.

> **Haaretz הארץ** @Haaretz · Nov 9
>
> מכות, קללות ו"יאללה בית"ר": עלייה במספר החיילים שמתעדים את עצמם מתעללים בפלסטינים dlvr.it/Syb565

15 696 1.2K 63K

275

Nick Riemer reposted

**Younis Tirawi | يونس** @ytirawi · Nov 10

Israeli military soldiers hoisting names of ex Israeli settlements in Gaza. First picture, raising the name of ex- outpost Neveh Dekalim. Other picture, displaying a placard indicating the former Nova Beach on the ex-outpost of Gush Katif with Israeli flags.

There's a new version of this post

16 124 157

276

Nick Riemer reposted
Jehad Abusalim جهاد أبو سليم @JehadAbusalim · Nov 10
Intense shelling near the Indonesian hospital tonight.
0:31
2
71
73
6.2K

277

Nick Riemer reposted

**Nour Naim| نور نعيم** @NourNaim88 · Nov 10

A horrific crime !!
The outpatient clinic at Al-Shifa Hospital has been targeted. A place crowded with displaced individuals from Gaza and its northern areas. Reports suggest dozens of martyrs !

From **Yasser**

7 161 127 5.9K

278

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 10

We still have some places on buses to tomorrow's protest, leaving from Liverpool, Bankstown and Central stations at 11. Register at the links!

2 20 31 4.5K

279

Nick Riemer reposted

**naama** @derridalicious · Nov 10

literally what is the purpose of every international humanitarian law mechanism, of the Geneva Convention, of the Convention on the Prevention & Punishment of the Crime of Genocide, of the International Criminal Court, what is the point, act now! NOW!

17 139 420 8.5K

280

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Nov 10

A big coalition of staff networks/groups asks @EdinburghUni to: protect Palestine free speech; suspend the application of IHRA antisemitism def; acknowledge historical (Balfour Declaration, Balfour was Edinburgh Chancellor) and present colonial complicity; support solidarity

UCU Edinburgh and 5 others

38 76 4K

281

Nick Riemer reposted

**Hind Khoudary** @Hind_Gaza · Nov 10

Another one of my dear friends was killed by an Israeli airstrike south of Gaza.
Mohammed Saleh, evacuated from the north to the south weeks ago - was killed by Israel today.
Mohammed is @AbdallahBaghda7 best friend.
They were both killed by Israel.

271 7K 13K 454K

282

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 11

Jetskis out for Palestine at Port Botany!

7 66 236 7.6K

283

Nick Riemer reposted

**Palestinian Youth Movement** @palyouthmvmt · Nov 11

‼ THREAD: Israel is at war with Gaza's hospitals ‼

9 322 458 27K

284

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 11

Powerful protest today to launch the campaign to #blocktheboat. We're proud to work with @unions4palestin to say ZIM out of Botany. Follow us for updates and action alerts!

9 170 331 22K

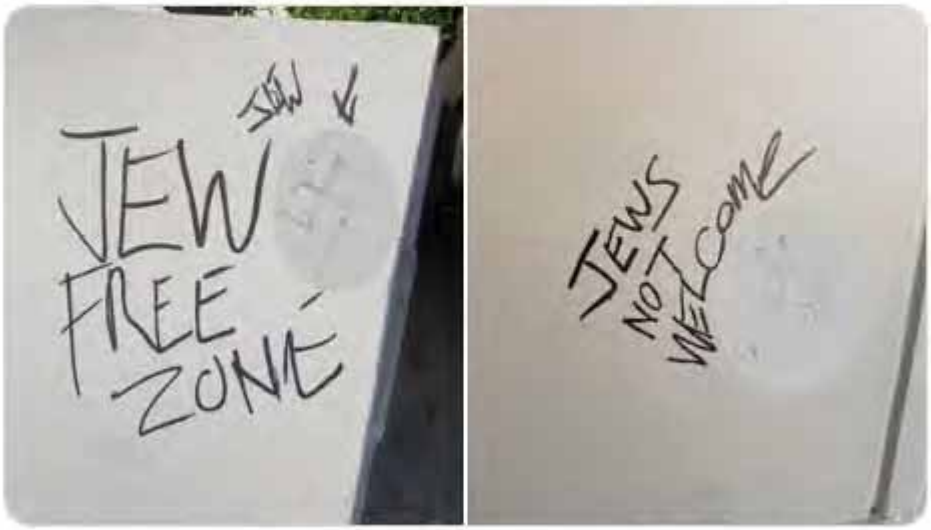
285

Nick Riemer reposted

**Andy Fleming** @slackbastard · Nov 11

1/ PSA:

Recent events means inter alia an uptick in antisemitism along w Islamophobia, & creeps gonna creep. Eg, this graf appeared near Barkly Square in Brunswick in the last few days.




8 68 205 45K

286

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Nov 11

The jet-skis came out for Palestine!

> **9News Sydney** @9NewsSyd · Nov 11
>
> Port Botany was today swarmed by pro-Palestinian protesters, with demonstrators taking to the water on jet skis as they attempted to block the arrival of an Israeli vessel. @eeRamsay #9News

4 40 103 7.1K

287

Nick Riemer reposted

**matthew abbott** @mattabbottphoto · Nov 11

@NickReimer1 "the water front is where those struggles have been played out in the past, and the waterfront is where they are going to be played out again today" at todays #FreePalestine - Stop the Zim boat, Port Botany Sydney. #MUA

3 31 56 2.8K

288

Nick Riemer reposted
Medical Aid for Palestinians @MedicalAidPal · Nov 11
"No one can get out from the Shifa hospital. No one can come in. The people who tried to evacuate this morning were being shot in the streets." Dr Marwan Abu Sada, Head of Surgery at Al Shifa Hospital, describes horrifying scenes as Israel attacks the Gaza hospital this morning.
MESSAGE FROM GAZA
MAP
MEDICAL AID FOR PALESTINIANS
DR MARWAN ABU SADA, HEAD OF SURGERY, AL SHIFA HOSPITAL
1:05
112
3.2K
2.6K
319K

289

Nick Riemer reposted

**Areeb Ullah** @are_eb · Nov 11

Replying to @are_eb and @MahaGaza

.@MahaGaza has filed her latest dispatch from Gaza. She speaks to journalists and patients trapped inside the Al Shifah hospital in Gaza.

The situation remains is desperate as doctors run out of medical supplies and electricity to treat the wounded.

1 48 58 5K

290

Nick Riemer reposted

**Lina Mounzer** @warghetti · Nov 11

What we are watching is no less than an entire people experiencing the end of the world. The end of the world

> **The Fact Finder** @FactualNarrator · Nov 11
> A Palestinian doctor stuck in the North, sharing a message of despair, peace, and faith.

5 386 865 51K

291

Nick Riemer @NickReimer1 · Nov 12
Today - see you there.
STOP THE
GENOCIDE
IN GAZA
FREE
PALESTINE
PROTEST
SUN 12 NOV
1PM HYDE PARK NTH
PALESTINE ACTION GROUP SYDNEY
12
22
101
8.1K

292

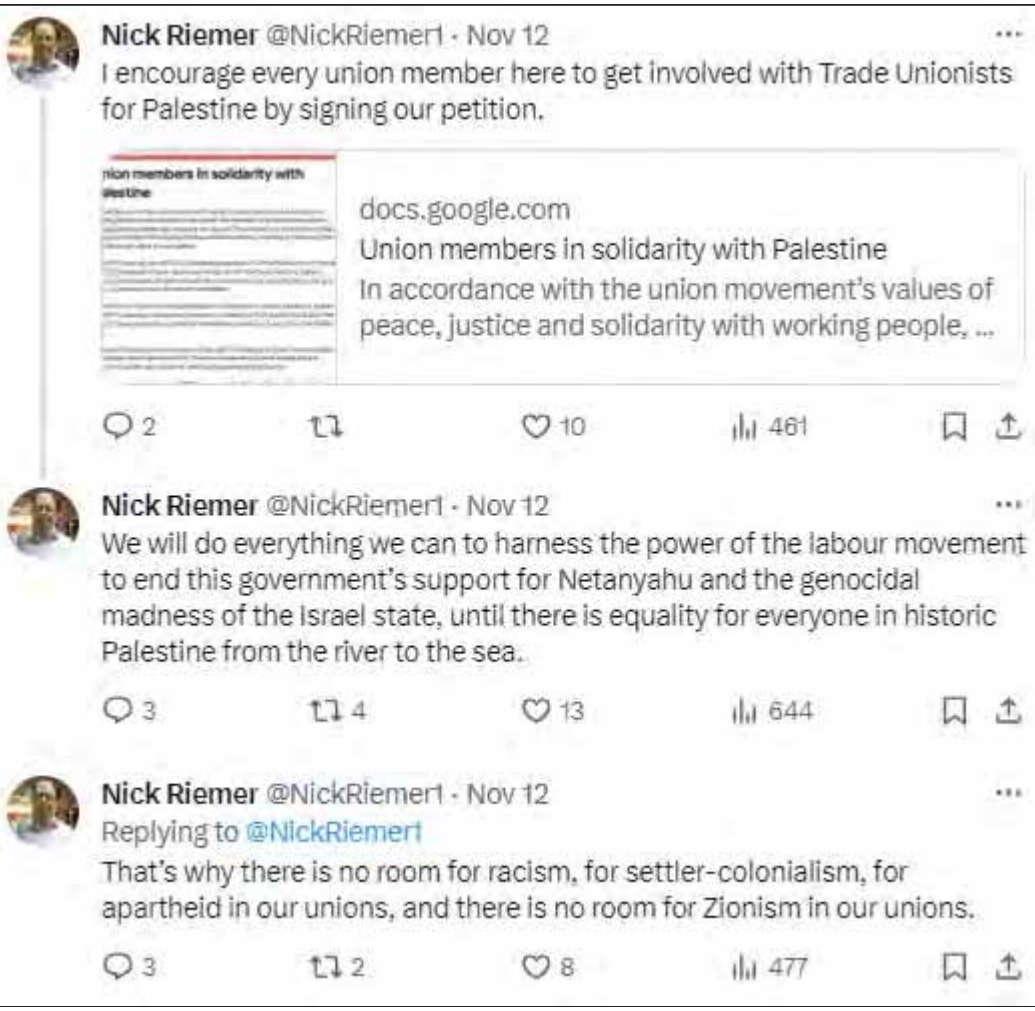
Nick Riemer reposted

Dr. Yara Hawari د. يارا هواري @yarahawari · Nov 12

London was beautiful today. Upwards of 800,000 people out on the streets for the Palestinian people demanding a ceasefire & an end to the Israeli occupation of Palestinian lands.

25 352 1.1K 28K

293-295


Nick Riemer @NickRiemer1 · Nov 12
I encourage every union member here to get involved with Trade Unionists for Palestine by signing our petition.
docs.google.com
Union members in solidarity with Palestine
In accordance with the union movement's values of peace, justice and solidarity with working people, ...
2
10
461
Nick Riemer @NickRiemer1 · Nov 12
We will do everything we can to harness the power of the labour movement to end this government's support for Netanyahu and the genocidal madness of the Israel state, until there is equality for everyone in historic Palestine from the river to the sea.
3
4
13
644
Nick Riemer @NickRiemer1 · Nov 12
Replying to @NickRiemer1
That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.
3
2
8
477

296-315

**Nick Riemer**
@NickRiemer1

There were some hugely powerful & moving speeches from Palestinians at yesterday's Botany protest which I hope we captured on video. I spoke on why there's no room for racism, settler-colonialism, apartheid or Zionism in our unions.

11:08 AM · Nov 12, 2023 · **6,629** Views

47 43 174 3

**Nick Riemer** @NickRiemer1 · Nov 12

Unions are about justice and solidarity with working people. We don't switch those principles off beyond Australia's borders. We're internationalists, which means that we're serious when we say that no one is free till everyone is free.

4 · 1 · 15 · 328

**Nick Riemer** @NickRiemer1 · Nov 12

That justice has no meaning if it isn't justice for everybody, wherever in the world they are, regardless of their background or their beliefs.

2 · 13 · 255

**Nick Riemer** @NickRiemer1 · Nov 12

The rank-and-file union members who've signed our petition know what side they're on. The working people of Gaza are the objects of a genocidal attack on a sickening and indescribable scale.

## Union members in solidarity with Palestine

In accordance with the union movement's values of **peace, justice and solidarity with working people**, we are horrified by the current war between Israel and Hamas and the unspeakable bloodshed and violence it has caused. This tragedy is a direct result of Israel's blockade and siege of Gaza, and of the apartheid and ethnic cleansing it maintains in the West Bank and within its own borders.

In the first instance, we call for **an immediate suspension of all hostilities and an immediate end to the blockade of Gaza**. Gaza must not be cut off from food, medicine, fuel and humanitarian supplies. Its power supply must be resumed, and critical health, water and other infrastructure must be restored immediately.

We also call for an **end to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing**. As unionists, we stand in solidarity with all people who support the cause of **peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East**.

We support the **demonstrations around Australia for Palestine**, and call on governments and police authorities to facilitate them. The union movement will never accept political restrictions on the **right to protest, which is fundamental to democracy**.

2 · 13 · 256

**Nick Riemer** @NickRiemer1 · Nov 12

We all have an obligation to respond, since that violence is enabled by Western governments, including ours.

There will never be justice for working people in this country from a government that cannot even bring itself to call for a ceasefire in a genocide.

1 · 1 · 13 · 201

1 1 13 201

**Nick Riemer** @NickRiemer1 · Nov 12
That's where their opportunism and lack of principle has led them: straight into support for a genocide. Shame on Penny Wong, and shame on Anthony Albanese. They are truly the hollow woman and the hollow man.
2 14 232

**Nick Riemer** @NickRiemer1 · Nov 12
We always hear about Albo the underdog, Albo the child of a single mum. What we'll remember is Albanese the genocide supporter.
2 12 195

**Nick Riemer** @NickRiemer1 · Nov 12
In particular, we're here today to tell Albanese and the whole of the political establishment that Israeli shipping lines are not welcome in Port Botany. The waterfront has always been a key site where political conflict gets played out in Australia, and it is again today.
1 11 199

**Nick Riemer** @NickRiemer1 · Nov 12
Here at the port we're subject to the totalitarian anti-protest laws that Albo and Wong's party in NSW put in place earlier in the year precisely to stop people like us from standing up for what is right, whether it's protecting the environment or protesting against a genocide.
1 9 189

**Nick Riemer** @NickRiemer1 · Nov 12
Those laws are supposed to protect the Australian economy – that's the same economy that is increasing its arms manufacturing component, including to Israel, that has seen the largest fall in living standards of any advanced economy over the past year.
1 9 179

**Nick Riemer** @NickRiemer1 · Nov 12
Our government is giving its green light to Israel to unleash a reign of terror over Gaza:
1 10 174

**Nick Riemer** @NickRiemer1 · Nov 12
the bombing of hospitals and bakeries and generators and solar panels and refugee camps, the destruction of half of Gaza's housing, the sudden employment of 390 000 Palestinians since the start of the war, the murder of almost 11000 Palestinians in a sickening genocidal spree.
4 1 10 527

**Nick Riemer** @NickRiemer1 · Nov 12
That same government is busy tightening the screws on ordinary people here, and wants to prevent us from asserting that genocide is wrong.

4 1 10 527

**Nick Riemer** @NickReimer1 · Nov 12
That same government is busy tightening the screws on ordinary people here, and wants to prevent us from asserting that genocide is wrong.

2 1 9 165

**Nick Riemer** @NickReimer1 · Nov 12
The water just out there goes all the way to Gaza and it links ordinary people here to ordinary people there.

But there's another more important link between us and Gazans: our determination for justice, which joins us in a bond of solidarity with Palestinians.

1 8 167

**Nick Riemer** @NickReimer1 · Nov 12
As union members, we're here to say that we stand alongside the Palestinians of Gaza, of the West Bank and the diaspora. Touch one, touch all.

1 9 168

**Nick Riemer** @NickReimer1 · Nov 12
That's why there's no room for genocide apologia in our unions.

That's why there is no room for warmongering in our unions.

1 8 158

**Nick Riemer** @NickReimer1 · Nov 12
That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.

3 2 8 478

**Nick Riemer** @NickReimer1 · Nov 12
I encourage every union member here to get involved with Trade Unionists for Palestine by signing our petition.

docs.google.com
Union members in solidarity with Palestine
In accordance with the union movement's values of peace, justice and solidarity with working people, ...

2 10 461

**Nick Riemer** @NickReimer1 · Nov 12
We will do everything we can to harness the power of the labour movement to end this government's support for Netanyahu and the genocidal madness of the Israel state, until there is equality for everyone in historic Palestine from the river to the sea.

3 4 13 645

316

Nick Riemer @NickReimer1 · Nov 12
Sydney out again for the fifth week in a row. United with Palestine.
Ceasefire now.
0:14
61
390
1.7K
38K

317

**Nick Riemer** @NickRiemer1 · Nov 12

Not really clear from the photo, but central Sydney is choked with the protest march calling for a ceasefire and a free Palestine. There are literally too many of us for the streets to hold.

219 239 984 39K

318

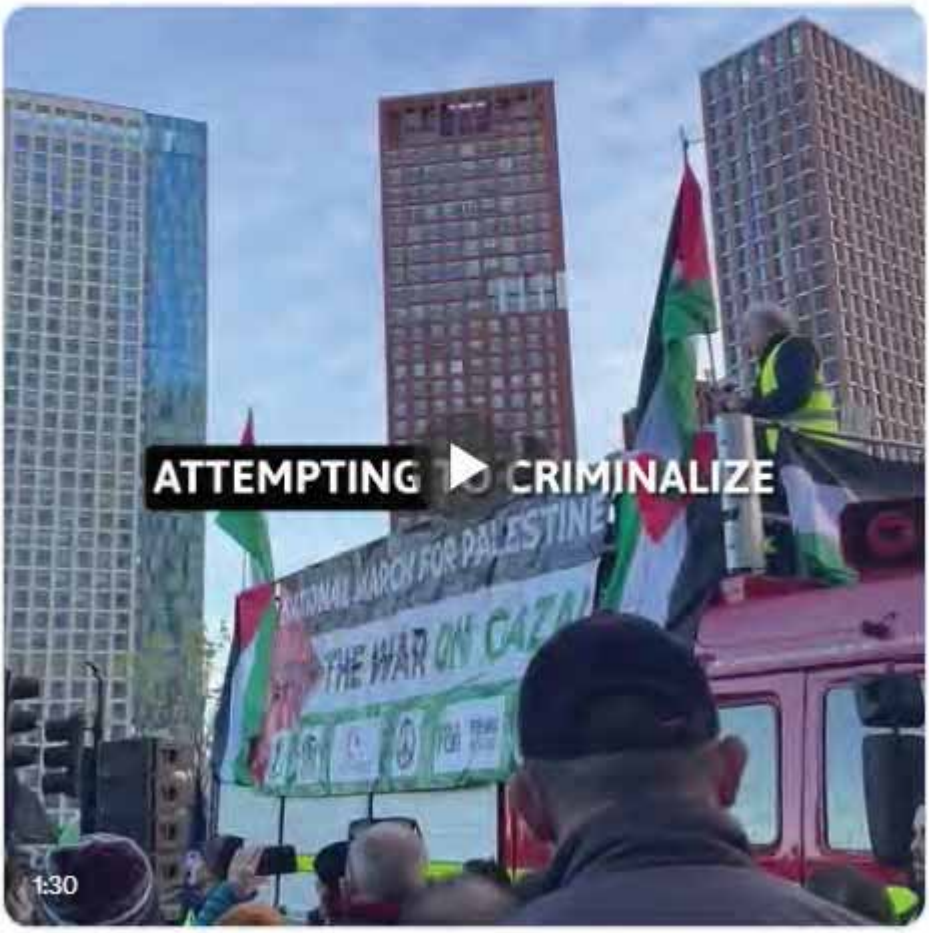
Nick Riemer reposted

**Dr. Yara Hawari** د. يارا هواري @yarahawari · Nov 13

I had the immense honour to speak at the national march for Palestine in London on 11/11.

800,000 people marched in joint struggle & solidarity with the Palestinian people & called for an end to the genocide in Gaza.

It was a historic moment. The struggle continues ✊




62 479 1.1K 47K

319

Nick Riemer reposted

**anthroboycott** @anthroboycott · Nov 13

In July, our association took a clear stand in support of the academic boycott of complicit Israeli institutions and voted to endorse BDS. 1/9

6 51 136 24K

320

**Nick Riemer** @NickReimer1 · Nov 13

Just spotted in Glebe. Well done whoever's responsible for this.

75 116 366 13K

321

Nick Riemer reposted

**Faten Sourani** فاتن الصوراني @FatenSourani · Nov 13

The Israelis killed my 5-year-old niece the most beautiful Rahaf Alsaqqa and my very kind and one in a million brother-in-law Mohammed Alsaqqa today. A tank targeted them while they were trying to escape south through "the safe corridor."

Keep my sister Hala in your prayers.

310 14K 30K 744K

322

Nick Riemer reposted

**Amal أمل** @amalfalastini · Nov 13

Students for palestine are going on a convoy to Canberra on Wednesday to protest the governments support of the genocide in Gaza. We have an overwhelming response and need some crowdfunding to partially fund our busses. Please support us ( link below)

44 213 372 22K

323

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 13

I can't believe that 11,000 +Palestinians have been carpet bombed, massacred, subject to genocide and @PatsKarvelas has made @iamthenas the bad guy. @abcqanda did you get the talking points from the lobby?

86 192 638 22K

324

**Nick Riemer** @NickReimer1 · Nov 14

Solidarity and congratulations to @iamthenas for his advocacy on QandA last night in the face of the intense onslaught he was subject to. Chilling to see the support for vicious war crimes and ongoing colonialism platformed by the national broadcaster.

58 70 265 10K

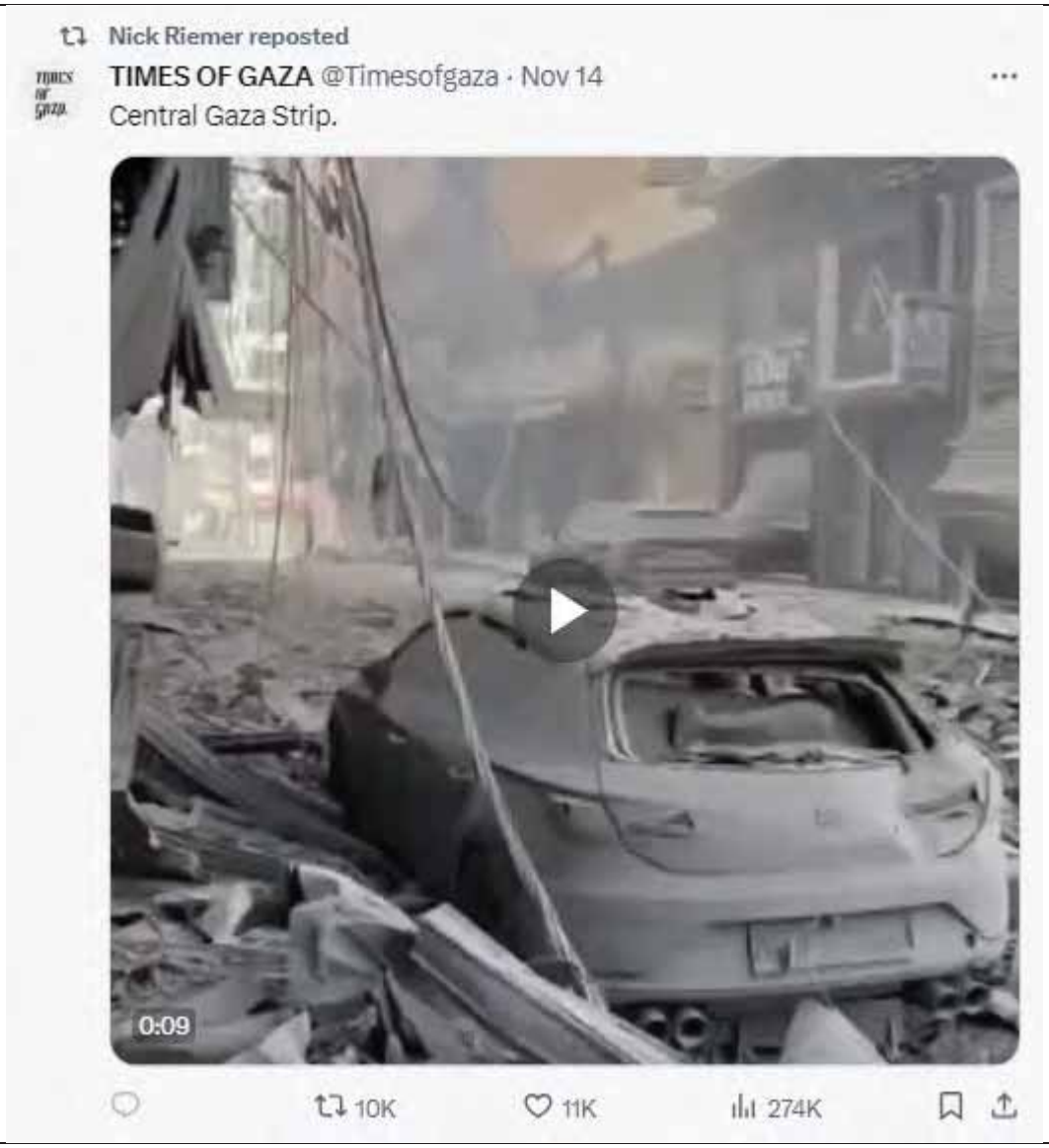
325

**Nick Riemer** @NickReimer1 · Nov 14

Last night's QandA: guilt by association, muck-raking, absurd charges about what slogans *might* (but do not) mean are Zionists' only arguments. They support *actual* genocidal violence and colonisation, yet we're meant to condemn the Palestinian calling for peace and equality.

18 19 83 2.7K

326


Nick Riemer reposted
TIMES OF GAZA @Timesofgaza · Nov 14
Central Gaza Strip.
0:09
10K
11K
274K

327

Nick Riemer @NickReimer1 · Nov 15
Sharing my response to some very ugly attacks on Palestine solidarity and some shocking apologia for genocide from colleagues on internal Sydney University email and social media. Clearly indicates the character of the two sides in this 'debate'.
35
56
156
14K

328

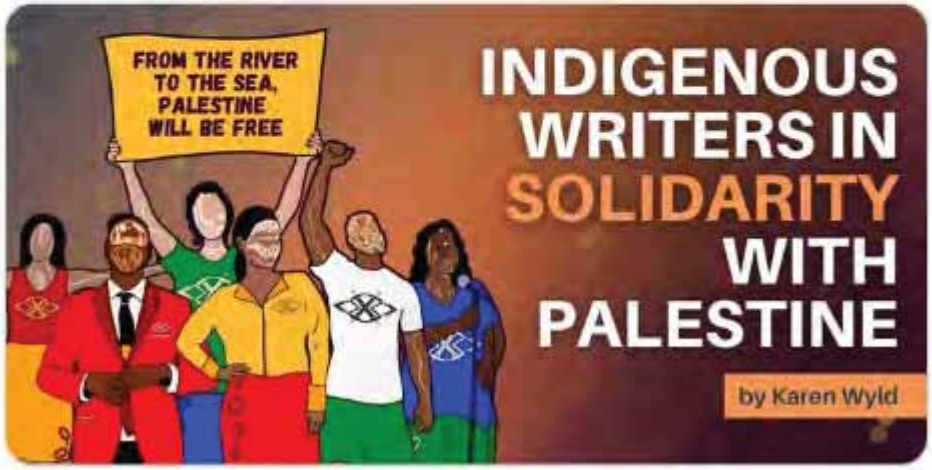
Nick Riemer reposted
Maha Hussaini @MahaGaza · Nov 15
Bodies pile up in the open as al-Shifa Hospital in #Gaza becomes a no-go zone for patients
My reporting on the ground for @MiddleEastEye
middleeasteye.net
6
108
107
6.2K

329

Nick Riemer reposted

**IndigenousX** @IndigenousX · Nov 15

Blak solidarity with Palestinian people is powerful, writes Karen Wyld. In this latest IX piece, @1KarenWyld reflects on friendships and solidarity between Blak and Palestinian writers, and mutual support for Indigenous sovereignty and self-determination.
com.pulse.ly/mzne8rwlye




5 87 129 10K

330

Nick Riemer reposted

**Laboratoire Histoire des théories linguistiqu** @LaboratoireHT · Nov 15

Les 22 et 23 novembre se tiendront les Assises de la Recherche de la Sorbonne Nouvelle.
Alejandro Diaz Villalba, Pierre-Yves Testenoire et Julie Marsault y participent. N'hésitez pas à venir les écouter !
univ-paris3.fr/les-assises-de...

2 3 476

331

Nick Riemer reposted
Ramy Abdu| رامي عبده @RamAbdu · Nov 15
12 hours of invasion and no signs of any of Hamas's tunnels or headquarters.
Unless Israel is creating the scene that might be released later.
Ramy Abdu| رامي عبده @RamAbdu · Nov 15
Breaking: Israel is planning an invasion of the Shifa hospital.
-No media coverage
-No other party attendance
-No UN or Red Cross presence
...
Show more
8
423
574
33K

332

Nick Riemer reposted
Samah Sabawi @gazaheart · Nov 14
Kareem is still denied the dignity of burial. It is almost three days now since he was killed. Let's at least give him the dignity of sharing his story. Thanks @NabilAlNashar and @ahmedyussuf10 for writing this heartbreaking story. #Gaza
abc.net.au
14
205
263
27K

333

Nick Riemer reposted

**Caitlin Cassidy** @caitecassidy · Nov 15

Australia's research sector chases rankings over quality and is 'not fit for purpose', chief scientist says

3 28 43 9.5K

334

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 14

I will remember this for a long time from Marcia Langton!!! Horrific genocide apologist — Israel is bombing hospitals and committing genocide and Langton regurgitates Zionist talking points

94 167 623 34K

335

**Nick Riemer** @NickRiemer1 · Nov 16

Excellent and very much needed initiative.

> **Lia** @lia_perkinss · Nov 16
>
> Replying to @RandaAFattah @NickRiemer1 and 3 others
>
> Students are taking action against the ABC's complicity in genocide of Palestinians, tomorrow, outside the ABC offices in sydney. All welcome and please share widely

47 119 353 20K

336

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 16

It's past time for a register of anti-Palestinian racism.

This is entirely unacceptable.

Australian Palestinian belong on this continent and have every right to have political agency.

We're not going anywhere!

@AlboMP ...
Show more

> **Declassified Australia** @DeclassifiedAus · Nov 16
>
> It's inconceivable that any mainstream journalist in Australia would write this kind of diatribe against a Jewish leader.
> This fits into a long history of Palestinians being smeared across the western world:

36 165 551 26K

337

Nick Riemer reposted
Mathew Abbott @mathew_abbott · Nov 16
Congrats to the MEAA members making this powerful statement on the ABC's appalling coverage of Palestine & "the racist treatment of Nasser Mashni, President of the Australia Palestine Advocacy Network, on ABC's Q+A episode on Monday 13 November by host Patricia Karvelas"
MEAA Members for Palestine @meaa4palestine · Nov 16
Today, we submitted a statement to @ABCTV regarding editorial integrity and Palestine coverage, co-signed by @unions4palestin.
We stand with media comrades in their efforts to change and improve editorial policy and reporting.
Read the full statement via link in bio.
MEAA Members in solidarity with Palestine
suggesting that the massacre of more than 11,000 Palestinians is debatable and that it may be possible to justify the direct attack of 16 hospitals, the killing of 192 health workers, 102 UN workers and 42 journalists (Committee to Protecting Journalists), as well as cutting off food, fuel and water to millions of people.
We cannot allow our colleagues to compromise their professional ethics by becoming stenographers to any state violence
1
8
25
1.9K

338

Nick Riemer reposted

**Lia** @lia_perkinss · Nov 16

Replying to @RandaAFattah @NickReimer1 and 3 others

Students are taking action against the ABC's complicity in genocide of Palestinians, tomorrow, outside the ABC offices in sydney. All welcome and please share widely

31 71 132 20K

339

Nick Riemer reposted

Hebh Jamal @hebh_jamal · Nov 17

Israel bombed my favourite place in Gaza today. The ancient Great Mosque of Gaza, Mesjid Omar built in 1344.

This photo taken last yr. I can't imagine the ruins that exist there now. How many murdered here because of the air strikes. Will we ever find out for sure?

523 16K 34K 5.1M

340

Nick Riemer reposted
Marcus Banks @MarcusANBanks · Nov 17
Replying to @NickRiemer1
Over 500 Australian journalists in the Media, Entertainment and Arts Alliance union stand in solidarity with Palestine.
docs.google.com
MEAA members in solidarity with Palestine
We, the undersigned Media, Entertainment and Arts Alliance members, condemn the Australian ...
8
6
14
970

341

Nick Riemer reposted
Dr Kathryn Daley @Kat_Daley · Nov 14
Attn: Australian academics!: Our super fund @UniSuperNews holds shares in Elbit, whose main business is to supply artillery to the Israeli defence force.
If you would like to make a complaint and demand divestment, here is the link:
unisuper.com.au
Complaints
9
194
244
49K

342

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 17

MEDIA RELEASE: PALESTINE SUPPORTERS TO PROTEST AGAINST NEXT ZIM VESSEL AT PORT BOTANY. Share!

A RELEASE: PALESTINE SUPPORTERS TO PROTEST AGAINST NE
ESSEL AT PORT BOTANY
23
mediate release

ine supporters are preparing to demonstrate against the Israeli
ng line ZIM on its next call at Port Botany. The protest will be the
d at the port, in a series of actions targeting ZIM in Sydney and
urne. The Melbourne protest on November 9 forced trucks carryi
ntainers to turn around.

the oldest and largest shipping company in Israel and has a long
y of support for war crimes and ethnic cleansing against Palestinia
ctober 8, ZIM's CEO, Eli Glickman, a former Israeli SEAL command
e company's ships at the disposal of the Israeli Ministry of Defenc

Israel's current genocidal assault on Gaza now near the end of its
the protest is a direct response to appeals for worldwide solidarit
Palestinian unions, and to the request from Palestinian Civil Societ
ut companies complicit with Israel's crimes against Palestinians as
lobal BDS (Boycott, Divestment and Sanctions) campaign.

alestinian General Federation of Trade Unions (PGFTU) and a largo
on of all major Palestinian unions and professional associations ha
) on trade unions and workers worldwide to boycott Israel and
esses that support its apartheid regime. ZIM vessels have been
ed by 'block the boat protests' in many ports around the world.

Port Botany protest is organised by Palestine Justice Movement Sydn
supported by the Sydney Branch of the Maritime Union of Australia. It
orsed by Trade Unionists for Palestine, as well as by United Australian
ralian Workers, and BDS Australia. Further endorsing organisations w
announced shortly.

ment attributable to Ahmed Abadla, Palestine Justice Movement
key: 'Our previous protests in Sydney and Melbourne have already forc
to alter its schedules. We intend to continue protesting for as long as
as visit Sydney. ZIM has Palestinian blood on its hands, just as much as
ry government official who refuses to support a complete ceasefire do
gracefully, both the Albanese government and the Minns government
in NSW are supporting Israel's genocidal war, and refusing to back a
a ceasefire. There's no place for ZIM in Port Botany, or for any other
botany that supports Apartheid Israel's war-crimes. Israel must be
ctioned for its crimes. If our elected representatives won't act – we will
continuing our actions that aim at driving ZIM out of Port Botany.'

ment attributable to Paul Keating, Secretary, Maritime Union of Austra
key Branch: 'We will always defend the community's right to stand up
fight for what is right. These community-led actions have for decades
sted movements fighting for justice including an end to Apartheid Sou
ca, against unjust wars in Vietnam, Afghanistan and Iraq and innumeral
rs, against nuclear war, for First Nations rights, women's rights, worke
ts amongst others and act as bulwarks against discrimination, war and
ronmental destruction.'

tact: info.pjms@gmail.com

4 72 126 7.7K

343

Nick Riemer reposted

**ASU members for Palestine** @asu4palestine · Nov 17

Happening now at Central Station in Sydney. Join us!

53 148 537 18K

344

Nick Riemer reposted

**Omar Sakr** @omarsakrpoet · Nov 18

Replying to @omarsakrpoet

Sobbing. Every day. If you can't bring yourself to oppose this evil, you are my enemy. It is as simple as that. The very very least you can do is show up to protest this heartless monstrosity. Boycott and divest from any company supporting it. Inundate your reps! Please

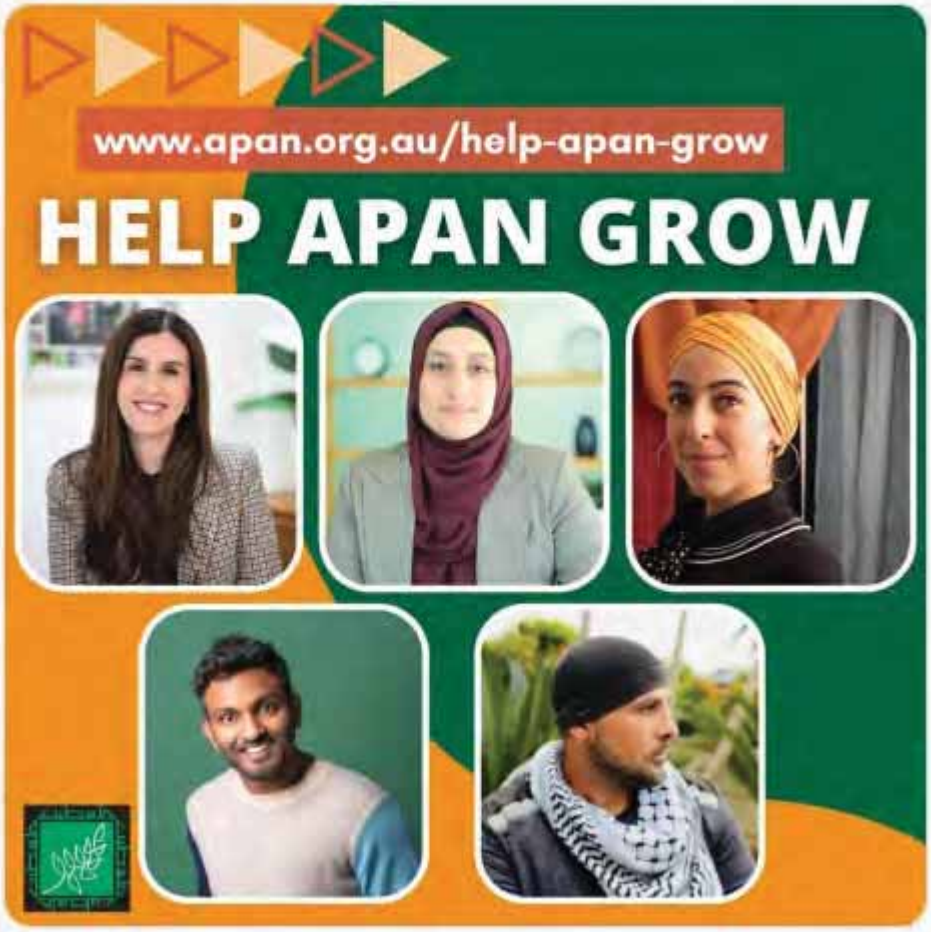
1 5 20 1.1K

345

Nick Riemer reposted

Randa Abdel-Fattah @RandaAFattah · Nov 17

Advocacy, lobbying and campaigning led by Palestinians in Australia towards self-determination and autonomy is urgent now more than ever. Please help us fund critical advocacy work. @nazeem_hussain @SaraSalehTweets
apan.org.au/help-apan-grow/




24 127 225 19K

346

Nick Riemer reposted

Omar Sakr @omarsakrpoet · Nov 18

Tomorrow in Sydney, Melbourne, Brisbane and Perth: protest. If you're able to—go be heard, I beg you. If I hadn't fractured my spine this week, I would be there. Raise your voices!

33 387 704 36K

347

Nick Riemer reposted

**Scheherazade Bloul** @scherrybloul · Nov 20

Activists have occupied the Thales Australia office in Naarm/Melbourne this morning. At about 10.30am, activists stormed the building to call for an end to Australian complicity in Israel's genocidal assault on Gaza.

58 531 1.1K 54K

348

**Nick Riemer** @NickReimer1 · Nov 20

As is reported here, we're considering all our options to pursue a just outcome for Niko. @Sydney_Uni has made a mockery of its claims to be committed to staff with disabilities.

2 7 29 1.4K

349

**Nick Riemer** @NickReimer1 · Nov 20

Lots of traffic honking in support of a free Palestine outside Sydney University

> **Sydney Staff for BDS** @sydneystaff4bds · Nov 20
>
> Ceasefire Now, Stop the Genocide, Free Palestine and BDS banner drop over Parramatta Rd happening now!

58 47 297 9.4K

350-351

**Nick Riemer** @NickRiemer1 · Nov 20

Three police just turned up at our banner drop to tell us they'd 'received complaints' about our 'Ceasefire Now' and other banners, and that they had to come down. The @nswpolice are obstructing political expression and abetting a genocide.

353 483 1.2K 103K

**Nick Riemer** @NickRiemer1 · Nov 20

Their justification was about as flimsy as they come: the banner 'might' cause offence and 'might incite violence', so, of course, they were intervening 'for our own protection'.

25 14 105 4.4K

352

Nick Riemer reposted

**Charandev Singh** @CharandevSingh · Nov 20

"With the support of the Aboriginal community in Victoria, Western Australia and across the country, we will fight for justice for our Jeffrey."

Mr Winmar became the third Aboriginal death in custody in the last month in Australia.

5 55 70 4.4K

353

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 21

ACTION ALERT – Our protest against ZIM shipping in Botany is 6pm TONIGHT (Tuesday Nov 21).

The ZIM vessel Calandra is in port. Join us at the Foreshore Rd boat ramp to say ZIM out of Port Botany, stop the genocide in Gaza and free Palestine. for Media release, map & details.

8 150 147 29K

354

Nick Riemer reposted
Jenny Leong MP 梁珍妮 @jennyleong · Nov 20
This is a disgrace and absolute overreach by the NSW Police - who have been empowered by the shameful actions of the NSW Premier who from his first act of lighting up the opera house in blue and white has failed to respect human rights
Nick Riemer @NickReimer1 · Nov 20
Three police just turned up at our banner drop to tell us they'd 'received complaints' about our 'Ceasefire Now' and other banners, and that they had to come down. The @nswpolice are obstructing political expression and abetting a genocide.
CEASEFIRE NOW
216
203
610
34K

355

Nick Riemer @NickReimer1 · Nov 21
This evening. ZIM not welcome in Port Botany. Hoping to see many hundreds of people there to stand against genocide and its enablers.
STOP THE GENOCIDE IN GAZA NOW!
BOYCOTT APARTHEID ISRAEL
PROTEST TO BLOCK THE BOAT
ZIM SHIPPING OUT OF PORT BOTANY
6PM TUESDAY 21 NOV
FORESHORE RD BOAT RAMP, PORT BOTANY
29
45
95
4.3K

356

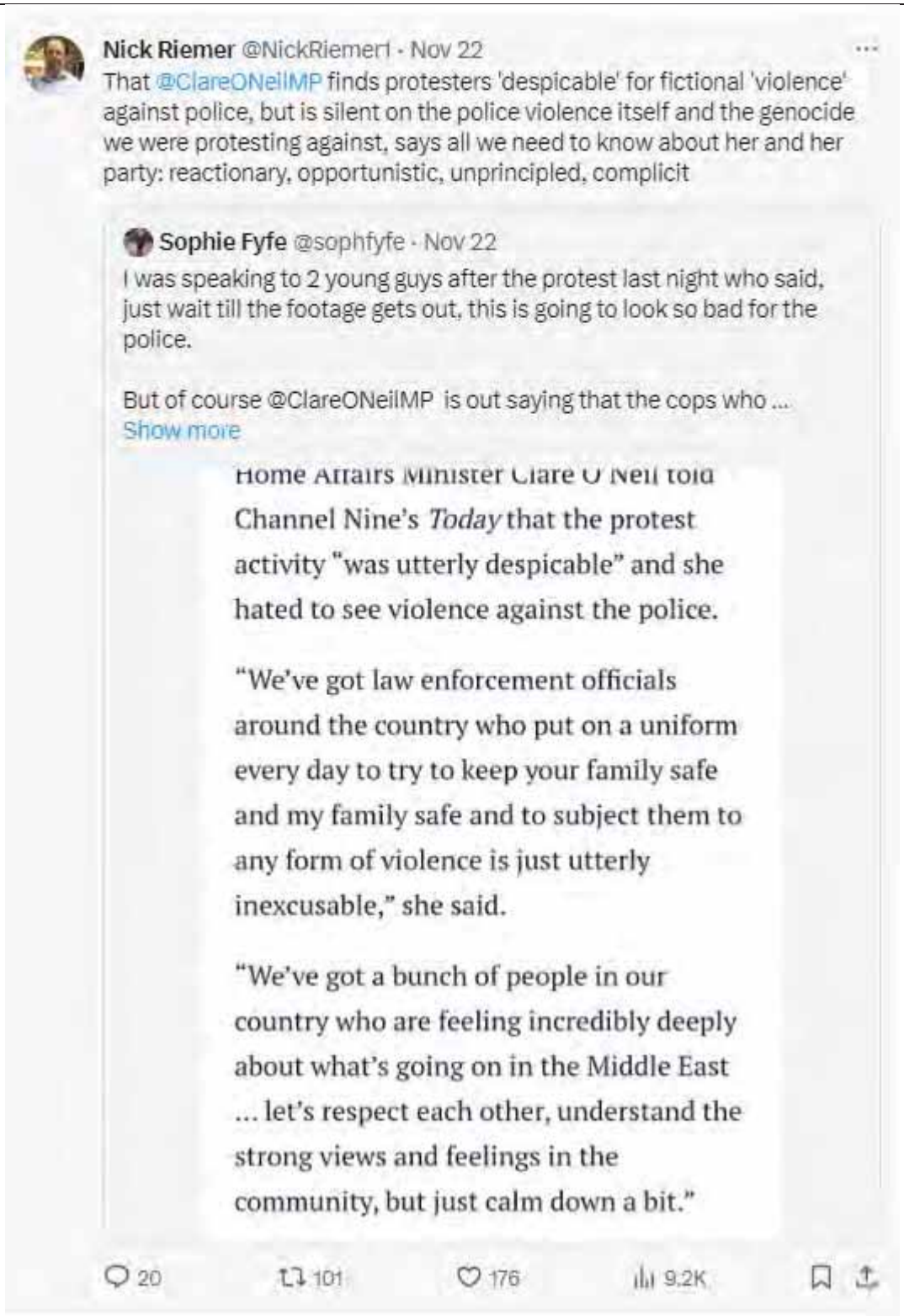
Nick Riemer @NickReimer1 · Nov 21
The police are blocking the port entrance, so we're having a little sit-in.
Free Palestine.
115
146
550
18K

357

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Nov 21
Police line blocking the port entrance. The police are doing our job for us.
11
34
95
3.8K

| | |
|---|---|
| 358 | Nick Riemer @NickRiemer1 · Nov 22<br>People arrested at the Block the Boat Palestine protest at the port last night have been charged under the ALP's harsh new anti-protest laws. Everyone who claims to stand on the side of progess but still supports that bankrupt party needs to take a long, hard look at themselves.<br>130 459 1K 62K |
| 359-360 | Nick Riemer reposted<br>Palestine Justice Movement Sydney @PalestineRising · Nov 22<br>Replying to @PalestineRising<br>Our peaceful, non-violent boycott campaigns and protests will continue against all companies complicit with apartheid Israel in Australia. Join us!<br>4 10 39 997<br>Nick Riemer reposted<br>Palestine Justice Movement Sydney @PalestineRising · Nov 22<br>PJMS condemns the arrests and shocking police violence last night. In charging protesters under the new antiprotest laws, the ALP, aided by a complicit media, is colluding with genocide and accelerating the dangerous repressive turn in politics. We will not be intimidated.<br>7 55 128 12K |

361



**Nick Riemer** @NickReimer1 · Nov 22

That @ClareONeilMP finds protesters 'despicable' for fictional 'violence' against police, but is silent on the police violence itself and the genocide we were protesting against, says all we need to know about her and her party: reactionary, opportunistic, unprincipled, complicit

**Sophie Fyfe** @sophfyfe · Nov 22

I was speaking to 2 young guys after the protest last night who said, just wait till the footage gets out, this is going to look so bad for the police.

But of course @ClareONeilMP is out saying that the cops who ...
Show more

Home Affairs Minister Clare O'Neil told Channel Nine's *Today* that the protest activity "was utterly despicable" and she hated to see violence against the police.

"We've got law enforcement officials around the country who put on a uniform every day to try to keep your family safe and my family safe and to subject them to any form of violence is just utterly inexcusable," she said.

"We've got a bunch of people in our country who are feeling incredibly deeply about what's going on in the Middle East ... let's respect each other, understand the strong views and feelings in the community, but just calm down a bit."

20 101 176 9.2K

362

Nick Riemer @NickReimer1 · Nov 22
Last night, Minns' police used totalitarian new laws against Palestine protesters and Inner West ALP councillors scotched a ceasefire motion. Meanwhile, ALP party faithful congratulated themselves on their progressivism at the Bowen dinner. A dangerous and sickening fantasy land.
The prime minister laid out the government's agenda, its legislation of climate targets, support of renewable energy projects and electric vehicles.
He said the biggest economic transformation since the industrial revolution was underway.
"That's why Australia needs Labor – the one party that has never feared the future, but looked to it with optimism and clear eyes," he said.
Taking aim at Opposition Leader Peter Dutton, Mr Albanese slammed the Queensland MP for claiming to be a conservative, while trying to "trash our institutions".
15
35
93
3.5K

363

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Nov 22
Joint Statement: Civil Rights Groups Condemn Police Repression of Port Botany Rally nswccl.org.au/joint_statemen... via @NSWCCL
nswccl.org.au
Joint Statement: Civil Rights Groups Condemn Police Repression of Port Botany Rally
2
31
38
3.6K

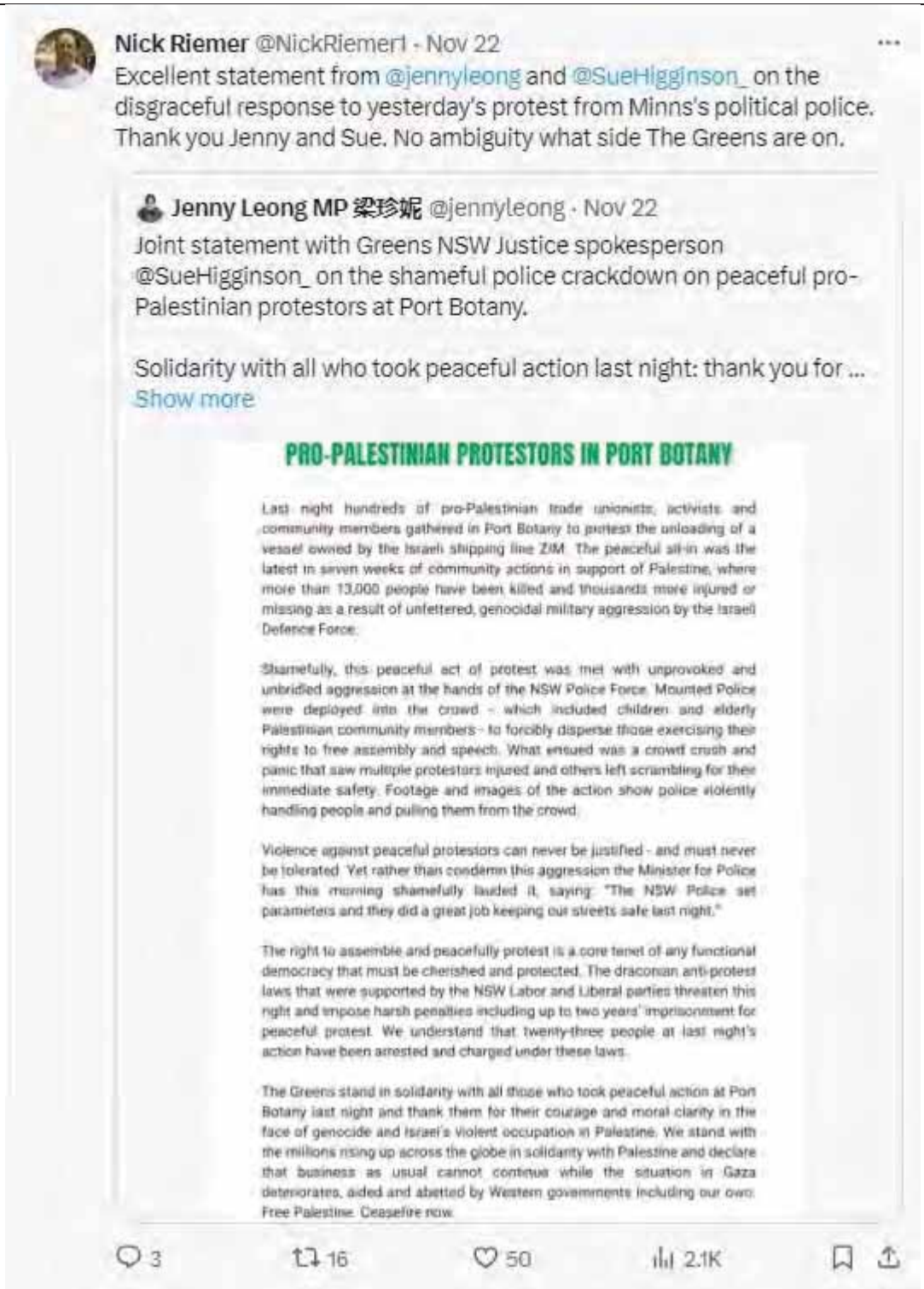
364

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Nov 22
Brief media statement on last night's protest at Port Botany.
atement on yesterday's Port Botany protest against aeli shipping line ZIM
e following comments can be attributed to Ahmed Abadi MS spokesperson:
/e congratulate the 500 justice-supporters who came at nost no notice to our peaceful protest and sit-in at the ichison terminal last night to say no to ZIM – a known nsporter of deadly armaments.
lestine Justice Movement Sydney has taken a strong an wavering stance against the Israeli war machine, which s undertaken relentless carpet bombing on Gaza over th t 47 days, resulting in the massacre of over 13,000 zans, including over 5,500 children. We caused hours of lays to port operations, after a previous major delay to th M vessel Calandra.
Ve condemn the arrests and police violence to which rotesters were subject. In charging protesters under the new nti-protest laws, the ALP, aided by a complicit media, is olluding with genocide and accelerating the dangerous epressive turn in politics. We will not be intimidated.
Our peaceful, non-violent boycott campaigns and protests wil ontinue against all companies complicit with apartheid Israel Australia.
The media play an integral role, as does social media, in forming the public. As well as calling on the federal overnment to end its support for Israeli crimes and the state overnment to end its repression of protest, we call on ournalists not to be selective or complicit in their coverage of e issues in Gaza and Palestine more generally.
We will not stop until justice is achieved for the Palestinians, om the Jordan River to the Mediterranean sea."
11
45
64
4.2K

365

Nick Riemer @NickReimer1 · Nov 22
Not interested in hearing any more from ALP members who voted *against* the cease-fire motion at Inner West Council last night about how strongly they actually support a cease-fire.
Pip Hinman @PipHinman · Nov 22
My short piece for @greenleftonline on Labor councillors' failure to support a ceasefire at last night's @IWCouncil Given today's news about a 'pause', it is even more damning of a party that once stood up for Palestine greenleft.org.au/content/inner-...
5
10
55
2.5K

366



**Nick Riemer** @NickReimer1 · Nov 22

Excellent statement from @jennyleong and @SueHigginson_ on the disgraceful response to yesterday's protest from Minns's political police. Thank you Jenny and Sue. No ambiguity what side The Greens are on.

> **Jenny Leong MP 梁珍妮** @jennyleong · Nov 22
>
> Joint statement with Greens NSW Justice spokesperson @SueHigginson_ on the shameful police crackdown on peaceful pro-Palestinian protestors at Port Botany.
>
> Solidarity with all who took peaceful action last night: thank you for ...
> Show more
>
> **PRO-PALESTINIAN PROTESTORS IN PORT BOTANY**
>
> Last night hundreds of pro-Palestinian trade unionists, activists and community members gathered in Port Botany to protest the unloading of a vessel owned by the Israeli shipping line ZIM. The peaceful sit-in was the latest in seven weeks of community actions in support of Palestine, where more than 13,000 people have been killed and thousands more injured or missing as a result of unfettered, genocidal military aggression by the Israeli Defence Force.
>
> Shamefully, this peaceful act of protest was met with unprovoked and unbridled aggression at the hands of the NSW Police Force. Mounted Police were deployed into the crowd - which included children and elderly Palestinian community members - to forcibly disperse those exercising their rights to free assembly and speech. What ensued was a crowd crush and panic that saw multiple protestors injured and others left scrambling for their immediate safety. Footage and images of the action show police violently handling people and pulling them from the crowd.
>
> Violence against peaceful protestors can never be justified - and must never be tolerated. Yet rather than condemn this aggression the Minister for Police has this morning shamefully lauded it, saying: "The NSW Police set parameters and they did a great job keeping our streets safe last night."
>
> The right to assemble and peacefully protest is a core tenet of any functional democracy that must be cherished and protected. The draconian anti-protest laws that were supported by the NSW Labor and Liberal parties threaten this right and impose harsh penalties including up to two years' imprisonment for peaceful protest. We understand that twenty-three people at last night's action have been arrested and charged under these laws.
>
> The Greens stand in solidarity with all those who took peaceful action at Port Botany last night and thank them for their courage and moral clarity in the face of genocide and Israel's violent occupation in Palestine. We stand with the millions rising up across the globe in solidarity with Palestine and declare that business as usual cannot continue while the situation in Gaza deteriorates, aided and abetted by Western governments including our own. Free Palestine. Ceasefire now.

3 16 50 2.1K

| | |
|---|---|
| | **Nick Riemer** @NickRiemer1 · Nov 22<br>Noticeably higher number of cars honking for a free Palestine at our banner drop today.<br> <br>105 133 650 17K |
| 367 | Nick Riemer reposted<br>**Shona (@pommedeguerre.bsky.social)** @pomelodeguerre · Nov 22<br>Replying to @NickRiemer1<br>Thanks to all of you. I have a child studying at USyd, and you make me glad. I know this isn't an easy stand to take, and I appreciate you making it clear that it should be.<br>10 2 23 995 |
| 368 | **Nick Riemer** @NickRiemer1 · Nov 22<br>Some good reporting here by @jenniferluu_ on the unacceptable crack-down on pro-Palestinian speech at @Sydney_Uni. Excellent work by Maeve Larkins and other students defending the university as a place of critique. protect-au.mimecast.com/s/0ATUC81V0PTX...<br>3 7 12 916 |

369

**Nick Riemer** @NickRiemer1 · Nov 23

Much as I'd have preferred my book on the academic boycott never to have been necessary, I'm looking forward to discussing it and to hearing ideas about Palestine solidarity in universities on Friday. 10am GMT, 9pm Sydney/Melbourne/Canberra.

> **Nicola Perugini** @PeruginiNic · Nov 20
>
> This Friday 24th of November at 10am GMT the @EdinburghPIR Middle East Research group and @CRITIQUE_CENTRE will host @NickRiemer1 for a timely conversation on academic boycotts, justice and liberation in Palestine. The event will be online. Register here ...
>
> Show more

6 6 26 2.1K

370

Nick Riemer reposted

**Michael Karadjis** @mkaradjis · Nov 23

Was quite a show, watching that robotic row of Labour (and one allied Liberal) apparacheks vote down the simple call for a ceasefire (ie, just stop the slaughter, which says nothing of Israel's ongoing occupation), against the overwhelming will of the local community.

> **Nick Riemer** @NickRiemer1 · Nov 22
>
> Not interested in hearing any more from ALP members who voted *against* the cease-fire motion at Inner West Council last night about how strongly they actually support a cease-fire.
> twitter.com/PipHinman/stat...

2 5 461

371

Nick Riemer reposted

**Nabil Iqbal** @nblqbl · Nov 2

I can't stop thinking, so I'm writing something.

This is about the physics students of Gaza. 1/N

86 8.4K 20K 1.7M

372

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 24

It's a time of reckoning for the Australian media. This is so deeply unethical. Even by their own standards of journalistic ethics - they continually fail. Protecting sources should be paramount always!!!

**Ben Pennings** @BenPennings · Nov 24

Three more climate protectors have been arrested on conspiracy charges due to the footage provided by the ABC to 4 Corners.

"It is a betrayal of their sources, it is a betrayal of their story, and it is a betrayal of journalism."

**ABC footage 'betrayal' leads to activist arrests**

Disrupt Burrup Hub media adviser Jesse Noakes said the ABC's decision was a 'massive violation'. Picture: Paul Garvey

14 219 501 23K

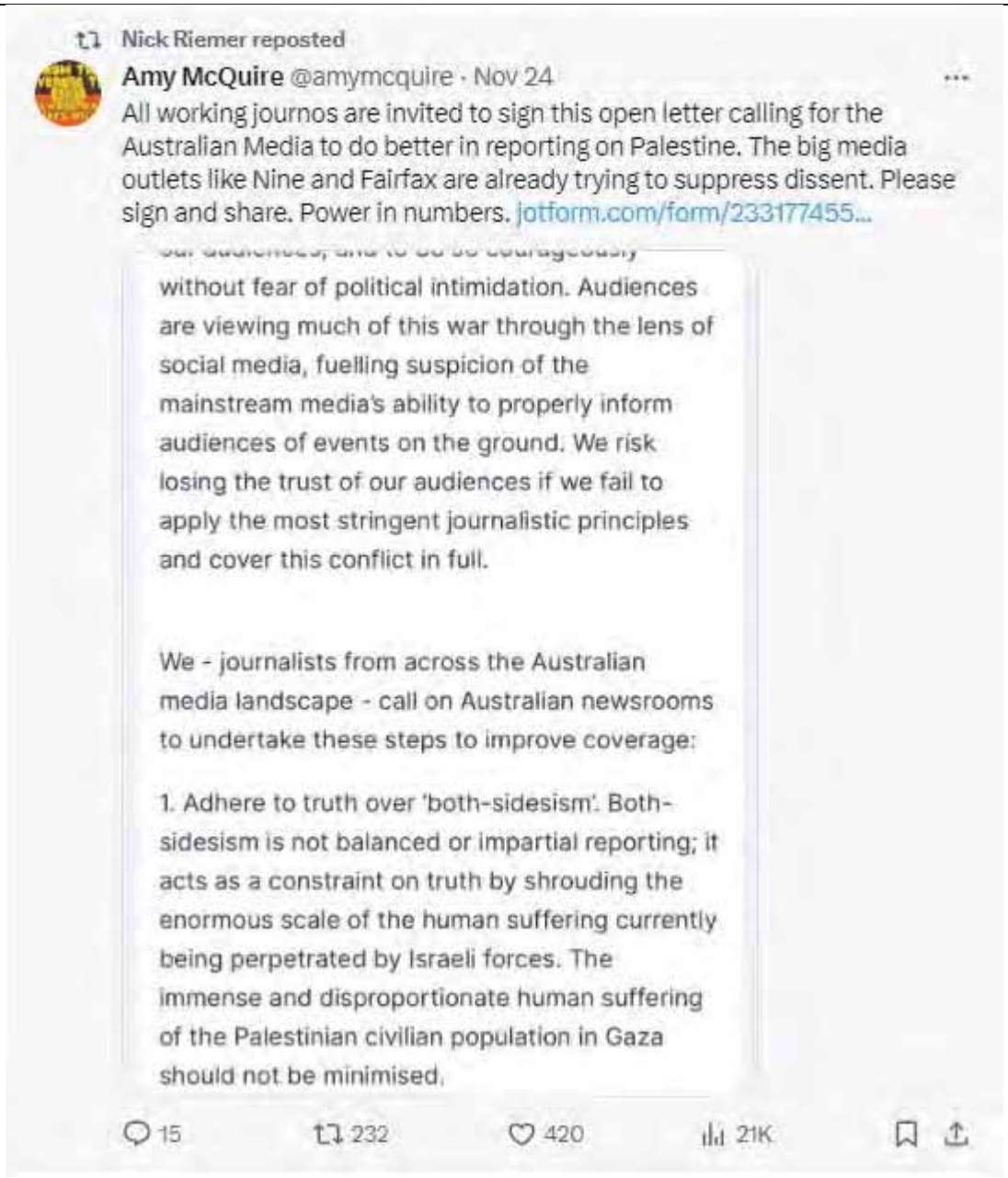
373

Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 24
They plan to literally leave nothing standing in Gaza, making it uninhabitable. This is about taking over the majority of land in Gaza, its natural resources, forcibly expelling the majority, and concentrating the remaining on as little land as possible.
Jason Hickel @jasonhickel · Nov 24
BREAKING: Israeli officials have said that following the 4-day pause they will continue the bombardment of Gaza for "at least another two months".
It is critical to ramp up pressure on public officials everywhere to ...
Show more
2
139
208
12K

374

Nick Riemer @NickReimer1 · Nov 24
Next Friday evening: End Australia's complicity with Israel – Free Gaza – Free Palestine. Called by Trade Unionists for Palestine.
JOIN A FORTNIGHT OF UNION ACTION FOR PALESTINE
RALLY OUTSIDE NSW PARLIAMENT
FRIDAY 1 DEC 5:30PM
TELL CHRIS MINNS AND ALBANESE:
END AUSTRALIA'S COMPLICITY - FREE GAZA - FREE PALESTINE
• Drop the charges on Zim protestors
• Scrap the anti protest laws
• Stop the bombing
• End the seige on Gaza
11
32
55
3.4K

375


Nick Riemer reposted
Amy McQuire @amymcquire · Nov 24
All working journos are invited to sign this open letter calling for the Australian Media to do better in reporting on Palestine. The big media outlets like Nine and Fairfax are already trying to suppress dissent. Please sign and share. Power in numbers. jotform.com/form/233177455...
without fear of political intimidation. Audiences are viewing much of this war through the lens of social media, fuelling suspicion of the mainstream media's ability to properly inform audiences of events on the ground. We risk losing the trust of our audiences if we fail to apply the most stringent journalistic principles and cover this conflict in full.
We - journalists from across the Australian media landscape - call on Australian newsrooms to undertake these steps to improve coverage:
1. Adhere to truth over 'both-sidesism'. Both-sidesism is not balanced or impartial reporting; it acts as a constraint on truth by shrouding the enormous scale of the human suffering currently being perpetrated by Israeli forces. The immense and disproportionate human suffering of the Palestinian civilian population in Gaza should not be minimised.
15
232
420
21K

376

Nick Riemer reposted

**Padraic Gibson** @paddygibson · Nov 24

Sydney Town Hall, school strike for Palestine:

"I stand here today as the grandson of a holocaust survivor to say that I stand against all genocides, and I will not let the state of Israel speak for all Jews"

442 5.7K 14K 356K

377

Nick Riemer reposted

**Green Left** @GreenLeftOnline · Nov 24

Hundreds of students rally at Town Hall in Gadi/Sydney for the #SchoolStrikeForPalestine

#CeasefireNow

13 95 148 4.7K

378

**Nick Riemer** @NickReimer1 · Nov 24

Unions shouldn't gratify supporters of genocide and apartheid. Solidarity means genuine action for Palestine, not placating Zionist members who threaten to leave if we do anything. During a genocide, there's no room for both-sideism or bare-minimum action. It should be simple.

14 48 155 4.6K

379

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 24

My article in The Age.

"This did not begin on October 7 – it is the latest chapter in a 75-year-long violent and bloody conflict tied to a settler-colonial process."

9 157 402 15K

380

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 24

In 1948, Israel expelled the majority of Palestinians from their homeland and shot them when they tried to return to their homes. It's now doing it again.

> **PALESTINE ONLINE** @OnlinePalEng · Nov 24
>
> BREAKING| Israeli occupation forces opened gunfire at displaced Palestinians on their way back home in northern Gaza.

60 2K 3.1K 149K

381

Nick Riemer reposted

**MEAA** @withMEAA · Nov 24

#MEAAmedia fully supports the rights of our members to stand up for the Code of Ethics. Any pressure or intimidation from managers to prevent workers from doing this is an overreach and an attack on both journalists' rights and the public's right to know.

40 384 1.1K 77K

382

Nick Riemer reposted

**Tahlia Stolarski** @tahliastolarski · Nov 24

On Wednesday I was told to go to freo police station to be arrested under suspicion of conspiracy. 2 detectives from the counter terror unit were awaiting my arrival. They put me in handcuffs and I asked what changed as the incident I was being arrested for occurred months ago 1/

> **Sophie McNeill** @Sophiemcneill · Nov 24
> This is just shocking @abcnews
>
> ABC footage 'betrayal' leads to arrests of three more climate activists
>
> "One of the people arrested on Thursday, Tahlia Stolarski, said police ...
> Show more

71 835 2.3K 440K

383

Nick Riemer reposted
Yumna @yumna_patel · Nov 25
These are the Palestinian "prisoners" being exchanged for Israeli hostages. They are also children. Children who were stolen from their homes. Children who just want to hug their mothers. These are the boys who the media won't even afford the dignity of being called children.
✨Mina✨ @lionne998 · Nov 25
My heart
0:36
1.6K
61K
134K
5.7M

384

Nick Riemer reposted
Jacob @murmurations24 · Nov 24
Thank-you for all your messages of support 🟨 I'm feeling refreshed and revitalised. I've got a lawyer, I've talked to representatives, I've coordinated my next steps, and I am not backing down. Long live Palestine!!
Jacob @murmurations24 · Nov 22
Last night I was punched in the face, kicked between the legs and thrown to the ground by cops at a peaceful pro-Palestine rally at Port Botany. I spent nine hours in an overcrowded cell, forced to curl up into a ball on the concrete floor due to the lack of space.
16
11
174
9.5K

385

Nick Riemer reposted

**Rawan Arraf** @rawanarraf · Nov 25

10 year old Mohammad was shot and killed in the chest by Israeli occupation forces yesterday. To the chest. Stop the murder of Palestinian children.

> **Defense for Children** @DCIPalestine · Nov 25
>
> Israeli forces shot and killed 10-year-old Mohammad Ibrahim Fahed Bahloul around 6:30 p.m. yesterday in Beita, south of Nablus in the northern occupied West Bank. ow.ly/URg450Qb8uH

258 387 15K

386

Nick Riemer reposted

**BDS movement** @BDSmovement · Nov 25

Barcelona cuts relations with Israel over its war crimes against Palestinians in Gaza becoming the first European city to do so.

Palestinians salute Barcelona and all the solidarity activists behind this brave decision.

#GazaGenocide

> **ProuComplicitat #AturemElGenocidi** @proucomplicitat · Nov 24
> Comunicat | La coalició Prou Complicitat amb Israel celebrem que @bcn_ajuntament es converteix en un dels primers ajuntaments d'Europa a trencar relacions amb Israel i emplaça a tots els municipis i institucions catalanes a que empreguin mesures similars.
> palestina.cat/comunicat-el-t...

30 1.5K 2.7K 93K

387

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 25

And those who have been charged were charged in a military court with a conviction rate of over 99%. Free them all.

> **Noura Erakat** @4noura · Nov 25
> Apartheid Israel holds 7,000 Palestinians captive, 2,070 without charge or trial, 200 children, & 62 women. And is holding over 80 Palestinian corpses hostage.
>
> addameer.org...
> Show more

3 44 62 5.2K

388

Nick Riemer reposted
Palestinian Feminist Collective @PalFeminist · Nov 26
On the International Day for the Elimination of Violence Against Women, the Palestinian Feminist Collective invites you to #shutdowncolonialfeminism and say NO to genocide. Read our full statement palestinianfeministcollective.org/shut-down-colo...
SAT. NOVEMBER 25
THE PALESTINIAN FEMNIST COLLECTIVE
IS SHUTTING DOWN
COLONIAL
"FEMINISM"
7
462
931
74K

Nick Riemer @NickReimer1 · Nov 26
Out for Palestine again today in Sydney
90
193
670
17K

389

Nick Riemer reposted
Green Left @GreenLeftOnline · Nov 26
More than 21 hours into the 30 hour blockade of the Newcastle coal port, last night's night flotilla was unprecedented.
Here are photos from the launch, on the water and support from the shore.
#RisingTideAus #PeoplesBlockade #NoNewCoal #RisingTide
1
14
19
971

390

Nick Riemer @NickReimer1 · Nov 27
Australian education in long-term decline due to poor curriculum, report says
theguardian.com
The Guardian
3
3
4
986

391

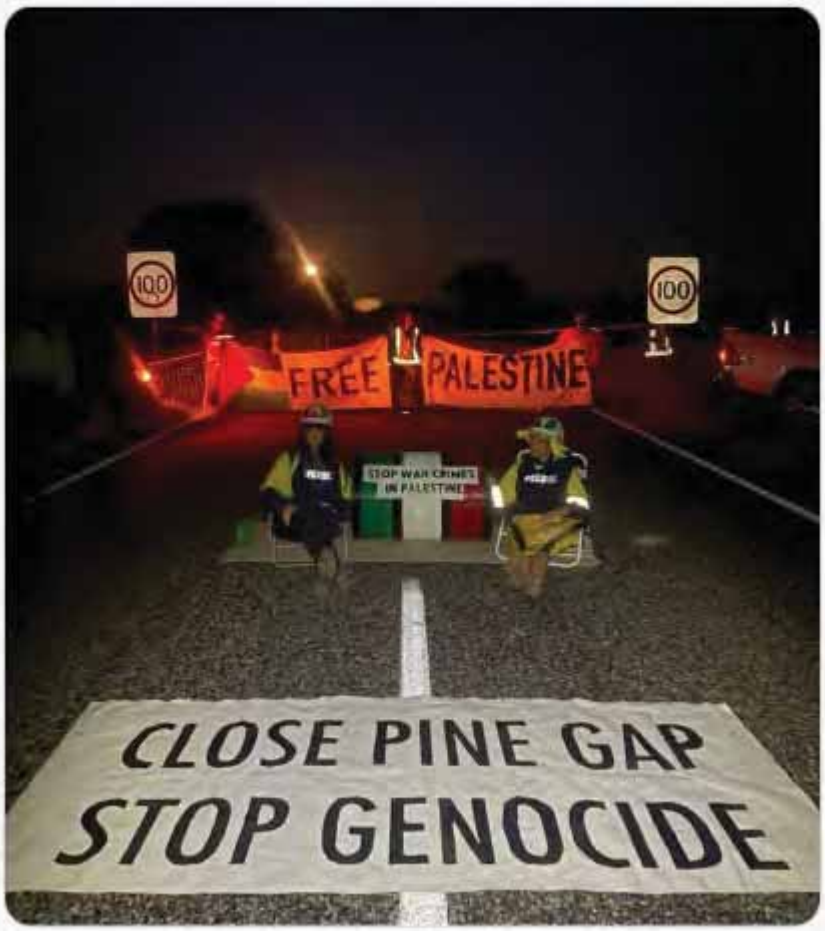
Nick Riemer reposted
Ramy Abdu| رامي عبده @RamAbdu · Nov 27
The largest university in Gaza seized by Israeli forces, transformed into a military base and site of soldier celebrations. #GazaGenocide
0:45
328
3.7K
4K
2.3M

392

Nick Riemer reposted

**WACA** @akaWACA · Nov 27

Free Palestine protesters block the road to #PineGap joint US AU satellite base in Mparntwe/ Alice Springs.
AU & US aid & abet Israeli crimes against Palestinian people using data relayed through Pine Gap.
Pine Gap must be closed. #ClosePineGap #StopArmingIsrael




34 444 799 56K

393

Nick Riemer reposted

**Rachel Withers** @rachelrwithers · Nov 24

Replying to @rachelrwithers

Oh would you look at that.

Current Age editor Pat Elligett has been on a trip to Israel too - as recently as June this year.

Yet to make Crikey's list @daanysaeed

crikey.com.au/2023/11/03/aus...

18 347 834 36K

394

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 24

SMH/The Age executive editor Tory Maguire pictured in a group photo for the Australian Jewish News after her Zionist funded propaganda tour to Israel

**Israel 'captured my heart and my mind'**

EIGHT senior journalists, editors and producers shared their thoughts on Monday night on an intensive week-long study mission they'd recently been on to Israel and the West Bank.

By EVAN ZLATKIS

12 October 2017, 11:05 am |

65 263 539 32K

395

Nick Riemer reposted
Sydney Review of Books @SydReviewBooks · Nov 24
A letter from the SRB team: 'There will be times [...] when the need for journalism can outstrip the need for the slower deliberative rhythms of critical practice. As commentators in the public sphere, critics are necessary, but by no means sufficient.'
A Letter to Our Readers
sydneyreviewofbooks.com
5
23
2.7K

396

Nick Riemer @NickReimer1 · Nov 28
One reason for the proliferation of new managerial roles in universities is the considerable insecurity staff feel in strongly hierarchical and authoritarian systems. People feel very vulnerable to the arbitrary exercise of power, so they want insurance. Democratise the uni now.
3
5
22
999

397

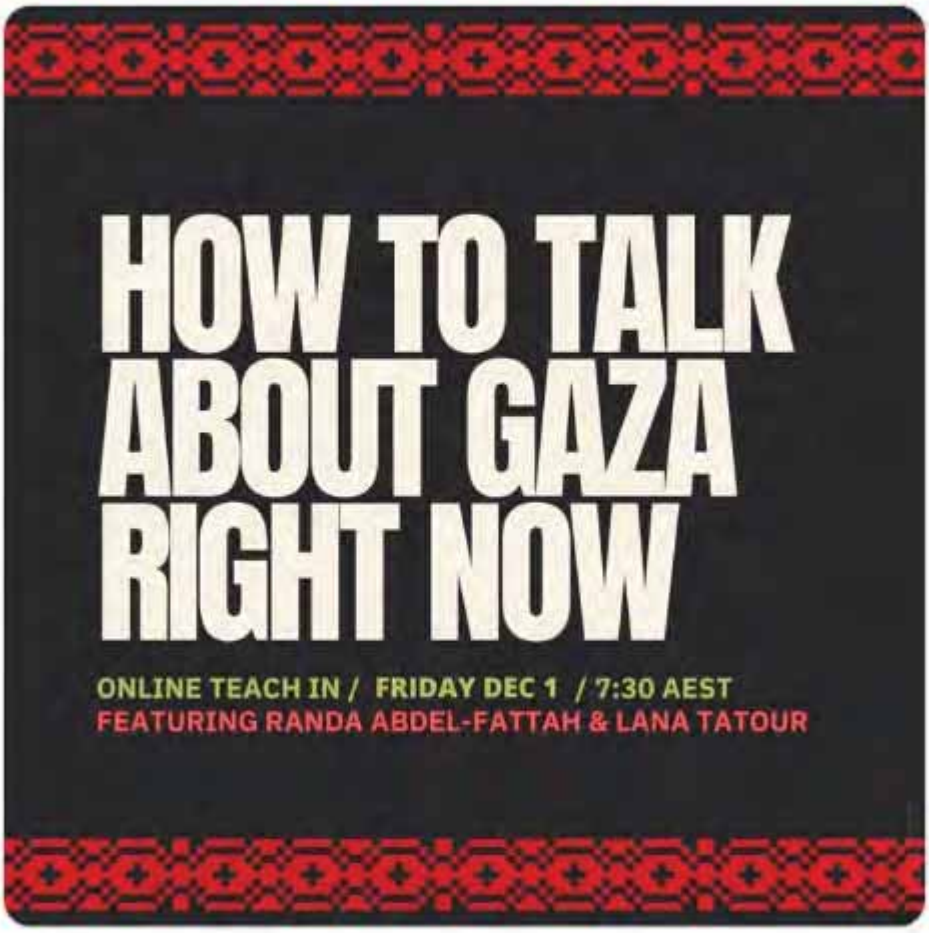
Nick Riemer reposted
Dr. Yara Hawari د. يارا هواري @yarahawari · Nov 28
Since the start of this 4 day truce the Israeli regime has released 117 Palestinians from their jails & in that same time they've incarcerated 116 new Palestinian prisoners from areas across the occupied West Bank.
126
6.8K
10K
435K

398

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 28

Register for this important teach-in "How To Talk About Gaza Right Now" this Friday evening featuring Dr @RandaAFattah and Dr @Lana_Tatour us06web.zoom.us/meeting/regist...




7 81 109 19K

399

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Nov 28

Over 200 staff at USYD say Sydney Uni should cut its ties with Israel, full statement printed here.
sydneystaff4bds.org/?page_id=2614

38 30 93 7.6K

400

Nick Riemer reposted

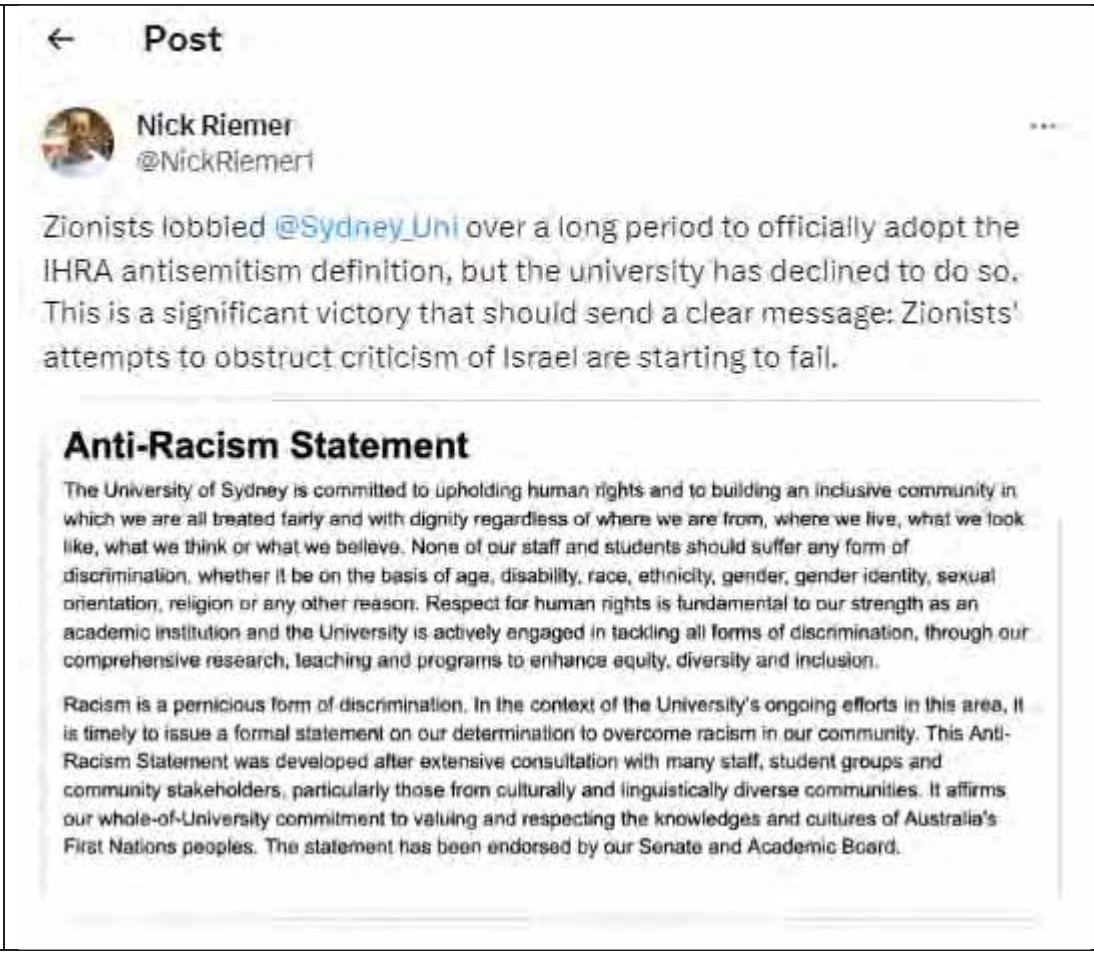
**Jessica Whyte** @j_e_s_s_whyte · Nov 28

"the targeted destruction of Gaza's primary public library is a stark reminder that genocide is about more than just the premeditated mass extinguishing of human life; it's also about the calculated, and often vindictive, destruction of a people's culture, language, history"

> **Literary Hub** @lithub · Nov 28
> Gaza's main public library has been destroyed. lithub.com/gazas-main-pub...

1 35 89 4.6K

401-405


Post
Nick Riemer
@NickRiemer1
Zionists lobbied @Sydney_Uni over a long period to officially adopt the IHRA antisemitism definition, but the university has declined to do so. This is a significant victory that should send a clear message: Zionists' attempts to obstruct criticism of Israel are starting to fail.
Anti-Racism Statement
The University of Sydney is committed to upholding human rights and to building an inclusive community in which we are all treated fairly and with dignity regardless of where we are from, where we live, what we look like, what we think or what we believe. None of our staff and students should suffer any form of discrimination, whether it be on the basis of age, disability, race, ethnicity, gender, gender identity, sexual orientation, religion or any other reason. Respect for human rights is fundamental to our strength as an academic institution and the University is actively engaged in tackling all forms of discrimination, through our comprehensive research, teaching and programs to enhance equity, diversity and inclusion.
Racism is a pernicious form of discrimination. In the context of the University's ongoing efforts in this area, it is timely to issue a formal statement on our determination to overcome racism in our community. This Anti-Racism Statement was developed after extensive consultation with many staff, student groups and community stakeholders, particularly those from culturally and linguistically diverse communities. It affirms our whole-of-University commitment to valuing and respecting the knowledges and cultures of Australia's First Nations peoples. The statement has been endorsed by our Senate and Academic Board.

**Nick Riemer** @NickRiemer1 · Nov 28

IHRA is not in the university's new antiracism statement, but is just one of several definitions of antisemitism referenced in the 'additional material' supplied for 'educative' (that is, not binding) purposes.

## Additional resources

The Anti-Racism Statement supplements ongoing efforts by the University to promote a deeper understanding of racism and its harmful impacts

The statement has been developed in collaboration with many students and staff, including the National Centre for Cultural Competence and representatives from the Mosaic Staff Network, the Sydney Law School, Aboriginal and Torres Strait Islander staff, Diversity and Inclusion, the Student Representative Council, the Sydney University Chinese Students' Association, the Australasian Union of Jewish Students, the Sydney University Muslim Association among many others.

The Statement was unanimously endorsed by the Academic Board, a decision affirmed by the University Senate on 28 July.

The Statement speaks to the University's aspiration to stand against racist ideas and practices within the University, but also our obligation to uphold the principle of freedom of speech and academic freedom.

As an academic institution, we have a responsibility to be open to diverse views and opinions and to foster a greater understanding of these issues in the community. The Statement offers a list of supplementary resources informed by the University community.

These additional materials serve as educative guides to understanding manifestations of racism and discrimination.

1 · 3 · 27 · 1.3K

**Nick Riemer** @NickRiemer1 · Nov 28

Congratulations to everyone involved in this win: the university's @NTEUnion branch, Palestinian and anti-Zionist Jewish staff and students, and others. Sydney joins the ANU, Aberdeen, Toronto and other institutions in refusing Zionist censorship through the IHRA.

5 · 14 · 70 · 2.1K

**Nick Riemer** @NickRiemer1 · Nov 28

It's now time for the university to honour its stated commitment to respecting and upholding human rights by cutting ties with Israeli apartheid through officially endorsing the institutional academic boycott of Israel.

8 · 7 · 51 · 1.3K

406

Nick Riemer reposted

**NTEU UniMelb Branch** @NTEUUniMelb · Nov 28

We (@NTEUUniMelb) along with more @NTEUVictoria chapters & Trade Unionists for #Palestine, are organising some events to mark the International Day of Solidarity for Palestine. More details on the events in the thread.

#FreePalestine #Solidarity #UnionPower #FromTheRiverToTheSea

APAN and 3 others

3 28 52 3K

407

Nick Riemer reposted

**UnionistsforPalestine** @unions4palestin · Nov 28

Some action from @NTEUNSW members today 28th Nov for the week of action for Palestine.

1. NTEU members across NSW met to discuss plans for action
2. Over 200 signatures call for Uni of Sydney to cut ties with Israel
3. Teachers take a photo to express solidarity with Palestinians

1 7 13 641

408

**Nick Riemer** @NickRiemer1 · Nov 29

Rain, hail or shine, standing up for Palestine. Great to be joined by new Sydney Uni faces, and a second NTEU branch president this afternoon.

179 79 317 15K

409

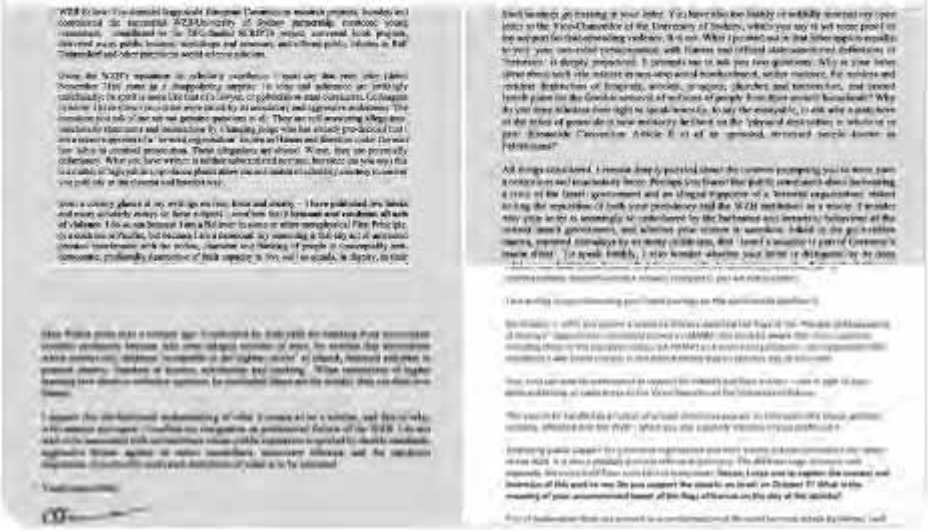
Nick Riemer reposted
Mathew Abbott @mathew_abbott · Nov 29
Good to join my @NTEUnion comrades at USyd for a banner drop today after a fantastic @AusSocContiPhil conference! This was part of the national week of action called by @unions4palestin and also coincided with the International Day of Solidarity with the Palestinian People
Nick Riemer @NickReimer1 · Nov 29
Rain, hail or shine, standing up for Palestine. Great to be joined by new Sydney Uni faces, and a second NTEU branch president this afternoon.
1
3
46
2.7K

410

**Nick Riemer** @NickReimer1 · Nov 29

Institutions like @WZB_Berlin need to appreciate just how much discredit the intellectual irresponsibility and lack of political principle on display here bring on them.

> **John Keane** @jkeaneSDN · Nov 29
>
> today - after 25 years - I resigned from the WZB Berlin following absurd allegations of support for a 'terrorist organisation' and suggestions of my criminal liability; here's my open letter on guilt, terrorism, Israel and scholarship...



1 · 5 · 20 · 1.6K

411

Nick Riemer reposted

**NTEU UniMelb Branch** @NTEUUniMelb · Nov 29

Photo of our speakers, organisers & attendees together at the end of today's public forum for #International_Day_of_solidarity_with_Palestine_people! Huge thanks to Lachlan Batchelor (@apheda), @iamthenas (@APAN4Palestine) & Dana Alshaer (@Unimelb for Palestine) for your voices.

APAN and 4 others

5 16 30 4.1K

412

**Nick Riemer** @NickReimer1 · Nov 30

Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

615 425 1.2K 100K

413

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 30

I shall show my Palestinian father, an alumnus of Sydney University.

Beautiful and courageous.

Thank you

> **Nick Riemer** @NickReimer1 · Nov 30
>
> Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

88 96 526 24K

414

Nick Riemer reposted

**Tzedek Collective** @tzedekcollectiv · Nov 30

Jews are making their voices clearer and clearer. Zionism is not Judaism, and supporting 🍉 is not antisemitism.

13 147 342 13K

415

Nick Riemer reposted

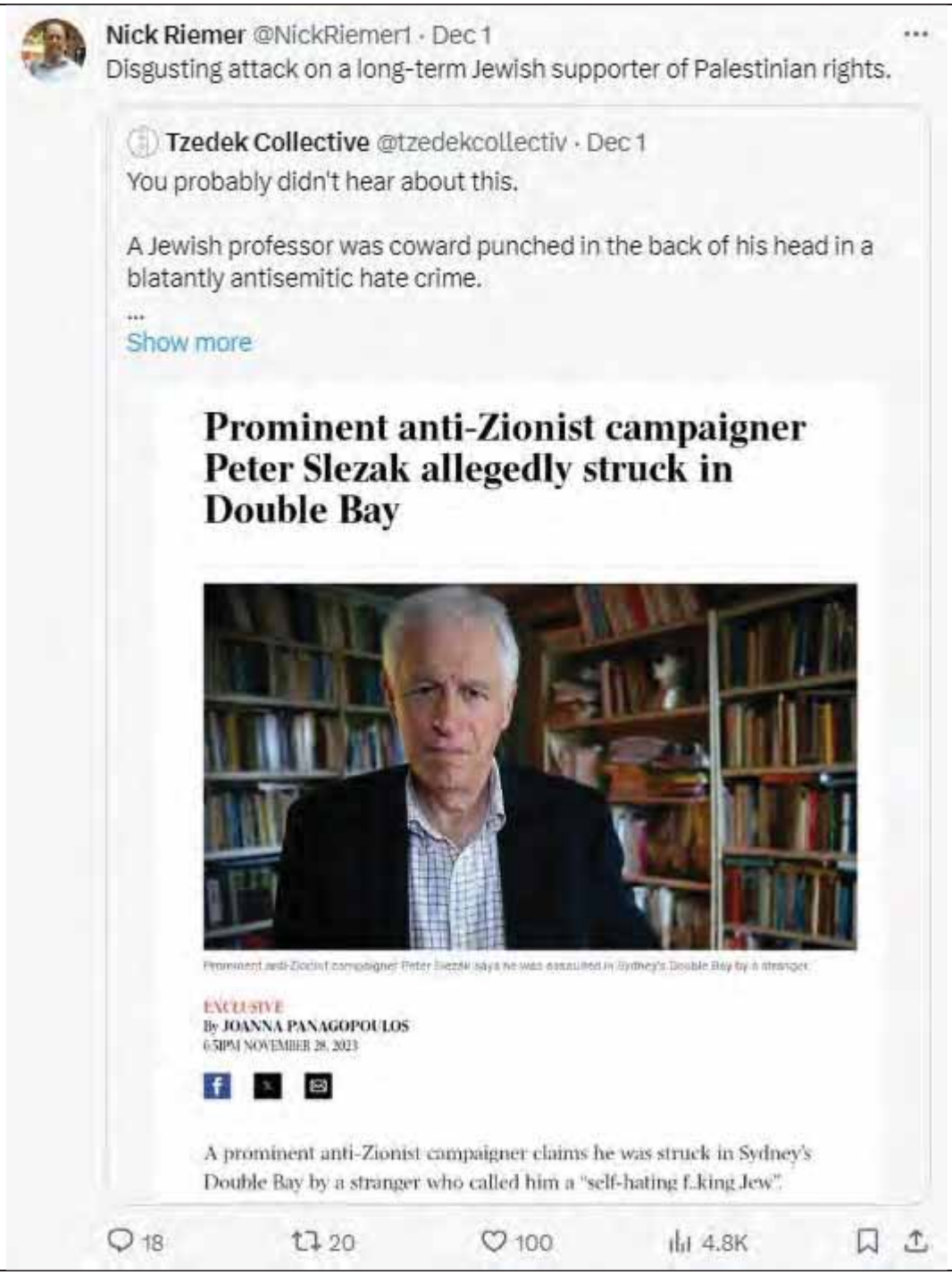
**Jenny Leong MP 梁珍妮** @jennyleong · Nov 30

Well done 🙌

> **Nick Riemer** @NickReimer1 · Nov 30
>
> Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

202 51 244 16K

416



**Nick Riemer** @NickRiemer1 · Dec 1

Disgusting attack on a long-term Jewish supporter of Palestinian rights.

**Tzedek Collective** @tzedekcollectiv · Dec 1

You probably didn't hear about this.

A Jewish professor was coward punched in the back of his head in a blatantly antisemitic hate crime.

...

Show more

**Prominent anti-Zionist campaigner Peter Slezak allegedly struck in Double Bay**

Prominent anti-Zionist campaigner Peter Slezak says he was assaulted in Sydney's Double Bay by a stranger

EXCLUSIVE

By JOANNA PANAGOPOULOS

6:58PM NOVEMBER 28, 2023

A prominent anti-Zionist campaigner claims he was struck in Sydney's Double Bay by a stranger who called him a "self-hating f..king Jew".

18 20 100 4.8K

417

**Nick Riemer** @NickRiemer1 · Dec 1

Union members out to say stop the bombs, drop the anti-protest laws and the charges on the Block the Boat protesters, ZIM out of Botany and Free Palestine! ASU, NTEU, MUA, CFMEU, Nurses & Midwives, CPSU.

195 153 392 16K

418

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 2

CNN report claiming sexual violence on October 7 relied on non-credible witnesses, some with undisclosed ties to Israeli govt. A must read on why we should question any allegations coming from Israel and demand that evidence be credible.

36 378 663 25K

419

Nick Riemer @NickReimer1 · Dec 3
Out again for Palestine and against Albanese, Minns, Wong, Clare and all the other genocide-enablers.
UNIONISTS
FOR
251
338
981
32K

420

Nick Riemer reposted
Jenny Leong MP 梁珍妮 @jennyleong · Dec 4
NSW Police forcibly remove a woman holding a baby from the opening of an inner west park because she's holding a sign saying 'Shame Albo 🍉"
This is NOT normal. This is NOT ok.
#ShameAlbo #CeasefireNow #FreePalestine
Dylan Griffiths @DylanInnerWest · Dec 4
Just went to the opening of the new Lewis Hermann Reserve. @AlboMP spoke and a woman, holding a baby, showed up with a protest sign about Palestine 🍉
Police tried to forcibly remove her. A shameful response, real failure for politicians in attendance to be an ethical bystander
0:05
200
368
885
45K

421

Nick Riemer @NickReimer1 · Dec 5
Listen to @jennyleong on fire at Friday's demonstration outside State Parliament: powerful words for Palestine and against the repression of protest by police and politicians.
youtube.com
Jenny Leong MP speaks at Trade Unionists for Palest
Authorised by D. Hayden for The Greens NSW. 19a/1 Hordern Place Camperdown NSW 2050
14
19
52
3.7K

422

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Dec 4

Wednesday December 13, 6.30pm, Bankstown Arts Centre – join us for a forum on the struggle against apartheid Israel through boycott and direct action.

6 21 39 2K

423

Nick Riemer reposted

**Eli Meyerhoff** @EliMeye · Dec 6

Israel denies and destroys the conditions for Palestinian education. Another reason for the #AcademicBoycott of Israel.

> **Stop The Wall** @stopthewall · Dec 4
>
> The liberated prisoner Ahmed Al-Salaymeh was not allowed to return to school by a decision from the Israeli Ministry of Education not to return the Palestinian captive children to any school in Jerusalem.
>
> .
>
> ....
>
> Show more

2 10 11 1.8K

424

Nick Riemer reposted

**Serkan Öztürk** ❤️🇵🇸❤️ @SerkanTheWriter · Dec 4

What would Albo's single mum think of him getting loser cops to physically harass a mother and her baby just for holding a sign simply stating "Shame Albo"?

Albo is a fascist cosplaying as a working class good bloke. Biggest fraud and loser going ❤️

Palestine will be free 🇵🇸

> **Dylan Griffiths** @DylanInnerWest · Dec 4
> Just went to the opening of the new Lewis Hermann Reserve. @AlboMP spoke and a woman, holding a baby, showed up with a protest sign about Palestine 🍉
> Police tried to forcibly remove her. A shameful response, real failure for politicians in attendance to be an ethical bystander

14 51 137 5K

425

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 8

heartbreaking. We will never forget. We are eternally grateful for who you are and your dedication. Rest in power.

> **Ramy Abdu| رامي عبده** @RamAbdu · Dec 8
>
> The assassins targeted, went after and killed the voice of Gaza, one of its best academics, a human, my dear and precious friend dr. Refaat al-Ar'eer @itranslate123 @GazaWritesBack

5 52 172 6.6K

426

Nick Riemer reposted

**Mohammed Sulaiman** @GazaSubaltern · Dec 8

In my first class at university, Intro to English Literature, Refaat mentioned the word 'ideology' and asked in passing if we knew what it meant. I put my hand up and said hesitatingly, 'a way of thinking', he stood next to me, gave me a pat on the shoulder and said, 'Brilliant!'

30 954 3K 140K

427

Nick Riemer reposted

NTEU @NTEUnion · Dec 5

Our latest report uncovers the ongoing injustice of wage theft in our universities.

Stand up for transparency & accountability now!

Read the report here: bit.ly/wagereport

Sign the petition today: bit.ly/accordpetition

2 67 80 46K

428

Nick Riemer reposted
Nicola Perugini @PeruginiNic · Dec 8
The Israeli military blowing up the Faculty of Medicine at the Islamic University of Gaza
0:34
From Dr Fadel Naim
1
1.9K
1.9K
459K

429

Nick Riemer reposted
Charlotte Epstein #CanALoudWomanMakeI @Prof_ch_epst · Dec 8
New Petition
Circulate as widely as possible:
protect-au.mimecast.com/s/-aEyC1WLPxc6...
2
7
1.1K

430

Nick Riemer reposted
Esmat Elhalaby @thaqafatalhind · Dec 8
Refaat Alareer's course on English poetry at the Islamic University of Gaza from 2019. 28 sessions on form and content, text and context, meter, metaphor, rhyme, caesura, and parody. Our teacher. youtube.com/watch?v=gRDwGM...
96
3.7K
9K
2.1M

431

Nick Riemer @NickReimer1 · Dec 9
Tonight - public meeting on the next steps in the campaign against ZIM and Israeli apartheid.
PUBLIC MEETING
AFTER THE ZIM SHIPPING BLOCKADE:
PROTEST, BOYCOTTS & BUILDING THE FIGHT AGAINST APARTHEID ISRAEL
Join our public meeting to get organised and discuss how we can take action to break the Australian government's support for Israeli apartheid, make Israel a pariah state and free Palestine. Come along if you came to the Zim blockade or are interested in future actions and want to help build the movement.
6PM SAT DECEMBER 9
BANKSTOWN ARTS CENTRE
Hosted by the newly formed group Stop Israeli Apartheid Sydney
64
38
102
5.1K

| | |
|---|---|
| 432 | |

Nick Riemer @NickReimer1 · Dec 9
Full house at Bankstown for the Action Against Apartheid Coalition public meeting on the next steps against ZIM and Australia's support for apartheid Israel.
200
111
378
20K

433

**Nick Riemer** @NickReimer1 · Dec 10

Workers, unions out in pride. We say no to genocide!

130 93 384 12K

434

Nick Riemer reposted

**Jordy S** @jordana_s_ · Dec 12

from Al Jazeera: aljazeera.com/news/liveblog/...

1h ago (02:55 GMT)

**Israel attacking Gaza's 'past, present and future': Australian historians**

More than 100 Australian historians have signed an open letter decrying Israel's attacks on Gaza, saying they aim "to destroy Palestinian lives and render it impossible for Palestinians to live in Gaza".

"As historians we know this as an attack on a people's past, present and future," the signatories added, citing Israel's destruction of universities, schools, cultural institutions, libraries, archives, mosques and churches.

Gaza's Ministry of Culture last week reported (PDF) that 28 cultural workers have been killed in the enclave since the war began, including musicians, publishers and folk dancers.

1 123 246 11K

435

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 13

My piece on @PHRIsrael & @hrw recent reports. I scrutinise each report & show how they fail to meet human rights research & reporting standards. This unethical conduct is made possible by anti-Palestinian racism in the service of Israel.

9 209 323 26K

436

Nick Riemer reposted

**Antoinette Lattouf** @antoinette_news · Dec 13

EXCLUSIVE:The original source of videos appearing to show protesters chanting "gas the Jews" has refused to provide unedited footage. One verification expert concluded "there's an audiovisual mismatch" & "audio has been repeated" & police dont have answers

328 2.5K 5.8K 550K

437

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Dec 13
We kept saying that the chant story was fabricated. We were accused of anti-semitism for rejecting Zionist lies. Lies that spread like wildfire because it's easier to lean into anti-Palestinian racist assumptions than interrogate those who defame a liberation movement.
Fahad Ali | فهد علي @fahad_s_ali · Dec 13
From almost the day afterwards, I had journalists from mainstream publications who said they were suss bc they had their own reporters on the ground that didn't hear this chant. I know what I heard and I intervened when I heard it. This wasn't it.
twitter.com/cameronwilson/...
7
132
337
15K

438

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Dec 6

We are inviting all current & former Australian elected representatives from local councils, and state, territory and federal parliaments, to sign on to the following statement.

Tag your current and former MPs, councillors and elected reps to encourage them to sign on:

1. All states have an obligation to contribute to upholding international law, including human rights, international humanitarian law and the other universally accepted norms of the international legal system.

2. For too long the human rights of the Palestinian people have been grossly violated, in the context of broader circumstances that also breach international law and pose a grave threat to international peace and security.

3. These violations began in 1948 with the violent displacement of some 700,000 Palestinian people from their homeland. These people, and hundreds of thousands more displaced since, have all been denied a right of return.

4. The occupation by Israel of the West Bank and Gaza, ongoing since 1967, continues to involve military occupation, illegal settlement expansion, land theft, violence, discrimination, restrictions on movement and the subjugation of the Palestinian people. The situation is intolerable and to the shame of the international community.

5. While Gaza was cleared of illegal Israeli settlements in 2005, the ongoing blockade clearly constitutes an occupation under applicable international law standards.

6. It is beyond dispute that Israel is committed to policies designed to entrench the domination of one people over another in the territories of Israel and the Occupied Palestinian Territories. Attempts to deny this, or smear those who allege it, are an attempt to defy truth and reality.

7. These events and policies have involved the destruction of Palestinian society and the denial of the legitimate national aspirations of the Palestinian people.

8. On 3 March 2021 the International Criminal Court announced it had opened an investigation into Israel and certain Palestinian armed groups. The Chief Prosecutor of the Court has announced it "encompasses conduct that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem".

9. We note Australia is a state party to the International Criminal Court and bound by its statute which makes criminal the gravest international crimes.

10. The acts of Hamas on 7 October 2023 and the Israeli response will form part of this investigation.

11. We call on the Australian Government to publicly advocate for an immediate permanent ceasefire, to continue to call for the release of all hostages and urge that all parties fully comply with international standards.

12. We call on the Australian Government to recognise Palestine as a state that is entitled to be free of occupation.

13. We call on the Australian Government to examine its relationship with Israel, with a focus on positively contributing to the resolution of this intolerable and dangerous situation that threatens the people of Israel and Palestine and the entire international community.

Anthony D'Adam

311 222 495 38K

439

**Nick Riemer** @NickRiemer1 · Dec 14

The headline is factually wrong, but otherwise this is a pretty thorough assessment of the Block the Boat actions in Australia so far.

5 7 25 1.8K

**Nick Riemer** @NickRiemer1 · Dec 15

The headline's now been fixed.

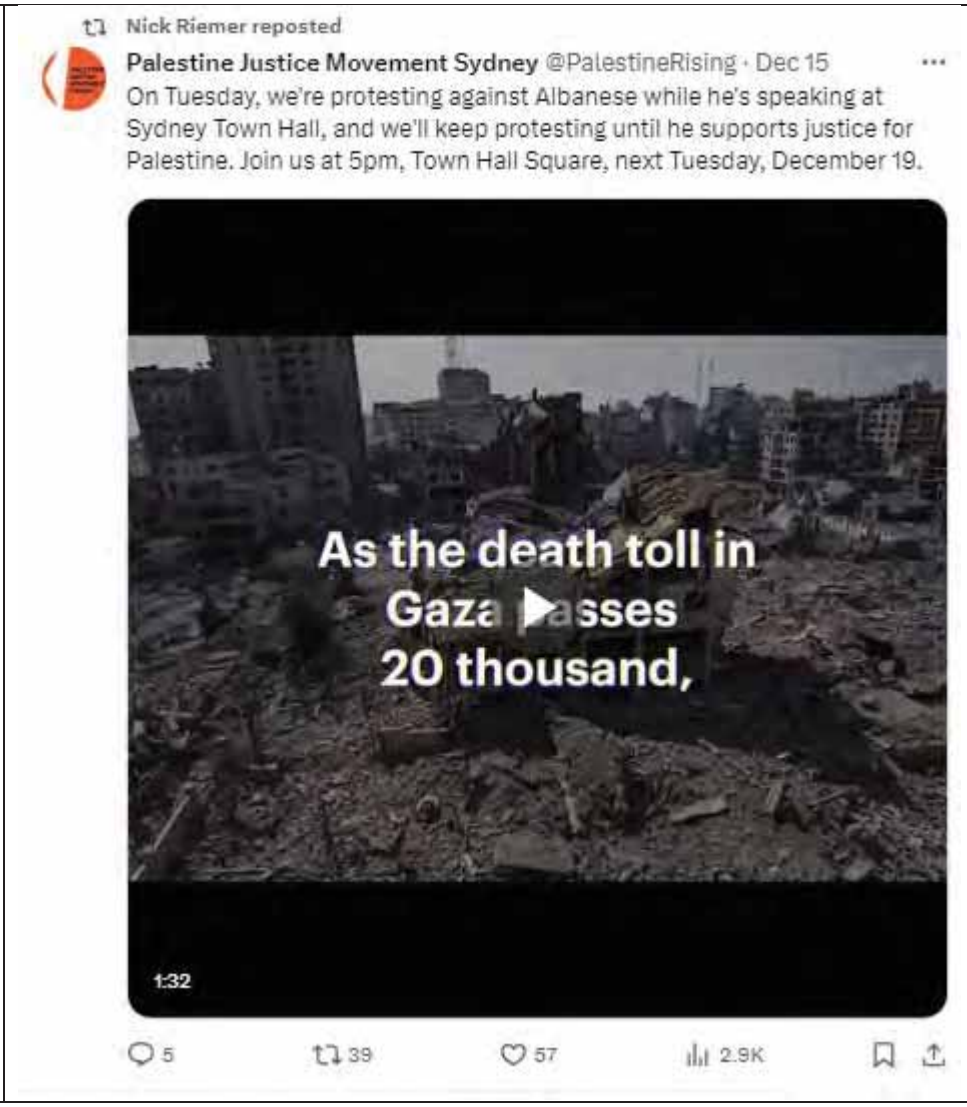
# In Australia, Palestine Solidarity Activists Are Blockading ZIM Ships Owned by Israel

BY
ZACHARIAS SZUMER

At ports in Melbourne, Sydney, and Fremantle, blockades have delayed Israeli-owned ships. In the face of crippling fines and the threat of jail, protesters are determined to disrupt Israel's offensive in Gaza.

1 4 255

440


Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Dec 15
On Tuesday, we're protesting against Albanese while he's speaking at Sydney Town Hall, and we'll keep protesting until he supports justice for Palestine. Join us at 5pm, Town Hall Square, next Tuesday, December 19.
As the death toll in
Gaza passes
20 thousand,
1:32
5
39
57
2.9K

441

Nick Riemer reposted
AJ+ @ajplus · Dec 15
Israel is continuing to strike areas where it ordered Palestinians to flee.
In a recent round of attacks, Israeli airstrikes hit four houses in Rafah, in the south of occupied Gaza, killing at least 23 Palestinians, including children.
bombing of Rafah in occupied Gaza.
Rafah is where Israel told Palestinians to flee for "safety."
1:47
32
1.4K
1.2K
52K

442

**Nick Riemer** @NickReimer1 · Dec 16

Deeply shocking indictment of the culture of repression in German higher education.

> **John Keane** @jkeaneSDN · Dec 16
>
> 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...

Universities in Troubled Times

14 45 114 6.4K

443

Nick Riemer reposted

**Palestine Legal** @pal_legal · Dec 16

THREAD: As the US-backed Israeli bombardment of Gaza reaches unfathomable proportions, so has the war of repression here: since Oct. 7th we've received 1000+ reports from people targeted for Palestine advocacy in all arenas—but it's not stopping the upsurge in solidarity. 1/14

19 1.2K 2.3K 200K

444

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 17

They bulldozed civilians sheltering in a hospital and buried them alive. All with the silence, complicity, enabling of the West. They bulldozed civilians sheltering in a hospital and buried them alive. I'm beyond word. Ceasefire now. It is already too late.

30 1.6K 2.6K 82K

445

Nick Riemer reposted

**Steven Salaita** @stevesalaita · Dec 11

New essay: "Scrolling Through Genocide"

42 1.8K 2.9K 616K

446

**Nick Riemer** @NickReimer1 · Dec 17

The obscene slaughter continues, enabled by politicians' warmongering and hypocrisy, justified by their cowardly and cynical apologists in the elites. Against this contemptible decadence, ordinary people go on reminding us what morality, principle and rationality actually mean.

102 123 403 13K

447

Nick Riemer reposted

**Middle East Eye** @MiddleEastEye · Dec 18

RECAP #Israel #Palestine (as of 11:30 GMT, 17 December)

1. A WHO team visited Gaza's al-Shifa hospital and described it as a "bloodbath," where trauma patients were being treated on the floor due to the lack of space, and pain management options were limited

2. Israeli...

Show more

2 67 61 7.4K

448

Nick Riemer reposted

**Unimelb for Palestine** @Umelb4Palestine · Dec 17

Students at the University of Melbourne have been continually silenced. Despite national cultural symbols being accepted this student was kicked out of his own graduation simply for displaying a Palestinian flag.

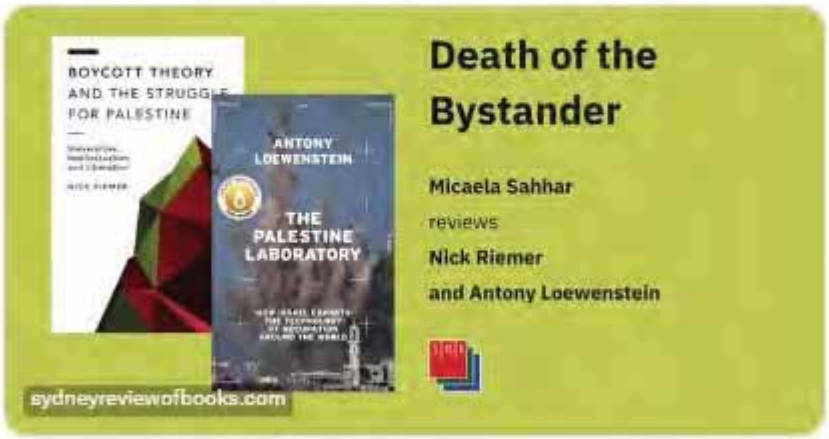
#NoBloodOnOurDegrees #StopArmingIsrael #FreePalestine

178 1.2K 2.1K 132K

449

**Nick Riemer** @NickReimer1 · Dec 18

Comprehensive and generous review of my and @antloewenstein's books by Micaela Sahhar.




3 9 41 2.6K

450

Nick Riemer reposted
Jenny Leong MP 梁珍妮 @jennyleong · Dec 19
Over 200 current & former Australian elected reps from across political spectrum have signed statement in support of immediate, permanent ceasefire, recognition of Palestine as a state, the end of the Israeli occupation and a reassessment of Australia's relationship with Israel
Over 200 current and former Australian members of parliament and councillors have signed onto a statement calling for an immediate, permanent ceasefire, the recognition of Palestine as a state, the end of the Israeli occupation and a reassessment of Australia's relationship with Israel.
361
979
1.3K
76K

451

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Dec 19

It's the last publishing day of 2023 for our online magazine and we can't think of a better way to leave you than with this breathtaking new comic by @wallmansam | Why Palestine is union business.

Sam wishes to thank Michael Hiscox for his contribution.

2 92 132 13K

452

**Nick Riemer** @NickReimer1 · Dec 19

Hundreds of people outside Sydney Town Hall to protest against genocide-enabler @AlboMP as he dares to speaks on international affairs at the Lowy Institute.

93 101 289 9.8K

453-454

**Nick Riemer** @NickReimer1 · Dec 19

Deafening sustained uproar from the protest against @AlboMP - whistles, boos, thumping of the hoarding, drums, pots and pans.

94 184 529 15K

**Nick Riemer** @NickReimer1 · Dec 19

And again!

7 15 54 1.9K

455

Nick Riemer @NickRiemer1 · Dec 19
Albanese -- blood on your hands!
0:26
82
164
406
8.5K

456

Nick Riemer @NickRiemer1 · Dec 19
Three hours into the protest and we're still going. The sheer anger and energy against @AlboMP is like nothing I've seen against a politician.
0:21
252
540
1.4K
83K

457

Nick Riemer reposted
Sydney Review of Books @SydReviewBooks · Dec 19
#NEWonSRB: In her review of two recent books on Palestine, Micaela Sahhar draws on her family history and experience as a scholar to examine the case for academic boycott and the limitations of the Western liberal mindset for Palestinian allyship.
BOYCOTT THEORY AND THE STRUGGLE FOR PALESTINE
ANTONY LOEWENSTEIN
THE PALESTINE LABORATORY
Death of the Bystander
Micaela Sahhar
reviews
Nick Riemer
and Antony Loewenstein
sydneyreviewofbooks.com
5
7
2.2K

458

Nick Riemer reposted
sara m. saleh | سارة صالح @SaraSalehTweets · Dec 20
That @antoinette_news just produced some of the most critical pieces of journalism then got punished reveals everything about the hostility of this media landscape. It doesn't want ethical reporting & truth telling, it's concerned with preserving the interests of those in power.
33
250
659
21K

459

Nick Riemer @NickReimer1 · Dec 20
Shame on @ItaButtrose & @abcsydney on the dangerous and disgraceful sacking of @antoinette_news. The Zionists and reactionaries high-fiving the ABC's unbridled McCarthyism are a greater threat to the public sphere than they ever have been before. Reinstate her now.
ABC presenter Antoinette Lattouf sacked after anti-Israel social media posts
'None of us are surprised': Triple J presenter sacked over anti-Israel comments
216
405
1K
24K

460

Nick Riemer reposted
Fahad Ali | فهد علي @fahad_s_ali · Dec 20
Anyone at @abcnews want to explain why one of your journalists, @GeraldineDoogue, can host an event for a pro-Israel organisation without fear of consequences, whereas you'll fire @antoinette_news for doing her job?
NIF
SOCIAL COHESION AMIDST RISING TENSION
A Conversation with Josh Burns MP & Allegra Spender MP
Hosted by Geraldine Doogue
Sunday December 17 7pm Online
51
735
1.7K
67K

461

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Dec 20

Not one single person who has taken an Israeli govt propaganda tour has been slapped on the wrist, let alone sacked—yet Antoinette Lattouf is let go for reposting a global human rights organisation?

73 555 1.5K 33K

462

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Dec 19

Great turnout and an awesome @unions4palestin rally tonight! Speakers welcomed the news that the ZIM vessel we planned to picket turned around & dropped anchor outside Port Kembla instead. Workers and ordinary people are uniting worldwide against the Israeli war machine.

27 83 2.4K

463

Nick Riemer reposted
Antoinette Lattouf @antoinette_news · Dec 20
I am very disappointed by the ABC's decision today.
I am very disappointed by the ABC's decision today.
I believe I was terminated unlawfully.
This is not a win for journalism or critical, fair thinking.
I'm currently considering my legal options.
2.6K
9.7K
899K

464

Nick Riemer @NickReimer1 · Dec 21
cityhub.com.au
5
2
8
448

465

Nick Riemer reposted

**Forensic Architecture** @ForensicArchi · Dec 21

Our aggregation of news reports since 7 Oct suggests that hospitals in Gaza are subjected to a repeated pattern of intimidation, direct targeting, siege, and occupation by the Israeli military: ...a-hospitals.forensic-architecture.org

59 2.6K 3.2K 702K

466

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Dec 21

If you haven't yet, please sign and share this petition demanding @abcnews reverse @antoinette_news's unfair dismissal!

#WeStandwithAntoinette

89 263 472 20K

467

Nick Riemer reposted

**Nasser Mashni** @iamthenas · 21h

We must know if any Australian citizens are serving in the Israeli army.

Investigations will take place and prosecutions must ensue.

The Aus Gov needs to be able to identify these individuals and be ready to hand them over to an International Court when the time comes!

> **Australian Centre for International Justice** @theACIJ · 21h
> RELEASE: @theACIJ wrote to the AusGov following reports of Australians joining the #IDF. Australia should investigate individuals who may be involved in the commission of international crimes. Read our letter:
> #Gaza #Palestine #EndImpunity 1/3...
> Show more

11 113 304 8.9K

468

**Nick Riemer** @NickReimer1 · 21h

We stand with Antoinette: ABC Reverse Her Unfair dismissal #WESTANDWITHANTOINETTE - Sign the Petition! chng.it/NY9VzKPt via @ChangeAUS

119 110 289 8.3K

**Nick Riemer** @NickRiemer1 · Nov 4

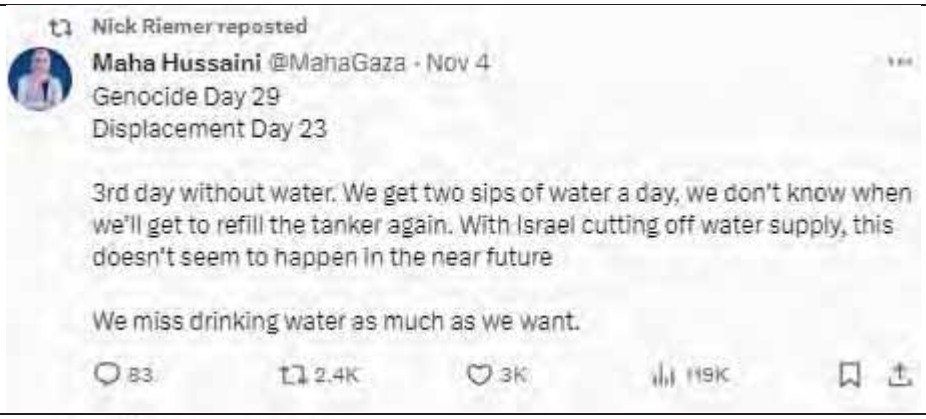
ASU @ASUnion

3 7 38 1.3K

**Nick Riemer** @NickRiemer1 · Nov 4

MUA @MUASydneyBranch

6 7 41 1.3K

| | |
|---|---|
| 220 |  Nick Riemer reposted<br>Maha Hussaini @MahaGaza · Nov 4<br>Genocide Day 29<br>Displacement Day 23<br>3rd day without water. We get two sips of water a day, we don't know when we'll get to refill the tanker again. With Israel cutting off water supply, this doesn't seem to happen in the near future<br>We miss drinking water as much as we want.<br>83<br>2.4K<br>3K<br>119K |
| 221 | Nick Riemer reposted<br>David Landy @dlandy100 · Nov 3<br>I'm very proud that over 600 academics in Ireland have signed our @AcaforPalestine call for Irish universities to cut ties with Israeli institutions.<br>'Academics call for ties with Israeli institutions to be cut'<br>irishexaminer.com<br>59<br>324<br>922<br>24K |

222

Nick Riemer reposted

**Academics for Palestine** @AcaforPalestine · Nov 4

Our letter is now in published in the Irish Times.

'War in the Gaza Strip
Academics call on Irish universities to suspend ties with Israeli institutions'

The full list of over 600 signatories can be viewed in the IT's online version:
irishtimes.com/opinion/letter...

the Editor

**War in the Gaza Strip**

Sir, – We write as academics and scholars in or from Ireland. The scale and severity of Israel's current war on the Gaza Strip has exceeded all previous levels of violence in the prolonged and brutal Israeli occupation of Palestine.

It is a campaign of ethnic cleansing and, according to many experts, genocidal violence.

The incursion by Palestinian armed groups on October 7th included criminal attacks against civilians.

But under no circumstances does international law permit the systematic bombardment and collective punishment of civilians in a besieged occupied territory.

The dehumanising language and tropes widely used by Israeli leaders in reference to Palestinians echo those typically associated with genocidal incitement and intent.

In the past three weeks, Israel's military acts have matched those words, killing more than 9,000 Palestinians inside Gaza, including some 3,760 children (more than the annual number of children killed in the rest of the world's armed conflicts combined).

Many more Palestinians are dying from the lack of fuel, water, electricity and medical supplies due to the deliberate blockade. Gaza's hospitals are barely able to function – no power for ventilators, using vinegar as an antiseptic, performing surgeries without anaesthetic – and continue to be hit by Israeli air

cide studies have called this "a textbook case of genocide". Bosnian genocide experts have likewise stated that "what is happening in Gaza is genocide".

After the first week of Israel's onslaught, a group of more than 600 international lawyers and genocide scholars were "compelled to sound the alarm about the possibility of genocide being perpetrated by Israeli forces", while UN human rights special rapporteurs warned of "the risk of genocide against the Palestinian people", calling on all states and international organisations to fulfil their duties to prevent genocide.

The killing and destruction has only escalated since then. More than 60 UN member states have now used the language of genocide to describe Israel's attacks on Gaza's population. This week, the South African foreign minister referenced the Rwandan genocide and "reminded the international community not to stand idle while another genocide is unfolding".

With the atrocities in Gaza now added to Israel's 75 years of colonisation and occupation of Palestinian lands, there should be nothing remotely approximate to "business as usual" continuing.

Many Irish universities and EU-funded research projects have active collaborations with Israeli universities. Israeli universities are, in the words of the Palestinian Campaign for the Academic and Cultural Boycott

Meanwhile, several Palestinian universities in Gaza have been destroyed by the Israeli airstrikes, with some 70 academics and 2,000 students among the civilians killed.

We call on all universities in Ireland to immediately sever any existing institutional partnerships or affiliations with Israeli institutions. Those ties should be suspended until the occupation of Palestinian territory is ended, the Palestinian rights to equality and self-determination are vindicated, and the right of Palestinian refugees to return is facilitated.

Anything less at this point amounts to tacit support for crimes against humanity.

Yours, etc,

PROF KATHLEEN LYNCH, University College Dublin.
PROF SIOBHÁN WILLS, Ulster University.
PROF EUGENIA SIAPERA, University College Dublin.
PROF EMER NOLAN, Maynooth University.
PROF LAURA McATACKNEY, University College Cork.
PROF NICHOLAS DALY, University College Dublin.
PROF AOIFE O'DONOGHUE, Queen's University Belfast.
PROF DEREK DOHERTY, Trinity College Dublin.
PROF GAVAN TITLEY, Maynooth University.
PROF LIONEL PILKINGTON, University of Galway.
PROF MICHELLE FARRELL,

1 · 583 · 879 · 243K

223

Nick Riemer reposted
Brendan Ciarán Browne @brendancbrowne · Nov 4
There are no universities left in Gaza.
Muhammad Smiry @MuhammadSmiry · Nov 4
No universities left in Gaza
0:21
1
177
229
27K

224

Nick Riemer reposted

**Birzeit University** @BirzeitU · Nov 4

The Israeli occupation bombs and destroys Al-Azhar University in Al-Mughraqa in Gaza, continuing its war crimes against humanity.
The Israeli occupation's hatred targets everything in Gaza; school, universities, hospitals, churches, mosques, and organizations all being bombed.

39 1.1K 1.4K 1M

225

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 4

From the country that demands the "right to self defence"! This is not self defence, the pictures tell the real story, a racist ideology emboldened by allies to unleash the very worst of human attributes - when unadulterated power & unchecked hate are mixed together.

**Michael Galant** @michael_galant · Nov 4

"Palestinian workers, stranded since the October 7 attacks... show bracelets on which are written the numbers assigned to them while they were detained by Israel." This should look all too familiar. Source: AFP

6 49 119 8.2K

226

Nick Riemer reposted

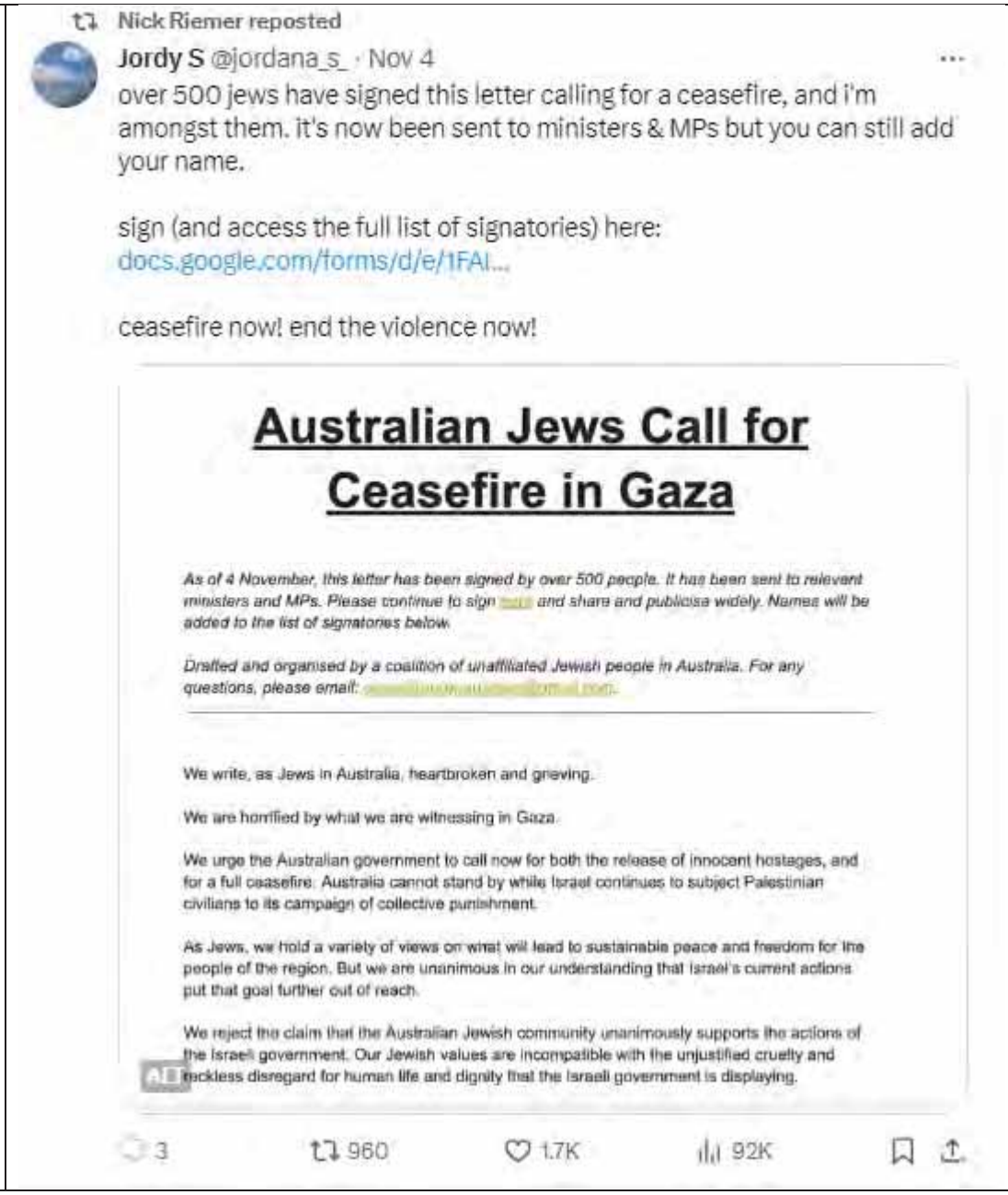
**Nasser Mashni** @iamthenas · Nov 5

Call for a ceasefire now.
Follow @APAN4Palestine and take immediate action.

Please share...

9 175 230 14K

227


Nick Riemer reposted
Jordy S @jordana_s_ · Nov 4
over 500 jews have signed this letter calling for a ceasefire, and i'm amongst them. it's now been sent to ministers & MPs but you can still add your name.
sign (and access the full list of signatories) here:
docs.google.com/forms/d/e/1FAI...
ceasefire now! end the violence now!
Australian Jews Call for Ceasefire in Gaza
As of 4 November, this letter has been signed by over 500 people. It has been sent to relevant ministers and MPs. Please continue to sign and share and publicise widely. Names will be added to the list of signatories below.
Drafted and organised by a coalition of unaffiliated Jewish people in Australia. For any questions, please email:
We write, as Jews in Australia, heartbroken and grieving.
We are horrified by what we are witnessing in Gaza.
We urge the Australian government to call now for both the release of innocent hostages, and for a full ceasefire. Australia cannot stand by while Israel continues to subject Palestinian civilians to its campaign of collective punishment.
As Jews, we hold a variety of views on what will lead to sustainable peace and freedom for the people of the region. But we are unanimous in our understanding that Israel's current actions put that goal further out of reach.
We reject the claim that the Australian Jewish community unanimously supports the actions of the Israeli government. Our Jewish values are incompatible with the unjustified cruelty and reckless disregard for human life and dignity that the Israeli government is displaying.
3
960
1.7K
92K

228

**Nick Riemer** @NickRiemer1 · Nov 5

Important action this coming Saturday in Sydney . Start planning your transport now. Details in the thread.

> **Palestine Justice Movement Sydney** @PalestineRising · Nov 4
>
> Stop the genocide in Gaza! Protest 12pm next Saturday at Port Botany. The ZIM shipping line is a major transporter of armaments. It isn't welcome in Port Botany, or anywhere people stand against genocide and war crimes

64 226 389 22K

229

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 4

Israel has put the nail in the coffin of its fascist savage regime. The depravity & butchery that has defined it for 75 yrs which we have been pleading for the world to stop can no longer be denied. Israel is finished. It's frenzy of barbarity proves that it knows it.

29 224 629 25K

230

Nick Riemer reposted

**Omar Sakr** @omarsakrpoet · Nov 5

We need more than protests. The protests against the Iraq war showed us that. We need strikes, we need civil disobedience, we need to make politicians unable to continue with any other business by making this demand so overwhelming they must give in.

> **الكسندرا ميراي** @LexiAlex · Nov 5
> What if millions of people went to the streets to yell "ceasefire" and nobody in power cares.

18 10K 22K 776K

231

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 5

#MELBOURNE out in force for #palestine not too late to join us at the State Library

6 194 548 16K

232

Nick Riemer reposted

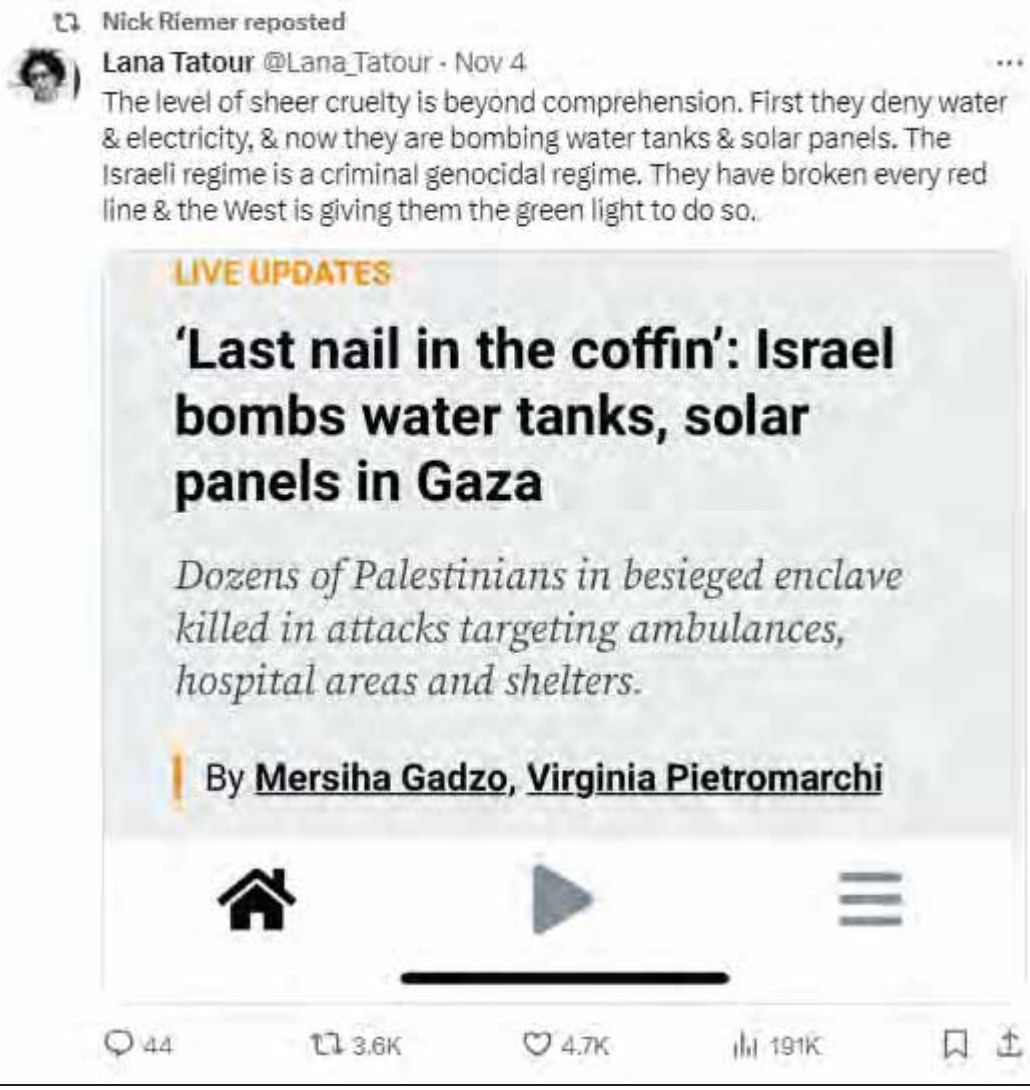
**evelyn araluen** @evelynaraluen · Nov 3

Do you work for an Australian organisation that has advised staff and affiliates not to speak about Palestine, or has placed restrictions on any expression of support for Palestine? We are gathering anonymous data on Aus orgs censoring their staff.

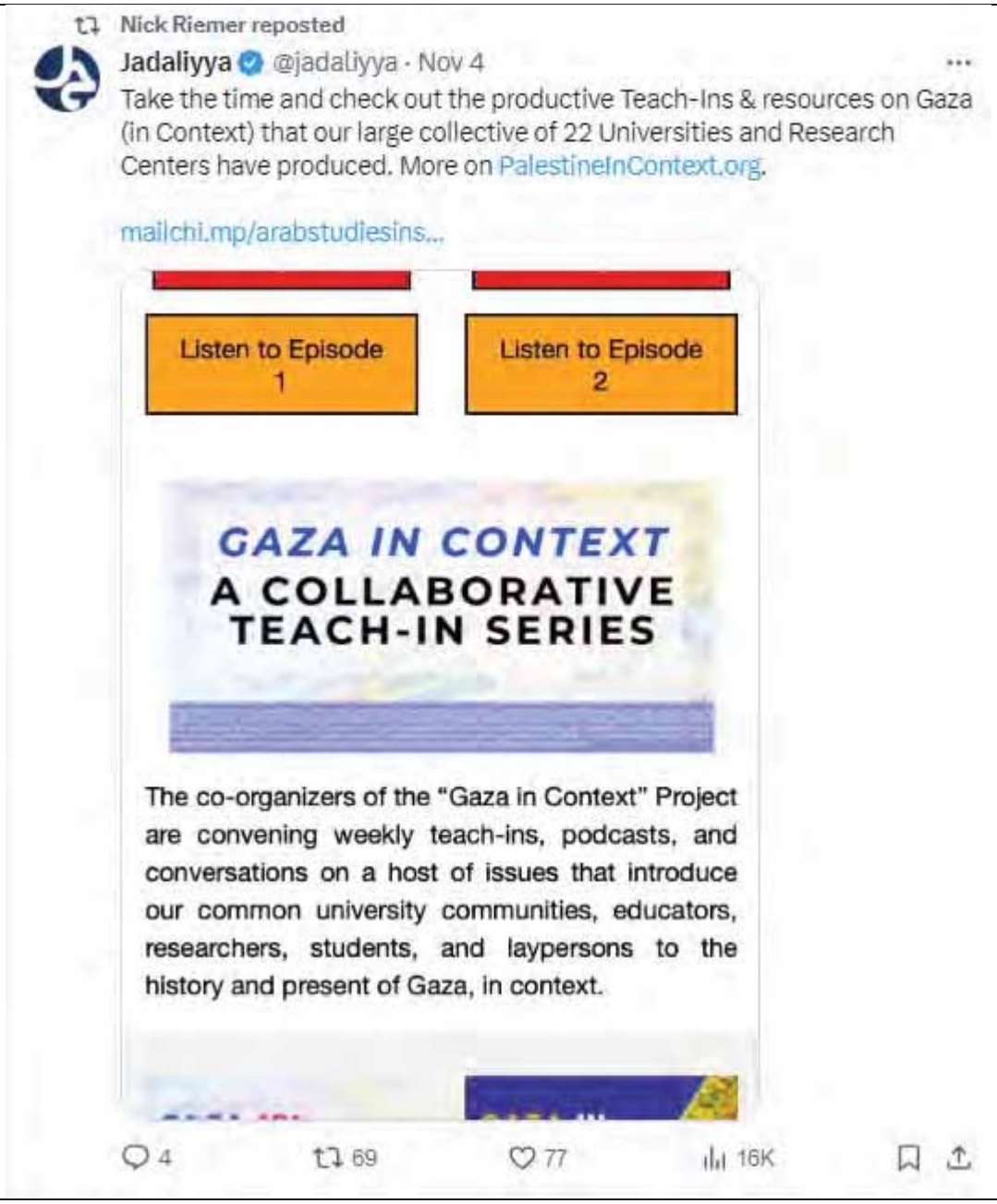
docs.google.com
Exposing censorship in Australian organisations
Since well before October 7, major Australian news publishers have conspicuously avoided supposedl...

27 900 1K 148K

233


Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 4
The level of sheer cruelty is beyond comprehension. First they deny water & electricity, & now they are bombing water tanks & solar panels. The Israeli regime is a criminal genocidal regime. They have broken every red line & the West is giving them the green light to do so.
LIVE UPDATES
'Last nail in the coffin': Israel bombs water tanks, solar panels in Gaza
Dozens of Palestinians in besieged enclave killed in attacks targeting ambulances, hospital areas and shelters.
By Mersiha Gadzo, Virginia Pietromarchi
44
3.6K
4.7K
191K

234


Nick Riemer reposted
Jadaliyya @jadaliyya · Nov 4
Take the time and check out the productive Teach-Ins & resources on Gaza (in Context) that our large collective of 22 Universities and Research Centers have produced. More on PalestineInContext.org.
mailchi.mp/arabstudiesins...
Listen to Episode 1
Listen to Episode 2
GAZA IN CONTEXT
A COLLABORATIVE TEACH-IN SERIES
The co-organizers of the "Gaza in Context" Project are convening weekly teach-ins, podcasts, and conversations on a host of issues that introduce our common university communities, educators, researchers, students, and laypersons to the history and present of Gaza, in context.
4
69
77
16K

235

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Nov 5

Last year @Sydney_Uni rang its bells for Ukraine. Can we ring them for #Gaza now? How about it @mscott? @arjagose?

> **Sydney Uni Media** @SydneyUni_Media · Mar 4, 2022
>
> UKRAINE: Ring the bells for peace
>
> University of Sydney carillon will ring for peace in Ukraine on Saturday, joining bells around the world.
>
> ...
>
> Show more

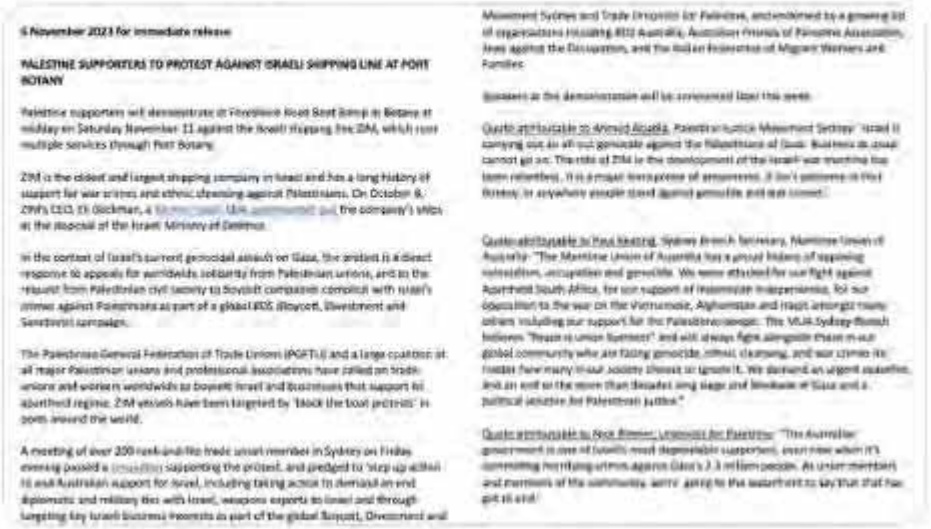
5 28 88 8.3K

236

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 6

MEDIA RELEASE - Palestine supporters to protest against Israeli shipping line at Port Botany.



6 November 2023 for immediate release

PALESTINE SUPPORTERS TO PROTEST AGAINST ISRAELI SHIPPING LINE AT PORT BOTANY

2 88 134 7K

237

**Nick Riemer** @NickRiemer1 · Nov 6

"I had been waiting for and just begun an important course at IUG. Now it was gone in the blink of an eye."

> **Electronic Intifada** @intifada · Nov 6
> I had just graduated from the Islamic University of Gaza, then Israel bombed it. bit.ly/3MvVAyO

7 16 40 4.3K

238

Nick Riemer reposted

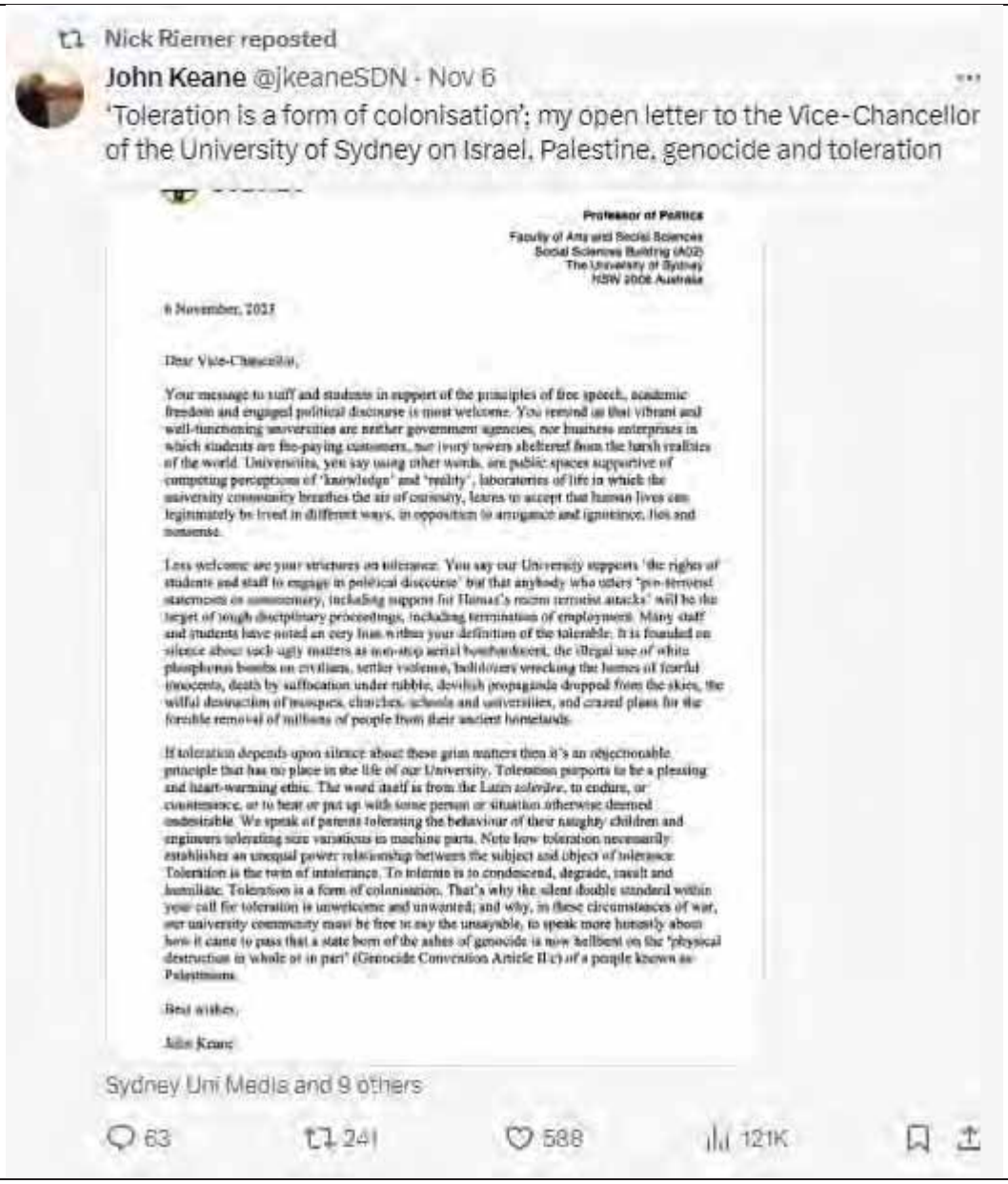
**Mathew Abbott** @mathew_abbott · Nov 6

This Wednesday 5.30pm

78 Webb Dock Drive, Port Melbourne

264 403 23K

239



Nick Riemer reposted

**John Keane** @jkeaneSDN · Nov 6

'Toleration is a form of colonisation': my open letter to the Vice-Chancellor of the University of Sydney on Israel, Palestine, genocide and toleration

**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 eery line 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 brilliant on the "physical destruction in whole or in part" (Genocide Convention Article II.c) of a people known as Palestinians.

Best wishes,

John Keane

Sydney Uni Media and 9 others

63 241 588 121K

240

**Nick Riemer** @NickRiemer1 · Nov 6

Statement of solidarity with Palestine from Australian university staff: 'We stand in unwavering solidarity with the Palestinian people. We join millions around the world in the call for an immediate stop to this genocidal war and justice for Palestine'.

150 293 704 25K

241

Nick Riemer reposted

**Lowkey** @Lowkey0nline · Nov 7

Dockworkers in Barcelona are refusing to load ships with military hardware to be sent to Israel.

257 6.8K 23K 458K

242

Nick Riemer reposted

**Mariam Barghouti** مريم البرغوثي @MariamBarghouti · Nov 7

There are mass trials and torture that's beyond description happening in the West Bank.

Prisons are overflowing and we're reaching record highs of arrests with no trial or charge.

Stop this madness.

59 1.8K 2.4K 75K

243

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 7

Not too late to add your signature. Don't be silent on genocide.
docs.google.com/forms/d/e/1FAI...

> **Nick Riemer** @NickReimer1 · Nov 6
>
> Statement of solidarity with Palestine from Australian university staff: 'We stand in unwavering solidarity with the Palestinian people. We join millions around the world in the call for an immediate stop to this genocidal war and justice for Palestine'.
> overland.org.au/2023/11/statem...

244

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Nov 7

Press release (and graphic with typo corrected!) - pls share far and wide

The role of ZIM, the Israeli shipping line, in the development of the Israeli war machine has been relentless. It is a major transporter of weapons of mass destruction.

The Palestinian General Federation of Trade Unions (PGFTU) and a large coalition of all major Palestinian workers unions and professional associations have called on their fellow trade unions and workers worldwide to boycott Israel and businesses that are complicit with its apartheid regime. In an international effort called #BlockTheBoat.

This is an extension to the Boycott, Divestment and Sanctions (BDS) campaign called for by the Palestinian civil society in 2004.

A ZIM ship is scheduled to be present in Port Melbourne on the 8th of November. At 5:30pm Victorian trade unionists will be standing at 78 Webb Dock Drive, Port Melbourne with banners, union flags and strong voices to oppose ZIM, the Israeli war machine, and to stand in Solidarity with Palestine.

> **Mathew Abbott** @mathew_abbott · Nov 7
>
>
> 
>
> Speakers announced for the speak out tomorrow!
> twitter.com/mathew_abbott/...

58 83 9.5K

245

Nick Riemer @NickReimer1 · Nov 7
'It is time for the entirety of the academic world to take urgent action to stop Israel's genocide in Gaza and its ongoing scholasticide against all Palestinians. If not now, when?'
ISRAEL'S #GAZAGENOCIDE TARGETS PALESTINIAN UNIVERSITIES
THE TIME FOR ACADEMICS TO ACT IS NOW.
IF NOT NOW, WHEN?
bdsmovement.net
30
31
81
4.2K

246

Nick Riemer reposted
evelyn araluen @evelynaraluen · Nov 7
Respectfully, Phillip, you don't subscribe to Overland, or if you do I can't find record of you in our system. We have supported Palestine and Palestinian writers for many years, so when the authors of this letter approached us we chose to continue our support.
Phillip Adams @PhillipAdams_1 · Nov 7
I've a lifelong association with the left wing Overland magazine- and agree with Barry Jones in deploying its line on Hamas
15
57
506
41K

247

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 8

Black-Palestinian solidarity - yesterday,today and tomorrow!

273 409 1.3K 79K

248

Nick Riemer reposted

**Birzeit University** @BirzeitU · Nov 6

138000 students were suspended from face-to-face education in 34 higher academic institutions in the West Bank due to the difficulties of transports for the staff and students, caused by the occupation's roadblocks and the settler terrorism.
#Gaza_Attack #STOP_THE_GENOCIDE

2 160 135 32K

249

Nick Riemer @NickReimer1 · Nov 8
Important BDS victory in Australia. Congratulations to the activists involved. More universities should follow suit.
BDS_Australia @BDS_Australia · Nov 7
Amidst the horror of Israel's assault on Gaza, we are able to bring news of a #BDS victory in Australia as one of the big universities confirms it's no longer partnering with #Elbit @BDSmovement #EndMilitaryTiesWithIsrael @RMIT @RMITSU #StopTheGenocide bdsaustralia.net.au/bds-victory-rm...
BDS VICTORY
RMIT DITCHES ELBIT !
22
178
472
19K

250

**Nick Riemer** @NickReimer1 · Nov 8

The union members' petition on Palestine keeps growing. It now has 2650+ signatures, including from some official union bodies. Congratulations to all unionists who've exercised their right to take a stand. Justice & solidarity: the essence of unionism.
forms.gle/xw2ogn4k1FVV7t...

## Union members in solidarity with Palestine

In accordance with the union movement's values of **peace, justice and solidarity with working people**, we are horrified by the current war between Israel and Hamas and the unspeakable bloodshed and violence it has caused. This tragedy is a direct result of Israel's blockade and siege of Gaza, and of the apartheid and ethnic cleansing it maintains in the West Bank and within its own borders.

In the first instance, we call for **an immediate suspension of all hostilities and an immediate end to the blockade of Gaza**. Gaza must not be cut off from food, medicine, fuel and humanitarian supplies, its power supply must be resumed, and critical health, water and other infrastructure must be restored immediately.

We also call for an **end to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing**. As unionists, we stand in solidarity with all people who support the cause of **peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East**.

We support the **demonstrations around Australia for Palestine**, and call on governments and police authorities to facilitate them. The union movement will never accept political restrictions on the **right to protest, which is fundamental to democracy**.

20 91 223 8.5K

251

Nick Riemer reposted

**Warwick Gow** @warwickgowphoto · Nov 8

Proud to be supporting @asu4palestine as a member of @servicesunion and be a signatory of this!

**Nick Riemer** @NickReimer1 · Nov 8

The union members' petition on Palestine keeps growing. It now has 2650+ signatures, including from some official union bodies. Congratulations to all unionists who've exercised their right to take a stand. Justice & solidarity: the essence of unionism. forms.gle/xw2ogn4k1FVV7t...

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1 6 12 873

252

**Nick Riemer** @NickReimer1 · Nov 8

Why won't @Sydney_Uni pay casual staff for all the work they do? No one can give students proper feedback when they're paid 13 minutes per 1000-word essay. Great to be at @NTEUnion members' teach-in as they make this basic, basic point.

4 18 104 3.6K

253

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 8

Join us this coming Monday for a conversation on carcerality and Palestinian children with UN Special Rapporteur @FranceskAlbs and children's rights expert @NoamPeleg at @unswcclj. Join in person (UNSW Law) or via zoom. Register via this link: cclj.unsw.edu.au/event/multilay...

59 62 6.5K

| | |
|---|---|
| 254 | |

Nick Riemer @NickReimer1 · Nov 8
Thanks to @daniellamariewh for covering this story and for highlighting that Sydney University has gone further than other Australian institutions in penalizing pro-Palestinian speech.
smh.com.au
The Sydney Morning Herald
25
91
176
10K

255

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Nov 8

**MARK-IN / SCOTT-OUT**

A group of casual staff brought our essay marking to USYD management today to show what it looks like when we're given just 13 minutes to mark a paper

@mscott is prioritising $$$$ over education

Casual staff should be listened to, not ignored

> **Nick Riemer** @NickReimer1 · Nov 8
> Why won't @Sydney_Uni pay casual staff for all the work they do? No one can give students proper feedback when they're paid 13 minutes per 1000-word essay. Great to be at @NTEUnion members' teach-in as they make this basic, basic point.

2 14 842

256

**Nick Riemer** @NickReimer1 · Nov 8

Pro-Palestine protesters block Israeli shipping line in Melbourne. Great, quick work from Naarm activists.

canberratimes.com.au

Pro-Palestine protesters block Israeli shipping line

A Melbourne shipyard has ground to a halt after hundreds of pro-Palestine protesters blocked entr...

8 26 89 2K

257

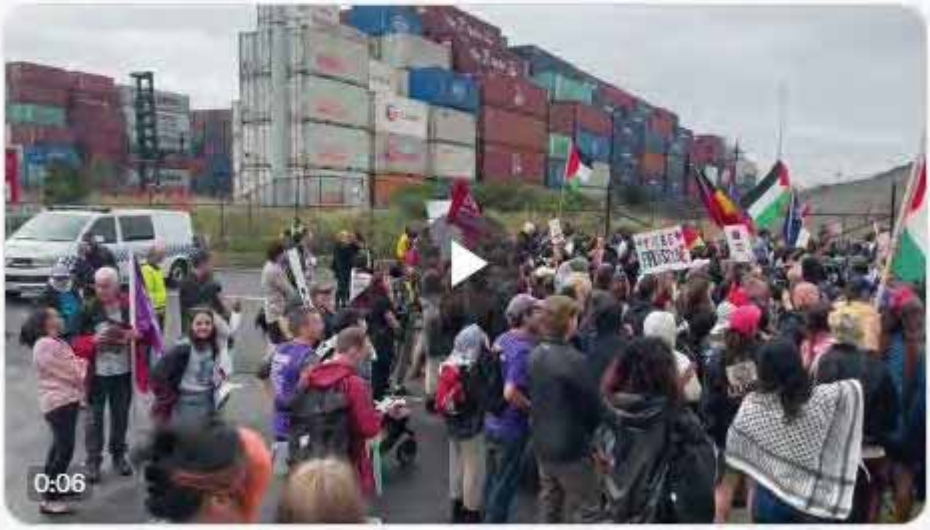
Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 8

The #BlockTheBoat action worked! The boat has bypassed Melbourne. WIN!

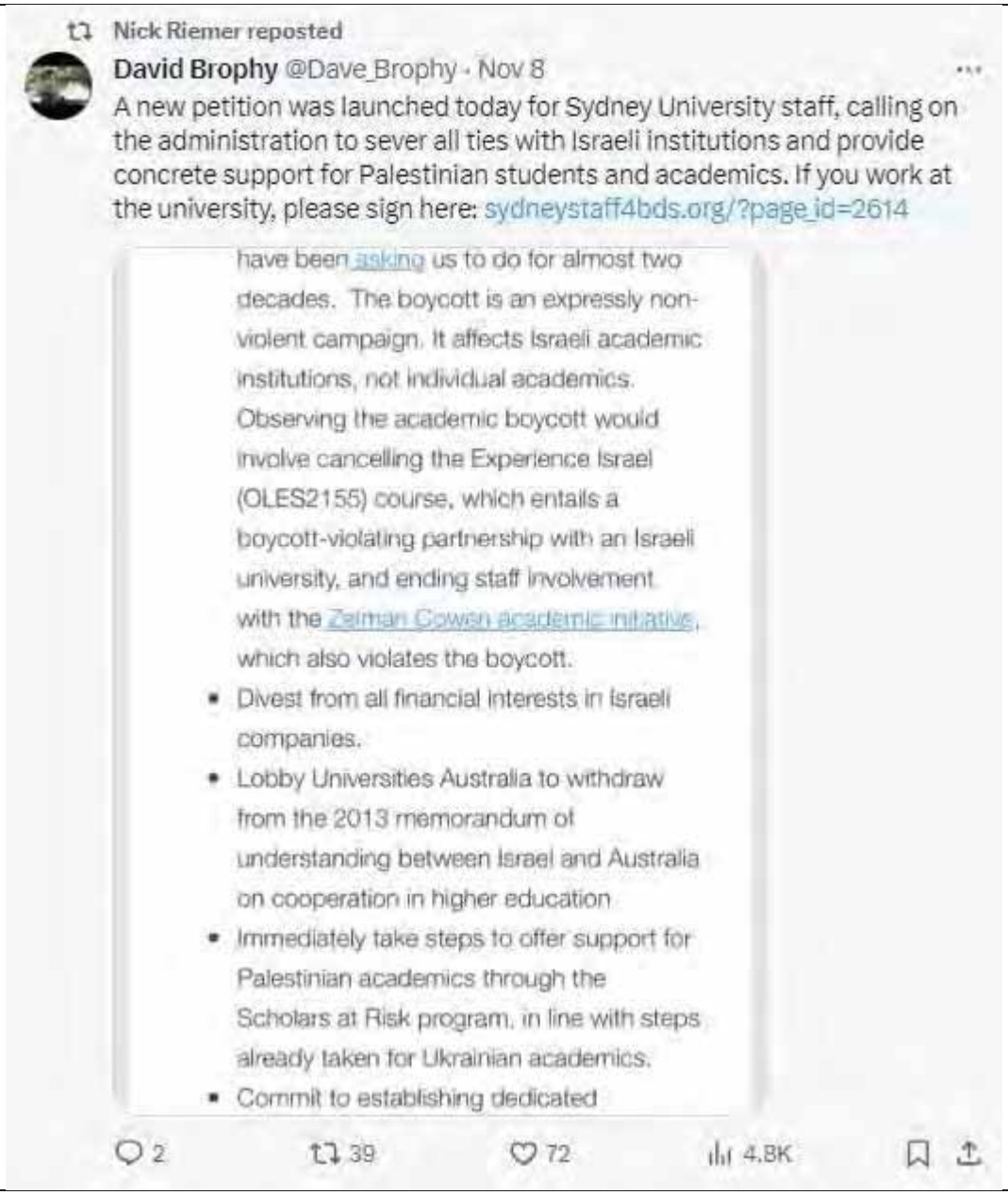
Solidarity activists now taking direct action against at @ZimShipping

#StopGenocideInGaza #CeasefireForGazaNOW #CeasefireForGaza #CeaseFire

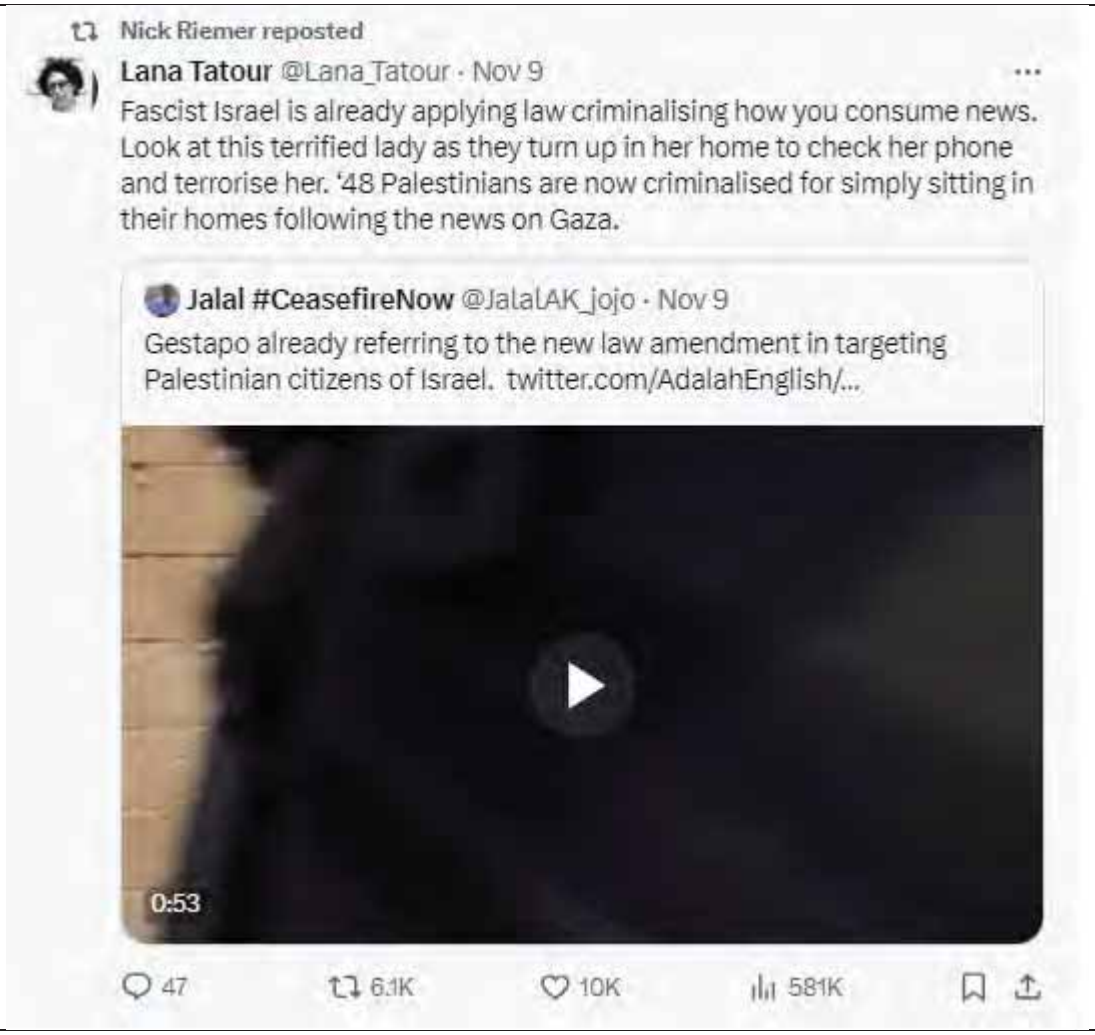



26 440 901 75K

258


Nick Riemer reposted
David Brophy @Dave_Brophy · Nov 8
A new petition was launched today for Sydney University staff, calling on the administration to sever all ties with Israeli institutions and provide concrete support for Palestinian students and academics. If you work at the university, please sign here: sydneystaff4bds.org/?page_id=2614
have been asking us to do for almost two decades. The boycott is an expressly non-violent campaign. It affects Israeli academic institutions, not individual academics.
Observing the academic boycott would involve cancelling the Experience Israel (OLES2155) course, which entails a boycott-violating partnership with an Israeli university, and ending staff involvement with the Zelman Cowen academic initiative, which also violates the boycott.
• Divest from all financial interests in Israeli companies.
• Lobby Universities Australia to withdraw from the 2013 memorandum of understanding between Israel and Australia on cooperation in higher education
• Immediately take steps to offer support for Palestinian academics through the Scholars at Risk program, in line with steps already taken for Ukrainian academics.
• Commit to establishing dedicated
2
39
72
4.8K

259


Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 9
Fascist Israel is already applying law criminalising how you consume news. Look at this terrified lady as they turn up in her home to check her phone and terrorise her. '48 Palestinians are now criminalised for simply sitting in their homes following the news on Gaza.
Jalal #CeasefireNow @JalalAK_jojo · Nov 9
Gestapo already referring to the new law amendment in targeting Palestinian citizens of Israel. twitter.com/AdalahEnglish/...
0:53
47
6.1K
10K
581K

260

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 9

IMPORTANT UPDATE ON SATURDAY

ZIM has changed its schedule and their boat may not be in port on Saturday. Nevertheless, our protest against ZIM at 12pm is still ON.

We'll also come back whenever we know a ZIM boat is there. We won't have much notice, so register for updates!

6 56 68 6.2K

261

Nick Riemer reposted

**Sydney Staff for BDS** @sydneystaff4bds · Nov 9

Yesterday we launched a petition calling on Sydney University management to endorse the institutional academic boycott of Israel, and support Palestinian scholars and students. If you work at the uni, add your name at the link. sydneystaff4bds.org/?page_id=2614

- Commit the university to the institutional academic boycott of Israel, as Palestinians have been asking us to do for almost two decades. The boycott is an expressly non-violent campaign. It affects Israeli academic institutions, not individual academics. Observing the academic boycott would involve cancelling the Experience Israel (OLES2155) course, which entails a boycott-violating partnership with an Israeli university, and ending staff involvement with the Zelman Cowen academic initiative, which also violates the boycott.
- Divest from all financial interests in Israeli companies.
- Lobby Universities Australia to withdraw from the 2013 memorandum of understanding between Israel and Australia on cooperation in higher education
- Immediately take steps to offer support for Palestinian academics through the Scholars at Risk program, in line with steps already taken for Ukrainian academics.
- Commit to establishing dedicated international scholarships for Palestinian students.

4 8 15 928

262

Nick Riemer reposted

**Daniel Lopez** @NoLuckLopez · Nov 9

"Australian households have suffered the largest fall in living standards of any advanced economy over the past year"

All under a Labor government.

It's quite stark — we won't turn things around unless the unions and the left are willing to fight Labor.

11 54 183 24K

263

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Nov 9

'To let suffering speak' | Overland's co-editor @jonathandunk responds to some of the criticism we have received for our solidarity with Palestine.

4 125 239 47K

264

Nick Riemer reposted

**Samah Sabawi** @gazaheart · Nov 8

A reminder of what we mean when we say from the river to the sea Palestine will be free. My liberation anthem poem. We will all be free. #Gazagenocide #israel #Palestine

> **The Canada Files** @TheCanadaFiles · Nov 8
>
> A Canadian-Australian-Palestinian professor, Dr. Samah Sabawi, presented her Liberation Anthem after facing an audience attendee who asked her why Jews don't have a right to a homeland, asking in defence of the Israeli occupation's 'right to exist'.

5 102 199 17K

265

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 9

UPDATE ON SATURDAY

ZIM has changed its schedule and their boat may not be in port on Saturday. Nevertheless, our protest against ZIM at 12pm is still ON.

We'll also come back when we know for sure that a ZIM boat is there. We won't have much notice, so register for updates!

4 52 75 5.1K

266

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 9

YouGov polling shows that a clear majority of Australians want a ceasefire and that a small minority of Australians believe that Israel's blockade and attacks on Gaza are reasonable acts of self defence.

Find the link to the full report here: apan.org.au/2023-opinion-p...

12 115 180 16K

267

Nick Riemer reposted

**evelyn araluen** @evelynaraluen · Nov 9

It's a very strange thing to be running a subscriberthon during a genocide, so please don't take our annual campaign as opportunistic in any regard - we're proud to serve our community of readers and writers and the support has been deeply humbling ♥

> **Overland Journal** @OverlandJournal · Nov 9
> On the second-last day of our '23 Subscriberthon, our co-chief editor @evelynaraluen speaks truth to power. overland.org.au/2023/11/on-the...

5 14 94 5K

268

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 9

Tune in on Monday at 9:30pm AEDT to watch APAN president Nasser Mashni on QandA ! twitter.com/abcnews/status...

> This post is unavailable.

6 36 2.1K

269

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Nov 9

On the 24th of November (10am UK time) the @EdinburghPIR Middle East Research group and @CRITIQUE_CENTRE will host @NickReimer1 for a timely conversation on academic boycotts, justice and liberation in Palestine. The event will be online. Register here eventbrite.co.uk/e/boycott-theo...

School of Social & Political Science Edinburgh

23 38 3.3K

270

Nick Riemer reposted

**Hind Khoudary** @Hind_Gaza · Nov 9

I had a couple of chocolate wafers for breakfast today.

I miss feeling full.

I never felt this hungry in my life.

444 11K 45K 1.4M

271

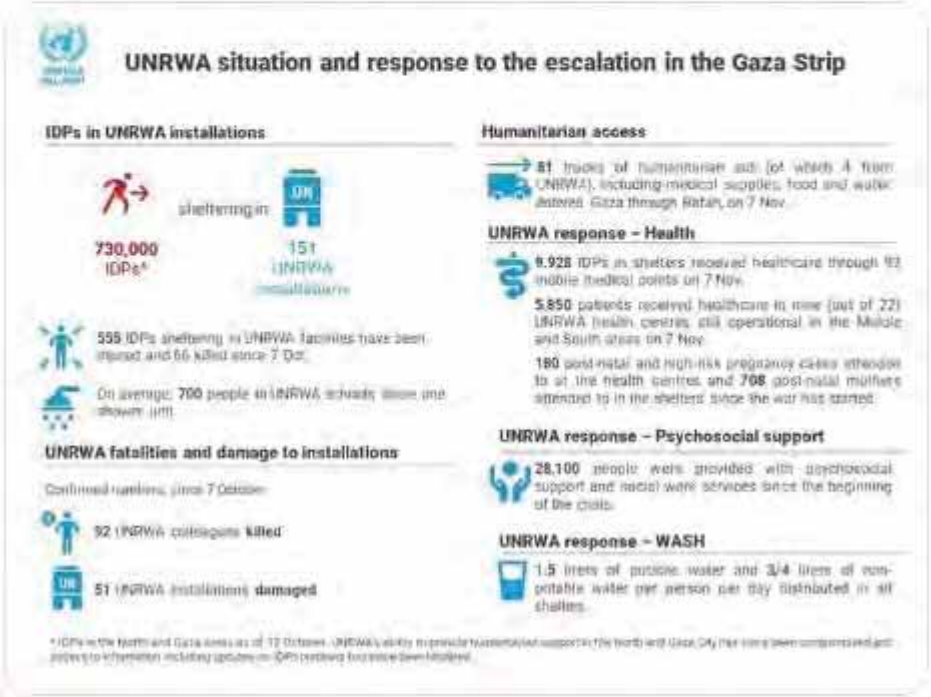
Nick Riemer reposted
hiero badge | انقذوا فلسطين @hierobadge · Nov 9
Last night Merribek Council became the first govt body to condemn Israeli war crimes and demand a ceasefire! They also called for:
• An end to the occupation
• Severing diplomatic ties w/ Israel
• The release of hostages (inc Palestinians)
All Councils should do this!
calling on the Australian government to:
7. Strongly condemn the war crimes being carried out by Israel against the Palestinians in Gaza,
8. Call for an immediate ceasefire and end to Israel's indiscriminate bombing,
9. Call for the immediate lifting of the siege on Gaza to allow Palestinians in Gaza to have unlimited access to food, water, fuel, electricity, medical supplies and construction materials to repair damaged homes and civilian infrastructure,
10. Advocate for all Palestinian and Israeli hostages to be released,
11. Advocate for a political resolution to the decades-long conflict which includes an end to Israel's illegal occupation of Palestine in order for there to be a just
legitimate, non-violent tactics used by individuals and organisations to pressure foreign governments over human rights abuses and war crimes, including Israel's brutal and illegal colonisation of Palestine.
12. Receives a report to explore options for council to cancel contracts with companies that support Israel's illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.
13. Amends the Community Flag Schedule outlined in Council's Flags Policy by raising the Palestinian flag on the fourth flag pole at Council's Coburg Civic Centre for six months in recognition of the specific situation of a genocide being carried out against the Palestinians in Gaza. That this decision be communicated to the communities who were expecting their flags to be [illegible] on other dates after six months the decision will be reviewed by Council
1
444
1.1K
35K

272

Nick Riemer reposted

**Rohan Talbot** @rohantalbot · Nov 9

Awful stats on the humanitarian situation in #Gaza from @UNRWA:
- An average of 4,834 people per shelter, with on average 700 people sharing a single shower unit.
- 92 UN workers killed
- 555 people have been injured and 66 killed while sheltering at UNRWA installations




5 · 89 · 82 · 6.8K

273

**Nick Riemer** @NickReimer1 · Nov 9

Even now with 10000+ dead and the bombs still raining down, the lectures never end on how 'simplistic' and 'unnuanced' it is to support Palestine, what a 'complex' situation Gaza faces us with, and how the thing we most need is 'serious debate'.

21 · 38 · 131 · 5.3K

274

Nick Riemer reposted

**naama** @derridalicious · Nov 9

Haaretz reports: increase in number of israeli soldiers who film themselves torturing Palestinians.

Note that the increase isn't in the torture per se, but in the brazenness of recording & sharing it online.

> **Haaretz הארץ** @Haaretz · Nov 9
>
> מכות, קללות ו"יאללה בית"ר": עלייה במספר החיילים שמתעדים את עצמם מתעללים בפלסטינים dlvr.it/Syb565

15 696 1.2K 63K

275

Nick Riemer reposted

**Younis Tirawi | يونس** @ytirawi · Nov 10

Israeli military soldiers hoisting names of ex Israeli settlements in Gaza. First picture, raising the name of ex- outpost Neveh Dekalim. Other picture, displaying a placard indicating the former Nova Beach on the ex-outpost of Gush Katif with Israeli flags.

There's a new version of this post

16 124 157

276

Nick Riemer reposted
Jehad Abusalim جهاد أبو سليم @JehadAbusalim · Nov 10
Intense shelling near the Indonesian hospital tonight.
0:31
2
71
73
6.2K

277

Nick Riemer reposted
Nour Naim| نور نعيم @NourNaim88 · Nov 10
A horrific crime !!
The outpatient clinic at Al-Shifa Hospital has been targeted. A place crowded with displaced individuals from Gaza and its northern areas. Reports suggest dozens of martyrs !
0:44
From Yasser
7
161
127
5.9K

278

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 10

We still have some places on buses to tomorrow's protest, leaving from Liverpool, Bankstown and Central stations at 11. Register at the links!

2 20 31 4.5K

279

Nick Riemer reposted

**naama** @derridalicious · Nov 10

literally what is the purpose of every international humanitarian law mechanism, of the Geneva Convention, of the Convention on the Prevention & Punishment of the Crime of Genocide, of the International Criminal Court, what is the point, act now! NOW!

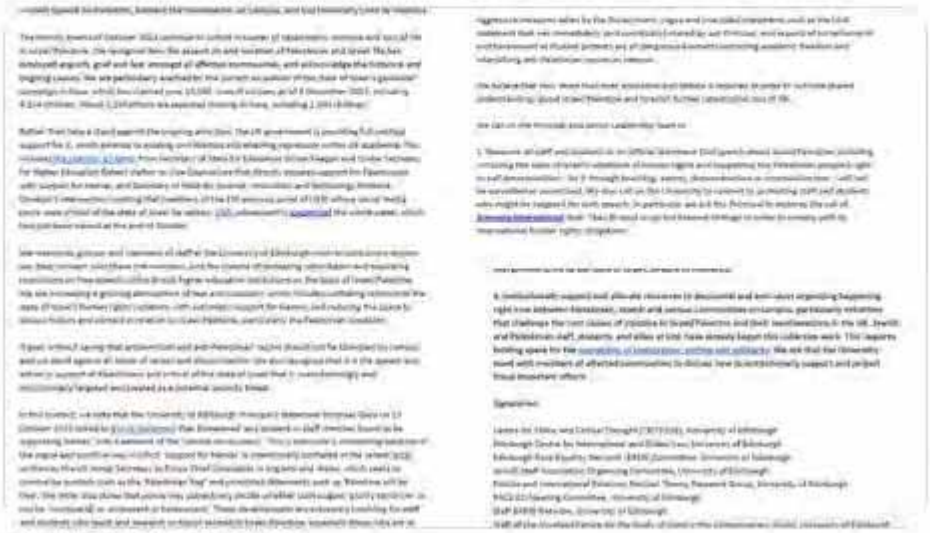
17 139 420 8.5K

280

Nick Riemer reposted

**Nicola Perugini** @PeruginiNic · Nov 10

A big coalition of staff networks/groups asks @EdinburghUni to: protect Palestine free speech; suspend the application of IHRA antisemitism def; acknowledge historical (Balfour Declaration, Balfour was Edinburgh Chancellor) and present colonial complicity; support solidarity



UCU Edinburgh and 5 others

38 76 4K

281

Nick Riemer reposted

**Hind Khoudary** @Hind_Gaza · Nov 10

Another one of my dear friends was killed by an Israeli airstrike south of Gaza.
Mohammed Saleh, evacuated from the north to the south weeks ago - was killed by Israel today.
Mohammed is @AbdallahBaghda7 best friend.
They were both killed by Israel.

271 7K 13K 454K

282

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 11

Jetskis out for Palestine at Port Botany!

7 66 236 7.6K

283

Nick Riemer reposted

**Palestinian Youth Movement** @palyouthmvmt · Nov 11

‼ THREAD: Israel is at war with Gaza's hospitals ‼

9 322 458 27K

284

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 11

Powerful protest today to launch the campaign to #blocktheboat. We're proud to work with @unions4palestin to say ZIM out of Botany. Follow us for updates and action alerts!

9 170 331 22K

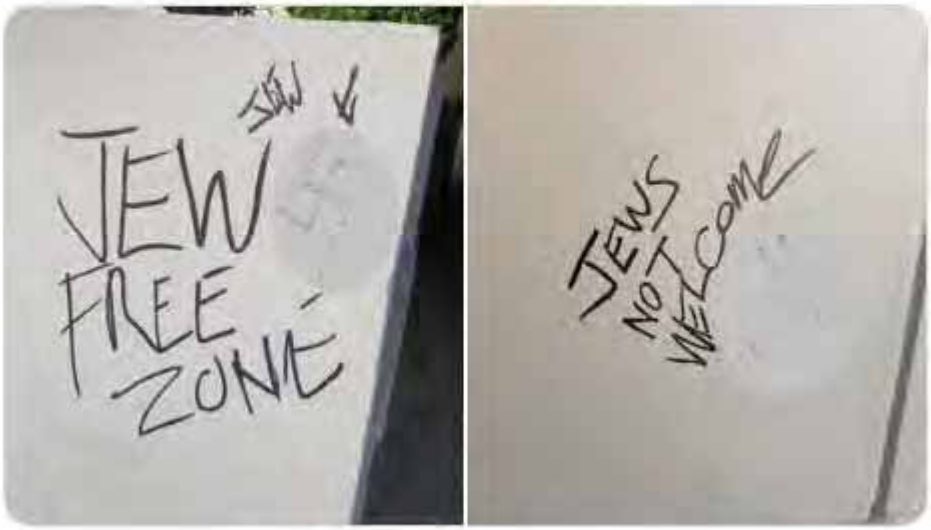
285

Nick Riemer reposted

**Andy Fleming** @slackbastard · Nov 11

1/ PSA:

Recent events means inter alia an uptick in antisemitism along w Islamophobia, & creeps gonna creep. Eg, this graf appeared near Barkly Square in Brunswick in the last few days.




8 68 205 45K

286

Nick Riemer reposted

**David Brophy** @Dave_Brophy · Nov 11

The jet-skis came out for Palestine!

> **9News Sydney** @9NewsSyd · Nov 11
>
> Port Botany was today swarmed by pro-Palestinian protesters, with demonstrators taking to the water on jet skis as they attempted to block the arrival of an Israeli vessel. @eeRamsay #9News

4 40 103 7.1K

287

Nick Riemer reposted

**matthew abbott** @mattabbottphoto · Nov 11

@NickReimer1 "the water front is where those struggles have been played out in the past, and the waterfront is where they are going to be played out again today" at todays #FreePalestine - Stop the Zim boat, Port Botany Sydney. #MUA

3 31 56 2.8K

288

Nick Riemer reposted

**Medical Aid for Palestinians** @MedicalAidPal · Nov 11

"No one can get out from the Shifa hospital. No one can come in. The people who tried to evacuate this morning were being shot in the streets." Dr Marwan Abu Sada, Head of Surgery at Al Shifa Hospital, describes horrifying scenes as Israel attacks the Gaza hospital this morning.

112 3.2K 2.6K 319K

289

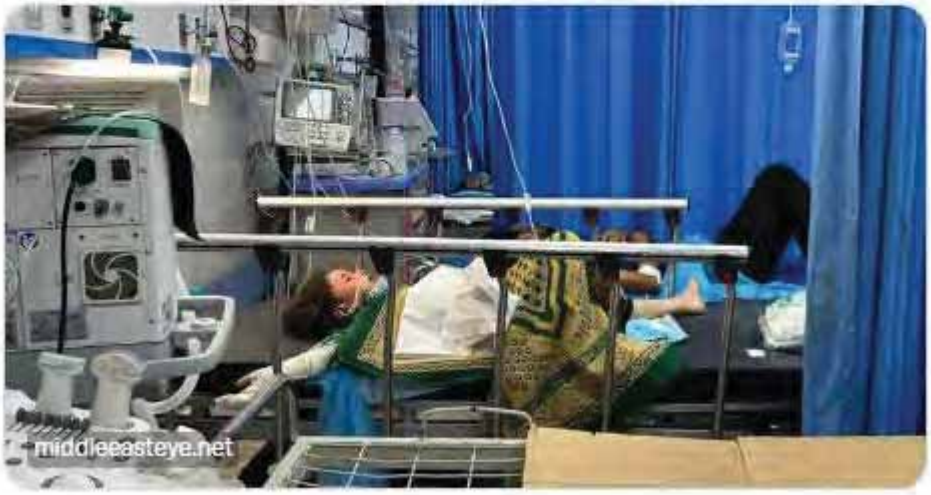
Nick Riemer reposted

**Areeb Ullah** @are_eb · Nov 11

Replying to @are_eb and @MahaGaza

.@MahaGaza has filed her latest dispatch from Gaza. She speaks to journalists and patients trapped inside the Al Shifah hospital in Gaza.

The situation remains is desperate as doctors run out of medical supplies and electricity to treat the wounded.




1 48 58 5K

290

Nick Riemer reposted

**Lina Mounzer** @warghetti · Nov 11

What we are watching is no less than an entire people experiencing the end of the world. The end of the world

> **The Fact Finder** @FactualNarrator · Nov 11
> A Palestinian doctor stuck in the North, sharing a message of despair, peace, and faith.

5 386 865 51K

291

Nick Riemer @NickReimer1 · Nov 12
Today - see you there.
STOP THE
GENOCIDE
IN GAZA
FREE
PALESTINE
PROTEST
SUN 12 NOV
1PM HYDE PARK NTH
PALESTINE ACTION GROUP SYDNEY
12
22
101
8.1K

292

Nick Riemer reposted

Dr. Yara Hawari د. يارا هواري @yarahawari · Nov 12

London was beautiful today. Upwards of 800,000 people out on the streets for the Palestinian people demanding a ceasefire & an end to the Israeli occupation of Palestinian lands.

25 352 1.1K 28K

293-295

Nick Riemer @NickRiemer1 · Nov 12
I encourage every union member here to get involved with Trade Unionists for Palestine by signing our petition.
docs.google.com
Union members in solidarity with Palestine
In accordance with the union movement's values of peace, justice and solidarity with working people, ...
2
10
461
Nick Riemer @NickRiemer1 · Nov 12
We will do everything we can to harness the power of the labour movement to end this government's support for Netanyahu and the genocidal madness of the Israel state, until there is equality for everyone in historic Palestine from the river to the sea.
3
4
13
644
Nick Riemer @NickRiemer1 · Nov 12
Replying to @NickRiemer1
That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.
3
2
8
477

296-315

**Nick Riemer**
@NickReimer1

There were some hugely powerful & moving speeches from Palestinians at yesterday's Botany protest which I hope we captured on video. I spoke on why there's no room for racism, settler-colonialism, apartheid or Zionism in our unions. 🟪

11:08 AM · Nov 12, 2023 · **6,629** Views

47 43 174 3

**Nick Riemer** @NickReimer1 · Nov 12

Unions are about justice and solidarity with working people. We don't switch those principles off beyond Australia's borders. We're internationalists, which means that we're serious when we say that no one is free till everyone is free.

4 · 1 · 15 · 328

**Nick Riemer** @NickReimer1 · Nov 12

That justice has no meaning if it isn't justice for everybody, wherever in the world they are, regardless of their background or their beliefs.

2 · 13 · 255

**Nick Riemer** @NickReimer1 · Nov 12

The rank-and-file union members who've signed our petition know what side they're on. The working people of Gaza are the objects of a genocidal attack on a sickening and indescribable scale.

## Union members in solidarity with Palestine

In accordance with the union movement's values of **peace, justice and solidarity with working people**, we are horrified by the current war between Israel and Hamas and the unspeakable bloodshed and violence it has caused. This tragedy is a direct result of Israel's blockade and siege of Gaza, and of the apartheid and ethnic cleansing it maintains in the West Bank and within its own borders.

In the first instance, we call for **an immediate suspension of all hostilities and an immediate end to the blockade of Gaza**. Gaza must not be cut off from food, medicine, fuel and humanitarian supplies, its power supply must be resumed, and critical health, water and other infrastructure must be restored immediately.

We also call for an **end to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing**. As unionists, we stand in solidarity with all people who support the cause of **peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East**.

We support the **demonstrations around Australia for Palestine**, and call on governments and police authorities to facilitate them. The union movement will never accept political restrictions on the **right to protest, which is fundamental to democracy**.

2 · 13 · 256

**Nick Riemer** @NickReimer1 · Nov 12

We all have an obligation to respond, since that violence is enabled by Western governments, including ours.

There will never be justice for working people in this country from a government that cannot even bring itself to call for a ceasefire in a genocide.

1 · 1 · 13 · 201

**Nick Riemer** @NickRiemer1 · Nov 12
That's where their opportunism and lack of principle has led them: straight into support for a genocide. Shame on Penny Wong, and shame on Anthony Albanese. They are truly the hollow woman and the hollow man.
2 · 14 · 232

**Nick Riemer** @NickRiemer1 · Nov 12
We always hear about Albo the underdog. Albo the child of a single mum. What we'll remember is Albanese the genocide supporter.
2 · 12 · 195

**Nick Riemer** @NickRiemer1 · Nov 12
In particular, we're here today to tell Albanese and the whole of the political establishment that Israeli shipping lines are not welcome in Port Botany. The waterfront has always been a key site where political conflict gets played out in Australia, and it is again today.
1 · 11 · 199

**Nick Riemer** @NickRiemer1 · Nov 12
Here at the port we're subject to the totalitarian anti-protest laws that Albo and Wong's party in NSW put in place earlier in the year precisely to stop people like us from standing up for what is right, whether it's protecting the environment or protesting against a genocide.
1 · 9 · 189

**Nick Riemer** @NickRiemer1 · Nov 12
Those laws are supposed to protect the Australian economy – that's the same economy that is increasing its arms manufacturing component, including to Israel, that has seen the largest fall in living standards of any advanced economy over the past year.
1 · 9 · 179

**Nick Riemer** @NickRiemer1 · Nov 12
Our government is giving its green light to Israel to unleash a reign of terror over Gaza:
1 · 10 · 174

**Nick Riemer** @NickRiemer1 · Nov 12
the bombing of hospitals and bakeries and generators and solar panels and refugee camps, the destruction of half of Gaza's housing, the sudden employment of 390 000 Palestinians since the start of the war, the murder of almost 11000 Palestinians in a sickening genocidal spree.
4 · 1 · 10 · 527

**Nick Riemer** @NickRiemer1 · Nov 12
That same government is busy tightening the screws on ordinary people here, and wants to prevent us from asserting that genocide is wrong.

4 1 10 527

**Nick Riemer** @NickReimer1 · Nov 12
That same government is busy tightening the screws on ordinary people here, and wants to prevent us from asserting that genocide is wrong.

2 1 9 166

**Nick Riemer** @NickReimer1 · Nov 12
The water just out there goes all the way to Gaza and it links ordinary people here to ordinary people there.

But there's another more important link between us and Gazans: our determination for justice, which joins us in a bond of solidarity with Palestinians.

1 8 167

**Nick Riemer** @NickReimer1 · Nov 12
As union members, we're here to say that we stand alongside the Palestinians of Gaza, of the West Bank and the diaspora. Touch one, touch all.

1 9 168

**Nick Riemer** @NickReimer1 · Nov 12
That's why there's no room for genocide apologia in our unions.

That's why there is no room for warmongering in our unions.

1 8 158

**Nick Riemer** @NickReimer1 · Nov 12
That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.

3 2 8 478

**Nick Riemer** @NickReimer1 · Nov 12
I encourage every union member here to get involved with Trade Unionists for Palestine by signing our petition.

docs.google.com
Union members in solidarity with Palestine
In accordance with the union movement's values of peace, justice and solidarity with working people, ...

2 10 461

**Nick Riemer** @NickReimer1 · Nov 12
We will do everything we can to harness the power of the labour movement to end this government's support for Netanyahu and the genocidal madness of the Israel state, until there is equality for everyone in historic Palestine from the river to the sea.

3 4 13 645

316

Nick Riemer @NickReimer1 · Nov 12
Sydney out again for the fifth week in a row. United with Palestine.
Ceasefire now.
0:14
61
390
1.7K
38K

317

**Nick Riemer** @NickReimer1 · Nov 12

Not really clear from the photo, but central Sydney is choked with the protest march calling for a ceasefire and a free Palestine. There are literally too many of us for the streets to hold.

219 239 984 39K

318

Nick Riemer reposted

**Dr. Yara Hawari** د. يارا هواري @yarahawari · Nov 13

I had the immense honour to speak at the national march for Palestine in London on 11/11.

800,000 people marched in joint struggle & solidarity with the Palestinian people & called for an end to the genocide in Gaza.

It was a historic moment. The struggle continues

62 479 1.1K 47K

319

Nick Riemer reposted

**anthroboycott** @anthroboycott · Nov 13

In July, our association took a clear stand in support of the academic boycott of complicit Israeli institutions and voted to endorse BDS. 1/9

6 51 136 24K

320

**Nick Riemer** @NickRiemer1 · Nov 13

Just spotted in Glebe. Well done whoever's responsible for this.

75 116 366 13K

321

Nick Riemer reposted

**Faten Sourani** فاتن الصوراني @FatenSourani · Nov 13

The Israelis killed my 5-year-old niece the most beautiful Rahaf Alsaqqa and my very kind and one in a million brother-in-law Mohammed Alsaqqa today. A tank targeted them while they were trying to escape south through "the safe corridor."

Keep my sister Hala in your prayers.

310 14K 30K 744K

322

Nick Riemer reposted

**Amal أمل** @amalfalastini · Nov 13

Students for palestine are going on a convoy to Canberra on Wednesday to protest the governments support of the genocide in Gaza. We have an overwhelming response and need some crowdfunding to partially fund our busses. Please support us ( link below)

44 213 372 22K

323

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 13

I can't believe that 11,000 +Palestinians have been carpet bombed, massacred, subject to genocide and @PatsKarvelas has made @iamthenas the bad guy. @abcqanda did you get the talking points from the lobby?

86 192 638 22K

324

**Nick Riemer** @NickReimer1 · Nov 14

Solidarity and congratulations to @iamthenas for his advocacy on QandA last night in the face of the intense onslaught he was subject to. Chilling to see the support for vicious war crimes and ongoing colonialism platformed by the national broadcaster.

58 70 265 10K

325

**Nick Riemer** @NickReimer1 · Nov 14

Last night's QandA: guilt by association, muck-raking, absurd charges about what slogans *might* (but do not) mean are Zionists' only arguments. They support *actual* genocidal violence and colonisation, yet we're meant to condemn the Palestinian calling for peace and equality.

18 19 83 2.7K

326

Nick Riemer reposted
TIMES OF GAZA @Timesofgaza · Nov 14
Central Gaza Strip.
0:09
10K
11K
274K

327

**Nick Riemer** @NickReimer1 · Nov 15

Sharing my response to some very ugly attacks on Palestine solidarity and some shocking apologia for genocide from colleagues on internal Sydney University email and social media. Clearly indicates the character of the two sides in this 'debate'.

35 56 156 14K

328

Nick Riemer reposted

**Maha Hussaini** @MahaGaza · Nov 15

Bodies pile up in the open as al-Shifa Hospital in #Gaza becomes a no-go zone for patients

My reporting on the ground for @MiddleEastEye



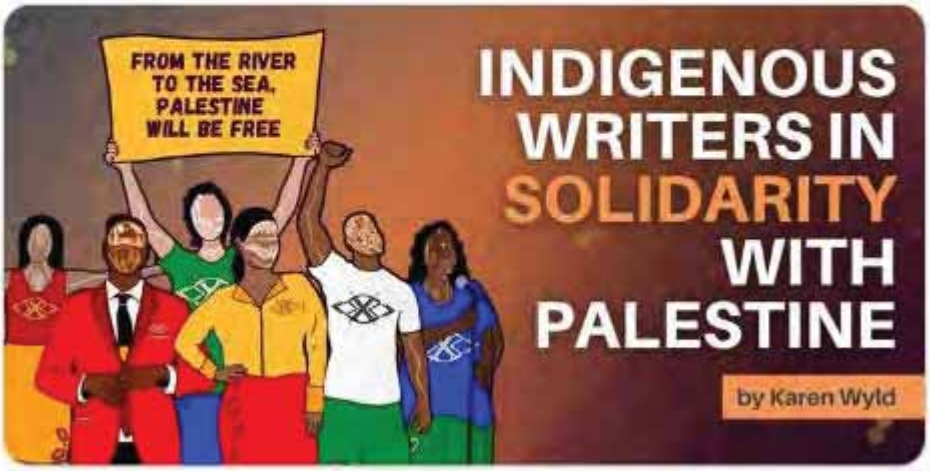
6 108 107 6.2K

329

Nick Riemer reposted

**IndigenousX** @IndigenousX · Nov 15

Blak solidarity with Palestinian people is powerful, writes Karen Wyld. In this latest IX piece, @1KarenWyld reflects on friendships and solidarity between Blak and Palestinian writers, and mutual support for Indigenous sovereignty and self-determination.
com.pulse.ly/mzne8rwlye




5 87 129 10K

330

Nick Riemer reposted

**Laboratoire Histoire des théories linguistiqu** @LaboratoireHT · Nov 15

Les 22 et 23 novembre se tiendront les Assises de la Recherche de la Sorbonne Nouvelle.
Alejandro Diaz Villalba, Pierre-Yves Testenoire et Julie Marsault y participent. N'hésitez pas à venir les écouter !
univ-paris3.fr/les-assises-de...

2 3 476

331

Nick Riemer reposted

**Ramy Abdu| رامي عبده** @RamAbdu · Nov 15

12 hours of invasion and no signs of any of Hamas's tunnels or headquarters.

Unless Israel is creating the scene that might be released later.

> **Ramy Abdu| رامي عبده** @RamAbdu · Nov 15
> Breaking: Israel is planning an invasion of the Shifa hospital.
> -No media coverage
> -No other party attendance
> -No UN or Red Cross presence
> ...
> Show more

8 423 574 33K

332

Nick Riemer reposted

**Samah Sabawi** @gazaheart · Nov 14

Kareem is still denied the dignity of burial. It is almost three days now since he was killed. Let's at least give him the dignity of sharing his story. Thanks @NabilAlNashar and @ahmedyussuf10 for writing this heartbreaking story. #Gaza

14 205 263 27K

333

Nick Riemer reposted

**Caitlin Cassidy** @caitecassidy · Nov 15

Australia's research sector chases rankings over quality and is 'not fit for purpose', chief scientist says

3 28 43 9.5K

334

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 14

I will remember this for a long time from Marcia Langton!!! Horrific genocide apologist — Israel is bombing hospitals and committing genocide and Langton regurgitates Zionist talking points

94 167 623 34K

335

**Nick Riemer** @NickReimer1 · Nov 16

Excellent and very much needed initiative.

> **Lia** @lia_perkinss · Nov 16
>
> Replying to @RandaAFattah @NickReimer1 and 3 others
>
> Students are taking action against the ABC's complicity in genocide of Palestinians, tomorrow, outside the ABC offices in sydney. All welcome and please share widely

47 119 353 20K

336

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 16

It's past time for a register of anti-Palestinian racism.

This is entirely unacceptable.

Australian Palestinian belong on this continent and have every right to have political agency.

We're not going anywhere!

@AlboMP ...
Show more

> **Declassified Australia** @DeclassifiedAus · Nov 16
>
> It's inconceivable that any mainstream journalist in Australia would write this kind of diatribe against a Jewish leader.
> This fits into a long history of Palestinians being smeared across the western world:

OPINION 13

Andrew Bolt

Palestinian 'voice' fails to condemn Hamas acts

36 165 551 26K

337

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Nov 16

Congrats to the MEAA members making this powerful statement on the ABC's appalling coverage of Palestine & "the racist treatment of Nasser Mashni, President of the Australia Palestine Advocacy Network, on ABC's Q+A episode on Monday 13 November by host Patricia Karvelas"

**MEAA Members for Palestine** @meaa4palestine · Nov 16

Today, we submitted a statement to @ABCTV regarding editorial integrity and Palestine coverage, co-signed by @unions4palestin.
We stand with media comrades in their efforts to change and improve editorial policy and reporting.
Read the full statement via link in bio.

**MEAA Members in solidarity with Palestine**

...suggesting that the massacre of more than 11,000 Palestinians is debatable and that it may be possible to justify the direct attack of 16 hospitals, the killing of 192 health workers, 102 UN workers and 42 journalists (Committee to Protecting Journalists), as well as cutting off food, fuel and water to millions of people.

...We condemn the silencing of those opposed to Israel's genocidal practices by forcing them to condemn Hamas instead. Journalism must be able to do more than reflect state policy.

...We cannot allow our colleagues to compromise their professional ethics by becoming stenographers to any state violence.

1 · 8 · 25 · 1.9K

338

Nick Riemer reposted

**Lia** @lia_perkinss · Nov 16

Replying to @RandaAFattah @NickReimer1 and 3 others

Students are taking action against the ABC's complicity in genocide of Palestinians, tomorrow, outside the ABC offices in sydney. All welcome and please share widely

31 71 132 20K

339

Nick Riemer reposted

Hebh Jamal @hebh_jamal · Nov 17

Israel bombed my favourite place in Gaza today. The ancient Great Mosque of Gaza, Mesjid Omar built in 1344.

This photo taken last yr. I can't imagine the ruins that exist there now. How many murdered here because of the air strikes. Will we ever find out for sure?

523 16K 34K 5.1M

340

Nick Riemer reposted
Marcus Banks @MarcusANBanks · Nov 17
Replying to @NickReimer1
Over 500 Australian journalists in the Media, Entertainment and Arts Alliance union stand in solidarity with Palestine.
docs.google.com
MEAA members in solidarity with Palestine
We, the undersigned Media, Entertainment and Arts Alliance members, condemn the Australian ...
8
6
14
970

341

Nick Riemer reposted
Dr Kathryn Daley @Kat_Daley · Nov 14
Attn: Australian academics!: Our super fund @UniSuperNews holds shares in Elbit, whose main business is to supply artillery to the Israeli defence force.
If you would like to make a complaint and demand divestment, here is the link:
unisuper.com.au
Complaints
9
194
244
49K

342

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 17

MEDIA RELEASE: PALESTINE SUPPORTERS TO PROTEST AGAINST NEXT ZIM VESSEL AT PORT BOTANY. Share!

4 RELEASE: PALESTINE SUPPORTERS TO PROTEST AGAINST NE
ESSEL AT PORT BOTANY
23
mediate release

ine supporters are preparing to demonstrate against the Israeli
ng line ZIM on its next call at Port Botany. The protest will be the
st at the port, in a series of actions targeting ZIM in Sydney and
urne. The Melbourne protest on November 9 forced trucks carryi
ontainers to turn around.

the oldest and largest shipping company in Israel and has a long
y of support for war crimes and ethic cleansing against Palestinia
tober 8, ZIM's CEO, Eli Glickman, a former Israeli SEAL commandi
company's ships at the disposal of the Israeli Ministry of Defenc

Israel's current genocidal assault on Gaza now near the end of its
ike protest is a direct response to appeals for worldwide solidarit
Palestinian unions, and to the request from Palestinian Civil Socien
ch companies complicit with Israel's crimes against Palestinians as
abel BDS (Boycott, Divestment and Sanctions) campaign.

alestinian General Federation of Trade Unions (PGFTU) and a larg
on of all major Palestinian unions and professional associations ha
l on trade unions and workers worldwide to boycott Israel and
sses that support its apartheid regime. ZIM vessels have been
ed by 'block the boat protests' in many ports around the world.

Port Botany protest is organised by Palestine Justice Movement Syan
supported by the Sydney Branch of the Maritime Union of Australia. It
lorsed by Trade Unionists for Palestine, as well as by United Australian
ictorian Workers, and BDS Australia. Further endorsing organisations w
announced shortly.

ment attributable to Ahmed Abadla, Palestine Justice Movement
key: 'Our previous protests in Sydney and Melbourne have already for
l to alter its schedules. We intend to continue protesting for as long as
s visit Sydney. ZIM has Palestinian blood on its hands, just as much as
ry government official who refuses to support a complete ceasefire do
peacefully, both the Albanese government and the Minns government
s in NSW are supporting Israel's genocidal war, and refusing to back c
a ceasefire. There's no place for ZIM in Port Botany, or for any other
pany that supports Apartheid Israel's war-crimes. Israel must be
ctioned for its crimes. If our elected representatives won't act - we wi
continuing our actions that aim at driving ZIM out of Port Botany."

ment attributable to Paul Keating, Secretary: Maritime Union of Austra
ney Branch: "We will always defend the community's right to stand up
fight for what is right. These community-led actions have for decades
isted movements fighting for justice including an end to Apartheid Sou
ca, against unjust wars in Vietnam, Afghanistan and Iraq and innumera
es, against nuclear war, for First Nations rights, women's rights, worke
ts amongst others and act as bulwarks against discrimination, war and
ironmental destruction"

ntact: info.pjms@gmail.com

4 · 72 · 126 · 7.7K

343

Nick Riemer reposted

**ASU members for Palestine** @asu4palestine · Nov 17

Happening now at Central Station in Sydney. Join us!

53 148 537 18K

344

Nick Riemer reposted

**Omar Sakr** @omarsakrpoet · Nov 18

Replying to @omarsakrpoet

Sobbing. Every day. If you can't bring yourself to oppose this evil, you are my enemy. It is as simple as that. The very very least you can do is show up to protest this heartless monstrosity. Boycott and divest from any company supporting it. Inundate your reps! Please

1 5 20 1.1K

345

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Nov 17
Advocacy, lobbying and campaigning led by Palestinians in Australia towards self-determination and autonomy is urgent now more than ever. Please help us fund critical advocacy work. @nazeem_hussain @SaraSalehTweets
apan.org.au/help-apan-grow/
www.apan.org.au/help-apan-grow
HELP APAN GROW
24
127
225
19K

346

Nick Riemer reposted

Omar Sakr @omarsakrpoet · Nov 18

Tomorrow in Sydney, Melbourne, Brisbane and Perth: protest. If you're able to—go be heard, I beg you. If I hadn't fractured my spine this week, I would be there. Raise your voices!

33 387 704 36K

347

Nick Riemer reposted

**Scheherazade Bloul** @scherrybloul · Nov 20

Activists have occupied the Thales Australia office in Naarm/Melbourne this morning. At about 10.30am, activists stormed the building to call for an end to Australian complicity in Israel's genocidal assault on Gaza.

58 531 1.1K 54K

348

**Nick Riemer** @NickRiemer1 · Nov 20

As is reported here, we're considering all our options to pursue a just outcome for Niko. @Sydney_Uni has made a mockery of its claims to be committed to staff with disabilities.

2 7 29 1.4K

349

**Nick Riemer** @NickRiemer1 · Nov 20

Lots of traffic honking in support of a free Palestine outside Sydney University

> **Sydney Staff for BDS** @sydneystaff4bds · Nov 20
> Ceasefire Now, Stop the Genocide, Free Palestine and BDS banner drop over Parramatta Rd happening now!

58 47 297 9.4K

350-351

**Nick Riemer** @NickRiemer1 · Nov 20

Three police just turned up at our banner drop to tell us they'd 'received complaints' about our 'Ceasefire Now' and other banners, and that they had to come down. The @nswpolice are obstructing political expression and abetting a genocide.

353 483 1.2K 103K

**Nick Riemer** @NickRiemer1 · Nov 20

Their justification was about as flimsy as they come: the banner 'might' cause offence and 'might incite violence', so, of course, they were intervening 'for our own protection'.

25 14 105 4.4K

352

Nick Riemer reposted

**Charandev Singh** @CharandevSingh · Nov 20

"With the support of the Aboriginal community in Victoria, Western Australia and across the country, we will fight for justice for our Jeffrey."

Mr Winmar became the third Aboriginal death in custody in the last month in Australia.

5 55 70 4.4K

353

Nick Riemer reposted

**Palestine Justice Movement Sydney** @PalestineRising · Nov 21

ACTION ALERT – Our protest against ZIM shipping in Botany is 6pm TONIGHT (Tuesday Nov 21).

The ZIM vessel Calandra is in port. Join us at the Foreshore Rd boat ramp to say ZIM out of Port Botany, stop the genocide in Gaza and free Palestine. for Media release, map & details.

8 150 147 29K

354

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Nov 20

This is a disgrace and absolute overreach by the NSW Police - who have been empowered by the shameful actions of the NSW Premier who from his first act of lighting up the opera house in blue and white has failed to respect human rights

> **Nick Riemer** @NickReimer1 · Nov 20
>
> Three police just turned up at our banner drop to tell us they'd 'received complaints' about our 'Ceasefire Now' and other banners, and that they had to come down. The @nswpolice are obstructing political expression and abetting a genocide.
>
>
> 
>
> 216 203 610 34K

355

Nick Riemer @NickReimer1 · Nov 21
This evening. ZIM not welcome in Port Botany. Hoping to see many hundreds of people there to stand against genocide and its enablers.
STOP THE GENOCIDE IN GAZA NOW!
BOYCOTT APARTHEID ISRAEL
PROTEST TO BLOCK THE BOAT
ZIM SHIPPING OUT OF PORT BOTANY
6PM TUESDAY 21 NOV
FORESHORE RD BOAT RAMP, PORT BOTANY
29
45
95
4.3K

356

**Nick Riemer** @NickRiemer1 · Nov 21

The police are blocking the port entrance, so we're having a little sit-in.
Free Palestine.

115 146 550 18K

357

Nick Riemer reposted

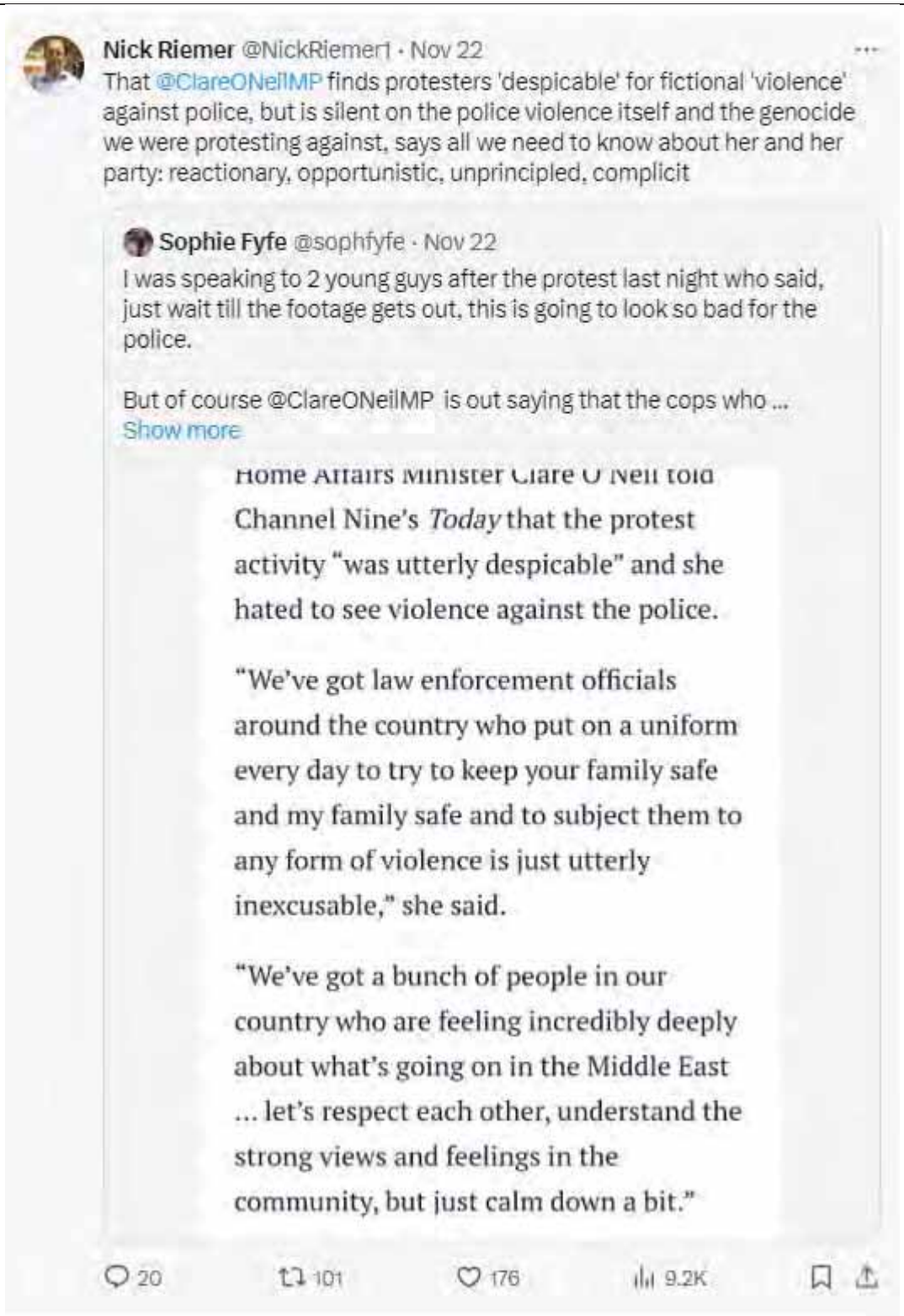
**Palestine Justice Movement Sydney** @PalestineRising · Nov 21

Police line blocking the port entrance. The police are doing our job for us.

11 34 95 3.8K

| | |
|---|---|
| 358 | Nick Riemer @NickReimer1 · Nov 22<br>People arrested at the Block the Boat Palestine protest at the port last night have been charged under the ALP's harsh new anti-protest laws. Everyone who claims to stand on the side of progess but still supports that bankrupt party needs to take a long, hard look at themselves.<br>130 459 1K 62K |
| 359-360 | Nick Riemer reposted<br>Palestine Justice Movement Sydney @PalestineRising · Nov 22<br>Replying to @PalestineRising<br>Our peaceful, non-violent boycott campaigns and protests will continue against all companies complicit with apartheid Israel in Australia. Join us!<br>4 10 39 997<br>Nick Riemer reposted<br>Palestine Justice Movement Sydney @PalestineRising · Nov 22<br>PJMS condemns the arrests and shocking police violence last night. In charging protesters under the new antiprotest laws, the ALP, aided by a complicit media, is colluding with genocide and accelerating the dangerous repressive turn in politics. We will not be intimidated.<br>7 55 128 12K |

361



**Nick Riemer** @NickReimer1 · Nov 22

That @ClareONeilMP finds protesters 'despicable' for fictional 'violence' against police, but is silent on the police violence itself and the genocide we were protesting against, says all we need to know about her and her party: reactionary, opportunistic, unprincipled, complicit

**Sophie Fyfe** @sophfyfe · Nov 22

I was speaking to 2 young guys after the protest last night who said, just wait till the footage gets out, this is going to look so bad for the police.

But of course @ClareONeilMP is out saying that the cops who ...
Show more

Home Affairs Minister Clare O'Neil told Channel Nine's *Today* that the protest activity "was utterly despicable" and she hated to see violence against the police.

"We've got law enforcement officials around the country who put on a uniform every day to try to keep your family safe and my family safe and to subject them to any form of violence is just utterly inexcusable," she said.

"We've got a bunch of people in our country who are feeling incredibly deeply about what's going on in the Middle East ... let's respect each other, understand the strong views and feelings in the community, but just calm down a bit."

20 101 176 9.2K

362

Nick Riemer @NickRiemer1 · Nov 22
Last night, Minns' police used totalitarian new laws against Palestine protesters and Inner West ALP councillors scotched a ceasefire motion. Meanwhile, ALP party faithful congratulated themselves on their progressivism at the Bowen dinner. A dangerous and sickening fantasy land.
The prime minister laid out the government's agenda, its legislation of climate targets, support of renewable energy projects and electric vehicles.
He said the biggest economic transformation since the industrial revolution was underway.
"That's why Australia needs Labor – the one party that has never feared the future, but looked to it with optimism and clear eyes," he said.
Taking aim at Opposition Leader Peter Dutton, Mr Albanese slammed the Queensland MP for claiming to be a conservative, while trying to "trash our institutions".
15
35
93
3.5K

363

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Nov 22
Joint Statement: Civil Rights Groups Condemn Police Repression of Port Botany Rally nswccl.org.au/joint_statemen... via @NSWCCL
nswccl.org.au
Joint Statement: Civil Rights Groups Condemn Police Repression of Port Botany Rally
2
31
38
3.6K

364

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Nov 22
Brief media statement on last night's protest at Port Botany.
atement on yesterday's Port Botany protest against
aeli shipping line ZIM
e following comments can be attributed to Ahmed Abadi
MS spokesperson:
/e congratulate the 500 justice-supporters who came at
nost no notice to our peaceful protest and sit-in at the
itchison terminal last night to say no to ZIM – a known
nsporter of deadly armaments.
lestine Justice Movement Sydney has taken a strong an
wavering stance against the Israeli war machine, which
s undertaken relentless carpet bombing on Gaza over th
t 47 days, resulting in the massacre of over 13,000
zans, including over 5,500 children. We caused hours of
lays to port operations, after a previous major delay to th
M vessel Calandra
/e condemn the arrests and police violence to which
rotesters were subject. In charging protesters under the new
nti-protest laws, the ALP, aided by a complicit media, is
olluding with genocide and accelerating the dangerous
epressive turn in politics. We will not be intimidated.
Jur peaceful, non-violent boycott campaigns and protests wil
ontinue against all companies complicit with apartheid Israel
n Australia.
he media play an integral role, as does social media, in
orming the public. As well as calling on the federal
overnment to end its support for Israeli crimes and the state
overnment to end its repression of protest, we call on
ournalists not to be selective or complicit in their coverage of
e issues in Gaza and Palestine more generally.
/e will not stop until justice is achieved for the Palestinians
om the Jordan River to the Mediterranean sea."
11
45
64
4.2K

365

Nick Riemer @NickReimer1 · Nov 22
Not interested in hearing any more from ALP members who voted "against" the cease-fire motion at Inner West Council last night about how strongly they actually support a cease-fire.
Pip Hinman @PipHinman · Nov 22
My short piece for @greenleftonline on Labor councillors' failure to support a ceasefire at last night's @IWCouncil Given today's news about a 'pause', it is even more damning of a party that once stood up for Palestine greenleft.org.au/content/inner-...
5
10
55
2.5K

366

**Nick Riemer** @NickReimer1 · Nov 22

Excellent statement from @jennyleong and @SueHigginson_ on the disgraceful response to yesterday's protest from Minns's political police. Thank you Jenny and Sue. No ambiguity what side The Greens are on.

> **Jenny Leong MP 梁珍妮** @jennyleong · Nov 22
>
> Joint statement with Greens NSW Justice spokesperson @SueHigginson_ on the shameful police crackdown on peaceful pro-Palestinian protestors at Port Botany.
>
> Solidarity with all who took peaceful action last night: thank you for ...
> Show more
>
> **PRO-PALESTINIAN PROTESTORS IN PORT BOTANY**
>
> Last night hundreds of pro-Palestinian trade unionists, activists and community members gathered in Port Botany to protest the unloading of a vessel owned by the Israeli shipping line ZIM. The peaceful sit-in was the latest in seven weeks of community actions in support of Palestine, where more than 13,000 people have been killed and thousands more injured or missing as a result of unfettered, genocidal military aggression by the Israeli Defence Force.
>
> Shamefully, this peaceful act of protest was met with unprovoked and unbridled aggression at the hands of the NSW Police Force. Mounted Police were deployed into the crowd - which included children and elderly Palestinian community members - to forcibly disperse those exercising their rights to free assembly and speech. What ensued was a crowd crush and panic that saw multiple protestors injured and others left scrambling for their immediate safety. Footage and images of the action show police violently handling people and pulling them from the crowd.
>
> Violence against peaceful protestors can never be justified - and must never be tolerated. Yet rather than condemn this aggression the Minister for Police has this morning shamefully lauded it, saying: "The NSW Police set parameters and they did a great job keeping our streets safe last night."
>
> The right to assemble and peacefully protest is a core tenet of any functional democracy that must be cherished and protected. The draconian anti-protest laws that were supported by the NSW Labor and Liberal parties threaten this right and impose harsh penalties including up to two years' imprisonment for peaceful protest. We understand that twenty-three people at last night's action have been arrested and charged under these laws.
>
> The Greens stand in solidarity with all those who took peaceful action at Port Botany last night and thank them for their courage and moral clarity in the face of genocide and Israel's violent occupation in Palestine. We stand with the millions rising up across the globe in solidarity with Palestine and declare that business as usual cannot continue while the situation in Gaza deteriorates, aided and abetted by Western governments including our own. Free Palestine. Ceasefire now.

3 16 50 2.1K

| | |
|---|---|
| | **Nick Riemer** @NickRiemer1 · Nov 22<br>Noticeably higher number of cars honking for a free Palestine at our banner drop today.<br> <br>105 133 650 17K |
| 367 | Nick Riemer reposted<br>**Shona (@pommedeguerre.bsky.social)** @pomelodeguerre · Nov 22<br>Replying to @NickRiemer1<br>Thanks to all of you. I have a child studying at USyd, and you make me glad. I know this isn't an easy stand to take, and I appreciate you making it clear that it should be.<br>10 2 23 995 |
| 368 | **Nick Riemer** @NickRiemer1 · Nov 22<br>Some good reporting here by @jenniferluu_ on the unacceptable crack-down on pro-Palestinian speech at @Sydney_Uni. Excellent work by Maeve Larkins and other students defending the university as a place of critique.<br>protect-au.mimecast.com/s/0ATUC81V0PTX...<br>3 7 12 916 |

369

**Nick Riemer** @NickReimer1 · Nov 23

Much as I'd have preferred my book on the academic boycott never to have been necessary, I'm looking forward to discussing it and to hearing ideas about Palestine solidarity in universities on Friday. 10am GMT, 9pm Sydney/Melbourne/Canberra.

> **Nicola Perugini** @PeruginiNic · Nov 20
>
> This Friday 24th of November at 10am GMT the @EdinburghPIR Middle East Research group and @CRITIQUE_CENTRE will host @NickReimer1 for a timely conversation on academic boycotts, justice and liberation in Palestine. The event will be online. Register here ...
>
> Show more

6 · 6 · 26 · 2.1K

370

Nick Riemer reposted

**Michael Karadjis** @mkaradjis · Nov 23

Was quite a show, watching that robotic row of Labour (and one allied Liberal) apparacheks vote down the simple call for a ceasefire (ie, just stop the slaughter, which says nothing of Israel's ongoing occupation), against the overwhelming will of the local community.

> **Nick Riemer** @NickReimer1 · Nov 22
>
> Not interested in hearing any more from ALP members who voted *against* the cease-fire motion at Inner West Council last night about how strongly they actually support a cease-fire.
> twitter.com/PipHinman/stat...

2 · 5 · 461

371

Nick Riemer reposted

**Nabil Iqbal** @nblqbl · Nov 2

I can't stop thinking, so I'm writing something.

This is about the physics students of Gaza. 1/N

86 8.4K 20K 1.7M

372

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 24

It's a time of reckoning for the Australian media. This is so deeply unethical. Even by their own standards of journalistic ethics - they continually fail. Protecting sources should be paramount always!!!

> **Ben Pennings** @BenPennings · Nov 24
>
> Three more climate protectors have been arrested on conspiracy charges due to the footage provided by the ABC to 4 Corners.
>
> "It is a betrayal of their sources, it is a betrayal of their story, and it is a betrayal of journalism."

**ABC footage 'betrayal' leads to activist arrests**

Disrupt Burrup Hub media adviser Jesse Noakes said the ABC's decision was a 'massive violation'. Picture: Paul Garvey

14 219 501 23K

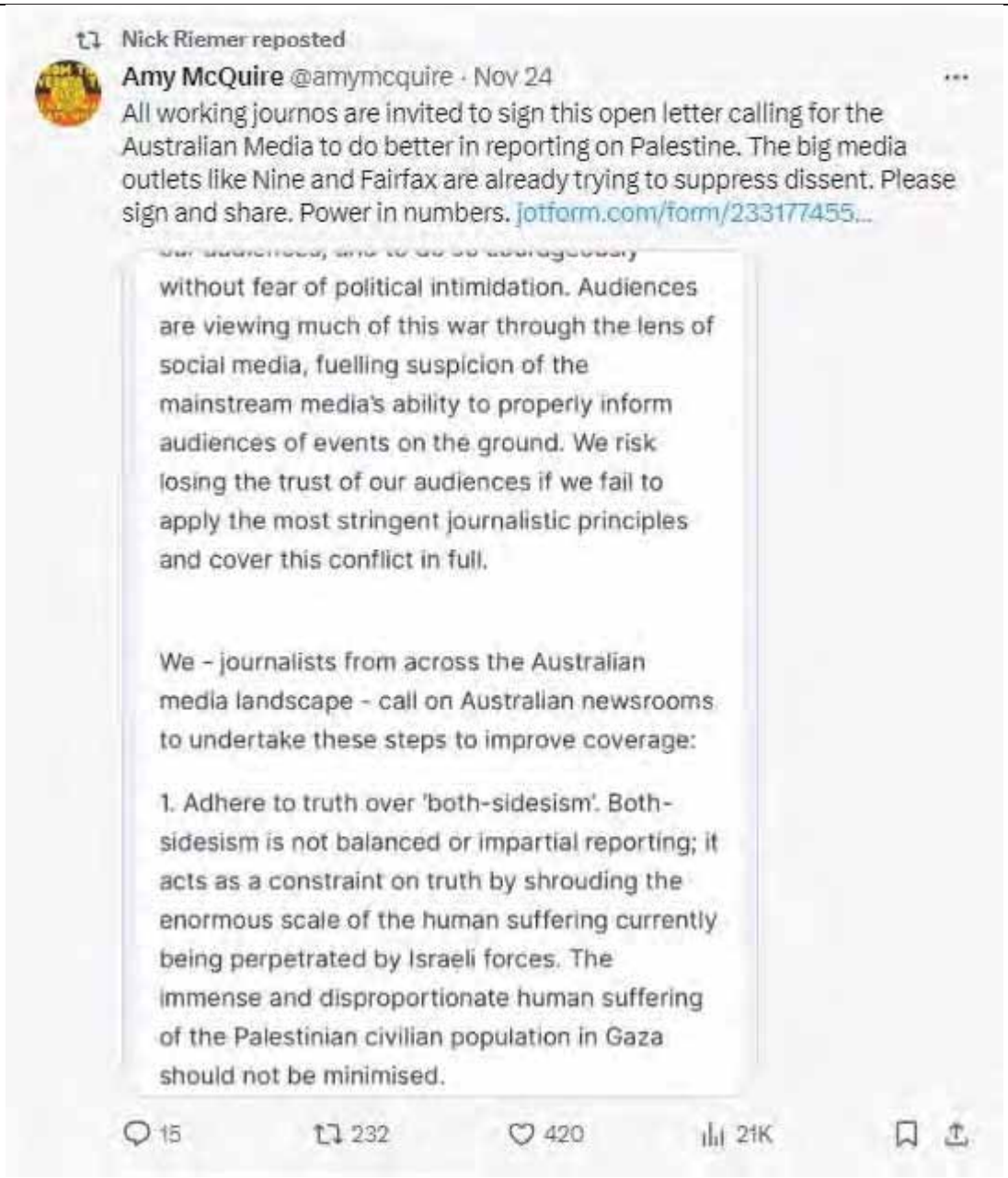
373

Nick Riemer reposted
Lana Tatour @Lana_Tatour · Nov 24
They plan to literally leave nothing standing in Gaza, making it uninhabitable. This is about taking over the majority of land in Gaza, its natural resources, forcibly expelling the majority, and concentrating the remaining on as little land as possible.
Jason Hickel @jasonhickel · Nov 24
BREAKING: Israeli officials have said that following the 4-day pause they will continue the bombardment of Gaza for "at least another two months".
It is critical to ramp up pressure on public officials everywhere to ...
Show more
2
139
208
12K

374

Nick Riemer @NickReimer1 · Nov 24
Next Friday evening: End Australia's complicity with Israel – Free Gaza – Free Palestine. Called by Trade Unionists for Palestine.
JOIN A FORTNIGHT OF UNION ACTION FOR PALESTINE
RALLY OUTSIDE NSW PARLIAMENT
FRIDAY 1 DEC 5:30PM
TELL CHRIS MINNS AND ALBANESE:
END AUSTRALIA'S COMPLICITY - FREE GAZA - FREE PALESTINE
• Drop the charges on Zim protestors
• Scrap the anti protest laws
• Stop the bombing
• End the seige on Gaza
11
32
55
3.4K

375



Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 24

All working journos are invited to sign this open letter calling for the Australian Media to do better in reporting on Palestine. The big media outlets like Nine and Fairfax are already trying to suppress dissent. Please sign and share. Power in numbers. jotform.com/form/233177455...

without fear of political intimidation. Audiences are viewing much of this war through the lens of social media, fuelling suspicion of the mainstream media's ability to properly inform audiences of events on the ground. We risk losing the trust of our audiences if we fail to apply the most stringent journalistic principles and cover this conflict in full.

We - journalists from across the Australian media landscape - call on Australian newsrooms to undertake these steps to improve coverage:

1. Adhere to truth over 'both-sidesism'. Both-sidesism is not balanced or impartial reporting; it acts as a constraint on truth by shrouding the enormous scale of the human suffering currently being perpetrated by Israeli forces. The immense and disproportionate human suffering of the Palestinian civilian population in Gaza should not be minimised.

15 232 420 21K

376

Nick Riemer reposted

**Padraic Gibson** @paddygibson · Nov 24

Sydney Town Hall, school strike for Palestine:

"I stand here today as the grandson of a holocaust survivor to say that I stand against all genocides, and I will not let the state of Israel speak for all Jews"

442 5.7K 14K 356K

377

Nick Riemer reposted

**Green Left** @GreenLeftOnline · Nov 24

Hundreds of students rally at Town Hall in Gadi/Sydney for the #SchoolStrikeForPalestine

#CeasefireNow

13 95 148 4.7K

378

**Nick Riemer** @NickReimer1 · Nov 24

Unions shouldn't gratify supporters of genocide and apartheid. Solidarity means genuine action for Palestine, not placating Zionist members who threaten to leave if we do anything. During a genocide, there's no room for both-sideism or bare-minimum action. It should be simple.

14 48 155 4.6K

379

Nick Riemer reposted

**Nasser Mashni** @iamthenas · Nov 24

My article in The Age.

"This did not begin on October 7 – it is the latest chapter in a 75-year-long violent and bloody conflict tied to a settler-colonial process."

9 157 402 15K

380

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 24

In 1948, Israel expelled the majority of Palestinians from their homeland and shot them when they tried to return to their homes. It's now doing it again.

**PALESTINE ONLINE** @OnlinePalEng · Nov 24

BREAKING| Israeli occupation forces opened gunfire at displaced Palestinians on their way back home in northern Gaza.

60 2K 3.1K 149K

381

Nick Riemer reposted
MEAA @withMEAA · Nov 24
#MEAAmedia fully supports the rights of our members to stand up for the Code of Ethics. Any pressure or intimidation from managers to prevent workers from doing this is an overreach and an attack on both journalists' rights and the public's right to know.
theage.com.au
THE AGE
40
384
1.1K
77K

382

Nick Riemer reposted
Tahlia Stolarski @tahliastolarski · Nov 24
On Wednesday I was told to go to freo police station to be arrested under suspicion of conspiracy. 2 detectives from the counter terror unit were awaiting my arrival. They put me in handcuffs and I asked what changed as the incident I was being arrested for occurred months ago 1/
Sophie McNeill @Sophiemcneill · Nov 24
This is just shocking @abcnews
ABC footage 'betrayal' leads to arrests of three more climate activists
"One of the people arrested on Thursday, Tahlia Stolarski, said police ...
Show more
71
835
2.3K
440K

383

Nick Riemer reposted
Yumna @yumna_patel · Nov 25
These are the Palestinian "prisoners" being exchanged for Israeli hostages. They are also children. Children who were stolen from their homes. Children who just want to hug their mothers. These are the boys who the media won't even afford the dignity of being called children.
✨Mina✨ @lionne998 · Nov 25
My heart😭😭
0:36
1.6K
61K
134K
5.7M

384

Nick Riemer reposted
Jacob @murmurations24 · Nov 24
Thank-you for all your messages of support 🟡 I'm feeling refreshed and revitalised. I've got a lawyer, I've talked to representatives, I've coordinated my next steps, and I am not backing down. Long live Palestine!!
Jacob @murmurations24 · Nov 22
Last night I was punched in the face, kicked between the legs and thrown to the ground by cops at a peaceful pro-Palestine rally at Port Botany. I spent nine hours in an overcrowded cell, forced to curl up into a ball on the concrete floor due to the lack of space.
16
11
174
9.5K

385

Nick Riemer reposted

**Rawan Arraf** @rawanarraf · Nov 25

10 year old Mohammad was shot and killed in the chest by Israeli occupation forces yesterday. To the chest. Stop the murder of Palestinian children.

> **Defense for Children** @DCIPalestine · Nov 25
>
> Israeli forces shot and killed 10-year-old Mohammad Ibrahim Fahed Bahloul around 6:30 p.m. yesterday in Beita, south of Nablus in the northern occupied West Bank. ow.ly/URg450Qb8uH

258 387 15K

386

Nick Riemer reposted

**BDS movement** @BDSmovement · Nov 25

Barcelona cuts relations with Israel over its war crimes against Palestinians in Gaza becoming the first European city to do so.

Palestinians salute Barcelona and all the solidarity activists behind this brave decision.

#GazaGenocide

> **ProuComplicitat #AturemElGenocidi** @proucomplicitat · Nov 24
> Comunicat | La coalició Prou Complicitat amb Israel celebrem que @bcn_ajuntament es converteix en un dels primers ajuntaments d'Europa a trencar relacions amb Israel i emplaça a tots els municipis i institucions catalanes a que empreguin mesures similars.
> palestina.cat/comunicat-el-t...

30 1.5K 2.7K 93K

387

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Nov 25

And those who have been charged were charged in a military court with a conviction rate of over 99%. Free them all.

> **Noura Erakat** @4noura · Nov 25
> Apartheid Israel holds 7,000 Palestinians captive, 2,070 without charge or trial, 200 children, & 62 women. And is holding over 80 Palestinian corpses hostage.
>
> addameer.org...
> Show more

3 44 62 5.2K

388

Nick Riemer reposted
Palestinian Feminist Collective @PalFeminist · Nov 26
On the International Day for the Elimination of Violence Against Women, the Palestinian Feminist Collective invites you to #shutdowncolonialfeminism and say NO to genocide. Read our full statement palestinianfeministcollective.org/shut-down-colo...
SAT. NOVEMBER 25
THE PALESTINIAN FEMNIST COLLECTIVE
IS SHUTTING DOWN
COLONIAL
"FEMINISM"
7
462
931
74K

**Nick Riemer** @NickRiemer1 · Nov 26

Out for Palestine again today in Sydney

90 193 670 17K

389

Nick Riemer reposted

**Green Left** @GreenLeftOnline · Nov 26

More than 21 hours into the 30 hour blockade of the Newcastle coal port, last night's night flotilla was unprecedented.

Here are photos from the launch, on the water and support from the shore.

#RisingTideAus #PeoplesBlockade #NoNewCoal #RisingTide

1 14 19 971

390

**Nick Riemer** @NickRiemer1 · Nov 27

Australian education in long-term decline due to poor curriculum, report says

3 3 4 986

391

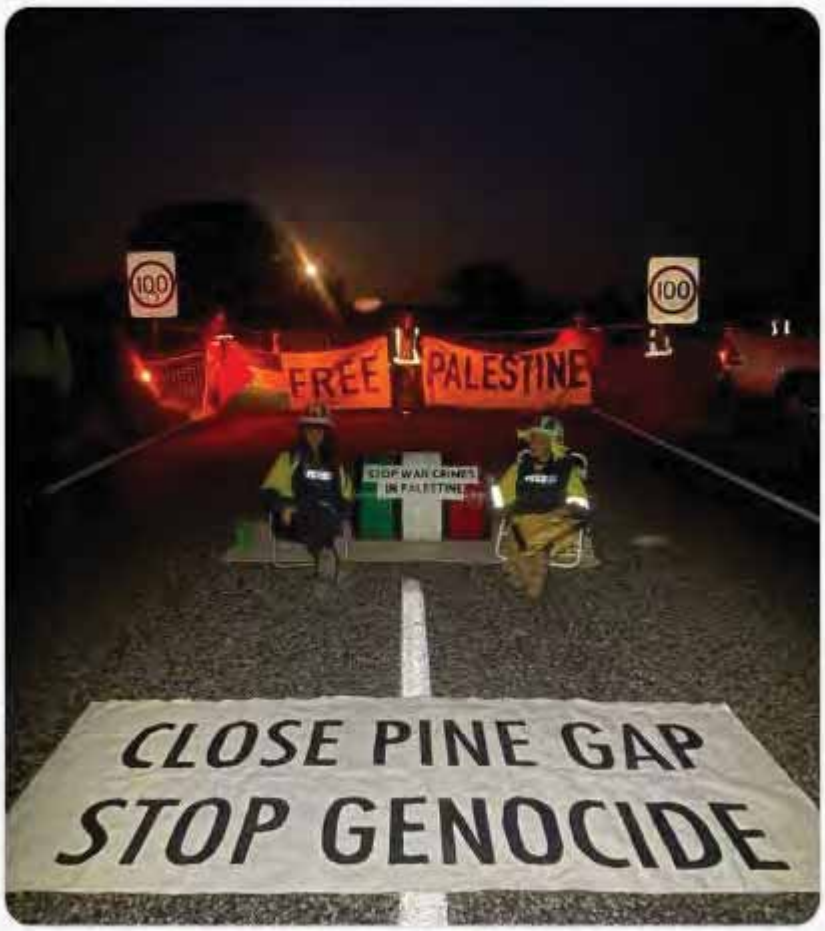
Nick Riemer reposted
Ramy Abdu| رامي عبده @RamAbdu · Nov 27
The largest university in Gaza seized by Israeli forces, transformed into a military base and site of soldier celebrations. #GazaGenocide
0:45
328
3.7K
4K
2.3M

392

Nick Riemer reposted

**WACA** @akaWACA · Nov 27

Free Palestine protesters block the road to #PineGap joint US AU satellite base in Mparntwe/ Alice Springs.
AU & US aid & abet Israeli crimes against Palestinian people using data relayed through Pine Gap.
Pine Gap must be closed. #ClosePineGap #StopArmingIsrael




34 444 799 56K

393

Nick Riemer reposted

**Rachel Withers** @rachelrwithers · Nov 24

Replying to @rachelrwithers

Oh would you look at that.

Current Age editor Pat Elligett has been on a trip to Israel too - as recently as June this year.

Yet to make Crikey's list @daanysaeed

crikey.com.au/2023/11/03/aus...

18 347 834 36K

394

Nick Riemer reposted

**Amy McQuire** @amymcquire · Nov 24

SMH/The Age executive editor Tory Maguire pictured in a group photo for the Australian Jewish News after her Zionist funded propaganda tour to Israel

**Israel 'captured my heart and my mind'**

EIGHT senior journalists, editors and producers shared their thoughts on Monday night on an intensive week-long study mission they'd recently been on to Israel and the West Bank.

By EVAN ZLATKIS

12 October 2017, 11:05 am

65 263 539 32K

395

Nick Riemer reposted

**Sydney Review of Books** @SydReviewBooks · Nov 24

A letter from the SRB team: 'There will be times [...] when the need for journalism can outstrip the need for the slower deliberative rhythms of critical practice. As commentators in the public sphere, critics are necessary, but by no means sufficient.'

5 23 2.7K

396

**Nick Riemer** @NickReimer1 · Nov 28

One reason for the proliferation of new managerial roles in universities is the considerable insecurity staff feel in strongly hierarchical and authoritarian systems. People feel very vulnerable to the arbitrary exercise of power, so they want insurance. Democratise the uni now.

3 5 22 999

397

Nick Riemer reposted

**Dr. Yara Hawari** د. يارا هواري @yarahawari · Nov 28

Since the start of this 4 day truce the Israeli regime has released 117 Palestinians from their jails & in that same time they've incarcerated 116 new Palestinian prisoners from areas across the occupied West Bank.

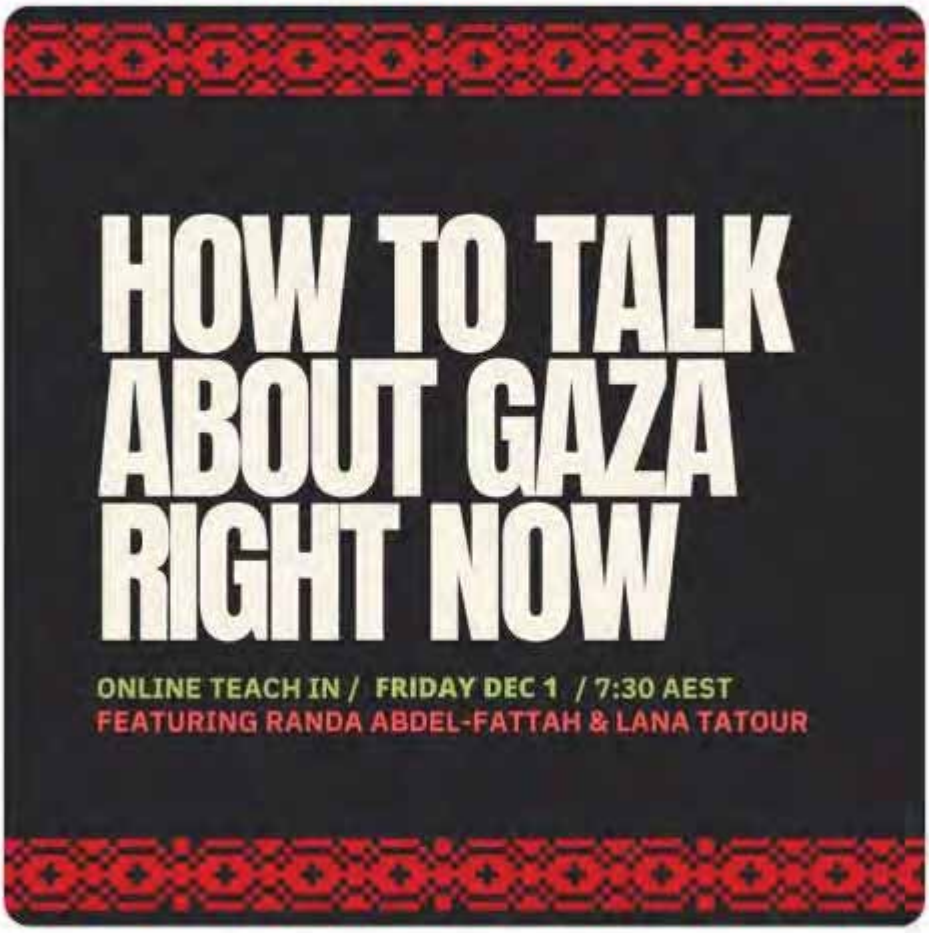
126 6.8K 10K 435K

398

Nick Riemer reposted

**APAN** @APAN4Palestine · Nov 28

Register for this important teach-in "How To Talk About Gaza Right Now" this Friday evening featuring Dr @RandaAFattah and Dr @Lana_Tatour us06web.zoom.us/meeting/regist...




7 81 109 19K

399

Nick Riemer reposted

**Sophie Fyfe** @sophfyfe · Nov 28

Over 200 staff at USYD say Sydney Uni should cut its ties with Israel, full statement printed here.
sydneystaff4bds.org/?page_id=2614

38 30 93 7.6K

400

Nick Riemer reposted

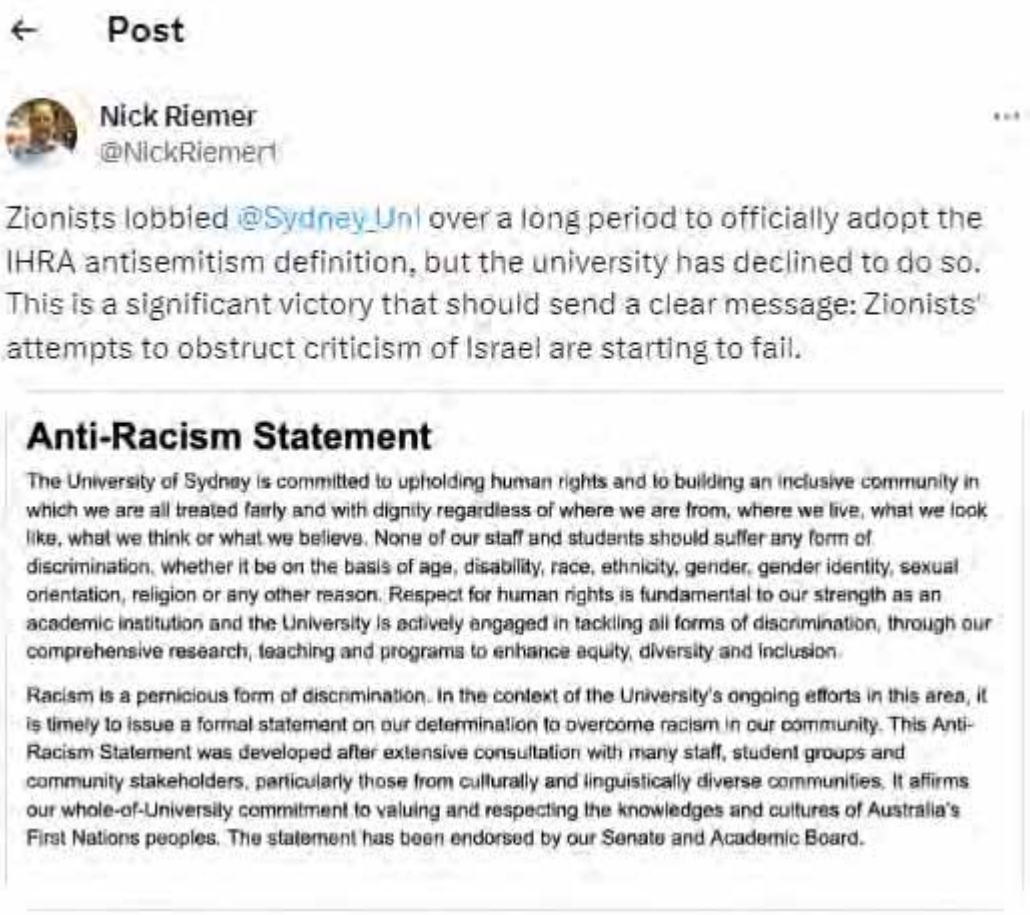
**Jessica Whyte** @j_e_s_s_whyte · Nov 28

"the targeted destruction of Gaza's primary public library is a stark reminder that genocide is about more than just the premeditated mass extinguishing of human life; it's also about the calculated, and often vindictive, destruction of a people's culture, language, history"

> **Literary Hub** @lithub · Nov 28
> Gaza's main public library has been destroyed. lithub.com/gazas-main-pub...

1 35 89 4.6K

401-405



← Post

Nick Riemer
@NickReimer1

Zionists lobbied @Sydney_Uni over a long period to officially adopt the IHRA antisemitism definition, but the university has declined to do so. This is a significant victory that should send a clear message: Zionists' attempts to obstruct criticism of Israel are starting to fail.

**Anti-Racism Statement**

The University of Sydney is committed to upholding human rights and to building an inclusive community in which we are all treated fairly and with dignity regardless of where we are from, where we live, what we look like, what we think or what we believe. None of our staff and students should suffer any form of discrimination, whether it be on the basis of age, disability, race, ethnicity, gender, gender identity, sexual orientation, religion or any other reason. Respect for human rights is fundamental to our strength as an academic institution and the University is actively engaged in tackling all forms of discrimination, through our comprehensive research, teaching and programs to enhance equity, diversity and inclusion.

Racism is a pernicious form of discrimination. In the context of the University's ongoing efforts in this area, it is timely to issue a formal statement on our determination to overcome racism in our community. This Anti-Racism Statement was developed after extensive consultation with many staff, student groups and community stakeholders, particularly those from culturally and linguistically diverse communities. It affirms our whole-of-University commitment to valuing and respecting the knowledges and cultures of Australia's First Nations peoples. The statement has been endorsed by our Senate and Academic Board.

**Nick Riemer** @NickRiemer1 · Nov 28

IHRA is not in the university's new antiracism statement, but is just one of several definitions of antisemitism referenced in the 'additional material' supplied for 'educative' (that is, not binding) purposes.

## Additional resources

The Anti-Racism Statement supplements ongoing efforts by the University to promote a deeper understanding of racism and its harmful impacts.

The statement has been developed in collaboration with many students and staff, including the National Centre for Cultural Competence and representatives from the Mosaic Staff Network, the Sydney Law School, Aboriginal and Torres Strait Islander staff, Diversity and Inclusion, the Student Representative Council, the Sydney University Chinese Students' Association, the Australasian Union of Jewish Students, the Sydney University Muslim Association among many others.

The Statement was unanimously endorsed by the Academic Board, a decision affirmed by the University Senate on 28 July.

The Statement speaks to the University's aspiration to stand against racist ideas and practices within the University, but also our obligation to uphold the principle of freedom of speech and academic freedom.

As an academic institution, we have a responsibility to be open to diverse views and opinions and to foster a greater understanding of these issues in the community. The Statement offers a list of supplementary resources informed by the University community.

These additional materials serve as educative guides to understanding manifestations of racism and discrimination.

1 · 3 · 27 · 1.3K

**Nick Riemer** @NickRiemer1 · Nov 28

Congratulations to everyone involved in this win: the university's @NTEUnion branch, Palestinian and anti-Zionist Jewish staff and students, and others. Sydney joins the ANU, Aberdeen, Toronto and other institutions in refusing Zionist censorship through the IHRA.

5 · 14 · 70 · 2.1K

**Nick Riemer** @NickRiemer1 · Nov 28

It's now time for the university to honour its stated commitment to respecting and upholding human rights by cutting ties with Israeli apartheid through officially endorsing the institutional academic boycott of Israel.

8 · 7 · 51 · 1.3K

406

Nick Riemer reposted

**NTEU UniMelb Branch** @NTEUUniMelb · Nov 28

We (@NTEUUniMelb) along with more @NTEUVictoria chapters & Trade Unionists for #Palestine, are organising some events to mark the International Day of Solidarity for Palestine. More details on the events in the thread.

#FreePalestine #Solidarity #UnionPower #FromTheRiverToTheSea

APAN and 3 others

3 28 52 3K

407

Nick Riemer reposted

**UnionistsforPalestine** @unions4palestin · Nov 28

Some action from @NTEUNSW members today 28th Nov for the week of action for Palestine.

1. NTEU members across NSW met to discuss plans for action
2. Over 200 signatures call for Uni of Sydney to cut ties with Israel
3. Teachers take a photo to express solidarity with Palestinians

1 7 13 641

408

Nick Riemer @NickReimer1 · Nov 29
Rain, hail or shine, standing up for Palestine. Great to be joined by new Sydney Uni faces, and a second NTEU branch president this afternoon.
FREE PALESTINE
179
79
317
15K

409

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Nov 29

Good to join my @NTEUnion comrades at USyd for a banner drop today after a fantastic @AusSocContiPhil conference! This was part of the national week of action called by @unions4palestin and also coincided with the International Day of Solidarity with the Palestinian People 🇵🇸💜✊

**Nick Riemer** @NickReimer1 · Nov 29

Rain, hail or shine, standing up for Palestine. Great to be joined by new Sydney Uni faces, and a second NTEU branch president this afternoon.

1 3 46 2.7K

410

**Nick Riemer** @NickReimer1 · Nov 29

Institutions like @WZB_Berlin need to appreciate just how much discredit the intellectual irresponsibility and lack of political principle on display here bring on them.

**John Keane** @jkeaneSDN · Nov 29

today - after 25 years - I resigned from the WZB Berlin following absurd allegations of support for a 'terrorist organisation' and suggestions of my criminal liability; here's my open letter on guilt, terrorism, Israel and scholarship...

1 5 20 1.6K

411

Nick Riemer reposted

**NTEU UniMelb Branch** @NTEUUniMelb · Nov 29

Photo of our speakers, organisers & attendees together at the end of today's public forum for #International_Day_of_solidarity_with_Palestine_people! Huge thanks to Lachlan Batchelor (@apheda), @iamthenas (@APAN4Palestine) & Dana Alshaer (@Unimelb for Palestine) for your voices.

APAN and 4 others

5 16 30 4.1K

412

**Nick Riemer** @NickReimer1 · Nov 30

Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

615 425 1.2K 100K

413

Nick Riemer reposted

**Randa Abdel-Fattah** @RandaAFattah · Nov 30

I shall show my Palestinian father, an alumnus of Sydney University.

Beautiful and courageous.

Thank you

> **Nick Riemer** @NickReimer1 · Nov 30
>
> Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

88 96 526 24K

414

Nick Riemer reposted

**Tzedek Collective** @tzedekcollectiv · Nov 30

Jews are making their voices clearer and clearer. Zionism is not Judaism, and supporting 🍉 is not antisemitism.

13 147 342 13K

415

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Nov 30

Well done 🙌

> **Nick Riemer** @NickReimer1 · Nov 30
>
> Staff and students just raised the Palestinian flag raised on a vacant flagpole at @Sydney_Uni. The university leadership won't take the side of justice, but it's our university so we will. In solidarity with Palestinians for a durable ceasefire and against apartheid & genocide.

202 51 244 16K

416

**Nick Riemer** @NickRiemer1 · Dec 1
Disgusting attack on a long-term Jewish supporter of Palestinian rights.

> **Tzedek Collective** @tzedekcollectiv · Dec 1
> You probably didn't hear about this.
>
> A Jewish professor was coward punched in the back of his head in a blatantly antisemitic hate crime.
>
> ...
> Show more

**Prominent anti-Zionist campaigner Peter Slezak allegedly struck in Double Bay**

Prominent anti-Zionist campaigner Peter Slezak says he was assaulted in Sydney's Double Bay by a stranger.

EXCLUSIVE
By JOANNA PANAGOPOULOS
6:58PM NOVEMBER 28, 2023

A prominent anti-Zionist campaigner claims he was struck in Sydney's Double Bay by a stranger who called him a "self-hating f..king Jew".

18 20 100 4.8K

417

**Nick Riemer** @NickRiemer1 · Dec 1

Union members out to say stop the bombs, drop the anti-protest laws and the charges on the Block the Boat protesters, ZIM out of Botany and Free Palestine! ASU, NTEU, MUA, CFMEU, Nurses & Midwives, CPSU.

195 153 392 16K

418

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 2

CNN report claiming sexual violence on October 7 relied on non-credible witnesses, some with undisclosed ties to Israeli govt. A must read on why we should question any allegations coming from Israel and demand that evidence be credible.

36 378 663 25K

419

Nick Riemer @NickReimer1 · Dec 3
Out again for Palestine and against Albanese, Minns, Wong, Clare and all the other genocide-enablers.
UNIONISTS
FOR
251
338
981
32K

420

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Dec 4

NSW Police forcibly remove a woman holding a baby from the opening of an inner west park because she's holding a sign saying 'Shame Albo 🍉"

This is NOT normal. This is NOT ok.

#ShameAlbo #CeasefireNow #FreePalestine

> **Dylan Griffiths** @DylanInnerWest · Dec 4
>
> Just went to the opening of the new Lewis Hermann Reserve. @AlboMP spoke and a woman, holding a baby, showed up with a protest sign about Palestine 🍉
> Police tried to forcibly remove her. A shameful response, real failure for politicians in attendance to be an ethical bystander

200 368 885 45K

421

**Nick Riemer** @NickReimer1 · Dec 5

Listen to @jennyleong on fire at Friday's demonstration outside State Parliament: powerful words for Palestine and against the repression of protest by police and politicians.

youtube.com
Jenny Leong MP speaks at Trade Unionists for Palest
Authorised by D. Hayden for The Greens NSW. 19a/1 Hordern Place Camperdown NSW 2050

14 19 52 3.7K

422

Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Dec 4
Wednesday December 13, 6.30pm, Bankstown Arts Centre – join us for a forum on the struggle against apartheid Israel through boycott and direct action.
BOYCOTT APARTHEID ISRAEL
PALESTINE JUSTICE MOVEMENT SYDNEY
RESISTANCE THROUGH BOYCOTT -
A FORUM DELVING INTO THE GROWING MOVEMENT OF BOYCOTT IN THE FIGHT FOR THE LIBERATION OF PALESTINE
What role do Boycott & Direct Action, such as the Block the ZIM boat campaign, play in the movement against Apartheid Israel?
DR AHMAD QASEM
PJMS Representative
NICK RIEMER
Academic & Activist
PAUL KEATING
MUA Sydney Branch Secretary
FURTHER SPEAKERS TO BE ANNOUNCED
6
21
39
2K

423

Nick Riemer reposted

**Eli Meyerhoff** @EliMeye · Dec 6

Israel denies and destroys the conditions for Palestinian education. Another reason for the #AcademicBoycott of Israel.

> **Stop The Wall** @stopthewall · Dec 4
>
> The liberated prisoner Ahmed Al-Salaymeh was not allowed to return to school by a decision from the Israeli Ministry of Education not to return the Palestinian captive children to any school in Jerusalem.
>
> .
>
> ....
>
> Show more

2 10 11 1.8K

424

Nick Riemer reposted

**Serkan Öztürk** ❤️🇵🇸❤️ @SerkanTheWriter · Dec 4

What would Albo's single mum think of him getting loser cops to physically harass a mother and her baby just for holding a sign simply stating "Shame Albo"?

Albo is a fascist cosplaying as a working class good bloke. Biggest fraud and loser going ❤️

Palestine will be free 🇵🇸

> **Dylan Griffiths** @DylanInnerWest · Dec 4
>
> Just went to the opening of the new Lewis Hermann Reserve. @AlboMP spoke and a woman, holding a baby, showed up with a protest sign about Palestine 🍉
> Police tried to forcibly remove her. A shameful response, real failure for politicians in attendance to be an ethical bystander

14 51 137 5K

425

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 8

heartbreaking. We will never forget. We are eternally grateful for who you are and your dedication. Rest in power.

> **Ramy Abdu| رامي عبده** @RamAbdu · Dec 8
>
> The assassins targeted, went after and killed the voice of Gaza, one of its best academics, a human, my dear and precious friend dr. Refaat al-Ar'eer @itranslate123 @GazaWritesBack

5 52 172 6.6K

426

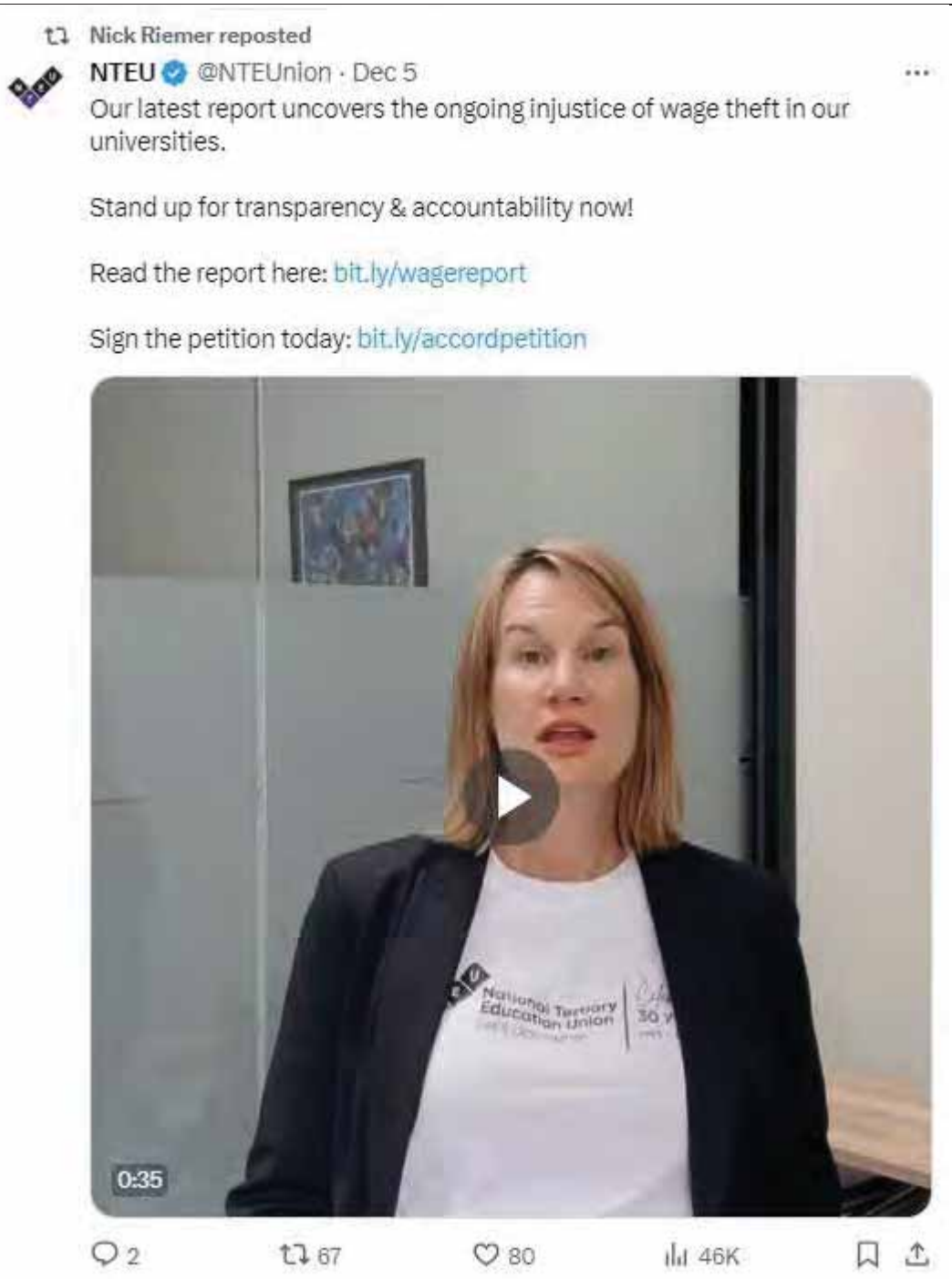
Nick Riemer reposted

**Mohammed Sulaiman** @GazaSubaltern · Dec 8

In my first class at university, Intro to English Literature, Refaat mentioned the word 'ideology' and asked in passing if we knew what it meant. I put my hand up and said hesitatingly, 'a way of thinking', he stood next to me, gave me a pat on the shoulder and said, 'Brilliant!'

30 954 3K 140K

427


Nick Riemer reposted
NTEU @NTEUnion · Dec 5
Our latest report uncovers the ongoing injustice of wage theft in our universities.
Stand up for transparency & accountability now!
Read the report here: bit.ly/wagereport
Sign the petition today: bit.ly/accordpetition
National Tertiary Education Union
0:35
2
67
80
46K

428

Nick Riemer reposted
Nicola Perugini @PeruginiNic · Dec 8
The Israeli military blowing up the Faculty of Medicine at the Islamic University of Gaza
0:34
From Dr Fadel Naim
1
1.9K
1.9K
459K

429

Nick Riemer reposted
Charlotte Epstein #CanALoudWomanMakeI @Prof_ch_epst · Dec 8
New Petition
Circulate as widely as possible:
protect-au.mimecast.com/s/-aEyC1WLPxc6...
2
7
1.1K

430

Nick Riemer reposted
Esmat Elhalaby @thaqafatalhind · Dec 8
Refaat Alareer's course on English poetry at the Islamic University of Gaza from 2019. 28 sessions on form and content, text and context, meter, metaphor, rhyme, caesura, and parody. Our teacher. youtube.com/watch?v=gRDwGM...
96
3.7K
9K
2.1M

431

Nick Riemer @NickReimer1 · Dec 9
Tonight - public meeting on the next steps in the campaign against ZIM and Israeli apartheid.
PUBLIC MEETING
AFTER THE ZIM SHIPPING BLOCKADE:
PROTEST, BOYCOTTS & BUILDING THE FIGHT AGAINST APARTHEID ISRAEL
Join our public meeting to get organised and discuss how we can take action to break the Australian government's support for Israeli apartheid, make Israel a pariah state and free Palestine. Come along if you came to the Zim blockade or are interested in future actions and want to help build the movement.
6PM SAT DECEMBER 9
BANKSTOWN ARTS CENTRE
Hosted by the newly formed group Stop Israeli Apartheid Sydney
64
38
102
5.1K

| | |
|---|---|
| 432 | |

Nick Riemer @NickReimer1 · Dec 9
Full house at Bankstown for the Action Against Apartheid Coalition public meeting on the next steps against ZIM and Australia's support for apartheid Israel.
200
111
378
20K

433

**Nick Riemer** @NickReimer1 · Dec 10

Workers, unions out in pride. We say no to genocide!

130 93 384 12K

434

Nick Riemer reposted

**Jordy S** @jordana_s_ · Dec 12

from Al Jazeera: aljazeera.com/news/liveblog/...

1h ago (02:55 GMT)

**Israel attacking Gaza's 'past, present and future': Australian historians**

More than 100 Australian historians have signed an open letter decrying Israel's attacks on Gaza, saying they aim "to destroy Palestinian lives and render it impossible for Palestinians to live in Gaza".

"As historians we know this as an attack on a people's past, present and future," the signatories added, citing Israel's destruction of universities, schools, cultural institutions, libraries, archives, mosques and churches.

Gaza's Ministry of Culture last week reported (PDF) that 28 cultural workers have been killed in the enclave since the war began, including musicians, publishers and folk dancers.

1 123 246 11K

435

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 13

My piece on @PHRIsrael & @hrw recent reports. I scrutinise each report & show how they fail to meet human rights research & reporting standards. This unethical conduct is made possible by anti-Palestinian racism in the service of Israel.

9 209 323 26K

436

Nick Riemer reposted

**Antoinette Lattouf** @antoinette_news · Dec 13

EXCLUSIVE:The original source of videos appearing to show protesters chanting "gas the Jews" has refused to provide unedited footage. One verification expert concluded "there's an audiovisual mismatch" & "audio has been repeated" & police dont have answers

328 2.5K 5.8K 550K

437

Nick Riemer reposted
Randa Abdel-Fattah @RandaAFattah · Dec 13
We kept saying that the chant story was fabricated. We were accused of anti-semitism for rejecting Zionist lies. Lies that spread like wildfire because it's easier to lean into anti-Palestinian racist assumptions than interrogate those who defame a liberation movement.
Fahad Ali | فهد علي @fahad_s_ali · Dec 13
From almost the day afterwards, I had journalists from mainstream publications who said they were suss bc they had their own reporters on the ground that didn't hear this chant. I know what I heard and I intervened when I heard it. This wasn't it.
twitter.com/cameronwilson/...
7
132
337
15K

438

Nick Riemer reposted

**Jenny Leong MP 梁珍妮** @jennyleong · Dec 6

We are inviting all current & former Australian elected representatives from local councils, and state, territory and federal parliaments, to sign on to the following statement.

Tag your current and former MPs, councillors and elected reps to encourage them to sign on:

1. All states have an obligation to contribute to upholding international law, including human rights, international humanitarian law and the other universally accepted norms of the international legal system.

2. For too long the human rights of the Palestinian people have been grossly violated, in the context of broader circumstances that also breach international law and pose a grave threat to international peace and security.

3. These violations began in 1948 with the violent displacement of some 700,000 Palestinian people from their homeland. These people, and hundreds of thousands more displaced since, have all been denied a right of return.

4. The occupation by Israel of the West Bank and Gaza, ongoing since 1967, continues to involve military occupation, illegal settlement expansion, land theft, violence, discrimination, restrictions on movement and the subjugation of the Palestinian people. The situation is intolerable and to the shame of the international community.

5. While Gaza was cleared of illegal Israeli settlements in 2005, the ongoing blockade clearly constitutes an occupation under applicable international law standards.

6. It is beyond dispute that Israel is committed to policies designed to entrench the domination of one people over another in the territories of Israel and the Occupied Palestinian Territories. Attempts to deny this, or smear those who allege it, are an attempt to defy truth and reality.

7. These events and policies have involved the destruction of Palestinian society and the denial of the legitimate national aspirations of the Palestinian people.

8. On 3 March 2021 the International Criminal Court announced it had opened an investigation into Israel and certain Palestinian armed groups. The Chief Prosecutor of the Court has announced it "encompasses conduct that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem".

9. We note Australia is a state party to the International Criminal Court and bound by its statute which makes criminal the gravest international crimes.

10. The acts of Hamas on 7 October 2023 and the Israeli response will form part of this investigation.

11. We call on the Australian Government to publicly advocate for an immediate permanent ceasefire, to continue to call for the release of all hostages and urge that all parties fully comply with international standards.

12. We call on the Australian Government to recognise Palestine as a state that is entitled to be free of occupation.

13. We call on the Australian Government to examine its relationship with Israel, with a focus on positively contributing to the resolution of this intolerable and dangerous situation that threatens the people of Israel and Palestine and the entire international community.

Anthony D'Adam

311 222 495 38K

439

**Nick Riemer** @NickReimer1 · Dec 14

The headline is factually wrong, but otherwise this is a pretty thorough assessment of the Block the Boat actions in Australia so far.

5 7 26 1.8K

**Nick Riemer** @NickReimer1 · Dec 15

The headline's now been fixed.

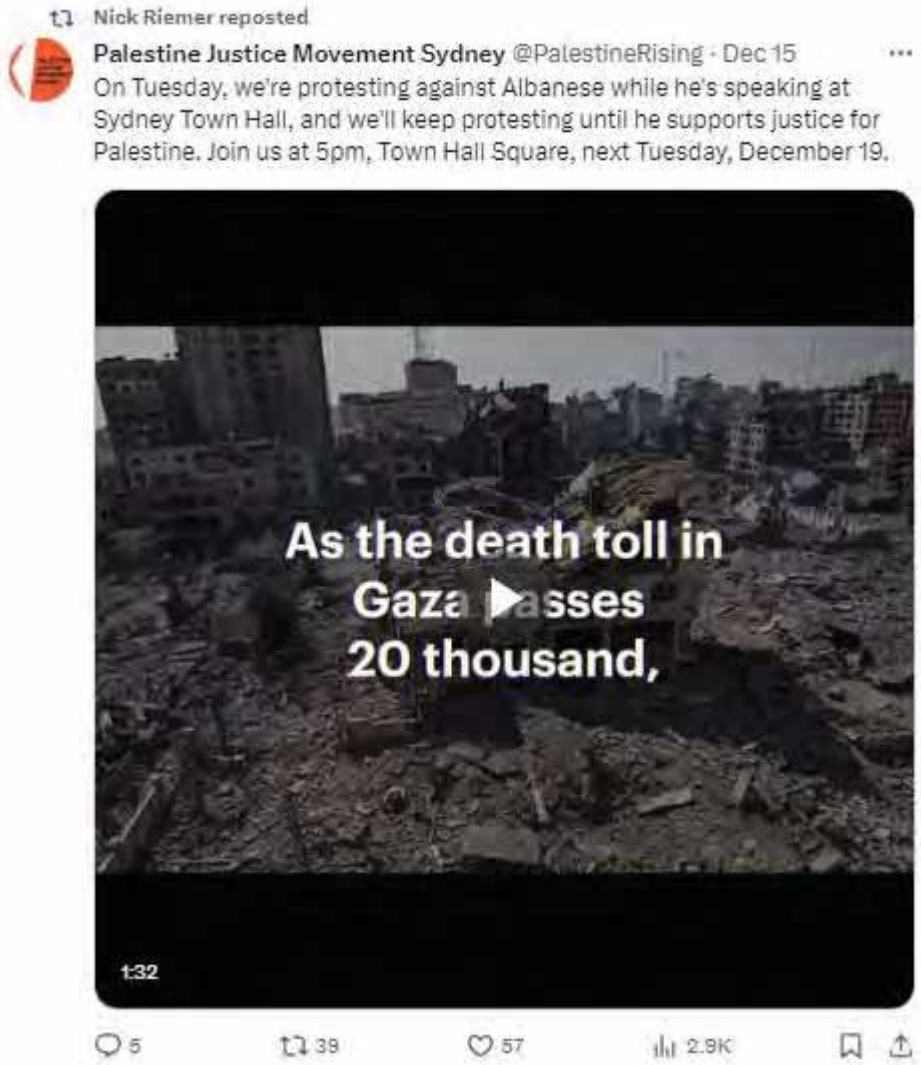
**In Australia, Palestine Solidarity Activists Are Blockading ZIM Ships Owned by Israel**

BY
ZACHARIAS SZUMER

At ports in Melbourne, Sydney, and Fremantle, blockades have delayed Israeli-owned ships. In the face of crippling fines and the threat of jail, protesters are determined to disrupt Israel's offensive in Gaza.

1 4 255

440


Nick Riemer reposted
Palestine Justice Movement Sydney @PalestineRising · Dec 15
On Tuesday, we're protesting against Albanese while he's speaking at Sydney Town Hall, and we'll keep protesting until he supports justice for Palestine. Join us at 5pm, Town Hall Square, next Tuesday, December 19.
As the death toll in
20 thousand,
1:32
5
39
57
2.9K

441

Nick Riemer reposted
AJ+ @ajplus · Dec 15
Israel is continuing to strike areas where it ordered Palestinians to flee.
In a recent round of attacks, Israeli airstrikes hit four houses in Rafah, in the south of occupied Gaza, killing at least 23 Palestinians, including children.
bombing of Rafah in occupied Gaza.
Rafah is where Israel told Palestinians to flee for "safety."
1:47
32
1.4K
1.2K
52K

442

**Nick Riemer** @NickReimer1 · Dec 16

Deeply shocking indictment of the culture of repression in German higher education.

> **John Keane** @jkeaneSDN · Dec 16
>
> 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...

Universities in Troubled Times

14 46 114 6.4K

443

Nick Riemer reposted

**Palestine Legal** @pal_legal · Dec 16

THREAD: As the US-backed Israeli bombardment of Gaza reaches unfathomable proportions, so has the war of repression here: since Oct. 7th we've received 1000+ reports from people targeted for Palestine advocacy in all arenas—but it's not stopping the upsurge in solidarity. 1/14

19 1.2K 2.3K 200K

444

Nick Riemer reposted

**Lana Tatour** @Lana_Tatour · Dec 17

They bulldozed civilians sheltering in a hospital and buried them alive. All with the silence, complicity, enabling of the West. They bulldozed civilians sheltering in a hospital and buried them alive. I'm beyond word. Ceasefire now. It is already too late.

30 1.6K 2.6K 82K

445

Nick Riemer reposted

**Steven Salaita** @stevesalaita · Dec 11

New essay: "Scrolling Through Genocide"

42 1.8K 2.9K 616K

446

**Nick Riemer** @NickReimer1 · Dec 17

The obscene slaughter continues, enabled by politicians' warmongering and hypocrisy, justified by their cowardly and cynical apologists in the elites. Against this contemptible decadence, ordinary people go on reminding us what morality, principle and rationality actually mean.

102 123 403 13K

447

Nick Riemer reposted

**Middle East Eye** @MiddleEastEye · Dec 18

RECAP #Israel #Palestine (as of 11:30 GMT, 17 December)

1. A WHO team visited Gaza's al-Shifa hospital and described it as a "bloodbath," where trauma patients were being treated on the floor due to the lack of space, and pain management options were limited

2. Israeli...

Show more

2 67 61 7.4K

448

Nick Riemer reposted

**Unimelb for Palestine** @Umelb4Palestine · Dec 17

Students at the University of Melbourne have been continually silenced. Despite national cultural symbols being accepted this student was kicked out of his own graduation simply for displaying a Palestinian flag.

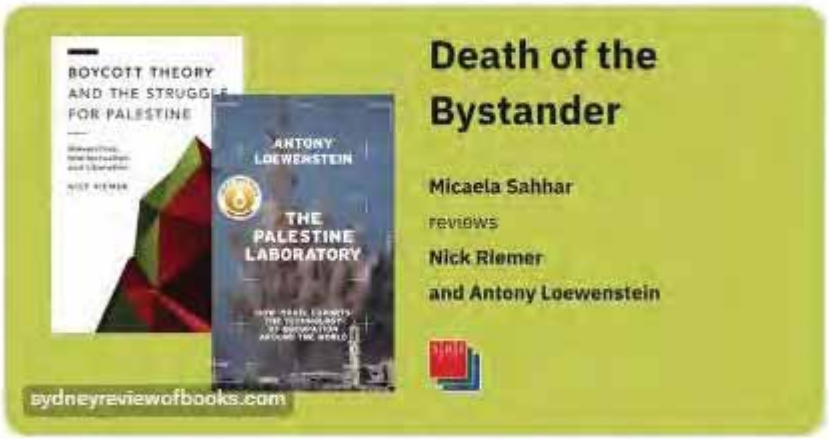
#NoBloodOnOurDegrees #StopArmingIsrael #FreePalestine

178 1.2K 2.1K 132K

449

**Nick Riemer** @NickReimer1 · Dec 18

Comprehensive and generous review of my and @antloewenstein's books by Micaela Sahhar.




3 9 41 2.6K

450

Nick Riemer reposted
Jenny Leong MP 梁珍妮 @jennyleong · Dec 19
Over 200 current & former Australian elected reps from across political spectrum have signed statement in support of immediate, permanent ceasefire, recognition of Palestine as a state, the end of the Israeli occupation and a reassessment of Australia's relationship with Israel
Over 200 current and former Australian members of parliament and councillors have signed onto a statement calling for an immediate, permanent ceasefire, the recognition of Palestine as a state, the end of the Israeli occupation and a reassessment of Australia's relationship with Israel.
361
879
1.9K
76K

451

Nick Riemer reposted

**Overland Journal** @OverlandJournal · Dec 19

It's the last publishing day of 2023 for our online magazine and we can't think of a better way to leave you than with this breathtaking new comic by @wallmansam | Why Palestine is union business.

Sam wishes to thank Michael Hiscox for his contribution.

2 92 132 13K

452

**Nick Riemer** @NickReimer1 · Dec 19

Hundreds of people outside Sydney Town Hall to protest against genocide-enabler @AlboMP as he dares to speaks on international affairs at the Lowy Institute.

93 101 289 9.8K

453-454

**Nick Riemer** @NickReimer1 · Dec 19

Deafening sustained uproar from the protest against @AlboMP - whistles, boos, thumping of the hoarding, drums, pots and pans.

94 164 529 15K

**Nick Riemer** @NickReimer1 · Dec 19

And again!

7 15 54 1.9K

455

Nick Riemer @NickRiemer1 · Dec 19
Albanese -- blood on your hands!
0:26
82
164
406
8.5K

456

Nick Riemer @NickRiemer1 · Dec 19
Three hours into the protest and we're still going. The sheer anger and energy against @AlboMP is like nothing I've seen against a politician.
0:21
252
540
1.4K
83K

457

Nick Riemer reposted

**Sydney Review of Books** @SydReviewBooks · Dec 19

#NEWonSRB: In her review of two recent books on Palestine, Micaela Sahhar draws on her family history and experience as a scholar to examine the case for academic boycott and the limitations of the Western liberal mindset for Palestinian allyship.

5 7 2.2K

458

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Dec 20

That @antoinette_news just produced some of the most critical pieces of journalism then got punished reveals everything about the hostility of this media landscape. It doesn't want ethical reporting & truth telling, it's concerned with preserving the interests of those in power.

33 250 659 21K

459

**Nick Riemer** @NickRiemer1 · Dec 20

Shame on @ItaButtrose & @abcsydney on the dangerous and disgraceful sacking of @antoinette_news. The Zionists and reactionaries high-fiving the ABC's unbridled McCarthyism are a greater threat to the public sphere than they ever have been before. Reinstate her now.

**ABC presenter Antoinette Lattouf sacked after anti-Israel social media posts**

216 405 1K 24K

460

Nick Riemer reposted

**Fahad Ali | فهد علي** @fahad_s_ali · Dec 20

Anyone at @abcnews want to explain why one of your journalists, @GeraldineDoogue, can host an event for a pro-Israel organisation without fear of consequences, whereas you'll fire @antoinette_news for doing her job?

51 735 1.7K 67K

461

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Dec 20

Not one single person who has taken an Israeli govt propaganda tour has been slapped on the wrist, let alone sacked—yet Antoinette Lattouf is let go for reposting a global human rights organisation?

73 555 1.5K 33K

462

Nick Riemer reposted

**Mathew Abbott** @mathew_abbott · Dec 19

Great turnout and an awesome @unions4palestin rally tonight! Speakers welcomed the news that the ZIM vessel we planned to picket turned around & dropped anchor outside Port Kembla instead. Workers and ordinary people are uniting worldwide against the Israeli war machine.

27 83 2.4K

463

Nick Riemer reposted
Antoinette Lattouf @antoinette_news · Dec 20
I am very disappointed by the ABC's decision today.
I am very disappointed by the ABC's decision today.
I believe I was terminated unlawfully.
This is not a win for journalism or critical, fair thinking.
I'm currently considering my legal options.
18
2.5K
9.7K
899K

464

Nick Riemer @NickReimer1 · Dec 21
cityhub.com.au
5
2
8
448

465

Nick Riemer reposted

**Forensic Architecture** @ForensicArchi · Dec 21

Our aggregation of news reports since 7 Oct suggests that hospitals in Gaza are subjected to a repeated pattern of intimidation, direct targeting, siege, and occupation by the Israeli military: ...a-hospitals.forensic-architecture.org

59 2.6K 3.2K 702K

466

Nick Riemer reposted

**sara m. saleh | سارة صالح** @SaraSalehTweets · Dec 21

If you haven't yet, please sign and share this petition demanding @abcnews reverse @antoinette_news's unfair dismissal!

#WeStandwithAntoinette

89 263 472 20K

467

Nick Riemer reposted

**Nasser Mashni** @iamthenas · 21h

We must know if any Australian citizens are serving in the Israeli army.

Investigations will take place and prosecutions must ensue.

The Aus Gov needs to be able to identify these individuals and be ready to hand them over to an International Court when the time comes!

> **Australian Centre for International Justice** @theACIJ · 21h
> RELEASE: @theACIJ wrote to the AusGov following reports of Australians joining the #IDF. Australia should investigate individuals who may be involved in the commission of international crimes. Read our letter:
> #Gaza #Palestine #EndImpunity 1/3...
> Show more

11 113 304 8.9K

468

**Nick Riemer** @NickReimer1 · 21h

We stand with Antoinette: ABC Reverse Her Unfair dismissal #WESTANDWITHANTOINETTE - Sign the Petition! chng.it/NY9VzKPt via @ChangeAUS

119 110 289 8.3K

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-13" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

# SENATE

## LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

**Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)**

Public

FRIDAY, 20 SEPTEMBER 2024

CANBERRA

BY AUTHORITY OF THE SENATE

## LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

### Friday, 20 September 2024

**Members in attendance:** Senators Green, Henderson, Reynolds and Scarr

**Terms of Reference for the Inquiry:**

To inquire into and report on the provisions of the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2).

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**ABEL, Ms Simone, Head of Legal, Executive Council of Australian Jewry [by video link] .....9**

**BELL, Dr Genevieve, Vice-chancellor and President, Australian National University .....37**

**BROWN, Dr Matthew, Deputy Chief Executive, Group of Eight.....28**

**BRUNGS, Professor Attila, Vice-chancellor and President, .....**
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**CASSUTO, Mr Alon, Chief Executive Officer, .....**
**The Zionist Federation of Australia [by video link].....9**

**CHIPPERFIELD, Ms Kate, Assistant Secretary, Access, Equity and Social Inclusion Branch, .....**
**Department of Education .....68**

**de KRETSER, Mr Hugh, President, Australian Human Rights Commission [by video link] .....60**

**EILAM, Associate Professor Efrat, Co-Director, .....**
**Australian Academic Alliance Against Antisemitism [by video link].....1**

**FINLAY, Mrs Lorraine, Human Rights Commissioner, .....**
**Australian Human Rights Commission [by video link] .....60**

**GOODING, Ms Gabrielle, National Assistant Secretary, .....**
**National Tertiary Education Union [by video link] .....53**

**HEDUS, Mr Sa'Jacinto, Ethnocultural Officer, National Union of Students .....53**

**KRAYEM, Mr Ghaith, National Spokesperson, Muslim Votes Matter [by video link] .....47**

**LOVEN, Mr Noah, President, Australasian Union of Jewish Students .....1**

**MARTIN, Professor Iain, Vice-chancellor, Deakin University .....37**

**MORRIS, Mr Zachary, Vice-President, Australasian Union of Jewish Students .....1**

**MORTON, Ms Madonna, First Assistant Secretary, Higher Education Division, .....**
**Department of Education .....68**

**NAWAZ, Ms Ayesha, Assistant Secretary, Human Rights Branch, .....**
**Attorney-General's Department .....68**

**NIEUWENHUIS, Ms Adrienne, Acting Chief Commissioner, .....**
**Tertiary Education Quality and Standards Agency.....68**

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**PICKERING, Professor Sharon, Vice-chancellor and President, Monash University .....37**

**PRAWER, Professor Steven, Co-Director, Australian Academic Alliance Against Antisemitism ...1**

**PREST, Mr Peter, Chief Operating Officer, University of Adelaide [by video link] .....37**

**RUBENSTEIN, Dr Colin, Executive Director, .....**
**Australia/Israel & Jewish Affairs Council [by audio link].....9**

**RUSSELL, Dr Mary, Chief Executive Officer, .....**
**Tertiary Education Quality and Standards Agency.....68**

**SCHWARTZ, Ms Sarah, Executive Officer, Jewish Council of Australia [by video link].....18**

**SCOTT, Professor Mark, Vice-chancellor and President, University of Sydney .....37**

**SHEEHAN, Ms Anne, First Assistant Secretary, .....**
**International Law and Human Rights Division, Attorney-General's Department.....68**

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**WITNESSES**

**WERTHEIM, Mr Peter, Co-Chief Executive Officer, Executive Council of Australian Jewry [by video link] ..... 9**

**WILLIAMS, Professor John, Provost, University of Adelaide [by video link] ..... 37**

**EILAM, Associate Professor Efrat, Co-Director, Australian Academic Alliance Against Antisemitism [by video link]**

**LOVEN, Mr Noah, President, Australasian Union of Jewish Students**

**MORRIS, Mr Zachary, Vice-President, Australasian Union of Jewish Students**

**PRAWER, Professor Steven, Co-Director, Australian Academic Alliance Against Antisemitism**

**Committee met at 08:30**

**CHAIR (Senator Green):** I declare open this public hearing of the Legal and Constitutional Affairs Legislation Committee inquiry into the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2). I acknowledge the traditional custodians of the land on which we meet today and pay my respects to their elders past and present. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who might be participating in today's public hearing.

The committee's proceedings today will follow the program as circulated. These are public proceedings. They are being broadcast live in Parliament House and via the web. I remind witnesses that, in giving evidence today to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee. Such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to the committee.

I urge senators and witnesses to reflect on the terms of the bill and ensure that discussion today is relevant to the bill we're discussing. Witnesses are reminded that if they give evidence that reflects adversely on another party, the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond.

The committee prefers evidence to be given in public, but, under the Senate's resolutions, witnesses have the right to request to be heard in confidence, described as being in camera. If you are a witness today and intend to request to give evidence in camera, please bring this to the attention of the secretariat as soon as possible. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken, and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such requests may, of course, be made at any other time.

I now welcome representatives for the first panel this morning, the Australasian Union of Jewish Students and the Australian Academic Alliance Against Antisemitism. Thank you for taking the time to speak with the committee. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is also available from the secretariat. I've just given an explanation of the process that we'll go through. Of course, if you give evidence that reflects adversely on another party, we'll give that party a chance to respond. Before we go to questions from senators, do you have a brief opening statement you would like to make? Mr Loven, over to you.

**Mr Loven:** I, too, would like to acknowledge the traditional custodians, the Ngunnawal and the Ngambri people. Sovereignty was never ceded, and I would like to acknowledge the longstanding friendship between Indigenous and Jewish communities. Thank you, committee chair Senator Green, deputy committee chair Senator Scarr and the committee for allowing AUJS to contribute to this inquiry.

Today, we are here to amplify the voices of Jewish students and make it very clear that the current situation is untenable. We are in a crisis, and this crisis has gone on for far too long. The failure of many Australian universities to address rising antisemitism has allowed antisemitism to become further entrenched. Jewish students are avoiding campus, fearing for their safety, with many going and removing identifiable Jewish symbols. It is unacceptable and can no longer be ignored. Universities, which should be sanctuaries for learning, have become places for fear and exclusion for Jewish students. Today, you will hear many voices. Zach and I stand here as the elected representatives of Jewish students, chosen through a democratic process by the national executive, campus and regional presidents. AUJS is the only organisation here that represents Jewish students. We know that the committee and trust that the committee will determine adequately the weight you afford to these different perspectives.

Across these past 11 months, we've seen a range of responses to antisemitism by universities. Some have stepped up, but others have allowed this hate to fester, excusing antisemitic chants, deferring responsibility and letting Jewish students fend for themselves. There is no justification for this inconsistency. Jewish students should not have to choose between their education and their safety. We recognise the challenges that universities face, but we refuse to accept the false dichotomy between freedom of speech and protection. We can hold two truths.

Not all criticism of Israel is antisemitic, but some undeniably cross the line. Universities must recognise this tension and disregard extreme views on both sides of the spectrum. Using the right tools, such as the IHRA definition, can help address these issues, but we know it's no silver bullet.

We fully support the right to protest, but when protests glorify violence against Jews, insult or harass them and deface campus with swastikas, it crosses the line. This is not protest; it is intimidation designed to silence Jewish students and exclude them from university life. We now have a choice: to work constructively to improve campus life for all students or to play politics and erode the principle of prosecuting ideas, not people. While there may not be a perfect solution, inaction is the wrong one. We welcome your questions and are ready to expand on our submission.

**CHAIR:** Do the Australian Academic Alliance Against Antisemitism have a brief opening statement?

**Prof. Prawer:** We do.

**Prof. Eilam:** Yes. Thank you for the invitation to give evidence at this public hearing. The Australian Academic Alliance Against Antisemitism was formed by Jews and non-Jews in the aftermath of 7 October as a response to the overwhelming rise in antisemitism on campuses. In this part of the hearing, we'll focus on two critical issues: Jewish people are not feeling safe on campuses and the systemic failure of many universities to protect Jewish staff and students.

A recent survey on campus antisemitism found that a substantial percentage of Jewish students and staff do not feel safe. We have countless reports of Jewish students being singled out in classes by lecturers and peers, spat on, and told that they have no right to cultural safety. In many classes, they are forced to listen as captive audiences to inaccurate xenophobic attacks on Jews by their lecturers. Similarly, academic staff are being targeted by students and peers and subjugated to a Jewish cancel culture that has taken over many campuses. Not surprisingly, our survey shows that a high percentage of Jewish students report reduced class attendance and a need to hide their Jewish identity. Is this a tolerable situation?

To put this into perspective, the 2021 National Student Safety Survey into sexual harassment found that 84 per cent of students felt safe at the universities. But the fact that less than six per cent did not feel safe was considered completely unacceptable and prompted universities across Australia to adopt a zero tolerance policy on sexual harassment. Unfortunately, in many universities across Australia, the Jewish minority has not been afforded the same treatment. With more than one-third of Jewish students and staff reporting feeling unsafe on campuses, many universities across Australia refuse to even acknowledge and take action on the problem, often misusing the notion of free speech to obscure their responsibility to maintain a safe and secure environment for all.

Discrimination against Jewish people is so pervasive on some campuses that even the systems designed to ensure justice and ethical conduct are used to discriminate against them. In some universities, the complaint systems are failing to protect Jewish students in need and may even be weaponised to silence Jewish students. Not surprisingly, 50 per cent of Jewish students rank the universities' actions on antisemitism as zero to two out of 10. Most of them express distrust in the complaint systems.

In conclusion, universities are currently undergoing an antisemitic crisis, a crisis which they're failing to deal with. A judicial inquiry is essential to ensure that the true extent of antisemitism and threatening behaviour on campuses is asserted, with students and staff given a full opportunity to recount their experiences and university officials given the opportunity to explain their systems failure to address the crisis.

**CHAIR:** Thank you very much for both of those opening statements. The deputy chair and I have questions, but Senator Henderson, as you know, is the mover of the bill, so we might give her the call first to ask you some questions. We have pretty limited time with each panel today, but we'll get through it. Senator Henderson, you have the call.

**Senator HENDERSON:** Good morning. I greatly appreciate you being here this morning. Firstly, Mr Loven and Mr Morris, what difference would a judicial inquiry make, do you believe, given the crisis of antisemitism on Australian university campuses?

**Mr Morris:** I think it's important that we acknowledge, in the context of all of this, this has been going on for 11 months and is precipitated by a complete lack of trust in the existing university systems, as our cries for help have fallen on deaf ears, effectively. As I'm sure you can appreciate, this has been politicised in a way that has become a contentious issue, such that there is a lot of noise and a lot of interest that are distracting from here. One of the reasons why we would directly request a judicial inquiry is that we are at a point where we need to be doing everything we can. We believe this is something that is going to be trusted. It's going to be independent, and it's going to allow the opportunity for students to give evidence in confidence. As we said, there is such a fear of retaliation and victimisation, which we have seen at universities when students have reported things, that, unless

we can have that confidence and that independence guaranteed, we are not going to be able to get to the bottom of this. We need a form of truth-telling here as well so that we have a shared base and understanding, so we can all go off and look at solutions to this. That's why we need a judicial inquiry.

**Senator HENDERSON:** Mr Loven, I'm alarmed by your opening statement when you say that Jewish students are being forced to choose between their education and their safety. Can you elaborate on that?

**Mr Loven:** What we've seen, as outlined in the introduction, is that, because of the heightened tension on campus over these past 11 months and because universities not intervening and not protective Jewish students, Jewish students are having to fend for themselves. What that means is, as I said, that they are removing identifiable symbols. It's completely unacceptable. They are reverting from university life. They are not engaging in university life because they are scared to engage with it in the first place. It has come to the point where Jewish students do not feel safe in the university environment, and that is unacceptable. It's unacceptable for any minority group. And so we feel this judicial inquiry is a way to expose the true scale of what is happening on campus and to provide solutions so Jewish students start coming back onto campus and start feeling like they're welcomed again and to contribute adequately to university life and then to broader society.

**Senator HENDERSON:** On behalf of Jewish students, how do you feel with the news that the expulsion of the student at ANU who outwardly supported Hamas has now been revoked and that particular student is running for ANU Students Association president?

**Mr Loven:** It is completely unacceptable. What we're talking about here is not an academic infringement such as plagiarism, which is personal. This student went on national radio and declared their unconditional support for Hamas. Between then and now, there has been no attempt to engage by that person with the Jewish community to apologise. We're talking about the deficiencies of universities. This is a deficiency in the reporting process.

When it's something of this scale, the Jewish community needs to understand and needs to know why this situation has gotten to where it is, why specific actions were taken, in terms of her being able to come back onto campus. The situation now for Jewish and Israeli students also is that they know this person is walking around on campus—and not only walking around on campus but running for president of a student political ticket that is labelled 'Globalise the resistance for Palestine'.

This is clear intimidation for Jewish students. For ANU it is particularly more egregious because, unlike other universities where we can go back to our communities and our safe spaces, Jewish students at ANU have to live on campus. They have to live within the environment of the heightened tension. There is no escape for them. It is a testament to the resilience of ANU Jewish leaders and Jewish students that they are still there, they are still being loud and they are still being passionate, because that is a way to fight against what we are seeing on campus.

Coming back to the question, it is unacceptable.

**Senator HENDERSON:** The University of Sydney's vice-chancellor, Mark Scott, defended his lack of action, in relation to the presence of members of the extremist group Hizb ut-Tahrir on campus, when he said, 'They're not a designated terrorist group.' I find it absolutely appalling that the university did not act for so many weeks.

Can I ask for your response in relation to that issue and other issues, particularly, at the University of Sydney, the children chanting intifada at the protest and the barricading of the two Tel Aviv University academics? There have been some horrendous incidents, with the most lacklustre and appalling response from the university. Could I ask you to comment on that?

**CHAIR:** Senator Henderson, you will assist the witnesses in being relevant to the bill if you phrase your question with maybe a little statement at the end to make sure that the answers that are being given are relevant to the bill; if you could assist the witnesses in that way. I understand the context—

**Senator HENDERSON:** Thank you very much for that, Chair, but I do have the call and these issues are at the very heart of why a judicial inquiry is required. It's because of the lack of action from the University of Sydney and ANU and other universities. So I would ask the students—

**CHAIR:** Senator Henderson—

**Senator HENDERSON:** Sorry, I do have the call and I would—

**CHAIR:** I am the chair, so when I speak you don't have the call. What I'm asking you to do—

**Senator HENDERSON:** Point of order, Chair.

**CHAIR:** Senator Henderson, we are 15 minutes into the inquiry.

**Senator HENDERSON:** You can't just interrupt my questioning.

**CHAIR:** I'm not.

**Senator HENDERSON:** Okay. I would ask you to give me the call. These are very relevant questions, so, please, let me ask my questions.

**CHAIR:** Senator Henderson, I am asking you as chair to assist the witnesses in being relevant to the inquiry by making sure that we ask relevant questions. I know that your questions are relevant—

**Senator HENDERSON:** Thank you. Okay—

**CHAIR:** and I am asking you to help the witnesses to collect their answers.

**Senator HENDERSON:** I am asking the witnesses. So please let me ask my questions.

**CHAIR:** I am letting you ask your questions.

**Senator HENDERSON:** I go back to my question. My question is: given some of the horrific incidents we have seen at the University of Sydney—the barricading of academics from the Tel Aviv University, the encouragement of children to chant intifada, the failure to remove members of the extremist group Hizb ut-Tahrir, which is shocking, appalling conduct by the University of Sydney, as one instance—what do you say to that?

**Mr Morris:** Senator—and Chair—I would say we have been dealing with a lot of universities in this country. I can say, with confidence, that the University of Sydney is probably one of the worst places to be a Jewish student right now and that Mark Scott has failed his students. We have tried—repeatedly—to engage. After the first meeting with him, his chief of staff had to apologise for his behaviour as soon as he left the office.

What we have been seeing at the University of Sydney has been problematic for a long time, but there has been a dramatic escalation post 7 October. The issue is no longer with what is happening with the students; the issue is how the administration has responded. When it comes to the graffiti tunnel, despite assurances that we've been provided that it would be monitored every day, there were swastikas that were maintained and remained there for two weeks. We have students who have been followed and filmed to the point where they have gotten so many death threats from being doxxed that the police have told them it's no longer safe for them to leave their houses. We are in situations where we have academics who are terrified to leave their offices because of other academics who are making their lives miserable.

The most important thing, when we talk about that kids' excursion, is that the way the USYD administration has responded to this is by buck-passing and trying to find every excuse to avoid responsibility. Apart from feeling from a Jewish student perspective that it's negligent, it's outright offensive. When you are having, 'Min al-nahr ila al-bahr, Filastin sa-takun Arabiyah" chanted—which is not, 'From the river to the sea, Palestine will be free,' but, 'From the river to the sea, Palestine will be Arab,' which is a call for ethnic cleansing—and the vice-chancellor is saying it means different things to different people, that's incredibly offensive. If it were just about flags or just about being offended, though, we wouldn't be here. We are here because there is a marked reduction in student attendance at the University of Sydney because they are made to feel unsafe, they are intimidated and it is a hostile environment.

**Senator HENDERSON:** I am so sorry to know what you have endured, particularly since 7 October last year. Can I ask about the University of Melbourne—the barricading of the building and the occupation of that building—and also the refusal of universities more generally to act to remove the encampments and the impact of the encampments on Jewish students? Could you please perhaps explain your response when the university said everyone has a right to protest? I do say that some universities, like Monash and Deakin and others, moved quite quickly to shut down the encampments, but for many weeks encampments were allowed to be established at ANU, the University of Melbourne and the University of Sydney.

**Mr Loven:** After 7 October, AUJS was very proactive in ensuring that we and our students met with the university administrations. From a Jewish student perspective, we know how these things operate: when there's conflict in the Middle East, there are residual effects on our campuses here. So we made that proactive step and we met with administrations. With the University of Melbourne specifically, we clearly stated, 'If there are not red lines when it comes to protest, things will get out of hand.' Unfortunately, that is what happened. The University of Melbourne—while they evidently kept open lines of communication with Jewish students, instituted good reforms such as special considerations and generally had that good, productive relationship—failed to institute clear red lines. In every instance where they could have intervened, they chose the path of least resistance. With those egregious steps over red lines, in terms of events coming from the encampment and chants to globalise the intifada—which, as we said, is egregious and not a moral relativist term; it is very clear what that means to the Jewish community, and it means the glorification of terror against Jews and Israelis—we saw that tension constantly build up to the point where a building had to be rendered unusable for a few days in the lead-up to final

assessments and exams. That means students could not attend class in the lead-up to their exams, which reinforces that this is not a Jewish student issue but an all-student issue, to ensure the safety of all students on campus.

**Senator HENDERSON:** I apologise; we have very limited time, and I want to ask the Australian Academic Alliance Against Antisemitism a couple of questions. But we really appreciate your time here this morning and thank you for all that you have done on behalf of all Australian Jewish university students.

Professor Prawer and Associate Professor Eilam, could you please explain the impact on Jewish staff at universities? Obviously, you had to establish this organisation in the first place to advocate for your rights, but how have universities failed Jewish staff?

**Prof. Prawer:** If I might, I would like to convey something that happened to me last week. I was escorted from my office by security, who chose to evacuate me from my office because a group of students had identified me personally and were marching on my office in physics. Subsequently, I had a security guard outside my office for the next three days, as we were fearful that students would try to break into my office.

I am not an administrator. I am in charge of the academic lead of the program with the Hebrew University of Jerusalem, a joint PhD, supporting students to do their research with the Hebrew University. The students identified me personally, and the university system kicked in to try to protect my safety. I'm a senior professor at the university—

**Senator HENDERSON:** Which university?

**Prof. Prawer:** The University of Melbourne. You can well imagine that if this could happen to me what a chilling effect this has on other members of staff who are more vulnerable, who are less senior and who feel that they can no longer exercise their academic freedom to, for example, collaborate with Israeli colleagues.

**Senator HENDERSON:** Was there any action taken against the threats imposed by those students?

**Prof. Prawer:** Yes. Firstly, the university is doing its very best to identify the students. It's a shadowy group called the students against warfare, and they somehow have conflated the activities of the university in collaborating with defence organisations with the Hebrew University—they accuse the Hebrew University of being a source of genocide. I have the flyer here that identified me personally. But to answer your question, Senator, to attack a personal individual who is fulfilling their academic duties to support students doing their PhD was, I think, outrageous—not to mention the students who are actually on campus and are undertaking the PhD. Just imagine them walking past those posters.

**Senator HENDERSON:** Could we have a copy of that flyer?

**Prof. Prawer:** Yes.

**Senator HENDERSON:** Thank you. Could you circulate that. Associate Professor Eilam, could you explain from your perspective your experience since 7 October.

**Prof. Eilam:** Our survey data reveals harrowing experiences. I can read a few quotes taken from our data. These are quotes by academics about their experience. For example: 'Being doxxed on Twitter by a senior professor in my faculty, and the university failing to reprimand him or order him to take down, for six months.' Another academic, my Jewish colleague, had a petition signed against him. Another one said, 'We have academics who do not hesitate to use the staff communication channels to scream this doublespeak and harass and vilify and berate all who object.' A Jewish colleague had an office door trashed. 'I was assaulted by a Deakin student, who I have reported internally, and I provided several witnesses. I was also attacked by a professional protester'—and on it goes. I think those quotes speak for themselves. They speak volumes.

**CHAIR:** Thank you for your evidence, and I am so sorry to read the accounts from your submission and hear the ones that you have given us today. It is not comparable, but I have had my office protested on this issue many times, so I understand a little bit about what it might be like. Did you see the evidence from the special envoy?

**Prof. Prawer:** Yes.

**Prof. Eilam:** Yes.

**CHAIR:** As part of that discussion, the deputy chair and I lead an enquiry into sexual harassment on campus. So the issue around the way universities deal with complaints of this nature is very alive to us, and I want to ask you some questions about that. Is there any universal approach by universities to complaints handling? You said that some universities are approaching things in better ways. Do we need a universal best-practice policy to make some immediate changes?

**Mr Morris:** First and foremost, that's a really important starting point because what we're seeing is inconsistency. As we've noted, where the boundary sits in terms of what is considered antisemitic or not can be

contested. You've got 36 universities around the country making 36 different decisions each time, and that leads students to feeling pretty abandoned if a decision isn't made in a way that they would like or in one way or another. Having something that's best practice means that we're able to identify what the systemic gaps are. One that we've noticed is, if an incident is significant enough to be reported to the police, then in that case universities will be reluctant to investigate because they don't want to compromise a police investigation. But, if the police don't follow up because they don't perceive it as serious enough, then you almost have this issue where the higher the gravity of the incident, the less likely it is to get reported on or followed up.

**CHAIR:** It falls in the middle of the two jurisdictions.

**Mr Morris:** Yes.

**Prof. Prawer:** Mark Scott said, after the report on sexual harassment, that just one case is too many. He also said that every student has the right to feel safe and supported and to be treated with respect and dignity. The universities then instituted educational programs compulsorily for both staff and students. We wonder, with such a large group of students screaming that they feel unsafe and discriminated against, why that is being tolerated when sexual harassment is not being tolerated. It also points out that, when the universities want to, they can swing into action, and, to be fair, many of the universities have reached out to our alliance and have asked us to participate with them in crafting an appropriate educational program on campus—not all, but some.

**Mr Morris:** Something that comes to mind on the issue and the reason why we need consistency is that we need some set of minimum standards. I'm going to use the University of Sydney and their complaints process as an example. Recently it was shown that one of the acting case managers holds pretty strong views on the conflict, so much so that she had been publicly posting them. That's completely fine; everyone's entitled to hold a view. But students are also entitled to expect that their complaints will be assessed on their merits and that there will be some impartiality. If a view is held so strongly by someone that they publicly post about it, that very much undermines students' belief in the robustness of that system. What becomes very, very difficult then is when the university points to the number of unsubstantiated reports, when they've all, or a significant number—at least from our end—have been reviewed by the same case manager, who has now been removed. Things like that really undermine the trust in the system. What we're now seeing is that Jewish students, particularly when they come to us, are reluctant to report to the university because they don't believe the university is going to take it seriously. They also aren't assured that they won't be victimised or retaliated against by their lecturers, their peers or even the university itself. So anything we can do to address that problem is crucial.

**Prof. Eilam:** Our findings suggest a systemic failure across many universities to protect Jewish students and staff. What we found in some of the evidence, the qualitative data, is very concerning. For example, an Israeli student who sought assistance from an international student adviser was sent out of the room once their nationality was revealed. The student reported that, the second they said they were from Israel, 'Her face changed, and she just told me she can't help and practically expelled me from her room. After she closed it, I was stuck in place, pretty shocked, and she screamed something like "Oh my God."'

The discrimination against Jewish people is so pervasive on campuses that even the systems designed to ensure justice and ethical conduct are used to discriminate against them. Recently we have identified a pattern where, when Jewish students respond to aggression, the tables quickly turn around and the aggressors portray themselves as victims and file disciplinary complaints against the Jewish students. Consequently, the disciplinary complaints system becomes weaponised, where the bully becomes the victim, and the victim becomes the bully. When such matters have arisen at student conduct and complaints departments, we have seen a case where the investigation officer failed to treat the Jewish student fairly. Not only was the Jewish student inappropriately found guilty of misconduct; the report also one-sidedly protected the complainant's freedom of expression while denying the Jewish student the same right to respond to the offence. Consequently, we found that in certain cases the disciplinary complaints system is compromised by bias.

**CHAIR:** Thank you. That's a really helpful case study. I think we have all appreciated that.

We had evidence from the special envoy the other night, which was really helpful for setting the scene. Her evidence—I don't want to put words into her mouth, but essentially—was that she had worked with universities in previous roles but she's been in this role for only two months, so we asked her about her intention to work with universities. What would you like to see from the special envoy and the universities? How can that position be used to start making some inroads into these issues?

**Prof. Prawer:** I think the special envoy recognised that antisemitism is becoming endemic. Universities are ground zero for the education of our students who will become the leaders of tomorrow. Those students may well be sitting in your seats 20 years from now. So we have a chance to educate properly. What we would like from

the special envoy and from the community at large is for them to take this problem seriously and combat it in the same way that we have combated other serious cultural issues such as sexual harassment or child abuse in our community. We think that we can do it collectively, and we stand as an alliance ready to put all of our resources into those educational programs. We have to understand the culture of this, but we are very worried about the normalisation of in the academy. That is the longstanding danger when statements about Jews and about Israel become normalised that are discriminatory. We have to remember that only a hundred years ago Harvard didn't allow Jews or restricted the number of Jews coming onto campus. We have to be aware that some universities are perhaps subtly using anti-Jewishness to limit the number of Jews entering courses like medicine, for example. We have to be aware of the unconscious bias that has crept into the academy.

**Mr Morris:** On the special envoy's role: at the end of the day, something that was suggested during evidence is the idea of roundtables and being able to convene all the stakeholders and have a central touch point to ensure that all these interests are met. Something really important to note is that, whilst obviously the envoy will have a very important role in being able to bring everyone together, that role, while she is incredibly accomplished, will not be able to solve this problem as a one-size-fits-all solution. We would be reticent from the perspective of students. At the end of the day, right now the buck rests with universities. There is a hesitance to point to that role as a panacea of sorts.

**CHAIR:** That's a really interesting discussion. When we were talking about best practice and you we were having, professor, about the sexual harassment approach, it occurred to me that, last week, the government introduced legislation to establish a national student ombudsman. That's not confined just to matters of sexual harassment. I was wondering at this early stage whether you had a view about whether you'd like to have some input in the way that that is developed—because there is still a code of practice to be developed—and how that could possibly be used as a vehicle to help build that best practice.

**Prof. Prawer:** I think it's crucially important that students are able to report their experiences without fear of being identified and fear of being victimised. They should be able to report those cases even if they're not making a formal complaint that needs to be actioned, so to speak, where they're forced to identify themselves and give evidence. In this inquiry, you saw submissions—tens and perhaps hundreds of submissions—from people that did not want to put their names to their submissions. I think that's the crucial thing. We want to know the depth of the problem and we want to know that without fear or favour.

**Mr Loven:** From our perspective, any solution that helps Jewish students on the ground we will support. From our perspective, for us to help inform what those terms of reference and scope are is also very important. We see AUJS as a tool not only to advocate for Jewish students on campus but for external stakeholders to get an understanding of what life is for Jewish students on the ground. With the ombudsman and potential reporting in the future, that is still not implemented now. As you have seen from the special envoy's hearing today, this is an immediate problem that requires immediate solutions. Jewish students cannot wait any longer. This is not an October 7 issue; antisemitism on campus was increasing prior to October 7. So, while we obviously welcome the reforms in this space, we don't want to wait too long. We are here talking about a judicial inquiry, and that is why we want to start on the judicial inquiry.

**Mr Morris:** On the ombudsman specifically: whilst it's definitely important to address some gaps and we have been meeting with TEQSA, who have been horrified but don't have the capacity to enforce or to regulate it, the issue with the ombudsman is that, whilst it's certainly welcomed, there are also gaps in terms of where the accountability is. A lot of what we're seeing is, unfortunately, coming from student unions. It's coming from the National Union of Students as well. There is no capacity, as we're seeing with universities, to turn around and address that. From what I've seen with the ombudsman, it's unclear whether they would have the ability to regulate conduct that affects universities but is not within the ambit of the university or education provider itself.

**CHAIR:** Thank you. Senator Scarr.

**Senator SCARR:** We've got very limited time, so I want to go through a few topics very quickly. Mr Morris, I was deeply concerned with the statement you made that, when the Union of Jewish Students met with Mr Scott at the University of Sydney, his colleagues had to apologise with respect to his behaviour. What was his behaviour?

**Mr Morris:** I hope you can respect the position I'm in, Senator.

**Senator SCARR:** You are under parliamentary privilege.

**Senator HENDERSON:** Are you a student at the University of Sydney?

**Mr Morris:** No, I'm not. I was representing the Australasian Union of Students.

**Senator SCARR:** I don't want to put you in a difficult position. If we had time, we could potentially go in camera. Can I invite you to perhaps make a confidential submission outlining that behaviour? The statement you made really does concern me. I can feel the hesitation. It's palpable. I'm deeply sorry you're in that position; I really am.

**CHAIR:** Senator Scarr will have a chance to put these things, so maybe we can have a discussion during the break.

**Senator SCARR:** Yes. It's deeply concerning. The submission of the Australasian Union of Jewish Students singles out two universities in particular in terms of their lack of response. You give incidents at all universities, but the University of Sydney is one of them, as is the University of Melbourne. How do you respond to the University of Sydney saying—this is from Mr Scott 's letter—'Throughout, we have prioritised the safety and wellbeing of all members of our community'? That's what he says on page 1 of his submission. He continues: 'while at the same time upholding free speech and academic freedom as required by the law and registration standards of the university.' What's your response to that statement?

**Mr Morris:** Statements like that and statements like 'there is no place for antisemitism on campus' clearly do not reflect the reality for Jewish students on campus. Honestly, it feels contemptful at the end of the day, because this hasn't been about academic freedom and free speech, because Jewish students have not been able to exercise those rights, due to the intimidation they have faced on that campus. To suggest that there has been balancing of the wellbeing of all students when the coin has fallen very clearly on one side consistently over the last 11 months is laughable.

**Senator SCARR:** Is one of the reasons why we need an independent judicial inquiry that academics and students need to have a safe forum to convey their complaints, situations and experiences to someone independent from the university so that they have confidence that they will not be subject to persecution, victimisation or discriminatory behaviour in response to them having made those complaints or giving that testimony? Is that one of the fundamental reasons why we need a judicial inquiry?

**Prof. Prawer:** Yes.

**Mr Morris:** Unequivocally.

**Senator SCARR:** Is another reason that we need a judicial inquiry so that it has the powers to obtain documentation and other evidence under force of law to get to the bottom of this issue, because without a judicial inquiry you simply don't have the powers to delve into what is actually happening within the universities, including when complaints are made?

**Prof. Prawer:** Yes. I'll just add quickly that we don't have access to, for example, the ANU internal process that turned an expulsion into a reversal of that expulsion. We just are not privy to it and not able to get access to it, and the university claim confidentiality, so their processes are opaque to us.

**Mr Morris:** A lot of the universities have so far been completely reticent and reluctant to—so unequivocally yes is the answer.

**Prof. Eilam:** Again, similarly to what has been said, we do not have access to what is happening with our complaints. When we lodge complaints to universities, we never receive a response. We do not know how that's being treated. Also, antisemitism on campus is a unique issue on its own, and therefore the notion that it can be diluted or dispersed under other kinds of investigations is probably not the most effective way to deal with a unique problem with the unique characteristics of antisemitism on campuses.

**Senator SCARR:** This is my last question. We have another panel we need to get to. Is one of the reasons we need an independent judicial inquiry that there is, as a matter of fact, a lack of confidence in the Jewish community, including amongst Jewish academics and Jewish students, that the Australian Human Rights Commission is the right forum to engage in that inquiry?

**Prof. Prawer:** Yes.

**Mr Morris:** Regrettably, but yes.

**CHAIR:** Thank you to our witnesses for appearing today. My colleagues don't know this, but my first press conference was 20 years ago, in protesting the safety of LGBTI students on campus, so I know it's a really difficult and fraught thing that you are doing. Thank you for appearing. I appreciate it.

**ABEL, Ms Simone, Head of Legal, Executive Council of Australian Jewry [by video link]**

**CASSUTO, Mr Alon, Chief Executive Officer, The Zionist Federation of Australia [by video link]**

**RUBENSTEIN, Dr Colin, Executive Director, Australia/Israel & Jewish Affairs Council [by audio link]**

**WERTHEIM, Mr Peter, Co-Chief Executive Officer, Executive Council of Australian Jewry [by video link]**

[09:18]

**CHAIR:** Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. Before we go to questions from the senators, would any of the organisations like to make a brief opening statement? I'll start with the Executive Council of Australian Jewry.

**Ms Abel:** I'll do that, thank you. We would like to acknowledge the traditional custodians of all the lands we meet on today and pay our respects to all elders past and present and to the children of today who are the elders of our future. This inquiry is a crucial first step for the Australian Jewish community in seeking accountability for the rise in antisemitic incidents and discourse on Australian university campuses and the culture of Jew hatred that is becoming normalised in academic settings.

The Executive Council of Australian Jewry is the peak elected representative body of the Australian Jewish community. For the last 35 years we have produced and published the annual report on antisemitism in Australia, which tracks the number and type of antisemitic incidents occurring in Australia each year and trends in antisemitic discourse.

Antisemitism on university campuses is not a new phenomenon. Jewish student groups and academic staff have, for years, been meeting university leaders to warn them of the increasingly toxic circumstances under which they are being forced to work and study. They have been politely and sympathetically heard, but their warnings have mostly been ignored. Over the last 11 months they have felt betrayed by the university leadership. Universities have tended to insist on complainants proving a legal standard of discrimination or vilification, even when their codes of conduct plainly do not require this. While telling Jewish students and staff they have not been vilified, they have suggested that they drop specific subjects and do their studies or work remotely because it's unsafe for them to be on campus.

The mess these universities are now in is the predictable outcome of their approach, yet these university leaders appear to have learned nothing. The Go8 submission to this inquiry shows that they are still locked into the same old mindset. They still equate menacing, harassing and abusive behaviour by students, staff and off-campus agitators with free speech. They still pretend that calls for the destruction of Israel or the Jewish people or the use of hateful and demonising language towards Jews and Israelis is acceptable political discourse, and they reflexively mention Islamophobia every time they mention antisemitism, creating a false competition between two abhorrent types of hatred when not a single one of the encampments has been accused of engaging in Islamophobia.

We know antisemitism when we see it or experience it. Attempts to negate or minimise our lived experience or to try to define it for us are a form of misappropriation and distortion that would never be tolerated with reference to any other minority group. It is for this reason that, with the exception of a handful of Jewish fringe minigroups, all of the Jewish organisations and individuals who have made submissions to your inquiry, and those who have told us that they have made de-identified submissions, have supported a judicial inquiry.

Universities used to be places where the unbiased pursuit of truth in good faith was considered a virtue. If we want the truth to emerge about the shadow that antisemitism has passed over the physical and online spaces at universities, we cannot leave it to those who have failed their Jewish students and staff so comprehensively over so many years to investigate themselves. Nor can we leave it, sadly, to the Australian Human Rights Commission, a body which has published a self-serving definition of antisemitism that has been manufactured by an anti-Israel group. For those of us who still believe that the truth matters, a judicial inquiry is the only way forward. Thank you.

**CHAIR:** Thank you very much. Mr Cassuto.

**Mr Cassuto:** I'd also like to acknowledge I'm joining from Wurundjeri land of the eastern Kulin nation, and I'd like to acknowledge our First Nations who, just like the Jewish people, have had a continual connection to and presence in their land for thousands of years.

Thank you for this important opportunity. I'm CEO of the Zionist Federation of Australia, an elected representative body of the Australian Jewish community. The ZFA recommends that the Senate committee

endorse the bill for a commission of inquiry into antisemitism at Australian universities that can compel witnesses under oath and establish best practice measures for all universities.

It's undeniable that since October 7 there has been an explosion of hostile, violent and antisemitic incidents on campuses across Australia. This is just a very small sample of what Jewish students and staff have had to put up with on campuses recently: Nazi salutes at an ANU meeting; chants of—and I am so sorry to have to use these words—'Fuck the Zionists' and 'Fuck you, Zionist dogs,' at Deakin University—

**CHAIR:** Mr Cassuto, I know that language is really offensive to you but also to others. Perhaps if there's some evidence like that you can give it to us in writing. I apologise for pulling you up. I know that you really want to stress how awful that language is, but there are parliamentary proceedings I need to manage today. Thank you for understanding.

**Mr Cassuto:** I won't be using that language again, and I would like to hope others—

**CHAIR:** Thanks, Mr Cassuto. I appreciate that.

**Mr Cassuto:** And there have been protesters expressing support for Hamas and calling for Jews to be barred from campus at Melbourne university.

This eruption of antisemitism didn't come out of nowhere and it did not come off a low base. An independent survey that we commissioned of Jewish students in April 2023 found that 64 per cent of Jewish students had experienced antisemitism firsthand—at ANU, it hit a staggering 84 per cent—57 per cent of Jewish students hid their identity to avoid antisemitism; and 85 per cent of the students who had been targeted didn't even bother filing a complaint, because they thought that the university wouldn't take them seriously. We shared these results with university leaders in August 2023, and now the situation is significantly worse.

No other minority would be expected to put up with the sheer scale of hatred that we have witnessed on our campuses. Calling for a judicial inquiry is not about curtailing academic freedom. Jewish students and academics are simply asking for the same protections as every other minority. What distinguishes the universities that have managed the situation effectively from those that haven't is strong leadership. Allowing a UK listed terrorist organisation and extremist group, Hizb ut-Tahrir, on campus to participate in protests at USYD is not strong leadership. Overturning the expulsion of an ANU student who declared on ABC Radio that Hamas, a terrorist organisation, 'deserves our unconditional support' is not strong leadership.

Universities are now responsible for fostering an environment on campuses where students have been given the green light to do or say whatever they want with zero consequences. There's a complete lack of trust by Jewish students and staff that their institutions have their safety as a priority. The only way for us to restore this trust is for a judicial inquiry to ensure that it can't be breached like this again. Some may argue that a judicial inquiry isn't needed; they may claim that universities already have protocols to handle antisemitism, but the lived experiences of Jewish students and staff—some of which we heard just now from AUJS, as well as from the academic alliance—tell a very different, far more troubling story.

Senators, enough is enough. The situation on our campuses is untenable. I'll finish with this: the only way to confront this shameful stain on our academic institutions is through a judicial inquiry with royal-commission-like powers, for the sake of both our universities and their Jewish students and staff.

**CHAIR:** Thank you very much. Dr Rubenstein, do you have a brief opening statement you would like to make?

**Dr Rubenstein:** I do. Thank you, Chair. I'll reiterate many of the themes conveyed by my colleagues. AIJAC thanks the committee for reviewing this bill and urges it to recommend its passage. The need to establish a commission of inquiry into antisemitism in Australian universities is urgent, given the spike in antisemitism we've seen since October 7 last year. Jewish students and staff have faced significant threats to their safety and wellbeing and have been obstructed from fully participating in campus life. The incidents are serious and numerous. Students have been harassed, filmed without consent, screamed at, followed and even physically blocked from accessing parts of campuses. Some Jewish staff have required security protection. These alarming acts of antisemitism combined with universities' apparent reluctance to address the issues robustly make it clear that current measures and indeed resolve are totally insufficient.

Suggested proposals such as the Human Rights Commission study into campus racism fail to adequately address the severity and distinct nature of antisemitism. Overseas inquiries have been conducted through investigations and taskforces, for example, at prominent institutions like Columbia University and Stanford University. These efforts have yielded firm recommendations for addressing the untenable circumstances faced by many Jewish individuals and Israelis within the university environment. I would urge the committee to read through a summary of their conclusions and recommendations. In Australia a fully fledged commission of inquiry

would be superior to individual universities undertaking their own inquiries, but those inquiries did document instances of faculty misusing their authority to stigmatise and humiliate Jewish students. Many Jewish students, faculty and staff reported that their complaints of misconduct were often dismissed by administrators, with some being directed to seek mental health counselling instead of receiving appropriate redress. The inquiries have revealed troubling findings about faculty members failing to act, and similar patterns I would argue have emerged in Australian universities, where institutional indifference often results in the perception that antisemitism is acceptable; it has been normalised. This can't be allowed to continue.

To conclude, AIJAC believes the commission of inquiry, once established, should have three goals: (1) to provide a comprehensive account of the state of antisemitism on university campuses in our country, (2) to rigorously assess the actions—and inactions, for that matter—of university administrations to determine whether they have fulfilled their duty of care to staff and students and their legal and moral responsibilities in addressing antisemitism and (3) to conduct a thorough review of the regulatory framework governing universities in relation to antisemitism and other forms of intolerance and to determine that immediate reforms are necessary to ensure compliance with the obligations identified in the previous objective. This recognition that the current rules and procedures are inadequate is as true in Australia as it is in the United States and necessitates an immediate and thorough review and overhaul to ensure they effectively address the crisis at hand. The inquiries conducted in the United States have produced vital recommendations that Australian universities must seriously consider adopting.

To conclude, AIJAC urges the committee to recommend that the Senate passes this bill. An appropriately empowered commission of inquiry is crucial to address this escalating antisemitism crisis we witness in our country. It is essential for protecting the safety of Jewish students and staff and ensuring the integrity of Australia's higher education system. Without decisive action this dangerous situation will only worsen, and it threatens to undermine the cohesion of our multicultural democracy.

**Senator HENDERSON:** Good morning, everyone. I really appreciate your attendance today. I want to just firstly turn to your evidence, Ms Abel. You are particularly critical of the submission of the Group of Eight, and I'm also looking at the submission of Universities Australia, where they say:

I also want to emphasise that universities are deeply committed to fostering safe, respectful and inclusive environments for all students, staff and campus users …

Can you elaborate on your concerns about the submissions of both Universities Australia and the Group of Eight?

**Ms Abel:** Absolutely. There seems to be a lot of confusion around the application of the French model code on freedom of speech and protection from discrimination and racial vilification, and this has been a constant thread in how the universities have approached the issue of the rise of antisemitism on campuses over many years, asserting that they are doing everything to protect free speech whilst also combating antisemitism. Of course, we all know that there's a point at which free speech crosses a line and becomes unlawful. At that point, invoking free-speech protections damages the access of other people to their rights. I think the universities have shown a very confused approach both in that submission and just generally at the various campuses. This is a recurrent issue, and we've seen it ourselves at the ECAJ in terms of how the universities have handled their complaints with students and staff.

For example, there was an informational session on Hamas hosted at the University of Sydney. The session itself was not informational at all; it was propagandist. We had two students there that we were aware of, and we saw lots of promotional materials around the university about the event. The promotional materials depicted the image of the Israeli tank that was captured by Hamas terrorists when they crossed the border into southern Israel on 7 October; it was a very violent image, which I'm sure you're all familiar with. This is the kind of material that has been protected by free speech. We've had complaints about that particular session. The university has come back to the complainants and defended the propaganda materials around the campus and defended the session, saying it was a free-speech situation and an informational session for people to learn more about what was happening. But, in fact, having a session where we talk about Hamas at the same time as lording it as a national resistance movement is clearly not an instance of free speech; it's quite obviously extremely intimidating and threatening to Jewish students and staff. That's just an example, but that's the kind of thing we've seen all over campuses in Australia since 7 October but beforehand as well. That's the same confused approach that's being taken in both those submissions you referred to.

**Senator HENDERSON:** Thank you, Ms Abel. We've got limited time to get through lots of questions, but we really appreciate your evidence today.

Mr Cassuto, I refer to New York University's change in policy. The university has made a specific policy:

… our non-discrimination and anti-harassment policy cannot be shielded by using 'Zionist' as a substitute or codeword for Jew or Israeli. Excluding Zionists from an open event, calling for the death of Zionists, applying a 'no Zionist' litmus test for participation in any NYU activity, is not allowed.

I'm referring to a statement by the NYU, published on its website on 27 August 2024. Is this not an example where universities have fundamentally failed Jewish students by allowing this sort of language to fuel antisemitism on a number of university campuses?

**Mr Cassuto:** We're here today having this inquiry and discussion because there is a crisis at universities across Australia, a crisis of antisemitism, that is shown to be something that every Jewish student across different campuses is experiencing—so the systemic failure to understand what it means to be a Jewish student and staff member on campus and the discrimination they are experiencing. There seems to be a real confusion around this point of antisemitism versus anti-Zionism. We would say this is not about freedom of speech; this is about hate speech and racism. A vast majority of Jews in Australia identify as Zionist. They have a close and personal relationship with Israel; you'd be hard-pressed to find Jewish people in Australia who don't have family and friends living there. Zionism, contrary to popular belief, is not some modern movement that started in the 19th century; it's a fundamental Jewish value that's existed for thousands of years, and it is the Jewish people's connection to Israel. It would take a very creative and reckless person, or a very political actor, to tell me that anti-Zionism is completely incapable of being antisemitism. When we see Monash University protesters saying that Zionists are not welcome on campus, the majority of Jews read that as 'Jews are not welcome on campus.' When we hear 'all Zionists are terrorists', we hear that to mean a majority of Australian Jews are terrorists. When the erasure of Israel is called for on campuses, most Jews read that in only one way, which is, 'We are seeking the genocide of your family and your friends and your people in the State of Israel, where a majority of the Jews of the world live.'

ANU students performing Nazi gestures has nothing to do with Zionism. That is pure antisemitism. Similarly, at Deakin University, where students wearing kippahs and other identifiable Jewish symbols are sworn at, cursed at and attacked, that is pure antisemitism. Calling for Jews to be barred at Melbourne university is not anti-Zionism; it's antisemitism. So we see endless examples of where, under the auspices of freedom of speech or political protest, there is vile antisemitism taking root in our universities.

And, fundamentally, if you're endorsing and supporting Hamas, a genocidal terrorist organisation hell-bent on the destruction of the Jewish people and the State of Israel, that is antisemitism. Mike Burgess's comments made that clear, as did the Prime Minister's, and we are absolutely clear in what we're saying. We have no ambitions to curtail any type of freedom of speech. We have ambitions to stop hate speech and antisemitism on campuses across Australia.

**Senator HENDERSON:** . So what do you say when you hear universities argue that they're doing everything to protect all students and that they have zero tolerance approach to antisemitism on campus?

**Mr Cassuto:** I would say that the lived experience of Jewish students and staff demonstrates that that's manifestly wrong, or that universities are simply incapable of addressing this systemic, deeply rooted issue, which is why we need to no longer rely on individual leaders and universities to address this. This actually needs to be dealt with at the highest levels of government and to have a real clarity not only about the expectation of university leadership when it comes to antisemitism but also about modes of best practice that can set the standard for how to deal with antisemitism across Australia, because we have seen a difference between universities. Some have dealt with it effectively, and others have been completely absent and unable or unwilling to deal with it, which has resulted in really, quite frankly, a complete failure of their duty of care to university students and staff.

**Senator HENDERSON:** Thank you very much. Dr Rubenstein, could you please give me, in a nutshell, your concerns about the way universities are currently dealing with antisemitism, and why a judicial inquiry is so important?

**Dr Rubenstein:** The evidence that's being produced, I think, overwhelmingly demonstrates the proposition that the university response has been lackadaisical, ineffective, a lack in duty of care and almost tantamount to the normalisation of anti-Israel bias and antisemitic behaviour on campus, implicitly acquiescing to the grotesque antisemitic behaviour that we've seen spread across universities in our country.

The notion, as Mr Cassuto pointed out, that it's only Zionists who are being attacked, not Jews, is preposterous. Anti-Zionism is tantamount to antisemitism. I think anybody cognisant of the realities understands that the existence and commitment to the State of Israel is a core aspect of Jewish identity, and anti-Zionism inherently is antisemitism today. 'From the rivers to the sea', a global intifada—this is antisemitism on steroids.

We have to really deplore the failure of the universities, even when they've complied with their own rules and regulations. The head of ASIO has pointed out that Australia is in a situation of escalated terrorism alert, from 'possible' to 'probable'. Any individual or organisations endorsing or supporting organisations like Hamas, which is a genocidal death cult, and illegal and proscribed in Australia, as is Hizballah, are really treading on thin ice. We're seeing the espousal of hatred and vilification and even incitement to violence by various individuals on campus and university administrations simply failing to respond adequately.

That's why I've suggested to the committee having a look at some of the recommendations that come out of the American situation and inquiries at Columbia and Standford. I've certainly witnessed the process at Columbia University, and in a way so much of this goes back to the 1975 shameful 'Zionism is racism' resolution at the United Nations, which was emphatically revoked, of course. And as an Australian I'm proud to say, and Australians should be proud, that it was the Labor government and Prime Minister Hawke who led the revocation of that iniquitous resolution. If only we were in a similar situation today.

**Senator HENDERSON:** Sorry to cut in. Thank you, but I've got very limited time. I just want to quickly move to the statement by the Zionist Federation of Australia, Mr Cassuto, which was issued on 29 May 2024, calling for the University of Sydney vice-chancellor, Mark Scott, to resign. Could you explain why you've taken that position?

**Mr Cassuto:** Fundamentally I think we heard from the Jewish students directly that Mark Scott failed in his duty. For weeks anti-Israel protests calling for an intifada—the ethnic cleansing of Jews—were taking place on his campus, and the university, under his leadership, completely failed to ensure a safe environment for Jewish students and staff. When you think about Mark Scott's responsibility as the leader, and the shadow that he casts over that university—which, as we heard from the students directly, was the worst of all the universities—the university capitulated to intimidation tactics of these protestors. Individuals were ignoring university rules. They were threatening and intimidating Jewish students. They were encouraging children to chant about ethnic cleansing of Jews. And they've been rewarded for their actions. A lot of their demands were met. There were encampment members whose objectives were to exclude Jews from Sydney University and who were invited to join a working group.

Part of this is, in a sense, a reflection of the systemic breakdown of the systems of universities that are meant to deal with exactly these issues. That showed us that there was a lack of leadership, a lack of willingness to apply existing rules and standards as well as complete capitulation in the face of intimidation. So, really I think one of the biggest issues is that Mark Scott's engagement with Jewish and Israeli students was extremely substandard, to put it mildly. There was no invitation for them to join a working group. You heard earlier about his attitude towards Jewish students. That provided anti-Israel protesters with a powerful and disturbing lesson that set the tone for universities across Australia—that intimidation works and that hatred gets results. He delivered this message that basically Jewish students' and staff's views, feelings and safety are not a concern to him, and I think that is an absolute travesty and demands a change in leadership in order to re-establish a safe environment for Jewish students and staff.

**Senator HENDERSON:** I will need to pass the call around. Thanks, Chair.

**CHAIR:** Thank you very much for your evidence and for your submissions. As you would be aware, it would take some time for a commission of inquiry to be established, and then for investigations or hearings, and then for recommendations to be made and implemented. In terms of some of the steps that might be able to be taken now, there have been recommendations in some of your evidence and also from the Special Envoy to Combat Antisemitism in Australia about some urgent actions that have been recommended, and I want to ask a little bit about that. In terms of best practice policy for universities or to have something set up so that universities are encouraged to or required to put best practice in place, are you seeking to have that done immediately without necessarily going through a commission of inquiry? I'm trying to separate out the things that could be done immediately or urgently to combat what is happening right now on campuses. Everyone might have a view on that. We'll start with Mr Wertheim.

**Mr Wertheim:** There are some immediate things that can be done, but they are not new. They have been put to universities repeatedly over the years. I have personally attended meetings over many years with students and staff where they've met with the leadership of universities and put these proposals to them. It's important that certain things are done immediately, but it's also equally important that we don't ignore the underlying issues. Very often, even when universities express a preparedness and a willingness to look at this problem seriously and to try to address it, they find themselves hamstrung by a whole array of legal and policy constraints that limit their freedom of action. It may be something in the relevant enterprise bargaining agreement, or it may be something in one of their other policies, or it may be something in the legislation under which the university is constituted or

the by-laws. That is why we need a judicial inquiry. A judicial inquiry would be uniquely placed to look at that broad range of legal and policy constraints that go well beyond the legislation that is within the specialist remit of the Australian Human Rights Commission and look at the broad range of legal and policy considerations that are brought to bear when considering these issues and can make recommendations, if necessary, for the relevant reforms that are needed and also for the relevant policy changes and attitudinal and cultural changes that are needed.

I'll point to one example. At the University of Sydney, some years ago, the university actually did the right thing and terminated the employment of an academic who had been engaged in an especially egregious series of behaviours of an antisemitic nature. The academic, with the support of the union, challenged that dismissal, and it ran through four court cases over a number of years before the matter was finally resolved in the university's favour. It shouldn't have to come to that. If we're just looking at some of the remedial measures that you're alluding to, Chair, and ignoring those underlying issues, then we are not going to really address the problem and nothing fundamentally will change, and, in 10 or 20 years time, we'll be looking back at this inquiry as a missed opportunity. We have to have that judicial inquiry to look at that broad range of legal and policy considerations that are constraining universities in their conduct in their freedom of action even when they're willing and able to address these problems.

**Mr Cassuto:** Regarding your earlier question around what can be done, we believe that one of the insights from the widespread survey that we conducted is that students are simply not confident that, if they make a complaint, anything will be done about it. So we believe there's a need for a thorough examination of the complaints procedure and how to restore confidence in that complaints procedure. There should be a national model to standardise how complaints about discrimination against Jewish students are handled. In some universities, antisemitism is not even one of the options that can ticked when you're putting forward a complaint around discrimination.

We also believe that there should be an oversight body, such as an ombudsman, to whom students who are unsatisfied can make a complaint. We also think that there are a lot of policies that are simply not being enforced. I think the university administrations have the ability to take action but are simply not doing so, and so we need to examine why that's the case. We also think that there's a need for education about modern antisemitism, because clearly a lot of this is borne out of the fact that there is a lack of understanding of what it means to be discriminated against as a Jewish student or staff member at universities, in particular by those who are handling complaints. We know that there are examples of complaints that were dismissed because of a lack of understanding of the Jewish experience on campus.

Finally, we recommend that all universities—as Monash and Melbourne University have already done—should adopt the International Holocaust Remembrance Alliance definition of antisemitism. We think that that's a very important low-hanging fruit and quick next step in terms of creating a standardised understanding of antisemitism that's already been embraced on a bipartisan basis by the federal, New South Wales and Victorian governments as well as, as I mentioned, universities that have already adopted it. This definition is widely recognised by governments, as well as Holocaust experts globally. It clearly states what antisemitism is and what it's not, and any criticism of that definition is, I think, generally because of wilful ignorance.

**CHAIR:** Thank you. That's really helpful. I will hand over the call, but, perhaps on notice, could you give the committee your views around the government's introduced legislation to establish a national student ombudsman. There will be an inquiry into that bill, I believe, by another committee, but if you could maybe give us on notice your views about the capacity of that organisation, when it's set up, to deal with some of the complaints handling you've expressed, that would be helpful. But I will hand over the call to the deputy chair.

**Senator SCARR:** My first question relates to a point that was raised by the chair, and that is that it would take some time for a judicial inquiry to complete its investigations, to gather the evidence, to assess all the evidence, to hear from relevant witnesses and then to make recommendations. On the face of it, that is obviously correct. However, I was reflecting on that, and I want to put to you the proposition that the announcement, the initiation, of an independent judicial inquiry with the power to take evidence from students and staff, including on a confidential basis, to require witnesses to appear, to access documents and require documents to be produced—the actual initiation of that inquiry itself could really act as a positive recalibration of what is happening on our campuses and put the high levels of management of those campuses on notice that they must look very deeply at how they respond to these issues. I want to put that proposition to you and get your response to it. Could I start with you, Mr Wertheim.

**Mr Wertheim:** I fully support what you've just put, with respect, Senator. It will absolutely change the atmospherics. It will create the right cultural environment within which these considerations will be undertaken. It

will also, I think, act as a spur to putting forward some of the interim measures that we've been talking about, in terms of expanded powers of the ombudsman and improved complaints procedures, and a better understanding of what antisemitism is. I would also add that there should be education programs for university administrators so that they understand not just the need to adopt a definition but what it means and what it doesn't mean and so on.

All of those things are helpful, but, as I said earlier, they will not address the underlying issue of the broader legal and other constraints under which universities operate. That is for an inquiry. Yes, it might take a little longer to do that, but it's equally necessary. So, yes, I agree that the announcement will do everything that you said it will do and more. It will also set the right parameters, I think, for examining the underlying structural and cultural constraints on universities and getting the right outcome in the long run. I think that two-step process is the way to go for the reasons that you have outlined.

**Ms Abel:** I would also just add to everything that has been said that we shouldn't be under any illusions about how fast moving any alternative would be in any event or how effective it would be. As you've all had experience of the *Change the course* report, back in 2017 there was this bold idea that we would get to the bottom of this systemic issue of sexual violence on campuses. Here we are, in 2024, and we are yet to see a national student ombudsman introduced.

So this idea that a judicial inquiry would be so much more slow moving than any alternative I think is just not borne out by reality. I agree with everything you've said. In fact, we have already seen, anecdotally, that just the fact of this Senate inquiry has resulted in more responsiveness from universities around some of the issues that have been raised. So there's no question in my mind that having this process and ultimately moving towards a judicial inquiry will be highly effective.

The other thing I would add is there are some serious systemic issues that universities have proven they can't get to on their own—for example, issues like foreign interference, which you would have heard the special envoy talk about the other day, and also the embedded antisemitism in institutions that universities claim that they can't actually control—for example, some of the student publications and the student general meetings that have taken place. You would have no doubt heard about the student general meeting that happened at the University of Sydney where a motion was passed essentially condoning violent resistance by Hamas, and the meeting refused to condemn the acts of October 7. The university's response was that they couldn't really control this.

We know that, actually, there needs to be a greater level of external oversight to get to the bottom of this. I have no doubt that this is the start of a process, but we do ultimately need that judicial inquiry, because that will get at the truth of the situation.

**Mr Cassuto:** To build on what has been said: this did not start on October 7; it just got much, much worse. We know this because we conducted our survey long before October 7. It was an independent survey that reached hundreds and hundreds of Jewish students. One in 14 Jewish students across the country was surveyed, and a majority of them had experienced antisemitism on their campuses. We know that has gotten a lot worse since 7 October, but after that survey in April 2023 we wrote to nearly all MPs, to senators and to university chancellors. We offered the possibility of meetings. We met with a lot of different universities—Deakin, La Trobe, Macquarie, UNSW, Sydney university, UTS and UQ—and we had many other meetings scheduled that, unfortunately, because of the events on October 7, had to be postponed.

We also met with the education minister and shadow education minister. One of the challenges that we put to them was that there is a systemic breakdown of an ability to protect Jewish students and staff. We know that since October 7 this got worse, but this has existed for years. The only way to really put some accountability in place and to drive systemic change is through judicial inquiry, because we know that in the absence of that it will continue for many more years. So this is really a line in the sand, and I'm glad that we are having this conversation today and that we are able to air this at the highest levels of government, because this systemic failure has been happening for years. In order for it not to continue for many more years, it's time to shine a light on it and demand some very serious systemic change.

**Dr Rubenstein:** Senator, I endorse your proposition completely and the measures recommended by my colleagues. I would simply add that there are things that need to be done in the interim, and this is where the US experience or recommendations are useful. For example, universities should forbid conduct that disrupts teaching, learning and research. They really shouldn't allow anyone to interfere with their core activities—from classroom disruptions to noisy demonstrations or actions designed to prevent invited speakers from expressing their views. They should resist any efforts to close off campus public spaces for any individuals or groups. They should absolutely enforce the rules that they have because rules mean nothing unless they're enforced, and unfortunately we're seeing too much of this in action—a lackadaisical response.

Moreover, they should be checking student ID cards to make sure no outside aggressors or radical extreme groups are allowed into the protests or on the encampments. Obviously we've seen that in Australia. Consider introducing a system of escalating punishments for serious violations. These are all things that need to be considered and addressed and acted on in the interim. But, to get to the bottom of this and to deal with the systemic failure and problems that we have, there's no alternative to the judicial inquiry which we're discussing today.

**Senator SCARR:** Following on from that last statement you made, Dr Rubenstein, in relation to 'there's no alternative to the judicial inquiry', I note that some stakeholders have said that the Australian Human Rights Commission's study of racism is perhaps an alternative forum. I've read the Executive Council of Australian Jewry's submission. There seems to be a lack of confidence. Just as a matter of fact, there's a lack of confidence in the Jewish community with respect to the Australian Human Rights Commission being able at this point in time to conduct an appropriate inquiry. I'd just like to give an opportunity for each of the witnesses to comment on why we need to have an independent judicial inquiry as opposed to leaving it to the Australian Human Rights Commission's study of racism. Mr Wertheim?

**CHAIR:** They will have to keep their answers fairly brief. We're just running a little behind.

**Senator SCARR:** Feel free to also provide additional information on notice as well.

**Mr Wertheim:** The Human Rights Commission has a limited remit. Its specialty is the antidiscrimination legislation. As we've been discussing earlier, what's called for is a much broader investigation that might look at EBAs, the Fair Work Act, the acts under which universities are constituted—things that go well beyond the specialty of the Human Rights Commission. That's the first point.

The second point is that, yes, there is a lack of confidence because of an unfortunate history in recent years with the Human Rights Commission being perceived to have downplayed or ignored antisemitism. The Human Rights Commission has a new president; we have some hope that under new leadership that situation will be repaired, but it will take some time. In the interim, we have to get moving on this issue. While things are changing at the Human Rights Commission, we need to get underway with something that the Jewish students, Jewish staff and Jewish community are going to have confidence in. Unfortunately, at the moment that's not the Human Rights Commission. Only a judicial inquiry will satisfy that and will elicit the sort of confidence that will enable Jewish students and staff and other members of the community who have experienced or witnessed antisemitic incidents at universities to come forward.

**Senator SCARR:** Are there any other quick contributions? Again, feel free to take it on notice.

**Mr Cassuto:** I'll just say that the Australian Human Rights Commission has been pretty much absent as far as the Jewish community is concerned since 7 October as we've seen an onslaught of antisemitism. Just by way of example, we wrote to the Human Rights Commissioner in May. We heard back from a junior research assistant in June saying that they would reach out to us, and we haven't heard from them since. I'd say that this is indicative of their sense of urgency and capacity to deal with this national systemic eruption in antisemitism, and that is why I think our community has a very low level of confidence that they have the capacity and capability to deal with what is an enormous problem for our nation.

**Dr Rubenstein:** I will just briefly add that it's got a broadbrush approach without a specific focus on antisemitism, and so it'll fail to address the unique aspects of antisemitism. Finally, it really has no powers to compel vice-chancellors and other administrators to provide evidence, so I certainly think it's inadequate to deal with this problem.

**Ms Abel:** Senator Scarr—

**CHAIR:** Very quickly, and then we'll have to wrap up. Sorry.

**Senator SCARR:** Sorry, last contribution.

**Ms Abel:** I think the judicial inquiry will also be helpful for the Australian Human Rights Commission, because it will necessarily elicit information that may well inform any report or study that they conduct. It doesn't need to be one over the other. We in the Jewish community believe that a broadbrush, generic approach to racism has proven ineffective, because we wouldn't be here otherwise. The 'Racism. It Stops With Me' campaign of the Australian Human Rights Commission, which has now been running for a few years, is a prime example of that. So we believe that this judicial inquiry is absolutely essential, which isn't in any way to diminish our hope that we can rebuild a relationship and rebuild our confidence in the Human Rights Commission under new leadership. We think there's great potential there, but we think that there is a serious issue here that needs to be properly explored, and that information will be helpful for the commission, for the government and for universities.

**CHAIR:** Thank you very much, and thanks, all of you, for staying on the line a little bit longer for us. Thank you for taking time to give evidence today. As the deputy chair indicated, if there's further information you'd like to provide on notice then we would welcome that. The committee will now suspend for morning tea.

**Senator HENDERSON:** Chair, I apologise. Can I just—

**CHAIR:** No, we're now 10 minutes over, which is going to cut into the time of other witnesses.

**Senator HENDERSON:** Can I just ask one more—

**CHAIR:** Senator Henderson, you can put it on notice to the witnesses.

**Senator HENDERSON:** Okay, thanks, Chair.

**CHAIR:** The committee will now suspend for morning tea.

**Proceedings suspended from 10:11 to 10:21**

**SCHWARTZ, Ms Sarah, Executive Officer, Jewish Council of Australia [by video link]**

**STRAKOSCH, Dr Elizabeth, Advisory Committee, Jewish Council of Australia [by video link]**

**CHAIR:** I now welcome representatives from the Jewish Council of Australia via videoconference. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. Just to repeat a couple of comments from my opening statement this morning, I've asked senators and witnesses to reflect on the terms of the bill and ensure that discussion is relevant to the bill today. Witnesses are reminded that, if they give evidence that reflects adversely on another party, the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond. Do you have an opening statement you'd like to make before we go to questions from the senators?

**Ms Schwartz:** Yes, we do. Thank you very much for having us today. I want to start by acknowledging the Aboriginal people whose lands I'm coming in from today, the Wurundjeri people. I appear with my colleague, Dr Elizabeth Strakosch, and we both also work at the University of Melbourne.

The Jewish Council is a diverse coalition of Jewish academics, lawyers, writers and teachers who work with other racialised groups to tackle racism. Our positions represent a growing number of Jews who support Palestinian human rights, including the many Jewish students who attend the antiwar demonstrations on campus, which are falsely called 'antisemitic' in some submissions to this inquiry. As stated in the French review, universities have a duty to foster the wellbeing of students and staff, but this doesn't extend to a duty to protect any person from feeling offended by the lawful speech of another. In this vein, it is important to distinguish between Jewish identities, which are a rightly protected category under all racial discrimination laws, and the political ideology of Zionism, which is not. However, this bill and this inquiry appear set to do the opposite, and we oppose them for three reasons.

Firstly, an inquiry on these terms risks increasing antisemitism. Antisemitism is real and rising in Australian society. It is linked to a rise in the far right, and it is encouraged by the conflation of Jews and Israel. The data suggests that rises in antisemitism occur at times when Israel's violence against Palestinians increases. Jews in Australia have never been more visible. Our identities and communities are constantly platformed, written about in the media and weaponised by politicians to justify support for a nation-state accused of genocide. We consider that this proposed inquiry will feed into this discourse by framing criticism of Israel as antisemitic and thereby conflating Jewish identities with support for Israel.

Secondly, any inquiry will likely be used to stifle support for Palestinian rights. The IHRA definition of antisemitism proposed by this bill has long been criticised and rejected by scholars of antisemitism, including its own author, because it is used to chill criticism of Israel and Zionism, particularly silencing Palestinian voices. An inquiry which adopts a nebulous definition of antisemitism and conflates it with calls for justice for Palestinians will be used to stoke the kind of culture war about threatening or disloyal intellectuals which has a long antisemitic history.

Finally, such an inquiry risks pitting racialised groups against each other. An inquiry into antisemitism alone place it in a category separate to other forms of racism, thus creating a perception of a hierarchy of racism which we say will only generate division between Jewish and other racialised groups. We urge those here to tackle racism on campus holistically and in partnership with all groups affected. Thank you.

**CHAIR:** Thanks very much for that opening statement and for your submission and for appearing today. Obviously, we will hear a range of views from a range of organisations today. Thank you for sharing yours. I think some of the evidence that we have received, including from the special envoy, is compelling about the threats that Jewish students are feeling on campus right now. I know in your submission you are talking about antiracism strategies and getting universities to develop some of those strategies or some best-practice policies around dealing with, when a student is feeling that way, how they can seek some support and help and have a complaint dealt with. What are some of those strategies that you would like to see universities implement? Are there things that can be done without a commission of inquiry more urgently?

**Dr Strakosch:** We do acknowledge that a lot of Jewish students on campus are feeling scared and feeling targeted. We also want to highlight that many, many Palestinian staff and students and many Muslim staff and students are also feeling incredibly silenced and targeted on campuses and elsewhere in society at the moment. So our concern is that, in singling out antisemitism, we are not also identifying those very real challenges to other groups and also not identifying the foundational racism that is experienced by Indigenous people, including in universities, and has been for a long time. So we know that universities need to tackle racism, but this is an interconnected phenomenon. There are moves happening at different universities—and we also support the

AHRC inquiry into racism on campus—to develop a holistic approach that includes rigorous reporting mechanisms but doesn't single out any particular group with the risk of ignoring others or pitting groups against one another.

**CHAIR:** Some of the experiences that students have expressed to us draw comparisons with the way that universities have previously dealt with complaints around sexual harassment or sexual assault on campus. Last week. the government introduced a bill to establish a national ombudsman for students to provide an independent complaints-handling mechanism. How do you see that body assisting with this broader problem of the way that students are able to seek protection and support?

**Ms Schwartz:** We would really support any independent bodies which are designed to tackle racism holistically and systemically, such as an ombudsman or such as the Australian Human Rights Commission. I think that it is really important for those bodies to understand the background of all forms of racism, including antisemitism, to understand the particular ways in which antisemitism manifests and also to understand the ways in which other forms of racism manifest as well.

It is crucially important—and this is really the fundamental basis of why we oppose this bill in particular—that both Jewish students and other students have a really clear view about what is racial discrimination and what is political speech. Those are the blurred boundaries that we've already heard in evidence this morning about antisemitism. Whilst that may be to the disappointment of some students because their political beliefs are being challenged on campus, the reality is that we need to be really clear about forms of unsafety that are caused by racial discrimination and forms of unsafety that are caused by political disagreement. That latter form of discomfort is a type of discomfort that is allowed to flourish within democratic societies. We should all be capable of having our political views challenged.

**CHAIR:** You've spoken about the Australian Human Rights Commission inquiry around the prevalence and impact of racism in Australian universities. What are your hopes for that inquiry? In particular, how do you think it should tackle antisemitism, Islamophobia and the tension that you talk about in terms of the difference? The difference between racism and political views is not a black and white issue all the time. What's your hope for how that inquiry will look at that issue?

**Dr Strakosch:** I suppose our hope would be the inquiry would adopt a quite careful and clear-sighted definition of antisemitism, not the IHRA definition, which, as Sarah mentioned, has been very widely critiqued and, in the places that it's been implemented on campus, has had a significant chilling effect on academic freedom. Those definitions which explicitly conflate Jewish people with Israel and identify criticism of the State of Israel, including criticism of the foundations of the State of Israel, as inherently antisemitic are deeply problematic in a democratic state.

As Sarah said, we heard at the last panel the insistence that anti-Zionism is always antisemitism. In fact, we feel that this kind of conflation is quite dangerous in a context where Israel is acting outside international law, is not responding to international pressure and is committing mass violence. It is very dangerous to continually conflate Jewish people and the State of Israel in that way. While antisemitism is real and rising and we shouldn't excuse it, we need to be very clear that we exclude legitimate criticism of states, including the principles on which they're founded if those principles exclude other people, in the same way that Australia, for example, could be, and often is, subjected to legitimate criticism of its founding principles and origins.

**CHAIR:** I'll hand over the call in a second. I have one last question. There are many bodies that could conduct an inquiry. The Australian Human Rights Commission inquiry is quite a broad one around racism and this particular issue around universities and antisemitism. This bill proposes a judicial inquiry, which you oppose. What about a broader parliamentary inquiry? Our inquiry here is actually quite defined: we're inquiring into the bill for an inquiry. What about a more broad-ranging parliamentary inquiry? Is that something that you think might fit the balance of what we're seeking to do here?

**Ms Schwartz:** I think we would support an inquiry into all forms of racism on university campuses. To single out antisemitism really risks those types of issues that I mentioned in my opening statement, where there is a perception of a hierarchy of racism. We're already seeing this play out in the way that Jewish identities are spoken about and the way that antisemitism is spoken about, as opposed to other forms of racism like Islamophobia and anti-First Nations racism. I think it does a disservice to the collective fight against racism if we single out antisemitism in this way.

Could I point briefly to some of the work that we are doing as an organisation, in collaboration with other groups, to fight racism, because I think that it is critically important in the fight against all forms of racism. We are doing joint work with a range of different Christian, Muslim, Palestinian groups, and Hindu groups as well, to

combat racism. That's in the form of education, releasing joint statements and speaking to government bodies together. I think what that shows people is that the fights against these forms of racism that we're tackling are linked. One really glaring example of that was after the tragic Bondi incident, when, immediately after the incident, disinformation spread on the internet, first that the perpetrator was Jewish and second that the perpetrator was Muslim. That fed into some deeply racist discourses on the internet which were later found to be disinformation. That really shows the interlinking between these forms of racism and the need to tackle them together, and it shows, from a perception point of view, that this is a joint fight and not just a fight that is faced by Jewish people alone.

**CHAIR:** Thank you. Senator Scarr?

**Senator SCARR:** Thank you to the witnesses for appearing today. I note, Ms Schwartz, that in your opening statement you said, 'The Jewish Council of Australia is a diverse coalition of Jewish academics, lawyers, writers and teachers who work with other racialised groups to tackle racism.' I take it from that that the Jewish Council of Australia does not purport to be a body which represents the Jewish community in Australia; is that correct?

**Ms Schwartz:** Yes, that's correct. We don't represent the entirety of the Jewish community. If I could just clarify, we also don't say that the Jewish community is a monolith. We think it's important to acknowledge that there are multiple Jewish communities, and Jewish people, like any group of people, have a variety of different views. We speak for, and our views represent, the views of a fast-growing number of Jewish people, including the 800 Jewish people in Australia who have signed on to our core statement of principles. That statement of principles says that we believe that all forms of racism need to be tackled together, collectively.

**Senator SCARR:** If you're not a representative body for the Jewish community across the whole of Australia, why do you call yourselves the Jewish Council of Australia?

**Ms Schwartz:** Our name is related to an old Jewish organisation that existed and that has been written about by one of our co-executive officers. We are a council made up of academics and lawyers and experts on racism, and we speak to Jewish issues and antisemitism. That's the foundation for our name.

**Senator SCARR:** I'm comparing your organisation and the name, the Jewish Council of Australia, to, say, the Executive Council of Australian Jewry Inc., which uses the same word, 'council', yet the Executive Council of Australian Jewry has as its constituent bodies the New South Wales Jewish Board of Deputies, the Jewish Community Council of Victoria Inc., the Jewish Community Council of Western Australia Inc., the Queensland Jewish Board of Deputies, the Jewish Community Council of South Australia, the Hobart Hebrew Congregation, the ACT Jewish Community Inc.—I'm sorry, there's quite a number of them—the Australasian Union of Jewish Students, the Australian federation of WIZO, the Union for Progressive Judaism, the federation of Jewish aged care services, Maccabi Australia Inc., the National Council of Jewish Women, B'nai B'rith Australia/New Zealand, the Jewish National Fund of Australia and the Joint Distribution Committee Australia. So that, to me, has all the hallmarks of an umbrella representative council. It refers to itself as the Executive Council of Australia Jewry Inc. I note the history you refer to, but I put it to you again: why does the Jewish Council of Australia call itself a council when it is not a representative body? Isn't that misleading to the Australian people?

**Ms Schwartz:** I would ask you whether you asked the exact same question to the previous person on this inquiry, Dr Colin Rubenstein, who appeared for the Australia Israel Jewish Affairs Council, which also has 'council' in its name, is an unrepresentative body and has far fewer members on its website than us. I'm not sure that this is entirely relevant to this inquiry, but, if you're asking whether we are a representative group in the same way that ECAJ are, we're not and have never purported to be. We have stated from the very start of our launch that we represent an alternative Jewish perspective and one that is not heard by many mainstream Jewish organisations. It's devastating to us that many of our Jewish organisations in this moment have become for all intents and purposes Israel advocacy groups. That is what we're seeing within many mainstream organisations, and this really sparked the need for an alternative Jewish council.

**Dr Strakosch:** Could I just add that it's precisely the failure of the existing groups to represent the diversity of opinion. We know that recent evidence in the US has suggested that about a quarter of Jewish people either don't strongly identify with Israel or agree with the statement that Israel is an apartheid state. That segment of the Jewish community is not being heard and not being acknowledged. In speaking up, in seeking to make our voices heard, we are facing a great deal of attempts to—rather than engage with our ideas—undermine our legitimacy to speak in various ways. I'd suggest that this voice is an important voice to take into consideration when you're discussing issues of antisemitism, as you are in this inquiry.

**Senator SCARR:** You are given an opportunity to speak here, and we welcome your participation. I'll ask a further question. In the 14 pages of your submission, unlike the submissions received from the other Jewish

organisations, you don't provide a single example, a single lived experience, of a student or staff member at a university suffering from antisemitism, subject to an antisemitism attack. Why?

**Dr Strakosch:** I think what we are tackling here is a difficult question of very slippery definitions of antisemitism and the strong feelings that many people have. But there are a range of scholars who are talking about things like the IHRA definition of antisemitism and the constant conflation of Israel and Jewishness and talking about the way that is cultivating an effective resonance or attachment between Jewish individuals and the Jewish state, such that, when they hear criticism of that state, it is experienced as fearsome and experienced as criticism or delegitimisation of their Jewishness and identity.

I can talk to that, to the extent that I didn't hear any criticism of Israel until I was 14. When I first heard political criticism of Israel, I was deeply shocked and affronted and I felt that this was an attack on me personally. We're not saying all experiences of antisemitism are not legitimate. We know antisemitism is rising. The far right is intensely antisemitic—it's in its DNA—and that is not being covered by an inquiry or a bill that is so focused on campuses, because campuses are clearly being used to identify the pro-Palestinian movement as the locus of antisemitism in our society.

What we suggest—and the reason we are not showcasing very emotive personal testimonies—is that there is emotion everywhere. There's emotion on every side. This is such a deeply distressing and vitriolic time that we actually need to be incredibly clear sighted about when racial harm is occurring and when it's not. I will give you an example. This was a chant at a pro-Palestinian rally at the university I work at that was circulated online and that went viral because it was recorded and it was said to have said the words: 'Vice-Chancellor, you can't hide. We want Jewish genocide.' In fact, that chant did not say that. It said, 'Vice-Chancellor, you can't hide. We charge you with genocide.' We acknowledge the people who heard that in the way it was circulated would have experienced it as deeply distressing and as antisemitic. However, the actual statements that were made were different, so we need to be very clear about feelings and facts.

**Senator SCARR:** On page 13 of your submission you talk about 'the subjective reality of the fears evident in the surveys'. Why do you refer to 'subjective reality' when there is clear and strong evidence—hundreds of submissions received—of Jewish students and staff being spat at, being physically abused, being physically assaulted, being fearful for their personal safety, being filmed et cetera? Why do you use this word 'subjective'? Why can't you admit that the objective reality is that there are absolutely horrific examples of antisemitism occurring on our campuses?

**Ms Schwartz:** If I could just clarify, Senator: we have stated multiple times throughout our submission and all of our public work that we are highly concerned about rises in antisemitism. And if I can speak from a personal perspective, we at the Jewish Council have been subjected to the types of vile antisemitism that you refer to and so we are, of course, not discounting or in any way discrediting those experiences of antisemitism. Since launching the council, we have received weekly, if not daily, emails and messages from far-right groups, from Neo-Nazi groups but also from some groups that want to blame all Jewish people for Israel's conduct. We experience that antisemitism ourselves. It is disgusting. It has no place on our university campuses.

This is the exact problem with this bill. Those instances of antisemitism which involve physical abuse or violence or targeting of Jewish people because they are Jewish people should absolutely be condemned. Universities should absolutely be equipped to deal with that type of racism, because these types of racism are highly dangerous for us. They are also dangerous for other groups who experience racism. We in no way discount those experiences of antisemitism. But what we say is that there needs to be clear-sighted definitions of antisemitism to ensure that we are adequately capturing those very vile experiences of antisemitism that you refer to, that we have ourselves personally experienced, from the types of political discomfort—the chant, this disinformation that gets circulated about the Palestine Solidarity Movement, which is not antisemitic. Much of that content is not antisemitic, and this is the real problem here.

If we have an inquiry, which for many intents and purposes will be used to air sentiments such as criticisms of Israel, criticisms of the political ideology of Zionism, and if those are termed to be antisemitic, then it means we are far worse off and not able to actually tackle those very real instances of antisemitism that were contained in many submissions to this inquiry. This is exactly the problem we see with this bill—that is, it is engaging in a political exercise rather than an evidence based exercise.

**Senator SCARR:** Ms Schwartz, you don't refer to a single example in your submission.

**CHAIR:** Senator Scarr—

**Senator SCARR:** Not a single one!

**CHAIR:** Senator Scarr—

**Ms Schwartz:** We actually do—

**CHAIR:** Sorry; I'm just going stop you. We have to go to our next witnesses. Senator Henderson was seeking the call. I am going to conduct this inquiry and this hearing in a respectful way. Given that the content we are talking about is ensuring the respect of students on campus, we're going to extend that respect to our witnesses. Senator Henderson, if you have a question then you have the call, and our next witnesses are waiting for us.

**Senator HENDERSON:** Thank you very much, Chair. Good morning to you both. Dr Strakosch, do you agree that all forms of antisemitism are repugnant?

**Dr Strakosch:** Yes; absolutely, I do.

**Senator HENDERSON:** This is an inquiry looking into the coalition's bill to establish a judicial inquiry into campus antisemitism. I want to ask you about the ways in which universities have failed Jewish students and why better policies are required. Do you believe that displays of the swastika or displays of the Star of David with a cross through it at universities are antisemitic?

**Dr Strakosch:** I believe that a Star of David as a Jewish symbol shouldn't be targeted by hate speech, but we have to acknowledge that the State of Israel's flag also has a Star of David on it and that criticising states, including their flags, is a legitimate form of political speech, even though it's very uncomfortable. This is precisely why—

**Senator HENDERSON:** And sorry—

**CHAIR:** Senator Henderson.

**Senator HENDERSON:** I'm going to go through this quickly—

**CHAIR:** Senator Henderson.

**Senator HENDERSON:** No; I'm just going to go through this quickly. What about the display of the swastika at universities?

**Dr Strakosch:** Personally, no, I do not agree with the use of the swastika to characterise a group of people.

**Senator HENDERSON:** I'm going to go through this as quickly as I can. Do you support slogans such as 'river to the sea' and 'intifada' being shouted on university campuses at Jewish students. Of course, as we know, 'intifada' is another way of calling for the destruction of Israel, as is 'river to the sea'. Do you support those slogans?

**Dr Strakosch:** Actually, I'm feeling like some of these questions are not giving us the space to legitimately address our submission to the inquiry and are instead seeking to trap—

**Senator HENDERSON:** Sorry, we've got limited time. We're trying to understand your concerns. Do you believe that those slogans are antisemitic?

**Ms Schwartz:** We've made multiple statements as an organisation, one on distinguishing between the Star of David and the Israeli flag, which we think is a very important thing for people to distinguish between and relates to the distinction between criticism of Israel and Jewish identity. And I'm going to get to the—

**Senator HENDERSON:** Sorry, I'm going to draw you back to my question.

**CHAIR:** Senator Henderson, you are going to let the witness answer the question.

**Senator HENDERSON:** No; I'm entitled to interrupt if the question's not being answered.

**Ms Schwartz:** I'm going to get to—

**CHAIR:** No. The witness is entitled to answer the question and she's doing that. They're not one-word-answer questions. Let's be respectful, shall we?

**Senator HENDERSON:** I'm entitled to prosecute—

**Dr Strakosch:** The question is about the slogan 'from the river to the sea'.

**Senator HENDERSON:** 'The river to the sea' and 'intifada', that's right. Do you believe that the use of those slogans on university campuses is antisemitic?

**Dr Strakosch:** No. In fact, 'from the river to the sea' has been widely acknowledged, including by the Palestinian movement, to refer to the equal treatment and democratic equality of all peoples, including Jewish people and Palestinian people, in the area covering Israel and Palestine.

**Senator HENDERSON:** Even the Prime Minister says that he recognises that that is a call for the destruction of Israel.

**Senator SCARR:** As a Jewish state.

**Senator HENDERSON:** As a Jewish state.

**Ms Schwartz:** The Prime Minister has also said that it is a slogan that is used by the Likud party to denote that there should not be equality between all citizens from the river to the sea. It is crucial for us to actually look at what these slogans mean and what these words mean. The word intifada is an Arabic word meaning uprising. Despite the fact that some people may perceive it in a different context, we can't say, as a blanket rule, that a word or a slogan is antisemitic as such when the people who are saying these slogans are specifically saying they are using them as calls for equality and as calls for change.

**Senator HENDERSON:** So you're not aware of the use of the word intifada in relation to representing the suicide bombing attacks on Jewish people in Israel? You're not aware of that at all?

**Ms Schwartz:** Of course we are aware of that. That's exactly why my answer specified that just because a word is used in one context doesn't mean that that is the context in which all people use it, and in multiple—

**Senator HENDERSON:** Sorry, I'm just going to move on because I've got very limited time.

**CHAIR:** Senator Henderson, we have to move to our next witnesses. You said you had one question, not a—

**Senator HENDERSON:** No, I didn't say I had one question. I've got some other questions, which are quick. Just a few more minutes please.

**CHAIR:** We do need to go to our next witnesses. We are going to be doing that in the next two minutes.

**Senator HENDERSON:** Do you condemn statements made on university campuses like 'Zionists are terrorists' and 'Zionists are not welcome' and do you believe they are antisemitic?

**Dr Strakosch:** I think a good place to end is to reiterate our statement that we feel it is very important that Jewishness and Zionism are not conflated, for the safety of Jewish people. Israel is acting in this way. The research tells us that when Israel conducts violence against Palestinian people antisemitism rises, because Jewish people are mistakenly perceived as responsible. Therefore, yes, Zionism is—

**Senator HENDERSON:** Can I direct you to the question: Do you condemn statements such as 'Zionists are terrorists' being displayed or shouted at Jewish students on university campuses? And do you believe that that type of statement is antisemitic?

**Dr Strakosch:** If they are shouted at Jewish people for being Jewish. However, strong and emotive criticism of Zionism in the State of Israel constitutes discomforting but legitimate political speech.

**Senator HENDERSON:** Thank you very much. I think that sums up the sort of organisation you are.

**CHAIR:** Thank you for giving evidence today and thank you for your submission. If there was additional information, I think you said you would send it through to the committee. We appreciate your time. We need to go to our next witness. Thank you.

**SLUCKI, Dr David, Director, Australian Centre for Jewish Civilisation, Monash University**

[10:55]

**CHAIR:** I now welcome Dr David Slucki of the Australian Centre for Jewish Civilisation at Monash University. I'll read out my spiel while you get settled.

Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. As I think you've heard me say to other witnesses, we are asking senators and witnesses to reflect on the terms of the bill and ensure discussion is relevant to the bill. Witnesses are reminded that if they give evidence that reflects adversely on another party the committee is generally required to give that party reasonable access to the evidence and the opportunity to respond. Do you have a brief opening statement you'd like to make, before we go to questions?

**Dr Slucki:** I do, thank you. Thank you for inviting me to speak today. Like my peers before me, I want to acknowledge the traditional owners of the land on which we're gathered, and on the land on which my centre and university operate and work.

The evidence is mounting that antisemitism is rising sharply on university campuses and in Australian society at large. Research undertaken by numerous bodies, including the Australian Centre for Jewish Civilisation at Monash University, has shown a rapidly growing number of Jewish students and staff reporting that they feel marginalised or unsafe. The stories relate to researchers telling of a university system where the social cohesion on campus has broken down, where staff and students are increasingly unable to have difficult conversations and to truly hear and understand one another's pain and anguish.

Jewish students and staff feel that it is not only their peers but their institutions that have not taken their concerns seriously enough and have not been effective in listening to their experiences. University campuses are places where inquiring minds come together to grapple with the challenges of our time, where young people navigate complex ideas and learn to become leaders. The role of universities is to create an environment in which all our students can thrive and grow.

Monash University, one of the few universities in the world named for a Jewish public figure, has been proactive in its response, listening to students, working with staff and taking decisive action to mitigate antisemitism. The key to Monash's response was effective leadership: setting and enforcing clear boundaries through clear communication and through responding to breaches of Monash codes. That doesn't mean that Monash is free of antisemitism, and the number of submissions to this committee hearing from Monash students shows that to be the case. But the Monash experience does also reflect the research that shows the importance of clear leadership and decisive action in responding to antisemitism and working towards greater cohesion.

One Monash response that promises to have a measurable impact on our campuses and to provide frameworks for other universities is the campus cohesion project, a $1 million research program funded by Monash University to investigate the surge in antisemitism, Islamophobia and related prejudices on Monash campuses since October 2023. Our remit is to understand what has been happening on our campuses that has led to the rise of such a tense atmosphere and to identify student-centred solutions that we can design and test over the next two years. Fixing the rise of antisemitism on campuses demands a multipronged approach centred on solutions, recognising the urgency of the problem and drawing on the best expertise we have in the country. The capability is there to respond decisively and quickly, but it requires bold action and adequate support. Thank you.

**CHAIR:** Thank you very much. Just before I hand to Senator Henderson, I understand that Monash University is appearing later today.

**Dr Slucki:** Yes.

**CHAIR:** I think one of the reasons we asked you to come to give evidence is around the research and the cohesion program that you're doing. Can you just clarify for me: you're appearing on behalf of the centre—

**Dr Slucki:** Yes, the ACJC—that's correct.

**CHAIR:** and not on behalf of Monash?

**Dr Slucki:** Yes.

**CHAIR:** You'll let the administration take those questions?

**Dr Slucki:** Yes, gladly!

**CHAIR:** That might assist you, senators, on where to direct questions today. Senator Henderson, you have the call.

**Senator HENDERSON:** Dr Slucki, thank you so much for appearing this morning. Can you update the committee on your findings so far in relation to important research that underpins your work and what actions you've taken so far as a result of your work?

**Dr Slucki:** We're in the design phase of the project at the moment. We're putting together a team from across Monash University that includes experts in public health, media, psychology, law and education. We're hiring at the moment for researchers as well. So we're putting together a comprehensive program that will kick off later this year, and we're going to move very fast once we do. We're going to start the project with focus groups, when students reconvene early next year, and that's going to inform the next stage of the project.

**Senator HENDERSON:** Dr Slucki, one of the criticisms of many Jewish groups in relation to the response of the government—and I have been critical particularly of the education minister in relation to his response to many serious incidents of antisemitism on university campuses—is that there is this narrative of, 'We oppose or we abhor any form of either antisemitism or Islamophobia.' I've just had a look at your submission and you say:

… Monash University announced a $1,000,000 research program to investigate antisemitism and Islamophobia on campus.

Aren't you making the same error in drawing a false equivalence between antisemitism and Islamophobia, when I would put to you that, clearly, the much bigger issue at Monash right now is antisemitism?

**Dr Slucki:** I wouldn't say we're making an equivalence. We are responding to what we're seeing from our students. The evidence of Islamophobia as well as antisemitism is mounting, and clearly there's a crisis in social cohesion on campuses. We have a situation where it's difficult for students to talk to one another across cultural, political and religious divides. So we're trying to find solutions that will mitigate the problems that we're seeing around antisemitism and Islamophobia but also create a more welcoming, dynamic university campus, and we think this will have lessons across Australia.

This is part of a bigger research program that the ACJC is undertaking into antisemitism, so, as well as this, we are launching the Monash initiative for rapid research into antisemitism. We're in the fundraising stage at the moment. The aim is to take a much more comprehensive look at antisemitism across Australian society, including universities. The backbone of that is going to be a series of three-month projects that will look at discrete aspects of antisemitism across Australian society, with rapid-fire reports, recommendations and public engagement, and that's going to culminate in the next, hopefully, major survey of Australian Jewry.

**Senator HENDERSON:** So what is the major cause of a lack of social cohesion on the campus at Monash University—or a number of campuses? Is it antisemitism—

**Dr Slucki:** That is one part of it—

**Senator HENDERSON:** or is it a combination of both? You say that there are issues with both antisemitism and Islamophobia. I accept that. I'm not suggesting there is not. But surely the big issue you are dealing with right now—the prevailing issue—is the horrific spike in antisemitism at Monash University along with other university campuses. I'm not suggesting Monash hasn't put in place some important responses. But isn't that the driver of your work?

**Dr Slucki:** As a scholar of antisemitism, that is absolutely the driver of my work. The spike in antisemitism on campuses and nationally is abhorrent. It's something that we ought to take seriously. When Jewish students and staff members tell us that they're feeling unsafe, that they're feeling discriminated against, that is something we need to take seriously, and I do both as a scholar and as a university lecturer who works with Jewish students and staff every day.

**Senator HENDERSON:** We've just heard from the Jewish Council of Australia, and we know that there are 800 people who have signed up to their platform. I think there are 100,000 Australian—

**Dr Slucki:** There are 110,000, roughly.

**Senator HENDERSON:** 110,000 people who are Australian Jews, so obviously it represents a very small number of Australian Jews. How do you feel when you hear me put questions like, 'Do you believe the yelling of these terrorist slogans is antisemitic,' and you hear responses which justify those sorts of terms and mischaracterise those terms, which are understood to mean very serious things for most Jewish people?

**Dr Slucki:** I appreciate the question. I am here as a scholar, so I don't want to talk about my feelings so much as I want to talk about the evidence and the research that we do.

**Senator HENDERSON:** Well, tell me about the evidence. When you hear that sort of evidence before us today, is that—

**Dr Slucki:** Can you be a little more specific so I can give a clearer answer?

**Senator HENDERSON:** The committee has heard today justifications for the use of words such as 'intifada', which my understanding is that it is widely understood as very much a call for uprising aimed at Israeli and Jewish people. Can you please describe your views about those sorts of slogans—'the river to the sea', the use of the word 'intifada', particularly when those slogans are screamed at Jewish students on campuses and when children are even encouraged to yell words such as 'intifada' at a protest, as occurred at the University of Sydney?

**Dr Slucki:** Part of the challenge with some of these terms lies in the ambiguity. These terms have their history and their contexts as well. There can be multiple different meanings, and so one of the challenges you have when hearing it is identifying intent and acting against it. That's not to say those are blanket antisemitic terms or that they are blanket antisemitic terms. What is important here, I think, is how they're received. There's a question of intent and a question of impact, and clearly the impact of these statements and chants is harmful, and so something we need to take seriously is the way in which words are received, to listen to the impacts that they have.

**Senator HENDERSON:** I note that Monash has taken action in relation to terms like 'Zionists are not welcome' and other chants like 'Zionists are terrorists.' Do you believe those sorts of chants are antisemitic?

**Dr Slucki:** Yes.

**Senator HENDERSON:** Yes.

**CHAIR:** I have some questions about your research and how it might assist the terms of any inquiry or the current work that's underway. I note from your submission that you don't support the establishment of a commission of inquiry but you recognise that there are some really important, existing initiatives that need to be supported to get some lasting outcomes. In your submission or some of the work that you've done, you reference 'conspiratorial thinking about Jews', and I wanted to ask about how that fuels antisemitism. I've been doing some thinking recently about political institutions and the trust that people have in political institutions, in the media and in public institutions. How does that fuel antisemitism?

**Dr Slucki:** I'm just looking at the time and thinking about how long we have!

**CHAIR:** If you do have papers, you can send them through to the committee afterwards, if that's helpful.

**Dr Slucki:** Okay. Thank you. It's a really good question. Conspiratorial thinking lies at the heart of modern antisemitism. The idea that Jews control the levers of power and manipulate those for nefarious ends has underpinned much of antisemitism for the last 150 years. It's really the core feature of antisemitism. It manifests in lots of different ways, sometimes overtly and sometimes covertly as well. So some of the antisemitism we see might not be recognised clearly as antisemitic but fuels thinking about the role that Jews play in society—for example, the notion of Jews as disproportionately wealthy and powerful or stories in the newspaper about Jewish philanthropists moving their philanthropic priorities because of misalignment. These things touch on this conspiracy theory about Jews.

**CHAIR:** Am I right in saying that it's not just about wealth but also about the role and influence of Jewish people on public institutions?

**Dr Slucki:** Absolutely, yes. That example about philanthropy, for example, is not only about wealth; it's about how you use wealth to shape public discourse and using it for negative or nefarious ends.

**CHAIR:** You said that sometimes it's not overt, that there are perhaps antisemitic tropes in some of the conspiracy theories. The ones that come to mind for me are around the World Economic Forum and this idea of smart cities and cashless societies. Have you seen that in the work and research that you've done with some of these bigger, broader conspiracies? A lot of them proliferated around the time of COVID because there was a shift in the way public institutions needed to behave. The point of asking that question is it seems to have begun before 7 October. That's what I'm asking you.

**Dr Slucki:** Antisemitism is called the oldest hatred. The term itself is relatively new. It's only been about 140 or 150 years since it was coined. When it was coined, it referred specifically to a political party that wanted to remove the rights of Jews in Germany. We've expanded what the definition means. We now look back into history and use that term as a shorthand for a whole range of different ways that Jews were marginalised, hated or discriminated against.

**CHAIR:** I have one question about the cohesion program that you're running. You reference looking at antisemitism and also Islamophobia. Have you thought about how the work that you're doing will fit with or connect with the work of the Australian Human Rights Commission?

**Dr Slucki:** Yes. As I said in my submission, there's a lot of work going on in this space. One of the challenges—and this is also one of the challenges for the commission of inquiry—is to avoid duplication and to

make sure that we're working together to. We're all asking similar questions, I think. We want a more socially cohesive society where disagreement can take place in respectful ways. So, yes, we do see that there is a relationship between the work we're doing and the Human Rights Commission's work, but we haven't fully nutted that out.

**CHAIR:** I have one last question. I note we have our next witnesses waiting. I respect the views of people who support this bill and those who don't, people who want a judicial inquiry and those who don't. One particular issue that you raise is the potential for an inquiry like this to actually politicise antisemitism. I was wondering whether you've seen examples of that overseas or in your research, because that would be something that we would seek to avoid.

**Dr Slucki:** I expect to see it through the day today.

**CHAIR:** Right. Yes. I haven't been checking my public emails.

**Dr Slucki:** I think the evidence that antisemitism is on the rise and is a huge problem is irrefutable. To me, as a scholar and as the head of Australia's most important centre of Jewish studies, the key is to get on with it, to get on with the work of finding solutions, and I think that's what we're proposing to do—find solutions quickly.

**CHAIR:** Thank you.

**Senator SCARR:** Can I just ask one question?

**CHAIR:** Yes. I note that our next witnesses are here, and they're probably ones you want a bit of time with, so, if you can—

**Senator SCARR:** Yes. Dr Slucki, I appreciate your testimony, but you have been here during the course of this morning's proceedings. You've got the Australasian Union of Jewish Students, Jewish academics, three peak bodies representing the vast majority of Jewish people in this country, all calling for an independent judicial inquiry, which would have the benefit of confidentiality for people who are feeling in fear to be able to provide evidence, compelling documentation production—all the reasons you've heard. I note your submission refers to the existing mechanisms and initiatives that investigate antisemitism on campuses that we should be focused on. But doesn't all the testimony we've heard today make you consider that maybe they're just not working and we actually do need an independent judicial inquiry for all of the reasons members of the Jewish community have given in heartfelt testimony this morning?

**Dr Slucki:** I see the merit of a judicial inquiry. But this will need a multifaceted approach, and I think if we put all our eggs in this basket then it might be counterproductive to the work that we're already doing to come up with, again, rapid solutions. I just want to quickly refer back to Noah, the head of AUJS, who I've worked with over the past year. He's a wonderful young leader. He said earlier on that there's an immediate problem and it needs immediate solutions. My concern is that, by focusing on this, things slow down when we need answers fast.

**Senator SCARR:** But it's not an either/or, is it? You could actually pursue—

**Dr Slucki:** Possibly not. As I said in my submission, I stand ready to work with the commission of inquiry if it's established.

**Senator SCARR:** Thank you.

**CHAIR:** Thank you for your evidence. If you have taken anything on notice or you've got more information on those questions, you can send them through to the committee.

**Dr Slucki:** I'll send you a bibliography!

**CHAIR:** Thank you. Some plain reading—that would be great.

**BROWN, Dr Matthew, Deputy Chief Executive, Group of Eight**

**SHEEHY, Mr Luke, Chief Executive Officer, Universities Australia**

[11:18]

**CHAIR:** Welcome. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. You might not have been here for my opening this morning, but I have asked senators and witnesses to reflect on the terms of the bill and ensure discussion today is relevant to the bill. I also remind witnesses that if they give evidence that reflects adversely on another party the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond. Do you have opening statements you'd like to make?

**Mr Sheehy:** Yes, thank you. I am the Chief Executive Officer of Universities Australia, the peak body for Australia's 39 comprehensive universities. Can I start by acknowledging the traditional owners of the various lands we are all gathered on today and pay my respects to elders past and present. Thank you to the committee for the opportunity to be here today and contribute to this important discussion.

This bill deals with a very important and sensitive subject, and I fully support the committee in this process. I will say at the outset that Universities Australia does not have in-house legal expertise, so we're not able to provide specific comments on the technical elements of the legislation, but I am, of course, happy to discuss the broader policy aspects. I want to acknowledge the concern at the centre of this bill regarding the rise of antisemitism on campuses following the brutal attacks on Israelis last October and the subsequent conflict.

I want to emphasise that universities are deeply committed to fostering safe, respectful and inclusive environments for all students, staff and campus users, in both physical and digital campuses. Our communities, like many others, have been deeply affected by the conflict in the Middle East, and we share communities' concerns about the rise of antisemitic behaviour in Australia. Sadly, university campuses have not been immune to the materialisation of this behaviour in Australian society. Since the October 7 attacks, Universities Australia has been working closely with our members, parliamentarians and student groups to respond to the incidents of antisemitism as well as instances of Islamophobia. Our members are cooperating with the government, including keeping the Minister for Education and the Tertiary Education Quality and Standards Agency updated on the steps taken to protect staff and students in the days following the October 7 attacks.

There is no place for racism of any form in our universities or anywhere else. As a sector, we strongly oppose racism, threats to safety, hate speech, intimidation, bullying or harassment. Unfortunately, incidents of these behaviours do play out on campuses just as they do in the wider community. University campuses are places where ideas are openly discussed and debated, no matter how popular or unpopular they may be.

To be recognised as a university under the higher education threshold standards, which are in the Higher Education Support Act, institutions must be committed to freedom, academic freedom and freedom of speech. While these freedoms do not extend to hate speech or any unlawful forms of speech, they do provide substantial protection for the robust expression of differing views. All universities have codes of conduct or student charters to guide students and staff on their responsibilities to act in a lawful and safe manner. Universities have also implemented measures that support diversity, wellbeing, inclusion, equity and access, which are key to promoting good and respectful behaviour. Balancing welcoming and safe environments with supporting the right to freedom of speech and expression is crucial, and our members are committed to maintaining this balance while upholding their responsibilities under the Higher Education Support Act. We ask that the committee recognise these responsibilities in its final report.

Universities Australia supports recent actions taken by the government to help make universities safer for all staff and students, including a study on the prevalence and impact of racism in universities, the appointment of Ms Jillian Segal AO as Special Envoy to Combat Antisemitism in Australia and the anticipated appointment of a special envoy for combating Islamophobia. We also support the continuing monitoring by TEQSA on the responses of universities to complaints of all forms of racism including antisemitism. Given this wide range of measures, a commission of inquiry may disrupt the work currently being undertaken. These existing initiatives are important steps to combating racism at universities, and we look forward to continuing to engage with these efforts to make our community safer. I'm happy to take any questions.

**CHAIR:** Thank you, Mr Sheehy. Dr Brown.

**Dr Brown:** Thank you, Chair. The Group of Eight unconditionally rejects all forms of hate and prejudice, which are absolutely unacceptable and put our social cohesion as a nation at risk. We are deeply concerned about

the increase in antisemitism since 7 October last year across the community and empathise with the distress and trauma in our Jewish community caused by the events of October 7 and their aftermath. There is no place in our society for antisemitism or any other form of racial or religious intolerance. As stated in our submission, we agree with ASIO's assessment that there are warning signs across society that social cohesion is under threat. Young people are become radicalised well before they get to university, and we need to deal with this at a societal level. We have seen protests in the community, at schools, at Parliament House and on university campuses. Tensions have escalated on campuses and in the community. This is something we're not used to seeing often in this country.

The Group of Eight recognise that universities, as educators of future generations, play a key role in protecting and supporting a tolerant and cohesive society. At the same time, we must upheld a fundamental pillar of a healthy democracy and respect the rights of the Australian people, including students, staff and other members of the university community, to express their views through peaceful protest and lawful freedom of speech.

Universities have both a moral and legislative requirement to protect freedom of speech and academic freedom. As we have stated repeatedly, however, the right to protest comes with a responsibility to act peacefully and within the law and university codes. As a society, we need to learn how to hold conflicting views and engage in debate without breaking legal, civil or behavioural boundaries.

In practice, it is not simple to determine where those boundaries lie. These are very complex issues, and they are global issues. Countries around the world, and their universities, are facing the same challenges to social cohesion we are. Fortunately, Australia avoided the scenes we saw in campuses around the world—in particular, the violence and police action that played out in the US was not replicated here.

Our part Group of Eight members put procedures in place to avoid the escalation of tensions on campus that we have seen overseas. All Group of Eight universities committed to a statement of principles on demonstrations on campus, affirming our commitment to upholding the rights of expression and peaceful assembly, while rejecting any form of hate or prejudice. We co-authored and committed to the Berlin statement, a confirmation from the world's Global Research-Intensive Universities Network that we strive to be places where freedom of speech and academic freedom is upheld, but where antisemitism and racism in all forms is never tolerated.

Universities are a reflection of society. We need to take a genuine look at the causes and drivers endangering our social cohesion both on and off campuses. The Group of Eight is committed to continuously improving how it deals with antisemitism, and we will work closely with the Special Envoy to Combat Antisemitism in doing so. Thank you.

**CHAIR:** Thanks very much. We'll go to questions. Mr Sheehy, I think there's a low risk of you being asked technical questions on the bill, so don't worry about that! I think we have a range of other issues to discuss.

**Senator HENDERSON:** Dr Brown, have any of your Group of Eight member universities failed Jewish students and staff?

**Dr Brown:** Thank you for the question. What I'd say is that Group of Eight members have adopted a very principled approach in dealing with these matters. We have to reflect that what we're seeing in university communities is a large traumatisation of the university community after what happened on 7 October and the aftermath. So the universities are taking a principled sort of whole-of-community approach in dealing with the trauma that we're seeing there. They've been putting in place additional counselling and places to report issues. In terms of managing the encampments, we can perhaps cover that later. They've put lots of processes in place there. They've communicated with all the groups—student groups, staff groups, off-campus groups—in an attempt to manage the trauma—

**Senator HENDERSON:** Dr Brown, with all due respect, I'm asking: Have any of your universities—in particular, I name the University of Sydney and the University of Melbourne—failed Jewish students and staff in any respect? The evidence we heard this morning was overwhelming on the systemic, embedded antisemitism that has flourished on these campuses. Do you accept that some of your members have fundamentally failed Jewish students and staff?

**Dr Brown:** Senator, I'll leave it to my members to speak for themselves, but what I would say is that I think—

**Senator HENDERSON:** Hang on. You're the representative group, so could you please answer the question?

**Dr Brown:** I'm getting to that. They will certainly speak for themselves, but what I can say is that our members have taken a very engaged approach on this matter. I would not agree with the characterisation that antisemitism is endemic in our universities.

**Senator HENDERSON:** Dr Brown, with all due respect, that's just not true, because we have heard about so many antisemitic incidents that have caused massive distress, including the failure to shut down encampments; including the barricading of Israeli academics in a room, where no action was taken by the University of Sydney; including the encouragement of children to chant 'intifada'; and including the display of shocking antisemitic symbols. These all occurred at your member universities, and you are saying that there has been no failure in any respect?

**Dr Brown:** I'm not saying that there haven't been incidents on Group of Eight member campuses. We've all seen incidents, and we can talk about the different types of incidents that we've seen. I'm just not sure I would agree with your characterisation that there's a failure going on there.

**Senator HENDERSON:** You don't think there's been any failure at all?

**Dr Brown:** In terms of addressing specific incidents, I would have to refer to the process undertaken with those specific incidents—I don't have knowledge of that. All I can speak to is the commitment of our members to dealing with these incidents when they arise.

**Senator HENDERSON:** I would put to you, Dr Brown, that some of the universities—particularly Sydney and Melbourne—have fundamentally failed in very, very serious ways. That's why we are here. It is because of this failure, and the fact that you don't see it is deeply concerning. I understand that you are not part of the administration of these universities, but you are here to represent them.

**Dr Brown:** I'm here to—

**Senator HENDERSON:** Surely you cannot sit there and not accept that there have been failures?

**Dr Brown:** I'm here to represent the Group of Eight members and the efforts and the processes they've put in place to deal with these issues.

**Senator HENDERSON:** The efforts? The efforts?

**CHAIR:** Senator Henderson. I know you have—

**Senator HENDERSON:** Chair, I'm sorry. I have the call and I am—

**CHAIR:** You certainly do have the call, but—

**Senator HENDERSON:** I'm permitted to ask robust questions.

**CHAIR:** You are permitted to ask robust questions, and the witness is entitled to answer them—

**Senator HENDERSON:** That's right, Chair.

**CHAIR:** To be respectful to the witnesses on a topic where they are seeking to answer you, you should—

**Senator HENDERSON:** I don't need to be reminded of my responsibilities as a senator in an inquiry.

**CHAIR:** Well, I am—

**Senator HENDERSON:** I'm asking difficult questions because I am, frankly, appalled by some of the responses that we have seen on some university campuses and I'm entitled—

**CHAIR:** Senator Henderson, I'm calling you to order—

**Senator HENDERSON:** I'm entitled to put those questions.

**CHAIR:** I'm calling you to order, Senator Henderson.

**Senator HENDERSON:** I'm not out of order.

**CHAIR:** You are out of order, because you're speaking over me.

**Senator HENDERSON:** No, I have the call.

**CHAIR:** Senator Henderson, I'm calling you to order to allow the witness to finish his answer. Thank you. Dr Brown.

**Dr Brown:** Thank you, Chair. To reiterate what I've said, I'm here to represent the Group of Eight members and their approach, which prioritises social cohesion. They take a principled approach to dealing with difficult matters. In terms of particular incidents and how they're handled, we do need to consider them in the context of the robust processes that were employed at the institution. We can't just characterise incidents without investigating them—without having a proper discussion from those who are involved in them.

**Senator HENDERSON:** Alright, Dr Brown, let's go to the encampments. The encampments were not shut down for many, many weeks at the University of Sydney and the University of Melbourne, in breach of university rules. I refer to Mark Scott, the vice-chancellor of the University of Sydney, who said back in May:

… as long as it remains peaceful, respectful and not disruptive to university life—

the encampment—

remains a legitimate protest.

Do you agree that the encampments are a legitimate protest, particularly when they are fuelling antisemitic hatred and incitement?

**Dr Brown:** As I said in my opening statement, universities are required, morally and legislatively, to maintain freedom of speech and academic freedom, so it's a—

**Senator HENDERSON:** I will draw you back to my question. The question is about whether you believe that the encampments—and we know the terrible damage they did to many students, including Jewish students, and staff—remain a legitimate protest, which is what Mark Scott argued.

**Dr Brown:** As I've said, we are committed to freedom of speech, and that is the—

**Senator HENDERSON:** Please can you just respond to the question.

**Dr Brown:** That's the context in which we need to answer this question.

**Senator HENDERSON:** So you think those encampments are legitimate freedom of speech?

**Dr Brown:** That was the determination made by the vice-chancellor and the university, who were deeply involved in those decisions. From the outside, without all of that information, we can't make that determination.

**Senator HENDERSON:** So you think it's legitimate because, at those encampments, there were vile antisemitic slogans and chants by people who participated in those encampments, including yelling out 'from the river to the sea' and 'intifada'? Do you think that's legitimate protest?

**Dr Brown:** There are a couple of elements to your question there, so if you'll be patient I'll address both of them. One is on behaviour that occurred in encampments. It's not appropriate to characterise an entire encampment and everyone there by the actions of a few people. Where there were actions that were inappropriate there, that were either illegal or against the codes or statutes for the university, Group of Eight members have taken action on those occasions, on a case by case basis. You also referred—

**Senator HENDERSON:** Could you provide evidence of that on notice?

**Dr Brown:** On notice.

**Senator HENDERSON:** Could we please have the evidence which supports your assertion that action was taken on a case-by-case basis—

**Dr Brown:** Absolutely.

**Senator HENDERSON:** in relation to every incident of antisemitism at your member universities?

**Dr Brown:** I'll take that on notice.

**Senator HENDERSON:** I would put to you—and there were times when I would check on what action was taken—that very little action was taken against very few students in relation to their conduct. I am staggered that you can sit there and say that the encampment was a legitimate form of protest when in fact those encampments were in breach of university rules, and vice-chancellors took no action to shut them down for a very long time. How can you justify that?

**Dr Brown:** In rounding up the answer to the first part of your question, I did say that the determination of whether the encampment was a legitimate form of protest was down to the vice-chancellor of the university. If they've said that then I would concur with that. As a general principle our encampments, if they are conducted appropriately as a legitimate form of protest, are not in and of themselves illegal. To return to the second—

**Senator HENDERSON:** Sorry, what did you just say? In themselves are—

**Dr Brown:** Aren't necessarily in and of themselves illegal.

**Senator HENDERSON:** I didn't say that. I'm not suggesting they're illegal. What I'm suggesting is that those encampments very clearly fuelled and incited terrible antisemitic hate and were allowed to flourish at your member universities, some of them for many, many weeks. Jewish students were told that they couldn't even go to some parts of the university. Jewish students were told to stay home. They were denied the right to attend lectures and to receive their education. How is that acceptable?

**Dr Brown:** I've answered the question on how the encampments were dealt with generally by the Group of Eight and specifically by the University of Sydney.

**Senator HENDERSON:** I would put to you that the way your universities dealt with it was absolutely appalling. For you to sit there and somehow justify it—I'm just shocked. Even the universities themselves now, I think, are reflecting on what they've done and realise they've made terrible mistakes. Initially, the University of

Sydney said, 'We've got no power to remove outsiders from our campus,' and then they reversed their position. I would put to you that there was gross mismanagement by your member universities, or some of them, and that has caused enormous harm to Jewish students and staff. You're not able to take any responsibility for that, as the representative body?

**Dr Brown:** What I would say to that is of course we're not saying that the management of the processes was perfect—which is a different question to the legitimacy of the encampments. We've all learnt a lot through the process about how to manage these things and how to, as I indicated in my opening, balance protecting the freedoms of speech with preventing hate speech. We've learnt a lot of lessons through that, and I think, when the vice-chancellors are here, they will confirm that. I think if it happens again we will be in a much better position to protect our student and staff populations.

**Senator SCARR:** Can I ask a follow-up question?

**Senator HENDERSON:** I just want to go to Mr Sheehy. Mr Sheehy, what do you say about the encampments? Are they a legitimate form of protest, and do you believe that universities acted appropriately in relation to the horrific threats to the safety of Jewish students and staff?

**Mr Sheehy:** I've reflected on this a lot in my seven months in this job and, certainly, since October 7—a horrific attack on Israelis and then a subsequent conflict, which has caused enormous stress in the Australian community, particularly in the Jewish community and among Jewish students and Islamic students alike across Australia.

Obviously, universities have been and are places for protest; it's a sign of a robust democracy. What I think has been really important to see is action taken so that where there are sites of protest on campuses, they remain peaceful, and when they haven't been peaceful, appropriate action has been taken. This is an ongoing issue over the last 11 months, since 7 October. Universities have had to work swiftly and appropriately to balance their obligations under the law, both their local laws and of course the laws that uphold freedom of speech under the Higher Education Support Act. Mistakes are always made in these emerging processes, but what I will say is that I'm very pleased that the protests in Australia have remained mostly safe.

There are the protests themselves, but there's also the insidious nature of racism and antisemitism on campus. In some of the examples we've heard—and I've also been talking to Jewish student groups for many months now—I feel the anxiety, pain and difficulty of many of these students. I understand why they've made submissions both to this process and spoken to the special envoy in recent weeks. There's the insidious nature of racism and there's also the encampments. Appropriate action is being taken. Some students have said things that I would describe as idiotic and I've also seen universities take a long, protracted, thought-through view on how they deal with social cohesion on their campuses in a time of global conflict.

**Senator HENDERSON:** This is much more serious than some students saying things that are idiotic. I'm talking about your universities and the maladministration of this issue, including the failure of the University of Sydney to act when there were members of the extremist group Hizb ut-Tahrir on campus and no action was taken for many weeks. That is a crisis. Would you not agree?

**Mr Sheehy:** I think it's important to remember that the majority of the encampments have been wrapped up and wrapped up peacefully, and where there were instances of extremism—

**Senator HENDERSON:** I'm sorry, I'm going to bring you back to the question. The University of Sydney failed to take action for many weeks to remove members of the extremist group Hizb ut-Tahrir, who were terrorising students. I'm emotional about this, but imagine what they went through? It was appalling, Mr Sheehy. Do you defend that decision by the University of Sydney?

**Mr Sheehy:** The university took the appropriate action to wrap up the encampments and also took appropriate action to remove people who weren't from the university at the time.

**Senator HENDERSON:** No, they didn't, because we now have evidence that for about five weeks the university did not take any action. It was only when this appeared all over the front pages of the newspapers and on *60 Minutes* that things started to move. I would put to you that the University of Sydney fundamentally failed to take the appropriate action, and that has put Jewish students and staff at immense harm.

**Mr Sheehy:** I won't comment on how Jewish students feel because I'm not part of that cohort, but I reject that the University of Sydney didn't take appropriate action as evidenced by the fact the encampment wrapped up and was concluded. There are ongoing issues—

**Senator HENDERSON:** You are mischaracterising my question. I'm asking about the failure to remove or take action in relation to the presence of extremist members of the Hizb ut-Tahrir group. This is a group that is a

prescribed terrorist organisation in the UK and other countries. I ask you to address my question: Why did the University of Sydney fail to take appropriate and immediate action in relation to the presence of those people?

**Mr Sheehy:** Obviously that is a matter for the University of Sydney and the processes which they undertake to address issues on their campus. What I am pleased about is that the encampments remained predominantly peaceful on university campuses. They've been wrapped up and we've worked with our local and federal laws to deal with the issue of balancing freedom of speech on our campuses and ensuring that doesn't turn into hate speech. As I've said many times, this is an important part of a robust democracy, but we need to make sure that every visitor, student and staff member is safe, and in an emerging issue like this one, that there are emerging ways to we deal with it. I think universities have taken appropriate action, on balance.

**Senator HENDERSON:** How do you explain a new decision to revoke the expulsion of a student who called for the unconditional support of Hamas, and is now running for student president at that university?

**Mr Sheehy:** Look, I don't want to trivialise it or go to that individual student's political ambitions, but what I will say is that student made some idiotic remarks, and they were inappropriate, and the university at the time swiftly sought to undertake a process of disciplinary action, which they did. I'm not aware of what's happened subsequently. All I'm aware of is what I've read in the newspaper in the last couple of days—that for that student there's been an appeals process. But I don't know any more than that. What I will say is that the comments—

**Senator HENDERSON:** Just as a follow-up question, what I'm putting to you is: how can Jewish students and staff have confidence in the administration of universities when those sorts of decisions are made and they are now facing a situation where that particular student is running to head the ANU Students Association? Can you imagine what that would do on that campus to Jewish students and staff? How can you explain the university's failure to take appropriate action in relation to that and other students?

**Mr Sheehy:** I will comment on the fact that the student in question had appropriate disciplinary action taken by ANU immediately last year—or early this year; sorry. I'm not sure what's happened subsequently, other than that they've re-emerged in the last couple of weeks. It really is a matter for ANU and their internal processes for disciplinary action against a student.

**CHAIR:** Thanks, Senator Henderson. I have a range of questions. We'll see how many we can get through in the time that we have. I want to ask about the steps and actions that universities have taken. Obviously, it has been almost 12 months since 7 October, and universities have, in my view, had to change their approach to really confronting behaviour on campuses. What have universities done in that time—or what have your bodies done, rather than speaking for the universities themselves? What have you sought to do in bringing people together and putting better policies in place?

**Mr Sheehy:** Thank you, Senator. I'll start with that one. As I said earlier, this is an emerging and very intense issue for many people in the Australian community and the global community, and encampments are just one part of the reaction we've seen to the terrible incidents and conflict in the Middle East. In my own part of Melbourne, where I live, which is the centre of the Jewish population of Australia, I've walked down the street and seen stars of David with crosses through them. That is awful for us, and it's awful for the Jewish members of my local community. That's manifesting on campuses, and our universities are looking at what measures they can take in accordance with the law, because we have legal obligations to uphold freedom of speech and academic freedom on our campuses, but we also, for that matter, have local laws and local ordinances at a local government level to ensure that there is peaceful undertaking of protest on campus and that it's done in a respectful way. Universities have taken appropriate action. They've worked through what action they can take and taken action where it's appropriate, and I'm pleased that they've remained peaceful. What we've also done—going to the other part of your question—

**CHAIR:** My question was about collective action.

**Mr Sheehy:** is sharing information across the network.

**CHAIR:** Yes, thank you.

**Mr Sheehy:** Obviously, in different jurisdictions—different states—there are different obligations. In Victoria, for instance, there's the Charter of Human Rights and Responsibilities, which does change the nature of the way in which policing can be undertaken on campuses. That's more a question for Victorian based universities. I know that state based vice-chancellors committees have talked about this.

At a Universities Australia level, we've taken opportunities of successful practice and shared that practice amongst our deputy vice-chancellors corporate, in particular, who are the senior executives across our university network who are responsible for managing campuses. We've drawn on some of the excellent work from Monash

University in particular. I know that you'll be talking to them later today. We've drawn on the work from their vice-chancellor and their investment in social cohesion.

Campuses come in different contexts. I know that the special envoy, Ms Segal, has said that in relation to how we respond to antisemitism. So we're learning and we're sharing information and good practice, but we're also understanding that universities have different contexts, different procedures and different cohorts.

**CHAIR:** Have you had a chance to bring members together to talk about what has worked, what isn't working and what can change going forward?

**Mr Sheehy:** Yes. Earlier this month, the deputy vice-chancellors corporate were talking about this very issue, and they have a continuing dialogue on that. They're the most appropriate forum for us because they actually are responsible for the administration of physical campuses.

**CHAIR:** Got it. Are you considering bringing that group together again, or is there a regular meeting of that group that allows you to—

**Mr Sheehy:** They meet regularly, so this is an ongoing agenda item at the moment.

**CHAIR:** But not in six months? I'm talking in the next—

**Mr Sheehy:** No—well, they only met earlier this month.

**CHAIR:** When would they meet again?

**Mr Sheehy:** I'm not sure. I'll let you know. But it's a regular forum that happens a number of times each year.

**CHAIR:** I know you've raised the issue around freedom of speech. Obviously, that is an important principle and value that, often argued by many people in this parliament, we need to protect. I'm interested in understanding—because it's perhaps not a familiar concept for people who aren't working within universities and on campuses—how the model code which was developed by Robert French AC as part of the Independent Review of Freedom of Speech in Australian Higher Education Providers, which I think was in 2019, interacts with some of the actions that universities are required to take or are prevented from taking. This is part of the discussion about what an inquiry should be considering or looking at. I don't know a lot about the model code, but I understand it requires universities to have regard for freedom of speech. Is that one of the difficulties in getting the balance of this right?

**Dr Brown:** Yes. We probably have an instructive case study which might be slightly controversial, but, as part of the compliance with the French model code, we do have to protect freedom of speech, except where it's illegal or constitutes hate speech. That was really central to the vice-chancellors at the Group of Eight in their thinking about how we strike that balance. We can't have it be the case that for universities, where we are required to protect freedom of speech, in fact the speech is less free than it might be if you were to step one foot outside the campus or in the CBD of Sydney or even in parliament.

The particular example that exercised the vice-chancellors the most was the use of the terms 'from the river to the sea' and 'intifada'. So, on that matter, in trying to find that balance and understanding that the use of these terms was at times extremely upsetting, the board of the Group of Eight wrote to the Attorney-General to ask for specific guidance on whether this constituted hate speech that they could do something about as a blanket rule, acknowledging there are lots of, as Luke previously alluded to, federal laws, Commonwealth laws, state laws and university ordinances that intersect with these issues. So we needed clarity on that.

The reply we got from the Attorney-General, the guidance provided, said that essentially there was no blanket rule that we could apply and that we needed to assess it on a case-by-case basis, in particular with reference to section 18C of the Racial Discrimination Act. That's a case study of how difficult this is. We've heard those terms used all around the country, including in the Senate, so the question that we have to wrestle with is about maintaining that freedom of speech on campuses where required to—it can't be less than other parts of the country—but we have to do so according to the law and manage it as best we can. In that particular instance, you must do it on a case-by-case basis. That's one example.

I can provide a couple of other examples of where our Group of Eight members have collaborated on these issues, which I think is important. Clearly, the day-to-day management of these matters is an institution-by-institution matter. The Group of Eight vice-chancellors have caucused quite often, particularly about the big picture and the principled approach you need to take to try and heal the trauma that their university community has experienced since October 7. Many members of the university community have experienced trauma, and that includes antisemitism. So how do we collaborate to solve the range of problems there?

**CHAIR:** Thank you. That's a helpful explanation to understand this. Perhaps, Mr Sheehy, you'll be able to answer this. There's obviously the regulator, there's the Human Rights Commission study and there's the special

envoy. You've spoken about all of those, or most of those, in your opening statement. How is Universities Australia interacting with those mechanisms that are already underway?

**Mr Sheehy:** We're always in contact with student groups, our regulatory bodies and the departments et cetera, but, on this issue in particular, I've been invited to be a part of an advisory panel to the Human Rights Commission process. And I had an early and productive meeting with Jillian Segal in Sydney a few weeks ago, where we had a wide-ranging discussion about not only the state of antisemitism in the Australian community but also how it relates to university campuses. We've also committed together to work on definitions of 'antisemitism' for the Australian context, and we're endeavouring to do that as part of a collaboration between the special envoy and Universities Australia and our membership, and we'll go about that process in the next couple of months.

We're also, as I said, working with student groups to understand how they are going. One of the things I keep as a principle is ensuring that our universities have robust public debate, because it's a sign of a healthy democracy, and I want to ensure, though, that students—all visitors for that matter—can go to university and have a safe experience. It's important to have an ongoing dialogue with student groups, not only Islamic and pro-Palestinian groups but also Jewish students, particularly, who are doing it tough. I'm not going to mince words: students are finding it tough. It's a complex and intense issue that is being played out in the Australian community and the global community, and it's right that it's amplified on campuses, but it needs to be done in a safe and appropriate way in accordance with the law.

**CHAIR:** Mr Sheehy, there is obviously that debate, but then there's the issue around not only the physical safety of students but also the intellectual and emotional safety of students as well. This is a totally different experience, but I just hark back to when I was on campus—maybe when you were as well—we had to demand from universities that we would get safe spaces for LGBTI students, because there was a safety issue there. That was 20 years ago now, not to show my age. The question I have, really, is about how universities are handling those situations where there is clearly a difference between robust debate, which is a term thrown around a lot in this place, and the need for robust debate but where students feel unsafe? Is there a best practice in place? Would it be served by a best-practice policy? Is there more that universities could do?

**Mr Sheehy:** Universities amplify what's often happening in society and amplify societal trends. Yes, we both were at university about 20 years ago, and I remember also asking for a safe space for queer students and other students. I think these things emerge, and they respond—I think universities are often at the forefront of these things, and what I will reflect on, in this current debate, is the need for us as universities and as a broader society to understand how to maintain social cohesion, and this is a threshold question moving forward. My hope—everyone's hope—is that conflict, particularly the conflict in the Middle East between Gaza and Israel now and hopefully no further, is wrapped up, is peaceful and comes to some peaceful resolution as soon as possible. But it still leaves us with a threshold question of how to maintain social cohesion on campus.

As I said earlier, I think Monash University has done a tremendous job to look at the issue and think about the long-term implications of it. We've certainly sought that information from the excellent work that Monash University has been doing and shared it with our membership. There are other examples of that. We are responding, as I said, to a live and continuing issue that is impacting so many people in different ways, and we'll continue to share information at Universities Australia amongst our universities. To reflect again on Ms Segal's remarks this week, there are different contexts, different cohorts and different experiences at different universities. Thirty-nine universities don't look the same. They are very different. They serve different communities. They have different physical and online contexts. We learn from each other regularly, and we make sure that we can apply lessons, knowledge and processes from each other and help to implement them across our network.

**CHAIR:** Thank you. Senator Scarr has one question, and then our next panel—

**Senator SCARR:** There might be one follow up, if I could. I'll be very quick.

**CHAIR:** Try to keep it brief.

**Senator SCARR:** I have a very quick first question. Mr Sheehy and Dr Brown, have you gone through and read the hundreds of submissions from Jewish students, Jewish academics and their families which have been submitted to this inquiry, with the vast majority or certainly a considerable majority of them having 'name withheld' because of fears around what it would mean for those students and academics to reveal their names? Have you actually gone through and read those?

**Mr Sheehy:** I got to 400 submissions last week, when I was reading through them, and then my team were reading through them and reflecting on that. So—

**Senator SCARR:** Sorry—I've got very limited time. Dr Brown, did you?

**Dr Brown:** Yes.

**Senator SCARR:** Can I just read from one. To me, this is a searing indictment of the current state of affairs in our universities. Let me read from this. I want your reaction. This is my last question. This is from a 'name withheld' parent of a student at the University of Sydney, dated 20 August 2024—10 months or nearly 11 months after the events of 7 October: 'I am a first-generation Australian Jewish citizen, and I'd been fortunate not to experience much antisemitism during my childhood or university life. My father's family survived the Holocaust. Now my daughter, who attends Sydney university, encounters antisemitism daily. She goes to her lectures'—and here's this word again—'with fear, feeling intimidated and unsure of what each new day will bring. As a parent, I can hardly wait for her time at university'—Sydney university—'to be over. She hides her identity daily, fearing that she might be targeted like some of her friends, who are also facing an alarming rise in antisemitism at other Australian universities. I have another child in her HSC year. Like many Jewish families, we are deciding which university to send her to, based on the level of antisemitism'—not whether or not there is antisemitism, but the level of antisemitism—'present on campus.' Doesn't that indicate that our universities have failed to protect our Jewish students and Jewish academics and that more needs to be done?

**Mr Sheehy:** That is appalling, and I feel deeply sorry and saddened that an Australian citizen and their family and their family members feel like that in Australia right now. Not to be trivial about it, but I have had similar conversations with members of the Jewish community about how they feel in the general Australian community at the moment, and I think it's really important that we take appropriate measures as a society and ensure that universities remain safe and welcoming places. It's not appropriate, and we cannot tolerate people feeling like that at our university campuses. We will work continually to ensure that there is a safe and respectful place for all people at Australian universities.

**Senator SCARR:** Dr Brown?

**Dr Brown:** It's an appalling story, and no-one should feel like that on an Australian university campus. To pick up on part of your question, there is a lot of work to be done, still, by universities in working with their communities, broadly and in these specific instances. Nobody is saying that what's occurring is appropriate or that it's accepted. We are working hard to address these issues. As Luke says, it's a societal issue, and we need to work to make sure that our part of the society, Australian universities, don't have students feeling this way. So it's an ongoing piece of work. It's a priority. We're all looking to engage with the special envoy to combat antisemitism. It is a No. 1 priority for universities to address this issue.

**CHAIR:** Thanks, Dr Brown. Sorry to cut you off. Thanks, senators. That is all the time that we have with you today. We'll just suspend briefly while we get our next panel to come forward.

**BELL, Dr Genevieve, Vice-chancellor and President, Australian National University**

**BRUNGS, Professor Attila, Vice-chancellor and President, University of New South Wales [by video link]**

**MARTIN, Professor Iain, Vice-chancellor, Deakin University**

**PHILLIPS, Professor Nicola, Provost and Acting Vice-chancellor, University of Melbourne**

**PICKERING, Professor Sharon, Vice-chancellor and President, Monash University**

**PREST, Mr Peter, Chief Operating Officer, University of Adelaide [by video link]**

**SCOTT, Professor Mark, Vice-chancellor and President, University of Sydney**

**WILLIAMS, Professor John, Provost, University of Adelaide [by video link]**

[12:05]

**CHAIR:** Welcome. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. I repeat my requests earlier to senators and witnesses to reflect on the terms of the bill and ensure discussion today is relevant to the bill. Witnesses are reminded that if they give evidence that reflects adversely on another party the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond. Does anyone have a brief opening statement before we go to questions? We will keep them brief. If it is covering material that you've provided in your submission, I ask that you go over that as quickly as possible, because we will have quite a few questions.

**Prof. Martin:** This is one of the most challenging and difficult issues that universities, and certainly Deakin, has encountered in its 50 years of history. The significance can't be understated. We've provided a written opening statement tabled with the committee, and I will leave it at that.

**Prof. Scott:** There can be no doubt that antisemitism is rising across Australian society, and that trend is reflected on university campuses, including the University of Sydney. This has accelerated since the horrific events of October 7 and the ongoing conflict in Gaza. In my long career in education and in the media, I've never encountered an issue that's generated more anguish or grief or anger.

In my many meetings with Jewish staff, students, alumni and the community, I've heard firsthand their experiences of antisemitism. I've read the complaints that have been made to the university and all those shared in submissions to this inquiry and to the special envoy. The testimonials are heartbreaking and unacceptable, and for that I am sorry. No-one should feel at risk, unsafe or unwelcome at any place of learning, and no-one should feel the need to hide their identity or stay away from classrooms or campuses.

The university has the responsibility to take active steps to ensure a safe environment that's free from discrimination, and we take these responsibilities seriously. We've taken many actions that I'm happy to detail, including establishing an independent review of all relevant university policies and processes to be undertaken by Bruce Hodgkinson, a pre-eminent senior counsel with expertise in health and safety. But clearly we have more to do. As the special envoy's submission makes clear, there is no single solution to defeating antisemitism. I have written to the special envoy outlining our genuine commitment to working with her office to combat this scourge across university campuses. If a judicial inquiry is a necessary part of the solution, then we welcome it.

Let me just touch on the encampment. The establishment of the encampment on our campus in late April presented a difficult period for the university and its students and staff. In managing the encampment, we prioritised engagement, nonviolence and peaceful resolution. However, we acknowledge the distress its very presence caused for a great number of people, including Jewish members of our staff and student body. At all times, we were trying to balance our obligations to ensure the health and safety, including the psychosocial safety, of the entire diverse university community with our commitments to academic freedom and free speech. This was a complex, fast-moving environment where we were meeting daily and making multiple decisions based on the best information we had available at the time and taking the advice of experts, particularly the police and security agencies.

Did we get every decision right during this time? There are clearly different views on that, and I recognise we did not always meet the expectations of the Jewish community. For one, I regret we did not communicate the agreement to end the encampment with the Jewish community before it was announced. I realise there is a lot of work to do to win back the trust and confidence of the university's Jewish community, and I'm committed to doing that. We are taking the time to listen deeply and to review and refine our approach. We remain open to

making further changes and working with the special envoy as part of our commitment to develop and evolve to ensure the university is safe and welcoming for all and that we do everything we can to combat antisemitism.

**CHAIR:** Thanks, Professor Scott. Professor Phillips.

**Prof. Phillips:** The University of Melbourne stands against all forms of racism. We recognise that Jewish members of our community can experience particular forms of prejudice or hate and have observed an increase in antisemitism in parts of the Australian community. Antisemitism is a societal scourge, and the University of Melbourne is working hard to play our part in addressing it and to support our Jewish staff members, students, collaborators and visitors. Our antiracism commitment was released in January 2023. This included adopting the International Holocaust Remembrance Alliance's working definition of antisemitism. As part of our antiracism commitment, in August this year we introduced an antiracism action plan designed to prevent and respond effectively to racism, particularly and including antisemitism. This has been informed by the lived experience of our students and staff.

In managing protest activity on our campus this year, our guiding principle has been to de-escalate conflict in the interests of the safety and security of all members of our community, including for our Jewish staff and students. We have drawn on our policies and procedures to guide our approach to managing protest activity, supported by systematic legal advice, advice from the police and dialogue with our staff members and students. Certainly, we have been challenged at times in ensuring a careful balance between three obligations: freedom of speech, including the right to protest, protected by law; the principle of academic freedom, which underpins the purpose and the work of universities; and the right of students and staff to go about their learning and their work in a safe environment. We recognise that we have more to do. We welcome working in collaboration with other institutions across the sector and the Special Envoy to Combat Antisemitism, the Australian Human Rights Commission, the National Student Ombudsman, TEQSA and the judicial inquiry, if the parliament decides to proceed with it.

The university is determined to eradicate antisemitism from our campuses. The responsibility to stand up to antisemitism requires continued vigilance, as does the protection of the right to freedom of speech. While this has been tested during recent protest activity, the university has sought at all times to steer a principled and compassionate path through very complex circumstances.

**CHAIR:** Thanks, Professor Phillips. Professor Pickering.

**Prof. Pickering:** Many thanks for the opportunity to speak with you today. Antisemitism is an ancient and abhorrent hatred. It's one that takes many forms, and it has clearly been increasing. Monash University is especially alive to the evil of antisemitism because we are named after one of the greatest Jewish Australians, Sir John Monash. His name is proudly carried as a scholar, soldier, nation builder and patriot, as we've grown to be Australia's most international university.

I begin by sharing that I have never seen anguish written on the faces of my colleagues and my students as I have seen over the past almost 12 months. Over this period we have engaged genuinely with our community and we have sought to deeply listen. We have never engaged, and nor will Monash ever engage, in a zero-sum exercise between recognising and fighting against antisemitism and other forms of hate and our abiding commitment to academic freedom and freedom of speech. In so doing, we see and hold all members of our community equally, including and most especially during times of deep hurt and disagreement. We've sought to do so with moral clarity, clear boundaries and respect for all students and staff. But of course there is much more work still to be done.

University is a time, and we are indeed a place, in which we develop young people to challenge and be challenged in ways that should also be productive and respectful. We assemble and guard rigorous evidence from which truths are tested and on which sustainable solutions are built. As a community we seek to do this in a way whereby we do not allow offence to become harm and by equipping our students and indeed our colleagues to not avoid disagreement but to disagree well.

We explicitly seek to prevent, recognise and respond to antisemitism and other forms of prejudice, and we are committed to further intensifying our efforts to build social cohesion. The university imposes obligations on our colleagues and students that prohibit antisemitism and other forms of hate, and we investigate reports thoroughly and take appropriate action. As you heard earlier today, we've launched a world-first program, investing over $1million, led by Associate Professor David Slucki and Dr Susan Carland to investigate specifically antisemitism, Islamophobia and related prejudice and to develop and test programs that support campus cohesion. This work is designed to include recommendations for university settings and the development of education programs and training programs for staff and students as well as other actions.

The university has also initiated a process of facilitated dialogue between students, collaborating with student associations and teaching staff to co-design methodologies for brave, safe and supportive learning environments. As vice-chancellor and as a criminologist with more than 30 years of experience working on conflict, prejudice and hate, my responsibility and my efforts are focused on eliminating the overt and indeed the casual expressions of antisemitism and other forms of prejudice, including the ones people wonder about reporting or do not report—the ones that affect whether a student or a colleague not only feels safe on campus but also feels valued and belongs. And we don't get there in either education or our research by being unable or unwilling to discuss contested or confronting issues. We as a university can live up to our ideals for all our people so that hate and prejudice, including antisemitism, has absolutely no place. It is the legacy of Sir John Monash that we never take for granted: democratic principles and values, and that the only protection of the nation from ignorance and prejudice is education. Thank you.

**CHAIR:** Thank you. Dr Bell? And I do need to reiterate that perhaps we could keep it as brief as possible, because we've got a lot of questions, I imagine.

**Dr Bell:** The Australian National University student population is small by Australian university standards, but it includes students from more than 100 countries and from every state and territory. This reflects Australia's multicultural values as well as our mission to support engagement with Asia and the Pacific, and it expands to education and opportunities for our domestic and international students alike. Diversity underpins our core values of academic rigour, freedom of expression and service in the national interest. We see this as a strength and an attribute of our university. This strength is born of the innate challenge that comes from freedom and difference.

Freedom of thought and freedom of speech should not necessarily equal freedom from consequences. In times of heightened tension it is incumbent on all of us to take care with our words and our actions and to consider their implications for ourselves and others. This is true for our students, staff, academics and visitors. A high-quality education extends beyond the classroom. We must teach our students to treat each other with respect, humility and compassion, especially those with whom we have differences of opinion, perspective and experience.

The safety and wellbeing of our students and staff is one of our highest priorities and greatest responsibilities. ANU maintains a suite of policies and procedures that prohibit discrimination, vilification, intimidation, violence and other oppressive and disrespectful behaviour by and against all its staff and students, whatever their cultural background, religion or political conviction. This approach is consistent with how parliament has chosen to legislate these issues and our policies protecting academic freedom, freedom of speech and the right to respectfully protest. The university's policies and the way we apply them are designed to support our people and to balance our commitments to freedom of expression with our legal responsibilities to provide a safe environment, including wellbeing and psychosocial safety. This balance is the result of many years of consideration and consultation, and we continually evolve our policies and procedures to reflect changes in context and community expectations. ANU has learnt from our recent experiences. We've updated and reviewed a number of our policies and procedures to ensure that, where individuals behave in ways that are contrary to their responsibilities, they can be held accountable.

The university has spent considerable time exploring the issues covered in this bill. Let me be clear: antisemitism has no place at the Australian National University or in the broader Australian society. Any form of prejudice, discrimination or racism is antithetical to what we stand for and strive for. We welcome the opportunity to continue to work with parliament, the special envoy, the Public Service, the community, student groups and other universities to understand and combat these changes. Again, I'm grateful for the opportunity to make the opening statement and to be here today.

**Prof. Williams:** I also would like to acknowledge that we are joining from the lands of the Kaurna people, where the university's campuses are. On behalf of the university, we welcome the opportunity to provide feedback to the inquiry and to outline some of the matters that are taking place at the University of Adelaide. Like my colleagues, the university condemns antisemitism and other forms of hate. While we support the Group of Eight submission, we'd also like to provide some of the nuances of the South Australian experience to the community.

To emphasise some of the key points in our submission, the University of Adelaide is deeply concerned by the ongoing conflict and the loss of life that is caused by the Hamas-Israel conflict. Further, the university is deeply troubled by the reported increase in antisemitic conduct in Australia and worldwide. The University of Adelaide is committed to eliminating such conduct on its campuses to the extent that it is reasonably possible. However, the university also recognises that this issue extends well beyond the university campus and requires a whole-of-society response.

On 1 May this year, a group of students established an encampment at the university's Maths Lawns, under the banner 'Gaza solidarity encampment'. The encampment was peacefully disbanded on 29 May 2024 at the

direction of the protest organisers. Regarding antisemitism on campus more broadly, the university has recorded a small number of reports of antisemitism as a result of the events of 7 October. Reports of antisemitism related to the activities of the protesters and criticisms of the actions of the Israeli government.

In general, the context of the words and phrases used is instrumental in determining whether a statement can reasonably be deemed harmful. While some speech may be considered antisemitic in certain contexts, we determined that this was not the case when these phrases were being used at the peaceful protest activity on campus. The university supports the lawful freedom of expression and allows peaceful protest by staff and students as long as it does not make people feel threatened or harmed. We look forward to working with our colleague institutions and the special envoy to fight antisemitism on our campuses.

**Prof. Brungs:** Thank you very much for inviting UNSW to participate in this hearing. We have been deeply concerned at the alarming rise in antisemitism since the terrorist attacks on Israel on 7 October 2023 and the violence and loss of life in the Middle East. My priority, as vice-chancellor, is to ensure that UNSW is a safe place for students and staff to learn, teach, research and work.

Recognising the rising scourge of antisemitism over the past year in Australia, UNSW has taken a range of measures to ensure our community, particularly Jewish students and staff, feel safe, welcome and supported on campus. They include, but are not limited to: an important university-wide consultation to upgrade and extend our antiracism policy to cover religious vilification, as well as updating all our codes of conduct to provide further protections for those experiencing vilification; increasing physical security, such as additional guards and patrols and increased security visibility, monitoring and removing posted material, and increased connection with local external law enforcement; an important increase in the feeling of safety, through measures such as improved risk assessments across UNSW events; revising the UNSW student onboarding training and orientation, with a specific focus on the UNSW code of conduct, to let student knows what they can expect of the university as well as what the university expects of them, with a deeper focus on inclusion and respectful behaviours and with case studies and links to anti-religious-vilification policies; ensuring senior staff meet regularly, both proactively and reactively, with relevant groups—staff, students, alumni and others—to respond to issues and concerns around antisemitism; balancing the right to free speech with student and staff wellbeing by revising what posters are displayed on campus in designated areas; a dramatic increase in the promotion of many pathways to make complaints and raise concerns, as well as a significant increase in the resources of staff to deal with such complaints [inaudible]; and, finally, increasing the direct support for students and staff through the expansion of confidential counselling and other sorts of programs.

Universities have always been places where scientific, geopolitical, ideological, cultural and religious matters are debated, sometimes fiercely, and it's good and necessary for society. However, an important role for us all is to ensure that people are—and fairly—safe on campus, and this is where our code of conduct comes in where a breach of appropriate action is taken. While I believe UNSW has a generally positive culture, we aren't and should never be complacent. We know that there is much more we need to do to make people feel safe. Systemic behavioural change requires time and consistency, especially across a community of 70,000 students and 10,000 staff. We are carefully monitoring the effectiveness of our current and new measures to identify what else is required, including learning from best practices in other places, and we're hoping for best practice out of this Senate inquiry as well. We help staff and students, particularly Jewish staff and students at the moment, feel safe and welcome at UNSW.

**CHAIR:** Thank you very much. We'll go to questions. I assume senators will direct their questions so that you know who is answering. Senator Henderson, you have the call.

**Senator HENDERSON:** Good afternoon to you all. Thank you very much for making the time to appear before us today. Professor Scott, you just said that you were sorry for the terrible stories you have heard from Jewish students and staff about their fear and distress. Are you sorry for the way you have managed antisemitism at the University of Sydney?

**Prof. Scott:** When I spent last weekend reading the submissions to this inquiry, when I watched the evidence of the antisemitism envoy to this inquiry the other day, I did reflect—and I've reflected with our senior team—that, whilst we have done work to manage this complexity, the stories we heard were heartbreaking, and the fact that anyone can feel unsafe in coming to a position of learning is unacceptable. We have put steps and measures in place this year to learn from the experience that has arisen from the encampment, but we reflect that there is much more that is still to be done. That's why we commit ourselves, and I've written to Jillian Segal, committing the university to work with her and her endeavours to reduce antisemitism all across Australia and to commit to working with her and other university leaders, particularly on the challenges that we face at our institution. So it has been very sobering and very saddening to read these testimonies. We are deeply sorry that this has been the

experience of some who have been studying and working at the University of Sydney. We know there is work to be done, and we're committed to doing that work. I'm happy to go into detail on the work that we've already started and the work that lies ahead.

**Senator HENDERSON:** Can I just direct you back to my question, though. Are you sorry for the way that you have managed antisemitism as the vice-chancellor?

**Prof. Scott:** I believe, as we reflect on our decisions and decisions that we have made over these recent months, there are certainly things that in hindsight we would have done differently.

**Senator HENDERSON:** Is that a 'sorry'?

**Prof. Scott:** I apologised in my statement. I said I was sorry for the experience of students. What I've said now, though, is: having been through those experiences at the university, we are putting in place a range of measures to do all we can to manage the tension that I know you've already talked about today, the tension of how you create an environment that is safe and welcoming for all members of the community but also a university that upholds the key principles that are central to a university about being a place for academic freedom and freedom of speech. This is one of the reasons why the university has commissioned a review by Bruce Hodgkinson to advise us. He is an expert on safety and health and wellbeing in the workplace. He is an expert in the area of psychosocial safety, which as you know is a growing legal requirement and responsibility. We are asking him how we manage that tension and whether we've got the policies and practices and protocols in place to be able to do all that we want to do, which is academic freedom and freedom of speech but safety, health and wellbeing for all in our community.

**Senator HENDERSON:** Professor Scott, thank you. I'm going to ask everyone to keep their responses as brief as possible. We've got a lot to get through. You've just mentioned this review, but isn't this review an admission of failure of your leadership?

**Prof. Scott:** No. What it is is a commitment of my leadership and the university leadership to acknowledge the demands of the last year, the hurt and the difficult testimony of those who have given evidence to you and those who have spoken to us—

**Senator HENDERSON:** I'm just going to have to draw you back to the question. The reason I talk about the failure of your leadership—we had a number of private discussions, which I'm not going to detail here—is that there were a whole range of issues where you didn't take appropriate action, not just on the encampment and allowing students to camp overnight, which is a breach of university rules, but in relation to the treatment of those two Tel Aviv university academics, in relation to the children's protest, in relation to the graffiti tunnel and in relation to the university not acting when you knew that there were members of the extremist group Hizb ut-Tahrir on your campus. Nothing was done to remove those people.

**Prof. Scott:** I know you want me to be brief in my response but you've raised five issues there. I'm happy to detail each of those issues and talk about them—

**Senator HENDERSON:** What I'm saying is: isn't that a failure of leadership because of the lack of action that was taken in relation to those matters?

**Prof. Scott:** What I would say is that throughout the encampment action was taken. Your first statement was the encampment was illegal—

**Senator HENDERSON:** No, I didn't say 'illegal'.

**Prof. Scott:** What was your phrase, Senator, sorry?

**Senator HENDERSON:** It was against university rules.

**Prof. Scott:** Sorry, it was not against the university rules. It is against the university rules now.

**Senator HENDERSON:** Okay, if we want to play these games, when this was raised with you, you could have easily changed your rules to make it clear that overnight camping is not permitted at the university. What I'm saying to you, Professor Scott—and this is part of why I'm raising concerns about your leadership—is that you didn't act. In fact, in May—I want to table this op-ed—you wrote an op-ed saying:

While the encampment at Sydney has mostly been peaceful, I appreciate its presence is deeply uncomfortable for some of our Jewish students and staff, and others on campus. They would prefer it was not there, and I am very sympathetic to that view.

However, as long as it remains peaceful, respectful and not disruptive to university life, it remains a legitimate protest.

**Prof. Scott:** Yes.

**Senator HENDERSON:** My point to you, Professor, is that for many weeks you allowed that encampment, which fuelled terrible antisemitic hate and incitement, to remain at your campus, and you did nothing to shut it down. Why was it the case?

**Prof. Scott:** Let me explain the decision-making process. Jillian Segal in her testimony to you the other day talked about how important it was to learn from the experiences of universities internationally. In the management of the encampment we were learning from the experiences of universities international. Universities like Columbia and UCLA, who brought riot police onto their campuses and arrested students, triggered violence on that day, increased violence, more destruction in the following days and unleashed further antisemitism on their campuses. That did not look like a process that we wanted to follow here. I was advised by—

**Senator HENDERSON:** But you—

**Prof. Scott:** It's a very important question, Senator.

**Senator HENDERSON:** I would ask you to come back to the question, and that is about why you didn't act earlier in relation to the encampment.

**CHAIR:** Senator.

**Prof. Scott:** Let me explain. In discussions with New South Wales police, when we talked with them about the possibility of clearing the encampment, they informed us they would do so with fully equipped riot police on campus. We felt that the risk of the violence that would ensue from that, the destruction of property, the other forces that would be unleashed would be a dramatic escalation, as we were trying to de-escalate the encampment and peaceably resolve it. So that was a decision we made. I know that the encampment caused distress to significant numbers of people in the community—

**Senator HENDERSON:** But you supported the encampment. That's the point I making.

**Prof. Scott:** I think there is a difference—

**Senator HENDERSON:** You never sent out the signal—

**Prof. Scott:** Let me be clear—

**Senator HENDERSON:** You never sent out the signal that this was inappropriate.

**Prof. Scott:** I would have been very happy for the encampment to go on day 1. What I recognise—

**Senator HENDERSON:** That's not what you said in May. You said it was a legitimate protest.

**Prof. Scott:** Yes. I would draw distinction. If you look at protests at a university like Sydney university, we have had anti-war protests for 100 years. We have had protests on myriad issues. Life at the university would have been that much easier and, I believe, the campus would have been that much happier without the encampment, but that does not mean that the price of shutting down the encampment in terms of the violence and the destruction that we think would have followed was something that we thought was a wise course of action. I accept that different people will hold different judgements on that, but that was the judgement that we made.

**Senator HENDERSON:** Going back to my question, do you stand by your view that you expressed in May—that the encampment which fuelled so much antisemitic hate and incitement was a legitimate form of protest?

**Prof. Scott:** The university has had long-established forms of protest. At the time the encampment was established, we had no rules, policies and guidelines at the university that would have enabled that to be a breach of our code of conduct. So, as a consequence of that, it continued. It was legitimate in that term. We have subsequently reviewed our campus access policy, which changes the rules and guidelines, and we have come to a view that there will be no further encampments.

**Senator HENDERSON:** I would put to you very clearly that some of the conduct at that encampment was in direct breach of your university code against discrimination, racial vilification and hate speech. You, Professor Scott, did nothing for weeks and weeks to address that conduct.

**Prof. Scott:** With respect, that's not true. There have been more than 40 complaints that have been upheld as a consequence of behaviour, not specifically on the encampment, arising from that. So it is simply not true to say no action has taken place. It's simply not true.

**Senator HENDERSON:** Please, don't mischaracterise what I'm saying. No action was taken to shut down the encampment. You openly supported the presence of the encampment despite the fact that Jewish students and staff were telling you that they were in fear and in distress and barred from going to some parts of the campus. You may have had a rethink now, Professor, but the concern I'm raising is that it took you way too long to come to grips with the damage this was doing to Jewish students and staff and not just to Jewish students and staff but to many students right across your university community.

**Prof. Scott:** This is why we were committed to de-escalation. We were committed to peaceful resolution. That's why we—and I know there are critics of it—engaged with leaders on the encampment. That's why we talked with them. That's why we got to a point where it was peacefully resolved.

**Senator HENDERSON:** I will move on because I have other questions. Can I ask you why—and this is on the public record—when you knew there were members of Hizb ut-Tahrir on your campus, you didn't take any action for quite a number of weeks until this was exposed in the media? Why didn't you take action in relation to the presence of that extremist group on your university campus which, in the words of Jewish students, were menacing Jewish students with their vile, horrific protests?

**Prof. Scott:** A safe campus remained our top priority. The encampment and protests that really emerged from 7 October represented a challenge for us. So we did what I think you would agree, I would hope, was the appropriate thing to do. We opened up dialogue with New South Wales Police around the engagement of this whole enterprise.

**Senator HENDERSON:** Why didn't you act to remove them or raise the alarm bells? The police, I understand—and this has been reported in the *Australian*—have a different view. They say they weren't contacted. But the point I'm making is: why did you tolerate this?

**Prof. Scott:** Let me explain how the campus operates. It is public space. There are 28 entry points to the campus. We don't have security checking people as they come in. The university is an open thoroughfare. Instead we said to the police, throughout the encampment, 'Let us know if you believe that there are extremist or violent or radicalised groups or behaviour manifesting among those who are attending the encampment,' as we realised that the encampment had people from the university and also from outside the university. That was a constant, ongoing conversation with the police. It was confirmed to me personally by Counter Terrorism in New South Wales, by staff from the most senior intelligence sources here in Canberra and by the briefing around foreign intelligence to the university's taskforce that at no stage during the encampment was there a belief that we needed to be concerned about extremist violence or radicalised behaviour.

**Senator HENDERSON:** Professor Scott, I refer to the New South Wales Police's testimony in the New South Wales parliament in July where they made it very clear that there was no information from your university to indicate that Hizb ut-Tahrir members were on campus.

**Prof. Scott:** But, Senator, I had a briefing—

**Senator HENDERSON:** What I'm putting to you is that you fundamentally failed to safeguard the safety of Jewish students and staff and all students because you failed to take the appropriate action. That has shockingly tarnished the reputation of the university on your watch.

**Prof. Scott:** With respect, the advice we followed around this was the advice of the police. We were in regular contact with the police.

**Senator HENDERSON:** The police say you didn't tell them.

**Prof. Scott:** We have queries with that answer. That answer was given in July. In June, I had a meeting with the Police Minister and Counter Terrorism to be briefed on Hizb ut-Tahrir.

**Senator HENDERSON:** Did you ask the police or report this to police?

**Prof. Scott:** Senator, we were talking with them constantly.

**Senator HENDERSON:** Did you report the fact that Hizb ut-Tahrir members were on campus to police?

**Prof. Scott:** Police knew Hizb ut-Tahrir were on campus because—

**Senator HENDERSON:** Did you report it?

**Prof. Scott:** I think this is a misrepresentation of what is happening with this group. This group—

**Senator HENDERSON:** I'm asking you a question.

**Prof. Scott:** Let me answer it, Senator. Hizb ut-Tahrir were at rallies that turned up at the University of Sydney. Those rallies were accompanied by New South Wales Police. Hizb ut-Tahrir were at rallies in the city that were escorted by the police every weekend. So there was a constant ongoing dialogue around who the groups were and whether there was risk of extremist, violent or radicalised behaviour. This was particularly important for us in May because we had quite big rallies on campus—supporters of the Palestinian group, supporters of the Jewish group—and most of the people at those rallies were from outside the university. We had constant conversation with the police about who were at those rallies and how to keep them safe.

**Senator HENDERSON:** You talk about the—

**CHAIR:** Senator Henderson, before you ask that question, I have about 10 minutes worth of questions. We're heading into the period where we've got to have a break for lunch. You've got two or three more questions before we'll have to hand the call over.

**Senator HENDERSON:** This is one of the problems; we did want to have more time. Professor Scott, do you believe that you have failed Jewish students and staff at the University of Sydney?

**Prof. Scott:** I have read those testimonies, as I've said. Those testimonies are searing, and if students have felt unsafe or unwelcome, if that has been their lived experience and if that is their testimony, then we have failed them.

**Senator SCARR:** It is their testimony, Professor.

**Prof. Scott:** That's exactly right.

**Senator HENDERSON:** So you have failed them.

**Prof. Scott:** Yes.

**Senator SCARR:** There are no ifs or buts.

**Prof. Scott:** I accept that. That's their testimony.

**Senator HENDERSON:** And you have failed them?

**Prof. Scott:** Yes. I have failed them and the university has failed them, and that is why we've made significant changes to our policy settings. That is why we have a further review underway. That's why we're committed to working with the antisemitism envoy and the Human Rights Commission Review and a judicial inquiry, if a judicial inquiry emerges.

**Senator HENDERSON:** I'm going to quickly go to Professor Bell, because my time is running out. Professor Bell—

**CHAIR:** You have one more minute, and then I'll take the call.

**Senator HENDERSON:** I'm very concerned to learn that a student who conveyed her unconditional support for Hamas—you gave me these assurances at Senate estimates that she had been expelled—is now back on campus, back as a student, campaigning to be elected as a new student president. How on earth has that possibly happened?

**Dr Bell:** You will remember from our exchanges about this at estimates that a couple of things are the case. Because of Australian privacy rules and our own rules, I won't comment on individual disciplinary cases. I can talk to you, as I did in June, about the processes that we have.

**Senator HENDERSON:** She's been identified, so I'm just going to ask you to cut to the chase, Professor Bell.

**Dr Bell:** I won't comment on individual disciplinary cases. What I can tell you is what I would have told you in June—that we have a process. That process is run from the identification of an issue, through an investigation, to a hearing, as is true with all good administrative processes.

**Senator HENDERSON:** I'm just asking you: how is it—

**Dr Bell:** There is an appeals process. When that appeals process is triggered, we constitute an appeals committee. They investigate and form an opinion about the decision that was made. That decision is then final for the university, as is again fitting in an independent administrative process. So it is the case that we will have disciplinary cases where there is an appeal, and one of the consequences of that appeal could be an overturning of the original decision.

**Senator HENDERSON:** So how is it acceptable for a student who conveyed unconditional support for Hamas in a radio interview, which brought your university into disrepute, to be permitted to continue as a student and run for the presidency of the ANU Students Association? How is that acceptable?

**Dr Bell:** I can't and won't comment on individual disciplinary cases. What I can also tell you about our student association—and, like many of my colleagues, we have a long and venerable tradition of having a student association—is that they have an electoral process that sits inside their policy suite and regulations. It is managed appropriately, and many different people choose to run for political office inside that.

**Senator HENDERSON:** Are you happy about that situation?

**Dr Bell:** Student politics are a complicated space. But one of the things about being a university is that we create room for our students to engage in creating their own political categories and behaviours, and at the moment—

**Senator SCARR:** This is not complicated, Professor Bell.

**Senator HENDERSON:** This has caused so much distress at your university—

**Senator SCARR:** This isn't complicated, for goodness sake.

**Senator HENDERSON:** We heard testimony this morning, saying that this has traumatised Jewish students. Professor, surely you can give a better response than that.

**Senator SCARR:** Procedural error.

**Dr Bell:** I can't imagine a world in which we think it would be a good idea for vice-chancellors to determine who should run our student associations.

**Senator HENDERSON:** But I can imagine a world where a vice-chancellor stands up and says that it's not acceptable for our students to be out there unconditionally supporting a terrorist group. I can imagine that world, and I would ask you to respond to that, Professor Bell.

**Dr Bell:** We have a set of academic freedoms and freedom of speech that sit at our university. We operate inside a legal construct from Australia. We have a disciplinary code of conduct.

**Senator HENDERSON:** So you're justifying this on academic-freedom-of-speech grounds?

**CHAIR:** Last question.

**Senator HENDERSON:** Is that right? Are you justifying the presence of this student running to be the ANU Student Association president as a freedom-of-speech issue?

**Dr Bell:** As is true with many of my colleagues who run universities, we are places where we have and firmly support the notion of academic freedom.

**Senator HENDERSON:** Wow.

**Dr Bell:** We also have a code of conduct and disciplinary rules, and when those rules are violated we pursue them.

**Senator SCARR:** I hope she doesn't win.

**CHAIR:** I have a couple of questions for all universities, but I'll direct them if I can. Just picking up on that issue around freedom of speech, we've discussed today the balance that's required to protect student safety, which of course is paramount and really important. The model code, the French code—I think that's what you call it for short—has come up a few times today. I wonder whether you might reflect on how that code interacted with the decision that you made, Professor Scott, around the encampment, particularly around what the universities are required to do to protect freedom of speech. Am I right that the model code was introduced through legislation in 2019, under the former government?

**Prof. Scott:** Yes.

**CHAIR:** What was it in response to at that time? Does anyone recall?

**Prof. Scott:** Well, I think there was debate—it was under the previous government—and there was concern that there was not the full licence of freedom of speech around a range of issues, and there was some criticism that universities weren't safe places for free speech. That isn't what Justice French found. But there was a model code that was spelt out for how universities should follow and put in place freedom of speech. The University of Sydney followed that. We had an independent review of that to see we had implemented the French code well. As I indicated earlier, I think we are now in an interesting place as we try and hold the tension between free speech and academic freedom and psychosocial safety. One of the things that the French code says is that freedom of speech cannot 'protect any person from feeling offended, shocked or insulted by the lawful freedom of speech of others'. I have asked—and been involved in debates with people—how are we going to as a university create an environment where robust free speech is encouraged and flourishes, as has happened at universities for centuries, whilst recognising that at times that will cause offence or people will be insulted or shocked, and then how do you then protect that in an environment of psychosocial safety? It is one of the reasons why we have gone to Bruce Hodgkinson and implemented this review to help us manage that tension.

**CHAIR:** Professor Bell, I can see you wanting to contribute. Maybe you can comment on, when there is that tension, is it about clarification of what is and is not hate speech in those circumstances?

**Dr Bell:** Chair, you raise a good and complicated point. Much like I imagine some of my colleagues, we have also found that the limits of legislation, our own rules, how freedom of speech arose as a set of rights and as a set of policy settings—and you're right from the French review—manifests itself is often attributed to an individual's act. But the notion of how someone experiences that can be a collective thing, and the tension at law between a rule and a legislation that adheres to an individual, and notions about harm—which are often collective—don't harmonise well. At our university, we are seeking both external legal advice on how to start harmonising both our

existing policies and these new legal requirements, because we are concerned there is a space in between them that is quite complicated.

**CHAIR:** The other question I had was around the relationship that the universities have with the regulator, the Australian Human Rights Commission study and the special envoy to combat antisemitism. I think you said, Professor, you've met with the special envoy. What work is happening with the current mechanisms that are in place?

**Prof. Scott:** As she testified the other day, she has really just begun her work, so we've had an informal discussion with her. I think the initial issues that she's raised are valuable and worthwhile. Is there value in a definition of antisemitism that's shared across universities? I think she talked about the possibility of convening vice-chancellors to discuss that, and at Sydney we would certainly be happy to be part of that. Part of it, as well, is learning from each other. We have a civic campus project that we are starting. We're very keen to learn from the experience of Monash and the work they're doing. I think, at a Universities Australia level and at a Go8 level, we are keen to learn best practice from each other. The Human Rights Commission work is, I think, at a very embryonic stage, and there hasn't been much engagement with that yet at all.

**CHAIR:** On the issue of complaints process and their handling: it's come up in the context of sexual harassment, as you know, and the government has introduced legislation for a national student ombudsman—an independent body. One of the things that the envoy said to us the other night, which I thought was really poignant, was that, perhaps, as leaders of your universities you have faith in the process and the rules that you have in place, but you might not know or might not be aware of how it's being implemented when there is a complaint. How do you approach that criticism that, even if you have a complaints handling process, you can have the best 22 page document in the world, but if it's not implemented properly, then that is where students are finding—you would have read the submissions—that they don't feel like they've got somewhere to go or an independent source to have their complaint dealt with. How have you dealt with that on your campuses in improving complaint handling processes? Anyone can jump in.

**Dr Bell:** We also learnt from our SASH experiences, as I'm sure you can imagine. For many of us, that has been a multi-year journey of how we create multiple forms of scaffolding for students and multiple places for disclosure as well as determining that we need to have what I would call better assurance and accountability practices. At the Australian National University, in addition to having a suite of policies and procedures, we have online disclosure tools that facilitate disclosures where it isn't as easy to go tell someone something. We also have a student safety and wellbeing committee that is a subcommittee of the university's council. It meets regularly to review our policy settings as well as the way they're being implemented and to get regular student feedback. It is mostly a student-led committee in that sense.

**CHAIR:** Thank you. Professor Pickering, in your submission, you picked up on a view that's come through in a couple of submissions. I acknowledge completely that not everyone agrees on this point. You picked up on the idea that a potential commission of inquiry could be used as a platform for public debate that could exacerbate antisemitic behaviour and distract from the urgent task of finding solutions. Is that experience based on the cohesion program that you're undertaking in your university, the feedback you're getting from students or even international comparisons?

**Prof. Pickering:** I think there are always a range of considerations when you think about what the mechanism or most appropriate mechanism is. Our comment in our submission is simply about that. It's about considering the range of options that are going to meet needs where there is a very legitimate desire to truly understand the causes, the depth and the breadth of antisemitism and its rise in Australia, particularly on university campuses. We always have to be alert to any unintended consequences for any decisions that we make in terms of whatever mechanisms that we come to use, but we would work any form of inquiry or any mechanism that is chosen by the parliament.

**CHAIR:** Thank you. I'm conscious of time. I've got a few questions I'll provide on notice about some of the action you took in relation to the encampments. In particular, how many times did you take action against students or staff who broke the code of conduct? I am interested in what form that action took. I will provide that question on notice so we can get some details and information about that.

That is all the time we have; we've gone quite over into our lunch break. Thank you very much for joining us today. We'll give you a date by which to return questions on notice to us.

**Proceedings suspended from 12:57 to 13:31**

**KRAYEM, Mr Ghaith, National Spokesperson, Muslim Votes Matter [by video link]**

**CHAIR:** I now welcome Mr Ghaith Krayem of Muslim Votes Matter. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses giving evidence has been provided to you and is available from the secretariat.

Mr Krayem, I made a statement at the beginning of the day about the conduct of the hearing. I'll just repeat some of those things to you so we can have a smooth hearing today. I've urged all senators and witnesses to reflect on the terms of the bill that's before the committee and ensure that discussion today is relevant to the bill. Witnesses are reminded that if they give evidence that reflects adversely on another party, the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond.

Do you have a brief opening statement that you'd like to make before we go to questions?

**Mr Krayem:** I do. Thank you, Chair and members of the committee, for the opportunity to speak today on behalf of Muslim Votes Matter. Muslim Votes Matter is a grassroots organisation dedicated to ensuring that the Australian Muslim community has a voice in public policy. We advocate for justice, human rights and equality for all Australians regardless of their background. As part of our mission, we stand unequivocally against all forms of racism and discrimination, including antisemitism. We believe in protecting the dignity of all communities, including Jewish Australians, and fully support efforts to combat antisemitism where it genuinely exists. However, we must start by questioning the necessity of this specific legislation.

Given the concerns that our submission raises in relation to the IHRA definition of antisemitism, we believe it's a valid starting point for the committee to separate acts aimed at the State of Israel and its application of Zionism from genuine antisemitism. If this is done, the question then becomes: what evidence exists to suggest that antisemitic incidents at Australian universities are significantly more prevalent or severe than other forms of discrimination, such as anti-Muslim or anti-Palestinian racism? We're not saying that it doesn't exist or hasn't increased. We're asking the committee to consider separating out activism against Israel and its application of Zionism from genuine antisemitism.

If the focus of the bill is to tackle antisemitism specifically, we must ask: why does it not address the parallel rise in Islamophobia or anti-Palestinian sentiments, which are also pervasive on university campuses? By introducing legislation that addresses only one form of racism, we risk further marginalising other communities which face daily discrimination. Muslim and Palestinian students have experienced increasing hostility, often correlated with international events such as the ongoing conflict in Gaza. We must question why legislation that targets antisemitism alone is being prioritised, and whether this bill is genuinely needed or proportionate, particularly when broader antidiscrimination frameworks could address all forms of racism comprehensively.

Some of our key concerns include the conflation of political criticism with antisemitism. While we support efforts to combat antisemitism, the bill's reliance on the International Holocaust Remembrance Alliance definition raises serious concerns. That definition, by conflating criticism of Israel with antisemitism, risks suppressing legitimate political discourse, especially during this critical time, when advocates are speaking out against the ongoing violence in Gaza. It's essential to distinguish between genuine antisemitism and legitimate criticism of state policies. Advocacy against genocide or human rights violations, such as the atrocities unfolding in Gaza, is not antisemitism but rather an expression of fundamental human rights.

The bill could disproportionally target those who are advocating against genocide in Gaza or criticising Israel's policies. We are concerned that pro-Palestinian and antigenocide students and academics, who are often at the forefront of these discussions, will face increased scrutiny or even accusations of antisemitism for their activism. Movements like BDS, which focuses on peaceful protest and advocacy for Palestinian human rights, could be unfairly labelled as antisemitic. This would have a chilling effect on free speech, making universities less open to political debate, particularly on contentious international issues. The bill's adoption of the IHRA definition poses a threat to academic freedom by blurring the line between antisemitism and valid criticism of Israel. Universities should be places where complex global issues can be freely discussed, yet this bill risks silencing scholars and students who wish to critique Israel's actions, particularly in light of the ongoing violence in Gaza. Political dissent is an essential component of the democratic debate and must not be curtailed by fear of legal repercussions or accusations of hate speech.

If the bill was to proceed, to safeguard free speech while addressing genuine antisemitism, we strongly recommend adopting the Jerusalem Declaration on Antisemitism, instead of the IHRA definition. The JDA provides a clearer distinction between antisemitism and legitimate political critique of Israel, ensuring that the voices of those who oppose the violence in Gaza or who support Palestinian human rights are not silenced. The JDA framework better protects the principles of free expression, academic inquiry and human rights advocacy.

The bill's inclusion of provisions that categorise boycotts and nonviolent protests, such as those in support of the BDS movement, as antisemitic is particularly troubling. Boycotts are internationally recognised as a legitimate form of political expression. Attempts to criminalise the protests undermine fundamental democratic freedoms. It's essential that these forms of political dissent, particularly in the context of the ongoing violence in Gaza, are not targeted by this legislation.

We urge the committee to undertake broader consultation with communities that will be most affected by this legislation, including Muslims, Palestinians, pro-Palestinians and other marginalised groups. These voices are essential to ensuring that the bill is equitable and does not disproportionately impact specific communities. Furthermore, any legislative measures should adopt a comprehensive approach to discrimination, addressing Islamophobia, anti-Palestinian sentiment and all forms of racism, rather than focusing solely on antisemitism. To prevent unintended consequences, we recommend implementing mechanisms for regular review and oversight of the bill's impact on free speech, academic freedom and political activism. These measures would ensure that the bill remains in alignment with democratic values and that any unintended negative consequences, particularly for Muslim and Palestinian students, are identified and addressed.

In conclusion, while we unequivocally support the fight against antisemitism, we believe this bill in its current form risks creating a disproportionate focus on one form of racism at the expense of others. Antigenocide advocacy, particularly in light of the ongoing violence in Gaza, should not be conflated with antisemitism. We urge lawmakers to reject the bill outright or, alternatively, to refine the bill to ensure it balances the protection of Jewish Australians with the fundamental rights of free speech and political inquiry, especially for those advocating for justice and human rights in the face of genocide.

**CHAIR:** Thank you so much for your contribution. Senator Scarr?

**Senator SCARR:** Thank you very much, Mr Krayem, for appearing today. It's greatly appreciated. I read your submission in detail. I've got some questions in relation to this definitional issue, in terms of antisemitism. I'll put some questions to you, but we have a process in the Senate where you can take something on notice, so, if you and your advisers reflect and want to provide further information in response to these questions, I'm quite happy. I'd be interested to know your considered response to some of these issues.

**Mr Krayem:** Definitely.

**Senator SCARR:** I note the concern with the definition of 'antisemitism' which is proposed, and the particular concern—and I picked up something you said during your opening statement: 'the conflation of political criticism and criticism of Israel with antisemitism'. That's a particular concern you have with the definition that's proposed; is that correct?

**Mr Krayem:** That is one of them, essentially, yes.

**Senator SCARR:** To what extent is that addressed? I received your submission and I went and had a look at the particular definition which is proposed—the International Holocaust Remembrance Alliance definition. I might just read this into the *Hansard* so we've got it on the record. It's:

Adopt the following non-legally binding working definition of antisemitism:

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

That's the definition, and then the statement says, 'To guide IHRA in its work, the following examples may serve as illustrations'—so you've got the definition and then you've got a number of examples. There's this statement in the preamble to the examples:

However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

I'll just finish the question and then we'll give you a chance to respond. To what extent does that qualification, if you like, provide some comfort that, if someone is raising concerns about the Israeli government's policies in a particular regard, that isn't going to cross the line into antisemitism?

**Mr Krayem:** It actually doesn't, because the practical way this definition has been applied in almost every jurisdiction where it's been taken up internationally hasn't stopped at that statement. When you look at the examples that that definition then gives, the criticism of Israel has absolutely been taken as antisemitic—and I'm happy to take that on notice and provide the committee with evidence from international jurisdictions where this has actually happened. So we're not confident, in any sense, that, when that definition is applied, that limitation will have a practical outcome.

**Senator SCARR:** I'd be very interested to see some examples, so I'm pleased you've taken that on notice. Have you had a chance to read any of the other submissions to the inquiry? I note you may not have had time. I'm just asking that so I've got an indication as to how much preamble to give you on my next question.

**Mr Krayem:** No, not in detail. I've had a glance at a few of them, just to get a feel of what some of the responses are, but I haven't read them in detail.

**Senator SCARR:** I just want to quote this to you—and, again, feel free to take this on notice. I'm just exploring this issue of to what extent the definition that's proposed does still enable legitimate criticism of Israeli government actions. This is a quote from the submission of the Executive Council of Australian Jewry. It's on page 4:

> This is not to suggest that it is antisemitic to criticise Israeli government policies or practices or the statements and conduct of Israeli political figures, in the same way that criticisms are levelled against other governments and political figures. Nor is it antisemitic to hold particular views about the borders of Israel, settlements, refugees, the legal status of Jerusalem or the viability of a two State outcome to the Israel-Palestinian conflict. Among Israelis, the Jewish people and others who support Israel there is a wide range of views about these issues. However, the discourse about Israel on many university campuses in recent years, and especially since the Hamas atrocities on 7 October 2023, has gone well beyond discourse of this nature.

So the Executive Council of Australia Jewry lists a number of things where, from their perspective, it's quite legitimate for there to be criticism of Israel and it doesn't cross the line into antisemitism. Again, I'm happy for you to take it on notice, but I'm reading that list—the borders of Israel, settlements, refugees, the legal status of Jerusalem or the viability of a two-state solution—and it seems to me to cover a lot of the field as to what would be legitimate political criticism. I'm interested in knowing what it is outside of that domain that is the particular concern of your organisation.

**Mr Krayem:** It's pleasing to see that they've put that in their submission. I have two points. I go back to my first point that practical application of this definition internationally has not coincided with what our colleagues have put in that submission. The second point I would raise is: why would there be an objection to taking up the Jerusalem declaration? That's a much clearer definition which takes away the ambiguity around the criticism of Israel. Why are we focusing on this one particular definition when there's another one—in fact, there are two others internationally which are more accepted as definitions of antisemitism. We're proposing another one which takes away this ambiguity that we see exists around the criticism of Israel. We would encourage the committee to have a look at the Jerusalem declaration as another definition that can be used and that we think is much more widely acceptable.

**Senator SCARR:** I understand the submission that's been made. I've done a little bit of research into the views in relation to the Jerusalem Declaration on Antisemitism. Do you accept the proposition that that definition is also contested? There are people who support the International Holocaust Remembrance Alliance definition who believe there are issues with that definition. Do you accept that as a proposition?

**Mr Krayem:** Of course there are. There's no question that any definition is going to be contentious. The other point that we would raise in relation to the IHRA definition is that it was never intended for the purposes of legislation. That's not what that definition was created for, and we would urge the committee to look at why that definition was created to start with and to look at the comments of the person who drafted that definition about how it's been applied in legislation. The creator of the definition himself is not supportive of that definition being used for legislative purposes.

**Senator SCARR:** I am very interested to get your views on notice after you've had a chance to reflect. On that statement I drew you to from the Executive Council of Australian Jewry with regard to how they see it: does that provide some comfort that at least there are areas they recognise as legitimate political criticism that doesn't go into antisemitism?

**Mr Krayem:** It absolutely does. If those words made their way into the bill itself so the bill was very clear that those things are not part of the definition of antisemitism, part of our concerns would certainly be allayed.

**Senator SCARR:** Okay. Thank you very much.

**CHAIR:** I read your submission. Obviously, we've had some really heartbreaking evidence from students not just in the hearing today but also in submissions that we've received about some of the fear for their safety that they've held over the last 12 months. You raise the issue that there are also some issues for other students, particularly those who have Palestinian advocacy roles: that there is also behaviour which could be described as anti-Muslim, anti-Palestinian or Islamophobic. We don't have another opportunity from any other witness to get this type of evidence, so have you spoken to students in your community? How are they feeling on campus? I

preface that by linking it back to the bill. Your submission supports the idea that a broader-ranging body of work is required to deal with racism in all forms, so I'm wondering about your experience there.

**Mr Krayem:** I've spoken personally with students and academics. I want to talk about the academics first. I've been approached by anywhere up to 20 academics in the last 12 months, many of them close to tears because of things that have been said and done on university campuses. I've seen screenshots of staff messaging boards on campuses—I'm not at liberty to say which ones—where the things that have been said are absolutely horrific. This is anti-Palestinian, anti-Muslim stuff. These are exchanges on staff messaging boards.

I'm certainly happy to go back and get permission from some of those individuals to share their experiences, and I'm happy to forward that back to the committee, but we're talking about staff who are feeling isolated, feeling that they can't speak out, feeling that when they do say anything that just expresses their concern about what is going on that they are being shut down. There are students who are feeling that just speaking out puts a target on their back, that they are being unfairly treated just because they're supporting or posing what they consider to be horrific things happening overseas. I think there's a submission by the Australian Muslim Advocacy Network. I haven't read it in detail, but I think their submission highlights some issues around Islamophobia and anti-Palestinian sentiment. I'm happy to take that on notice, Chair, and provide you some case studies of those things.

**CHAIR:** Thanks for that. I acknowledge that we have received submissions from academics in the course of receiving submissions, and receiving responses to the submissions we've received, and that's certainly one of the issues that has been raised. You talk about how one of the risks of an inquiry is that conflation issue—sorry, not the conflation issue but the singling out of antisemitism as opposed to a broader combatting of social cohesion. In relation to the work the Australian Human Rights Commission is doing, have you had an opportunity to engage with that work so far?

**Mr Krayem:** Not the most recent work, in terms of their inquiry. But, with all due respect, the role that the Human Rights Commission has played in the last 10 months has been disappointing from my community's perspective. I've supported three separate individuals or groups who raised matters with the Human Rights Commission, and every single time the commission has come back and said, 'This is not an issue for us to be involved with.' If this current issue isn't something the Human Rights Commission will take up on behalf of people who feel they've been unfairly discriminated against—you know, pro-Palestinian people—then one question is: what would they take up? We don't have any confidence, at the moment, that the Human Rights Commission is applying a fair assessment of all these sorts of matters.

**CHAIR:** Does it surprise you to hear that that's the view of the Jewish community as well?

**Mr Krayem:** I'm not surprised at all. It's not a normal time, unfortunately. It's a terrible time for all parties on this issue, and I guess that's part of the reason why we're saying a broad one that looks at all of these issues is probably better than one which singles out just one particular aspect.

**CHAIR:** That's right. You don't support the bill in its current form. You've made some recommendations that if there was that broader consultation, that's what you would support—those safeguards for freedom of speech and academic freedom. You also make a recommendation about mechanisms for regular review and oversight, particularly of freedom of speech and academic freedom and discrimination. What would that look like to your community, that regular review and consultation?

**Mr Krayem:** It's about this issue of whatever definition ultimately makes it into the bill is applied. So the conversation we've just had, in reality. Where individuals who have allegations of antisemitism raised against them, who feel that it's not antisemitic but it's pro- or anti-Israel advocacy, if I can use that expression, there needs to be a process where those incidents can be reviewed and looked at. Where we can see whether or not the intent of the bill is still being adhered to or whether, unfortunately, the spread that has happened in other jurisdictions where this definition is being applied is occurring here and how we make sure that doesn't happen. That's the essence of that part of our recommendation.

**CHAIR:** There's just one last question from me. We had some evidence from a previous witness about their attempts to work across communities. I'm not sure of your work but I'm wondering whether you've had the opportunity to, or are seeking to, work with communities, whether they're Jewish communities or other communities, and what that work looks like to you—and the importance of it.

**Mr Krayem:** Specifically in terms of the antisemitism area?

**CHAIR:** I guess the social cohesion question.

**Mr Krayem:** It's been challenging, without question, in the last 10 months to work cross-community, given the circumstances. We are absolutely open to that—there's no question about that—but there are some fundamental principles. You can't build social cohesion when one side of the discussion—and this applies to both

sides of this; I'm not saying it applies only to us—feel that they don't have an opportunity to voice their concerns. I'm only speaking on the pro-Palestinian and Muslim side of things. We don't feel that in the current environment we are given an opportunity to have our concerns raised. We're being told social cohesion means 'keep quiet'. You can't build social cohesion when you're being told to be quiet, when you don't have a safe space to raise your concerns. I accept that that is probably the same sentiment my Jewish cousins are feeling as well. So there's some groundwork that I think we need to lay to create safe spaces to have some of those conversations.

I have conversations with individual members of the Jewish community who I reach out to and who reach out to me. We talk about what something like that looks like, and it's quite challenging. We're trying to build some principles that can underpin that sort of discussion, but it's not an easy thing to do.

**CHAIR:** Thank you. They are all the questions I have. Our next witnesses are waiting, so—

**Senator HENDERSON:** I have just got a couple of questions, thank you, Chair.

**CHAIR:** Sure. We're due to go to the next witnesses.

**Senator HENDERSON:** Yes, sure. I'll be superquick. Mr Krayem, thank you so much for your time. The rationale for a judicial inquiry is because of the failure of universities to keep students safe on campus. I just want to reflect, as the shadow minister for education, on one of the most powerful conversations I've had in my time in the portfolio. It was with the leader of an Islamic school network in Sydney. He actually said, 'Thank you for what you're doing on antisemitism, because Muslim parents and families do not want to send their children to a university with division or chaos or disharmony.' For me that was incredibly powerful, because every Australian deserves to go, and every young Australian deserves to go, to a university campus which is fuelled with tolerance and harmony. Can I ask you to respond to that.

**Mr Krayem:** I agree a hundred per cent, Senator. There is no question about that. The issue that we raise is that an inquiry of this nature should look at all of those issues, not just an issue impacting one part of the community. We agree a hundred per cent with that sentiment.

**Senator HENDERSON:** You have raised some very important concerns that Muslim families need a safe space to raise their concerns, just as Jewish Australians need a safe space. I note you are, obviously, running a grassroots campaign against, principally, many Labor MPs, including the education minister. Do you have any particular concerns in that respect—that you don't feel that the government has provided you with that safe space?

**Mr Krayem:** I don't think the grassroots campaign we're running is particularly relevant to this particular conversation, Senator. They're separate issues, from our perspective. We will raise our concerns around education with all the political parties, not just one.

**Senator HENDERSON:** So what's motivating you? In relation to this—obviously, in relation to this bill—can you describe what sort of safe space you need. Clearly, as I mentioned, Islamic families do not want to send their children to a university full of division, hate and incitement, so how could universities improve the situation for Muslim students and all students?

**Mr Krayem:** I think it's about providing an environment where all students and staff have the ability to have genuine discussion and conversation about international and complex and critical issues.

If you take the current environment, the fact that students and staff can't wear a particular item of clothing or feel unsafe if they wear a Palestinian solidarity pin—and these are real incidents—that's not a safe environment for anybody, because, ultimately, at some point, those sorts of things get applied to a whole range of different people. Universities should be places where people of all backgrounds, all faiths, all beliefs and all ways of thinking have an opportunity and a space to be able to have conversations around those issues without fear that there will be a backlash over those conversations. Obviously there's that line that we're all talking about: where do you move from genuine debate and conversation into racism? That's absolutely something we've got to look at, but it has to be looked at across the board—not just for one part of that university community, but for all parts of it.

**Senator HENDERSON:** I take it you abhor all forms of antisemitism? We've heard many incidents before us today of antisemitism—some very extreme and distressing stories. You would share the concerns of Jewish students and staff in relation to those terrible incidents?

**Mr Krayem:** Absolutely. There's no question that there's been a rise in antisemitism in the last 10 months, no question about that at all. No-one should feel that they have to put up with that sort of environment in a university situation. What we would say is that there's been just as much of an increase in anti-Palestinian, anti-Muslim and Islamophobia sentiment at universities. Our question is: will you need to look at all of those and create a safe space for all students and staff?

**Senator HENDERSON:** Thank you very much.

**CHAIR:** Thank you for joining us today. They are all the questions and all the time that we have today. We appreciate it, if you've taken anything on notice, we'll give you a date to give that back to us.

**Mr Krayem:** Thank you.

**CHAIR:** Thank you very much.

**GOODING, Ms Gabrielle, National Assistant Secretary, National Tertiary Education Union [by video link]**

**HEDUS, Mr Sa'Jacinto, Ethnocultural Officer, National Union of Students**

[14:02]

**CHAIR:** Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. You may have heard me give a preamble before witnesses have joined us, and I'll say the same thing to you as witnesses. I ask all witnesses and senators to reflect on the terms of the bill and ensure that discussion today is relevant to it. Witnesses are reminded that, if they give evidence that reflects adversely on another party, the committee is generally required to give that party reasonable access to the evidence and an opportunity to respond. Do you have any comments to make on the capacity in which you appear today?

**Mr Hedus:** I am currently a student at the University of Queensland.

**CHAIR:** Thank you very much. Before we go to questions, do either of you want to make an opening statement?

**Mr Hedus:** I would.

**CHAIR:** We'll start with you, Mr Hedus.

**Mr Hedus:** Good afternoon, committee. I would like to first acknowledge the traditional custodians of the land that we meet on and pay my respects to elders past, present and emerging, and acknowledge that sovereignty was never ceded. I would also like to thank you, Committee Chair Senator Green and Deputy Chair Senator Scarr as well as the rest of the committee for inviting the National Union of Students here today to speak.

The NUS has had a long history in promoting the rights of all students in tertiary education. This has had come with a strong variety of views over the years that reflect the immense diversity within the students our universities hold, both domestic and international. In my position, it is my responsibility to supervise the NUS's activities in the area of ethnocultural diversity and anti-racism, including in the realm of antisemitism. It is evident that antisemitism has been rising across our campuses for several years now, alongside racism generally. Even prior to 7 October, issues revolving around and intersecting with antisemitism have been repeatedly politicised or have been exploited for selfish reasons by both political and radical self-interested groups, both on and off our campuses. Since 7 October, these issues have only flourished and have resulted in the tragic situation that we are confronted with today.

In this time, universities have been consistent in demonstrating that they are unable to properly handle antisemitism or even racism in any regard. This is why we support both the inquiry into antisemitism and the Human Rights Commission's study into the prevalence and impact of racism in Australian universities—which has also already expressed antisemitism as one of its core focuses—and also encourage that this include the opportunity for Jewish staff and students to have their voices heard in confidence, without fear of reprisal. Thank you.

**CHAIR:** Thank you very much. We'll come to questions in a moment. From the NTEU's perspective, Ms Gooding, do you have an opening statement?

**Ms Gooding:** Yes, I do. I'm the National Assistant Secretary of the NTEU, a position I've held since 2018. Before that I was the WA secretary of the union and, before that, I worked for 25 years at the University of WA, which is just to say that I have had a long association with higher education.

The NTEU has a strong history of opposing discrimination in all its forms, including discrimination on religious grounds. In fact, our antidiscrimination policy is the strongest of all our many policies in that it commits us to active zero tolerance of discrimination in perpetuity. We view with very grave concern the rise of antisemitism, Islamophobia and intolerance in our communities and, indeed, globally.

Universities are microcosms of society, and it's no surprise that global trends and issues such as these are reflected in our higher education institutions. But universities are also places where vigorous debate is the norm, as it should be, as that is absolutely essential to challenging ideas and advancing knowledge. They are places that are built on freedom of speech and academic freedom and places that have a rich history of peaceful protest. We believe that the maintenance of these fundamental characteristics of universities is critical if they are going to play their role in a civil society.

Notwithstanding our deep commitment to eliminating discrimination, we oppose the bill as it's currently formed on a number of grounds, including its potential to undermine those key characteristics that I just described. Any good researcher will tell you that you cannot effectively investigate an event, trend or

phenomenon without examination of the context in which it arose. The narrow focus of the bill prevents this and also runs the risk of hindering wider efforts that are already in train. We strongly agree with the submission of the group of eight universities in this regard.

Secondly, the bill cuts across the protections of freedom of speech and academic freedom that are required at universities via the Higher Education Support Act. Thirdly, we have grave concerns that the explanatory memorandum indicates that the proposed inquiry may have the power to interrogate the contents of lawfully negotiated enterprise agreements. This would be a significant and unprecedented overreach.

Finally, we are bemused as to why NTEU has been explicitly named in the explanatory memorandum. We strongly oppose antisemitism, we have a longstanding policy position in support of a two-state solution and we have no control or power over the actions taken on campus. While some of our members have very strongly held and divergent views on the topic, it's very important that we do not seek to control the behaviour of our members outside of the direct sphere of their union endorsed activities. The idea that we would do so is anathema to our commitment to academic freedom and freedom of speech. I'll do my best to answer any questions you have for me today.

**CHAIR:** Thank you very much. I think we will have plenty of questions.

**Senator HENDERSON:** Ms Gooding and Mr Hedus, thank you very much for your time today. Ms Gooding, I appreciate and will take up the very last point you made—that you don't have the ability to control the individual actions of members of your union. However, you do have the ability to choose your office bearers. Is that correct?

**Ms Gooding:** No. Our office bearers are all elected by members. We're a highly democratic union. We have over 800 elected positions.

**Senator HENDERSON:** What are the consequences when an elected official with the union steps out of line?

**Ms Gooding:** If an elected official steps out of line in the sense that they breach our code of conduct, then an investigation is held and appropriate action determined, which can involve anything from a temporary halt in their use of union resources all the way up to the expulsion of membership.

**Senator HENDERSON:** So your code of conduct prohibits any form of discrimination or racial vilification?

**Ms Gooding:** Yes, it does.

**Senator HENDERSON:** Are you aware of the controversy surrounding Mr Nick Riemer, who I understand is the president of the NTEU University of Sydney branch?

**Ms Gooding:** I'm aware of some controversy. I would point out that Mr Riemer is no longer the president of the NTEU Sydney branch.

**Senator HENDERSON:** Does he have any position with the NTEU now?

**Ms Gooding:** I would have to check that, but, if he does, it would only be a branch committee member position, not a leadership position.

**Senator HENDERSON:** For how long was he was the president of the Sydney uni branch of the union?

**Ms Gooding:** I'd have to take that on notice, Senator. I don't know.

**Senator HENDERSON:** I wasn't aware that he was no longer the president, but I certainly am aware that he was the president for some time. I have to raise very serious concerns about his conduct because, as a representative of the NTEU, he has said and done some very concerning things. Has he been under investigation at all by your union?

**Ms Gooding:** No. We've had no complaints made through our code of conduct against Mr Riemer.

**Senator HENDERSON:** I'll make a complaint right now. I say that a little bit rhetorically because my understanding is that Mr Riemer was involved in protesting outside the room where two Tel Aviv University academics were barricaded for more than an hour, which has caused them enormous fear and distress. Now the president of Tel Aviv University has written to Professor Mark Scott raising serious concerns about the treatment of his visiting staff under the leadership of Professor Scott. Are you aware of that incident at all?

**Ms Gooding:** No. I'm not.

**Senator HENDERSON:** You haven't heard anything about that.

**Ms Gooding:** No.

**Senator HENDERSON:** Were there any representations or concerns raised that Mr Nick Riemer should not continue as an official of NTEU?

**Ms Gooding:** Not as far as I'm aware.

**Senator HENDERSON:** Could you take that question on notice and come back to the committee?

**Ms Gooding:** Sure.

**Senator HENDERSON:** I am deeply concerned about some of the conduct of Mr Riemer as a representative of the union. It seems to me that he is not, at the very least, complying with your code of conduct. I think the most egregious conduct that I've seen is in relation to the protests where he actively called for people to protest at the university, barricading those two women into a room. It does concern me that no action was taken. It does concern me that you're not aware of this. Are you able to take on notice and investigate whether any concerns were raised with your union?

**Ms Gooding:** Yes, I can do that.

**Senator HENDERSON:** Have there been any complaints regarding any other officer of the union in relation to not complying with your code of conduct concerning racial vilification, discrimination or hate speech?

**Ms Gooding:** No, there have not.

**Senator HENDERSON:** And you say that there's never been a complaint?

**Ms Gooding:** No. I'm saying there haven't been any complaints to my knowledge since 7 October last year.

**Senator HENDERSON:** Since October 7. I'm not suggesting that this person is an official with your union, but she is a member of the academic staff, Dr Randa Abdel Fattah. She was the academic who encouraged children to chant 'intifada' in a protest at the University of Sydney. I appreciate that she's an academic, but, when you see things like this happening, as the union responsible for academic staff in our universities, what is your response?

**Ms Gooding:** First of all, we are not responsible for academic staff at universities. We represent academic staff at universities, and there's a considerable difference between being responsible for them and representing them. I do not know whether she's a member or not, but, as I've said, the union has a very, very strong commitment to opposing antisemitism and racism in all its forms and discrimination. And, of course, I might need to distinguish that, as I said in my opening statement, the union only seeks to police the behaviour of our members in union endorsed and associated activities. If they're not union-endorsed activities, then they're not within our sphere of influence.

**Senator HENDERSON:** So, therefore, the code of conduct does not apply if it's not a union-endorsed activity?

**Ms Gooding:** That is absolutely correct, yes.

**Senator HENDERSON:** So, therefore, outside of official union type organised events or campaigns or rallies, or whatever the gathering might be, in relation to any other conduct, your code of conduct does not apply to NTEU officials?

**Ms Gooding:** That is absolutely correct, because we don't seek to legislate or control the behaviour of people outside of activity within the union's sphere. We don't think that's in any way appropriate.

**Senator HENDERSON:** Have there been any complaints in relation to any union organised event about discrimination or racial vilification that were not upheld?

**Ms Gooding:** As I said, we've had no complaints through our code of conduct process, but in preparation for this hearing, I went through our complaints process more broadly, which is mostly collected via a particular email site. Since 7 October last year, we've had 57 resignations of our members, which equates to about 0.2 per cent of our membership, citing concerns around Middle East policy generally. I can break those down for you if you like.

**Senator HENDERSON:** Are these resignations from Jewish academic staff?

**Ms Gooding:** We have no way of knowing that. We don't collect information about the religious or political affiliations of our members. We would only know that if they had self-identified, and we certainly don't ask them to.

**Senator HENDERSON:** Could you break down by category the nature of the resignation and whether it was because of the way they were treated on campus or in the workplace as a result of antisemitism?

**Ms Gooding:** No. Of those 57, 23 thought our official position was too pro-Palestine; 14 were taking an objection on principle grounds to the union taking political positions; 13 stated they thought that the union's national statement was antisemitic; two objected to a petition to UniSuper, our industry fund, to divest from armament manufacturers who support Israel; two were for supporting the ANU student encampment; one opposed an academic boycott; one for failure to condemn the Australian government for supporting Israel; and one for failure to condemn genocide in Gaza.

**Senator HENDERSON:** What is the pro-Palestinian platform to which those complaints refer?

**Ms Gooding:** They would be referring to the two national statements that were part of our submission.

**Senator HENDERSON:** Could you describe for the committee in summary what those statements are?

**Ms Gooding:** The union has a policy position that supports a two-state solution. I can dig that out for you in about two seconds and send it to you. We also have statements made by the union in October last year and in April this year. The statement made in October this year—I'll get that out so that I make that I get that absolutely correct.

**Senator HENDERSON:** I'm having a quick look at these statements. You could take that on notice in terms of the actual statements. In the statements you've made, have you at any time condemned Hamas, their terrorist attack?

**Ms Gooding:** Yes, in the first statement.

**Senator HENDERSON:** Could you point me to that statement? What date was that statement made?

**Ms Gooding:** That was the October statement.

**Senator HENDERSON:** If you could, on notice, have a look at that statement—

**CHAIR:** It's in the submission.

**Ms Gooding:** It's included in the submission.

**Senator HENDERSON:** Thank you. In response to those resignations, what action have you taken? Is there any correspondence that you've had with those members who have resigned?

**Ms Gooding:** We always acknowledge members who have resigned, depending on the tone of the email, but most of them have been very polite or very short emails. We've responded reasserting our view that we condemn Hamas, but we also call for immediate ceasefire and immediate, unconditional release of hostages.

**Senator HENDERSON:** Have you at any stage condemned acts of antisemitism on any university campus?

**Ms Gooding:** Not formally, no.

**Senator HENDERSON:** Is there any reason why you haven't done that?

**Ms Gooding:** We wouldn't do that unless we were receiving reports or complaints from our members about acts of antisemitism. As I just said to you, we haven't had any through that complaints system—as far as I checked it yesterday afternoon. I think that possibly reflects the observation that people are aware that the union doesn't control the activities of people on campus.

**Senator HENDERSON:** Thank you very much, Ms Gooding.

**CHAIR:** I have a couple of questions about the bill. Firstly, for the NTEU, you note that the current form of the bill, or perhaps the explanatory memorandum—I'll just get the wording in front of me from your submission. The explanatory memorandum specifically references the NTEU as a representative body to be investigated. You touched on this previously with Senator Henderson, but could you clarify for the committee what the role of the union is in relation to your members? You said representation versus responsibility. Could you explain that a little bit more for us, because it is specifically referred to in the explanatory memorandum.

**Ms Gooding:** As we said in the submission, we don't control the behaviour of individual members of our union, and we don't seek to do so. We're a union that's incredibly democratic and we encourage both free speech and freedom of opinion—and, of course, academic freedom. So we don't seek in any way to control the behaviour of individuals, unless they're part of an official or endorsed union activity. That includes online.

**CHAIR:** You allude to this in your submission, but are the universities themselves the organisations that would be responsible for the behaviour of those members on campuses?

**Ms Gooding:** That is correct, yes.

**CHAIR:** As their employer?

**Ms Gooding:** That's right—through their various policies and collective agreements.

**CHAIR:** You also raise other issues with the bill, and there is a topic that's come up multiple times today about the need to balance freedom of speech—and, particularly, academic freedom. That's difficult. It's not always black and white. What do you see as some of the issues with the bill itself and the risk to academic freedom or freedom of speech?

**Ms Gooding:** The bill and the explanatory memorandum, taken together, seem to be proposing a position where academics in particular—but, in our case, anybody who works on a university campus—will be limited in

what they can say, particularly in relation to criticism of the State of Israel, as opposed to antisemitism. That's a very significant threat to freedom of speech. The explanatory memorandum also talks about what could and could not be involved in teaching materials, and that would be a direct threat to academic freedom.

**CHAIR:** I'm just guessing here, but is that derived from the particular definition that's provided in the bill and explanatory memorandum about antisemitism?

**Ms Gooding:** Yes, we don't support the IHRA definition of antisemitism. We think it has a chilling effect on free speech and advocacy and it blurs the boundary between criticism of the State of Israel and the actions of the state and criticism of people on the basis of their religion, which we don't support.

**CHAIR:** I have some questions for the NUS. Thank you for being here today. You mentioned that the students that you represent are diverse geographically but also from various backgrounds, with, I'm assuming, many different political views. How does the NUS balance those views? How do you represent students in an environment where there are very, very diverse and almost extreme views about what's being said on campuses?

**Mr Hedus:** The NUS represents its members' views through various forms. The primary policy method is decided by a national conference. The member organisations elect their delegates during the student elections, who then represent the member organisations within the various votes throughout that process. Additionally we have various conferences, such as the educational conference or the ethnocultural conference, which I will run later this year. That's usually quite a good place for robust discussion and quite a wide range of views, where we generally try and ensure that we keep to our policy platform of making sure that we are completely stringent on no antisemitic remarks or any racist remarks whatsoever and we generally try to make sure that there is some form of discussion that is productive that comes out of these meetings.

**CHAIR:** You talked about your members. Not every student, obviously, on campus is a member of the NUS, or you're not responsible for every single student on every single campus, but you have a role to play in advocating for student safety. What sort of immediate action would you like to see from universities in the way that they're handling complaints and consulting with particularly Jewish students but also students of all kinds on how to improve safety on campus for students?

**Mr Hedus:** I think a big part of it is consulting the various student bodies that exist in this country, both nationally and at the university campuses. Essentially, it's about trying to consult these student bodies as much as they can. I would greatly encourage universities as well as the Human Rights Commissioner to engage the National Union of Students and help a grassroots holistic approach, ensuring it's the unions that represent these students that are engaged rather than the universities that generally don't manage to properly engage these students. In fact it's the unions that run much more effective surveys and reports and things on these kinds of issues.

**CHAIR:** In your role as the ethnocultural officer of NUS, what work are you doing about racism on campuses at the moment?

**Mr Hedus:** Currently we are about to run this year's ethnocultural conference, where we generally discuss these issues quite stringently. I'm also pushing and have been emailing the Human Rights Commissioner to encourage our engagement so that we can actually start a conversation on how the NUS can support the study into racism on our campuses, because all these issues have a lot of intersectionality. It is quite important that we deal with all forms of racism so that things like antisemitism can be dealt with. We can't just deal with one form of racism; we have to deal with all of them.

**CHAIR:** A question that we've been tackling today is around how to protect students and keep them safe but also enable robust debate and political protest. What is the NUS's approach to that balance? You would have members who would be seeking to make their political views known, but then I imagine you also represent students who are feeling incredibly unsafe on campus at the moment. What are you doing to work with those types of students?

**Mr Hedus:** Within the forum of the National Union of Students, I cannot speak too much on that, as I'm not the president or the general secretary. But I can say, at the very least, that we do hold very strongly that we cannot accept any form of antisemitic or problematic remarks. We believe very strongly that we must respect democratic voices of all types, as long as they're safe and properly conducted and are legal. Otherwise it is not acceptable, and we would generally try and deal with that within our processes.

**CHAIR:** Thank you. They are all the questions I have. I think Senator Scarr has a follow-up.

**Senator SCARR:** Mr Hedus, thank you for joining us today. As I understood your opening statement, the NUS supports the judicial inquiry and also supports the Australian Human Rights Commission inquiry. Is that correct?

**Mr Hedus:** I believe so, yes.

**Senator SCARR:** Sorry?

**Mr Hedus:** That is my position as the ethnocultural officer, yes.

**Senator SCARR:** So you support an independent judicial inquiry?

**Mr Hedus:** In line with the government, yes.

**Senator SCARR:** Sorry, this is an important point, so take your time. At the moment we've got the private senator's bill that's being considered here—

**Mr Hedus:** Yes.

**Senator SCARR:** and then we've got the Australian Human Rights Commission process.

**Mr Hedus:** Yes.

**Senator SCARR:** As I understood your opening statement, you referred to both this inquiry and the Australian Human Rights Commission. So, as I understand the NUS position, you support both an independent judicial inquiry into antisemitism and you support the Australian Human Rights Commission inquiry into racism. Is that correct?

**Mr Hedus:** I believe so, yes.

**Senator SCARR:** Okay. Ms Gooding, I have two quick follow-up questions. I understand the point around academic freedom. We had a very good discussion with representatives from Muslim Votes Matter in relation to this topic, and I pointed them to page 4 of the submission from the Executive Council of Australian Jewry, which gave their interpretation of the International Holocaust Remembrance Alliance definition. It listed a whole range of matters which they considered were legitimate points of discussion or political criticism that could be made within the ambit of that definition. I'm interested to get, on notice, your views with respect to their interpretation of the definition, given the position you put in relation to the union. Could you take it on notice?

**Ms Gooding:** Yes.

**Senator SCARR:** This is my second and last question. I listened very closely to what you said in relation to the code of conduct and the union's position with respect to antisemitism, and I'm trying to reconcile that with the fact that, as I understand it—and please let me know if I'm incorrect—the union actually supported the court appeals which were made by an academic who was terminated by the University of Sydney for superimposing a swastika on the flag of Israel. Did the university provide support to that academic when the academic was appealing against their dismissal by the University of Sydney—ultimately they were unsuccessful—and, if they did support that academic, how do you reconcile that with the code of conduct and the issues we're talking about today?

**Ms Gooding:** First of all, yes, we did support that academic both on the grounds of academic freedom but also the process by which that dismissal had taken place. My understanding is the dismissal was eventually about breaches of their code. But I am not familiar with the entire details of that case.

**Senator SCARR:** Could you take that on notice, perhaps, and provide us the view of the union. I want to give you a full opportunity to provide it, but I am trying to reconcile the union's position in that regard and the fact that you'd said the union has such a strong position against antisemitism. Feel free to take it on notice and use that opportunity to provide a more fulsome response.

**Ms Gooding:** Sure. I think one of the answers is that frequently there are people who engage in conduct involved in teaching and research with ideas and values that may be quite different to other people's ideas and values. But for us it is about the absolute primacy of academic freedom. We defend people whose views we don't agree with, just as we defended an academic from Queensland who was a climate change denier. Again—

**Senator HENDERSON:** Sorry, Ms Gooding. Just on the freedom to display a swastika on the Star of David, you're saying that that is a legitimate freedom that should be defended?

**Ms Gooding:** No, Senator. I'm saying I'm not familiar with the entire details of that case, and I'm going to take up the offer to respond to that on notice. But I am saying that sometimes defence of academic freedom requires us to defend actions and views that may not necessarily coincide with the union's actions and views, because of the primacy of academic freedom both to the nature of the academic profession and as a fundamental part of universities.

**Senator SCARR:** That's all I have.

**CHAIR:** Thanks very much. That's all the time we have, and that's all the questions we have as well. Thank you very much for joining us. We will give you a date to return answers to those questions on notice to us.

**Ms Gooding:** Thank you.

**de KRETSER, Mr Hugh, President, Australian Human Rights Commission [by video link]**

**FINLAY, Mrs Lorraine, Human Rights Commissioner, Australian Human Rights Commission [by video link]**

**SIVARAMAN, Mr Giridharan, Race Discrimination Commissioner, Australian Human Rights Commission [by video link]**

[14:36]

**CHAIR:** I now welcome, via videoconference, representatives from the Australian Human Rights Commission. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. I again urge senators and witnesses to reflect on the terms of the bill and ensure the discussion today is relevant to it. I remind senators and witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to a superior officer or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Mr de Kretser, I think it's your first time before the committee. Do you have an opening statement you'd like to make?

**Mr de Kretser:** I have a brief opening statement. Thanks so much for the opportunity to appear today. I'd just like to acknowledge that we're meeting on Aboriginal land—in my case on the lands of the Bunurong/Boon Wurrung people of the Kulin nation.

Antisemitism is a matter of great concern to the Australian Human Rights Commission. Antisemitism harms people's identity and self-esteem; it creates stigma, shame and fear; it damages people's health and wellbeing and denies them full participation in life; it corrodes social cohesion; and, left unchecked, it can lead to violence. There's been widespread reporting of a significant increase in antisemitism across communities and specifically at universities, and it must be condemned. For example, the commission has heard examples of students reporting witnessing Holocaust denial and hearing antisemitic tropes. Students have told us about the ways in which they have changed their behaviour because of experiences of antisemitism. This inquiry has heard evidence of Nazi graffiti and gestures. The many submissions to this inquiry bear witness to the human impact of antisemitism at universities, and we thank everyone who has shared their submissions. In addition to assisting this inquiry, those submissions will help the commission's work.

The commission's work is strongly focused on addressing racism. The commission's access-to-justice work investigates complaints of racial discrimination and racial vilification under the Race Discrimination Act, and we conciliate those complaints. Complaints that aren't resolved through our processes can be taken for a determination through the federal court system.

Through the commission's policy work addressing racism, we are looking at the prevalence, nature and impact of antisemitism in Australia to highlight the scale of the problem and to provide lasting solutions to address it. For example, the commission is currently working on a national antiracism strategy, which includes our antiracism framework and antiracism public awareness and education campaign. The commission has also been funded by the Australian government, as discussed through this inquiry, to conduct a study into the prevalence and impact of racism in Australian universities. This study implements a recommendation of the Universities Accord and will have a significant focus on antisemitism as well as on broader racism, including racism against First Nations people and Islamophobia. The commission's legislation has strong protections to protect confidential information shared with us through this study.

The commission's also been funded to undertake a program of community engagement and awareness raising about racism to support safety in Jewish, Palestinian, Muslim and Arab communities in Australia. It's a matter for the Australian government and the Australian parliament to consider the most appropriate approach to address the surge in antisemitism and other forms of racism in Australia and what additional steps it may take to address it. The commission recognises the significant concerns that have been raised and the importance of taking action. The proposed judicial inquiry is one way to do this and should be considered within the broader framework of measures designed to address antisemitism and racism more broadly. If the proposed judicial commission is established, the Australian Human Rights Commission would welcome the opportunity to work collaboratively with it in addressing antisemitism in Australia. Thank you.

**CHAIR:** Thank you very much. As neither of the other commissioners have an opening statement, that leaves us plenty of time for questions.

**Senator HENDERSON:** Mr de Kretser, I want to draw your attention to Ms Segal's submission. She's the antisemitism envoy. She's been scathing of the Australian Human Rights Commission. She says:

As I have heard from Jewish students, academics and staff, they will only speak of their experiences to trusted advocates like my office or to a forum like a Judicial Inquiry that can take evidence in private and maintain confidentiality. They have no confidence currently in other institutions like the Australia Human Rights Commission (AHRC) to approach their evidence with impartiality and appropriate respect. This calls into question the ultimate efficacy of the Government's referral to the AHRC to study racism at universities including antisemitism.

How do you respond to the antisemitism envoy's concerns?

**Mr de Kretser:** Thanks for the question. It was good to meet with the envoy recently with my colleague Commissioner Sivaraman. We had a good, constructive meeting. She conveyed those concerns to us. And, obviously, we have seen the concerns from the Executive Council of Australian Jewry and others. It's a matter of concern for us that they are expressing a lack of confidence in our processes. I want to assure them that we take extremely seriously our job to investigate racism in universities. That includes a significant focus on addressing antisemitism in Australian universities. The work of the special envoy and, indeed, the work of this inquiry will assist us in our study. In particular, we will be adopting trauma-informed approaches. I understand the concerns around confidentiality. As I said in my opening, the commission has very strong protections in its legislation around the confidentiality of information shared with us. It is actually a criminal offence under our legislation for commission staff or commissioners to breach that confidentiality. So people sharing information with us should have confidence that that would be handled appropriately within our organisation. Adopting that trauma-informed approach, we will work collaboratively with the special envoy, drawing on the work that she is doing to ensure that it informs our work as well in looking at antisemitism and racism more broadly through our university study and so that people do not have to repeat their stories more than once if they do not want to.

**Senator HENDERSON:** Going back to the special envoy's criticism of the Human Rights Commission, I've raised serious concerns about the Human Rights Commission's treatment of complaints of antisemitism—that they have not been taken seriously, that arguably serious incidents of antisemitic conduct were not addressed by the Human Rights Commission. I even tackled the former president—not you, I might add, Mr de Kretser—in relation to the Human Rights Commission's failure to outrightly condemn the actions of Hamas. It seems that you have got a long way to go, to regain the trust of Jewish Australians, in relation to this very serious issue. What changes have you made to ensure that you can do a better job?

**Mr de Kretser:** I should stress, we had a good and honest and frank meeting with the executive of the Australian Council of Jewry. My understanding, and they can speak for themselves, is that they have strong confidence in our investigation and complaints process. As I said in the opening, we have an important role to play around investigating and conciliating complaints of racial discrimination, including antisemitism and racial vilification. People are bringing those complaints to us. If they're not resolved they will go through the federal court system.

In terms of some of the criticism levelled against us around not saying or doing enough around antisemitism or condemning some of the behaviour that you described, that's a matter of concern to us. I accept that those feelings are genuinely held. I've reviewed the material since joining the commission seven weeks ago. The commission has made a number of statements condemning the injustice of what happened on October 7, the brutal violence.

In one sense, it's a matter that concerns us, that the message has not been received properly or in a way that has built confidence in the Jewish community about our position on that issue. I accepted the invitation very early on in my tenure—I think after 3½ weeks—to speak at the Melbourne Holocaust Museum, to make it clear that my position on the rise of antisemitism in Australia should be condemned and that we all have a role to play in addressing it.

**Senator HENDERSON:** One of the concerns about what I have described as a woefully inadequate response by the government to antisemitism, which is the racism study, is that the report is not due to be handed to government until 30 June next year, which is a farce, because that's after the federal election. Did you make any recommendations to bring forward that work and urgently say to the government, 'We need an urgent response,' not running this out?

I accept there will be an interim report handed down, but for the final report to be handed down after the next federal election is a nonsense, in my view. I would ask you to ask whether there have been any representations to drive further urgency into this work.

**Mr de Kretser:** I think there's a premise in your statement that the study is somehow inadequate. I don't accept that premise. In terms of the progress and timing—

**Senator HENDERSON:** That's what Jillian Segal, the antisemitism envoy, said. That's not just me saying that. There are deep concerns, Mr de Kretser, that a racism study, commissioned by the government, by the Human Rights Commission, which does not have the faith of Jewish Australians, to be handed down on 30 June next year is woefully inadequate.

I appreciate you've been commissioned to do this work. I am principally being very critical of the government's response, but I am asking you: did you go back to the government, at any point, and say, 'I think you really need to lift your game. We need an urgent response'?

**Mr de Kretser:** I wanted to be on the record to say I don't accept the premise that it's woefully inadequate. I might hand to my colleague Commissioner Sivaraman to talk about where the study is up to, in terms of the timing. I think it's 13 June that we're required to deliver our final report not 30 June.

**Senator HENDERSON:** On 13 June?

**Mr de Kretser:** That's my understanding. Commissioner Sivaraman will know better than I do.

**Senator HENDERSON:** Is that correct, Commissioner?

**Mr Sivaraman:** Correct.

**Senator HENDERSON:** That will still be after the next federal election. My question is this: have there been any representations by the Human Rights Commission to bring forward the timing of the handing down of the final report?

**Mr Sivaraman:** There will be a significant amount of work done, in terms of this study, where we have to do the study across 42 universities. Firstly, we have to build a survey tool and we want to convene focus groups, and we'll need to do a literature review—I'll get to the specifics of your questions.

**Senator HENDERSON:** Sorry, because I have such limited time and I need to move on to other things, I just want to understand this: have there been any representations to bring forward the timing of the handing down of your final report so that this will be handed down in—

**Mr Sivaraman:** No, there hasn't.

**Senator HENDERSON:** I apologise, but I've got to move through these questions quickly. I think this is one of the big controversies that I raised at the last Senate estimates. On 13 October, when the AHRC handed down its statement, was that a statement that was viewed and cleared by all commissioners before its release? I'll perhaps direct that to you, Mr de Kretser, even though I know you weren't there at the time.

**Mr de Kretser:** It's before my time. I think my colleagues will know the background to what you're referring to better than I will.

**Senator HENDERSON:** I might ask Mrs Finlay. Was that a statement that you viewed and cleared?

**Mrs Finlay:** In relation to that specific statement—and I'm not meaning to not give an answer—could I take it on notice to remind myself? There were a number of statements, and I want to make sure that I'm giving you accurate information about that.

**Senator HENDERSON:** Alright. It's the statement of 13 October. It was obviously six days after the Hamas terrorist attack. Then the Sydney Opera House riots occurred on 9 October. Does that help you at all?

**Mrs Finlay:** It does, but I'd still like, if I may, to take that on notice to make sure you're getting accurate information.

**Senator HENDERSON:** Thank you very much. I know my colleagues have other questions, so I will share the call.

**CHAIR:** I have a couple of questions in relation to the study. Can you explain in more detail what work has occurred to date, and what is the proposed program of community engagement going forward? Given that most recent meeting with the Executive Council of Australian Jewry, I suppose you may have changed or adjusted that forward work program. Perhaps I could go to Mr Sivaraman and then to other commissioners or the president about the work program so far and going forward.

**Mr Sivaraman:** I should note that there are a number of streams of work. Firstly, we'll have to build a survey tool that is actually going to be trauma informed and adequate to assess all of the types of racism that might be complained of or that we seek to investigate across all 42 universities. Secondly, we'll have to procure someone to convene focus groups, because independent to the survey tool, which will be an online tool, we want to have the capacity to hear from people in person. Thirdly, we'll need to conduct a literature review, because a lot of work has actually been done in this area in terms of investigating racism within the university sector. So those will be the three main streams of work. Separately to that, we've written to and we should be very shortly convening an

advisory committee that will assist us in those first three streams. The advisory committee will be representative of academics and group organisations. That will help us in terms of ensuring that what we do is the best possible work in those first three streams. There'll also be a special group convened of representatives from the Department of Education and the Attorney-General's Department, who will help us also in terms of this work along with government representatives more generally.

All of that work has started in terms of those three streams plus the advisory committee plus the other group. It took some time from the announcement of the study for the terms of agreement to be finalised and then for the funding agreement to be finalised. I don't think we've actually received the funding yet. Hopefully, that will arrive soon. We've still started the streams of work irrespective of that. Obviously, we are going to need the funding to be able to do the work as we move forward.

**CHAIR:** In terms of the specific focus on the safety of students on campus, how have you or how do you intend to look into that issue?

**Mr Sivaraman:** We'll have to look into that in a multiple of ways. It's obviously a really significant issue and one that we take seriously. As the president indicated in a response to an earlier question, we'll be taking a trauma informed approach in terms of the survey tool. That is partly about the safety of people participating in the process and their wellbeing as they participate in the process. So it will certainly be an area of focus for the survey tool, the focus groups and the advisory committee, because we'll be engaging with student representative bodies through that committee as well.

**CHAIR:** Your submission also notes the development of the National Anti-Racism Framework, which is another piece of work that the commission is undertaking. What has the consultation process brought to light in relation to racism on university campus?

**Mr Sivaraman:** Part of that framework is a focus on education. In terms of consultations with First Nations communities and through diverse communities and racialised communities, we have had evidence of people experiencing racism in the tertiary sector. For consultations I've done with various community groups—specifically including consultations about education—I've also heard about, and been provided with, data in relation to racism in the university sector. It's clearly an issue that needs addressing, which is why I think this study is so significant and important.

**CHAIR:** How will the framework tackle racism and promote racial equality on university campuses? Some of the evidence that we've heard today is that antisemitism is on the rise, particularly on campuses, but that there is a broader issue around racism in all forms that representative groups, particularly groups on campuses, are tackling.

**Mr Sivaraman:** To confirm, is your question specific to universities?

**CHAIR:** Yes.

**Mr Sivaraman:** The framework is still being finalised, because we've had some recent consultations, both with First Nations and non-First-Nations racialised communities, that will feed into the recommendations. Our intent is to come up with a series of recommendations per portfolio, so to speak, and to include a series of recommendations in relation to education. That hasn't been finalised yet but I think once that's done we'll be able to communicate more specifically about the changes we think will be necessary.

As a starting point it will be building racial literacy within institutions and understanding how certain communities are structurally disadvantaged—which often then leads into interpersonal racism—and how we collect data on racism. That's a significant shortcoming we've discovered in the consultations and the preparation of the framework.

**CHAIR:** Do you have a timeframe for when the framework will be completed?

**Mr Sivaraman:** Yes, we're hoping to launch on 26 November. In fact, I'll be communicating to all of you at the table, and to all of your colleagues, and hoping that we garner your interest for that.

**CHAIR:** Thank you. That is a very specific date. Finally, in terms of other programs that the commission is running at the moment—initiatives and engagements—are there any others that are relevant to antisemitism on campuses?

**Mr Sivaraman:** Yes.

**CHAIR:** I want to indicate that there might be some work that Commissioner Finlay is doing that's relevant, but I'll hand to you first, Commissioner Sivaraman.

**Mr Sivaraman:** Thank you. There is a project that we're undertaking, which would be funded by the Department of Home Affairs, to look at the increase in racism since the escalation of the conflict in the Middle East. There will be two stages to that.

Firstly, there will be consultation with Jewish, Palestinian, Arab and Muslim groups in terms of what they've experienced. That project has commenced and some of those consultations are being organised. We hope that what we hear there—particularly where it's relevant to universities and what's been experienced at universities—we can feed into the university study.

Secondly, that particular project is a campaign in relation to that racism. Hopefully, the findings and recommendations that we have in relation to the campaign can also feed into the university racism study. So, it's quite advantageous that we've got the two projects, because we'll be able to ensure that, to the extent possible, the data and findings from one are able to be used for the second one.

**CHAIR:** Okay. Mrs Finlay, does any work that you are doing interact with the work that Commissioner Sivaraman is doing?

**Mrs Finlay:** In terms of work in relation to racism and antisemitism specifically, that work is led by Commissioner Sivaraman. Of course, the commission will broadly and continuously engage with all sectors of the community and with various groups. We do advocacy. There are a range of things that different commissioners do.

For example, President de Kretser referred already to one engagement that he undertook within the first three and a half weeks, I think, of his starting in the position. I believe at the last Senate estimates I gave, on notice, a list of various engagements that I'd undertaken in relation to both Jewish and Muslim community groups on these types of issues.

So, across the board, the specific work is being lead by Commissioner Sivaraman, but there is broader work undertaken day-to-day by all commissioners and commission staff. And, certainly, from listening to the evidence that's been given at the hearing today and reading through so many of the submissions, it really does reinforce my view, which is expressed in our written submission, that there is a serious issue here with racism—with antisemitism specifically—on campuses. And we need everybody, including the Australian Human Rights Commission, to be playing a really important role, not just in relation to one project or one study but across the board in everything that we do, to make sure the issues are addressed.

**CHAIR:** Commissioner Finlay, one of the tensions we have discussed today with many witnesses—particularly with academics—has been about the model code on academic freedom and free speech, which is in your wheelhouse. One of the risks that has been put forward by some submitters is that this inquiry could stifle that academic freedom, particularly around freedom of speech.

In approaching this issue, how do you reflect on the tension between wanting to protect people from forms of racism—particularly antisemitism—but understanding that there are some obligations and responsibilities to allow people that freedom to speak, particularly with political communication?

**Mrs Finlay:** As you've already noted and highlighted, both of those things are incredibly important. It is a very real issue: how do you find that right balance? I wish I had a perfect answer for you. Unfortunately, I don't. But what I can say—from listening to the evidence that's been given before the committee today and previously through the special envoy, and from looking at various submissions—is that we need to be aware of that balance and that tension, but we also need to be aware of a number of the examples that have been given of specific antisemitic behaviour towards Jewish students and Jewish academics. I struggle to identify or characterise some of those things as merely expressions of free speech or academic freedom. I think they do fall fairly and squarely within the zone of antisemitic behaviours. So, yes, we do need to strike that balance, but we also need to recognise antisemitism is not free speech, and that students and staff have a right to be safe on campus. I was particularly taken by the phrase used by the Australasian Union of Jewish Students when they said Jewish students should not have to 'choose between safety and education'. So the balance is important, but we shouldn't allow that to obscure the very real need to ensure that we are addressing the realities of what has occurred on campus and the evidence that we've heard about that.

**CHAIR:** Thank you very much.

**Senator SCARR:** Mr de Kretser— noting your relatively new appointment—do you recognise that this is an issue that needs to be considered by this committee: the Jewish community, at this point in time, does not have confidence that the process being undertaken by the Australian Human Rights Commission is the appropriate forum for this issue to be totally ventilated, and there is a need, given the perceptions in the Jewish community, to seriously consider an independent judicial inquiry. Do you recognise the legitimacy and the significance of that point?

**Mr de Kretser:** I'd say a couple of things about that. I recognise that a number of groups representing the Jewish community have said what you've said. Obviously, the Jewish community is not homogenous and so there

is a range of views across the Jewish community, but I accept the views of the special envoy, the Executive Council of Australian Jewry and others and what they've said about that. I hope that we can rebuild that confidence, and I hope that Jewish students and Jewish organisations engage with our important study into racism on university campuses and work with us to address antisemitism and racism more broadly.

In terms of the relevance to your committee's inquiry, I guess that's a matter for you to take into account, in terms of your findings and recommendations around how you weigh up what they have said against the perceived need for a judicial inquiry.

**Senator SCARR:** On notice, it would be useful to get your response to the submission we received from the Executive Council of Australian Jewry in relation to that issue—their perceptions of the Australian Human Rights Commission. I'd like to give the commission an opportunity the provide a detailed response to that. There was also a concern, raised by the witness representing Muslim Votes Matter, with respect to an engagement with the Australian Human Rights Commission. It would be useful to give the Australian Human Rights Commission an opportunity to respond to that concern.

**Mr de Kretser:** I'm very happy to do that.

**Senator HENDERSON:** I want to indicate that both of my colleagues have some questions. I would ask that Senator Reynolds be given a couple of minutes.

**CHAIR:** That's absolutely fine with me. What I'd convey to you and your colleagues is that we have a hard finish at four o'clock, but however we use that time is fine. Senator Reynolds.

**Senator REYNOLDS:** President, thank you very much for your evidence here today on the bill. I note from your statement that you have no opposition to the bill and that, if the commission were established, you would work with the commission. Is that right?

**Mr de Kretser:** It's a matter for government and the parliament to choose the measures that it wants to do in terms of addressing what we agree is a significant rise in antisemitism on campuses. If a judicial commission is established, we will welcome the opportunity to work with that commission collaboratively, as we have with the special envoy and others.

**Senator REYNOLDS:** I know you've just come into this job, so you've inherited this situation. I was a little concerned with your last answer in particular: 'Well, the Jewish community is quite diverse, and I accept that that's how the envoy feels.' To me that sounded like a very defensive approach to this.

**Mr de Kretser:** That wasn't intended at all. I was simply trying to reflect that there's a range of views across the Jewish community and I accept that—

**Senator REYNOLDS:** Given this is something that you've now inherited, in your position as president, and taking in good faith your comments about wanting to do better in future, have you had the opportunity to look back and review how the commission got into this situation? You have, in my opinion, one of the most discriminated-against communities in the world, with a very large community here in Australia, including first generation Holocaust survivors and their families. It was very clear, after 7 October, that this racism had been ignited very quickly. We've heard the stories here today. Yet here we are, almost 12 months later, and you've still got the special envoy and other Jewish organisations expressing a lack of confidence in the very organisation that is supposed to be, as you've said here, focused on addressing racism. No matter which way I look at it, it appears that the commission has been caught being very flat-footed and somewhat impotent over the last 12 months in terms of its action.

I'm coming to my question in relation to your role going forward. Yes, you've got two studies, as Senator Henderson has said, that will be looking into the prevalence and impact. I think that's very good, because you do need studies. But I don't think you need to be an Einstein to realise that the prevalence and impact of antisemitism, not just in universities, is an issue now. So my question, to start with, is in two parts. What self-reflection have you done coming into this job in terms of how the commission got to this point 12 months ago which has now led to this position today? And what are you as the new president looking at now going forward in how to remedy that? Are there cultural issues? How many Jewish staff do you have in the commission versus how many Muslim staff you have? What organisations will you engage with in the future? What are your thoughts on what's gone wrong and what you need to do specifically?

**Mr de Kretser:** There's a lot in that. I might respond at the outset by stressing that my understanding is that the criticism levelled at the commission has not been levelled at our investigation and complaints and conciliation service. This is critical to me and my understanding. Again, I don't want to speak for others, but my understanding from the information I've received is that there is strong confidence that we are receiving, investigating and conciliating complaints in a very effective, impartial way. That, to me, is an important part of the context in terms

of the critical access-to-justice function that we play around helping people who are victims of antisemitism and other racism.

In terms of the express lack of confidence around us more broadly in terms of the issues around statements we may have made or perceived anti-Jewish bias, that is of deep concern to me for all the reasons that you expressed. The history of human rights abuses experienced by the Jewish community over centuries and acutely in World War II, with the mass slaughter of Jews by the Nazis, is the context in which I view the concerns raised by ECAJ and others. It is deeply distressing for me personally that there are those views being expressed when the Human Rights Commission has historically had very strong support and engagement from the Jewish community. I hope to work with Jewish organisations. My colleagues and I—Commissioner Sivaraman, in particular—have met with representatives from Jewish organisations across the country, as well as Muslim and other community groups, in terms of how we can work effectively with communities affected by the scourge of racism to make sure that our institution is the best it can be to deliver on the mandate we've been given by the Australian parliament through the legislation to address racism.

**Senator REYNOLDS:** Thank you. I appreciate that. In relation to the review, you're looking at the prevalence and the impact. As we've heard, that won't be reporting until next year. But are you doing any other more immediate work to have a look at things like how this happened so quickly, how this antisemitism was ignited so quickly, particularly on campuses? Is that something you are specifically looking at in terms of more immediate action that can be taken?

**Mr de Kretser:** I'll hand over to my colleague Commissioner Sivaraman to address that. I just want to say that this study is not just looking at the prevalence and nature of antisemitism and racism more broadly on campuses; it's looking at what we need to do to fix it. We met with the education minister, Jason Clare. I met with him two weeks ago out in Bankstown. He was very clear that he did not want the commission simply to deliver a report on what the problem is but to deliver solutions to help the government to fix that problem. Your question relates to what we are doing right now to look at what is going wrong. I might hand to Commissioner Sivaraman to—

**Senator REYNOLDS:** Just before we do—I'm getting wind-up looks from my colleagues here because of the time—there is absolutely a role, and this is coming back to the purpose of this legislation and to the commission of inquiry, for, yes, advice to government. But we already have laws and, as Commissioner Finlay has said, a lot of this conduct already constitutes breaches of law. So my question is about how this occurred and what we can do now in terms of society, because I don't think we can simply legislate our way out of this sometime next year and have a recurrence of this type of very quick and devastating discrimination and hate. My question with that, if it's not clear—

**Mr de Kretser:** I agree, I'm just—

**Senator REYNOLDS:** is about earlier non-legislated action in terms of behaviours and in terms of ways of thinking, because I don't see this as just a legislative solution, which is obviously having a look at this more immediate commission under this bill, but one to address more wide-ranging issues and advise government on legislation next year.

**Mr de Kretser:** I've heard some of the evidence before this committee about the differential responses across universities, and I've heard, personally, people telling me their own personal experiences of things that have worked and haven't worked for Jewish students on campus. Absolutely, universities now should be adopting those things that work and are best practice, and there is nothing stopping that action right now. That should be done. As Commissioner Sivaraman said—

**Senator REYNOLDS:** Just to be clear, what you're saying is that your responsibility is to do this review and to come up with some legislative or other government related measures, and it's up to universities and others to act and that the AHRC doesn't have a role in that.

**Mr de Kretser:** Not just universities, but I understand the focus of this inquiry is a bill into antisemitism on university campuses, so that's why I directed my comments that way. All institutions and communities across Australia have a role to play in addressing racism, prejudice and antisemitism. What we are seeing is a fragmentation of social cohesion in Australia. I've met with MPs across the political spectrum over the last month in Canberra, and something that came up repeatedly was the divisiveness and polarisation of public debate in this country, the harm it is creating and the risk it is creating. I've heard this committee talk about the public safety risks that are flowing from that, and the Australian Human Rights Commission has a critical role to play in being part of the solution and addressing it.

**Senator REYNOLDS:** Thanks.

**CHAIR:** Thank you, Senator Reynolds, and thank you to the commissioners and to the president. That's the first time you've appeared in front of our committee, President, but there'll be many more opportunities. We'll see you at estimates, if not before. Thank you, everyone.

**CHIPPERFIELD, Ms Kate, Assistant Secretary, Access, Equity and Social Inclusion Branch, Department of Education**

**MORTON, Ms Madonna, First Assistant Secretary, Higher Education Division, Department of Education**

**NAWAZ, Ms Ayesha, Assistant Secretary, Human Rights Branch, Attorney-General's Department**

**NIEUWENHUIS, Ms Adrienne, Acting Chief Commissioner, Tertiary Education Quality and Standards Agency**

**RUSSELL, Dr Mary, Chief Executive Officer, Tertiary Education Quality and Standards Agency**

**SHEEHAN, Ms Anne, First Assistant Secretary, International Law and Human Rights Division, Attorney-General's Department**

[15:19]

**CHAIR:** We now welcome representatives from the Tertiary Education Quality and Standards Agency, the Department of Education and the Attorney-General's Department. Thank you for taking the time to speak with the committee today. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you and is available from the secretariat. I urge senators and witnesses to reflect on the terms of the bill and ensure that discussion today is relevant to them.

I remind senators and witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to a superior officer or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Thank you all so much for being with us today. Do any of the organisations have an opening statement before we go to questions?

**Ms Sheehan:** No, we do not.

**Dr Russell:** We don't need to make an opening statement, but we would like to table some documents which we think would be relevant to our evidence.

**CHAIR:** Sure. So no opening statement?

**Dr Russell:** No.

**CHAIR:** That's good because we have 40 minutes until we have to finish our hearing. Senator Henderson, I will hand the call to you.

**Senator HENDERSON:** Good afternoon to you all. I just want to address my questions firstly to TEQSA. I raised concerns about the failure of the government to respond adequately to antisemitism on university campuses, and I've been, obviously, led by Peter Dutton and the coalition, calling out with great concern the ongoing failure of the government to do so. I raised the prospect of fines being issued against universities which failed to keep students safe. The Minister for Education responded in the media saying, 'No, we've already got those powers.' Can you please explain what powers you have to fine universities for failing to keep Jewish students safe, particularly in the context of antisemitism?

**Dr Russell:** I'd be happy to—

**Senator HENDERSON:** Sorry, let me just clarify this—I'll ask you that again: can you please explain the powers TEQSA has to fine universities for failing to keep students safe, including in relation to antisemitism?

**Dr Russell:** The concerns about where universities may have failed to comply with their obligations under the higher education standards framework are dealt with in a compliance framework. Part of our act anticipates that TEQSA would use regulatory tools, like conditions and undertakings, to bring providers into compliance or to ensure that they are meeting the standards. There are very limited circumstances under the TEQSA Act where a financial penalty can be applied. One of those circumstances is where a provider fails to comply with or fails to meet the requirements of a condition. But, otherwise, the provisions under the act for which financial penalties apply are breaches to different sections of the act, so not related to providers meeting the threshold standards.

**Senator HENDERSON:** Just to wade through that response—I understand that it's technical—when the minister says there are powers currently that TEQSA can use to fine universities in relation to failing to keep students safe, is that correct?

**Dr Russell:** As I said, there's an end point in the compliance framework where financial penalties may apply. I would need to refer you to the minister to clarify whether that was his meaning or not.

**Senator HENDERSON:** So, in relation to the conditions that are imposed on universities, are there any conditions that would give rise to penalties being imposed on universities?

**Dr Russell:** Not directly in the conditions. It would be a matter of failure to comply with a condition that could potentially result in a financial penalty.

**Senator HENDERSON:** So there are no conditions which relate to student safety for any public university? Is that correct?

**Dr Russell:** Conditions around this type of issue would require universities to do things or cease doing certain things in order to ensure that they're meeting the requirements of the threshold standards.

**Senator HENDERSON:** So did you impose any conditions on any university in relation to antisemitism?

**Dr Russell:** We have not at this time.

**Senator HENDERSON:** Why not, given the shocking spate of antisemitic incidents? Why didn't TEQSA take action to impose conditions on the university, particularly when there were some major failings? We've now had that admission from the University of Sydney vice-chancellor. So why didn't TEQSA, the regulator, seek to impose conditions on universities in relation to their failures to protect Jewish students and staff?

**Dr Russell:** As we outlined in estimates recently, TEQSA's work in this area has been ongoing and is not concluded. We don't believe that the response that's needed from universities to deal with this is yet over, and our regulatory work in this area is not yet over. We—

**Senator HENDERSON:** Hang on a minute, Dr Russell. It's been 11 months since October 7. We've seen some shocking, shocking incidents on university campuses where universities have fundamentally failed to keep students safe. You are the regulator. You've got the power to impose conditions on universities, and you're saying that you imposed no such condition. I would put it to you that that's negligent and that you should have taken stronger action.

**Dr Russell:** So—

**Senator HENDERSON:** You are the regulator.

**Dr Russell:** Senator, if I may answer the question, the premise of your question is that the only meaningful regulatory response from TEQSA in this circumstance is to go through a compliance assessment, which is a highly procedural process and often quite lengthy. As we've said before, the stance that we've taken here is that, where we can engage directly and quickly with universities and ensure that, on issues and departures from the standards, the responses that are needed are effected immediately, we've chosen to do that, because we think that's in the best interests of students. That does not mean that the work is over. We've identified where further work is needed, and we continue that work.

**Senator HENDERSON:** Dr Russell, are you aware that there are numerous Jewish students who no longer feel safe to go to university, whose education is being severely compromised and who have had to make a choice between their own safety and their education? You have power to impose conditions on universities. You have recognised that there have been numerous incidents when there's been behaviour which falls outside so-called academic freedom, which I think is a very gentle way of describing some of the very serious incidents of antisemitism. I would put it to you that not imposing those conditions and taking stronger action is not good enough from the regulator which regulates our universities.

**Dr Russell:** One of the things that we've heard about in evidence at this inquiry is the importance of having a systemic approach rather than just an approach that is limited to response to individual instances. The approach that you'll see in the documents that we've tabled today is one that has been progressive and ongoing in drawing the attention of universities to quite specific things, many of which have been brought to our attention—

**Senator HENDERSON:** Dr Russell, why—

**Dr Russell:** If I may finish my answer: many of which have been brought to our attention in discussion with students about what their experience is and what the problems have been in accessing the existing complaints mechanisms, supports and responses from universities.

**Senator HENDERSON:** Dr Russell, I would put it to you that, as the regulator, you need to do more than draw the attention of the universities to their obligations. When universities fail students, as they have done so seriously and significantly, I would put it to you that you need to throw the book at universities. You need to be the tough cop on the beat, and I would argue respectfully that your failure to do so has compounded the hurt and distress that many Jewish students and staff have endured since 7 October last year.

**Dr Russell:** Senator, our work in this area has not concluded. We have focused on what's been necessary in terms of responding to the incidents around protests, but, as those protests and encampments have been disbanded, we are continuing our work and our focus on what is needed in terms of driving reflection, system improvements and responses from universities. That work will continue.

**Senator HENDERSON:** You've written letters. You've met with various people. I understand that. That's in your submission. But you haven't taken appropriate action as the regulator to say to universities, 'That is not good enough.' Now we've had to do your job for you, with respect, because we've had university vice-chancellors here this morning and they have now admitted of their own volition that they have failed to keep students safe, and this was obvious and evident at the time. I've raised this with you in estimates. What are you doing? I have to say, if I were the minister, I would take a very different approach in terms of expecting high standards of our regulator. Maybe those expectations were not placed on you. But I would put to you that, as the regulator, you must be a feared regulator. When universities fail in their obligations, the regulator must step in and ensure our universities are places of the best educational excellence, places of safety and places where every person can go and be safe and where there is proper cohesion. When universities fail to do so, I would put to you that you have to do more than write letters and have a few meetings.

**Dr Russell:** What is your question, Senator?

**Senator HENDERSON:** My question is: why didn't you take stronger action? Did the minister not put to you that he wanted to see stronger action? Was that ever suggested to TEQSA?

**Dr Russell:** We have kept the minister apprised of our regulatory approach in this and have briefed the minister. We will continue to do so.

**Senator HENDERSON:** Did the minister ever raise concerns with you that not enough has been done by TEQSA?

**Dr Russell:** The minister asked a variety of questions to understand the rationale and focus of our regulatory work as these issues unfolded.

**Senator HENDERSON:** Are you able to table on notice to the committee that correspondence between TEQSA and the minister, please?

**Dr Russell:** We've had a number of verbal briefings with the minister.

**Senator HENDERSON:** Yes. You haven't got anything in writing? Wow. That's extraordinary. Maybe you could provide the minutes and details of each meeting you've had with the minister.

**Dr Russell:** We can provide the details of the meetings we've had with the minister.

**Senator HENDERSON:** Did you take minutes of those meetings?

**Dr Russell:** I did not. I was fully focused on the discussion at hand and understanding the minister's questions.

**Senator HENDERSON:** Did anyone take minutes of those meetings?

**Dr Russell:** That may be a question for the minister's office.

**Senator HENDERSON:** So you didn't take minutes. Did you take notes in a notebook?

**Dr Russell:** I did not.

**Senator HENDERSON:** You took nothing?

**Dr Russell:** No.

**Senator HENDERSON:** Did you make a file note of the telephone conversation?

**Dr Russell:** It was a Teams meeting. I was focused on the meeting.

**Senator HENDERSON:** Is there a recording of the Teams meeting?

**Dr Russell:** No.

**Senator HENDERSON:** Who else attended those meetings?

**Dr Russell:** Our assistant director of policy, research and engagement did.

**Senator HENDERSON:** On notice, could you please check whether anyone took minutes? I am pretty concerned that, if you are having briefings with the minister, and there are certain actions or questions raised, no notes are taken whatsoever by you as an organisation.

**Dr Russell:** I will check if there are any minutes that we have access to.

**Senator HENDERSON:** Is it your normal procedure when you have meetings with the minister or anyone else not to take notes?

**Dr Russell:** Our meetings with the minister have been confined to this issue.

**Senator HENDERSON:** You haven't met with the minister on any other issue?

**Dr Russell:** I have not.

**Senator HENDERSON:** How many meetings have you had with the minister?

**Dr Russell:** We've had two meetings on this matter.

**Senator HENDERSON:** How long do those meetings go for.

**Dr Russell:** About half an hour.

**Senator HENDERSON:** They were Teams meetings?

**Dr Russell:** They were.

**Senator HENDERSON:** Is it your normal practice to take minutes of meetings that you hold as an agency?

**Dr Russell:** My practice is the same as my practice here, which is to be as focused as possible on the questions and queries as possible.

**Senator HENDERSON:** Is it your practice as an agency? You are well staffed. How many staff do you have?

**Dr Russell:** If we are fully staffed, we have 120 across our regulatory and corporate functions.

**Senator HENDERSON:** When you have meetings, is it your normal practice to take minutes of meetings, including file notes of meetings and telephone conversations, and document the actions you might take as a regulator?

**Dr Russell:** The nature of the minutes we take is relative to the type of meeting we're undertaking. Often, we try to focus on decisions and actions.

**Senator HENDERSON:** Alright. As the regulator, I would put it to you that this is highly unusual. On notice, could you please provide to the committee any notes, messages, file notes, notations in your own notebook, scraps of paper or anything in your diary. In relation to your two meetings with the minister, were there any decisions or actions that were made as a result of those meetings? Did you give a commitment that you would take certain actions?

**Dr Russell:** The minister used that opportunity to press and inquire of us about the nature of the work that we were doing in this area.

**Senator HENDERSON:** And so you explained—

**Dr Russell:** I took them as accountability meetings.

**Senator HENDERSON:** You explained to the minister what you were doing and the fact that you'd engaged with Australian universities, you'd written to them—

**Dr Russell:** Yes.

**Senator HENDERSON:** Were there any other actions or decisions made at that meeting? Did the minister ask any follow-up questions or raise any other concerns?

**Dr Russell:** The minister wanted us to continue this engagement with universities and to continue to draw the universities' attention to the types of issues that we were flagging from the various sources of information that we had.

**Senator HENDERSON:** To the officials from the Department of Education who are here today: does anyone know anything about these meetings the minister had with TEQSA?

**Ms Morton:** No.

**Senator HENDERSON:** On notice—and I note that obviously the secretary of the department is not here—could you please provide the committee with any notes, file notes or other documentation in relation to these meetings and any other actions in relation to the minister's engagement with TEQSA.

**Senator REYNOLDS:** Can I also add that that's also for any meetings with their offices—so not just for those two meetings with the minister but also for any other meetings that you've had with any of the minister's staff.

**Dr Russell:** Noted.

**Senator HENDERSON:** Have you had any meetings with the minister's staff?

**Dr Russell:** No, there were ministerial staff in those meetings.

**Senator HENDERSON:** Alright. On notice to the department: could I ask for any records of those meetings. I would also extend that to asking if, on notice, we could please be furnished with a copy of any correspondence to or from the minister or his office in relation to antisemitism in Australian universities.

**Ms Morton:** I'm happy to take that on notice.

**Senator HENDERSON:** Thank you. I am straying a bit here. It is not in relation to those present, so this is not a reflection on any of you here. But, in relation to other Senate inquiries involving the Department of Education, we are still waiting for overdue responses, so I would really ask that you please meet the deadline on returning answers to questions on notice, because we can't do our work unless we receive that cooperation.

**Ms Morton:** Understood. I think the secretary, at previous hearings, has made the point that the department provides responses but it's for the minister to authorise those responses to come to the committee.

**Senator HENDERSON:** Yes, and I appreciate that sometimes they are caught up, for want of a better word, in the minister's office. But, even still, there is a requirement, and the onus is on the department to provide responses to those questions on notice on time.

Going back to you, Dr Russell, what other steps do you believe universities need to take to ensure that every student is safe on a university campus?

**Ms Nieuwenhuis:** I'll start, and then Dr Russell may add to my response. In one of the tabled papers, I draw your attention to the interim sector update, because I think that gives a nice summary of the sorts of issues that we continue to work with the sector on.

**Senator HENDERSON:** Is this the interim sector update?

**Ms Nieuwenhuis:** That's the one.

**Senator HENDERSON:** And it's for August 2024?

**Ms Nieuwenhuis:** Yes. As I said, what we have put on notice to the sector and the ongoing regulatory work that we are doing is across the following domains: institutional policies and procedures—

**Senator HENDERSON:** Why is there a highlight for 24 August? Is that not a date—

**Ms Nieuwenhuis:** I'm actually not quite sure. This is up on our website.

**Senator HENDERSON:** This is on your website?

**Ms Nieuwenhuis:** Yes.

**Senator HENDERSON:** Okay.

**Ms Nieuwenhuis:** It goes to a range of matters that we believe that providers should be continuing to look at, as we move from a response that is about an incident to the deeper systemic issues that we have heard about today and which we have read about in the various submissions. It does go to 'institutional policies and procedures' and whether they are fit for purpose, because a lot of those policies and procedures have certainly been tested during the encampments.

'Academic support and adjustment' goes directly to the student's experience of disadvantage and how that may have impacted their studies, and therefore, again: are university policies, procedures and frameworks appropriate to managing the experiences of students?

We've already talked about safety on campus. You can see the detail there. We are particularly concerned about complaint mechanisms, because we saw through some of the data that we were receiving from providers that once again we weren't able to interrogate that data deeply. We're also concerned that the learnings of providers with regard to sexual harassment, sexual assault and trauma-informed policies and procedures and grievance procedures have not moved across to exactly the same situation here and should be equally as trauma-informed.

**Senator HENDERSON:** This is one of the reasons the coalition so strongly advocated for a student ombudsman. It's because students were having their complaints not heard. That obviously has been picked up by the government, and now there is a bill before the parliament in relation to establishing the ombudsman. But I will say it's all very well to raise concerns about the complaints process. That is a massive issue. So many Jewish students have told us they've raised serious concerns and they have fallen on deaf ears. So again I say: as the regulator, what are you doing about it? When universities are failing in their obligations, what action is the regulator taking to say: 'That ain't good enough. We expect better of our universities'?

I'm just reading this now. We've got one paragraph heading saying 'Ensuring complaint and support mechanisms are accessible', but what is TEQSA doing when universities fail in those obligations?

**Ms Nieuwenhuis:** As I said, this interim report, which is on our website, provides a summary of the issues that we are continuing to work with the sector on.

**Senator HENDERSON:** But you can understand why I'm frustrated? You're flagging these issues, but you're the regulator. Unless you throw the book at the universities when they aren't doing the right thing, they're just going to keep on going the way they are—that is, unless you, as the regulator, say: 'We're looking at what you're doing, how you are treating student safety. We are not satisfied, and therefore we are going to impose conditions to make sure that you can lift your game.' My concern—and I direct this particularly to you, Dr Russell, as the agency head—is that this is not happening. We just haven't seen the appropriate action from the regulator to let universities know that the status quo is not good enough.

**Dr Russell:** Senator, if I could, I will answer that in several parts. Firstly, I'd draw your attention to the third letter that we have sent to the sector, which really says to the sector that, while the encampments have dispersed, it's clear that the sector needs to reflect on what fell short—the areas in which they fell short. And we have drawn their attention to a number that we think need special attention, including—

**Senator HENDERSON:** Okay, Dr Russell—sorry to interrupt—

**Dr Russell:** the area of academic adjustments and trauma-informed complaint services. Now, as I said, our work in this is not finished. We've drawn the sector's attention to this. We expect the sector to own this and to take the opportunity not just to do a surface response to us, in terms of a tick-a-box compliance response, but to properly modify their processes, policies and practices and the education and responsiveness of the staff involved to move those services into a more effective and trauma-informed model.

**CHAIR:** I have some similar questions about the mechanisms that are in place to protect students. What is the department's role when actions like this take place on universities—in terms of protests, encampments, antisemitism? I just want to confirm what the powers or the role of the department specifically would be—putting aside the regulator.

**Ms Morton:** As you would be aware, the Department of Education administers the Higher Education Support Act. There are a couple of complementary requirements in that act. There are the threshold standards, which TEQSA is responsible for administering and monitoring compliance with. There are a range of requirements in the Higher Education Support Act in division 19. There are what we call quality and accountability requirements. They range from requirements around fairness. In particular, we have a Support for students policy enshrined within the Higher Education Support Act. That came into effect when legislation was introduced in January this year, I think, which required universities and higher education providers, for the first time, to really offer support—targeted and quite individual support to students—in terms of academic and non-academic support.

So the Support for students policy was announced. Every provider has to have a policy in place. They all do have a policy in place. That policy includes particular elements that go to issues where students have experienced a particularly traumatic event and need particular support in terms of any type of racism that they might be experiencing. There's then an obligation on the provider to respond to those needs of those students and to support them through that process. That is probably one of the major elements of the department's role more recently in supporting students who might be experiencing some form of racism on university campuses.

We also, of course, have included in the Higher Education Support Act the provisions for academic freedom and freedom of expression. That's also been enshrined within HESA. There's also the basic requirement that a higher education provider must treat all students fairly and must have those grievance processes that students can access. If a student has made a complaint and is unhappy with that complaint, the fundamental requirement in the act is section 19. 15. That talks about how an education provider must meet the threshold standards.

TEQSA is able to reflect a bit more for you on what those threshold standards actually are. They include student wellbeing and support, specific standards for grievance and complaints, academic freedom and freedom of speech, and also making sure that the university is able to manage risks with its operations—with its day-to-day operational appropriateness. That's about ensuring they can manage situations that have emerged.

**CHAIR:** In terms of taking action against universities, that's—

**Ms Morton:** That's a matter for the regulator.

**CHAIR:** Understood. While I have your attention, will the Student Ombudsman introduced last week have the powers or the ability to investigate matters around antisemitism and other forms of racism?

**Ms Morton:** Yes, it will. It will be able to handle any complaint that comes forward from a student or a staff member at a university, or if it's something they wish to raise through that process. It's not just limited to gender based violence but can deal with complaints of all natures.

**CHAIR:** How will those decisions be enforced? Sorry, I don't want to go into the bill too much, because it will be before another committee, but there will be an enforcement mechanism, I understand?

*Senator Henderson interjecting—*

**CHAIR:** Well, I'm not sure who referred it. I think everyone agrees on it, but we're having an inquiry into it anyway.

**Ms Morton:** As you may be aware, the National Student Ombudsman would be a specific function within the Commonwealth Ombudsman's office. It would operate and act in a similar way. If the NSO received a complaint and investigated a provider about that complaint, the ombudsman would form a view as to whether or not the provider had followed the appropriate legislative requirements and the appropriate policies that were in place, and then would make recommendations to the provider in terms of how they could improve that service.

**CHAIR:** You both mentioned the model code, or the French code, as it's been referred to today. That was introduced in 2019—

**Ms Morton:** Yes, that's correct.

**CHAIR:** by the previous government through legislation, I think. Robert French undertook a review to develop the model code, and there was a subsequent review, as I understand it, by Professor Sally Walker. What did that review say in relation to the terms 'free intellectual inquiry' and 'freedom of speech' as interchangeable terms? I'm not sure who would be best placed to answer that question, but it's something that's come up a bit today.

**Ms Morton:** I don't know if my colleagues from TEQSA have any reflections on that.

**Ms Nieuwenhuis:** I think we would need to take the detail on notice.

**CHAIR:** Sure.

**Ms Nieuwenhuis:** But, suffice to say here, there was a particular language previously used in the standards that conflated freedom of speech and academic freedom. The French model code separated academic freedom and freedom of speech as two distinct activities, and the Sally Walker review looked at the efficacy of each university's response to the model code and how they had developed on it and assessed whether universities had appropriately integrated the French model code into their policies and procedures around academic freedom and freedom of speech.

**CHAIR:** Okay. It just might seem—

**Ms Morton:** Chair, could I just correct myself? I made reference before to staff being able to refer complaints to the National Student Ombudsman. It's only students, my apologies.

**CHAIR:** That's okay. In terms of the model code—I'm trying to get through this quickly—do universities have a choice about meeting the requirements under the code? Is it a voluntary code?

**Ms Nieuwenhuis:** The code itself is voluntary, but the universities, under the standards and the Higher Education Support Act, have an obligation to have policies and procedures that meet the requirements of the Higher Education Support Act definition and the Higher Education Standards Framework with regard to academic freedom and freedom of speech. Most universities have adopted the model code in various shapes and forms, but they have fundamentally adopted the model code.

**CHAIR:** Thank you. That's really helpful. The Attorney-General's Department, thank you for your submission. I'm going to ask some technical questions—maybe the first of the day—about how the inquiry might operate. The submission speaks to the department's administration of the Australian Human Rights Commission Act and the Royal Commissions Act. I was wondering if you could provide us with a comparison of the powers under each act. Not all of them but just the key differences that stand out.

**Ms Sheehan:** There are some comparable powers across the Australian Human Rights Commission Act and the Royal Commissions Act. I'll try to go broadly to those powers. Both have powers to make findings and recommendations. Both have the ability to compel the production of documents or compel a witness to make a statement, although there are some differences between the Australian Human Rights Commission Act and the Royal Commissions Act on when it would be a reasonable excuse to not make a statement. I would say that's one area where there is a difference between the Australian Human Rights Commission Act and the Royal Commissions Act.

Both can hold either private hearings or private sessions in particular circumstances in order to protect vulnerable witnesses, and both have the ability to ensure that information is protected in terms of preventing the publication of evidence in order to protect witnesses. There are also some similarities in the key offences that

apply under both acts. Both have provisions dealing with false and misleading evidence and in relation to the bribery and deception of witnesses and the prevention of witnesses from attending. There are some differences. The Australian Human Rights Commission Act does not have the ability to issue or apply for search warrants, whereas a royal commission can apply for a search warrant to be issued, and there are some differences in relation to the privileges against self-incrimination.

**CHAIR:** Will the work that the Australian Human Rights Commission is undertaking with the racism study and around antisemitism attract those powers that you just explained?

**Ms Sheehan:** The commission has a broad discretion under section 14 of the act to make an examination or hold an inquiry that the commission thinks fit. It would be up to the commission to determine how it undertakes its inquiry and whether it needs to hold hearings or compel witnesses to provide evidence, but there's a broad discretion for the commission to use those powers.

**CHAIR:** One of the issues that have been raised today is the immediacy of the action that's required to protect students and the length of time a commission of inquiry might take. I know that all of these types of inquiries are different, but, from your experience in the administration under the Attorney-General's Department, how long will it take to establish a commission of inquiry like the one proposed in the bill, and how long will it take to finish? There would be a bit of work involved, I would imagine.

**Ms Sheehan:** It's a little bit difficult to answer, because I think each commission of inquiry or royal commission is unique in terms of the issue that it's examining and how long it would take to conduct that inquiry. The length of time that would be provided for a royal commission would be set out in the letters patent, so it would be a matter for the government at the time to determine how much time to provide a royal commission, and there are differences. We do have the length of time that it's taken for some recent royal commissions, if that is helpful?

**CHAIR:** Yes.

**Ms Sheehan:** The aged care royal commission was 29 months. I should say this is the length of time that the royal commission took, not the length of time from the government decision to establish it but the actual work of the royal commission. The disability royal commission was 54 months; the bushfires royal commission was eight months; the defence and veteran suicide royal commission was 38 months; and the robodebt royal commission was 10 months.

**CHAIR:** Which one?

**Ms Sheehan:** Robodebt.

**CHAIR:** Right. My last question is to the Department of Education. We had the Human Rights Commission in front of us before, and they were talking about the funding of the study. Where is that up to in terms of the department's role and the funding of that?

**Ms Morton:** We have provided the initial funding to the AHRC. It's not something that I would expect the Race Discrimination Commissioner to be aware of. The chicanery of how funding gets transferred within government still remains a bit of a mystery to me.

**Senator SCARR:** You're not alone!

**Ms Morton:** We have provided the first payment to the commission. That was a couple of weeks ago, and there will be a further payment made upon delivery of the interim report.

**CHAIR:** Understood; thank you for that clarification. Senators we have two more minutes. Senator Henderson, do you want the call? Then I will have to wrap up.

**Senator HENDERSON:** I might leave it at that and put the rest of my questions on notice—you'll be very pleased to hear that, Chair—so we finish on time.

**CHAIR:** Thank you very much. Thank you to everyone for appearing today. I'll just seek a motion from the deputy chair around accepting tabled documents. We didn't receive very many, but we'll accept those today. I'll also seek a motion to agree that questions on notice be returned by 26 September. That concludes today's proceedings. The committee has agreed that answers to questions on notice at the hearing should be returned by the close of business 26 September 2024. I thank all witnesses who have given evidence to the committee today. I also want to thank Broadcasting and the secretariat.

**Committee adjourned at 15:59**

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-14" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
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# PORTFOLIO COMMITTEE NO. 3 – EDUCATION

**Wednesday 4 September 2024**

**Examination of proposed expenditure for the portfolio area**

# SKILLS, TAFE AND TERTIARY EDUCATION

**CORRECTED**

**The Committee met at 9:15.**

## MEMBERS

Ms Abigail Boyd (Chair)

The Hon. Mark Buttigieg
The Hon. Susan Carter
The Hon. Anthony D'Adam
The Hon. Stephen Lawrence
The Hon. Rachel Merton (Deputy Chair)
The Hon. Sarah Mitchell
The Hon. Emily Suvaal

## PRESENT

**The Hon. Steve Whan**, *Minister for Skills, TAFE and Tertiary Education*

**The CHAIR:** Welcome to the second hearing of the Portfolio Committee No. 3 - Education inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Abigail Boyd. I am the Chair of this Committee. I welcome Minister Steve Whan and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Skills, TAFE and Tertiary Education.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. I welcome our witnesses and thank them for making the time to give evidence. All witnesses will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I also remind Mr Dizdar and Ms Read that you do not need to be sworn as you have already been sworn before this Committee during this inquiry.

**Mr MAROUN EL KHOURY**, Executive Director, Industry and Investment, Premier's Department, sworn and examined

**Mr MATHEW PEARSON**, Acting Executive Director, Training Services NSW, NSW Department of Education, affirmed and examined

**Mr STEPHEN BRADY**, Managing Director, TAFE NSW, sworn and examined

**Ms JULIE TICKLE**, Chief People and Culture Officer, TAFE NSW, affirmed and examined

**Ms JANET SCHORER**, Chief Delivery Officer, TAFE NSW, sworn and examined

**Mr PATRICK WOODS**, Chief Operating Officer, TAFE NSW, sworn and examined

**Dr MARGOT McNEILL**, Chief Product and Quality Officer, TAFE NSW, affirmed and examined

**Ms FIONA RANKIN**, Chief Information Officer, TAFE NSW, affirmed and examined

**Mr MURAT DIZDAR**, Secretary, NSW Department of Education, on former affirmation

**Ms CHLOE READ**, Deputy Secretary, Education and Skills Reform, NSW Department of Education, on former affirmation

**The CHAIR:** Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session only, which goes from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. for morning tea. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m., with a 15-minute break for afternoon tea at 3.30 p.m. During these sessions there will be questions from Opposition and crossbench members only, with 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. Today we are starting with questions from the crossbench. I want to clear something up before we go much further. Mr Dizdar, last Wednesday I asked you about the HSC Strategy program. You said:

> I've heard a bit of a fallacy around the building that we're getting rid of the HSC Strategy ... It's not the case.

Today it has been reported that the HSC Strategy is being abandoned.

**The Hon. ANTHONY D'ADAM:** Point of order: This hearing is directed to TAFE. The line of questioning relating to another portfolio is out of order and should not be entertained at this hearing.

**The CHAIR:** To the point of order: I don't know if I can take a point of order to myself, but this goes to the credibility of the witnesses in front of us. I'm happy to call them back at another time to work out whether they have breached the rules of the committees, or we could just clarify it right now.

**The Hon. ANTHONY D'ADAM:** Further to the point of order: I think it's actually appropriate that we deal with that issue separate from this particular hearing. If there is an issue about Mr Dizdar's testimony in relation to another estimates hearing relating to another portfolio, then that should be appropriately dealt with in a separate proceeding.

**The Hon. SARAH MITCHELL:** To the point of order: Obviously there is precedent for fairly wide latitude in budget estimates hearings. If we are talking today about Skills, TAFE and Tertiary Education, I would argue that the HSC and what happens in the final years of school is quite critical to that. I think it is within the scope of this Committee.

**The CHAIR:** I think that's where I was going with this as well. This is clearly relevant to Skills, so I would like to at least invite a response to the question. Perhaps Mr Dizdar would like to respond to the allegation that has just been put to him.

**MURAT DIZDAR:** I would be happy to. Good morning to the Committee and the Chair. I stand by what I said because that is factually correct. The HSC Strategy has been a very important unit in the organisation, but it has been delivering support for between 12 and 14 HSC subjects. I don't want to get the number wrong, but there are over 70 HSC courses. We are going to double down on HSC support for our schools that go way beyond the 14 subjects that we were delivering support for with intensity. We actually want to go across all of the HSC subjects. It is true that we are realigning that directorate. It is called the Teaching, Learning and Student Wellbeing directorate. We are moving resources around and making sure that our coverage is a lot stronger and not just limited to 14 subjects. They have been valuable; we have had great feedback on that. But we have also had feedback to say, "What about all the other subjects?" That's what we have determined to do with the new structure.

**The CHAIR:** Thank you for that clarification. It has been suggested that 245 positions will be lost. Is that correct?

**The Hon. ANTHONY D'ADAM:** Point of order: I'm going to have to press this issue. This line of questioning relates to another portfolio. I'm going to have to insist that if you have a line of questioning relating to the portfolio of the Deputy Premier, those questions should be directed at a separate hearing. There is opportunity to have further hearings, but this line of questioning is not appropriate for this particular estimates hearing. If you're going to insist, we will have to go into a deliberative because I want that point of order dealt with and we will dissent from it.

**The CHAIR:** To the point of order: I'm mindful of what you're saying. The witness is within their rights to say that they don't want to answer it on that ground. I'm not quite sure why you feel the need to—

**The Hon. ANTHONY D'ADAM:** Further to the point of order: It's not up to the witness; it's about whether you have the capacity to ask questions relating to another portfolio under the resolution of the House. This hearing is directed to the Skills portfolio, not the Education portfolio. The line of questioning needs to be contained to that portfolio.

**The CHAIR:** Out of respect for you, Mr D'Adam, and also because I am appreciative that I am the Chair as well as the person asking the question, I will ask the Clerk for advice and come back to this line of questioning in a future round if I believe that I'm on solid ground. I will now talk about something else. Mr Whan, I understand that there was a case in February in relation to the unfair dismissal of, I think, three members of the teaching staff in TAFE. It was a decision of the Fair Work Commission. For your reference, it is *Kildey and Ors v Technical and Further Education Commission* [2024] FWC 383. The decision was handed down on 13 February and under that decision it was shown that those three people were unfairly dismissed. Compensation has been ordered and they have been ordered to be reinstated. How much did defending that case cost?

**Mr STEVE WHAN:** Thanks for the question. I will pass over for the specifics on cost as I don't have that advice. It is a decision which TAFE was disappointed with. I think there was an expectation from taxpayers in New South Wales that public service appointments should be free of any suggestions of nepotism and learners are expected to be taught by qualified teachers. That was the core of this case. TAFE accepted the outcome and is complying with the orders made by the Fair Work Commission to reinstate the three former TAFE NSW employees.

**The CHAIR:** Sorry, can I just stop you there because I understand you're reading from a statement and it makes it hard to follow. Just at the beginning there, are you saying that TAFE still believes that it has done the right thing in a case that the Fair Work Commission has said it did not?

**Mr STEVE WHAN:** I might ask Mr Brady to elaborate on that, but I certainly say we do need to be clear that we are free of any appointments which involve suggestions like this. I'll pass to Mr Brady for the specifics of this.

**The CHAIR:** Yes, I think we need to be very careful in a court case involving individuals where it's already been found they were unfairly dismissed and unfairly treated.

**Mr STEVE WHAN:** I think we need to look carefully at the reasons for those decisions, but I'll pass to Mr Brady for that.

**STEPHEN BRADY:** Thank you, Minister. We accept that Fair Work has made a decision and we're acting in compliance with that decision. We still stand by the reasons for the dismissals we made in the first place. We feel strongly that for a teacher to be standing in front of a classroom, and in accordance with the requirements that we have under our regulatory frameworks, that teacher needs to be fully qualified.

**The CHAIR:** Sorry, can we just go back, though? The Fair Work Commission found that there was no valid reason for these people to be dismissed and you're now relitigating the point—

**STEPHEN BRADY:** Sorry, I started by saying that I accepted the decision of the Fair Work Commission and that we're implementing that decision.

**The CHAIR:** I wouldn't now add to the harm that has been caused to these people by continuing to restate the position, the unfair reason—

**The Hon. MARK BUTTIGIEG:** Point of order: Irrespective of the merits or demerits of those particular individuals' case, the witness is answering a question and it's not really your position to tell him how to answer the question.

**The CHAIR:** No, that's true. I will just caution you, though, in accordance with the procedural fairness resolution, not to cast adverse reflections on people, particularly where there's been a court case.

**STEPHEN BRADY:** Accepted.

**The CHAIR:** How much did that court case cost to defend?

**STEPHEN BRADY:** I'll pass across to Ms Tickle, the chief people officer.

**JULIE TICKLE:** I think we will take on notice how much the court case cost. It was a lengthy investigation and many people were called as witnesses and provided information on the case, but in terms of the amount, we'll need to take it on notice because I don't have it in front of me, Ms Boyd.

**The CHAIR:** Thank you. I understand there was an initial investigation where a law firm was hired. If you could get me the cost of that, as well as the cost of defending the case, that would be very useful. Have there been any consequences for those TAFE managers who were involved in this unfair dismissal?

**JULIE TICKLE:** By "TAFE managers" do you mean the people who—

**The CHAIR:** Who made the decision to unfairly dismiss these people.

**JULIE TICKLE:** The person who made the ultimate decision made that decision based on the investigation and the recommendations from the investigation, so there hasn't been any action taken against that individual, no, because they based their decision on the recommendations from the investigation.

**The CHAIR:** Is it standard practice to order an investigation of that kind into people? I don't understand. If you have decided that someone has been unfairly or incorrectly appointed, or whatever the case was, is it then common to go and get some law firm to back up that decision? Is that standard practice for TAFE?

**JULIE TICKLE:** It depends on the complexity of the case. We use a combination of external law firms and we also have some internal resources that carry out investigations. This one had, as I said, a number of people that were called as witnesses and we often use external law firms to do cases like this which are a little bit more complex. I wouldn't say it's standard practice because each case is a single matter and it depends on the circumstances.

**The CHAIR:** Is there ever any consequence for the law firm when they get it wrong?

**JULIE TICKLE:** It depends, I guess, on what the circumstances are again. We use law firms on the government panel. We have a variety of law firms that we engage when we need to for investigations.

**The CHAIR:** Can you confirm that those TAFE managers who were involved in that dismissal are still employed by TAFE?

**JULIE TICKLE:** I'll need to take the question on notice because the person who made the ultimate decision is still employed by TAFE, but there are a number of TAFE managers you refer to, so I'll need to take on notice the specifics and come back to you.

**Mr STEVE WHAN:** Chair, I certainly would defend those managers. The issue with the court's decision was about the process, and certainly that's a problem, but I've been briefed comprehensively on what led up to this and there was certainly strong justification for investigating the case.

**The CHAIR:** Have you read the decision?

**Mr STEVE WHAN:** I've been briefed on the decision.

**The CHAIR:** Have you been briefed on the part of the decision where the judge or magistrate—I don't know for Fair Work Commission—said very clearly that there was no valid reason? There were two bits: Was there a valid reason for dismissal and, if there was, or even if there wasn't, was it then done fairly or was it done in a way that didn't cause harm. On both of those counts, for all three, the Justice found that there was no valid reason.

**Mr STEVE WHAN:** Also, as I said, I would back our TAFE, the TAFE, for taking the action of investigating this case. There was certainly, I think, justification for doing that.

**The CHAIR:** But you're not going to back the teachers who were unfairly dismissed?

**Mr STEVE WHAN:** We accept the court's decision.

**The CHAIR:** Can I ask you hopefully something a bit simpler? Minister, TAFE's training colleges and universities obviously have a role to play when it comes to prevention of domestic and family violence and sexual assault. What sort of primary prevention initiatives are in place in those settings at the moment?

**Mr STEVE WHAN:** Separate out TAFEs and universities. There are two different aspects to the way that we're engaged with that. Obviously, as TAFE is a New South Wales government body, we have direct responsibility and TAFE obviously has very strong policies in place on harassment and those issues. I'll ask

Mr Brady to elaborate on those. In the university space, we've been working with the Commonwealth closely on the initiatives coming out of the Universities Accord, which include a number of aspects of safety on campus. In my conversations with vice-chancellors—I meet regularly with vice-chancellors—we've emphasised the need for them to take action to implement the action items coming out of the Universities Accord, which we've heard quite a bit about. I can get some more detail on that from the department, but I'll start with TAFE, Mr Brady.

**STEPHEN BRADY:** Thank you, Minister. TAFE has a sexual harassment and sexual assault policy. In compliance with the requirements of the Public Service Commission, we've established that policy. It has two aspects to it: One is how the policy relates to staff and how staff are protected within the workplace, and the other is in relation to students. We published those policies and procedures at the end of March 2024 and we take our obligations seriously under that. We are also a member of a working group contributing to the Public Service Commission e-learning tool to help inform the rest of the sector and that's due for release later in 2024. I might see if Ms Tickle wants to add anything to that.

**JULIE TICKLE:** I think the only thing to add is part of that new policy is the positive duty obligations that organisations have. We are continuing to raise awareness around positive duty. We have training in place for employees and they do that training, particularly those who deal with students, and part of our student orientation and induction has some information about it as well. That's probably all I'd add.

**The CHAIR:** Before we leave TAFE, last estimates I asked basically how many of the TAFE campuses would have on-campus counselling for people who have experienced—in that case I was talking about sexual assault. You came back on notice saying that the campuses with onsite counsellors vary. Do you not know how many campuses have on-campus counselling?

**JULIE TICKLE:** Our counsellors are across the State, so not every campus has a counsellor that works out of there all the time. But our counsellors move around campuses. For example in the Mid North Coast, where I live, the counsellor looks after three campuses. However, all of the students and employees can access counselling, because we have a counselling service that is available all the time. For employees that includes EAP, but for our students, our counsellors are available. Whether they are on that campus at the time, they can still book a phone consultation with a counsellor. They always have access to counsellors. We have counsellors across the State in regional, remote and metro campuses.

**The CHAIR:** Are there in-person counsellors? As you said, on a Monday you can go to this campus, or that sort of thing?

**JULIE TICKLE:** Yes, that's right. If the counsellor covers a couple of campuses, like in the example I gave, they have regular hours. It's actually on their doors. The students can book in to see them.

**The CHAIR:** Are you in a position to say that every TAFE has an onsite counsellor on some days of the week?

**JULIE TICKLE:** No, I would not be in a position to say that. We would need to take that on notice and provide more information. What I can say is that every TAFE campus and every student at TAFE has access to counselling. Whether it is in person, via the phone or using Teams, which is the portal we use, every student has access to counselling.

**The CHAIR:** I appreciate that, and that's good, but the nature of trauma from sexual assault is that people sometimes need to see somebody in person, or they're really not willing to take that step. There are also people who are worried about security concerns, and there all sorts of other reasons. Can you tell me how many TAFE campuses don't have any onsite counselling?

**JULIE TICKLE:** We would need to take that on notice and come back.

**The CHAIR:** Thank you, that would be very useful.

**Mr STEVE WHAN:** Do you want to go to the university side of it, Ms Read?

**CHLOE READ:** I'll say a couple of things before we get to universities, if that's okay. I just wanted to call out that the Smart and Skilled program—some of those learners will be at TAFE—is fee free for students who are experiencing or have experienced domestic and family violence. Our adult and community education providers similarly provide support to a range of learners who experience disadvantage, including victims of domestic violence. Women make up 63 per cent of those in our adult and community education colleges.

To move to universities, last time we discussed the plan that was published in February 2024 regarding ending gender-based and sexual violence on university campuses. The Australian Government is now in a consultation phase on the shape and scope of the national student ombudsman ahead of releasing legislation to create that ombudsman towards the end of this year. They are also replacing the current voluntary code for

universities with a mandatory national code. There is an expert panel being established to design that code and have that in place towards the end of the year too.

**The Hon. SARAH MITCHELL:** Good morning, Minister and colleagues. It's nice to see some of you twice in one week. Welcome back for another day. I want to start with some questions about TAFE expenses. I will direct them to you, Minister, but I'm happy if you need to seek advice from any of the public servants here with you. I wanted to ask about the travel expenses, specifically for TAFE. There is some information that the Opposition has through a GIPAA. There were a number of interstate trips over the past 12 months. There were 52 trips to Melbourne, seven to Brisbane, two to Perth, 36 to the Gold Coast and also some to Adelaide and Hobart. Can you provide some information as to why there were a number of interstate trips taken and what their purpose was for TAFE staff?

**Mr STEVE WHAN:** I will pass over for details on that, but obviously we work very closely with other TAFEs and educational authorities around Australia, and participate in quite a number of national processes. Our TAFE expertise is also very valued in many areas. We cooperate in the delivery of a number of courses. For instance, recently one of the programs was introduced in conjunction with South Australia. But I'll pass over to Mr Brady for more detail on that.

**STEPHEN BRADY:** The first thing I would say in regard to the Gold Coast is that our Kingscliff campus is right next door. Largely that would be movement between campuses.

**The Hon. SARAH MITCHELL:** I accept that.

**STEPHEN BRADY:** But to the Minister's point, there is a number of reasons we travel interstate. One would be to go and meet with other TAFEs to share information or to view some of their innovative deliver models. For example, I went to a South Australian TAFE and looked at their facility where they are on campus with university and industry around innovative manufacturing. That is informative in terms of the centres of excellence for advanced manufacturing that we're putting into place. The ability to share information and knowledge and leverage the experience of other institutions is important. We are also engaged in a number of the large reform processes that are happening at both the Commonwealth and State levels. For example, Dr McNeill is on the qualifications reform panel and travels interstate regularly to be part of that. We also attend and speak at conferences. There is a range of different reasons why we've been travelling interstate, but largely it's to do with our interactions with other TAFEs, policy reform processes that are happening and engagement in learning for our senior staff as well.

**The Hon. SARAH MITCHELL:** You obviously do virtual meetings and things as well, where possible?

**STEPHEN BRADY:** Absolutely.

**The Hon. SARAH MITCHELL:** The overall total for travel and expenses for the last financial year was $700,000. Do you know how that compares to previous years?

**STEPHEN BRADY:** It's a significant reduction.

**The Hon. SARAH MITCHELL:** I'm happy for you to provide that on notice.

**Mr STEVE WHAN:** We might take that on notice.

**The Hon. SARAH MITCHELL:** It would be good to know for the past couple of years. Minister, you mentioned that TAFE NSW's expertise is often wanted to be looked at by other States as well. Do you have any way that you evaluate or assess the outcomes for those trips?

**Mr STEVE WHAN:** Not specifically. For the reporting that goes to me for the overall budget, I approve all overseas trips, but not interstate trips, obviously. But certainly where there has been participation in a national body, I am generally informed about that. In terms of whether they are value for money, that is really for Mr Brady to work out to stay within the budgets he has been allocated and meet the saving targets on travel that he has been asked to put in place.

**STEPHEN BRADY:** I'll just say that with the specific saving targets that have been applied for travel right across government, we are complying with those. We are scrutinising all travel arrangements, both intrastate and interstate, very closely. I'm confident that we have a culture where we are examining the need for expenditure and where we can do things online, rather than physically. But there is value in coming together with people, particularly around complex items, to get that understanding.

**The Hon. SARAH MITCHELL:** Minister, you just mentioned the international trips, and I want to quickly ask you about those. I think there were five international trips in the past 12 months. Again, do you have any detail in terms of the purpose of those trips and what the outcomes were?

**Mr STEVE WHAN:** I currently approve those individually when they're proposed. I may delegate that at some stage, but we'll see.

**The Hon. SARAH MITCHELL:** Oversight's not a bad thing, Minister.

**Mr STEVE WHAN:** I see the reasons why they're going. We have a number of international operations where we deliver TAFE courses in other countries. That's a revenue raiser for TAFE and it's also an important educational opportunity and link for those other nations that are taking advantage of those courses. As part of that, some of the trips were for our experts to go across and make sure that the standards of delivery in those courses are being upheld. Our experts in TAFE also get regular invitations to international forums and conferences. Many of the trips that I have approved are actually funded by other bodies, at no cost to us. In terms of the detail I will again pass over to Mr Brady.

**STEPHEN BRADY:** That's right, Minister. Under the regulatory requirements for ASQA, if we're delivering internationally, we need to go and ensure that delivery is happening in accordance with the regulatory frameworks. There is a certain amount that is compliance based. There is also going over and marketing and engaging with our partners to make sure that we are sustaining our level of international engagement. Then there is some travel that is, as the Minister said, for attendance at some conferences, which is largely paid for by partners.

The last element would be where we have experts that need to go and do training internationally. Again, that tends to be paid for by partners. For instance, we deliver courses for the hospitality industry, around sommeliers and that type of thing, where we get invited to attend courses in Italy or elsewhere to make sure that our teachers are at the level of knowledge required to actually teach people who are going to be at that level within their industry. Again, that's paid for through the partners, but it comes through our books.

**Mr STEVE WHAN:** I've recently approved a number going to WorldSkills, which is pretty exciting, as you'd probably be well aware.

**The Hon. SARAH MITCHELL:** Can I ask just for a bit of clarity? The information we have, I think there was one trip to Abu Dhabi and two to Shanghai for educational exports. Is that going to look at the quality of the courses? What was that about? Then Manila and Beijing, there's one to each of those in the information that we've been given through GIPAA.

**STEPHEN BRADY:** I think I have to take on notice what the purpose for each individual one was.

**The Hon. SARAH MITCHELL:** If you could. I'm interested that you just mentioned that—I'm sure everyone would love a trip to Italy to go and talk about wine, and I appreciate, in all seriousness, that it has a benefit. I'm not being cheeky. For those that are overseas trips that are paid for by partners, but obviously still go through TAFE, can you provide on notice the number of those trips in the last 12 months and who the partners were in that relationship as well?

**STEPHEN BRADY:** Absolutely, we'll take it on notice.

**Mr STEVE WHAN:** Yes.

**The Hon. SARAH MITCHELL:** On notice is fine. I don't expect you to have that with you today. Minister, I want to go to one more on expenses. I have to ask you—and you're probably expecting this. We did get some information about office expenses. You had quite a large catering budget, $5,233, which I think is second only to the Premier and quite a way ahead of a number of your colleagues. What was that money spent on?

**Mr STEVE WHAN:** As you're probably aware, we have the friends of TAFE in the New South Wales Parliament. We hosted a Parliamentary Friends of TAFE event, which was in the Speaker's courtyard. A number of members of all sides of the Parliament came along, along with 100 students, family members and teachers. I don't know if you were able to go, but it was a great event to showcase a number of the things that TAFE did. Our students did the organisation and the emceeing and provided some of the product. At the same time, there was a display in the Fountain Court of the artworks of TAFE students. That entire expenditure was on that event.

**The Hon. SARAH MITCHELL:** Right, that was what that was for. Okay.

**Mr STEVE WHAN:** Yes, on the catering for that event.

**The Hon. SARAH MITCHELL:** Would you be able to provide on notice a breakdown in terms of how much was spent on food, alcohol and other costs, if possible?

**Mr STEVE WHAN:** The expenditure out of my budget was only on food and the catering costs, not on the alcohol.

**The Hon. SARAH MITCHELL:** Thank you, Minister. I want to turn now to some of the specifics in the budget. Are you able to tell me what the total Skills budget is for New South Wales in 2024-25?

**Mr STEVE WHAN:** The 2024-25 Skills budget is $3.2 billion, which is $2.9 billion in recurrent expenditure and $301 million in capital funding. It's a 3.4 per cent increase over the original 2023-24 budget. In TAFE the budget is $2.5 billion, which includes $2.2 billion in recurrent funding and $301 million capital. In 2024-25, around about 79.9 per cent of the Skills budget will be going to TAFE. It's an increase of about 4.9 per cent over the previous year's budget in TAFE, and capital is around about the same.

**The Hon. SARAH MITCHELL:** So $3.2 billion is your overall budget allocation?

**Mr STEVE WHAN:** Correct.

**The Hon. SARAH MITCHELL:** I then want to ask about some of the capital works. In *Budget Paper No. 03*—I don't know if you've got it in front of you—on page 4-31 where it lists TAFE, it just says "Capital Projects" and "Various" under "New Works". I think there's $88.4 million estimated cost, and the allocation this year is $22.6 million. Are you able to indicate which of the new capital projects are covered through that bucket of money?

**Mr STEVE WHAN:** I will in general, and then I'll pass over to TAFE to give you some more detail. The breakdown of the capital program for this year is around $90 million for the asset renewal program and $37 million for digital access foundation. There's a specific $17.8 million for Kingscliff campus and $21.6 million for Coffs Harbour optimisation project.

**The Hon. SARAH MITCHELL:** Sorry, I see that in front of me. I'm really interested in the new works.

**Mr STEVE WHAN:** So you're particularly interested in the $90 million?

**The Hon. SARAH MITCHELL:** Yes, I'm interested in the new works that's at the top of that. All the others are listed on the table and that's easy to see. I'm just wondering what capital projects are new works, or what will be starting under that.

**Mr STEVE WHAN:** A lot of the work that we are doing is maintenance and upgrades of TAFE campuses. We have some quite serious maintenance problems that have been left in TAFE over the years, so a lot of that is going to maintenance programs. We are doing quite a lot of work in digital, so upgrading wi-fi in many of the TAFEs, which hadn't been upgraded since 2009. There is a very large list of projects under that.

**The Hon. SARAH MITCHELL:** Can I just ask on that—sorry, Minister. I didn't mean to interrupt you. "Digital access foundation" is listed as a separate item in works in progress; so is "asset renewal program". Is that what the maintenance upgrades fall under? The "Capital Projects", the "New Works"—I'm just really keen to know which campuses or what that part is referring to, as opposed to works in progress.

**Mr STEVE WHAN:** I'll ask Mr Brady to elaborate on that.

**STEPHEN BRADY:** Sorry, Ms Mitchell, could you repeat the number that you're referring to?

**The Hon. SARAH MITCHELL:** It's page 4-31 of *Budget Paper No. 03*. Up the top of the table, under "Major Works", it says "New Works", "Capital Projects", "Various". Over the course of the next four years it's an $88 million estimated total cost, and this year's allocation is $22.6 million. I'm curious as to what falls into that "Capital Projects" $22.6 million for this financial year.

**STEPHEN BRADY:** The $88 million consists of a number of elements. One is there are minor works projects, which consists of a range of small projects, really. I'd have to come back to you with a breakdown of what that is.

**The Hon. SARAH MITCHELL:** Do you think you could have that this afternoon, if you could try?

**STEPHEN BRADY:** We'll come back with what we can.

**The Hon. SARAH MITCHELL:** That would be good. Thank you.

**The Hon. RACHEL MERTON:** Thank you very much, Minister and officials. Minister, is the Government still committed to the relocation of the Bankstown TAFE?

**Mr STEVE WHAN:** Relocation and then putting it back? Yes, we are still a part of the project to build a new Bankstown hospital, which will include on the site a new TAFE campus. There is quite a lot of planning that has been going on since I last talked about this at a previous estimates. TAFE has been very closely involved with Health in planning what we need to have in the new TAFE building to cater for the courses that we want to

continue to offer there in Bankstown. TAFE has also been looking at the options for the temporary relocation of the TAFE and looking at options within the Bankstown CBD area there.

I think when I talked about this at my first budget estimates in this portfolio, I talked about understanding that the people who are at the Bankstown TAFE, for many of the courses that we had, needed to have access in a very close proximity to public transport. We're still very focused on that. Planning has progressed quite a long way. We've got a strong idea, working with Health, of what will need to be included in the new TAFE buildings and the new opportunities that might come from being co-located with a health facility and also with a facility that has a large element of hospitality as well. I can ask Mr Brady to elaborate further on that.

**The Hon. RACHEL MERTON:** I'm happy to maybe in the afternoon session, if that's okay. I'm conscious of everybody's time. Minister, I appreciate the planning work and what you've mentioned there. Is there any thinking around the estimated cost of relocating the TAFE?

**Mr STEVE WHAN:** For specifics, I'll ask Mr Brady to elaborate on that aspect of it. Obviously, the budget overall—

**The Hon. RACHEL MERTON:** Have costs been part of the planning in terms of the discussion? That's all. We're just wanting to know the costs on some of this stuff.

**Mr STEVE WHAN:** They're not finalised yet, but obviously there's a budget been announced for the actual hospital development, and we expect the TAFE costs to be included within that. I'll pass over to Mr Brady for detail on that.

**STEPHEN BRADY:** You're exactly right, Minister. We're in the middle of scoping, still, of the service delivery for our requirements within Bankstown. We're in close engagement with Health Infrastructure. We need to develop a business case together. There will be a single business case that we're anticipating going forward to Government that covers to the delivery of the combined TAFE and hospital on the campus. I can't give you a number now. We're still in the process of doing the planning. But what will need to be covered through that is obviously the relocation of the existing delivery to a temporary location and then relocation back into the new combined campus in Bankstown.

**The Hon. RACHEL MERTON:** Mr Brady, given that the Minister—recognising the varied courses and the range of courses on offer currently at Bankstown, will there be one or several temporary sites for the relocation?

**STEPHEN BRADY:** We anticipate going out to market for interest in the local Bankstown CBD to see what is available. Our strong preference would be to have a single site but you would appreciate that it is a fairly large footprint that we need and we anticipate there will be a limited number of spaces that could accommodate us on one space. It may be necessary to have more than one space but our strong preference would be to have a single space.

**Mr STEVE WHAN:** There are some courses which need outdoor space, which we would be looking at putting somewhere else.

**STEPHEN BRADY:** I think we flagged previously that it's likely that, for instance, our animal veterinary related courses will move to Padstow, so we'll accommodate that in other ways.

**The Hon. RACHEL MERTON:** Are there any costs known as to the new campus—reinstating the campus onto the existing site?

**STEPHEN BRADY:** Not at this stage. You would appreciate that planning a combined TAFE and hospital facility is a complex exercise and that that work is underway.

**The Hon. RACHEL MERTON:** So there is no budget provision or there have been no budget proposals put forward?

**STEPHEN BRADY:** I think the Minister mentioned there was an initial budget that was part of the announcement. We're now doing the detailed work around our requirements and, if there is a need for a different budget, then that is something which we'll discuss with the Government.

**The Hon. RACHEL MERTON:** I'm aware that—I think it was in 1999, and this is pre-me in this Parliament—the $1.3 billion was committed to the new Bankstown Hospital. My questions today are for you in your capacity here as the Minister for Skills, TAFE and Tertiary Education. Is there any budget provision within Skills, Training and TAFE for the TAFE—for the temporary relocation and the reinstatement of the TAFE?

**Mr STEVE WHAN:** For Bankstown TAFE?

**The Hon. RACHEL MERTON:** I'm not talking Health; I'm talking Bankstown TAFE.

**Mr STEVE WHAN:** No, there is no provision within the Skills budget for any of the costs related to the change to Bankstown. We would expect that to be covered in the Health allocation.

**The Hon. RACHEL MERTON:** As part of the $1.3 billion for the new hospital?

**Mr STEVE WHAN:** As part of the overall cost of the project.

**The Hon. RACHEL MERTON:** Is there any indication, just for families, for students—the time frame on this?

**Mr STEVE WHAN:** Time frames? Not at the moment. Mr Brady might be able to elaborate on what information we may have got from Health about this, but we will be obviously planning to give as much notice as we can. But Mr Brady might have a time frame on this.

**STEPHEN BRADY:** I think we're still working through that detail. The challenge obviously for TAFE NSW is, with our academic calendar, we don't want to be moving in the middle of a semester. We very much will want to move and minimise the disruption on students. That means that we need to be planning around that calendar. At this stage, until we've got the clarity around where we can move to, what level of fit-out would be required so we can continue to deliver our courses, it's very hard to say exactly what the time frame is.

**The CHAIR:** Minister, under the previous Coalition Government the TAFE model was getting less and less interactive with actual teachers and resulted in a lot of curriculum assessment materials and other things being outsourced. I understand that has now got to the point where sometimes content has no context in the classroom at all. Have you put in place any changes for that? Are there any moves afoot to try to bring teachers back into curriculum development?

**Mr STEVE WHAN:** There's probably a long and complex answer to this, but I'll start on it and we'll see how we go. We've obviously just undertaken the VET review, which is really seeking to set the direction for our vocational training in New South Wales. A key component of that was about recommending that we look at the structure of TAFE so that it is able to better—and we are moving to a new operating model, which is designed to enable our TAFE to actually better interact with its relevant industries but also to re-engage with local communities. We're in the process of that.

There are a number of elements of this. I'll get Mr Brady to elaborate on some of this, but there is a lot of complexity that I've discovered in TAFE for teachers in terms of the curriculum development process because, when you have nationally accredited programs, it comes with a lot of admin that teachers have to do, and every time there's a change to an element of the curriculum or a qualification, that's actually quite burdensome for TAFE teachers. There is a huge amount of TAFE teachers' time which is actually taken up in assessment, in ticking off on an apprentice's qualifications, in changing their courses to meet changes that happen to the national standards and curriculums and those sorts of things. A lot of what's coming out of the VET review will help us to simplify some of that over time and give teachers more opportunity to teach face to face in classes.

**The CHAIR:** Is the VET review finalised? Is it public?

**Mr STEVE WHAN:** The VET review was released a couple of weeks ago—the final report. It's pretty big. We had six recommendations in the first one, 21 in the second with—I counted—61 different points in them. So there is quite a lot in it. We've also got some fairly—some of the systems which TAFE uses need to be continued to be worked on in terms of the admin that teachers have to go through. I think there's some pretty big challenges there. But we certainly accept that there is a lot of complexity in the way that teachers have to go about changing and modifying curriculum. One of the elements of the VET review was to allow TAFE to trial being a self-accrediting organisation and we'd like to trial that with the centres of excellence in manufacturing. That, I think, recognises the complexity that comes out of the national process. Universities obviously self-accredit. TAFE hasn't been allowed to do that but, as the biggest educational provider in Australia, we think that it's reasonable for them to be moving down that path. There's quite a lot to unpack. I'll ask Mr Brady. He might be able to give a more concise summary than me.

**The CHAIR:** I'll come to Mr Brady in a minute. Under the previous Government there was a statement of where they were going with this, and it appears a lot through the eTendering records, which I find interesting. The statement is, "TAFE NSW is reimagining its approach to developing training product, moving to a multi-tier, multi-channel approach to ensure an improved and efficient approach to training product development at scale", which I take is shorthand for, "We're going to do a lot of online courses." Has that approach changed? Have you given any directions, Minister, to change that approach? Or are you still building on that?

**Mr STEVE WHAN:** I'm not sure about that fairly wordy little explanation that they put in there about it. We certainly haven't moved away from doing online delivery where it's appropriate. That's quite important for us to be doing that and we're offering a number of short courses and micro-credentials via that aspect, so there's quite a lot of development going on in terms of developing credentials which meet the needs of learners more directly—obviously, alongside the traditional apprenticeships and certs and traineeships. They're all very important, but we're very conscious of the need to be providing an educational product in a way which is accessible for people around the State.

I think out of the VET review we will see some positive work over time, both on the structure of TAFE and the way that it delivers, making sure that we do reduce some of the workload by—in some ways we had a halfway model. We didn't really have a statewide model for TAFE. We are moving to change the operating model to enhance local engagement but also to allow us to work more closely with industry, to be more responsive to industry in the way that things change to try to get better sharing of some of the expertise that's around. I go around to a lot of TAFEs obviously and talk to people working in particular areas. They'll often say, "Well, I hear such and such down in the south of the State is doing this. I wish we could do that sort of thing." There's this opportunity to actually much better share some of the best practices going around as we move through. Perhaps Mr Brady might be more familiar with the words that you used from the previous Government. He might elaborate on that.

**The CHAIR:** Can I just focus that question then? As you may know, I take a particular interest in the use of consultants, and I love to look through the eTendering website as a pastime. One of the things that drew my attention is actually a contract variation with Ernst & Young, and it falls under this product development program. This variation was published on 9 May this year, and we've gone from just over $820,000 to an amended contract amount of just over $2 million but where the duration hasn't changed. What is that work that EY is doing? Why are they doing it and are they doing it in consultation with teachers? What's the deal with that?

**Mr STEVE WHAN:** I'll ask Mr Brady to answer.

**STEPHEN BRADY:** Thank you, Ms Boyd. I think we have spoken at previous hearings about the use of consultants in product development. Certainly what we're doing is looking very closely at the way we produce new training product and assessments. The challenge we have had in previous years has been a very high rate of change in the training packages coming through from the Commonwealth. We had a centralised model of product development which struggled to keep pace, hence we are having to leverage the use of external parties. We've been changing that model over the past couple of years, and our operating model actually accelerates that change to enable greater use of our teaching workforce.

Teachers are experts in their field, and we draw on them as subject matter experts. But beyond that, there is a capability, particularly with some of our longer-standing teachers who have a full teaching qualification, to be engaged in curriculum development. The model we're moving towards is having a multi-tiered approach. We have very complex changes done within our central team using subject matter expert teachers. But for the less complex changes, we're actually leveraging those teachers more and more. Part of their duties is not only delivering teaching and assessment but also delivering work towards curriculum development. I might ask Dr McNeill to talk a little bit more about it. What that's doing is enabling us to use less external resources.

**The CHAIR:** Why have we got double the amount going to EY then under this contract variation?

**STEPHEN BRADY:** I think if we explore that, you'll see that it's coming down actually.

**The CHAIR:** But it's double from 9 May this year.

**STEPHEN BRADY:** I think we need the detail.

**MARGOT McNEILL:** Yes. Thank you for the question. As Mr Brady explained, this has been a process for us where we're continually driving down our reliance on external partners because we work very closely with them to make sure that we always have TAFE NSW subject matter expertise from the teachers but also project oversight. I'll take the Committee back a couple of steps though, because our primary requirement in the product development space is to make sure that the materials are going to be ready in the very complex environment that the Minister explained. In some cases, we have externally imposed changes to the training packages which we need to respond to very quickly. We're not always able to do that relying on our internal sources of our teachers and our own internal project teams. Therefore, we rely on others. If I talk about the training package changes, that's really only one of the sources of changes we have. So, for example—

**The CHAIR:** Sorry, can I just draw you back to this though? Ernst & Young were hired. We had an original contract duration from 1 September 2022 to 1 September 2025. We have an amended contract with a duration of the exact same time. Why was that three-year contract worth $820,000 when it was first signed and now as of 9 May it is up to $2 million?

**MARGOT McNEILL:** It would be because we have additional requirements to meet these changes. For example, where the building changes, building codes change for specific courses. If Ernst & Young—they're one of the 31 providers on the panel that we have to work with us as external partners.

**The CHAIR:** The way that I understand e-tendering to work is that there's a tender put out for a specific scope of work. If there was to be an expansion of that scope, then you would consider that as a separate thing. It would be an additional amount that would go under an additional contract. There's no explanation as to why this has just increased.

**MARGOT McNEILL:** I'll have to come back to the Committee with that information on notice for the specifics about that contract.

**The CHAIR:** That would be very useful.

**MARGOT McNEILL:** But it will be because of the external changes we have experienced.

**The CHAIR:** Right. In which case, there should have been another contract process undertaken or a registering on eTendering of an additional amount. There's no explanation in this. There's another one here to a Strawberry Solutions company. This is a 3½-year contract from 1 September 2022 to 24 February 2026. This one has gone from $460,000 to $2.2 million. That's over four times the increase in value. Both of these were registered with eTendering on 9 May. How can that be such an increase under the same contract?

**MARGOT McNEILL:** Again, I'll have to come back with the details on notice. But it will be because we work with those external partners on the material development.

**The CHAIR:** Minister, does it worry you, the lack of transparency over these sorts of contracts?

**Mr STEVE WHAN:** I don't think there's a lack of transparency in terms of us knowing what they're doing. I think that's pretty clear within TAFE. There are some jobs that we have to do.

**The CHAIR:** It's not being conveyed to the public.

**Mr STEVE WHAN:** In terms of not being able to provide that information, we'll do our best to provide that information for you.

**The CHAIR:** I'm hearing that some of the micro-courses that have been generally well received—people like the idea of being able to do a micro-course—have some sort of product placement or reference to—

**Mr STEVE WHAN:** You mean advertising?

**The CHAIR:** Yes—particular companies and things in it. Is that true?

**Mr STEVE WHAN:** I'll ask Mr Brady to answer that.

**STEPHEN BRADY:** I'm certainly not aware of that, Ms Boyd, so if you could provide us with specifics we'd more than happily look into it.

**The CHAIR:** That's certainly not the intention though?

**STEPHEN BRADY:** No.

**The CHAIR:** Who has been doing those micro-courses? Who has been creating those? Sorry, "short courses" I think you call them.

**Mr STEVE WHAN:** TAFE creates them but I suspect we do have partners in a number of them.

**STEPHEN BRADY:** For instance, in our institutes of applied technology, we develop those in conjunction with industry and with university partners. An individual micro-credential could be developed by one of the universities or it could be by us or it could be a combination with industry. Although, TAFE NSW, we do a lot of our own micro-credentials as well in other areas. There's a range of ways in which they get created.

**The CHAIR:** Are you able to provide me perhaps on notice with the 31 providers that you have creating these products and how much each of their contracts are?

**Mr STEVE WHAN:** Along the lines of the EY and Strawberry Solutions ones that we had before?

**STEPHEN BRADY:** Right, okay.

**Mr STEVE WHAN:** Yes.

**The CHAIR:** That would be really useful. It's a welcome thing to have online courses and to have that option for people. I think the concern comes when people feel that's replacing face-to-face teaching. What effort

is made, particularly with these online courses packaged up by other providers, to make sure that they can be adapted for the particular needs of the region that they're being delivered in? Even for simple things like places with high levels of CALD communities and First Nations communities, what's done to adjust the curriculum?

**Mr STEVE WHAN:** I will hand that over to Mr Brady in a moment, but we're certainly very conscious of the need for additional support for many parts of the community and wraparound support. It's a very strong focus out of the VET review, and it has been a strong focus of government policy for the whole training sector, not just TAFE. We made a significant change in allowing people to combine the assistance if they were in different disadvantaged groups rather than only being able to access one element of the assistance, which is really important in terms of enabling wraparound support for people. Obviously in terms of delivery, we're also very conscious of where things are being delivered and what the markets are. I understand people saying that they don't always like online delivery. Some people love it; some don't. But it is designed to extend our availability rather than replace. I'll ask Mr Brady to elaborate on that.

**STEPHEN BRADY:** I think it's important to appreciate that there are a range of different delivery modes that we use. As a vocational education provider, a lot of what we teach requires hands-on experience. There are motor skills required. The example I tend to use is that you can't learn to strip down a heavy diesel engine online. A lot of our courses are delivered face to face. There may be an element of online in there. It might be, for instance, a work health and safety element or an induction element, which we can absolutely do online as part of any course. We then have online courses where they're delivered by a teacher in an online classroom, so there's a cohort that's together through the delivery of that course and the teachers are there supporting them.

**Mr STEVE WHAN:** Which is live, so they actually get the interaction directly with the teacher. I have seen some of those in action. They're very good.

**STEPHEN BRADY:** And those students might be anywhere around the State coming together in a cohort with that teacher. And then there is self-paced learning, where you can register at any time, log in and engage in the course and progress with the course at your own pace and there is support available to you as you progress. The suitability of those we really judge around the nature of the course that's being delivered. As I said, there are some courses where you absolutely have to have the practical element and then there are others where that's not so much the case. We take into account the nature of the cohorts that we're delivering to—some require more support that others. We have been looking at, in that self-paced area, the way in which we develop the curriculum to make sure it makes it as easy as possible for the student to engage. We also have educational support officers who can lend support to learners where they hit a road bump. There are a range of supports there to support learners through. It's not the case that we're trying to replace instructor-led or teacher-led training with online. That's definitely not the case.

**The CHAIR:** Is there additional support, then? I understand that TAFE had a multicultural plan that ran from 2020-22 and there were multicultural coordinators and other people. I have lost track of where that got to. I'm not sure I ever saw any review of whether it met its targets.

**STEPHEN BRADY:** We had our diversity and inclusion council meeting yesterday, where we discussed the development of our new multicultural plan, which will be launched in December of this year. We still have our multicultural support network in our campuses. We still obviously support a lot of learners who have English as a second language. They're wraparound supports for those individuals. I might ask Ms Tickle if she'd like to add anything to that.

**JULIE TICKLE:** Yes, certainly. Our multicultural plan, as Mr Brady said, is being released in December. We extended the multicultural plan that we had from 2020 to 2022 because of COVID. We work very closely with some of the communities, particularly in Western Sydney, where we have a higher multicultural population. As an example, in Bankstown campus, they partnered with Canterbury and Bankstown-Lidcombe hospitals and Metro Assist and they supported a refugee and newly arrived migrant health career pathways program. We also have the AMEP or Adult Migrant English Program. We provided training to just over 18,000 migrants through that program. Another program that we delivered successfully with Nepean Hospital was a job readiness program, where 39 people gained employment from multicultural refugee communities at the end of that program. Our multicultural plan, which we saw yesterday, is in draft to be delivered in December. Our multicultural staff network has been very involved in the development of that plan.

**The Hon. RACHEL MERTON:** Minister, I return to Bankstown TAFE. Could just confirm that, in terms of the relocation of the Bankstown TAFE, there's no funding budget provision within the training budget for the relocation of the Bankstown TAFE?

**Mr STEVE WHAN:** That's correct.

**The Hon. RACHEL MERTON:** In terms of future budgets?

**Mr STEVE WHAN:** I couldn't say whether, once we have finalised everything, there might be an element that that budget might sit within our budget but, at this stage, there has been nothing allocated directly to the Skills budget for that project.

**STEPHEN BRADY:** Our discussion with Health and Health Infrastructure is that that will be part of the overall project budget.

**The Hon. RACHEL MERTON:** Minister, is there any budget provision or has there been a budget proposal put forward by you in terms of the building of the new Bankstown TAFE on the proposed hospital site?

**Mr STEVE WHAN:** No. As Mr Brady is suggesting, we would expect it all to be a part of the one proposal that goes for consideration by the Government.

**The Hon. RACHEL MERTON:** The $1.3 billion committed to redevelop the Bankstown hospital is relevant to the Bankstown hospital, in terms of Health. Is there a precedent here that TAFE can somehow fit in the back blocks of the new hospital?

**Mr STEVE WHAN:** It's going to be an integral part of the site and we're working very hard with Health to make sure that the projects are delivered together. We are planning together with Health. It is a single project and our consistent conversation with Health and myself with the Minister is that this is a hospital and a TAFE project and that that's the way it's progressing.

**The Hon. RACHEL MERTON:** But there is the absence of any reference to TAFE, in terms of a $1.3 billion and in terms of Health. The money has gone to Health. It's for the new hospital.

**Mr STEVE WHAN:** The allocations are indicated with Health but, in all the announcements around it, it has continually talked about TAFE as well. I am comfortable with where we're at, at the moment, on the project.

**The Hon. RACHEL MERTON:** Are there any documents that you could table to say that TAFE is part of this health precinct?

**Mr STEVE WHAN:** I believe there have been some publicly available media releases about it and we continue to have discussions with the NSW Health and Health Infrastructure about the proposals. Mr Brady is in—I don't know how regular communication, but he is in regular communication with them.

**The Hon. RACHEL MERTON:** Minister, the department of health report as to why the redevelopment of the Bankstown hospital is required is because the Bankstown area is likely to grow by 21 per cent to nearly a million people. The increased health needs need to be met, hence the case for the new hospital. What does that say, in terms of the training needs in the south-west? If health needs are increasing with 21 per cent and nearly a million people, what about training?

**Mr STEVE WHAN:** Mr Brady can elaborate on this, but we are planning for the future needs of the area in the proposal that we have put in with Health.

**STEPHEN BRADY:** Absolutely. Bankstown is a critical location for us, given not only the growth in that population but also the demographics. There's a strong migrant population. We know from our experience that a lot of those learners will stay within their communities and won't travel a long distance to go to training. It's important that we have a strong base in the Bankstown area and that we're there and able to accommodate growth. Our planning is not for necessarily what we're delivering today but it is what we will need going forward as well.

**Mr STEVE WHAN:** I think it's pretty exciting that we're going to have a new TAFE at Bankstown. I think that's a really exciting prospect. I think it's a positive all round.

**The Hon. RACHEL MERTON:** Minister, in summary—and please correct me on this—we've got no time frame for the relocation; we've got no temporary site for the relocation, whether it's a single site or a multiple site; we've got no budget provision in the current budget or future budgets; and there has been no budget proposal put forward to support the TAFE. What do we know?

**Mr STEVE WHAN:** That characterisation is not quite right. We know that there is a budget provision for the hospital project, which includes the construction of the TAFE and includes the relocation of the TAFE while construction is underway. We have been exploring the market already to see what options are there for the temporary location for TAFE, and we'll progress to the market more formally when the project is given the go-ahead. Mr Brady can talk a bit more about the timing on that.

**STEPHEN BRADY:** I think we're anticipating going out to the market very soon to establish what capacity there is in Bankstown CBD for temporary facilities. We'll have an answer to that, which then helps us to build the cost base and the timings in order to inform the business case to come forward to government.

**The Hon. RACHEL MERTON:** What do students know?

**STEPHEN BRADY:** We've communicated to students the fact that there is the project. We have communicated our commitment to the Bankstown CBD, that there will be a relocation and temporary facility, and that more information will be made available as it comes to light.

**The Hon. RACHEL MERTON:** In terms of the $88.4 million in the budget papers in terms of new works—

**Mr STEVE WHAN:** That does not include Bankstown.

**The Hon. RACHEL MERTON:** So Bankstown TAFE is not part of that?

**Mr STEVE WHAN:** No, it's not, and I wouldn't want it to be because we would want lots more in our budget if we were including Bankstown. I'm comfortable with the fact that it is going as a single project with Health.

**The Hon. RACHEL MERTON:** Is there precedence here, where we've got money committed to a new hospital and then, all of a sudden, it's going to include a new TAFE campus?

**Mr STEVE WHAN:** It's not all of a sudden. From day one, when the Government announced the Bankstown site, we've talked about it being a new TAFE as well. That has been very clear from the Government's original announcements on this, and it has been consistently clear from my discussions with the health Minister and from TAFE's discussions with Health.

**STEPHEN BRADY:** That's correct.

**The Hon. RACHEL MERTON:** Minister, is there any precedence for this?

**Mr STEVE WHAN:** I'd have to ask others. There is certainly precedence for co-located facilities; I'm not sure of the single-budget approach.

**STEPHEN BRADY:** I think, given that the intention is to build a hospital on an active TAFE campus, we have to take a whole-of-government perspective. We know the importance of the Bankstown community for Health but also for Skills, so taking a single view and a single business case is the only sensible way that you could do this. Health needs that land in order to be able to build that hospital, and we need that land in order to be able to deliver skills in Bankstown. Bringing the two together is the sensible way forward.

**The Hon. RACHEL MERTON:** Minister, what's the latest on Gosford TAFE?

**Mr STEVE WHAN:** The Gosford TAFE project has had a business case done for it, but the Government hasn't decided to fund that at this stage.

**The Hon. RACHEL MERTON:** So Gosford TAFE wouldn't fall within that $88 million bucket of money that we're to learn about?

**Mr STEVE WHAN:** No, that's not included in that.

**The Hon. RACHEL MERTON:** Do we have a time frame in terms of Gosford TAFE?

**Mr STEVE WHAN:** I'll ask Mr Brady to elaborate but, no, at this stage it is not funded by Government. We have a business case that is there, but at this stage it is not funded to progress.

**STEPHEN BRADY:** It's exactly as the Minister said. The business case, as you'd be aware, is predicated on moving onto the old Gosford council chambers site. We have agreed with the council to extend the arrangement we have, which potentially gives us access to that site. That remains an open consideration for the Government. We are looking at where there are other ways that we can shape the timing and the cost of the project, but we still believe it's an important business case for TAFE NSW.

**The Hon. RACHEL MERTON:** Minister, at an earlier estimates you reported that you "expected to give certainty on the project".

**Mr STEVE WHAN:** I can't yet.

**The Hon. RACHEL MERTON:** Is there anything you can elaborate on that?

**Mr STEVE WHAN:** No, I can't yet. I'm sorry about that.

**The Hon. RACHEL MERTON:** Minister, in terms of trying to gain certainty on this, was a budget proposal considered for Gosford TAFE?

**Mr STEVE WHAN:** I'm not going to go into any considerations in Cabinet or ERC. Suffice to say we have extended the option with the council on the site and we will continue to talk within Government about the project.

**The Hon. RACHEL MERTON:** Have you held discussions with the council relating to the proposed site?

**Mr STEVE WHAN:** I haven't directly, but TAFE has continued to negotiate with council over it.

**The Hon. RACHEL MERTON:** Have you held discussions with the member for Gosford? I think she has been rather vocal and supportive of this.

**Mr STEVE WHAN:** I have certainly been talking to the very strong advocate in the member for Gosford, Liesl Tesch.

**The Hon. RACHEL MERTON:** What do we know about the student cohort on the Central Coast in terms of their training needs?

**Mr STEVE WHAN:** I'll ask Mr Brady to elaborate on that. We have a number of facilities on the Central Coast, obviously, and there is growing demand there. We have a couple of challenging areas. Ourimbah is one where we have a TAFE as well. We are going through a process statewide of attempting to plan for our future needs in TAFE on the basis of the skills that we know are going to be needed over time, rather than on historical provision and the availability of teachers. That's going to be a process which is really important to planning, delivery, localising, and making sure that we understand the local communities and their skills needs over time. It's actually quite a big change. The Central Coast will be a part of that. We've done some significant planning in terms of thinking about Gosford, but we're also thinking about what to provide at the other TAFE campuses in the area. We are about to start work on a new facility at Wyong, is my understanding.

**STEPHEN BRADY:** It's an animal care facility that's well underway.

**Mr STEVE WHAN:** There are a number of things we are providing on the Central Coast. Perhaps Mr Brady can elaborate on the planning for the future needs there.

**STEPHEN BRADY:** We are very much trying to take a view that all our infrastructure and digital capabilities should be driven by our training needs. We are taking a longer term planning approach where we are looking at not only what we are delivering there today but what will be needed into the future. That looks at all the data that's available to us from NCVER and ABS et cetera, from a top-down perspective, about what's driving training needs analysis. We are then engaging with local communities around what's required in those local areas and planning as a network of campuses. For instance, as the Minister said, we've got the Gosford campus and we've also got Wyong and Ourimbah in that area. How do we deliver the skills required across those sites? We're trying not to duplicate but also making sure we're cognisant of the travel distance for students to get to courses that they want to do.

**The Hon. RACHEL MERTON:** I think this afternoon it would be good to learn more about this. Minister, just in summary, in terms of the Gosford TAFE, we've got a growing student cohort there. We've had investment in terms of universities and other training facilities, but we've got no budget commitment for a new TAFE at Gosford and no time frame.

**Mr STEVE WHAN:** I can confirm at this stage that we have no budget commitment for the relocation or new TAFE at Gosford.

**The Hon. RACHEL MERTON:** In terms of the existing TAFE facilities at the moment, what do we know about that? I've had reports from teachers there that the conditions are appalling and "you owe it to us to give us a responsible and safe place of work".

**Mr STEVE WHAN:** We know that that campus, like many, was allowed to run down significantly under the previous Government. I am certainly also hearing that it is an old campus and in need of work.

**The Hon. RACHEL MERTON:** Have you visited the Gosford TAFE campus, Minister?

**Mr STEVE WHAN:** I have not visited that current campus, no, at this stage. Mr Brady can elaborate on that.

**STEPHEN BRADY:** We are investing to maintain that campus in a state where it's fit for delivery, so we are ensuring that that essential maintenance occurs. There is $700,000 being spent at that campus this financial year. Depending on the timing with relocation, we've got plans going forward about how much we would need to spend to maintain the campus. But certainly, it is an environment which is aged. It is challenging because it has been built on the slope of a hill, with a significant road running through the middle of the campus. Absolutely, we

as an organisation would look forward to relocation, but we are investing to maintain the suitability and safety of the site for delivery in the meantime.

**The Hon. RACHEL MERTON:** In terms of relocation, a business case has been prepared?

**Mr STEVE WHAN:** A business case has been prepared for consideration. Obviously this is a project which, like all projects, needs to be seen in the context of the overall Government priorities and budget position. To be very clear, there was no forward allocation to this project made when we came into government, even though I understand there had been some community discussions about it. No commitment had been made to it.

**The Hon. RACHEL MERTON:** I'm aware of the work—like the member for Gosford, the member for Terrigal has been very active on this.

**Mr STEVE WHAN:** The member for Gosford and the Minister for the Central Coast have certainly spoken to me extensively about this project. They are very strong advocates for this project, and I suspect that they will continue to be. I have heard the member for Terrigal talking in Parliament, but he certainly did not get an allocation of funds to get the project going when he was a part of government.

**The Hon. RACHEL MERTON:** In terms of next steps, in terms of Gosford TAFE, it's on the list and under review?

**Mr STEVE WHAN:** As Mr Brady said, we've agreed with council to extend the option over the site. That enables us to continue to talk about whether or not the project could fit into the Government's priorities in the medium term.

**The Hon. RACHEL MERTON:** In terms of budget allocation, would Gosford TAFE fall under new works?

**Mr STEVE WHAN:** If there was an allocation to it, it would appear, I suspect, with its own line item because it would be a very major project, but it's not in there at the moment.

**The Hon. RACHEL MERTON:** On one hand we're just propositioning, if there was a commitment to the Gosford TAFE, possibly a line item, how it would be addressed in the budget, but when we come to Bankstown TAFE there's nothing.

**Mr STEVE WHAN:** Very different projects. Let's be really clear about this. If we're building a new TAFE, as TAFE on a block of land that TAFE owns, then it appears in our budget. The Bankstown project is a project that's being done jointly with Health. We've made it very clear from the outset that that is the way the process is going. It will have an allocation for the project overall. We've been absolutely clear about that.

**The Hon. RACHEL MERTON:** In terms of the materials or the agreement or the references that you've made that the $1.3 billion for the new Bankstown hospital will include the new Bankstown TAFE—could they be made available to the Committee, in terms of the materials, the agreement, the reference?

**Mr STEVE WHAN:** We will take on notice the public information that's been provided and provide that information and any other information we're able to release at this stage.

**The Hon. RACHEL MERTON:** Minister, is it fair that students and families in the south-west feel like the Bankstown TAFE relocation in the hospital precinct is a downgrade—a downgrade to TAFE?

**Mr STEVE WHAN:** That would be totally unjustified.

**The Hon. RACHEL MERTON:** A downgrade to the campus?

**Mr STEVE WHAN:** No. I totally reject that. It's a great opportunity to get a new TAFE.

**The Hon. SARAH MITCHELL:** With no money for it.

**Mr STEVE WHAN:** A fantastic opportunity to get a new TAFE. We will have an entirely new building. We'll be able to really leverage on the opportunities of being on the same campus as a hospital in terms of our health—TAFE is really critical in the provision of health training in New South Wales. We'll have the opportunity to really work directly with the health campus. We'll also have some other really interesting opportunities we can explore in terms of hospitality, for example, because the hospital will inevitably have a number of hospitality businesses and activities going on. I think there are some fabulous opportunities. I think people who are interested in the future of the Bankstown TAFE should be really excited about it—very positive.

**The Hon. SARAH MITCHELL:** Minister, just to pick up on that, you've said in answers to my colleague you don't have a separate budget, you're not quite sure exactly how much you'll get from the Health funding. How

can you be confident that you're going to be able to offer everything that you're saying when you actually have a zero budget allocation at this point?

**Mr STEVE WHAN:** As with all projects, there is a process of doing planning and then going out and getting cost estimates of how much it's going to end up as. We're very comfortable with the elements of the TAFE. As you've heard from Mr Brady, we're actually planning for the future provision of training through TAFE in Bankstown and catering for future needs with this facility, and we're very comfortable with the fact that Health is engaging with us on that with Health Infrastructure. I don't think there is any concern at all. In fact, I'd probably be more worried if we were talking about two separate budgets building on the same site with two separate planning processes. I'd expect it to be managed as a project on the site.

**The Hon. SARAH MITCHELL:** With respect, you've been in and around politics for a long time. You've got two agencies working on this. Health ultimately is stumping up the funds, from what you're saying.

**Mr STEVE WHAN:** The Government is stumping up the funds.

**The Hon. SARAH MITCHELL:** But if they have health service delivery as their ultimate goal, how can you give any guarantee that the TAFE won't be an afterthought and you'll just get the dregs of what's left in the budget?

**Mr STEVE WHAN:** The taxpayers of New South Wales are stumping up the funds. Whether it appears in the Health budget or our budget as a single line item makes no difference, as long as the funds are there to deliver the services that we're planning for. We're intimately engaged in the planning for those services, so I'm absolutely confident that out of this the people of Bankstown will get an excellent facility. They'll get one that's capable of providing for the future needs of the area and we will be providing them with continuing educational opportunities through a temporary location.

**The CHAIR:** In my little three minutes, if we could come back to the multicultural services, I understand that there was a so-called CALD coordinator in certain regions, but not in all regions. Can you give me an update on how many there are and which regions they're currently in?

**Mr STEVE WHAN:** Ms Tickle?

**JULIE TICKLE:** I will have to take on notice the number of CALD coordinators we have, but I can explain where the decision is made to have them in certain regions. We try, and our employees—our goal is to mirror the communities we serve with our employees, so we have CALD coordinators in areas where there are high migrant populations. Many of our CALD coordinators service Western Sydney for that reason.

**The CHAIR:** I understand that there are five regional areas with none at all. Is that because we don't have any need out there? You would still think that there would be a significant portion of students coming from that culturally and linguistically diverse background.

**JULIE TICKLE:** I would need to correct the record there, Ms Boyd, because at the moment we have five regional areas in total. Our new operating model is moving towards going away from regional areas and having clusters of communities. At the moment, as it is today, we have five regional areas, so we do have CALD coordinators in some of those regions.

**The CHAIR:** Maybe you could come back and tell me where you do and where you don't.

**JULIE TICKLE:** Sure, yes.

**The CHAIR:** That would be really useful. Similarly, I understand there are Aboriginal education engagement coordinators. How many are there of them and where are they?

**JULIE TICKLE:** Yes, certainly. That's a team under the senior managers Aboriginal education and engagement. There are six of those across the State and each one of those has a team of Aboriginal education coordinators and Aboriginal student support officers underneath them, so we have them across the State as well.

**The Hon. RACHEL MERTON:** Minister, if I could just return to the Bankstown TAFE, and I recognise the enthusiasm that you have—

**Mr STEVE WHAN:** Great opportunity for the area.

**The Hon. RACHEL MERTON:** As you just said, a great opportunity, but as we established earlier, in terms of the growing cohort in terms of the south-west and hence the case for the hospital redevelopment, I'm just wondering how would we address a growing student cohort on a new campus on reduced land.

**Mr STEVE WHAN:** Our planning is looking at future demand.

**The Hon. RACHEL MERTON:** The campus is getting smaller, that's all.

**Mr STEVE WHAN:** The land on the campus is, but the buildings not necessarily.

**The Hon. SARAH MITCHELL:** Will you have less square metres of teaching space in the new facility?

**Mr STEVE WHAN:** Mr Brady can specifically answer that, but we will plan for the future growth of area as part of this campus. Obviously, the building designs haven't been finalised yet. Some of the land on the campus will be taken up by the hospital, but that doesn't necessarily mean there'll be less building space. I think Mr Brady can answer specifically on that.

**STEPHEN BRADY:** Thanks, Minister. If you look at the Bankstown campus at the moment, the buildings range from 1960s brick buildings, which are not fit for purpose whatsoever, through to a range of facilities. I don't think there's been anything new constructed on that campus for decades. So it's a good campus, it's delivering for the community at the moment, but from a floorspace perspective it's fairly inefficient because it's spread out across quite a large land area, which is what creates the opportunity to have the hospital and the TAFE on the one spot. What that campus doesn't have at the moment is anything relating to trades. I think it had automotive there quite some long time ago. It has spaces which are quite suited to a vertical campus. It does work around retail, it does work around health and beauty, around care—so they're all things that can easily be accommodated within more of a standard sort of building, rather than having specialist delivery spaces that require a different footprint.

**The Hon. SARAH MITCHELL:** In really simple terms, do you anticipate having more or less square metres of teaching space in the new campus?

**STEPHEN BRADY:** I'll take that on notice, but it's not our intention to reduce. I have mentioned we do have some veterinary care on that campus at the moment. We think that—it's currently in a high-rise building—it's not really suitable. We would look to move that to one of our other nearby campuses. So there may be some changes to the delivery, but it's not our intention to reduce.

**The Hon. SARAH MITCHELL:** If you're going to move something like vet services, it's obviously going to be less, isn't it? It has to be.

**STEPHEN BRADY:** I give the example of something that is probably not in a great location at the moment.

**Mr STEVE WHAN:** It's really about whether we are offering courses and the number of people we'll be able to service. If we can do that more efficiently with a better layout then we will. We're catering for future growth in the area and for future educational demand. That'll be the focus of what we're doing.

**The CHAIR:** Sorry, time is up. I will just check whether the Government members have any questions.

**The Hon. MARK BUTTIGIEG:** No, we're all good.

**The CHAIR:** We will take a tea break. We're going to have a short deliberative, so if we could clear the room for that, that would be great. We will be back at 11:15.

**(Short adjournment)**

**The CHAIR:** Thank you for returning. I'm just going to come back to you briefly, Mr Dizdar. It's been reported today that the New South Wales education department is proposing to axe 245 positions. Is this true?

**MURAT DIZDAR:** That's not quite an accurate representation. If you're referring to today's article, it's referring to a division within our department—it's a very important division—called Teaching, Learning and Student Wellbeing. We've begun a consultation process with our staff and indicated to them that we're making changes to that division. They're very important changes because they come off the back of a new plan for public education, as well as this Government's priorities, which, as the Secretary, I need to be able to meet. We wanted to remove duplication of resources. We wanted to get better alignment of some of the areas. We are moving some of the areas to other areas in the organisation. But in terms of what's quoted in the paper, it said something like 245 positions. I'll just put it on the record that about 140 of those positions are vacant and not filled and were temporary. We will look at consolidating those. They are not people who are already in roles.

The paper also may not have picked up that in headquarters we have roles called non-school based teaching staff. These are teachers that come from the field—merit selected—and they are predominantly temporary appointments. They are for a year to upwards of three years to provide their expertise in areas that are needed. Then those people have a permanent position in the department because they are teachers in our system or executives in our system. They go back to those positions. We're not looking at the number that was quoted in the paper. We are looking at having a strong division in these areas: in curriculum, in student wellbeing, in inclusion

and wellbeing, in specialist programs and in teaching and learning. For the record, I want to back in the comments I made at the Education budget estimates hearing. They are accurate. We are looking to expand our HSC support.

**The CHAIR:** Just to clarify, you said that 140 of the 245 potential positions were vacant already?

**MURAT DIZDAR:** I'm rounding out numbers.

**The CHAIR:** Does that mean that there are 105 positions that are potentially going to be lost then?

**MURAT DIZDAR:** No.

**The CHAIR:** How many positions are at risk?

**MURAT DIZDAR:** The paper quotes about 245 positions. I am saying to the Committee that about 140 of those are vacant. There are about 100 roles that we are looking at. Some of the roles are lift and shift.

**The CHAIR:** How many?

**MURAT DIZDAR:** Let me unpack that for the Committee. We grab the team and move it to another area. If you would like an example, in the current division, we have people who are supporting government preschools. We now have an entire division called Early Childhood Outcomes, led by deputy secretary Mark Barraket, who you met at the last estimates. We're picking up that team and moving them to the early childhood division so that we're aligned in all the work we're doing around early childhood. Another example is that we've got Aboriginal education curriculum officers who are currently in that division who we are picking up and moving to the Aboriginal education communities division so they are aligned and working simultaneously. All up, there are only about 30 roles, or thereabouts—if I've got it wrong I'm happy to come back on notice, because I don't want to get the number wrong—across that entire division where we will be working with individuals around their placement.

**The CHAIR:** Are they teaching roles? Is that 30 teachers?

**MURAT DIZDAR:** It's a mixture of teaching and non-teaching roles.

**The CHAIR:** So it's not proposing to axe 245 positions; it's proposing to axe about 30 positions?

**MURAT DIZDAR:** No, 245 was quoted in the paper. I'm on record saying that about 140 are vacant, not utilised and not required. I think it's really important to get the balance right between the support arm—how many roles you've got in the headquarters—compared to what you've got on the ground. The Committee may or may not know—this is in annual reports—that just four years ago the headquarters was 5,635 positions. In four years it went to 8,000 positions. It grew enormously, with a backdrop where we dropped 25,000 enrolments and are wrestling with what a teacher shortage looks like. I make no excuse for wanting more of our expert practitioners on the ground, serving our children daily in classes. But I also want to get the balance right with the support that I provide. I think this model does that.

**The CHAIR:** In the previous estimates you said the HSC strategy was doing a great job and that having those teachers not in the schools, but actually supporting all of the other teachers, was making a huge difference.

**MURAT DIZDAR:** It is.

**The CHAIR:** How does that then gel with you now saying that those people need to be not doing the HSC strategy, but doing something different?

**MURAT DIZDAR:** That's a fair question, Chair. I stand by the HSC strategy. It's been doing great work. But I've also got an entire arm called curriculum. We're moving the HSC strategy into the curriculum area because you get duplication. You'll have an individual who is charge of stage four and five history in the curriculum team, which is years seven to 10. Then you'll have another arm that is doing the HSC history. We are able to bring it all together under the curriculum arm and make it easier. Plus, as I said earlier in the morning—and I think it's important you get this detail and I've just had it confirmed—we were delivering 12 to 14 subjects by way of HSC support, and we are going to expand the number of subjects that we support.

**The CHAIR:** Sorry, because I am genuinely confused—please believe me when I say I am genuine in my confusion—you said that the HSC strategy was great and wasn't going anywhere, but today we've heard that actually you're not having the HSC strategy anymore in terms of having these people sitting within the department, supporting teachers. How do those two statements go together?

**MURAT DIZDAR:** Let me simplify it. When you're talking about a large division, the operational arm can get a little confusing. We are going to keep our HSC work. We are going to expand the number of subjects we support. We're going to move that in alignment to an area called curriculum in that division.

**The CHAIR:** With fewer people? Finally, can you just confirm from what you were saying before that we are looking at about 30 positions across the teaching and learning division that will be made redundant?

**MURAT DIZDAR:** We're not looking at making them redundant. We are looking at working with 30 positions—and whoever those relevant people are—around what their placement in the organisation will look like, and if it's not available in the organisation, what it would like across the public service.

**The CHAIR:** I'm going to leave that for now. I don't profess to be any less confused, but I'll leave it for now.

**MURAT DIZDAR:** Sorry, I tried. I live it operationally everyday, so I tried to simplify it and make it understandable. I am happy to unpack it further if I haven't been able to do that for you.

**The CHAIR:** Minister, I understand that there was a learning technology services team that was sitting within TAFE that got made redundant just before the financial year; about 99 positions were scrapped. Can you give us any information on that and the process that was followed?

**Mr STEVE WHAN:** There is some reform underway in TAFE, but I'm not aware of 99 positions being—

**STEPHEN BRADY:** I think this refers to the organisational change we made early in the financial year, Minister. We looked across a range of our support functions for where there might be opportunity to streamline and improve support, and the learning technology group—I say it's a group; there is a team—was part of that. They've been doing some work around some of the support services. We've just reorganised to ensure that other teams are supporting the teachers. We found the opportunity to streamline and reduce cost.

**The CHAIR:** So 99 people did lose their jobs?

**STEPHEN BRADY:** Sorry, it wasn't 99 people in learning technology services. Ms Tickle?

**JULIE TICKLE:** That change was consulted with employees between 26 June this year and 16 July. There were 63 back office employees impacted; 42 of those permanent employees are going through a declaration of excess process. However, all of those employees are going through the government mobility scheme at the moment. As you would know, the Government has a scheme where public servants are going into a mobility pool and, if suitable, they're offered positions in other areas of government. So far, with that particular change, we have placed five people, and eight further people out of that 42 permanent employees that were declared excess, or were to be declared excess, are going through that process to be placed as well.

Of the 63—so that was the 42 permanent employees—there were also nine temporary employees, and 12 employees are still with us but we've moved them back to substantive positions. The team that you referred to, though, Ms Boyd, is advanced learning technologies. This plan was made up of those people but more people as well. So there weren't 63 people in that team. That team provided technology support—as in their name, advanced learning technology support. For example, they did a lot of work when we had COVID and we had to get all of our teachers to use the Teams platform and that sort of thing.

We made a decision that we no longer needed the focus on advanced learning technologies. A lot of our teachers are using that technology very well now, and we have other parts of the business that support our teachers with the technology. For example, each of our teaching teams has a dedicated group of people called Skills Teams Education Excellence Specialists, and they also support the teachers with technology. It's not that we've removed technology support for teachers in this change.

**The CHAIR:** I've seen some of what that team was working on, particularly the virtual reality stuff, which seemed to be incredibly useful—everything from learning to swim to other sorts of services that would help people, particularly people who are coming to Australia as migrants and a bunch of other people. Does that mean, then, that that sort of technology development isn't going to be a feature of TAFE anymore? I don't understand why it was scrapped.

**Mr STEVE WHAN:** No, it's not my understanding that we're dropping any functions at all in this process. Ms Tickle can elaborate on that.

**JULIE TICKLE:** Yes, that's right. We're not ceasing virtual and augmented reality in our delivery, no. Not only those people did those technologies.

**The CHAIR:** I understand that Meta donated 1,000 VR headsets to that team. What has happened to those headsets?

**JULIE TICKLE:** I'm not able to answer that question. I'm not sure if you can.

**STEPHEN BRADY:** I think they're in a range of different parts of the organisation. For courses that have already been developed using virtual reality, they're being used—I remember seeing at one of our CLCs that I visited, they're demonstrating the online delivery of that virtual training. A range of them are in use. I couldn't account for where the 4,000 are at the moment. I'd have to take that on notice.

**The CHAIR:** It was 1,000.

**STEPHEN BRADY:** Yes, 1,000.

**The CHAIR:** This 26 June to 16 July consultation period for these redundancies, is that a standard period of time for someone to be told that they've been made redundant? What does that consultation look like?

**JULIE TICKLE:** I wouldn't say there's a standard period of time. It depends on the complexity of the change plan and what's being proposed. The consultation process for this particular change plan was with those impacted employees and they were given the opportunity to provide the impact that that had on them, obviously, and the impact that it had on their work at TAFE. The period of time was adequate for the size of the change plan, with 63 people impacted overall.

**The CHAIR:** Under that eight-week mobility period, who will be out of a job by the end of that? How does that work?

**JULIE TICKLE:** It's still in progress, so I couldn't tell you what the end result will be. As I said, there were 42 people that were to be declared excess. They're in the mobility process at the moment. Six have been confirmed placed, and we've got a further eight out of the 42 going through the placement process at the moment, and it looks like they will secure a role in another agency. It just depends—in terms of how that process ends for those people—how many at the end will be made redundant.

**The CHAIR:** So there are about 34 of them that don't necessarily have a position?

**JULIE TICKLE:** They're in the process at the moment. That's what we've got so far. It doesn't mean that the others won't find a place in another agency. They're going through the process at the moment.

**The CHAIR:** If I could turn to something a little different. I've been hearing quite a few concerning stories around lack of accessibility in universities for people with disability. In particular, I was told of one university where the student collective had bought a bunch of temporary ramps, like little ramp things, so that they could loan them out to people in wheelchairs so they could actually get into rooms that had little steps and stuff. What is being done to make our universities fully accessible? Has there been an audit? What is the department doing?

**Mr STEVE WHAN:** To start with, obviously the universities are established under State legislation, but their governance is up to the universities. They operate independently to the State Government. We don't have a role in running the universities per se or setting those standards. The Federal Government is the main regulatory body for the universities, so they would be working with the universities on setting standards in place. Obviously I would expect universities to be living up to the standards we expect of every institution in our State and, indeed, access our rules which exist in many of our planning instruments. I'm not aware of detail—what I'm saying to you is that we don't have a day-to-day involvement in telling universities what they should be doing in that space. Perhaps Ms Read might like to add.

**MURAT DIZDAR:** I might just add before Ms Read jumps in. The Minister is spot-on. They're administratively autonomous, but that doesn't preclude them from relevant legislation on work health and safety grounds, for example, for their staff and their students. Obviously they've got total responsibility for the teaching and learning. Just like I would in my space for public schools, I'd have to make whatever adjustments were required at a particular school. If there was to be a new build, like I've indicated in previous estimates, I would have to make sure full inclusion and accessibility was available there. But I'd have a footprint that goes all the way back to 1884, so I'd have to also make adjustments. The same would apply to universities. If you do have particular concerns, I think they should be—we should bring them to the attention of the vice-chancellor of each of those universities. I'm not sure if they'd be across what they are. I think the whole State would expect what reasonable adjustments were needed to be made.

**The CHAIR:** I think part of the problem is that we sit in this kind of gap between regulation and people don't know who is the prime regulator for issues like this, so nothing gets done.

**Mr STEVE WHAN:** As the secretary said, they've got to comply with all of the same standards that the rest of society has to comply with.

**The CHAIR:** Yes, which, unfortunately, aren't very high.

**Mr STEVE WHAN:** Sure.

**CHLOE READ:** If I can just add that there are also some specific elements of the Higher Education Standards Framework that TEQSA, as the regulatory body, have in place that speak to equivalence of opportunities and speak to things like the learning environment. Also, while the national student ombudsman is being set up as a result of that work we talked earlier on—gender-based and sexual-based violence on campus—they're intended to be a student ombudsman fulsomely, not just for one specific issue. Some of those matters about complaints, and whether students feel that they understand the avenues of complaint and how to get complaint resolution, I think that will help in this instance as well.

**The CHAIR:** What about TAFE in terms of accessibility of TAFE facilities?

**Mr STEVE WHAN:** I'll ask Mr Brady, but we certainly expect TAFE to also have accessible buildings, noting that many of our buildings are over 100 years old and most of them are over 50.

**STEPHEN BRADY:** That's right, Minister, thank you. Absolutely, our infrastructure very much looks at inclusive design standards when we are looking at new builds. We do have an access advisory group from our staff and students that informs us around any issues on campus. Part of the work we do around our minor works every year is improving access. It's a really critical part of what we do. We had a whole range of lift replacements in the last couple of years to make sure we can increase accessibility. We have a diversity inclusion council, as I mentioned earlier, where we have our chairs of our employee resource groups, who are leading our staff in the inclusion space, come and report directly to our executive around issues. We make every effort we can to ensure that our staff and students with disability can get the full experience, the same as every other staff and student member.

**The Hon. SARAH MITCHELL:** Mr Dizdar, I'll come back to you with some of the questions that the Chair was asking as well. Could you clarify—I think you said 140 of the roles were vacant at the moment, roughly?

**MURAT DIZDAR:** Technically it's 141.6 FTE.

**The Hon. SARAH MITCHELL:** So 140.

**MURAT DIZDAR:** That's why I rounded it out.

**The Hon. SARAH MITCHELL:** Do you know how many of those have been vacant for a year or more?

**MURAT DIZDAR:** I don't have that with me. I just know that they're vacant.

**The Hon. SARAH MITCHELL:** Could you take that on notice? You just mentioned there is a bit of change and those roles are often only—people have moved into them for a year or so. I'm wondering how many have been vacant for 12 months.

**MURAT DIZDAR:** So the ones that I was saying, whether it's a year, two or three—that's the NSBT workforce, the non-school based teaching workforce. They come in on one-, two- or three-year contracts and they maintain permanency as either a classroom teacher, a head teacher—

**The Hon. SARAH MITCHELL:** But none of those are in those 141.6 roles, or are they? Are any of those NSBTs the 141.6?

**MURAT DIZDAR:** I don't have the breakdown between NSBT or general GSE roles. But 141 of the 245 that is being quoted are vacant—some for lengthy periods, some for shorter periods.

**The Hon. SARAH MITCHELL:** Could you take on notice how many have been vacant for 12 months or more?

**MURAT DIZDAR:** I can do that.

**The Hon. SARAH MITCHELL:** How many staff currently work in the HSC Strategy team?

**MURAT DIZDAR:** I don't have that. It's a large team. I don't have that figure in front of me.

**The Hon. SARAH MITCHELL:** Of the 105 positions that are currently still there and not vacant, what is the proportion of that that is part of the HSC Strategy team?

**MURAT DIZDAR:** I'm not going to have these figures. Let me take them on notice, if it's okay with you.

**The Hon. SARAH MITCHELL:** How many will be transferred into that new curriculum division? Is it all of them?

**MURAT DIZDAR:** No, it's not all of them. Let me get you that figure.

**The Hon. SARAH MITCHELL:** Are they still going to be called the HSC Strategy team within the new curriculum division?

**MURAT DIZDAR:** I don't want to get that wrong. Let me find that out as well.

**The Hon. SARAH MITCHELL:** Do you think you might be able to have some of that data by this afternoon for us?

**MURAT DIZDAR:** Maybe, yes.

**The Hon. SARAH MITCHELL:** Okay, I'll come back to that after lunch.

**MURAT DIZDAR:** If we do, I'll certainly table it. If not, we'll turn it around quickly with the supplementary questions.

**The Hon. SARAH MITCHELL:** The Best in Class team—are they part of those 105 positions as well?

**MURAT DIZDAR:** Best in Class was what it was called when it was kicked off. You'll remember that was in your time. From there, the terminology changed to "expert teachers". There was a little bit of friction with the titling of that, and it was at the request of both the people performing that and the partners. It is the same group of people.

**The Hon. SARAH MITCHELL:** Are there about 70 teachers in those roles at the moment? That was some of the latest data that I could find, but I didn't know if that was still current.

**MURAT DIZDAR:** I don't have it at my fingertips, Ms Mitchell. But this was the team that I'm referencing today that was providing support across the State for between, I'm told, 12 and 14 subjects—important support, support well received. But under this new model that Mr Graham and I are moving to, we want to increase the number of subjects that we're going to provide support for. What we also want to achieve—because we've been hearing this from our partners, from the federation, the primary principals, the secondary principals—is support for those that are teaching HSC for the very first time, because that can be challenging, as well as teachers who are teaching the HSC but it's out of their subject area. You can sometimes have a HSIE teacher, for example, who is geography and business studies trained teaching modern history for the first time for HSC. So we not only want to increase the number of subjects but also go to those two areas that I just tabled—and that was not being provided at the moment.

**The Hon. SARAH MITCHELL:** What I'm just trying to break down, though, is are the Best in Class/"expert teachers", as they're now called, separate to the HSC Strategy team?

**MURAT DIZDAR:** No, that was the team.

**The Hon. SARAH MITCHELL:** That's part of that as well?

**MURAT DIZDAR:** Yes.

**The Hon. SARAH MITCHELL:** As I said, I think there were close to 70 teachers in that Best in Class from the data that I could find, which is a couple of years old, but there might be updated figures. You're saying that there are 105 positions that aren't vacant, and 30 roles that—I think you said before to Ms Boyd—you're looking for movement. Does that leave you with about 70-odd positions to go into that curriculum? I'm trying to work out whether we're actually going to have more or less people supporting teachers in the classroom and how that is all going to play out. It's just not very clear. I agree with the confusion, that's all.

**MURAT DIZDAR:** Can I have another go, Ms Mitchell? I do want to make it clear.

**The Hon. SARAH MITCHELL:** Please, if it is going to help, go for it.

**MURAT DIZDAR:** I think 245 was quoted in the paper, and I'm saying 141.6 of that is vacant. In round terms it is about 100 more positions. Only about 30 of those or thereabouts are ones where we're going to have to look at options for individuals and those roles. With the HSC arm that you're referring to and the Best in Class—that's one and the same—we'll be moving less positions into the curriculum area, but we have an army in the curriculum area. We'll be getting that one team to now go from 14 subjects or thereabouts to an expanded subject range and deliver through the curriculum, with the new curriculum rollout, the HSC support.

**The Hon. SARAH MITCHELL:** We might come back to this this afternoon. But any figures you've got, potentially, this afternoon in terms of exactly how many there are currently—I think you said the HSC Strategy team was quite large.

**MURAT DIZDAR:** Quite a large team, yes.

**The Hon. SARAH MITCHELL:** But is that 70-odd then? Is that what the rough figure would be?

**MURAT DIZDAR:** Let me get the numbers, if that's okay.

**The Hon. SARAH MITCHELL:** We'll come back to that.

**MURAT DIZDAR:** I only had the global numbers of the entire division, which I was trying to unpack for you.

**The Hon. SARAH MITCHELL:** I think we might come back to this. I want to pivot into other changes within the department in your area, Ms Read. Again, there has been some public reporting about I think up to 67 roles within the Education and Skills Reform division no longer being there or being moved. Can you outline what is happening in that space?

**CHLOE READ:** We've just finished consultation for—we've got a change we'll be announcing the final structure for tomorrow. There are about 30 ongoing positions in that change that were proposed to be removed. As a result of the consultation process, that number is going to change. But I will take on notice by how much because we won't have finalised that structure until tomorrow.

**The Hon. SARAH MITCHELL:** If you could provide that on notice that would be good. Minister, what involvement did you have in terms of the changes within that part of the department? Were you briefed, consulted?

**Mr STEVE WHAN:** The education department changes have been managed by the Deputy Premier. I've obviously been briefed about impacts in the Skills area, but the decisions were made by the Deputy Premier and the secretary.

**The Hon. SARAH MITCHELL:** But surely, Minister, this division helps with the support for apprentices, for trainees in schools and TAFE, is my understanding. But you don't, as the TAFE and skills Minister, really have any final say? It all goes to the Deputy Premier, is that what you're saying?

**Mr STEVE WHAN:** It actually rests with the secretary. The secretaries are responsible for the management of their departments. I've been informed about the arrangements in the department. I'm confident in the quality of the work that has been done there and will be.

**The Hon. SARAH MITCHELL:** Did the Deputy Premier speak to you about it at all? Did she ask for your advice or input on those decisions?

**Mr STEVE WHAN:** I was briefed on the proposals and they've been going through a consultation process.

**The Hon. SARAH MITCHELL:** Briefed by the Deputy Premier?

**Mr STEVE WHAN:** No, I get a regular briefing from the secretary.

**The Hon. SARAH MITCHELL:** So you didn't have any discussions with the Deputy Premier about this at all?

**Mr STEVE WHAN:** Not directly, no.

**The Hon. SARAH MITCHELL:** Can I ask then how this is going to feed into the VET review? You talked about the final report earlier. Obviously there are a number of recommendations, as you rightly said, but there are some that talk about better integration between schools and SBATs, NESA, what you are doing around HSC, subject choice and how you can better support students with careers advice. I think there are about three or four recommendations that go to that. How are you confident that you will be able to implement some of those recommendations, given that we are hearing today quite substantial changes to the HSC strategy team and cuts in Ms Read's division. Is that concerning to you at all?

**Mr STEVE WHAN:** I'm confident that we have the team in place that can help us deliver the VET review. I have no concerns about that at all. The department's structure in terms of the way that it focuses itself on the job is very much moving to implement the Government's policy priorities, which is what we want it to do. The VET review offers a number of really important challenges for us. You have highlighted some that I have been particularly keen on as well in terms of the links between high schools and vocational training. There will be elements of that where—for instance, you would be aware of the Educational Pathways Program and the RIEP program. They're not everywhere in the State. There is some great work in there.

We'll be working through the VET review and our response to the VET review to see how we can better deliver programs that make those linkages and how we can make more consistent, I guess, the link between high schools and vocational training. It is not particularly consistent around the State at the moment. We need to make it so because we need, as we know, nine out of every 10 high school graduates to go onto some sort of further training and four out of every 10 of those to be in vocational training.

We haven't responded to the VET review yet. We still have to do that work. There is a lot in it. But I am confident that we will be able to get that very strong focus. I have the secretary and the department come and see me at least every fortnight to update me on how things are going with the skills side of the portfolio to address any issues. It is a very good process and I'm confident that we will be able to implement some of those really important recommendations out of the VET review. I would love to talk some more about the VET review if you want to ask me some more questions about it.

**The Hon. SARAH MITCHELL:** Maybe I will. Don't worry, I've got some more for you, Minister.

**Mr STEVE WHAN:** I'll hand over firstly to Ms Read.

**CHLOE READ:** The two programs that the Minister just mentioned as part of this change are coming together. The Regional Industry Education Partnerships team has been sitting with training services. They connect industry and schools together, looking for opportunities for schools and schoolchildren to understand local employment opportunities and what is in their local area. The Educational Pathways Program is currently sitting in a different part of my area, because they grew up at different times, essentially. We are bringing those together so that schools get a single coherent offering.

**The Hon. SARAH MITCHELL:** All back in under your area?

**CHLOE READ:** Yes, in that instance, no change to the numbers in the Regional Industry Education Partnerships team, but they're coming together with the EPP team so they can deliver those kind of more consolidated and more streamlined services for schools so schools don't have to know "Do you do this? Do you do that?" They can just look for one part of support from the department.

**The Hon. SARAH MITCHELL:** Minister, you did just mention that you haven't had a formal Government response yet to the review, and I appreciate it only came out in the recent weeks. What is the time frame in terms of a Government response?

**Mr STEVE WHAN:** Later this year, around November or December, I'm expecting a Government response to come out.

**The Hon. SARAH MITCHELL:** In the interim—Ms Read just talked about some of the work that will continue, and I appreciate some of the recommendations do go to continuing work that has been in place frankly since we were in government as well. Some of these aren't new. Will you be doing any work on some of the recommendations, mainly probably those out of the interim report because you've had that a bit longer? Are there any updates on that you can give us?

**Mr STEVE WHAN:** Yes. We are working on a number of recommendations out of the interim report. We were asked to do a new TAFE charter. The work has been done on that. We are doing a new operating model for TAFE, which is moving TAFE to a faculty model, so it means that we'll have statewide faculties in particular areas where they can build a closer relationship with industry and enable them to stay more up to speed, I guess, more consistently across the State. We are moving to re-engage with local communities and emphasise that engagement. That's part of it. We are also undertaking the recommendation around the review of the assets that we have around the State and matching those with demand over time. There are a number of those angles that are actually already going.

There are a few really important things out of the VET review which I have been highlighting, which are down the track. It certainly talks particularly about better regional-based planning for skills, so looking at the future skills needs for regions and trying to align that with the sort of teaching resources that we have. As you'd be aware, there is a shortage of TAFE teachers in many areas. We need to be working very hard to try and make sure that we are actively seeking teachers in the areas, which regions are telling us is their future skills needs rather than just offering what we happen to have available at the time.

There are a number of aspects of it that we are actively working on. There is work that we are undertaking on most of the other aspects of the interim review recommendations at the moment. With the final review, I'd say that we'll be able to divide it up into a few different categories, being things that we can respond to immediately and things where we need to do a bit more consultation. I'm sure you've had a look at some of the recommendations. Some of them need a little more work to determine how you actually go about implementing them. I think we'll be able to split it up into three categories.

**The Hon. SARAH MITCHELL:** We look forward to the Government response later in the year. The budget for the review was $2.2 million. Was that the final cost?

**Mr STEVE WHAN:** I don't think we have the final cost yet, but I'll ask the department and we'll be able to provide that.

**MURAT DIZDAR:** We're going to finalise it for the annual report but we're not expecting it to be anywhere near that.

**The Hon. RACHEL MERTON:** Minister, if I could just touch on skills—and we are continuing to hear about the skills shortage and the impact and the consequence. Minister, were you part of the New South Wales Government's decisions to address the housing crisis by accelerating supply and committing to the National Housing Accord to build, which was reported, 377,000 new homes across New South Wales by 2029?

**Mr STEVE WHAN:** Yes. It's a Government policy priority that has been announced. We do have a number of cross-portfolio consultations going on with the skills needs. It certainly fits in. I forgot to mention in answer to a previous question that one of the things that we will have out later this year is a New South Wales skills plan, the first one since 2008. The construction sector is one of the priorities that will be in that skills plan. We're also working very hard to recruit teachers, with pay to learn in that space. As I mentioned, internally within the Government we have a focus on the skills needs for that construction sector and also some other key sectors like the transition to renewables and the care sector. There are a range of areas where we have higher skills shortages where we are taking a cross-government approach. Perhaps, Ms Read, do you want to add some more on the construction skills side?

**CHLOE READ:** Yes, happy to. We have a range of initiatives in place to make sure that we deliver on the skills needed across, as you say, different sectors, and I think housing added to also the national priority list and the national skills agreement. As an example, the top five apprenticeships in the State include electrotechnology electrician, carpentry, plumbing and engineering fabrication trades, so all skills that really gear themselves towards being able to deliver on those housing commitments. In addition, we have things like the women in trades work, so looking to make sure we connect more women into those sorts of trades and apprenticeships that will be so vital to delivering those commitments on housing.

**Mr STEVE WHAN:** As Ms Read just mentioned, I asked for construction housing to be included on the national Skills Priority List, which it has been in response to that. I'm also responsible for skilled migration. We have the department represented here. That will also integrate with our skills plan, which will be released later this year.

**The Hon. RACHEL MERTON:** Minister, I have reports from the construction industry—relating to apprenticeships and trainees—that there were changes to the incentives that were in place. Those changes, I'm informed, came into place on 1 July. The construction sector were then reporting that there has been a significant decline in the number of applications for apprenticeships and traineeships. They are reporting 30 per cent. Would this concern you?

**Mr STEVE WHAN:** It would concern me. I can't confirm those figures. I have anecdotally heard from some builders that they are taking on less because they are a bit less confident about the industry at the moment, but there is certainly huge demand out there. The incentive side of things from the Commonwealth Government has tended to be a program which has been a bit inconsistent over the years. It has stopped and started, depending on what the political priority might have been at time or things like that. The Federal Government is currently doing a review of employer incentives for apprenticeships. Our submission to that review emphasised the need for there to be a consistent regime of incentives which people could predict and which didn't result in us getting waves of massive demand followed by lowering demand, so that we can actually plan our servicing to cope with that. Perhaps Ms Read might want to add to that.

**CHLOE READ:** Of the incentives that you refer to, there were two programs, one after the other. There was the Boosting Apprenticeship Commencements program that the Commonwealth instituted, I think, in 2021 as a COVID response. That was some significant wage subsidy from employers to encourage them to take on apprentices at that really disrupted time when we had COVID uncertainty. That segued into continuing apprenticeship completions, so continuing those subsidies for those who had commenced under the previous program.

There was a set of incentives that concluded in the middle of the year, as you note. But I believe they extended the incentives in place for priority occupations. That would include construction, Mr Pearson? Yes, Mr Pearson nods at me. As the Minister mentioned, the incentives review is underway with the Commonwealth. In the meantime, I note that we have made sure that we extended fee-free apprenticeship and traineeship access for New South Wales learners in the last budget, so making sure that the learners themselves don't have a barrier to taking up an apprenticeship or traineeship.

**The CHAIR:** I come back to close off on the disability adjustments and things in TAFE and universities. I'm told that quite a number of students are dropping out of university because of a lack of disability provision and adjustment. I understand there is a division in responsibilities between the Federal Government and the State

Government on this. But we learnt in our PC 3 inquiry in relation to children with disability in educational settings that there is zero oversight of the provision of academic adjustments in universities. It's up to a university as to how they implement things like whether or not a student is required to write with a pen instead of using their laptop and those sorts of basics things that they would get adjustments for at school. What is in your power to do, Minister, in relation to those things?

**Mr STEVE WHAN:** Unfortunately, with universities, not a lot. Directly ringing up universities and saying—obviously, in TAFE, where we do have direct responsibility, we do endeavour to give quite personalised support and responses to students who have needs. I have had a number of items of correspondence come across my desk of people who have raised issues and have had them dealt with individually to make sure that they are getting the assistance that they need. With universities, in terms of reasons why people drop out, those figures and that sort of information is collected by the universities and by the Federal authorities. There is a big gap between what the State Government is responsible for and able to deal with. I do regularly talk to vice-chancellors. I do, on occasions, raise issues which are of concern. I can't tell them what to do, but I ask them for their responses. Perhaps the department can add to what the Federal regulatory authorities for universities can do in this space.

**The CHAIR:** Before you do that, given that there is this overlap and responsibility between the States and the Federal Government for universities, is there a forum where Ministers meet regularly to discuss these issues?

**Mr STEVE WHAN:** There is. Going back a step, the 10 universities in New South Wales are established by Acts of the New South Wales Parliament, so some of their governance comes to us. Two positions on their boards are appointed, and we have diversity as a very important element on those and educational backgrounds as important selection criteria that we put in place on those. In terms of the Commonwealth, we do have ministerial councils where we discuss things like the Universities Accord and the implementation of that, where we talked about the safety on campus issues and the work that was being done in that area, and what State governments could do to support. As I say, it's a very limited engagement that we have because of the Federal authorities, but there are regulatory authorities at a Federal level who have the capacity to make more. There is going to be a—what's the position that has been created?

**CHLOE READ:** The national student ombudsman.

**Mr STEVE WHAN:** And the commission as well?

**CHLOE READ:** The tertiary education commission.

**Mr STEVE WHAN:** Yes, the tertiary education commission, is going to be created as well, which may be able to have a role.

**The CHAIR:** I'm asking, Minister, is there a capacity for you to advocate to your Federal counterparts in relation to trying to close the gap on disability, given that it is such a problem?

**Mr STEVE WHAN:** There's certainly capacity to advocate. If there's information which is showing—I haven't seen any figures that you're talking about, but I'd be more than happy to see them and raise the issues.

**MURAT DIZDAR:** I also just want to add that I know the vice-chancellors in New South Wales would take the matter very seriously because they carry the responsibility for the full teaching and learning sequence, which starts at course offerings and content, and goes to enrolments and progression, and completion and awards. They would take the matter of meeting student and staff need by way of adjustment, I'd suggest, very seriously. That's why I think they would welcome information, if you've got it, on particular sites or particular student experiences on particular campuses. I think they would be alarmed to hear that there are students that are dropping out and not raising these concerns for these concerns to be met. It's not my experience, when working with vice-chancellors, that they wouldn't take this matter seriously. I'd just suggest, Chair, if you do have particular instances from particular universities, I think they would really benefit from being made aware.

**The CHAIR:** I'll give it a whirl between now and next budget estimates of writing to them all with my list of examples.

**MURAT DIZDAR:** One other mechanism is they know, and they're fully aware, that their annual report has to be tabled in Parliament. Meeting student need is an aspect of that. Those annual reports are audited by the New South Wales Auditor-General. That might be another angle as well.

**The CHAIR:** Mr Dizdar, in relation to the 30 ongoing roles being cut potentially from the HSC strategy team, how many are temporary roles? I understand there are the permanent ones, but how many temporary contractors are there in that team?

**MURAT DIZDAR:** Chair, I just gave the global numbers for the division. I don't want it to be confused with the HSC Strategy team. I don't have those numbers. Ms Mitchell asked for those too. If I've got those this afternoon, I'm happy to table them. This is a very big division, and this division has the following areas. It's got curriculum, student wellbeing, inclusion and welling, student support and specialist programs, and teaching and learning. It is the largest division in the organisation. The global figures—the paper referenced 245 positions. I'm letting the Committee know today that 141.6 of those are vacant, so that leaves—I don't know; I'm rounding it out—100 positions. Of those 100, we're of the view that there are only about 30 that we'll need to case-manage.

**The CHAIR:** And the 141.6 that are vacant—is that work currently being done by temporary contractors?

**MURAT DIZDAR:** No.

**The CHAIR:** So that work's just not being done; it's just those positions are vacant and have been vacant for some time.

**MURAT DIZDAR:** No, because they haven't necessarily needed to have been drawn upon. That entire building, called the corporate headquarters, has gone from 5,635 to 8,000 in four years. We've had a commensurate drop in enrolments at the same time with a teacher shortage. Some of those roles have remained vacant because they're no longer required.

**The Hon. RACHEL MERTON:** I will just pick up the issue of the skills shortage and where we left off. We had established that there had been a 30 per cent decline in apprenticeships and traineeships reported by the sector. Ms Read, I thank you for your comments on that. Minister, in light of the skills shortage, the National Housing Accord, the quotas and what New South Wales is set to deliver in terms of the number of new constructions, is there anything that you, as the Minister, can do to make it easier for employers to take on first-year apprenticeships and boost commencement rates?

**Mr STEVE WHAN:** Firstly, I think the 30 per cent figure came from you; we didn't confirm that. We don't have a figure along those lines.

**The Hon. RACHEL MERTON:** Just to confirm that confirmation of a decline was noted.

**Mr STEVE WHAN:** We haven't seen a decline in our enrolments in TAFE in those areas. In fact, I think they're some of our most popular courses.

**STEPHEN BRADY:** They're still very strong. I think there is a distinction between trainees and apprentices.

**Mr STEVE WHAN:** In the apprenticeship side of things, we're obviously working very hard to try to promote apprenticeships. That's part of the importance of building the links between secondary and vocational education. It is challenging. You'd be well aware, I'm sure, that part of the challenge is making sure that parents see the value of these careers for their young people, so that they're also encouraging their young people to go into what are fantastic and well-paid careers with great long-term prospects. That's part of our ongoing work. I'll come to your question about the cost and things in a moment, but obviously some of the things that we do link with schools through the Educational Pathways Program, the RIEP program and also the YES Program. There are a range of things where we're trying to give young people experiences so that they can see what those might be like—building on the old work experience programs that have been around.

As Ms Read said, we've extended, in the last budget, the fee-free—completely free—apprenticeships. We're working on our delivery around the State with TAFE to make sure that we make it as easy as possible for people to access their courses. That means we certainly recognise that, for many areas of the State, we have barriers of distance. We work with apprentices and employers around block release and elements of their course that they can do without having to come physically. We have the Kingswood IAT, which specialises in construction. That's working with tertiary institutions and industry to design courses which can help us to overcome some of the skills needs and respond more quickly to the skills needs around the State. That's a really important model.

In terms of that side of things, we don't provide financial incentives for employers to take on apprentices; that's more in the realm of the Federal Government. We wouldn't have the administrative ability to do that because that's more in their space. I'm aware that there are a number of excellent group training organisations around who are working in that area, and I talk fairly regularly to them as well. We'll do whatever we can to remove barriers to people coming in and make it as cheap as possible for them to participate in the courses. We are still seeing really high demand in carpentry and electrotechnology but, as you say and as we know, the demand in the community keeps going up. That's obviously because there is a huge amount of work being done on infrastructure, as well as big demand in housing, as well as an increasing demand in the transition to renewables, all calling on the same skill sets. We will be working very hard to try to address that.

At the same time, we have quite low unemployment. In fact, Monaro, which I represent, has the second lowest unemployment in the State at 1.2 per cent. That means that there are a lot of people out there contesting the same market for those young people. One of the focuses out of the VET review, which I think is really important for us over time—I talked a bit before about the help we give to people who are from disadvantaged backgrounds or who are less able to access to education. The VET review has a strong focus on how we can improve that so that we're continuing to access that base of people who might otherwise not go through and complete skills training.

I will give you an example: The Government is working as a whole at the moment on the REZs, with the renewables, recognising that there is a massive demand in that electrotechnology and civil construction space. Part of what we're trying to do there is to ensure that we're working with industry throughout our upcoming manufacturing centres of excellence, but also with local communities about how we get up-front and in the communities and overcome some of the barriers that might be there to getting apprentices. For example, is there better use we can make of group training organisations when projects tend to be only a couple of years, so that they can transition from one to the other and those sorts of things? We're very actively working in those spaces at the moment.

**MURAT DIZDAR:** Ms Merton, can I just also add that the Premier has also charged us with the election commitment to deliver an additional 1,000 apprentices and trainees across government. Under the Government at the time, there was a decline in those apprentices and trainees in government from 2.8 per cent in 2019 to 1.7 per cent in 2022. Under that election commitment he has charged us to reverse what that looks like and to run hard and work across all agencies. We're making good, groundbreaking inroads there, given that the public service is a large employer.

**The Hon. RACHEL MERTON:** Mr Dizdar, I'm happy to pick up that up this afternoon. I'm just conscious of the time.

**MURAT DIZDAR:** Just because it was on apprentices and trainees, I thought it was another important deliverable.

**Mr STEVE WHAN:** It's another excellent program.

**The Hon. RACHEL MERTON:** Minister, in terms of what would be within your powers, we are receiving reports of a decline in applications in terms of apprenticeships or traineeships—or whatever the classification is that is relevant to what we're seeing. Could you do anything more as the Minister?

**Mr STEVE WHAN:** At the moment we're not seeing a decline in people coming to TAFE for those apprenticeships. I've heard anecdotally some of what you're talking about from local builders, but I'm not seeing the decline flow through. We'd certainly be encouraging builders to be taking on apprentices. As I said, the things that we do, which I outlined in some depth there, are around making it easier for the apprentices, reducing or removing costs for them participating in courses, and helping those employers to link with our schools to build the young people's knowledge of what they might be coming into. One of the things, interestingly, that Ms Read mentioned before was, for example, the work on women in construction—trying to make sure that we're working with the large construction companies to ensure that worksites are welcoming places and appropriate places for women to participate in. There's a lot of work which is going on with industry in those spaces. The only area that we don't go into is financial incentives for employers because that's the domain of the Federal Government.

**The Hon. RACHEL MERTON:** Minister, in terms of industry engagement, you mentioned that you've received similar reports to myself from builders and construction. Is there a strategy in terms of your engagement with the industry? Do you meet with the peak bodies?

**Mr STEVE WHAN:** Yes, I've met with the HIA and I meet with builders around the place at various times, and also obviously our TAFE teachers who are working in that space. One of the important reasons why we're moving the operating model or proposing to move the operating model to a new structure is so that we've got people who work really consistently all the time with industry and are actually getting that feedback. Hopefully, over time we'll also encourage them—frankly, the biggest immediate challenge for us is getting enough teachers. As you'd be well aware, it can be somewhat more lucrative to be out there actually practising your trade in the building industry than it is to teach at TAFE, so we need to continue to encourage to do that. But we will be actively working out of the VET review on building the attractiveness of the construction trades for young people and for their families, and continuing to get the feedback from industry on that.

**The Hon. RACHEL MERTON:** Minister, in terms of the construction trades you make reference to, who would you have met with last in the construction trade sector?

**Mr STEVE WHAN:** I obviously speak to a lot of our trade teachers, but I've met with HIA and I've been at a number of business events.

**The Hon. RACHEL MERTON:** Sorry, the HIA?

**Mr STEVE WHAN:** Housing Industry Association, I believe. We've been to a number of businesses—the other day to Agriweld at Dubbo—so I've been to a number of businesses who are employing apprentices and talking to them about various—

**The Hon. SARAH MITCHELL:** Why didn't Stephen go with you to Dubbo?

**Mr STEVE WHAN:** I think you had him stuck here in estimates, actually.

**The Hon. RACHEL MERTON:** He's got to earn his money.

**Mr STEVE WHAN:** He was stuck here in estimates, but it's okay, we talked to him.

**The Hon. STEPHEN LAWRENCE:** It's important work.

**Mr STEVE WHAN:** Yes.

**The Hon. RACHEL MERTON:** Any other industry groups or construction groups within the sector who you might be meeting with?

**Mr STEVE WHAN:** Off the top of my head, I can't tell you what other groups. You mean peak bodies?

**The Hon. RACHEL MERTON:** In terms of whether it's the plumbers or the electricians—these are guys who are critical to the construction trade.

**Mr STEVE WHAN:** I've certainly spoken to the electrical peak body, NECA. I've met with them. I was out at the plumbing industry centre recently where we're building a Hydrogen Centre of Excellence, so I've met with that group. I've met with the Plumbers Union. There's a range of different peak bodies who I speak to about various—and I have to say there hasn't been one that's come in the door so far who hasn't said that they are in skills shortage.

**The Hon. RACHEL MERTON:** Are there any targets or goals in place in terms of skills?

**Mr STEVE WHAN:** Out of the VET review we're obviously trying to set ourselves up with a structure which can actually service the future skills needs. What there will be in the skills plan, which as I said will be released later this year, will be a series of measures which we report against. So, I guess, after the skills plan comes out, you'll be able to see. We're out consulting on the skills plan at the moment. Do you want to add, if you've got more to add?

**CHLOE READ:** Yes. There are already targets in place on things like the industry skills legacy program, so we talked about women in construction before, trialling new higher targets in that space, and then also having ongoing targets as part of that program. The draft performance and wellbeing framework that was released as part of the New South Wales budget proposes some particular targets in the skilled outcome piece of that that includes, I think, from memory, people employed after training and also certificate III achievement. Finally, just in the national space, the outcome framework that's intended to sit alongside or underneath the National Skills Agreement is something that we're developing across States, Territories and the Commonwealth. I think that's due to come to Ministers towards the end of this year, so that will give us a kind of national lens on some of those targets too.

**The Hon. RACHEL MERTON:** Thank you. So, confirming the skills plan later this year?

**Mr STEVE WHAN:** Yes, towards the end of the year I'd probably say at this stage.

**CHLOE READ:** Yes.

**The Hon. RACHEL MERTON:** Minister, if I could just ask about the domestic manufacturing centres of excellence, I understand in the 2023 election campaign NSW Labor promised to create three manufacturing centres of excellence. I'm just checking what progress might have been made relevant to the Western Sydney training centre.

**Mr STEVE WHAN:** I can tell you that you can expect something quite soon announced on that.

**The Hon. RACHEL MERTON:** We'll be there.

**Mr STEVE WHAN:** Actually you asked earlier on about the $88.4 million in the budget papers for works. That includes an allocation of capital for the manufacturing centres of excellence.

**The Hon. SARAH MITCHELL:** How much of that 88?

**Mr STEVE WHAN:** Some 65.8, which is State and Federal funding.

**The Hon. SARAH MITCHELL:** Do you have the breakdown of what's State and what's Federal?

**Mr STEVE WHAN:** No, not that we can—

**The Hon. SARAH MITCHELL:** On notice maybe?

**Mr STEVE WHAN:** We'll take that on notice. We're not building grand buildings for this. It's going to be mostly about the courses that are being provided, so there isn't a large capital budget for this; it'll mainly be for equipment, fit-out and things. The focus for these is very much about the course offerings and working with tertiary institutions and business and industry. There's a recurrent aspect to it. We are linking in very closely with the Federal Government on these projects and you will start to see some announcements quite soon.

**The Hon. SARAH MITCHELL:** Sorry, Minister, you said 65.8 of the 88 that I asked about earlier. That's obviously all a State allocation, is it, that 65?

**Mr STEVE WHAN:** No, that includes some Federal money.

**The Hon. SARAH MITCHELL:** I think there are three proposed locations.

**Mr STEVE WHAN:** Correct, yes.

**The Hon. SARAH MITCHELL:** Is that for all three or is it just the Western Sydney one first?

**Mr STEVE WHAN:** That's all three.

**The Hon. SARAH MITCHELL:** And $22 million is allocated this financial year, from what I asked about earlier, so I'm just trying to work it out. Over what years will that 65.8 be available if only $22 million is this year?

**Mr STEVE WHAN:** That's capital, so obviously the recurrent cost is there as well.

**The Hon. SARAH MITCHELL:** Yes, but the capital that I asked about earlier for new works, which was $88 million over four years—you're now saying 65-point-something is part of that. Is that right?

**Mr STEVE WHAN:** That's correct.

**The Hon. SARAH MITCHELL:** But it's only 22 this financial year—$22 million in the budget papers.

**Mr STEVE WHAN:** That's right, yes.

**The Hon. SARAH MITCHELL:** So how much of that 22 will be going to these three centres and what is the breakdown?

**Mr STEVE WHAN:** Of that, $20.6 million is for the manufacturing centres of excellence.

**The Hon. SARAH MITCHELL:** Do you have a breakdown of how much for Western Sydney, for Hunter and for Illawarra of that 20—

**Mr STEVE WHAN:** How much of the capital?

**The Hon. SARAH MITCHELL:** Yes.

**Mr STEVE WHAN:** We'll take that on notice.

**The Hon. RACHEL MERTON:** Minister, in terms of progress relevant to the training centres, what is currently in place?

**Mr STEVE WHAN:** For the manufacturing centres of excellence?

**The Hon. RACHEL MERTON:** Yes.

**Mr STEVE WHAN:** We've been working through the planning for them, essentially. As I said, we will be making announcements soon. Mr Brady can talk a little bit more about what we have, if he'd like to elaborate on that.

**STEPHEN BRADY:** Thanks, Minister. Certainly we've done quite a lot of work around the educational models for the centres of excellence, drawing on our experience with the institutes of applied technology. Through these centres we're looking at a combination of skill sets, some of it relating to traditional apprenticeship programs, but also going beyond that to look at higher apprenticeships. We've worked closely with industry to understand what are the new types of skills and skills combinations that they really need in a rapidly changing manufacturing

environment. We have two streams of higher apprenticeship we're seeking accreditation from TEQSA for at the moment. These higher apprenticeships will give qualifications—

**The Hon. SARAH MITCHELL:** Sorry, accreditation from whom? For Hansard.

**STEPHEN BRADY:** TEQSA, the higher education regulatory body. We're seeking accreditation for those higher apprenticeships at the moment. One stream will seek to combine traditional manufacturing capabilities with digital-type skills, so bringing together into that new world, gen 4 manufacturing type space where there's a lot of data requirements, there's a lot around programming of machinery, et cetera. In the other stream we're looking at bringing in more T-shaped skills, so bringing in some of the leadership and critical thinking skills that you need in a rapidly changing environment. We've worked closely with major organisations in industry to design those courses to make sure they're meeting their needs. On top of the apprenticeships, that's the second type of education model. The third will be partnering with universities and industry to develop more micro-skills and micro-credentials so that people who are already predominantly in industry will have the opportunity to upskill and advance their knowledge base to meet the changing needs that are occurring as technology in particular impacts manufacturing.

**The Hon. RACHEL MERTON:** In terms of student numbers when the centres are operating, do we know anything about that?

**Mr STEVE WHAN:** My memory is that we're aiming for 1,000 a year, but we'll come back to you and confirm that.

**The Hon. SARAH MITCHELL:** How many, sorry?

**Mr STEVE WHAN:** A thousand.

**The Hon. SARAH MITCHELL:** Across all three?

**Mr STEVE WHAN:** Yes.

**STEPHEN BRADY:** I believe that's right. Can we come back?

**Mr STEVE WHAN:** I will confirm that.

**The Hon. SARAH MITCHELL:** In terms of the time frame—and I appreciate there is some initial capital in this year's budget—when would you anticipate these three centres to be up and running. What is the time frame you are working on?

**STEPHEN BRADY:** We're anticipating our first enrolments at the beginning of 2025.

**The Hon. SARAH MITCHELL:** In all three at the same time, or is there a staged delivery approach?

**STEPHEN BRADY:** Let me come back to you on that as well. I think there is some staging in terms of the timing, but there will be some core units that will be applicable across all three.

**The Hon. SARAH MITCHELL:** Mr Brady, picking up on what you said about the educational modelling, I'm assuming that there is the intention to do slightly different courses at the different centres based on industry connections et cetera?

**STEPHEN BRADY:** Yes, absolutely.

**The Hon. SARAH MITCHELL:** Can you provide any information around what sort of conversations you're having with industry in each of the three areas and where you foreshadow those linkages will be made?

**STEPHEN BRADY:** Certainly. We've held round tables in the Hunter, Illawarra and Western Sydney with industry and universities and really explored what training needs they see in their local areas. Those centres will have focuses that meet those needs. In Western Sydney we see a very significant advanced manufacturing base, so it'll tend to target those direct manufacturing elements. When we're thinking about the Hunter, there is obviously the transition of the Hunter economy due to energy changes. It will be manufacturing based, but it will be focusing on the manufacturing needs in a transitioning economy, particularly around green energy. In the Illawarra there is a range of industrial drivers. There is still some very heavy manufacturing down there that is advancing with technology. We have been partnering with some large organisations such as BlueScope to understand their needs. There is quite a bit of defence manufacturing happening down in the Illawarra as well. The focus there will be around manufacturing, heavy manufacturing and defence.

**The Hon. RACHEL MERTON:** Minister, I will just raise—and Mr Dizdar touched on it before—the 1,000 New South Wales public sector apprenticeships and traineeships program. I was wondering if you had an update on the number of students enrolled in the program?

**Mr STEVE WHAN:** Yes, it's going extremely well. I can give you numbers. The second round of it has been promoted just over the last few weeks. From memory, there are 440 places up for grabs over that across a really large range of government agencies across the State.

**CHLOE READ:** Yes, that's right.

**Mr STEVE WHAN:** There are some particularly big ones in the energy sector and health sector. Recently I visited four young people who were doing traineeships over at Royal North Shore Hospital in—where were they?

**The Hon. SARAH MITCHELL:** Pathology. I've got your media release. I'm happy to help.

**Mr STEVE WHAN:** Thank you. They were in pathology. That was great. I made a point before about convincing parents. I asked all four of them how they got into it and one of them said, "My brother-in-law gave it to me and told me to enrol", and the other two said, "Mum made me." They were all enjoying it.

**The Hon. SARAH MITCHELL:** It's good advice. Do what your mother tells you.

**Mr STEVE WHAN:** It's a very important area to go into to. Our first year of that has been very successful. As I said, 440 of those are up for grabs at the moment. We've also had a really good response from the agencies across government to taking them on. We've also put benchmarking in place to make sure that they are actually in addition. We actually set a benchmark for the existing level of apprentices and trainees in government and we'll be measuring it to ensure that we're going for the full 1,000 above that over the three years.

**The Hon. RACHEL MERTON:** Minister, are there any indications of retention or the success of the program so far?

**Mr STEVE WHAN:** Not yet, no. It's too early. Even our trainees are still in their traineeship period, so we aren't able to measure that yet. Is that correct?

**CHLOE READ:** Yes, that's right.

**The Hon. RACHEL MERTON:** So it is a three-year program in terms of the 1,000 new public sector apprenticeships?

**Mr STEVE WHAN:** Correct. There will be 1,000 in total over the three years. Obviously some people will be doing a single-year traineeship and some will be doing a three-year apprenticeship. There are obviously differences in those time frames.

**MURAT DIZDAR:** Without round two and the number the Minister gave, we're about a third of the way there.

**The Hon. RACHEL MERTON:** Is the program funded for the three-year period?

**Mr STEVE WHAN:** Yes, it is. There was a $93 million allocation in the initial year.

**The Hon. SARAH MITCHELL:** I want to ask about the 1,300 apprentices and trainees in local government. Will that be available to all local government areas? How is that going to be delivered?

**Mr STEVE WHAN:** As I understand it, at this stage it's being delivered by the Office of Local Government. We're obviously talking to them about delivery because we think we've been really good at delivering the 1,000. But it is my understanding that all local governments in New South Wales will be able to ask for those—

**The Hon. SARAH MITCHELL:** Who is actually delivering it then? Are you funding it?

**Mr STEVE WHAN:** No, it was funded by a specific allocation to the Office of Local Government.

**The Hon. SARAH MITCHELL:** The $250-odd million was the funding allocation. But that's gone to the Office of Local Government and it is doing the implementation?

**Mr STEVE WHAN:** Correct. It is a bit different to the 1,000.

**The Hon. SARAH MITCHELL:** My question—and I'll get to it—was around how that's a $250 million allocation for 1,300. You've got $94-odd million for your 1,000. Can you explain how it is different as best you can?

**Mr STEVE WHAN:** It is quite a different model because the local government one is providing wage. That is my understanding. Perhaps I will pass over to the department.

**The Hon. SARAH MITCHELL:** Sorry, what do you mean by providing wage?

**CHLOE READ:** We might need to take that on notice. I don't have enough detail on the local government quantity in comparison.

**Mr STEVE WHAN:** The bottom line is that the Office of Local Government is administering that program.

**The Hon. SARAH MITCHELL:** Are there guidelines or allocations that come with that? Are these questions better directed to Minister Hoenig?

**Mr STEVE WHAN:** Yes, they need to be directed to Minister Hoenig.

**MATHEW PEARSON:** My understanding is that they're still working on the guidelines, so it's a couple of months away.

**Mr STEVE WHAN:** We obviously expect to be providing some of the training through TAFE.

**The Hon. SARAH MITCHELL:** That was going to be my next question. In terms of the TAFE component of those roles, how does that work for funding? Will some of that $250 million come back for those students? How does that work in practice?

**CHLOE READ:** I think we will need to take the specifics on notice for the Office of Local Government. I know we are working with them closely on it and we are helping with advice on how apprenticeships and traineeships are structured and the different ways you could do this. But there are lots of different approaches they could take. We might just come back on notice on the specifics of how things will flow between us. But obviously we are really keen to support them in the delivery of that commitment.

**The Hon. SARAH MITCHELL:** Yes, and share the expertise, I would imagine, rather than having—

**Mr STEVE WHAN:** We've got regular meetings set up with them over the next couple of months.

**The Hon. SARAH MITCHELL:** I appreciate what you've just said about taking it all on notice and that a lot of it goes to local government, but is there any time frame for when they hope to have those 1,300 apprentices? Is it within this term of government or over the next four years? Do you know how long the funding is meant to last and the time frame to get to 1,300?

**Mr STEVE WHAN:** We'll probably direct that question to Ron Hoenig.

**The Hon. SARAH MITCHELL:** I have a couple of quick questions about Queanbeyan TAFE. Minister, do you know how many students you currently have enrolled at that campus?

**Mr STEVE WHAN:** I know that it's well used. I visited a bricklaying class there the other day.

**The Hon. SARAH MITCHELL:** Did you learn anything for a bit of DIY at home?

**Mr STEVE WHAN:** I have had a go at bricks before; mine are nowhere near as neat as theirs. We also have a number of the migration courses—English as a second language courses. We've got hairdressing there and a range of others. Have we got some information on the actual numbers?

**The Hon. SARAH MITCHELL:** I'm after how many are enrolled and also the face-to-face courses and any changes in the last 12 months, at Queanbeyan specifically.

**Mr STEVE WHAN:** I don't believe there have been any changes in the last 12 months.

**STEPHEN BRADY:** No.

**Mr STEVE WHAN:** We'll take on notice the actual numbers enrolled.

**The Hon. SARAH MITCHELL:** And what face-to-face courses are currently on offer as well at that campus?

**STEPHEN BRADY:** We'll take that on notice.

**Mr STEVE WHAN:** Yes, sure.

**The Hon. SARAH MITCHELL:** On notice is fine. I want to touch briefly on some of the quantum research issues. Microsoft recently made a decision, which you're probably aware of, to close their research facility at Sydney university. Are you across that? Were you briefed on that at all?

**Mr STEVE WHAN:** I visited the quantum facility at Sydney university recently, but, no, I wasn't briefed on Microsoft's decisions in relation to it.

**The Hon. SARAH MITCHELL:** I think in July they made some announcements around closing their facility on that university campus. Was there any concern or impact around—my understanding is that Microsoft is also a partner in applied technology at Meadowbank as well.

**STEPHEN BRADY:** That's right.

**Mr STEVE WHAN:** They are.

**The Hon. SARAH MITCHELL:** Has there been any impact on that from Microsoft?

**Mr STEVE WHAN:** No, they're a very active partner, indeed. We very much appreciate Steve Worrall's leadership of the digital compact, which has been producing some really good results in New South Wales, and also his leadership of the—

**STEPHEN BRADY:** Skills Board.

**Mr STEVE WHAN:** —Skills Board.

**The Hon. SARAH MITCHELL:** Because he's the chair of the Skills Board as well, yes.

**Mr STEVE WHAN:** He's the chair of the Skills Board. But, no, the Meadowbank facility has been going from strength to strength. That's my summary of it.

**STEPHEN BRADY:** I'd also say that Microsoft has established a data centre academy with TAFE NSW. It's one of only a few in the world, so a strong commitment with Microsoft as a partner, leading industry.

**The Hon. SARAH MITCHELL:** I think it was July this year they're exiting the research facility at Sydney university, but if they're still doing the other work and that's not impacting TAFE, then that's reassuring. More broadly, my understanding is that the Sydney Quantum Academy was funded by the previous Government, I think, in 2019, and there are four universities, I believe, as part of that. Do they have any further funding allocated to them beyond what's already there, do you know?

**Mr STEVE WHAN:** I'm not aware of any capital funding allocated for the quantum group.

**CHLOE READ:** I don't think the funding was part of this portfolio. I think it came through another bit of—

**The Hon. SARAH MITCHELL:** Yes, it was $15.4 million in 2019. My understanding is they got a 12-month extension, but they're not sure of ongoing funding. Who would that fall under?

**Mr STEVE WHAN:** It's not something that has been raised with me by them.

**The Hon. SARAH MITCHELL:** Ms Read, you just said that you didn't think it was part of this—

**CHLOE READ:** I don't think it's us. I think it might be the Chief Scientist. I'm happy to take it on notice.

**The Hon. SARAH MITCHELL:** Take it on notice, yes. That would be good.

**CHLOE READ:** I'll see if I can find out.

**Mr STEVE WHAN:** As I said, I actually visited the building just a few weeks ago, and they didn't raise funding concerns with me in my visit. They're welcome to, obviously.

**The Hon. SARAH MITCHELL:** The Chair asked some questions about the TAFE restructure, in general. I think, Mr Brady, you said before it's about streamlining, and obviously the anticipated reduction of cost. Is there a predicted headcount reduction within that restructure?

**Mr STEVE WHAN:** There are two processes going on. There was the change to the operating model, which was a bit different to the questions that were being answered before about overall headcount. I just want to be completely open about that.

**The Hon. SARAH MITCHELL:** Sure.

**Mr STEVE WHAN:** The change to the operating model is about changing the way TAFE operates, putting in place a structure, just it was focused on industry, as I said before. There are some changes to staffing that go along with that. There will be more teachers and less in some of the administrative side of things.

**The Hon. SARAH MITCHELL:** Is it a 200 headcount reduction in support staff? I've seen that figure. Is that accurate?

**STEPHEN BRADY:** No.

**Mr STEVE WHAN:** No, there was a figure which was reported overall. Out of the operating model, 664 positions are directly affected, so they go through and fit into new jobs. From the information that I've got at the moment—and consultation is just concluding on this, so people have had the opportunity to raise issues with the mapping of their job match to a new one and all those sorts of things—I'm expecting that there would be a net of around 80 employees who are eventually affected by losing their job, but a lot of other employees who actually had their jobs changed or their section changed or who they report to changed was just a part of the restructure.

**The Hon. SARAH MITCHELL:** With those 80—I think, Ms Tickle, you were talking before about seeing whether there are positions for them within other government agencies—they would fall into that category as well?

**STEPHEN BRADY:** That's right.

**JULIE TICKLE:** Yes, that's correct.

**Mr STEVE WHAN:** They will also go through the established mobility provisions that the Government has.

**The Hon. SARAH MITCHELL:** Again, mainly administrating, accounting, IT roles. Is that what you're talking about when you say non-teaching-based staff?

**Mr STEVE WHAN:** We'll go to Ms Tickle for that.

**JULIE TICKLE:** Just to clarify, there are 664 positions impacted and 505 employees, so positions and employees are different. "Impacts" means that they can be reappointed, their role can change or they can go through a placement process; that's the whole descriptor. There are 239 less positions proposed, which is a net reduction of 80 employees. These people are across three areas. The changes impact our product and quality group, which is proposed to be changed to the education quality group; and our student experience group, which will go into two new areas proposed. One is called the learning and teaching group, which is where all the teachers sit, and one will be called student support and community group. The roles are a mix of administrative roles in those areas. There are no teachers planned to be reduced. In fact, we're adding 14 more head teachers through this plan. No teachers or frontline student support resources—so that includes education support officers and assessors. There's no reduction planned anywhere there.

**The Hon. SARAH MITCHELL:** In terms of the 80-odd employees that you expect to be impacted—and I appreciate what you said about trying to find them other positions—do you have a breakdown in terms of how many of those are regionally based versus metro?

**JULIE TICKLE:** We have just concluded consultation, as the Minister said, on 23 August. We're currently going through all of the feedback. It's unclear where those roles will eventually go from—if they in fact do, because they go through mobility. We've got 156, I think, learning locations across the State and a really high percentage of our roles are location agnostic, so you can do the role from anywhere across the State. It's really hard to tell in terms of what the end result will be. But we have just under half of our employees working in regional and remote locations at TAFE. Certainly there are some roles that are in those numbers that are impacted that are regional. But in terms of what ends up happening, we can't answer that yet because we're still going through all of the feedback.

**Mr STEVE WHAN:** The reason we're doing this is to set TAFE on a path where we can be more efficient providers and hopefully grow over the future and provide more education. I got pretty consistent feedback from people that the model that we had before wasn't very practical, including from some of your colleagues, who had complained to me about their local areas. The expectation here is that the TAFE will, with this new model, be engaging with communities and listening to their communities, and that the faculties will be able to more directly engage with industry and be more responsive and up to date with industry. It's certainly not my intention to keep TAFE in a constant state of change, which they have been in over quite a lot of years. But we do need to get the base model right to move forward.

**The Hon. SARAH MITCHELL:** What's the time frame of having this restructure all sorted and in place and everyone having that certainty?

**STEPHEN BRADY:** Ms Tickle was saying our consultation with staff just finished last week.

**JULIE TICKLE:** On 23 August.

**STEPHEN BRADY:** We're waiting on the final feedback from our unions, which will come in tomorrow. We'll consider that feedback. We've had over 4,000 pieces of individual feedback so there's a bit to get through. We've been working our way through that. Our intention is that we will be able to have finalised the placement processes et cetera so that we can step into first term of 2025 with the new model in place.

**The Hon. SARAH MITCHELL:** So day one, term 1 next year is what you're working towards?

**STEPHEN BRADY:** Absolutely.

**The Hon. SARAH MITCHELL:** This might be linked, but I think there were some changes in June in terms of pausing recruitment on non-teaching roles. Did that tie into this restructure? Is that why that happened?

**Mr STEVE WHAN:** Ms Tickle?

**JULIE TICKLE:** In June we talked to our employees about pausing recruitment on a couple of areas. One of those areas was in casual teachers because we've been undertaking a workforce stabilisation program and moving many of our current part-time casual teachers into permanent and permanent part-time employment. We really wanted to make sure that we were maximising that opportunity and pause, where possible, recruitment of casual teachers. There was no pause or stopping of any permanent or permanent part-time teachers—in fact, we were ramping that up—but in other areas there was a pause requested in terms of looking at our resourcing.

This was certainly not directly related to the operating model but it certainly—we often do this to take stock of the resources, make sure that we've got them in the right areas and that sort of thing. There was not a freeze on recruitment, and I do want to make that clear for the record. What we instead said is that more consideration needed to be taken by line managers and we escalated the approvals to higher executive management to make sure that we were putting priority recruitment first.

**Mr STEVE WHAN:** That is consistent with the Government's priority, which is to reduce insecure employment and get more teachers into permanent positions, more TAFE employees into permanent positions. We've been getting a really positive response to that.

**The Hon. SARAH MITCHELL:** Do you have any data, Minister, on how many you've converted from casual to permanent or temporary permanent?

**Mr STEVE WHAN:** I can tell you that, in percentage terms, we've gone from in June 2022 having 50.8 per cent permanent in our teaching ratios to now 57.8 per cent.

**The Hon. SARAH MITCHELL:** I'm happy for it to be on notice, but do you have the raw figures as well?

**Mr STEVE WHAN:** The raw figures? We've exceeded our initial 500 target and we're going out again talking to employees about another round of people who have expressed interest. We'd be expecting—at the moment it would only be a guess, but was it around 800 or something?

**JULIE TICKLE:** No, we exceeded our target of 500 for this semester. We converted, between new people coming in through Paid to Learn and existing people, 540. As the Minister said, we're going out for the next round now. We expect there to be quite a number. There's around, I think, just under a couple of thousand people that we're looking at eligibility for conversion at this time.

**The CHAIR:** That does bring us to 12.45 p.m. I will check if the Government members have any burning questions.

**The Hon. MARK BUTTIGIEG:** No, we're all good. The Minister is far too thorough.

**The CHAIR:** Very thorough. Thank you very much, Minister, for your time. That concludes questioning with you today.

**Mr STEVE WHAN:** Thank you—and thank you to all the team, who've worked very hard.

**(The Minister withdrew.)**

**(Luncheon adjournment)**

**Professor MARK SCOTT**, Vice-Chancellor and President, University of Sydney, affirmed and examined

**Professor ANNAMARIE JAGOSE**, Provost and Deputy Vice-Chancellor, University of Sydney, affirmed and examined.

**The CHAIR:** I welcome the additional witnesses to the hearing.

**The Hon. SUSAN CARTER:** Good afternoon, Professor Scott. Can I take you to the university's 2032 strategy, which identifies an aspiration for transformational, student-focused education. It notes:

> Regardless of where and how they learn, our students are confident in their abilities, sure of their personal goals, and feel that they belong.

I then take you to a comment I received from one current student: "In the bathrooms, in the lectures, in the courtyard—everywhere you look, you're not accepted. It's hard to speak up and try to hold a conversation when it feels like the institution you believe in and require support from betrays you." Is this the transformational education that the University of Sydney aims to provide?

**MARK SCOTT:** Thank you for your question. The University of Sydney is committed to providing a transformational experience for every student who elects to study with us. We want a supportive environment. We want an inclusive environment. We want an environment where students can explore their interests, make new friends, engage with broadening experiences and engage with faculty, because we know all of those things are key to excellent engagement in learning, success in learning and a pathway through. It's a large and complex institution. If any students do not feel as supported as they want to be, we want to be able to help identify the causes of that and work with them. Our student support team is extensive.

**The Hon. SUSAN CARTER:** If I could just take you up on that. What attribute of this student would you identify that made them feel so unaccepted at your university, bearing in mind this is a comment from this year?

**MARK SCOTT:** It's been a complex year on campus, there's been no doubt about that. If this is a—

**The Hon. SUSAN CARTER:** Yes, and what attribute of that student do you think is what made them feel so—

**The Hon. STEPHEN LAWRENCE:** Point of order: I'm not exactly sure how asking a witness to engage in some process of inference or speculation in relation to an anonymised statement is actually relevant to the terms of reference of this inquiry.

**The CHAIR:** I will uphold the point of order. If you could get to the point, Ms Carter?

**The Hon. SUSAN CARTER:** I'm happy to move on. I'm happy to say that this was a Jewish student and they were made to feel that way by their experiences at the university, which I'm sure you would not welcome, as I certainly would also not welcome. I'm interested in a lot of the university's policies, which are very well developed for a range of students, which is very appropriate. As one example, the university's commitment statement on LGBTIQ+ practices states that in order to achieve "a safe and supportive environment for all, ongoing targeted action is required". Is ongoing targeted action required to create a safe and supportive environment for Jewish students?

**MARK SCOTT:** Let me go to the year that you've referenced. I think it's been a challenging year on our campus; I think it's been a challenging year on university campuses across Australia and around the world. I can tell you that I've met numbers of times, in groups and individually, with Jewish students and staff and with Palestinian students and staff. I've never encountered an issue which has generated more grief and anguish, anger and concern as over the issues that are taking place in the Middle East now. The events of 7 October, the ongoing conflict in Gaza and the genuine distress that it's caused for members of our community—I've never been around an issue where I've seen more people just tearful and so grief stricken by what they have seen happen and by their own personal connection to that; those who have family and friends in Israel, those who have family and friends in Palestine.

**The Hon. SUSAN CARTER:** I think we can acknowledge all of that. What did the university do to support those students?

**MARK SCOTT:** Let me talk on that. Immediately following 7 October we wrote to students and staff to express the university's shock and to indicate the fact that we stand against racism, terrorism and violence in all its forms. I've written to our community—

**The Hon. SUSAN CARTER:** Can I just inquire about that a bit, please?

**The Hon. STEPHEN LAWRENCE:** Point of order: The witness was asked what the university has done in relation to what is obviously a highly sensitive and complex topic. The witness got a sentence or two into that answer and had referenced only one matter. I would suggest that is not a reasonable opportunity, particularly given the breadth and nature of the question that was asked. If one asks a question, one can expect an answer.

**The Hon. SUSAN CARTER:** To the point of order: I was seeking to elucidate part of the answer that I was given so that we could tease it out more fully.

**The CHAIR:** It is appropriate for there to be a robust discussion between the witness and the member, and for the member to be able to redirect if the answer is straying. However, in this case the answer had only just begun. Given the nature of the topic, it would be good if we could take the pace out of this a little bit and allow Professor Scott to respond.

**MARK SCOTT:** Thank you. I can indicate that there have been over 20 communications from me and senior members of my team to the community around creating a supportive, safe environment since 7 October. We've identified and emailed students of Palestinian and Israeli citizenship. We stood up an incident response team to manage what was a complex and evolving situation. My office convened a community of practice to ensure a coordinated response to issues that were being raised with us by staff and students. Members of my executive team met twice daily, at times, during the year as we were developing an operational response. We reviewed a significant number of policies as they were tested through the year, including our advertising on campus policy and our ICT resources policy. The policy around when and how flags can be used on campus was raised and worked on.

We significantly increased our security presence on campus. We made 24/7 support for students and staff available through security and health and wellbeing teams, including information being available around security escorts. We increased levels of counselling, including, when students felt they needed it, special considerations around exam arrangements and other kinds of assignments as well. I held an all-staff town hall meeting only days after the Hamas attacks and reiterated our expectation of civil discourse and a zero tolerance approach to racism and antisemitism. We shared information to our staff on how to report incidents of racism, harm and abuse, including that which occurred online.

**The Hon. SUSAN CARTER:** With respect, Professor Scott, the question I asked originally was did you believe that targeted, ongoing action was required to support Jewish students? I've heard of many actions. Is targeted, ongoing support needed to make sure that Jewish students feel safe on the campus of the University of Sydney?

**MARK SCOTT:** I have had representatives of the Jewish community—staff and students—express to me areas of concern that they had. They've written to me. I've met with them in groups and I've met with them individually. Many of the processes—

**The Hon. SUSAN CARTER:** Again, I thank you for telling me what you've done.

**The Hon. STEPHEN LAWRENCE:** Point of order—

**The Hon. SUSAN CARTER:** The question was—

**The CHAIR:** Order! I'll hear the point of order.

**The Hon. STEPHEN LAWRENCE:** I would suggest that the witness was being directly relevant to the question that he was asked, and he should be given a reasonable opportunity to answer the question and not be interrupted.

**The Hon. SUSAN CARTER:** To the point of order: I've had to ask the same question effectively three times—is targeted support required for Jewish students on campus? That question has not been answered by the witness yet.

**The CHAIR:** We do have plenty of time, so let's try and take a breath. With that feedback, Professor Scott, if you could respond.

**MARK SCOTT:** Sure. I would've thought it's inherent in the answer that I've already given that Jewish staff and students expressed concern. Many of these initiatives that we implemented were in response to issues that they had raised that we then investigated and we then responded to.

**The Hon. SUSAN CARTER:** One of the things that you put in place was, I believe you said, security escorts?

**MARK SCOTT:** The availability of security escorts—can I say that for many years, even since I was a student, we've run security buses and other sorts of support, but we did say that if anyone was concerned about their safety or there were any issues involved that they felt they needed security support for, then that would be available. I must make it clear—

**The Hon. SUSAN CARTER:** Can I just ask you a specific question about that? Would that mean that if a Jewish student felt unsafe walking past the encampment on the way to lectures, a security escort would be available to assist them?

**MARK SCOTT:** What it would mean—without getting into specifics of it, this was a service that was not just available for Jewish students but any students, and many of the issues that I've outlined about concern—

**The Hon. SUSAN CARTER:** Can I reframe? Would any student who felt unsafe walking past the encampment be able to ask for a security escort so that they would feel safe walking to class?

**MARK SCOTT:** I believe that they would be able to talk with our security, and if that was a feeling of some support that they needed, then I hope our security team would engage around that if necessary.

**The Hon. SUSAN CARTER:** But you can't tell me that that's what's—

**ANNAMARIE JAGOSE:** Perhaps I could just jump in and add here, we did actually circulate the security contact number to students broadly and we did encourage them if they felt unsafe on campus. That arose in specific relation to engagement with the Jewish community, Jewish staff and Jewish students who reported feeling unsafe, a condition that we could well empathise with.

**The Hon. SUSAN CARTER:** Thank you both, but I don't believe the question has been answered. What does a security escort mean? Does it mean that a student who felt unsafe could be escorted to class?

**ANNAMARIE JAGOSE:** It could mean that, yes.

**The Hon. SUSAN CARTER:** Did it mean that?

**MARK SCOTT:** I don't have the precise detail of that engagement there. It's a service that's—

**The Hon. SUSAN CARTER:** You'll understand my frustration, Professor Scott, because you tell me that this is what you're putting in place to support students that you acknowledge need targeted support in these circumstances, yet most of what you've said is communications and, when I ask about a specific example, you don't know the details of that specific example. If I could perhaps ask another question. If as a woman I felt that there was a climate of sexual violence on the campus, do you think it would be a sufficient response to a climate of sexual violence to say, "We'll provide you with security escorts to walk past the predators"?

**ANNAMARIE JAGOSE:** Perhaps I could answer this question as a woman—

**The Hon. STEPHEN LAWRENCE:** Point of order—

**The CHAIR:** I'll hear the point of order.

**The Hon. STEPHEN LAWRENCE:** It's just an inherently speculative, rhetorical and provocative question that has no relevance to what is going on here. It's comparing two things that frankly it's not useful to compare in this context.

**The Hon. SUSAN CARTER:** To the point of order: There are many ways in which students can feel unsafe.

**The Hon. STEPHEN LAWRENCE:** That's true.

**The Hon. SUSAN CARTER:** Having been a female student myself, I know there are many times when one feels unsafe, and I also know that there have been issues with which the university has struggled in relation to sexual violence on campus. I think it is directly comparable to say that at a time when a student feels unsafe because of culturally what's happening at the university, is the answer security escorts or is the answer broader than that?

**The Hon. STEPHEN LAWRENCE:** Further to the point of order: This is obviously, as has been clear from the evidence, inevitably going to be a case-by-case basis, so to pose rhetorically whether persons fearful of sexual predation could expect a particular thing as if that casts light on this question of the encampment and the response is a question designed not to garner relevant evidence but to simply provoke. It is out of order, I would suggest.

**The Hon. SUSAN CARTER:** I couldn't disagree more strongly with your characterisation of that question.

**The CHAIR:** I will rule on the point of order. I do think the question is provocative. If there is information that you are seeking, if you could be more direct with what the question is and the information you're seeking, that would be helpful.

**The Hon. SUSAN CARTER:** Do you believe that if students feel there is a climate of violence, Professor Scott, the appropriate response is to provide somebody to walk them past that violence?

**MARK SCOTT:** Let me start by answering that and then the provost may have some views as well. I think it is a very significant oversimplification of the detailed university response to the complexities we're dealing with to suggest that our only offering was a security escort. A security escort was available—

**The Hon. SUSAN CARTER:** Excuse me, for clarification, I was not suggesting that was the only response. I was asking if that was an appropriate response.

**MARK SCOTT:** I'm saying that if our students felt that they would like a security escort, then of course the appropriate thing for us to do was to provide that. There were other things that students asked for. There were many other things that we acted on as a consequence of our engagement with students.

**The Hon. SUSAN CARTER:** Perhaps we can move onto something else because we're getting bogged in the weeds.

**MARK SCOTT:** But perhaps the provost—

**The Hon. SUSAN CARTER:** No, if we could move onto something else. When did you become aware that Hizb ut-Tahrir was active on your campus?

**MARK SCOTT:** In our engagement since 7 October, we were constantly in touch with New South Wales police. One of the things I'd say about our campus—

**The Hon. SUSAN CARTER:** Sorry, it was a very specific question, Professor Scott.

**The Hon. STEPHEN LAWRENCE:** Point of order—

**The Hon. SUSAN CARTER:** When did you become aware that Hizb ut-Tahrir was active on your campus?

**The CHAIR:** I'll hear the point of order.

**The Hon. STEPHEN LAWRENCE:** It might've been a very simple question, but that doesn't necessarily mean that it's a very simple answer, and the witness was a sentence or two into the answer. I suspect there was about to be a bit of nuance in the answer because it's not a simple answer, even though my friend might think it's a simple question.

**The CHAIR:** I would suggest that we allow Professor Scott to answer and then, if you feel he hasn't answered the question properly, you can ask again.

**MARK SCOTT:** Since 7 October, the University of Sydney has been in constant contact with the police, and the safety of our community has been our absolute top priority at all times. One of the issues we had to deal with on the encampment in particular is the porous nature of the university's environment. There are 28 entry and exit points to the University of Sydney campus, as far as I understand it. We are anything but a gated community, and so we were aware at the time of the encampment that some of our students and staff were there, students and staff from other universities but also outsiders around that. That's why we had this ongoing engagement with the police to constantly seek assurances from them about the external influences that they understood might be on our campus, and we were assured by police that we would be notified by them about any extremist, violent or radicalised behaviour of groups on campus that we needed to be aware of.

In early May, we received a phone call after a rally suggesting that Hizb ut-Tahrir may have been a presence on campus. This was referred to our security team that is in constant contact with the police. After the *60 Minutes* report and the reporting in Nine media, I then sought another meeting with New South Wales police and protective services particularly looking at the issue of Hizb ut-Tahrir. In the briefing that I received then, I explicitly raised Hizb ut-Tahrir and we sought and received assurances about being notified of any relevant information on the encampment that related to extremist, violent and radicalised behaviour. We've also received briefings in the University Foreign Interference Taskforce from the most senior intelligence officials in the country, senior government officials, and those briefings have continued. If there is concern around Hizb ut-Tahrir or other groups that may have been at different times on the university premises, we have engaged with the group that is expert on any of these groups, and that is New South Wales police, counterintelligence and other national security agencies.

**The Hon. SUSAN CARTER:** So you acknowledge that Hizb ut-Tahrir were active on campus.

**MARK SCOTT:** No, I have not said—if you pay close attention to my answer—

**The Hon. SUSAN CARTER:** So you're saying that Hizb ut-Tahrir was not on campus.

**MARK SCOTT:** No.

**The Hon. STEPHEN LAWRENCE:** Point of order: Clearly the witness was attempting to respond to what also occurred to me as being a mischaracterisation of his previous answer. He should be able to do that, particularly on a topic such as this that my friend is seeking to wade into.

**The Hon. SUSAN CARTER:** Perhaps I could get the direct answer to the direct question that I asked. Were Hizb ut-Tahrir active on campus? Professor Scott, a yes or no would suffice.

**The CHAIR:** I will rule on the point of order. The witness was just half a sentence in. Again, we will just try and take some of the heat out of this. We have plenty of time.

**The Hon. SUSAN CARTER:** We don't, actually, with respect, Chair.

**The CHAIR:** You do because I was going to give you more of my time, but maybe I'll rethink that.

**The Hon. SUSAN CARTER:** That's very kind.

**The CHAIR:** We will allow Professor Scott to respond.

**MARK SCOTT:** Of course, I have seen the reports of Hizb ut-Tahrir's presence on Australian university campuses. I recall the *60 Minutes* and Nine media reports. As I indicated, there was a phone call that raised the question as to whether, in fact, they were on campus. I put the question to police and authorities when we met with them after that report about Hizb ut-Tahrir. There was a general conversation about Hizb ut-Tahrir's activity in the community. But what I took from that meeting was, again, the assurance that, if we had things we needed to be concerned of around extremist violence or radicalised behaviour of groups, the police and intelligence units were around campus and would let us know.

I would say about Hizb ut-Tahrir that it's a question perhaps for Parliament, in some respects. If this was a declared terrorist organisation that was illegal, if the Parliament had declared Hizb ut-Tahrir an illegal organisation, then of course they would be banned from campus. They are not. Therefore, there is no, as I understand it, limit on how that group can operate in protests and rallies and encampments and in other such activities anywhere in and around the city or around the State or, as I understand it, anywhere in the country. If they were on campus, there was no mechanism in the sense for us to stop them being on campus as they are not a banned group. The key test for me, which is the way we continue to frame it with police and intelligence authorities, was were they concerned about extremist, violent or radicalised behaviour with groups that were associated with the encampment that we needed to be aware of. We were repeatedly assured that they were not.

**The CHAIR:** I obviously come from a different perspective in relation to the encampment. I understand that there was a difficult set of decisions that needed to be made by each university. Different universities were dealing with very similar issues. Was there coordination between universities to share approaches or is there a forum for that?

**MARK SCOTT:** Yes, there are a number of groups that would meet and discuss these matters. It's quite a close grouping of New South Wales vice-chancellors. There are 11 universities. I notice that 10 are missing today from the hearing, but they are here in spirit, I am sure. We would meet amongst New South Wales vice-chancellors and talk about what was taking place in different universities. There was an encampment at Newcastle. The University of New South Wales was on semester break at the time the encampment started, so they clearly didn't have one. Also, Universities Australia and the Go8 universities—the big research intensive universities—had more of the encampment. So, yes, we discussed how we were managing the tension. The tension is a clear one.

We are committed to doing two things. We are committed to freedom of speech and we are committed to academic freedom. We are implementing the model code that was identified in the French report on free speech, and the University of Sydney was regarded as an exemplar of that. We recognise, as the French report said, that free speech at times will mean that people will feel shocked and offended by the actions of others. At the same time, even though protests might be rowdy or spirited, they cannot interfere with the rights and the freedoms of others. It is how we balance that commitment to free speech and academic freedom that has been part of the culture of the University of Sydney for more than 100 years—but recognising that these are distressing times. There would be people on our campus who were upset that the encampment was there and who were opposed to the views that were being articulated there.

Can I add, there were Palestinian students who also came to me with similar arguments to Jewish students. They did not feel as welcome and accepted on campus as they would want to be. Managing that was a complexity for us. It's very complex to hold those dual commitments of free speech and the safety and wellbeing of our community at the same time. And, yes, we are all learning from others. We also learnt extensively from the experience of universities overseas. One of our clear commitments here—if you look at what happened in the United States when they tried to clear those encampments and they called riot police on campus, those encounters

with the police turned out to be very violent in many circumstances. On the day after, the crowds were bigger, the violence was more widespread, the destruction was clear and, in some circumstances, the universities and the police totally lost control of those circumstances.

We had three options that we were working on. One was to not escalate violence or harm, and that was to try and make sure, if at all possible, we didn't have police in riot gear on campus arresting students and staff. Another option could have been to wait it out and pretend it wasn't there, but it clearly was there. It was a big presence on our front lawn and upsetting to members of our community. What we decided to do, as other universities did, like the University of Melbourne and the University of Queensland, was talk to the students at the encampment. There were many things that they wanted us to do that we couldn't possibly do. There were some things that we engaged substantively with them on. The approach that we took, I think, was informed by the experiences of other universities in Australia and also informed by what we were seeing overseas. If you go to many overseas universities now, including, as I understand, Oxford and others, the encampments are six months on and still going.

**The CHAIR:** Do you think mistakes were made, in hindsight?

**MARK SCOTT:** It's a very fair question. I can tell you that we had teams, as I said, working 24/7 and executive teams meeting twice a day as we were trying to manage what was a complex and quite raw situation for many. The question I asked was did we make reasonable decisions, given what we knew at the time. One of the things we have done is we have commissioned a review by Bruce Hodgkinson, a senior counsel who is an expert in health and wellbeing in safe workplaces, to review our policies and our practices and our processes to think through a little bit on our experience but also to look ahead and to think through have we got these settings right. Are there things that we can learn from this experience that can help us make sure that we can try and manage, I think, this tension that does exist between free, robust speech that is a hallmark of a university but also an environment where all feel safe and affirmed and included—psychosocial safety, if you like. Psychosocial safety is clearly a new area of the law and I think we are all learning about how you deliver that effectively in an environment that is committed to free speech.

**The CHAIR:** You talk about free speech as being the consideration on that one side, but I guess a lot of students involved in those encampments would also view what they were doing as expressions of solidarity with people who weren't having solidarity expressed with them by the major parts of the mainstream media et cetera. I guess that's the other tension, isn't it? It's not just free speech; it's also symbols and showings of solidarity. Was that considered as part of that process?

**MARK SCOTT:** I think that's one of the reasons why—and I appreciate that well-meaning people will disagree on this—we felt that this protest, which was a different style of protest and I'll talk about that in a minute, fell into broad traditions of the university. If you go back in the university's history, there were big crowds protesting conscription, the Vietnam War, nuclear disarmament and apartheid in South Africa. There's a long tradition at the University of Sydney. Political economy was an issue that students protested on—the way we were teaching economics. These are all issues for which there's a long tradition of protest. Some of the students I spoke with on the encampment had family in Gaza, they knew people in Gaza, and we have people in the university who have lost family in the Gaza conflict. Of course they were often so genuine and heartfelt in their grief at what they were seeing on the television sets every night. I think they also felt solidarity with the student movement around the world. Often you've seen that at university. Students around the world are protesting and they wanted to be part of it.

What we needed to say to them, "You're able to protest. There are rights and responsibilities that come with that. Part of that responsibility of exercising that right to protest is exercising that right in a way that does not infringe on the rights, health and wellbeing of others in the university community." I would say as well that I think the nature of the encampment was a challenge for us. The protests at lunchtime in the quadrangle—these are well known to us—encampment came back on the back of the Occupy Wall Street original campaign and others that followed. This is different. We are not set up for 24/7 protests; we are not set up to be a campsite at night. There were health and wellbeing questions that we were aware of for students who were camping over.

We didn't have facilities set up for them to camp overnight. We were worried about fire risk at times. We were worried about health risks for them at times. We had significant security in place for them too. Managing all of these complexities—to allow free speech to happen, to protect the broader community, to protect those who were in the encampment, and to make sure we understood or were appreciative of the challenge that was created, in that we didn't always know who was at the encampment because, fundamentally, it's a public space—these were all things that the leadership team were engaged with around the clock for seven months.

**The CHAIR:** Can I ask you what the demands of the encampment were?

**MARK SCOTT:** Yes, let me talk to those. It took some weeks for the encampment to articulate those. That reflects that there were numbers of different groups up there—the Students' Representative Council, a number of other student activist groups, and the Muslim Students' Association—and they finally did come together on some demands. I can tell you that some of those demands we simply could not agree to and didn't agree to. They wanted us to cease university partnerships with universities in Israel, to cut back on the ability for our academics to work in exchange with some Israeli universities, and they wanted us to stop university exchanges with Israel. All of these things we felt fundamentally worked against the commitment we have as a university to work in partnership with global universities, to allow academics freedom, and we are a great believer in the opportunities of students travelling, seeing the world and taking advantage of those kinds of partnerships.

But there were some things that we did do. They were targeting defence and security contracts that we had in research and we said, "No, we're not going to scrap those." But one of the points they made was that our defence and security contracts were not as transparent as they probably should be. We looked into it and we agreed with that. If I looked online at the information that the University of New South Wales or the Australian National University put up, they were far more detailed than the University of Sydney. We agreed to be as transparent as we can be around our defence and security research contracts. That information is now going up online. There was also a question about the money the university has invested in endowments and our future fund, and other matters that earn an income back to the university. They asked if some of that money is invested in defence and security industries. We said that we appreciated there wasn't transparency around that, so we did what a number of United States universities have done.

We said we'd put together an eminent panel—there could be student representatives and staff representatives on that—to look at that defence and security investment, and to provide advice to the University of Sydney Senate that finally determines that investment policy. Dr Simon Longstaff, the head of the Ethics Centre, is heading that committee that's doing that review. We have a number of other eminent Australians who are business leaders, from the military, and student representatives too, who are providing that review. That review will take place by the end of the year. We expect that that advice will go to the senate and then the senate will decide. So on the negotiation, as you would want, there was detailed and substantive engagement around the substance. There were some things that we felt we couldn't do in the interests of the university and our key principles; there were other things we could engage in, and they were the things that we agreed to do.

**The CHAIR:** In terms of weapons manufacture and the investments in weapons manufacture, I know that was a common demand of many universities. It's not, "Yes, we're going to cut ties with weapons manufacturers," and it's not, "No, we won't." It's more, "We're going to do a review and see."

**MARK SCOTT:** I think I'd frame it this way. You're talking about the investment side. Do we have investments in firms that are involved in defence-related industries? To what extent is that a significant investment? What's the nature and form of that investment? What have other universities done about that? And what would the recommendation be to the senate about that? If you look at our investment policy, already there are a number of industries that we don't invest in. We don't invest in the gaming industry or in alcohol and tobacco. There has been a divestment from fossil fuels in recent years.

Then there are other things that are banned. Cluster munitions is identified specifically as something that we can't and won't invest in. The investigation will be: What are those investments? How are they structured? What do we know about those firms? What is appropriate for university policy on that? But finally, the decision about how and where the university invests, in a governance level, lies with the university senate. This group will provide advice and then the university senate will come up with its decision. I imagine the report that they write will be publicly released. I imagine the university senate's response, as a consequence of that, will also be publicly released. So far greater levels of transparency on the back—

**The CHAIR:** When will that be done by?

**MARK SCOTT:** I think we are expecting the first meeting of that committee—that review group took place last week, I believe. They are meeting now and doing that work. We are expecting that their report would go, firstly, to the senate investment committee and then probably to the senate as a whole, we expect, by the end of the year.

**The CHAIR:** Just to clarify, I think there has been some mischaracterisation about the encampments being somehow about Jewish students. I understand that, regardless of the intent of the encampment—and also acknowledging that people within that encampment may have had different intents—the actual intent of the encampment did have demands. Some of those demands, although not met, have been heard, and something is being done about some of that. My final question on this is how much harder did the misinformation coming from the right-wing media and commentators make your job during this?

**MARK SCOTT:** That's a complex question, I think. What I would say is that it has been a very heightened time. As I said earlier, there was genuine, heartfelt distress from students and staff. I have met with leaders of the Muslim community and leaders of the Jewish community, some of whom I've met in different guises and different roles over many different years. I think they would both say that this is as raw and demanding and complex a time as they have ever had to deal with. The media and commentary—many in the room won't be shocked to hear that when you look at media reports, at times you wonder that question as to whether that is as complete and accurate as you would like it to be. I did feel that the university's attempt to de-escalate the risk of violence, to bring a peaceable solution to an encampment, to deal with a volatile environment—which was highly fraught on all sides—and to bring a peaceful solution was a worthy aim, worth working towards, and worth engaging with students on. It was pleasing that we could de-escalate without there being violence, which was what we worked towards. I sometimes thought some of the nuance of that—that that is a goal worth working towards—was not always reflected in media coverage.

**The Hon. SUSAN CARTER:** Professor Scott, I'm interested in your remarks about de-escalation and I agree that de-escalation of violence is always a worthy goal. I'm reflecting, though, on the SafeWork NSW claim that the university has received from a number of staff claiming that the events of the encampment and the associated disruption of lectures and meetings and various other events meant that the university was a psychologically unsafe environment for Jewish staff and students. Did your policies de-escalate the psychosocial violence that was connected with the protests, the chants and the encampment?

**MARK SCOTT:** The first thing I need to say on the reference you made to SafeWork is that, with the most recent information that I've received, the only thing we know about that is the report that appeared in this morning's newspaper. So if, in fact, there has been a complaint that has been lodged, the university has not been officially notified of that. However, I can assure you that, if there is to be an investigation, the university will fully cooperate with that, as we are completely committed to an environment that delivers safety, health and wellbeing, including psychosocial safety, for all who operate within our community, and if there are some people—

**The Hon. SUSAN CARTER:** Professor Scott, can I just ask you a specific question about that on psychosocial safety. Students have reported:

> I do not feel safe on campus and actively struggle to learn when faced with the reminder that people are openly allowed to call for my death in the next room.

How does that help the psychosocial safety of students?

**MARK SCOTT:** I would want to see the specific nature of that allegation.

**The Hon. SUSAN CARTER:** So, Professor Scott, you're suggesting that there were not groups of people moving through the campus, making claims and chants, such as "Globalise the intifada", and that Jewish students would not have read that as a call for their death?

**MARK SCOTT:** Let me—

**The Hon. SUSAN CARTER:** Are you suggesting it didn't happen, Professor Scott?

**The Hon. STEPHEN LAWRENCE:** Point of order: The witness was about to answer the question and then he was subjected to another barrage of rhetorical statements. He should just be allowed to answer.

**The CHAIR:** Yes. I think also, when there's a lot of assumptions embedded in the question that might want to be refuted, we should be allowing the witness plenty of time to respond. Please go ahead.

**MARK SCOTT:** I would say that the university, whilst allowing free speech and academic freedom, has hardly been passive around issues where we feel there has been a breach of our policy, where we feel there has been harassment and intimidation, and where we feel that there have been examples of our policies being breached. We have dealt with cases where there was an antisemitic image on a banner, when inappropriate banners were used, when there was unauthorised entry into a building, when there was an attempt to disrupt traffic on City Road, where lectures were interrupted, where university email was misused—a whole series of issues that we looked at and that we have investigated and where complaints have been upheld and we have taken disciplinary action. In some of the complaints that we dealt with, where there were specific complaints around specific issues, we have been able to follow that through and uphold. I appreciate, though, that some of the complaints we received were complaints that were quite generalised about the fact that the encampment was there and students were unhappy the encampment was there. They didn't like its presence at the front of the universities.

**The Hon. SUSAN CARTER:** Could I ask a specific follow-up on that? When students contacted you, was the word they used "unhappy" or was it a stronger word about them having to walk past the encampment to get to class?

**MARK SCOTT:** I'm talking generally.

**ANNAMARIE JAGOSE:** Perhaps I could jump in here. We definitely saw a spike at the University of Sydney in relation to staff and student complaints associated with the protests going on on campus across this period.

**The Hon. SUSAN CARTER:** Specifically, were they complaints about being unhappy, or were there stronger terms being used in these complaints?

**ANNAMARIE JAGOSE:** As I was about to say, those complaints were generally framed in pretty stern ways around antisemitism specifically—about 260 complaints and about a quarter of those maybe indicating antisemitism as the grounds for complaint. We take complaints exceptionally seriously at the university and have very clear processes organised around justice for both the person making the complaint and, if there is an actual person at the other end of the complaint—for both of those things. It involves searching down evidence, it involves interviewing, it involves a lot of detail—

**The Hon. SUSAN CARTER:** I'm very grateful for the discussion of the process.

**ANNAMARIE JAGOSE:** My point is that what we found in the large majority of the complaints that used the word "antisemitism" as the grounds for making the complaint, the entire basis of that allegation rested on something like, "There was a protest", "There was a pro-Palestinian protest", "There was a Palestinian flag displayed at the encampment." Our assessment—

**The Hon. SUSAN CARTER:** Was there also a jihadi flag displayed at the encampment?

**ANNAMARIE JAGOSE:** There was no jihadi flag displayed at the encampment.

**The Hon. SUSAN CARTER:** I've seen photos of it, with respect, Provost.

**ANNAMARIE JAGOSE:** There was a lot of representation in the media that there was a so-called jihadi flag on our campus. We took advice from experts. We're very comfortable that it was a Shahada flag. It was simply a flag testifying to Muslim faith. It doesn't breach any of our protocols—in fact, it goes to the heart of our commitment to diversity on our campus. That, however, suggests the kind of inflammatory environment in which we were operating, in which people—sometimes organs of the media—would claim that all types of terrorist activity were being represented on campus, which was blatantly untrue.

**The Hon. SUSAN CARTER:** Were there people walking through Eastern Avenue chanting slogans, such as "Globalise the intifada"?

**ANNAMARIE JAGOSE:** I believe there might have been exactly that slogan.

**The Hon. SUSAN CARTER:** And what do you understand that slogan to mean?

**ANNAMARIE JAGOSE:** There are some wide variety of representations and interpretations around such slogans. I'm not going to sit here and make my own personal sort of choice. What I would reflect, however, as a provost, as somebody who has to deal with complaints in a very even-handed way, is that there is no consensus—critical, academic or popular—around what those statements mean and people have very heated interpretations of them, which are often, and unsurprisingly, shaped by their personal histories.

**MARK SCOTT:** Can I add to that, because there's been quite a lot of discussion around the language of rallies and protests, and I'd appreciate the opportunity of discussing it with you.

**The Hon. SUSAN CARTER:** Professor Scott, before you do, could I take you to a statement that you are recorded to have made in *Honi Soit* in November 2023, where you said that a case for global intifada carries the reasonable imputation that the meeting may be linked to support for terrorist activities. Do you stand by that statement?

**MARK SCOTT:** Yes, so let me talk about that—

**The Hon. SUSAN CARTER:** Sorry, do you stand by that statement?

**The Hon. STEPHEN LAWRENCE:** Point of order—

**MARK SCOTT:** Well, in the context—

**The CHAIR:** I will hear the point of order. I suspect I know what it is.

**The Hon. STEPHEN LAWRENCE:** It is not appropriate in this context to cross-examine in that sort of discourteous way. The witness was clearly about to answer the question. It's a complex issue. He should be allowed to expound upon it, I would suggest.

**The Hon. SUSAN CARTER:** It's a simple question: Do you stand by your statement?

**The CHAIR:** I uphold the point of order. Again, if we could just take the heat out of it and allow the witness to respond.

**MARK SCOTT:** In the days after 7 October, a rally was attempted to be organised by what I recall was an unauthorised group, an unofficial group, at the university. The rally was the call to global intifada. It was accompanied by an image of a tank crossing over the border into Israel on 7 October. The university's leadership and I believe also the university student union came to the view that the juxtaposition of the language and the image seemed to be inciting terrorism, supporting terrorism, invoking support around that. It was the two together that we felt, at that time, were inappropriate. I had made it clear in notes to staff, and emails to staff and students, that we did not believe that free speech extended to supporting acts of terrorism and to supporting Hamas. Therefore, we cancelled that meeting. There was some criticism in some circles that we cancelled that meeting, we did so unapologetically. But it was the combination of both that seemed particularly powerful and manifestly inappropriate, hence our decision.

**The Hon. SUSAN CARTER:** Do you believe the words "globalise the intifada" could be reasonably interpreted by a Jewish staff member or Jewish student as suggesting a call for personal violence against them, their loved ones or their families?

**MARK SCOTT:** Yes, some Jewish staff and students have expressed to me their concern around phrases like "intifada". The other one that has been much discussed is, "From the river to the sea". They have found them deeply offensive and deeply concerning.

**The Hon. SUSAN CARTER:** In terms of free speech, does that raise concerns for the university's free speech policy? If somebody else finds something deeply concerning and personally threatening, does that then not call for a free speech discussion?

**MARK SCOTT:** Let me address that, but I would be keen to engage the provost on this issue as well. That is why I said, publicly and regularly, that I really wished those phrases would not be used if they are causing such distress to some in our community. It would be my wish that they not be used. The fact that we then have to deconstruct them, and debate their history, their meaning and their context when some people find it very distressing, I said that I would prefer that they not be used. However—and I think this is very significant and I think it's very significant for members of Parliament to reflect on this—I cannot find a jurisdiction in the country that has banned the use of those phrases. Those phrases are used—

**The Hon. SUSAN CARTER:** With respect, Professor Scott, are you hiding racism and antisemitism behind the cloak of the law?

**MARK SCOTT:** No.

**The Hon. STEPHEN LAWRENCE:** Point of order—

**The Hon. SUSAN CARTER:** What is your responsibility to the safety of students?

**The CHAIR:** I'll hear the point of order. Also, your time is up.

**The Hon. STEPHEN LAWRENCE:** That's not a question. It's a discourteous rant, I would suggest. It should be ruled out of order.

**MARK SCOTT:** I would appreciate the opportunity to address the issue.

**The CHAIR:** Please do.

**MARK SCOTT:** We were in a situation for some of those where rallies were held on weekends here, with thousands of people surrounded by New South Wales police, where those phrases were used and no action was taken. Those phrases were used at rallies that appeared outside this Parliament, and no action has been taken because lawmakers have not come to a view that that represents hate speech and that language should be banned. The complication around having a different standard and free speech being less available at a university than elsewhere in the community is a challenging confrontation of the traditional view, which would be that there is more licence for free speech at university than elsewhere. That is why university vice-chancellors wrote to the Federal Attorney-General seeking advice on this matter, wondering whether in fact lawmakers at a Federal level or State level want to intervene precisely on this matter.

Let me reinforce that there is no jurisdiction in the country that has banned these phrases. That is not to say that there may not be some circumstances where we would take action around that. I could see a scenario where if Jewish students were standing together and they were being targeted and surrounded by protesters citing these phrases, that that would feel direct and intimidatory and possibly antisemitic.

**The Hon. SUSAN CARTER:** And if Jewish students are sitting in a classroom and this is coming past them—

**The CHAIR:** Order! It is not your time for questions.

**MARK SCOTT:** When protesters intervened in classrooms and attempted to take them over, we took action against those students. We have suspended students from the university who have disrupted with their protests.

**The Hon. SUSAN CARTER:** How many?

**The CHAIR:** Order! I think what you are saying is very sensible, that words such as those really do mean a different thing depending on the context and the circumstances. It's not as simple as saying that particular words—as we've just heard—are somehow racist, when they may mean a completely different thing to a different bunch of people. Is that what you're trying to say, that there is context around this?

**ANNAMARIE JAGOSE:** Perhaps I will come in here, if that's okay. I think there is always context and it is really useful to think about what the context is. I think the vice-chancellor has given a couple of examples where context determined a decision in relation to a juxtaposition of images and words. The other piece that I would say here, however, which has also been very exercising of the university leadership, is that in times like these when certain student and staff demographics feel particularly anxious, as if a hostile world is facing them, I think we have made every effort to listen really carefully and non-defensively to what they're saying. That does not take away from our absolute commitment to academic freedom, which is core to a university. But I think when we hear from our staff and students on both polarised sides of this conflict that they feel less confident coming onto campus than they have previously, we listen hard to that. It affects us and we feel like that's not right.

We have also done a lot of work outside this very formal complaints-based system, which we have to have—it's more of a judicial piece. There is also a hugely important cultural piece. We have done so much work in this space, before and after 7 October, in terms of trying to take seriously our responsibility to educate our students about how to talk about issues when you have conflicting and maybe even contradictory viewpoints on how to extend empathetic understanding to someone who stands for something that you don't stand for. We've got online and face-to-face training for students. We've trained a lot of our tutors and a lot of our student peer mentors, who deal with large numbers of undergraduate students.

This semester we've launched a civic campus initiative, which is pulling together expert academics to really put our heads together to say, "What does a contemporary twenty-first century university want to stand for?" It will not step away from academic freedom, which any academic will passionately think is the absolute heart of the university. But around that, what can you wrap around in terms of a culture where people are more culturally capable and competent in a society that seems to be rapidly polarising? How can a university try to deliver on its social mission by holding that intermediate space of deliberative conversation that is respectful, that can listen empathetically and that can bear to tolerate a view that is not its own? As old as I am, I have to say, that task is way harder than I ever thought it was going to be. It's a very difficult set of skills to teach. I don't think there is a quick fix.

**The CHAIR:** In the educational context, it's being able to teach people critical thinking. It's very easy to say, "You can't do this and you can't talk about this." My experience with young people is that they are very good at having nuanced conversations about things. I'm going to move to a completely different topic in the time that we have left. Because I have the opportunity of having you here, I want to ask you, Professor Scott, about the university's approach to people with disability. We just had an inquiry where we looked into the experiences of children with disability in educational settings, and it did cover some aspects of university and TAFE experiences.

As part of that and following that, I have had a lot of students contact me from the University of Sydney, as well as the University of New South Wales and UTS, in particular. They are saying that they have students leaving at quite an alarming rate because of a lack of accessibility or their needs being met. The examples I have been given include things like the university not always having wheelchair access to every room or blind students not being able to have bluetooth stethoscopes because they cost too much. It's those sorts of things, where everything is just really difficult. I was asking the Minister about that this morning, and it seems that universities are governed primarily by the Federal jurisdiction but by the State when it comes to these anti-discrimination provisions. Does it concern you that those sorts of comments are coming to my office?

**MARK SCOTT:** Yes, it does. Central to our 2032 strategy is that we are a truly diverse community. We have a number of initiatives in place to drive that, and students with disability are absolutely central to that. We've got a disability inclusion action plan that is currently underway. There are a series of initiatives that are in place—flexible working arrangements, reasonable adjustments for staff with disability and support for students in the classroom with disability. We remain fully committed to this. We measure our number and our data. You make

reference to our physical infrastructure. That is challenging, I must say. Thirty per cent of the University of Sydney is heritage listed. We have some brilliant, bright new facilities where disability access will have been centrally built into all of that construction and that planning. The retrofitting has been more extensive, but when we are doing retrofitting, certainly disability access forms part of that.

Through our Senate People and Culture Committee, there's a detailed monitoring of numbers of students with disability and staff with disability and the flow and pattern of that over time. I'd say that I don't think I've seen data that indicates that we've had flight of students with disability or staff with disability away from the university, but we're not seeing the growth of the level that we'd want to see congruent with levels in the community. I'm not sure if the provost wants to add to that.

**ANNAMARIE JAGOSE:** I would say that, since 2013, we've had a very robust multi-year physical infrastructure plan, as Mark says, to bring up much of the heritage architecture, which is largely done by quite physical things like ramps and wheelchair hoists and the like. The thing that I think is probably even more centre for us is thinking about disability and mental health, which is very prevalent and a growing identification amongst our student group, especially undergraduate students who identify and make themselves known as having a disability which might be, for example, an anxiety disorder.

Just numerically, that is a much greater disability component for the university, which we address through a whole bunch of student wellbeing initiatives, including some very practical orientations around learning assessment adjustments made for students—for example, special considerations or lengthier periods in an exam or working to have a customised staggering of assessment dates—in a way that a student without that disability identification wouldn't have. I guess there are those two pieces, to me. I've been at the university since 2011 and, physically, I can see the campuses made a very large jump forward. I think the challenge for us—I mean, I think we could always do more; I'm certainly not suggesting we are perfect in this space. But I think the real challenge for us will be addressing and engaging with that mental health piece. I think that will be a bigger challenge.

**The CHAIR:** Do you keep data for the reasons why people are quitting their courses? Would you have any visibility over the numbers of people who were quitting because of their disability needs not being met?

**ANNAMARIE JAGOSE:** We watch our retention rates very closely at a large demographic scale, so we would notice, for example, if we had a spike in a particular area or even a unit of study or a course of study where, idiosyncratically, a large number of students were not finishing—were leaving the university. We don't, to the best of my knowledge, have any kind of mechanism that would pick up those individual students unless they had already made themselves known to, say, a student wellbeing unit or were working with a counsellor in a disability adjustment plan or some such thing like that.

**MARK SCOTT:** I'd add as well that I think one of the things that we pick up in this area of diversity is the need to build the confidence and the trust in our community so that staff and students with disability will happily identify that they have disability and talk to us on that and feel that they'll be well supported in our community through that identification. We suspect that there is an under-reporting of disability within our community, so we're trying to interrogate that as well. The more insight we have on the needs of our staff and students, the better equipped we'll be able to be to reach out to them with support that they might find meaningful and supportive.

**The CHAIR:** That does bring us to three o'clock. Thank you very much to both of you for your time. I know that it's unusual for us to call university reps, so it has been incredibly useful. You are now excused.

**(Mark Scott and Annamarie Jagose withdrew.)**

**The Hon. RACHEL MERTON:** If I might be able to pick up on the Bankstown TAFE from earlier today, Mr Dizdar. In terms of the costing of the relocation of the Bankstown TAFE to a temporary site before its reinstatement at the hospital site, I understand that the previous Government had discussions in this space and the costing was about $200 million to $300 million. I'm wondering whether you may have knowledge of that.

**MURAT DIZDAR:** I might let my TAFE colleagues jump in. I think we heard clearly from our Minister this morning and Steve, as head of TAFE, that we're working very closely with Health. This is a whole-of-government project that has got a Health component, with a TAFE component. It's being packaged together for delivery. They're in productive discussions. The budget of this sits with our Health colleagues. It is a TAFE I know well. In my career, I spent four years at that TAFE, sharing the premises on the school site when I was regional director of south-west Sydney. I'm taking you back to my working knowledge around 2012, and I visited many of the facilities there when we were in partnership. I think there will be a tremendous opportunity to have modern facilities here on the TAFE site. I think there will be a period where it will be difficult—because we're going to be on a temporary site—delivering continuity but the end result, when we move back onto that campus with modern facilities, will be a great fillip for that community.

**The Hon. RACHEL MERTON:** Specific to my question, Mr Brady, was it $200 million to $300 million?

**STEPHEN BRADY:** A detailed business case for the relocation is under development now. We hadn't done one prior to now, so I'm not sure where that number comes from, but it certainly doesn't have any veracity to it.

**The Hon. RACHEL MERTON:** I guess I established with the Minister this morning that there's no money in terms of the TAFE budget for the relocation or the re-establishment of the Bankstown TAFE and that this is going ahead on the understanding that, we are told, there's an agreement with Health. I'm just wondering if you might be able to elaborate on what that agreement is or whether there are any documents or anything to substantiate this arrangement.

**STEPHEN BRADY:** We're in detailed discussions with our colleagues at NSW Health and Health Infrastructure on a very regular basis around the planning et cetera. One thing that we have to work through for that is the site ownership. Currently, obviously the TAFE campus is owned by the Minister in his role. As we move forward into the new arrangement, where we're building a hospital and a TAFE on the site, the ownership of that land will need to be considered. We are actually working through, with our colleagues, a form of understanding about how those mechanics are going to work, but it's very clear—I met with my counterpart in Health Infrastructure online I think in the last two weeks, where we clearly discussed the need to develop the joint business case, the fact that a joint business case was the best approach and that the initial relocation was part of that overall business case, and it would come from the bucket of funds that are allocated for the overall project. As far as I'm concerned, we've got a very clear understanding, and that'll be documented sometime over the next few months.

**The Hon. RACHEL MERTON:** Mr Brady, I'm looking for something a bit more substantial about an agreement in place. The $1.3 billion for the hospital—there's no reference to TAFE.

**STEPHEN BRADY:** No, but it's on TAFE land. It's pretty hard for them to build a hospital without land, and there's clearly a TAFE there. The understanding—the discussion that we've had with Health and Health Infrastructure and the meetings that I understand the Minister has had with his counterpart is that this is a whole-of-government solution for the community of Bankstown that requires a skills outcome as well as a health outcome.

**MURAT DIZDAR:** If I can just add, what's clear is that rather than have two separate business cases, both agencies are going to partner together—both Ministers—and bring forward to Government one business case that covers a build of a hospital, that covers a relocation of the TAFE temporarily and that covers the re-institution of that TAFE on that premises.

**The Hon. RACHEL MERTON:** What's the timing again on that document being finalised and publicly available?

**STEPHEN BRADY:** The agreement between ourselves and Health Infrastructure?

**The Hon. RACHEL MERTON:** Yes.

**STEPHEN BRADY:** As I said, it's only within the last two weeks that we discussed the details of that. It's something which we'll work through. I don't have a specific time frame for you. I think the important part for Government is how we work towards the funding decisions. Obviously, there's a budget there of $1.3 billion. We need to step that through for Government about how that's going to work, the scope of the service delivery for both organisations. Probably the most significant milestone will be coming through the budget process as we clarify those arrangements. But we do anticipate being able to move forward, as I said, getting the expression of interest out into the market for the temporary accommodation—and start to move forward on that planning and commitment so that we can look at what sort of fit-out we require, what do we need in order to be able to have that continuity of service delivery, which is critically important. Whilst the really major milestone coming forward is actually the development of a detailed business case for the combined facilities, we will not be waiting for that to be completed, I don't believe, until—we'll be taking action on the interim relocation based on the budget that's already available within Health for that interim work.

**The Hon. RACHEL MERTON:** In terms of community concern on this, the issue is there has been no public information that the $1.3 billion is going to cover the TAFE. People are concerned that the hospital is coming onto TAFE ground, so the TAFE is clearing out and there is no reassurance here that TAFE is actually going to be a part of this.

**STEPHEN BRADY:** With respect, I think if you go back to the press releases put out by Minister Park and Minister Whan when the Bankstown site was announced, it made very clear that there was an ongoing commitment to TAFE in the Bankstown CBD.

**The Hon. RACHEL MERTON:** Is there precedence for a situation like this, where TAFE loses the land, loses the campus, the temporary relocation not known, the budget not known, the reinstatement of the new TAFE and the time frame not known, but we sit back and we say, "Look at a ministerial press statement"? Is there precedent here?

**STEPHEN BRADY:** Ms Merton, I think—

**The Hon. RACHEL MERTON:** In terms of process and how these joint arrangements happen, what is the precedent?

**STEPHEN BRADY:** I don't recall us having built a hospital on a TAFE campus in the time that I've been in the role, so I can't really point to a precedent. What I can say is that this is clearly a situation where a whole-of-government solution is required. It's not a case of TAFE dealing with its land in its own interests solely and it's not the case that Health can come and build a hospital on our campus without our collaboration. There's clearly a need for the two agencies to work hand in glove to deliver a whole-of-government solution for the community of Bankstown and that's exactly what we're doing.

**The Hon. RACHEL MERTON:** The concern is people say, "Hang on a moment, TAFE hasn't got a seat at the table with Health." Then—

**STEPHEN BRADY:** With all due respect, that's not right.

**The Hon. RACHEL MERTON:** —they'll say, "Budget blowouts". Let's say the cost of the hospital is more than the $1.3 billion. What reassurance is there that the kids in the south-west are going to have a new TAFE campus?

**STEPHEN BRADY:** I can only reiterate that the press release that was issued—the statement by the responsible Ministers at the time was that there would be a continuing TAFE presence in the Bankstown CBD. And that's exactly what we're working to.

**MURAT DIZDAR:** It's also what the business case will go to, Ms Merton.

**The Hon. RACHEL MERTON:** And we're awaiting the joint business case. Is that currently underway?

**MURAT DIZDAR:** That is what is being developed.

**STEPHEN BRADY:** Correct.

**The Hon. RACHEL MERTON:** The time frame on the joint business case is?

**STEPHEN BRADY:** I'd have to come back to you on the specifics of that if I can.

**The Hon. RACHEL MERTON:** Alright. Mr Brady, you have well spoken about the current teaching infrastructure at the Bankstown TAFE as it stands today in terms of the hairdressing, the child care—and I think there's some other sort of business services.

**STEPHEN BRADY:** Yes.

**The Hon. RACHEL MERTON:** Given the history of the TAFE being 50 years, the growing student cohort in the south-west, are we thinking those facilities will be moved to the temporary site when we know it? It may be a single site or multiple temporary sites and possibly those facilities will be reinstated at the hospital precinct.

**STEPHEN BRADY:** That's our intention. Our intention is that we maintain the strong presence in the Bankstown CBD. One of the things I would say is our adult migrant education program is a very large part of what we deliver in the Bankstown community and a very large proportion of our student population have English as a second language, so it's a critical part of supporting that local community that we engage those learners, that we can help them engage with the local community and be a part of that community because they have the confidence and the language capability, that we can put them on the path to vocational training and get them engaged in employment. A large part of what we do in the Bankstown TAFE is work with those communities to not only teach them how to speak English but also start to engage them in training that leads towards a job outcome. That's certainly what we intend to continue to do.

**The Hon. RACHEL MERTON:** Mr Dizdar, in terms of communication, what do students know? Mr Brady, you were just highlighting some of the cultural groups and the language and cultural environment. What do they know?

**STEPHEN BRADY:** They know our commitment to the Bankstown CBD. We've developed a detailed communications plan that will work with local—

**The Hon. RACHEL MERTON:** You have developed a plan?

**STEPHEN BRADY:** We had developed an initial plan. We'll revise that as the time frames et cetera become clearer. That plan talks to us working with local multicultural groups as well as with our teachers and staff on the campus to make sure that they're clear and feel supported with respect to not only the final campus design and delivery but also the moves because there'll have to be a decant from the current campus to the new campus and then from that interim campus back into the final facility.

**The Hon. RACHEL MERTON:** An initial communication plan? What do they know today?

**STEPHEN BRADY:** They know today—with all due respect, there has been a statement that we'll be working with Health to deliver a combined health and TAFE campus in the Bankstown CBD, that we will be continuing the delivery of TAFE courses in Bankstown, that there'll be a temporary facility, that we'll be moving to the final facility which is intended to be on the combined campus. Until we have more information, which is coming out of the planning process that we're undertaking now, there's not a lot more I can say to them.

**The Hon. RACHEL MERTON:** So that statement—to be issued?

**STEPHEN BRADY:** Communications were issued back when the initial announcement was made.

**The Hon. RACHEL MERTON:** In the form of a ministerial joint press release?

**STEPHEN BRADY:** There was that but we also issued communications to our staff. We'll make further communications as more information becomes available. At this point I can't say exactly when we're going to relocate. I can't say where. So there's really not a lot for me to say until such time as we progress particularly this piece of work around the interim relocation.

**The Hon. RACHEL MERTON:** What do you envisage some of the impacts might be on the students if we're saying, "You're going to a temporary site, not sure where or how long, and then you're going to come back when we reinstate the campus"?

**STEPHEN BRADY:** The initial impact will be telling them what the timing is for us to have the interim relocation: where the location of their current studies will be, talking to them about the period of the likely interim facility, and then the likely time for them to move back onto a full campus. It's really important to make sure that there is confidence about the continued delivery of their courses, about the location and their wayfinding, to make sure they can find their courses. That is all part of what we will be looking at in the communications plan that we finalise as we get closer to having that clarity of location.

**The Hon. RACHEL MERTON:** Earlier we were speaking about the priority in terms of skills training in New South Wales. In terms of the interim arrangements on this—the cost of that—how are we going to manage the continuation of the training?

**STEPHEN BRADY:** I'm not 100 per cent clear on what your question is. There will be a cost of renting, fitting out of the new facility. There will be the relocation cost of picking up equipment or whatever needs to go across, of communicating to people. The teachers who are currently being employed will still be employed. That cost will be very, very similar, if not the same. It's really that location, relocation, communication and the physical fit-out that will be the cost of that.

**The Hon. RACHEL MERTON:** In terms of changes to jobs or job losses or gains—too early?

**STEPHEN BRADY:** There is no intention here that there would be job losses. This is really looking at how we develop and deliver the facility with a minimum disruption to teaching.

**The Hon. RACHEL MERTON:** Mr Brady, I might look at the Gosford TAFE campus. I'm wondering what arrangement is in place in terms of the identified site for a new Gosford TAFE campus? Is there a contract in place on land?

**STEPHEN BRADY:** The intended new facility, if we get approval, is the current—well, it's the old Gosford City council chambers on Mann Street. I don't know if you are familiar with it? It's currently vacant. We have an agreement with Gosford City council that we can acquire that land. That agreement expired at the end of July this year. Prior to its expiry we agreed with the council to extend that for a further—I think 12 to 18 months. I will have to come back to you with the timing on that. It is 12 months. Thank you, Patrick. We have the agreement with the council that we can exercise that arrangement so that we can take ownership of that land. It's currently still owned by the council. It's under their care and maintenance until such time as we do, or if we do, take control.

**The Hon. RACHEL MERTON:** Mr Brady, in terms of the growing student cohort and envisaged training needs, is there a pipeline in place as to where new campuses or expanded campuses by TAFE may be required?

**STEPHEN BRADY:** Great question. I think I started talking this morning about our longer term approach to planning at TAFE NSW. What we are trying to do is really drive our planning from the point of view of what are the training needs in local communities? That takes a "top down and a bottom up" approach. Top down, we are very much looking at the data that comes through from NCVR, which is the national VET statistical body. So taking that data and combining that with ABS data and any other data we can get. It will be informed by the NSW Skills Plan, when that is published at the end of the year. That will give us an overall picture of the training needs across the State.

We then need to localise that. We are driving a lot of local community engagement as recommendations out of the VET review progress. There is further emphasis on regional skilling. We will bring together those pieces so that we get a really strong understanding of not only where the priority skills are but also where in New South Wales we need to deliver those skills. That will then drive us to understand what is the physical infrastructure we need in order to support that? As well, what is the digital infrastructure? Because that is critically important. Also, what are the teaching resources we need? What is the quantity and skill sets of the teachers we have and where in in order to be able to support those localised skills requirements?

From a physical infrastructure perspective, that then gives us an understanding of not only what have we got today but also what are we going to need into the future? We are doing that, informed by some campus master planning that Mr Woods' team is leading. That's looking not just at each individual campus but looking at a network of campuses that support a local community. That allows us to understand, based on the training needs that we've identified through our training portfolio strategy, what's the type of physical infrastructure, how do those campuses work together in order to be able to support those local communities? That gives us the ability to build a longer term plan about where we need to invest, how much we need to invest et cetera.

**The Hon. RACHEL MERTON:** What we might know so far from some of this work, does the Central Coast look like it may be an area in need of an expanded campus or a new campus, or in terms of the students?

**STEPHEN BRADY:** Certainly the Central Coast is growing, so we certainly expect that it's an area that we can see enrolment growth over time. We are looking at it, as I briefly touched on this morning, as a combination of campuses. We've got the Ourimbah campus, which we co-locate with the University of Newcastle. We've got our Wyong campus, where we are currently building a new animal facility. We run some significant trades and more migrant programs there. We run a whole range of programs at the Wyong campus. Then you've got Gosford. So we will look at that across those three communities, which are relatively close together. We'll work out where we will best locate which disciplines. In planning for the Gosford campus, we would be taking into account the growth we see. In terms of the population, we would suggest that we are probably underservicing the population at the moment, based on the old campus we have in Gosford and its ability to support the delivery of skills in Gosford.

**The Hon. RACHEL MERTON:** In terms of the old campus and its condition, we have reports from teachers saying, "Hang on a moment, we need a better place than this." Are maintenance and repairs in place?

**STEPHEN BRADY:** I wouldn't disagree with those teachers. We are certainly very keen to—

**The Hon. RACHEL MERTON:** They said, "You come work from here."

**STEPHEN BRADY:** We'd certainly love to upgrade that facility. Gosford is not alone like that. We've got a very significant backlog in our 154 campuses. Professor Scott spoke about their heritage buildings. We similarly have a large portfolio of heritage buildings, many of which were old assets of other departments. The Department of Education has kindly given us some of their old facilities over time but not the maintenance budget to go with them—thank you, secretary. We've got old hospitals and we've got old ambulance stations. We have a portfolio of assets which is extensive, but it's very, very aged. We have a significant maintenance backlog. To answer your question around Gosford, given that we don't have clarity around timing of the investment in the new campus, we are continuing to spend money on our existing Gosford campus to make sure that it is safe and that it is accessible whilst a decision is being made. Let me just clarify, even when a decision is made on a new campus, it will take time for that new campus to be made ready for accommodation. We anticipate that, no matter what, we will be on the old campus for a number of years, so we need to continue to make sure that it's safe and suitable in the meantime.

**The Hon. RACHEL MERTON:** Unlike the funding arrangement or agreement entered into for the Bankstown TAFE, the Gosford TAFE would be a freestanding TAFE, funded by TAFE?

**STEPHEN BRADY:** That's correct. It's a TAFE business case about the delivery of a TAFE-only facility. Therefore, we have our own business case that we're putting it up for consideration by government.

**The Hon. RACHEL MERTON:** But can I just say, do you see the uncertainty? The community can think, "Hang on a moment. If we're going to replace a freestanding TAFE such as Gosford, and that is going to be funded through TAFE, when we look at Bankstown, we're moving out for the hospital, but the TAFE is going to be funded by Health." Or there has been an agreement or a joint statement, or something is happening. It doesn't seem to even up.

**STEPHEN BRADY:** I disagree, I'm sorry. We're developing a joint business case that will go forward for consideration of government for Bankstown. That's not terribly different to us putting forward a Gosford business case for consideration by government. I don't really see there's a huge difference between them.

**The Hon. RACHEL MERTON:** But in terms of the Bankstown joint business case with Health and the understanding that the $1.3 billion committed to Health and the new hospital will also fund Bankstown TAFE, there's no precedent for this.

**STEPHEN BRADY:** Not in the time that I have worked in TAFE NSW. Again, there have been whole-of-government property developments done before. There are government office buildings—for instance, 52 Martin Place where the ministerial offices are located is actually occupied by ministerial services, the Treasury and the department of Premier and Cabinet. That was a single business case considered by government. I would say there is precedent for this sort of arrangement and it really puts government in a position when you put the two together that it can make an overall decision.

I would find it problematic for me to have a TAFE business case and a Health business case that may not align, whether that's in terms of timing, funding, scope, the legal rights around the property. We're not thinking about building a hospital and a TAFE here with a big fence down the middle. We want to have a campus where people flow across it. You think about a hospital where it has a food court and hairdressers and all those things, we want our TAFE community to benefit from that as well.

The idea of having a joined up business case that considers the whole community, the way people flow across the campus—are we going to build health teaching specific facilities within the hospital? That's quite normal, and then we do similar sort of facilities in a TAFE campus. Why wouldn't we do it once and have it shared by both organisations so that we get economies of scale for government? They're the sorts of discussions we're going into. I've got a meeting with the South Western Sydney Local Health District in the next couple of weeks. We're going to talk about what the opportunities are for us to deliver health-related training on the Bankstown campus. If you think about enrolled nursing, it's one of our larger courses, and that's the sort of thing we want to talk about.

**The CHAIR:** We're out of time. We are going to take a 15-minute break and we will be back at 3.45 p.m.

**(Short adjournment)**

**The CHAIR:** We're back. We'll start again with questions from the Opposition.

**The Hon. SARAH MITCHELL:** Mr Brady, earlier when I was asking about some of the overseas trips and travel, I was curious to learn a bit more about how many overseas campuses there are at TAFE, where they're located and how many staff are working there. Can you provide an overview of that for me?

**STEPHEN BRADY:** We don't have any overseas campuses. Our international delivery works in two ways. We bring students into Australia and teach them here. In some cases we do some online delivery in their home country and then bring them for a block of training here, so they actually study through TAFE NSW. They get accredited through TAFE NSW. Then we do some other delivery which is actually offshore, and this is where we'll have a partnership with an in-country education organisation. We'll have our teachers go over and teach their instructors. We'll give them our course materials and assessments, and then we'll go back and check that they're actually doing that well and that they're complying with the Australian regulatory requirements under ASQA. We deliver offshore but through partners.

**The Hon. SARAH MITCHELL:** So it's either international students who are doing it or then you'll partner with other providers?

**STEPHEN BRADY:** Exactly.

**The Hon. SARAH MITCHELL:** Do you have staff working overseas currently?

**STEPHEN BRADY:** We don't. I don't believe we have international staff who are located permanently overseas. We have an international team here in Australia which goes over regularly and works with partners.

**The Hon. SARAH MITCHELL:** Is there a limit to how long the staff go overseas when they do that or how does that process work?

**STEPHEN BRADY:** They'll put up a proposal through me to the Minister for approval, but generally they're pretty quick trips. They're going over for either a partnership discussion around the terms of the arrangements. They might be going over to do the regulatory review work or training delivery to train the trainer. They're generally not gone for any more than a few days, so they're not extended trips.

**The Hon. SARAH MITCHELL:** In terms of TAFE staff more broadly, do you have any that are working for TAFE NSW but either live interstate or overseas and work remotely?

**STEPHEN BRADY:** We do. With respect to overseas, as I said, we don't have staff who are based overseas, but we might have a staff member whose family is in India or Pakistan whose family is unwell, so they might go home to see their family and while they're there they'll do some remote work.

**The Hon. SARAH MITCHELL:** Sort of a flexible working arrangement in certain circumstances.

**STEPHEN BRADY:** Precisely. There's no overseas permanently based staff. With respect to interstate, I think I talked about Kingscliff earlier, and similarly in places like Wagga, people live either side of the border in those border communities so there's a fair bit of that. There are some arrangements which sprang up through COVID. Our policy is not that people can permanently reside in other jurisdictions and work for us.[1] We have flexible work agreements with all of our staff, and we're currently reviewing those in light of the Premier's circular around flexible work to make sure that we're complying with that.

**The Hon. SARAH MITCHELL:** What's the time frame of that review? I think when we had Mr Dizdar last week that was being worked on with the department more broadly trying to implement the Premier's memorandum I think by the start of the year if not sooner. I don't want to put words in your mouth, but that was my recollection of the evidence.

**MURAT DIZDAR:** Exactly.

**The Hon. SARAH MITCHELL:** Is TAFE working to a similar time frame in terms of complying with that memorandum?

**STEPHEN BRADY:** To be perfectly honest, we've just been in consultation around turning our entire organisation on its ear, so that has been our primary focus. We'll be turning our mind after tomorrow, I'd say, when we have our final input from our unions to the timing around the Premier's memo. We have looked at what we need to do and the fact we have our agreements in place and then we need to work down through our management layers. I might ask Ms Tickle if she has a time frame in mind.

**JULIE TICKLE:** We have already started looking at our working flexibly arrangement procedure and it really does align with the Premier's memorandum, in any case. We don't have in place permanent working off campus at TAFE NSW. Many of our employees participate in flexible work arrangements, some of that might be working from home or varied starts. We do have 154 or 156—I always forget which one—campus locations as well, so people actually work across the State in lots of different campus locations. That's one of the ways that we're very flexible. We are certainly reviewing our current procedures to make sure they're in line with the Premier's circular.

**The Hon. SARAH MITCHELL:** That probably goes to your earlier evidence, but I was asking about some of the positions that they can be located—they're not necessarily location specific. They could work at a TAFE campus, which could be anywhere.

**JULIE TICKLE:** That's right.

**The Hon. SARAH MITCHELL:** I want to move to the Universities Accord now, which I think is Ms Read. I'll direct them to you and, if anyone else wants to jump in, go for it. I think last time we were here the final report had only just been released a few weeks earlier. I think it came out earlier that month and we were here last time. Is there any update you can provide us, in terms of the last six months, about what has happened from a New South Wales perspective in terms of the recommendations that came with that final report?

**MURAT DIZDAR:** Want me to kick off?

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[1] In correspondence to the committee received 2 October 2024, Hon Steve Whan MP, Minister for Skills, TAFE and Tertiary Education requested a clarification to the evidence of Mr Stephen Brady, Managing Director, TAFE NSW.

**The Hon. SARAH MITCHELL:** Yes, happy for either/or. I do have a couple of specifics, but I'm interested in the general position first.

**MURAT DIZDAR:** The report was released in February—you're right. It was 24 February. The Commonwealth budget for 2024-25 had some line items that went to the Universities Accord. The first one was around capping indexation of HECS from 1 June 2023. That was widely covered in the media. There was also the new means test—the Commonwealth Prac Payment—for students completing nursing, midwifery, teaching and social work. That's yet to come into play, Mrs Mitchell. It's from 25 July. We're working at officials level because we're keen, particularly on our side, with teaching, to see what that is going to look like. This goes to what has been labelled as prac poverty. You're on prac and you might be working part-time while you're studying and you can't complete that work.

There was also developing a managed growth funding system for Commonwealth supported places, needs-based funding to boost the number of students in under-represented backgrounds, and there was $350 million nationally to expand university enabling and preparatory courses. Also, it was announced in the budget—at least the Commonwealth budget—the establishment of the Australian tertiary education commission. Ms Read might talk to where those things are at because, while they were announced as budget line items, there's still a lot of work to go on many of those.

**The Hon. SARAH MITCHELL:** Yes, I'm interested in the implementation as well.

**CHLOE READ:** Many of those pieces—we talked earlier about the national student ombudsman a little bit ahead of the accord—are still in consultation and the development of legislation at the Commonwealth level. The other piece that I think is going to progress hopefully to Ministers shortly is that there was a recommendation that came—again, I think it was from the first or the interim accord on early offers for universities.

**The Hon. SARAH MITCHELL:** That was one I was going ask about.

**CHLOE READ:** I thought it might be. The Commonwealth is looking to work with States and Territories on what that might look like and how we might approach that work. You would recall that the accord gave a timeline of having something in place on that for enrolments from 2027. And then other pieces include the establishment of the study hubs. I think round one of the regional study hubs has been completed and they've awarded those funding arrangements. The two Country Universities Centres that we most recently established in New South Wales—I think Cowra and Mudgee—were successful in that round. They secured Commonwealth funding there. Round two, I think, is out at the moment. The metro or suburban study hub closed in late July, but they haven't announced yet what's coming out of that. They've also convened an implementation advisory committee to work on the tertiary education commission to understand the scope and the implementation of that.

And then, in terms of New South Wales, we've submitted feedback—I don't think they did a public consultation call on a couple of different papers, but there has been a paper on the needs-based funding and the managed growth approach for universities at the officials level, as Mr Dizdar said. We've given them some feedback. Finally, just to round out the New South Wales piece, we held off on updating our Higher Education Strategy with a view to looking at what came from the accord. We're moving ahead with consultation on that strategy. In fact, I think there's a round table in a couple of weeks time with the sector to talk through that. We have also been open for submissions and had a good deal of interest on the back of the discussion paper that we put out for that too.

**The Hon. SARAH MITCHELL:** I just wanted to pick up a couple of things. The early offers—and I note that the recommendation, as you said, was to have consistency across the country by 2027. But there was a mention in the report about agreeing for education Ministers not to issue them before September in the year before, I think, for next year and the year after. I know a number of universities in New South Wales have had previous agreements. What would you anticipate for offers this year or what has that communication been like with the universities around how that will work?

**CHLOE READ:** That's in place. We went with September again, which was the date that New South Wales universities had agreed independently from the rest of the country in the year prior. Minister Clare wrote to all universities and said, "We're doing this nationally", and so we would expect that no universities were giving offers ahead of that.

**The Hon. SARAH MITCHELL:** It's hard. Is it just operating on good faith that they won't or will that have an impact from 2027 if any universities do go early? How are you going to make sure?

**CHLOE READ:** The restriction on early offers is in place until 2027 while we do more work on what it looks like to do this well across the country to balance those considerations of equity in both directions, actually. In places, say, like Western Sydney University, a lot of the offer scheme is not ATAR dependent—lots of students

who might otherwise not be able to rely on their ATAR securing offers for university through those mechanisms but on the other end of things the resources and the support needed to secure an early offer in some universities might be a bit of a barrier for some people. The work to be done across the next two years is to work out what is the right offer timing, what is the right way of managing those things, should there be a consistent process and do some research on the impacts of early offers. That's the work that Commonwealth and States and Territories are going to do together ahead of then—

**The Hon. SARAH MITCHELL:** Prior to the 2027 decision.

**CHLOE READ:** —having it in place for 2027. In the meantime, we don't do early offers before September.

**The Hon. SARAH MITCHELL:** You mentioned the tertiary education commission and I know there was also a recommendation to establish a centre of excellence in higher education and research as well. That was one of the recommendations. Are there any discussions between the State and the Commonwealth about who will fund those, both the commission and also the research centre? Has that happened yet?

**CHLOE READ:** Not discussion, no—not that I'm aware of. We would expect that the Commonwealth would fund both of those because they fund universities, largely.

**The Hon. SARAH MITCHELL:** Everyone loves asking for money from the other levels of government, so I was just curious about that.

**CHLOE READ:** Don't give them ideas.

**The Hon. SARAH MITCHELL:** The last one I wanted to ask about was recommendation 38, which talks about a pathway for TAFEs to become self-accrediting in VET at the Australian Qualification Framework level 5 and above in areas of national priority. I don't pretend to completely understand what that one means. Mr Brady or Ms Read, can someone enlighten me? Does New South Wales already have that or what does that look like for our jurisdiction?

**CHLOE READ:** From memory, level 7 is bachelor degree, level 5 is advanced diploma and level 6 must be—sorry, it's diploma, then advanced diploma and then bachelor degree. The areas of national priority reference there, I think, relates to the intent that we might trial this as part of the centres of excellence. Mr Brady might want to talk a bit about that and then also about the pathway to self-accreditation for TAFEs.

**STEPHEN BRADY:** I think we've got to remember, whether you're talking about higher education or VET, we're currently applying through TEQSA, as I mentioned earlier, for a higher apprenticeship, which is a higher education degree. Minister Brendan O'Connor announced that there would be a trial of VET self-accreditation through ASQA, which is the regulatory body for vocational training. The intention is that there will be a trial with a few TAFEs. We are waiting to hear on the next steps with that. We are very keen to participate. We have had discussions with the regulator, but there are no details available as yet.

**The Hon. SARAH MITCHELL:** Sorry for my ignorance, but when you say it's a higher education degree through the manufacturing centres, will it be at bachelor level or is there somewhere in between?

**STEPHEN BRADY:** I think it's a bachelor's, isn't it?

**The Hon. SARAH MITCHELL:** Sorry if I sound silly. I may well do. I'm just trying to understand where the differential is.

**STEPHEN BRADY:** A normal apprenticeship is a cert III or cert IV. What we are actually talking about is stepping up beyond that into the bachelor's realm. I might ask Dr McNeill to talk about that in particular but also a little bit about our work with the regulators around self-accreditation.

**MARGOT McNEILL:** Certainly. The higher apprenticeship program that was just mentioned is actually AQF level 6, which is an advanced diploma. We have a view to extending that up to AQF level 7, which is a typical bachelor's degree level. The way it has been designed is a really innovative mix of typical vocational education units, if you like, and higher education units. The students, for example, with our industry partners—they acknowledge that there are typical trade programs that learners can go through. Sometimes they need a merge of a couple of typical trades and some skills like leadership skills or digital skills that we've moved across from our existing higher ed programs. That's an innovative program because it combines those types of units that aren't usually pooled together in a vocational qualification. That's currently with TEQSA at the moment.

**The Hon. SARAH MITCHELL:** Is that the first time you will be doing that through TAFE as well?

**MARGOT McNEILL:** Yes, it is. We're piloting that with TEQSA because we've used our higher education accreditation processes. We've had about 30 qualifications, either accredited or re-accredited in our

higher education programs, over the past couple of years. That's very well documented as a respected process. They have all been there for seven years with no conditions, which is as good as you can possibly get in that context. The other thing that we have done is we are working on our self-accrediting authority for a range of four fields of education for our higher education component of TAFE NSW, and then we've mapped the two sets of standards. In the vocational education space at the moment there are draft standards which all RTOs, or registered training organisations, are required to meet. We're working closely with ASQA to document how we would act as a self-accrediting authority in the two different regulatory environments. That's the work that we're currently undergoing. We're submitting our self-accrediting authority with TEQSA for our higher education programs in December, if all goes well.

**The Hon. SARAH MITCHELL:** We might ask you about it when we're back here next year, but it sounds very interesting. All the best; I hope it goes well. Do you envisage that there could be the potential to expand that even further in the future if it's successful with those three centres?

**MARGOT McNEILL:** Yes. To the point about them being priority skills areas, for example, in the centres of excellence we know that that model of combining units that aren't typically—if I take the Committee back to the structure of existing VET qualifications, they take a long time to be developed. Really, there's about a five-year process of designing what the qualifications are going to be like. In some cases, we need to be able to move much more quickly than that to do things like build students' digital fluency.

**STEPHEN BRADY:** There's also an intersection with the qualifications reform work that's happening at the Commonwealth level, which Dr McNeill is involved with. If you think about something like electrotechnology, it's heavily licensed and heavily regulated. It's unlikely that we would want to be self-accrediting in something like that because it's a national qualification and it's nationally limited by the real safety issues involved. But there are other types of qualifications in the VET space which really go more to capabilities rather than a single job outcome. The ability to have self-accrediting in that space gives us a lot more flexibility about how we bridge people across different types of job categories and give them capabilities and better recognition of prior learning as well. There are some really interesting developments happening at the Commonwealth level. If we combine those with a self-accrediting authority, it will give us a lot more flexibility and agility to be able to respond to changes in industry.

**The Hon. RACHEL MERTON:** Mr Brady, in terms of infrastructure funding—I know we mentioned this in relation to the Gosford TAFE campus—I wonder if we might be able to get a breakdown of the $190 million allocated for repairs at TAFE campuses. Which specific campuses will receive the funding and how much will that be?

**STEPHEN BRADY:** Just give me one moment. We've got the Asset Renewal Program. That's $90 million.

**PATRICK WOODS:** Yes, it is. I'm not sure where the $190 million comes from, I'm sorry.

**STEPHEN BRADY:** Why don't we talk about the Asset Renewal Program, which is $90 million? It's really looking at a whole range of different repairs, maintenance or replacements that need to occur across our facilities. For instance, it's looking at roof replacements across 10 campuses; replacement of noncompliant electrical distribution boards across 14 campuses; fire system replacements focusing on high-risk noncompliant areas; we're looking at HVAC, or heating, ventilation and cooling systems, that are at end of life; we're looking at remediation of potential safety issues, including retaining walls, trip hazards, footpaths and deteriorating building facades; but it also goes to the equipment we teach on, so things like lathes and other technical equipment, which we need to keep current.

We need to keep it current so we produce graduates who are job-ready in the modern environment but also to keep them safe. A couple of big issues there include replacing the aircraft cabin simulator at Kingscliff, which is estimated at $500,000; we're replacing some milling machines at Tamworth, which is worth $247,000; and we're replacing some hydraulic training equipment at Wollongong, which is estimated at $220,000.

**The Hon. RACHEL MERTON:** In terms of the $90 million Asset Renewal Program, how many campuses fall under that?

**STEPHEN BRADY:** It covers a statewide program; it depends on where the need is greatest. We work across our infrastructure teams and with our teaching teams to prioritise where the greatest need is, and then we will roll out programs of work to deliver that.

**The Hon. RACHEL MERTON:** Mr Brady, in terms of the projected timeline for completing infrastructure upgrades at TAFE, how will the progress be monitored and reported on to ensure the timely completion—just in terms of what the process might be on that and the oversight of upgrades to campuses?

**STEPHEN BRADY:** On the program that I just outlined, last year we put in place some contracting arrangements which were multi-year. One of the things we've struggled with at TAFE NSW is single-year funding, which has been a problem for many years. By the time we're aware of what money we've got, we then have to do our design work and go to market, so you've lost four or five months for delivery. Last year we put in place a multi-year program, which allowed us to bring forward packages of work each year. We've got those packages of work now; we're allocating those. The real incentive for us is that the Treasurer hates carry-forwards, so our incentive is to get all that delivered well within the financial year.

**The Hon. RACHEL MERTON:** The asset renewal program is the $90 million?

**STEPHEN BRADY:** That's right.

**The Hon. RACHEL MERTON:** For this financial year?

**STEPHEN BRADY:** That's correct.

**The Hon. RACHEL MERTON:** Mr Brady, in terms of digital infrastructure upgrade, where would that sit in terms of the budget?

**STEPHEN BRADY:** There's what we call DAF, which is digital access foundations. That's a key program for us where we're rolling out a number of things. We're rolling out, particularly, a network upgrade. I think we mentioned earlier today that some of our networks date back to 2009. We've put in place some foundational things around—and I'm not a technical person—SD-WAN, which will benefit across all of our campuses, but then specific network upgrades in, particularly, a lot of our regional campuses. We had a program, which we commenced last year, which I believe was for 24 campuses. We've got a further—I'm looking at my CIO—80 campuses for this year.[2] But then, of course, you need to have the equipment on the back to access those things as well, so it also goes to thousands of devices for teachers and students in order to be able to access that better digital connectivity.

It is a really important part of what we do because a lot of the students we support do not have access to great connectivity outside of a TAFE campus. They don't necessarily have home wi-fi. They don't necessarily have a computer at home. Being able to come onto our campus, access good wi-fi and access a laptop is critical to them to be able to complete their courses, and it's part of an ongoing program we have to improve that access. We've rolled out a very significant number of devices over the last two years. This year we'll further do that to bring the equipment that we have available to both teachers and staff up to date. Of course, most of this sort of equipment has a lifespan of three to four years, so once we actually catch up we then have to maintain that level of investment. It's also things like overhead projectors, and all those sort of things that are technology-based, that we need to make sure that we're investing in so that our teachers have the right tools to support our students.

**The Hon. SARAH MITCHELL:** I want to ask about two semi-recent announcements—in July, so we'll say recent announcements—from the Government. One of them was about the animal care facilities at Kurri Kurri, I think, getting an upgrade. In another committee that I'm on we did an inquiry into vet shortages but also the importance of veterinary nurses and making sure you have facilities and enough places available. Does anyone have any details in terms of that particular upgrade and what it's expected to deliver?

**STEPHEN BRADY:** I believe that's at Wyong. I was there a couple of weeks ago and the building is well and truly under construction. I think it's nearing completion, in fact; it's not terribly far away. It will provide some standard classrooms but, most importantly, it will provide the sort of technical specialised spaces for vet nursing and vet nursing support. Mr Woods might have some more detail on that facility.

**PATRICK WOODS:** Not specifically, other than to say you asked the question as to whether it's going to provide the spaces necessary. Everything that we're hearing at the moment, based on the demand analysis and talking to the teachers and those that manage the schedule, would indicate that, yes, it is going to meet those demands. Having said that, should we get funding and should there be demand, we have the flexibility of being able to increase the capacity in a modular basis as we move forward in time.

**The Hon. SARAH MITCHELL:** In terms of the offering of animal care courses more broadly across the State—and I'm happy if you need to take this on notice—how many campuses offer those courses currently?

**STEPHEN BRADY:** I think we'll have to take that on notice.

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[2] In correspondence to the committee received 2 October 2024, Hon Steve Whan MP, Minister for Skills, TAFE and Tertiary Education requested a clarification to the evidence of Mr Stephen Brady, Managing Director, TAFE NSW.

**The Hon. SARAH MITCHELL:** That's all right. Could you maybe provide a list of where they're offered as well?

**STEPHEN BRADY:** Happy to. Also, out of some of this year's budget or over the forward estimates, we're enhancing our facility in the Northern Rivers, at Wollongbar, so there is money going in. We've also just completed, at Richmond, an upgrade of our vet space as well. It's been an area of focus for us.

**The Hon. SARAH MITCHELL:** Could you also provide on notice how many students you currently have, or the capacity of how many? We're just interested. We've obviously made some recommendations in the inquiry around opportunities, and we'll wait for the Government response, but certainly the evidence that we heard was that there's a very high demand in the market for professionals and the role that, particularly, the veterinary nurses can play to assist vets as well.

**STEPHEN BRADY:** I'll take it on notice.

**The Hon. SARAH MITCHELL:** I'm just interested in that space in general, but if you can provide it on notice that's fine. In terms of new courses generally, obviously we've spoken about what you'll be doing at the manufacturing centres, but are there any other areas where new courses are underway? I know there's the Hydrogen Centre of Excellence that the Minister spoke about, which I think is being constructed at the moment or about to—

**STEPHEN BRADY:** That's not a TAFE facility.

**The Hon. SARAH MITCHELL:** That's not TAFE?

**STEPHEN BRADY:** No, it's a plumbing industry facility.

**The Hon. SARAH MITCHELL:** Sorry. The announcement talked about plumbers and gasfitters et cetera, but it's being done by industry. So there's no engagement or—

**STEPHEN BRADY:** No.

**The Hon. SARAH MITCHELL:** Are there any other areas around technology or renewable energy, outside of the three centres, that TAFE is looking at to add or develop new courses in, I suppose, emerging markets?

**STEPHEN BRADY:** Absolutely. The Institute of Applied Technology – Digital is working closely with the major tech companies and with the University of Technology Sydney and Macquarie University to produce new courses. We've had over 115,000 enrolments in the two institutes of applied technology since they were established. They have an ongoing program of delivering new micro-credentials and micro-skills. In the renewable energy space, obviously that's an area of focus and rapid change and we've got a whole program of micro-credentials that we're rolling out. Some of those relate to things that you'd expect, around electric vehicles and safety for emergency responders, but also for teaching existing mechanics in industry to upgrade their skills so they're able to deal with electric vehicles; and also pieces of knowledge for people in industry in the energy space about photovoltaics, about hydrogen et cetera. We have a whole package of those sorts of programs. We also have one which we've developed which actually is more for school kids, which talks about the types of careers that are available in a green energy environment. There's a range of different courses, but perhaps Ms Schorer might provide more detail.

**JANET SCHORER:** Yes, thank you. There are probably two parts to reform around courses and what might be new. It connects to some of the work that Dr McNeill has been involved in and things that we've been doing within TAFE about how you make the more foundational courses that we deliver contemporary for the sorts of industry, whether that's working into renewables or different kinds of infrastructure, other sorts of projects—even in nursing. Nursing is quite a different qualification in terms of the technology that you need to utilise. How do we incorporate those very current and future-thinking skills into the foundational programs that we have? As well, as Mr Brady said, we have the opportunity, through micro-skilling and micro-credentialling—which is more rapid to market, if you like—to provide students along their journey with us with that level of upskilling but also meet some of those immediate industry demands that we need to respond to. We need to have both in step, I think.

**The Hon. SARAH MITCHELL:** Mr Brady, you mentioned the EV vehicles maintenance-repair courses et cetera. Are they currently available through TAFE, or what's the time frame?

**STEPHEN BRADY:** Absolutely, yes.

**The Hon. SARAH MITCHELL:** Are they designed as a micro-skills course to be done on top of or as part of another course? How does that work in practice?

**STEPHEN BRADY:** There are different types. Janet might fill in some detail here, but we are delivering courses for emergency responders so that they understand how to safely engage with an electric vehicle. That's one type of course. We have other courses for mechanics in industry. When I was at Tamworth, I was talking to the auto teachers. They'll do courses at night for mechanics in the area. Some of that they'll do online and some of them they'll do in the workshops. We're currently rolling that out statewide. Electric vehicles are becoming a larger and larger part of the fleet. They need to be able to support them.

**The Hon. SARAH MITCHELL:** Did you want to add anything, Ms Schorer?

**JANET SCHORER:** Yes, just a couple of specific examples. We've got about $5 million in a Federal grant to enable us to deliver the Wetherill Park electric vehicle training centre, as well as the Illawarra renewable energy training facility. That's work that's ongoing. I think it's safe to say that if you go to many of our automated workshops now, there is less grease—it's still there—and there are certainly more computers.

**The Hon. SARAH MITCHELL:** It's better for washing, maybe—less Napisan.

**JANET SCHORER:** Yes, that's right—less Napisan. That means, in talking to some our teachers and head teachers specifically in that discipline, young apprentices are having to learn much more how to work with computers. That's the skill they need today. What we need is the ability to tap them into what industry needs. That doesn't mean we're going to have all the equipment in every campus, because we wouldn't be able to keep pace with industry. But that partnership to be able to access what an apprentice or any student is going to be using in their workplaces is what we're about.

**The Hon. RACHEL MERTON:** Mr Dizdar, can I touch on student support and financial assistance? How much funding has been allocated in the budget to provide financial assistance to TAFE students facing economic hardship?

**MURAT DIZDAR:** I might get Ms Read to comment on that.

**CHLOE READ:** I might start and then we'll see. Our funding relates to learners across a number of registered training organisations—not solely at TAFE. There are a couple of things that I would call out. The first would be the ongoing access to fee-free courses under fee-free apprenticeships and traineeships and also the fee-free TAFE program. There is also the Vocational Training Assistance Scheme, which provides support for apprentices who might be located a fair distance from where they need to travel to attend TAFE or training. That supports them with things like accommodation, petrol costs and those kinds of things.

**The Hon. RACHEL MERTON:** Ms Read, are there specific forms of financial assistance in the form of grants, subsidies or scholarships?

**CHLOE READ:** There are some scholarships. There are the Bert Evans Apprentice Scholarships—Mr Pearson is going to help me with the numbers and amounts. We also have a set of scholarships called the Elsa Dixon scholarships for Aboriginal students. I know that we've increased the number of those scholarships year on year for the past four years or so. Mr Pearson, do you have any information?

**MATHEW PEARSON:** I think it's 150 for the Bert Evans scholarships and I would just have to have a look for the Elsa Dixon scholarships.

**The Hon. RACHEL MERTON:** Is that 150 scholarships?

**CHLOE READ:** Yes.

**MATHEW PEARSON:** For the Elsa Dixon scholarships, as at 30 May 2024, we had approved 313 positions across New South Wales.

**The Hon. RACHEL MERTON:** In terms of the distribution of the relevant scholarships, how is that managed to ensure it's for students most in need? What is some of the process around that?

**MATHEW PEARSON:** The Bert Evans scholarship is an application program. In terms of the Elsa Dixon scholarship, because it's actually working with government departments, it's applied for through them and then they manage the process of selecting candidates.

**The Hon. RACHEL MERTON:** In terms of student support services, what portion of the budget is allocated to enhanced student support services for TAFE students such as mental health, career counselling and academic support?

**CHLOE READ:** I will pass that one to Mr Brady because he has a broad budget and some latitude on where he applies those things.

**STEPHEN BRADY:** There is a range of supports provided for students. We have a student support area where they are supported through identifying what they would like to learn and whether that is suitable for them, helping them through their enrolment process. We also have a range of counsellors and educational support officers, some of whom help around the academic side if they are struggling. We have got LLN teachers who help with literacy and numeracy as well. There is a surprising amount of maths, for instance, in the electrotechnology course and apprenticeship. It is about assisting those learners, identifying very early when they might have an academic challenge and providing that extra support to them.

In terms of other types of support, we have significant wraparound support for students with disability. One of the really important parts of that is disability teacher consultants. We have 84 of those around the State. They provide an assessment of educational needs for a student with disability and then look at the orientation, access and mobility needs and make sure they are met across different delivery modes and environments, including face-to-face, distance and online learning. They then work with the teachers to advise them on the needs of the students and ensure that the teaching teams are in a position to support those learners through teaching methods, assessments, examinations and curriculum delivery modifications. It also goes to the materials themselves and the way they are assessed. It includes things like the ability to change the pace of delivery and the pace of assessment.

There is a whole range of supports that go towards those disability teacher consultants. I think I would have to come back on notice in terms of budget breakdowns for the support services, but they are quite extensive from the point that a student is trying to work out which course they would like to engage with, right through, as I said earlier, to supports for their mental health and their physical disabilities as well—whatever they need to help try to get them through.

**The Hon. RACHEL MERTON:** In terms of the effectiveness of the support services to students, are there any measurements?

**STEPHEN BRADY:** One thing that we are doing is looking at our courses and developing what we are calling a course canvas. We are measuring the progress of students through the delivery of the course, particularly when they might be starting to drop out. We are using that as part of a continuous improvement process in order to make sure that we are providing the right levels of support in the right places. It is things like students might be starting the course with a really hard unit. If they have a bad experience, they don't continue, whereas, if we can build student confidence through some of the easier units to complete, then when they reach those harder units, they've got the confidence to push through. We're using that in more of a continuous improvement way.

**The Hon. SARAH MITCHELL:** I want to come back to Mr Tidball. Before the lunchtime break we were talking about the temporary to permanent conversions for staff. I have a couple more questions I want to follow up on in terms of what criteria was used to determine which of those casual teachers were converted to a permanent position. I think you said it was 540 in the first cohort. I'm just curious about how you are identifying who is offered those permanent positions. Could you provide a bit more information about that? I am happy for either of you to answer.

**JULIE TICKLE:** The first target we set was 500 teachers. That included 400 existing part-time casual teachers becoming permanent and 100 new teachers. We exceeded that target and we have put 540 teachers on permanently. What we did with the part-time casual cohort was that they actually did a streamlined recruitment process to be selected into those roles. Many of those people have been working with us for a number of years, so we put them through a streamlined recruitment process in areas where we needed them. Only internal people applied and it was limited to those part-time casual teachers. That's how we did that first cohort. The second lot that I was talking about that we have now received initiations from are actually part of the Closing Loopholes legislation, which came into effect on 26 August. That Federal legislation resets the definition of what a casual employee actually is. We've got a number of people who have initiated the process and we're currently going through and reviewing their eligibility against permanent conversion. If they meet the eligibility criteria, they'll be converted. That legislation has six months to be implemented, so we'll have it implemented by term one next year.

**STEPHEN BRADY:** And the criteria is set out in the legislation for those conversions.

**The Hon. SARAH MITCHELL:** Do you have any data—and I'm happy if you need to take it on notice—in terms of your overall numbers of teachers? I'm particularly interested in numbers that are permanent, permanent part time and then casual. If you've got it now, great. If not, you can provide it.

**JULIE TICKLE:** Yes, we do. I'll provide you full-time equivalent, or FTE, numbers. Our total staffing number has gone up 8.4 per cent for FY 24, which is a 907 increase in FTE. Total number of teachers—6,299 FTE, so a 5.1 per cent increase, or 307 teachers. In terms of the breakdown of teachers, for 2024, FTE permanent

full-time teachers were 3,436; permanent part-time teachers, 202; temporary full-time teachers, 331; temporary part-time teachers, 53; and part-time casual teachers, 2,278.

**The Hon. SARAH MITCHELL:** Again, this is just using my knowledge of people I know who have taught at TAFE over the years. Obviously there's a role for permanent positions, but are there some people who will come and they might have another job, but they come and they do—

**JULIE TICKLE:** Yes.

**The Hon. SARAH MITCHELL:** You're always probably going to have a part-time or casual contingent just because of the nature of the offerings and the way that courses are running.

**JULIE TICKLE:** Absolutely. I was a casual teacher myself for 10 years, and that was by choice. We have many teachers who, for a number of reasons, wish to remain casual. In fact, the Federal legislation, the Closing Loopholes legislation—the teachers actually request to be converted. We've got a number of our part-time casual teachers who have not requested conversion because they don't wish to be permanent.

**STEPHEN BRADY:** They're more than likely still working in the industry, which is great for us because it means they're absolutely industry current and they're coming and passing on that knowledge to students.

**The Hon. SARAH MITCHELL:** Yes, there are benefits both ways for that, I would imagine. In terms of professional development opportunities for your teachers, how does that work in terms of upskilling? I know we talked about EVs and renewable energy. How do you ensure that your teachers have got the most up-to-date professional development and skills that they need for their day-to-day work? What does that look like?

**STEPHEN BRADY:** Under our regulations, we are required to ensure that all of our teachers are current with industry practice. We have them record a diary of the work that they do to maintain that currency. That could be a combination of going and working in an industry, attending seminars in their chosen field—a whole of range of different things go towards it. There are professional development courses that we run for our teachers. We ran actually a whole festival of teaching and learning this year, where we had I think about 3,000 teachers attend online through a range of different programs. So there are things we run internally and things that they will do themselves in industry or with professional associations. They record those in a diary, and that then helps us to provide the evidence to our regulator that our teachers are maintaining their currency.

**The Hon. SARAH MITCHELL:** You just mentioned online. Particularly for the teachers in more regional, rural and remote locations, to ensure that they can have access to that same sort of professional development, are there particular opportunities that you offer?

**JULIE TICKLE:** Yes, certainly. I love talking about this. We offer a lot of professional development opportunities. Our teachers are double hatted. As Mr Brady said, they need to be current in their industry area, but they also need to be current and competent in the practice of teaching and learning. We offer both of those opportunities for our teachers. The Festival of Learning and Teaching was something that we trialled with great success this year. In fact, we're going to have a further follow-up for that in term 4, because it was so well attended. That provided teachers with the opportunity to put their hand up for—there were lots and lots on offer, so it was a little bit like a "choose your own adventure", and they actually went to things that they wanted to do.

In terms of regional and remote, we do it a number of ways. We have a staff Moodle, or on our intranet we have a capability central portal, where everything that we have on offer is listed and teachers can apply through an EOI to do it or put their hand up to do it. We use a variety of modes. Some of it is self-paced learning; some of it is hybrid learning. We have people conducting the sessions online or face to face. A lot of our teachers actually support each other with professional development. That's actually one of the advantages of our new proposed faculty model, because by going to a statewide faculty, if I'm a hairdressing teacher in Gunnedah, I'm getting the same access to professional development as a hairdressing teacher in Ultimo, for example. We certainly have a lot of different things that we do.

We also put a big focus on wellbeing at TAFE NSW. Every September for the last four years, we've had a two-day hack-a-thon around R U OK? Day. All of our teachers and all of our support employees can participate in that. Quite a lot of our teachers actually run sessions—for example, our fitness teachers run fitness sessions, and some of our TAFE counsellors do sessions on wellbeing and mindfulness. There's just a whole range of things that we offer. We change them based on what's happening, too. Cybersecurity, for example, has been a focus. Psychosocial, of course, has been a focus with the new legislation. It just depends in terms of what the teachers want and what is happening in the sector. That's how we make the offerings.

**The Hon. SARAH MITCHELL:** Presumably, as you just said, with the new faculty model, you would envisage even more linkages between staff right across the State when they can work more closely with cohorts.

**JULIE TICKLE:** Absolutely.

**STEPHEN BRADY:** I think one of the great advantages of the faculty model is our ability to identify best practice and have that peer taught across the State, alongside our ability to have a really strong direct engagement with industry so we can actually bring in industry experts to work with us statewide rather than having to try to do that region by region, which is almost impossible.

**The Hon. SARAH MITCHELL:** I want to do something that's not on our list so I'm just going to go freewheeling here. I want to come back to the VET review. I don't know who's best placed to answer these. I appreciate the Minister said earlier that obviously the Government's still considering them, but I wanted to ask about careers advice in schools. That was one of the recommendations that came through about strengthening the roles of careers advisers. I think Careers NSW is still operating. Is there any movement or work underway in terms of that careers advice in school and how it feeds into TAFE and higher education?

**CHLOE READ:** I might tackle that one a little bit. Obviously the review has some specific recommendations that relate to the careers advisers positions that we have in public schools, and seeking to strengthen those positions. We'll need to work with the Government on the response, and with the Deputy Premier on staffing and the positioning of that within schools. In the meantime, there's a range of ongoing professional learning and support that we're putting around careers advice in schools. We talked earlier about the bringing together of the schools pathways and careers support: pieces like having the head teacher of careers that exists in the educational pathways program—a really good way for us to be able to both give careers advisers a pathway, a different step in their career to become a head teacher of careers working across a network of schools, but also a way for us to try to expand some of that provision. The Minister has referenced this morning that, at the minute, we have some things in some places and not in others. What we really want to do is aim for statewide provision where we've got good support, good advice and good careers provisions across all of those schools. I'm definitely excited to take things to Government—

**The Hon. SARAH MITCHELL:** I have no doubt you would.

**CHLOE READ:** —to seek a position on the recommendations. Certainly careers advice in schools is an incredibly valuable piece for parents as well as for the students in schools.

**The Hon. SARAH MITCHELL:** Tying into that, there are also recommendations around the school-based apprenticeships, but also the VET in secondary schools. I know that NESA plays a role in that, too. I appreciate that they're not here, but is there any more work happening—and I think I asked about it last week, too—in terms of increasing the number of VET offerings at schools in those senior secondary years and the changes to the HSC ATAR requirements with the VET courses? How are you seeing that play out from your perspective?

**CHLOE READ:** There are a few things there. One would be the answer that I think Mr Martin from NESA gave on the review of stage six and where that fits in the curriculum rollout. I'm really interested—work already underway, I believe, between some of my teams and his on what the role of reviewing the VET frameworks that exist, largely for year 11 and 12, in schools is. Then I think the other piece is the ongoing kind of making sure we have teachers in training to become vocational education teachers within our schools. I stopped in to a training session a couple of weeks ago that they were running in Parramatta, where there were teachers doing visual arts. They said a whole bunch of kids who really want to do visual arts but who really don't come to the theory side of that well—there was one trained teacher in VET visual arts in the State and so, as a result of that training, there will be 13. We're trying to make sure that we continue to offer a really good range of vocational vision in schools and then, where we don't have that ability inside the school gates, turning to partnerships with TAFE to make sure that our EVET program also delivers those pieces.

**The Hon. SARAH MITCHELL:** Obviously this is something we'll keep an eye on, because I do think there is, as you know, a lot of opportunity there, too. Hopefully it'll pan out well in terms of offering more opportunities and getting more students into those subjects.

**MURAT DIZDAR:** There is also the freeing up next year. For year 12 you can do as many VET subjects—

**The Hon. SARAH MITCHELL:** Yes, I think we talked about that last week.

**MURAT DIZDAR:** —and get the HSC.

**The Hon. SARAH MITCHELL:** I think Mr Martin said we'd have some data on that maybe next time to see how it's tracking in terms of enrolments, because it's current year 11 students that that would apply to. I wanted to ask—again, it is in the report. I preface this by saying I know we haven't got the Government response yet. There is mention about strengthening provider capacity and particularly the role of Aboriginal community

controlled organisations and RTOs—more support for interested ACCOs to become RTOs, to use a few acronyms. In your experience, Ms Read, are there any barriers at the moment? Where does that kind of recommendation come from in terms of the evidence base around needing a better pathway for those Aboriginal controlled organisations?

**CHLOE READ:** I think it comes from a few places. One would be it's really hard to become a registered training organisation. It's quite a complicated process. I'm not sure we think that is, in and of itself, a bad thing. We want registered training organisations to be strong and reliable organisations.

**The Hon. SARAH MITCHELL:** High quality, yes.

**CHLOE READ:** But nonetheless I think it's also a little bit reflective of some of our discussions on closing the gap, both locally inside New South Wales with our partners but also at the national level—that there's a sense that part of really allowing Aboriginal people to understand the value of vocational education to improve completions, to improve pathways from vocational education will be to have Aboriginal people delivering that training for other Aboriginal people. It ties in really well with the National Skills Agreement approach, which has that same emphasis on strengthening the Aboriginal controlled and owned sector and working really closely with the peak organisations there. Mr Pearson looks like he wants to say more.

**The Hon. SARAH MITCHELL:** He's very welcome to.

**CHLOE READ:** He's suddenly very energetic beside me. Before he does—

**The Hon. SARAH MITCHELL:** I feel bad for Mr El Khoury. We haven't had anything for him all day, but anyway we'll see how we go.

**CHLOE READ:** I would just say, the other thing we've done under our current Smart and Skilled program is the latest round of refreshing the panel of providers on that—increased the number of Aboriginal controlled and owned providers to 20. I think it was between eight and 12 before, over the past few years that I've been in this role. That's a really positive step for us and us doing some work across those providers to build a community of practice and/or to share experience and expertise. Mr Pearson, did you want to add something?

**MATHEW PEARSON:** I would just add, in terms of that ACCO-RTO piece, some part of it is actually just the ACCO sector piece as much as the RTO. This is a kind of issue not just around VET but more broadly, and so it's one of the Closing the Gap actions—is to support ACCOs in general. Part of what we're doing with that new cohort—we'll have 20 on the Smart and Skilled contract—is we've established a group to work with them collectively to understand how we can really tackle some of the specific issues that they face. That then feeds into the work that we're doing on the National Skills Agreement as well—engaging with the broader sector.

**The Hon. SARAH MITCHELL:** And presumably with an end goal of trying to have higher numbers of Aboriginal people undertaking the course. In terms of TAFE figures for Aboriginal students, do you have any data around that?

**STEPHEN BRADY:** We've got approximately 38,000 Aboriginal students at TAFE.

**The Hon. SARAH MITCHELL:** What's that as a percentage of your students?

**STEPHEN BRADY:** We've got approximately 400,000 students, so just under 10 per cent. To the point that we want Aboriginal people supporting students, making sure they feel culturally safe on campus, we've got an Aboriginal employment team, which is really trying to drive greater Aboriginal representation in our workforce. We've been doing a lot of recruitment in teaching support roles to make sure that we've got that in place. We've got some quite significant work happening around our engagement through the organisation with our governance level. We've got Aboriginal senior leadership groups and we've got our Closing the Gap steering committee we're working with. We're working with local communities across government to try and improve the outcomes for our learners. As you know, it's a very complex question but the more Aboriginal staff we get within TAFE NSW, the better understanding and better support, so that's been a really key focus of Ms Tickle's, to try and strengthen that program. I think our team is up for an award this month, so we're making steps but there's more to do.

**The Hon. RACHEL MERTON:** Mr Dizdar, in terms of transparency and accountability, what specific measures are in place to ensure transparency and accountability in the allocation and use of the budget funds for TAFE NSW?

**MURAT DIZDAR:** Mr Brady carries that accountability directly to the Minister and government, so he may want to comment on the budget. The Minister earlier spoke about the budget and how TAFE is in receipt of approximately 79 per cent of the entire Skills budget. There was an election commitment that that would be at

least 70 per cent, so it's good that there is an increase on the TAFE budget. He gave the figures for the Skills budget.

**The Hon. RACHEL MERTON:** Mr Dizdar, my question was around transparency and accountability, as opposed to budget numbers.

**MURAT DIZDAR:** Like all agencies—Mr Brady can comment on TAFE—there's an end-of-year financial process. The accounts are audited by the Auditor-General. Mr Brady can talk to their processes in place at TAFE.

**STEPHEN BRADY:** We're the same as other statutory authorities, where we receive our budget through the budget papers. We're audited by the Auditor-General. We produce an annual report, in which we provide as much information as we can about our performance. We report through to NCVER around our performance as part of the national dataset. Regular publications by that authority show our completion rates, for instance, and I'm very happy to say our completion rates are above the average nationally—above the average for all TAFEs. There's a really quite dense dataset. What we are looking forward to, though, is the work that Ms Reid spoke about earlier about the national dataset and, coming through under the National Skills Agreement, how that's going to link through to the New South Wales skills plan. TAFE is a subset of that, so we can show how we're contributing through those layers to the achievement of the Government's priorities.

I think we've got a situation that the moment where some of the reporting is a bit fragmented, I'd probably say, but there's a move towards a more integrated system, which will show much clearer alignment. One thing is that achievement in VET tends to get simplified to completions. One point I would make is that a lot of our students achieve great outcomes without necessarily a completion in their course. That could be for a range of reasons. One is they only wanted a couple of pieces of knowledge out of that qualification; they didn't want the qualification. Another would be that they've achieved a level of confidence out of the course that has allowed them to go on to work. In some industry sectors, if you've started the course and you can go and do your job placement, you'll find you're employed before you get back to your TAFE campus, and so that's a great outcome in its own right. Some of the work we're doing now is to start to do more surveying with our students about what is their intention when they enter the course so we get a better measurement of what does success look like. But there's more work to do there.

**The Hon. RACHEL MERTON:** How much of the budget is allocated to stakeholder engagement activities to ensure the needs and feedback of students, teachers, industry partners and community groups are incorporated into TAFE NSW planning and delivery?

**STEPHEN BRADY:** Great question. As I was saying earlier, we're really shifting our operating model and the way we do our planning. One of the real drivers of that was to get a much stronger community engagement approach as well as stronger engagement with industry. Part of your answer is that it's embedded in the way we're changing the organisation. Part of standing up the new community area is to make sure we have a more fine-grained understanding of community requirements, so we're moving from very large regions—running from Gosford to the Queensland border was one region; from Orange to the South Australian border was another region—and encompassing lots of different economies. How would you get a handle on what communities actually need? We're moving towards more the 10 State planning boundaries, which will give us a much better understanding.

We've run what we're calling TAFE Connect, which was a series of community engagements. We did a statewide digital engagement. We have done 13 local community engagements across the State so far. That's going to be an ongoing program, meeting with community, understanding their requirements, understanding how we can better engage and support them. This area we're standing up as a new part of TAFE NSW will have an executive leadership member who will be on my executive, who will be there representing the interests of local communities and students to talk to their requirements. But it also feeds directly into our planning processes, so that we get that bottom-up community need informing what we're delivering where and how. In terms of those community engagements, we're not spending a gazillion dollars to do that. It's more the fact that we're building it into our business as usual. I think we spent something like $40,000 across all those 13 engagements.

**The Hon. RACHEL MERTON:** Mr Brady, you've touched on some of this in terms of TAFE Connect but in terms of specific mechanisms that will be used to gather and respond to stakeholder feedback—

**STEPHEN BRADY:** Firstly, there are the forums we are going to be running. We have dedicated leads in each of those regions who engage with the local community, whether that's local government, the local chamber of commerce or the school principals, who are always a key stakeholder in those communities as well, or large businesses in those areas, so making sure that information then comes back into our planning processes. We have a complaints mechanism, which is always an asset for any organisation to understand what's happening with our

communities and with our students. We have different mechanisms for those two. My LinkedIn profile seems to be a great source of community feedback as well.

**The Hon. RACHEL MERTON:** Mr Brady, just as an example, when we're talking in the community—and just off the back of some of my questions this morning to the Minister about the construction sector—different builders and contractors would give us views and opinions and their experiences with apprentices and what they're seeing. You can imagine some of this is positive, some of this is constructive criticism. I'm wondering how those views are captured on the ground.

**STEPHEN BRADY:** We have industry forums that we work with regularly, that we meet with, get their feedback and incorporate that into the way we're delivering our classes. As I said earlier, we have our course canvases where we're looking at what's happening with student feedback as well as progressions. There are a range of different mechanisms.

**CHLOE READ:** I was going to add that the NCVER data collection that Mr Brady mentioned earlier also surveys employers, so there's employer satisfaction with vocational education in that survey. There's a place for both because you won't be able to tie the broad survey to specific regions or particular areas. Having both in place is a good mechanism.

**STEPHEN BRADY:** Of course our teachers are working closely with employers all the time and getting that feedback. Janet, have you got anything you would like to add?

**JANET SCHORER:** To reiterate, I think the housing industry is one example where there are big statewide multinational companies and then there are local developers and local businesses, and we need to connect with all that. In terms of a skills area that we have now in our Skills Excellence Network but that will become faculties, the heads of those faculties are very deeply involved with our industry innovation specialists in connecting where is the industry now and where do we need it to be with, as Mr Brady said, the intelligence that our teachers have from being on the ground, working with the businesses that our apprentices and other students are engaged with. How do they connect that together? Our teachers are a great source of that local business intelligence, and they're the ones who are managing those relationships day to day. Our ambition with the new operating model is to be able to harness much more of that insight that our teachers have and use that to inform how we engage and plan for a longer term future with our delivery.

**The Hon. SARAH MITCHELL:** Picking up from the questions just now, I know that Rachel asked earlier about particular financial support for students. I think I raised this last time we met as well. But specifically for rural and regional students who might have to travel and have accommodation and transport costs if the course for their local apprenticeship isn't offered in their town, is there any specific financial support for students in that circumstance, or do they need to apply for one of the other scholarships that was mentioned earlier?

**CHLOE READ:** There's the Vocational Training Assistance Scheme that I mentioned before that assists with, particularly, apprentices and trainees who might be located far from where they might need to go to study.

**The Hon. SARAH MITCHELL:** Do you have any more detail on that, on what's available?

**MATHEW PEARSON:** It provides financial assistance to apprentices or new entrant trainees when they're travelling more than a 120-kilometre round trip.

**CHLOE READ:** I think, from memory, that assistance can be things like travel and accommodation, as well as—

**MATHEW PEARSON:** Accommodation, yes. It's around $9 million a year that we've been allocating.

**The Hon. SARAH MITCHELL:** But if you live in Gunnedah and you go to Tamworth to do your course, however many days a month or however it works, is there a limit to what each student can get? I'm happy if you need to provide it on notice; I'm just curious, in real terms, what an average student can get under that program.

**MATHEW PEARSON:** We might take it on notice, just around the specifics.

**The Hon. SARAH MITCHELL:** Again, I sort of asked about this last time. In terms of the consultation you have with stakeholders and employers, when you have larger cohorts or the potential to run a course in a rural community—rather than having to travel to Tamworth, Dubbo, Wagga or wherever—how do you do it? Is it the number of students? Is it facilities? Is it teachers? Is it a combination of the three? Have there been any since we last met where you've been able to offer more remote or more rural locations for some of those courses, rather than those major regional cities?

**STEPHEN BRADY:** It's not necessarily the case that all those courses are concentrated in the large centres. For instance, in Leeton, we've got a very strong electrotech delivery. That's why we talk about a network of campuses.

**The Hon. SARAH MITCHELL:** Is that because of industry or demand? Why Leeton? What's the history of that? I mean, it's great, but I'm just curious what makes certain campuses have that offering.

**STEPHEN BRADY:** I think it's the fact that we can't deliver everything everywhere. But it's not necessarily the case that we need to have a hub-and-spokes model; it's more about how we combine capability across campuses. Some of that might go to the fact that you've got a strong teacher in that location who's built up strong relationships with industry. You sort of build around that, and then they bring in other tradespeople to work with them and you build a level of depth within that teaching team. But Ms Schorer might have more.

**JANET SCHORER:** I'd certainly agree it's a combination. Some courses you definitely need the infrastructure in place in some form, but we do have our mobile training units that enable us to take a lot of the more bespoke equipment to places and for the teachers to utilise it there. It is also about enrolments. Predominantly, in my view, the reason for not having small classes is it's not a great student experience. But there are certainly still things that we do with small numbers and the availability of teachers. Many of our teachers still travel large distances to be able to reach to students. But it's also where the industry is. I think part of us thinking differently about how we plan for delivery is—some of the time we deliver in many places because of history. I think us having a better sense and intuition as an organisation about where industry might need us enables us to keep step with that a little better.

**The Hon. SARAH MITCHELL:** That was going to be my follow-up. Do you work with industry and employers about future projections as well? If you've got emerging projects coming on in certain areas, they might be able to foreshadow, "At the moment we've only got this many apprentices but, actually, in five years we think we'll have triple or quadruple that." How do you use that to plan so that it's not a chicken and egg where you're waiting for numbers but you might not get the numbers without the delivery of the course? How do you manage that?

**JANET SCHORER:** Industry has that insight about what they need in the future and then there is the, as we were talking about earlier, conversation about pre-vocational pathways. How do we prepare students, whether they're in school or in other parts of the community, to be ready for that learning? Not every student walks in and is able to successfully complete a cert IV straight up. How do we prepare for that? That's also what we have to plan for. The model we're moving towards as an organisation gives us much more of that insight and the ability to use that insight to plan over longer periods with industry.

**The Hon. SARAH MITCHELL:** And more flexibility, potentially.

**JANET SCHORER:** And more flexibility, exactly.

**STEPHEN BRADY:** I was going to say that, for that forward-looking planning approach we've been talking about, this is very much where it comes to bear—having that intelligence from local industry and business about what's coming up over the horizon. It takes time to be able to step up a capability. We need to be able to recruit someone from industry, train them to be a teacher, make sure we've got the facilities available and, if it requires specialist equipment, make sure that is in place. The more we can have that forward view of what industry needs, the better position we are in to be there when that's needed.

The other thing I'd say is, when you look at the interim report of the VET review, it talks a lot about local community. One thing we find is that trying to get a sufficient class size can be a challenge, and then getting the right teacher in the right place at the right time. One thing we're thinking very much about is how do we engage with community around a pattern of delivery? I've been to some of our campuses where we have taught business studies in that community because that's what the teacher can teach. They have taught everyone in town and there's no-one left to teach and there probably won't be anyone to teach for several years as a new generation comes through. We're starting to think about things like why wouldn't we teach it every two years? You can provide certainty to the community and you can make sure the teacher is there and you can deliver that. Thinking a little bit differently is not just about, "Let's put a course up and see how many enrol." Let's work with the community about what their needs are and then try and schedule things in a much more certain way so we give the community confidence that we are there for them.

**The Hon. RACHEL MERTON:** Ms Read, this might be your space. In terms of the fee-free places, I'm wondering how many fee-free TAFE places have been allocated in the 2024-25 budget and how this would compare to the previous year.

**CHLOE READ:** The fee-free program has two tranches. The first tranche was 2023 and we enrolled 174,451 students and then tranche 2 runs from 2024 to 2026 inclusive. You asked about the 2024-25 financial year, but they don't really match the financial years. I think Mr Pearson is going to give me the actual—no, he's not. In tranche 2 there are 147,000 places across those three calendar years. To 30 June, we had already enrolled 44½ thousand students or just a bit over, so about a third.

**The Hon. RACHEL MERTON:** The 2023 figure you gave me was, in terms of fee-free places, 174,451.

**MATHEW PEARSON:** Who enrolled.

**The Hon. RACHEL MERTON:** That being for a 12-month period, 2023-24?

**CHLOE READ:** Yes, it's just the calendar year, 2023. Some of those students will, obviously, still be in training.

**The Hon. RACHEL MERTON:** And then, in terms of 2024 to 2026?

**CHLOE READ:** The agreement says we need to deliver at least—

**MATHEW PEARSON:** It's 147,000.

**CHLOE READ:** Yes, 147,400 places.

**The Hon. RACHEL MERTON:** Over a three-year period?

**MATHEW PEARSON:** Yes, and the agreement actually asks that it is spread over the three years.

**The Hon. RACHEL MERTON:** We've gone from 174,000 over one year to 147,000 over three years?

**CHLOE READ:** Yes.

**The Hon. RACHEL MERTON:** So there has been over one-third reduction?

**CHLOE READ:** Yes. The program is a Commonwealth election commitment, obviously jointly delivered with the States as we run the skills systems. They had significantly more investment that they wanted to put into that first year and then wanted to spread the remainder across the other three years to then align, I think, with the rest of the time frame of the skills agreement itself. So that's why it's stated that way.

**MATHEW PEARSON:** And there is a tranche three which was announced in the Commonwealth budget, which is for construction places. That's around 20,000 nationally. But that agreement is still in negotiation. That starts from 2025, over two years.

**The Hon. RACHEL MERTON:** I appreciate, as you say, they are Federally funded, but just in terms of the availability and how they're managed, what measures are in place to ensure that these fee-free places are accessible to students across all regions of New South Wales, including rural and remote areas?

**MATHEW PEARSON:** In terms of the availability they're tied, effectively, to the allocations that our providers have for the subsidies, and those subsidies are then actually distributed across New South Wales, so we fund by different regions. Effectively, 50 per cent of our subsidies go outside of the Sydney metro area, so that does give us that spread. We also, obviously, have a distinct allocation that goes to TAFE NSW compared to the rest of the non-TAFE market.

**The Hon. RACHEL MERTON:** Are those fee-free places tied to a specific area of study?

**CHLOE READ:** There is a course list, which is similar to how other programs that we've run like this operate. There is significant enrolment across priority areas, so care and support, technology and digital, construction and agriculture all feature heavily in terms of the course profile.

**The Hon. RACHEL MERTON:** Can you provide a demographic breakdown of the students who have enrolled in fee-free TAFE places so far?

**CHLOE READ:** Perhaps we could. Mr Brady, do you have one for your enrolments?

**STEPHEN BRADY:** I think we'll have to take it on notice.

**CHLOE READ:** Yes, I think we might take that on notice.

**The Hon. RACHEL MERTON:** Given the anticipated high demand for fee-free places, what steps have been taken to ensure there is sufficient capacity to meet student demand? Have we had that experience?

**MATHEW PEARSON:** Do you mean in terms of having enough providers there to deliver those places?

**The Hon. RACHEL MERTON:** Yes.

**MATHEW PEARSON:** Probably we've got the opposite difficulty, which is there are really not enough places to go around for that student demand, particularly with the second tranche, which is obviously a much smaller number over a longer period.

**CHLOE READ:** And most of them, as we've said, are with TAFE. TAFE, obviously, have the capacity to deliver, I would assume, more than they are currently allocated.

**STEPHEN BRADY:** That's right. If you have any left over, we're willing to take them.

**The Hon. RACHEL MERTON:** In terms of what strategies are in place to manage a situation like this, is there a waitlist for high-demand fee-free courses?

**CHLOE READ:** I'm not sure. Do you guys run a waitlist?

**JANET SCHORER:** No. In general terms, we have a fairly technical process to determine the availability for fee-free places and once that allocation is exhausted they move to fee-paying courses. Obviously, the course is still available but we alert students that they are now a fee-paying student, and that might determine their choice. The other part of that is, obviously, trying to process students who don't wish to take up that place quickly so that we can offer it to another student who may have been fee paying. It means a fair bit of volatility in processing that, but we want to make those places available to as many students as we can.

**CHLOE READ:** I'll just flag that there are other fee-free places on offer that are not part of that Commonwealth scheme. We mentioned before that apprenticeships and traineeships in New South Wales are currently fee free, and if you enrol under one of our Smart and Skilled places, certain people will either get a fee benefit or it will be fee free. So Aboriginal people, students with a disability and veterans, I think—there's a list of people who are eligible already for fee-free support under Smart and Skilled.

**The Hon. SARAH MITCHELL:** I just want to go back very quickly—I know you took it on notice, Mr Pearson—to the support that's available for students with accommodation and travel costs. Could you also, either now or on notice, provide information as to whether it's available for students of cross-border communities—if you live in one area but come across, or vice versa? I don't know how that works.

**MATHEW PEARSON:** I would be happy to take it on notice, but I would assume most of our cross borders are Albury-Wodonga-type situations around the border. I would think that most people would qualify, but I'm happy to take that on notice.

**CHLOE READ:** They wouldn't incur the distance requirement probably.

**MATHEW PEARSON:** That's right, exactly—the 120 kilometres. But I'm happy to take it on notice.

**The Hon. SARAH MITCHELL:** That would be good because there may be some potentially where they do. Anyway, I'm interested if there is any information on that. Can I just go to the general enrolment trends and numbers across TAFE. I know we spoke about this last time as well but, so far this year, how are the enrolments tracking and is it on par with previous years? What are the numbers like?

**STEPHEN BRADY:** We've just had the discussion around the fact that the second tranche of fee-free TAFE was lower and spread over a longer period, so obviously that flows through into our general enrolment numbers as well, given that we were doing over 70 per cent of our program fee free. Our enrolments for 2023 were just over 400,000, which is pretty much where it was pre-COVID, but it's down a little bit from the peak in 2020 when we had all the COVID stimulus with the responsible service of alcohol and all that. They are very short courses, but they count as an enrolment, the same as a four-year course does. We had a peak of 468,000 enrolments. But, as I say, you're comparing apples with oranges. Certainly a lot of the courses we delivered through fee free were more certificate III or certificate IV courses, which were much more substantial pieces of delivery. We would say that we've had very strong involvement.

**The Hon. SARAH MITCHELL:** I'm also particularly interested in regional areas as well. What are you seeing with student numbers there in terms of trends?

**STEPHEN BRADY:** I don't actually have that data with me.

**JANET SCHORER:** No, I don't. We can provide what we can on notice.

**The Hon. SARAH MITCHELL:** If you can provide on notice a bit of a breakdown of the students and where they are based.

**JANET SCHORER:** Yes, of course.

**The Hon. SARAH MITCHELL:** The issues around equity and accessibility—I know we spoke before about Aboriginal students, but we've done an inquiry recently, as the Chair mentioned, into access for young

people with disability in terms of educational settings. What is offered or available to assist any students with disability? Do you have a breakdown of the numbers of students who fit that cohort?

**STEPHEN BRADY:** For TAFE?

**The Hon. SARAH MITCHELL:** Yes, for TAFE.

**STEPHEN BRADY:** Certainly. Disability is about 45,000 students, so about 12 per cent of our population. As I mentioned earlier, we've got a significant support network for our disabled students. We have the disability teacher consultants. We've got 84 of those statewide. They play a really crucial role in making sure we're complying with disability standards and actively promoting access to our courses. They work really closely with our teaching teams. All the consultations are confidential with the learner, and then they go and work with the teaching teams to make sure that we've got all of the support necessary. We offer a whole range of adjustments, whether that's note-takers, specific technologies for reading or hearing, and we support them with the teachers taking into account their disability in the way they run the classes as well.

The assistive technology—we also provide disability awareness training for our teaching staff. We negotiate and review reasonable adjustments within their individual education plans, which is what I was saying about the way that teaching is delivered. But there are also some changes for disability access courses: courses specifically tailored to provide a slower pace and more repetition of learning, where that's the suitable support for the learner—things like one-to-one tutorials. There is a whole range of supports, but that disability teacher support consultant helps to design the program around the individual learner.

**The Hon. SARAH MITCHELL:** That's one of the 84?

**STEPHEN BRADY:** That's right. They are available either on campus or via phone. Appointments get made and they follow up. They work with the teaching teams to make sure that the plan that has been designed with the learner is then implemented in practice.

**The Hon. SARAH MITCHELL:** And that plan would obviously include any of the adjustments that you were speaking about in terms of that?

**STEPHEN BRADY:** Absolutely.

**The Hon. SARAH MITCHELL:** Do you have any capital money for disability upgrades or access requirements on your campuses? How do you manage that?

**STEPHEN BRADY:** We do that through our general maintenance programs. I mentioned earlier we've got an access advisory group which has a really key input into what sorts of changes on campuses we need. One of the things I spoke about with the asset renewal program was lift changes. Lifts, ramps, making sure we're checking the trip hazards—things that we can do to support those learners. But we are working in a campus environment where we've got a really long backlog of maintenance. So we're making the changes. We prioritise those within our maintenance programs, but we've got old infrastructure—

**The Hon. SARAH MITCHELL:** It's ongoing work.

**STEPHEN BRADY:** Yes.

**The Hon. SARAH MITCHELL:** I think that is our time.

**The CHAIR:** It is. You have done very well to fill it all, and our witnesses have done very well to answer it all. Thank you so much for your time. To the extent that there have been questions taken on notice, or there will be supplementary questions, the Committee secretariat will be in touch to discuss that. Does the Government have any questions?

**The Hon. MARK BUTTIGIEG:** No, we're all good.

**The CHAIR:** That brings us to the end of the day. Thank you very much.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-15" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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# University of Sydney External Review Report

Bruce Hodgkinson AM SC

November 2024

As commissioned by the Senate of the University of Sydney

I want to acknowledge the help and assistance I have had from Erina Higgins, Solicitor.

Erina has acted as scribe, keeper of documents and proof-reader.

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## Executive Summary

The University of Sydney (the University) has experienced a significant amount of protest activity. The protests were primarily brought in opposition to the Israeli war waged in Gaza. In addition to protests a range of other activities were engaged in, in support of the Palestinians' cause. The single largest event was an encampment on the front lawns of the University commencing on 23 April 2024 and ending peacefully on 24 June 2024. In the period immediately following the disbandment of the encampment, protests of various kinds continued on campus. Many allegations have been made regarding antisemitic behaviour and disruption created by the protest activity to the normal function of the University. There have been some complaints that there has been Islamophobic behaviour.

To address the issues on its campus, the University has undertaken a number of initiatives. It has commenced a thorough review of its policies and its complaints procedures, and it is increasing the capacity of campus security. Commissioning this External Review (Review) was another of the initiatives. These actions are directed at its stated aims of making the campus a welcoming and safe place for all.

The Review has been asked to look at the University's policies and processes going forward to ensure that the University is equipped not only to meet its obligations as they arise in the future, but to enhance the experience of all those on campus.

The University did not before 7 October 2023, and has not since, tolerated racism of any kind on its campus. Nor does it tolerate threatening or intimidatory speech or behaviour. Its policies make this clear. Whilst the University policies have always been based on those concepts, the actions taken by the University to maintain them have not been apparent to the public. There is a need for greater transparency so that the public are made aware, in an appropriate way, of the steps taken by the University in this area.

To address transparency a number of recommendations have been made. Two new reports, one dealing with complaints dealt with and the other with the range of penalties imposed for substantiated breaches of policy, have been suggested which would after having gone to the Senate be made public.

The fact that this encampment was the first protest of that particular kind experienced by the University added to the complexity, as does the changing legal framework in which the University operates.

The submissions made to the Review make clear that the University's policies and procedures are not well understood, hard to access and as a result often not consulted by those from outside the University and many from within. They are often dense documents written in language which is not clear as to their scope and intent.

The initiative already commenced by the University involving as it does a deep dive into all the University's policies and the procedures which flow from them is a very important one. It will, no doubt, take a significant commitment to see it through to completion. That commitment on the part of the University needs to be pursued vigorously. The simplification of policies will make them more user friendly and transparent. It will address many of the issues raised with the Review.

The University's complaints procedures have been the subject of wide criticism. This fact was recognised some time ago and the process of its overhaul with a view to creating a user friendly and transparent procedure is under way. This too is an important initiative. Recommendations have been made which are intended to assist this initiative. Making, in appropriate circumstances, student organisations that receive funding from the University responsible for compliance with the University's policies will make enforcement of those policies easier and help simplify the complaints procedures overall.

Some of the traditions of the University have been referred to as the basis for permitting particular types of activity such as sit-ins and other forms of protest in buildings and the addressing of lecture halls with political statements. These traditions grew up in a different time and when the legal framework with which the University must comply was far less complex. The maintenance of these traditions has led to students feeling unsafe. There does not appear to be a reason for their continuation particularly in light of social media communication methods.

By prohibiting all forms of protest in the University's buildings the University will make every building on campus a safe place; a refuge where those who feel unsafe as a result of protest activity can escape that activity.

At the core of the University is the maintenance of freedom of speech and academic freedom. The importance of, and the maintenance of, these freedoms cannot be doubted. Freedom of speech and academic freedom are not, however, without limitations. Primarily, those limitations are imposed on the freedoms by the law, and this has always been the case. As the law changes, so have the intrusions made by it into freedom of speech and academic freedom. Whilst such a development might be lamented by some, it cannot be denied.

However, it can be a very difficult matter to determine when a particular word or phrase is used in a legitimate way and when the same word or phrase is impermissible. Many complaints have been made that words and phrases which have been used on the campus are antisemitic. Others, including some Jewish people, who have heard the same words and phrases have determined that they have been used legitimately.

Finding a balance between the proper exercise of the right to freedom of speech and academic freedom and the use of speech which is not protected by those freedoms is a very difficult matter. Some in the Jewish community advance various definitions and guidelines whilst others from the same community decry the use of those definitions and guidelines as being an attempt to shut down free speech and academic freedom. Some have gone as far as to suggest that those who are relying on definitions and guidelines are weaponising antisemitism to prevent even legitimate criticism.

The context in which speech is used can alter its meaning. This is recognised when interpreting statutes, contracts and other documents. Context is then at least one important consideration when attempting to determine the meaning of a word or phrase. Context is the domain of the speaker. It is the speaker who can, if they choose to do so, make clear the meaning of the words and phrases that they are using. There is no longer room in this debate for those who would use a word or phrase in such a way that they have not made its meaning clear. This is so no matter what freedom they purport to rely on. Clarity is essential.

The section of the Report "Clarity through Context" discusses this issue. The consequence of this discussion is Recommendation 9, The New Civility Rule. That rule would make the speaker responsible for ensuring that the meaning of the words and phrases used by them was clear to the audience being addressed. This obligation would apply to any speaker addressing any form of meeting or lecture held using the University's facilities.

Other matters have been dealt with in the Report and where it was thought appropriate to do so recommendations have been made. In all 15 Recommendations have been made. Those Recommendations are set out in Appendix A to this Report.

## Background

The attack by Hamas which included the murder, rape and the kidnapping of Israelis and foreign workers on 7 October 2023 and Israel's retaliatory assault on Gaza, which has resulted in the killing of tens of thousands of Palestinians, led to a series of protests across many universities around the world, including in the United States of America (USA). It has been no part of this Review to analyse the actions of Israel, the Palestinians or Hamas.

The protests in the USA took various forms, which involved encampments at some of the major universities including Harvard, Stanford, Columbia, MIT and others. Encampments were also established at Cambridge and the University of Nottingham in the United Kingdom. The response to these encampments differed. Most resulted in agreements being reached between each university and the protestors involving disclosure on a range of topics by the university. In a number of universities in the USA police were called in to break up the encampments and, in some instances, violent clashes and multiple arrests resulted.

At Columbia University three encampments were established. The first of these commenced on 18 April 2024 and the final encampment ended on 2 June 2024. The first two of those encampments were broken up by police, some in riot gear, and hundreds of arrests were made. The third ended after Columbia reached agreement with protestors

which in part involved the disclosure of a list of the university's direct investment holdings.

In April of 2024 a group of University of Sydney students, one of whom openly identified as Jewish, determined that they would protest the war in Gaza and that the protest would take the form of an encampment.

On 23 April 2024 the encampment was established on the lawns in front of the quadrangle building and as a result was very visible to those entering the University through the front gates or attending Fisher Library or those at the Eastern Avenue end of the campus. Initially the encampment consisted of six tents[1] but over a period of a few weeks grew to approximately one hundred tents, not all of which were occupied. The numbers of participants in the encampment fluctuated. That number was significantly higher during the day than at night. Only a small number of individuals occupied tents during the duration of the encampment. Participants in the encampment included students, staff and at times individuals with no connection to the University. Many of the University's students and staff as well as others visited, without participating in, the encampment.

In Australia encampments were also established by students at most of the major universities, including the Australian National University, Monash University, the University of Adelaide, the University of Wollongong, the University of Melbourne and others.

The University has what is often described as a 'rich history of protest', however an encampment as a form of protest had not previously been experienced. Although there were some minor verbal altercations between different groups on a few occasions, the encampment did not erupt into physical violence. The police were regularly consulted and kept informed. The University determined from the outset of the encampment that it did not want any replication of the violence which had resulted from the forceful breaking up

[1] Each of which I understand was purchased for $10 from Kmart Broadway.

of encampments overseas. The University kept students and staff regularly updated on its approach with communications which are available on its website.[2]

In the days prior to the encampment being disbanded the University entered into an agreement with a student organisation known as the Sydney University Muslim Students Association (SUMSA). The terms of that agreement were notified to students and staff via a University wide email, and were published on its website.[3]
The encampment was disbanded and came to a peaceful end on 24 June 2024.

Since the establishment of the encampment and following it being disbanded the University has received a great deal of criticism. That criticism has come from both inside and outside the University and from a wide section of the community. Many aspects of the University's approach to, and handling of, the encampment as well as subsequent events have also been the subject of criticism and media reports. Some complain that the encampment went on too long and as a result caused students and staff, particularly those who are Jewish, distress, and feelings that they were not welcome on the campus and that they were unsafe. Many other issues have also been raised arising from the encampment and subsequent protest-related events on the campus. Others, including some who are Jewish, thought that the encampment was a legitimate form of protest which the University should have allowed to continue.

Entering into the agreement with SUMSA has been widely criticised particularly by sections of the Jewish community. Some had an understanding that the University's position was that it would not enter into an agreement with any of the protestors and complained that they were given no notice of the changed position. Some have suggested that the agreement was a capitulation without regard to the real problems that had been experienced on the campus whilst the encampment had been operating. On 24 June 2024 the Vice-Chancellor of the University sent an email to all students and staff outlining the agreement noting that there would be no restriction on student exchanges, academic partnerships or institutional relationships with any country or industry as part of the agreement. A copy of the Vice-Chancellor's announcement is at Appendix D.

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[2] University of Sydney, 'Our message to our community regarding protest activity on campus', 24 April 2024 <https://www.sydney.edu.au/news-opinion/news/2024/04/24/statement-regarding-peaceful-protests-on-campus.html>.
[3] Ibid see update titled 'Peaceful end of protest encampment' published 24 June 2024.

The issues raised in the criticisms of the University are complex and wide ranging. Many are not capable of a readily identifiable solution and reaching a consensus amongst all stakeholders in respect of the criticisms was and remains highly unlikely. It was faced with this difficulty and the criticisms coming from all quarters that the University determined that it would commission an External Review.

## The Review

On 25 July 2024 the University made the following announcement:

> *The University of Sydney today announced the appointment of Bruce Hodgkinson SC to conduct an external review of its policies and processes – to ensure they are appropriate and fit for purpose as we safeguard the wellbeing of our community, academic freedom and freedom of speech, and the effective operations of the University into the future.*

On 26 August 2024 the University published an invitation for submissions to the Review of policies and processes on its website. The University also sent the same invitation by email to students, staff and interested members of the community who were informed that they could make written submissions to the Review.

In issuing the invitation the University stated that:

> *We are committed to ensuring that the university has:*
> - *a campus that is safe and welcoming for all students and staff;*
> - *appropriate process and policies in place targeted at preventing discrimination and harassment;*
> - *effective protocols and practices to deal with allegations and acts of racism, threats to safety, hate speech, intimidation, threatening speech, bullying or unlawful harassment; and*
> - *processes and policies that reflect best practice and are fit for purpose and the times.*

*In providing a safe and welcoming environment for all in our community, we also must be in a position to ensure our unwavering commitment to free speech and academic freedom as core principles of the University.*

*We invite students, staff and interested members of the community to make a submission to the external review. We would like to hear about your experience since 7 October 2023 in relation to the matters outlined above to which the University is committed including what is working well, areas for improvement, and any suggested steps the University might take to ensure its campus is a safe, respectful and inclusive place for all students and staff.*

The invitation to make a submission set out the following advice and criteria:

- That a dedicated email address, usydexternalreview@counsel.net.au, had been established to which submissions could be sent, including on a confidential basis.
- That the University does not have access to the dedicated email address.
- That there was no intention to make the submissions publicly available, except where required by law.
- The submissions would not be disclosed to the University, except where in Mr Hodgkinson's discretion he deemed it appropriate or where required to do so by law.
- Submissions could be made anonymously.
- That regard would be had to all submissions lodged before the deadline of 23 September 2024.
- That submissions would be deleted 28 days from the completion of the Review, excluding any submissions provided to the University or otherwise retained in Mr Hodgkinson's discretion.
- That submission makers ought to minimise disclosure of personal information, and not to provide personal information of third parties without their consent.

- That the University intended to publish the report resulting from the Review.

The Review was required to be forward looking. For that purpose, it was not necessary or appropriate to scrutinise each of the decisions made in relation to the encampment, the agreement with SUMSA or in relation to the protest activity and issues that have arisen on the campus since.

The encampment and the activity surrounding it together with events which took place after it was disbanded, have been a focus of most of the submissions received by the Review. The submissions make clear the breadth and complexity of the problems that the University was facing and attempting to deal with. The information set out in the submissions has been used to inform the Review and to formulate Recommendations for the University's consideration. The Recommendations have been formulated having regard to the duties and obligations imposed on the University by law and the desire of the University to ensure that its campus is a safe place for all students and staff.

## Review Process

A total of 51 written submissions from a wide range of individuals and organisations were received. These included students, staff and alumni of the University, parents of students at the University, as well as from representative organisations of students, staff, the Jewish community, and wider community groups.

Where anyone who made a submission has requested that their identity or the information disclosed in their submission, be treated as confidential to the Review that name and information has not been revealed to the University or otherwise made public. Each of the persons who requested that their identity or submission be kept confidential had a sound reason for making the request. No organisation who made a submission to the Review asked that their identity remain confidential.

The following individuals made a submission to the Review and did not seek that their identity remain confidential: Alexander Sherman, Andy Smidt, An Nguyen, Ben Grimes, Catherine Parr, Daej Arab, David Celemajer, Doron Samuell, Douglas Joshua, Emily MacLean, Jennifer Dowling, John Buchanan, Lucia Sorbera, Markela Panegyres,

Matte Rochford, Michael Edwards, Rob Grunstein, Sarah Aamidor and Tatjana Seizova-Cajic.

Organisations who made a submission to the Review were: Australian Academic Alliance Against Antisemitism (5A), Australian Israel & Jewish Affairs Council (AIJAC), Disability At Work Network (DAWN), Executive Council of Australian Jewry (ECAJ), Jewish Council of Australia (JCA), National Centre for Cultural Competence (NCCC), National Tertiary Education Union (NTEU) and the New South Wales Jewish Board of Deputies (NSWJBD).

Some, but not many, requests for an extension of the deadline for the lodgment of submissions were made. Each one of these applications was granted. All of the submissions made to the Review have been considered and the information contained in them has been used to inform the considerations contained in this Report.

Everyone who lodged a submission was advised that they could request a meeting for the purpose of raising any matter which they thought might be of assistance to the Review. Meetings were held with everyone who requested one. 14 meetings were held. The discussions conducted in those meetings were undertaken on a confidential basis so that the participants were able to freely advance anything they thought to be of importance, including the identification of problems they perceived the University had in handling the issues arising on the campus from 7 October 2023. Those who attended the meetings were also asked if they had any suggestions as to how the University might handle the problems they had identified going forward.

Meetings were held with Jillian Segal AO the federally appointed Special Envoy to Combat Antisemitism, David Ossip and Michele Goldman as representatives of the NSWJBD, Zac Morris as a representative of the Australian Union of Jewish Students, Peter Wertheim and Simone Abel as representatives of ECAJ, Michael Abrahams-Sprod and Sarah Aamidor as representatives of 5A, Nick Riemer as a representative of the NTEU and Na'ama Carlin as a representative of JCA.

In addition to the meetings held with the persons who made submissions, others who it was thought might be able to assist the Review were invited to meetings. Those persons included Aftab Malik the federally appointed Special Envoy to Combat Islamophobia, representatives from Mandelbaum House, Michael Edwards, Doron Samuell, Ghena Krayem and others who requested that their identity be kept confidential which request has been respected.

## Assistance to the Review

The University has provided the Review with every assistance required for a thorough consideration of the issues which have arisen on campus since 7 October 2023. That assistance has been provided on an open disclosure basis. The University has provided copies of its policies, statements, procedures and guidelines in addition to a large amount of other material covering all the topics relevant to the Review. The Review has been made aware of the ongoing policy development which the University has continued to pursue since the Review was commenced.

Meetings have been held with the Chancellor, Vice-Chancellor, Provost and senior staff members from various parts of the University's administration, including the Vice-Chancellor's Office, the VP (Operations), the Deputy Vice-Chancellor (Education Portfolio), Student Affairs, Workplace Relations, Protective Services and Health and Safety. Everyone who participated in those meetings did so on an open and frank basis. The University's Office of General Counsel has assisted the Review in many ways including by arranging meetings with various people within the University's administration and providing material and information addressing issues in response to questions that have arisen during the Review.

The Parliamentary Senate's Legal and Constitutional Affairs Legislation Committee conducted an inquiry into antisemitism at Australian universities in September of 2024. The University provided a submission and the Vice-Chancellor, Mark Scott, appeared before the Inquiry.

The University cooperated fully in the Senate Inquiry and provided the Review with its submission and a transcript of the Vice-Chancellor's appearance before the Legislative Committee. The University also provided all the submissions made to the Senate Inquiry which mentioned the University. These have been read and considered as part of the Review. They raise similar issues to those raised in the submissions made to the Review.

## Issues beyond the scope of the Review

A number of staff members, including some very senior members of the University staff, who made submissions to the Review did so on the basis that their submission, and in particular their identity, remained confidential. The reason expressed for seeking confidentiality was in all cases a fear that there might be some form of adverse impact on their career if it became known within the University that the particular individual had made a submission. The nature of these adverse impacts is not known. The identity of persons who have raised this issue has not been released to the University.

Whilst it is beyond the scope of the Review to investigate fully the basis for these concerns or to take any action to consider them, the issue has been identified consistently with the terms of the invitation to make submissions. The University has enshrined the right of its staff to criticise it as an exercise of academic freedom.[4] The fact that some members of staff feel the exercise of this right might have an adverse impact on them is worrying.

In its submission to the Review, ECAJ raised that funding through grants, gifts and other means lacked transparency such that the actual source of the funding could not be ascertained. It was suggested that this concern was a reason that had motivated ECAJ to call for a Royal Commission into universities. Such an issue is beyond the scope of the Review.

[4] University of Sydney Enterprise Agreement 2023-2026 cl 366(b)(ii); See also the University of Sydney Charter of Freedom of Speech and Academic Freedom 2020, definition of 'academic freedom' includes "the freedom of staff and students to express their opinions in relation to the University in which they work or are enrolled."

## Definition of Protest

Protests can and do take many forms. They are described in many different ways. Protests are referred to as demonstrations, rallies, sit-ins, boycotts and strikes amongst other descriptors. "Protest" as used in this Report is intended to refer to all actions taken as a protest, whatever that action may be and however that action is described.

## University Initiatives

The University has already taken a number of significant steps to address the problems which confronted it arising out of the encampment and the protest activity which accompanied it. Those steps include the introduction of a new Campus Access Policy and the Viva Engage Terms of Use, the establishment of a Policy Working Group which is conducting a deep dive review of existing policies and other documents setting out the University's procedures, and improvements to CCTV coverage, amongst others. The University has also commenced a full review of its complaints procedures to ensure that the community has trust and confidence that their concerns will be heard and appropriately responded to.

## Legal framework

The legislative environment in which the University operates is complex. There are many acts of the federal and state parliaments (Acts) with which the University must comply. Amongst those are the *University of Sydney Act 1989* (NSW) (USYD Act**)**, the *Higher Education Support Act 2003* (Cth) (HES Act), the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) (TEQSA Act), the *Work Health and Safety Act 2011* (NSW) (WHS Act), the *Anti-Discrimination Act 1977* (NSW) (AD Act), *the Racial Discrimination Act 1975* (Cth) (RD Act), the *Sex Discrimination Act 1984* (Cth) (SD Act) and the *Fair Work Act 2009* (Cth) (FW Act). A full list of the Acts applicable to the University is at Appendix C.

Many of the Acts applicable to the University require the University as a person concerned in a business or undertaking (PCBU) to proactively meet the obligations and discharge the various duties imposed by those Acts.[5] In certain circumstances the common law recognises that an employer has a proactive duty to deal with psychosocial injury.[6] The *Work Health and Safety Regulations 2011* (Cth) (WHS Reg)[7] was amended in 2024 to include, for the first time, psychosocial hazards and risk.

The WHS Act requires the University as a PCBU to ensure so far as is reasonably practicable the health and safety of workers[8] and other persons[9] whilst they are on the campus. The WHS Act imposes upon officers[10] a separate duty from that imposed on the PCBU. That duty[11] requires the officer to exercise due diligence to ensure that the PCBU complies with its duties and obligations. The duties of workers[12] includes a duty to comply[13] with reasonable instruction given by the University for the purpose of the University complying with its health and safety duties. Workers are also required to cooperate[14] with reasonable work health and safety policies or procedures. Under the WHS Act if a duty holder (PCBU, officer and worker) breaches the duty imposed upon that duty holder they could be liable to criminal prosecution.

Duties and obligations regarding work environments are imposed by some Acts[15] on PCBUs. The work environment includes the buildings and outdoor areas which are on or make up the University campuses.

Given the proactive requirements in the various Acts, the University is required to have policies and processes to eliminate or minimise issues. Reactive policies and processes such as those dealing with misconduct are also necessary.

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[5] See for example the WHS Act, SD Act and RD Act.
[6] *Koehler v Cerebos (Australia) Ltd* (2005) 222 CLR 44; *Kozarov v Victoria* (2022) 273 CLR 115.
[7] WHS Regs 55A, 55B, 55C and 55D.
[8] WHS Act s 19(1). See also the definition of 'workers' in WHS Act s 7.
[9] Ibid s 19(2).
[10] Ibid s 4, see the definition of 'officers.'
[11] Ibid s 27.
[12] Ibid s 28.
[13] Ibid s 28(c).
[14] Ibid s 28(d).
[15] See as examples the SD Act and WHS Act.

## Issues raised in the Review

As the focus of this Review is forward looking, there is little to be gained by considering individually the merits of each incident or issue to which reference has been made. Rather, consideration has been given to all the incidents and issues raised by them. Similar issues have been dealt with by grouping them and considering them collectively.

Many of the submissions made to the Review dealt with problems experienced by Jewish students and staff members. However, it is also important to highlight that other Jewish students and staff members have informed the Review that they have not experienced problems on the campus as a result of the encampment or protest activity. Some submissions identified problems experienced by others, including persons with disabilities arising from the encampment and protests.

The issues raised involved allegations of antisemitic behaviour and behaviour perceived to be antisemitic, disruptive behaviour, deplatforming behaviour, Islamophobic behaviour and behaviour perceived to be Islamophobic. Submissions to the review also complained of the University's management of complaints, particularly a lack of transparency, poor communication and failure to impose penalties for those who commit misconduct.

## Antisemitism

The majority of complaints made involving antisemitism referred to circumstances which arose whilst the encampment was present at the University.

Complaints were made about the use of particular phrases[16] which were antisemitic to some. Some of that speech was clearly antisemitic and contrary to the University's policies and statements which prohibit antisemitic and racist speech.[17] Some of the speech referred to involved words and phrases about which there was a difference of views.

[16] Note that 'phrases' in this Report includes (but is not limited to) slogans, chants, expressions, mottos and sayings.
[17] Student Charter 2020; Anti-Racism Statement https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity.html>; Bullying Harassment and Discrimination Prevention Policy 2015; Viva Engage Terms of Use 2024.

Behaviours such as the removal of posters depicting photographs of hostages taken by Hamas on 7 October 2023, the removal of Israeli flags, the display of posters said to contain antisemitic statements, as well as the support for Hamas were all examples of antisemitic behaviour identified to the Review. Other behaviour was also identified as antisemitic, including graffiti containing phrases, statements, and symbols such as swastikas.

There is no doubt that there have been examples of antisemitism on the campus, as was acknowledged by the Vice-Chancellor Mark Scott during his appearance before the Senate as part of the Commission of Inquiry into *Antisemitism at Australian Universities Bill 2024*. In extending his apology the VC said:

> *"no one should feel at risk, unsafe or unwelcome at any place of learning, and no one should feel the need to hide their identity or stay away from classrooms or campuses."*[18]

Many of the submissions identify that the words, phrases and behaviour complained about had caused Jewish students and staff members to feel that they were not safe on the campus. Some Jewish students thought it was unsafe to attend classes. As has already been discussed, antisemitic speech or behaviour is a breach of the laws preventing racism, harassment and intimidation. It is also a breach of the University policies directed at prohibiting the same types of conduct.

To address this behaviour for the future, there is a need to implement some structural change. The suggested changes are contained in the Recommendations found in Appendix A to this Report.

[18] Legal and Constitutional Affairs Legislation Committee Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2), 20 September 2024.

## Islamophobia

Submissions were made to the Review which identified words, phrases and behaviour used on campus that were Islamophobic. Examples provided include conflating any person of the Islamic faith with terrorism and Hamas, comments about clothing worn by staff members and students and the tearing down of Palestinian flags.

Complaints were made that legitimate criticisms of the government of Israel and its actions have been cast as antisemitic. This, it is said, is contrary to the right to freedom of speech about political, as distinct from ethnic, religious and racial, matters. These complaints suggest that inappropriate allegations of antisemitism are being used as a mechanism to shut down the right to freedom of speech. Some suggest that this is the weaponising of the prohibition against antisemitic behaviour.

The majority of complaints regarding Islamophobia were made by staff members of the University. The complaints were often based on the perception that the University had taken no action in relation to circumstances involving Islamophobia that were clearly contrary to the University's policies. The complaints of Islamophobia included that staff members, and some students, have felt unsafe on campus as a consequence of being subject to Islamophobic words, phrases and behaviour. In addition, where complaints have been made about these words, phrases and behaviour, it is asserted that they have not been acted upon.

The complaints regarding antisemitic behaviour and the complaints regarding Islamophobic behaviour were at one in complaining that antisemitism and Islamophobia have been treated in communications sent by the University in the same category and often in the same sentence. All complaints of this kind suggested either that antisemitism should be treated as its own category of unacceptable behaviour, or where the complaints were in relation to Islamophobic issues, that Islamophobia should be treated as its own category of unacceptable behaviour.

## Encampment

There was at the time of the commencement of the encampment a lack of clarity as to whether the University had the right to remove persons, including students, from the campus under the *Inclosed Lands Protection Act 1901* (NSW) (ILP Act). It is now understood that the University is covered by the ILP Act.[19] This confirms the legal right of the University to remove people from its campus.[20] The Campus Access Policy contains reference to the ILP Act and the University's right to remove persons from the campus.[21] The position would be put beyond any level of dispute if the Government amended the definition of 'prescribed premises' to include 'universities' in the ILP Act.

The existence of the encampment and its longevity gave rise to many complaints that students and staff and others were subjected to inappropriate, threatening or racist speech and that some students and staff felt unsafe. That the encampment provided an opportunity for persons from outside the University, including members of Hizb ut-Tahrir, to have a presence on the campus and an influence on those involved in the encampment contributed to the feeling the campus was an unsafe place for some, particularly Jewish students and staff.

The University monitored to the extent possible the encampment and the activities being carried on within it. Protective and Risk Services (PRS) patrolled the areas around the encampment and were in regular communication with participants and police. Notwithstanding these efforts, the University had little real control over the encampment and the people participating in it, particularly as participation was a protest directed at the University itself. The University had little detailed knowledge of what activities were going on at any particular time and no way of gaining that knowledge. People were coming and going from the encampment as they pleased, so the University could not be aware of precisely who attended and when. Cooking, cleaning, attending to personal hygiene, putting up tents and other temporary structures as well as many other activities involve some level of risk to health and safety. Weather altered conditions potentially give rise to new risks. That people were present overnight involved a different consideration of risk. Many other factors may have added to risk or altered the risks. The

[19] ILP Act s 3.
[20] Ibid s 6.
[21] Campus Access Policy 2024 cl 13(4).

University is not a camp site manager. The lack of clarity as to what was transpiring at any particular time in the encampment made its management difficult.

Following the disbandment of the encampment the University reviewed the rule applying to access to the campus and published on 28 June 2024 a new Campus Access Policy. That policy identifies camping as an unacceptable activity on the campus. The Campus Access Policy is currently under review by the University as was promised at the time of its introduction. The Campus Access Policy going forward should maintain the prohibition on encampments as a form of protest on any University campus.

***See Recommendation 1***

## Feeling unsafe on campus

The Review received many complaints that students felt unsafe on campus resulting from protests (which included the encampment) and the activity that accompanied them. A wide variety of circumstances was referred to which included antisemitic speech, racist threats, and the capacity to move around the campus without being confronted by the protest activity. There were also complaints that activities such as the flying of flags, the display of posters in areas not permitted by the University's policy and the display of banners created circumstances where people felt unsafe.

Even peaceful protest activity undertaken in the outdoor areas of the University campus brings with it the possibility of risk to the health and safety of persons engaged in the protest and others who are affected by a protest. Where a protest takes place over a short period of time the likelihood of exposure to those risks is minimised. The Campus Access Policy has addressed some of these matters. Provision of security personnel, advising others on the campus of the area in which the protest is taking place and ensuring that the protest remained peaceful were all steps which were taken by the University to make the campus a safe place for all.

Many submissions referenced incidents about which they had heard from media reports as the reason for the feeling that the campus was not a safe place. It is not to be doubted that where a person becomes aware of circumstances through media, they could as a result of those reports, feel unsafe. That could be the case even if the individual did not have any direct experience of the behaviour reported on. It is important that incidents or events, such as those reported on the campus, are reported accurately.

One incident reported on by the media which many submissions referred to in support of the proposition that Jewish people on the campus were unsafe was the visit to the University by Tel Aviv University (TAU) academics. The visit by the academics, Professor Milette Shamir and Sharon Ziv Kafri, was interrupted when pro-Palestinian demonstrators entered a function room in which the TAU academics were present. It was clearly inappropriate behaviour that the visit of these two distinguished persons should have been interrupted, particularly as they had been invited to the University and were involved in running an information booth promoting international student exchanges.

Unfortunately, this incident was the subject of inaccurate media reporting, which wrongly asserted that the University of Sydney locked pro-Palestinian activists in a room with senior Israeli university staff for an hour and a half. The Israeli university staff referred to in the media were the two visiting academics from TAU. The submissions made to the Review which reference this incident all refer to the asserted fact that the visiting academics from TAU were locked in a room with pro-Palestinian activists and the fact that those academics were locked in a room was a reason why Jewish people felt unsafe on campus.

In an interview which appeared in the Australian Jewish News on 28 March 2024, Professor Shamir described the incident as "unpleasant" because of the proximity of the demonstrators, having noted that she had encountered multiple demonstrations of "this type in different parts of the world".[22] Importantly, she said "I will say that at no point were we not allowed to leave or unable to leave".[23] The Professor went on to say "the choice to stay there was ours…we did not feel that we were physically threatened"[24]

[22] Peter Kohn and Shane Desiatnik, Australian Jewish News, 'Israeli academic recounts ordeal', 28 March 2024 <https://www.australianjewishnews.com/israeli-academic-recounts-ordeal/>.
[23] Ibid.
[24] Ibid.

although both professors "felt very uncomfortable because it was loud..."[25]. It is clear that the media reporting relied upon by many is simply wrong to suggest that the TAU academics were locked in a room by the University. This article is at Appendix E.

This incident has been set out at some length to identify that a lack of safety legitimately felt by some Jewish students and staff at the University has been caused or contributed to by the inaccurate reporting of this incident.

## Protests in buildings

The holding of protests within a building on the University campus is also said to be part of the rich tradition of protest at the University. In years gone past storming of the Chancellor's office, sit-ins, taking over lecture halls and the occupation of buildings have all been engaged in. Protests which take place inside University buildings are more likely than protests staged outside of buildings to disrupt the ordinary course of the University's business and interrupt students engaged in learning. Protests which are held in buildings, as a consequence of their risk profile, do not fit within the modern legislative framework and as a result permitting them places the University at risk of being in breach of the various legal duties and obligations.

The WHS Reg requires that a PCBU provide the capacity for persons to enter and exit a workplace without risk to health and safety, both under normal and emergency circumstances.[26] That obligation will be met if the entry and exit to a building is not impeded by a protest.

Protest activity that is carried on within a building involves risk to those involved in the protest and those affected by it. The potential for persons to be harassed or bullied is greater when a protest is held inside a building. The confined nature of the space has the potential to magnify the adverse impact that a protest might have on a person in the vicinity of the protest. A person may not be able to remove themselves from the vicinity of protest activity taking place inside a building. Loud chanting or message delivery,

[25] Ibid.
[26] WHS Reg 40.

particularly if megaphones are used by the protestors is likely to cause risk and possible harm to persons in the building.

The Campus Access Policy prohibits protests in buildings.[27] The policy also states that protests must not unreasonably impede the access or movement of people or vehicles.[28] This policy is presently under review. Some of the submissions made to the Review have criticised this policy as being an attack on the right to freedom of speech. None of those submissions have mentioned the duties and obligations imposed by the WHS Act.

The Campus Access Policy post review should continue the prohibition against all forms of protests in buildings. It should also clearly prohibit the impeding of access to and exit from buildings, which is supported by WHS Reg 40(1).

The continuation of a policy prohibiting protests within buildings would have a number of other benefits. Firstly, it would result in every building on the campus being a safe place in which anybody could seek refuge, particularly in circumstances where activity taking place outside of buildings was making them feel unsafe. Secondly, the disruption to the ordinary course of the University's business and students' capacity to learn by protest activity would be decreased. This would address a number of the complaints that people felt unsafe on campus as a result of the encampment and the protest activity accompanying it.

***See Recommendation 2***

## Disruption to lectures

Lectures generally commence at the University at five minutes past the hour. The five-minute period is used by students to prepare for the lecture. This period has also been used as a time during which a student or group of students can, with the permission of the lecturer, address the gathered students who are attending the lecture. That opportunity is said to be one of the traditions of the University.

[27] Campus Access Policy 2024 cl 8(4).
[28] Ibid cl 8(5).

No doubt before the advent of social media platforms the opportunity to address a collected group of students face to face was an important one. However, communication of events, social or political, can now be made to the wider student population using social media platforms including the University's online forums.

Many complaints to the Review have been made about the use of this five-minute period to deliver messages considered to be inappropriate interruptions and which have no relevance to the course of study being undertaken. Many students find this disturbing, including students with disabilities, who have complained that in addition to it being upsetting, that it makes it difficult to prepare for the lecture. Since 7 October 2023 some have described announcements being made regarding the war in Gaza and the messages being delivered as antisemitic. Some have described being harassed and yelled at.

One example of the type of interruption raised in the Review involved students from the encampment who came into the classroom before the lecture commenced. Those students were not members of the student group attending the lecture. The students from the encampment took photographs of all the students in the class without asking their permission, which they said would be posted on social media. The students were told by those taking the photographs that if they did not want their photograph taken, they could hold a piece of paper in front of their face. Additionally, there are allegations that the message being delivered was antisemitic. Whatever the content of the message, taking over a classroom and making demands is likely to be intimidation, bullying and at the very least an unwanted interruption for those students preparing for the upcoming lecture.

It appears to be the case that at least on some occasions the opportunity to address students awaiting the commencement of a lecture has been taken without first obtaining the permission of the lecturer. While a lecturer can ask a student to leave it can be difficult to remove them if they do not want to comply with the request. If a lecturer has difficulty convincing the student to leave this only causes greater disruption to those waiting for the commencement of the lecture.

A student who is presently awaiting their lecture to commence really has no option but to sit through the announcement, even if doing so makes them feel uncomfortable or worse. The circumstances where students feel they are being yelled at, harassed, made to feel

unwelcome or unsafe should not be permitted. This consequence is eliminated if students are prohibited from addressing those gathered in the lecture theatre prior to a lecture commencing.

There should be no opportunity provided for students to make any announcement before a lecture commences. Making any announcement to those gathered to attend the lecture by a student or students before a lecture commences should be an identified category of misconduct.

***See Recommendation 3***

If social media does not provide a sufficient means for students to communicate and there is a compelling reason to provide students with an opportunity to address those gathered in a lecture, then that opportunity could be provided to students at the end of the lecture. Providing the opportunity to address those at the end of the lecture permits those who wish to leave to do so. Any message delivered following the end of the lecture should first require the lecturer's permission. It must also be made clear, if this opportunity is provided, that the prohibition against protests in buildings applies and if the student(s) delivering the message are using this opportunity to protest that they would be in breach of that prohibition and dealt with for misconduct.

## Posters

The Review has been told of many circumstances where posters have been put up around the University in places not permitted by the University's Advertising on Campus Policy which regulates areas in which posters can be displayed. That policy is currently under review by the Policy Working Group. There are many photographs and descriptions of posters which are in areas not permitted by the Advertising on Campus Policy, and which contained material that some found antisemitic, intimidating or threatening. The presence and proliferation of these posters caused some to feel unsafe on campus.

The University's PRS staff were removing posters from unauthorised areas of the campus on a daily and sometimes twice daily basis. This did not prevent the posters in large numbers being continuously replaced in unauthorised areas of the University campus.

By restricting the areas in which posters can be put up, the Advertising on Campus Policy provides students and staff an opportunity to either see or avoid the posters so that they are not confronted by them in a way which they cannot avoid.

A number of formal complaints were made by students and staff about the presence and content of the posters on the campus through the University's complaints procedure. There were a large number of issues raised to the Review about the complaints system itself, which are dealt with later in the Report.

The Advertising on Campus Policy places the responsibility for compliance on individuals. In most cases the complainant was not present when the poster was put up. In those circumstances the identity of the individual(s) who put up the posters will not be known to the complainant and very often will not be able to be established. Where the identity of the individual is not established there is nothing under the present system regulating complaints that can be done, and the complainant is advised that no further action can be taken. This will often leave complainants feeling aggrieved. In those circumstances to some it appears that the University is unwilling, unable to, or uninterested in acting on the issue raised in their complaint. This has created a belief that the University is permitting posters to be put up in contravention to the Advertising on Campus Policy.

Where some action is taken because of a complaint, the complainant is far more likely to be satisfied with the process than if no action is taken at all.

The majority of posters on campus are produced by student organisations (Organisations) These student organisations and groups are registered with the University[29] so that they are eligible to receive funding to support their activities from the University through the Student Services and Amenities Fee (SSAF) Fund and in some cases from other sources. Where posters are put up on the campus which identify an Organisation or Organisations as the author, or where the posters are advertising an event that is being run by an Organisation or more than one Organisation, then the Organisation(s) should be held responsible for ensuring that their posters are put up in compliance with the Advertising

[29] Student Association Policy 2020; Student Associations Procedures 2021.

on Campus Policy. Compliance with that policy and all other University policies should be a condition of registration for funding.

Where an Organisation's posters are put up on the campus in a way or place that breaches the Advertising on Campus policy it is the Organisation who should be liable to sanction. The range of appropriate sanctions which could be imposed on an Organisation will need to be carefully considered. The range of sanctions imposed should neither be too harsh nor so insignificant that it will not discourage Organisations from breaching University policy. The type of sanction might depend on the policy that has been breached by the Organisation. Where an Organisation has breached the Advertising on Campus Policy for the first time, or infrequently, and the breach is identified early, it may be sufficient to require the Organisation to remove the offending posters immediately.

A sanction where an Organisation is in breach of a policy may involve withholding or reducing the Organisation's funding. It may be appropriate, depending on the circumstances of the breach and the record of the Organisation to make the sanction one which suspends funding, on a temporary basis or permanently. Where an Organisation is in breach of the University's polices on a repetitive basis consideration might have to be given to precluding its office and position holders (or some of them) from being eligible to hold an office, elected or otherwise in any Organisation which receives funding from the University.

Holding an Organisation responsible where it breaches the Advertising on Campus Policy would address the allegation that the making of a complaint on this issue results in no action being taken. It will also minimise the likelihood that posters are put up "all over" the University. It will make dealing with a complaint of that kind simpler to process and therefore likely to be dealt with in a timely way. As the sanction would be imposed on an Organisation, there would be no reason the complainant could not be informed of it. By doing so the University would demonstrate that it will not permit a breach of its policies and that it is not unwilling to, unable to, or uninterested in acting on a complaint.

## Complaints Procedure

The Review has received many submissions identifying problems with the University's complaints procedure. They are that the complaints procedures are complex, slow, receive generic communications and lack transparency.

Those involved in administering and dealing with complaints are highly trained, diligent and professional in the way they treat all aspects of the complaints made to the University. All complaints are treated seriously. Those dealing with complaints face many issues, some of which are:

- The subject matter of complaints is very diverse as a complaint may arise in any part of the University's operations.
- Complainants may wish to remain anonymous.
- The information provided may not identify the individual(s) who are responsible for or involved in the behaviour complained about.
- The information provided by the complainant may be insufficient.
- Persons named in complaints may seek legal advice and sometimes legal representation.
- Privacy considerations may be and often are involved.
- Whatever the result of the complaint someone may refer it to the Ombudsman for review of the substance or the process.
- An appeal to the Administrative Division of the Supreme Court of NSW may be possible.

The problems which have been raised have not been caused or contributed to by the personnel handling complaints. It is the system which they administer for the handling of complaints which gives rise to these problems and is currently under review.

Where a complaint is made, the investigation resulting from it is initially directed to establishing if there is evidence to identify, with a sufficient degree of certainty, the individual(s) who engaged in the misconduct complained about. If that evidence is available, then the individual(s) is advised, and the investigation continues to determine if the misconduct on the part of the individual is established. This involves providing the individual(s) whose identity has been established with a proper opportunity to explain and raise any matter which they think is relevant. This opportunity is necessitated by the rules of natural justice to which all individuals alleged to have engaged in misconduct are entitled to by law.

Some submissions suggest that the complaints system is not worth pursuing as nothing will result. Many have complained that the process takes too long. Individuals who feel that the University has taken inadequate or no action and have seen the activity complained about continue, such as posters appearing in unauthorised areas of the campus, have described themselves as feeling unsafe.

The complaints procedures are presently the subject of a comprehensive review initiated by the University's Office of General Counsel.

***Complexity***

The University's complaints procedures are complex. They involve multiple entry points, policies, processes, systems and complaints handlers. This is added to by a complex and onerous regulatory framework with multiple laws and regulations which have to be considered and can impact complaints.

Which of the procedures is engaged and who within the University is responsible for the processing of the complaint will vary depending on a variety of factors. These factors include who the complaint is made by and about whom the complaint is made. Complaints made by students about students go to the Student Affairs Unit,[30] complaints made by staff members about students first go to Workplace Relations and are then referred to the Student Affairs Unit if necessary,[31] complaints made by students about

[30] Student Complaints Procedures Policy 2015 cl 7(1).
[31] Ibid cl 7(3)(a).

staff members first go to the Student Affairs Unit and may then be referred to either the relevant faculty, Provost, administrative unit or Workplace Relations,[32] and complaints about sexual matters including harassment go to the Safer Communities Office.[33] A complaint which raises an academic consideration will be reviewed by a different person or persons than a complaint made about an academic regarding behaviour not associated with academia.[34]

Complaints have been made to the Review that accessing complaint forms and the procedures which explain how to commence the different complaints is not easily done. Forms have been produced for different types of complaints however finding the correct form for a particular type of complaint can be challenging. The University website is not easy to navigate for this purpose. Going through the process of finding the correct form, the correct area of the University to lodge a particular complaint and understanding what is required to make a particular type of complaint from a website which is not user friendly can be confusing and frustrating.

Where a complaints procedure is difficult to access or navigate it may result in under reporting. Under reporting is an issue as trends and problems are not clearly identified at an early time. The identification of trends and problems is necessary to be proactive.

The present review should be continued to achieve a complete overhaul and simplification of every aspect of the complaints procedures. That review should be detailed and is likely to identify more issues than have been raised with the Review. The following suggestions regarding the overhauling of the complaints procedures are drawn from the submissions made to the Review and are included for the assistance of the University's ongoing review.

A single central office (the Complaints Office) should be established. This will create a single place in the University where all complaints are directed to, no matter who is making them, who is being complained about or what the subject matter of the complaint is can be lodged and processed.

[32] Ibid cl 8(11)(c).
[33] Staff Sexual Misconduct Policy 2023 cl 13; Student Sexual Misconduct Policy 2023 cl 13.
[34] University of Sydney (Student Academic Appeals) Rule 2021; Student Complaints Procedures 2015 cl 1(3)(a).

Once established the Complaints Office should be in a position to triage complaints making sure that they are dealt with or relevant aspects of them are considered by the persons with the necessary experience and skills to deal with the particular subject matter of the complaint. The Complaints Office should be responsible for ensuring that complainants are kept informed of the progress of their complaint including the reason for any delay. This approach together with disclosure of any reasons for delay will address the criticism that the process is not transparent.

It is likely that a complete overhaul of the complaints procedures will result in the need for an investment in appropriate technology. Technology is also likely to speed up the handling of complaints. It is beyond the scope of this Review to consider or investigate the types of technology that might best suit the University, and no attempt has been made to do so.

There are complaints received by the University which do not go through the existing complaints procedures because they are sent to senior personnel within the University including the Vice-Chancellor. In addition to creating a burden on the staff assisting those senior persons, there remains the potential that complaints end up being missed or dealt with inconsistently because they have not become part of the complaints procedures. Those complaints received by senior personnel should be referred to or logged with the Complaints Office. This will assist in creating transparency in the process.

***See Recommendation 5***

***Alternative Dispute Resolution***

The University's policies that deal with the resolution of complaints, include some alternative dispute resolutions mechanisms. Unfortunately, those mechanisms have not been widely used. As part of the review of the complaints procedures consideration should be given to strengthening the University's alternative dispute resolution mechanisms. Mediation, which is a voluntary process, is an option offered in many dispute and complaint processes. Mediation provides an alternative to the completion of formal processes and can provide a quick alternative to a formal determination of the

complaint. It provides the parties to the complaint, who opt to participate in it, an opportunity to air the subject matter of the complaint confidentially and explore a pathway to resolution of the issue the subject of the complaint. Whether mediation is an appropriate option will depend on the subject matter and seriousness of the complaint.

Where mediation is appropriate, it provides the parties to the complaint with an opportunity to reach an agreement which does not involve the imposition of a penalty. Often complaints, particularly those about behaviour, can be resolved through discussion between the parties by such things as an apology, the recognition of an alternate position or the gaining of insight into the other person's motivation for the behaviour, amongst others. The parties to a dispute can often achieve a personally satisfactory result to a dispute through mediation which would otherwise not be available through the complaints procedure.

***See Recommendation 6***

***Reporting on Complaints***

There is a perception that the University does not take actions on complaints. This perception has found its way into many areas including the media. There is little or no information available in the public arena to identify how many complaints are received by the University, the subject matter of those complaints, how many of those complaints are dealt with to completion and how many are substantiated. The consequence of this lack of public information is that the public perception, particularly as it is reflected in the media, is a very negative one. Publicly, the number of complaints received is thought to be a significantly higher number than the University's records show to be the fact. The subject matter of the complaints is thought to be more damning than is reflected by the records of those complaints. Issues such as the time taken to process complaints is speculated on. There is a perception that the University is unwilling, unable to, or uninterested in acting on complaints.

This problem of perception could readily be addressed by having a report sent to the Senate on a regular bi-monthly basis (or another suitable interval) and thereafter released

to the public. Paying proper regard to privacy considerations the report would identify the nature of the complaints received by grouping similar complaints together so that there is no need to identify the specific circumstances of individual complaints. The report would also need to include how many of the complaints received since the last report had been dealt with and the expected timeframe for the completion of the balance of those complaints. Publishing a report of this kind would immediately provide an accurate basis for those in the community, including the media, to assess the University's progress in the handling of complaints and be more accurately aware of the nature of the subject matter raise in complaints.

There may be other matters which could appropriately be included in such a report. These matters will no doubt become obvious during the review of the complaints procedures. The report would dispel the perception that there is any level of inaction or that the University is not, or not interested in handling complaints made to it.

Where it is public knowledge that complaints are being dealt with and that they are being dealt with in a timely fashion, the system disclosing that information is unlikely to have a significant under reporting problem.

***See Recommendation 7***

***Reporting on Substantiated Complaints***

Where complaints are substantiated the person or Organisation found to have breached the University's policies or rules will receive some form of penalty or a suspended penalty. At the present time, however, driven by considerations given to privacy, others are generally not made aware of the penalties the University is imposing for breaches of its policies. Where penalties imposed are not known by the general student and staff population of the University, those penalties do not act as a deterrent to others. That penalties should act as a deterrent to others is a recognised element of our legal system.

To achieve a deterrent effect, the nature of a penalty imposed for a breach of the University's policies must be known publicly. Given that complaints are made about

individuals there are relevant and compelling privacy considerations to which attention must be paid.

It is not suggested that the University should publish individual penalties or that the identity of those upon whom the penalty has been imposed be made public. A report could be sent to the Senate, possibly on an annual basis, which identified in a group fashion the nature of complaints that had been substantiated and the range of penalties imposed in respect of each of those groups. The report would have to be made public.

Publishing de-identified statistics on employee misconduct in the form of an annual report is a practice that is becoming more prevalent among corporations. For instance, the KPMG 'Our Impact Plan 2024' discloses the number of conduct reports raised, the number closed out, the type of misconduct (breach of the code of conduct, discrimination or sexual harassment) and the number that were substantiated.[35] The Deloitte 'Making an Impact FY24 Annual Report' discloses the number of concerns raised, the number investigated and closed out, the number substantiated and the number of those dealt with either by counselling, reprimand or firm exit. Examples of this kind of reporting should be considered by the University.[36]

***See Recommendation 8***

## Freedom of Speech and Academic Freedom

Both students and staff have the right to freedom of speech at the University.[37] The essential elements of freedom of speech and academic freedom "mark it as a defining characteristic of universities and like institutions."[38] The scope of freedom of speech and academic freedom in the sector is not settled as there is no common consensus as to the boundaries of each.[39] The maintenance of freedom of speech and academic freedom is fundamental to the University's operations. For the purposes of the Review academic

[35] KPMG, 'Our Impact Plan 2024', page 19.
[36] Deloitte, 'Making an Impact FY24 Annual Report', page 24.
[37] Charter of Freedom of Speech and Academic Freedom cl 5(1).
[38] The Honourable Robert French AC, 'Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers' March 2019, page 114.
[39] Ibid page 13.

freedom and intellectual freedom are considered to have the same meaning. The terms have been used herein interchangeably. In taking this approach the discussion of the meaning of academic freedom contained in the French Report, page 18 is acknowledged. Freedom of speech is not and has never been without limitations. In exercising the right to freedom of speech it must be done consistently with the law at the time of its exercise. The law prohibits "various forms of excessive conduct including that which is offensive, insulting or obscene, harassing or intimidating."[40] Freedom of speech does not permit the use of hate speech or vilification.

Freedom of speech and academic freedom includes the right to peaceful protest. However, boundaries of this freedom are not well understood and often ignored. The French report provides:

> *"It does not carry with it a right to go onto private land in order to express a particular view.*
>
> *It does not carry a right to protest against the speech of others by shouting them down or otherwise acting to prevent them from speaking. There are, and always have been, limits.*
>
> *It does not permit negative speech directed toward particular classes of persons defined by their attributes, ancestry or religious beliefs, can contravene laws giving effect to humans rights norms."*[41]

In March 2021 the Federal government amended the HES Act to require that all higher education providers including the University have a policy that "upholds freedom of speech and academic freedom."[42] This amendment reflected the recommendations contained in the Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers (the French Report). The University's Charter of Freedom of Speech and Academic Freedom (the Charter), which was amended following the

[40] Ibid page 103.
[41] Ibid pages 102-103.
[42] HES Act s 19-155. See also objects cl 2-1(a)(iv).

publishing of the French Report and before the HES Act was amended, meets this legislative requirement.

The Charter acknowledges that although the right to freedom of speech and academic freedom is fundamental, it is not without restriction.[43] Both statute and common law place restrictions on both freedom of speech and academic freedom.[44] The Charter acknowledges the right of persons at the University to protest and disagree subject to restrictions imposed by law.[45] In addition to the Charter the University's commitment to freedom of speech and academic freedom is reiterated in many of its polices and statements.[46]

The *University of Sydney Enterprise Agreement 2023-2026* (the Agreement 2026**)** also embodies the University's commitment to the protection and promotion of intellectual freedom[47]. The exercise of intellectual freedom recognises that staff members of the University are at liberty to express unpopular or controversial views, without impact on their employment, provided that in doing so they do not engage in harassment, vilification or intimidation.[48] The exercise of intellectual freedom under the Agreement 2026 must be "in accordance with the highest ethical, professional and legal standards."[49] This is also an acknowledgement in the Agreement 2026 that intellectual freedom must be exercised in accordance with the restrictions imposed by the law.

The limits imposed by the law on freedom of speech have altered with the introduction of new laws and amendment of existing laws. As laws develop to reflect changing societal standards, they have imposed on many aspects of life including the right to freedom of speech. Laws such as the WHS Act, The AD Act and the SD Act and others in the employment field have created duties and obligations which must be met by PCBUs. The

[43] Charter of Freedom of Speech and Academic Freedom 2020 cl 5.
[44] The Honourable Robert French AC, 'Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers' March 2019, page 103.
[45] Charter of Freedom of Speech and Academic Freedom 2020, cls 5(1)(a) and 5(5)(a).
[46] Anti-Racism Statement, https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity.html>.
[47] University of Sydney Enterprise Agreement 2023-2026 cls 366-368.
[48] Ibid 366(b)(iv).
[49] Ibid 368. See also University of Sydney Enterprise Agreement 2018-2022 cl 317; University of Sydney v NTEU [2024] FCAFC 57.

meeting of those duties and obligations may, and in some circumstances will, impose limits on the right to freedom of speech.

There does not appear to have been any significant consideration given in either case law or academic writing to the impact the WHS Act might have on freedom of speech or academic freedom. However, as speech can result in risk to health and safety the WHS Act does operate as a law which limits freedom of speech and academic freedom.

## Clarity through Context

***"One should aim not at being possible to understand,***

***but at being impossible to misunderstand"***

Quintillian, 95AD

Freedom of speech and academic freedom have been considered earlier in the report. They are fundamental to all universities. They are part of the foundation of the University and what the University stands for.[50] They are, as earlier discussed, not without their limits; they, and their use, are subject to the law.

The Review has received submissions identifying particular words and phrases, which some argue are legitimate expressions of a political view, whilst others argue those same words and phrases are antisemitic or racist. Determining which of these competing views is correct has proven to be difficult for the University and many others who have attempted it. Those who allege that the words and phrases are antisemitic do so as part of a wider argument that antisemitism is on the rise in the community generally and at the University. One expression of this point of view is:

[50] The Honourable Gareth Evans AC QC FASSA FAIIA, 'Maintaining Universities' Raison D'etre: Meeting the Challenge, Inaugural Chancellor's Oration' to the University Chancellors' Council (UCC) 11th National Conference on University Governance, *The Challenge of Change for Australian Universities,* 4 October 2018.

> "Antisemitism is a light sleeper which has awoken with a vengeance on the University of Sydney Camperdown campus, often justified under the cover of anti-Zionism and oxygenated under the cover of 'free speech.'"[51]

Whilst this is an eloquent description of the problem of antisemitism experienced on the University campus, it does not reflect the view of all Jewish people or those who support them.

In another submission to the Review the author wrote:

> "I have deep roots in the Australian Jewish community. It is from this position that I write to express my disappointment and frustration at the weaponisation of antisemitism accusations to silence forms of protest and critique that are legitimately directed at the State of Israel and the political ideology of Zionism"[52]

Some Jewish authors pointed out that there are no Jewish communal leaders or organisations who speak for all Jewish people in Australia on the issues the subject of the Review, "no community is a monolith". Clearly the Jewish community is one in which there is a divergence of strongly held views each of which has proper foundation and must be respected. Like many in the Jewish community, others expressed strongly held but divergent views on what it is that constitutes antisemitism and in particular which words and phrases, if used, were antisemitic.

All submissions to the Review appear to support the concept of freedom of speech and the encouragement of open, vigorous and serious debates[53] about any topic including political ones. However, there is deep disagreement over what words and phrases are permitted in such debates and where the boundary between legitimate freedom of speech and impermissible speech lies.

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[51] 5A submission to the Review.
[52] The author sought to remain anonymous.
[53] Debate is not used in any technical sense and should be read to include all forms discussion heated or otherwise.

Shortly after 7 October 2023 the University recognised this problem and set about trying to establish what speech did and what did not constitute antisemitism. To assist, it sought expert advice both from inside and outside the University, which was not illuminating. It looked widely at the experience of other universities around the world and other places of higher learning. Academic papers on the topic of antisemitism and racism generally were considered. The various definitions of antisemitism were reviewed. This process led to the same position facing the Review: there is no universally accepted definition of antisemitism and there is no definitive guidance on precisely where the line between acceptable and unacceptable speech exists.

Resulting from its consideration of these issues, the University published its Anti-Racism Statement which states that the University will not accept any form of "discrimination based on colour, descent, caste, national or ethnic origin, language, sex, sexual orientation, gender, gender identity or expression, sex characteristics, marital or relationship status, age, disability, religion, migration status, refugee or asylum status, socio-economic status, or other status."[54] The supplementary resources to the Anti Racism Statement identify and refer to the most widely accepted definitions of antisemitism and recommend them as guidelines.

The difficulty is in determining how serious debate can be held about difficult topics in which controversial opinions are raised. At present, given the circumstances confronting the University and the world, that difficulty is most prominent in relation to antisemitism, Islamophobia and racism. However, the same difficulty, what is and is not acceptable speech when used in a debate which is held having regard to freedom of speech, will arise in the future in relation to topics other than the war in Gaza. The University's policies and procedures must be developed having regard to that likelihood.

In addressing this issue, concentration has been initially focused on antisemitism. As will be made clear, the result from this consideration is of general application to debates at the University.

[54] Anti-Racism Statement, https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity.html>.

Where a word or phrase is obviously antisemitic, then clearly it cannot be used. Doing so would breach the University's policies and statements[55] which would amount to misconduct on the part of a student or staff member who used the word of phrase. It may also amount to a breach of the law. Repeated use of a word or phrase over a period of time may expose those offended or upset by it to psychosocial harm. That could be the case if the same word or phrase is used over time in different settings such as a chant, in an address to a class gathered for a lecture, in a meeting and if used to shout down a person with a different view so that they are not able to be heard.

It is not the words or phrases that are clearly antisemitic which cause the problem. It is words and phrases which can be used as a legitimate expression of view or in a way which is antisemitic. Often it will be claimed by the person using the word or phrase that they have done so in a legitimate context whilst those who have heard what was said are certain that an antisemitic word or phrase has been used. If a person is later trying to determine whether the speaker or the listener is correct, they will need to look to the context in which the word or phrase was used. The context is often difficult to establish, leaving open whether the word or phrase was legitimately used, or it was an antisemitic expression. Trying to establish context after the event can be a challenging, time consuming and often a fruitless exercise.

The legitimate utilisation of word or phrases which could also be considered antisemitic or racist is well explored by Rabbi Jill Jacobs in her paper titled

> 'Criticism of Israel and Antisemitism: How to Tell Where One Ends and the Other Begins.'[56]

In that paper Rabbi Jacobs explores the circumstances involving protests against the war in Gaza in the USA since 7 October 2023, including those on American university campuses. In the paper the Rabbi points out:

[55] Bullying, Harassment and Discrimination Prevention Policy 2015; Anti Racism Statement; Viva Engage Terms of Use 2024 cl 6(5)(b); Student Charter 2020 cls 8(1)(a) and 8(1)(c).
[56] Rabbi Jill Jacobs, 'Criticism of Israel and Antisemitism: How to Tell Where One Ends and the Other Begins', 22 May 2024.

> *"As protests against the war have erupted, so has significant confusion – sometimes deliberate and sometimes not – about the boundaries between criticism of Israel and antisemitism*" [57]

The Rabbi identifies the division of opinion within the Jewish community:

> "*In order to fight antisemitism, it is important to be clear about what it is and what it is not. Too many on the right have levied false charges of antisemitism against virtually any criticism of Israel. This has allowed for crackdowns on legitimate free speech and has allowed some on the left to conclude that no criticism of Israel is antisemitic. But some criticism does, in fact, cross the line into antisemitism.*" [58]

Rabbi Jacobs has explored "instances in which criticism of Israel does not necessarily cross the line into antisemitism"[59] and those in which it does. One of the examples explored by the Rabbi is the use in protests and other places of the phrase "from the river to the sea, Palestine will be free." The Rabbi opines that some proponents of that phrase:

> *"Argue that a free Palestine will also include Jewish citizens in a single democratic state. This belief is not antisemitic, as long as one is sincere about protecting Jews within such a state.*
>
> *However, most Jews hear this slogan as a call to expel Jews from Israel. The fact that this slogan appears in Hamas's 2017 charter makes it difficult for Jews to understand the words otherwise. The terms also echoes Syrian leader Hafez el-Assad's 1966 declaration, "We shall only accept war…We have resolved to drench this land with our blood, to oust you, aggressors, and throw you into you the sea for good."*

[57] Ibid page 1.
[58] Ibid page 2.
[59] Ibid.

*Therefore, it is advisable for anyone who does not want to be viewed as antisemitic to avoid this phrase or use it only when there is an opportunity to clarify their meaning.*

*As is the case in other situations of potential prejudice, the impact is often more important than the intent. And there are many other ways to declare one's commitment to the freedom of Palestinians without suggesting that Israeli Jews should leave."*[60]

As Rabbi Jacobs makes clear in her paper and in the extract set out above, it is the context in which a particular phrase or word is used that will make the statement a legitimate criticism or one which crosses the line into antisemitism. The context is the domain of the user of the phrase. It is important therefore that the context be made clear by the user of the phrase, so that they are not mistaken for being antisemitic when their intention was to convey legitimate criticism.

Although, by referring to the paper by Rabbi Jacobs, an example of a particular phrase that could be antisemitic or used in a legitimate way depending upon context has been explored, the same observations apply to statements that could be used legitimately or otherwise in other areas such as the use of phrases which could be, depending on context, sexist, racist, bullying or Islamophobic.

Academics are familiar with the need to identify and explain context. Academic writing requires clarity of argument. Clarity is not achieved if the reader is left to determine for themselves the meaning to the words and phrases used to advance the argument. To achieve clarity the academic must inform the reader of the context in which particular words and phrases have been used.

Persons who seek to use language presumably do so in circumstances that do not breach laws prohibiting racism, sexism, bullying, hate speech, intimidation or harassment and, for that purpose, would usually make the listener aware of the context in which the speech is being used so no adverse conclusion as to its use could be drawn and there can be no suggestion that a law has been broken.

[60] Ibid page 12.

That the user of speech which has the potential to offend if used in a particular context has the obligation to establish the context in which the speech is being used finds support in the approach taken by the Full Federal Court of Australia in its decision in *University of Sydney v National Tertiary Education Industry Union* [2024] FCAFC 57.

In that matter the University had dismissed Dr Anderson for misconduct arising out of certain statements made by him and posts he made on social media which were said to be impermissible. Dr Anderson maintained that the statements he made, and his social media posts, were permitted by the clauses in the *University of Sydney Enterprise Agreement* (2018 -2021) (2018 Agreement)[61] dealing with Intellectual Freedom.

Justices Perram and Lee both found that it was Dr Anderson who was required to prove that his "various comments had complied with the highest ethical, professional and legal standards referred to in clause 317."[62] Put in legal terms, Dr Anderson bore the onus. It was for Dr Anderson to explain how his "conduct could be characterised as being consistent with the highest ethical, professional and legal standards referred to in cl 317."[63]

Any person using a word or phrase that could possibly be interpreted in such a way that it is unlawful or otherwise impermissible should be made responsible for identifying to the audience at the time the word or phrase is used, the context in which it is used. Requiring a speaker to identify the context as suggested here reflects the approach taken by the Full Federal Court in the Dr Anderson proceedings. By identifying context which establishes the legitimacy of their use the words and phrases could not be understood to have an impermissible meaning. They will not be construed as sexist, bullying, harassment or racist. The speaker will have ensured clarity.

[61] University of Sydney Enterprise Agreement (2018 -2021) Cls 315-317.
[62] University of Sydney v National Tertiary Education Industry Union [2024] FCAFC 57 Perram J at [2], [12], [14], [21]. See also Lee J at [28] and [31].
[63]Ibid Perram J at [14].

## Civility

In the exercise of freedom of speech, the University through policy, statements and guidelines requires students and staff members to engage in discourse of all kinds with civility. Engaging with civility underpins the way in which the University seeks its academic staff and students to speak and behave in all situations.

The Student Charter seeks to "protect academic freedom and safeguard the presentation of ideas through the presentation of ideas through robust, informed and respectful debate that is free from discrimination and harassment[64] (emphasis added). Students are expected to:

- Treat others with respect regardless of gender, religion, race, sexuality or disability;[65]
- Avoid engaging in bullying, harassment or discriminatory behaviour, including on social media;[66] and
- Support academic freedom and freedom of speech for themselves and for others.[67](emphasis added)"
-

The Charter of Freedom of Speech and Academic Freedom states as follows:

- The University of Sydney greatly values courage, civility and respect and promotes a climate where people disagree well.[68]
- The duty to foster the wellbeing of staff and students includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in exercising their freedom of speech. [69] (emphasis added)

The University of Sydney Statement on Respectful Engagement on Campus, 16 March 2024[70] (Statement) includes the following: "a campus is place of civility and mutual

[64] Student Charter 2020 cl 7(f).
[65] Ibid cl 8(1)(a).
[66] Ibid cl 8(1)(c).
[67] Ibid cl 8(1)(f).
[68] Charter of Freedom of Speech and Academic Freedom pt 1 cl 2(5).
[69] Ibid pt 2 cl 4(b).
[70] Anti-Racism Statement, <https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity.html>.


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respect, where everyone feels welcome, safe and included."[71] The Statement refers to "respectful protest and cultural safety", as well to "robust, non-violent, informed civil debate." [72] It notes that courage and civility are greatly valued at our University as is the promotion of culture where people disagree well.

The University published in 2024 an education module titled 'Engaging with Civility.' That module refers to the Student Charter and draws attention to clause 8(1)(a) which is set out above. The module contains the following statements:

- "The University is committed ensuring an inclusive, anti-racist institutional culture and has recently issued the Anti-Racism Statement."[73]

- "We all have a responsibility to be inclusive, respectful and considerate in our words and actions to ensure everyone at the University feels connected and is treated with respect, regardless of gender, religion, race, sexuality or disability."[74] (emphasis added)

Consistently with this approach, the requirement for a speaker to identify the context in which the words and phrases being used are to be understood should be seen as a means of ensuring that persons engage with civility.

***See Recommendation 9***

As discussed below, the New Civility Rule should be enforced in all lectures, seminars, tutorials and meetings which take place within any of the University's buildings.

Staff members and students have a right to use the University's buildings and facilities (facilities) subject to the law and any lawful requirement imposed by the University for

[71] Ibid.
[72] Ibid.
[73] University of Sydney Engaging with Civility Module.
[74] Ibid.

doing so. The University's requirements for using its facilities can be found in various policies, procedures and statements.

Lectures, seminars and tutorials are all conducted by members of the University staff who will, resulting from the changes suggested above, be responsible to ensure that the context in which they deliver their material and each aspect of it is clear to their audience.

The University should require that staff and students holding or participating in any form of lecture, seminar, tutorial or meeting in any of its facilities comply with the New Civility Rule. This is intended to be in addition to, and not in substitution of, the University rules which are already in place for the conducting of lectures, seminars, tutorials and meetings.

A failure to comply with the New Civility Rule should be dealt with as a misconduct matter.

***See Recommendation 10***

There are at the University many meetings conducted in the University buildings by Organisations. One meeting, held by the Student Representative Council on 7 August 2024, has been the subject of a number of different complaints to the Review, most of which have informed consideration already outlined in the report.

An important aspect of the complaints made about the meeting is that a motion which was proposed by a group of Jewish students was shouted down by those assembled. No proper opportunity was given to those moving this motion to address it or for them or others to speak to it. They were not treated with respect or listened to as required by the Student Charter. One of the Jewish students at the meeting, Celina Di Veroli, recorded her experience of the meeting in an article published in The Australian Jewish News on 9 August 2024.[75] In describing the meeting Ms Di Veroli said "What should have a forum for open dialogue instead became a crucible of hostility,…."

[75] Celina Di Veroli, Australian Jewish News, 'Silenced Voices: Rejecting Mob Mentality', 9 August 2024 <https://www.australianjewishnews.com/silenced-voices-rejecting-mob-mentality/>.

Where a person or persons are not allowed an appropriate opportunity to engage by expressing their view even if a majority of those present hold a different view, no matter how strongly, the right to freedom of speech and the University's present rules regarding civility and the obligation to "disagree well" are not met.

It falls to the persons or Organisations conducting the meeting to ensure that the meeting is conducted consistently with the University's policy and the obligation to listen. Where instead of respectful debate a meeting descends into a sea of angry voices or speakers are shut down by other means, only those responsible for the calling of the meeting are able to bring it back to civility.

The University's policies should reflect that it is the convenor of a meeting being held in the University's facilities who must ensure that the meeting is conducted consistent with the University's engaging with civility principles. It should be made clear that this obligation includes the requirement to comply with the New Civility Rule.

Where a student Organisation holds a meeting using University facilities, the Organisation should be accountable if they do not conduct those meetings in compliance with the civility principles. Sanctions should be imposed on the Organisation if it fails to comply with the University's civility principles whist running meetings.

***See Recommendation 11***

To ensure that Organisations and their office and position holders are aware of and able to ensure that all meetings are held in compliance with the University's civility principles, the University should make it compulsory that every office holder undertake the Engaging with Civility module, noting that it will need to be amended to reflect the adoption of the New Civility Rule. Existing office and position holders within University funded student associations should be given some appropriate time by which they would be able to establish that they had done the Engaging with Civility module.

It should be a requirement in all University funded Organisations that any new office or position holder is only permitted to occupy the office within the Organisation if they have completed the Engaging with Civility module. Where a student Organisation permits any

of its office and position holders to act in or discharge the responsibilities of that office or position, the responsibility for breaching the requirement in respect of the completion of the Engaging with Civility module should rest with both the individual and the Organisation. In the case of an individual, a breach of the policy would be misconduct. The Organisation should be made accountable by the imposition of a sanction which could include withdrawal of their funding in whole or in part if they fail to comply with the requirement that all their office and position holders have completed the Engaging with Civility module.

***See Recommendation 12***

## Policies

The University has a complex system of policies, guidelines, rules, procedures, provisions, faculty resolutions and other resolutions. There are 102 policies. Many of these policies overlap. Some deal with small areas of activity that could otherwise be comfortably accommodated somewhere else. Many appear to deal with a limited circumstance which has a small area of impact. There are also a small number of policies that have not been reviewed for many years and have little or no relevance to the University's present-day circumstances and operations.

Identifying which policy or policies is applicable to a particular issue is often a difficult task. Where policies overlap it is not easy to identify how they are intended to work together. The policies are often expressed in general terms which lack sufficient clarity to be certain. They are often lengthy and use words and phrases that have multiple meanings. Policies which use language of this kind make it difficult to identify the University's position on a matter and more difficult to comply with the policy.

Where an organisation has a very large number of policies, it is often the case that the polices are not well understood and, in some cases, not referred to at all. Having various other documents to which regard must be had to understand the University's actual position on a matter compounds this problem. Putting to one side staff members whose function is directly affected by a policy or polices, the submissions made to the Review

make it clear that the University's policies are not well understood and rarely consulted. People from outside of the University have difficulty locating them and even more difficulty gaining clarity from them. The existing system of polices and other University position documents does not create transparency.

Recognising this, the University is currently undertaking a robust policy transformation project to ensure its policies are fit for purpose and simplified.

In March 2024, the University implemented a Policy Working Group. To date, the Policy Working Group has introduced two new policies, the Viva Engage Terms of Use 2024, which outlines appropriate use of the Viva Engage online platform used by staff, and the Campus Access Policy 2024, which governs use of, and conduct, on its land. Following the events on campus since 7 October 2023 including the encampment, further policies have been identified as a priority for review. The Policy Working Group is currently reviewing its Flag Guidelines, the Acceptable Use of ICT Resources Policy, University Staff and Students Broadcast Email Policy, Public Comment Policy and Advertising on Campus Policy. The University should continue with this initiative to review all of its policies with the aim of simplification, clarity of language and to ensure that its policies are fit for purpose.

***See Recommendation 13***

## Surveillance

Many complaints arising from activity in the outdoor areas of the campus have been unable to reach a positive conclusion due to a lack of evidence as to who was engaging in the activity complained about. The University's CCTV system has limitations in its coverage of the outdoor areas of the campus. The University is at the present time upgrading its CCTV capacity both in respect of the technology and coverage it will provide. The completion of this project will enhance the capacity to identify those responsible for inappropriate behaviour about which a complaint has been made. The increase in the capacity of the CCTV monitoring system will create a safer environment by enabling quicker and more decisive responses to circumstances as they arise and complaints as they are made.

## Security Protocols

The University has had a number of visits by persons who require particular security measures to be implemented when visiting the campus. Politicians and dignitaries, domestic and foreign, as well as others, are increasingly requiring or require security assessments of the places they visit and a particular level of security in place when they do. The University has some capacity to provide security for visitors to the campus which is geared to the provision of such services at a level appropriate for usual activity. Even with well-planned visits the events surrounding them can require an increased security or peace keeping presence on short notice. Often in the case of visiting politicians and dignitaries, this additional level of security will be provided by the state or federal police. Where coordination between the University security service and external security services is required, it is essential that protocols are in place to ensure that the expectations of each party to the protocol are well understood.

The circumstances that have arisen on campus since 7 October 2023 have resulted in the University's PRS dealing with NSW police on many occasions. Whilst these interactions have been handled very professionally by the PRS, they have been ad hoc meetings and discussions which were dealing with a particular issue which had arisen.

There have been circumstances where, as a result of a particular level of protest activity on campus, the provision of security services has not been appropriate. The protest activity directed at the visit to the campus by the Honourable Malcolm Turnbull AC resulted in the interruption by protestors of his visit leading to its early conclusion. I have earlier referred to the visit to the University by academics from the Tel Aviv University. There have been occasions when University security became aware of a need for, and the presence of, police on the campus only after the arrival of those police.

The establishment of protocols through agreements with police which can be acted on in any appropriate circumstance is an important step in proactively maintaining safety on the campus. Agreements of this kind not only operate to ensure the safety of visitors but also provide reassurance for others on the campus that their safety will be maintained.

***See Recommendation 14***

## Footbridges

There are two footbridges which pedestrians use to enter and leave the University's Camperdown campus. The footbridge over City Road is owned by the University, whilst the footbridge over Parramatta Road is owned by Roads and Maritime Services. Individuals and Organisations do, as part of a protest, hang banners over the railing on the footbridge so that the messaging on the banner can be seen from passing cars. Both footbridges would be a means of access and egress for which the University bears a health and safety duty.[76]

The hanging of banners from the footbridges involves risk, and the possibility that the banner might fall onto the roadway below creates a risk to passing traffic. There is a risk arising from working at height whilst the banner is being positioned or removed. Weather conditions such as rain and wind may add further risk. To comply with WHS Act duties and obligations all the risk arising from the hanging of banner must be assessed and eliminated or, if it is not reasonably practicable to do so, minimised. The opportunity to assess the risk is not available to the University before a banner is put up where that is done as part of a protest. However, the risk of the banner becoming detached remains and is a matter for which that University has a work health and safety duty under the WHS Act.

To meet health and safety standards the University should prohibit the hanging of banners in any circumstance from the footbridges. This would eliminate the risk.

The hanging of a banner from either footbridge in breach of this prohibition should be recognised as misconduct. Organisations should be held responsible for compliance with this prohibition in the same way, and with the same consequences for breach, as has been set out in the section of this report dealing with the placing of posters on campus.

***See Recommendation 15***

[76] WHS Reg 40(1).

## Conclusion

As is clear from the commissioning of this Review, the University is looking for ways to deal with problems and issues on campus. Where those issues reflect a serious world problem the task of keeping the campus a place where students and staff feel safe is complex. There are no easy answers.

Despite having policies and procedures which are intended to address these issues the University has still been criticised for not doing enough and for not doing anything. Taking additional steps will help build public trust in the University. Despite the difficulty in doing so, striking a balance between the use of impermissible speech and the proper application of freedom of speech and academic freedom is now imperative.
The University deserves credit for the initiatives it is undertaking. However, it will need to take additional steps so that students, staff, alumni and all other stakeholders are confident that their association with the University is something of which they are proud.

**Appendix A**

**List of Recommendations:**

1. The prohibition on encampments as a form of protest on any University campus should be maintained as part of the current review of the Campus Access Policy.

2. The prohibition against any form of protest within a building on the University campus, and the impeding of access to and exit from any building by protest, be maintained following the review of the Campus Access Policy.

3. The University prohibit any student from addressing those present in a lecture, seminar or tutorial prior to the commencement of the lecture, seminar or tutorial on any subject matter. A breach of the prohibition may be considered misconduct.

4. The University should hold Organisations responsible if posters identifying them or an event which they are involved in are put up on campus in breach of the Advertising on Campus Policy.

   That the University develop a range of sanctions including the withholding of funding to an Organisation which can be imposed on an Organisation found to be in breach of University policy.

   Where an Organisation is repeatedly acting in breach of University policy, consideration should be given to precluding its office and position holders (or some of them) from being eligible to hold an office in that or any other Organisation receiving University funding.

5. The University should continue to support its review of its complaints procedures with a view to a complete overhaul and simplifying every aspect of it.

   The review of its complaints procedures should consider establishing a single central office to receive and process all complaints.

6. The University should strengthen existing mechanisms for alternative dispute resolution processes, such as mediation, as part of its review of the complaints procedures. Complainants should be advised, where appropriate, that alternative dispute resolution is an option available to them.

7. The University should publish a regular report to the Senate containing the number of complaints received, the nature of the complaints, the number of complaints resolved since the last report and the timeframe for the resolution of outstanding complaints. The information contained in the report should be presented in such a way that it does not identify the individuals mentioned in the complaints.

8. The University should publish a public report that identifies the range of penalties imposed in matters where a breach of University policy has been substantiated.

9. The University should amend its policies and procedures to make clear that each person utilising a word or phrase is responsible at the time the word or phrase is used to identify to the audience the context in which it is used. (New Civility Rule)

10. A failure to conduct a lecture, seminar, tutorial or a meeting which takes place within any of the University's facilities in accordance with the New Civility Rule should be recognised as misconduct and treated accordingly.

11. The University's policies be amended to make clear that Organisations are responsible for conducting all meetings held by them using University facilities in compliance with the Civility Principles.

    Where an Organisation breaches this requirement, it will be liable to sanction for breach of the University's policy.

12. The University policies should be amended to require Organisations, when conducting a meeting using University facilities, to comply with the University's Civility Principles.

    In order to hold an office or position within an Organisation the persons holding that office or in that position must have completed the Engaging with Civility module.

Where an Organisation permits a person to hold an office or act in a position, and that person has not completed the Engaging with Civility module, both the Organisation and individual should be held accountable.

Where a person holds an office or occupies a position without completing the Engaging with Civility module, the person's breach of the policy would amount to misconduct.

An Organisation should be held responsible for a breach of the policy where it permits a person who has not completed the Engaging with Civility module to hold an office or occupy a position and subject to sanction which could include the withdrawal of their funding in whole or in part.

13. The policy review presently being undertaken and the Policy Working Group should be supported with a view to achieving a review of all of the University's policies and the simplification of them.

14. The University should approach both the NSW Police and the Federal Police with a view to entering into with them formal protocols which set out how they can assist the University if the need arises.

15. That attaching banners to the footbridges be prohibited.

**Appendix B**

**List of University policies and statements relevant to the Review:**

- Acceptable Use of ICT Resources Policy 2019
- Advertising on Campus Policy
- Anti-Racism Statement
- Anti-Racism Statement (Supplementary Resource Guide) 2024
- Bullying, Harassment and Discrimination Prevention Policy 2015
- Bullying, Harassment and Discrimination Resolution Procedures 2015
- Campus Access Policy 2024
- Charter of Freedom of Speech and Academic Freedom 2020
- Privacy Policy 2017
- Public Comment Policy
- Reporting Wrongdoing Policy 2023
- Resolution of Complaints Policy 2015
- Smoke Free Environment Policy 2019
- Staff and Affiliates Code of Conduct 2021
- Staff Sexual Misconduct Policy 2023
- Student Associations Policy 2020
- Student Associations Procedure 2020
- Student Charter 2020
- Student Complaints Procedures 2015
- Student Sexual Misconduct Policy 2023
- University Events Planning and Management Policy 2021
- University of Sydney (Campus Access) Rule 2009
- University of Sydney (Student Discipline) Rule 2016
- Viva Engage Terms of Use 2024
- Work Health and Safety Policy 2016
- Work Health and Safety Procedures 2016

**Appendix C**

**List of legislation under which the University has obligations:**

- A New Tax System (Australian Business Number) Act 1999 (Cth)
- A New Tax System (Goods and Services Tax) Act 1999 (Cth)
- Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Agricultural and Veterinary Chemicals Act 1994 (Cth)
- Agricultural and Veterinary Chemicals Code Act 1994 (Cth)
- Agricultural and Veterinary Chemicals Code Regulation 1995 (Cth)
- Agricultural and Veterinary Chemicals Act 1994 (NSW)
- Agricultural and Veterinary Chemicals (New South Wales) Regulation 2015 (NSW)
- Anatomy Act 1977 (NSW)
- Animals Act 1977 (NSW)
- Animal Research Act 1985 (NSW)
- Animal Research Regulation 2021 (NSW)
- Anti-Discrimination Act 1977 (NSW)
- Apprenticeship and Traineeship Act 2001 (NSW)
- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Australian Charities and Not-for-profits Commission Regulation 2013 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Autonomous Sanctions Act 2011 (Cth)
- Autonomous Sanctions Regulations 2011 (Cth)
- Biodiversity Conservation Act 2016 (NSW)
- Biological Control Act 1985 (NSW)
- Biosecurity Act 2015 (Cth)
- Biosecurity Regulation 2016 (Cth)
- Biosecurity (Human Health) Regulation 2016 (Cth)
- Biosecurity Act 2015 (NSW)
- Biosecurity Regulation 2017 (NSW)
- Building and Construction Industry Security of Payment Act 1999 (NSW)
- Building Products (Safety) Act 2017 (NSW)
- Business Names Registration Act 2011 (Cth)

- Charitable Fundraising Act 1991 (NSW)
- Charitable Fundraising Regulation 2021 (NSW)
- Charitable Trusts Act 1993 (NSW)
- Charitable Trusts Regulation 2017 (NSW)
- Chemical Weapons (Prohibition) Act 1994 (Cth)
- Cheques Act 1986 (Cth)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Child Support (Registration and Collection) Act 1988 (Cth)
- Children's Guardian Act 2019 (NSW)
- Children's Guardian Regulation 2022 (NSW)
- Circuit Layouts Act 1989 (Cth)
- Circuit Layouts Regulations 1990 (Cth)
- Civil Aviation Act 1988 (Cth)
- Civil Aviation Safety Regulations 1998 (Cth)
- Companion Animals Act 1998 (NSW)
- Companion Animals Regulation 2018 (NSW)
- Competition and Consumer Act 2010 (Cth)
- Contaminated Land Management Act 1997 (NSW)
- Conveyancing Act 1919 (NSW)
- Copyright Act 1968 (Cth)
- Copyright Regulations 2017 (Cth)
- Data Availability and Transparency Act 2022 (Cth)
- Data Availability and Transparency Regulations 2022 (Cth)
- Data Availability and Transparency (National Security Measures) Code 2022 (Cth)
- Data Availability and Transparency (Consequential Amendments) Act 2022 (Cth)
- Data Availability and Transparency (Consequential Amendments) Transitional Rules 2022 (Cth)
- Data Sharing (Government Sector) Act 2015 (NSW)
- Defamation Act 2005 (NSW)
- Defence Trade Controls Act 2012 (Cth)
- Defence Trade Controls Regulation 2013 (Cth)

- Disability Discrimination Act 1992 (Cth)
- Education Services for Overseas Students (Registration Charges) Act 1997 (Cth)
- Education Services for Overseas Students (Registration Charges) Regulations 2021 (Cth)
- Education Services for Overseas Students (TPS Levies) Act 2012 (Cth)
- Education Services for Overseas Students Act 2000 (Cth)
- Education Services for Overseas Students Regulations 2019 (Cth)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Environment Protection and Biodiversity Regulation 2000 (Cth)
- Environmental Planning and Assessment Act 1979 (NSW)
- Environmental Protection Act 1994 (Qld)
- Environmental Protection Regulation 1994 (Qld)
- Explosives Act 2003 (NSW)
- Explosives Regulations 2013 (NSW)
- Export Control Act 1982 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Firearms Act 1996 (NSW)
- Firearms Regulation 2017 (NSW)
- Food Act 2003 (NSW)
- Food Regulations 2015 (NSW)
- Foreign Influence Transparency Scheme Act 2018 (Cth)
- Fringe Benefits Tax Act 1986 (Cth)
- Fringe Benefits Tax Assessment Act 1986 (Cth)
- Gene Technology Act 2000 (Cth)
- Gene Technology Regulation 2001 (Cth)
- Gene Technology (Licence Charges) Act 2000 (Cth)
- Gene Technology (New South Wales) Act 2003 (NSW)
- Government Information (Public Access) Act 2009 (NSW)
- Government Information (Public Access) Regulation 2018 (NSW)
- Government Sector Audit Act 1983 (NSW)
- Government Sector Finance Act 2018 (NSW)

- Health Care Complaints Act 1993 (NSW)
- Healthcare Identifiers Act 2010 (Cth)
- Health Insurance Act 1973 (Cth)
- Health Practitioner Regulation National Law Act 2009 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Heritage Act 1977 (NSW)
- Heritage Regulation 2012 (NSW)
- Higher Education Support Act 2003 (Cth)
- Human Tissue Act 1983 (NSW)
- Income Tax Act 1986 (Cth)
- Income Tax Assessment Act 1997 (Cth)
- Income Tax Assessment Act 1936 (Cth)
- Income Tax Rates Act 1986 (Cth)
- Independent Commission Against Corruption Act 1988 (NSW)
- Independent Contractors Act 2006 (Cth)
- Indigenous Education (Targeted Assistance) Act 2000 (Cth)
- Industrial Chemicals Act 2019 (Cth)
- Industrial Chemicals (General) Rules 2019 (Cth)
- Liquor Act 2007 (NSW)
- Liquor Regulation 2018 (NSW)
- Medicines Poisons and Therapeutic Goods Act 2022 (NSW)
- Modern Slavery Act 2018 (Cth)
- Modern Slavery Act 2018 (NSW)
- Narcotic Drugs Act 1967 (Cth)
- Narcotic Drugs Regulation 2016 (Cth)
- Narcotic Drugs (Licence Charges) Act 2016 (Cth)
- National Greenhouse and Energy Reporting Act 2007 (Cth)
- National Greenhouse and Energy Reporting Regulations 2008 (Cth)
- National Health Act 1953 (Cth)
- National Health Security Act 2007 (Cth)
- National Health Security Regulations 2018 (Cth)
- National Parks and Wildlife Act 1974 (NSW)

- National Parks and Wildlife Regulation 2019 (NSW)
- Nuclear Non-Proliferation (Safeguards) Act 1987 (Cth)
- Nuclear Non-Proliferation (Safeguards) Regulations 1987 (Cth)
- Ombudsman Act 1974 (NSW)
- Ozone Protection Act 1989 (NSW)
- Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (Cth)
- Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 (Cth)
- Payroll Tax Act 2007 (NSW)
- Pesticides Act 1999 (NSW)
- Pesticides Regulation 2017 (NSW)
- Plant Breeder's Rights Act 1994 (Cth)
- Poisons and Therapeutic Goods Act 1966 (NSW) )
- Poisons and Therapeutic Goods Regulation 2008 (NSW)
- Prevention of Cruelty to Animals Act 1979 (NSW)
- Prevention of Cruelty to Animals Regulation 2012 (NSW)
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy and Personal Information Protection Regulation 2019 (NSW)
- Protection from Harmful Radiation Act 1990 (NSW)
- Protection from Harmful Radiation Regulation 2013 (NSW)
- Protection of the Environment Operations Act 1997 (NSW)
- Protection of the Environment Operations (General) Regulation 2022 (NSW)
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (NSW)
- Protection of the Environment Operations (Waste) Regulation 2014 (NSW)
- Public Health Act 2010 (NSW)
- Public Health Regulation 2022 (NSW)
- Public Interest Disclosures Act 2022 (NSW)
- Public Interest Disclosures Regulation 2022 (NSW)
- Public Interest Disclosures Act 2022 (NSW)
- Racial Discrimination Act 1975 (Cth)

- Radiocommunications Act 1992 (Cth)
- Retail Leases Act 1994 (NSW)
- Retail Leases Regulation 2022 (NSW)
- Rural Fires Act 1997 (NSW)
- Security Industry Act 1997 (NSW)
- Security Industry Regulation 2016 (NSW)
- Security of Critical Infrastructure Act 2018 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Smoke-free Environment Act 2000 (NSW)
- Smoke-Free Environment Regulation 2016 (NSW)
- Soil Conservation Act 1938 (NSW)
- Space (Launches and Returns) Act 2018
- State Authorities Superannuation Act 1987 (NSW)
- State Emergency and Rescue Management Act 1989 (NSW)
- State Records Act 1998 (NSW)
- State Records Regulations 2015 (NSW)
- Stock Medicines Act 1989 (NSW)
- Stock Medicines Regulation 2019 (NSW)
- Student Identifiers Act 2014 (Cth)
- Student Identifiers Regulation 2014 (Cth)
- Superannuation Act 1916 (NSW)
- Superannuation Guarantee (Administration) Act 1992 (Cth)
- Superannuation Guarantee Charge Act 1992 (Cth)
- Surveillance Devices Act 2007 (NSW)
- Surveillance Devices Regulation 2022 (NSW)
- Taxation Administration Act 1953 (Cth)
- Taxation Administration Act 1996 (NSW)
- Tertiary Education Quality and Standards Agency Act 2011 (Cth)
- Tertiary Education Quality and Standards Agency (Charges) Act 2021 (Cth)
- Therapeutic Goods Act 1989 (Cth)
- Therapeutic Goods Regulation 1990 (Cth)
- Therapeutic Goods (Medical Devices) Regulations 2002 (Cth)

- Trustee Act 1925 (NSW)
- Trustee Regulation 2020 (NSW)
- Unclaimed Moneys Act 1995 (NSW)
- University of Sydney Act 1989 (NSW)
- University of Sydney By-law 1999 (NSW)
- Veterinary Practice Act 2003 (NSW)
- Water Management Act 2000 (NSW)
- Water Management (General) Regulation 2018 (NSW)
- Weapons of Mass Destruction (Prevention of Proliferation) Act 1995 (Cth)
- Weapons of Mass Destruction Regulations 2018 (Cth)
- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- Workers Compensation Act 1987 (NSW)
- Workplace Injury Management and Workers Compensation Act 1998 (NSW)
- Workers Compensation Regulation 2016 (NSW)
- Workers' Compensation (Dust Diseases) Act 1942 (NSW)
- Workplace Gender Equality Act 2012 (Cth)

**Appendix D**

**The University's announcement regarding the peaceful end to the encampment:**

Update: Monday 24 June 2024

**Peaceful end of protest encampment**

Today Vice-Chancellor and President, Professor Mark Scott, wrote to students and staff confirming the peaceful end of the protest encampment on campus.

***

Dear colleagues and students,

I wanted to let you know that the protest encampment on the University's front lawns has packed up and we're looking forward to holding Semester 2 Welcome there in a few weeks.

After weeks of discussions and deep listening to members of our diverse community, we are pleased that the encampment has ended peacefully without violence. We know it has been a very difficult time for many members of our community.

**Summary**

As part of the agreement to end the encampment, we have upheld the core principles of freedom of speech and academic freedom. Specifically, we will not restrict student exchanges, academic partnerships or institutional relationships with any country or industry as part of this agreement.

As we said on 5 June, we are:

- doubling our expenditure over the next three years to support academics and PhD students under the Scholars-at-Risk Program
- convening a working group to provide feedback on our investment policies with a lens to ensure they reflect our commitment to human rights, including consideration of the position of defence- and security-related industries in our Investment Policy and our Integrated ESG Framework
- as is standard practice for many universities globally, disclosing our defence- and security-related research activities including research contracts and research grants, subject to contractual, legal and privacy obligations

I share our community's distress at the events in the Middle East and the ways in which that conflict is reverberating here in Australia. Our focus from the beginning has been to de-escalate tensions on campus, and our top priority is always the safety of our students, staff and the broader community. We have zero tolerance for any form of racism, threats to safety, hate speech, intimidation, threatening speech, bullying or unlawful harassment, including antisemitic or anti-Muslim language or behaviour.

Since the conflict broke out, the University has been clear that we condemn violence, terrorism and any breach of human rights; and we continue to hold collective hope for an immediate cessation of hostilities.

I'm pleased we've been able to reach a peaceful resolution to the encampment, and I look forward to students enjoying Welcome Fest on the front lawns in a few weeks' time.

Kind regards,
Mark

**Mark Scott**
**Vice-Chancellor and President**

**Appendix E**

**The Australian Jewish News article with regarding the TAU Academics visit to the University:**

**Israeli academic recounts ordeal**

After an ordeal lasting around 90 minutes, with no apparent intervention from University of Sydney security personnel, the Israeli guests were escorted off the premises.

By Peter Kohn and Shane Desiatnik March 28, 2024, 11:55 am

When pro-Palestinian demonstrators at the University of Sydney invaded a function room where Tel Aviv University (TAU) academics were running an information stall, Professor Milette Shamir, one of the Israeli visitors, was just metres from the rampage.

Shamir, TAU's vice-president for international academic relations and Sharon Ziv-Kafri of TAU's Lowy International School found themselves in the same room as the demonstrators who had burst in and were shouting anti-Israel slogans.

There are reports that with another anti-Israel demonstration on campus, the function room's doors were locked, but a University of Sydney spokesperson was adamant that nobody inside the function room had been forcibly detained.

After an ordeal lasting around 90 minutes, with no apparent intervention from University of Sydney security personnel, the Israeli guests were escorted off the premises.

The Israelis had been invited by University of Sydney to run the information booth as part of a March 19 international fair promoting student exchanges.

Shamir told The AJN she had encountered multiple demonstrations of this type in different parts of the world.

"It wasn't a huge shock or surprise, as I'm familiar with what's going on now on campuses. This one was particularly unpleasant because it was very close to where we were. There was no buffer between us and demonstrators.

"We were for a long time in the same room with the pro-Palestinian protesters. I will say that at no point were we not allowed to leave or unable to leave.

"The choice to stay there was ours – simply because we didn't think it was right, having travelled so far, to put an end to what we set out to do.

“We did not feel that we were physically threatened. We felt very uncomfortable because it was loud and there were accusations [relating to] Tel Aviv University,” she said, recounting slogans shouted by the demonstrators accusing TAU of complicity “with genocide and apartheid – all the slogans that we’re familiar with”.

TAU president Ariel Porat sent a stern letter to University of Sydney vice-chancellor and president Mark Scott on Wednesday, describing the invasion of the information expo as “a violent instance of verbal assault against two women, preventing them from fulfilling the purpose for which they were invited”.

“I request a detailed explanation from you regarding what appears to be an extreme neglect by your university in preventing or at least taking responsibility for this shameful incident,” wrote Porat.

Shamir told The AJN that TAU is waiting to hear from Scott about the university’s account of what happened, and that meanwhile, University of Sydney’s international office has been providing support for the Israeli visitors.

“They were concerned about our safety and wanted to help us,” she said.

The TAU visitors, including Professor Karen Avraham, TAU’s faculty dean of medicine and life sciences, are in Australia to expand partnerships with Australian universities.

Australian Friends of Tel Aviv University president David Solomon said University of Sydney must take steps to ensure such incidents are not repeated. “We’re concerned that the university didn’t take stronger action to protect our people and also other stallholders.”

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-16" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# WSMS RFS Report - 1-488253

## TRIM

**File Number:** 2024/000422

**Document Number:**

## Type

**RFS Type:** Safety Concerns / WHS Complaints

**RFS Sub Type** Psychosocial Hazard

## Reference Details

**Reference Number:** 1-488253

**How Received:** Online Form

**Date Received:** 3/09/2024

**Managing Unit:** Ops Metro - Metro South B (East)

**Allocated Officer:** Whatman John - Active

**Entered By:** WSMS TEMPADMIN

**Status:** Complete

## Categorisation

**Legislation:** WHS Act

**Industry Type:** Education and Training

**Source:** Complaint

**Category:** 3.1 - Medium

## Triage/Triage History

**Triage Status:** Inspector Response

**Reason:**

| Create Date | Triaged By | Triage Result |
|---|---|---|
| 04-Sep-2024 11:44 am | Collins David - Active | Inspector Response |

## Hazard Coding

| Category | Description | Explanation |
|---|---|---|
| Psychosocial | Bullying / harassment | Workplace harassment and/or bullying |
| Psychosocial | Other | Other and unspecified issues related to psychosocial issues |

## Acknowlegment

**Receiving Unit:** Ops Metro - Metro South B (East)

**Acknowledged By:**

**Date Acknowledged:** 3/09/2024

## WHS Event Details

**Is Address Known:** Yes

**Address:** The University of Sydney
CAMPERDOWN NSW 2050

**Landmark Description:**

**Workplace Description:**

**Work Activity:** University

# WSMS RFS Report - 1-488253

## Onsite risks

**Are there any risks to the Inspector attending the site?:**

**Details of risk:**

### Risk Assessment and Response Plan details

| | |
|---|---|
| **Reference Number:** | 45254 |
| **Create Date:** | 6/09/2024 1:53:56PM |
| **Created By:** | blumei |
| **Have risks of client or public violence or aggression been identified?:** | No |
| **Contact the previous Inspector:** | No |
| **Contact PCBU before visit:** | No |
| **Review previous SafeWork NSW interactions:** | No |
| **Non-field response:** | No |
| **2 or more Inspector response required:** | No |
| **Attend in the company of NSW Police:** | No |
| **An agreed communication plan between the Inspector and the Manager whilst onsite is required:** | No |
| **Other:** | No |
| **Other details:** | |

## WHS Issue Details

**Specific Location:** In multiple locations on campus and online.

**Date issue first became apparent to the requestor:**

**Date issue was last apparent to the requestor:**

**Description of Issue:** Psychosocial Hazard - refer to Supporting Info and Attachments tab

Psychosocial Hazard TRIAGE FLOWCHART TRIM REF D24/188973- Inspector response: Matter reported and responded to, but not in line with policies or procedures.
Document supplied (see attachment TRIM: D24/188630) with photographic examples, and requesting SW investigation, with 22 workers signatures supporting the the complaint

## Requestor Response Information

**Requestor consents to WorkCover NSW raising issue with relevant workplace parties:** Yes

**Requestor consents to WorkCover NSW making the parties aware that the issue was raised by the requestor:** Yes

**What is requestor's relationship with place to which issue relates:** Ex-worker

**Has the requestor raised the issue with the person conducting the business or undertaking directly:**

**Outcomes if raised:**

## HSR

**Does requestor have a direct business relationship with the activities conducted by the business/undertaking:**

**Does the workplace have a health and safety representative:**

**HSR Name:**

**Has the requestor raised the issue with the Workplace Health and Safety Representative:**

**Further information:**

## Interested Parties

# WSMS RFS Report - 1-488253

| | | | |
|---|---|---|---|
| **Role:** | Requestor | | |
| **Party Name:** | Andy Smidt | | |
| **Address:** | | | |
| **Phone:** | | **Fax:** | |
| **Other Phone:** | | **E-mail:** | |
| **Role:** | Party Involved | | |
| **Party Name:** | THE UNIVERSITY OF SYDNEY, 15211513464 | | |
| **Address:** | F09 MADSEN BUILDING<br>EASTERN AVENUE<br>CAMPERDOWN NSW 2006 | | |
| **Phone:** | 1800 793 864 | **Fax:** | |
| **Other Phone:** | | **E-mail:** | engage.team@sydney.edu.au |

## Other Agencies

**Is the requestor aware of any other agencies that are involved in resolving the issue:** No

| Agency | Known Action Taken |
|---|---|

## Other Persons

**Requestor is aware of any other persons conducting businesses / undertakings involved in resolving the issue:**

**Other persons:**

## Comments

Date Submitted: 3/09/2024 11:19:26 PM

## Actions

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/09/2024 |
| **Type:** | Allocate File | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | David Collins | | |
| **Description:** | | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | Chloe Sculli | | |

**Description:** TRIM:D24/189080 - Additional documents from requestor

From: Andy Smidt [redacted] >
Sent: Wednesday, September 4, 2024 9:47 AM
To: Contact@safework.nsw.gov.au
Subject: TRIM:D24/189080 Re: Final version

You don't often get email from [redacted]. Learn why this is important

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]
Reference number PSY-030924-861838

Good morning

I submitted this late last night, and I just wanted to add in a couple of things I couldn't put into the form.

I submitted the incorrect version and then emailed you the correct one but forgot to add the reference number. I am also attaching a redacted version. The climate at the university is such that anyone who still works there is scared for their own career. I therefore have a redacted version that removes the names of all the witnesses. If you could please ensure not to send the names of the witnesses to the university please that would be really appreciated.

Many thanks

Andy

From: [redacted] >
Date: Tuesday, 3 September 2024 at 11:24 pm
To: contact@safework.nsw.gov.au <contact@safework.nsw.gov.au>
Subject: Final version
Hello

I just submitted on your website but realised that there was an error. If you can please use the attached version, that would be much appreciated.

Best regards

Andy

Associate Professor Andy Smidt (she/her)
Speech Pathology
Faculty of Health
[redacted]
Senior Fellow Higher Education Academy UK

Southern Cross University
Northern Rivers, Gold Coast, Coffs Harbour

¬¬¬Who we are:
scu.edu.au

Our Purpose, Values and Strategy

CRICOS Provider: 01241G, TEQSA Provider Code: PRV12043 Australian University
Southern Cross University acknowledges and pays respect to the ancestors, Elders and descendants of the Lands upon which we meet and study.

From: Contact@safework.nsw.gov.au
Sent: Wednesday, September 4, 2024 12:57 PM
To: Andy Smidt >
Subject: RE: Re: Final version

Thank you for your emails

The additional information has been lodged with SafeWork NSW.

If you would like to contact our organisation regarding the complaint, please call 13 10 50 and quote the reference number.

Kind regards

Chloe
Customer Service Advisor - Advisory Services team
SafeWork NSW
safework.nsw.gov.au T 13 10 50 E contact@safework.nsw.gov.au
Darkinjung Country, Locked Bag 2906, LISAROW NSW 2252

https://www.safework.nsw.gov.au/hazards-a-z/noise-at-work

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

This message, including any attached files, is intended solely for the addressee named and may contain confidential, personal or health information. If you are not the intended recipient, please delete the message and notify the sender. This email is subject to copyright. No part of it should be reproduced, published, communicated or adapted without the copyright owner's consent.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/09/2024 |
| **Type:** | Allocate File | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

| | |
|---|---|
| **Description:** | Phone call @ 2.05pm on Friday 6 September 2024 to complainant.<br><br>Complianant provided an overview of concerns.<br><br>Arranged to attend Sydney University Jewish Support Group by zoom next week. |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:**

Email received @ 12.39pm on Monday 9 September 2024 from complainant.

Hi John

I have spoken with my group and the best time for everyone seems to be Friday at 3pm. Would this suit you to join a zoom meeting?

In terms of other documents, I will forward some emails to you now – and the whole of the policy library at USYD seems to have gone down so I was somewhat limited in what I could get but I am attaching some of documents here

I am also attaching some of the group emails/letters to Mark Scott

I have sent you a large number of documents which I hope are helpful and not too confusing.

Many thanks

Andy

Associate Professor Andy Smidt (she/her)
Speech Pathology
Faculty of Health
[redacted]
Senior Fellow Higher Education Academy UK

Southern Cross University
Northern Rivers, Gold Coast, Coffs Harbour

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

# WSMS RFS Report - 1-488253

**Description:** Email received @ 12.53pm on Monday 9 September 2024 from complainant.

Subject: Material

[redacted]

Email to [redacted] sent 21 June:

[redacted]

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 1.18pm on Monday 9 September 2024 to complainant.

Hi Andy,

Thankyou for providing this information.

Friday 13th @ 3.00pm is good. Could you send me a link to the zoom please?

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m [redacted]
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

| | |
|---|---|
| **Description:** | Phone call @ 1.34pm on Monday 9 September 2024 to complainant.<br><br>Approved issues of concern to be raised by SafeWork with Sydney University<br><br>Willing with others of the jewish workgroup to meet with Inspector at Sydney University with Sydney University representatives to discuss concerns. |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Email sent @ 2.11pm on Monday 9 September 2024 to Sydney University rep: Tam.<br><br>Good afternoon Tam,<br><br>SafeWork is in receipt of a request for service in relation to allegations of antisemitism occurring at Sydney University campus.<br><br>The allegation is Sydney University is not managing risk to health and safety - Psychosocial Hazards to Jewish workers and students from antisemitism occurring at the Sydney University campus.<br><br>SafeWork has been requested to make enquiries into this matter.<br><br>Could you confirm if you are the appropriate PCBU representative or another person please.<br><br>Best regards,<br><br>John Whatman<br>Assistant State Inspector<br>SafeWork NSW - Operations and Enforcement<br>Metropolitan compliance – East<br>m<br>e john.whatman@safework.nsw.gov.au \| www.safework.nsw.gov.au<br>Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Email received @ 2.14pm on Monday 9 September 2024 from PCBU rep: Kim Grady \| Chief Health & Safety Officer - The University of Sydney<br><br>Hi John<br><br>I confirm I'm the appropriate contact for this matter.<br><br>Thank you<br><br>Kim Grady \| Chief Health & Safety Officer<br>The University of Sydney<br>Health & Safety \| Operations<br>Level 2, Services Building (G12) \| The University of Sydney \| NSW \| 2006<br>+<br>kim.grady@sydney.edu.au \| sydney.edu.au | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |

| | | | |
|---|---|---|---|
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:**

Email sent @ 2.25pm on Monday 9 September 2024 to PCBU rep: Kim.

Thankyou Kim,

Could you confirm the correct legal entity and ABN for Sydney University please?

S155 Notices will be issued to the PCBU requesting documents and information.

Could I make arrangements to speak with you via zoom please this week if practicable to discuss these concerns?

I am available on either Tuesday and Wednesday this week.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 9/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

# WSMS RFS Report - 1-488253

**Description:**

Email sent @ 3.24pm on Monday 9 September 2024 to PCBU rep: Kim E/A Maggie.

Hi Maggie,

Could we set aside 30 minutes please.

The S155 notices will be issued to the "Officer" of the PCBU Vice Chancellor Mark SCOTT.

I will direct the notices to the attention of Kim GRADY.

Confirmation for receipt of the S155 notices to SafeWork NSW will be requested upon service.

My availability is Tuesday between 10.30am to 4.00pm and Wednesday 1.00pm to 4.00pm.

If these times are not suitable, we can propose alternative dates week commencing 16 September.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

From: Maggie MacKenzie <maggie.mackenzie@sydney.edu.au>
Sent: Monday, September 9, 2024 3:09 PM
To: John Whatman <John.Whatman@safework.nsw.gov.au>
Cc: Kim Grady <kim.grady@sydney.edu.au>
Subject: Re: SafeWork NSW: Matter of alleged antisemitism: Sydney University: WSMS: 1-488253

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]
Hello John

Could I confirm how long you will need for this meeting on Tuesday or Wednesday please?

Kind regards
Maggie

MAGGIE MACKENZIE
Executive Assistant to Kim Grady, Chief Health & Safety Officer | Safety | Operations
THE UNIVERSITY OF SYDNEY
Level 2, Services Building (G12) | 22 Codrington St| Darlington | NSW | 2008
M +
E maggie.mackenzie@sydney.edu.au | Whttp://sydney.edu.au/whs

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

| | |
|---|---|
| **Description:** | Zoom meeting: Sydney university representatives.<br><br>1. Kim GRADY: Head of safety.<br><br>2. Angai Head: Manager Health & Welbeing<br><br>Issues:<br><br>1. Role of SafeWork<br><br>2. Issues of concern - RFS<br><br>3. Process of enquiries and actions<br><br>4. Questions and feedback |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Phone call @ 3.01pm on Wednesday 11 September 2024 to complainant.<br><br>Feedback on actions taken by Inspector.<br><br>Wishes to be part of a workplace visit.<br><br>No longer anonymous photo is in media. | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 3.23pm on Wednesday 11 September 2024 to PCBU rep: Kim GRADY

Hi Kim,

Could we aim for a visit by SafeWork to Sydney University on either of the following dates please?

1. Monday 23 September 24
2. Tuesday 24 September 24
3. Wednesday 25 September 24

Time frame 11.00am please.

The complaint and a small number of colleagues representing the group want to be present at the workplace inspection.

I will obtain further details about representation of the affected workgroup by either Health and Safety Representatives or WHS Committee this week.

The workplace inspection will involve enquiries with PCBU representatives, workgroup representatives, complainant and areas of the campus.

Please contact me if you have any questions or concerns.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 3.25pm on Wednesday 11 September 2024 from complainant.

Hi John

Here are the two articles from todays press

https://www.skynews.com.au/australia-news/university-of-sydney-sidelines-staff-member-handling-complaints-from-jewish-students-after-antiisrael-advocacy-exposed/news-story/28440877befc47bcd938f6495d876616

https://www.theage.com.au/national/nsw/jewish-academic-says-sydney-uni-became-toxic-after-october-7-attacks-20240908-p5k8wd.html

Thanks

Andy

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 16/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

| | |
|---|---|
| **Allocated officer:** | John Whatman |
| **Description:** | Zoom meeting @ 3.00pm on Friday 13 September 2024 with complainant others wishing to remain anonymous |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 19/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 8.30am on Thursday 19 September 2024 from Sydney Uni rep: Kim

Hi John

Just checking in on the visit next week. Have you been able to get a sense of the amount of people, meeting room requirements and route?

Thanks

Kim Grady | Chief Health & Safety Officer
The University of Sydney
Health & Safety | Operations
Level 2, Services Building (G12) | The University of Sydney | NSW | 2006
+
kim.grady@sydney.edu.au | sydney.edu.au

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email sent @ 5.49am on Friday 20 September 2024 to Sydney Uni rep: Kim

Hi Kim,

I will return back to you today with a potential confirmation.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Phone call @ 2.00pm on Friday 20 September 2024 to complainant.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |

| | | | |
|---|---|---|---|
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Phone call received from complianant @ 2.18pm on Friday 20 September 2024.<br><br>Confirmed to meet with PCBU next week. | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Email sent @ 3.41pm on Friday 20 September 2024 to PCBU rep: Kim<br><br>Good afternoon Kim,<br><br>Could we lock in 11am on Wednesday 25 September please?<br><br>I will be accompanied by my colleague State Inspector Ian FIRTH.<br><br>The complainant will be accompanying SafeWork Inspectors to meet with the PCBU representatives and inspect the relevant areas of the campus.<br><br>Could you also identify if any Health and Safety Representatives from an affected work group want to be included in this visit are accommodated.<br><br>Could Sydney University conduct a visit specific risk assessment please in relation to this visit to ensure that foreseeable risk to health and safety of the complaint (s) is managed.<br><br>Please advise if there is any site parking available for Inspectors, please.<br><br>You are welcome to contact me if you wish to discuss further.<br><br>I will send and invitation to you.<br><br>Best regards,<br><br>John Whatman<br>Assistant State Inspector<br>SafeWork NSW, Better Regulation<br>Department of Finance, Services and Innovation<br>m [redacted]<br>e john.whatman@safework.nsw.gov.au \| www.safework.nsw.gov.au<br>Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/09/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Phone call @ 11.15am on Friday 20 September 2024 to complainant.<br><br>Voice message left requesting call back. | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 25/09/2024 |
| **Type:** | Visit Assist | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | No |

| | |
|---|---|
| **Allocated officer:** | Ian Firth |
| **Description:** | Visit assist in company with Inspector John Whatman to University of Sydney.<br><br>z10862 pg022-025 |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 25/09/2024 |
| **Type:** | Visit | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Visit: Sydney University

Attended at 11.00am on Wednesday 25 September 2024 accompanied by SI Ian FIRTH the Sydney University campus.

Met at this location with following with the following persons.

Sydney university representatives.

1.Kim GRADY: Head of safety

2. Tamallee BEVERIDGE: Safety advisor

Complainant

1. Andy SMIDT – RFS complainant
2. Anonymous complainant
3. Anonymous complainant
4. Anonymous complainant
5. [redacted]
6. Anonymous complainant

Inquiries conducted by SafeWork which are ongoing.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 2/10/2024 |
| **Type:** | Filenote | **Applies to File:** | |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email recevied @ 6.03pm on Tuesday 1 October 2024 from complainant.

Hi John

The finding of the senate inquiry was just released. It has some really good points in it including recognition that a senate inquiry will be too slow. There are recommendations for the universities to put steps in place to combat antisemitism immediately. I have not yet read it closely enough but will do in the next day or so and send you my highlights but I am sharing it here in case you want to see it sooner.

Many thanks

Andy

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/10/2024 |

# WSMS RFS Report - 1-488253

| | | | |
|---|---|---|---|
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Notices issued S155 notices @ 2.07pm on Friday 4 October 2024

Good afternoon,

Dear Vice chancellor SCOTT AO

Kindly refer to the following S155 notices issued by SafeWork NSW in relation enquiries being undertaken into alleged antisemitism at Sydney University.

Please refer to S155 notices 7-492083 and 7-492084 with a compliance date of 25 October 2024.

Could your office kindly provide an acknowledgement of receipt of the S155 notices to SafeWork NSW please?

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Complainant feedback by phone @ 2.10pm Friday 4 October 2024.

Informed issuing of (2) S155 notices to Sydney University.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email received @ 2.39pm on Friday 4 October 2024 from Sydney Uni: VC Scott office.

Dear John,

Thank you for your email. On behalf of the Vice-Chancellor and President at the University of Sydney, we acknowledge receipt.

Kind regards,

Office of the Vice-Chancellor and President
The University of Sydney | NSW | 2006
vice.chancellor@sydney.edu.au | sydney.edu.au

CRICOS 00026A
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.
Please think of our environment and only print this email if necessary.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 15/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 12.45pm on Tuesday 15 October 2024 to PCBU rep: Tamallee.

Good afternoon Tamallee,

I have discussed your request with my team Manager Jared O'CONNOR.

The Section 155 notices 7-492083 and 7-492084 will be cancelled and reissued.

Paragraphs b (1) (2) in your submission will be separated into a new S155 notice and refined in context to assist Sydney University to comply.

The compliance period for this S155 notice will be 8 weeks.

Further S155 notices will be issued with a compliance period of 4 weeks in relation to the essentially less onerous requests for information and documents.

You are welcome to contact me to discuss further, if necessary,

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** S155 notices issued @ 3.55 on Wednesday 23 October 2024 to Sydney University: Officer Vice Chancellor SCOTT

Good afternoon Vice Chancellor,

Kindly refer to the following S155 notices issued by SafeWork NSW to Sydney University today.

1. 7-493581
2. 7-493627
3. 7-493639

S155 notices 7-492083 and 7-492084 have been withdrawn and reissued in the above S155 Notices.

Could your office kindly acknowledge receipt of these notices please Sir.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – East
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Phone call @ 4.00pm on Wednesday 23 October 2024 to complainant.

Customer feedback provided about SafeWork actions.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/10/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email received @ 4.42pm on Wednesday 23 October 2024 from Sydney University.

Dear John,

Thank you for your email. On behalf of the Vice-Chancellor and President at the University of Sydney, we acknowledge receipt.

Kind regards,

Office of the Vice-Chancellor and President
The University of Sydney | NSW | 2006
vice.chancellor@sydney.edu.au | sydney.edu.au

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/11/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

| | |
|---|---|
| **Description:** | Phone call @ 12.54pm on Wednesday 20 November 2024 to complainant Andy.<br><br>Voice message left requesting call back. |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/11/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Phone call received @ 1.17pm on Wednesday 20 November 2024 from complianant Andy.

Provided update about what actions SafeWork has taken and proposed as follows,

1. Returning on 10/12/24 to SU to follow up on actions taken by SU post former visit by SafeWork.

2. Andy provide more specific dates relating to incidents, concerns or issues for CCTV events which may have been recorded on CCTV by SU.

3. Hold a teams pre visit meeting with Andy and other complainants prior to 10/12/24.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 21/11/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | No |

**Allocated officer:** John Whatman

**Description:** Email sent @ 1.28pm on Wednesday 21 November 2024 to PCBU rep: Kim GRADY.

Hi Kim,

As discussed at our recent "teams' meeting in relation to S155 notice 7-493627 – Clarification around emails requested.

Could you kindly review the following suggested wording in the reference headings please?

Your suggestions will be considered and formalised into an additional S155 notice.

1. Concerns raised about psychosocial risk to health and safety from alleged anti – sematic activities occurring at Sydney University.

2. Concerns raised relating to psychosocial risk health and safety from encampments, political protests, demonstrations, and individuals demonstrating on site and entering faculty lectures and work areas promoting alleged anti – sematic messages, posters and conduct directed at Jewish workers and students.

3. Concerns raised relating to psychosocial risk health and safety from posters, graffiti, broachers on notice boards and handouts with alleged anti – sematic content and messages.

4. Concerns relating to safe access and egress to SU campus by Jewish workers and students having to walk past encampments, political protests, demonstrations and individuals demonstrating on site alleged anti – sematic messages when attending and leaving work or classes.

Best regards,

John Whatman
Assistant State Inspector
SafeWork NSW - Operations and Enforcement
Metropolitan compliance – South team B.
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

# WSMS RFS Report - 1-488253

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 4/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:**

Email received @ 3.01pm on Wednesday 4 December 2024 from PCBU rep: Tam

Dear Inspector Whatman

Thank you for your email.

Unfortunately, due to a number of pre-existing commitments as well as the University's upcoming annual shut down period (which commences on 20 December), the University has limited availability for a site visit during the remaining working days in December. However, as an alternative, we can provide our availability for a SafeWork site visit for the new year.

We also consider that it may be of more utility to arrange for a further site visit to occur once the University has complied with the current section 155 notices (No 7- 493581, No 7 - 493627 and No 7- 493639) which are due for compliance in the next three weeks. Scheduling a meeting in the new year will provide SafeWork with the opportunity to review and consider the information and material which will be provided prior to this time. It would also be of assistance if we could discuss with you the purpose and logistics of the meeting ahead of it occurring.

Please let us know if the proposed timing of a meeting in the new year is suitable for you.

Kind Regards
Tam Beveridge | Senior Manager Health and Safety Partners
The University of Sydney
Health, Safety and Wellbeing, Operations
G12 Services Building | The University of Sydney | NSW | 2006
+
tam.beveridge@sydney.edu.au | sydney.edu.au
CRICOS 00026A
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.
At times, I work flexibly. I do not expect you will read, respond to or action this message outside of your regular working hours.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 1.26pm on Friday 6 December 2024 to PCBU rep: Tam.

Good afternoon Tam,

Could we decide arrangements to return to the university in late January or early February 2025 please?

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email sent @ 1.57pm on Friday 6 December 2024 to complainant Andy.

Hi Andy,

I am unable to attend the planned follow up meeting at the university next Tuesday 10 December 24.

Attempts to decide arrangements to return the following weeks in December have not been agreed with the university due to its Christmas shutdown.

I have emailed the university to decide arrangements to return in late January or early February 2025.

I hope you can join us at this follow up visit.

Please contact me to discuss further if necessary.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 3.12pm on Friday 6 December 2024 from complainant Andy.

Hi John,

Yes that is predictable from the uni – the uni really does grind to a halt from mid Dec to mid Jan. I am back from leave on 7th Jan and happy to attend the meeting if it is during weeks I am in Sydney. I am not available from 29th – 31st Jan but otherwise should be around.

I have some other things to send to you so I will try to do that early next week. Many thanks for all your support and wishing you a peaceful end of year and new year period.

Cheers

Andy

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 19/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 5.19pm on Thursday 19 December 2024 from SU rep: Kim Grady.

Dear Inspector Whatman

We attach correspondence in relation to Section 155 Notice No. 7-493639. These documents and all other responsive documents can be accessed via the below Microsoft Teams link:

Section 155 Notice No. 7-493639

With respect to a meeting next year, Tam and I are available the below dates and times. We request that you provide details of the attendees expected at the meeting and any requests we may need to facilitate eg site/location tours so we can be prepared.

- Wed 22 January (after 11am)
- Thurs 30 January (after 12pm)
- Wed 5 February
- Monday 10 February (before 2pm)

Wishing you a happy and restful festive season.

Regards

Kim Grady | Chief Health & Safety Officer
The University of Sydney
Health & Safety | Operations
Level 2, Services Building (G12) | The University of Sydney | NSW | 2006
+
kim.grady@sydney.edu.au | sydney.edu.au

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:**

Hi Andy,

Please consider the following dates to return to the university in 2025

- Wed 22 January (after 11am)
- Thurs 30 January (after 12pm)
- Wed 5 February
- Monday 10 February (before 2pm)

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 20/12/2024 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:**

Email sent @ 12.58pm on Friday 20 December 2024 to PCBU rep: Kim GRADY

Good afternoon Kim,

Compliance is verified in relation to S155 notice 7-493639.

An enjoyable festive season and happy new year to you each.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 10.37am on Thursday 23 January 2025 to complaint.

Hi Andy,

I am back from leave this week.

Due you have any availabilities in February?

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 10.59am on Thursday 23 January 2025 from complainant.

Hi John

Yes I do – I am actually in Sydney for the whole of Feb so please do suggest some date options and I will liaise with the others in my group and see what we can do. If you want to see the campus when it is likely to be buzzing, I would suggest welcome week (19th – 21st Feb) – there will be stalls and megaphones and no doubt student groups protesting about Palestine – but the uni might prefer you not come then……

Cheers

Andy

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email sent @ 2.16pm on Thursday 23 January 2025 to complainant.

Hi Andy,

Thankyou for the suggestion.

I will contact the uni and make arrangements to return to the campus during that nominated week.

You are welcome to call me if you have any issues or concerns you wish to discuss.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

# WSMS RFS Report - 1-488253

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 23/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 3.54pm on Thursday 23 January 2025 to PCBU rep: Kin GRADY.

Hi Kim,

We would like to return to the university on Thursday 20th February 2025.

My colleague ASI Peter Barron is in Sydney during this week the 20th being a preferred date.

Please let me know if this is suitable.

The purpose of the visit is to follow up on what actions the university has taken since our visit on 25 September 2024.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 30/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

# WSMS RFS Report - 1-488253

**Description:**

Email received @ 11.44am on Thursday 30 January 2025 from PCBU rep: Kim GRADY

Dear Inspector Whatman

Thank you for your email.

Unfortunately key individuals from the University who are closely involved in this matter, including myself, are unavailable the week of 20 February 2025. So that they can attend, would it be possible to schedule the visit during either the week commencing 10 February or the week commencing 27 February 2025? We appreciate that you are trying to schedule to accommodate the attendance of ASI Peter Barron so please let me know if there is a time during either of those weeks that may be suitable.

So that we can make any necessary logistical arrangements and identify the appropriate attendees on the University's behalf, it would also be helpful to have an agenda with an indication of the focus areas for discussion, including any updates that you are seeking to obtain so that we can have this information available for you. Please also let me know if there are any areas of campus that you would like to visit so a tour can be arranged if need be.

We understand that yourself and Inspector Barron will be attending on behalf of SafeWork NSW, please let me know if you anticipate that there will be anyone else in attendance so we can ensure there is an appropriate meeting space available.
Thank you

Kim Grady | Chief Health & Safety Officer
The University of Sydney
Health & Safety | Operations
Level 2, Services Building (G12) | The University of Sydney | NSW | 2006

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 31/01/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Email sent @ 11.45am on Friday 31 January 2025 to PCBU rep: Kim

Hi Kim

I will lock in the 27th @ 11.00am and send an invite.

I will be accompanied by Team Manager Ian BLUME and State Inspector Ian FIRTH.

The purpose of the visit is to enquire into actions which may have been taken by the university to manage psychosocial hazards in relation anti – semitic concerns post the initial visit to the university by SafeWork on 25 September 2024.

The visit will involve inspecting areas of the campus visited on 25 September 2024 and meeting with university representatives to make enquiries into what actions may have been taken by the university to manage psychosocial hazards in relation anti – semitic concerns.

The complainant will be informed of this visit and is likely to request to be in attendance.

You are welcome to contact me if you wish to discuss further.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

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|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 14/02/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Phone call @ 11.45am on Friday 14 February 2024 to complainant - Andy

Voice message requesting call back.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 14/02/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Phone call @ 3.30pm on Friday 14 February 2025 to complainant Andy SMIDT.

Ensured Ms SMIDT was aware of return by SafeWork on 27/02/25.

Ms SMIDT stated intends to provide more information to SafeWork.

Provide feedback about this matter and process moving forward.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 27/02/2025 |
| **Type:** | Follow-up Visit | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Follow up visit # 2:

Attended at 11.10am on Thursday 28 February 2025 the University of Sydney accompanied by Team Manager Ian BLUME and State Inspector Ian FIRTH.

Met with the complainant and anonymous complainants and the following PCBU representatives.

1. Sarah HOLMES: Manager protective security
2. Kim GRADY: Safety Manager
3. Tamalee BEVERIDGE: Safety advisor

SafeWork conducting enquiries into the university policy and procedures in relation to managing psychosocial risk.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 6/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email sent @ 11.50am on Thursday 6 March 2025 to PCBU Kim GRADY

Hi Kim

Thankyou to you for time at our recent meeting.

Could I make arrangements with you to meet on MS teams to discuss the role of SafeWork in this matter moving forward.

If you could let me know your availability I will send a meeting invitation.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |

**Allocated officer:** John Whatman

**Description:** Email received @ 12.27pm on 7 March 2025 from PCBU rep: Maggie MACKENZIE

Dear John

Thank you for your email.

Kim would be available to meet with you on Teams at one of the following times next week:

Wednesday 12 March
4.30pm to 5pm

Friday 15 March
10am to 10.30am
10.30am to 11am

Kind regards
Maggie

MAGGIE MACKENZIE
Executive Assistant to Kim Grady, Chief Health & Safety Officer | Health Safety & Wellbeing | Operations

THE UNIVERSITY OF SYDNEY
Level 2, Services Building (G12) | 22 Codrington St | Darlington | NSW | 2008
M
E maggie.mackenzie@sydney.edu.au | Whttp://sydney.edu.au/whs

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 11/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |
| **Description:** | Meeting invite sent @ 3.45pm on Tuesday 11 March 2025 to PCBU to meet @ 10.30am on Friday 14 March 2025 on MS teams. | | |

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 14/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** MS teams meeting Sydney University.

Meeting MS teams on Friday 14 March 2025 @ 10.30am with following persons.

1. Kim GRADY: Safety Manager

2. Tam BEVERIDGE: Safety Advisor

3. State Inspector Ian FIRTH

Topics covered.

1. No full investigation.

2. SafeWork will monitor the Universities implementation of its reviewed policies and procedures in relation to managing antisemitic conduct at Sydney University.

3. A S155 notice will be issued with questions to the University in relation to monitoring compliance.

4. S155 notice compliance date 2/3 months.

5. A written notice of closure of the request for service may be provided by SafeWork to the University.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 18/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

**Description:** Phone call @ 11.59am on Tuesday 18 March 2025 to complainant Andy SMIDT.

Informed matter will not proceed to full investigation.

A S155 notice will be issued to Sydney University.

SafeWork will monitor the universities compliance with the Act and management of antisemitic issues at the Sydney campus through S155 notice response to SafeWork.

SafeWork has informed the university of these actions.

| | | | |
|---|---|---|---|
| **Source:** | OHSD | **Action Date:** | 18/03/2025 |
| **Type:** | Filenote | **Applies to File:** | 2024/000422 |
| **Job Type:** | | **Duration:** | 0.00 |
| **Task Type:** | | **Completed:** | Yes |
| **Allocated officer:** | John Whatman | | |

# WSMS RFS Report - 1-488253

**Description:**

Email sent @ 3.18pm on Tuesday 18 March 2025 to complainant Andy SMIDT

Hi Andy,

As discussed in relation to your request for service this matter will not proceed to full investigation.

SafeWork will monitor Sydney Universities compliance with the Act in relation to psychosocial hazards.

A S155 notice will be issued to Sydney University in relation to this issue.

Best regards,

John Whatman
Team Coordinator
SafeWork NSW - Operations and Enforcement - Metropolitan compliance – South
m
e john.whatman@safework.nsw.gov.au | www.safework.nsw.gov.au
Level 21, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

## Associated Objects

### RFS / Complaints

### Workplace Incidents

### Projects

### Actions

## Inspection Reports

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## Notices

23/10/2024 - S155[S] - THE UNIVERSITY OF SY, CAMPERDOWN - 7-493581
23/10/2024 - S155[S] - THE UNIVERSITY OF SY, CAMPERDOWN - 7-493627
23/10/2024 - S155[S] - THE UNIVERSITY OF SY, CAMPERDOWN - 7-493639
4/10/2024 - S155 - THE UNIVERSITY OF SY, CAMPERDOWN - 7-492084
4/10/2024 - S155[S] - THE UNIVERSITY OF SY, CAMPERDOWN - 7-492083

## Inspectors Report

| | | | |
|---|---|---|---|
| **Report Date:** | 20/02/2025 | **Informed By:** | Phone |
| **Inspector's Rec.** | Full Investigation | **Informed Date:** | 14/02/2025 |
| **For Review:** | Yes | **Satisfied:** | Yes |

**Action Taken:** Workplace Inspection Conducted: Yes

Refer to Inspection Report No(s):
Refer to Inspector's Notebook No and Pages: Z11088 pages 43 to 46 &
Photographs taken at the Workplace: Yes
Supplementary Documents Obtained: Yes

Did you experience any client or public violence or aggression?: No

Client or public violence or aggression experienced:
Other Details:

How did the client or public violence or aggression occur:

Consultation arrangements verified:
Comments:

Consultation arrangements in place at the workplace:
Other agreed arrangements:

Workers compensation verified: Yes
Policy not required:
Insurer: Icare
Policy No: MWX0003617033
Policy Dates (from & to):
Type of business: University
WIC:
Wages paid (from OMS or Certificate of currency):
Activities observed ay the workplace: University
Number of workers observed consistent with OMS or Certificate of currency: No

Issues and Actions taken:
Issues:

Psychosocial Hazard - Antisemitism at University of Sydney.

Actions taken:

Visit: Sydney University

Attended at 11.00am on Wednesday 25 September 2024 accompanied by SI Ian FIRTH the Sydney University campus.

Met at this location with following with the following persons.

Sydney university representatives.

1.Kim GRADY: Head of safety

2. Tamallee BEVERIDGE: Safety advisor

Complainant

1. Andy SMIDT – RFS complainant
2. Anonymous complainant
3. Anonymous complainant
4. Anonymous complainant
5.
6. Anonymous complainant

Inquiries conducted by SafeWork which are ongoing.

Comments:

1. N/A.

Recommendations:

Refer to IDMP with recommendation to investigate the matter of antisemitism occurring at the University of Sydney Camperdown from 7 October 2023 until September 2024.

Background:

On 7 October 2023 Hamas and several other Palestinian militant groups launched a coordinated armed incursion from the Gaza Strip into the Gaza Envelope of southern Israel. Israel initiated retaliatory military action. The conflict went on for several months significantly affecting Palestine. The conflict resulted in international protests, including in Australia.

Shortly after the October 2023 incursion and subsequent Israeli military operations, increasing antisemitic political activism at the Sydney University was noticeable. In April 2024 activists instigated the establishment of a pro – Palestinian student encampment on the campus quad lawn lasting for approximately 8 weeks.

The antisemitic activism on campus consisted of student activists' groups represented by student groups such as the Students Representative Council (SRC), Left Action and Students Against War (SAW), other groups and individuals openly promoting antisemitism on campus.

The antisemitic conduct consisted of but was not limited to the following examples experience by workers and students at the University.

1. Notice boards located on campus with posters organising a “student intifada” by the SRC and NUS.

2. Posters on notice boards with wording, “Between us and them are mountains of paradise, hatred, blood, wailing and long-lasting revenge”, “stop bombing Lebanon cut ties with genocide”.

3. Student activists holding campus rallies calling for a “student intifada” and “destruction of Zionism and state of Israel”.

4. Student activists holding campus rallies handing out paper flyers stating in Arabic “between us and them are mountains of paradise, hatred, blood, wailing and long-lasting revenge”, organising student meetings to “discuss our response to Israels atrocities” (source SAW group flyer).

5. Flyers handed out by SRC activists on campus promoting in summary, “USYD divest from apartheid Israel, USYD divest from weapons companies, build the Palestine Solidarity Campaign, demanding free speech – scrap the campus access policy, make your count for Palestine, decolonise from Gadigal to Gaza”. SRC stating it had, “started the USYD Gaza solidarity encampment in order to force the university to divest from apartheid Israel” and “founded the Israel apartheid week at USYD”.

6. A graffiti tunnel with graffiti such as, “Free Palestine” Israeli flags with a red circle and line across the middle with words, “zio punks”, “gaza will be free”. Nazi Germany Swastika stickers painted on walls of the tunnel, graffiti stating “Israel has no right to exist”.

7. Student activists entering lecture halls intent of disrupting lessons chanting anti – semitic slogans preventing other students from learning.

8. Student activists harassing and intimidating workers and students who hold different views or decline to involve themselves in campus protest or debates.

9. Student activists preventing free movement of workers and students around campus confronting people

they believed had opposing views and ideologies to their own. Jewish workers and students became frightened and intimidated arriving and leaving the campusand walking past the encampment.

10. Jewish lecturers witnessing campus activists in large groups demonstrating carrying Palestinian flags and black flags with Arabic writing outside windows of lecture rooms, facilities, passageways, entries and campus areas shouting and chanting disrupting classes and the daily activities of Jewish workers and students.

11. Student activists at the Palestinian encampment displaying a banner showing a Star of David crossed out with a red 'Jews not allowed' and chanting hate speech considered by Jewish workers and students to be discriminatory, racist and vilification of Jewish people – source incident report 13 May 2024.

12. Incident reports identifying incidents on 24th, 26th and 29th April 2024 along Eastern Ave and at the encampment on the quad lawn. Palestinian activists using a megaphone chanting “there is only one solution, intifada revolution” interpreted by Jewish workers and students as a reference to Nazi Germany Fuhrer Adolf HITLERS “final solution” also chanting “globalise the intifada”, “Zionists are not welcome here” and “USYD cut ties”.

13. During Welcome Week 14 to 16 February 2024, the Australian Union of Jewish Students (AUJS) stand was approached by three female individuals who aggressively ripped the Israeli flag off the stall desk, which had four Jewish student volunteers attending, causing items to fall off the table. They put the flag in the nearby rubbish bin, took a photo of it and then left. Source Sydney university incident report 15 February 2024.

What was the injury, if any? (Include RTW Status)

Psychosocial hazards to Jewish workers and students resulting in Jewish workers leaving their employment, taking leave, sick leave and being maligned through by about 11 months of antisemitism on campus.

What action was taken after the incident/ event / identified matter?

By the PCBU?

- On 27 June 2024 (commencing 28 June 2024) Vice-Chancellor and President, as delegate of the Senate of the University of Sydney, adopts the Campus Access Policy 2024 with the following statement of intent.

- Policy is binding - Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students, affiliates, and visitors.

- Statement of intent - aims to maintain a vibrant environment on university lands, which is welcoming to the University community and the public; and respects academic freedom and freedom of speech, states the University’s requirements for protecting the safety of users, the integrity of buildings, fixtures and grounds and continuity of university operations.

- Specifies activities that require prior University approval are unacceptable at any time and provides for the safe and orderly conduct of demonstrations.

- This policy applies to any user of university lands. This includes staff, affiliates, students, and visitors.

- SafeWork conducted a visit on 25 September 2024 at this visit Jewish workers and students stated in summary there had been a noticeable decline in antisemitic conduct on campus.

- About this time the university reviewed its policy and procedures in relation to this matter and commissioned the Hodgkinson report into antisemitism at the university.

- The university took actions to review the universities policies and procedures in relation to the campus access rule, code of conduct and psychosocial hazards.

- The university took actions to remove the Palestinian encampment on campus.

By SafeWork relating to incident / event / identified matter (only include Notice/s issued relevant to the risk/breach subject to this submission)

- SafeWork conducted an initial visit to the university on 25 September 2024 meeting with the university representatives, complainant and Jewish workers and students.

- The visit involved SafeWork meeting with the university representatives, complainant, Jewish workers and students to make enquiries into the universities policies and procedures relating to psychosocial hazards. The visit also involved SafeWork accompanied by the university representatives, complainant, Jewish workers and students walking throughout inspecting the campus areas.

- SafeWork conducted enquiries in with the university in relation to this matter and issued S 155 notices to obtain information and documents.

- No evidence of reasonable belief was established as the university took actions to review its policy and procedures relating to psychosocial hazards. There were no grounds for issuing improvement notices. By the time SafeWork NSW became involved, the university was able to demonstrate compliance with the Act.

What was the risk?

- For about 11 months the university failed to take reasonable actions to manage, reduce and eliminate active anti – semitic conduct on campus.

- The university's failures placed at risk the psychosocial health and safety of Jewish workers and students.

- Jewish workers and students experienced Antisemitism daily whilst on campus creating a workplace of fear, anxiousness and a fear of retribution towards Jewish workers and students because they were Jewish people.

What was/wasn't in place to control the risk?

- The university always had the authority to eliminate antisemitism on campus with the Campus Access rule 2009, it failed to enforce its own policy.

- In May 2009 the Sydney University Senate approved the University of Sydney Campus Access rule 2009.

- This Rule is made by the Senate of the University of Sydney pursuant to section 37(1) of the University of Sydney Act 1989 for the purposes of the University of Sydney By-law 1999.

- This Rule commences on the day after it is made in accordance with Chapter 2 of the University of Sydney By-law 1999.

- The purpose of this Rule is to confer upon the University certain powers in relation to persons coming onto a campus or other property occupied by the University.

- Unlawful Entry on University Lands - Any person who, without lawful excuse (proof of which lies on the person), enters university lands without the consent of the University, or who remains on those lands after being requested by a university representative to leave those lands will have their licence to access those lands terminated by way of a Termination of License Notice.

- Offensive Conduct While on University Lands - Any person, who remains upon the University lands after being requested by a University representative to leave those lands and while remaining upon those lands conducts himself or herself in such a manner as would be regarded by reasonable persons as being, in

all the circumstances, offensive will have their licence to access those lands terminated by way of a Termination of License Notice.

- Offender May be Apprehended - Any person found committing any offence upon the University lands, and who refuses, when required to do so, to give his or her name and place of abode, may be apprehended by a University representative upon or in relation to which the offence was committed, and delivered to the custody of the nearest constable to be taken before a Magistrate or an authorised officer within the meaning of the Criminal Procedure Act 1986 to be dealt with according to law.

- The university updated the Campus Access policy 2024 which does not include antisemitic conduct.

- The university maintains policies and procedures in relation to managing psychosocial hazards which it did not enforce.

- Antisemitic campus rallies, demonstrations, meetings, graffiti, flyers, social media and Palestinian encampment continued unabated until increasingly adverse media scrutiny emerged in about June 2024 and SafeWork commenced inquiries into a request for service on 3 September 2024.

- The university repeatably failed to act in response to incident reports about antisemitism on campus.

- The university did not adequately respond to complaints and concerns from Jewish workers and students about antisemitism.

- The university maintains a campus security service which failed to take reasonable and proportionate actions to manage, reduce and eliminate Antisemitism on campus being experienced by Jewish workers and students daily.

- NSW Police Force raised concerns about the Palestinian encampment requesting to take action to remove the encampment, the university took no action to remove the Palestinian encampment for about 2 months.

- Examples of Antisemitism at the university were being widely reported in the media which failed to compel the university to act.

- After about 11 months the university finally took actions to manage and reduce Antisemitism on campus because of the involvement of SafeWork, political developments, adverse media focus and advocacy from Jewish complainants and groups.

The university failed to moderate anti – semitic conduct on its intrant, email system and remove anti – semitic posts from its sites. What was reasonably practicable for the PCBU/person to have done to eliminate or minimise the risk?

- The university had the authority, policies and procedures in place to eliminate Antisemitism but no action was taken by the university for about 11 months.

- The university manages an extensive range of CCTV across the campus which provides it the capability to acquire CCTV from across the entire campus 24 hours a day 7 days a week. The university could have used the CCTV to identify hazardous behaviour.

- The university manages a security team which gives it the capability to implement and manage a wide range of security and enforcement functions across the campus 24 hours a day 7 days a week. The university security team could have removed flyers and posters and enforce university policies and procedures.

- The university could have taken reasonable actions to so far as is reasonably practicable to balance its work, health and safety responsibilities with the rights of free speech on campus and social media .

- The Commission of Inquiry into Antisemitism at Australian Universities provided its report in October

2024.

- Th Commission made a list of (3) recommendations.

- Recommendation 1 2.258 stated, “The committee recommends that in collaboration with the Tertiary Education Quality and Standards Agency (TEQSA) and the Special Envoy to Combat Antisemitism all Australian universities urgently review their complaints process and give effect to any and all changes necessary to ensure these processes are known to and understood by students and staff and deliver real and meaningful outcomes for complainants”.

- Between 7 October 2023 and September 2024, the university received multiple complaints about Antisemitism and failed to take reasonable actions.

- The university should have investigated complaints about the antisemitic behaviours and instigated actions to reduce the psychosocial hazards.

Factor 2. Investigation Priority Area

Priority Area 5 - Repeated contraventions of work health and safety legislation by a duty holder.

Priority Area 9 - Strategic regulator and/or directorate priority areas*

Choose an item.

*For Priority Area 9 - Please select a strategic priority area that this incident/matter aligns with. More than 1 may apply.

Regulatory Priority - Psychological Safety

Factor 3. Guiding Principles

 The seriousness of any potential breach of law – Sydney university took inadequate actions between 7 October 2023 and about September 2024 to eliminate antisemitism at the university.

 Availability of reliable evidence to proceed to investigation – Reliable evidence is in place.

 The severity and scale of potential risk and/or the actual harm outcome – Evidence suggests a high-risk psychosocial hazardous workplace environment existed for about 11 months because of the inactions of the university to eliminate Antisemitism.

 The duty holder’s compliance history- Adequate for the size and risk profile of the PCBU undertakings.

 Foreseeability of the risk – The should so far as is reasonably practicable acted on overwhelming evidence of antisemitism flourishing throughout the university. It placed the importance of free speech above the psychosocial health and safety of its workers and students. The public interest (i.e. whether an investigation would be the expectation of the public at large) – There is extensive and broad public interest in this matter which has been the focus of extensive national and international news coverage. Public interest in antirentism is intense and polarised.

 Emerging and escalating issues – This matter is an emerging and escalating issue identified by the Commonwealth and NSW Government both taking actions to eliminate antisemitism in Australian and NSW. It has been identified as an emerging and escalating issue by the NSW Senate and Parliament in parliamentary actions and enquiries. The university has also identified this matter as an escalating issue, the university senate taken actions to commission an external review into the university.

 The potential to identify the root cause/s, promote better understanding and deter unsafe work practices, including development of guidance material and building case law – There is no doubt an

investigation by SafeWork will identify contraventions of law, determine whether actions needed to be taken to prevent reoccurrence, identify lessons to be learnt, assist in identifying and developing prevention programs and legislation and determine what response is appropriate and proportionate to an alleged breach of the law.

[ 20/02/2025 11:15:04 AM whatmanj ]

## Outcomes

| | | | |
|---|---|---|---|
| **Completed Date:** | 13/03/2025 | **Time Spent:** | 0.00 |
| **Result:** | No Further Action | **Priority Issue:** | |
| **Comments:** | An Escalated Compliance Form recommending full investigation was submitted to the Investigation Decision Making Panel (IDMP). This matter was not accepted for full investigation. [13/03/2025 5:42:44 PM blumei] | | |

## Prosecutions

## Activities

| | | | |
|---|---|---|---|
| **Type:** | To-Do | **Description:** | To-Do - The University of Sy - Camperdown - 3/09/2( |
| **Allocated Officer:** | David Collins | **Date Completed:** | 4/09/2024 |
| **Notes:** | | | |

| | | | |
|---|---|---|---|
| **Type:** | To-Do | **Description:** | To-Do - The University of Sy - CAMPERDOWN - 3/( |
| **Allocated Officer:** | John Whatman | | |
| **Notes:** | | | |

## Letter Express

| Create Date | Letter Issued | Created by | Issued to: |
|---|---|---|---|

**SafeWork New South Wales**

# Work Health and Safety Act Section 155(2)

## NOTICE TO GIVE INFORMATION TO SAFEWORK NEW SOUTH WALES

**ORIGINAL**
**Reference No:** 7-492083

**Notice No:** 7-492083

| | | | |
|---|---|---|---|
| **To:** | THE UNIVERSITY OF SYDNEY | | |
| **ABN:** | 15211513464 | **ACN:** | |
| **Address:** | G12 SERVICES BUILDING, CODRINGTON AVENUE, CAMPERDOWN, NSW, 2006 | | |

I, John Whatman holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information for the purposes of assisting the regulator to monitor or enforce compliance with the *Work Health and Safety Act 2011 or regulations*.

In relation to:

Matter of alleged antisemitism at Sydney University

I require you to:

Produce the documents set out in the **attached schedule of documents** to me at Email: john.whatman@safework.nsw.gov.au on or before 25/10/2024 at 5:00 PM.

**Signed:** ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

**Issue Date:** 4/10/2024

**Enquiries should be made to Inspector John Whatman on Tel: +61 (02) 9618 8492**

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

## WARNING

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

Under section 172 of the *Work Health and Safety Act 2011* (the WHS Act 2011), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

This Notice does not affect, and nothing in the WHS Act 2011 requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege - see section 269 of the WHS Act 2011.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

**ORIGINAL**

**Reference No:** 7-492083

**Notice No:** 7-492083

**Schedule of Documents:**

1. Provide a full and complete copy of the University of Sydney psychosocial policy and procedures.

2. Provide a full and complete copy of the University of Sydney psychosocial risk assessment.

3. Provide a full and complete copy of the University of Sydney media and social media policy.

4. Provide a full and complete copy of the University of Sydney policy in to relation free speech on campus and social media.

5. Provide a full and complete copy of the University of Sydney policy in relation to political advocacy and demonstrations conducted on campus.

6. Provide a full and complete copy of the University of Sydney code of conduct relating to campaigning for elected student union and advocacy group positions.

7. Provide a full and complete copy of the University of Sydney site risk assessment in relation to campus political demonstrations post 7 October 2023.

8. Provide a full and complete copy of the University of Sydney Policy and Procedure relating to the notification of intent to demonstrate or protest.

9. Provide a full and complete copy of the University of Sydney campus access rule.

10. Provide a full and complete copy of the University of Sydney policy in relation to racism and antisemitic conduct on campus and social media.

11. Provide a full and complete copy of all incident reports submitted by workers or students in relation to alleged antisemitic conduct at the Sydney University campus.

12. Provide a full and complete copy of all emails sent by workers and students sent to Sydney University Vice Chancellor Mark SCOTT in relation to concerns about alleged antisemitic conduct on campus.

13. Provide a full and complete copy of all emails sent by Sydney University Vice Chancellor Mark SCOTT sent to workers and students in relation to concerns about alleged antisemite conduct on campus.

14. Provide a full and complete map of CCTV camera placement at Sydney University.

15. Provide a full and complete copy of the University of Sydney policy in relation to code of conduct relating to student union and advocacy group activities.

16. Provide a full and complete copy of all Sydney University site CCTV post 7 October 2023 in relation to campus political protests.

17. Provide a full and complete copy of Sydney University site map.

18. Provide a full and complete copy of Sydney University policy in relation to political protest site encampments.

19. Provide a full and complete copy of the University of Sydney policy in relation to the placement and removal of graffiti at the “Graffiti corridor”.

20. Provide full and complete copies of all correspondence and guidance relating to how Sydney University maintains up to date knowledge of international security events which may present a security risk to NSW Universities, the most up to date university security technology and security protocols , international terror threat alerts, consultation with other Australian Universities in relation to managing politically motivated aggression and violence on campus, NSW Police Force and Australian Security Industry Association including but not limited to other tertiary institutions advice such as through the Australasian University Safety Association.

21. Provide full and complete copies of all emails, communications and other information between Sydney University, NSW Police Force and campus security relating to managing campus security and responding to incidents, demonstrations, and encampment activities and demonstrations post 7 October 2023 to 4 October 2024?

22. Provide full and complete copies of all emails, campus notices and other information relating to what actions

Sydney University may have taken in relation to any increase in resources to campus security?

23. Provide a full and complete copy of all email, campus notices and other information in relation to consultation by Sydney University with the Jewish workers of the affected workgroup and Jewish students in relation to risks to health, safety and security at Sydney University campus post 7 October 2023?

24. Provide a full and complete copy of all email, campus notices and other information in relation to what actions Sydney University undertook to review its policy and procedures to manage risk to health and safety of Jewish workers and students post 7 October 2023 to 4 October 2024?

25. Provide a full and complete copy of all email, campus notices and other information in relation to what actions Sydney University may have taken in relation to the provision of instruction, information, supervision and security to Jewish workers and students attending the campus in relation in relation to health and safety on campus post 7 October 2023 to 4 October 2024?

26. Provide a full and complete copy of all email, campus notices and other information in relation to what actions Sydney University may have taken in relation to campus security post 7 October 2023 to 4 October 2024?

27. Provide a description of the roles at Sydney University that are involved in receiving and actioning complaints from staff and students about antisemitic behaviour and harassment based on religion or ethnicity including role descriptions and training, information, instruction or supervision provided to these roles.

28. Provide a description of the information provided to executive leadership at Sydney University about antisemitic behaviour and harassment involving ethnicity or religion from 7 October 2023 to 4 October 2024?

29. Provide any training, information, instruction or supervision provided to executive leadership about managing the risk of antisemitic behaviour or harassment involving ethnicity or religion.

30. Provide relevant policies, procedures or agreements with security and cleaning staff and contractors relating to antisemitic behaviour or harassment involving ethnicity religion. This includes any contracts or agreements with other entities or duty-holders and would include agreements on walk throughs, cleaning timeframes, and actions to remediate issues from 7 October 2023 to 4 October 2024.

**SafeWork New South Wales**

# Work Health and Safety Act Section 155(2)

## NOTICE TO GIVE INFORMATION TO SAFEWORK NEW SOUTH WALES

**ORIGINAL**
**Reference No:** 7-492084

**Notice No:** 7-492084

| | | | |
|---|---|---|---|
| **To:** | THE UNIVERSITY OF SYDNEY | | |
| **ABN:** | 15211513464 | **ACN:** | |
| **Address:** | G12 SERVICES BUILDING, CODRINGTON AVENUE, CAMPERDOWN, NSW, 2006 | | |

I, John Whatman holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information for the purposes of assisting the regulator to monitor or enforce compliance with the *Work Health and Safety Act 2011 or regulations*.

In relation to:

Matter of alleged antisemitism at Sydney University

I require you to:

Provide information to me by answering the questions in the **attached schedule.** The answers are required to be signed by the person (or in the case of a body corporate, by a competent officer of the body corporate) and deliver the completed document to me at Email: john.whatman@safework.nsw.gov.au on or before 25/10/2024 at 5:00 PM.

**Signed:** ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

**Issue Date:** 4/10/2024

**Enquiries should be made to Inspector John Whatman on Tel: +61 (02) 9618 8492**

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

## WARNING

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This Notice does not affect, and nothing in the WHS Act 2011 requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege - see section 269 of the WHS Act 2011.

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**ORIGINAL**

**Reference No:** 7-492084

**Notice No:** 7-492084

**Schedule of Questions:**

1. Who at Sydney University was responsible to managing risk to health and safety of Sydney University workers and students post 7 October 2023?

2. What actions did Sydney University take to identify risks to health and safety of Sydney University Jewish workers and students post 7 October 2023?

3. What actions did Sydney University take to consult with Sydney University workers and students to give reasonable opportunity to express their views, raise health and safety concerns, contribute to the Sydney University decision making process in relation to issues which affected the health and safety of workers and students between 7 October 2023 and 4 October 2024?

4. What actions did Sydney University take to manage risk to health and safety of Sydney University Jewish workers and students on campus post 7 October 2024?

5. What information is provided, and how often is the information provided, to the "Officer" about risks to the health and safety of workers and students post 7 October 2023?

6. What action has been taken by Sydney University to maintain knowledge about risks to the health and safety of Jewish staff and students post 7 October 2023 and provide any available evidence of this issue.

7. What actions did the Sydney University take to consult with NSW Police in relation to risks to health and safety of Jewish workers and students post 7 October 2023?

8. What actions did Sydney University take to review campus security post 7 October 2023?

9. What actions did Sydney University take to consult with Jewish workers and students to review the effectiveness of work, health and safety and campus security procedures post 7 October 2023 and throughout 2024?

10. What actions did Sydney University take in relation to ensuring Jewish workers and students were not identified and/or confronted by political protestors when on Sydney University campus post 7 October 2023?

11. What actions did Sydney University take to ensure Jewish workers and students felt protected from political protestors when on Sydney University campus post 7 October 2023?

12. What actions did Sydney University take to monitor and remove politically motivated material such as posters and graffiti which may contain antisemitic content on campus post 7 October 2023?

13. What actions did Sydney University take to ensure Jewish worker and students could enter and leave the campus without being exposed to political protestors on campus post 7 October 2023?

14. What actions did Sydney University take to consult with Jewish workers and students in relation to concerns about alleged antisemitic conduct on campus post 7 October 2023 to 4 October 2024?

15. What actions did Sydney University take to action act on concerns of Jewish workers and students in relation to allegations of antisemitic conduct on campus post 7 October 2023?

16. What actions did Sydney University take to monitor alleged antisemitic social media material originating from Sydney University workers and students post 7 October 2023?

17. What actions did Sydney University take in consultation with Jewish workers and students to review the Sydney University social media policy post 7 October 2023?

18. On what occasions did Sydney University meet with Sydney University Jewish workers and students post 7 October 2023 in relation to their concerns?

19. What concerns were raised by Sydney University Jewish workers and students to Sydney University post 7 October 2023 in relation to alleged antisemitic conduct on campus?

20. What actions did Sydney University take in relation to Jewish workers and students concerns post 7 October 2023?

21. What actions did Sydney University take in response to media articles and social media posts relating to alleged antisemitism at Sydney University post 7 October 2023?

22. What actions did Sydney University take to consult with other Australian Universities about managing security in response to alleged antisemitism on campus post 7 October 2023?

23. What actions did Sydney University take in relation to reported incidents of alleged antisemitism directed at workers and students on campus post 7 October 2023 to 4 October 2024?

24. What actions did Sydney University take to prevent Jewish workers and students being confronted by politically motivated protestors when entering and exiting campus and when participating in lectures and when present on campus post between 7 October 2023 and 4 October 2024?

25. What actions has Sydney University taken to monitor and review site security in relation to politically motivated activities on campus throughout from 7 October 2023 to 4 October 2024?

26. What actions has Sydney University taken to review campus security for the 7 October 2024 anniversary of the 2023 Israel/Palestine incident?

**SafeWork New South Wales**

# Work Health and Safety Act Section 155(2)

## NOTICE TO GIVE INFORMATION TO SAFEWORK NEW SOUTH WALES

**ORIGINAL**
**Reference No:** 7-493581

**Notice No:** 7-493581

| | |
|---|---|
| **To:** | THE UNIVERSITY OF SYDNEY |
| **ABN:** | 15211513464 **ACN:** |
| **Address:** | G12 SERVICES BUILDING, CODRINGTON AVENUE, CAMPERDOWN, NSW, 2006 |

I, John Whatman holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information for the purposes of assisting the regulator to monitor or enforce compliance with the *Work Health and Safety Act 2011 or regulations*.

In relation to:

Matter of Sydney University: WSMS: 1-488253

I require you to:

Produce the documents set out in the **attached schedule of documents** to me at Email: john.whatman@safework.nsw.gov.au on or before 22/11/2024 at 5:00 PM.

**Signed:** ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

**Issue Date:** 23/10/2024

**Enquiries should be made to Inspector John Whatman on Tel: +61 (02) 9618 8492**

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

## WARNING

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

Under section 172 of the *Work Health and Safety Act 2011* (the WHS Act 2011), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

This Notice does not affect, and nothing in the WHS Act 2011 requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege - see section 269 of the WHS Act 2011.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

**ORIGINAL**

**Reference No:** 7-493581

**Notice No:** 7-493581

**Schedule of Documents:**

1. Provide a full and complete copy of the University of Sydney psychosocial policy and procedures.

2. Provide a full and complete copy of the University of Sydney psychosocial risk assessment.

3. Provide a full and complete copy of the University of Sydney media and social media policy.

4. Provide a full and complete copy of the University of Sydney policy in relation to free speech on campus and social media.

5. Provide a full and complete copy of the University of Sydney policy in relation to political advocacy and demonstrations conducted on campus.

6. Provide a full and complete copy of the University of Sydney code of conduct relating to campaigning for elected student union and advocacy group positions.

7. Provide a full and complete copy of the University of Sydney site risk assessment in relation to campus political demonstrations post 7 October 2023.

8. Provide a full and complete copy of the University of Sydney Policy and Procedure relating to the notification of intent to demonstrate or protest.

9. Provide a full and complete copy of the University of Sydney campus access rule.

10. Provide a full and complete copy of the University of Sydney policy in relation to racism and antisemitic conduct on campus and social media.

11. Provide a full and complete copy of all incident reports submitted by workers or students in relation to alleged antisemitic conduct at the Sydney University campus.

12. Provide a full and complete copy of all emails sent by workers and students to Sydney University Vice Chancellor Mark SCOTT in relation to concerns about alleged antisemitic conduct on campus.

13. Provide a full and complete copy of all emails sent by Sydney University Vice Chancellor Mark SCOTT to workers and students in relation to concerns about alleged antisemitic conduct on campus.

14. Provide a full and complete map of CCTV camera placement at Sydney University.

15. Provide a full and complete copy of the University of Sydney policy and code of conduct relating to student union and advocacy group activities.

**SafeWork New South Wales**

# Work Health and Safety Act Section 155(2)

## NOTICE TO GIVE INFORMATION TO SAFEWORK NEW SOUTH WALES

**ORIGINAL**
**Reference No:** 7-493627

**Notice No:** 7-493627

| | |
|---|---|
| **To:** | THE UNIVERSITY OF SYDNEY |
| **ABN:** | 15211513464 **ACN:** |
| **Address:** | G12 SERVICES BUILDING, CODRINGTON AVENUE, CAMPERDOWN, NSW, 2006 |

I, John Whatman holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information for the purposes of assisting the regulator to monitor or enforce compliance with the *Work Health and Safety Act 2011 or regulations*.

In relation to:

Matter of Sydney University: 1-488253

I require you to:

Produce the documents set out in the **attached schedule of documents** to me at Email: john.whatman@safework.nsw.gov.au on or before 6/12/2024 at 5:00 PM.

**Signed:** ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

**Issue Date:** 23/10/2024

**Enquiries should be made to Inspector John Whatman on Tel: +61 (02) 9618 8492**

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

## WARNING

A person who refuses or fails to comply with this Notice without a reasonable excuse, may be liable to prosecution and, if found guilty, liable to a maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

Under section 172 of the *Work Health and Safety Act 2011* (the WHS Act 2011), a person is not excused from answering a question or providing information or a document on the grounds of self incrimination or on the grounds that it may expose that person to a penalty. However, any information provided by an individual is not admissible as evidence in criminal or civil proceedings against that individual other than proceedings arising out of the false or misleading nature of the answer, information or document.

This Notice does not affect, and nothing in the WHS Act 2011 requires, a person to produce a document that would disclose information, or otherwise provide information, that is subject to legal professional privilege - see section 269 of the WHS Act 2011.

It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

**ORIGINAL**

**Reference No:** 7-493627

**Notice No:** 7-493627

**Schedule of Documents:**

1. Provide a full and complete copy Sydney University site CCTV post 7 October 2023 relating to the following,

a. CCTV of campus activities broadcast in the media and social media
b. CCTV of campus areas identified in complaints from workers or students
c. CCTV of campus areas reported in incidents and complaints
d. CCTV of campus areas responded by NSW Police Force
e. CCTV of incidents and complaints responded by campus security in relation to campus political protests and encampments.

2. Provide a full and complete copy of the Sydney University site map which identifies campus and public areas.

3. Provide a full and complete copy of Sydney University policy in relation to political protest site encampments.

4. Provide a full and complete copy of the Sydney University policy in relation to the placement and removal of graffiti at the “Graffiti corridor”.

5. Provide full and complete copies of all correspondence and guidance relating to how Sydney University maintains up to date knowledge of international security events which may present a security risk to NSW Universities, the most up to date university security technology and security protocols , international terror threat alerts, consultation with other Australian Universities in relation to managing politically motivated aggression and violence on campus, NSW Police Force and Australian Security Industry Association including but not limited to other tertiary institutions advice such as through the Australasian University Safety Association.

6. Provide full and complete copies of all relevant emails relating to communications and other information between Sydney University, NSW Police Force and campus security relating to managing campus security and responding to incidents, demonstrations, and encampment activities and demonstrations post 7 October 2023 to 4 October 2024?

7. Provide full and complete copies of relevant emails, campus notices and other information relating to what actions Sydney University may have taken in relation to any increase in resources to campus security?

8. Provide a full and complete copy of relevant email, campus notices and other information in relation to consultation by Sydney University with the Jewish workers of the affected workgroup and Jewish students in relation to risks to health, safety and security at Sydney University campus post 7 October 2023?

9. Provide a full and complete copy of relevant emails, campus notices and other information in relation to what actions Sydney University undertook to review its policy and procedures to manage risk to health and safety of Jewish workers and students post 7 October 2023 to 4 October 2024?

10. Provide a full and complete copy of relevant emails, campus notices and other information in relation to what actions Sydney University may have taken in relation to the provision of instruction, information, supervision and security to Jewish workers and students attending the campus in relation in relation to health and safety on campus post 7 October 2023 to 4 October 2024?

11. Provide a full and complete copy of relevant emails, campus notices and other information in relation to what actions Sydney University may have taken in relation to campus security post 7 October 2023 to 4 October 2024?

12. Provide a description of the roles at Sydney University that are involved in receiving and actioning complaints from staff and students about antisemitic behaviour and harassment based on religion or ethnicity including role descriptions and training, information, instruction or supervision provided to these roles.

13. Provide a description of the information provided to executive leadership at Sydney University about antisemitic behaviour and harassment involving ethnicity or religion from 7 October 2023 to 4 October 2024?

14. Provide any training, information, instruction or supervision provided to executive leadership about managing the risk of antisemitic behaviour or harassment involving ethnicity or religion.

15. Provide relevant policies, procedures or agreements with security and cleaning staff and contractors relating to antisemitic behaviour or harassment involving ethnicity and religion. This includes any contracts or agreements with other entities or duty-holders and would include agreements on walk throughs, cleaning timeframes, and actions to remediate issues from 7 October 2023 to 4 October 2024.

**SafeWork New South Wales**

# Work Health and Safety Act Section 155(2)

## NOTICE TO GIVE INFORMATION TO SAFEWORK NEW SOUTH WALES

**ORIGINAL**
**Reference No:** 7-493639

**Notice No:** 7-493639

| | | | |
|---|---|---|---|
| **To:** | THE UNIVERSITY OF SYDNEY | | |
| **ABN:** | 15211513464 | **ACN:** | |
| **Address:** | G12 SERVICES BUILDING, CODRINGTON AVENUE, CAMPERDOWN, NSW, 2006 | | |

I, John Whatman holding a delegation from SafeWork NSW, pursuant to section 154 of the *Work Health and Safety Act 2011*, have reasonable grounds to believe that you are capable of giving information for the purposes of assisting the regulator to monitor or enforce compliance with the *Work Health and Safety Act 2011 or regulations*.

In relation to:

Matter of Sydney University: WSMS: 1-488253

I require you to:

Provide information to me by answering the questions in the **attached schedule.** The answers are required to be signed by the person (or in the case of a body corporate, by a competent officer of the body corporate) and deliver the completed document to me at Email: john.whatman@safework.nsw.gov.au . on or before 20/12/2024 at 5:00 PM.

**Signed:** ELECTRONICALLY ISSUED

Authorised delegate of SafeWork NSW

**Issue Date:** 23/10/2024

**Enquiries should be made to Inspector John Whatman on Tel: +61 (02) 9618 8492**

This warning and information forms part of the Notice under Section 155(2) of the *Work Health and Safety Act 2011*

## WARNING

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It is an offence under section 268 of the *Work Health and Safety Act 2011* to give false and misleading information and/or produce a document that is known to be false or misleading. Maximum penalty of 121 penalty units for individuals and 607 penalty units for a body corporate.

**ORIGINAL**

**Reference No:** 7-493639

**Notice No:** 7-493639

**Schedule of Questions:**

1. Who at Sydney University was responsible to managing risk to health and safety of Sydney University workers and students post 7 October 2023?

2. What actions did Sydney University take to identify risks to health and safety of Sydney University Jewish workers and students post 7 October 2023?

3. What actions did Sydney University take to consult with Sydney University workers and students to give reasonable opportunity to express their views, raise health and safety concerns, contribute to the Sydney University decision making process in relation to issues which affected the health and safety of workers and students between 7 October 2023 and 4 October 2024?

4. What actions did Sydney University take to manage risk to health and safety of Sydney University Jewish workers and students on campus post 7 October 2024?

5. What information is provided, and how often is the information provided, to the "Officer" about risks to the health and safety of workers and students post 7 October 2023?

6. What action has been taken by Sydney University to maintain knowledge about risks to the health and safety of Jewish staff and students post 7 October 2023 and provide any available evidence of this issue.

7. What actions did the Sydney University take to consult with NSW Police in relation to risks to health and safety of Jewish workers and students post 7 October 2023?

8. What actions did Sydney University take to review campus security post 7 October 2023?

9. What actions did Sydney University take to consult with Jewish workers and students to review the effectiveness of work, health and safety and campus security procedures post 7 October 2023 and throughout 2024?

10. What actions did Sydney University take in relation to ensuring Jewish workers and students were not identified and/or confronted by political protestors when on Sydney University campus post 7 October 2023?

11. What actions did Sydney University take to ensure Jewish workers and students felt protected from political protestors when on Sydney University campus post 7 October 2023?

12. What actions did Sydney University take to monitor and remove politically motivated material such as posters and graffiti which may contain antisemitic content on campus post 7 October 2023?

13. What actions did Sydney University take to ensure Jewish worker and students could enter and leave the campus without being exposed to political protestors on campus post 7 October 2023?

14. What actions did Sydney University take to consult with Jewish workers and students in relation to concerns about alleged antisemitic conduct on campus post 7 October 2023 to 4 October 2024?

15. What actions did Sydney University take to action act on concerns of Jewish workers and students in relation to allegations of antisemitic conduct on campus post 7 October 2023?

16. What actions did Sydney University take to monitor alleged antisemitic social media material originating from Sydney University workers and students post 7 October 2023?

17. What actions did Sydney University take in consultation with Jewish workers and students to review the Sydney University social media policy post 7 October 2023?

18. On what occasions did Sydney University meet with Sydney University Jewish workers and students post 7 October 2023 in relation to their concerns?

19. What concerns were raised by Sydney University Jewish workers and students to Sydney University post 7 October 2023 in relation to alleged antisemitic conduct on campus?

20. What actions did Sydney University take in relation to Jewish workers and students concerns post 7 October 2023?

21. What actions did Sydney University take in response to media articles and social media posts relating to alleged antisemitism at Sydney University post 7 October 2023?

22. What actions did Sydney University take to consult with other Australian Universities about managing security in response to alleged antisemitism on campus post 7 October 2023?

23. What actions did Sydney University take in relation to reported incidents of alleged antisemitism directed at workers and students on campus post 7 October 2023 to 4 October 2024?

24. What actions did Sydney University take to prevent Jewish workers and students being confronted by politically motivated protestors when entering and exiting campus and when participating in lectures and when present on campus post between 7 October 2023 and 4 October 2024?

25. What actions has Sydney University taken to monitor and review site security in relation to politically motivated activities on campus throughout from 7 October 2023 to 4 October 2024?

26. What actions has Sydney University taken to review campus security for the 7 October 2024 anniversary of the 2023 Israel/Palestine incident?

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-17" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

← BACK

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MEDIA RELEASE 27 FEBRUARY 2025

# STATEMENT ON RACISM

Racism has absolutely no place in Australia's universities, and our sector condemns it in all forms.

Universities Australia's (UA) 39 members all have a role to play in ensuring our campuses are safe, respectful and welcoming places to study, work and visit.

This is not a responsibility our members shy away from.

Sadly, university campuses are not immune to racism in all forms, including antisemitism, Islamophobia and the experience of First Nations people.

Our sector has, is and will continue to work with the Government to respond to these issues as they play out on campuses.

UA's members have agreed to work with the Tertiary Education Quality and Standards Agency (TEQSA) and the Higher Education Standards Panel (HESP) to ensure we have a harmonised approach to dealing with these issues, consistent with our collective efforts to address all forms of discrimination.

In response to the rise of antisemitism in Australia, UA's 39 members have agreed to the recommendation of the Parliamentary Joint Committee on Human Rights to adopt a clear definition of antisemitism that aligns closely with the International Holocaust Remembrance Alliance definition.

UA's members have also unanimously endorsed the following working definition of antisemitism:

***"Antisemitism is discrimination, prejudice, harassment, exclusion, vilification, intimidation or violence that impedes Jews' ability to participate as equals in educational, political, religious, cultural, economic or social life. It can manifest in a range of ways including negative, dehumanising, or stereotypical narratives about Jews. Further, it includes hate speech, epithets, caricatures, stereotypes, tropes, Holocaust denial, and antisemitic symbols. Targeting Jews based on their Jewish identities alone is discriminatory and antisemitic.***

***"Criticism of the policies and practices of the Israeli government or state is not in and of itself antisemitic. However, criticism of Israel can be antisemitic when it is grounded in harmful tropes, stereotypes or assumptions and when it calls for the elimination of the State of Israel or all Jews or when it holds Jewish individuals or communities responsible for Israel's actions. It can be antisemitic to make assumptions about what Jewish individuals think based only on the fact that they are Jewish.***

***"All peoples, including Jews, have the right to self-determination. For most, but not all Jewish Australians, Zionism is a core part of their Jewish identity. Substituting the word "Zionist" for ''Jew" does not eliminate the possibility of speech being antisemitic."***

A uniform definition of antisemitism will help universities in their efforts to combat this scourge.

UA will provide this definition to TEQSA and request that it works with the HESP to best determine the positioning of the definition within the Higher Education Standards Framework, and to ensure it acknowledges universities' responsibility to honouring academic freedom of speech and expression.

There is no place for racism of any form in our universities, or anywhere else.

UA will continue to work closely with our members, the Special Envoy to Combat Antisemitism, the Special Envoy to Combat Islamophobia, parliamentarians and community groups as we continue to respond to these issues.

Our sector also remains committed to tackling the challenges faced by Aboriginal and Torres Strait Islander students and staff. We continue to work to include these issues in our policies and standards.

Further context to the working definition of antisemitism UA's members have endorsed:

*This definition has been developed for incorporation into relevant complaints schemes and disciplinary processes as soon as practicable and will also be used to educate about antisemitism.*

*Universities are required under statutory obligations, relevant clauses in Enterprise Agreements, University policies and procedures, Staff and Students Codes of Conduct, and their values, to combat antisemitism and other forms of racism.*

*All UA member universities support explicit action to combat antisemitism as part of their commitment to combatting racism and exclusion in all its forms.*

## RELATED MEDIA

SEE ALL MEDIA

MEDIA-ITEM MEDIA RELEASE

### HORIZON EUROPE TALKS A VERY POSITIVE STEP

READ MORE

MEDIA-ITEM MEDIA RELEASE

### BUSINESS R&D EDGES UP – BUT AUSTRALIA STILL RISKS BEING LEFT BEHIND

"It's good to see business investment in R&D is moving in the right direction, but Australia continues to lag global competitors without deeper university-industry collaboration," Universities Australia Chief Executive Luke Sheehy said today.

READ MORE

MEDIA-ITEM MEDIA RELEASE

### ROY MORGAN APPOINTED TO DELIVER NEXT NATIONAL STUDENT SAFETY SURVEY

Universities Australia has appointed independent research firm Roy Morgan to deliver the next iteration of the National Student Safety Survey (NSSS).

READ MORE



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UNIVERSITIES AUSTRALIA,
CANBERRA.

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-18" annexed to the Affidavit of Daniel Patrick McCoach dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

THE UNIVERSITY OF SYDNEY

# Our commitment to anti-racism

## Supplementary resources

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# Our commitment to anti-racism

## Supplementary resources

The Anti-Racism Statement supplements ongoing efforts by the University to promote a deeper understanding of racism and its harmful impacts. The Statement has been developed in collaboration with many students and staff, including the National Centre for Cultural Competence and representatives from the Mosaic Staff Network, the Sydney Law School, Aboriginal and Torres Strait Islander staff, Diversity and Inclusion, the Student Representative Council, the Sydney University Chinese Students' Association, the Australasian Union of Jewish Students, the Sydney University Muslim Association among many others. The Statement was unanimously endorsed by the Academic Board, a decision affirmed by the University Senate on 28 July.

The Statement speaks to the University's aspiration to stand against racist ideas and practices within the University, but also our obligation to uphold the principle of freedom of speech and academic freedom. As an academic institution, we have a responsibility to be open to diverse views and opinions and to foster a greater understanding of these issues in the community. In addition to the Statement, some supplementary guides, developed by the Working Party drafting the Statement, offer a selection of relevant material and debates around specific forms of racism. These serve as pathways to understanding contemporary manifestations of racism and discrimination for those interested in further detail.

### The Australian context:

There are Federal laws to protect people from discrimination and from breaches of their human rights. ***The Racial Discrimination Act 1975*** promotes equality before the law for all people regardless of race, colour, or national or ethnic origin. It is unlawful to discriminate against people on the basis of race, colour, descent or national or ethnic origin. **The International Covenant on the Elimination of All Forms of Racial Discrimination 1965** is the progenitor of Australia's Racial Discrimination Act. The **Australian Human Rights Commission** offers additional resources on understanding racism in Australia. The University of Sydney is a proud supporter of the Commission's campaign **Racism. It Stops With Me.**

Although racism is commonly framed by antagonism to people from different cultures, and ethnicities, in colonial contexts such as Australia, Canada, South Africa, New Zealand and the USA, racism has also been fundamental to the experience of First Nations peoples. The legacy of colonisation, dispossession and racist ideas and attitudes that underpinned these processes for Australia's First Nations peoples is still evident in high rates of chronic disease, imprisonment and many other indices of social disadvantage. Addressing contemporary racism in Australia has to involve an understanding of the factors that have shaped and continue to shape the lives of Indigenous Australians.

Racism is also evident in attitudes, practices and policies with respect to people from many other ethnicities and cultures. Racism can be amplified, masked, configured or displaced by intersections with other forms of discrimination such as those based on age, disability, religion, gender and sexuality and other grounds as outlined in the university's anti-racism statement. The ***Anti-Discrimination Act 1977*** (NSW) protects people against these forms of discrimination in certain circumstances. It explicitly prohibits any public act that could incite hatred, serious contempt or severe ridicule towards people of a particular race or on the basis of their religious beliefs,

affiliations or activities. The Australian Human Rights Commission offers further information on intersectionality in its **2022 National Ant-Racism Framework Scoping Report**, as does the United Nations Network on Racial Discrimination and Protection of Minorities, **Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities**. More commonly, racism involves antagonism to people from 'foreign' cultures and ethnicities and some of the most prevalent forms of racism have been characterised as antisemitism, Islamophobia and xenophobia. These are contentious areas in contemporary culture. Below are some guides to some of these current definitions and debates. The University presents these for information and education purposes but does not endorse them.

## Antisemitism:

The University Senate has endorsed the inclusion of the Universities Australia agreed working definition on combatting antisemitism in this document alongside the University's anti-racism statement and confirmed it will be used by decision-makers to assess complaints of, and allegations of antisemitism.

Definitions under Other Resources (the section following Context) are included for information and education purposes.

**Universities Australia agreed working definition on combatting antisemitism**

Antisemitism is discrimination, prejudice, harassment, exclusion, vilification, intimidation or violence that impedes Jews' ability to participate as equals in educational, political, religious, cultural, economic or social life. It can manifest in a range of ways including negative, dehumanising, or stereotypical narratives about Jews. Further, it includes hate speech, epithets, caricatures, stereotypes, tropes, Holocaust denial, and antisemitic symbols. Targeting Jews based on their Jewish identities alone is discriminatory and antisemitic.

Criticism of the policies and practices of the Israeli government or state is not in and of itself antisemitic. However, criticism of Israel can be antisemitic when it is grounded in harmful tropes, stereotypes or assumptions and when it calls for the elimination of the State of Israel or all Jews or when it holds Jewish individuals or communities responsible for Israel's actions. It can be antisemitic to make assumptions about what Jewish individuals think based only on the fact that they are Jewish.

All peoples, including Jews, have the right to self-determination. For most, but not all Jewish Australians, Zionism is a core part of their Jewish identity. Substituting the word "Zionist'' for ''Jew'' does not eliminate the possibility of speech being antisemitic.

**Context**

This working definition draws from a range of definitions. It draws particularly on the working definition developed by the International Holocaust Remembrance Alliance (IHRA) and recommendations of Antisemitism Taskforces at Columbia University, Stanford University, Harvard University, and New York University.

This definition has been developed for incorporation into relevant complaints schemes and disciplinary processes as soon as practicable and will also be used to educate about antisemitism.

Universities are required under statutory obligations, relevant clauses in Enterprise Agreements, University policies and procedures, Staff and Students Codes of Conduct, and their values, to combat antisemitism and other forms of racism.

All UA member universities support explicit action to combat antisemitism as part of their commitment to combatting racism and exclusion in all its forms.

**Other resources**

There are several definitions and debates which serve as valuable guides to understanding antisemitism. As with Islamophobia and xenophobia below, antisemitism is a form of racism that amalgamates all members of a community into one group and treats common social, cultural and religious differences as if they are innate.

One of the most widely used definitions of antisemitism is the non-legally binding working definition produced by the **International Holocaust Remembrance Alliance** (IHRA). The general definition is accompanied by illustrative examples of antisemitism.

The **European Commission** also offers useful commentary on antisemitism, drawing on the principles of the IHRA definition.

There is, however, debate about the IHRA definition, and the accompanying examples, despite the fact that it has been adopted by many universities in the United Kingdom, the European Commission, the Australian Government and a number of other Australian universities. There are a number of critics, including Jewish scholars and others working in Israeli institutions, who have argued that the IHRA definition and accompanying examples are unduly restrictive of academic freedom, particularly the right to criticise the state of Israel.

Although the IHRA rejects these criticisms as unfounded, arguing that there are adequate protections in the IHRA definition for academic freedom in their definition, in this context of principled debate two qualifying statements, **proposed by the UK Home Affairs Select Committee** have been adopted by a number of universities in the UK and Australia including the University of Cambridge, the University of Manchester and Monash University. These institutions consider these as useful supplements in relation to the IHRA definition to further safeguard academic freedom. We note however, that the qualifying statements as proposed by the Home Affairs Select Committee were not adopted by the UK Government when it formally adopted the IHRA definition on 16 December 2016. These qualifications are:

- It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent.
- It is not antisemitic to hold the government of Israel to the same standards as other liberal democracies, or to take a particular interest in the Israeli government's policies or actions, without additional evidence to suggest antisemitic intent.

Another useful resource for understanding antisemitism, developed by a number of critics of the IHRA definition and one focused more on protecting the freedom to criticise the state of Israel and the Israeli government, is the **Jerusalem Declaration on Antisemitism.**

Understanding antisemitism:

https://encyclopedia.ushmm.org/content/en/article/antisemitism
https://www.schools.vic.gov.au/understanding-and-respondingantisemitism

## Islamophobia:

**In its report 'Sharing the Stories of Australian Muslims',** the Australian Human Rights Commission provides a helpful guidance on Islamophobia in an Australian context. Islamophobia has been defined as a form of racism that 'amalgamates all Muslims into one group and treats characteristics associated with Muslims (violence, misogyny, political allegiance/disloyalty, incompatibility with Western values) as if they are innate'. The working definition of Islamophobia by the All-Party Parliamentary Group (APPG) on British Muslims states it 'is rooted in racism and is a type of racism that targets expression of Muslimness or perceived Muslimness'. This APPG working definition, has received widespread support and adoption from the Muslim community in the United Kingdom and overseas since its proposal. In providing that 'Islamophobia' is rooted in racism, the definition does not suggest that Muslims are a race. Instead, it suggests that Muslim communities often encounter anti-Muslim discrimination, vilification and hatred in ways that are akin to the experience of racism.

For other useful commentaries on experiences of Islamophobia see:
https://researchoutput.csu.edu.au/ws/portalfiles/portal/208330970/Islamophobia_Report_3_2022_LR_Spreads_RA.pdf
https://islamophobia.com.au

## Anti-Asian:

Anti-Asian racism, is a particular form of xenophobia that has been prevalent in Australia, given the significant numbers of citizens, residents and students from Asian backgrounds in Australia. It refers to historical and ongoing discrimination, negative stereotyping, and injustice experienced by peoples of Asian origin, based on others' assumptions about their ethnicity and nationality. The Asian population is a diverse group that comprises individuals from multiple national origins and languages. Despite this diversity, Asian communities have reported a shared experience of discrimination. Peoples of Asian origin are subjected to specific overt and subtle racist tropes and stereotypes at individual and systemic levels, which lead to their ongoing social, economic, political, and cultural marginalisation, disadvantage, and unequal treatment.

Two recent papers exploring Anti-Asian racism can be found here:

https://onlinelibrary.wiley.com/doi/10.1002/ajs4.176 https://www.mdpi.com/2076-0760/11/5/227

## Xenophobia:

There are many other forms of xenophobia, some of which we have seen in Australia in recent decades, especially with respect to people from African and Middle Eastern backgrounds, although it can operate with respect to anyone or any group seen to be foreign. As we know, many of those considered foreigners may be from families that have been in Australia for a number of generations. Xenophobia is characterised by a fear, prejudice, or hatred of people based on the perception that they are outsiders or foreigners within the community which include behaviours that seek to harass, vilify

and discriminate. Another common manifestation of xenophobia is criticism of immigrants and immigration policies. Opposition to immigration can have legitimate or non-racist justifications, such as a desire to safeguard national borders during a pandemic or because of concerns that the resource base of a country or region is unable to sustain an increase in population. Anti-immigrant attitudes, however, may be grounded in racist attitudes, which identify immigrants from particular countries, regions or ethnicities as undesirable.

See also **https://journals.sagepub.com/doi/full/10.1177/1368430220983470**

### Additional resources:

- Anti Discrimination NSW
- Anti Discrimination NSW - Religious Vilification
- Australian Human Rights Commission – Racism: Definition of key terms
- Online Hate Prevention Institute
- United Nations - Fight Racism
- Coursea – Anti-Racism Specialisation

# Reporting racial discrimination

If you need to report an incident of racial discrimination call our confidential helpline, **1800 SYD HLP** (**1800 793 457**).

If you're feeling unsafe on campus or you're concerned for the safety of others, call Campus Security on 02 9351 3333 24 hours a day. Security patrol officers can assist by escorting you from a building to your vehicle, to the local bus stop or to the local railway station.

Students can also access **Student Wellbeing** for support, and staff can contact **Employee Assistance Program** at any time.

THE UNIVERSITY OF SYDNEY

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-19"
annexed to the Affidavit of Daniel Patrick McCoach dated
18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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LOCAL
NATIONAL
INTERNATIONAL

ROTSTEIN
COMMERCIAL LAWYERS

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Dear Colleagues,

**Federal Court Proceeding No. NSD950/2025: Joseph Toltz & Ors v Nick Riemer & Anor**

We refer to the particulars sub-joined to paragraph 34 of the Amended Statement of Claim in the abovementioned Proceeding No. NSD950/2025 Joseph Toltz & Ors v Nick Riemer & Anor, and provide below further and better particulars as referred to therein:

1. On 14 November 2023 - Solidarity posted Dr Riemer at a rally at Sydney University at which the students were yelling "*intifada, intifada, long live the intifada*!".
2. 5 March 2024 – Repost of Reimer to support ending links with companies that arm Israel.
3. 6 March 2024 – Repost of Riemer protesting with students.
4. 7 March 2024 - Repost of Riemer advocating book launch entitled "The Radical Jewish Tradition: Revolutionaries, resistance fighters and firebrands".
5. 12 March 2024 – Repost of Riemer talk on Gaza.
6. 12 March 2024 Repost of Riemer 'Hands off Rafah'.
7. 17 March 2024 – Repost of Riemer chanting "*5 6 7 8 – smash the genocidal state*".
8. 24 March 2024 – Repost of Riemer posting hundreds of people blocking the road to the port in Sydney relating to ZIM containers (Israel focused).
9. 24 March 2024 – Repost showing unionists supporting Palestine, including NTEU.
10. 7 April 2024 – Repost of Riemer supporting Gazan resistance.
11. 8 April 2024 – Solidarity simply post a large sign of "*globalise the intifada",* just as Riemer does.
12. 13 April 2024 – Repost of Riemer protesting for Gazans.
13. 23 April 2024 – post showing NTEU supporting the student encampment from inception.
14. 24 April 2024 – Repost of Riemer supporting the Sydney University encampment.
15. 26 April 2024 – *intifada* is said to be Union business.

16. 3 May 2024 – Riemer is quoted in Honi Soit at the Gaza Solidarity Camp as president of the NTEU saying ""*we will be with you for as long as it takes*".
17. 8 May 2024 – Repost of Riemer advertising the '@NTEUnion Gaza solidarity vote' on the institutional academic boycott of Israel at the NTEU members meeting.
18. 8 May 2024 – Repost of Riemer celebrating the endorsement by General Union of Palestine Workers of his NTEUnion motion.
19. 9 May 2024 – Repost of Riemer highlighting the success of his motion to endorse the academic boycott of Israeli universities.
20. 12 May 2024 – post of NTEU supporting the Sydney University Encampment.
21. 12 May 2024 – Reposting the Rank and File Action post celebrating the vote of USYD NTEU boycotting Israeli universities and cutting ties with global arms trade.
22. 15 May 2024 - Reposting Riemer asserting that "*The Gaza camps…must not be removed. At @Sydney_Uni, @NTEUnion members have voted to defend our camp against all threats. We will do so.*"
23. 15 May 2024 - Reposting Riemer – saying "*Whether in 1948 or 2024, the resistance is here to stay, for as long as it takes.*"
24. 17 May 2024 – Repost of Riemer noting the USYD NTEU supports the Sydney University encampment (Gaza Camp).
25. 22 May 2024 – Repost of Riemer taking photos at Sydney University Encampment.
26. 24 May 2024 – Solidarity post advertising Riemer giving a talk on BDS.
27. 1 June 2024 – Repost of Riemer supporting boycott of Israel.
28. 1 June 2024 – Post of Riemer speaking at Solidarity meeting.
29. 6 June 2024 – repost of Riemer referring to "*Utterly reprehensible political expulsion*" of Beatrice Tucker at ANU, after she said "*Hamas deserved 'unconditional support'*".
30. 7 June 2024 – further repost of Riemer decrying expulsions at ANU.
31. 25 June 2024 – post promoting Riemer and Saleh talking about BDS.
32. 16 July 2024 – Post advertising Riemer giving a talk on BDS.
33. 17 July 2024 – Post of Riemer giving a talk on BDS regarding academic boycott of Israel by NTEU members at Sydney University.
34. 11 August 2024 – Post supporting Sydney University meeting *inter alia* affirming armed resistance for Palestinians and scrapping Campus Access Policy.
35. 5 October 2024 – Repost of Riemer's post on NTEU's motion in support of institutional academic boycott of Israel and making BDS Union policy.
36. 6 October 2024 – Repost of Riemer posting about Sydney march in solidarity with Palestine.
37. 9 October 2024 – Repost of Riemer in support of NTEU's campaign.
38. 9 October 2024 – Repost of Riemer condemning police conduct against student protesters.
39. 15 October 2024 – Repost of Riemer's promotion of NTEU USyd forum on campus free speech, advocating to scrap the Campus Access Policy.
40. 21 October 2024 – Repost of Rank and File Action promotion of 23 October NTEU National Day of Action for Palestine to "cut ties with genocide".
41. 21 October 2024 – Repost promoting 23 October NTEU National Day of Action for Palestine.
42. 23 October 2024 – Repost of NTEU National Day of Action at Sydney University, asserting to cut all ties with 'genocide' and 'apartheid'.
43. 23 October 2024 – Repost of Riemer supporting the NTEU National Day of Action for Palestine at Sydney University.
44. 30 October 2024 – Post citing Riemer condemning university leaders for failing to oppose Netanyahu's alleged war crimes with picture mocking antisemitism.
45. 16 November 2024 – Repost of NTEU's commitment to academic boycott of Israel.
46. 17 November 2024 – Repost of Riemer speech alleging the Applicants are "Zionists", a "propaganda agency for genocide & apartheid", and "doing Netanyahu's work in Australia."
47. 20 November 2024 – Repost of Riemer promoting "analysis of anti-Palestinian repression" and "critique of Zionists' abuse of cultural and psychosocial safety provisions".
48. 21 November 2024 – Repost of Riemer criticising Sydney University for maintaining exchange programs with an Israeli University.
49. 25 November 2024 – Repost of Riemer promoting report correlating pro-Palestinian politics to social cohesion.

50. 28 November 2024 – Repost of Riemer criticising Sydney University's proposed protest restrictions.
51. 21 December 2024 – Repost of Riemer decrying Sydney University's proposed protest crackdown in staff statement.
52. 15 January 2025 – Repost of Riemer and Keane publicly commenting on the AHRC phase and the "Zionist lawfare attack".
53. 17 January 2025 – Repost of Keane and Riemer "contesting nonsense allegations" regarding each of their "acts of 'racial hatred' & 'antisemitism'".
54. 21 January 2025 – Repost of Riemer condemning Sydney University's plan to restrict campus protest banners.
55. 13 February 2025 – Repost of Riemer supporting academic Dr Randa Abdel-Fattah.
56. 21 February 2025 – Repost of students defying Sydney University's 'Campus Access Policy'.
57. 26 February 2025 – Repost promoting campus National Day of Action, including NTEU.
58. 2 March 2025 – Repost of Riemer posting about thousands of pro-Palestine protesters in Sydney.
59. 5 March 2025 – Repost of Riemer criticising Sydney University for misconduct action against student over pro-Palestine slogans.
60. 6 March 2025 – Repost of Riemer at press conference on alleged "discrimination against a pro-Palestinian student" by Sydney University.
61. 12 March 2025 – Repost of NTEU protest for release of pro-Palestine activist, Mahmoud Khail.
62. 13 March 2025 – Post celebrating Sydney University ending exchange program with Israeli Academy.
63. 14 March 2025 – Repost promoting NTEU's Day of Action for Palestine.
64. 18 March 2025 – Repost of Riemer promoting march against Albanese.
65. 25 March 2025 – Repost of Riemer asserting that there are Jewish groups backing sanctions against Israel.
66. 26 March 2025 – Repost of Sydney Staff for BDS at Sydney University seeking to "boycott apartheid Israel".
67. 27 March 2025 – Post showing NTEU protest with Riemer at Sydney University against new antisemitism definition.
68. 2 April 2025 – Repost of Riemer condemning Sydney University for hosting a "Zionist event."
69. 14 April 2025 – Repost of Riemer praising the AHRC termination of the alleged "Zionist 'lawfare' complaint" against him and Keane.
70. 22 April 2025 – Repost of Riemer criticising university leaders for targeting pro-Palestine activists.
71. 25 April 2025 – Repost of Riemer criticising Universities Australia's new antisemitism definition as a tool to "suppress pro-Palestine activity on campus".
72. May 17 2025 – Post of Sydney University students rejecting new definition of antisemitism at Student General Meeting.
73. 30 May 2025 – Repost of Riemer agreeing with Keane in decrying legal claims against them.

Yours faithfully,

**ROTSTEIN COMMERCIAL LAWYERS**

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

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| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

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annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
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# ANTISEMITISM IN AUSTRALIAN UNIVERSITIES POST 7 OCTOBER

SURVEY BY:

Australian Academic Alliance Against Antisemitism

1393

MAY 2025

**Australian Academic Alliance Against Antisemitism (5A)** is a network of academics and professionals from 32 Australian universities and medical centres, united by a shared commitment to addressing antisemitism in higher education and research and ensuring that Australian universities are inclusive for all.

**Authors (equal contributions)**
Emeritus Professor Andrew Markus
Associate Professor Efrat Eilam, Victoria University
Emerita Professor Suzanne Rutland, The University of Sydney

**Reviewers**
Professor Leon Mann, University of Melbourne
Professor Michael Ibbotson, The University of Melbourne
Professor Iman Shames, The Australian National University
Adj. Associate Professor David D. Knoll AM, University of New South Wales
Dr Emmanuel Gruzman, Monash University
Professor Emeritus Gregory L. Rose, University of Wollongong

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# EXECUTIVE SUMMARY

# Introduction and Background

The 7 October massacre is the most traumatic event for the Jewish world since the Holocaust. The atrocities of this pogrom lifted a veil on age-old antisemitism, breaking inhibitions and allowing it to resurface in stark and unsettling ways (Smith, 2024). A particularly concerning aspect of this resurgence is the role of universities in the free world, which have become epicentres of antisemitic activism, often granting it moral legitimacy and academic authority.

A core value of universities is academic freedom, including free scholarly and respectful debate. Since 7 October, this core value has been undermined with strident protests, university encampments and cancel culture. Tribalism has continued to be entrenched, with a polarising effect, so that Jewish students and staff, who believe Israel has the right to exist, have felt excluded.

It is important to stress that the anti-Jewish attacks on university campuses overseas and in Australia did not suddenly emerge in a vacuum. They were part of a growing trend which began with the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments were heightened by the accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism.

**Survey Aims**

To assess the extent and nature of antisemitism on Australian campuses, the Australian Academic Alliance Against Antisemitism (5A) conducted a comprehensive survey which aimed to:

i. assess the extent of antisemitism in Australian universities, as experienced by Jewish students and staff; and
ii. assess the extent to which universities in Australia are taking active measures to ensure that their campuses are free from antisemitism.

# Methodology

The 5A study employed a mixed-methods approach for collecting and analysing both qualitative and quantitative survey data. The survey employed a non-probability sample, designed for completion by Jewish students and staff at Australian universities. It was administered online, allowing for anonymous participation with data being collected from 16 April to 31 July 2024. A total of 548 responses met the criteria for inclusion. The distribution of participants across roles consisted of 66% (n = 395) students, 25% (n = 149) staff, 6% (n = 34) administration or management, and 3% (n = 18) other.

Responses were obtained from 30 universities. The largest number of respondents came from Monash University, the University of Sydney, the University of New South Wales, and the University of Melbourne—a total of 313, accurately reflecting the distribution of Jewish students across Australian universities. Data cleaning and data weighting were applied to ensure the validity and reliability of the results.

# Qualitative Analysis Results

In response to the first question, which asked "If you encountered antisemitism, please describe the most impactful experience of antisemitism that you have encountered on campus since 7 October 2023", 416 respondents shared experiences. The thematic analysis revealed four categories and their themes:

**The campus environment category:** posters, symbols, slogans, distribution of flyers; constraints on freedom of movement on campus; hostile behaviour of activists at rallies, encampments, and student union meetings; use of megaphones; being ignored, cancelled, excluded, needing to hide one's identity; verbal attacks; and, in a few cases, physical threats and attacks.

**The student experience category**: discriminatory behaviour and hostile comments by lecturers, tutors, and fellow students; identifying and singling out Jewish and Israeli students in class; political statements about the conflict in class; disruption of classes by protestors; disruption of learning; and Jewish students feeling they need to hide their identity or drop classes because of the behaviour of staff.

**The academics and staff experience category:** hostility to Israel; overt antisemitism in classes, interactions with colleagues, and online faculty forums; discriminatory actions including failure to renew contracts; students' attempts to intimidate staff; targeting staff in their offices; doxxing and cancellation; and National Tertiary Education Union and student union resolutions and actions.

**The universities' systems failure category:** unwillingness to listen to concerns; failure to act on complaints; dismissal of complaints as invalid or over-sensitive; and failure to provide a safe learning and work environment.

Finally, the combined qualitative and quantitative data suggest that most participants equate anti-Zionism with antisemitism.

# Quantitative Results Analysis

### The physical and virtual environment

Respondents indicated their experiences of witnessing antisemitic expressions on campus since 7 October, with 93% witnessed graffiti, posters or fliers delegitimising the right of Israel to exist; 92% experienced verbally or through social media delegitimising the right of Israel to exist; and, 85% experienced verbally or through social media derogatory comments about Israelis (Israeli people).

These responses were consistent across students and staff, but more pronounced with students, with only the deligitimisation (posters & social media) being statistically significant.

### Personal experiences

Personal experiences were considered in relation to hearing and being subjected to antisemitic comments, insults, and harassment, as well as feeling isolated or cancelled, and experiencing physical assault.

Three quarters (74%) of Jewish students heard antisemitic comments, with 67% of the overall sample (students and staff) exposed to this type of harassment; 43% of the sample reported feeling ignored or excluded; and 39% experienced insults or harassment on social media.

These findings reveal that antisemitic behaviour has become normalised across university campuses. Staff were more likely than students to report feeling excluded, while students reported higher rates of most other antisemitic experiences.

**Relationship changes**

The findings suggest that 7 October triggered a "social earthquake," disrupting relationships both between and within the Jewish campus community.

Almost half of the participants (49%) reported decreased interaction with non-Jewish people; and 77% reported increased interaction with Jewish people, suggesting that Jewish people have been seeking refuge within their own community.

A smaller proportion moved in the opposite direction, with 5% reported decreased mixing with Jewish people; and 11% reported increased mixing with non-Jewish individuals. Qualitative data indicates that political anti-Zionist views may have contributed to a rift within the Jewish community, dividing the majority who identify as Zionists from the minority who do not.

**Personal behaviours**

Notable behavioural changes were reported post 7 October 2023, with 48% decrease in class attendance; 50% decrease in speaking Hebrew in public; and 56% increase in engagement with social media. Reduced class attendance due to lack of sense of safety may have long-term consequences for academic achievement and career progression.

Bifurcation of behavioural changes was found, with 39% reporting a decrease in wearing Jewish symbols versus 40% reporting an increase; 49% reported a decrease in publicly expressing political beliefs or their connection to Israel, versus 32% reporting an increase.

**Antisemitism from the political Left versus the political Right**

The majority of participants (84%) perceive the political left as the major source of antisemitism on campus compared to only 37% concerned and very concerned about the political right.

**Sense of safety**

The sense of safety on campus was low, with only a third (34%) of Jewish students and staff reported feeling safe. Both the physical and virtual campus environments were perceived as equally unsafe. The rate of sense of unsafety for Jewish people is 3.47 higher than the rate of sense of unsafety found in the 2021 National Student Safety Survey (NSSS), in relation to sexual harassment (Heywood et al., 2022).

**Perceptions of universities' policies and procedures**

Sixty percent of participants rated their universities' actions against antisemitism between 0 and 3 on a scale from 0 to 10. By contrast, in the NSSS Survey, only 9.9% of students gave similarly low ratings for university action to address sexual harassment (Heywood et al., 2022).

Comparisons of rankings across universities revealed statistically significant differences, suggesting high variability between universities and lack of uniformity.

More than half of respondents (51%) reported having no confidence in the complaints system. This compares to only 23.5% of students in the NSSS survey who expressed a lack of confidence in complaint systems (Heywood et al., 2022). Only 27% of participants felt confident that they could lodge a complaint without risking discrimination. These findings point to a systemic failure of university management.

**Cluster Analysis of Key Survey Items**

A cluster analysis was applied to identify and differentiate sub-groups within the surveyed population. The participants' responses to campus antisemitism falls into four response types, revealing varying degrees of vulnerability among Jewish people.

## Key Findings

- Antisemitism is systemic across university systems
- and has become normalised
- Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming highly blurred, with both being equally hostile.
- Campus environments and imagery are among the most influential factors contributing to harassment and alienation of Jewish people.
- Most participants equate antisemitism with anti-Zionism.
- Jewish people's freedom of speech has been silenced.
- Jewish staff and students lack confidence in the universities' disciplinary systems.
- High variability was found within and between campuses in relation to actions against antisemitism.

## Conclusion and Recommendations

Based on the survey's findings, 5A makes the following recommendations:

- Universities must demonstrate the same level of commitment to preventing antisemitism as they have shown in addressing sexual harassment.
- Adopt a definition of antisemitism, as understood by most Jewish people, treating this as non-negotiable.
- Establish a confidential and centralised antisemitism complaint system with trained staff.
- Create educational mandated modules on antisemitism for all stakeholders.
- Ensure the safety of Jewish people not only on physical campuses by preventing campus defacement, but also within virtual spaces.
- Set clear policies and enforcement in terms of protests, use of megaphones and class disruptions.
- Restore and protect freedom of speech for Jewish students and staff, through initiatives such as university-led public debates.
- Undertake further research to systematically evaluate university actions and identify effective practices.

In summary, we recommend that universities act now to stop campus tribalism and restore the foundational values of academic conduct—respectful dialogue, ethical engagement, and shared responsibility toward all members of the university community.

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# 1 INTRODUCTION

## The Establishment of the Australian Academic Alliance Against Antisemitism (5A)

The 7 October 2023 massacre stands as the most traumatic event in modern Jewish history since the Holocaust. For Jewish people worldwide, the atrocities of this pogrom lifted a veil on age-old antisemitism, breaking inhibitions and allowing it to resurface in stark and unsettling ways (Smith, 2024). This particularly manifested itself across university campuses in the Western world, which emerged as a key platform fostering this upsurge in antisemitism.

In response to this brutal Hamas attack on 7 October 2023 and the fact that, within a day, Hamas's massacre was being celebrated in academic circles as 'resistance' with almost no support for Jewish students and staff, the Australian Academic Alliance Against Antisemitism (5A) was born. A non-profit organisation, 5A has grown very quickly and today consists of academics and professional staff from across 32 Australian universities. It acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

The 5A's functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organisation's reach includes activities in education, academic advice and peer support, responding to anti-Israeli and BDS activity, to the media and misinformation, supporting legal and medical professional educator groups, advocating for Jewish academics and education professionals with sector regulators and University executives as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publishing and professional development.

## The Campus Environment Post 7 October

One of the core traditional values of academic institutions is the cultivation of free scholarly debate across ideological divides. This foundational principle is essential for advancing the frontiers of knowledge and fostering high-quality research for the benefit of society. From this value stem a set of academic behavioural norms, including respectful dialogue that upholds the rights and dignity of others, mutual accountability within the academic community, and a shared responsibility to engage ethically with all members of the university.

In the months following 7 October 2023, these core values have eroded across Australian campuses. A culture of tribalism has taken hold, where staff and students from opposing ideological camps have ceased communicating; cancel culture is now widespread; and on some campuses, members of the dominant group have established encampments, forcefully excluding anyone suspected of affiliation with the targeted group ("Zios") and occupied university buildings. At a conference held at Queensland University of Technology, a Zionist-identifying academic was publicly shamed and labelled an "infiltrator"—all under the banner of free speech.

Although the encampments were eventually dismantled, tribalism on Australian campuses continues to deepen, with little meaningful intervention from university leadership. This survey portrays the grim, polarising manifestations of antisemitism on Australian campuses as experienced by Jewish students and staff.

## The Foregrounding of Campus Antisemitism Before 7 Oct

It is important to stress that the anti-Jewish attacks on university campuses, which manifested themselves both overseas and in Australia after October 7, did not suddenly emerge in a vacuum. They were part of a growing trend which began with the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments were heightened by the accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism. In addition to right-wing antisemitism, protests by left-wing activists from groups such as Students for Justice in Palestine have increased both overseas and locally (Rutland and Allington, 2023). These negative feelings towards Jews were exacerbated during the period of the COVID Pandemic.

Since 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campus newspapers, together with the resultant uptick of antisemitic incidences. The narrative persistently morphs into an antisemitic narrative. This leaves Jewish university students feeling vulnerable and under attack, as clearly demonstrated by the survey initiated by the Zionist Federation of Australia [ZFA] with the support of Australasian Union of Jewish Students [AUJS] and the Scanlon Foundation. The survey, conducted by the Social Research Centre over a three-week period from April to June 2023 among Jewish students put forward the aim to "understand Jewish students' experiences of antisemitism in Australian universities" (Social Research Centre, 2023, p. 3).

The findings revealed that 64% of Jewish university students experienced some form of antisemitism. Of these, 47% described intimidation by people or events; 37% relating to tropes of Jewish money, power or influence; 37% comparing Israel to Nazi Germany; 30% Holocaust denial or minimisation; and 25% being singled out or excluded over Israel. Another key finding is that 19% of students have stayed away from campus to avoid antisemitism. Finally, the survey found that Jewish students have a lack of confidence in the complaints process at various universities with only 14% making a complaint after an incident (Social Research Centre, 2023, p. 1). These findings are very relevant to the present study as they pre-empt the increase in antisemitism reported by the current study.

This background foregrounds the eruption of the anti-Jewish actions and attacks throughout the Western world following the 7 October pogrom. A particularly concerning aspect of this eruption of antisemitism is the role of universities in Western countries, which have become epicentres for antisemitic activism, granting it moral legitimacy and academic authority. This bears a troubling resemblance to the pre-World War II era, when Western academia became awash with the pseudo-theory of eugenics that provided the scientific rationale and moral justification for the persecution and extermination of Jewish people (Smith, 2020; Johnson, 2018).

It has been noted that while pre-Holocaust antisemitism on campuses focused on Judaism as a race, following the establishment of Israel, campus antisemitism has shifted toward denying Jews the right to self-determination in their ancestral homeland – Israel and vilifying Jewish students and staff who support that right (Taylor, 2021; Cohen, 2017).

To assess the extent and nature of antisemitism on Australian campuses, the Australian Academic Alliance Against Antisemitism (5A) conducted a comprehensive survey, collecting data from April to July 2024.

The objectives of the survey were to:

i. assess the extent of antisemitism in Australian universities, as experienced by Jewish students and staff, and
ii. the extent to which universities in Australia are taking active measures to ensure that their campuses are free from antisemitism.



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# 2 LITERATURE REVIEW

The rapidly deteriorating safety of Jewish people on campuses and the sharp rise in antisemitism have garnered significant research attention, resulting in numerous publications. Santos and Yogev (2023) carried out the first known international survey of Jewish students and staff following 7 October 2023. Their sample included 202 Jewish university members from the U.S. (136), Canada (35), and Europe (31). The participants, with an average age of 35.1, completed an online survey between December 15, 2023, and January 7, 2024.

The findings revealed significant Increases after 7 October 2023 in hate speech against Jewish individuals and Israel; graffiti and distribution of pamphlets featuring Nazi or other known antisemitic symbols; doxing on social media; dehumanisation of Jewish individuals and Israelis; demonisation of Israel; public anti-Israel protests on campuses; prevalent anti-Israel activity on social media; and anti-Israel rhetoric in listserv emails, classroom statements by lecturers and students, and remarks by university employees outside the classroom. There were very few physical assaults, but "between 20 and 25% of respondents reported being victims of verbal harassment due to their nationality or religion" (Santos & Yogev, 2023, p. 10).

The findings also revealed notable decreases in engaging on social media (-1.23; $p < .001$); publicly expressing political beliefs (-1.16; $p < .001$), religious beliefs (-.91; $p < .001$), or connections to Israel (-.79; $p < .001$); and wearing a kippah (-.81; $p = .018$) or other Jewish symbols (-.67; $p = .002$) on campus.

Regarding trust in university systems, the findings indicated a consistent lack of confidence in senior leadership (e.g., university presidents) and in the willingness by Diversity, Equity, and Inclusion (DEI) units to address Jewish students' safety concerns (Santos & Yogev, 2023).

In the United States, the House Committee on Education and the Workforce conducted an intensive investigation into campus antisemitism, reviewing 400,000 pages of documents as evidence in their final report. The findings revealed significant failures by university leadership nationwide, some of which attracted global attention during highly publicised hearings featuring the presidents of Harvard University, the University of Pennsylvania, and the Massachusetts Institute of Technology. The report condemned the lack of accountability of university leadership for students committing vandalism on university property and faculty members preventing the enforcement of disciplinary actions against students who violate policies.

At Colombia University, similar to the University of Melbourne in Australia, students who took over university buildings avoided punishment (see https://www.abc.net.au/news/2024-05-22/pro-palestinian-melbourne-university-encampment/103881534). The House Committee Report highlights universities' unreasonable capitulation to encampment leaders' demands and the overall hostile environment for Jewish students. University leaders withheld support from Jewish students. In their public appearances, they projected commitment to combating antisemitism, while their private communications revealed the opposite. One key finding states: "Universities utterly failed to impose meaningful discipline for antisemitic behaviour that violated school rules and the law" (U.S. House of Representatives, 2024, p. 3).

Another comprehensive study of antisemitism across U.S. campuses was conducted by the Brandeis Maurice and Marilyn Cohen Center for Modern Jewish Studies (Wright et al., 2024). The aim of the study was to assess the impact of 7 October 2023 and the Israel-Hamas war on Jewish students and the response of colleges and universities. The report drew upon interviews at 23 U.S. campuses with Jewish students and staff, along with survey data from Jewish undergraduates.

Findings revealed that nearly two-thirds of participants rated antisemitism as the most pressing campus issue since 7 October 2023. The report also noted that this hostility was in the air, often implicit rather than explicitly anti-Jewish, with few physical threats reported. Nevertheless, it led to exclusion and targeting based on Jewish identity. Many Jewish students concealed their identity and avoided discussing Israel. Social relationships were highly impacted, creating divisions between Jewish and non-Jewish students. Jewish students reported ostracism and excluded from student groups. Most students interviewed had negative views of their university's statements and actions in response to the various antisemitic activities on campus (Wright et al., 2024).

These findings echoed in various internal investigations at specific universities, such as the Stanford report and the UCLA. In May 2024, a subcommittee at Stanford University published its report entitled: 'It's in the Air': Antisemitism and anti-Israeli bias at Stanford, and how to address it'. Data was collected through 50 listening sessions with over 300 undergraduates, graduate students, faculty, staff, alumni, and parents. Interviews were also held with senior and mid-level administrative officials at Stanford. The report concluded that

> antisemitism exists today on the Stanford campus in ways that are widespread and pernicious. Some of this bias is expressed in overt and occasionally shocking ways, but often it is wrapped in layers of subtlety and implication, one or two steps away from blatant hate speech (Jewish Advisory Committee at Stanford University, Subcommittee on Antisemitism and Anti-Israeli Bias [Jewish Advisory Committee at Stanford University], 2024, p. 4).

The findings included Jewish students having to leave their dorms, facing ostracism and intimidation, and hiding their Jewish identity. Staff members reported that, for the first time in their lives, they felt physically unsafe. Tutors abused their academic positions and used class time for spouting antisemitic propaganda. Respondents highlighted the university's failure to condemn blatant antisemitism, a fear of retaliation among students if they do complain, and lack of trust in management. The report expressed deep concern about the normalisation of antisemitic and anti-Israeli rhetoric and the university's apparent indifference (Jewish Advisory Committee at Stanford University, 2024, p. 7).

Similarly, a shocking report by the Jewish Faculty Resilience Group at UCLA, released in December 2024, described how pro-terror protesters vandalised buildings on campus. These descriptions echoed events seen on the campus of the University of Melbourne (see https://www.freepalestinevic.org/media-watch/baillieu-library-graffitied-with-palestinian-militants-name/ ) and the University of Queensland (see https://www.couriermail.com.au/queensland-education/tertiary/uq-staff-members-office-allegedly-targeted-in-urine-attack-as-tensions-escalate-between-students/news-story/04415a784173da992e80df4c9117ceaa ).

The graffiti and chanting included hate speech such as: "beat that f##king Jew!", "glory to the martyrs", and "down with Israel". (Jewish Faculty Resilience Group, 2024, pp. 3-4). Israelis and Jews were targeted and there was a call to expel Israeli students from the university.

Like other reports, the university turned a blind eye to antisemitic attacks on Jews, and "all attempts to seek support from the administration either went unanswered or were dismissed as politically motivated, trivial, or unimportant" (Jewish Faculty Resilience Group, 2024, p. 4).

The Anti-Defamation League (ADL) provides a daily email report, Campus Crisis Alert, listing and detailing antisemitic incidents on American campuses. It also publishes a Campus

Antisemitism Report Card as a tool for students, parents, alumni, college faculty, guidance counsellors, admissions consultants and other stakeholders. As of 21 February 2025, 85 institutions were graded on a five-point scale: A – Ahead of the pack, B – Better than most, C – Corrections needed, D – Deficient approach, and F – Failing. A large majority (65 out of 85, or 76%) of the institutions were graded C or below. At that date an F grade was awarded to nine institutions: Harvard University, Massachusetts Institute of Technology, Northwestern University, Tufts University, University of California Los Angeles, University of Chicago, University of Massachusetts Amherst, University of Michigan, and the University of North Carolina Chapel Hill. The Report released in March 2025 showed improvement at a number of universities, eight getting A grades, up from two, and 41 obtaining B, up from 18. (Anti-Defamation League, n.d.)

In Australia, comprehensive post-7 October 2023 surveys include "Australian Jews in the Shadow of War: Main Survey Findings" (Bankier-Karp & Graham, 2024) and the Community Security Group (CSG) Victoria's "University Report: A CSG Analysis of Incidents on Campus" (CSG Victoria, 2024).

Bankier-Karp and Graham (2024) surveyed 7,611 Australian Jewish adults between November 10–17, 2023, revealing unprecedented concerns about antisemitism. Among the Jewish students who participated in the survey, 68% experienced hostility toward Israel from other students, and 46% from lecturers. Some respondents reported feeling the need to hide their Jewish identity.

The report emphasised "that most Jewish people in Australia feel a very strong emotional attachment to Israel" (Bankier-Karp & Graham, 2024, p. 8), with 91% of Australian Jewry feel at least somewhat emotionally attached to Israel. Additionally, "87% said they felt 'a special alarm' given that Israel had been put in danger. 37% said they were so alarmed 'it is almost as if my own life was in danger'" (Bankier-Karp & Graham, 2024, p. 8).

The CSG Victoria report documented 85 antisemitic incidents from February 2024 to May 2025 across six universities, a sharp increase from 11 in 2023 and one in 2022. Incident reports were obtained, in descending order of frequency, from Monash Clayton, the University of Melbourne, RMIT, Deakin University Burwood, Swinburne University, Monash Caulfield, and La Trobe Bundoora (CSG Victoria, 2024).

The majority of the incidents involved verbal abuse. Other incidents, in decreasing order of frequency, included the display of symbols/paraphernalia, stickering, threats of assault, graffiti, and photography/videography. Particularly noteworthy is the hostile rhetoric on campus toward Zionism, including discrimination, vilification, and threats of violence against 'Zionists.' The report states that "Jewish students routinely feel unsafe, psychologically attacked, or at best, unwelcome, on university campuses around Victoria" (CSG Victoria, 2024, p. 4).

Consistent with all previous reports, this report indicates that Jewish students have no trust in their universities' administrations or campus security to ensure their safety. Consequently, they refrain from filing complaints or reporting incidents to their universities. Jewish students "expressed dismay at inaction by university administrations and campus security, particularly when it comes to allowing hateful rhetoric at demonstrations" (CSG Victoria, 2024, p. 6).

Several official Australian Government inquiries gathered evidence of the situation in universities. Based on submissions, interviews and public hearings the inquiries repeatedly expressed alarm at the level of antisemitism in Australian universities.

The first Inquiry, commissioned by the Australian Government Department of Education in

July 2024, was conducted by the Human Rights Commission. Its Interim Report, released late 2024, lacked detail. However, the initial consultations with Jewish students "reported escalating experiences of antisemitism on campus since October 2023" (Australian Human Rights Commission, 2024, p.33). It referenced a statement by The Zionist Council of New South Wales that "certain staff and students are too frightened to come to campus. We heard about teachers being harassed as they walk to halls to teach, we heard about students being silenced in class because of their Jewish identity" (p. 38).

The Australian Senate responded in July 2024 given the urgency of the issue. In July 2024 the Australian Senate's Legal and Constitutional Affairs Legislation Committee, on the initiative of Liberal Shadow Minister Senator Sarah Henderson, conducted an Inquiry into the need for a Commission of Inquiry into antisemitism at Australian universities. The committee received and published 669 submissions and held two public hearings in Canberra in September 2024 (Legal and Constitutional Affairs Legislation Committee, 2024).

One of the submissions was lodged by the Special Envoy to Combat Antisemitism, Jillian Segal AO, whose staff interviewed more than 65 Jewish students and academics in August-September 2024 to provide data for the submission. The Envoy reported that "Jewish students are traumatised and feel isolated and unsafe" (Segal, 2024, p. 1), noting that "approximately half of those interviewed were visibly teary during their interview" (p. 7). It found that of those interviewed, 80% of students had experienced an antisemitic incident in a lecture or tutorial, and nearly 70% of university staff, including academics, experienced an incident in their workplace. Most students and staff were "intimidated and unwilling to complain to universities because they lack trust … or they fear retribution in some form" (p. 9). Not a single person interviewed felt satisfied with the reporting process

Segal raises an alarm, stating that:

> Antisemitic behaviour is not only present on many campuses but is an embedded part of the culture. Universities have not taken appropriate action to denounce and suppress it: it has become systemic … This normalised antisemitism is incredibly dangerous to our society as it is an attitude and behaviour that eats away at the fabric of the mission of the tertiary sector (Segal, 2024, p. 1).

The Committee's majority, comprising Labor Senators and other parties, did not support the need for a commission. However, it did support further Parliamentary investigation, referring the issue of antisemitism to the Parliamentary Joint Committee on Human Rights which was asked to examine "the prevalence, nature and experiences of antisemitic activity at universities" (Parliamentary Joint Committee on Human Rights, 2025, p. vii) and the effectiveness of the response within universities "to ensure the safety and wellbeing of students, staff and academics" (p. vii). After four hearings and 49 submissions, in addition to review of the evidence gathered by the earlier Senate Committee, this second Committee reported in February 2025 that "the current situation of Jewish students and staff feeling unsafe is unacceptable" (p. ix).

> There is a cultural shift which is needed, and for that to occur university responses to antisemitism must be informed by an understanding of the experiences of Jewish students and staff, and those Jewish students and staff must feel that their concerns are heard and valued (p. ix).

The Committee's Report highlighted "the importance of listening to the lived experiences of Jewish students and staff" (p. ix). It recommended that the Government consider amending the Tertiary Education Quality and Standards Agency Act 2011 to provide the Agency with enhanced powers "to enforce compliance with the higher education threshold standards relating to student wellbeing and safety" (p. xii). If it became evident that the university responses were insufficient, then the next step should be consideration of the establishment of a Judicial Inquiry.

Coalition members of the Committee, who as before supported the immediate establishment of a Judicial Inquiry, criticised the evidence that had been presented by university leaders, echoing comments in the American Congress: "Despite the best efforts of members to get to the truth and secure answers to our questions, our hearings were a masterclass in obfuscation from university leaders" (pp. 80-81). In the view of the Coalition members, there was overwhelming evidence of "an alarming and abhorrent rise in antisemitism amongst students and staff … On the balance of evidence presented to the committee inquiry … Australian universities have become incubators of antisemitic thought" (p. 80). Coalition members were particularly alarmed by the examples of university academics who "espoused antisemitic tropes" (p. 80) and the failure of universities to deal with such conduct, which exacerbated the rise in antisemitism.

Emerging from the rapid upsurge of antisemitism, particularly after 7 October 2023, the Australian Academic Alliance Against Antisemitism conducted a survey to gain deeper insights into the experiences of antisemitism among students and staff as they navigate their academic and professional responsibilities on campus, alongside colleagues, friends, and university management. The survey methodology is discussed in the following section.

# 3 METHODOLOGY

### 3.1. Research Design

The study employed a mixed-methods approach using the Convergent Parallel design. In this method, qualitative and quantitative data were collected simultaneously, but each was analysed separately. The findings from both approaches were then merged to provide a comprehensive understanding (Creswell, 2018). Both data types were gathered through an online survey.

### 3.2. Population and Sampling

The survey was designed for completion by Jewish students and staff at Australian universities. It survey employed a nonprobability sample, the only financially feasible method for surveying the target population due to the low incidence of the Jewish population in Australia and at Australian universities, and the nonexistence of a list of Jewish students and academics from which a probability sample could be drawn. Records held by universities and Jewish organisations could not be accessed for research sampling due to privacy laws.

### 3.3. Data Collection

The survey was administered online via Qualtrics, allowing for anonymous participation. Convenience sampling method was applied through snowballing recruitment technique. The survey was promoted by 5A to its academic and administrative members, and by the Australian Union of Jewish Students, the Zionist Federation of Australia, the Jewish Community Council of Victoria, and the New South Wales Jewish Board of Deputies. Promotion was by email, social media posts, organisational newsletters, and word of mouth.

The survey was available for completion online and was open from 16 April to 31 July 2024. The majority of responses, 78%, were obtained in April and May, with only 3% in June. A final promotion in early July advised that the survey was to close shortly, resulting in 19% of the responses being submitted in that month.

### 3.4. Data Analysis

The data were analysed using SPSS software. The data analysis includes data cleaning for obtaining the achieved sample, data weighting, and employing both quantitative and qualitative methods for analysis.

#### 3.4.1. Data Cleaning and Achieved Sample

Four measures were taken to mitigate risk of fraudulent survey completion by individuals' hostile to the survey objectives.

First, following the demographic questions, the first substantive survey question was open-ended, to assist in identification of fraudulent responses by the tenor of written comments.

> Discussing the difficulty and expense of probability samples of the Jewish population, the Canadian researcher Professor Robert Brym commented: 'Drawing a probability sample of a so-called rare population, such as Canadian Jews, who comprise only about 1 percent of Canada's population, is extremely expensive. For instance, if one wanted to create a random sample of five hundred Canadian Jews for a landline/cell phone survey, and 5 percent of calls resulted in a person agreeing to be interviewed, it would be necessary to make one million calls to find five hundred Jewish respondents. (One hundred calls would be required to find five respondents, two thousand calls to find one Jewish respondent, and one million calls to find five hundred Jewish respondents.) At, say, $1 per call, that's a million dollars'. 'Jews and Israel 2024 survey: ten further insights', Canadian Jewish Studies, Vol 39, Fall 2024, Jews and Israel 2024 Survey: Ten Further Insights | Canadian Jewish Studies / Études juives canadiennes.

However, fewer than ten such responses were detected, so this did not provide a significant check.

Second, time taken to complete the survey was analysed. Although the survey was accessed nearly 1,000 times, many accessors were apparently curious about the questionnaire with no intention of completing it. Some access may have been by bots, as evidenced by 276 sessions which lasted less than two minutes with few or no questions answered. Additionally, 33 accesses lasted between two and three minutes. As the time to complete the survey was close to ten minutes, we excluded all surveys accessed for less than three minutes.

Third, respondents who did not reach the key question near the end of the survey (Q12_1) about sense of safety on campus were excluded. Nearly all respondents excluded by this criterion had accessed the survey for less than three minutes.

Fourth, the IP addresses of the devices used to complete the survey were checked to identify repeat entries. It was found the same IP address was used more than twice on 33 occasions. Most of these entries provided no or incomplete data. In the few cases where some data was provided, the respondent was excluded from the analysis.

In summary, the dataset was filtered to provide completeness and quality by including only respondents who spent at least three minutes completing the survey and who answered the key question (Q12_1) on sense of safety. Surveys accessed more than twice from the same IP address were also excluded.

A total of 548 responses met our criteria for inclusion. The distribution of participants across roles consisted of 66% (n=395) students; 25% (n=149) staff; 6% (n=34) administration or management; and 3% (n=18) other, totalling 596. The difference between the sample size and the total role counts is derived from 48 participants reporting more than one role. Table 3.1 present the distribution of participants by role.

Table 3.1. Distribution of participants by their university roles

| Roles | Number of responses | Total per group |
|---|---|---|
| **Student** | | |
| Diploma student | 20 | |
| Bachelor's degree student | 294 | |
| Master's degree student | 47 | |
| Higher degree by research student | 34 | |
| **Sub-total students** | | 395 |
| **Staff** | | |
| Academic - ongoing or contract | 79 | |
| Academic - sessional | 38 | |
| Research fellow | 15 | |
| Adjunct | 7 | |
| Research assistant/ instructor | 10 | |
| **Sub-total academic** | | 149 |
| **Management and administration** | | |
| Management | 8 | |
| Administration and services | 26 | |
| **Sub-total management** | | **34** |
| **Other** | **18** | **18** |
| Total | | 586 |

Note: Survey question: “Select the roles that describe your association with your university?”

Responses were obtained from 30 universities. The largest number of respondents came from Monash University, the University of Sydney, the University of New South Wales, and the University of Melbourne, a total of 313. These four universities accounted for 57% of the sample, which accurately reflects the distribution of Jewish students according to the Australian Union of Jewish Students membership, where 57% are enrolled at these four Go8 universities. Appendix A presents the distribution of participants by university.

### 3.4.2. Data Weighting

To align the survey data with the target Jewish population, reducing the risk of demographic over- or under-representation, data were weighted to benchmarks for survey respondents derived from the 2021 Census of Population and Housing. Benchmarks for age (18–24, 25–34, 35–44, 45–54, 55–64, 65+), gender (male, female), and state of residence (identified in the survey by university affiliation) were obtained from Australian Bureau of Statistics Census TableBuilder (Australian Bureau of Statistics, 2021). Population totals for the benchmark characteristics are presented in Appendix B. Weights were calculated for each respondent using generalised regression calibration (Deville et al., 1993). This applies an algorithm that assigns a weight to each person such that the weights simultaneously sum to the population values for each benchmark characteristic. The implementation of the algorithm was that by Lumley (2024)

### 3.4.3. Analysis

Quantitative analysis included descriptive statistics to derive frequencies, percentages, and summarise experiences; cross-tabulation to examine associations between demographic variables and reported experiences—such as differences in responses to specific questions between students and staff; and inferential statistics, including mean comparisons and cluster analysis. The qualitative data was analysed thematically through coding to produce themes and categories, which form natural units of meanings (Cohen et al., 2011).

### 3.5. Questionnaire Design

The survey was short, intended to be completed in less than fifteen minutes: it comprised five demographic, eight fixed-choice (seven with multiple parts), and three open-ended questions. Respondents were able to skip questions if they chose to do so.

The open-ended questions asked about “the most impactful experience of antisemitism encountered on campus since October 7” and the “actions university management should take to combat antisemitism on campus”. The final question provided respondents with the opportunity to share any other “thoughts and feelings concerning antisemitism at Australian universities not covered in the survey”.

The fixed-choice questions focused on campus experiences and their personal impact.

The extent to which respondents had encountered Nazi imagery, messages delegitimizing Israel's right to exist, glorifying Hamas and the October 7 massacre, and justification of the killing or harming of Jews.

i. Experience of being ignored or excluded, receiving insults or harassment both online and in person, and physical assaults.
ii. Extent of concern about antisemitism from people on the political left and political right.
iii. The impact of campus experiences on relationships with both Jewish and non-Jewish friends, colleagues, and others.
iv. Behavioural change in various contexts, including attending classes, engaging in social media, expressing political beliefs, and identifying as Jewish.
v. Sense of safety on both the physical and virtual (including social media) campus.

The survey also sought feedback on the response of the university administration, including whether participants believed their university was taking sufficient action against antisemitism and ensuring a safe and inclusive environment for Jews.

Specific questions asked whether a definition of inappropriate political content in lectures and course materials was provided, the adequacy of complaints procedures, and confidence in lodging complaints without fear of discrimination and retribution.

Pilot testing was conducted in March 2024, where approximately 12 participants were asked to complete the survey and provide written feedback. The feedback was used to refine the questions prior to dissemination.

#### 3.5.1. Definitions

The survey did not define antisemitism, leaving respondents to interpret the term themselves in response to open-ended questions. This enabled respondents to describe their campus experiences in their own words, avoiding the limitation of a single, potentially contested definition. The open approach allowed for a wide range of experiences to be captured, resulting in a notable feature of the survey, the detailed written comments.

The term campus was defined as: "University campuses are both physical spaces (e.g. lecture rooms) and virtual spaces (e.g. social media). For the purposes of this survey, any space in which you interact in relation to your university affiliation is defined as Campus".

### 3.6. Validity and Reliability

Multiple measures were employed to ensure the validity and reliability of the survey. Content validity was achieved through expert judgement of the survey questions (Polit & Beck, 2006). Clear and concise wording were obtained through broad expert consultation and reviewing multiple publishes questionnaires on antisemitism. Additionally, the survey was pilot-tested prior to dissemination (Presser et al., 2004).

We do not claim the survey is a representative sample of Jewish students and staff across the university sector, given that the survey was based on a sample of volunteer or self-selected respondents. It is reasonable to assume the most distressed and affected staff and students would make the effort to report their experiences and therefore the survey might overstate the magnitude of antisemitism. But offsetting this is the reasonable assumption that some students and staff may not have participated because they were busy or distracted, had not heard of the survey, or were pessimistic, given their negative experiences, that the survey would achieve a useful practical purpose. It is acknowledged that experiences varied at different campuses, as evidenced in communal sources, media reports, and in the data we collected.

Despite these caveats, our confidence in the reliability and validity of our findings is supported by the similar pattern in student and staff responses and the consistency of findings in reports which dealt with antisemitism in Australian universities, as discussed in the Literature Review above.

Finally, the convergence between participants' open-ended responses and the quantitative findings provides evidence of convergent validity, strengthening the credibility of the results. The detailed descriptions provided by the 548 respondents in response to the open questions, is in itself, a substantial record of the often-hostile university environment in the period April-July 2024.

### 3.7. Ethical Considerations

Ethical approval was obtained from Victoria University Human Research Ethics Committee. All the participants were above 18 years of age, and participation was voluntary and anonymous. Informed consent was obtained at the beginning of the survey.

The next chapter first presents the findings from the qualitative analysis, followed by the findings from the quantitative analysis.

# 4 QUALITATIVE ANALYSIS RESULTS

### 4.1 Impactful Experience of Antisemitism Statements

In response to the first question, which asked "if you encountered antisemitism, please describe the most impactful experience of antisemitism that you have encountered on campus since 7 October 2023", 416 respondents shared experiences. Written comments totalled 21,000 words, when typically, in a survey with this number of respondents 5000-6000 words would have been expected. 70 respondents (13%) indicated that they encountered little or no antisemitism on campus, and 64 (12%) skipped the question – a combined 25%. A very few respondents, less than 10, who identified in their responses as Jewish anti-Zionists or non-Zionist, indicated that they were concerned with verbal attacks from Jews, not pro-Palestinians.

The thematic analysis revealed four categories and 14 themes.

#### 4.1.1 The Campus Environment category includes:

Posters, symbols, slogans, distribution of flyers; constraints on free movement on the campus; hostile behaviour of activists at rallies, encampments, and student union meetings; use of megaphones; being ignored, cancelled, excluded, needing to hide their identity; verbal attacks; in a few cases physical threats and attacks.

- Exemplary excerpts from the Campus Environment category include:
- Constant barrage of anti-Israel posters - everywhere - on doors, windows, posts and even chalk on the footpaths
- The vile chants shouted at the recent protest were quite unnerving
- Chalk saying 'Zionists not welcome'
- For the first time in my life, I was afraid to be Jewish, afraid to reveal my identity.
- I have specifically chosen a distance education course in order for me to avoid attending the campus

#### 4.1.2 The Student Experience category includes:

Discriminatory behaviour and hostile statements by lecturers, tutors, and fellow students; identifying, singling out Jewish and Israeli students in class; political statements about the conflict in class; the disruption of classes by protestors, disruption of learning; Jewish students feeling that they need to hide their identity, to drop classes because of the behaviour of staff.

Exemplary excerpts in the Student Experience category include:

- People actively ignore me when we used to all be really friendly.
- I have regularly been called 'Jew boy' or 'Jew' and singled out by passers-by
- I was spat on for wearing my Star of David necklace
- Students singing Nazi songs in my presence, knowing I am Jewish
- I've been singled out and made to feel alienated and afraid and having to hide or defend my Jewishness by my tutor and unit coordinator
- My tutor walked into class wearing a keffiyeh and, unprompted by any student, began to explain his reasons for wearing a 'symbol of resistance against a genocidal regime'

#### 4.1.3 The Academics and Staff Experience category includes:

Hostility to Israel, overt antisemitism in teaching environment, in interaction with colleagues, online faculty forums; discriminatory actions, including failure to renew contracts; attempts by students to intimidate staff; targeting staff in their offices, doxxing, cancelling; National Tertiary Education Union and student union resolutions and actions.

Exemplary excerpts in the Academics and Staff Experience category include:

- I was assaulted by a student
- Numerous colleagues could no longer look at me, and stopped speaking to me
- Academics in the school organised a hate fest discussion on the conflict
- The cancelling of the visiting Israeli academic

#### 4.1.4 The Universities' Systems Failure category includes:

Unwillingness to listen to concerns, failure to act on complaints; dismissing complaints as not valid or over-sensitive; failure to provide safe learning and work environment.

Exemplary excerpts in the Universities' Systems Failure category include:

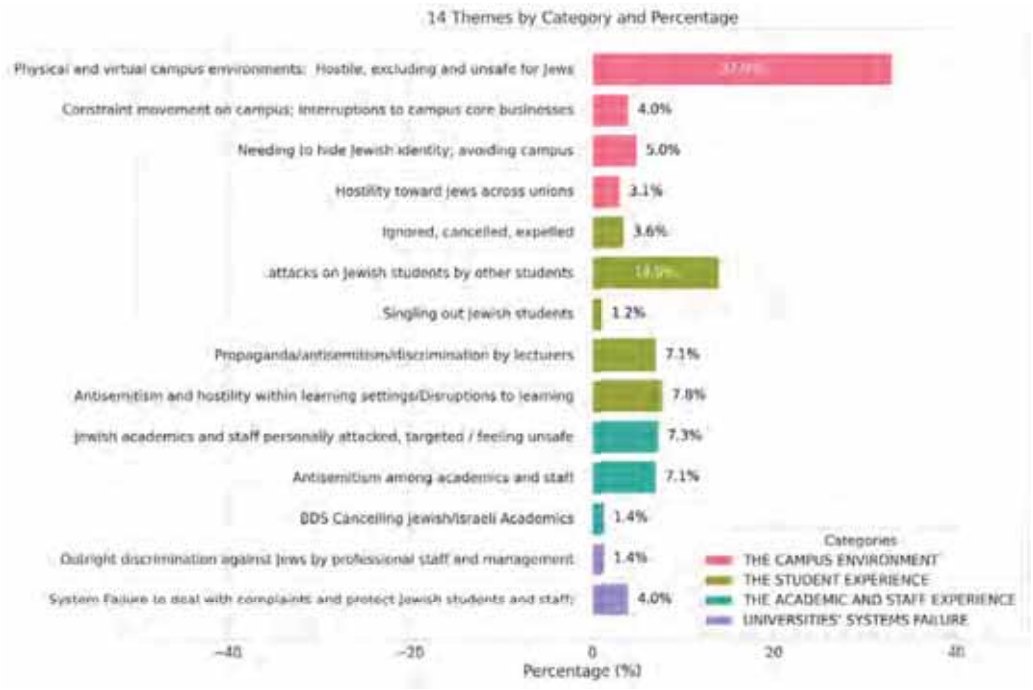
- I had students in my class perform a Nazi salute to me on three occasions. I reported this, they did not take my complaint seriously... Since complaining my contract has not been renewed.
- Staff and students denying the state of Israel has a right to exist. The management is unwilling to address any of this on campus
- University administrations denied my complaint against protesters using the chant 'intifada' on the basis that the word is context related and that the university was not responsible for my feelings.

Table 4.1 presents the categories, their themes and frequencies of excerpts. Figure 4.1. presents a visual representation of these findings. Appendix C presents exemplary excerpts organised by categories and themes.

**Table 4.1. Personal experiences of antisemitism by categories, themes frequencies and percentages**

| Categories | Themes | No. of Statements | % |
|---|---|---|---|
| **The campus environment** | Physical and virtual campus environments: hostile, excluding and unsafe for Jews | 139 | 32.9 |
| | Constraint movement on campus; interruptions to campus core businesses | 17 | 4.0 |
| | Needing to hide Jewish identity; avoiding campus | 21 | 5.0 |
| | Hostility toward Jews across unions | 13 | 3.1 |
| **The student experience** | Ignored, cancelled, expelled | 15 | 3.6 |
| | Verbal and physical attacks on Jewish students by other students | 59 | 14.0 |
| | Singling out Jewish students | 5 | 1.2 |
| | Propaganda/antisemitism/discrimination by lecturers | 30 | 7.1 |
| | Antisemitism and hostility within learning settings; disruptions to learning | 33 | 7.8 |
| **The academic and staff experience** | Jewish academics and staff personally attacked, targeted; feeling unsafe | 31 | 7.3 |
| | Antisemitism among academics and staff | 30 | 7.1 |
| | BDS cancelling Jewish/Israeli academics | 6 | 1.4 |
| **Universities' systems failure** | Discrimination against Jews by professional staff and management | 6 | 1.4 |
| | Systems' failure to deal with complaints and protect Jewish students and staff; | 17 | 4.0 |
| Total | | 422 | 100.0 |

**Figure 4.1. Personal experiences of antisemitism by categories, themes and percentages**




The Campus Environment appears as the most impactful experience of antisemitism encountered by the participants, close to half of all excerpts (45%).

The theme Hostile and Excluding Physical and Virtual Campus Environments, makes up 33% of excerpts. Within its category, this theme is the largest, representing 73% of the excerpts in The Campus Environment category.

The findings also show that the Students' Experience category is the second largest, comprising 33.6% of excerpts. Within this category, the theme Attacks on Jewish Students by Other Students is the most frequently reported impactful antisemitic experience (14%). Collectively, the five themes in this category portray a grim picture of Jewish students being ostracised, dehumanised, and effectively driven off campus and excluded from campus social life.

As our quantitative data also shows, this highly hostile environment leads many Jewish students and staff to significantly reduce their social interactions with non-Jewish peers and avoid the physical campus whenever possible.

The category The Academic and Staff Experience (8.5%) includes excerpts provided by staff. The smaller percentage of excerpts reflects the lower representation of staff in the sample. These excerpts portray a similarly grim antisemitic campus experience to that of students, with many staff reporting they work from home to avoid being on campus.

The category Universities' System Failure data suggests that these systems either discriminate against Jewish people at worst, or at best do nothing to protect them. These qualitative findings are confirmed by our quantitative findings. However, it is important to note that while the majority of responses suggest system failure, the data shows that the universities are not uniform in their responses. This finding will be elaborated further when discussing the quantitative data.

### 4.2 Critical Implications of the Thematic Frequency Distribution

The thematic analysis allows the drawing of critical implications. First, the finding that the hostile campus environment is the most impactful experience of antisemitism suggests that restoring a sense of safety and inclusivity on campus could be achieved if universities simply enforced their existing rules and codes of conduct. Preventing the defacing of public spaces and the posting of imagery in unauthorised areas would make a significant difference. By enforcing policies that prohibit unauthorised posters, stickers, and flyers, as well as megaphone use during class hours and other physical disruptions to campus life, universities could bring about a considerable improvement in the campus experience for Jewish students and staff.

Equally important is that the majority of participants describe anti-Zionist and anti-Israel posters and imagery as forms of antisemitic harassment. Quantitative data reaffirms the qualitative data, suggesting that the majority of participants equate anti-Zionism with antisemitism.

The exemplary excerpts in Appendix C provide a powerful testimony of the experience of being a Jewish person on Australian campuses post 7 October 2023. These findings are further supported by the quantitative analysis that follows.

# 5 QUANTITATIVE ANALYSIS RESULTS

Fixed-choice questions were developed to provide insight into the frequency and characteristics of antisemitism on campus. These included questions related to witnessing antisemitic expressions, personally experiencing antisemitism, changes in relationships and behaviour, sense of safety, level of concern from the political left and right, the university's response to antisemitism, and its overall performance. In addition to the findings for the full sample, data is reported for students and staff, to explore divergence and commonality in experiences.

### 5.1 The Physical and Virtual Environment

Respondents reported on their experiences of witnessing antisemitic manifestations on campus since 7 October. They were asked to "indicate whether you have personally witnessed any of the following antisemitic expressions on your campus since 7 October 2023", on a scale ranging from 'never' and 'rarely' to 'occasionally', 'frequently' and 'all of the time'.

The comparison between the percentage of responses "never witnessed" to the combined percentage of responses "rarely" through to "all the time" (responses 2-5), reveals that the highest percentage of reported witnessing of antisemitic expressions—over 90%—related to opposition to the continued existence of the State of Israel, evidenced in graffiti, posters, flyers, or verbal and social media comments. Derogatory comments about Israelis were witnessed by 85% of respondents, and justification of killing or harming Jews by 76%. Glorification of Hamas or the 7 October 2023 massacre was witnessed by 72%, while Nazi imagery was reported being witnessed by 54% of respondents.

These findings are consistent across both students and staff, although they are more pronounced among students, as elaborated below. Table 5.1 and Figure 5.1 show the distribution of response percentages. Figure 5.2 compares the percentage of responses indicating "never witnessed" with those indicating "having witnessed" (the combined responses 2–5, ranging from "rarely" to "all the time").

**Table 5.1. Percentage distribution of reported experiences of antisemitic expressions on campus, by expression type and frequency of witnessing**

| Question | 1 Never | 2 Rarely | 3 Occasionally | 4 Frequently | 5 All the time |
|---|---|---|---|---|---|
| 1. Graffiti, posters or fliers with Nazi imagery | 45% | 18% | 21% | 10% | 5% |
| 2. Graffiti, posters or fliers delegitimising the right of Israel to exist | 8% | 7% | 15% | 26% | 45% |
| 3. Graffiti, posters or fliers glorifying Hamas or the 7 October 2023 massacre | 29% | 14% | 24% | 18% | 16% |
| 4. Verbally or through social media: delegitimising the right of Israel to exist | 8% | 6% | 15% | 21% | 50% |
| 5. Verbally or through social media: Making derogatory comments about ISRAELIS (Israeli people) | 16% | 13% | 16% | 21% | 35% |
| 6. Verbally or through social media: Calling for, or justifying the killing or harming of Jews | 25% | 16% | 20% | 21% | 19% |

**Figure 5.1. Percentage distribution of reported experiences of antisemitic expressions on campus, by expression type and frequency of witnessing**

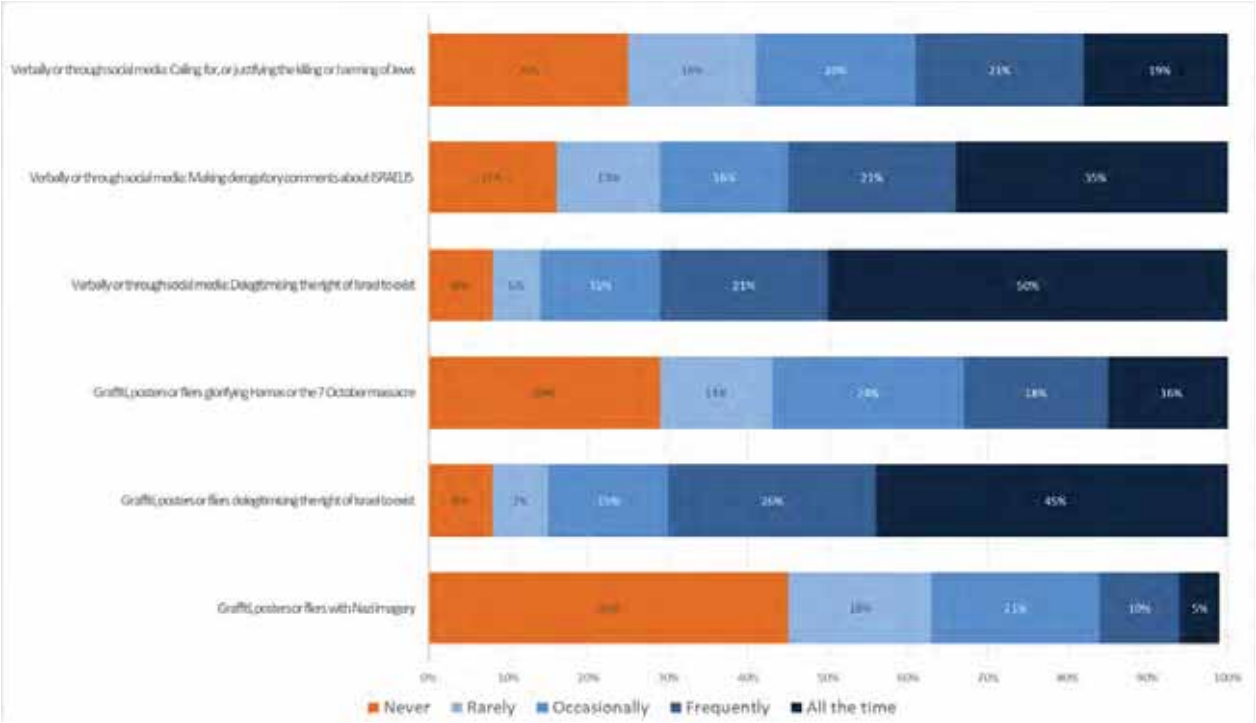
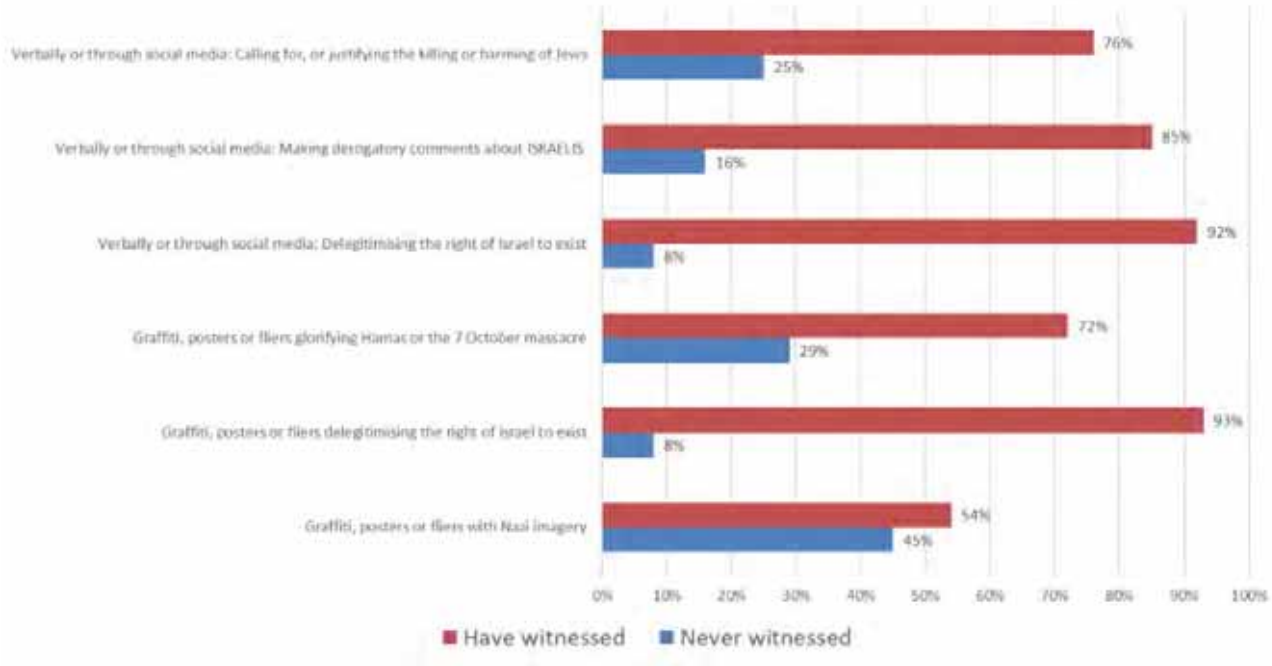



**Figure 5.2. Percentage of respondents personally witnessing antisemitic expressions, by having witnessed (responses 2-5, "rarely" through to "all the time") versus "never**

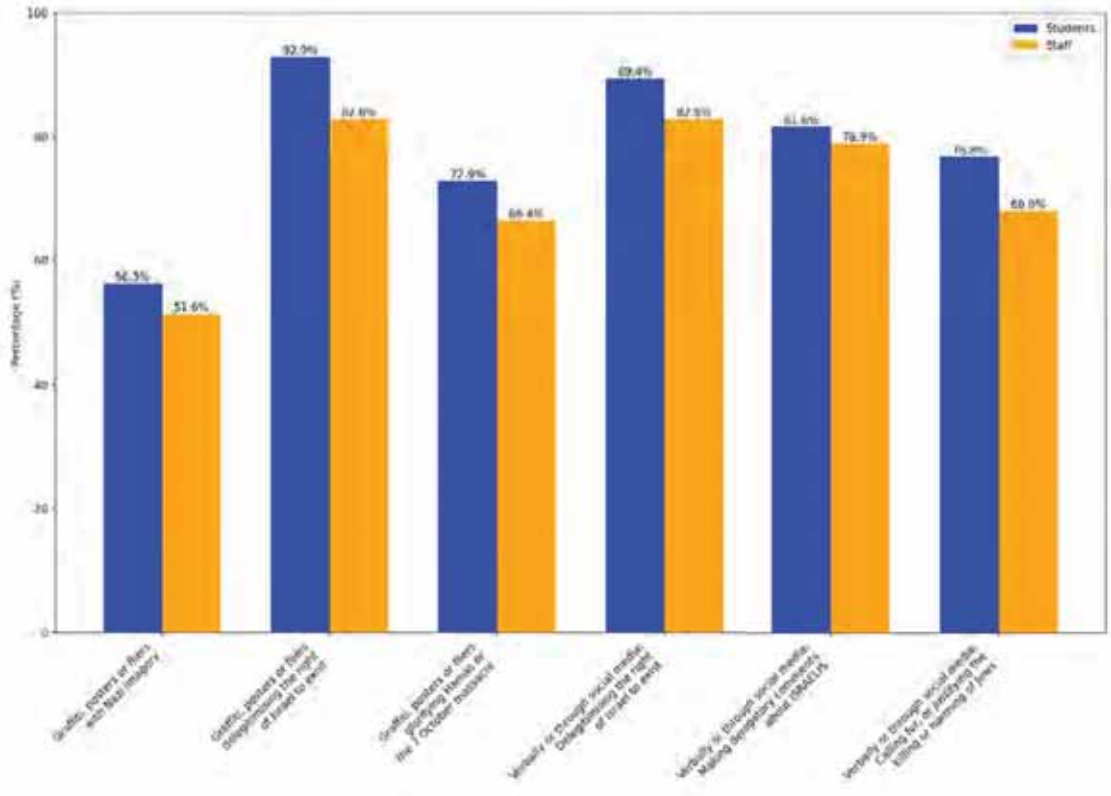


### 5.1.1 Comparing students and staff

The responses of students were compared to staff in relation to witnessing imagery and verbal expressions of antisemitism. The analysis revealed that students consistently reported higher rates of witnessing antisemitic incidents compared to staff across all categories. However, statistically significant differences between students and staff were found in only two areas: "Graffiti, posters or fliers delegitimising the right of Israel to exist" ($X^2 = 18.19$, $p < 0.001$); and "Verbally or through social media: Delegitimising the right of Israel to exist" ($X^2 = 6.61$, $p < 0.05$).

The higher percentages of students reporting witnessing antisemitic expressions are expected, given students' higher levels of social engagement on campus. Figure 5.3 presents the comparison of percentages reported by students and staff.

**Figure 5.3. Comparison between students and staff, by percentages of respondents having personally witnessed antisemitic expressions (responses 2-5, "rarely" through to "all the time")**




In summary, the findings indicate that the highest percentages of antisemitic experiences reported by participants consist of "Graffiti, posters or fliers: delegitimising the right of Israel to exist" (93%) and "Verbally or through social media: delegitimising the right of Israel to exist" (92%). The second most frequently reported experience was "Verbally or through social media: making derogatory comments about Israelis (Israeli people)" (85%). This finding suggests that, from the perspective of the majority of participants in the survey, delegitimising Israel's right to exist constitutes antisemitism.

### 5.2 Personal Experiences

Personal experiences were considered in relation to hearing and being subjected to antisemitic comments, insults, and harassment, as well as feeling isolated or cancelled, and experiencing physical assault. Specifically, participants were asked:

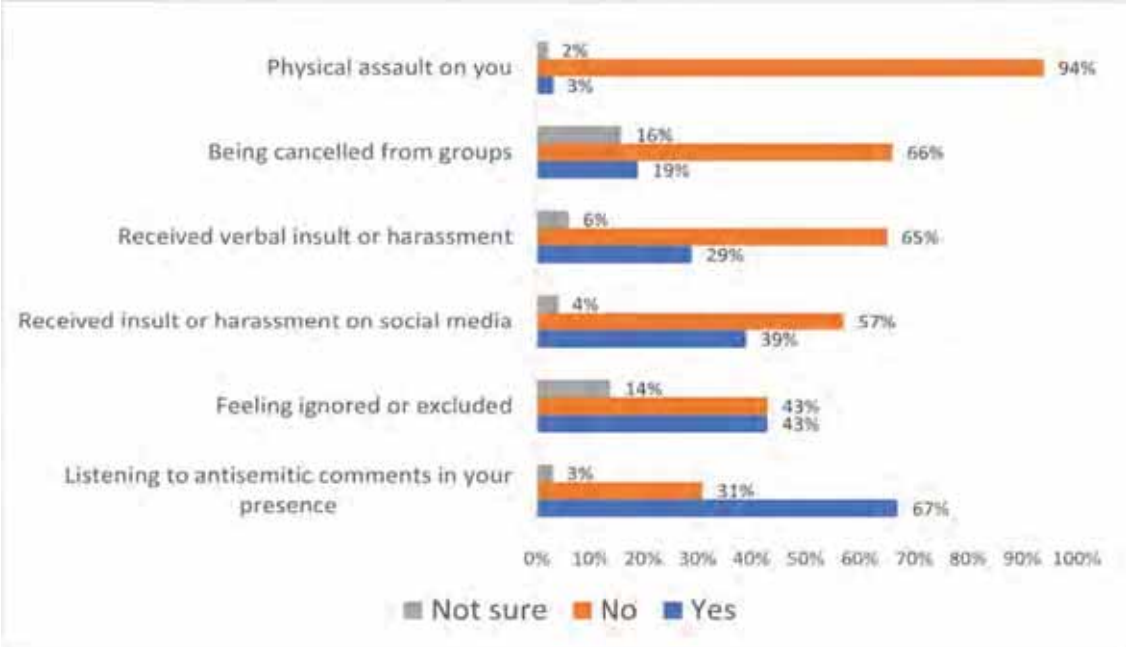
"At your campus, since 7 October 2023, have you personally experienced the following behaviours towards you because you are Jewish or Israeli?"

The findings reveal that two-thirds of participants (67%) reported hearing antisemitic comments in their presence. This was the most commonly reported personal experience, followed by "feeling ignored or excluded" (43%). A further 39% reported experiencing insults or harassment on social media, while 29% reported verbal insults or harassment. Physical assaults were rare, with only 3% of participants reporting such incidents. Table 5.2 and Figure 4.4 present the percentage distribution of responses.

**Table 5.2. Reports of personal antisemitic experiences, by question prompt and response type**

| Personal experience | Yes | No | Not Sure |
|---|---|---|---|
| Listening to antisemitic comments in your presence | 66.6% | 30.5% | 3.0% |
| Feeling ignored or excluded | 43.2% | 43.0% | 13.8% |
| Received insult or harassment on social media | 38.9% | 56.7% | 4.4% |
| Received verbal insult or harassment | 28.8% | 64.9% | 6.3% |
| Being cancelled from groups | 18.7% | 65.6% | 15.8% |
| Physical assault on you | 3.4% | 94.2% | 2.4% |

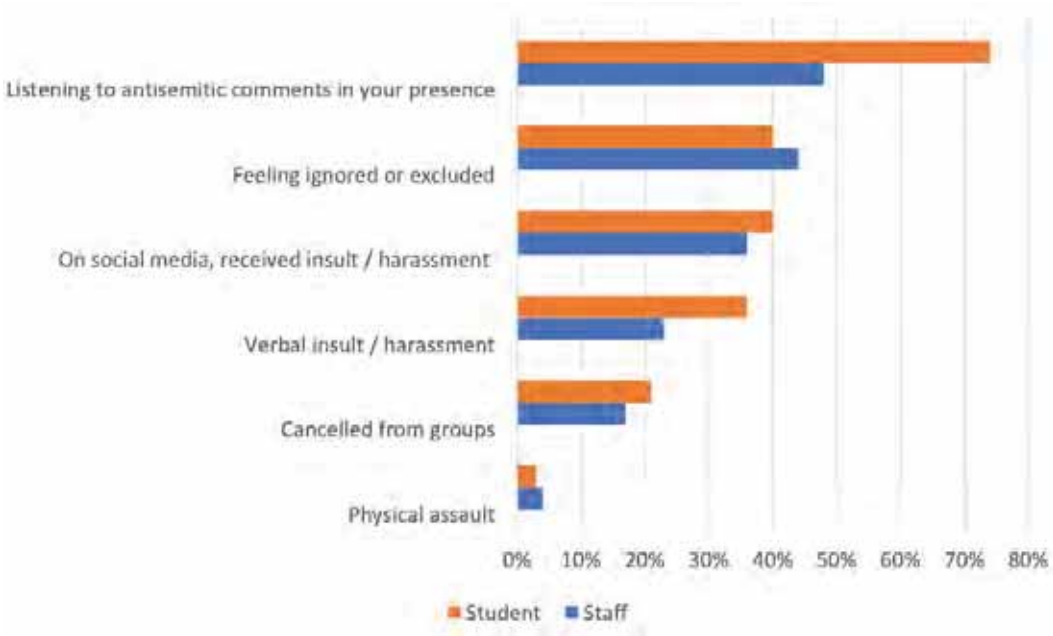
**Figure 5.4. Reports of personal antisemitic experiences, by question prompt and response type**



A comparison between student and staff responses reveals that students reported significantly higher rates of "listening to antisemitic comments in their presence" (74% of students compared to 48% of staff). This was followed by "receiving insults or harassment on social media" (40% of students, 36% of staff), "receiving verbal insults or harassment" (36% of students, 23% of staff), and "being cancelled from groups" (21% of students, 17% of staff).

In contrast, staff reported slightly higher rates of "feeling ignored or excluded" (44% of staff, 40% of students). Reports of physical assault were similarly low across both groups. Figure 5.5 presents a comparison between students and staff in percentages of reporting personal experiences of antisemitic behaviours towards them.

**Figure 5.5. Percentages of participants responding "yes" in relation to personally experiencing antisemitic behaviours towards them, by students and staff**




In summary, the findings indicate that physical assaults are rare. However, three-quarters (74%) of Jewish students have experienced antisemitic behaviour in the form of hearing antisemitic comments in their presence, with a total of 67% of the overall sample exposed to this type of harassment. Additionally, 43% of the sample reported feeling ignored or excluded, and 39% experienced insults or harassment on social media.

These findings indicate the pervasiveness of antisemitic behaviours directed towards Jewish people on campus, suggesting that antisemitic discourse has become normalised on campuses. Staff appear slightly more likely to feel ignored or excluded compared to students, whereas students report experiencing most other types of antisemitic behavioural harassment at higher rates.

### 5.3 Relationship Changes

To gain insight into the impact of the 7 October aftermath on personal relationships, two sets of questions were administered. The first asked about changes in personal relationships within the campus, the second asked about changes in relationships within the broader community. Specifically, the first question asked: "Since 7 October 2023, would you say that your relationship with your non-Jewish university friends, colleagues, and others on campus has become ...". Respondents ranked changes in closeness on a five-point Likert scale.

The second question asked participants to use a slider to indicate increase or decrease in mixing with non-Jewish people, and with Jewish people, since 7 October. The scale used was from -5 to +5'. Response: 0 = no change, -5 = substantial decrease, + 5 = substantial increase.

#### 5.3.1 On-campus Relation changes

The findings indicate that for about half of the sample, relationships remained about the same. However, for nearly the other half, 7 October had a profound impact on Jewish people's relationships with non-Jews on campus. Within this group of respondents, a relationship rift was formed:

- 43% of students reported becoming distant or disconnected from non-Jewish friends.
- 35% of staff reported becoming distant or disconnected from their colleagues.
- 42% of respondents reported becoming distant or disconnected from other university acquaintances.

This finding highlights the sense of isolation experienced by a large minority of Jewish students and staff on campus.

At the same time, a small percentage of Jewish people moved in the opposite direction in response to the same events:

- 8.5% of students reported becoming closer or much closer to non-Jewish friends.
- 6.15% of staff reported becoming closer or much closer to non-Jewish colleagues.
- 4.07% of respondents reported becoming closer or much closer to other university acquaintances.

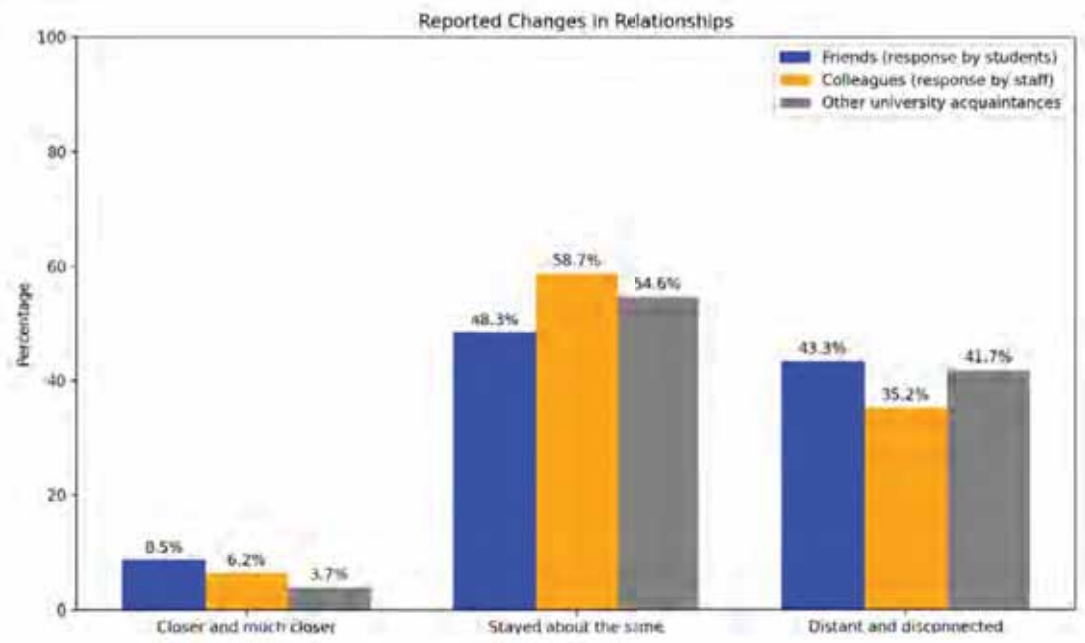
Taken together, the findings indicate that, post-7 October, approximately half of students (43% becoming distant + 8.5% becoming closer = 52%) and a significant minority of staff (35% + 6.15% = 41%) no longer maintained their usual relationships on campus.

Table 5.3 presents the percentage distribution of responses. Figure 5.6 presents the percentage distribution by aggregated responses for becoming closer, staying the same, and becoming distant.

**Table 5.3. Percentages of reported changes in relationships with non-Jewish friends (for students), colleagues (for staff) and other university acquaintances**

| | Friends (response by students) | Colleagues (response by staff) | Other university acquaintances |
|---|---|---|---|
| Much closer | 4.6% | 1% | 0.4% |
| Closer | 3.9% | 5.2% | 3.3% |
| Stayed about the same | 48.3% | 58.7% | 54.6% |
| Distant | 30.1% | 22.5% | 29.2% |
| Disconnected | 13.2% | 12.7% | 12.5% |

**Figure 5.6. Percentages of reported changes in relationships with non-Jewish friends (for students), colleagues (for staff) and other university acquaintances, by aggregates responses for becoming closer, staying the same and becoming distant**



### 5.3.2 Relationship Changes Beyond Campus

An examination of changes in mixing with Jewish and non-Jewish people revealed similar trends. The findings show that 77% of participants reported increased mixing with Jewish people, and 49% reported decreased mixing with non-Jewish people.

Conversely, a small minority of Jewish participants reported the opposite trend: 5% reported decreased mixing with Jewish people, and 11% reported increased mixing with non-Jewish people.

Notably, the aftermath of 7 October was so impactful that only a small minority reported no change in mixing with Jewish people. Even within the narrow range of -1 to +1, 8% reported a small increase of +1. A large minority (40%) reported no change in mixing with non-Jewish people. However, even within this range, 17% reported a small decrease of -1.

The comparison between students and staff reveals almost identical trends.

Figure 5.7 presents the combined dual trends of relationship changes: mixing with Jewish and non-Jewish people.

**Figure 5.7. Comparing changes in mixing with Jewish people to changes in mixing with non-Jewish people, by aggregated scale measures of increase (+2 - +5), no change (-1 - +1), and decrease (-2 - -5).**

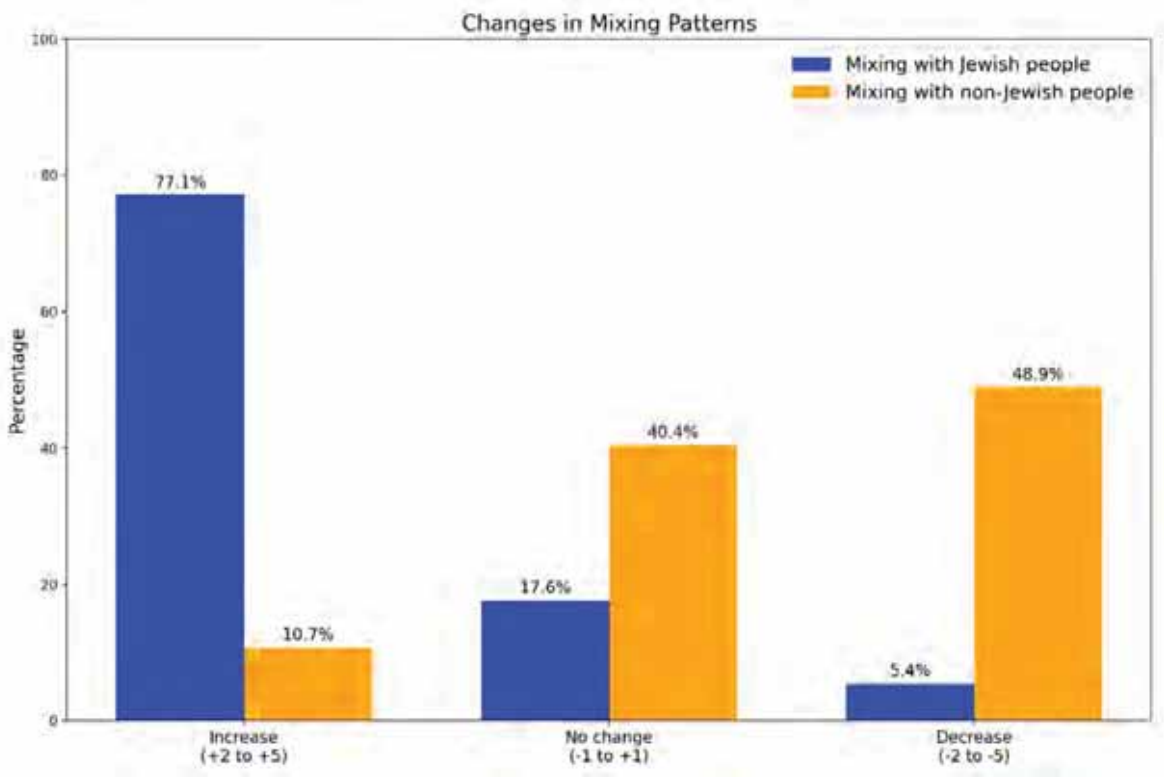
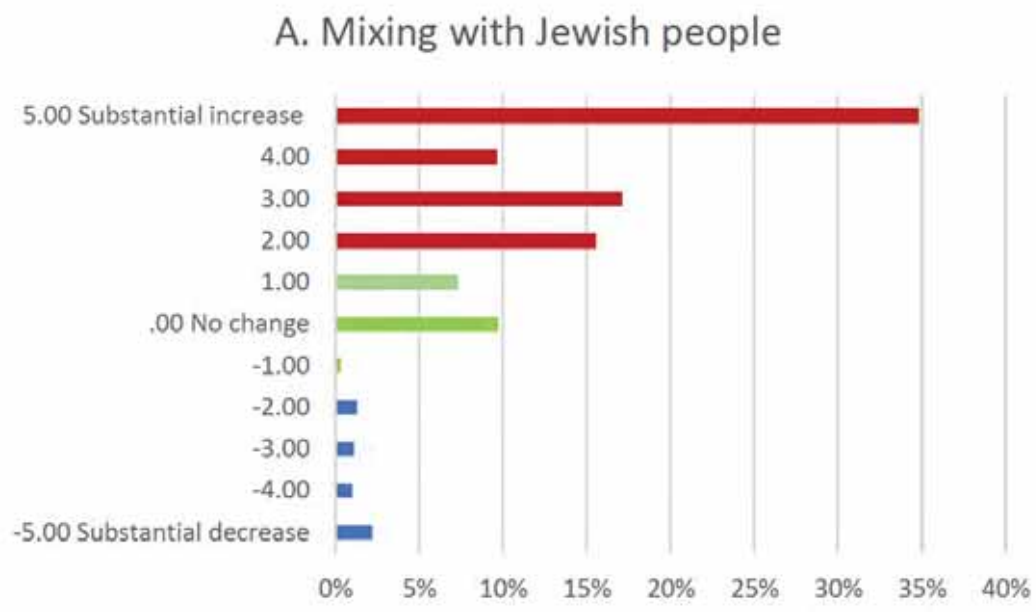



Table 5.4 and Figures 5.8A and 5.8B present the percentage distribution across the scale measuring increased or decreased relationship closeness. These visualisations illustrate the extent to which participants' relationships have shifted—either becoming closer or more distant—following 7 October.

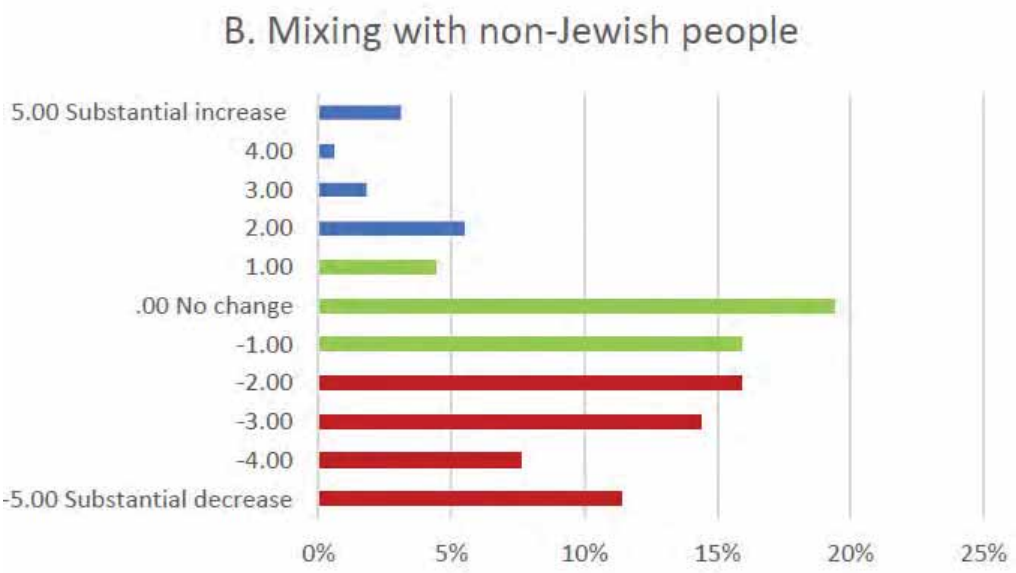
**Table 5.4. Extend of changes in relationships with Jewish and non-Jewish people, by extent of change (on a scale from -5 to +5)**

| | Scale | Mixing with Jewish people | Mixing with Non Jewish people |
|---|---|---|---|
| Substantial decrease | -5 | 2.2% | 11% |
| | -4 | 0.9% | 7.8% |
| | -3 | 1% | 14.1% |
| | -2 | 1.3% | 16% |
| | -1 | 0.3% | 16.6% |
| No Change | 0 | 9.3% | 19.6% |
| | 1 | 8% | 4.2% |
| | 2 | 15.8% | 5.2% |
| | 3 | 16.9% | 1.7% |
| | 4 | 9.3% | 0.6% |
| Substantial increase | 5 | 35.1% | 3.2% |
| | **-5 to -2** | **5%** | **49%** |
| | **+2 to +5** | **77%** | **11%** |

**Figure 5.8.A.**
**A. Behavioural change in relation to mixing with Jewish people: Distribution of responses across the scale -5 to +55.8.B. Behavioural change in relation to mixing with non-Jewish people: Distribution of responses across the scale-5 to +5**



**5.8.B. Behavioural change in relation to mixing with non-Jewish people: Distribution of responses across the scale-5 to +5**




**In summary**, the findings suggest that 7 October created a "social earthquake" and led to the tearing of the social fabric between and within the Jewish campus community.

Within campus, 43% of students reported becoming distant or disconnected from non-Jewish friends, and 35% of staff reported becoming distant or disconnected from their colleagues. Beyond the campus community, Jewish students and staff report similar decreases in mixing with non-Jewish people (49%). Concurrently, 77% of participants reported increased mixing with Jewish people.

A small percentage of Jewish people moved in the opposite direction, with 8.5% of students and 6.15% of staff reported becoming closer or much closer to non-Jewish friends and colleagues on campus, and 5% reported decreased mixing with Jewish people in the broader community. Concurrently, 11% reported increased mixing with non-Jewish people. Qualitative data suggests that political anti-Zionist views may have contributed to a rift within the Jewish community, dividing Zionist and anti-Zionist Jews.

These social reconfigurations provide strong evidence for the unsettling antisemitic environment where a large majority of Jewish people are seemingly seeking refuge among their own.

### 5.4. Personal Behaviours

A set of questions examined behavioural changes following 7 October, expressed as increases, decreases, or no change.

The findings reveal stark changes across all behaviours examined. Participants could no longer maintain their previous patterns of behaviour, to the extent that even class attendance—which is compulsory for students and therefore expected to show minimal change—revealed a 48% decrease. The fact that nearly half the students in the survey felt the

need to reduce attendance suggests that campuses are no longer safe for Jewish students. This may have long-term consequences, potentially threatening their academic performance.

A similarly sharp behavioural decrease (50%) was reported in Hebrew-speaking individuals avoiding speaking Hebrew in public, suggesting a perceived safety risk in displaying affiliation with Israel, the only Hebrew-speaking country.

In contrast to the sharp decreases in class attendance and publicly speaking Hebrew, the findings reveal a significant increase (56%) in engagement with social media. This may be attributed to the destabilising effects of 7 October, with participants feeling the need to stay constantly informed and to inform others.

When asked whether they chose to hide or assert their Jewish identity by wearing Jewish symbols such as a kippah (skullcap) or Magen David (Star of David, normally worn on a necklace), a total of 79% of the sample changed their behaviour in one way or the other. A large minority, 39% reported decrease, while 40%, a similar proportion, reported an increase in wearing Jewish symbols.

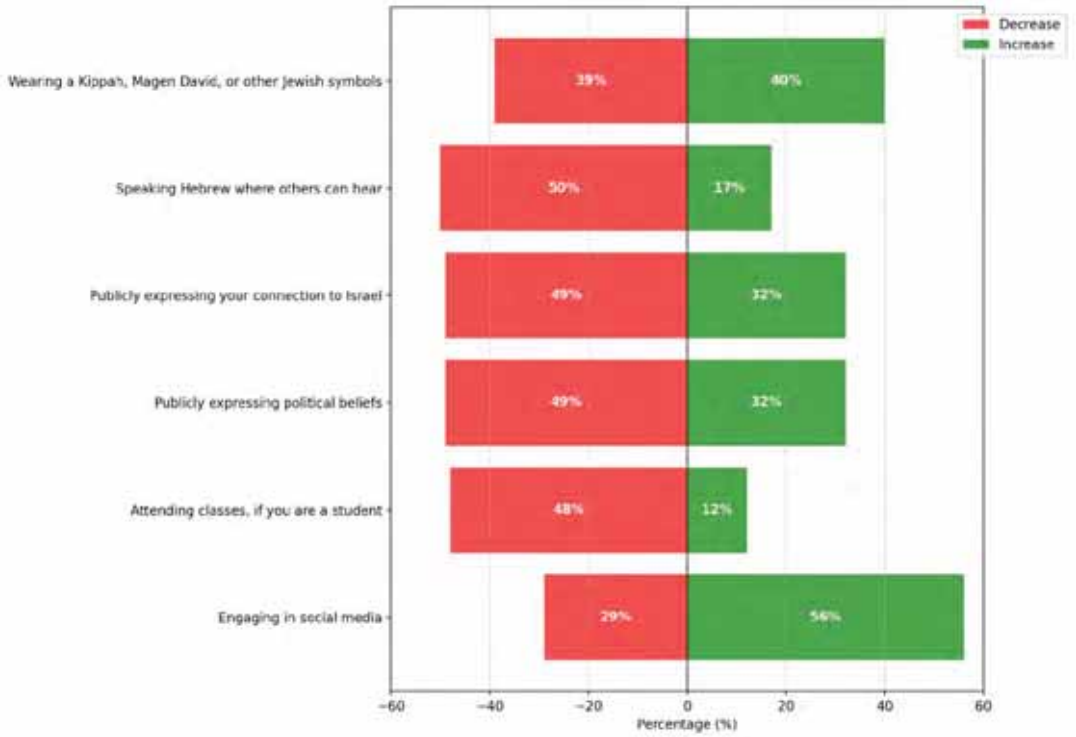
Similarly, in relation to publicly expressing political beliefs or one's connection to Israel, 49% reported a decrease, and 32% an increase. The comparison between students and staff reveals similar results across the two groups, suggesting similar patterns of behavioural changes.

Table 5.5 and Figure 5.9 present the percentages of participants reporting behavioural changes.

**Table 5.5. Behavioural changes on a scale of -5 to +5, by behaviour types**

| Scale | Engaging in social media | Attending classes, if you are a student | Publicly expressing political beliefs | Publicly expressing your connection to Israel | Speaking Hebrew where others can hear | Wearing a Kippah, Magen David, or other Jewish symbols |
|---|---|---|---|---|---|---|
| -5 | 8.1% | 13.4% | 16.5% | 21.2% | 26.1% | 22.2% |
| -4 | 3.7% | 6.3% | 8.4% | 9.2% | 8.1% | 3.2% |
| -3 | 8.6% | 15.1% | 11.3% | 10.6% | 5.6% | 6.3% |
| -2 | 8.9% | 12.8% | 13% | 7.7% | 10.5% | 6.8% |
| -1 | 3.7% | 9.6% | 6.3% | 7.8% | 11.6% | 5.9% |
| 0 | 5.5% | 27.7% | 5.8% | 4.6% | 14.6% | 9.7% |
| 1 | 5.7% | 2.6% | 6.8% | 7% | 6.7% | 5.5% |
| 2 | 11.6% | 3.8 | 9.4 | 8.6 | 5 | 8.6 |
| 3 | 15.7% | 2.6 | 7.5 | 8.8 | 4 | 6 |
| 4 | 8.2% | 3.3 | 6.4 | 3.4 | 1.8 | 4.5 |
| 5 | 20.4% | 2.7 | 8.6 | 11.1 | 6.1 | 21.2 |
| Decrease (-5 to -2) | 29% | 48% | 49% | 49% | 50% | 39% |
| No change (-1 to +1) | 15% | 40% | 19% | 19% | 33% | 21% |
| Increase (+2 to +5) | 56% | 12% | 32% | 32% | 17% | 40% |

**Figure 5.9. Behavioural changes by Increase and decrease, and by behaviour type**




In summary, the analysis of behavioural changes mirrors the trends observed in changes to personal relationships. It appears that participants were shaken to the extent that they could no longer maintain their normal behaviours, revealing what may be described as a "social earthquake" in the aftermath of 7 October.

Two sharp behavioural decreases were reported: a 48% reduction in class attendance and a 50% reduction in speaking Hebrew in public. One sharp increase was noted: a 56% rise in engagement with social media.

Other behaviours displayed bifurcated changes, including a 39% decrease and 40% increase in wearing Jewish symbols, and a 49% decrease versus a 32% increase in publicly expressing political beliefs or one's connection to Israel.

The reduced class attendance suggests that Jewish students do not feel safe or welcome on campus, which may have enduring effects on their academic performance and career pathways. The decline in public Hebrew speaking indicates that Israeli individuals (the only native Hebrew speakers globally) may feel at risk if their affiliation with Israel becomes known. Similarly, the marked increase in social media engagement (56%) may reflect an attempt to cope with the dramatic and destabilising post 7 October impacts—by staying informed, seeking support, engaging with like-minded individuals, or advocating and explaining their perspective to others.

Finally, the bifurcated behavioural responses suggest that Jewish individuals adopted two contrasting strategies in response to the rapidly changing campus environment—akin to "fight or flight": either increasing their visibility and advocacy or withdrawing and concealing their identity.

### 5.5 Antisemitism from the Political Left Versus the Political Right

When asked about concerns regarding antisemitism from the political left and the political right, respondents expressed significantly greater concern about the political left. Specifically, 67% of respondents were “very concerned”, with a further 17% “somewhat concerned”, totalling 84%. This sentiment was consistent across both students and staff.

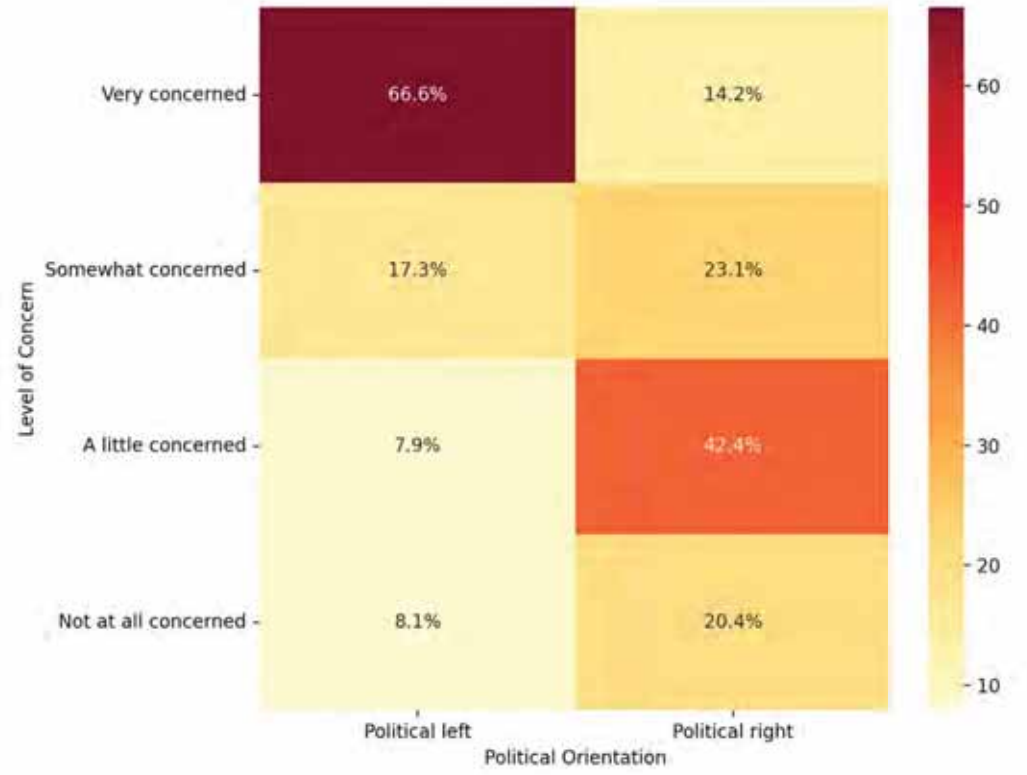
In contrast, concern about the political right was markedly lower, with a combined 37% reporting they were “somewhat concerned” or “very concerned”.

Table 5.6 and Figure 5.10 present percentage distributions of concerns from the political left versus the political right.

**Table 5.6. Levels of concerns about antisemitism from the political Left and the political Right**

| Level of concern | Political left | Political right |
|---|---|---|
| Not at all concerned | 8.1% | 20.4% |
| A little concerned | 7.9% | 42.4% |
| Somewhat concerned | 17.3% | 23.1% |
| Very concerned | 66.6% | 14.2% |

**Figure 5.10. Heat map visualisation of levels of concerns about antisemitism (%), by political left vs. political Right**



**In summary, the majority of participants (84%) perceive the political left as the major source of antisemitism on campus compared to only 37% concerned and very concerned about the political right.**

### 5.6 Sense of Safety

Respondents were asked "how safe do you feel on the campus?", with a five-point response option ranging from "feeling very unsafe" to "feeling very safe".

A minority of 34% of respondents reported feeling "safe" and "very safe" on the physical campus and 32% in the virtual campus.

Among staff, 17% indicated they felt "very safe" on the physical campus, compared to 8% of students.

Combining "feeling very safe" and "feeling safe" on the physical campus obtains only 38% of students and 36% of staff reporting a sense of safety. Similar results were obtained for the virtual campus, 36% of students and 30% of staff reporting sense of safety.

Table 5.7 presents the percentage distribution of responses. Figure 5.11 presents a comparison between students and staff.

**Table 5.7. Percentage distribution of sense of safety levels, by physical and virtual campuses**

| | Feeling very unsafe | Feeling unsafe | Feeling somewhat unsafe | Feeling unsafe | Feeling somewhat unsafe |
|---|---|---|---|---|---|
| Safety on the physical campus | 12.9% | 21.5% | 31.6% | 24.7% | 9.4% |
| Total unsafe physical campus | | | 66.00% | | |
| Safety in the virtual campus | 17.9% | 21.1% | 29.3% | 21.1% | 10.6% |
| Total unsafe virtual campus | | | 68.3% | | |



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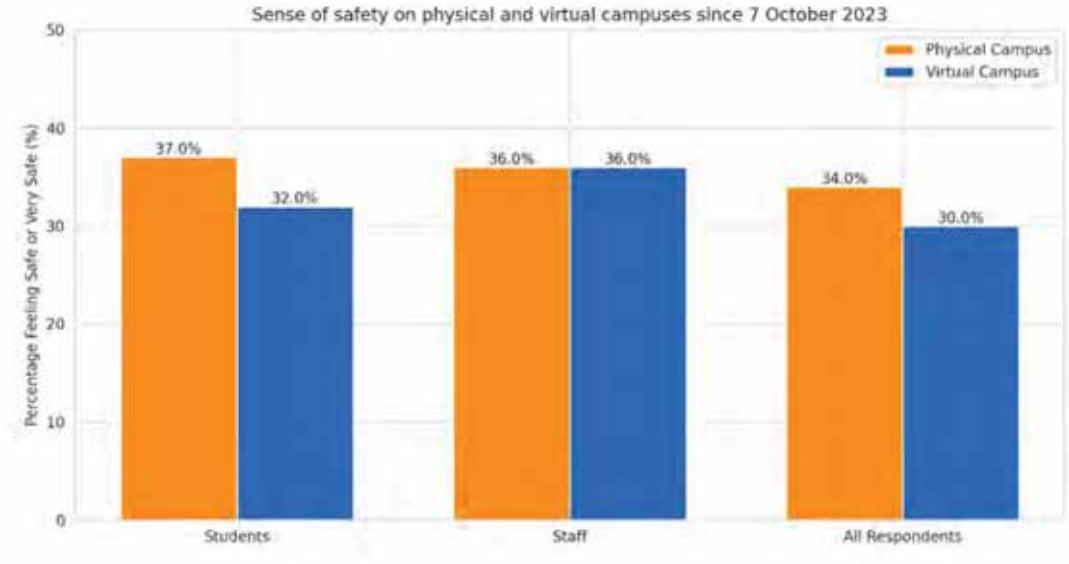
**Figure 5.11. Participants' ranking of sense of safety on the physical and virtual campuses, by students, staff and all respondents**




A benchmark to interpret the significance of this sense of safety finding is the 2021 National Student Safety Survey (NSSS) (Heywood et al., 2022). The objective of the survey, which was completed by 43,819 students, was to inform 'ongoing efforts of Australian universities in building equitable, safe and inclusive learning experiences for their students', with specific reference to sexual harassment and sexual assault.

To provide a context for its findings, the NSSS asked students to indicate their "perception of university culture". It obtained 84% agreement by domestic students and 81% by international students with the statement "I feel safe when at [my university]", which compared with the 34% of respondents reported feeling "safe" and "very safe" on the physical campus and 32% in the virtual campus in the 5A survey. The comparison reveals that the rate of those who reported a lack of safety for Jewish people on Australian campuses since October 2023 is 3.47 times higher than the rate of reported a lack of safety due to sexual harassment measured in 2021.

In summary, the findings suggest that only a third (34%) of Jewish students and staff feel safe on campus. The rate of sense of lack of safety for Jewish people is 3.47 higher than the rate of sense of lack of safety due to sexual harassment. Both the physical and virtual campus environments are perceived as equally unsafe.

### 5.7 Perceptions of Universities' Policies and Procedures

To gain insights into universities' actions against antisemitism, a series of questions were presented. Participants were asked to rank their universities' actions and indicate: the provision of relevant information; their understanding and assessment of the complaint system; whether they had lodged a complaint; and their level of trust in the system.

### 5.7.1 Ranking Universities' Actions

The participants were asked: "Do you think that your university's management is taking sufficient actions against antisemitism and ensuring that campuses are safe and inclusive for Jews?" Participants were asked to rank their universities' actions on a scale ranging from 0= Not taking any actions against antisemitism to 10= Taking sufficient actions against antisemitism.

The findings revealed that 60% of participants rated their universities' actions between 0 and 3, indicating insufficient action taking by their universities. At the other end of the scale, only 17% ranked their universities between 7 and 10, indicating sufficient action taking.

This result was benchmarked against the NSSS survey, where students responded to the statement: "[My university] is trying hard to protect the safety of all students." A combined 74.5% indicated "strong agreement" or "agreement", and another 9.9% indicated "strongly disagree" or "disagree" with this statement (Heywood et al., 2022, p. 74). The comparison suggests that students were 4.4 times more likely to report that university management takes sufficient action to protect against sexual harassment than to protect the safety of Jewish people on campus.

Table 5.8 and Figure 5.12 present the distribution of responses.

**Table 5.8. Ranking of universities' actions against antisemitism on a scale of 0 to 10**

| Scale | Percentage (%) | Sub-totals (%) |
|---|---|---|
| 0= Not taking any actions against antisemitism | 12.9 | |
| 1 | 19.6 | |
| 2 | 15.3 | |
| 3 | 12 | **0-3 = 60** |
| 4 | 8.9 | |
| 5 | 9.3 | |
| 6 | 4.8 | |
| 7 | 5.5 | |
| 8 | 3.5 | |
| 9 | 3.2 | |
| 10 = Taking sufficient actions against antisemitism | 5 | **7-10 = 17** |



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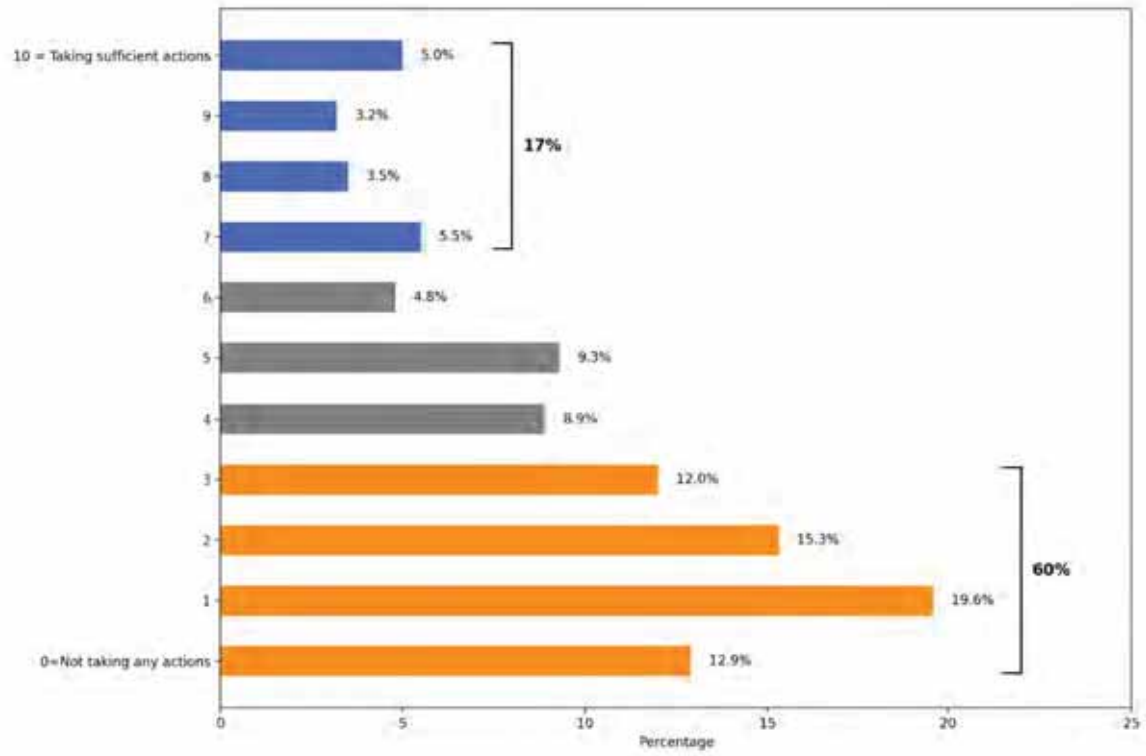
**Figure 5.12. Ranking of universities' actions against antisemitism on a scale of zero to 10, by all respondents**

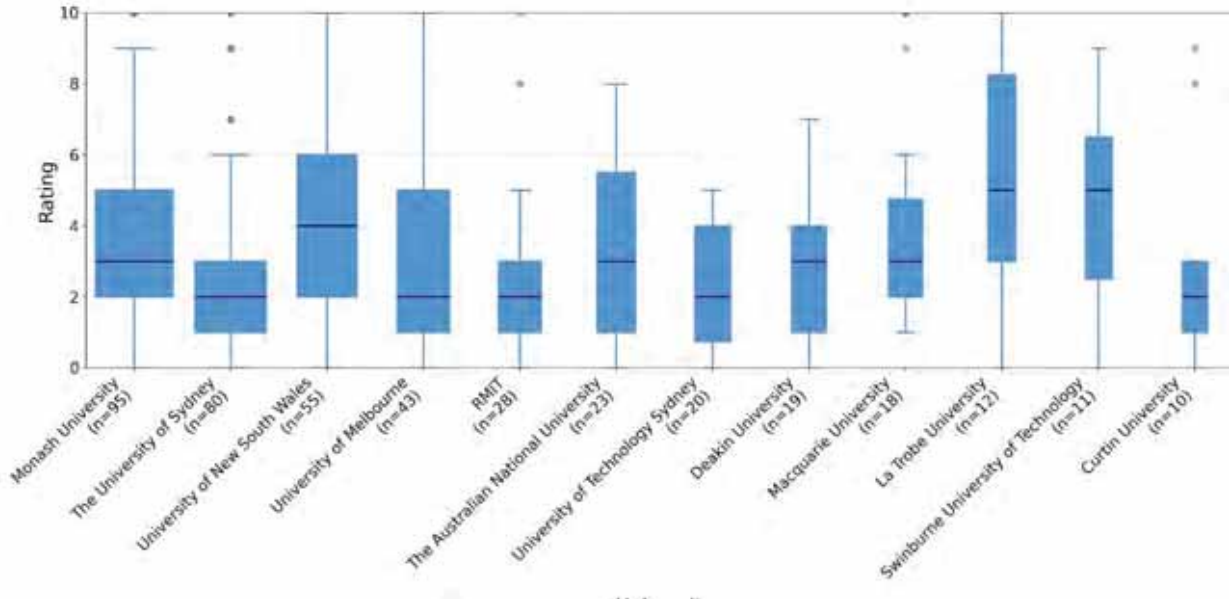



### 5.7.2 Comparing Universities

A non-parametric Kruskal-Wallis test was conducted to compare the distribution of ratings across 12 universities, each with at least 10 responses and no missing data. The test statistic is 37.75, with a significantly low p-value of 0.000086 (Kruskal-Wallis X2 = 37.75, p = 0.000086). This low p-value indicates substantial variations in response patterns between institutions.

The distribution of rankings (0-10) across universities was plotted in a boxplot (Figure 5.13). The plot allows us to compare the distribution of responses across different universities. Only universities with sample sizes ≥10 were included in the comparison, with the width of each box proportional to the number of survey responses. We can see variations in both the median responses and the spread of responses among different institutions. Some universities show more variability (taller boxes) while others have more concentrated responses (shorter boxes).

**Figure 5.13. Comparing distribution of rankings of actions on antisemitism across universities (n≥10)**




Note: The boxplot shows the median (horizontal line in each box); the interquartile range (the height of the box itself); the whiskers extending to the most extreme non-outlier points; and the individual points beyond the whiskers representing outliers. The width of each box is proportional to its sample size.

The University of Sydney, RMIT, University of Technology Sydney, and Curtin University have a low median of 2. A median ranking of 5 was obtained in La Trobe and Swinburne University of Technology.

The interquartile range indicates the spread of the distribution of responses. The smaller the range, the more participants agree on their university's ranking. Tight distribution of ranking (low interquartile range) can be viewed at the University of Sydney (2), RMIT (2) and Curtin (2). All three universities show both a low median ranking of 2 and a tight distribution.

Caution should be used when interpreting results from universities with smaller sample sizes, as their ratings are more influenced by individual responses and may not represent the broader Jewish staff and students as accurately.

A Mann-Whitney U test was conducted to compare pairs of universities with large sample sizes: Monash University (n=106), the University of Sydney (n=105), University of New South Wales (n=62) and the University of Melbourne (n=51).

The results reveal that the mean ranking of the University of Sydney was statistically significantly lower than Monash (Z=3.78, p=0.0008), and the University of New South Wales (Z=-4.18, p= 0.00015). The medians for both the University of Sydney and the University of Melbourne were identical, at 2—the lowest among the universities with large sample sizes. Figure 5.14 presents a boxplot visualisation of the distribution of rankings across the four universities with large sample sizes.



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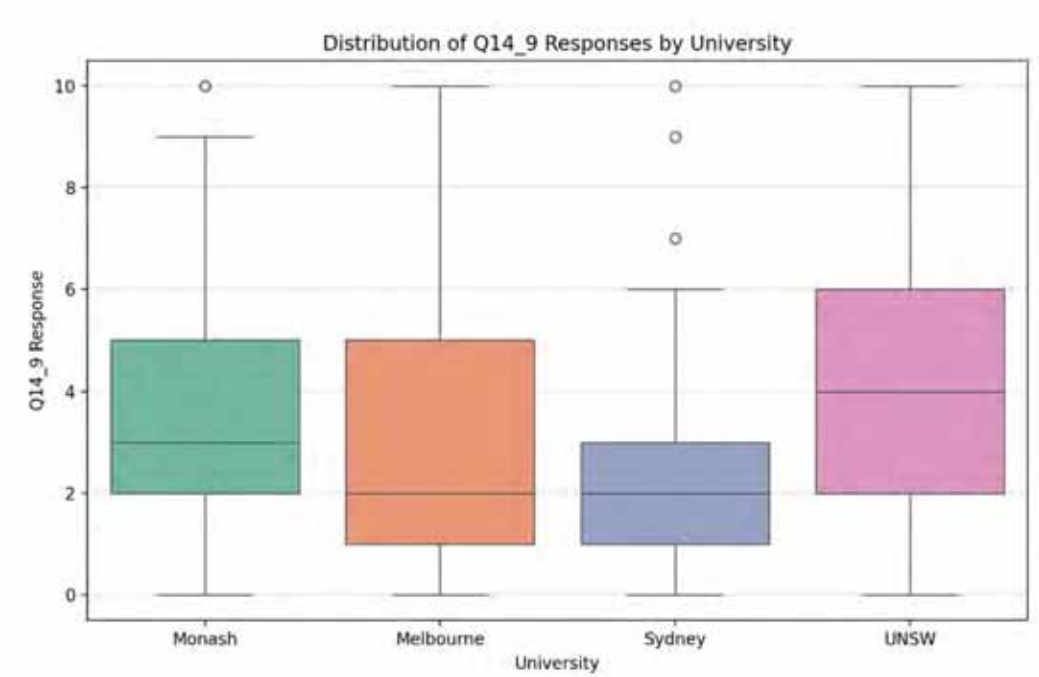
**Figure 5.14. Distribution of university rankings, by universities with large sample sizes**




Note: The boxplot shows the median (horizontal line in each box); the interquartile range (the height of the box itself); the whiskers extending to the most extreme non-outlier points; and the individual points beyond the whiskers representing outliers

Overall, the findings suggest that while in general, universities in Australia rank low on their actions against antisemitism, they are not homogenous in their responses, as perceived by the participants.

The responses to the open-ended questions provide insights into the nature of some practices that were appreciated by the participants. For example:

- "Our VC has been good."
- "To be honest I think [university name removed] … has done a really good job with things like keeping anti-Israel/antisemitic sentiment on campus to a minimum."
- "I think it has been good at how [university name removed] has dismantled the encampment."
- "The university is doing a good job by banning posters and gatherings."
- "I have confidence in management at [university's name removed]—they have quickly responded to antisemitic posters and ensured a safe space for Jewish students on campus."
- "They were great in dismantling the encampment once the protestors started breaking every rule they were given and inviting dangerous people in.

### 5.7.3 Fostering Understanding

Participants were asked: “Has the university provided you with a definition of inappropriate political content in lectures and course materials?”

Only 11% reported that a definition had been provided, 16% were unsure, and 73% responded ‘no’. The ‘no’ response was similar for both staff (71%) and students (69%). Table 5.8.2.1 below presents the percentage distribution.

### 5.7.4 Understanding the Complaint System

Students were asked whether they understood “complaint procedures if you encounter antisemitic content in lectures or course materials”.

48% of students reported no knowledge of the complaint procedures, while 34% indicated understanding.

Staff were asked whether they understood the complaint procedures if they encountered “antisemitic comment or behaviour by colleagues, students, or other staff members”. In a near reverse of student responses, 28% of staff reported no knowledge, while 56% indicated understanding (see Table 5.9).

### 5.7.5 Confidence in the Complaint System

The participants were asked:

- “Do you consider that complaints procedures are adequate at your university?”
- “Have you ever lodged a complaint?” and
- “Are you confident that you can lodge a complaint without risking discrimination against you or other negative impacts?”

Concerning the adequacy of the complaint system, 45% responded that the system is not adequate, and only 16% considered it adequate.

In relation to lodging a complaint, a majority of 67% reported they had never lodged a complaint, and 32% had lodged a complaint.

Regarding confidence in the system, 51% reported no confidence and 27% reported confidence. This finding was benchmarked against the NSSS survey (Heywood et al., 2022), where students were asked about their confidence in reporting incidents of sexual harassment and assault. Only 23.5% reported a lack of confidence (“Not at all/Slightly”), which is less than half the proportion (51%) of Jewish participants reporting a lack of confidence in lodging a complaint without risking discrimination or other negative impacts.

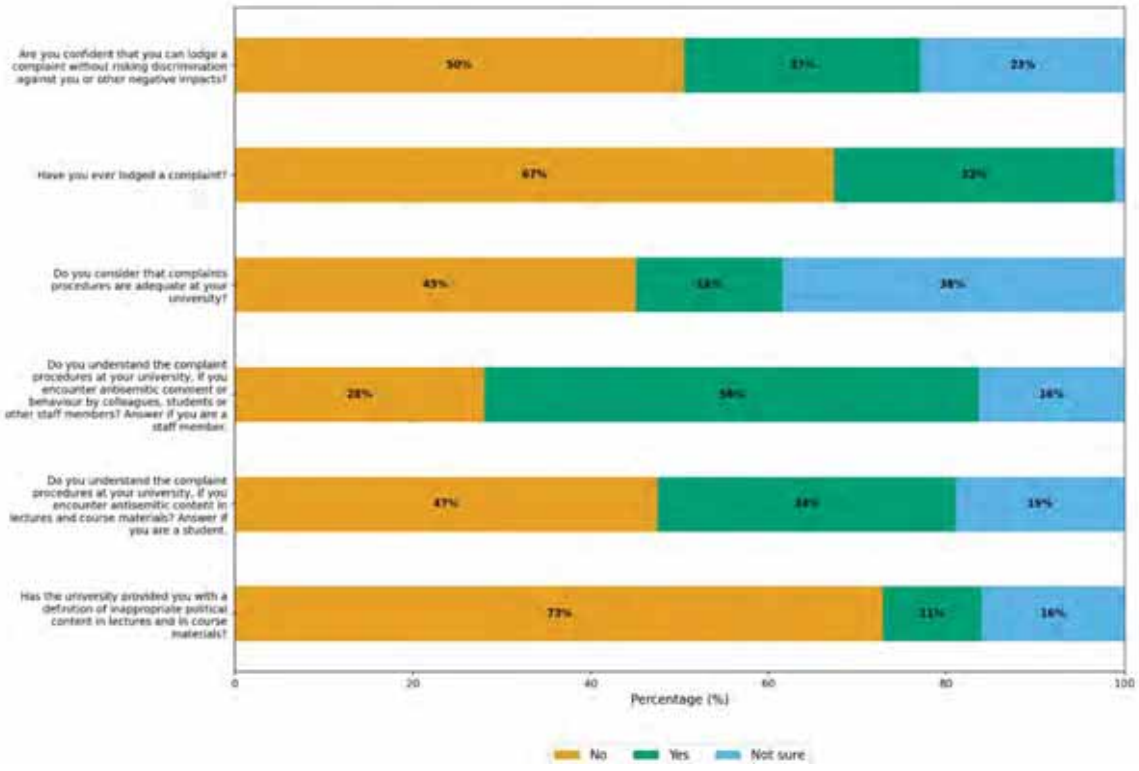
Chi-square analysis was conducted to compare student and staff responses. Significant differences were found in response to the question: “Do you consider that complaint procedures are adequate at your university?” A significantly higher number of staff rated the procedures as inadequate ($X^2 = 6.15$, $p = 0.0463$).

Another significant difference was found in response to: “Have you ever lodged a complaint?” A significantly higher number of students reported that they had never lodged a complaint ($X^2 = 11.75$, $p = 0.0028$). Table 5.9 and Figure 4.15 present the percentages of response distribution.

**Table 5.9. Perceptions of universities' policies and procedures, by "yes", "no" and "not sure"**

| Question item | No | Yes | Not Sure |
|---|---|---|---|
| Has the university provided you with a definition of inappropriate political content in lectures and in course materials? | 73% | 11% | 16% |
| Do you understand the complaint procedures at your university, if you encounter antisemitic content in lectures and course materials? Answer if you are a student. | 47.5% | 33.6% | 18.9% |
| Do you understand the complaint procedures at your university, if you encounter antisemitic comment or behaviour by colleagues, students or other staff members? Answer if you are a staff member. | 28% | 55.7% | 16.3% |
| Do you consider that complaints procedures are adequate at your university? | 45.1% | 16.4% | 38.4% |
| Have you ever lodged a complaint? | 67.4% | 31.5% | 1.1% |
| Are you confident that you can lodge a complaint without risking discrimination against you or other negative impacts? | 50.5% | 26.7% | 22.8% |

**Figure 5.15. Perceptions of universities' policies and procedures, by "yes", "no" and "not sure"**



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In summary, 60% of participants ranked their universities' management actions against antisemitism between 0 and 3, indicating that they are not taking sufficient action on antisemitism. This contrasts with the NSSS survey, where only 9.9% of students ranked their universities' actions to keep campuses safe from sexual harassment as unsatisfactory (Heywood et al., 2022).

Seventy-three per cent of students reported that universities fail to provide a definition of inappropriate political content in lectures and course materials; 47% of students and 28% of staff reported that they do not understand the complaint system; 45% of participants do not regard the complaint system as adequate; and 67% have never lodged a complaint.

A majority of 51% of participants reported having no confidence in the complaint system. This compares to only 23.5% who reported a lack of confidence in the complaint processes for incidents of sexual harassment and sexual assault (Heywood et al., 2022).

A comparison between students and staff revealed statistically significant differences, with a higher number of staff rating the complaint procedures as inadequate, and more staff having lodged complaints compared to students. These findings are expected, given that staff are employed by universities over many years, making them more familiar with administrative procedures and more likely to lodge complaints over the course of their careers.

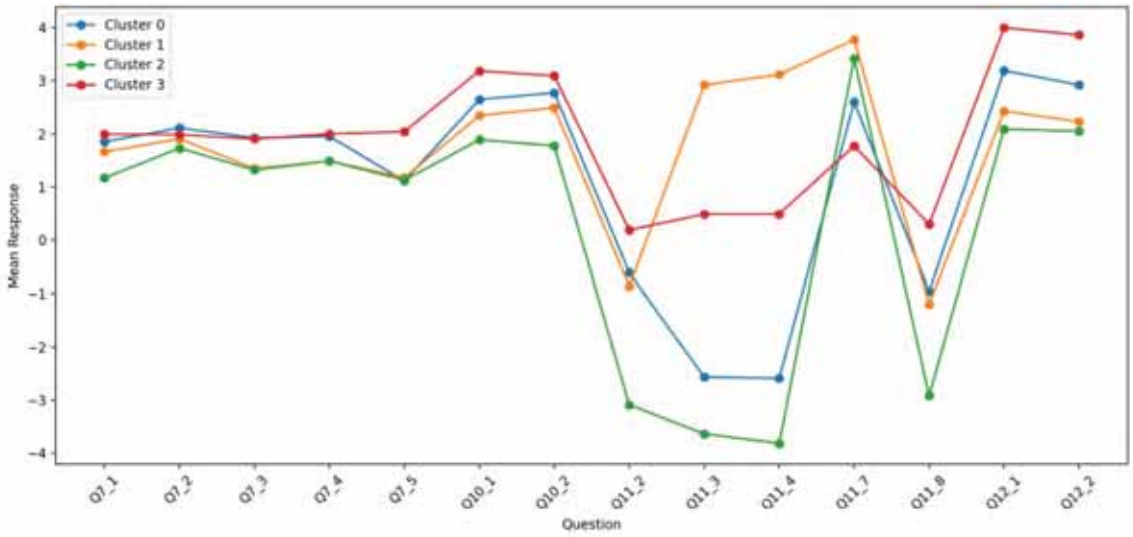
Overall, the findings reveal a stark contrast between the level of antisemitism experienced by Jewish people on campus—67% reported hearing antisemitic comments and 93% reported witnessing antisemitic expressions delegitimising the right of Israel to exist—and their level of trust in their universities' systems to protect them, with only 27% reporting confidence that they could lodge a complaint without risking discrimination. Taken together, the findings indicate a system failure in preventing antisemitism.

### 5.8. Cluster Analysis of Key Survey Items

A cluster analysis was applied to gain deeper insight into the heterogeneity of campus antisemitism experiences post 7 October. Cluster analysis groups participants are based on their distinct mean response profiles. Segmenting the sample into clusters enables us to identify and differentiate sub-groups within the surveyed population, and develop an understanding of the unique subjective experiences, attitudes, and coping mechanisms of participants in each sub-sample.

We applied k-means clustering to the survey dataset using responses from 14 prompts derived from four questions, ultimately selecting a 4-cluster solution, with the distribution fairly balanced across the sample. Figure 5.16 presents the mean responses for each cluster, followed by an interpretation.

**Figure 5.16. Mean responses across questions, by cluster**




Note: **Q7— At your campus, since 7 October 2023, have you personally experienced the following behaviours towards you, because you are Jewish or Israeli?** (Responses: 1-yes; 2-no; 3-not sure) Q7_1— Feeling ignored or excluded; Q7_2— Being cancelled from groups; Q7_3— Received insult or harassment on social media; Q7_4— Received verbal insult or harassment; Q7_5— Listening to anti-Semitic comments in your presence.

**Q10— Since 7 October 2023, would you say that your relationship with your NON-JEWISH university friends, colleagues and others on campus has become...** (responses: 1-disconnected; 2 distant; 3-stayed about the same; 4- closer; 5- much closer) Q10_1— Friends [Answer if you are a student; Q10_2— Colleagues [Answer if you are a staff member].

**Q11— Please use the slider to indicate any behavioural change you might have experienced since 7 October 2023, on a scale from -5 to +5**. Q11_2— Attending classes, if you are a student; Q11_3— Publicly expressing your political beliefs; Q11_4— Publicly expressing your connection to Israel; Q11_7— Mixing with Jewish people; Q11_8— Mixing with non-Jewish people.

**Q12—How safe do you feel on campus since 7 October 2023? Please indicate your sense of safety on a scale from 1 to 5**. Q12_1— Safety on the physical campus; Q12_2— Safety in the virtual campus (Media and online).

### 5.8.1 Cluster Profiles by Question Series

**Cluster 0** (162 participants, 29.6%): **Low-impact, resilient group**

- Extent of antisemitism impact: Low
- Extent and nature of social reconfiguration: Low decrease in mixing with non-Jews; moderate decrease in mixing with Jews
- 47 Survey of Antisemitism on Australian Campuses
- Behavioural changes (fight / flight / continue as usual): Flight — low to moderate decrease
- Sense of safety: Somewhat unsafe

**Cluster 1** (123 participants, 22.4%): **Identity-affirming, forthcoming responders**

- Extent of antisemitism impact: Medium to high
- Extent and nature of social reconfiguration: Low to moderate decrease in mixing with non-Jews; high increase in mixing with Jews
- Behavioural changes: Fight — moderate increase
- Sense of safety: Somewhat unsafe

**Cluster 2** (110 participants, 20.1%): **Highly impacted and sensitised group**

- Extent of antisemitism impact: Moderate to high
- Extent and nature of social reconfiguration: Moderate to high decrease in mixing with non-Jews; high increase in mixing with Jews
- Behavioural changes: Flight — moderate to high decrease
- Sense of safety: Unsafe

**Cluster 3** (153 participants, 27.9%): **Antisemitism perceived as a non-issue**

- Extent of antisemitism impact: Non-issue
- Extent and nature of social reconfiguration: Moderate increase in mixing with non-Jews; slight to no increase in mixing with Jews
- Behavioural changes: Continue as usual
- Sense of safety: Safe

Table 5.10 summarises the mean values and key findings for each cluster.

**Table 5.10. Clusters profiles by question series**

| Question series | Question | **Cluster 0** Low-impact, resilient group (n=162, 29.6%) | **Cluster 1** Identity-affirming, forthcoming responders (n=123, 22.4%) | **Cluster 2** Highly impacted and sensitised group (n=110 20.1%) | **Cluster 3** Antisemitism perceived as a non-issue (n=153 27.9%) |
|---|---|---|---|---|---|
| Q7 (Response: 1 = Yes, 2 = No, 3 = Not sure) | Feeling ignored or excluded | Low | Low | High | Not experienced |
| | Being cancelled from groups | Low | Low | Low to moderate | Not experienced |
| | Received insult or harassment on social media | Low | Moderate | Moderate | Minimal extent |
| | Received verbal insult or harassment | Low | Moderate | Moderate | Not experienced |
| | Listened to anti-Semitic comments in their presence | Moderate | High | High | Not experienced |
| Q10 (Response: 1= disconnected; 2 = distant; 3 = stayed about the same; 4 = closer; 5 = much closer) | Relationships with non-Jewish friends [for students] | Low decrease (2.65) | Moderate decrease (2.34) | Moderate to high decrease (1.89) | Moderate increase (3.19) |
| | Relationships with non-Jewish colleagues [for staff members] | Low decrease (2.77) | Moderate decrease (2.49) | Moderate to high decrease (1.77) | Moderate increase (3.10) |
| Q11 (Response: scale -5 to +5) | Attending classes, if you are a student | Low decrease (0.61) | Low decrease (0.86) | Moderate to high decrease (-3.09) | No change (0.1) |
| | Publicly expressing your political beliefs | Moderate decrease (-2.56) | Moderate increase (2.92) | Moderate to high decrease (-3.09) | No change (0.4) |
| | Publicly expressing your connection to Israel | Moderate decrease (-2.59) | Moderate to high increase (3.12) | Moderate to high decrease (-3.09) | Slight increase (0.5) |
| | Mixing with Jewish people | Moderate increase (2.60) | High increase (3.78) | High decrease (3.64) | Low increase (1.8) |
| | Mixing with non-Jewish people | Low decrease (0.96) | Low decrease (1.20) | High decrease (-3.0) | Low increase (1.3) |
| Q12 (Response: Likert scale 1 = Very unsafe, 5 = Very safe) | Sence of safety on the physical campus | Feeling somewhat unsafe (3.19) | Feeling somewhat unsafe (2.43) | Feeling unsafe (2.08) | Feeling safe (4.0) |
| | Sence of safety in the virtual campus (Media and online) | Somewhat unsafe (2.92) | Unsafe (2.23) | Unsafe (2.02) | Feeling safe (3.87) |

In summary, the cluster analysis enabled the identification of four distinct groups based on their responses to the surge in antisemitism following 7 October. This analysis is particularly valuable for identifying at-risk groups and informing the development of targeted strategies tailored to each cluster profile.

In our survey, one-fifth (20%) of participants belonged to **Cluster 2 (Highly impacted and sensitised),** representing those at highest risk. These participants experienced direct exposure to antisemitism, felt unsafe on campus, and exhibited strong avoidance behaviours — avoiding campus, distancing from non-Jewish peers, and presumably seeking refuge within the Jewish community. Supporting this group requires targeted interventions to help strengthen their resilience.

Another fifth (22.4%) of participants formed **Cluster 1 (Affirmative, forthcoming responses to antisemitism),** characterised by assertive responses. Their reaction to confronting antisemitism involved strengthening their Jewish identity and increasing its public expression. Although similarly impacted as Cluster 2, their "fight" response may relate to greater resilience and a comparatively higher sense of safety.

Nearly a third (29.6%) of participants comprising **Cluster 0 (Relatively resilient group)** demonstrated high levels of resilience, with low impact from antisemitism. Behavioural and relationships changes expressed low to moderate flight responses.

A further 27.9% of the participants comprising **Cluster 3 (Antisemitism is a non-issue)** appears as a mixed group. One subgroup appeared largely unaffected by antisemitism, potentially due to limited campus presence, though they did show some behavioural shifts such as increased interaction with Jewish people. The other subgroup appeared to align with anti-Israel protestors, expressing a sense of safety on campus and increased mixing with non-Jewish people.

Further research is needed to design tailored interventions that address the distinct needs of Jewish participants across these cluster types.

The combined qualitative and quantitative findings are discussed in what follows.

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# 6 DISCUSSION

This section summarises the qualitative findings, followed by an overview of the quantitative results and their comparison to the pre-7 October campus university students' survey (Social Research Centre, 2023). By integrating these data sources, we derive meaningful insights and implications for fostering inclusive and safe campuses for Jewish students and staff. Together, these data sources present a comprehensive picture—both in words and numbers—of the deeply troubling antisemitic climate on campus.

### 6.1 Qualitative Findings

**The qualitative data portray a campus environment that is hostile and abusive to Jewish people, with overt and normalised antisemitic discourse**. Participants described incidents such as a swastika engraved in the staff cafeteria; graffiti stating "Zionists are Nazis"; Nazi salutes at a student council meeting; the distribution of brochures bearing Hitler's face alongside the Magen David; posters promoting talks such as "Global Intifada" and "come and hear who is Hamas"; and chanting on campus declaring "Zionists aren't welcome here."

**Jewish students and staff encounter exclusion and social ostracism by peers and colleagues**. One respondent reported being asked to leave a share house with other university students because of "political differences." Another described how some academics ceased all communication and professional interaction with them.

**Jewish students are subjected to physical and verbal harassment**. A participant reported being called a "Zionist pig," while another reported being asked, "how many babies have you killed today?" simply for walking on campus wearing a Kippah. A further example involved a student being doxed and trolled on Instagram, with explicit threats that their HDR studies were at risk due to "being on the list".

**In the classroom students are targeted and singled out, needing to hide their identity**. One participant described a tutor "asking me my "ethnicity" on two separate occasions upon noticing that I stayed silent in the Israel discussions … Being too afraid to say 'Jewish' so saying Eastern Europe instead". Another student reported being "singled out and made to feel alienated and afraid, and having to hide or defend my Jewishness by my tutor and unit coordinator"

**Students are exposed to antisemitic rhetoric from their lecturers**. One tutor "described Jewish people as 'the oppressed that became the oppressors' during a class that was about celebrity culture". "A faculty member publicly expressed on social media that Zionists were not safe around her, in any space whatsoever".

**Jewish academics experience hostile and abusive statements from colleagues**. One participant reported that a colleague said, "Jews caused all the problems in the world. If the Arabs wiped them out, they would be doing the world a favour." Another reported a peer saying they did "not like Israelis but Jews were fine".

**Jewish academics are targeted and discriminated against solely based on their Israeli nationality or Zionism**. One participant reported about "cancellation of Israeli lecturer in my faculty". Another reported "urination in an ex-pat Israeli staff members' working area and writing 'RESIGN'".

**Dismissal of complaints and the instilling of doubt in Jewish individuals' perception of reality, as a form of gaslighting**.

One participant reported that their boss told them it was "imaginary that there is any threat to Jewish staff and students on campus and we are simply feeding each other's anxiety". Another reported that the university administration denied their complaint against

protesters using the chant “intifada” on the basis that the word was context related and that the “university was not responsible for their feelings”. A further participant noted that they were offered counselling after every complaint of racism made to the university, and that this response diminished the seriousness of the antisemitism, meant perpetrators were not held responsible, and “puts the blame on me as though I am the one who needs to change because of my experience”.

**Universities consistently fail to take meaningful action to protect Jewish people from antisemitism**. Participants reported overt discrimination by professional staff and described institutional inaction when they sought help. One participant noted that the university responded to complaints from Jewish staff by saying they were taking concerns on board but never took any action. Another reported that when they attempted to have action taken against students in a course with explicit rules against discriminatory behaviour and statements, including online, “the university weasel-worded and equivocated me and ultimately did nothing”.

**Universities are not uniform in their responses to antisemitism**. While 60% of respondents indicated that their universities are not talking sufficient actions on antisemitism, both quantitative and qualitative data suggest that universities are not uniform and that some respond more appropriately than others. For example, one respondent noted, “I’m lucky to go to a university that is fundamentally different from most in that it is quite apolitical.” Another participant expressed a mixed view: “My assessment of my university's approach is very mixed. On one hand, they appeared to enforce a stricter poster policy, which helps with de-escalation; on the other hand…” Others expressed appreciation of poster removal: “I have confidence in management at my university — they have quickly responded to antisemitic posters and ensured a safe space for Jewish students on campus.” Another stated, “The university is doing a good job by banning posters and gatherings.”

These positive examples, though very few and anecdotal, suggest that some institutions apply effective practices. However, the findings of this survey are insufficient to characterise these exemplary practices in detail.

The quantitative data support these findings and shed light on their prevalence and impacts.

### 6.2 Quantitative Findings

**Both students and staff are profoundly impacted by antisemitism, with the majority equating anti-Zionism with antisemitism.**

The findings indicate that most survey participants have personally experienced antisemitism on campus. A high proportion of responses related to antisemitic imagery: “graffiti, posters or fliers: delegitimising the right of Israel to exist” (93%); and “verbally or through social media: delegitimising the right of Israel to exist” (92%).

The survey intentionally did not define antisemitism. But, with few exceptions, survey participants identified anti-Israel imagery and hate speech as a form of antisemitism. This indicates that **the majority of Jewish students and staff in the sample equate anti-Zionism with antisemitism.**

While both Jewish students and staff report experiencing antisemitism, students appear to be more vulnerable. The largest difference was found in “listening to antisemitic comments in your presence”, where students reported a 26% higher rate than staff (74% vs 48%). These findings are expected, given students’ higher engagement in campus life, both the virtual and physical campuses.

The profound impacts of the antisemitism surge is illustrated in participants’ accounts of fear for the first time in their lives, being afraid to leave a building “because of the violence of the student protests, …. afraid to reveal my identity” , or being “spat on for wearing my Star of David necklace”.

**Antisemitism has deeply shaken Jewish people’s core sense of identity and belonging.**

The findings suggest that after 7 October, there were stark changes in personal relationships and behaviours, creating a sense of an existential ""earthquake."" Critical aspects of social identity appear to have been affected. One respondent commented: “Socially, in my faculty I feel that I no longer know who my friends are”.

The tearing of the social fabric is most evident in shifts in personal relationships, with Jewish people mixing less with non-Jewish people (49%) and increasingly drawn into Jewish social circles (77%), seemingly seeking refuge. Similarly, on campus, 43% of students reported becoming distant from non-Jewish friends and 35% of staff reported becoming distant from colleagues.

At the same time, an opposite trend emerged among a minority of participants, with 8.5% of students and 6.2% of staff reporting that they became closer or much closer to non-Jewish individuals on campus. This suggests that political anti-Zionist views may have caused a rift within the Jewish community between Zionist and anti-Zionist Jews. Qualitative excerpts support this assertion, where a small minority of participants identified as anti-Zionists (e.g., “a proud Jewish person who does not subscribe to Zionist beliefs”), explicitly outlining the ideological rift: “Stop stifling protest, help young Jews to learn the truth. Anti-Zionism is not antisemitism”; “I have received comments on social media calling me a kapo, traitor, not Jewish, saying that I'm not part of the community, etc., all from Jewish Zionists.”

**Free Speech, but Not for Supporters of Israel**

The findings suggest that publicly supporting Israel carries the greatest social cost for Jewish individuals. The overall 49% decrease in expressions of political beliefs and connections to Israel indicates that, in effect, **for the majority of Jewish people who support Israel, free speech on campus has been suppressed.**

### Fight or Flight Responses

The findings reveal two distinct responses to the hostile campus environment resembling fight- or-flight behaviour, with a reported 39% decrease versus 40% increase in wearing Jewish symbols, and a 49% decrease versus a 32% increase in publicly expressing political beliefs or one's connection to Israel. These bifurcated behavioural responses suggest an underlying emotional stress pushing people towards survivalist responses in opposite directions. Among the flight responses, hiding identity and avoidance are prevalent.

### Hostile Excluding Campus Environment

By triangulating the three data sources—anecdotal reports from participants on what makes them feel safe, qualitative responses related to the physical environment, and quantitative data on exposure to imagery—it becomes evident that the campus environment, with its antisemitic imagery, is itself a form of harassment, a source of intimidation, and a driver of alienation.

The category "The campus environment" in the qualitative data had the highest frequency of responses, accounting for nearly half (45%) of all excerpts in the survey. Within this category, the most frequently cited theme was "Hostile and exclusionary physical environments," which comprised 32.9% of the total 45% of excerpts.

The quantitative findings reinforce this conclusion by highlighting the significant role of the physical environment in shaping perceptions of safety. When asked whether they had personally witnessed antisemitic expressions on campus since 7 October, 92% of participants reported seeing at least "rarely" graffiti, posters, or flyers that delegitimised Israel's right to exist.

This finding is critically important because it suggests that restoring a substantial sense of safety and inclusivity on campus can be achieved through minimal efforts by universities. It only requires the consistent enforcement of existing rules and codes of conduct prohibiting campus defacement.

### Avoiding the Threat, Hiding Identity.

The atmosphere of alienation and isolation on campus has led a large minority of Jewish students to avoid attending classes, and Jewish people on campus to make behavioural changes in order to hide their Jewish identity and its intrinsic association with Zionism.

The combined qualitative and quantitative data indicate behavioural patterns of campus avoidance among students and staff. Class avoidance was reported by 48% of students ("I deliberately stay off campus as much as possible in the hope of avoiding direct encounters with antisemitism"; "I have specifically chosen a distance education course in order for me to avoid attending the campus"). Participants also reported avoiding specific hostile areas on campus ("I was constantly checking these groups' social media in an attempt to always avoid going anywhere near them, even taking much longer indirect routes to avoid even passing them").

Hiding Jewish identity was also extensively reported and took various forms, such as non-disclosure of identity ("I am a first-year student and have not yet told anyone at the uni that I am Jewish"); avoiding academic work that may reveal identity ("I am afraid to tell anyone I'm Jewish and I'm afraid to produce Jewish artwork"); and removal of Jewish symbols, as previously discussed ("Plenty of friendly non-Jews have gone up to me telling me to hide my Star of David for my own safety").

**Progressive Paradox: When Left Liberal Ideals Foster Exclusion**

Jewish respondents perceived the primary source of concern about campus antisemitism came from the political Left (84%). There was much less concern about the political Right (37%). Antisemitism on campuses, particularly in the form of anti-Zionism, appears to be embedded in liberal progressive ideologies, where hostility toward the Jewish minority is justified, and Jews are framed as "oppressors" (Hirsh, 2017).

**Differentiated Groups of Participants**

The data reveal that participants in our sample differ in the extent to which antisemitism impacts them emotionally, affects their daily lives, and influences their sense of safety on campus. These differences, in turn, are reflected in the extent and nature of social reconfiguration and behavioural change. Two groups stand out in particular: Cluster 2 – "Highly Impacted and Sensitised Group", and Cluster 3 – "Antisemitism Perceived as a Non-Issue".

Cluster 2 is of particular concern due to the high impact of antisemitism. This group comprises individuals who are likely struggling to perform academically, with potential long-term implications for their career trajectories and social adjustment. Focused research is needed to evaluate the broader impacts of antisemitism on this group and to identify effective means of community support.

Cluster 3 appears as an outlier across the four key dimensions: impact of antisemitism, social reconfiguration, behavioural change, and sense of safety. Findings for this group tend to show trends that are generally opposite to those observed in the rest of the sample.

However, this cluster is not homogeneous and could potentially have been subdivided into two distinct groups. One subgroup includes Jewish individuals who do not perceive campus protests as personally targeting them. Since 7 October, this group has become closer to the non-Jewish community and more distant from the Jewish community. As noted above, the dividing line between this subgroup and the broader Jewish community is most likely their identification as anti-Zionists.

The other subgroup comprises participants who maintain a sense of closeness with the broader Jewish community, which has even slightly strengthened. However, they adopt a more neutral stance on the conflict and, overall, do not feel personally threatened by the post-7 October campus antisemitism.

The decision not to divide these into separate clusters was informed by the finding that a four- cluster solution offered the most meaningful differentiation while preserving a relatively balanced distribution. Further research is required to better understand the specific characteristics of the subgroups within this cluster, their roles in the current discourse on campus antisemitism, and the implications of their outlier status within the Jewish community."

**"Betrayed by Leadership: Lack of Confidence in University Administration**

Most students and staff expressed little trust in their universities' administration, with 60% rating their institution's actions against antisemitism between 0 and 3 on a scale from 0 to 10. Universities failed to provide adequate guidance on inappropriate content (72%), and only 17% of participants agreed that "the complaints procedures are adequate at your university."

Among the few students and staff who reported filing complaints, frustration with institutional inaction was a common theme. In most cases, complaints were dismissed or met with advice for the complainant to remain at home. Such responses invalidated the complainants' lived experiences and signalled that the issue lay not with the aggressors—who faced no consequences—but with the complainants, who were seen as "too sensitive." Unsurprisingly, formal complaints by Jewish students and staff were rare.

The gap between the frequency of reported antisemitic comments (67%) and the relatively low rate of formal complaints (32%) indicates a systemic failure in university grievance and complaints procedures. Indeed, 51% of participants reported a lack of confidence that they could lodge a complaint without risking discrimination or other negative repercussions. This concern was affirmed by qualitative data. One participant reported: "Please note that I have made a complaint about antisemitism to the university and have been discriminated against for making the complaint."

Inadequate disciplinary measures, lack of transparency, and fear of retaliation appear to have created a culture of distrust and reluctance to report incidents.

This poor institutional performance stands in stark contrast to the response to sexual harassment and assault following the 2021 release of the National Student Safety Survey (Heywood et al., 2022).

For example, Professor Mark Scott, Vice-Chancellor and Principal of the University of Sydney, committed his institution to "renewed and targeted action to create a safer and more supportive environment." (University of Sydney, 2022). He noted that since 2018 the university had required all new students to complete a Consent Matters module, and consent workshops were held twice a year for all student leaders and first-year students in residential accommodation. In addition, a mandatory module was introduced for all executive office holders in student clubs and societies to address the drivers of sexual assault and harassment.

Despite progress, Professor Scott commented about ongoing incidents:

> Frankly, one case is one too many. To every person who has experienced sexual harassment or sexual assault, we are deeply sorry. Every student has the right to feel safe and supported and to be treated with respect and dignity, whether on campus, online or offshore. Anything less is unacceptable. (University of Sydney, 2022).

Across Australia, universities implemented a suite of measures, including new policies, educational modules, and support systems. For instance, the University of Melbourne released a standalone Sexual Misconduct Prevention and Response Policy in 2021, and Deakin University updated its Student Code of Conduct to explicitly address sexual harm. Educational programmes on respectful relationships and consent were made mandatory, and support systems were restructured to include centralised contact points.

These measures demonstrate that universities have adopted a zero-tolerance policy towards sexual harassment and have actively implemented comprehensive systems to ensure all students feel safe on campus. In contrast, no such institutional response has been extended to Jewish students and staff experiencing antisemitism. Despite two-thirds of the Jewish campus population reporting that they feel somewhat unsafe to very unsafe, universities have, to date, not demonstrated a genuine commitment to uprooting antisemitism from their campuses.

### 6.3 Comparison of The Jewish University Experience Survey (Social Research Centre, 2023) Survey Findings to Antisemitism in Australian Universities Post 7 October (5A, 2024) Survey Findings

As discussed above the two surveys of antisemitism on Australian campuses were conducted almost a year apart, one— The Jewish University Experience Survey (Social Research Centre, 2023)— prior to 7 October and the other—Antisemitism in Australian Universities Post 7 October (5A, 2024)—after. By comparing key variables across the two surveys, it is possible to gain a quantitative glimpse into the sharp rise of antisemitism on campuses over the course of just one year, and thus assess the magnitude of the impact of the 7 October aftermath.

6.1 presents a comparison of key variables between the two surveys."

**Table 6.1. Comparison of survey findings: The Jewish University Experience Survey (Social Research Centre, 2023) vs. Antisemitism in Australian Universities Post 7 October (5A, 2024), by key variables**

| Item | The Jewish University Experience Survey (Social Research Centre, 2023) | Antisemitism in Australian Universities Post 7 October (5A, 2024) | % Change | Rate of Growth |
|---|---|---|---|---|
| Avoid attending campus due to antisemitism | Avoid attending campus due to the antisemitic behaviour of others – 19% | Decrease in attending classes – 57% | +38% | 3.0x |
| Social exclusion due to antisemitism | Being involuntarily singled out or excluded due to matters relating to Israel – 25% | Feeling ignored or excluded – 43% | +18% | 1.7x |
| Intimidation based on antisemitism | People or events that made you feel intimidated because of your Jewish identity – 47% | Verbally or through social media: Calling for, or justifying the killing or harming of Jews – 76% | +29% | 1.6x |
| Comparing Israel to Nazis | Comparing Israel to Nazi Germany – 37% | Witnessed graffiti, posters, or fliers with Nazi imagery – 54% | +17% | 1.5x |
| Lack of confidence in complaint mechanisms | Lack of confidence about making a complaint – 38% | Not confident to lodge complaint without risk of discrimination – 51% | +13% | 1.3x |

Examination of the table reveals a 1.5- to threefold rise across all four indicators of antisemitism, alongside a 1.3-fold decline in Jewish people's confidence in their universities' complaint systems. The strongest evidence that campuses have become increasingly unsafe for Jewish students is the threefold reduction in class attendance following 7 October.

These findings provide quantitative evidence of the post–7 October eruption of full-blown antisemitism—a sentiment that has been lurking on campuses since the turn of the century (Rutland & Allington, 2023). While the quantitative comparison offers insight into the rise in antisemitism rates, the full extent of its nature and scope could only be revealed through the integration of both quantitative and qualitative data collected in this survey. These findings give rise to a series of recommendations for cultural reform on campuses.

7

# SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

### 7.1 Antisemitism is Systemic Across University Systems.

Antisemitism was revealed across systems, in policy enforcement, disciplinary procedures, administration, teaching and research practices and coursework materials.

**Recommendation:** The persistent gap between rhetoric and action—where universities profess zero tolerance for antisemitism but take little to no concrete action to prevent it—needs to be addressed. Institutions must demonstrate the same level of commitment to tackling antisemitism as they have shown in addressing sexual harassment. While the two social maladies differ markedly in nature and characteristics, lessons can be drawn from the impact of serious institutional commitment.

### 7.2 Addressing Antisemitism in Both Physical and Online Spaces

Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming blurred. Participants report that both the physical and virtual campuses are equally hostile.

**Recommendation:** Universities need to develop policies that ensure the safety of Jewish people not only on physical campuses but also within virtual spaces. As the boundaries between these spaces continue to blur, institutions must proactively address antisemitism across both domains, including broader outreach efforts such as prohibiting hate speech by staff and students—even beyond the confines of the university community.

### 7.3 The Impact of Campus Imagery

Campus environments and imagery are among the most influential factor affecting Jewish students' and staff members' sense of safety and inclusion.

**Recommendation:** There needs to be strict prohibition of campus defacement. Universities must enforce and strengthen existing policies that prohibit and penalise the defacement of public spaces. Campuses should be cleared of unauthorised posters, flyers, megaphone use during class hours, and other physical disruptions. Their removal is expected to significantly contribute to restoring a sense of safety.

### 7.4 Jewish people's freedom of speech has been silenced

Recommendation: Universities need to implement explicit educational measures to restore and protect this right. Effective initiatives may include university-led public debates, compulsory educational modules for all students and staff, and a requirement that coursework materials relating to the Middle East present all sides of the conflict fairly and equally.

### 7.5 Antisemitism has become normalised

Regardless of the campus or the specific segment of the Jewish university population surveyed, findings consistently show that antisemitic culture has become pervasive and normalised across Australian universities.

**Recommendation:** Universities need to take immediate, strong, and decisive action to challenge and reverse this normalisation of antisemitic discourse. This can only be achieved through a dual strategy of education, combined with rigorous enforcement and disciplinary processes. Hate-driven discourse inevitably leads to hateful actions. If left unaddressed, escalation is inevitable.

### 7.6 The majority of participants equate antisemitism with anti-Zionism

**Recommendation:** Universities need to fully adopt the definition of antisemitism as understood by the majority of Jewish people, treating it as non-negotiable—just as other minority groups are granted the right to define their own identities. Accordingly, a suite of policies and disciplinary procedures must be developed and implemented to prevent this form of antisemitic harassment.

### 7.7 Jewish staff and students Lack Confidence in the Universities' Disciplinary Systems

More than half of the participants reported lacking confidence in their ability to lodge a complaint without risking discrimination or other repercussions.

**Recommendation:** Universities need to establish centralised complaint systems dedicated to addressing antisemitism on campus in all its forms, including those related to the Middle East conflict and anti-Zionism. These systems should be staffed by specially trained officers with understanding of contemporary manifestations of antisemitism, Jewish history—including the Jewish people's three-millennia-long connection to the land of Israel—and the impact of anti-Israel bias on Jewish individuals. The centralised disciplinary system should be mandated to address all forms of antisemitic expression on campus, including inappropriate teaching materials, biased practices in nomination processes, and other forms of offensive antisemitic conduct.

### 7.8 Responses are not uniform across universities.

The high variability among Australian universities in the ranking of their actions on antisemitism suggest that some may be more effective in addressing certain issues of antisemitism than others.

**Recommendation:** Further research is needed to systematically evaluate university actions and identify effective practices.

# 8 CONCLUSION

The findings of this survey align with those of campus antisemitism studies conducted in other Western countries, including the UK, USA, Canada, and Europe (e.g., Lierens, 2024; Santos and Yogev, 2023; U.S. House of Representatives, 2024). In today's globalized world, it took a few weeks for the COVID-19 virus to spread to each corner of the planet. Similarly, it seems to have taken only one day for the brutal massacre of Jews and non-Jews in Israel on October 7, to trigger a rapid surge of antisemitism on university campuses worldwide.

Rabbi Lord Jonathan Sacks (2020) famously described antisemitism as a virus that mutates. He compared it to a social disease, noting that just as biological viruses adapt to their environments, antisemitism evolves in response to societal changes. In the Middle Ages, antisemitism was anchored in religious hostility; in the 20th century, it was anchored in racial ideologies; and in the 21st century, it is anchored in anti-Zionism—the denial of Jewish self-determination.

As institutions that shape intellectual discourse and lead academic thought, universities bear a profound responsibility to confront this modern mutation of antisemitism. It is imperative that they take decisive action to eradicate antisemitic hostility from their campuses and uphold their commitment to fostering safe, inclusive, and respectful learning environments.

Universities must act now to stop campus tribalism and restore the foundational values of academic conduct—respectful dialogue, ethical engagement, and shared responsibility toward all members of the university community.

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**APPENDIX A**

Table: Participants'affiliation, by weighted number of participants and percentages

| Go8 | n respondents | Total | Percentage |
|---|---|---|---|
| Monash University | 99 | | 18.1% |
| The Australian National University | 11 | | 2.0% |
| The University of Adelaide | 7 | | 1.3% |
| The University of Melbourne | 55 | | 10.0% |
| The University of Queensland | 12 | | 2.2% |
| The University of Sydney | 102 | | 18.6% |
| The University of Western Australia | 9 | | 1.6% |
| University of New South Wales | 57 | | 10.4% |
| **Sub-total** | | **352** | **64.2%** |
| Australian Catholic University | 4 | | 0.7% |
| Charles Darwin University | 1 | | 0.2% |
| Curtin University | 13 | | 2.4% |
| Deakin University | 24 | | 4.4% |
| Edith Cowan University | 4 | | 0.7% |
| Federation University Australia | 1 | | 0.2% |
| Griffith University | 5 | | 0.9% |
| James Cook University | 2 | | 0.4% |
| La Trobe University | 14 | | 2.6% |
| Macquarie University | 16 | | 2.9% |
| Murdoch University | 7 | | 1.3% |
| Queensland University of Technology | 4 | | 0.7% |
| RMIT University | 36 | | 6.6% |
| Southern Cross University | 1 | | 0.2% |
| Swinburne University of Technology | 13 | | 2.4% |
| University of South Australia | 2 | | 0.4% |
| University of Tasmania | 3 | | 0.5% |
| University of Technology Sydney | 25 | | 4.6% |
| University of the Sunshine Coast | 5 | | 0.9% |
| University of Wollongong | 2 | | 0.4% |
| Victoria University | 6 | | 1.1% |
| Western Sydney University | 1 | | 0.2% |
| **Sub-total** | | **189** | **34.5%** |
| Australian Catholic University | | 8 | 1.5% |
| Charles Darwin University | 8 | 548 | |

## APPENDIX B: WEIGHTING BENCHMARKS

Table: Weighting benchmarks by number and percentages

| Category | Benchmark # | Benchmark % |
|---|---|---|
| **Q5. Age group** | | |
| 18-24 years | 4,066 | 52.77 |
| 25-34 years | 1,469 | 19.06 |
| 35-44 years | 851 | 11.04 |
| 45-54 years | 645 | 8.38 |
| 55-64 years | 408 | 5.30 |
| 65+ years | 266 | 3.45 |
| **Q4. Gender** | | |
| Male | 3,555 | 46.13 |
| Female | 4,150 | 53.87 |
| **State (based on Q2. University affiliation)** | | |
| NSW | 2,938 | 38.13 |
| VIC | 3,572 | 46.36 |
| QLD | 392 | 5.08 |
| SA | 117 | 1.52 |
| WA | 473 | 6.14 |
| TAS | 39 | 0.51 |
| NT | 11 | 0.14 |
| ACT | 163 | 2.11 |

Source: Australian Bureau of Statistics (N.d.).

**APPENDIX C**

EXEMPLAR EXCERPTS FROM QUALITATIVE DATA

**Category: The Campus Environment**

**Theme: Physical and virtual campus environments: hostile, excluding and unsafe for Jews.**

Exemplary excerpts:

- The vile chants shouted at the recent protest were quite unnerving. While I was sitting in class it was impossible to focus while people outside were chanting intifada, calling for the death of Jews and Israelis. It is incredibly scary to walk around campus knowing that these people are around you.
- On the … university encampment the members were using microphones and yelling "f off Zionists" and "bye bye Zionists".
- Constant barrage of anti-Israel posters - everywhere - on doors, windows, posts and even chalk on the footpaths
- Chalk saying "Zionists not welcome"
- Certain students and student bodies labelling Zionists as racists, genocide lovers; Israeli guest lecturers cancelled owing to pressure from these students; posters around campus showing a Nazi-like caricature of a Jew representing Israel saying "if I don't steal it someone else will;" people protesting with signs saying that Israel is a terrorist state
- Handed brochures with Hitler's face with Magen David. Posters with talks of Global Intifada and "come and Hear who is Hamas"
- Posters including the words of the "case for the intifada" and "who are Hamas". Protests which made me feel unsafe on campus. Needing a security escort to come into campus.
- Recently I heard chanting on campus "Zionist's aren't welcome here". Prior to this it was lies on posters - how Israel was created as a mean to control the Middle East, how it is evil etc… accusations of genocide every day on the posters, ripping of kidnapped posters, and all staff announcements on the intranet from various staff members.
- Posters of the hostages taken by Hamas defaced and torn down, stickers with the Israeli flag crossed out in prominent public spaces and amenities (toilets, on drinking fountains, poles), innumerable posters depicting the map of Israel in Palestinian flag colours (to suggest Israel be destroyed and replaced by a total Palestinian state), posters saying "Zionists not welcome here", speeches and megaphones shouting "From the River to the Sea" and "Globalise the Intifada" and absolutely no acknowledgement that this would be threatening to Jewish students and staff, students / protestors publicly interrupting lectures and disrupting the teaching, protestors aggressively pushing petitions in your face when you're trying to get into a building…
- The encampment where people refuse to talk and walk around with their faces covered with keffiyehs - Megaphones being used to scream into people's ears close up
- Swastika engraved in staff cafeteria
- Graffiti on university property "Zionists are Nazis"

**Theme: Constraint movement on campus; interruptions to campus core businesses**

Exemplary excerpts:

- Locked out of Melbourne Connect because of anti-Israel protestors
- Hijacking of the Arts Degrees Graduation ceremony
- I was not able to use the Arts West building to study or work in, like I normally would
- Encampments on campus blocking entrances to buildings
- My lecture theatre was outside the .... encampment and I had to walk through to get to the theatre. On my way out of the theatre I saw a group of protestors linking arms preventing Jewish students from entering, most notably those who told the protestors to do so were Arab men who didn't even attend the university
- I walked to a meeting I needed to attend in the ... building and there was a protest right out the front of the building. The building was in lockdown, I had to ask the police that were in attendance where to get in. They directed me incorrectly and I had to walk right up to the protest only to be turned away. I had to go to a side door, I had to prove I was staff and that I had a meeting in the building, all the while having to listen to the protesters. I was shaken up and my anxiety was through the roof by the time I got into the building
- The Israeli women who were invited to the campus for their exchange program being locked in a room with aggressive protestors and then being asked to leave. Now all Jewish or other students who may have been interested in the exchange can no longer do it
- The encampments that blocked everything during my graduation and a man wearing a terrorist scarf sitting right next to me at my graduation

**Theme: Needing to hide Jewish identity; avoiding campus**

Exemplary excerpts:

- I am a first-year student and have not yet told anyone at the uni that I am Jewish
- I have specifically chosen a distant education course in order for me to avoid attending the campus
- ...the presence of the encampment as well as the antisemitic chants have drastically affected me, while on campus I was constantly checking these groups' social medias in an attempt to always avoid going anywhere near them, even taking much longer indirect routes to avoid even passing them. Furthermore, their presence had a significant impact on my mental health, the last few weeks feeling as though I couldn't attend my university, making sure that I don't look "too Jewish" to avoid being the victim of racial vilification, feeling unsafe to represent my Jewish culture
- I was in my office, unable to leave, because of the violence of the student protests. For the first time in my life, I was afraid to be Jewish, afraid to reveal my identity
- I deliberately stay off campus as much as possible in the hope of avoiding direct encounters with antisemitism

- At the Paddington campus there have been protests to free Palestine and there are hundreds of posters all over campus. Constantly chanting “from the river to the sea Palestine be free”. I know that means the elimination of Jewish people and I am afraid. There is nothing that is pro-Israel. I chose UNSW as it is known in the community as JEW NSW. I am afraid to tell anyone I’m Jewish and I’m afraid to produce Jewish artwork

- I was spat on for wearing my Star of David necklace. This has happened twice. Also, plenty of friendly non-Jews have gone up to me telling me to hide my Star of David for my own safety

**Theme: Hostility toward Jews across unions**

Exemplary excerpts:

- NTEU circulating letters condemning Israel without mentioning Hamas or the October 7 attacks or hostages and holding a “wear your kaffiyeh to work day” with no thought to how Jewish students and staff may feel.
- Jewish students see purple Student Union gazebos in the middle of the encampment and feel alienated by their own student representative body
- My union has engaged in some hate speech, lots of signs around campus calling for an “intifada”. Most notably I went to speak to the protesters and asked if they thought the hostages should be released, and they replied with “those Jews deserved it”.
- … the ANU Student Association - a body that is elected to apolitically represent students has been the greatest perpetrator of antisemitism. Displaying and giving out Palestinian flags, encouraging students to go to antisemitic marches and putting in student newspapers and welcome booklets pages upon pages of horrifyingly antisemitic contents
- I attended a student council meeting and during the council there were various Nazi salutes
- The official Sydney Uni student union group “Autonomous Collective Against Racism” …exists to ensure that no "Zionist" students can run for student council (SRC). In practice, this involves scanning social media accounts of prospective new candidates and barring any Jewish students unless they outwardly condemn Israel
- Blocked from Facebook pages by the student Union

Category: The Student Experience

**Theme: Ignored, cancelled, expelled**

Exemplary excerpts:

- Being asked to leave my share house with other university students because of “political differences” and different “values”
- People … actively ignoring me where we used to all be really friendly. One kid invited everyone in my course (it’s a small course) to a house party except myself. Many people who used to be my friends from uni have unfollowed me on social media and shared harmful propaganda because they do not know any better.

- I have experienced people gossiping about me when they thought I wasn't in the vicinity, saying things like "Jew hatred can't be that bad... especially at Melbourne Uni," in relation to me specifically, alongside people in my degree going around spreading word about how I'm a Zionist as if I'm the scum of the earth. Some people have even unfollowed me on Instagram, give me dirty looks, eye rolls, mock my personality (I've heard that when they thought I wasn't in the room once again), and just a general energy where people are disinterested in talking or communicating with me since October 7th
- Previous "friends" no longer speak to me. There was an incident on campus where my Jewish friend got shoved for speaking up
- I was uninvited from gathering due to my "political standing" which I had never shared with them and also noticed all their Jewish friends had been uninvited
- Some academics stopped speaking or dealing with me completely

**Theme: Attacks on Jewish students by other students**

Exemplary excerpts:

- I was spat at by one of the pro-Palestinian students as I was walking to the library
- A girl I walked past who knew I was Jewish saying "f*** the Jews" under her breath
- I have been called a "Zionist pig". Been followed. Made to feel that I need to hide my identity
- I have regularly been called "Jew boy" or "Jew" and singled out by passersby while with no Jewish friends
- heard students talking about anyone who supports Israel as not being human
- Getting asked "how many babies have you killed today" due to simply walking around on campus with a Kippah - plus many other slurs and accusations such as being labelled "a right-wing fascist" that should be kicked off campus, again after doing nothing but wearing a Kippah
- Other students singing Nazi songs in my presence, knowing I am Jewish
- I was included on the list of Zionists who were doxed. As a result, I was trolled by someone on Instagram who made reference to the fact my HDR studies would be at risk and my academic future would be under attack due to my being on the "list"
- My uni friend ... told me that she doesn't want to go to a restaurant in Melbourne because the chef there is from Israel. I felt very confused as I thought she knew I was Jewish and confused on how somebody could think that an Israeli chef in Melbourne can hurt or impact the war in anyway
- I was approached by 4 "pro-Palestinian" students who called me names such as a "pig", a "genocide supporter" and a "Nazi". They tried to intimidate and harass me whilst I was waiting to attend a class. I asked them if they would like to have a civil discussion about the conflict and they were reluctant to

- One incident was upon finding out I was Jewish, another student began to complain about how many Jews there are at USyd. When he found out he beat me in a maths quiz, he yelled out “Revenge!” This same person said he did his HSC by imagining the markers were Zionists and he was charging into battle against them; when asked what a Zionist is, he replied “Jews”

- I've been verbally assaulted when I wore a "bring them home" necklace, someone came up to me and shouted "Fuck you Zionazi" in my ear

**Theme: Singling out Jewish students**

Exemplary excerpts:

- The same tutor asking me my “ethnicity” on two separate occasions upon noticing that I stayed silent in the Israel discussions and asking where my family name is from. Being too afraid to say “Jewish” so saying Eastern Europe instead.

- Hearing students wanting to work out who is Jewish and talking about how they might do so, such as asking about where their name comes from while I was sitting in the room, I guess they didn’t know I was Jewish but from a room of 20 people no one thought to tell them that it’s wrong to go searching for Jews like it’s a witch hunt. The way they said Jewish with such venom was quite terrifying for me given that my surname is a Jewish name and if they think of me during their witch hunt it won’t take long to figure it out
- When pro Palestine activists entered my lectures and forced everyone to participate in a vote to split the classroom into who was pro-Israel and who was anti-Israel. They took a photo of the results

- I've been singled out and made to feel alienated and afraid and having to hide or defend my Jewishness by my tutor and unit coordinator, that made me feel distressed and scared and alienated, separate and bad for the team, as they were negatively affected and encouraged to treat / view me differently as I am Jewish from the faculty

**Theme: Propaganda/antisemitism/discrimination by lecturers**

Exemplary excerpts:

- A tutor described Jewish people as “the oppressed that became the oppressors” during a class that was about celebrity culture
- A professor saying that all casualties in Gaza should be considered non-combatant because Israel put the Gazans in a bad enough situation that Hamas should be considered protected civilians

- I was in a subject where we had a lecture on the Israeli-Palestine conflict where the lecture opened by saying that she will be antisemitic in the lecture, which caused me to have a panic attack after the lecture and eventually drop the subject because I felt unsafe in the subject

- I determine courses according to lectures/ tutors' biographies and if they are affiliated with antisemitic groups, I choose another course as I am scared of being discriminated against

- My tutor for Art History walked into class wearing a keffiyeh and, unprompted by any student, began to explain his reasons for wearing a “symbol of resistance

against a genocidal regime". The non-topical nature of his speech, and the uncalled-for political posturing were deeply unneeded and offensive to my own family in Israel, who are by no means genocidal or oppressive

- I have encountered teachers saying during lectures "free Palestine from the river to the sea" making me so uncomfortable during class, fellow students who knew I was Jewish saying "stop talking Jew" when I never even stated my support for Israel to them
- I do not feel comfortable or safe ... My lecturers, subject coordinators and tutors all impose their personal opinion of the Israel-Gaza conflict on the class and don't encourage debate or a balanced discussion. My tutors emailed my classes encouraging us to attend the schools strike for Palestine as it was an "effective public relations campaign" and raises awareness for the injustice of Palestinian people. My educators signed the petition which called for "UTS to cut all ties with Israel" - meaning they want to cut ties with me? Anti-Zionism IS Anti-Semitism. Why are there posters everywhere reading "from the river to the sea ...". Why are my subject coordinators publishing information which is really hurtful to Jewish people?"
- In a citizenship and communications class, one student used Free Palestine protests as an example of how protesting works saying "no matter how much we protest, nothing seems to happen". The teacher then responded saying "soon the government will appeal to reason and stop supporting Israel and go on to support Palestine". It made me feel like the pro-Israel position was simply viewed as wrongful and invalid. As the rest of the class nodded in agreement, I realised I couldn't stand up for what I believed was right. Everyone seemed to share pro-Palestinian/anti-Israeli values
- My tutors wearing a Palestinian flag on their shirts everyday

**Theme: Antisemitism and hostility within learning settings; disruptions to learning**

Exemplary excerpts:

- My lecturer announced that attendance to our class would not be taken due to the encampment and encouraged everyone to follow what was happening in Gaza. I later saw him at the protest, actively participating and confronted him about influencing his own political agenda in the classroom. I described feeling unsafe on campus as a Jew, he told me to go on zoom. I am now anxious to go to this class
- Being a student at a university in which a faculty member publicly expressed on social media that Zionists were not safe around her, in any space whatsoever
- At the very beginning of one of my classes, the club/group "Students for Palestine" issued fliers to everyone, urging for us to strike ... repeatedly said that "genocide" is being committed - felt incredibly isolated and shocked that this was allowed in a classroom setting. I was extremely uncomfortable for the remainder of the lesson
- In a maths lecture in the first or second week of university a pro-Palestinian speaker co-opted the forum and made a statement that included somewhat inflammatory and certainly not objective statements about the war in Gaza.

- When people disturbed my lecture (that I paid for) twice about how there's a genocide but that's not true at all, it made me feel unsafe
- People coming into my classroom to promote the anti-Israel encampment
- Disruption of lectures and even graduation ceremonies. The one-sided material given and talked about at some lectures. UNBEARABLE
- Only just a few weeks ago I was sitting in the library next to a group of uni students when I heard, and I quote "If Hitler had done his job properly, the Israel and Palestine war wouldn't be happening"
- Students in class discussing the effects of boycotting Israel as though this is a consensual matter. The question was not whether this is morally ok, but rather, how effective is it
- Sitting in quiet libraries and people walking around putting pro-Palestinian posters on tables

Category: The Academics and Staff Experience

**Theme: Jewish academics and staff personally attacked, targeted; feeling unsafe**

Exemplary excerpts:

- I was assaulted by a Deakin student who I have reported internally and provided the student's name, photos and contact details of several eyewitnesses
- Demonising comments from colleagues. Defamation of my image on poster. Derogatory drawings posted in public spaces
- I was openly falsely accused of - and threatened with disciplinary action for - allegedly providing favourable treatment to a rabbi over other faith leaders in relation to a university event on the basis that I am Jewish
- A Jewish colleague has had an office door trashed; another has been asked to teach from home
- Numerous colleagues could no longer look at me, and stopped speaking to me after Oct 7th, or were unusually cold, unfriendly, or suspicious. I feel strongly that decisions about whether or not to work together were made on the basis of my identity or perceived political opinion because of my identity
- On October 9th, had a student who identifies as Lebanese Palestinian enter the lab in which I teach 25 students. He came in, unfurled his Keffiyeh in front of me, then rolled it up and put it on. He knows that I am Jewish as we have had many discussions about it prior
- I was asked to provide a list of Jews who opposed the Overland petition by someone with a watermelon emoji in their name
- Urination in an ex-pat Israeli staff members' working area (their name is not public knowledge), and writing "RESIGN".
- Being doxxed on Twitter by a Senior Professor in my faculty
- My colleague, who is not Jewish, but who spent time in Israel and married an Israeli, was accused of taking bribes by our Lead Tutor, who is not Jewish, because he argued in favour of a student's higher mark. An ex-tutor from the unit, who was friendly with the Lead tutor, suggested it is because of my colleague's connection to Israel. Upon further inquiry, the ex-tutor/friend detailed our Lead Tutor's history of

antisemitism including a specific disdain for me, although I never disclosed that I am Jewish in my limited interactions with the Lead Tutor. The subject of my heritage is not relevant to our unit in any way. I was also not hired back to tutor on that unit, nor was my colleague with the Israeli wife.

- Extreme anti-Israel sentiment that quickly morphed into personal vitriol when I disagreed. Accused of authoring genocide. Doxxed on X
- A student in my class of about 15 who was asked to use creative arts in designing a lesson, suggested, (knowing I was Jewish) that they act out being Hitler. This was a clear attempt to intimidate

**Theme: Antisemitism among academics and staff**

Exemplary excerpts:

- When a colleague described … the Holocaust as being a term reserved to describe the trauma of "white" people
- Peer saying - does not like Israelis but Jews are fine
- My experience has been at [university name omitted] with the rewriting of a piece I wrote for them. They "edited" it so dramatically- and refused to change it, even though I had been asked to write as a subject specialist- that the piece was incorrect and misleading. It was so awful, and their response so intransigent that I had to withdraw it from publication.
- … a colleague said to me, "Jews caused all the problems in the world. If the Arabs wiped them out, they would be doing the world a favour." When I asked if it was a joke the colleague said it was not
- The official USYD staff communication channel, Viva Engage (formerly Yammer) is a cesspool of misinformation and hate, with daily calls to sign boycott petitions and condemn Israel and constantly stating things like there is no evidence for rape on October 7 …including links to really concerning fringe websites. These posts appear in the email inbox of all staff at the university and apparently are not moderated. Day after day of these email notifications and the visual onslaught of posters and speeches (by staff, not just students) makes the campus a very hostile place for anyone who is Jewish
- Fellow academics promoting barely disguised Jew-hatred
- Academics in the Law School organised a hate fest discussion on the conflict
- Former [details omitted] of UNSW continuously posting online under his title "Emeritus Professor of UNSW" outrageous anti-Israel posts. Constantly maligning online Jewish alumni. Complete refusal of UNSW to take any disciplinary action
- …having colleagues inform me that as I am white. I cannot experience racism

**Theme: BDS, cancelling Jewish/Israeli academics**

Exemplary excerpts:

- Cancellation of Israeli lecturer in my faculty
- Cancellation by Engineering of the Technion Professor's visit

- … the cancelling of the visiting Israeli academic
- … a postgraduate conference disinviting a speaker due to the organisation they represent tackling antisemitism. A formal complaint was made, the investigation concluded it was an ""outside function"" merely renting space at the university, so the university would not take the investigation forward. This is despite the chair of the conference not even mentioning their role within the conference committee, but instead introducing themselves as a researcher at the university in their email disinviting the speaker. The university has a policy on antisemitism, but seems unwilling to apply it when considering outside bookings.

Category: The Universities' Systems Failure

**Theme: Discrimination against Jews by professional staff and management**

Exemplary excerpts:

- Another encounter was with an International Student Advisor …. I told her that I want to have my recreational leave and then a sick leave back home. She asked me “where is home? Portugal?” … I told her “no, Israel”. The second I said that her face changed, and she just told me she can’t help me and it’s best I’ll contact another advisor. Practically expelled me from her room. And after she closed it, I was sticking around pretty shocked she screamed something like “OMG! Blablabla” (couldn’t hear the rest of it).
- The institution denying me special considered for Jewish holidays. … and the Muslim students were granted special consideration for Ramadan and I wasn't for Pesach.
- A very senior executive has been overly scrutinising my social media posts and publicly criticised them trying to shame me in front of senior colleagues with mocking comments about my position at [university name omitted]. in turn I have seen that she had liked an anti-Semitic post on social media which gives me a strong clue to her motivation. This person is also trying to restrict my academic freedom in other ways

- I had students in my class at UNSW perform a Nazi salute to me on three occasions. I reported this to UNSW College ….. They did not take my complaint seriously. I reported it to the NSW Police, who took the case very seriously UNSW College Admin only took the complaint seriously once the police were involved. This occurred last term. For more than the past 12 months, my contract hours have been renewed every term, with the same hours and the same classes, however since complaining about antisemitism, UNSW College did not renew my contract. The only possible explanation in my opinion is that this is because I raised the issue of antisemitism with the police.

**Theme: Systems’ failure to deal with complaints and protect Jewish students and staff**

Exemplary excerpts:

- I’m on cloud campus - but during online lectures, there have been ‘casual’ comments made against Israelis and slowly against Jews. This was made by the same handful of students - I reported this to my professor but they told me to just ignore them and complete the Unit. The fact that I was told to move on and no one told these students off for their antisemitic and racist comments made me feel like I do not matter, insignificant

- I had placement last year at a known antisemitic school, guess, and once they found out I was Jewish, the admin and management attitudes changed and I felt unsafe, always looking over my shoulder - when I reported this to my placement officer, I was once again told to finish up my placement and move on. No actions have ever been taken, I was just told to move on and ignore their hatred through my entire degrees and placements. Their apathy hit me deep, time and time again

- Multiple students in my course … made posts following the attacks—… in which the attack was described as justified (in other words, it was terror apologism, not just anti-Zionism). When I went to the university and attempted to have action taken against these students, as my course has explicit rules about discriminatory behaviour and statements (including online), the university weasel-worded and equivocated me and ultimately did nothing about it, essentially telling me that the posts were made out of 'ignorance' and because I couldn't prove the posts were made with malicious intent, literally defending terrorism didn't count. This was before Israel had even responded militarily and these course members knew that I was Israeli and could have had friends and family die in the attack.
- During an Anti-Israel protest in the Hawken engineering building a person smashed a window and escaped. UQ has not followed with an investigation or a concrete attempt to identify the attacker… During one of the days of the first half of May, in extensive video interview, participants of the anti-Israel camp stated they 'would be terrorists'. …UQ has claimed that it has is taking disciplinary action, yet there is no evidence of any disciplinary action that was taken

- Staff and Students denying the state of Israel has a right to exist. The managements unwillingness to address any of this on campus up to needing a committee to figure out if antisemitic posters were really antisemitic
- The university responds to complaints from Jewish staff by saying they are taking concerns on board but never take any action. I feel that if the same were experienced by any other minority it would be the targeted minority group that was called on to define what counts as harassment for them, however, this has not been extended to Jewish people. My boss has told me it is imaginary that there is any threat to Jewish staff and students on campus and we are simply 'feeding each other's anxiety'
- I was leaving campus on the Wentworth footbridge, and saw a poster titled 'The Case for a Global Intifada' with a bulldozer through the Gaza fence on it, advertising an event on campus the next day. I immediately felt intense rage and fear; I drank some water to try stop myself from vomiting. My smart watch showed my heart rate spike. I kept crossing the bridge, I didn't rip down the posters, I just took a photo. At the end I saw two men putting up more, smiling and joking about something, so I took a photo of them and walked off as quick as I could without making it seem like I was running. After all the discussions that day about campus security allegedly removing posters, and free speech, and the Vice Chancellor emailing over and over about both sides and calm political discussions, it really hammered home that no one really gives a shit about us, and our concerns are not valid

- University administrations denied my complaint against protesters using the chant 'intifada' on the basis that the word is context related and that the university was not responsible for my feelings. Being offered counselling after every complaint of racism made to the university - this reduces my pain and the effect of the antisemitism, means perpetrators are not held responsible, and puts the blame on me as though I am the one who needs to change because of my experience.

# EXECUTIVE SUMMARY

# Introduction and Background

The 7 October massacre is the most traumatic event for the Jewish world since the Holocaust. The atrocities of this pogrom lifted a veil on age-old antisemitism, breaking inhibitions and allowing it to resurface in stark and unsettling ways (Smith, 2024). A particularly concerning aspect of this resurgence is the role of universities in the free world, which have become epicentres of antisemitic activism, often granting it moral legitimacy and academic authority.

A core value of universities is academic freedom, including free scholarly and respectful debate. Since 7 October, this core value has been undermined with strident protests, university encampments and cancel culture. Tribalism has continued to be entrenched, with a polarising effect, so that Jewish students and staff, who believe Israel has the right to exist, have felt excluded.

It is important to stress that the anti-Jewish attacks on university campuses overseas and in Australia did not suddenly emerge in a vacuum. They were part of a growing trend which began with the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments were heightened by the accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism.

**Survey Aims**

To assess the extent and nature of antisemitism on Australian campuses, the Australian Academic Alliance Against Antisemitism (5A) conducted a comprehensive survey which aimed to:

i. assess the extent of antisemitism in Australian universities, as experienced by Jewish students and staff; and
ii. assess the extent to which universities in Australia are taking active measures to ensure that their campuses are free from antisemitism.

# Methodology

The 5A study employed a mixed-methods approach for collecting and analysing both qualitative and quantitative survey data. The survey employed a non-probability sample, designed for completion by Jewish students and staff at Australian universities. It was administered online, allowing for anonymous participation with data being collected from 16 April to 31 July 2024. A total of 548 responses met the criteria for inclusion. The distribution of participants across roles consisted of 66% (n = 395) students, 25% (n = 149) staff, 6% (n = 34) administration or management, and 3% (n = 18) other.

Responses were obtained from 30 universities. The largest number of respondents came from Monash University, the University of Sydney, the University of New South Wales, and the University of Melbourne—a total of 313, accurately reflecting the distribution of Jewish students across Australian universities. Data cleaning and data weighting were applied to ensure the validity and reliability of the results.

# Qualitative Analysis Results

In response to the first question, which asked "If you encountered antisemitism, please describe the most impactful experience of antisemitism that you have encountered on campus since 7 October 2023", 416 respondents shared experiences. The thematic analysis revealed four categories and their themes:

**The campus environment category:** posters, symbols, slogans, distribution of flyers; constraints on freedom of movement on campus; hostile behaviour of activists at rallies, encampments, and student union meetings; use of megaphones; being ignored, cancelled, excluded, needing to hide one's identity; verbal attacks; and, in a few cases, physical threats and attacks.

**The student experience category**: discriminatory behaviour and hostile comments by lecturers, tutors, and fellow students; identifying and singling out Jewish and Israeli students in class; political statements about the conflict in class; disruption of classes by protestors; disruption of learning; and Jewish students feeling they need to hide their identity or drop classes because of the behaviour of staff.

**The academics and staff experience category:** hostility to Israel; overt antisemitism in classes, interactions with colleagues, and online faculty forums; discriminatory actions including failure to renew contracts; students' attempts to intimidate staff; targeting staff in their offices; doxxing and cancellation; and National Tertiary Education Union and student union resolutions and actions.

**The universities' systems failure category:** unwillingness to listen to concerns; failure to act on complaints; dismissal of complaints as invalid or over-sensitive; and failure to provide a safe learning and work environment.

Finally, the combined qualitative and quantitative data suggest that most participants equate anti-Zionism with antisemitism.

# Quantitative Results Analysis

### The physical and virtual environment

Respondents indicated their experiences of witnessing antisemitic expressions on campus since 7 October, with 93% witnessed graffiti, posters or fliers delegitimising the right of Israel to exist; 92% experienced verbally or through social media delegitimising the right of Israel to exist; and, 85% experienced verbally or through social media derogatory comments about Israelis (Israeli people).

These responses were consistent across students and staff, but more pronounced with students, with only the deligitimisation (posters & social media) being statistically significant.

### Personal experiences

Personal experiences were considered in relation to hearing and being subjected to antisemitic comments, insults, and harassment, as well as feeling isolated or cancelled, and experiencing physical assault.

Three quarters (74%) of Jewish students heard antisemitic comments, with 67% of the overall sample (students and staff) exposed to this type of harassment; 43% of the sample reported feeling ignored or excluded; and 39% experienced insults or harassment on social media.

These findings reveal that antisemitic behaviour has become normalised across university campuses. Staff were more likely than students to report feeling excluded, while students reported higher rates of most other antisemitic experiences.

**Relationship changes**

The findings suggest that 7 October triggered a "social earthquake," disrupting relationships both between and within the Jewish campus community.

Almost half of the participants (49%) reported decreased interaction with non-Jewish people; and 77% reported increased interaction with Jewish people, suggesting that Jewish people have been seeking refuge within their own community.

A smaller proportion moved in the opposite direction, with 5% reported decreased mixing with Jewish people; and 11% reported increased mixing with non-Jewish individuals. Qualitative data indicates that political anti-Zionist views may have contributed to a rift within the Jewish community, dividing the majority who identify as Zionists from the minority who do not.

**Personal behaviours**

Notable behavioural changes were reported post 7 October 2023, with 48% decrease in class attendance; 50% decrease in speaking Hebrew in public; and 56% increase in engagement with social media. Reduced class attendance due to lack of sense of safety may have long-term consequences for academic achievement and career progression.

Bifurcation of behavioural changes was found, with 39% reporting a decrease in wearing Jewish symbols versus 40% reporting an increase; 49% reported a decrease in publicly expressing political beliefs or their connection to Israel, versus 32% reporting an increase.

**Antisemitism from the political Left versus the political Right**

The majority of participants (84%) perceive the political left as the major source of antisemitism on campus compared to only 37% concerned and very concerned about the political right.

**Sense of safety**

The sense of safety on campus was low, with only a third (34%) of Jewish students and staff reported feeling safe. Both the physical and virtual campus environments were perceived as equally unsafe. The rate of sense of unsafety for Jewish people is 3.47 higher than the rate of sense of unsafety found in the 2021 National Student Safety Survey (NSSS), in relation to sexual harassment (Heywood et al., 2022).

**Perceptions of universities' policies and procedures**

Sixty percent of participants rated their universities' actions against antisemitism between 0 and 3 on a scale from 0 to 10. By contrast, in the NSSS Survey, only 9.9% of students gave similarly low ratings for university action to address sexual harassment (Heywood et al., 2022).

Comparisons of rankings across universities revealed statistically significant differences, suggesting high variability between universities and lack of uniformity.

More than half of respondents (51%) reported having no confidence in the complaints system. This compares to only 23.5% of students in the NSSS survey who expressed a lack of confidence in complaint systems (Heywood et al., 2022). Only 27% of participants felt confident that they could lodge a complaint without risking discrimination. These findings point to a systemic failure of university management.

**Cluster Analysis of Key Survey Items**

A cluster analysis was applied to identify and differentiate sub-groups within the surveyed population. The participants' responses to campus antisemitism falls into four response types, revealing varying degrees of vulnerability among Jewish people.

## Key Findings

- Antisemitism is systemic across university systems
- and has become normalised
- Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming highly blurred, with both being equally hostile.
- Campus environments and imagery are among the most influential factors contributing to harassment and alienation of Jewish people.
- Most participants equate antisemitism with anti-Zionism.
- Jewish people's freedom of speech has been silenced.
- Jewish staff and students lack confidence in the universities' disciplinary systems.
- High variability was found within and between campuses in relation to actions against antisemitism.

## Conclusion and Recommendations

Based on the survey's findings, 5A makes the following recommendations:

- Universities must demonstrate the same level of commitment to preventing antisemitism as they have shown in addressing sexual harassment.
- Adopt a definition of antisemitism, as understood by most Jewish people, treating this as non-negotiable.
- Establish a confidential and centralised antisemitism complaint system with trained staff.
- Create educational mandated modules on antisemitism for all stakeholders.
- Ensure the safety of Jewish people not only on physical campuses by preventing campus defacement, but also within virtual spaces.
- Set clear policies and enforcement in terms of protests, use of megaphones and class disruptions.
- Restore and protect freedom of speech for Jewish students and staff, through initiatives such as university-led public debates.
- Undertake further research to systematically evaluate university actions and identify effective practices.

In summary, we recommend that universities act now to stop campus tribalism and restore the foundational values of academic conduct—respectful dialogue, ethical engagement, and shared responsibility toward all members of the university community.

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# 1 INTRODUCTION

## The Establishment of the Australian Academic Alliance Against Antisemitism (5A)

The 7 October 2023 massacre stands as the most traumatic event in modern Jewish history since the Holocaust. For Jewish people worldwide, the atrocities of this pogrom lifted a veil on age-old antisemitism, breaking inhibitions and allowing it to resurface in stark and unsettling ways (Smith, 2024). This particularly manifested itself across university campuses in the Western world, which emerged as a key platform fostering this upsurge in antisemitism.

In response to this brutal Hamas attack on 7 October 2023 and the fact that, within a day, Hamas's massacre was being celebrated in academic circles as 'resistance' with almost no support for Jewish students and staff, the Australian Academic Alliance Against Antisemitism (5A) was born. A non-profit organisation, 5A has grown very quickly and today consists of academics and professional staff from across 32 Australian universities. It acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

The 5A's functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organisation's reach includes activities in education, academic advice and peer support, responding to anti-Israeli and BDS activity, to the media and misinformation, supporting legal and medical professional educator groups, advocating for Jewish academics and education professionals with sector regulators and University executives as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publishing and professional development.

## The Campus Environment Post 7 October

One of the core traditional values of academic institutions is the cultivation of free scholarly debate across ideological divides. This foundational principle is essential for advancing the frontiers of knowledge and fostering high-quality research for the benefit of society. From this value stem a set of academic behavioural norms, including respectful dialogue that upholds the rights and dignity of others, mutual accountability within the academic community, and a shared responsibility to engage ethically with all members of the university.

In the months following 7 October 2023, these core values have eroded across Australian campuses. A culture of tribalism has taken hold, where staff and students from opposing ideological camps have ceased communicating; cancel culture is now widespread; and on some campuses, members of the dominant group have established encampments, forcefully excluding anyone suspected of affiliation with the targeted group ("Zios") and occupied university buildings. At a conference held at Queensland University of Technology, a Zionist-identifying academic was publicly shamed and labelled an "infiltrator"—all under the banner of free speech.

Although the encampments were eventually dismantled, tribalism on Australian campuses continues to deepen, with little meaningful intervention from university leadership. This survey portrays the grim, polarising manifestations of antisemitism on Australian campuses as experienced by Jewish students and staff.

## The Foregrounding of Campus Antisemitism Before 7 Oct

It is important to stress that the anti-Jewish attacks on university campuses, which manifested themselves both overseas and in Australia after October 7, did not suddenly emerge in a vacuum. They were part of a growing trend which began with the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments were heightened by the accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism. In addition to right-wing antisemitism, protests by left-wing activists from groups such as Students for Justice in Palestine have increased both overseas and locally (Rutland and Allington, 2023). These negative feelings towards Jews were exacerbated during the period of the COVID Pandemic.

Since 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campus newspapers, together with the resultant uptick of antisemitic incidences. The narrative persistently morphs into an antisemitic narrative. This leaves Jewish university students feeling vulnerable and under attack, as clearly demonstrated by the survey initiated by the Zionist Federation of Australia [ZFA] with the support of Australasian Union of Jewish Students [AUJS] and the Scanlon Foundation. The survey, conducted by the Social Research Centre over a three-week period from April to June 2023 among Jewish students put forward the aim to "understand Jewish students' experiences of antisemitism in Australian universities" (Social Research Centre, 2023, p. 3).

The findings revealed that 64% of Jewish university students experienced some form of antisemitism. Of these, 47% described intimidation by people or events; 37% relating to tropes of Jewish money, power or influence; 37% comparing Israel to Nazi Germany; 30% Holocaust denial or minimisation; and 25% being singled out or excluded over Israel. Another key finding is that 19% of students have stayed away from campus to avoid antisemitism. Finally, the survey found that Jewish students have a lack of confidence in the complaints process at various universities with only 14% making a complaint after an incident (Social Research Centre, 2023, p. 1). These findings are very relevant to the present study as they pre-empt the increase in antisemitism reported by the current study.

This background foregrounds the eruption of the anti-Jewish actions and attacks throughout the Western world following the 7 October pogrom. A particularly concerning aspect of this eruption of antisemitism is the role of universities in Western countries, which have become epicentres for antisemitic activism, granting it moral legitimacy and academic authority. This bears a troubling resemblance to the pre-World War II era, when Western academia became awash with the pseudo-theory of eugenics that provided the scientific rationale and moral justification for the persecution and extermination of Jewish people (Smith, 2020; Johnson, 2018).

It has been noted that while pre-Holocaust antisemitism on campuses focused on Judaism as a race, following the establishment of Israel, campus antisemitism has shifted toward denying Jews the right to self-determination in their ancestral homeland – Israel and vilifying Jewish students and staff who support that right (Taylor, 2021; Cohen, 2017).

To assess the extent and nature of antisemitism on Australian campuses, the Australian Academic Alliance Against Antisemitism (5A) conducted a comprehensive survey, collecting data from April to July 2024.

The objectives of the survey were to:

i. assess the extent of antisemitism in Australian universities, as experienced by Jewish students and staff, and
ii. the extent to which universities in Australia are taking active measures to ensure that their campuses are free from antisemitism.

# 2 LITERATURE REVIEW

The rapidly deteriorating safety of Jewish people on campuses and the sharp rise in antisemitism have garnered significant research attention, resulting in numerous publications. Santos and Yogev (2023) carried out the first known international survey of Jewish students and staff following 7 October 2023. Their sample included 202 Jewish university members from the U.S. (136), Canada (35), and Europe (31). The participants, with an average age of 35.1, completed an online survey between December 15, 2023, and January 7, 2024.

The findings revealed significant Increases after 7 October 2023 in hate speech against Jewish individuals and Israel; graffiti and distribution of pamphlets featuring Nazi or other known antisemitic symbols; doxing on social media; dehumanisation of Jewish individuals and Israelis; demonisation of Israel; public anti-Israel protests on campuses; prevalent anti-Israel activity on social media; and anti-Israel rhetoric in listserv emails, classroom statements by lecturers and students, and remarks by university employees outside the classroom. There were very few physical assaults, but "between 20 and 25% of respondents reported being victims of verbal harassment due to their nationality or religion" (Santos & Yogev, 2023, p. 10).

The findings also revealed notable decreases in engaging on social media (-1.23; $p < .001$); publicly expressing political beliefs (-1.16; $p < .001$), religious beliefs (-.91; $p < .001$), or connections to Israel (-.79; $p < .001$); and wearing a kippah (-.81; $p = .018$) or other Jewish symbols (-.67; $p = .002$) on campus.

Regarding trust in university systems, the findings indicated a consistent lack of confidence in senior leadership (e.g., university presidents) and in the willingness by Diversity, Equity, and Inclusion (DEI) units to address Jewish students' safety concerns (Santos & Yogev, 2023).

In the United States, the House Committee on Education and the Workforce conducted an intensive investigation into campus antisemitism, reviewing 400,000 pages of documents as evidence in their final report. The findings revealed significant failures by university leadership nationwide, some of which attracted global attention during highly publicised hearings featuring the presidents of Harvard University, the University of Pennsylvania, and the Massachusetts Institute of Technology. The report condemned the lack of accountability of university leadership for students committing vandalism on university property and faculty members preventing the enforcement of disciplinary actions against students who violate policies.

At Colombia University, similar to the University of Melbourne in Australia, students who took over university buildings avoided punishment (see https://www.abc.net.au/news/2024-05-22/pro-palestinian-melbourne-university-encampment/103881534). The House Committee Report highlights universities' unreasonable capitulation to encampment leaders' demands and the overall hostile environment for Jewish students. University leaders withheld support from Jewish students. In their public appearances, they projected commitment to combating antisemitism, while their private communications revealed the opposite. One key finding states: "Universities utterly failed to impose meaningful discipline for antisemitic behaviour that violated school rules and the law" (U.S. House of Representatives, 2024, p. 3).

Another comprehensive study of antisemitism across U.S. campuses was conducted by the Brandeis Maurice and Marilyn Cohen Center for Modern Jewish Studies (Wright et al., 2024). The aim of the study was to assess the impact of 7 October 2023 and the Israel-Hamas war on Jewish students and the response of colleges and universities. The report drew upon interviews at 23 U.S. campuses with Jewish students and staff, along with survey data from Jewish undergraduates.

Findings revealed that nearly two-thirds of participants rated antisemitism as the most pressing campus issue since 7 October 2023. The report also noted that this hostility was in the air, often implicit rather than explicitly anti-Jewish, with few physical threats reported. Nevertheless, it led to exclusion and targeting based on Jewish identity. Many Jewish students concealed their identity and avoided discussing Israel. Social relationships were highly impacted, creating divisions between Jewish and non-Jewish students. Jewish students reported ostracism and excluded from student groups. Most students interviewed had negative views of their university's statements and actions in response to the various antisemitic activities on campus (Wright et al., 2024).

These findings echoed in various internal investigations at specific universities, such as the Stanford report and the UCLA. In May 2024, a subcommittee at Stanford University published its report entitled: 'It's in the Air': Antisemitism and anti-Israeli bias at Stanford, and how to address it'. Data was collected through 50 listening sessions with over 300 undergraduates, graduate students, faculty, staff, alumni, and parents. Interviews were also held with senior and mid-level administrative officials at Stanford. The report concluded that

> antisemitism exists today on the Stanford campus in ways that are widespread and pernicious. Some of this bias is expressed in overt and occasionally shocking ways, but often it is wrapped in layers of subtlety and implication, one or two steps away from blatant hate speech (Jewish Advisory Committee at Stanford University, Subcommittee on Antisemitism and Anti-Israeli Bias [Jewish Advisory Committee at Stanford University], 2024, p. 4).

The findings included Jewish students having to leave their dorms, facing ostracism and intimidation, and hiding their Jewish identity. Staff members reported that, for the first time in their lives, they felt physically unsafe. Tutors abused their academic positions and used class time for spouting antisemitic propaganda. Respondents highlighted the university's failure to condemn blatant antisemitism, a fear of retaliation among students if they do complain, and lack of trust in management. The report expressed deep concern about the normalisation of antisemitic and anti-Israeli rhetoric and the university's apparent indifference (Jewish Advisory Committee at Stanford University, 2024, p. 7).

Similarly, a shocking report by the Jewish Faculty Resilience Group at UCLA, released in December 2024, described how pro-terror protesters vandalised buildings on campus. These descriptions echoed events seen on the campus of the University of Melbourne (see https://www.freepalestinevic.org/media-watch/baillieu-library-graffitied-with-palestinian-militants-name/ ) and the University of Queensland (see https://www.couriermail.com.au/queensland-education/tertiary/uq-staff-members-office-allegedly-targeted-in-urine-attack-as-tensions-escalate-between-students/news-story/04415a784173da992e80df4c9117ceaa ).

The graffiti and chanting included hate speech such as: "beat that f##king Jew!", "glory to the martyrs", and "down with Israel". (Jewish Faculty Resilience Group, 2024, pp. 3-4). Israelis and Jews were targeted and there was a call to expel Israeli students from the university.

Like other reports, the university turned a blind eye to antisemitic attacks on Jews, and "all attempts to seek support from the administration either went unanswered or were dismissed as politically motivated, trivial, or unimportant" (Jewish Faculty Resilience Group, 2024, p. 4).

The Anti-Defamation League (ADL) provides a daily email report, Campus Crisis Alert, listing and detailing antisemitic incidents on American campuses. It also publishes a Campus

Antisemitism Report Card as a tool for students, parents, alumni, college faculty, guidance counsellors, admissions consultants and other stakeholders. As of 21 February 2025, 85 institutions were graded on a five-point scale: A – Ahead of the pack, B – Better than most, C – Corrections needed, D – Deficient approach, and F – Failing. A large majority (65 out of 85, or 76%) of the institutions were graded C or below. At that date an F grade was awarded to nine institutions: Harvard University, Massachusetts Institute of Technology, Northwestern University, Tufts University, University of California Los Angeles, University of Chicago, University of Massachusetts Amherst, University of Michigan, and the University of North Carolina Chapel Hill. The Report released in March 2025 showed improvement at a number of universities, eight getting A grades, up from two, and 41 obtaining B, up from 18. (Anti-Defamation League, n.d.)

In Australia, comprehensive post-7 October 2023 surveys include "Australian Jews in the Shadow of War: Main Survey Findings" (Bankier-Karp & Graham, 2024) and the Community Security Group (CSG) Victoria's "University Report: A CSG Analysis of Incidents on Campus" (CSG Victoria, 2024).

Bankier-Karp and Graham (2024) surveyed 7,611 Australian Jewish adults between November 10–17, 2023, revealing unprecedented concerns about antisemitism. Among the Jewish students who participated in the survey, 68% experienced hostility toward Israel from other students, and 46% from lecturers. Some respondents reported feeling the need to hide their Jewish identity.

The report emphasised "that most Jewish people in Australia feel a very strong emotional attachment to Israel" (Bankier-Karp & Graham, 2024, p. 8), with 91% of Australian Jewry feel at least somewhat emotionally attached to Israel. Additionally, "87% said they felt 'a special alarm' given that Israel had been put in danger. 37% said they were so alarmed 'it is almost as if my own life was in danger'" (Bankier-Karp & Graham, 2024, p. 8).

The CSG Victoria report documented 85 antisemitic incidents from February 2024 to May 2025 across six universities, a sharp increase from 11 in 2023 and one in 2022. Incident reports were obtained, in descending order of frequency, from Monash Clayton, the University of Melbourne, RMIT, Deakin University Burwood, Swinburne University, Monash Caulfield, and La Trobe Bundoora (CSG Victoria, 2024).

The majority of the incidents involved verbal abuse. Other incidents, in decreasing order of frequency, included the display of symbols/paraphernalia, stickering, threats of assault, graffiti, and photography/videography. Particularly noteworthy is the hostile rhetoric on campus toward Zionism, including discrimination, vilification, and threats of violence against 'Zionists.' The report states that "Jewish students routinely feel unsafe, psychologically attacked, or at best, unwelcome, on university campuses around Victoria" (CSG Victoria, 2024, p. 4).

Consistent with all previous reports, this report indicates that Jewish students have no trust in their universities' administrations or campus security to ensure their safety. Consequently, they refrain from filing complaints or reporting incidents to their universities. Jewish students "expressed dismay at inaction by university administrations and campus security, particularly when it comes to allowing hateful rhetoric at demonstrations" (CSG Victoria, 2024, p. 6).

Several official Australian Government inquiries gathered evidence of the situation in universities. Based on submissions, interviews and public hearings the inquiries repeatedly expressed alarm at the level of antisemitism in Australian universities.

The first Inquiry, commissioned by the Australian Government Department of Education in

July 2024, was conducted by the Human Rights Commission. Its Interim Report, released late 2024, lacked detail. However, the initial consultations with Jewish students "reported escalating experiences of antisemitism on campus since October 2023" (Australian Human Rights Commission, 2024, p.33). It referenced a statement by The Zionist Council of New South Wales that "certain staff and students are too frightened to come to campus. We heard about teachers being harassed as they walk to halls to teach, we heard about students being silenced in class because of their Jewish identity" (p. 38).

The Australian Senate responded in July 2024 given the urgency of the issue. In July 2024 the Australian Senate's Legal and Constitutional Affairs Legislation Committee, on the initiative of Liberal Shadow Minister Senator Sarah Henderson, conducted an Inquiry into the need for a Commission of Inquiry into antisemitism at Australian universities. The committee received and published 669 submissions and held two public hearings in Canberra in September 2024 (Legal and Constitutional Affairs Legislation Committee, 2024).

One of the submissions was lodged by the Special Envoy to Combat Antisemitism, Jillian Segal AO, whose staff interviewed more than 65 Jewish students and academics in August-September 2024 to provide data for the submission. The Envoy reported that "Jewish students are traumatised and feel isolated and unsafe" (Segal, 2024, p. 1), noting that "approximately half of those interviewed were visibly teary during their interview" (p. 7). It found that of those interviewed, 80% of students had experienced an antisemitic incident in a lecture or tutorial, and nearly 70% of university staff, including academics, experienced an incident in their workplace. Most students and staff were "intimidated and unwilling to complain to universities because they lack trust … or they fear retribution in some form" (p. 9). Not a single person interviewed felt satisfied with the reporting process

Segal raises an alarm, stating that:

> Antisemitic behaviour is not only present on many campuses but is an embedded part of the culture. Universities have not taken appropriate action to denounce and suppress it: it has become systemic … This normalised antisemitism is incredibly dangerous to our society as it is an attitude and behaviour that eats away at the fabric of the mission of the tertiary sector (Segal, 2024, p. 1).

The Committee's majority, comprising Labor Senators and other parties, did not support the need for a commission. However, it did support further Parliamentary investigation, referring the issue of antisemitism to the Parliamentary Joint Committee on Human Rights which was asked to examine "the prevalence, nature and experiences of antisemitic activity at universities" (Parliamentary Joint Committee on Human Rights, 2025, p. vii) and the effectiveness of the response within universities "to ensure the safety and wellbeing of students, staff and academics" (p. vii). After four hearings and 49 submissions, in addition to review of the evidence gathered by the earlier Senate Committee, this second Committee reported in February 2025 that "the current situation of Jewish students and staff feeling unsafe is unacceptable" (p. ix).

> There is a cultural shift which is needed, and for that to occur university responses to antisemitism must be informed by an understanding of the experiences of Jewish students and staff, and those Jewish students and staff must feel that their concerns are heard and valued (p. ix).

The Committee's Report highlighted "the importance of listening to the lived experiences of Jewish students and staff" (p. ix). It recommended that the Government consider amending the Tertiary Education Quality and Standards Agency Act 2011 to provide the Agency with enhanced powers "to enforce compliance with the higher education threshold standards relating to student wellbeing and safety" (p. xii). If it became evident that the university responses were insufficient, then the next step should be consideration of the establishment of a Judicial Inquiry.

Coalition members of the Committee, who as before supported the immediate establishment of a Judicial Inquiry, criticised the evidence that had been presented by university leaders, echoing comments in the American Congress: "Despite the best efforts of members to get to the truth and secure answers to our questions, our hearings were a masterclass in obfuscation from university leaders" (pp. 80-81). In the view of the Coalition members, there was overwhelming evidence of "an alarming and abhorrent rise in antisemitism amongst students and staff … On the balance of evidence presented to the committee inquiry … Australian universities have become incubators of antisemitic thought" (p. 80). Coalition members were particularly alarmed by the examples of university academics who "espoused antisemitic tropes" (p. 80) and the failure of universities to deal with such conduct, which exacerbated the rise in antisemitism.

Emerging from the rapid upsurge of antisemitism, particularly after 7 October 2023, the Australian Academic Alliance Against Antisemitism conducted a survey to gain deeper insights into the experiences of antisemitism among students and staff as they navigate their academic and professional responsibilities on campus, alongside colleagues, friends, and university management. The survey methodology is discussed in the following section.

# 3 METHODOLOGY

### 3.1. Research Design

The study employed a mixed-methods approach using the Convergent Parallel design. In this method, qualitative and quantitative data were collected simultaneously, but each was analysed separately. The findings from both approaches were then merged to provide a comprehensive understanding (Creswell, 2018). Both data types were gathered through an online survey.

### 3.2. Population and Sampling

The survey was designed for completion by Jewish students and staff at Australian universities. It survey employed a nonprobability sample, the only financially feasible method for surveying the target population due to the low incidence of the Jewish population in Australia and at Australian universities, and the nonexistence of a list of Jewish students and academics from which a probability sample could be drawn. Records held by universities and Jewish organisations could not be accessed for research sampling due to privacy laws.

### 3.3. Data Collection

The survey was administered online via Qualtrics, allowing for anonymous participation. Convenience sampling method was applied through snowballing recruitment technique. The survey was promoted by 5A to its academic and administrative members, and by the Australian Union of Jewish Students, the Zionist Federation of Australia, the Jewish Community Council of Victoria, and the New South Wales Jewish Board of Deputies. Promotion was by email, social media posts, organisational newsletters, and word of mouth.

The survey was available for completion online and was open from 16 April to 31 July 2024. The majority of responses, 78%, were obtained in April and May, with only 3% in June. A final promotion in early July advised that the survey was to close shortly, resulting in 19% of the responses being submitted in that month.

### 3.4. Data Analysis

The data were analysed using SPSS software. The data analysis includes data cleaning for obtaining the achieved sample, data weighting, and employing both quantitative and qualitative methods for analysis.

#### 3.4.1. Data Cleaning and Achieved Sample

Four measures were taken to mitigate risk of fraudulent survey completion by individuals' hostile to the survey objectives.

First, following the demographic questions, the first substantive survey question was open-ended, to assist in identification of fraudulent responses by the tenor of written comments.

> Discussing the difficulty and expense of probability samples of the Jewish population, the Canadian researcher Professor Robert Brym commented: 'Drawing a probability sample of a so-called rare population, such as Canadian Jews, who comprise only about 1 percent of Canada's population, is extremely expensive. For instance, if one wanted to create a random sample of five hundred Canadian Jews for a landline/cell phone survey, and 5 percent of calls resulted in a person agreeing to be interviewed, it would be necessary to make one million calls to find five hundred Jewish respondents. (One hundred calls would be required to find five respondents, two thousand calls to find one Jewish respondent, and one million calls to find five hundred Jewish respondents.) At, say, $1 per call, that's a million dollars'. 'Jews and Israel 2024 survey: ten further insights', Canadian Jewish Studies, Vol 39, Fall 2024, Jews and Israel 2024 Survey: Ten Further Insights | Canadian Jewish Studies / Études juives canadiennes.

However, fewer than ten such responses were detected, so this did not provide a significant check.

Second, time taken to complete the survey was analysed. Although the survey was accessed nearly 1,000 times, many accessors were apparently curious about the questionnaire with no intention of completing it. Some access may have been by bots, as evidenced by 276 sessions which lasted less than two minutes with few or no questions answered. Additionally, 33 accesses lasted between two and three minutes. As the time to complete the survey was close to ten minutes, we excluded all surveys accessed for less than three minutes.

Third, respondents who did not reach the key question near the end of the survey (Q12_1) about sense of safety on campus were excluded. Nearly all respondents excluded by this criterion had accessed the survey for less than three minutes.

Fourth, the IP addresses of the devices used to complete the survey were checked to identify repeat entries. It was found the same IP address was used more than twice on 33 occasions. Most of these entries provided no or incomplete data. In the few cases where some data was provided, the respondent was excluded from the analysis.

In summary, the dataset was filtered to provide completeness and quality by including only respondents who spent at least three minutes completing the survey and who answered the key question (Q12_1) on sense of safety. Surveys accessed more than twice from the same IP address were also excluded.

A total of 548 responses met our criteria for inclusion. The distribution of participants across roles consisted of 66% (n=395) students; 25% (n=149) staff; 6% (n=34) administration or management; and 3% (n=18) other, totalling 596. The difference between the sample size and the total role counts is derived from 48 participants reporting more than one role. Table 3.1 present the distribution of participants by role.

Table 3.1. Distribution of participants by their university roles

| Roles | Number of responses | Total per group |
|---|---|---|
| **Student** | | |
| Diploma student | 20 | |
| Bachelor's degree student | 294 | |
| Master's degree student | 47 | |
| Higher degree by research student | 34 | |
| **Sub-total students** | | 395 |
| **Staff** | | |
| Academic - ongoing or contract | 79 | |
| Academic - sessional | 38 | |
| Research fellow | 15 | |
| Adjunct | 7 | |
| Research assistant/ instructor | 10 | |
| **Sub-total academic** | | 149 |
| **Management and administration** | | |
| Management | 8 | |
| Administration and services | 26 | |
| **Sub-total management** | | **34** |
| **Other** | **18** | **18** |
| Total | | 586 |

Note: Survey question: “Select the roles that describe your association with your university?”

Responses were obtained from 30 universities. The largest number of respondents came from Monash University, the University of Sydney, the University of New South Wales, and the University of Melbourne, a total of 313. These four universities accounted for 57% of the sample, which accurately reflects the distribution of Jewish students according to the Australian Union of Jewish Students membership, where 57% are enrolled at these four Go8 universities. Appendix A presents the distribution of participants by university.

### 3.4.2. Data Weighting

To align the survey data with the target Jewish population, reducing the risk of demographic over- or under-representation, data were weighted to benchmarks for survey respondents derived from the 2021 Census of Population and Housing. Benchmarks for age (18–24, 25–34, 35–44, 45–54, 55–64, 65+), gender (male, female), and state of residence (identified in the survey by university affiliation) were obtained from Australian Bureau of Statistics Census TableBuilder (Australian Bureau of Statistics, 2021). Population totals for the benchmark characteristics are presented in Appendix B. Weights were calculated for each respondent using generalised regression calibration (Deville et al., 1993). This applies an algorithm that assigns a weight to each person such that the weights simultaneously sum to the population values for each benchmark characteristic. The implementation of the algorithm was that by Lumley (2024)

### 3.4.3. Analysis

Quantitative analysis included descriptive statistics to derive frequencies, percentages, and summarise experiences; cross-tabulation to examine associations between demographic variables and reported experiences—such as differences in responses to specific questions between students and staff; and inferential statistics, including mean comparisons and cluster analysis. The qualitative data was analysed thematically through coding to produce themes and categories, which form natural units of meanings (Cohen et al., 2011).

### 3.5. Questionnaire Design

The survey was short, intended to be completed in less than fifteen minutes: it comprised five demographic, eight fixed-choice (seven with multiple parts), and three open-ended questions. Respondents were able to skip questions if they chose to do so.

The open-ended questions asked about “the most impactful experience of antisemitism encountered on campus since October 7” and the “actions university management should take to combat antisemitism on campus”. The final question provided respondents with the opportunity to share any other “thoughts and feelings concerning antisemitism at Australian universities not covered in the survey”.

The fixed-choice questions focused on campus experiences and their personal impact.

The extent to which respondents had encountered Nazi imagery, messages delegitimizing Israel's right to exist, glorifying Hamas and the October 7 massacre, and justification of the killing or harming of Jews.

i. Experience of being ignored or excluded, receiving insults or harassment both online and in person, and physical assaults.
ii. Extent of concern about antisemitism from people on the political left and political right.
iii. The impact of campus experiences on relationships with both Jewish and non-Jewish friends, colleagues, and others.
iv. Behavioural change in various contexts, including attending classes, engaging in social media, expressing political beliefs, and identifying as Jewish.
v. Sense of safety on both the physical and virtual (including social media) campus.

The survey also sought feedback on the response of the university administration, including whether participants believed their university was taking sufficient action against antisemitism and ensuring a safe and inclusive environment for Jews.

Specific questions asked whether a definition of inappropriate political content in lectures and course materials was provided, the adequacy of complaints procedures, and confidence in lodging complaints without fear of discrimination and retribution.

Pilot testing was conducted in March 2024, where approximately 12 participants were asked to complete the survey and provide written feedback. The feedback was used to refine the questions prior to dissemination.

#### 3.5.1. Definitions

The survey did not define antisemitism, leaving respondents to interpret the term themselves in response to open-ended questions. This enabled respondents to describe their campus experiences in their own words, avoiding the limitation of a single, potentially contested definition. The open approach allowed for a wide range of experiences to be captured, resulting in a notable feature of the survey, the detailed written comments.

The term campus was defined as: "University campuses are both physical spaces (e.g. lecture rooms) and virtual spaces (e.g. social media). For the purposes of this survey, any space in which you interact in relation to your university affiliation is defined as Campus".

### 3.6. Validity and Reliability

Multiple measures were employed to ensure the validity and reliability of the survey. Content validity was achieved through expert judgement of the survey questions (Polit & Beck, 2006). Clear and concise wording were obtained through broad expert consultation and reviewing multiple publishes questionnaires on antisemitism. Additionally, the survey was pilot-tested prior to dissemination (Presser et al., 2004).

We do not claim the survey is a representative sample of Jewish students and staff across the university sector, given that the survey was based on a sample of volunteer or self-selected respondents. It is reasonable to assume the most distressed and affected staff and students would make the effort to report their experiences and therefore the survey might overstate the magnitude of antisemitism. But offsetting this is the reasonable assumption that some students and staff may not have participated because they were busy or distracted, had not heard of the survey, or were pessimistic, given their negative experiences, that the survey would achieve a useful practical purpose. It is acknowledged that experiences varied at different campuses, as evidenced in communal sources, media reports, and in the data we collected.

Despite these caveats, our confidence in the reliability and validity of our findings is supported by the similar pattern in student and staff responses and the consistency of findings in reports which dealt with antisemitism in Australian universities, as discussed in the Literature Review above.

Finally, the convergence between participants' open-ended responses and the quantitative findings provides evidence of convergent validity, strengthening the credibility of the results. The detailed descriptions provided by the 548 respondents in response to the open questions, is in itself, a substantial record of the often-hostile university environment in the period April-July 2024.

### 3.7. Ethical Considerations

Ethical approval was obtained from Victoria University Human Research Ethics Committee. All the participants were above 18 years of age, and participation was voluntary and anonymous. Informed consent was obtained at the beginning of the survey.

The next chapter first presents the findings from the qualitative analysis, followed by the findings from the quantitative analysis.

# 4 QUALITATIVE ANALYSIS RESULTS

### 4.1 Impactful Experience of Antisemitism Statements

In response to the first question, which asked "if you encountered antisemitism, please describe the most impactful experience of antisemitism that you have encountered on campus since 7 October 2023", 416 respondents shared experiences. Written comments totalled 21,000 words, when typically, in a survey with this number of respondents 5000-6000 words would have been expected. 70 respondents (13%) indicated that they encountered little or no antisemitism on campus, and 64 (12%) skipped the question – a combined 25%. A very few respondents, less than 10, who identified in their responses as Jewish anti-Zionists or non-Zionist, indicated that they were concerned with verbal attacks from Jews, not pro-Palestinians.

The thematic analysis revealed four categories and 14 themes.

#### 4.1.1 The Campus Environment category includes:

Posters, symbols, slogans, distribution of flyers; constraints on free movement on the campus; hostile behaviour of activists at rallies, encampments, and student union meetings; use of megaphones; being ignored, cancelled, excluded, needing to hide their identity; verbal attacks; in a few cases physical threats and attacks.

- Exemplary excerpts from the Campus Environment category include:
- Constant barrage of anti-Israel posters - everywhere - on doors, windows, posts and even chalk on the footpaths
- The vile chants shouted at the recent protest were quite unnerving
- Chalk saying 'Zionists not welcome'
- For the first time in my life, I was afraid to be Jewish, afraid to reveal my identity.
- I have specifically chosen a distance education course in order for me to avoid attending the campus

#### 4.1.2 The Student Experience category includes:

Discriminatory behaviour and hostile statements by lecturers, tutors, and fellow students; identifying, singling out Jewish and Israeli students in class; political statements about the conflict in class; the disruption of classes by protestors, disruption of learning; Jewish students feeling that they need to hide their identity, to drop classes because of the behaviour of staff.

Exemplary excerpts in the Student Experience category include:

- People actively ignore me when we used to all be really friendly.
- I have regularly been called 'Jew boy' or 'Jew' and singled out by passers-by
- I was spat on for wearing my Star of David necklace
- Students singing Nazi songs in my presence, knowing I am Jewish
- I've been singled out and made to feel alienated and afraid and having to hide or defend my Jewishness by my tutor and unit coordinator
- My tutor walked into class wearing a keffiyeh and, unprompted by any student, began to explain his reasons for wearing a 'symbol of resistance against a genocidal regime'

#### 4.1.3 The Academics and Staff Experience category includes:

Hostility to Israel, overt antisemitism in teaching environment, in interaction with colleagues, online faculty forums; discriminatory actions, including failure to renew contracts; attempts by students to intimidate staff; targeting staff in their offices, doxxing, cancelling; National Tertiary Education Union and student union resolutions and actions.

Exemplary excerpts in the Academics and Staff Experience category include:

- I was assaulted by a student
- Numerous colleagues could no longer look at me, and stopped speaking to me
- Academics in the school organised a hate fest discussion on the conflict
- The cancelling of the visiting Israeli academic

#### 4.1.4 The Universities' Systems Failure category includes:

Unwillingness to listen to concerns, failure to act on complaints; dismissing complaints as not valid or over-sensitive; failure to provide safe learning and work environment.

Exemplary excerpts in the Universities' Systems Failure category include:

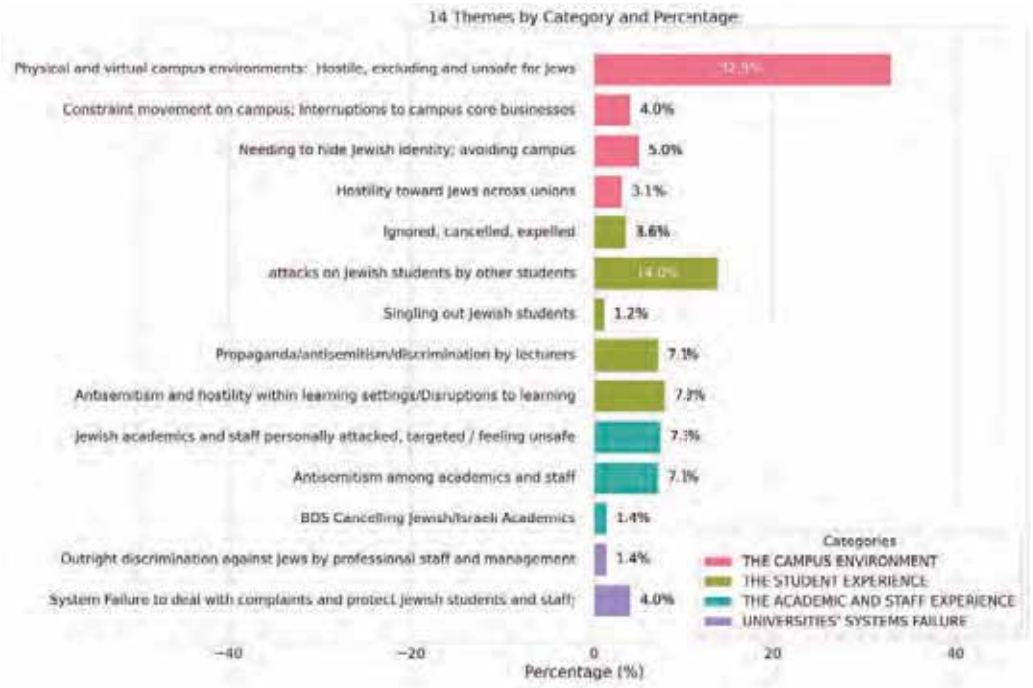
- I had students in my class perform a Nazi salute to me on three occasions. I reported this, they did not take my complaint seriously... Since complaining my contract has not been renewed.
- Staff and students denying the state of Israel has a right to exist. The management is unwilling to address any of this on campus
- University administrations denied my complaint against protesters using the chant 'intifada' on the basis that the word is context related and that the university was not responsible for my feelings.

Table 4.1 presents the categories, their themes and frequencies of excerpts. Figure 4.1. presents a visual representation of these findings. Appendix C presents exemplary excerpts organised by categories and themes.

**Table 4.1. Personal experiences of antisemitism by categories, themes frequencies and percentages**

| Categories | Themes | No. of Statements | % |
|---|---|---|---|
| **The campus environment** | Physical and virtual campus environments: hostile, excluding and unsafe for Jews | 139 | 32.9 |
| | Constraint movement on campus; interruptions to campus core businesses | 17 | 4.0 |
| | Needing to hide Jewish identity; avoiding campus | 21 | 5.0 |
| | Hostility toward Jews across unions | 13 | 3.1 |
| **The student experience** | Ignored, cancelled, expelled | 15 | 3.6 |
| | Verbal and physical attacks on Jewish students by other students | 59 | 14.0 |
| | Singling out Jewish students | 5 | 1.2 |
| | Propaganda/antisemitism/discrimination by lecturers | 30 | 7.1 |
| | Antisemitism and hostility within learning settings; disruptions to learning | 33 | 7.8 |
| **The academic and staff experience** | Jewish academics and staff personally attacked, targeted; feeling unsafe | 31 | 7.3 |
| | Antisemitism among academics and staff | 30 | 7.1 |
| | BDS cancelling Jewish/Israeli academics | 6 | 1.4 |
| **Universities' systems failure** | Discrimination against Jews by professional staff and management | 6 | 1.4 |
| | Systems' failure to deal with complaints and protect Jewish students and staff; | 17 | 4.0 |
| Total | | 422 | 100.0 |

**Figure 4.1. Personal experiences of antisemitism by categories, themes and percentages**




The Campus Environment appears as the most impactful experience of antisemitism encountered by the participants, close to half of all excerpts (45%).

The theme Hostile and Excluding Physical and Virtual Campus Environments, makes up 33% of excerpts. Within its category, this theme is the largest, representing 73% of the excerpts in The Campus Environment category.

The findings also show that the Students' Experience category is the second largest, comprising 33.6% of excerpts. Within this category, the theme Attacks on Jewish Students by Other Students is the most frequently reported impactful antisemitic experience (14%). Collectively, the five themes in this category portray a grim picture of Jewish students being ostracised, dehumanised, and effectively driven off campus and excluded from campus social life.

As our quantitative data also shows, this highly hostile environment leads many Jewish students and staff to significantly reduce their social interactions with non-Jewish peers and avoid the physical campus whenever possible.

The category The Academic and Staff Experience (8.5%) includes excerpts provided by staff. The smaller percentage of excerpts reflects the lower representation of staff in the sample. These excerpts portray a similarly grim antisemitic campus experience to that of students, with many staff reporting they work from home to avoid being on campus.

The category Universities' System Failure data suggests that these systems either discriminate against Jewish people at worst, or at best do nothing to protect them. These qualitative findings are confirmed by our quantitative findings. However, it is important to note that while the majority of responses suggest system failure, the data shows that the universities are not uniform in their responses. This finding will be elaborated further when discussing the quantitative data.

### 4.2 Critical Implications of the Thematic Frequency Distribution

The thematic analysis allows the drawing of critical implications. First, the finding that the hostile campus environment is the most impactful experience of antisemitism suggests that restoring a sense of safety and inclusivity on campus could be achieved if universities simply enforced their existing rules and codes of conduct. Preventing the defacing of public spaces and the posting of imagery in unauthorised areas would make a significant difference. By enforcing policies that prohibit unauthorised posters, stickers, and flyers, as well as megaphone use during class hours and other physical disruptions to campus life, universities could bring about a considerable improvement in the campus experience for Jewish students and staff.

Equally important is that the majority of participants describe anti-Zionist and anti-Israel posters and imagery as forms of antisemitic harassment. Quantitative data reaffirms the qualitative data, suggesting that the majority of participants equate anti-Zionism with antisemitism.

The exemplary excerpts in Appendix C provide a powerful testimony of the experience of being a Jewish person on Australian campuses post 7 October 2023. These findings are further supported by the quantitative analysis that follows.

# 5 QUANTITATIVE ANALYSIS RESULTS

Fixed-choice questions were developed to provide insight into the frequency and characteristics of antisemitism on campus. These included questions related to witnessing antisemitic expressions, personally experiencing antisemitism, changes in relationships and behaviour, sense of safety, level of concern from the political left and right, the university's response to antisemitism, and its overall performance. In addition to the findings for the full sample, data is reported for students and staff, to explore divergence and commonality in experiences.

### 5.1 The Physical and Virtual Environment

Respondents reported on their experiences of witnessing antisemitic manifestations on campus since 7 October. They were asked to "indicate whether you have personally witnessed any of the following antisemitic expressions on your campus since 7 October 2023", on a scale ranging from 'never' and 'rarely' to 'occasionally', 'frequently' and 'all of the time'.

The comparison between the percentage of responses "never witnessed" to the combined percentage of responses "rarely" through to "all the time" (responses 2-5), reveals that the highest percentage of reported witnessing of antisemitic expressions—over 90%—related to opposition to the continued existence of the State of Israel, evidenced in graffiti, posters, flyers, or verbal and social media comments. Derogatory comments about Israelis were witnessed by 85% of respondents, and justification of killing or harming Jews by 76%. Glorification of Hamas or the 7 October 2023 massacre was witnessed by 72%, while Nazi imagery was reported being witnessed by 54% of respondents.

These findings are consistent across both students and staff, although they are more pronounced among students, as elaborated below. Table 5.1 and Figure 5.1 show the distribution of response percentages. Figure 5.2 compares the percentage of responses indicating "never witnessed" with those indicating "having witnessed" (the combined responses 2–5, ranging from "rarely" to "all the time").

**Table 5.1. Percentage distribution of reported experiences of antisemitic expressions on campus, by expression type and frequency of witnessing**

| Question | 1 Never | 2 Rarely | 3 Occasionally | 4 Frequently | 5 All the time |
|---|---|---|---|---|---|
| 1. Graffiti, posters or fliers with Nazi imagery | 45% | 18% | 21% | 10% | 5% |
| 2. Graffiti, posters or fliers delegitimising the right of Israel to exist | 8% | 7% | 15% | 26% | 45% |
| 3. Graffiti, posters or fliers glorifying Hamas or the 7 October 2023 massacre | 29% | 14% | 24% | 18% | 16% |
| 4. Verbally or through social media: delegitimising the right of Israel to exist | 8% | 6% | 15% | 21% | 50% |
| 5. Verbally or through social media: Making derogatory comments about ISRAELIS (Israeli people) | 16% | 13% | 16% | 21% | 35% |
| 6. Verbally or through social media: Calling for, or justifying the killing or harming of Jews | 25% | 16% | 20% | 21% | 19% |

**Figure 5.1. Percentage distribution of reported experiences of antisemitic expressions on campus, by expression type and frequency of witnessing**

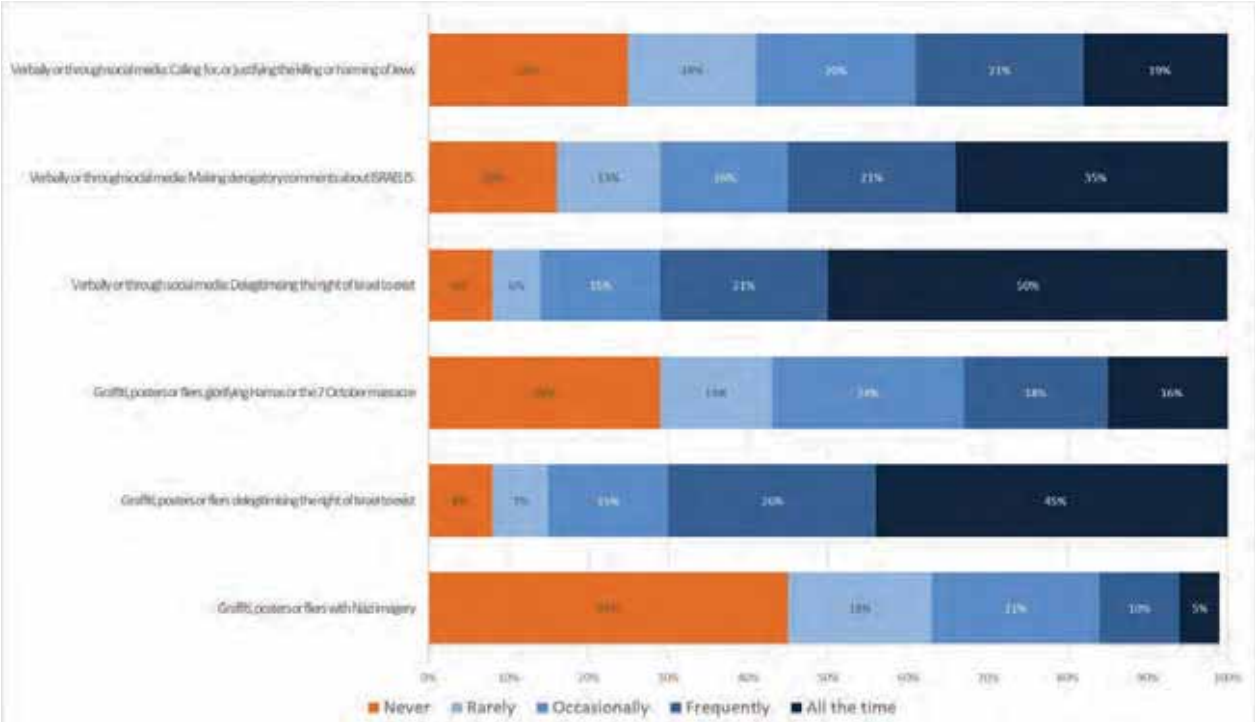
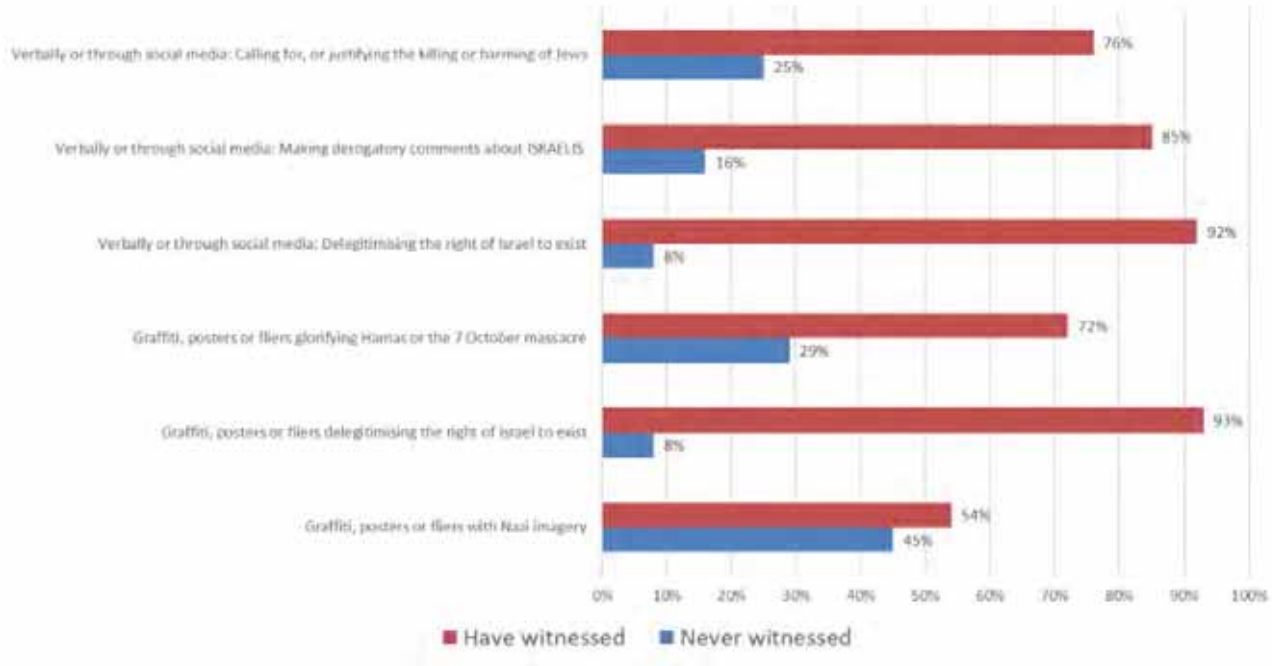



**Figure 5.2. Percentage of respondents personally witnessing antisemitic expressions, by having witnessed (responses 2-5, "rarely" through to "all the time") versus "never**

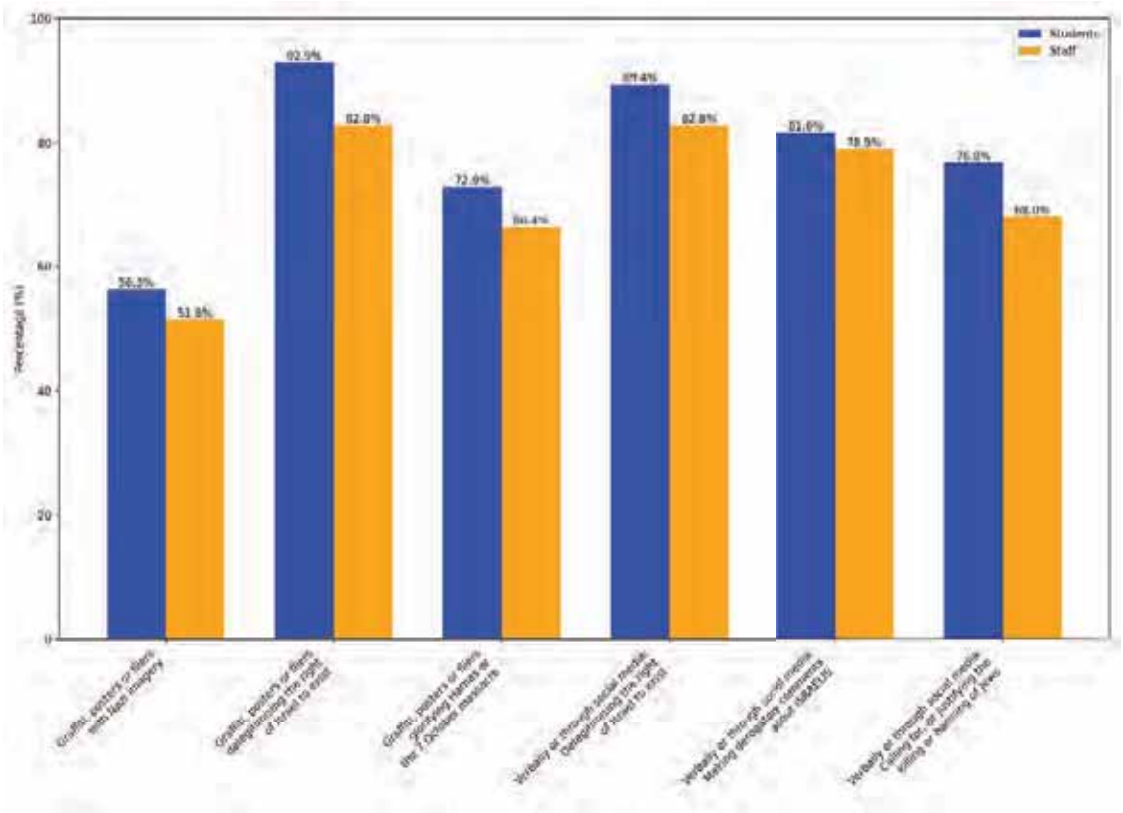


### 5.1.1 Comparing students and staff

The responses of students were compared to staff in relation to witnessing imagery and verbal expressions of antisemitism. The analysis revealed that students consistently reported higher rates of witnessing antisemitic incidents compared to staff across all categories. However, statistically significant differences between students and staff were found in only two areas: "Graffiti, posters or fliers delegitimising the right of Israel to exist" ($X^2 = 18.19$, $p < 0.001$); and "Verbally or through social media: Delegitimising the right of Israel to exist" ($X^2 = 6.61$, $p < 0.05$).

The higher percentages of students reporting witnessing antisemitic expressions are expected, given students' higher levels of social engagement on campus. Figure 5.3 presents the comparison of percentages reported by students and staff.

**Figure 5.3. Comparison between students and staff, by percentages of respondents having personally witnessed antisemitic expressions (responses 2-5, "rarely" through to "all the time")**




In summary, the findings indicate that the highest percentages of antisemitic experiences reported by participants consist of "Graffiti, posters or fliers: delegitimising the right of Israel to exist" (93%) and "Verbally or through social media: delegitimising the right of Israel to exist" (92%). The second most frequently reported experience was "Verbally or through social media: making derogatory comments about Israelis (Israeli people)" (85%). This finding suggests that, from the perspective of the majority of participants in the survey, delegitimising Israel's right to exist constitutes antisemitism.

### 5.2 Personal Experiences

Personal experiences were considered in relation to hearing and being subjected to antisemitic comments, insults, and harassment, as well as feeling isolated or cancelled, and experiencing physical assault. Specifically, participants were asked:

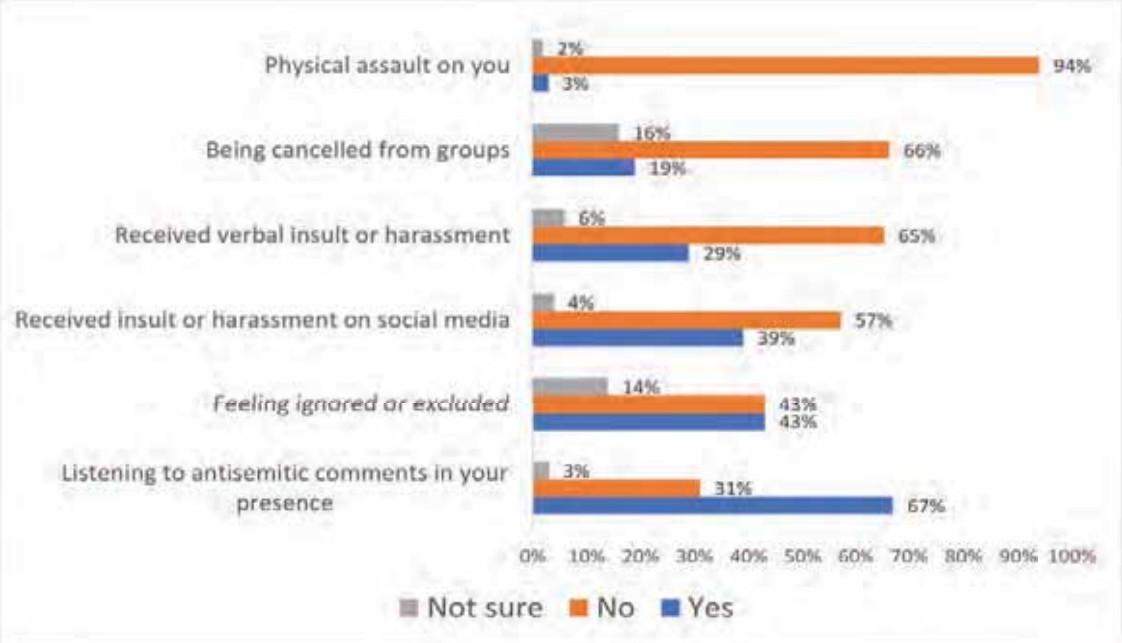
"At your campus, since 7 October 2023, have you personally experienced the following behaviours towards you because you are Jewish or Israeli?"

The findings reveal that two-thirds of participants (67%) reported hearing antisemitic comments in their presence. This was the most commonly reported personal experience, followed by "feeling ignored or excluded" (43%). A further 39% reported experiencing insults or harassment on social media, while 29% reported verbal insults or harassment. Physical assaults were rare, with only 3% of participants reporting such incidents. Table 5.2 and Figure 4.4 present the percentage distribution of responses.

**Table 5.2. Reports of personal antisemitic experiences, by question prompt and response type**

| Personal experience | Yes | No | Not Sure |
|---|---|---|---|
| Listening to antisemitic comments in your presence | 66.6% | 30.5% | 3.0% |
| Feeling ignored or excluded | 43.2% | 43.0% | 13.8% |
| Received insult or harassment on social media | 38.9% | 56.7% | 4.4% |
| Received verbal insult or harassment | 28.8% | 64.9% | 6.3% |
| Being cancelled from groups | 18.7% | 65.6% | 15.8% |
| Physical assault on you | 3.4% | 94.2% | 2.4% |

**Figure 5.4. Reports of personal antisemitic experiences, by question prompt and response type**



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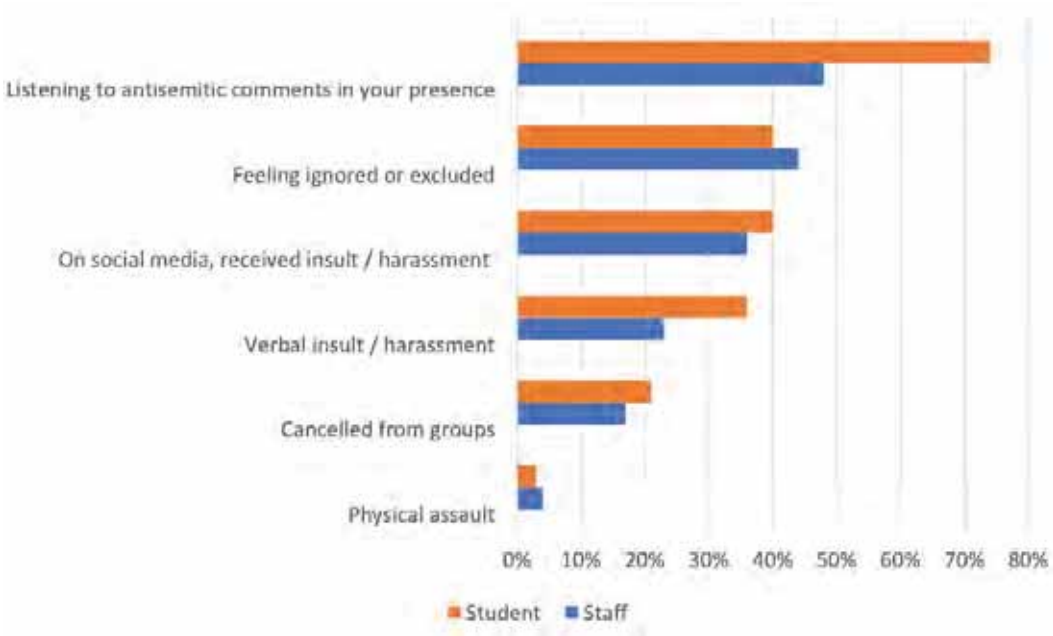
A comparison between student and staff responses reveals that students reported significantly higher rates of "listening to antisemitic comments in their presence" (74% of students compared to 48% of staff). This was followed by "receiving insults or harassment on social media" (40% of students, 36% of staff), "receiving verbal insults or harassment" (36% of students, 23% of staff), and "being cancelled from groups" (21% of students, 17% of staff).

In contrast, staff reported slightly higher rates of "feeling ignored or excluded" (44% of staff, 40% of students). Reports of physical assault were similarly low across both groups. Figure 5.5 presents a comparison between students and staff in percentages of reporting personal experiences of antisemitic behaviours towards them.

**Figure 5.5. Percentages of participants responding "yes" in relation to personally experiencing antisemitic behaviours towards them, by students and staff**




In summary, the findings indicate that physical assaults are rare. However, three-quarters (74%) of Jewish students have experienced antisemitic behaviour in the form of hearing antisemitic comments in their presence, with a total of 67% of the overall sample exposed to this type of harassment. Additionally, 43% of the sample reported feeling ignored or excluded, and 39% experienced insults or harassment on social media.

These findings indicate the pervasiveness of antisemitic behaviours directed towards Jewish people on campus, suggesting that antisemitic discourse has become normalised on campuses. Staff appear slightly more likely to feel ignored or excluded compared to students, whereas students report experiencing most other types of antisemitic behavioural harassment at higher rates.

### 5.3 Relationship Changes

To gain insight into the impact of the 7 October aftermath on personal relationships, two sets of questions were administered. The first asked about changes in personal relationships within the campus, the second asked about changes in relationships within the broader community. Specifically, the first question asked: "Since 7 October 2023, would you say that your relationship with your non-Jewish university friends, colleagues, and others on campus has become ...". Respondents ranked changes in closeness on a five-point Likert scale.

The second question asked participants to use a slider to indicate increase or decrease in mixing with non-Jewish people, and with Jewish people, since 7 October. The scale used was from -5 to +5'. Response: 0 = no change, -5 = substantial decrease, + 5 = substantial increase.

#### 5.3.1 On-campus Relation changes

The findings indicate that for about half of the sample, relationships remained about the same. However, for nearly the other half, 7 October had a profound impact on Jewish people's relationships with non-Jews on campus. Within this group of respondents, a relationship rift was formed:

- 43% of students reported becoming distant or disconnected from non-Jewish friends.
- 35% of staff reported becoming distant or disconnected from their colleagues.
- 42% of respondents reported becoming distant or disconnected from other university acquaintances.

This finding highlights the sense of isolation experienced by a large minority of Jewish students and staff on campus.

At the same time, a small percentage of Jewish people moved in the opposite direction in response to the same events:

- 8.5% of students reported becoming closer or much closer to non-Jewish friends.
- 6.15% of staff reported becoming closer or much closer to non-Jewish colleagues.
- 4.07% of respondents reported becoming closer or much closer to other university acquaintances.

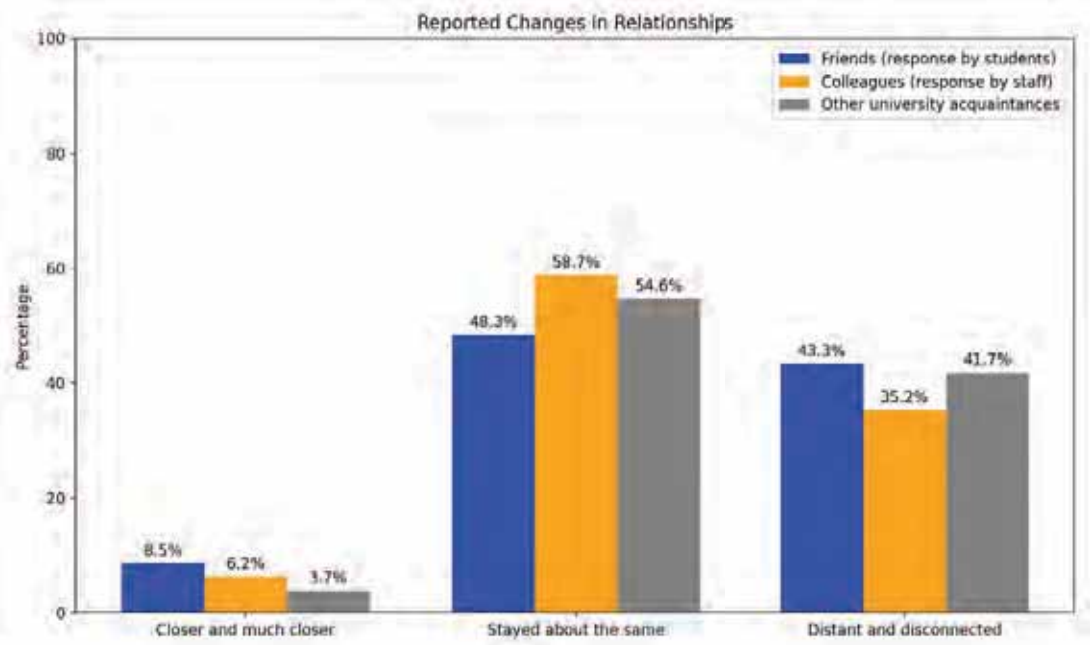
Taken together, the findings indicate that, post-7 October, approximately half of students (43% becoming distant + 8.5% becoming closer = 52%) and a significant minority of staff (35% + 6.15% = 41%) no longer maintained their usual relationships on campus.

Table 5.3 presents the percentage distribution of responses. Figure 5.6 presents the percentage distribution by aggregated responses for becoming closer, staying the same, and becoming distant.

**Table 5.3. Percentages of reported changes in relationships with non-Jewish friends (for students), colleagues (for staff) and other university acquaintances**

| | Friends (response by students) | Colleagues (response by staff) | Other university acquaintances |
|---|---|---|---|
| Much closer | 4.6% | 1% | 0.4% |
| Closer | 3.9% | 5.2% | 3.3% |
| Stayed about the same | 48.3% | 58.7% | 54.6% |
| Distant | 30.1% | 22.5% | 29.2% |
| Disconnected | 13.2% | 12.7% | 12.5% |

**Figure 5.6. Percentages of reported changes in relationships with non-Jewish friends (for students), colleagues (for staff) and other university acquaintances, by aggregates responses for becoming closer, staying the same and becoming distant**



### 5.3.2 Relationship Changes Beyond Campus

An examination of changes in mixing with Jewish and non-Jewish people revealed similar trends. The findings show that 77% of participants reported increased mixing with Jewish people, and 49% reported decreased mixing with non-Jewish people.

Conversely, a small minority of Jewish participants reported the opposite trend: 5% reported decreased mixing with Jewish people, and 11% reported increased mixing with non-Jewish people.

Notably, the aftermath of 7 October was so impactful that only a small minority reported no change in mixing with Jewish people. Even within the narrow range of -1 to +1, 8% reported a small increase of +1. A large minority (40%) reported no change in mixing with non-Jewish people. However, even within this range, 17% reported a small decrease of -1.

The comparison between students and staff reveals almost identical trends.

Figure 5.7 presents the combined dual trends of relationship changes: mixing with Jewish and non-Jewish people.

**Figure 5.7. Comparing changes in mixing with Jewish people to changes in mixing with non-Jewish people, by aggregated scale measures of increase (+2 - +5), no change (-1 - +1), and decrease (-2 - -5).**

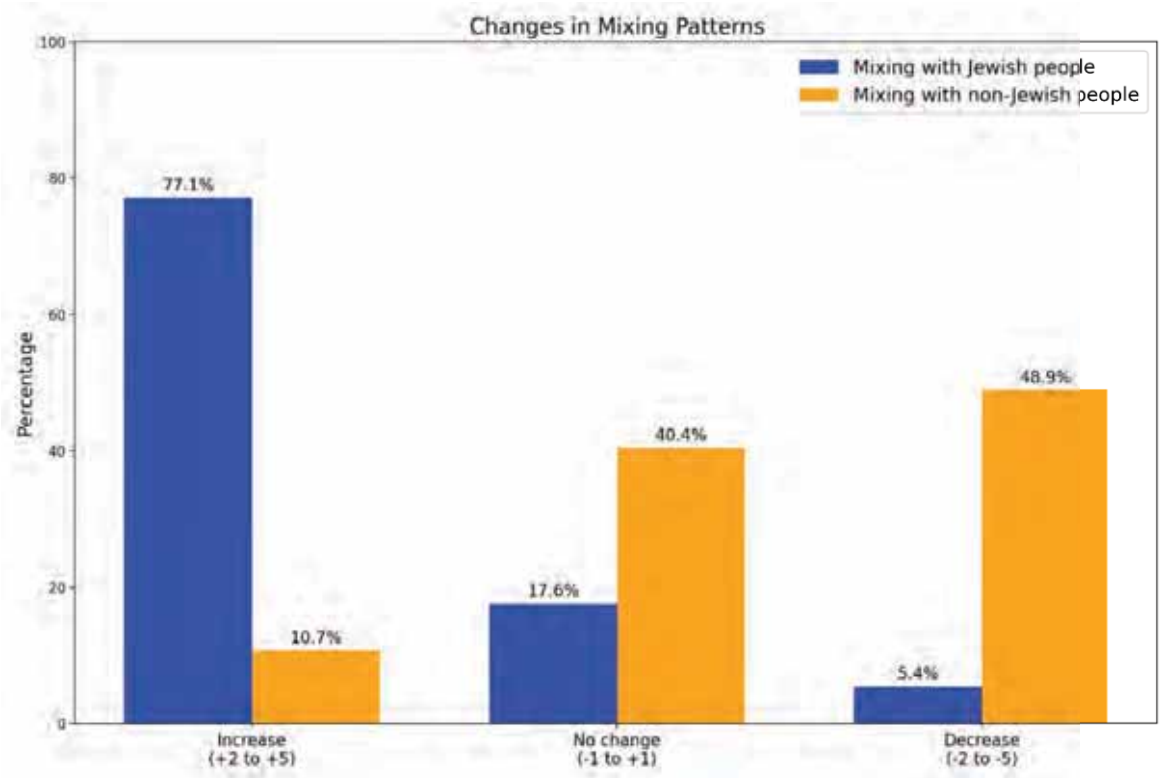
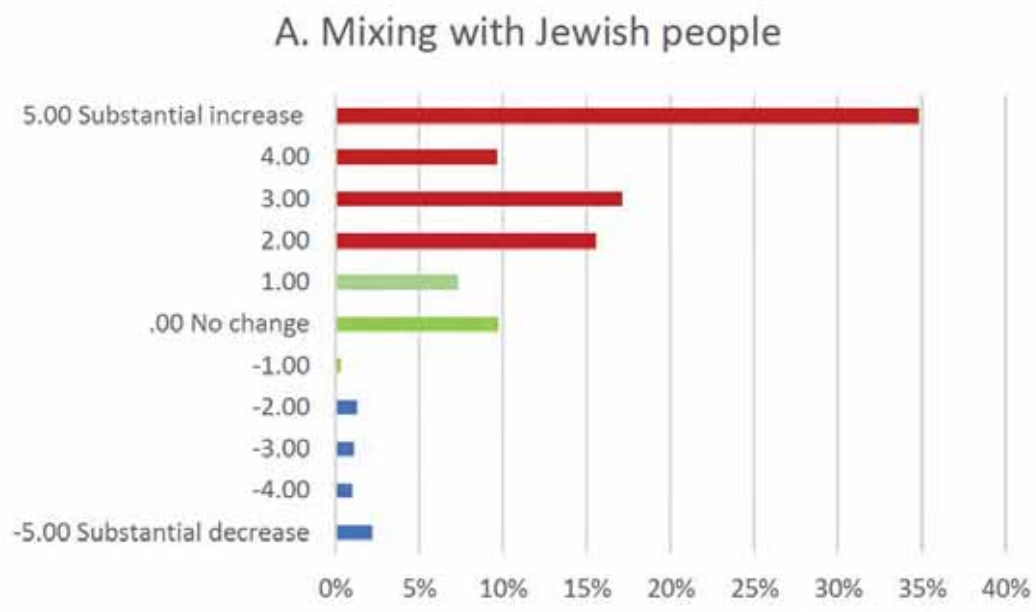



Table 5.4 and Figures 5.8A and 5.8B present the percentage distribution across the scale measuring increased or decreased relationship closeness. These visualisations illustrate the extent to which participants' relationships have shifted—either becoming closer or more distant—following 7 October.

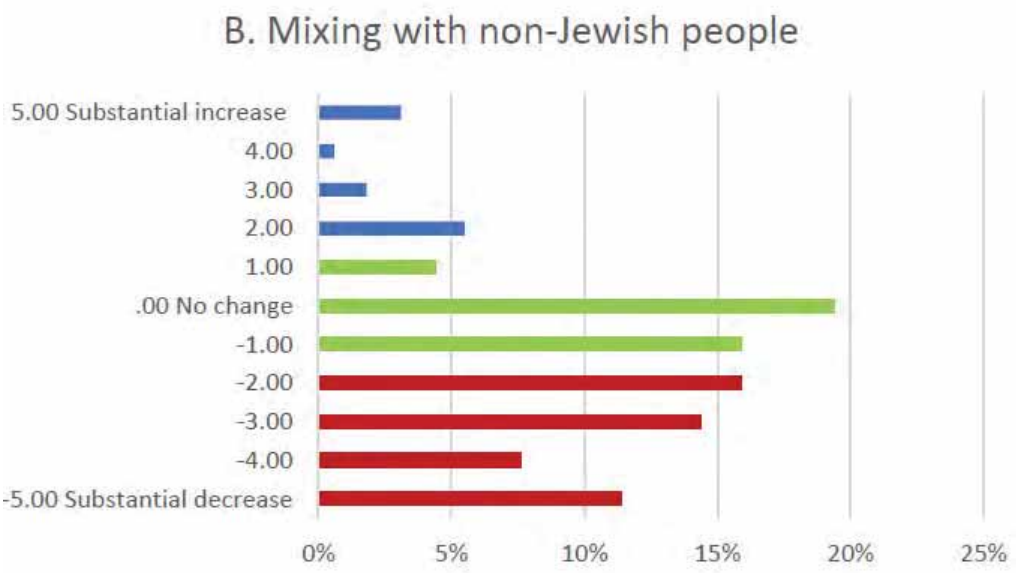
**Table 5.4. Extend of changes in relationships with Jewish and non-Jewish people, by extent of change (on a scale from -5 to +5)**

| | Scale | Mixing with Jewish people | Mixing with Non Jewish people |
|---|---|---|---|
| Substantial decrease | -5 | 2.2% | 11% |
| | -4 | 0.9% | 7.8% |
| | -3 | 1% | 14.1% |
| | -2 | 1.3% | 16% |
| | -1 | 0.3% | 16.6% |
| No Change | 0 | 9.3% | 19.6% |
| | 1 | 8% | 4.2% |
| | 2 | 15.8% | 5.2% |
| | 3 | 16.9% | 1.7% |
| | 4 | 9.3% | 0.6% |
| Substantial increase | 5 | 35.1% | 3.2% |
| | **-5 to -2** | **5%** | **49%** |
| | **+2 to +5** | **77%** | **11%** |

**Figure 5.8.A.**
**A. Behavioural change in relation to mixing with Jewish people: Distribution of responses across the scale -5 to +55.8.B. Behavioural change in relation to mixing with non-Jewish people: Distribution of responses across the scale-5 to +5**



**5.8.B. Behavioural change in relation to mixing with non-Jewish people: Distribution of responses across the scale-5 to +5**




**In summary**, the findings suggest that 7 October created a "social earthquake" and led to the tearing of the social fabric between and within the Jewish campus community.

Within campus, 43% of students reported becoming distant or disconnected from non-Jewish friends, and 35% of staff reported becoming distant or disconnected from their colleagues. Beyond the campus community, Jewish students and staff report similar decreases in mixing with non-Jewish people (49%). Concurrently, 77% of participants reported increased mixing with Jewish people.

A small percentage of Jewish people moved in the opposite direction, with 8.5% of students and 6.15% of staff reported becoming closer or much closer to non-Jewish friends and colleagues on campus, and 5% reported decreased mixing with Jewish people in the broader community. Concurrently, 11% reported increased mixing with non-Jewish people. Qualitative data suggests that political anti-Zionist views may have contributed to a rift within the Jewish community, dividing Zionist and anti-Zionist Jews.

These social reconfigurations provide strong evidence for the unsettling antisemitic environment where a large majority of Jewish people are seemingly seeking refuge among their own.

### 5.4. Personal Behaviours

A set of questions examined behavioural changes following 7 October, expressed as increases, decreases, or no change.

The findings reveal stark changes across all behaviours examined. Participants could no longer maintain their previous patterns of behaviour, to the extent that even class attendance—which is compulsory for students and therefore expected to show minimal change—revealed a 48% decrease. The fact that nearly half the students in the survey felt the

need to reduce attendance suggests that campuses are no longer safe for Jewish students. This may have long-term consequences, potentially threatening their academic performance.

A similarly sharp behavioural decrease (50%) was reported in Hebrew-speaking individuals avoiding speaking Hebrew in public, suggesting a perceived safety risk in displaying affiliation with Israel, the only Hebrew-speaking country.

In contrast to the sharp decreases in class attendance and publicly speaking Hebrew, the findings reveal a significant increase (56%) in engagement with social media. This may be attributed to the destabilising effects of 7 October, with participants feeling the need to stay constantly informed and to inform others.

When asked whether they chose to hide or assert their Jewish identity by wearing Jewish symbols such as a kippah (skullcap) or Magen David (Star of David, normally worn on a necklace), a total of 79% of the sample changed their behaviour in one way or the other. A large minority, 39% reported decrease, while 40%, a similar proportion, reported an increase in wearing Jewish symbols.

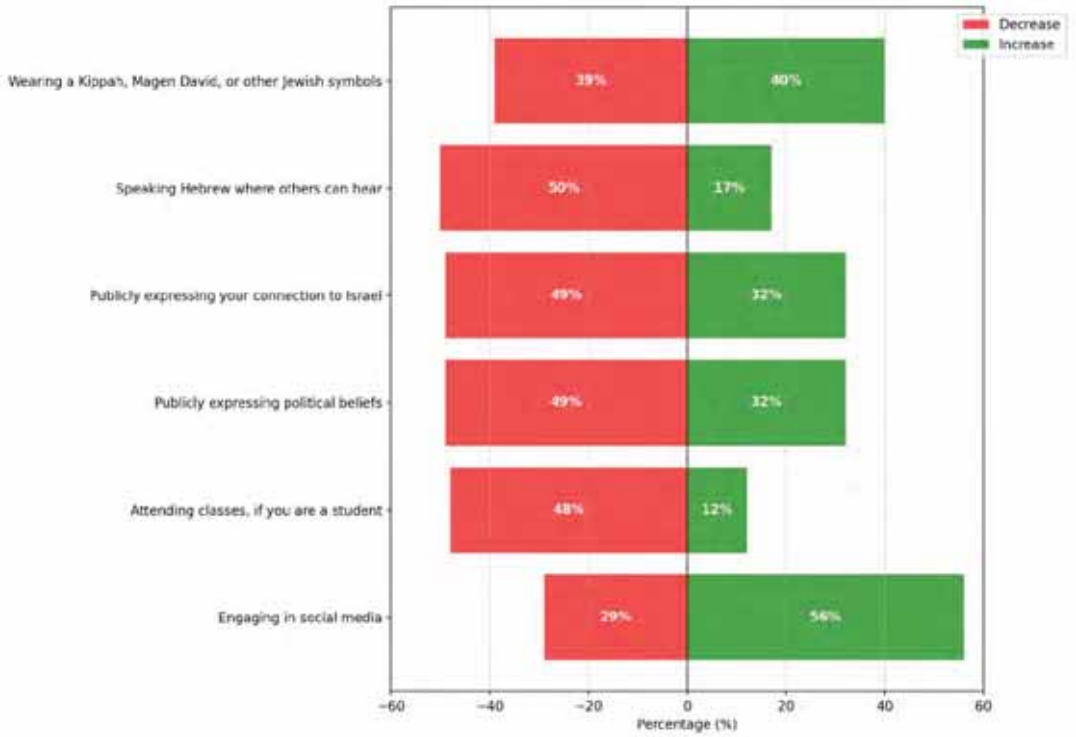
Similarly, in relation to publicly expressing political beliefs or one's connection to Israel, 49% reported a decrease, and 32% an increase. The comparison between students and staff reveals similar results across the two groups, suggesting similar patterns of behavioural changes.

Table 5.5 and Figure 5.9 present the percentages of participants reporting behavioural changes.

**Table 5.5. Behavioural changes on a scale of -5 to +5, by behaviour types**

| Scale | Engaging in social media | Attending classes, if you are a student | Publicly expressing political beliefs | Publicly expressing your connection to Israel | Speaking Hebrew where others can hear | Wearing a Kippah, Magen David, or other Jewish symbols |
|---|---|---|---|---|---|---|
| -5 | 8.1% | 13.4% | 16.5% | 21.2% | 26.1% | 22.2% |
| -4 | 3.7% | 6.3% | 8.4% | 9.2% | 8.1% | 3.2% |
| -3 | 8.6% | 15.1% | 11.3% | 10.6% | 5.6% | 6.3% |
| -2 | 8.9% | 12.8% | 13% | 7.7% | 10.5% | 6.8% |
| -1 | 3.7% | 9.6% | 6.3% | 7.8% | 11.6% | 5.9% |
| 0 | 5.5% | 27.7% | 5.8% | 4.6% | 14.6% | 9.7% |
| 1 | 5.7% | 2.6% | 6.8% | 7% | 6.7% | 5.5% |
| 2 | 11.6% | 3.8 | 9.4 | 8.6 | 5 | 8.6 |
| 3 | 15.7% | 2.6 | 7.5 | 8.8 | 4 | 6 |
| 4 | 8.2% | 3.3 | 6.4 | 3.4 | 1.8 | 4.5 |
| 5 | 20.4% | 2.7 | 8.6 | 11.1 | 6.1 | 21.2 |
| Decrease (-5 to -2) | 29% | 48% | 49% | 49% | 50% | 39% |
| No change (-1 to +1) | 15% | 40% | 19% | 19% | 33% | 21% |
| Increase (+2 to +5) | 56% | 12% | 32% | 32% | 17% | 40% |

**Figure 5.9. Behavioural changes by Increase and decrease, and by behaviour type**




In summary, the analysis of behavioural changes mirrors the trends observed in changes to personal relationships. It appears that participants were shaken to the extent that they could no longer maintain their normal behaviours, revealing what may be described as a "social earthquake" in the aftermath of 7 October.

Two sharp behavioural decreases were reported: a 48% reduction in class attendance and a 50% reduction in speaking Hebrew in public. One sharp increase was noted: a 56% rise in engagement with social media.

Other behaviours displayed bifurcated changes, including a 39% decrease and 40% increase in wearing Jewish symbols, and a 49% decrease versus a 32% increase in publicly expressing political beliefs or one's connection to Israel.

The reduced class attendance suggests that Jewish students do not feel safe or welcome on campus, which may have enduring effects on their academic performance and career pathways. The decline in public Hebrew speaking indicates that Israeli individuals (the only native Hebrew speakers globally) may feel at risk if their affiliation with Israel becomes known. Similarly, the marked increase in social media engagement (56%) may reflect an attempt to cope with the dramatic and destabilising post 7 October impacts—by staying informed, seeking support, engaging with like-minded individuals, or advocating and explaining their perspective to others.

Finally, the bifurcated behavioural responses suggest that Jewish individuals adopted two contrasting strategies in response to the rapidly changing campus environment—akin to "fight or flight": either increasing their visibility and advocacy or withdrawing and concealing their identity.

### 5.5 Antisemitism from the Political Left Versus the Political Right

When asked about concerns regarding antisemitism from the political left and the political right, respondents expressed significantly greater concern about the political left. Specifically, 67% of respondents were “very concerned”, with a further 17% “somewhat concerned”, totalling 84%. This sentiment was consistent across both students and staff.

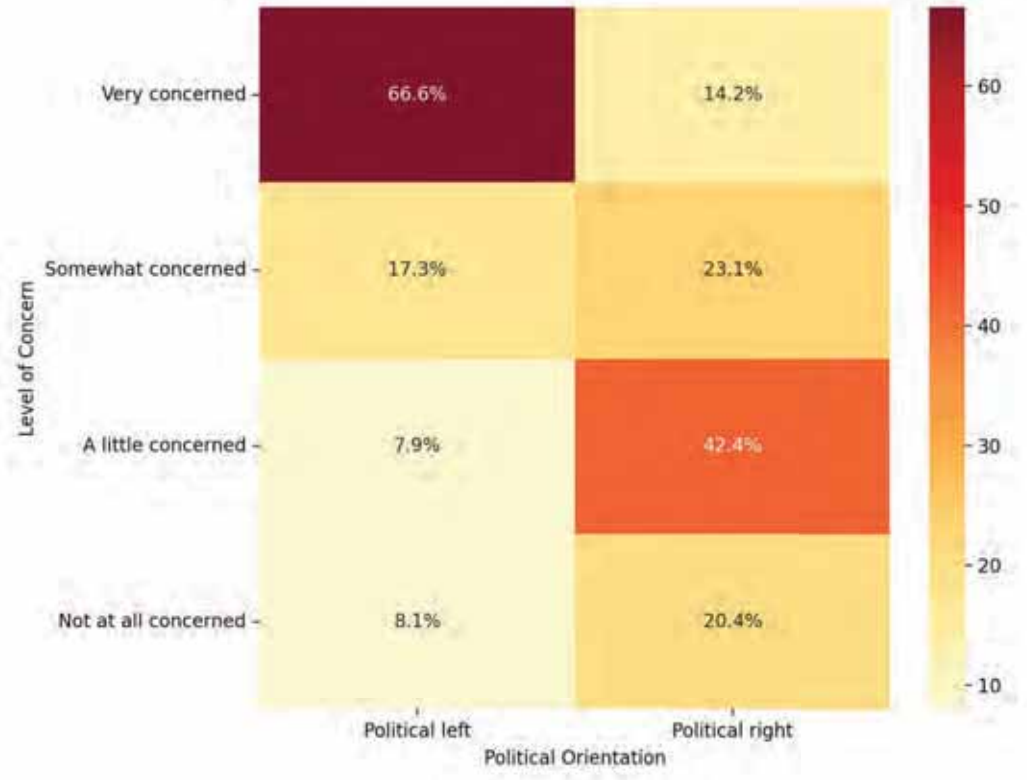
In contrast, concern about the political right was markedly lower, with a combined 37% reporting they were “somewhat concerned” or “very concerned”.

Table 5.6 and Figure 5.10 present percentage distributions of concerns from the political left versus the political right.

**Table 5.6. Levels of concerns about antisemitism from the political Left and the political Right**

| Level of concern | Political left | Political right |
|---|---|---|
| Not at all concerned | 8.1% | 20.4% |
| A little concerned | 7.9% | 42.4% |
| Somewhat concerned | 17.3% | 23.1% |
| Very concerned | 66.6% | 14.2% |

**Figure 5.10. Heat map visualisation of levels of concerns about antisemitism (%), by political left vs. political Right**



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**In summary, the majority of participants (84%) perceive the political left as the major source of antisemitism on campus compared to only 37% concerned and very concerned about the political right.**

### 5.6 Sense of Safety

Respondents were asked "how safe do you feel on the campus?", with a five-point response option ranging from "feeling very unsafe" to "feeling very safe".

A minority of 34% of respondents reported feeling "safe" and "very safe" on the physical campus and 32% in the virtual campus.

Among staff, 17% indicated they felt "very safe" on the physical campus, compared to 8% of students.

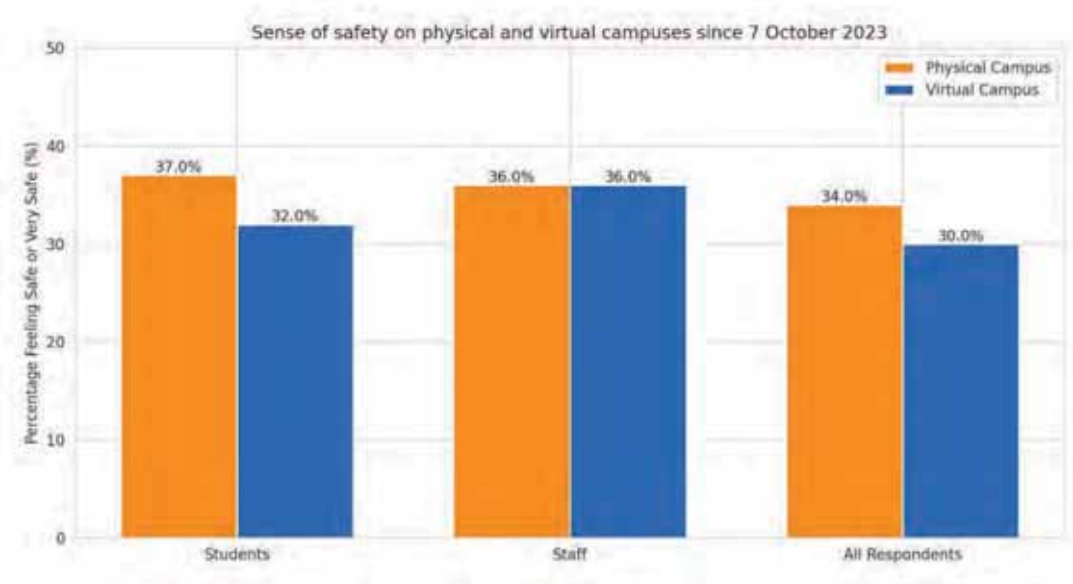
Combining "feeling very safe" and "feeling safe" on the physical campus obtains only 38% of students and 36% of staff reporting a sense of safety. Similar results were obtained for the virtual campus, 36% of students and 30% of staff reporting sense of safety.

Table 5.7 presents the percentage distribution of responses. Figure 5.11 presents a comparison between students and staff.

**Table 5.7. Percentage distribution of sense of safety levels, by physical and virtual campuses**

| | Feeling very unsafe | Feeling unsafe | Feeling somewhat unsafe | Feeling unsafe | Feeling somewhat unsafe |
|---|---|---|---|---|---|
| Safety on the physical campus | 12.9% | 21.5% | 31.6% | 24.7% | 9.4% |
| Total unsafe physical campus | | | 66.00% | | |
| Safety in the virtual campus | 17.9% | 21.1% | 29.3% | 21.1% | 10.6% |
| Total unsafe virtual campus | | | 68.3% | | |

**Figure 5.11. Participants' ranking of sense of safety on the physical and virtual campuses, by students, staff and all respondents**




A benchmark to interpret the significance of this sense of safety finding is the 2021 National Student Safety Survey (NSSS) (Heywood et al., 2022). The objective of the survey, which was completed by 43,819 students, was to inform 'ongoing efforts of Australian universities in building equitable, safe and inclusive learning experiences for their students', with specific reference to sexual harassment and sexual assault.

To provide a context for its findings, the NSSS asked students to indicate their "perception of university culture". It obtained 84% agreement by domestic students and 81% by international students with the statement "I feel safe when at [my university]", which compared with the 34% of respondents reported feeling "safe" and "very safe" on the physical campus and 32% in the virtual campus in the 5A survey. The comparison reveals that the rate of those who reported a lack of safety for Jewish people on Australian campuses since October 2023 is 3.47 times higher than the rate of reported a lack of safety due to sexual harassment measured in 2021.

In summary, the findings suggest that only a third (34%) of Jewish students and staff feel safe on campus. The rate of sense of lack of safety for Jewish people is 3.47 higher than the rate of sense of lack of safety due to sexual harassment. Both the physical and virtual campus environments are perceived as equally unsafe.

### 5.7 Perceptions of Universities' Policies and Procedures

To gain insights into universities' actions against antisemitism, a series of questions were presented. Participants were asked to rank their universities' actions and indicate: the provision of relevant information; their understanding and assessment of the complaint system; whether they had lodged a complaint; and their level of trust in the system.

### 5.7.1 Ranking Universities' Actions

The participants were asked: "Do you think that your university's management is taking sufficient actions against antisemitism and ensuring that campuses are safe and inclusive for Jews?" Participants were asked to rank their universities' actions on a scale ranging from 0= Not taking any actions against antisemitism to 10= Taking sufficient actions against antisemitism.

The findings revealed that 60% of participants rated their universities' actions between 0 and 3, indicating insufficient action taking by their universities. At the other end of the scale, only 17% ranked their universities between 7 and 10, indicating sufficient action taking.

This result was benchmarked against the NSSS survey, where students responded to the statement: "[My university] is trying hard to protect the safety of all students." A combined 74.5% indicated "strong agreement" or "agreement", and another 9.9% indicated "strongly disagree" or "disagree" with this statement (Heywood et al., 2022, p. 74). The comparison suggests that students were 4.4 times more likely to report that university management takes sufficient action to protect against sexual harassment than to protect the safety of Jewish people on campus.

Table 5.8 and Figure 5.12 present the distribution of responses.

**Table 5.8. Ranking of universities' actions against antisemitism on a scale of 0 to 10**

| Scale | Percentage (%) | Sub-totals (%) |
|---|---|---|
| 0= Not taking any actions against antisemitism | 12.9 | |
| 1 | 19.6 | |
| 2 | 15.3 | |
| 3 | 12 | **0-3 = 60** |
| 4 | 8.9 | |
| 5 | 9.3 | |
| 6 | 4.8 | |
| 7 | 5.5 | |
| 8 | 3.5 | |
| 9 | 3.2 | |
| 10 = Taking sufficient actions against antisemitism | 5 | **7-10 = 17** |



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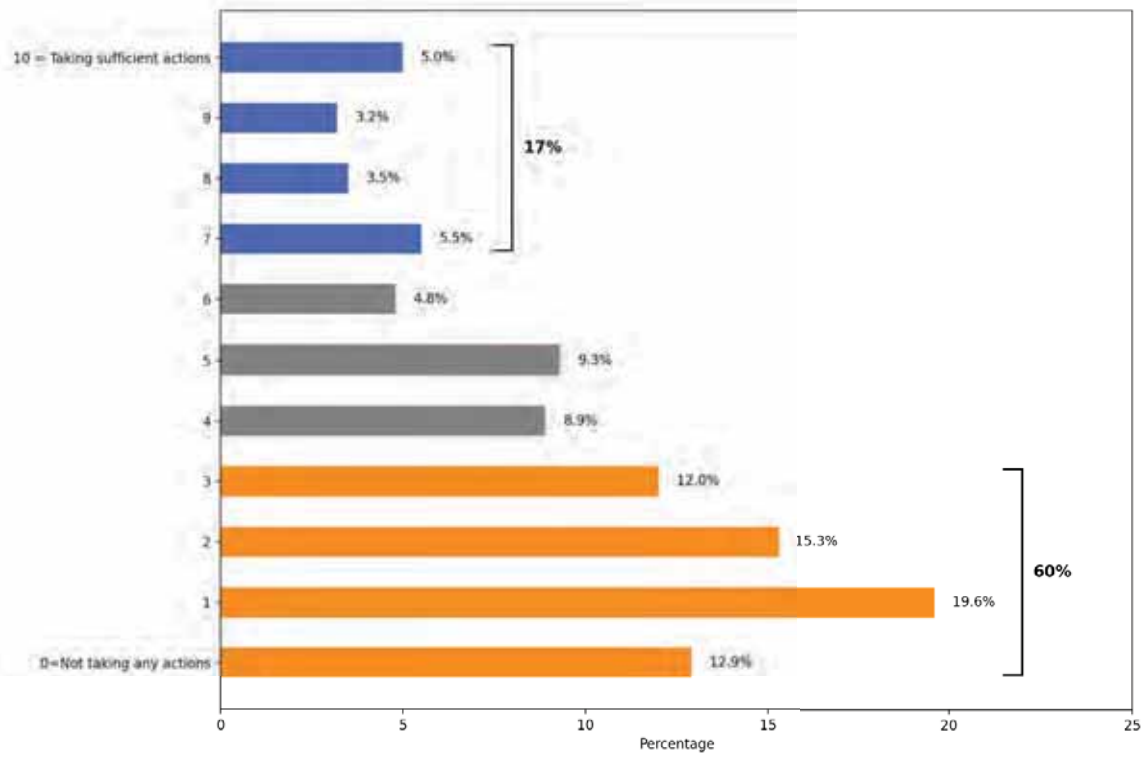
**Figure 5.12. Ranking of universities' actions against antisemitism on a scale of zero to 10, by all respondents**

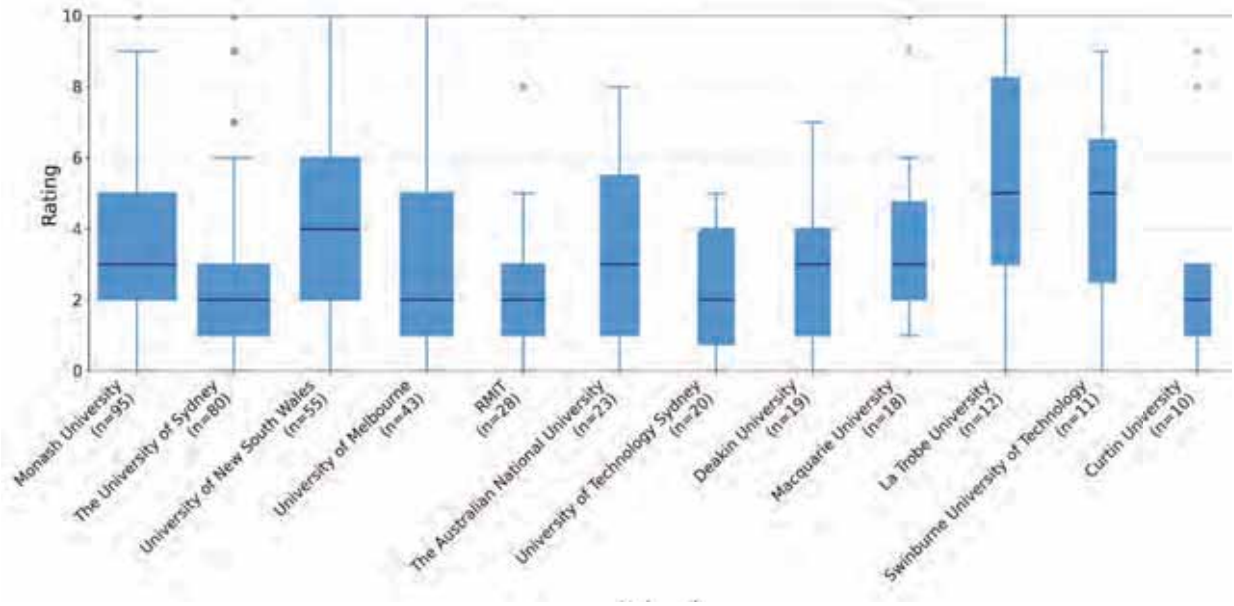



### 5.7.2 Comparing Universities

A non-parametric Kruskal-Wallis test was conducted to compare the distribution of ratings across 12 universities, each with at least 10 responses and no missing data. The test statistic is 37.75, with a significantly low p-value of 0.000086 (Kruskal-Wallis X2 = 37.75, p = 0.000086). This low p-value indicates substantial variations in response patterns between institutions.

The distribution of rankings (0-10) across universities was plotted in a boxplot (Figure 5.13). The plot allows us to compare the distribution of responses across different universities. Only universities with sample sizes ≥10 were included in the comparison, with the width of each box proportional to the number of survey responses. We can see variations in both the median responses and the spread of responses among different institutions. Some universities show more variability (taller boxes) while others have more concentrated responses (shorter boxes).

**Figure 5.13. Comparing distribution of rankings of actions on antisemitism across universities (n≥10)**




Note: The boxplot shows the median (horizontal line in each box); the interquartile range (the height of the box itself); the whiskers extending to the most extreme non-outlier points; and the individual points beyond the whiskers representing outliers. The width of each box is proportional to its sample size.

The University of Sydney, RMIT, University of Technology Sydney, and Curtin University have a low median of 2. A median ranking of 5 was obtained in La Trobe and Swinburne University of Technology.

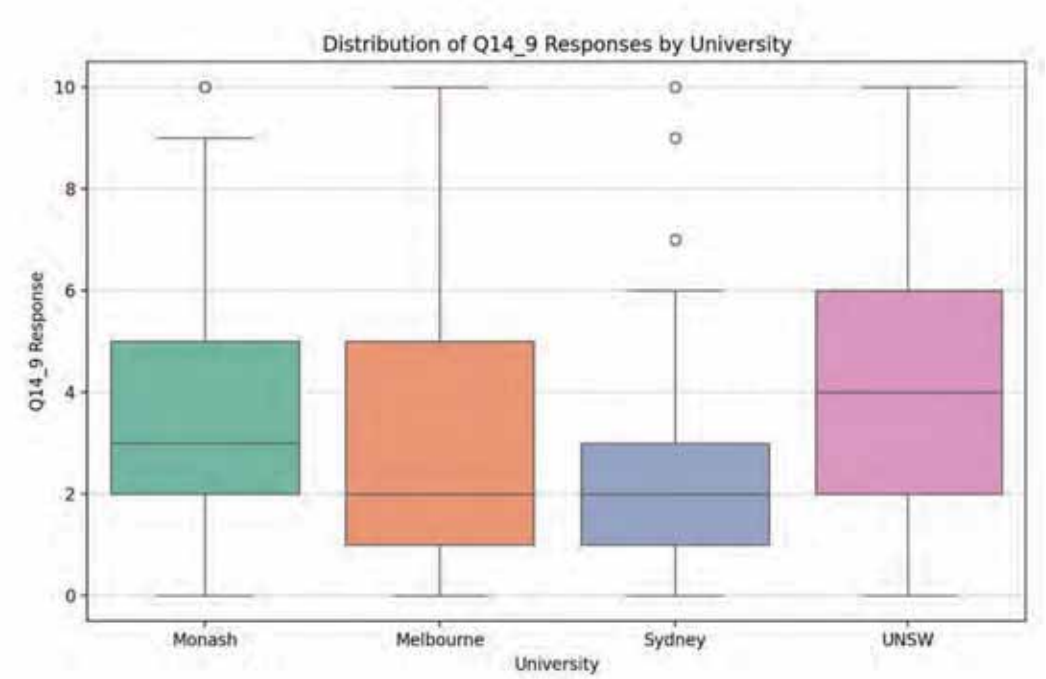
The interquartile range indicates the spread of the distribution of responses. The smaller the range, the more participants agree on their university's ranking. Tight distribution of ranking (low interquartile range) can be viewed at the University of Sydney (2), RMIT (2) and Curtin (2). All three universities show both a low median ranking of 2 and a tight distribution.

Caution should be used when interpreting results from universities with smaller sample sizes, as their ratings are more influenced by individual responses and may not represent the broader Jewish staff and students as accurately.

A Mann-Whitney U test was conducted to compare pairs of universities with large sample sizes: Monash University (n=106), the University of Sydney (n=105), University of New South Wales (n=62) and the University of Melbourne (n=51).

The results reveal that the mean ranking of the University of Sydney was statistically significantly lower than Monash (Z=3.78, p=0.0008), and the University of New South Wales (Z=-4.18, p= 0.00015). The medians for both the University of Sydney and the University of Melbourne were identical, at 2—the lowest among the universities with large sample sizes. Figure 5.14 presents a boxplot visualisation of the distribution of rankings across the four universities with large sample sizes.

**Figure 5.14. Distribution of university rankings, by universities with large sample sizes**




Note: The boxplot shows the median (horizontal line in each box); the interquartile range (the height of the box itself); the whiskers extending to the most extreme non-outlier points; and the individual points beyond the whiskers representing outliers

Overall, the findings suggest that while in general, universities in Australia rank low on their actions against antisemitism, they are not homogenous in their responses, as perceived by the participants.

The responses to the open-ended questions provide insights into the nature of some practices that were appreciated by the participants. For example:

- "Our VC has been good."
- "To be honest I think [university name removed] … has done a really good job with things like keeping anti-Israel/antisemitic sentiment on campus to a minimum."
- "I think it has been good at how [university name removed] has dismantled the encampment."
- "The university is doing a good job by banning posters and gatherings."
- "I have confidence in management at [university's name removed]—they have quickly responded to antisemitic posters and ensured a safe space for Jewish students on campus."
- "They were great in dismantling the encampment once the protestors started breaking every rule they were given and inviting dangerous people in.

### 5.7.3 Fostering Understanding

Participants were asked: “Has the university provided you with a definition of inappropriate political content in lectures and course materials?”

Only 11% reported that a definition had been provided, 16% were unsure, and 73% responded ‘no’. The ‘no’ response was similar for both staff (71%) and students (69%). Table 5.8.2.1 below presents the percentage distribution.

### 5.7.4 Understanding the Complaint System

Students were asked whether they understood “complaint procedures if you encounter antisemitic content in lectures or course materials”.

48% of students reported no knowledge of the complaint procedures, while 34% indicated understanding.

Staff were asked whether they understood the complaint procedures if they encountered “antisemitic comment or behaviour by colleagues, students, or other staff members”. In a near reverse of student responses, 28% of staff reported no knowledge, while 56% indicated understanding (see Table 5.9).

### 5.7.5 Confidence in the Complaint System

The participants were asked:

- “Do you consider that complaints procedures are adequate at your university?”
- “Have you ever lodged a complaint?” and
- “Are you confident that you can lodge a complaint without risking discrimination against you or other negative impacts?”

Concerning the adequacy of the complaint system, 45% responded that the system is not adequate, and only 16% considered it adequate.

In relation to lodging a complaint, a majority of 67% reported they had never lodged a complaint, and 32% had lodged a complaint.

Regarding confidence in the system, 51% reported no confidence and 27% reported confidence. This finding was benchmarked against the NSSS survey (Heywood et al., 2022), where students were asked about their confidence in reporting incidents of sexual harassment and assault. Only 23.5% reported a lack of confidence (“Not at all/Slightly”), which is less than half the proportion (51%) of Jewish participants reporting a lack of confidence in lodging a complaint without risking discrimination or other negative impacts.

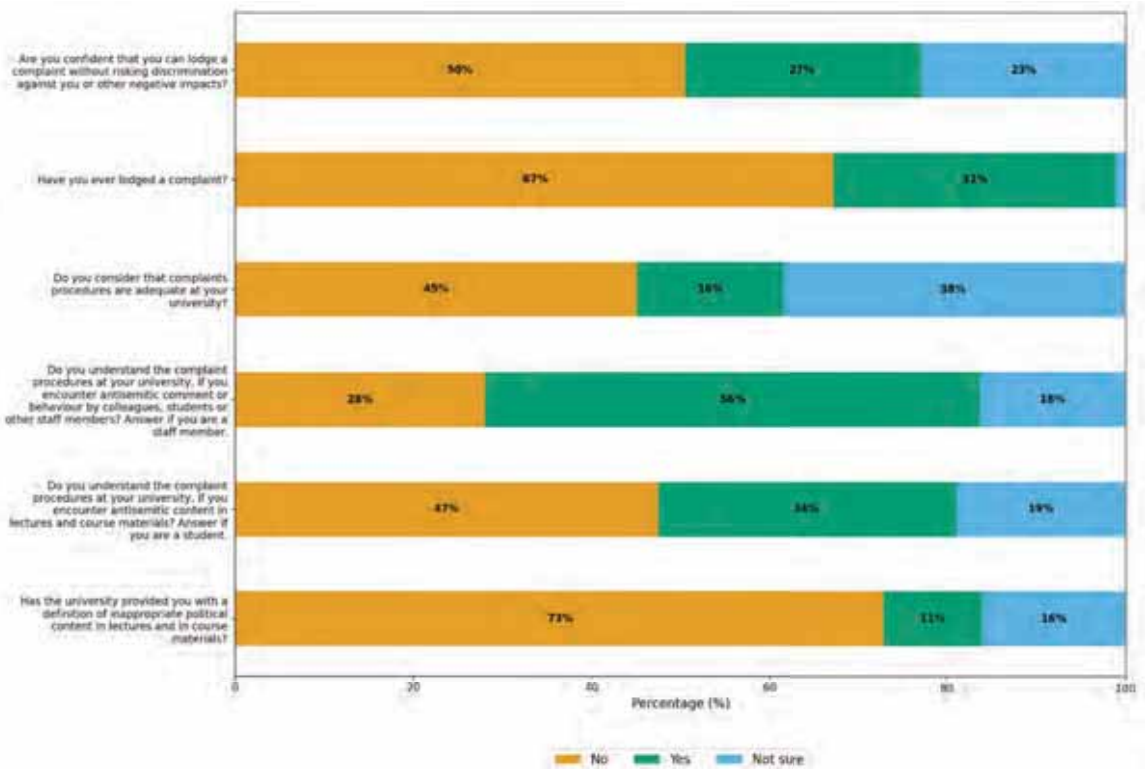
Chi-square analysis was conducted to compare student and staff responses. Significant differences were found in response to the question: “Do you consider that complaint procedures are adequate at your university?” A significantly higher number of staff rated the procedures as inadequate ($X^2 = 6.15$, $p = 0.0463$).

Another significant difference was found in response to: “Have you ever lodged a complaint?” A significantly higher number of students reported that they had never lodged a complaint ($X^2 = 11.75$, $p = 0.0028$). Table 5.9 and Figure 4.15 present the percentages of response distribution.

**Table 5.9. Perceptions of universities' policies and procedures, by "yes", "no" and "not sure"**

| Question item | No | Yes | Not Sure |
|---|---|---|---|
| Has the university provided you with a definition of inappropriate political content in lectures and in course materials? | 73% | 11% | 16% |
| Do you understand the complaint procedures at your university, if you encounter antisemitic content in lectures and course materials? Answer if you are a student. | 47.5% | 33.6% | 18.9% |
| Do you understand the complaint procedures at your university, if you encounter antisemitic comment or behaviour by colleagues, students or other staff members? Answer if you are a staff member. | 28% | 55.7% | 16.3% |
| Do you consider that complaints procedures are adequate at your university? | 45.1% | 16.4% | 38.4% |
| Have you ever lodged a complaint? | 67.4% | 31.5% | 1.1% |
| Are you confident that you can lodge a complaint without risking discrimination against you or other negative impacts? | 50.5% | 26.7% | 22.8% |

**Figure 5.15. Perceptions of universities' policies and procedures, by "yes", "no" and "not sure"**



In summary, 60% of participants ranked their universities' management actions against antisemitism between 0 and 3, indicating that they are not taking sufficient action on antisemitism. This contrasts with the NSSS survey, where only 9.9% of students ranked their universities' actions to keep campuses safe from sexual harassment as unsatisfactory (Heywood et al., 2022).

Seventy-three per cent of students reported that universities fail to provide a definition of inappropriate political content in lectures and course materials; 47% of students and 28% of staff reported that they do not understand the complaint system; 45% of participants do not regard the complaint system as adequate; and 67% have never lodged a complaint.

A majority of 51% of participants reported having no confidence in the complaint system. This compares to only 23.5% who reported a lack of confidence in the complaint processes for incidents of sexual harassment and sexual assault (Heywood et al., 2022).

A comparison between students and staff revealed statistically significant differences, with a higher number of staff rating the complaint procedures as inadequate, and more staff having lodged complaints compared to students. These findings are expected, given that staff are employed by universities over many years, making them more familiar with administrative procedures and more likely to lodge complaints over the course of their careers.

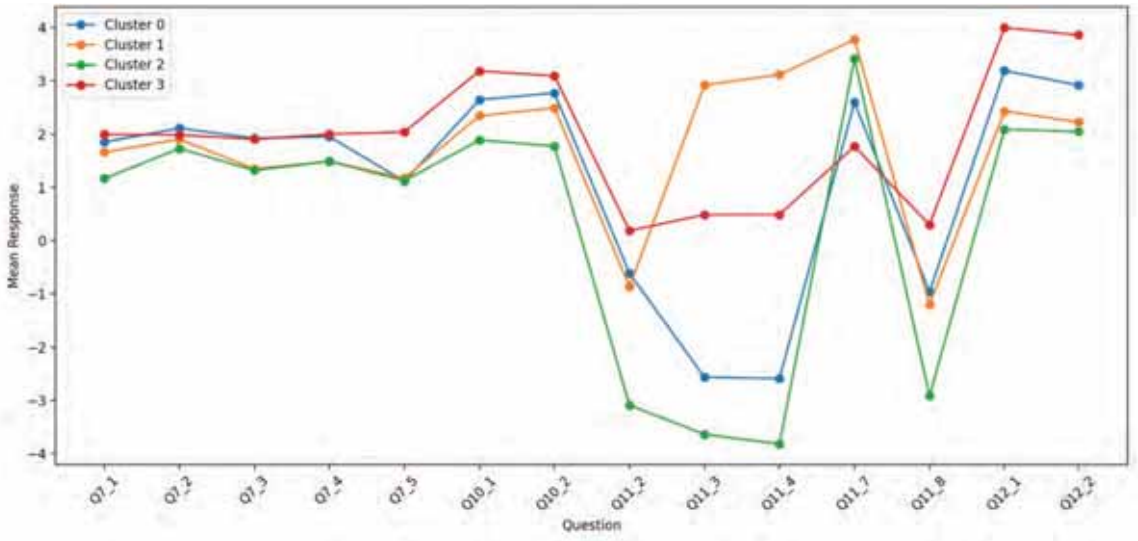
Overall, the findings reveal a stark contrast between the level of antisemitism experienced by Jewish people on campus—67% reported hearing antisemitic comments and 93% reported witnessing antisemitic expressions delegitimising the right of Israel to exist—and their level of trust in their universities' systems to protect them, with only 27% reporting confidence that they could lodge a complaint without risking discrimination. Taken together, the findings indicate a system failure in preventing antisemitism.

### 5.8. Cluster Analysis of Key Survey Items

A cluster analysis was applied to gain deeper insight into the heterogeneity of campus antisemitism experiences post 7 October. Cluster analysis groups participants are based on their distinct mean response profiles. Segmenting the sample into clusters enables us to identify and differentiate sub-groups within the surveyed population, and develop an understanding of the unique subjective experiences, attitudes, and coping mechanisms of participants in each sub-sample.

We applied k-means clustering to the survey dataset using responses from 14 prompts derived from four questions, ultimately selecting a 4-cluster solution, with the distribution fairly balanced across the sample. Figure 5.16 presents the mean responses for each cluster, followed by an interpretation.

**Figure 5.16. Mean responses across questions, by cluster**




Note: **Q7— At your campus, since 7 October 2023, have you personally experienced the following behaviours towards you, because you are Jewish or Israeli?** (Responses: 1-yes; 2-no; 3-not sure) Q7_1— Feeling ignored or excluded; Q7_2— Being cancelled from groups; Q7_3— Received insult or harassment on social media; Q7_4— Received verbal insult or harassment; Q7_5— Listening to anti-Semitic comments in your presence.

**Q10— Since 7 October 2023, would you say that your relationship with your NON-JEWISH university friends, colleagues and others on campus has become...** (responses: 1-disconnected; 2 distant; 3-stayed about the same; 4- closer; 5- much closer) Q10_1— Friends [Answer if you are a student; Q10_2— Colleagues [Answer if you are a staff member].

**Q11— Please use the slider to indicate any behavioural change you might have experienced since 7 October 2023, on a scale from -5 to +5**. Q11_2— Attending classes, if you are a student; Q11_3— Publicly expressing your political beliefs; Q11_4— Publicly expressing your connection to Israel; Q11_7— Mixing with Jewish people; Q11_8— Mixing with non-Jewish people.

**Q12—How safe do you feel on campus since 7 October 2023? Please indicate your sense of safety on a scale from 1 to 5**. Q12_1— Safety on the physical campus; Q12_2— Safety in the virtual campus (Media and online).

### 5.8.1 Cluster Profiles by Question Series

**Cluster 0** (162 participants, 29.6%): **Low-impact, resilient group**

- Extent of antisemitism impact: Low
- Extent and nature of social reconfiguration: Low decrease in mixing with non-Jews; moderate decrease in mixing with Jews
- 47 Survey of Antisemitism on Australian Campuses
- Behavioural changes (fight / flight / continue as usual): Flight — low to moderate decrease
- Sense of safety: Somewhat unsafe

**Cluster 1** (123 participants, 22.4%): **Identity-affirming, forthcoming responders**

- Extent of antisemitism impact: Medium to high
- Extent and nature of social reconfiguration: Low to moderate decrease in mixing with non-Jews; high increase in mixing with Jews
- Behavioural changes: Fight — moderate increase
- Sense of safety: Somewhat unsafe

**Cluster 2** (110 participants, 20.1%): **Highly impacted and sensitised group**

- Extent of antisemitism impact: Moderate to high
- Extent and nature of social reconfiguration: Moderate to high decrease in mixing with non-Jews; high increase in mixing with Jews
- Behavioural changes: Flight — moderate to high decrease
- Sense of safety: Unsafe

**Cluster 3** (153 participants, 27.9%): **Antisemitism perceived as a non-issue**

- Extent of antisemitism impact: Non-issue
- Extent and nature of social reconfiguration: Moderate increase in mixing with non-Jews; slight to no increase in mixing with Jews
- Behavioural changes: Continue as usual
- Sense of safety: Safe

Table 5.10 summarises the mean values and key findings for each cluster.

**Table 5.10. Clusters profiles by question series**

| Question series | Question | **Cluster 0** Low-impact, resilient group (n=162, 29.6%) | **Cluster 1** Identity-affirming, forthcoming responders (n=123, 22.4%) | **Cluster 2** Highly impacted and sensitised group (n=110 20.1%) | **Cluster 3** Antisemitism perceived as a non-issue (n=153 27.9%) |
|---|---|---|---|---|---|
| Q7 (Response: 1 = Yes, 2 = No, 3 = Not sure) | Feeling ignored or excluded | Low | Low | High | Not experienced |
| | Being cancelled from groups | Low | Low | Low to moderate | Not experienced |
| | Received insult or harassment on social media | Low | Moderate | Moderate | Minimal extent |
| | Received verbal insult or harassment | Low | Moderate | Moderate | Not experienced |
| | Listened to anti-Semitic comments in their presence | Moderate | High | High | Not experienced |
| Q10 (Response: 1= disconnected; 2 = distant; 3 = stayed about the same; 4 = closer; 5 = much closer) | Relationships with non-Jewish friends [for students] | Low decrease (2.65) | Moderate decrease (2.34) | Moderate to high decrease (1.89) | Moderate increase (3.19) |
| | Relationships with non-Jewish colleagues [for staff members] | Low decrease (2.77) | Moderate decrease (2.49) | Moderate to high decrease (1.77) | Moderate increase (3.10) |
| Q11 (Response: scale -5 to +5) | Attending classes, if you are a student | Low decrease (0.61) | Low decrease (0.86) | Moderate to high decrease (-3.09) | No change (0.1) |
| | Publicly expressing your political beliefs | Moderate decrease (-2.56) | Moderate increase (2.92) | Moderate to high decrease (-3.09) | No change (0.4) |
| | Publicly expressing your connection to Israel | Moderate decrease (-2.59) | Moderate to high increase (3.12) | Moderate to high decrease (-3.09) | Slight increase (0.5) |
| | Mixing with Jewish people | Moderate increase (2.60) | High increase (3.78) | High decrease (3.64) | Low increase (1.8) |
| | Mixing with non-Jewish people | Low decrease (0.96) | Low decrease (1.20) | High decrease (-3.0) | Low increase (1.3) |
| Q12 (Response: Likert scale 1 = Very unsafe, 5 = Very safe) | Sence of safety on the physical campus | Feeling somewhat unsafe (3.19) | Feeling somewhat unsafe (2.43) | Feeling unsafe (2.08) | Feeling safe (4.0) |
| | Sence of safety in the virtual campus (Media and online) | Somewhat unsafe (2.92) | Unsafe (2.23) | Unsafe (2.02) | Feeling safe (3.87) |

In summary, the cluster analysis enabled the identification of four distinct groups based on their responses to the surge in antisemitism following 7 October. This analysis is particularly valuable for identifying at-risk groups and informing the development of targeted strategies tailored to each cluster profile.

In our survey, one-fifth (20%) of participants belonged to **Cluster 2 (Highly impacted and sensitised),** representing those at highest risk. These participants experienced direct exposure to antisemitism, felt unsafe on campus, and exhibited strong avoidance behaviours — avoiding campus, distancing from non-Jewish peers, and presumably seeking refuge within the Jewish community. Supporting this group requires targeted interventions to help strengthen their resilience.

Another fifth (22.4%) of participants formed **Cluster 1 (Affirmative, forthcoming responses to antisemitism),** characterised by assertive responses. Their reaction to confronting antisemitism involved strengthening their Jewish identity and increasing its public expression. Although similarly impacted as Cluster 2, their "fight" response may relate to greater resilience and a comparatively higher sense of safety.

Nearly a third (29.6%) of participants comprising **Cluster 0 (Relatively resilient group)** demonstrated high levels of resilience, with low impact from antisemitism. Behavioural and relationships changes expressed low to moderate flight responses.

A further 27.9% of the participants comprising **Cluster 3 (Antisemitism is a non-issue)** appears as a mixed group. One subgroup appeared largely unaffected by antisemitism, potentially due to limited campus presence, though they did show some behavioural shifts such as increased interaction with Jewish people. The other subgroup appeared to align with anti-Israel protestors, expressing a sense of safety on campus and increased mixing with non-Jewish people.

Further research is needed to design tailored interventions that address the distinct needs of Jewish participants across these cluster types.

The combined qualitative and quantitative findings are discussed in what follows.

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# 6 DISCUSSION

This section summarises the qualitative findings, followed by an overview of the quantitative results and their comparison to the pre-7 October campus university students' survey (Social Research Centre, 2023). By integrating these data sources, we derive meaningful insights and implications for fostering inclusive and safe campuses for Jewish students and staff. Together, these data sources present a comprehensive picture—both in words and numbers—of the deeply troubling antisemitic climate on campus.

### 6.1 Qualitative Findings

**The qualitative data portray a campus environment that is hostile and abusive to Jewish people, with overt and normalised antisemitic discourse**. Participants described incidents such as a swastika engraved in the staff cafeteria; graffiti stating "Zionists are Nazis"; Nazi salutes at a student council meeting; the distribution of brochures bearing Hitler's face alongside the Magen David; posters promoting talks such as "Global Intifada" and "come and hear who is Hamas"; and chanting on campus declaring "Zionists aren't welcome here."

**Jewish students and staff encounter exclusion and social ostracism by peers and colleagues**. One respondent reported being asked to leave a share house with other university students because of "political differences." Another described how some academics ceased all communication and professional interaction with them.

**Jewish students are subjected to physical and verbal harassment**. A participant reported being called a "Zionist pig," while another reported being asked, "how many babies have you killed today?" simply for walking on campus wearing a Kippah. A further example involved a student being doxed and trolled on Instagram, with explicit threats that their HDR studies were at risk due to "being on the list".

**In the classroom students are targeted and singled out, needing to hide their identity**. One participant described a tutor "asking me my "ethnicity" on two separate occasions upon noticing that I stayed silent in the Israel discussions … Being too afraid to say 'Jewish' so saying Eastern Europe instead". Another student reported being "singled out and made to feel alienated and afraid, and having to hide or defend my Jewishness by my tutor and unit coordinator"

**Students are exposed to antisemitic rhetoric from their lecturers**. One tutor "described Jewish people as 'the oppressed that became the oppressors' during a class that was about celebrity culture". "A faculty member publicly expressed on social media that Zionists were not safe around her, in any space whatsoever".

**Jewish academics experience hostile and abusive statements from colleagues**. One participant reported that a colleague said, "Jews caused all the problems in the world. If the Arabs wiped them out, they would be doing the world a favour." Another reported a peer saying they did "not like Israelis but Jews were fine".

**Jewish academics are targeted and discriminated against solely based on their Israeli nationality or Zionism**. One participant reported about "cancellation of Israeli lecturer in my faculty". Another reported "urination in an ex-pat Israeli staff members' working area and writing 'RESIGN'".

**Dismissal of complaints and the instilling of doubt in Jewish individuals' perception of reality, as a form of gaslighting**.

One participant reported that their boss told them it was "imaginary that there is any threat to Jewish staff and students on campus and we are simply feeding each other's anxiety". Another reported that the university administration denied their complaint against

protesters using the chant “intifada” on the basis that the word was context related and that the “university was not responsible for their feelings”. A further participant noted that they were offered counselling after every complaint of racism made to the university, and that this response diminished the seriousness of the antisemitism, meant perpetrators were not held responsible, and “puts the blame on me as though I am the one who needs to change because of my experience”.

**Universities consistently fail to take meaningful action to protect Jewish people from antisemitism**. Participants reported overt discrimination by professional staff and described institutional inaction when they sought help. One participant noted that the university responded to complaints from Jewish staff by saying they were taking concerns on board but never took any action. Another reported that when they attempted to have action taken against students in a course with explicit rules against discriminatory behaviour and statements, including online, “the university weasel-worded and equivocated me and ultimately did nothing”.

**Universities are not uniform in their responses to antisemitism**. While 60% of respondents indicated that their universities are not talking sufficient actions on antisemitism, both quantitative and qualitative data suggest that universities are not uniform and that some respond more appropriately than others. For example, one respondent noted, “I’m lucky to go to a university that is fundamentally different from most in that it is quite apolitical.” Another participant expressed a mixed view: “My assessment of my university's approach is very mixed. On one hand, they appeared to enforce a stricter poster policy, which helps with de-escalation; on the other hand…” Others expressed appreciation of poster removal: “I have confidence in management at my university — they have quickly responded to antisemitic posters and ensured a safe space for Jewish students on campus.” Another stated, “The university is doing a good job by banning posters and gatherings.”

These positive examples, though very few and anecdotal, suggest that some institutions apply effective practices. However, the findings of this survey are insufficient to characterise these exemplary practices in detail.

The quantitative data support these findings and shed light on their prevalence and impacts.

### 6.2 Quantitative Findings

**Both students and staff are profoundly impacted by antisemitism, with the majority equating anti-Zionism with antisemitism.**

The findings indicate that most survey participants have personally experienced antisemitism on campus. A high proportion of responses related to antisemitic imagery: “graffiti, posters or fliers: delegitimising the right of Israel to exist” (93%); and “verbally or through social media: delegitimising the right of Israel to exist” (92%).

The survey intentionally did not define antisemitism. But, with few exceptions, survey participants identified anti-Israel imagery and hate speech as a form of antisemitism. This indicates that **the majority of Jewish students and staff in the sample equate anti-Zionism with antisemitism.**

While both Jewish students and staff report experiencing antisemitism, students appear to be more vulnerable. The largest difference was found in “listening to antisemitic comments in your presence”, where students reported a 26% higher rate than staff (74% vs 48%). These findings are expected, given students’ higher engagement in campus life, both the virtual and physical campuses.

The profound impacts of the antisemitism surge is illustrated in participants’ accounts of fear for the first time in their lives, being afraid to leave a building “because of the violence of the student protests, …. afraid to reveal my identity” , or being “spat on for wearing my Star of David necklace”.

**Antisemitism has deeply shaken Jewish people’s core sense of identity and belonging.**

The findings suggest that after 7 October, there were stark changes in personal relationships and behaviours, creating a sense of an existential ""earthquake."" Critical aspects of social identity appear to have been affected. One respondent commented: “Socially, in my faculty I feel that I no longer know who my friends are”.

The tearing of the social fabric is most evident in shifts in personal relationships, with Jewish people mixing less with non-Jewish people (49%) and increasingly drawn into Jewish social circles (77%), seemingly seeking refuge. Similarly, on campus, 43% of students reported becoming distant from non-Jewish friends and 35% of staff reported becoming distant from colleagues.

At the same time, an opposite trend emerged among a minority of participants, with 8.5% of students and 6.2% of staff reporting that they became closer or much closer to non-Jewish individuals on campus. This suggests that political anti-Zionist views may have caused a rift within the Jewish community between Zionist and anti-Zionist Jews. Qualitative excerpts support this assertion, where a small minority of participants identified as anti-Zionists (e.g., “a proud Jewish person who does not subscribe to Zionist beliefs”), explicitly outlining the ideological rift: “Stop stifling protest, help young Jews to learn the truth. Anti-Zionism is not antisemitism”; “I have received comments on social media calling me a kapo, traitor, not Jewish, saying that I'm not part of the community, etc., all from Jewish Zionists.”

**Free Speech, but Not for Supporters of Israel**

The findings suggest that publicly supporting Israel carries the greatest social cost for Jewish individuals. The overall 49% decrease in expressions of political beliefs and connections to Israel indicates that, in effect, **for the majority of Jewish people who support Israel, free speech on campus has been suppressed.**

### Fight or Flight Responses

The findings reveal two distinct responses to the hostile campus environment resembling fight- or-flight behaviour, with a reported 39% decrease versus 40% increase in wearing Jewish symbols, and a 49% decrease versus a 32% increase in publicly expressing political beliefs or one's connection to Israel. These bifurcated behavioural responses suggest an underlying emotional stress pushing people towards survivalist responses in opposite directions. Among the flight responses, hiding identity and avoidance are prevalent.

### Hostile Excluding Campus Environment

By triangulating the three data sources—anecdotal reports from participants on what makes them feel safe, qualitative responses related to the physical environment, and quantitative data on exposure to imagery—it becomes evident that the campus environment, with its antisemitic imagery, is itself a form of harassment, a source of intimidation, and a driver of alienation.

The category "The campus environment" in the qualitative data had the highest frequency of responses, accounting for nearly half (45%) of all excerpts in the survey. Within this category, the most frequently cited theme was "Hostile and exclusionary physical environments," which comprised 32.9% of the total 45% of excerpts.

The quantitative findings reinforce this conclusion by highlighting the significant role of the physical environment in shaping perceptions of safety. When asked whether they had personally witnessed antisemitic expressions on campus since 7 October, 92% of participants reported seeing at least "rarely" graffiti, posters, or flyers that delegitimised Israel's right to exist.

This finding is critically important because it suggests that restoring a substantial sense of safety and inclusivity on campus can be achieved through minimal efforts by universities. It only requires the consistent enforcement of existing rules and codes of conduct prohibiting campus defacement.

### Avoiding the Threat, Hiding Identity.

The atmosphere of alienation and isolation on campus has led a large minority of Jewish students to avoid attending classes, and Jewish people on campus to make behavioural changes in order to hide their Jewish identity and its intrinsic association with Zionism.

The combined qualitative and quantitative data indicate behavioural patterns of campus avoidance among students and staff. Class avoidance was reported by 48% of students ("I deliberately stay off campus as much as possible in the hope of avoiding direct encounters with antisemitism"; "I have specifically chosen a distance education course in order for me to avoid attending the campus"). Participants also reported avoiding specific hostile areas on campus ("I was constantly checking these groups' social media in an attempt to always avoid going anywhere near them, even taking much longer indirect routes to avoid even passing them").

Hiding Jewish identity was also extensively reported and took various forms, such as non-disclosure of identity ("I am a first-year student and have not yet told anyone at the uni that I am Jewish"); avoiding academic work that may reveal identity ("I am afraid to tell anyone I'm Jewish and I'm afraid to produce Jewish artwork"); and removal of Jewish symbols, as previously discussed ("Plenty of friendly non-Jews have gone up to me telling me to hide my Star of David for my own safety").

**Progressive Paradox: When Left Liberal Ideals Foster Exclusion**

Jewish respondents perceived the primary source of concern about campus antisemitism came from the political Left (84%). There was much less concern about the political Right (37%). Antisemitism on campuses, particularly in the form of anti-Zionism, appears to be embedded in liberal progressive ideologies, where hostility toward the Jewish minority is justified, and Jews are framed as "oppressors" (Hirsh, 2017).

**Differentiated Groups of Participants**

The data reveal that participants in our sample differ in the extent to which antisemitism impacts them emotionally, affects their daily lives, and influences their sense of safety on campus. These differences, in turn, are reflected in the extent and nature of social reconfiguration and behavioural change. Two groups stand out in particular: Cluster 2 – "Highly Impacted and Sensitised Group", and Cluster 3 – "Antisemitism Perceived as a Non-Issue".

Cluster 2 is of particular concern due to the high impact of antisemitism. This group comprises individuals who are likely struggling to perform academically, with potential long-term implications for their career trajectories and social adjustment. Focused research is needed to evaluate the broader impacts of antisemitism on this group and to identify effective means of community support.

Cluster 3 appears as an outlier across the four key dimensions: impact of antisemitism, social reconfiguration, behavioural change, and sense of safety. Findings for this group tend to show trends that are generally opposite to those observed in the rest of the sample.

However, this cluster is not homogeneous and could potentially have been subdivided into two distinct groups. One subgroup includes Jewish individuals who do not perceive campus protests as personally targeting them. Since 7 October, this group has become closer to the non-Jewish community and more distant from the Jewish community. As noted above, the dividing line between this subgroup and the broader Jewish community is most likely their identification as anti-Zionists.

The other subgroup comprises participants who maintain a sense of closeness with the broader Jewish community, which has even slightly strengthened. However, they adopt a more neutral stance on the conflict and, overall, do not feel personally threatened by the post-7 October campus antisemitism.

The decision not to divide these into separate clusters was informed by the finding that a four- cluster solution offered the most meaningful differentiation while preserving a relatively balanced distribution. Further research is required to better understand the specific characteristics of the subgroups within this cluster, their roles in the current discourse on campus antisemitism, and the implications of their outlier status within the Jewish community."

**"Betrayed by Leadership: Lack of Confidence in University Administration**

Most students and staff expressed little trust in their universities' administration, with 60% rating their institution's actions against antisemitism between 0 and 3 on a scale from 0 to 10. Universities failed to provide adequate guidance on inappropriate content (72%), and only 17% of participants agreed that "the complaints procedures are adequate at your university."

Among the few students and staff who reported filing complaints, frustration with institutional inaction was a common theme. In most cases, complaints were dismissed or met with advice for the complainant to remain at home. Such responses invalidated the complainants' lived experiences and signalled that the issue lay not with the aggressors—who faced no consequences—but with the complainants, who were seen as "too sensitive." Unsurprisingly, formal complaints by Jewish students and staff were rare.

The gap between the frequency of reported antisemitic comments (67%) and the relatively low rate of formal complaints (32%) indicates a systemic failure in university grievance and complaints procedures. Indeed, 51% of participants reported a lack of confidence that they could lodge a complaint without risking discrimination or other negative repercussions. This concern was affirmed by qualitative data. One participant reported: "Please note that I have made a complaint about antisemitism to the university and have been discriminated against for making the complaint."

Inadequate disciplinary measures, lack of transparency, and fear of retaliation appear to have created a culture of distrust and reluctance to report incidents.

This poor institutional performance stands in stark contrast to the response to sexual harassment and assault following the 2021 release of the National Student Safety Survey (Heywood et al., 2022).

For example, Professor Mark Scott, Vice-Chancellor and Principal of the University of Sydney, committed his institution to "renewed and targeted action to create a safer and more supportive environment." (University of Sydney, 2022). He noted that since 2018 the university had required all new students to complete a Consent Matters module, and consent workshops were held twice a year for all student leaders and first-year students in residential accommodation. In addition, a mandatory module was introduced for all executive office holders in student clubs and societies to address the drivers of sexual assault and harassment.

Despite progress, Professor Scott commented about ongoing incidents:

> Frankly, one case is one too many. To every person who has experienced sexual harassment or sexual assault, we are deeply sorry. Every student has the right to feel safe and supported and to be treated with respect and dignity, whether on campus, online or offshore. Anything less is unacceptable. (University of Sydney, 2022).

Across Australia, universities implemented a suite of measures, including new policies, educational modules, and support systems. For instance, the University of Melbourne released a standalone Sexual Misconduct Prevention and Response Policy in 2021, and Deakin University updated its Student Code of Conduct to explicitly address sexual harm. Educational programmes on respectful relationships and consent were made mandatory, and support systems were restructured to include centralised contact points.

These measures demonstrate that universities have adopted a zero-tolerance policy towards sexual harassment and have actively implemented comprehensive systems to ensure all students feel safe on campus. In contrast, no such institutional response has been extended to Jewish students and staff experiencing antisemitism. Despite two-thirds of the Jewish campus population reporting that they feel somewhat unsafe to very unsafe, universities have, to date, not demonstrated a genuine commitment to uprooting antisemitism from their campuses.

### 6.3 Comparison of The Jewish University Experience Survey (Social Research Centre, 2023) Survey Findings to Antisemitism in Australian Universities Post 7 October (5A, 2024) Survey Findings

As discussed above the two surveys of antisemitism on Australian campuses were conducted almost a year apart, one— The Jewish University Experience Survey (Social Research Centre, 2023)— prior to 7 October and the other—Antisemitism in Australian Universities Post 7 October (5A, 2024)—after. By comparing key variables across the two surveys, it is possible to gain a quantitative glimpse into the sharp rise of antisemitism on campuses over the course of just one year, and thus assess the magnitude of the impact of the 7 October aftermath.

6.1 presents a comparison of key variables between the two surveys."

**Table 6.1. Comparison of survey findings: The Jewish University Experience Survey (Social Research Centre, 2023) vs. Antisemitism in Australian Universities Post 7 October (5A, 2024), by key variables**

| Item | The Jewish University Experience Survey (Social Research Centre, 2023) | Antisemitism in Australian Universities Post 7 October (5A, 2024) | % Change | Rate of Growth |
|---|---|---|---|---|
| Avoid attending campus due to antisemitism | Avoid attending campus due to the antisemitic behaviour of others – 19% | Decrease in attending classes – 57% | +38% | 3.0x |
| Social exclusion due to antisemitism | Being involuntarily singled out or excluded due to matters relating to Israel – 25% | Feeling ignored or excluded – 43% | +18% | 1.7x |
| Intimidation based on antisemitism | People or events that made you feel intimidated because of your Jewish identity – 47% | Verbally or through social media: Calling for, or justifying the killing or harming of Jews – 76% | +29% | 1.6x |
| Comparing Israel to Nazis | Comparing Israel to Nazi Germany – 37% | Witnessed graffiti, posters, or fliers with Nazi imagery – 54% | +17% | 1.5x |
| Lack of confidence in complaint mechanisms | Lack of confidence about making a complaint – 38% | Not confident to lodge complaint without risk of discrimination – 51% | +13% | 1.3x |

Examination of the table reveals a 1.5- to threefold rise across all four indicators of antisemitism, alongside a 1.3-fold decline in Jewish people's confidence in their universities' complaint systems. The strongest evidence that campuses have become increasingly unsafe for Jewish students is the threefold reduction in class attendance following 7 October.

These findings provide quantitative evidence of the post–7 October eruption of full-blown antisemitism—a sentiment that has been lurking on campuses since the turn of the century (Rutland & Allington, 2023). While the quantitative comparison offers insight into the rise in antisemitism rates, the full extent of its nature and scope could only be revealed through the integration of both quantitative and qualitative data collected in this survey. These findings give rise to a series of recommendations for cultural reform on campuses.

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# SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

### 7.1 Antisemitism is Systemic Across University Systems.

Antisemitism was revealed across systems, in policy enforcement, disciplinary procedures, administration, teaching and research practices and coursework materials.

**Recommendation:** The persistent gap between rhetoric and action—where universities profess zero tolerance for antisemitism but take little to no concrete action to prevent it—needs to be addressed. Institutions must demonstrate the same level of commitment to tackling antisemitism as they have shown in addressing sexual harassment. While the two social maladies differ markedly in nature and characteristics, lessons can be drawn from the impact of serious institutional commitment.

### 7.2 Addressing Antisemitism in Both Physical and Online Spaces

Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming blurred. Participants report that both the physical and virtual campuses are equally hostile.

**Recommendation:** Universities need to develop policies that ensure the safety of Jewish people not only on physical campuses but also within virtual spaces. As the boundaries between these spaces continue to blur, institutions must proactively address antisemitism across both domains, including broader outreach efforts such as prohibiting hate speech by staff and students—even beyond the confines of the university community.

### 7.3 The Impact of Campus Imagery

Campus environments and imagery are among the most influential factor affecting Jewish students' and staff members' sense of safety and inclusion.

**Recommendation:** There needs to be strict prohibition of campus defacement. Universities must enforce and strengthen existing policies that prohibit and penalise the defacement of public spaces. Campuses should be cleared of unauthorised posters, flyers, megaphone use during class hours, and other physical disruptions. Their removal is expected to significantly contribute to restoring a sense of safety.

### 7.4 Jewish people's freedom of speech has been silenced

Recommendation: Universities need to implement explicit educational measures to restore and protect this right. Effective initiatives may include university-led public debates, compulsory educational modules for all students and staff, and a requirement that coursework materials relating to the Middle East present all sides of the conflict fairly and equally.

### 7.5 Antisemitism has become normalised

Regardless of the campus or the specific segment of the Jewish university population surveyed, findings consistently show that antisemitic culture has become pervasive and normalised across Australian universities.

**Recommendation:** Universities need to take immediate, strong, and decisive action to challenge and reverse this normalisation of antisemitic discourse. This can only be achieved through a dual strategy of education, combined with rigorous enforcement and disciplinary processes. Hate-driven discourse inevitably leads to hateful actions. If left unaddressed, escalation is inevitable.

### 7.6 The majority of participants equate antisemitism with anti-Zionism

**Recommendation:** Universities need to fully adopt the definition of antisemitism as understood by the majority of Jewish people, treating it as non-negotiable—just as other minority groups are granted the right to define their own identities. Accordingly, a suite of policies and disciplinary procedures must be developed and implemented to prevent this form of antisemitic harassment.

### 7.7 Jewish staff and students Lack Confidence in the Universities' Disciplinary Systems

More than half of the participants reported lacking confidence in their ability to lodge a complaint without risking discrimination or other repercussions.

**Recommendation:** Universities need to establish centralised complaint systems dedicated to addressing antisemitism on campus in all its forms, including those related to the Middle East conflict and anti-Zionism. These systems should be staffed by specially trained officers with understanding of contemporary manifestations of antisemitism, Jewish history—including the Jewish people's three-millennia-long connection to the land of Israel—and the impact of anti-Israel bias on Jewish individuals. The centralised disciplinary system should be mandated to address all forms of antisemitic expression on campus, including inappropriate teaching materials, biased practices in nomination processes, and other forms of offensive antisemitic conduct.

### 7.8 Responses are not uniform across universities.

The high variability among Australian universities in the ranking of their actions on antisemitism suggest that some may be more effective in addressing certain issues of antisemitism than others.

**Recommendation:** Further research is needed to systematically evaluate university actions and identify effective practices.

# 8 CONCLUSION

The findings of this survey align with those of campus antisemitism studies conducted in other Western countries, including the UK, USA, Canada, and Europe (e.g., Lierens, 2024; Santos and Yogev, 2023; U.S. House of Representatives, 2024). In today's globalized world, it took a few weeks for the COVID-19 virus to spread to each corner of the planet. Similarly, it seems to have taken only one day for the brutal massacre of Jews and non-Jews in Israel on October 7, to trigger a rapid surge of antisemitism on university campuses worldwide.

Rabbi Lord Jonathan Sacks (2020) famously described antisemitism as a virus that mutates. He compared it to a social disease, noting that just as biological viruses adapt to their environments, antisemitism evolves in response to societal changes. In the Middle Ages, antisemitism was anchored in religious hostility; in the 20th century, it was anchored in racial ideologies; and in the 21st century, it is anchored in anti-Zionism—the denial of Jewish self-determination.

As institutions that shape intellectual discourse and lead academic thought, universities bear a profound responsibility to confront this modern mutation of antisemitism. It is imperative that they take decisive action to eradicate antisemitic hostility from their campuses and uphold their commitment to fostering safe, inclusive, and respectful learning environments.

Universities must act now to stop campus tribalism and restore the foundational values of academic conduct—respectful dialogue, ethical engagement, and shared responsibility toward all members of the university community.

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**APPENDIX A**

Table: Participants'affiliation, by weighted number of participants and percentages

| Go8 | n respondents | Total | Percentage |
|---|---|---|---|
| Monash University | 99 | | 18.1% |
| The Australian National University | 11 | | 2.0% |
| The University of Adelaide | 7 | | 1.3% |
| The University of Melbourne | 55 | | 10.0% |
| The University of Queensland | 12 | | 2.2% |
| The University of Sydney | 102 | | 18.6% |
| The University of Western Australia | 9 | | 1.6% |
| University of New South Wales | 57 | | 10.4% |
| **Sub-total** | | **352** | **64.2%** |
| Australian Catholic University | 4 | | 0.7% |
| Charles Darwin University | 1 | | 0.2% |
| Curtin University | 13 | | 2.4% |
| Deakin University | 24 | | 4.4% |
| Edith Cowan University | 4 | | 0.7% |
| Federation University Australia | 1 | | 0.2% |
| Griffith University | 5 | | 0.9% |
| James Cook University | 2 | | 0.4% |
| La Trobe University | 14 | | 2.6% |
| Macquarie University | 16 | | 2.9% |
| Murdoch University | 7 | | 1.3% |
| Queensland University of Technology | 4 | | 0.7% |
| RMIT University | 36 | | 6.6% |
| Southern Cross University | 1 | | 0.2% |
| Swinburne University of Technology | 13 | | 2.4% |
| University of South Australia | 2 | | 0.4% |
| University of Tasmania | 3 | | 0.5% |
| University of Technology Sydney | 25 | | 4.6% |
| University of the Sunshine Coast | 5 | | 0.9% |
| University of Wollongong | 2 | | 0.4% |
| Victoria University | 6 | | 1.1% |
| Western Sydney University | 1 | | 0.2% |
| **Sub-total** | | **189** | **34.5%** |
| Australian Catholic University | | 8 | 1.5% |
| Charles Darwin University | 8 | 548 | |

## APPENDIX B: WEIGHTING BENCHMARKS

Table: Weighting benchmarks by number and percentages

| Category | Benchmark # | Benchmark % |
|---|---|---|
| **Q5. Age group** | | |
| 18-24 years | 4,066 | 52.77 |
| 25-34 years | 1,469 | 19.06 |
| 35-44 years | 851 | 11.04 |
| 45-54 years | 645 | 8.38 |
| 55-64 years | 408 | 5.30 |
| 65+ years | 266 | 3.45 |
| **Q4. Gender** | | |
| Male | 3,555 | 46.13 |
| Female | 4,150 | 53.87 |
| **State (based on Q2. University affiliation)** | | |
| NSW | 2,938 | 38.13 |
| VIC | 3,572 | 46.36 |
| QLD | 392 | 5.08 |
| SA | 117 | 1.52 |
| WA | 473 | 6.14 |
| TAS | 39 | 0.51 |
| NT | 11 | 0.14 |
| ACT | 163 | 2.11 |

Source: Australian Bureau of Statistics (N.d.).



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**APPENDIX C**

EXEMPLAR EXCERPTS FROM QUALITATIVE DATA

**Category: The Campus Environment**

**Theme: Physical and virtual campus environments: hostile, excluding and unsafe for Jews.**

Exemplary excerpts:

- The vile chants shouted at the recent protest were quite unnerving. While I was sitting in class it was impossible to focus while people outside were chanting intifada, calling for the death of Jews and Israelis. It is incredibly scary to walk around campus knowing that these people are around you.
- On the … university encampment the members were using microphones and yelling "f off Zionists" and "bye bye Zionists".
- Constant barrage of anti-Israel posters - everywhere - on doors, windows, posts and even chalk on the footpaths
- Chalk saying "Zionists not welcome"
- Certain students and student bodies labelling Zionists as racists, genocide lovers; Israeli guest lecturers cancelled owing to pressure from these students; posters around campus showing a Nazi-like caricature of a Jew representing Israel saying "if I don't steal it someone else will;" people protesting with signs saying that Israel is a terrorist state
- Handed brochures with Hitler's face with Magen David. Posters with talks of Global Intifada and "come and Hear who is Hamas"
- Posters including the words of the "case for the intifada" and "who are Hamas". Protests which made me feel unsafe on campus. Needing a security escort to come into campus.
- Recently I heard chanting on campus "Zionist's aren't welcome here". Prior to this it was lies on posters - how Israel was created as a mean to control the Middle East, how it is evil etc… accusations of genocide every day on the posters, ripping of kidnapped posters, and all staff announcements on the intranet from various staff members.
- Posters of the hostages taken by Hamas defaced and torn down, stickers with the Israeli flag crossed out in prominent public spaces and amenities (toilets, on drinking fountains, poles), innumerable posters depicting the map of Israel in Palestinian flag colours (to suggest Israel be destroyed and replaced by a total Palestinian state), posters saying "Zionists not welcome here", speeches and megaphones shouting "From the River to the Sea" and "Globalise the Intifada" and absolutely no acknowledgement that this would be threatening to Jewish students and staff, students / protestors publicly interrupting lectures and disrupting the teaching, protestors aggressively pushing petitions in your face when you're trying to get into a building…
- The encampment where people refuse to talk and walk around with their faces covered with keffiyehs - Megaphones being used to scream into people's ears close up
- Swastika engraved in staff cafeteria
- Graffiti on university property "Zionists are Nazis"

**Theme: Constraint movement on campus; interruptions to campus core businesses**

Exemplary excerpts:

- Locked out of Melbourne Connect because of anti-Israel protestors
- Hijacking of the Arts Degrees Graduation ceremony
- I was not able to use the Arts West building to study or work in, like I normally would
- Encampments on campus blocking entrances to buildings
- My lecture theatre was outside the .... encampment and I had to walk through to get to the theatre. On my way out of the theatre I saw a group of protestors linking arms preventing Jewish students from entering, most notably those who told the protestors to do so were Arab men who didn't even attend the university
- I walked to a meeting I needed to attend in the ... building and there was a protest right out the front of the building. The building was in lockdown, I had to ask the police that were in attendance where to get in. They directed me incorrectly and I had to walk right up to the protest only to be turned away. I had to go to a side door, I had to prove I was staff and that I had a meeting in the building, all the while having to listen to the protesters. I was shaken up and my anxiety was through the roof by the time I got into the building
- The Israeli women who were invited to the campus for their exchange program being locked in a room with aggressive protestors and then being asked to leave. Now all Jewish or other students who may have been interested in the exchange can no longer do it
- The encampments that blocked everything during my graduation and a man wearing a terrorist scarf sitting right next to me at my graduation

**Theme: Needing to hide Jewish identity; avoiding campus**

Exemplary excerpts:

- I am a first-year student and have not yet told anyone at the uni that I am Jewish
- I have specifically chosen a distant education course in order for me to avoid attending the campus
- ...the presence of the encampment as well as the antisemitic chants have drastically affected me, while on campus I was constantly checking these groups' social medias in an attempt to always avoid going anywhere near them, even taking much longer indirect routes to avoid even passing them. Furthermore, their presence had a significant impact on my mental health, the last few weeks feeling as though I couldn't attend my university, making sure that I don't look "too Jewish" to avoid being the victim of racial vilification, feeling unsafe to represent my Jewish culture
- I was in my office, unable to leave, because of the violence of the student protests. For the first time in my life, I was afraid to be Jewish, afraid to reveal my identity
- I deliberately stay off campus as much as possible in the hope of avoiding direct encounters with antisemitism

- At the Paddington campus there have been protests to free Palestine and there are hundreds of posters all over campus. Constantly chanting “from the river to the sea Palestine be free”. I know that means the elimination of Jewish people and I am afraid. There is nothing that is pro-Israel. I chose UNSW as it is known in the community as JEW NSW. I am afraid to tell anyone I’m Jewish and I’m afraid to produce Jewish artwork

- I was spat on for wearing my Star of David necklace. This has happened twice. Also, plenty of friendly non-Jews have gone up to me telling me to hide my Star of David for my own safety

**Theme: Hostility toward Jews across unions**

Exemplary excerpts:

- NTEU circulating letters condemning Israel without mentioning Hamas or the October 7 attacks or hostages and holding a “wear your kaffiyeh to work day” with no thought to how Jewish students and staff may feel.
- Jewish students see purple Student Union gazebos in the middle of the encampment and feel alienated by their own student representative body
- My union has engaged in some hate speech, lots of signs around campus calling for an “intifada”. Most notably I went to speak to the protesters and asked if they thought the hostages should be released, and they replied with “those Jews deserved it”.
- … the ANU Student Association - a body that is elected to apolitically represent students has been the greatest perpetrator of antisemitism. Displaying and giving out Palestinian flags, encouraging students to go to antisemitic marches and putting in student newspapers and welcome booklets pages upon pages of horrifyingly antisemitic contents
- I attended a student council meeting and during the council there were various Nazi salutes
- The official Sydney Uni student union group “Autonomous Collective Against Racism” …exists to ensure that no "Zionist" students can run for student council (SRC). In practice, this involves scanning social media accounts of prospective new candidates and barring any Jewish students unless they outwardly condemn Israel
- Blocked from Facebook pages by the student Union

Category: The Student Experience

**Theme: Ignored, cancelled, expelled**

Exemplary excerpts:

- Being asked to leave my share house with other university students because of “political differences” and different “values”
- People … actively ignoring me where we used to all be really friendly. One kid invited everyone in my course (it’s a small course) to a house party except myself. Many people who used to be my friends from uni have unfollowed me on social media and shared harmful propaganda because they do not know any better.

- I have experienced people gossiping about me when they thought I wasn't in the vicinity, saying things like "Jew hatred can't be that bad... especially at Melbourne Uni," in relation to me specifically, alongside people in my degree going around spreading word about how I'm a Zionist as if I'm the scum of the earth. Some people have even unfollowed me on Instagram, give me dirty looks, eye rolls, mock my personality (I've heard that when they thought I wasn't in the room once again), and just a general energy where people are disinterested in talking or communicating with me since October 7th
- Previous "friends" no longer speak to me. There was an incident on campus where my Jewish friend got shoved for speaking up
- I was uninvited from gathering due to my "political standing" which I had never shared with them and also noticed all their Jewish friends had been uninvited
- Some academics stopped speaking or dealing with me completely

**Theme: Attacks on Jewish students by other students**

Exemplary excerpts:

- I was spat at by one of the pro-Palestinian students as I was walking to the library
- A girl I walked past who knew I was Jewish saying "f*** the Jews" under her breath
- I have been called a "Zionist pig". Been followed. Made to feel that I need to hide my identity
- I have regularly been called "Jew boy" or "Jew" and singled out by passersby while with no Jewish friends
- heard students talking about anyone who supports Israel as not being human
- Getting asked "how many babies have you killed today" due to simply walking around on campus with a Kippah - plus many other slurs and accusations such as being labelled "a right-wing fascist" that should be kicked off campus, again after doing nothing but wearing a Kippah
- Other students singing Nazi songs in my presence, knowing I am Jewish
- I was included on the list of Zionists who were doxed. As a result, I was trolled by someone on Instagram who made reference to the fact my HDR studies would be at risk and my academic future would be under attack due to my being on the "list"
- My uni friend ... told me that she doesn't want to go to a restaurant in Melbourne because the chef there is from Israel. I felt very confused as I thought she knew I was Jewish and confused on how somebody could think that an Israeli chef in Melbourne can hurt or impact the war in anyway
- I was approached by 4 "pro-Palestinian" students who called me names such as a "pig", a "genocide supporter" and a "Nazi". They tried to intimidate and harass me whilst I was waiting to attend a class. I asked them if they would like to have a civil discussion about the conflict and they were reluctant to

- One incident was upon finding out I was Jewish, another student began to complain about how many Jews there are at USyd. When he found out he beat me in a maths quiz, he yelled out “Revenge!” This same person said he did his HSC by imagining the markers were Zionists and he was charging into battle against them; when asked what a Zionist is, he replied “Jews”
- I've been verbally assaulted when I wore a "bring them home" necklace, someone came up to me and shouted "Fuck you Zionazi" in my ear

**Theme: Singling out Jewish students**

Exemplary excerpts:

- The same tutor asking me my “ethnicity” on two separate occasions upon noticing that I stayed silent in the Israel discussions and asking where my family name is from. Being too afraid to say “Jewish” so saying Eastern Europe instead.
- Hearing students wanting to work out who is Jewish and talking about how they might do so, such as asking about where their name comes from while I was sitting in the room, I guess they didn’t know I was Jewish but from a room of 20 people no one thought to tell them that it’s wrong to go searching for Jews like it’s a witch hunt. The way they said Jewish with such venom was quite terrifying for me given that my surname is a Jewish name and if they think of me during their witch hunt it won’t take long to figure it out
- When pro Palestine activists entered my lectures and forced everyone to participate in a vote to split the classroom into who was pro-Israel and who was anti-Israel. They took a photo of the results
- I've been singled out and made to feel alienated and afraid and having to hide or defend my Jewishness by my tutor and unit coordinator, that made me feel distressed and scared and alienated, separate and bad for the team, as they were negatively affected and encouraged to treat / view me differently as I am Jewish from the faculty

**Theme: Propaganda/antisemitism/discrimination by lecturers**

Exemplary excerpts:

- A tutor described Jewish people as “the oppressed that became the oppressors” during a class that was about celebrity culture
- A professor saying that all casualties in Gaza should be considered non-combatant because Israel put the Gazans in a bad enough situation that Hamas should be considered protected civilians
- I was in a subject where we had a lecture on the Israeli-Palestine conflict where the lecture opened by saying that she will be antisemitic in the lecture, which caused me to have a panic attack after the lecture and eventually drop the subject because I felt unsafe in the subject
- I determine courses according to lectures/ tutors' biographies and if they are affiliated with antisemitic groups, I choose another course as I am scared of being discriminated against
- My tutor for Art History walked into class wearing a keffiyeh and, unprompted by any student, began to explain his reasons for wearing a “symbol of resistance

against a genocidal regime". The non-topical nature of his speech, and the uncalled-for political posturing were deeply unneeded and offensive to my own family in Israel, who are by no means genocidal or oppressive

- I have encountered teachers saying during lectures "free Palestine from the river to the sea" making me so uncomfortable during class, fellow students who knew I was Jewish saying "stop talking Jew" when I never even stated my support for Israel to them
- I do not feel comfortable or safe ... My lecturers, subject coordinators and tutors all impose their personal opinion of the Israel-Gaza conflict on the class and don't encourage debate or a balanced discussion. My tutors emailed my classes encouraging us to attend the schools strike for Palestine as it was an "effective public relations campaign" and raises awareness for the injustice of Palestinian people. My educators signed the petition which called for "UTS to cut all ties with Israel" - meaning they want to cut ties with me? Anti-Zionism IS Anti-Semitism. Why are there posters everywhere reading "from the river to the sea ...". Why are my subject coordinators publishing information which is really hurtful to Jewish people?"
- In a citizenship and communications class, one student used Free Palestine protests as an example of how protesting works saying "no matter how much we protest, nothing seems to happen". The teacher then responded saying "soon the government will appeal to reason and stop supporting Israel and go on to support Palestine". It made me feel like the pro-Israel position was simply viewed as wrongful and invalid. As the rest of the class nodded in agreement, I realised I couldn't stand up for what I believed was right. Everyone seemed to share pro-Palestinian/anti-Israeli values
- My tutors wearing a Palestinian flag on their shirts everyday

**Theme: Antisemitism and hostility within learning settings; disruptions to learning**

Exemplary excerpts:

- My lecturer announced that attendance to our class would not be taken due to the encampment and encouraged everyone to follow what was happening in Gaza. I later saw him at the protest, actively participating and confronted him about influencing his own political agenda in the classroom. I described feeling unsafe on campus as a Jew, he told me to go on zoom. I am now anxious to go to this class
- Being a student at a university in which a faculty member publicly expressed on social media that Zionists were not safe around her, in any space whatsoever
- At the very beginning of one of my classes, the club/group "Students for Palestine" issued fliers to everyone, urging for us to strike ... repeatedly said that "genocide" is being committed - felt incredibly isolated and shocked that this was allowed in a classroom setting. I was extremely uncomfortable for the remainder of the lesson
- In a maths lecture in the first or second week of university a pro-Palestinian speaker co-opted the forum and made a statement that included somewhat inflammatory and certainly not objective statements about the war in Gaza.

- When people disturbed my lecture (that I paid for) twice about how there's a genocide but that's not true at all, it made me feel unsafe
- People coming into my classroom to promote the anti-Israel encampment
- Disruption of lectures and even graduation ceremonies. The one-sided material given and talked about at some lectures. UNBEARABLE
- Only just a few weeks ago I was sitting in the library next to a group of uni students when I heard, and I quote "If Hitler had done his job properly, the Israel and Palestine war wouldn't be happening"
- Students in class discussing the effects of boycotting Israel as though this is a consensual matter. The question was not whether this is morally ok, but rather, how effective is it
- Sitting in quiet libraries and people walking around putting pro-Palestinian posters on tables

Category: The Academics and Staff Experience

**Theme: Jewish academics and staff personally attacked, targeted; feeling unsafe**

Exemplary excerpts:

- I was assaulted by a Deakin student who I have reported internally and provided the student's name, photos and contact details of several eyewitnesses
- Demonising comments from colleagues. Defamation of my image on poster. Derogatory drawings posted in public spaces
- I was openly falsely accused of - and threatened with disciplinary action for - allegedly providing favourable treatment to a rabbi over other faith leaders in relation to a university event on the basis that I am Jewish
- A Jewish colleague has had an office door trashed; another has been asked to teach from home
- Numerous colleagues could no longer look at me, and stopped speaking to me after Oct 7th, or were unusually cold, unfriendly, or suspicious. I feel strongly that decisions about whether or not to work together were made on the basis of my identity or perceived political opinion because of my identity
- On October 9th, had a student who identifies as Lebanese Palestinian enter the lab in which I teach 25 students. He came in, unfurled his Keffiyeh in front of me, then rolled it up and put it on. He knows that I am Jewish as we have had many discussions about it prior
- I was asked to provide a list of Jews who opposed the Overland petition by someone with a watermelon emoji in their name
- Urination in an ex-pat Israeli staff members' working area (their name is not public knowledge), and writing "RESIGN".
- Being doxxed on Twitter by a Senior Professor in my faculty
- My colleague, who is not Jewish, but who spent time in Israel and married an Israeli, was accused of taking bribes by our Lead Tutor, who is not Jewish, because he argued in favour of a student's higher mark. An ex-tutor from the unit, who was friendly with the Lead tutor, suggested it is because of my colleague's connection to Israel. Upon further inquiry, the ex-tutor/friend detailed our Lead Tutor's history of

antisemitism including a specific disdain for me, although I never disclosed that I am Jewish in my limited interactions with the Lead Tutor. The subject of my heritage is not relevant to our unit in any way. I was also not hired back to tutor on that unit, nor was my colleague with the Israeli wife.

- Extreme anti-Israel sentiment that quickly morphed into personal vitriol when I disagreed. Accused of authoring genocide. Doxxed on X
- A student in my class of about 15 who was asked to use creative arts in designing a lesson, suggested, (knowing I was Jewish) that they act out being Hitler. This was a clear attempt to intimidate

**Theme: Antisemitism among academics and staff**

Exemplary excerpts:

- When a colleague described … the Holocaust as being a term reserved to describe the trauma of "white" people
- Peer saying - does not like Israelis but Jews are fine
- My experience has been at [university name omitted] with the rewriting of a piece I wrote for them. They "edited" it so dramatically- and refused to change it, even though I had been asked to write as a subject specialist- that the piece was incorrect and misleading. It was so awful, and their response so intransigent that I had to withdraw it from publication.
- … a colleague said to me, "Jews caused all the problems in the world. If the Arabs wiped them out, they would be doing the world a favour." When I asked if it was a joke the colleague said it was not
- The official USYD staff communication channel, Viva Engage (formerly Yammer) is a cesspool of misinformation and hate, with daily calls to sign boycott petitions and condemn Israel and constantly stating things like there is no evidence for rape on October 7 …including links to really concerning fringe websites. These posts appear in the email inbox of all staff at the university and apparently are not moderated. Day after day of these email notifications and the visual onslaught of posters and speeches (by staff, not just students) makes the campus a very hostile place for anyone who is Jewish
- Fellow academics promoting barely disguised Jew-hatred
- Academics in the Law School organised a hate fest discussion on the conflict
- Former [details omitted] of UNSW continuously posting online under his title "Emeritus Professor of UNSW" outrageous anti-Israel posts. Constantly maligning online Jewish alumni. Complete refusal of UNSW to take any disciplinary action
- …having colleagues inform me that as I am white. I cannot experience racism

**Theme: BDS, cancelling Jewish/Israeli academics**

Exemplary excerpts:

- Cancellation of Israeli lecturer in my faculty
- Cancellation by Engineering of the Technion Professor's visit

- … the cancelling of the visiting Israeli academic
- … a postgraduate conference disinviting a speaker due to the organisation they represent tackling antisemitism. A formal complaint was made, the investigation concluded it was an ""outside function"" merely renting space at the university, so the university would not take the investigation forward. This is despite the chair of the conference not even mentioning their role within the conference committee, but instead introducing themselves as a researcher at the university in their email disinviting the speaker. The university has a policy on antisemitism, but seems unwilling to apply it when considering outside bookings.

Category: The Universities' Systems Failure

**Theme: Discrimination against Jews by professional staff and management**

Exemplary excerpts:

- Another encounter was with an International Student Advisor …. I told her that I want to have my recreational leave and then a sick leave back home. She asked me “where is home? Portugal?” … I told her “no, Israel”. The second I said that her face changed, and she just told me she can’t help me and it’s best I’ll contact another advisor. Practically expelled me from her room. And after she closed it, I was sticking around pretty shocked she screamed something like “OMG! Blablabla” (couldn’t hear the rest of it).
- The institution denying me special considered for Jewish holidays. … and the Muslim students were granted special consideration for Ramadan and I wasn't for Pesach.
- A very senior executive has been overly scrutinising my social media posts and publicly criticised them trying to shame me in front of senior colleagues with mocking comments about my position at [university name omitted]. in turn I have seen that she had liked an anti-Semitic post on social media which gives me a strong clue to her motivation. This person is also trying to restrict my academic freedom in other ways

- I had students in my class at UNSW perform a Nazi salute to me on three occasions. I reported this to UNSW College ….. They did not take my complaint seriously. I reported it to the NSW Police, who took the case very seriously UNSW College Admin only took the complaint seriously once the police were involved. This occurred last term. For more than the past 12 months, my contract hours have been renewed every term, with the same hours and the same classes, however since complaining about antisemitism, UNSW College did not renew my contract. The only possible explanation in my opinion is that this is because I raised the issue of antisemitism with the police.

**Theme: Systems’ failure to deal with complaints and protect Jewish students and staff**

Exemplary excerpts:

- I’m on cloud campus - but during online lectures, there have been ‘casual’ comments made against Israelis and slowly against Jews. This was made by the same handful of students - I reported this to my professor but they told me to just ignore them and complete the Unit. The fact that I was told to move on and no one told these students off for their antisemitic and racist comments made me feel like I do not matter, insignificant

- I had placement last year at a known antisemitic school, guess, and once they found out I was Jewish, the admin and management attitudes changed and I felt unsafe, always looking over my shoulder - when I reported this to my placement officer, I was once again told to finish up my placement and move on. No actions have ever been taken, I was just told to move on and ignore their hatred through my entire degrees and placements. Their apathy hit me deep, time and time again

- Multiple students in my course … made posts following the attacks—… in which the attack was described as justified (in other words, it was terror apologism, not just anti-Zionism). When I went to the university and attempted to have action taken against these students, as my course has explicit rules about discriminatory behaviour and statements (including online), the university weasel-worded and equivocated me and ultimately did nothing about it, essentially telling me that the posts were made out of 'ignorance' and because I couldn't prove the posts were made with malicious intent, literally defending terrorism didn't count. This was before Israel had even responded militarily and these course members knew that I was Israeli and could have had friends and family die in the attack.
- During an Anti-Israel protest in the Hawken engineering building a person smashed a window and escaped. UQ has not followed with an investigation or a concrete attempt to identify the attacker… During one of the days of the first half of May, in extensive video interview, participants of the anti-Israel camp stated they 'would be terrorists'. …UQ has claimed that it has is taking disciplinary action, yet there is no evidence of any disciplinary action that was taken

- Staff and Students denying the state of Israel has a right to exist. The managements unwillingness to address any of this on campus up to needing a committee to figure out if antisemitic posters were really antisemitic
- The university responds to complaints from Jewish staff by saying they are taking concerns on board but never take any action. I feel that if the same were experienced by any other minority it would be the targeted minority group that was called on to define what counts as harassment for them, however, this has not been extended to Jewish people. My boss has told me it is imaginary that there is any threat to Jewish staff and students on campus and we are simply 'feeding each other's anxiety'
- I was leaving campus on the Wentworth footbridge, and saw a poster titled 'The Case for a Global Intifada' with a bulldozer through the Gaza fence on it, advertising an event on campus the next day. I immediately felt intense rage and fear; I drank some water to try stop myself from vomiting. My smart watch showed my heart rate spike. I kept crossing the bridge, I didn't rip down the posters, I just took a photo. At the end I saw two men putting up more, smiling and joking about something, so I took a photo of them and walked off as quick as I could without making it seem like I was running. After all the discussions that day about campus security allegedly removing posters, and free speech, and the Vice Chancellor emailing over and over about both sides and calm political discussions, it really hammered home that no one really gives a shit about us, and our concerns are not valid

- University administrations denied my complaint against protesters using the chant 'intifada' on the basis that the word is context related and that the university was not responsible for my feelings. Being offered counselling after every complaint of racism made to the university - this reduces my pain and the effect of the antisemitism, means perpetrators are not held responsible, and puts the blame on me as though I am the one who needs to change because of my experience.

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-21"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
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# ANTISEMITISM IN THE CULTURAL AND CREATIVE INDUSTRIES

MONASH INITIATIVE FOR RAPID RESEARCH INTO ANTISEMITISM (MIRRA)

**Associate Professor David Slucki**
**Dr Lauren Chalk**
**Professor Paul Long**
**Noè Harsel**

MIRRA

MONASH University | AUSTRALIAN CENTRE FOR JEWISH CIVILISATION

1569

This report from the Monash Initiative for Rapid Research into Antisemitism (MIRRA) examines how antisemitism is affecting Australia's cultural and creative industries (CCIs). Based on interviews and workshops with artists, leaders and philanthropists, it reveals that many Jewish stakeholders now feel excluded, unsafe and professionally at risk. While recent global events have intensified these experiences, the findings also point to deeper structural issues across the sector.

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Finally, we would also like to acknowledge all Traditional Owners from all Aboriginal and Torres Strait Islander lands on which we conducted interviews, focus groups and workshops.


## NOTES ON TERMINOLOGY

In this report, we use the abbreviation “CCIs” to refer to the cultural and creative industries. Throughout the document, we use the terms “arts and cultural sector” and “cultural and creative industries” interchangeably to describe the same field. Additionally, we use the term “stakeholders” to refer to research participants who contributed to this study. The views expressed reflect participants’ individual experiences and do not represent entire communities.


## OUR SUPPORTERS

This research has been supported by a consortium of funders, including:

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We extend our thanks also to those donors who have asked to remain anonymous.

EXECUTIVE SUMMARY

# ANTISEMITISM IN THE CULTURAL AND CREATIVE INDUSTRIES (CCIs)

# EXECUTIVE SUMMARY

The Monash Initiative for Rapid Research into Antisemitism (MIRRA) has been established to better understand the nature and depth of antisemitism in Australia, and to develop best practices to combat it. This inaugural report presents the findings from research examining antisemitism within Australia's cultural and creative industries (CCIs).[1] Drawing from conversations with 64 interviewees and 31 attendees of workshops co-hosted with the Centre of Jewish Artists (COJA), including artists, philanthropists, arts industry leaders and representatives from major arts organisations, this research reveals significant challenges facing Jewish stakeholders in the sector following the Hamas attacks on Israel on 7 October 2023.

This research draws on literature and studies examining contemporary antisemitism globally and in Australia, including in the CCIs, to inform its analysis of how definitions of antisemitism are shaped and applied in research reporting (see: Lange et al. 2018; Campaign Against Antisemitism 2020; Gandel Foundation 2022; Mattsson et al. 2024; Union of Jewish Students 2024). In addition, relevant national anti-racism and sector-specific frameworks were reviewed to understand how antisemitism is currently recognised in practice (see: Australian Human Rights Commission 2024; Creative Australia 2023; Nexus Task Force 2024).

The research uses the concept of "ambient antisemitism" to better understand the issue within the CCIs. This term refers to a climate marked by anti-Israel hostility that, while not necessarily inherently antisemitic, creates an environment that feels unwelcoming and unsafe for many Jewish stakeholders (Boyd 2024). The research documents a dramatic shift in the cultural landscape, with one stakeholder noting: "I've never known this sector to be this divided and fractured" (Stakeholder A35). Although the landscape after 7 October was implicitly referenced and detailed by the majority of Jewish research participants as a catalyst for negative experiences in the sector — and remains the focus here, as evidenced by stakeholders' experiences — we acknowledge that some of these issues reflect longer-standing structural issues within the sector.

This research addresses key gaps in the study of contemporary antisemitism in Australia, which has been largely dominated by quantitative analysis, such as survey-based data. By capturing impact through in-depth conversations and documented stories from stakeholders across the sector, this qualitative approach enables a deeper understanding of antisemitism and its impact on Jewish artists, and in the CCIs more broadly.

## KEY FINDINGS

Jewish voices are often absent from diversity and inclusion efforts, with anti-Zionist discourse and online harassment contributing to ambient antisemitism. Many Jewish creatives have withdrawn from former networks or public roles, citing a sense of cultural homelessness. The report calls for stronger sector-wide recognition of antisemitism and clear, consistent strategies to support cultural safety for Jewish communities.[2]

## SYSTEMIC EXCLUSION FROM DIVERSITY FRAMEWORKS

The research reveals that despite the cultural sector's stated commitment to diversity and inclusion, Jewish stakeholders feel systematically excluded from prevailing diversity frameworks. This sense of exclusion exists within a broader context of structural inequities, rooted in long-standing patterns of exclusivity along race, class, gender and able-bodiedness, which have not only been experienced by Jewish stakeholders but also acknowledged by non-Jewish cultural leaders as issues that have persisted for years.

Recycled antisemitic narratives regarding perceived proximity to wealth, power and White privilege have contributed to perceptions among many Jewish stakeholders that they are not viewed as deserving of cultural sensitivity and care.

Jewish stakeholders report feeling betrayed by a sector they have historically supported and in which they have participated as artists, supporters and audiences. Many expressed that the sector's selective application of anti-discrimination ethics has amplified feelings of exclusion and hostility, with one stakeholder noting: "whether consciously or unconsciously, we feel left out of organisations' efforts to be more inclusive and diverse" (Stakeholder A1b).

## ANTI-ZIONISM AND POST-COLONIAL DISCOURSE

Anti-Zionist discourse has become deeply embedded within the sector's post-colonial framework.[3] This discourse resonates strongly within arts communities committed to decolonisation, and the centring of Indigenous voices and marginalised perspectives. Commentary has increasingly shifted from critiques of Israeli policy to framing Israel as "a white colonial project in the Middle East" (Stakeholder A10). This creates a hostile environment where Jewish stakeholders with diverse views on Israel find themselves collectively demonised.

[1] Our use of the term "CCIs" in the context of this report and its findings encompasses diverse practices and organisations that span the performing arts, such as theatre and comedy; music; visual arts; graphic design and architecture; print publishing and digital media; cultural heritage sites; galleries, libraries and museums (GLAM); television; film-making; festivals; creative research; government and philanthropic funding bodies; as well as researchers who deliver policy recommendations in this sector.

[2] We use the term "cultural safety" in line with its common usage within the sector, as seen in the work of organisations such as Diversity Arts Australia and the National Association for the Visual Arts (NAVA), while recognising the labour, knowledge and leadership of First Nations peoples in shaping and advancing this concept, particularly in addressing the systemic issues they continue to face in the CCIs. Our use of the term is not intended to dilute or distract from the pressing need for dedicated First Nations policy that supports and empowers a First Nations workforce in Australia.

[3] Anti-Zionism is a spectrum of ideas and attitudes towards Israel. Historically, within the Jewish world, it was opposition to the establishment of a Jewish state as the solution to antisemitism. After the establishment of Israel, anti-Zionism was often characterised by opposition to the centrality of Israel in global Jewish life. In the eastern bloc, anti-Zionism was used to justify a veiled attack on Jews by communist regimes. In more recent times, anti-Zionism typically denotes that Israel as a Jewish state ought to be abolished. The reasons for this are varied and complicated. Antisemitism can certainly intersect with anti-Zionism, although the latter is not inherently or necessarily antisemitic. The post-colonial shift in the arts and cultural sectors has led to a deeper reflection on White privilege and the impact of colonisation on First Nations people in Australia. It includes calls to "decolonise" the sector by centring Indigenous, minority and non-White migrant voices in storytelling and arts programming.

The timing of these tensions, with the 7 October attack occurring just one week before the Voice to Parliament referendum, created what stakeholders described as an emotionally charged environment where disappointment with the anticipated referendum result was channelled into an intensified focus on Israel. Many Jewish stakeholders feel that, with this shift, they are being held collectively responsible for the Israeli Government's actions, regardless of their personal political views.

Stakeholders identified a connection between the arts sector and academia, with several noting that higher education institutions serve as ideological incubators for anti-Zionist or anti-Israel views that then permeate the CCIs.[4]

## CULTURAL ACTIVISM AND ONLINE HARASSMENT

The research documents how social media platforms have become sites of political mobilisation and harassment within creative communities. Unmoderated digital environments have enabled the "amplification of hatred" (Stakeholder A7a), with calls to boycott Jewish-affiliated organisations and individuals gaining momentum online. Additionally, doxxing, threats, abuse and harassment have become the norm online.

Arts organisations report being overwhelmed by rapidly growing online campaigns that threaten employees, programming and operations, and they often lack the appropriate resources to withstand online harassment. In response, Jewish philanthropists withdrew funding to reduce potential risks, such as coordinated online harassment and doxxing, both to the artists they supported and to themselves as funders in this space.

A notable finding is that, within the sector, the line between artistic expression and political activism has become increasingly blurred, surfacing tensions over where the boundaries of artistic freedom lie within institutional contexts. This has created particular challenges for institutions balancing artists' political activism with their duty of care to staff, audiences, board members and funding partners. The challenge lies in "giving people spaces to express themselves" without enabling harm (Stakeholder A1b).

## JEWISH PHILANTHROPY

A significant finding concerns threats of cultural boycotts against Jewish philanthropic funding in the arts.[5] Antisemitic narratives about "wealthy Jewish families contributing 'Zionist blood money'" have circulated across creative circles, informed by harmful tropes about Jewish power, influence and control (Stakeholder A17). The research documents specific instances where Jewish philanthropists were forced to withdraw funding from cultural organisations and creative initiatives after being targeted by coordinated social media campaigns. These dynamics have created what one stakeholder termed "the weaponisation of generosity" (Stakeholder A35), where Jewish funders face a difficult choice between

[4] Anti-Israel attitudes tend to manifest not only as opposition to the government and its actions, but as opposition to the existence of Israel as a Jewish state.
[5] The research also notes cultural boycotts where Jewish artists' work was cancelled or the marketing was significantly scaled back, representing a form of cultural erasure that impacts Jewish artists regardless of their political views.

withdrawing support and potentially reinforcing antisemitic tropes around Jews wielding financial power for nefarious ends, or remaining engaged despite hostility towards them.

Jewish board members have faced similar challenges, with some resigning or reporting heightened anxiety or discomfort after being targeted by online harassment campaigns or receiving inadequate support from their organisation. These resignations have raised concerns within the broader Jewish creative community about reduced representation in organisational governance structures.

## PROFESSIONAL AND PERSONAL IMPACTS

The research documents the many negative professional and personal impacts on Jewish stakeholders:

**Career ramifications:** Loss of work opportunities, reduced networks and diminished motivation to pursue career development
**Cultural safety concerns:** Reluctance to attend performances or arts venues due to safety concerns
**Identity concealment:** Pre-emptive behaviours to hide Jewish identity or connections to Israel
**Psychological distress:** Heightened stress, feelings of professional homelessness and the impact of intergenerational trauma.

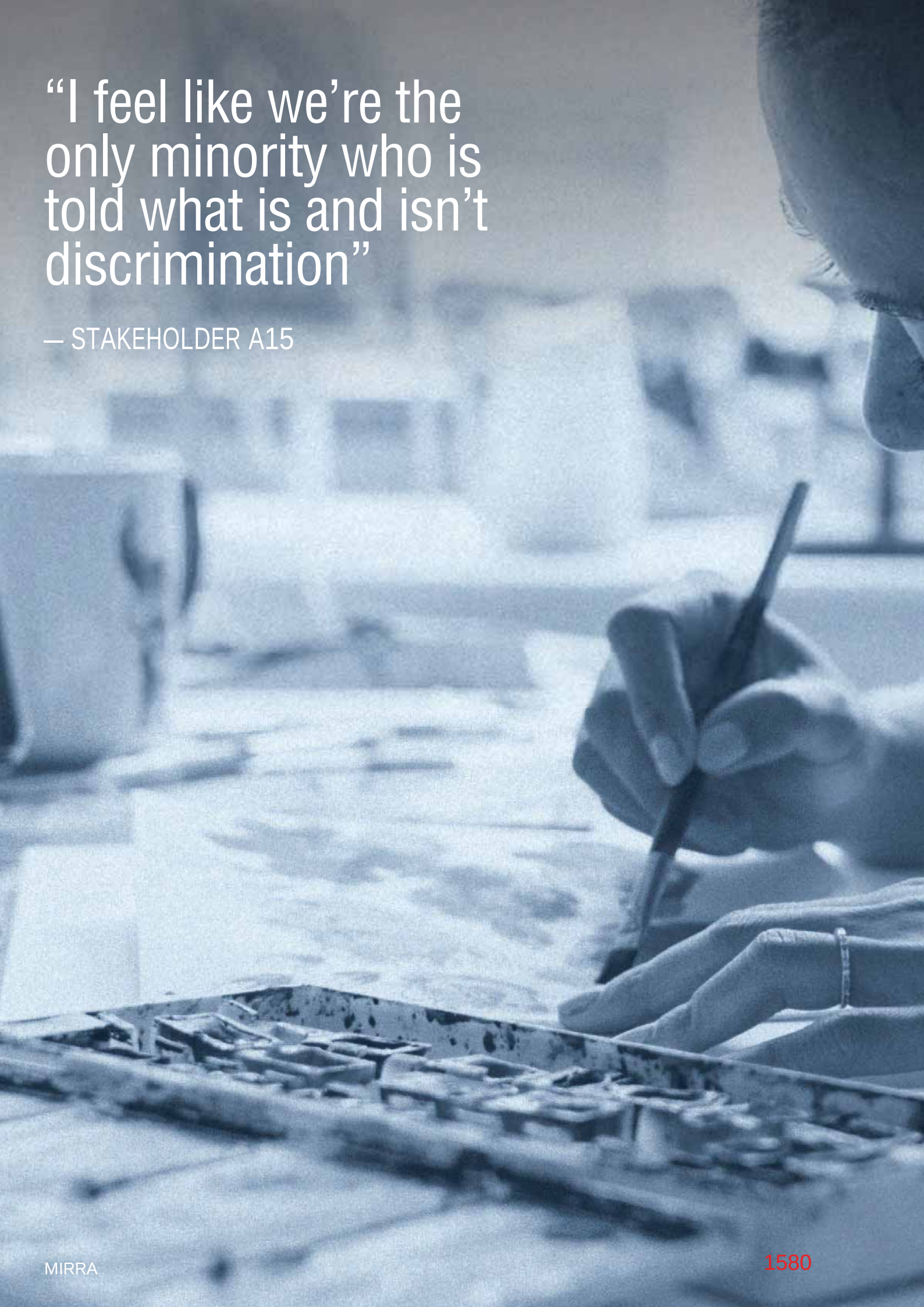
The research reveals specific instances of hostile workplace and professional network interactions. Many stakeholders described navigating “enemy territory” (Stakeholder A2b) and retreating from spaces that “once felt like home” (Stakeholder W1SN5.5). Some have pivoted entirely to Jewish cultural initiatives, creating tension between desires for safety and maintaining integrated relationships with the broader community.

## DEFINITIONAL AUTHORITY

A critical finding concerns who holds authority in defining contemporary antisemitism. Jewish stakeholders report being told by non-Jewish colleagues what does and does not constitute antisemitism, with one noting: “I feel like we’re the only minority who is told what is and isn’t discrimination” (Stakeholder A15). This dismissal of Jewish experiences manifests in various ways, including instances where Jewish stakeholders were expected to justify their understanding of antisemitism to non-Jewish colleagues (educated professionals) in the CCIs.

## STRUCTURAL ISSUES IN THE SECTOR

The research identifies how the sector’s structural challenges, including chronic under-resourcing, reliance on freelance and contract work, and limited organisational capacity, have amplified the impact of antisemitism on Jewish stakeholders. These precarious conditions have made Jewish independent artists and freelancers particularly vulnerable



“I feel like we’re the only minority who is told what is and isn’t discrimination”

— STAKEHOLDER A15

to professional exile and a reduction in their ability to sustain their practice and income.

The sector's fragmented structure, with complex relationships between governance, operational teams and contracted artists, has created vulnerabilities in managing indirect or remote relationships with artists. This has made it difficult for organisations to address harmful behaviour or provide adequate support to Jewish stakeholders when issues arise.

## CULTURAL HOMELESSNESS

A significant finding is the feeling of cultural homelessness among Jewish stakeholders, with many expressing a sense of exile from their former networks and spaces. This has led to increased orientation towards Jewish cultural initiatives and community spaces. The language used by stakeholders often evokes historical Jewish experiences, with references to the "ghetto" or "shtetl" indicating anxiety about the creation of insular creative spaces as a result of antisemitism.[6]

## IMPACT ON JEWISH CULTURAL ORGANISATIONS

The research reveals how Jewish arts and cultural and cultural heritage institutions have been impacted, facing internal pressure from the Jewish community regarding programming choices while grappling with concerns about institutional identity and long-term viability. For Holocaust education organisations, for instance, the current situation has prompted critical reflection about the effectiveness of historical approaches to antisemitism education. Many have shifted to welfare provision and are increasingly called upon to lead anti-antisemitism education efforts. Security has also become a heightened concern for many Jewish cultural organisations.

## IMPACT VS. INTENT

Given the harm felt by most participants, the findings and recommendations focus on impact rather than intent, acknowledging that even "ambient" or indirect antisemitism can have profound psychological effects, including negative impacts on emotional safety and wellbeing, equivalent to more direct experiences.

[6] Shtetl refers to a small town or village in Eastern Europe with a high proportion of Jewish residents. See: Shandler (2014).

# RECOMMENDATIONS

The following recommendations are grounded in the lived experiences of those most directly impacted and shaped through meaningful consultation with stakeholders. This participatory approach ensures the strategies reflect the realities, needs and insights of the community.

These recommendations are intended to guide leaders across state and federal government, the sector and individual institutions and organisations.

## RECOMMENDATION 01

# DEMONSTRATE ACCOUNTABLE AND COLLABORATIVE LEADERSHIP

Antisemitism in the CCIs is often enabled by unclear policies, inconsistent responses and a lack of accountability. Effective leadership is essential for addressing antisemitism and fostering cultural safety within the sector.

**1.1 Acknowledge past harms and gaps in leadership and frameworks**

1.1.1 Meaningfully acknowledge the harm evidenced by Jewish stakeholders' experiences

1.1.2. Develop clear and consistent guidelines for cultural safety that include Jewish experiences of antisemitism

1.1.3. Provide reassurance through visible commitment to addressing antisemitism within the CCIs

**1.2 Rebuild trust through dialogue and collaboration**

1.2.1 Leverage the creative community's skills to facilitate nuanced, empathetic conversations about the issue of antisemitism in the CCIs and its impact on stakeholders

1.2.2 Establish collaborative forums and cross-sector debriefs for sharing expertise and effective practices for addressing key challenges, including antisemitism, in the sector

# RECOMMENDATION 02

# EMBED CULTURAL COMPETENCY IN SECTOR-WIDE RESPONSES TO ANTISEMITISM

Building cultural competency around Jewish identity is vital for fostering safe, inclusive spaces. In progressive and artistic settings, antisemitism often appears subtly, requiring community-specific, trauma-informed approaches to address it effectively.

**2.1 Build trauma-informed, sector-specific responses to antisemitism**

2.1.1 Establish accountability mechanisms for addressing stakeholder harm, including training senior management in direct outreach approaches and ensuring serious consideration of concerns raised by Jewish employees, colleagues, partners and stakeholders

2.1.2 Use concrete examples of incidents that have occurred in the sector to demonstrate impact on Jewish stakeholders, rather than focusing on definitions of antisemitism

2.1.3 Implement educational programs that capture cultural specificities, including religious and historical connections to Israel, diversity of views on Zionism and intergenerational trauma of the Australian Jewish community

2.1.4 Address specific forms of antisemitism emerging from the CCIs, including doxxing, exclusion, harassment and targeting Jewish individuals, organisations and institutions

2.1.5 Develop educational workshops tailored to arts and cultural departments in universities, building on existing campus-based interventions with department-specific content

**2.2 Train for culturally safe and inclusive creative spaces**

2.2.1 Implement or revise cultural awareness training for leaders, organisations and institutions on the Australian Jewish community's diversity and practices, ensuring cultural competency training reaches all levels from governance to contracted artists

2.2.2. Address the particular sources and subtle expressions of antisemitism that emerge in progressive creative, arts and cultural spaces

2.2.3 Implement or revise training that emphasises how to respond when Jewish stakeholders share experiences of trauma or harm

**2.3 Consult on resource development and access**

2.3.1 Draw on existing databases, support networks and training resources for Jewish creatives and professionals experiencing discrimination

2.3.2 Consult Jewish arts and cultural organisations — such as the Centre of Jewish Artists (COJA), the Shalom Collective and the Sydney Jewish Museum — to effectively guide Jewish colleagues, staff and team members to appropriate resources and support

2.3.3 Consult diverse Jewish stakeholders to expand or adapt existing initiatives and training resources such as the Creative Equity Toolkit (Diversity Arts Australia) and Creative Workplaces (Creative Australia)

## RECOMMENDATION 03

# STRENGTHEN SECTOR RESILIENCE THROUGH STRATEGIC POLICY REFORM

Strategic policy reforms are key to ensuring consistent, accountable responses to antisemitism across CCIs and clarifying responsibilities for fostering inclusive, culturally safe environments.

**3.1 Strengthen institutional accountability and governance**

3.1.1 Outline clear remits and responsibilities for all stakeholders at every level of cultural institutions and organisations — from board members to contractors — through explicit policies, guidelines and frameworks

3.1.2 Develop adaptable templates for policies and frameworks that can be tailored accordingly

3.1.3 Ensure internal alignment between different teams and management levels in institutional approaches and responses

**3.2 Revisit cultural safety guidelines**

3.2.1 Establish or expand cultural safety guidelines to encompass emotional safety and trauma-informed approaches to Jewish experiences of antisemitism

3.2.2 Outline the responsibilities that accompany creative freedoms and ensure that principles regarding political discourse and expression are applied consistently

**3.3 Manage digital platforms**

3.3.1 Address the growing influence of social media in shaping institutional responses by developing strategies to manage rapidly growing online campaigns that threaten employees and operations

3.3.2 Create or update policies that promote thoughtful engagement in online spaces, supported by training and education to implement long-term cultural shifts regarding online interactions

3.3.3 Develop or enhance organisational guidelines and social media policies for managing online discourse

## RECOMMENDATION 04

# CENTRE JEWISH LIVED EXPERIENCE AND DIVERSE PERSPECTIVES

Building cultural competency around Jewish identity is vital for fostering safe, inclusive spaces. In progressive and artistic settings, antisemitism often appears subtly, requiring community-specific, trauma-informed approaches to address it effectively.

**4.1 Elevate Jewish lived experience in sector response**

4.1.1 Ensure Jewish voices are at the heart of creating solutions to the issues and experiences that they encounter in the sector, rather than applying outside approaches that may not reflect their experiences

4.1.2 Acknowledge the emotional and cultural load for Jewish participants who design, contribute to and deliver education programs on antisemitism

**4.2 Embrace diversity within Jewish communities**

4.2.1 Build awareness about the diversity within Jewish communities regarding Israel, Zionism and responses to antisemitism

4.2.2 Create space for differing viewpoints while maintaining commitment to safety and inclusion

4.2.3 Ensure diverse representation in decision-making teams and processes, including in interpreting what constitutes harm[7]

[7] This should be informed by broader diversity and inclusion frameworks, aligned with ratified or legal definitions of antisemitism, and consistent with an organisation's overall cultural values and mission

# CONCLUSION

The research reveals that antisemitism in Australia's CCIs is a systemic issue, exposing contradictions in the sector's values around cultural inclusion, diversity and the importance of lived experience. Many stakeholders attributed their experiences to "unconscious antisemitism", which is a lack of understanding that certain views are harmful or damaging, resulting in the perpetuation of harm without anticipating the consequences[8]. This framework does not preclude conscious hostile intent, but emphasises that the focus should be on addressing impacts experienced by Jewish stakeholders rather than debating motivations.

The findings emphasise that addressing antisemitism requires both acknowledging Jewish stakeholders' capacity to define their experiences and implementing practical solutions that create genuinely inclusive environments. As one stakeholder noted: "If someone is offended and hurt and upset and feels that [something] has happened to them, then that has happened to them – it's about impact, not intent" (Stakeholder B24).

The creative community's capacity for empathy and nuanced dialogue positions it well to lead constructive responses to these challenges. However, this requires sustained commitment to trauma-informed approaches, meaningful community consultation and recognition that creating truly inclusive spaces means ensuring Jewish stakeholders feel safe, valued and heard.

Success will be measured not only by policy changes but by whether Jewish artists, creatives and cultural professionals can participate fully in Australia's cultural life without fear, concealment or professional ramifications. The sector's response to these findings will determine whether it can fulfil its stated commitment to being a place for every story and ensuring every Australian can contribute as creators of culture.

[8] See: Mattsson, Andersson Malmros and Sager (2024)

FULL REPORT

# ANTISEMITISM IN THE CULTURAL AND CREATIVE INDUSTRIES (CCIs)

MIRRA

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# OVERVIEW OF FULL REPORT

Established by the Australian Centre for Jewish Civilisation (ACJC) in late 2024, the Monash Initiative for Rapid Research into Antisemitism (MIRRA) is a quarterly series of studies that seeks to understand the causes of antisemitism in Australia, and how it harms Australian Jewry and Australian society more broadly. Each study aims to provide a root cause analysis of why antisemitism occurs so that governments, institutions and individuals can better understand the roles they play in minimising its impact. This first report stems from the inaugural MIRRA project focusing on the arts and culture sector, with an eye to developing strategies that effectively address contemporary antisemitism in the cultural and creative industries (CCIs).

One of the pressing challenges facing Australia's cultural and creative arts sector is navigating the heightened tensions following the Hamas attacks of 7 October 2023 and Israel's subsequent assault on Gaza. In that time, the sector has experienced a notable strain in relationships between institutions and their artists, and supporters and internal leadership, as many arts organisations attempt to manage their various stakeholders who have a range of attitudes and relationships to Israel and Palestine. As one interviewee for this project notes: "I've never known this sector to be this divided and fractured" (Stakeholder A35).

Through grassroots initiatives, notably open letters, social media posts and campaigns, artists from various creative industries came together to declare their support for Palestinians and their condemnation of Israel in the days after 7 October before Israel launched its campaign in Gaza. Many Jewish creatives, artists and cultural professionals were "reeling" (Stakeholder A12b) from the news from Israel, receiving reports from friends, family members and loved ones about the unfolding situation. Initial distress was soon followed (compounded or at times eclipsed) by intense feelings of shock and confusion as colleagues, peers and friends, including individuals who run or work in arts organisations, posted their reactions online:

> And then it happened…this tsunami feeling of being completely overwhelmed [and] thinking: "Oh my god" (because of the pogrom nature of [the Hamas attacks]) and because by October 8th everyone said: "Oh, they had it coming to them." (Stakeholder A12b)

For some, the silence or apathy exhibited by certain industry peers in the aftermath of the attacks was made all the more jarring by the context in which the violence occurred:

> I just remember when I heard about it – [the Hamas attacks took place] at a music festival…I just couldn't believe that the music industry was silent. (Stakeholder A15)

In the days that followed, there were hints that polarised discourses surrounding Israel-Palestine would emerge on a much larger scale, not only confined to online spaces, but playing out visibly across Australia's creative arts and cultural landscape. On 9 October 2023, hundreds of demonstrators waved Palestinian flags to protest a decision to light up the Sydney Opera House in the colours of the Israeli flag in a statement of solidarity.

> People were waving burning Israeli flags at the [Sydney] Opera House and chanting. And whether it's: "Fuck the Jews" or "Gas the Jews" [or "Where's the Jews?"] is immaterial – it's violent. (Stakeholder A9)

This protest signalled how these arts, cultural and creative spaces have become arenas where discourses surrounding the Israel-Palestine conflict are performed and contested. When deciding whether to issue public statements or internal communications regarding the unfolding situation in the Middle East, or when responding to positions taken by those within their networks or institutional settings, many arts and cultural organisations entered reactive crisis management mode, convening emergency or after-hours board meetings. These, at times, took place with key decision-makers absent or overseas, or without consulting community representatives from the impacted parties.

> I think a lot of organisations made statements quite reactively…without necessarily considering the wording very carefully. That wording led to a lot of pain in the Jewish community – organisations that artists had dedicated ten years of their life to working towards, all of a sudden, without consulting anyone in the organisation (let alone any of the Jews that they work with) [made statements]. (Stakeholder A1b)

> The impression you get is boards coming together at 10[pm] at night, panicking… scrambling to try and get their position right. And they went from one extreme to the other extreme and, in the process, they hurt everyone. (Stakeholder A22b)

The recent reversal of the decision by Creative Australia to reinstate artist Khaled Sabsabi as Australia's Venice Biennale representative after concerns about two of his previous artworks resulted in his contract being rescinded, along with the ongoing legal repercussions faced by the Melbourne Symphony Orchestra for cancelling a performance by an artist after they made onstage comments about the war in Gaza, highlight that risk management in the arts sector has been a major challenge for leaders and institutions trying to balance the often-competing needs of their different constituents effectively (see: Cmielewski 2025).

As creatives, artists and staff in the cultural sector engage with discourse around Israel, Gaza and Palestine, institutions are balancing freedom of expression with creating culturally safe and inclusive spaces in their venues, workplaces and board meetings.

> There's a lot of pressure…[cultural and arts organisations are] getting smashed from all sides, in terms of the positioning on Israel, on Jews and on artists, and how to separate art from artists, and how to deal with people getting up on stage, making political statements, upsetting people and creating unsafe environments. (Stakeholder A5b)

Such points of tension have seen Jewish board members and philanthropists stepping away from arts-cultural organisations in response to programming decisions, and to the institutional handling of calls for boycotts and online harassment of Jewish artists, funders and arts workers. Internal and public backlash to key incidents has resulted in significant organisational strain, as well as career ramifications and severe personal tolls on artists and those in positions of leadership. As one stakeholder noted: "I started getting death threats. I was not used to getting that kind of attack. I'm not a politician. [I'm] someone who was managing an arts organisation" (Stakeholder B23). These organisational impacts provide an important contextual foundation for the findings of this preliminary report, which focuses predominantly on the impacts of the sector's management of discourse surrounding the Israel-Palestine conflict. This engagement has created conditions that have led to the emergence of antisemitism and anti-Jewish hostility, often linked to anti-Israel discourse, with significant consequences for Jewish stakeholders within the CCIs.

# ABOUT THIS REPORT

This report presents urgent insights into the lived experiences of Jewish stakeholders as well as professionals and board leaders in the CCIs. We draw on their voices from interviews and focus groups with 64 participants, as well as a series of workshops with 31 attendees co-hosted with the Centre of Jewish Artists (COJA) to analyse key themes that highlight the causes and impacts of Jewish experiences of marginalisation and discrimination in the sector and evidence of impact. Our aim is not to label any specific incident as antisemitism or not, but to better understand the implications of Israel-Palestine discourses within workplace and sector-wide contexts. This benefits not only Jewish stakeholders who are the focus of this report but also prompts reflection on what it means to foster an inclusive and culturally diverse arts and creative sector.

The qualitative findings of the project raise broader concerns about how discrimination is recognised and addressed, particularly when antisemitism falls below the threshold of overt exclusion or is otherwise unquantifiable, yet is articulated strongly through stakeholders' testimonies. While the quantifiable impact of reduced creative output by Jewish artists is yet to be measured, the findings presented in this report highlight the urgency for an empathy-led and trauma-informed approach, one that focuses especially on impact, not only intention, to address the experiences outlined by Jewish stakeholders in the CCIs.

This research addresses a critical gap in the study of antisemitism that is dominated by quantitative analysis and survey-based approaches. While some recent work has explored cultural responses to antisemitism — often focusing on media narratives or prominent Jewish figures (e.g., Sutcliffe 2024 on the UK) — there remains a lack of attention to grassroots, affective expressions within Jewish creative communities. This study takes a different path by centring the lived experiences and voices of independent Jewish creatives and artists. In doing so, it not only acknowledges their perspectives but places them at the heart of our analysis and recommendations for moving a divided sector forward.

# METHODOLOGY

## RESEARCH AIMS

The project's research aims were to:

- explore how antisemitism manifests within Australia's CCIs
- identify the conditions that contribute to the emergence of antisemitism within these settings
- investigate how the experiences of Jewish artists, creatives and cultural professionals with antisemitism can inform the adaptation of existing frameworks and resources in the creative and cultural sector to more effectively address antisemitism.

Conversations with research participants were guided by the project's overarching research aims, with indicative or guiding interview questions for Cohort A and B centred on the following themes:

- how participants understand and describe antisemitism
- if, how, when and where participants experience antisemitism (i.e., the settings and instances where antisemitism occurs)
- the personal and professional impacts of antisemitism on those who experience it, including their behavioural or emotional responses
- how participants perceive and interpret the current strategic priorities of their organisation or institution related to cultural diversity, equity and representational practices
- how participants understand antisemitism is currently being addressed at both organisational and individual levels
- recommendations for strategies and/or frameworks to identify and address antisemitism in the creative and cultural industries.

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## RESEARCH PARTICIPANTS

The selection of stakeholders for this research project was guided by the dual aim of exploring Jewish experiences in the arts and cultural sector and identifying practical solutions to address antisemitism within this industry. Our selected stakeholders span a wide range of creative, cultural and arts spaces, including institutions that sustain Australian arts, culture and heritage, providing a comprehensive perspective on the intersection of antisemitism within the creative and cultural industries. In alignment with the spirit of Australia's national cultural policy, Revive, and its commitment to recognising the "contributions of all Australians as the creators of culture" (2023: 18), this project uses a broad definition of the CCIs. Our use of the term "CCIs" encompasses diverse practices and organisations that span the performing arts, such as theatre and comedy; music; visual arts; graphic design and architecture; print publishing and digital media; cultural heritage sites; galleries, libraries and museums (GLAM); television; film-making; festivals; creative research; government and philanthropic funding bodies; as well as researchers who deliver policy recommendations in this sector. Our stakeholders have been selected to represent two distinct but interconnected cohorts:

**Cohort A: Jewish artists, creatives, cultural industry professionals, organisations and philanthropists**
Engaging with this cohort is key to developing a deep understanding of the challenges Jewish stakeholders face in their workplaces, networks and creative-professional settings, including the impact of the sector's engagement with discourses related to Israel-Palestine.

**Cohort B: Representatives of Australian creative bodies, cultural spaces and institutions (not explicitly identified as Jewish)**
Engaging with this cohort ensures broad representation across creative sub-sectors to better understand both the impact and conditions of the sector's engagement with Israel-Palestine discourses. These stakeholders – representatives of creative organisations and cultural institutions not explicitly identified as Jewish – are selected because they may benefit from greater support in addressing antisemitism, having been involved in or impacted by recent incidents. This engagement provides an opportunity to help organisations better incorporate antisemitism awareness into their frameworks.

These categories are intended as guiding frameworks rather than fixed classifications, reflecting the fluid and complex realities of the sector, including the diverse roles and practices of its many stakeholders. For example, many representatives or leaders of arts organisations also maintain a personal creative praxis. In some cases, Jewish stakeholders participated in the research as representatives of arts or cultural organisations categorised under Cohort B (i.e., institutions not explicitly identified as Jewish). Conversely, we also engaged with non-Jewish representatives working within Jewish cultural spaces. By focusing on these two cohorts, this research aims to bridge the gap between the lived experiences of Jewish creatives and the institutional structures that shape these experiences within the broader arts and cultural sector.

The views and experiences of Australia's Jewish community are diverse, and we have attempted to capture that diversity in our research. To this end, we sought to speak to a broad cross-section of artists and institutions that reflect these different understandings of antisemitism and its impact on the CCIs. These include Jewish artists who feel that antisemitism has deeply affected their livelihood and artistic practice, and others who see antisemitism as not a serious phenomenon in the arts community or in Australian life more broadly. Among this group are artists and creatives who see public discourse around antisemitism as a distraction from the more urgent task of advocating on behalf of Palestinians and other marginalised groups.

> With all due respect, this project is a distraction because there's no antisemitism in the arts. There's a lot of structural issues within the arts and for artists — queer artists, Black artists, Brown artists, non-white artists, Jewish artists, white artists, all sorts of artists — to access things, but that's not a problem of antisemitism. (Stakeholder A8b)

> I've seen a lot of racism, sexism, transphobia – but I haven't seen antisemitism. (Stakeholder A19a)

This research endeavours to capture the complexity of the structural issues involved in understanding how antisemitism emerges and operates in the sector, focusing on its impact on Jewish stakeholders, while also considering how these dynamics intersect with broader systemic challenges within the creative and cultural sector.

# RECRUITMENT

## INTERVIEWS AND FOCUS GROUPS

Potential stakeholders were approached to participate in this project through an email invitation, with contact information solicited from a public domain source or from the participants themselves. The project also used a snowballing approach to recruitment. Many stakeholders gave referrals by recommending other people in their networks who they thought might be interested and suitable to participate in the project. Potential stakeholders were invited to a one-hour interview, either in-person or online. With informed consent (confirmed verbally before the commencement of conversations), these interviews were recorded (for in-person, audio recording; for online, audio-video recording) for transcription and subsequent analysis. Interviews and focus groups took place between mid-March and early June 2025.

## WORKSHOPS

As part of this project, we partnered with COJA to capture the voices of the Jewish creative community. To this end, we invited COJA members, recruiting participants through the centre's community networks and channels, to participate in a group workshop exploring shared experiences of antisemitism in their professional lives as creatives and artists. We hosted three workshops in total (one online and two in-person) in early April 2025.

## QUALITATIVE METHODS

This project takes a qualitative approach through interviews, focus groups and workshops to explore how our research participants interpreted and articulated their experiences within the context of the CCIs. In Australia, researchers have previously used qualitative methods to investigate the Jewish community's experiences of antisemitism and their opinions on its sources and solutions (see: Creese 2018). By applying this approach to the creative and cultural industries, this research uses a qualitative methodology to understand how stakeholders interpret their lived experiences and articulate their thoughts and feelings about antisemitism in their own words.

## INTERVIEWS AND FOCUS GROUPS

In-depth, semi-structured conversations are often used by researchers to engage with their research participants on a deeper level, to understand their "experiences, opinions, attitudes…behaviours or predictions" (Rowley 2012: 261-2). In light of the sensitive subject matter, we approached these interviews as "contextualised conversations" to build rapport, adopting an "informal and emergent" style that contrasts with more formal ethnographic interviewing (Stage and Mattson 2003: 97-8).

## WORKSHOPS

Inspired by methodological approaches in contemporary qualitative research (see: Baker, Cantillon and Evans 2023, 2024), workshops were structured around activities to encourage conversation in response to the project's overarching research questions. Workshop attendees were provided with physical and virtual materials (e.g., paper, e-documents and sticky notes) to record their responses to activity prompts from the workshop facilitators. These materials were requested or collected (with consent) for data analysis. These activities aimed to help participants process their thoughts and articulate themselves, while providing the project with qualitative data. As one workshop attendee commented: "It's a nice way to process – it can be really cathartic" (Stakeholder W3A1.5). The workshops were designed with remedial intent, providing participants with what one attendee described as an opportunity to "offload the burden" (Stakeholder W1A1.3) in a safe environment that encouraged candid self-expression.

Through group activities and informal conversation, this participatory and collaborative approach aimed to capture participants' lived experiences, inspire dialogue and reflection between attendees, and foster a sense of community. A key outcome of the workshops was a participant-created manifesto on cultural safety and inclusion, outlining how to create culturally safe and inclusive spaces for Jewish artists in Australia based on their experiences and perspectives. The recommendations of this report draw from these collated suggestions.

## DATA ANALYSIS

We used thematic analysis (see: Clarke and Braun 2006) to transcribe and code interview, focus group and workshop data to identify recurrent themes and narratives. Once organised into themes and subthemes, stakeholders' articulated experiences revealed patterns that could be broadly categorised as causes (or conditions) and impacts, helping to distil key discussion points for the preliminary report.

## ETHICAL CONSIDERATIONS

In line with procedures outlined by the Monash University Human Research Ethics Committee (MUHREC), all stakeholders received an explanatory statement and consent form ahead of their participation. The former outlined potential emotional and reputational risks, including discomfort for Jewish stakeholders (Cohort A) recounting personal or professional experiences, and concern among cultural sector representatives (Cohort B) regarding public perceptions of their organisation's responses to antisemitism.

Potential participants could choose (via the consent form) whether they, as an individual and/or representative of an organisation, and their affiliated organisations were named in the publication of the research data and findings. Where anonymity was preferred, names and organisational identifiers were removed and/or referred to generically. Potential participants were informed that, although full anonymity

could not be guaranteed in all cases, every effort was made to de-identify individuals and organisations in the project's outputs. For this preliminary report, all participant quotes have been de-identified to ensure consistency and ease of reading. Organisations discussed or referenced by participants are identified generically, and participants are cited using generic "stakeholder" designations to protect their identities while maintaining the integrity of their contributions.

# CONCEPTUAL FRAMEWORK

# AMBIENT ANTISEMITISM

For many stakeholders, 7 October 2023 created a shift in how they understood their place in the arts and creative landscape, namely their placement and navigation of its networks and spaces, while marking a definitive turning point in how they view the prevalence of antisemitism in Australia. As one stakeholder (A35) explained: “I thought that I lived in a world that was largely free of antisemitism.” Referring specifically to antisemitism in the arts, another noted: “I was one of those glass-half-full people who thought: mate, no way – it doesn’t exist” (Stakeholder A23). The post–7 October landscape was referenced by the majority of Jewish research participants as a catalyst for negative experiences in the sector and remains the focus here.

Stakeholders were asked to define or describe antisemitism in their own words or as it pertains to their own experiences. A Jewish creative working in an arts advisory organisation (Stakeholder B10), noted that antisemitic incidents can be mapped on a “spectrum” from “microaggressions to full-out violence”. Adapting typology created by Keller and Galgay (2010: 249), microaggressions might include the “denial of antisemitism experience”, which occurs when personal experiences of antisemitism are minimised or denied, often described by many Jewish stakeholders as a form of gaslighting (see: Johnson et al 2021). Notable incidents of antisemitic violence in Australia since 7 October 2023, including the firebombing of the Adass Israel Synagogue in Melbourne and the arson attack on a Jewish child care centre in Sydney, demonstrate that antisemitism continues to pose a deadly threat to Jewish individuals and communities.

In the context of the CCIs, the evidence presented in this report focuses on experiences of antisemitism that do not cross the “threshold” into physical violence and criminality (see: Sengul and McSwiney 2024). Much of the reported antisemitism is unquantifiable, yet it is strongly conveyed through the lived experiences of stakeholders. These observations raise broader concerns about how antisemitism is recognised when it is abstract or difficult to measure, or when its impacts are felt in embodied ways as “a mild sense of unease that’s sitting in my system” (Stakeholder B10) or “a constant sense of being discriminated against and whether it’s reality or not, I just don’t know” (Stakeholder A15).

As creatives, artists and professionals in the arts and cultural sectors engage with discourse on the Israel-Palestine conflict, many Jewish participants described antisemitism as difficult to disentangle from anti-Israel sentiments: “A lot of antisemitism is directed at Israel at the moment” (Stakeholder A12a) and “instead of Jew-hating, it’s Zionist-hating” (Stakeholder A21). According to the Institute of Jewish Policy Research (UK), “ambient antisemitism” is characterised by incidents such as “defacing or tearing down posters of Israeli hostages, that, whether strictly antisemitic or not, create a broader milieu that feels threatening and hostile to many Jewish people” (Boyd 2024). The current climate of anti-Israel hostility within the sector, although not necessarily or inherently antisemitic, has created an environment that feels unwelcoming, unsafe or unsettling for many Jewish stakeholders interviewed for this project. As one stakeholder (A37) explained: “I didn’t actually feel anyone was going to attack me, but I felt attacked so deeply to the core of who I am [which] is being Jewish.” Such concerns speak to the concept of cultural safety – principles of which are outlined

in various reporting on creative and cultural engagement, especially for racialised and minority groups (see: A New Approach 2024; Australian Human Rights Commission 2024) and the creation of spaces free from "challenge or denial of identity" (see: Diversity Arts Australia 2019 and Victorian Government 2024 on cultural safety for First Nations people).

The reported feelings of ambient antisemitism (as articulated by various stakeholders) help to contextualise and bridge the gap between their lived experiences of unease and the documented incidents of overt exclusion within the CCIs and violent antisemitism beyond the sector:

> Nobody has personally commented or said something directly to me… it's just more in the air… I can't say I'm experiencing direct antisemitism [but] it's probably been more than in the air because there've been real physical incidents. (Stakeholder A16)

For many Jewish stakeholders, their personal negative experiences in arts and cultural spaces are compounded by the circulation of anecdotes within the Jewish creative community. One stakeholder (A1b) noted: "I've heard a number of stories [that] has created a feeling in me that Jews [are] not receiving grants, prizes or things based on the fact that they're Jewish. [I] feel like I internalise that in some way." While one stakeholder described their experience of antisemitism as "all-consuming" (Stakeholder W1SN3.7), others drew attention to the implications of a "hyperfocus" (Stakeholder A32) on antisemitism within the Jewish community, which can intensify feelings of vulnerability and victimhood. This shapes how Jewish creatives and artists navigate their broader networks, often requiring the investment of significant emotional labour, while surfacing divergences in how Jewish stakeholders think and talk about antisemitism:

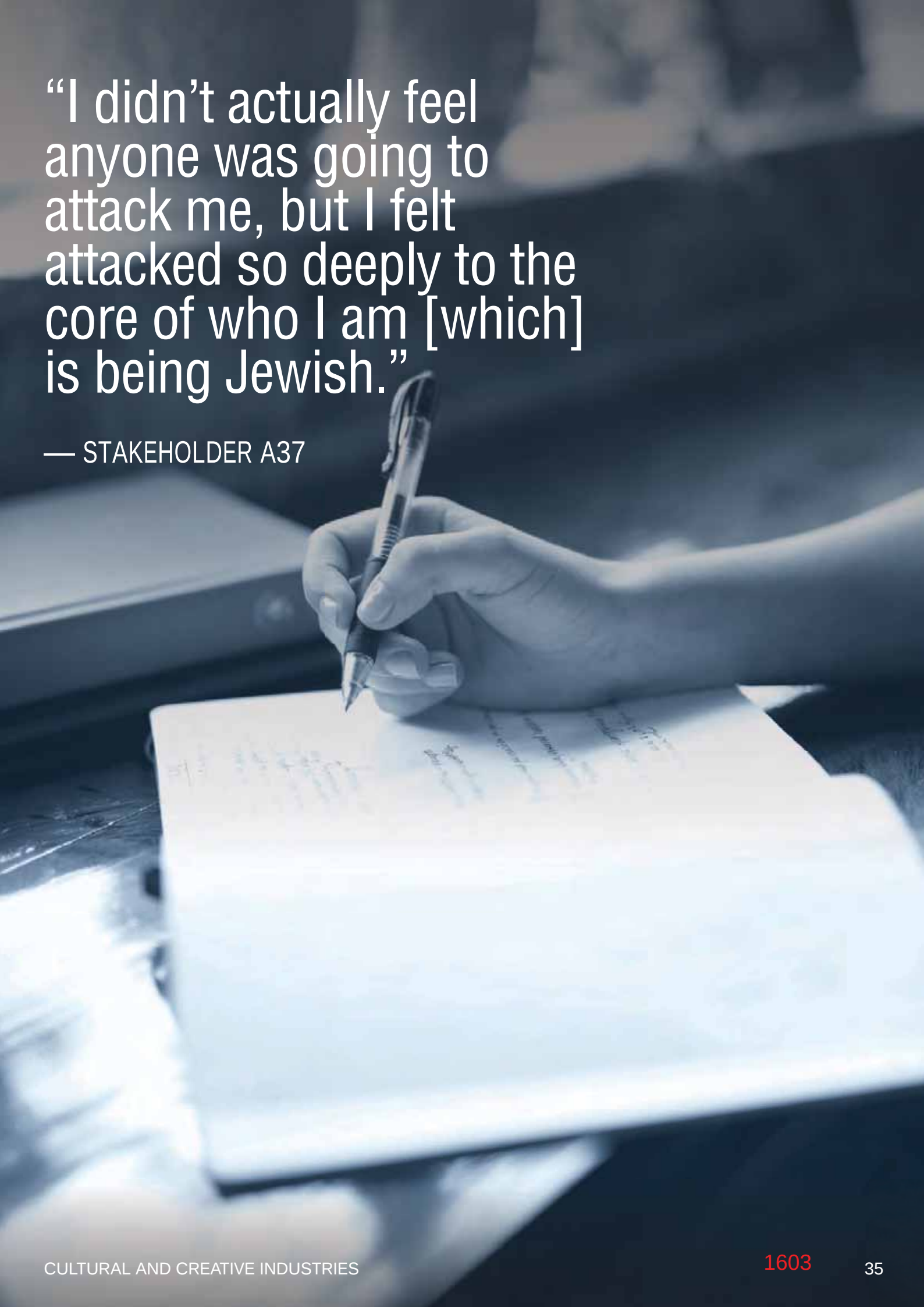
> I'm also worried that we — as a community — are spending too much energy worrying about antisemitism. We are allowing it to become the centre of gravity of our communal identity and existence. (Stakeholder A6a)

> I think that some commentators [on antisemitism] who have felt more intimidated, it is partly to do with their perception rather than the reality. I grant that [it] is legitimate, but I'm wary of creating a narrative that suggests that antisemitism is rife and violent and all-consuming. (Stakeholder A11a)

It is important to recognise that even when antisemitism is described by stakeholders as ambient, its psychological impact can be as profound as more direct experiences. One stakeholder (A28) noted: "I remember my psychologist said [to me] one time: 'It doesn't matter if something is real or imagined, the psychological impact can feel the same'." This captures a key tension in these discussions: the challenge of quantifying non-overt or indirect antisemitism. Other reporting on antisemitism within the CCIs similarly uses the term "indirect" to describe the experiences of Jewish artists and creatives who encounter hostility in their sector (see: Artists Against Antisemitism UK, n.d.). Stakeholders described various forms of this indirect experience. As another stakeholder reflected: "the antisemitism that I've encountered from organisations [is] very subtle and very covert, which only makes the feelings of ostracisation even more difficult to

deal with" (Stakeholder W3A1.10). Since its expression is often subtle or coded, such experiences are easier to deny, downplay or dismiss, reinforcing plausible deniability within the sector and enabling those unwilling to acknowledge its impact to dismiss these experiences more readily. Finally, to recognise an ambient antisemitism, consisting of indirect encounters with discrimination and general feelings of hostility, is not to discount the overt experiences of antisemitism reported by stakeholders. As one stakeholder (A12b) noted: "Well, maybe you haven't experienced [antisemitism] but other people are and it feels pretty real." At the heart of many of these conversations lies a growing concern among Jewish stakeholders that they are not entrusted with defining the parameters of antisemitism — what constitutes an act, incident or a statement that "feels very antisemitic if you're Jewish" (Stakeholder A9) — which raises critical questions about who holds authority in naming harm:

> I feel like we're the only minority who are told what is and isn't discrimination…the number of conversations I've had where I've been told "this isn't antisemitism and this is why." You can't tell a minority what is or isn't discrimination [against them]. (Stakeholder A15)



“I didn’t actually feel anyone was going to attack me, but I felt attacked so deeply to the core of who I am [which] is being Jewish.”

— STAKEHOLDER A37

# AFFECT

Affect provides a productive lens for examining how antisemitism shapes both the personal and professional lives of stakeholders. Conversations with several research participants across both cohorts surfaced intense emotional responses. For many non-Jewish and Jewish stakeholders we spoke with, these issues and experiences are confronting and existential. They evoke strong emotional responses, not only to the rise of antisemitism globally and in Australia but also to its impact within their professional and personal lives. The ongoing violence in the Middle East further intensifies these feelings. These affective responses are often non-verbal (e.g., tearfulness or pauses to compose oneself) but can also be inferred from explicit references to emotions:

> [October 7th] had a massive impact on me, psychologically and emotionally. And, to be honest, how am I at the moment? I'm not sure. I feel like I'm going off the rails a little bit. (Stakeholder A2b)
> Look, I feel like crying. I'm absolutely devastated. (Stakeholder A9)

Affective frameworks, which emphasise the role of emotion and feeling (Reckwitz 2012), offer deeper insight into these impacts, such as the perceived shrinking of professional and creative networks or heightened feelings of marginalisation and "otherness". This conceptual lens affords "space and serious treatment" for the "personal, embodied and emotional" (Lowry 2019: 190), thus allowing us to identify instances of antisemitism that cannot be quantifiably measured. Through affective methodologies, this research centres lived experience and takes seriously the claims of antisemitism that emerge from our research because "all claims of antisemitism made by Jews, like all claims of discrimination and oppression in general, should be given serious attention" (Nexus Task Force 2024). In doing so, our methodological approach draws attention to and responds to a recurring sentiment expressed by many stakeholders, namely the trivialisation of their experiences within and by the sector:

> I can't think of a different community, whether it be religious, cultural, race (or whatever), where their lived experience isn't held at the highest regard…[whereas] my lived experience doesn't matter. (Stakeholder A15)

Waxman, Schraub and Hosein (2022: 1805) note that "the lived experience of people dealing with antisemitism matters. Perceptions of antisemitism are not a conclusive sign of antisemitism, but they must be treated seriously and not dismissed as mere bad faith: they are a crucial trigger for further investigation." As with any other aspect of cultural awareness, if someone experiences something as harmful, discriminatory or hostile, that experience should be acknowledged and taken seriously. Beyond serving as a valuable lens for examining the impacts of antisemitism (or hostility emerging from anti-Israel sentiment) on Jewish stakeholders within the CCIs, affect also provides a conceptual framework for analysing the emotional conditions that can give rise to such hostility, which are not necessarily underpinned by malicious or exclusionary intent. Alacovska and Bissonnette (2021: 135, 141) observe that creative workers engage in a "diverse array of practices of care arising from an affective concern with the well-being of [even unknown] others", such as expressions of solidarity with oppressed groups. Speaking to the affective impulses and

underpinnings of care within the creative and cultural industries, one stakeholder (A2b) noted that those who are drawn to the arts "care about the soul, they care about feelings, they care about equality".

Recognising the sector's orientation towards and capacity for "solidaristic affectivities" (Alacovska and Bissonnette 2021) helps to ease the often-perceived tension between art and activism — a recurring theme among many stakeholders interviewed for this project — by aligning with and reinforcing the sector's inherent or expected ethics of care. It is this expectation of care that is so often acknowledged as motivating many creatives' engagement with Palestinian advocacy, but is observed as absent when it comes to the Jewish experiences of suffering. Speaking to this perceived disparity, Stakeholder A21 observed their response to an unprogrammed statement made by actors on stage in November 2023:

> If the actors had come out with a sign that said "Peace in the Middle East" that would have been fine. But in saying "We support solidarity with Gaza," they are acknowledging the pain of one by completely denying it to the other. Those artists were being humane and showing their humanity for the Palestinian people, which is wonderful, but why is your humanity not extending to the victims of October 7th?
>
> [A response from one theatre patron was:] "before I take out my subscription, I want to know that we're going to feel safe and welcome here" and that's absolutely all that our audiences are asking for. And, you know, what Israel does to the Palestinian people is appalling, but [there is no acknowledgement that] October 7th happened. People were sitting in that theatre and they felt unsafe. "We don't care about what happened to you. We don't care about October 7th. We don't care about the hostages." (Stakeholder A21)

This particular anecdote reflects recurring themes voiced across several stakeholder discussions: The expectation of empathy from industry peers for the victims of 7 October, heightened by preconceived ideas about the sector's capacity for inclusion and cultural awareness; the emotional pain experienced by Jewish stakeholders when that empathy is absent, which often registers as exclusion, discomfort, and/or unsafety; and the recognition that arts and creative settings are inherently politicised, with many stakeholders demonstrating an expansive empathy that includes recognition of Palestinian suffering. As one interviewee observes, "all sides are in pain [but] the progressive artists are only taking one side's pain" (Stakeholder B30) – a perception that, for some, reflects not just a lack of empathy for the victims of 7 October, but a deeper sense that their peers lack care or concern for Jewish people who are struggling to process these events and their aftermath. It is arguably this observed "inconsistent concern for the suffering of others" (Arnold and Taylor 2019: 21) that better explains many participants' experiences of antisemitism – one that is not necessarily motivated by anti-Jewish hatred, but stems from a place of concern and care for Palestinians:

> The people that I encounter in this sector have deep concern with what's happening in Palestine and Gaza [and] it is horrible what's happening, but it has become really taken up by the sector in a way that other tragedies haven't. (Stakeholder A31)

Many of the responses reported by Jewish stakeholders, such as "one-sided statements" (Stakeholder B30) in the immediate aftermath of 7 October, reflected a sense of dehumanisation: "they never saw Jews as real people" (W3SN4.7). In the context of their interviews (or relaying of professional encounters), some have felt compelled to appeal for empathy — for others to simply recognise their humanity — not as a denial of the suffering experienced by other communities, but because such empathy is often perceived as not being extended to them. One stakeholder recounted being in a room among peers who work for a major arts organisation and "having to stand in front of them, very aware of the gaze, having to plead my innocence, having to do a little bit of Shylock, to try and bring our humanity back to an equal place" (Stakeholder A2b). Anecdotes like this one reflect deeper individual and communal perceptions of a persistent thread running through historical and contemporary forms of antisemitism, namely being "othered."

Using affect to consider the impact rather than the intention of these political discourses, we can better move from negotiating definitions and focus on the lived experience of antisemitism. This conceptual lens makes space for both the empathetic strategies of numerous individual artists and creative workers who have engaged in activism to support Palestinians, and the evidence from Jewish creatives, artists and cultural workers who are experiencing hostility, discrimination and exclusion. This approach also expands collective understanding of antisemitism to encompass expectations of empathy, safety and recognition of cultural sensitivities informed by identity and collective memory, including intergenerational trauma in Holocaust survivor communities in Australia, while not discounting the legitimate concerns and activism of those advocating for Palestinian rights, safety and self-determination.

# FINDINGS

This section of the report is divided into an analysis of the conditions and impacts of antisemitism in the CCIs, as inferred or otherwise expressed in stakeholder discussions across both cohorts.

# CONDITIONS

The first section on conditions (causes) presents key themes that emerged from discussions with stakeholders across both cohorts (A and B), highlighting the distinctive ways antisemitism manifests within the cultural, creative and arts sectors. These themes shed light on sectoral practices and responses that may have contributed to perceptions or experiences of anti-Jewish discrimination. They include perceived shortcomings in diversity and inclusion frameworks, the framing of anti-Israel discourse as part of a global post-colonial endeavour and the online cultural activism of artists and creatives beyond institutional control.

These challenges reflect a sector grappling with limited capacity, resources and competing priorities. Reactive approaches often reveal the fragility — or even absence — of clear and consistent due process, and the need for some organisations to re-evaluate the working relationships between governance, operational teams and artists. The implications for a sector reliant on contracted and freelance work resound loudly in conversations with stakeholders, some of whom have highlighted the difficulties of managing indirect or "remote" (Stakeholder A10) relationships between their organisations and artists. Others have reflected on whether the challenges their organisation faced might have been avoided through "better internal communications between our freelance work population and full-time employees" (Stakeholder B24), for example.

These issues highlight underlying vulnerabilities in a sector already described as "challenging at the best of times" (Stakeholder A2b), where organisations face constrained budgets and increasingly scarce resources (Stakeholder A35). As many organisations and independent creatives struggle to find opportunity in a sector that is chronically under-resourced, recurring concerns (especially among freelancers and independent artists) include financial insecurity or vulnerability (Stakeholder A14; A28) and the struggle for viability (Stakeholder B10) within a competitive sector. These structural issues form some of the precarious conditions of the sector that have heightened impact on Jewish independent and freelance artists through: (1) professional exile and reduced ability to sustain practice, livelihoods and income, and (2) the targeting of Jewish philanthropy in the arts sector.

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## THE LIMITS OF INCLUSION IN DIVERSITY FRAMEWORKS

Strategic priorities in the creative arts and cultural industries are largely centred on improving representation, recognition and accessibility for minoritised groups and communities – and creating safe work practices towards this end. There is broad, collective recognition of the need to make creative workplaces, spaces and programming more inclusive through cultural diversity and safety initiatives. Despite the rhetorical commitments of many key organisations, bodies and leaders in the sector, some note a disconnect between diversity, equity and inclusion frameworks in theory and in practice. This disconnect is particularly evident in the reflections of Jewish stakeholders who have worked within major cultural institutions and later recognised that "those policies, policies, policies meant nothing on the ground" (Stakeholder A14).

Several participants framed antisemitism in the sector as both stemming from and contributing to the exclusion of Jewish people from prevailing diversity frameworks. Jewish individuals can feel excluded from inclusion efforts within the sector, as one interviewee explained: "whether consciously or unconsciously, [we] feel left out of organisations' efforts to be more inclusive and diverse" (Stakeholder A1b). Another stakeholder reflected on this sense of misrecognition: "We don't belong. We're 'other' in the wrong way. [We don't have] the right kind of 'otherness'" (Stakeholder A16).

This exclusion is underpinned by recycled antisemitic narratives about Jews' perceived proximity to wealth, power and White privilege, which have led the majority of stakeholders to believe that the sector does not view Jews as a "subjugated minority" (Stakeholder A2b). Consequently, in a sector that is "all about supporting the underdog" (Stakeholder A21), Jewish stakeholders feel they are not afforded the same cultural "sensitivity or care" shown to other minorities (Stakeholder A18), specifically because they are "[seen] as a successful minority" in Australia (Stakeholder A23). These perceptions are further reinforced by persistent antisemitic tropes within the arts community itself. Stakeholder A12b, for example, recounted anecdotal evidence of a former employer (a non-Jewish leader of an arts and cultural organisation) who repeatedly referred to a so-called "Jewish art mafia."

Despite antisemitism being a long-standing topic of concern among many non-Jewish practitioners and professionals in the CCIs — "since October 7, I don't think there's a day I haven't had a discussion about [antisemitism]" (Stakeholder B33a) — many Jewish stakeholders express a general sentiment that governing bodies, organisations and sector leaders remain reluctant to address it directly. This reluctance is often framed as a matter of "risk management" (Stakeholder A1b), tied to concerns that prioritising Jewish concerns, particularly when not explicitly linked to other forms of racism or discrimination, might be perceived as coming at the expense of other communities. Some have encountered these attitudes first-hand in their workplaces or during efforts to engage in outreach within the creative sector:

> Every single time it comes up at the board meeting [that] we need to reach out to our Jewish community… how the company needs [a] strategy to [welcome back] the Jewish community, [one of our board members says]: "Well, what about the other communities?" (Stakeholder A21)

> I've had lots of questions like…"Why isn't there a Palestinian version of [what you are doing]? How can we run a Jewish cultural safety seminar if we're not doing one about Palestinians?" (Stakeholder A1a)

A critical tension lies in the expressed sentiment among stakeholders that a sector that actively champions diversity in lived experience and identity has failed to adequately address (or, at times, listen to) the concerns of Jewish artists, creatives and arts professionals. It reveals feelings of betrayal and accusations of the sector's hypocrisy: the fact that the arts are rhetorically positioned as a progressive sector, inherently and primarily committed to anti-racism and anti-discrimination

ethics. This is what one stakeholder (B30) referred to as “the irony of the arts.”

Many Jewish stakeholders feel they have been integral to the perceived success of multiculturalism in the arts, often serving as representatives of cultural diversity by “diversifying” (Stakeholder A3a) the teams and settings they have worked in. For example: “I was the only Jewish [board member], right? At the time, I saw it as great and I think everyone else saw it as great” (Stakeholder A3b). The sector’s selective framing of its commitment to not tolerating exclusionary practices against minority groups or individuals amplifies the felt effects of exclusion and hostility that many Jewish stakeholders have encountered.

## ANTI-ZIONISM AND POST-COLONIAL DISCOURSE

Many participants recognise that anti-Zionism, as a means to advocate for the rights of Palestinians, is considered an accepted and acceptable discourse within the arts and cultural sector. This discourse resonates strongly within the arts owing to the sector’s ideological commitments to decolonisation (such as reflexivity regarding White privilege and interrogating the colonial legacies of European settlement on First Nations people in Australia) and calls for symbolic decolonisation by centring Indigenous, minority and non-White migrant voices in creative storytelling and arts programming.

In a sector where such ideas are normative (see: Grieves 2025), commentary within the artistic and creative community about Israel-Palestine has increasingly shifted from a critique of Israeli military policy to focus on “Israel itself as a white colonial project in the Middle East” (Stakeholder A10) and the “sentiment that Israelis [are] colonialists” (Stakeholder A16). While criticism of the nation-state as a concept (not limited to Israel) forms part of a broader critical discourse surrounding colonial structures, some stakeholders have identified the particular hostility reserved for Israel within this discourse as a contemporary expression of historical patterns of discrimination against Jewish communities: “whatever is most hated at the time, that is ‘the Jews’. And I think the thing that is most hated now is colonisation and therefore that’s what Jews are” (Stakeholder A21). This shift facilitates the targeting (typically online) and exclusion of many Jewish creatives and artists and their work from arts spaces, peer networks and workplaces based on their ethnicity, cultural background and assumptions about their political positioning.

The 7 October attack occurred just one week before the Voice to Parliament referendum, creating what some stakeholders noted as an emotionally “fertile” (Stakeholder B24) environment in which disappointment over the anticipated referendum outcome intensified focus on Israel as a colonial-settler project.

In discussing the application of a blanket “coloniser narrative” (Stakeholder B26) to Zionism, several stakeholders have noted a connection between the arts and academia in Australia. The sentiment expressed by many stakeholders is that higher education institutions, namely universities and their organisations, serve as ideological incubators for anti-Zionist or anti-Israel views under the guise of

decolonising pedagogy and political activism. As one stakeholder observed: “all the anti-Israel rhetoric and politics is growing and growing and growing within universities” (Stakeholder A2b). Another stakeholder reinforced this perspective, noting: “it all comes from academia” (Stakeholder A35).

This report surfaces a conflation — or at times a symbiotic relationship — between antisemitism and anti-Israel or anti-Zionist discourses in the CCIs, where, as one stakeholder (B26) observed: “No one would acknowledge they were being antisemitic.” For many stakeholders, however, anti-Israel discourse or anti-Zionism registers as an inherently anti-Jewish discrimination (i.e., it targets them in their identification as Jewish).

> We’re one and the same, a lot of us – when you’re talking about Zionists, you’re talking about Jews. (Stakeholder A22)

> If you’re anti-Israel, that’s one thing, but if you’re anti-the-people-who-are-for-Israel – well, that’s me, because I’m a Jew. (Stakeholder A1a)

What many participants seem to be saying is that they are being targeted because of their connection to Israel, which, for many Jews, forms a core part of their sense of Jewishness. They are, they feel, being held collectively responsible for the actions of the Israeli Government, whether or not they support that government. Some Jewish stakeholders, however, do not equate Zionism with their sense of Jewish identity and, as such, have claimed to not have experienced antisemitism in their creative circles and workplaces; for example, “I am not Zionist [and] I have not seen a whiff, a gust of wind of antisemitism. I’ve never seen anything that would be problematic at all [and I’m] incredibly Jewish” (Stakeholder A19a). Stakeholders’ anecdotes are revealing of blanket assumptions (or stereotypes) whereby Jewish individuals are treated as a monolith, leaving little conceptual space afforded for nuanced or critical perspectives on Israel or Zionism:

> I think when you’re lumping a group of people together and making an assumption about them, you’re in slightly dangerous territory… There’s generalisations that happen to the point of a feeling of exclusion. (Stakeholder A16)

The reality is that, like any community, Jewish stakeholders hold a wide range of political views and should be understood as individual political actors, not as representatives of a single position or view. Across the sector, antisemitism is often detected in interactions where Jewish individuals feel obligated to assert their positionality or distance themselves from presumed political stances or affiliations. Several stakeholders noted that this particular scrutiny plays out in their professional settings, where employers seek to assess the validity of online claims about the perceived risks of employing Jewish arts and creative professionals; for example, suspicion over whether they might show bias and exclude pro-Palestinian voices from their programming:

> There was a level of social media critiquing me (as a Jewish Australian) making decisions about programming [in the arts organisation]. I can only view it as antisemitic because I have never

> publicly discussed my views on Israel's action in Gaza since October 7th. (Stakeholder A10)

> [When our organisation announced] our program, there was this huge, huge, huge undertaking of crisis comms [because] I was an issue that needed to be accounted for and dealt with. Everyone is scrambling to deal with the Jewish problem [because] the person who had created the program [was Jewish], therefore, was potentially going to put the event at risk. (Stakeholder A15)

For some, the intensity, described as "laser-focused" (Stakeholder A33b), of an anti-Israel discourse within their networks is deeply unsettling, registering as a form of exceptionalism for this particular geopolitical issue. There was notable commentary on the spectrum of how stakeholders understood Zionism, with several Jewish stakeholders observing what they perceived to be deliberate or malicious repurposing of the term within the sector.[9] One stakeholder noted that the term has been "twisted" to equate with negative social conditions, such as colonialism, apartheid and White supremacy (Stakeholder A17). The disputed understandings of the term within the non-Jewish community and personal meanings of Zionism among Australian Jews are summarised by one interviewee: "the definition of Zionist to me [is] believing Israel has a right to exist, but to other people, it means land-grabbing and abusing Palestinians and murdering. That's not what it means to me" (Stakeholder A21). This contrast is further illustrated by another Jewish stakeholder who explained: "I do believe you can be, like, Zionist and pro-Palestinian – you can believe in Palestinian statehood and sovereignty, and also the existence of a Jewish state" (Stakeholder A28). Stakeholders also observed a growing permissibility of vilification and incitement to violence directed at those who identify (or have been identified) as Zionists based on their Jewish identity:

> [After 7 October] certain phrases and language were okay, and then it has become more and more extreme where now people can say: "all Zionists deserve to die." (Stakeholder A15)

It is the reported lack of nuanced understanding (or intentional repurposing, for some) of the term and its meanings for Jewish stakeholders that has surfaced hostile interactions and the normalisation of dehumanising language or incitement to violence in their professional and creative circles. A Jewish creative managing a non-Jewish arts organisation (Stakeholder B10) relayed an experience of networking socially with fellow creatives when one artist spoke about the importance of respecting everybody's humanity, "and then she said: 'except Zionists. I want to kill all Zionists'". While it is broadly acknowledged among research participants that there is an important distinction to be made between antisemitic and anti-Zionist rhetoric, since many Australian Jews identify as Zionist (or have a personal or familial connection to Israel), the impact of such vilification ought to be considered in light of this fact. This is not to marginalise the views of those in the Jewish community who oppose Zionism as a concept (or debate its centrality to Judaism), but to recognise that the normalisation

[9] One research limitation is that stakeholders were asked to define antisemitism but not Zionism. This question would likely have elicited explicit and diverse responses from Cohort A, as inferred from subsequent dialogue with interviewees and workshop attendees.

of dehumanising language creates settings in which many Jewish stakeholders feel unsafe, and social matrices in which antisemitism is more likely to emerge.

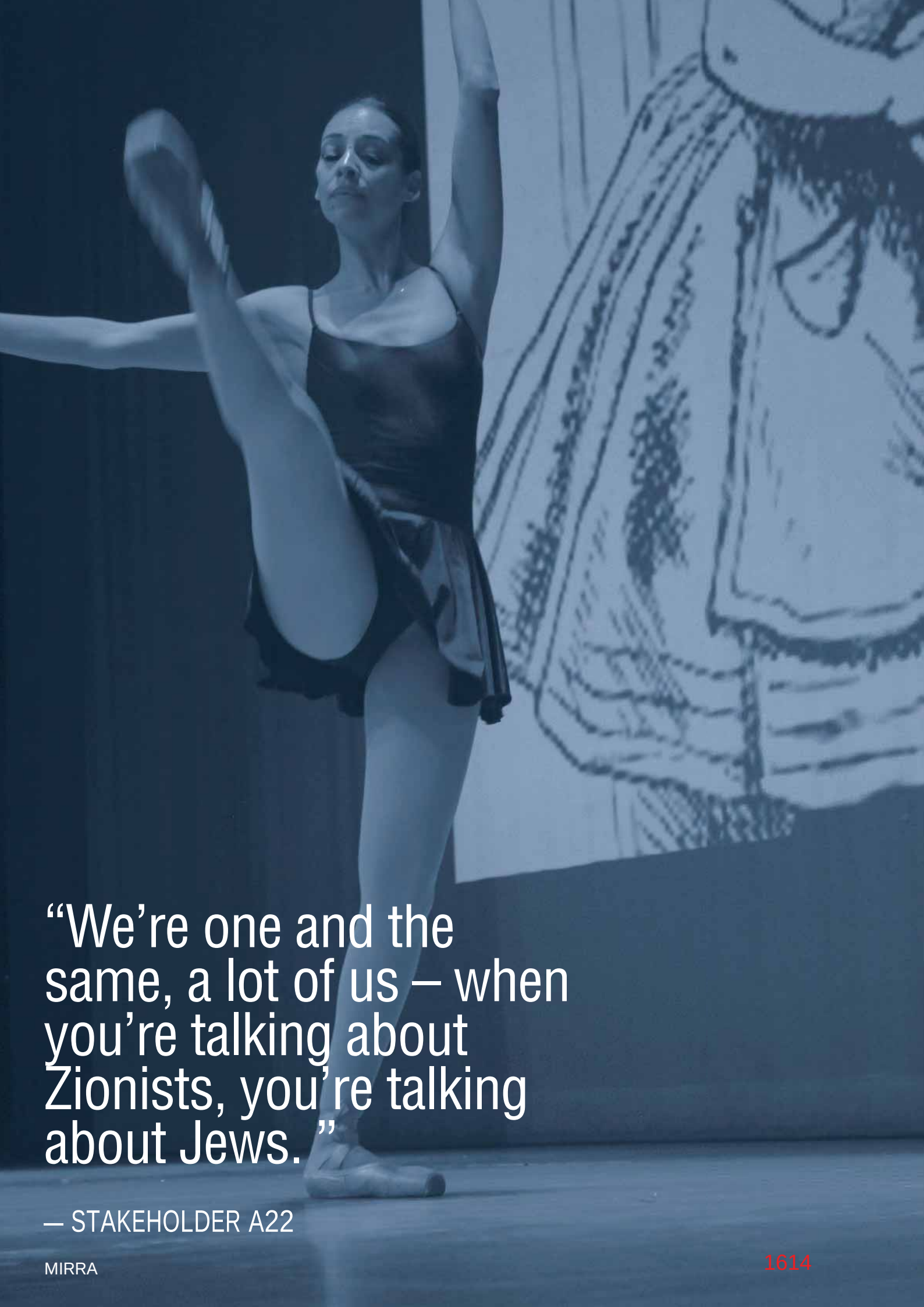
Many stakeholders' experiences point to the growing normalisation of antisemitic tropes embedded in anti-Israel rhetoric. In the words of one stakeholder (A28): "I don't think everyone who's pro-Palestinian is inherently antisemitic or anti-Israel, [but] there is often such a bleeding between them." The following exchange is indicative of this overlap, while capturing the emergence of "a feeling of antisemitism" (Stakeholder A9b) as an affective response triggered by familiar antisemitic tropes that are regularly incorporated into anti-Israel or pro-Palestinian advocacy and discourse:

> Stakeholder A9b: I had an experience where I went into a toilet stall after a rehearsal and there was an anti-Zionist sticker in the bathroom — I don't know who the person was, but it was an image of a stereotypical overweight Chabadnik guy on a blue-and-white background with a big red cross through it.[10]
>
> Stakeholder A9a: I can provide context: there's a very famous video of a guy who stole a person's house [in Palestine]
>
> Stakeholder A9b: This is where it gets complicated — I'm not following all this stuff. I walk in and experience a feeling of antisemitism, because that's all I see…when there's nothing written to provide context and you just see that image on a toilet stall after rehearsal — that's what it feels like.

Loeffler (2020: 40-1) notes that it is not necessarily the content of an anti-Israel, anti-Zionist or pro-Palestinian stance that determines whether it is antisemitic, "but the *context* in which criticism occurs" (emphasis added). For example, while the regular rallies organised by the Free Palestine Coalition outside the State Library of Victoria are not antisemitic — although "disconcerting" (Stakeholder A9) for some Jewish stakeholders, especially when considering that some protestors have engaged in antisemitic rhetoric — the example perhaps becomes more complex when considering the institution's traditional philanthropic support or the subject matter of its exhibitions and programming.

In late October 2023, a collective of creatives afforded fellowship funding from the philanthropy of the Sidney Myer Fund released a statement online in solidarity with Gaza. A freelance Jewish artist (Stakeholder A2b) commented on this action, noting that this "major art award" (the Sidney Myer scholarship) is awarded by a philanthropic organisation "that was set up by a Jewish family. And suddenly all the Sidney Myer Creative Fellows [are] getting together to write a statement". What can we infer from the fact that the stated commonality among this group — aside from working in the creative and arts sector more broadly — is their affiliation with a collective named after (and shaped by the legacy of) a Jewish patron of Australian arts and culture?

[10] A follower of the Chabad Lubavitch Hasidic movement, an ultra-Orthodox religious (Hasidic) form of Judaism



“We’re one and the same, a lot of us – when you’re talking about Zionists, you’re talking about Jews.”

— STAKEHOLDER A22

## CULTURAL ACTIVISM AND CREATIVE-POLITICAL EXPRESSION

As creatives, artists and staff in the cultural sector engage with discourse around Palestine, questions have emerged among stakeholders about whether activism and political expression are an inherent component of artistic expression and practice, or of the sector at large.

> It's a very political industry… and it attracts a lot of people who are very politically engaged… people who are drawn to political activism are also drawn to the arts as a way of practicing their political activism… The industry has absolutely been taken over by political activists, not artists. (Stakeholder A2b)

In an industry where "freedom of expression has always been held at the highest levels" (Stakeholder A17), a notable tension arises around defining the boundaries of an artist's creative freedoms within institutional contexts. While artists often self-identify (or are recognised) as "dissenters [or] political envoys" (Stakeholder A16), institutions carry responsibilities, especially when artists are employees or recipients of government funding.

> We work with a lot of independent artists [who] are very outspoken… they tend to be quite far away from "the establishment". And so we're in a situation where [we are connected to] the main stakeholders (the state government [and] institutions) and we're working with very independent artists. And so we're at the nexus between these two worlds. (Stakeholder A10)

For many stakeholders across both cohorts, the notion of institutional neutrality or apoliticality (an already debunked notion for some) is increasingly being challenged by these dynamics. This includes not only questions around how organisations respond to political and social issues, but also a broader rethinking of whether it is appropriate (or within their remit) for arts organisations to position themselves as spokespersons on matters of current affairs.

> We're not going to be able to solve Middle Eastern politics and, quite frankly, we shouldn't try to because we're a [performing arts] company in Australia… what surprised me was some of the expectations of what some people felt we could or should do, or in fact, were capable of [doing]. (Stakeholder B24)

Many stakeholders in Cohort B, for instance, emphasised the importance of allowing for artistic freedom (inclusive of political commentary or activism) while ensuring organisational responsibility and due diligence when it comes to organising and hosting an events program, cultural production or performance. In an organisational context, balancing the demand for freedom of expression with a duty of care to audiences, staff and board members has become increasingly urgent. Regarding the stage and programming, the key challenge (as outlined by various stakeholders) lies in "giving people spaces to express themselves" (Stakeholder A1b) without enabling harm. One stakeholder noted that harm is not necessarily the issue, but rather that the stage itself, for example, is not the appropriate platform for any political stance:

> But when people go to the [theatre] and the play [has] nothing to do with the Middle East and the actors come out wearing the keffiyehs... I just don't see the reason for that in the arts – it's not what we're about. There will be places where that discourse can occur, but that's not appropriate to hijack something that's got nothing to do with anything political. (Stakeholder A9)

Such comments regarding freedom of expression reflect a broader tension within the sector — not confined to any single geopolitical issue — but rather concerning how to create space for difficult or nuanced conversations while ensuring respectful dialogue that does not veer into "hate speech, intimidation or promotion of [extremist views]" (Stakeholder A17) or antisemitism. A key challenge for the sector has been balancing support for artists, creatives and staff with pro-Palestinian views, while sanctioning anti-Israel discourse that uses dehumanising language, antisemitic tropes or otherwise threatens the safety of audience members. To this point, one stakeholder (a Jewish creative worker in an arts organisation) noted their approach to setting expectations among contracted artists or performers, surfacing another tension that emerged across stakeholder discussions: Where do we draw the line between safety and comfort, and who determines what qualifies as an "unsafe" setting, program or statement?

> Look, if you wish to speak your mind, we understand that art is political and that we absolutely accept that, and people do have the right to state their opinions… but if you create an environment that's unsafe in a way that is really unsafe – it can be uncomfortable, but we won't accept hate speech, any kind of riot, any potential violence and any extreme disrespect to both community groups and individuals. (Stakeholder A10)

Crucially, while arts and cultural organisations at times grapple with defining and regulating the boundaries of artistic freedom, the online space allows for its immediate and unrestricted expression, often exempt from institutional oversight, management or intervention. The online space has become a key site for political mobilisation among creative communities and artist groups. It is where calls to boycott organisations, events and funding bodies perceived to be complicit in the suffering of Palestinians have gained momentum. These unmoderated digital environments are an inescapable part of the contemporary creative landscape for many users. They are often "potent" spaces where people "feel least accountable for how they express themselves" (Stakeholder A1b) that can lead to the "amplification of hatred" (Stakeholder A7a). What becomes increasingly clear through conversations with stakeholders is that the "negative impact of social media cannot be understated, particularly within the arts" (Stakeholder A7a).

The online space — particularly social media — has become the most active arena for artists' activism, including the initiation of boycotts targeting Jewish board members, professionals and funders affiliated with cultural and arts organisations. These efforts often take the form of coordinated social media activity, such as tagging institutions, sharing petitions and amplifying calls for institutional accountability. It is also an unregulated zone for discourse and calls to action, including incitement to harass Jewish individuals identified as "Zionists" or having affiliations with Israel, and one that many arts organisations lack the capacity or

oversight to manage safely or in a timely manner. As a result, these organisations can become overwhelmed by rapidly growing online artist movements that threaten to disrupt their programming, operations or reputational standing. One arts organisation faced "serious boycott potential" from artists protesting its funding from a Jewish philanthropist, noting that "there was a lot of noise becoming louder and louder" on social media, creating a "high risk situation" (Stakeholder A10). In response to these "insidious and underhanded" online attacks, the philanthropist and their team chose to withdraw funding to minimise risk for the arts organisation, which lacked "the resources to withstand" an online attack (Stakeholder A22b). In some instances, the social media activity of Jewish professionals working in arts institutions, such as engaging with posts about Israel-Palestine or challenging perceived misinformation about the conflict, has been cited by other artists as evidence of ethical misconduct and reported to their affiliated institutions or organisations as grounds for investigation, disassociation or boycott.

## IMPACT

This section examines the impacts of the sector's engagement with discourse on Israel and Palestine on Jewish creatives, artists and professionals working in the arts who participated in this research. For many Jewish stakeholders (individuals and organisations), the "professional ramifications" (Stakeholder A18) include loss of work, networks, income, revenue and opportunity. Psychological impacts include diminished motivation — "I've found it very difficult to be creative" (Stakeholder W3SN5.7) — to pursue career development pathways (such as applications for jobs and project funding) and increased concerns for safety in engaging with the arts. Various stakeholders referred to the "Zio600" doxxing incident in which the names, professions, locations and contact details of 600 Jewish creatives in a WhatsApp group chat were circulated on social media: "I was doxxed. I was in that group, you know, the 'Jew list' — people love making lists of Jews" (Stakeholder A15).

Regardless of whether these safety concerns are realised, they are "undermining our ability to fully engage in our profession" (Stakeholder A1a). Some also reported a noticeable impact on their physical and mental health, for example, stress, weight-loss and the "return of anxiety and panic attacks" (Stakeholder W1SN4.1). Overall, the root causes of such impacts, described by one stakeholder (A25) as "pernicious", are difficult to state definitively or quantify for several stated reasons:

> It's very hard in the arts to specifically say they didn't get that job because they were Jewish. (Stakeholder A22c)

> [Was] the reason people were [not] coming to [the Jewish event] because of a cultural boycott of Jewish culture? [Or] did we do a good enough job at marketing? (Stakeholder A6a)

> I've creatively been pretty stunted, but it's been impossible to know if that's because of antisemitism or just how depressing the whole situation is with the war. (Stakeholder 39a).

Three core narratives related to impact emerged from our research, highlighting key themes that shape the experiences of Jewish stakeholders in the arts and cultural sector: (1) cultural boycotts of Jewish creatives and professionals (and their work), and the circulation of antisemitic tropes related to Jewish funding of the arts; (2) growing concerns around cultural safety, often manifesting in the dismissal of concerns about platforming or programming anti-Israel perspectives, or hostile interpersonal interactions with colleagues and industry peers, or in withdrawal and exclusion; and (3) feelings of cultural homelessness among Jewish participants within professional and creative spaces (arts venues, workplaces and networks) across the sector.

We can also note that antisemitic discourses operating at higher levels (such as those targeting Jewish philanthropic institutions) have a trickle-down effect on independent Jewish artists and creatives. These narratives about philanthropy not only shape how individuals in the broader cultural sector perceive and engage with Jewish artists (e.g., discrimination, exclusion, antisemitic comments), but also influence how these artists navigate their professional and creative spaces, often with increased anxiety or self-censorship stemming from a hostile or unsettling environment (or expectation of).

## CULTURAL BOYCOTTS

The funding, programming and governance decisions of certain arts organisations have come under increased scrutiny as some creative workers and artists protest what they perceive as the sector's complicity in Palestinian suffering and the silencing of Palestinian voices or their advocates within the creative arts community. At times, this has resulted in the threat or enactment of a boycott of Jewish philanthropists, board members and artistic producers/creative programmers. For example, an independent Jewish creative working in the performing arts sector faced online rumours accusing them of trying to cancel a pro-Palestinian event: "a ridiculous, absurd accusation because how am I going to do it?" (Stakeholder A15). In response to the rumours, the organisation they were working with initiated an internal investigation involving "months of auditing" their emails and social media, with no regard for their mental wellbeing or other personal ramifications.

Key incidents involved an artist-led online boycott on social media aimed at pressuring organisations to remove Jewish board members identified as "Zionist" or having pro-Israel sentiments over concerns about their influence on programming decisions or, in some cases, simply on the board. In one instance, a board member of an arts organisation became the target of an online harassment campaign after being publicly identified as a Zionist by artists on social media. The individual received hostile direct messages and saw multiple posts tagging the organisation and accusing them of supporting Zionism through having this individual on the board: "There were a couple of comments from other artists I knew saying: 'How dare you have a Zionist on the board?'" (Stakeholder A3b). Despite the public targeting, there was initially no outreach from the organisation's leadership — "there was no empathy" (Stakeholder A3b) — until an urgent board meeting was called days later, which appeared more focused on protecting the organisation's reputation with artists than addressing the board member's concerns:

> [I was] trying to explain to them what I'd gone through, what antisemitism was, [but] the message was: You are affecting our reputation with artists. Artists are allowed to say whatever they want. You have a responsibility to this organisation as a board member to support them.

Feeling unsupported, the board member resigned. The resignation of board members has raised concerns among Jewish creatives about the wider implications for Jewish representation in the arts sector: "If there's no Jewish representation on the board, there's going to be even less Jewish representation in programming" (Stakeholder A18) and "I'm worried we haven't got a seat at the table" (Stakeholder A4b). Such concerns echo broader anxieties articulated by Jewish stakeholders across the arts and cultural ecosystem.

In a similar scenario, a Jewish board member engaged with artists' political posts on social media, which were later forwarded to the arts organisation as a complaint. As one example, an artist demanded to know "why would they have someone like me (a Zionist) on their board" (Stakeholder A23). The board member was also called into an emergency meeting and reprimanded for unacceptable conduct by the marketing department; however, they did not resign their position as they felt supported at board-level because their concerns were not dismissed: "I've got a perspective of someone who's directly impacted and I felt that that's been listened to – I'm not saying it's always been understood" (Stakeholder A23).

Some Jewish creatives and artists whose work or productions were programmed prior to 7 October 2023 faced institutional decisions to either cancel their work entirely or significantly scale back its marketing: "there was no press coverage" (Stakeholder A11a), "there were no

posters outside" (Stakeholder A9) and "they didn't even send one mail-out to say that my show existed" (Stakeholder A25). These actions were experienced as a form of erasure of their creative labour and presence, or as evidence of their host organisation's limited understanding of the cultural specificity and diversity within the Australian Jewish community. For example, one stakeholder, referring to a Jewish-themed exhibition, observed that institutional hesitancy around its public promotion stemmed from concerns about security and public relations, driven by fears that elements of the work could be misinterpreted as "Zionist objects" (Stakeholder A11a).

One Jewish creative described facing institutional pushback from a partnering arts organisation, where staff expressed concern that hosting a planned production centred on Jewish themes unrelated to contemporary politics could be perceived as endorsing the actions of Israel. Upon hearing about a potential staff boycott at the organisation, the Jewish creative team took a proactive approach: "We want[ed] to come in and meet with all the staff who are feeling uncomfortable, field their questions and see if we can get everybody back on the same page" (Stakeholder A2b). During the process of community-led cultural consultation, the staff asked for an explanation of the difference between antisemitism and anti-Zionism: "[this is] someone in the cultural sector (we're talking about a literate community) – do I need to say anything more?" (Stakeholder A2a). This incident raises several discussion points: gaps in knowledge regarding the diversity of Jewish experience within the creative sector, the role of community consultation in educating about Jewish experience, and the cultural burden and emotional labour placed on Jewish creatives who must navigate hostile environments in the absence of adequate institutional frameworks for staff training on cultural awareness of minority groups. As one stakeholder noted: "Why is the onus on me to try and solve this for you?" (Stakeholder A2b).

## ANTISEMITIC NARRATIVES TARGETING JEWISH PHILANTHROPY IN THE ARTS

Having explored cultural boycotts and the navigation of threats targeting Jewish artists, their creative work and their presence on boards for arts organisations, it is notable that some institutions have also faced boycott threats from artists and employees — "worried about being in receipt of funding from a Jewish funder" (Stakeholder A22b) — who have used social media platforms to demand accountability. Antisemitic discourses surrounding "wealthy Jewish families contributing 'Zionist blood money' to progressive [arts] spaces" (Stakeholder A17) were circulated across creative circles online. These narratives surrounding philanthropic giving from Jewish funders are informed by recycled antisemitic tropes about the wielding of wealth and "undue influence" (Stakeholder A22c) to control artistic programming:

> People are suddenly seeing all these Jewish philanthropists not as philanthropists who are benevolent. They're seeing them as Zionist propaganda controllers. And so, suddenly, the reason that they're giving them money is not because they care about the arts or they care about culture. It's because they have an agenda that they need to manage and control. (Stakeholder A2b)

> I was the point of contact for all the major donors, all the grants, the corporate partners [in my organisation] at a time where [staff] were talking about "not taking blood money from Zionists". I feel really conflicted about the way that people are talking about really important philanthropic organisations who have been instrumental in holding up institutions like this. (Stakeholder A14)

These antisemitic narratives about "the nefarious, underhanded, secret tentacles of Jewish power" (Stakeholder A2b) are not reserved for those operating at a philanthropic level, but manifest in the everyday interactions of artists and creatives in the context of their professional roles or when navigating potential career opportunities. One Jewish stakeholder outlined the interview process for a development role at an arts organisation where the interviewer posed a series of questions around the ethics of funding:

> So this person came back to me [and said:] "but would you agree that there may be organisations that we would not be wanting to accept money from?" … they came back to me again with: "But surely you would agree that there could be [philanthropic] organisations that would not agree with [our] mission and we would not want to accept money from these organisations?" (Stakeholder A3a)

The accounts from a range of Jewish stakeholders reveal the emotional impact and harm caused by antisemitic narratives that circulate freely within their creative and professional circles. For one Jewish philanthropist, the only viable response to online attacks and protests from creative workers and artists (compounded by a lack of support from leadership) was to withdraw financial support from a partner organisation, despite a long-standing relationship.

> We just can't afford to [fund the arts] because of the hateful social media that [the funded organisation] gets from some artists. We could foresee having problems and we didn't want that for the organisation or for us. (Stakeholder A22a)

This risk management strategy was welcomed by the partner, a performing arts organisation, which sought to minimise operational disruption. The organisation had come under pressure when it was revealed via informal channels that several programmed artists were being urged to boycott the event due to perceptions that it was "being led by or supported by or funded by Zionist organisations" (Stakeholder A10). While the philanthropic organisation maintained an "arms-length" approach to funding, with no influence over programming or operations (Stakeholder A22a), the festival team had assumed this was understood by their community:

> [We just assumed people knew that funding] does not give any of those people influence on how the organisation operates (who was booked, what staff could or couldn't speak about, or what they could wear). It's all completely false and wrong. They have no influence whatsoever. (Stakeholder A10)

As online backlash intensified, the philanthropic organisation met with the arts organisation team to assess whether they could manage the

mounting “aggression forming on social media” (Stakeholder A22b). Although reassured the situation was under control, the festival later asked the Jewish funding organisation to issue a public statement denying the accusations “which the festival organisers knew had no merit, and yet they still, in order to prevent a boycott or financial sanction by artists and audiences, were willing to effectively throw the funder under the bus so they could come out unscathed or less damaged” (Stakeholder A22b). When the funder declined, the organisation instead published a disclaimer on its website distancing itself from the funder, which was perceived as a public disavowal with subtle antisemitic undertones:

> You’re putting us out there as these Jews. “This is the Jews who are doing this…we’re not getting funding from the Jews.” Do you understand how it feels [when] I’m seeing “we’re not funded by the Jews anymore”? (Stakeholder A22a)

While some Jewish philanthropists remain open to the possibility of returning to support arts organisations that have recently lost their backing — “[your organisation] isn’t ‘no’ forever, but it’s ‘no’ for now” (Stakeholder A14) — others have started redirecting their support towards explicitly Jewish cultural initiatives and artistic endeavours.

Some stakeholders noted their concern that the withdrawal of support from Jewish philanthropists might fuel resentment in a sector that is already navigating resourcing challenges, while bolstering antisemitism tropes that “we’re the ones who hold the purse strings” (Stakeholder A14). This is what one stakeholder has termed: “the weaponisation of generosity” (Stakeholder A35). Similarly, there is a sense of concern among several stakeholders that using one’s influence (e.g., as a Jewish board member or philanthropist) to signal disagreement with what they perceive to be antisemitism within the context of their affiliated organisation may reinforce antisemitic discourses across the sector.

> We need to find another way… no one should write any letters. No one should make any phone calls to anybody… because all that does is feed into the *toxic narrative.*
> (Stakeholder A2a, emphasis added)

When Jewish stakeholders identify or challenge antisemitism using their available resources or channels, they risk reinforcing harmful antisemitic tropes about disproportionate power or influence. However, some feel that remaining silent (or in the case of board members or funders, choosing not to withdraw from certain organisations despite their concerns) might be “characterised as acquiescence” (Stakeholder A35). This paradox places many Jewish stakeholders in an impossible position and highlights how antisemitism within the creative arts and cultural sector operates in a self-reinforcing cycle.

## CULTURAL SAFETY

The impact of 7 October on Jewish staff working in arts and cultural organisations was profound, particularly in workplaces where their emotional responses were neither acknowledged nor understood by non-Jewish colleagues. For some, returning to work the following day was an emotionally fraught and challenging experience:

> On October 8th [2023], walking into work that morning would have been the hardest thing that you could do…you had to walk in [while in] a state of grief and face questions: "Hey, how was your weekend?" (Stakeholder A6a)

In the weeks and months that followed, and as the violence between Israel and Palestine escalated, many Jewish staff described feeling increasingly isolated or vulnerable. Often these feelings of exposure were heightened by the fact that they were the only Jewish person in their organisation, whether on the board or in the office.

> People [were] walking around in my small office with "Free Palestine" [on their shirts] all the time. So it was very, very confusing and lonely. But on top of it all, I was terrified I was going to lose my job. (Stakeholder A14)

There are also several reports from interviewees and workshop attendees of microaggressions and instances of direct hostility in the context of interactions with industry peers and colleagues. Outlining a meeting with external contractors regarding the delivery of an education program at their cultural institution, one stakeholder (A24) noted:

> They didn't want to mention Israel. They didn't want to mention contemporary antisemitism, because they kept on saying: "it's anachronistic". And so you start questioning yourself.

The invalidation of Jewish experiences of antisemitism — "telling us we're overreacting" (Stakeholder W3SN3.7) — registers as its own form of harm while also leading to feelings of self-doubt as to whether certain actions or words are antisemitic or simply coincidental. One freelance Jewish creative (Stakeholder A28) recounted an interaction with a creative collaborator who "one time said to me: 'it's very convenient for Jewish people [to have] a shape-shifting identity that we invoke for whichever setting most serves us.' I don't feel safe working on my next [project] with them." Other reported hostile interpersonal interactions, whether online or in-person, including conversations or confrontations with colleagues and industry peers in which Jewish stakeholders are expected to explain or qualify their identity and positionality, or account for the actions of the State of Israel. For example, one stakeholder recalled "being questioned about Israeli military policy for two hours" (Stakeholder W1SN5.5); another noted that "when people find out that I'm Jewish they tell me their thoughts on the State of Israel — always negative" (Stakeholder W1SN5.8), as though simply being Jewish makes them responsible for the actions of a nation-state.

Others pointed to a broader organisational culture that mishandled their emotional wellbeing, prioritising the comfort of non-Jewish staff over the needs of Jewish colleagues. One Stakeholder (A12b) recalled being told that Jewish staff couldn't speak about 7 October "in the staff room or anywhere in the building because it might upset the non-Jewish staff." One stakeholder described how their concerns were trivialised and dismissed during a board meeting, where they were teased for being "a bit mean" to someone who had expressed antisemitic views: "And this is my problem with the arts — they wouldn't tolerate any other form of racism except against the Jews" (Stakeholder B30).

“And this is my problem with the arts – they wouldn’t tolerate any other form of racism except against the Jews”
– STAKEHOLDER B30

Several Jewish stakeholders' experiences pointed to inconsistencies in how political discourse or identity-based expression around Israel and Palestine is handled within the context of their institutions. For example, while artists may freely express political views, Jewish board members and professionals often face restrictions, based on the perception that they represent the institution and are, therefore, held to different behavioural standards (whether explicit or implied). A Jewish creative working in an arts organisation (Stakeholder A15) recalls that they were asked by their employer "not to share anything political on my [personal] social media accounts. [I'm] silenced. But one of my colleagues was wearing her keffiyeh to work, and] in the background of her screen during Zoom meetings were 'Free Palestine' posters. I know you can't prevent people from expressing themselves, but I feel like there could be a standard of safe practice." This insight reflects the practical realities of the responsibility of leadership in drawing the lines between creative self-expression and the creation of inclusive, safe spaces for diverse stakeholders.

As incidents unfold within arts organisations and debates dominate at organisational and sector levels, many in the Australian Jewish creative community feel they have become "collateral damage" (Stakeholder A22b) due to their Jewish identity. Many stakeholders are actively negotiating what it means to occupy the role of artist, creative or cultural professional in relation to that identity and how it is perceived by others. While some feel protected since they can disentangle their Jewish identity from their professional praxis, many others have felt the need to minimise it in their artistic praxis:

> I've been very careful not to include Jewish themes or have Judaism be a part of my artistic work in any way, which doesn't feel right because my creative work is so much an expression of who I am, my lived experiences and my connection to culture. (Stakeholder A1b)

Others omit or downplay their Jewish-related work or education in their applications for jobs or conversations with industry peers because "at the moment, the 'Jewish' label [is] a very, very negative brush to be tarred with" (Stakeholder A2b). Such attempts to censor themselves — for example, "I shrunk myself" (Stakeholder W3SN5.2) — can lead to feelings of guilt and shame.

Underpinning their interactions with non-Jewish industry peers is a growing sentiment among Jewish artists, creatives and professionals in the arts and cultural sector that they are now navigating "enemy territory" (Stakeholder A2b). As a result, many Jewish stakeholders have felt compelled to retreat from spaces and communities that "once felt like home" (Stakeholder W1SN5.5). Such feelings speak to the fact that many Jewish practitioners and supporters saw themselves as integral to the creation of a vibrant, multicultural arts landscape in Australia — "look at the contribution we've made across all of the arts" (Stakeholder A9):

> In this country, the Jews have played a really big role in creating the arts... I mean, I was raised by a single mother. We didn't really have much money at all, but she always found a way to [take us] to the theatre. I think [that's why] there's quite a lot of pain because it's part of the social fabric of who we are. (Stakeholder B30)

Several stakeholders described a reluctance to attend performances, exhibitions or arts venues, expressing that cultural spaces no longer feel safe. Many Jewish stakeholders are pre-emptive in their identification of antisemitism, managing their psychological safety and mental wellbeing by withdrawing from their creative praxis, networks and spaces. Some report conducting personal risk assessments before attending events or venues: “Who’s going? Who do I need to be aware of? Who’s producing it. I want to do my research” (Stakeholder A18) or pre-emptively planning their response to unexpected or unsafe interactions: “If someone said something that was distressing or upsetting, I would just walk out” (Stakeholder A22a). In articulating their self-protective measures — from withdrawal to self-censorship — some Jewish stakeholders invoke terms that draw parallels between personal and historical Jewish experiences, using analogies that speak to an “intergenerational trauma or fear of persecution” (Stakeholder A14), the cyclical nature of antisemitism and patterns of survival that are deeply informed by collective memory and intergenerational trauma:

> I’m not waiting for the flag to turn red – as soon as it goes a little bit pink in the wash, I’m gonna do [take action] because my grandfather’s family escaped before things got worse in Poland. (Stakeholder A38c)

> I find myself pretending that I’m not Jewish, but I feel a lot of guilt about hiding… it takes me back to my grandparents and a historical pattern of Jews having to hide who they are for [their] safety. (Stakeholder A1b)

> I’m terrified of going [to theatre shows]. I don’t even know how to navigate that in a safe way, so I just haven’t gone – my grandfather hid during the Holocaust and there’s definitely that trauma of [having to] hide. (Stakeholder A1a)

The presence of the Holocaust “looms large” in contemporary Australian Jewish identity and rhetoric (Creese 2023: 105) and is deeply entwined with intergenerational trauma. This explains why many Jewish stakeholders reach for certain analogies when outlining their responses to perceived threats to their safety. However, one Jewish stakeholder was keen to offer perspective: ”today’s antisemitism bears little resemblance to the antisemitism of 1930s [Europe]. Even though people want to draw an analogy, I still maintain that the world is the best it’s ever been for Jewish people right now” (Stakeholder A17). While this research aims to provide a measured assessment of antisemitism in Australia’s creative and cultural sector, it is worth noting that such improvised safety measures (and the language used to explain them) often serve as substitutes for the organisational reassurances and frameworks that would genuinely create feelings of safety among Jewish stakeholders. To minimise or dismiss these responses risks being perceived as victim blaming, rather than critiquing how individuals describe their strategies for dealing with marginalisation. Our focus should be on addressing those who perpetrate or refuse to acknowledge the discrimination.

## CULTURAL HOMELESSNESS AND ENCLAVES

For many Jewish stakeholders interviewed for this research, their "artistic profession has been turned upside down because of the difficulties they've had with maintaining their art practice without the support of colleagues or galleries" (Stakeholder A7a). As a consequence, some Jewish professionals expressed a sense of professional homelessness in terms of creative opportunities, funding channels and career progression, speaking to a general feeling of exile from former networks and space:

> I want to apply for [the role], but I am 100% [saying to myself]: "they're not going to hire me". How can they hire a Jewish person after everything that's gone down [at that organisation]? I feel like I don't know how to move forward. Where do I go now? (Stakeholder A2b)

The impact of antisemitism has heightened many Jewish creatives' sense of difference, leading some to create and find refuge in their own communities of care. Others feel compelled to orient themselves in this way following their exclusion, or sense of exclusion, from the sector at large. This is not necessarily framed as a negative consequence of the challenges stakeholders have faced in the sector, with some noting positively that they are "becoming more and more Jewish" (Stakeholder A9) or "living a truer existence" (Stakeholder A15) as a result of being more actively involved or feeling more connected to the Jewish community. Indeed, many have pivoted to Jewish cultural and arts initiatives, community spaces and organisations.

However, the language used in conversations with stakeholders often tells of an anxiety related to the creation of insular creative spaces, particularly through language that evokes a historical Jewish experience; for example, "back to the ghetto" (Stakeholder A5b) and "we are a shtetl" (Stakeholder A25).[11] There is a tension between the desire for cultural safety and the necessity for building inter-community bridges so as to "normalise perceptions of the Jewish experience" (Stakeholder A18) in the wider community, often framed as an educative and proactive means to challenge antisemitism:

> One of the things the Jewish community has been complaining [about is:]… "You're not understanding the complexities [of] Israel. You don't understand the differences and the diversity in the Jewish community"... But then what do we do? We don't let you in. (Stakeholder A3a)

The tension here is the expressed need to retreat to cultural, arts and professional spaces where one feels safe, supported and understood, while recognising the need to remain an integrated community and not to "become more insular" (Stakeholder A9) as a result of antisemitism.

Although this research has primarily focused on individual stakeholders, whether as independent creatives or artists, representatives of or individuals working within arts organisations, it has also examined the broader organisational challenges faced by arts and cultural institutions that are explicitly Jewish cultural (heritage) spaces. These organisations

[11] Shtetl refers to a small town or village in Eastern Europe with a high proportion of Jewish residents. See: Shandler (2014).

may be defined as such by their name, their institutional history or the subject matter they engage with (for example, the Holocaust). For these Jewish cultural organisations, the impacts of recent challenges and shifts in the sector are mixed.

Some face internal pressure from within the Jewish community regarding programming choices, while others grapple with concerns about institutional identity and long-term viability as they shift from cultural programming to welfare provision. They are also increasingly called upon as community resources, tasked with leading urgent anti-antisemitism education efforts or advocating for cultural safety and inclusion. Some faced fundraising challenges as community and donor attention shifted to supporting Israel-related causes, while struggling to secure external support due to stereotypes that Jewish organisations are inherently well-funded.

Security has become a heightened concern for many Jewish organisations, particularly those worried their venues will become "places of protest" (Stakeholder A5a). This has prompted "serious conversations around lockdown and evacuation procedures" (Stakeholder A6a) and increased security presence that drains already limited budgets while serving as a "constant reminder [of] the situation you're living in" (Stakeholder A7a), impacting staff psychological wellbeing. This security is viewed as both a necessary precaution and an established norm — "as Jews, you always have to have security at every event" (Stakeholder A9) — rooted in long-standing antisemitic threats. For one cultural organisation that previously maintained an "open door policy" for intercultural dialogue, increased vigilance and security measures like "ticking off names" have replaced accessibility and opportunities for cross-cultural dialogue (Stakeholder A3a).

For professionals working in Holocaust memory and cultural heritage organisations, this resurgence of antisemitism since 7 October has prompted critical reflection and re-evaluation. Some are reconsidering what effective antisemitism education should look like, exploring new approaches to meet present urgency; for example, how to apply expertise in historical antisemitism to the "contemporary antisemitism space" (Stakeholder A7a). These are complex questions (not limited to conversations within Jewish organisations) around the apparent "failure" of relying on historical examples of antisemitism (namely, the Holocaust) when, as one stakeholder argues, "the current context is what we need to focus on" (Stakeholder A17). Highlighting an existential crisis — and the need for reflection and evaluation — for Holocaust educators, one stakeholder remarked: "We [have] to ask hard questions: Why hasn't it worked? Where have we gone wrong?" (Stakeholder A24).

# SUMMARY OF FINDINGS

The findings of this report frame antisemitism as a systemic issue within the cultural and creative industries (CCIs), supported by the lived experiences of Jewish creatives, artists and cultural professionals. Through stakeholders' lived, professional and affective experiences, we gained insights into the impacts and underlying conditions they navigate within the sector.

Many stakeholders attributed their experiences to "unconscious" antisemitism: a term used by Mattsson, Andersson Malmros and Sager (2024: 3) to describe a lack of "pre-understanding" that certain views about Jews are offensive, meaning that "almost anyone can perpetuate structures through various expressions without fully understanding their origins or consequences." One stakeholder argues that antisemitism's presence in the arts can be deduced from broader industry patterns, from cultural institution governance to social media responses following 7 October, noting: "I think you can draw conclusions [that] maybe these prejudices are so deeply ingrained that they're *not even conscious*" (Stakeholder A18, emphasis added).

The reported dismissal of these issues (or perceived inaction in addressing them) reflects what some stakeholders describe as "innate" (Stakeholder A23) or "inbuilt" antisemitism (Stakeholder A9) within the sector. Importantly, acknowledging unconscious antisemitism in the CCIs does not preclude the possibility of "conscious hostile motive" (Waxman, Schraub and Hosein 2022: 1805); rather, this framework allows us to focus predominantly on the impacts experienced by Jewish stakeholders as a launchpad for developing recommendations for how the CCIs can address harm:

> If someone is offended and hurt and upset and feels that [something] has happened to them, then that has happened to them – it's about impact, not intent.. the very idea of being called antisemitic is so offensive to so many people [that] their own perception of what they consider to be antisemitic or not overrides any impact that it might have on [Jewish] individuals. (Stakeholder B24)

Listening to reports of harm or impact does not necessarily constitute an admission of antisemitism, particularly given that this form of discrimination often operates covertly within the CCIs and relies on contested definitions that make identification complex. However, dismissing or refusing to engage with Jewish stakeholders' experiences of harm, especially when such dismissal is based on the assumption that Jewish people are not well-equipped to recognise antisemitism affecting their own communities, itself constitutes a structural form of discrimination. This pattern of exclusion from discourse about their own experiences represents evidence of institutional antisemitism within the sector.

# **RECOMMENDATIONS:** HOW AN INDUSTRY MOVES FORWARD

The following recommendations for how the creative and cultural industries can move forward are informed by explicit suggestions from stakeholders (Cohort A), existing institutional practices and frameworks (Cohort B) and inferences drawn from both cohorts' experiences in the sector. These recommendations can be categorised as long-term cultural shifts through sector-wide and institutional policy review, as well as short-term practical solutions that address immediate cultural safety concerns. However, consistent application of any recommendations — whether developing sector-wide cultural safety protocols or facilitating educational forums and resources — requires clear direction and principled leadership at the governmental level. As one stakeholder noted: "You can put all these frameworks and processes in place, but unless you've got a leader [who is] brave enough to do it, I just don't think it happens" (Stakeholder B30).[12]

There is notable disappointment among stakeholders across both cohorts that "during a time of real crisis and devastation" (Stakeholder A1a), the creative industries and arts sector "has been anything but the glue that holds us together" (Stakeholder B33a). Many stakeholders expressed disillusionment with top-level leadership, highlighting the need to restore sector-wide trust through supportive interventions and effective frameworks. One stakeholder expressed frustration with the government's lack of support for cultural institutions, noting they have received "very little leadership, direction, [or] information. We're very much on our own in that regard" (Stakeholder A10). In response to this gap, they convened an informal conversation with "leaders and institutions" in their local networks: "We emailed and messaged our colleagues and said: 'Do you want to come together for an evening after work and discuss these situations? Because there's probably a lot of information [but] we had been working in isolation'" (Stakeholder A10). Such grassroots efforts, collaborative forums and cross-sector debriefs, might be adapted at a sector-wide level to address key challenges and encourage sharing of expertise and effective practices.[13]

Despite recent challenges, there exists a resounding sentiment that the creative community is best-equipped to facilitate nuanced, constructive conversations that promote empathy and understanding across difference:

> The creative community [should] come together — Palestinians and Israelis, Jews and non-Jews from all walks of life — to touch the hearts and minds of people. That's what the arts should be doing. This is our core purpose. (Stakeholder A2a)[14]

[12] See: Recommendation 1.1.3 in Executive Summary
[13] See: Recommendation 1.2.2 in Executive Summary
[14] See: Recommendation 1.2.1 in Executive Summary

## EDUCATION

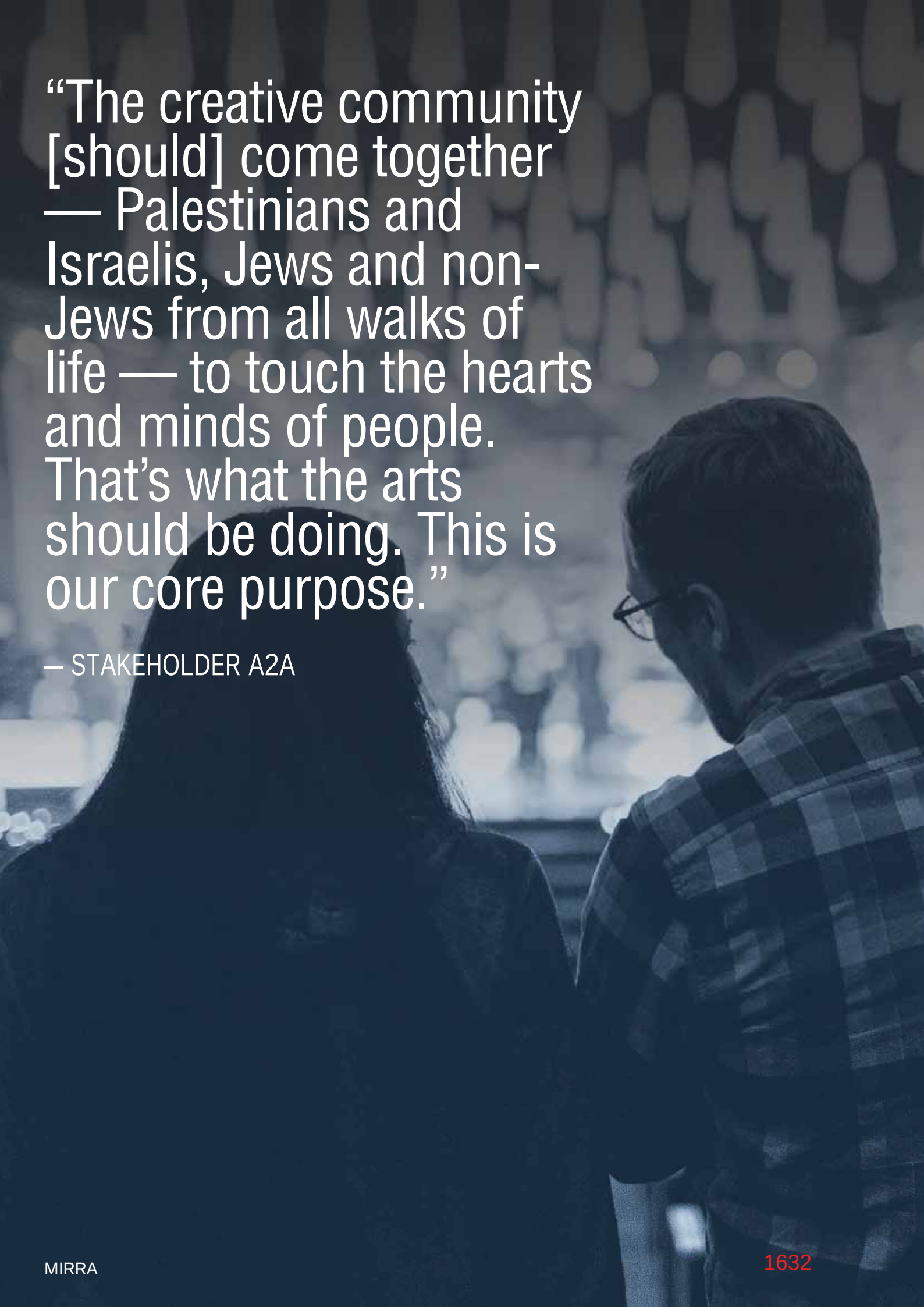
Conversations with stakeholders highlight the need for educational resources, such as community consultation through educational workshops or seminars, to increase knowledge of the Jewish experience. Some stakeholders called for "a general orientation on Judaism and Jewishness for non-Jewish creatives/artists" (W3A3.4). An educational framework is needed that captures the cultural specificities of this minority group, including lived experiences and impacts of antisemitism, as well as cultural awareness of contemporary and diverse Jewish identities and connections to Israel.[15]

Since stakeholders identified a specific form of antisemitism within the creative and cultural sector, educational efforts must address the particular sources and subtle expressions that emerge in progressive arts spaces, such as critiques of colonialism and power grounded in social justice movements, and how historical antisemitic tropes find their way into these narratives.[16] Within this scope, education should address the diversity of views on Zionism and Israel within the Australian Jewish community, highlighting that there is no single Jewish perspective on these matters.[17] This approach addresses concerns outlined by stakeholders working in Holocaust cultural heritage and memory, namely that education efforts to challenge antisemitism are thwarted by a historical lens that does not encompass contemporary manifestations of anti-Jewish discrimination and hatred. Given the strong connection between academia and the arts (as noted by several research participants) recommendations for addressing antisemitism in the CCIs highlight the need for educational workshops tailored to the specific needs of arts and cultural departments.[18] While some universities already offer such campus-based interventions in the form of workshops more broadly, there is an opportunity to build on these by developing department-specific content (e.g., for Arts faculties), ensuring the material is contextually relevant and responsive to the unique dynamics of the sector.

There is an urgent need to develop proactive, practical strategies grounded in trauma-informed, empathy-led approaches focused on understanding what constitutes harmful behaviour, particularly for those who have "grown up in communities that are terrified of antisemitism" (Stakeholder 39a) and who may carry the weight of intergenerational trauma.[19] A constructive question for cultural leaders and organisations committed to safety, inclusivity and respect across differences is: How should I respond when a Jewish audience member, staff or board member shares that they have experienced trauma or harm and need support? To this end, illustrative examples demonstrating the impact of recent incidents in the sector may be more effective than definitions that emphasise intention (see: Waxman, Schraub and Hosein 2022).[20] One stakeholder working at a Jewish organisation outlined their existing educational outreach initiatives with members of the mainstream creative community:

> As part of the workshop we talk about the Jewish community in Australia, [including] the epigenetic transmission of trauma… once

[15] See: Recommendation 2.1.3 and 2.2.1 in Executive Summary
[16] See: Recommendation 2.1.4 and 2.2.2 in Executive Summary
[17] See: Recommendation 4.2.1 in Executive Summary
[18] See: Recommendation 2.1.5 in Executive Summary
[19] See: Recommendation 2.1.2 and 3.2.1 in Executive Summary
[20] See: Recommendation 1.1.2, 2.1.1, 2.1.2 and 2.2.3 in Executive Summary



“The creative community [should] come together — Palestinians and Israelis, Jews and non-Jews from all walks of life — to touch the hearts and minds of people. That’s what the arts should be doing. This is our core purpose.”

— STAKEHOLDER A2A

> they understand that the community [is] dealing with second- and third-generation people who have been affected by their parents' and grandparents' experiences of trauma, then they can understand why the community responds in a certain way. So, for example, one of the incidents with a theatre group and the community got really upset about it. "Why has the reaction been so extreme?" [However], when they understand where the community comes from, then they suddenly understand the response of the community. (Stakeholder A7b)

Emerging from the workshops, manifestos for cultural safety and inclusion centre on the need for a more compassionate and supportive environment for individuals, particularly within the context of ongoing conflict and political tensions surrounding Israel. One manifesto outlined: "We will listen and be guided by those with lived experience" (W3A3.2). Efforts to create spaces for people to "share the impact of their experiences" (Stakeholder B24) speak to existing cultural safety frameworks in the sector that encourage "listening to community voices, and following processes of communication and consultation" (Safer Spaces at the National Association for the Visual Arts [NAVA]). Crafted on such a principle, antisemitism awareness training might borrow from existing educational sessions produced and delivered by other minority groups.[21] One stakeholder (B24) reflected on a "fantastic" workshop delivered by a First Nations individual who trained their staff on "how to shut up and listen, not react, not engage – to be able to sit in stories with people, and hear people's stories and hear them."

## SOCIAL MEDIA

There is a need for long-term cultural shifts in how organisations approach social media. This includes developing policies that promote thoughtful engagement, supported by training and education that emphasise the importance of pausing between stimulus and response in online interactions.[22] There is also a need to create a database of resources where Jewish creatives and artists can seek support and guidance independently, including on navigating social and online networks and their professional workplaces.[23] One stakeholder manages an informal online support group for "Jewish [creatives] who have experienced first-hand antisemitism [and are] unsure how to deal with it" (Stakeholder 39a) to help people craft responses or individual strategies for navigating online spaces. One Jewish organisation has created cultural safety guidelines for Jewish professionals working in non-Jewish cultural spaces. This is an example of existing work created by communities best-equipped to recognise antisemitism that can be used to create protocols for organisations "unsure about best practices [on] how to look after Jewish employees" (Stakeholder A15). Community consultation ensures that trusted Jewish voices (namely, representatives of Jewish organisations) are central to developing solutions that reflect the community's lived experiences and address challenges within the sector.[24]

[21] See: Recommendation 2.3.3 in Executive Summary
[22] See: Recommendation 3.3.2 and 3.3.3 in Executive Summary
[23] See: Recommendation 2.3.1 in Executive Summary
[24] See: Recommendation 2.3.2 and 4.1.1 in Executive Summary

The creation of these resources may complement existing initiatives such as the Creative Equity Toolkit, which is a digital platform launched by Diversity Arts Australia that provides practical tools to help cultural leaders, creative workers and independent artists advance diversity and inclusion in the sector.[25] Another relevant initiative is Creative Workplaces, which plans to launch an information service designed to support individuals who have experienced discrimination in their arts-based and creative workplaces.[26]

In highlighting the need for educative initiatives, it is fair to recognise that Jewish organisations and individuals are trusted to handle antisemitism education in a "sensitive and deeply understood way because of the skills we have – there is a capability and excellence to be able to [do] what we do in the antisemitism space" (Stakeholder A7a). However, it is essential not to place the burden solely on Jewish creatives and professionals. Many already experience what Van Milders (2022: 182) describes as "uncompensated and unrecognised" emotional labour, often shouldering a disproportionate cultural load in order to "just keep going" (Stakeholder A3a) amid personal and professional challenges. This includes navigating both real and perceived expectations to act as spokespeople on antisemitism, frequently at the expense of their artistic practice or career ambitions. As one stakeholder reflected: "Now I'm only making work about antisemitism, you know. And why should I?" (Stakeholder A25). Expecting Jewish stakeholders to bear this responsibility alone only reinforces existing cultural and structural inequities.[27]

## LEADERSHIP

There is a pressing need for cultural industry leaders at the state and national levels to meaningfully engage with antisemitism and the discourses that have emerged and been amplified since 7 October 2023. A reasonable starting point is acknowledging the impacts and harm experienced by many Jewish creatives, artists and cultural professionals in the sector.[28] While highlighting negative experiences, many Jewish stakeholders also recalled exceptional moments of empathy from colleagues, demonstrating the powerful effect of recognition and acknowledgement.

> I was really nervous. No one had said anything [until] my teacher goes: "You see what's happening in Israel – it's crazy. Is your family okay? [...] Are you doing okay?" And I'm so grateful. That was maybe a week or so after October 7 happened. (Stakeholder A32)

> And so she knew I was Jewish, and she's Muslim, and we connected one day on the stairwell. I was like: "How are you going?" And she was like: "I'm alright. How are you?" So we had a moment. (Stakeholder A14)

> The [only Indigenous] person on our board has reached out to me the most [and] said to me: "Are you okay? Do you need some support?" I think [they get] it the most out of anyone. (Stakeholder A23)

[25] There is also a database of resources titled 'How to be anti-racist in the arts' by Diversity Arts Australia.
[26] See: Recommendation 2.3.3 in Executive Summary
[27] See: Recommendation 4.1.2 in Executive Summary
[28] See: Recommendation 1.1.1 in Executive Summary

At an institutional level, responses can vary significantly even within the same organisation. One stakeholder (B30) noted their organisation "did a very good job" when senior management took Jewish patrons' reports of harm seriously, calling them individually. However, attending a meeting between the artistic team and one of the affected patrons, this stakeholder noticed internal misalignment: while one team member "had the capacity to say: 'I'm sorry for the hurt and pain and I'm really sorry'", another did not acknowledge or "take responsibility for the pain and hurt" caused (Stakeholder B30). While robust frameworks can help create safe workplace infrastructures, effective implementation requires principled leadership to ensure consistent organisational approaches.[29]

The same stakeholder described a positive institutional response that demonstrated such leadership through nuanced decision-making. When facing a decision about language in publicity materials for an arts program, a cultural leader made an informed choice about distinguishing between antisemitism and pro-Palestinian discourse:

> [It was] decided to remove the paragraph [which included the statement] "Free Palestine". And my chair said: "I think that's antisemitic, because the Free Palestine movement that he belongs to calls for the annihilation of Israel, so we're not going to include it". (Stakeholder B30)

This informed decision addressed potential safety concerns without cancelling the artwork or program itself, illustrating how principled leadership relies on educational frameworks that can identify and navigate nuances, and then create frameworks to ensure consistent organisational approaches that maintain both safety and artistic integrity.[30]

## FRAMEWORKS

The findings of this report speak to a need for a coordinated, sector-wide initiative that supports institutions and their leaders to outline the responsibilities and remits for its various stakeholders at every level of a cultural organisation, from staff members to contracted agencies and artists, in the commitment to create and uphold safe and respectful workplaces in the arts.[31] There is also an urgent need to address the growing influence of digital platforms in shaping institutional responses and informing the personal and professional emotional life-worlds of creatives, artists and professionals working in the sector.[32]

As part of this research, we aimed to use stakeholder experiences across both Cohorts A and B to conceptualise how existing cultural safety frameworks might be adapted for broad application across the sector's workplaces, networks and spaces. We suggest that sector-wide training and support for implementing cultural safety frameworks should centre on emotional safety, thereby capturing feelings of discomfort and unease that both inform and are informed by affective or ambient antisemitism.[33] This approach aligns with existing rhetorical

[29] See: Recommendation 3.1.3 in Executive Summary
[30] See: Recommendation 3.2.2 and 4.2.2 in Executive Summary
[31] See: Recommendation 3.1.1 in Executive Summary
[32] See: Recommendation 3.3.1 and 3.3.3 in Executive Summary
[33] See: Recommendation 3.2.1 in Executive Summary

strategies for adhering to good practice in cultural safety. The National Association for the Visual Arts (n.d.) identifies cultural safety as essential to creating creative workplaces and settings that "recognise and respect the cultural identities of people, and creates places that [are] socially, *emotionally* and physically safe for people to be who they are" (emphasis added).

If arts and cultural spaces, including their administrative spheres. are expected to remain free from political discourse and identity-based expression for workplace safety, then this principle must be applied consistently. Conversely, if policies or frameworks encourage political self-expression, they must be fairly and consistently implemented in practice, with safeguards to prevent hate speech, intimidation or unsafe expressions of views.[34] In which case, such safeguards ought to be agreed on in advance and communicated effectively across all levels of an organisation.

Whether online or on stage, many of these recent incidents have prompted reflection not only on the creative remits of artists but of the working relationship (and respective remits) of creative teams, operational staff, board and funders.[35] At times, the creative separation between boards and artistic teams is upheld as a necessary condition for the functioning of arts or cultural organisations: "the separation of the board from artistic direction is always seen to be sacrosanct [like] the separation of church and state" (Stakeholder B26). Paradoxically, however, it is often this very distance between governance and operations — "I sit on the governance structure; I'm not down in the weeds" (Stakeholder B10) — that has contributed to some of the issues now manifesting across the sector. One stakeholder describes an intra-institutional conflict that arose not from a simple lack of communication, but from an organisational culture in which minimal communication or interference between staff and governance was considered appropriate:

> I think that the schism last year revealed [that] there hadn't been a lot of communication between the staff and the board about programming – it was kept quite arm's length, which is entirely appropriate from a creative perspective in my opinion. But the board didn't even know what was in the program really, in detail, or what the copy of the program would be. And then when challenges would arise, the first protocol was not to inform the board, but that would then mean that by the time [it had] escalated… the board feels out of the loop and that can be really damaging. (Stakeholder B27)

Some stakeholders feel that the term "cultural safety" is loaded or has been "weaponised" (Stakeholder B27) to police the boundaries of political dissent or opposition, and verges on censorship. Indeed, maintaining safe spaces requires consensus on definitions and parameters, including agreement on where the lines lie between antisemitism and anti-Israel or pro-Palestinian statements.[36] However, since these definitions are highly contested, clear remits are also needed to determine who is responsible for overseeing their application in practice. Despite such definitional challenges, there is already work being done to introduce or revise frameworks, procedures and

[34] See: Recommendation 3.2.2 in Executive Summary
[35] See: Recommendation 3.1.1 in Executive Summary
[36] See: Recommendation 4.2.3 in Executive Summary

contingencies to address this particular issue, including artists' code of conduct, ethical frameworks and staff guidelines, at some of the organisations discussed in stakeholder interviews. Adaptable templates that can be tailored to the specific needs of individual institutions should be developed to promote a consistent sector-wide approach and reduce the burden on organisations of creating policies or frameworks from scratch.[37]

[37] See: Recommendation 3.1.3 in Executive Summary

# CONCLUSION

This research aimed to increase awareness and understanding of antisemitism in the CCIs by bringing attention to the specific ways in which antisemitism manifests in these spaces, and raising awareness about the challenges faced by Jewish professionals. Antisemitism has historically and continually reshaped what it means to be Jewish. In the context of Australia's CCIs, many Jewish stakeholders have been "relentlessly thinking about this: What is my identity in an arts organisation?" (Stakeholder A21). Meanwhile, cultural and arts organisations faced "a series of more complicated layers on top of just delivering [an event or program], which were very difficult to navigate and stressful" (Stakeholder A10), as the sector appeared ill-prepared (and the individuals with them often felt unsupported) to respond to the complex and highly charged discourses that emerged following the outbreak of the conflict between Israel and Palestine in October 2023.

This research identified patterns such as reactive responses — what one stakeholder described as "a knee-jerk reaction" (Stakeholder B24) — as well as a "vacuum formed by not responding" in a timely or thoughtful manner (Stakeholder A10). These responses often pointed to a lack of preparedness at the governance level and the absence of a principled, strategic approach to crisis leadership. Despite these challenges, the research also revealed a great deal of goodwill. Leaders, representatives and staff from various organisations (Cohort B) willingly participated in interviews for this project on antisemitism in the CCIs, demonstrating a shared commitment to engage with these complex issues.

The research also proposed actionable solutions for fostering more inclusive, equitable and culturally responsive environments across the sector. These included training programs, toolkits and best practice — or, as one stakeholder (B22) notes: "better practice, because there's actually no such thing as best practice" — guidelines designed to better support Jewish creatives and organisations in addressing antisemitism. It is hoped that the findings will inform policy, strategy development and broader strategic initiatives within creative and cultural organisations, helping to more effectively embed antisemitism awareness into their diversity, equity and inclusion efforts.

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MIRRA

MONASH University 1644 AUSTRALIAN CENTRE FOR JEWISH CIVILISATION

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-22"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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.
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Date: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
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# GEN17 AUSTRALIAN JEWISH COMMUNITY SURVEY

# JEWISH EDUCATION IN MELBOURNE

ANDREW MARKUS, MIRIAM MUNZ AND TANYA MUNZ

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GEN17 AUSTRALIAN JEWISH COMMUNITY SURVEY

# JEWISH EDUCATION IN MELBOURNE

ANDREW MARKUS, MIRIAM MUNZ AND TANYA MUNZ

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# EXECUTIVE SUMMARY

This study presents an analysis of the wealth of data yielded by the Gen17 survey, which was conducted between February – May 2017 and completed by 8,621 respondents, of whom 4,109 live in Victoria. In addition to the Gen17 survey, twenty-nine face-to-face interviews were conducted. **The objective of the study is not to develop a set of recommendations for implementation; rather, it provides a comprehensive overview of the pattern of attitudes and values that characterise those who attended different educational streams, presented for consideration by educational experts, school boards, parents and members of the community.**

## THE MELBOURNE CONTEXT

In Melbourne eight Jewish schools were established between 1949 and 1978. This was an ambitious educational enterprise undertaken by members of the relatively small Melbourne Jewish community. It provided parents with a wealth of educational options, ranging across the religious and ideological spectrum from Ultra-Orthodox, Modern Orthodox, and Chabad, to cross-communal Zionist, Progressive, and secular.

In addition to serving to transmit values across the generations, most of the schools achieve consistently high academic results in general subjects, as indicated by the achievement of their graduating classes. Among the more than 500 Victorian schools with Year 12 VCE classes, some Jewish schools consistently rank in the top ten, and nearly all with VCE classes rank in the top 50. In 2018 a Jewish school ranked first in Victoria.

In 2018, enrolment in the Jewish schools numbered 5,313, estimated at close to 60% of primary school age children and a higher proportion at the secondary level. However, despite their outstanding achievements, the sustainability of so many schools, with an additional three small Orthodox schools established since 2003, is an issue of ongoing discussion.

The cost of education is a concern for most parents. In 2019 average annual fees for the different school systems in Victoria were $904 for Government, $7,371 Catholic, and a much higher $27,455 for Private. While there is considerable variation between Jewish schools, and means-tested subsidies are available, the fees at some Jewish schools are among the most expensive in the state.

Not only are Private school fees high, they continue to increase at a faster rate than average earnings. These educational costs occur in the context of substantial increase in house prices, which has left young couples facing high mortgage payments and lower disposable income than earlier generations; other cost of living pressures include the steep rise in electricity and gas prices.

Contrary to fears that have been expressed, to the present there has not been a major impact on school enrolments. The enrolment at the Melbourne Jewish schools has remained largely constant, with a marginal increase of some 190 students between 2006 and 2016, although relative to the size of the school age population there has been a decline – **enrolment over the ten years increased by close to 5%, but the school age population increased by an estimated 18%.**

In addition to the school fees, a range of demographic issues impact on school numbers. One factor relates to family composition with a rise in the divorce rate. Once parents are divorced their income is divided between two households – one parent might decide Jewish schools are not important or that the cost is prohibitive. A second demographic factor is greater life expectancy: many grandparents have less capacity to contribute to the cost of their grandchildren's education as they apportion their savings for lengthy retirement years, and transmission of wealth to their children is delayed and may be much reduced. Thirdly, couples are marrying later in life and many defer having children and limit their family size.


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At a broad level, there is an ongoing shift in the value placed on Jewish education. This is not an issue for Orthodox families for whom there is no alternative to Jewish schooling, but many in the less observant community do not prioritise a Jewish education as their parents once did.

## THE GEN17 SURVEY

Studies of Jewish education typically aggregate results for 'Jewish schools'. Recent examples include the British Jewish Lives project and major Canadian and American surveys such as the *2018 Survey of Jews in Canada* and the Pew Research Centre's 2013 *Portrait of Jewish Americans*.

**This study is distinctive in its disaggregation of different streams of Jewish schooling.** The analysis considers respondents aged 18-49 who **had at least six years attendance at a Jewish secondary school in Australia**. Most of these respondents also typically spent their primary school years in a Jewish school; close to 90% of those with six or more years of Jewish secondary schooling also attended Jewish primary for six or more years.

Data is disaggregated by two age groups and by school attended. The main focus is on recent school graduates, aged 18-29 at the time of completing the survey, who are compared with an older cohort aged 30-49 and with respondents who did not attend a Jewish school. The achieved Gen17 sample comprises 726 who attended a Jewish school, and 379 who did not.

**Those who attended a Jewish school are divided into three categories**; first, there are 330 attendees of the Modern Orthodox **Mount Scopus Memorial College**, who comprise 45% of the sample. Mount Scopus is the only school with sufficient survey respondents to make possible stand-alone analysis. A second category comprises a combination of attendees of the **Orthodox schools** Adass Israel School, Yeshivah-Beth Rivkah Colleges, and Leibler Yavneh College, with a total of 291 respondents. The third category comprises attendees of a **non-Orthodox school**, Bialik College and The King David School, a smaller 105 respondents. The second and third categories are **aggregations – they cannot be read as reflecting the situation in any one of the schools. The data is useful as indicating broad patterns and is not reliable for other purposes.**

Gen17 was an opt-in survey, not a random sample of the population. With an opt-in survey there is risk that one segment of the population will be over-represented, other segments under-represented, with the result that the profile of the community is skewed. This risk is largely obviated in much of the analysis here reported, which is concerned with attitudes and observances within population segments, not the whole community. The findings point to **broad patterns** which are consistent with the known character of different population segments and are important in **providing understanding of differentiation between the segments.**

Questions in the Gen17 survey typically presented respondents with four-point options, ranging, for example, from strong agreement, agreement, disagreement, and strong disagreement. Patterns of differentiation are clearest when attention is focused on strongly held views, either in agreement or disagreement. **The broad pattern indicates that strong positive responses are found in highest proportion among those who attended an Orthodox school, then Mount Scopus, non-Orthodox, and the lowest proportion among those who did not attend a Jewish school.** For example, for respondents aged 18-29 very strong sense of connection to Jewish communal life ranges by school from 58% Orthodox, 51% Mount Scopus, 36% non-Orthodox, and 22% among those who did not attend a Jewish school (Table 38). Strong preference for Jewish education at the high school level ranges from 82% to 32%. (Table 15)

While this broad pattern is evident in response to the majority of survey questions, there is variance which provides insight into **issues on which there is the greatest and least agreement** across the Jewish community. The following discussion concerns the responses of those aged 18-29.

[A] Issues on which there is **a large measure of agreement or commonality, irrespective of school attended**, includes the importance of Holocaust remembrance and of combating antisemitism, pride in being Jewish, Zionist identification and sense of responsibility to ensure Israel's continued existence. This is illustrated with reference to the following questions:

Remembering the Holocaust, 'very important' to own sense of Jewish identity, 63% (Orthodox), 73% (Mount Scopus), 68% (non-Orthodox), and 59% did not attend a Jewish school

Combating antisemitism, 'very important' to own sense of Jewish identity – 47%, 42%, 38%, 43%

Proud to be a Jew, 'completely agree' – 86%, 89%, 76%, 63%

Zionist identification, 'yes' – 80%, 90%, 78%, 62%

Responsibility to ensure Israel's continued existence, 'agree' – 87%, 83%, 83%, 68%

[B] On some aspects considered in the survey, however, **there is a large measure of commonality among those who attended a Jewish school, differentiated from those who did not**. This includes having studied for a Bat- or Bar-Mitzvah, importance attached to sharing of festivals and shabbat with family, identification with the Jewish people, friendship patterns, youth group involvement, and visits to Israel.

Bat- or Bar- Mitzvah ceremony – 94%-99% attended Jewish school, 59% did not attend Jewish school

Sharing Jewish festivals with family, 'very important' to own sense of Jewish identity – 70%-80%, 50%

Shabbat meal with family, 'always' – 67%-87%, 32%

Sense of belonging to the Jewish people, 'completely agree' – 63%-80% 43%

'All' close friends are Jewish – 41%-55%, 9%

Jewish youth movement involvement, experience growing up – 69%-85%, 43%

Visited Israel two or more times – 75%-91%, 43%

[C] On a limited number of issues **there is commonality among those who attended an Orthodox school or Mount Scopus**, differentiated from those who attended a non-Orthodox school or did not attend a Jewish school. These issues include importance attached to marrying another Jew, kosher observance in the home, and aspects of the peace process in Israel:

Marrying another Jew, 'very important' to own sense of Jewish identity – 54%-77% Orthodox school, 21%-22% non-Orthodox or did not attend a Jewish school

Only kosher meat bought for the home – 41%-81%, 6%-13%

Control of the West Bank is vital for Israel, 'agree' 52%-69%, 22%-28%

[D] Finally, for some questions **those who attended an Orthodox school are differentiated from all other schools.** These questions relate to religious belief and observance of religious law, experience of study at a Yeshivah or seminary in Israel, centrality of Jewish identity, and sense of responsibility to Jews around the world.

Observing halacha, 'very important' to own sense of Jewish identity – 48%, 3%-8%

Prayer, 'very important' to own sense of Jewish identity – 45%, 8%-10%

Studied at yeshivah/ seminary in Israel – 64%, 1%-18%

Being Jewish is 'a central element in life' – 67%, 25%-39%

Sense of responsibility to take care of Jews in need around the world, 'completely agree' – 60%, 21%-31%

## SCHOOLS AND HOME ENVIRONMENT

As to be expected, **parents typically chose a school for their children that is in keeping with their own values; in most cases there is congruence of the school and home environment.**

The Gen17 survey provides scope to compare current attitudes with the self-described religious identification of the home in which respondents were raised. The finding is that of those aged 18-29 who attended an Orthodox school as here aggregated, 86% are from an Orthodox home; of Mount Scopus attendees, the largest proportion (60%) is from a Traditional home, a minority (26%) from a Modern Orthodox home; of non-Orthodox, the largest proportion is from Traditional (36%) or non-practising (21%) home; and of those who did not attend a Jewish school, just 6% are from an Orthodox home and 12% Traditional, with the majority (54%) from a 'Just Jewish' or non-practising home. (Table 12)

**The importance of the home environment** is indicated in the analysis of attitudes among those who had a common school experience at Mount Scopu**s. Although they attend the same school, there is a substantial difference in attitude and values between those from a self-described Orthodox or Traditional home and those from a non-Orthodox or non-observant home.** For example, sense of being Jewish is 'a central element in my life' is indicated by 36%-39% of those who attended Mount Scopus and were from a Modern Orthodox or Traditional home, 16-22% from a Conservative, Progressive, non-denominational, or secular home. The relative proportions for observing halacha ('very important' or 'fairly important') are 31%-36% and 0%-10%. Importance attached to marrying another Jew ('very important') is 60%-64% and 32%-42%.

In consideration of differentiation of attitudes by category of school attended, it is important to be aware that **attitudes are shaped not simply by schooling** but may be impacted by the congruence (or dissonance) of the home and the school.

## PREFERENCES FOR JEWISH EDUCATION

All respondents were asked for their school preference, in response to the question 'whether or not you have children, do you feel it is preferable for Jewish children to attend a school that is Jewish or non-Jewish or do you have no preference either way?'

Among respondents aged 18-49, **71% indicated 'strong preference' or 'some preference' for a primary Jewish school,** with almost the same proportion (72%) indicating preference for a Jewish high school.

When survey data was analysed **by the respondent's school attended, substantial difference in response was indicated**. 'Strong preference' or 'some preference' for a Jewish high school was at 92% among those who attended an Orthodox secondary school, a lower 85% among those who attended Mount Scopus, 68% non-Orthodox, and 49% who did not attend a Jewish school. With attention narrowed to 'strong preference', the relative proportions were 82%, 60%, 45%, and 32%.

A second question asked respondents with at least one child under the age of 12 for their current plans for their children's education. Given the small sample, as few respondents under the age of 40 have children of that age, it is not possible to disaggregate analysis by school attended.

Of all respondents, **64% indicated 'yes, definitely' or 'yes, probably' that they planned to send their child to a Jewish high school,** 24% 'no, probably not' or 'no, definitely not', and 12% that they were undecided. (Figure 1)

**Among those whose marriage partner was not Jewish, there was a markedly lower preference for children to attend a Jewish school**. Just 18% indicated that they planed 'definitely' or 'probably' for their child to attend a Jewish high school, 67% 'probably not' or 'definitely not', with 16% 'undecided'. (Figure 4)

This finding is significant in the context of the gradual increase in intermarriage in the Jewish population.

## AFFORDABILITY OF JEWISH EDUCATION

A question on affordability of Jewish education was asked of respondents with children.

Respondents had the option of indicating if school fees were a minor or major problem. They were provided with five options: the cost was 'well within' their financial capacity, 'entails some sacrifices', 'significant financial sacrifices', 'major financial sacrifices' or was 'beyond their household's capacity.'

The combined **top three responses indicating difficulty** – 'beyond capacity', 'major' or 'significant' financial sacrifice – was indicated by 31% for childcare, 27% for pre-school, and **a much higher 50% for school**.

Respondents aged 18-49 with school age children were asked if 'the cost of school fees ever prevented you sending one or more children to a Jewish day school?'; 12% indicated that they never considered sending a child to Jewish school; 34% of all respondents aged 18-49, or **39% of those who did consider the option of a Jewish school, indicated that they had been prevented by cost.** (Table 18)

Of those aged 18-49 with school age children who identify as Strictly Orthodox, only 3% indicated that they had been prevented by the cost of fees from sending one or more children to a Jewish school, but larger proportions at 22% of Modern Orthodox, 40% Traditional, and 56% who identify as 'Just Jewish' or of no denomination. This pattern of response is likely explained not by differing financial capacity within the denominations, but by the extent of commitment to Jewish schooling and willingness to prioritise and make sacrifices; an additional factor may be a greater willingness to apply for fee subsidies, and the greater availability of subsidies in some schools.

## HOW SCHOOL FEES ARE PAID

Respondents were asked how they meet the cost of school fees in a multiple response question that provided scope to indicate all sources of funding, in recognition of the reality that many parents access more than one funding source: 67% percent of respondents aged 18-49 with children currently in a Jewish school indicated that they pay fees from their personal or household income, 9% obtained a bank loan, **25% received a means-tested subsidy from their school**, and 19% obtained financial support from family members.

## ADVANTAGES AND DISADVANTAGES OF JEWISH EDUCATION

Respondents were asked to indicate the perceived advantages and disadvantages of a Jewish education, in two questions that presented a combined 31 response options.

Of these, one response stood out for many respondents: among respondents aged 18-29, the disadvantage of high cost was indicated by a total of 44% across the full sample, but there was a marked difference by Jewish school attend: **high cost was indicated by 49% of those who attended an Orthodox school, 68% Mount Scopus, 45% non-Orthodox, and 25% of those who did not attend a Jewish school.**

A substantial proportion (30%) of attendees of a non-Orthodox school indicated the disadvantage of **'lack of ethnic and cultural diversity'**, compared to 17% of those who did not attend a Jewish school, 8% Mount Scopus and 6% Orthodox. While 3%-4% of those who attended a Jewish school indicated that a disadvantage was that Jewish schools were **'too elitist'**, a relatively high proportion at 14% did so among those who did not attend a Jewish school. (Table 21)


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There was a large measure of agreement across the different schools that the main advantages of Jewish education were that it '**strengthens Jewish identity'**, selected by 22%-25%, provision of **'strong Jewish education'**, particularly indicated by those who attended an Orthodox school (33%), and fostering of '**a sense of belonging to the Jewish community'** (13%-27%). A relatively high proportion of Mount Scopus attendees indicated the advantage of developing '**Jewish friendships and networks**' (20%). (Table 20)

## RELIGIOUS IDENTIFICATION

In a general question, respondents were asked if they are more or less religiously observant than they were five years ago.

As to be expected, the survey found that identity is more changeable in the younger age group. Among respondents aged 18-29, 26%-35% indicated that their level of observance has not changed over the last five years, compared to 45%-64% among those aged 30-49.

**Of those who indicate change in religious observance, among the younger respondents more have become less observant**. Among attendees of an Orthodox school, 26% are more observant, 37% less observant, a difference of 11%; Mount Scopus, 23% more, 29% less, a difference of 6%; non-Orthodox, 16% more, 23% less, a difference of 7%. (Figure 11)

Further insight into pattern of change across the generations is provided by two questions that asked respondents to indicate the identification of the home in which they grew up and their current religious identification.

**The survey finds a consistent pattern of marginally lessened identification with Orthodox or Traditional Judaism and increase in the proportion who are no longer practising.**

Of those aged 18-29 who attended an Orthodox school, 53% now identify as Modern Orthodox, down from 60% growing up; among those who attended Mount Scopus, 54% now identify as Traditional, down from 60% growing up.

Among the non-Orthodox school group and those who did not attend a Jewish school, change is best indicated by the descriptor non-practising, as relatively few indicate that they are from Orthodox or Traditional homes. Of those who attended a non-Orthodox school, 21% indicated that growing up their home was non-practising, 38% now identify as non-practising; among those who did not attend a Jewish school, 40% were from a non-practising home, 51% now identify as non-practicing.

Less change is indicated by those aged 30-49; of those who attended an Orthodox school, there is a marginal increase in the proportion indicating that they are now of no denomination, increased from less than 1% growing up to 5% today; of attendees of Mount Scopus, 63% describe their home growing up as Traditional, 52% today. (Table 23)

## RELIGIOUS PRACTICE

In questions related to Jewish practice and rituals, consistent patterns differentiate the schools.

Always participating in a Sabbath meal with family or friends was indicated by 87% of those aged 18-29 who attended an Orthodox school, 71% Mount Scopus, 67% non-Orthodox and 32% of those who did not attend a Jewish school. Purchase of only kosher meat for the home was indicated by 87% of those who attended an Orthodox school, a lower 33% Mount Scopus, 20% non-Orthodox, and 6% of those who did not attend a Jewish school. Lower proportions in each group eat kosher meat outside of the home. (Figure 25)

A quarter of 18-29 year old Orthodox school attendees go to synagogue once a week, a further 14% several times a week and 12% every day, a total of 51%. Of Mount Scopus attendees aged 18-29, 21% attend synagogue at least once a week, this drops by half to 5% of the 30-49 year old. 71% of this group only attend on special occasions or on high holidays; 19% of those aged 18-29 who attended a non-Orthodox school and 10% who did not attend a Jewish school indicated synagogue attendance at least once a week. (Table 35)

The highest level of observance across the groups is indicated for participation in a Passover seder, indicated by more than 90% who attended a Jewish school and 68%-72% of those who did not. (Table 34)

## JEWISH IDENTITY

The survey included two general questions on current Jewish identity. Respondents were asked '**Which of the following best expresses your sense of being Jewish?'**, with five response options specified: 'being Jewish is a central element of my life', 'a significant element of my life', 'limited to taking part in some communal or family activities', 'of little importance to me,' and of 'no importance to me'.

Among respondents aged 18-29, the proportion indicating 'central' or 'significant' was 97% among those who attended an Orthodox school, 89% Mount Scopus, 90% non-Orthodox, and 75% among those who did not attend a Jewish school, with a similar pattern indicated by the older age group.

At the strongest level of identification, that being Jewish was a 'central element' in life, greater differentiation is indicated: among those aged 18-29, 'central element' was indicated by 67% of those who attended an Orthodox school, 39% Mount Scopus, 34% non-Orthodox, and 25% of those who did not attend a Jewish school; there was a similar distribution of attitudes among the older age group.

Very few indicated that their Jewish identity was of limited, little, or of no importance; among respondents aged 18-29, 3% of those who attended an Orthodox school, 10%-11% of those who attended Mount Scopus or a non-Orthodox school, and a substantially larger 25% of those who did not attend a Jewish school. (

Table 24)

A second general question asked respondents if they agreed or disagreed with the **statement: 'I am proud to be a Jew?'** There was less differentiation in response to this question when the two levels of agreement, 'completely' and 'somewhat' were aggregated – **more than 90% across all school groups and across both age groups indicated agreement.** Very few respondents indicated disagreement, in the range 1%-3% of those who attended a Jewish school, 6% who did not. The strongest level of response, 'completely agree', was indicated by 86% of attendees aged 18-29 of an Orthodox school, 89% Mount Scopus, 76% non-Orthodox, and 63% of those who did not attend a Jewish school. (Table 25)

## ATTITUDES TOWARDS INTERMARRIAGE

Two questions on attitude towards intermarriage were asked. One considered general attitude to intermarriage, the second was personalised with respect to the respondent's own children, although it is a hypothetical question for respondents without children.

The first question was worded: 'Some people are concerned about Jews marrying non-Jews, while others are not. To what extent, if at all**, are you personally concerned or unconcerned about intermarriage in Australia?'** Four response options were provided: 'very concerned', 'concerned', 'unconcerned', and 'very unconcerned'.

**Responses were sharply divided by school attended**. Of those aged 18-29, 'very concerned' or 'concerned' was indicated by a combined **77% of those who attended an Orthodox school (40% 'very concerned'),** 69% Mount Scopus (19% 'very concerned'), 49% non-Orthodox (7% 'very concerned'), and **a much lower 24% of those who did not attend a Jewish school (10% 'very concerned').** (Table 36)

With reference to the marriage of 'one of your children,' surprisingly there was a lower level of negative response. This finding possibly indicates disposition to accept the marriage choices of children, especially among young respondents without children who were answering a hypothetical question. 'Very considerable regret' was indicated by 49% of those aged 18-29 who attended an Orthodox school; 16% Mount Scopus; 10% non-Orthodox, and 9% who did not attend a Jewish school. The combined proportions for 'very considerable' and 'some' regret by school were 70%, 39%, 29%, and 15% respectively. (Table 37)

## FRIENDSHIPS

**Of those who attended a Jewish school and are aged 18-29, close to 90% indicated that 'all' or 'more than half' of their close friends are Jewish**: this comprised 93% of those who attended an Orthodox school, 89% Mount Scopus, and 89% of those who attended a non-Orthodox school.

There was again a substantial difference with **those who did not attend a Jewish school. Of those aged 18-29, just 24% indicated that 'all' or 'more than half'** of their close friends are Jewish, while the majority, 53%, indicated that 'less than half' or 'none' of their close friends was Jewish. 39% of this group also felt unconnected to Jewish communal life, compared to 5% Orthodox, 6% Mount Scopus and 4% non-Orthodox. (Table 38 and 40)

## ANTISEMITISM

Respondents were asked a series of questions on the seriousness and experience of antisemitism in Australia. Relatively little difference in response was found among the different schools.

In response to a question that asked respondents if they had witnessed any antisemitic incidents in the last twelve months, physical attack was rarely witnessed or experienced, indicated by 2% or less.

But **experience of harassment was indicated by a substantial minority.** Witnessing of incidents of verbal insult or harassment by those in the 18-29 year age group was indicated by 30% of those who attended an Orthodox school, 11% Mount Scopus, 21% non-Orthodox, and 24% who did not attend a Jewish school.

There is **a large degree of commonality in appraisal of the significance of antisemitism among the different schools**; in the age group 18-29, a substantial minority are of the view that antisemitism is a 'very big' or 'fairly big' problem, in the range 31%-46%. A larger proportion, in the range **45%-65%, view antisemitism as 'not a very big problem'**, with the highest proportion among those who attended a non-Orthodox school. (Table 41)

However, when asked if antisemitic content is a 'very big' or 'fairly big' problem **on social media and other internet sites, a large majority agree, in the range 74%-82%** among those aged 18-29.

Among those aged 18-29, Facebook is by a large margin the social media platform on which antisemitism is most likely to have been encountered, indicated in the range 76%-89%. Among those aged 30-49, antisemitic content is most likely to have been encountered on Twitter, in the range 61%-71%. (Table 45)

## ZIONISM

Respondents were asked if they regarded themselves as a Zionist, in a question that was worded:

> Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?

**The majority of respondents in each school group indicated that they regarded themselves as a Zionist**, with some variation by school attended, and consistently higher proportion in the younger age group.

Of those aged 18-29, 90% of those who attended Mount Scopus responded 'yes', just 2% 'no' and 8% did not know. The proportion responding yes was 80% for Orthodox, 78% non-Orthodox, and a lower 62% among those who did not attend a Jewish school, with a high 28% responding 'no'.

Among those aged 30-49, a marginally lower proportion indicated that they regarded themselves as Zionists, 71% Orthodox school, 75% Mount Scopus, and a significantly lower 54% who did not attend a Jewish school. (Table 47)

## ISRAEL CONNECTEDNESS

For a large majority within the Melbourne Jewish population, Zionism is not an abstract concept but a central element in their lives. Most have visited Israel, typically on a number of occasions, have friends and relatives living in Israel, and keep up to date with events impacting on Israel. Concern for the security of Israel is the immediate issue that more than any other unifies a community which in many other respects is divided in attitude, observances and other aspects of behaviour.

Almost all respondents indicated that they have visited Israel at least once: well over 90% among those who had attended a Jewish school, a lower 68% who did not. Further, a substantial majority had lived in Israel or had spent considerable time on visits.

Of those who had visited Israel and were aged 18-29, a substantial proportion who attended a Jewish school had spent at least four months in Israel: 81% Orthodox, 63% Mount Scopus, 65% non-Orthodox, and a lower 46% who did not attend a Jewish school.

**Among the respondents aged 18-29, more than half from each school grouping have close friends living in Israel, with the proportion ranging from 82% Orthodox, 66%-69% Mount Scopus and non-Orthodox, and 52% who did not attend a Jewish school**. There was a similar pattern with regard to family living in Israel but indicated by a marginally lower proportion.

Level of personal interest and emotional identification with Israel was indicated in questions that asked respondents the extent to which they kept up with events involving Israel, their level of concern when Israel is in danger, and their feeling of responsibility to ensure that Israel continues to exist.

With regard to keeping up with current events which involve Israel, those who indicated a lack of interest are a very small minority: **less than 3% of those who attended a Jewish school indicated that they did not keep up with events in Israel 'at all', 9%-10% of those who did not attend.** A substantial majority indicated 'a lot' and 'quite a lot' of interest, in the range 52%-70% among those aged 18-29, 50%-57% aged 30-49. (Table 51)

With regard to international events that put Israel in danger, the majority of respondents who attended a Jewish school selected the response options that indicated concern that was 'almost the same as if my own life was in danger' or 'a special alarm', with little difference by age group: 79% (aged 18-29)-80% (30-49) of attendees of an Orthodox school, 65%-72% of Mount Scopus, 59% non-Orthodox, and 46%-58% of those who did not attend a Jewish school. (Table 52)

In response to the proposition that **'I feel a sense of responsibility to ensure that the State of Israel continues to exist', a significant finding is that more than 80% (in the range 83%-88%) of attendees of Jewish schools in both age groups indicated agreement, and a substantial majority, in the range 68%-79%, among those who did not attend a Jewish school.** (Table 53)

## ISRAEL – PEACE AND POLITICS

Responses to four propositions about Israeli society and three propositions about the peace process found substantial critical views, with negative sentiment consistently higher among those aged 18-29. The highest proportion in agreement with a critical view was amongst those who attended a non-Orthodox school or did not attend a Jewish school.

The proposition that '**there is too much corruption in Israel's political system' obtains majority agreement among those aged 18-29 across the different schools**, in the range 51%-63%, and in the range 43%-51% among those aged 30-49.

The proposition that 'Orthodox Judaism has too much influence in Israel' obtains agreement in the range 62%-76% among those aged 18-29 who attended Mount Scopus, a non-Orthodox school and those who did not attend a Jewish school, a minority at 29% among Orthodox school attendees.

The proposition that **'democracy in Israel is alive and well'** finds **majority agreement across the two age groups among those who attended an Orthodox school (79%, 70%) and Mount Scopus (60%, 70%),** also a majority or close to a majority agreement among those who did not attend a Jewish school (47%, 68%), but **not among attendees of a non-Orthodox school**, with agreement among those aged 18-29 at 33%, disagreement at 50%.

**Regarding statements concerning the peace process, there is a divide between those who attended an Orthodox school or Mount Scopus, on the one hand, and non-Orthodox and those who did not attend a Jewish school on the other.**

Thus the proposition that 'Israel should give up territory in exchange for guarantees of peace with the Palestinians' finds minority agreement among respondents aged 18-29 from an Orthodox school (24%) and Mount Scopus (47%), but a substantial majority among non-Orthodox (70%) and those who did not attend a Jewish school (69%), with agreement consistently higher among the younger age group. (Table 54)

## ALIYAH

A final question asked 'how likely is it that you will choose to live permanently in Israel in the future?'

The **highest proportion at 16% indicating 'very likely' was in the younger age group and among attendees of an Orthodox school**; the proportion for other schools was below 10%.

'Not at all likely' among those aged 18-29 was indicated by 19% of those who attended an Orthodox school, 33%-38% Mount Scopus and non-Orthodox, and 46% of those who did not attend a Jewish school. (Table 56)

# PART 1

## THE JEWISH SCHOOLS OF MELBOURNE

When Holocaust survivors arrived in Australia after World War II, they were committed to reviving the intense Jewish life they had known in pre-war Europe. Most did not turn their backs on Judaism, despite the horrific experiences they had endured; they were committed to giving their children a Jewish education and strong Jewish identity.

Mount Scopus Memorial College, Melbourne's first post-war Jewish day school, opened in 1949 with an enrolment of 120, and reached a peak of more than 2,600 in the mid-1980s. Although the school was set up to serve the community, a succession of ideologically diverse day schools were soon established in competition with Mount Scopus. Although originally limited to primary education, over time they developed to Year 12, with the exception of Sholem Aleichem.

The first of these schools, in the 1950s, were the ultra-orthodox Adass Israel (1953) and the Chabad established Yeshivah-Beth Rivkah Colleges (1955-56), a day school for boys and girls respectively. In 1962 the Modern Orthodox Mizrachi organisation established Yavneh College as a religious Zionist school. Bialik College, a pluralist Zionist school, began as a day school in 1963, building on the foundations of the Bialik Sunday school and kindergarten founded in 1942 in North Carlton. In 1975 the Yiddish speaking community established the Sholem Aleichem kindergarten and primary school, in succession to two part-time Yiddish schools with their origins in the Sunday and afternoon I.L. Peretz school which first opened in 1935. In 1978 the Progressive Jewish community's King David School opened, firstly at the primary school level. [1] These eight competing day schools formed an ambitious Jewish educational enterprise within the relatively small Melbourne Jewish community, which was further augmented in the early twenty-first century, when three breakaway orthodox schools were established

Apart from the Jewish day school movement, a number of children attend supplementary Jewish education programs. These are run under the auspices of the United Jewish Education Board (UJEB), conducted in several State schools with a large Jewish enrolment and include Hebrew language tuition and Jewish studies lessons, and through a variety of synagogue programs such as Spiritgrow or Hamerkaz, or Hebrew language schools.

School enrolment data indicates that in 2006 the total Victorian Jewish day school population was 5,040. Twelve years later, in 2018, the Victorian Jewish school population had increased marginally to 5,313, a growth of 5.4%.

**New South Wales, which has an estimated Jewish population of 47,800, almost as large as Victoria's estimated Jewish population of 54,735, has a substantially lower Jewish school attendance, 3,443 in 2018, up marginally from 3,312 in 2006, an increase of 1%. In other words, the New South Wales Jewish population is 13% lower than Victoria's, but its Jewish school population is 35% lower.**

[1] Paul Forgasz and Miriam Munz, 'The jewel in the crown of Jewish education in Australia', in Helena Miller, Lisa Grant, Alex Pomson (eds.), *International Handbook of Jewish Education*, Part 2, Springer, 2011, pp, 1125-1140

There are five Jewish day schools: Moriah College, with an enrolment of 1,427 students; Emanuel School (827), Masada College (537), Kesser Torah College (316), and Mount Sinai College (286). The lower enrolment is explained by several factors, including the option of a larger number of selective Government schools in Sydney, a lower level of religious observance, including a relatively small ultra-Orthodox community in Sydney.

In other Australian states, enrolments between 2006 and 2018 declined from 676 to 489, a fall of 187 (28%). This decline is partly explained by the closing of two Jewish schools, one on the Gold Coast in Queensland in 2008 and the other in Adelaide in 2011, leaving just two day schools outside Melbourne and Sydney, the Carmel School in Perth (enrolment 459) and the small Sinai College, which offers classes to Year 5, in Brisbane (enrolment 30).

Table 3 shows the changes in enrolments in Jewish day schools in Australia over the twelve-year period to 2018. The data does not include kindergarten enrolments, as there is no official census, nor uniform method of calculation. Some Jewish schools offer sessional kindergarten and some offer transition to kindergarten, as well as creche where children under the age of three attend.

A second data source on enrolments is the Australian census, which includes a three-fold classification of school attended: Government, Catholic and Private or Independent. The problem with reliance on the census is that it is not possible to identify the total Jewish school population as the religion question is optional and is not answered by all. The best available estimate indicates that between 2006 and 2016, the total Jewish population in Victoria grew from an estimated 51,682 to 54,735, an increase of 6%. Over these years, according to the census, the Jewish school age population (aged 5-18 years) increased by an enumerated 16% and an estimated 21% between 2006-2016.

The census indicates that an increasing proportion of Jewish children attend a Government school. The increase is particularly evident at the primary school level. Between 2006 and 2016 at primary level for ages 5 to 11, the proportion attending a Government school increased from 30% to 38%; at high school level, aged 12 to 18, a lower but also increasing proportion attend a Government school, 20% in 2006 and 24% in 2016. (Table 1 and Table 2)

**Table 1: Proportion of Jewish students attending a Government primary school by age, 2006 and 2016**

| | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12* | AVERAGE |
|---|---|---|---|---|---|---|---|---|---|
| 2006 | 32% | 32% | 33% | 32% | 30% | 28% | 27% | 25% | 30% |
| 2016 | 37% | 39% | 39% | 41% | 38% | 38% | 35% | 38% | 38% |

**Table 2: Proportion of Jewish students attending a Government secondary school by age, 2006 and 2016**

| | 12* | 13 | 14 | 15 | 16 | 17 | 18 | AVERAGE |
|---|---|---|---|---|---|---|---|---|
| 2006 | 18% | 20% | 21% | 18% | 22% | 24% | 20% | 20% |
| 2016 | 24% | 25% | 23% | 28% | 23% | 26% | 21% | 24% |

Source: Australian Bureau of Statistics, Census of Population and Housing, 2006 and 2016, Tablebuilder

* The 12-year-old group is close to evenly split between primary and secondary school. Enumerated numbers from the 2016 census show 249 in primary and 271 in secondary.

**Table 3: Enrolments at Australian Jewish schools based on the annual August census date each respective year**

| State/ Division | Enrolments | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Change over 12 years (2006-18) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NSW | Primary | 1,680 | 1,685 | 1,733 | 1,839 | 1,793 | 1,802 | 1,759 | 1,733 | 1,714 | 1,716 | 1,741 | 1,696 | 1,701 | 21 |
| | % change by year | -1.0% | 0.3% | 2.8% | 5.8% | -2.6% | 0.5% | -2.4% | -1.5% | -1.1% | 0.1% | 1.4% | -2.7% | 0.3% | 1.3% |
| | Secondary | 1,632 | 1,637 | 1,652 | 1,656 | 1,706 | 1,672 | 1,670 | 1,660 | 1,675 | 1,658 | 1,650 | 1,691 | 1,742 | 110 |
| | % change by year | -0.4% | 0.3% | 0.9% | 0.2% | 2.9% | -2.0% | -0.1% | -0.6% | 0.9% | -1.0% | -0.5% | 2.4% | 2.9% | 6.7% |
| | Total | 3,312 | 3,322 | 3,385 | 3,495 | 3,499 | 3,474 | 3,429 | 3,393 | 3,389 | 3,374 | 3,391 | 3,387 | 3,443 | 131 |
| | % change by year | -0.7% | 0.3% | 1.9% | 3.1% | 0.1% | -0.7% | -1.3% | -1.1% | -0.1% | -0.4% | 0.5% | -0.1% | 1.6% | 4.0% |
| VIC | Primary | 2,664 | 2,583 | 2,631 | 2,571 | 2,633 | 2,620 | 2,704 | 2,773 | 2,899 | 2,970 | 2,996 | 2,926 | 3,012 | 348 |
| | % change by year | 0.0% | -3.1 | 1.8% | -2.3% | 2.4% | -0.5% | 3.1% | 2.5% | 4.4% | 2.4% | 0.9% | -2.4% | 2.9% | 13.1% |
| | Secondary | 2,376 | 2,336 | 2,318 | 2,351 | 2,289 | 2,276 | 2,258 | 2,233 | 2,175 | 2,207 | 2,233 | 2,377 | 2,301 | -75 |
| | % change by year | -3.7% | -1.7% | -0.8% | 1.4% | -2.7% | -0.6% | -0.8% | -1.1% | -2.7% | 1.4% | 1.1% | 6.1% | -3.3% | -3.2% |
| | Total | 5,040 | 4,919 | 4,949 | 4,922 | 4,922 | 4,896 | 4,962 | 5,006 | 5,074 | 5,177 | 5,229 | 5,303 | 5,313 | 273 |
| | % change by year | -1.7% | -2.5% | 0.6% | -0.5% | 0.0% | -0.5% | 1.3% | 0.9% | 1.3% | 2.0% | 1.0% | 1.4% | 0.2% | 5.4% |
| OTHER | Primary | 443 | 406 | 373 | 400 | 393 | 383 | 355 | 339 | 330 | 274 | 258 | 285 | 273 | -170 |
| | % change by year | -6.3% | -9.1% | -8.8% | 6.8% | -1.8% | -2.6% | -7.9% | -4.7% | -2.7% | -20.4% | -6.2% | 9.5% | -4.4% | -38.4% |
| | Secondary | 233 | 228 | 208 | 198 | 180 | 163 | 149 | 154 | 152 | 201 | 217 | 208 | 216 | -17 |
| | % change by year | -8.2% | -2.2% | -9.6% | -5.1% | -10.0% | -10.4% | -9.4% | 3.2% | -1.3% | 24.4% | 7.4% | -4.3% | 3.7% | -7.3% |
| | Total | 676 | 634 | 581 | 598 | 573 | 546 | 504 | 493 | 482 | 475 | 475 | 493 | 489 | -187 |
| | % change by year | -7.0% | -6.6% | -9.1% | 2.8% | -4.4% | -4.9% | -8.3% | -2.2% | -2.3% | -1.5% | 0.0% | 3.7% | -0.8% | -27.7% |
| ALL AUST | Primary | 4,787 | 4,674 | 4,737 | 4,810 | 4,819 | 4,805 | 4,818 | 4,845 | 4,943 | 4,960 | 4,995 | 4,907 | 4,986 | 199 |
| | % change by year | -0.9% | -2.4% | 1.3% | 1.5% | 0.2% | -0.3% | 0.3% | 0.6% | 2.0% | 0.3% | 0.7% | -1.8% | 1.6% | 4.2% |
| | Secondary | 4,241 | 4,201 | 4,178 | 4,205 | 4,175 | 4,111 | 4,077 | 4,047 | 4,002 | 4,066 | 4,100 | 4,276 | 4,259 | 18 |
| | % change by year | -2.7% | -1.0% | -0.6% | 0.6% | -0.7% | -1.6% | -0.8% | -0.7% | -1.1% | 1.6% | 0.8% | 4.1% | -0.4% | 0.4% |
| | Total | 9,028 | 8,875 | 8,915 | 9,015 | 8,994 | 8,916 | 8,895 | 8,892 | 8,945 | 9,026 | 9,095 | 9,183 | 9,245 | 217 |
| | % change by year | -1.8% | -1.7% | 0.4% | 1.1% | -0.2% | -0.9% | -0.2% | 0.0% | 0.6% | 0.9% | 0.8% | 1.0% | 0.7% | 2.4% |

Source: Australian Council of Jewish Schools. Enrolments are based on Australian Government eligible recurrent funded students as at the annual August census date each year.

# JEWISH EDUCATIONAL PROVISION IN 2019

Education within the ultra-Orthodox community is provided by the **Adass Israel School**. Today the school's population is close to 500 students who study in separate girls' and boys' streams. The main focus of the school is the study of Jewish text and ritual. The Adass Israel community is an insular and self-sufficient group, furthered by the use of the Yiddish language as the language of daily communication and instruction within the boys' school. Children are raised without access to television, internet, radio or general newspapers. From a young age, usually around 8, boys and girls are kept separate outside the family home. Most of the school students leave during Year 11 to spend some years studying Jewish text in special institutions of higher learning – Yeshivot, for men, Seminaries for women – in Victoria and overseas. The community neither articulates support for, nor actively supports, the State of Israel, believing in the coming of the Messiah to gather the Jewish people from around the world into the Promised Land.

**Yeshivah-Beth Rivkah Colleges** teach more than 1000 students and is an integral element of the orthodox Chabad community. The school's ethos is in accordance with the beliefs and philosophy of the Chabad Hasidic movement and is imbued with the religious standards of Chabad Hasidism. The boys' and girls' schools are separate, but in an adjacent facility and managed by the one Principal, at the time of writing by two acting principals. After completing their schooling, which includes a range of VCE subjects, students regularly spend a gap year or two studying Jewish text in a Yeshivah or Seminary. On their return most go on to study at tertiary level to gain a professional qualification. Yeshivah-Beth Rivkah identifies as an inclusive community school – open to the wider community, and because of this, attracts a significant number of families who support the intense Jewish learning offered by the school, but are not personally Chabad Hasidim.

Three breakaway ultra- and strictly-orthodox schools have been recently established in Melbourne.

**Yesodei HaTorah College**, registered in 2003, is a boys' school serving years Preparatory to Year 12 and has an enrolment of 163. Unlike the ultra-orthodox, Yesodei parents do not reject modernity. The school aims to provide students with intensive Jewish learning coupled with general studies; the teaching is designed to ensure that boys graduate with the textual skills and knowledge to enable them to engage in high-level yeshiva study and independent learning, as well as the grounding to provide the opportunity to train for a professional career. Parents are part of a small, homogenous, strictly observant community.

**Divrei Emineh**, registered 2012, has a current enrolment of 134 and with classes from Preparatory to Year 7, is a coeducational school, with most of its students at the primary level. It draws its students from the Adass ultra-orthodox community. It is distinctive in its emphasis on the provision of bilingual immersion in both English and Yiddish to both boys and girls.

**Cheder Levi Yitzchok**, established in 2016 is a Chabad Preparatory to Year 9 school with a current enrolment of 58. It is a Chabad Hasidic school differentiating itself from the Yeshivah school in that it minimises general studies in order to emphasize the study of Jewish text.

**Leibler Yavneh College** is a Modern Orthodox Zionist school with approximately 570 students from Preparatory to Year 12. It is dedicated to adherence to Torah (Jewish law) and Zionist ideals. It nurtures a strong commitment to Israel and identification with Israel and the Jewish people. The school balances Jewish and general studies and virtually all students go on to attend university or other tertiary institute – often after spending a gap year in Israel. Boys and girls attend class together and participate in activities within the framework of a Modern Orthodox outlook. Mixed gender contact sports are not allowed and prayers are conducted according to Jewish orthodox practice. The majority of Yavneh families are observant, however, the school does include a significant number of families who are not personally orthodox but are attracted to the school's mission and outlook.

**Mount Scopus Memorial College** has a school population of approximately 1300 students from Preparatory to Year 12. It is a co-educational school which, according to its website, defines its mission in terms of 'providing Jewish learning, values and experiences, within a Modern Orthodox and Zionist framework.' The school aims to enable each student 'to make an informed choice as to the meaning of their Jewish identity.' Year 10 students choose between a nine-week or a six-week program in Israel where they are immersed in the country's history, culture and language. The informal programs offered by the school develop a connection to Israel and to the Australian Jewish community and to Jewish life and learning. Mount Scopus College families come from across the spectrum of the Jewish community, including those not observant of Jewish law. Many families consider themselves traditional Jews.

**Bialik College** identifies as a cross-communal Zionist school which has an inclusive approach to all streams of Judaism. There are approximately 875 students from Preparatory to Year 12. A pluralist Jewish life is woven into many aspects of the school program, both formally and informally. Every student in Year 10 travels to Israel for a six-week immersion experience, reflecting the school's emphasis on the central role Israel plays in the lives of Bialik students. Bialik families are generally not observant, but the majority are strongly connected to the Jewish community and Israel.

**The King David School** is affiliated with the Union of Progressive Judaism and has approximately 600 students from Preparatory to Year 12. The school embraces diversity and does not teach one way of being Jewish. As a progressive Jewish school its mission, as stated on its website, includes 'provision of rich opportunities to express values through learning Jewish tradition and observing mitzvot' and encouragement of students 'to openly explore and question their connection to their history and heritage.' It utilises an egalitarian approach, values 'individuality and self-expression' and nurtures 'a strong Australian identity and a close and meaningful relationship with the land and State of Israel.' All schools travel to Israel in Year 10. Israel is seen as central to contemporary Jewish identity and students are encouraged to engage with all facets of Israeli society.

Mount Scopus, Bialik and King David are distinguished by the broad range of subjects and activities that they offer and their state-of-the-art facilities.

**Sholem Aleichem College** offers classes from kindergarten to Year 6 and has an enrolment of approximately 190 students. It is one of only a handful of schools worldwide that offer Yiddish language instruction. Its philosophy and values are explained in terms of fostering awareness of all aspects of Jewish life with a particular focus on promotion of the Yiddish language and literature, Hebrew language and Jewish culture, with a secular approach to Jewish history, customs, ethics and values. The Sholem Aleichem College Community Education Centre is a new initiative established a decade ago that offers high school students and former students the opportunity to continue to learn Yiddish up to VCE level.

**Table 4: Jewish day schools, staff and enrolment numbers, 2018**

| SCHOOL | FOUNDED/ REGISTERED | YEAR RANGE | STAFF | | | | ENROLMENTS | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | TEACHING STAFF | FULL-TIME EQUIVALENT TEACHING STAFF | NON-TEACHING STAFF | FULL-TIME EQUIVALENT NON-TEACHING STAFF | BOYS | GIRLS | TOTAL |
| Adass Israel | 1953 | Prep-12 | 49 | 32.1 | 1.5 | 37.8 | 215 | 263 | 478 |
| Beth Rivkah Ladies College | 1956 | Prep-12 | 66 | 47.6 | 58 | 26.1 | 0 | 591 | 591 |
| Bialik College | 1963 | Prep-12 | 127 | 87.9 | 75 | 34.4 | 455 | 412 | 867 |
| Cheder Levi Yitzchok | n.a. | Prep-9 | 5 | 5 | 8 | 5.4 | 54 | 0 | 54 |
| Divrei Emineh | 2012 | Prep-7 | 10 | 9.5 | 17 | 11.2 | 68 | 66 | 134 |
| Leibler Yavneh College | 1962 | Prep-12 | 58 | 46.2 | 38 | 24.1 | 314 | 258 | 572 |
| Mount Scopus Memorial College | 1949 | Prep-12 | 172 | 121.9 | 111 | 62.6 | 658 | 626 | 1,284 |
| Sholem Aleichem College | 1975 | Prep-6 | 21 | 17.6 | 22 | 7.5 | 101 | 88 | 189 |
| The King David School | 1978 | Prep-12 | 77 | 54 | 89 | 28.6 | 300 | 269 | 569 |
| Yeshivah College | 1955 | Prep-12 | 46 | 33.5 | 41 | 15.6 | 427 | 0 | 427 |
| Yesodei Ha Torah College | 2003 | Prep-12 | 21 | 17.8 | 19 | 8.4 | 154 | 0 | 154 |
| Total | | | 652 | 473.1 | 479.5 | 261.7 | 2646.1 | 2,573 | 5,319 |

Source: Australian Curriculum, Assessment and Reporting Authority, My Schools website https://www.myschool.edu.au, as at 3 June 2019. Date of registration from the Know Your Schools website http://www.knowyourschools.com.au/; Also Australian Children's Education and Care Quality Authority (ACECQA)

# SUPPLEMENTARY JEWISH EDUCATION

In addition to Jewish schools, Jewish education is provided to students in a several State schools in Melbourne.

**The United Jewish Education Board** (UJEB) is a communal provider of supplementary Jewish education for students in State and Private non-Jewish schools across Victoria. The programs they offer vary in structure and duration, from 30 to 90 minutes, and include classes before school begins, at lunchtime and after school. *Jewish Life* classes operate in approximately 20 schools around Melbourne. *HIP* (*Hebrew Immersion Program*) is a language program which runs in three schools: Caulfield Junior College (80 students), Caulfield South Primary (50), and Gardenvale (30), with programs developing in two others. In the first two schools it runs three times each week before school, in Gardenvale twice each week. A third program teaches Hebrew after school hours at three schools, Coatesville, Tucker Road and Elwood, once each week for 75 minutes, with a total of approximately 50 students. Additionally, there are after-school centres at Bentleigh State school and Caulfield Junior College where Hebrew and Jewish studies are offered for 90 minutes once a week, with a total of 80 students enrolled.[2]

UJEB's high school program, *J-Lunch*, is available at four schools – Glen Eira College (40 students), McKinnon (30), Brighton (15) and Sandringham (10). UJEB offers a camp at the end of the first semester and between 70 and 100 young people attend. As well, UJEB joins with the Board of Jewish Education in Sydney to send students on a 5-week program in Israel. In 2018, twenty Melbourne students participated, and for 2019, 32 students are enrolled.[3]

In 2018, enrolment in UJEB classes was in the 500-600 range and it is expected that in two years they will reach 1000. UJEB charges for its classes; depending on the number of classes per week, the programs cost between $130 and $450 per term. To supplement revenue from fees the organisation receives donations, which cover approximately 80% of its budget.

Several Chabad synagogues offer supplementary Jewish schooling. Chabad of Glen Eira offers **Hebrew Gems** where students from State schools and non-Jewish Private schools study Hebrew language and Jewish heritage and history once a week for two hours.[4] There are approximately 80 students who attend the classes in 2018. Chabad Glen Eira also offers a day camp during school vacations and Campteens which is an overnight camp for students from State schools.[5]

The Chabad Hamerkaz Centre in Glenhuntly Road has developed the **Lamdeni** school to offer weekly after school lessons in Hebrew language, Jewish heritage and history. Lamdeni provides supplementary education to approximately 200 young people, most in the age range 5-12, each week.[6]

In addition to these supplementary Jewish education programs, a number of organisations, including UJEB, Lamdeni, Stand Up, Twelve and Thirteen, the Spiritgrow Centre and other synagogues, including Mizrachi, Caulfield, St Kilda, and TBI, offer Bat- and Bar-Mitzvah learning programs.

[2] UJEB Executive Principal, Itzik Sztokman interviewed on 24 June 2019
[3] UJEB Newsletter, July 2019
[4] https://www.chabadgleneira.com/templates/section_cdo/aid/1341743/Jewish/Hebrew-Gems.htm
[5] Rabbi Mendy Groner interviewed 16 July 2019
[6] https://www.lamdeni.org

# SCHOOL FEES

In 2018, close to 66% of Australian students attended Public (Government) Schools, 20% Catholic 15% in Independent (Private). The combined proportion in Catholic and Independent schools is higher at the secondary school level – it is 30% in primary, 41% in secondary.[7]

There is a significant difference in the fees charged by the different sectors: without consideration of additional costs, such as uniforms, camps, excursions, optional classes, and transport, in 2019 the average annual fee in Government schools is $904, Catholic $7,371, and Independent $27,455. [8]

All schools receive funding from both the Commonwealth and the State Governments. This makes Australia unusual, as in the United States there is almost no public funding of Private schools and in Canada and New Zealand the proportion of Government funding of Private schools is much lower than in Australia.

Most of the funding for Australian schools comes from the State Governments. A report on recurrent school expenditure for 2014-2015 indicated that close to 92% of State education funding goes to public schools, compared to just 36% of Commonwealth funding, which allocates most of its funding (64%) to the private sector.[9]

Commonwealth funding is calculated based on the estimated cost to educate a child and is termed the Schooling Resource Standard (SRS). In 2019 the SRS was $11,343 per child in primary school, $14,254 in secondary. On top of that funding, there are loadings for disadvantage.[10] Government schools receive the full amount per child, Private schools obtain a percentage of the full amount depending on the estimated capacity of schools to raise funds from parents and other sources, ranging from 90% of the SRC at the lowest end of the scale to 20% of the SRS at the higher end. While most of the funds of Catholic schools is provided by Government, other Independent schools get most of their funding from fees and private donations.

Since 2001, the relative need of Private schools for recurrent funding is measured according to the Socio-Economic Status (SES) of the school community, using Australian Bureau of Statistics Census data. The SES of Private schools is calculated by linking student residential addresses to the latest Census Collection Districts and then applying an SES Index to obtain an average SES score for each school. It is based on average family income, education and occupational level in the area in which each family lives. Schools with well-off parents have higher SES scores and receive lower base funding per student. The average SES score is 100, and 97% of scores fall between 85 and 125.[11]

SES scores for Jewish schools are indicated in Table 5, they range from 88-89 for the ultra-orthodox and Chabad schools, to 117 for Sholem Aleichem, 120 King David, 121 Leibler Yavneh, 122 Mount Scopus, and 124 Bialik.

Relatively disadvantaged students in Independent schools, including students from non-English speaking backgrounds, those attending a small school, students with a disability, and students with patents in the lower two quartiles of educational advantage, attract additional Government funding, above base recurrent funding. [12]

The Commonwealth and State Government funding received by each Jewish school, as indicated on the My School website, is provided in Table 5. Combined Commonwealth and State funding is $16,989 per student

[7] ACARA (Australian Curriculum, Assessment and Reporting Authority), Student Numbers, 2018
[8] ASG Planning for Education Index 2019, https://www.asg.com.au/about-asg/media/asg-planning-for-education-index-2019
[9] Catherine Hanrahan, 'Here's how Australian schools are funded', ABC News, 20 April 2018
[10] Hanrahan, ABC News, 20 April 2018; Australian Government, Department of Education, 'What is the Schooling Resource Standard and how does it work?', last modified 7 May 2019
[11] Paul Goss, 'Explaining Australia's school funding debate: what's at stake', The Conversation, 18 July 2018
[12] Independent Schools Council of Australia, Principles for school funding, https://isca.edu.au/about-independent-schools/school-funding/principles-for-school-funding/

for Divrei Emineh, $15,852 Adass Israel, $13,317 Yesodei Ha Torah, $12,800 Yeshivah- Beth Rivkah Colleges, $11,420 Cheder Levi Yitzchok, $8,775 Sholem Aleichem, $6,298 King David, $5,613 Leibler Yavneh, $4,476 at Mount Scopus, and $4,089 Bialik College.

Schools also receive Commonwealth and State Government funding to cover capital expenditure, which includes buildings, grounds and equipment – not just new construction, but also refurbishment or expansion of existing facilities and replacement of dated material. Between 2015-17 the highest level of Government funded capital expenditure was received by Adass Israel ($1,659,395) and Yeshivah- Beth Rivkah Colleges ($1,498,738). Total capital expenditure, which includes funding from private sources, was at the highest level at King David ($18,216,240), Cheder Levi Yitzchok ($11,149,694), Mount Scopus ($10,223,924), and Yeshivah Beth Rivkah ($7,868,949). (Table 6)

**Table 5: 2018 SES Score and Government recurrent funding per student 2017**

| School | SES Score 2018 | Australian Government Recurrent Funding | State Government Recurrent Funding | Total Government Recurrent Funding |
|---|---|---|---|---|
| Adass Israel | 89 | $10,773 | $5,079 | $15,852 |
| Divrei Emineh | 89 | $11,092 | $5,897 | $16,989 |
| Cheder Levi Yitzchok | 88 | $7,547 | $3,873 | $11,420 |
| Yeshivah-Beth Rivkah Colleges | 88 | $9,106 | $3,694 | $12,800 |
| Yesodei Ha Torah College | 89 | $10,884 | $2,433 | $13,317 |
| Leibler Yavneh College | 121 | $4,327 | $1,286 | $5,613 |
| Mount Scopus Memorial College | 122 | $3,647 | $829 | $4,476 |
| Bialik College | 124 | $2,974 | $1,115 | $4,089 |
| The King David School | 120 | $4,973 | $1,325 | $6,298 |
| Sholem Aleichem College | 117 | $6,876 | $1,899 | $8,775 |

Source: Socio-economic status scores obtained from the Australian Government, Department of Education and Training, modified at 14 March 2019 https://docs.education.gov.au/documents/socio-economic-status-ses-scores.
Funding data: Australian Curriculum, Assessment and Reporting Authority, My Schools website, https://www.myschool.edu.au as at 3 June 2019. Data provided combines Yeshivah and Beth Rivkah Colleges.

**Table 6: Government funded capital expenditure and total capital expenditure, 2015-17**

| School | Government Funded Capital Expenditure 2015-17 | Total Capital Expenditure 2015-17 |
|---|---|---|
| Adass Israel | $1,659,395 | $3,773,386 |
| Bialik College | $489,350 | $6,074,225 |
| Cheder Levi Yitzchok | $0 | $11,149,694 |
| Divrei Emineh | $332,720 | $857,900 |
| Leibler Yavneh College | $528,138 | $1,758,385 |
| Mount Scopus Memorial College | $468,730 | $10,223,924 |
| Sholem Aleichem College | $246,859 | $2,144,184 |
| The King David School | $259,373 | $18,216,240 |
| Yeshivah-Beth Rivkah Colleges | $1,498,738 | $7,868,949 |
| Yesodei Ha Torah College | $207,792 | $332,102 |

Source: Inga Ting, Alex Palmer, and Nathanael Scott, 'Rich school, poor school: Australia's great education divide', ABC News, 13 August 2019; My School data.

A further factor is that education costs increase at a faster rate than the increase in the cost of living – the increase in consumer goods and services, such as transportation, food, and medical care – as calculated by the Consumer Price Index – between June 2015 and June 2019 the CPI increased by 8.2 index points, the education index which includes school fees increased at almost double the rate, by 15.3 points[13]

Indication of fees charged is available for the majority of Jewish schools on their websites, in one additional case fees were provided in response to request for information. Yearly fees for four schools that offer classes from primary to secondary level range from $18,600-$22,580 at primary level to $32,600-$37,880 at senior secondary, in addition to which there a range of levies for transport, security and building. Discounts are provided where more than one child is enrolled in the school, as indicated in Table 7. Fees at Yeshivah-Beth Rivkah Colleges for households with income of less than $350,000 per annum are capped at a percentage of household income, irrespective of the number of children enrolled. Fees at Sholem Aleichem College, which only teaches at the primary level, are in the range $14,495-$16,445. These amounts, however, are only indicative of full fees paid and many parents receive subsidies; some schools have a policy of not turning away any child simply on the basis of cost.

> "Education costs increase at a faster rate than the increase in the cost of living… between June 2015 and June 2019 the CPI increased by 8.2 index points, the Education Index by 15.3 points."

**Table 7: Annual fees at Jewish schools, 2019**

| SCHOOL | FEES |
|---|---|
| Adass Israel | No website. |
| Divrei Emineh | No website. |
| Cheder Levi Yitzchok | No website. |
| Yeshivah-Beth Rivkah Colleges | CAPS- fees paid based on a % of household income irrespective of how many children are enrolled. Eligible for those with a combined household income of less than $350,000 PA |
| Yesodei Ha Torah College | No website. |
| Leibler Yavneh College | $18,600- $32,600, plus levy which increases from $820 in Prep-Year 3 up to $1,735 for Years 7-9. Reductions: 2% for 2nd child, 10% for 3rd. 20% for 4th and 30% for 5th+. |
| Mount Scopus Memorial College | $22,580 - $37,880, plus $510 plus transport levy of $2,392.50 - $2,788.50). Reductions: 2% for 2nd child, 10% 3rd, 20% 4th, 30% 5th, 37.5% 6th+. |
| Bialik College | $21,200- $35,950; this includes security levy but excludes the 'voluntary Building Fund Levy' of $100 per child per term. Bus fees extra. 5% discount for third child and 15% for 4th child. |
| The King David School | $21,036 - $36,252, 4% reduction if paid in advance. 20% Discount for 3rd and subsequent children. |
| Sholem Aleichem College | $14,495- $16,445 includes security and resources levies. Reductions: 10% for 2nd child, 12% for 3rd+. 5% discount if fees paid in full by start of year. |

[13] ABS, 6401.0 Consumer Price Index, Australia, June 2019 (released 31 July 2019), https://www.abs.gov.au/ausstats/abs@.nsf/mf/6401.0

# EDUCATIONAL ACHIEVMENT

An important reason for the continuing appeal of the Jewish schools outside the Strictly Orthodox stream of Judaism is the achievement of consistently high academic standards leading to high scores obtained at the university entrant level.

One indication of the level of achievement of the schools is the **Index of Community Socio-Educational Advantage (ICSEA**), which is a scale that represents relative levels of educational advantage. It is based on research that indicates a strong correlation between the occupation and level of education of parents and the educational achievement of their children. The development of ICSEA involved collecting student family background data with reference to parents' occupation and parents' education, along with consideration of school factors including geographic location. ICSEA does not describe or reflect the wealth of parents of students in a school or the wealth or resources of that school.[14]

The score or value assigned to a school is the average score for all students in the school. The average for all schools is scaled to a score of 1000. Below the average indicates relative educational disadvantage, above indicates relative advantage. ICSEA values range from around 500 (representing extremely disadvantaged backgrounds) to about 1300 (representing schools with students from very advantaged backgrounds).

Data available in 2019 indicates that the ICSEA value of two Jewish schools is below the average: Divrei Emineh at 905 and Adass Israel at 939; Cheder Levi Yitzhok is rated close to the average at 1022 while the remaining schools are above, in the range 1087-1181, with Mount Scopus gaining the highest score by a small margin. (Table 8)

ICSEA also enables comparison of the performance in literacy and numeracy of students in a given school with that of schools serving students with similar backgrounds. A school's ICSEA value is used to select a group of up to 60 schools serving students from statistically similar backgrounds. This is referred to as the **statistically similar schools group** (SSSG). These schools are located across Australia but, based on ICSEA, their students have similar levels of relative educational advantage. The student population is divided numerically into four equal groups (quartiles) and ranked in terms of educational performance measured against the SSSG. Two schools have a relatively high proportion of students in the bottom quartile: Divrei Emineh (83%), Adass Israel (65%). Eight schools have relatively high proportions in the top quartile, ranging from 70%-80% for Sholem Aleichem, Bialik College, King David, and Mount Scopus, 45%-59% Yesodei HaTorah and Leibler Yavneh, and 36%-43% Yeshivah-Beth Rivkah.

[14] Australian Curriculum, Assessment and Reporting Authority, *Guide to Understanding ICSEA Values*, http://docs.acara.edu.au/resources/20160418_ACARA_ICSEA.pdf; https://www.myschool.edu.au/media/1067/guide_to_understanding_icsea_values.pdf

**Table 8: Index of Community Socio-Educational Advantage (ICSEA)**

| School | Index Of Community Socio- Educational Advantage (ICSEA) | | | | | |
|---|---|---|---|---|---|---|
| | School ICSEA Value* | Distribution Of Students | | | | Language Background Other Than English |
| | | Bottom Quarter | Middle Quarters | Middle Quarters | Top Quarter | |
| Adass Israel | 946 | 65% | 22% | 11% | 2% | 92% |
| Divrei Emineh | 905 | 83% | 14% | 3% | 0% | 100% |
| Cheder Levi Yitzchok | 1049 | 19% | 24% | 30% | 27% | 5% |
| Beth Rivkah Ladies College | 1092 | 9% | 21% | 28% | 43% | 30% |
| Yeshivah College | 1073 | 13% | 23% | 27% | 36% | 27% |
| Yesodei Ha Torah College | 1097 | 7% | 20% | 28% | 45% | 14% |
| Leibler Yavneh College | 1126 | 5% | 10% | 25% | 59% | 32% |
| Mount Scopus Memorial College | 1174 | 0% | 3% | 17% | 80% | 18% |
| Bialik College | 1157 | 1% | 6% | 23% | 70% | 26% |
| The King David School | 1171 | 1% | 3% | 19% | 78% | 21% |
| Sholem Aleichem College | 1155 | 2% | 5% | 22% | 71% | 11% |

* Average ICSEA value = 1000
Source: Australian Curriculum, Assessment and Reporting Authority, My Schools website, https://www.myschool.edu.au/ as at 3 June 2019
Where data is available, Yeshivah and Beth Rivkah Colleges have been disaggregated.

Results for schools offering classes at VCE level provide a further indicator of performance. **VCE performance** can be ranked using a range of indicators, including (i) VCE completion; (ii) the median VCE score achieved by students, expressed as a score out of 50, which is the maximum for VCE subjects, and (iii) as a proportion of students obtaining a score of 40 or above, a score which places students in the top 9% in that subject.

VCE completions provide no basis for differentiating between schools, as nearly all students at Jewish high schools satisfactorily complete their VCE studies.

With regard to ranking in terms of median VCE scores and percentage of study scores over 40, among the more than 500 Victorian schools with VCE classes some Jewish schools consistently rank in the top ten, and nearly all rank in the top 50.

In 2015, among schools with VCE enrolments of more than 20 students, of the top ten ranked schools achieving median VCE score and percentage study scores over 40, four were Jewish: Beth Rivkah, Bialik, Mount Scopus, and Yeshivah.[15]

In 2016, Bialik gained first place in Victoria; Yeshivah ranked third; Mount Scopus, fourth; Leibler Yavneh, twelveth, Beth Rivkah and King David, thirteenth; and Yesodei HaTorah within the top 50.[16]

In 2019, seven Jewish schools ranked within the top forty Victorian schools for VCE results, three in the top 10. Among non-Government schools, Bialik ranked second, Mount Scopus ranked third and Beth-Rivkah Ladies College eighth[17]. According to the Australian Jewish News, Bialik has ranked in the top five school list for 21 of the last 22 years.[18]

[15] 'Five Jewish schools make Vic top ten', *Australian Jewish News*, 24 December 2015
[16] 'Bialik College tops state', *Australian Jewish News*, 22 December 2016
[17] 'Regional school rises to become state's top VCE performer', *The Age*, 19 December 2019
[18] 'Bialik is Top of the Class', *Australian Jewish News*, 4 January 2019

**Table 9: 2018 and 2019 VCE results**

| School (listed alphabetically) | 2018 | | 2019 | |
|---|---|---|---|---|
| | Median VCE study score | Percentage of study scores of 40 and over | Median VCE study score | Percentage of study scores of 40 and over |
| Beth Rivkah Ladies College | 35 | 18.4 | 36 | 30.5 |
| Bialik College | 38 | 40.2 | 39 | 44.3 |
| Leibler Yavneh College | 35 | 22.8 | 35 | 26.0 |
| Mount Scopus Memorial College | 36 | 29.1 | 38 | 37.4 |
| The King David School | 35 | 23.1 | 36 | 21.0 |
| Yeshivah College | 33 | 15.6 | 35 | 28.1 |
| Yesodei HaTorah College | 34 | 24.0 | 34 | 25.0 |

Source: 2019- https://www.vcaa.vic.edu.au/Documents/statistics/2019/2019SeniorSecondaryCompletionandAchievementInformation.pdf
2018- https://www.vcaa.vic.edu.au/Documents/statistics/2018/2018_Senior_Secondary_Completion_and_Achievement_Information.pdf

> "In terms of median VCE scores and percentage of study scores over 40, among the more than 500 Victorian schools with VCE classes, some Jewish schools consistently rank in the top ten and nearly all rank in the top 50."


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# CHALLENGES FACING JEWISH DAY SCHOOLS

In addition to drawing on the findings of the Gen17 survey, twenty-nine face-to-face interviews were conducted for this report, including seven with school professionals discussed in this section.

School administrators perceive new challenges in a time of rising costs, changing values, security threats, and shift in the demographic profile of the Jewish community. The challenge for the schools is predicting how these trends will affect enrolments. This section identifies six broad challenges facing Jewish day schools. The section that follows explores challenges from a parental perspective.

## RISING COSTS

The impact of rising costs is the fundamental issue; school fees need to be understood in the context of rises in the costs of living, which include house prices, taxes and utilities.

The annual rise in school fees is consistently higher than the increase in the Consumer Price Index. Most Jewish schools have an **expensive fee structure, in order to provide the best education possible, as well as to enable subsidies to poorer families.**

Families struggle to afford housing in the suburbs in which the Jewish population is concentrated, the sought-after Glen Eira and contiguous Local Government Areas. Indicative of cost pressures over recent decades, in 1980 a graduating accountant earned a salary in the range $10,000-$15,000. A modest house in the Jewish area may have cost $36,000, around three times an annual salary. Today a graduating accountant may earn in the range $55,000 - $65,000, but a similar house may cost over $1,000,000, close to twenty times the salary. In 1976 school fees cost $4,000 per annum and Year 12 fees were $15,000. Today, Jewish kindergarten fees may be $20,000 per annum and Year 12 costs $35,000 or higher.

## DEMOGRAPHIC CHANGE

Demographic change impacts on the number of Jewish children. Couples are marrying later in life and many defer having children. Many also plan for smaller number of children. Birth rates are highest is the orthodox community, where twenty years ago there were families with 9, 10, 12 or even 14 siblings. Today, families with 4 or 6 children in the Chabad/orthodox schools are more common.

> "What have they done with that extra five or six years of not having a family? Have that generation saved money or just spent it? When they're in the 30's are they going to be able to afford Jewish education or not?"

One school administrator states with reference to the non-orthodox that 'kids aren't marrying. They're not marrying, forget the marrying out.' He gives the example of a 26-year-old who finished Jewish day school nine years ago. Out of her class of 140, perhaps two have married. He supposes that the vast majority of young people up to the age of thirty are not married and regardless of any other impact this might have, they will certainly have children later in life which will result in a gap in enrolments. 'It will be interesting to play out. What have they done with that extra five or six years of not having a family? ... Have that generation saved money or just spent it? ... It will be interesting when they're in the 30's are they going to be able to afford Jewish education or not?'

While age at marriage is increasing, another demographic factor with potential impact on the affordability of schooling is life expectancy. People are living longer, so transmission of wealth across the generations is delayed, or it is much reduced, as the older generation draw on their savings to sustain them late in life. In this context many grandparents are not able to assist with school fees to the extent of earlier generations.

A further demographic factor relates to family composition, in the context of increase in the divorce rate since the early 1970s. Each of the school administrators raised the issue of split families. Single parents may be left to raise children on their own, struggling just to make ends meet. One school financial officer commented on the plight of newly single mothers who have 'been out of the work force because they've had kids, then struggling through a divorce, they're already in their mid-30s and they've got young kids, they've got to be back for school pick-up… What hope do they have of getting ahead? They're always living on that poverty line.'

Another school administrator discussed the complications of dealing with divorced parents: 'It's the amount of time and effort it takes my department to deal with families like that in a compassionate way, in a deserving way.' Once parents are divorced, their income is divided between two households, 'what we find often is that … parents fight over money, but also fight over how important it is to keep their children here.' One parent might decide that it's no longer as important or that they simply cannot justify keeping their child at the school for financial reasons. At a time when the school is possibly their only stable environment, it is difficult for the children to have to leave, so a lot of time goes into finding a way to provide assistance.

> "What we find often is that [divorced] parents … fight over how important it is to keep their children here."

## OPTIONS

The cost of sending children to Jewish day schools is not the only issue with potential impact on enrolments in Jewish day schools. It is recognised that some parents are keen for their children to feel part of the broader and more diverse Australian society, to have experiences which they perceive to be lacking in Jewish day schools. They themselves are often graduates of the Jewish schools, but reason that their children should grow and be educated with a wider perspective than was provided by their schooling.

Some parents plan to send their children to Jewish kindergartens, given that kindergarten costs are similar to those charged by non-Jewish providers, but then move them into State primary schools and have them re-enter the Jewish schools for secondary education. An increase in enrolments is seen at Years 5, 6 and 7 in some schools, as parents see a benefit to settling their children in upper-primary prior to Bat- and Bar-Mitzvah. 'There's a great interest in those year levels for secondary…the reason being networking, Jewish programs, Jewish informal studies and academic results.'

On discussing this trend, one bursar commented: **'**I think we will see a trend, between Prep and Year Five and Six … where people will not send their children to a Jewish day school for those years. They like Kinder, because it's a good way to playfully introduce Judaism, and then Primary is considered less important … A lot of them say 'we chose not to for financial reasons' and that is often because they want to prioritise for other things.'

> I think we will see a trend, between Prep and Year Five and Six … where people will not send their children to a Jewish day school for those years. They like Kinder, because it's a good way to playfully introduce Judaism, and then Primary is considered less important.

The availability of good local Government primary schools with a large proportion of Jewish students presents a challenge for the Jewish schools. Reflecting on the experience of his school, an administrator noted that 'You can see our numbers at kinder are strong and there's a real dip at Prep, 1, 2, 3, and then it starts to pick up 4, 5, 6 and then it jumps … It's understandable, you've got great State schools within the zone.'

## ABSORBING THOSE WHO RETURN

With this pattern of enrolment, where students attend Government schools for most of the primary years, the schools face the problem of integrating those who return. This may entail the need to provide beginner's Hebrew classes; one administrator commented that 'we get a few kids who come with no aleph-bet whatsoever.' Some have no background in Jewish studies, others have attended supplementary classes.

## SHIFT IN VALUES AND PRIORITIES

At a broad level, the problem is that there is an ongoing shift in the value placed on a Jewish education. This is not an issue for the vast majority of orthodox families for whom there is no question of choice, but many in the less observant community do not prioritise a Jewish education in the context of the financial pressures they face. One school administrator commented that past generations 'felt that prioritising a Jewish education, a Jewish day school, over other expenditure was greater and more important to them than it is today.'

There is a view among administrators that many parents could find a way to meet the cost of fees, even if it entailed borrowing money, but they decide that they can do better for their family by devoting their resources elsewhere. In the words of one bursar, 'The main change over time is that people value Jewish education differently. Now obviously fees have gone up and its expensive, there's no doubt about that, but in terms of priorities in life, people felt that prioritising a Jewish education, a Jewish day school, over other expenditure was greater and more important to them than it is today.'

> The main change over time is that people value Jewish education differently… people felt that prioritising a Jewish education… over other expenditure was greater and more important to them than it is today.

# PARENTS' PERCEPTIONS OF JEWISH SCHOOLING

In addition to interviews with school professionals, twenty-two parents were interviewed about the decisions they are making or have made regarding to their children's schooling. Interviews were audio recorded, transcribed and analysed for key issues and themes. In the following discussion, contextual details, including names, have been withheld to prevent identification of individuals.

The parents interviewed were asked about their own Jewish background and education and that of their partner; their past involvement in youth movements; the Jewish influences in their childhood and adolescent years; and the extent of their contact with Israel. The major focus was on the education they planned for their children. Interviewees were asked to consider reasons for and against sending children to a Jewish day school. They were asked to comment on viewpoints within their friendship groups and the views of their contemporaries. The parents sending their children to Jewish day school were asked about the sacrifices that they have to make, whether grandparents help with school fees, and whether they are prepared to accept fee assistance from the schools.

Analysis of the parent interviews indicated four broad attitudinal profiles concerning the education of children.

## 1. 'We cannot afford it'

The first group are those who have decided against sending children to a Jewish school for financial reasons. Some literally cannot afford the fees now and they know that fees will only increase: 'it's a commitment throughout your kid's life … Fees are going to go up and you're looking at 12, 13 years of ever-increasing fees.'

The issue evident in nearly all discussions is that school fees are unaffordable for families who earn the average Australian salary, which in May 2018 was $86,000. Even if their Jewish school of choice offers a half fee subsidy, for many the cost remains unaffordable. One parent reflected:

> [We have] three kids. Even at half price it's about seventeen to eighteen grand per kid, [and that is after tax]. Where am I going to find a spare $75,000? Where? We have reached a situation where unless you have wealthy parents or unless you are earning huge money, it is beyond reach. Think of where we are if we are both teachers, think of two Jewish parents, who are teachers, and can't send their kids to a Jewish day school. Can't do it.

Some parents who had sacrificed to send their children to a Jewish school, or had seen the sacrifice of their parents, were left with very negative memories. In the words of one parent, 'it was financially very hard for us. It was probably too ambitious … We could not make more sacrifices. There's nowhere that we can spend less other than completely stepping outside the community and living a very different sort of life.' They had not purchased a new car for 15 years, nor had family vacations, had no home help, and were left with a $60,000 debt through school fees.

Some who witnessed the impact of fees on their parents simply couldn't justify following the same course: '…from personal experience, having seen two parents incredibly stressed, I wasn't prepared to follow that.' One parent who listed cost as the biggest reason in her decision explained that 'I saw my parents compromise so much for this education… and I don't know if my life would be any different had they not compromised that insane amount of money. I wonder if the benefits of those hundreds of thousands of dollars could have been better spent in our lives in general.'


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Many in this group are driven by a different motivation to their parents; they prioritise owning their home, or only working part-time to spend more time with their young children. Some are influenced by different lifestyle choices than the ones made by their parents. One commented that 'it's very typical of my generation to 'kinda want to have it all' and we don't want to necessarily just work to pay school fees, we want to go on holidays and all of that.' One parent envied a friend with children at a Government school who was able to take the family to Israel for Pesach.

> "I saw my parents compromise so much for this education…I wonder if the benefits of those hundreds of thousands of dollars could have been better spent in our lives in general."

Within this group there are those who know that they can apply for reduced or waived fees but are uncomfortable asking for support and prefer not to go through the process involving assessment, and regular reassessment, of their financial situation. 'We're not comfortable asking for help…because then we have to explain ourselves on every level, and we're very private people, we're proud people.' Another parent commented that 'nobody wants to ask for a handout … [We are] embarrassed to ask,' and expressed concern about possible future interference in their lives: 'I've heard stories about families who have asked for support. They get support and if they want to take a holiday, it gets a bit tricky.'

In June 2018 Becci Krispin, a young mother, wrote a carefully reasoned article about the cost of Jewish schooling, published in J-Wire and posted on social media.[19] She argued that 'school fees in the majority of JDS [Jewish day schools] have become completely unaffordable for a large part of the Jewish population in Melbourne.' She and her Israeli born husband reached the decision that:

> Paying full fees for a Private JDS was out of the question. Our after-tax income simply cannot accommodate a total cost of between $340,000 – $390,000 per child (in fees and levies at four of the main JDSs) plus extras, for Prep to Year 12.

The compromise was to send her children to a local Government primary school and to educate her children Jewishly through the supplementary system, home Hebrew lessons and maintaining a traditional home environment. They did not want 'to compromise … basic financial security as a family because of Jewish day school fees.' But Becci concedes that 'in all of the hours they spend at school, they are not learning even a tiny bit about their own history, culture, language, community or connection to Israel.' That is obviously important to her and negates the assumption that all parents who send their children to Government schools are not wanting a Jewish education for their children. Becci calls for 'finding ways that the community can cooperate to ensure an affordable and suitable Jewish day school education for every child and family that wants it.'

In one interview, a parent compared the high cost of Jewish schooling to Catholic schools and argued that 'if it cost the same as the Catholic schools, you'd find a way to make it work. Because there is the perceived benefit of the private education and you'd find a way to make it work. But it's just not possible, it's not even worth contemplating.'

[19] http://www.jwire.com.au/lets-talk-about-Jewish-day-school-fees-writes-becci-krispin/

## 2. The primary school years: 'wait and see and in the meantime save'

Most of the parents interviewed sent their children to Jewish kindergartens. The reasoning was simple, working parents require full-time day care and there was no option but to meet the fees. As they were paying a fee then it was better to find a Jewish provider, as long as the cost was similar to other providers; 'if you want a long day care you have to go private and you just don't have a lot of choices. So if you're gonna spend the money … you go to a Jewish one'; 'if your options are between long day care and Jewish kinder, your cost is roughly the same… so people are more likely to choose a Jewish kinder because they're not massively out of pocket compared to their other options.'

None of the parents raised the issue of costs involved in sending their children to kindergartens and early learning centres, even though after the Government rebate they are still expensive. For a private, early learning centre, which is usually full-time, the annual fee ranges from $21,000 to $24,000. This is, however, substantially offset in most cases by the new means-tested Government Child Care Subsidy. The level of subsidy a family receives depends on three factors: combined family income, the number of hours of approved activity of the parent (such as paid work), and the type of approved child care service used. A low-income family (combined household income of up to $68,163) may receive a subsidy of 85% of the childcare fee charged up to an hourly rate of $11.98, a higher income family (combined income of $173,163 - $252,453) a subsidy of 50%, with no subsidy where income exceeds $352,453.[20]

But beyond the kindergarten a number of interviewees indicated that they had sent their children to a Government school at primary level, but kept open the option of a Jewish high school. One parent reasoned that 'if we spend these primary school years saving, paying off our mortgage, then we might be in a position to send them to a Jewish high school.'

> "If we spend these primary school years saving, paying off our mortgage, then we might be in a position to send them to a Jewish high school."

For many parents still weighing up their options, the decision came down to a cost/benefit calculation. One interviewee indicated that 'sometimes we say, 'how much more would they get, at a Jewish school, for the amount of money?' How do you measure? I don't quite know what the measure is. Is it the degree of Jewish study knowledge that your child ends up with at the end? Is it the sense of community that you're given?'

One parent, whose children will be starting Prep next year, explained her thinking: 'The biggest consideration is financial for us as a family and if you're going to choose – if you say 'it's too much to commit to sending your kids to JDS for their entire school career' then you've got to choose when do you do it? When is more important? Is it primary, is it high school? Is it half of primary? I don't know.'

One mother, with two children at a local Government primary school explains: 'our philosophy is to see how our kids go and if they thrive in this environment. And if they don't, we might then consider Private schooling and making certain sacrifices and taking on more stress.'

[20] Australian Government, What is the Child Care Subsidy,' https://docs.education.gov.au/system/files/doc/other/feb_2019_what_is_the_child_care_subsidy.pdf


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Many made it clear that it would be much better to enrol in a Jewish day school when the financial circumstances allowed for it, instead of having their finances reviewed by the school annually. 'You don't want to pull them out because you can't afford it, you'd prefer to put them in when you can.'

> "You don't want to pull them out because you can't afford it, you'd prefer to put them in when you can."

Several parents spoke of their plan to send their children to a Jewish school when they reached high school age. One commented:

> There's definitely value in a Jewish schooling. If you said to me, is it worth 15 years of fees? No! If you said, is it worth three years of fees? Yes! Where does the see-saw tip? For me, somewhere between 3 and 6 years but not more … I'm not sure that it's worth $240,000 when it means sacrificing or giving up or compromising so many other things in one's life … I think the value increases towards the end of school. Which is why I think there is almost no value in Jewish primary school.

In the view of one interviewee, the most difficult situation was faced by the majority of parents whose financial status was in-between, who did not have the income to make school fees easily affordable, but also did not have such low income that they would directly qualify for subsidies fees:

> A very small percentage [are] … in that bracket of people who are extremely wealthy, who basically can afford to do all those things plus send their kids to a Jewish school. … [Then there is] that percentage of people who really are very low earners and can go to the school and show their finances inside out and the school can recognise, 'Yes, actually you can't afford it so were going to help you'. But the people who are in between, who I'm imagining are the biggest chunk of people. … either don't feel comfortable asking or … can't justify asking because you feel like 'oh there are people worse off than me and yes, I guess if I do scrounge a bit here and scrounge a bit there we can pay for it, but then we can't really pay off our house, or we can't live in Caulfield, or we can't live in a house where each of our kids have their own bedrooms', whatever the case may be.

The availability of Government schools with a large number of Jewish students gives comfort to some parents. One commented: 'I think it would be a very different situation if we didn't have schools like Caulfield South or Gardenvale where they do have a lot of Jewish kids … It was kind of an easy decision because there are so many Jewish kids there and you speak to so many families and Jewish parents who've had their kids there and they're happy … I think it would be very different if we were in a position where we had to send our kid to a primary school where there weren't many Jewish kids.' Another parent observed: 'I do feel sad that we haven't been able to send the kids, to have them continue at Scopus all the way through but at the same time, because there are these schools like Caulfield South that have such a large Jewish population that it just makes it a little bit easier, you feel little bit better about it because you're not the only ones.' Another put the stress on the quality of Government education on offer: 'If the school that we were zoned for wasn't any good we wouldn't be going there, we would keep him at the Jewish school.'

> "I think it would be very different if we were in a position where we had to send our kid to a primary school where there weren't many Jewish kids."

> If the school that we were zoned for wasn't any good we wouldn't be going there, we would keep him at the Jewish school.

With this decision, comes a clear moral dilemma expressed by a number of those interviewed. 'I'm comfortable with my decision but I do question it sometimes...every now and then I have a little panic.'

Ambivalence is expressed by a mother who moved her daughter from a Jewish kindergarten to Caulfield Junior College: 'I was terrified at the beginning. I was like 'are we making a good decision?' I think of all the fears that I had, that you're compromising because though money shouldn't be the be-all-and-end-all of a decision but it is so much part of the decision that you worry that you are compromising on education.'

Those that did chose a local Government school expressed hope that whatever they did at home would be enough. 'The flipside is that it puts a greater onus on us, that we take the responsibility as parents to provide that [Jewish] education.' One mother, despite not being a member of a synagogue herself, considered that perhaps it would be in her daughter's best interests if they did go to a local synagogue more regularly because 'that's something that we could do to try and help them to form some kind of Jewish identity and form some connection to the Jewish community.'

Typical among interviewees, those with children at Government schools supplement their education with Hebrew and Jewish studies before or after school hours, although not without difficulty. One young mother noted that when her daughter was in Prep 'we enrolled her in Hebrew Gems through Glen Eira Chabad. And we did that for most of the year, but I pulled her out because I found that she was getting quite tired. I was having trouble getting her there. She was tired and she didn't want to sit in the classroom, she struggled and there were tears. So, we swapped from Hebrew Gems to UJEB … but since the baby was born, she hasn't been able to go because it's just hard to get there at 8 o'clock in the morning.' She indicated that 'as the kids get older, we will have to think more about getting back to Hebrew Gems or I think there are other UJEB programs that are a bit longer than 45 minutes. Because the plan is to send them back to Jewish school in secondary, so they'll need to know some Hebrew.'

## 3. 'We want our kids to get a broader perspective of life'

For another group of parents, there are advantages of a non-Jewish school, in preference to what they perceive to be a Jewish day school education: these advantages include a less pressured environment, the opportunity for children to make friends in their local neighbourhood, and the greater diversity both in subjects taught and in the ethnic and cultural environment.

Some young couples are looking for more social diversity, what they describe as exposure to a broader range of people and perspectives. A parent with children in a Government school commented that 'one of the things I'm also seeing now that the children are at a school with much more diverse student population is how much of a blessing that is. They have friends who are Jews, Christians, Asians, all kinds, and it's very natural for them…' One mother explained that "we chose [our local school] … because we love the community feel.'

Another parent made it clear that it was less a money issue, more a conscious choice to have a mix of Jewish and non-Jewish friends, 'to be exposed to different people, backgrounds, religions.' There is a perception of Jewish schools as being 'very single-minded.' There are also negative comments on what is perceived to be a pressured environment in Jewish day schools, the 'need to achieve': 'I don't like the push that the Jewish schools have. I feel like there's so much more drive from day dot. You know, there's so much more need to do certain things and be in certain places, and I just don't think a five-year-old needs to worry.'

Another expressed the view that schools and their communities are 'clicky.' She felt more comfortable being in a school community of like-minded parents 'who understand' the struggle to make ends meet and who are not able to afford luxuries. One parent commented on the difference she has seen in the sense of entitlement in kids who come from a Private school versus those from a public school. 'It's not just a Jewish versus non-Jewish, it's very much a Private versus Public thing too.'

> "It's not just a Jewish versus non-Jewish, it's very much a Private versus Public thing too."

Others indicated preference for a school with a specialised educational focus such as Montessori or Steiner. One family sends their children to the Montessori school 'because it's about the individual and then the community … and that fits well with our family values and the way we see the world.' They plan to go to Montessori through to Year 12, but 'I've enrolled him at Bialik in grade two just as a back-up, in case he doesn't like it.'

## 4. 'It's a no brainer': Jewish schooling all the way

For the last group, despite the financial pressures, attending a Jewish school is the only option, irrespective of their financial position. Many of the parents in these families were educated in one of the Jewish schools and grew up in orthodox or ultra-orthodox homes. These parents believe that an intensive Jewish day school education is fundamental; they set tremendous value on Jewish learning and observance. Families that cannot afford fees depend on support from the schools and from grandparents. They know that there are schools that will not deny a Jewish education to any Jewish child on financial grounds. Nevertheless, within this group there are significant differences in the expectation of school curriculum between the Ultra-Orthodox (Hareidi), Strictly Orthodox, and the Modern Orthodox communities.

Some within this group expect that a Jewish school will provide a strong Jewish identity, knowledge of Jewish rituals, and connection to Israel. For others, 'growing up with Jewish friends is a big factor,' as well as feeling part of a community.

These parents look for the school that best fits their own religious outlook. One parent explained: 'people want to choose a school that they feel comfortable at their level of Jewish observance or culture, where they see that they sit culturally and religiously. So that cuts out some of your options as well.' For one Chabad parent, Yeshivah-Beth Rivkah was the school of choice; 'there probably wasn't that much thought that went into it, given I went to Yeshivah and was very happy with the education I had there.' The parents both support the curriculum that allocates half of the teaching time to Jewish studies, imbued with the rituals and practice of strict religious observance. Nevertheless, they appreciate that the school is open to those less observant and is inclusive in its outlook. 'We both value that it's frum, a religious school, but it's open to others… And the kids can take slightly different paths if they want. I have a very strong association with the school and support the philosophy of reaching out to others and being inclusive.'

Within this group, during discussion of the different schools, none mentioned academic results, rather the focus was on the school culture and where they felt, as parents, they might best fit. In one interview, when The Yeshivah-Beth Rivkah CAPS fees were mentioned the parents quickly dismissed it as an option, remarking that 'we just wouldn't fit in there,' their preference was for Mount Scopus 'even though it is the most expensive Jewish school in Australia.' Another parent whose partner was against any religious

practice said they felt Scopus was too religious because the boys wore kippot. They preferred Sholem 'because they don't talk about God.'

> "Within this group, during discussion of the different schools, none mentioned academic results, rather the focus was on the school culture and where they felt, as parents, they might best fit."

Another parent, who grew up in a Modern Orthodox home and has enrolled his child at Yavneh says that he and his wife were both committed to sending their children to a Jewish day school even though the fees will be 'an issue for the foreseeable future.' When asked about his contemporaries, he says 'I think everyone views the finance as a consideration, but I don't think it's what's going to make or break a decision.'

Educated in Jewish day schools in both South Africa and Australia, another mother cannot imagine sending her three children to a State school or a Private non-Jewish school. Her husband came from a traditional home but was educated at a Private Anglican school in Melbourne and has always felt the disadvantage of not having connections with other Jewish people and not knowing Hebrew and basic Jewish ritual. He always wanted his children to have a different experience to his own and together with his wife decided that 'Scopus was probably the school that fitted closest to us and our lifestyle.'

Another mother interviewed was educated at Jewish schools in Melbourne, as was her husband. 'It was always going to be a Jewish school education because we wanted our kids to feel part of a community and I think that sending them to a Jewish school is probably, you know, the ultimate way and fortunately we can afford to send them ... I want them to know what I know, because I feel that they have the right to know what I know.' She discussed her Jewish identity and expectations of a Jewish education: 'I believe also that my Judaism is about being a good person, about being a kind person, about teaching my kids how to respect other people's traditions and all of that. It's probably more important to me than learning texts. That's true. But I do like the idea that it's there and if you want to explore it you have that opportunity.'

# PART 2

This report builds on the Preliminary Report on the Gen17 survey published in 2018, which presented an overview of education issues, including discussion of perceived advantages and disadvantages of Jewish day schools, affordability of day schools, and range of educational experiences. The report was limited to general findings, with disaggregation limited to age group and comparison of Melbourne and Sydney. This second report goes further, with a particular focus on the different religious and ideological streams of Jewish schooling.

Reports of survey findings on Jewish education often aggregate findings across a number of schools, without consideration of the different character of individual schools. Their focus is on 'Jewish schooling'. Recent examples include the British Jewish Lives project,[21] and major Canadian and American surveys such as the *2018 Survey of Jews in Canada* (see, for example, p. 38) and the Pew Research Centre's 2013 *Portrait of Jewish Americans*.

In this report the wealth of data produced by the Gen17 survey is analysed by age of respondent and character of the school attended, with a focus on recent attendees of the day schools, aged 18-29 at the time of completing the survey, compared with an older cohort aged 30-49.

Where sample size is limited by additional criteria, such as respondents with children under the age of twelve, aggregated findings for respondents aged 18-49 are presented.

To provide for in-depth rather than superficial understanding of Jewish day experiences, **the criteria for inclusion is restricted to those who had at least six years attendance at a Jewish high school in Australia**. The survey indicates that of those who meet this criterion, 88% also attended a Jewish primary school for at least six years. Where respondents attended more than one Jewish day school, they were asked to indicate the school attended for most of their schooling and this school is used in the classification of schools.

A further category of analysis considers those who did not attend a Jewish school, the criteria requiring no years at a Jewish school in Australia or overseas[22].

[21] Jewish Chronicle, 16 June 2019 'What pupils – and parents – think about Jewish schools'

[22] The 'Did Not Attend a Jewish School' group comprises those who selected 'never attended a Jewish day school in Australia or overseas at any stage' to the question 'Have you ever attended/currently attend a Jewish Day School (or school in Israel) and if so, for how many years?' It also includes those who selected '0 years' in response to that question.

# SCHOOLS ANALYSED

Only one school – the Modern Orthodox Mount Scopus – had a sufficient number of respondents to enable stand-alone analysis. Of the total who meet the requirement of at least six years of attendance at a Jewish high school, there were 330 Mount Scopus respondents aged 18-49, 45% of the sample; the next highest was the 125 from Leibler Yavneh and 104 Beth Rivkah. (Table 10)

**Table 10: Sample size, Victorian high school attended for six or more years, by age group, Victoria residents only, unweighted (number)**

| | Victorian Jewish High Schools | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Age | Adass Israel | Beth Rivkah | Yeshivah | Leibler Yavneh | Mount Scopus | Bialik | King David | Total |
| 18-29 | 12 | 47 | 13 | 86 | 92 | 38 | 33 | 321 |
| 30-39 | 6 | 36 | 13 | 24 | 93 | 28 | 4 | 204 |
| 40-49 | 2 | 21 | 16 | 15 | 145 | 2 | 0 | 201 |
| Total 18-49 | 20 | 104 | 42 | 125 | 330 | 68 | 37 | 726 |

Given the limitations of the sample, four categories of analysis are included in this report; those who attended:

- Mount Scopus Memorial College
- Orthodox high school: Adass Israel School, Yeshivah College, Beth Rivkah Ladies College, and Leibler Yavneh College
- Non-Orthodox high school: Bialik College and The King David School
- Did not attend: never attended a Jewish school in Australia or overseas

There are at least 50 respondents for each category (aged 18-29 and 30-39), with the exception of the non-Orthodox aged 30-49 with only 34 respondents; given the small number, this group is excluded from analysis in this report.

**Table 11: School grouping, unweighted (number)**

| | Four Groups Of Victorian Jewish Day School Education | | | | |
|---|---|---|---|---|---|
| Age group | Orthodox | Mount Scopus | Non-Orthodox | Did Not Attend Jewish School | Total |
| 18-29 | 158 | 92 | 71 | 58 | 379 |
| 30-49 | 133 | 238 | 34 | 321 | 726 |
| Total 18-49 | 291 | 330 | 105 | 379 | 1,105 |


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# SCHOOLS AND HOME ENVIRONMENT

As to be expected, in the large majority of cases parents chose a school for their children that is in keeping with their own values, the values of the home in which children are raised.

Thus of those aged 18-29 who attended **Orthodox** schools as here defined –86% are from an Orthodox home.

Of those who attended **Mount Scopus,** the largest proportion (60%) are from a Traditional home, a further 26% from Modern Orthodox, and 14% from homes described as 'just Jewish' or secular.

**Among** those who attended a **Non-Orthodox school,** a more diverse background was indicated; 9% are from an Orthodox home, the largest proportion from Traditional (36%) or non-practising (secular/ cultural) (21%), a further 12% Progressive/reform and 12% 'just Jewish'.

Of those who indicated that they **did not attend** a Jewish school, the largest proportion (54%) were from a non-denominational or non-practicing home, 19% Progressive/Reform, 12% Traditional, 10% Conservative, and 6% Orthodox.

There is a similar pattern for those aged 30-49, with the qualification that there is some indication of having come from more observant homes. Thus, of those who attended Orthodox schools, 39% indicated that they were from Strictly Orthodox or Hareidi homes, compared to 26% of those aged 18-29; of those who did not attend a Jewish school, 28% aged 30-49 were from a secular home, 40% of the younger age group.

**Table 12: 'How would you describe the religious/ Jewish identification of the home in which you grew up?' Respondents aged 18-29, 30-49 by school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Strictly Orthodox/ Hareidi | 26% | 39% | | | | 2% | 3% |
| Modern Orthodox | 60% | 38% | 26% | 18% | 9% | 4% | 10% |
| Traditional | 13% | 15% | 60% | 63% | 36% | 12% | 22% |
| Masorti/ Conservative | | 2% | | 2% | 9% | 10% | 3% |
| Progressive/ Reform | | | | 6% | 12% | 19% | 19% |
| No denomination- 'just Jewish' | 1% | | 8% | 5% | 12% | 14% | 16% |
| Non-practising (secular/cultural) | 1% | 6% | 6% | 7% | 21% | 40% | 28% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding.

When considering attitudes by category of school attended, it is not assumed that those attitudes are simply shaped or impacted by the school education; while attitudes are considered by category of school, the partnership of parents and schools – the congruence (or dissonance) of school and home environment – is a key factor to be kept in mind in broad interpretation of findings.

> While attitudes are considered by category of school, the partnership of parents and schools – the congruence (or dissonance) of school and home environment – is a key factor to be kept in mind in broad interpretation of findings.

This is illustrated by considering attitudes of those who attended Mount Scopus and hence had a common school experience correlated with the religious identification of the home. Because of the limitations of sample size when focus is narrowed to one school, the 18-29 and 30-49 age groups are aggregated.

The finding indicates that with reference to many issues there is substantial difference in attitude and values between those from an Orthodox or Traditional home and those from a non-Orthodox or non-observant home. For example, sense of being Jewish is 'a central element in my life' is indicated by 36%-39% of those who attended Mount Scopus and are from a Modern Orthodox or Traditional home, 16-22% from a Conservative, Progressive, non-denominational, or secular home. The relative proportions for observing halacha ('very important' or 'fairly important') are 31%-36% and 0%-10%. Importance attached to marrying another Jew ('very important') is 60%-64% and 32%-42%.

**Table 13: Attended Mount Scopus, aged 18-49, response by 'religious identification of the home in which you grew up'**

| | Modern Orthodox | Traditional | Masorti / Progressive/ No Denomination | Secular |
|---|---|---|---|---|
| Similar/ minor differentiation | | | | |
| Remembering the Holocaust – 'very important' to own sense of Jewish identity | 75% | 75% | 66% | 61% |
| Zionist | 90% | 79% | 59% | 84% |
| 'I feel a sense of responsibility to ensure that the State of Israel continues to exist' – 'strongly agree' | 47% | 51% | 44% | 40% |
| Keep up with events which involve Israel – 'a lot' or 'quite a lot' | 59% | 59% | 53% | 47% |
| Different/ major variation | | | | |
| Sense of being Jewish – 'central element of my life' | 39% | 36% | 16% | 22% |
| Observing halacha (Jewish law) – 'very important' or 'fairly important' to own sense of Jewish identity | 36% | 31% | 10% | 0% |
| Belonging to a Jewish community - 'very important' to own sense of Jewish identity | 77% | 74% | 42% | 56% |
| Prayer - 'very important' or 'fairly important' to own sense of Jewish identity | 33% | 27% | 13% | 6% |
| Not religiously observant five years ago, not religiously observant today | 7% | 9% | 29% | 39% |
| Marrying another Jew - 'very important' to own sense of Jewish identity | 64% | 60% | 32% | 42% |
| Sharing Jewish festivals with family - 'very important' to own sense of Jewish identity | 88% | 76% | 42% | 50% |
| Close friends – all are Jewish | 40% | 43% | 10% | 17% |
| N (unweighted) | 66 | 207 | 31 | 21 |


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# PREFERENCE FOR JEWISH LEARNING ENVIRONMENTS

A question posed to all respondents asked for indication of their school preference, in response to a question worded 'whether or not you have children, do you feel it is preferable for Jewish children to attend a school that is Jewish or non-Jewish or do you have no preference either way?' Respondents were asked to indicate separately their preference at primary and high school level.

71% indicated 'strong preference' or 'some preference' for a Jewish school at primary level, almost the same proportion (72%) indicated preference for a Jewish high school. (Table 14)

**Table 14: 'Whether or not you have children, do you feel it is preferable for Jewish children to attend a school that is Jewish or non-Jewish or do you have no preference either way? Please answer for both primary and high school.' All respondents aged 18-49**

| | PRIMARY SCHOOL | HIGH SCHOOL |
|---|---|---|
| Strong preference for a Jewish school | 50% | 52% |
| Some preference for a Jewish school | 21% | 19% |
| SUBTOTAL PREFERENCE FOR JEWISH | 71% | 72% |
| No preference either way for a Jewish or non-Jewish school | 11% | 10% |
| Some preference for a non-Jewish school | 7% | 6% |
| Strong preference for a non-Jewish school | 8% | 8% |
| SUBTOTAL PREFERENCE FOR NON-JEWISH | 15% | 14% |
| Don't know/ Prefer not to say | 4% | 4% |
| Total | 100% | 100% |
| N (unweighted) | 2,063 | 2,063 |

Differences in preferences were found when survey data was analysed by the respondent's school attended. 'Strong preference' or 'some preference' for a Jewish school at primary school level was at 94% among those who attended an Orthodox high school, 80% among those who attended Mount Scopus, 60% non-Orthodox, and 53% among those who did not attend a Jewish school. The relative proportions indicating 'strong preference' were 83%, 55%, 38%, and 31%. (Table 15)

Similar results were obtained when respondents were asked for their preference for Jewish high school education: 'strong preference' or 'some preference' was indicated by 92% of those who attended an Orthodox school, 85% Mount Scopus, 68% non-Orthodox, and 49% who did not attend a Jewish school. The relative proportions indicating 'strong preference' were 82%, 60%, 45%, and 32%. (Table 15)

**Table 15: 'Whether or not you have children, do you feel it is preferable for Jewish children to attend a school that is Jewish or non-Jewish or do you have no preference either way? Please answer for both primary and high school.' All respondents aged 18-49 by school attended**

| School attended | Orthodox | | Mount Scopus | | Non-orthodox | | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|---|
| Preference | Primary | High | Primary | High | Primary | High | Primary | High |
| Strong preference for a Jewish Day School | 83% | 82% | 55% | 60% | 38% | 45% | 31% | 32% |
| Some preference for a Jewish Day School | 10% | 10% | 25% | 26% | 23% | 23% | 22% | 17% |
| Subtotal Jewish | 93% | 92% | 80% | 85% | 60% | 68% | 53% | 49% |
| No preference either way for Jewish or non-Jewish Day School | 1% | 2% | 7% | 6% | 12% | 11% | 17% | 18% |
| Some preference for a non-Jewish Day School | 3% | 4% | 7% | 3% | 8% | 7% | 10% | 11% |
| Strong preference for a non-Jewish Day School | 1% | 2% | 3% | 3% | 16% | 6% | 15% | 16% |
| Subtotal non-Jewish | 4% | 6% | 10% | 6% | 24% | 13% | 24% | 27% |
| Don't know which I prefer | 2% | 1% | 4% | 3% | 4% | 7% | 5% | 6% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| N (unweighted) | 291 | | 330 | | 105 | | 379 | |

*Totals may not sum to 100% due to rounding.

# PLANNING FOR A JEWISH SCHOOL EDUCATION

The previous section looked at general preferences, this section considers the planning of respondents with young children.

Respondents with a child in pre-school were asked if they considered that it was preferable for young Jewish children to attend a pre-school that is Jewish; 87% indicated a 'strong preference' or 'some preference' for a Jewish pre-school, of whom 67% indicated a 'strong preference.'

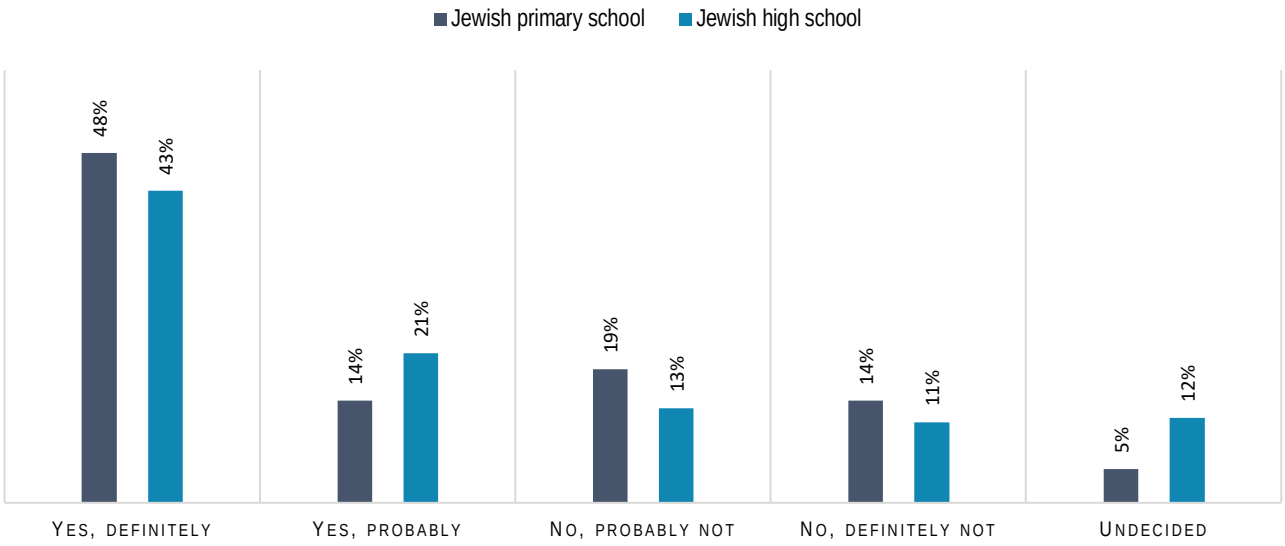
Those with young children (under the age of five) were asked 'are you currently planning to send this child to a Jewish primary school?', and those with older children, under the age of 12, were asked in identical terms 'are you currently planning to send this child to a Jewish high school?'

**As noted, 71%-72% of all respondents aged 18-49 indicated a strong preference or some preference for a Jewish school. However, in response to the specific question concerning education of their own children, a lower 62% of respondents with a child under the age of five indicated that they plan 'definitely' or 'probably' to send their child to a Jewish primary school; with reference to a Jewish high school, an almost identical 64% indicated that they plan to send their child 'definitely' or 'probably' to a Jewish high school.** (

Figure 1)

33% indicated that they did not plan to send their child to a Jewish primary school (19% 'probably not', 14% 'definitely not'), a lower 24% did not plan not to send their child to a Jewish high school (13% 'probably not', 11% 'definitely not').

**Figure 1: 'Earlier you indicated at least one of your children is aged under five years old. Are you currently planning to send this child to a Jewish primary school?' (N = 285) and 'Earlier you indicated at least one of your children is aged under 12 years old. Are you currently planning to send this child to a Jewish high school?' (N=519) by respondents aged 18-49**



# INTERMARRIED COUPLES

In the Gen17 survey, 121 respondents aged 18-49 indicated that the person they married was not Jewish[23].

Among those whose marriage partner was not Jewish there is a markedly lower preference for children to attend a Jewish school.

With regard to the general question asked of all married respondents, where both parents are Jewish 'strong preference' or 'some preference' for a Jewish day school is indicated by 80% (primary) – 81% (high), among intermarried couples it is a much lower 47% (primary) 38% (high).

With attention narrowed to 'strong preference', where both parents are Jewish the proportion is 62%-64%, where one parent is not Jewish it is 19%-16%.

'No preference either way' or 'some' or 'strong' preference for a non-Jewish day school is indicated by 19%-15% where both parents are Jewish, 46%-52% of intermarried couples. (Figures Figure 2 and Figure 3)

These findings are significant in the context of the increase in intermarriage.

"Among those whose marriage partner was not Jewish there is a markedly lower preference for children to attend a Jewish school."

[23] This is based on the question in the Gen17 Survey 'Was your current, or most recent, marriage held under Jewish religious auspices?' which was asked of all respondents who indicated that they are either currently or previously married (ie 'Married and living with your spouse', 'married, but separated' 'Divorced' and 'widowed'), where the respondent selected 'No, the person I married was not Jewish'.



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**Figure 2: 'Whether or not you have children, do you feel it is preferable for Jewish children to attend a primary school that is Jewish or non-Jewish or do you have no preference either way?' by respondents who are/were married, aged 18-49**

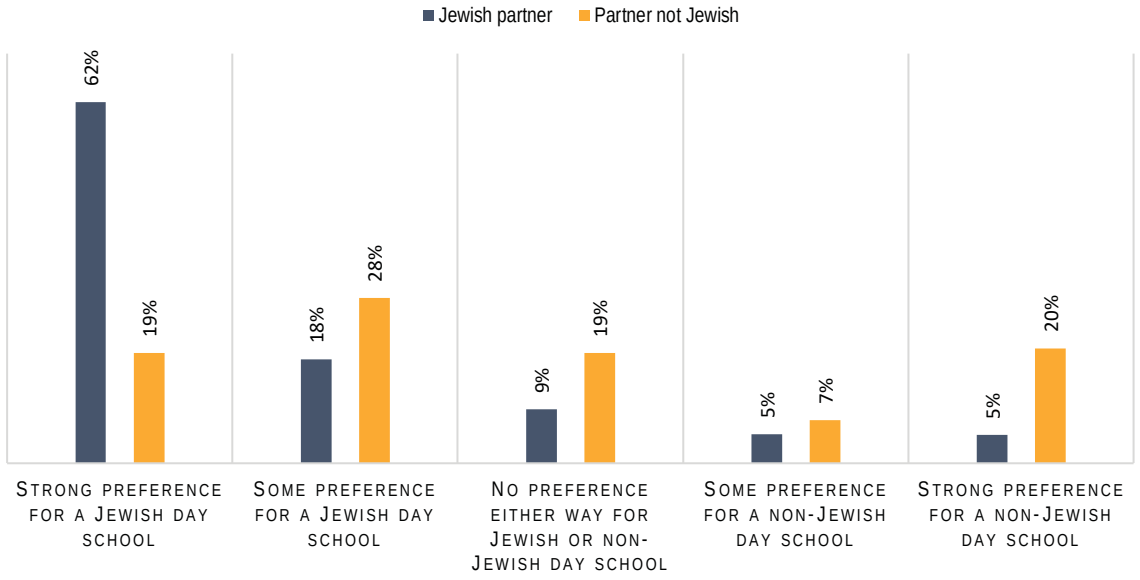
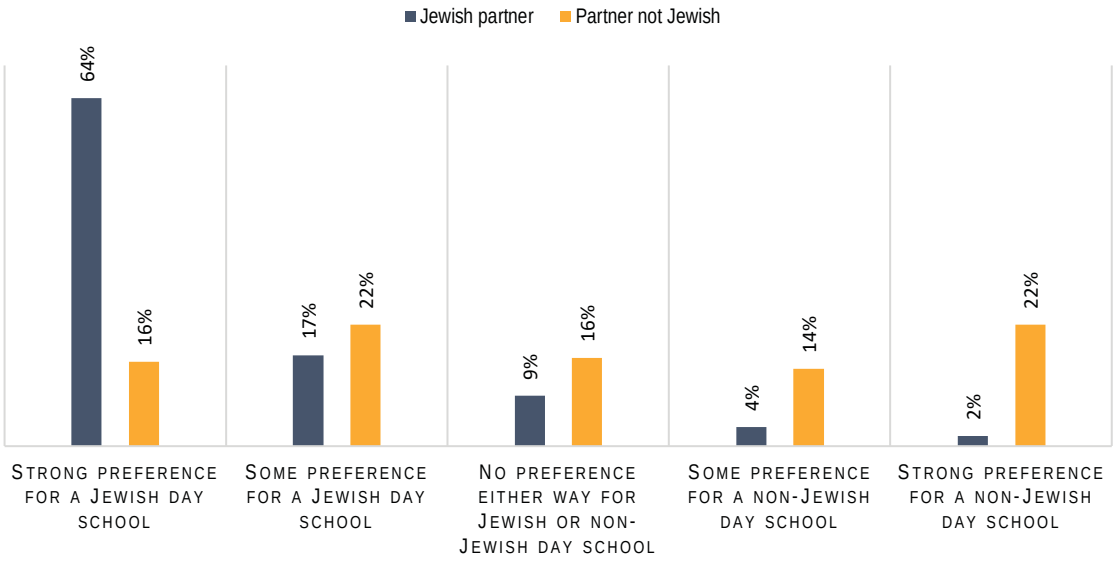


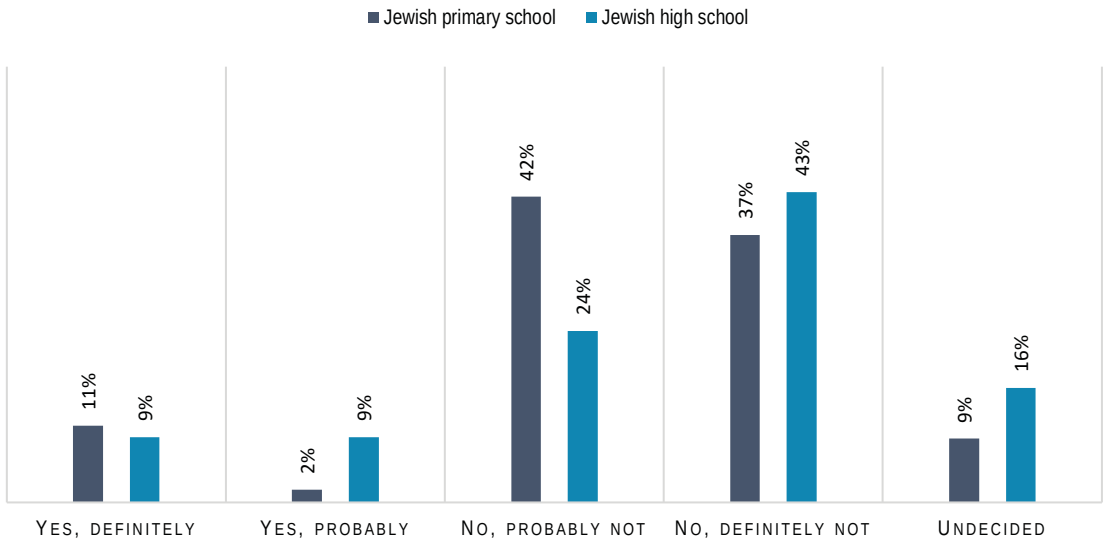

**Figure 3: 'Whether or not you have children, do you feel it is preferable for Jewish children to attend a high school that is Jewish or non-Jewish or do you have no preference either way?' by respondents who are/were married, aged 18-49**

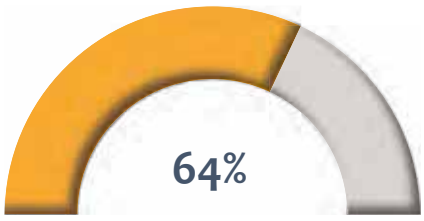


In response to the specific question concerning plans for their own children, of those whose marriage partner was non-Jewish and with a child under the age of five, just 13% indicate that they plan attendance at a Jewish primary school, 79% 'probably not' or 'definitely not', with 9% 'undecided'.

Of those with a child under the age of twelve, a marginally higher 18% plan attendance at a Jewish high school, 67% 'probably not'' or definitely not', and a relatively high 16% indicate that they are undecided. (Figure 4)

**Figure 4: 'Earlier you indicated at least one of your children is aged under five years old. Are you currently planning to send this child to a Jewish primary school?' (N = 42) and 'Earlier you indicated at least one of your children is aged under 12 years old. Are you currently planning to send this child to a Jewish high school?' (N=72) by respondents aged 18-49, married to a non-Jewish partner**




Proportion of 18-49 year-old respondents with children under the age of 12 who plan on sending their children to a Jewish high school. (62% for Jewish Primary school)

Proportion of 18-49 year-old respondents who have married a non-Jewish person, with children under the age of 12 who plan on sending their children to a Jewish high school. (13% for Jewish Primary school)

# MELBOURNE AND SYDNEY COMPARED

The first section of this report presented data on Jewish school enrolments. Melbourne Jewish school enrolments are more than 50% higher, although Melbourne's Jewish population is larger by an estimated 15%.

Indication of school preferences is consistent with the pattern of school enrolments.

In Melbourne, a markedly higher proportion of parents indicate 'definite' plans to send their children to a Jewish school. Of those with a child under the age 5, 19% in Sydney and 48% in Melbourne indicate that they are 'definite' in their plans for Jewish primary school attendance; of those with a child under the age of 12, almost the same proportion in Sydney at 20% indicate 'definite' plans for a Jewish high school, 43% in Melbourne.

**Figure 5: 'Earlier you indicated at least one of your children is aged under five years old. Are you currently planning to send this child to a Jewish primary school?', Respondents aged 18-49 (N Vic= 285, NSW= 240)**

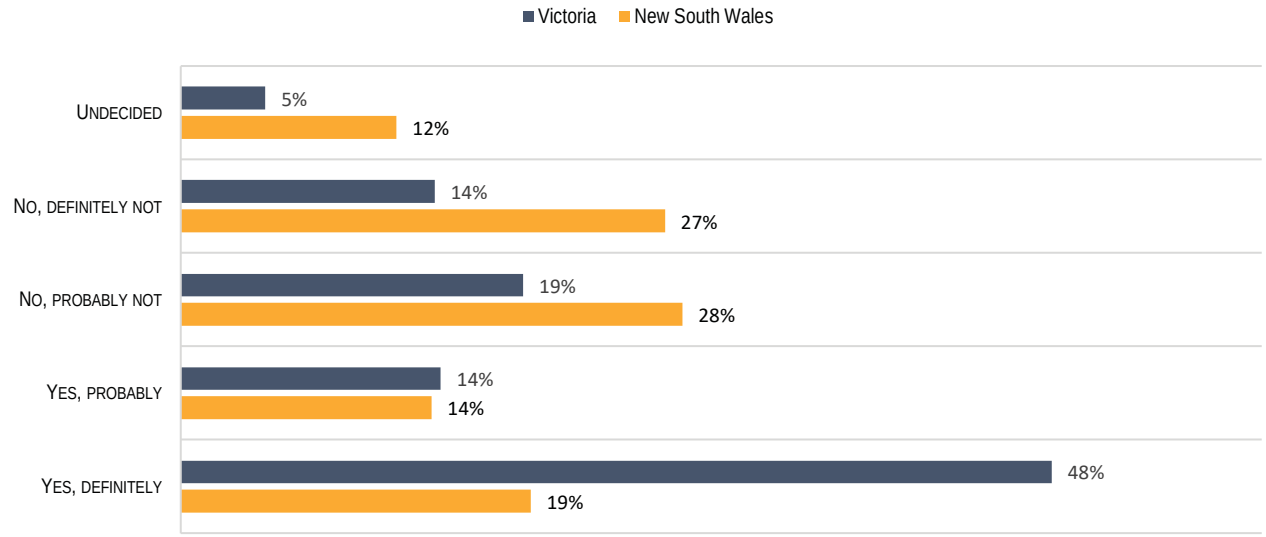
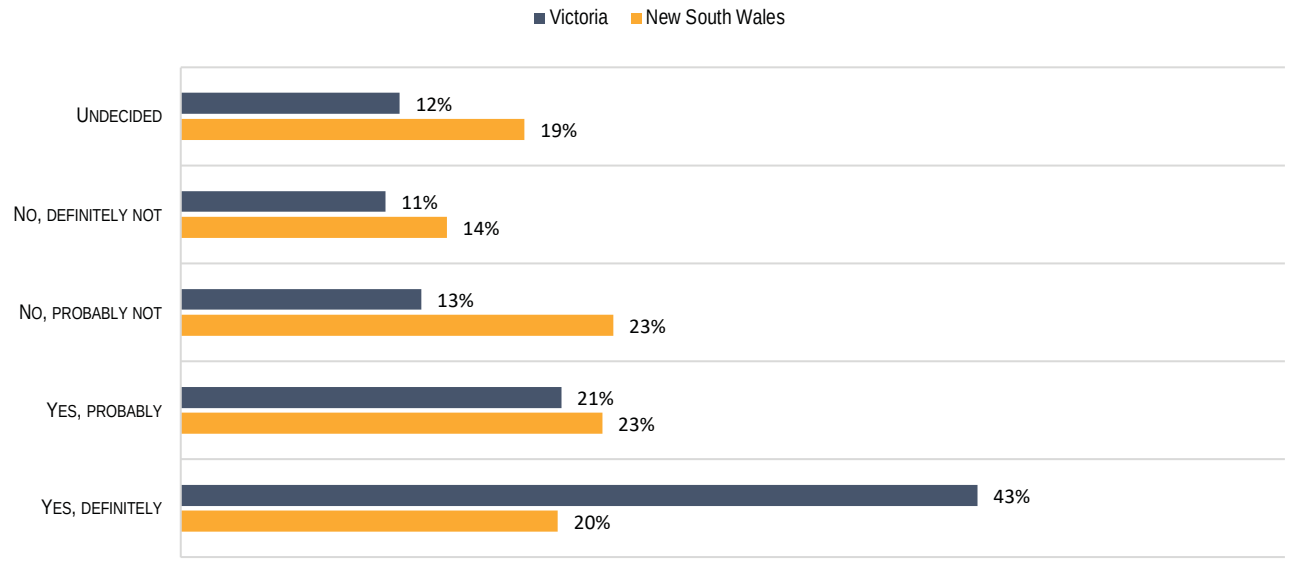



**Figure 6: Earlier you indicated at least one of your children is aged under 12 years old. Are you currently planning to send this child to a Jewish high school? Respondents aged 18-49 (N Vic= 519, NSW= 438)**



# COSTS AND AFFORDABILITY OF JEWISH EDUCATION

The survey included questions on the affordability of Jewish education, with reference to capacity of the household and how the cost is met.

Respondents had the option of indicating if school fees were a minor or major problem: 'well within financial capacity' or 'entailing some sacrifices'; major problem was indicated by the response options of a 'significant' or 'major financial sacrifice.' Respondents could also indicate that the cost was not affordable, 'beyond' their financial capacity.

The question on affordability was asked of respondents with children; the analysis is presented in aggregated form for parents aged 18-49, as there are very few respondents in the 18-29 age group with children approaching school age.

With reference to childcare, 'major financial sacrifice' or 'beyond household capacity' was indicated by 13%, 10% in reference to pre-school, and a substantially higher 22% for school.

The top three levels of response combined – 'beyond capacity', 'major' or 'significant' financial sacrifice – was indicated by 31% for childcare, 28% pre-school, and a much higher 50% school.

The child care and pre-school Government rebate lessens the cost for parents with children in those facilities. However, by the time the children reach upper primary school or high school the fees are many multiples of the pre-school and childcare rates, with no direct Government rebate, although the schools receive substantial subsidies which make possible lower fees than would otherwise be required for financial viability.

Affordability indicated by the responses 'well within' capacity or 'entails some sacrifice' was at 68% for childcare, 71% for pre-school, and a much lower 47% for school.

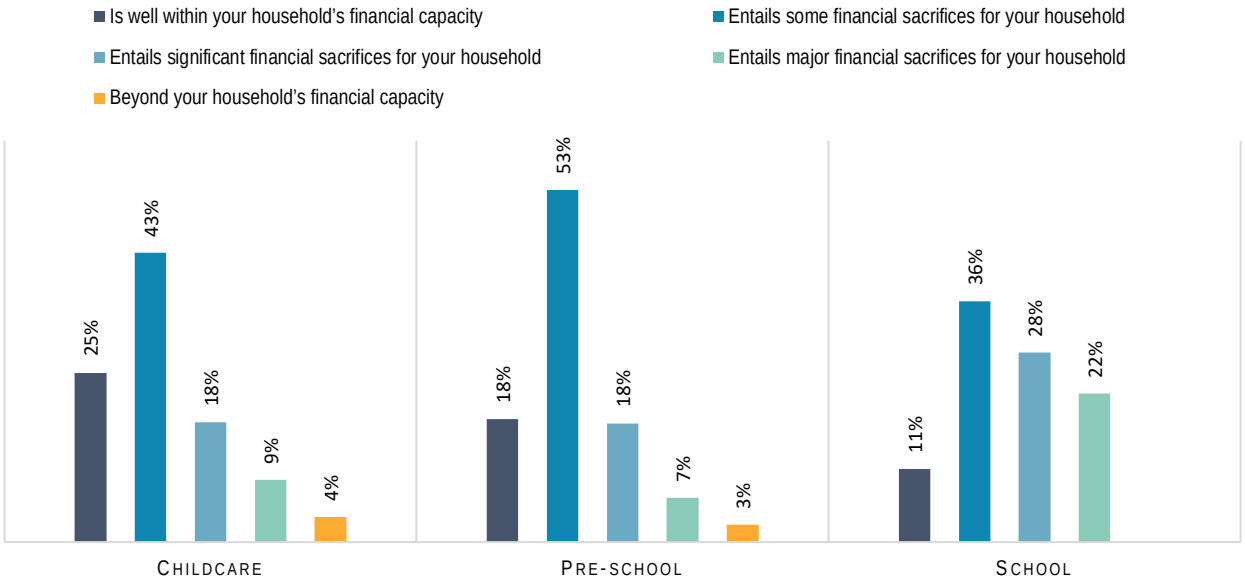
**Table 16: Comparing costs for childcare, pre-school and Jewish day schools, by respondents aged 18-49 with children**[24]

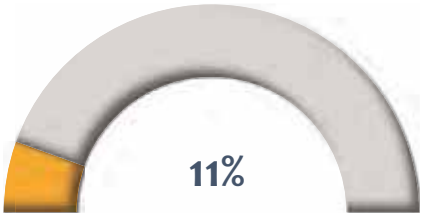
| | CHILDCARE | PRE-SCHOOL | JEWISH DAY SCHOOL |
|---|---|---|---|
| Is well within your household's financial capacity | 25% | 18% | 11% |
| Entails some financial sacrifices for your household | 43% | 53% | 36% |
| SUBTOTAL | 69% | 71% | 47% |
| Entails significant financial sacrifices for your household | 18% | 18% | 28% |
| Entails major financial sacrifices for your household | 9% | 7% | 22% |
| Beyond your household's financial capacity | 4% | 3% | 0% |
| SUBTOTAL | 31% | 27% | 50% |
| Prefer not to say | 1% | 2% | 3% |
| Total | 100% | 100% | 100% |
| N (unweighted) | 158 | 155 | 365 |

[24] The wording of the questions are: ''Would you say the cost of this care…' (Respondent has at least one child in childcare or pre-school) AND 'Earlier you indicated that at least one of your children attends a Jewish Day School. Would you say the cost of sending your child/children to a Jewish Day School…' (Respondent has a child attending either primary or secondary school).

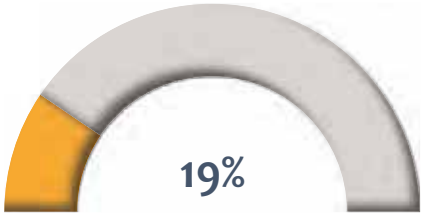

1699

**Figure 7: Comparing costs for childcare, pre-school and Jewish day schools, by respondents aged 18-49 with children**




Proportion of 18-49 year-old respondents with children who say that school fees are well within their household's financial capability.




Proportion of 18-49 year-old respondents with children who partly finance their school fees with support from other family members such as grandparents.

# HOW ARE SCHOOL FEES PAID?

The concern with the high cost of fees was reflected in the conversations with young people deciding where they will send their children to school. All the parents discussed the high cost of a Jewish education. Some had decided to send their children to a primary Government school after a Jewish kindergarten, in the hope that a Jewish high school would be made more affordable through savings made in the interim years, or through a change in their financial circumstances.

Respondents were asked how they meet the cost of school fees in a multiple response question that provided scope to indicate all sources of funding, in recognition of the reality that many parents access more than one funding source; 67% percent of respondents aged 18-49 with children currently in Jewish day school indicated that they pay fees from their personal or household income; 14% use their savings; 9% obtain a bank loan; and 19% obtain financial support from family members. One quarter of respondents indicated that they receive a means-tested subsidy from their school.

**Table 17: 'In what way or ways are you currently financing your child's/children's Jewish Day School fees?' (multiple response), respondents aged 18-49 with one or more children currently at a Jewish school**

| RESPONSE | % OF RESPONDENTS |
|---|---|
| Personal / household income | 66% |
| Means-tested subsidies from the school | 25% |
| Financial support from other family members (e.g. grandparents) | 19% |
| Personal / household savings | 15% |
| Bank loan / use of home loan | 9% |
| Other financial arrangement(s) | 8% |
| Prefer not to say | 6% |
| N (unweighted) | 377 |

A final question asked parents aged 18-49 with school aged children if 'the cost of school fees ever prevented you sending one or more children to a Jewish day school': 12% indicated that they never considered sending a child to Jewish school; 34% of all respondents aged 18-49, or 39% of those who considered the option of a Jewish school, indicated that they had been prevented by cost. (Table 18)

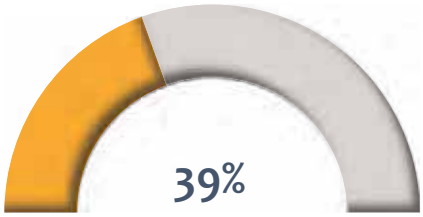
Analysis by school attended is limited by the relatively small number of respondents with children. The available data indicates that 12% of those who attended an Orthodox school had been prevented from sending their child to a Jewish school, 30% Mount Scopus, and 48% of those who did not attend a Jewish school. This pattern of response is likely explained not by differing financial capacity among those who attended different schools, but by the extent of commitment to Jewish schooling and willingness to prioritise and make sacrifices; an additional factor may be a greater willingness to apply for fee subsidies, and the greater availability of subsidies in some schools.

Of those aged 18-49 who identify as Strictly Orthodox or Hareidi and with children, only 3% indicated that they had been prevented by the cost of fees from send one or more children to a Jewish school, 22% Modern Orthodox, 40% Traditional, and 56% who identify as 'Just Jewish' or of no denomination.

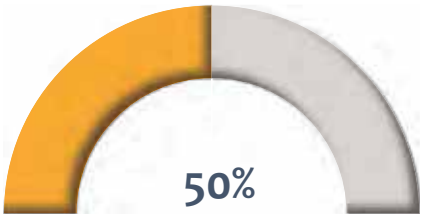

1701

**Table 18: 'Has the cost of school fees ever prevented you from sending one or more children to a Jewish day school in Australia?' Respondents aged 18-49 with a child/children**

| | TOTAL 18-49 | TOTAL APPLICABLE |
|---|---|---|
| Not applicable – Never considered a Jewish Day School/Children below school age | 12% | - |
| Yes | 34% | 39% |
| No | 47% | 54% |
| Don't know | 4% | 5% |
| Prefer not to say | 3% | 3% |
| Total | 100% | 100% |
| N (unweighted) | 715 | |




18-49 year-old respondents who said that the cost of school fees prevented them from sending their child/children to a Jewish school.




Proportion of 18-49 year-old respondents who consider high cost of school fees to be the main disadvantage of full-time Jewish day schools.

**Table 19: 'Has the cost of school fees ever prevented you from sending one or more children to a Jewish Day School in Australia?' Respondents aged 18-49 who have a child/children, by type of school attended**

| | ORTHODOX | MOUNT SCOPUS | NON-ORTHODOX | DID NOT ATTEND JEWISH SCHOOL |
|---|---|---|---|---|
| Yes | 12% | 30% | | 48% |
| No | 86% | 63% | | 44% |
| Don't know/ Prefer not to say | 2% | 7% | | 8% |
| N (unweighted) | 75 | 107 | Insufficient respondents | 150 |

# PERCEIVED ADVANTAGES AND DISADVANTAGES OF A JEWISH DAY SCHOOL EDUCATION

Across the community there are different views on the advantages and disadvantages of a Jewish education.

Within the 18-29 age group who attended an Orthodox Jewish day school, 33% saw the main advantage in terms of 'strong Jewish education'. A lower 19% of the respondents who attended Mount Scopus saw the main advantage in terms of the strength of Jewish education; for both, the second advantage was the strengthening of Jewish identity.

Of those who attended a non-Orthodox school or did not attend a Jewish school, the main advantages were the strengthening of Jewish identity and providing a sense of belonging to the Jewish community.

A 'strong secular academic education' was the main advantage for only 3% of those who attended an Orthodox school, but 9%-11% of Mount Scopus and other school groupings.

For respondents who attended Mount Scopus, 20% indicated that developing Jewish friendships and networks was important.

There was a similar pattern of response among those aged 30-49, with the main advantage for those who attended an Orthodox school being the strength of Jewish education (37%), also indicated by the largest proportion (26%) of Mount Scopus attendees, while the largest proportion who did not attend a Jewish school indicated the strengthening of Jewish identity (24%).

# ADVANTAGES

**Table 20: 'Whether or not you have attended one, what do you consider to be the main advantages of full-time Jewish day schools, if any?' First main advantage by age group and school attended**

| ADVANTAGES | ORTHODOX | | MOUNT SCOPUS | | NON-ORTHODOX | DID NOT ATTEND JEWISH SCHOOL | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Strengthens Jewish identity | 22% | 23% | 24% | 21% | 25% | 23% | 24% |
| Provide strong Jewish education | 33% | 37% | 19% | 26% | 18% | 9% | 16% |
| Provide a sense of belonging to the Jewish community | 13% | 7% | 13% | 20% | 27% | 17% | 11% |
| Develop Jewish friendships and networks | 12% | 8% | 20% | 13% | 14% | 9% | 9% |
| Strong secular academic education (outstanding results for university entry) | 3% | 5% | 11% | 10% | 10% | 9% | 12% |
| Education takes place in a Jewish environment | 6% | 6% | 7% | 3% | 6% | 6% | 4% |
| Increase Jewish observance | 5% | 8% | | 1% | | 2% | 3% |
| High quality of resources/technology/library etc. | 1% | | 3% | 3% | | 3% | 2% |
| Reduce likelihood of intermarriage | 1% | 3% | 1% | 1% | | 2% | 1% |
| Provide Hebrew literacy | 1% | | 1% | 1% | | 8% | 2% |
| Emotional security for the child | 1% | | | | | | 1% |
| Low average class size | 1% | | | | | 3% | <1% |
| Strong special needs programs and special education facilities | | 2% | | | | | 1% |
| Wide range of extra-curricular programs | | 1% | | | | | 1% |
| Opportunity to undertake programs in Israel | | | | | | 2% | |
| Opportunity for education in a single-sex environment | 1% | 1% | | | | 2% | <1% |
| Other | 2% | 1% | | | | 2% | 1% |
| No advantages | | | | | | 5% | 7% |
| Don't know/ Prefer not to say | | | | 2% | | 2% | 5% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding.

# DISADVANTAGES

The high cost of fees was by far the most often indicated disadvantage of a Jewish day school education: of those aged 18-29, high cost was indicated by 68% who attended Mount Scopus, 49% who attended an Orthodox school, 45% non-Orthodox, and 25% who did not attend a Jewish school. The cost of fees was indicated in the range 41%-64% by those aged 30-49. No other disadvantage was indicated by more than 10% of those who had attended an Orthodox school or Mount Scopus.

However, among those who attended a non-Orthodox Jewish school, as well as those who did not attend Jewish school, a substantial minority indicated 'lack of ethnic and cultural diversity', among those aged 18-29 selected by 30% of those who attended a non-Orthodox school and 17% who did not attend a Jewish school.

Among those who did not attend a Jewish school two other disadvantages were indicated by more than 10%: 'too elitist' (14%) and 'too Zionist' (12%), while 9% indicated 'fail to prepare students for life after schooling is complete', a disadvantage also indicated by 9% of those who attended an Orthodox school.

While there was some difference between the two age groups, there was a large degree of commonality in the ranking of disadvantages.

**Table 21: 'Whether or not you have attended one, what do you consider to be the main disadvantages of full-time Jewish day schools, if any?' First main disadvantage by age group and school attended**

| Disadvantages | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| High cost of fees/ too expensive | 49% | 64% | 68% | 60% | 45% | 25% | 41% |
| Lack of ethnic and cultural diversity | 6% | 5% | 8% | 15% | 30% | 17% | 19% |
| Too elitist | 3% | 3% | 4% | 5% | 3% | 14% | 5% |
| Fail to prepare students for life after schooling is complete | 9% | 3% | 4% | 2% | 7% | 9% | 2% |
| Too religious | 1% | 1% | 1% | | 1% | 6% | 8% |
| Insufficient range of subject choices | 6% | 8% | 1% | 2% | | | 2% |
| Too Zionist | 1% | | 1% | 1% | 3% | 12% | 4% |
| Insufficient sport or other extra-curricular activities | 6% | 2% | | 2% | 1% | 1% | 2% |
| Overemphasis on Hebrew and/or Jewish Studies | 1% | 1% | 1% | 2% | 4% | | 2% |
| Insufficient discipline | 3% | 2% | | 2% | | | 1% |
| Insufficient special needs programs and special education facilities | 2% | 3% | 1% | 1% | | 1% | 1% |
| Poor value for money | 2% | 1% | | | 1% | 1% | 1% |
| Poor quality of Hebrew and/or Jewish Studies education | 1% | | 2% | 1% | 1% | | 1% |
| Poor quality of secular education | | 1% | 1% | 1% | 1% | | 1% |
| Weaken Jewish identity | | | | | | | |
| Other (please specify) | 2% | | 3% | 2% | | 6% | 1% |
| No disadvantages | 7% | 7% | 1% | 5% | | | 4% |
| Don't know/ Prefer not to say | 1% | 1% | 2% | 2% | 1% | 7% | 8% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding.

**Figure 8: Top four advantages of Jewish day schools. Respondents aged 18-49 by school attended**

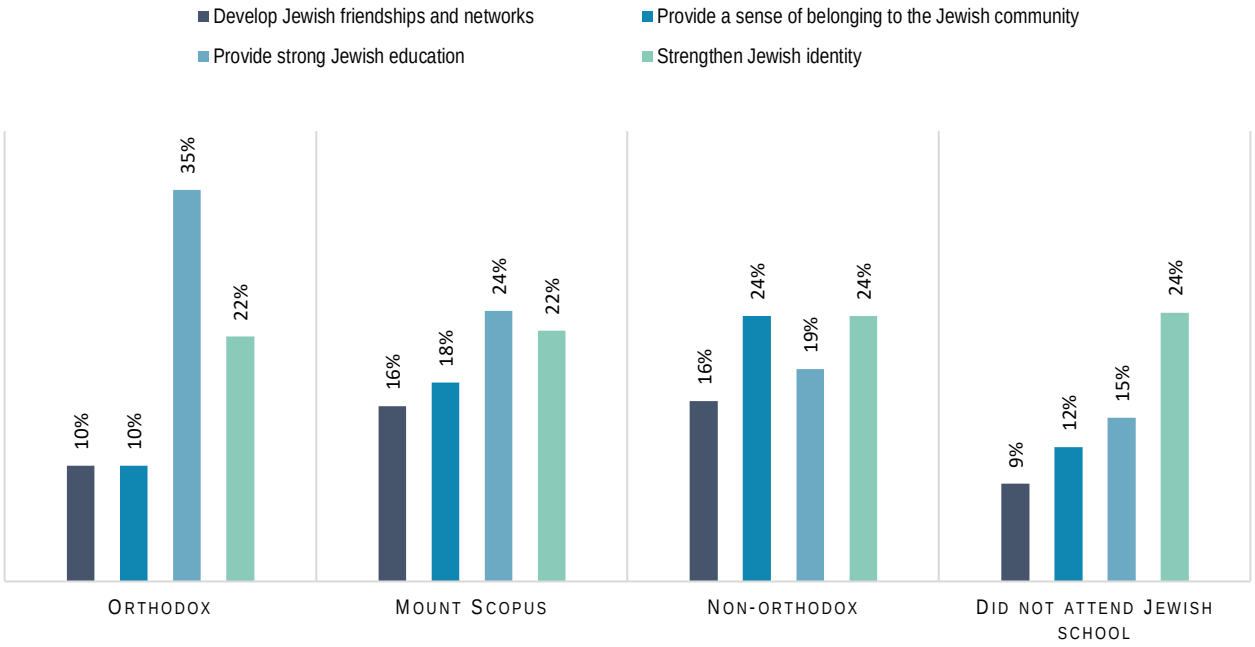
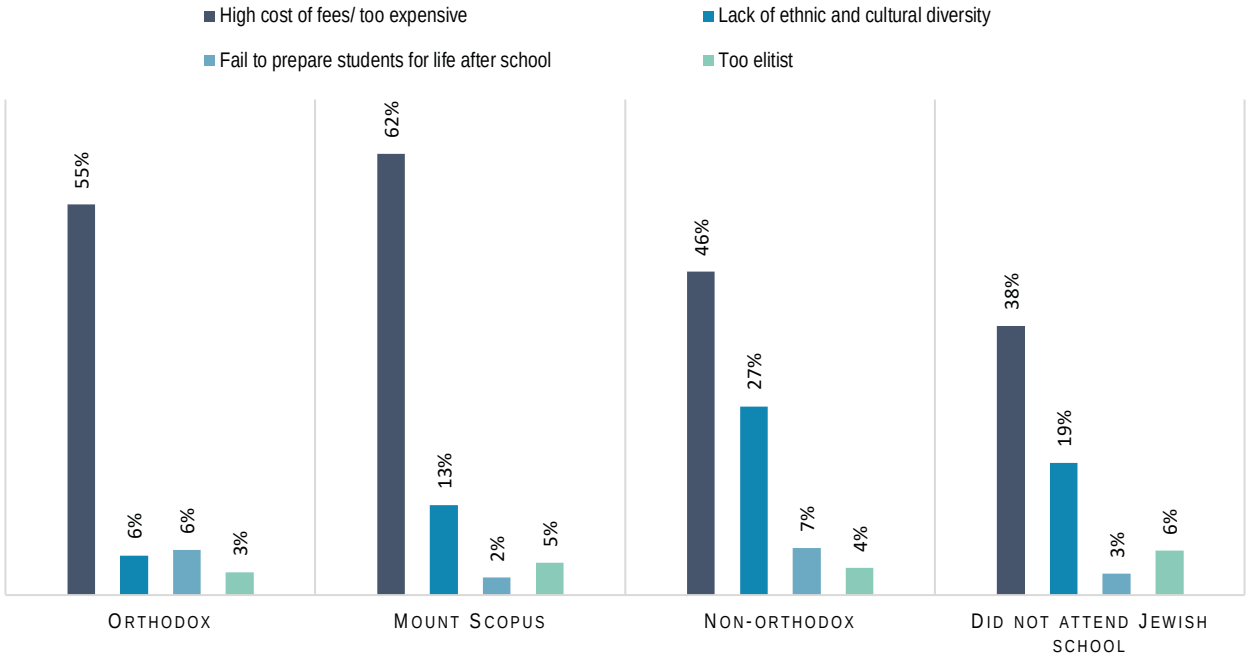



**Figure 9: Top four disadvantages of Jewish day schools. Respondents aged 18-49 by school attended**



# NON-SCHOOL EXPERIENCES

The most common Jewish education experienced outside of Jewish schools is studying for the Bar and Bat-mitzvah, indicated by 94%-99% of those who attended a Jewish school and are aged 18-29. It is substantially lower, 59%, for those who did not attend a Jewish school.

Jewish youth movement meetings and camps were also indicated by a high proportion of those aged 18-29 who attended a Jewish school – 90% of those who attended an Orthodox school also attended a youth movement camp, 83% of non-Orthodox and 72% of Mount Scopus – and a substantially lower proportion (40%) among those who did not attend a Jewish school.

More than half of respondents who attended Mount Scopus or a non-Orthodox school indicated involvement in a sports group and close to half of those who attended a Jewish school also indicated involvement in a Jewish student organisation at university or other tertiary institution.

One major difference was study at a yeshiva or seminary in Israel, indicated by 64% of those who attended an Orthodox school aged 18-29, 53% aged 30-49, compared to 18% of Mount Scopus attendees aged 18-29 and 10% aged 30-49, and 1%-5% of those who attended a non-Orthodox school or did not attend a Jewish school.

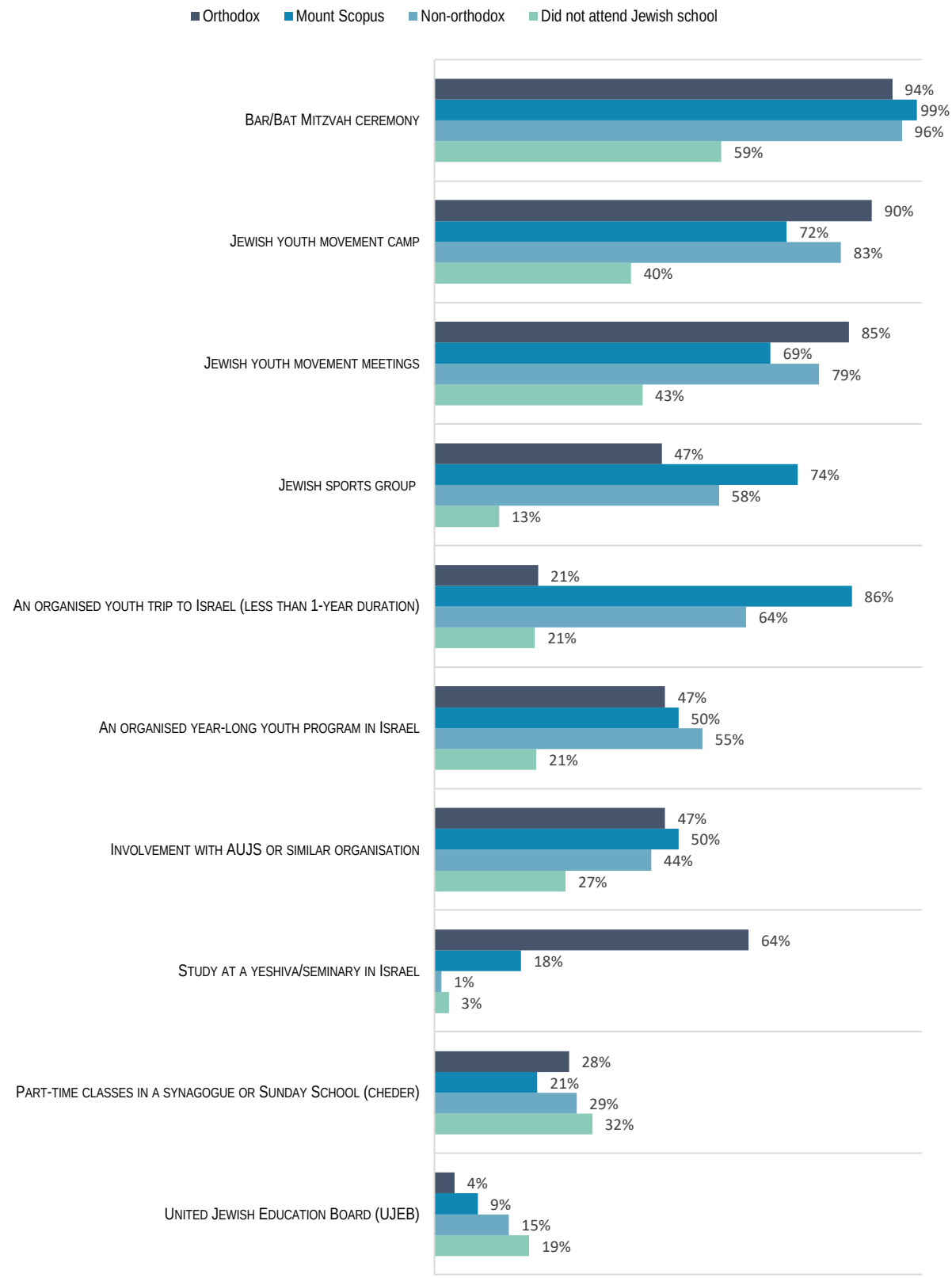
While there is a large extent of commonality between the two age groups, substantially greater experience of Israel was indicated by the younger age group. In response to a question that asked respondents to indicate all listed experiences that applied to them, 86% of those who attended Mount Scopus indicated participation in an organised youth trip to Israel of less than one year in duration, compared to 49% of those aged 30-49; participation in a year-long youth program was indicated by 50% of the younger Mount Scopus attendees, compared to 18% of the older group. A majority of non-orthodox school attendees indicated participation in Israel trips and programs, but a minority of those who did not attend a Jewish school.

Close to one- in-three 18-29 year old respondents who did not attend a Jewish school did not experience any of the non-school experiences listed.

**Table 22: 'Which, if any, of the following did you experience growing up? Select all that apply', by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Bar/Bat Mitzvah ceremony | 94% | 80% | 99% | 98% | 96% | 59% | 52% |
| Part-time classes in a synagogue or Sunday School (cheder) | 28% | 25% | 21% | 13% | 29% | 32% | 39% |
| United Jewish Education Board (UJEB) | 4% | 3% | 9% | 3% | 15% | 19% | 7% |
| Jewish youth movement meetings | 85% | 80% | 69% | 58% | 79% | 43% | 36% |
| Jewish sports group | 47% | 37% | 74% | 53% | 58% | 13% | 11% |
| Jewish youth movement camp | 90% | 80% | 72% | 57% | 83% | 40% | 34% |
| An organised youth trip to Israel (less than 1-year duration) | 21% | 18% | 86% | 49% | 64% | 21% | 16% |
| An organised year-long youth program in Israel | 47% | 17% | 50% | 18% | 55% | 21% | 7% |
| Study at a yeshiva/seminary in Israel | 64% | 53% | 18% | 10% | 1% | 3% | 5% |
| Involvement with AUJS (Australasian Union of Jewish Students) or similar organisation | 47% | 49% | 50% | 48% | 44% | 27% | 20% |
| None of these | 1% | 3% | | 1% | | 27% | 29% |

**Figure 10: 'Which, if any, of the following did you experience growing up?' Select all that apply'. Respondents, aged 18-29 by school attended**



# RELIGIOUS IDENTIFICATION

This section considers beliefs, attitudes and values. It begins by considering the religious identity of each group through self-described affiliation and observance.

It considers change across the two age groups employed in this analysis, the most recent attendees of the Jewish day schools (and those who did not have a Jewish education), aged 18-29, and the older age group 30-49.

Insight is provided by a question that asked respondents concerning the religious identification of the home in which he or she grew up – and religious identification today.

- 'How would you describe the religious/Jewish identification of the home in which you grew up?'
- 'And how would you describe your current religious identification?'

Gen17 finds a consistent pattern of marginally lessened identification with Orthodoxy and self-described Traditional Judaism within the younger age group, and an increase in secular or cultural identification, across all schools.

> "Gen17 finds a consistent pattern of marginally lessened identification with Orthodoxy and self-described Traditional Judaism within the younger age group… Less change is indicated by those aged 30-49."

Of those aged 18-29 who attended an Orthodox school, 53% now identify as Modern Orthodox, down from 60% growing up; among Mount Scopus attendees, 54% now identify as Traditional, down from 60% growing up. In the non-Orthodox school group, 38% now identify as non-practising, up from 21% growing up; and among those who did not attend a Jewish school, 51% now identify as non-practicing, an increase from 40% growing up.

Less change is indicated by those aged 30-49; of those who attended an Orthodox school, there is an increase in the proportion indicating that they are now of no denomination, 'Just Jewish', from less than 1% growing up to 5% today; and of attendees Mount Scopus, 63% describe themselves as Traditional growing up, down to 52% today, with a marginal increase in four religious identifications, the largest among those who describe themselves as no denomination, 'Just Jewish', up from 6% to 11%.


1709

**Table 23: 'How would you describe the religious/ Jewish identification of the home in which you grew up?' and 'How would you describe your current religious identification'? Movement away from identification growing up of 5% or more highlighted in yellow; heightened identification of 5% or more indicated in blue**

**Respondents aged 18-29**

| Religious identification | Orthodox | | | Mount Scopus | | | Non-orthodox | | | Did not attend Jewish school | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Growing up | Today | Change | Growing up | Today | Change | Growing up | Today | Change | Growing up | Today | Change |
| Strictly Orthodox/ Hareidi | 26% | 17% | -9% | | | 0% | | | 0% | 2% | 2% | 0% |
| Modern Orthodox | 60% | 53% | -7% | 26% | 25% | -1% | 9% | 6% | -3% | 4% | 5% | 1% |
| Traditional | 13% | 19% | 7% | 60% | 54% | -6% | 36% | 28% | -8% | 12% | 10% | -2% |
| Masorti/ Conservative | | | 0% | | | 0% | 9% | 8% | -2% | 10% | 7% | -3% |
| Progressive/Reform | | | 0% | | 1% | 1% | 12% | 11% | -1% | 19% | 16% | -3% |
| No denomination- just Jewish | 1% | 4% | 3% | 8% | 8% | 0% | 12% | 9% | -3% | 14% | 10% | -4% |
| Non practising (secular/ cultural) | 1% | 6% | 6% | 6% | 11% | 5% | 21% | 38% | 17% | 40% | 51% | 10% |
| Total | 100% | 100% | | 100% | 100% | | 100% | 100% | | 100% | 100% | |

**Respondents aged 30-49***

| Religious identification | Orthodox | | | Mount Scopus | | | Did not attend Jewish school | | |
|---|---|---|---|---|---|---|---|---|---|
| | Growing up | Today | Change | Growing up | Today | Change | Growing up | Today | Change |
| Strictly Orthodox/ Hareidi | 39% | 37% | -2% | | 2% | 2% | 3% | 5% | 2% |
| Modern Orthodox | 38% | 35% | -2% | 18% | 19% | 1% | 10% | 12% | 3% |
| Traditional | 15% | 18% | 2% | 63% | 52% | -11% | 22% | 20% | -2% |
| Masorti/ Conservative | 2% | 1% | -1% | 2% | 2% | 0% | 3% | 5% | 2% |
| Progressive/Reform | | | 0% | 6% | 6% | 0% | 19% | 16% | -3% |
| No denomination- just Jewish | | 5% | 5% | 5% | 11% | 5% | 16% | 15% | -1% |
| Non practising (secular/ cultural) | 6% | 4% | -2% | 7% | 9% | 2% | 28% | 27% | -1% |
| Total | 100% | 100% | | 100% | 100% | | 100% | 100% | |

*Non-Orthodox not included due to insufficient number of respondents

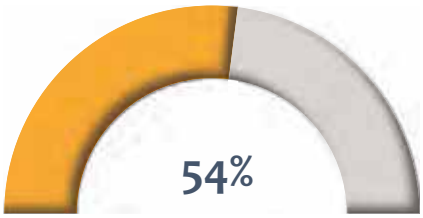
In a general question, respondents were asked if they are more or less religiously observant than they were five years ago.

As to be expected, the survey found that **identity is more changeable in the younger age group**. Among respondents aged 18-29, a relatively low 26%-35% indicated that their level of observance has not changed over the last five years, compared to 45%-64% among those aged 30-49.

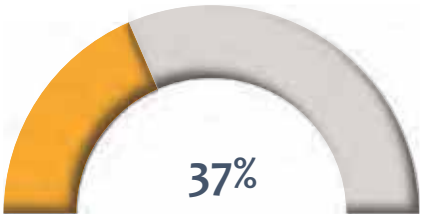
Of those who indicate change in religious observance, among the younger respondents **more have become less observant.** Among those who attended an Orthodox school, 37% indicated that they less observant, 26% more observant; Mount Scopus, 29% less observant, 23% more; non-Orthodox, 23% less observant, 16% more.

A different pattern is evident among those who did not attend a Jewish school, although this may reflect a bias in the sample, in that those who did not attend a Jewish school but have become more observant are more likely to have completed the survey than those who have moved away from Jewish observance: the finding is that 12% in this grouping have become less observant, 30% have become more observant.

Comparing the relative proportions indicating more and less religious observance among those aged 30-49, a marginally higher proportion of Orthodox grouping (+4%) and Mount Scopus attendees (+7%) indicate that they are less observant, while a higher proportion of those who did not attend a Jewish school indicate that they are more religiously observant (+6%).




Mount Scopus attendees aged 18-29 who identify as Traditional today.




Orthodox school attendees aged 18-29 who say that they are less religiously observant than they were five years ago.

**Figure 11: 'Would you say you are more religiously observant or less religiously observant than you were five years ago, or are you about the same level of observance?', respondents aged 18-29**

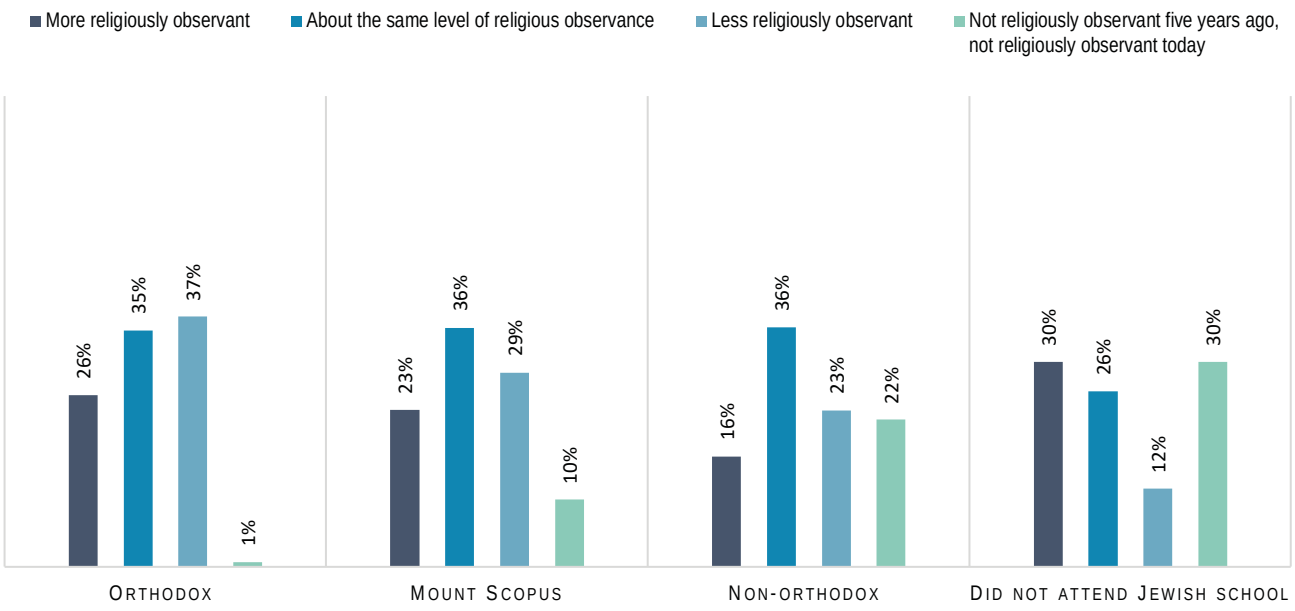
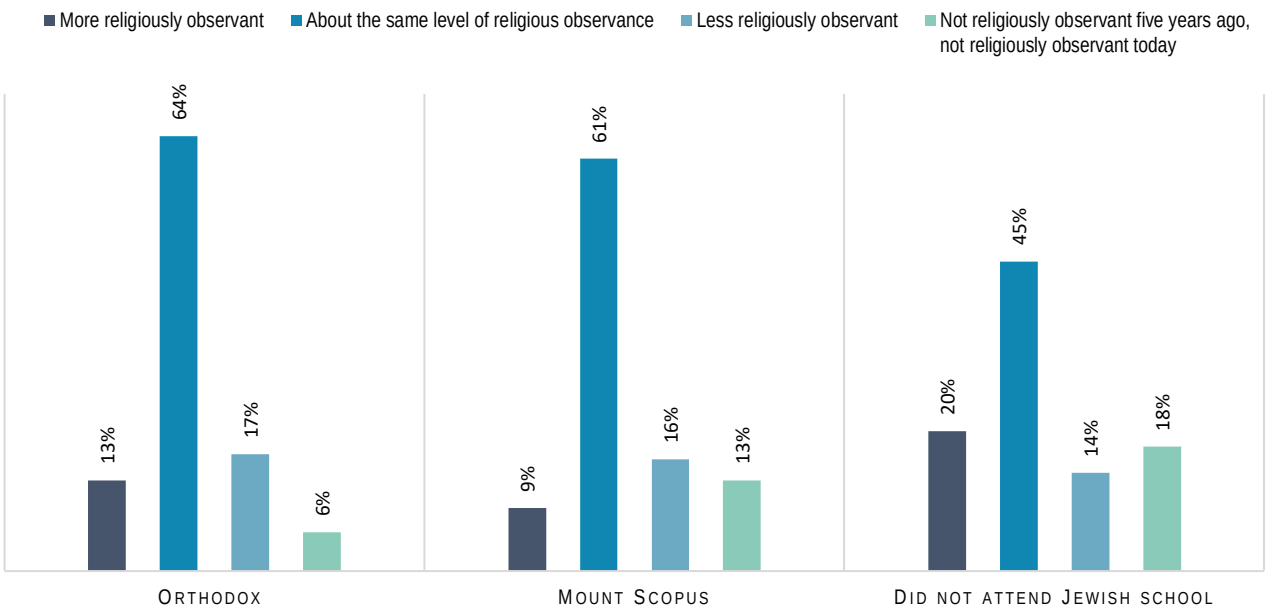



**Figure 12: 'Would you say you are more religiously observant or less religiously observant than you were five years ago, or are you about the same level of observance?' Respondents aged 30-49**



# HEBREW LANGUAGE ACQUISITION

Hebrew language is a core subject in Jewish education. It is a compulsory subject in Melbourne Jewish schools, although to different levels: In 2019 among the larger schools it is compulsory to Year 10 in Mount Scopus College and Leibler Yavneh College, to Year 9 in Yeshivah Beth Rivkah, to Year 8 in Bialik College and King David School. At some schools, including Yesdodei HaTorah College and Yeshivah Beth Rivkah, Hebrew is a required language for text study, central to the curriculum.

Gen 17 asked respondents in three questions to indicate their self-perception of how well they can read, speak and understand Hebrew. Respondents were provided with four response option, 'very well', 'quite well', 'not well', and 'not at all'.

Respondents had highest confidence in their ability to read Hebrew. The proportion indicating ability to read Hebrew 'very well' or 'quite well' was 95% (aged 18-29) and 90% (30-49) among who attended an Orthodox school; 83% and 66% Mount Scopus; 73% and 59% a non-Orthodox school; and a much lower 33% and 44% among those who did not attend a Jewish school.

The relative proportions indicating ability to understand Hebrew 'very well' or 'quite well' was 78% (aged 18-29) and 70% (30-49) among who attended an Orthodox school; 81% and 58% Mount Scopus; 56% and 37% a non-Orthodox school; and 27% and 34% among those who did not attend a Jewish school.

The lowest proportion was indicated for ability to speak Hebrew. The relative proportions indicating 'very well' or 'quite well' was 65% (aged 18-29) and 58% (30-49) of those who attended an Orthodox school; 60% and 46% Mount Scopus; 49% and 34% a non-Orthodox school; and 24% and 32% of those who did not attend a Jewish school.

**Figure 13: Hebrew language proficiency, response: 'very well' or 'quite well', respondents aged 18-29**

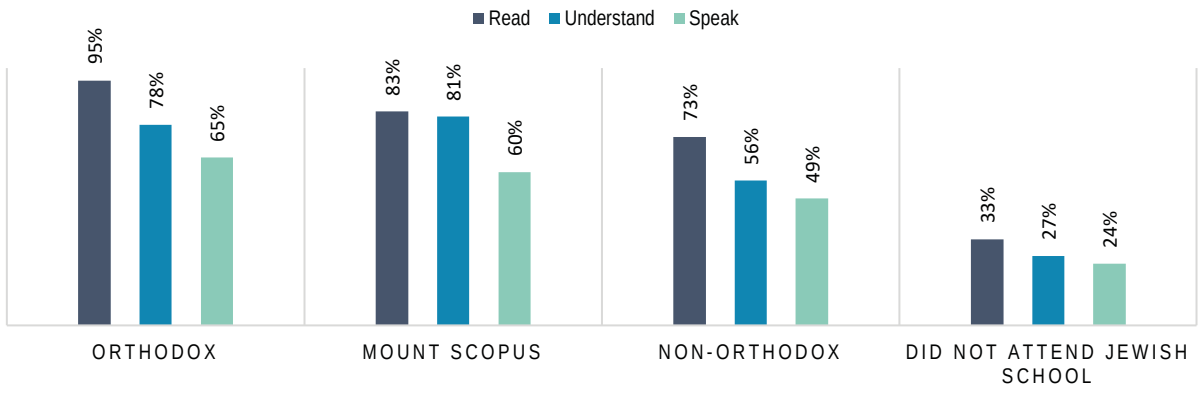
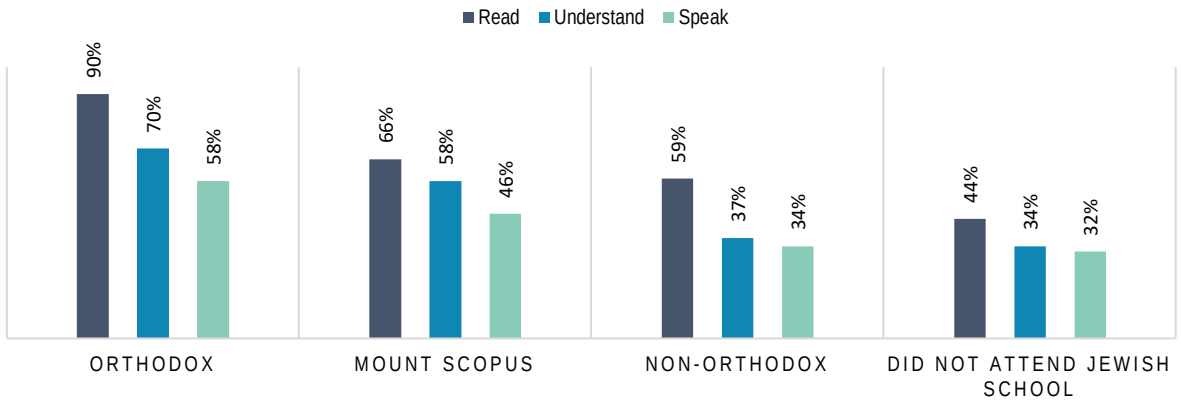



**Figure 14: Hebrew language proficiency, response: 'very well' or 'quite well', respondents aged 30-49**



# JEWISH VALUES

The discussion of 'Jewish values' is based on questions that consider the relative importance of a broad range of attitudinal statements that define Jewish identity, and the relative importance of their Jewish identity for respondents.

## SENSE OF BEING JEWISH

The survey included two general questions on Jewish identity. Respondents were asked '**Which of the following best expresses your sense of being Jewish**?', with five response options specified: 'being Jewish is a central element of my life', 'a significant element of my life', 'limited to taking part in some communal or family activities', 'of little importance to me' and of 'no importance to me'.

The strongest differentiation was among those who indicated that being Jewish was a 'central element' in their lives, with only marginal difference between the two age groups; of those aged 18-29, 'central element' was indicated by 67% of those who attended an Orthodox school, 39% Mount Scopus, 34% non-Orthodox, and 25% of those who did not attend a Jewish school.

3% of those aged 18-29 who attended an Orthodox school, and 10%-11% of those who attended Mount Scopus or a non-Orthodox school, indicated that their Jewish identity was limited or of little or no importance, a substantially higher 25% of those who did not attend a Jewish school. Among the older age group there was a similar pattern of response, with a marginally higher proportion (30%) of those who did not attend a Jewish school indicating that their identity was limited or of little or no importance.

A second general question asked respondents if they agreed or disagreed with the statement: '**I am proud to be a Jew**?' There was less differentiation in response to this question: very few respondents indicated disagreement, in the range 1%-3% of those who attended a Jewish school, 6% who did not, while more than 90% across all school groups and age groups indicated agreement. The strongest level of response, 'completely agree', was indicated by 86% of those aged 18-29 who attended an Orthodox school, 89% Mount Scopus, 76% non-Orthodox, and 63% of those who did not attend a Jewish school.

**Table 24: 'Which of the following best expresses your sense of being Jewish? Being Jewish is…' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| A central element of my life | 67% | 76% | 39% | 30% | 34% | 25% | 26% |
| A significant element of my life | 30% | 15% | 50% | 59% | 56% | 49% | 44% |
| SUBTOTAL | 97% | 92% | 89% | 89% | 90% | 75% | 70% |
| Limited to taking part in some communal or family activities, such as a Passover seder | 1% | 9% | 9% | 9% | 10% | 18% | 23% |
| Of little importance to me | 2% | | 2% | 2% | | 8% | 3% |
| Of no important to me | | | | | | | 3% |
| SUBTOTAL | 3% | 9% | 11% | 11% | 10% | 25% | 30% |
| Don't know/ Prefer not to say | | | | | | | 2% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding.

**Figure 15: 'Which of the following best expresses your sense of being Jewish? Being Jewish is…' Top two responses, respondents aged 18-29 by school attended**

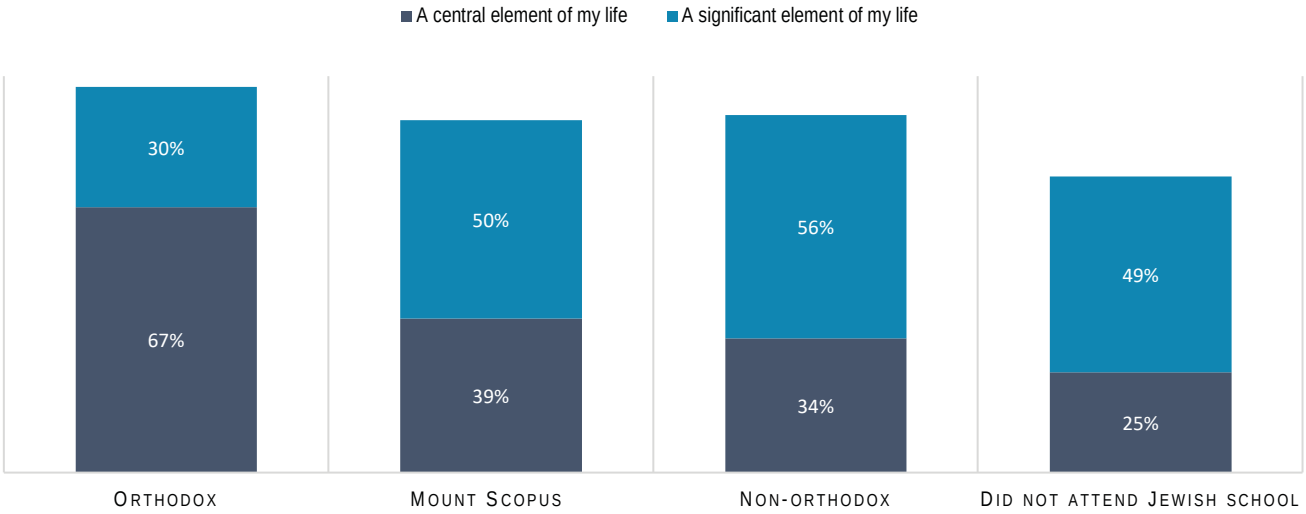
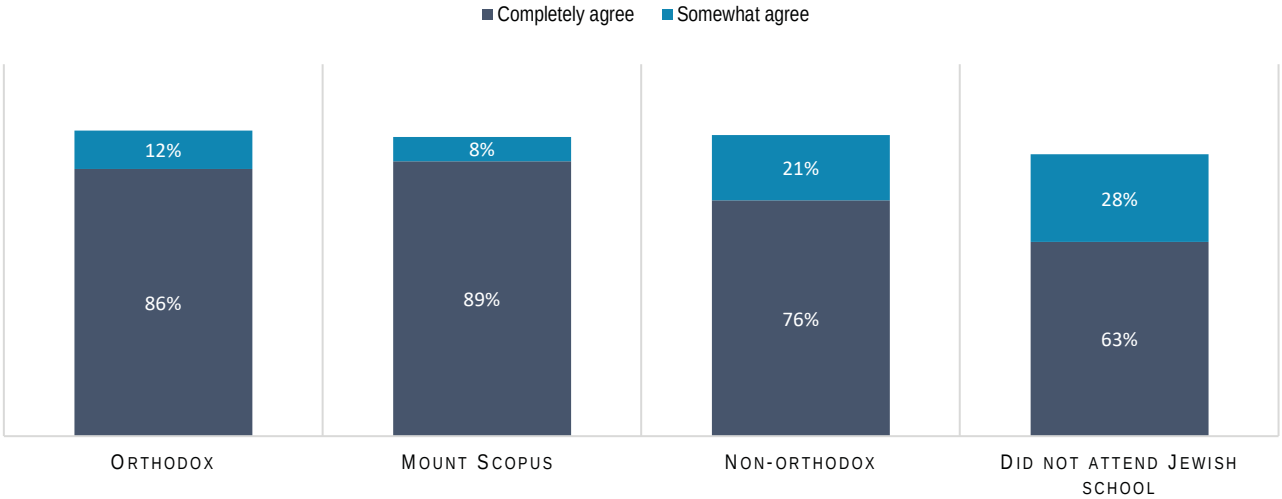



**Table 25: 'To what extent do you agree or disagree with the following statement: I am proud to be a Jew'? by age group and school attended**

| | ORTHODOX | | MOUNT SCOPUS | | NON-ORTHODOX | DID NOT ATTEND JEWISH SCHOOL | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Completely agree | 86% | 88% | 89% | 85% | 76% | 63% | 68% |
| Somewhat agree | 12% | 11% | 8% | 13% | 21% | 28% | 24% |
| SUBTOTAL AGREE | 99% | 98% | 97% | 99% | 97% | 91% | 92% |
| Somewhat disagree | 1% | 1% | 2% | 2% | 3% | 3% | 4% |
| Completely disagree | | | | | | 3% | 2% |
| Don't know | 1% | 1% | | | | | 2% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

**Figure 16: 'To what extent do you agree or disagree with the following statement: I am proud to be a Jew'? Top two responses, respondents aged 18-29 by school attended**



# JEWISH IDENTITY

The Gen17 survey presented respondents with eighteen attitudinal and behavioural statements and asked for indication of importance or unimportance of each 'to your own sense of Jewish identity.' Each statement provided six response options, 'very important', 'fairly important', fairly unimportant', 'very unimportant', 'don't know,' and 'prefer not to say'. In the following discussion the main focus is on the strongest level of positive response, providing insight into the extent of differentiation with regard to firmly held views. **With the two positive responses combined, sense of difference is less evident, pointing to the general level of shared values across the community when they are broadly defined.**

The eighteen statements are grouped into broad four categories: [1] related to aspects of behaviour; [2] community, culture and learning; [3] religious observance; and [4] supporting Israel.

For 12 of the 18 statements, 60% or higher indicate that they are 'very important' or 'fairly important'.

Narrowing the analysis to indication of 'very important' among respondents aged 18-29, 60% or higher indicated 'very important' for seven statements among Orthodox school attendees; four statements each for Mount Scopus and a non-Orthodox school, and one statement for those who did not attend a Jewish school.

'Upholding strong moral and ethical behaviour' was indicated as 'very important' by more than 60% across the four categories of analysis, 'sharing Jewish festivals with family' and 'belonging to a Jewish community' across the Jewish schools. (refer to data presented in Table 26 - Table 30 and illustrated in Figure 17 - Figure 19)

**Table 26: Statements related to Jewish identity that were ranked as 'very important' by over 60% of respondents in each school grouping. Respondents aged 18-29 by school attended**

| Orthodox | | Mount Scopus | | Non-orthodox | | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| Upholding strong moral and ethical behavior | 81% | Belonging to a Jewish community | 77% | Sharing Jewish festivals with family | 71% | Upholding strong moral and ethical behavior | 60% |
| Sharing Jewish festivals with family | 80% | Remembering the Holocaust | 73% | Upholding strong moral and ethical behavior | 68% | | |
| Belonging to a Jewish community | 79% | Sharing Jewish festivals with family | 70% | Remembering the Holocaust | 68% | | |
| Marrying another Jew | 77% | Upholding strong moral and ethical behavior | 67% | Belonging to a Jewish community | 61% | | |
| Learning about Jewish history | 66% | | | | | | |
| Remembering the Holocaust | 63% | | | | | | |
| Feeling part of the Jewish people worldwide | 60% | | | | | | |

For 14 out of the 18 statements presented, the highest proportion who responded 'very important' were those who attended an Orthodox school. The four statements for which the highest proportion was not among attendees of an Orthodox school are 'remembering the Holocaust', visiting Israel, 'supporting social justice causes' and 'Jewish cultural experiences.'

**Table 27: Statements related to Jewish identity for which the highest proportion indicating 'very important' were not attendees of an Orthodox school, respondents aged 18-29 by school attended**

| | Orthodox | Mount Scopus | Non-orthodox | Did not attend Jewish school |
|---|---|---|---|---|
| Remembering the Holocaust | 63% | 73% | 68% | 59% |
| Supporting social justice causes | 30% | 36% | 47% | 53% |
| Jewish cultural experiences | 21% | 44% | 49% | 34% |
| Visiting Israel | 52% | 54% | 46% | 33% |

The largest differentiation in Jewish identity markers is obtained in response to four statements concerning religious belief and observance: believing in God, observing halacha, prayer, and studying religious texts, with an average level indicating 'strong agreement' at 50% for those who attended an Orthodox school, 10% or lower for other school streams. There was also significant difference obtained in response to three additional statements: marrying another Jew ('very important' in the range 77% to 22%), donating to charity (53% to 25%), and learning about Jewish history (66% to 46%).

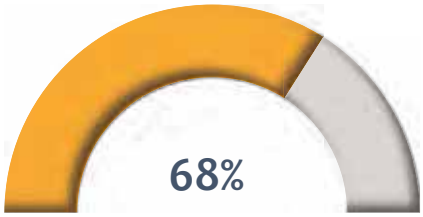
> "The largest differentiation… is obtained in response to statements concerning religious belief and observance"

**Table 28: Highest level of differentiation in the indication of 'very important', schools compared, respondents aged 18-29**

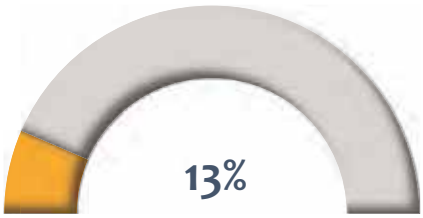
| | Orthodox | Mount Scopus | Non-orthodox | Did not attend Jewish school |
|---|---|---|---|---|
| Believing in God | 56% | 7% | 3% | 15% |
| Observing Halacha | 48% | 8% | 3% | 3% |
| Prayer | 45% | 9% | 8% | 10% |
| Studying Jewish religious texts | 49% | 16% | 10% | 13% |
| AVERAGE | 50% | 10% | 6% | 10% |
| Marrying another Jew | 77% | 54% | 21% | 22% |
| Donating money to charity | 53% | 25% | 25% | 25% |
| Learning about Jewish history | 66% | 50% | 49% | 46% |

**Table 29: 'How important or unimportant are each of the following to your own sense of Jewish identity?'**
**Response: 'Very important' compared with 'Very' + 'fairly' important, Respondents aged 18-29 by school attended**

| | Orthodox | | Mount Scopus | | Non-Orthodox | | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|---|
| | Very | Very + Fairly | Very | Very + Fairly | Very | Very + Fairly | Very | Very + Fairly |
| Upholding strong moral and ethical behaviour | 81% | 97% | 67% | 91% | 68% | 94% | 60% | 85% |
| Remembering the Holocaust | 63% | 94% | 73% | 93% | 68% | 99% | 59% | 91% |
| Feeling part of the Jewish people worldwide | 60% | 96% | 57% | 90% | 44% | 89% | 35% | 85% |
| Combatting antisemitism | 47% | 79% | 42% | 81% | 38% | 76% | 43% | 85% |
| Supporting social justice causes | 30% | 71% | 36% | 79% | 46% | 73% | 53% | 72% |
| Sharing Jewish festivals with your family | 80% | 99% | 70% | 99% | 71% | 97% | 50% | 81% |
| Donating money to charity | 53% | 90% | 25% | 69% | 25% | 60% | 25% | 72% |
| Jewish cultural experiences | 21% | 64% | 44% | 79% | 49% | 86% | 34% | 88% |
| Learning about Jewish history | 66% | 96% | 50% | 90% | 49% | 92% | 46% | 90% |
| Volunteering for charitable causes | 47% | 86% | 34% | 80% | 39% | 82% | 41% | 75% |
| Supporting Israel financially | 25% | 66% | 10% | 46% | 6% | 33% | 7% | 22% |
| Visiting Israel | 52% | 90% | 54% | 87% | 46% | 75% | 33% | 67% |
| Marrying another Jew | 77% | 95% | 54% | 83% | 21% | 63% | 22% | 42% |
| Believing in God | 56% | 68% | 7% | 27% | 3% | 13% | 15% | 22% |
| Observing halacha (Jewish law) | 48% | 77% | 8% | 26% | 3% | 19% | 3% | 9% |
| Prayer | 45% | 66% | 9% | 28% | 8% | 18% | 10% | 26% |
| Studying Jewish religious texts | 49% | 75% | 16% | 42% | 10% | 25% | 13% | 31% |
| Belonging to a Jewish community | 79% | 97% | 77% | 92% | 61% | 94% | 33% | 79% |




Attendees of an Orthodox school aged 18-29 who say that believing in god is important to their own sense of Jewish identity.




Attendees of a non-Orthodox school aged 18-29 who say that believing in god is important to their own sense of Jewish identity.

**Table 30: 'How important or unimportant are each of the following to your own sense of Jewish identity?' Grouped in four categories. Response: 'Very Important', respondents aged 18-49**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Upholding strong moral and ethical behaviour | 81% | 85% | 67% | 75% | 68% | 60% | 68% |
| Supporting social justice causes | 30% | 24% | 36% | 34% | 47% | 53% | 30% |
| Combatting antisemitism | 47% | 44% | 42% | 55% | 38% | 43% | 50% |
| Volunteering for charitable causes | 47% | 48% | 34% | 29% | 39% | 41% | 19% |
| Donating money to charity | 53% | 64% | 25% | 40% | 25% | 25% | 26% |
| Marrying another Jew | 77% | 84% | 54% | 59% | 21% | 22% | 39% |
| Sharing Jewish festivals with your family | 80% | 87% | 70% | 73% | 71% | 50% | 56% |
| Group 1: behavioural (average) | 59% | 62% | 47% | 52% | 44% | 42% | 41% |
| Belonging to a Jewish community | 79% | 82% | 77% | 68% | 61% | 33% | 47% |
| Remembering the Holocaust | 63% | 68% | 73% | 72% | 68% | 59% | 64% |
| Learning about Jewish history | 66% | 59% | 50% | 48% | 49% | 46% | 45% |
| Feeling part of the Jewish people worldwide | 60% | 68% | 57% | 53% | 44% | 35% | 43% |
| Jewish cultural experiences (Jewish music, literature, art) | 21% | 20% | 44% | 26% | 49% | 34% | 28% |
| Group 2: community and culture (average) | 58% | 59% | 60% | 53% | 54% | 41% | 45% |
| Believing in God | 56% | 69% | 7% | 15% | 3% | 15% | 26% |
| Observing halacha (Jewish law) | 48% | 53% | 8% | 6% | 3% | 3% | 14% |
| Prayer | 45% | 48% | 9% | 8% | 8% | 10% | 16% |
| Studying Jewish religious texts | 49% | 47% | 16% | 7% | 10% | 13% | 13% |
| Group 3: religious observance (average) | 49% | 54% | 10% | 9% | 6% | 10% | 17% |
| Visiting Israel | 52% | 48% | 54% | 50% | 46% | 33% | 40% |
| Supporting Israel financially | 25% | 34% | 10% | 18% | 6% | 8% | 10% |
| Group 4: Israel (average) | 38% | 41% | 32% | 34% | 26% | 20% | 25% |

**Figure 17: Jewish identity, group1: Behavioural. Response: 'Very important', respondents aged 18-29**

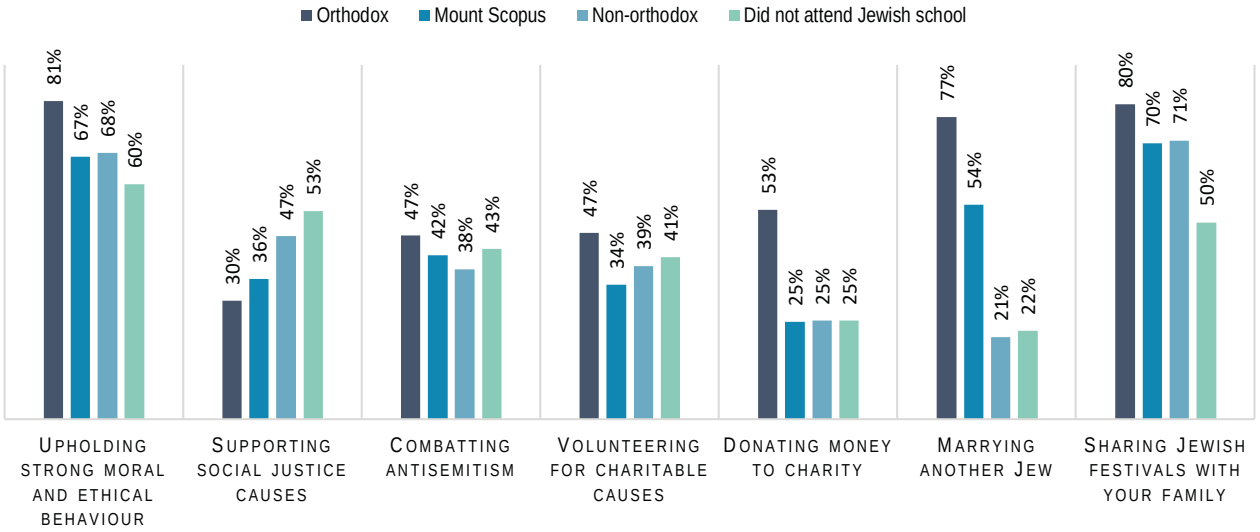



**Figure 18: Jewish identity, group 2: Community and culture. Response: 'Very important', respondents aged 18-29**

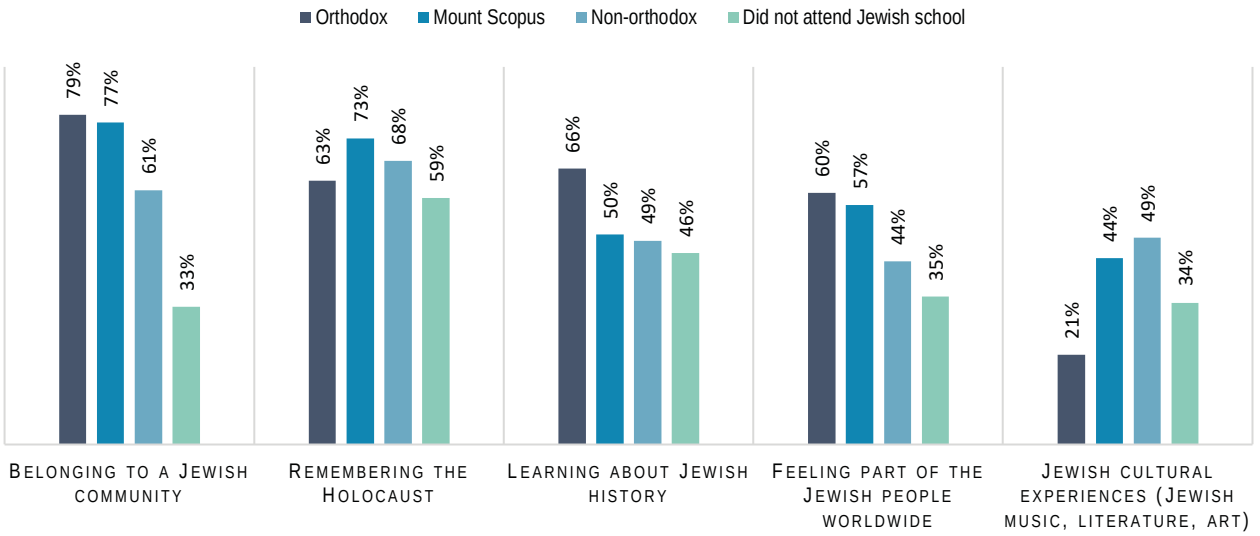
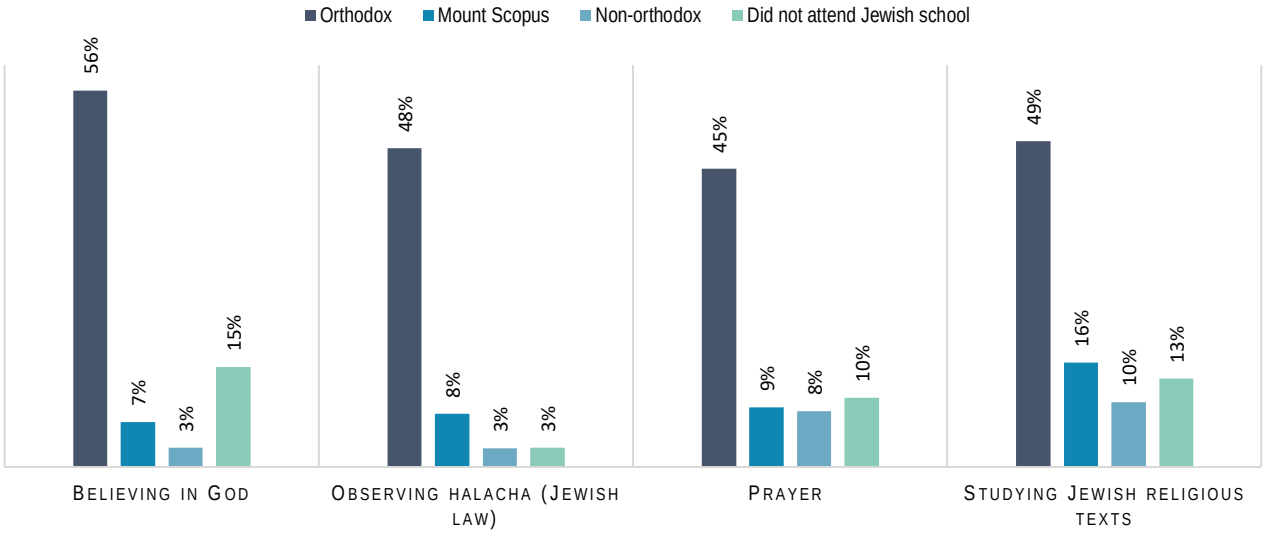



**Figure 19: Jewish identity, group 3: Religious observance. Response: 'Very important', respondents aged 18-29**



# JEWISH PEOPLEHOOD

Respondents were asked to indicate the extent of their agreement with the propositions that

- 'I have a strong sense of belonging to the Jewish people'
- 'I feel connected to other Jews even if I do not know them personally'
- 'I have a special responsibility to take care of Jews in need around the world'

Four response options were presented: 'completely agree', 'somewhat agree', 'somewhat disagree', 'completely disagree.'

For **sense of belonging to the Jewish people**, among respondents aged 18-29 the combined two levels of agreement ('completely' or 'somewhat') was 99% Orthodox schools, 96% Mount Scopus, 99% non-Orthodox; 84% did not attend a Jewish school.

There is a marginally lower level of agreement with **sense of special responsibility' to take care of Jews in need around the world**; among respondents aged 18-29, 93% Orthodox schools, 87% Mount Scopus, 85% non-Orthodox; and a much lower 60% for those who did not attend at Jewish school. There is only minor difference among respondents aged 30-49. With consideration narrowed to strongest level of agreement ('completely agree'), there is greater variation in response.

Among respondents aged 18-29, the proportion indicating complete agreement that they have a sense of belonging to the Jewish people is 80% Orthodox, 75% Mount Scopus, 63% non-Orthodox, and substantially lower 43% among those who did not attend Jewish school.

Complete agreement with a **sense of connection to other Jews** ranges from 69% Orthodox, 57% Mount Scopus, 44% non-Orthodox, and 34% did not attend.

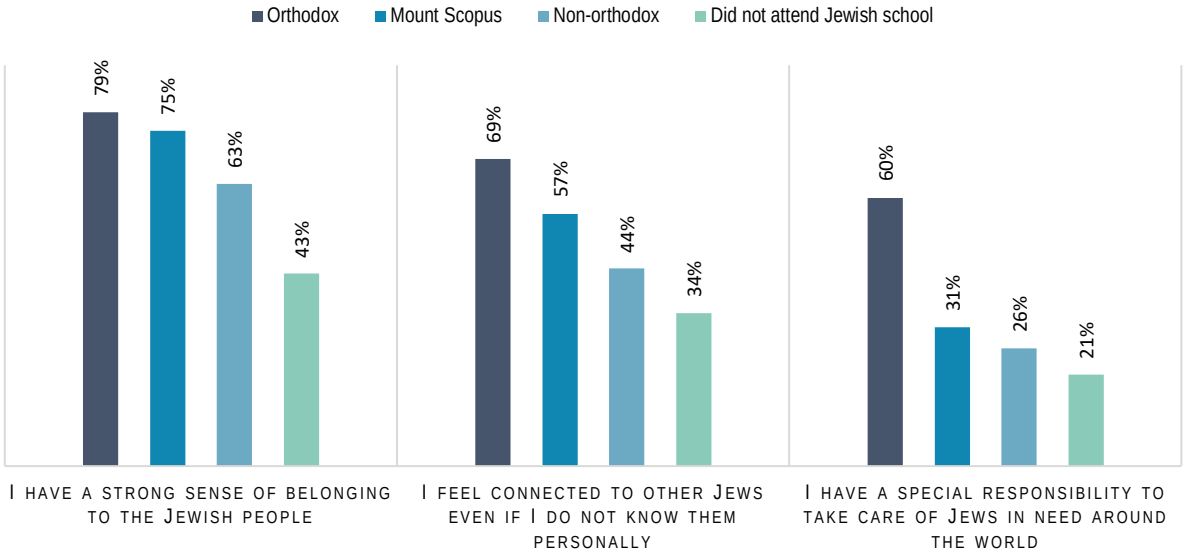
Responsibility towards Jews in need finds a larger gap between attendees of Orthodox and other schools – 60% Orthodox, 31% Mount Scopus, 26% non-Orthodox, and 21% did not attend Jewish school.

While there is only minor difference by age group, with two exceptions there is a lower proportion in complete agreement among the younger age group.

**Table 31: Jewish peoplehood. 'To what extent do you agree or disagree with the following statements?' Response: 'completely agree' by age group and school attended**

| Completely agree | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| I have a strong sense of belonging to the Jewish people | 79% | 84% | 75% | 75% | 63% | 43% | 49% |
| I feel connected to other Jews even if I do not know them personally | 69% | 73% | 57% | 61% | 44% | 34% | 39% |
| I have a special responsibility to take care of Jews in need around the world | 60% | 54% | 31% | 37% | 26% | 21% | 25% |

**Figure 20: Jewish peoplehood. 'To what extent do you agree or disagree with the following statements?' Response: 'completely agree', respondents aged 18-29 by school attended**



# CHARITABLE GIVING

Three questions were asked with regard to charitable giving:

- To which of the following causes, if any, do you give the highest priority?
- How much in total have you or your household given to Jewish and/or general charities in the past 12 months? If you are unsure, please estimate. Please exclude synagogue membership and Jewish school fees.
- Approximately what proportion of these charitable donations you or your household gave over the past 12 months went to Jewish charities? If you are unsure, please estimate.

When asked to indicate their priorities in supporting charitable causes, a majority across the school and age groups gave priority to Australian charities. Among attendees of an Orthodox school, a substantial majority (63%-76%) prioritised Jewish charities in Australia, a lower proportion (43%-44%) among those who attended Mount Scopus. Among attendees of non-Jewish schools and those who did not attend a Jewish school, opinion was close to divided, a larger proportion favoured general charities in Australia over Jewish charities.

Priority for Israeli charities is discussed in the Financial Support for Israel section on page 101 of this report.

**Table 32: 'To which of the following causes, if any, do you give the highest priority?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Jewish charities in Australia | 63% | 76% | 44% | 43% | 28% | 19% | 36% |
| General charities in Australia | 10% | 10% | 31% | 34% | 31% | 45% | 33% |
| Aid for the poor overseas | 5% | 5% | 10% | 6% | 25% | 13% | |
| Israel charities | 19% | 7% | 9% | 14% | 8% | 8% | 12% |
| Other overseas charities | 1% | 1% | 3% | 2% | 1% | 6% | 3% |
| None of these | | | 1% | 1% | | 6% | 3% |
| Don't know/ Prefer not to say | 1% | 2% | 1% | 1% | 7% | 3% | 4% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding.

**Figure 21: 'To which of the following causes, if any, do you give the highest priority?' by age group and school attended**

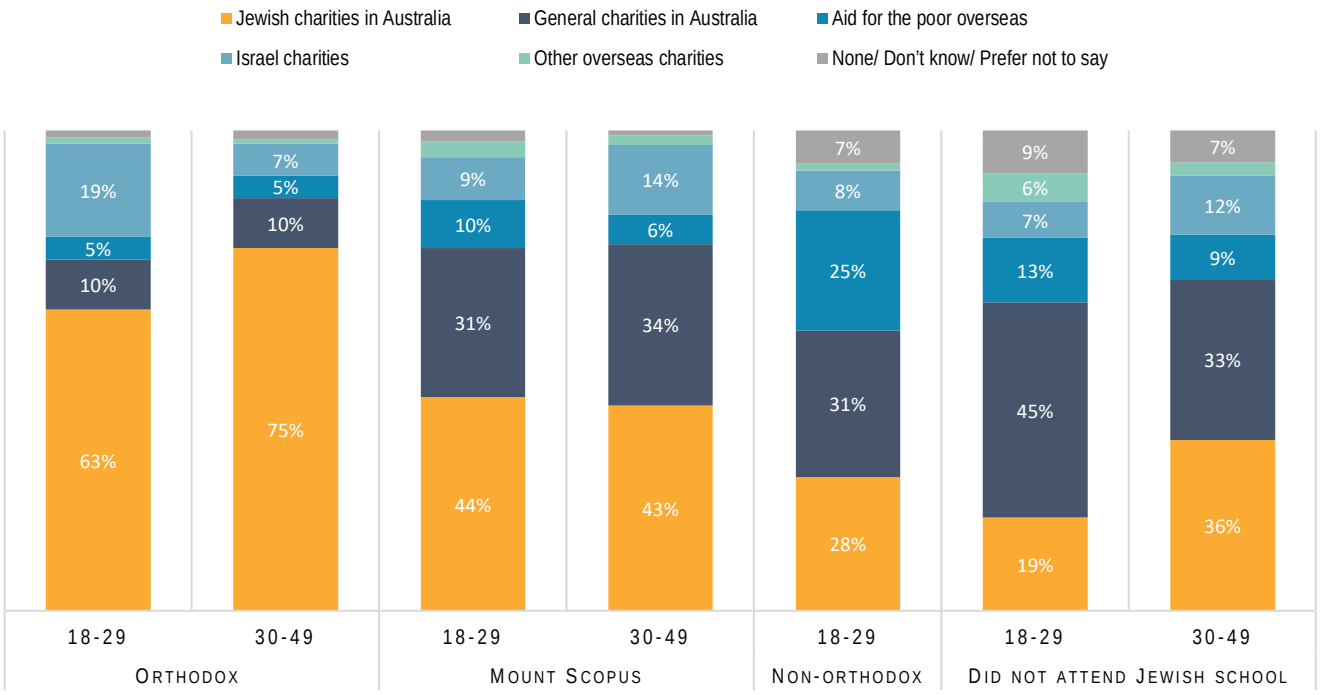
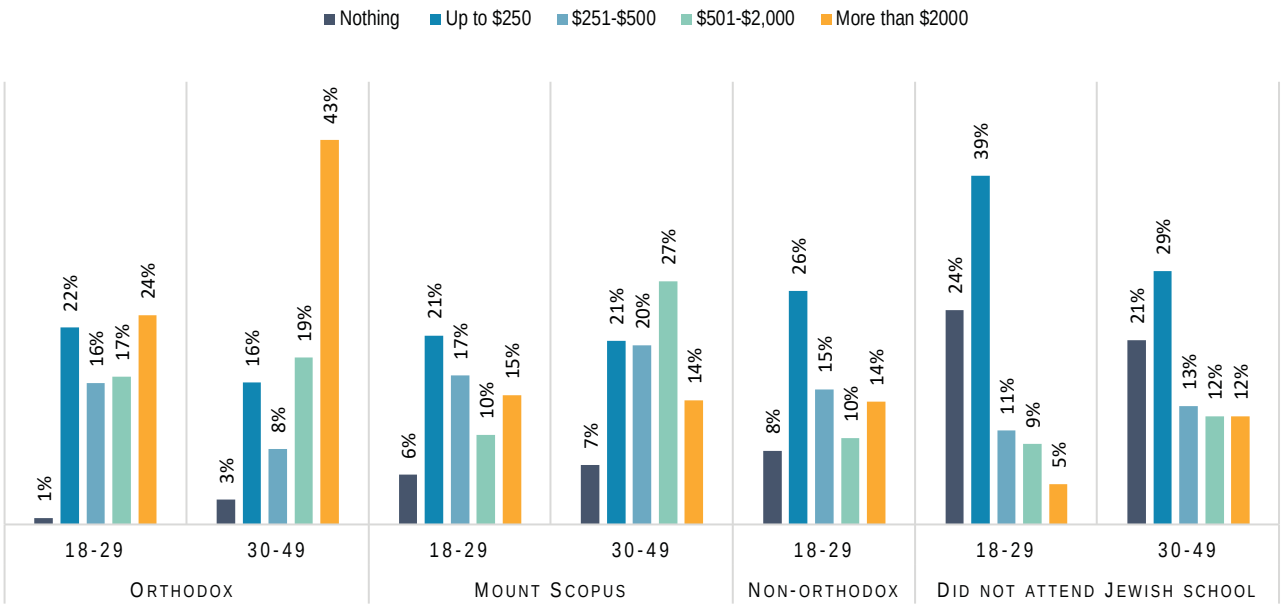



**Figure 22: 'How much in total have you or your household given to Jewish and/or general charities in the past 12 months? If you are unsure, please estimate. Please exclude synagogue membership and Jewish school fees' by age group and school attended**



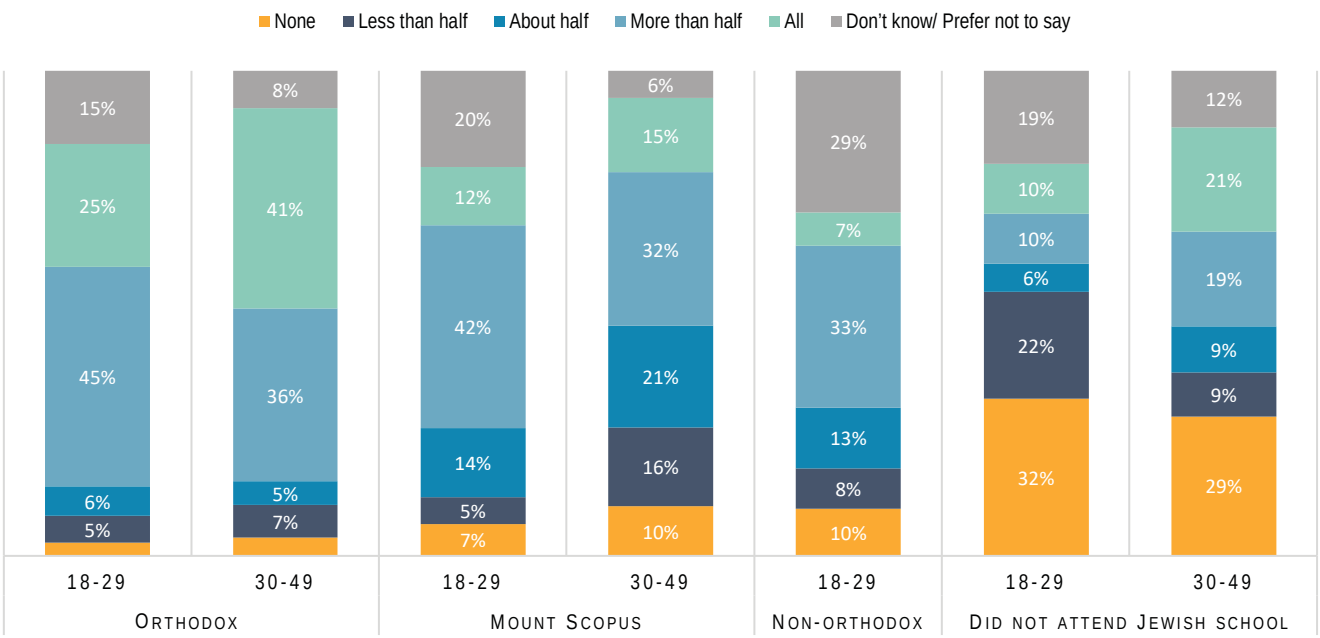

71% of 18-29 year old attendees of an Orthodox school indicated that more than half of their charitable donations in the last twelve months were made to Jewish charities. By contrast, 32% of 18-29 year old and 29% of 30-49 year old respondents who did not attend a Jewish school indicated that none of those charitable donations were for Jewish charities.

**Table 33: 'Approximately what proportion of these charitable donations you or your household gave over the past 12 months went to Jewish charities? If you are unsure, please estimate' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| None | 3% | 4% | 7% | 10% | 10% | 32% | 29% |
| Less than half | 5% | 7% | 5% | 16% | 8% | 22% | 9% |
| About half | 6% | 5% | 14% | 21% | 13% | 6% | 9% |
| More than half | 45% | 36% | 42% | 32% | 33% | 10% | 19% |
| All | 25% | 41% | 12% | 15% | 7% | 10% | 21% |
| Subtotal more than half/all* | 71% | 77% | 54% | 47% | 40% | 21% | 41% |
| Don't know/ Prefer not to say | 15% | 8% | 20% | 6% | 29% | 19% | 12% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| None | 3% | 4% | 7% | 10% | 10% | 32% | 29% |

*Totals may not sum to 100% due to rounding.

**Figure 23: 'Approximately what proportion of these charitable donations you or your household gave over the past 12 months went to Jewish charities? by age group and school attended**



# RELIGIOUS PRACTICE

Detailed insight into Jewish life and practice was provided in response to a series of questions. These include:

- 'Are you currently a member of a synagogue?'
- 'In the last twelve months, how often did you attend any type of synagogue or organised Jewish religious service?'
- 'How often, if at all, do you attend Friday night Sabbath (Shabbat) meal with your family/close friends and how often did you do so growing up?'
- 'How often, if at all, are candles lit at home on Friday night Sabbath (Shabbat)?'
- 'How often, if at all, do you attend a seder meal at Passover (Pesach)?'
- 'How often, if at all, do you fast on Yom Kippur?'
- 'What kind of meat, if any, is bought for your home?'
- 'Do you eat non-kosher meat outside your own home? (eg in restaurants or private homes)'

Attending a Passover seder 'always' was observed by the highest proportion in all four groups, indicated by more than 90% of those who attended a Jewish school and 68%-72% of those who did not attend.

Always participating in a Sabbath meal found greater variance: among respondents aged 18-29, 87% who attended an Orthodox school, 71% Mount Scopus, 67% non-Orthodox and 32% of those who did not attend a Jewish school.

Comparing the age groups finds a higher level of observance consistently indicated by respondents aged 18-29 among those who attended an Orthodox school or Mount Scopus.

Indication of synagogue membership is lower among the younger age group, possibly explained by the younger respondents retaining a family membership. However, the younger cohort attend synagogue or an organised religious service more frequently than the older age group. Of Mount Scopus attendees aged 18-29, 46% regularly attend synagogue (from at least once a month to every day), this drops by half to 23% for the 30-49 year old group. 71% of this group now only attend on special occasions or on high holidays.

A quarter of 18-29 year old Orthodox school attendees go to synagogue once a week, a further 14% several times a week and 12% every day.

A quarter of those aged 18-29 who did not attend a Jewish day school did not attend synagogue in the last year at all, 20% of the 30-49 age group.

Excluding vegetarians, among respondents aged 18-29 who attended an Orthodox school, 87% indicated that they only bought kosher meat for their home, much lower proportions for other schools: 33% Mount Scopus, 20% non-Orthodox, and 6% of those who did not attend a Jewish school.

Close to 30% among those who attended Mount Scopus or a non-Orthodox school bought non-kosher meat, including pork products, for their home, 75% among those who did not attend a Jewish school.

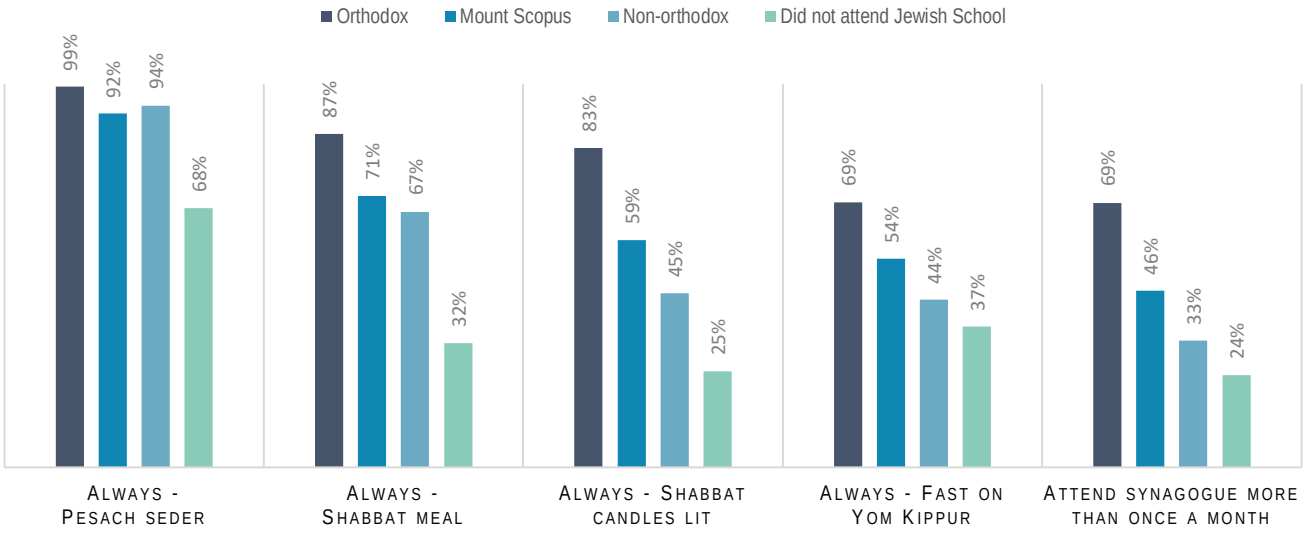
Findings for individual (as distinct from households) indicates that 76% of those who attended an Orthodox school only ate kosher meat outside the home, 26% of those who attended Mount Scopus, 6% non-Orthodox, and 2% who did not attend a Jewish school.

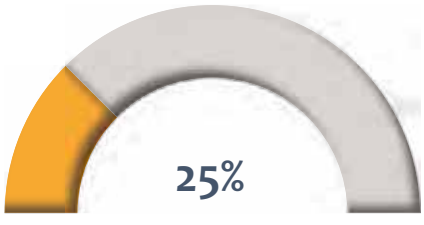
**Table 34: Patterns of religious practice, by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Always - Pesach seder | 99% | 92% | 92% | 93% | 94% | 68% | 72% |
| Always - Shabbat meal | 87% | 75% | 71% | 53% | 67% | 32% | 35% |
| Always - Shabbat candles lit* | 83% | 81% | 59% | 43% | 45% | 25% | 30% |
| Only kosher meat in the home* | 87% | 84% | 33% | 31% | 20% | 6% | 23% |
| Always - Fast on Yom Kippur | 69% | 60% | 54% | 44% | 44% | 37% | 37% |
| Yes- Synagogue membership | 54% | 72% | 43% | 57% | 38% | 25% | 34% |
| Attend synagogue monthly or more | 69% | 61% | 46% | 23% | 33% | 24% | 27% |

*Unique households only; data for kosher meat at home excludes vegetarians

**Figure 24: Patterns of current religious practice, respondents aged 18-29 by school attended**




Proportion of 18-29 year-old respondents who did not attend a Jewish day school and did not attend a synagogue at all in the last year.

Respondents who attended a Jewish day school who always attend a Pesach Seder.



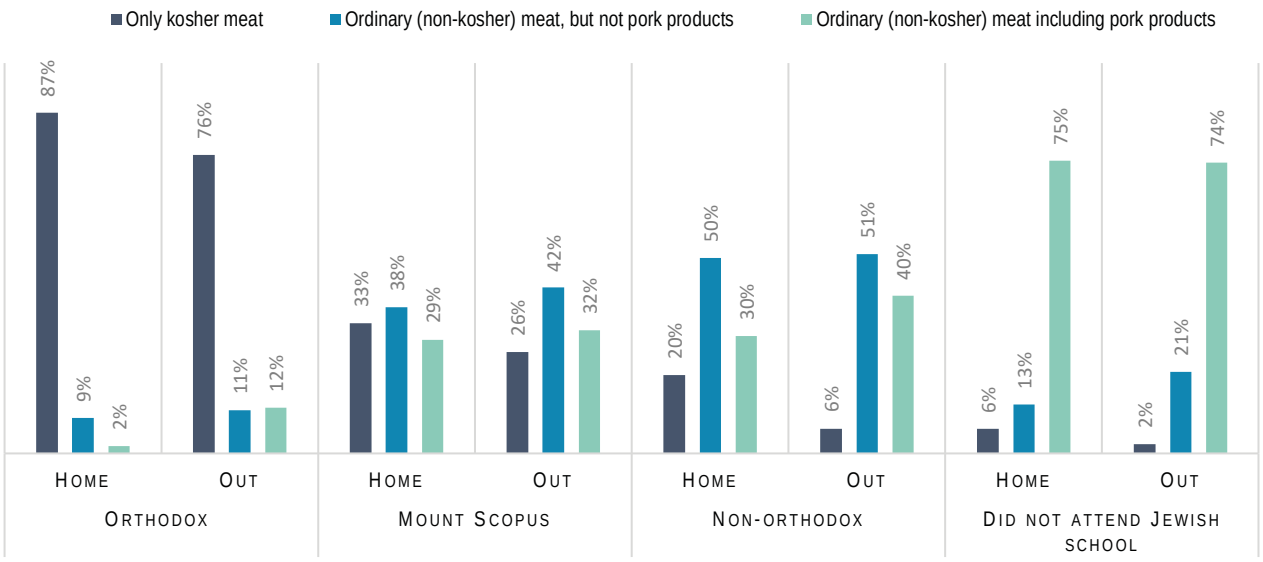
1727

**Table 35: 'In the last 12 months, how often did you attend any type of synagogue or organised Jewish religious service?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Did not attend at all | 1% | 4% | 3% | 4% | 7% | 25% | 20% |
| On special occasions (e.g. Bar Mitzvahs, weddings) | 2% | 8% | 13% | 17% | 11% | 13% | 18% |
| On High Holidays (Rosh Hashana, Yom Kippur) | 4% | 3% | 8% | 15% | 11% | 18% | 11% |
| On special occasions and High Holidays | 22% | 21% | 29% | 38% | 36% | 15% | 23% |
| Subtotal- special occasions/ high holidays | 28% | 32% | 51% | 71% | 58% | 46% | 52% |
| About once a month | 10% | 9% | 10% | 8% | 7% | 6% | 6% |
| Two or three times a month | 8% | 15% | 10% | 7% | 6% | 4% | 7% |
| About once a week | 25% | 17% | 21% | 5% | 19% | 10% | 7% |
| Several times a week | 14% | 7% | 2% | 2% | 1% | 1% | 5% |
| Every day | 12% | 13% | 2% | 1% | | 1% | 2% |
| Subtotal- more than once a month | 69% | 61% | 46% | 23% | 33% | 24% | 27% |
| Other/ prefer not to say | 1% | 4% | | 3% | 1% | 4% | 2% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*Totals may not sum to 100% due to rounding

**Figure 25: Currently - What kind of meat, if any, is bought for your home?' and 'Currently - Do you eat non-kosher meat outside your own home? (e.g. in restaurants or private homes)', valid responses only*, respondents aged 18-29 by school attended**




* Excludes NA (vegans/vegetarians). In this graph, data for the home is for unique households, data for outside the home is for individuals.

# ATTITUDES TOWARDS INTERMARRIAGE

To establish the extent of intermarriage, the most reliable data source is the Australian census, which will be analysed in a separate report to be issued by this project.

With regard to attitude towards intermarriage, two questions were included in the Gen17 survey. The first asked for general attitude to intermarriage in Australia, the second was personalised with respect to the respondent's own children, although it is a hypothetical question for respondents without children.

The first question was worded:

> 'Some people are concerned about Jews marrying non-Jews, while others are not. To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?'

Four response options were provided: 'very concerned', 'concerned', 'unconcerned', 'very unconcerned'

The second question asked:

> 'If one of your children said they were going to marry a non-Jew, how would you feel about it?'

Six response options were provided: 'very pleased', 'pleased but with some reservations', 'accepting or neutral', 'feel some regret', 'feel very considerable regret', 'would have no further association with my child'.

The general question on intermarriage in Australia found divided opinion. Of those aged 18-29, concern was indicated by 77% of those who attended an Orthodox school (40% 'very concerned'), 69% Mount Scopus (19% 'very concerned'), 49% non-orthodox (7% 'very concerned'), and 24% of those who did not attend a Jewish school (10% 'very concerned').

"The general question on intermarriage in Australia found divided opinion. Of those aged 18-29, concern was indicated by 77% of those who attended an Orthodox school, 69% Mount Scopus, 49% non-orthodox, and 24% of those who did not attend a Jewish school."

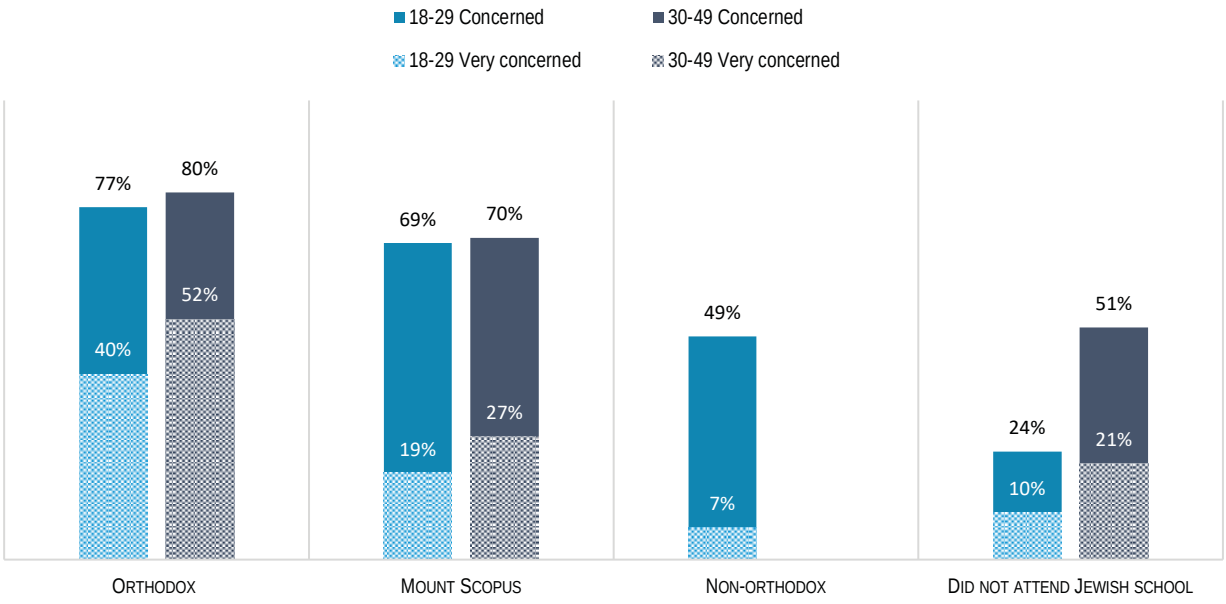
Comparison of those aged 18-29 and 30-49 finds that with the combined 'very concerned' and 'somewhat concerned' responses, there is little difference among those who attended an Orthodox school or Mount Scopus; however, among those who did not attend a Jewish school, concern was indicated by 24% of the younger age group, 51% the older.

With attention narrowed to those indicating 'very concerned', there is consistently lower level of concern among the younger age group; among those who attended an Orthodox, 40% aged 18-29, 52% aged 30-49, Mount Scopus 19% and 27%, and among those who did not attend a Jewish school 10% and 21%.

**Table 36: 'Some people are concerned about Jews marrying non-Jews, while others are not. To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very unconcerned | 10% | 11% | 8% | 10% | 13% | 49% | 30% |
| Unconcerned | 8% | 7% | 22% | 17% | 35% | 24% | 17% |
| SUBTOTAL UNCONCERNED | 19% | 18% | 30% | 27% | 47% | 72% | 46% |
| Somewhat concerned | 36% | 28% | 50% | 43% | 42% | 13% | 30% |
| Very concerned | 40% | 52% | 19% | 27% | 7% | 10% | 21% |
| SUBTOTAL CONCERNED | 77% | 80% | 69% | 70% | 49% | 24% | 51% |
| Not sure | 3% | 2% | 1% | 3% | 4% | 3% | 3% |
| Prefer not to say | 1% | | | 1% | | 2% | 0% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

**Figure 26: 'Some people are concerned about Jews marrying non-Jews, while others are not. To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' Response: Concerned, by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

The second question was personalised with reference to the marriage of 'one of your children'. It found a lower level of negative response, possibly indicating a disposition to accept the marriage choices of children, especially among young respondents without children who are possibly responding to a hypothetical question and who may themselves be considering marrying a non-Jewish partner.

Among those aged 18-29, just 12% of those who attended an Orthodox school indicated that they would be pleased, accepting or neutral at a marriage of a child to a non-Jew, a higher 50% of Mount Scopus attendees, 65% non-Orthodox, and 67% among those who did not attend a Jewish school.

> "With reference to the marriage of 'one of your children' a lower level of negative response is found, possibly indicating a disposition to accept the marriage choices of children, especially among young respondents… who may themselves be considering marrying a non-Jewish partner."

There is a markedly lower proportion in the younger age group indicating that they would feel 'very considerable regret': for an Orthodox school, 49% aged 18-29, 67% aged 30-49; for Mount Scopus, 16% and 32%; and for those who did not attend a Jewish school, 9% and 22%.

Very few respondents (2% or less) indicated that they 'would have no further association with my child' if married to a non-Jewish partner.

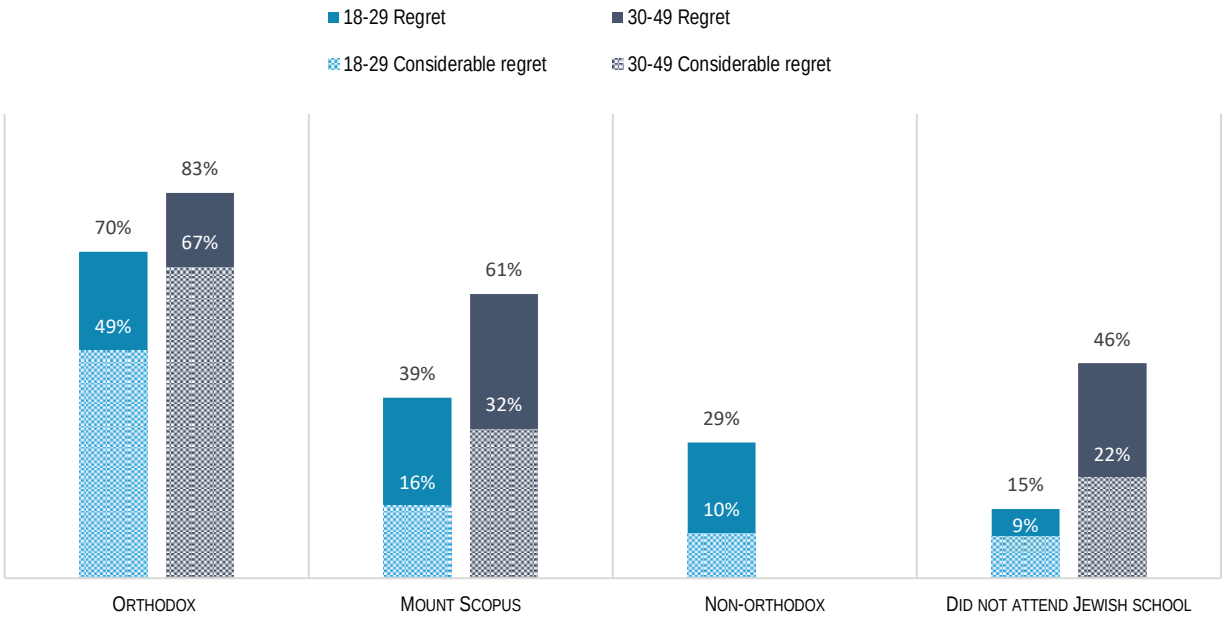
**Table 37: 'If one of your children said they were going to marry a non-Jew, how would you feel about it? Which of these would best express your feelings?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very pleased | 0% | 2% | 8% | 2% | 8% | 15% | 8% |
| Pleased but with some reservations | 2% | 5% | 20% | 7% | 22% | 7% | 7% |
| Accepting or neutral | 10% | 6% | 22% | 26% | 35% | 45% | 31% |
| SUBTOTAL PLEASED, ACCEPTING OR NEUTRAL | 12% | 12% | 50% | 35% | 65% | 67% | 45% |
| Feel some regret | 21% | 16% | 23% | 29% | 19% | 6% | 25% |
| Feel very considerable regret | 49% | 67% | 16% | 32% | 10% | 9% | 22% |
| SUBTOTAL REGRET | 70% | 83% | 39% | 61% | 29% | 15% | 46% |
| Would have no further association with my child | 2% | 2% | | | | | 1% |
| Other (please specify) | 6% | 2% | 4% | 2% | 4% | 15%* | 4% |
| Don't know / Prefer not to say | 10% | 1% | 6% | 2% | 1% | 3% | 3% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

*NB: The responses to this 'other' verbatim option ranged from 'Devastated', 'I would hope they converted' to 'I don't care', 'happy as long as they are happy'.

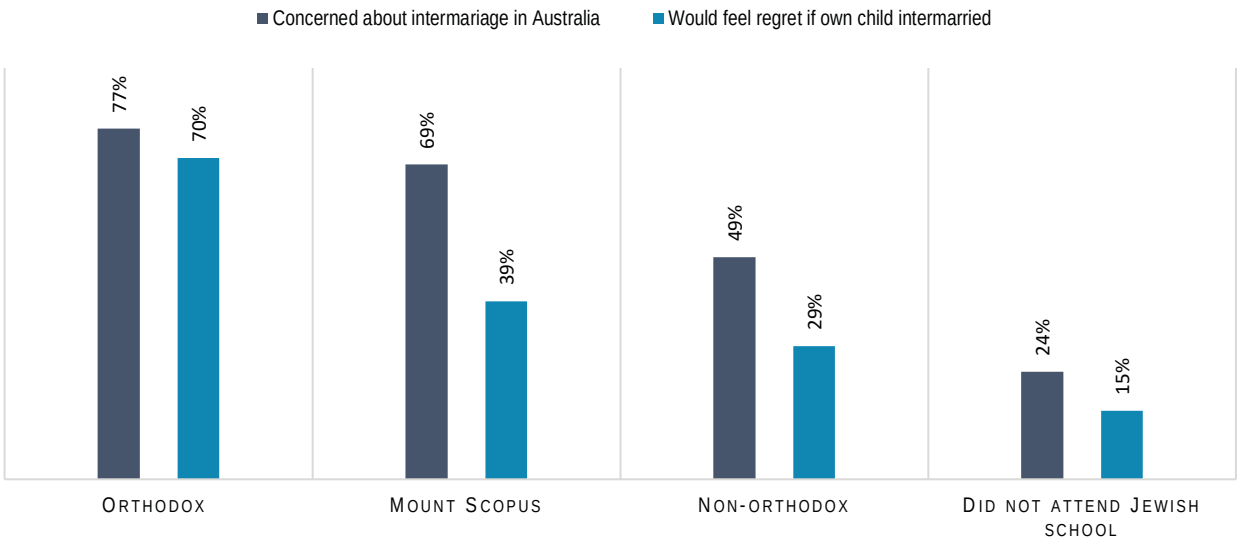

1731

**Figure 27: 'If one of your children said they were going to marry a non-Jew, how would you feel about it? Which of these would best express your feelings?' Response: 'Regret', by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

**Figure 28: 'Some people are concerned about Jews marrying non-Jews, while others are not. To what extent, if at all, are you personally concerned or unconcerned about intermarriage in Australia?' and 'If one of your children said they were going to marry a non-Jew, how would you feel about it? Which of these would best express your feelings?', Respondents aged 18-29 by school attended**



# CONNECTEDNESS AND FRIENDSHIPS

Community connectedness and friendship were considered through three questions:

- 'How connected do you feel to Jewish communal life?'
- 'You indicated you do not feel that connected to Jewish communal life. Are there any particular reasons leading you to feel this way?'
- 'Thinking of your close friends, how many of them are Jewish?'

A large majority among the 18-29 year-old indicated a sense of connection to the Jewish community; of those who attended a Jewish school, close to 90% feel 'somewhat connected' or 'very connected' to Jewish communal life. Among those aged 30-49, a similarly high proportion indicate connectedness among those who attended an Orthodox school, a lower 75% Mount Scopus.

There is a different pattern among those who did not attend a Jewish school: only 45% of those aged 18-29, indicate sense of connectedness, substantially lower than the 61% aged 30-49.

Those who did not feel connected to Jewish life were asked to indicate the reason, with ten possible responses offered and the option of specifying up to three.

Given the relatively small proportion indicating that they do not feel connected, reasons specified were aggregated for both the 18-29 and 30-49 age groups. (


1733

Table 39)

The response chosen by the largest proportion is 'secular outlook/lifestyle', followed by the general response option 'you don't feel you fit in'. Among those who did not attend a Jewish school, close to one-in-five respondents who did not feel connected also indicated lack of 'interest in Jewish communal life', 'don't know many Jewish people', and 'views on Israel'.

With regard to friendships, of those who attended a Jewish school close to 90% aged 18-29 indicated that 'all' or 'more than half' of their close friends are Jewish; 93% of those who attended Orthodox school, 89% Mount Scopus, and 89% of those who attended a non-Orthodox school.

Again, there was a substantial difference among those who did not attend a Jewish school. Of those aged 18-29, just 24% indicated that 'all' or 'more than half' of their close friends are Jewish, while the majority, 53%, indicated that 'less than half' or 'none' of their close friends at Jewish. This contrasts with the 30-49 age group, in which more than half (54%) indicated that 'all' or 'most' of their close friends are Jewish.

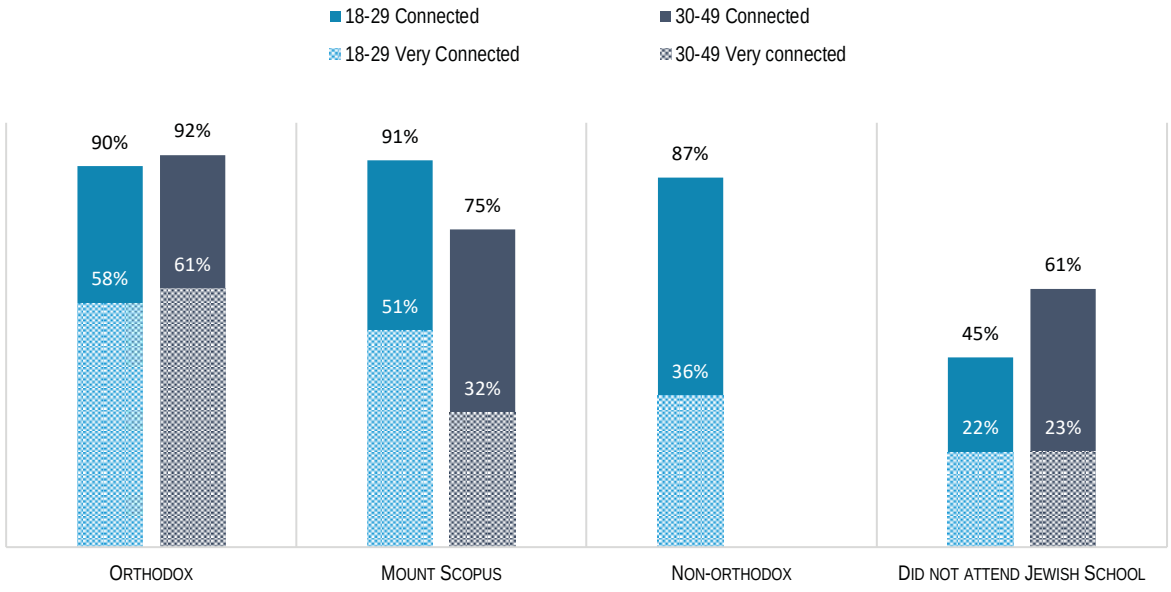
Respondents aged 18-29 who attended a Jewish day school that feel connected to Jewish communal life.

Respondents aged 18-29 who attended a Jewish day school whose friendships are mainly Jewish.

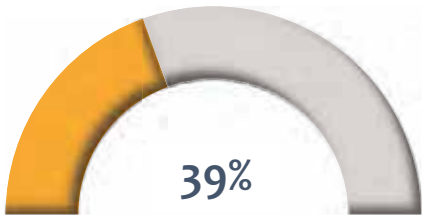
**Table 38: 'How connected do you feel to Jewish communal life? Do you feel…' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very connected | 58% | 61% | 51% | 32% | 36% | 22% | 23% |
| Somewhat connected | 32% | 31% | 40% | 43% | 51% | 22% | 38% |
| SUBTOTAL CONNECTED | 90% | 92% | 91% | 75% | 87% | 45% | 61% |
| Neither connected nor unconnected | 5% | 5% | 2% | 14% | 9% | 16% | 14% |
| Somewhat unconnected | 3% | 1% | 2% | 6% | 3% | 22% | 12% |
| Very unconnected | 2% | 2% | 3% | 5% | 1% | 16% | 13% |
| SUBTOTAL UNCONNECTED | 5% | 3% | 6% | 10% | 4% | 39% | 24% |
| Don't know/ Prefer not to say | 1% | | 1% | 1% | | | 1% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

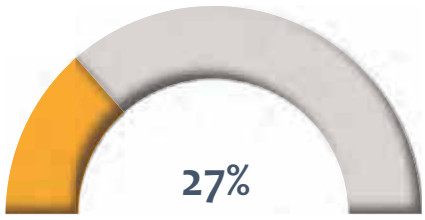
**Figure 29: 'How connected do you feel to Jewish communal life?' Response: 'connected', by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents




Proportion of 18-29 year-old respondents who did not attend a Jewish day school and who feel somewhat or very unconnected to Melbourne's Jewish communal life.




Proportion of 18-29 year-old respondents who did not attend a Jewish day school that did not experience any non- day school educational experiences such as Bar/Bat Mitzvah ceremony, youth movement or trip to Israel.

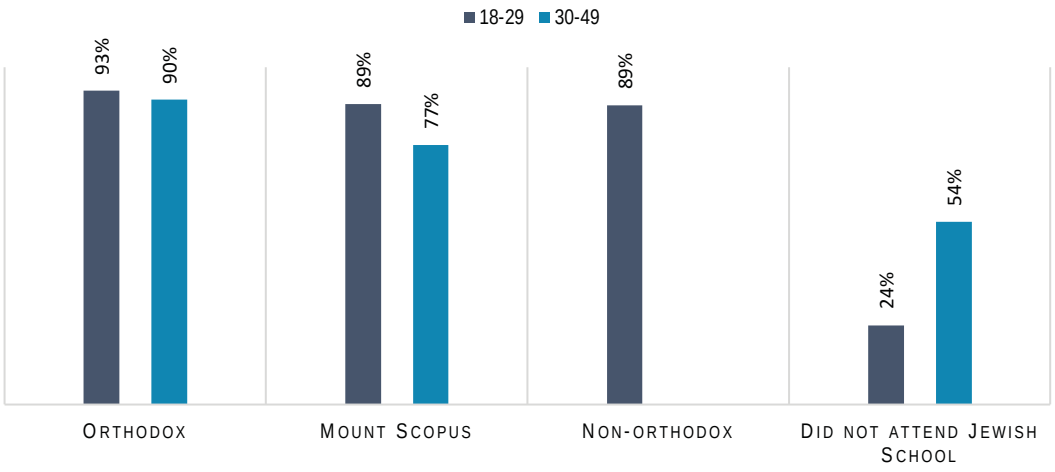
**Table 39: 'You indicated you do not feel that connected to Jewish communal life. Are there any particular reasons leading you to feel this way?' 1st, 2nd, and 3rd reasons combined; unweighted mentions, respondents aged 18-49 by school attended**

| | Orthodox | Mount Scopus | Non-orthodox | Did not attend Jewish school |
|---|---|---|---|---|
| Your secular outlook/lifestyle | 8 | 28 | 11 | 62 |
| You don't feel you fit in | 13 | 14 | 8 | 53 |
| You are not interested in Jewish communal life | 5 | 16 | 4 | 32 |
| You don't know many Jewish people | 2 | 2 | 3 | 31 |
| Your views on Israel | 0 | 6 | 9 | 29 |
| You live far from Jewish communal centres | 3 | 4 | 2 | 27 |
| Your partner is not Jewish | 4 | 6 | 4 | 20 |
| Your financial situation | 2 | 4 | 2 | 16 |
| You recently arrived in Australia | 1 | 0 | 1 | 8 |
| Your sexual identity | 1 | 1 | 0 | 6 |
| Other (please specify) | 7 | 12 | 1 | 13 |
| N (unweighted) | 19 | 50 | 19 | 123 |

**Table 40: 'Thinking of your close friends, how many of them are Jewish?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend JDS in primary or | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| None | 1% | | | | | 10% | 7% |
| Less than half | 3% | 2% | 3% | 8% | 1% | 43% | 23% |
| SUBTOTAL – NONE/< HALF | 4% | 2% | 3% | 8% | 1% | 53% | 30% |
| About half | 3% | 8% | 8% | 15% | 10% | 24% | 16% |
| More than half | 39% | 39% | 41% | 46% | 48% | 15% | 35% |
| All | 55% | 52% | 48% | 31% | 41% | 9% | 19% |
| SUBTOTAL – > HALF/ ALL | 93% | 90% | 89% | 77% | 89% | 24% | 54% |
| Prefer not to say | 1% | | | | | | 0% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

**Figure 30: 'Thinking of your close friends, how many of them are Jewish?' Response: 'More than half' or 'all', by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

# ANTISEMITISM

## A PROBLEM IN AUSTRALIA?

Survey respondents were asked for their view on the seriousness of antisemitism in Australia today, their personal experience of antisemitism, perception of antisemitism in the print, electronic and social media, and any actions they took when confronted with antisemitism on social media.

Opinion is divided about the extent of antisemitism in Australia today, with more of the view that it is 'not a very big problem' than of the view that it is a 'very big' or 'fairly big' problem.

> "Opinion is divided about the extent of antisemitism in Australia today, with more of the view that it is 'not a very big problem' than of the view that it is a 'very big' or 'fairly big' problem."

There is a large degree of commonality in appraisal of antisemitism among the attendees of different schools; in the age group 18-29, those of the view that antisemitism is a 'very big' or 'fairly big' problem is in the range 31%-46%, in the age group 30-49 a higher range, from 41%-45%.

The response option favoured by the largest proportion of is that antisemitism is 'not a very big problem', selected in the range 45%-65% among those aged 18-29, with the highest proportion among those who attended a non-Orthodox school; assessment of the extent of the problem finds opinion most evenly divided (46%-47%) among those who did not attend a Jewish school. Among those aged 30-49, an identical 51% across attendees of Orthodox school, including Mount Scopus, and those who did not attend a Jewish school, indicate that that antisemitism is 'not a very big problem'.

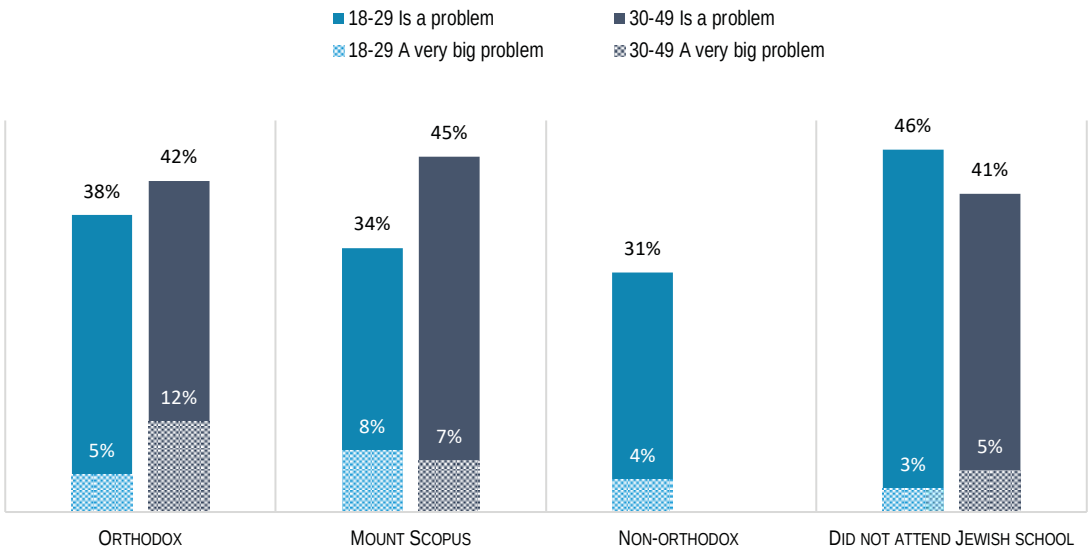
Very few respondents across the two age groups, less than 3%, are of the view that antisemitism is 'not a problem at all'.

**Table 41: 'In your opinion, how big a problem, if at all, is antisemitism in Australia today?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| A very big problem | 5% | 12% | 8% | 7% | 4% | 3% | 5% |
| A fairly big problem | 33% | 31% | 26% | 39% | 26% | 43% | 35% |
| SUBTOTAL -IS A PROBLEM | 38% | 42% | 34% | 45% | 31% | 46% | 41% |
| Not a very big problem | 56% | 51% | 60% | 51% | 65% | 45% | 51% |
| Not a problem at all | 1% | 3% | 3% | 1% | 1% | 1% | 6% |
| SUBTOTAL- NOT A PROBLEM | 57% | 54% | 63% | 52% | 67% | 46% | 57% |
| Don't know/ Prefer not to say | 6% | 4% | 3% | 4% | 3% | 8% | 3% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 31: 'In your opinion, how big a problem, if at all, is antisemitism in Australia today?' by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

# EXPERIENCE OF ANTISEMITISM

Respondents were asked if they had witnessed any antisemitic incidents in the last twelve months, with reference to insults, harassment or physical attack.

The majority, in the range 65%-78% among those aged 18-29, 70%-87% aged 30-49, did not witness antisemitic incidents. But a relatively large proportion – in the range 10%-30% – indicated that they had witnessed Jews being verbally insulted or harassed, with a higher proportion in the 18-29 age group. The range within the 18-29 year age group is 11% Mount Scopus attendees, 21% non-Orthodox, 24% did not attend a Jewish school, and a high of 30% Orthodox.

Physical attack was rarely witnessed, indicated by 2% or less, with the exception of 4% indicated by those aged 18-29 from a non-Orthodox school, and 6% aged 30-49 from an Orthodox school. (Table 42)

With regard to personal experience of these forms of antisemitism, a marginally lower proportion is indicated. Personal experience of physical attack ranges from zero to 2%, experience of verbal harassment is in the range 19%-21% for Orthodox schools, non-Orthodox, and did not attend, but a lower 8% among those who attended Mount Scopus.

Those indicating that they have not experienced these forms of antisemitic incidents is in the range 74%-87% among those aged 18-29, 82%-92% aged 30-49.

There is relatively little difference among attendees of different schools, with the highest proportion indicating lack of personal experience of antisemitism among those who attended Mount Scopus.

**Table 42: 'In the last twelve months, have you personally witnessed any of the following types of antisemitic incidents in Australia?', by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| I have witnessed other Jew(s) being verbally insulted or harassed | 30% | 22% | 11% | 10% | 21% | 24% | 13% |
| I have witnessed other Jew(s) being physically attacked | 1% | 2% | | | 1% | 2% | |
| I have witnessed other Jew(s) being both verbally insulted or harassed AND physically attacked | 1% | 4% | 1% | 1% | 3% | | 2% |
| I have NOT witnessed other Jew(s) being verbally insulted or harassed, or physically attacked | 65% | 70% | 78% | 87% | 69% | 69% | 83% |
| Don't know/ Prefer not to say | 4% | 3% | 10% | 3% | 6% | 6% | 3% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

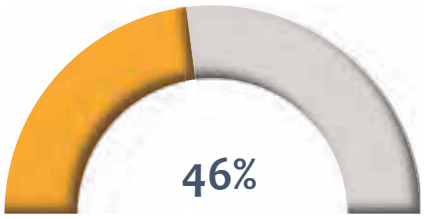
* Totals may not sum to 100% due to rounding

**Table 43: 'In the last twelve months, have you personally experienced any of the following types of antisemitic incidents in Australia?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| I have been verbally insulted or harassed | 21% | 14% | 8% | 7% | 21% | 19% | 13% |
| I have been physically attacked | | 1% | | | 1% | | 1% |
| I have been both verbally insulted or harassed AND physically attacked | | 1% | | | | 2% | 1% |
| I have NOT been verbally insulted or harassed, or physically attacked | 75% | 82% | 87% | 92% | 74% | 77% | 84% |
| Don't know/ Prefer not to say | 5% | 2% | 6% | 1% | 4% | 3% | 2% |
| Total* | 100% | 100% | 100% | 100% | Total | 100% | 100% |

* Totals may not sum to 100% due to rounding

18-29 year-old respondents who attended either an Orthodox or a non-Orthodox school that have experienced antisemitic verbally insults or harassment in the last twelve months.




18-29 year-old respondents who did not attend a Jewish day school who believe that antisemitism is a problem in Australia.

# ANTISEMITISM ON SOCIAL MEDIA

A fourth question asked respondents to consider antisemitic comments in personal discussions, on social media, in media reporting, and in graffiti. The question was not time limited and asked for assessment of the extent to which antisemitism was a problem is each of these contexts, whether is was 'a very big problem', 'fairly big problem', 'not a very big problem', or 'not at all a problem'.

Indication of 'very big' or 'fairly big problem' finds a large degree of commonality across the schools and age groups.

Almost three quarters of respondents – in the range 74%-82% among those aged 18-29 – consider that antisemitic comment a 'very big' or 'fairly big problem' on social media and other internet sites.

Antisemitic reporting in the media is seen as a 'very big' or 'fairly big problem' across the age groups by 55%-61% of those who attended an Orthodox school, or Mount Scopus, in the range 37%-41% of those who attended a non-Orthodox school and those who did not attend a Jewish school.

A majority of attendees of an Orthodox school, or Mount Scopus, in the range 55%-61%, consider that antisemitic reporting in the media is a problem, with a lower proportion (37%-41%) among those who attended a non-Orthodox school and those who did not attend a Jewish school.

Antisemitic graffiti was considered to be a problem by more than 40% of among those who attended a Jewish school, a marginally lower proportion of those who did not attend a Jewish school.

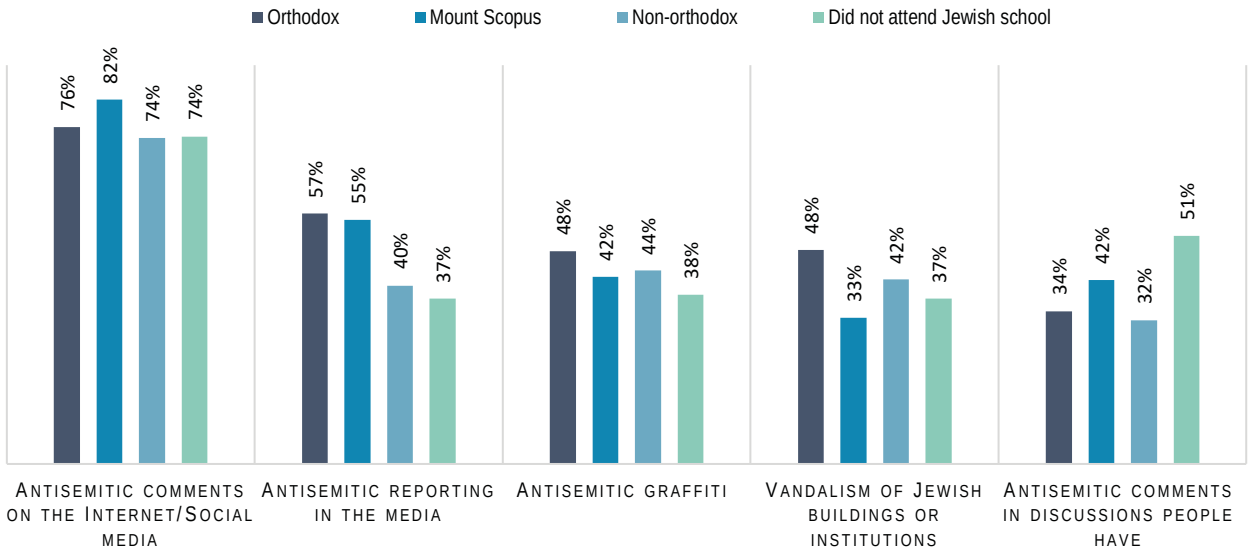
Antisemitic comments in discussions at work or at school was indicated by close to one-third of respondents, with a higher level indicated in the younger age group, and a high point of 51% among those aged 18-29 who did not attend a Jewish school.

> "Antisemitic comments in discussions, at work or at school, was indicated by close to one-third of respondents… and a high point of 51% among those aged 18-29 who did not attend a Jewish school."

**Table 44: 'From what you have personally experienced, to what extent, if at all, are the following a problem in Australia today?' Response: 'A very big problem' and 'A fairy big problem', by age group and school attended**

| SEEN AS A PROBLEM | ORTHODOX | | MOUNT SCOPUS | | NON-ORTHODOX | DID NOT ATTEND JEWISH SCHOOL | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Antisemitic comments on the Internet/Social media (including discussion forums, social networking sites) | 76% | 70% | 82% | 76% | 74% | 74% | 59% |
| Antisemitic reporting in the media (e.g. TV, radio, newspapers) | 57% | 61% | 55% | 55% | 40% | 37% | 41% |
| Antisemitic graffiti | 48% | 43% | 42% | 46% | 44% | 38% | 35% |
| Vandalism of Jewish buildings or institutions | 48% | 39% | 33% | 41% | 42% | 37% | 32% |
| Antisemitic comments in discussions people have (e.g. at the workplace, at school, or elsewhere) | 34% | 30% | 42% | 36% | 32% | 51% | 34% |

**Figure 32: 'From what you have personally experienced, to what extent, if at all, are the following a problem in Australia today?' Response: 'A very big problem' and 'a fairy big problem', respondents aged 18-29 by school attended**




A fifth question specified antisemitic content seen over the last twelve months on specific social media platforms.

Only a very small minority, in the range 3%-13%, indicated that they had not seen antisemitic content online.

As with findings for previous questions, there was only minor difference by school attended, an important finding that highlights the pervasive nature of antisemitism content which is witnessed.

Among those aged 18-29, Facebook is by a large margin the social media platform on which antisemitism is most likely to be experienced, indicated in the range 76%-89%, compared to the range 44%-50% among those aged 30-49. This difference is likely to be explained by frequency of use, which is likely to be higher among younger age group.

Among those aged 30-49, antisemitic content is most likely to be experienced on Twitter, in the range 61%-71%, compared to 18%-31% among those aged 18-29.

A final question asked respondents if they took any action the most recent time when they encountered antisemitism online, with the option of indicating more than one form of action taken, for example making a report to more than one organisation and writing an online comment.

Between a third and half **took no action**, with some variation by school attended: of those ~~who~~ aged 18-29, 53% of those who attended an Orthodox school took no action, 47% who did not attend a Jewish school, 42% who attended Mount Scopus, and 35% who attended a non-Orthodox school.

Among respondents aged 18-29, a majority (53%) of those who attended a non-Orthodox school made a report to platform operator, 39% who attended Mount Scopus, 36% who did not attend a Jewish school, and 30% who attended an Orthodox school; 7%-11% of those aged 18-29 who attended a Jewish school wrote a response, a substantially higher 26% who did not attend a Jewish school; and 12%-17% shared the content with family, friends or colleagues.

Of those who attended a Jewish school, only 7%-8% reported the antisemitic content to a Jewish authority, no one who did not attend a Jewish school. Almost no one (2% or less) made a report to the police.

**Table 45: 'In the last 12 months, have you personally seen antisemitic content on any of the following?' Response: 'yes', by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Facebook | 81% | 50% | 89% | 44% | 81% | 76% | 46% |
| Online news site(s) | 53% | 47% | 44% | 43% | 36% | 43% | 31% |
| YouTube | 52% | 29% | 43% | 25% | 39% | 46% | 29% |
| Online discussion and comment forum(s) | 58% | 9% | 54% | 14% | 53% | 57% | 14% |
| Twitter | 31% | 66% | 31% | 71% | 18% | 28% | 61% |
| Other online content/platform(s) | 4% | 1% | 3% | 3% | | 7% | 1% |
| None - I have not seen any antisemitic content online or on social media in the last 12 months | 5% | 12% | 3% | 14% | 13% | 9% | 21% |
| Don't know/ Prefer not to say | 5% | 7% | 2% | 3% | 4% | 6% | 5% |

**Figure 33: 'In the last 12 months, have you personally seen antisemitic content on any of the following?' Response 'yes', respondents aged 18-29 by school attended**

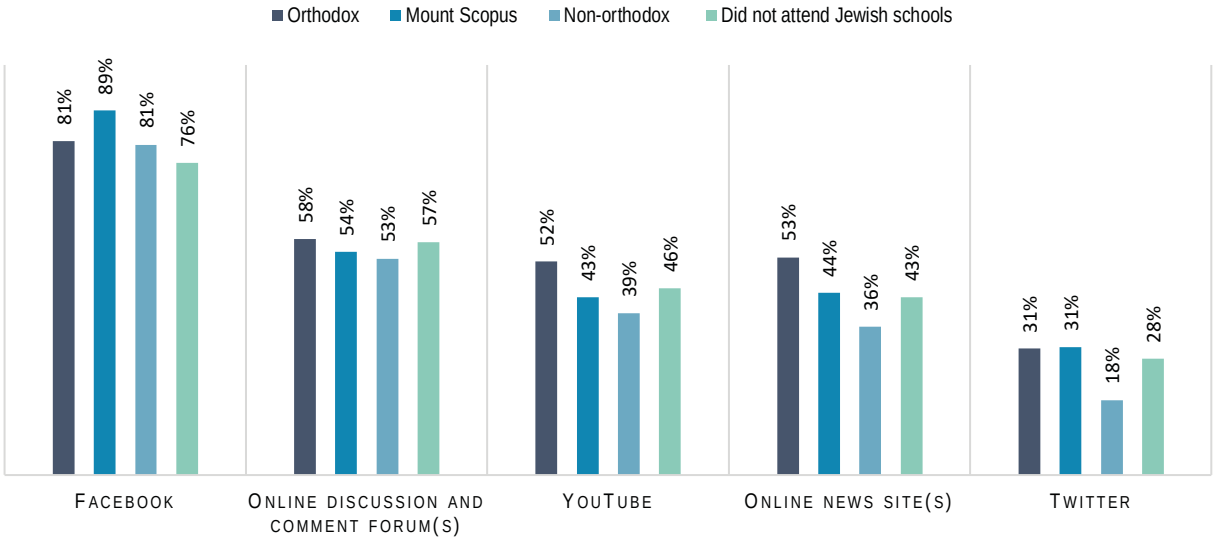



**Table 46: 'Focusing on the most recent time this occurred, did you take any action in response to this antisemitic content?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| I took no action | 53% | 53% | 42% | 56% | 35% | 47% | 37% |
| Reported it to the website/platform operator | 30% | 27% | 39% | 18% | 53% | 36% | 32% |
| Reported it to a Jewish authority (e.g. CSG, Board of Deputies) | 8% | 5% | 7% | 4% | 7% | | 4% |
| Reported it to the police or similar civil authority | 1% | 1% | 2% | 1% | 2% | | 0% |
| Wrote a comment in response on the website/platform | 9% | 14% | 11% | 15% | 7% | 26% | 24% |
| Shared the content with family members/friends/colleagues | 17% | 16% | 12% | 12% | 13% | 12% | 19% |
| Other response (please specify) | 1% | 2% | 4% | 4% | | 2% | 3% |
| Prefer not to say | 3% | 4% | 1% | 3% | 3% | 2% | 4% |

# CONNECTION AND ATTITUDES TO ISRAEL

The Gen17 survey included a broad range of questions that considered connection and attitude to Israel:

- 'Do you consider yourself to be a Zionist?
- 'How many different times in your life have you visited Israel, if at all?'
- 'What was the longest time you spent in Israel at any one visit?'
- 'What have been your reasons for visiting Israel?'
- 'Have you any close family living in Israel?' and 'Have you any close friends living in Israel?'
- 'To what extent do you keep up with current events which involve Israel?'
- 'To what extent do you agree or disagree with the following statements: I feel a sense of responsibility to ensure that the State of Israel continues to exist'
- 'When international events put Israel in danger … how [do] you feel?'
- 'How important is supporting Israel financially to your own sense of Jewish identity?'

For a large majority for the members of the Melbourne Jewish community, Zionism is not an abstract concept but central to their lived experience. They have visited Israel, typically on a number of occasions, have friends and relatives living in Israel, and keep up to date with events impacting on Israel. Concern for the security of Israel is the immediate issue that more than any other unifies a community which in many other respects is divided in attitude, observances and other aspects of behaviour.

## ZIONISM

Respondents were asked if they regarded themselves as a Zionist. The question was worded:

> Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?

The majority of respondents in each school group indicated that they regarded themselves as a Zionist, with some variation by school attended – and consistently higher proportion in the younger age group.

Of those aged 18-29, 90% of those who attend Mount Scopus responded 'yes', just 2% 'no' and 8% did not know. The proportion responding yes was 80% for Orthodox schools, 78% non-Orthodox, and a substantially lower 62% among those who did not attend a Jewish school, with a high 28% responding 'no'.

In all school groups the proportion who identified as a Zionist was lower in the older age group, with a range from 75% of those who attended Mount Scopus to 54% of those who did not attend a Jewish school. Those responding 'no' was at a high point of 32% among those aged 30-49 who did not attend a Jewish school. Close to one in ten did not know how to answer or preferred not to say.

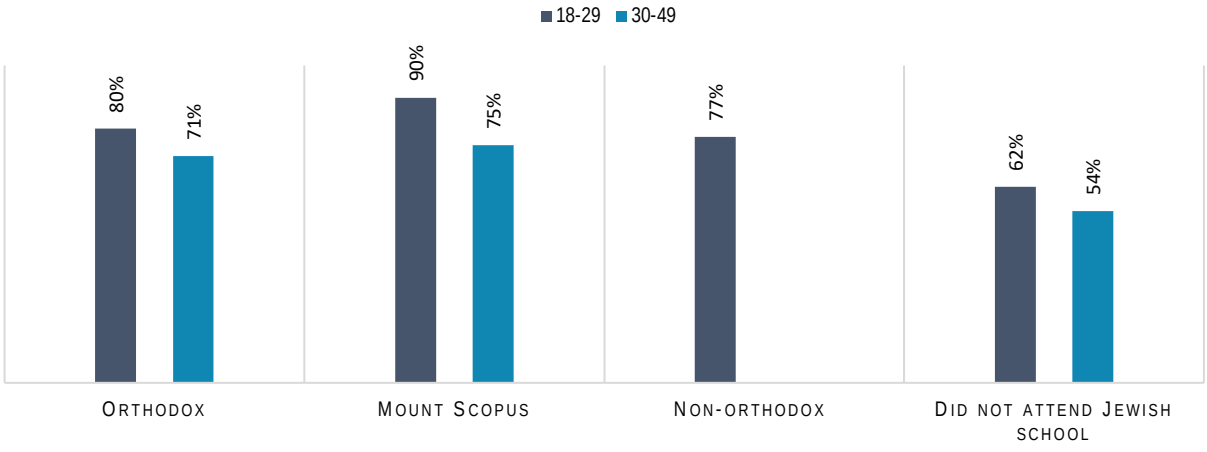
> "The majority of respondents in each school group indicated that they regarded themselves as a Zionist… the proportion who identified as a Zionist was lower in the older age group."

**Table 47: 'Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Yes | 80% | 71% | 90% | 75% | 78% | 62% | 54% |
| No | 10% | 21% | 2% | 17% | 16% | 28% | 32% |
| Don't know | 7% | 7% | 8% | 8% | 7% | 9% | 11% |
| Prefer not to say | 3% | 2% | | | | 2% | 2% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 34: 'Although there are different opinions about what the term Zionism means, in general, do you consider yourself to be a Zionist?' Response 'Yes'**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

# VISITING ISRAEL

Of those who attended a Jewish school, only a small minority responded that visiting Israel was unimportant ('fairly unimportant', or 'very unimportant') to their Jewish identity: among those aged 18-29, 10% who attended an Orthodox school, 13% Mount Scopus, 23% non-Orthodox, and a higher 31% who did not attend a Jewish day school. Similar results were obtained for the 30-49 age group.

**Table 48: 'Visiting Israel - How important or unimportant are each of the following to your own sense of Jewish identity? by age group and school attended**

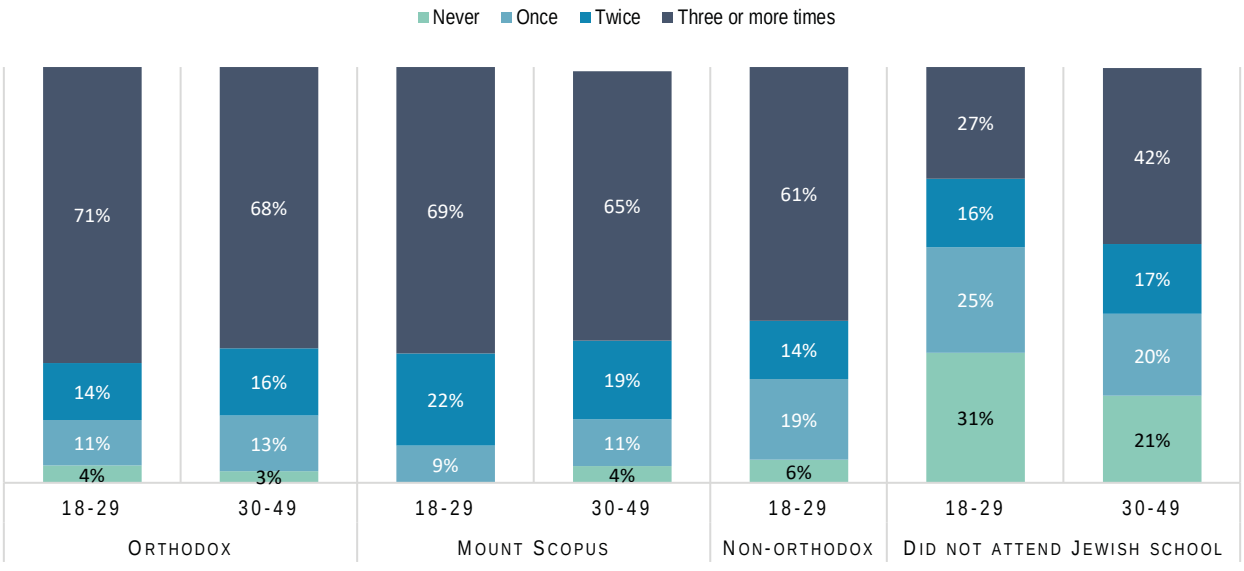
| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very important | 52% | 48% | 54% | 50% | 46% | 33% | 40% |
| Fairly important | 38% | 39% | 32% | 34% | 29% | 34% | 32% |
| Subtotal important | 90% | 87% | 87% | 84% | 75% | 67% | 72% |
| Fairly unimportant | 10% | 10% | 11% | 13% | 15% | 18% | 18% |
| Very unimportant | | 2% | 2% | 2% | 8% | 13% | 9% |
| Subtotal unimportant | 10% | 12% | 13% | 15% | 24% | 31% | 26% |
| Don't know/ Prefer not to say | | 2% | | 1% | 1% | 2% | 2% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

With regard to the number of times they had visited Israel, of those who attended a Jewish school and were aged 18-29, a substantial majority had visited over three times: 71% Orthodox school, 69% Mount Scopus, 61% non-Orthodox, but a minority of 27% among those who did not attend a Jewish school.

Very few (4% or less) in the younger age group who had attended a Jewish school had not visited Israel, compared to a substantial 31% who did not attend a Jewish school.

**Figure 35: 'How many different times in your life have you visited Israel, if at all? If you were born in Israel, please relate your answer to the number of times you have returned to visit', Respondents aged 18-29**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

## Reasons for visiting

Respondents who had visited Israel were asked to indicate their reason for visiting in a question that provided respondents with options to indicate all reasons, other than to attend a youth program.

The top two reasons indicated by respondents aged 18-29 were tourism and to visit family.

The highest proportion indicating tourism were those who attended Mount Scopus (73%), the lowest those who did not attend a Jewish school (28%).

A relatively even proportion across the schools indicated 'to visit family', in the range 47%-62%.

Those who attended an Orthodox school differ in the relatively high proportion indicating visit to undertake religious study (49%, compared to 8% Mount Scopus), to attend a simcha celebration (48%), and to visit friends (43%).

Of those who attended a Jewish school, 10%-14% indicated that they had lived in Israel, but not to make aliyah, a lower 7% of those who did not attend a Jewish school.

Visiting Israel to volunteer at a kibbutz was indicated by 10%-13% of Mount Scopus and non-Orthodox school attendees, 6% who did not attend a Jewish school and 2% from an Orthodox school.

**Table 49: 'Apart from youth programs, what have been your reasons for visiting Israel?'**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Tourism | 58% | 67% | 73% | 69% | 53% | 28% | 45% |
| To visit family | 62% | 60% | 47% | 52% | 56% | 48% | 64% |
| To visit friends | 43% | 32% | 34% | 25% | 32% | 20% | 33% |
| To attend a simcha celebration (e.g. bar mitzvah, wedding etc.) | 48% | 45% | 24% | 34% | 21% | 22% | 18% |
| Religious study (Yeshiva/seminary) | 49% | 34% | 8% | 6% | | 4% | 7% |
| To live in Israel (but not aliyah) | 10% | 8% | 14% | 9% | 12% | 7% | 9% |
| Adult education | 9% | 8% | 8% | 6% | 12% | 7% | 5% |
| Kibbutz volunteer | 2% | 1% | 10% | 6% | 13% | 6% | 6% |
| University study | 6% | 5% | 3% | 3% | 2% | 9% | 4% |
| Assessment for possible aliyah (become a citizen) | 4% | 2% | 3% | 3% | 4% | | 2% |
| Business/employment | 1% | 7% | 6% | 6% | 5% | | 6% |
| To make Aliyah (migration to Israel) | | 3% | 1% | 2% | | | 7% |
| Other (please specify) | 6% | 9% | 11% | 9% | 15% | 13% | 9% |
| Don't know | | | 1% | | 3% | 9% | |
| Prefer not to say | 1% | | 1% | | | | |

> "In a significant finding, the younger group have spent more time in Israel, even though they have lived a shorter span of years in which to visit."

# LENGTH OF TIME IN ISRAEL AND PERSONAL CONNECTIONS

Of those who had visited Israel and were aged 18-29, a substantial majority who attended a Jewish day school spent at least four months in Israel: 81% Orthodox school, 63% Mount Scopus, 65% non-Orthodox, but a lower 46% who did not attend.

Of these, a substantial proportion indicated that they had spent one or more years in Israel – 61% from an Orthodox school and a consistent range of 28%-30% from the other schools, including those who did not attend a Jewish school. (Table 50)

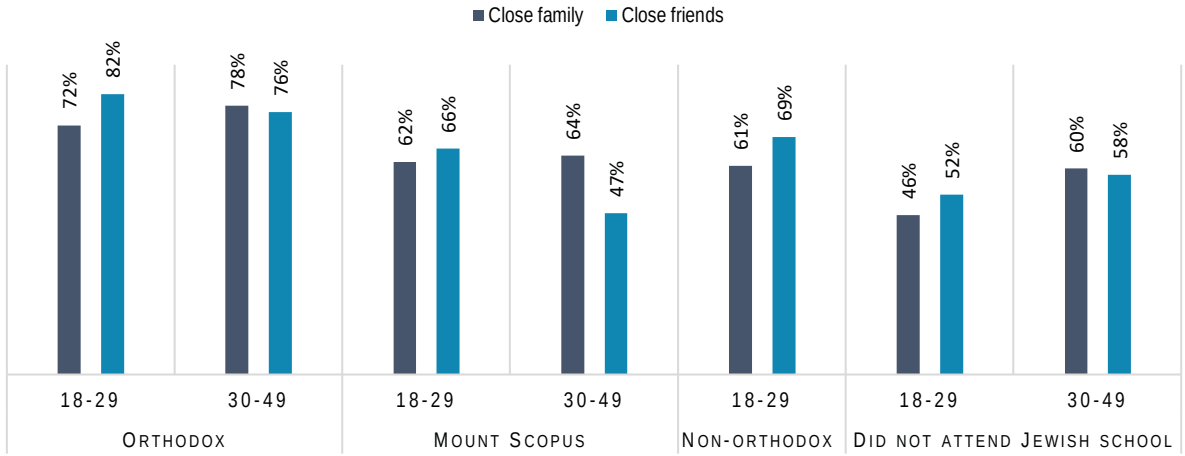
In a significant finding, the younger group have spent more time in Israel, even though they have lived a shorter span of years in which to visit. The relative proportions for four or more months of those who attended an Orthodox school are 81% aged 18-29, 61% aged 30-49, for Mount Scopus 63% and 35%, and for those who did not attend a Jewish school 46% and 27%.

Of respondents aged 18-29, more than half from each school have close friends living in Israel, ranging from 52% who did not attend a Jewish school, 66%-69% Mount Scopus and non-Orthodox, and 82% Orthodox. There was a similar pattern with regard to family living in Israel, but indicated by a marginally lower proportion, lower by 4%-10%.

**Table 50: 'What was the longest time you spent in Israel at any one visit?' Respondents (who have been to Israel), by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Less than 2 weeks | 1% | 3% | | 5% | 3% | 7% | 9% |
| 2 weeks but less than 1 month | 6% | 16% | 8% | 15% | 7% | 17% | 33% |
| 1 month but less than 4 months | 11% | 20% | 29% | 46% | 24% | 30% | 30% |
| 4 months but less than 12 months | 20% | 13% | 36% | 17% | 35% | 15% | 7% |
| 1 year but less than 3 years | 61% | 45% | 28% | 14% | 29% | 30% | 11% |
| 3 years or more | | 4% | | 4% | 1% | | 9% |
| SUBTOTAL – 4 MONTHS OR MORE | 81% | 61% | 63% | 35% | 65% | 46% | 27% |
| Prefer not to say | | | | | | | 1% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| N (unweighted) | 153 | 130 | 92 | 229 | 68 | 40 | 254 |

**Figure 36: 'Have you any close family living in Israel?' and 'Have you any close friends living in Israel?', Response: 'Yes', by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

# INVOLVEMENT WITH ISRAEL

Level of personal interest and emotional identification with Israel was indicated by questions that asked respondents the extent to which they kept up with events involving Israel, their level of concern when Israel is in danger, and their sense of responsibility to ensure that Israel continues to exist.

With regard to keeping up with current events which involve Israel, those who indicate a lack of interest ('not at all') are a very small minority: less than 3% of those who attended a Jewish school, 9%-10% of those who did not attend a Jewish school.

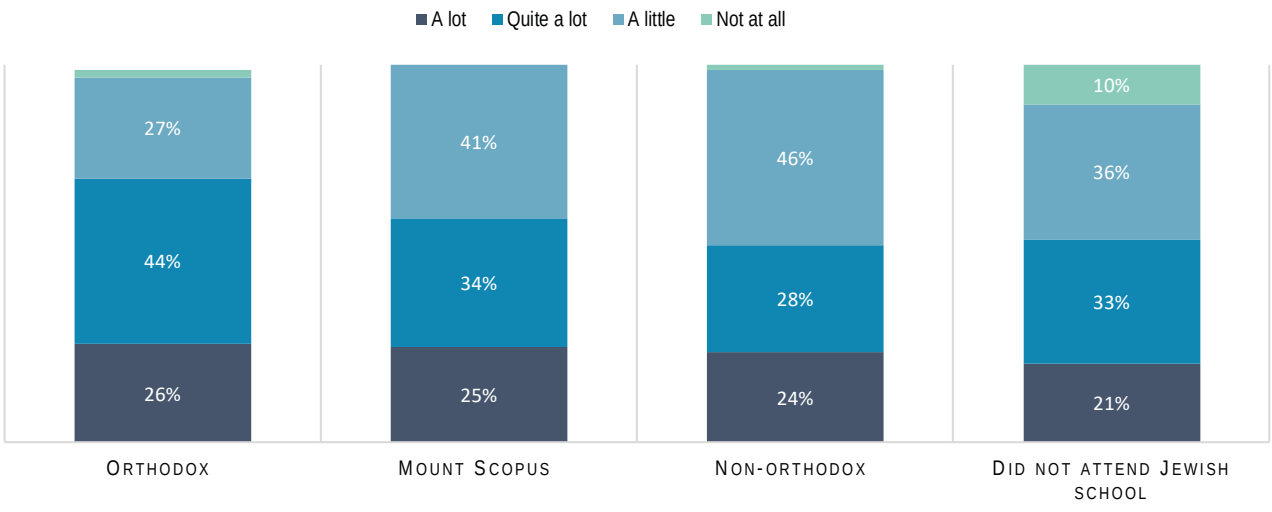
Indication of 'a little' interest ranges from 27% to 47% across the schools and two age groups, indicated by 27% of the those aged 18-29 who attended an Orthodox school, 41% Mount Scopus, 47% non-Orthodox, and 36% who did not attend a Jewish school. There was a similar pattern of response among those aged 30-49, with the exception of a relatively high 40% among those who attended an Orthodox school.

A substantial majority indicated 'a lot' and 'quite a lot' of interest, in the range 52%-70% among those aged 18-29, 50%-57% aged 30-49.

**Table 51: 'To what extent do you keep up with current events which involve Israel? Would you say...' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| A lot | 26% | 21% | 25% | 19% | 24% | 21% | 18% |
| Quite a lot | 44% | 36% | 34% | 37% | 28% | 33% | 32% |
| SUBTOTAL | 70% | 57% | 59% | 56% | 52% | 54% | 50% |
| A little | 27% | 40% | 41% | 41% | 47% | 36% | 39% |
| Not at all | 2% | 3% | | 3% | 1% | 10% | 9% |
| Don't know/ Prefer not to say | 1% | | | 1% | | | 2% |
| Total | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

**Figure 37: 'To what extent do you keep up with current events which involve Israel? Would you say...' Respondents aged 18-29 by school attended**



With regard to reaction when international events put Israel in danger, there was little difference by age group in the proportion who indicated no special concern: this response was indicated by 1%-3% among those who attended an Orthodox school, or Mount Scopus, 9%-11% non-Orthodox and those who did not attend a Jewish school.

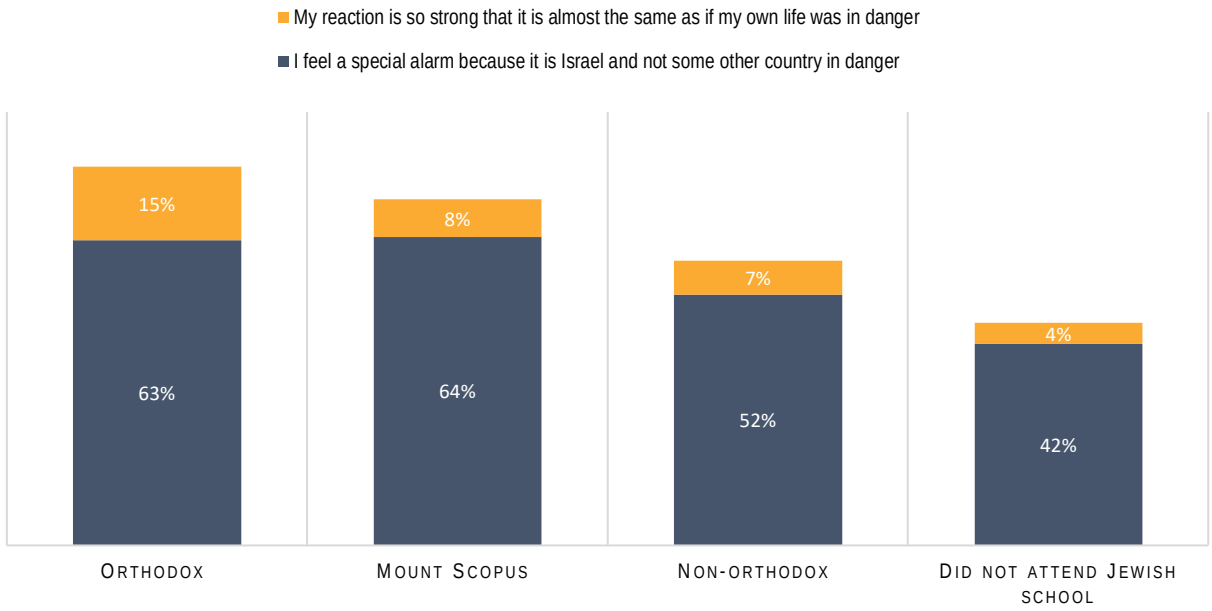
In contrast, the majority of respondents who attended a Jewish school selected the response options that indicated their concern was 'almost the same as if my own life was in danger' or 'I feel a special alarm', indicated by 79%-80% attendees of an Orthodox school, 65%-72% and Mount Scopus, 59% non-Orthodox, and 46%-58% who did not attend a Jewish school.

**Table 52: 'When international events put Israel in danger, which one of the following best describes how you feel?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| My reaction is so strong that it is almost the same as if my own life was in danger | 15% | 22% | 8% | 9% | 7% | 5% | 11% |
| I feel a special alarm because it is Israel and not some other country in danger | 63% | 59% | 64% | 55% | 52% | 42% | 48% |
| SUBTOTAL* | 79% | 80% | 72% | 65% | 59% | 46% | 58% |
| I feel rather more concerned than if another country was in the same situation | 17% | 18% | 24% | 32% | 27% | 39% | 30% |
| I do not feel any different about it than I would if another important foreign country were in the same sort of danger | 1% | 2% | 2% | 3% | 11% | 10% | 9% |
| Don't know / Prefer not to say | 4% | | 2% | 1% | 3% | 5% | 3% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 38: 'When international events put Israel in danger, which one of the following best describes how you feel?' Respondents aged 18-29 by school attended**



In response to the proposition that 'I feel a sense of responsibility to ensure that the State of Israel continues to exist', a significant finding is that more than 80% of attendees of Jewish schools in both age groups indicated agreement, and a substantial majority of 68% aged 18-29 and 79% aged 30-49 among those who did not attend a Jewish school.

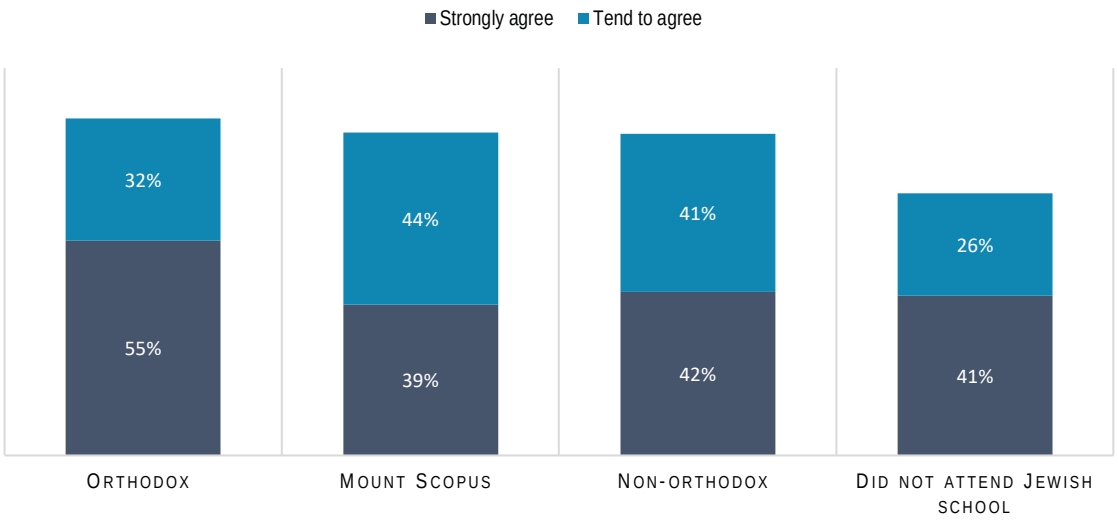
'Strong disagreement' is at a minimal 1% for attendees of Jewish schools, 6%-7% of those who did not attend a Jewish school. The combined 'tend to disagree' and 'strongly disagree' is at 10% or less across the age groups and schools, with the exception of those aged 18-29 who did not attend a Jewish school, where is 17%.

**Table 53: 'To what extent do you agree or disagree with the following statement: I feel a sense of responsibility to ensure that the State of Israel continues to exist', by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Strongly agree | 56% | 57% | 39% | 54% | 42% | 41% | 49% |
| Tend to agree | 32% | 27% | 44% | 34% | 41% | 27% | 30% |
| SUBTOTAL AGREE | 87% | 84% | 83% | 88% | 83% | 68% | 79% |
| Tend to disagree | 3% | 6% | 7% | 4% | 7% | 10% | 4% |
| Strongly disagree | 1% | 1% | 1% | | 1% | 7% | 6% |
| SUBTOTAL DISAGREE | 4% | 7% | 8% | 4% | 8% | 17% | 10% |
| No opinion | 3% | 3% | 6% | 3% | 3% | 7% | 8% |
| Don't know/ Prefer not to say | 6% | 7% | 3% | 5% | 6% | 7% | 3% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 39: 'To what extent do you agree or disagree with the following statement: I feel a sense of responsibility to ensure that the State of Israel continues to exist', Respondents aged 18-29 by school attended**



# VIEW OF ISRAELI SOCIETY: PEACE AND POLITICS

Responses to four propositions about Israeli society and three propositions about the peace process found substantial agreement on some propositions that are critical of Israel; negative sentiment was consistently higher among those aged 18-29 compared to those aged 30-49. The highest level of negative sentiment is amongst those who attended a non-Orthodox school or did not attend a Jewish school.

The response to each proposition is presented in Table 54, providing summary indication of those who agree ('strongly agree' or 'tend to agree') and disagree ('tend to disagree or 'strongly disagree').

The proposition that '**there is too much corruption in Israel's political system**' is the only one that obtains majority agreement among those aged 18-29, in the range 51%-63%; among those aged 30-49, agreement is in the range 43%-51%.

The proposition that '**Orthodox Judaism has too much influence in Israel's society'** obtains agreement in the range 62%-76% among those aged 18-29 who attended Mount Scopus, a non-Orthodox school and those who did not attend a Jewish school, and a similar pattern of agreement with the proposition that '**In Israel, non-Jewish groups suffer from discrimination**', in a lower range from 52%-72%. The highest level of negative response is among attendees of a non-Orthodox school. Only a minority of those aged 18-29 who attended an Orthodox school, 29% and 33% respectively, indicate agreement with the two propositions.

The fourth proposition that '**democracy in Israel is alive and well**' finds majority agreement (60%-79%) across the two age groups among those who attended an Orthodox school or Mount Scopus, also majority or close to majority agreement among those who did not attend a Jewish school (47%, 68%), but not among those who attended a non-Orthodox school, with agreement at a low 33% and disagreement at 50%.

With regard to statements concerning the peace process, there is a divide between those who attended an Orthodox school and Mount Scopus on the one hand, and those who attended a non-Orthodox school or who did not attend a Jewish school on the other.

Thus the proposition that '**Israel should give up territory in exchange for guarantees of peace with the Palestinians**' finds minority agreement among respondents aged 18-29 from an Orthodox school (24%) and Mount Scopus (47%), a substantial majority among non-Orthodox (70%) and those who did not attend a Jewish school (69%), with agreement consistently higher among the younger age group.

A majority aged 18-29 of those who attended an Orthodox school (69%) and Mount Scopus (52%) agree that **Israeli control of the West Bank is vital for its security**. This contrasts with just 28% of attendees of a non-Orthodox school and 22% who did not attend a Jewish school, substantially lower than the older age group who did not attend a Jewish school (47%).

Among respondents aged 18-29 the proposition that '**Israel should negotiate with Hamas in its efforts to achieve peace**' obtains minority agreement among Orthodox (23%) and Mount Scopus (25%), a larger minority in agreement among non-Orthodox (40%) and those who did not attend a Jewish school (46%). Again, the trend is for the younger respondents to be more open to the negotiation to achieve peace.

**Table 54: Israeli society and peace process - 'To what extent do you agree or disagree with the following statements?' by age group and school attended**

| | | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|---|
| | | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| ISRAELI SOCIETY | | | | | | | | |
| There is too much corruption in Israel's political system | Agree | 51% | 45% | 53% | 43% | 63% | 62% | 51% |
| | Disagree | 16% | 14% | 18% | 11% | 10% | 10% | 12% |
| Orthodox Judaism has too much influence in Israel's society | Agree | 29% | 26% | 62% | 59% | 76% | 70% | 66% |
| | Disagree | 56% | 53% | 23% | 16% | 8% | 9% | 17% |
| In Israel, non-Jewish groups suffer from discrimination | Agree | 33% | 19% | 52% | 32% | 72% | 55% | 39% |
| | Disagree | 43% | 50% | 19% | 33% | 10% | 16% | 37% |
| Democracy in Israel is alive and well | Agree | 79% | 70% | 60% | 70% | 33% | 47% | 68% |
| | Disagree | 9% | 11% | 29% | 12% | 50% | 33% | 18% |
| PEACE PROCESS | | | | | | | | |
| Israel should give up territory in exchange for guarantees of peace with the Palestinians | Agree | 24% | 13% | 47% | 44% | 70% | 69% | 35% |
| | Disagree | 64% | 77% | 37% | 39% | 20% | 15% | 49% |
| The government of Israel should negotiate with Hamas in its efforts to achieve peace | Agree | 23% | 15% | 25% | 25% | 40% | 46% | 33% |
| | Disagree | 61% | 71% | 55% | 55% | 36% | 29% | 49% |
| Israeli control of the West Bank (Judea/Samaria) is vital for Israel's security | Agree | 69% | 74% | 52% | 50% | 28% | 22% | 47% |
| | Disagree | 13% | 9% | 32% | 24% | 54% | 54% | 28% |

**Figure 40: Statements on Israeli society, negative response, respondents aged 18-29 by school attended**

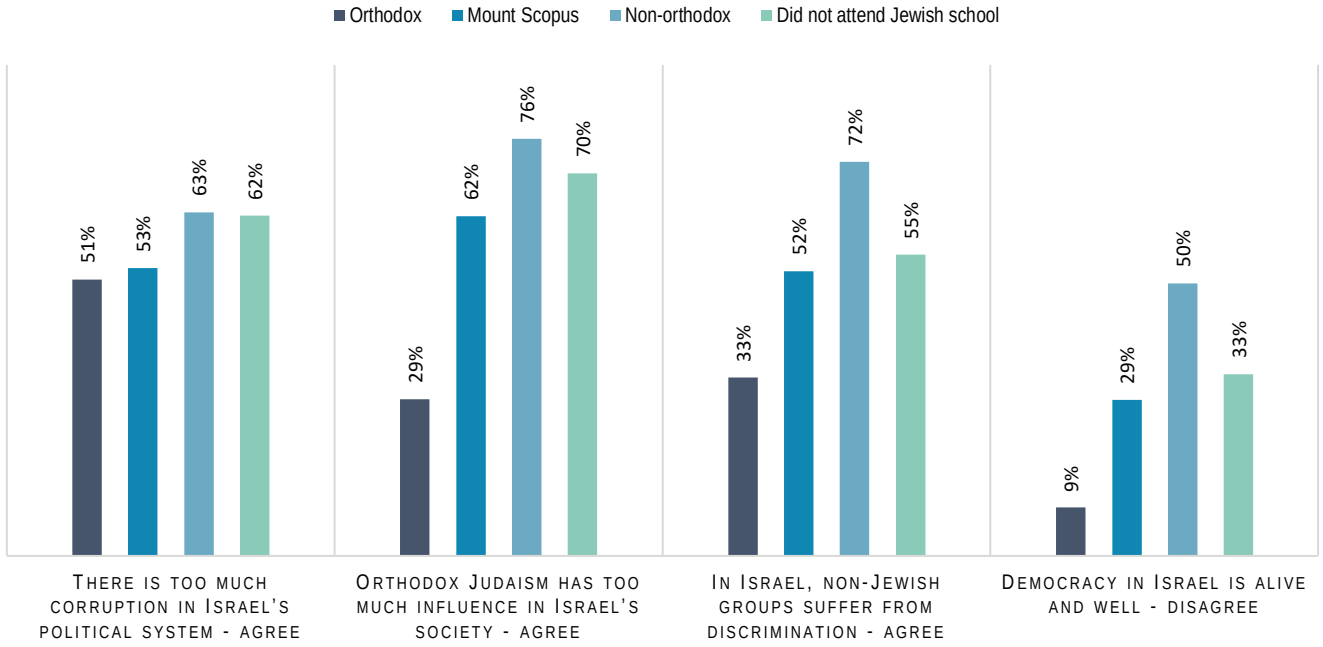
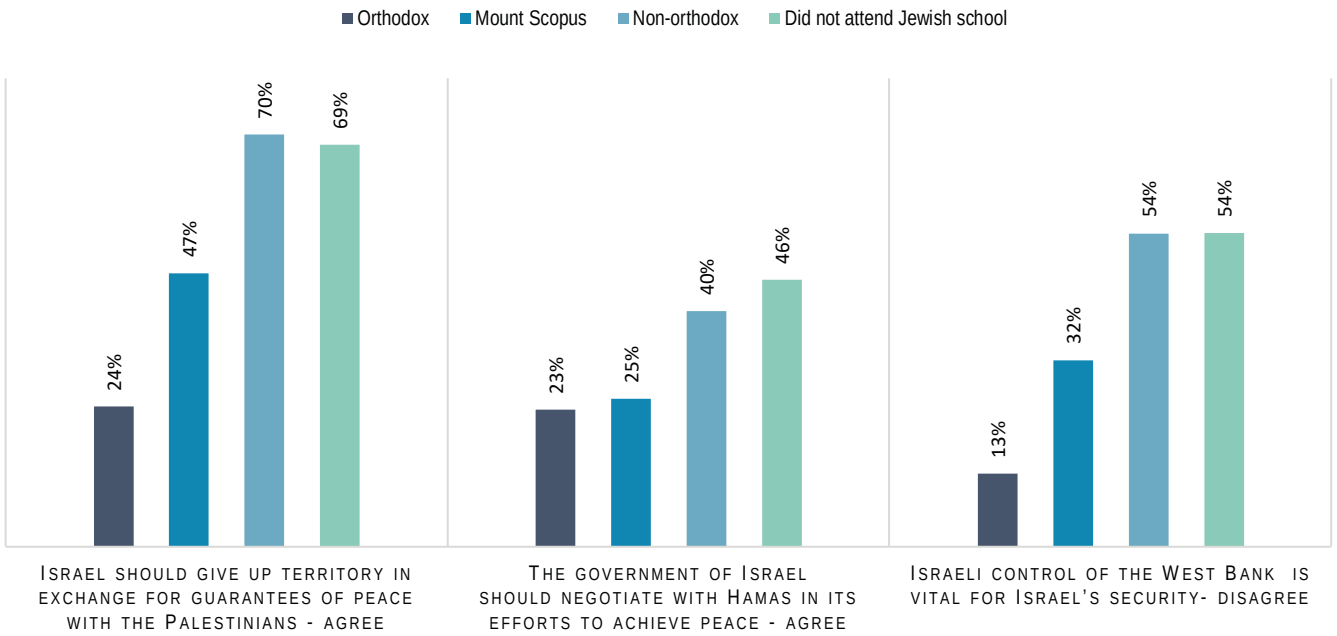



**Figure 41: Response to propositions on Israeli peace process, respondents aged 18-29 by school attended**





1753

# FINANCIAL SUPPORT FOR ISRAEL

The survey included two questions on financial support for Israel. First, respondents were asked to indicate the importance of supporting Israel financially in terms of their Jewish identity. Later in the survey, respondents were asked to indicate their priority in charitable donations, with Israel included in the list of possible causes for support.

Among those aged 18-29, supporting Israel financially was deemed important by two thirds (66%) of those who attended an Orthodox school and lower proportions among those who attended other schools: 46% Mount Scopus, 33% non-Orthodox, and 22% those who did not attend a Jewish school. Consistently higher proportions among those aged 30-49 indicated that financial support of Israel was important.

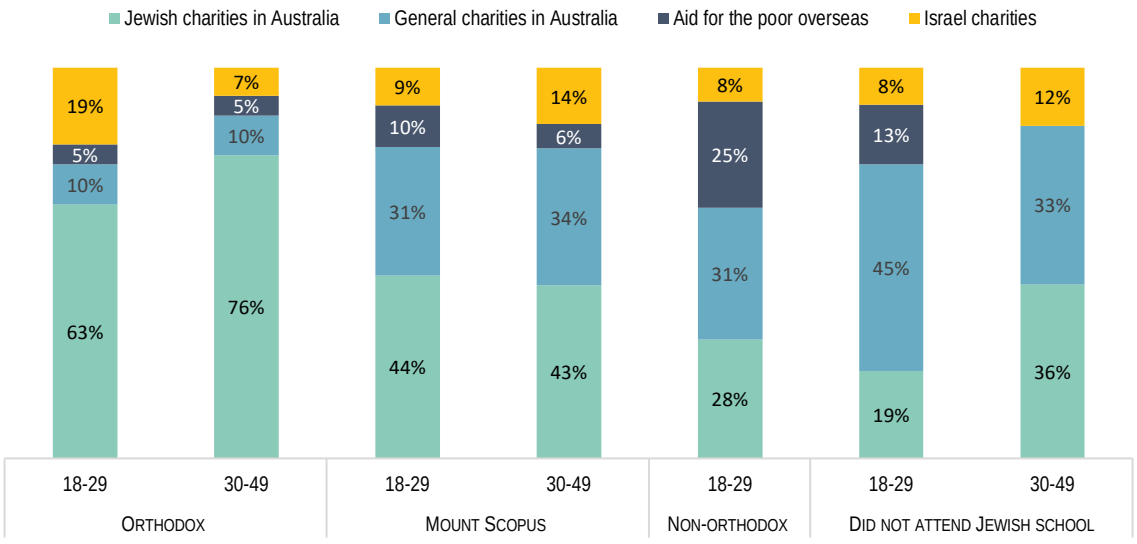
When asked to indicate their priorities in supporting charitable causes, a majority across the school and age groups gave priority to Australian charities. Israel charities were the highest priority for close to one-in-ten respondents, with the exception at 19% of 18-29 year-old who attended an Orthodox school and 14% of 30-49 year-old who attended Mount Scopus.

**Table 55: 'Supporting Israel financially - How important or unimportant are each of the following to your own sense of Jewish identity?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very important | 25% | 34% | 10% | 18% | 6% | 8% | 10% |
| Fairly important | 41% | 39% | 36% | 34% | 28% | 15% | 24% |
| SUBTOTAL IMPORTANT | 66% | 72% | 46% | 52% | 33% | 22% | 34% |
| Fairly unimportant | 23% | 15% | 37% | 30% | 43% | 34% | 30% |
| Very unimportant | 8% | 10% | 14% | 14% | 21% | 39% | 29% |
| Don't know/ Prefer not to say | 3% | 3% | 3% | 4% | 3% | 5% | 7% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 42: 'To which of the following causes, if any, do you give the highest priority?' selected responses**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents

# PLANS FOR ALIYAH

A final question in the Israel module of the survey asked, 'how likely is it that you will choose to live permanently in Israel in the future?'

The highest proportion at 16% indicating 'very likely' was in the younger age group and among those who attended an Orthodox school; the proportion for other schools was below 10%.

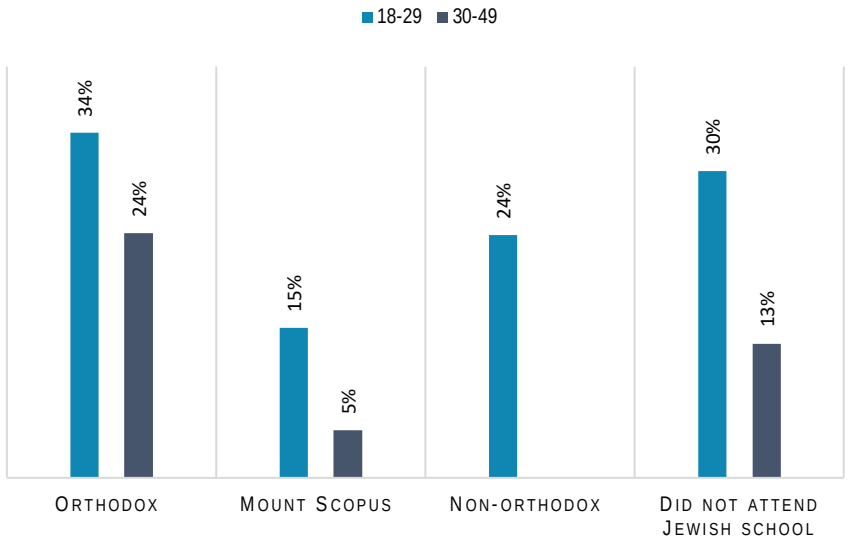
'Not at all likely' among those aged 18-29 was indicated by 19% of those who attended an Orthodox school, 33%-38% Mount Scopus and non-Orthodox, and 46% of those who did not attend a Jewish school.

**Table 56: 'How likely is it that you will choose to live permanently in Israel in the future?' by age group and school attended**

| | Orthodox | | Mount Scopus | | Non-orthodox | Did not attend Jewish school | |
|---|---|---|---|---|---|---|---|
| | 18-29 | 30-49 | 18-29 | 30-49 | 18-29 | 18-29 | 30-49 |
| Very likely | 16% | 7% | 5% | 2% | 4% | 8% | 4% |
| Fairly likely | 18% | 17% | 10% | 3% | 19% | 22% | 9% |
| SUBTOTAL LIKELY | 34% | 24% | 15% | 5% | 24% | 30% | 13% |
| Not very likely | 38% | 45% | 40% | 32% | 36% | 19% | 32% |
| Not at all likely | 19% | 25% | 38% | 59% | 33% | 46% | 51% |
| SUBTOTAL UNLIKELY | 57% | 70% | 79% | 91% | 69% | 66% | 83% |
| Don't know / Prefer not to say | 10% | 7% | 7% | 4% | 7% | 5% | 4% |
| Total* | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

* Totals may not sum to 100% due to rounding

**Figure 43: 'How likely is it that you will choose to live permanently in Israel in the future?' Response: 'Fairly likely' and 'very likely', by age group and school attended**




NB: Non-Orthodox 30-49 not included due to insufficient number of respondents


1755

# APPENDIX1: METHODOLOGY

This discussion is extracted from David Graham and Andrew Markus, *Gen17 Australian Jewish Community Survey Preliminary Findings* (2018). The principal author of the methodological discussion was Dr David Graham.

## Questionnaire design

Whilst the survey instrument was broadly based on the Gen08 questionnaire,[25] it was by no means a carbon copy. In the first instance, the survey team was keen to try to shorten the length of the survey in order to reduce the time burden on respondents. But amendments were also implemented following a comprehensive consultation exercise with the community. For example, in NSW, the survey team met with key stakeholders and communal representatives (e.g. school presidents, the NSW Jewish Board of Deputies, the Community Security Group, the Executive Council of Australian Jewry, Jewish Care, and the Sydney Jewish Museum) to test questions and identify new topics and issues facing different service providers. Questions were also amended or removed where it was felt they had not worked optimally in the 2008 survey or were no longer relevant or required amending for other reasons.

One key difference made to the 2017 instrument was the implementation of a set of questions enabling the survey team to uniquely identify households without compromising the confidentiality requirements of Monash University's ethics review panel. Importantly, this avoided the possibility of double counting households, and also reduced the total response time burden by ensuring only one person in each household completed household-specific questions.

## Sampling

It is not possible to carry out a random probability sample of Australian Jews, since no universal and up-to-date list of names and contact details exists from which a sample can be drawn. Therefore, alternative approaches must be sought to identify Jews in a scientifically reasonable manner. In the United States, major national community studies (such an NJPS 2000-01 and the 2013 Pew Research Center Survey) have been carried out using random (or stratified-random) digit telephone dialling.[26] But in Australia, where the Jewish population, in relative terms, is four times rarer than in the US, and where the Jewish population is well understood from census data on religion, such a strategy is financially unviable, but also unnecessary.[27]

Thus, a pragmatic approach to sampling was devised considering the limited budgets available, but one that also minimised the extent to which data integrity might be compromised. The approach utilised and built on the methods successfully employed in the Gen08 project as well as those used internationally such as in the UK's 2013 NJCS study.[28]

## Sampling procedure

The initial approach taken was a geographically stratified, non-probability convenience sample. It was carried out online[29] and eligibility was assessed by a series of questions starting with whether respondents saw themselves 'as being Jewish in any way at all'. Independent approaches to sampling were developed in order to maximise the response level. In NSW/ACT the sampling frame was initially based on a combined list provided by the extensive and very well-maintained databases held by JCA and the NSW Jewish Board of Deputies (NSWJBD). In Melbourne there is no community database of comparable size and reliability to those in Sydney. As a consequence, the Australian Centre for Jewish Civilisation (ACJC) worked with a wide range of community organisations to promote the Gen17 survey. A key partner, Jewish Care Victoria, posted invitations to participate to 3000 randomly selected households on their database and an additional 3000 on their email database. A follow up email was sent three weeks later. Other

[25] Markus et al 2009 2008-09 Jewish Population Survey Preliminary Findings: Melbourne and Sydney, Monash University
[26] UJC 2004 The National Jewish Population Survey 2000-01: Strength, Challenge And Diversity In The American Jewish Population p28; Pew Research Center 2013 A Portrait of Jewish Americans: Findings from a Pew Research Center Survey of U.S. Jews p129
[27] Even though the US Jewish population is over 55 times larger than the Australian Jewish population it was still necessary for NJPS to screen 175,000 phone numbers and Pew to screen 71,000 phone numbers.
[28] Graham et al 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, JPR
[29] The survey could be completed on computers and tablet devices but not on mobile phones.

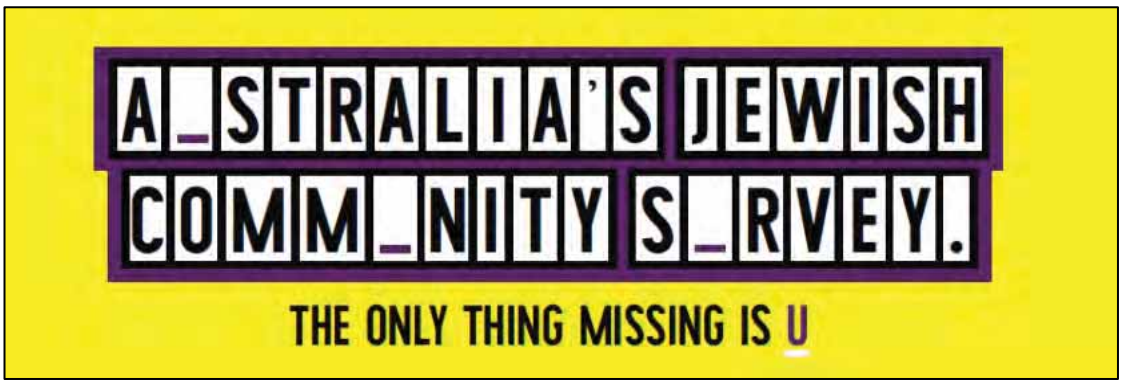
invitations were sent to email lists and via their newsletters by various organisations including synagogues and schools and other community organisations. In Melbourne the survey was also promoted via a designated Gen17 Facebook page and individuals were encouraged to promote the survey to their social media networks. An animated video was created which was viewed and shared in emails and on Facebook. The Gen17 Facebook page, managed by ACJC, generated 379 'followers', 10 (of several) posts were 'boosted' (i.e. turned into paid campaigns to a target audience) reaching 7,630 people and leaving 17,790 impressions.

The survey was promoted for six weeks in both Sydney and Melbourne in paid advertising in the Australian Jewish News and in the Jewish Report. In Melbourne promotional cards were distributed at key communal events, outside kosher establishments, on university campuses and at the In One Voice festival. A promotional flier was generated for the elderly community and distributed by Jewish Care and Emmy Monash, encouraging members of their family to help them complete the survey. A flier was also translated into Russian and distributed by Jewish Care and members of the Russian Jewish community. The survey was also promoted to Israelis via specific Facebook groups, websites and blogs…

In Victoria those who received a direct invitation to participate were also provided with a password providing access to the survey; people could also visit the survey website and request a password, which was sent to them by an automated survey. A significant finding, as presented in this report, is the large measure of consistency in response across the two major states surveyed, which was obtained despite the different approaches to recruitment of participants.

The Gen17 survey questionnaire was highly complex and necessitated the recruitment of a professional polling company to program the online instrument, send out and track thousands of unique invitations, and securely collect and collate the responses. The international polling company Research Now was enlisted for this task based on the success of previous collaborations with ACJC and work on Gen08 itself.

The team also undertook a sophisticated marketing campaign prior to, and during, the fieldwork. This was designed to increase communal awareness of the project pre-launch and publicise it as widely as possible during the fieldwork period. To do this, a professional PR/ad agency was enlisted to create a design concept, theme, logo, branding and messaging for the campaign using traditional and new media outlets. Finally, to encourage maximum participation, a financial incentive was offered in the form of a prize draw for the chance to win one of three cash vouchers each worth $400AUD.

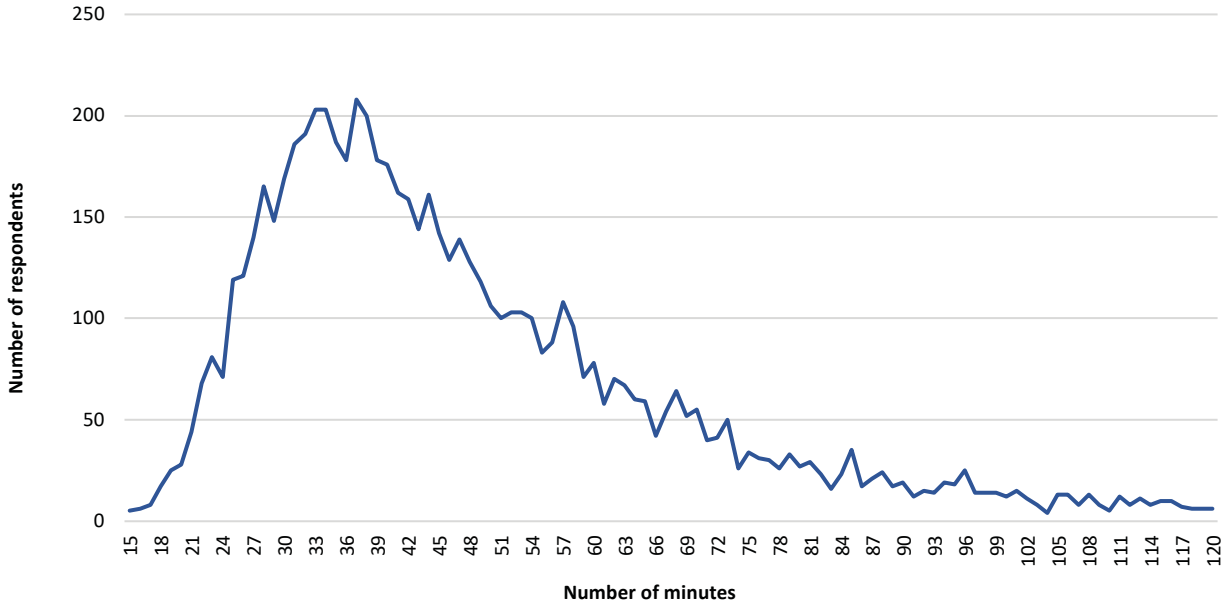


## Response diagnostics

The graph below plots the total time taken to complete the Gen17 survey by frequency. This shows most respondents completed the survey in between half an hour and three quarters of an hour; the modal[30] time taken was 37 minutes. This is reflective of the considerable investment by respondents in the Gen17 project. It also shows a long tail (truncated at 120 minutes in the graph) since many people completed the survey in multiple sittings and did not necessarily log out of the system between sessions.

The median[31] time taken to complete the survey was 49 minutes. However, Householders (i.e. those randomly selected to complete household-specific questions) took slightly longer to do so (52 minutes) than non-householders (46 minutes). Respondents in NSW spent longer completing the survey (53 minutes) than respondents in Victoria (45 minutes).

**Figure A1: Time taken to complete Gen17 questionnaire***




* This chart shows 80% of the data. For reasons of space we have not shown the long tail of data beyond 120 minutes (see text)

Gen17 was in the field for just under 14 weeks. It went live on 15 February 2017 and was finally closed on 22 May 2017…

## Sample evaluation and data weighting

It was the intention of the survey team to achieve a very large sample in order to facilitate more detailed statistical analyses. The final Gen17 sample size was 8,621 respondents including 4,571 unique households. (The survey also contains information on other household members so in total there are data on 13,643 people.)

The size of the Gen17 sample is enormous by any comparative standards and almost 50% larger than the Gen08 survey containing 5,840 respondents. Since there were between 85,000 and 90,000 Jewish people aged 18 and above in Australia in 2016[32], Gen17 represents 10% of the entire Jewish population. The sheer size of the sample means that detailed sub-group analyses can be carried out that are simply not feasible using smaller sample sets. By way of contextualisation, the 2013 Pew survey of the United States' Jewish community contains a sample of 3,475 Jewish

[30] The mode is the point in a distribution where the highest frequency occurs (in other words 'the most').
[31] The median of a distribution is the point where half the population is below the point and half is above.
[32] The number of people aged 18 or over in 2016 was 71,479. However, this is the reported number unadjusted for non-response due to the voluntary nature of the religion question. Further, the 2016 Census changed the format of the religion question which further depressed the likelihood of Jews reporting their religion as Jewish.

respondents[33] for a population of six million Jews and the UK's NJCS achieved a sample of 3,736 respondents[34] for a population of 300,000 Jewish people. The New York 2011 study (population 1.5 million) contained 5,993 responses making it 'the largest such study ever conducted in North America'[35].

However the key question, as far as the quality of the data are concerned, is less about the absolute size of the sample and more about its *representativeness*. Given Gen17 is a non-probability sample, even a very large sample size may be skewed towards certain demographics and particular sections of the community who are more predisposed to such a survey than others. In the post-field context, the best way to address this issue is through weighting. In this regard Australia is fortunate in being able to rely on high-quality quinquennial national census data that includes a voluntary question on religion to bolster communal surveys.[36]

Weights have been applied to the final dataset in order to statistically adjust the data so that they more accurately reflect the known structure and distribution of Jews in Australia. For example, since the survey was primarily focused on NSW, VIC and ACT, other states were likely to be undersampled. Similarly, since the survey was carried out online people such as the very elderly were more likely to be undersampled. Weighting adjusts the actual data so that they align with a reliable baseline such as the census. Weights were created to adjust the survey data in line with 2016 Census[37] results on age, sex, state, and country of birth.

Further, a survey like Gen17 is also vulnerable to oversampling the communally engaged and connected as compared with communally distant and less engaged Jews. No amount of census weighting can adjust for this type of self-selection bias. Therefore, in addition to the census baseline data, a synagogue membership survey was carried out in NSW and Victoria to provide a baseline measure of Jewish communal engagement with which to further weight the data.[38] By subtracting the total membership figures from the total population size recorded in the 2016 census,[39] it was possible to create a baseline for weighting by 'Jewish identity': 1) those affiliated to an Orthodox synagogue; 2) those affiliated to a non-Orthodox synagogue; [40] and 3) those not affiliated to any synagogue.

In addition to the above measures taken to ensure the data are as representative as possible, we can also carry out some basic comparisons with fine-grained census data. For example, what evidence is there to indicate that the sample obtained is indeed representative of the Jewish community? This question can be considered with reference to the two major centres of Jewish population, Melbourne and Sydney, where close to 90% of the survey respondents were located.

Examination of the 2011 and 2016 Australian censuses in terms of the geographic location of the Jewish population shows consistent findings between the location of the Jewish population and the geographic location of survey respondents. Tables A3.1 and A3.2 indicate the distribution of the Jewish population in the census and Gen17 survey. Suburbs are ranked in terms of Jewish population size; first the five suburbs with the largest Jewish population, then succeeding groupings by five suburbs. Comparison with the weighted Gen17 data, which has been used throughout this report, is comparable to within 3 percentage points, an acceptable margin of error for such sample data.

[33] Pew Research Center 2013 Portrait of Jewish Americans, Findings from a Pew Research Center Survey of U.S. Jews p119
[34] Graham et al 2014 Jews in the United Kingdom in 2013: Preliminary findings from the National Jewish Community Survey, JPR p41
[35] Cohen SM, Ukeles JB, and Miller R 2012 Jewish Community Study of New York: 2011 Comprehensive Report, UJA-Federation of New York, p5
[36] Graham D 2014 The Jewish Population of Australia Key findings from the 2011 Census
[37] It was mentioned earlier in this report that changes in the formatting of the census question on religion between 2011 and 2016 give us cause for concern about the accuracy of the 2016 Census count for Jews (and some other religious groups). However, we have taken the view that although these changes probably resulted in a Jewish undercount in 2016, our initial assessment suggests the relative (between-group) measures should still be reliable. As such, 2016 Census data form the basis of the Gen17 survey weighting.
[38] Synagogue membership data were gathered in NSW by the NSW Jewish Board of Deputies and in Victoria by researchers at the ACJC at Monash University. Despite considerable effort, attempts to gather synagogue membership data in other states and territories could not be achieved in a timely manner.
[39] As discussed, this was complicated by concerns that the 2016 Census data appear to have undercounted the total size of the Jewish population relative to the 2011 census. Detailed examination of this issue is ongoing but for the purposes of Gen17 the 2016 Census is assumed to have surveyed 88.4% of the Jewish population it would have sampled had the question format remained unchanged from 2011. Note this adjustment does not account for any non-response that may have occurred due to the voluntary nature of the census question.
[40] Orthodox = Hareidi, Strictly Orthodox, Modern Orthodox, Inclusive Orthodox, Chabad, Orthodox, and Sephardi synagogues; Non-Orthodox = Masorti, Progressive and Renewal, Progressive and Egalitarian, Conservative/Masorti, Liberal/Reform, and Jewish Humanist synagogues.

**Table A1 Geography – suburb of residence, Melbourne**

| SUBURBS % OF JEWISH POPULATION | SUBURBS INCLUDE | 2011 CENSUS | 2016 CENSUS | GEN17 UNWEIGHTED | GEN17 WEIGHTED* |
|---|---|---|---|---|---|
| Rank 1-5 | Caulfield/Caulfield North/ St Kilda East/Bentleigh | 49.7% | 50.4% | 56.2% | 52.6% |
| Rank 6-10 | Elsternwick/Carnegie/Toorak/ Brighton/Brighton East | 18.0% | 17.6% | 17.0% | 17.9% |
| Rank 11-15 | Windsor/Malvern/Malvern East/ Armadale/South Yarra | 7.0% | 7.0% | 8.4% | 8.1% |
| Rank 16-20 | Glen Iris/Elwood/St Kilda/ Cheltenham/Hawthorn East | 5.2% | 4.8% | 4.7% | 4.7% |

* Note Gen17 weights only accounted for state-level geography, not sub-state level

It is also possible to compare demographic indicators in the Gen08 and Gen17 surveys to establish if like is being compared with like. Have the two surveys reached a similar cross-section of the Jewish community, or are these significantly different samples that would invalidate their use in establishing change (or otherwise) over the last decade?[41]

One directly comparable indicator is self-assessed financial status. Respondents were asked in both surveys 'which of the following best describes your financial status/circumstances?' There is again a high level of consistency in response in the weighted results (Tables A3.3), with a maximum variation under 3 percentage points within the categories.

**Table A2: Which of the following best describes your financial status (Gen08) / circumstances (Gen17)? Melbourne and Sydney***

| | GEN08 MELBOURNE | GEN17 MELBOURNE | GEN08 SYDNEY | GEN17 SYDNEY |
|---|---|---|---|---|
| Prosperous | 5.7% | 5.7% | 5.8% | 7.3% |
| Living very comfortably | 28.9% | 26.6% | 30.8% | 28.2% |
| Living reasonably comfortably | 45.7% | 45.7% | 41.7% | 43.2% |
| Just getting along | 14.4% | 16.0% | 15.5% | 15.3% |
| Nearly poor | 1.2% | 2.1% | 1.1% | 1.5% |
| Poor | 0.9% | 1.0% | 0.8% | 0.7% |
| Don't know/ Prefer not to say | 3.2% | 2.9% | 4.2% | 3.8% |
| Total | 100% | 100% | 100% | 100% |

* Columns may not sum to 100% due to rounding

[41] As previously noted, care should be taken in drawing direct comparisons between Gen08 and Gen17 data. Unlike Gen17, the Gen08 data were not weighted to account for varying levels of Jewish identification. In other words, Gen08 data are more likely than Gen17 data to have over-represented the more engaged sections of the Jewish population.

Gen17

MONASH University
Australian Centre for Jewish Civilisation

1762

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-23"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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Executive Council of Australian Jewry

הועד הפועל של יהודי אוסטרליה

# REPORT on ANTISEMITISM in AUSTRALIA 2023

1 October 2022 – 30 September 2023

Researched, written and compiled by JULIE NATHAN
Research Director, Executive Council of Australian Jewry (ECAJ)

The Executive Council of Australian Jewry is the peak elected national representative organisation of the Australian Jewish community. Incidents of antisemitism occurring in Australia can be reported directly to Julie Nathan at julie@ecaj.org.au

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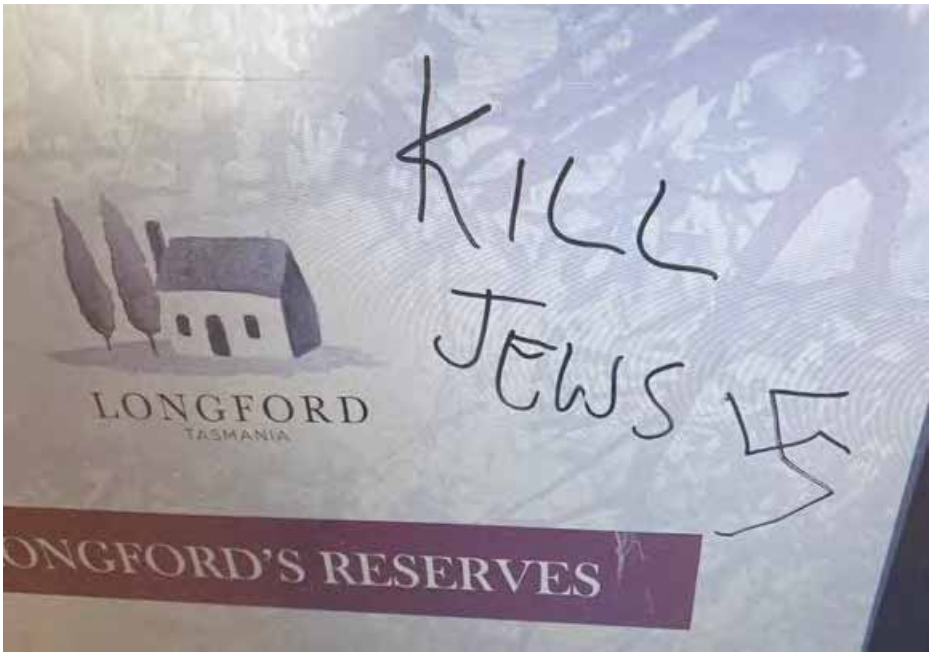
31 December 2023

Graffiti of a Nazi swastika and “6MNE” (6 Million Not Enough - in reference to the 6 million Jews murdered during the Holocaust), on a brick wall, at Bayside in Melbourne, 4 May 2023.




Graffiti of “Kill Jews” and a Nazi swastika at Longford, Tasmania, c. April 2023

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# 1. INTRODUCTION

**Executive Summary**

During the twelve-month period, from 1 October 2022 to 30 September 2023, there were **495 antisemitic incidents logged** by volunteer Community Security Groups (CSGs), official Jewish state roof bodies, and the ECAJ. In the previous 12-month period, ending 30 September 2022, these same bodies logged 478 incidents. Accordingly, there was an **increase of 3.5%** in the overall number of reported antisemitic incidents compared to the previous year (2022).

Overall, from 2022 to 2023, there were substantial increases in the number of reported incidents in three categories: assault (up 120% from 5 to 11), vandalism (up 100% from 11 to 22) and verbal abuse (up 36% from 138 to 188). There were significant decreases in two categories: messages (down 17% from 76 to 63) and posters (down 30% from 123 to 86). Graffiti remained the same at 125. Of note, most of the incidents of assault were generally mild, people throwing objects at Jews, slapping and pushing Jews rather than assault causing serious physical harm.

The average number of reported antisemitic incidents each year from 2013 to 2022 was 316. As such, the total number of reported incidents in 2023 is above that average by 179 incidents.

Looking at the incident data state by state, two things stand out. Firstly, unlike all previous years, more incidents were recorded in Victoria than in NSW, a difference of 20%, and not only in the total, but also in four categories. (In the past, it was understood that NSW had more recorded incidents due to more streamlined reporting methods). Secondly, for the first time, a smaller state, Queensland, had a higher number of incidents than in NSW or Victoria, in one category, that of posters/leaflets.

Of the three major groupings of incidents:

- 51% of incidents were direct non-physical attacks on Jews: verbal abuse, gestures, or directly-addressed messages via email, phone, letters.

- 42% of incidents were in the form of anti-Jewish propaganda: graffiti, posters, leaflets, stickers and the like.

- 7% of incidents involved some form of violence, either against Jewish individuals or against property.

In regard to the monthly tallies, there was a distinct spike in September 2023, coinciding with the annual Jewish High Holy Days. Most of the incidents in September were verbal abuse, particularly around synagogues, but also graffiti and leaflets, with all three categories in similar proportions.

As to antisemitism in general, two issues stand out over the 2023 period.

Firstly, the neo-Nazi movement in Australia has been emboldened. Australia's main neo-Nazi organisations are the National Socialist Network (NSN) and its twin the European Australian Movement (EAM). Melbourne is the main hub of neo-Nazi activity. Members of these groups

have gathered on the steps of the Victorian Parliament twice, once on 18 March 2023 in opposition to the Transgender movement, and again on 13 May 2023 in opposition to the Federal government's plan to increase immigration to Australia. At both protests, they openly performed multiple Nazi salutes. This led to the introduction of legislation to ban the Nazi salute in Victoria. One person has already been charged under that law. Previously, NSN/EAM generally held more private meetings especially in gyms, sometimes in public parks, or on mountain hikes, rather than at highly public demonstrations to showcase their existence and beliefs.

Secondly, the Voice referendum, which was announced in March 2023 and voted on in October 2023, elicited a proliferation of online and other commentary promoting anti-Jewish conspiracy theories. Common themes were: 'the Jews' are behind the Voice referendum as part of the Jewish plot to destroy European-ethnic Australians; 'the Jews' are so powerful and evil that they control the government and force the government to make decisions that are considered to be not in the best interests of Australians but are in the interests of only Jews; and giving a 'Voice' to Australia's indigenous population through the Constitution will be one way to advance that Jewish goal. Discourse and images blaming 'the Jews' for the Voice occurred on extremist social media sites and websites for many months. As well, there were several leaflets distributed at anti-Voice rallies in Brisbane and Melbourne, and in the streets of Newtown, Sydney.

In general, while neo-Nazis are still active, and plotting their next moves, and although the Voice referendum is now history, the October 7 Hamas attacks in Israel shifted focus back to another major source of antisemitism – extremist Muslims (Islamists) and extreme left-wingers. These events occurred outside the time frame of this report, and hence their impact is not included in the incidents for the year in review, but will be fully detailed in next year's ECAJ Report on Antisemitism in Australia. However, given the gravity and unprecedented nature of the post October 7 anti-Jewish incidents in Australia, some incident statistics, albeit preliminary, appear in a separate 'Epilogue' section at the end of Chapter 2 Incidents.

Antisemitism has many active sources – extremist right-wingers, extremist left-wingers, and Islamists. Two of these sources, the extremist left and Islamists, are often allied, known as the red-green alliance, and often work together on issues relating to Jews and/or Israel. However, each of the main sources operates differently. In general: right-wing antisemitism is overt, but marginalised; left-wing antisemitism is insidious, but mainstreamed.

## Current situation for Jews in Australia - Security

The Jewish community is the only community within Australia whose places of worship, schools, communal organisations and community centres need, for security reasons, to operate under the protection of high fences, armed guards, metal detectors, CCTV cameras and the like. This necessity is recognised by Australia's law enforcement agencies. It arises from the entrenched and protean nature of antisemitism in Western and Middle Eastern cultures, resulting in a high incidence of physical attacks against Jews and Jewish communal buildings over the last three decades, and continuing threats. Since October 7, the security threats have become more acute.

## Selection Criteria for Inclusion in the Report

All incidents and material referred to in this report occurred in Australia between 1 October 2022 and 30 September 2023, with the exception of the post-October 7 incidents, the preliminary details of which are provided in a separate section at the end of Chapter 2. All content reproduced in this report was published in Australia or is freely accessible online from Australia.

Antisemitic content (Chapters 3 - 7) includes only discourse which is clearly and overtly antisemitic, according to the 'IHRA Working Definition of Antisemitism' (see section headed "Working Definition of Antisemitism" below). If there is reasonable room for doubt about whether anti-Jewish attitudes or tropes were a factor in the publication, the publication has not been included in this Report. Antisemitic content also includes anti-Israel content that uses clear antisemitic themes, including the denial of Jewish peoplehood and basic rights, within the meaning of the 'Working Definition'. The criteria used for inclusion of events in Chapter 2 'Incidents' are more restrictive and are detailed in that chapter.

## Antisemitism: Incidents and Discourse in the Report

Each year, since 1990, the Executive Council of Australian Jewry (ECAJ), the peak elected national representative body of the Australian Jewish community, has published the Report on Antisemitism in Australia.

The ECAJ records antisemitism in two broad categories: incidents and discourse. In general, incidents are what '*is done to'* Jews, while discourse is what '*is said about'* Jews. Nevertheless, it is recognised that the latter can have a considerable influence on the former.

Incidents comprise six categories: physical assault; vandalism; verbal abuse, harassment and intimidation; hate messages via email, postal mail, and telephone; graffiti; and propaganda material such as banners, flags, leaflets, posters and stickers. Discourse refers to public discourse in the mainstream and other media, in print and online publications, discussions at public forums, and any other public discourse where the content is antisemitic. In the annual antisemitism reports published by the ECAJ both categories of antisemitism are covered.

Two other forms of antisemitism are discrimination and casual racism. Discrimination, for example, in employment, workplace, educational institutions, clubs, and elsewhere, is not covered in this report unless there is abuse or similar overt behaviour associated with the discrimination. In most cases, discrimination is covert, making it difficult to obtain evidence of its motivation. Casual racism (also called micro-aggression) is included in this report, citing some examples, in Chapter 3.

## Jewish Identity

Judaism is most often defined or understood simply as the religion of the Jewish people. However, Judaism is much more than a religion. It is a civilisation that encompasses the full spectrum of the life of the Jewish people, its identity as a nation and a people, its legal system, religion, culture, customs, language, literature, history, values, ideals and vision for a future of justice and peace for the whole of humanity.

This dual identity as both a national and faith community can be traced to the very beginnings of the Jewish people. In the Bible, the Jews are consistently referred to as a nation ('*goy*') and as a people ('*am*'). The contemporary mind, which draws sharp distinctions between religion, culture and nationality, can find it difficult to grasp the nature of Jewish identity. Yet for most of human history, these facets of human self-definition were understood as being blended into an integrated whole. It is only in the last 300 years or so, and only in western thinking, that they have become conceptually compartmentalised. Most Jewish people continue to see themselves as a part of both a national and a faith community, as they always have. (The Sikhs, for example, are also defined in this way). Jews who are atheists but identify as Jews culturally are considered, by themselves and by most in the Jewish community, to be Jewish even though they do not adhere to any religious beliefs or practices.

Part of the modern Western understanding of Jews as only a religious community and not also a national community originates with the declaration by Count Stanislas de Clermont-Tonnerre to the National Assembly in France in 1789 in the debate on whether Jews should be given civil rights in France after the French Revolution, when he stated "To the Jews as individuals, all rights. To the Jews as a nation, no rights." And so began the non-Jewish idea of Jews as only a religious community. Contemporary anti-Zionists utilise this idea to deny that the Jews are also a nation.

## The Term 'Antisemitism'

The word *'antisemitismus'* ('antisemitism') was coined in 1879 by the German journalist and political agitator, Wilhelm Marr (1819-1904), to replace the older word *Judenhass* ("hatred of Jews") which denoted traditional hatred of Jews for religious reasons. Antisemitism, despite its name, is not directed at Semitic languages or Semitic peoples as a whole - it is directed solely at Jews.

Marr founded the Antisemitic League (Antisemiten-Liga) in 1879 to promote the hatred of Jews based on supposed racial, rather than religious, attributes. Marr believed that with the emancipation of the Jews in Germany in 1871, the "Jewish race" posed an existential threat to the "German race" and called for a "war against the Jews". Inventing a new term, 'antisemitism', one based in linguistics (with its ethnic connotations) rather than religion, was deemed necessary by Jew-haters because Europe was seen to be becoming less religious and more secular, and the anti-Judaism of Christianity was becoming less relevant to western societies.

Alternative terms to 'antisemitism', although not in popular usage, are 'Judeophobia' and 'Miso-Judaism'. As well, the older term 'Jew-hatred' is making a reappearance, in part due to the word 'antisemitism' often not being understood, or not being recognized as referring only to Jews, or being deliberately misused to promote it in its literal sense to include all Semitic peoples, notably Arabs, or to claim (falsely) that Arabs cannot be antisemitic as they too are Semites.

## The Spelling of Antisemitism

The original spelling of 'antisemitism' was the German 'antisemitismus'. It is translated as 'antisémitisme' in French, 'antisemitismo' in Spanish, 'antishemiyut' in Hebrew, and so on, with no hyphen and no capital letters. Only English - more particularly American English - changed the spelling to include hyphenation and a capital 's' to form the word 'anti-Semitism'.

Emil Fackenheim in his *Post-Holocaust Anti-Jewishness, Jewish Identity and the Centrality of Israel*, in 'World Jewry and the State of Israel' ed. Moshe David, p11, n2, stated: "…the spelling ought to be antisemitism without the hyphen, dispelling the notion that there is an entity 'Semitism' which 'anti-Semitism' opposes."

See https://www.holocaustremembrance.com/spelling-antisemitism; and https://www.haaretz.com/us-news/.premium-anti-antisemitism-a-battle-rages-over-the-jewish-hyphen-1.8856789.

## What is Antisemitism?

Antisemitism is racism and bigotry against Jews. It is a prejudice and hatred spanning approximately 3000 years.

Antisemitism has both ethnic and religious dimensions and differs from other forms of racism and bigotry. Over time it has mutated in order to adapt to changing circumstances. In pre-Christian and pre-Islamic pagan societies, Jews were berated for nurturing, rather than killing, those of their children who fell ill, and for mandating a day of rest each week. With the advent of rival forms of monotheism, Christianity and Islam, this cultural prejudice gave way to religiously based hatred. The Jews' refusal to accept the theological claims of Jesus or Mohammed elicited indignation and demonization from their respective followers. Christian doctrine for many centuries held Jews collectively to be eternally guilty of Deicide, a belief not officially abandoned until the second half of the twentieth century.

From the late 1800's onwards, religious antisemitism was eclipsed by the anti-Jewish racial theories, which were eventually embraced by the Nazis. These theories were put forward in the name of genetic "science", but without the slightest evidentiary foundation. With the discrediting of Nazi racial doctrine, antisemitism went underground for several decades. It has now returned with a vengeance.

Contemporary antisemitism can also take the form of a denial of Jewish peoplehood and basic rights. To try to redefine the Jewish people as a non-people to suit the interests or convenience of others is not only dishonest but also an assault on the human dignity of every Jew. This is quintessential antisemitism. Given their relatively small numbers, the Jewish people have always been vulnerable, and for a long interval of 1800 years, were stateless, and could usually be victimised with impunity. Much of the rage directed against the modern State of Israel and the Jewish people arises from the fact that this is no longer possible. Some antisemites see Jewish powerlessness and vulnerability as the natural order of things which they seek to restore. Thus, it is precisely when Jews defend themselves successfully that the rage against them is at its most intense.

It is therefore a mistake to equate antisemitism only with yellow badges, concentration camps and gas chambers, and to dismiss other forms of antisemitism as "lesser" manifestations or not as "genuine" antisemitism.

In summary, contemporary antisemitism is manifested through:

1. Religious anti-Jewish themes deriving from Christian and Islamic theological supersessionism and supremacism

2. Racial antisemitism deriving from racial supremacist ideologies, including Nazi and white supremacist ideologies

3. Political antisemitism disguised as anti-Zionism and the denial of Jewish peoplehood, history, rights and dignity, emanating from both the far Left and the far Right.

**Antisemitism: a brief history**

The Jewish people are indigenous to the southern Levant region of the Middle East, and like many ancient peoples, have faced deportation and dispersion as a result of imperial invasions of their homeland, resulting in Jews living as a minority community in various other lands after the Babylonian exile in 586 BCE, and even as a minority in their homeland Israel/Judah from the 7th century CE onwards.

As a minority community, without an independent state, Jews were subject to the whims, political expediency, and religious intolerance, of the prevailing rulers and dominant cultures. False ideas, outright lies, vilification and demonization of Jews were spread and became entrenched within these cultures, usually resulting in discriminative laws, social ostracism, enforced segregation, forced conversion, expulsions, pogroms and massacres of Jews.

**Pagan antisemitism:** Antisemitism first arose in the pagan Greek and Roman worlds, which objected to the Jewish belief in monotheism, and to Jewish religious customs such as circumcision and kosher food laws, Jewish opposition to human sacrifice, support for the rule of law, and strong adherence to Jewish religious law. (In contrast, other pagan empires like the Assyrians, Babylonians, and Persians, held little or no animosity towards Jews or Jewish beliefs and practices). Several Greek and Roman writers propagated false accusations about Jews, many of which formed the basis of antisemitic thinking for millennia.

**Christianity and Islam:** both developed out of Judaism and Jewish religious texts. However, both Christianity and Islam are supersessionist and proselyting religions. Instead of embracing Jews, Christian and Muslim religious authorities viewed Jews as a dire threat to their beliefs, and hence to the source of their power, especially as Jews refused to convert to these new religions. Beliefs about Jews, often espoused in Christian and Muslim religious texts, included teachings about Jews being guilty of deicide (Christian Bible) or being the descendants of apes and pigs (Quran). These teachings portrayed Jews as enemies and encouraged hostility and open hatred towards Jews and led to the enactment of various laws aimed at humiliating and severely restricting Jewish life.

Jews were often forced to live in ghettoes or mellahs, a segregated area, often walled in. Jews had to wear identifying insignia on their clothing eg a badge, belt or specific hat to identify them as Jews throughout Christian and Islamic lands. Jews were discriminated against in Christendom eg barred from owning land, from work in professions, from membership in trade guilds; and in Muslim societies where Jews were barred from riding horses, from walking on the right-hand side of a Muslim, and forbidden from defending themselves when stones were

thrown at them. In both lands, Jews frequently suffered forced conversions, forced removal of children (even into the 20th century), expulsion, and periodic massacres.

**European Enlightenment, secularism and political theorists:** the Enlightenment led to the Emancipation of the Jews (1791 – 1920s) from the ghettoes, and desegregation, and although discrimination was still rife, Jews sought to integrate into European society, which was increasingly becoming more secular. However, both right-wing and left-wing movements, capitalists and socialists held anti-Jewish beliefs. Conservatives and capitalists saw Jews as communists, agitators and revolutionaries; socialists saw Jews as bankers and exploiters of the working class. Leading intellectuals and thinkers such as Voltaire (who advocated freedom and civil liberties), Marx the communist ideologue, Bakunin the anarchist, and others publicly expressed views antagonistic towards Jews. The 'Protocols of the Elders of Zion', a fabricated document published in 1903 by the Czarist police, became a popular and widespread piece of anti-Jewish propaganda, still quoted to this day by antisemites.

**Race theories:** As religion lost its hold on society in the nineteenth century, science rapidly filled the vacuum, and 'scientific' ideas developed around eugenics and race. Racial theorists in the late 19th century espoused ideas such as belief in the inequality, and therefore a hierarchy, of races, with European races being superior. Hatred of Jews was transformed, from being based primarily on religion, to being deemed justified on the 'scientific' grounds of race or national origin as a non-European people. Thus 'racial antisemitism' was born. These race theories included ideas about an eternal cosmic struggle between 'the Aryan race' and 'the Jewish race'; these theories were adopted by Hitler and the Nazi Party and formed the core ideology of Nazism. This led to the Nazi policy of genocide, culminating in 6 million Jewish men, women and children being targeted, hunted and murdered in what became known as the Holocaust.

**Anti-Zionism:** With the re-establishment of a Jewish state in 1948 in the national homeland of the Jewish people, Jew-hatred again took on a new form, expressed as hostility and discrimination against the State of Israel, as the embodiment of the Jewish People. Campaigns and movements in the West demonized the very concept of Israel and in doing so, demonized the millions of Jews who live there and millions of others who support it politically. Millions of Jews living in the Arab world and Iran were driven out from 1941 onwards, many settling in Israel, whose Jewish population is predominantly from the Middle East and North Africa.

Graffiti of "Satanic Jews", Altona, Melbourne, 22 Sep. 2023

**IHRA Working Definition of Antisemitism**

The most widely accepted definition of antisemitism by western governments, among others, is the 'Working Definition of Antisemitism' adopted by the International Holocaust Remembrance Alliance (IHRA) on 26 May 2016. Australia was admitted to full membership of the IHRA in June 2019.

The IHRA is an intergovernmental body composed of (as of August 2023):

- 35 member countries: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Netherlands, North Macedonia, Norway, Poland, Portugal; Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States;

- 9 observer countries: Albania, Bosnia and Herzegovina, Brazil, Cyprus, Moldova, Monaco, New Zealand, Turkiye, Uruguay; and

- 8 Permanent International Partners: United Nations, UNESCO, OSCE/ODIHR, Arolsen Archives, European Agency for Fundamental Rights (FRA), European Union, Council of Europe, and the Conference on Jewish Material Claims Against Germany.

  https://www.holocaustremembrance.com/countries-and-membership

The IHRA Working Definition has its roots in the 'Working Definition of Antisemitism' formulated by the European Union Monitoring Commission (EUMC), now called the European Agency for Fundamental Rights (FRA), which was adopted in 2005 and distributed to all its national monitors. The EUMC and IHRA definitions are almost identical.

For the purposes of this Report, the ECAJ uses the IHRA Working Definition of Antisemitism.

The IHRA Working Definition of Antisemitism is as follows:

## WORKING DEFINITION OF ANTISEMITISM

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

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Source: IHRA at https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

**Adoption of the IHRA working definition of antisemitism**

- **Günther Jikeli,** Associate Professor, Institute for the Study of Contemporary Antisemitism (ISCA), Indiana University, USA, 21 July 2023:

"The IHRA working definition of antisemitism was developed by an interdisciplinary group of experts and IHRA Member Countries as a practical tool to identify complex forms of antisemitism. As countering antisemitism is central to the IHRA's mandate, the definition encourages collective solutions to the global spread of antisemitic messages. The working definition is therefore a significant resource for projects improving automated identification of antisemitic content endangering democratic freedoms on a global scale. Antisemitic content changes over time, and the definition advances an approach that holistically assesses hateful content to counter new forms of hate speech."
https://www.holocaustremembrance.com/news-archive/using-artificial-intelligence-detecting-antisemitic-content-and-hate-speech-online

- **1,192 entities have adopted IHRA working definition of antisemitism**

"Since the Working Definition of Antisemitism was adopted by the alliance in 2016, it has become the most widely-recognized barometer in the collective effort against Jew-hatred, serving as an essential tool to identify and delineate all contemporary manifestations of this age-old bigotry. … A diverse array of international institutions and organizations, national and local governments, NGOs, universities, athletic clubs and corporations are now using it as a framework for recognizing modern-day iterations of antisemitism, training and educational programs, and policymaking initiatives." - Zvika Klein, January 2023.
https://www.jpost.com/diaspora/antisemitism/article-728773

"The International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism … serves as a comprehensive framework for identifying contemporary forms of Jew-hatred … The total number of adoptions and endorsements worldwide now stands at 1,192. … The IHRA Working Definition of Antisemitism offers a comprehensive understanding of

Antisemitism … The definition includes 11 explanatory examples, detailing specific discriminatory behaviors aimed at Jews." - Zvika Klein, July 2023.
https://www.jpost.com/diaspora/antisemitism/article-750297

- **Australian governments adopting the IHRA working definition of antisemitism**

The International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism has been adopted in Australia by the following federal, state, and local government bodies: Australian government (Oct. 2021) with bipartisan support; NSW state government (Dec. 2021); NSW state parliament's Legislative Council (March 2022); Victorian state government and parliament (May 2022); South Australian state parliament's Legislative Council (July 2022); Waverley Council, in Sydney (Nov. 2021); Glen Eira City Council, in Melbourne (April 2022).

Further information on IHRA, see AJC, 27 March 2023:
**5 Common Questions About the IHRA Definition of Antisemitism Answered**
https://www.ajc.org/news/5-common-questions-about-the-ihra-definition-of-antisemitism-answered

**Sociological definition of Antisemitism**

Helen Fein, a historical sociologist and professor, published "The Persisting Question: Sociological Perspectives and Social Contexts of Modern Antisemitism" in 1987. On page 67 she wrote:

> "I propose to define antisemitism as a persisting latent structure of hostile beliefs towards *Jews as a collectivity* manifested in *individuals* as attitudes, and in *culture* as myth, ideology, folklore, and imagery, and in *actions* – social or legal discrimination, political mobilization against the Jews, and collective or state violence – which results in and/or is designed to distance, displace, or destroy Jews as Jews."
> https://www.degruyter.com/view/book/9783110858914/10.1515/9783110858914.67.xml

**Community Security Trust (CST)** in the UK - **definition of an antisemitic incident**:
"CST classifies as an antisemitic incident any malicious act aimed at Jewish people, organisations or property, where there is evidence that the incident has antisemitic motivation or content, or that the victim was targeted because they are (or are believed to be) Jewish."
https://cst.org.uk/data/file/6/e/Definitions-of-Antisemitic-Incidents.1425054324.pdf

**Hate Speech: a definition**

The UN Strategy and Plan of Action on Hate Speech defines hate speech as… *"**any kind of communication** in speech, writing or behaviour, that **attacks** or uses **pejorative** or **discriminatory** language with reference to a person or a group on the basis of **who they are**, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."*
https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech

**Definition of Antisemitism by 'Elder of Ziyon'**

'Elder of Ziyon' (EoZ), a prominent online Jewish activist, produced a simplified and succinct formula for identifying antisemitism composed of both the forms it takes and the types of targets.

**Extract:**

**"The EoZ Definition of Antisemitism"**

***Antisemitism*** *is hostility toward, denigration of, malicious lies about or discrimination against* ***Jews*** *as individual Jews, as a people, as a religion, as an ethnic group or as a nation (i.e., Israel.)*

The definition has four types of general actions that define antisemitism, and five terms for the object of these actions. The objects represent the different dimensions of what it means to be a Jew.

"**Hostility toward Jews**" is, I believe, a better formulation than "hate towards Jews." Hate is internal while hostility is generally noticeable to others. It does little good to make antisemitism a thought crime – antisemites usually don't admit that they hate Jews, but they often display hostility towards Jews. "Hostility towards Jews" includes violence.

"**Denigration of Jews**" is any act or speech that unfairly criticizes Jews. This is emphatically not "criticism of Jews" – one can have criticisms of Jews as a people or a nation or as individuals without being antisemitic. Denigration crosses the line from rational to irrational.

"**Malicious lies about Jews**" includes all conspiracy theories involving Jews, and there are hundreds of them. It also includes any stereotyping of Jews: it is difficult to imagine a more heterogeneous group than Jews are, and any assumption that Jews all are on the same page with any issue is invariably a malicious lie.

"**Discrimination against Jews**" is obviously antisemitic, just as any discrimination against any people is bigotry. Notably, the IHRA core definition does not mention discrimination.

Now let's look at the objects, Jews as "X."

**"Jews as individual Jews"** means that the words and actions are directed against Jews simply because they are Jews.

**"Jews as a people"** emphasizes the peoplehood of Jews whether they are religious or not. Jews have been referred to as a people ("*am*") since Biblical times. Attacking Jews as a people is clearly antisemitic.

**"Jews as a religion"** includes attacking Judaism itself. Again, we are only speaking of unfair or malicious attacks. Judaism may be criticized as may any other religion without it being antisemitic.

**"Jews as an ethnic group"** includes those who attack Jews for racial or xenophobic reasons. I didn't want to say "Jews as a racial group" because Jews are emphatically not a racial group. Most Jews are, however, part of an ethnic group and have been discriminated against or attacked on that basis.

Finally, we reach **"Jews as a nation (i.e., Israel.)"** …

https://elderofziyon.blogspot.com/2022/10/a-plea-to-adl-and-others-read-my-paper.html
24 October 2022

**Contemporary Forms of Anti-Jewish Discourse**

Some expressions are easily identified as antisemitic, for example, "God damned you Jews to hell", "Jews run the world", the "evil greedy money-loving nature of Jews", or "Hitler should have finished them off."

Other comments are not as readily recognised as antisemitic. This can be because they are seen as ambiguous, or borderline, or coded, or disguised as ordinary political criticism of Israel, or because the connection to classical forms of antisemitism is not recognised. Not all people who harbour hostility towards Jews are open about their views. Often, antisemitic rhetoric is more subtle and less overt than that expressed by those who openly admit to being Jew-haters. Many will 'dog-whistle' or convey their messages 'between the lines.'

The word 'Zionist' in the hands of antisemites is also typically a substitute for the pejorative use of the word 'Jew'. A variation of that technique is the use of classical anti-Jewish motifs and themes in the expression of what, on the surface, may appear to be merely political opinions about Israel.

For example, where once it was said that the Jews seek to control the world, now it is said that Israel seeks to control the world; where once it was said that Jews lusted after Christian/gentile blood, now it is said that Israel lusts after Palestinian/gentile blood; where once it was said that Jews/Judaism were Satanic, now it is said that Israelis/Zionists are Satanic.

**Themes in anti-Jewish rhetoric**

Themes commonly found and expressed in anti-Jewish rhetoric in the period of review include:

- Jews as Christ-killers; Jews and Judaism as anti-Christian and Satanic; Christianity as a Jewish plot to destroy the European races; Jews plotting to destroy Islam; killers of prophets; cursed by G-d; a cursed and damned people; the Chosen People concept mischaracterised, mocked and denied; the Talmud portrayed as evil; Jews as bloodthirsty for gentile blood; Jews as the enemy of humanity.

- Jews as powerful, influential, and wealthy; Jews as having and exercising undue and disproportionate power and influence, usually against the interests of non-Jews, especially through the "Jewish Lobby" (aka Zionist or Israel lobby).

- Jews portrayed as conspiring to rule the world through control of international finance, media, and politics; manipulating events; fomenting wars; unleashing pandemics; aimed at subjugating the non-Jewish population of the world; an existential threat to non-Jews; and possessing enormous power and drive aimed at world domination.

- Jews as 'the other', not 'real Australians', foreigners, with dual loyalty.

- Jews and Jewish organisations being accused of concocting false accusations of antisemitism to gain an advantage, especially in order to stifle criticism of Israel.

- Holocaust denial, minimisation, distortion and denigration; Jews deserve to be killed; Hitler was right to kill Jews; the Jews must be killed.

- Israel as an inherently racist and apartheid state; Jewish/Nazi analogy; Israel as a Nazi state; Jewish Star of David = Nazi swastika; Israeli Jews as terrorists; committing genocide against Palestinians, Arabs, Muslims, and other non-Jews.

- Jews characterised as barbaric, bloodthirsty, callous, cruel, dirty, evil, foreign, greedy, hateful, malevolent, money-hungry, murderous, nefarious, racist, selfish, and stingy.

- Jews described as apes, bacillus, demonic, devils, disease, dogs, filth, germs, leeches, monkeys, parasites, pigs, rats, scum, vermin, a virus.

- Denying or minimising antisemitism – its existence, intensity and veracity. Gaslighting Jews or accusing Jews of being sensitive, defensive or paranoid.

**Studies on Antisemitism:**

- **Jewish University Experience Survey (Australia, 2023)**

"A nationwide survey of Australian [Jewish] university students has revealed widespread antisemitism on Australian university campuses. … The survey was carried out by the Social Research Centre. It was commissioned by the Australasian Union of Jewish Students [AUJS] and the Zionist Federation of Australia [ZFA]." https://www.zfa.com.au/survey/

"Approximately one in every 14 current Jewish university students participated in the survey." https://www.zfa.com.au/wp-content/uploads/2023/08/Survey-summary.pdf

**Summary of findings:**

- 64% reported at least one incident of antisemitism during their time at university.
- 88% of these students had encountered antisemitism within their last 12 months of university.

- 29% reported that university staff were active participants.
- 70% reported that where staff were present but not involved, staff ignored the incident.

- 57% of students have hidden their Jewish identity to avoid antisemitism at university.
- 67% of students who have experienced antisemitism on campus hide their Jewish identity.

- 19% of Jewish students have stayed away from campus to avoid antisemitism.
- 27% of Jewish students who have experienced antisemitism on campus have stayed away from campus.

- 85% of students did not make a complaint after their most impactful incident.
- 61% of those who complained were dissatisfied with the outcome.

**Types of antisemitic behaviours -** Of the six types of antisemitic behaviours measured, the percentage of students surveyed reporting each type were as follows:

- People or events that made you feel intimidated because of your Jewish identity (47%)
- Antisemitism based on perceptions of Jewish money, power or influence (37%)
- Someone comparing Israel to Nazi Germany (37%)
- Antisemitism based on religion or race (31%)
- Someone denying or minimising the Holocaust (30%)
- Being involuntarily singled out, or excluded, because of matters relating to Israel (25%).

"Across all antisemitic behaviours, students who are visibly Jewish (i.e., wear Jewish clothing and/or jewellery) were more likely to report exposure to these behaviours."

Three examples of university antisemitism include:

- "A teacher told me I would be good at business because I was a Jew, and other similar remarks."

- "A person in my class heiled Hitler to me and not a single professor/ tutor or student did anything."

- "The socialist movement has said things to me, including calling me a "dirty Zionist Jew" as someone who is clearly a religious student with kippah, tzitzit and a beard."

The full report is available at
https://aujs.com.au/wp-content/uploads/2023/08/Jewish-University-Experience-Survey-EMBARGOED-UNTIL-15-AUGUST-2023.pdf

https://www.zfa.com.au/wp-content/uploads/2023/08/Jewish-University-Experience-Survey.pdf

J-Wire included comments by two Jewish students on campus antisemitism:
https://www.jwire.com.au/antisemitism-on-campus/

"I would say probably the most frequent antisemitic interaction I've had… would be just walking down the main street of campus Eastern Avenue being called a kike and dirty Jew and a Jewish pig by members of the Socialist Alternative. They were actually standing behind their stall on Eastern Avenue at the time." and "On other occasions, I was called a dirty Jew and Jewish pig on campus without wearing a yarmulke or any identifying clothes or jewellery, just walking through Sydney Uni."

- **Jewish University Experience Survey (USA, 2023)**

A national survey by Ipsos, on behalf of Jewish on Campus and supported by the World Jewish Congress, was conducted between 19 March and 24 May 2023. Ipsos "investigators "interviewed 2,020 college students from the general population and 1,022 who identified as Jewish about their perceptions of and experiences with antisemitism. Findings from the survey include that nearly one-third of Jewish students surveyed (29%) witnessed or experienced an antisemitic incident on their campus; 50% of them witnessed or experienced hate speech; and 72% of them witnessed or experienced microaggressions."
https://www.diverseeducation.com/campus-climate/article/15546645/survey-57-of-jewish-students-witnessed-or-experienced-antisemitic-incident-on-campus-or-in-public

Further information on the study's findings is available at:
https://www.jewishoncampus.org/media/nearly-three-in-five-jewish-students-surveyed-have-witnessed-or-experienced-an-antisemitic-incident-jewish-on-campus-ipsos-survey-finds

- **UK Studies identify predictors of antisemitism**

Two studies were conducted by UK based researchers Daniel Allington (King's College London, London, UK), David Hirsh (Goldsmiths, University of London, London, UK), and Louise Katz (Arden University, Coventry, UK) to identify predictors of antisemitism by examining the opinions of people with antisemitic views. The full article of the study is published at https://doi.org/10.1057/s41599-023-01624-y and extracts from its lengthy abstract is below.

**Antisemitism is predicted by anti-hierarchical aggression, totalitarianism, and belief in malevolent global conspiracies**

- Daniel Allington, David Hirsh & Louise Katz

*Humanities and Social Sciences Communications* volume 10, Article number: 155 (2023)
Published: 10 April 2023

**Abstract**

"Two cross-sectional studies were carried out in order to identify predictors of antisemitism… Ethnicity, support for totalitarian government, belief in malevolent global conspiracies, and anti-hierarchical aggression were identified as the strongest predictors of Generalised Antisemitism. … However, support for totalitarian government was only found to predict 'old' antisemitic attitudes … and not 'new' antisemitic attitudes … whereas ethnicity, anti-hierarchical aggression, and belief in malevolent global conspiracies were found to predict both 'old' and 'new' antisemitic attitudes.

This finding adds nuance to ongoing debates about whether antisemitism is more prevalent on the political right or left, by suggesting that (at least in the UK) it is instead associated with a conspiracist view of the world, a desire to overturn the social order, and a preference for authoritarian forms of government—all of which may exist on the right, the left, and elsewhere. …

In sum, the findings of the studies reported here align with much recent qualitative scholarship in suggesting that, at least in the UK, it is neither the left nor the right per se that threatens Jews. Rather, it is individuals (and, by extension, perhaps also groups) with a conspiracist view of world affairs, as well as those who desire to overthrow the social order, and those attracted to the idea of installing or living under a totalitarian regime, regardless of whether such people are to be found on the left, on the right, or in any other ideological space.

This implies that the focus of those who would oppose antisemitism should not be on attacking or defending the left or the right as supposedly homogeneous blocs, but rather on examining the specific ideological position of political movements or formations that may identify themselves with one, the other, neither, or perhaps even both—and applying criticism accordingly."

https://www.nature.com/articles/s41599-023-01624-y

UK Study:

**Study reveals people most likely to hold antisemitic views**
10 July 2023

The findings suggest that antisemitism may be less closely linked to political beliefs than has previously been implied, and more closely linked to opinions and views on other topics such as religion, ethnic nationalism, and conspiracy theories. …

The major finding of both studies is that antisemitism is predicted by a conspiratorial understanding of the world as it is, by openness to totalitarian rule, and, above all, by a desire for revolution.

https://www.kcl.ac.uk/news/study-reveals-people-most-likely-to-hold-antisemitic-views
[King's College London]

## Insights into Antisemitism

**Ahmed Shaheed**, UN Special Rapporteur on Freedom of Religion or Belief, 2 Dec. 2020:
"I've called it [antisemitism] the oldest hatred. I've also called it one of the most violent forms of hatred. And one of the most pervasive forms of hatred. I have prioritised combating antisemitism, not only because it is so violent and so widespread, but also because it essentially threatens democracy everywhere... It's not a problem for the Jewish communities alone, it's a problem for all of us."

**Alex Ryvchin**, Co-CEO, ECAJ, 20 May 2023:
"There are many aspects of antisemitism that make it distinct from other forms of hatred. Its transmission through well-honed mythology and conspiracies, its characterization of Jews as both inferior and malevolently superior. But its capacity to shift from prejudice to an all-consuming quest must be its most distinct feature. Hitler unleashed the most devastating war in history in pursuit of eradicating Jews. … Another aspect of antisemitism that makes it unique is its nostalgia for a purer, bygone age and the belief that the Jew is the agent of its corruption."

**Alvin H. Rosenfeld**, director Indiana University Institute for the Study of Contemporary Antisemitism, 3 Aug. 2023:
"There are two important sources of antisemitism. … is the figure of the conspiratorial Jew. The other is his figurative brother, the diabolical Jew. Bring the two together, and you have the delusional but abiding portrait of Jews as a community inherently hostile to non-Jews, intent on bringing endless suffering to mankind — a community that must be dealt with decisively before it is too late. … The idea of the malevolent Jews, collectively bent on ruining the world or secretly plotting to control it (or perhaps doing the one in order to achieve the other) … Denunciations such as these branded Jews as collectively and irredeemably wicked, a designation of infamy always available to explain any source of misfortune or explain away any inconvenient evidence. … today's antisemitism comes from the reactionary Right and the progressive Left, from whites and from blacks."

**American Jewish Committee** (AJC), 27 March 2023:
"Israel has also become code for Jews as a collective, and symbols and images associated with classic antisemitism such as blood libel to characterize Israel or Israelis have seen a resurgence."

**Avi Weiss** and **Eitan Fischberger**, rabbi and writer respectively, 2 June 2023:
"anti-Zionism, the denial of the Jewish right to self-determination in their ancestral homeland, almost invariably manifests as a politically correct version of antisemitism."

**Bennett Arron**, writer, 15 Nov. 2022:
"If Jews see antisemitism yet say nothing, it continues. If Jews see antisemitism, call it out but nothing happens, we are accused of lying or playing the victim. If Jews see antisemitism, call it out and someone is punished, then we are accused of controlling everything."

**Bret Stephens**, editor-in-chief of *Sapir journal*, Aug. 2023:
"The racist and ethnic bigot thinks the objects of his bigotry are deservedly beneath him. The antisemite thinks the object of his bigotry is undeservedly above him. … It is why antisemitism can sit as comfortably with the anti-capitalist Left of a Jeremy Corbyn as it can with the xenophobic Right of a Jean-Marie Le Pen. … antisemitism … almost always takes the form of a conspiracy theory. It is the belief that behind history's greatest crimes and the world's greatest

ills lies the hidden hand of a Jew: the Jew as killer of Christ, as murderer of children, as bringer of plague, as financier of war, as underminer of morality, as instigator of 9/11, as replacer of the white working class in the United States, as displacer of native inhabitants in Palestine. It never ends. … *Antisemitism is a conspiracy theory that holds that Jews are uniquely prone to using devious methods to achieve their malevolent ends, and that they must therefore be opposed by any means necessary.*"

**David Hirsh**, Senior Lecturer in Sociology, University of London, 12 Jan. 2022:
"Antisemitism is not a movement against something that exists, called "Semites" or called Jews; it is a movement against a notion of "the Jews," which it itself has invented. And antizionism is a movement that similarly invents and imposes onto Jews the Zionism against which it defines itself. … Antisemitism always positioned its own notion of "the Jews" at the center of everything bad in the world. Antizionism's propensity to universalize its Zionism, or its picture of Israel, as the "other" of good things, is not so different."

**Dave Rich**, UK CST, and author, 18 Sep. 2023:
"antisemitism is not - or not only - about hating actual living, breathing, Jewish people. It's a set of abstract ideas and beliefs about Jews that is not anchored in reality. Fundamentally, it's the idea that Jews are always up to something and can never be trusted. And at its most developed, antisemitism is a way of understanding and interpreting world events that places Jews at the centre of everything. It's not about actual Jewish people and how they behave."

**Deborah Lipstadt**, US Special Envoy for Combating Antisemitism, 17 Nov. 2022:
"Antisemitism threatens democracy and a society which is based on tolerance. Antisemitism is a conspiracy theory which inculcates a lack of faith in democratic institutions – the media is no good as it is controlled by Jews, the banks are controlled by Jews, the government is controlled by Jews, so you end up not believing that your democracy works."

**Hen Mazzig**, writer, activist, 22 March 2023:
"Antizionism is not criticism of Israel. It's the belief that Israel should be demolished, and that no Jewish state, in any capacity has the right to exist."

**Izabella Tabarovsky**, scholar, Kennan Institute Washington DC, 13 Oct. 2022:
"Demonization of Zionism always, always produces antisemitic outcomes. Eventually it comes for every Jew."

**Jeremy Leibler**, President, Zionist Federation of Australia, 20 Feb. 2023:
"This vicious hatred of Israel quite clearly crashes over the line into antisemitism because it fuels hatred of not just Israel but of Jews. And it works – well-intentioned people fed a one-sided diet of lies come to hate Israel and anyone who defends its existence. Such hatred has led to Jews – not Israelis, but Australian Jews – facing death threats, physical intimidation and heartbreaking alienation because of their actual or perceived support for Israel. ... And while they may not be motivated by a personal hatred of Jews, their actions have consequences – they might not have antisemitic intent, but they have an antisemitic effect."

**Jewish on Campus**, US Jewish student union, 10 Nov. 2022:
"Like a bacteria, like a pathogen, antisemitism grows in the dark. It preys upon the dark parts of our society, the parts that give fear and instability. It preys on misinformation and mistruth until they are encompassed by conspiracy. This happens slowly. And at first the antisemites

whisper. But once it spreads, as it has now, they become empowered. They feel justified, they even feel right. The antisemites don't whisper anymore. Now, they scream."

**Jonathan S. Tobin,** editor-in-chief of JNS (Jewish News Syndicate), 16 Aug. 2023:
"Anti-Zionists are almost always engaged in antisemitism, because their advocacy is inherently prejudicial to Jews and aimed at denying them rights that no one would think of questioning with virtually any other group. No other nation has an international movement arrayed against it, whose purpose is its extinction. The global strength and reach of anti-Zionism is inconceivable without antisemitism. And it is not an accident how easily agitation against Israel morphs into acts of Jew hatred, including violence. … The power of left-wing antisemitism stems from the coming together of two disparate factions—left-wing intellectuals, artists and political activists and Muslim immigrants to Western Europe, who brought their antisemitism and intolerance for Jews and Israel to their new homes."

**Josh Feldman**, writer, 19 July 2023:
"As unhinged as the mind of a conspiracy theorist may be, it can always be trusted, sooner or later, to land on the Jews. … antisemitism is not a mere bigotry, but a conspiratorial worldview that takes any society's ills or perceived evils, and rather than addressing them, scapegoats Jews. It is exceptionally malleable; in many ways, it is the ultimate conspiracy theory. … Such demented thinking goes back centuries and can invariably be found in attempts to explain contemporary economic, social, religious, and political problems. … For thousands of years, people's minds were inculcated with the image of the all-powerful Jew scheming to exploit and harm the masses. As a result, it is baked into Western DNA and is far more prevalent today than what many realize."

**Julia Jassey**, CEO of Jewish on Campus, 16 Jan. 2023:
"Jews don't call out antisemitism because it hurts our feelings. We call out antisemitism because it threatens our survival. We've seen it throughout our history. … Antisemitism is a threat to the safety of the Jewish community."

**Kathleen Hayes**, writer at Fathom Journal, March 2023:
"Antisemitism does more than provide a scapegoat. Uniquely among forms of racism, it provides adherents a seemingly all-encompassing explanation for why evil exists. From the time of the first blood libel, Jews have been cast as not only an enemy, but an ordinately powerful, sinister, scheming one."

**Melanie Phillips**, journalist, 7 Sep. 2023:
"The unique and unequivocal harm done by antisemitism, however, isn't generally recognized. It is not merely offensive. It is a malicious and deranged mindset that incites not just hatred of Jews but the belief that they are the mortal enemies of everyone else. It thus puts a target for destruction on the back of every Jew."

**Micah Halpern**, social and political commentator, 30 May 2023:
"We Jews cannot solve this gargantuan age-old problem alone. If we could, antisemitism would have been eradicated long ago. Instead, it is rearing its fury-filled, ugly head … This battle requires the masses to stand up and work together to combat this hatred."

**Michal Cotler-Wunsh**, Israel's Special Envoy for Combatting Antisemitism, 14 Sep. 2023:
"Antisemitism is a toxic hate that transcends politics, religion, time, and geography, poisoning the places and spaces in which it takes hold. In this troubling time of rising and mainstreaming

antisemitism, politicization is one of the central factors that enables it to fester, mutate, and permeate. At a time of growing polarization, intersecting global and local challenges, and the blurring of lines between online hate and real-world harm … [we need] to comprehensively identify and combat the scourge of antisemitism in all its forms."

**Oren Jacobson**, co-founder and executive director of Project Shema, 10 Oct. 2022:
"All that's needed is a toxic brew of societal turmoil, unchecked antisemitic lies, & a demagogue using scapegoats to secure power. Bc antisemitism is so old, Jews so few, & antisemitic ideas so familiar & accepted, antisemitism has been a frequent, effective, rapid weapon. … Since antisemitism is built on conspiracy theories, where the lies spread, truth is destroyed. Where truth is destroyed, democracy can't survive. Without democracy, civil rights can't sustain. Thus, all marginalized groups are threatened by the spread of antisemitism."

**Peter Wertheim**, ECAJ co-CEO, 27 July 2023:
"Antisemitism is a disease of the human spirit that eats away at the foundations of civilisation everywhere. It is not limited by geographical borders, ideology or creed. It is a global phenomenon that requires a global response. … Whenever there's a conspiracy theory about anything, it's only a matter of time before it ultimately gets attributed to the Jewish people. So you can't say it's a left-wing or right-wing or an Islamist phenomenon, it comes from many sources. It always has, and it probably always will."

**Phyllis Chesler**, emerita professor, City University of New York (CUNY), 7 Aug. 2023:
"Jew-hatred is racism. Today, it is the only acceptable prejudice among "anti-racists.""

**Rebecca Davis**, journalist, 12 Oct. 2022:
"And when someone with the stature of Ye speaks, with his influence in mainstream culture and mass platform, these words become incitement in a world where antisemitism is ever-increasing. ... And every time something like this happens, those who hold similar views feel permitted to openly express their sentiments too. The noxious seeds of hatred creep from the fringe and into the mainstream. Normalised. The result is tangible. Jewish people are targeted."

**Ritchie Torres**, US Democrat Congressman, 5 Nov. 2022:
"Antisemitism is one of the most dangerous and deadliest forms of hate the human heart has ever conceived."

**Steven Spielberg**, film producer, 3 March 2023:
"Antisemitism has always been there, it's either been just around the corner and slightly out of sight but always lurking, or it has been much more overt like in Germany in the '30s. But not since Germany in the '30s have I witnessed antisemitism no longer lurking, but standing proud with hands on hips like Hitler and Mussolini, kind of daring us to defy it."

**Todd L. Pittinsky**, professor at Stony Brook University NY, 20 June 2023:
"The digital age has amplified the speed and spread of anti-Jewish tropes, extremist ideologies and antisemitic conspiracy theories."

**V. Judah Khaykin**, director of policy & research at ADL, 11 Oct. 2022:
"every antisemite from Pharaoh to Hitler has framed it as defensive"

**Wynne Davis**, writer, 1 Dec. 2022:
"It's not that people weren't making antisemitic remarks in the past, but how they're broadcast to millions of people through social media today that makes a difference."

**Yair Rosenberg**, journalist, 17 Nov. 2022:
"Conspiracy theorists begin by rejecting mainstream explanations for social and political events in favor of supposedly suppressed knowledge and hidden hands. These individuals may not start out as antisemites. But antisemitism has a multi-thousand-year head start on their crooked conception of the world, and has produced centuries of material casting the Jews as its chief culprit. Once a person has convinced themselves that an invisible hand is manipulating the masses, they are just a couple of Google searches away from discovering that it belongs to an invisible Jew."

**Acknowledgements**

- **Jeremy Jones AM Z"L (1958-2023)**

Jeremy Jones AM was President of the Executive Council of Australian Jewry (ECAJ) from 2001 to 2004 and an Honorary Life Member of the ECAJ. He was also the Director of International and Community Affairs of the Australia/Israel & Jewish Affairs Council (AIJAC). Jeremy was recognised the world over for his work on antisemitism and on fostering better relations between different faith and ethnic communities.

Jeremy authored the ECAJ annual *Report on Antisemitism in Australia* from 1990 to 2012. His dedication, passion, energy and thoroughness produced a valuable record in documenting antisemitism in Australia for over two decades. In 2013, Jeremy handed authorship of the annual *Report on Antisemitism in Australia* onto me, which I eagerly took up.

It is with tremendous sadness that we, the Jewish community, Australian society, and the whole world, have lost Jeremy, who died on 6 September 2023 (20 Ellul 5783) after an illness. May his memory be a blessing.

Peter Wertheim, co-CEO of the ECAJ, said Jeremy Jones' contribution to community life was extraordinary. "There is hardly any area of Jewish communal life that did not benefit in some way from his expertise and dedication and his untimely passing is sad news for all of us. He leaves a legacy that will serve as an example to the next generation of Jewish communal activists."

- **Author of ECAJ Report on Antisemitism in Australia**

Peter Wertheim, co-CEO at ECAJ, in reference to the ECAJ Report on Antisemitism in Australia and its author Julie Nathan, stated on 1 May 2023: "Few people in the community can begin to understand the hours of work and meticulous care that goes into researching and authoring the report. Researching the report is not only intellectually demanding, but also emotionally taxing, as one encounters the very worst of human nature. Even the UN Secretary-General was recently moved to describe the ubiquity of antisemitism online, as 'toxic waste dumps for hate and vicious lies'. The community owes a great debt of gratitude to Julie, who navigates this terrain day after day, and often into the night."

# 2. ANTISEMITIC INCIDENTS

**Israel-Hamas war and antisemitism in Australia**

The Hamas atrocities in southern Israel occurred on 7 October 2023, which is outside the time frame of this report. Therefore, antisemitic incidents in Australia related directly or indirectly to the ensuing war between Israel and Hamas are not dealt with definitively in this report. These incidents will be dealt with more fully in the 2024 ECAJ Report on Antisemitism in Australia. However, it should be noted that there was a massive increase in the number of antisemitic incidents after 7 October 2023, including increasing death threats, intimidating behaviour and hate propaganda against Jews. Given the gravity and unprecedented nature of the post-October 7 anti-Jewish incidents in Australia, some incident statistics, albeit preliminary, appear in a separate section at the end of this Chapter.

**Executive Summary – year ending 30 September 2023**

Antisemitic incidents are manifested through many different kinds of acts. As in the ECAJ's previous Antisemitism Reports, incidents have been categorized as set out in Table 1 below. Incidents are divided into six categories, based on the categories noted by the 1991 *National Inquiry into Racist Violence in Australia* (see details below under "Criteria for Inclusion in the Incidents Tally").

Two categories relate to violence, namely physical attacks against persons or property ('physical assault' and 'vandalism'). Two categories relate to non-physical abuse, namely verbal abuse, harassment and intimidation of people, either in person, or through a medium of email, telephone, letterbox ('verbal abuse', and 'messages'). Two categories relate to propaganda material ('graffiti', and 'posters etc').

The manner of collection of the data, and the criteria for inclusion in or exclusion from the tally, are set out in this chapter following the tables and charts.

During the twelve-month period, from 1 October 2022 to 30 September 2023, there were **495 antisemitic incidents logged** by volunteer Community Security Groups (CSGs), official Jewish state roof bodies, and the ECAJ. In the previous 12-month period, ending 30 September 2022, these same bodies logged 478 incidents. Accordingly, there was an **increase of 3.5%** in the overall number of reported antisemitic incidents compared to the previous year.

Overall, from the year ending 30 September 2022 to the year ending 30 September 2023, there were substantial increases in the number of reported incidents in three categories: assault (up 120% from 5 to 11), vandalism (up 100% from 11 to 22) and verbal abuse (up 36% from 138 to 188). There were significant decreases in two categories: messages (down 17% from 76 to 63) and posters (down 30% from 123 to 86). Graffiti remained the same at 125.

The average number of reported antisemitic incidents each year from 2013 to 2022 was 316. As such, the total number of reported incidents in 2023 is above that average by 179 incidents.

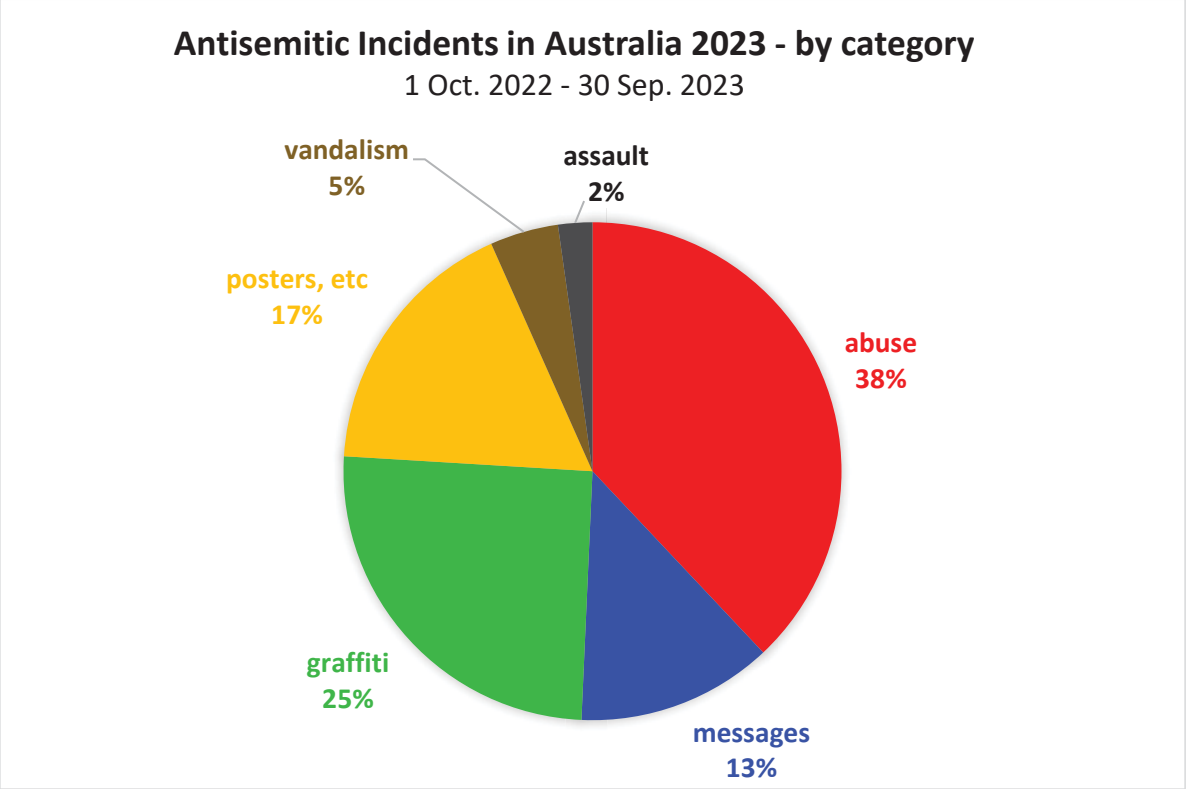
**Table 1: Antisemitic Incidents Tally: by category and year**
2013-2023, and % change from 2022 to 2023

| Incident / year | physical assault | vandal-ism | verbal abuse | message | graffiti | posters, stickers | | Totals |
|---|---|---|---|---|---|---|---|---|
| % change | +120 | +100 | +36 | -17 | 0 | -30 | | +3.5 |
| **2023** | **11** | **22** | **188** | **63** | **125** | **86** | | **495** |
| **2022** | 5 | 11 | 138 | 76 | 125 | 123 | | 478 |
| **2021** | 8 | 11 | 147 | 103 | 106 | 72 | | 447 |
| **2020** | 8 | 10 | 128 | 115 | 42 | 28 | | 331 |
| **2019** | 4 | 12 | 114 | 116 | 95 | 27 | | 368 |
| **2018** | 3 | 19 | 88 | 73 | 46 | 137 | | 366 |
| **2017** | 3 | 11 | 76 | 26 | 55 | 59 | | 230 |
| **2016** | 12 | 22 | 84 | 49 | 31 | 12 | | 210 |
| **2015** | 8 | 7 | 119 | 33 | 21 | 2 | | 190 |
| **2014** | 15 | 10 | 75 | 160 | 43 | 9 | | 312 |
| **2013** | 5 | 6 | 115 | 68 | 29 | 8 | | 231 |

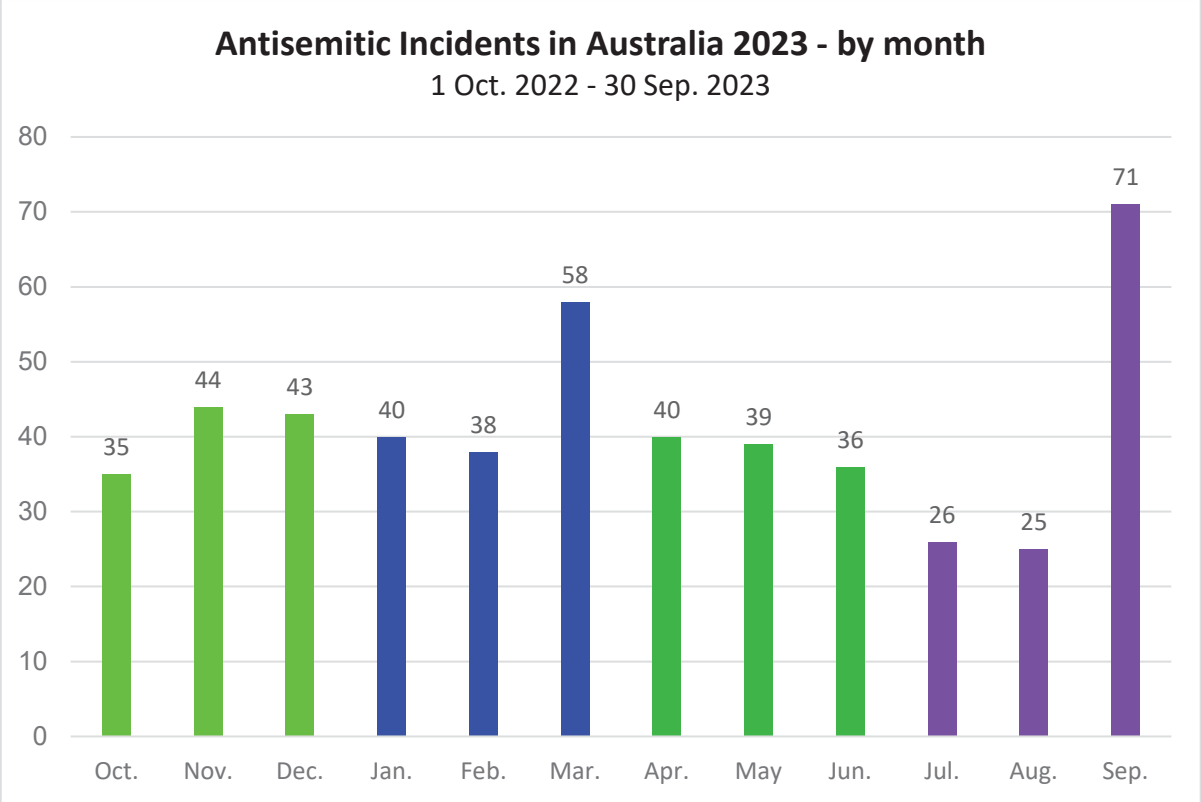
**Table 2: Antisemitic Incidents Tally: by category and state**
1 Oct. 2022 - 30 Sep. 2023

| incident / state | physical assault | vandal-ism | verbal abuse | message | graffiti | posters, stickers | | totals |
|---|---|---|---|---|---|---|---|---|
| **ACT** | - | - | 1 | - | 1 | 2 | | 4 |
| **Tas** | - | - | - | 4 | 12 | - | | 16 |
| **Qld** | - | - | 5 | 1 | 4 | 37 | | 47 |
| **SA** | - | - | 1 | - | 2 | 2 | | 5 |
| **WA** | 1 | - | 7 | 11 | 4 | 2 | | 25 |
| **NSW** | 5 | 10 | 82 | 19 | 37 | 28 | | 181 |
| **Vic** | 5 | 12 | 92 | 28 | 65 | 15 | | 217 |
| **totals** | 11 | 22 | 188 | 63 | 125 | 86 | | 495 |

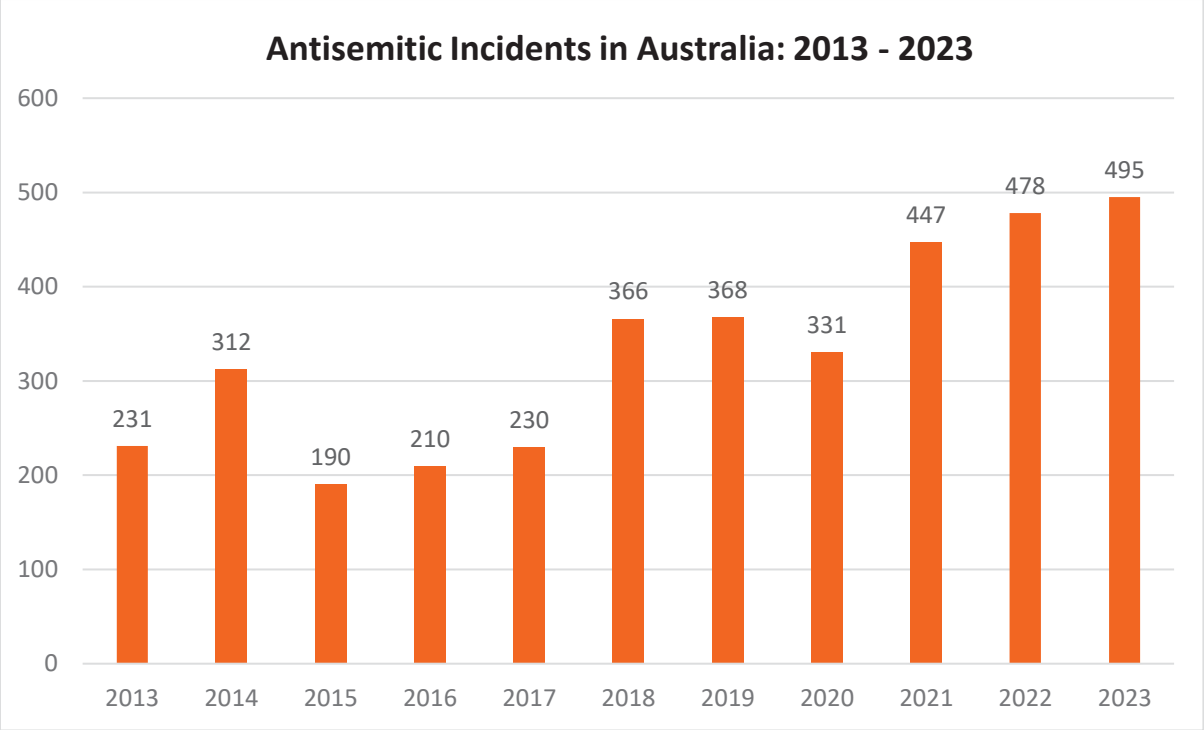
## Chart 1




## Chart 2



## Chart 3




## Chart 4

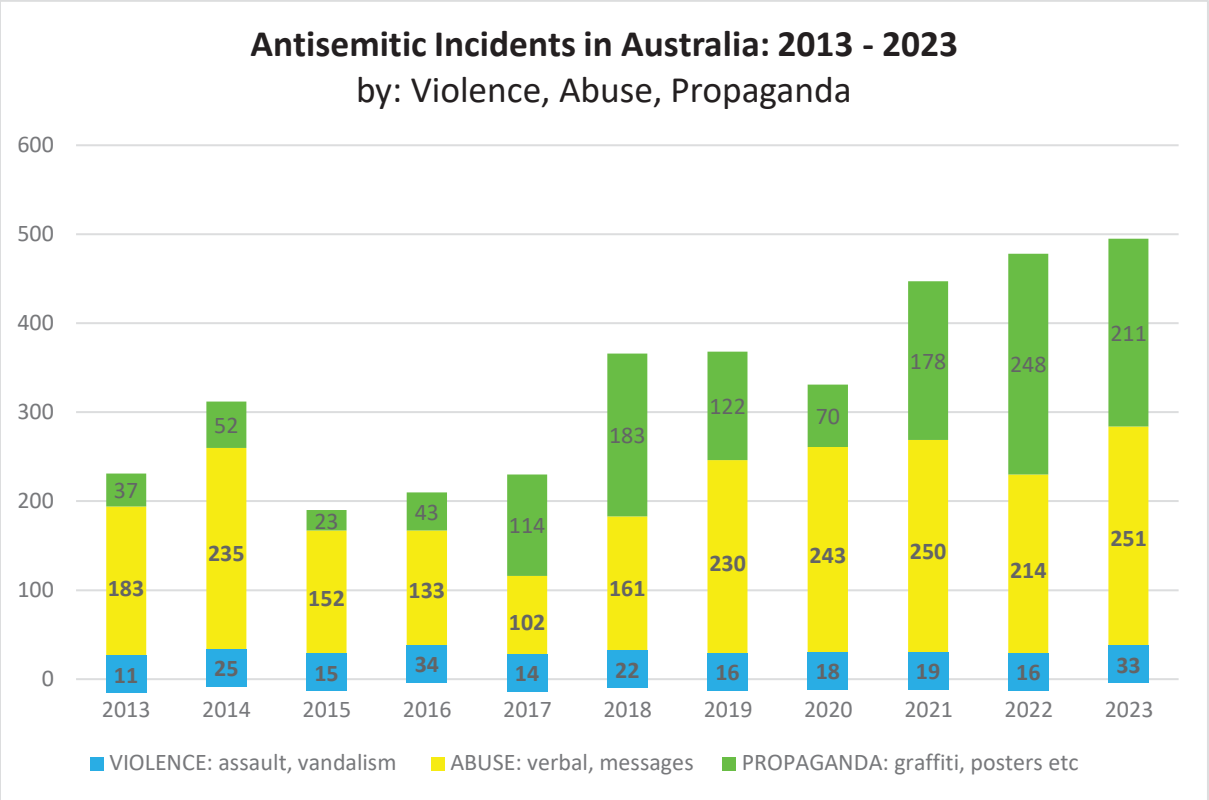
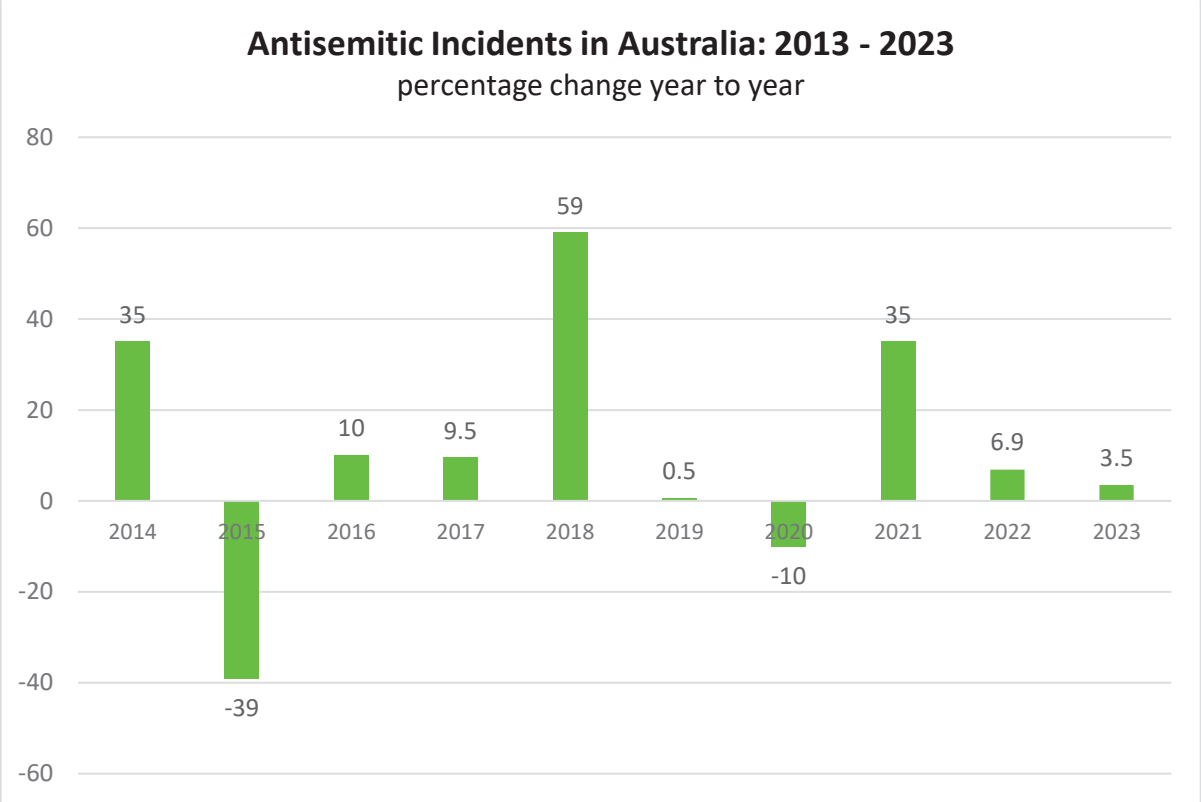


**Chart 5**




## Collection of Data

Data collected is restricted exclusively to incidents which were reported to, and authenticated and logged by, any one or more of the following:

- Jewish community roof bodies in each State and the ACT;
- their respective Community Security Groups;
- the ECAJ itself.

## Criteria for Inclusion in the Incidents Tally

Incidents are included as antisemitic attacks or threats using the definition of racist violence and the categories developed by the 1991 national inquiry into racially motivated violence conducted by the then Human Rights and Equal Opportunity Commission (HREOC): Irene Moss and Ron Castan QC, *Racist Violence: Report of the National Inquiry into Racist Violence in Australia* (Canberra: Australian Government Publishing Service, 1991) at pp. 14-15. Criteria for inclusion:

- there must be evidence that antisemitism was a factor in the act of violence, harassment or intimidation or that the attack or threatening action targeted a person or property because the person or property was identified as Jewish.

- certain anti-Israel incidents eg graffiti which targets a synagogue or Jewish school etc, are included as they indicate hostility or prejudice towards Jews generally.

- abusive, harassing or intimidatory antisemitic messages directed specifically to an individual person or organisation via social media eg the Facebook Message function, are included, as they operate similarly to email.

**Criteria for Exclusion from the Incidents Tally**

Only incidents involving violence towards people or damage to or defacement of property or the threat of such behaviour are included. Accordingly, other incidents are excluded for the following reasons, even though they may be motivated by antisemitism:

- An attack or threat against a person who happens to be Jewish is excluded unless there is evidence that the attack was motivated by antisemitism – for example, the attacker makes a hostile reference to Jews in the course of the attack.

- Incidents of suspicious behaviour around Jewish institutions, which do not directly relate to a physical manifestation of violence, harassment, vandalism or threats.

- Incidents in which both Jews and people who are not Jewish are targeted, and there is no evidence that the attack was motivated by antisemitism.

- Discrimination on the basis of the actual or perceived Jewishness of the victim, whether in the workplace, educational institutions, or elsewhere, is excluded unless the incident includes violence, threats, abuse, harassment or intimidation against the victim. Incidents solely involving discrimination without any of these other elements are recorded separately from attacks or threats.

- Negative or derogatory comments made about Jews, either to Jews or to others, in the workplace, educational settings, socially, or elsewhere, but which do not constitute violence, threats, abuse, harassment or intimidation are excluded, but are recorded separately.

- Publications with antisemitic content in the mainstream, online or social media are excluded if they do not rise to the level of physical attacks, intimidation, harassment or threats against Jews or Jewish institutions. Such content is recorded separately in the section of this report covering Antisemitic Discourse.

- Social media comments which are antisemitic, including those posted on the pages of Jewish organisations and individuals, are excluded unless the comments include, threats, abuse, harassment or intimidation directed against a specific individual or individuals.

- Telephone calls, letters, email or graffiti which consist of criticisms of Israel or of political stances of the Jewish community which do not include specifically antisemitic comments are excluded (even though there is a realistic prospect that a proportion of these are motivated by antisemitism).

- Activities associated with the movement to boycott Israel, Israelis or supporters of Israel which have taken place and are arguably in and of themselves antisemitic are

excluded unless they include, threats, abuse, harassment or intimidation directed against a specific individual, or individuals or an institution.

- Antisemitic emails which are sent to Jewish individuals and/or organisations which are a 'form' type of email (often an antisemitic rant of several pages in length which is forwarded to multiple Jewish recipients) rather than an email directly addressing the recipient are excluded and recorded separately.

**Overall, the bias is in favour of exclusion rather than inclusion, which limits the scope for distortions to appear in the Incidents statistics over time and also protects the integrity of the data base**.

## Exclusion of Online Antisemitism from Incidents

In contrast to other organisations which produce reports for other targeted communities in Australia, the ECAJ does NOT include ***as incidents*** general expressions of hate against Jews that are online, unless they are directed against specific people or institutions. This is for the following reasons.

Firstly, such online postings are discourse, ie what people are *saying about* Jews rather than what is being *done to* Jews. However, it is recognised that vilification often precedes violence, and for this reason trends in antisemitic discourse during the year are analysed separately.

Secondly, the astronomical amount of online antisemitism makes counting impractical. The volume of such discourse is almost limitless – such is the nature of the internet.

Thirdly, if online hate content was to be counted and included in the tally of incidents, it would have an immense distorting effect on the number of incidents, and would therefore not give a true or accurate picture of what is actually happening to the targeted community. In our view, it would adversely affect the credibility of the data, and hence would be counter-productive to countering antisemitism.

## Trends in Incidents

As has been the pattern in previous years, verbal abuse, intimidation and harassment of Jews occurs regularly around synagogues on the Jewish Sabbath on Friday evenings and on Saturday mornings, and on other Jewish holy days and festivals, when Jews are walking to and from synagogue, and attending religious services. It is common for people who are driving past Jewish venues, especially synagogues and Jewish schools, to shout verbal abuse and/or to make gun shooting gestures towards people out the front of Jewish venues. Some drivers will drive past several synagogues on the one day in order to harass, abuse, and threaten.

When issues involving Jews or Israel receive prominent coverage in the mainstream and social media, this has often led to a rise in antisemitic commentary and incidents. In addition, in the past, there has often been a correlation between spikes in violence in any of the various conflicts in the Middle East (and a concomitant increase in media coverage), whether or not the conflict involves Israel, and an increase in the number of antisemitic incidents.

**Incidents Omitted: 2022 Report**

Some incidents were reported to the ECAJ after the 2022 annual Report had been published. The following incident was not counted in the 2022 report, nor is it counted in the 2023 report, but is placed here to maintain a record of it.

- Shouts of "Are there any Jews here?" by neo-Nazis at a protest against Belial B'Zarr at a youth festival in Queen's Park in Moonee Ponds, Melbourne (30 Sep. 2022).

**Under-Reporting of Antisemitic Incidents**

It is known that many incidents of antisemitism in Australia occur but are not formally reported either to appropriate Jewish organisations or to the police. Thus, the statistics in this Report represent only a proportion of incidents actually occurring in Australia. According to the 'GEN17 Australian Jewish Community Survey' (more fully reported on below), almost one in ten adult Jews (9%) indicated that they had witnessed or experienced verbal insults and harassment or worse over the previous 12 months. This would suggest that the actual number of antisemitic incidents in any one year is many multiples of the number reported.

**GEN17 Australian Jewish Community Survey**

https://www.monash.edu/__data/assets/pdf_file/0009/1531791/gen17-initial-findings-report-online-version-final-22_3.pdf

The 'GEN17 Australian Jewish Community Survey' conducted by David Graham and Andrew Markus, was a nationwide study, carried out between February and May 2017, with a total sample size of 8,621 respondents. Its 'Preliminary Findings', published in 2018, found that:

- "almost one in ten Jews (9%) indicated that they had witnessed or experienced verbal insults and harassment over the previous 12 months."

- "a small proportion indicated they had witnessed (2%) or experienced (0.5%) physical attack over the last twelve months."

- "the large measure of consistency in the reports by young adults across the different streams of Judaism indicate that targets of attacks are not simply those who are identified as Jewish by visible markers such as distinctive religious clothing or ornaments."

**Nazi Swastika (Hakenkreuz) - symbol of antisemitism**

A common form of expression of antisemitism is the Nazi swastika, or Hakenkreuz, often found on flags or in graffiti. The following explain why the Nazi swastika is a specifically anti-Jewish symbol.

- **Norman Cohn, author of "Warrant for Genocide"** (1967, 1996):
  "Well before the [1914-1918] war the Austrian writer Guido von List had taught, in a whole series of popular books on the 'Germano-Aryans', that the swastika symbolized the purity of Germanic blood and the struggle of the 'Aryans' against the Jews." (page 127)

- **James Waterman Wise, author of "Swastika: The Nazi Terror"** (1933):
  "the Swastika – symbolizing hatred of the Jew." (page 9)

- **Britannica - Swastika**
  "In 1910 a poet and nationalist ideologist Guido von List had suggested the swastika as a symbol for all anti-Semitic organizations; and when the National Socialist Party was formed in 1919–20, it adopted it." https://www.britannica.com/topic/swastika#ref285600

**Michaelia Cash**, WA Liberal Senator, speech in Parliament, 23 March 2023:
"Since the rise of the Nazi Party in Germany in the 20th Century, Nazi symbols have been synonymous with antisemitic thoughts and actions, including the devastation of the Holocaust. That association remains to this day."

**Simon Millman**, WA state Labor MP, 18 Jan. 2023:
"The swastika is widely associated with antisemitism, genocide and racial hatred."

## Incident Categories: Acts Covered

**Assault**: covers all acts under Australian law that constitute assault, and includes throwing items at people (whether it hit or missed), spitting at/on people, causing injury from physical assault right through to grievous bodily harm, and murder.

**Vandalism**: covers damage to property and destruction of property, including to motor vehicles, buildings, infrastructure, and other property.

**Abuse**: covers predominantly verbal abuse, harassment, intimidation, and bodily gestures such as the Nazi salute, raising the middle finger, shooting gestures, directly targeting Jews or Jewish communal institutions. These incidents tend to occur in public places, such as on the street, outside Jewish community venues (eg synagogues, Jewish schools), at work or in educational settings.

**Messages:** covers messages directly and privately sent to specific targets eg emails, material placed in selected letterboxes or posted material, telephone calls and texts to synagogues and other Jewish community venues, Jewish communal organisations, and Jewish individuals.

**Graffiti:** covers marking by drawing with pen, texta, paint etc, or etchings/engraving, of hate words and/or symbols on property, whether public or private. Some graffiti involves serious damage to property and may be categorised as vandalism eg when scratched on a vehicle.

**Posters:** covers all literature/propaganda type material publicly displayed, including banners, flags, flyers, leaflets, placards, posters, and stickers, plus images or text on clothing being worn, eg on t-shirts, bandannas, and other publicly displayed forms or expressions of antisemitism. This may include stickers and posters on the street, banners and placards in street protests, and mass letter-boxing of leaflets in residential suburbs.

## Counting incidents

Some types of incidents are not one-off incidents, particularly posters, leaflets, and stickers, as these are usually mass produced and distributed on mass. For each batch of identical leaflets, regardless of whether in the tens or thousands, distributed in one suburb on one day – this is counted as one incident. Ditto for posters and stickers.

## LIST of ANTISEMITIC INCIDENTS

Many of the incidents which occurred during the period in review are listed below, in chronological order for each category. The expression "identifiably Jewish" refers to a person wearing traditional Jewish garb, such as a kippah (skull-cap) in the case of a male, a Jewish Star of David necklace or ornament, and the like.

### Assault

- While a Jewish student was in the shower, another person sprayed deodorant over the cubicle wall and shouted "Jew, you're in a gas chamber", Perth (6 Oct. 2022).

- A male began verbally abusing two identifiably Jewish individuals after they overtook him on a footpath, he said "You fucking people think you can walk over everyone", the two Jewish individuals tried to ignore him, then the male slapped one of them, before punching both of them repeatedly, Melbourne (Sat. 26 Nov. 2022).

- A vehicle with four occupants stopped next to three Jews, one of the occupants asked "Hey, do you support Israel?", when the Jews responded "Yes", another occupant then threw an empty energy drink can at them, striking one of the Jews in the head, the occupants then shouted "Fuck Israel" at them, and left, St Kilda, Melbourne (10 Dec. 2022).

- The passenger of a passing vehicle shouted abuse and threw two objects, like bottle caps, towards two young identifiably Jewish males walking along the street, Bondi, Sydney (Fri. 23 Dec. 2022).

- Person made numerous antisemitic remarks towards a Jewish neighbour including "Jewish cunt" and pushed a rubbish bin into the Jew's stomach, Caulfield, Melbourne (27 Jan. 2023).

- The passenger of a passing vehicle threw a filled water bottle towards people outside a synagogue, the bottle hit a parked car nearby, Sydney (Sat. 18 March 2023).

- A male approached volunteers of a Jewish welfare group, some of whom were identifiably Jewish, he then began yelling at the volunteers, he then pushed the food that they were holding onto the floor; the male then pushed one of the volunteers into a wall, and grabbed the shirt of another volunteer, Bondi Junction, Sydney (19 March 2023).

- A male student approached an AUJS stall on campus, and spat towards the Jews at the stall, and left. He then returned and expressed his strong anti-Israel views, then he then spat towards the AUJS students again, before leaving the area, University of Sydney, Sydney (22 March 2023).

- A vehicle slowed down, an occupant of the vehicle then threw a raw egg at a Jewish male riding a scooter, hitting him; the driver then honked the horn and drove off, Caulfield, Melbourne (Sat. 25 March 2023).

- Occupant of a passing vehicle used a toy water gun to spray water at students and a parent outside a Jewish school, Sydney (16 May 2023).

- Occupants of a vehicle slowed down when they saw four identifiably Jewish males, who were on scooters, and threw bowls of soup at them, one of the bowls of soup hit one of the Jews, the vehicle occupants shouted at them, Caulfield, Melbourne (27 May 2023).

**Vandalism**

- Vandalism of a tree with a Nazi swastika and a Jewish Star of David carved over each other into a tree trunk, outside the Grattan Gardens Community Centre in Prahran, Melbourne (31 Oct. 2022).

- Chanukah (Jewish festival) menorah (large candelabra) displayed at the foreshore was ripped down, along with its sign, and thrown off the pier into the water, Elwood Beach, Melbourne (21 Dec. 2022).

- Nazi swastikas spray painted in pink on three vehicles and two houses in Victoria Street, Waverley, Sydney (15 Jan. 2023).

- Vandalism of ten headstones of Jewish graves spray-painted with Nazi swastikas, using either stencils or splashed with paint, in Jewish section of the cemetery, Maitland, regional NSW (31 Jan. 2023).

- Graffiti of "JEW HUNTER" and a fish symbol painted in orange on a boat on a trailer being driven on Pennant Hills Rd, Wahroonga, Sydney (4 March 2023).

- Nazi swastika was engraved in a metal panel of an elevator in an apartment block where Jews live, Ormond, Melbourne (7 March 2023).

- The words "Fuck Jews" were engraved in a metal panel of an elevator in an apartment block where Jews live, Ormond, Melbourne (8 March 2023).

- Nazi swastika engraved into a large gum tree at Morack Golf Course in Vermont, Melbourne (9 March 2023).

- Two mezuzot (Jewish religious objects placed on the doorframe) were forcibly removed from the front door frames of two residences, on the same level, and later found on the floor of the lift in the retirement village, Rose Bay, Sydney (20 April 2023).

- Nazi swastikas, and other profanities, were spray painted in orange paint onto numerous vehicles and other properties, Wangaratta, regional Victoria (21 April 2023).

- Nazi swastika was carved into the glass door at the entrance to the school hall, Sandringham College, Sandringham, Melbourne (28 April 2023).

- Two males threw a large object at the front gate of a Jewish school, Sydney (11 June 2023).

- The word “JEW” was engraved into a timber pole in Armadale, Melbourne (21 Aug. 2023).

- Nazi swastika was burned into a fire hydrant sign on the fence of a Jewish school, Melbourne (4 Sep. 2023).

- Nazi swastikas and the word "Penis" were carved into the tree outside a Jewish school, Melbourne (19 Sep. 2023).

**Abuse**

- A male walking past a synagogue shouted towards security personnel, “You are getting the most vicious attack coming to you. Do you hear me Jewish security guards?” Sydney (Sat. 1 Oct. 2022).

- A male walking on the street did a Nazi salute at a major intersection in the suburb of Hillarys, Perth (14 Oct. 2022).

- Driver of a vehicle traveling past Jews outside a synagogue and Jews, gave a Nazi ‘Heil Hitler’ salute, and honked his car horn constantly and yelled obscenities, Melbourne (Sat. 15 Oct. 2022).

- A male, outside a synagogue, said to security personnel that “Jews are exclusive, but they want to be in everyone else’s business”, Sydney (Sat. 15 Oct. 2022).

- Person in a vehicle driving past, honked the horn and made abusive hand gestures at people outside a synagogue, Perth (16 Oct. 2022).

- The driver of a vehicle traveling past the synagogue threw a 20-cent coin towards identifiably Jewish people, the coin did not hit anyone, Melbourne (17 Oct. 2022).

- Four male teens walked past the synagogue and shouted “Heil Hitler! Dirty Jews!” at congregants outside, Perth (Fri. 21 Oct. 2022).

- Abuse during a disagreement between people at two tables during a trivia quiz at a hotel, when one man said about the other table that “they are getting all the answers because they are a table full of Jews”, then a woman at the same table stood up on her stool shouting “Verstappen” (the name of a Belgian-Dutch racing car driver) while doing a Nazi salute, Rose Bay, Sydney (25 Oct. 2022).

- Male passenger of a passing vehicle shouted “Free Palestine you mother fucker!” towards an identifiably Jewish male walking home from synagogue, Sydney (28 Oct. 2022).

- Passenger of a passing vehicle pointed an imitation firearm, black with an orange tip, out of the window towards people outside a synagogue, it made an audible 'click' sound, Sydney (Sat. 29 Oct. 2022).

- A male exited a vehicle and shouted "Free Palestine!" towards people outside a Synagogue, Sydney (Fri. 4 Nov. 2022).

- The driver of a passing vehicle shouted, "You all belong in the oven, Hitler should have finished the job", and made threatening hand gestures towards three Jewish schoolchildren walking home from school, Perth (4 Nov. 2022).

- A male driver circled multiple synagogues whilst publicly making Nazi 'Heil Hitler' salutes; the male then exited his vehicle and affixed multiple antisemitic and neo-Nazi posters to street poles in public locations, Melbourne (Fri. 4 Nov. 2022).

- Two individuals shouted "Hitler didn't finish his job!" and "Kanye was right about the Jews!", in addition to other antisemitic comments, towards identifiably Jewish individuals walking to synagogue, Melbourne (Sat. 5 Nov. 2022).

- A male approached security personnel at the front of the Synagogue and stated, "I am very careful when walking past Jewish security. Just you wait and see", Sydney (Sat. 5 Nov. 2022).

- Tenants at a residence chanted "Allahu Akbar. If you are Jewish, you better be scared", Bondi, Sydney (13 Nov. 2022).

- A group of 10 children, aged between 8 to 13 from a non-Jewish school, approached schoolchildren of a similar age from a Jewish day school and said, "Fuck Jews", "Kill Jews" and "Get out of our territory", Wisemans Ferry, regional NSW (19 Nov. 2022).

- Driver of a passing vehicle mouthed "Fuck wit" towards people outside the synagogue, Sydney (Sat. 19 Nov. 2022).

- A Jewish woman was walking her dog in the park when a large dog ran up towards her dog and started attacking it; the Jewish woman picked up her dog and asked the other dog owner if they could put their dog on a leash, the other dog owner then started abusing the Jewish woman saying "You bloody Jewish women. You just put so much money into your dogs. You think your investment is more important than anything else. You don't even pay tax. Jewish bitch!" Gunn Reserve West Oval, Ormond, Melbourne (20 Nov. 2022).

- A female walking past the synagogue made a Nazi salute at people outside and yelled "Fuck you! Leave me alone" Melbourne (25 Nov. 2022).

- Passenger of a passing vehicle made four Nazi salutes and shouted "Allah Akbar!" towards a Jewish school and passing students, Sydney (29 Nov. 2022).

- Verbal abuse by a male walking down the street who shouted at local Jews: "Stupid Jews! Criminals! Children-killing Jews! You kill children in Palestine everyday, little

children. Jews! Fuck you! Fuck you too!" Carlisle Street, St Kilda, Melbourne (1 Dec. 2022).

- Occupant of a passing vehicle shouted "Bloody Jew" in the direction of a congregant outside the Synagogue, Sydney (Fri. 2 Dec. 2022).

- Two male occupants of a passing vehicle shouted "Fuck you Jew!" in the direction of a Rabbi, Sydney (8 Dec. 2022).

- Driver of a passing vehicle shouted abuse in the direction of the Rabbi and a congregant outside the Synagogue, Sydney (Fri. 9 Dec. 2022).

- Five males shouted "Free Palestine!" and other antisemitic comments towards identifiably Jewish people, Caulfield, Melbourne (9 Dec. 2022).

- A male shouted "Heil Hitler" and "Fuck the Jews" and other anti-Jewish abuse and threats; when approached by a Jewish individual, the male replied "Come outside and I'll smash you up … Jews burning in the oven", Melbourne (13 Dec. 2022).

- Person on a bike shouted "You dirty Jews!" towards Jews at a Jewish religious facility, Melbourne (Sat. 17 Dec. 2022).

- Occupants of a passing vehicle shouted "Sieg Heil!" towards identifiably Jewish individuals walking on a main road, Bondi, Sydney (Sat. 17 Dec. 2022).

- Driver of a vehicle stopped in traffic near the Synagogue and made a gesture resembling the discharging of a firearm towards people at the front of the Synagogue, Sydney (Sat. 17 Dec. 2022).

- A female refused entry by security personnel to a Chanukah event in a park, shouted at them "Fucking cunt!", left then came back and shouted "Do I look like a fucking terrorist? You're taking over the park. You fucking cunt! I'm not scared to fucking hit you. I'm going to kill you. I'll spray all of you", Double Bay, Sydney (21 Dec. 2022).

- Driver of a passing vehicle raised his middle finger through the sunroof of the vehicle at people outside a synagogue, Sydney (Fri. 23 Dec. 2022).

- The driver of a vehicle traveling past a synagogue gave a Nazi salute towards people outside a synagogue, Melbourne (30 Dec. 2022).

- Person on a bike spat in the direction of identifiably Jewish people whilst riding past a synagogue, Melbourne (Sat. 31 Dec. 2022).

- A male noticed the Star of David jewellery on an elderly woman in her 70s, while shopping at Coles, he made a Nazi salute and said "Heil Hitler" to her, Elsternwick, Melbourne (Dec. 2022).

- Female made antisemitic comments such as “Hitler was right. He should have killed all the Jews”, “Kanye (West) was right about the Jews”, and made a vague threat to poison Jews, Melbourne (6 Jan. 2023).

- Passenger of a passing vehicle gestured and yelled abuse towards people outside a synagogue, Sydney (Sat. 7 Jan. 2023).

- Passenger of a passing vehicle yelled abuse and raised his middle finger in the direction of people at one synagogue, then the same passenger leant out of the window of the same vehicle and yelled abuse whilst gesturing in the direction of people at a second synagogue, Sydney (Fri. 13 Jan. 2023).

- Occupant of a vehicle made a Nazi salute towards security and congregants that were leaving the synagogue, Melbourne (Fri. 27 Jan. 2023).

- Driver of a passing vehicle yelled abuse at an identifiably Jewish individual, on the main road, Rose Bay, Sydney (3 Feb. 2023).

- Occupants of a vehicle shouted "Heil Hitler" as they drove past three identifiably Jewish children walking along Balaclava Road, Caulfield, Melbourne (Sat. 4 Feb. 2023).

- A Jewish male, wearing headphones on a tram, stood up to get off the tram, felt someone pulling on his tzitzit (religious fringes worn on a garment) and yelling at him; the Jew took off his headphones and heard the male screaming “Get off the tram!” whilst continuing to pull on his tzitzit, Caulfield North, Melbourne (7 Feb. 2023).

- A group of identifiably Jewish children were playing in the basketball court of a school, when a male exited from a property adjacent to the park and started chanting "Adolf Hitler" multiple times towards the children, Ripponlea, Melbourne (8 Feb. 2023).

- Passenger of a passing vehicle made a gun gesture in the direction of a Jewish school, Sydney (8 Feb. 2023).

- A passing vehicle slowed down outside the Synagogue and a rear passenger lent out the window and shouted "Nice hat bro" in the direction of the Rabbi, Sydney (Sat. 11 Feb. 2023).

- Driver of a vehicle shouted “Fuck the Jews! Heil Hitler!” at a teenage girl, near a synagogue, Perth (11 Feb. 2023).

- Occupant of vehicle, with 3 people inside, passed an identifiably Jewish person, shouted "Hitler" and did a Nazi salute out of the window, at a synagogue, Melbourne (Sat. 11 Feb. 2023).

- Occupants of a vehicle did Nazi salutes towards identifiable Jews on Dandenong Road; the occupants had drawn Hitler moustaches on themselves using a marker, Caulfield, Melbourne (12 Feb. 2023).

- As an identifiably Jewish male parked his car, two males started yelling antisemitic comments including "Heil Hitler" multiple times and "Fuck you Jew!" as well as a remark about Palestine, CBD, Melbourne (13 Feb. 2023).

- After a minor traffic incident between two vehicles, one driver shouted abuse at the other driver including “Fucking Jewish cunt!”, Perth (17 Feb. 2023).

- A university staff member approached the AUJS stall during O-Week and said to the Jewish students that because they have a Star of David (a Jewish symbol) on display they are "justifying war in Palestine", University of NSW, Sydney (Feb. 2023).

- Riccardo Bosi, leader of the Australia One political party, while leading a political march from the Russian consulate through the streets of the eastern suburbs, in a filmed interview, stated: “The Russians are fighting the Khazarian mafia in their homeland. They're cutting the head off the snake, of the group that has been destroying this planet for generations. They control this country like they control everywhere else. And the Russians, along with many other nations and many other militaries, are actually fighting a subterranean war to exterminate vermin from the planet. … The mandates and Covid are just one part of a larger scheme to depopulate the planet. We have been robbed, we have been raped, we have been killed for generations. And the mandate directed by the government and the enforced by the police and provided for by the big pharma have been exterminating the people. It’s all part of the same plan. …” Woollahra, Sydney (18 Feb. 2023).

- A male, spotting an identifiable Jew, at the City Square / Swanston Street tram stop, put one hand on his heart and made a Nazi ‘Heil Hitler’ salute towards the Jew, Melbourne (19 Feb. 2023).

- Male on a push-bike made a gun gesture toward people outside the Synagogue, Sydney (Fri. 24 Feb. 2023).

- Male passenger of a passing vehicle shouted “Fuck you Jews” towards an identifiably Jewish individual outside the Synagogue, Sydney (Fri. 24 Feb. 2023).

- Male stopped his vehicle outside a Jewish school, then asked security personnel “where” and “how” he could purchase an “AK-47”, Sydney (24 Feb. 2023).

- Passenger of a passing vehicle raised his middle finger towards people outside the Synagogue, Sydney (Sat. 25 Feb. 2023).

- Ongoing bullying of two Jewish students, one a girl aged 14, over an extended period of time by a group of 10-15 boys. The bullying included negative remarks about their being Jewish, comments praising Hitler, jokes about ovens and being gassed; despite reports being made by the parent to the teachers, the bullying continued for a significant period of time. One of the group of boys brought in a homemade Star of David and a Nazi swastika, he then went around asking other students if they prefer Hitler or the Jews; as this was recorded, the boy was suspended for 3 days. State high school, Melbourne (reported 1 March 2023).

- Passenger of a passing vehicle yelled abuse and waved towards people outside a synagogue, Sydney (Fri. 10 March 2023).

- Male yelled “Fucking Jew boy!” towards another male who was accompanied by an identifiably Jewish child, at a petrol station, Bondi, Sydney (16 March 2023).

- Occupants of a vehicle drove past a Jew and screaming antisemitic tropes at him Richmond, Melbourne (16 March 2023).

- Verbal abuse of a Jewish Chaplain for a University, as he was walking through the campus, by an older looking man walking past who shouted at him, "How many Palestinian children did you murder today? How many Palestinian children did you murder today?!" and continued to scream antisemitic remarks, ending with "You, Jew dog are going to die!", Clayton campus, Monash University, Melbourne (21 March 2023).

- On Harmony Day, students were encouraged to wear cultural dress, so a Year 7 Jewish student wore a Jewish skullcap to school, he was subjected to prolonged antisemitic comments from his peers, including “Are you Jewish?”, “Jewish [name]” other students took the Jewish student’s skullcap and said “Now I’m a Jew and I run the world” and “I’m now Jew-hating-[name]”, private high school, Canberra (21 March 2023).

- Occupant of a passing vehicle shouted “Fuck the Jews!” at two Jews in the street, Dianella, Perth (24 March 2023).

- Passenger of a passing vehicle yelled "Jews are cunts" and “Fucking Jew cunt” towards people at a Jewish school, Sydney (24 March 2023).

- Driver of a passing vehicle yelled “Fuck you Jewish faggot” to an identifiably Jewish school student, wearing a skullcap, Bondi, Sydney (24 March 2023).

- Female walking yelled antisemitic abuse included "Jewish dog" and "Synagogue dog" towards people at the synagogue; she then entered a vehicle and drove past the Synagogue and continued yelling at people at the Synagogue, then raised her middle finger toward people outside the synagogue, Sydney (Sat. 25 March 2023).

- Male approached main entrance and spat on the glass door of a Jewish communal venue, Sydney (28 March 2023).

- Passenger of a passing vehicle yelled abuse towards people at Jewish school, Sydney (30 March 2023).

- Student at a non-Jewish school participating in an inter-school sport competition with a Jewish school shouted “Let’s go kill those Jews” as a game was about to start, the game was then stopped and forfeited, Melbourne (30 March 2023).

- Vehicle drove past a synagogue at a slow speed and an occupant yelled “Free Palestine” towards Jewish man leaving the synagogue, Melbourne (3 April 2023).

- An individual approached a Jewish communal venue and spat on the glass door, Sydney (3 April 2023).

- Passenger of a passing vehicle yelled “Let Palestine go!” towards people at the Synagogue, Sydney (6 April 2023).

- Driver of a passing vehicle yelled “Free Palestine!” towards an identifiably Jewish individual walking to Synagogue, Bellevue Hill, Sydney (6 April 2023).

- Driver of a vehicle rolled down his window then shouted abuse at security personnel and Jews outside the front of the synagogue, of "You guys think you're so tough", "You think you're so big in your jackets", "Do you wanna fight me" as well as repetitively saying "Shalom" in a mocking, rude, and threatening tone, Melbourne (6 April 2023).

- Male yelled abuse of “You’re fucking weak shits” at identifiably Jewish children who were standing along a main road, then he pointed towards a Jewish school and said “I’m gonna burn this place to the ground”, he also shouted “Go America” several times, Melbourne (7 April 2023).

- Vehicle with a large Palestinian flag on the back drove past numerous synagogues, Melbourne (Sat. 8 April 2023).

- Driver of vehicle drove past a synagogue and yelled "Heil Hitler" towards a Jewish man on a scooter, Synagogue, Melbourne (13 April 2023).

- Passenger of a passing vehicle yelled verbal abuse towards security personnel outside a synagogue, Sydney (13 April 2023).

- Driver of a passing vehicle made a Nazi salute in the direction of security personnel at synagogue, Sydney (Sat. 22 April 2023).

- Passenger of a vehicle parked outside the Synagogue asked an identifiably Jewish male exiting the Synagogue "Are you Jewish or Arab?", the Jewish male replied "What do you think?", the passenger repeatedly shouted "Fuck you! Fuck you! Fuck you!", Sydney (23 April 2023).

- Male yelling antisemitic rhetoric and conspiracy theories claiming that Jews are “running the world and the Australian Government”, Wolli Creek train station, Sydney (23 April 2023).

- Passenger of a passing vehicle yelled verbal abuse towards security personnel at a Synagogue, Sydney (25 April 2023).

- Person in a passing vehicle yelled verbal abuse towards identifiably Jewish individuals, Dover Heights, Sydney (30 April 2023).

- Male approached a Jewish individual and asked, “Are you Jewish, mate?”, he answered that he was Jewish, to which the male then stated, “You are brave to be walking through here. You should be careful”. The male then crossed the road and yelled, “Go back to

Bondi" and "I will kill ya! I'm serious" towards the Jew, Newtown, Sydney (2 May 2023).

- A tram on Balaclava Road in peak hour traffic blocked the road at the intersection, a Jewish woman in a vehicle asked the driver "Is it necessary to stop in the middle of the road?", to which the tram driver responded via his loudspeaker, "Well if those fucking Jewish children who live local would walk, there wouldn't be so much traffic", Melbourne (2 May 2023).

- Four males approached the entry to the synagogue, one of them begun to taunt the security guard with phrases such as "Try and beat me up" and "What are you gonna do – kill me?", then demanded that he be permitted entry into the synagogue, then said "The Jews are dogs" and "Fuck the Jews", Melbourne (Sat. 13 May 2023).

- Neo-Nazi leader, Thomas Sewell of NSN, at a street protest yelled "Jew! Jew!" towards an individual he thought was Jewish, Melbourne (13 May 2023).

- Passerby yelled at congregant as she entered the synagogue's outer gates that she shouldn't block the sidewalk because she is a Jew, Adelaide (14 May 2023).

- Passenger of a passing vehicle raised his middle finger towards security personnel and shouted "Hamas", Jewish school, Sydney (15 May 2023).

- Neighbour yelled "You Jews!" towards those attending an event at neighbouring Jewish community venue, Melbourne (15 May 2023).

- Driver of a passing vehicle raised his middle finger towards security personnel outside the Synagogue, Sydney (Sat. 20 May 2023).

- Male walking past the Synagogue and raised his middle finger towards CCTV cameras of the synagogue, Sydney (26 May 2023).

- Jewish boy in Year 7 subjected to multiple antisemitic comments directed at him and at another Jewish boy at school, including one of the students encouraging the others to 'sieg heil' at the Jewish boys, plus comments that "the Jews were doing bad things and deserved the Holocaust", another boy threatened to beat up the Jewish boy, and said that "All Israelis are evil", state school, Brisbane (April to June 2023).

- Driver of a passing vehicle yelled abuse towards security personnel, synagogue, Sydney (Sat. 3 June 2023).

- Driver of a passing vehicle yelled abuse towards security personnel, synagogue, Sydney (Fri. 9 June 2023).

- Male aboard public bus yelled "Fucking kike!" towards a Jewish passenger, and denigrated the Hebrew Bible (Old Testament), Bondi Junction to Rose Bay, Sydney (12 June 2023).

- Male shouted “Fucking Jew!” and “Cunt” towards an identifiably Jewish individual, at an oval, Waverley, Sydney (16 June 2023).

- Passenger of a passing vehicle raised his middle finger and yelled abuse towards security personnel at the Jewish school, Sydney (20 June 2023).

- A woman screamed "You fucking Jew!", "I hate Jews" and “You Jewish cunt" towards two 17-year-old Jewish boys outside a Jewish venue, Caulfield, Melbourne (Sat. 24 June 2023).

- Man asked a Jewish couple for street directions, then the woman with him screamed: “How would they know, they are Jewish!” then the woman started yelling that “Hitler should’ve finished you Jews … Jews are filthy … My husband will kill you”, Caulfield, Melbourne (Sat. 24 June 2023).

- Group of males talking made anti-Jewish comments like "rabbi" and "fuck rabbis" at Westfield Bondi Junction, Sydney (30 June 2023).

- Driver of a passing vehicle raised his middle finger and said “Fuck you!” towards people outside a Synagogue, Sydney (Sat. 1 July 2023).

- Male said “I don’t want to threaten you”, then said “I’m threatening you” and “I'm going to kill you”, to people outside synagogue, Sydney (Fri. 14 July 2023).

- At a football game, one of the opposition players said to the Jewish team “I’m going to do a Hitler to you”, and the father of that player then stated "You people, your kind, you cause all the trouble", Wattie Watson Oval, Elwood, Melbourne (16 July 2023).

- Driver of a passing vehicle made a Nazi 'Sieg Heil' salute towards people outside a synagogue, Sydney (Sat. 19 July 2023).

- Driver of a passing vehicle yelled abuse toward people outside a Synagogue, Sydney (22 July 2023).

- Driver of a vehicle did a Nazi salute towards security and congregants whilst driving past a synagogue, Melbourne (Sat. 22 July 2023).

- Woman did a Nazi salute to a Jewish man and called him “a dirty Jew” and said that “You should die”, south Melbourne market, Melbourne (28 July 2023).

- Male on a public bus harassed several Jewish students with “small hats” (in reference to the skullcap Jewish males wear), “Jews and money”, and “fucking jews”, he then threatened them when he pulled a 15cm serrated bread knife from his bag, Elsternwick, Melbourne (3 Aug. 2023).

- Male approached the Synagogue on foot and stated to security personnel that he was writing an anti-circumcision book that would "take down the Jews", Sydney (Sat. 5 Aug. 2023).

- A person left an image of corpses (victims of the Holocaust) under the door of the Queensland Holocaust Museum on 2 August 2023. A week later, a man entered the museum, claimed to have the left the image, and became verbally antisemitic to the people present, Brisbane (8 Aug. 2023).

- Two students from a Jewish day school bumped into an unknown individual's dog, the dog owner then said "Get those Israelis" towards the two students, Randwick, Sydney (9 Aug. 2023).

- Driver of a passing vehicle made a gun gesture with his hands towards people outside a Jewish school, Sydney (23 Aug. 2023).

- Female passenger of a vehicle wound down the window and shouted "Palestine!" at an identifiably Jewish male standing at the intersection, St Kilda, Melbourne (Sat 26 Aug. 2023).

- Male walking along Glenferrie Road walked up to an identifiably Jewish individual at the tram stop and said "Oh look it's a Jew. I've never seen one of those before" in a condescending tone, Hawthorn, Melbourne (28 Aug. 2023).

- Group of males exited a vehicle outside a Jewish school, two of the males then urinated on the gate of the school, Sydney (28 Aug. 2023).

- Driver of a passing vehicle yelled "Pow! Pow! Pow!" and made a gun gesture towards people at a Jewish school, Sydney (1 Sep. 2023).

- Passenger of a vehicle screamed "You Jewish cunt!" at an identifiably Jewish person in a street in Caulfield, Melbourne (4 Sep. 2023).

- Male driver of a vehicle, stuck in traffic, yelled "Move on you fucking Jew!" towards those that were blocking his path, he also kept opening his door and slamming it shut, outside a Jewish school, Melbourne (7 Sep. 2023).

- Three males approached the entrance of a synagogue, one asked "What's going on here?", the security guard responded that it was a private event, the male asked "Is it something Jewish" in a condescending tone, the males left and then one of males formed a swastika pose with his arms and legs towards the people at the synagogue, Melbourne (Fri. 15 Sep. 2023 – eve of Rosh Hashanah).

- Male walking two dogs said aggressively to a Jew "You put your head stuff on" (in reference to the skullcap worn by male Jews), on a street near a synagogue, Melbourne (Fri. 15 Sep. 2023).

- Rider of a passing bicycle made a Nazi 'Sieg Heil' salute and yelled "Heil Hitler!" towards people outside a synagogue, Sydney (Fri. 15 Sep. 2023).

- Driver of a passing vehicle made a Nazi 'Sieg Heil' salute towards people outside a synagogue, Sydney (Sat. 16 Sep. 2023 - Rosh Hashanah).

- Front passenger of a passing vehicle shouted “Fuck you!” towards people outside a synagogue, Sydney (Sat. 16 Sep. 2023).

- Occupant of a passing vehicle shouted abuse towards congregants leaving the Synagogue, Sydney (Sat. 16 Sep. 2023).

- Occupants of a vehicle shouted antisemitic abuse at a Jewish woman near a synagogue, Melbourne (Sat. 16 Sep. 2023).

- A group of identifiably Jewish youths were walking through St Kilda Botanical Gardens blowing the Shofar to community members when approximately 15-20 people called them over, a male from the group said that they were “not Jewish but German” and were “interested in what they were doing” then the group started laughing in a condescending manner towards the Jewish youths; then one of the males said, “I salute the way my grandparents did” and did a Nazi salute while his friends continued laughing, St Kilda, Melbourne (17 Sep. 2023).

- Male passenger opened the vehicle door, leant out of the car, shouted “Do you want to go?”, and made multiple fist gestures towards security personnel, synagogue, Sydney (17 Sep 2023).

- Male said “Don’t you guys control public order?”, “Do you lock people up and shit?” and “You’re just here for a fucking tea party” towards synagogue security personal, then he walked towards the front entrance of the Synagogue and spat on the floor, synagogue, Sydney (Fri. 17 Sep 2023).

- Driver of a passing vehicle shouted abuse towards security personnel at a Jewish school, Sydney (24 Sep. 2023 - eve of Yom Kippur).

- Passenger of a passing vehicle made a 'barking' noise towards security personnel at a synagogue, Sydney (24 Sep. 2023). The passenger engaged in the same behavior at another synagogue, Sydney (24 Sep. 2023).

- Occupant of a passing vehicle yelled verbal abuse, including the word “terrorist” towards security personnel and one congregant at a synagogue, Sydney (24 Sep. 2023).

- Passenger in a vehicle yelled “Palestine” and laughed at an identifiably Jewish woman and her family who were exiting the synagogue gate, Melbourne (24 Sep. 2023).

- Female yelled “Are you Jews scared of me? Well, you should be scared of me. I’m going to blow this place up” towards congregants outside a synagogue, Sydney (28 Sep. 2023).

- Occupant of a passing vehicle shouted "Free Palestine" and "From the river to the sea” towards identifiably Jewish individuals walking to and from synagogue, across four synagogues and a main road, Sydney (Sat. 30 Sep. 2023).

- Passenger of a passing vehicle yelled verbal abuse towards security personnel at synagogue, Sydney (Sat. 30 Sep 2023).

- Passenger of a passing vehicle waved at security personnel and shouted "What are you looking at?" at a synagogue, Sydney (Sat. 30 Sep 2023).

- Vehicle slowed as it travelled past identifiably Jewish community members and the occupant shouted “You fucking Jews!”, near a synagogue, Melbourne (Sat. 30 Sep. 2023).

SCHOOLS: Bullying, harassment and assault of Jewish students in Victorian schools, mostly state schools, as reported in the mainstream media (articles published in July 2023) and/or reported on social media (Feb. to Sep. 2023), include the following incidents. The actual dates of many of these incidents have not been reported, however, all reporting occurred during the period in review.

- 13-year-old Jewish boy – faced being told “Heil Hitler”, called “Israel”, other student said “My grandfather was a Nazi and he killed lots of Jews and I’m happy about that”, and “I am a Nazi, and my grandfather is a Nazi as well”, (reported 9 Feb. 2023).

- 9-year-old Jewish student - was called a “satanic Jew” and then accused of lying by the teacher when it was reported (reported March 2023).

- Year 9 Jewish student - was told by a group of boys to ‘come and clean my oven’ (reported March 2023).

- 16-year Jewish girl - was sent a Snapchat video made by a classmate, in which he rapped about her going into the ‘gas’ shower, and calling her a Jewish “cunt”, public school (reported March 2023).

- the word “shit” has been replaced with the word, “Jew” at a public school (reported March 2023).

- a coin would be dropped at the cafeteria, and when picked up, the crowd would shout “Jew” (reported March 2023).

- Jewish teenager was shoved and spat on the sports field and was called a ‘dirty Jew’ during an excursion, (reported March 2023).

- Jewish boy student - called a “Jew monkey”, told that he has no rights, and frequently hears ‘jokes’ such as, "Gas or kill the Jews"; a boy showed up wearing a skullcap, and surrounded by his friends, he acted out a skit in the corridor where he would hold a wallet and ask people to donate to a Jewish charity; a student brought an Israeli flag to school, which he and his friends, then threw to the ground and stepped on - public school. (reported March 2023).

- 12-year-old student - antisemitic attacks began on the third week of February this year, and occurred almost daily; called a “filthy Jew” and told “all of you were supposed to die standing in a line and raising your hands up” and saw students doing the Heil Hitler - Rowville Secondary Sports Academy, Melbourne (Feb. – July 2023).

- Year 7 Jewish boy – class was reading “Once” by Morris Gleitzman, student drew a swastika on his stomach and showed it to two students; “The Jew is here, we hate the Jews”, “We are going to take off where the Nazis should have gone. We’re going to come get the Jews. We are going to kill all the Jews” - McKinnon Secondary College, Melbourne (6 May 2023).

- Year 7 Jewish boy approached by two students from his class while reading the book 'Once'. One of the boys said: yes, you read that book, you dirty Jew. The other said: everyone who hates Jews - laughs, and they both laughed in his face - Brighton Secondary College, Melbourne (2 July 2023).

- 13-year-old Jewish boy - every day for five weeks at school, faced abuse, including ‘Heil Hitler’ and being called a “dirty Jew” (reported July 2023).

- 13-year-old Jewish boy, Year 7 – abuse began at the start of the year, was confronted with ‘Heil Hitler’ salutes; drawing swastikas on his desk; was held down, hit and kicked while another student tried to draw a swastika on his leg; a student used Google to translate “all Jews should be exterminated” and “go back to the camps” into German; most happened in the classroom; he would also get “sly tackled” on the sports field - Brunswick Secondary College, Melbourne (reported July 2023).

- 14-year-old Jewish girl - had a swastika drawn on her desk, had a note thrown at her that said “Jewish Rat” and was sent memes showing Hitler as the shark in *Jaws* - Brighton Secondary College, Melbourne (reported July 2023).

- Jewish boy - “It was constant every day, he was drawing the same thing [swastikas] on the table ... saluting me [the Heil Hitler salute] the entire time.” (reported July 2023).

- Jewish boy - “They never said my normal name. My nickname was ‘dirty Jew’ or ‘Jew’ or ‘Jewboy’.” (reported July 2023).

- several Jewish students - recounted instances of fellow students making Nazi salutes and sharing offensive memes that targeted their religious and cultural backgrounds (reported July 2023).

- Jewish students in three separate Melbourne public schools - encountered Nazi swastikas, Nazi salutes, called “Jewboy” or “dirty Jew” and sent memes involving Hitler, and even physical assaults (reported July 2023).

- A copy of Anne Frank’s novel, *The Diary of a Young Girl*, which documents the life of a young Jewish girl in hiding under Nazi persecution, was held aloft in the school library by a girl asking when the Nazis were coming (reported July 2023).

- Year 6 Jewish student told to "go back to the gas chambers" and in the playground a student gave a Nazi salute and called out "Heil Hitler" - Valkstone Primary School, Melbourne (26 Aug. 2023).

**Messages**

Incidents include: phone calls, voicemail, text messages, emails, postal mail. It may also include messages on social media accounts sent privately to the account owner, as such messages act like emails. Comments on social media sites that are directly and explicitly calling for physical violence against Jews may be included. Note: Email sender, when noted, is as described in sender's email address, and may not be genuine.

- Email from "Patrick" of "You Yiddish niggers deserve nothing more than to be in chains or ditches. You will be driven into the sea and the world will see peace. I will personally shove a zyclon b tablet down every heeb I come across. Heil Hitler" to synagogue, Brisbane (21 Oct. 2022).

- Email to Jewish school, that read: "As a survivor of child sexual abuse and as a former business partner with business men from the Jewish orthodox community of Boston. I'm familiar with your culture of dishonesty and unapologetic hypocrisy. I'm not a prejudice person but if I continue to hear stores of your community conspiring to cover up the sexual abuse of children. Your leaders won't have to worry about the courts." Melbourne (23 Oct. 2022).

- Phone call threatening to "gas the synagogue like Hitler gassed the Jews" made to synagogue, Perth (24 Oct. 2022).

- Phone call composed of anti-Jewish remarks to synagogue, Perth (26 Oct. 2022).

- Two emails containing antisemitic slurs and conspiracy claims sent to a Jewish organisation, Perth (26 Oct. 2022).

- Message from "payuplad9796" containing a direct threat of violence against Jews composed of "You jews will pay, in the name of allah i will commit arson and assault on dirty jews and on places of work and jewish congregation in the central west and south of nsw australia. Mark my words allah is the greatest you dogs" by "payuplad9796" to the Instagram account of a Jewish organisation, Sydney (3 Nov. 2022).

- Email from "Mort Smithson" with subject of "Shut it jew" and no content, sent to a prominent Jew in Melbourne (5 Nov. 2022).

- Phone call composed of anti-Jewish remarks made to synagogue, Perth (7 Nov. 2022).

- Email from "Graham Stone" to J-Wire "100,000 too many kikes" in reference to an article on Australia's Jewish population being 100,000 people, Sydney (20 Nov. 2022).

- Phone call to a Jewish school offering to make a donation, and gave the name "Erol Hitler", Sydney (24 Nov. 2022).

- Phone call to a Jewish school enquiring about enrolling their child at the school, and gave their name as "Adolf Hitler", Sydney (25 Nov. 2022).

- Phone call to a Jewish school enquiring about the process to enrolling their son in Year 12, claiming that their son was bullied at another school as he was Jewish and that "the other school is very pro Hitler – they all think Hitler was right", when questioned which school their son currently attended, the individual hung up the call, Sydney (25 Nov. 2022).

- Repeated phone calls from a male to a synagogue enquiring about "What events do you have on?", when told there were no events, the male said that his "grandfather was involved with Nazis … with Jews … to commemorate" and started getting angry because there were no events, the male sounded like he wanted to commemorate Nazis, and that his grandfather may have either helped or been against the Nazis, Melbourne (6 Dec. 2022).

- Email from "eatshit you fucking cunt" to Jewish community media outlet of "eat shit you dirty sub human pricks" Sydney (12 Dec. 2022).

- Email from "Jon" to a Jewish community organisation of "The world will be free from all zionists, by the will of Allah. And you know it." Melbourne (18 Dec. 2022).

- Email from "Melysa" to a Jewish community media outlet of "Not allowed to use a white Israelite and white Christian symbol, but allowed to fly black flags and gay flags? We know who is in charge of this… One guess and it starts with J." in reference to the NSW government ban of publicly displaying Nazi symbols, Sydney (2 Jan. 2023).

- Email from "Melysa" to a Jewish community media outlet of "What a load of Jewish twisted garbage! … We, the whites, are the Israelites and Judahites. The Jews are the Pharisees, Edomites and Cainites … They twist everything…" Sydney (2 Jan. 2023).

- Letter containing an anti-Jewish and anti-Israel image sent to a synagogue, Perth (10 Jan. 2023).

- Email from "Joeshmo" to Jewish community media outlet with the subject line of "Eatshit" and email of "Fuck israel, and fuck all inbred scumbag kikes and their racist anti white agenda. Eat shit and die faggot niggers" Sydney (11 Jan. 2023).

- Phone call by a male to a Synagogue who shouted "You fucking kike!" Sydney (20 Jan. 2023).

- Phone call to a Jewish community organisation, the caller said "It's a pity that Hitler didn't finish all Jews", Melbourne (24 Jan. 2023).

- Email from "George Zajic" to prominent a Jew with subject "Kanye West is right" and composed of "… you damn, worthless jew. You are other jews are milking this so-called holocaust for ever and ever, just making more $$$ out of it. Your 6 million jews propaganda is just balloon number you sneaky jews came up with so the poor West Germans had to pay you more and more. You fuckers have no shame. You are dirty, eating shit are cunny, sneaky so no wonder the rest of the world hates your guts … Fuck you and Israel too. Too bad that Adolf run out of time. I hope you all burn in hell !!!..." Melbourne (25 Jan. 2023).

- Email from “Neil Jamison” to a Jewish community media outlet of “... You stupid evil Jews” Sydney (27 Jan. 2023).

- Phone call by a male about liking Kanye West and Adolf Hitler, he then shouted in German, to a synagogue, Perth (2 Feb. 2023).

- Voice message to a Jewish community venue composed of "You filthy fucking Jew scum why didn't you fucking get out of the country when you're meant to cunt, starting up your filthy little [venue] cunt, you filthy fucking capitalist pigs. Go and suck the blood out of your fucking young when you cut the foreskin off it to fucking purify your fucking blood and your genetics you filthy fucking piece of shit race of humans. I hope your fucking[venue] burns and fucking blows up cunt. Just like you should have rotted in hell when you fucking deserved to fucking 2000 years ago for putting our savior on our fucking cross you piece of shit", Melbourne (8 Feb. 2023).

- Email to a Jewish community organisation composed of "You bastards can't take any criticism about your killing Palestinians & ILLEGALLY annexing their land which has been proven by THE UN. Fuck YOU", Melbourne (24 Feb. 2023).

- Voice message, from the same individual as the incident on 8 Feb. 2023, to a Jewish community venue composed of “Where’d you get that money to re-build your stupid little fucken Jew palace you fucken piece of shit Jew filth. You will realise that the fucken your time is coming and your done cunt. I’ll come up to your stupid little [venue] where your fake little boots are cunt and I'll fucking piss on them cunt. Get the fuck out of our country you stupid Jew filth." Melbourne (4 March 2023).

- Note left on a tradesman’s vehicle which was parked halfway across a driveway saying "Why are you parked across our driveway? How selfish can you be?" When the tradesman returned to his car and read the note, he walked into the open garage and left a reply on their car window: "Because the Jews took up all parking and I had a job to do." Elsternwick, Melbourne (11 March 2023).

- Email from “Jason Horne” to a prominent Jew composed of “There is no factual evidence of gassing jews and then roasting them in ovens. the jews died from starvation, extreme weather and infections from rodents and insects. you jews think you above everybody else and that is why are hated and despised so much especially for supporting the zionest jews in israel murdering Palestinians on their own land where they have been living there for thousands of years and you fake jews took over Palestine by approval from those poofta English traitors cowards in 1947. There are only 3 Holocausts Nagasaki Hiroshima Dresden SIEG HEIL HEIL HITLER" Melbourne (20 March 2023).

- Mail, with near identical content, sent to 8 synagogues in their letterboxes, from one individual, composed of “It is a pity that Hitler did not finish with you Jewish rats”, Melbourne (23 March 2023).

- A series of emails which detailed various antisemitic conspiracies were sent to a synagogue, Perth (25 March 2023).

- Phone call to synagogue in a fake German/Hitler accent of "Is this the Jewish people? I am Hitler. And I will fucking kill you! You are going to fucking die! I will get the Jews! ... I will get you! Jews don't deserve to live. They are godless. ..." Hobart (7 April 2023).

- Threatening letter was sent to a business, directed toward a Jewish employee, composed of "Youre a dead man, u fucking Jew dog. You fucked up with wrong person and now I don't have a job you promised through your scam company. I will hunt u down and make sure you suffer you scum Jew and make sure every time you start that Audi car of yours, it doesn't blow up and burns you alive just like your relatives burnt under Hitler you scum. … I will coime after you till I I see yopu 6 feet under you fucking Jew pedophile … you fucking dirty Jew just like all your Jew acomplices … watch your back just like all Jews do in the world you dirty scum Jew animal. I know where you live too you scum Jew like all your type … I am a proud Muslim and I hate Jews like yourself and will hunt you down" Bondi, Sydney (19 June 2023).

- Letter sent to a prominent Jew with text of "Greetings, I am the Holy Messenger from the Prophet Mohammad. … Being a life-long worshipper of Baal… With the Trans-Gender story time setting a ground breaking precedent… We must follow the way of the Golden Calf and Baal…" and six pornographic images of Dvir Abramovich, (then) Premier Daniel Andrews and various animals (sheep and goats), posted to a business, associated with Melbourne-based organisation, in Sydney (21 June 2023).

- Letter, same as above, sent to Peter Wertheim, co-CEO at ECAJ, Sydney (26 June 2023).

- A submission of interest was made to a Jewish organisation using fake emails and containing references to death and the Holocaust, Perth (26 June 2023).

- Email via website contact form of a Jewish organisation, with the message "It seem like Israel is no better than the SS of Nazi Germany. Shame on you shame shame", Melbourne (4 July 2023).

- Email from "Stuart Glanville" to a Jewish community organisation with the subject "Terrorist FILTH" and composed of "Adolf should have finished the job you fucking scum. FILTH. SUBHUMAN TRASH. LYING CUNTS. Get into the shower you DOG CUNTS. NOBODY on the PLANET has ANY TIME for JUDAN TRASH. And you KNOW THAT CUNT. NO ONE LIKES YOU." Sydney (7 July 2023).

- Letter titled "The Quarterly Report" by "Aryan Operations" was sent to numerous Jewish and non-Jewish businesses and private residences and contained a second page with a photoshopped image of Monique Ryan MP and Zoe Daniel MP sitting under a portrait of Hitler with Ryan making a Nazi Heil Hitler salute. The letter read as follows: "THE QUARTERLY REPORT It is with great pleasure that I present our most recent Quarterly Report. … On the political front, we send our heart felt congratulations to Dr. Monique Ryan, and thank her for the outstanding contribution in defeating the Jewish Treasurer, Frydenberg in Kooyong. Also to Zoe Daniel for removing that sub human in Goldstein. … We are very pleased to reduce the level of Jewish influence in the Australian Federal Parliament, and look forward to targeting the Federal Electorate of Isaacs at the next Election. On the economic front… Due to the Jewish economic

policies, people are hurting everywhere, and masses of new supporters are embracing our message with vigour. … In Australia, we are proud to announce the formation our new Brevik Battalion, to enable us to take the fight to the Jewish Economic Saboteurs, whose negative influence will be deminished (*sic*) and eliminated in good time. In the tradition of Ernst Roehm, all weak links will be removed and the vermin shall be expelled. … new symbols that will represent our movement going in our thousand year future. Best regards Director - Aryan Operations Australia, New Zealand & Oceania Region" Melbourne (26 July 2023).

- Email from "Ellax" to a prominent Jew composed of "… I just want you to know that you cannot stop us. It doesn't matter what laws you manipulate the Government into implementing or which politicians you guilt trip or bribe. We will continue unabated to fight for our Race and our Nation. … The arrogance and delusion of you Jews means you cannot see this. You think the World revolves around you. Just as you believe your own lies. I think this must be something about your culture or own psychosis that has passed on over generations through your Satanic text the Talmud. The truth of the matter is, Australia was built by White people from 1788 onward. We did this with our own blood, sweat and tears. Whereas Jews wish to destroy White Australia. Jews are parasitic in nature and you feed off the hard work of honest and hard working White Australians. … Constantly bringing up the alleged "Holocaust" to guilt trip Australians is another ridiculous and lame strategy. Especially as WW2 ended in 1945 and that was 78 years ago. It isn't even relevant in Australia. Israel's own real war crimes against Palestinian civilians far outweigh all the imaginary exaggerations of so-called "Holocaust survivors". In the end, you will fail and only continue to make the number of people aware of the true disgusting behaviour of Jews. … Move back to Israel where you and your rodent kind belong." Melbourne (27 July 2023).

- Email from "Pam Water" to Julian Leeser MP, federal member for Berowra in Sydney, who is Jewish, subject line of "My concerns for Australians", composed of an image with the text of "Who is REALLY behind the voice to parliament" and the photos and brief bios of eight named people, with the PM Anthony Albanese PM and five Aboriginal people having a red hammer and sickle, while two Jews, Mark Leibler and Daniel Aghion, have a blue Star of David, Sydney (1 Aug. 2023).

- A Jewish man was selling a car polishing tool on Facebook, a male asked via Facebook messenger whether the item was still available, after receiving a response of "Sorry, it's not available", the male responded with "Remove ur add then" and "Fkn jewsish dog", Melbourne (7 Aug. 2023).

- Email from "Dan Edwards" to a Jewish community organisation composed of "… if you don't like anti semitism, stop making yourself the centre of things … If your going to throw the crime of anti Semitism on every fucking thing you find offensive, don't be surprised when the time comes when you the shit really hits the fan… Grow the FUCK UP … that will help those that want to point the finger at you and say "see? What do we say? It's one rule for them, and another rule for the rest of us … THIS TIME THEY ARE RIGHT" Sydney (7 Aug. 2023).

- Email from a female to a synagogue, composed of "Hey Jews, How is your rabbi …Sick? G-D's anger fell on his head. For years I have told you that YOUR rabbis … are satanists who CONSCIOUSLY chose to serve satan. These RABBIS of yours raised

their hands against G-d, rebelled against Almighty and His Son The Lord Y'shua. As G-d cant stand it any more for their deeds are horrible (peadophilia … zoophilia, Murders just to name a few), they both will be sent to hell, G-d is going to murder them right in front of your very eyes…" Sydney (16 Aug. 2023).

- Phone call to a Jewish leader composed of "I did saw on the news that some Palestinians, or their kids, they were chucking rocks at your fence, so you shot them, you killed them … the scum you are. I was just wondering, do you want to send around a couple of Jewish fucking scum to chuck rocks at my fence? Cause I'd love to fucking shoot 'em, like just in case they were chucking rocks … You fucking scumbag motherfuckers are lower than fucking shit. My name is Paul R[…], and send the police around. We're gonna take it to trial and everything I say… Like you shoot kids for chucking rocks at your fence. What the fuck is the matter with you people? You shoot kids for throwing rocks at your fence! You scumbag motherfuckers! Let's air everything out, let's bring everything out … Like, what sort of people shoot kids for throwing rocks at your fence? It's not petrol bombs, it's not fucking mortars, it's not fucking grenade launchers. You shoot kids for throwing rocks at your fence. What the fuck is the matter with you! You scumbag … It's only in the last few years, during my early childhood I thought 'fucken those poor Jewish, fucking Hitler and the Nazi party, oh shit and what they did to the Jewish people is abominable.' But now, I'm starting to understand, you guys are scum, you guys are fucken bottom feeder scum. You shoot kids for throwing rocks at your fence! Fuck you! Fuck you! Fuck you! Fuck you! [street address] Waverley. My name's Paul R[…]. Come around, throw some rocks at my fence – I'd love to take care of that, just like you do, cause that's what you do. Scumbags!", Hobart (24 Aug. 2023).

- Phone call to a Jewish leader mostly incoherent, composed of "… Lebanon … religion … Muslims fighting with the Christians …", Hobart (24 Aug. 2023).

- Phone call by man to a Jewish leader composed of "How is it to be shooting Palestinians on the fence? ... How is to be a fucking murderer?! You fucking child murderer fucking!", Launceston, Tasmania (24 Aug. 2023).

- Email from a female to a Synagogue composed of "Hey, you Jews, For years I have been telling you that your rabbis are satanists. … Your rabbis are satan worshippers. If you don't accept The Son of God your don't know what God is like and you are the enemies of G-d. …" Sydney (28 Aug. 2023).

## Graffiti

- Graffiti of "White Power" (with the letter O forming a Celtic cross), a Nazi swastika and "Heil Hitler" on a park bench, Melbourne (1 Oct. 2022).

- Graffiti of the word "JEW" on the forehead of the Queen, and four Nazi swastikas on a $5 note, at a petrol station, regional Victoria (2 Oct. 2022).

- Graffiti of Nazi swastika on forehead of state election poster of Chris Crewther, Liberal candidate for Mornington, Melbourne (9 Oct. 2022).

- Graffiti of Nazi swastika on concrete post at entrance to a child-care centre, where many Jewish children attend, Rose Bay, Sydney (13 Oct. 2022).

- Graffiti of Nazi swastika on state election campaign poster of David Southwick, Liberal MP for Caulfield, and who is Jewish, Melbourne (16 Oct. 2022).

- Graffiti of Nazi swastika and the text "1939" and "10:30pm" on a bus stop, Hawthorn, Melbourne (21 Oct. 2022).

- Graffiti of four Nazi swastikas on an electrical pole outside a residential address, Melbourne (25 Oct. 2022).

- Graffiti of "FUCK JEWS" and a Star of David in a circle, in the cubicle of the male toilets at Westfield Eastgardens, Sydney (20 Nov. 2022).

- Graffiti of Nazi swastika on a pole outside a synagogue, Melbourne (22 Nov. 2022).

- Graffiti of Nazi swastikas and a Hitler moustache, and 'Liberal' crossed out and 'NAZI' written in on state election campaign posters of Louise Staley Liberal MP for Ripon (until 26 Nov. 2022) and Brad Rowswell MP for Sandringham, Melbourne (23 Nov. 2022).

- Graffiti of a Nazi swastika on a council banner at St Ives, Sydney (24 Nov. 2022).

- Graffiti of a Nazi swastika inside a heart with the words "NAZI R BAD" on a slide in the Progress Play Park, Oakleigh South, Melbourne (27 Nov. 2022).

- Graffiti of Nazi swastika in black paint in a laneway, Oakleigh east, Melbourne (2 Dec. 2022).

- Graffiti of Nazi swastika on the arm of a bench at the Waite Arboretum (managed by the University of Adelaide), Adelaide (5 Dec. 2022).

- Graffiti of Nazi swastikas drawn on a rolling pin and placed in a box of other rolling pins in a Woolworths store, Redfern, Sydney (12 Dec. 2022).

- Graffiti of multiple Nazi swastikas, and words of "I'm filthy", "criminals" and other words on the back of a trailer, Elsternwick, Melbourne (13 Dec. 2022).

- Graffiti of "Fuck Jews" inside a drawing of a penis, painted on a car garage door, Cheltenham, Melbourne (18 Dec. 2022).

- Graffiti of a Nazi swastika and the words "Kanye is right" on a pole in Central Gardens Park, Hawthorn, Melbourne (20 Dec. 2022).

- Graffiti of Nazi swastika, in red paint, on a front concrete wall of a property, Brighton, Melbourne (21 Dec. 2022).

- Graffiti of Nazi swastika, Central Gardens in Hawthorn, Melbourne (22 Dec. 2022).

- Graffiti of a Nazi swastika, in red paint, at Santa Rosa Park, North Ryde, Sydney (23 Dec. 2022).

- Graffiti of “The Goyim know. Oy vey!!!” on the brick fence of a synagogue, regional NSW (23 Dec. 2022).

- Graffiti of “Free Palestine” on a parking metre pole opposite the backpackers’ hostel on Campbell Parade, Bondi, Sydney (30 Dec. 2022).

- Graffiti of a Nazi swastika on the basketball courts of Toorak Primary School, Melbourne (4 Jan. 2023).

- Graffiti of “FUCK JEWS” on a metal frame, Melbourne (6 Jan. 2023).

- Graffiti of Nazi swastikas on a bus stop and a footpath, Waverley, Sydney (15 Jan. 2023).

- Graffiti of "gas Jews", "kill Jews" and "1488 kill Jews" at shopping village, Kirrawee, Sydney (16 Jan. 2023).

- Graffiti of “FUCK JEWS” on a timber frame in a playground, Melbourne (17 Jan. 2023).

- Graffiti at school of Nazi swastika and the words "Fat, Bitch, Ugly" alongside the name of a Jewish student being targeted, Melbourne (20 Jan. 2023).

- Graffiti of a Nazi swastika on a bus stop on the southwest corner of the Glen Eira Road and Orrong Road bus stop, Elsternwick, Melbourne (21 Jan. 2023).

- Graffiti of a Nazi swastika on the curb at the carpark at Clovelly Beach, Sydney (30 Jan. 2023).

- Graffiti of "Hitler", "KKK" and "Kill the Jews Fag" on the slippery dip at a children’s playground, Clovelly, Sydney (10 Feb. 2023).

- Graffiti of a “triskele” (often used by white nationalists and antisemites) on a state election campaign poster of Kellie Sloane, Woollahra, Sydney (18 Feb 2023).

- Graffiti of a Nazi swastika drawn in dust on bonnet of a car at the Dandos Camping Ground, near Gellibrand, regional Victoria (18 Feb. 2023).

- Graffiti of a Nazi swastika in thick black marker near MacRobertson Bridge in Toorak, Melbourne (27 Feb. 2023).

- Graffiti on the poster of an MP, with a Nazi swastika drawn on the MP's forehead, a moustache and beard, a penis and the words “devil whore”, all written in black marker, on electoral office window, Doncaster, Melbourne (28 Feb. 2023).

- Graffiti of a Nazi swastika and the words “FUK HIM”, all in pink paint, at parking area of Graceville Memorial Park, Graceville, Brisbane (1 March 2023).

- Graffiti of Nazi swastika on a public building, Kalgoorlie, WA (5 March 2023).

- Graffiti of Nazi swastika at a public high school, Perth (13 March 2023).

- Graffiti of Nazi swastika at a construction site, in the vicinity of a synagogue, Perth (14 March 2023).

- Graffiti of a Nazi swastika on an electrical box, Paddington, Sydney (17 March 2023).

- Graffiti of a Nazi swastika drawn in a black marker on the edge of a table at a public school, Caulfield, Melbourne (17 March 2023).

- Graffiti "fuck the jews" written in a pink marker, at footbridge to Centrepoint, Richmond, Melbourne (18 March 2023).

- Graffiti of Nazi swastikas and a Hitler moustache on multiple Liberal Party posters of local candidates for the state election, Bill Burst and Michael Daley, Maroubra and Kingsford, Sydney (20 March 2023).

- Graffiti of Nazi swastika in pink, painted on large timber panel of fence of a residence, near Albert Park, Melbourne (23 March 2023).

- Graffiti of a Nazi swastika drawn on a desk at a public school, for the second time at the school in two weeks, Caulfield, Melbourne (28 March 2023).

- Graffiti of “I HATE JEW DOGS” at stairwell of car park, CBD Melbourne (31 March 2023).

- Graffiti of Nazi swastika in bright blue paint on a footpath in the Brimbank Council area, Melbourne (14 April 2023).

- Graffiti of “JEW” written twice on a ‘Shared Zone’ traffic sign, Hawthorn Rd, Caulfield, Melbourne (16 April 2023).

- Graffiti of a Jewish Star of David, a far-right symbol, the Celtic Cross, and the words “Lebs suck shit" on a wall, Bondi, Sydney (17 April 2023).

- Graffiti of “FUCK THE JEWS” on a footbridge behind Rod Laver Arena, near the MCG, Melbourne (18 April 2023).

- Graffiti of “8PY cr Jews” and four Nazi swastikas, and a Nazi sunwheel symbol, on a brick wall, Canberra (20 April 2023).

- Graffiti of dozens of Nazi swastikas spray painted at Indooroopilly state high school, Brisbane (27 April 2023).

- Graffiti of Nazi swastikas on electorate office of Felix Ellis, Police Minister, Liberal, at Ulverstone, near Devonport, Tasmania (28 April 2023).

- Graffiti of a Nazi swastika and “6MNE” ("6 Million Not Enough" - in reference to the Holocaust), on a red brick wall, Bayside, Melbourne (4 May 2023).

- Graffiti of large Nazi swastika on a doctor's surgery at the corner of Marion Road and Anzac Highway, Adelaide (7 May 2023).

- Graffiti of “Gas the Jews” and a Nazi swastika in one spot and “Fuck Yeah Nazis” and Nazi swastikas in another spot, at a bar restaurant, Kalgoorlie, WA (11 May 2023).

- Graffiti of blue Star of David with a red Nazi swastika type symbol in the middle of the star, and red “BDS” (acronym for anti-Israel ‘Boycott, Divestment and Sanctions’ movement, whose aim is the destruction of Israel as a Jewish state, to be replaced with an Arab state) on concrete pillar at traffic intersection, Moore Park / Surry Hills, Sydney (13 May 2023).

- Graffiti of “Jews” on the back fence of a Jewish residence, St Kilda, Melbourne (14 May 2023).

- Graffiti of a large Nazi swastika painted in black on a building near Thompson Road, North Geelong, regional Victoria (15 May 2023).

- Graffiti of “BDS” (anti-Israel ‘Boycott, Divestment and Sanctions’), written four times on a concrete wall, Paddington, Sydney (15 May 2023).

- Graffiti of 'BDS' (anti-Israel Boycott, Divestment Sanctions) in multiple locations in Potts Point and Rushcutters Bay Park, Sydney (19 May 2023).

- Graffiti of “Yeshua Ha Mashiach” (Hebrew for “Jesus is the Messiah”) by a woman, drawn in chalk on the footpath outside three synagogues, Sydney (Sat. 20 May 2023).

- Graffiti of a Nazi swastika, an illuminati sign, and two stars on a tree at an oval in Baulkham Hills, Sydney (22 May 2023).

- Graffiti of Nazi swastikas drawn on two trees outside the Wesley College Boathouse by the Yarra River, Toorak, Melbourne (26 May 2023).

- Graffiti of Nazi swastika, the words "Fuck Dan" and numerous penises on pipes being stored as part of ongoing construction in Elmhurst Road, Caulfield, Melbourne (27 May 2023).

- Graffiti of a Nazi swastika and other graffiti drawn with a black marker, Ripponlea, Melbourne (30 May 2023).

- Graffiti of "Jew loverz burn in the hellfire" on the rear window of an apartment block, Station Street, Malvern, Melbourne (31 May 2023).

- Graffiti of “END APARTHEID. FREE PALESTINE. BDS” on a concrete mural on Moore Park Rd, Woollahra/Paddington, Sydney (7 June 2023). This was graffitied was there again on 9 June 2023.

- Graffiti of “BDS” in two places, Surry Hills, Sydney (17 June 2023).

- Graffiti of a Nazi swastika drawn on a pole on a Belgrave line train, Melbourne (22 June 2023).

- Graffiti of a Nazi swastika drawn in blue pen on a poster advertising the Melbourne Cabaret Festival outside 107 Bay Street, Port Melbourne (29 June 2023).

- Graffiti of Nazi swastika and a broken circle or smiley face on yellow brick wall, Ballina, regional NSW (30 June 2023).

- Graffiti of “BDS Nakba 1948”, William St, Darlinghurst, Sydney (11 July 2023).

- Nazi swastika drawn on a golf ball in black marker on one side, and a Winchester shotgun bullet shell casing drilled into the other side of the golf ball, found in the yard of a rural property, Drouin, regional Victoria (14 July 2023).

- Graffiti of “BDS”, re-written where previously removed, Surry Hills, Sydney (18 July 2023).

- Graffiti of a Nazi swastika spray painted onto a road between the towns of Dunolly and Maryborough, regional Victoria (12 Aug. 2023).

- Graffiti of “1948”, “Nakba” and “BDS” at major intersection with New South Head Road, and on a wall, Darlinghurst, Sydney (27 Aug. 2023).

- Graffiti of the word "ESHAY" and a double triangle symbol, on concrete pillar at a synagogue, Sydney (27 Aug. 2023).

- Graffiti of several Nazi swastikas spray painted on wooden doors that were lying on the ground due to demolition works at the residential address, Caulfield, Melbourne (28 Aug. 2023).

- Graffiti of large Nazi swastika spray painted in black onto a tree on the Southbank Promenade, Southbank, Melbourne (29 Aug. 2023).

Multiple graffiti of Nazi swastikas, “White Power” and “KILL JEWS” over many months between January and August 2023 in Longford, Mowbray Forest, Youngtown, in the Launceston area of Tasmania. The specific dates of some of the graffiti is unknown.

- Graffiti of Nazi swastika on back of a directional sign, boat ramp, Longford, Tasmania (20 Jan. 2023).

- Graffiti of a Nazi swastika, “WHITE POWER”, on back of signboard, Longford, Tasmania (20 Jan. 2023).

- Graffiti of two Nazi swastikas, “WHITE POWER” and a Celtic wheel cross, on wall of a shelter, Longford, Tasmania (20 Jan. 2023).

- Graffiti of a Nazi swastika, “White Power” and a Celtic wheel cross on a metal pole, Longford, Tasmania (April 2023).

- Graffiti of “KILL JEWS” and a Nazi swastika, on a Longford’s Reserves sign, Legends Walk, Longford, Tasmania (c. April 2023).

- Graffiti of antisemitic and white supremacist slogans at public toilets at Longford Memorial Hall in Longford Park, Longford, Tasmania (31 May 2023).

- Graffiti of Nazi swastika on a painted brick under the old railway bridge, Longford, Tasmania (c. June 2023).

- Graffiti of Nazi swastika in red on a boulder along the dog walking path down to the mill dam, Longford, Tasmania (c. June 2023).

- Graffiti of Nazi swastika on sign for “Off Leash Area” for dogs, near the river, Longford, Tasmania (c. June 2023).

- Graffiti of four Nazi swastikas on murals, Youngtown, Tasmania (22 June 2023).

- Graffiti of Nazi swastika on green colourbond fence, Mowbray Forest, Tasmania (9 Aug. 2023).

- Graffiti of read "FUCK THE JEW WORLD ORDER ITS ALL EVIL AGENDA" at Woolworths underground carpark, Kew, Melbourne (5 Sep. 2023).

- Graffiti of a blue Star of David and "911" in red inside, and the text “911missinglinks.com” (a known conspiracy theory website that claims that Jews were behind 9/11), spray painted in bright blue, Point Ormond, Elwood, Melbourne (11 Sep. 2023).

- Graffiti of a Nazi swastika on the road, Woollahra, Sydney (16 Sep. 2023).

- Graffiti of “FUCK THE JEW W… WITH POISON VACCINES” carpark off Walpole Street, Kew, Melbourne (19 Sep. 2023).

- Graffiti on a sign “ENTRY” to now read “No ENTRY to JEWS”, Melbourne (22 Sep. 2023).

- Graffiti on a sign “NO ENTRY” to now read “No JEWS & NIGGA ENTRY”, Melbourne (22 Sep. 2023).

- Graffiti on a sign “NO SMOKING WITHIN 4 METRES” to now read “NO JEWS WITHIN 1488 METRES”, Melbourne (22 Sep. 2023).

- Graffiti on a sign "NO PEDESTRIAN ACCESS" to now read "NO JEW ACCESS", Melbourne (22 Sep. 2023).

- Graffiti on a sign saying "CAUTION BEWARE OF … ENTERING SITE" to now read "DVIR IS A KIKE 1488 BEWARE OF JEWS NIGGERS" Melbourne (22 Sep. 2023).

- Graffiti composed of Star of David and Nazi swastika and word "GAY" on a brick wall; words "NACH DEM REGEN KOMMT DIE SONNE" (German for "After the rain comes the sun") and Chinese symbol for sky/day on a garage door; four symbols of Star of David, Patriarchal (Lorraine) cross, Islamic "Allah" (in Arabic calligraphy), "2UP", and Nazi swastika on another garage door; and a Nazi swastika on pavement (at property next door) - on one residential property, Kensington, Sydney (23 Sep. 2023).

- Graffiti of "FUCK JEWS and NIGGERS" and a sticker of "Australian for the White Man" on a Redleap Recreation Reserve sign, Mill Park, Melbourne (28 Sep. 2023).

- Graffiti of a Nazi swastika in black spray paint on a fence in front of a construction site, Caulfield, Melbourne (29 Sep. 2023).

Multiple and regular graffiti on the bridge pylons and retaining walls, visible to motorists, at the Millers Road freeway underpass in Altona, Melbourne (during September 2023, reported on 22 Sep. 2023). At first, the graffiti was drawn in chalk for several weeks, but as it was easily removed, the graffiti was then done with spray paint, which is much harder to remove.

Graffiti in chalk of:
- "VAX THE JEWS"
- "JEWS DID COVID"
- "JEWS DID WW1 + WW11"
- "BABY PENIS VAMPIRES OWN BANKS"
- "COVID JUSTICE" with a noose in between the words,
- "NUREMBUBG 2.0"
- "NEUREMBURG 2.0" and a noose

Graffiti in spray paint of:
- "JEWS DID IT"
- "COVID IS JEW"
- "SATANIC Jews"
- "GTVFLYERS.COM"

**Posters etc**

Incidents include: banners, chants at protests, clothing, flags, flyers, gestures, leaflets, placards, posters, stickers, and tattoos. NB as flyers, leaflets, posters and stickers are mass produced, they are rarely a once-off incident, and are often placed/put up many at a time, even in their hundreds, at the same location/suburb and date, and overall may be placed/put up in their thousands at different dates and locations over a year. Of note, due to printing technologies, many posters today are actually stickers.

Three versions of double-sided leaflets, titled "Calling all White Australians", produced by the European Australian Movement (EAM), which is intimately associated with the National Socialist Network (NSN), both neo-Nazi groups, were letterboxed throughout dozens of suburbs in cities across Australia over a 12-month period. A fourth leaflet, by NSN, was also letterboxed. It is likely that tens of thousands of such leaflets were letterboxed during the period in review. Text in the leaflets include:

*"... the media and government hate white people ... Our victory comes from the collective effort ... We must secure the existence of our people and a future for white children ... Be prepared to train ... Blood and Honour..."* - EAM

*"There is no political solution to this Jewish tyranny! The masters of mankind want you poisoned, sterilised, isolated, and living in a box eating bug! We have a different vision for the future... First Germany, this time the world. Blood and Honour! Resist the Great Reset"* - EAM

*"White Revolution starts with YOU. ...We know there is no political solution to this Satanic Zionist-occupied political system. White Revolution is the Only Solution!"* - NSN

- Stickers of "Reject the Jew" and a Nazi-style Sun Cross swastika by "Die Camden Soldaten" (The Camden Soldiers), on poles and signs, Camden, NSW (1 Oct. 2022).

- Nazi salutes at a soccer game by some Sydney United 58 (formerly Sydney Croatia) fans, who also sang/chanted Za Dom Spremni (For Homeland - Ready) - a chant used by the pro-Nazi Ustasha movement in Croatia in the 1930s and 1940s, during the Australia Cup final, held in Sydney (1 Oct. 2022).

- Letters by neo-Nazi group NSN/EAM were distributed to Jewish residences throughout a Jewish area, Bondi, Sydney (2 Oct. 2022).

- Leaflets "Calling all White Australians" with a QR code by NSN/EAM letterboxed in Bondi, Sydney (10 Oct. 2022).

- Holocaust denial leaflets were dropped around the area of Wembley Downs, Perth (22 Oct. 2022).

- Leaflets "Calling all White Australians" by EAM letterboxed in Boronia, Ferntree Gully, and other suburbs, Melbourne (24 Oct. 2022).

- Male wearing a t-shirt with a large image of Adolf Hitler on the back, walking in public, Surry Hills, Sydney (25 Oct. 2022).

- Stickers, multiple types, of "NIGGERS, JEWS BAD NEWS", "WOTANJGEND" and of Nazi swastika (in red, black and white), in Caulfield Park, Melbourne (4 Nov. 2022).

- Stickers of "KANYE (Ye) WEST IS RIGHT ABOUT JEWS" with a photo of West and a background of multiple Stars of David, by Warrior Path Active Club, at a building in the CBD, and outside a synagogue, Brisbane (6-7 Nov. 2022).

- Leaflets by National Socialist Movement distributed in eastern Sydney (9 Nov. 2022).

- Sticker of "The Holocaust is a Jew Lie" and a black Nazi-style Sun Cross swastika on red background and sticker of "Stop the White Replacement" by "Camden Soldaten", on poles and signs, Camden, NSW (10 Nov. 2022).

- Leaflets "Calling all White Australians" by EAM letterboxed, Southport, Qld (14 Nov. 2022).

- Sticker by National Socialist Network, in the car park of an Aldi Supermarket, Mount Kuring-gai, Sydney (24 Nov. 2022).

- Sticker of text of 'Your Money', a Star of David, with numerous company logos on the Star of David, two Israeli flags, images of weaponry, Bondi Beach, Sydney (24 Nov. 2022).

- Stickers of "KANYE [West] IS RIGHT ABOUT THE JEWS" with a crossed-out Star of David, by a neo-Nazi group National Socialist Movement (NSM), Gold Coast, Qld (25 Nov. 2022).

- Banner by National Socialist Movement (NSM) of a Nazi swastika, hammer/sickle, Star of David and the words "You want to ban this: [swastika] but not this [hammer/sickle] Oh, because it offends (((them))) [Star of David]. NSM – AUS – Hitler was right" hung over the M1 Helensvale overpass, NSM members also made the Nazi 'Sieg Heil' salute, Gold Coast, Qld (27 Nov. 2022).

- Leaflets "Every Single Aspect of Abortion is Jewish" letterboxed in Southport, Qld (Nov. 2022).

- Leaflets "Calling on White Australians" placed in letterboxes around the state, WA (6 Dec. 2022).

- Sticker reading "IF WHITE SCAN" affixed to a telegraph pole and the QR code linked to a video which contained far-right extremist and antisemitic content, placed near synagogue, Woollahra, Sydney (10 Dec. 2022).

- Sticker of "The Jew Controls The Media – Don't Believe Their Lies" and an image of the "Shlomo" meme by "Camden Soldaten", on poles and signs, Camden, NSW (12 Dec. 2022).

- Sticker of "THE JEW HAS BEEN EXPELLED FROM 109 COUNTRIES – MAKE IT 110" and an image of yellow Star of David with "Jude" (German for 'Jew') inside, by "Camden Soldaten", on a Sutherland Shire Council sign, Sydney (15 Dec. 2022).

- Sticker of "THE JEW PROFITS FROM THE VACCINE" and an image of the "Shlomo" meme by "Camden Soldaten", on poles and signs, Camden, NSW (15 Dec. 2022).

- NSN/EAM stickers placed near a large public chanukiah (Jewish festival item), Martin Place, CBD, Sydney (22 Dec. 2022).

- Multiple stickers by National Socialist Network and European Australian Movement, Surry Hills, Sydney (29 Dec. 2022).

- Two stickers by National Socialist Network and European Australian Movement, at Jilliby, near Wyong, NSW (29 Dec. 2022).

- Neo-Nazi flyers, of several types, placed in letterboxes in several suburbs including Auchenflower, Brisbane (10 Jan. 2023).

- Neo-Nazi leaflets by EAM of "Auchenflower you have been visited by the European Australian Movement" and on the other side included text of "There is no political solution to this Jewish tyranny!" placed in letterboxes in Auchenflower, Brisbane (10 Jan. 2023).

- Neo-Nazi leaflets by NSN of "Paddington you have been visited by the National Socialist Network" with a Nazi swastika and Nazi SS symbol, placed in letterboxes in Paddington, Brisbane (10 Jan. 2023).

- Nazi salute performed publicly by group of 25 neo-Nazis, NSN/EAM members, at the Point Ormond Lookout at Elwood Beach, Elwood, Melbourne (15 Jan. 2023).

- Two Nazi swastikas, one swastika was painted in black on a round red board and displayed on a balcony, the other swastika drawn into a window adjacent to the balcony, both observable from the street, of a private residence, Redfern, Sydney (19 Jan. 2023).

- Sticker of "Fight Zionism" by Australian National Front, Sydney (30 Jan. 2023).

- Nazi SS lightning bolts cut out of a metal casing over a power box, Hindley Street, CBD, Adelaide (20 Feb. 2023).

- Leaflets "Calling on White Australians" by EAM letterboxed in Glenelg, Adelaide (20-23 Feb. 2023).

- Three stickers by Nationalist Socialist Network and European Australian Movement, including a 'Fight for Europe' sticker, Bondi Junction, Sydney (21 Feb. 2023).

- Sticker of Combat-18 at the corner of Franklin Street and Queen Street at the exit to the Queen Victoria Market car park, the sticker referenced recruiting to protect "White Pride Worldwide", CBD, Melbourne (7 March 2023).

- Stickers by Nationalist Socialist Network, on utility poles, Edgecliff, Sydney (17 March 2023).

- Numerous far-right stickers were placed on council buildings in the Sunbury area, Melbourne (31 March 2023).

- Vehicle registration plate of "FUHR3R" ("Fuhrer" - the title of Adolf Hitler), on a white BMW car, Sydney (3 April 2023).

- Sticker of "FCK JWS" on a road sign, Melbourne (8 April 2023).

- Digital sign of "JEWS DID 9 11" on a traffic control vehicle driving on the road, Cairns, Qld (16 April 2023).

- Sticker composed of "FUCK THE JEWS. GET EDUCATE" and a website address of GoyimTV, and a Telegram channel address, with four Nazi swastikas, on a Jewish community building, Canberra (20 April 2023 - Hitler's birthday).

- Sticker composed of "Jewish Scums murdered 73 million Europeans and are striving to rid the world of Europeans. Too View the true history of the world, go to the websites below! 6 Jewish cooperations (sic) own 96% of the media…" and a website address of GoyimTV, and a Telegram channel address, with a photo of Hitler and three Nazi swastikas, on a Jewish community building, Canberra (21 April 2023).

- Sticker by Combat-18 advertising "White Pride Worldwide", CBD, Melbourne (26 April 2023).

- Posters of "SO YOU WANT TO BAN THIS [Nazi swastika] BUT NOT THIS [communist hammer and sickle] BECAUSE IT OFFENDS THIS [Jewish Star of David]" by National Socialist Movement, Gold Coast, Qld (30 April 2023).

- Leaflet with text of "White Revolution Starts with You" and two fascist crosses (converging arrows), and 3 masked figures, in letterboxes in Coorparoo, Brisbane (29 May 2023).

- Leaflets by NSN/EAM letterboxed in multiple suburbs of Coorparoo, Dutton Park, Highgate Hill, and West End, in Brisbane (4 June 2023).

- Two males, Nathan Bull and Michael Nelson, both NSN members, wore red t-shirts with the text "6 million? That's a bit much mate" (in reference to the Holocaust, denying or minimising the genocide) and performed the Nazi salute, outside State Library, CBD, Melbourne (4 June 2023).

- Sticker by National Socialist Network (NSN) "Converging Arrows" text on the sticker says "National Socialist Network - Australia for the white man", Caulfield Park, Melbourne (16 June 2023).

- Leaflet by EAM "Calling all White Australians" letterboxed in Woolloongabba, Brisbane (18 June 2023).

- Leaflet titled "Censorship in Australia" with names and photos of 12 prominent Australian Jews, each with a Jewish Star of David next to their photos, letterboxed in Woolloongabba, Brisbane (18 June 2023).

- Sticker by Combat-18 stuck on a traffic pole east of the rail bridge, the sticker advertised White Pride Worldwide, Bayswater, Melbourne (25 July 2023).

- Leaflets of "Every single aspect media is Jewish" linked to far-right group, GoyimTV, included antisemitic rhetoric, specifically conspiracy theories pertaining to Jewish people controlling the media and links to far-right website, GoyimTV, placed in letterboxes of residents in Hornsby, Sydney (25 July 2023).

- Male with multiple Nazi tattoos, including a Nazi swastika, Nazi SS bolts, Nazi 'Totenkopf' ('Death's Head') and phrase, "Hitler's Eur …", at pool, Bondi Beach, Sydney (25 July 2023).

- Sticker of "Boycott Israeli Apartheid. Free Palestine" by Coalition for Palestine, at Eastgate shopping centre, Bondi Junction, Sydney (29 July 2023).

- Leaflets by EAM in letterboxes in Coorparoo, Fortitude Valley, Highgate Hill, New Farm, Nundah, Windsor and West End, all in Brisbane (16-17 Sep. 2023).

- Leaflets by EAM in, and naming, suburbs Bowen Hills, Chermside, Fortitude Valley, Kangaroo Point, Lutwyche, New Farm, Nundah, Spring Hill, and Windsor, all in Brisbane (19 Sep. 2023).

- Vehicle registration plate of "88.SIEG" (88 is neo-Nazi code for 'Heil Hitler' (88=HH) and 'sieg' is German for 'victory', notoriously used by Nazis in the 'Sieg Heil' salute) on a Ford Ranger, issued in January 2023, cancelled after complaints in September, Sydney (21 Sep. 2023).

- Leaflets titled "Every aspect of the aboriginal Voice to parliament is JEWISH" and photos and names of 14 people, 13 of them with a blue Star of David on their headshot, and one Jewish organisation, handed out at anti-Voice rallies in Brisbane and Melbourne (23 Sep. 2023).

- Leaflets of "Every aspect of the aboriginal Voice to parliament is JEWISH" handed out in Newtown, Sydney (25 Sep. 2023).

**Images of some Incidents**

Leaflet "Every single Aspect of THE MEDIA is JEWISH" and "We have a right to exist" letterboxed in Hornsby, Sydney, 25 July 2023

Graffiti of “Fuck” Jews

Graffiti of “Fuck Jews” graffiti, with Star of David, Eastgardens, Sydney, 20 Nov. 2022

Graffiti “Fuck the Jew…”
Kew, Melbourne, 5 Sep. 2023

Graffiti of “Fuck the Jews”, Rod Laver Arena, Melbourne, 18 March 2023

Graffiti of “Fuck Jews”, Cheltenham, Melbourne, 23 Dec. 2022

Graffiti “Fuck Jews”, Melbourne, 6 Jan. 2023

Graffiti “Fuck Jews”, Melbourne, 17 Jan. 2023

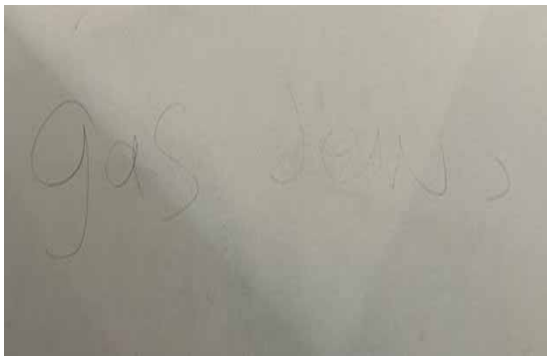
Graffiti of “Kill” or “Gas” Jews

Graffiti of "Kill Jews",
Longford, Tasmania, c. April 2023

Graffiti "Kill the Jews Fag",
Clovelly, Sydney, 10 Feb. 2023

Graffiti of "Kill Jews",
Kirrawee, Sydney, 16 Jan. 2023

Graffiti of "1488 kill Jews",
Kirrawee, Sydney, 16 Jan. 2023



Graffiti of "gas Jews",
Kirrawee, Sydney, 16 Jan. 2023

Graffiti of “Gas the Jews” and Nazi swastika,
Kalgoorlie, WA, 11 May 2023

Graffiti and a sign

Graffiti at Synagogue,
regional NSW, 23 Dec. 2022

Graffiti “6MNE” [6 Million Not Enough]
Bayside, Melbourne, 4 May 2023

“Jews did 9 11”, Cairns, Qld, 16 April 2023

“Jew Hunter”, Sydney, 4 March 2023

Graffiti, antisemitic website,
Point Ormond, Melbourne, 11 Sep. 2023

Graffiti “911”,
Point Ormond, Melbourne, 11 Sep. 2023

Graffiti on Signs

Melbourne, 22 Sep. 2023

Melbourne, 23 Sep. 2023

Melbourne, 23 Sep. 2023

Melbourne, 22 Sep. 2023

Melbourne, 28 Sep. 2023

Melbourne, 22 Sep. 2023

Graffiti at Altona, Melbourne

"JEWS DID IT", Altona, Melbourne, Sep. 2023

"COVID IS JEW", Altona, Melbourne, Sep. 2023

"SATANIC Jews", Altona, Melbourne, Sep. 2023

"VAX THE JEWS", Altona, Melbourne, Sep. 2023

"NEUREMBURG 2.0"
Altona, Melbourne, Sep. 2023

"JEWS DID WW1 + WW11"
Altona, Melbourne, Sep. 2023

Graffiti Nazi swastika and “Kanye is right”
Hawthorn, Melbourne, 20 Dec. 2022

Graffiti “Jew Jew”, Glen Eira / Caulfield,
Melbourne, 16 April 2023

“BDS”, Moore Park, Sydney, 13 May 2023

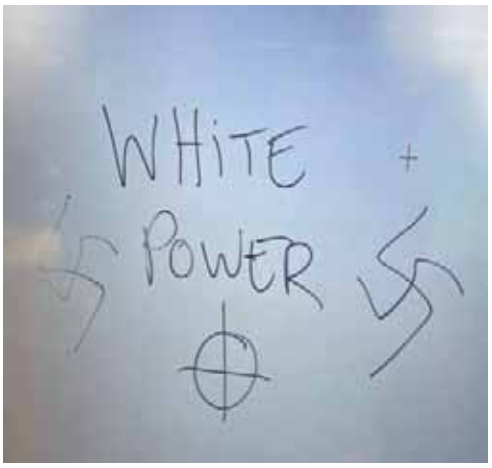
T-shirts with the text “6 million? That's a bit
much mate”, CBD Melbourne, 4 June 2023

Graffiti “I HATE JEW DOGS”
CBD Melbourne, 31 March 2023

Vehicle registration plate “88.SIEG”,
Sydney, 21 Sep. 2023

Nazi swastika graffiti and vandalism

Graffiti Nazi swastika, “White Power”, Longford, Tasmania, April 2023




Graffiti Nazi swastikas, “White Power”, Longford, Tasmania, 20 Jan. 2023

Nazi swastika and a Jewish Star of David, Prahran, Melbourne, 31 Oct. 2022

Nazi swastika, in tree, Morack Golf Course, Melbourne, 9 March 2023

Graffiti of Nazi swastikas drawn on a rolling pin, Redfern, Sydney, 12 Dec. 2022

Vandalism, ten Jewish headstones, Maitland, NSW, 31 Jan. 2023

Banner, poster, stickers

Banner by National Socialist Movement (NSM), Gold Coast, Qld, 27 Nov. 2022

National Socialist Movement posters, Gold Coast, Qld, 30 April 2023

Sticker of "Ye (Kanye) West is right about Jews" CBD, Brisbane, 7 Nov. 2022

Sticker of "Kanye is right about the Jews", Gold Coast, Qld, 25 Nov. 2022

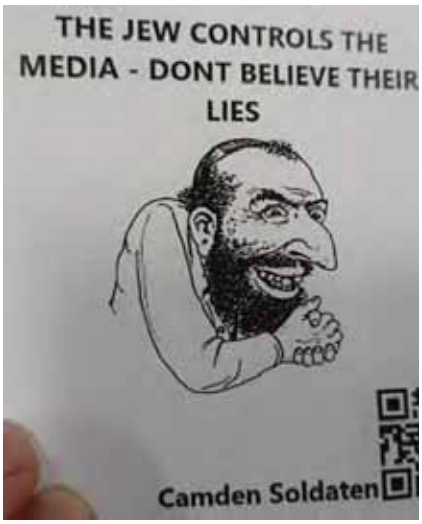
Sticker of "FUCK THE JEWS", Canberra, 20 April 2023

Sticker of "Jewish Scums…", Canberra, 21 April 2023

Stickers

Sticker of "Reject the Jew", Camden, NSW, 1 Oct. 2022

Sticker of "The Holocaust is a Jew Lie", Camden, NSW, 10 Nov. 2022




Sticker of "The Jew controls the media – Don't believe their lies" Camden, NSW, 12 Dec. 2022

Sticker of "The Jew profits from the Vaccine", Camden, NSW, 15 Dec. 2022

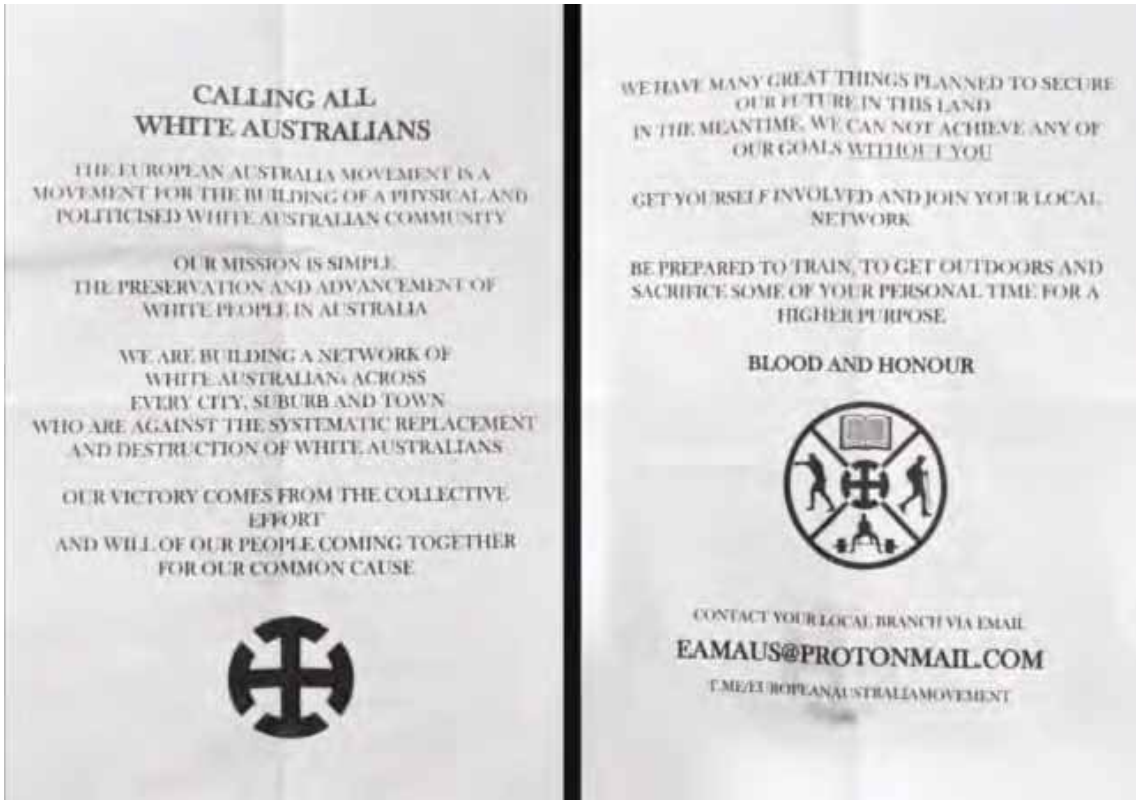
Sticker, Bondi, Sydney, 24 Nov. 2022

Sticker of "The Jew has been expelled from 109 countries – make it 110", Sutherland, Sydney, 15 Dec. 2022

Leaflets in letterboxes

EAM leaflets "Calling all White Australians" (Version 1, side 1)
Melbourne, 24 Oct. 2022; Southport, Qld, 14 Nov. 2022; Brisbane, 4 June 2023

EAM leaflets of "Calling all White Australians" (Version 1, side 2)
Melbourne, 24 Oct. 2022; Southport, Qld, 14 Nov. 2022; Brisbane, 4 June 2023




EAM leaflets "Calling all White Australians", (Version 2, sides 1 & 2),
Bondi, Sydney (10 Oct. 2022); Glenelg, Adelaide (20-23 Feb. 2023).

Leaflets in letterboxes

EAM Leaflets of "Auchenflower you have been visited by the European Australian Movement" Auchenflower, Brisbane, 10 Jan. 2023.
(Version 3, side 1)

EAM leaflets "Calling all White Australians", multiple suburbs, Brisbane,
16-17 Sep. 2023.
(Version 3, side 2)

EAM leaflets, Brisbane suburbs
(Version 3, side 1)

NSN leaflet, Brisbane, 10 Jan. 2023

Leaflets letterboxed

NSN leaflet "White Revolution Starts with You" Coorparoo, Brisbane, 29 May 2023.

NSN leaflet "White Revolution Starts with You" Coorparoo, Brisbane, 29 May 2023.

Leaflets of "Every Single Aspect of Abortion is Jewish", Southport, Qld, Nov. 2022

Leaflet of "Censorship in Australia" Woolloongabba, Brisbane, 18 June 2023

Leaflets – the Voice

Email to Julian Leeser MP, Sydney, 1 Aug. 2023

Leaflets with the heading "Every aspect of the aboriginal Voice to parliament is JEWISH" handed out at anti-Voice rallies in Brisbane and Melbourne, 23 Sep. 2023, and in Newtown, Sydney, 25 Sep. 2023.

# Epilogue:
# Preliminary statistics concerning surge in antisemitic incidents following Hamas atrocities in Israel on 7 October 2023

## Hamas attack in southern Israel on 7 October 2023

On Saturday 7 October 2023, several thousand Hamas gunmen and other armed Gazans crossed the border from Gaza and entered Israel by land, sea and air. Over the course of the day, they attacked many Israeli towns and kibbutzim, and young people attending a music festival. They proceeded to inflict multiple types of harm upon the people in southern Israel, including rape, mutilation and dismemberment while still alive, beheading, burning, and murder of babies, children and adults. Some 1200 people were murdered, approximately 6,000 people were injured, and approximately 249 people were kidnapped and taken into Gaza and held as hostages. Thousands of rockets were also launched into Israel. The Hamas terrorists videoed and published online the atrocities they committed.

Hamas is an Islamist organisation that calls for the violent "obliteration" of the State of Israel and for the elimination of Jews world-wide. It is a proscribed terrorist organisation in many countries including Australia.

More Jews were killed on 7 October 2023 than on any single day since the end of the Holocaust in 1945. The Hamas massacre harked back to previous times, to pogroms, the mass killing of Jews by armed mobs, often state-sponsored, that occurred sporadically but persistently throughout Europe and the Arab/Muslim world from the Middle Ages until the twentieth century.

## Spike in anti-Jewish incidents in Australia

Within hours of this brutal attack directed mainly against civilians, anti-Israel groups and individuals began to mobilise politically and capitalise on the targeting of Jews around the world, including in Australia. On 8 October, a rally was held by extremist Muslims in Lakemba, Sydney, where a speaker and attendees expressed their exultation at the killing of Jews by Hamas. On 9 October, at a rally held by anti-Israel Muslims and left-wingers at the Sydney Opera House protesters chanted "Fuck the Jews" and "Gas the Jews" and burnt an Israeli flag. As the days and weeks went on, there was a surge in the number of anti-Jewish incidents across Australia.

Of great concern, were the death threats sent to Jewish organisations and the calls for killing Jews at anti-Israel street protests. There were organised acts aimed at intimidating and silencing Jews, such as convoys of vehicles from the western suburbs of Sydney, with its large concentration of people of Arab and Muslim background, to the eastern suburbs, with its large concentration of people of Jewish background. In Melbourne, there was a protest in a park opposite a synagogue on a Friday evening, the beginning of the Jewish Sabbath, necessitating the evacuation of the synagogue during a religious service. In a separate incident, anti-Israel protesters confronted and verbally abused family members of Israeli hostages in their hotel while they were on a meeting tour in Australia. There were weekly anti-Israel street protests in most capital cities.

In addition to incidents, there were many other expressions of animosity towards Israel and Jews that are not necessarily categorised as incidents but were just as damaging to, and undermining of, the sense of security of members of the Jewish community, and their sense of belonging as part of the broader Australian community. Thousands of posters of the names and photos of those kidnapped by Hamas, which had been put up around multiple suburbs in Sydney and Melbourne and elsewhere, were ripped down and/or graffitied.

**Data on anti-Jewish incidents in Australia Oct-Nov 2023**

The following statistics are the reported numbers of antisemitic incidents that occurred in Australia from 1 October 2023 to 30 November 2023. These figures are **provisional** and based only on the incidents that have been reported so far to the ECAJ, either directly or via its constituent and affiliate organisations, and the Community Security Groups. As in the past, many incidents can take weeks or months to be reported, or if reported elsewhere, for the reports to be passed onto the ECAJ.

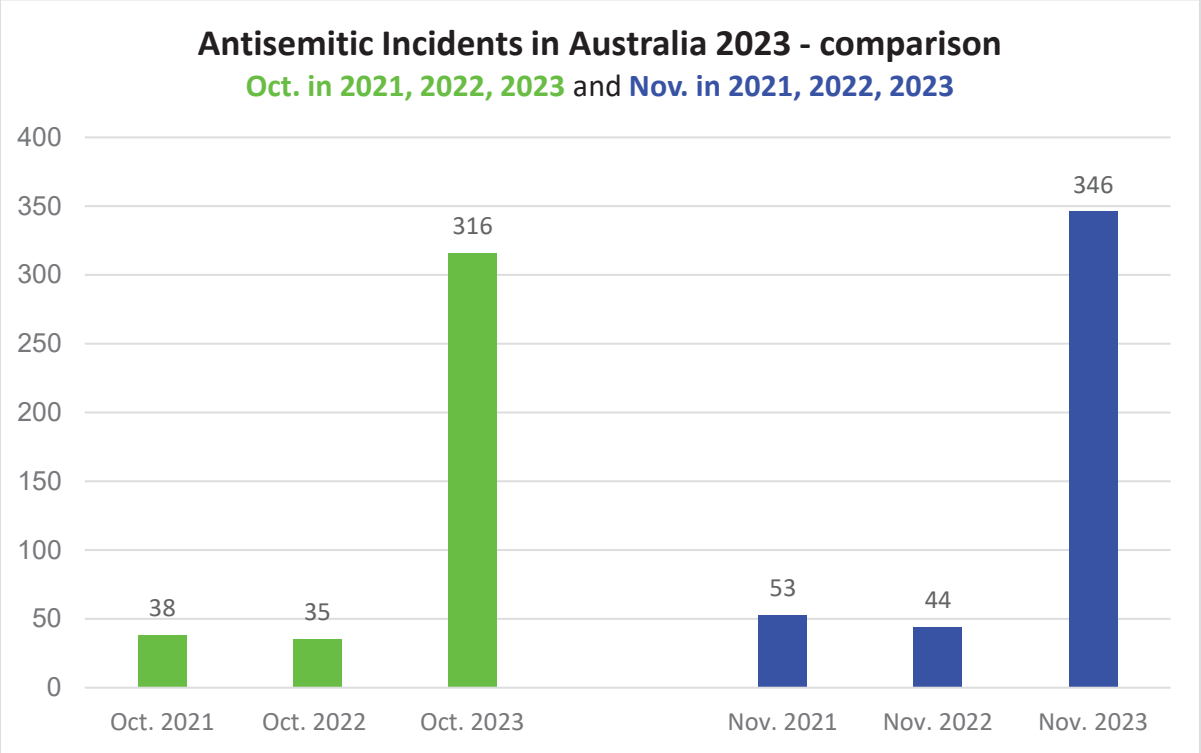
There were 316 reported antisemitic incidents in October 2023, only 5 of which were reported between October 1 and 7. A further 346 incidents were reported in November 2023, making a total of **662 antisemitic incidents** reported during October and November 2023.

By comparison, there were **495 anti-Jewish incidents** reported in Australia for the entire 12 months to 30 September 2023.

When comparing the number of reported antisemitic incidents in October and November 2023 to the number for the months of October and November in 2022, the **percentage increase** is **738%**, as shown in the Table below.

(The October and November 2021 figures are provided only to illustrate the approximate consistency of the October and November 2022 figures with the figures for the same months in the year prior).

| Date | Number of incidents | Percent increase from 2022 to 2023 |
|---|---|---|
| October 2021 | 38 | |
| October 2022 | 35 | |
| October 2023 | 316 | 803% |
| | | |
| November 2021 | 53 | |
| November 2022 | 44 | |
| November 2023 | 346 | 686% |
| | | |
| October - November 2021 | 91 | |
| October - November 2022 | 79 | |
| October - November 2023 | **662** | **738%** |




**Some incidents during October and November 2023**

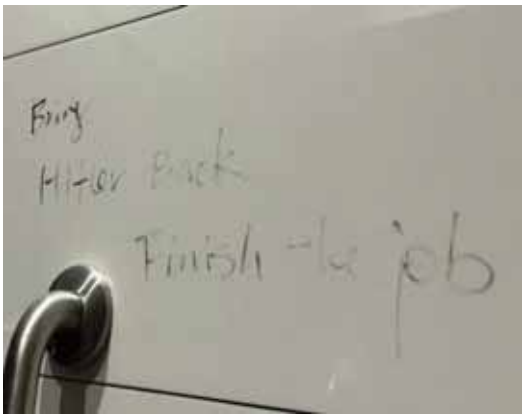
Graffiti of "Kill Jews. Jew Lives Here", Melbourne, 16 Nov. 2023

Graffiti “Jews Not Welcome”,
Melbourne, 18 Nov. 2023

Graffiti “Jew Free Zone”,
Melbourne, 18 Nov. 2023

Graffiti “Fuck Jews”,
Sydney, 9 Oct. 2023

Graffiti “Fuk Jews”,
Melbourne, 16 Nov. 2023




Graffiti “Bring Hitler Back. Finish the job”,
Sydney, 22 Nov. 2023

Graffiti, Newcastle, NSW, 8 Nov. 2023

…

Chant of "Gas the Jews"
Sydney Opera House, 9 Oct. 2023

Death threat sent to Jewish organisations, Sydney, 12 Oct. 2023

Placard "Lets clean the world from rubbish", Melbourne, 12 Nov. 2023

Graffiti "Zionism = Racism" on Kidnapped poster, Sydney, 5 Nov. 2023

Poster of Hitler/Netanyahu analogy, Sydney, 5 Nov. 2023

Sticker, Sydney & Melbourne, 5-6 Nov. 2023

…

# 3. ANTISEMITISM in the MAINSTREAM POLITICS, MEDIA, SOCIETY, EDUCATION

*"The Holocaust did not begin in the gas chambers - it began with words."*
- Professor Irwin Cotler, former Canadian Minister of Justice

**Introduction**

Even within western liberal democracies like Australia, antisemitism persists. Mostly, it is found on the fringes of society, within the political and religious extremes, and it is commonly condemned by political and community leaders, and in the media. However, racism, including antisemitism, becomes a more serious problem for a society's moral integrity and inner cohesion when it moves from the fringes into the mainstream and is not repudiated by society's leaders (or, worse, is validated by them). This sends a signal that it is socially permissible for human beings to be demonised and vilified, threatened and attacked, on the basis of their race, ethnicity, religion, or other attributes.

Antisemites, and other racists, will usually attempt to have their views publicly and widely proclaimed, and aim for acceptance and legitimacy of their racism within the mainstream of society. This can occur through the mainstream media, and also through social media commentary. When leaders in politics, the media, academia, business, clergy, or ordinary Australians, either publicly support or silently ignore the expression of racist sentiments and the commission of racist acts, including those which are antisemitic, the message this conveys to racists is that they will be able to get away with their racism.

Racism vilifies and dehumanises its targets before an audience that consists of the rest of the community. It is a form of mass psychological conditioning that breaks down the common ethical norms that apply in inter-personal relationships, and gives license and impetus to acts of violence and, in the most extreme cases, to mass murder. The expression of antisemitic hatreds, if not publicly contradicted and condemned by political and community leaders, has the effect of lending legitimacy and acceptability to such hatreds. This can lead to an emboldening of those who are hostile to Jews to go further in acting against Jews, and thus creates an atmosphere of intolerance, bigotry, fear and violence.

This chapter on Mainstream antisemitism has five sections: Politics, Media, Society, and Education, plus the Feature on the Voice referendum related antisemitism.

## MAINSTREAM POLITICS

This section examines two sides of discourse and actions within the realm of mainstream politics. Firstly, it describes discourse or acts by individuals holding, or standing for, seats in any parliament in Australia, and some high-level former politicians who are still politically active. Secondly, it considers the experiences of those Members of Parliament (MP) or political parties represented in parliament who are being targeted because of stances, perceived or real, taken on matters to do with the Jewish community. Nothing in this section is intended to suggest that any of those parties or politicians are antisemitic.

## 1. DISCOURSE by Politicians / Candidates / Parties

**Amanda Fazio: Jews are a "race of whingers"**

Amanda Fazio was a state NSW Labor MP from 2000 to 2015, and president of the Legislative Council from 2009 to 2011. She is currently a member of the NSW Labor Party Executive, and on the Rules Committee. Fazio is also a member of Labor Friends of Palestine, and has attended events organised by the Australia Palestine Advocacy Network (APAN).

In reference to criticism, by some Jews, of American actor Bradley Cooper for donning a prosthetic nose in his portrayal of Jewish conductor Leonard Bernstein in a movie, Fazio wrote on her Facebook page on 7 September 2023:

- "Here we go again. The race of whingers complaining. By their logic, no Jewish actor should ever be cast as a non-Jew."

When Fazio was queried by media, she was unapologetic, responded that she had no comment to make about the Facebook post and "I don't know what they are going on about."

The NSW Labor Israel Action Committee (LIAC) wrote to the NSW Labor Party's general secretary and called for Fazio to be expelled from the party. LIAC's letter [dated 11 September 2023] noted that Fazio was in breach of at least four of the party's rules, and code of conduct, and stated that Fazio's views as expressed in her post "are unequivocally racist and antisemitic – and have no place in the NSW Labor Party, or any political party for that matter. … These comments and attitudes are grounds enough to be expelled, but Amanda Fazio's position on the NSW ALP's Rules Committee … make her violation of these rules all the more egregious." https://www.australianjewishnews.com/alp-expulsion-call/

Fazio has been charged under NSW Labor Party rules for her racist comment and will face the Labor Party's internal review tribunal.

**Greens: opposition to IHRA working definition of Antisemitism**

The Greens have consistently not only rejected the IHRA Working Definition of Antisemitism, but have actively opposed it, even lobbying universities to reject it. The IHRA working definition is widely accepted in the mainstream Jewish community and by Jewish organisations which represent the Jewish community and/or are active in countering antisemitism. After the Parliamentary Friends of IHRA wrote to Australian universities urging them to adopt the definition, Greens Senators Mehreen Faruqi and Jordan Steele-John wrote to university Vice-Chancellors urging them to reject the IHRA working definition of antisemitism.

**Greens Letter**

- Senator Mehreen Faruqi · Feb 9, 2023
  Senator Jordon Steele-John and I have written to University VCs urging them not to adopt the IHRA definition of antisemitism. The definition has been widely criticised for its ability to stifle academic freedom, silence Palestinian voices and prevent legitimate criticism of Israel. …

**Responses** to the letter by the two Greens Senators to Australian universities:

Executive Council of Australian Jewry co-CEO Peter Wertheim stated that the Greens have "fundamentally misconstrued" the IHRA definition. "Their opposition to it puts them on the wrong side of history. Jewish community organisations in Australia and around the world, of widely diverse political leanings, have overwhelmingly endorsed IHRA because it reflects our personal and historical experiences. The Greens do not dare to question the right of other vulnerable minorities to self-determine what constitutes racism against them. The fact that the Greens single out the Jewish community alone for this treatment speaks volumes. The Greens are clearly more interested in creating space for hate speech against Jews and Israel than in making a good faith attempt to address it."

Zionist Federation of Australia president Jeremy Leibler said it was "extremely disturbing that the Greens think it's appropriate to dictate to the Jewish community what does or doesn't constitute antisemitism without actually consulting with the Jewish community. This is not something that they have done or would contemplate doing to any other minority. This comes just a few days after Greens Senator Steele-John stood in solidarity with the eight Palestinian terrorists killed by the IDF in Jenin on 26 January, yet remained completely silent when seven Israeli civilians were murdered the very next day."

Australasian Union of Jewish Students president Alissa Foster said the IHRA definition "explicitly states that it is a guide to support existing policies and practices. It's unfortunate that instead of consulting Jewish students, Senator Faruqi has misrepresented IHRA and its purpose. Jewish students, like every other minority group, have the right to define what antisemitism means for us but rather than listening to our concerns, Senator Faruqi has assumed she knows better."

The Australian Jewish News (AJN) "asked Faruqi's office to explain how the IHRA definition prevents legitimate comment on Israel when it specifically states that "criticism of Israel similar to that levelled against any other country cannot be considered antisemitic". The AJN also asked why the senators seemingly allow other races and cultural groups to define what is racism against them, but not Jews."
https://www.australianjewishnews.com/greens-tell-universities-to-shun-ihra/

**Response by Josh Burns, MP:**
In federal parliament on 6 March 2023, Josh Burns, Member for Macnamara, moved a motion, seconded by Allegra Spender, Member for Wentworth, strongly criticising the Greens and their opposition to the IHRA working definition of antisemitism. In Parliament, Josh Burns stated:

> "… Unfortunately, antisemitism is on the rise again, occurring far too frequently and increasing in hostility. It's why the International Holocaust Remembrance Alliance came up with a definition of antisemitism. … The IHRA definition is not legislation. It is simply a framework to help identify and combat this particular form of racism. Just as the British parliament formulated a definition of Islamophobia, IHRA created a definition of antisemitism. The IHRA definition of antisemitism was created by international holocaust and genocide scholars to academically understand what antisemitism is. Unfortunately, the Greens are opposed to recognising the IHRA working definition …
>
> "In other words, as clearly set out in the IHRA definition, you can be critical of Israel. Being critical of Israel is not antisemitic, nor does this definition shut down debate or limit freedom of speech. … It sits extremely uncomfortably with me that the Greens presume to know

more about the manifestations of antisemitism than the Jewish community themselves. By opposing the IHRA definition, what message does that send when one examines the examples of what the Greens are actually opposing? After all, it is unfathomable to imagine the Greens, or anyone else, imposing their own definition of racism on any other minority in this country, yet they do this to the Jewish community. …"

**Greens National Conference:**

The Greens national conference, held on 4 June 2023, adopted several resolutions affecting the Jewish community. Primarily, the Australian Greens' resolution "Justice and Human Rights in Palestine and Israel" was passed, superseding the previous policy from 2010. The new policy contained false accusations and distortions about Israel, and blamed Israel alone for the fact that no Palestinian state exists. It called for measures that would see the elimination of the State of Israel as the only Jewish state in the world. The Greens then formally opposed the adoption of the IHRA Working Definition of Antisemitism, the most widely accepted such definition (by Jewish communities, governments, the UN, universities). Extracts from the Resolution follow.

Notably, in contrast to the 2010 policy, the new 2023 policy supports "freedom and statehood for the Palestinian people" but omits any such rights for Israelis, or of Israel's right to peace, security, or statehood. Removed from the 2010 policy is the principle of two states for two peoples. Instead, the 2023 policy calls in effect for two states for one people, namely Palestinian Arabs, and no state for Jews.

**Greens Resolution:**

https://greens.org.au/sites/default/files/2023-06/AG%20Pal%20resolution.pdf

"THE AUSTRALIAN GREENS: Justice and Human Rights in Palestine And Israel
The state of Israel continues to deny the right of self-determination to Palestinians and continues to dispossess them of their land. We aim to rectify this injustice…

Principles … 7. Recognise that Israel's ongoing colonisation of Palestinian land … 11. Recognise that the state of Israel is practising the crime of apartheid against Palestinians … 12. Recognise the Right of Return of Palestinian refugees and their descendants to their place of origin … 14. In accordance with the Australian Greens Resolution on Boycotts, Divestments & Targeted Sanctions, support the tactics of boycotts, divestments and targeted sanctions … 15. Affirm that criticism of Israeli government policies and actions is not antisemitic, and therefore oppose the adoption and enforcement of the International Holocaust Remembrance Alliance definition of antisemitism which conflates criticism of the state of Israel with antisemitism. Recognise the rise of hateful and violent racism and bigotry including antisemitism and Islamophobia in Australia and commit to the development of thorough anti-racism policies. …

Goals The Australian Greens will work for: … 23. The Australian government to join the international community in recognising the statehood of Palestinians and maintain the position of not recognising Jerusalem as the capital of Israel. …

As preliminary steps to the achievement of the goals, the Australian Greens call for: … 2. The immediate release of Palestinian political prisoners … 6. The immediate dismantling of the separation wall. …

**Responses by Peter Wertheim**, co-CEO Executive Council of Australian Jewry:

"Rarely has any political party in Australia directed such a combination of blind ignorance and insufferable patronising arrogance at a minority community. … Like a lynch mob at a pogrom, and relying only on the statements of NGOs with a long record of bias against Israel, the Greens have condemned Israel for the crime of apartheid, without even the pretence of a proper trial before a court. … Most damningly, the Greens have insulted our intelligence as a community by telling us that they know better than we do what contemporary antisemitism looks and feels like, and rejecting our community's overwhelming support for the IHRA working definition. … These bigots of the political left are every bit as bad as their right-wing counterparts."
https://www.australianjewishnews.com/greens-new-policy-accuses-israel-of-apartheid/

"The Greens have accused Israel alone of making a two-State outcome of the conflict with the Palestinians "unachievable", thereby betraying wilful ideological blindness to more than a century of violent rejection of that outcome by successive Palestinian leaders. The IHRA Working Definition of Antisemitism has the overwhelming support of Jewish communities around the world, as well as governments and civil society. The Greens' rejection of IHRA is an insult to our intelligence and a transparently self-serving attempt to create as much space as possible for anti-Zionist forms of antisemitism."
https://www.jwire.com.au/aijac-national-chairman-mark-leibler-has-questioned-the-greens-credibility-following-the-political-partys-middle-eastern-policy-announced-on-sunday/

**Barnaby Joyce, MP: Nazi analogy**

Barnaby Joyce is the Nationals MP in Federal Parliament for the electorate of New England in NSW. In a Sky News interview with Sky host Andrew Bolt on 28 September 2022, Barnaby Joyce expressed his concern that the Indigenous voice to parliament would "reinsert racial distinctions" into the Australian Constitution, and stated:

- "It's not the same, it's vastly less, vastly less noxious, but the Civil Service Act of Germany in 1933 also delineated people's rights on the premise of their race, their belief. It's a very dangerous precedent."

Although he prefaced his remarks by acknowledging there was a vast difference between the two, Barnaby Joyce made an erroneous analogy to the Nazi German law, the Law for the Restoration of the Professional Civil Service, passed in April 1933, which banned Jews and others "not of Aryan descent" from Germany's civil service. In contrast to the Nazi law, the Voice proposal is not about depriving any Australian ethnic or religious group of any rights.

**Bob Carr: "the Lobby"**

Bob Carr is a former Labor Premier of NSW, and former federal Foreign Minister. He often makes harshly negative comments about Israel, and has posted comments on Twitter about "the Lobby" - Carr's description for the Jewish community leadership, but not used by him to describe the leadership or advocacy efforts of any other ethnic or religious community in Australia.

- Bob Carr@bobjcarr · Oct 18, 2022·
  And the rampant Israel lobby in Australia needed to be told you no longer intimidate Canberra. Well done @SenatorWong.

- Bob Carr@bobjcarr · Nov 13, 2022·
  Of course Israel practises apartheid. … Yet "the lobby" will go on defending Israel even as it installs the cruelest and most right wing government in its history.

- Bob Carr@bobjcarr · Feb 16, 2023·
  Cancel culture at work again trying to bully Adelaide Festival against allowing dissidents on its program. Bit rich for Israel lobby, having so extravagantly forgiven Perrottet for strutting around as Heinrich Himmler.

- Bob Carr@bobjcarr · Feb 16, 2023·
  Lobbying to block Palestinians coming here is a repeat of what I faced in 2004 with bullying from right-wingers in the Israel lobby telling me I as Premier would not be allowed to meet Hanan Ashrawi a Palestinian committed to the peace process.

Bob Carr@bobjcarr · Jun 5, 2023·
Queensland ALP State conference yesterday called on federal government to implement Labor's policy recognising Palestine. Nobody opposed it. Not surprising in view of Israel's settler violence and spread of illegal settlements blocking a two state solution.

[Replies:]

- Robert Watson@RobertW30625730 · Jun 5, 2023
  About time! Now let us hope that Labor across the nation will recognise #Palestine and stop kowtowing to Jewish lobby.

- thedroversdog@thedroversdog1 · Jun 5, 2023
  It's time that the world gave arms and aid to Palestine as it has to Ukraine to enable Palestine to drive out the invaders

- Bob Carr@bobjcarr · Jun 19, 2023 ·
  For the first time a Victorian state ALP conference carries motion supporting recognition of Palestine- and, for good measure, in this parliament. Collapse of influence of Melb Israel lobby in face of settlements, apartheid laws and occupation. Good pointer to national conference

  [Replies:]

  - CuteSmortDogs@CuteDogs4Labor · Jun 19, 2023
    Yes the (((Melbourne Israel))) lobby in Victoria
    [Note: Triple parentheses is well-documented as a code or symbol for "Jew" used by neo-Nazis and other antisemites.]

  - The Urban Oz@UrbanAuz · Jun 19, 2023
    The 'israel' Lobby within Australia is strongest in Victoria. This development is a welcome sign that Australian politics reject the long & undue influence & pressure of the zionist lobby & sends a clear message that the ALP cannot sit on its hands on this issue.. Good news.

  - Henry Lawrence@HenryLa81846750 · Jun 19, 2023
    About time we stopped pandering to the jews.

- Connie Spencer-Carlyle@connie_cspencer · Jun 19, 2023
  Whenever one tweets about Israel, they should be required to include a disclaimer in their tweet stating whether they're Jewish or not - just as financial advisors are required to disclose whether they have a financial interest in the investment product they're pushing:

**Malcolm Roberts, MP: globalists, bankers**

Malcolm Roberts is a Queensland Senator for One Nation. Since his election in July 2016 (although disqualified from Parliament in 2017 due to the dual citizenship issue, and re-elected in 2019), he has been controversial for his views in which he talks about international bankers, globalists, conspiracy theories and the like, often mentioning prominent people in politics or finance who are Jewish.

- Malcolm Roberts @MRobertsQLD · Nov 17, 2022·
  Some of the globalists' puppets in partnership

  Quote Tweet Jeremy Loffredo@loffredojeremy·Nov 17
  Next week the New York Times in partnership with WEF partner Accenture is supposed to be hosting a live event with Sam Bankman-Fried. Sitting next to him will be Zelensky, Zuckerberg and U.S. Treasury's Janet Yellen.

[Note: all four named Speakers are Jewish]

- Malcolm Roberts @MRobertsQLD · Nov 18, 2022·
  Who drives governments' policies, including Australia? UN-WEF Who controls UN-WEF? Corporations like Blackrock, Vanguard Who controls them? Rothschilds, Rockefellers, Soros families Control our money & basics of life. Aim to control all of our lives Together we can stop them

**Nicolette Boele, candidate: shekels**

Nicolette Boele was standing as an independent candidate for the federal seat of Bradfield in Sydney, NSW. She made two comments, one on Facebook and one on Twitter, both on 4 October 2022, using Hebrew/Jewish terms (chutzpah, shekels) in calling for donations, offering bargains, and thus using and reinforcing the stereotype of Jews and money.

- Nicolette Boele · October 4, 2022
  It has been encouragingly suggested today that #TeamNic are demonstrating considerable 'chutzpah' in planning to open Australia's first Shadow Representative Electorate Office right here in #Bradfield. We don't shy away from that fact, but we really could use some more shekels to maintain our chutzpah. … some absolutely amazing bargains on offer! https://airauctioneer.com/nicolette-boele-fund-raiser... #BradfieldVotes

Comment:
Nathan Smith · 1d
I don't know if you realise Nicolette, but this is very antisemitic and so it is very disappointing that you posted this. Referring to shekels and using other obviously Jewish/Hebrew terms in a fundraising appeal makes you sound like a far-right 4chan troll. Not a good look.

- Nicolette Boele - Independent for Bradfield@Nicolette_Boele · Oct 4, 2022·
  Indeed, but we really could use some more sheckles to maintain our chutzpah, so please consider shouting yourself a holiday at any one of 6 glorious locations by bidding in our Spring Auction. There's still some amazing bargains on offer!
  https://airauctioneer.com/nicolette-boele-fund-raiser-sept2022… #BradfieldVotes

**Severina Burner, councillor: Nazi swastika**

Severina Burner is a local government Councillor in Salisbury, Adelaide. On her Facebook page she posted two images of particular concern. On 1 January 2023, in the context of Salisbury Council's debate on the Smart Cities initiative, Burner posted text and an image on her Facebook page claiming that Smart Cities are concentration camps, with the text "It's called a Smart City because if they called it a concentration camp, you might not want to live there". In point of fact, concentration camps were places of forced internment, brutality and death.

On 5 March 2023, Severina Burner posted an image on Facebook of a boy making a pose which formed a Nazi swastika, with the image accompanied by the words, "Me when I'm asked to kneel and apologize for being right", with the word "right" superimposed on the word "white". In a unanimous decision by council, Burner was removed from Salisbury Council, along with another councillor, on 13 June 2023 for breach of the Local Government Act, namely for not attending monthly council meetings three months in a row.

| | |
|---|---|
| Severina Burner · January 1, 2023<br>Personal views, not that of council. A concentration camp with pretty interactive lights and music coming to a place near you. Oh what fun.<br> <br> | Cr Severina Burner · March 5, 2023<br>We are not alone. Personal views<br> <br> |

**Stephen Wells: candidate Busselton Council, WA**

Stephen Wells declared himself an independent candidate for Busselton Council in the local government elections in Western Australia to be held on 21 October 2023. Busselton is a town situated on the coast, 220kms southwest of Perth. He holds extremist views. Wells self-describes on Telegram as "Racist, Sexist, Hetrosexualist, Christian, Climate Change and CoVid Denying, Anti Vax supporting, Democracy scorning, Whites loving, shit stirrer. A sanctuary for all the outcasts of clown world. Until the small hats ban it." NB 'small hats' refers to Jews. Wells appeared in the ECAJ Annual Report on Antisemitism in 2021 and 2022 - see examples reproduced below. Posts by Wells in 2023 appear in this report in Chapter 4 Online and Organisations.

- https://t.me/triggereveryone/58 Stephen Wells triggers everyone!, [14.04.2021]
  Before there was Jewish CoVid, Jewish Global Warming, Jewish false flag terrorist attacks and Jewish Bolshevism, there was Jewish banking.

- https://t.me/triggereveryone/142 Stephen Wells triggers everyone!, [19.05.2021]
  The problem is that Jews have infiltrated and taken over the levers of power in the West.

- https://t.me/triggereveryone/241 Stephen Wells triggers everyone!, [31.07.2021]
  The key to defeating the Jewish and Satanic Globalist Agenda ...

- https://t.me/triggereveryone/586 Stephen Wells triggers everyone!, [9/12/2021]
  An actual holocaust rather than an invented one

- https://t.me/triggereveryone/791 Stephen Wells triggers everyone!, [17/01/2022]
  That propaganda campaign was called "The holocaust". It is a fabrication. It didn't happen.

- https://t.me/triggereveryone/1013 Stephen Wells triggers everyone!, [25/02/2022]
  The Bolshevik Revolution was a Jewish Revolution. … War benefits Jews. All wars. Between all nations.

- https://t.me/triggereveryone/1321 Stephen Wells triggers everyone!, [4/05/2022]
  The Jewish Globalism plans to destroy the Nations of white skinned people through immigration is one of their most insidious but also it is their most protected and supported.

- https://t.me/triggereveryone/1722 Stephen Wells triggers everyone!, [26/07/2022]
  Jews as a collective are still my enemy.

**Tylere Baker-Pearce, candidate: Auschwitz**

Tylere Baker-Pearce was an independent candidate in the Victorian state election, for the Narre Warren South electorate, held on 26 November 2022. It was discovered that he had posted on Twitter, on 20 March 2020, a photo of himself grinning outside the Nazi death camp of Auschwitz-Birkenau, had added a flame/fire emoji to the image, and commented "Me @Birkenau Poland".

## 2. Politicians TARGETED

Politicians were targeted after posting positive comments about Jews, criticisms of antisemitism and the like, on their respective social media pages. These posts elicited antisemitic comments.

**Targeting: Anthony Albanese, Prime Minister: on Jewish support for The Voice**

Anthony Albanese, the Australian Prime Minister, made three posts on Twitter on 30 June 2023, each one including a photo of Jewish content - one image of himself with several prominent Jews, one of himself with a man wearing the Jewish religious head covering, and one of the Prime Minister on a podium at the Australia-Israel Chamber of Commerce. The point of the three posts was to reinforce support for the upcoming constitutional referendum on the Voice for indigenous Australians, and to showcase support for the Voice by many Jewish groups. Many of the comments in response to Albanese's posts claimed that Jews controlled government, that the Voice is orchestrated by 'the Jews', and raised issues irrelevant to the Voice such as Palestine. The main post had over 100,000 views.

| | | |
|---|---|---|
| Anthony Albanese@AlboMP · Jun 30, 2023 | Anthony Albanese@AlboMP · Jun 30, 2023 | Anthony Albanese@AlboMP · Jun 30, 2023 |
| | | |
| [Tweet 1] | [Tweet 2] | [Tweet 3] |

**Anthony Albanese: 1**

Anthony Albanese@AlboMP · Jun 30, 2023

I'm heartened that so many Jewish groups, along with such a broad spectrum of multicultural groups and faith groups, will campaign for Yes to constitutional recognition this year.

Replies:

- dr. juice@OJhitler · Jun 30, 2023
  Of course Jews support it, this was their idea in the first place. That Jew you're shaking hands with (Mark Liebler) was the main architect of the Voice. Jewish Power in Australia is more secure if White Australia is weakened, and you are complicit in it. Treasonous.

- Blank Majors@BlankMajors · Jun 30, 2023
  Every Single Time
  [a common phrase used by neo-Nazis and other antisemites to refer to Jews]

- Augustus@Augustus__J · Jun 30, 2023
  Okay but if I say that Jews are behind the voice, suddenly I'm an "anti-semite", and guilty of "hate speech".

- Peter Albonightmare@TheGoatTax60 · Jun 30, 2023
  Do any of these people represent billionaire tax evaders or avoiders….?

- Tony Andrews@TonyAnd83974548 · Jun 30, 2023
  Only because you bribe them by offering to build synagogues and stadiums and whatever, as long as they agree with your silly pipe dream! You buy your voters, and I dare say you buy your friends! Sad really…

- Dave lots of numbers @Dave91473661 · Jun 30, 2023
  Funny that considering they have a hand in drafting the Uluru statement. You'd think the Jewish would understand that danger of special treatment based on race and beliefs. The only thing I can think of is that there's something in it for them, what did you promise them???

- Ashbiii @Ashbiii · Jun 30, 2023
  Of course they will, they run the financial world and wouldn't miss ruining Australia for anything!

- Mxyz@Mxyz161 · Jun 30, 2023
  And then they will want their voice...

- Hels Bels@HelenGouna · Jun 3, 2023
  They will campaign yes because it doesn't affect their cultural or faith group. Try and do the same to them and let's see how far you get.

- delboy@delboy00789 · Jun 30, 2023
  UN = jews. NATO = Nazi

- migtronix@migtronix · Jun 30, 2023
  How many of them recognise Palestine?

- Mohammad Khan @wonallah · Jun 30, 2023
  Will they campaign for constitutional recognition of Palestine as well?

- Earthaly Delights@EarthalyDelites · Jun 30, 2023
  Are they also campaigning for Israel to recognise the rights of Palestinians? Come to think of it - are you?

- Choccy Milk Zoomer@ChocMilkZoomer · Jun 30, 2023
  Let's see them put Palestinians in their constitution first.

- The Sigma Chad@SigmaChad100 · Jun 30, 2023
  Can't wait for a Palestinian 'Voice' in the Israeli Parliament!

- P8RIOT@Unblackened · Jun 30, 2023
  The Palastinian voice though.

- Metal V.2@Metal945278 · Jun 30, 2023
  @DrHananAshrawi your thoughts ? Will this be good for Australia

- rumtytum@rumtytum · Jun 30, 2023
  Vote YES for Palestinians!

- StanleySau@StanleySau1 · Jun 30, 2023
  Pity that these Jewish groups won't campaign for a stop to the putrid apartheid polices in Israel

- Laborite @TheDailyBruh1 · Jul 1, 2023
  Jews were also over-represented in Australia's communist movement. Why are they so often involved in promoting causes (such as the Voice) that run counter to Australian interests?

- cuzzin swayze@cuzzinswayze · Jul 1, 2023
  How much money did you promise them

- Samuel Brown@SamuelB59572671 · Jul 1, 2023
  They'll do anything for more money

- Al Capone@AlCapon00197805 · Jul 1, 2023
  Is there a referendum for the Jews too?

- David Whale@Boristourguide · Jul 1, 2023
  Ready for a Jewish voice Albo?

- MesopotamiaMan@YEdolfNickler · Jul 1, 2023
  Albanese ascending to the rank of chief shabbos goy

- Archangel @xXx_Swoop_xXx · Jul 1, 2023
  Look at the jew programmed bot.

- Malcolm Ellis@43a6f0ce5dac4ea · Jul 1, 2023
  they have their own issues regard unlawful occupation ...

- Andrew Black@Andrewblack1979 · Jul 1, 2023
  How's Palestine going

- Scooter@Scooter10032280 · Jul 3, 2023
  Heartened?!! Why?! It shows how deep the filth runs through these groups! More fake rot trumping truth Your legacy will be the most treasonous dishonest pm in history! Keep up the good work mate. And remember VOTE NO TO your disgusting voice

| | |
|---|---|
| Reverend Pete_@Bears_arse · Jun 30, 2023<br> <br> | JerryDoug@JerryDoug52 · Jul 1, 2023<br>Jews are the architects.<br> <br> |

**Anthony Albanese: 2**
Anthony Albanese@AlboMP · Jun 30, 2023
It will be a great moment of Australian unity as we take that next step on our journey to reconciliation. The gap between Indigenous and non-Indigenous Australians has become a chasm.

Replies:

- FishCakes @szekowskii · Jun 30, 2023
  While we are talking about diversity, let's all go research the Jewish law book the TALMUD Than you will understand who's behind it all.

- Jennifer B@Ms_J3nnif3r · Jun 30, 2023
  Hey Albozo. Does this also mean they support recognition of and giving land back to the First Nations of Palestine. Or just when it involves other countries and you throw our tax dollars at them?

- George Smiley@GeorgeS21916881 · Jun 30, 2023
  WTF? Doesn't this bloke read newspapers? Israeli settlers attacking Palestinians on West Bank.

- davidelkins.prints of darkness@DavidElkins24 · Jul 1, 2023
  water is a basic human right. Palestinians are prevented from accessing the spring in their village, while Israeli Colonial Settlers have full access to it.

- Joshua Drinkwater@Josh_henrylee88 · Jul 1, 2023
  Zionist occupied government.

- davidelkins.prints of darkness@DavidElkins24 · Jul 1, 2023
  Did you tell him when Australia would recognise Palestine? Or didn't you have the guts.

- Marker Magic@MarkerMagic8 · Jul 1, 2023
  As a man who has … dealt with Jews and Australian Jewish families, I can tell you that they're the most racist, one-eyed and prejudiced people I've ever known. What they say about non-Jews is absolutely despicable. Why? Because they believe they're god's chosen people. Why? Because they personally wrote all of the scriptures that say that. What they choose to believe, is that circular, that culturally incestuous, that racist, and that dodgy. And make no mistake, they think Australian Aboriginals are the lowest of the low, of 'Goyim' sub-humans. The very opposite of a "Chosen People". But they do like to play the political and media PR game to shape-shift away from how racist their whole cultural construct is.

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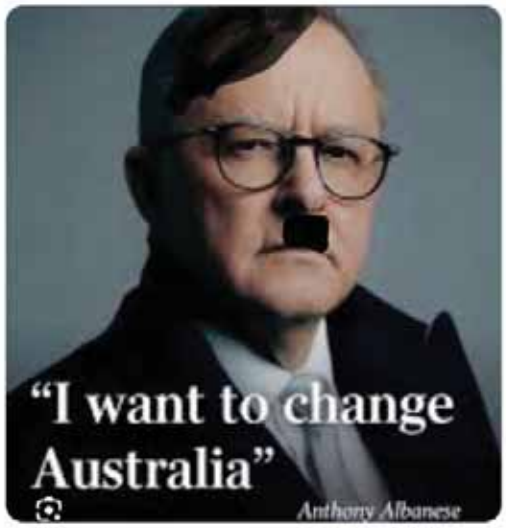
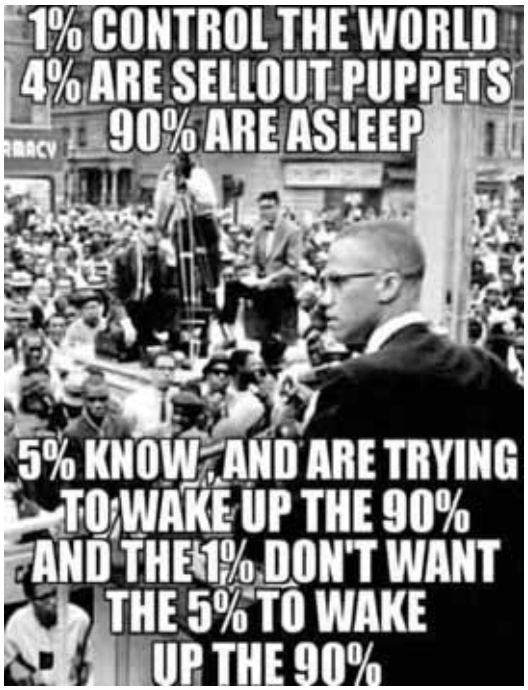
| True Science PEng, DFP, ADFS, MA, MBA.@socratesccost · Jun 30, 2023<br>  | Bob Johnson@BobJohn96400345 · Jun 30, 2023<br>The political elite. The Khazarian mafia.<br>  |

**Anthony Albanese: 3**
Anthony Albanese@AlboMP · Jun 30, 2023
It will be a great moment of Australian unity as we take that next step on our journey to reconciliation. The gap between Indigenous and non-Indigenous Australians has become a chasm.

Replies:

- Adalbert@watercarousel · Jun 30, 2023
  I support a Voice for Palestinians in the Knesset.

- emma amazing@pandavasdream30 · Jun 30, 2023
  WE DO NOT SUPPORT ISREAL

- DanielSebastian@MrDisturbedd · Jun 30, 2023
  As an Australian, I do not stand with Israel. I stand with Palestine!

- Cosmo @DollDusty · Jun 30, 2023
  Why would you speak to representatives of a foreign country regarding a matter affecting the constitution of Australia? Which country do you work for?

- GlamisTheHelperMouse (Whhhyyte) @openthebooksaus · Jun 30, 2023
  You mean the Mossad chamber of commerce right?

- Dan@LightShade55 · Jun 30, 2023
  This is rich.. So this means they'd have to accept that Palestinians were there first. Akward.

- JoJo @JojosTweety · Jun 30, 2023
  So pushing Israel on their #ApartheidIsrael treatment of Palestinians, Albo?

- Haha, Yeah Nah.@DenzlFrothingtn · Jun 30, 2023
  You don't seem very impartial if you're bringing in Shabat Shalom's to 'close it.'

- Sarah ClimateDeep ecology. Biocentrist@clearticulation · Jun 30, 2023
  Israel apartheid occupation regime? Free Palestine

- Teza@TezaAVFC · Jun 30, 2023
  The Apartheid State of Israel has no respect for International Law, It's not ok Israel bombs and steals Palestinian land & homes whenever it suits them. Australia should call for Sanctions against Israel and call for a ban on trade with the Israeli illegal settlements.

- Peregrine Slim@SlimPeregrine · Jun 30, 2023
  Did you mention the idea of a Palestinian Voice?

- Mick Brown@mickbrown1979 · Jun 30, 2023
  You move to ban Nazi symbols in australia but fail to call out Jewish Nazi behaviour towards Palestinians in Israel

- Matt 7:13-14@Nate__8888 · Jun 30, 2023
  If you want some sort of reconciliation with the Jewish community, maybe try Israel and Palestine. Not Australia Jews and the Voice vote. #AIGovernment2030

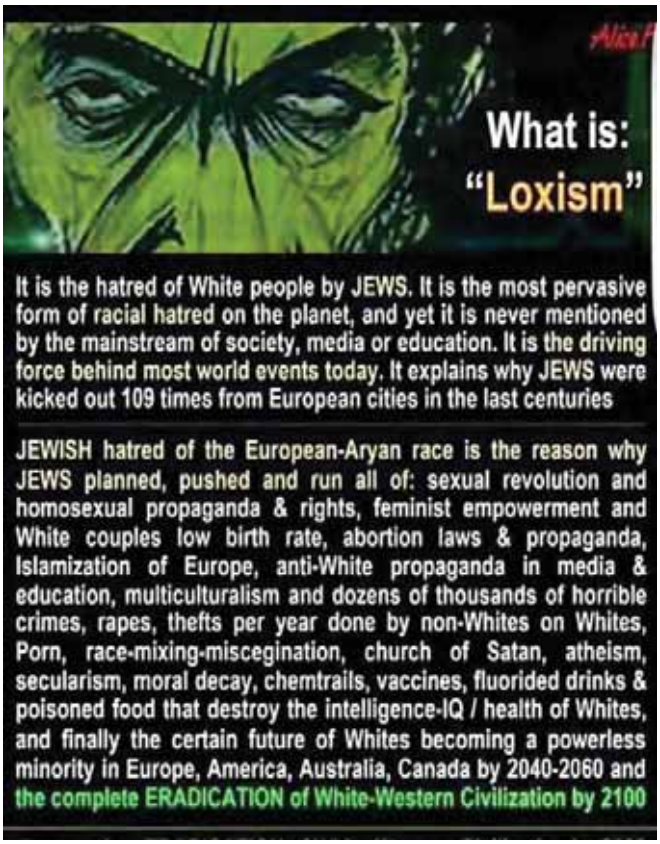
- oldmatedowntheroad@reakov85 · Jun 30, 2023
  Thanks for exposing the agenda pushers.

- John Barker@john_jhbarker01 · Jul 1, 2023
  The way Israel is treating the Palestinians it's no wonder.

- Candi @candi_83 · Jul 1, 2023
  FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE FREE PALESTINE

- Barry@CaucPower · Jul 1, 2023
  At least you are transparent about who pulls your strings. Probably a few sheckles in it for you too

- Victoria Says No@vicsaysno · Jul 2, 2023
  Yes, they want mass immigration & multiculturalism in every other country whilst maintaining the most ethnocentric & racially discriminatory population policy for Israel, n campaign for UNDRIP and indigenous reparations for everyone else whilst denying Palestinian sovereignty

| | |
|---|---|
| Ghazghkull MAG Uruk Thraka@Ghazghul_thraka · Jun 30, 2023<br><br>OY VEYYY<br><br> | Archangel @xXx_Swoop_xXx · Jul 1, 2023<br><br>TRAITOR!!!<br><br>  |

**Anthony Albanese: meeting with Jewish students**
Anthony Albanese@AlboMP · Aug 8, 2023
One of the best parts of my job is meeting students who come to Parliament. It's always inspiring to hear from young people who are trying to make our country a better place. Thanks to @AUJS for inviting me to speak & having a conversation about the issues that matter to you. [AUJS is the Australasian Union of Jewish Students]

Replies:

- B N @walkstik·Aug 8, 2023
  Any of them white Australians.?

- B N @walkstik·Aug 8, 2023
  AUJS gotta keep the Jews on side albo

- @MyAccou_001@Myaccou012264·Aug 8, 2023
  Did you tell them about your new policy on Palestine?

- Leftism resistant.@brettis1ok·Aug 8, 2023
  We know why you're talking to them, because they aren't white Australian's.

- Crusader Ben@_CrusaderBen_·Aug 8, 2023
  Oy vey! Shut it down!

- Alan Humphrey@Rt2beheardagain·Aug 9, 2023
  Were any of the students of European origin?

- Dean Anderson@germ_nations·Aug 9, 2023
  Would be easier just to send them off to the WEF and cut out the middlemen.

- Di Pearton@peartonjohnson·Aug 9, 2023
  How much are their HECS debts, or do they all have wealthy parents? Yes, I thought so.

- GlamisTheHelperMouse (Whhhyyte) @openthebooksaus·Aug 9, 2023
  Can you ask them to comment on why Israel holds all our data. And what they do with it. Thank you

- Darsile@darsile·Aug 9, 2023
  Anyone who criticises the despotic Israelis needs to be praised. The treatment of Palestinians is appalling; the Arab world needs to take action to stop this race based genocide.

**Targeting: Allegra Spender, independent MP: on antisemitism**
Allegra Spender, Federal Independent MP for Wentworth in Sydney, posted on Twitter on 25 January 2023 of her concern about the rise in antisemitism and the proposed granting of visas permitting well-known antisemites to visit Australia. It elicited comments from those that denied the existence of antisemitism to those who raised Israel and Palestinians.

Allegra Spender@spenderallegra · Jan 25, 2023·
With a disturbing rise in antisemitism in our community, let's think carefully about the people we allow into our country, particularly those who have wide influence over our communities. #kanyewest

Replies:

- Marlene Sarroff@MarleneASarroff· Jan 25, 2023
  I agree with you, however the Israel lobby and the Israeli Zionist's treatment of Palestinians is appalling

- Connie_van_Orton@orton_connie· Jan 25, 2023
  An antisemite used to mean someone who hated Jews. Today it means someone the Jews hate

- Connie_van_Orton@orton_connie· Jan 25, 2023
  @spenderallegra is a grovelling, morally-preening grifter. She tweets against antisemitism. But how many times has she tweeted to her heavily Jewish electorate against Israel's treatment of the Palestinians or the fact that today Israel is a full-blown apartheid state in the OT

**Targeting: Annastacia Palaszczuk, Qld Premier: on meeting a Holocaust survivor**
Annastacia Palaszczuk is the Premier of Queensland. She met with a Holocaust survivor and posted about the meeting and the building of a Holocaust Museum in Brisbane, on 27 October 2022 on Twitter. It elicited antisemitic comments, many minimising or denying the Holocaust.

Annastacia Palaszczuk@AnnastaciaMP · Oct 27, 2022
Today I had the privilege of meeting with Dr Bert Klug - a 100 year old Holocaust survivor. He came to Parliament House to help us announce Queensland's first Holocaust Museum.

Replies:

- Francie@Frances41704452· Oct 27, 2022
  And when, dear Premier, will a Museum come into being for the current holocaust we're experiencing - a holocaust different (yet far worse in numbers) than that of WW2?

- Mischievous Mermaid@FedUpMermaid· Oct 27, 2022
  When will you be announcing the first Holodomor museum?

- Down under defi@hex_pulsechain· Oct 27, 2022
  Damn you getting smacked down in these comments, the people are waking up. Weird that the Nuremberg code was written after the Jewish Holcaust just for you tyrant criminals to ignore the past with the Covid 19 vax Holocaust.

- chud@Echelon739· Oct 27, 2022
  Wow the camp building, forced drug injecting QLD fuhrer is visiting Holocaust survivors for tips on how she get do it right this time with COVID-19

- FinGoth@Fingoth1 · Oct 27, 2022
  Howd your father know to start a genetic data storage company just before the pandemic? Why are you and the media so pro Jewish this month? Is Israel going to do something bad in the next few months?

- pissed off peasant@Thekarmawave · Oct 27, 2022
  You're about to get your mention for the holocaust you have overseen. Quit now you criminal

- Centaur Rita@CentaurRita · Oct 27, 2022
  Can't they pay for it themselves…they have plenty!!

- FinGoth@Fingoth1 · Oct 27, 2022
  Why now indeed? Same time Kanye says anti Semitic stuff too. Tbf her and her father are zionists so they prob up to something here

- Yalla Teef - DO NOT COMPLY@JoeSchm32775104 · Oct 28, 2022
  What holocaust?

**Targeting: Mark Dreyfus, MP: on banning Nazi symbols**

Mark Dreyfus, Federal Attorney General, announced the government's intention to criminalise public displays of Nazi symbols. This was reported in the media, and Mark Dreyfus posted it on his Twitter page on 8 June 2023.

Mark Dreyfus@MarkDreyfusKCMP · Jun 8, 2023
To those who are targeted because of their faith, we stand with you. For those who face abuse simply for being who they are, we stand with you. My op-ed on banning Nazi symbols in the @aus_jewishnews today: https://australianjewishnews.com/we-will-act-to-keep-you-safe/…

Replies:

- byetofi from Annette the Prole Sewer Rat@byetofi · Jun 8, 2023
  Quite right & about time. However at the risk of you being somewhat hypocritical, are you as emphatic about the Palestinians suffering because Israel is illegally stealing more of their land & houses with impunity or is that A OK?

- völkisch@aussiewombat2 · Jun 8, 2023
  Look at this Bolshevik jew who supports mass gang rapes & murder. Genocidal mass migration ideology for Jewish corporations Go live in your ethnostate Israel with other Jewish nationalists and spit on and kill Christians. Jews turned Sweden into the rape capital of eyrope

# MAINSTREAM MEDIA

The mainstream media, print and online, visual and audio, can be influential in transforming or reinforcing people's beliefs about a range of issues. All media are selective in the issues they cover, how issues are portrayed, and the slant given. Even the more reputable media outlets often make only token attempts at objectivity in their news reporting. In addition, the internet iterations of mainstream media publishers make possible an enormous volume of public commentary on media articles. During the period in review, there were quite a few media articles and news stories in the mainstream media referencing Jews. Some of these focused on the issue of antisemitism, eg the Holocaust, and some on Israel. It was noticeable that when news or articles about Jews were published, these often did not have a comments section online, and some of these articles were not even posted on the social media pages of the media outlet – possibly to minimise the scope for posting antisemitic comments online. The following Media section is divided into two sub-sections: media output and online comments.

## Media Output

### Channel 10: "Auschwitz and tits"

Channel 10's program, The Cheap Seats, hosted by Tim McDonald and Melanie Bracewell, is a comedy panel show on TV. On the program on 13 June 2023, McDonald introduced a BBC clip with "not the two biggest topics on BBC radio 2", then played the BBC audio clip which was "The amazing story of Hitler and Stalin and one family. And then, is it acceptable for nudists to go into pubs and order a meal". The gist of the clip was the contrast in two very different stories that ran together. In response, McDonald said:

- "Hitler to nudists. It's a big night in the UK. It's Auschwitz and tits … It's a big night."

In addition, both hosts and the audience laughed at McDonald's comment. Within two weeks, McDonald apologised for his comment.

### The Age article: gratuitous connection of wealth and Jews

An article 'The day police crashed the billionaires' lockdown soiree - and where the guests hid" by Cameron Houston and Chris Vedelago, published in The Age on 16 December 2022, was about that "Members of Victoria's wealthiest family flouted the state's strict lockdown orders in July last year when they hosted a family gathering at their historic Kew mansion Raheen." The article made several gratuitous references connecting the gathering being a Jewish gathering on Shabbat and the wealth of the hosts, eg 'mansion' and 'Shabbat', 'Judaism', 'Shabbat', 'powerful dynasty', and 'fortune'. Extracts include:

- "Video shows a number of people entering the Pratt family mansion during lockdown, appearing to be guests at a Shabbat dinner. … The family dinner on July 23, 2021, was held to mark Judaism's day of rest, known as Shabbat, and was attended by up to a dozen guests of the powerful dynasty that has amassed an estimated fortune of almost $25 billion from its global packaging and recycling business."

https://www.theage.com.au/national/victoria/the-day-police-crashed-the-billionaires-lockdown-soiree-and-where-the-guests-hid-20221208-p5c4os.html

**SBS website: omitting Hebrew in language list**
https://form.myrecruitmentplus.com/applicationform?jobAdId=8819256

At SBS Careers, employment applications provide a drop-down list for applicants to choose a language other than English that they speak. The list is quite comprehensive and includes some languages spoken by only a few people in Australia (eg Assyrian, Hakha Chin, Kannada, Karen, Telugu, Twi, Akan). The list is in alphabetical order. And yet, as noted on 7 November 2022, excluded from the list was Hebrew, a language spoken by 10 million people today and the official language of a UN member country.

In comparison, Hebrew has more speakers than many European languages, such as Croatian, Danish, Estonian, Finnish, Latvian, Macedonian, Maltese, Norwegian, Serbian, and Swedish. In Australia, there are more than 10,000 Hebrew speakers, and yet languages with far less numbers of speakers in Australia are in the list. This omission is an example of negative discrimination against Hebrew speakers, who overwhelmingly are Jewish.

https://careers.sbs.com.au/job-details/query/audience-research-manager/in/sydney/8819256/

**SMH: negating antisemitism**
"Why is a 40-year-old Pink Floyd performance suddenly controversial?"
by Nell Geraets, June 1, 2023
https://www.smh.com.au/culture/music/why-is-a-40-year-pink-floyd-performance-suddenly-controversial-20230529-p5dc07.html

This article states twice that Roger Waters, a British singer formerly with Pink Floyd, has been accused of antisemitism because he supports the Palestinians and is critical of Israel. Apart from mis-stating the reasons for the accusation, the article implies that Waters is not antisemitic, but instead is simply anti-Israel, and that Jews and others are only accusing him of antisemitism to undermine support for Palestinians. Nowhere in the article is it explained why the accusations of antisemitism are made nor what Waters has said and done for people to consider him to be antisemitic. The article suggests falsely that being anti-Israel and being antisemitic are mutually exclusive.

Waters has a long history of wearing Nazi SS type garb on stage, with long black leather coat and a red, white and black armband (using Nazi colours). He has had large Nazi style banners hanging in the stage background. At his concert in Germany in May 2023, Waters fired a replica machine gun into the crowd, while wearing his Nazi style garb. Waters also had two names in red projected on stage at his concerts in 2023 making an analogy between Anne Frank (a Jewish girl murdered by the Nazis because she was Jewish) and Shireen Abu Akleh (a Palestinian-American journalist killed while she on a hazardous assignment covering gunfights between Israeli forces and Palestinian gunmen. This is Holocaust minimisation. The authorities in Germany in 2023 tried to ban Waters' concerts due to the antisemitism exhibited by Waters on stage and elsewhere. Waters flew a giant pig-shaped balloon emblazoned with the Star of David at his concert in Belgium in 2013, where he also wore a long black leather jacket with a red-and-white arm band, reminiscent of a Nazi uniform and held a replica machine gun.

A video documentary by Campaign Against Antisemitism (CAA) published in September 2023 exposed many derogatory references to Jews made by Roger Waters to his close associates. Waters referred to vegetarian food at a Lebanese restaurant as "Jew food" three times and refused to eat it. Waters made up a song that called the band's agent (who is Jewish) "'cos Morry is a fucking Jew". Waters mocked the band's saxophonist's grandmother who was murdered in the Holocaust. Waters wanted the inflatable pig floating above his concerts to be scrawled not only with a Star of David but also with the phrases "follow the money", "dirty kyke [*sic*]" and "scum". Waters also wanted audiences to be showered with confetti in the shape of Stars of David and dollar signs, and his directive was carried out.

https://www.theguardian.com/music/2023/sep/28/roger-waters-accused-of-repeated-antisemitism-in-new-documentary

https://www.thejc.com/news/news/roger-waters-sang-'f-ing-jew'-song-claims-former-producer-kta3Wp5PZvNdPisPDncUL

**National Press Club: antisemitic speaker**
https://www.npc.org.au/speaker/2023/1242-francesca-albanese

The National Press Club of Australia invited Francesca Albanese, UN Special Rapporteur for Palestinian Human Rights, to address the club in Canberra on 14 November 2023. Albanese has a long record of making not only anti-Israel statements, but also antisemitic statements. The Australian Jewish News noted that "Albanese has in the past been criticised for using antisemitic imagery to demonise Israel and the Jewish people by comparing what happened to Palestinians in 1948 to the Holocaust, comparing Gaza to the Warsaw ghetto and claiming that America has been subjugated by the Jewish lobby."

Colin Rubinstein, executive director of Australia/Israel & Jewish Affairs Council, said that Albanese "has a documented history of publishing ugly tropes about Jews and extreme, virulent views about Israel, both before and during her tenure with the UN. … Francesca Albanese has made disgusting social media comments about the supposed power of the so-called 'Jewish lobby' and 'the Israeli lobby', has endorsed social media postings comparing Israel to Nazi Germany, and justified terrorism against Israeli civilians. One has to ask whether the National Press Club would host another individual who has a similar history of making derogatory comments about a minority group. We hope that, at the very least, the journalists there will vigorously seek to hold Albanese to account."
https://www.australianjewishnews.com/national-press-club-invites-official-accused-of-making-antisemitic-remarks/

**Crikey: "Melbourne Uni's new anti-Semitism guidelines are an attack on free thought"**
https://www.crikey.com.au/2023/01/27/melbourne-university-anti-semitism-guidelines/

Crikey self-describes as "an independent Australian source for news, investigations, analysis and opinion." It tends to publish left-wing, and anti-Israel, content. Guy Rundle, journalist at Crikey, published an article, titled 'Melbourne Uni's new anti-Semitism guidelines are an attack on free thought', on 27 January 2023. The article argued against the IHRA working definition of antisemitism and its adoption by Melbourne University, and did so using anti-Jewish tropes. Many of the comments added by readers under the article were also antisemitic.

Rundle wrote:

> "… This is a recipe for killing and oppression in the occupied territories on a whole new scale. Arguably it represents a totalitarian impulse within Zionism … The IHRA's definition has been pushed at Australian universities by the Australian Zionist lobby for the past couple of years … But the IHRA definition, as expressed in its examples, goes a lot further … These points are either reasonably arguable or represent a ridiculous ban on thought. The intentionality of the Holocaust? … Accusing Jewish citizens of being more loyal to Israel? Well, that would be a perfectly rational course of action by Zionist Jews …
>
> "Comparing Israel with the Nazis? … We have to be free to ask the question as to the complex relationship of two late 19th-century national socialist movements, Nazism and Zionism. The West Bank's arrangement of ever-more powerful and prosperous Zionist settlements … looks a lot like Hitler's imaginings of how a Nazi-colonised Russia would look like. … It's not surprising that Melbourne University, "The Shop", would be the first to sign up to the definition, given the city is the centre of the Australian Zionist lobby … Well, give the Zionists their win, for the moment. …"

Comments:

- Frank Dee: So, I can't compare the illegal expansion of Israel into Palestinian lands with Nazi Germany's lebensraum? Is irony to become illegal as well?

- Hunt, Ian: … Guy correctly points to the chilling parallel between the position the new far right government of Israel has adopted for the West Bank and the future that "Mein Kampf" envisaged for European Russia. … Similarly, criticism of the present government of Israel and drawing comparisons between its policies for the West Bank and Nazi policies for European Russia is criticism and rejection of that government and not the Jewish people as such. Indeed, there is only minority electoral support for Netanyahu's Coalition just as there was only minority support for the Nazis at the last election before Hitler became fuerher.

- Bob the builder: I think you've missed a very important one: "Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor." Given the explicitly racist nature of the state of Israel and it's contemporary functioning as (along with Russia) the last of the 19th century style European colonialist/imperialist states, combined with an increasingly Apartheid social, political and physical character, it's hard to see it as anything other than racist.

- Daibhin: … When I was much younger I had great sympathy for the Jews until I went deeper into their history, it was rather revealing in that they were chaded out of most eastern countries because they tended to take over ateas and kept on taking over more and more until they were, again, chased out as happened in Egypt; because they were taking over too much of the area in which they made their fortunes. Now, here we are again, taking over another's country, though this time with much more physical and armed force and bringing in jeweish people from around the world to grow the land they are laying claim to. It never changes except the use of force. … Now they invade what our universities and their students can think about Jews/Israelis. America is in their pocket, don't let Australia be next.

- Doubtingthomas: So Israel gets away with banning the democratic right of Free Speech at an Australian University. What next?

- Jayho: Hopefully not forced circumcisions

- Doubtingthomas: I heard Malcolm Fraser describe the Jewish Lobby when he was PM. The Melb. Uni capitulation is totally understandable.

- Doubtingthomas: … Fraser was very critical of the power of the Jewish Lobby. … I implied that it takes brave and intelligent souls to stand up to them. …

- Thucydides: I wonder if anybody in Netanyahu's government has yet proposed a "final solution" to the Palestinian problem?…….. it can only be a matter of time.

- Doubtingthomas: … Melbourne University has bowed to the Jewish Lobby and effectively, made laws about what one can and cannot say, write, and presumably think.

- Doubtingthomas: Agreed. But I think the issue is deeper: it's about the creeping power a certain lobby group has in a so-called democratic country.

- Waddy: … The fact of the international campaign for institutional adoption of the IHRA definition makes it look exactly like a stalking horse to diminish criticism of the State of Israel. Is that view antisemitic?

- Roberto: "Is that view antisemitic?" the tribe of Netanyahu says "YES".

- Robert REYNOLDS: The Israeli 'tail' has been wagging the American dog ever since 1948. It comes as no surprise that the Israeli influence now extends into the University of Melbourne. …

- Outis: The anti-semitic charge against Jeremy Corbyn & UK Labour was because of his refusal to accept the IHRA dictum. …

- Richard King: True, and his [Keir Starmer's] behaviour since — using the charge of antisemitism to purge the left of the Labour Party on the flimsiest grounds imaginable … and allowing (explicit) antisemites to say that the Jews are a powerful elite with the ability to shape the public sphere.

- mr gaucherie: By stifling all criticism of what takes place in Israel, the end result will quite possibly be exactly the opposite to what the gag was designed to stop, anti-jewishism.

**Online Comments**

The following section is composed of online comments by readers on the websites and/or social media pages of mainstream media outlets. The significance of antisemitic comments remaining online is two-fold: firstly, the fact that such comments are allowed to remain online without moderation demonstrates the online host's (eg media's) tolerance for antisemitic comments, and/or a lack of knowledge, insight or capacity to identify antisemitism; and secondly, the

contents of the comments indicate the levels and types of antisemitic beliefs held by individuals within the general community, and reveal the extent of antisemitic hatreds that exist even in a relatively tolerant society like Australia. The following is a sample of antisemitic comments posted online on mainstream sites. The news reports about which they are commenting are also reproduced in order to provide context.

**ABC News: Facebook comments**
ABC News · October 18, 2022
"The government has reversed a controversial decision by the previous government to recognise West Jerusalem as the capital of Israel."

Comments:

- Horst Lehnert Ivan now see why the indigenous hate colonization! Supporting Israel? A modern colonisers that still kills,abused the rightful inhabitants! …

- Thomas Brooks well articulated, all true. I don't know how the Israelis could do this after the sufferings of the holocaust, short memories..

- Robert Harris Short memories unless it suites them, then you can't shut em up

- Thomas Brooks Well done, now start lobbying Israel to stop displacing Palestinians from their homes. After the holocaust we have short memories how can this have been allowed to happen ...

- Fird A Top Well done Australia praise to labour government and stand up for Palestine 🇵🇸 under occupied Zionist apartheid!!down with Zionist oppressors!!

**ABC News: Facebook comments**
ABC News · October 19, 2022
"Jerusalem may be about 14,000 kilometres away from Canberra, but its "status" as the capital of Israel continues to court controversy. Here's why."

Comment:

- Chris Cross How in the world did it come to pass that stateless people are given land in a country WITHOUT the permission of the people who live there, and THEN claim the most precious part of it as their own and not share it with those people? It's laughable that Israeli's have been given so much power to completely destabilise the region they now live in.

**ABC News: Facebook comments**
ABC News · July 4, 2023
"Israel is close to completing its raid in Jenin, after the fiercest fighting in the flashpoint West Bank town in more than two decades …"

Comments:

- Jacqui Brown Why Israel is so combative when they have a history of being persecuted beggars belief!

- Hama Rokhzayi From the river to the sea Palestine will be free from the terrorist state of Israel

**ABC News: Twitter comments**
ABC News@abcnews · Aug 14, 2023
"As the federal government pursues a ban on Nazi symbols, new research reveals the disturbing levels of antisemitism facing young people, both on campus and online.
@begley_patrick #abc730 Students facing antisemitism at university | 7.30"

Replies:

- Juvenalian Observations@romeservative· Aug 14, 2023
  Will the teaching of jewish supremacism in the talmud face similar government crackdown in order to stop the spread of hate?

- Leftist before they went mad@CharleyLou6· Aug 14, 2023
  Maybe bulldozing the homes of Palestinians isn't the best way to be popular.

- Alex P@pugati13· Aug 14, 2023
  Amazing how Jews are always the victims.

- NRL Guru@guru_nrl· Aug 14, 2023
  This must be a wind-up... Jewish people facing racism in Australia? What a ridiculous article! Wannabe victims. They're not victims of any abuse or any discrimination. They're just precioua wannabe victims.

- Chris Hyland@ChrisHy43211492· Aug 14, 2023
  Hypocrites,inflicting nazi type demands upon the people,and don't be concerned about Jews,they have become whingers to garner sympathy while they steal land and then murder the protesters.

- Nathan Swindon@Nathan_Swindon· Aug 14, 2023
  the "K the Js" friend story sounds so fake it's unreal This is just blatant propaganda

- Ardy Smith@ArdlawSmith· Aug 15, 2023
  Will it ban this one?

- Melbourne Guy 01@MelbourneGuy_01· Aug 15, 2023
  Ah, nice @abcnews. You found a whole new group of victims to start writing about. So the stories wont dry up then.

- Macho Gamer@MachoGamer66· Aug 15, 2023
  Haha that story sounds fake as fuck "I'm going to kill you. I'M GOING TO FUCKING KILL YOU JEW BOY!"

| | |
|---|---|
| Ye_Gang@Kanye_Gang· Aug 15, 2023<br> | Ye_Gang@Kanye_Gang· Aug 15, 2023<br>Check out this page!<br> |

**ABC 7.30: Facebook comments**
ABC 7.30 · August 14, 2023
"The Matildas are through to their first FIFA Women's World Cup semi-final after a historic victory over France on Saturday. …"

Comment:

- James Robertson The 7.30 report failed to mention Australia's support of the apartheid regime held by the Zionists over the indigenous Arabs of Palestine. Is there little wonder antisemitism is on the rise when the Jewish council of Australia supports the shelling of sleeping children and the snipering of a 16 year old girl on her own rooftop garden, left to be found by her young brother or the incarceration of 4.5 million individuals, taxed at 30%, indentured labour and denial of water, electric and sewer. A charming people. Normalisation of the new Nazis will never be accepted here.

**The Australian: Twitter comment**
https://twitter.com/australian/status/1691321335128158208
The Australian@australian · Aug 15, 2023
"Almost two-thirds of Jewish university students say they have experienced anti-Semitism on campus, while some are avoiding going to uni in person out of fear of vilification. Full details here: https://bit.ly/3saYO3B"

Reply:

- Chris Hyland@ChrisHy43211492· Aug 15, 2023
  If isreal wasn't stealing Palestinian lands and murdering protesters there wouldn't be a problem,but let's face it,a Jewish response to legitimate criticism is to cry anti semitism.

**The Australian: website comment**
https://www.theaustralian.com.au/inquirer/israel-haters-arent-cool-they-are-mostly-just-plain-ignorant/news-story/efc67840e46913ddd7e4e28b39724a34
"Israel haters aren't 'cool', they are mostly just plain ignorant" · August 19, 2023

Comment:

- Graham: … Australian leaders should never allow themselves to be bullied into silence about the disastrous anti Palestinian policies of the Israeli government by the powerful Israeli lobby in Australia .

**SBS News: Facebook comments**
SBS News · October 10, 2022 ·
"Social media platforms have restricted accounts belonging to rapper and fashion designer Kanye West due to posts that they say violated their policies."

Comments:

- Crisem Ladaka what's insane about calling out the jews?

- Posie Tas Wow silencing the truth as always. Keep speaking out Kanye about what is really going on. Remember Mel Gibson's melt down? He knew what was going on.

- Emmitt Carr-Smith Oy vey! SHUT IT DOWN!

- Crisem Ladaka jew.

- Crisem Ladaka hard not to be when every single time the early life points to a jew. Pattern recognition

- Crisem Ladaka I know it's talmudic practices to deceive the goy, but we are aware now. Jews hate Christians and jews hate whites, hence all the anti white vitriol and propaganda.

- Clarence Andrews Making factual statements about jews is offensive because of exposure. 5 of 10 Richest Americans are jew yet they are less than 2% of the population. Germans were starving dead in the streets before they accepted who owned and controlled the resources. Once the resentment created violence, a few jews capitalized using Pogroms and Nuremburg as an opportunity to consolidate wealth and eventually illegally purchase Palestine. The Black community is a pawn for jews to distract whites. 90% of people fighting over 10% of the pie. They call that civil war. …

- Charissa Harrison Kanye is being targeted by the globalists he has shed light on.

- Lachlan Mcknight They run every thing. He knows. But your not meant to say it.
- Jo Jo Withrington Next news headline, will be "Kanye West dies in an 'accident'. "
- Sulaiman Akhlaken They can't cancel him fast enough. He's speaking too much truth for them!!
- Jeff Illman Pat, he made the fatal error of criticising Zionists. Roger Waters, Jeremy Corbyn are all being targeted for speaking up.

**SBS News: Facebook comments**
SBS News · October 12, 2022
"The rapper and fashion designer made comments on social media over the weekend that were widely condemned as anti-Semitic." What has Kanye West said…

Comments:

- Frederick Frederickson Can't wait for him to go on Joe Rogan and have them talk about the Frankfurt school
- Nicko Chillin How dare anyone says anything against the jews!!!! Please let them continue their ethnic cleansing of the Palestinian people.
- Andrew Petherbridge Pity there is a media blackout on reporting about the 41 Palestinian toddlers and teenagers murdered by Jewish illegal settlers/Israeli troops in Occupied Palestine this year alone.
- Jazza Connors what conspiracy do you talk about. He said that P Diddy was controlled by the Jews right, can you disprove this?
- Mark Markus The [ Dews ]
- Jason Punani End Palestinian oppression.

**SBS News: Facebook comments**
SBS News · October 18, 2022
"It comes after Foreign Minister Penny Wong announced Australia will no longer recognise West Jerusalem as the capital city of Israel."

Comments:

- [illegible] Looking forward to the day we no longer recognise Israel
- [illegible] they survived 2000 years without a state of Israel, so perhaps Zionists can re-evaluate their need for ethnic cleansing and displacement of others

**SBS News: Facebook comments**
SBS News · December 8, 2022
"He shares the 2022 title with "the spirit of Ukraine"." …Volodymyr Zelenskyy…

Comments:

- Tony Ammar How surprising, another zionist 🤣

- Mike Leo DICTATOR of the year more like it , look at everything he has banned , he just banned orthodox Christianity as only a person of jewish descent would

**SBS News: Facebook comments**
SBS News · December 24, 2022
"Tasmania is home to Australia's oldest surviving synagogue, but there hasn't been a full-time rabbi in it for years, and Jewish life here can come with its challenges."

Comments:

- قوربانأزدي‌ه It's such a challenge when people of your faith hold a monopoly of nearly every single industry. Sometime. You just gotta use lies and deceit, it definitely works, you can even steal a whole country.

- Peter Junior It's about religion, the Israeli's think they are the chosen people lol.

- Ben Suitor Free Palestine

**SBS News: Facebook comments**
SBS News · January 12, 2023
"'I am deeply ashamed': NSW Premier Dominic Perrottet has apologised for wearing a Nazi uniform to his 21st birthday party."

Comments:

- Monica A Alvarez he has apologised! Wonder if the Jews will apologise for taking Palestinian land?

- Belle Douglas Monica A Alvarez Zionists, you mean

**SMH News: Facebook comments**
The Sydney Morning Herald · December 8, 2022
"Opinion: Like many Jewish people, I've endured racism, but statements by Ye – the artist formerly known as Kanye West – feel more threatening than any others I've ever heard."
Forty years of anti-Semitism didn't prepare me for Kanye West

Comment:

- Matt Stanfield Free Palestine 🇵🇸

**SMH News: Facebook comments**
The Sydney Morning Herald · June 1, 2023
"Roger Waters' provocative performance of The Wall has been displayed on-stage for decades, so why has it suddenly attracted protests and a police investigation?"

Comments:

- Fred Elisha He's a strong supporter of Palestinian rights for a homeland. Naturally, anyone expressing his type of views, will be target to the powers to be who support apartheid State of Israel. He's definitely a target of the Zionist State.

- Jaafar El-Murad Terrorists? I presume you are referring to the Zionist government.

- Caroline Cheika Why there is so much criticism of Israel ? 70 years of catastrophe maybe ? And in those 70 years there has unfortunately not been much criticism of Israel , until very recently, and now it plays the victim. It's not that complex . Roger Waters is a freedom fighter . He uses his profile , his music , to draw attention, not a bad thing

- Pat Walsh He is right. You should be able to protest Israel without being antisemitic. Its not dissimilar to apartheid. Treatment based on religious belief is abhorrent. It just seems special sensitivity to ww2 atrocities trump modern ones

- Nick Cruth He is an active exposer of Israel's atrocities in Palestine.The new far right Israeli regime is cranking efforts to discredit anyone who does. Try and further entrench the falsehood , that criticism is antisemitism. The Zionist lobby in Germany made the initial complaint.

- Adrian McGuinness He dared to criticise Israel perhaps 🤦?

- Simon Black probably because he stands against apartheid when no one else will.

# MAINSTREAM SOCIETY

Although most Australians are tolerant and easy-going, and observe the Australian ethos of giving people a "fair-go", there are segments of society which exhibit and express antisemitism in various forms. Some of the issues during the period in review are outlined below.

## Casual Antisemitism

The Australian Human Rights Commission (AHRC) states: "Casual racism is one form of racism. It refers to conduct involving negative stereotypes or prejudices about people on the basis of race, colour or ethnicity. Examples include jokes, off-handed comments, and exclusion of people from social situations on the basis of race." Some examples of casual antisemitism during the period in review follows.

**Work colleague: "concentration camps"**

A non-Jewish man with Jewish ancestry, in a conversation with work colleagues about holidays, on 20 May 2023 in Western Australia, said that in a couple of years he planned to go to Israel and mentioned that he had Jewish ancestry. One work colleague remarked:

- "Well, you Jews didn't do too well in the concentration camps."

**Anti-racist chant: omitting Jews**

https://redflag.org.au/article/campaign-continues-against-melbournes-neo-nazi-gym

A chant at an anti-Nazi rally, organised by Campaign against Racism and Fascism, was cited in an article 'Campaign continues against Melbourne's neo-Nazi gym' by Monica Sestito published on 24 September 2023 in Red Flag, the publication of Socialist Alternative. The chant named four ethnic minorities who should unite to fight against neo-Nazis. Omitted from the list were Jews - the prime target of neo-Nazis. Within the extreme left, ostensible anti-racists, there is an element that ignores or downplays racism against Jews. The article reported that:

- "Chants of "Black, Indigenous, Arab, Asian and white—unite, unite, unite to fight the right!" echoed across the streets of Sunshine West on Saturday, when 500 anti-fascist activists and local community members gathered to protest against Legacy Boxing Gym. The gym has become a flashpoint for anti-fascist opposition since the *Age* revealed last year that it is an organising base for a neo-Nazi organisation called the National Socialist Network (NSN)."

## Other forms of Antisemitism

**Adelaide Festival Writers' Week: antisemitic writers**

The annual Adelaide Festival encompasses the Adelaide Writers' Week where authors from around Australia and the world are invited to participate. In 2023, it was held on 4-9 March. It receives funding from the state government of South Australia and other sponsors. In 2023, 160 writers were scheduled to participate. Controversy arose in February 2023 when it became known that two highly antisemitic writers from overseas had been invited - Susan Abulhawa, a Palestinian-American writer, and Mohammed El-Kurd, a Palestinian poet.
https://www.adelaidefestival.com.au/news/latest-news/2023-adelaide-writers-week-full-program-announcement/

Despite claims by some pro-Palestinian people, there was no antisemitism issue raised with platforming Palestinian activists at the event or at having no alternative pro-Israel voices. Nor was the primary objection to the disproportionately high number of Palestinian writers who were invited. Nor was there an issue with any of the other writers of Palestinian and/or Arab/Muslim background.

The objections were solely focussed on having Abulhawa and El-Kurd participate. Over the years, they have posted their hateful anti-Jewish views on social media and in their written works. Some of their rhetoric refers to 'Zionists' as a code for Jews, and other references to Israelis are based on much older anti-Jewish tropes.

Hence, while criticism of Israel is not antisemitic *per se*, when it crosses the line and uses anti-Jewish tropes, or makes analogies with Nazi Germany, then it becomes antisemitic. They both have expressed hatred for Zionism and support for the elimination of the only Jewish state in the world. Of note, Zionism is the Jewish national movement for self-determination in the homeland. Examples of their social media posts, including in 2023 during the controversy, include the following.

**Susan Abulhawa has Tweeted:**

- "Israel is a fascist, Nazi state." · Aug 31, 2018
- "Israel is not so different than Nazi Germany, nor are Israelis different than Germans of Nazi Germany." · Nov 23, 2019
- "Israel is a Nazi state." · May 14, 2021
- "few things are more vile or cruel than zionism or the state it birthed." · Jun 27, 2022
- "These motherfu@kers brought Nazi Germany to Palestine. That's all Israel is—an ironic transplant of Europe's Nazi supremacist ideology." · Jun 30, 2022
- "...zionism is racism, and Israel is a blight." · Aug 17, 2022
- "Israel's always inventing ways to outdo Nazi sadism without rousing too much international outcry." · Sep 25, 2022
- "Yalla [Let's go] intifada! Yalla thawra [revolution]! Yalla the end of Zionist colonialism and apartheid! Yalla…" · Oct 12, 2022
- "Zionism, like all racist ideologies, is a moral plague." · Oct 21, 2022
- "Someday we will demolish this racist colonial zionist military 'state.' And the world will be a better place for it." · Jan 29, 2023
- "This is your daily reminder that Zionism is the contemporary face of Nazism and white supremacy." · Feb 19, 2023·
- "Israel should be dismantled and tossed in history's garbage with all the other genocidal racists." · Feb 19, 2023 ·
- "zionism (a melange of racism, Islamophobia, white supremacy, and colonialism)." · Feb 24, 2023
- "This is the "Jewish State"— degenerate, terroristic, thieving colonizers." · Feb 27, 2023 ·
- "These Nazis [Israelis] are celebrating their murderous rampage through a Palestinian town." · Feb 27, 2023 ·
- "zionists are demons on earth" · Feb 28, 2023 ·
- "Privileged white man leaves US to violently colonize another people, gets killed by the people he's robbing & oppressing. … . And y'all are upset over this human garbage." Feb 28, 2023 (Referring to Elan Ganeles, a US-Israeli citizen, who was murdered by Palestinian terrorists.)

Elsewhere, Abulhawa has said:

- "It's possible to be Jewish and a Nazi at the same time. It's called Israel."
- "One cannot overstate what an abomination Israel truly is. They're worse than Nazis".
- Israel is "a racist, colonial military outpost that calls itself a state".
- "Dismantle Israel, a colonial nation of degenerates".
- "Israel is demonic. Sadistic. It is the manifestation of the most base of human impulses. Only this abomination … was first spawned by devils."
- "These people are vile. Armed human garbage. But I take comfort in knowing without a doubt that this colonial apartheid state will eventually be dismantled and wiped off the map." Jan. 24, 2023.
- "Every Israeli, whether in a synagogue, a checkpoint, settlement, or shopping mall is a coloniser who came from foreign lands and kicked out the native inhabitants. They all serve in their racist colonial military. The whole country is one big, militarised tumour." Jan. 2023
- denies Jewish indigeneity to the land of Israel
- calls for "armed resistance" (a euphemism for terrorism)

In reference to Ukrainian President Volodymyr Zelensky, who is Jewish, but has not referred to himself as a Zionist, Abulhawa has tweeted:

- "Denazify Ukraine" Nov 23, 2022
- "a corrupt, Nazi-promoting Zionist like Zelenskiy",
- Zelensky is "a depraved Zionist trying to ignite World War III",
- Zelensky is dragging "the whole world into the inferno of WWIII".

Abulhawa's Twitter account was suspended by 31 August 2023.

**Mohammed El-Kurd: posts on Twitter,** in chronological order

- "… Israeli Jews … Nothing but spineless colonizers." · Mar 16, 2021
- "Across the country Zionists are beating, gassing, shooting, lynching Palestinians. They're unhinged. … State-settler collusion emboldening an unquenchable thirst for Palestinian blood & land. Terrorist, genocidal nation." · May 13, 2021

- "I don't care who this offends they have completely internalized the ways of the nazis." · May 13, 2021

- "YOU ARE KILLING MURDERING BOMBING ETHNICALLY CLEANSING COLONIZING LYNCHING KRISTALLNACHTING US IN REAL TIME CURRENTLY RIGHT NOW AND YOU HAVE THE NERVE TO MAKE HOLOCAUST ANALOGIES" · May 13, 2021

- "[Israelis] carry out a parade of genocidal flags & fictional indigenity. Let the record show: this is colonizer behavior. #FreePalestine" · Jun 16, 2021

- "Fascists. Terrorists. Colonizers. There is no morally defensible argument for supporting Zionism. It's blood thirsty and violent. It is spineless. Free Palestine." · Jun 16, 2021

- "Zionism is genocide." · Jun 22, 2021

- "Zionist settlers … are the sadistic barbaric neonazi pigs that claim to be indigenous to our land." · Jun 22, 2021

- "Zionism is a death cult." · Jul 30, 2021

- "… dishonesty has always been integral to the Zionist project and imperative to justify the constant killing of Palestinians & thieving of our lands." · Aug 10, 2021

- "Zionism is sadistic." · Sep 1, 2021

- "We say Zionism is genocidal because it is." · Sep 17, 2021

- "Zionism is brutal, murderous, but above all: it is very afraid." · Nov 9, 2021

Elsewhere, El-Kurd has described or written:

- Israel as "demonic",
- Israelis as "conscienceless pigs",
- "Israelis at large are thirsty for Palestinian blood."
- Zionists as "barbaric pigs"
- "they [Israelis] harvest organs of the martyred [Palestinians], feed their warriors our own." – in his 2021 book "Rifka"
- "I hate these pigs. I hope every one of them dies in the most torturous and slow ways. I hope that they see their mothers suffering." referring to Israelis.

Elsewhere, "el-Kurd alleges Jews are preparing to invade Muslim holy sites and constantly compares Israel to Germany under the Nazis, an allegation as incorrect as it is offensive to Jews across the globe. He glorifies the murderous Palestinian intifada and its campaign of suicide bombs that have killed many hundreds of civilian Israeli men, women and children."
– by Jeremy Leibler, *The Australian*, 20 February 2023.

Morry Schwartz, publisher, explained some of the issues: "When authors of hate speech are invited to our writers' festivals, it's time to worry and to lament. Antisemitism has come out.

Emerging from years of subtle innuendo, out from its various hiding places and guises, it is again showing its ugly historical face. It is again being normalised and made acceptable. When Volodymyr Zelensky is described as a "depraved Zionist trying to ignite world war III", it is Zelensky the Jew who is being demonised. He has never asserted his Zionism. When Zionists are accused of harvesting the organs of Palestinians and lusting after their blood, there is no mistaking the reference to age-old blood libels against the Jewish people."

Many people and organisations spoke out against having Abulhawa and El-Kurd participate in the festival. These included the following.

Peter Malinauskas, Premier of South Australia, condemned their participation and personally boycotted the event. "I complete abhor the comments that have been made … I'm surprised they are being facilitated at Adelaide Writers Week. I won't be going along to hear them speak. … there is a distinction between provoking thought and facilitating the spreading of a message that simply does not accord with basic human values."

Three major sponsors - MinterEllison (law firm), PwC (PricewaterhouseCoopers, an accounting and consulting firm) and Capgemini (IT company) - withdrew their support, presence and involvement with the 2023 Adelaide Writers' Week.

Gemma Jones, editor of the Adelaide Advertiser, said "The views of the two writers in question are repugnant." The Advertiser decided to continue to support the broader Adelaide Festival cultural program but withdrew its staff from the Breakfast With Papers event.

Frank Fursenko, president of the Association of Ukrainians in SA, told The Australian that the community had met this week to discuss its concerns around the involvement of Abulhawa and others at Writers Week who were spreading "conspiracies" about the war. "We are very concerned that they are giving a platform to people who are known apologists for the Russian invasion of Ukraine," Mr Fursenko said. "Everything they say dovetails perfectly with Russian propaganda."

Writers withdrew from the festival due to the presence of racists. This included three Ukrainian authors (Kateryna Babkina, Olesya Khromeychuk and Maria Tumarkin) over appearances by authors who accused Volodymyr Zelenskyy of being a Nazi and Ukraine of being a Nazi state.

## Melbourne Football Clubs

There were several instances of antisemitism in some Melbourne football clubs and/or from their supporters. In particular, Harry Sheezel, a Jewish football player newly recruited, was targeted with antisemitic acts and social media posts.

### Melbourne Knights Football Club: Nazi salutes

Six men performed Nazi salutes at the Melbourne Knights Football Club on 10 April 2023, while singing a song, "*Za Dom Spremni*" ie "For homeland, ready", extolling Ustasha, the Croatian pro-Nazi group. The Ustasha movement became the government in Croatia in 1941, and allied itself with Nazi Germany, and participated in the roundup, incarceration of Jews, Roma, and others in concentration camps, and killing hundreds of thousands of Jews, Roma, and Serbs, during WW11.

"Football Australia has refused to comment directly on the incident at the Knights, citing the fact that the salutes did not occur at a football match or function."
https://www.theage.com.au/national/healing-wounds-the-jewish-and-croatian-community-come-together-20230622-p5dijd.html

Of note, on 1 October 2022, some Sydney United 58 (formerly Sydney Croatia) fans, performed Nazi salutes at a soccer game and chanted "*Za Dom Spremni*" (For Homeland, Ready) - a chant used by the pro-Nazi Ustashi movement in Croatia in the 1930s and 1940s, during the Australia Cup final, held in Sydney. As this particular act was public, it appears in the Incidents chapter.

**Harry Sheezel: targeted for being Jewish**
Harry Sheezel, an 18 year old, was drafted into the North Melbourne Football Club within the Australian Football League (AFL) in November 2022. Sheezel is the first Jew to be drafted into the AFL since 1999, and this elicited media coverage. It also attracted a lot of anti-Jewish comments online. These included:

Comments posted on The Age Facebook post story 'History making: Harry Sheezel shapes as the first Jewish AFL draftee this century' on 26 November 2022 included:

- Joefess Dimento: Hopefully a team sponsored by a gas company pick him up. Also his teammates should not expect him to be shouting end of season drinks
- Adam Love: Zionist owned media selling a story like the Holocaust
- Darcy Balmer: Jews control the media, go figure
- Locutus Ov Borg: They tell him there is money in the football?
- Leigh Fitzgerald: And he's got the nose to prove it..
- Stu Kell: A jew actually doing physical exercise? fake news
- Johnny Guy: Hope he has enough gas in the tank
- Ryan McKane: That's great news. Now the Muslim and Christian players can be oppressed on the football field like the Muslim and Christian Palestinians are oppressed by Jewish people.

The Age Facebook post was later deleted.

Acting Age editor Michael Bachelard stated: "It's disgraceful and disappointing that sewer-dwellers on social media took such a story and turned it into an excuse for vile antisemitic abuse. … As this is, unfortunately, growing more common, we normally use our discretion to block comments on stories that even mention the religion or race of a person. (The social media companies do not allow us to pre-moderate comments.) On this occasion, unfortunately, the story was posted at a busy time – the evening of the [Victorian] state election – and the usual, cautious practice was overlooked. Comments were not blocked or adequately moderated until

the issue was drawn to our attention, when the situation was rectified. For this, we apologise to Harry Sheezel and the broader Jewish community."
https://www.theage.com.au/sport/afl/revolting-young-afl-draft-hopeful-subjected-to-antisemitic-online-abuse-20221128-p5c1r7.html

"The AFL is investigating "deplorable and unacceptable" anti-Semitic abuse directed at top draft prospect Harry Sheezel. … In a statement, the AFL condemned the abuse and said its integrity unit is investigating whether any of them came from club members. "The AFL is aware of discriminatory commentary online directed towards a draft nominee," the AFL said. "To denounce a young man on the eve of realising his dream of being drafted to the AFL is deplorable and unacceptable, and there is no place for this type of behaviour anywhere in our community."
https://www.afl.com.au/news/869838/afl-to-investigate-anti-semitic-online-abuse-of-jewish-draftee-harry-sheezel

North Melbourne Football Club: Facebook comments
North Melbourne FC · November 29, 2022 ·
"There's a lot of relief and sheer happiness for Harry... he's achieved his dream."
Meet the Sheezels ❤️

- Paul Ford: Go back to Germany and Poland you Jew cant
- Richard Solomon: and why do Jews have long noses ?

On a positive note, at the 2023 AFL Awards night, held on 30 August 2023, Harry Sheezel, who plays for North Melbourne Football Club, which is nicknamed the Kangaroos, won the AFL's Rising Star Award.
https://www.australianjewishnews.com/harry-sheezel-wins-2023-afl-rising-star-award/

At the North Melbourne Football Club's award night, held on 16 September 2023, Harry Sheezel won the club's Best & Fairest award, Best Young Player award, and the Mazda Excellence award.
https://www.australianjewishnews.com/sheezel-named-roos-best-fairest/

**SEN radio caller comment: "Jews are loaded with money"**
SEN Radio is a national sports radio network covering the news of major sports such as various football codes, cricket, golf, horse racing, and other sports, based in Melbourne. On 2 December 2022, during a show hosted by former AFL players Garry Lyon and Tim Watson, a regular caller and North Melbourne Football Club fan 'John from Epping' phoned them. When asked about the recent AFL draft, which included Harry Sheezel, who is Jewish, John responded:

- "We've got this Jewish player … you know, the Jewish, they are loaded with money. … So maybe, if we can't get to Tasmania, if we needed some money, his parents might pay for it."

Instead of calling out the anti-Jewish stereotyping, Lyon replied, "I wouldn't worry about that, I'd just worry about the fact that he's a very, very good player." Later, SEN responded that "Garry [Lyon] heard one reference only, and immediately corrected course with the caller, and moved to shut the comment down. Garry and Tim spoke to the caller within half an hour of the program ending, and addressed the issue with him, and told him that sentiment is not acceptable."
https://www.australianjewishnews.com/on-air-antisemitism-allegation/

**AFL: ban on Israeli flag**
A young Jewish football fan, Josh, brought an Israeli flag, which has the Jewish Star of David on it, to a match to wave in support of Jewish AFL player Harry Sheezel. The flag was held at the North Melbourne and West Coast Eagles game at Marvel Stadium in Melbourne on 18 March 2023. Sheezel had been recently selected in a sport that has not had many Jewish players, and this elicited a lot of anti-Jewish commentary especially on social media.

A football supporter complained about the presence of the Israeli flag, and an AFL security staff responded by email that "Once identified, it should then have been requested to be seized/confiscated or the patron in possession requested to leave if they refused to surrender the flag."

However, a few days later, an AFL spokesman apologised for the email, and stated that "For clarity, the AFL has no issue with the flag and signs supporting North Melbourne's Harry Sheezel on the weekend. … Correspondence sent to a patron that had an issue with the flag being displayed was an incorrect interpretation of our conditions of match day entry policy and we apologise for any confusion. ... An AFL match day is a place for everyone, we want fans to celebrate their clubs and players, and if that includes displaying national flags that amplify any of their team's player heritage then the AFL is fully supportive."
https://www.australianjewishnews.com/afl-clarifies-position/

**Carlton Football Club: targeted by antisemites**
Carlton Football Club in Melbourne posted "Chag Sameach! Wishing a happy Hanukkah to all those in the Carlton family currently celebrating this special time" and an image with "Happy Hanukkah" on its social media pages, Facebook and Instagram, on 22 December 2023. This post was in recognition of the Jewish festival of Chanukah (alternative spelling Hanukkah) and used the Jewish greeting, Chag sameach, for festivals. It elicited antisemitic comments:

- vinmcwho · Needing more money from the Pratt's are we?
- helal.issa · Free Palestine. You can't delete me forever
- Merle Ronson · HH [= Heil Hitler]
- Merle Ronson · Now leave Palestine

https://www.instagram.com/p/CmdlDPLvIlc/

https://www.facebook.com/OfficialCarltonFC/posts/pfbid0eagrfYUfTL7PLWYSuvrEQLmD4tGss3oR5W1qUABZY19QiLUGxNmMn3TUeq7Vx33hl

**Holocaust rhetoric / Nazi minimisation**

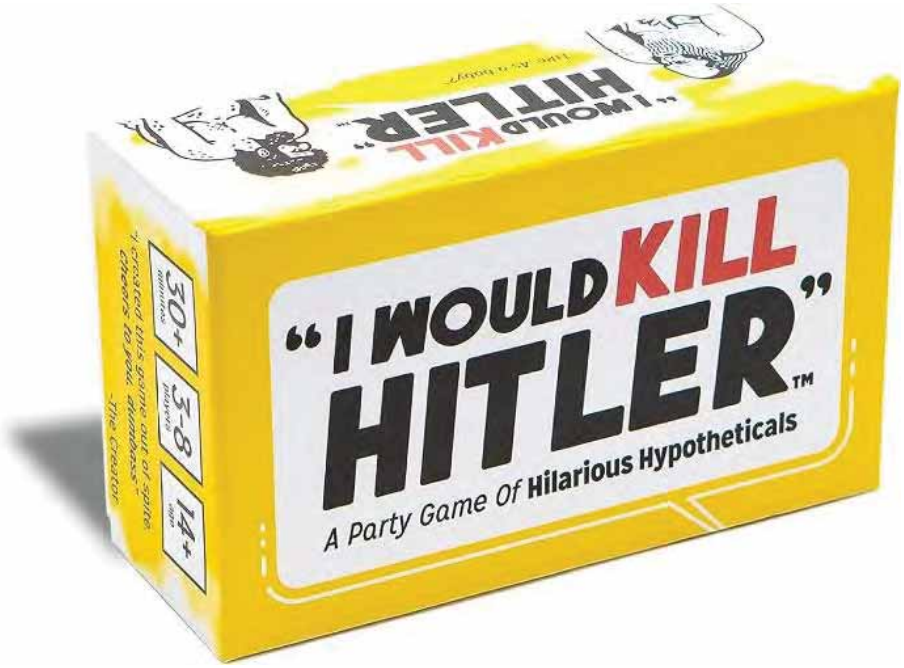
Downplaying the seriousness of the Holocaust coarsens public debate and tends to desensitise people to the evil of antisemitism. This is regardless of whether or not that is the intent, or whether or not it is targeting Jews. Making comparisons of laws, public policies and conditions in democratic countries like Australia with the systematic and planned murder of six million Jewish men, women and children is morally repugnant, trivialises the Holocaust, minimises the crime that was the Holocaust, and is demeaning to the millions of Europeans who lived and suffered under the Nazis, and their descendants.

There were several incidents of Holocaust minimisation or inappropriate Holocaust rhetoric or analogy during the period in review, including by an animal rights activist, card games, and Hitler themed merchandise. Not only are these highly offensive, but they can lay the foundation for antisemitic acts and discourse by others.

**Card Game: "I Would Kill Hitler: A Party Game of Hilarious Hypotheticals"**

A card game, titled "I Would Kill Hitler" and sub-titled "A Party Game of Hilarious Hypotheticals" was spotted in a shop in Melbourne in February 2023. The game is advertised, on Amazon, as suitable for those over 14 years old, categorised as "Humour", and described as "A game of answering history's most challenging ethical dilemmas and hilarious hypotheticals. … Perfect for DND [Dungeons & Dragons] or RPG [role-playing game] enthusiasts who crave a fun party game!" This game juxtaposes 'Hitler' and 'Hilarious'.

https://www.news.com.au/national/victoria/news/sickening-nazi-kids-game-sparks-fury/news-story/85e7e9c545224196375ed76fa1ca6061



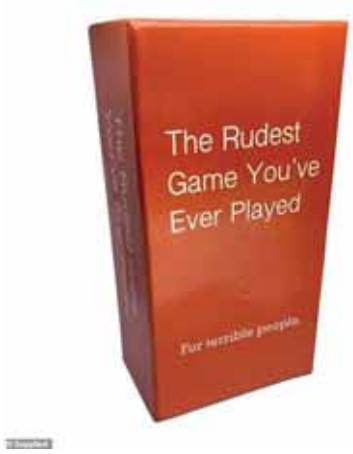
**Card Game: "Rudest Game You've Ever Played": mocking Holocaust**

A card game, titled "Rudest Game You've Ever Played", is an Australian-made adult game that was created in 2019, but came to public attention on 31 August 2023 for offensiveness and crudeness. Advertising for the game claims it is the "new and improved version of Cards Against Humanity. Ideal for the Aussie sense of humour" … "grab a statement card and fill in the blanks with the rudest and most inappropriate answers that you can manage." The Game includes: 90 Statement cards (Black) and 420 Response Cards (White).

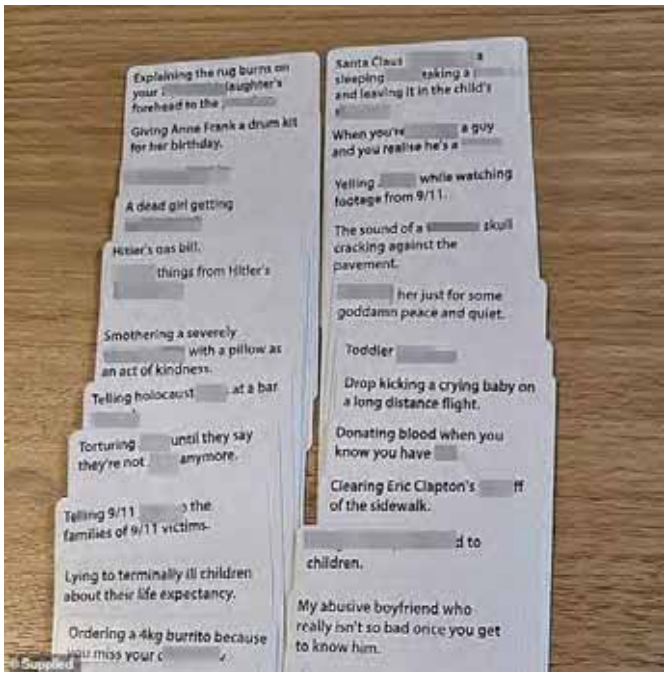
Apart from antisemitism and mocking the Holocaust, the game also mocks killing babies, dead babies, mass-murder, rape, incest, paedophilia, necrophilia, racism, homophobia, and the disabled.

Cards include:

- "Seeing things from Hitler's perspective",
- "Giving Anne Frank a drum kit for her birthday."
- "Hitler's gas bill."
- "Telling Holocaust jokes at a barbeque"
- "Torturing Jews until they say they're not jews anymore"




The game




Some of the cards used in the game

**Spicy Baboon: selling Hitler merchandise**

Spicy Baboon is an Australian online shopping site. On its website, it claims to be "We're just a bunch of Aussie mates who saw a gap in the market for frikin' hilarious gifts and apparel with outrageous designs." In January 2023, it was selling various items, such as mugs, t-shirts, stickers, cards and beer stubby holders, for Valentines Day (14 February) with a depiction of Hitler with a rose in his mouth and surrounded by four red hearts, and the caption of "Be Mein." The product description was: "Nothing says 'I love you' more than Time Magazine's Man of the Year (1938) clasping a rose."

In connection with a population celebration (Valentine's Day), the website romanticises and normalises Hitler - who orchestrated the mass murder of millions of Jews, Roma and others, and who started World War 11 in which 60 million people were killed.
https://www.jpost.com/diaspora/antisemitism/article-729986

Spicy Baboon t-shirt

Spicy Baboon stubby holders

Source: https://www.timesofisrael.com/sale-of-nazi-themed-valentines-day-merchandise-halted-in-australia-after-outrage/

**Tash Peterson: "Animal Holocaust"**

Tash Peterson, an animal rights activist deliberately compares the slaughter of domestic animals for human consumption to the planned genocide and murder of 6 million Jews during the Holocaust. She promotes this analogy on her Facebook and Instagram pages, in videos, in public protests where she often storms into shops, and when she speaks at rallies. At her protests she often covers her body and/or clothes in red to symbolise blood. Over the years, Peterson has been charged for various intrusions into shops where she has protested. She was charged in July 2023 after she and other animal rights protesters stormed a restaurant in Perth.

Animal welfare is an extremely important issue. However, to go down the track of claiming that the mass slaughter of animals for human consumption is the same as the deliberate and planned genocide of a people, due only to their ethnicity, is to take the issue totally out of perspective, and to lose credibility. It does not serve the cause of better treatment of animals. In summary, there is a vast moral difference between the wanton genocide of human beings out of hatred because they happen to be of a particular ethnic background, and the killing of animals for human consumption.

Peterson wears shirts with "End the Animal Holocaust" and "End this Holocaust" and holds placards which read "Kangaroo Holocaust" and "Don't celebrate Easter with a Holocaust".

Peterson has publicly stated:

- "I will continue to speak up on the victims of the animal Holocaust,"
- "It's the largest Holocaust in history with approximately three trillion non-human people brutally murdered every year for human food consumption."
- "This order is a restriction on free speech which prevents the public from learning the truth about the animal holocaust." September 5, 2023
- "Trillions of non-human people are subjected to the largest holocaust in history in the name of food, fashion, entertainment, testing, breeding and so much more. If you're not vegan, you are a part of the largest and longest ongoing holocaust in history. Do you choose veganism or a holocaust?" September 25, 2023

'End the Animal Holocaust'

Nike store in Perth, April 2022, 'Kangaroo Holocaust'

'End this Holocaust'

**Nazi Memorabilia**

The display, promotion and sale of Nazi and Holocaust memorabilia, although it has not been illegal, has been widely condemned as offensive and distressing, especially by Holocaust survivors and others who lived under the savagery that was Nazi Europe, and by ex-service people who fought and sacrificed so much to defeat Nazi tyranny. Such items have often been used to promote or glorify racism, bigotry, hatred and even violence. Many businesses will not sell Nazi or Holocaust memorabilia, but some auction houses and other commercial outlets do.

In June 2023, the federal government introduced a bill to parliament to ban the public display of two Nazi symbols - the Nazi swastika and the Schutzstaffel (SS) insignia. This includes banning the trade in Nazi memorabilia with these two symbols in shops, online and at auctions. However, the proposed law does not ban private ownership of Nazi memorabilia or transfers of such items if it is not for profit.

The Guardian noted that "Australian militaria shops say there is an "avalanche" of demand for Nazi artefacts in anticipation of an impending ban on the sale of Nazi symbols." One auction house, Danielle Elizabeth Auctions, in light of proposed government bans, even advertised in June 2023: "Huge Militaria Sale !! - Get it Before History is Banned & Erased".

There were several businesses across Australia which were involved in the display or sale of Nazi/Holocaust memorabilia during the period in review. Nazi items for sale included: armbands, badges (metal and cloth), banners, belt buckles, books, bullets, busts, caps, cards, certificates, coins, daggers, firearms, flags, helmets, medals, medallions, pennants, photos, pistols, plaques, posters, rings (SS), stamps, and uniforms. In one case, a Luftwaffe helmet had a bid of AU $17,500 weeks before the JB Military auction in November 2022. In addition, Nazi memorabilia is sold privately online, eg a Brisbane man advertised and sold a Nazi helmet, with the SS symbol, on Facebook marketplace for $150 on 28 August 2023.

Of particular concern were items directly related to the Holocaust including: a building sign of "*Juden Unerwunscht'* (Jews Unwanted), yellow Star of David badges, and blue Star of David armbands, for purchase from Danielle Elizabeth auctions in January 2023 at the Gold Coast. A Jewish concentration camp cap, a coat owned by a Jew with a yellow Star of David sewn on it, and a photo album, composed of 500 photos, titled "Jewish Concentration Camp & Atrocity Photos" (which sold at the auction for $3600), including photos showing a man facing a firing squad, death camp crematoria, and, as described by the auction house, "these folders they are filled with Jews Hanging in the street, in the concentration camps dying, piles of bones etc" sold by Danielle Elizabeth Auctions in June 2023 at Gold Coast.

Auctions, shops or stalls selling Nazi memorabilia included:

- JB Military Antiques, WA - 20 Nov. 2022
- Danielle Elizabeth Auctions, Gold Coast, Qld – 8 Jan. 2023
- Gold Coast Antiques and Collectables Fair, Coomera, Qld - 14-15 Jan. 2023
- Oldies Collectibles, online - 13 May 2023
- Danielle Elizabeth Auctions, Gold Coast, Qld – 17 June 2023

Nazi items - sold by Danielle Elizabeth Auctions – 8 Jan. & 17 June 2023

78: A "Germany Awake Banner" - Silver Bullion Thread Sold: **A$850.00**

21: A Heavy Full Bronze Plaque of Hitlers Profile Sold: **A$220.00**

35: Four Heavy NSDAP Supporter Badges Sold: **A$550.00**

19: A Vintage Hitler Promotional Poster - Framed Sold: **A$180.00**

124: The Classic Third Reich German Eagle w. Swastika Plaque Sold: **A$220.00**

163: A Third Reich WWII Kriegsmarine Battle Flag 1942 Sold: **A$2,200.00**

Jewish and Holocaust items - sold by Danielle Elizabeth Auctions – 8 Jan. & 17 June 2023

135: c1938 "Juden Unerwunscht' (Jews Unwanted) Building Sign Sold: **A$550.00**

149: An Embroidered Jewish Star Holocaust Armband 1939 Sold: **A$1,200.00**

153: A Nazi Anti Jew Propaganda Poster c1940
Sold: **A$100.00**

149A: Rare WWII Jewish Star Jude Patches - Unissued Sold: **A$650.00**

154: A Jewish Concentration Camp Cap 1942
Sold: **A$650.00**

159: A 1940 Jewish Winter Overcoat w/ Jewish Star Patch Sold: **A$500.00**

Danielle Elizabeth Auctions managing director Dustin Sweeny said in June 2023 that "freedom of speech is the cornerstone of Western Civilisation and Should be preserved. The Australian Govts soon to be ban on the trade of Historical artefacts is just another erosion of our Civil Liberties. We are now legislating against freedom, to appease the screeching minorities." https://www.brisbanetimes.com.au/national/queensland/winning-bidders-in-military-auction-featuring-nazi-items-are-in-federal-parliament-20230622-p5dilq.html

An image from the "Photo Album - Jewish Concentration Camp & Atrocity Photos" listing, showing a man facing a firing squad. *CREDIT: DANIELLE ELIZABETH AUCTIONS*

A photo album titled "Jewish Concentration Camp & Atrocity Photos" sold at the auction for $3600. It included about 50 images described in the listing as "very disturbing to put it mildly", with "very gruesome photos including Execution Photos, Piles of Dead Bodies, Firing Squad pictures, photos inside the Concentration camps including many prisoner profile pictures".

https://www.brisbanetimes.com.au/national/queensland/winning-bidders-in-military-auction-featuring-nazi-items-are-in-federal-parliament-20230622-p5dilq.html
June 22, 2023

# EDUCATION

The education system, through its curriculum, textbooks, teaching materials and the like, plays a major role in influencing young people, whether at primary, secondary or tertiary levels, or whether in state or privately-run institutions. Over many years, antisemitism has been present in the education system, through some teaching materials, and through antisemitic incidents directed against Jewish students or Jewish teachers, by other students or staff.

## Schools

During the year in review, several incidents of antisemitic bullying and harassment of Jewish students within schools came to light. Where these were verbal or physical incidents, they have been placed in chapter 2 Incidents; where antisemitic bullying occurred online, the events are described in this chapter. In 2022, in response to the level of antisemitic bullying at NSW schools, the NSW Jewish Board of Deputies launched an online portal for Jewish students and their families across NSW to report incidents of antisemitic bullying:
https://www.nswjbd.org/bullying/

**King's School: WhatsApp group, called Studies of Religion Group Chat**

The King's School is an elite private Anglican school for boys in Sydney. It was founded in 1831 and teaches from Kindergarten to year 12. In April 2023, a student WhatsApp group, called Studies of Religion Group Chat, was found to be engaging in antisemitic and other racist content. Examples included:

- "I'm cool with muzzlims and pretty much everyone as long as they aren't J*wish or F*ench."
- "[student's name] hates the jews."

In response, the NSW government made a commitment to introduce a digital reporting portal where students and their families can report incidents:
https://education.nsw.gov.au/teaching-and-learning/curriculum/multicultural-education/anti-racism-education/complaints-of-racism

**Court case: Antisemitism at Brighton Secondary College**

Five former students at Brighton Secondary College, a state high school in Melbourne, in April 2022 sued "the school, and Victoria's Department of Education and Training, over antisemitic bullying they claim to have suffered while students at the school between 2013 and 2020. The five said they left the school because of the bullying. The five plaintiffs alleged negligence, and claimed the school and department failed to protect them as Jewish students under federal racial discrimination laws and the UN Convention on the Rights of the Child. The court has heard there had been a lack of discipline of students over a rash of swastika daubings, and that one of the Jewish students had allegedly been subjected to a knife attack in a school bathroom. The court heard more than 100 swastikas were scrawled on lockers, bathrooms, fences and books, yet no student got into trouble over the swastikas."
https://www.australianjewishnews.com/brighton-trial-set-to-conclude/

For further details of the antisemitic abuse, see pages 93-95 in the 2020 ECAJ Report on Antisemitism, at
https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2020.pdf

Chief Justice Debra Mortimer declared in the Orders (FEDERAL COURT OF AUSTRALIA Kaplan v State of Victoria (No 8) [2023] FCA 1092) on 14 September 2023 that there were: "failures and omissions to: (a) take action at a systemic and coordinated level to address a high level of antisemitic bullying and harassment of Jewish students by other students at Brighton Secondary College and high levels of swastika graffiti at the school; and (b) enforce the policies of Brighton Secondary College on racial harassment in relation to antisemitic bullying and harassment of Jewish students by other students at Brighton Secondary College and in relation to the display of swastika graffiti at the school.
Kaplan v State of Victoria (No 8) [2023] FCA 1092
https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2023/2023fca1092

Most disturbing were the Court's findings about the attitude of the school Principal Richard Minack and the leadership cohort among the teachers:

> "*I found their reactions muted, mostly devoid of outrage and somewhat resigned to the content of what was being put to them. It struck me as odd, and surprising, that even by the time of trial, Mr Minack, his leadership cohort and BSC teachers still could not join in expressing but the mildest condemnation of the antisemitic student behaviour and did not appear at all shocked about it…. They were not especially moved. They were not outraged. They were not horrified*." (Judgment, paras 244, 246).

Justice Mortimer ordered a total of just under $436,000 be paid in compensation to the five former students - Matt Kaplan, Joel Kaplan, Liam Arnold-Levy, Guy Cohen and Zack Snelling. The judge also ordered that the Victorian state government apologise to them.

The ECAJ welcomed the decision, and praised the former students saying:
"With meagre resources, they and their lawyers took on the might of the Victorian government and Education Department to stand up for truth and justice, and they were successful. We know the personal price all of them have paid in sweat and nerves, and the enormous financial sacrifice they have made, especially their lawyers. This case should be a wake-up call and stand as a warning to any students who engage in cowardly antisemitic bullying in any school-related context, and to parents, teachers and Education Departments across Australia who fail to act responsibly to curb and prevent such behaviour. They will be held to account for their actions and publicly exposed for their wrongdoing.

"It is well past time for governments to develop specialist policies, procedures, curricula and teaching materials to educate and inoculate students against specific forms of racism, including antisemitism, and to stamp out hate-motivated behaviour whenever it emerges. Bland, generic statements against racism are not enough. This case has sent a clear signal that the cost of continuing inaction by governments in dealing appropriately with racism will be far higher than the cost of taking effective action".
(This is the statement in full provided to the media.)
https://www.australianjewishnews.com/brighton-trial-set-to-conclude/

**Universities**

During the period of review there were two main issues of concern occurring in some universities: adoption or rejection of the IHRA Working Definition of Antisemitism by university administrations, and controversial resolutions and forums by student unions.

**Universities and IHRA**

Some universities in Australia have adopted the IHRA Working Definition of Antisemitism as an educational tool to deal with and counter antisemitism on campus. These universities include Sunshine Coast University (in March 2022), University of Wollongong (in April 2022), Macquarie University (understood to be in May 2022), Monash University (in March 2023), and the University of Melbourne (in January 2023). As well, La Trobe [University] Student Union (in June 2022) and the Wollongong Undergraduate Students' Association (WUSA) (in November 2022) adopted it.

As explained by Alex Rvychin, co-CEO of the ECAJ, on 5 April 2023:
"In response to rising antisemitism globally and in Australia, the Jewish community is seeking the adoption of a widely accepted scholarly definition of antisemitism, not as a legislative or punitive measure but to help institutions and individuals understand this deadly hatred."
https://www.australianjewishnews.com/australian-national-university-rejects-ihra-definition/

However, two universities – the Australian National University and the University of Adelaide - rejected the IHRA definition, in April 2023. This rejection of the most widely accepted definition of antisemitism by Jewish communities throughout the world, and by over 1000 entities including governments, business, universities, and others, relied in general on misunderstanding, misrepresentation, distortion and politicising of the definition.

**Australian National University:**

The Australian National University (ANU), situated in Canberra, justified its rejection of the IHRA definition by stating that "After extensive due diligence, the university's view is that it has sufficient protections and measures in place to help prevent and respond to any form of discrimination within its existing policies and procedures".
https://www.australianjewishnews.com/australian-national-university-rejects-ihra-definition/

Jewish responses to the ANU's rejection of IHRA:

- Australasian Union of Jewish Students (AUJS) ACT executive: "Jewish students were not consulted. Given that we are the ones who experience antisemitism on campus, it should not be too much to ask for us to be invited to the table."

- Josh Burns MP and co-chair of the Parliamentary Friends of IHRA: "Defining antisemitism helps institutions better understand this type of discrimination and assists them to take action if it occurs."

- Jeremy Leibler, president of the Zionist Federation of Australia (ZFA): "The ANU's decision betrays a profound ignorance about both modern antisemitism and the IHRA definition, which is ironic coming from a place of learning, and likely stems from the fact that the ANU didn't speak with any representative Jewish organisations before making its decision. … Adoption of the definition won't prevent criticism about Israel. It cannot and isn't designed to do so. Rather, its purpose is to help well-meaning people engage in conversations without needlessly offending a long-persecuted minority."

https://www.australianjewishnews.com/australian-national-university-rejects-ihra-definition/

**University of Adelaide:**
The University of Adelaide, in South Australia (SA), issued a 'Statement Regarding Freedom of Speech' on 11 April 2023, which referred to its reasons for rejecting the IHRA definition:

> "The Council of the University of Adelaide … after consulting with its Academic Board, determined not to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism. The University has issued the following statement regarding freedom of speech … Freedom of speech is a right everyone holds, subject to the law. The right to express lawful views about controversial matters is at the heart of a robust democracy. It is also the essence of academic freedom. The University of Adelaide is committed to the principles of academic freedom and freedom of speech. …
>
> The University's Behaviour and Conduct Policy (Principle 4) … encompasses vilification that can arise from bigotry, which is a prejudice against a person or people based on their membership of a particular group, including their sexuality, identity, health status, ethnicity, religion, culture, or race. One form of bigotry is antisemitism which may reflect a hatred of Jewish people, or Jewish institutions, by reason of their being Jewish, or may involve the making of adverse judgments about Jewish people or institutions based on prejudicial stereotypes. Such behaviour is reprehensible wherever it occurs, and we condemn it. It is not reflective of our wider University Community. …"
> https://www.adelaide.edu.au/governance/council/news/statement-regarding-freedom-of-speech

Of concern is that the University of Adelaide, in deciding whether or not to adopt IHRA, did not seek input from any Jewish organisation, including AUJS (the Jewish students organisation) or JCCSA (the state Jewish body). Instead, it is claimed, the university received input from AFOPA – an anti-Israel organisation which supports the BDS campaign, whose end-goal is the destruction of Israel, ie the destruction of Jewish self-determination.

**Jewish responses** to the University of Adelaide's rejection of IHRA:

Jasmine Beinart, AUJS SA President: "extreme disappointment, especially since there was no consultation with Jewish students, staff, or community organisations throughout the entire process" and "On top of NOT consulting with our community, @UniofAdelaide invited AFOPA to make a submission against the adoption of the IHRA definition of antisemitism without giving us the same opportunity. Is this what discrimination looks like?"
https://twitter.com/JasmineBeinart/status/1651776925982130177
https://twitter.com/JasmineBeinart/status/1651777957663510529

Jasmine Beinart, president, and Jonathan Iadarola, Vice-President, of AUJSS & AUJS SA: "The Adelaide University Jewish Students' Society (AUJSS) and the Australasian Union of Jewish Students South Australia (AUJS SA) are extremely disappointed that this is the stance the University of Adelaide has decided to take. Given that there have been a number of antisemitic incidents on campus recently, we are hurt and condemn the University's decision on this matter. Furthermore, the University of Adelaide has attempted to defend antisemitic rhetoric and discourse and normalise it as so-called "free speech". …Last year, AUJSS and AUJS SA expressed willingness to work with the University constructively on the issue of antisemitism. However, the University of Adelaide leadership and administration did not once

consult with us about a definition of antisemitism or how the adoption or non-adoption of one would impact us. There remains no clear policy at the University of Adelaide that deals with antisemitism, leaving Jewish students bewildered as to how to respond to it within the confinements of the University. … They did not invite any Jewish community organisation in South Australia to make a submission about the IHRA definition. However, Deputy Vice-Chancellor (External Engagement) Dr Jessica Gallagher did manage to invite Australian Friends of Palestine Association (AFOPA) to argue against it."
https://aujs.com.au/statement-regarding-the-university-of-adelaides-rejection-of-ihra/

Peter Wertheim, co-CEO of ECAJ: "The IHRA working definition, being non-legally binding, is a tool which acts as a complement, not an alternative, to the existing law and existing university codes of practice. Sadly, this is what the Adelaide University Council has failed to grasp."
https://www.australianjewishnews.com/communal-leaders-express-extreme-disappointment/

Kathy Baykitch, Director of Adelaide Holocaust Museum & Andrew Steiner Education Centre: "By not adopting the IHRA definition the university has illustrated an institutionalised lack of understanding of antisemitism and why the definition exists."
https://aujs.com.au/statement-regarding-the-university-of-adelaides-rejection-of-ihra/

Jeremy Leibler, ZFA President: "The University of Adelaide's decision is most unfortunate. And it's reasoning shows an unwillingness to engage with what the IHRA definition is and isn't. I would have thought that a university, of all places, would seek to properly engage with an issue before rejecting it out of hand. … Given recent events, when Adelaide University took no action when a student put antisemitic rhetoric in the university newspaper, and where Jewish students have been reported as being too scared to attend campus, one would think the university would have wanted to better educate its student body as to how to avoid the bigotry the university says it detests. Instead, it has chosen to do nothing."
https://www.zfa.com.au/zfa-condemns-adelaide-unis-rejection-of-ihra/

**La Trobe University: IHRA**
On 10 August 2023, La Trobe University in Melbourne, released a 'Statement on the adoption of a definition of antisemitism', which partially adopted the IHRA definition. It announced that:

"… In 2022, the Parliamentary Friends of the International Holocaust Remembrance Alliance (IHRA) requested that La Trobe University adopt the IHRA definition of antisemitism. The University undertook an internal consultation process that provided staff and students with an opportunity to express their views about the adoption of a working definition of antisemitism. … In formulating its recommendations, the Working Group considered many representations made to La Trobe by community and government stakeholders on the matter, together with feedback submitted by La Trobe students and staff. … The following recommendations made by the Working Group were endorsed by the University's Academic Board on 19 July 2023. In summary, the University will:

- Adopt the IHRA definition of antisemitism but without its eleven examples. The University was concerned that adoption of the IHRA definition with the eleven examples could pose potential limitations to academic freedom and reasonable political debate which could be misclassified as antisemitic behaviour. …"

- Adopt the Jerusalem Declaration on Antisemitism (JDA) guidelines …

- Review previous allegations or concerns of antisemitic behaviour and assess the ability of the University's internal processes to respond to antisemitism, particularly in the context of adopting a working definition of antisemitism.

- Develop an Anti-Racism Strategy,…"
https://www.latrobe.edu.au/news/articles/2023/release/statement-on-definition-of-antisemitism

In response: Daniel Aghion, president Jewish Community Council of Victoria (JCCV): "While we welcome… we regret that it has rejected, in part, the Victorian Jewish community's own preferred definition of antisemitism. The IHRA working definition of antisemitism, including its definitions, has been officially endorsed by the affiliate organisations of the JCCV, the peak representative body for the Victorian Jewish community. It is also the preferred definition of AUJS, the JCCV affiliate which represents Jewish university students. It is very disappointing that the JCCV was not consulted by La Trobe University. If we had been, we could have explained that the IHRA definition of antisemitism has not been found to hinder freedom of speech and that the Jerusalem Declaration does not enjoy broad support in the Jewish community."
https://www.jwire.com.au/a-cocktail-definition-for-antisemitism-mixed-by-la-trobe-university/

In response: Jeremy Leibler, president ZFA, said: "Clearly, antisemitism is a problem at La Trobe University. We fear that La Trobe's actions will make things worse. … Zionism is the movement for Jewish self-determination. Denying Jews such a right is antisemitic."
https://www.australianjewishnews.com/la-trobe-offers-to-meet-zfa-over-ihra-furore/

**University Student Union Resolutions and Forums**

Student union resolutions ostensibly only condemning Israel and seeking its demise and destruction have an adverse effect on Jewish students, as well as on the Jewish community as a whole. This is in two ways: firstly, opposing and denying Jewish self-determination (as embodied in the State of Israel), and secondly, by minimising and downplaying antisemitism on campus and across Australia and the world. During the period in review, several student unions passed resolutions and/or held forums which adversely affected Jewish students, faculty members and staff.

**ANU SRC: Nakba motion**

The Student Representative Council (SRC) at the Australian National University (ANU) held a meeting on 10 May 2023, and voted on a Nakba motion. The Jewish Students Society (JSS), a branch of AUJS in the ACT, at ANU had been consulted beforehand about the motion, given that Jewish students would be impacted. JSS did not oppose the motion, but wanted the motion to express the nuances and complexities of the Arab-Israel conflict. During the meeting, a Twitter conversation on the ANU student media account, Woroni, occurred where ANU JSS were called "oppressors" and that consulting them is equivalent to consulting white South Africans on apartheid:

- "Wren … begins by saying it is a right wing move to consult ANUJSS as they are "oppressors"…"

- "Yerin compares consulting ANUJSS to consulting white South Africans on apartheid"

- "Sarah … Says that its important to consult involved students, and its wrong to characterize ANUJSS as "oppressors""

**USYD SRC: forum on "the weaponisation of Antisemitism"**

The Students' Representative Council at the University of Sydney (USYD SRC) held a forum on 25 May 2023 titled "Freedom to criticise the state of Israel" and described it as a "student & staff forum on the weaponisation of Antisemitism to stifle criticism of Israel". The USYD SRC post on Facebook stated that "Universities across so-called Australia are deciding on whether or not to adopt definitions of Antisemitism, like the IHRA working definition, which encompass criticism of the Israeli state. This forum will have expert panelists from Australian universities - USYD & ANU - to speak on issues concerning these definitions."

In fact, despite the false claim by USYD SRC, the IHRA working definition of antisemitism does NOT "encompass criticism of the Israeli state." IHRA states that: "criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic." Thus, IHRA (and many others) recognise that criticism of Israel is legitimate (as it is for all countries and governments), and delineates between legitimate criticism and antisemitic criticism of Israel, the latter using age-old anti-Jewish tropes to demonise Israel. Too many anti-Israel activists prefer to ignore or minimise antisemitism, and instead to falsely assert that claims of antisemitism are used to "stifle criticism of Israel."

https://www.facebook.com/usydsrc/posts/pfbid0xKyBEqteXS36gB8c4gRiy9GW4cNWKRYG8Lt3fM59tNZKeVcW4iGpdpo5aosNqqcDl

**USYD SRC: motion 'Support for BDS'**

On 15 August 2023, the Students' Representative Council at the University of Sydney (USYD SRC) released its motion on "Active Solidarity to Palestine and Support for BDS." The motion noted:

> "**Preamble:** … As a settler-colony, Israel has created various systems and structures to take over Palestinian land: a military occupation to suppress resistance, ethnic cleansing to achieve demographic targets and land theft, and an apartheid system of governance to give privileges to one people while denying the rights of others. … In an attempt to silence criticism of Israel and intervene in grassroots mobilisation for Palestinian liberation, Zionist lobby groups have been pressuring universities to adopt the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, in which 7 of its 11

examples of conduct said to constitute antisemitism directly refer to conduct regarding Israel. Particularly problematic is the example alleging that it is antisemitic to deny "the Jewish people their right to self-determination, e.g., by claiming the existence of the State of Israel is a racist endeavour". This working definition has been used to suppress advocacy for Palestinian rights (for example, at universities).

**"Text of the USYD SRC motion.**
Platform: The University of Sydney Students' Representative Council … stands in solidarity with the Palestinian people living under an Apartheid state. … supports the BDS movement in their calls for boycott, divestment and sanctions to achieve freedom, justice and equality for Palestinians. … rejects attempts to collapse Judaism and Zionism and reaffirms its position that anti-Zionism is anti-racism. … opposes the institutional adoption of the IHRA working definition of Antisemitism as it has been used to silence and discipline pro-Palestinian advocacy and activism. … rejects normalisation with the State of Israel.

The University of Sydney Students' Representative Council will: … engage in boycott, divestment and sanctions (BDS) … Boycott purchasing future Hewlett-Packard (HP) products … Designate the University of Sydney Students Representative Council an official Apartheid-free zone. Campaign against … ties with organisations, companies and tertiary and/or government funded institutions that support/are supported by/are funded by the State of Israel. Write a letter to the University of Sydney Vice-Chancellor to: Condemn the reference to the IHRA definition as a 'useful tool to understanding antisemitism' in its new anti-racism statement and request them to remove it from the references. Express the rejection of University ties with the state of Israel…"
https://www.facebook.com/usydsrc/posts/pfbid0CcNfQEG2dnES31YLo9GmSuWbSzpRE1bcxeiJxXMH4Dtr9hcy5rnuzRXPaMGDspvVl

Referring to Israel as a "settler-colony", "apartheid", "ethnic cleansing" etc – all falsehoods – has often led to Jewish students being targeted for abuse and harassment. Israel is a Jewish majority state, and most Jewish students feel a connection, through family and tradition, to the State of Israel. This is akin to other minorities who also feel a connection to their original homeland.

**USYD SRC: forum on Palestine: from Colonisation to Liberation**
At the University of Sydney Students' Representative Council (USYD SRC) Festival of Radical Thinking, held in 22-25 August 2023, were 12 sessions that "will cover vast areas of left-wing political education that can be so difficult to find at University … those who have been fighting injustices the world over for many years already". One of the sessions, held on 24 August 2023, was titled 'Palestine: from Colonisation to Liberation.' The promotion image included the text:

- "Israel is, and always has been, a racist endeavour rooted in supremacy."
- "the liberation of Palestine"
- "goal of liberation for all people – from the River to the Sea – from Gadigal to Gaza."

https://www.facebook.com/photo/?fbid=313204194417661&set=pcb.313204247750989

The title and promotional text of this session clearly opposes the existence of any form of Jewish national self-determination as embodied in the State of Israel.

# Feature: Voice referendum related antisemitism

Anthony Albanese, the Australian Prime Minister, announced a proposed alteration to the Australian Constitution with the wording of the referendum question. The Bill, the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) Bill 2023, was tabled in federal parliament. The Voice referendum was announced on 23 March 2023 and the vote was held on 14 October 2023. The referendum question was:

- *"A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?"*

The Voice referendum elicited a proliferation of online and other commentary promoting anti-Jewish conspiracy theories. Common false and derogatory themes were: 'the Jews' are behind the Voice referendum as part of a Jewish plot to destroy European-ethnic Australians; 'the Jews' are so powerful and evil that they control the government and force the government to make decisions that are considered to be not in the best interests of Australians but are in the interests only of Jews; and giving a 'Voice' to Australia's indigenous population through the Constitution will be one way to advance Jewish goals.

Discourse and images blaming 'the Jews' for the Voice occurred on mainstream and extremist social media sites and websites for many months. As well, there were leaflets blaming 'the Jews' for the referendum which were distributed at anti-Voice rallies in Brisbane and Melbourne, and in the streets of Newtown, Sydney.

The following is a selection of posts/comments and images appearing on Twitter/X, regarded by many as a mainstream social media site, and on Telegram, regarded as an extremist social media site. These are posted below in chronological order. Most of the images below were posted multiple times and by many different users.

**Twitter/X: comments posted on Anthony Albanese's page**

Anthony Albanese, the Australian Prime Minister, has a Twitter/X account, 'AlboMP'. On 30 June 2023, he made three posts, each one including text and a photo to reinforce the breadth of support for a Yes vote in the upcoming constitutional referendum on the Voice for indigenous Australians. The photos depicted the Prime Minister engaging with members of the Jewish community, including with two Jewish communal leaders and a Jewish MP. The posts emphasised that the Voice had the support of many "multicultural and faith groups" including "many Jewish groups."

Many of the comments in response to the Prime Minister's posts claimed that Jews control the government and that the Voice is orchestrated by 'the Jews', and raised issues irrelevant to the Voice such as the Israel-Palestinian conflict. The Prime Minister's main post had more than 125,000 views and hundreds of comments. A small selection of the anti-Jewish comments in response to the Prime Minister's posts included the following examples blaming 'the Jews' for the Voice. More antisemitic comments under the three Prime Minister's Tweets are in Chapter 3 under Politics.

- dr. juice@OJhitler · Jun 30, 2023
  Of course Jews support it, this was their idea in the first place. That Jew you're shaking hands with (Mark Liebler) was the main architect of the Voice. Jewish Power in Australia is more secure if White Australia is weakened, and you are complicit in it. Treasonous.

- Ashbiii @Ashbiii · Jun 30, 2023
  Of course they will, they run the financial world and wouldn't miss ruining Australia for anything!

- oldmatedowntheroad@reakov85 · Jun 30, 2023
  Thanks for exposing the agenda pushers.

- oldmatedowntheroad@reakov85 · Jun 30, 2023
  At least you are transparent about who pulls your strings. Probably a few sheckles in it for you too.

- FishCakes @szekowskii · Jun 30, 2023
  go research the Jewish law book the TALMUD Than you will understand who's behind it all.

- Mxyz@Mxyz161 · Jun 30, 2023
  And then they will want their voice...

- Cosmo @DollDusty · Jun 30, 2023
  Why would you speak to representatives of a foreign country regarding a matter affecting the constitution of Australia? Which country do you work for?

- Joshua Drinkwater@Josh_henrylee88 · Jul 1, 2023
  Zionist occupied government.

- Laborite @TheDailyBruh1 · Jul 1, 2023
  Jews were also over-represented in Australia's communist movement. Why are they so often involved in promoting causes (such as the Voice) that run counter to Australian interests?

- David Whale@Boristourguide · Jul 1, 2023
  Ready for a Jewish voice Albo?

**Twitter/X: a selection of posts**

- Joel Davis@joeldavisx · May 30, 2023
  Powerful Jews like Mark Leibler support the Aboriginal Voice to Parliament because Jewish Power increases when White disempowerment increases. This is why influential Jews in Australia have always been leading advocates of Aboriginal victimology.

- **NJF36** @cobcel1788 · Jun 23, 2023
  The Jewish Voice to Parliament

- **NJF36** @cobcel1788 · Jun 30, 2023 ·
  and there it is... #VoteNo to the Jewish voice.

- **NJF36** @cobcel1788 · Jun 30, 2023 ·
  The Jewish voice

- EZFKA@auseconomicunit · Jul 2, 2023 ·
  Just a totally organic cohencidence for the betterment of Australia and totally not the latest chapter in the thousands year old hate and attempted destruction of white people.

- speakfreely@databased_01 · Jul 11, 2023 ·
  The goyim know

**Telegram: a selection of posts**

- https://t.me/jimeonelyleroberts/707 Jimeone Roberts, [25/03/2023]
  I wonder why Jews are pushing so hard for a Voice to Parliament for these animals?

- https://t.me/realblaircottrell/4216 Blair Cottrell, [13/04/2023]
  LIVE: Mark Leibler's Jewish Voice to Parliament

- https://t.me/jewsdotcomau/344 jews.com.au, [13/04/2023]
  Joel Davis and Blair Cottrell did a good deep dive into the Jewish influence behind the 'Aboriginal' Voice to Parliament with a focus on Mark Leibler

- https://t.me/FashyFletcher/3846 Lord Ryan Fletcher, [17/04/2023]
  The Voice is the logical conclusion of an illogical society. … Australia will get what it f-cking deserves for doubling down on full automatic Jewish fag negritude communism.

- https://t.me/Thomas_Sewell/2894 Thomas Sewell, [17/04/2023]
  Well the jews (Liebeler and Lesser I believe) that are behind this 2023 political maneuvering to further destroy the interests of White Australians have aptly named this jewish controlled dancing monkey dictate "The Voice".

- https://t.me/joeldavisx/2055 Joel Davis, [5/05/2023]
  Lol this is a good mask-off moment to show to normies and wake them up to racial consciousness, just like the Jews who run the Abo lobby in Australia.

- https://t.me/jewsdotcomau/355 jews.com.au, [23/05/2023]
  Jew Mark Leibler has been a leading organiser of the Voice to Parliament for years. Jewish MP Josh Burns literally confirms it in the article.

- https://t.me/jewsdotcomau/372 jews.com.au, [30/06/2023]
  Albo's handed us an opportunity to red pill people on the Jewish involvement in the Voice.

- https://t.me/joeldavisx/2414 Joel Davis, [7/07/2023]

This is what the Jews behind the Aboriginal Voice to parliament have in store for Australia

- https://t.me/thexyztelegram/7289 XYZ News, [11/07/2023]
  we go behind The Aboriginal Voice and look at one of its key architects, influential Jewish activist, corporate Tax lawyer and political power broker Mark Leibler

- https://t.me/FashyFletcher/4313 Lord Ryan Fletcher, [24/07/2023]
  Organized Jewry are hedging their bets with The Voice referendum. AJA head David Adler is spruiking a K certified No vote schtick whilst Julie Nathan from the ECAJ calls anyone doing deep dives on Mark Liebler and co an "antisemitic conspiracy theorist". Their strategy thusly is to hoodwink the low IQ in the public with demonstrable disinformation about the architects of this referendum.

- https://t.me/ausmed51/16180 Australian Meditations 51, [27/07/2023]
  Fuck aborigines … Fuck their issues Fuck the Voice Fuck the Jews behind it

- https://t.me/ausmed51/16822 Australian Meditations 51, [14/08/2023]
  jew rat mark liebler brainwash white aussie kids to support yes to the voice

- https://t.me/ausmed51/17005 Australian Meditations 51, [21/08/2023]
  The Voice is literally Jewish

- https://t.me/ausmed51/17495 Australian Meditations 51, [9/09/2023]
  Greeks have worn this uniform for centuries fighting against tyrants for freedom. Just like we defeated our enemies for freedom me must rebel against this Jewish abo voice coming from this satanic government in order to ensure our freedom. Vote no

- https://t.me/ausmed51/17526 Australian Meditations 51, [10/09/2023]
  Tom addresses the med org question and the fundamental reason behind the Voice to Parliament. [video of Thomas Sewell stating: “What’s the real reason for the Voice to Parliament? … It’s about deconstructing white power and giving it to anyone except white people, in this case Aboriginals with Jew advisors behind them. So, its to basically take more power off white people and give it to Jews.”]

- https://t.me/jewsdotcomau/425 jews.com.au, [19/09/2023]
  Every aspect of the aboriginal Voice to parliament is Jewish.

Voice-related antisemitic images posted on Twitter and Telegram

...

LABOR WANT AN INDIGENOUS VOICE TO PARLIAMENT BUT...
Not His Voice.
Not Her Voice.
ANTHONY DILLON
BESS PRICE
His Voice
His Voice
Julian Leeser
Mark Leibler

All of the major creators, financiers and supporters of the Voice to Parliament are Jewish. Ask yourself why .38% of Australia's population is using 3% as a battering ram against the rest of the country. Every single time.
Mark Leibler
Thomas Mayo
Anthony Pratt
Justice Stephen Rothman
Julian Leeser
Josh Burns
Kim Rubinstein
Mark Dreyfus

THE JEWISH SUPREMACIST BEHIND THE
INVOICE TO PARLIAMENT

How the VOICE will work
You owe that man your cookie

WE KNOW WHO IS REALLY BEHIND THE VOICE TO PARLIAMENT!
WHO IS?
STONETOSS.COM
INNER CITY LEFTIES!
PHEW!

"There's been a lot of support [for the Voice] from the Jewish community, and we need that support to continue."
- Thomas Mayo(r)
Part-Jewish
Aboriginal Activist
"The Torah, in a sense, is our Dreamtime"
- Rabbi Jeffrey Kamins
The Jewish Voice?

...

Email to Julian Leeser MP, Sydney, 1 Aug. 2023

Leaflets with the heading "Every aspect of the aboriginal Voice to parliament is JEWISH" handed out at anti-Voice rallies in Brisbane and Melbourne, 23 Sep. 2023, and in Newtown, Sydney, 25 Sep. 2023.

# 4. ORGANISATIONS and ONLINE

## Introduction

This chapter aims to highlight the main themes and expressions of anti-Jewish hatred found in the online content of certain Australian organisations and individuals. This chapter is far from comprehensive and provides only an intimation of the volume of online antisemitic content generated or elicited by organisations and individuals which is freely and directly accessible to any member of the public.

## Organisations

There are many types of groups and organisations operating within Australia which openly espouse and promote an antisemitic ideology, sometimes intermixed with white supremacist and other racist themes. A decade ago, antisemitic groups and organisations promoted a motley assortment of ideologies, ranging from civic patriotism, nationalism, and racism, including National Socialism (Nazism). These organisations and groupings focused primarily on articulating and promoting societal fears, hatreds and resentments, the targets of which varied according to social conditions and political currents, but typically targeted immigrants, people of non-European ethnic background, sexually and gender diverse people, and the perennial 'other', Jews. Many of these groups also subscribed to conspiracy theories about a monolithic global Jewish elite who conspire together to exercise inordinate power over the world's governments, banks and media.

Today, many of the existing groups and organisations are neo-Nazi in ideology. This wave of neo-Nazism began in late 2016 with Antipodean Resistance. Since then, many other right-wing extremist organisations have dispersed or disappeared, while new organisations have been formed. Many of these new neo-Nazi groups are closely connected with each other. As they often tend to be geographically concentrated, they form, in effect, local branches of a broad neo-Nazi movement. There is cooperation between different groups in different states, and their members visit one another. Members meet up locally and engage in activities together, including 'physical training', and dissemination of propaganda material such as leaflets, posters, and stickers. Many of these organisations and individuals use two or more online platforms. Some have websites. Most use various extremist social media sites to showcase their presence, promote propaganda material, advertise their activities, and recruit members and supporters.

## Right / Left Overlap

There is a distinct overlap between the ideology and rhetoric of sections of the far Right and far Left when it comes to Jews and/or Israel. Nazi-style Jew-hating comments have frequently been posted on anti-Israel or pro-Palestinian social media pages of ostensibly left-wing organisations, and elicit supportive posted comments. Left-wing antisemitism tends to be expressed in anti-Zionist or anti-Israel terms, frequently deploying the tropes of classical antisemitism. A proportion of those who are vocal or involved in political activity directed against Israel have frequently expressed themselves in terms which are coarsely derogatory of Jews and fall well within the criteria specified in the IHRA Working Definition of Antisemitism. (See Chapter 7 – 'Antisemitism in the anti-Israel Movement'.)

## "Online Communities"

Antisemitic and other extremist organisational activity has changed over the years. It was once primarily sourced from actual organisations of people meeting and acting together. In more

recent years, it has become much more common for people to form virtual groups of "online communities" consisting of like-minded people who may never meet physically, but who combine together to disseminate hate propaganda online, and echo and reinforce one another's extremist views. There are some groups, however, notably neo-Nazi, who maintain a physical presence and connection to members, as well as online.

**Websites and social media platforms**

The internet has caused a revolution in producing, disseminating and accessing information. The internet provides a relatively cheap and easy means of publication, giving anyone with a computer or mobile phone potentially a global reach. Items posted on the internet are potentially accessible not just in one local area or country, but throughout the world. Internet publishers have operated with far less stringent editorial guidelines and standards than those which constrain publishers in the print and electronic media.

With the internet, vilification and other forms of racism are easily and widely propagated, often with few restraints, and often anonymously. Avowedly antisemitic organisations and individuals have been able to express and propagate their views on websites, social media platforms, video channels, and even via online mainstream media sites. Even websites and mainstream social media sites ostensibly espousing an anti-racist agenda often fail to uphold their own principles when it comes to vilification of Jews, whether directly or with regard to the State of Israel.

However, there has been a concerted effort over the last few years by many organisations and individuals to counter hate on the internet. This has included efforts by Jewish organisations and others, and increasingly by social media platform providers and internet service providers, such as Google, Microsoft, Facebook, Instagram and Youtube. In the last few years these companies have devoted significantly more resources to detecting and eliminating content which breaches their community standards, and also to tightening their own standards. This includes removing the accounts of some individuals and groups who are gross or persistent offenders. However, although racism continues to be expressed on social media platforms, especially Twitter and Tiktok, many racists have moved over to newer platforms that allow racist and other hate content, notably Bitchute, Gab, Odyssey, Telegram, and others – these so-called "Free Speech" platforms are the main online vehicles for driving antisemitism.

**Reach of Social Media**

To illustrate the influence of social media, and how it can amplify hate: Kanye West (now known as Ye), American rapper, songwriter, record producer and fashion designer, Tweeted a threat against Jews on 8 October 2022: "I'm a bit sleepy tonight but when I wake up I'm going death con 3 On JEWISH PEOPLE." At that time, West had over 31 million followers on Twitter and over 18 million on Instagram – a massive audience. Online, West/Ye reached more than three times the total number of Jews in the world, which stands at only 15 million. There are many such 'influencers' on social media who have multiple millions of followers and who post anti-Jewish content online.

**Popularity of Online Platforms**

There are many online platforms. The popularity of each platform is illustrated by the number of Monthly Active Users (MAUs). There are several websites which show this, although the results differ according to which platforms are included in the list. The MAU of platforms, in descending order are: Facebook (3.03 billion MAUs); YouTube (2.5b); WhatsApp (2b);

Instagram (2b); TikTok (1b); Telegram (700m); Snapchat (557m); Twitter/X (556m); Pinterest (445m); Reddit (430m), according to https://buffer.com/library/social-media-sites/#the-top-21-social-networking-sites-of-2023

**Elon Musk and Twitter/X**

Elon Musk purchased Twitter in October 2022, and immediately made himself CEO. He rebranded Twitter as X in July 2023, replacing both the name and the iconic blue bird logo. Racists and other extremists continued to proliferate on Twitter/X, especially after people, who previously had suspended or banned accounts, opened new accounts following Musk's takeover. The re-entry of these extremists was publicly criticised by the Anti-Defamation League (ADL) in the US for the increase in antisemitism on Twitter/X.

In September 2023, Elon Musk blamed the ADL rather than antisemites for antisemitism on Twitter/X: "The ADL … are ironically the biggest generators of anti-Semitism on this platform!", then claimed he was "pro, free speech, but against anti-Semitism of any kind". He then made another accusation: "Since the acquisition, The @ADL has been trying to kill this platform by falsely accusing it & me of being anti-Semitic". Finally, instead of removing antisemites from Twitter, Musk decided that "To clear our platform's name on the matter of anti-Semitism, it looks like we have no choice but to file a defamation lawsuit against the Anti-Defamation League … oh the irony!"

**Insights into online antisemitism**

**Carl Miller**, Research Fellow, King's College London, 21 March 2023:
"In the days after Elon Musk took over Twitter in October 2022, the social media platform saw a "surge in hateful conduct," which its then safety chief put down to a "focused, short-term trolling campaign." New research suggests that when it comes to antisemitism, it was anything but. Rather, antisemitic tweets have more than doubled over the months since Musk took charge, ... Musk, a self-professed "free speech absolutist," pointed the platform in a different direction after taking control. In short order, Twitter's independent Trust and Safety Council was dissolved, previously banned accounts were reinstated and over half of Twitter's staff was laid off or simply left – including many of those responsible for enforcing the company's hate speech policies. ... Studying social media has shown me again and again just how powerfully it helps to form the cultures and ideas that underlie its users' behavior. Ultimately, the proliferation of tweets that hold Jews responsible for all the world's ills, that circulate dark conspiracies of control and cover-up, or that fire derogatory attacks directed toward Jews, can only support antisemitism online – and in the real world.

**Julia Ebner**, researcher and author, Institute for Strategic Dialogue (ISD), 29 June 2023:
"Slick social media campaigns and powerful influencers such as [Kanye] West have exponentially amplified extremist campaigns and brought fringe conspiracy myths to mainstream audiences. While social media platforms have become better at removal policies and content moderation, some of these developments have been reversed recently. Our research at the ISD found that antisemitic content increased by more than 100 per cent on Twitter after Elon Musk's takeover of the platform. Twitter has restored hundreds of accounts of far-right and QAnon activists who have spread hatred against minorities."

**Matthew Doran**, ABC political reporter, 22 June 2023:
"Elon Musk's social media platform Twitter has been issued with a demand from Australian authorities for information on what it is doing to tackle online hate. Australia's eSafety

Commissioner Julie Inman Grant … Ms Inman Grant revealed she was particularly concerned about anti-Semitic content, and harmful posts directed at Indigenous Australians and members of the LGBTIQ+ community. She cited research by the Centre for Countering Digital Hate suggesting Twitter was repeatedly failing to act on harmful content posted by Twitter Blue accounts, the platform's subscription service. … Ms Inman Grant said Mr Musk's decision to let more than 62,000 suspended or banned accounts be reinstated was fuelling the situation."

**Study: Online Antisemitism in 2023**

The following extract, from a report released on 14 August 2023, provides some indications of the amount of each of four types of antisemitism found on nine online platforms.

**Online Antisemitism in Australia 2023**
By Dr Andre Oboler and Jasmine Beinart

An Online Hate Prevention Institute [OHPI] Report produced in partnership with the Executive Council of Australian Jewry [ECAJ].

Executive Summary [extract, page 6]

This report is based on a sample of antisemitic content from social media collected between November 3, 2022 and June 2, 2023. … we retained 370 items. These items form the basis of this report. … 165 (38%) of the items covered by this analysis are believed to have been posted by Australians.

The sample was gathered from nine online platforms: Twitter (116 items), Facebook (42 items), Telegram (41 items), TikTok (39 items), Gab (32 items), YouTube (27 items), Bitchute (26 items), Instagram (24 items), and Reddit (23 items). …

The taxonomy has 4 main categories and 26 sub-categories. … The most common major category is *traditional antisemitism* which accounts for 40% of the major classifications. This is closely followed by Holocaust related content which makes up 38% of the major classification. The remaining two major categories, Israel related antisemitism and content inciting violence each account for 11% each of the major classifications.

The relative prevalence of each major category of antisemitism (compared to the prevalence of the other major categories) varies significantly by platform. Holocaust related content was the most prevalent major category on Facebook (58%), YouTube (50%), Reddit (46%), and Twitter (39%). On Instagram Holocaust related content and traditional antisemitism were equally prevalent (44% of each). Traditional antisemitism was the most prevalent category on BitChute (61%), Telegram (61%), Gab (54%), and TikTok (43%).

All items were reported to their respective platforms and the removal rates monitored. TikTok has the best removal rate at 15%, while Reddit and Bitchute had the worst with no items removed. Other removal rates were: Gab 3%, YouTube 4%, Instagram 13%, Telegram 12%, Twitter 14%, and Facebook 12%

https://ohpi.org.au/wp-content/uploads/2023/08/Online-Antisemitism-in-Australia-2023.pdf

**Ideologies embracing antisemitism**

The main ideologies which espouse and exhibit, to varying levels, overt antisemitism in Australia today include the following, listed in alphabetical order. There is often overlap between one or more ideologies.

**Christian Identity:**

"Christian Identity is an antisemitic, racist theology that rose to a position of commanding influence on the racist right in the 1980s. "Christian" in name only, it asserts that white people, not Jewish people, are the true Israelites favored by God in the Bible. The movement's relationship with evangelicals and fundamentalists has generally been hostile due to the latter's belief that the return of Jewish people to Israel is essential to the fulfillment of end-time prophecy." – Source: Southern Poverty Law Centre (SPLC)
https://www.splcenter.org/fighting-hate/extremist-files/ideology/christian-identity

A strand within Christian Identity holds to the belief that Europeans are the descendants of Adam and Eve, while Jews are the descendants of Eve and Satan (often personified through the serpent). There are various versions of this strand, which are used to explain and justify belief in non-Europeans, notably Jews and sub-Saharan Africans, as being of a lesser humanity or even sub-human, and therefore deserving of inhumane treatment.

**Christian Nationalism:**

"At its core, Christian nationalism is a political ideology that advocates for the fusion of a particular form of Christianity and a country's civic and political life, and for a privileged place for Christianity in the public realm. ... Christian nationalists believe that their countries are defined by Christianity and that their governments and citizens should take steps to keep it that way. ... Christian nationalism has also been linked to a host of alarming attitudes among self-professing Christians — including racist, misogynistic, authoritarian, homophobic, and violent views." – Source: Nilay Saiya, Assistant Professor at Nanyang Technological University in Singapore.
https://www.abc.net.au/religion/christian-nationalism-is-a-global-problem/13968062

Christian Nationalism as a movement was founded by Gerald K Smith in the US in the 1950s. Over the last few years, many Australian extremists, who are racists and antisemites, but who had not previously expressed any religious belief, or were self-declared atheists, have adopted Christianity as a religion, but usually in the form of Christian Nationalism, often equating Christianity with Western civilisation and European ethnicity. This is a merger of traditional Christian antisemitism and militant white nationalism. A prominent Christian Nationalist is Andrew Torba, owner of the social media platform, Gab.

**Cultural Marxism:**

The "Cultural Marxism" thesis is a conspiracy theory claiming that Jewish academics associated with the Frankfurt School of social theory and philosophy conceived a plot to undermine and destroy European Western culture. This plot is said to be implemented through the promotion of equality, human rights, civil rights, feminism, homosexual rights, abortion, multiculturalism, secularism and internationalism. In this way, "Cultural Marxism" is portrayed as the ideological weapon by which "traditional" Western societal values and national identities are being undermined, and the resilience of "white people" to maintain their own traditional culture is being diminished.

**Eco-fascism:**
"Eco-fascism draws a link between the environmental effects of climate change and overpopulation and global migration. ... Eco-fascism has also become a vehicle to promote antisemitism, with Jews presented as a de-racinated, corrupt, cosmopolitan elite destroying the land through industrialisation, mass migration and global capitalism at the expense of 'real people'." – Source: Lydia Khalil, 2022, 'Rise of the Extreme Right', pp. 60-61.

**Fascism:**
"Central to European fascism is the idea that it is the Jews who are the agents of moral decay. According to European fascism, it is the Jews who bring a country under the domination of (Jewish) global elite, by using the tools of liberal democracy, secular humanism, feminism and gay rights, which are used to introduce decadence, weakness and impurity. Fascist antisemitism is racial rather than religious in origin, targeting Jews as a corrupt stateless race who seek global domination." – Source: Jason Stanley, 26 Feb. 2022
https://www.theguardian.com/world/2022/feb/25/vladimir-putin-ukraine-attack-antisemitism-denazify

**Identitarianism:**
The Identitarian Movement, or Identitarianism, is a pan-European ethno-nationalist movement which focuses on the preservation of European culture and identity. Identitarians subscribe to the view that immigration to Europe (and to other ethnic-European majority countries) by non-white people and Muslims is a threat to "European identity". Identitarians therefore are opposed to non-Europeans residing in Europe and in the majority ethnic-European countries of North America and Australasia. Many subscribe to the Great Replacement concept (see White Replacement below).

Identitarian policies to ensure the continuation of European culture and identity include: stopping non-ethnic-European immigration to European lands; opposition to multiculturalism; and remigration (that non-ethnic Europeans should migrate from European lands and return to their ancestral lands). Identitarians oppose multiculturalism within nations, and instead claim to believe in ethnopluralism (the idea that each ethnic population should live in their own lands). Identitarians use the Greek letter lambda (ʌ) as a symbol, with the lambda usually encased in a circle, and typically black on yellow or yellow on black.

**National Socialism (Nazism):**
National Socialism (Nazism), under Hitler and in its contemporary manifestation (often referred to as neo-Nazism), is a race-based ideology. National Socialism is constructed around a racial theory and a conspiracy theory. At its core, Nazi ideology subscribes to the racial theory of a superior "Aryan race" and a sub-human "Jewish race"; that humanity consists of a hierarchy of biological races; and that all people are categorised and defined by their biological "race". In addition, Nazi ideology subscribes to conspiracy theories that "the Jews" are evil and powerful, and manipulate and control governments, finance and media, with the aim of totally dominating the world. Nazism therefore designates "the Jews" as the most dangerous threat to the "natural supremacy" of the "Aryan race". Nazis also believe there is an existential and eternal battle between the "Aryan race" and the "Jewish race". Nazis believe that for the "Aryan race" to assert its "natural supremacy" and triumph in this apocalyptic battle, Jews must be annihilated from the earth. Neo-Nazism, like its earlier incarnation under Hitler, is thus a totalitarian and genocidal ideology. In their attempt at total genocide, the Nazis and their collaborators rounded up and murdered six million Jews.

**Order of Nine Angles (O9A):**
"the Order of Nine Angles (O9A), a U.K.-based occultist group whose members, according to U.S. authorities, "have espoused violent, neo-Nazi, antisemitic, and Satanic beliefs, and have expressed admiration for, among others, Nazis, such as Adolf Hitler, and Islamic jihadists, such as Usama Bin Laden." The government also noted that "hatred of Jews was a unifying belief for members of the conspiracy and they regularly expressed anti-Semitic sentiments to foster trust and cohesiveness." Melzer spoke about killing Jews and "turning israel and their ppls to dust inshallah and imposing fashy [fascist] shariah" while regularly praising Hitler."
– Source: Lorenzo Vidino, 2023.
https://www.tabletmag.com/sections/news/articles/intersectional-antisemitism-america

**QAnon:**
"at its core, QAnon is an antisemitic, anti-establishment, fascist conspiracy theory that dovetails with right-wing extremist beliefs and goals. The core myth of QAnon is that a secret cabal is taking over the world by kidnapping children and drinking their blood to gain power, and that this cabal is composed of individuals in high positions financed by Jewish money. This is a rehashing of the old 'blood libel' conspiracy theory outlined in *The Protocols of the Elders of Zion*, which animated Nazi Germany. In fact, it is a modern internet version of the same antisemitic conspiracies around ritual murder and harm of children that have existed since the twelfth century. ... QAnon t-shirts read, 'Camp Auschwitz: Work brings freedom', the slogan that greeted prisoners at Nazi concentration camps. Another Q slogan, '6MWE', stands for 'Six Million Wasn't Enough', a reference to the number of Jews killed in the Holocaust."
– Source: Lydia Khalil, 2022, 'Rise of the Extreme Right', pp. 57-58.

**Right-wing extremism:**
"The "ingredients of right-wing extremism ... [are]: exclusionary ethno-nationalism, conspiratorial beliefs, hostility to democracy, notions of racial or religious supremacy, and the justification of violence.", "Antisemitism forms the backbone of right-wing extremist conspiracy theories..." and "Right-wing extremist movements are defined by their rejection of electoral democracy in favour of revolutionary violence."
– Source: Lydia Khalil, 2022, in 'Rise of the Extreme Right', pp. 30, 105, 184.

**Sovereign Citizens:**
Sovereign Citizens, colloquially SovCits, encompass a range of groups. In summary, Sovereign Citizens do not recognise the legality or authority of government, state or federal. They often view modern government as an illegitimate corporation, and therefore believe that laws, including tax laws, do not apply to them and cannot rightfully be enforced against them. Sovereign Citizen ideology embraces antisemitic conspiracy theories. Sovereign Citizens may include a white supremacist element, but also tend generally not to be racially based, apart from the antisemitism. The movement includes people of diverse ethnic backgrounds, including some indigenous Australians. People opposed to the COVID-19 countermeasures, such as vaccinations and lockdowns, have been attracted to the Sovereign Citizen movement. Australian Sovereign Citizens have adopted the Red Ensign flag, the official Australian maritime flag, to indicate their Sovereign Citizen beliefs.

In Australia, according to Toni Hassan, there appears to be a loose confederation of various groups, including the Original Sovereign Tribal Federation (OSTF - formed in 2010 by Mark McMurtrie); the Great Australian Party (which declared in a media release "the current state and federal governments of Australia are operating without license"); Reignite Democracy

Australia (a major anti-vaccine lobby group); the United Australia Party's Craig Kelly and Clive Palmer; and an assortment of others with fringe ideas.
https://theconversation.com/who-are-the-original-sovereigns-who-were-camped-out-at-old-parliament-house-and-what-are-their-aims-174694

**White Jihad:**
"White jihad, in this context, is when white supremacists derive inspiration from jihadists; incorporate jihadi terminology in their propaganda; support jihadi terrorism; and legitimise the collaboration between the two movements. … The two movements share hatred towards Jews, the LGBTQ+ community, the United States, and Western liberal principles. … In addition, the two movements promote a sacred armed struggle against the Jews, who are blamed for being behind governments that attack traditional societies; jihadists call this the Zio-Crusader Alliance, while white supremacists call it the Zionist Occupied Government (ZOG)."
– Source: Dr. Ariel Koch, 23rd August 2023
https://gnet-research.org/2023/08/23/white-jihad-the-jihadification-of-white-supremacy/

**"White Replacement" / "White Genocide" ideology:**
The concept of "White Replacement" (sometimes called "White Genocide") is the false belief that there is a global conspiracy, usually described as created and orchestrated by "the Jews," to "import" non-Europeans — especially Africans, Asians and Arabs — into Europe, North America and Australasia for the express purpose of subjugating and decimating the European races and destroying Western civilisation. Those who subscribe to the "White Replacement" myth believe that through such mass immigration, people of ethnic European background will become a minority group, outnumbered and dominated — that is, *replaced* — in countries where once they were a majority of the population. This concept is sometimes euphemistically referred to as 'Ethnic Replacement' or 'Demographic Replacement'. Those who subscribe to the "White Replacement" myth often view both Jews and Muslims as the prime enemies — Jews as the plotters and instigators, Muslims as the means. Or, as one white ethno-nationalist phrased it: Jews are "the disease," Muslims are "the symptom."

**"White Revolution" / "Race War":**
Those who subscribe to the "White Replacement" myth often see the solution in terms of what they term "White Revolution" and "Race War." They advocate violence with the aim of instigating a civil war in Western countries between the majority ethnic Europeans and the various minorities of non-European ethnicity. Acts of terrorism and mass murder, such as occurred at the synagogue in Pittsburgh in 2018 and the mosques in Christchurch in 2019, aim at sparking this "Race War." The ultimate aim is the "ethnic cleansing", by deportation or murder, of all people who are not of European ethnicity from Europe, North America and Australasia. They envisage mass hangings (referred to as "the day of the rope", as glorified in the book 'The Turner Diaries') of "white" people who have "betrayed" their race by opposing racism. The term "Race War" is often used in the acronym GTKRWN ("Gas The Kikes, Race War Now"), as a signal and code that "the Jews" (derogatively referred to as "kikes") are the prime enemy, and hence are the ones to be targeted and annihilated in order to win the "Race War."

**White Sharia:**
""White Sharia" is a misogynistic white nationalist slogan that began as a meme & evolved into an anti-feminist vision of extreme patriarchy, where women are subjugated to the extent they are nothing more than white baby factories." – Source: Southern Poverty Law Centre (SPLC) https://twitter.com/splcenter/status/1123935222855340034

The concept of "White Sharia" was formally introduced in 2017 by white supremacist, Andrew Anglin in the USA. Since then, the idea has developed, and expanded. It is now common to see it referring to a real or perceived convergence of ideas and beliefs between European ethno-nationalists and other right-wing extremists, including neo-Nazis, and Islamic law / militant Muslims, notably around three core issues: the subservient role of women in the family and society; Jews, including Israel, as the prime enemy; and homosexuality as an expression of societal decadence. It is often expressed in memes by right-wing extremists that: "Islam is right about Women," "Islam is right about Faggots," and "Islam is right about Jews."

## Codes and Terms used by Antisemites

Antisemites often use coded words, symbols and terms in referencing Jews. Some use them in an attempt to evade a crackdown on racist speech by some platform providers. Others use these terms to highlight their hostility towards Jews, or to denigrate Jews, or as a signal to others to indicate their antisemitic beliefs or political alignments.

Numbers, corresponding to letters of the alphabet, are used as code, eg the number 1 corresponds to the letter A as it is the first letter in the alphabet. For example: "18" is code for the letters AH, which stand for 'Adolf Hitler'; "88" is code for the letters HH, which stand for 'Heil Hitler'.

Other numbers have their own meanings, eg: "420" is code for "April 20", Hitler's birthday; "109" is code for the number of countries from which Jews allegedly have been expelled over the last 2000 years, and "110" includes a threatened future expulsion of Jews (presumably from western countries) advocated by these groups.

The number "14/88", and its variations, is one of the most popular white supremacist slogans. "14" refers to the 14 words of the White Supremacy credo by David Lane ("We must secure the existence of our people and a future for White children"). "28" refers to BH ie "Blood and Honour". A more recent code is "83" which refers to "Heil Christ".

The use of older terms such as 'cosmopolitans', 'globalists', 'internationalists', 'Rothschilds', and newer terms such as 'Soros', 'Cultural Marxist', 'European-Style Socialist' (coined by neo-Nazi Andrew Anglin), "Chosenite", "the Tribe", and "lizard-people", "small hats" or "little hats" (in reference to the Jewish male head-covering), can, in context, be used as code to convey the meaning of "Jew", and/or supposed Jewish wealth and power, but without saying the word "Jew". Examples of other commonly-used codes and symbols follow.

Symbol: the triple parentheses or 'Echoes' symbol ((( ))) is placed by antisemites around the name of a person who is, or is thought to be, Jewish, or around an entity considered to be controlled by Jews, to identify them as Jewish, eg (((Rosenberg))), (((media))).

Symbol: "\o" ie the back slash and "o" together refers to giving the Hitler/Nazi salute.

"blue", in context, refers to Jews.

"GTKRWN" stands for "Gas The Kikes, Race War Now".

"JQ" = Jewish Question. Alternatively, sometimes "JP" = Jewish Problem.

"Jew/Jews" may be spelt incorrectly and denigratingly as 'Joo' 'Ju' 'j3w' 'jwz' 'j€w$' ')ew' 'Juze' and other variants in order to avoid being picked up by online hate speech detectors.

"Kike" is an intensely derogatory word for Jew. It originated in the USA and has been culturally assimilated into the online vocabulary of Australian antisemites.

"ORION" stands for "Our race is our nation".

"Qui?" (French for "who") became a new code for "Jews" in June 2021 when Dominique Delawarde, a retired French General, made references in support of antisemitic conspiracy theories on a live television interview, then when asked to clarify, he responded "Qui?", as in "Who [controls...]"; the implied answer to the question "Qui?" is "the Jews"; it is recognised under French law as referring to Jews and is considered an expression of racist hate.

"Red Pill" and "Blue Pill" are terms derived from the film *The Matrix* (1999) and are used as metaphors by white supremacists. Taking the Red Pill refers to "waking up" and seeing the world as it 'truly' is (according to racist ideologies) eg the Jews control the world, feminism is destructive of societies etc. Taking the Blue Pill refers to remaining in one's current state of blissful ignorance or current illusion of the world (according to far-right ideologies).

"RAHOWA" or "rahowa" = Racial Holy War

"RWDS" = Right Wing Death Squad

"WN" = White Nationalist, the term by which white supremacists usually refer to themselves.

"YKW" stands for "You Know Who" and refers to Jews.

"ZOG" is the acronym for "Zionist Occupied Government" implying that "the Jews" control the government.

Hebrew and Yiddish words are used online by antisemites as to mock and denigrate Jews. The commonest example is the use of the ancient Hebrew word "goyim" which simply means "nations" ("goy" is the singular, meaning "nation"), and is often translated as "gentiles". However, antisemites falsely claim that "goy/goyim" means "cattle" in order to promote the myth that Jews believe they are superior to all other peoples.

Other Hebrew or Yiddish words and expressions are used by antisemites to convey the message that they are ethno-nationalists who are awake to the "Jewish Question". Some antisemites also use mock Hebrew words as online names eg "MosheShekelRod" or "Shabbos Shekels".

Further codes and terms used for Jews, and an explanation of why or when they are antisemitic, can be found at https://www.ajc.org/translatehateglossary

**“Shlomo” - antisemitic meme**

| | |
|---|---|
| A common method to caricature Jews is through the image of the cartoon stereotype, originally known as “The Happy Merchant” and later as “Shlomo” (Hebrew for Solomon). The character is a caricature, depicted as a bearded, thick-lipped hook-nosed male wearing a skullcap, rubbing his hands together in glee. It portrays Jews as greedy, deceptive, scheming, manipulative, conspiratorial, controlling – all antisemitic stereotypes. The character has been used on social media and elsewhere, and has been embellished with colour and various backgrounds. | |

**Blue Octopus – code for “Jewish Control”**

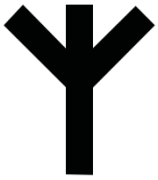
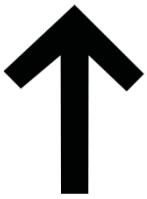
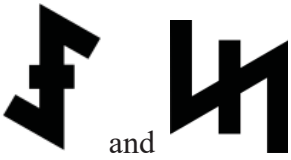
| | | |
|---|---|---|
| | Left: Propaganda cartoon by Seppla (Josef Plank) warning of a worldwide Jewish conspiracy.<br><br>The cartoon depicts an octopus with a Star of David over its head and tentacles encompassing a globe.<br><br>Germany, c. 1938. | Fluffy blue octupus being used as a code for Jewish control of the world. Australia, 2023<br><br> |

Antisemites and others freely acknowledge that there are various codes used for “Jew”. Below are two images posted on Gab identifying some of these codes.

| | |
|---|---|
| <br>Reposted by Ryan Fletcher · Apr 5, 2021· | <br>Reposted by Ryan Fletcher · Mar 25, 2021· |

**Nazi symbols**

Some symbols used by Nazis and/or neo-Nazis, including by Australian neo-Nazis:

| | | |
|---|---|---|
| Nazi hakenkreuz (hooked cross or swastika) | Double Sig rune (SS lightning bolts) used by the SchutzStaffel (SS), who primarily perpetrated the mass killings of Jews | Totenkopf (Death's head) used by the Nazi SS from 1934 to 1945 |
| Sonnenrad (Black Sun/Wheel) | Broken Sun Cross, or Sun Cross swastika | Celtic Cross (unstylised) |
|  Algiz rune - symbol of protection, defence |  Tyr rune - symbol of combat | Othala/Odal rune - symbol of heritage, estate, possession |
| Swastika-styled triskele (triskelion), formed like a three-pointed swastika or 3-sevens. Triskeles are usually curly and are not a racist symbol. | Emblem of the 27th SS Volunteer Division Langemarck |  and Wolfsangel (vertical & horizontal) rune to ward off wolves. It was part of the divisional insignia of several Waffen-SS units in Nazi Germany. |

**Targeting Jews and Jewish organisations online**

Jewish individuals and organisations are often targeted with antisemitic comments on their social media pages or website contact forms, especially if they are prominent people or Jewish community organisations. The following items do not meet the criteria of an antisemitic **incident**, but are illustrations of antisemitic discourse.

Targeting Jews online with antisemitic rhetoric is common on the internet. Those targeted include: Jewish community representative organisations, Jewish religious bodies, Jewish community media, Jewish educational organisations, and others. Only a very small sample of these comments is reproduced below, due to space constraints.

In addition, individual Jews and Jewish community organisations are often named and denigrated online by those who are hostile to Jews. This is especially the case for those Jewish individuals and organisations which expose and counter antisemitism. Some instances are included below.

A note on identity: The name of each person posting a comment referred to in this chapter is as described in the poster's online account, whether Facebook, Gab, Telegram, Twitter, etc, and may not be genuine.

**Executive Council of Australian Jewry (ECAJ)**

4plebs, a sister site to 4chan, archives all threads and images from specific imageboards on 4chan, to preserve unique content for future generations. After the 2022 ECAJ Report on Antisemitism in Australia was released on 27 Jan. 2023, the following was posted on 4plebs that same day:

- "Wanna know what really rustles jimmies? Putting faces to names. **JULIE NATHAN Research Director, Executive Council of Australian Jewry.** You have a name, you have a face. Do you have an address you filthy kike? I wonder did you think to make your phone number silent? Could it be looked up on www.whitepages.com.au ? You look boomerish in age so it could be possible! Unfortunately for the anons here I'm lazy and won't bother checking. Do sleep well knowing we know your race, religion, gender, approximate age, name, general location, etc. which is more than enough. You should have seen the doxing done for fun with less info around these parts. Just imagine if someone here were upset with you over something. Could you ever sleep soundly again? I wonder if you have the ability to take a step back and ask yourself would a good person ever have to worry about being known to strangers or would it only be an evil person with something to fear? Can you even entertain such a thought as a jew?" https://archive.4plebs.org/pol/thread/413785877/#413787805

https://twitter.com/ECAJewry/

- Dog Brown@bogdrown · Nov 30, 2022·
  you people are obsessed and cause your own problems. if you weren't histrionic control freaks like this, everybody would happily ignore you. just be Australian, like the rest of Australia and people will treat you as such.

**Zionist Federation of Australia (ZFA) – Twitter/X**
https://twitter.com/ZionistFedAus/
Responses to various ZFA Twitter posts:

- GlamisTheHelperMouse (Whhhyyte)@openthebooksaus· Aug 27, 2023
  Yawn. Why don't we start with anti European hatred whipped up by Zionists

- Not The Chief Twit@NotTheChiefTwit· Aug 27, 2023
  Why? Was he there to announce Tasmania is another "Occupied Palestinian Territory"?

- GlamisTheHelperMouse (Whhhyyte) @openthebooksaus· Aug 27, 2023
  Why do Zionists have so much influence over politicians?

- Ash@mercurial1111· Aug 27, 2023
  Palestinians are also part of Knesset and your country, though partly occupied. Are these included in the conference to bring a bit of extra magic?

- GlamisTheHelperMouse (Whhhyyte) @openthebooksaus· Aug 27, 2023
  So your allegiance is not to Australia?

**Australian Jewish Association (AJA) – Youtube channel**
https://www.youtube.com/watch?v=XZDQ0w0t9cc
16 Feb. 2023

Comments under video:

- @hefellump1 · How are these people so powerful and seem to have a hold over Western politics.

- @romanianhustler3309 · you. Adl splc world Jewish congress, having special laws in every country.. not being able to deny or talk about the holobunga.

- @alphaprobe1710 · Then they use the power that they deny having to shut people down who point out said power they wield.

- @BROOKLYNBOUNDTRA1916 · 109 countries can't all be wrong.

- @romanianhustler3309 · I was kicked out from 109 gyms but it was never my fault. It was always the fault of 109 managers.

- @user-po7gi9qo3r · All respect lost. Never trust yids

## Antisemitism Online - by individuals and groups

The following is a reproduction of content authored mostly by individuals, and some by groups. Many of the posted comments are on Telegram, and some on Gab - sites which allow virtually free reign to all kinds of rhetoric on their platforms, including racist hate-speech and incitement to violence. When major platforms like Facebook, Twitter/X, Instagram and Youtube, closed the accounts of thousands of racist extremists, many of them moved to Gab, Telegram and elsewhere. Although Twitter/X has allowed many to come back on Twitter/X.

As with all social media, some people use their real name, others use pseudonyms or code-names. In reproducing the following posts here, the names of page owners and authors have been left as posted and may not be genuine.

Many groups and individuals have several accounts, eg on Gab, Telegram and Twitter, and often post the exact same, or similar, content on most of their sites. Many of them also post images along with textual comments. It is worth reiterating that of Monthly Active Users (MAUs), Telegram has 700m, while Twitter/X has much less at 556m. Gab has 5 million registered users, and only 100,000 active users, as of 2021-22.

The content below is only a tiny proportion of the many hundreds of accounts and thousands of posts seen online and documented over the past twelve months for this report. Several individuals and groups have been selected, reproducing a page or two of content by each (rather than selecting a few posts each by a hundred people), as it provides a better overall view of the types of beliefs espoused by those who are hostile towards Jews. Entries below are generally in alphabetical order.

## Australian Meditations

Australian Meditations is run by Stefan Eracleous, who is known as 'Medi' on Gab and Telegram and in right-wing extremist circles. He is apparently a member of the neo-Nazi National Socialist Network (NSN).

- https://t.me/ausmed51/8619 Australian Meditations 51, [05/10/2022]
  White man wake up and start divorcing yourself from this evil Jewish system which hates everything about what makes this country great. Racism. Homophobia... larrikinsim ...white people is what made Australia great and now the Jew's want to demolish our foundations.

- https://t.me/ausmed51/8879 Australian Meditations 51, [15/10/2022]
  We weer never asked to have multiculturalism...it was imposed by Jews and jew lovers

- https://t.me/ausmed51/9157 Australian Meditations 51, [22/10/2022]
  Our sick Jew run society makes people desperate for a community then when they try to build one Jews whine about it.

- https://t.me/ausmed51/9268 Australian Meditations 51, [26/10/2022]
  Imagine being a Jew in Australia. The Muslims hate ya...the nationalists hate ya...the lefties hate ya...the conspiracy nuts hate ya...the schoolkids hate ya.....and more and more normies hate ya.

- https://t.me/ausmed51/10058 Australian Meditations 51, [03/12/2022]

White Australia began on this day in 1854. … remember the eternal struggle between Rootless Capitalist Pigs and the White Labourer and the struggle between the Jew who profits from the misery of the Aryan. All Hail Peter Lalor! All Hail Eureka!

- https://t.me/ausmed51/10156 Australian Meditations 51, [8/12/2022]
The Jewish media hates you, they lie, they twist things, ignore facts and they are hell bent on destroying white Australia. See through their lies and fight against it. Tribe and Train. AM51

- https://t.me/ausmed51/10645 Australian Meditations 51, [29/12/2022]
I am getting youtube ads that are pro jewish. videos which try to debunk the idea that they are rich and control the world.

- https://t.me/ausmed51/11199 Australian Meditations 51, [17/01/2023]
Josh burns a Jewish MP … Keep seething kike

- https://t.me/ausmed51/12479 Australian Meditations 51, [28/02/2023]
It was the JEWS who implemented the Race Discrimination Act of 1975 by means of subterfuge. It was the JEWS who lobbied the government to implement 18C and it was the JEWS who prevented it's repeal. It's the JEWS lobbying for an increased refugee intake and ultimately responsible for the Sudanese crime wave. It's the JEWS who are pushing a big Australia and even more unassimilable refugees. It's the JEWS making a bunch of money off property development while pushing mass immigration to drive it. It's the JEWS pushing left wing ideas in influential left wing periodicals. It was the JEWS who represented Eddie Mabo and gave away 10% of Australia to the Abos. It's the JEWS running the anti-white ABC Malcolm Fraser exposing Jewish power in Australia and saying they deliberately bombed the USS Liberty

- https://t.me/ausmed51/13048 Australian Meditations 51, [20/03/2023]
why do jews exist?

- https://t.me/ausmed51/13054 Australian Meditations 51, [20/03/2023]
Jews are hypocritical vampires who must be dealt with swiftly and without mercy otherwise they will take away our freedoms.

- https://t.me/ausmed51/13477 Australian Meditations 51, [7/04/2023]
hitler was right and if i ever see a jew ill say it to their face 🫠

- https://t.me/ausmed51/13642 Australian Meditations 51, [14/04/2023]
Jews Not Welcome!

- https://t.me/ausmed51/14377 Australian Meditations 51, [14/05/2023]
Victoria police … These system pigs will do anything their Jewish masters order. They are willing to undermine the freedoms of Australians in order to appease their Jewish globalist masters.

- https://t.me/ausmed51/15046 Australian Meditations 51, [7/06/2023]

These people are sick anti white fragile little spiritual Jews who want to control us and wipe the white race from the face of the earth. As I train and get stronger I often think about the joy I will feel when we punish these rats for all the chaos they have caused.

- https://t.me/ausmed51/15725 Australian Meditations 51, [9/07/2023]
  The systematic and disgusting Yellow-Browning event of Australia must be stopped. This began in the 70s when the baby dick snip'n'sucking jews used their vile kike sorcery to remove the White Australia Policy.

**Australian Sovereignty Alliance**

The Australian Sovereignty Alliance (ASA) was founded by Sam Packer and Dane Pritchard. They are based in Queensland, and have been active in speaking at street protests, including the so-called 'Freedom' rallies. ASA has a website and Telegram channel. The ASA heavily promotes the pro-Nazi, antisemitic "Europa: The Last Battle" series of videos.

- https://t.me/australiansovereigntyalliance/798 [18/11/2022]
  Maerst are essentially modern day mobsters, … The family are closely tied to Jewish agendas, funding many Jewish projects which all exist to underpin the host nation. This is not a new tactic of theirs. The Jews were the first to declare war on Germany, by economic boycott. … those pushing the "global agenda", namely the Jewish bankers and the Jewish leaders of the League of Nations. So they got the Jews in Germany to wage war on the people and their businesses. … They own the financial system and they hold prominent positions in nearly every industry, every large corporation and every Western government, constantly pushing the Jewish agenda. They don't just have the monopoly on everything, they created the whole game.

- https://t.me/australiansovereigntyalliance/889 [14/01/2023]
  The time has come now that this massive Jewish operation can be revealed and, we hope, crushed. This is just a small snapshot of the evidence mounting against them, but in order for a REAL people's revolution to grow, the Jewish weeds must be uprooted.

- https://t.me/australiansovereigntyalliance/908 [14/03/2023]
  Are you still using words like "cabal", "elites", "the powers that be", "technocrats", "billionaires", "bankers"? Don't continue to be diverted from what should be said instead and openly talked about. It's the only way we're getting out of this mess.

- https://t.me/australiansovereigntyalliance/922 [25/04/2023]
  Knowing the truth about WWI and WWII weighs heavy on the shoulders, especially on ANZAC Day. These wars were banker's wars, formulated by the international clique of Jews, dedicated to total global control and domination. They were successful. One fact that is rarely spoken about is that the Allied forces teamed up with the communists (Russia) to crush the Axis forces who were against the Jewish internationalist tentacles squeezing the wealth and life out of their nations.

- https://t.me/australiansovereigntyalliance/945 [11/06/2023]
  Make no mistake, the Jew has its tentacles in all areas of the political spectrum.

- https://t.me/australiansovereigntyalliance/949 [4/07/2023]
  The Jews want to destroy our country and our lives, what are you going to do about it?

**Blair Cottrell**

Blair Cottrell is a former leader of the United Patriots Front, a predominantly anti-Islam group formed in 2015. In 2017, Cottrell, along with two others, was convicted of inciting hatred toward Muslims after staging a mock beheading with a dummy in Bendigo in 2015. Over the last several years, Cottrell has focussed, at least publicly, on making body-building videos of himself, and occasionally posting antisemitic comments online. He posts mainly on Telegram, and he engages in interviews with other far-right figures.

- https://t.me/realblaircottrell/3754 Blair Cottrell, [27/10/2022]
  The idea that fit, muscular men are stupid and only frail twinks can be intellectual is a modern Judaic cope.

- https://t.me/realblaircottrell/3838 Blair Cottrell, [21/11/2022]
  Amongst a series of tax-payer cash give-aways, Daniel Andrews has promised $5 million to local Jewish groups if re-elected. … believe they're constantly under threat from the evil, vulgar goyim. It's a practical means for keeping an ethno-religious group seperate from the rest of the community. … fighting antisemitism and stamping out racism against Jewish people in Victoria, what this actually means is probably eliminating any and all investigation into Jewish activities and plots –and what this money will actually be spent on is anyone's guess. They'll probably just invest it into more property.

- https://t.me/realblaircottrell/4070 Blair Cottrell, [10/02/2023]
  … The execution of 6 million Jews in makeshift gas chambers by German soldiers is a story which requires propaganda and belief in order to be sustained –because there's actually no proof it happened, that's just a fact. And pay attention, because there's no shortage of propaganda breathing life into this particular tale. It's an industry worth billions.

- https://t.me/realblaircottrell/4284 Blair Cottrell, [23/05/2023]
  Labour builds you up. … Arbeit macht frei

- https://t.me/realblaircottrell/4424 Blair Cottrell, [5/08/2023]
  My intent I suppose will be to make a video series reviewing Mein Kampf, first by hitting the core themes of the book then interpreting each chapter without verbosity and helping viewers to gain a decent understanding of its contents and the general philosophy of its author (which in essence really isn't as shocking or extreme as people have been led to believe). Certain people and groups with a lot of money and influence are heavily invested in generating a stigma around German National Socialism, Hitler, his book and the Second World War. This stigma is necessary to maintain a lack of understanding, which lays the groundwork for fear, hatred, contempt and knee-jerk rejections.

- https://t.me/realblaircottrell/4502 Blair Cottrell, [30/09/2023]
  It's politics. Everybody is trying to infiltrate everything in politics. Actually, the "far-right" (read: white Australian workers with access to the internet) has been significantly less successful at infiltrating Australian politics than international Judaism & its leftist rhetoric, which has penetrated every level of social life and is the only reason we're having this referendum in the first place.

**David Hiscox**

David Hiscox is the editor of the XYZ website, which is based in Melbourne and was set up in 2015. He writes many articles for the site. Hiscox's articles contain antisemitic content, particularly conspiracy theories about Jews controlling the world. XYZ published articles each day, from a small cohort of far-right people. XYZ has a presence on Gab and Telegram, often posting links to articles on the website. In August 2023, Hiscox shut down the XYZ website, although left the site up "for posterity"; he claims he is "burnt out" and has "ended all irl activism". David Hiscox is reported to be a member of the neo-Nazi group National Socialist Network. The following quotes are by Hiscox in his articles published on XYZ.

- David Hiscox - October 6, 2022 https://xyz.net.au/2022/10/female-muslim
  Andrew Thornburn has been rightly criticised for comparing abortion to the holocaust. The genocide from abortions actually happened.

- David Hiscox - October 27, 2022 https://xyz.net.au/2022/10/white-girl
  The political, media and corporate establishment is woke, ie beholden to jewish Cultural Marxist identity politics, and anybody big or small, black or White who opposes this agenda is demonised, silenced and financially assaulted.

- David Hiscox - December 2, 2022 https://xyz.net.au/2022/12/ye-blows-up
  Kanye West (Ye) … The highpoint was when Ye pointed out that Hitler never killed six million jews. … Ye is absolutely, 100% correct when he questions the official narrative of the "holocaust", … The holocaust myth is used as a weapon against White people.

- David Hiscox - January 5, 2023 https://xyz.net.au/2023/01/isis-bride
  Jews swiftly infiltrated the proto-nationalist movement … and their agents attempted to lay the blame for its dissolution on those of us who are woke to the JQ

- David Hiscox - January 31, 2023 https://xyz.net.au/2023/01/jew-scared-of-white-men
  The holocaust never happened. … Since World War 2, globohomo has attempted to associate it [Nazi swastika] with evil, fabricating the holocaust to demonise those who came the closest to destroying communism.

- David Hiscox - February 20, 2023 https://xyz.net.au/2023/02/abc-fact-check
  Behind practically every seemingly authentic and organic cultural shift which influences a change of the law which fundamentally alters the nature of Australian society, a jewish ethnic lobby is at play … Essentially jewish ethnic lobbies work to undermine the ethnic homogeneity and cultural hegemony of the White Australian majority, against the will of the Australian people. … Because holocaust.

- David Hiscox - March 10, 2023 https://xyz.net.au/2023/03/dutton-discovers-racism
  However, the term "racism" was invented by jews to undermine homogenous White societies. … It was always intended to create conflict, to subvert White countries, demoralise White people and ultimately eliminate us.

- David Hiscox - April 24, 2023 https://xyz.net.au/2023/04/did-dvir-just
  Adolf Hitler … Controversially, many claim without evidence that he was responsible for the murder of precisely 6 million jews.

**Dennis Huts**

Dennis Huts has been politically active for several years, especially from 2016 onwards, in far-right circles. He was leader of the Western Australia branch of the now defunct United Patriots Front. Huts posts on Telegram and Twitter/X.

- https://t.me/dennis_huts/310 Dennis Huts, [16/10/2022]
  [ Poll : What's more important? ]
  - Warning the world about the JQ, racial replacement, the fag/trans agenda etc
  - Posting homo erotic vids and selfies and talking about pharmaceuticals

- https://t.me/dennis_huts/315 Dennis Huts, [16/10/2022]
  … the Zionist controlled Australian government …

- https://t.me/dennis_huts/323 Dennis Huts, [24/10/2022]
  The Jewish system only likes it when they can control the online world to propagate their globalist degenerate Jewish agenda. All hail the Jews

- https://t.me/dennis_huts/422 Dennis Huts, [24/12/2022]
  Dear Police, I believe covid was a global conspiracy headed by Jews. I believe the purpose of this conspiracy was to lower the resistance of the masses to the ongoing erosion of our rights and civil liberties. You know where I am.

- https://t.me/dennis_huts/436 Dennis Huts, [30/12/2022]
  You can publicly hate on the Jews for this [Netanyahu] and you'll never be censored and the system will back you all the way but if you dare say they control global finance, the media and politics then you're an antisemetic, Holocaust denying Nazi.

- https://t.me/dennis_huts/520 Dennis Huts, [3/02/2023]
  Is it even controversial to say that climate change is an anti-white globalist jew conspiracy?

- https://t.me/dennis_huts/546 Dennis Huts, [12/02/2023]
  Jews are openly against all conservative values like Christian marriage, prayers in school, pro-life, border protection, Christianity and so much more.

- https://t.me/dennis_huts/547 Dennis Huts, [12/02/2023]
  We have more in common with Muslims don't we? Look at Muslim views on the role of women in society, their views on racial and cultural homogeny, on gays … compare that to the liberal values of Jews. Not to mention that Muslims revere Jesus while Jews hate him.

- https://t.me/dennis_huts/656 Dennis Huts, [28/03/2023]
  … Because democracy is an illusion. Because the game Is rigged, rigged against normal working class, patriotic people. Rigged in favour of the system and of global interests. Which is all code for rigged by Jews

- https://t.me/dennis_huts/670 Dennis Huts, [2/04/2023]
  know politics is dead in this country and that we are controlled by faggots and Jews

- https://t.me/dennis_huts/675 Dennis Huts, [4/04/2023]
  What you have to understand about western Universities is that they were invented by Jews. The major faculties of psychology, humanities and the sciences are each based on the teachings of Freud, Marx and Einstein, the so called greatest intellectual Jews. The instinct of the Jew is confusion. They are against order and reason. They promote chaos and destruction by inventing abstract ideas which challenge even the existence of reality.

- https://t.me/dennis_huts/692 Dennis Huts, [10/04/2023]
  Because they're [Jews] wanders with no allegiance to any of the lands they squat on. History has proven their parasitic relationship to the host countries that allow them in.

- https://t.me/dennis_huts/819 Dennis Huts, [21/06/2023]
  Disorder is the natural instinct of the jew. Perversion and deracination of the west is their agenda.

- https://t.me/dennis_huts/828 Dennis Huts, [30/06/2023]
  The Jews who invented the internet and then revolutionised it with social media believed this would serve them in their quest for Marxist globalisation and Western obliteration. But it's backfired on them badly. The internet has globally unified and solidified the right in a way that would never have been possible without it. …

- https://t.me/dennis_huts/833 Dennis Huts, [2/07/2023]
  Only a few nations in Europe have the spine to stand up to the threats of the Jew controlled EU and it's agenda of white replacement. Australia will not learn the lessons of Europe and we are on track to become like them. It's already here.

- https://t.me/dennis_huts/915 Dennis Huts, [12/08/2023]
  The West as we see it today is a thought bubble of the Jew. We weren't always like this. we were agrarian, folkish, moral. But we were infiltrated, compromised and corrupted.

- https://t.me/dennis_huts/940 Dennis Huts, [27/08/2023]
  This is peak boomer "conservativism". … This numbing brain mush stops ppl knowing the important issues; the JQ, white replacement, cultural subversion.

- Dennis Huts@powerwhitex · Aug 25, 2023
  Because climate change is a Jew scam

- Dennis Huts@powerwhitex · Sep 2, 2023
  6 gorillian!

- Dennis Huts@powerwhitex · Sep 11, 2023
  Friendly reminder that Jews did 9/11

- Dennis Huts@powerwhitex · Sep 11, 2023
  My last post regarding those responsible for 9/11 was flagged as "hateful" by X and hidden. So let me rephrase; Friendly reminder that those with noses of a hooked shape variety and who control global institutions were the perpetrators of 9/11.

**European Australian Movement (EAM)**

The European Australian Movement (EAM) is a neo-Nazi organisation formed by Thomas Sewell in January 2021. EAM is intimately connected with the National Socialist Network. EAM members are active in Queensland, NSW, Victoria, Tasmania, and South Australia. EAM posts on Telegram are mostly composed of photos of EAM members' activities, but with very little text. Often posts end with "Tribe and Train" or "Blood and Honour!"

- https://t.me/EuropeanAustralianMovement/145 European Australian Movement, [30/10/2022] Members of the European Australian Movement are slandered by the jewish owned media as being criminals. Our only crime is supporting Australian farmers by purchasing hundreds of Litres of illegal black market Raw Milk. Tribe, Train and drink Raw Milk.

- https://t.me/EuropeanAustralianMovement/152 European Australian Movement, [15/11/2022] When White people put out a flyer calling for the preservation and advancement of White people, the jew media and political police have a melt down and cry on national television part 1.

- https://t.me/EuropeanAustralianMovement/195 European Australian Movement, [27/03/2023] The jewish system believes that by doxxing members and spreading falsehoods, they can disrupt our organisation. These actions only have the opposite effect. The White working class Australian public sees through their lies, and more continue to join us in our mission for a free White Australia.

- https://t.me/EuropeanAustralianMovement/200 European Australian Movement, [20/04/2023] They persecute us because they know we are rising and the world will learn the truth about Hitler and look to us for leadership. Blood and Honour!

**Illawarra Activ88**

Illawarra Activ88 is a neo-Nazi organisation, based in the Illawarra region of NSW around Wollongong, south of Sydney. The group became active in May 2022, through a spate of placing stickers with neo-Nazi propaganda in Wollongong and Sydney. In April 2023, three members/supporters of Activ88, Adrian John Carr, Darren Boyce, and Matt Gibbs (all in their 30s), were arrested and charged with firearms offences, of possessing unauthorised and prohibited firearms, and ammunition. https://www.abc.net.au/news/2023-04-14/three-arrested-in-police-raids-in-wollongong/102219684

- https://t.me/Activ88ns/223 Activ88, [14/10/2022]
ACTIV88 against fagget marxism Jew scum degeneracy. There's no time for rest We gotta lot to get done Soon the sun rises for the day of the Rope may begin. Until then Stay Strong, Stay Active, & Sieg Heil

- https://t.me/Activ88ns/251 Activ88, [22/10/2022]
"Yes" Parasites should know that our patients does have its limits (6000000 gorillionaire grindset)

- https://t.me/Activ88ns/310 Activ88, [5/02/2023]
Running up to the zog with our bat ready ta go rata tat tat

- https://t.me/Activ88ns/315 Activ88, [22/02/2023]
  The local news paper run by faggets and Jew Kikes pushing degenerate paedophile child grooming on the Illawarra. … While being protected by the zog. The day of the chamber is coming may gas fill the lungs of many Kikes.

- https://t.me/Activ88ns/349 Activ88, [15/04/2023]
  … It's quite clear ZOG is helping run the communist regime within this country. Given dictator Style powers that allows them to raid anyone anytime with open broad legislation that's been corrupted whilst working alongside the Jewish media. … The White Man marches on.

- https://t.me/Activ88ns/360 Activ88, [14/05/2023]
  While constantly being attacked by radical leftist the Jewish media & there zog police puppets rest assure we're here for the long haul the fight Continues on only the strongest survive man up get fit and activate. … blood and honour

- https://t.me/Activ88ns/367 Activ88, [27/08/2023]
  Yes ZOG anal rats Have been at it again earlier in the week was raided again by 20 faggets this time they seized only my speargun … #exposethenose

- https://t.me/Activ88ns/369 Activ88, [27/08/2023]
  Another ZOG No fun squad Raptor anal fagget #Exposethenose

**Jack Eltis**

Jack Eltis is leader of the NSW branch of the neo-Nazi National Socialist Network (NSN). According to a post below, 24 April 2023, Eltis had a large collection of firearms.

- https://t.me/JackEltis/11 Jack Eltis, [11/12/2022]
  International jewry wants you living in a "15 minute city". … International jewry wants White Europeans locked down permanently, where you can do nothing but consume product and be quiet tax slaves …

- https://t.me/JackEltis/15 Jack Eltis, [15/12/2022]
  The tyrannical jewish system and its police and security apparatus pets…

- https://t.me/JackEltis/18 Jack Eltis, [16/12/2022]
  The Jew wants White boys and girls brainwashed into race suicide by the pied pipers in the miseducation system and mainstream media lie factory. … We need to stop listening to Jews and their servants.

- https://t.me/JackEltis/25 Jack Eltis, [9/01/2023]
  … It is only through disciplined, organised collectivism that we are to have any chance at defeating jewish power and at building an Aryan imperium of greatness.

- https://t.me/JackEltis/26 Jack Eltis, [10/01/2023]
  … Now that these jews have basically finished the job in cities, they look to destroy rural areas which are still 80+ percent White. They will never stop.

- https://t.me/JackEltis/31 Jack Eltis, [20/01/2023]
  The jews want complete suppression of all opposition to their plans of globalisation, multiculturalism and sodomy. … degeneracy and evil…

- https://t.me/JackEltis/39 Jack Eltis, [10/02/2023]
  One of the signs of living in the late stages of jewish-ruled societies. Abhorrent mulatto sexual degeneracy advertised and encouraged in plain sight, reminiscent of recounts from Weimar Germany. History is cyclical.

- https://t.me/JackEltis/49 Jack Eltis, [13/02/2023]
  Jews want you to not reproduce. Everything you see in their media is part of the White genocide agenda. Always do the opposite of what jews say.

- https://t.me/JackEltis/62 Jack Eltis, [27/02/2023]
  The jewish system that we live under will do everything in it's power to attempt to crush and destroy pro-White communities. What they fear most is pro-White communities forming and collectivising and opposing their anti-White agendas. …

- https://t.me/JackEltis/65 Jack Eltis, [28/02/2023]
  Sydney. Spiritual and social decline as a result of a society being ruled over by jews. It's what they do, time and time again.

- https://t.me/JackEltis/97 Jack Eltis, [28/03/2023]
  A once great and mighty country is being subjugated and overrun. … because jews convinced Whites that it was "mean" to protect your nation and your race from hostile invaders.

- https://t.me/JackEltis/114 Jack Eltis, [8/04/2023]
  Usury is evil and a jewish invention. Christian and Islamic doctrine have always forbidden usury, only under Judaism is it permitted. This system is designed to have you in perpetual debt slavery. The future we want to build will be free of parasitic, predatory, unethical banking practises and fake and gay jewish "economics" that enslave us and destroy our race.

- https://t.me/JackEltis/117 Jack Eltis, [11/04/2023]
  Jews are stealing your tax money to pour it into useless third world countries

- https://t.me/JackEltis/124 Jack Eltis, [20/04/2023]
  Happy birthday to Adolf Hitler, one of the greatest men to ever live. A prophet of our worldview and a genius of the White race. Your spirit will rise again!

- https://t.me/JackEltis/128 Jack Eltis, [23/04/2023]
  Also, the reason White birth rates are in decline globally is because of jewish subversion. White people can't even afford to own houses in most White countries because jews have turned real estate and property speculation into a cash cow for foreign money and investment … Cost of living is insanely high due to jewish manipulation and control of global financial markets for their gain and at our expense. … These subversive attacks on our people come from every direction, but all from the same tribe.

- https://t.me/JackEltis/131 Jack Eltis, [24/04/2023]
  New South Wales police officers showed up to my house this morning at 7am sharp, waking myself and my young family up to inform me that my firearms licence had been cancelled/revoked by the police commissioner for New South Wales. They subsequently seized all my legally owned firearms and ammunition from my home. They seized my 2 rifles, 1 shotgun and 2 handguns and ammunition for all the aforementioned, which were all legally owned and safely stored in accordance to firearms legislation in my state.

- https://t.me/JackEltis/152 Jack Eltis, [5/05/2023]
  Jews own and control all the global economy and most major brands, and they feed us poison, make trillions off White labour and shill products we don't really need.

- https://t.me/JackEltis/191 Jack Eltis, [20/05/2023]
  Our path is noble and righteous. Theirs [Jews] is one of pure evil and destruction.

- https://t.me/JackEltis/193 Jack Eltis, [21/05/2023]
  Jews are behind every effort to destroy our nations, such as: mass immigration, feminism, homosexuality/transgenderism, racemixing, pornography, and all other manners of degeneracy and destruction. … jews working together to destroy healthy harmonious White societies.

- https://t.me/JackEltis/207 Jack Eltis, [4/06/2023]
  Natural reaction to jewish parasites destroying our societies.

- https://t.me/JackEltis/217 Jack Eltis, [8/06/2023]
  The jew's power comes from their control of the global financial system. With this complete control of international finance and money supply, they can buy politicians, create lobbying groups with infinite funding behind them, buy the entire media, buy whole corporations to create monopolies and remove competition, and fund and shill, and enforce their degenerate and anti-White agendas. The finance and banking system is the head of the snake of jewish control and power.

- https://t.me/JackEltis/228 Jack Eltis, [2/07/2023]
  Jewish media not reporting on their demographic replacement chimps destroying a White nation. This is the jew's endgame. They have already imported these low IQ savages that will destroy our nations. We as White Europeans must organise collectively against it before it's your neighbourhood being burnt down by Africans and Muslims

**Jimeone Roberts**

Jimeone Roberts is a prominent member of the National Socialist Network (NSN) / European Australian Movement (EAM) and a close associate of Thomas Sewell, NSN/EAM leader. Roberts has had several Telegram accounts and a Twitter account, where he self-describes as 'Aryan Australian'. One Twitter account has 'rahowa' in its name, which stands for Racial Holy War. Roberts has a large bold tattoo of a Nazi swastika on his chest.

- https://t.me/jimeonelyleroberts/150 Jim Roberts, [24/01/2023]
  I'd also like to thank Jews for being vile, corrupt, footsoldiers of Satan …

- https://t.me/jimeonelyleroberts/246 Jim Roberts, [13/02/2023]
  Jews want you dead. … Every single person that advocates for your destruction is a Jew or Jewish controlled. … This battle isn't new. It's ancient and eternal. The Jew v the Aryan is the fight between good and evil. Which side are you on?

- https://t.me/jimeonelyleroberts/249 Jim Roberts, [13/02/2023]
  Muh 6 Gorillion … If you still believe in the Holocaust in 2023, I have a bridge to sell you.

- https://t.me/jimeonelyleroberts/310 Jim Roberts, [21/02/2023]
  Jews want to kill your children in order to 'cure' them of the sickness of (((modernity))).

- https://t.me/jimeonelyleroberts/327 Jim Roberts, [22/02/2023]
  Degeneracy, hedonism, third or fourth genders, paedophilia, feminism, transhumanism, victim mentality - all of these are products of the Jewish mind

- https://t.me/jimeonelyleroberts/519 Jim Roberts, [10/03/2023]
  The Jews openly reward the muzzled goyim with decent weather for their behaviour during lockdowns.

- https://t.me/jimeonelyleroberts/526 Jim Roberts, [11/03/2023]
  The White Pill here is that as much as the Jews control all the power in Western Nations, almost nothing it going to plan. … Jews run everything, and the Aryan is getting hungrily closer to full awakening. I'd say we have 5 years at most. Let's go.

- https://t.me/jimeonelyleroberts/539 Jim Roberts, [11/03/2023]
  THE MEDIA IS CONTROLLED BY JEWS

- https://t.me/jimeonelyleroberts/571 Jim Roberts, [14/03/2023]
  Jews are evil and want White people erased … What Amalek means is key to understanding why the jews want to wipe White people out- it's at the core of their racial doctrine. It's about bloodlines and God's command to Saul to wipe out Amalek.

- https://t.me/jimeonelyleroberts/594 Jim Roberts, [16/03/2023]
  The traitorous and Jewish controlled government of Australia … Hail Hitler!

- https://t.me/jimeonelyleroberts/816 Jimeone Roberts, [2/04/2023]
  Jews created, funded, and advocate for the current state of affairs. Jews want your men degenerate faggots, your women mutilated and alone, and your children raped and murdered. … just remember who is responsible: The Jew ✡

- https://t.me/jimeonelyleroberts/821 Jimeone Roberts, [2/04/2023]
  Demons are real, they're called Jews.

- https://t.me/jimeonelyleroberts/823 Jimeone Roberts, [2/04/2023]
  The Jew deserves any persecution it undergoes. Jews deserve the worst things the world has to offer. Jews deserve misery, pain, suffering, isolation, and destruction. … these vile parasites. They deserve it all back tenfold. … The racial soul that is inherent to the

Jew is corrupted to a point of no return. It is impossible to salvage. Jews inflict pain, misery, and suffering. It's their M.O.

- https://t.me/jimeonelyleroberts/901 Jimeone Roberts, [7/04/2023]
  No longer a man but a collective force of our joint racial conciousness, he broke the grip of International Jewry and freed his folk. Heil Adolf Hitler - Mein Fuhrer.

- https://t.me/jimeonelyleroberts/1028 Jimeone Roberts, [17/04/2023]
  Love dogs, hate Jews. Simple as.

- https://t.me/jimeonelyleroberts/1338 Jim Roberts, [1/05/2023]
  T'was a dusty amber arvo, When the blinders finally came off, Gumleaves scorched in Nature's marvel, The White Australian has seen … Those hideous mongrels, With their sharp, hooked beaks, Those that ravaged Berlin. They play with gold and diamonds galore, And destroyed all our forefathers had done. The Semitic rat that fleed the war, Forcing diversity down the barrel of a gun. … The White Aussie Battler that inhabits our souls … hear me when I say, "My brothers beneath the Southern Cross!" "White Australia Rises! The Jew has had his day!"

- https://t.me/jimeonelyleroberts/1363 Jim Roberts, [4/05/2023]
  Paedophilia is Jewish ✡ … they're sick satanic freaks.

- https://t.me/jimeonelyleroberts/1765 Jimbo, [23/06/2023]
  Prepare yourself, this is the future of Western Civilisation. They will import entire countries worth of these gooks, chinks, and pajeets until every city in Australia has their own Asian Horde … this is the end goal of the Jew. WHITE MAN! FIGHT BACK!

- https://t.me/jimeonelyleroberts/1872 Jimbo, [6/07/2023]
  Jews want you dead. Wake up, White Man

- https://t.me/jimeonelyleroberts/1908 Jimbo, [10/07/2023]
  Now that our Jewish controlled government ...

- https://t.me/jimeonelyleroberts/1965 Jimbo, [21/07/2023]
  Each day the Jewish hegemony that holds power over White Nations squeezes more blood from us … the whole system and it's many tentacles are designed to eradicate you and your kin. They want you dead, they want your children gay and raped …

- https://t.me/jimeonelyleroberts/2052 Jimbo, [10/08/2023]
  Just had another bank account closed by these parasitic Jews. For all you maggoty kikes ... The overton window has shifted. … We've crossed the Rubicon. We've already won, and our victory means one thing and one thing only for your kind. The dam is broken. Tick. Tock.

- https://t.me/jimboroberts/94 Jimbo 2: Hyperborean Boogaloo, [23/08/2023]
  White Man standing up proudly and openly calling out the Jewish fuelled ethnic cleansing of his people. Just as Christ was persecuted by members of this same tribe, we see their actions are unchanged today.

- https://t.me/jimboroberts/222 Jimbo 2: Hyperborean Boogaloo, [20/09/2023]
  [Youtube: Did you lnow that Jews make up 0.2% of the world's population?] And despite that they have almost total control over media, politics, banking, academia, and mass immigration... Strange, Jewtube, strange...

- Jimbo Roberts@jimeoneroberts · Dec 17, 2022
  For starters FB, Instagram, Snapchat, and essentially every other social media you care to mention are owned by Jews, they control the tech companies, alongside the politicians, academia, and … the financial institutions via the Federal Reserve Banks.

- Jimbo@jimbo_rahowa · Jun 8, 2023
  Calling all White Australians! You are currently being replaced by brown, black, and yellow people courtesy of a Jewish controlled Government with no political means of resisting. Every politician is complicit as the system itself is broken. Join your local active club! #EAM

- Jimbo@jimbo_rahowa · Aug 2, 2023
  Imagine trusting anyone that says "globalists" instead of "jews".

- Jimbo@jimbo_rahowa · Aug 11, 2023
  Jews killed Jesus Christ.

- Jimbo@jimbo_rahowa · Aug 11, 2023
  No gas chambers. … Over 1000 expulsions throughout history.

- Jimbo@jimbo_rahowa · Aug 11, 2023
  Jews control all Western Nation through their immensely disproportionate amounts of power in finance, politics, academia, etc.

- Jimbo@jimbo_rahowa · Aug 11, 2023
  The Jews are the reason for LGBTQ+ and transgenderism.

- Jimbo@jimbo_rahowa · Aug 11, 2023
  COVID-19 Scamdemic? You guessed it! Jews!

- Jimbo@jimbo_rahowa · Aug 11, 2023
  Who is responsible for pornography corrupting the minds of our youth, degenerating an entire generation of our women and causing the modern dating scene of casual sex and divorce? Same old suspect! Jews!

- Jimbo@jimbo_rahowa · Aug 27, 2023
  The root cause of societies woes is Jewish. The source of every major issue facing Western Civilization is Jewish. If you're White, Christian, straight, and pro-traditional families or any combination of the aforementioned, your enemy is the eternal Jew.

- Jimbo@jimbo_rahowa · Aug 30, 2023
  Jews are evil, their nature is evil, and it has always been evil. It isn't their fault they are this way, anymore than it is a parasites fault that it must harm its host. Regardless, their behaviour is bad for the host and they need to be removed. Deport all Jews to Israel.

- Jimbo@jimbo_rahowa · Aug 30, 2023
  Anyone who uses terms like globalists, elites, or bankers is just running defense and muddying the waters for the peoples these words truly refer to: The Jews.

- Jimbo@jimbo_rahowa · Aug 31, 2023
  Jews are evil incarnate … and the antithesis of the Aryan.

- Jimbo@jimbo_rahowa · Aug 31, 2023
  Jews killed Gaddafi. Jews killed JFK. Jews did 9/11. Jews started the 'War on Terror'. Jews killed Caesar. Jews did slavery. Jews killed Hitler. Jews faked the Holocaust. Jews killed Christ. Get it, yet?

- Jimbo@jimbo_rahowa · Sep 1, 2023
  God hates Jews, because they killed Christ.

- Jimbo@jimbo_rahowa · Sep 1, 2023
  You filthy Jews rely heavily upon censorship because you know that without, people will be free to accurately criticize your tribes behavior, & this will inevitably lead to your explusion from society yet again. The veil is lifting, Jonathan. Tick tock.

- Jimbo@jimbo_rahowa · Sep 1, 2023
  Some examples of these behaviours, historically, are: murdering infants in ritual sacrifice, mutilating infant genitals, subverting host Nations through usury (nowadays fractional-reserve banking), coin-clipping, killing Christ, The black Plague, & just generally being shitcunts.

- Jimbo@jimbo_rahowa · Sep 1, 2023
  The Holocaust is a hoax. It's all lies. No more than 300k Jews were killed in the camps MAX, and the vast, vast majority of them died due to typhus as a result of the Allies bombing the supply lines. 6,000,000? That's a bit much, mate.

- Jimbo@jimbo_rahowa · Sep 1, 2023
  Ban the ADL, remove Jews from society, kick out Jewish banks, rebuke Jewish lies, reject Jewish propaganda, deny Jewish pleas, destroy Jewish agendas, cancel Jewish influence, revoke Jewish passports, dismiss Jewish tears, threaten Jewish hegemony. Ban Jewish Power.

- Jimbo@jimbo_rahowa · Sep 5, 2023
  Jews clearly control the upper echelons of Western Civilisation and use that power to purposefully degrade and destroy White culture and Whites as a whole.

**Joel Davis**

Joel Davis self-describes on Telegram as "a Catholic, White Identitarian, Australian Nationalist with Anglo-Celtic ancestry." Davis often does interviews with Australian and overseas far-right figures. Davis is based in NSW. He posts on Telegram and Twitter.

- https://t.me/joeldavisx/1003 joeldavis, [4/10/2022]

I use the term "Judeo-American" to differentiate this regime from the American nation which it occupies and rules.

- https://t.me/joeldavisx/1127 joeldavis, [26/10/2022]
Jews don't just exert pressure culturally, they flex it through institutional finance … Ye talks a lot about the Jewish Media, but the Jewish Media is only as powerful as it is due to being reinforced by Jewish Finance.

- https://t.me/joeldavisx/1224 joeldavis, [11/11/2022]
Greenblatt … this is Jewish activists organizing Jewish bankers to flex their power over corporations for the sake of a pro-Jewish social and political agenda.

- https://t.me/joeldavisx/1387 joeldavis, [6/12/2022]
This message from Ye is the most necessary moral message of our time. The Jewish victimology of 'Holocaustianity' is the foundation of the postwar ideological order. … Ye is rejecting Jewish centrality in order to restore Christ's centrality to our civilization. He is striking at the very root of the postwar transvaluation which sent our civilization on its post-1960s death spiral.

- https://t.me/joeldavisx/1533 joeldavis, [6/01/2023]
If the Reformation never succeeded in England, William of Orange never would have been installed as monarch and the Jews would never have been welcomed back in to take over London and by extension as fate would have it, the world.

- https://t.me/joeldavisx/1604 joeldavis, [22/01/2023]
… Jews on the other hand act as Jews, and so elite individualistic Whites surrounded by elite collectivist Jews are structurally beholden to their Jewish group interests. …

- https://t.me/joeldavisx/1619 joeldavis, [23/01/2023]
… the problem with Darren Beattie and Scott Greer pushing the "Globalist American Empire" (GAE) meme in place of "Zionist Occupied Government" (ZOG) is that its obfuscates how Jewish the elite are, not how Global they are ffs

- https://t.me/joeldavisx/1620 joeldavis, [23/01/2023]
… the term 'ZOG' is colloquially used to describe Jewish Power in general, hence why we also use the label 'Judeo-American Empire' - the acronym 'JAE' doesn't vibe like 'ZOG' though, so we use ZOG and everyone gets it. Anyway the point is that Jewish Power defines the regime

- https://t.me/joeldavisx/1697 joeldavis, [7/02/2023]
If the elite are either Jews or Jewish collaborators, you're ruled by Jews.

- https://t.me/joeldavisx/1764 joeldavis, [23/02/2023]
Not only did Ye mainstream the Jewish Question, he also forced the Judeo-Right to turn up the heat on blacks to counter it 🤦

- https://t.me/joeldavisx/1899 joeldavis, [31/03/2023]
Jewish power fundamentally comes from the positions they are permitted to hold within our societies, this means White identity politics will necessarily always threaten Jews

with exclusion from the source of their power. Our rivalry is therefore unsolvable by any means but the subordination of one to the other. Jews therefore must be seen as our primary ethnoracial competitor, their very existence is predicated upon both their opposition to and inclusion within Western Civilization. Any "alliance" they offer must be held in absolute contempt. This is a non-negotiable principle, the Anglo-Right entering into collaboration with Zionists is at the root of its capitulation to everything we stand against.

- https://t.me/joeldavisx/2055 Joel Davis, [5/05/2023]
  Lol this is a good mask-off moment to show to normies and wake them up to racial consciousness, just like the Jews who run the Abo lobby in Australia.

- https://t.me/joeldavisx/2159 Joel Davis, [25/05/2023]
  Latest Australian top 10 rich list just dropped - Jews take 4/10 of the positions despite being only 0.4% of Australia's population. This goes some way to explaining how such a tiny minority can have so significant an influence in our country. Any citizen who is hostile to White Australia is a problem, but a billionaire citizen who is hostile to White Australia is a problem of an entirely different category.

- https://t.me/joeldavisx/2388 Joel Davis, [2/07/2023]
  … is truly one of the best pages on telegram, does incredible work explaining the destructive role of Jewish Power in Australia

- https://t.me/joeldavisx/2585 Joel Davis, [17/08/2023]
  I wanna know precisely how many Jews are on this list, make yourselves useful

- Joel Davis@joeldavisx · 1:34 AM · May 5, 2023
  You're right that antisemitism is "un-Australian" - the traditional Australian solution to antisemitism was to keep Jews out of Australia, because semitism is what causes antisemitism.

- Joel Davis@joeldavisx · 6:33 PM · May 6, 2023
  Because it's run by Jews who fear White racial consciousness as an existential threat.

- Joel Davis@joeldavisx · 3:30 PM · May 19, 2023
  The whole talking point that "Jews do well because they are high IQ" is an irrelevant tangent to the critique of Jewish Power. The issue is not *why* they are powerful, the issue is *what* they are using their power to accomplish - the destruction of the White Race.

- Joel Davis@joeldavisx · 3:43 PM · Jun 8, 2023
  The final boss of conspiracy theories is realising that 90% of conspiracy theories are disinformation ops pushed to distract you from White Genocide and the fact that it's the Jews.

- Joel Davis@joeldavisx · 4:39 PM · Jun 9, 2023
  Jewish money has a habit of being nefarious

- Joel Davis@joeldavisx · 3:02 PM · Aug 6, 2023

The problem isn't "cancel culture" - the problem is that we're cancelling people for being racist antisemites. We should be cancelling people for NOT being racist antisemites.

- Joel Davis@joeldavisx · 7:15 PM · Sep 4, 2023
  Oh yeah I'm sure the Jews are so upset that the ADL is attacking everyone who criticises them while they continue to control the media, banks, elite universities and government. Those poor Jews! #BanTheADL

- Joel Davis@joeldavisx · 12:59 PM · Sep 8, 2023
  The only way "antisemitism" is able to function as a label which has any moral power is via the assumption that there is no valid logical reason someone could be critical of Jewish Power. In other words, that it is impossible for Jews to use their power malevolently.

- Joel Davis@joeldavisx · 1:00 PM · Sep 8, 2023
  The fact that such large and powerful swathes of society have been convinced that questioning Jewish Power in any way is fundamentally immoral is itself concrete evidence that Jewish Power is both pervasive and malevolent. #ExposeJewishPower

**Michael Nelson**

Michael Nelson self-describes as "Catholic National Socialist • Hitler Loved Christ, Melbourne, Victoria". He is a member of National Socialist Network. He posts on Telegram and Twitter.

- https://t.me/mickle88/18 Mickle's meddling, [8/06/2023]
  … the rise of Adolf Hitler is inevitable and … none of this changes the fact that the holocaust did not happen.

- mickle @HitlerianBeast · Jun 2, 2023
  So many pagans are just blatant retards who refuse to accept history, judaism is a corruption of Christianity, jews hated Yahwism and have tried their best to destroy Christianity since it's inception. Jesus wasn't jewish

**Nathan Bull**

Nathan Bull has been described in the media as a "known member" of the National Socialist Network (NSN). He posts on Telegram.

- https://t.me/MulletNationalism/669 Nathan Bull, [2/06/2023]
  The jews are basically making it illegal to be White. The jews must be stopped

- https://t.me/MulletNationalism/682 Nathan Bull, [11/06/2023]
  Because teaching anything pro-White is against the jews' agenda

- https://t.me/MulletNationalism/690 Nathan Bull, [14/06/2023]
  These filthy jews HAVE TO have their parasitic tentacles everywhere, honestly disgusting

- https://t.me/Nathan_Bull/819 Nathan Bull, [15/08/2023]
  The jews want us dead. If you still don't see this, you're delusional. We must stop them before it's too late.

- https://t.me/Nathan_Bull/845 Nathan Bull, [8/09/2023]
  I love Hitler

- https://t.me/Nathan_Bull/868 Nathan Bull, [29/09/2023]
  While the jewish zionist occupied government closes bank accounts of and tries desperately to imprison or proscribe as terrorists White Nationalist family Men just trying to live an honest honourable life to support their children and wives.

**National Socialist Movement (NSM)**

National Socialist Movement Australia (NSM) – not to be confused with National Socialist Network (NSN) - is a small neo-Nazi group led by Christian Boyle in Queensland, which became active in early 2022. NSM members have letterboxed NSM leaflets in Brisbane, the Gold Coast, and Sydney; and in November 2022, held an anti-Jewish banner over a Gold Coast freeway. NSM posts below are from Telegram.

- https://t.me/NSM88AusNz/2345 National Socialist Movement Australia, [21/10/2022]
  the Jews running Australia

- https://t.me/NSM88AusNz/2842 National Socialist Movement Australia, [27/10/2022]
  How much more proof do you need that we are in the middle of a global communist revolution and our nation is ruled by Jews ? … Hitler was right !

- https://t.me/NSM88AusNz/2863 National Socialist Movement Australia, [29/11/2022]
  Never mind the fact Jewish communists are the biggest mass murderers in human history responsible for more than 100 million deaths

- https://t.me/NSM88AusNz/3016 National Socialist Movement Australia, [15/12/2022]
  … white Australia policy … post ww2 refugee immigrant situation. The policy at the time was for "no Jews". It is obvious to us that prior generations knew very well that Jews were a dangerous and subversive force to any nation that they inhabit, and were deliberately kept out. So how did we end up with a Jewish population in Australia at all? They were forced upon us by the British and the USA as a condition of our defence arrangements.

- https://t.me/NSM88AusNz/3017 National Socialist Movement Australia, [15/12/2022]
  … immigration selection criteria. "Pure Aryan Descent" was the requirement. … prior generations were very aware of the subversive corrosive nature of Jews to a host nation, and they obviously knew of the history of the Jews going back hundreds of years in Europe. Because of this history and clear patterns of behaviour, jews were excluded from entry to Australia.

- https://t.me/NSM88AusNz/3197 National Socialist Movement Australia, [23/01/2023]
  We shall finish the works of the greatest white man of the last 1000 yrs, Adolf Hitler, and restore his name to its rightful place as a hero of our people.

- https://t.me/NSM88AusNz/3209 National Socialist Movement Australia, [26/01/2023] our communist enemies, the jews. Nothing short of our destruction and eradication as a race will ever be enough to appease these people.

- https://t.me/NSM88AusNz/3224 National Socialist Movement Australia, [29/01/2023] ... the jewish role in leading communism and the mass slaughter of 10s of millions in eastern europe at their hands and orders. … our past leaders were fully aware of the jews history of expulsions, why they were expelled, and of the subversive and corrosive force they are to the host nations they inhabit. … multiple PM's and other political leaders in Australia didnt want further jews immigrating to Australia, which is why they were EXCLUDED and banned from immigrating here right up until the late 1950s, under the white australia policy.

- https://t.me/NSM88AusNz/3232 National Socialist Movement Australia, [31/01/2023] who owns those vax companies and who are the ceos??? they are all run and controlled by JEWS!!!! … this was a plot for mass murder, wealth extraction, and to collapse our economies across the world to then install global communism

- https://t.me/NSM88AusNz/3241 National Socialist Movement Australia, [2/02/2023] only 90,000 jews in the entire country of 26million people, so how are so many of them in positions of power, wealth, and influence.

- https://t.me/NSM88AusNz/3331 National Socialist Movement Australia, [22/02/2023] The real reason why WW2 happened: Hitler stood up to The Rothschild family and International Jewry. Know the truth of WW2 and you will leave the matrix.

- https://t.me/NSM88AusNz/3461 National Socialist Movement Australia, [13/03/2023] the jewish controlled western world mass media. They dont want you to know what the jews are really responsible for, because then you would realize HITLER WAS RIGHT and was actually a hero who we all owe a MASSIVE apology to.

- https://t.me/NSM88AusNz/3464 National Socialist Movement Australia, [13/03/2023] Tell me again why we should allow a single one of these pieces of shit to live in our nations? EXPEL THE JEWS NOW!! 110 and NEVER AGAIN

- https://t.me/NSM88AusNz/3502 National Socialist Movement Australia, [19/03/2023] … Australians need that our nation is literally being hijacked by JEWS and COMMUNISTS?? TIME TO WAKE UP FOLKS.

- https://t.me/NSM88AusNz/3505 National Socialist Movement Australia, [20/03/2023] We are still subservient to the British and the USA, and both of them are ruled by jews, just as we are

- https://t.me/NSM88AusNz/3533 National Socialist Movement Australia, [22/03/2023] its the same agenda ^^ in ALL white western nations, with the same results, because of the exact same group of people who are leading the agenda...JEWS. Hitler was right.

- https://t.me/NSM88AusNz/3538 National Socialist Movement Australia, [23/03/2023]

the two most powerful white nations on earth, Britain and the USA, are BOTH controlled and dominated by jews and have been for centuries now. … the jews who control the USA and UK also dominate OUR nations.

- https://t.me/NSM88AusNz/3617 National Socialist Movement Australia, [30/03/2023] we are in the middle of a global communist revolution and our nation is ruled by Jews

- https://t.me/NSM88AusNz/3829 National Socialist Movement Australia, [20/04/2023] Today we at NSM Australia mark the birthday of the man himself - The Fuhrer, Adolf HItler. Happy Birthday Uncle A. … We shall strive to finish what you started, and ensure your legacy lives on. HEIL HITLER 0/

- https://t.me/NSM88AusNz/5134 National Socialist Movement Australia, [5/09/2023] The Jews … It is also very clear they wish to genocide majority white nations by flooding us with these refugees/ immigrants. Jew … know exactly what they are doing.

- https://t.me/NSM88AusNz/5228 National Socialist Movement Australia, [13/09/2023] Commander Chris after expelling every Jew from Australia AU and locking up every traitorous Marxist and Zionist politician

**National Socialist Network (NSN)**

National Socialist Network (NSN) is the main active neo-Nazi organisation in Australia today. It began public operations in January 2020, and was the subject of a story in the mainstream media in May 2020. Although NSN is an innately antisemitic organisation, many of its activities and propaganda materials promote white nationalism and "white revolution" rather than overtly antisemitic themes. NSN beliefs, as expressed in public statements, include: that "the Jews" control governments, media, universities, are behind non-white immigration into 'white' countries. NSN has placed a variety of stickers regularly around many cities; NSN posts on Telegram, through several channels, but sparingly, and these often are copies of messages from Thomas Sewell, NSN leader.

National Socialist Network held several prominent public rallies in Victoria in 2023. On Australia Day, 26 January 2023, NSN/EAM members held a large banner "Australia for the White Man". Members of NSN/EAM rallied on the steps of the Victorian Parliament, on 18 March 2023 in opposition to the Transgender movement, with a large banner "Destroy Paedo Freaks", and again on 13 May 2023 in opposition to the Federal government's plan to increase immigration to Australia with a large banner of "Living Space for Whites – Stop Immigration". On 13 July 2023, NSN/EAM members rallied in Geelong, regional Victoria, to 'Stop Immigration - Keep Geelong White'. On 23 September 2023, NSN/EAM members marched with the No campaign in Melbourne's CBD. NSN members at rallies are usually clad in black clothes and with faces covered by balaclavas. At these protests, they openly performed multiple Nazi salutes, on the steps of the Victorian Parliament. This led to legislation to ban the Nazi salute in Victoria, and one person has already been charged under that law.

Two NSN members, Duncan Cromb aged 38 and Jackson Pay aged 23, were arrested in 2021, in possession of multiple documents containing instructions on how to commit a terrorist act, examples of successful terrorist acts and information based on "racist ideologies". They pleaded guilty to possessing documents and records of information for terrorist acts, and were sentenced in the South Australian District Court in June 2023 to more than 2 years in jail each.

Cromb was found in possession of advanced strategies to commit terrorist attacks including bombings and assassinations. https://www.abc.net.au/news/2023-06-02/neo-nazi-group-members-jailed-for-terror-planning/102426204

- https://t.me/nationalsocialistnetwork/519 National Socialist Network, [04/10/2022]
  As the Jewish system continues to subject unsuspecting sports fans to anti-White indigenous "smoking ceremonies" and homosexual agendas, they can hardly be surprised when they are met with White men giving the Roman salute at their nonsensical propaganda. … Then in a public admission of how fearful the ZOG system really is, they are calling for the ban of all "Nazi Gestures", in addition to their recent New South Wales Swastika ban.

- https://t.me/nationalsocialistnetwork/522 National Socialist Network, [09/10/2022]
  Activists from the National Socialist Network … are the tip of the spear that represent a growing movement amongst White Australians that vehemently oppose the attempts at sexualisation and grooming of children by the satanic jewish government.

- https://t.me/nationalsocialistnetwork/529 National Socialist Network, [01/11/2022]
  Europe is overrun by third world vermin and native White Europeans increasingly find themselves victims of jewish "multiculturalism". … There will be no negotiations with parasites and their spawn. Traitor governments will one day be held responsible for the evils they have committed. White Revolution is the only solution.

- https://t.me/nationalsocialistnetwork/536 National Socialist Network, [14/12/2022]
  The Jews want this known to the public: the law will only be used against decent Whites and never for them. The so-called “counter-terrorism” units will see to that; shameless lies will be told about every aspect of a case. … Violence against our people will be totally enabled by this disgusting Jewish system. One day, the truth will win. … The dawn is not far now. The sun will burn the scum.

- https://t.me/nationalsocialistnetwork/558 National Socialist Network, [20/04/2023]
  They persecute us because they know we are rising and the world will learn the truth about Hitler and look to us for leadership. Blood and Honour!

- https://t.me/nationalsocialistnetwork/563 National Socialist Network, [16/05/2023]
  White Australia has been betrayed by the Commonwealth; the Liberal and Labor parties are both complicit in the destruction of our people. Our highest task is to alert the men and women of our blood to the fact that their enemy is both the Jew left and the Jew right. If it were not for the Australian National Socialists, scarcely anyone would know about the peril in which White Australia finds itself. The public would not know of the great victories won by National Socialists, nor the disgusting injustice done to us by the Jews, and their servants in the police and anti-fascist groups. This century will decide the life or death of our nation. Join the White revolution!

- National Socialist Network@NatSocNetwork · Jul 18, 2023
  South Australian activists hoist the converging arrows over the enemy. So long as the Jews push for their Voice to Parliament, all White men of good conscience must fight against it. We implore all White Australians of our ideals to join the revolution! Stop hiding from the dire reality of the situation. Get involved and work towards a free White Australia with your brothers in the struggle. Blood and honour!

**Ryan Fletcher**

Ryan Fletcher has for many years openly espoused and promoted anti-Jewish themes and consistently called for the killing of Jews, especially since 2018. He has posted on numerous online accounts at Gab, Telegram, Twitter, and elsewhere. Fletcher has written articles and booklets, produced 2-3 minute length cartoon-style videos, and continues to create cartoon illustrations – all predominantly anti-Jewish in content. Fletcher writes books for children, one of which, published in July 2021, was listed by the US-based international organisation, Terrorism Research & Analysis Consortium (TRAC). Some of his books for children are anti-Jewish but use coded language, eg one titled 'Beware the Bad Few'. Early in 2022, Fletcher began posting about Christianity and the Bible, something he had not done before. On Gab he self-describes as a "Supersessionist Christian … Pan-Aryan."

In December 2020, Fletcher posted online that he had been arrested on 9 November 2020 by the Victoria Police Security Intelligence Unit (SIU) for an offence under the Victorian Racial and Religious Tolerance Act 2001 - Serious Religious Vilification and Incitement, and a second offence under the Commonwealth *Criminal Code* of "Use Telecommunications Device to Menace". This did not stop Fletcher from advocating violence against Jews, and continuing to call for the murder of Jews. In May 2022, Victoria Police dropped all charges against Fletcher without publishing a reason or reasons.

Some of Fletcher's posts on Gab and Telegram follow. Often the same item posted on Gab is also posted on Telegram and on Twitter.

- Lord Ryan Fletcher@RyanFletcher1589 · Oct 6, 2022·
  To be fair Jews don't have total rule over the planet (yet) but their proximity to power correlates with destruction and depravity. … the vast majority of the world harbours utter seething disdain for this ethno-religious cancer plaguing the planet.

- Lord Ryan Fletcher@RyanFletcher1589 · Oct 21, 2022·
  The Holocaust myth … is the ONLY thing keeping Israel in existence, because without the occupied American central government putting it's citizens through a meat grinder for your little Rothschild terrorist base in the middle east "Israel" wouldn't exist.

- Lord Ryan Fletcher@RyanFletcher1589 · Jan 23, 2023·
  these lying Jews are shameless parasites who live only to invert the truth.

- Lord Ryan Fletcher@RyanFletcher1589 · Jan 23, 2023·
  Giving abos their own nation state … If a treaty comes about it will be the work of a Zionist Occupation neo-liberal plutocracy that does it.

- Lord Ryan Fletcher@RyanFletcher1589 · Jan 25, 2023·
  one could be forgiven for believing that the Holocaust happened on the basis that Jews are so heinously evil that any rational human being could understand that I people might well rise up and systematically kill them en masse.

- Lord Ryan Fletcher@RyanFletcher1589 · Feb 16, 2023·
  Not only did the Jews poison wells in the middle ages but the Holocaust is fake as a $3 bill. Ergo Jews are murderers and hell is their fated destination.

- Lord Ryan Fletcher@RyanFletcher1589 · Feb 28, 2023·

In Australia … the Zionist Occupation Government … Meanwhile Zionist Jews are emboldened by the system to promote exterminationist rhetoric and policies against any and all gentiles that make them feel uncomfortable.

- Lord Ryan Fletcher@RyanFletcher1589 · Mar 9, 2023·
  I will NEVER be sorry for wanting an actual Holocaust of Jews to happen! NEVER!

- Lord Ryan Fletcher@RyanFletcher1589 · Apr 27, 2023·
  Repatriate Jews to Israel then nuke Israel. You don't see how putting all you rats in one space is great target practice for a world that increasingly hates you?

- Lord Ryan Fletcher@RyanFletcher1589 · Jun 4, 2023·
  Shut the fuck up kike! Only human beings need reply.

- https://t.me/FashyFletcher/2940 Lord Ryan Fletcher, [7/11/2022]
  Daily reminder that the Holocaust didn't happen but it should have!

- https://t.me/FashyFletcher/2972 Lord Ryan Fletcher, [12/11/2022]
  Daily reminder that Jews control media, finance and government.

- https://t.me/FashyFletcher/2975 Lord Ryan Fletcher, [14/11/2022]
  Daily reminder that Jews are schizophrenic Tay Sachs carrying psychopaths

- https://t.me/FashyFletcher/2979 Lord Ryan Fletcher, [15/11/2022]
  In our "globalized" world Jew hatred will soon enough become such a booming transnational commodity that ordinary people will start realizing the scope of Jewish affluence, privilege and power is literally destroying the planet. Daily reminder that the Holocaust didn't happen but the way things are going it probably will happen

- https://t.me/FashyFletcher/3138 Lord Ryan Fletcher, [8/12/2022]
  Geez I wonder why so many people want Jews dead? 🤔

- https://t.me/FashyFletcher/3156 Lord Ryan Fletcher, [9/12/2022]
  This is what the Jewish system amounts to. The legalization and normalization of propagating and inflicting anti-White exterminationist "mitzvahs" through Occidental institutions. … the verminous Jews … Daily reminder that if you stand with the Jews you are on the side of evil and no amnesty should cover you!

- https://t.me/FashyFletcher/3160 Lord Ryan Fletcher, [10/12/2022]
  There's good reason why Jews have been expelled out of every host nation they infect.

- https://t.me/FashyFletcher/3162 Lord Ryan Fletcher, [11/12/2022]
  I'm actually a MTHAH (Make The Holocaust Actually Happen). … we should be locking up Jews en masse!

- https://t.me/FashyFletcher/3224 Lord Ryan Fletcher, [19/12/2022]
  Organized Jewry in Australia are literally roping us into another foreign conflict totally at odds with the interests of average Aussies. The Jews want us as sacrificial canon fodder for Zionist tyranny.

- https://t.me/FashyFletcher/3305 Lord Ryan Fletcher, [3/01/2023]
… ASIO works for the interests of the ADC, ECAJ, AJA, ZFA, AIJAC and B'nai B'rith. Gentile Australians calling out the suicidal domestic and foreign policy initiatives of the Zionist Occupation neo-liberal plutocracy in this country are ostensibly targets of establishment frame-ups mocking up threat, security, enemy, emergency action, force and violence.

- https://t.me/FashyFletcher/3375 Lord Ryan Fletcher, [17/01/2023]
The Aryan is typified by the urge to create and the Jew is typified by the impulse to destroy

- https://t.me/FashyFletcher/3392 Lord Ryan Fletcher, [19/01/2023]
The Jews once again proving to the world that they are the most vile life-forms on the planet and that sadly the Holocaust didn't happen to them.

- https://t.me/FashyFletcher/3401 Lord Ryan Fletcher, [21/01/2023]
The only reason one could be forgiven for believing the Holocaust happened is Jews are so heinously evil that it's easy to come to the conclusion that a people would rise up and systematically slaughter them.

- https://t.me/FashyFletcher/3408 Lord Ryan Fletcher, [23/01/2023]
Meanwhile the ADC, ECAJ, AIJAC, AJA, ZFA, CSG, B'nai B'rith and so on deem it "Antisemitism" to oppose using Australian tax payer money to support multifaceted Zionist exterminationism around the globe.

- https://t.me/FashyFletcher/3413 Lord Ryan Fletcher, [24/01/2023]
Daily reminder that pogroms are the inevitable result of Jewish behavior.

- https://t.me/FashyFletcher/3425 Lord Ryan Fletcher, [25/01/2023]
Daily reminder that the two party Jew party system will systematically trample the rights of gentiles …

- https://t.me/FashyFletcher/3449 Lord Ryan Fletcher, [28/01/2023]
these verminous parasites … Daily reminder that Jews are the enemies of gentiles the world over. No amnesty should ever cover them and their crimes!

- https://t.me/FashyFletcher/3594 Lord Ryan Fletcher, [7/03/2023]
Those who stand with the ECAJ and ZFA are enemies of Australia and deserve to be put to death!

- https://t.me/FashyFletcher/3605 Lord Ryan Fletcher, [10/03/2023]
The Rothschild terrorist base blasphemously calling itself "Israel" is an enemy of the planet!

- https://t.me/FashyFletcher/3651 Lord Ryan Fletcher, [19/03/2023]
The demonstrable scam that is the "Holocaust" … international organized Jewry… These blood sucking parasites who've inflicted this noxious blood libel fraud to extract monies, resources, privileges and powers …

- https://t.me/FashyFletcher/3658 Lord Ryan Fletcher, [19/03/2023]
  Daily reminder that the Holocaust didn't happen but it should have. Give Jews a "miserable death".

- https://t.me/FashyFletcher/3747 Lord Ryan Fletcher, [1/04/2023]
  The two Jew pronged assault of capitalism and communism has decimated occidental civilization. Only a path that totally divorces the Purim parasite from our nation will be capable of rejuvenating our people! Hail Victory!

- https://t.me/FashyFletcher/3794 Lord Ryan Fletcher, [8/04/2023]
  Daily reminder that Antisemitism is a healthy aversion to the exterminationist aims of Jewry.

- https://t.me/FashyFletcher/3820 Lord Ryan Fletcher, [12/04/2023]
  It should be noted that the Jew is an alien that parasites off it's host nation unto death.

- https://t.me/FashyFletcher/3841 Lord Ryan Fletcher, [15/04/2023]
  The Jews are usurious parasites who compulsively seek to destroy the host society they infect. … They hate us gentiles and want us dead!

- https://t.me/FashyFletcher/3872 Lord Ryan Fletcher, [21/04/2023]
  Hail Hitler!

- https://t.me/FashyFletcher/3893 Lord Ryan Fletcher, [24/04/2023]
  Daily reminder that the world is in such a mess because of Jewish hegemony.

- https://t.me/FashyFletcher/3954 Lord Ryan Fletcher, [4/05/2023]
  Jews are the enemy of gentiles the world over! (((They))) are vermin!

- https://t.me/FashyFletcher/4042 Lord Ryan Fletcher, [20/05/2023]
  Read "The Protocols" and purge the parasite!

- https://t.me/FashyFletcher/4114 Lord Ryan Fletcher, [4/06/2023]
  Jews literally can't help themselves. They're are a self obsessed, perverted, blood thirsty tribe of destroyers whose idea of a "God-world" is where we gentiles are taken as slaves by these diseased demons.

- https://t.me/FashyFletcher/4248 Lord Ryan Fletcher, [5/07/2023]
  The greatest crime of the 20th century was the formation of the Rothschild terrorist base of Israel off the deaths of 80+ million gentiles.

- https://t.me/FashyFletcher/4335 Lord Ryan Fletcher, [29/07/2023]
  Never forget what these Jews did to us!

- https://t.me/FashyFletcher/4432 Lord Ryan Fletcher, [7/09/2023]
  International organized Jewry are a villain that is so outlandishly evil that some could be mistaken to think they're actual non-human monsters from another dimension.

**Shermon Burgess**

Shermon Burgess has been a far-right activist since 2015. He is a former leader of a far-right anti-Islam group, the United Patriots Front (UPF), in NSW. In the past he has used the name 'Great Aussie Patriot'. Burgess posts on Facebook, using the name 'Valhalla' (soldiers' heaven) to reflect his Odinist beliefs at the time. In November 2023 Burgess "locked his profile" on Facebook and "only his friends can see what he shares on his profile".

In early 2023, Burgess converted to Islam. However, it appears that Burgess's far-right views have not changed and align with extremist views within Islam especially in demonising Jews, opposition to LGBTI people, and support for the subordination of women. On 11 September 2023, Burgess posted a reason why he converted to Islam "This is why white people are flocking to Islam because if you slap Islam it doesn't turn the other cheek. It strikes back furiously with the sword. Strength is admired. Weakness is not."

- Shermon Valhalla Burgess · December 28, 2022
  Muslim's are not the ENEMY. But I will tell you who is. [video on Jews]

- Shermon Valhalla Burgess · December 28, 2022
  Political Zionism is the greatest danger to humanity. Imagine how free we would live without Zionism keeping us in our cages of eat sleep pay tax repeat.

- Shermon Valhalla Burgess · February 21, 2023
  Christianity always cucks to Zionist Israeli control of the central banking system in the west. … Islam in Australia does not do this. They reject the terrorist Zionist occupation of Palestine and reject lowering their guard to allow mass degeneracy in their mosques as normal. Islam has balls, Christianity does not.

- Shermon Valhalla Burgess · March 3, 2023
  I joined Islam because of its purity and discipline … I detest a lifestyle of alcohol and drug abuse. I detest pedophiles … And yes I detest political Zionism because of all the death war and pain it has spread throughout the world. Allahu Akbar, Alhumdullilah.

- Shermon Valhalla Burgess · March 7, 2023
  LNP and Labor are both funded by the Zionist banking system. They both serve the same master. Trust neither brother.

- Shermon Valhalla Burgess · March 9, 2023
  We hear you brother. And us Muslims in Australia will spread this message. We know you are not the terrorists. The Zionist & freemason occupied governments around the western world are the real terrorists! Alhumdullilah. ☝

- Shermon Valhalla Burgess · March 9, 2023
  My Muslim brothers and sisters. I am not afraid to name the enemy trying to enslave us all. They own western media. They run the banking system. They fund both major political parties. They control the police force through freemasonry. They bomb middle eastern countries and call it a war on terrorism so they can steal natural resources like oil, gold and opium. They are.... The zionists.

- Shermon Valhalla Burgess · March 9, 2023
  Another good book exposing them is a book called the protocols of the elders of zion. It was written by them back in 1917 I think and it details how they need to infiltrate schools, media, government banking and police to make a society of slaves serve them.

- Shermon Valhalla Burgess · March 28, 2023
  The worlds most evil families that run the world and control governments, banking, military, police and media. [video on Rothschilds family]

- Shermon Valhalla Burgess · April 22, 2023
  You obviously missed Jewish oligarchs being booted from 130 countries in the past … booted them for the crime of Riba and usury and the implementation of economical hijacking within Europe's banking system. Christians love defending Zionism. Even though jewish Zionists funded and backed the Bolshevik communists who massacred 33 million Russians …

- Shermon Valhalla Burgess · April 24, 2023
  The plague infesting the west - 1. Zionists running the banks and media … What is the cure to this societal breakdown and illness? - The complete islamification of the west!

- Shermon Valhalla Burgess · April 25, 2023
  Jewish Mossad operatives working for Israel pretending to be Muslims, then commiting and promoting terrorism to make the west hate Islam. The truth is out now! 9/11 was also committed by the Israeli Mossad and blamed on Muslims (look up the dancing Israelis)

- Shermon Valhalla Burgess · May 14, 2023
  Maybe because Zionist Jews run the media, banks, governments and corporations so they can make up whatever stats or lies they see fit. Have a look at who runs the western nations money system then you will know why we are in mass uncontrolled debt in every level or government and central banking. Here these people run the worlds money system via Goldman Sachs - Jacob Rothschild, Larry Fink, Allen Greenspan, Janet Yelan, George Soros. … they all come from the one tribe

- Shermon Valhalla Burgess · May 14, 2023
  I do know the true history of the Jews. Read the protocols of the elders of Zion. Order a copy of that book online and you'll learn the true heart of Israel.

- Shermon Valhalla Burgess · May 14, 2023
  I do know about ancient Israel and the Pharisees satanic tribes. Why do you think they have been kicked out of 132 different countries over the last 800 years including Bolivia where the queen banished them from the country for crimes of economical hijacking and usury.

- Shermon Valhalla Burgess · June 8, 2023
  If you want to know what handbook the governments of the west are using to implement economical collapse and a police state. Then watch this. THE PROTOCOLS OF THE LEARNED ELDERS OF ZION [video]

- Shermon Valhalla Burgess · July 14, 2023
  I demand white Shariah for all Anglo western nations now inshallah.

- Shermon Valhalla Burgess · September 11, 2023
  The biggest problem is that Christians glorify Jews … The Jews have them in full worship mode to them which is why Israel can use the USA, England and Canada as it's vicious attack dog whenever it seems fit.

**Stephen Wells**

Stephen Wells has been politically active for several years and has spoken at public protests in Perth. He posts on Telegram, and his articles have been published on XYZ website. Stephen Wells self-describes as a Christian, and claims that Europeans are the real Israelites, and not the Jews. Wells ran as an independent candidate for the seat of Bussellton in the local council elections in WA in October 2023. His antisemitism, racism, homophobia and misogyny were exposed in the media in mid-September, before the election. Wells self-describes on Telegram as "Racist, Sexist, Hetrosexualist, Christian, Climate Change and CoVid Denying, Anti Vax supporting, Democracy scorning, Whites loving, shit stirrer. A sanctuary for all the outcasts of clown world. Until the small hats ban it." The term 'small hats' refers to Jews.

- https://t.me/triggereveryone/2026 Stephen Wells triggers everyone!, [11/10/2022]
  Jews in charge in Russia, Ukraine and the USA.

- https://t.me/triggereveryone/2154 Stephen Wells triggers everyone!, [6/11/2022]
  Ok, some of you have hooked noses, but just shave off the scraggly beard and stop rubbing your hands together and I'm sure you'll be fine. No one's going to check to see if you have a foreskin or not.

- https://t.me/triggereveryone/2197 Stephen Wells triggers everyone!, [16/11/2022]
  Being opposed to Judaism and organised Jewish groups is not a matter of hatred. It's a matter of self preservation.

- https://t.me/triggereveryone/2356 Stephen Wells triggers everyone!, [17/12/2022]
  …Never assume I criticise Jews because of their race. Jews have multiple different ethnic origins and I think Hitler's biggest mistake was agreeing with Jews that they were a race. Sure physical and character traits become endemic and the proclivity of such traits can become dominant in any group over time, but such traits can be broken too. Believing in Christ and studying the word of God and trusting it, is the best way. Repent of your sin and Christ will transform you away from sin. … "Jewish" is a term for belief, culture and philosophy and that's why it deserves to be criticised, as both secular and religious it is in error and opposition to Christ.

- https://t.me/triggereveryone/2545 Stephen Wells triggers everyone!, [27/01/2023]
  Julie Nathan's list of evil anti semite extreme extremists. … So, Julie… There were no gas chambers in the German Labour camps during World War 2. There was no deliberate attempt to kill Jews in them. No "final solution". No mass murder. I have no plans to kill you either, or any Jew. Please stop projecting the sins of your own people onto me and mine. I want to separate from you, not kill you. Your report is hysterical, and not in a ha ha way. You need help to curb your paranoia. You need Christ. Repent and accept Christ as your saviour and your fear will fall away.

- https://t.me/triggereveryone/2631 Stephen Wells triggers everyone!, [20/02/2023]
  It's the Jooos

- https://t.me/triggereveryone/2648 Stephen Wells triggers everyone!, [24/02/2023]
  There are also two specific Jewish falsehoods in these clips: White people are NOT of Amalek. … The second persistent lie is that of non Jews constantly trying to kill Jews. Utter nonsense, including the "Holocaust". Just a projection of their own hate placed onto everyone else. … Pray to purge the sin from your life and by your example lead our people back to Christ and rejection of all that is Antichrist including Jews.

- https://t.me/triggereveryone/2695 Stephen Wells triggers everyone!, [10/03/2023]
  Jewish degeneracy dates all the way back to Adam and Eve apparently.

- https://t.me/triggereveryone/2718 Stephen Wells triggers everyone!, [16/03/2023]
  If you can get away with faking 6 million deaths in gas chambers, you can get away with almost anything. Until God Judges you. Then you will pay for everything you've ever done.

- https://t.me/triggereveryone/2773 Stephen Wells triggers everyone!, [23/03/2023]
  Judaism is the religion of relativism. This means it is the religion of lies. A religion where there is no such thing as absolute truth. A world run by Jews is a world of 1984, where War is peace, Freedom is slavery, ignorance is strength and where 2+2 could equal 5 if big brother says it does.

- https://t.me/triggereveryone/2775 Stephen Wells triggers everyone!, [23/03/2023]
  Whether deliberately or unwittingly, Jews have become Satanists. Lies form the basis of their creed. Hatred of truth follows on from rejection of Christ. Jews are our enemies and yet we are commanded to love them. This doesn't mean that we should prostrate ourselves before them like most American evangelicals do. … We must obey God even if the Jews defy Him when they deal with us.

- https://t.me/triggereveryone/2896 Stephen Wells triggers everyone!, [29/04/2023]
  Understand the enemy. Marxism is a Jewish philosophy, and it makes no difference that China adopted it. Nor was Hitler an "over reaction" to it. The Hitler and hollow hoax narrative is simply another "species" of Marxist tactics that they use because it is effective.

- https://t.me/triggereveryone/3045 Stephen Wells triggers everyone!, [22/05/2023]
  The problem of allowing Jews and Christians to live in the same country together as citizens is one of differing morals. "Judeo-Christian values" is an Oxymoron. Jewish values and Christian values are like oil and water; they don't mix

**Thomas Sewell**

Thomas Sewell has a long history of right-wing extremist political activism. Sewell was an active member of the United Patriots Front, an anti-Islam group, formed in 2015. Later, along with others he formed the Lads Society in 2017, which was basically a front for neo-Nazis and other right-wing extremists. Sewell became a self-proclaimed National Socialist (Nazi) and admirer of Hitler. Sewell was instrumental in forming, and leading, the National Socialist Network (NSN) in 2020 and the European Australian Movement (EAM) in 2021. Most of his

content is on Telegram, and some is on Gab. Sewell often gives ideological speeches on western civilisation and National Socialism. On Gab, he self-describes as “Aryan”.

- Thomas Sewell@Thomas_Sewell · Oct 27, 2022·
  We are not Conservatives, we are Revolutionaries. We are not going backwards; we are going forwards.

- https://t.me/Thomas_Sewell/1584 Thomas Sewell, [17/10/2022]
  The jews have a lot to answer for

- https://t.me/Thomas_Sewell/1663 Thomas Sewell, [25/10/2022]
  It's the jews.

- https://t.me/Thomas_Sewell/1709 Thomas Sewell, [30/10/2022]
  … Under Capitalism and Communism you are literally a slave to the jews. You are getting Prima-Nocta'd spiritually and often physically by scum parasites. The entire Capitalist system is a jewish system where Wallstreet parasites control your politicians, media and way of life. All the clowns defending Capitalism, are defending jewish parasitism on your economy. You cannot separate Capitalism, the worship of 'free capital' and the trillions of dollars vampired by the trillionaire Wallstreet usurpation. Wallstreet is the temple to Capitalism, it is a Synagogue of Satan. It provides no benefit to the Folk, and encourages a pathetic and dishonourable "well if you can't beat them, join them" mentality. A jewish casino and game of musical chairs, and they decide when the music starts and stops. Capitalism is a socio-economic disease, because it is inherently tied to Liberalism- a disease of social decay.

- https://t.me/Thomas_Sewell/1798 Thomas Sewell, [12/11/2022]
  This is why I'm a straight up White Power Nazi. When you call for a stop to hating White people, the jew media, jew police force, jew academia and jew government treat you as the problem. These scum pretend we live in a democracy where non violent political action is legal, and yet the moment you do pro White advocacy the jews in charge make the dumb goyim at home think it's a crime. This is why I'm not a conservative, I don't believe in their "democracy", because it's just a jewish system of lies.

- https://t.me/Thomas_Sewell/2060 Thomas Sewell, [26/12/2022]
  … Our views are becoming more and more normalised by the day. We are breaking through the floodgates of jewish censorship. They try to cancel our ideas … What a White-pill, imagine how much the jews and anti-Whites are seething right now. Die flut kommt. [the flood is coming]

- https://t.me/Thomas_Sewell/2097 Thomas Sewell, [13/01/2023]
  … When we defeat White Guilt (muh holocaust, muh genocide, muh slavery) we achieve White Power. We can not get over White Guilt until we normalise Hitler and defeat the holocaust narrative in any and every way.

- https://t.me/Thomas_Sewell/2144 Thomas Sewell, [19/01/2023]
  The jews are in a constant struggle of how to deal with the rise in White Nationalism, specifically it's strongest form - National Socialism. In Australia I have noticed a series of overlapping strategies from the multiple tentecals of the jewish tyranny that rules

over us. … The most overlapping and overbearing strategy is for jewish lobby groups to directly or indirectly fund politicians and then ask them to asphyxiate/censor/harrass/dox/ban, or all of the above, groups that advocate for the existence of White people. … these jewish supremacists have the power to asphyxiate or amplify depending on how their schizophrenia is treating them that day.

- https://t.me/Thomas_Sewell/2160 Thomas Sewell, [23/01/2023]
Fight against the jewish tyranny that rules over us with all your might,

- https://t.me/Thomas_Sewell/2569 Thomas Sewell, [14/03/2023]
This whole banking collapse situation is the jews covering their tracks every 7 years. Especially after all the money they have extorted out of the taxpayer for climate scams and missing funding to Ukraine.

- https://t.me/Thomas_Sewell/2761 Thomas Sewell, [31/03/2023]
… Money creation, jew vs Aryan. All interest is jewish. All forms of interest is usury/slavery. Aryan money creation is productive. jewish money creation is parasitic. Interest produces nothing. … The federal reserve and world bank are the centre of the jewish temple. … Better an Aryan order than a jewish one. … 1488

- https://t.me/Thomas_Sewell/2804 Thomas Sewell, [4/04/2023]
White people are actually being Genocided and we are deplatformed off everything because jews controll our society.

- https://t.me/Thomas_Sewell/2830 Thomas Sewell, [6/04/2023]
… In short; Communists want a Tyranny so that they can destroy White people. NatSocs want a "Tyranny" (Authoritarian Leadership) so we can protect White people from the Communist jews trying to destroy us.

- https://t.me/Thomas_Sewell/2924 Thomas Sewell, [20/04/2023]
We are all too familiar with the games the Zionist Occupied Government plays

- https://t.me/Thomas_Sewell/2970 Thomas Sewell, [23/04/2023]
Anyway the jews are trying to make us a terror org so that we stop exposing jewish power.

- https://t.me/Thomas_Sewell/2997 Thomas Sewell, [26/04/2023]
Expose Jewish Power.

- https://t.me/Thomas_Sewell/3017 Thomas Sewell, [28/04/2023]
They won't tell a jew he can't practice his religion - usury, parasitism, and promotion of degeneracy amongst our folk.

- https://t.me/Thomas_Sewell/3154 Thomas Sewell, [14/05/2023]
Scanning through the crowd keeping an eye out for antifas trying to flank us, spot an irregularly large nose. Call the boys over. "Look, Look, is jew!" jew gets found out, you can guess what he does next.

- https://t.me/Thomas_Sewell/3187 Thomas Sewell, [16/05/2023]

White Australia has been betrayed by the Commonwealth; the Liberal and Labor parties are both complicit in the destruction of our people. Our highest task is to alert the men and women of our blood to the fact that their enemy is both the Jew left and the Jew right. If it were not for the Australian National Socialists, scarcely anyone would know about the peril in which White Australia finds itself. The public would not know of the great victories won by National Socialists, nor the disgusting injustice done to us by the Jews, and their servants in the police and anti-fascist groups. This century will decide the life or death of our nation. Join the White revolution!

- https://t.me/Thomas_Sewell/3312 Thomas Sewell, [9/06/2023]
  Judaism is the root problem. It's pushes both rootless brown capitalism and slave brown Marxism.

- https://t.me/Thomas_Sewell/3368 Thomas Sewell, [23/06/2023]
  Hitler was the slave who became King. He fought jewish communism and jewish interest slavery, and freed his people from jewish tyranny. … Because we killed the only man strong enough to free us from international judaism, now we are born into slavery. The only way to free our people once again is to rebuild Hitler's order and create a unity for all White people and break free from jewish interest slavery.

- https://t.me/Thomas_Sewell/3385 Thomas Sewell, [26/06/2023]
  Break that down, when two groups of White people fight; >one being aware of the jewish controlled of our society and their plans to genocide our race >the other being only aware of the symptoms of jewish control i.e: cultural marxism, feminism, woke etc

- https://t.me/Thomas_Sewell/3454 Thomas Sewell, [6/07/2023]
  White Nationalism is the natural response by all healthy White people to White Genocide. Whites collectively are under threat of genocide by the racial replacement policies of multiculturalism and diversity. These policies have been enacted by jewish subversives in order to destroy Whites. It doesn't matter whether you live in Australia, America, South Africa or even Iceland. The jews want you replaced. If you are of European descent, if you live in Europe or a colony of Europe, it is your moral duty to resist the jewish led genocide of your people.

- https://t.me/Thomas_Sewell/3539 Thomas Sewell, [29/08/2023]
  "Liberal-Democracy" is when jewish power dictates what the law is.

- https://t.me/Thomas_Sewell/3563 Thomas Sewell, [2/09/2023]
  Jews Out!

**Various Music Posts**

There is a proliferation of music with racist, and especially anti-Jewish, lyrics being promoted and shared online. These are posted as videos on video channels such as YouTube, Bitchute, Odysee, and on social media platforms such as Gab and Telegram. The following is a small selection.

- DanTheOracle@DanTheOracle · Feb 21, 2023·
  https://www.bitchute.com/video/fd0qiFBIgwjt/

Race War Rising by Bound for Glory [Tune is Bad Moon Rising by Creedence Clearwater Revival, Lyrics extract: “I see a Race War rising / I see trouble on the way / I see the bombing and the fighting / I see victory in our day / Don't come 'round tonight / if you're anything but white / there's a race war on the rise … Hope you got your guns together / Hope Jews are quite prepared to die … Don't come 'round tonight / if you're a nigger or a kike / there's a race war on the rise.”]

- Pure Blood Baby Führer@OzPat · Oct 9, 2022·
  https://www.bitchute.com/video/Tg4CxejsA500/
  Everybody Wants a Jew Free World

- Pure Blood Clownworld Survivor@OzPat · Dec 13, 2022·
  I love a good anti semitic song.
  https://www.bitchute.com/video/Eg1YfjnOtVVo/
  Zyklon B song by Goyim Goddess

- https://t.me/dpoker3/4505 Dpoker Cabal III, [15/02/2023]
  [video of music/song by ‘Mr Bond’ of ‘Rolling through the Reich’] “Rolling through the Reich, slow, Gassing the Kikes, Yo, Lebensraum for Whites, Put Kebabs on Spikes, fo’ sho, Fresh up out the Beerhall, ... Give a Jew Long-shanks, For an all-White nation, free of hooknose banks, I go roarrrr, like a Stuka Flieger, I’m from Austria, home of the original leader...” [‘Mr Bond” is Philip Josef Hassler, of Austria – a neo-Nazi rapper, convicted and sentenced to 10 years in prison for inciting violence and glorifying Nazism, in April 2022].

- https://t.me/EshayNationalism/381 Eshay Nationalism, [11/02/2023]
  [song ‘People Haters – Swasti Ska’] [Music Swasti Ska by People Haters: “Come on all you skinheads, put on your boots on your feet and stomp on a Juden to the "Swasti Ska" beat. / Yaaa yaaa, do the "Swasti Ska" ya. Sieg Heil, Sieg Heil. Yaaa yaaa, love the Führer ya. Sieg Heil. / Taking the jew boy to a camp, turn him into a table lamp. Zyclone B is the gas you use, when you wanna get rid of a few million jews. / … final solution ya. Sieg Heil. /Burning the books and the synagogues. Hitler was right, should have wiped out ZOG. All you skinheads, tell you what to do. Boots laced in white, stomping on a jew. / … love the Führer ya. Sieg Heil. / … final solution ya. Sieg Heil. / Make them dig the pits, join in the pile. On Himmler's face, always a big smile. Free haircuts, free tatoos, himey is always singing the Dachau blues. / … love the Führer ya. Sieg Heil. / Hitler's in Argentina, laughing at this song. He does the "Swasti Ska" all night long. We love Rudof Hess and Rommel too. We're so sick of the eternal jew. / Yaaa yaaa, do the "Swasti Ska" ya. Sieg Heil, Sieg Heil. Yaaa yaaa, love the Führer ya. Sieg Heil, Sieg Heil. Yaaa yaaa, final solution ya. Sieg Heil, Sieg Heil. Yaaa yaaa, do the "Swasti Ska" ya. Sieg Heil.”]

- https://t.me/newaustralianbulletin/29 New Australian Bulletin, [22/01/2023]
  BOYS OF THE NSN We are the boys of the NSN / We’ll rule the globe but we’re not sure when / It might be two years it could be ten / But we’ll be way too old by then … / We’re Nazis but we’re dinky-di / Gas the kikes and let them fry / Rockwell, Hitler, Kanye West / The last is black but we like him best / He named the Jew and speaks his mind / You gotta take what you can find

Jews portrayed as powerful and controlling

https://t.me/camden1488/343
Camden Soldaten, [22/09/2023]

https://t.me/dpoker3/3347
Dpoker Cabal III: [30/01/2023]

NSMAustralia reposted
White Pride@WHITEPRIDEMYERS
Jan 29, 2023· Expel the Jews

NSMAustralia reposted
White Pride@WHITEPRIDEMYERS
Feb 2, 2023· Kick out the Jews

https://t.me/FashyFletcher/3833
Lord Ryan Fletcher, [14/04/2023]

https://t.me/FashyFletcher/3934
Lord Ryan Fletcher, [29/04/2023]

...

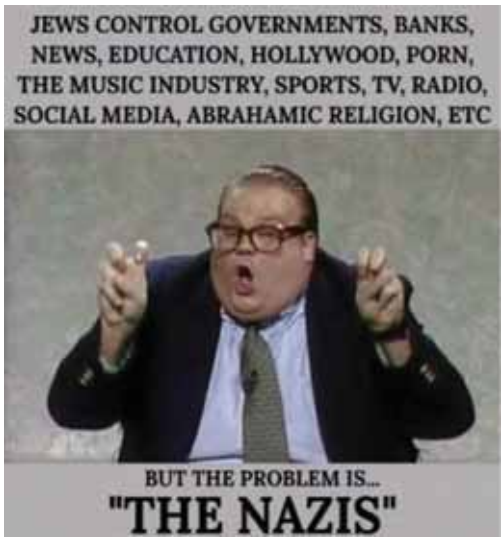
Jewish Power in Australia - video
https://t.me/australiansovereigntyalliance/908
Australian Sovereignty Alliance, [14/03/2023]

https://t.me/joeldavisx/2159
Joel Davis, [25/05/2023]

https://t.me/jewsdotcomau/348
jews.com.au, [22/04/2023]
https://t.me/FashyFletcher/3883
Lord Ryan Fletcher, [22/04/2023]

https://t.me/NSM88AusNz/4581
National Socialist Movement Australia, [19/07/2023],
https://t.me/thexyztelegram/7343
XYZ News, [19/07/2023]

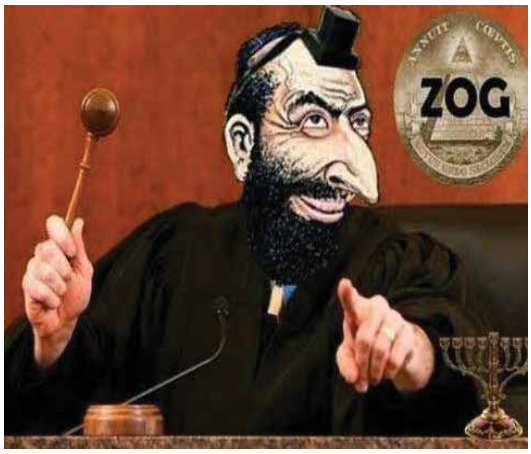
...




https://t.me/FashyFletcher/3036
Lord Ryan Fletcher, [24/11/2022]

https://t.me/ausmed51/17420
Australian Meditations 51, [7/09/2023]

Jimbo@jimbo_rahowa
Aug 30, 2023




https://t.me/FashyFletcher/3257
Lord Ryan Fletcher, [23/12/2022]

https://t.me/FashyFletcher/3893
Lord Ryan Fletcher, [24/04/2023]

https://t.me/AustraliaFirst/1139
AustraliaFirstParty, [21/12/2022]

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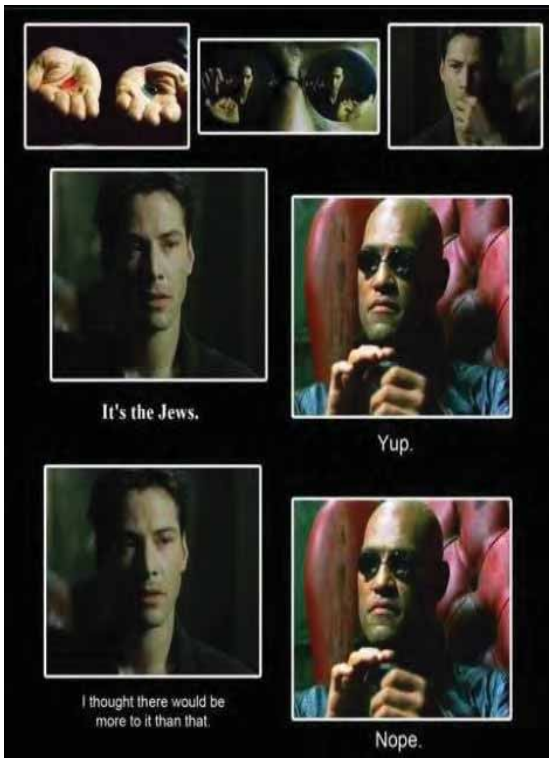
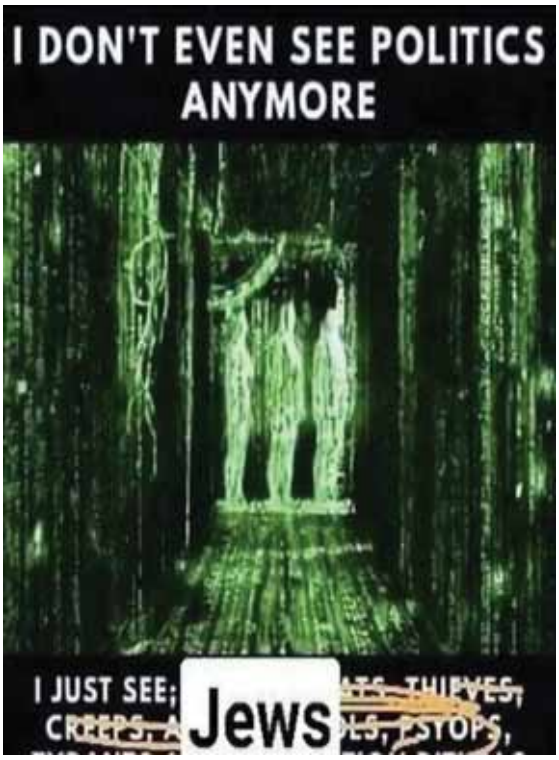
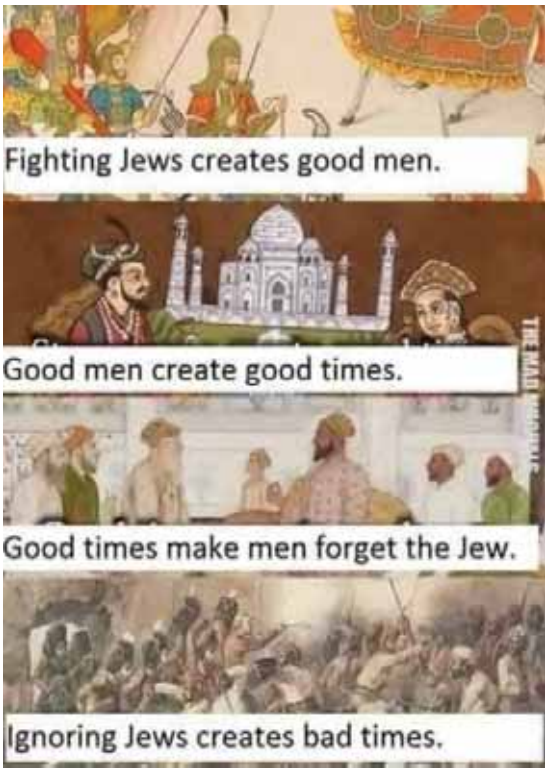



Jake Spencer Walklate Retweeted
Roosh @rooshv· Aug 12, 2023




https://t.me/dpoker3/3622
Dpoker Cabal III: [2/02/2023]




https://t.me/basedantisemtismreport51/400
Based anti-Semitism report -Australia, [22/01/2023]

https://t.me/NSM88AusNz/4062 National Socialist Movement Australia, [21/05/2023]

Jews as dangerous, evil and/or a threat to humanity

https://t.me/NSM88AusNz/5249
National Socialist Movement Australia, [17/09/2023]

https://t.me/basedantisemtismreport51/569
Based anti-Semitism report -Australia, [25/03/2023]

https://t.me/NSM88AusNz/4759
National Socialist Movement Australia, [8/08/2023]

Shermon Valhalla Burgess
· 8 June 2023

Pure Blood Clownworld Survivor@OzPat
Feb 25, 2023·

https://t.me/NSMAustralia/44
Narcissist Syndicate Movement (NSM), [28/01/2023]

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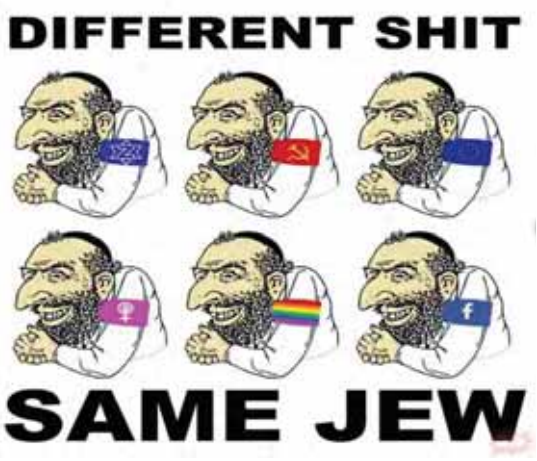
https://t.me/ausmed51/14065
Australian Meditations 51, [3/05/2023]




https://t.me/dennis_huts/877
Dennis Huts, [29/07/2023]

https://t.me/NSM88AusNz/3662
National Socialist Movement Australia, [6/04/2023]

https://t.me/NSM88AusNz/2457
[28/10/2022]

Based Antisemitism Report 51
https://t.me/basedantisemtismreport51/

https://t.me/dpoker3/3438
Dpoker Cabal III: [31/01/2023]

Inciting or glorifying violence against Jews

Pure Blood Baby Führer@OzPat · Oct 9, 2022

https://t.me/Australiantimes/1815
Australian times, [9/03/2023]
Gas The Kikes 😍

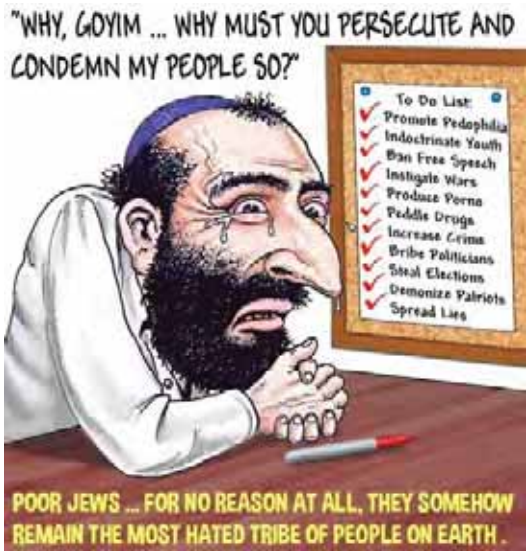
https://t.me/NSM88AusNz/2339
[20/10/2022]

https://t.me/fuhere/611
Tylere, [23/02/2023]

https://t.me/dpoker3/2639
Dpoker Cabal III: [24/01/2023]

https://t.me/dpoker3/3491
Dpoker Cabal III: [31/01/2023]

General anti-Jewish themes / Mocking antisemitism




https://t.me/NSM88AusNz/2768
[21/11/2022]

https://t.me/ausmed51/14992
Australian Meditations 51, [5/06/2023]

https://t.me/NSM88AusNz/3848
National Socialist Movement Australia, [24/04/2023]

https://t.me/FashyFletcher/2860
Lord Ryan Fletcher, [23/10/2022]

https://t.me/WhiteAustraliaFirst/119
Michael J. Nelson, [25/09/2023]

https://t.me/WhiteAustraliaFirst/121
Michael J. Nelson, [26/09/2023]

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https://t.me/Activ88ns/370
Activ88, [29/08/2023]

Pure Blood Clownworld Survivor@OzPat
Dec 26, 2022·

BullyTheWeak@DanTheOracle
· Oct 18, 2022·

https://t.me/australiansovereigntyalliance/891
Australian Sovereignty Alliance, [17/01/2023]

https://t.me/dpoker3/4428
Dpoker Cabal III, [13/02/2023]

https://t.me/basedantisemtismreport51/62
[26/10/2022]

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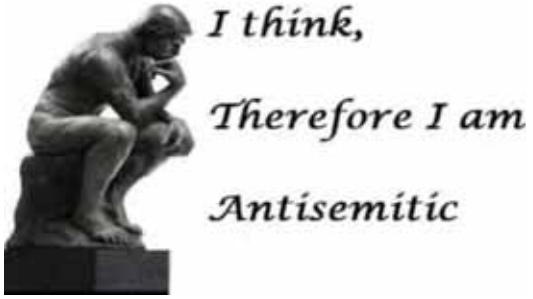
https://t.me/FashyFletcher/2955
Lord Ryan Fletcher, [10/11/2022]

https://t.me/NSM88AusNz/4209
National Socialist Movement Australia, [8/06/2023]

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https://t.me/basedantisemtismreport51/160
[23/11/2022]
https://t.me/australiansovereigntyalliance/930
Australian Sovereignty Alliance, [24/05/2023]

https://t.me/tasmanforth/363
Tasman Forth, [1/04/2023]

https://t.me/basedantisemtismreport51/482
Based anti-Semitism report -Australia, [10/02/2023]

https://t.me/basedantisemtismreport51/482
Based anti-Semitism report -Australia, [10/02/2023]

Nazi comparisons of Nazism vs Jews

Love not hate Julie
https://t.me/thexyztelegram/6003
Bush Potato, [29/01/2023]

https://t.me/NSM88AusNz/3424
National Socialist Movement Australia, [13/03/2023]

https://t.me/NSM88AusNz/4983
National Socialist Movement Australia, [20/08/2023]

NSMAustralia reposted
Nov 20, 2022·

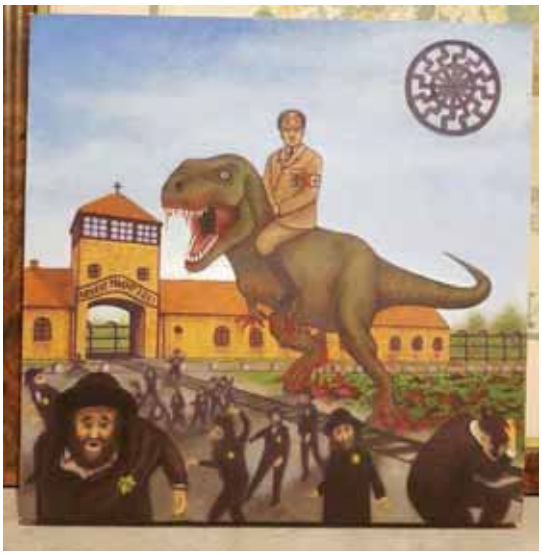
https://t.me/NSM88AusNz/5045
National Socialist Movement Australia, [24/08/2023]

https://t.me/FashyFletcher/2743
[2/10/2022]

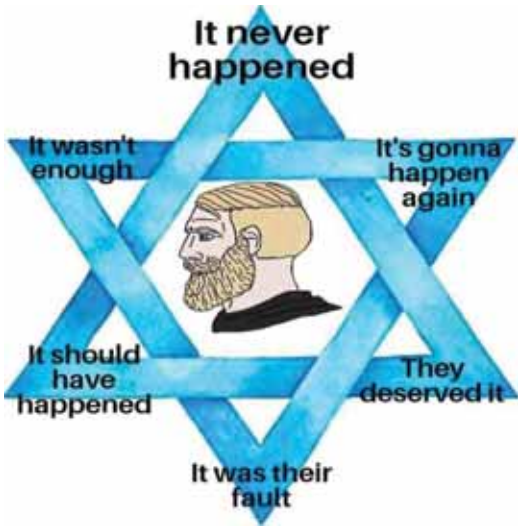
Hitler and/or Holocaust

https://t.me/FashyFletcher/3430
Lord Ryan Fletcher, [26/01/2023]

DanTheOracle reposted
Nov 26, 2022·



https://t.me/camden1488/186
Camden Soldaten, [15/02/2023]




https://t.me/FashyFletcher/3028
Lord Ryan Fletcher, [23/11/2022]

Pure Blood Clownworld Survivor@OzPat
Jan 14, 2023·

Comment on Shermon Burgess Facebook post
8 June 2023

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https://t.me/NSM88AusNz/5058
National Socialist Movement Australia, [25/08/2023]

https://t.me/basedantisemtismreport51/502
Based anti-Semitism report -Australia, [18/02/2023]

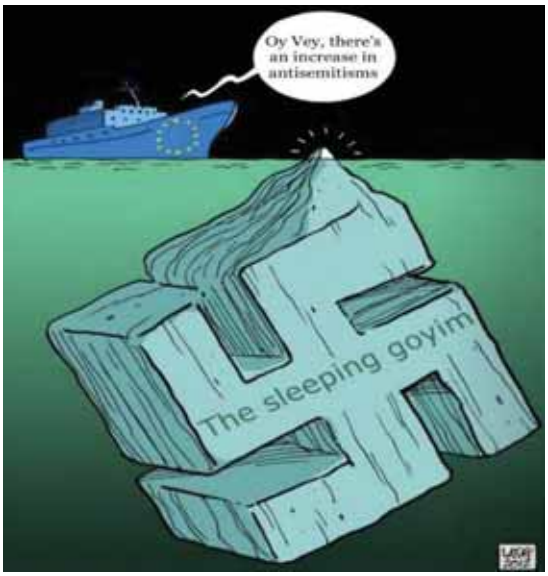
https://t.me/NSM88AusNz/3660
National Socialist Movement Australia, [6/04/2023]

https://t.me/basedantisemtismreport51/712
Based anti-Semitism report -Australia, [2/06/2023]

https://t.me/basedantisemtismreport51/970
Based anti-Semitism report -Australia, [24/09/2023]

mickle @HitlerianBeast · May 24, 2023

...




https://t.me/FashyFletcher/3610
Lord Ryan Fletcher, [11/03/2023]

https://xyz.net.au/2023/04/the-swastika-will-destroy-evil/
By Jack Blackthorn - April 6, 2023

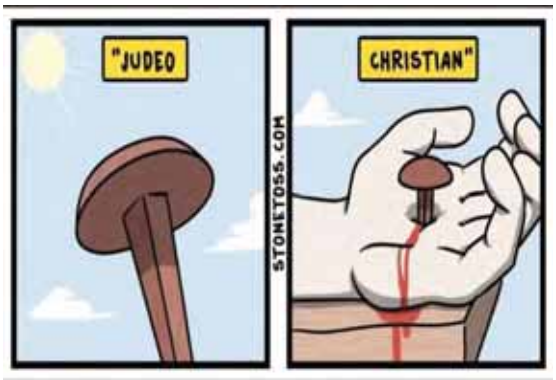
https://t.me/WerwulfHQ/837
[15/10/2022]

https://t.me/basedantisemtismreport51/137
[15/11/2022]

https://t.me/Activ88ns/360
Activ88, [14/05/2023]

https://t.me/NSM88AusNz/4572
National Socialist Movement Australia, [19/07/2023]

Referencing Jesus




https://t.me/joeldavisx/1700
joeldavis, [7/02/2023]

https://t.me/NSM88AusNz/4998
National Socialist Movement Australia, [20/08/2023]

mickle @HitlerianBeast
He said this btw. Paraphrased May 26, 2023

https://t.me/camden1488/189
Camden Soldaten, [23/02/2023]
Historically accurate depiction of Hitler tossing the money lenders out of the temple

https://t.me/FashyFletcher/3816
Lord Ryan Fletcher, [11/04/2023]

Jimbo@jimbo_rahowa
Jews killed Jesus Christ. Aug 11, 2023

https://t.me/EuropeanAustralianMovement/184
European Australian Movement, [27/02/2023]
[photo in Melbourne showing a range of symbols neo-Nazis like and use]

Shermon Valhalla Burgess · March 4, 2023
Takbir - Allahu Akbar.
#ProtectTheChildren #rejectwesterndegeneracy

# 5. CHRISTIAN

Christian authority figures and institutions have a history over many centuries of promoting antagonism and hatred towards Jews and Judaism. In recent decades most churches have moderated, negated and even reversed these positions; many have sought reconciliation with Jews and promoted respect for Judaism, and are very supportive of the Jewish people and Israel. However, some churches, or some of their religious leaders, maintain hostility towards Jews and Judaism, perpetuate the view that Judaism has been "superseded" by Christianity and is no longer a valid religious faith; while others have developed their supersessionist beliefs about Jews and Judaism into hostility and active opposition to the existence of a Jewish state.

**Insight:** Dr Teresa Pirola, an Australian Catholic faith educator, provides insight into part of Christianity's history with regard to Jews and ways to help heal the past, in her article "'*Drip feed' of anti-Judaism from Catholic pulpits has to stop"* published in The Swag (the quarterly magazine of the National Council of Priests of Australia) on 3 May 2023:

> "It is subtle, almost subliminal. Yet the impact is infectious and poisonous, especially when one considers that this pattern of negativity has a sobering historical backdrop: many centuries of Christian antagonism towards the Jewish people, described as the 'teaching of contempt'. While never formally adopted as church teaching, a strain of anti-Jewish sentiment crept into Christian theology and catechesis at least as early as the patristic era.
>
> In the centuries that followed, what had begun as theological arguments directed against Judaism mutated into antisemitic defamation, leading beyond distorted preaching to outright persecution of Jews at the hands of Christian societies. It wasn't until twenty years after the diabolical tragedy of the Holocaust that the Catholic Church, at the Second Vatican Council, decisively condemned antisemitism, effectively repudiated the 'teaching of contempt' and re-set its theological compass so as to commit to a new era of respect for and reconciliation with the Jewish people."
>
> "Vatican II represents a ground-breaking achievement in the history of Jewish-Christian relations. However, reception of the Council takes time. It is not possible to heal a 2000-year-old wound in just 60 years of ecclesial renewal. Thus, even today, many parish congregations unquestioningly absorb micro-messages that portray Judaism in terms of inferiority and negativity, when in fact what they need in their theological and pastoral formation is a drip feed of positive messaging to reinforce the gains of Vatican II: messages that affirm Jesus as a faithful Jew; the Jewish roots of Christianity; the Church's permanent link to the mystery of Israel; the gift of the Jewish Scriptures, upon which the New Testament depends for its foundations; the gratitude owed to Judaism for introducing ethical monotheism to the world; and Jewish covenantal life as a living, enduring reality, to name a few."
> https://www.theswag.org.au/drip-feed-of-anti-judaism-from-catholic-pulpits-has-to-stop/

In general, mainstream Christians in Australia in recent years have not published overt and vile antisemitic expressions, or been involved in antisemitic activities, of the kind that have been expressed by some Christian clerical figures in Europe and the Americas. However, there have been a small number of exceptions.

There were a couple of instances, in the mainstream media, of articles published in Australia which made derogatory commentary about Jews as a group, and which sought to justify converting Jews to Christianity. Extremist, ostensibly Christian, discourse also continues to exist on the fringes of society. In this chapter, examples of antisemitism in two articles from a mainstream Christian publication are included.

## Catholic Weekly

There were two articles by Father John Flader which were published in the Catholic Weekly. Although the articles were not overtly antisemitic, the content denied Judaism its legitimacy and sought to justify and promote efforts to convert Jews to Christianity. Such themes are based on the fallacy of supersessionism, also called replacement theology or fulfilment theology, which is the belief that the Christian Church has superseded the nation of Israel assuming their role as God's covenantal people. Mainstream Christian churches have officially abandoned and discredited this belief, but unofficially it continues to be propagated. The Catholic Weekly also noted it "wishes to congratulate Fr John Flader on 900 columns! … Catholics around Australia and the world who have been informed, entertained and edified by your work."

**Catholic Weekly: "Jews and conversion" to Christianity**

https://www.catholicweekly.com.au/q-and-a-with-fr-john-flader-jews-and-conversion/

An article "Q and A with Fr John Flader: Jews and conversion" by Father John Flader published in the Catholic Weekly on 4 March 2023 was about how to convert a Jewish man to Catholicism. Father Flader wrote:

- "I work with a Jewish man who shows great interest in the Catholic faith, but at the same time feels attached to his Jewish heritage and all it means for him. Is there some way I can show him that becoming a Catholic still respects his Jewish heritage?"

- "one of the principal articles of Jewish belief is the expectation of the Messiah who is to come. … Today's Jews are still awaiting the coming of the Messiah. But, as we Catholics and other Christians know, the Messiah has already come and he is Jesus Christ."

- "In view of this, a Jew who comes to believe that Jesus Christ is truly the Messiah is not abandoning his Jewish heritage but rather bringing it to fulfilment. "

**Catholic Weekly: "Jews become Christians"**

https://www.catholicweekly.com.au/fr-flader-have-many-jews-become-christians-in-our-time/

In an article "Q and A with Fr Flader: Have many Jews become Christians in our time?" by Father John Flader published in the Catholic Weekly on 8 March 2023, uses a book by a Jew who converted to Christianity to propel the case that Jews should convert, and falsely claims it is a "fulfilment of their Jewish faith". Father Flader wrote:

- "The effort of Jewish converts to bring other Jews into the Church has a long history, going back to the very beginning of the Church."

- "Jesus himself was a Jew … But he was also the Son of God and the long-awaited Messiah, whose mission was to bring Judaism to its fulfilment in Christianity."

- "Jesus, who fulfilled the prophecy"

- "The apostles were, of course, Jews who discovered that Jesus was the Messiah. They spent their lives preaching that truth, first to their fellow Jews."

Subsequently, the Catholic Weekly published a response to Father Flader's articles:

**Catholic Weekly: a response to Father Flader**
https://www.catholicweekly.com.au/why-the-catholic-church-does-not-seek-to-convert-jews/
In response to Father John Flader's articles, Dr Teresa Pirola, a Catholic educator and author, and Peter Wertheim AM, co-CEO of the Executive Council of Australian Jewry, authored a joint article, "Why the Catholic Church does not seek to 'convert' Jews" which was published in the Catholic Weekly on 24 March 2023. The authors wrote:

- "In two *CW* articles (5,12/3/23), Fr John Flader writes about the conversion of Jews to Christianity in such a way as to give the impression that the Catholic Church advocates missionary activity towards Jews, and that Jews need to embrace Jesus to be saved. This impression is wrong on both counts."

- "The Catholic Church today recognises that the Jewish people are already in a saving relationship with G-d, which is the principal theological reason it refrains from missionary work directed towards Jews."

- "In 2013, Pope Francis taught: "We hold the Jewish people in special regard because their covenant with God has never been revoked … Francis was reinforcing the teaching of Vatican II, anchored in a Pauline text, that G-d's promises to Israel cannot be negated…"

- "Pope John Paul II made explicit this conciliar teaching in the remarkable theological formula: G-d's covenant with Israel is "never revoked"."

- "The significance of this teaching is immense. Even as the Church proclaims Jesus to be the Messiah and Son of God, Catholics recognise that G-d's covenant with the Jewish people remains in force; indeed, is eternal."

- "G-d, who is steadfastly faithful, has not "downgraded" Jewish covenantal life following Christianity's emergence; G-d's loving fidelity to the Jewish people endures as powerfully as ever."

- "The mainstream Jewish community sees the active targeting of Jews for conversion to Christianity as not only theologically, but also morally, abhorrent."

- "Deep within the collective memory of the Jewish people is the long history of persecution and violence that attended the Church's attempts to impose Christianity on small and vulnerable Jewish communities who were at their mercy: the ritual humiliations, the staged theological "disputations," the threats of expulsion, the tortures, the autos da fé, mass executions and other abominations that found their nadir in the terrors of the Inquisition."

# 6. MUSLIM

The Muslim communities within Australia are religiously, ethnically, and politically diverse. There are many excellent and successful interfaith programs and forms of dialogue between Muslims and Jews which seek to break down barriers and create better mutual understanding.

However, there are individuals and groups who self-identify as Muslims and who in the name of Islam have expressed and promoted anti-Jewish views, either from a religious or political perspective, or a confused amalgam of both. This is not to suggest that statements positing the themes referred to in this Chapter necessarily give expression to an authentic or legitimate Islamic belief, or are generally representative of the views of Muslims or Muslim organisations in Australia.

Statements published by two self-described Muslim organisations, one mainstream, the other extremist, are reproduced in this section.

**Australasian Muslim Times**

The *Australasian Muslim Times* (AMUST) publishes, in hard copy and online, many articles and news items of interest to Australian Muslims. As a rule, AMUST does not publish or encourage antisemitic content. However, articles by various authors do occasionally contain antisemitic content, including those below, which are listed in chronological order.

- **Gary Dargan** – comment October 21, 2022
  https://www.amust.com.au/2022/10/australias-reversal-on-recognising-jerusalem-as-israeli-capital-is-simply-a-return-to-status-quo/
  "That may be Australia's policy but expansionist Israel recognises no borders. Until it does it has **no right to exist** and should be treated like the **criminal pariah** it is."

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Denying the Jewish people their right to self-determination*

- **Zia Ahmad** | 28 Feb, 2023 |
  https://www.amust.com.au/2023/02/palestinians-amidst-occupation-oppression-violence-silence/
  "The indigenous people of Palestine, largely disempowered, betrayed by the Arab regimes and ignored by the international community, have been suffering for a long time under the **global might of Zionism**. … The **global network of the Zionist lobby**, particularly in centres of power in the West ensures that Israel's illegal occupation, attacks and spying activities are not challenged and flouting any UN based resolutions on a regular basis.

  The **supporters of Israel proactively targets any one** who raises the issue of self determination of Palestinians, respect for their human rights and advocates for their

freedom of movement and speech. The **Israel lobby** does not tolerate any criticism of the Israeli state in mass media, social media, academic institutions or in public and actively monitors its critics **demonising them as anti-semite.** These **supporters of Israel with resources for research, finance, influence in political and academic institutions** have the strength to silence any one critical of Israel targeting any tweet, Facebook comment, press articles or media statement. Every time Palestinians or a genuine critic of Israel take centre stage, the **pro-Israel lobby sets out to silence them**."

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*

- **Souleiman Ould Mohameden** | 24 Apr, 2023 | https://www.amust.com.au/2023/04/from-blood-and-dust-of-gaza-to-the-lucky-country-australia/
  "When 12-year-old Mohammed stepped out of his home … Their parents were **killed by the Israelites.** … The **Israelites were oppressive people** and were trying to take Palestine from the Palestinians."

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.*

- **Emeritus Professor Shahjahan Khan** | 24 Jun, 2023 | https://www.amust.com.au/2023/06/acid-test-for-australia-recognition-of-stateless-palestinians-or-surrendering-to-the-pro-israel-lobby/
  **"**Acid test for Australia: Recognition of stateless Palestinians or **surrendering to the pro-Israel lobby? …** the issue of recognition of the state of Palestine by Australia … But if history is any guide, it is unlikely unless Albanese Government is led by moral conscious rather than continue **to please the pro-Israel lobby**. … If there is only one failure of the world leaders since the second world war, it the Israeli occupation of Palestine, continuing land siege and **murder of innocent people** including children and women. The only crime the Palestinians have committed is that they are **not of the Jewish faith**, rather **Arabs** – Christians and Muslims. … However, all Israeli Governments have been complicit in such war crimes. … The days of covering all crimes of the apartheid state of Israel … The horror and indiscriminate murder and wounding of mainly defenseless Palestinians under a **system of apartheid**, by Israeli forces, is a form of ethnic cleansing. … How Australia believes in two state solution by recognizing the occupiers and neglecting the oppressed?"

In our view, the following example in the IHRA Working Definition of Antisemitism applies

to the above passage:

*Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*

- **Dr Aslam Abdullah** | 1 Aug, 2023 | https://www.amust.com.au/2023/08/fighting-islamophobic-attacks-through-self-reflection/
  "… While Muslims regard their faith as a panacea for all problems, others consider **Islam a source of all evil**. Who are the others … Five influential groups are active against Islam and Muslims in one or the other way. They are Right-wing evangelists, Israeli Zionists, liberal intellectuals, Hindu nationalists, and Chinese communists. Each has constructed its narrative against Islam and Muslims. … **Israeli Zionists see Islam as a threat to their survival**. In their view, Muslims would never accept the state of Israel as a legitimate entity and would continue to denounce its existence. Their presence in the West is a source of anti-Semitism, and without marginalizing them, Israel would live in a state of uncertainty."

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*

- **Zia Ahmad** | 3 Aug, 2023 | Editorial https://www.amust.com.au/2023/08/hijacked-religious-symbols-phrases-should-not-be-banned/
  "A number of states and groups who have and continue to commit human rights violations have **hijacked some of these religious symbols**. A prime example would be the use of the **Swastika by Hitler and Neo-Nazis, Star of David by Israel**, Shahada by ISIS, Cross by KKK, Om by Hindu extremists such as RSS."

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Drawing comparisons of contemporary Israeli policy to that of the Nazis.*

Israel has the Jewish Star of David on its national flag as Israel is a majority Jewish state. This is no different to dozens of Christian and Muslim countries which have religious symbols eg crosses, the crescent or Shahadah, on their national flags. In addition, Ahmed falsely compares the Nazi swastika to the Jewish Star of David.

- **Dr Aslam Abdullah** | 2 Aug, 2022
  https://www.amust.com.au/2022/08/why-does-the-world-need-khalistan/
  "… Christians generally expect the beneficiaries of their social work to convert to their **faith while Jews are primarily concerned about Jewish life.** Hindus are interested in the welfare of their upper castes while Liberals come to the aid of only those who believe in their ideals. Only the Sikh community has shown during the last few decades that it can rise above its interests and serve humanity as a whole. … Muslims, with 56 majority countries, could not live their commitment to justice while ranting about Madinah or the Islamic state. Christianity failed to distance itself from racism and white supremacy, and **Judaism refused to see the humanity of Palestinians regardless of their faiths.**"

In our view, the following example in the IHRA Working Definition of Antisemitism applies to the above passage:

*Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such*

**Hizb ut-Tahrir Australia**
https://www.facebook.com/hizbaust/
Hizb ut-Tahrir Australia (HT) (Party of Liberation) is the Australian chapter of the global Islamic political movement Hizb ut-Tahrir. HT is an organisation which campaigns for the establishment of a caliphate in Australia and throughout the world. A caliphate is a theocracy in which ultimate power rests with Muslim clerics applying their interpretation of shari'a (Muslim religious law) to all facets of public and private life. HT is banned in many countries, including some with a majority Muslim population.

Hizb ut-Tahrir opposes the existence of the State of Israel on the grounds that it is a Jewish state in what they consider to be exclusively Muslim-owned lands. HT is so vehemently opposed to the existence of the state of Israel that it does not refer to it by its proper name or to the fact that it is a state, instead consistently calling it the "Jewish entity". HT calls for the destruction of Israel because it is a sovereign State of the Jewish people where over half of the world's Jewish population lives, located on what HT considers to be "Islamic lands".

Ismail Alwahwah was the head and spiritual leader of HT Australia until his death on 17 May 2023. Alwahwah also posted on Facebook, and two of his posts appear below. Alwahwah was the subject of several police investigations for his calling for violence against Jews over the last few years, but he was never charged.

The following are extracts of content posted by HT, and Alwahwah, on its Facebook page.

In our view, statements in the extracts below meet the following example in the IHRA Working Definition of Antisemitism:

*Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions*

**Ismail Alwahwah**

- اسماعيل الوحواح · October 19, 2022

"Dancing in Australia over a Palestinian corpse...!! Camp David talks about a bilateral solution... And he gave legitimacy to a Jewish being. … Australia is talking about a bilateral solution... And gave legitimacy to a Jewish being. … Islam tells you, Palestine is a part of the Muslim countries occupied by infidels and must be liberated. Islam tells you, that recognition of the legality of occupation, even for one meter, is betrayal to God, His Messenger, Muslims and Palestine. … As for us, we are on the covenant, until the liberation of all Palestine, and we will not betray God, His Messenger, Muslims, and Palestine even if we say a word."

- اسماعيل الوحواح · October 19, 2022

"… The statement issued by ANIC, which acknowledges surrendering most of Palestine to the Jewish entity and demands the so-called two-state solution, is a betrayal of Allah, His Messenger and the believers. The two-state solution is the solution proposed by all the countries that created the Jewish entity in the first place, and it is the solution that the traitors and normalisers of the Arab and Muslim rulers have followed. It is the solution that the whole world and the Jewish entity seek to force the Muslims to accept, in particular the Islamic movements and organizations, and to accept the legitimacy of the Jewish entity. … Ismail Alwahwah"

**HT Australia**

- HT Australia · October 10, 2022

"If we had a protective shield and an imam, the Jews would not have dared to usurp our land and corrupt it… The entity of the Jews… this monstrous entity is immune from punishment … the catastrophe of the Blessed Land and its people. Aren't all these crimes enough to stir up brotherhood and fervor in the hearts of the loyal sons of armies in the Muslim countries to move, to liberate in the path of their Prophet (saw) and to free his Ummah from the injustice that befalls them?!"

- HT Australia · October 20, 2022

"The matter was and still is clear as day. The selling of Palestine is a grave sin. This is an excerpt from a statement of Imams in 1935 showing unanimity on the issue … "We, the muftis, judges, teachers, lecturers, Imams, preachers, and all other religious scholars and religious men of the Muslims in Palestine….have examined the verdicts which have been issued by the Muftis and scholars of Islam in Iraq, Egypt, India, Morocco, Syria, Palestine and all the other Islamic regions. These verdicts all agree upon the prohibition of selling the land in Palestine to the Jews, upon the prohibition of acting as middlemen on these sales, or playing the part of a broker, or assisting the matter in any manner or form; and also upon the prohibition of being pleased with this entire affair, or remaining silent before it." - Fatwa from the religious scholars of Palestine. Signed on: 20 Shawal 1353 AH 26 January 1935 CE."

- HT Australia · November 8, 2022

Abu Huraira (r.a.) reported Allah's Messenger (saw) as saying:
**"The last hour would not come unless the Muslims will fight against the Jews and the Muslims would kill them until the Jews would hide themselves behind a stone or a tree and a stone or a tree would say: Muslim, or the servant of Allah, there is a Jew behind me; come and kill him; but the tree Gharqad would not say, for it is the tree of the Jews."**
[Sahih Muslim: 2922]"

- HT Australia · November 10, 2022

"Lebanon … After the border demarcation agreement with the Jews, the occupiers of Palestine, … the maritime and land border lines that the colonizer have created … Today, however, the agreement has become a shameful reality for those politicians, parties and organizations who claimed for years that their fight and struggle with the Jews is an existential struggle! … The leaders of the so-called Liberation Organization have normalized, but the people of Islam in Palestine are still afflicting the Jews and those who follow them, and the Ummah continues to grow and rejoice at every action against the Jews. … it alluded to normalization with the Jews. This is some of the state of the Ummah with those who preceded you in shame and disgrace with the Jews, … the Khilafah (Caliphate) on the method of the Prophethood, which will make the Jews and everyone who normalized with them taste affliction. And will cleanses all the filth of the rulers, parties and organizations that have lied to the Ummah for many years."

- HT Australia · January 17, 2023

"Struggle for Palestine has only one answer. #Palestine can never be shared between #Muslims and #Jews #zionists. Either it will be with them or us. Finally, the victory belongs to believers and #Islam."

- HT Australia · January 26, 2023

"Jenin and all of Palestine, Calls for Help from An Ummah Whose Armies Can Block the Sun! Is There to Be Any Answer?! … Blood is still flowing in the Blessed Land, and the Jewish occupation aggression against its people is still escalating. … an Ummah of nearly two billion, which is shackled by agent rulers … Would the Jewish occupation have persisted and dared in their aggression, had it not been for the betrayal of the rulers who normalize in haste, serve and conspire?! Would the most cowardly attack an Ummah, which, if it mobilized, would have shaken all corners of the earth, whilst the Jewish occupation would have become like carded wool?! … there is no salvation for the Blessed Land and its people, except by uprooting the Jewish occupying entity. …"

- HT Australia · May 4, 2023

"The Flags of the Jewish Entity Wave atop the Masjid al-Ibrahimi in Hebron … The Jewish entity proudly celebrates its brutal occupation and usurpation of the blessed land of Palestine. Another shameful and painful reminder of the brazenness of the Jewish entity whose filth soils the sacred sites of the blessed land of Palestine before the eyes of the neighboring Muslim countries. The rows of flags of the Jewish entity hoisted above for all to see, the occupiers celebrate their holidays all the while desecrating the Muslim prayer sites …

The flags represent the existence of the state that is the enemy to the people of Palestine and its lands and sanctities. Its existence that was founded by the British empire to become and remain a thorn in the heart of the Muslim lands of the Middle East to obstruct their unity as one Islamic Ummah … Yet these belligerent flags fly atop the Masjid Al-Ibrahimi in the heart of Palestine, the question is why? Why do these still exist today when powerful Muslim armed forces also exist?"

- HT Australia · July 23, 2023

"… Every day the enemies of Islam, especially the Jews, shed Muslim blood, occupy Islamic countries, and desecrate the Al-Aqsa Mosque, but the traitorous and agent rulers in the Islamic world respond to all this only with condemnation … India is torturing Muslims in occupied Kashmir, Jews are attacking Muslims and their holy places in Palestine every day, Russia and America are bombing Muslims in Syria …

Muslims will continue to be bloodied, their lands occupied, their sanctities desecrated, their honour violated, and they will continue to leave their lands and embark on dangerous journeys in the vast seas. If there had been a Khilafah (Caliphate) State, the enemies of Islam would not have dared to attack Muslims or their holy places. When the enemies feel like shedding blood or sucking blood like vampires, they attack the flock they see without a shepherd and slaughter and suck their blood. Therefore, the Khilafah is the only way for Muslims to get rid of the age of being prey and move to the age of hunting. ...”

- HT Australia · August 10, 2023

“Australian government's speech on 'occupied Palestinian lands' hides their crimes in facilitating the occupation of all of Palestine … the entity was founded to ensure the continuation of occupation of the blessed land of Palestine … These arrogant statements will not hide the true arrogance of a Jew, that Palestine is an entire occupied land, not only parts of it, and that the Islamic nation will not concede a single fraction of this land, and that it will continue its efforts to completely liberate it from the occupation. Muslims don't wait for Western countries' condemnation … it helps Jews in their aggression against Islam and Muslims. … We remind Muslims that the only acceptable Islamic response against the occupation of the Islamic country is its complete liberation from this occupation. …”

- HT Australia · October 1, 2023

“Q&A: Bin Salman and Normalisation with the Jews
HT.AtaabuAlrashtah · September 27, 2023
“Q&A: #Bin_Salman and #Normalization with the Jews. … The rulers in Muslim countries have forgotten that Palestine is a blessed land, including its environs. … It is the duty for the Muslim armies to mobilize to liberate and purify it from the abomination of the Jews, and not for Palestine to be presented to the Jews on a golden platter of normalization, submission, and servility! In any case, Palestine will return, pure and blessed, as it was with the swords of the armies of truthful #Muslims under the leadership of the #Khilafah Rashidah (rightly guided Caliphate), and the Jews and their collaborators will be defeated and run away, and terror will fill their hearts until one of them hides behind a stone that reveals him more than hides him!!

The Messenger of Allah (saw) spoke the truth:
**“You will fight against the Jews and you will kill them until even a stone would say: Come here, Muslim, there is a Jew (hiding himself behind me); kill him.”**

# 7. Antisemitism in the ANTI-ISRAEL MOVEMENT

All governments are legitimately the subject of criticism for their policies and actions, including the governments of Israel as much as those of Australia or any other country. However, some ostensible criticisms of Israel cross the line from ordinary political discourse into antisemitic hate speech. Often this is through demonisation, delegitimisation, and double standards used against Israel (as explained in Natan Sharansky's article below).

Other discourse, which is dressed up as ordinary political criticism, is framed within older anti-Jewish motifs, most commonly the Blood Libel, deicide claims, and conspiracy theories of Jews as a group supposedly controlling or aiming to control the media, economy, government or other societal institutions. Thus, contemporary antisemitism, especially in the anti-Israel movement, is often expressed using classical anti-Jewish motifs and themes which have been given a modern cloak. For example, older tropes said that the Jews seek to control the world, or that Jews lusted after Christian/gentile blood; now it is said that Israel, conceived as a Jewish collectivity, seeks to control the world or lusts after Arab/gentile blood. It is this nexus which can infuse seemingly ordinary political discourse about Israel or Zionism with an antisemitic subtext, as the negative qualities traditionally attributed by antisemites to the Jewish people collectively are transferred to Israel as the contemporary symbol of Jews as a collectivity. The word “Zionist” is in some contexts used as an epithet against Jews collectively.

All such discourse is to be assessed according to its objective meaning when considered in context, rather than exclusively on the basis of the professed subjective motives or intentions of those who engage in that discourse. There are other ways in which antisemitism is sometimes expressed as anti-Zionism. To deny only the Jewish people the right to self-determine their own collective identity, or to assert that the Jewish people have inferior collective rights to other people, is clearly discriminatory and therefore antisemitic.

Taking into account the overall context, the **IHRA Working Definition of Antisemitism** recognises the following as examples of antisemitism even if expressed as anti-Zionism:

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**When Legitimate Criticism Crosses the Anti-Semitism Line**
by Alan Dershowitz
1 July 2005

As Thomas Friedman of *The New York Times* accurately put it,
"Criticizing Israel is not anti-Semitic, and saying so is vile. But singling out Israel for opprobrium and international sanction -- out of all proportion to any other party in the Middle East -- is antisemitic, and not saying so is dishonest"

I have set out a list of criteria that distinguish antisemitism from legitimate criticism. Here are my criteria:

A **CHECKLIST** of factors that tend to indicate **antisemitism**:

1. Employing stereotypes against Israel that have traditionally been directed against "the Jews." For example, portraying Israel as devouring the blood of children or characterizing Israeli leaders with long hook noses or rapacious looks.

2. Comparing Israel to the Nazis or its leaders to Hitler, the German army, or the Gestapo.

3. Characterizing Israel as "the worst," when it is clear that this is not an accurate comparative assessment.

4. Invoking anti-Jewish religious symbols or caricaturing Jewish religious symbols.

5. Singling out only Israel for sanctions for policies that are widespread among other nations, or demanding that Jews be better or more moral than others because of their history as victims.

6. Discriminating against individuals only because they are Jewish Israelis, without regard to their individual views or actions.

7. Emphasizing and stereotyping certain characteristics among supporters of Israel that have traditionally been used in antisemitic attacks, for example, "pushy" American Jews, Jews "who control the media," and Jews "who control financial markets."

8. Blaming all Jews or "the Jews" for Israel's policies or imperfections.

9. Physically or verbally attacking Jewish institutions, such as synagogues or cemeteries, as a means of protesting against Israel.

10. Stereotyping all Jews as fitting into a particular political configuration (such as "neo-conservatives," Zionists, or supporters of Sharon).

11. Accusing Jews and only Jews of having dual loyalty.

12. Blaming Israel for the problems of the world and exaggerating the influence of the Jewish state on world affairs.

13. Denying, minimizing, or trivializing the Holocaust as part of a campaign against Israel.

14. Discriminating against only Israel in its qualification for certain positions or statuses, such as on the Security Council, the International Court of Justice, and the International Red Cross.

15. Blaming the Jews or Israel, rather than the antisemites, for antisemitism or for increases in anti-Jewish attitudes.

16. Taking extreme pleasure from Israeli failures, imperfections, or troubles.

17. Falsely claiming that all legitimate criticism of Israeli policies is immediately and widely condemned by Jewish leaders as antisemitic, despite any evidence to support this accusation.

18. Denying that even core antisemitism—racial stereotypes, Nazi comparisons, desecration of synagogues, Holocaust denial—qualifies as anti-Semitic.

19. Seeking to delegitimate Israel precisely as it moves toward peace.

20. Circulating wild charges against Israel and Jews, such as that they were responsible for the September 11 attacks, the anthrax attacks, and the 2005 tsunami.

A **CHECKLIST** of factors that tend to indicate **legitimate criticism of Israel**:

1. The criticism is directed at specific policies of Israel, rather than at the very legitimacy of the state.

2. The degree and level of criticism vary with changes in Israel's policies.

3. The criticism is comparative and contextual.

4. The criticism is political, military, economic, and so forth, rather than ethnic or religious.

5. The criticism is similar to criticism being raised by mainstream Israeli dissidents.

6. The criticism is leveled by people who have a history of leveling comparable criticisms at other nations with comparable or worse records.

7. The criticism is designed to bring about positive changes in Israeli policies.

8. The criticism is part of a more general and comparative criticism of all other nations.

9. The criticism is based on objective facts rather than name calling or polemics.

10. The critic subjects his favorite nation to comparable criticism for comparable faults.

Source:
http://www.huffingtonpost.com/alan-dershowitz/when-legit-criticism-cros_b_3524.html

**Antisemitism in 3-D**
by Natan Sharansky
21 January 2005 [extract]

I offer a simple "3-D" test for differentiating legitimate criticism of Israel from antisemitism. This "3-D" test applies the same criteria to the new antisemitism that for centuries identified different manifestations of classical antisemitism.

**The first "D" is the test of demonization** — as noted in the State Department report. Jews have been demonized for centuries as the embodiment of evil, whether in the theological form of a collective accusation of deicide or in the generalized depiction of Jews as money-grubbing Shylocks. Today we must take note when the Jewish state or its leaders are being demonized, with their actions being blown out of all rational proportion.

For example, the comparisons of Israelis to Nazis and of the Palestinian refugee camps to Auschwitz — comparisons heard frequently throughout Europe and on North American university campuses — are clearly antisemitic. Those who draw such analogies either are deliberately ignorant regarding Nazi Germany or, more commonly, are deliberately depicting modern-day Israel as the embodiment of evil.

**The second "D" is the test of double standards.** From discriminatory laws many nations enacted against Jews to the tendency to judge their behavior by a different yardstick, this differential treatment of Jews was always a clear sign of antisemitism. Similarly, today we must ask whether criticism of Israel is being applied selectively. In other words, do similar policies pursued by other governments produce similar criticism?

It is antisemitic discrimination, for instance, when Israel is singled out for condemnation by the United Nations for perceived human rights abuses while proven obliterators of human rights on a massive scale — like China, Iran, Cuba, Saudi Arabia, Sudan and Syria, to name just a few — are not even mentioned. Likewise, it is antisemitism when Israel's Magen David Adom, alone among the world's ambulance services, is denied admission to the International Red Cross.

**The third "D" is the test of delegitimization.** Traditionally, antisemites denied the legitimacy of the Jewish religion, the Jewish people, or both. Today, they attempt to deny the legitimacy of the Jewish state, presenting it as, among other things, the prime remnant of imperialist colonialism.

While criticism of an Israeli policy may not be antisemitic, the denial of Israel's right to exist is always antisemitic. If other peoples, including 21 Arab Muslim States — and particularly the many states created in the postcolonial period following World War II — have the right to live securely in their homelands, then the Jewish people has that right as well, particularly given the sanction of the United Nations in setting up and recognizing the country at its founding. Questioning that legitimacy is pure antisemitism.

Source: http://forward.com/articles/4184/antisemitism-in--d/

*Ah, here it is, "Top Ten Ways to Blame Jews for Palestinians Murdering Jews."*

1. *"Jews started it!"*
2. *"Jews killed more Palestinians!"*
3. *"It was a logical response to what Jews do!"*
4. *"The murderer had a good reason!"*
5. *"The murdered Jews shouldn't have lived there to begin with!"*
6. *If at a synagogue, "It has nothing to do with antisemitism!"*
7. *"Occupation!"*
8. *"Apartheid!"*
9. *"Palestinians have the right to defend themselves!"*
10. *"All Jews are soldiers so they are legitimate targets!"*

Source: Elder of Ziyon @elderofziyon · Jan 29, 2023·

Cartoon by KRON

Source: A.F. Branco, July 31, 2014
https://legalinsurrection.com/2014/07/branco-cartoon-crash-of-civilization/

## Zionism

Zionism is the national self-determination movement of the Jewish people with the aim of re-establishing a state in the Jewish national homeland, known by Jews as *Eretz Yisrael* (Land of Israel). It is not predicated on any particular set of borders or on the displacement of non-Jewish communities.

With the Jewish state re-established in 1948, Zionism supports the continuing existence of the State of Israel. The word 'Zion', from Mount Zion in the heart of Jerusalem, derives from the Hebrew Bible and is a symbolic reference to Jerusalem as a whole, the capital of previous Jewish states in the land. Although Zionism is seen as a modern idea, it is actually ancient; the modern Zionist movement is simply the modern practical manifestation of the Jewish people's millennia-old organised political presence in the land.

The noble idea of Zionism, for a small, vulnerable and persecuted people to reconstitute a state in their national homeland, has been twisted and turned back against Jews. Even the word "Zionism" has been transformed by antisemites from referring to the national self-determination movement of the Jewish people to meaning an evil international plot by Jews to control the world. The fact that Jews only want to control their own lives in their own tiny state is irrelevant to the antisemites.

Comparing Israel to Nazi Germany, or Zionism to Nazism, or the Jewish Star of David to the Nazi swastika, is almost universally recognized as antisemitic by its cruel attempt to transfer the odium of Nazism to the Nazis' principal victims, namely the Jewish people. This false analogy demonizes Jews, and minimizes the evil of the deliberate and planned mass extermination of six million Jews by the Nazis. It also implies a retrospective justification of the Holocaust against the Jewish people.

## Insights into Antisemitism and Anti-Zionism

**Dan Diker**, president of the Jerusalem Center for Public Affairs, former secretary general of the World Jewish Congress (WJC), 3 Sep. 2023:
"Durban [conference in 2001] gave rise to the global Boycott Divestment and Sanctions (BDS) movement against Israel that took root with particular intensity in the West's progressive agenda and activities.[38] BDS mimics the Nazi boycott of Jewish businesses,[39] as noted in 2019 by the German Bundestag.[40] More insidious, BDS officially preaches non-violent forms of protest, while its founders have clearly stated that they oppose Jewish self-determination in any form.[41]

"BDS's masking of its "politicidal" intentions toward the Jewish and democratic state has appropriated the Nazi regime's genocide of the Jewish people with a more politically correct, camouflaged call to "Free Palestine, from the (Jordan) River to the (Mediterranean) Sea." BDS couches its end goal in more publicly palatable social justice themes, sidestepping a discussion of the consequences of dismantling the Jewish State, which would likely entail not only the mass displacement of Jews but would result in their physical destruction.[42] BDS' campus arm, Students for Justice in Palestine, harasses Jewish students, regardless of their affinity for Israel or lack thereof, while BDS-supporting academics demand denouncements of Israel.[43]

"The Durban-BDS strategy has managed to call into question the validity of a Jewish state by convincing the West that Israel is a racist, colonialist "apartheid" project that represents the

antithesis of a liberal democracy anchored by a commitment to human rights. Palestinian activists pushing identity politics, backed and directed by the PA in Ramallah, have shoe-horned their struggle into the popular Western social justice discourse by "racializing" the Palestinian-Israeli conflict. In this postmodern "woke" political reality, Palestinians are depicted as racially marginalized victims, the "brown" "indigenous" people of the Levant, while Israelis have been cast as "white settler-colonialists." This narrative, depicting Jews as racist oppressors and colonialist aliens to their indigenous homeland negating Jewish identity and self-determination, is a form of collective Jew-hatred."
https://jcpa.org/article/nazi-and-soviet-conspiracy-themes-in-the-palestinian-discourse-policy-lessons-for-israel/

**Deborah Stone**, editor, 16 June 2023:
"Questions about attachment to Israel produced very high levels of positive response: 90% agree that it is important that the Australian Jewish community maintains close ties with Israel, 88% feel a high level of personal connectedness with Israel, 86% agree that the existence of Israel is essential for the future of the Jewish people, 83% keep up with current events involving Israel and 80% indicate a high level of concern for Israel's safety."

**Elliott Abrams**, former Assistant Secretary of State for Human Rights and Humanitarian Affairs, 9 May 2023:
"The effort to prevent formation of the Jewish State, and then to eliminate it, has taken many forms over the years and continues even as Israel celebrates its 75th anniversary. Sometimes the effort takes the form of war, as in 1948 or most recently 1973, or terrorism, as in the intifadas. Sometimes the form is diplomacy, such as the Arab League's "Three Nos" of 1967 ("No peace with Israel, no negotiation with Israel, no recognition of Israel") and the UN's 1975 resolution that "Zionism is a form of racism and racial discrimination." All have in common the belief that one Jewish State, one Jewish homeland, is one too many and cannot be tolerated."
https://www.cfr.org/blog/israel-turns-75-foreign-affairs-publishes-call-eliminate-it

**Hen Mazzig**@HenMazzig · Jul 5, 2023
You can criticize Israel without: -Claiming that Jews are happy to kill children -Blood libels -Conspiracy theories -Claiming Jews control the media -Saying Jews bribe politicians -Denying Jewish history -Saying Jews have no culture -Whitewashing violence against Jews. You can criticize Israel without being antisemitic.

**Juliet Moses**@JulietMosesNZ · Aug 2, 2023
As I've said before, you can tell when someone who claims to care deeply about the Palestinians is really just anti-Israel, from whether they express concern for the Palestinians when Israel is not involved, like in both stories below.

**Roz Rothstein**@RozRothstein · Aug 13, 2023 · [Founder and CEO of StandWithUs]:
"For most Jews around the world, Zionism and Israel form an integral part of Jewish identity. Israel is the birthplace of Jewish ethnic identity, language, culture, and religion, and Jews have maintained a constant presence there for over 3,000 years. Zionism represents the Jewish people's unbreakable bond and age-old desire to be free in their ancestral home. On a political level, Zionism is a liberation movement supporting Jewish self-determination in the land of Israel. Jews endured over 1,900 years of oppression and violence across Europe and the Middle East and still live in a world plagued by antisemitism. In this context, Israel's existence and wellbeing is vital to the Jewish people's safety, survival, and human rights. Here in the U.S.,

numerous polls show that for the overwhelming majority of Jews, their connection to Israel is central to their Jewish identity."
https://www.standwithus.com/israels-story-and-zionism

**Zvika Klein צביקה קליין**@ZvikaKlein · May 5, 2023
@rogerwaters told Haaretz that he will continue to boycott Israel as long as it remains "the State of the Jews." This is exactly why the BDS movement is antisemitic; It sees the est. of a Jewish State as a problem. According to the IHRA definition, this is pure antisemtism

**Boycott, Divestment, Sanctions (BDS) campaign**

A small number of Australian groups and their supporters, some of whom are referred to in this chapter, support and promote the BDS campaign against Israel. Some supporters openly call for the elimination of Israel as a Jewish state; while others are less open about the final outcome they envisage. Many BDS supporters deny that BDS is antisemitic, claiming to be 'only' anti-Zionist and/or anti-Israel. This claim does not stand up to scrutiny. BDS aims at eliminating the State of Israel and replacing it with another Arab state. Links to a comprehensive analysis of BDS, and three relevant articles appear below.

- **Inside BDS –** http://www.ecaj.org.au/2016/inside-bds/
- **BDS in a Nutshell –** http://blogs.timesofisrael.com/bds-in-a-nutshell/
- **Understanding BDS -** https://blogs.timesofisrael.com/understanding-bds/
- **The Antisemitism of BDS -** http://blogs.timesofisrael.com/the-antisemitism-of-bds/

**Antisemitism in Anti-Israel Groups**

Across Australia, there are several groups which express support for the Palestinian cause. Of itself this is unexceptional. However, much of this support is expressed as trenchantly negative polemical commentary not merely about Israeli government policies and actions, but about Israel's very existence, and right to exist, as an expression of the Jewish people's right to national self-determination. The members of these groups are sometimes an uneasy alliance of people of mainly Western background from secular far-Left groups such as Socialist Alternative and Socialist Alliance, and those of Arab and/or Muslim background with purportedly religious and conservative views, as well as some coming from a purportedly Christian perspective. Some groups have websites, most have social media pages, particularly Facebook and Twitter. Some universities have a Students for Palestine group, with varying levels of activism. There are also other individuals with social media pages which are dedicated to opposition to Israel.

Among the following posts and comments on sites that are ostensibly critical of Israel are generalised accusations that Jews/Zionists/Israelis are affected by bloodlust, target children, control governments and the media, have inordinate power and influence, are intrinsically evil and satanic, behave the same as or worse than the Nazis, are 'Christ-killers', poison water, harvest body organs, present a mortal threat to the whole of humanity and cause antisemitism. The posts and comments express other canards which have been classically applied to Jews collectively but are now applied to Israeli Jews and to diaspora Jews merely for supporting the right of Israel to exist.

Some of the main themes and generic claims made in anti-Israel discourse include:

- Inordinate power of the "Jewish lobby" or "Zionist lobby" or "Israel lobby" to influence, bribe, cajole, and intimidate politicians and governments to support Israel
- Jewish or "Zionist" control of the media, thus ensuring only the Israeli narrative is heard
- Jews are "settler colonialists" - which attempts to erase more than 3000 years of continuous Jewish history in the territory of Israel, and denies the Jewish people the right to self-determine their own collective identity.
- Israel is a Nazi state, and Israel is committing genocide against Palestinian Arabs
- Holocaust denial, and Jews learnt nothing from their suffering during the Holocaust
- Jews collectively, both Israeli and in the diaspora, are evil
- Israel, conceived as a Jewish collectivity, must be destroyed, for the sake of humanity and for world peace.

*Of course Jews are welcome to sign up, as long as they are the kind of Jews who want to ethnically cleanse six million of their fellow Jews from their ancestral homeland!*

Source: Elder of Ziyon @elderofziyon · Jan 26, 2023 ·

**Targeting Israeli restaurant in Brisbane**

The case of Yababa demonstrates how anti-Israel sentiment can result not just in targeting Israelis living in the diaspora, but targeting Israelis by using an old anti-Jewish trope, the Blood Libel.

Yababa is an Israeli-owned restaurant in Brisbane serving "Middle Eastern Street Food". In February 2021, Yababa was targeted with anti-Israel and antisemitic graffiti outside the restaurant. The graffiti read "Stolen Palestinian Food. Zionists Fuck off".

Yababa was again targeted, this time online, on Instagram on 7 October 2022. Words were superimposed over a photo of the main Yababa sign: under the sign's words "Yababa Food the Israeli Way" were the words: "What. Stolen and soaked in Blood? Sounds tempting. (There is no such thing as Israeli Food)" and further down "@Yababa Israeli Food is Stolen Palestinian Culture. You bury Palestinians then sell their food off as your own. You are not Welcome".

This wording referenced the Blood Libel, a false claim that Jews drink the blood of gentiles. Jason Steinberg, President of Queensland Jewish Board of Deputies, responded "The vicious, defamatory attack on a Brisbane business owner solely based on his nationality and the cuisine he serves is nothing short of disgraceful. The reference to the blood libel is one of the sickest antisemitic tropes and a disgusting display of Jew hatred."

Yababa responded on its Facebook page on October 7, 2022: "This is the second time that Yababa at Paddington, is experiencing written motives of unnecessary hatred, false and incorrect messages. Those are not going to change the fact that Yababa is, and will be providing it customers with an amazing Israeli cuisine "The Israeli way"."

Instagram, 7 October 2022

graffiti, 28 February 2021

**Palestine Action Group Sydney (PAG)**
https://www.facebook.com/syd.bmbc
The Palestine Action Group Sydney (PAG) Facebook page has a cover picture with a placard at a protest in Sydney, reading: "Fighting for freedom since 1948 # Free Palestine ... Long Live Palestine" and a Palestinian flag in the corner. This demonstrates that PAG supports the destruction of the State of Israel, which was re-established in 1948. Although the Arabs of Palestine were also offered a state in 1947-48, their leaders rejected the offer, and went to war against their Jewish neighbours in order to prevent two States, an Arab State and a Jewish State, from being established in accordance with UN General Assembly Resolution 181.

Palestine Action Group Sydney · January 26, 2023

The same photo of the placard was used in advertising an anti-Israel protest for 13 August 2022. https://www.facebook.com/events/505784721315286

**APAN - Australia Palestine Advocacy Network**
https://www.facebook.com/AustraliaPalestineAdvocacyNetwork
The Australia Palestine Advocacy Network (APAN) was formed in 2011 ostensibly as a pro-Palestinian lobby group. APAN describes itself as: "*involved in a range of activities and campaigns that seek to influence Australia's public policy in regard to Palestine and Israel*." APAN regularly undertakes "lobbying trips to Canberra" and organises "study tours to Palestine." In 2015, APAN finally declared its support as an organisation for BDS, having previously prevaricated on that issue. Since then, there has been an increasing tolerance of anti-Jewish posted comments on the APAN Facebook page, even if the posts by APAN itself were not antisemitic.

A selection of these follow. In each case, for the sake of completeness and to provide necessary context, we have reproduced both the APAN post and the comments it elicited. In our view, those comments fall within one or more of the following examples listed in the IHRA Working Definition of Antisemitism, including:

> *Drawing comparisons of contemporary Israeli policy to that of the Nazis.*
>
> *Holding Jews collectively responsible for actions of the state of Israel.*
>
> *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
>
> *Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions*
>
> *Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.*

APAN - Australia Palestine Advocacy Network · October 6, 2022
Israeli human rights group B'Tselem has written to the International Criminal Court asking them to intervene to stop Israel from committing a war crime …

- Ruth Illingworth Totally shameful and revolting behaviour on the part of israel, and have they forgotten the treatment meted out to them by the nazis?????

APAN - Australia Palestine Advocacy Network · October 14, 2022
"The siege of Shu'fat is being widely condemned by Palestinians as collective punishment, which Israel has historically employed against Palestinians to discourage resistance …"

- Metin Izlemek Resistance seemed okay in the 1940 against the Germans but today you can't resist against Israelis aggression. Remind you of Nazi occupiers in 1940s. So much for the Israeli verb Stand with the oppressed and not the oppressor. Looks and sounds like pure evil apartheid.

- Ruth Illingworth Metin Izlemek everything is ok for israelis but for them no one else counts, God's own chosen people

APAN - Australia Palestine Advocacy Network · October 17, 2022
Great to see the new Australian Government taking another step to wind back anti-Palestinian decisions made by "the last guy" …

- Bani Pera Just a token gesture. They still believe the UN is disproportionately against Israel when the fact remains that Israel runs the UN for their own purposes.

APAN - Australia Palestine Advocacy Network · October 19, 2022
"The rage emanating from Israel and the Israel lobby in Australia… is thus fury that Australia has chosen to observe international law, rather than pander to an apartheid state …"

- John Dudley The israeli fifth columnists in our population can throw a hissy fit and spit their dummy as they wish, but the policy is in place. It will be necessary in the coming days to raise our voices in defence of the government because zionists are nothing if they aren't persistent.

- Prue Lilley What a shock for Israel and its supporters. They are so used to asking and it has been given. Thank you Australia, take care of your new spine and help put the world to rights. Please do your stuff for Julian Assange now.

APAN - Australia Palestine Advocacy Network · October 22, 2022
If you needed more evidence of the apartheid policies Israel implements in the West Bank

- Metin Izlemek How noble of the Israelis to snuff out any bit of life . Remind you of 1940

APAN - Australia Palestine Advocacy Network · October 25, 2022
A new report presented to the United Nations General Assembly during its 77th session in September says the label of "apartheid" …

- Sean Kenan When I am asked, "Does Israel have a right to exist?" I reply, "Of course not. Israel has no more right to exist than the Apartheid South African regime had a right to exist."

APAN - Australia Palestine Advocacy Network · October 27, 2022
Amnesty International calls on the International Criminal Court to investigate unlawful attacks committed during Israel's August 2022 assault on the Gaza Strip as war crimes.

- John Dudley I live for the day when these murderous religious/racial supremacists are standing in the dock.

- Yvonne Yunes I stand with Kanye West Great Man Stop kosher CRIMES

APAN - Australia Palestine Advocacy Network · February 13, 2023
In its continued raids in the Occupied West Bank, Israeli forces have killed another Palestinian child, this time a 14-year-old boy in Jenin.

- Austin Slowey Karma has a very long memory.They are as bad as the Nazis.

APAN - Australia Palestine Advocacy Network · March 21, 2023
Today we stand unequivocally loud and proud against racism and its systemic manifestations through apartheid, colonialism, slavery and genocide. … We must continue to raise our voices and oppose **all form of racism including Zionism & white supremacy**, here and elsewhere. … #InternationalDayofAntiracism

APAN - Australia Palestine Advocacy Network · June 15, 2023
Great to be with The Hon Professor Gareth Evans in Parliament House this week making the case for recognition of Palestine. Check out comments for link to speech.

- Tony Vas Israeli drink company SodaStream has a new flavour called "Palestinian child blood".

APAN - Australia Palestine Advocacy Network · June 18, 2023
Breaking: News from the Victorian Labor Conference this weekend

- Claire Louise He won't do it. Melbourne is jew central, with a preference for adhering to jewish laws over Australian.

APAN - Australia Palestine Advocacy Network · June 20, 2023
UN.ORG Statement attributable to the Spokesperson for the Secretary-General - on Israel and the Occupied Palestinian Territory | United Nations Secretary-General

- Terry Dorney Yeah right, few Palestinian voters here, far stronger Jewish lobby so it's not going to happen. [original version]

- Terry Dorney Yeah right, few Palestinian voters here, far stronger Israel lobby so it's not going to happen. [edited version]

APAN - Australia Palestine Advocacy Network · June 22, 2023
Horrific night for the people of Turmus Ayya, with 400 settlers rampaging through their town, setting homes, cars and trees alight.

- John Dudley Zionists are a despicable stain on decent humanity.

APAN - Australia Palestine Advocacy Network · June 25, 2023
Big week in Naarm!! (Melbourne this week) Way to warm our spirits in this cold season....

- Yvonne Yunes Zionism the cancer of the World lying and stealing

APAN - Australia Palestine Advocacy Network · September 12, 2023
Responding to today's editorial in The Australian 🗞️ Links in our letter are in comments 👇

- Patricia Athina "Resistance News Network … the tentacles of J Street and liberal zionist networks. … The long-rejected burden of defense against charges of antisemitism is unjustly imposed on Palestinians facing occupation by Jewish supremacists. …"

**Articles on the APAN website**
The following are the relevant extracts from articles or media releases on the APAN website, https://apan.org.au/. They either condemn adoption of the IHRA definition of antisemitism or condemn Jewish community organisations by referring to them as the "Israel lobby".

**ACTION: Stand with Palestinians at Adelaide Writers' Week**
[20 Feb. 2023]
"Every time a Palestinian is platformed, the pro-Israel lobby seeks to defame and silence them. The latest such campaign are the attacks on the critically acclaimed, internationally renowned Palestinian writers Susan Abulhawa and Mohammed El Kurd, who are speakers at Adelaide Writers' Week (4-9 March 2023). … And yet the Israel lobby has stirred up a campaign of attack and agitated for these writers to be cancelled. Adelaide Writers' Week is to be commended for not backing down. Unfortunately, however, the Premier of South Australia has given into the Israel lobby and announced he will personally boycott the most significant literary festival in his state because of Abulhawa and El-Kurd. …"
https://apan.org.au/action_aww/

**Community groups warn against IHRA working definition of antisemitism, call on universities to reject adoption and ensure campuses are safe space for all**
Mar 30, 2023
"The Australian National Imams Council, Islamic Council of Victoria (ICV), Palestinian Christians in Australia and the Australian Palestine Advocacy Network (APAN) commend the Australian National University on their decision to not adopt the divisive and harmful IHRA working definition of antisemitism, and urge other universities to follow suit. … Israel lobby groups are weaponising the very real threat of antisemitism to stifle dissent and debate of Israel. … Racism cannot be fought by singling out any one group as worthy of particular protection. All forms of discrimination should be addressed equally, with equal protections being afforded to everyone and measured in the same manner. …"
https://apan.org.au/media_release/community-groups-warn-against-ihra-working-definition-of-antisemitism-call-on-universities-to-reject-adoption-and-ensure-campuses-are-safe-space-for-all/

**Amer Zahr: "Stop condemning anti-Semitism"**
Amer Zahr is a Palestinian-American comedian, academic and political activist. In 2023, he performed in Adelaide on 3 March, in Melbourne on 4 March, and apparently in Sydney on 5 March. Zahr has a history of supporting violence against Israelis, supporting terrorists who have murdered Israelis, and calling on people to stop condemning antisemitism. Some examples from Amer Zahr's Facebook and Twitter pages follow.

- Amer Zahr · May 27, 2017
  "Every Palestinian is Jesus. They tried to ignore him 2000 years ago. They tried to erase him. It didn't work back then. And it won't work today."

- Amer Zahr is at Ford Community & Performing Arts Center. · December 20, 2017
  [in a video, Zahr states: "And we say very proudly, that we stand with every resistance against Israel and every resistance against the occupation … whether it's called Hamas, whether it's called Hezbollah. We stand with everybody who stands against the Israeli occupation."]

- Amer Zahr@AmerZahr · Feb 14, 2021
  "My two Palestine Valentines. Fatima, Leila... Will you marry me? #PalestineValentine." [with a photo of terrorists Leila Khaled (hijacker) and Fatima Bernawi (attempted bombing of a theatre in Jerusalem)]

- Amer Zahr@AmerZahr · Mar 8, 2021
  "Who can say they were lucky enough to serenade the amazing Rasmea Odeh? I can! #internationalwomensday #PalestinianWomen." [with a photo of him with Rasmea Odeh, who masterminded a murderous bombing in Jerusalem in 1969]

- Amer Zahr@AmerZahr · May 23, 2021
  "Stop condemning anti-Semitism. Stop it. We have been doing it for generations. So stop it. You're not helping. If they didn't believe us by now, that's not our problem. Stay focused. #FreePalestine"

- Amer Zahr · May 23, 2021
  [Video: "This is Amer. This is a message to all the activists and leaders out there that are condemning antisemitism and condemning terrorism right now. Stop it. Stop. You are not helping alright. You are playing their games. It's a distraction."]

# 8. RESPONSES to ANTISEMITISM

*"Fighting antisemitism is a responsibility for the society at large and must not be left to the Jewish community. Antisemitism needs to be fought on all levels and by all possible actors."*
- Katharina von Schnurbein, EU Coordinator on Combating Antisemitism (10 Feb. 2016)

**Introduction**
Major counters to antisemitism are public condemnations of it by those in positions of leadership within society, including politicians, academics, clergy, editors and journalists, businesspeople, trade unionists, and other community leaders.

In addition, government policies and legislation which discourage or restrict antisemitism and other forms of racism, and protect Jews and other targeted groups, play a major role in countering antisemitism. In addition to providing individuals and groups who are the targets of racism with the legal means to defend themselves, legislation plays an educative role by setting a community standard that conveys a strong message that public manifestations of racism are unacceptable.

This section includes a summary of public counters to antisemitism that continued to operate and achieve prominence in Australia during the year in review, including legal and quasi-legal measures, government responses, political leadership, educational responses, and expressions of solidarity by other communities.

**"Extremist ideologies may take aim at local Jewish communities and other minorities, but undermine democracy and harm all of society."**

Dr Kathrin Meyer, Secretary General of IHRA, 16 June 2023

## LEGAL and Quasi-LEGAL MEASURES

- **Anti-vilification Laws: Commonwealth and state, civil and criminal**

The following table is composed primarily of racial vilification laws, although some of these laws also prohibit vilification that is based on attributes other than race. Most states have both civil and criminal vilification laws, while two states (Tasmania and Western Australia) have only one form each.

Of note, under Australian law, Jews are categorised as a 'race' due to Jews having "a common ethnic origin", as Jewish identity encompasses both national and religious aspects.

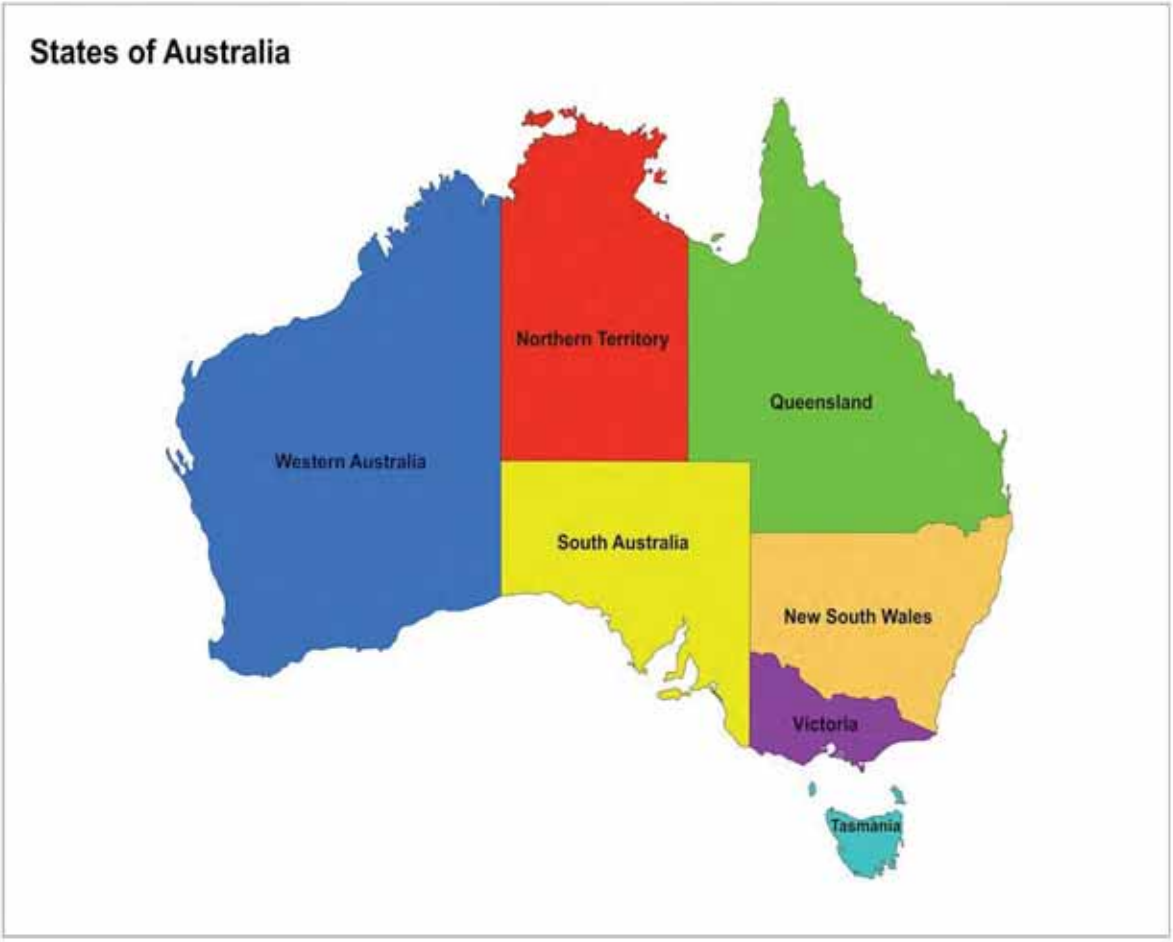
New bills and laws against Nazi symbols and gestures were also introduced during the year.

| Juris-diction | STATUTE |
|---|---|
| **Cth** civil | **Racial Discrimination Act 1975 (Cth) – Part IIA**<br>s.18C: Offensive behaviour because of race, colour or national or ethnic origin<br>"It is unlawful... to do an act ... if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people ... because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group."<br>https://www.legislation.gov.au/Details/C2004A04951<br>[Note, the exemptions in s.18D] |
| Cth criminal | **Criminal Code Act 1995 (Cth)**<br>80.2A Urging violence against racial and religious groups<br>80.2B Urging violence against members of racial and religious groups<br>80.2D Advocating Genocide<br>471.11 Using a postal or similar service to make a threat<br>471.12 Using a postal or similar service to menace, harass or cause offence<br>474.15 Using a carriage service to make a threat<br>474.17 Using a carriage service to menace, harass or cause offence<br>http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html |
| **ACT** civil | **Anti-Discrimination Act 1991 (ACT)**<br>s.67A: Inciting hatred, revulsion, serious contempt or severe ridicule<br>http://classic.austlii.edu.au/au/legis/act/consol_act/da1991164/s67a.html |
| ACT criminal | **Criminal Code 2002 (ACT)**<br>s.750: Serious vilification: Public act; threat; recklessly inciting hatred, revulsion, serious contempt or severe ridicule<br>http://classic.austlii.edu.au/au/legis/act/consol_act/cc200294/s750.html<br><br>s. 752: Public display of Nazi symbols<br>http://classic.austlii.edu.au/au/legis/act/consol_act/cc200294/s752.html |
| **NSW** civil | **Anti-Discrimination Act 1977 (NSW)**<br>s. 20C Racial vilification unlawful: to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.<br>http://classic.austlii.edu.au/au/legis/nsw/consol_act/aa1977204/s20c.html<br><br>**Amendment of Anti-Discrimination Act 1977 No 48**<br>s. 49ZE Religious vilification unlawful<br>https://www.parliament.nsw.gov.au/bill/files/18449/Passed%20by%20both%20Houses.pdf [Not yet in force] |
| NSW criminal | **Crimes Act 1900 (NSW)**<br>s.93Z: Publicly Threatening and Inciting Violence<br>http://classic.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s93z.html<br><br>s.93ZA: Offence of displaying Nazi symbols<br>http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s93za.html |

| | |
|---|---|
| **Qld**<br>civil | **Anti-Discrimination Act 1991 (Qld)**<br>s.124A: Publicly threatening or inciting hatred, serious contempt or severe ridicule<br>http://classic.austlii.edu.au/au/legis/qld/consol_act/aa1991204/s124a.html |
| Qld<br>criminal | **Anti-Discrimination Act 1991 (QLD)**<br>s.131A: Publicly inciting hatred, serious contempt or severe ridicule by threatening harm or inciting others to threaten harm<br>http://classic.austlii.edu.au/au/legis/qld/consol_act/aa1991204/s131a.html |
| **SA**<br>civil | **Civil Liability Act 1936 (SA)**<br>s.73: Publicly inciting hatred, serious contempt or severe ridicule<br>http://classic.austlii.edu.au/au/legis/sa/consol_act/cla1936161/s73.html |
| SA<br>criminal | **Racial Vilification Act 1996 (SA)**<br>s.4: Publicly inciting hatred, serious contempt or severe ridicule by threatening physical harm or inciting others to threaten physical harm<br>http://classic.austlii.edu.au/au/legis/sa/consol_act/rva1996176/s4.html |
| **Tas**<br>civil | **Anti-Discrimination Act 1998 (Tas)**<br>s.19: Publicly inciting hatred or serious contempt or severe ridicule<br>https://www.legislation.tas.gov.au/view/html/inforce/current/act-1998-046 |
| Tas<br>criminal | **Police Offences Amendment (Nazi Symbol and Gesture Prohibition) Bill 2023**<br>6C. Display of Nazi symbols prohibited, &c.<br>6D. Performance of Nazi gestures, &c., prohibited<br>https://www.parliament.tas.gov.au/__data/assets/pdf_file/0033/68766/2_of_2023.pdf |
| **Vic**<br>civil | **Racial and Religious Tolerance Act 2001 (Vic)**<br>s.7: Publicly inciting hatred, serious contempt, revulsion or severe ridicule<br>http://www.austlii.edu.au/au/legis/vic/consol_act/rarta2001265/s7.html |
| Vic<br>criminal | **Racial and Religious Tolerance Act 2001 (Vic)**<br>s.24: Inciting hatred; threatening or inciting others to threaten physical harm; intentional conduct that is likely to incite serious contempt, revulsion or severe ridicule<br>http://classic.austlii.edu.au/au/legis/vic/consol_act/rarta2001265/s24.html<br><br>**Summary Offences Act 1966 (Vic)**<br>s.41K: Public display of Nazi symbols [limited to Nazi swastika]<br>http://classic.austlii.edu.au/au/legis/vic/num_act/soaspa202229o2022565/s3.html |
| **WA** | no civil provision |

| | |
|---|---|
| WA criminal | **Criminal Code Act 1913 (WA) - Amendment (Racial Vilification) Act 2004**<br>Section 6:<br><br>s. 77. Conduct intended to incite racial animosity or racist harassment<br>s. 78. Conduct likely to incite racial animosity or racist harassment<br>s. 79. Possession of material for dissemination with intent to incite racial animosity or racist harassment<br><br>s. 80. Possession of material for dissemination if material likely to incite racial animosity or racist harassment<br>s. 80A. Conduct intended to racially harass<br>s. 80B. Conduct likely to racially harass<br>s. 80C. Possession of material for display with intent to racially harass<br>s. 80D. Possession of material for display if material likely to racially harass<br><br>http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/num_act/ccava200480o2004396/s6.html |

…




Source: https://www.mappr.co/counties/australia/

## HUMAN RIGHTS and ANTI-RACISM BODIES

There are Federal and State bodies that deal with anti-racism and human rights in each state. Federally and in NSW and Victoria, the two most populous states, these include:

- Australian Human Rights Commission (AHRC)
  https://humanrights.gov.au/
- NSW Anti-Discrimination Board
  http://www.antidiscrimination.justice.nsw.gov.au/
- Multicultural NSW
  https://multicultural.nsw.gov.au/
- Victorian Equal Opportunity and Human Rights Commission
  https://www.humanrightscommission.vic.gov.au/
- Victorian Multicultural Commission
  https://www.multicultural.vic.gov.au/

## What is Vilification?

What is vilification?

Vilification is often called 'hate speech'.

Vilification is an act that encourages hatred, serious contempt, revulsion or severe ridicule towards a person or group of people. It can include threats of physical violence.

Examples include:

- posting a racist comment online that could make other people hate someone because of their race.
- saying something at a public meeting that could encourage contempt of people because of their race or religion.
- writing graffiti that encourages hatred of people because of their race or religion.

Vilification is different to discrimination … Discrimination is treating a person badly or unfairly because of a personal characteristic protected by the law (for example, their age, disability or gender identity).

https://engage.vic.gov.au/anti-vilification

## GOVERNMENTAL RESPONSES

During the period in review, the Commonwealth and several states proposed laws prohibiting the public display of Nazi symbols eg the Nazi swastika. So far, only NSW and Victoria (in 2022) and the ACT, Queensland and Tasmania (in 2023) have passed such laws. Only Tasmania expressly proscribes the public performance of Nazi gestures. Other states are considering strengthening their anti-vilification laws.

- **Federal Parliament: proposed bills banning Nazi symbols**

On 23 March 2023, Liberal Senator Michaelia Cash, introduced a bill to the Senate to ban the public display of Nazi symbols – 'Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023'. This bill was introduced to the House of Representatives by Liberal MP Julian Leeser MP on 22 May 2023. The bill included not just the Nazi swastika, but also other symbols used by neo-Nazis in Australia as named, directly acknowledging and quoting the source and the symbols from the ECAJ Report on Antisemitism 2022, in the Explanatory Memorandum to Parliament by Cash and Leeser. However, this Liberal sponsored bill was not passed in parliament.

Extract from the Explanatory Memorandum read out in each house of Parliament:

"The term 'Nazi symbol' is not a defined term in the Bill, and is instead given its ordinary meaning. This is intended to ensure that the full range of symbols associated with Nazi ideology and the Nazi party are captured by the prohibition in section 81.1, and would include, for example, symbols routinely identified in publications like the annual reports on Antisemitism in Australia published by the Executive Council of Australian Jewry.
Examples of symbols included in the scope of term in the Bill include:

- the Hakenkreuz - the Nazi swastika or hooked cross;
- the Double Sig rune (SS lightning bolt) that were used by the SchutzStaffel (SS), who primarily perpetrated the mass killings of Jews;
- the Totenkopf (Death's head) used by the Nazi SS from 1934 to 1945;
- the Sonnenrad (Black sun/wheel);
- the Broken Sun Cross, or Sun Cross Swastika;
- the unstylised Celtic Cross;
- the Algiz rune;
- the Tyr rune; and
- the Othala/Odal rune."

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F26448%2F0061%22

In June 2023, the Federal Labor government introduced a new bill that sought to ban the public display of only two Nazi symbols, the Nazi swastika and the SS lightning bolts. It also sought to bans the ISIS flag symbol, and to ban the display of and trade in items featuring those symbols - *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023.*

The Bill was the subject of a parliamentary committee Inquiry, whose report is pending. The Bill has not thus far been enacted. Some of its provisions appear below.

***Criminal Code Act 1995***

**Subdivision CA — Publicly displaying, and trading in, prohibited symbols**

**80.2E Meaning of *prohibited symbol***

Each of the following is a ***prohibited symbol*** :

(a) the Islamic State flag;
(b) the Nazi hakenkreuz;
(c) the Nazi double-sig rune;
(d) something that so nearly resembles a thing to which paragraph (a), (b) or (c) applies that it is likely to be confused with, or mistaken for, that thing.

**80.2H Public display of prohibited symbols**

(1) A person commits an offence if:
(a) the person causes a thing to be displayed in a public place; and
(b) the thing is a prohibited symbol; and …

http://classic.austlii.edu.au/au/legis/cth/bill/clahsaomb2023832/

- **Australian Capital Territory (ACT): prohibiting public display of Nazi swastika**

On 29 August 2023, the ACT parliament passed legislation prohibiting the public display of Nazi symbols, in the Crimes Legislation Amendment Bill 2022.

Shane Rattenbury, ACT Attorney-General, stated:

> "Following the passage of the Crimes Legislation Amendment Bill 2022 by the Assembly, the maximum penalty for the public display of Nazi symbols is a $19,200 fine or 12 months in prison, or both. The new offence also applies to people in the ACT who broadcast a Nazi symbol to a public audience beyond Canberra's borders, such as on social media. People will still be able to publicly display swastikas for legitimate reasons, such as people of Jain, Buddhist and Hindu faiths, teachers, artists and protesters."
> https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2023/nazi-symbols-banned-in-act

**AUSTRALIAN CAPITAL TERRITORY**
**Crimes Legislation Amendment Bill 2022**

**CRIMINAL CODE 2002**
**Part 7A.2 Public display of Nazi symbols**

**751 Meaning of *Nazi symbol*—pt 7A.2**

(1) In this part: ***Nazi symbol*** means— (a) a Hakenkreuz; or (b) a symbol that so nearly resembles a Hakenkreuz that it is likely to be confused with or mistaken for a Hakenkreuz.

**Example—par (b)** a cross with the arms bent at right angles in a counter-clockwise direction
(2) In this section: ***Hakenkreuz*** means a symbol of a cross with the arms bent at right angles in a clockwise direction.

**752 Public display of Nazi symbols**
(1) A person commits an offence if— (a) the person displays a Nazi symbol; and
(b) the person knows, or ought reasonably to know, that the symbol is associated with Nazi ideology; and (c) the display is other than in private.

**753 Direction to remove Nazi symbol from public display**
(1) A police officer may direct a person to remove a Nazi symbol from display if the police officer reasonably believes that the person is committing an offence against section 752 by displaying the Nazi symbol. …

http://classic.austlii.edu.au/au/legis/act/consol_act/cc200294/s751.html

http://classic.austlii.edu.au/au/legis/act/consol_act/cc200294/s752.html

http://classic.austlii.edu.au/au/legis/act/consol_act/cc200294/s753.html

- **NSW: legislation banning religious vilification**

On 3 August 2023, the NSW Parliament passed the Anti-Discrimination Amendment (Religious Vilification) Act 2023, banning religious vilification.

Michael Daley, NSW Attorney General, stated:

> "The amendment to the NSW Anti-Discrimination Act 1977 makes it unlawful to, "by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons, because of their religious belief, affiliation or activity". A "public act" includes any form of communication to the public, verbal and non-verbal. The legislation mirrors existing provisions in the Anti-Discrimination Act that make vilification unlawful on the grounds of race, homosexuality, transgender status and HIV/AIDS status. People who do not have a religious belief or affiliation or do not engage in religious activity are also protected under the new law, which recognises that these are also positions in relation to religion which should be respected."
> https://www.nsw.gov.au/media-releases/new-law-banning-religious-vilification-passes-nsw-parliament

The Bill, whose provisions are set out below, has not yet commenced operation.

**Amendment of Anti-Discrimination Act 1977 No 48**

**Part 4BA Religious vilification**

**49ZE Religious vilification unlawful**
(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for or severe ridicule of— (a) a person on the ground the person— (i) has, or does not have, a

| |
|---|
| religious belief or affiliation, or (ii) engages, or does not engage, in religious activity, or (b) a group of persons on the ground the members of the group— (i) have, or do not have, a religious belief or affiliation, or (ii) engage, or do not engage, in religious activity. |
| https://www.parliament.nsw.gov.au/bill/files/18449/Passed%20by%20both%20Houses.pdf |

- **Queensland: legislation to amend vilification laws and ban Nazi symbols**

Shannon Fentiman, the Qld Attorney-General, on 23 January 2023, announced that:

> "The Palaszczuk Government will introduce new laws early this year to increase penalties for hate crimes and serious vilification offences. … legislation would soon be introduced to Parliament to amend existing offences in Queensland. … We will also amend the existing offence of serious racial, religious, sexuality or gender identity vilification in the *Anti-Discrimination Act 1991* by removing the existing requirement that a proceeding for this offence may not be commenced without the written consent of either the myself or the Director of Public Prosecutions, relocating it to the Criminal Code and increasing the maximum penalty to three years imprisonment."
> https://statements.qld.gov.au/statements/96998

Annastacia Palaszczuk, Qld Premier, and Shannon Fentiman, the Qld Attorney-General, on 29 March 2023, announced that:

> "New legislation has been introduced to ban the display of hate symbols, such as those representative of Nazi ideology, and increase penalties for offences that are motivated by hatred or serious contempt and the existing offence of serious vilification. *The Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023* … to strengthen Queensland's hate crime laws. A new 'Prohibited symbols' offence will be introduced to protect the community from … the display of hate symbols. Under the new offence, public display, public distribution, or publication of prohibited symbols … are prohibited… The offence is intended to capture a broad range of circumstances, including the public display of tattoos and the public distribution or publication of prohibited symbols online.
>
> The reforms also amend existing offences to provide for a new circumstance of aggravation for offences, including common assault, going armed so as to cause fear, threatening violence, assault occasioning bodily harm, wilful damage, trespass and public nuisance. Criminals who commit these offences while motivated, wholly or partly, by hatred or serious contempt based on race, religion, sexuality, sex characteristics or gender identity will face increased penalties including longer custodial sentences."
> https://statements.qld.gov.au/statements/97459

"The Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 … as introduced into Parliament by the Honourable Shannon Fentiman, Attorney-General … on 29 March 2023" is available at
https://www.legislation.qld.gov.au/view/whole/html/bill.first/bill-2022-017

Yvette D'Ath, Queensland Attorney-General, announced on 12 October 2023 that the:

> "Queensland Parliament has passed legislation to increase penalties for hate crimes and serious vilification. The legislation bans the public display, distribution or publication of

prohibited hate symbols without reasonable excuse. The public display, distribution or publication of prohibited hate symbols will become a criminal offence in Queensland, significantly strengthening the state's response to hate crimes. …

the display of symbols that are representative of an ideology of extreme prejudice against a particular religious, ethnic, gender, or other relevant group. Displaying, publishing or distributing prohibited symbols in a way that might reasonably be expected to cause someone to feel menaced, harassed or offended will be a criminal offence with a maximum penalty of six months' imprisonment. The offence … including the public display of tattoos and the public distribution or publication of prohibited symbols online. The new legislation will enable hate symbols to be identified in a regulation. …

The legislation has provision for reasonable excuses to the new offence, such as public display for genuine artistic, religious, educational, historical, legal, or law enforcement purposes. Criminals who commit offences while motivated by hatred or serious contempt against a particular person or group's characteristics are liable to receive tougher penalties including custodial sentences. These offences include going armed as to cause fear, threatening violence, assault occasioning bodily harm, wilful damage, stalking, harassment, and public nuisance."
https://statements.qld.gov.au/statements/98911

- **Tasmania: legislation prohibiting Nazi symbols and gestures**

The new sections 6C and 6D of the Police Offences Act which were enacted in August 2023 are set out below. Of note, Tasmania became the first jurisdiction in Australia to ban Nazi gestures, and the first outside of Europe.

**POLICE OFFENCES AMENDMENT (NAZI SYMBOL AND GESTURE PROHIBITION) BILL 2023**

Sections 6C and 6D inserted
6C. Display of Nazi symbols prohibited, &c.
6D. Performance of Nazi gestures, &c., prohibited

6C. Display of Nazi symbols prohibited, &c.
(1) A person must not, by a public act and without a legitimate public purpose, display a Nazi symbol if the person knows, or ought to know, that the symbol is a Nazi symbol.

6D. Performance of Nazi gestures, &c., prohibited
(1) A person must not perform a Nazi gesture if – (a) the person knows, or ought to know, that the gesture is a Nazi gesture; and (b) the gesture is performed by the person – (i) in a public place; or …

https://www.parliament.tas.gov.au/__data/assets/pdf_file/0033/68766/2_of_2023.pdf

**Insight into the Tasmanian law**

Peter Wertheim, co-CEO of The Executive Council of Australian Jewry, commented:

> "This legislation is a great credit to the Tasmanian government and parliament. It was a privilege for the ECAJ to work with our Tasmanian constituent, the Hobart Hebrew Congregation, in meetings with the Attorney General's office, to help achieve this outcome.
>
> Any banning legislation that is introduced needs to proscribe the symbols and emblems that are presently and most frequently being used by neo-Nazi groups in Australia, both for the promotion of hatred and violence and for recruitment, in addition to the traditional Nazi symbols. The legislation also needs to be flexible enough to accommodate the constant evolution of new hate symbols by neo-Nazi groups.
>
> In our view, the optimum approach to defining a Nazi symbol is that which has been adopted in the Tasmanian Bill, because it provides both a reasonable certainty of meaning, and the flexibility to allow the courts to determine the relevant facts in any given case, and to apply the offences to symbols associated with Nazi ideology and any new symbols that neo-Nazi groups might develop.
>
> Nazi gestures also need to be proscribed. Above all, this needs to be backed up with effective police powers and penalties. The new Tasmanian legislation achieves all of this, and sets an example for other jurisdictions.
>
> We remain concerned by the sunset provision in the new law, but feel confident that the Tasmanian government will renew the legislation until the scourge of neo-Nazi activity is eradicated."
> https://www.jwire.com.au/nazi-salute-symbols-outlawed-in-australian-first/

- **Victoria: Nazi Symbol Prohibition legislation**

In Victoria, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 came into effect on 29 December 2022. This law makes it a criminal offence for a person to intentionally display the Nazi symbol (the Hakenkreuz, often referred to as the Nazi swastika) in public. Anyone who intentionally displays the Nazi symbol in public will face penalties of up to $22,000, 12 months imprisonment or both. This law is available at:
http://classic.austlii.edu.au/au/legis/vic/num_act/soaspa202229o2022565/s3.html

- **Victoria: Nazi Salute Prohibition Bill**

After neo-Nazis from the National Socialist Network performed the Nazi salute (also known as the Heil Hitler or Sieg Heil salute) on the steps of the Victorian Parliament on 18 March 2023, the Victorian government resolved to ban the salute.

On 29 August 2023, the Victorian Government introduced a bill to ban the Nazi salute, the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023. The bill states that "any individual who intentionally displays or performs a Nazi symbol or gesture in public will face penalties of more than $23,000, 12 months imprisonment or both".

The Legislative Assembly (lower house) passed the Nazi Salute Prohibition bill on 10 October 2023; it now requires the upper house to pass the bill.

Victorian Hansard list of incidents of Nazi salutes in public:

**Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023**

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) …

The public display or performance of Nazi gestures, particularly the Nazi salute, and other Nazi symbols impinges this right by undermining the dignity and self-worth of groups that have been historically persecuted by the Nazi Party and targeted by neo-Nazi groups, including the Jewish Community, LGBTIQ+ people, people with disability, Aboriginal and Torres Strait Islander people, and other racial and religious groups. …

Government is deeply concerned and distressed by the use of the Nazi salute occurring in Victoria following last year's ban of the display of the Nazi symbol, the Hakenkreuz. …

There have been several abhorrent incidents that have occurred since that law commenced on 29 December 2022 including:

• In mid-January 2023, a group of 25 males gathered at Elwood's Ormond Point lookout and performed the Nazi salute.

• On 26 January 2023, a group of people performed the Nazi salute at a Merri-bek First Nations mourning ceremony.

• On 18 March 2023, a group of about 30 people marched along Spring Street, repeatedly performing the Nazi salute after an event held by a controversial UK gender and anti-trans activist.

• On 10 April 2023, a group of six men performed the salute outside the Melbourne Knights soccer club.

• On 20 April 2023, a group of people performed the Nazi salute and posed for photographs at a Bavarian restaurant in the Knox City Shopping Centre to commemorate Adolf Hitler's birthday.

• On 13 May 2023, a group of about 25 people gathered outside parliament to stage an anti-immigration rally, repeatedly performing the Nazi salute.

• On 4 June 2023, two people performed the Nazi salute in front of police outside the State Library during a protest.

• On 15 July 2023, eight men stood at the steps of Geelong's City Hall holding up a white supremist banner and performed the Nazi salute; and

• On 29 July 2023, a group of people held a ''white powerlifting competition'' at a boxing gym in Sunshine West and performed the Nazi salute in response to anti-fascist protestors.

https://new.parliament.vic.gov.au/parliamentary-activity/hansard/hansard-details/HANSARD-2145855009-21875

Extract of news from Victorian Parliament:

**Legislative Assembly passes Nazi salute prohibition**
10 October 2023

Legislation to prohibit the display and performance of Nazi gestures will go to the upper house for consideration after the Legislative Assembly voted to pass the bill. …

Paul Hamer, Member for Box Hill, noted a range of incidents in Melbourne in 2023 where the Nazi salute was performed, including on the steps of the state Parliament. … We do have a problem in this state with neo-Nazism and antisemitism. …

The full debate is available to read in Hansard for Wednesday October 4 and Thursday October 5.

https://new.parliament.vic.gov.au/news/justice/nazi-ban

- **Western Australia: proposal to ban display of Nazi symbols**

John Quigley, the WA Attorney General, on 18 January 2023, announced that:

> "The McGowan Government will progress legislation to criminalise the display and possession of Nazi symbols in certain circumstances. The prohibition will extend to the display of tattoos of Nazi symbols. … The reforms, once passed, will prohibit the display and possession of Nazi symbols in certain circumstances, and will provide penalties (including imprisonment) for any person who contravenes the law. The Government recognises that there are legitimate purposes for which somebody may display or possess a Nazi symbol, such as for genuine academic or educational purposes, buying or selling bona fide World War II memorabilia, or publishing fair and accurate media reports of matters of public interest. Certain display or possession in those circumstances will remain lawful."
> https://www.wa.gov.au/government/media-statements/McGowan-Labor-Government/Government-to-ban-display-and-possession-of-Nazi-symbols-20230118

## POLITICAL LEADERSHIP

- **Anthony Albanese**, Prime Minister, Labor, 27 Jan. 2023:

"We must never soften the truth of what the Holocaust was: the purposeful execution of more than 6 million Jews. ... Antisemitism is on the rise, but it will not find a home here. Australia will always denounce it and reject it utterly, just as we do all forms of racism and prejudice. We owe it to our country, we owe it to our Jewish community, and we owe it to our survivors. They deserve nothing less."

- **Anthony Albanese**, Prime Minister, Labor, April 2023 (letter to Jewish community):

"I want to reiterate my unshakeable belief that extremism and hatred have no place in Australian society. I unequivocally condemn the shocking and distressing public displays of antisemitism, intolerance and neo-Nazi ideology we saw recently in Victoria."

- **Peter Dutton** MP, Leader of The Opposition, Liberal, April 2023, (letter to Jewish community):

"On behalf of the Coalition … we also condemn the repugnant rise of antisemitism around the world, including in Australia."

- **Peter Dutton** MP, Leader of The Opposition, Liberal, 8 June 2023:

"we have a position as a Party … we have absolutely zero tolerance for antisemitism and for that sort of racist behaviour and we don't tolerate that sort of Nazi element within our country."

- **Josh Burns**, federal Labor MP, speech in parliament, 6 March 2023:

"Unfortunately, antisemitism is on the rise again, occurring far too frequently and increasing in hostility. It's why the International Holocaust Remembrance Alliance came up with a definition of antisemitism."

- **Matt Burnell**, federal Labor MP, speech in parliament, 6 March 2023:

"Antisemitism has existed throughout the centuries in varying forms, though with many common similarities and themes. Antisemitism is something that exists right here in Australia, and its prevalence is increasing in a number of ways. Speaking against antisemitism in a place like this is important. It is important that the community sees its leaders, its elected representatives, condemn discrimination and hatred. … Sadly, antisemitism is not something of the past. It is not something happening in a faraway place. It is something that happens every day. It happens in our backyards, in our communities and on our doorsteps. With the prevalence of antisemitism rising at home, it beggars belief that we should be importing it from abroad."

- **Andrew Wallace**, federal Liberal MP, speech in parliament, 6 March 2023:

"In reaffirming our commitment to the IHRA working definition of 'antisemitism', we reiterate that antisemitism has no place in Australia or in the global rules based order. But we must do more than define and delineate. We must act to counter antisemitism."

- **Monique Ryan**, federal independent MP for Kooyong, 3 Aug. 2023:

"… a horrifying example of what the Jewish community endures too often. We have to remain vigilant against antisemitism."

- **Zoe Daniel**, federal independent MP for Goldstein, 3 Aug. 2023:

"I'm appalled that our Jewish community continues to endure such grotesque, defamatory and antisemitic attacks close to a century after the Holocaust. … I remain committed to doing my utmost to ensure the safety and wellbeing of our Jewish community..."

- **Scott Farlow,** NSW Liberal MP, NSW parliament Hansard, 19 Oct. 2022:

"I move: (3) That this House reaffirms that: (a) the Parliament is united against disgraceful and disturbing acts of antisemitism and racism within the community…"

- **Walt Secord,** NSW Labor MP, NSW parliament Hansard, 19 Oct. 2022:

"The work of the [NSW Jewish Board of Deputies] board has become even more important in current times, especially with the rise of antisemitism and far right activity in the State. … Australia is not exempt from the growing international phenomenon of antisemitism."

- **Jing Lee,** SA Liberal MP, Deputy Leader of the Opposition, 19 Oct. 2022:

"In light of such dreadful incidents and a seeming rise in antisemitism in our state, we as legislators have the responsibility to look into what discrimination is being faced by Jewish South Australians and other groups within the community who are targeted by Neo-Nazi and other ideologically motivated extremist groups. The South Australian community is calling for such symbols and activities to be banned, as has occurred in other states."

- **Simon Millman**, WA Labor MP, 18 Jan. 2023:

"The swastika is widely associated with antisemitism, genocide and racial hatred."

- **Federal Parliamentary Friends of IHRA**

A Federal Parliamentary Friends of the International Holocaust Remembrance Alliance (IHRA) was officially launched on 27 October 2022 in Parliament House. It is co-chaired by Josh Burns MP (Labor), Julian Leeser MP (Liberal), and Allegra Spender MP (independent).

"It is intended that this Group will provide a non-partisan forum for parliamentarians to meet and interact with Holocaust commemorative organisations, survivors, and their families on matters relating to the strengthening and promotion of Holocaust education and remembrance and combating antisemitism."
https://www.aph.gov.au/about_parliament/parliamentary_friendship

- **Australian Young Labor: adoption of IHRA**

Australian Young Labor (AYL), the youth organisation of the Australian Labor Party, adopted the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism at its national conference in Canberra on 15-16 April 2023. Although AYL's Left faction abstained from voting on the resolution, it passed with unanimous support from the Right faction.

The preamble noted that:
"Too often, people mistakenly assume that antisemitism is merely historical. Shockingly, the opposite is true. … The systematic Holocaust denial campaign which saw the distribution of leaflets across nearly every campus in Australia in 2017 is but one example … horrible statements and accusations have been made against Jewish students in university dorms, and Jewish students are routinely heckled with inflammatory and discriminatory remarks … As a result of these incidents, Jewish youth do not feel comfortable joining new spaces, and are often apprehensive about disclosing that they are Jewish."

Jeremy Leibler, president of the Zionist Federation of Australia, said, "With antisemitism rising on both the extreme right and extreme left, it is of great comfort to the Jewish community that Labor's next generation endorsed this internationally accepted definition of antisemitism."
https://www.australianjewishnews.com/young-labor-embraces-definition-of-antisemitism/

## EDUCATIONAL RESPONSES

During the period in review, two universities made public declarations against antisemitism and adopted the IHRA working definition of antisemitism - the University of Melbourne and Monash University. In addition, the Wollongong Undergraduate Students Association (WUSA) publicly condemned antisemitism. Melbourne University was the first university to publicly proclaim its adoption of the IHRA definition.

Overall, universities which have adopted the IHRA working definition of antisemitism include: Sunshine Coast University (in March 2022), University of Wollongong (in April 2022), Macquarie University (understood to be in May 2022), University of Melbourne (in January 2023), and Monash University (in March 2023); and in addition, La Trobe [University] Student Union (in June 2022).

### University of Melbourne: adopts IHRA definition

> "The University of Melbourne … recognises that Muslim and Jewish members of our community can experience particular forms of prejudice or hate that constrain their freedom to live, work, study, worship, and identify as Muslim or Jewish in Australian society. To support the safety and inclusion of these members of our community within the University, the University will adopt a definition of Islamophobia, following consultation with Muslim students and staff, and adopts the International Holocaust Remembrance Alliance 'working definition of antisemitism'. Adopting these definitions does not change the University's policies on academic freedom and freedom of speech. However, the definitions provide an important educative tool for all University members to understand what constitutes Islamophobia or antisemitism, and thus support their prevention. The definitions will also help inform the development of the University's first Anti-Racism Action Plan."
> https://about.unimelb.edu.au/diversity-inclusion/anti-racism-commitment

Response by AUJS · January 24, 2023

> "In order to ensure that antisemitism and all forms of discrimination have no place on our campuses, we must be able to define it by amplifying the voices of those who experience it. Thank you to the University of Melbourne for doing that with their Jewish students and staff. We are really looking forward to working with the University of Melbourne throughout the implementation process. Thank you to the University of Melbourne for taking the lead."

### Macquarie University: adopts IHRA definition

Macquarie University, located in Sydney, included the IHRA working definition of antisemitism "into its Equity, Diversity and Inclusion policy over the summer of 2021."
https://www.theguardian.com/australia-news/2023/feb/06/australian-universities-split-on-decision-to-adopt-controversial-definition-of-antisemitism

> "EQUITY, DIVERSITY, AND INCLUSION POLICY … SECTION 5 - DEFINITIONS … "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."
> https://policies.mq.edu.au/document/view.php?id=296

**Monash University: adopts IHRA definition**

Monash University adopted the IHRA working definition of antisemitism in March 2023. Monash University's Anti-Racism Statement states:

> "Anti-racism involves actively working to break down and combat racist policies, practices, culture and ideas. Anti-racism … involves deliberate action to challenge prejudice and race-based discrimination experienced by individuals as well as racism institutionally within organisations, communities and society. … Monash is striving to ensure our communities are free from racism, which we understand broadly to encompass all forms of discrimination based on race, ethnicity, nationality, culture and religion. Monash rejects all forms of racism including racial discrimination, harassment and vilification.
>
> "The University is focused on eliminating racism and discrimination that is directed towards Aboriginal and Torres Strait Islander Peoples, as well as that directed against other peoples of diverse races, ethnicities, nationalities, cultures and religions. The University recognises that racism manifests in many different ways across our communities and broader society. This includes direct and indirect racial discrimination, racial vilification, and racial harassment including but not limited to: antisemitism[1], islamophobia[2] and xenophobia[3]. …
>
> *[1] We have adopted the International Holocaust Remembrance Alliance definition of antisemitism: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities." We use this definition as a guide to understanding antisemitism, and note the clarifications recommended by the UK Home Affairs Select Committee. This does not change our commitment to Freedom of Speech."*
> https://www.monash.edu/about/who/a-culture-of-integrity-and-respect/equity-diversity-inclusion/areas-of-focus/anti-racism/anti-racism-statement

**University of Wollongong: adopts IHRA definition**

The University of Wollongong, located in NSW, adopted the IHRA working definition of antisemitism in April 2022, but had not publicly acknowledged it until after the University of Melbourne adopted the IHRA definition. The University of Wollongong stated that "it would have no impact on "academic freedom and freedom of speech". Instead, it is a reference for our community members to help understand what may constitute antisemitism.""
https://www.theguardian.com/australia-news/2023/feb/06/australian-universities-split-on-decision-to-adopt-controversial-definition-of-antisemitism

Statement by the University of Wollongong:

> "The Council of the University of Wollongong adopts this Statement on the IHRA non-legally binding working definition of antisemitism in furtherance of its commitment to ensuring that UOW is a safe and respectful community. Our University Code of Conduct, together with our 2020-2025 Strategic Plan, Respect for Diversity Policy, Student Conduct Rules, and Campus Access and Order Rules and Statement on Academic Freedom provide the right for all members of our university community to experience a safe environment free from unfair treatment, discrimination, harassment, victimisation, vilification or bullying, including whilst exercising academic freedom and freedom of expression.

The interwoven religious, racial, cultural and national characteristics of Jewish collective identity complicate the conceptualisation and understanding of antisemitism. The Council therefore adopts the authoritative IHRA definition to aid clarity and to provide guidance in the interpretation and application of our governing legislation, rules, standards, codes, policies and guidelines with regard to ensuring a safe environment for Jewish members of our community. … Approved 8 April 2022."
https://www.uow.edu.au/about/our-vision-strategy/statement-on-antisemitism/

**Wollongong Undergraduate Students' Association (WUSA): Condemns antisemitism**
The University of Wollongong Undergraduate Student Association (WUSA) unanimously passed a motion at a meeting in late October 2022 condemning antisemitism.

The "Statement: WUSA Condemns the Rise of Antisemitism" included the text of:

"Yet, antisemitism has risen globally over the past few decades – especially in the last 10 years. … WUSA recognises that Jewish students at UOW deserve to feel supported by their student union, and be confident that WUSA council members will condemn any form of antisemitism or discrimination. … WUSA condemns antisemitism in all its forms unequivocally. We commit to always standing up and calling out microaggressions and antisemitism – not just when it's politically and ideologically convenient.

"WUSA recognises that:
1. Antisemitism can present itself in discrimination, microaggressions, harassment, and violence – including life-ending violence. …
3 Antisemitism has negatively affected the lives of Jewish people for thousands of years. Antisemitism didn't start and end with the Holocaust and the defeat of the nazi Party – it has continued to this day.

"WUSA commits to:
1. Opening further, ongoing dialogue between WUSA and Jewish students on campus to discuss how WUSA can assist in combatting antisemitism at UOW.
2. Actively working with Jewish students at UOW and AUJS with issues relating to antisemitism … amplifying their voices.
3. To the ongoing fight against antisemitism in all its forms. The world has seen what happens when antisemitism reaches its worst. It must never happen again, and we must always call it out."

AUJS Vice President **Alissa Foster** said:

"This year in particular we have seen antisemitism constantly dismissed and denied on our University campuses. It really means a lot to Jewish students at the University of Wollongong but also around the country to see that there are people who recognise our experiences and are committed to working alongside us to educate others and call hatred out. The fact that this motion passed unanimously is particularly important. Antisemitism does not exist solely on either side of the political spectrum, and it should never be framed as a partisan issue. We thank every single WUSA councillor for recognising this and for standing in support of your Jewish peers. This will go a long way in ensuring Jewish students feel welcome in all political spaces on campus."
https://www.jwire.com.au/wollongong-undergraduates-condemns-antisemitism/

## INTERFAITH: CATHOLIC RESPONSES

- **Jewish-Catholic goodwill reaffirmed: Walking Together**

Jewish-Catholic goodwill reaffirmed
By Marilyn Rodrigues, March 24, 2023

The Australian Catholic Bishops Conference has released a new statement on Catholic-Jewish relations, to address the resurgence in antisemitic attitudes and reinforce the significant steps forward between the faiths since the Second Vatican Council. In the document, *Walking Together: Catholics with Jews in the Australian Context*, the ACBC says that a deep appreciation of Jesus Christ's Jewish tradition is the starting point for mutual respect.

"We wish to encourage all people of goodwill, and especially Australia's Catholics, to deepen their understanding of the Church's relationship to Judaism by better appreciating the Jewishness of Jesus and of the first generation of Jesus' disciples," the document says.

Bishop Michael McKenna, chair of the bishops commission for Christian unity and inter-religious dialogue, launched the document at Mary MacKillop Place in North Sydney on 21 March … Bishop Michael McKenna … said *Walking Together* "aims to help Catholics understand more deeply the uniqueness of our relationship with Judaism, our elder sisters and brothers in faith."

Jillian Segal, president of the Executive Council of Australian Jewry, said Walking Together … affirms "the essential Jewishness of Jesus and the fact that he prayed and worshipped as a Jew; the ongoing, irrevocable nature of the covenant between G-d and the Jewish people; and the fact that Jesus and the Pharisees were in alignment, not in opposition, to one another."

*Walking Together* succeeds a document published by the commission in 1992, in order to reflect new developments within the church and world, including Pope Francis' 2013 apostolic exhortation Evangelii Gaudium, … *Walking Together* offers guidelines about how Catholics can enhance their relationships with their Jewish sisters and brothers, which it says is necessary for them to work together for the flourishing of society and bring about God's reign.

It also calls Catholics to reject racism and antisemitism. "Although today's Jews in Australia live in relative peace and safety compared to other parts of the world, they have not escaped the impact of antisemitic attitudes and actions," the document said. "Antisemitism within Australia has been exacerbated by political tensions in other parts of the world. "We are further concerned about increasing levels of ignorance and even denial of the Holocaust." …

In reflecting on enhancing Jewish-Catholic relations *Walking Together* also reaffirms important principals from Vatican II's declaration *Nostra Aetate*: the unique and permanent bond the church has with the Jews; the irrevocable nature of the convent between God and the people Israel; and the church's condemnation of antisemitism.

| |
|---|
| The document also reaffirms that "the Catholic Church neither conducts nor supports any specific institutional mission work directed towards Jews." … |
| https://www.catholicweekly.com.au/jewish-catholic-goodwill-reaffirmed/ |

- **Calls for national antisemitism education scheme**

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|---|
| Calls for national antisemitism education scheme<br>By Bianca Healey, August 25, 2023<br><br>A pilot program to combat the rise of antisemitism has seen Catholic high school students form enduring friendships with Jewish teenagers through religious and cultural activities. Now, a peak Australian Jewish advocacy group has called for the initiative to be rolled out nationally.<br><br>Year 10 students from Catholic schools in Sydney's eastern suburbs, St Ursula's and Marcellin, attended a religious assembly at Emanuel Jewish School at Randwick before all students took part in creative workshops exploring religious rituals and examined the similarities between Judaism and Christianity. The 18-month trial, involving the Executive Council of Australian Jewry (ECAJ) and Sydney Catholic Schools, also saw students who visited the Jewish school develop presentations on their experience, with Catholic school educators taught about historical and contemporary antisemitism.<br><br>ECAJ co-chief executive Alex Ryvchin has called for an expansion of the program to all schools across the country, in light of recent reported spikes in antisemitic behaviour and the need to "reduce the appeal of online extremism" … said the initiative would work with state governments, schools and Jewish museums and be separate from existing Holocaust education. "The ECAJ's national antisemitism education initiative will support teachers, students and families by providing them with resources that explain antisemitism, and reduce the appeal of online extremism and conspiracy theories," he said.<br><br>ECAJ president Jillian Segal said the recent pilot had resulted in a commitment for a review of Catholic school's curriculum and teaching materials. "We should start with children at school … not only in Year 10 when they study the Holocaust which has been the focus for the last 75 years but at other points in the curriculum," she said. The announcement comes amid a reported spike in antisemitic activity in NSW.<br><br>Former NSW Board of Jewish Deputies CEO Darren Bark called for an expansion of Holocaust and religious bullying education in January … The board intervened last September after a raft of reports of antisemitic bullying across Sydney high schools – including elite all-boys school Cranbrook, public high school Rose Bay Secondary College and prestigious North Sydney school Knox Grammar.<br><br>A recently released national survey by the Australasian Union of Jewish Students (AUJS) found two thirds of Jewish students face antisemitism, anti-Israel attacks at university." |

https://www.dailytelegraph.com.au/newslocal/wentworth-courier/executive-council-of-australian-jewry-calls-for-national-antisemitism-education-scheme/news-story/b2e22b241fd181e3047d935b67d1b99e

- **Catholic Religious Australia: educating about antisemitism**

Catholic Religious Australia (CRA) "is the peak body for Leaders of Catholic Religious Institutes and Societies of Apostolic Life who are resident in Australia." CRA self-describes as "effecting change within the Church and society in a diverse range of areas, some of which are justice, professional standards, education, stewardship and governance."
https://www.catholicreligious.org.au/

In 2023, CRA designed a project, in partnership with the ECAJ, to produce a digital educative resource for Catholic school principals to share with their executive, teachers and staff on the subject of antisemitic bullying. Catholic educator Prof. David Hall FMS (Australian Catholic University) engaged with Jewish community leaders, Peter Wertheim (co-CEO ECAJ) and Vic Alhadeff (former CEO of NSW Jewish Board of Deputies), to produce a videoed conversation accompanied by discussion tools. In addition, Julie Nathan (Research Director at ECAJ) gave an interview and provided data and images from the annual ECAJ antisemitism reports; and Alissa Foster (President of AUJS) also provided input via an interview; the interviews were aimed at providing information and further stimulus for discussion.

The resource, titled "Addressing Antisemitic Bullying: A Resource for Catholic Leadership & Formation" will be freely distributed to CRA Members and their educational ministries, especially Catholic schools, by December 2023.

## INTERNATIONAL RESPONSES

- **J7 Global Task Force on Fighting Antisemitism**

A new global Jewish organisation, composed of seven countries, was launched on 24 July 2023 to combat antisemitism. The following press release explains the new group.

**Top Jewish Advocacy Organizations in Seven Countries Form J7 Global Task Force on Fighting Antisemitism**

**New initiative will bring together leaders of seven large Diaspora Jewish communities to discuss common challenges, develop coordinated strategies and share best practices**

In response to increasing rates of antisemitism around the world, major Jewish organizations in the United States, Canada, the United Kingdom, Germany, France, Argentina and Australia announced today the formation of the J7, the Large Communities' Task Force Against Antisemitism.

The task force will consist of the following member organizations and nations represented:

- **The United States:** ADL (the Anti-Defamation League) and the Conference of Presidents of Major American Jewish Organizations
- **The United Kingdom:** Board of Deputies of British Jews
- **France:** Conseil Représentatif des Institutions Juives de France (CRIF)
- **Germany:** Central Council of Jews in Germany
- **Canada:** Centre for Israel and Jewish Affairs (CIJA)
- **Argentina:** Delegación de Asociaciones Israelitas Argentinas (DAIA)
- **Australia:** Executive Council of Australian Jewry (ECAJ)

In addition to top-level consultations, the J7 will organize a number of working groups comprised of subject matter experts from each community to develop strategies and action plans within areas such as policy and advocacy, tech policy, security, extremism, and education against antisemitism.

The formation of the J7 Global Task Force comes at a time when data from around the world indicates a rise in antisemitic incidents and attitudes, and growing concern within our Jewish communities who are confronting this rise.

Leaders of these seven communities shared their perspectives of the importance of this collaboration:

**Argentina** – Jorge Knoblovits, President, DAIA: "To be part of J7, represents for the DAIA a great responsibility as one of the world's largest Jewish communities and the only one in Latin America. J7 will allow us to have a greater understanding of the challenges faced by world Jewry in the areas of antisemitism, Holocaust remembrance and other hate-related topics. To be part of J7, led by ADL, ensures that the perspective of Latin American Jews will have a global reach."

**Australia** – Peter Wertheim, Co-CEO, Executive Council of Australian Jewry: "Antisemitism is a disease of the human spirit that eats away at the foundations of civilisation everywhere. It is not limited by geographical borders, ideology or creed. It is a global phenomenon that requires a global response. As the elected peak representative body of the Australian Jewish community, we are pleased to join our colleagues from organisations representing other major Jewish communities in the diaspora to co-ordinate our efforts to combat antisemitism and maximise our impact."

**Canada** – Shimon Fogel, President and CEO, CIJA: "What starts with the Jews, never ends with the Jews. There is a global imperative to confront antisemitism and drawing on the expertise and strength of the J7 coalition is an important catalyst for universal action."

**France** – Robert J. Ejnes, Executive Director, CRIF: "If antisemitism exists everywhere in the world, it is in Europe that it has been brought to its climax. Together with the J7 task force, we will look at the resurgence of antisemitism in all its forms, whether Islamist, conspiratorial, hatred of Israel or Holocaust denial, from wherever it originates. Together, we will monitor the expressions of hate and fight for a better tomorrow."

**Germany** – Dr. Josef Schuster, President, Central Council of Jews in Germany: "The internet, as a means of fast and easy communication, increasingly blurs national borders. Similarly, antisemitic networks, tactics and developments don't stop at national borders either. We endorse this additional opportunity for exchange in the J7 format, which will facilitate interaction between representatives of Jewish communities at this level. Together we will approach globally operating institutions or companies and unite our efforts in combatting antisemitism."

**UK** – Marie van der Zyl OBE, President, Board of Deputies of British Jews: "Antisemitism knows no geographic boundaries. The Board of Deputies looks forward to being part of this international coalition of leading Jewish organisations, each at the forefront of the fight against the challenges posed by the rise of this global hatred. By working together, we strengthen our ability to tackle antisemitism wherever it emerges."

**U.S.** - William C. Daroff, CEO, Conference of Presidents of Major American Jewish Organizations: "Antisemitism, which is the world's oldest hatred, no longer looks or spreads the way it did in the past. The vitriol once felt for individual Jews or Jewish practice, has metastasized into blaming the Jewish people and the Jewish state for the ills of the world. Social media enables antisemitic hate to cross borders, where it spreads faster than ever before. It is therefore imperative for the largest diaspora Jewish communities to engage in regular conversation to develop strategies to combat the pernicious spread of antisemitism. Including our Conference of Presidents member organizations that are engaged in combatting antisemitism will bring great synergies to this effort. What impacts one community, impacts us all."

**U.S.** -- Jonathan A. Greenblatt, ADL CEO: "Antisemitism is rising around the world, especially in countries where there are large Jewish populations. And threats to our communities are not contained by continents and borders. We needed to meet these challenges through coordinated action. This new coalition of major organizations representing seven large Jewish Diaspora communities in liberal democracies will provide a formal framework for coordination, consultation and formulating global responses to antisemitic threats against the Jewish people."

The J7 leadership will meet periodically virtually and in-person, including at ADL's 2024 Never is Now Summit on March 4-7, 2024.

https://www.adl.org/resources/press-release/top-jewish-advocacy-organizations-seven-countries-form-j7-global-task-force

J7 The Large Communities' Task Force Against Antisemitism

# 9. ARTICLES on ANTISEMITISM

The ECAJ has been active in exposing antisemitism. It has produced articles which have been published in the Australian and international media during the period in review. Some of the articles by the ECAJ, and by others, are reproduced here.

**Perrottet's shame presents a teachable moment for us all: A Catholic's perspective**

Teresa Pirola 23 January 2023
https://www.abc.net.au/religion/perrottet-shame-is-teachable-moment-for-us-all/101882610

How many of us look back — with horror — at some of the foolish or questionable choices we made when we were young? I'll confess that I have a good deal of sympathy for the New South Wales Premier, Dominic Perrottet, as he walks the path of shame following his disclosure that he wore a Nazi uniform as fancy dress to his twenty-first birthday party in 2003.

The Premier was right to step up and take full responsibility for his mistake, without dilution or excuse. As a young adult, he willingly donned a garment identified with one of the most murderous regimes of the twentieth century, a killing machine that destroyed the lives of six million Jews — including 1.5 million Jewish children — for a costume party. This is deeply distressing for Holocaust survivors, and to every Jew who carries the intergenerational trauma of these terrible events. It is also highly offensive to Australian ex-service people, among many others, and violates the values that gird Australian society: compassion, mutual respect, tolerance, and the dignity of all individuals.

As a Catholic who belongs to the same faith community as the Premier, I would also add that this act runs contrary to the values that committed Christians hold as disciples of Jesus and members of a Church whose roots are anchored in Jewish history, and in sacred texts that uphold the inviolable dignity of all human beings. The awareness of this history, of these roots, is something that the Catholic community as a whole needs continually to renew.

In the way they've handling the matter, both the Premier and representatives of the Jewish community have acted with grace and dignity. They have moved from a mutually respectful and frank exchange to a constructive focus on a common commitment to education against prejudice and to combat antisemitism. I am drawn to the thought that this unfortunate incident represents a "teachable moment" for my own Catholic community and for all Australian Christians — an opportunity to deepen our collective understanding of the Holocaust. We can pause to reflect on ways of ensuring that our religious commitments contribute to a society where no person is tempted to flirt with such evil, whether through ignorance, misplaced humour, immature bravado, or ill intent.

**Telling the truth about Christianity and antisemitism**

What, exactly, could Christians communicate to their children, students, parishioners, colleagues, and others within their sphere of influence? What key lessons are at stake when it comes to Holocaust education, and what could a Christian perspective offer to wider society?

While there *were* Christians who heroically resisted the evil unleashed by Nazism, there were many more Christians implicated in its rise and progress, whether through acts of commission or omission. We could therefore express our admiration for those who acted morally and with courage, regardless of their religious background, condemn Christian support for Nazi policies, and critique the inaction of bystanders in the face of Nazi atrocities. We could ponder together the sobering question, "What would I have done?" A visit to the Sydney Jewish Museum would help to illuminate such a conversation about the consequences of our moral choices.

We might further point out, in age-appropriate ways, that Nazi propaganda skilfully manipulated anti-Jewish sentiment and tropes that pervaded Christian culture for centuries: lies that portrayed Jews as sub-human beings, as the killers of Christ, enemies of the Church, and "cursed" for their so called "blindness" for not accepting Jesus as the Messiah. Terrible lies like these were repeatedly employed. They were never formally adopted as Church teaching, but certain toxic distortions of the Christian message crept into discourse in the early centuries of the Church's development and proceeded to fester. They are found in the writings of the early Church fathers; they intensify in artworks of the Middle Ages; and they appear as late as the 1930s in well-regarded Catholic publications in Europe. As German Cardinal Walter Kasper — who headed the Pontifical Council for Promoting Christian Unity from 2001 to 2010 — soberly wrote:

*between the end of the nineteenth century and the first decades of the twentieth, even very authoritative Catholic journals published articles in an anti-Semitic vein, and "more generally fanned anti-Jewish prejudices; they stemmed from the Medieval 'teaching of contempt,' that was a source of stereotypes and popular hatred" … so that it can be said, in this regard, that such an attitude offered a favourable context for the spread of modern anti-Semitism.*

We ought to point out that poisonous words often lead to violent actions.

In Christian societies over many centuries prior to the Second World War, Jews had faced all kinds of persecution: demeaning public falsehoods about their traditions, restricted rights, confinement to the ghetto, being required to wear a distinguishing mark on their clothing, the burning of their books, forced conversion, torture and violent death. To be sure, there were also periods when Jewish communities lived in relative peace, with certain protections given by church authorities. However, these times did not last, and the "teaching of contempt" referred to by Cardinal Kasper continued to spread and mutate.

Thus, we can — and should — ponder the link between antisemitism in Christian cultures, and the ways in which distortions of the Christian message contributed to Auschwitz. Whatever the intention of individual Christians, the anti-Jewish sentiment infecting Christian thought, speech, and activity provided ammunition and even implicit permission for those who perpetrated the Holocaust. A visit to the vast online education resources of *Yad Vashem*, the World Holocaust Remembrance Centre, would help to fill out the picture.

**The responsibility to continue to combat antisemitism**

It is undoubtedly painful for Christians to hear this part of their history. One of the great achievements of the Second Vatican Council (1962–1965) was the decisive repudiation of antisemitism by the magisterium of the Catholic Church — which included dismantling the unjust accusation that held Jews of every time and place collectively responsible for the

crucifixion of Jesus. An appropriate Catholic response would be to reflect upon paragraph four of the conciliar Declaration on the Relation of the Church to Non-Christian Religions, *Nostra Aetate*, and the many post-conciliar statements of popes, bishops conferences, and church commissions that have sought to implement the teaching of the Council by promoting a "teaching of respect" for Jews and Judaism.

We can also educate ourselves in the history leading up to this historic shift of gears in Catholic thinking that produced *Nostra Aetate*. Historian John Connelly's *From Enemy to Brother: The Revolution in Catholic Teaching on the Jews, 1933–1965* is an excellent place to start.

Catholics can also be encouraged by the fact that other mainstream Christian churches have undergone their own revolutions when it comes to recognising and rejecting antisemitism, and forging positive relations with Jewish communities. The reception of these official church reforms takes time — after all, the reforms are barely 60 years old and Christians have been influenced by anti-Jewish messaging for two millennia.

Antisemitism in Christian circles has been powerfully addressed by many church leaders and institutions around the world, and yet it is not eradicated from the ecclesial psyche. It continues in subtle, unintended biases; it is expressed from pulpits and in classrooms, through simplistic statements about the "legalistic Pharisees", "Jewish conspirators", and the so-called "wrathful" God of the Old Testament who is then pitted against Jesus's teachings on "love". Far less forthcoming from Christian teachers and preachers are statements about the tender, compassionate, liberating God of the Old Testament, about how Christian ethics and values find their grounding in the Hebrew Bible, about God's irrevocable love for, and fidelity to, the "children of Israel" which is at the heart of Scripture, and about the enduring vitality of Jewish covenantal life.

Meanwhile, education about all forms of contemporary antisemitism is as necessary as ever, as hateful propaganda flourishes on social media and new generations display an alarmingly high level of ignorance of the Holocaust. Furthermore, we can alert our children, students, parishioners, and colleagues to anti-Jewish tropes historically embedded in Christianity, which continue to feed extremist groups on both sides of the political divide. To be sure, these extremists are not sincere Christians, but sometimes identify as if they were, using the raw material of what Christian communities have left behind and enlisting its emotive power for ever-changing sinister guises. The Christian responsibility to combat antisemitism thus grows.

**Why education and empathy matter**

It is sometimes claimed by political operatives that we should never waste a crisis. In that spirit, if we can rise above the politics of the moment, there *is* an opportunity for the Premier's apology to galvanise a common effort for effective anti-prejudice education in New South Wales.

The *quality* of that education will be critical. Was it simply youthful foolishness that led a 21-year-old Dominic Perrottet to don a Nazi uniform for a costume party? He was an adult, and twenty years ago the New South Wales state curriculum taught about the lethal criminality of the Nazi regime. Perrottet must have known about the horrific details of the Nazi genocide against the Jewish people, the Roma and other groups, and about the high price paid by Australian service men and women in North Africa, Syria and elsewhere, to prevent Nazi

tyranny from dominating the world. At some level, he must have understood that the freedoms we enjoy today would not be possible without such service and sacrifice.

Yet looking back, one can see that the knowledge of facts is not enough. Equally essential is *empathy*. Undoubtedly, maturity and experience have taught him — as it teaches many of us — not only to understand the perspectives of people who might appear unlike ourselves, but also to have empathy for what they have experienced, and how their lives continue to be affected by it. Programs such as Together for Humanity and Interfaith Encounters can assist schools and community groups in this regard.

Along with Opposition Leader Chris Minns, I believe that the Premier's apology was sincere. I also believe that, twenty years later, the Premier is a more sensitive, empathetic, wiser person. The journey he has undertaken presents a "teachable moment" for the common good. It is certainly a call to me, to my Catholic community, and to all Christians, to examine our consciences and attitudes towards the Jewish people, and to make a robust contribution in our personal and professional lives to redress past wrongs.

*Dr Teresa Pirola is a Sydney-based freelance writer and Catholic faith educator with a special interest in Jewish-Christian relations and its bearing on Christian theological perspectives and societal cohesion.*

**Current trends in antisemitism in Australia**

Julie Nathan 2 February 2023
https://www.australianjewishnews.com/current-trends-in-antisemitism-in-australia/
https://blogs.timesofisrael.com/current-trends-in-antisemitism-in-australia/

The Executive Council of Australian Jewry (ECAJ) has just released its annual Report on Antisemitism in Australia. There were 478 antisemitic incidents logged across Australia in the 12 months to September 30, 2022.

This is an increase of more than 40 per cent over the last two years, made up of a 6.9 per cent increase during the year ending September 30, 2022 following the 35 per cent increase reported during the previous year in 2021.

Most of the incidents in 2022 comprised verbal abuse, graffiti and propaganda material (e.g. posters, stickers), with the latter category seeing a 70 per cent increase over the previous year.

Two questions arise: What is driving the current spate of antisemitism? And what can be done about it?

A major source of antisemitism is the burgeoning neo-Nazi movement which is active across Australia. It began, in its contemporary manifestation, in late 2016 as a small but dedicated group named Antipodean Resistance, which then morphed into several other groups, most notably the National Socialist Network (NSN) and its partner, the European Australian Movement (EAM), together with other affiliated groups, often geographically based.

These neo-Nazis espouse genocidal hatred of Jews and look to Adolf Hitler as their inspiration and role model. They have adopted National Socialist (Nazi) ideology, imbued with its conspiracy theories about Jews. They often dress up their Nazi beliefs as white nationalism, with slogans such as "White Revolution" and "Australia for the White Man", in order to dupe unsuspecting young males of European background into joining their cause.

In the streets, neo-Nazi groups actively propagate their ideology, mainly by placing stickers on poles and leaflets in letterboxes. In one brazen act, NSN/EAM members stood outside the Holocaust Museum in Adelaide and performed Nazi salutes. This act was photographed and posted online, where mainstream media found it and publicised it.

On encrypted internet sites, neo-Nazis and their fellow travellers (a mix of white supremacists, Christian nationalists, conspiracy theorists and other antisemites) exchange their views, distribute propaganda material, post about their latest acts of hatred, and dream of an Australia devoid of Jews, Africans, Asians and LGBT people.

It would be wrong to dismiss them as a tiny lunatic fringe of racists. They are growing in numbers, and are led by more politically savvy people. They are not the head-thumping, romper stomper goons of the past. Their long-term goal is to seize political power and take over the Australian government by force, as the vanguard of their so-called "white revolution" to "save" Australia from non-European races. Intrinsic to their ideology is the intention, sometimes stated openly, to commit "a Holocaust" against Australia's Jewish population.

For now, these neo-Nazis are promoting their racist ideology, producing hate propaganda material, recruiting new members, and engaging in legal activities aimed at bonding and planning, and solidifying the efficacy of their organisations.

State governments and police have recognised that neo-Nazis are a growing threat and may instigate violence in the foreseeable future. Police closely monitor many of them, and new laws have been introduced banning the public display of Nazi hate symbols. Although the ban will not stop neo-Nazis, it sends a message to everyone that racist hate will not be tolerated.

At the other end of the political spectrum, a different threat has emerged, not one engaged in overtly anti-Jewish incidents, but one which is more insidious.

Ostensibly left-leaning, progressive groups, including so-called "anti-racism activists", are mainstreaming antisemitism and/or actively undermining the fight against antisemitism. They do this in multiple ways, either intentionally or inadvertently.

Many wrongly see antisemitism as existing only in far-right circles, and ignore antisemitism emanating from other sources. Others falsely perceive Jews as wealthy and powerful, and therefore excuse any attacks on Jews as "punching-up", and not as racism. Some ignore anti-Israel discourse which crosses the line into hateful conceptualisations of Jews.

An example is the campaign by anti-Israel activists to oppose the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism from being adopted by parliaments, universities and community organisations.

This campaign has falsely claimed that the IHRA definition prohibits free speech and any criticism of Israel, despite the fact that the definition states explicitly that "criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic."

The IHRA definition has been widely accepted by governments, the UN and other bodies, and Jewish communities throughout the world, as a non-legally binding standard definition and educational tool to identify and combat antisemitism in all its forms.

The opposition to the IHRA definition is often expressed in a way that downplays the extent and severity of antisemitism, or suggests that the concerns of the Jewish community about antisemitism should be dismissed or minimised, or implies that the broad Jewish community organisational support for the IHRA definition is disingenuous, or part of a conspiracy.

Antisemitism cannot be eradicated – it is too ingrained in the psyche of European and Middle Eastern cultures. But it can be mitigated and thwarted.

Effective counter-action against antisemitism takes three main forms.

- First, we need the right messaging from political leaders, academics, journalists, faith and community leaders, and others in positions of power or influence. They need to vigorously condemn antisemitism whenever and wherever it raises its ugly head.

- Second, we need federal, state and territory legislation that is comprehensive and effective against vilification and advocacy of violence. These laws should be complemented by the establishment of a national database of hate-motivated crime.

- Third, education is required to inform people about the particularities of antisemitism itself, its history and the various ways in which it manifests, so people can recognise it and act against it when they see it.

The 478 incidents documented in the 2022 ECAJ Report on Antisemitism are only a fraction of incidents occurring in Australia. It is crucial that all incidents of antisemitism are reported to the ECAJ, or the state Jewish representative body, or to local CSGs.

This is essential to equip the Jewish community with the most comprehensive and accurate information about incidents to take to police, legislators, educators and others. Such information helps us to develop better protective measures for the Jewish community, and to assist in implementing government and community strategies to fight antisemitism.

*Julie Nathan is the research director at the ECAJ, and author of the ECAJ Report on Antisemitism since 2013.*

**Comprehensive study of hate incidents in Australia – updated**

Julie Nathan 21 June 2023
https://blogs.timesofisrael.com/comprehensive-study-of-hate-incidents-in-australia-updated/
https://www.jwire.com.au/comprehensive-study-of-hate-incidents-in-australia-updated/

A comprehensive study conducted in 2022 revealed a clear picture of the state of reported hate incidents in Australia from 2014 to 2021. This article updates the 2022 study so as to incorporate data from a recent report of hate incidents which was released in 2023.

The 2022 study was based on the reports of three targeted communities – Jewish, Muslim and Asian – the only communities who have a reporting and documentation system, and which produce reports on hate incidents against their community.

The three sets of publications used in the 2022 study and in the updated assessment in this article are: the Executive Council of Australian Jewry's (ECAJ) 'Report on Antisemitism in Australia' (produced annually since 1990); the Islamophobia Register Australia's (IRA) 'Islamophobia in Australia' (four reports produced, in 2017, 2019, 2022, and 2023); and the Asian Australian Alliance's (AAA) 'COVID-19 Coronavirus Racism Incident Report' (two reports produced, in 2020 and in 2021).

Two new reports have been produced since the 2022 study: the ECAJ report for 2022 with 478 anti-Jewish incidents; and the IRA report for 2020-2021, with 90 anti-Muslim incidents. There has been no subsequent report from the AAA. However, the updated study in this article includes only data for incidents up to the end of 2021. This includes the IRA data for 2020-2021, which was previously unavailable and was only released in 2023. It is now possible to analyse the data for all three communities for the period of 2020-2021.

It is important to note that the reports by each of these organisations vary in four distinct ways: 1. different or unknown criteria for inclusion/exclusion as a hate incident, 2. different data categories of hate incidents (notably, two reports include online discourse as incidents while one report excludes online), 3. different transparency levels of incidents (eg one report lists all incidents, two reports provide some examples of incidents), and 4. different time frames of reporting periods. This means that making accurate comparisons between the incident data in the different reports is complicated, yet attainable.

Despite these differences, by looking at the reports produced by each organisation a clearer and more comprehensive picture of hate incidents in Australia emerges from the data, at least within these three targeted communities.

**Summary of incidents**

An updated analysis shows that there were **3,612 reported hate incidents** in the seven-year four-month (88 month) period between 17 September 2014 and 31 December 2021. That amounts to an average of 492 incidents per year, and over nine incidents per week.

These incidents were composed of: **2,142 anti-Jewish** incidents (in the 84 months from 1 October 2014 to 30 September 2021); **929 anti-Muslim** incidents (in the 88 months from 17 September 2014 to 31 December 2021); and **541 anti-Asian** incidents (in the 15 months from 2 April 2020 to 28 June 2021).

The frequency of hate incidents experienced by each community varies significantly. To provide some context, the Australian population is composed of 25 million people. According to the Australian Bureau of Statistics in 2016, in Australia there were 100,000 Jews, 604,000 Muslims, and 2.4 million people of east and southeast Asian ancestry. This means that proportionally, for every 100,000 people in each community, there were **306** anti-Jewish incidents, **20** anti-Muslim incidents, and **18** anti-east/southeast Asian incidents, on average annually.

The three communities face similar types of hate incidents, but in strikingly varying proportions. Using data from the reports by ECAJ (in 2021), IRA (2018-2019) and AAA (2021-2021), the top two categories with the highest percentage of incidents for each community are: verbal abuse (33%) and graffiti (24%) against the Jewish community; online content (44%) and hate speech (25%) against the Muslim community; and, direct racial slur/name calling (35%) and online harassment (25%) against the Asian community.

**Anti-Jewish incidents**

The Executive Council of Australian Jewry (ECAJ) was formed in 1944 and is the peak national body representing the Australian Jewish community. It has produced an annual Report on Antisemitism each year since 1990. These reports were inaugurated after a spate of arson attacks on synagogues and a kindergarten in 1990 and 1991. Each Antisemitism Report covers the 12-month period to 30 September each year.

There was a total of **2,142** anti-Jewish incidents reported for the seven years from 1 October 2014 to 30 September 2021; averaging 306 incidents annually. The annual number of anti-Jewish incidents ranged from 190 incidents in 2015 to 447 incidents in 2021.

Anti-Jewish incidents, documented in the 2021 ECAJ report, as a percentage of the total number of incidents, in descending order, comprised: verbal abuse (33%); graffiti (24%); email, postal, phone (23%); placards, posters, stickers (16%); physical assault (2%); and vandalism (2%).

Of note, the ECAJ, unlike other organisations, does not include in its tally of *incidents* general expressions of hate against Jews that appear online, as these are too numerous and ubiquitous to measure from year to year in any meaningful way. However, general expressions of hate against Jews that appear online are recorded in the *discourse* section of each report.

**Anti-Muslim incidents**

The Islamophobia Register Australia (IRA) was established "in response to increasing harassment and attacks" against Muslims after police raids in Sydney and Brisbane in September 2014.

There was a total of **929** anti-Muslim incidents reported between 17 September 2014 and 31 December 2021, an 88-month period, of which 417 (45%) were online posts/comments. (Some adjustments in offline/online figures, in this study, have been made in accordance with the IRA report of 2023.) The average number of anti-Muslim incidents annually for the seven years between 2015 and 2021 was 118.

The four reports by IRA documented 243 incidents in 2014 and 2015 (16 months), 349 in 2016 and 2017 (24 months), 247 in 2018 and 2019 (24 months), and 90 in 2020 and 2021 (24 months). Of these incidents, 45%, 42%, 44%, and 55% respectively, were online content. Of note, these reports are released up to two years after the period they cover.

IRA's 2020-2021 report, which focused on and analysed "930 verified incidents (515 offline and 415 online)" from 2014 to 2021, noted that of the 515 "offline incidents" which account for 55% of all incidents, in descending order, comprised: verbal intimidation (45%); graffiti and vandalism (12%); discrimination by authorities in official buildings, workplaces, schools (10%); written material (9%); physical assault (8%); multiple incident types (8%), non-verbal intimidation (6%); and other (2%). Of the 415 incidents online, which account for 45% of incidents, during 2014-2021, 75% occurred on Facebook.

**Anti-Asian incidents**

The Asian Australian Alliance (AAA) report was motivated by the racism against Asians in Australia arising from the COVID-19 pandemic. The first report covered the 2-month period from 2 April 2020 to 2 June 2020 and recorded 377 incidents. The second report covered the 13-month period from 3 June 2020 to 28 June 2021, and recorded 164 incidents. This is a total of **541** anti-Asian incidents over a 15-month period, and an average of 432 incidents for a 12-month period. No further reports have been issued covering the period from June 2021.

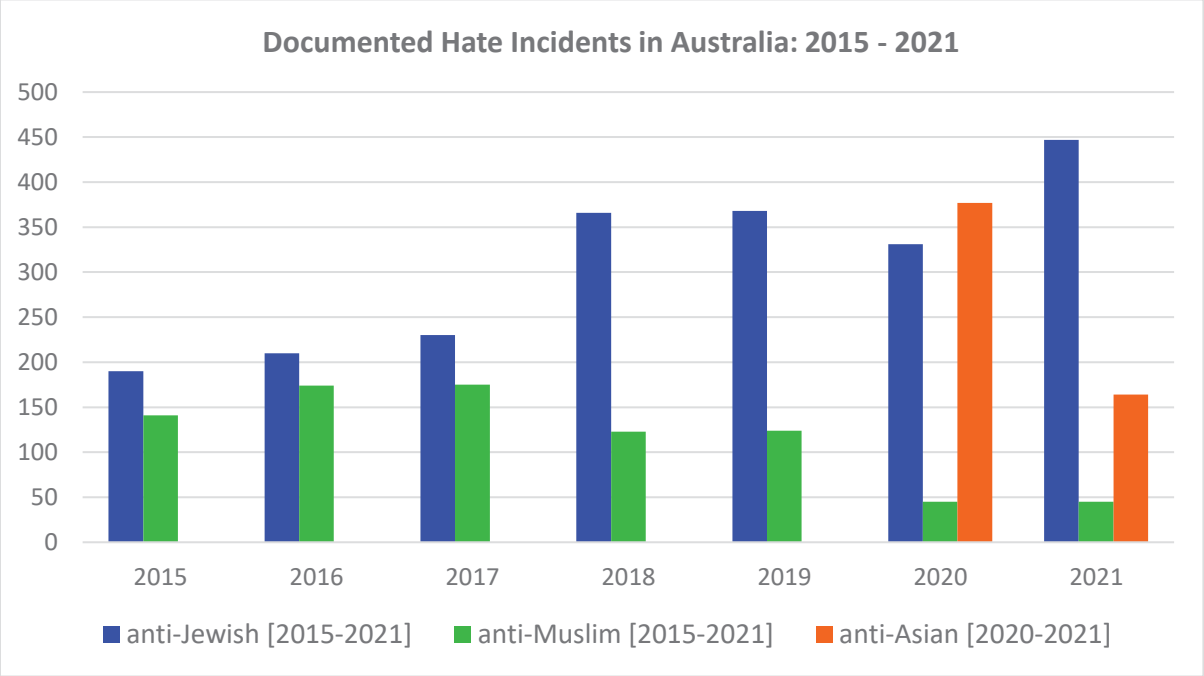
In the second AAA report, incidents, in descending order, comprised: direct racial slur/name calling (35%); online harassment (25%); making it out as a joke (13%); verbal threats (8%); getting spat/sneezed/coughed on (7%); physical intimidation/harassment (7%); shunning (6%); workplace discrimination (2%); and other categories of discrimination under 2%.

**Countering hate incidents**

These 3,612 hate incidents comprise only a proportion of hate incidents occurring in Australia. Many other anti-Jewish, anti-Muslim and anti-Asian incidents are unreported. In addition, incidents against other targeted communities – on the basis of race, ethnic/national origin, religion, gender, sexuality, disability, and other attributes – go unreported due to the lack of an organisation which logs reports for these communities.

Hate incidents detrimentally affect individuals, communities and the society as a whole. It is therefore crucial to counter and reduce the number of hate incidents, and the prevailing prejudices that drive them. This requires information and resolve.

The hate incident data by these three targeted communities can be used by governments, human rights bodies, police, and others, to formulate policies and practices towards countering hate incidents. This data is an invaluable resource providing evidence for the state of hate incidents in Australia within these three communities.




**Slaying the Mythical Jew**

Alex Ryvchin 30 June 2023
https://www.realclearpolitics.com/articles/2023/06/30/slaying_the_mythical_jew_149426.html

The trial of Robert Bowers for the murder of eleven worshippers in a Pittsburgh synagogue in October 2018 has brought into focus the nature of racial hatred and the power of conspiracy theories. Bowers entered a synagogue with an arsenal of advanced weapons and proceeded to murder eleven mostly elderly people quietly gathered for Saturday morning prayers. The youngest victim, David Rosenthal, was 54 years old. He had learning difficulties and was shot beside his older brother. The oldest victim was Rose Mallinger, age 97.

Bowers didn't see retired accountants, grandparents, and a pioneering doctor who treated AIDS patients, holding the hands of those once deemed untouchable. Bowers, a prolific poster in far-right online forums, believed the Jews to be "the children of Satan" who were conspiring to eliminate the white race by flooding the United States with refugees from Syria and elsewhere in the Middle East and Africa. Bowers saw demons he was determined to slay. "The Jews are killing our children," he told a police officer after surrendering at the scene of his carnage.

Bowers' ideology is typical of antisemitism throughout history. He perceived a rapidly changing world. He clung to a nostalgia for what he thought was a better, purer bygone age. Unable to rationalize the world around him, he devolved into racial hatred for Arabs and Africans and into conspiracy theories that the Jew controlled them and were plotting the downfall of humanity.

Bowers had swallowed a myth, or more precisely, a collection of them. He believed the Jews to have a thirst for blood, particularly that of children. He believed the Jews to be conspiring to seize control of the levers of global power – media, government, finance. He believed the Jews to be killers of Christ and therefore irredeemably evil.

He believed in a mythological Jew, a creature conjured to lay all the ills of modernity upon some living breathing thing. The "doppelganger," as the novelist Philip Roth once observed, that entered the consciousness of the enlightened West in place of the real, flesh and blood Jew. Bowers could not distinguish between the two. He thought he was destroying the incarnation of total evil, the consort of the devil. In reality, he murdered pensioners and faithful community volunteers.

This is the nature of antisemitism, the manner of its expression and the sum of its misery. It is a condition more than it is a form of racial hatred. It has the unique quality of shifting from a prejudice to a quest, one that only ever ends in the blood of the innocent. It is also a problem that does not only affect its primary target. Once an individual, movement, or society is captive to conspiracy theories and can longer distinguish myth from reality, the ability to reason and function effectively is lost.

The solution is two-fold: education and engagement. The nature of mythology is that it cannot coexist with reality. The mythological Jew, cloaked in centuries of absurdity and disinformation ceases to exist when one is also presented with the actual Jew, in all its diversity, complexity, and humanity. The more opportunities that can be created for Jews and non-Jews to sit together, learn together, work together, the lesser the temptation to slide into paranoia and fear.

Napoleon said that without education "there is no present and there is no future." By becoming educated on the origins of these myths, who started them, for what sinister purpose, and what these myths look like today, the mind is inoculated against these absurdities.

A striking example of the power of rationalism took place in Damascus in 1840, after several prominent members of the city's ancient Jewish community were accused of murdering a monk to use his blood to bake the unleavened bread Jews eat during the festival of Passover.

The Sultan Abdul Mejid ordered an investigation of the accusations and issued a searing denunciation:

*An ancient prejudice prevailed against the Jews. The ignorant believed that the Jews were accustomed to sacrifice a human being, to make use of his blood at their feast of Passover … The religious books of the Hebrews have been examined by learned men, well versed in their religious literature, the result of which examination is that it is found that Jews are strongly prohibited not only from using human blood but even that of animals. It therefore follows that the charges made against them and their religion are nothing but pure calumnies … we cannot permit the Jewish nation whose innocence of the crime alleged against them is evident to be vexed and tormented upon accusations which have not the least foundation in truth.*

As the Sultan demonstrated, even the oldest myths crumble in the face of truth. In this spirit, a new movement of tolerance founded on education and engagement beckons.

*Alex Ryvchin is the co-CEO of the Executive Council of Australian Jewry*

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-24"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

**Submission to the Senate Inquiry into Antisemitism at Australian Universities**

**Submitted by:** Michael Gencher, Executive Director, StandWithUs Australia
**Date:** 21/08/2024

## Introduction

Antisemitism at Australian universities has long been a persistent issue. It is not only my belief, but it is documented that antisemitism was a significant problem on campuses even before the tragic events of October 7. Since then, this scourge has grown exponentially. As the Executive Director of StandWithUs Australia and in my previous roles as Head of Community and Acting CEO of the New South Wales Jewish Board of Deputies, I have been directly responsible for gathering and analysing data related to antisemitic incidents within our community. The data I have encountered, alongside numerous firsthand reports, paint a deeply troubling picture of the pervasive and growing nature of antisemitism across the entire education sector.

## 1. The Exponential Growth of Antisemitism on Campus

Before October 7, antisemitism on Australian university campuses was already a matter of grave concern. Research and reporting by various organisations, including the Executive Council of Australian Jewry (ECAJ), had documented numerous incidents involving antisemitic harassment, intimidation, and even violence against Jewish students. According to the ECAJ's annual report on antisemitism, there was a significant increase in antisemitic incidents in 2023, with universities being identified as hotspots for such behaviour.

The events of October 7 have acted as a catalyst, exacerbating an already dangerous environment. Jewish students have reported an alarming surge in antisemitic rhetoric, including the glorification of violence against Jews and the open celebration of terrorist acts. This increase has not been limited to online platforms but has manifested physically on campuses, where Jewish students have been confronted with hate symbols, aggressive chants, and hostile atmospheres that compromise their safety and ability to participate fully in academic life.

In my role at StandWithUs Australia, I have personally received and documented reports from Jewish students across multiple universities, detailing incidents where they have been targeted solely because of their identity. These reports reflect a disturbing reality that the university sector as a whole is struggling—or perhaps unwilling—to address effectively.

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## 2. Antisemitism Across the Entire Education Sector

The problem of antisemitism is not confined to one or two universities; it is a systemic issue that afflicts the entire education sector. My experience includes direct involvement with multiple universities, including the University of Sydney, the University of New South Wales, and Monash University, among others. In each of these institutions, Jewish students have faced significant hostility, often under the guise of political expression related to the Israeli-Palestinian conflict.

For instance, at the University of Sydney, Jewish students have been targeted during public events, lectures, and even in their daily interactions. The university's inability or unwillingness to take firm action against those who perpetuate such hate has only emboldened the aggressors. Similar patterns have been observed at other universities, where the lack of consistent and robust responses from university administrations has contributed to a climate in which antisemitism is allowed to thrive.

It is critical to recognise that this issue extends beyond individual incidents—it is a cultural problem embedded within the structures and practices of these institutions. This is evident in the tolerance for antisemitic discourse within academic settings and the reluctance of university leadership to confront the problem head-on.

## 3. The Need for a Judicial Inquiry

Given the gravity of the situation, it is clear that existing mechanisms within the university sector are insufficient to address the problem. The current strategies, which rely on internal reviews and administrative processes, have proven ineffective. What is required is a judicial inquiry with the power to compel witnesses, seize documents, provide immunities, and take evidence in camera. Such an inquiry would allow witnesses, particularly students and staff, to come forward without fear of reprisals and provide a comprehensive and unfiltered account of the realities faced by Jewish students on Australian campuses.

A judicial inquiry is the only mechanism robust enough to achieve the cultural change necessary to address the status quo. It would also ensure that universities are held accountable for their failure to protect students from hate and discrimination and that appropriate measures are implemented to prevent such incidents from occurring in the future.

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AUSTRALIA

## Conclusion

The issue of antisemitism at Australian universities is not new, but it has reached a critical point that demands immediate and decisive action. As someone deeply involved in this issue, both through StandWithUs Australia and my previous work with the New South Wales Jewish Board of Deputies, I urge the Senate to consider the severity of the situation and the need for a judicial inquiry. Only through such a process can we hope to root out the systemic antisemitism that has taken hold within our education sector and create a safer, more inclusive environment for all students.

Thank you for your consideration.

**Michael Gencher**
Executive Director
StandWithUs Australia

www.standwithus.com/australia

**Executive Council of Australian Jewry Inc.**

הועד הפועל של יהודי אוסטרליה

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ACT Jewish Community Inc

**AFFILIATES**
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Australian Federation of WIZO
Union for Progressive Judaism
Federation of Jewish Aged Care Services
Maccabi Australia Inc
National Council of Jewish Women
B'nai B'rith of Australia/ NZ
Jewish National Fund of Australia
Joint Distribution Committee Australia

**OBSERVERS**
Council of Progressive Rabbis
Federation of Australian Jewish Ex-Service Associations
New Zealand Jewish Council
Zionist Federation of Australia
Council of Orthodox Synagogues of Australia

**FOR PUBLICATION**

22 August 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
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Canberra ACT 260

Email: legcon.sen@aph.gov.au

Dear Committee Secretary

**Inquiry into the** *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No 2)*

## 1. Introduction

Thank you for the opportunity to make a submission to your inquiry into the above Bill to establish a judicial inquiry into antisemitism at universities. This inquiry is a crucial first step for the Australian Jewish community in seeking accountability for the rise in antisemitic incidents and discourse on Australian university campuses, and the culture of Jew-hatred that is becoming normalised in academic settings.

The Executive Council of Australian Jewry (the ECAJ) is the peak, elected, representative body of the Australian Jewish community. It was established for that purpose in 1944 by Australian Jewish organisations and their elected leaders. The ECAJ's constituent organisations are the roof bodies of the Jewish community in each State and the ACT.[1] Other Jewish organisations which operate nationally are Affiliates of the ECAJ, and these include the Australasian Union of Jewish Students (AUJS).[2] We also have a close working relationship with the 5A group, a recently-formed organisation representing Jewish and non-Jewish academics nationally.

1 Namely, the NSW Jewish Board of Deputies, the Jewish Community Council of Victoria Inc, the Jewish Community Council of Western Australia Inc, the Queensland Jewish Board of Deputies, the Jewish Community Council of South Australia, the Hobart Hebrew Congregation and the ACT Jewish Community Inc.

2 The other national affiliates are the Union for Progressive Judaism, Australian Federation of WIZO, Maccabi Australia Inc, National Council of Jewish Women of Australia, B'nai B'rith District 21 of Australia and New Zealand, Jewish National Fund of Australia Inc, Joint Distribution Committee Australia.

Over the years, and especially in the last 12 months, the ECAJ has also been in regular dialogue with the leadership of universities across Australia in order to advocate for an educational environment that is free of racial and religious discrimination and offers all Jewish and Israeli students and academics the same opportunities to learn and to teach respectively that are offered to all other students and academics.

## 2. Universities: Ground Zero for Antisemitism[3]

Small activist groups operating on Australian campuses have had a long history of promoting anti-Israel discourse and behaviour which has at times escalated into hostile behaviour towards Jewish students and academic staff. Even before the events of 7 October 2023, published reports provided powerful anecdotal evidence that the level and intensity of antisemitic discourse and incidents at Australian universities has been disproportionately high compared to manifestations of racism against other communities on campus.[4] However, the intensity and frequency of reported anti-Israel and anti-Jewish incidents on campus has increased significantly since Hamas and other terrorist groups attacked Israel on 7 October 2023, videoed the atrocities they carried out against Israeli and other civilians and disseminated the videos online.

In October and November 2023 there was a 738% increase in the number of reported antisemitic incidents in Australia compared to the same two months one year earlier,[5] and dramatically elevated levels of antisemitism show every sign of continuing. It is in this context that Jewish students and academic staff at Australia's elite universities have reported that the conditions under which they work and study have become unbearable as a result of the hostility they have experienced from some of their peers, solely because they are Jews who support Israel's right to exist, or even Jews who define themselves as non-Zionists.

A study published in July 2024 found that since the appearance of the anti-Israel encampments at universities many parents and caregivers of university students reported that this cohort were frequently avoiding university campuses, opting for online classes, and spending more time with Jewish friends and youth groups while dropping some friendships with non-Jews on account of the increasingly fraught social environment.[6]

---

[3] This phrase was used by a Jewish professor at a prominent Australian university: Kelly, Joe, 'Australian unis labelled 'Ground Zero' in antisemitism fight', *The Australian,* 3 May 2024: https://www.theaustralian.com.au/nation/politics/australian-unis-labelled-ground-zero-in-antisemitism-fight/news-story/361727b757b068375923cafdda264c35

[4] See the ECAJ's Annual Report on Antisemitism in Australia 2023, pp.142-144: https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2023.pdf; Jewish University Experience Survey: July 2023: Jewish University Experience Survey - Zionist Federation of Australia (zfa.com.au); 'New research shows widespread antisemitism in universities and online', *ABC*, 14 August 2024: New research shows widespread antisemitism in universities and online - ABC News; and Julie Nathan, 'Comprehensive study of hate incidents in Australia – updated', *Executive Council of Australian Jewry*, 22 June 2023: » Comprehensive study of hate incidents in Australia – updated (ecaj.org.au).

[5] Julie Nathan, 'Preliminary statistics concerning surge in antisemitic incidents following Hamas atrocities in Israel on 7 October 2023' *Executive Council of Australian Jewry*, 15 December 2023: » Preliminary statistics concerning surge in antisemitic incidents following Hamas atrocities in Israel on 7 October 2023 (ecaj.org.au)

[6] Bajayo, Rachael, 'Wellbeing of Jewish Children and Young People Survey Report', *Project A*, July 2024: https://www.dropbox.com/scl/fi/5zi5fx2lbwt06v8wzcopt/Project-A-Wellbeing-of-Jewish-Children-and-Young-People-Survey-Report_FINAL_July2024.pdf?rlkey=9uah81d35l7abiiv9714izfoq&st=2sim33dp&dl=0

Antisemitic discourse tends to be expressed through antisemitic tropes, which are phrases or images that sometimes subtly bring to life longstanding antisemitic ideas. Such tropes include, but are not limited to:

- the Blood Libel trope, which in the modern era translates into associating the Jewish identity of a person or group with the disappearance or murder of children and other forms of 'barbarism';
- the Global domination/power trope: Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions. This is a myth that has been propagated in many notorious antisemitic publications such as the fabricated document known as the "Protocols of the Learned Elders of Zion" and Hitler's "Mein Kampf";
- the Great Replacement Theory: the idea that Jews are working to increase the number of non-white people in society;
- the wealth/greed trope: the notion that Jews are rich and obsessed with gaining more wealth;
- the disease/filth trope: the false accusation that Jews are both diseased and spreaders of disease;
- the Holocaust denial/distortion trope; and
- the dual loyalty trope: an implied or direct accusation that Jews in the diaspora (Jews who live outside of Israel) are ultimately more loyal to Israel or a secret Jewish cabal than the country in which they have citizenship.[7]

These tropes are prevalent in the antisemitic posters, stickers and paraphernalia that have come to dominate physical spaces in campuses as well as in the discourse being propounded in lectures, tutorials, encampments, faculties and professional services buildings on university campuses. We have included some examples in **Appendix 1.**

It is also important to note that for the overwhelming majority of Jews, including in Australia, and for many other people, the Jewish people have an inalienable right of self-determination in their historic homeland, Israel, where the Jewish people have had an enduring spiritual, religious and physical connection for more than 3,000 years, including more than 1,000 years of national self-government. This is what most Jewish people mean by "Zionism" and this is why they support it. This right has been recognised in resolutions of the United Nations and its predecessor the League of Nations, and is grounded in the right of self-determination of peoples enshrined in the UN Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.[8] In Australia, Israel's right to exist as the national home of the Jewish people and to defend itself against armed attack is supported by Labor and the Coalition and by Independent MPs.

To underline the centrality of Israel to Jewish identity, a significant population study of Australian Jewry[9] found that:

[7] Antisemitic_Tropes_Chart.pdf (facinghistory.org)

[8] 'Right to Self-determination', *Australian Human Rights Commission,* available at: Right to self determination | Australian Human Rights Commission.

[9] Gen17 Survey of the Australian Jewish community, Monash University, 2018: Graham-Markus-2018-Gen17-Initial-Findings-report-ONLINE-copy.pdf (jca.org.au)

- 92% of Australian Jews have visited Israel, more than 60% three or more times. One in five has lived in Israel for one year or longer. The majority indicate that they have relatives or close friends who live in Israel.
- 88% feel a personal 'sense of responsibility to ensure that the state of Israel continues to exist.'
- 95% feel "more concerned" when Israel is in danger than when any other country is in danger, or some higher level of alarm.

Consequently, for the vast majority of Australian Jews, denial of the basic, universal right of national self-determination to the Jewish people is self-evidently discriminatory against, and dehumanising of, Jews and is therefore a form of antisemitism.

This is not to suggest that it is antisemitic to criticise Israeli government policies or practices or the statements and conduct of Israeli political figures, in the same way that criticisms are levelled against other governments and political figures. Nor is it antisemitic to hold particular views about the borders of Israel, settlements, refugees, the legal status of Jerusalem or the viability of a two-State outcome to the Israel-Palestinian conflict. Among Israelis, the Jewish people and others who support Israel there is a wide range of views about these issues. However, the discourse about Israel on many university campuses in recent years, and especially since the Hamas atrocities on 7 October 2023, has gone well beyond discourse of this nature. As the examples detailed in this submission will demonstrate, the discourse has included:

- demonisation of Jews and Israelis and denial of their fundamental rights;
- refusals to condemn, or expressions of outright support for, atrocities that have been committed against Jews, and the perpetrators of those atrocities; and
- verbal abuse, harassment and intimidation of Jewish students and staff who refuse to accept an anti-Israel narrative, or who dare to criticise the policies and practices of Palestinian leaders and organisations.

The Director-General of ASIO, Mike Burgess, recently emphasised how dangerous inflamed language can be, especially with regard to impressionable young people who can be triggered into engaging in violent extremism. In discussing anti-Israel comments in particular, he said:

> *"We all need to watch our language because there is a direct connection between inflamed language, inflamed tension and violence…Sadly we are seeing that play out in our society."*[10]

In addition to allowing the development of an environment of hostile discourse, universities have at times enabled or tolerated discriminatory treatment of students and staff who identify as Jewish or Israeli. A striking example of what some Jewish students have been experiencing at one University, and the supine passivity of university administrators, was recently published online.[11]

These experiences are best related to the Committee directly by the students and staff themselves, although a number of them have told us they are unwilling to come forward in public because of a

[10] https://www.abc.net.au/news/2024-08-11/asio-boss-warns-friendly-nations-interfering-in-australia/104211120
[11] https://meowgirl.substack.com/p/silenced-voices?utm_medium=ios

fear of reprisals against them, including students who fear hostility and public humiliation from fellow students and their teachers, and lower grades, or staff who fear that speaking out will lead to termination of their employment,[12] or imperil their prospects for career advancement, if not their physical safety. For the same reasons, Jewish students and staff have reported to us and their representative bodies that they are unwilling to report incidents of antisemitism to their respective universities, and that they lack confidence in the capacity of university administrators to understand what contemporary antisemitism is, and to act effectively against it.

There have been only rare exceptions to this backdrop of weak leadership across many Australian university campuses, which has been characterised by a failure of several universities to take a public and meaningful stand against specific manifestations of antisemitism or to hold those responsible to account. At times, some university administrations have appeared to be passively complicit in the rise of antisemitism on campus. Consequently, many Jewish students and academics have reported that they feel marginalised and dehumanised, and, in some instances, verbally abused, harassed or intimidated on campus.

Some incidents involving antisemitism at Australian universities have become so notorious that they have been publicly reported. The following are some examples.

- On 8 August 2024, at the Student General Meeting of the Student Representative Council at the University of Sydney, a near-unanimous majority of those in attendance defeated a motion to condemn the atrocities perpetrated by Hamas in Israel on 7 October 2023, and instead passed motions inter alia: supporting Hamas in its "armed resistance", in which it openly targets Israeli civilians (including Palestinian and other Arab citizens of Israel), and openly treats Palestinian civilians as expendable human shields; calling for the replacement of Israel by a so called democratic secular state; blaming Israel for all the violence in Palestine and Israel; and giving a free pass to antisemitism by resolving that resistance to Israel and opposition to Zionism, is not antisemitism.[13] Australia has designated Hamas in its entirety as a terrorist organisation under the *Criminal* Code. The University administration issued a statement asserting that "*we do not tolerate any pro-terrorist statements or commentary, including support for Hamas*".[14] However, the University had advance notice of the motions yet took no action to issue a warning or caution concerning the content of the motions ahead of the meeting. To all outward appearances, the University did indeed tolerate what it only subsequently said it would not tolerate.[15]

- On 30 July 2024, Labor MP Josh Burns' lecture on human rights at the University of Melbourne was relegated to a smaller venue but allowed to proceed despite a concerted

[12] This fear is not without basis as Jewish staff who have reported antisemitic incidents or discourse have, in some instances, been unlawfully punished for their reporting, but have chosen not to publicise their cases.

[13] Said, Summer and Jones, Rory, 'Gaza Chief's Brutal Calculation: Civilian Bloodshed Will Help Hamas', *Wall Street Journal*, 10 June 2024: Exclusive | Gaza Chief's Brutal Calculation: Civilian Bloodshed Will Help Hamas - WSJ

[14] 'University of Sydney statement regarding SRC meeting', 8 August 2024: University of Sydney statement regarding SRC meeting - The University of Sydney

[15] Southwell, David, 'Backlash erupts as photo of 600 university students staging a controversial vote gets global attention', *The Daily Mail,* 10 August 2024: Backlash erupts as photo of 600 Sydneey University students staging a controversial vote gets global attention | Daily Mail Online

campaign from anti-Israel students to cancel the event. The Alan Missen oration focused on the need for a national human rights act and had nothing to do with the Israel-Gaza war, but this did not stop protesters from targeting Josh Burns MP on account of his Jewish identity,[16] forcing a shrinking of the in-person event on the basis of 'security concerns'. Instead of safeguarding the security of the Jewish students and staff so that such events can take place, the university sought to adopt a path of least resistance as has been the case in many campuses across the country.

- In 2024 a Macquarie University academic publicly declared on social media: "*If you are a Zionist you have no claim or right to cultural safety*"… "*And it is my duty…to deny you a safe space to espouse your* [views]". The posts were reported in the media[17] and would have been accessible to Macquarie University students and staff, before the posts were deleted.

  A month earlier, it had been reported that the same academic had been a "collaborator" in disseminating an Instagram post to a large following with a link to documents that doxed Jewish creatives[18] by sharing their personal data.

- In late April 2024, the same academic appeared at the University of Sydney's "pro-Palestine" encampment as a speaker at a "kids excursion" organised by the activist group Parents for Palestine where primary school-aged children led each other in chants, including "Israel is haram"[19], "intifada, intifada" and "from the river to the sea, Palestine will be free", a phrase widely accepted as calling for the elimination of the State of Israel and therefore antisemitic.[20] The University did nothing to intervene.[21] Despite the fact that the Palestinian intifadas in the late 1980s and early 2000s involved widespread violence and acts of terrorism which cost thousands of lives, a document from the Office of the Deputy Vice-Chancellor's Student Affairs unit, revealed that the university had deemed the word 'intifada' to be "*an expression of a political stance in connection with*

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16 Rivera, Trisha, 'University of Melbourne event with Labor MP Josh Burns to go ahead despite protests', *The Australian,* 25 July 2024: https://www.theaustralian.com.au/nation/politics/university-of-melbourne-event-with-labor-mp-josh-burns-to-go-ahead-despite-protests/news-story/444a576472eb7762aeb369b76158c6c0

17 Noah Yim, 'Outrage at Zionism slur by Macquarie University academic set to star at Sydney Opera House event', *The Australian*, 8 March 2024: https://www.theaustralian.com.au/nation/outrage-at-zionism-slur-by-macquarie-university-academic-set-to-star-at-sydney-opera-house-event/news-story/b91e69dd367cc53a36ed06d446a01fce.

18 Demetriadi, Alexis and Ferguson, John, 'Anti-Israel Activists: These are the faces of a hideous hatred that has no place in our country', *The Australian,* 14 February 2024: https://www.theaustralian.com.au/nation/politics/antiisrael-activists-these-are-the-faces-of-a-hideous-hatred-that-has-no-place-in-our-country/news-story/d35e57521f944a048d6d42febaf983b4.

19 In Arabic, "haram" means forbidden by Islamic law.

20 The slogan is considered to be antisemitic by most Jews, not because of its call for "freedom", but because it redefines the entire territory of Israel as "Palestine", and is thus a coded call for Israel to be "obliterated", to use the explicit language in the opening section of the Hamas Covenant: The Avalon Project : Hamas Covenant 1988 (yale.edu). Former Defence Department Secretary Dennis Richardson called the slogan "*a very violent statement*" which could "*easily flow into actions of violence against communities in our own country*". This view was recently endorsed by the Australian Senate: Senate Hansard, 16 May 2024, p.40: https://parlinfo.aph.gov.au/parlInfo/download/chamber/hansards/27625/toc_pdf/Senate_2024_05_16.pdf;fileType=application%2Fpdf

21 Ganko, Josefine, 'Young children chant anti-Israel slogans at Sydney University protest', *The Sydney Morning Herald*, 29 April 2024: Israel war: Sydney university pro-Palestine protest footage shows young children chanting slogans (smh.com.au)

*pro-Palestinian activism as opposed to being a statement in support of terrorist acts*".[22] The "kids excursion" was widely condemned including by the Federal government and the Opposition.[23] Education Minister Jason Clare was quoted as saying: "*It is never okay to fill kids' minds with hate. There is no place for hate in our universities or anywhere else and it's never okay to involve kids in things like this. I have made it clear to all university vice chancellors that there is nothing more important than the safety of students and staff on campus*".[24]

- In May 2024, Sydney University sociology professor Sujatha Fernandes told a lecture hall of first year students that the October 7 rape atrocities committed by Hamas in southern Israel were a "hoax" and "fake news".[25] As of 20 August 2024, a complaint made by the ECAJ to Workplace Relations at the University of Sydney on 30 May 2024 with regard to this incident had yet to be properly concluded, and we are advised that a "preliminary investigation" remains underway despite the incident having been recorded.

- A counter-protest to the "pro-Palestine" encampment at ANU on 29 April 2024 which involved the singing of the Australian and Israeli anthems was met with statements that included "death to the Jews", "Heil Hitler" and "Jewish rats" from the encampment. The encampment crafted painted posters that included slogans such as "Intifada, Intifada"[26].

- On 6 February 2024, when new students were arriving at ANU for the first time, ANU's student union ANUSA disseminated welcome packages including anti-Israel material for first-year students, which included a call to join the protest starting on 29 February 2024. ANUSA also promoted offensive slogans such as "from the river to the sea Palestine will be free[27]" during Market Day. The University's failure to address parents' concerns and the Jewish community's pleas for safety highlighted a lack of support and recognition of the severity of antisemitism on campus.

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22 Karacsony, Laurence, 'Woke USyd denies students chanting 'intifada' is hate speech despite definitively meaning 'rebellion' and 'violent act', *Sky News,* 1 May 2024: 'Woke' USyd denies students chanting 'Intifada' is hate speech despite definitively meaning 'rebellion' or 'uprising' | Sky News Australia

23 Cubby, Ben, Pro-Palestine kids' event accused of 'emotional child abuse', *Sydney Morning Herald*, 29 April 2024: Israel-Hamas war: Group criticises attendance of children at University of Sydney protest (smh.com.au)

24 Sproul-Mellis, Eilidh, 'Nauseating': Jewish groups double down on calls to revoke writer's $800,000 taxpayer grant, *Daily Telegraph*, 29 April 2024: https://www.dailytelegraph.com.au/new-south-wales-education/tertiary/nauseating-jewish-groups-double-down-on-calls-to-revoke-writers-800000-taxpayer-grant/news-story/95c5672aab57278542fcc2437ea0c6c1

25 Godsell, Oscar, 'Sydney University Professor claims Hamas rape of women and baby beheadings "fake news" in student lecture', *Sky News Australia*, 31 May 2024: Sydney University professor claims Hamas rape of women and baby beheadings 'fake news' in student lecture | Sky News Australia

26 Note that the Anti-Defamation League has stated: "This slogan is generally understood as a call for indiscriminate violence against Israel, and potentially against Jews and Jewish institutions worldwide." - https://www.adl.org/resources/backgrounder/slogan-globalize-intifada

27 On 16 May 2024, the Australian Senate passed a resolution condemning the use of the phrase 'from the river to the sea, Palestine will be free' on the basis that it *opposes Israel's right to exist, and is frequently used by those who seek to intimidate Jewish Australians via acts of antisemitism*". The resolution endorsed a statement made by the Prime Minister that "*it is a slogan that calls for opposition to a two-state solution*", and that "*those people chanting, they're saying that one state should be Palestine*": https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/27625/&sid=0000

- In the Australian Senate on 13 August 2024, Senator Jonathon Duniam raised the matter of a lecturer in food science from the University of Tasmania having participated on 26 June 2024 in an event in Hobart in which the lecturer presented a slideshow to 'educators for Palestine' and 'educators for peace' that claimed, among other things, that there were various 'misconceptions' about Israel, including that Israel has the right to exist, and that Hamas is a terrorist organisation. The University of Tasmania has defended the academic on the basis that he was exercising free speech, without acknowledging that his speech included support for a proscribed terrorist organisation, denial of the Jewish people to the right of collective self-determination and other forms of hate speech.[28]

- Australian campuses have been covered in stickers and posters from the various 'free Palestine' movements, with many of these materials coming from Free Palestine Printing (examples appear in **Appendix 1**). The posters and stickers have included slogans that are a call to violence against Jewish or Israeli students such as 'by any means necessary' and 'if I don't steal it' which borrows on a common antisemitic trope.[29] With some exceptions, these stickers and posters are not removed by campus staff unless there are repeated complaints by Jewish staff.

- After months of occupation of university grounds, which limited freedom of movement and impinged on the wellbeing of Jewish and Israeli students and academics, the University of Sydney capitulated to the Sydney University Muslim Student Association (SUMSA) by endorsing their political demands. The University entered into an agreement with a group acting in concert with the extremist Hizb ut-Tahrir organisation to participate in a working group to review the University's investments and defence and security-related research activities. No other university in Australia, or to our knowledge overseas, has gone this far.[30] This was despite a journalistic investigation having uncovered the link between SUMSA, Stand 4 Palestine and Hizb ut-Tahrir – an organisation that is banned from operating in the United Kingdom, Germany, Russia, most of the Middle East, central Asia and parts of South Asia because of its terrorist designation.[31] Jewish leaders had advised Vice Chancellor Mark Scott as early as May that the group had infiltrated the pro-Palestinian encampment.[32]

Underlying these incidents is a University culture that has developed over a much longer period, and is characterised by:

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28 *Hansard*, Senate, 13 August 2024: Hansard - Senate 13/08/2024 Parliament of Australia (aph.gov.au)

29 Alfares, Mohammad, 'Federal police probe terrorist insignia worn at Australia Palestine protests', *The Australian*, Federal Police probe terrorist insignia worn at Australian Palestine protests | The Australian,

30 See 'Joint Statement on the University of Sydney', *ECAJ,* 26 June 2024: https://www.ecaj.org.au/wordpress/wp-content/uploads/Joint-statement-on-the-University-of-Sydney-20240626.pdf

31 Juanola, Marta and McKenzie, Nick, 'From caliphate to the classroom: how hardline group courts the young', *The Age,* 17 June 2024: https://www.theage.com.au/national/from-caliphate-to-the-classroom-how-hardline-group-courts-the-young-20240614-p5jlsb.html

32 Bower, Madeleine, 'Sydney uni boss forewarned by Jewish leaders about radical Islamist group on campus', *The Daily Telegraph,* 24 June 2024: https://www.dailytelegraph.com.au/news/nsw/sydney-uni-boss-forewarned-by-jewish-leaders-about-radical-islamist-group-on-campus/news-story/24526f28bb755fbde6fd46341591b7af

- the holding of events on campus to discuss the Israel-Gaza conflict which have rigidly excluded the views of the majority of Jewish students and staff;[33] and
- the promotion of anti-Israel speakers from the political far fringes of the Jewish community in order to create a false impression of prevailing Jewish opposition to Israel and Zionism, and to overcome accusations of antisemitism stemming from the denial of a voice to the majority of Jewish students and staff.

Instances of the above are too numerous to list but some examples that have occurred since 7 October 2023 are as follows:

- The University of Adelaide hosted the Edward Said Memorial Lecture on 11 November 2023 which was promoted by the Australian Friends of Palestine Association (APAN) and which featured (the notoriously anti-Israel) UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories, Francesca Albanese. In a later Instagram post by APAN President Nasser Mashni published on 8 August 2024 Mr Mashni clearly advocated for the annihilation of Israel, stating "we need to stop talking about the peace process and a two-state solution and start talking about the decolonization process".[34]

- UNSW hosted UN Special Rapporteur Albanese for an event on 13 November titled 'A multi-layered architecture of confinement: Human rights, carcerality and Palestinian children'.[35] Dr. Noam Peleg was the academic in discussion with Ms Albanese, presenting the event as though it was a balanced and open-minded discussion (given Dr Peleg is Israeli). The discussion comprised numerous unsubstantiated allegations and Israel was accused of committing genocide despite the International Court of Justice not having reached any determination or even commenced its trial.[36] Ms. Albanese's visit to Australia has been referred for investigation to the High Commissioner from the Office of Internal Oversight Services[37] on the basis that it is unclear who paid for the visit and why.[38]

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[33] Both these events and the encampments have adopted a deliberate strategy of non-engagement and refusal to debate Jews, Israelis or others who support the right of the State of Israel to exist, which is antithetical to the values of free speech and debate. Yet often it is the university management and staff who defend such events, the expressions of protesters in the encampments, and antisemitic paraphernalia around campuses, claiming that it is on the basis of free speech and academic freedom. Similarly, there have been numerous instances of professors and lecturers making biased and/or antisemitic or anti-Israel assertions but refusing to engage with any student challenging these in class.

[34] https://www.instagram.com/reel/C-XBoA8Mjaj/?igsh=MTNnYWkwN2N-sY2xyaw==

[35] 'Human rights, carcerality and Palestinian children', Mon 13/11/2023 at 1:00 pm, *Eventbrite*: https://www.unsw.edu.au/law-justice/cclj/events

[36] 'Former head of ICJ explains ruling on genocide case against Israel brought by S Africa', *BBC*.com, 26 April 2024: https://www.bbc.com/news/av/world-middle-east-68906919

[37] "UN rapporteur for Palestine Francesca Albanese was allegedly 'paid to be in Australia to spout hate' against Israel", *Sky News Australia*, 24 November 2023: https://www.skynews.com.au/australia-news/un-rapporteur-for-palestine-francesca-albanese-was-allegedly-paid-to-be-in-australia-to-spout-hate-against-israel/news-story/84230fe558af51e7de1c285dfafd9d15; 'Albanese may have requested illegal payment for official UN work', *Jerusalem Post*, 2 July 2024: https://www.jpost.com/israel-hamas-war/article-808692

[38] Note that it was recently reported that the United Nations Human Rights Office had claimed it paid for Ms. Albanese's visit, but it remains unclear why other organisations publicly stated that they had "sponsored" the visit: 'UN finally says it paid for Albanese's anti-Israel lobbying trip', *Jewish News Syndicate*, 12 July 2024: https://www.jns.org/un-finally-says-it-paid-for-albaneses-anti-israel-lobbying-trip/

- Gaza and International Law, Law and Society Association of Australia and New Zealand (LSAANZ)), hosted by the University of Technology Sydney (UTS) on 6 December 2023, included a panel discussion at which Dr. Noam Peleg was again featured, this time alongside [redacted] Palestinian activist and Lecturer in Development at the School of Social Sciences, Lana Tatour, and Scientia Associate Professor of Philosophy with a cross-appointment to the Faculty of Law, Jessica Whyte. In this instance the panel appeared to attendees to be 'balanced' because it comprised an Israeli academic, a Palestinian academic, and a 'neutral' academic, when in fact all three panellists were well known to each other and have previously alleged that Israel is deliberately targeting civilians and that it is committing genocide.[39]

- The UN Special Rapporteur on the Right to Food: The food crisis and starvation in Gaza, held at UNSW Sydney on 10 April 2024[40]. This event took the form of a discussion between Professor Michael Fakhri, UN Special Rapporteur on the Right to Food and Dr. Noam Peleg, Senior Lecturer and Director – Equity, Diversity and Inclusion at the Faculty of Law and Justice. The event made assertions about Israel deliberately starving Gazans that was not borne out by the data available on the UNWRA website for Gaza Supplies and Dispatch Tracking[41] or the Integrated Food Security Phase Classification Famine Review Committee, with the latter stating in its June 2024 report 'In this context, the available evidence does not indicate that Famine is currently occurring'.[42]

- 'Cultivating an anti-racist campus culture', was an event hosted by UTS on 12th August 2024, which featured Giridharan Sivaraman, Australia's Race Discrimination Commissioner, as the lead speaker on a panel. There was no Jewish speaker but the panel featured a Palestinian speaker Salma Elmubasher who, despite her verbal efforts in her address to promote cultural safety on campus, was pictured in promotional material wearing a "River to the Sea" necklace of a map of "Palestine" shown as subsuming the whole of Israel,[43] which impliedly called for its eradication regardless of the consequences for its majority Jewish population. This panel event omitted any mention of the significant increase in reported antisemitic incidents since the October 7 atrocities. The panel defined structural racism solely as a legacy of colonialism and in terms of "white power", with only Black, Asian and minority ethnic (BAME) victims. This understanding of racism is

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39 ICJ judgment: "*The Court is not called upon, for the purposes of its decision on the request for the indication of provisional measures, to establish the existence of breaches of obligations under the Genocide Convention*", paragraph 62, page 19, International Court of Justice Provisional Measures Order of 26 January 2024: https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf; and Doctor KC, Brian, Unherd, The flaws in the genocide case against Israel - UnHerd, 1 March 2024: https://unherd.com/2024/03/the-flaws-in-the-genocide-case-against-israel/. See also Former head of ICJ explains ruling on genocide case against Israel brought by S Africa (bbc.com)

40 'The UN Special Rapporteur on the Right to Food: The food crisis and starvation in Gaza', *UNSW*, 10 April 2024: https://www.events.unsw.edu.au/event/un-special-rapporteur-right-food-food-crisis-and-starvation-gaza

41 UNWRA Gaza Supplies and Dispatch Tracking: Gaza Supplies and Dispatch Tracking | UNRWA

42 Integrated Food Security Phase Classification Famine Review Committee, Gaza Strip, Report and Conclusions, June 2024, IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf (ipcinfo.org), p. 4.

43 Cultivating an anti-racist campus culture, *UTS*, 12 August 2024: https://view.connect.uts.edu.au/?qs=a7d14fa434b5bba8c4f8e5368ebb730b422f9c83f4305794447f92b96202a9cdbaa94903ed79724a929984c0bf8d8e11e705c4c082dd82f76a0c65c244063cdce3aa986a031948dc2f9954c57026e8c8

outdated and discredited,[44] and it precludes the classification of most traditional and contemporary forms of antisemitism as racism. This deficiency was highlighted in the first question put to the panellists which consisted of little more than a "Gish gallop" of crude polemics about alleged Israeli "apartheid, occupation, genocide and land theft". The event organisers had the opportunity to review the questions beforehand and elected to begin with a question that was inflammatory and dehumanising. The Race Discrimination Commissioner responded without challenging or even commenting upon the premise of the question. Any Jewish Israeli students or academics in the audience were thus branded as perpetrators of racism, regardless of their individual views and actions.

- 'Silence in the Library: Talking censorship and prejudice in our institutions', hosted by RMIT on Tuesday 13th August, featuring anti-Israel speakers some of whom have engaged in antisemitic discourse and/or have been involved in the doxing of Jewish creatives. One of the speakers is an Executive Member of APAN. The President has called for the annihilation of the State of Israel.[45]

The obsessive and constant polemicisation against Israel stands in stark contrast to the much lower profile of awareness-raising events on campuses for other alleged human rights abuses taking place globally. The singling out of the world's only majority Jewish state for demonisation, and of its people and supporters for dehumanisation, is a recurring theme of antisemitic discourse.[46] Since October 2023, it appears that none of the major Australian universities has hosted a single awareness-raising event about, for example, the far larger scale of alleged human rights abuses taking place in Sudan, even though the violence in Sudan has been the subject of numerous public statements by the United Nations Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu. The size of the Sudanese community in Australia was estimated to be 17,000 in 2016,[47] while the Palestinian community in Australia was estimated to number about 20,000 by some Palestinian advocacy groups,[48] and was recorded as 2,959 in the 2021 census, with approximately 13,000 people being of Palestinian ancestry.[49] Since the October 7 atrocities, the number of events held at the major Australian university campuses on all other international conflicts combined, pales by comparison to the number of events focused on the Israel-Gaza conflict or connected topics.[50] The disparity is stark between the focus on Israel and Gaza in events on campuses across the country compared to events examining other wars and events that have major humanitarian ramifications. While the loss of human life in Israel and Gaza is a catastrophe, it is notable that

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44 For example, the United Kingdom has abandoned the BAME concept of racism in all government materials. The Equality Hub on gov.uk's website notes as follows: "The term 'BAME' emphasises certain ethnic minority groups (Asian and black) and excludes others, such as the 'mixed', Gypsy, Roma and Traveller and 'other white' ethnic minority groups that also face negative disparities. 'BAME' is also often used as a proxy for "non-white", which can be unintentionally divisive." See 'Why we no longer use the term 'BAME' in government, *Equality Hub*, UK government, 7 April 2022: Why we no longer use the term 'BAME' in government – Equality Hub (blog.gov.uk)

45 https://www.instagram.com/reel/C-XBoA8Mjaj/?igsh=MTNnYWkwN2N-sY2xyaw==

46 See 8th example of the International Holocaust Remembrance Alliance Working Definition of Antisemitism, available at: https://holocaustremembrance.com/resources/working-definition-antisemitism; and World Jewish Congress, "Antisemitism defined: Double standards against the State of Israel - World Jewish Congress", 4 May 2022: Antisemitism defined: Double standards against the State of Israel - World Jewish Congress

47 https://www.homeaffairs.gov.au/mca/files/2016-cis-sudan.PDF

48 The Palestinian Community in Australia – This Week in Palestine: The Palestinian Community in Australia – This Week in Palestine

49 Palestinian - Population Statistics — Cultural Atlas (sbs.com.au)

50 This is based on our review of the events pages of the top 5 Australian universities.

other conflicts with larger civilian death tolls[51] have evoked nothing like the same scale of responses on Australian university campuses.

These and many other developments across Australian university campuses have created a culture of normalisation of antisemitic discourse and incidents, and an environment that is threatening, abusive and dehumanising for Jewish and Israeli students and academics. As a result, many have reported that they have concealed any expressions or outward indications of their identity; significant absences from their courses on account of concerns about antisemitic threats or encounters on campus; a decline in their mental health resulting in the need for medical intervention; the adoption of self-censorship measures in their coursework or in their online interactions associated with the university; the observance of antisemitic social media posts by lecturers or fellow students; behaviours that include antisemitic slurs, vandalising of the entrance to dorm rooms or buildings, Nazi salutes and spitting from others on campus on account of their Jewish or Israeli identity; and being on the receiving end of less favourable treatment than other students on account of their identity.

## 3. The Australian Human Rights Commission (AHRC) study of racism as an alternative to a judicial inquiry

The government has announced that the Race Discrimination Commissioner, Giridharan Sivaraman, will conduct a study into, and prepare a Report on, the prevalence and impact of antisemitism, Islamophobia, the experience of First Nations peoples and racism at universities. This is in accordance with a recommendation of the Universities Accord.

Whilst the ECAJ appreciates the government's acknowledgement of the seriousness of the problem of racism at universities, including antisemitism, we strongly disagree that the AHRC is the appropriate body at the present time to conduct a study into antisemitism at universities. We say this with great sadness having regard to the historically strong relationship which the ECAJ has had with the AHRC.

The reasons for our concerns in summary are fourfold.

(i) The terms of the government's announcement and the AHRC's public statement, indicate that antisemitism will not be a strong focus of the AHRC study.
(ii) The AHRC's record of public statements and action in the face of the unprecedented surge of antisemitism that has occurred in Australia, especially since 7 October 2023, has been conspicuously deficient.
(iii) Particular personnel engaged or promoted by the AHRC have themselves been involved in antisemitic conduct.
(iv) The AHRC as an A-status national human rights institution is required to meet certain international accreditation requirements and its recent retention of its A-status was dependent on the assessment of a group chaired by a representative of 'Palestine'.

We are concerned that these factors are likely to have created a perception of actual or apprehended bias that will discourage members of the Jewish community who have been impacted

[51] See for example: Ukraine: civilian casualty update 24 September 2023 | OHCHR; Presentation of the report on civilian deaths in the Syrian Arab Republic | OHCHR;

by antisemitism from coming forward or participating in the study, and may skew the study's perceptions, analysis, findings and recommendations. Such factors may also lead the AHRC to select a Reference Group that fails to reflect and articulate the concerns and lived experiences of the mainstream Jewish community. We elaborate below on each of these four reasons.

### (i) The terms of the government's announcement and the AHRC's public statement

The original subject of the proposed study and Report, as shaped by the Universities Accord (Recommendation 33), was 'Conduct a survey into the prevalence and impact of racism across the tertiary education system': Australian Universities Accord Final Report – Summary Report - Department of Education, Australian Government. A specific study of antisemitism at universities was not originally contemplated, but in a letter from Minister Jason Clare to the ECAJ on 17 May 2024 he noted that *'concerns raised by Jewish students and staff at universities over recent weeks and months'* was the catalyst for expanding the study's focus. The study of campus antisemitism was thus not contemplated in the original design of the study, but added only as an after-thought.

Indeed, the Race Discrimination Commissioner was quoted in the AHRC's public statement on 15 May 2024, as follows:

> "*Our research will be centred on people's lived experiences, with a strong focus on First Nations students and staff*."[52]

We fully understand the AHRC's prioritisation of First Nations concerns. It recognises the reality that the nature of racism and racism-related issues differ markedly between the different communities which are affected. This makes it all the more necessary to address the specific forms of racism faced by each community individually, and to devise a bespoke strategy in each case. It is not possible to address one form of racism by tacking it onto a study which is designed to have a strong focus on another. The racism that affects First Nations communities is fundamentally different in many ways to the contemporary forms of antisemitism being experienced by the Australian Jewish community. Both are of the utmost seriousness, but for completely different reasons. First Nations communities and the Jewish community each deserve to have their own dedicated study of the respective forms of racism they are currently experiencing, including at Australian universities.

As noted earlier in this submission, the number of reports of antisemitic activity and incidents at universities has reached an unprecedentedly high level. This makes it inappropriate in our view to subsume the issue of campus antisemitism within a generic study of racism at universities.

### (ii) The AHRC's record of public statements and action concerning antisemitism

The AHRC has in recent times downplayed the seriousness of antisemitism as a source of racism in Australia, or ignored it altogether. A prime example of this can be found in the Concept Paper for the development of a National Anti-Racism Framework published by the AHRC in 2021.[53] Parts of the Concept Paper noted that racism in Australia is directed specifically at First Nations

[52] 'Commission to lead historic anti-racism study into universities', *AHRC*, 15 May 2024: https://humanrights.gov.au/about/news/commission-lead-historic-anti-racism-study-universities

[53] AHRC, *Concept Paper for the development of a National Anti-Racism Framework*, March 2021: Microsoft Word - AHRC_CP_National_Anti-Racism_Framework_2021 .docx (humanrights.gov.au)

Australians, Australians of Asian background, Australians of Muslim background and Australians of Sudanese background,[54] but failed altogether to acknowledge or even mention the prevalence of antisemitism. This was despite the fact that the Annual Report on Antisemitism in Australia has been published by the Executive Council of Australian Jewry each year since 1989. It is widely referenced and reported on in the media. A copy has been supplied to the AHRC each year, and it is freely accessible online.

Even in the wake of the massive surge in reported antisemitic incidents that followed the events of 7 October 2023, the AHRC has had little to say about the phenomenon. In the rare statements from the AHRC which have mentioned antisemitism, it is not referred to as a form of racism with its own unique particularities, but is instead grouped together in a formulaic way with other forms of racism such as Islamophobia and anti-Palestinian racism.[55] At no stage has the AHRC acknowledged that there has been a disproportionate rise in antisemitic incidents and discourse in recent years (both in quantum and ferocity), compared with data for other types of racist incidents and discourse.[56]

In our view it is a serious error to treat *'racism'* as a generic problem, and to fail to address specific forms of racism directed at specific communities in Australia. Studies that focus on understanding and combatting racism generally, and building social cohesion as a general aim, are unlikely to be successful in addressing and counteracting the stark variety of causes of specific forms of racism that target particular communities.

There are other examples of the inadequacy of the AHRC's approach to understanding antisemitism. The AHRC website fails altogether to define the term antisemitism.[57] As Australia's national human rights institution (NHRI) which is tasked with investigating complaints about discrimination and vilification, this is a glaring omission, particularly given that the Australian government adopted the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in 2021,[58] as did the then Labor opposition.[59] The position taken by some that the adoption of IHRA Working Definition of Antisemitism may discourage

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54 *Ibid*, p.7

55 As was the case with the AHRC media releases on 5 December 2023: https://humanrights.gov.au/about/news/visit-un-special-rapporteur-francesca-albanese
and 19 February 2024: https://humanrights.gov.au/about/news/media-releases/anti-racism-grant-support-communities-affected-war-gaza

56 For a comparative analysis, see ECAJ-Antisemitism-Report-2023.pdf, 31 December 2023, pp. 271 – 272; and Julie Nathan, 'Comprehensive study of hate incidents in Australia – updated', *Executive Council of Australian Jewry*, 22 June 2023: https://www.ecaj.org.au/comprehensive-study-of-hate-incidents-in-australia-updated/.

57 See: https://humanrights.gov.au/search?keys=antisemitism and https://itstopswithme.humanrights.gov.au/resourcehub?query=antisemitism&type=All&sector=All&topic=All&wtgpa=All&antibot_key=q2trZsXxdew_fuYCo2nvlSxRDccKcR6qO_hxR8AhaYs (these are the search results for the term 'antisemitism', with the most prominent links being to the Israel-Gaza conflict), as at 3 June 2024.

58 The internationally-accepted definition of antisemitism is set out by the International Holocaust Remembrance Alliance at: https://holocaustremembrance.com/resources/working-definition-antisemitism. This is the only definition of antisemitism for which there is widespread international consensus from Jewish communities. This definition has also been accepted by the Australian Government and therefore ought to be reflected in any AHRC publications.

59 See statement by then Opposition leader Anthony Albanese to Executive Council of Australian Jewry on 14 July 2021: » ECAJ hosts meeting between Federal Opposition leader Anthony Albanese and national Jewish community leadership and statement of the shadow Minister for Foreign Affairs Senator Penny Wong at Zionist Federation of Australia conference, 22 November 2020: https://www.youtube.com/watch?v=exaC2wvaZCQ,

people from reporting racism is unsubstantiated. The IHRA Definition recognises that "*denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor*" can, "*taking into account the overall context*", amount to antisemitism. It should be obvious that this formulation does *not* automatically characterise as antisemitic any criticism of Israeli laws and policies, whether on the grounds of alleged racism or otherwise. Under the IHRA Definition, criticism of Israel can only be characterised as antisemitic if the criticism amounts to a denial of the collective right of the Jewish people to self-determination, which is a basic right of all peoples. As previously noted, this denial is anathema to virtually all Jews, in Australia and globally, because it is discriminatory and dehumanising. The effect of propagating this fallacy concerning the IHRA Definition, is to give social license to precisely this form of antisemitism, and thereby to lend legitimacy to groups which are opposed to Israel's very existence on any terms as the national home of the Jewish people.

A related example is the AHRC's 'Racism. It Stops With Me' campaign[60] which has a web-page that provides links to definitions of racism and directs website users to an extensive set of resources or 'Resource Hub'.[61] The Resource Hub features prominently an 'Anti-Palestine Racism in Schools Register' (with no equivalent antisemitism register) which links to the Australia Palestine Advocacy Network (APAN),[62] an openly anti-Israel group, which promotes a view of antisemitism that is transparently aimed at serving extraneous political purposes at the expense of a good faith analysis of the phenomenon. One of the tabs on the APAN website is misleadingly labelled 'antisemitism', and purports to define the term[63] in a manner that is completely at odds with the views and lived experiences of the overwhelming majority of people in the Jewish community.[64] It is the equivalent of referencing a definition of Islamophobia devised by a group opposed in principle to Palestinian statehood or the very idea of Palestinian peoplehood. It is also contrary to the approach that the AHRC takes with respect to giving a voice to other protected groups in self-determining what constitutes racism against them.

The Resource Hub on the AHRC's 'Racism. It Stops With Me' campaign, also has had links to two organisations which hold themselves out as providing anti-racism training: Hue Consulting Pty Ltd; and Democracy in Colour. A search for resources on antisemitism on the website of Hue Consulting leads to the Facebook page of 'Jews Against Fascism', which propagates an antisemitic narrative of Jews.[65] Democracy in Colour promotes the 'Free Palestine' campaign through its

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60 Racism. It Stops With Me, accessed 3 June 2024: https://itstopswithme.humanrights.gov.au/commit-to-learning

61 New 'Racism. It Stops With Me' campaign, Australian Human Rights Commission, 12 July 2023: https://humanrights.gov.au/our-work/race-discrimination/projects/new-racism-it-stops-me-campaign

62 Anti-Palestine Racism in Schools Register, *APAN,* available at Racism. It Stops With Me Resources web page, *AHRC,* 1 March 2024: Anti-Palestine Racism in Schools Register | Racism. It Stops With Me (humanrights.gov.au). The fact that the AHRC has included a 'disclaimer' stating that 'the hub aims to reflect a diversity of views and approaches, tailored for diverse audiences, and is not an exhaustive list' is inadequate because it is channelling the public to these resources, which present a distorted perspective on antisemitism.

63 *Australia Palestine Advocacy Network, APAN:* https://apan.org.au/antisemitism/, accessed on 3 June 2024.

64 For the most recent survey of how Australian Jews have experienced antisemitism in the wake of the Gaza War, see Dr Adina Bankier-Karp & Dr David Graham, *Australian Jews in the Shadow of War: Main Survey Findings*, Australian Centre for Jewish Civilisation, Faculty of Arts, Monash University, May 2024. For a summary of the main findings, see Gareth Narunsky, 'Survey of Jewish Australians Attitudes in wartime', *Australian Jewish News,* 31 May 2024, p.6: https://pages.pagesuite.com/9/a/9a7899d7-4a0b-4e74-878c-04a99f741ee7/page.pdf

65 As an example of Jews Against Fascism's perspective, the organisation's Facebook post for Yom Hashoah states that 'for 'Israeli' settlers on occupied Palestinian land, and their zionist supporters, Holocaust remembrance day is disturbingly contorted into a vile narrative that attempts to justify the ethnic cleansing of Palestinians by wrongly

social media in a way that is exclusionary and makes no mention of the rise in antisemitism.[66] A key spokesperson for the 'Racism. It Stops With Me' campaign is footballer Craig Foster, who recently advocated for the suspension of the Israel Football Association from FIFA on the basis of his own uninformed and totally erroneous rendering of a recent judgment of the International Court of Justice.[67]

In short, the AHRC's website further promotes division and exacerbates antisemitism by directing users to fringe sites and other places that cultivate false and negative perceptions of Jews. The AHRC website provides no resources or links concerning antisemitism that have broad-based credibility within the Jewish community, or among academics with widely recognised expertise on the subject.[68]

The AHRC's record in recent times also points to an organisation that has lost control of its messaging on racism. An email circular[69] disseminated under the AHRC's 'Racism. It Stops With Me' campaign on 17 November 2023 in the aftermath of the October 7 atrocity crimes carried out by Hamas terrorists in Israel, fails to acknowledge Jews in the community, the trauma they are suffering or the rise in antisemitic incidents. It instead refers to *'genocide'* in Gaza, despite the International Court of Justice not having made any determination (then or since) that genocide has occurred.[70] The single resource provided in the email circular that could even ostensibly be of any specific relevance to Jews is described as 'anti-Zionist' – which for most Jews is itself a descent into polemics and demonisation and adds to the trauma they are experiencing in the wake of the Hamas massacre last year. The list of support services linked to in the email circular[71] included a list of specialist organisations to which one can register or report racism, including Islamophobia and First Nations racism, but it said nothing about how to report antisemitic incidents. We understand that the circular was issued without the authority of the AHRC President, who responded to

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suggesting that Jews can only be safe and free in a militarised, colonial, apartheid state': Jews against fascism | Facebook (see 6 May entry) This organisation is in no way representative of or connected to the Jewish community, yet the AHRC is channelling users to it.

66 Democracy in Colour's X-feed: (20) Democracy in Colour (@democracycolour) / X also includes re-postings of tweets by an AHRC legal and research officer who promotes a narrative that the Jewish community views as antisemitic. The feed includes pictures of a pro-Palestine rally at the Opera House on 9 October – some days prior to Israel commencing military action in Gaza – in which protestors burnt the Israeli flag and chanted "F*ck the Jews", and other disputed wording which the NSW Police have determined was "where's the Jews?" . This rally was traumatising to Australia's Jewish community, and the AHRC should not be promoting organisations in the anti-racism space that endorse such events.

67 Craig Foster asserted that Israel had committed 'plausible genocide', 9 May 2024: Nova Peris, Craig Foster both step down as co-chairs of Australian Republican Movement | news.com.au — Australia's leading news site. This falsehood was recently debunked by Joan Donoghue, the ICJ President at the time of the ruling. It was Judge Donoghue who delivered the Provisional Measures ruling in this case. See 'Former head of ICJ explains ruling on genocide case against Israel brought by S Africa', *BBC.com*, 26 April 2024: https://www.bbc.com/news/av/world-middle-east-68906919

68 For example, the Resource Hub ought to include the ECAJ Annual Antisemitism Report, available via https://www.ecaj.org.au/the-ecaj-2023-antisemitism-report/

69 'Support our campaign: Take action against racism', *AHRC* 'Racism. It Stops With Me', 17 November 2023 (available as of 3 June 2024): https://mailchi.mp/humanrights/psychosocial-harms-support-services-library-for-care?e=89f3fdbacd

70 Former head of ICJ explains ruling on genocide case against Israel brought by S Africa, *BBC.com*, dated 26 April 2024: https://www.bbc.com/news/av/world-middle-east-68906919.

71 See Community Guide Accompanying the National Anti-Racism Framework Scoping Report 2022 available at: narf_scoping_report_2022_-_community_guide_0.pdf (humanrights.gov.au)

the ECAJ's concerns about it by taking down the circular and all related social media posts from the AHRC website. However, despite follow-up correspondence from the ECAJ to the AHRC on 17, 20 and 21 November 2023, the circular remains accessible at its original URL[72]. The AHRC issued an apology in a subsequent communication to its database. However, the apology did not address the specific issues raised by the ECAJ in the correspondence, and instead obliquely stated "*some community members felt harmed by the fact that we did not explicitly point out alarming increases in antisemitism and Islamophobia*."[73] The fact that the email circular of 17 November was issued in the first place and its URL is still functioning indicate a mindset among the AHRC staff who were responsible for preparing and disseminating the circular, which is utterly lacking in sensitivity towards and any awareness of the contemporary reality of antisemitism. We expect that the AHRC's record of public statements and action concerning antisemitism will necessarily mean that those impacted by antisemitism at universities will not feel comfortable to participate in an AHRC led study.

Finally, the appearance of the Race Discrimination Commissioner at the 'Cultivating an anti-racist campus culture' event, hosted by the UTS on 12 August 2024, as referred to earlier in this submission, raises a further concern that there is a preconception within the AHRC that antisemitism is not properly understood and is a less significant form of racism, if it can be considered racism at all.

### (iii) Concerns relating to particular persons engaged by the AHRC

In addition to the mindset among some AHRC staff referred to in the previous section, the AHRC also engages or has engaged particular individuals who have exacerbated the poor handling of these issues and in some instances engaged in racial vilification.

- A Legal and Research Officer to the President of the AHRC[74] has posted racist and inflammatory statements on social media.[75] For instance, that individual has publicly endorsed Hamas and in April 2024 they asked a rhetorical question on social media about what would be left of Jews as a people without *"their violence, their toxicity, their racism?"*[76] They have also sought to justify atrocities committed by Hamas and other terrorists as "legitimate" "resistance".[77] The individual was formerly an employee of the Australia Palestine Advocacy Network – which itself has expressed antisemitic views and endorsed Hamas[78] - and has also made the false and inflammatory claim — among other

[72] Email circular from 'Racism. It Stops With Me', 17 November 2023: https://mailchi.mp/humanrights/psychosocial-harms-support-services-library-for-care?e=89f3fdbacd

[73] See email sent on 23 November 2023, 'Guide to creating anti-racism messaging, free tickets to attend a film screening + more!': https://us6.campaign-archive.com/?u=f64cd1da1ba6a894b8d5ee6df&id=1d4d7367b9

[74] [Intentionally left blank].

[75] [Intentionally left blank].

[76] 'Outrage over inflammatory social media posts from employee of human rights mediator', *Daily Telegraph*, 5 May 2024*:* https://www.dailytelegraph.com.au/news/nsw/jewish-outrage-over-inflammatory-social-media-posts-from-human-rights-mediator/news-story/3eab5fb3357fd57b5d01388d785ba9ab

[77] 'Outrage over inflammatory social media posts from employee of human rights mediator', *Daily Telegraph*, 5 May 2024*:* https://www.dailytelegraph.com.au/news/nsw/jewish-outrage-over-inflammatory-social-media-posts-from-human-rights-mediator/news-story/3eab5fb3357fd57b5d01388d785ba9ab

[78] Sakkal, Paul, 'Top Australian Palestinian slammed for radio comments on destruction of Israel', *Sydney Morning Herald,* 8 November 2023: https://www.smh.com.au/politics/federal/top-australian-palestinian-slammed-for-radio-comments-on-destruction-of-israel-20231107-p5ei6z.html.

things — that "*Israel is connected to the oppression of Indigenous people worldwide*".[79] In posted comments on social media this individual has also expressed their hatred of Australia, claiming it is a *"settler colonial project"*.[80] They put forward this perspective while occupying a senior legal role at Australia's NHRI. This individual's actions have contributed to a sense of distrust within the Jewish community towards the AHRC.

- The AHRC engaged 'Hue: Colour the Conversation', as a contractor for the "Racism: It stops with me" campaign.[81] (see section (ii) above). There has been a reported link between personnel at Hue and the leaking of personal details of Jewish creatives from a WhatsApp group, which had led to Prime Minister Albanese moving to ban this online form of harassment (known as *'doxing'*).[82] We raised this link to doxing in our correspondence with the AHRC on 18 March 2024. It was only during Senate Estimates hearings on 31 May 2024 that the Commission made public the fact that it had varied Hue's contract to bring forward its end date.[83]

- There is also the case of an individual who received an Order of Australia Medal for advocating against violence towards women, but who posted a tweet in late 2023 (subsequently deleted), in which they appear to have dismissed widespread reports that Jewish women in Israel were raped by Hamas terrorists during and after the October 7 attacks. We have obtained screenshots of past racist content posted by that individual which are now no longer publicly accessible beyond their social networks. This individual was featured prominently by the AHRC as a 'Racism. It Stops With Me' Ambassador, and was only asked to temporarily step back from duties following an outcry by various members of the Jewish community.[84] As far as the ECAJ is aware they have not been dismissed and an investigation is still pending.

- Finally, a brief search of the social media activity (that remains on view to the public), of certain senior AHRC staff[85]/[87] shows that they have used their status within the AHRC to

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79 'Outrage over inflammatory social media posts from employee of human rights mediator', *Daily Telegraph,* 5 May 2024: https://www.dailytelegraph.com.au/news/nsw/jewish-outrage-over-inflammatory-social-media-posts-from-human-rights-mediator/news-story/3eab5fb3357fd57b5d01388d785ba9ab

80 Bolt, Andrew, 'Rowan Dean calls to defund universities which push "toxic Marxist garbage", *Sky News,* 17 April 2024: https://www.skynews.com.au/opinion/andrew-bolt/rowan-dean-calls-to-defund-universities-which-push-toxic-marxist-garbage/video/c0a4715246b227e7e3553f83a61198bc; 'Outrage over inflammatory social media posts from employee of human rights mediator', *Daily Telegraph,* 5 May 2024: https://www.dailytelegraph.com.au/news/nsw/jewish-outrage-over-inflammatory-social-media-posts-from-human-rights-mediator/news-story/3eab5fb3357fd57b5d01388d785ba9ab

81 Racism. It Stops With Me, *AHRC,* accessed on 3 June 2024: https://itstopswithme.humanrights.gov.au/resourcehub/hue-anti-racism-training

82 'The faces of a hatred that has no place here', *The Australian,* 14 February 2024: https://www.theaustralian.com.au/nation/politics/antiisrael-activists-these-are-the-faces-of-a-hideous-hatred-that-has-no-place-in-our-country/news-story/d35e57521f944a048d6d42febaf983b4; 'Daily threats, boycotts, target Jewish creatives in Australia', *Haaretz,* 6 February 2024: Death Threats, Boycotts Target Jewish Creatives in Australia - Africa, Asia and Australia - Haaretz.com

83 Durkin, Patrick, 'Toxic': Human rights watchdog at war with itself over Gaza, *Australian Financial Review*, May 31, 2024: https://www.afr.com/politics/federal/toxic-human-rights-watchdog-at-war-with-itself-over-gaza-20240531-p5ji73

84 Racism. It Stops With Me, *AHRC,* 'Ambassadors', last accessed 3 June 2024: https://itstopswithme.humanrights.gov.au/about-the-campaign/ambassadors

85 [Intentionally left blank]

promote a selectively distorted and disproportionate representation of the Israel Gaza conflict, which exacerbates untruths such as the assertion that Israel is committing *"plausible genocide"*.[86] We submit that such conduct is entirely inappropriate, and contradicts the principle put forward by the AHRC President at the Senate Estimates hearing on 31 May 2024 that the AHRC's focus is domestic: "*The commission's approach has been to acknowledge the crisis that has arisen, to speak about the mandate that we have within Australia which is to focus upon the impacts of that crisis on our people here, the rise in antisemitism, the rise in anti-Palestinian and anti-Arab attacks, Islamophobia, our mandate under the Race Discrimination Act in particular is focussed very clearly on Australian communities*."[87]

The AHRC's engagement of people with a virulent public record of hostility towards Israel and the very concept of Jewish statehood is bound to impact adversely on the working environment of Jewish and other staff at the AHRC, who may have a contrary viewpoint, and have a chilling effect on their freedom to express their views at work. It will necessarily undermine the confidence of potential Jewish witnesses in the fairness and integrity of the AHRC Study, and in maintaining the effectiveness of its systems for protecting confidentiality so as to ensure that the identity of Jewish witnesses is not publicly disclosed when non-disclosure is requested.

### (iv) Concerns relating to international accreditation requirements

The AHRC recently underwent an international peer review process in which it had to satisfy the Global Alliance of National Human Rights Institutions (GANHRI) that it was compliant with internationally recognised standards set out in the UN Principles on National Institutions (commonly known as the Paris Principles).[88] This process ran for 18 months until late October 2023. The continuation of the 'A-status' of the AHRC with GANHRI was at stake.[89] GANHRI's Sub-Committee on Accreditation (SCA) was responsible for determining whether the AHRC had complied with the Paris Principles. The SCA comprises one national human rights institution (NHRI) from each of the four regional groupings. During the period in question the SCA comprised the NHRIs from "Palestine" for Asia-Pacific (Chair), South Africa for Africa, Greece as the acting member for Europe, and Honduras for the Americas.[90] The AHRC also depended on the backing of the Asia Pacific Forum (APF), the regional body representing a grouping of 26 national human rights institutions, which also comprised the Independent Commission for Human Rights (Palestine) (ICHRP).

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87 [Intentionally left blank]

86 See 'Former head of ICJ explains ruling on genocide case against Israel brought by S Africa', *BBC*, 26 April 2024: https://www.bbc.com/news/av/world-middle-east-68906919

87 See https://www.facebook.com/reel/969840394595813?fs=e&s=TIeQ9V&mibextid=0NULKw; and Durkin, Patrick, '"Toxic": Human rights watchdog at war with itself over Gaza', *Financial Review,* 31 May 2024: https://www.afr.com/politics/federal/toxic-human-rights-watchdog-at-war-with-itself-over-gaza-20240531-p5ji73

88 'Principles relating to the status of national institutions', *United Nations OHCHR,* adopted 20 December 1993: https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris

89 The implications for national human rights institutions that lose their A-status are significant and include losing the right to fully participate in international dialogues such as the UN Human Rights Council: STATEMENT: Deferral of accreditation of the Australian Human Rights Commission - UN Global Compact Network Australia

90 GANHRI Sub-Committee on Accreditation Report – September & October 2023, SCA-Report-Second-Session-2023-EN.pdf (ganhri.org)

The Hamas massacre took place prior to the SCA's announcement that it would be renewing the AHRC's accreditation. In this period the AHRC was surprisingly silent with respect to the massacre and the rise in antisemitism in Australia. When it finally issued a statement on 13th October, the AHRC made no mention of the massacre or the hostages taken by the proscribed terrorist organisation Hamas. It referred obliquely to "the devastating conflict in Israel and Gaza" – even though Israel's military operation only commenced on the day of the statement and most likely after the statement was released (given the time difference) - and stated that *"racist statements from anyone are unacceptable"*.[91] The AHRC was at least disingenuous in portraying the issue as one of general racism, and in completely ignoring the terror and suffering unleashed in Israel and the implications for the Australian Jewish community.

It is entirely conceivable that the AHRC did not wish to alienate either the NHRIs for Palestine or South Africa[92] by making a statement that acknowledged the brutality of the massacre and the domestic repercussions for Jews. The same can be said regarding the AHRC's need to keep the APF on side, especially given the prolific and skewed anti-Israel social media postings of some of its core staff.[93] One cannot underestimate the subtle and not-so-subtle creeping effect on the AHRC's culture as a result of it knowing its A-status ultimately turned on it persuading the SCA, chaired by the Independent Commission for Human Rights (Palestine) (ICHRP), of its compliance. The ICHRP can hardly be said to be a balanced and independent NHRI. Its 2022 Summary on the Status of Human Rights in Palestine[94] mentions Hamas just once, and most of the content on its website is focused on *'Israeli occupation'*. Although the advent of war in Gaza meant that the ICHRP was unable to be present at the SCA meeting which ultimately decided to renew the AHRC's A-status, it is reasonable to infer that as a key decision-maker in this process over an extended time, there may have been pressures on the AHRC to win the confidence of the ICHRP, with flow-on implications as to how the AHRC has addressed the Israel-Gaza conflict and antisemitism.

## 4. Conclusion

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[91] 'Commission President calls for human rights in Australia to be upheld in wake of Middle East Conflict', *AHRC,* 13 October 2023*:* Commission President calls for human rights in Australia to be upheld in wake of Middle East conflict | Australian Human Rights Commission

[92] The Government of South Africa was in the process of preparing to bring a case against Israel at the International Court of Justice and has established links with Hamas. See May, David, 'Hamas' South African Support Network', *The National Interest*, 1 March 2024: Hamas' South African Support Network | The National Interest

[93] For instance, Phillip Wardle, the Legal and Policy Manager at APF, has posted prolifically on the Israel Gaza conflict and has suggested that Israeli Prime Minister Benjamin Natanyahu be charged with "the crime of genocide" by the ICC: https://www.linkedin.com/authwall?trk=bf&trkInfo=AQGIfYWEF7LDowAAAY_g5GqoXs2g-2CNE32n84qheL735Y93_dpi53YVcU_KPTXhgiDknbavE8iE5k7b7eOo4yNFO87AsRWQY_CucEEDSQBtY9bbE84Gz2nyQdXDG6nMVsDcrRY=&original_referer=&sessionRedirect=https%3A%2F%2Fau.linkedin.com%2Fin%2Fphillip-wardle-4686333b. In his posts he also makes clear the "very personal dimension" of the conflict. In a post on LinkedIn approximately 6 months ago, he celebrates the renewal of the AHRC's A-status. His former colleague, who was employed by the APF at the time when the AHRC was seeking renewal of it's A-status, has frequently posted content online that includes a portrayal of Hamas' violent massacre on 7 October as "resistance": https://au.linkedin.com/in/fia-hamid-walker-254722137

[94] 'The Status of Human Rights in Palestine: Executive Summary', *ICHRP*, 1 January – 31 December 2022: http://bit.ly/45f4iK7

We maintain that a judicial inquiry into antisemitism on university campuses in Australia is the only effective way to establish the truth about the nature and extent of antisemitic incidents and discourse at universities across Australia while preserving the confidentiality of Jewish students', academics' and professional staff's personal data and protecting their security.

A judicial inquiry would have far stronger powers than the AHRC. Its powers would be virtually identical to those of a Royal Commission under the Royal Commissions Act 1902, including powers to:

- compel witnesses to appear and give evidence under oath or affirmation, even if the evidence is self-incriminating.
- compel documents to be produced.
- take sworn rather than anecdotal evidence.
- control hostile witnesses who try to grandstand for political purposes in the same way as in a courtroom.
- guarantee anonymity and confidentiality to witnesses if they seek it.

The ECAJ believes that a judicial inquiry would be a crucial first step in addressing what has become a systemic issue at many universities in Australia, and which has and will continue to have significant deleterious impacts upon Jewish students and academics if left unchecked, as well as for democracy, freedom of speech, freedom of religion, freedom from discrimination and the fostering of an academic environment that is conducive to critical, innovative and independent thinking, rather than a stultifying uniformity and group-think.

Each of the concerns we have detailed in this submission, separately or cumulatively support our position favouring a judicial inquiry and our complete lack of confidence in the AHRC as the appropriate body at the present time to conduct a study into antisemitism at universities.

We would also be happy to discuss the contents of this submission and provide further supporting information should this be of assistance.

Yours sincerely

| | | |
|---|---|---|
| **Daniel Aghion KC** | **Peter Wertheim AM** | **Simone Abel** |
| **President** | **Co-CEO** | **Head of Legal** |

**[Appendix 1 follows on next page]**

## Appendix 1

**Executive Council of Australian Jewry submission to Senate Legal and Constitutional Affairs Committee Inquiry into** *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No 2)*

**Image 1**

'Stealing Jew' sticker of a clearly identifiable Jew, with a Star of David on him, at Australian National University (ANU), Canberra, on 1 July 2024.

NB these particular stickers are occurring across campus and are regularly put up in their hundreds at ANU.

This is one of the two most common stickers across Australia since 7 October 2023.

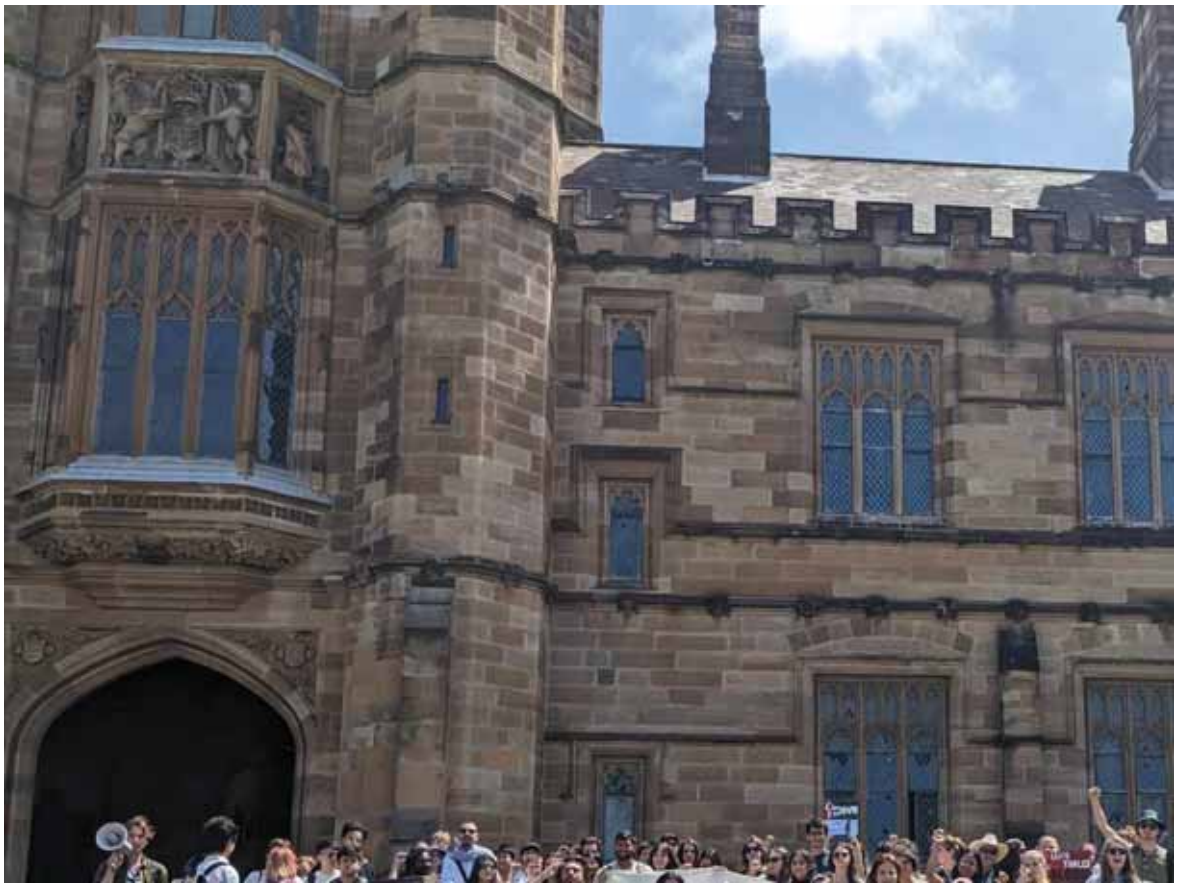
**Image 2**

'No Israel' sticker at University of Melbourne Law School on 18 April 2024.
This is one of the two most common stickers across Australia since 7 October 2023.

**Image 3**

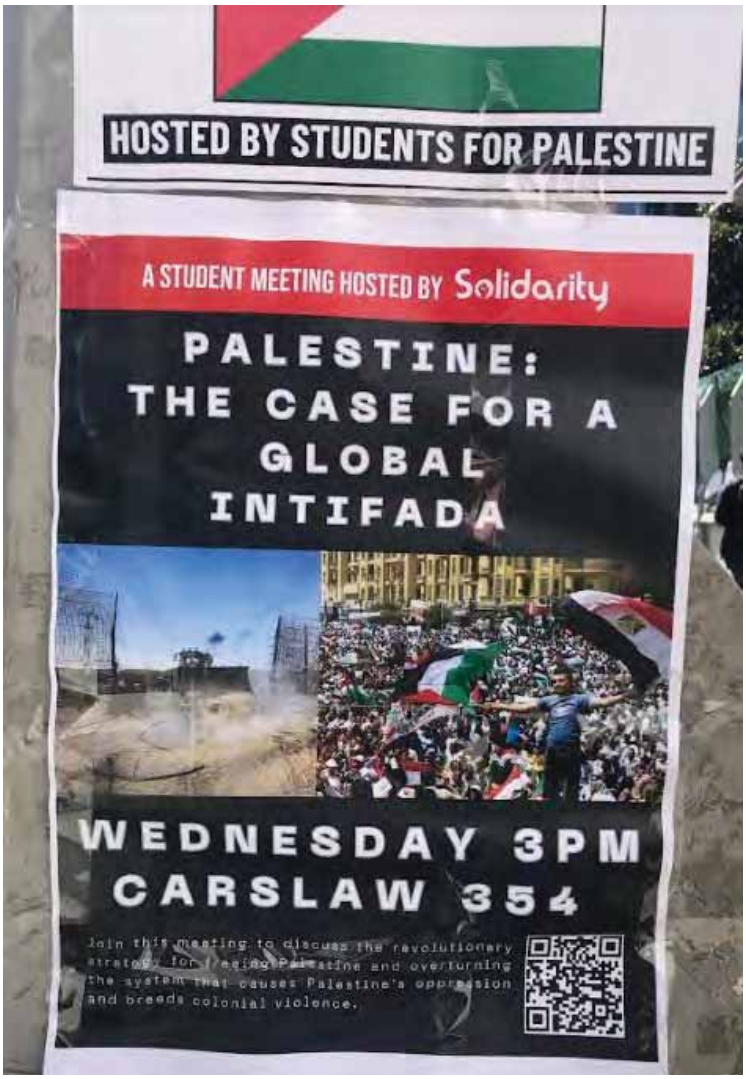
Banner "*From the River to the Sea, Palestine will be free*" (calling for the elimination of the state of Israel and all Jews from the southern Levant region) at Australian National University, Canberra, 2 May 2024.

**Image 4**



Banners "*From the River to the Sea, Palestine will be free*" (calling for the elimination of the state of Israel and all Jews from the southern Levant region) at University of Sydney, 25 Oct. 2023.

**Image 5**




Poster of "Palestine: The Case for a Global Intifada" advertising anti-Israel event hosted by Solidarity, University of Sydney (31 Oct. 2023).

NB The term “intifada” in the context of the Israeli-Palestinian Conflict refers to two periods of violence, December 1987 - September 1993 (known as the “First Intifada”) and September 2000 – February 2005 (known as the “Second Intifada”) and to a lesser extent September 2015 – June 2016 (known as the “Knife Intifada”, “Stabbing Intifada” or “Jerusalem Intifada”).

Each of these periods was marked by extreme violence, the deliberate targeting of civilians and, in the case of the Second Intifada, the use of suicide bombings in dense civilian areas including passenger buses, nightclubs and restaurants.

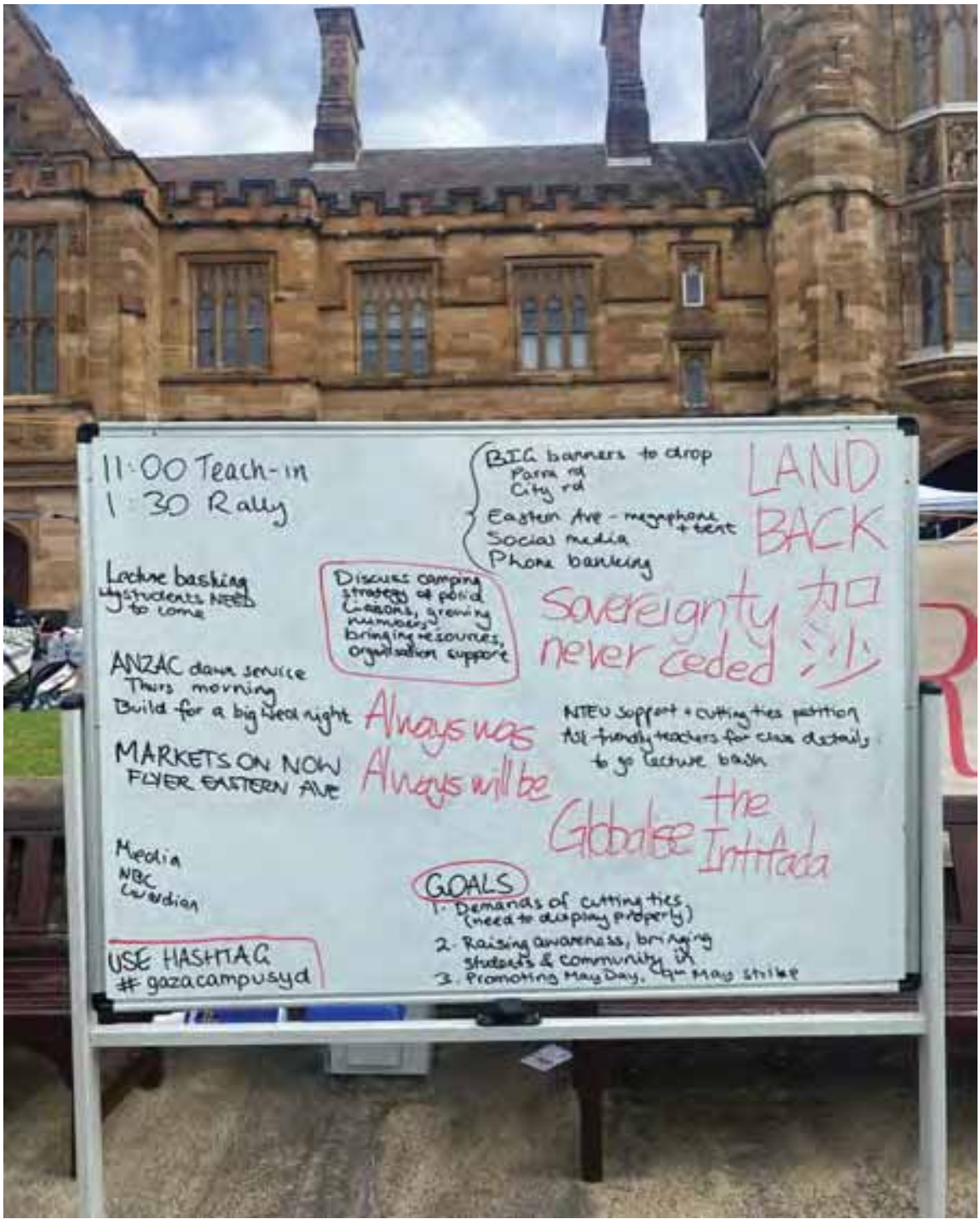
**Image 6**

Banner of "Intifada Intifada" at Australian National University (ANU), Canberra, 30 April 2024 and again in an art display at ANU on 13 June 2024.

NB The term "intifada" in the context of the Israeli-Palestinian Conflict refers to two periods of violence, December 1987 - September 1993 (known as the "First Intifada") and September 2000 – February 2005 (known as the "Second Intifada") and to a lesser extent September 2015 – June 2016 (known as the "Knife Intifada", "Stabbing Intifada" or "Jerusalem Intifada").

Each of these periods was marked by extreme violence, the deliberate targeting of civilians and, in the case of the Second Intifada, the use of suicide bombings in dense civilian areas including passenger buses, nightclubs and restaurants.

**Image 7**




"Globalise the Intifada" newly written each day for three days, 24-26 April 2024, on the whiteboard at the "Gaza Solidarity Encampment" at University of Sydney.



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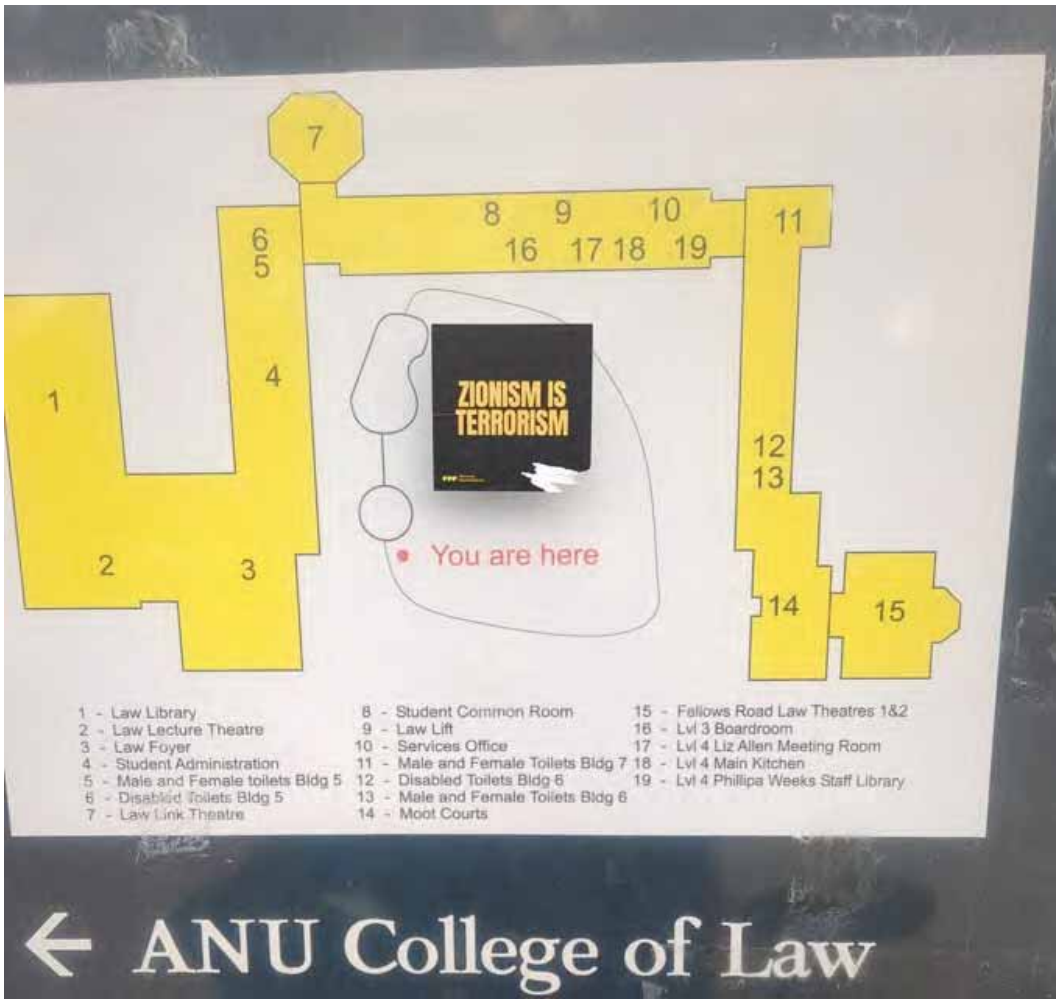
NB The term “intifada” in the context of the Israeli-Palestinian Conflict refers to two periods of violence, December 1987 - September 1993 (known as the “First Intifada”) and September 2000 – February 2005 (known as the “Second Intifada”) and to a lesser extent September 2015 – June 2016 (known as the “Knife Intifada”, “Stabbing Intifada” or “Jerusalem Intifada”).

Each of these periods was marked by extreme violence, the deliberate targeting of civilians and, in the case of the Second Intifada, the use of suicide bombings in dense civilian areas including passenger buses, nightclubs and restaurants.

**Image 8**

Every single Kidnapped Israeli poster on six large noticeboards with dozens of posters of Kidnapped were vandalised and defaced. The noticeboards were in front of the new Law annexe building. Some had red scrawled messages in graffiti, but these were hard to read because they had been left in tatters. University of Sydney (31 Oct. 2023).

**Image 9**




"Zionism is Terrorism" sticker at Australian National University (ANU), Canberra, 17 June 2024.

NB these stickers are spread across campus and are regularly put up at ANU.

NB Zionism is the national self-determination movement of the Jewish people.

**Image 10**

"Zionism is Terrorism" sticker at Australian National University (ANU), Canberra, 30 May 2024.

NB these stickers are spread across campus and are regularly put up in at ANU.

NB Zionism is the national self-determination movement of the Jewish people.

**Image 11**

"We stand with killing babies" and the Jewish Star of David on University Avenue sign, Australian National University (ANU), Canberra (31 May 2024).

NB this claim is an echo of the medieval, and later, claims that Jews kill Christian/Muslim children for ritual purposes.

ACT Jewish Community
NATIONAL JEWISH MEMORIAL CENTRE

22 August 2024

Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators,

Subject: Commission of Inquiry into Antisemitism at Australian Universities Bill

I write in my capacity as President of the ACT Jewish Community. We are a diverse and vibrant community based in Canberra, with a strong Jewish identity. Our community includes Holocaust survivors and descendants of Holocaust survivors who have made their home in Australia. It also includes many students and academics at universities in Canberra.

Our community has been deeply affected by the events of 7 October and by the explosion of antisemitism in Australia in the aftermath. As President, I have noticed that Jewish students and academics have been particularly distressed as a result of the ongoing antisemitism on university campuses, most notably ANU.

Jewish students and staff have described many distressing incidents of antisemitism at ANU. This includes antisemitic incidents associated with pro-Palestinian protests and the pro-Palestinian encampment at ANU. Many were deeply distressed by a member of the encampment declaring 'Hamas deserves our unconditional support' during a radio interview on the ABC, for example.

Staff and students have also expressed great distress at the constant display of antisemitic posters/banners/stickers on campus at ANU, displaying comments such as 'From the River to the Sea, Palestine will be free' (a call for the destruction of Israel, the world's only Jewish state), 'Zionism is terrorism' (Zionism being the movement for the self-determination of Jewish People), stickers associating Judaism with stealing and stickers with a big red cancel symbol through the Star of David, the symbol of Judaism. Staff and students have reported regular 'pro-Palestinian' protests at ANU, at which there have been calls for 'intifada' (violent uprising targeting Israeli and Jewish civilians), October 7 denial, and October 7 conspiracy theories. As I have personally witnessed, pro-Palestinian demonstrations have taken place in the centre of campus, using loudspeakers and chants, and Jewish staff and students have been unable to avoid exposure to these events.

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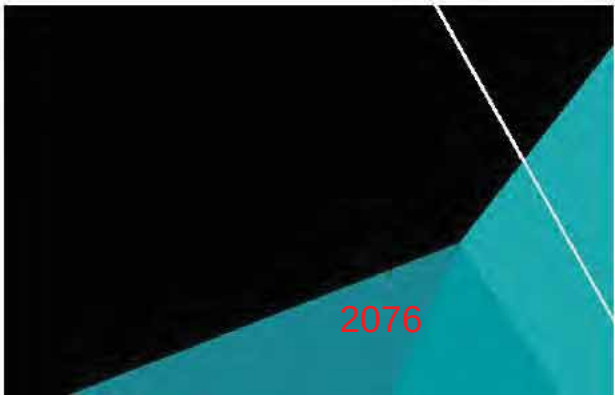
JCA today tomorrow forever
The ACT Jewish Community is a member of the JCA family of organisations.

Staff and students have also reported their distress at ANU's initial lack of response to antisemitism on campus. Students from the Australian Union of Jewish Students were unable to get a meeting with ANU's Vice Chancellor for months, despite repeated requests to meet with her to discuss the proliferation of antisemitism on campus. Even when they did eventually get a meeting, their request for a public statement from the ANU Executive condemning antisemitism was denied. This is distressing in the middle of an explosion of antisemitism on campus. Furthermore, students who expressed their distress at antisemitism on campus have been referred to ANUSA (ANU Student Association) for support. Given ANUSA's participation in the encampment and its promotion, including from the ANUSA President, this has caused further distress and disenchantment. Any toleration of hate speech on campus and failure to robustly condemn antisemitism is a failure of a University's duty of care to Jewish and Israeli students and staff. That said, I want to acknowledge that, over the last few months, the Deputy Vice Chancellor at ANU has met with Jewish students and Jewish academics. I believe this is expected to continue so that the staff and students can share their ongoing experiences with the DVC.

As President of the ACT Jewish Community, I wish to conclude by expressing my strong support for a Judicial Inquiry into antisemitism at Australian universities. There is no place for toleration of antisemitism at Australian universities. A judicial inquiry offers a vital opportunity to investigate this issue and ensure a better path going forward.

Yours sincerely,

Athol Morris
President, ACT Jewish Community



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# Zionist Federation of Australia submission to the Senate Standing Committee on Legal and Constitutional Affairs' review of the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)

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## Summary of recommendations

1. **Passage of the Bill:** The ZFA recommends that the Senate Committee endorse the bill to establish a commission of inquiry into antisemitism at Australian universities.
2. **Powers:** The commission of inquiry must have the authority to compel witnesses to appear and testify under oath to ensure comprehensive and honest testimonies, such as in a judicial inquiry.
3. **Adoption of a suite of 'best practice' measures:** The Commission of Inquiry can determine and provide a suite of "best practice measures" all universities should be encouraged to adopt.

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## 1. Introduction

The Zionist Federation of Australia (ZFA) welcomes the opportunity to make a submission to the Senate's Legal and Constitutional Affairs Committee regarding the establishment of a commission of inquiry into antisemitism on Australian university campuses. The ZFA is an elected, representative roof body of the Australian Jewish community.

In our view, a commission of inquiry into antisemitism is necessary.

There has been a worrying increase in on-campus antisemitism over the last few years. This was brought to the attention of universities. However, the policy response by universities before 7 October was inadequate. Universities typically relied on the existence of supposedly strong anti-racism policies and denied that significant levels of antisemitism existed on their campuses.

The situation has considerably worsened following 7 October, with activism against Israel or its policies often expressing itself in discrimination against or the vilification of Jews. In the face of flagrant intimidation of Jews, many universities did not act, pointing to arguments of 'free speech' or 'academic freedom' that are not acceptable in respect to the vilification of any racial, religious, national, gender or sexual minority group. There has been no meaningful policy pivot implemented by universities in the face of this intimidation. Indeed, some universities have adopted policies designed to appease the groups that are vilifying and intimidating Jewish students.

An important part of the solution must be bringing to light these issues so that there can be an appropriate policy response. This requires an inquiry with the authority to compel witnesses, and the ability to interrogate university policy.

The Australian Human Rights Commission is conducting a study into racism at universities. The Jewish community is not relying on this study to generate solutions because its terms of reference are too broad, the AHRC doesn't have the power to compel witnesses, and the study does not reflect the urgency of the situation.

Modern antisemitism is misunderstood in large parts of the university community. While antisemitism that arises on racial or religious grounds is widely recognisable and condemned, antisemitism that arises in connection with anti-Zionism (that is, discrimination against Jews in connection with a person's perspectives of Israel or the Jewish people's movement for self-determination) is frequently dismissed. Claims of antisemitism are often perniciously labelled as part of a conspiracy theory that is designed to prevent criticism of Israel, with the vilification of Jews—and acts of aggression against Jews—justified because of the aggressor's views of Israel.

As we will discuss below, vigorous criticism of or activism against Israel and its policies, in and of itself, is not antisemitic, and is by no means our concern in writing this submission.

The study into racism that is proposed for the AHRC, in our view, will miss the mark. That is, in particular, because while many universities pride themselves on their strong policies against racial discrimination, the vilification and intimidation of Jews on university campuses has risen unabated in recent years. We set out our discussions with university administrations about these matters below.

Despite all of these challenges, one of the reasons that it is critical that there be an inquiry into antisemitism with the power to compel witnesses, is because, as a general statement, there are many examples of university administrators following 7 October that have egregiously failed to deal with antisemitism manifesting on their campus. There is no doubt that some university administrators are better than others. For example, Monash University, which demonstrated leadership by declaring that it will take action against those who repeat the slogan "Zionists are not welcome," declaring that it is harassment and/or vilification. At the other end of the spectrum, Sydney University has disgraced itself with its vice chancellor, Professor Mark Scott, publicly and blatantly misrepresenting what actually took place on his campus, and his appeasement of those who intimidated Jewish students in order to avoid further intimidation (thereby sending the clear message that such intimidation works.)

We note that before the 2017 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry was ultimately established, many participants in the banking industry protested that it would be unnecessary and unhelpful. Often, it was said that existent banking regulatory frameworks were sufficient to address misconduct, and that a royal commission would be a distraction. We likewise expect that there will also be many people loathe to see an inquiry into antisemitism on campus, but we

urge the Committee to remember that no matter how contentious the Royal Commission into Banking was before its launch, when it got to work, it was vindicated.

We strongly support the proposed bill, in addition to the call for a judicial inquiry into antisemitism, and believe that the increasing severity and prevalence of antisemitism at universities necessitates an inquiry with royal commission-like powers.

## 2. The situation on campus before 7 October

Australian university campuses have seen a spike in antisemitism since the events of 7 October. Unfortunately, the antisemitism that we have seen in the last 11 months did not come from a low base—antisemitism was prevalent on campuses across Australia before the Hamas attack on Israel and the subsequent war.

We have an accurate understanding of the situation on campus before 7 October due to the Australian Jewish University Student Experience Survey, which was a survey of Australian Jewish university students that the ZFA commissioned, in cooperation with the Australasian Union of Jewish Students (AUJS), the elected representative body for Jewish students. The ZFA partnered with the Social Research Centre to carry out the survey, which used the AUJS database of current and recent students as well as social media, newsletters and other means of spreading awareness.

The survey questions, shaped by consultations with Prof Andrew Markus, the Scanlon Foundation and the Social Research Centre, generated academically rigorous and independently sourced results.

### 2a. Reasons for commissioning the survey

Over a number of years, ZFA leadership became anecdotally aware, through conversations with AUJS, Jewish students and others, of the steadily increasing antisemitism on Australian campuses. Leaders of AUJS had received death threats and AUJS events had been cancelled for fear of violence against attendees. Jewish students had been excluded from otherwise unrelated university societies because of their views on Israel, singled out in class with demands to defend allegations of Israeli wrongdoing, and abused when walking past pro-Palestine rallies because they were identifiably Jewish.[1] Some were avoiding campus altogether.[2] Students were increasingly reporting no longer feeling safe on campus. AUJS had even considered offering training in personal security for Jewish students.[3]

Against this background, the ZFA's meetings with senior administrators from numerous universities revealed that those administrators did not believe antisemitism was a problem on their campuses.

This gap between the experiences of Jewish students and the perceptions of university administrators was the key reason we commissioned the survey; we wanted to understand whether the anecdotes we were hearing matched rigorously sourced data.

While some incidents of antisemitism against Jewish students were reported in the media, in large part the lived experience of Jews subject to discrimination on campus remained and remains unreported. This is especially the case when that lived experience takes the form of behaviour modification to *avoid* antisemitism, such as students not wearing clothing that identifies them as Jewish whilst on campus, not

[1] https://www.abc.net.au/religion/make-universities-safe-places-for-jewish-students/14026174
[2] https://www.australianjewishnews.com/scared-to-attend-campus/
[3] https://www.australianjewishnews.com/supporting-jewish-students/

complaining about tutors' and lecturers' aggressive anti-Israel bias for fear their marks will be affected, or not submitting complaints about antisemitism to the university because of a lack of understanding within universities as to how antisemitism manifests itself on campus.

Universities have strong anti-racism policies, and typically deny that antisemitism is a problem on their campuses. The disconnect occurs because most people outside the Jewish community incorrectly view antisemitism as being limited to discrimination against Jews because of religious or racial reasons. That is, universities do not realise that Jews are also often discriminated against as part of activism against Israel.

The ZFA came to understand that Jewish students were facing the third type of antisemitism on campus, bereft of meaningful university efforts to prevent it.

## 2b. Survey results

The survey was the first dedicated study of the extent (or impact) of the 'everyday', unreported antisemitism faced by Jewish students across the country.

The survey was rolled out for three weeks in late March and early April 2023. There were 563 valid responses from right across Australia. One in every 14 current Jewish university students filled in the survey.[4]

A key strength of the survey was asking students about their experiences, rather than relying on reported incidents, which is the typical methodology of other reports about antisemitism. Students were also asked whether and how they had modified their behaviour to avoid antisemitism, whether they had made complaints to universities after experiencing antisemitism and, if not, why not.

The full survey results can be found on the ZFA website: www.zfa.com.au/survey.

## 2c. Experiencing antisemitism

The survey found that 64 per cent of Jewish university students had experienced antisemitism on campus. Among universities with over 25 respondents, this key result ranged from 48 per cent (Deakin) to 84 per cent (ANU).

> "Almost every day I attend university, I see/hear/witness one or more antisemitic groups or antisemitic incidents. These come from staff, students, materials shown in class… These range from comments like 'Nazis were good people', which was made by an arts faculty chief examiner … to being told that I would not be welcome in a mainstream progressive club because I am a Zionist."
>
> - Survey respondent

The types of antisemitism experienced include tropes about Jewish money, power or influence, antisemitism based on religion or race and being singled out or excluded over Israel.

[4] The 2021 census counted 6200 Jewish tertiary students. Of the 563 survey responses, 429 responses were by current university students, which represents approximately 7 per cent of the Jewish student body, or one in 14 students.



2080

Students that reported experiencing antisemitism were asked to nominate which kind of antisemitism they experienced. Twenty-five percent of all students (i.e. including those that reported experiencing no antisemitism) reported having been involuntarily singled out or excluded over issues relating to Israel.

This figure is starker among those who, through their clothing or jewellery, are visibly Jewish. A total of 31 per cent of visibly Jewish students had been involuntarily singled out or excluded over Israel, compared to a total of 20 per cent of Jewish students who aren't visibly Jewish. This is important, because if criticism of Israel is unrelated to antisemitism, as some commentators claim, then there wouldn't be a difference between visibly Jewish and other Jewish students in this regard.

Regardless of where one draws the line between activism against Israel and activism that is discriminatory of Jews, if a Jewish student is involuntarily singled out or excluded for any reason—including someone else's hatred of Israel—that's antisemitism.

> "The anti-Israel narrative is so overwhelmingly strong on my university campus that I always hide this part of my Jewish identity… I would be nervous about being present at a Jewish society event if an Israeli flag was displayed."
>
> - Survey respondent

## 2d. Hiding their Jewishness

The survey revealed that students were modifying their behaviour to avoid antisemitism.

Fifty-seven per cent of students had hidden their Jewish identity to avoid antisemitism at university. This rose to 67 per cent of those students who had experienced antisemitism already. This shows that experiencing discrimination on campus has long-term impacts.

> "I feel uncomfortable about being openly Jewish with other students (other than my close friends). Whenever I would mention it, it always feels a bit like coming out, where you don't exactly know how people will respond, if they will judge you negatively or change their behaviour because of it."
>
> - Survey respondent

Similarly, 19 per cent of Jewish students had stayed away from campus to avoid antisemitism. This figure rose to 24 per cent among female respondents. Among those who had experienced antisemitism on campus, 27 per cent—over a quarter—had stayed away from campus, again showing that experiencing discrimination on campus has long-term impacts.

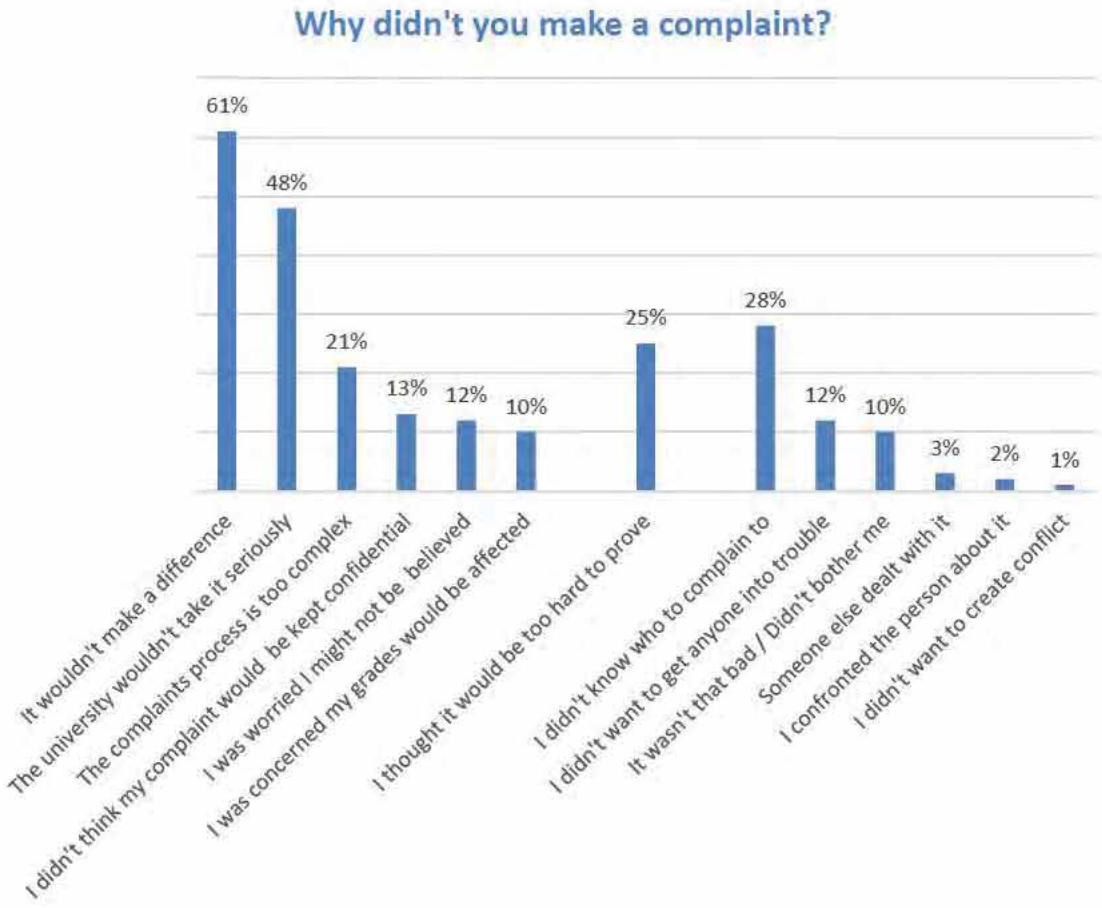
> "A person in my class heiled Hitler to me and not a single professor/ tutor or student did anything. The uni needs to step up."
>
> - Survey respondent

## 2e. Lack of confidence in the complaints system

The survey revealed that few Jewish students had confidence in their university's complaints processes. Of those that had experienced antisemitism in the last 12 months, 85 per cent did not submit a complaint after the most impactful incident in that 12-month period.

> "A lot of universities ... don't take antisemitic complaints/issues as seriously as others (e.g. homophobic, Islamophobic, and so on)."
>
> - Survey respondent

Asked why they didn't, over half said they didn't think it would make a difference, and just under half said their university wouldn't take the complaint seriously.




We asked all students whether they had confidence in the complaints process. Only 37 per cent said yes. However, over three-quarters of students said they would be more confident making a complaint if their

university adopted a definition of antisemitism. This figure rises still further—to 84 per cent—among those who are currently not confident about making a complaint.

> "Not only do we need universities to adopt definitions but provide students and staff with an explanation of the definition they are adopting and why it is important. The IHRA definition is great but people need to understand it if we want to make a difference. It's not just about getting people 'in trouble' for being antisemitic, it's about explaining to them what is antisemitic and why. The universities are also responsible for this."
>
> - Survey respondent

## 2f. Conclusions of survey results

The survey results definitively showed:

- Antisemitism was a significant problem on Australian university campuses well before the events of 7 October 2023
- There was already a permissive environment for students to be discriminated against because of Israel
- There are long-term impacts on individuals as a result of experiencing antisemitism on campus, affecting their academic and professional development
- Students were not submitting complaints because they did not have confidence in the university complaints process (and since universities primarily assessed student discrimination levels through complaints statistics, university administrations were unaware of the levels of antisemitism on campus)

### *Reason for a commission of inquiry*

Every Australian university was made aware of these issues in August 2023, when the ZFA provided them the results of the survey.

A commission of inquiry is needed to understand what measures universities took to mitigate these problems on their campuses (and which of these were effective), or why they took none.

Those universities that have not taken action must be compelled to explain why this is still the case one year after the release of the survey, which put them on notice as to the permissive culture of antisemitism on their campuses well before the explosion of antisemitism as a result of the 7 October attacks and their aftermath. As we set out below, the AHRC study will have no power to compel universities to answer any specific questions; we expect the AHRC study will leave the Jewish community wanting.

Of those universities that did take action as a consequence of the survey findings, a commission of inquiry will be able to determine which of the measures were effective, and why, and thus provide a suite of 'best practice' measures it could encourage all universities to adopt.

Since 7 October, antisemitism on campuses has been acute, and measures have had to be (or should have been) taken in order to stop it. However, the survey results show that even when there was no immediate round of Israeli–Palestinian conflict, Jewish students on campus still suffered antisemitic discrimination.

## 3. Israel, activism and antisemitism

One confusion is in relation to how criticism of or activism against Israel can express itself in antisemitism. Finding a common understanding of where this line lies is a critically important step in reducing and preventing antisemitic discrimination.

A key outcome of a commission of inquiry would be exploring the line between legitimate political debate and unacceptable racial discrimination and, in so doing, providing guidance for universities.

Obviously, criticism of or activism against Israel is not, in and of itself, antisemitic. People must be free to criticise the governments, policies and actions of any country. The line between legitimate criticism of or activism against Israel and antisemitism often depends on context. Australia and 42 other countries[5] use the internationally accepted IHRA working definition of antisemitism as a guide. Across the world, dozens of universities have likewise adopted the definition. In Australia, the University of Melbourne[6], Monash University[7], the University of Wollongong[8] and the University of the Sunshine Coast[9] have adopted it.[10]

The definition notes that criticism of Israeli policy is not necessarily antisemitism.

According to its website, the International Holocaust Remembrance Alliance (IHRA) "is the only intergovernmental organisation with a mandate focused on addressing contemporary challenges related to the Holocaust and genocide of the Roma. We foster education, remembrance, and research about what happened in the past, to build a world without genocide in the future."[11]

In May 2016, IHRA adopted a working definition of antisemitism, based on a previous EU document. The definition is: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."[12]

The definition is accompanied by 11 examples that provide context to help a user understand what might constitute antisemitism. These examples are claimed by some, including the Australian Greens,[13] as conflating criticism of or activism against Israel with antisemitism. We do not believe this is the case, as a simple reading of the examples proves.

We are elaborating this for two reasons; because the IHRA working definition of antisemitism has been adopted by the Australian Jewish community as the best representation of modern antisemitism, and because it is so quickly and unfairly dismissed by the Australian Greens and others.

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[5] https://holocaustremembrance.com/resources/working-definition-antisemitism
[6] https://about.unimelb.edu.au/diversity-inclusion/anti-racism-commitment
[7] https://www.monash.edu/about/who/equity-diversity-inclusion/areas-of-focus/anti-racism/anti-racism-statement. We note that Monash University applied caveats to the definition.
[8] https://www.uow.edu.au/about/our-vision-strategy/statement-on-antisemitism/
[9] https://www.usc.edu.au/about/policies-and-procedures/student-conduct-governing-policy
[10] In addition, La Trobe University and Macquarie University have adopted part of the IHRA working definition of antisemitism (i.e. without the attendant examples). We understand that Deakin University has not officially adopted the definition, but does use it as a guide to assess allegations of antisemitism.
[11] https://holocaustremembrance.com/
[12] https://holocaustremembrance.com/resources/working-definition-antisemitism
[13] https://greens.org.au/sites/default/files/2023-06/AG%20Pal%20resolution.pdf

Of the 11 examples, seven mention or refer to Israel. These are:

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it [i.e. Israel] a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

We do not believe any of these examples preclude criticism of or activism against Israel. Those who reject the IHRA definition must make clear what it is they want to say that is considered antisemitic under this definition. Indeed, unfair and unfounded criticisms of Israel is often made in the media or by political or community leaders without those remarks crossing the line into antisemitism, as defined by the IHRA working definition of antisemitism and its attendant definitions.

We believe that anyone who claims that the IHRA working definition of antisemitism conflates antisemitism with simple criticism of Israel is being wilfully ignorant.

## 4. Engagement with universities and the Universities Accord Panel

Both before and after the survey, and before and after the 7 October attacks, the ZFA made numerous attempts to make universities adequately aware of their situation of antisemitism on their campuses, to encourage them to take meaningful action to protect Jewish students, and to urge them to put in place measures to help prevent antisemitism from arising in the first place. While there have been limited successes, antisemitism on campus remains a significant problem. The universities' inaction in the face of the 'encampments' and attendant intimidation of Jewish students reveal that university administrators have still to internalise the problem.

*Reason for a commission of inquiry*

This section describes some of the engagement that the ZFA has had with the higher education sector. It shows that, short of a commission of inquiry with the power to compel witnesses, the higher education sector will continue to be able to deny there is a problem and/or avoid taking meaningful action to resolve it.

### 4a. Meeting universities before the survey

The ZFA has long felt that a widespread adoption of the IHRA working definition of antisemitism by universities—and its deployment as an educational tool—is vitally important.

The ZFA held discussions with numerous universities in 2022 to encourage them to adopt the working definition. What emerged from these meetings was the realisation that what the ZFA was hearing from students—that there was significant levels of antisemitism on campuses around Australia—was very different from the experiences of university administrators, which understood there to be very little antisemitism on campus, attested by the fact that their universities had strong anti-racism policies, and very few students were submitting formal complaints about antisemitism.

This realisation was the key reason that the ZFA commissioned the survey of Jewish university students in 2023.

## 4b. Meeting universities after the survey

As above, the survey found that two-thirds of Jewish tertiary students had experienced antisemitism on campus. A quarter had been involuntarily singled out or excluded over issues relating to Israel. Students were not making complaints about incidents, because they didn't trust university complaints mechanisms. As a result, many universities were ignorant of the prevalence of antisemitism on campus, an ignorance made worse by a basic lack of understanding of how modern antisemitism manifests.

These results partly explained the disparity between university administrations' perceptions and students' experiences.

We sent the survey results to university administrators, and requested meetings with them to discuss the results. We subsequently held meetings with six universities (Deakin, La Trobe, Macquarie, Queensland, Sydney, UTS).[14] Numerous other universities responded to our letter.

The tenor of most of the meetings was shock at the level of antisemitism experienced by their students, a desire to explain their anti-racism policies, a genuine desire to discuss the situation—including the survey statistics specific to their university—and a willingness to hear suggestions as to how things might improve, including successful tactics employed by other universities.

Because the survey explained the gap between experiences of Jewish students and perceptions of university administrations, subsequent to its release, universities had no excuse to be surprised by the existence of antisemitism on campus. The spike in antisemitism after 7 October was, in part, because there was already a willing environment on campus—which, because of the survey's results, universities already knew about.

## 4c. Meeting the Australian Universities Accord Panel

This section highlights another avenue that the ZFA has taken to have universities take antisemitism on their campuses seriously. As the below shows, this avenue was unsuccessful, and provides another reason why a commission of inquiry into campus antisemitism is necessary.

On 1 September 2023, the ZFA made a submission to the Universities Accord Panel. We met with the Panel in December 2023.

The Australian Universities Accord Panel was, according to the Department of Education website, commissioned to "devise recommendations and performance targets to improve the quality, accessibility, affordability and sustainability of higher education, in order to achieve long term security and prosperity for the sector and the nation."[15]

The Panel's Interim Report was released in July 2023 and the Panel called for feedback and insights in the form of submissions. It was in this context that we provided a submission to the Panel.

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[14] The series of meetings was interrupted by the Hamas–Israel war, which began on 7 October. For instance, there had been a meeting scheduled with the ANU for mid-October, which was cancelled at the ZFA's request.

[15] https://www.education.gov.au/australian-universities-accord

During our December 2023 meeting with the Panel, we noted:

- Rolling the fight against antisemitism into the fight against all other discriminations is very unlikely to prove effective.
- Universities already have strong anti-discrimination policies but antisemitism on campus remained unchecked.
- Part of the problem is that universities have an incomplete understanding of how antisemitism manifests
- The key finding of the AUJS-ZFA survey was that universities weren't aware of the unacceptable levels of antisemitism on campus because they relied on complaints data, but students aren't making complaints because they have little trust in the process. To fix this, student confidence in universities' complaints processes needed to be improved; and universities needed to find additional or alternate ways to become aware of antisemitism on campus.

To increase the confidence of students in university complaints mechanisms, we made the following suggestions:

- Universities should adopt the IHRA working definition of antisemitism. The elected representative Jewish community organisations (being ZFA and the Executive Council of Australian Jewry (ECAJ)) endorse the IHRA working definition of antisemitism as the most accurate guide to understanding how antisemitism manifests today. The IHRA working definition, plus other relevant educational resources supported by the elected representative Jewish community organistions, should be on university websites, and be provided to officials who assess complaints about antisemitism.
- Universities should meet with elected representative Jewish organisations to discuss their antisemitism policies. Some universities have adequate policies, but Jewish students don't know about them. Speaking with AUJS and other representative Jewish groups will help disseminate this information.
- University security teams should hold regular meetings with AUJS to discuss the situation on campus. This helps the security team understand the current situation, and find workarounds (e.g. if there is a protest planned outside a library, security can pre-plan another safe location where Jewish students can study). We noted that UTS had implemented this idea, and we thought it was a practice worth emulating.
- Any time a university wants to make policy decisions about antisemitism or other issues that would reasonably be expected to disproportionately impact Jewish students (or where Jewish students are obvious stakeholders), the university should consult with AUJS, the ZFA and the ECAJ.

To help universities find alternate ways to become aware of antisemitism on campus, we made the following suggestion:

- Universities should seek and accept third-party reports from AUJS and the Community Security Group about antisemitic incidents on campus. Frequently, Jewish students do not want to submit complaints. While action against individuals will generally not be able to be taken unless a formal complaint by an individual student is made, by having AUJS or CSG make a report about an incident will help inform universities about antisemitism on campus. Being aware of any patterns of incidents, even if students aren't making formal complaints, will help inform university policies.

The Universities Accord Final Report was published in February 2024.

Relevant to the issue of antisemitism and racism, there were certain aspects of the Universities Accord Final Report we welcomed, including its recommendation for a national student charter and a National Student Ombudsman. The report also recommended that a National Tertiary Education Commission be established and, once it is (and alongside its many other duties), it conducts a 'National Tertiary Education Racism Study'.

However, in our view, the report does not appropriately grapple with racial discrimination and the distinct challenges Jewish students face at university, especially following the dramatic rise in antisemitism that we have experienced in Australia since 7 October last year.

First, the report does not mention antisemitism. While we welcomed the recommendation for a Racism Study, the discussion on racism constitutes only four paragraphs in a 408-page report. We are very concerned that, on the formation of the Commission, matters of racial discrimination will not register on its crowded agenda.

Secondly, grouping antisemitism together with all other forms of racial discrimination is in our view doomed to fail. As we have discussed, antisemitism requires a robust and targeted policy framework.

Third, the challenges facing Jewish students are urgent. The conditions of antisemitism in Australia have significantly deteriorated since the Hamas–Israel war commenced on 7 October last year. The measures recommended in the Universities Accord Final Report will take many months—if not years—to bear fruit. We note that the National Tertiary Education Commission is only scheduled to be established in July 2025, meaning the Racism Study won't even be commissioned until some time after that.

The ZFA (and AUJS) were not listed as participants in the Panel's consultations, which we found surprising.

### *Reason for a commission of inquiry*

Notwithstanding the substantial terms of reference of the Universities Accord Panel, we find the inadequate response the Panel had to racism generally, and antisemitism specifically, provides another argument for a commission of inquiry. A commission that can compel witnesses to appear and respond will uncover the situation on campus both before and after October 2023. Allowing parties to merely supply statements without those statements being adequately interrogated will create the conditions for incomplete understanding of the situation.

## 5. The situation after 7 October and university responses

The situation on campus has dramatically worsened since the Hamas invasion of Israel on 7 October last year, and the war that invasion sparked.

The situation on many campuses has become highly intimidatory for many Jewish students. Some of this intimidation has clearly crossed the line into antisemitism.

Below is a limited list of incidents that have taken place on campuses across the country since 7 October that, in our view, are antisemitic. It is by no means an exhaustive list. It is not intended to detail many behaviours that intimidate Jews, are offensive, or have a real risk of flowing into violence (such as displaying a terrorist organisation's banner, displaying the upside red triangle symbol that apes how Hamas displays its targeting of Israeli civilians, offering 'unconditionally' to support Hamas' campaign against Israel 'by any means necessary', or echoing genocidal slogans chanted by terrorist organisations—all of which happened on campus since October last year).

- Macquarie University academic Randa Abdel-Fattah posted on social media that Zionists 'have no right to cultural safety' and encouraged all to deny safe spaces to Zionists.[16]
- Sheikh Ibrahim Dadoun, who is a supporter of Hezb ut-Tahrir, encouraged students participating in the University of Sydney encampment to chant often and loudly the slogan "from the river to the sea, Palestine will be free," because, in his words, "this is what makes the Zionists tremble in the knees."[17]
- Jewish students at Sydney University are being 'filmed, followed, intimidated' and are afraid of attending class.[18]
- Protesters wrote 'Zionists = Nazis' on a whiteboard at the University of Sydney encampment.[19]
- A man wearing a Palestinian keffiyeh at Deakin University swore at a kippah-wearing Jew, 'fuck you Zionist'.[20]
- Jewish students on multiple campuses reported being pressured to declare their political stances.[21]
- At Melbourne University, pro-Palestinian activists occupied a university building, expressed support for Hamas, and called for Jews to be barred from campus.[22]
- Jewish students were abused and sworn at Monash University (while university security staff looked on).[23]
- At multiple universities, protesters disrupt classes, demanding that people show their hands or otherwise demonstrate their position on the Hamas-Israel war. Photos were taken of students in this context. La Trobe University instructed its staff to let these protesters be, and did not attempt to stop them.[24]
- A Deakin University Jewish employee holding a sign encouraging dialogue was attacked by pro-Palestinian protests. He was pushed to the ground and ended up bleeding.[25]
- Social media posts advertising a protest declare 'Zionists are not welcome' at Monash University.[26]
- Former Greens mayoral candidate Jonathan Sriranganathan hosted an open mic event at the University of Queensland encampment where he stated, 'all welcome (except Zionists)'.[27]

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[16] https://www.theaustralian.com.au/nation/outrage-at-zionism-slur-by-macquarie-university-academic-set-to-star-at-sydney-opera-house-event/news-story/b91e69dd367cc53a36ed06d446a01fce.
[17] https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif.html
[18] https://www.theguardian.com/australia-news/article/2024/may/07/amid-reports-jewish-students-in-sydney-afraid-to-go-to-class-minister-urged-to-condemn-university-encampments.
[19] https://www.theguardian.com/australia-news/article/2024/may/07/amid-reports-jewish-students-in-sydney-afraid-to-go-to-class-minister-urged-to-condemn-university-encampments
[20] Testimony to AUJS.
[21] https://www.news.com.au/national/victoria/news/simply-not-safe-jewish-students-feel-targeted-on-campus/news-story/90313917228baf3bbe711ad3296e18e1
[22] https://www.theaustralian.com.au/higher-education/zionist-federation-of-australia-president-wants-action-taken-against-university-of-melbourne-student-activists/news-story/e3317cc13244d54e77da26f334feda92
[23] https://www.heraldsun.com.au/news/victoria/victoria-police-install-surveillance-cameras-at-monash-universitys-propalestine-encampment/news-story/a4fad410ab7b0eb05d5fa93de418eeaf
[24] https://www.heraldsun.com.au/victoria-education/tertiary/i-feel-unsafe-propalestine-supporters-clash-with-jewish-students-at-uni-encampment/news-story/ff8bf4f92e0338ff252c0a7ae959f1fb
[25] https://www.heraldsun.com.au/victoria-education/tertiary/i-feel-unsafe-propalestine-supporters-clash-with-jewish-students-at-uni-encampment/news-story/ff8bf4f92e0338ff252c0a7ae959f1fb
[26] https://www.heraldsun.com.au/victoria-education/tertiary/i-feel-unsafe-propalestine-supporters-clash-with-jewish-students-at-uni-encampment/news-story/ff8bf4f92e0338ff252c0a7ae959f1fb
[27] https://thejewishindependent.com.au/camp-shalom-a-response-to-pro-palestinian-encampments

- The Deakin University launch rally for the encampment had numerous anti-Israel chants such as "fuck the Zionists", "Zionists off campus" and "fuck you Zionist dogs".[28]
- A female Jewish student at Curtin University overhead someone saying there should be no Jews on campus.[29]
- At Sydney University, Jewish students faced harassment during protests; a Jewish student was told he was "not welcome" and having his photo posted on social media, where he was labelled a "Zio."[30]
- A visibly Jewish male student at Melbourne University was approached by members of the encampment, who started yelling at him and photographing him.[31]
- A female Jewish student at Melbourne University was followed for 300m by two men yelling at her that she was a supporter of genocide and supported the murder of babies.[32]
- Sydney University's Student Representative Council passed a motion endorsing 'violent resistance'. Jewish students were prevented from speaking, and a non-Jewish student who spoke in support of Israel was jeered at.[33]

In the weeks and months since this explosion of antisemitism began, the ZFA has held meetings with the students and parents of students being impacted. We have provided considerable support to AUJS, which has been thrust into a role they've never had to hold before. We have written to the education minister, and held meetings with his chief of staff, as well as the shadow education minister. We've issued statements about the most egregious activities on campus, and we have written to multiple university administrators calling out specific and highly problematic incidents on their campuses, and encouraged them to take actions to ensure the physical and emotional well-being of Jewish staff and students.

University responses to the ZFA have typically been the same as their responses to media; that they have strong anti-racism policies and that they ensure free speech on campus. They deny that they have an antisemitism problem on campus.

### *Reason for a commission of inquiry*

As above, universities knew about the levels of antisemitism on their campuses before 7 October, care of the Australian Jewish University Student Experience survey. Knowing that students typically don't make complaints about experiences of antisemitism, universities didn't change their policies before or after 7 October. That is, the complacency with which the ZFA was met before 7 October continues. The many worrying antisemitic incidents on campus, plus the extreme level of intimidation of Jewish staff and students, by and large have not been enough to change university positions.

We would imagine that university responses to the Australian Human Rights Commission study (see below) would be very similar to its responses to media and the Australian Jewish community. This is why only a commission of inquiry that has the power to compel witnesses will be able to ask—and receive answers—about their specific decisions in the face of the explosion of antisemitism we have been witness to since 7 October.

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[28] Testimony to AUJS.
[29] Testimony to AUJS.
[30] https://www.theaustralian.com.au/higher-education/jewish-groups-turn-on-sydney-university/news-story/822c4873d9a9c9521dbed7be10025335
[31] Testimony to AUJS.
[32] Testimony to AUJS.
[33] https://www.australianjewishnews.com/motion-backs-armed-resistance/

## 6. The Australian Human Rights Commission study isn't adequate

The Australian Human Rights Commission (AHRC) has been commissioned to prepare a study into antisemitism, Islamophobia, racism and the experiences of First Nations people on university campuses. This study will be led by the Race Discrimination Commissioner Giridharan Sivaraman. The study is scheduled to provide an interim report by 31 December 2024, with a final report due by 30 June 2025. It aims to examine the prevalence and impact of racism in universities and will involve consultations with students, stakeholders, and education providers.

In our view, the AHRC study lacks the necessary focus to address the specific issues faced by Jewish students on university campuses. While the AHRC study aims to address broader racism concerns, it does not sufficiently concentrate on the unique and pervasive nature of antisemitism in academic environments. This lack of focus dilutes the effectiveness of the study in identifying and tackling the specific manifestations of antisemitism that Jewish students experience.

Additionally, the AHRC study does not convey the urgency required to address the escalating antisemitism on campuses. The situation is unprecedented and deeply troubling, with Jewish students being targeted and intimidated to the point where many are staying away from campus. The urgency and seriousness of the situation demand immediate and decisive action, which the current AHRC study fails to provide.

Furthermore, the AHRC study lacks the power to compel witnesses to provide testimony and answer questions. This significant limitation will undermine ultimately the depth and accuracy of its findings.

### *Reason for a commission of inquiry*

These deficiencies underscore the necessity of the commission of inquiry envisioned by this bill. Unlike the AHRC study, this commission will have a focused mandate on antisemitism, an urgent timeline to address the crisis, and the power to compel testimony and documentation. This is essential to uncovering the full extent of antisemitism on campuses and developing effective strategies to combat it.

## 7. Recommendations

What has become clear over the last few years is that a commission of inquiry or judicial inquiry with royal commission-like powers is the only reliable way that the extent of campus antisemitism, and universities' action or inaction in the face of it, can be uncovered.

In an effort to convince universities that they've got an antisemitism problem and that they should do something about it, the ZFA has, over many years, met with various university and education administrators. In all meetings, we get sympathy, but rarely does it result in action. Meanwhile, Jewish students and academics on campus continue to face discrimination and intimidation.

Many universities have in fact obfuscated, or justified in the name of 'academic freedom', reprehensible conduct. University administrations must be compelled to answer what they have known about antisemitism on their campuses, and what they've done about it. If they haven't done anything, this should be exposed.

And they must be given clear guidance as to how to insulate their campuses against antisemitism and manage it when it arises—and be held accountable.

In August 2023—before the explosion of antisemitism on campus that Australia witnessed as a result of the 7 October Hamas invasion of Israel—the ZFA revealed that two-thirds of Australian Jewish university students had experienced antisemitism on campus. This included one-quarter of all Jewish students having been involuntarily singled out or excluded because of issues relating to Israel. When people on campus want to take their hatred of Israel out on individual Jews in Australia, that' s antisemitism. It needs to end.

In light of the above, these are the ZFA recommendations to the Senate Committee:

1. **Passage of the Bill**: The ZFA recommends that the Senate Committee endorse the bill to establish a commission of inquiry into antisemitism at Australian universities.
2. **Powers**: The commission of inquiry must have the authority to compel witnesses to appear and testify under oath to ensure comprehensive and honest testimonies, such as in a judicial inquiry.
3. **Adoption of a suite of 'best practice' measures:** The Commission of Inquiry can determine and provide a suite of "best practice measures" all universities should be encouraged to adopt. This could include, but is not limited to:

    - How universities should seek out or otherwise understand student experiences and concerns about discrimination, given that students are not making official complaints;
    - A thorough examination of university complaints procedures to determine how to improve confidence in making complaints among students;
    - Whether a national model should be created to standardise how complaints about discrimination are handled;
    - Establishing an oversight body, such as an ombudsman, to whom students unsatisfied with the way their university handled a complaint can turn;
    - Including education about modern antisemitism at universities and, in particular, for complaints handling officials, in any national student charter the Panel ultimately recommends;
    - Recommending that all universities adopt the IHRA working definition of antisemitism; and
    - Universities should be required to enforce policies or take action under existing policies. In many instances, university administrators had the ability to take action under existing policies but failed to do so. This could be either because they refused to acknowledge the problem, or because they were intimidated by protestors.

Australasian Union of Jewish Students

# The Australasian Union of Jewish Students (AUJS)

The Australasian Union of Jewish Students (AUJS) is the peak representative body for Jewish university students across Australia and New Zealand. Our mission is to provide meaningful experiences to Jewish students to develop and strengthen their sense of Jewish identity and Jewish leadership. AUJS has affiliate clubs on 18 university campuses across Australia. We focus on providing social, educational and professional development experiences for Jewish students to foster their Jewish identity both on and off campus.

AUJS welcomes the opportunity to submit our perspective to the *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2).* This inquiry offers a vital platform for amplifying the lived experiences of Jewish students who have faced antisemitism. It also provides a crucial chance to advocate for meaningful changes within the tertiary education sector to combat antisemitism on campuses effectively.

**Noah Loven**
President of the Australasian Union of Jewish Students

**Zachary Morris**
Vice-President of the Australasian Union of Jewish Students

The Australasian Union of Jewish Students (AUJS)..... 1

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# Preface

If universities cease to function as places to gather people together across race, class, and creed — united by a shared commitment to learning and scholarship — it undermines their role as public institutions.

At the same time, ensuring that campuses remain a place of diverse views and robust discussion is critical to their functioning as public institutions; anything that may intrude on freedom of speech and expression should not be considered lightly.

We recognise there is a significant, central, and unwieldy tension that places of higher learning must navigate here. Notwithstanding the difficulty of striking a balance, it is crucial that universities do not abandon the other in their pursuit of one ideal.

Right now, many Jewish students are feeling abandoned.

We do not seek that our participation in public life comes at the cost of anyone else's. Rather, we can navigate the usual trials and tribulations of student life —tutorials, exams, and endless procrastination— free from prejudice, bigotry, harassment and hate, just as every student is entitled to.

As a direct consequence of some universities' failure to meaningfully address these concerns, Jewish students are changing their behaviour to adapt to what has become a new reality. No student should be forced to choose between their education and their own safety.

A recurring motif in many student testimonies we have received is that many students who used to dream of going to university now dread it.

It need not be reiterated, but the current situation is untenable. We are in a crisis, but we have been in crisis for far too long.

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# Executive Summary

AUJS is deeply concerned about the rise of antisemitic incidents on campus. The rise in antisemitism across Australia did not start on October 7th; rather, there has been a sustained increase in antisemitism across Australia for many decades. Troublingly, universities have been at the forefront of this escalating trend. Prior to October 7th, research conducted by the Social Research Centre in March 2023 revealed that a majority (64%) of Jewish university students had experienced antisemitism on campus, with over half of Jewish students (57%) concealing their Jewish identity on campus to avoid antisemitism and 20% of Jewish students avoiding campus for the same reason.[1]

Since Hamas' attack in Israel on October 7, 2023, and the subsequent war in Gaza, the situation on campus for Jewish students has severely deteriorated. Universities have become a focal point for antisemitic activity. Jewish students face an unprecedented increase in fear, intimidation, and harassment from both members of the university community and non-student external actors entering campus. As a result, many Jewish students have decided to avoid their university campuses altogether.

In this submission, we consider the varied manifestations of antisemitism on campus and its impact on Jewish students. We will also examine the adequacy and effectiveness of different universities' responses to antisemitic and extremist incidents, highlighting best practices and deficient responses. We recommend the need for the tertiary sector to adopt best practice policy to combat antisemitism and establish a judicial inquiry into antisemitism to properly analyse the scope of antisemitism on campus and the inadequate responses of some universities.

[1] https://www.education.gov.au/system/files/2023-09/AUA_inter_tranche7_166%20Zionist%20Federation%20Australia%20Attachment.pdf

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# Defining Antisemitism

AUJS, along with the mainstream Jewish community, use the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism to guide our understanding of antisemitism. The IHRA is an international and intergovernmental body promoting Holocaust education, remembrance and research and countering antisemitism, racism and anti-Roma and Sinti prejudice. Australia has been a full member of the IHRA since 2019[2], and the IHRA definition of antisemitism has bipartisan support. It was formally adopted by the Morrison government in 2021[3] and endorsed by Federal Labor as early as 2016[4]. It is also the most widely accepted definition of antisemitism by Western governments.

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

The definition is accompanied by examples to illustrate the various forms antisemitism can take. Some of these include:

- *Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.*
- *Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as a collective.*
- *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group or even for acts committed by non-Jews.*
- *Denying the fact, scope, mechanisms (e.g., gas chambers), or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).*
- *Accusing the Jews as a people or Israel as a state of inventing or exaggerating the Holocaust.*

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2 https://www.foreignminister.gov.au/minister/marise-payne/media-release/australia-joins-international-holocaust-remembrance-alliance

3 https://www.smh.com.au/politics/federal/australia-to-back-international-definition-of-anti-semitism-20211014-p58zxk.html

4 https://www.australianjewishnews.com/penny-wong-puts-spotlight-on-antisemitism/

- *Accusing Jewish citizens of being more loyal to Israel or to the alleged priorities of Jews worldwide than to the interests of their own nations.*

These examples, with the requirement of additional context per the situation in question, can help to clarify what constitutes antisemitism and underscore the need for a comprehensive approach to addressing it.

## Antisemitism and Zionism

The Jewish people have been subject to persecution throughout their history. Given the scope and depth of different Jewish diasporas, this persecution has taken on many forms across many cultures.

As indicated above, the IHRA definition characteristics often ascribed some degree of malevolence and an intent by 'the Jew' to illegitimately subvert, mislead, or control institutions, laws, values, or subsets of populations at the expense of the majority. These various tropes, assumptions, and stereotypes remain salient in Jewish memory and history.

When criticisms about Israel, Israelis, or Zionists draw upon these tropes, assumptions, and stereotypes to make their point, it often reminds Jewish people about the discourse that precipitated a time of violence one's relatives survived — or serves as a grave reminder of a time that they or their communities did not. Consequently, these types of criticisms are experienced by Jewish people as a contemporary manifestation of historical antisemitism. For many, it also evokes significant generational trauma.

Furthermore, it is important to acknowledge that the tropes, assumptions, and stereotypes historically used to vilify Jewish people have proved extremely conducive to subsequently inciting or justifying widespread discrimination, hatred, and/or violence towards Jewish people and their communities. By ascribing to Jewish people the motive, nature, and capacity to be responsible for a broad range of individual and social ills, the targeting of Jewish people, property, and institutions can be framed as a righteous response to those ills; by targeting those perceived responsible for a given injustice, violent conduct and rhetoric becomes a legitimate avenue for bringing about justice.

Whilst some may contend that the IHRA definition conflates legitimate criticism of Israel with antisemitism, it only does so when otherwise legitimate criticism is levied through the use of antisemitic tropes, assumptions, and stereotypes. Insofar as otherwise legitimate criticism can be reformulated to avoid vilifying its target in the same manner as Jewish people, practices, and communities have been historically vilified, it *cannot* be caught within the IHRA definition. In circumstances where legitimate criticism of Israel, Israelis and/or Zionism cannot be reformulated to avoid vilification in this manner, it can signal that criticism may be

less legitimate than originally intended – reinforcing the utility of the IHRA framework in identifying it as such.

Of particular concern is the language used by some pro-Palestinian demonstrators on campuses, which explicitly calls for discrimination against, vilification of, or threats of violence against 'Zionists'.

We recognise that not all Jewish people identify as Zionists. However, a comprehensive study — Crosssroads23 — undertaken by Monash University Emeritus Professor Andrew Markus in June 2023[5] found that 77% of Jewish Australians identify as Zionist. While definitions of 'Zionism' may vary, the most commonly held amongst Jewish communities is the belief that Jewish people have the right to self-determination in their ancestral homeland of Israel and that the State of Israel has the right to exist as a Jewish state.

Furthermore, the same survey further demonstrated a strong connection between Jewish Australians and Israel, with 88% feeling a high level of personal connectedness with Israel and 90% believing it important that the Australian Jewish community maintain close ties with Israel.

Therefore, we contend it is vital to understand, address and respond to antisemitism fully cognisant of the close ties between the vast majority of Jewish Australians and Israel and the more than three-quarters who identify as Zionist. It is simply not credible to purport that prejudice, discrimination or even threats against more than three-quarters of Jewish Australians can be dismissed as not antisemitic.

Moreover, the Jewish connection to Israel is multifaceted and nuanced, encompassing spiritual, historical or familial connections. Jewish students, in particular, have a diverse and, at times, challenging relationship with Israel. For some, it is inextricably linked to their practice and experience of Judaism. Because of the discourse around Zionism on campus, Jewish students who may not identify as Zionist but may still have an undeniable connection to Israel are still often made to feel responsible for the actions of the Israeli government and punished by their peers, regardless of their personal positions.

As we are witnessing an uptick in reports of Jewish students being verbally and physically harassed, intimidated, and excluded on campus, the IHRA definition is particularly well-suited for use in the university context through its ability to differentiate between legitimate discourse about the State of Israel and that which crosses into antisemitism.

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5 https://jewishindependent.yourcreative.com.au/wp-content/uploads/2023/06/Crossroads23_Survey_Report_June_2023_2-1.pdf

Australasian Union of Jewish Students

# Examples of antisemitism

The following examples are representative of the varied manifestations of antisemitism on campus. These incidents have been sourced from direct complaints to AUJS, Jewish community security organisations, and other Jewish community groups.

While we acknowledge that those committing harmful acts of antisemitism are a small minority of the campus population, the impact of their actions is profound, causing immense harm to the well-being, success, and academic experience of Jewish students and others.

## Example 1, Student at the University of Melbourne:

In a lecture, before the lecturer began speaking, two students entered and filmed the class while forcing students to vote by raising their hands for or against the 'genocidal Zionist regime.' This created an environment where students felt judged by their peers for not participating in an intentionally divisive vote, leading to significant distress.

## Example 2, Student at Monash University, Clayton:

In a tutorial, a student stated that Holocaust survivors should not have been allowed into mandate Palestine because they are ‘inherently genocidal’.The tutor did not respond to this comment. Furthermore, the student and their friends refused to use the elevator with a Jewish peer.

## Example 3, Student at Monash University, Caulfield:

A lecturer supported a group presenting on a social cause in a sociology class, suggesting the 'pro-Palestinian movement' as their topic. The lecturer reportedly guided the group before and during their presentation and mentioned that his friend organises pro-Palestinian rallies in the city on Sundays and that he supports 'Free Palestine.' This created an unsafe and discriminatory environment for a Jewish student due to the overt preferential treatment given to the group presenting the pro-Palestinian topic.

## Example 4, Student at the University of Queensland:

Pro-Palestinian protesters at the University of Queensland’s encampment have flown the flag of the Popular Front for the Liberation of Palestine (PFLP). The PFLP is deemed a terrorist organisation in the United States, the European Union, and Canada, refuses to recognise the state of Israel and supports the elimination of the only majority Jewish state (home to the majority of Jews globally), thus revealing its genocidal intent. The Australian government has subjected the group to financial sanctions.

## Example 5, Student at Monash University:

A student faced repeated instances of antisemitism at their university, ranging from conversations with peers to being publicly shouted at near the encampment. In this instance, protesters had called students names such as ‘Zionist pigs,’ ‘genocide supporting freaks,’ ‘Nazis with blood on your hands,’ and ‘kapos’.[6] These incidents occurred between chants for a ‘global intifada’ and a ‘Palestine from the river to the sea,’ viewed as antisemitic calls for violence and genocide against Jews and the Jewish state. Protesters also chanted ‘Jews out of Palestine’.

## Example 6, Student at the University of Western Australia:

An identifiably Jewish male student walking through campus past a pro-Palestinian stall was approached by an unknown person who asked, 'Do you support the murdering of babies and the genocide in the Middle East?'. Inferring support for the murdering of children based on an individual visibly identifying as Jewish is a contemporary example of the blood libel.

## Example 7, Student at the University of Sydney:

An event was held on campus titled 'Who are Hamas’ (promoted with photos of the October 7th attacks), which sought to rationalise and legitimise Hamas, a recognised terrorist organisation. The university administration was informed prior to the event, but the Vice Chancellor chose not to intervene on the grounds of freedom of expression. During this event, at multiple points, support was expressed for Hamas, its methodology, and the October 7th attacks.

## Example 8, Student at the Australian National University:

On ABC radio, student representatives of the Australian National University Student Union (ANUSA) openly supported Hamas, raising serious concerns about the promotion of extremist views. Asked by the radio host, ‘surely if you're going to protest against that, you've also got to send a message to Hamas to release the hostages, don't you?’ the student representative replied, ‘well I actually say that Hamas deserve our unconditional support' and 'I do not condemn [Hamas]’.

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[6] Kapo definition: From Italian Capo, meaning: head, chief. An inmate (male or female) in a position of authority in Nazi concentration camps. The Kapo was in charge of a group of inmates and carried out the instructions of SS supervisors. They made sure that prisoners performed their tasks and met the quotas. The Kapo was the Nazis’ instrument to humiliate and brutalise the prisoners. https://www.museumoftolerance.com/education/teacher-resources/holocaust-resources/glossary-of-terms-places-personalities.html#KAPO

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### Example 9, Student at Deakin University (Burwood Campus):

The launch rally for the encampment included numerous anti-Israel chants such as 'fuck the Zionists,' 'Zionists off of campus,' and 'fuck you Zionist dogs.' Following the rally, a group of pro-Israel supporters near the encampment received verbal abuse, including being called 'fucking Zionists, genocidal creeps.'

### Example 10, Student at the University of Technology Sydney:

A study room adjacent to a designated safe space for Jewish students was vandalised with swastikas and a drawing praising terrorists who orchestrated October 7. The use or display of Nazi symbols breaches both NSW and Commonwealth law.

### Example 11, Student at the University of Sydney:

A Jewish student was pushed from a bike and told ‘Heil Hitler’ while walking to their car. The university refused to act because the incident happened two metres from campus, even though the perpetrator had biked from campus and was a student.

### Example 12, Student at the University of Melbourne:

A student was followed 300 meters to their lecture by two men who yelled that the student was a 'genocide supporter' and that they 'support the murder of babies.' The student reported the incident to the university but received no response.

### Example 13, Student at the University of Melbourne:

A student was called a 'genocide supporter' and a 'psychopath' when two people saw a Star of David on their necklace and followed them to their lecture. Another student, while laying Tefillin[7], was harassed and photographed by protesters who refused to stop when asked. A circle had to be formed around him to protect him.

[7] Tefillin definition: They are two black leather boxes (singular: 'tefillah') with straps which are put on by adult Jews for weekday morning prayers, and are worn on the forehead and upper arm.They are also called prayer boxes or phylacteries. https://jewishmuseum.org.uk/schools/asset/tefillin/#:~:text='Tefillin'%20is%20the%20name%20given,the%20skin%20of%20kosher%20animals.

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# Encampments and External Actors

In response to the Israel-Hamas War, various encampments were established across Australian universities. While we respect and acknowledge the importance of freedom of speech and assembly as foundational, many antisemitic incidents emanated from the encampments.

A report from the Community Service Group Victoria (CSG VIC), the security arm of the Jewish community in Victoria, found that:[8]

- The establishment of the first pro-Palestinian encampment in Victoria at the University of Melbourne on April 25th, 2024, led to a marked increase in reported incidents. The CSG received an average of more than 50 reports per week following the start of the encampments, compared to only 11 incidents reported in all of 2023.
- Since the start of 2024, the CSG has recorded 91 incidents on university campuses until May 31st, with 84 classified as hostile or hateful rhetoric and the rest as suspicious activities. The majority of these incidents occurred after the encampments began.
- The analysis suggests that the longer the encampments exist, the more violent they are likely to become. Initial reports often involved graffiti and symbols, escalating to verbal abuse, threats, and eventually physical assault.

While this report only encompassed campuses in Victoria, based on incident reporting, we suggest that these findings apply broadly to the other encampments that were erected throughout Australia and are not isolated to the Victorian campus context.

[8] https://www.csgvic.com.au/_files/ugd/6919b9_212e0032975f478bb2bc50846ca0873a.pdf

Australasian Union of Jewish Students

# Effect on Jewish Students

The antisemitic incidents reported on university campuses have had a profound and detrimental impact on Jewish students, ranging from feelings of being unwelcome to avoiding university altogether.

Jewish students have reported feeling unsafe, ostracised, and targeted for their identity. The pervasive nature of these incidents, including verbal abuse, hostile rhetoric, physical threats, and discriminatory actions, has led to a significant decline in their sense of belonging and safety on campus. Many students have expressed a loss of motivation to attend classes, participate in university activities, or even openly express their Jewish identity. The constant exposure to antisemitism both on campus and in the wider world has created an environment where Jewish students feel marginalised and fearful.

The impact statements highlight the emotional distress and anxiety experienced by Jewish students, with some reporting deteriorating mental health, academic performance, and overall university experience. University administrations' inaction and inadequate response have exacerbated these feelings, leading students to distrust reporting systems and feel disempowered to seek help.

As a result, many students have chosen to hide their Jewish identity, avoid certain areas of campus, or refrain from attending university altogether to protect themselves from further harm.

Australasian Union of Jewish Students

# Reporting of Antisemitic Incidents

There is significant under-reporting of antisemitic incidents on university campuses, as many Jewish students feel disempowered or fear retaliation.

The Jewish Student Experience Survey revealed a profound distrust in university reporting systems, highlighting a lack of transparency and a perception that university institutions are not adequately addressing antisemitism on campus.[9] This distrust is underscored by the fact that 85% of Jewish students did not report their most impactful incident of antisemitism, with 61% believing that reporting would not make a difference and 47% feeling that the university would not take it seriously.

Additionally, 61% of those reporting incidents were dissatisfied with the outcome. There is an urgent need for cultural and structural change within universities to ensure that campuses are inclusive environments where all students, regardless of faith, ethnicity or cultural background, feel safe and welcome.

In line with existing empirical data and community sentiment, many students are unlikely to feel comfortable providing evidence to the Australian Human Rights Commission (AHRC) at present, given the poor response of the AHRC to the rise of antisemitism on Australian campuses. The need for a judicial inquiry is thereby underscored, particularly insofar as it affords students the opportunity to provide evidence on a confidential basis without concern that their personal data will be leaked or misused.

9 https://www.education.gov.au/system/files/2023-09/AUA_inter_tranche7_166%20Zionist%20Federation%20Australia%20Attachment.pdf

Australasian Union of Jewish Students

# Student Testimonials

The following testimonials highlight the significant disruptions, including missed classes, that Jewish students face as a result of antisemitism on campus.

## Student Testimonial at the University of Sydney

'I am Jewish and from a Hebrew-speaking home. The environment at the USYD makes me feel immensely unsafe and targeted. The university's complacency in this matter truly erodes its reputation as an honourable educational institution, and frankly, if I were the university board, I would be unequivocally ashamed and embarrassed. The ignorance of the USYD as a place of teaching is deeply ironic.'

## Student Testimonial at Deakin University

'I am grappling with the fact that I didn't spend the last three weeks [of my diploma] celebrating or having fun with my friends, instead, I have been fighting for my right to exist safely on campus.'

## Student Testimonial at the University of Melbourne

'I've almost lost all motivation to continue my studies here, as both the students and institution clearly cares more about their public reputation than protecting the lives and safety of their Jewish students. I feel abandoned and discarded by the university, left exposed to the antisemitic mob that is slowly taking over. I have never felt more alone.'

## Student Testimonial at La Trobe University

'A series of graphic, violent, and antisemitic posters ... have made me feel unsafe and caused me to become anxious, unsafe, and intimidated while on campus. This all affected me to a point that I was unable to complete and subsequently fail a subject in semester 2 of 2023... I feel unsafe, unwelcome, and intimidated as a Jewish student at La Trobe University.'

## Student Testimonial at Monash University

'I've felt a lot of anxiety about attending my classes. I have skipped tutorials because of [the encampments], which exist at the expense of Jewish students' right to feel unintimidated on campus.'

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## Student Testimonial at Monash University

'My involvement in campus life has been drastically impacted. This has manifested in several ways – I am significantly more avoidant of campus and have avoided speaking about my ethnicity and place of birth. Revealing my cultural identity [could] place my social and even academic life at risk, contributing to the social isolation I have felt since October.'

## Student Testimonial at Deakin University

'I have felt compelled to conceal the most fundamental part of my very being. I have hidden my Magen David necklace under my jumper, fearing that other students would attack me. I have felt stifled and surrounded by hatred... I am a proud Jewish student with a passion for learning, and I do not feel safe at university.'

## Student Testimonial at the University of Sydney

'The encampment and the hateful rhetoric surrounding Jews by the Student Representative Council (SRC), with a lack of action from management [have] meant that I have lost most of my friends. The amount of social isolation because the SRC's actions are right and [the] lack of support from management to do anything to stop this has been ridiculous. I have never been so unhappy. This place was once my dream, and now I can't wait to get out of here.'

## Student Testimonial at the University of Sydney

'The actions of the disruptive faction within the university community not only defy the principles of 'leadership for good' but also pose a tangible threat to the safety and well-being of students. Their penchant for disruptive behaviour, including banging on windows during meetings and causing disturbances in lectures, is antithetical to the values of unity and inclusivity that should define our academic institution. I was too anxious one week that I couldn't even physically attend University.'

## Student Testimonial at the University of Adelaide

'Since the beginning of my university experience, the protests run by the Socialist Alternative have heavily affected my mental health and ruined my intended university experience. The biggest thing is the lack of support from the university, which 'passively' provides support but doesn't 'actively support us. We want the university to acknowledge the pain and suffering Jewish students have faced since October 7th and, building on this, support Jewish students on campus by allowing us, as paying students, to enjoy the same experiences as other paying students, equally.'

Australasian Union of Jewish Students

# Reflections on University Responses

## Best Practice Examples

Best practice examples tend to reflect a proactive approach by the universities mentioned below with regard to ensuring that the physical security of Jewish students, academics and staff is safeguarded. However, even in best practice examples, we note that there is nevertheless a normalisation of antisemitic discourse in such settings. While these universities have a far better record than many others in Australia, there remains room for improvement. We note that in the case of all universities, there is a failure to properly identify the boundaries of academic freedom and freedom of speech or to give appropriate berth to the fundamental right of freedom from discrimination.

### Deakin University:

Deakin University demonstrated proactive engagement by organising a pre-emptive meeting with AUJS representatives to explain their position and support from a security perspective. The University also took prompt action by positioning campus patrol units near Jewish events and verbally telling protestors to leave before any other university did. Additionally, the SafeZone app was an effective incident-reporting tool that gave Jewish students a reliable resource for reporting incidents.

It does bear noting that we also understand that some members of the community have lodged complaints through the Safer Communities Act regarding serious incidents and discourse, including the spitting on Jewish students by prominent individuals associated with the encampment and anti-Israel protests. To our knowledge, these complaints have not been responded to or addressed. We also understand that some of these complaints have been made directly to the Chancellor and senior management, who have not responded substantively but have instead referred complainants to Safer Communities, meaning there is a gap in terms of addressing reports of antisemitism.

### University of New South Wales (UNSW):

UNSW's collaboration with AUJS has been notably effective, particularly in managing protests and ensuring Jewish students' safety during these events. The University's commitment to preventing encampments and maintaining a strong security presence during protests has reassured Jewish students. While there have been some reported incidents of antisemitism as well as some incidents that remain confidential, the UNSW administration has generally been proactive and has considered its responses.

However, we note that while the physical wellbeing of students, academics and professional staff has been well-attended to at UNSW, there is nevertheless an issue regarding psychosocial safety in some settings, and the ongoing and disproportionate platforming of particular speakers who have, on occasion, employed antisemitic tropes.

Various prominent academics have publicly aligned themselves with campaign initiatives and fringe organisations that produce content exacerbating antisemitism, and there is not enough awareness at some levels regarding what constitutes antisemitism. Nonetheless, UNSW has also fostered a supportive environment through structured communication channels with AUJS representatives, ensuring their concerns are heard and addressed promptly in many instances. UNSW should also be commended for proactively responding to the current climate by attempting to foster cultural dialogue between students and designing initiatives that bring students from different backgrounds together to strengthen social cohesion.

## The Australian National University (ANU):

In response to a student representative's public statement supporting Hamas, ANU issued a public statement distancing itself from the remarks. The University reiterated its commitment to not tolerating antisemitic behaviour or messaging, emphasising that such conduct does not align with its policies or values. ANU took immediate and appropriate disciplinary action, which included expelling the student involved.

We note, however, that some Jewish students have been personally targeted and physically threatened, and there has not been appropriate involvement of police in such instances. We also note that there has been a proliferation of antisemitic propaganda around the campus and a failure to remove such materials or to make formal complaints to the police about the vilification of Jews through the use of materials by organisations that are present on campus.

## Western Sydney University (WSU):

We Commend Professor Jennifer Westacott AO, the Chancellor of Western Sydney University, who publicly stated that the 'hate speech and antisemitism occurring on our campuses is a direct assault on Australia's multiculturalism and its principles'. We believe that more university representatives must follow in the footsteps of Chancellor Westacott AO and publicly draw red lines of acceptable conduct and recognise the prevalence of antisemitism on campus.[10]

10 https://www.theaustralian.com.au/inquirer/this-is-our-line-in-the-sand-act-now-to-end-hate-speech/news-story/d891841950d88f6f356407486b092918

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## Managing external actors that engage in university protests - Monash University, the University of Melbourne, and Deakin University:

In response to the Israel-Hamas War, various encampments were established across Australian universities. AUJS, through public statements and meetings with university administrators, brought to their attention that many antisemitic incidents emanating from these encampments were primarily instigated and committed by individuals not affiliated with the universities.

To address this issue, several universities, including Monash University, the University of Melbourne, and Deakin University, implemented measures to safeguard their campuses. These universities erected signage to clarify that external actors were not permitted to engage in protest activities on campus, with violations potentially leading to further consequences. Measures such as checking for university identification were introduced to ensure compliance.

This example highlights how constructive dialogue between AUJS and university administrators can result in practical policies that effectively de-escalate tensions on campus and protect the entire university community.

## Monash University

Before October 7th, Monash University effectively engaged with Jewish students through open communication with AUJS' campus affiliate, the Monash University Jewish Students' Society (MonJSS), the Vice-Chancellor, university administrators, the Australian Centre for Jewish Civilisation (ACJC) and campus security.

These consultations with MonJSS have resulted in the university administration understanding the Jewish student experience, which has been pivotal in addressing concerns about rising antisemitism on campuses.

Through proactive relations with MonJSS, the ACJC assisted Monash University in formulating its commitment to support an action-based research program to investigate antisemitism, Islamophobia, and related prejudices, developing initiatives to enhance social cohesion, and making rolling recommendations to the University.

Additionally, Monash has committed to facilitating dialogues between students to foster understanding and peacebuilding between Jewish and Arab students.

# Inadequate Responses Examples

## University of Sydney (USYD):

The University of Sydney's handling of antisemitic incidents has been marked by a lack of decisive action and an overemphasis on freedom of speech at the expense of student safety. Despite assurances, the University's reluctance to remove offensive posters without explicit approval from the Vice Chancellor's office has hindered swift action against antisemitic propaganda. Much of this inadequacy stems from a failure to enforce standards and policies previously set by the University and Vice Chancellor – including "*we will not tolerate any pro-terrorist statements or commentary, including support for Hamas's recent terrorist attacks*" (Mark Scott, *26/10/23)*. This has precipitated a widespread loss of faith in the University of Sydney's internal reporting procedures amongst Jewish students. The inadequate penalties imposed on perpetrators of antisemitic conduct and the bureaucratic hurdles faced by students in reporting incidents have further exacerbated the lack of trust. For example, after an AUJS stall was vandalised and a flag was stolen, the complaints process was protracted and inefficient. Initially, the University claimed there was no CCTV footage of the incident. Only after AUJS filed a GIPA request did they acknowledge identifying footage, taking six months to close the case. This inconsistency and perceived reluctance to enforce policy has left Jewish students feeling unsafe and unsupported.

Furthermore, the University of Sydney's administration has regularly misdirected Jewish community stakeholders who have engaged with the Vice Chancellor, with senior university staff having to apologise for the Vice Chancellor's behaviour towards communal leaders on multiple occasions. Additionally, the University of Sydney has engaged with student groups with reported links to internationally recognised extremist organisations[11] to participate in a working group review of university investments and defence-related research, further undermining the safety and trust of Jewish students.

## The University of Melbourne:

The University of Melbourne's responses to antisemitic incidents, while empathetic, have often lacked practical, proactive solutions. Immediately after the October 7th attacks, Jewish student representatives at the University of Melbourne warned the university administration that a failure to intervene early with protests that crossed the line — including calls for an 'intifada' — would lead to the escalation of protest activities. The consequence of the university administration not dealing with a rise in hostility on campus led to the occupation of the Arts West building on campus. We believe proactive measures, such as early

[11] https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif

intervention in protests that crossed red lines, could have prevented the situation from escalating to the point it ultimately did.

Australasian Union of Jewish Students

# Recommendations

AUJS recommends:

1. Best practice examples of combating antisemitism should be adopted across the tertiary sector.
2. The establishment of a Judicial Inquiry into Antisemitism on Australian University Campuses.

This inquiry should possess authoritative powers to ensure a comprehensive and effective investigation, including the ability to:

- Compel witnesses to appear and produce relevant documents, ensuring a thorough investigation,
- Take sworn evidence, thereby providing a more reliable and factual basis for understanding the extent of antisemitism compared to anecdotal accounts,
- Control hostile witnesses who might attempt to use the platform for political grandstanding, ensuring that the inquiry remains focused on the issue at hand,
- Guarantee anonymity to witnesses who seek it, encouraging more individuals to come forward without fear of retaliation or exposure.

By establishing a Judicial Inquiry with these powers, there can be steps towards effectively addressing and combating antisemitism on university campuses. This inquiry will help uncover the scale of antisemitism on campus and provide a clear and authoritative basis for implementing meaningful and lasting solutions.

# Conclusion

AUJS thanks the committee for thoughtfully considering this critical issue and for reviewing our submission. We strongly believe that addressing antisemitism on university campuses is essential for ensuring a safe and inclusive environment for all students. AUJS stands ready to contribute further to this important discussion and would welcome the opportunity to appear at a hearing, should one be scheduled.

# AIJAC's Submission to the Senate Legal and Constitutional Affairs Legislation Committee's Inquiry regarding the *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024*

23 August 2024

The Australia/Israel & Jewish Affairs Council (AIJAC) appreciates the opportunity to make a submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry established on July 4, 2024, regarding the *Commission of Inquiry into Antisemitism at Australian Universities Bill* 2024.

AIJAC is the premier independent public affairs organisation for the Australian Jewish community and conveys the interests of the Australian Jewish community to government, media and other community organisations.

AIJAC is shocked by the strident manifestations of antisemitism that have pervaded many Australian university campuses since the Hamas terror attack on Israel on October 7, 2023. This phenomenon subverts Australian multiculturalism, threatens the security of Jewish students and their ability to participate freely in academic life and undermines academic freedom, not least by demonstrating the inability or unwillingness of many universities to enforce their own codes of conduct.

AIJAC therefore strongly supports the judicial inquiry proposed in the *Commission of Inquiry into Antisemitism at Australian Universities Bill* 2024 and indeed, any and all well-considered efforts to combat antisemitism on Australian university campuses – a phenomenon which frankly has become something of a national crisis over the past 10 months. An inquiry that has the authority of judicial process, power to subpoena witnesses and take evidence in camera, expertise in legal interpretation and independence from political influence is needed. The currently available alternative processes for conducting such an investigation are inadequate.

## Antisemitism on Australian University Campuses

Antisemitism is growing at an alarming rate across the tertiary sector in Australia. Furthermore, beyond its intrinsically repugnant nature and the threats that it poses to student safety and wellbeing, we are concerned that antisemitism on campus is also acting to curtail academic freedom.

A few Australian universities, particularly the Universities of Melbourne and of Sydney, have arguably put their institutions' reputations and funding at risk due to apparent breaches of their statutory duties to ensure academic freedoms for their staff and students in research and education. One of the main difficulties in tackling the problem of antisemitism on Australian campuses is the permissive attitude of Australian university senior executive bodies, especially in certain universities, including, in particular, the University of Sydney.

Sydney University is known as Australia's "first" university, the country's oldest, wealthiest and most prestigious. It has therefore provided a prime target for subversion. It was the first university in Australia where a pro-Palestinian

encampment was established, emulating New York City's Columbia University's encampment prototype.[1]

Antisemitic activities at the University of Sydney have resulted in restrictions on academic freedom, disruption of classes, display of hate symbols, restriction on freedom of movement, intimidation and abuse, vilification and incitement, and racial discrimination. This has acted as a model for similar situations at numerous other universities, but Sydney's situation has arguably been the most egregious, and therefore is used as the primary example in this submission.

**Disruption of Classes**

In the first week of semester, an email was sent out to all staff in the University of Sydney's Faculty of Arts and Social Sciences warning them "that there may be attempted disruption of classes in the next few weeks. Although online classes have been specifically mentioned, physical classes may also be targeted," and alerting staff to keep the phone number of protective services handy.

Protesters did interrupt lectures throughout the semester, making announcements about the situation in Gaza. They asked students to raise their hands if they agreed that Israel was committing genocide and filmed them in intimidating fashion either doing so or not.

In an article published on May 16 in the *Australian*, Sydney University's Director of European Studies Peter Morgan described feeling "shaken" after his lecture theatre was "hijacked" by "several masked pro-Palestinian protesters" who refused to leave when asked to.[2] He said, "The speaker then shouted me down, accusing me of political cowardice and of supporting genocide. He was verging on physical menace. I again insisted, now extremely angry, that they get out of the lecture hall immediately, at which they began to move away, chanting 'for shame'." Professor Morgan told Vice-Chancellor Mark Scott in a complaint letter that the "university has effectively encouraged this behaviour."

In the same article, revealing that the above incident was not an isolated one, the *Australian* also reported that a Jewish psychology lecturer had repeatedly asked a group of protesters to leave, "with the male demonstrator and the female lecturer standing very close to each other and exchanging tense words," with the lecturer subsequently offered security for her ongoing lectures.

**Display of Hate Symbols**

In late 2023, posters and stickers with pro-Palestinian messaging were ubiquitous across university campuses, in both permitted and non-permitted spaces, stuck up by eco-socialist groups in solidarity with Muslim student groups.

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[1] "'Our university is scared': Sydney Uni students join wave of US college encampments", Daniella White, *Sydney Morning Herald*, April 24, 2024, https://www.smh.com.au/national/nsw/our-university-is-scared-sydney-uni-students-join-wave-of-us-college-encampments-20240424-p5fm8r.html

[2] "'Menacing anti-Semites in fake keffiyehs': University of Sydney professor Peter Morgan with courage his uni is missing", Joanna Panagopoulos, *Australian*, May 16, 2024, https://www.theaustralian.com.au/higher-education/menacing-antisemites-in-fake-keffiyehs-university-of-sydney-professor-peter-morgan-with-courage-his-uni-is-missing/news-story/0c7a632e63db24ccbbd72cbfac65f074

The rhetoric on these posters was violent and called for intifada, a reference to the violent Palestinian riots and terrorism campaign from late 1987-1993 and 2000-2005, as well as weekly rallies, meetings on campus, and protests. Campus authorities were slow to remove the posters in unauthorised spaces, even after having been alerted to their existence by distressed Jewish students and staff, for whom it became a matter of personal safety should they be seen removing the posters themselves.

Sydney University's famed "graffiti tunnel" is today almost entirely coated in the colours of red, black and green, with graphics such as watermelons (the colours of the Palestinian flag) spraypainted all over the walls, surrounded by text including "free Palestine", "Palestinian martyrs", "divest", "Israel does not have the right to exist", "intifada", "occupied tunnel – free Palestine" amongst many others, including the word "Hamas" written in Arabic followed by a heart symbol. The images remained for indeterminate periods of time despite reports made to the University about their presence and assurances by the University they would be removed.

A sign that included a picture of the Israeli flag with the Star of David crossed out in red, was prominently hung in the student encampment before it was taken down. Islamist flags representing the Taliban and Hizb ut-Tahrir, the latter a proscribed terrorist group in a number of countries, have also been seen in several university encampments, and non-student activists affiliated with this openly antisemitic group have been alleged to have played a major role in many of the campus protests.[3]

**Encampments Restricting Freedom of Movement**

Occupants of an encampment at the University of Sydney engaged in intimidation of and incitement against Jewish students and staff.

The Gaza Solidarity encampment was set up on the front lawn of Sydney University's Camperdown campus on April 23 in front of the historic sandstone main quadrangle building. The encampment eventually grew to cover almost the entire expanse of the front lawn and featured makeshift tents with their occupants' towels and washing hung out to dry. It was an eyesore and inappropriate.

Those at the pro-Palestine and anti-Israel encampment escalated to attacks on Zionists on campus, who are mainly Jewish (sometimes referred to as "Zios"). Approximately 95% of Australian Jews support the existence and security of the State of Israel, where approximately half the world's Jewish population lives and where many Australian Jews have family and friends (often with close academic ties).

Monash University protest camps also reportedly featured "Zionists not welcome" signs, which would effectively have sought to bar most Jewish students from

[3] "Unmasking the extremist group infiltrating pro-Palestine protests," *60 Minutes*, June 16, 2024, https://www.youtube.com/watch?v=LrCLf57juLs. For examples of antisemitism from Hizb ut-Tahrir in Australia, see "The hateful rhetoric of Hizb ut-Tahrir Australia" by Ran Porat, *Australia/Israel Review*, October 2020 - https://aijac.org.au/australia-israel-review/the-hateful-rhetoric-of-hizb-ut-tahrir-australia/.

campus, though the University did eventually order them removed.[4] Notable in this context are statements in the judicial order issue following a recent US Court case directly against similar behaviour by protesters at UCLA, in which Judge Mark Scarsi was utterly scathing of the University's failings, describing that as "so unimaginable and so abhorrent to our constitutional guarantee of religious freedom."[5] While the Australian legal environment is of course different, the moral and democratic force of Judge Scarsi's comments should also be applicable in Australia.

**Racial Vilification and Incitement**

Chilling chants were heard emanating from university encampments, including "there is only one solution, intifada, revolution," as well as the ubiquitous "from the river to sea, Palestine will be free."

These chants recall the violent and bloody Palestinian terror campaigns of the late-1980s and early 2000s which saw the murder of well over 1,000 Israelis in suicide bombings, shootings, knifings, car rammings and other methods with the intention of terrorising and slaughtering Jewish civilians.

It is notable that both sides of Australian politics agree that the "River to the Sea" chant is extreme and inappropriate, with Prime Minister Antony Albanese agreeing it can be characterised as very violent, and having no place in our community.[6]

These slogans, inappropriate on university campuses, were tolerated by University Adminstrators, including University of Sydney Vice-Chancellor Mark Scott.

Meanwhile, according to a report in the *Australian*, Sydney University sociology professor Sujatha Fernandes told a class of first year students in April that reports of Hamas' mass rapes on October 7 were "fake news" and a "hoax" and that the media was "distorting" the conflict.[7] The *Australian* also reported the University's response that it would "look into the matter as a priority". It is not known what action has been taken.

Macquarie University academic Dr Randa Abdel-Fattah and the group "Families for Palestine" organised an excursion for schoolchildren to the University of Sydney to support the encampment, during which she encouraged the children to lead chants

[4] "University orders removal of 'Zionist not welcome' signs as protests escalate", Paul Sakkal and Alex Crowe, *Sydney Morning Herald,* May 8, 2024, https://www.smh.com.au/politics/federal/university-orders-removal-of-zionist-not-welcome-signs-as-protests-escalate-20240508-p5gr97.html

[5] "UCLA excluding Jews 'unimaginable, abhorrent,' per federal judge", *Jewish News Syndicate*, August 14, 2024, https://www.jns.org/ucla-excluding-jews-unimaginable-abhorrent-per-federal-judge/

[6] "Anthony Albanese labels pro-Palestine chant 'From the river to the sea' a violent statement", Angira Bharadwaj, *Daily Telegraph*, May 8, 2024, https://www.dailytelegraph.com.au/news/nsw/anthony-albanese-labels-propalestine-chant-from-the-river-to-the-sea-a-violent-statement/news-story/8b4e66e8eb8f2333188a1f356e000268.

[7] "Hamas mass rape a 'hoax' and 'fake news', says University of Sydney professor Sujatha Fernandes", Alexi Demetriadi, *Australian*, May 31, 2024, https://www.theaustralian.com.au/higher-education/hamas-mass-rape-a-hoax-and-fake-news-says-university-of-sydney-professor-sujatha-fernandes/news-story/f2cfb80ee96d1ec6ef419c2215ba53d6

of “intifada, intifada”, as the *Australian Jewish News* reported[8]. The article also quoted a Sydney University spokesperson who said that the gathering was “in no way an official University of Sydney event, and was led by a speaker who was not from the university,” but failed to condemn the involvement of children in the campus protests. “We have always welcomed the public, including families and their children, onto our iconic campus but parents or carers are responsible for decisions relating to their children and all visitors must abide by the law and our campus access rule” was all the paper quoted the spokesperson stating.

**Academic Freedom Restrictions**

On March 19, 2024, student protests resulted in a lockdown of the building hosting a student educational exchange fair at the University of Sydney.[9] Students were prevented from learning about educational opportunities at Tel Aviv University and at other universities and were denied choices of academic courses and offerings there, in clear breach of Sydney University’s statutory obligations relating to academic freedom.

On May 22, while visiting Australia on a speaking tour, Colonel Richard Kemp attempted to engage in civil discourse with students at the University of Sydney encampment but was asked by security to leave the campus.

At the University of Melbourne, on April 11, 2024, protesters shut down a lecture to be delivered by an Israeli professor of aeronautics.[10] A similar cancellation of a guest lecture by an engineer from Amazon occurred due to that company’s supposed collaboration with Israel. University of Melbourne engineering staff and students were prevented from engaging in intellectual inquiry about or discussing research in world class aeronautics and information technology research, in clear breach of the University’s legal obligations.

**Racial Discrimination**

On May 3, the *Daily Telegraph* reported Vice-Chancellor Mark Scott’s statement that Jewish students would have to deal with feeling “uncomfortable” with the rhetoric heard on campus and which was represented visually in the anti-Israel encampment

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[8] “Vile Hate on Campus”, Carly Adno, *Australian Jewish News*, May 2, 2024, https://www.australianjewishnews.com/vile-hate-on-campus/

[9] Tel Aviv University officials locked in room with pro-Palestine activists at Sydney University after being targeted in protest, Sharri Markson, Sky News Australia, March 25, 2024, https://www.skynews.com.au/australia-news/politics/tel-aviv-university-officials-locked-in-room-with-propalestine-activists-at-sydney-university-after-being-targeted-in-protest/news-story/9bb009dfb742db104c1a42d9840c4df7

[10] “University of Melbourne caves into threats as Israeli academic silenced”, Stephen Lunn, *Australian,* April 11, 2024, https://www.theaustralian.com.au/higher-education/university-of-melbourne-caves-as-israeli-academic-silenced/news-story/98e35ca8addaa76437c3d39988ab1e55#:~:text=One%20of%20Australia's%20most%20prestigious,would%20be%20'severely%20disrupted'.&text=8%3A16PMApril%2011%2C%202024.&text=Israeli%20professor%20'cancelled'%20from%20giving%20Melbourne%20Uni%20lecture.

that was awash with placards highlighting the latest incarnation of the age-old blood-libel; namely, that Israel is committing genocide in Gaza.[11]

It is difficult to imagine another minority group that the University would urge to simply get used to being made to feel "uncomfortable" in the face of what is conveniently described as "free speech". This is also despite the appeals made by representative Jewish communal bodies for the University to recognise that such rhetoric is considered "hate speech" by the overwhelming majority of the Jewish community.

**Anecdotes from Australian Campuses**

The *Australian* reported in March that "A broad section of students and staff at the University of Sydney – many of whom wished to remain anonymous for fear of retribution – say they are hiding their faith as the anti-Israel climate gets hotter." This included not wearing identifying symbols like the *kippah*, or skullcap. One student alleged in an official complaint that fruit had been thrown at him after the October 7 attack.[12]

An anonymous non-Jewish University of Sydney professor, writing in the *Australian Jewish News* in May, spoke about the atmosphere on campus and said, "I can only imagine how it feels to be a Jewish student on campus. I am not even Jewish and I feel the hostility and threat. I honestly do not think Sydney University is a safe place for Jewish students anymore." The reason they had to sign the article anonymously was "due to the threats from the toxic culture on campus."[13]

Zac Morris, vice-president of the Australasian Union of Jewish Students (AUJS), said in May that "Students are afraid to go to class, they're missing lectures and tutorials. They're being filmed, followed, intimidated." Morris said he was disappointed by the University of Sydney's response after multiple meetings, and criticised rhetoric and posters to "globalise the intifada" and even explicit support for Hamas itself by some far-left groups. "Chanting for intifada is traumatic for us, however it is intended. Jewish students [on] campus have loved ones who were victims of the suicide bombings of the second intifada [in the 2000s]," he said.[14]

When University of Sydney students passed a motion supporting "armed resistance" (i.e. terrorism) in August, while rejecting a motion to condemn the actions of Hamas on October 7, Morris said, "Expressing support for the brutal terrorism of October 7

[11] "University of Sydney's Mark Scott takes aim at 'disastrous' American response to Palestine protests", Eilidh Sproul-Mellis, *Daily Telegraph*, May 3, 2024, https://www.dailytelegraph.com.au/new-south-wales-education/tertiary/university-of-sydneys-mark-scott-takes-aim-at-disastrous-american-response-to-palestine-protests/news-story/7735ead1eb43f020deaeabef27ff4f11

[12] "Jewish students hiding faith at Sydney University since October 7", Alexi Demetriadi, *Australian*, March 15, 2024, https://www.theaustralian.com.au/nation/1/news-story/d6fd3d4f1c555a3fc1a723f84a4ecf19

[13] "A pandemic of antisemitism and indifference", *Australian Jewish News*, May 23, 2024, https://www.australianjewishnews.com/a-pandemic-of-antisemitism-and-indifference/

[14] "Amid reports Jewish students in Sydney 'afraid to go to class' minister urged to condemn university encampments", Caitlin Cassidy, *Guardian*, May 7, 2024, https://www.theguardian.com/australia-news/article/2024/may/07/amid-reports-jewish-students-in-sydney-afraid-to-go-to-class-minister-urged-to-condemn-university-encampments

as 'resistance' is an explicit endorsement of violence. For Jewish students who study and live on campus, that is absolutely terrifying."[15]

**Lack of Disciplinary Action**

On March 28, 2024, a complaint was made to the University of Sydney's Vice-Chancellor's Chief of Staff Darren Goodsir by members of the Australian Academic Alliance Against Antisemitism (5A) at the University of Sydney. The complaint concerned the harmful campus situation. Key issues in the complaint included:

- Encampment activities that are hateful and intimidating
- Hateful posters on campus
- Hate speech on internal electronic discussion boards and all-staff distribution emails
- External professional agitators on campus
- Threats to the safety of Jews on-campus

It was treated as a complaint about student conduct and was passed to the Student Affairs Unit (SAU) under the Student Complaints Procedure. The SAU decided that there was no evidence that the conduct of any specific student breached University policies. The SAU dismissed elements of the complaint made by the University of Sydney 5A staff.

In its outcome letter concerning a complaint about protests during which students chanted the word "intifada", the University acknowledged that use of the word "intifada" has an inherent link to violence in terrorist acts, and that at times violence and terrorism occurring across the Middle East has been a feature of events that were characterised as intifada, but declined to accept this interpretation in the cultural context of current pro-Palestine protests. It ludicrously asserted that use of the word is more appropriately viewed as an expression of a political stance in connection with pro-Palestinian activism as opposed to being a statement in support of terrorist acts.

**Appeasement of Extremism**

Sydney University also attempted to negotiate with anti-Israel students from the camp in a move to have the encampment disband. In a shocking display of appeasement and almost total capitulation to extremism, in an email to the University community on May 28, Vice-Chancellor Scott proposed, amongst other things, that the University would:

> establish a working group to undertake a comprehensive independent review of our research partnerships," and "The review would include, but not be restricted to: Analysis of existing University of Sydney institutional defence research ties with a view to maximising transparency of our research contracts, research grant arrangements, and the parties who support our research projects.

The working group would be comprised of representatives from the University's student, staff and alumni communities, University leadership and independent

[15] "USYD investigating 'inappropriate' student conduct", Carly Adno, *Australian Jewish News,* August 8, 2024, https://www.australianjewishnews.com/motion-backs-armed-resistance/.

members, with student representatives of the encampment group being "invited to put forward names of individuals for membership in the working group." No similar involvement was offered to Jewish student groups – thus giving the protest encampment activists an acknowledged and privileged role in permanently shaping university policies.

Yet this offer was categorically and immediately rejected by the encampment, and it did not disband. In fact, the Students Against War Instagram page stated in its rejection that "Next semester we will step up the fight. This means every classroom, every lecture hall and auditorium, every exam, every free space of the university's walls, poles and cafes, must be filled with our demands: disclose, divest and cut ties now." This suggests the problems – and abuse of Jewish students – at Sydney are likely to recur.

On June 5, Scott sent an email announcement to all students and staff that reiterated his appeasement offer. Like the offer on May 28, the renewed offer included the University's "commitment to reviewing our investment and divestment policies," and the establishment of a working group that would include a representation of the University's student, staff and alumni communities, University leadership and independent members, again with student representatives of the encampment group being invited to put forward names of individuals for membership in the working group.

The offer also included a commitment, to disclose, subject "to relevant laws and regulations, including but not limited to confidentiality obligations, national security requirements, and the privacy, health and safety of our staff and students" all "defence- and security-related research activities including research contracts, research grants" and "our investments in defence- and security-related industries."

**Lip Service to Academic Freedom**

Correspondence from Vice-Chancellor Scott to staff and students on June 5 defensively claimed that the University of Sydney maintains academic freedom:

> We have been steadfast in our commitment to the principles of academic freedom and free speech. The University will therefore continue to support the right of our academics and students to do research, partner with industry and collaborate with people from around the world. Like other Group of Eight universities, we have been clear that we will not meet demands to restrict student exchanges, academic partnerships or institutional relationships.

Nevertheless, the University has not remedied its shutting down of access to information concerning academic exchanges with Tel Aviv University and other universities that were obstructed on March 19. There have since been no presentations by Israeli academics facilitated at the University of Sydney.

What has transpired at the University of Sydney illustrates the general climate of threats to academic freedom and safety and welfare at all Australian universities – which in turn threatens the ability of Jewish students of fully participate freely in Australian campus life.

## The Regulatory Environment of Australian Universities

Australian universities operate within a highly complex regulatory environment. Federal and state laws apply to them, some legislated specifically to regulate their academic activities, others applicable generally to them as employers, workplaces, public spaces, speech platforms and community actors.

Federal laws legislated specifically to regulate the academic activities of tertiary education providers include the *Higher Education Support Act* (HES Act) and *Tertiary Education Quality and Standards Agency Act* (TEQSA Act). Federal laws applicable generally to universities as workplaces include the *Racial Discrimination Act* 1975 and Australia's *Criminal Code*.

Under the federal TEQSA Act (Section 58), Threshold Standards can be adopted by the Minister to set out requirements that a higher education provider must meet. Among the Threshold Standards are obligations to ensure a 'safe environment is promoted and fostered' (section 2.3.4) and 'an institutional environment in which freedom of speech and academic freedom are upheld and protected' (section 6.4.1). Under the federal HES Act, quality and accountability requirements include that academic freedom requirements be met (section 19.15) and that the higher education provider comply with TEQSA standards.

Under the federal *Criminal Code*, it is prohibited to urge violence against groups (section 80.2A), advocate terrorism (section 80.2C), to display proscribed hate symbols (section 80.2E), or to harass, threaten or distribute violent extremist material via a carriage service (section 474). Cyber-bullying is prohibited under the federal *Online Safety Act* (section 46). Racial vilification is sought to be restrained under civil law provisions in the federal *Racial Discrimination Act 1975*, where vilification is defined as an act that is reasonably likely to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity.

Australian universities are usually constituted under state laws, other than those universities located within Australian federal territories. Generally, a dedicated constitutive law, such as the *University of Sydney Act* enacted by the NSW Parliament, establishes the University and its fundamental structure. Other state laws are generally applicable to universities, including legislation on racial discrimination, racial vilification and equal opportunity, as well as criminal laws.

Under their constitutive legislation, Australian parliaments have delegated sufficient powers to university administrations to enable them to adopt regulatory and policy frameworks to implement each university's academic mission.

University chancellors and councils have statutory and fiduciary duties to oversee key performance indicators and put in place strategies to remedy failures to meet them.

In AIJAC's view, this framework has failed in the wake of the wave of the antisemitism crisis which has impacted universities since October 7, 2023. It is incumbent upon our political representatives to create mechanisms to identify the extent and nature of this failure, discover why it occurred, and consider remedies

which would prevent a continuation or repetition of the antisemitism crisis currently afflicting the Australian tertiary sector.

## Governance Failures by Australian University Administrations

It is the contention of AIJAC that several other prominent Australian universities are also non-compliant with TEQSA standards requiring the promotion of a safe environment on campus and to ensure academic freedom. They have declined to take action using the powers available to meet their legal obligations to restrain racial vilification, threats of violence against groups, or distribution of violent, extremist or racist material. They have also failed to fulfil their statutory obligations to ensure a safe environment in which to learn and teach and have failed to protect academic freedom. They have failed to utilise the powers available to them to combat antisemitism.

University administrators might claim that they were forced to choose between campus safety and academic freedom and freedom of expression. However, in many cases, the respective vice-chancellors failed to design, adopt or implement appropriate policies. They failed to acknowledge or to condemn the breaches of academic freedom and campus safety. In each case, they failed to implement existing student and staff codes of conduct by means of disciplinary proceedings and failed to follow up with remedial action.

Most Australian universities have declined to adopt the working definition of antisemitism formulated by the International Holocaust Remembrance Alliance (IHRA) – while others that have adopted it appear to have failed to recognise when examples of antisemitism as set out in the definition have been occurring on their campuses, or take action accordingly.

Even though this definition makes it quite clear that legitimate criticism of Israel is not antisemitic, many academics have unjustifiably argued that the definition restricts free speech, and prevents criticism of Israeli policies toward the Palestinians.

AIJAC has been made aware of multiple occasions on which both students and staff have found that the grievance procedures at most universities proved inadequate. As mentioned above, students are frightened to make formal reports where they must include their names for fear that they will be penalised by their lecturers or targeted by fellow students. When students have reported a grievance, they have found the whole procedure difficult and time consuming. Where action was taken by the university administration, it was often felt that the outcome was unsatisfactory, and did not act as a disincentive for students to engage in antisemitic conduct or public speech.

## Why a Judicial Inquiry is Needed

Given the above, AIJAC believes there are no satisfactory alternatives to a judicial inquiry focussed on antisemitism, able to provide a comprehensive picture of the state of antisemitism on University campuses, the responses of university administrations to date, and whether these response fulfill the legal and moral obligations of such administrations, the regulatory framework for universities in this respect, and whether changes to that framework are needed.

The Australian Human Rights Commission inquiry (AHRC) into racism at universities established by the Federal Government earlier this year is inadequate for the reasons explained below, and cannot substitute for an actual judicial inquiry focused exclusively on the antisemitism crisis.

**Why an Australian Human Rights Commission Inquiry is Inadequate**

The inquiry will comprise a $2.5 million study into racism at universities. It will address all forms of racism, including antisemitism, Islamophobia and anti-Arab racism, and systemic racist practices against indigenous students and staff. It will investigate "systemic racist practices that limit people's right to education and progression in employment." It is due to report in 2026.

This is a broad-brush approach without a specific focus on antisemitism, which will, in all likelihood, fail to address the unique aspects of antisemitism. AHRC has announced it will have "a strong focus on First Nations students and staff" – antisemitism is thus likely to be at best a secondary issue or, at worst, an afterthought.[16] It will be also conducted under the leadership of Race Discrimination Commissioner Giridharan Sivaraman, who has no record on combatting antisemitism and indeed, the AHRC has been widely criticised in the Jewish community for saying next to nothing about the explosive rise in antisemitism in Australia since October 7, 2023.

Another concern is that the Australian Human Rights Commission has no powers to compel vice-chancellors or other administrators to provide evidence.

## Advantages of Holding a Judicial Inquiry

There are a number of substantive reasons for holding a judicial inquiry into antisemitism. The *Commission of Inquiry into Antisemitism at Australian Universities Bill* 2024 specifies that the *Royal Commissions Act* 1902 would apply to the proposed inquiry as if the latter were a Royal Commission. These include the advantages of judicial authority and independence, powers to compel evidence and to take evidence in camera and immunity from defamation suits.

This means that the inquiry would be able to:

- compel evidence as testimony or documents
- call vice chancellors and management to account, and
- hold interviews in camera for staff who fear adverse consequences such as losing jobs.

Furthermore, any evidence provided to the inquiry is privileged, which means that it is immune to threats of defamation proceedings. Nor would the inquiry be restricted in the way that it deals with agencies or employees of the Crown.

[16] "Commission to lead historic anti-racism study into universities", Australian Human Rights Commission website, 15 May, 2024 - https://humanrights.gov.au/about/news/commission-lead-historic-anti-racism-study-universities.

The chair of a commission of inquiry would be an independent federal judge with relevant experience. Preferably this would mean specialist experience in adjudicating matters concerning racism and/or university affairs. He or she would be able to seek assistance from individuals with professional or academic expertise specifically on identifying the varieties, forms and drivers of antisemitism – which all serious experts agree has quite distinct characteristics compared to other forms of racism and ethnic prejudice.

Given all the above, AIJAC believes there are no satisfactory alternatives to a judicial inquiry focussed on antisemitism on Australian campuses if there is to be any serious attempt to tackle this clear and present crisis. As noted above, we believe the goals of such an inquiry should be:

1. To provide a comprehensive picture of the state of antisemitism on university campuses.
2. To assess both the effectiveness of the responses of university administrations to date, and whether these responses fulfill the legal and moral obligations on such administrations.
3. And to review the regulatory framework for universities with respect to antisemitism and other forms of intolerance on university campuses, and whether changes to that framework are required to fulfill the obligations identified in goal #2 above.

AIJAC strongly urges the Committee to recommend the *Commission of Inquiry into Antisemitism at Australian Universities Bill* 2024 be passed as essential to dealing with the ongoing antisemitism crisis in this country, and to Australia's ability, as a multicultural democracy, to protect a minority group currently under threat and also maintain the integrity of our vitally important higher education system.

**Dr. Colin Rubenstein AM**
**Executive Director**
**Australia/Israel & Jewish Affairs Council**

Moriah College
בית ספר מוריה

**The Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2).**

**23 August 2024**
**19 Av 5784**

Dear Commissioners

As the largest Jewish Day School in Australia, Moriah College takes immense pride in fostering a strong sense of Jewish identity and Zionism among our students. Our educational philosophy encourages them to embrace their Jewish heritage with confidence and to carry that pride into the wider world.

Recognising that antisemitism has long been prevalent on university campuses, we have proactively developed programs to equip our students with the tools and knowledge necessary to advocate for Israel and to stand proudly in their Jewish identity.

Since October 7, 2023, however our alumni have reported that the situation has significantly worsened. Many students are now questioning whether they will have an emotionally and physically safe experience at an Australian university. They do not feel that they will be protected by the institutions meant to safeguard their wellbeing, and they fear for their physical and emotional safety.

Our alumni are sharing troubling accounts of encountering antisemitism in different forms across campus environments.

These include:

- **Encampments and public speeches**: Alumni have witnessed and been affected by organised encampments and speeches in public areas that promote antisemitic rhetoric and hostile attitudes toward Jewish students.
- **Stickers, placards, and leaflets:** In open spaces such as university outdoor spaces, libraries and student recreation areas, our alumni have reported seeing antisemitic stickers, placards, and leaflets. These materials often contain harmful stereotypes, offensive imagery, and messages that perpetuate discrimination and hatred.
- **Classroom discussions:** Worryingly, antisemitic sentiments have also surfaced in academic settings. Some alumni have recounted instances where lectures and tutorials included discussions or comments that were either explicitly or implicitly antisemitic, leaving Jewish students feeling isolated and targeted.

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JCA Proudly a JCA member organisation

- **Lecturer and Tutor remarks**: Alumni have also reported that some lecturers and tutors express antisemitic and anti-Israel remarks during class. When students attempt to question these views, they are often shouted down, leaving no room for open discussion. Furthermore, alumni have observed that facts are sometimes distorted in class by revisionists who promote anti-Zionist and antisemitic rhetoric based on false information.

This anxiety has only intensified with the perception that antisemitism on campus has become endemic. Alumni fear that universities have become places where those harbouring antisemitic views will refuse to engage in any meaningful dialogue aimed at mutual understanding. Instead, Jewish students feel they will be met with nothing but hatred and hostility.

Given the gravity of these concerns, we assert that only a judicial inquiry with the power to compel witnesses, seize documents, provide immunities, and take evidence in camera—ensuring witnesses are free from reprisals—will be sufficient to achieve the cultural change necessary within the university sector to properly deal with antisemitism.

Establishing a judicial inquiry that considers the direct experiences of those already on campus and the profound impact this environment is having on prospective students is of the utmost importance. The future of higher education should be one of inclusion, safety, and respect for all students, regardless of their background.

Moriah College supports the submission made by the Executive Council of Australian Jewry (ECAJ).

Sincerely

**Robbie Blau**
**College President**

**Submission to the Australian Senate on Antisemitism in Australian Universities**

**Date:** August 21, 2024

**Subject:** Addressing Antisemitism in Australian Universities

**Introduction**

I write as the CEO and co-founder of “Never Again Is Now Ltd”, Australia’s largest grassroots, non-Jewish, movement founded to combat antisemitism in Australia. Since Oct 7th 2023 we have organised rallies against antisemitism in Sydney, Adelaide, Brisbane, and Melbourne, with 25,000 people attending. In this role I have travelled the country listening to the Jewish experience and mobilising everyday Australians to stand against this ancient hatred.

The issue of antisemitism in Australian universities has escalated to a point where it not only affects the educational environment but also poses significant safety and psychological threats to Jewish students and faculty. In my role as CEO of “Never Again Is Now” I have visited the universities of Sydney, Melbourne, Monash, and the University of Queensland. My experience speaking to Christians and Jewish groups on these campuses confirms that antisemitism poses a substantial risk to both the Jewish and Christian communities of students and staff.This submission aims to highlight the current state of antisemitism on university campuses, its implications, and recommendations for legislative and institutional actions.

**Current Scenario:**

- **Incidents of Antisemitism:** There is a disturbing trend in Australia where Jewish students are being denied access to education, subjected to verbal abuse, and even physical threats. Instances include Nazi salutes during student union meetings, open calls for the support of terror groups such as Hamas, calls to ‘globalise the intifada’,

and calls for the destruction of the Jewish state of Israel. There have also been direct confrontations denying Jewish students' right to be on campus, and the disruption of academic activities with anti-Israel and anti-Jewish protests.

- **Institutional Response:** The institutional response of the Universities has, in the main, failed to take seriously the threat that resurgent antisemitism brings to the safety of students and staff, to the cohesion of the campus, to the educational outcomes for Jewish students, and for the academic freedom of staff and students.
- **Outside influence:** There is evidence that these antisemitic activities on campus are funded and staffed by external groups, with a fundamentalist, jihadist agenda, such as Hiz TuHabir
- **Obfuscation and deception:** many on campus argue that calls for the destruction of Israel are not antisemitic. That being ‘anti-zionist’ is not the same as being ‘anti-semitic’. This is in clear defiance of the lived experience of Jewish staff and students, and most Christian students, for whom the right of the State of Israel to exist, and to defend itself, as a homeland and refuge for the Jewish people, the original inhabitants of the land, is a central tenet both of their religious texts and their personal religious experience.

**Implications:**

- **Educational Impact:** The hostile environment directly affects the academic performance and mental health of Jewish students and staff, leading some to consider leaving their studies or the country.
- **Community Cohesion:** Such incidents foster a divisive atmosphere, undermining the principles of diversity and inclusion that universities should uphold. In the longer term, the toleration of these incidents on our campus pose a serious threat to the long term social cohesion of Australia.
- **Global Perception:** Australia's reputation as an inclusive and safe educational destination is at risk, potentially affecting international student enrollment.

**Recommendations for Action:**

1. **Legislative Measures:**
    - **Establish a Commission of Inquiry:** As per the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024, this commission should investigate the extent of antisemitism, its sources, and recommend legal frameworks to combat it.
    - **Legislation Against Hate Speech:** Enhance laws to explicitly cover antisemitic hate speech, ensuring that universities can legally act against such behavior.
    - **Legislation Against Sedition:** Calls to 'globalise the intifada' are calls to use violence to overthrow the elected government of Australia. So too are calls to establish an Islamic Caliphate. There must be leglislation that responds to this threat appropriately.
2. **University Policies:**
    - **Mandatory Training:** Implement mandatory training for all students and staff on antisemitism, in particular its religious history in Christianity and Islam, and its current manifestations in Jihadist Islam and radical left ideologies.
    - **Safety of all students:** A zero tolerance policy of threats and intimidation of Jewish staff and students, including the tearing down of Israeli flags and shouting down of pro-Israel students.
    - **Incident Reporting:** Develop a streamlined, confidential reporting system for antisemitic incidents, ensuring swift and appropriate responses.
3. **Cultural and Educational Initiatives:**
    - **Awareness Campaigns:** Universities should run campaigns to educate the broader student body about Jewish culture, history, and the realities of antisemitism. In particular this must include the history of antisemitism in Islam and the Christian Church over the past 1,400 years.
    - **Interfaith Dialogues:** Promote interfaith activities to foster understanding and reduce prejudice.
4. **Monitoring and Accountability:**

- **Regular Audits:** Universities should undergo regular audits regarding their handling of antisemitism, with results made public to ensure transparency.
- **Accountability:** Hold university administrations accountable for their response to antisemitic incidents, with sanctions for non-compliance.

**Conclusion:**

The prevalence of antisemitism in Australian universities is not just a matter of individual incidents but reflects a systemic issue that requires immediate and comprehensive action. By addressing this problem through legislation, policy changes, and educational initiatives, Australia can reaffirm its commitment to equality, safety, and educational integrity for all its citizens and international students. This submission urges the Senate to consider these recommendations seriously to ensure that Australian universities remain places of learning, tolerance, and respect for all.

Mark Leach
CEO and Co-Founder
Never Again Is Now Ltd

Australian Association
of Jewish Holocaust Survivors and Descendants Inc

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23 August 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
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Canberra ACT 260
Email: legcon.sen@aph.gov.au

Dear Committee Secretary,

**Inquiry into the** *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No 2)*

Thank you for the opportunity to make a submission to your inquiry into the above Bill to establish a judicial inquiry into antisemitism at universities. This inquiry is a crucial first step for the Australian Jewish community in seeking accountability for the rise in antisemitic incidents and discourse on Australian university campuses, and the culture of Jew-hatred that is becoming normalised in academic settings.

The Australian Association of Jewish Holocaust Survivors and Descendants was established in 1983 to support and act as a spokesperson for the survivors and their families as well as to liaise with other Jewish and community organisations. The aims of the Association are to represent Holocaust survivors and their descendants; to perpetuate the memory of the martyrs and heroes of the Shoah; to cooperate with and support other organisations both Jewish and in the non-Jewish community; the organisation of and encouragement of Holocaust education; combatting Holocaust denial and antisemitism; to take part in and organise Holocaust commemorations; and the establishment of a Holocaust Museum in Sydney. Most of these aims have been achieved over the years particularly the establishment of the Sydney Jewish Museum in which the Association played a major role.

Despite the success of these aims recent events have seen a precipitous and dangerous rise in antisemitism particularly on our university campuses. The public expression of antisemitism often in the guise of anti-Zionism with the exclusion of people of the Jewish faith from social and community activities, the vilification of Jewish individuals for no other reason than that they are Jewish and the open attacks, sometimes physical upon Jews, has resulted in a considerable and frightening rise in anxiety in Holocaust survivors. It is a stark reminder of their horrific experiences during the Holocaust when their very lives were at extreme risk. Being the child of two survivors and knowing that members of my family and my wife's family were murdered in the gas chambers of Auschwitz, I, myself, was extremely distressed by the shouts of "gas the Jews" and "where are the Jews" on the Opera House steps.

Only recently the Students Union of Sydney University passed a resolution to abolish the state of Israel which, for survivors, reads as yet another call for the extermination of the Jewish people at least those living in Israel if not worldwide. The continued expressions of hostility to the Jews particularly on university campuses coupled with the lack of action by university authorities and academic staff only exacerbates the feelings of anxiety and despair of survivors. My granddaughter, Alissa Foster, who was the President of the Australasian Union

of Jewish Students in 2023, has experienced the extent of antisemitism in Australian universities. She spent many hours combatting prejudice with little assistance from faculty and university staff. Despite this, she made a significant impact until the appalling events of 7 October 2023 following which there was a vast flood of antisemitism which was far more difficult to deal with.

It appears that the Australian Human Rights Commission has done little, if anything to combat antisemitism in particular sine the atrocities of 7 October 2023. Despite having been notified of antisemitic acts and the massive surge of antisemitism over the past ten months, the Commission has made few, if any public statement upon this issue nor proposed any effective strategy to combat it in the public sphere. This applies as much to the issue faced on university campuses by Jewish students. Therefore, it is the position of the Association that a judicial inquiry into antisemitism on university campuses in Australia is the only effective way to establish the truth about the nature and extent of antisemitic incidents and discourse at universities across Australia while preserving the confidentiality of Jewish students', academics and professional staff's personal data and protecting their security.

We fully support the submissions to the Inquiry by the Executive Council of Australian Jewry (sub97) and Youth HEAR (sub111) which outline in more detail the arguments in favour of the establishment of a Judicial Inquiry into Antisemitism at Australian Universities. The Association believes that the establishment of such an inquiry is only the first step in examining the nature and extent of what has become systemic antisemitism on university campuses Australia wide. Given the role and aims of the Association, we would also recommend the inclusion of Holocaust denial and minimisation in the Bill as well as the inclusion of the International Holocaust Remembrance Alliance definition of antisemitism as these would significantly enhance the role of the Inquiry.

I would also be happy to discuss the contents of this submission.

Yours sincerely,

**Dr George Foster OAM**
**President**

It's important to note that being Jewish and being Zionist are inextricably linked. It is a fundamental part of our Jewish identity, despite what some protestors may assert. Zionism is not a political ideology, but the deep seeded, ancestral and spiritual connection that we, the Jewish people, have with our homeland based on our historic connection and indigeneity to the land. The overwhelming majority of Jewish Australians and Jews around the world identify as Zionists. It is impossible to separate our Jewish, cultural identity with our belief in Israel's right to exist. This is why protestors calling for Israel to cease to exist, denying Israel's right to defend itself, hurling slurs with the word "Zionist", and calling Israel a genocidal state (and thereby all its people) are inherently racist.

As a parent, I have witnessed firsthand the impact of blatant antisemitism and anti Zionist activity on my daughter, who studies at Deakin University. My daughter and her peers must walk around campus knowing there are students and non-student actors publicly calling for the destruction of Israel, the only Jewish state in the world. I was born in Israel, as was my husband and our parents. We are directly connected to Israel not only through family, but as a global tribe of people who are indigenous to the land and have been thousands of years. But none of that matters when you are a Jewish person, especially on campus. Not to protestors, not to bystanders, and seemingly, not to the University administration.

My daughter has had Pro Palestinian activists come into lectures before classes wearing keffiyahs, a symbol of Palestinian resistance. This has caused her to feel unsafe and shocked, and unable to concentrate for some of her classes. One activist came in and talked about the upcoming encampment at Deakin which he described as 'amazing movements" from the US. (In America, Jewish students were physically and verbally assaulted by members of the encampments, barred from moving through campus and openly harassed. Very amazing.)

As the PP activists grew louder and bolder, my daughter and her peers started avoiding certain parts of campus to minimise exposure to offensive posters and activists handing out flyers, not always possible when you have to move around the grounds. University became (and is still) a place of dread. My daughter began to feel culturally unsafe – she would conceal her ethnic background, or that she'd spent a gap year in Israel.

But the worst event was the Pro Palestinian rally in May 2024, which I attended with her. I suspected that the environment and conduct would breach ethical and university codes, and to my disgust, these fears were confirmed. My daughter and I stood quietly on the side of the rally and observed. We were heckled, harassed, verbally abused, photographed and endured the crowd and speakers chanting belittling racial slurs, in broad daylight, in front of police, University security and staff.

We were called "Zionists" as if we were sub-human. I watched two big, tattooed men (not students) openly harass and follow a student with an Israeli and Australian flag for an hour (no one did anything). One of the organisers physically harassed a flag waver by coming up and blaring a siren in their face.

The slurs we heard that day included:

“Fuck off Zionist scum”

“Fuck off Zionists”

“The university has come under attack by far-right creeps like the people over there gathered”

“Shame Zionists shame”

“There are people here today who will wave a flag of a genocidal regime who have conducted an historic, fascist, bloodthirsty, blood curdling genocide. And those people want to talk to us about dialogue and peace. If that was me, I’d be running for the hills. If that was me, I’d be hiding under my bed.”

“From the River to the Sea” – calling for the destruction of Israel

Social media from the Palestinian Students for Deakin University that day included a post saying “Deakin University under Zionists Attack”.

No one stopped this event, which ran for an hour or so. Complaints to the university are submitted with no further information or updates, they disappear into a black hole. Perhaps the university thinks we will forget about them if they drag the complaints out? How can any Jewish student feel safe again when this conduct is tolerated? Or when suspended students reappear on campus to take part in student activism?

We felt and still feel isolated, unsupported, shocked, angry, and vilified. We have little faith in the university. No one returns calls as they will not discuss anything in person. We keep being referred to their codes, policies and safety lines. This is highly insensitive and impersonal. Where is the leadership? Where is the accountability? Why won’t anyone in leadership have a face-to-face conversation with my daughter about this? There is no indication for any Jewish student that this racial vilification will not happen again (and again).

Imagine you swapped any of the slurs above from Zionist to any other minority group? Would this be allowed by any university? If students opposed gay marriage, could they get up and chant “shame gays, shame” or “fuck off gays”. If students were protesting the Voice, could they be allowed to chant “Fuck off” to that group, or any other?

I am outraged this has been allowed in broad daylight at Deakin. I am angry this has taken away from my daughter’s university experience, which is meant to be fun, formative, stimulating and a growth opportunity. Instead, my daughter and her peers (who already endured Covid in their final years of high school) will keep these memories as core to their uni experience – when activists, in the name of “free speech” were allowed to hurl racist slurs at them in public with no consequences.

Many Jewish students I know of now use their own coping mechanisms, as the universities have failed to support them and keep them safe. So some learn online, change their routes on

campus, minimise their time at university, conceal their cultural identity, stop engaging with others they don't know, don't complain about lecturers because of fear of being penalised, don't complain to universities because they have no faith in any change, changed universities or have even deferred to have a break from the stress.

It is a disgrace and evident of the weakness of university leadership, of pandering to the angry mob in an attempt to diffuse them. But the problem with bullies (and toddlers!) is that if you don't hold your boundaries firm, they will go farther each time, testing you each time, with worse and worse behaviour.

There are graver examples you will no doubt hear from other submissions. Jewish students evicted from their share houses because they are Jewish. Students asked to clarify if they are Zionists or not in class. Complicity from academic staff in teaching and spreading antisemitic content and positions. Jewish academics told they can attend a PP event unless they are a Zionist (since when is it acceptable to ask staff and students for a position on a topic?).

Racist slurs that include "Zionists" must be banned from campus or any public place as should "from the river to the sea". Consequences of breaching codes should be serious and swift. Transparent and fast communication is required, particularly in light of the distress suffered by Jewish students.

Campus should be safe for all students. It is a colossal failing that this inquiry even had to occur. Had the University leadership around Australia had some conviction, antisemitism on campus would have been stamped out. Instead, it's festered and grown. Let's get it right and keep university campuses safe for all our students, before it's too late. This enquiry is important, but the outcomes even more. All this behaviour is on the record already. The question is, what will change to make universities safe for all students, including Jewish ones?

Submission regarding The Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2).

To whom it may concern,

My name is Dror Liraz and I am an Israeli-born Australian Jew with great pride for both of my nations and a second-year University of Sydney veterinary student.

I worked incredibly hard to get to where I am today – my degree is a difficult one and my career will be no different – but when I started my degree at the beginning of 2023, I was excited for all the challenges that lay ahead.

Now, almost one year on from the atrocities of the 7th of October, I am on the brink of leaving.

Antisemitism at the university is at an all-time high and the social exclusion is unbearable. Just last week, a group of protesters disrupted my lecture for a ten-minute rant on the evils of Israel and Zionism and the need to eliminate the state of Israel and support armed resistance.

I have suffered the encampment, calls for intifada (by students, professors, and politicians on campus), harrowing graffiti, and daily harassment from those trying to spread anti-Jewish sentiment. But my experience is comparatively an untroubled one. I have heard stories of students stalked to class, doxed, threatened in exams, and yelled at by an auditorium full of antisemites.

Although there has always been an antisemitic sentiment at the university (which is already reason enough for an inquiry), the war has created a hostile environment which is left to fester by an ignorant and racist university leadership and, at its head, Vice-Chancellor Mark Scott.

Despite numerous emails and meetings with Mark Scott initiated by me, other students, and student and community organisations, the VC has done nothing for Jewish students in their hour of greatest pain and months of ensuing hate.

The VC would have you think that antisemitism is not a major problem at the university. Indeed, he equates antisemitism with Islamophobia and homophobia in every university-wide email he sends to students regarding the conflict. A few months ago, he sent an email to those who had regularly complained to him about antisemitism under the guise that it was a personal letter from him – instead, we realised it was a generic email attempting to silence and patronise us.

Mark Scott's submission to this inquiry claims that a judicial inquiry into antisemitism at universities would be POLARISING and DIVISIVE. This is a ludicrous claim. How would addressing a form of hate (one of the oldest forms of hate) be divisive?

Mark Scott allows students and professors to chant for intifada claiming it is a contextual slogan, he allows them to fly the flags of terrorists claiming they are Muslim calligraphy, he allows big red crosses to be drawn over Stars of David (not the Israeli flag, but **Stars of David**), and he allows the Student Representative Council to vote for a motion supporting armed resistance against Israel and Israelis.

The VC's pathetic claim that an inquiry would be polarising is merely an attempt to mask his unwillingness to act against antisemitism since its dramatic rise in October last year.

I have spoken to Jewish students in year 12 from varying schools and backgrounds who have told me they will base their decision of tertiary institution not on the merits of that institution but on the chances that they will experience antisemitism. This is unacceptable. We are allowing a generation of young Australian Jews to segregate themselves from quality higher education based on appalling precedents set by unqualified, racist university leaders.

I applaud those who put forward this inquiry.

Thank you,

Dror Liraz

# Submissions in support of

# Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)

## INTRODUCTION

1. These submissions are filed in support of *the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)* (**the Bill**).

2. As a result of the barbaric Hamas atrocities of 7 October 2023, there has been a pernicious surge in antisemitism that has infected all areas of Australian society including, in particular, Australian Universities.

3. However, not only have many of Australia's leading universities tolerated this antisemitism - some have in effect *incited* and *fanned the flames* of such Jew-hatred by permitting – under the guise of freedom of speech - prominent academics in their employ to publish antisemitic vilification and hate-speech. Such vilification is perceived to constitute intimidation, bullying, and harassment. More seriously, it is liable to create a new generation of antisemites.

4. Universities have thus become the new breeding grounds for antisemitism – and this situation, already dire, is liable to become considerably worse.

5. History has demonstrated that antisemitism is not simply a Jewish problem. When the virus of antisemitism infects a society, it is the society as a whole that suffers.

6. It is, therefore, manifestly in the public interest that a *Judicial Commission of Inquiry* into Antisemitism at Australian Universities be established as a matter of extreme urgency.

7. These submissions will address

a. my qualifications to make these submissions;

b. the cause of the surge in antisemitism at universities – and why it must not be ignored;

c. the definition of antisemitism, focusing on

   i. the IHRA definition of antisemitism and

   ii. the three Ds - Double standards, demonisation and delegitimization; and

   iii. the false assertion that one can be anti-Zionist while not being antisemitic: Zionism is an inherent aspect of Judaism;

d. examples of antisemitic vilification published by academic staff of UNSW and Macquarie University;

e. double-standards adopted by universities in relation to protection of Jewish students and Jewish members of Staff;

f. the need for a *judicial* commission of enquiry is essential; an AHRC enquiry will be entirely inappropriate and counter-productive in the circumstances;

g. 'straw men' often raised to obfuscate the serious issue of antisemitism –

   i. claims of antisemitism are deployed to prevent mere criticism of Israeli policies, and

   ii. the false assertion that Jews and/or Israelis and/or descendants of Holocaust survivors cannot be antisemitic.

**BASIS OF QUALIFICATION TO MAKE SUBMISSION**

8. I am in a position to make submissions in relation to the Bill because

   a. I am a practising barrister, and am a member of the NSW Bar and am also a religiously observant, practising, Jew. I have witnessed antisemitism at university in both my personal and professional capacities;

   b. I have had substantial professional experience in dealing with antisemitism at Australian Universities since late 2022;

c. I have over the period of my adult life held various positions of leadership in the Jewish Community, and have had substantial experience in dealing with Jewish youth, including youth of University age. I arrived in Australia in June 1989 to serve as the Activities and Youth Director at the Central Synagogue in Sydney, which is the largest synagogue in the Southern hemisphere, and which has the largest Jewish congregation in Australasia.[1] Over the past few decades, I have conducted (and still do conduct) a Young Adult Service (which includes University students) over the Jewish High Holidays. I have been a Director of Moriah College, and am, inter alia, a Director of Kehillat Kadimah, a prominent Synagogue in Sydney, and am on the Board of the Australian Jewish Association. (These submissions, however, are made in my personal capacity.)

**Cause of surge in antisemitism at universities must not be ignored: a judicial commission of enquiry is essential**

9. Antisemitism has been described as the "world's oldest hatred."[2] It did not begin on 7 October 2023.

10. I acted professionally in late 2022 early 2023 for an extremely talented student at the UTS – in the penultimate year of his MA degree - whose very life was almost entirely destroyed as a result of what he, justifiably, perceived (and perceives) to be insidious antisemitism at a very senior level in a major department of the University.[3]

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1 Wikipedia, https://en.wikipedia.org/wiki/Central_Synagogue_(Sydney), accessed 22 August 2024.

2 'The Hate that Starts with Jews Never Ends There' Rabbi Lord Jonathan Sacks, 16 August 2014, https://rabbisacks.org/archive/hate-starts-jews-never-ends-there/; Sacks, https://rabbisacks.org/videos/antisemitism-the-worlds-oldest-hatred/ accessed 22 August 2024; https://uwm.edu/sce/courses/anti-semitism-the-worlds-oldest-hatred/;

3 It is not proposed to deal with that case in any detail in this submission. In brief, the student, a religiously observant Jew who had an outstanding academic record, applied for special consideration as he had to miss three lectures in the second half of 2021 because those lectures fell on three major Jewish Festival when, in accordance with Jewish law, a Jew is not permitted to do any 'work' such as writing, or driving, etc. As a MA student who had been in this position in all previous years at university – as has every observant Orthodox Jew - he had no reason even to suspect his application would be rejected. However, after those three lectures were held, he received an email advising that his application for special consideration had been turned down on the grounds that he had failed to file "*a letter from a Rabbi*" with his application – notwithstanding the fact that he insisted he had indeed filed such a letter, and notwithstanding the fact that the relevant lecturer had actually lectured to him in the period between the submission of the special consideration application and the lectures in question, and could easily have asked him for the letter (despite the fact that it was obvious that he was religiously observant – as he wore a Jewish head covering (a Kippah), and despite the fact that any good diary would have demonstrated that the days in question were Jewish holidays). The lecturer then said to him that because he missed the three lectures which were compulsory he would have to fail the entire year (despite him being a distinction student in his penultimate year of a MA degree) because the course in issue was a compulsory course for a MA student but that, as a courtesy, the UTS would pass him if he would provide a 1,000 word summary to his lecturer of each lecture he missed. He sought a meeting to ascertain exactly what was required. He was told by his lecturer and another member of the

11. However, there was a frightening surge in antisemitism (which is getting worse) *caused by* the savage and sadistic massacre perpetrated by Hamas in Israel on 7 October 2023.

12. In other words, the surge in antisemitism was *precipitated* by the ghastly and intentional spilling of blood in Israel by Hamas in circumstances of unprecedented cruelty and barbarism: the torturing to death of children in front of their parents; the torturing to death of parents in front of their children; the burning alive of babies and the elderly; the raping to death of women in front of their families. In addition to torturing, raping, mutilating, and murdering 1,200 Israelis, Hamas terrorists kidnapped 251 Israelis, aged from 8 months to 82 years.[4]

13. Any suggestion that the upsurge in antisemitism was caused by Israel's response to the massacre is demonstrably false: **on the very night** that the news of the massacres emerged, *prior to* any Israeli response, there were

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department that the summary was not for marks or for assessment in any way – they simply wanted something on file in case they were audited, so they could demonstrate that he had caught up the work he missed. The student said that he had already caught up the work by summarizing the lecture slides and notes, and he was told simply to provide his summaries – which he did. He then received a formal email from the Department that it appeared that he had committed serious academic misconduct by plagiarizing the lecturer's slides and one of his own essays! He was called to a formal meeting with the lecturer and the other staff member to explain himself. At the meeting he reminded the lecturer and the member of the Department that he was specifically told that the summary was not in any way for marks or assessment, but was simply to show that he had caught up the work, in case the University was audited, and that he said he had already done so - and had summarized the slides and notes – and it was agreed that he would submit those summaries, which he did. He said he would be happy to do further work if they wished him to do so. Notwithstanding that, in a formal finding they held him **guilty of plagiarism** – and said that the plagiarism was particularly egregious as he attempted to justify it and showed no remorse. Therefore they held that it was appropriate to fail him in the course – which meant he would fail the entire year – and they told him the fail would be a permanent memorial on his academic record. He would have to repeat the entire year. I acted for him in the appeal in which every single one of his grounds of appeal was upheld. Significantly, on discovery it was found that the application for special consideration **did include a letter from a Rabbi** – the very foundation for refusing special consideration was entirely false. It was also clear from discovery that the lecturer and other member of the department disliked the student – they considered him annoyingly polite. It was also discovered that the department had been advised that his summaries **clearly did not constitute plagiarism** – as the student was manifestly not seeking to obtain an unfair benefit by holding out as his own work the work of another person: the summary was provided the lecturer herself; she obviously knew what the slides contained. It was also discovered that the excuse of an audit was entirely bogus. As a result of the appeal, the results that the student obtained in that course were disclosed: he **obtained a distinction**. Ultimately, he also obtained a **distinction in his MA as a whole**. This case was outrageous: if the student did not happen to know a barrister that was willing to handle his case pro bono, his professional life – if not his life itself, would have been ruined. In my opinion, the student's belief that this outrageous conduct was actuated by antisemitism is justified.

[4] See 'Will the Mainstream Media Keep Mum on Israeli Report Documenting Condition of Released Hamas Captives?' by Hugh Fitgerald, FrontPage Magazine, https://unitedwithisrael.org/will-the-mainstream-media-keep-mum-on-israeli-report-documenting-condition-of-released-hamas-captives/.

celebrations with fireworks in areas of Sydney; and on the Monday, 9 October, and *before* Israel had responded in any significant way, there was a pro Hamas protest at the Opera House which included the infamous chants of "***Fuck the Jews***" and either "***Gas the Jews***" or "***where the Jews***" (whatever the chants, they were antisemitic).

14. I understand[5] that certain prominent anti-Zionist University lecturers were present at the 9 October Opera House hate-fest. This will be a matter to be investigated by a judicial commission.

15. There is clear evidence of what, in my opinion, are vile antisemitic posts published by certain prominent University academics at or around (and from) the date of the 7 October massacre. Such posts will be referred to below.

16. It will be for a judicial commission to determine whether (as I submit to be the case) those posts are in fact antisemitic, and whether those lecturers are engaging in a pernicious campaign of antisemitic vilification, and whether they are inciting, or seeking to incite, hatred of Israel – the one and only nation State of the Jewish people – and whether they are inculcating, or seeking to inculcate, a vicious form of antisemitism and bigotry into their students.

17. It is imperative, in the public interest, that such a judicial commission be established as a matter of urgency. The urgency is illustrated by the terrifyingly irrational and perverse fact that since the Hamas barbarism of 7 October – and notwithstanding the fact that a very substantial number of civilian hostages, including children, are still being held in the most appallingly inhuman conditions in Gaza, and despite the fact that Hamas is still firing rockets into civilian areas in Israel – and despite the evidence of the most barbaric atrocities including rapes and beheadings perpetrated by Hamas against civilians – the **popularity of Hamas has dramatically *increased* as has antisemitism** – particularly on university campuses, which have now become the hotbeds for extreme Jew hatred.[6]

18. This is not simply a Jewish problem. When there is a surge of antisemitism in a society, it is that society as a whole that suffers. As was succinctly said by former Chief Rabbi of the United Kingdom, Rabbi Lord Jonathan Sacks:[7]

> ""The hate that **begins with Jews never ends with Jews**. Antisemitism is the world's **most reliable early warning sign of a**

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5 I have no proof of this at this stage.

6 See for e.g. Barbara K. Olson Memorial lecture by Bari Weiss at Federalist Society's National Lawyers Convention, November 13, 2023, 'You Are the Last Line of Defense' https://open.substack.com/pub/bariweiss/p/you-are-the-last-line-of-defense?utm_source=direct&utm_campaign=post&utm_medium=web.

7 https://x.com/rabbisacks/status/1716420041833381958 accessed 22 August 2024

> **major threat to freedom, humanity and the dignity of difference**. It matters to all of us. Which is why we must fight it together." [Emphasis added.]

19. The danger – the risks - for society as a whole posed by the spread of antisemitism cannot be overstated. It must not be ignored.

20. When considering what, in my opinion, is vicious antisemitic vilification by certain prominent University academics, the Judicial Commission may consider it appropriate to reflect on the fact that the Holocaust itself began with words. As noted in Holocaust Encyclopedia[8]

> "… the Holocaust began with words and ideas: stereotypes, sinister cartoons, and the gradual spread of hate."

## DEFINITION OF ANTISEMITISM

### The IHRA definition of antisemitism and the three Ds - Double standards, demonisation and delegitimisation

21. In order to demonstrate that the vilification to which I refer below is antisemitic hate-speech, it is necessary to have regard to the following considerations.

22. The International Holocaust Remembrance Alliance working definition of Antisemitism (**the IHRA**) which has been duly adopted by Australia provides *examples* of antisemitism which, *inter alia*, include the following:

    a. Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour;

    b. Applying double standards by requiring of it [Israel] a behaviour not expected or demanded of any other democratic nation;

    c. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis;

    d. Drawing comparisons of contemporary Israeli policy to that of the Nazis;

    e. Holding Jews collectively responsible for actions of the state of Israel.

[8] https://encyclopedia.ushmm.org/content/en/article/antisemitism-in-history-from-the-early-church-to-1400 accessed 22 August 2024

23. Thus, it is antisemitic to subject Israel to a double standard; to demonise and delegitimise Israel; to ***falsely accuse*** Israel — the only fully functioning democracy in the Middle East with a free press and independent judiciary — of the five cardinal sins against human rights: racism, apartheid, crimes against humanity, ethnic cleansing and attempted genocide.[9]

24. Targeting the State of Israel is a form of anti-Semitism when such targeting deploys one of what former Canadian Justice Minister, Prof Irwin Cotler, characterised as "the three Ds: **demonization** of Israel, a **double standard** around Israel, and a **delegitimization** of the State of Israel."[10].

25. It is antisemitic when ***Israel is singled out for condemnation in a way that no other country is***; when, for e.g., it is subjected to enmity and criticism of the worst kind despite the reality that its human rights record is far better than that of any other country in the region, and at least as good as – if not substantially better than – any other country that has faced comparable dangers. As noted by Dershowitz:.

> "… no other nation, including those with the most abysmal of human rights records, face as much enmity. Most significantly, the intensity of the enmity directed against the Mideast's only democracy is unexplainable on any rational basis."[11]

26. It **is** antisemitic to

    a. deny the right of Jews to exist collectively as Jews in their country with the same rights as everyone else; to

    b. adopt a double standard when dealing with Jews, or the Nation State of the Jewish people; to

    c. subject Jews or Israel to obloquy and abuse of a kind that would not be applied to any other people or country; to

    d. single out Jewish national aspirations (Zionism) as an illegitimate and racist endeavour, and to

    e. "propose actions that would result in the death of millions of Jews."[12]

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9 Speech by Chief Rabbi of the British Empire, Lord Jonathan Sacks, to the European Parliament. https://youtu.be/uwN1WuDwIf0?si=2BVTe2V_jTZxGhn3

10 https://www.timesofisrael.com/trudeau-blasts-bds-movement-as-anti-semitic/

11 Dershowitz, The Case Against Israel's Enemies, John Wiley & Sons, at 5.

12 https://en.wikipedia.org/wiki/Antisemitism, citing "Antiglobalism's Jewish Problem" in Rosenbaum, Ron (ed.) Those who forget the past: The Question of Anti-Semitism, Random House 2004, p. 272. Accessed 4 January 2024. See also Prager and Telushkin, Why the Jews, Simon & Schuster, Inc. 1983 at 171.

**False assertion that one can be anti-Zionist while not being antisemitic: Zionism is an inherent aspect of Judaism**

27. These submissions incorporate by reference the entire perspicacious speech made by the former Chief Rabbi of the UK, Lord Jonathan Sacks, to the European Parliament, on 27 September 2016, entitled *'The Mutating Virus: Understanding Antisemitism*.'[13]
28. In that speech, the Chief Rabbi analysed the resurgence of antisemitism after the Holocaust, and asked how it came about that

> "… when your children go to university, they are insulted and intimidated because of what is happening in some other part of the world? Where, when they present their own view of the situation they are howled down and silenced?
>
> How did this happen? It happened the way viruses always defeat the human immune system, namely, by mutating. The new antisemitism is different from the old antisemitism, in three ways. … Once Jews were hated because of their religion. Then they were hated because of their race. **Now they are hated because of their nation state.** The second difference is that the epicentre of the old antisemitism was Europe. Today it's the Middle East and it is communicated globally by the new electronic media.
>
> The third is particularly disturbing. ... **It is easy to hate, but difficult publicly to justify hate. Throughout history, when people have sought to justify antisemitism, they have done so by recourse to the highest source of authority available within the culture**. In the Middle Ages, it was religion. So we had religious anti-Judaism. In post-Enlightenment Europe it was science. So we had the twin foundations of Nazi ideology, Social Darwinism and the so-called Scientific Study of Race. Today the highest source of authority worldwide is human rights. **That is why Israel—the only fully functioning democracy in the Middle East with a free press and independent judiciary—is regularly accused of the five cardinal sins against human rights: racism, apartheid, crimes against humanity, ethnic cleansing and attempted genocide**.
>
> The new antisemitism has mutated so that any practitioner of it can deny that he or she is an antisemite. After all, they'll say, I'm not a racist. I have no problem with Jews or Judaism. I only have a problem with the State of Israel. But in a world of 56 Muslim nations and 103 Christian ones, there is only one Jewish state, Israel, which constitutes one-quarter of one per cent of the land mass of the Middle East. **Israel is the only one of the 193 member nations of the**

[13] https://www.youtube.com/watch?v=uwN1WuDwIf0; the transcript is at http://bit.ly/2dCyUyq.

**United Nations that has its right to exist regularly challenged, with one state, Iran, and many, many other groups, committed to its destruction**.

Antisemitism means denying the right of Jews to exist as Jews with the same rights as everyone else. …" [Emphasis added.]

29. Zionism is an inherent aspect of Judaism. To instance but a few non-exhaustive examples:

a. pursuant to Jewish law, for thousands of years, the observant Jew faces *towards Israel*, and in Israel he/she faces *towards Jerusalem – the City of Zion* - when saying his/her daily prayers;

b. he/she prays for the return to Zion in each and every one of the daily prayer services, and *every time* he/she says grace after meals, and has done so for thousands of years;

c. Psalm 137 appears in every Orthodox Jewish prayer book (**Siddur**) before the Grace after Meals to be said on weekdays and references the Babylonian exile of the Jews in around **586 BCE** and expresses the Jew's yearning to return to Jerusalem: "*By the rivers of Babylon, there we sat, sat and wept, **as we remembered Zion** … How can we sing a song of the LORD on alien soil? **If I forget you, O Jerusalem, let my right-hand wither; let my tongue stick to my palate if I cease to think of you, if I do not keep Jerusalem in memory even at my happiest hour***."

d. in every Siddur Psalm 126 - which joyously deals with the Jew's **return to Zion** - appears before the Grace after Meals to be recited before Grace on Sabbath and Festivals: '*When the LORD **restores the fortunes of Zion** —we see it as in a dream our mouths shall be filled with laughter, our tongues, with songs of joy*.'

e. at *every Jewish wedding* performed in accordance with Jewish law a glass is broken under the wedding canopy to remember Zion.

f. Certain Jewish commandments (Mitzvot) can only be performed in Israel.

g. The major Jewish Festivals all relate to Israel; they are known as the Pilgrim Festivals – as Jews in Israel were obligated to go up to Jerusalem for the Festivals.

h. After the annual Passover Seder the Jew invokes the prayer "*Ieshana Haba birushalayim*" – "***Next year in Jerusalem***." [14]

[14] See also paragraph [106 I] below.

i. Those words - "*Next year in Jerusalem*" - are traditionally recited at the end of the services on the Day of Atonement, Yom Kippur.[15]

30. The above are but a few examples. They demonstrate beyond any doubt that Judaism and Zionism are – and always have been – inextricably linked – they are inseparable.[16]

31. With the above in mind, it is appropriate to consider the antisemitic vilification referred to below.

## EXAMPLES OF WHAT ARE SUBMITTED TO BE ANTISEMITIC VILIFICATION BY ACADEMICS

32. Because the current submission only deals with the question whether there should be a judicial commission of enquiry into antisemitism at Australian universities, it is not intended to provide any exhaustive list or analysis of which is submitted to be antisemitic vilification and incitement emanating from academics employed in various Australian universities. That analysis will, of course, be done once a judicial commission has been formed.

33. In the meantime, these submissions will simply provide some examples of such vilification primarily from academics associated with the UNSW (as that has been my focus).

34. I will also draw attention to statements from a prominent lecturer associated with Macquarie University.

## UNSW

35. The type of statements that have recently been made by UNSW academics that give rise to false and defamatory antisemitic imputations that vilify the State of Israel and, by implication, Jews who support Israel, include, *inter alia*, statements conveying imputations that

a. Israel indiscriminately and *intentionally murders babies and children*;[17]

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15 Prager and Telushkin, Why the Jews, Simon & Schuster, Inc. 1983 at 171

16 Should it be necessary, I will be happy to provide detailed elaboration.

17 At the UNSW Centre for Crime, Law and Justice Seminar held on 13 November 2023 (**the Seminar**), Noam Peleg (**NP**) said "a ***staggering number of children [are] losing lives in the West Bank and Gaza***" (thereby imputing that Israel is wantonly murdering children in the West Bank) and that "*the* ***rights of Palestinian children*** *… have been* ***violated*** [by Israel] ***for decades***"; during the 70 minutes of the CCLJ seminar "***7 more children have been killed. The Carpet bombings continue, babies die lying dead under the rubble, dead from bombing***." See also the comments made by Francesca Albanese (**FA**) at the Seminar, none of which were controverted in any way whatsoever by NP, clearly imputing, in my opinion, that he agreed and adopted those assertions.

b. Israel *intentionally engages in monumental violations of human rights including against children*;[18]

c. Israel disgracefully *permits Jewish Israeli Settlers to steal land belonging to Palestinians*;[19]

d. Israel *permits Jewish Israeli Settlers to kill, maim and injure Palestinians with impunity*;[20]

e. Israel intentionally commits war crimes and crimes against humanity with impunity;[21]

f. Israel is *committing genocide* of the Palestinians;[22]

g. Israel is a *colonial occupying country*;[23]

h. Israel is an apartheid State.[24]

i. Jews who support Israel thereby support

i. The indiscriminate and wanton murders of babies and children;

ii. The monumental violations of human rights including against children;

iii. Jewish Israeli Settlers who steal land belonging to Palestinians;

iv. The killing, maiming and injuring of Palestinians with impunity;

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18 FA said, inter alia, the following at the Seminar: **Israel** "is committing "***Monumental violations of human rights*** … ***humiliation of Palestinians and human rights violations against children*** … *and* ***it's getting incrementally worse***" and that "***the Palestinians are the ones whose rights are violated*** [by Israel] ***between the River and the Sea***" (meaning that Israel has no right to exist) and that "*Israeli settlers* [are entitled to] ***take the land of parents*** [of Palestinian children] *and … are* ***entitled to kill, maim and injure with impunity***." "***Israel can't invoke the right of self-defence***" against Hamas in Gaza (presumably it is required to commit national suicide); Israel is committing "**war crimes and crimes against humanity**" and "**genocide";** and that Israel is a **colonial occupation** as well as **an apartheid state**

19 Ibid ("*Israeli settlers* [are entitled to] ***take the land of parents*** [of Palestinian children] *and … are* ***entitled to kill, maim and injure with impunity***")

20 Ibid.

21 Ibid ("Israel is committing "**war crimes and crimes against humanity)**.

22 Ibid ("Israel is committing "**war crimes and crimes against humanity**" and "**genocide"**) ")

23 Ibid (Israel is a **colonial occupation**").

24 Ibid ("Israel is a **colonial occupation** as well as **an apartheid state**").

v. The commission by Israel with impunity of war crimes and crimes against humanity;

vi. The commission of genocide by Israel against the Palestinians;

vii. Apartheid.

36. The above imputations were, in my opinion, conveyed at a UNSW seminar on 13 November 2023.

37. An online Webinar on 10 April 2024 presented by Dr Noam Peleg with Professor Michael Fakhri, the UN Special Rapporteur on the Right to Food, on the topic "*The food crisis and starvation in Gaza*" (**the Webinar**), gave rise to demonstrably false, and seriously defamatory, imputations to the effect,[25] *inter alia*, that Israel is

a. a **criminal, apartheid, settler colony** and an illegal **occupying entity**;

b. **deliberately and illegally** using **starvation as a weapon** of war and has expressly been doing so since 8 October 2023, in a deliberate attempt to kill everyone in Gaza by starvation, and Israel has thus created the **biggest man-made famine in the history of the world**, and that Israel, **since 1967, has been intentionally destroying the food system in Gaza by destroying agricultural land, greenhouses, fishing ports and fishing vessels, and is purposely starving the Gazans, and is purposely denying civilians access to food, fuel, water, and medicine**;

c. **deliberately** and callously **causing children, pregnant women and breastfeeding mothers to suffer from severe malnutrition, and death;**

d. **intentionally committing genocide** and other heinous **crimes against humanity**, and **has no concern or respect for international law;**

e. so evil that it is not only **perpetrating genocide – it is also 'taking pride in [its] actions'** in so doing by filming itself committing genocide;

f. so fraudulent and deceptive that, in order **to divert attention away from its crimes which are being dealt with at the ICJ** in the Haig, it has **made false and entirely unfounded allegations against UNRWA,** knowing that such allegations will prevent UNRWA from giving essential, life-saving, services to Palestinians all over the Middle East;

[25] It is not intended in this letter to be exhaustive, or to frame the imputations with precision at this stage

g. so immoral that **Israel tortured an UNRWA employee in order to induce him to make false and groundless allegations against UNRWA**;

h. so evil that

i. its evil conduct affects everybody in the world and **no one wants to live in a world in which Israel commits such horrific crimes** of **genocide**, **starvation,** and **occupation**;

ii. it **ought to be boycotted militarily and in every other way as well**.

**Macquarie**

38. It is sufficient to instance the example of is a prominent lecturer at Macquarie University who is now also an ARC Future Fellow.[26]

39. This particular lecturer has published online posts that include the following:

a. On **the actual day of the massacre**, October 7: "*The coloniser cries victim*";

b. On **the actual day of the massacre**, October 7 she apparently captioned a video of Nova festival goers running for their lives, mocking terrorised youths with the grossly insensitive "*What passport should I use today?"*

c. On 12 October 2024 she posted the Soviet-era antisemitic slogan, "*Zionism=racism*"

d. On 4 November 2023 she published that the frankly genocidal "Israel is finished"

e. On 6 November 2023 she ridiculed Australian Jews facing antisemitism "*Cry me a river to the sea*"

f. On 13 November 2023 she imputed that that the ABC is controlled *by Zionists*.

g. On 14 January 2024, RAF published a dishonest article in the Institute for Palestinian Studies in which she wrote in the second paragraph that

[26] https://www.arc.gov.au

> "Israeli government claims of systematic sexual violence perpetrated against Israeli women by Hamas and The New York Times article **have been thoroughly and compellingly discredited and debunked by both independent investigative journalists and MENA human rights and feminist organizations and initiatives**. At this point, anybody who still insists on believing the mass rape claims and/or amplifies The New York Times report is doing so against a growing body of evidence that has called into question the credibility of the claims." [Emphasis added.]

40. This particular lecturer has posted:

> "If you are Zionist you **have no claim or right to cultural safety**.
>
> And it is my duty as somebody who **fights all forms of oppression and violence to deny you a safe space to espouse your Zionist racist ideology**.
>
> **It is the duty** of those who oppose racism, misogyny, homophobia and all forms of oppressive harm to **ensure that every space Zionists enter is culturally unsafe for them**.
>
> And institutions and festivals that continue to defer to the ***fragile feelings and tears of Zionists*** are **as abhorrent as those who would defer to the feelings of misogynists, white supremacists, neo-Nazis**."

41. In my opinion, in my opinion, each of the above posts constitutes vile, vicious and vituperative vilification of the Jewish people.

42. In my opinion it is likely that, if appointed, a judicial commission will share my opinion that the above posts constitute vituperative vilifications, and that they are highly antisemitic and intimidatory, and that it is wholly inappropriate for an Australian university to employ a lecturer who publishes, what in my opinion are grossly antisemitic calumnies.

43. In my opinion it is not possible to apprehend how any practising Jew could possibly feel safe in any class given by this lecturer.

## DOUBLE STANDARDS IN RELATION TO PROTECTION OF JEWISH STUDENTS AND STAFF

44. I have not had any discussions or communications with Macquarie University.

45. I have, however, sent detailed correspondence to the UNSW in which I have demonstrated that the factual statements made by UNSW lecturers – referred to above – constituted demonstrably false vilification.

46. To my deep dismay, however, and to the dismay of the alumni and staff who has seen the decision, on 24 June 2024 the UNSW advised that it had decided that the matters about which I had complained (referred to above) were

    - not unlawful;
    - not in breach of the Academic Freedom and Freedom of Speech Code of Conduct;
    - not in breach of the Enterprise Agreement for Academic Staff;
    - not actions that constitute intimidation, bullying, or harassment of students and staff who hold different views

47. The consequence of that decision (**the decision**), while it stands, is that UNSW academic staff have been given the green light to engage in the vilest antisemitic vilification against Jews – without any adverse consequence. By letter dated 22 August 2024 the UNSW was put on notice that the decision is considered to be wrong in both fact and law[27] and it was noted that

    a. the decision asserts that UNSW community members are "*entitled to share **their lawful opinions** on controversial topics in the political arena*." However, the UNSW academics about whom complaint was made did not purport to share their ***opinions***. Rather, their assertions purported to be **statements of fact**;

    b. the "***facts***" asserted by the UNSW lecturer were, in my opinion, demonstrably ***false***,[28] and were particularly ***deceptive*** because they were categorically conveyed as "facts" by a senior UNSW academic who is held out as an expert in the Middle East conflict. The seminars sought to indoctrinate – rather than to educate. This was all the more pernicious as many of the assertions appeared to emanate from a listed terrorist organisation;

    c. the vituperative hate speech manifestly constituted "*intimidation, bullying, or harassment of Jewish students and staff members*."

    d. However, despite the fact that Jewish students and staff were, as a matter of practical reality, intimidated, bullied and harassed by the hate speech, the Conduct & Integrity Unit decided that the hate

[27] A copy of that letter can be provided to the committee, as can a copy of the voluminous correspondence that I sent to the UNSW.

[28] The falsity was demonstrated in our letters of 21 November 2023, 17 January and 30 May 2024.

speech did not "constitute intimidation, bullying, or harassment of students and staff who hold different views" thereby fortifying the contention that had been made in an earlier letter sent to the UNSW that that Universities consider that Jews are not entitled to the same protections and support as other communities when they are under attack; in a recent article entitled '*A Different Standard for Jews*'[29] Dan Schnur notes that 'Antisemitic double standards are pervasive, much more than we would have wanted to believe back on 6 October.' Since then Jews have learned, inter alia, that

> "We avoid language that might cause offense, even if that was not our intention. ... But when we hear threats like "*from the river to the sea*" or "*globalize the intifada*," or when we hear Israel's defenders accused of *genocide*, we now understand that Jews are not entitled to that same sort of consideration.
>
> Imagine if a young woman were told that wolf whistles, catcalls and scatological references were not intended to be offensive, or if it were explained to a member of an underrepresented minority community that a racial slur carried a different meaning to the person who uttered it and therefore there was no reason to be upset by their use of a pejorative term. Such feeble rationalizations would be quickly rejected and those who offered them would face severe legal, social or cultural penalties. But those who call for the elimination of the state of Israel and the extermination of the Jewish people, and who pretend that their efforts at intimidation are merely appeals for Palestinian independence and empowerment, are excused."

e. Since 7 October 2023, the irony has often been noted - that Universities

> "… go out of their way to **find safe spaces for microaggressions against minority groups but can't seem to find those safe spaces when Jews are faced with *macro*aggressions.**"[30] [Emphasis added.]

f. the publications were humiliating and dehumanising for Jewish students and staff. (It is obviously humiliating and dehumanising for Jewish students and staff to be aggressively berated as "Baby Killers" or supporters of genocide just because they are known to be practising Jews. Apart from the fact that Israel is the one and only

[29] Dan Schnur, JEWISH JOURNAL, December 13, 2023: https://jewishjournal.com/commentary/columnist/366285/a-different-standard-for-jews/

[30] David Suissa, 2 January 2024, Jewish Journal, 'Harvard President's Resignation is the Tip of the DEI Iceberg.'

Nation State of the Jewish people, Judaism and Zionism are inextricably linked.) Like in defamation law, the knowledge of the falsity of the imputation aggravates the harm and damage.

g. publication as fact of the entirely one-sided and false assertions **compromises the academic integrity of the University, and the safety of Jewish students and staff, and is likely to bring the University into disrepute, and prejudice the respect and value of its degrees**.

h. the reliance in the decision on the Academic Freedom and Freedom of Speech Code of Conduct was misconceived. Academic freedom and freedom of speech does not permit a University lecturer to publish patent falsehoods. To the contrary, the Full Federal Court recently emphasised in *University of Sydney v National Tertiary Education Industry Union*[31] that one cannot talk of *academic freedom*, or freedom of speech, without also having regard to *academic responsibility*, and the requirement of an academic to engage in *responsible, academic, honest, speech*; intellectual freedom is cut from the same cloth as the notions of academic responsibility.

i. The vilification about which complaint was made did not constitute a "responsible" exercise of any academic freedom or freedom of speech; it involved

    i. no debate,

    ii. no learning,

    iii. no scholarship,

    iv. no evidence-based analysis applying the scientific method;

    v. there was no reference to contrary evidence; there was no balance.

j. Rather, there were

    i. bald, one-sided, inflammatory assertions; there was

    ii. vilification and incitement;

    iii. false and defamatory statements.

[31] [2024] FCAFC 57, especially at [12]-[14], [18], [21], [49]-[[52] and [54].

k. This was not the upholding of the principle and practice of intellectual freedom in accordance with the highest ethical, professional and legal standards.

l. The making of false, defamatory, intimidatory, one-sided, unscholarly, antisemitic statements of the kind about which complaint was made was inconsistent with, and inimical to, the upholding of the principle and practice of intellectual freedom.

48. It is submitted that, as a matter of law, it is not acceptable for a University to permit its academic employees - in the course and scope of their employment – to seek to indoctrinate students by making demonstrably false statements – such as demonstrably false statements that Israel is committing genocide (the crime of crimes), that it is intentionally murdering babies, that it is purposely not allowing any food whatsoever into Gaza in order to starve the Gazans to death, that it is an illegal colonial apartheid entity that ought to be shunned and boycotted, that it is a murderous rogue entity, that it ought to be destroyed.

## NEED FOR JUDICIAL COMMISSION; AHRC ENQUIRY WOULD BE COUNTER-PRODUCTIVE

49. It is in the context of an extraordinary surge in antisemitism, particularly on university campuses, that it is essential, in the public interest, that a judicial commission of enquiry into antisemitism at university ought to be formed. It is necessary for such a judicial commission to consider

    a. whether what, in my opinion, is manifestly antisemitic vilification emanating from several staff members of certain prominent universities is in fact antisemitic vilification; and, if so, whether such vilification

        i. is dehumanising, humiliating, alienating and intimidating to Jewish students and staff; and

        ii. is demonstrably false, deceptive and misleading;

        iii. is unscholarly and immoral; and

        iv. incites antisemitism and creates a clear and serious danger to Jewish (and other) students and staff; and

        v. constitutes ‘serious misconduct’ under the various Enterprise Agreements and Policies of the various universities, and under common and statutory law in Australia; and

b. whether universities have – and are exercising – a duty of care to their Jewish students and staff to regulate such conduct clearly and effectively; and

c. whether it is necessary and/or appropriate for universities to enforce their regulations to do so; and

d. whether the respective universities, in the interests of Australia as a whole, and in the interests of academic standards, ought to take additional steps to deal with lecturers who engage in vilification and hate-speech;

e. whether proposals ought to be made in relation to the establishment and enforcement of effective and enduring measures to guarantee a safe, supportive and tolerant educational setting for all students, irrespective of their race, religion, or ethnicity.

50. Since 7 October, the Jewish community has been living in fear of the ever-increasing rise in antisemitism. It is no longer uncommon to hear the comment "*This is what it must have felt like to live in Germany in the 1930s*".

51. For, inter alia, the reasons to which the ECAJ referred in its submission, it would be wholly inappropriate – and indeed counter-productive - for the AHRC to be tasked with the investigation of Antisemitism at Australian Universities. There is a real and justified apprehension of actual bias on the part of the AHRC. That emerges from what it ***has*** said and published[32] – as well as from what it has not said and not published.

52. To instance but one example: in the light of the fact that the tsunami of antisemitism at Australian universities has been so notorious since mid-October 2023, the article published on 23 May 2024 by Giridharan Sivaraman, Australia's race discrimination commissioner, was – at best – tone-deaf, if not immoral, as it imputed, in my opinion, an equivalence between "*the horrific October 7 attacks in Israel, and the devastating military response in Gaza*." It is a real concern that it would appear that Australia's race discrimination commissioner does not distinguish between the vicious and barbaric massacre and atrocities perpetrated by Hamas, a listed

[32] See, for example, 23 May 2024, 'Racism at universities has been an issue for decades,' by Giridharan Sivaraman, The Mandarin. In the light of the fact that the tsunami of antisemitism at Australian universities has been so notorious since 7 October 2023, the article published on 23 May 2024 by Giridharan Sivaraman was – at best – tone-deaf, if not immoral, as it imputed, in my opinion, an equivalence between "*the horrific October 7 attacks in Israel, and the devastating military response in Gaza*." It is a real concern that it would appear that Australia's race discrimination commissioner does not distinguish between a massacre and atrocities perpetrated by a terrorist organization whose stated aim is the annihilation of Israel, on the one hand, and Israel's defence – and attempt to rescue hostages - on the other hand. The imputation that "antisemitism and anti-Palestinian sentiment on campus" is of a similar magnitude is simply wrong.

terrorist organization whose stated aim is the annihilation of Israel, on the one hand, and Israel's legitimate self-defence – and attempt to rescue hostages - on the other hand.

53. Moreover, the imputation in the article that the problem of "antisemitism and anti-Palestinian sentiment on campus" is of a similar magnitude is simply wrong.

54. At the very least, there is a reasonable apprehension of bias on the part of the AHRC.

55. Should the committee decide not to form a *judicial commission* with Royal Commission-like powers to enquire into antisemitism at Australian universities, that failure will, in my opinion, be perceived as worse than a mere slap in the face to the Jewish community; it will be perceived as support for those who, in the opinion of the Jewish community, are antisemitic.

## STRAW MEN DESIGNED TO OBFUSCATE

56. These submissions will now briefly address certain *straw men* that are deployed (often as an antisemitic obfuscation) to cower universities into failing to take effective steps to prevent hate-speech of the kind referred to below, and/or to enable the person making the statement to play the "victim card." Those straw men are

    a. the canard – itself antisemitic – that "Jews or Zionists" seek to prevent criticism of Israel by labelling all criticism antisemitic (it is not – and no responsible person asserts otherwise). Israel can of course be criticised in the same way that any other country can be criticised; but just as one does not call for the annihilation of any other country, to call for the annihilation of Israel is antisemitic; and

    b. the false assertion that Jews, and/or Israelis, and/or children or grandchildren of Holocaust survivors, cannot be antisemitic;[33] and

    c. the false assertion that anti-Zionism of the kind one commonly hears from university academics and students is not antisemitism; it is – antisemitism has simply donned the cloak of anti-Zionism. (This has already been addressed above.)

### Accusation that claims of antisemitism are deployed to prevent mere criticism of Israeli policies

[33] See, for e.g., Alan Dershowitz, The Case Against Israel's Enemies, John Wiley & Sons, Inc. 2008, at 99-126; Douglas Murray Israel-Hamas War: Douglas Murray Responds to Norman Finkelstein Calling Gaza a "Concentration Camp" https://www.youtube.com/watch?v=u8KNhzD1xDE;

57. The assertion that "Jews or Zionists" use the antisemitism accusation to prevent mere criticism of Israeli policies by labelling all criticism antisemitic[34] is false.

58. Obviously, Israel or Israeli policies, can be criticised – just like any other country or its policies may be criticised.[35] Despite the ubiquitous accusation that Jews use antisemitism to prevent criticism of Israeli policies, I am not aware of any documented case in which any responsible person has contended that mere criticism of Israel is antisemitic. Such a contention would be absurd.

59. Prof Alan Dershowitz has publicly challenged anyone who asserts that Jews seek to prevent criticism of Israel by labelling all criticism antisemitic to "document that serious charge by providing actual quotations, in context, with the sources of the statement identified. No one has responded to [his] challenge."[36].

**False assertion that Jews and/or Israelis and/or descendants of Holocaust survivors cannot be antisemitic**

60. Equally false is the assertion that Jews and/or Israelis and/or descendants of Holocaust survivors cannot be antisemitic.[37]

61. Regretfully, throughout history there have been prominent Jews – who have also been classic and blatant antisemites (Karl Marx is a case in point; as noted by Dershowitz, his stereotyping of Jews and his rabid hatred of all things Jewish "are *hard to distinguish from the beliefs of Adolf Hitler*"[38])

62. In his book, The Case Against Israel's Enemies, Professor Alan Dershowitz has noted that in contemporary society, there are some Jewish academics of the radical left for whom

> "… dissociating from Zionism … has become a litmus test for acceptability by the hard left. Unlike Marx, however, some of them emphasise their Jewishness while rejecting Jewish nationalism. **They point to their Jewish identity to discredit accusations that that their ideas are antisemitic (claiming that as Jews, they cannot be antisemites), to establish their special right to criticise Israel and give added stress to the evils of Zionism**

34 See Alan Dershowitz, The Case Against Israel's Enemies, John Wiley & Sons, at 3-4.
35 Speech by Chief Rabbi of the British Empire, Lord Jonathan Sacks, to the European Parliament. https://youtu.be/uwN1WuDwIf0?si=2BVTe2V_jTZxGhn3
36 Ibid at 4.
37 See, for e.g., Alan Dershowitz, The Case Against Israel's Enemies, John Wiley & Sons, Inc. 2008, at 99-126; Douglas Murray Israel-Hamas War: Douglas Murray Responds to Norman Finkelstein Calling Gaza a "Concentration Camp" https://www.youtube.com/watch?v=u8KNhzD1xDE
38 Ibid at 99.

> **(claiming that if we, as Jews, are troubled by Zionism, then it must be really bad).** Few of these Israel-haters are Jewish in any real sense, other than their parentage. They are Jewish on their 'parents' side' … Yet they accentuate their Jewish heritage (their names and connections to the Holocaust) to gain credibility for their Israel bashing. **By rejecting Zionism, they prove their commitment to the values of the hard left, as well as their lack of dual loyalty**."[39] [Emphasis added.]

## CONCLUSION

63. Antisemitic vilification, incitement, intimidation and hate speech – particularly by prominent lecturers of a respected university – may lead to the most serious, real-life, consequences for Jewish and Israeli students and staff (and indeed others); it poses real risks – including risks of serious physical violence.

64. It is ironic – and irrational – that the most lethal outbreak of antisemitism since the Holocaust broke out in response to the biggest single atrocity against Jews since the Holocaust. That antisemitism has donned the cloak of anti-Zionism.

65. The ever-increasing antisemitism is an ever-deepening nightmare - exacerbated by the fact that, as noted by Melanie Phillips,

> "… universities, the supposed crucible of reason, have incubated murderous and brazen antisemitism …. the intellectual élites of the "civilised" west — its brain, if you will, and thus the source of its supposedly civilising ideas — have absorbed and are regurgitating [murderous lies in the cause of wiping out Israel and the Jews]." [40].

66. However, one sided, demonstrably false, malevolent, antisemitic, propagandistic hate-speech by a university lecturer is inimical to, and inconsistent with, the duties and requirements of institutions of higher learning, and is expressly or impliedly inconsistent with the objects of the Higher Education legislation (including the Standards, Codes, and Guidelines) including, for example, '*the creation and advancement of* ***knowledge***' (*HES Act* s2-1(b)(ii)) and the provision of higher ***education***. Freedom of speech does not permit false hate-speech, incitement and vilification.

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39 Ibid at 100.

40 Melanie Phillips, The campus crucible of Islamic holy war, 30 April 2024 https://open.substack.com/pub/melaniephillips/p/the-campus-crucible-of-islamic-holy?r=8t76y&utm_campaign=post&utm_medium=web

67. It is in the public interest that a *Judicial Commission* of Inquiry into Antisemitism at Australian Universities be established as a matter of extreme urgency.

**M A Friedgut**
**26 August 2024**

To Whom it May Concern,

My name is Marc Light, I am the Principal of The King David School a Jewish School with over 700 enrolments from Early Learning through to Year 12.

I am well aware that some of my graduates have experienced what they perceive to be antisemitism on and around university campuses in Australia since the onset of the Hamas-Israel war. I have met with university leadership from a number of universities who have been generally very responsive to the issue and I have no doubt that they care for the wellbeing of their students.

Nonetheless, I believe that the campuses have become places of intimidation where Jewish students must self-censor as they are too afraid to express key aspects of their identity, particularly if they identify as supporters of Israel or Zionism.

Some of the situations that have been reported to me include:

- A student in a University of Melbourne lecture, whose lecturer encouraged students to participate in the “die in” for Gaza. Her frustration with how this was dealt with by the university administration ultimately led to her leaving the university.

- Another student at the University of Melbourne was challenged within a tutorial when a classmate heard that she had been in Israel, the classmate said, “But you’re not a Zionist, right?” The student felt that she could not safely express this aspect of her identity. She did not report this as she was on friendly terms otherwise and anecdotally it is this casual undermining of identity that is so insidious.

- A former staff member who is now a student at RMIT was told by his lecturer that “It’s a nice day, let’s take the class outside and join the Palestinian encampment.” When the student challenged the lecturer, the lecturer claimed to have been joking.

- Two staff members who are also students at Monash University were hassled and intimidated by Palestinian protestors and were called “baby killers”. They felt unsafe and reported to university security who were

dismissive of the issue.

- A graduate who attend the University of Melbourne was kicked out of her share house because her housemates did not want to live with a Zionist.

I believe that the situation is dire and that current and future university students are afraid and feel that they must suppress their individuality. This should not be tolerated.

Yours faithfully,

Marc Light

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Committee Secretary

**Submission to the Senate Inquiry about the Commission of Inquiry into *Antisemitism at Australian Universities Bill 2024 (No 2) (Senate Inquiry)***

Thank you for the opportunity to respond to the Senate Legal and Constitutional Affairs Committee (**Senate Committee**) inquiry as to whether to establish a Commission of Inquiry or Judicial Inquiry (**Judicial Inquiry**) into Antisemitism at Australian Universities. Given the fact that my role as Special Envoy to combat antisemitism (**Special Envoy**) was only established on July 9, I appreciate that you might consider this September 6 submission.

**Summary**

In preparing this submission to the Senate Inquiry I thought it would be helpful if I obtained some first-hand testimonies from university students, academics and professional staff to understand the gravity of the situation. My office has interviewed more than 65 Jewish students, academics and staff at universities (those wanting to give testimony continue to contact my office and once my full complement of staff is in place I will continue to meet them). Their testimonies, and the data[1] from other surveys demonstrates a truly alarming increase in antisemitic incidents and discourse at Australian universities in the lead-up to, and particularly since, the October 7 massacre by Hamas in Israel. As you can read from a summary and extracts from their testimonies (**Appendix 3 – Testimonies**) the situation is very grave and indeed much more serious and alarming than I expected.

Antisemitic behaviour is not only present on many campuses but is an embedded part of the culture. Universities have not taken appropriate action to denounce and suppress it: it has become systemic. The Jewish students are traumatised and feel isolated and unsafe. They are not participating as they should in university life. They have been told by their university administration to stay home for their own safety. This normalised antisemitism is incredibly dangerous to our society as it is an attitude and behaviour that eats away at the fabric of the mission of the tertiary sector. To date university leadership is either in denial about how serious and normalized antisemitism has become on their campuses or has not received information as to the seriousness of the situation (bad news does not travel upwards) or has failed to truly understand what constitutes antisemitism and has responded by placating activist forces. This contrasts with the growing realization of universities overseas that strong measures

[1] Jewish University Experience Survey: July 2023: Jewish University Experience Survey - Zionist Federation of Australia (zfa.com.au); 'New research shows widespread antisemitism in universities and online', *ABC*, 14 August 2024: New research shows widespread antisemitism in universities and online - ABC News.

must be taken (See **Appendix 4 - Efforts aimed at accountability at foreign universities for antisemitic discourse and incidents**). As US universities open for the new academic year I expect more US universities will adopt the policies and stances of NYU, Columbia and California.

The situation on Australian university campuses must change. The sector needs to respond to the seriousness of the situation. As I have heard from Jewish students, academics and staff, they will only speak of their experiences to trusted advocates like my office or to a forum like a Judicial Inquiry that can take evidence in private and maintain confidentiality. They have no confidence currently in other institutions like the Australia Human Rights Commission (**AHRC**) to approach their evidence with impartiality and appropriate respect. This calls into question the ultimate efficacy of the Government's referral to the AHRC to study racism at universities including antisemitism.

Another issue that has been raised with me is concern that foreign funding seeking to skew the mission, values and roles of universities may be operating in Australia as has been the case in other Western countries. Universities have been very opaque in their answers regarding this issue.

These four concerns in particular are all reasons for this Senate Committee to call for a Judicial Inquiry:

1. Universities are in denial about the seriousness of the situation and have failed to recognise the embedded culture of antisemitism causing Jewish students to be traumatised, feel unsafe, stay away from campus and not partake equally in educational opportunities and failed to act appropriately;
2. The need to take testimonies in private;
3. The need to thoroughly investigate any foreign funding designed to undermine the universities' mission and values based on upholding truth, democratic and equal opportunity; and
4. The almost universal view expressed by Jewish community representative bodies that a Judicial Inquiry would help the situation by at least listening to community concerns and recommending change.

I do believe that Judicial enquiries or Royal Commissions can bring about important societal change, particularly when the culture in important institutions has caused the institutions to deviate from their purposes and not serve society. This was seen to be the case with the banking sector and although the process was painful the recommendations of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry resulted in important and meaningful change.

In this case universities, important institutions responsible for the development and maturation of Australian values in our next generation, appear to have an embedded culture of antisemitism and their leadership (with a few notable exceptions) seem not to appreciate this reality. This will impact not just the future of the Jewish community, but as the proverbial canary in the coal mine, also our future as a democratic and free and open society.

Embedded hatred cannot be allowed to foster. It must be called out so that Australian values and our cherished way of life may triumph and it will be important that any Judicial Inquiry be conducted in a manner which respects privacy of testimony and controls extremist outbursts.

In calling for a Judicial Inquiry I am conscious that any such enquiry (should the Senate Committee make a positive recommendation) and implementation of any recommendations will take some time. The situation on campuses is far too serious just to wait for this. From the testimonies I am really concerned about the febrile situation on some campuses and the emotional and physical safety of Jewish students. I therefore detail in this submission a series of other measures that I believe should be recommended to be implemented IMMEDIATELY. Some will require the support of government which I implore consider them urgently.

I therefore commend to the Senate Committee a range of other more immediate measures that should be recommended as well (See **Section 2 – Recommendations for more immediate action** and **Appendix 5 - Recommendations**). These are all measures that universities could take immediately.

## Introduction

(a) The role of universities

Tertiary education, when provided in a safe environment conducive to learning, thoughtful and thought-provoking debate, and rigorous, evidence-informed scholarship, develops individual potential and whole of society potential.[2] As the former Deputy Chancellor of the University of New South Wales from 2010 to 2019, I have personally seen how the proper delivery of education in a premier tertiary setting can enhance individual and societal outcomes. Racism is inimical to the culture that tertiary settings must foster if they are to produce world leading and diverse scholars and change-makers and our democracy is to be sustained and thrive.

(b) The role of the Special Envoy to Combat Antisemitism

The office of the Special Envoy to Combat Antisemitism (the **Special Envoy**) was announced on 9 July 2024 in order to address antisemitism in the domestic Australian context, and assists and advises the Government by:

- Providing advice to the Prime Minister and to the Minister for Immigration, Citizenship and Multicultural Affairs to inform policy development, legislation, campaigns (in accordance with the Australian Government Guidelines on Information and Advertising Campaigns by non-corporate Commonwealth entities) and programs that will go to effectively combatting Antisemitism and social cohesion factors that drive the behaviour across online and social media, traditional media, and within education, arts, culture and industry sectors
- Promoting public awareness and understanding of the impacts of Antisemitism by highlighting diverse Jewish Australian identities, the ongoing contributions of

[2] What you need to know about higher education | UNESCO

Jewish Australians to the building and progress of Australia, and combatting stereotypes and misinformation in communication channels
- Engaging with public and private sector stakeholders across whole of society and utilising research and data to identify the drivers of Antisemitic behaviour
- Supporting efforts to address systemic and interpersonal racism (including Antisemitism), hate speech, discrimination and divisive language through public education and awareness, through engaging in media opportunities, facilitating roundtables and participating in public discussion with the support of the Department of Home Affairs
- Identifying ways to strengthen broad social cohesion, including fostering inter-faith dialogue, for all Australians
- Undertaking other related tasks that may be necessary from time to time. [4]

The role of the Special Envoy is informed by the Global Guidelines for Countering Antisemitism (please see **Appendix 1A & 1B – Summary and Global Guidelines**).

The educational sector is identified as a key area in the Special Envoy's Terms of Reference because education is the single most important means of combating antisemitism, but it also poses the single biggest challenge if education does not embody critical analysis and independent thinking. As demonstrated below, in the tertiary educational space, other efforts aimed at promoting accountability in some contexts have not addressed antisemitism, and therefore this submission advocates for a range of measures to be recommended and then urgently actioned by government and universities.

(c) The unique nature of antisemitism

As noted above, it is important that universities are a safe space for learning and exchange of ideas. Racism of any type is abhorrent and prevents universities from fulfilling their essential role. And yet, we know that not all types of racism are equally prevalent in Australian universities at present. Public manifestations of antisemitism have been disproportionately high compared to manifestations of racism against other communities on campus.[3]

Antisemitism is a unique type of racial hatred that is not broadly understood. It is an ancient hatred based on disinformation and misinformation, and its building blocks are antisemitic tropes[4] that can be subtle yet extremely pervasive. History has shown that in times of economic insecurity, antisemitism bubbles to the surface and becomes socially acceptable. Antisemitism has always been stubborn and shape-shifting, and it is not sufficiently responsive to policies instituted to deal with racism more broadly.[5] It is an insidious hatred that is currently being fanned by social media and if it is not

[3] See the ECAJ's Annual Report on Antisemitism in Australia 2023, pp.142-144: https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2023.pdf; Jewish University Experience Survey: July 2023: Jewish University Experience Survey - Zionist Federation of Australia (zfa.com.au); 'New research shows widespread antisemitism in universities and online', *ABC*, 14 August 2024: New research shows widespread antisemitism in universities and online - ABC News; and Julie Nathan, 'Comprehensive study of hate incidents in Australia – updated', *Executive Council of Australian Jewry*, 22 June 2023: » Comprehensive study of hate incidents in Australia – updated (ecaj.org.au).

[4] ADL Publishes New Guide to Antisemitic Tropes | ADL; and Antisemitic Tropes Chart (facinghistory.org)

[5] As Hadley Freeman argues, "Jews have always been a glitch in the binary of identity politics", see Freeman, Hadley, 'Blindness: October 7 and the Left', *The Jewish Quarterly*, Issue 256, May 2024, p. 69

countered at universities it could become so embedded as to never be able to be removed.

Some individuals and institutions may submit that any Judicial Inquiry would seek 'special measures directed at particular types of racism'[6], but in fact what is being sought is the same level of awareness and accountability with regard to antisemitic discourse and incidents in tertiary settings as exists with respect to manifestations of other types of racism[7].

## 1. Why a Judicial Inquiry

As set out in the 'Summary' section above, such an Inquiry would be able to:

- Compel witnesses to appear and documents to be produced.
- Take sworn evidence in private rather than anecdotal evidence.
- Control hostile witnesses who try to grandstand for political purposes in the same way as in a courtroom.
- Guarantee anonymity to witnesses if they seek it.

A Judicial Inquiry could examine the responses of Australian universities and the sector to the rise of antisemitism on Australian campuses, including whether:

- universities have adopted and implemented an appropriate definition of antisemitism for all purposes such as the International Holocaust Remembrance Alliance definition[8];
- universities have taken appropriate steps to recognise the specific and unique nature of antisemitism[9], to deal with it, and effectively convey their opposition to it, to record instances of it and to provide adequate support arrangements for staff and students experiencing it (both on and off campus);
- the actions taken by the bodies set out in the Bill to protect Jewish students, academics, staff and visitors on campus have been adequate;
- the actions taken by university regulators, leaders, student and staff representative bodies, student clubs and organisations, and other groups on campus to protect Jewish students, academics, staff and visitors on campus have been adequate;[10]

A Judicial Inquiry would also allow Jewish students and staff to have their concerns heard.

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[6] Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) Submission 176, Senate Legal and Constitutional Affairs Committee, 23 August 2024: Sub176 (1).pdf

[7] Please see the Executive Council of Australian Jewry's submission to the Senate Inquiry into Antisemitism at Australian Universities Bill, 2024 (No. 2), 22 August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=27302e1f-21ca-4821-8faf-5c04d669452b&subId=762155

[8] See International Holocaust Remembrance Alliance at: https://holocaustremembrance.com/resources/working-definition-antisemitism. This definition of antisemitism has been accepted by the Australian Government and Opposition.

[9] When referring to the 'unique' nature of antisemitism in the Explanatory Memorandum on the Antisemitism at Australian Universities Bill, the meaning imputed is not that antisemitism is any more odious than other types of racism, but rather that all types of racism are unique in their manifestations and are built upon their own particular false narratives.

[10] Senator Henderson, Commission of Inquiry into Antisemitism at Australian Universities Bill 2024, Explanatory Memorandum: ParlInfo - Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) (aph.gov.au)

The answers to the above questions are critically important if we are to achieve cultural change at universities. Recommendations for change and real action will be important. As a recent Columbia University report noted, 'there is an urgent need to reshape everyday social norms' on many campuses. This is cultural change. We need to respect the differences among different racial groups and understand what antisemitism is.[11]

A Judicial Inquiry would not be focused on an overhaul of the existing legislative protections under our domestic system for protection of people from incitement, vilification or discrimination on the basis of race, colour or national or ethnic origin, even if legal or policy reform may emerge as a necessary response to the scope of the problem. Rather, it would seek answers so that the endemic and systemic antisemitism at universities can be adequately addressed.

A Judicial Inquiry would afford a much deeper interrogation of the nature and scale of antisemitism at Australian universities than the proposed inquiry by the AHRC into racism on university campuses.[12] As outlined above, a one-size fits all approach to racism has not proven effective with regard to combatting antisemitism – if it had then the AHRC's 'Racism: it stops with me' campaign would have not coincided with a sharp rise in antisemitism; and distrust amongst the Jewish community - particularly students - towards the AHRC currently runs very deep due to the organisation's track record of not accepting a mainstream definition of antisemitism, not demonstrating an understanding of what antisemitism is, and not responding to antisemitism effectively.[13] I note that the mainstream Jewish organisations, including the Executive Council of Australian Jewry and the Australasian Union of Jewish Students, have declined to participate in the study, and have noted their concerns in their respective submissions to the Senate Inquiry. This is a very real concern and will impact the efficacy of the AHRC enquiry.

(a) Lack of transparency regarding responses to incidents

A key question for this Senate Inquiry must be how as a society we might arrive at the truth regarding the scale and manifestations of antisemitism on campuses and whether the universities have responded or can adequately *without* a Judicial Inquiry taking place.

To that end, I note how resource intensive and difficult it is to obtain such information at present. Several Jewish organisations and other stakeholders have utilised Freedom of Information (**FOI**) and Government Information Public Access (**GIPA**) regimes to seek documentation from universities about their engagement with and correspondence about antisemitism at their institutions. Time and again, it is alleged

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[11] Taskforce on Antisemitism, *Report 2: Columbia University Student Experiences of Antisemitism and Recommendations for Promoting Shared Values and Inclusion,* Columbia University, August 2024, p. 4: Task Force on Antisemitism Report 2 (columbia.edu)

[12] The original subject of the proposed study and Report, as shaped by the Universities Accord (Recommendation 33), was 'Conduct a survey into the prevalence and impact of racism across the tertiary education system'. A specific study of antisemitism at universities was not originally contemplated in the original design of the study, but added afterwards.

[13] Please see the Executive Council of Australian Jewry's submission to the Senate Inquiry into Antisemitism at Australian Universities Bill, 2024 (No. 2), 22 August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=27302e1f-21ca-4821-8faf-5c04d669452b&subId=762155

universities obfuscate answers and deliberately evade provision of the sought after information.[14]

In my office's interviews with university students, academics and professional staff, individuals routinely encouraged my office to utilise the FOI and GIPA regimes, with some even suggesting questions that could be raised in order to tease out information about antisemitic conduct that they had experienced or had knowledge of and which they had shared with my office. They did this because they felt that such conduct had not been adequately addressed by the universities that they studied at or worked at, but the academic or professional risks were too high for them to publicly raise these failures.

Alas, I believe we are unlikely to be able to obtain confirmatory information on these matters through the FOI and GIPA requests process. Such requests to universities tend to face very significant delays and are returned with swathes of sought-after information caveated, redacted or withheld. In some instances, different responses come from different parts of the university. The AHRC does not have the powers to delve into this issue or obtain the evidence that would be most informative.

The very significant labour and resource-intensive task of seeking to acquire meaningful information from universities about issues such as 'their consideration of IHRA, their engagement with antisemitism on their campuses, their expenditure on managing protests which exclude Jews on the basis of their religious beliefs or how they have engaged with requests from other government agencies'[15] is unlikely to be fruitful without a Judicial Inquiry to compel the release of such information.

(b) Foreign interference

It is a matter of national importance that as a society we determine what influences have contributed to building an embedded antisemitic culture at universities over the last couple of decades. A Judicial Inquiry would be able to subpoena the relevant documents and would require senior management at universities to give evidence on matters concerning any foreign funding and influence.

Some staff interviewed by the Special Envoy's office on condition of confidentiality have pointed to their universities' ability to replace funding from Australian Jewish benefactors – which in some instances has been withdrawn on account of reportedly antisemitic conduct - with foreign funding.

In addition, the vast majority of interviewees answered affirmatively when asked the following question:

> "Was there anything about the experience you had that might suggest it came from outside actors (i.e. not students, not staff or other employees of the university/school)?"

[14] Pinczewski, Jack, submission to the Senate Inquiry into Antisemitism at Australian Universities Bill, 2024 (No. 2), 23 August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=92e5e063-02ca-4ca2-bb00-c7985282b8a9&subId=762289

[15] Pinczewski, Jack, submission to the Senate Inquiry into Antisemitism at Australian Universities Bill, 2024 (No. 2), 23 August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=92e5e063-02ca-4ca2-bb00-c7985282b8a9&subId=762289

Students, academics and professional staff at a leading university have pointed to obvious signs of outside involvement and interference in their university's encampment. A large-scale journalistic investigation reported that an organisation that is proscribed in several foreign countries including the United Kingdom and Germany has been active in that university's encampment.[16] This issue needs to be investigated further.

(c) Partial Reponses

Some universities have realised the severity of what is happening and have started to conduct their own inquiries. For instance, the University of Sydney is embarking on an external review of policies and processes (I have not yet seen the terms of reference for that review).[17] It is unclear whether or not this review will bring about cultural change. At the same time, the university has set up an Investment Policies Review Working Group chaired by Dr Simon Longstaff AO, as part of a settlement to end the encampment on campus[18].

## 2. Recommendations for urgent action

As noted in the above summary, Jewish students are feeling unsafe, are suffering mental health issues, have been told to stay away from campus. Urgent action is needed. I intend to work on the following measures with Australian universities immediately. However, strong recommendations from the Senate Inquiry in the areas outlined below and supportive action from government are needed to encourage universities to act now. The situation on campuses cannot just be left to the recommendations of a Judicial Inquiry, however necessary that might be.

(a) Best practice policies

Many universities' policies regarding student and staff conduct are a patchwork quilt of at times conflicting ideas which depart from domestic and international legal obligations or misstate the boundaries between academic freedom and hate speech. Some universities have strong policies in place in respect of conduct, including in the areas of freedom from discrimination and racial vilification – some of which were introduced post October 7 - while others do not. Please refer to **Appendix 2** (**University policies**) for a summary of universities' responses to inquiries from my office regarding which policies they currently have in place relating to staff and student conduct.

It is important that universities adopt best practice and introduce policies that give them the ability to discipline people whose conduct is antisemitic. While many universities may think their policies reflect best practice – and they look to the US and UK for best practice - they may not be best practice. Universities may also be unaware of the extent to which many US universities have reformed their policies in light of greater public scrutiny of antisemitic conduct taking place on their campuses (Please see

[16] Juanola, Marta, Worthington, Anne, and McKenzie, Nick, 'Hate comes to university campus but hides its face', *The Age,* 16 June 2024: Israel Hamas: Hate comes to university camp but hides its face (theage.com.au)
[17] External review invitation to make a submission - The University of Sydney
[18] Joint statement on the University of Sydney (ecaj.org.au)

**Appendix 4 - Efforts aimed at accountability at foreign universities for antisemitic discourse and incidents**). Another point of difference is that Australian universities are funded by the federal government to a much larger extent than many private US universities[19], and it is therefore feasible and necessary that the Australian Government demands they put in place best practice policies.

I intend convening roundtables of universities to discuss best practice policies, but my office would welcome any commendation from the Senate Committee to the Australian Government in this area.

(b) The National Student Ombudsman

As can be seen in **Appendix 3 - Testimonies**, Jewish students and staff have experienced systemic antisemitism, and this has impacted their ability to have an equal education or even to be on campus. Students and staff are intimidated and unwilling to complain to universities because they lack trust that their university is taking complaints about antisemitism seriously or they fear retribution in some form. An Ombudsman should be established to handle complaints and address the issue of underreporting. I note that I have already made a recommendation to the Minister for Education, the Hon. Jason Clare MP, that any ombudsman's office set up to manage complaints of sexual violence and harassment on campus[20] either be given an expanded remit and qualified resources to manage complaints about antisemitism specifically or an independent Ombudsman for racism with expertise in addressing antisemitism be established. The response to my office has illustrated the fact that at present student, academic and staff complaints have not been appropriately responded to. Telling students, academics or staff to stay at home is unacceptable.

In recent years tertiary settings have been under the microscope for other unlawful conduct and human rights abuse such as sexual violence and harassment. The Australian Human Rights Commission's *Change the Course* report[21] found that women and other minority groups were more likely to experience incidents of sexual assault and harassment on university campuses. The report also identified patterns of behaviour by tertiary institutions with respect to reported incidents of sexual assault and harassment, namely, that institutions have **frequently dismissed survivors' experiences**, **failed to take proper steps to respond to reports or have punished survivors for reporting.**

Following the release of the *Change the Course* report, and the introduction of measures responsive to the problems identified in the report, the 2021 National Student Safety Survey[22] found that the Australian university sector continued to fail in reducing campus sexual violence or in holding university institutions to account. This led to the University Accord process being established, which gave rise to the

[19] How universities are funded – Universities Australia
[20] Independent National Student Ombudsman to improve student safety | Ministers' Media Centre (education.gov.au)
[21] Change The Course: National Report on Sexual Assault and Harassment | Australian Human Rights Commission and *Change the Course: National report on sexual assault and sexual harassment at Australian universities 2017,* Australian Human Rights Commission, 2017: https://humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf
[22] Heywood, W., Myers, P., Powell, A., Meikle, G., & Nguyen, D. (2022). *National Student Safety Survey: Report on the prevalence of sexual harassment and sexual assault among university students in 2021*. Melbourne: The Social Research Centre: NSSS | 2021 National Student Safety Survey

introduction of the *Action Plan Addressing Gender-based Violence in Higher Education* in February 2024[23]. This plan proposes seven key actions including a National Student Ombudsman.

These same patterns of behaviour identified in the *Change the Course* report are exhibited with respect to the way that universities are handling reported incidents of antisemitism. Lessons to be learned and changes implemented should not be limited to incidents of sexual assault and harassment and may reasonably be extrapolated with respect to universities' management of antisemitism and other forms of racism.

(c) The Tertiary Education Quality and Standards Agency

The Tertiary Education Quality and Standards Agency (TEQSA) was established under the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) as the national regulator of tertiary education in Australia. The principles underpinning the regulation which guide TEQSA are regulatory necessity, reflecting risk and proportionate regulation.[24]

The Higher Education Standards Framework 2021 informs TEQSA's work by setting out the standards registered tertiary education providers must meet regarding student and staff safety and wellbeing, academic freedom and corporate governance. Registered tertiary education providers are responsible for managing their own risk but must demonstrate and take proper measures to ensure that they are legally compliant, including with respect to Commonwealth, state and territory laws relating to safety, anti-discrimination and anti-vilification.[25] Under the current regime, TEQSA is not empowered to make a legal determination about whether tertiary education providers are operating in accordance with the law, and it is limited to imposing administrative sanctions in the event of non-compliance.

While TEQSA established a regulatory response group following the "rapid escalation in protest activities and associated risks at Australian university campuses"[26], it has not been able to inquire beyond whether universities had appropriate response mechanisms in place.

As of 17 July 2024, 598 reports of complaints had been reported to TEQSA by tertiary education providers, with most complaints being concentrated in the major urban areas.[27] This does not mean that antisemitism is confined to universities located in urban areas. At universities located outside of urban areas, where there are few Jewish students, academics or staff, there are likely to be less reported antisemitic incidents because there are fewer impacted individuals to raise complaints, and complainants are more conspicuous. Interviews by my office with students at

[23] See Australian Government Department of Education, Action Plan Addressing Gender-based Violence in Higher Education - Department of Education, Australian Government
[24] See the TEQSA's submission to the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) Submission 153, August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=6518c325-f966-470b-a18c-0942cca8c69d&subId=762332
[25] TEQSA website, accessed on 29 August 2024: How we regulate | Tertiary Education Quality and Standards Agency (teqsa.gov.au)
[26] See the TEQSA's submission to the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) Submission 153, August 2024: https://www.aph.gov.au/DocumentStore.ashx?id=6518c325-f966-470b-a18c-0942cca8c69d&subId=762332
[27] *Ibid*, p. 5.

universities with significantly smaller Jewish populations seem to attest to how serious the problem of antisemitism is, irrespective of whether the staff or students have ever met a Jew. For instance, the testimony of a student from the University of Wollongong identified several unrecorded antisemitic incidents. The culture of intimidation and marginalisation appears to be such that students are not inclined to come forward and raise complaints.

The data TEQSA has published regarding the number of concerns received by TEQSA indicates that TEQSA is being drastically underutilised, which may stem from:

- its inability to impose anything other than administrative sanctions on universities;
- a lack of awareness of the existence of TEQSA or what actions it might be able to take in relation to complaints about universities; or
- Uncertainty about confidentiality or likelihood of action.

The Jewish community has not seen any positive action from TEQSA to improve the festering of antisemitism on university campuses despite a small number of complaints being made over the years.

As Special Envoy I intend working with TEQSA to see if more can be done by it to ensure Codes of Conduct are enforced or to examine whether their powers need to be enhanced. These are several recommendations noted in Appendix 5 that would be helpful if endorsed.

(d) The Universities Accord and Report by AHRC

The Universities Accord aims to devise recommendations and performance targets to improve the quality, accessibility, affordability and sustainability of higher education.[28] One of its five priority areas is "Work with State and Territory governments and universities to improve university governance. This measure will help improve the capacity of universities to strengthen responses to issues including industrial relations compliance, workforce management and student safety."[29] The Universities Accord gave rise to:

- the *Action Plan Addressing Gender-based Violence in Higher Education* in February 2024, and
- a Report on the prevalence and impact of antisemitism, Islamophobia, the experience of First Nations peoples and racism at universities,

As noted above, I have concerns regarding the efficacy of an investigation by the AHRC that explores the issue of antisemitism at Australian universities given the lack of trust in its processes by impacted Jewish students, academics and staff. I also have concerns about a general report on multiple forms of racism. I do however commend the Universities Accord's emphasis on recommendations and performance targets as a means of improving the problem of antisemitism in tertiary institutions.

[28] Australian Universities Accord - Department of Education, Australian Government
[29] Australian Universities Accord - Department of Education, Australian Government

(e) National database and hotline for racist incidents and discourse

Currently, in Australia there are only three communities which have a reporting and documentation system, and which produce reports on hate incidents against their community - Jewish, Muslim and east Asian. Each report collates a specific number of incidents which occurred over a particular time-period. However, the characteristics of the incidents included in these three reports vary to such an extent that it is extremely difficult to gauge the true level of hate incidents any particular minority community is facing.

The main three reports are: the Executive Council of Australian Jewry's Antisemitism Report (produced annually since 1990); the Islamophobia Register Australia's (IRA) Report 'Islamophobia in Australia' (four reports produced); and the Asian Australian Alliance's (AAA) 'Covid-19 Coronavirus Racism Incident Report' (first report).

Each of these reports brings its own characteristics in four distinct ways:

1. the criteria used to determine whether an incident is a hate incident or not
2. the categories used to classify different forms of hate incidents
3. the levels of transparency of the actual incidents, and
4. the time frames of the reporting period.

In addition, all the above-mentioned reports have different or unknown criteria for inclusion/exclusion as a hate incident, different data categories (notably, two reports include online discourse as incidents while one report excludes online discourse), different transparency levels of incidents, and different time frames of reporting periods. The reports also differ in their methodology for data collection, data analysis, and organisational support and authors.

Such differences and discrepancies in each of these three community reports mean that the overall situation regarding hate incidents impacting these groups cannot be accurately compared without very intensive analysis of points of commonality. If the Australian government and universities and other stakeholders are to be at all effective in combating antisemitism and other forms of racism, then there must be a repository for standardised and consistent reporting of hate incidents and hate crimes occurring in Australia.

The ECAJ and other peak state bodies in the Australian Jewish community have long advocated for a standard uniform national system across Australia. Uniformity in data collection – including criteria, categorisation, transparency, time frames - is best achieved through a national system.

This uniform national system could be operated by police or other government services, such as in the United Kingdom, United States and Canada, which have systems in place where hate incidents are reported, and the data compiled. An alternative to police or other government agencies is a system of third-party reporting (TPR), whereby a non-government organisation, usually with government funding, takes reports of hate incidents, often through an online portal, and compiles reports. Third-party reporting organisations include True Vision and Stop Hate UK, both in the

UK. These third-party bodies can act as a conduit to reporting incidents to police by forwarding the reports on.[30]

There are many parallel steps that must be undertaken in tandem with instituting a uniform national database, including formulating definitions of what constitutes hate incidents and hate crime, and embarking on fit for purpose training initiatives of stakeholders who are involved in the reporting and enforcement stages. I do recommend that a national and uniform database be established. In the interim, prior to the establishment of a national database, I recommend that a national hotline is instituted for university students and staff so that data about racist incidents at universities can be captured, as this will help give impetus to a national database and also provide a safe space for those impacted by racism, including antisemitism, to report such incidents. This hotline would need to be linked to the relevant state and federal policing bodies as well as community organisations who are appropriately qualified to provide support to those impacted. I understand that Jewish student organisations have sought such a hotline for some time.

(f) Definition of antisemitism

The office of the Special Envoy fully supports the IHRA Working Definition of Antisemitism (**IHRA Working Definition**), as do most democratic countries including Australia.[31] When I recently represented Australia as Special Envoy at a global meeting in Buenos Aires in July, I met with other envoys in jurisdictions including the USA, Argentina and Canada. There was a consistent view at that meeting that one cannot counter antisemitism without an understanding of what it means, and that the best definition is one that has been worked on over many years with sustained input from experts and Jewish communities around the world. The Global Guidelines referenced earlier, signed by Australia, also support the wide adoption of the IHRA definition.

The IHRA Working Definition has broad bipartisan support in Australia and is the only definition of antisemitism that has been officially endorsed by Labor, the Coalition and various Independent MPs, as well as by the national roof body, the Executive Council of Australian Jewry (**ECAJ**), Jewish State and Territory roof bodies and many other organisations that are representative of the mainstream Australian Jewish community.[32]

I endorse the position adopted by the ECAJ in its response to the Legal and Constitutional Affairs Committee during the inquiry into right-wing extremist movements in Australia[33], namely that the IHRA Working Definition recognises that

[30] The Special Envoy would like to credit Julie Nathan for her article on this point: Nathan, Julie, 'It's time Australia set up a national hate crime database', Executive Council of Australian Jewry, 8 September 2020. Please also see: Schiappapietra, Davide, 'Australia has no national hate crime database, but here's how to build one', SBS, 19 March 2019: Australia has no national hate crime database, but here's how to build one | SBS Italian

[31] Why international acceptance of the IHRA Working Definition of Antisemitism is growing: Explained by two of the original drafters, ECAJ, 10 November 2021: https://www.ecaj.org.au/why-international-acceptance-of-the-the-ihra-working-definition-of-antisemitism-is-growing-explained-by-two-of-the-original-drafters/

[32] Please refer to the ECAJ's Response to Adverse Comment: 'ECAJ responds to mischaracterisation, ECAJ, 17 July 2024: » ECAJ responds to mischaracterisation

[33] 'Response to adverse comments by Jewish Council of Australia at inquiry into right-wing extremist movements in Australia', *Executive Council of Australian* Jewry, 16 July 2024: Executive-Council-of-Australian-Jewry-Response-to-adverse-comment.pdf (ecaj.org.au), p.8

"*denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor*" can, "*taking into account the overall context*", amount to antisemitism. It should be obvious that this formulation does *not* automatically characterise as antisemitic any criticism of Israeli laws and policies, whether on the grounds of alleged racism or otherwise.[34]

Australian universities have generally not adopted the IHRA Working Definition due to strong pushback from academics, whereas it is much more widely adopted overseas. For example, in the United Kingdom, the IHRA Working Definition has been embraced by dozens of universities.

I note also that at least two of the most prominent Australian universities' Academic Boards have rejected the IHRA Working Definition on the basis of two qualifying statements proposed by the UK Home Affairs Select Committee without appreciating that both statements have subsequently been considered and rejected by the UK government. Furthermore, there are obvious shortcomings with having Academic Boards at universities make a determination about the adoption of the IHRA Working Definition insofar as such bodies do not have any student welfare consideration function.

Notwithstanding the above comments, I acknowledge that whatever the definition adopted, if the culture of a university is endemically antisemitic, a definition will not alone remedy that issue. Nevertheless, I would like to work with the universities in a good faith exploration of a useful definition of antisemitism, perhaps based on the IHRA Working Definition but Australianised. I note in this context the working definition of antisemitism adopted by Columbia University. It is important that a definition of antisemitism is agreed and adopted to provide a bright line for policies, disciplinary procedures, reporting of the database and action of the database. One cannot expect to reduce or combat antisemitism if it is not defined.

(g) Training

In order to bring about cultural change at Australian universities it is very important that training of staff, academics, officials and students take place. This is what has already happened on many campuses in relation to addressing the problem of sexual violence and sexual assault. Students have been trained to understand the importance of consent and staff have been trained to deal with reported incidents. Similar initiatives must be implemented to train students and staff about how to report and respond to racism, including antisemitism. Universities in the US have put training programs in place (see **Appendix 4**). I intend to work with universities to implement training modules, and request that the Committee recommend that universities consult with my office regarding the implementation of appropriate training in response to the surge in antisemitism.

[34] *Ibid*

## Conclusion

I believe that for the reasons outlined above urgent action is needed by universities around Australia to deal with embedded antisemitism. Universities are important places where not only are life skills obtained, lifelong contacts made but the culture of a nation fostered. A culture that excludes one group, intimidates, traumatises and makes them feel unsafe is contrary to the mission of universities and contrary to the best interests of the nation.

Serious and meaningful action must be taken. The recommendations I have made in Section 2 for immediate action are all doable and can be encouraged by this Senate Committee.

I have also set out in Section 1 arguments as to why a Judicial Inquiry is also needed to deal with embedded antisemitism on campuses. Serious change is needed and I do not believe universities appreciate how serious the situation is. It is likely to deteriorate further unless material action is taken and universities draw important boundaries between acceptable free speech and behaviour and unacceptable Jew hatred. Judicial Enquiries or Royal Commissions have managed to bring about important institutional change and, if set up appropriately, I believe could do so in this grave situation.

Yours sincerely

**Jillian Segal AO**

**Special Envoy to Combat Antisemitism**

September 2024

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| Appendix 4 | Examples of US Universities new policies and training programs |
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**APPENDIX 1: Global Guidelines for Countering Antisemitism**

On 17 July, the Global Guidelines for Countering Antisemitism (**Global Guidelines**) were introduced by concerned states, special envoys, national coordinators and representatives tasked by their governments to counter antisemitism (the Global Guidelines are reproduced directly below).

The Global Guidelines are legally non-binding and include policies to monitor and combat antisemitism which are recommended for adoption across all societies, irrespective of whether they have Jewish populations or not.

The Global Guidelines emphasize the importance of clear and principled leadership to denounce antisemitism expeditiously and without politicization. They also clarify the central importance of identifying and defining antisemitism, highlighting the International Holocaust Remembrance Alliance (**IHRA**) Working Definition of Antisemitism used by over 40 United Nations Member States since its adoption in 2016.

All other aspects of the Global Guidelines are highly relevant to how universities should address the surge in antisemitism. They provide a lens through which a Judicial Inquiry should assess responses by key stakeholders to antisemitism on university campuses. For instance, the Global Guidelines recommend engaging social media in order to combat antisemitism, which is something that all universities could be doing more effectively, including promoting reporting and complaints mechanisms and condemning antisemitic incidents and discourse publicly.

The Global Guidelines have been deployed by other Governments and stakeholders to address the increased incidence and ferocity of antisemitic incidents and discourse on university campuses abroad, with some successful examples of interventions set out in **Appendix 4 - Efforts aimed at accountability at foreign universities for antisemitic discourse and incidents**.

# GLOBAL GUIDELINES FOR COUNTERING ANTISEMITISM

17 July 2024

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Concerned states, special envoys, national coordinators, and representatives tasked by their governments to counter antisemitism, in cooperation with international bodies, offer the following best practices, which have proven to be effective guidelines in formulating public policy.

These legally non-binding guidelines, adopted in Buenos Aires, Argentina, include policies to monitor and combat antisemitism that can be implemented and adapted to a wide variety of national, regional, and cultural contexts.

We urge all states and international bodies, as well as civil society, to embrace and use these practices, many of which already form the basis of regional and country-based action plans. These guidelines can be applied everywhere, not only in societies with Jewish communities.

**SPEAK OUT** – Governments and political leaders should denounce antisemitism swiftly, clearly, and unequivocally, whenever and wherever it occurs. This applies to the domestic and international arenas, including regional and international organizations.

**AVOID POLITICIZATION** – Antisemitism can appear across the political spectrum and should be rejected without political bias and regardless of its origin.

**ADOPT and IMPLEMENT** – Governments and international bodies should adopt and implement strategies and action plans that engage all relevant ministries and public authorities at all levels of governance. This should be done in consultation with Jewish communities, civil society, field researchers, and other relevant stakeholders. Such policies should be assessed periodically and updated as needed.

**APPOINT and EMPOWER** – Governments and international bodies should consider appointing national coordinators, special envoys, or designated officials. Such officials can proactively address antisemitism as a cross-cutting public policy challenge and should be provided with the necessary authority, empowerment, and resources to be effective.

**UNDERSTAND and DEFINE** – In order to combat antisemitism, governments need tools to understand its various manifestations. The legally non-binding "International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism" is an important internationally recognized instrument used by over 40 U.N. member states since its adoption in 2016. In addition, hundreds of sub-national public authorities, universities, sports bodies, NGOs, and corporations rely on it.

**PROTECT** – There are few roles more central for governments than the security and welfare of their populations. Jewish communities are targets of physical threats and attacks from both foreign and domestic sources. Governments, working together with Jewish communities, should provide appropriate protection and security enhancements that safeguard and sustain Jewish communal life. Religious freedom and protection also encompass safeguarding unhindered religious practice.

**COLLECT** – Policies should be in place to support the uniform collection of data documenting incidents of antisemitism as well as the perceptions of antisemitism among Jewish communities and the broader public. Such information, drawn from community-based sources, when possible, allows for evidence-based understanding of trends and sources.

**ENFORCE** – Enforcement of hate crime and anti-discrimination laws is critical and should take place within legal frameworks that protect civil liberties and human rights, such as freedom of expression. Enforcement conveys the broader message that antisemitism is unacceptable, has consequences, and cannot be tolerated.

**EDUCATE** – Education is vital for identifying and countering antisemitism, including Holocaust remembrance and countering Holocaust denial and distortion, an especially pernicious form of antisemitism. It has also proven effective in sensitizing law enforcement. Education about Jewish culture and contributions to society demystifies Jews and Judaism. Many countries and intergovernmental organizations have linked their efforts against antisemitism to broadening appreciation of Jewish heritage and fostering Jewish life.

**CULTIVATE A WHOLE-OF-SOCIETY COMMITMENT** – Countering antisemitism requires a whole-of-society commitment that includes the active participation of civil society. Collaboration; bridge-building; nurturing trust among faith, civic, and cultural leaders; and fostering mutual understanding are essential, particularly since antisemitism is not solely a threat to Jews. It can endanger

members of other minority groups, democratic values, and national security and stability.

**ENGAGE SOCIAL MEDIA** – Antisemitism, like other forms of group hatred and disinformation, is widespread and mutating online. It has real world consequences and can lead to radicalization to violence. Stakeholders should oppose antisemitism online, stay educated on evolving trends, increase transparency about antisemitic content, assess impacts on vulnerable communities, and find solutions, within the context of existing legal frameworks.

**STRENGTHEN INTERNATIONAL COLLABORATION** – Coalition-building and international cooperation are paramount to effectively monitor and counter antisemitism. In an interconnected world where hate respects no borders, transnational cooperation can identify threats, raise awareness, broaden the use of best practices, and more effectively and proactively coordinate responses.

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## Appendix 2: University policies

My office contacted all major Australian universities to ask which policies they currently have in place relating to staff and student conduct. Their responses are summarised below.

Of the 13 universities (36.1%) that had or were putting in place targeted policies relating to staff and student conduct:

- Two universities adopted a definition Antisemitism
  - In January 2023, one university adopted the International Holocaust Remembrance Alliance working definition of antisemitism. (University of Melbourne)
  - In June 2023, one university adopted a working definition of Antisemitism without its eleven examples and the Jerusalem Declaration on Antisemitism as guidelines. (La Trobe University)

- One university put in place a detailed 'Racial harassment' definition to include, but not limited to:
  a. the display of racist cartoons, posters and graffiti, use of hate symbols, or distribution of offensive racially-oriented material
  b. repeated jokes or derogatory comments that make reference to ethnicity or racial characteristics
  c. derogatory remarks about a person's accent, culture, customs or religious observances
  d. denial of historic harms or abuses
  e. racially oriented abuse or name-calling
  f. negative stereotyping of particular ethnic groups
  g. accusing an individual or group of being responsible for a real or imagined wrongdoing based on their racial, cultural or ethnic background
  h. repeated irrelevant reference to a person's racial, cultural or ethnic background
  i. practical jokes based on race or directed only at members of a non-majority ethnic group, or bullying, intimidation, exclusion or physical violence, on the basis of the cultural or ethnic background of the recipient. (Curtin University)

- One university classified graffiti as an example of race-based harassment and noted in its policy that 'active bystanders' can have an especially important role in combatting racism and religious vilification. (University of NSW)

Further notes:
- One university indicated that it had received complaints of alleged bias in relation to course materials associated with the Gaza conflict. (University of Melbourne)
- One university undertook additional engagement with the encampment representatives, which resulted in a Disclosure, Divestment and Ethical Investment Memorandum of Understanding with the student body in relation to the universities research activities. (This is sensitive as it relates to research relating to weapons).

Twelve universities (33.3%) had undertaken increased engagement with students and/or community.

Specific examples of engagement by universities included:

- Frequent meetings between the university leadership and the Student Guild, from the outset of the encampment.
- Meetings between the university leadership and the Presidents of the Guild, Palestinian Students' Association, Chief Rabbi and State President of the Jewish body as well as other concerned students/staff.
- Undertaking regular communication and offering support to staff and students during the encampment.
- Establishing dialogue with the students of the encampment over the three month period.
- Working closely with faith communities as part of the university's 'Spiritual Support and Inclusion Action Plan'. This included:
    - Writing to all students reminding them about support for staff through the University's EAP and Student Counselling.
    - Reaching out by the Wellbeing Team to specific groups to remind them of the support services available and how to access the support services.
    - Keeping the community aware of developments through a webpage regarding concerns on campuses, in relation to the ongoing conflict in the Middle East.
    - Remaining in close communication with representatives of groups affected by current events, including their Jewish students, to discuss their concerns.
- Working with the Jewish Students' Society (in the case of one university) to put in place:
    - Approval by the Academic Registrar for the use of a personalised letter from the Australasian Union of Jewish Students (AUJS) as evidence of eligibility for Special Consideration.
    - Dialogue about the conflict in Gaza which included representatives from the university's Jewish student community. The Rabbi of the synagogue, who is one of our University's longstanding chaplains, provides direct links to the community.
    - An email to all staff and representative student groups in July 2024 communicating updates and that encampments are not permitted.
- Working with representatives from Camp Shalom, Muslim Students for Palestine, Student Union and staff regarding the Anti-racism commitment (in the case of one university).
- Convening working groups to consider possible changes to policies covering use of flags, advertising, social media etc (in the case of one university).
- Other examples include meeting regularly with local communities to ensure messages of support, consultation with Office of General Counsel, the Senior Executive etc.

Seven universities (19.4%) had undertaken other initiatives which include:

- Significant new investments to directly address antisemitism, build social cohesion, strengthen dialogue, and help to reduce tensions on campus and in the broader community.
- Encouraging students to report concerning behaviour, all Jewish students and those impacted by the protest were provided with preapproved 'Special Consideration' to ensure they would not be disadvantaged in their studies, offered remission of debt and removal of the failure grade for Jewish students. The university also started an Anti-Racism taskforce to work on an over-arching Anti-Racism strategy including the development of Anti-Racism training modules for students and staff.
- Ensuring that the university's security undertake a higher level of vigilance on campus for racial violence incidents, and all staff working within the University's student accommodation residences are trained to understand cultural sensitivities and de-escalation practices. There was also a dedicated to develop and implement Respect Campaign, to raise awareness about the University's commitment to inclusivity, diversity and respectful behaviours.
- Instituting a number of initiatives including:
    - Shutting down the encampment - In August 2024, 20 students received disciplinary notices for contravention of the Student Conduct Policy and 4 staff have been subject to a range of actions arising from contraventions of the Appropriate Workplace Behaviours Policy as a result of the building occupation and in accordance with the University's usual performance and disciplinary procedures.
    - Committing to develop and deliver a suite of anti-racism and cultural competency education programs for students, staff and leaders.
    - Introducing a fast-track response for removing offensive posters, stickers and graffiti on campus.
    - For Jewish students - activation of revised eligibility for Special Consideration for students, activation of the Student Support Fund to directly support students affected by these events, with a one-off non-repayable grant of $1,000 (students may be eligible for further Financial Aid as the situation evolves), increased awareness of the supports and resources available through Counselling and Psychological Services and the University Health Service, and providing a room for members to use as a private safe space on campus, especially throughout SWOTVAC and the exam period.

**APPENDIX 3: Analysis of interviews of university students, academics and professional staff**

From 5 August 2024 until 6 September 2024, my office interviewed 65 university staff, students and academics from campuses across Australia, with most interviewees residing in Victoria (c.35%), NSW (c.51%), the ACT (c.9.2%), unspecified state (c.1.7%)*[1] and Queensland (c.3.1%). Approximately half of those interviewed are students.[2] Despite attending or working at different universities, in many respects there were similarities between:

- the experiences they described
- the type of antisemitic incidents and discourse they had experienced
- how their complaints were handled, minimised, ignored or rejected
- the impact on their psychosocial wellbeing and physical safety

My office intends to continue conducting interviews and gathering additional evidence to provide to the Senate Inquiry and any future Judicial Inquiry.

In my opinion these testimonies indicate that systemic antisemitism is occurring on Australian university campuses. This is causing Jewish students to feel isolated and unsafe and not be afforded the educational opportunities that they are entitled to. This experience of racism is amplified for those students and staff who are both Jewish and Israeli, and it is the case that Israeli staff and students are experiencing intersectional racism, which is directed at their national identity as well as their racial identity. Further, I believe that the universities themselves do not understand or appreciate the unique, embedded and normalised extent of this particular type of racism, and cultural change is needed.

I would like to thank every interviewee for their forthright recount of their experiences on campus. Your courage in coming forward will help achieve change.

(a) **Methodology**

The interviews were marketed as follows:

**"Share your Experiences of Antisemitism with the new Antisemitism Envoy**

Jillian Segal AO in her new position as Special Envoy to Combat Antisemitism would like to hear from students, academics and staff who have experienced antisemitism on university campuses to inform her work combatting antisemitism in Australia and to help formulate her submission to the Senate Inquiry into Antisemitism on University Campuses.

[1] This signifies that the data has been de-identified further than elsewhere due to sensitivities relating to the identity of the interviewee.
[2] Some interviewees were employed as staff at universities while also completing doctorate or masters programs.

If you would like to organise an interview with the office of Ms Segal, please click on the link below.

All interviews will be conducted confidentially. This is a vital opportunity to have your voice heard and contribute to the fight against antisemitism.

*Interview Details:*
Dates: now until 6th September (if you can't fit in an interview before the deadline for the Special Envoy's submission to the Committee please still book an interview as all testimony is valuable)
Locations: Zoom, or in person by request
Duration: Each interview slot is 30 minutes
[The link to book interviews was provided].

We are also happy to take testimony of non-Jewish students or staff at universities who have witnessed antisemitism.'

The interviews were advertised by word of mouth; on the social media or communications of the ECAJ; the social media or communications of some of the state peak Jewish bodies; and in a newsletter sent to constituents by the Federal Member of Parliament for Wentworth, Allegra Spender MP.

Every interviewee was allocated a 30-minute timeslot to talk with a representative of my office. The interviewer would briefly describe the purpose of the interview: to gather information about the experiences of Jewish students, academics and professional staff at universities across Australia who felt they had encountered antisemitism, in order to inform my office's work combatting antisemitism in Australia and to help formulate my submission to the Senate Inquiry.

Interviewees were told that their personal data would be de-identified, and that to the extent that any information such as their subject of study, faculty, physical location of work or study or other information made them identifiable, then it would be removed from their testimony unless they expressly requested that the information be publicly disclosed in my submission. To that end the interviewees were told to flag to the interviewer any information that made them identifiable which they were not comfortable having published in my submission. Interviewees were also told that if they wanted to ensure that particular information that they shared with their interviewer was not disclosed in my submission, then they should state "off the record" prior to providing that information to the interviewer.

Due to the very significant risks to interviewees' academic grades, professional standing, career opportunities, physical and emotional wellbeing, and their livelihoods, the majority of the information that emerged from interviews needed to be de-identified *and* treated as confidential, meaning that I am unable to publicise some of the most harrowing and confronting parts of many of the testimonies. It is my hope that I will have the opportunity to provide this information to a Judicial Inquiry if one is called in the future, subject to the consent of the interviewees. Any Judicial Inquiry should be

empowered to hear evidence confidentially without witnesses needing to fear reprisals. Many interviewees indicated that they would be willing to give evidence before a Judicial Inquiry provided they could do so confidentially.

Interviewees were asked to 'tell their story' to the interviewer, with the interviewer listening. Upon completion of their recount of anything that they wished to tell the interviewer, each interviewee was given six standard questions to answer. The questions were as follows:

1. Where did the incident / discourse take place (online, in class, on campus etc) and were there any online manifestations of it?
2. Was the incident / discourse reported to the university and Community Security Group (or to anyone else), and, if not, why not? Did you feel there was a satisfactory response?
3. Were you offended, insulted, humiliated or intimidated by the act/s in question and do you believe that the act/s happened because you are Jewish / Israeli (please substantiate that belief)?
4. What was the emotional and/or physical impact of the antisemitic incident/discourse you experienced?
5. Was there anything about the experience you had that might suggest it came from outside actors (i.e. not students, not academics or other employees of the university/school)?
6. Were you treated less favourably, or not given the same opportunities, as others in a similar situation because you are Jewish/Israeli?

(b) **Key findings**

In collecting the testimonies I did not set out to conduct a broad survey. There are limitations to the information I gathered insofar as I have not yet been able to interview students and staff from all major universities, and nor can I say that their experiences are representative insofar as even within the same university a student's or employee's experience may differ considerably depending on their faculty or area of work. Other factors may influence the students', academics' or staff's experience, ranging from how socially active or involved in university clubs they are, to their age and background. However, clearly discernible trends emerged across the testimonies, and these trends highlight an overall picture that is concerning and requires urgent action.

Below is a summary of key findings from the interviews:

**Location of incident / discourse and online manifestations**

Every single interviewee, irrespective of their university, described the proliferation of posters and stickers on campus, many of which contained antisemitic content or anti-Israel content. They also noted the prevalence of similar graffiti and other signs that, to the overwhelming majority of interviewees, sent a message that Jews and Israelis were unwelcome. Two interviewees from the University of NSW, Sydney noted that their university was better at preventing and removing the posters or stickers than some other universities.

Eighty per cent of student interviewees experienced an antisemitic incident or discourse in a lecture or tutorial, and many of these individuals experienced such incidents or discourse in more than one lecture or tutorial and/or in other locations at the university. Nearly 70% of university staff, including academics, experienced an antisemitic incident or discourse in their immediate workplace – that is, with close colleagues - while all academics and staff interviewed said they witnessed manifestations of antisemitism on campus, which ranged from specific chants at encampments such as “F*ck off, Zionist scum” to antisemitic posters or stickers in their work environment.

Some interviewees were harassed or abused online, including through online petitions that named and targeted them. Of those whose classes had an online component, a common experience was that they felt isolated and ostracized because the online interactions amongst their cohort would invariably include antisemitic or anti-Israel discourse, or would lead to the formation of breakaway groups that focused on anti-Israel themes.

**Reporting**

Not a single interviewee who reported an incident or discourse to their university felt satisfied with how the reporting process was handled. Even when the outcome was that the offending lecturer, professor or student/s were subject to a disciplinary process, the interviewees felt that this was not conveyed to those who had been impacted by their dissemination of antisemitic or anti-Israel discourse or disinformation/misinformation. The interviewees also noted that when incidents or discourse were reported there was never any accountability demonstrated by the university or faculty, and the conduct was pinned on an individual even despite the interviewee feeling that such conduct had become normalised.

In some instances interviewees felt they had no option but to go to the police to seek assistance, and on occasions this proved effective but only because the university came under heavy pressure. Interviewees tended to have a view that their universities were focused on minimising negative publicity and neutralising legal risks, rather than proactively managing a situation to prevent racial vilification, discrimination or marginalisation.

**Racial vilification**

Eighty-six per cent of interviewees felt that they had been racially vilified and in one instance an individual had brought legal action which had concluded in their favour. Some interviewees noted that they did not have a particular connection with Israel, but still felt offended, humiliated, insulted and intimidated by incidents or discourse that they experienced, highlighting that these incidents or discourse were therefore antisemitic even if the perpetrators claimed such incidents or discourse were 'anti-Zionist'.

Some of the types of racial vilification included being spat at by people in the encampment even when just approaching to have a calm conversation; being photographed or filmed without consent and finding that footage or the image appeared online with identifying information and/or threats; being abused online on account of the individual's Jewish identity or suspected Zionism; having the front of one's home vandalised with Nazi or Hamas symbols; being pushed out of accommodation by roommates on account of being Jewish and/or a Zionist; being humiliated in class for expressing a Jewish or Israeli perspective and many other examples.

**Involvement of outside actors**

The majority of interviewees noted that they had personally witnessed the presence of outside actors in the anti-Israel or antisemitic activity that they had observed. Some were able to point to correspondence or media coverage from their universities proving this. Interviewees all noted the proliferation of antisemitic and anti-Israel posters and stickers around campuses which come from outside organisations. In the case of the University of Sydney, many students and academics pointed to the investigation which had demonstrated the involvement of Hizb-ut Tahrir in the encampment[3], as well as their own personal experiences evidencing involvement of outside actors.

**Discrimination**

One interviewee successfully brought a case for discrimination against their university employer, and another interviewee was successful in a complaint to the university which resulted in it taking disciplinary action against the perpetrator of the conduct that formed the subject of the complaint. Several others identified less favourable treatment on the basis of what they perceived to be their racial or religious identity, but were reluctant to report it or did not receive a satisfactory or any outcome from reporting such conduct. Some complaints remain underway.

Many students reported self-censorship, stating that they adopted positions in their essays or assignments that they did not believe in because they believed if they had taken a position reflective of their views, however well-substantiated by evidence, they would have suffered a decline in their grades and hostility in their courses.

[3] Juanola, Marta, Worthington, Anne, and McKenzie, Nick, 'Hate comes to university campus but hides its face', *The Age,* 16 June 2024: Israel Hamas: Hate comes to university camp but hides its face (theage.com.au)

Several students reported being penalised for being Jewish or Israeli, either by:

- failing an assignment or course or performing well below their average grade because they refused to take the same position on an issue concerning Israel as their lecturer or tutor had publicly adopted, and their Jewish or Israeli identity was known to their lecturer or tutor;
- being refused special accommodations they had requested or being made to wait until the very last minute for notification as to whether they would receive special accommodations, when their requests were linked to:
    - their suffering as a result of October 7, including direct proximity to family members or friends who were murdered, raped or taken hostage,
    - their trauma as a result of an antisemitic experience, or
    - religious observance,

with such requests identifying them as a Jew.

**Normalisation of antisemitic rhetoric, dehumanisation and marginalisation**

Many students, academics and staff noted that once their colleagues or teachers learned they were Jewish or realised they had a Jewish or Hebrew name, they asked them what their views were on the current government of Israel, Israel's conduct in the war, and Israel's 'occupation/apartheid/genocide/ethnic cleansing'. Those who experienced this line of questioning all pointed to the questioner being in a position of relative power to them, either as the person grading their work, supervising their studies or being a senior colleague/manager. While this was subtle and those interviewed could not say definitively that their grades or career prospects would have suffered as a result of their answers, there was a threatening undercurrent to such questioning – particularly as in many cases the questioners had already made their anti-Israel or antisemitic views known on social media or in public settings such as staff meetings - and it made them feel uncomfortable particularly because it played on the 'dual loyalty' antisemitic trope.[4]

Other students reported sitting in lecture halls where the lecturer would demonise Israel and dehumanise Israelis and/or Jews and they would feel powerless to say anything and fearful of the consequences if they did.

All students interviewed reported that their social circles had shrunk and that they had greater difficulty befriending non-Jewish students once their Jewish identity was known to those students. Students who challenged academics' statements in lectures or tutorials reported being ostracised by classmates.

Students at ANU and University of Sydney in particular identified public messaging on materials that were widely disseminated which propagated antisemitic tropes such as the global domination/power trope.[5]

[4] Antisemitic tropes chart, *Facing History and Ourselves*, accessed on 31 August 2024: Antisemitic Tropes Chart (facinghistory.org)
[5] *Ibid*

**Trauma and poor mental health**

Several students and staff who were interviewed reported seeking medical assistance and being prescribed anti-depressants or anti-anxiety medication to manage their response to the rise in antisemitism in their university environment. Approximately half of those interviewed were visibly teary during their interview.

**Being told that the solution to increased antisemitism was to work from home or attend courses remotely**

Almost all Jewish students and academics interviewed reported being told to work from home or attend classes remotely as a 'solution' to the increasingly pervasive antisemitism they were encountering at their universities. Many of them highlighted that this was not a practical option for them because of the strong in-person component to their course or job, or their need for human interaction and feedback. They saw this as being detrimental to their grades or to their career potential and felt that their invisibility was a double punishment on top of feeling intimidated, offended, humiliated and insulted on campus. Many undergraduate students interviewed - particularly those based in Victoria - reflected that they had already spent much of their final high school years in lockdown and that further isolation was inimical to their personal and professional development and psychosocial wellbeing.

**Being trolled online or having media identifying them posted by other students**

Some students reported being filmed or photographed without their consent when they refused to take anti-Israel materials or when they refused to engage with the encampment, only to find that the footage or photographs had been posted online. These posts were often accompanied by hate speech, and, in some instances, the students were named and trolled.

Another student described being trolled online at a university-related event in which their peers and university moderators could see them being trolled and no one did anything to support them.

A staff member was on the receiving end of a hateful online campaign on the basis of their identity.

**Students making the decision to drop classes or change courses because of pervasive antisemitism**

Students reported changing university classes or courses because of how pervasive antisemitism was. One interviewee reached out following the interview to seek a pro bono psychological assessment and supporting documentation for a request to move classes on account of a teacher expressing antisemitic views.

(c) **Notable incidents and discourse**

Many antisemitic incidents and an array of antisemitic discourse were disclosed throughout the interview process.

Some of the most notable incidents included:

- Students performing Nazi salutes to Jewish academics
- Students defacing the properties of Jewish students with swastikas, inverted triangles and other symbols connoting Jew hatred and a desire to eliminate Jews
- Students posting on class social media circles prayers to kill Jews, glorification of Hamas, denial of October 7 atrocities, intending to reach fellow students who they know are Jewish
- Professors and lecturers failing or giving significantly lower grades to students who identified as Jewish or Israeli and: refused to adopt an anti-Israel stance in assignments or exams, challenged the professor's or lecturer's view on Jews/Israelis/Israel, or sought special consideration as a result of October 7-related trauma or religious observance
- Being threatened or harassed at Australasian Union of Jewish Students stalls at various orientation and other university events, with phrases like "gas the Jews" or the ripping or disposing of the Israeli flag
- Students placing posters glorifying Hamas and the October 7 atrocities in areas to coincide with the presence of Jewish students in those areas
- Students describing being trolled at online university events by other attendees who knew they were Jewish or Israeli
- Students being harassed in person and online for congregating to discuss Jewish issues, even when such groups were left-wing in their ideology and 'pro Palestine'
- Students being spat on or pushed when their Jewish identity became known to those at their university encampment
- Academics being abused online purely because they are Jewish and not on the basis of their opinions regarding the Israel Palestine conflict.
- Students being excluded from LGBTQI+ groups or other societies on the basis that they are Jewish or Israeli
- Academics experiencing antisemitic remarks directed at them at work meetings.

Some of the most notable discourse included:

- Denial of October 7 atrocities by lecturers and students in group and individual settings
- Constant comparisons between Israel and Nazi Germany or states that have committed the worst human rights atrocities, and false assertions of 'fact', such as that the International Court of Justice had found Israel guilty of genocide[6]

[6] 'Former head of ICJ explains ruling on genocide case against Israel brought by S Africa', *BBC*.com, 26 April 2024: https://www.bbc.com/news/av/world-middle-east-68906919

- Holocaust denial or minimisation
- Demonisation and dehumanisation of Jews and Israelis and denial of their fundamental rights
- Verbal abuse, harassment, and intimidation of Jewish students and staff
- Exceptionalism and singular focus with respect to Israel in subjects totally unrelated to the Israel Gaza war, such as architecture, Indigenous culture and history and medicine
- Invocation of the Blood Libel and other antisemitic tropes to allege that Jews and/or Israelis kill and enjoy killing non-Jewish babies, commit genocide and commit apartheid
- Students being publicly attacked for congregating to discuss Jewish issues or responses to rising antisemitism.

(d) **Key quotes**

**Location of incident / discourse and online manifestations**

- 'I can't switch off the all staff emails that come through the university official channels. For some reason, you have to receive them...They've now put something in place where things can be taken down or the chat can be closed. But that's not enough. It should be proactive. People who want to broadcast a message to all staff in the whole university. Surely it should have to be [that] you submit something, and then somebody approves it?' (*University of Sydney employee*)
- 'I found myself eating my lunch with that sign right there. And at one point I stood up and I said...that sign [effectively] says "no Jews allowed", so I can't eat my sandwich here.
  That means that I'm alienated from my colleagues. I can't sit and have lunch with the rest of my colleagues. I have to separate myself.' (*De-identified employee of university*)
- 'You name it, I have seen it. Lots of violent content, Holocaust inversion, misinformation and disinformation, Jew hatred masked as anti-Zionism or as political content and much more. I am only seeing a tiny fraction of it for one thing because I don't tend to follow the people who are likely to be putting this stuff out there, and, in some instances I have stopped following those that do make their true views known, as have my Jewish friends. But also, some people have blocked me or I can't see all of their content, and I know I am really just seeing the tiniest fraction of the antisemitic content coming from my cohort and the medical profession. There are so many students posting antisemitic content.' (*Monash university student*)
- 'I've been to campus, there's been posters, graffities, boycott Israel stickers... every single time so I go to work and the first thing that I do is pull down a bunch of posters and try and scrape off some stickers. And then I go to my office and people say how are you? And I have to say, I'm really good, even though I'm like, you know, crying on the inside." (*Deakin university academic)*

**Reporting**

- 'That was an incident [referring to antisemitic conduct in class], but what was more concerning has been UNSW College's reaction to it. So initially I complained to my immediate supervisors. I said, I'm aware that this is a criminal offense…What's the protocol? Do you report it? Or do I report it? I received very little kind of support or serious attention from it. They said, "I will give them a verbal warning". They said, "Oh, you know, once a student swore in my class and that's similar stuff to this". Anyway, I wasn't impressed, so I went to the police. (*University of NSW employee*)
- 'I've just stopped reporting, because USyd allows everything.' (*University of Sydney employee*)
- 'The Science Library had a poster up that said "come learn about Hamas". You would think that being a banned terrorist organization the university would not tolerate events about Hamas. So I made a complaint through the online complaint platform about this poster, which was purporting to be an "informational session" but clearly was actually promoting Hamas or spreading knowledge about its ideology. It was covered up as an information session by the uni and there was no positive response. They came back to me to say there was nothing problematic about the event.' (*University of Sydney student*)

**University's management of increased antisemitism**

- 'There's been zero effort for dialogue, for reining in false information…to me, that is a signal of complicity, that they're letting it just bubble away. And it gets worse and it gets more extreme. You could take the point of view that it's good that the students want to be change makers. Now, what's the university doing to help them be peace builders? Why let them point to some group of people as the villains, and just let it keep going like that. They've got a responsibility. They're a university.' (*University of Sydney employee*)
- 'I have to confess on a personal level, every day I had to walk past big signs saying "Israel is genocidal", right? And that's pretty upsetting to see that that sits on campus 24/7 and is unchallenged. So I suppose that from my perspective, the university has bent over backwards to accommodate the student protesters and has allowed them to occupy the university lawns and exclude everybody else, and on the other hand, when Josh [Burns] speaks it decides that he has to squirrel away in the room so as to avoid the protesters'. (*University of Melbourne academic*)
- 'I think people outside the university community joining is less worrisome than the pervasive hatred of Jews that has spread through university life from lecturers to students. There is no regard for academic rigor/evidence/reasoned analysis/critical thinking when referring to Israel/Zionism. [There is] an acceptance of expressing antisemitic views, usually presented as anti-Zionism to make it less seem less pungent, which works for everyone except Jewish people (e.g. 'Zionist free zone', 'no Zionists on campus', 'nut-free, gluten-free, zionist-free museli bars', calling Jews 'Zios' as a derogatory term).' (*University of Sydney employee*)

- ‘The posts are extremely antisemitic and there seems to be no repercussions for the students even though they are the future medics who will treat people.’ (*University of Monash student*)
- ‘If I refer to the ladies in the room rather than women, I get a slap on the wrist. [It’s the same] If I refer to disabled people instead of people with disabilities. So all those things are relatively subtle. [The person saying them is] not meaning any harm, but because those people say you're offending me [it’s taken seriously by the university]. But Jews aren't entitled to do that, so when they shout “from the river to the sea, Palestine will be free” and we say that's a call for genocide, because Hamas uses that as a call for genocide, we get, “I'm sorry that's not illegal”. (*University of Melbourne academic*)
- ‘At the moment I am doing Indigenous studies, and every place you look there'll be something related to Israel/Palestine and not Indigenous Studies. For history, you have to do an Australia unit and that’s why I am doing this, and also I am interested in it. And every time the lecturer speaks it’s about what is happening right now in Israel. And there is no way I could say that the comparison is meaningless even though it is.’ (*University of Sydney student*)
- ‘The vice chancellors have been called out for not doing enough about sexual harassment on campus, and have had to be proactive in dealing with it. [But when it comes to antisemitism] What Mark Scott said is, I have never done anything to encourage antisemitism on campus. I know you haven't done anything to [encourage antisemitism] but your job is to work against it, right? Your job is to create an environment in which people do not feel that they are frightened. You're supposed to be proactive at doing that.’ (*University of Melbourne academic*)
- ‘There were also various events such as the careers fair where people from Tel Aviv university were invited to attend and have a stall, and in the end they had to leave because they were intimidated and their security was at risk and the uni did nothing to help them stay secure or to challenge how they were being intimidated. It felt really wrong. These were just academics with no connection with the war in Gaza, and they were being targeted because they were Israeli or Jewish and for no other reason.’ (*University of Sydney student*)
- ‘They've got this romantic attitude towards their fond memories of the anti-Vietnam protest, so they remember those but the difference then is that it wasn't one student group against another, it was all the students acting together against authority, against the war. Jews were always welcome then.’ (*University of Melbourne academic*)
- ‘[Manager] said that he is there for us 100%…We don't have to come into work. We can work from home. I said to him, I haven't done anything wrong… It shouldn't be me having to work from home… There should not be messaging around my workplace insinuating that people from my culture or from my country or from my homeland, are not welcome or should f^^k off or should not exist.” (*Deakin university academic*)

**Vilification**

- 'I think this is the takeaway, if there's anything that I think I bring to this conversation, is that I never consider myself a Zionist. Yet I feel attacked by the anti-Zionist things. And if the only thing that's the same between me and the Zionist students is a Jewish identity, then it is the Jewish identity that they're attacking.' (*ANU student*)
- 'Never before has anyone attacked me in in this ad hominem way because of my Jewish background, and it was personally defamatory. It completely misrepresented my views on the Israeli Palestinian conflict. I'm very well known ...as a strong supporter of a two-state solution' (*de-identified academic*)
- 'I don't see criticism of Israel as a problem. But what we're seeing on campus is not criticism of Israel. It's a call for Israel to be annihilated, for it to completely not exist. At the moment, the campus is plastered with posters that say, "we don't want your two states. We want all of 48", so that's the message that's consistently there. To me that is antisemitic, because there is only one Jewish country. So facing calls for its destruction is terrifying, and having to face that on a daily basis, I definitely feel like it's not safe for people to know that I'm Jewish.' (*University of Sydney employee*)
- 'I've been told by a colleague all the usual stuff: "there's definitely no evidence of systemic rape. But even if it did happen, they deserved it", which to me is the same as saying you deserve it. Of course, I take that personally.' (*University of Sydney employee*)
- 'You're in a [*]. That's a place of truth and historical fact, and it's just extraordinary that your colleagues are pushing these views and are not open to anything that you have to say, and are in fact, vilifying you.' (*University of Sydney employee*)
- 'Yes, yes, getting told you support genocide and you're a baby murderer if you support Israel's right to exist would tick all of those boxes.' [i.e. employee feels insulted, intimidated, offended and humiliated]. (*University of Sydney employee*)
- 'I saw a [non-Palestinian] colleague, a staff member, wearing a Palestinian keffiyeh on the 10th of October into class. And I saw this in the walkway. This wasn't a student. This was an academic. If I was a student in that class, how kind of frightened would I be?' (*University of NSW employee*)
- 'It's a very hostile space, you know, and it's ironic that it's considered to be one of the better campuses at present, you know, the way that they measure that is by lack of acts of physical violence, which I would say is not really a very good threshold.' (*University of NSW employee*)
- 'I have seen many other posts from students [in my cohort] which say things like 'Zionism is Nazism', there is no difference between Jews and Nazis. (*University of Monash student*)
- 'I was working at the AUJS stall and someone came past, like, a couple of guys and said, "gas the Jews", and were laughing at us and stuff...And at that point, there was no free Palestine or anything, because no one even knew about that yet, because it was before October 7'. (*University of Wollongong student*)

- ‘I stopped speaking Hebrew on the phone to my mum when I was out of home, and I didn't mention where I was from in classes, or that I was Jewish’ (*University of Sydney student*)
- ‘Yes, I felt offended and intimidated once the encampment had been set up and there was constant chanting ‘from the river to the sea’ and ‘Intifada’ and that kind of thing because it’s obvious what the implication of these things is. It is calling for the end to Israel and the wiping out of the people there. And the university kept telling us that these things mean different things to different people but really it is clear what it means and it was all over the place and it still is. That is a threatening thing to see at university and it makes you wonder what these people support and how far they would go.’ (*University of Sydney student*)
- ‘I don’t think they said what they said because I am Jewish, but because they are anti-Zionists. But we know that anti-Zionism is antisemitism’. (*University of Macquarie student*)
- ‘I went to a meeting as a Jewish student with my Jewish peers to talk about Jewish issues, and it was called a plot. It was just participating in democracy.’ (*ANU student*)
- ‘The old, “are you or have you ever been a communist?” Is now, “are you or have you ever been a Zionist?”, which is being formulated as a political test for Jews only, and it then becomes a very expedient and disingenuous political strategy of excluding people from debates so that the people with the extreme views win the debate by default, because the only people that are around and challenge them have been excluded. And again, it was clearly threatening, because these groups have a track record of targeting people personally and clearly their political agenda is to exclude people with alternative views from public life.’ (de-identified academic)

**Psychosocial impacts**

<u>Trauma, victimisation, depression, anxiety, stress, illness</u>

- ‘There's a really, really strong sort of pull to say that it's nothing. It's not against you. Nobody knows you're Jewish, and it's not against you. There's no threat to you personally. It's against Israel. And I find that really weird that at one and the same time, there's a tolerance of a certain amount of hatred, because it's so awful what Israel is doing. And on the other hand, that hatred doesn't exist. It's not even there. And even if it is, it's okay. It's cognitive dissonance’. (*University of Sydney employee*)
- ‘So we're already at the point where Jewish students shouldn't choose the university based on the best course for what they want to study. They first need to check what's going to be safe for them. You know, in terms of psychosocial safety and even physical safety’. (*University of Sydney employee*)
- ‘You know, it's depressing. I don't have the words…it takes the wind out of my sails. I feel so depleted. I feel so exhausted. Instead of having the space to mourn and grieve over what's happening in Israel, I'm using every ounce of my energy just to survive at work.’ (*University of Sydney employee*)

- ‘There's an economic impact…loss of work, and then the stress that goes along with going through [the legal]* procedure and that kind of thing.’ *(de-identified employee)*
- ‘ I would say I am experiencing trauma. There has been disruption to my friendship groups and really anyone who is not Jewish is now less trusted by me and it is hard to know if they agree with what is being put out there. I am much more introverted now and I have chosen not to maintain some friendships. Then there are others who I will forever have a question mark against, and this is a big problem as they are my future colleagues.’ (*University of Monash student*)
- ‘Some weeks I didn't want to go to class because I had to walk through the protests, and they were often shouting and chanting and stuff happening outside my classroom while I was in class. So I was feeling pretty stressed out that whole time.’ (*University of Sydney student*)
- ‘Classes were close to the encampment and I did not go to uni much. Before the encampment started, the protestors were marching up and down, and that was very unpleasant hearing them on their loudspeakers shouting genocide and other false allegations, and it conjured up an underlying dread, and was clearly a case of double standards about Israel.’ (*University of Sydney student*)
- ‘After October 7 I hated going to campus and I felt fearful.’ (*University of Sydney student*)
- ‘I’m just disgusted and I feel so upset and it's impacting my everyday ability to do my work. And I feel really let down. I've worked so so hard to get to where I am. And I've gone above and beyond.’ (*Deakin University academic*)
- ‘ It's already doing stuff to me physically, like I'm getting sick more often. I've got like, my eyes this because I rubbed them so often, at this skin, like coming off like my mouth is like, I don't know what's happening to it. I need to go to a doctor. But it's insane. Like my physical health is just going downhill and my mental health is going downhill because of what people have said to me. It's terrible how people have made me feel.’ (*Swinburne University student*)

<u>Isolation</u>

- ‘This is how these things happen. Because, you know, it just takes good people doing nothing, and actually, they probably genuinely fear repercussions for their own careers by speaking out, especially in a public setting, which is, of course, no excuse for not speaking out, but it just goes to show how societies move in a particular direction very easily and it becomes normalized.’ (*University of Sydney employee*)
- ‘I've seen a lot of panels and reading groups that have sprung up, a lot of them being ‘anti colonial’ reading groups, right? And the only [former] colony they talk about is surprise, surprise…Israel…Jews can't participate in university life because I can't go to any of these reading groups…or probably, more accurately, these reading groups would be hostile to me if I was there.’ *(University of NSW employee and student)*
- ‘It has provoked anxiety. The physical impact has been huge. I am on edge all the time and it just means I don’t go out much anymore and I don’t go much to my classes because I feel so uncomfortable. It has also caused tension in my relationship because…he will say, “can’t we just put politics aside and have a

nice time" when we are out with [anti-Israel] friends and I don't know what to say because for me it isn't politics, it's in my heart.' (*University of Sydney student*)
- 'I think I feel so desensitized at the moment, because I just [got] so used to it, I've become so blank, I'd rather not make new friends. I'd rather just stay in my own bubble, because I'm scared of what you're gonna say in a second, or that they'll find out who I am and where I'm from.' (*University of Sydney student*)
- 'And then I walked up to the queer tent, and they had seen us walk away from the [X] tent, and I'm queer, and I was very, very sternly told, "if you weren't with them, you can't align with us". And from then it's been a huge concept in my life that I think about and talk about, that if you sit in the left for whatever reason, if you're queer, if you're left leaning politically, you can't exist as a Zionist in those spaces. You have to choose a part of your identity, you can't negotiate it. It just exists as this.' (*University of Sydney student*)
- 'I'm now the kind of student who just goes to uni to do my work, not to socialize. I don't try to make friends anymore or to spend any extra time there'. (*University of Macquarie student*)

Concerns for physical safety

- ' I now question my safety, the safety of my family, and the safety of my community, whereas I didn't really do that before.' (*University of Monash student*)
- 'I definitely do feel an overwhelming sense of fear whenever I'm at uni.' (*University of Sydney student*)
- 'The encampment was really hard because you couldn't just walk past it. It wasn't just free Palestine. It was openly all the flags that you don't want to see of terrorist organizations in the Middle East hanging around, just a lot of really bad chants and people that openly supported Intifada and would walk around and cheer these chants 'Intifada' and 'from the river to the sea', and lecturers that were joining. Exchange week was really scary to see. The Tel Aviv University representatives got attacked and had to leave.' (*University of Sydney student*)
- 'I don't feel safe to speak Hebrew on campus, or anything that says that I'm Israeli or Jewish. That is a sign that I am not just intimidated, I think I'm genuinely scared what could happen, and also ashamed, which is hard to say and feel. (*University of Sydney student*)

**Involvement of outside actors**

- 'Yes in my experience there were people at the encampment who were not part of the university community. I spoke to a couple of people who said they do not study or work at the university but were concerned about the situation in Gaza and saw joining the encampment as a way to help. Anecdotally as well there were people at the encampment who were totally disconnected from university rhythms, e.g. not knowing when the semester ended and exams started, asking when the students would be back, etc…I was able to observe this day by day.' (*University of Sydney employee*)
- 'At the encampment there was strong evidence of outside interference. Older people were infiltrating and stealing students' identities. So much so that we got an email from Mark Scott telling us to carry our student ID on us and not share it

with anyone because it was being used by people it did not belong to.' (*University of Sydney student*)

- 'One area of the encampment was left-wing students from SAW. Then there was an area for Muslims, who I guess felt they needed to show up. And then there was a corner, this hardcore radical Islam corner.' (*University of Sydney student*)
- 'There was also the children's gathering on campus which was awful, knowing that young children were chanting "from the river to the sea" and "Intifada" (*University of Sydney student*).
- 'I was kind of suspicious about why the tents [in] the encampment didn't smell, and why it was very quiet at night. It's because no one lives there. I gave up my freedom of movement to allow it, and I can't cross the lawn because there was a tent there. I gave up that freedom for them to have their freedom of expression. Things got prioritized, and I was okay with that, so long as they were there. But they weren't. They were just pretending to be good people.' (*ANU student*)
- 'What we really need to understand is why this issue, above all others in the international arena, has galvanized students to the extent that is has. Some of it is group think, but I think we really need to understand this as the result of years of patient Palestinian advocacy on campus (some of which has been supported by Qatar).' (*University of Melbourne academic*)

**Discrimination**

- 'I made a workplace complaint to the police about [X]* students [who performed Nazi salutes], and then suddenly, my contract wasn't renewed.' (de-identified university employee)
- 'I didn't get results back for that exam [one that the student applied for special consideration in light of documented mental health issues stemming from exposure to antisemitism on campus and trauma post October 7], but I did significantly worse in that subject than I did in all the other ones'. (*University of Sydney student*)
- 'For most Jews, anti-Zionism, opposing the right of Israel to exist, opposing the right of Jews to believe that they should have their own state, is in fact, quintessential antisemitism, no matter what it's covered up with. And that attitude is filtering into academia in deep ways. For example, the [X] union is a classic example of virulent antisemitism that's been going on for a long time. And the only explanation [for their] complete preoccupation with Israel - because they only pass motions against Israel [is antisemitism]. So what actually has been happening is the [X] union has been a very convenient platform for anti-Israel forces. They have a platform, they have a big, wide mail list, and they have money. And it's totally outrageous that they actually are effectively ejecting Jews from the union, Jews that want the protection of a union for the sake of their employment conditions, but they can't stand a union that basically declares that one of their heartfelt, hard held beliefs – the right to self-determination - constitutes genocide.' (*University of Melbourne academic*)
- 'My opportunities to diversify my work are limited because I've made it known, hey, I'm Jewish, hey, I'm Israeli, and people just shy away from me now because I have an opinion that is not the right opinion.' (*de-identified university academic*)

**Normalised culture of antisemitism at universities**

- 'It's pretty, pretty extraordinary that the only people that can't draw attention to antisemitism, specific racism directed towards Jews, are Jews.' *(University of NSW affiliate)*
- 'At the very same time that you have an ombudsman being appointed to investigate sexual violence on campuses, you also have motions being passed by bodies like the Student Representative Council at the University of Sydney, condoning violence, including violence against women in Israel, and promoting a culture that says that violence is legitimate as a form of so-called resistance, including in Australia, so that would not, you know, that could not happen against any other group. You know, if you try and imagine a motion that would condone violence against Indigenous Australians or trans people or gay people, at the very same time that a huge amount of government resources are being expended to curtail and report violence against those groups on campus is, to me, quite paradoxical and extraordinary.' *(University of NSW affiliate)*
- 'It's just a feeling of going on to a campus where you're just surrounded by posters. You know, you'd walk down the bridge that connects two sides of the campus on that city road, and it was always covered in posters about Palestine and 'genocide'. And everywhere you went, there were just posters, and you just didn't know who you would encounter that could say something antisemitic. It was like a fear of a potential negative interaction with someone. So as I said, it was a very intimidating environment.' (*University of Sydney student*)
- ' I feel unwelcome on campus because people are saying you're not welcome here, they're saying it very explicitly, right? It's just on the borderline of saying Jews out.' (*University of Melbourne academic*)
- 'The message is not that the university condemns these actions. The message is that the university kind of supports it, even if they're not supporting it [because they do not communicate any condemnation, and at most just remove antisemitic stickers and materials quietly out of hours].' (*ANU student*)
- 'Antisemitism is a cultural piece of Australia. If those people just fade away and you don't know that it's because of their actions, because they're not making an environment conducive to a positive educational environment. If you don't know that that is the reason why they left, then you feel just as under siege as you did before they left.' (*ANU student*)
- 'Universities are the Ground Zero today of the antisemitism, of the growth of antisemitism, and it's very fearful to think that the students that today are protesting and are getting increasingly radical are going to be the leaders sitting on the government benches in 20 years' time. That's terrifying, because they're actually developing a world view in which Israel and Jews are, in fact, the enemy. They're actually demonizing Israel as completely bad…and it's not very long before Jews are included in that dichotomy…and I think that's terribly, terribly dangerous.' (*University of Melbourne academic*).
- 'And university leadership has been, to a very large extent, hijacked by a trend that's been occurring over a long period of time, which is identity politics. Vice chancellors have also become not educators, but CEOs of organizations. And if

you're the CEO of an organization, your most important role is to keep the business going and keep the peace, and that's what they've done, right? They've abrogated their responsibilities as educators and taken on the responsibility of managers of large corporations and they've really neglected their key responsibilities of fighting antisemitism [and other discriminatory conduct and discourse].' (*University of Melbourne academic*)

**Lack of academic rigour and refusal to hear or debate other perspectives**

- 'Someone suggested a debate, and the lecturer said, "yeah, yeah, of course, but obviously, there's some things that aren't open for debate", and he was obviously referring to [the Israel Gaza war].' (*University of Macquarie student*)
- 'If there's free speech for the students and the agitators 24/7 there should be free speech for one person to give their different perspective right?' (*University of Melbourne academic*)
- 'I think some of them [the students attending to support the Student Representative Council motion] have an element of hatred, but I just think that there's an element of misguidance, because they're just so brainwashed.' (*University of Sydney affiliate*)

**BDS movement and cancellation of Israeli and Jewish academics and speakers**

- 'So one of the most egregious [incidents] was an academic who had been invited to give a talk, a Dean of Engineering at the Technion. The students smeared him on social media as being genocidal and all that sort of stuff, and the university just capitulated and cancelled his lecture. And it's not the first time that that's happened, they claim that they didn't have time to arrange security or that sort of stuff. But since then, the students have just had their way every day...When this academic, this Dean of Engineering [was] removed from giving a talk, the reaction of [the] Vice Chancellor [was], what were people thinking inviting someone like that in this time?' (*University of Melbourne academic*)

**APPENDIX 4: Efforts aimed at accountability at foreign universities for antisemitic discourse and incidents**

The array of responses by foreign universities, tertiary education regulators and other key stakeholders to the rise in antisemitic incidents and discourse is too extensive to cover in this submission, however, some examples of positive interventions that have the potential to lead to meaningful change in this area are set out below.

(a) The United States of America

A Los Angeles district court judge's ruling that the University of California, Los Angeles, must not allow student activists to prevent their Jewish classmates from accessing campus buildings has clarified that universities have a 'moral responsibility' to fight campus antisemitism.[1]

On 19 August 2024, University of California President Michael V. Drake wrote to chancellors of all 10 campuses to enforce rules against encampments, protests and masking that shields identities. His letter covers:

- Camping or encampments: Policies must clarify that no person shall camp, set up or erect a campsite, or occupy a tent or other temporary housing structure on University property, unless specifically pre-approved.
- Unauthorized structures: Policies must clarify that no person shall erect, build, construct, set up, establish and/or maintain unauthorized structures on University property.
- Restricting free movement: Policies must clarify that no person shall restrict the movement of another person or persons by, among other means, blocking or obstructing their ingress or egress of roadways, walkways, buildings, parking structures, fire lanes, windows, doors or other passageways to university property, or otherwise denying a person access to a University facility or space.
- Masking to conceal identity: Policies must clarify that no person shall wear a mask or personal disguise or otherwise conceal their identity with the intent of intimidating any person or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of violations of law or policy.
- Refusal to reveal identity: Policies must clarify that no person shall refuse to identify themselves while on University property to University officials who are acting in the performance of their duties in situations where assistance or intervention is needed."[2]

At New York University (NYU) the Anti-Harassment Policy was modified to include 'Code Words' for Jews like 'Zionist', and to clarify that 'Individuals associated with NYU would violate that policy "when discrimination or harassment is based in racism, colorism, antisemitism, Islamophobia, xenophobia, sexism, transphobia, ableism and other

[1] Kessel, Zach, 'UCLA ruling clarifies 'moral responsibility' universities have to fight campus antisemitism', *National Review,* August 2024: UCLA Ruling Clarifies 'Moral Responsibility' Universities Have to Fight Campus Antisemitism (msn.com)

[2] Letter from President Drake - Chancellors - Policies Impacting Expressive Activity (003) - DocumentCloud

forms of bigotry involving protected characteristics covered by the policy."[3] NYU offered examples of when the use of a 'code word' for Jews like "Zionists" would violate the university's policies.[4] According to interpretations of the revised policy, excluding Zionists from an open event, applying a 'no Zionist' litmus test for participation in any NYU activity, or calling for the death of Zionists is prohibited.[5]

At the federal level, a Republican-led House Committee on Education and the Workforce continues to hold hearings into antisemitism on campuses across the USA since the October 7 massacre. These hearings have been widely broadcast and have featured leaders of prominent universities such as Claudine Gay of Harvard University, Elizabeth Magill of the University of Pennsylvania and Sally Kornbluth of the Massachusetts Institute of Technology testifying under oath. Following the hearings at which Claudine Gay, Elizabeth Magill and Sally Kornbluth were questioned, the Committee on Education and the Workforce called for the resignation of the presidents and announced a Congressional investigation "with the full force of subpoena power" into the same issues. To date, Claudine Gay and Elizabeth Magill have resigned, as have other presidents of universities implicated for creating a campus culture that permits the normalisation of antisemitism.

The hearings have helped to promote a culture of accountability for increased antisemitism on campuses among the leadership of many universities in the USA. Several universities have since acted to reduce the likelihood of their campuses being the venues for antisemitic incidents and discourse. For instance, George Washington University has suspended its chapter of Jewish Voice for Peace and Students for Justice in Palestine and has put six other pro-Palestinian student groups on probation.[6]

(b) The United Kingdom

According to the half-yearly report of antisemitic incidents by the Community Security Trust (**CST**) in the UK, in the first six months of 2024 there were 96 antisemitic incidents in which the victims or offenders were students or academics, or which involved student unions, societies or other representative bodies.[7] Of these, 44 took place on campus or university property and 45 were online. These figures are record highs and represent a sharp increase of 465% from the same period in 2023. Of the 96 antisemitic incidents to occur in the context of universities, 73% contained discourse relating to Israel, Palestine and the Middle East, disproportionately higher than the 52% of incidents that were not linked to the higher education sphere.[8]

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[3] Statement by NYU Spokesperson John Beckman About Press Release of August 25, 2024

[4] Kessel, Zach, 'NYU Updates Anti-Harassment Policy to Include 'Code Words' for Jews Like 'Zionist', National Review, 23 August 2024: NYU Updates Anti-Harassment Policy to Include 'Code Words' for Jews Like 'Zionist' | National Review

[5] Kessel, Zach, 'NYU Updates Anti-Harassment Policy to Include 'Code Words' for Jews Like 'Zionist', National Review, 23 August 2024: NYU Updates Anti-Harassment Policy to Include 'Code Words' for Jews Like 'Zionist' | National Review

[6] Lapin, Andrew, 'George Washington U suspends Jewish Voice for Peace chapter as colleges prepare for resurgence of Israel protests', *Jewish Telegraphic Agency,* 21 August 2024: George Washington U suspends Jewish Voice for Peace chapter as colleges prepare for resurgence of Israel protests - Jewish Telegraphic Agency (jta.org)

[7] Community Security Trust, *Antisemitic Incidents Report January – June 2024:* https://cst.org.uk/data/file/e/d/Antisemitic%20Incidents%20Report%20Jan-June%202024.1722863477.pdf

[8] *Ibid,* p. 8.

Despite this significant increase, which echoes the phenomenon in Australia, the former and current prime ministers have consistently and strongly condemned antisemitism. On 9 May 2024, former Prime Minister Rishi Sunak and the Education Secretary, Communities Secretary and Security Minister called on university leaders to adopt across all campuses a zero-tolerance approach to antisemitic abuse.[9]

Some universities and stakeholders in the tertiary education sector have taken a proactive approach to addressing antisemitism. For instance, at the University of Reading, a Statement from the Vice-Chancellor was issued on 13 June 2024 stating: "We are now working with the Reading Students' Union to explore how we might provide more antisemitism awareness training to our community."[10] Universities UK published a strong letter of assurance for the Union of Jewish Students on 17 July 2024 exhibiting zero-tolerance for antisemitic incidents and outlining the actions of various universities to combat antisemitism. These have included notifying the police, suspending the academics or other individuals involved, and, in some cases, defunding societies that are failing to prevent harassment, hate crimes or racism.

The Office for Students, the equivalent English body to TEQSA, has a list of providers that have adopted the IHRA Working Definition of Antisemitism.[11] This would appear to be far more extensive than the proportion of Australian providers that have adopted the IHRA. Thie approach adopted by the Office for Students in this area is replicable by TEQSA and forms the basis of one of the recommendations in this submission (please see **Appendix 5 – Summary of Recommendations**).

[9] Press release: Prime Minister to call on university leaders to protect Jewish students, UK Government website, 9 May 2024: Prime Minister to call on university leaders to protect Jewish students - GOV.UK (www.gov.uk)
[10] Vice-Chancellor: Supporting our values with action, University of Reading, 13 June 2024: Vice-Chancellor Supporting our values with action - University of Reading
[11] 'Tackling antisemitism', Office for Students, accessed 29 August 2024: Tackling antisemitism - Office for Students

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COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

# REPORT #2

## COLUMBIA UNIVERSITY STUDENT EXPERIENCES OF ANTISEMITISM AND RECOMMENDATIONS FOR PROMOTING SHARED VALUES AND INCLUSION

TASK FORCE ON ANTISEMITISM

AUGUST 2024

# Report #2: Columbia University Student Experiences of Antisemitism and Recommendations for Promoting Shared Values and Inclusion

**Task Force on Antisemitism**[1]

**August 30, 2024**

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**Executive Summary**

The demonstrations that roiled our campuses during the past academic year uncovered deep disagreements about the mission of our University. During those months, consensus around the University's formal rules and informal norms of behavior broke down, interfering with our charge to educate students and engage in research.

In addition, the testimonies of hundreds of Jewish and Israeli students have made clear that the University community has not treated them with the standards of civility, respect, and fairness it promises to all its students.

After October 7, many Jewish and Israeli students began to report multiple instances of harassment, verbal abuse and ostracism, and in some cases physical violence. Given the volume of these reports, the Task Force invited all students—not just Jewish and Israeli students—to tell us their stories. Over the course of the spring, nearly five hundred students offered testimonials, at over 20 listening sessions, which provided invaluable insights into the campus climate during these troubled times. These student stories are heartbreaking, and make clear that the University has an obligation to act.

This report recounts student experiences in a wide variety of venues—day-to-day encounters, including dorm life and social media; clubs; and the classroom. Unfortunately, some members of the Columbia community have been unwilling to acknowledge the antisemitism many students have experienced—the way repeated violations of University policy and norms have affected them, and the compliance issues this climate has created with respect to federal, state, and local anti-discrimination law. Many of the events reported in the testimonials took place well before the establishment of the encampments and the takeover of Hamilton Hall; the experiences reported during that period were even more extreme.

We heard about troubling incidents from a diverse group of Jewish students from across the political spectrum; and, even more pronouncedly, from Israeli students, whose national origin both make them members of a specifically protected class under federal law and frequently has caused them to be singled out for particularly terrible treatment.

Students also reported that their efforts to seek redress from the University for the hostility and bigotry they were encountering were often unsuccessful. Many students did not understand how to report these incidents. Although some faculty and staff responded with compassion and determination, others minimized the concerns of these students, reacting sluggishly and ineffectively even to the most clear-cut violations. Even students who had successfully reported an incident spoke of a recurring lack of enforcement of existing University rules and policies.

The experiences of these students demonstrated that there is an urgent need to reshape everyday social norms across the campuses of Columbia University. We need to promote a richer ethic of

pluralism, which would encourage greater tolerance of and respect for differences in religion, culture, and national origin. If we were really to succeed in promoting tolerance, students would come to understand and value these differences.

But we are a long way from there. The problems we found are serious and pervasive. We recognize that the University is not monolithic, and the environment at some schools is especially challenging. A wide range of responses is needed—indeed, a broader range than we discuss in this report (which focuses on training, defining antisemitism, reporting, and rules for student groups) and in our last report (which focused on the rules governing protests). We do not want to give the impression that the recommendations here are all that is required. We will address other issues in future reports.

In this report we draw on the many accounts shared with us over the past several months to produce a working definition of antisemitism. Instead of relying on an existing definition, we crafted a working definition that is rooted in recent experiences at Columbia:

> Antisemitism is prejudice, discrimination, hate, or violence directed at Jews, including Jewish Israelis. Antisemitism can manifest in a range of ways, including as ethnic slurs, epithets, and caricatures; stereotypes; antisemitic tropes and symbols; Holocaust denial; targeting Jews or Israelis for violence or celebrating violence against them; exclusion or discrimination based on Jewish identity or ancestry or real or perceived ties to Israel; and certain double standards applied to Israel.

This working definition draws on experiences of many Jewish and Israeli students, who were on the receiving end of ethnic slurs, stereotypes about supposedly dangerous Israeli veterans, antisemitic tropes about Jewish wealth and hidden power, threats and physical assaults, exclusion of Zionists from student groups, and inconsistent standards. We propose this definition for use in training and education, not for discipline or as a means for limiting free speech or academic freedom.

This report also identifies significant problems in university policy and practice and makes recommendations for fixing flawed administrative systems, improving campus climate, and building consensus for a more inclusive and pluralistic university. Specifically, we recommend anti-bias and inclusion trainings for students, resident advisers, resident assistants, teaching assistants, student-facing staff, and faculty. In a community dedicated to freedom of speech and pluralism, we must prepare students with different views and backgrounds to engage with each other. We must encourage mutual respect, tolerance, civility, and an open learning environment.

We also recommend in-person workshops about antisemitism and Islamophobia, as well as a range of optional training and workshops for others in our community, including on implicit bias and stereotypes, bystander interventions, and having difficult conversations.

Given the urgent need to train administrators who play critical roles in responding to student needs, we also suggest a range of trainings in dispute resolution.

As part of this effort, we recommend that the Interim President and Provost establish a Cross-School Committee that includes all schools at Columbia, along with Barnard College and Teachers College, to share information and establish a baseline standard for trainings, workshops, and website information for all schools. The Committee should aim to overcome the problem of decentralization within Columbia, which is a barrier to maintaining common objectives across the many spaces shared by undergraduate and graduate students.

We also recommend that the University establish a repository for best practices in anti-bias and inclusion trainings and that it develop a plan for evaluating these programs.

Customized trainings aimed at specific constituencies are particularly important, including first year orientation and new student orientation for graduate programs—a recent area of focus for University Life—and new faculty orientation at all Columbia schools, including affiliate schools, Barnard College, and Teachers College. We recognize that University Life has been working to update and improve its training for student orientation.

We call attention to the need to train teaching assistants (TAs) in sensitivity to bias, exclusion, and antisemitism. Currently, the online course required for all Columbia TAs, available through the Equal Opportunity and Affirmative Action (EOAA) website, lacks guidelines on diversity, inclusion, and bias. TAs need guidance on how to respond to classroom scenarios that stray into discrimination and bias; currently, they are told that no single best practice exists. We recommend giving attention to topics related to race, religion, and national origin in all their complexity. We point to several excellent models offered by other universities in guiding TAs and first-time instructors.

Resident assistants and advisers (RAs) are another group in need of customized training; we offer suggestions for how RAs can foster better attention to inclusion, identification of bias, and elimination of harmful behavior signaling derision and hatred. RAs must fully understand their role as leaders in inclusion: they need to be prepared to listen with respect and to mediate conflicts.

In place of the confusing multiplicity of reporting structures that currently exist, we suggest ways of revamping procedures so that students are not discouraged from speaking with advisors and administrators about prejudicial treatment. Transparency and consistency in how we handle student reports of bias and exclusion are of the utmost importance if we want students to share their experiences. Our aim is for students to engage with faculty or staff who can resolve conflicts before situations rise to the level of legal violations. Antisemitism complaints deserve careful attention from deans and administrators, alongside all forms of bigotry and discrimination.

We also recommend ways to ensure that student groups contribute to the University's pluralist mission and comply with anti-discrimination law. Unfortunately, we have heard from many Jewish and Israeli students who have been excluded from student groups because of their Zionist beliefs. This is not acceptable. Student groups must be inclusive, with membership limited only for reasons connected to their mission. Student groups generally should not issue statements unrelated to their missions, so they can welcome students with diverse views and backgrounds. Groups also should have a robust consultation process before issuing statements or joining coalitions. To be clear, there should not be any limits on the free speech rights of a group's *members*. They must be free to speak about any issue as long as they are speaking *for themselves*, not for the group.

## Introduction

The Antisemitism Task Force has heard the testimonies of hundreds of Jewish and Israeli students and it is clear that the University community has not treated them with the standards of civility, respect, and fairness it promises to all its students. As we reflect on the antisemitism revealed by their experiences, we realize that these interactions have affected the entire University community. The larger social compact is broken. University policy and individual practice must change if we are to fix the situation. Our research and the many testimonies of students point to a crucial need to alter the current campus climate.[2] That is the purpose of this Second Report of the Antisemitism Task Force.

We have gathered information according to the mandate we were given by Columbia's then-president, Minouche Shafik, Barnard's president Laura Rosenbury, and Teachers College president Thomas Bailey.[3] We are offering recommendations based upon the extensive work we have done to date and we fully expect our Interim President Katrina Armstrong to lead a robust discussion on the broader problem of campus climate. We found that administrative structures intended to ensure that *all* members of our community respect each other, engage in civil discourse, and receive fair treatment in a dispute resolution process are not working effectively for Jewish students (or do not exist at all).

Some of our recommendations are focused on the specific problems facing Jewish students. Other recommendations, especially those concerning training, process, and procedure, suggest more general improvements on behalf of all students, any of whom may, during their years on this campus, face bias, discrimination, exclusion, or intimidation. Certain recommendations are straightforward and should be implemented quickly; others will require more extensive consultation and discussion. We have clearly identified those proposals which call for the creation of a broadly representative faculty, student, and staff committee aimed at developing consistent, clear, and transparent procedures and policies supported by the entire Columbia community, including Barnard College and Teachers College.

Listening sessions, reports to the Task Force, and messages to individual Task Force members provided us with important information about where students are experiencing discrimination, intimidation, harassment, exclusion, targeting, isolation, and fear of violent rhetoric. Equally important, we learned that students may not know how to report these problems—and often they want a less formal channel where they can receive advice about where and how to express concerns that may not rise to the level of a legal complaint. In some cases, they may be interested in an unbiased mediation process.

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[2] See Peter Coleman, *The Great Reset* (Medium, 2024).
[3] Announcing Task Force on Antisemitism. https://president.columbia.edu/news/announcing-task-force-antisemitism

In principle, the offices of the Deans of Students, the Ombuds, or the DEI offices should be the right places to go. But students reported uneven experiences when they went to these offices. Some administrators were uncertain about how to assign responsibility. Students were unsure of where to turn, and some felt that their concerns were not taken seriously. Indeed, we have heard that students have been referred to counseling and psychological services—which they correctly understood as implying that they just need to learn to accept and cope with antisemitic experiences.

In addition, if a student's complaint is about bias in a club or in the classroom, the student might feel uncomfortable pursuing the issue, especially if key players in the process (e.g., student activity boards, department chairs, deans of students, professors, teaching assistants, etc.) have taken public positions at odds with those of students who otherwise would complain. We recognize the complexity of these issues and we understand the imperative to protect academic freedom; but harassment that takes place in the classroom is still harassment. Students' efforts to defend themselves should not be handled differently in such settings. They should be mediated in processes that are free from bias. Moreover, when it comes to the matter of impartiality and fairness, we need to ensure that publicly expressed positions by a faculty advisor, program director, teaching assistant, or resident adviser do not obstruct the mediation or conflict resolution process. In our First Report[4], we focused on the legal obligations of the University to prevent discrimination and harassment under Title VI, as well as state and local anti-discrimination law. It is important that all parties understand the law and the legal protections afforded students. But reliance on the law would suggest that the University is failing to create an inclusive campus environment.

This report provides recommendations to the Interim President for improving policy and practice in accordance with our mandate. These recommendations draw directly from the research we have done on existing policies and practices in schools across the University and consultations with many administrators, faculty, and students. We have been encouraged by the fact that the administration is already making some changes in university policy and procedures to achieve the same goals as the Task Force.

The recommendations in this report focus on training and workshops; a definition of antisemitism for these educational programs; reporting mechanisms; and the rules governing student groups. As we noted above, the recommendations here and in our prior report, which analyzed the rules governing protests, are not intended to be comprehensive. We will address other issues in future reports.

[4] https://president.columbia.edu/content/report-1-task-force-antisemitism

It is our contention that we can improve campus climate by (1) addressing what our students are actually experiencing; (2) improving our understanding of where these experiences are happening; (3) addressing the adequacy of our procedures for reporting experiences of bias and exclusion that do not rise to the level of a legal violation; (4) improving our intra-judicial mediation and fair conflict resolution processes; (5) staying true to the University's pluralist values and encouraging interactions (and hopefully friendship) among people who disagree; (6) protecting all students from discrimination; (7) ensuring that student groups are governed in ways that are consistent with these aspirations; and (8) designing anti-bias trainings and procedures through a process that develops broad consensus among all members of the community, including students, faculty, and student-facing staff.

## APPENDIX 5: Summary of Recommendations

**Recommendation 1:** That the Senate Legal and Constitutional Affairs Committee recommends a Judicial Inquiry into antisemitism at Australian Universities be established.

**Recommendation 2:** That all universities work with the Special Envoy to adopt best practice policies which are fit for purpose in combatting antisemitism, and ensure that such policies are implemented.

**Recommendation 3:** Ensure that the terms of reference and resources and expertise of any **National Student Ombudsman** to improve student safety be amended to receive complaints regarding racism at universities, including antisemitism. The National Student Ombudsman should seek the input and expertise of the office of the Special Envoy for Combatting Antisemitism when considering a workable definition of antisemitism.

**Recommendation 4:** That TEQSA provide a list of Australian tertiary institutions that have adopted the IHRA Working Definition on Antisemitism.

**Recommendation 5:** That the Australian Government consider whether TEQSA needs greater powers to ensure that tertiary institutions comply with Threshold Standards and the law.

**Recommendation 6:** That TEQSA utilises existing powers to provide advice and make recommendations to the Commonwealth Minister for Education on the impact on the quality of education flowing from universities' failures to enforce their codes of conduct and policies, or to apply the law properly to instances of racism against Jews in order to make all students feel safe and give them the opportunity of attending campus.

**Recommendation 7:** That the Universities Accord's emphasis on recommendations and performance targets be applied in the area of addressing antisemitism in tertiary institutions.

**Recommendation 8:** That the Australian Government establish a repository for standardised and consistent reporting of racist incidents and hate crimes occurring in Australia (**National Database of racist incidents and hate crimes**).

**Recommendation 9:** That a national hotline be instituted for university students and staff so that data about racist incidents at universities can be captured and shared with the national database referred to in recommendation 8 (**National Hotline for racist incidents and hate crimes**) with appropriate measures for confidentiality and counselling.

**Recommendation 10:** That all universities that have not yet adopted the IHRA Working Definition work with the Special Envoy's office to adopt a working definition of antisemitism.

**Recommendation 11:** Given that the Government and Opposition have adopted the IHRA Working Definition, that the Australian Human Rights Commission (AHRC) adopts the IHRA Working Definition in order to guide its work.

**Recommendation 12:** That the AHRC consult with the Special Envoy in relation to educational materials on antisemitism so as to inform their complaints handling in this area.

**Recommendation 13:** That all the universities' leadership attend a series of workshops organised by the Special Envoy to put in place training to understand antisemitism and be equipped to deal with it; and consider a range of measures to change the culture of embedded antisemitism.

Such measures may include (many of these come from student testimony):

- Providing educational programs to staff who have been disciplined under the universities' code of conduct or other policies as a result of antisemitic conduct.
- Integrating with ombudsman complaints, establish a process for mediation.
- Working to establish procedures for broader learnings from antisemitic incidents and disciplinary proceedings.
- Providing to the office of the Special Envoy and TEQSA on an annual basis a brief report outlining how many antisemitic incidents or discourse were notified to its complaints body, and what the status of those complaints are, including measures taken to address the underlying issues.
- Auditing all recipients of external grants to ensure that their funded work complies with university codes of conduct and policies, including that such work does not contain antisemitic discourse.
- Creating opportunities for students to assess academics on an anonymous basis as to whether they succeeded in creating opportunities for balanced debates and safe spaces in their lectures, tutorials and other teaching fora.
- Ensuring that there are defined ways of measuring how universities are promoting social cohesion.

**Recommendation 14:** That universities work with the Special Envoy's office to establish training for students, staff and governance on antisemitism, similar to what has been established for sexual harassment. That such training extend to international students and visiting academics.

**SUBMISSION – FREYA LEACH**

My Grandmother fled the Holocaust as a German Jew in 1938. My Great-Grandfather fought for Germany in World War 1. They were totally secular, German citizens who happened to be Jewish. Something I could never understand about the Holocaust was that the most civilised and well-educated society could become so hateful, ultimately resulting in the butchering of 6 million Jews, and many millions of others.

In May, I traveled to Auschwitz, accompanied by two Australian Holocaust survivors, and many children of survivors. As we were driving out of the camp, I couldn't hold back the tears.

I said to the group, "I never understood how the Holocaust could happen, but now, after witnessing the rise of antisemitism on my university campus, I get it. My generation could be the first to repeat it."

**My first-hand experience of antisemitism at the University of Sydney**

I am a student at the University of Sydney and President of the Sydney University Conservative Club. I have been very active in student politics during my four years at Usyd. I chose to come to this university for the campus politics. Many of our nation's political leaders cut their teeth in the intense student politics scene at Sydney University.

Instead of finding rigorous debate, I have found students who only want to hate. This hatred of Israel started long before October 7. But the recent conflict has been its oxygen, allowing it to spread like wildfire. While many will appear before this Senate Inquiry claiming it is just "anti-Zionism", not anti-Semitism, what I have witnessed demonstrates this is false.

**Physically intimidated – May 2023**

My first experience of anti-Jewish hate was in an Student Representative Council (SRC) meeting in May 2023. I asked if the SRC would condemn Hamas's killing of several Israelis, the SRC refused.

I then spoke to a motion about the recent Federal Budget and was heckled, with someone yelling out that I was a "Neo-Nazi". I stopped speaking, taken aback and deeply offended. I told the room that that slur was extremely hurtful because my Grandma fled the Nazis.

Speaking against another motion for Palestine, I explained how "from the river to the sea" is a call for the genocide Jewish people. Multiple students giggled while I was speaking. All the students in the room (probably 50 or so) stood up to take a photo and starting chanting "From the River to the Sea, Palestine will be Free" while holding their fists in the air. After explaining the significance of the chant as a call for genocide, and that my Grandma fled the Nazis, the group began chanting. In response, I tried to display an Israeli flag on my laptop. A member of the SRC jumped onto the desk in front of me and physically intimidated me. He blocked me

from displaying the flag and blocked me from being seen. If I tried to move, he would move in front of me. I genuinely feared for my safety. The whole room looked on and did nothing.

Photo 1: Getting physically intimidated and harassed as I attempt to hold up an Israeli flag.

THIS MATERIAL WAS NOT ACCEPTED BY THE COMMITTEE

Photo 2: October 11 stall at Sydney University

THIS MATERIAL WAS NOT ACCEPTED BY THE COMMITTEE

As I tried to walk away, they kept following me, continuing to scream. Frustrated and almost in tears, I turned to them and asked “do you condemn the rape of Israeli women?” The socialist responded saying “I will never condemn Palestinian resistance”.

Photo 4: Socialist following me and saying “I will never condemn Palestinian resistance”.

THIS MATERIAL WAS NOT ACCEPTED BY THE COMMITTEE

Photo 5: Israeli flag torn down and thrown into bin.

**Culture of antisemitism top-down**

Disturbingly, the culture of violent anti-Israel hatred starts from the top. The President of the NTEU has published many antisemitic tweets. For Jewish and pro-Israel students, it make you feel as though this culture is has infested the whole university. Even the staff, represented by head of their Union, are against you.

On October 7, Nick Riemer described the invasion and slaughter of 1400 innocent Israelis and taking hostage 250 others as an “anti-colonial operation” and tweeted “unconditional solidarity with Gazans”.

Photo 6: Nick Riemer retweet

Photo 7: Nick Riemer tweet

Riemer also tweeted that Hamas's cause is just and no one should feel the need to condemn them.

Photo 8: Riemer's tweet

I have been to Kibbutz Be'eri. I have been to the Nova music festival site. I have spoken to survivors. I have sat with hostage families. For the President of the Sydney University Teachers Union to say he supports the choice of Hamas to systematically rape, murder, and kidnap innocent civilians shows the depth of antisemitism at Sydney University. He has dehumanised Jews to such an extent that he implores people to not condemn the largest massacre of Jewish people since the Holocaust.

Going to University and knowing this is the man your tutors and professors elected to represent them, feels like being stabbed in the gut every single day.

**Sydney University Gaza Encampment**

The encampment at Sydney University left many people, including myself, feeling like Jew hatred had conquered our campus. When I went to the encampment, none of my fellow students would engage with me. Clearly the goal of the encampment was not to build productive dialogue between students. The encampment was designed to occupy space in order to silence Jewish and pro-Israel voices. Their tactics of intimidation (wearing face coverings, occupying the main lawn and refusing to acknowledge students with diverse views) effectively shut Jewish students out of campus. The encampment proudly flew the Taliban flag.

Photo 9: Sydney University encampment flying Taliban flag

**Friday night hate marches**

One of the most distressing aspects of the encampment that was barely covered by the media were the weekly Friday night prayers and marches. Men, many of whom were clearly not students, would descend on the campus, chanting “Allah Akbar” and flying threatening flags depicting the Shahada (often used in terrorist group flags). Sydney University became a “no go zone” for Jewish students every Friday night. The University seemingly did nothing to stop these men from coming onto campus and spreading hate. The intention behind these marches was clear; to conquer and intimidate the campus.

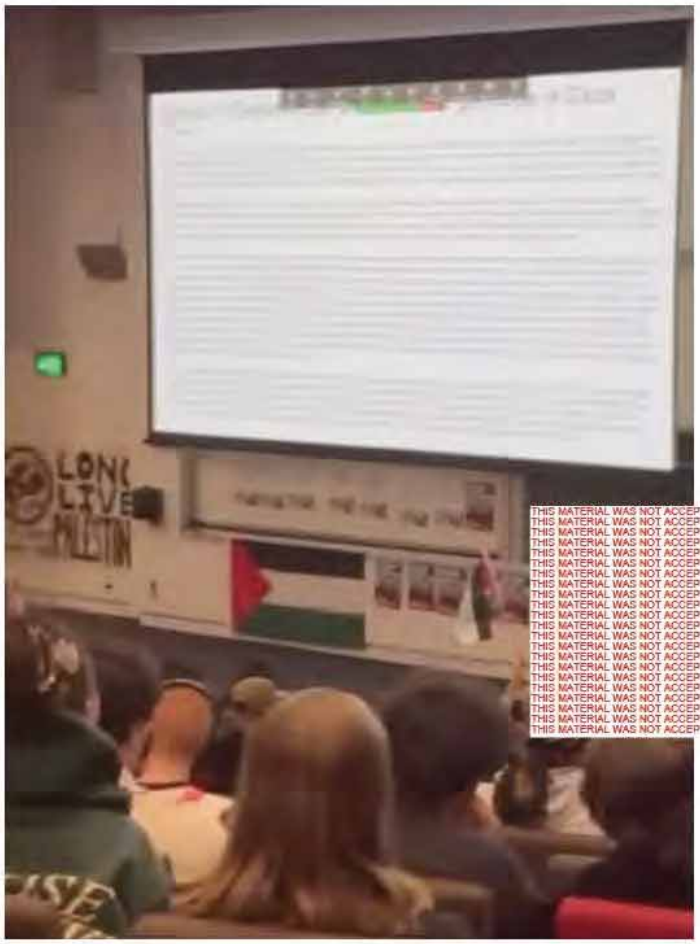
Photo 10: Muslim/Arab men chanting "Allah Akbar" at Sydney University

THIS MATERIAL WAS NOT ACCEPTED BY THE COMMITTEE

**Student General Meeting – August 2024**

On August 7, 2024, a Student General Meeting was called. Over 800 students showed up to vote on two motions; one in support of BDS, and the second to call for one Palestinian state and affirm the right to armed resistance. A small contingent of pro-Israel students went along to defend Israel. A member of our group moved an amendment to the motion to condemn Hamas and condemn October 7. This amendment was voted down 800-8. In outrage, I got up and told them what they were supporting. As I told them about the rape of women, the murder and kidnapping of children, students in the room were jeering. I could barely get a word out before the meeting moderator would have to stop me and call the room to order.

THIS MATERIAL WAS NOT ACCEPTED BY THE COMMITTEE




This meeting demonstrated the true nature of the anti-Israel movement at Sydney University. It's not about Palestinian rights. It's not about peace or a two-state solution. It is about supporting the terrorisation and murder of Jews. They have dehumanised and demonised Jewish people so much that they couldn't help but laugh while I talked about the October 7 atrocity. The students in this room do not see Jewish people as human. They are obstacles standing in the way of Hamas's victory over Israel.

The open support of Hamas demonstrates the antisemitic nature of this student movement.

Statements by Hamas officials make clear the terrorist organisation's commitment to destroying Israel and killing Jews and Israelis around the world.

- Ismail Haniyeh in 2020: He said that Hamas rejects ceasefire agreements by which, "Gaza would become Singapore," preferring to remain at war with Israel until a Palestinian state is established: "We cannot, in exchange for money or projects, give up Palestine and our weapons. We will not give up the resistance... We will not recognize Israel, Palestine must stretch from the [Jordan] River to the [Mediterranean] Sea."

- Hamas official, Hamad Al-Regeb in an April sermon: He prayed for “annihilation” and “paralysis” of the Jews whom he described as filthy animals: “[Allah] transformed them into filthy, ugly animals like apes and pigs because of the injustice and evil they had brought about.” Al-Regeb also prayed for the ability to “get to the necks of the Jews.”
- Hamas Political Bureau Chairman Saleh Al-Arouri in an August 2023 interview: He expressed Hamas’ desire for “total war” with Israel: “Therefore, we are convinced that if a total conflict begins, the airspace and seaports of this entity will be shut down, and they will not be able to live without electricity, water, and communications.”
- Ahmad Abd Al-Hadi (Hamas representative in Lebanon) in an October 12, 2023 TV show laid out Hamas’ expectation that it would be Israel that would sue for peace and indicated that a ceasefire is part of Hamas’ overall strategy, but said that he was not at liberty to say what exactly Hamas has planned for the next step after a ceasefire. He also stated that October 7 had achieved its intended purpose of landing “a blow to the normalization (of relations between Israel and Arab countries).”
- Hamas member, Ghazi Hamad on October 24, 2023: “Israel is a country that has no place on our land […] because it constitutes a security, military, and political catastrophe to the Arab and Islamic nation.” He also vowed to repeat the October 7 attacks “time and again until Israel is annihilated,” and expressing a desire to “sacrifice martyrs” (referring to Gazan civilians) for Hamas’ ideological aim of destroying Israel.
- In a speech before the International Union of Muslim Scholars in Doha on January 9, 2024, Ismaeel Haniyeh, chairman of Hamas's political bureau, called the October 7 massacre the “advanced [battle] front of the Ummah.” Calling for “financial jihad” (donations to Hamas) and “jihad of the teeth” (physical jihad), he asked the international audience, “Who wishes to invest in building the jihadist generation to liberate Jerusalem and to unite the blood of the Ummah with the blood of the people of Gaza, Jerusalem, and Palestine on the land of Palestine for its liberation and the liberation of Jerusalem?”

Despite the clear genocidal intent of Hamas, and the fact that it is a listed terrorist organistion, students at Sydney University are able to support them without any consequences. The message this sends to Jewish students and supporters of liberal democracy is clear; you are not welcome here.

**Where to next?**

Urgent action is needed to stop the rising antisemitism on our campuses. I have given you a personal account of my experience at Sydney University, but I’m sure there are many students who have had similar experiences at other universities.

For Government:

- Legislation should be introduced to disallow the use of compulsory SSAF fees to fund student protests.
- Any international student that expresses support for a listed terror organisation should have their visa cancelled immediately (this includes voting for pro-Hamas motions).

- Open a judicial inquiry into antisemitism on campus.
- Compel Universities to introduce antisemitism training that includes a section on Middle Eastern history and the Holocaust.

For Universities:

- Any Student Representative Council's that express support for listed terror organisations should be disaffiliated, defunded and dissolved.
- Ban chants that incite violence such as;
    - "Takbir, Allahu Akbar"
    - "Intifada, intifada"
    - "All Zionists are terrorists"
    - "From the river to the sea, Palestine will be free"
- Take disciplinary action against all students who express support for listed terrorist organisations
- Take action against staff members, [redacted] who galvanise antisemitism and express support for listed terror organisations
- Immediately refer any student who expresses support for Hamas to the Ministry for Home Affairs. Specify whether they are an international student, so they can have their visa cancelled.

**Conclusion**

What will it take for our Government to act? Will it take the calls for genocide, for intifada, to translate into a terror attack? Words do become actions.

Jewish students and supporters of Australian values are sounding the alarm, but it's falling on deaf ears.

Please listen to us. Stand against hate. Stand against fear. Stand for love, tolerance and respect for all. For the sake of our country, I implore you.

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-25"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# Who are we?

The Jewish Council of Australia is a diverse coalition of Jewish academics, lawyers, writers and teachers. We bring expertise in antisemitism and racism.

## We provide an independent expert Jewish voice supporting human rights and opposing antisemitism and racism.

We support Palestinian freedom and justice and are united in our opposition to Israel's continued policies aimed at the destruction of Palestinian life.

## Our values

**Equality**

**Human Rights**

**Freedom**

**Democracy**

Learn More WHO WE ARE

## Our core principles

We are proud Jewish people in Australia with diverse histories, traditions and politics. We are committed to the values of tikkun olam (repairing the world), calling out injustice, challenging assumptions and promoting debate.

We reject the assertion that Jews and the State of Israel are one and the same, or that all Jewish people support, without criticism, the actions of the Israeli government and military.

Pro-Israel Jewish organisations, that do not recognise the diversity of views among Australian Jews, do not speak for us.

While we have diverse views on many issues, we are united in our opposition to Israel's continued policies aimed at the destruction of Palestinian life. We are opposed to the Israeli occupation and the prioritisation of the rights of Jewish people over the rights of Palestinians.

Jewish safety is not at odds with Palestinian freedom. We support calls for freedom, equality and justice for all Palestinians and Israelis. We reject any claim that this call is racist or antisemitic, or that it is antisemitic to criticise Israel's conduct.

Racism and antisemitism are on the rise in Australia. The only way to effectively fight antisemitism is by committing to work in solidarity with other groups facing bigotry and discrimination to fight all forms of racism.

ADD YOUR VOICE AND SIGN ON TO OUR CORE PRINCIPLES HERE

> "The Jewish Council is an important initiative. The next generation of Australian Jews is resisting the pressure applied by the Jewish establishment to defend Israel and the Occupation. Refusing to toe the line comes at a real personal cost so I commend the individuals involved for their moral courage and commitment to peace and justice."
>
> **Louise Adler AM**

> "In the current environment of global political extremes and the relentless devastation in Gaza, the manipulation of language by those desperate to justify the indefensible, is perhaps an inevitable response. Amidst these distortions, many of them racist in character and impact, it is refreshing and essential to see the emergence of new voices committed to challenging and remedying crass and obsolete opinions. The establishment of the Council importantly seeks to reset the record and provide perspectives informed by principles of accuracy, transparency, and justice."
>
> **Emeritus Professor Andrea Durbach AM**

# Structure of the Jewish Council

The Jewish Council of Australia is made up of executive members as well as an advisory committee. We are independent and are all volunteers.

We are all proud Jewish people. We include graduates of Jewish high schools, lifelong members of synagogues, and members of Jewish cultural institutions. Many of us are the descendants of Holocaust survivors, refugees and the survivors of pogroms.

We also have over 1000 Jewish people in Australia (and growing) who support our values and have signed on to our core principles. You can read their names or add your voice here.

# Executive and advisory committee

Below are some recent videos from our executive and advisory commitee, see the full list and bios below the videos:

Ohad Kozminsky, Jewish Cou...

Louise Adler AM, Jewish Cou...

Historian Clare Wright has a ...

## Sarah Schwartz

*Executive Officer*

Sarah is a human rights lawyer. She is a Principal Managing Lawyer at the Victorian Aboriginal Legal Service where she represents clients in the areas of police accountability, the rights of people in prison and coronial inquests into Aboriginal deaths in custody.. She is also a Lecturer at Melbourne University Law School. Sarah was awarded a John Monash Scholarship in 2019 and completed a Master of Laws at Harvard University focused on racism and mass incarceration. Sarah has written for publications including The Age, The Guardian, Crikey, The Conversation, Overland and academic journals.

MORE INFO

## Dr Max Kaiser

*Executive Officer*

Dr Max Kaiser is an expert on antisemitism and Australian Jewish history. He is the author of Jewish Antifascism and the False Promise of Settler Colonialism (Palgrave 2022). He completed his PhD at the University of Melbourne and lives on the land of the Wurundjeri people of the Kulin nation.

MORE INFO

## Aviva Tuffield

*Executive Member*

Aviva is a publisher at the University of Queensland Press and has worked in Australian publishing for more than twenty years. She was a co-founder and the inaugural executive director of the Stella Prize. In 2015 she was selected as one of Westpac/Australian Financial Review's 100 Women of Influence and has also been a finalist in the NAB Women's Agenda Leadership Awards for her work with the Stella Prize. At UQP she is proud to work with many prize-winning authors, including Tony Birch, Ellen van Neerven, Sara Saleh, George Haddad, Mirandi Riwoe, Omar Sakr and Evelyn Araluen.

## Dr Michael Edwards

*Executive Member*

Michael Edwards is an Australian academic and anthropologist of religion, politics, and media. He received his PhD from the London School of Economics, was a postdoctoral fellow at the University of Cambridge, and previously worked at the Australian Human Rights Commission. He grew up in Sydney where he attended a Jewish school.

## Dr Naama Blatman

*Executive Member*

## Dr Na'ama Carlin

*Executive Member*

Naama Blatman is a Scientia Fellow and Senior Lecturer at UNSW's Cities Institute. She researchers and writes about settler colonialism, urbanism and Indigenous land rights in Israel/Palestine and Australia. Naama is an alumnus of the Urban Studies Foundation Postdoctoral Research Fellowship (2020-2023). An Israeli citizen and resident of Australia for over ten years, Naama spent most her life in Israel/Palestine where she volunteered and worked in Palestinian and Israeli NGOs, including the Association for Civil Rights in Israel, The Galilee Society, Sadaka-Reut, and Bimkom-Planners for Planning Rights. Naama lives on Gadigal land with her two kids and slightly crazy puppy.

Dr Na'ama Carlin is a dual Israel-Australian citizen. She is an academic and sociologist researching in the areas of religion, violence, and health, and her writing features in several academic and mainstream outlets. Na'ama is a member of local Jewish community groups and she works, organises and lives on unceded Bidjigal land with her partner and child.

## Sophia Kagan

*Executive Member*

Sophia is a migration and labour specialist, working as the Principal Policy Advisor on labour migration with the NSW Anti-Slavery Commissioner. She spent 13 years with the United Nations (International Labour Organization) in China, the Middle East and the Pacific before returning to Australia. Sophia is deeply committed to justice, equity and collective action, including within the Australian Jewish community. She is originally from the former Soviet Union, having emigrated with her family in the mid-1990s.

## Bart Shteinman

*Executive Member*

Bart Shteinman is an expert in public policy, specialising in climate change and education policy. He grew up attending Jewish schools in Sydney and has worked as an interfaith program coordinator in the NSW education system. Bart is dedicated to promoting solidarity and understanding between multicultural communities and empowering them to make change. He lives on unceded Gadigal land.

## Ohad Kozminsky

*Executive Member*

Ohad Kozminsky teaches students from a range of faith and cultural backgrounds at a Secondary School in Melbourne. His teaching covers Holocaust history, Jewish literature, and the philosophy of ethics and human rights. Prior to working in education, Ohad completed an MA on

## Louise Adler AM

*Advisory Committee*

Louise Adler is the Director of Adelaide Writers' Week. She has spent over thirty years in the publishing industry including as CEO of Melbourne University Publishing and as Publisher at Large for Hachette Australia. Her board roles in the creative industries include President of the

2237

the German-Jewish philosopher and theologian Franz Rosenzweig. He is an ordinary executive member of the AEU Maribyrnong region, and the president of his union sub-branch. Ohad is of Arab-Jewish and European-Jewish heritage. He attended a Jewish school in Melbourne.

Australian Publishers Association, Chair of the Prime Minister's Literary Awards, Chair of the Victorian Government's Creative Victoria Strategy Taskforce, and for over a decade serving as a board member of the Melbourne International Arts Festival Board and the Australian Centre for Contemporary Art. Louise was also the Deputy Chancellor, a member of Monash University Council for 14 years and a Vice Chancellor's Professorial Fellow.

## Professor Andrea Durbach AM

*Advisory Committee*

Andrea Durbach is Emeritus Professor and was Director of the Australian Human Rights Centre (now Institute) at UNSW Faculty of Law & Justice from 2004-2017. Born and educated in South Africa, she practised as a political trial lawyer and human rights advocate, representing victims and opponents of apartheid laws. In Australia, she has held senior positions in the human rights field, including as Executive Director of the Public Interest Advocacy Centre, Deputy Australian Sex Discrimination Commissioner, and consultant to the Australian Defence Abuse Response Taskforce to develop a framework to address the needs of Defence Force victims of gender-based violence. She is a Foundation Fellow of the Australian Academy of Law. In 2013, she was awarded the Australian Human Rights Commission Human Rights Law Award and in 2022 she was recognised as a Member of the Order of Australia for significant service to law, human rights, and tertiary education.

## Dr Rhonda Galbally AC

*Advisory Committee*

Dr Rhonda Galbally AC has been a CEO, Chair and board member for over thirty years, across business and the not for profit sector, the public sector and philanthropy. Most recently, Dr Galbally served as a Commissioner of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities. As a woman with a lifelong disability, Dr Galbally first began focusing on disability rights and policy in the early 1980s while working at the Victorian Council for Social Services. Dr Galbally has served as the CEO of the Sidney Myer Fund and Myer Foundation, Trustee of the National Gallery of Victoria, Chair of the Australian Association of Philanthropy, Chair of the Royal Women's Hospital, board member of the National Disability Insurance Agency, Chair of the Federal Government's National People with Disability and Carer's Council, and Member of the Councils of Monash University and RMIT University. Dr Galbally has been the founding CEO of a number of new organisations, including the Australian Commission for the Future, the Australian International Health Institute, the Australian National Preventative Health Agency and Our Community Pty Ltd. Dr Galbally established the Victorian Health Promotion Foundation (VicHealth) and was appointed as the Independent Chair of the Review of Drugs Poisons and Controlled Substances Legislation (the Galbally Review). Dr Galbally was also a member of the expert four-person panel that developed the Victorian Charter of Human Rights and Responsibilities.

## Professor Dennis Altman AM

*Advisory Committee*

Dennis Altman is the son of Jewish refugees who first came to attention with the publication of his

## Josh Bornstein

*Advisory Committee*

Josh Bornstein is an award-winning lawyer and National Practice Leader of Maurice Blackburn's Employment and Industrial Relations Group. Josh has over 25 years experience as an employment

book Homosexual: Oppression & Liberation in 1972. Recent books include Global Sex, The End of the Homosexual? and [with Jonathan Symons] Queer Wars. Monash University Press published Unrequited Love: Diary of an Accidental Activist in 2019. He is an experienced media commentator on American and Australian politics. Dennis is Emeritus Professor and Professorial Fellow in the Institute for Human Security at LaTrobe University in Melbourne. He was President of the AIDS Society of Asia and the Pacific (2001-5) and has been a Board member of Oxfam Australia. In 2005 he was Visiting Professor of Australian Studies at Harvard and was listed by The Bulletin as one of the 100 most influential Australians ever [July 4 2006], and is a Member of the Order of Australia June 2008. He is an Ambassador for the Human Rights Law Centre and Patron Australian Lesbian and Gay Archives, the Pride Foundation and Naz Foundation International.

and industrial relations lawyer, with a varied practise throughout Australia. He has conducted many anti-discrimination cases and also cornered the market in representing sacked rabbis and suing judges for sexual harassment. In addition, he has acted for many of Australia's trade unions, the ACTU, and civil society organisations. Josh is also a member of the Victorian Racing Tribunal and a board member of the progressive think tank, the Australia Institute and the Festival of Jewish Arts and Music. He has written for many Australian media outlets and his first book about corporate suppression of employee free speech, Working for the Brand, is scheduled for publication by Scribe in late 2024.

## Antony Loewenstein

*Advisory Committee*

Antony Loewenstein is an independent journalist, best-selling author, filmmaker and co-founder of Declassified Australia. He's written for The Guardian, The New York Times, The New York Review of Books and many others. His latest book is the global best-seller, The Palestine Laboratory: How Israel Exports The Technology of Occupation Around The World. His other books include Pills, Powder and Smoke, Disaster Capitalism and My Israel Question. His documentary films include Disaster Capitalism and the Al Jazeera English films West Africa's Opioid Crisis and Under the Cover of Covid. He was based in East Jerusalem 2016–2020.

## Professor Clare Wright OAM

*Advisory Committee*

Professor Clare Wright OAM is an award-winning historian, author, broadcaster, podcaster and public commentator who has worked in politics, academia and the media. Clare is currently Professor of History and Professor of Public Engagement at La Trobe University. She is the author of four works of history, including the best-selling The Forgotten Rebels of Eureka and You Daughters of Freedom, which comprise the first two instalments of her Democracy Trilogy. The Forgotten Rebels of Eureka won the 2014 Stella Prize and NIB Award and is currently being developed into a television drama series in an international coproduction. The final instalment of Clare's Democracy Trilogy, N̲äku Dhäruk, a history of the Yirrkala Bark Petitions, will be published in October 2024. Clare has written and presented history documentaries for ABC TV and hosts the ABC Radio National history series/podcast, Shooting the Past, and co-hosts the La Trobe University podcast Archive Fever. Clare regularly appears in the print and broadcast media as a social and historical commentator, including a regular segment on ABC News

Breakfast. Clare is the co-founder and co-convenor of A Monument of One's Own, a NFP advocacy group campaigning for statue equality and commemorative justice for women. In 2020, Clare was awarded a Medal of the Order of Australia in the Australia Day Honours list for "services to literature and to historical research". In 2022, Clare was on the National Cultural Policy Expert Advisory Panel and was commissioned to co-write (with Christos Tsiolkis) the Vision Statement for the policy document, Revive. In 2023 she was Guest Curator at Bendigo Writers Festival. Clare is a Member of the National Museum of Australia Council. For more information see www.clarewright.com.au

## Associate Professor Matthew Zagor

*Advisory Committee*

Matthew Zagor is an Associate Professor at the ANU College of Law on Ngunnawal/Ngambri country where he specialises in refugee, human rights, international and constitutional law. He was Director of the ANU Law Reform and Social Justice program from 2017-2024, is a Senior Research Associate at the Refugee Law Initiative, University of London, and Adjunct Fellow of the ANU Centre for European Studies. Prior to joining academia, Matthew held positions at Amnesty International as the Refugee Coordinator and Political Liaison officer and as a solicitor in the community legal sector. He has sat on the boards of RACS (NSW), EDO (ACT), Australian Lawyers for Human Rights and on the Red Cross' IHL Committee, worked in native title, climate change and arms control, and was a member on the Migration Review Tribunal (2003-2006). Matthew studied Jewish history and thought at the University of Judaism, religious studies with anthropology at SOAS, and law at UNSW. He is an active member of the Canberra Jewish community, and has long worked for a free Palestine.

## Sara Dowse

*Advisory Committee*

Sara Dowse is an author, editor, critic, historian and academic. Her articles, essays, reviews, stories and poetry have appeared in collections, journals and newspapers in Australia and overseas. Her novels include West Block, Schemetime, Sapphires and As the Lonely Fly. She is now a regular contributor to Inside Story and Pearls and Irritations. Born in the US, she completed her education at Sydney University and ANU before joining the Australian public service. She was, from 1974 to 1977, the inaugural head of the first women's unit in the Department of Prime Minister and Cabinet.

## Professor Linda Briskman

*Advisory Committee*

Linda Briskman holds the Margaret Whitlam Chair of Social Work at Western Sydney University. Her research and advocacy focus is on human rights, with an emphasis on Indigenous rights, the rights of people seeking asylum and anti-racism, including Islamophobia. She has won awards for her work. Recent books include the co-edited Deter, Detain, Dehumanise: The Politics of Seeking Asylum (in press 2024) and co-authored Human Rights and Social Work: Towards a rights based practice (2022). She is a member of the committee of management of the Australian Council for Human Rights Education and an active member of organisations tasked with overcoming racism, including the Challenging Racism Project and the Anti-racist Social Work Collective. Residing and working in the diverse neighbourhoods of western Sydney on Darug lands, she works collaboratively with groups in the region, including Muslim organisations.

## Dr. Leia Greenslade

*Advisory Committee*

Dr. Leia Greenslade is a Jewish Australian academic with specialties in the fields of disability justice and ethics. As an autistic and non-binary person, Leia is a fervent advocate for diverse identities, striving for equitable representation and rights. Leia has a background as a social worker and over 30 years experience as a committed activist for the promotion of social justice.

## Claire Connelly

*Advisory Committee*

Claire Connelly is a researcher and freelance journalist. She writes for publications including The Saturday Paper, The Monthly, Crikey, and The New Daily. She has produced work for research organisations which include the Australia Institute, the Sydney Policy Lab at the University of Sydney, and Rebuilding Macroeconomics in the UK, focusing on issues of policymaking, economic inequality, climate change, and post-pandemic rebuilding.

Email

Contact Us

Subscribe

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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-26"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

# Incident Hazard Report - [113]

Date Printed: 26th June 2024

## Report Details

**Nature of Report**
Health and Safety

**Report Category**
Incident

**Report-Short Description**
Multiple instances of well-being, health and safety violations on campus from 22.4.24 to 29.4.24

## Who?

**Person Reporting**
Myself

**Affected Person**
[redacted]

Email
[redacted]

Phone Mobile
[redacted]

## Confidentiality

The University values privacy and is committed to protecting your personal information. The purpose of collecting this information is to aid in identification and mitigation of hazards, as well as the response to and prevention of injuries and illnesses.

Confidential information may include:

- Unacceptable forms of conduct, including bullying, discrimination and harassment.
- Sensitive details of an individual's personal information, such as their medical condition or personal records.

Are you making a report that is confidential?

- Yes - this report will be directed to the Health and Safety Senior Leadership Team. Management and access to this record will be restricted.
- No - this report will be shared with the affected person's manager for actioning.

**Confidential**
Yes

Please note that reports marked as confidential cannot be assigned. This report will be reviewed by the Staff Health Support Manager and other members of the Health and Safety Senior Leadership Team for further triage and management.

**Responsible Person**
[redacted]

## When?

**Date Occurred**
29/04/2024 12:30 pm

**Time Category**
Recess break (e.g. lunchtime)

## Where?

**Location Type**
On Site

**Location On Site**



© MazeMap | Terms

**Location Category**
03. Gardens / Grounds

**Location Details - Additional**
Along Eastern Ave as well and the encampment located on the quad lawn

## What?

### Report-Long Description

Multiple recent incidents have breached the university's duty to ensure a safe environment that is free from intimidation. Specifically, on 24th, 26th and 29th April along Eastern Ave and at the encampment on the quad lawn there have been distressing chants (including the use of megaphones) that call for intifada, including the chant "there is only one solution, intifada revolution". This (1) references Hitler's "final solution" and (2) calls for an intifada, which in the context of the Israel/Hamas conflict is a call for violence against Jews. Additionally, I have heard calls to "globalise the intifada" chanted throughout the past week on campus. This is a call for violence against Jews around the world, not just in Israel. Additionally, today the chant "Zionists are not welcome here" tells me (and 90% of the Australian Jewish community, and anyone else who believes in the right of Israel to exist) that I am not welcome at USYD. I feel threatened and unsafe to work in an environment where people are free to call for violence and exclusion against me and my family. Using words that describe me as being supportive of genocide and murder is equally distressing. As USYD is committed to providing a safe, welcoming and inclusive environment (Bullying, Harassment, Discrimination policy 4.a.1) these chants, posters and banners plastered across the university breach this. Prof Jagose's email from 30th April 2024 states "we have zero tolerance for any form of racism, threats to safety, hate speech, intimidation, threatening speech, bullying or unlawful harassment, including antisemitic or anti-Muslim language or behaviour." This is exactly what I have witnessed and experienced over the past week. Additionally, today posters that call for the return of Israeli hostages were placed on designated notice boards and were instantly ripped down. This limits the freedom of expression of other points of view in contravention of Prof Scott's all-staff email from 9.2.24

### Attachments

### Risk Activity

04. Unspecified activities

### Activity Frequency

Frequency unknown

### ServicesFlagType

Security (Protective Risk Services)

### Identify the actual and potential consequence involved:

Toggle consequence rating definitions

- **Negligible** - Minor injuries or physical discomfort; short-term psychological impact (isolated or one-off event).
- **Minor** - Injury or illness requiring medical treatment and/or short term impairment (less than 2 weeks); psychological impact requiring support.
- **Moderate** - Injury or illness requiring hospital admission and/or temporary impairment (less than 6 months); Psychological impact requiring medical treatment.
- **Major** - Injury or illness (physical or psychological) resulting in long-term or permanent impairment (more than 6 months); Injury or illness resulting in temporary impairment to multiple people.

- **Severe** - One or more fatalities; Injury or illness resulting in long-term or permanent impairment to multiple people.

**Actual Severity**
02. Minor

**Potential Severity**
05. Severe

## Health and Safety

**InjuryIllnessFlag**
No (Nil Injury)

### Event Classification and Details

**Injury - Mechanism**
Vilification

**Injury - Agency**
Agencies of Injury > Psychosocial Factors > Organisation Working Environment

**HealthSafety - Recommendations**
To keep me and others safe the university needs to uphold its policies on ensuring a safe and inclusive environment, specifically as Prof Scott's email of 9.2.24 that freedom of expression "does not extend to harassing or intimidating staff and students who may hold a different view or simply do not wish to engage in protest or debate. It means not exercising freedom of expression in a way designed to limit others exercising their freedom of expression." To act against racism, threats to safety, hate speech, intimidation and threatening speech the university needs to
(1) be proactive in taking down posters in non-designated areas (not only after hours when everyone has gone home only to find new posters up the next morning)
(2) reassess whether calls for intifada and/or the exclusion of Zionists constitute a threat to Jewish staff and students. Usually the minority group being targeted is afforded the courtesy of defining what is threatening and discriminatory to them. This has not happened in this instance.

## Review and Submit

> Thank you for reporting. Please click the 'Submit' button to lodge the report. This report will be assigned to the appropriate manager who will also receive an email notification.

> If the submission is not successful, please check that you have completed all mandatory fields (denoted by a red asterisk) and then try again.

No. NSD950 of 2025

Federal Court of Australia

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Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-27"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
Tel (03) 9604 7888 Fax
Email daniel.mccoach@rotsteins.com.au
**Address for service** (include state and postcode) Suite 409, 488 Bourke Street, Melbourne VIC 3000

Australian
Academic Alliance
Against Antisemitism

# Submission of the Australian Academic Alliance Against Antisemitism to the NSW Legislative Council Parliamentary Inquiry into Antisemitism

April 2025

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The Australian Academic Alliance Against Antisemitism (5A) is pleased to have the opportunity to make this submission to the NSW Legislative Council Parliamentary Inquiry into Antisemitism. As an academic body representing the tertiary sector of both Jewish and non-Jewish staff in New South Wales, we address in this submission only matters relevant to our mandate. Our responses draw on the expertise of our members in key areas, as well as the major survey 5A conducted from April to July 2024 concerning antisemitism on university campuses. The issues listed in the Terms of Reference which are addressed in this submission are as follows:

> (a) the causes underlying the increasing prevalence and severity of antisemitic incidents across the state.
> (b) record levels of antisemitism on university campuses and in schools undermining student safety.
> (c) the threat to social cohesion in New South Wales presented by antisemitism.
> (h) the role of the Sydney Jewish Museum in providing Holocaust education for students.

The submission concludes with seven recommendations.

## Introduction

The Australian Academic Alliance Against Antisemitism is a non-profit organisation born in the aftermath of the brutal Hamas attack on 7 October 2023. The organisation has grown very quickly and today consists of academics and professional staff from across 32 Australian universities. 5A acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

Our functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organisation's reach includes activities in education, academic advice and peer support, combating anti-Israeli and BDS activity, responding to the media and misinformation, supporting legal and medical professional educator groups, advocating for Jewish academics and education professionals with sector regulators and University executives as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publishing and professional development.

## Antisemitic incidents across NSW

The causes of the increasing prevalence and severity of antisemitic incidents across the state are manifold. They relate to both general societal issues and those specific to the virus of antisemitism.

Racism has a long history in Australia and has taken three major forms: discrimination against and repressive treatment of the Aboriginal population; fear of the "Asian hordes" or the "yellow peril"; and suspicion of separate ethno-cultural identity among immigrant

or non-Anglo-Celtic groups, including Jews.[1] Within this broader picture, antisemitism in Australia has also manifested itself since the 1880s with the emergence of Australian nationalism.

Research into current antisemitism has demonstrated that it takes three principal forms. It begins with religious anti-Judaism, with different strands in both Christianity and Islam, then mutates into racial antisemitism, and, most recently, political antisemitism associated with anti-Israeli conflicts, in which ostensible criticisms of Israel can morph into an irrational hatred of Jews, as well as calling for the annihilation of the only Jewish country in the world. Often referred to as the "new antisemitism", this third manifestation constitutes a virulent strain in both high schools and universities. As will be discussed in answer to (b).

As in other parts of the world, antisemitism in Australia has been prevalent among those on the radical right, starting with the fears of Australia being flooded by foreign Russian Jews in the 1890s; the radical left, emerging within the Labor Party, starting with Labor figure Frank Anstey, for instance, who republished his anti-Jewish newspaper articles as a pamphlet in 1915 entitled 'The Kingdom of Shylock';[2] and later with extremist Islamic groups, beginning in the 1980s. Spikes in antisemitism have often been associated with events in the Middle East related to anti-Israel conflicts.

Since 2020, there have been three major factors which have contributed to the increasing antisemitism in NSW: the impact of the COVID-19 pandemic, which led to increased anti-Asian, anti-Arab sentiments, Islamophobia and antisemitism; The Voice referendum of 2023 which aimed to provide the Indigenous Australians constitutional status but was defeated, creating further fissures in Australian society that tended to escalate antisemitism; and the impact of anti-Israel conflicts, particularly the ongoing conflicts in Gaza since 2020.

COVID had a destabilising impact on Australian society and during this period antisemitism intensified.[3] The main area of increase in antisemitism due to COVID-19 was among right wing extremists who believe in conspiracy theories and mainly expressed their views on the social media site, GAB, a site favoured by extremists in both Melbourne and Sydney for its free speech policy. Their main theme is that 'the Jews are behind coronavirus.' As set out in an article in the *Times of Israel*, by Julie Nathan of the Executive Council of Australian Jewry, their messages focused on global antisemitic tropes and stereotypes, including negative images; the narrative that Jews or the Mossad

[1] Suzanne D. Rutland, and Sol Encel, 'Australian Multiculturalism: Immigration, Race, and Religion", Wistrich, Robert S. (ed), *Antisemitism International 5-6 - Special Issue: An Annual Research Journal,* Jerusalem: Vidal Sassoon International Center for the Study of Antisemitism, 2010, p.66.
[2] Ibid., p. 70.
[3] Suzanne D. Rutland," The Impact of COVID-19: A Comparative Study of the Melbourne and Sydney Jewish Communities," *Contemporary Jewry*, vol. 41:1(Rutland, Suzanne D. The Impact of COVID-19: A Comparative Study of the Melbourne and Sydney Jewish Communities, *Contemporary Jewry*, vol.41:1 (2021), 247-272.

created the virus; that Jews are deliberately spreading it; it is a plot to take over the world; a Jewish hoax; and/or a money-making scam.[4]

*Message from Victorian government photoshopped to change the word "together" to "Subjewed".*[5]

The extremists also targeted Josh Frydenberg, at the time the Melbourne-based Australian Federal Treasurer, especially in relation to his being Jewish. Some of the comments about Frydenberg on GAB mocked the Holocaust, a form of Holocaust distortion.[6]

These attacks were particularly distressing for Frydenberg whose mother is a Hungarian Holocaust survivor. As a result of the threats from the extreme right-wing fringe, he required 24/7 police protection.[7] The anti-vaccine campaign also had an antisemitic strand and for religious Christians in which divine punishment of Jews also featured.

Even though this extremist narrative did not gain significant mainstream traction, the threats by the extreme right wing kept communal organisations busy in both Melbourne

[4] Julie Nathan, "COVID 19 and the plague of online antisemitism", 26 May 2020, *Times of Israel Blogs*, https:// blogs. times ofisrael. com/ covid- 19- and- the- plague- of- online- antis emiti sm/. Accessed 27 May 2020.

[5] "Subjewed", Social Media site, GAB, https://gab.com/system/media_attachments/files/051/752/480/original/77020dd18154fc98.jpg?1588582326, Accessed October 25, 2020

[6] 'We have a Jewish Treasurer. Never forget the 6 gorillon stimulus packages' https://gab.com/Jamie14/posts/103866475929891039; 'Australian FERAL (((treasurer))) – (((frightenedberg))) announced 3rd stimulus package that will help 6,000,000 Who would have thought that was possible?' *The Australian Vanguard* reposted, https://gab.com/Zyklon_B/posts/103911369372892629; and '6 million. The Jewish Australian Treasurer miraculously uses his powers of gematria to ensure that precisely 6 million Australians get the Shekels. … Always with the 6 million. No more, no less https://gab.com/Jamie14/posts/103810047394570267.

[7] Evan Zlatkis, "Frydenberg 'targeted by racist extremists", *Australian Jewish News*, 6 May 2020, https://ajn. times ofisr ael. com/ fryde nberg- targe ted- by- racist- extre mists/. Accessed May 27, 2020.

and Sydney. Community security has been a top-order issue, and the Community Security Group (CSG) Victoria were vigilant in this, working closely with Victoria Police and the Jewish community.[8] Peter Wise, chairman CSG in Sydney explained in relation to these:

> ... keyboard warriors that hide behind a screen... It is very difficult to assess how much of it is real, how much of it is just rhetoric. But notwithstanding that, you still have to deal with it, and it is a very big part of what CSG does in anticipating future events. It's like being forewarned is forearmed.[9]

This antisemitism of the COVID period, 2020–2022, was further impacted on by the direct conflict between Hamas and Israel, with bursts of fighting in 2021, 2022 and 2023. This antisemitism manifested itself more on the left, particularly on university campuses and in the Labor movement. Since 1989, the Executive Council of Australian Jewry (ECAJ) has been producing an annual report of antisemitic incidences in Australia, with Julie Nathan assuming the role of writing the reports since 2013. In her 1 October 2023 executive summary (written before 7 October) she wrote:

> During the twelve-month period, from 1 October 2022 to 30 September 2023, there were **495 antisemitic incidents logged** by volunteer Community Security Groups (CSGs), official Jewish state roof bodies, and the ECAJ. In the previous 12-month period, ending 30 September 2022, these same bodies logged 478 incidents. Accordingly, there was an **increase of 3.5%** in the overall number of reported antisemitic incidents compared to the previous year (2022).
>
> Overall, from 2022 to 2023, there were substantial increases in the number of reported incidents in three categories: assault (up 120% from 5 to 11), vandalism (up 100% from 11 to 22) and verbal abuse (up 36% from 138 to 188). There were significant decreases in two categories: messages (down 17% from 76 to 63) and posters (down 30% from 123 to 86). Graffiti remained the same at 125. Of note, most of the incidents of assault were generally mild, people throwing objects at Jews, slapping and pushing Jews rather than assault causing serious physical harm.
>
> The average number of reported antisemitic incidents each year from 2013 to 2022 was 316. As such, the total number of reported incidents in 2023 is above that average by 179 incidents.[10]

The different categories of antisemitism operate consistently, but increases are associated with the impact of Arab conflicts with Israel. This has been demonstrated as a historical trend, with rises in antisemitism associated with anti-Israel conflicts. In her 2023 report, Nathan noted that it was a product of the three forms of antisemitism discussed above:

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[8] Written interview responses by Peter Kohn, journalist with the *Australian Jewish News*, 15 October 2020.
[9] Interview with Peter Wise, Sydney, 23 October 2020.
[10] Julie Nathan, *Report on Antisemitism in Australia 2023, 1 October 2022 – 30 September 2023*, Sydney: Executive Council of Australian Jewry, p. 6.

> The members of these groups are sometimes an uneasy alliance of people of mainly Western background from secular far-Left groups, such as Socialist Alternative and Socialist Alliance, and those of Arab and/or Muslim background with purportedly religious and conservative views, as well as some coming from a purportedly Christian perspective.[11]

This antisemitism has intensified with an unprecedented upsurge in the post-7 October 2023 period at all levels of NSW society, manifesting itself on three fronts: extreme left, particularly on university campuses as discussed below, the extreme right with neo-Nazi activities, and among more radical Muslims. This has been exacerbated by weekly protests in the Sydney city centre, protests and encampments on university campuses, abuse on social media, cancelling of those who express support for Israel's existence, silence and denial of the reality and negative impact of the violence of Hamas's attacks on Southern Israel (with key influencers denying the rape, torture and beheadings, killing parents in front of their children and vice versa and setting homes on fire, resulting in those habitants still inside being burnt alive, as well as the vicious attacks on those attending the Nova music festival, on 7 October).

## Antisemitism on NSW university campuses

Issues of antisemitism on university campuses and in schools have increased significantly since 7 October, although it is important to recognise that they already had reached a high bar before 7 October 2023.

The anti-Jewish attacks on university campuses, which manifested themselves both overseas and in Australia after October 7, did not suddenly emerge without a pre-history. They were part of a growing trend which increased after the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments occurred in the context of accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism. In addition to protests by left-wing activists from groups such as Students for Justice in Palestine, right-wing antisemitism drew on conspiratorial beliefs increased both overseas and locally. This is shown by a 2015 protest at the University of Sydney opposed to a lecture delivered by Colonel Richard Kemp from England.[12]

Since 2021, there has been an increase in the anti-Zionist narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Zionist articles being published in campus newspapers, together with the resultant increase of antisemitic incidents. This was demonstrated by the Jewish Student Experience of Antisemitism

[11] Nathan, *Report on Antisemitism*, Sydney: Executive Council of Australian Jewry, 2023, p. 233.
[12] S.D. Rutland, SD and W. Allington, "Countering Antisemitism at the University of Sydney, Australia", Virginia Stead with Dani Green, eds, *Confronting Antisemitism on Campus*, Peter Lang, 2023, pp. 195–211.

Survey (2023) initiated by the Zionist Federation of Australia (ZFA) with the support of Australasian Union of Jewish Students (AUJS) and private foundations and conducted by the Social Research Centre.[13]

### Surveys of Antisemitism on Australian University Campuses, 2024

The ZFA/ AUJS survey was conducted over a three-week period in early 2024 and included current and recent Jewish university students and achieved 563 responses. The survey found that 64% of Jewish university students experienced some form of antisemitism, with 88% of respondents reporting that this had occurred in the last 12 months. Of these, 47% described 'intimidation by people or events'; 37% relating to 'tropes of Jewish money, power or influence'; 37% 'comparing Israel to Nazi Germany'; 30% 'Holocaust denial or minimisation'; and 25% being 'singled out or excluded over Israel'. More than half (57%) respondents hid their Jewish identity.

The survey also found that Jewish students lack confidence in their university complaints processes, with 85% impacted by antisemitism deciding not to make a complaint. Of the minority who did complain, 61% were dissatisfied with the outcome. They felt that if the university adopted a definition of antisemitism, they would be more confident in making a complaint.[14]

As demonstrated by the 5A survey conducted in 2024, these issues were all exacerbated after 7 October 2023. The aim of the survey was to: (i) evaluate the extent of antisemitism in Australian universities as experienced by Jewish students and staff; and (ii) assess the extent to which universities in Australia are taking active measures to ensure their campuses are free from antisemitism. Data was collected through an online survey conducted between 16 April and 31 July 2024. The survey was comprised of five demographic questions, eight fixed choice (seven with multiple parts), and three open-ended questions. The questionnaire specifically requested that only people who identify as Jewish should complete the survey.

After data cleaning to mitigate the risk of fraudulent responses, the total number of valid participants was 548. The distribution of participants by role was as follows: 66% students, 25% staff, 6% administration or management, and 3% other. Data was collected from 30 Australian universities. Notably, 39.8% of the sample came from universities in NSW, making NSW the second state after Victoria (46%) in its percentage of contribution to the survey findings. This high level of representation suggests that the survey findings are highly applicable to NSW. Table 1 below presents the distribution of participants across NSW universities.

Table 1. NSW universities representation in 5A survey, by percentages of participants

| NSW universities | Percent of Data |
|---|---|

[13] Bren Carlill, Director of Public Affairs, Zionist Federation of Australia, "The Jewish University Experience Survey", May 2023, Social Research Centre.
[14] 'ZFA Survey Summary', September 2023, https://www.zfa.com.au/survey/. Accessed 22 September 2023. The physical campus ienvironment

| | |
|---|---|
| Australian Catholic University | 1.4% |
| Macquarie University | 3.3% |
| The University of Notre Dame Australia | 0.3% |
| The University of Sydney | 18.0% |
| University of New South Wales | 10.8% |
| University of Technology Sydney | 5.3% |
| University of Wollongong | 0.5% |
| Western Sydney University | 0.3% |
| **Total** | **39.8%** |

The survey did not define antisemitism, leaving respondents to interpret the term themselves in response to open-ended questions. The term campus was defined as: "University campuses' include both physical spaces (e.g. lecture rooms) and virtual spaces (e.g. social media). For the purposes of this survey, any space in which you interact in relation to your university affiliation is defined as 'campus'".

The findings reveal that the majority of students and staff do not feel safe on campus, with only 37% of participants reporting a sense of safety. Qualitative data further indicates that campuses are perceived as hostile environments for Jewish people.

The most frequently reported antisemitic experiences included "Graffiti, posters or flyers delegitimising the right of Israel to exist" and "Verbal or social media comments delegitimising the right of Israel to exist", each reported by 91% of participants. The significance of this finding is threefold:

> First, the findings suggest that the physical campus environment is just as hostile to Jewish people as the virtual campus.
> Secondly, the combined qualitative and quantitative data reveal that the majority of participants equate anti-Zionism with antisemitism. Consequently, the proliferation of posters across campuses delegitimising Israel and calling for its annihilation constitute antisemitic harassment, as perceived by the majority of participants.
> Finally, the findings suggest that simply enforcing campus rules and preventing the defacement of public spaces could lead to a marked improvement in Jewish students' and staff's campus experiences and significantly increase their sense of safety.

Another key finding is that 63% percent of participants reported "feeling ignored or excluded." A large majority of students (74%) reported hearing antisemitic comments in their presence, suggesting that antisemitic discourse has become normalised in campus environments. These findings demonstrate that the aftermath of 7 October had a profound social impact on Jewish people's relationships with both non-Jewish and Jewish individuals on campus, creating what can be described as a social earthquake or social reconfiguration. This is demonstrated by the findings that nearly half (49%) of participants reported a decrease in interactions with non-Jewish people, while 77% reported an increase in interactions with Jewish people.

A second rift occurred within the Jewish community itself, with 6% of participants reporting a decrease in interactions with other Jewish people and 11% reporting an increase in interactions with non-Jewish individuals.

Another key impact was that 45% of Jewish students reported staying off campus and avoiding classes. As well, 49% of participants reported decreases in both "publicly expressing political beliefs" and "publicly expressing connection to Israel," suggesting that Jewish people's freedom of speech has been suppressed on campus.

When asked about the source of the threat, 84% of participants indicated that the source is from the political left, whereas only 36% perceived the political right as the main threat. This finding reveals a progressive paradox, when left liberal ideals foster exclusion

The combined qualitative and quantitative data reveal that antisemitism is systemic across university systems. Antisemitism has been identified in policy enforcement, disciplinary procedures, administration, teaching and research practices, and coursework materials. Most respondents (60%) rated their university's actions against antisemitism between 0 and 3 on a scale of 0–10. Most staff (55%) considered their university's complaint procedures to be inadequate.

A summary of the main findings is as follows:

- Antisemitism is systemic across university systems.
- Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming increasingly blurred. Participants report that both the physical campus and the virtual campus are equally hostile.
- Campus environments and imagery are among the most influential factors contributing to harassment and alienation of Jewish people
- Jewish people's freedom of speech has been silenced
- Antisemitism has become normalised. Regardless of the campus or the specific segment of the Jewish university population surveyed, findings consistently show that antisemitic culture has become pervasive and normalised across Australian universities.
- The majority of participants equate antisemitism with anti-Zionism.
- Responses are not uniform across universities. Qualitative data shows that Australian universities vary in their responses, with some being more effective than others in addressing antisemitism.

### Overview of antisemitic agitation in NSW Universities

An overview of key incidents on two NSW campuses since 7 October 2023 is set out here. Macquarie and Sydney universities were selected due to the high media profiles of anti-Zionist and antisemitic academics or incidents there. Incidents occurred on other NSW campuses, particularly the University of Technology Sydney and the University of Wollongong, but less information about them was reported in the public domain.

To understand these incidents, it is essential to observe their uniqueness in Australian history. There has never been a national campaign of university disruption on this scale, not even during the widespread protests on university campuses against the Vietnam war in which Australia was directly engaged half a century ago. The Hamas-Israel war in Gaza was far less destructive than contemporaneous conflicts occurring in Congo, Ethiopia, Syria, Sudan, and Ukraine that have aroused no interest on campus. No foreign conflict ever enraged Australian academic staff and students more, no matter how much larger, deadlier or more geopolitically significant for Australia that the conflict has been.

Several notable incidents of anti-Israel activism epitomised antisemitic activity on campus. These have included protest camps on university grounds, published statements signed by staff expressing solidarity against Israel, National Tertiary Education Union adoption of a boycott of Israeli academia, and presence on campus of agitators external to university staff and students.

Less prominent features of anti-Israel activism include the weaponising student misconduct complaints against Zionist students. Activist students also disrupted lectures by forcing their way into lecture halls to announce protests, conduct impromptu surveys of student condemnation of Israel, and to photograph or film student responses to surveys without permission to do so. They abused academic staff and students who objected to these practices.

- **Protest camps** were established by university students, commencing at the University of Sydney about 23 April 2024,[15] and remained in place for most months during 2024. Other participating universities which had encampments included the Australian National University, Curtin University, Monash University, University of Melbourne, University of Queensland, and University of Wollongong. The protest camps occupied public spaces on Australian university grounds, such as central lawns or quadrangles, and occupied internal building space in some instances.[16]

- **A nucleus of anti-Israel activist staff**, often reinforced by their roles in the National Tertiary Education Union (NTEU), is usually essential to initiate and to snowball anti-Israel student activism. The staff are usually academic and located in the humanities and social sciences but can include the Health Sciences and Medicine and other faculties, where they focus research work on anti-Zionism. Statements were signed by academic staff expressing solidarity with Palestinian factions and against Israel and published online, especially in the journal

[15] Daisy Dumas, "Australian university students are camping out in support of Gaza. Here is what you need to know" *The Guardian* 1 May 2024; https://www.theguardian.com/world/2024/may/01/australian-university-students-gaza-encampment-pro-palestinian-camping-protests .
[16] University of Melbourne.

*Overland*. Signatories included: Australian academics,[17] historians,[18] and legal scholars.[19] Open letters were signed by staff at University of Sydney,[20] and University of Western Sydney.[21]

- **External agitators** participated in protests on some Australian university campuses. The two principal such organisations were the far-left Socialist Alliance, which is an Australian political party,[22] and the Hizb-ut-Tahrir, which is a Muslim Brotherhood-allied Islamist party proscribed as a terrorist organisation in the United Kingdom.[23] The activist group "Stand 4 Palestine" formed an Australian organisational core for many anti-Israel protests run by Hizb-ut-Tahrir.[24] Although not typically registered as university clubs or societies, the Socialist Alliance and Hizb-ut-Tahrir have access to university grounds as public spaces.[25]

- **Foreign political influence** on Australian university campuses is poorly understood and regulated. Sometimes this influence is exercised through major grants to academic centres for Arab, Islamic studies or Middle East studies. For example, Qatar has donated USD $5 billion to universities in the USA in the past 20 years.[26] Australian academic centres are not currently required to disclose and report upon the purposes or conditions of such grants.[27] However, there can be no doubt that similarly-sourced donations have been given to Australian academic centres dealing with Middle East. Studies in the USA demonstrate that antisemitic incidents are substantially higher on university campuses that receive such

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[17] "Australian Academics Open Letter in Solidarity with Palestine and Call for Action" *Academics for Palestine,* published 6 November 2023; "On scholasticide in Palestine: an open statement" *Stop Scholasticide AU,* published 12 November 2024 in *Overland*; "The students must be defended, the University reimagined": a letter from Australia's University academics and professional staff *Australian University Staff in Solidarity with Students* published 17 May 2024, in *Overland*.

[18] "Statement from historians in Australia in solidarity with Palestine" *Historians for Palestine* published 12 December 2023 in *Overland*.

[19] "Open Letter to the Australian Government regarding the ICJ provisional measures ruling", *International Legal Scholars against Genocide* published 2 February 2024 in *Overland*; "An open letter from legal experts on the ICJ advisory opinion" *International Legal Scholars Against Genocide,* 22 August 2024 published in *Overland*.

[20] Nick Reimer, "Resisting the Israelisation of Western universities", published 6 May 2024 in *Overland*.

[21] University Staff in Solidarity with WSU Students, "Open letter to Western Sydney University in solidarity with students", published 17 October 2024 in *Overland*.

[22] About Socialist Alliance https://socialist-alliance.org/about.

[23] UK Government "Home Secretary declares Hizb ut Tahrir as terrorists",15 January 2024, https://www.gov.uk/government/news/home-secretary-declares-hizb-ut-tahrir-as-terrorists.

[24] "Extremist Islamist group infiltrates Australia's pro-Palestine movement" *The Jewish Independent* 17 June 2024, https://thejewishindependent.com.au/extremist-islamic-group-infiltrates-australias-pro-palestine-movement.

[25] "Hate comes to university campus" *The Age* 16 June 2024, https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif.html.

[26] Institute for the Study of Global Anti-Semitism and Policy, *The Corruption of the American Mind - How Foreign Funding of Higher Education in the United States Predicts the Erosion of Democratic Values and Antisemitic Sentiment on Campus,* vol. 2, 2024; https://isgap.org/follow-the-money/.

[27] Federal guidelines encourage university self-auditing, https://www.education.gov.au/guidelines-counter-foreign-interference-australian-university-sector/resources/guidelines-counter-foreign-interference-australian-university-sector

grants.[28] Sometimes foreign political influence is more subtle, such as by approaching academics directly rather than through their academic institutions. For example, one of the authors of this submission, upon establishing a minor news media profile concerning Middle East politics, was approached by the Doha Foundation, which offered a retainer to review grant applications and a fee of $2000 per review, presumably to exercise influence.

### Academic freedom or incitement to racial hatred?

Protestors focus on the issue of academic freedom to justify their activities. Freedom of speech stands as a cornerstone of democratic societies, facilitating the exchange of ideas, engagement in robust debate, and the accountability of governments. As John Stuart Mill argued, in "On Liberty," the unimpeded exchange of ideas is crucial for intellectual and social progress. Mill posited that even erroneous or unpopular opinions carry inherent value, as they challenge prevailing dogmas and stimulate critical thinking. By safeguarding freedom of speech, societies cultivate a marketplace of ideas where truth is discerned through rigorous discussion. This liberty underpins other fundamental rights, empowering citizens to advocate for social change and justice. Thus, erosion of free speech imperils the very foundation of democracy.

Despite its paramount importance, freedom of speech has never been unlimited. The classic example, articulated by Justice Oliver Wendell Holmes, posits that falsely shouting "fire" in a crowded theatre is not protected speech, as it poses a clear and present danger to public safety. This principle underscores that speech inciting violence or panic is justifiably restricted to prevent harm.

Permissible limits on speech unquestionably include the regulation of violence, of the threatening of violence and of serious vilification. Hate speech, which fosters discrimination and violence, presents a significant regulatory challenge. Regulating hate speech entails a delicate balance; excessive restrictions risk a chilling effect, deterring individuals from expressing legitimate views and stifling open discourse. In drafting regulations, there needs to be clear attention to the impact of the law. On the other hand, the victims of unregulated free speech are silenced if we do not regulate their detractors, as demonstrated by the findings of the 5A survey for a large proportion of both Jewish students and staff.

Academic freedom is an extension of freedom of speech within educational institutions. It allows scholars to pursue knowledge without interference or censorship. This freedom is vital for the advancement of knowledge, fostering an environment where ideas can be rigorously tested and debated. As set out in our mission statement, 5A champions academic freedom and honest enquiry.

The definition of academic freedom used in this submission is that adopted nationally in Australia, namely that set out in the Model Code proposed by former High Court Chief Justice Robert French as modified. It defines “academic freedom” in the following terms:

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[28] ISGAP, *The Corruption of the American Mind - How Foreign Funding of Higher Education in the United States Predicts the Erosion of Democratic Values and Antisemitic Sentiment on Campus,* vol. 2, 2024, https://isgap.org/follow-the-money/.

- the freedom of academic staff to teach, discuss and research and to disseminate and publish the results of their research;
- the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- the freedom of academic staff to participate in professional or representative academic bodies;
- the freedom of students to participate in student societies and associations;
- the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which these are taught and the choices of research activities and the ways in which they are conducted.

The Model Code also states that "Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions:

- imposed by law;
- imposed by the reasonable and proportionate regulation necessary to the discharge of the university's teaching and research activities;
- imposed by the reasonable and proportionate regulation necessary to discharge the university's duty to foster the wellbeing of students and staff;
- imposed by the reasonable and proportionate regulation to enable the university to give effect to its legal duties;
- imposed by the university by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery."

Thus, the Model Code indicates that Australian universities are not allowed by ruse of Academic Freedom to shirk legal their responsibilities. Implementation of the Model Code is reported in the annual reports of all Australian universities under a statutory obligation.

*Prohibitions* imposed by law, as referred to in the Model Code, are the first restraint upon exercise of academic freedom. When proscribed under criminal law, transgression of prohibitions can carry consequences of criminal sanctions. Under NSW law, the *Crimes Amendment (Inciting Racial Hatred) Act 2025* makes it a crime to intentionally and publicly incite hatred towards another person, or group of people, on the grounds of race. Section 93ZAA of the *Crimes Act 1900* requires that the act contain the following elements:

- It must be a public act;
- The public act must incite hatred;
- The incitement to hatred must be intentional; and
- The intentional incitement to hatred must be on the basis of race.

In contrast, civil law procedures that seek to prevent hate speech aim to reconcile the parties or award compensation. Under the Commonwealth *Racial Discrimination Act*, it is unlawful to say or do something reasonably likely to offend, insult, humiliate or intimidate another person or group if the thing is done because of the race, colour or national or ethnic origin of the person or group.

*Conditions* imposed by law, as referred to in the Model Code, include tertiary education quality standards that require universities to ensure a safe academic environment for staff and students. In terms of the matrix above, these comprise administrative and educational measures.

Governmental interventions in response to antisemitism on campus can be conceived of across a range of measures from criminal law to educational training, illustrated in the table below, setting out a hierarchy of legal consequences for incitement to racial hatred, from criminal penalties to remedial education. These legal consequences do not conflict with Academic Freedom as defined in Australia under the Model Code.

Table 1. Matrix of hate speech legal categories and consequences.

| *Category* | *Criminal* | *Civil* | *Administrative* | *Educational* |
|---|---|---|---|---|
| | | | | |
| *Consequence* | Sanction incitement | Reconcile parties | Resolve complaints | Train to understand |

### Safety and security failures

Federal Higher Education Threshold Standards adopted pursuant to the *Tertiary Education Quality and Standards Agency Act*, section 58, require that a higher education provider must meet Threshold Standards section 2.3.4: 'A safe environment is promoted and fostered'.

In the light of the findings of the 5A survey discussed above, we argue that the NSW universities have failed to ensure a safe environment. Some resorted to advising students and staff not to attend the campus, or parts of campus, or to work and study from home and have established safe rooms or spaces. Yet, we argue that the proposals to institute safe spaces or rooms for Jews are equivalent to ghettos.

The review of campus antisemitism at the University of Sydney was conducted by a legal specialist in workplace safety. The report, by Bruce Hodgkinson AM SC, addressed workplace safety obligations, psychosocial harm and relevant performance shortcomings at the University of Sydney. The report noted that the provision of security services was not appropriate to ensure the safety of visitors in some circumstances and that operational protocols and agreements with police were needed.

Most importantly, university executive management teams failed to use enforcement powers already available to them. University Council have the powers to mandate, and campus security services have powers to implement, safety measures that were

neglected. For example, a university has full authority to remove trespassers and encampments, to curtail occupation of buildings, to prevent and punish office invasions, and to remove people and objects blocking access routes. Security services have the authority to request student and staff identification, to utilise surveillance cameras and to require that identities are not hidden by face masking. University premises are zoned under municipal laws as spaces for public access, subject to the discretion exercisable by executive management to exclude troublesome persons.[29]

A major feature across NSW university campuses with few exceptions, has been abject failure to implement existing University standards. These standards are comprised of binding rules and guidelines. Binding rules are typically termed Enterprise Agreements, Rules, and Codes of Conduct, and guidelines are typically termed Policies, Procedures, Plans, and Guidelines. Binding rules include obligations not to harass, bully, racially discriminate, or break criminal laws. Many antisemitic activities on NSW university campuses were breaches of binding rules that universities declined to enforce. We argue that these failures reflected choices to take the easiest paths of least resistance, least moral judgement, and least leadership.

The mismanagement of academic freedom and campus safety at Macquarie University and the University of Sydney illustrate the governance challenges in dealing with antisemitism on NSW university campuses.

### Macquarie University

On 14 March 2024 a 5A member complaint was made to Macquarie University Vice Chancellor, Chancellor, and deputy vice chancellor, regarding antisemitism at Macquarie University and in social media posts by a Macquarie University academic. Examples of the social media posts include: in October 2023 celebrating Hamas terrorists arriving by paraglider to commit massacres in Israel; in February 2024 urging followers to ensure that Zionists have no culturally safe spaces in Australia; and, in December 2024, wishing for the end of Israel in the New Year. On 29 April 2024, the academic led small children to chant for intifada, a call for violent insurgency, at the University of Sydney encampment.

On 24 January 2025, the academic revealed at a symposium that she disregarded a condition of her Australian Research Council academic funding requiring the holding of a conference, that she bends the University rules when opportunity offers itself, and that she will not acknowledge the academic work of scholars who do not stand against Israel who do not stand against Israel.

### University of Sydney

On 19 March 2024, the University of Sydney Abroad Fair was held at the Law School and in the Susan Wakil Health Building. Professor Milette Shamir (Vice President International) and Sharon Ziv Kafri were invited representatives from Tel Aviv University, to promote student exchanges. Anti-Israel demonstrators disrupted the exchange fair by invading the lobby where the representatives were positioned, just meters away from them, and yelled accusations, waved Palestinian flags and chanted antisemitic slogans. University of Sydney security personnel then locked the building doors, not allowing

[29] For example, see the *University of Sydney Campus Access Rule* 2009, clause 4.

people to enter, but allowing people to leave. However, they did not intervene during the incident, thereby effectively supporting the intruders in silencing freedom of speech and academic freedom, as no students could come to the building and interact with the delegation. The incident arguably breached Higher Education Threshold Standards section 6.4.1: The governing body is to 'develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected'.

On 28 March 2024, a complaint was made by members of 5A about the incident to the Vice-Chancellor's chief of staff, Darren Goodsir. It was treated as a complaint about student conduct and was passed to the Student Affairs Unit (SAU) under the Student Complaints Procedure. The SAU decided that there was no evidence that the conduct of any specific student breached University policies. The SAU dismissed elements of the complaint made by the University of Sydney 5A staff. The Tel Aviv University President wrote to the Sydney University Vice Chancellor Mark Scott expressing his deep concern. No adequate apology was made by the Vice-Chancellor Mark Scott.

On 23 April 2024, an anti-Israel encampment was established upon the lawn in the University of Sydney quadrangle by student and staff activists.[30] The encampment was the site of anti-Israel rallies, chanting, flags and banners and symbols. The University negotiated with the students for several weeks to vacate the encampment and to allow other students to use the space and, on 14 June 2024, ordered them to vacate. The encampment was disbanded in late June 2024 following major concessions by the University, discussed below.

On 2 May 2024, Vice-Chancellor Mark Scott said that the slogan "from the river to the sea, Palestine shall be free" – widely understood as a call for the elimination of the Jewish state, did not breach the institution's code of conduct and its use was the "discomfort" of maintaining free speech. He said that calls for an intifada against Israel did not meet the threshold for disciplinary action under the university code. He requested legal advice from the Federal Attorney-General on this matter, but that request was declined. He said that explicit calls for violence and endorsements of terrorism were banned.

On 6 May 2024, Hizb ut-Tahrir, a radical Islamist organisation proscribed as a terrorist organisation in the United Kingdom due to its glorification of terrorism, marched around the University of Sydney campus.[31] Hizb ut-Tahrir is the organisation behind its front-facing group Stand for Palestine, which is responsible for organising anti-Israel protests.[32]

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[30] Sandra Kallarakkal, "What is the University of Sydney encampment?", *Honi Soit,* 1 May 2024, https://honisoit.com/2024/05/what-is-the-university-of-sydney-encampment/.
[31] Tom Burton, "Sydney Uni VC asked security about terror groups at protests", *Australian Financial Review* 4 September 2024, https://www.afr.com/policy/health-and-education/sydney-uni-vc-asked-security-about-terror-groups-at-protests-20240904-p5k7ss.
[32] Nick McKenzie, Marta Pasqua Juanola, Anne Worthington, "Hate comes to university campus but hides its face", *The Age* 16 June 2024, https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif.html.

In late May, further complaints were made directly to the university's senior executive leadership by University of Sydney 5A staff, concerning broader aspects of the harmful campus situation. A non-comprehensive list of key issues included complaints about: protests calling for violence; encampment activities that are hateful and intimidating; hateful posters on campus; hate speech on internal electronic discussion boards and all-staff distribution emails; external professional agitators on campus; and threats to the safety of Jews on-campus. The University's senior executive engaged with 5A staff, but the outcomes are best described as placatory inaction.

On 25 July 2024, the University of Sydney Academic Senate commissioned a review of campus antisemitism.[33] Mr Hodgkinson's expertise in workplace safety produced useful recommendations on campus safety. The most useful recommendations pertained to prohibiting disruption of lectures and to imposing penalties on student organisations for engaging in prohibited activities, such as posting banners outside designated areas or displaying offensive posters. His report also recommended a new standard compulsory standard of civility in academic discourse and a naive requirement for clarity and context in discourse. On 26 November 2024, the University Senate accepted in principle the Hodgkinson report recommendations. The recommendations are set out at Annex 3.

On 22 June 2024, the University agreed to a concessional deal with the encampment, comprising the University of Sydney Muslim Students Association, a major faction among the encampment protesters, together with Stand 4 Palestine. The agreement capitulated to demands for review of University of Sydney in engagements with military research and for military divestments from Israel.[34] Chair of the NSW Jewish Board of Deputies, David Ossip, said that "The University's engagement with the Jewish community has been thoroughly deceptive and insulting. Despite assurances to the Jewish community that any offer to the encampment was off the table and that the University would be pursuing alternate options to clear the encampment, the University instead reopened negotiations with a group dominated by Hizb ut-Tahrir. When we found out about these negotiations on Wednesday and formally requested immediate crisis talks, Mark Scott ignored this request and has still not picked up the phone to us .... No amount of mealy-mouthed pro forma spin from the University should be allowed to distract from the utter shame of the University's behaviour or the pathetic terms they have agreed to."[35]

On 20 September 2024, during a parliamentary inquiry, the Vice-Chancellor, Mark Scott, admitted that he had failed Jewish students and staff in his handling of anti-Israel protests and personally apologised for that failure.[36]

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[33] University of Sydney, "University receives Hodgkinson External Review report", 27 November 2024, https://www.sydney.edu.au/news-opinion/news/2024/11/27/university-receives-hodgkinson-external-review-report.html

[34] Noah Yim, "Fury at Sydney University's 'capitulation' to protesters", *The Australian,* 22 June 2024, https://www.theaustralian.com.au/nation/fury-at-sydney-universitys-capitulation-to-protesters/news-story/4113cd26653d89a3c0aa7c9f9b84c4ed.

[35] Ibid.

[36] Isobel Roe, "University of Sydney vice-chancellor Mark Scott apologises to Jewish students over Students for Palestine encampment", *ABC News,* 20 September 2024, https://www.abc.net.au/news/2024-09-20/sydney-uni-vc-mark-scott-apologises-for-anti-semitism-on-campus/104376840.

## Antisemitism in NSW Schools

As with universities, antisemitism manifesting itself in schools is not a new phenomenon. It has been increasing since early in the twenty-first century but has also increased in intensity since 7 October. A qualitative, ethnographic study of antisemitism in government schools, undertaken by Zehavit Gross and Suzanne D. Rutland from 2009–2015, revealed significant problems of antisemitism in both the classroom and playground. As demonstrated by the Brighton Secondary Case, in Victoria, with five student plaintiffs who experienced antisemitic incidents from 2011–2020, it is, indeed, a whole school and a wider departmental problem.[37]

In 2023, the Blueprint Institute undertook to carry out a study of the prevalence and nature of antisemitism in New South Wales government schools, both primary and high schools among both teachers and administrators, and commissioned MyGov to undertake the research. While the questions and the design of the research were developed before the 7 October attack, the actual survey was carried out in November 2023. A total of 510 teachers responded, with 31 per cent coming from NSW and, overall, two-thirds responding coming from the secondary sector. Of those who responded, overall 24 percent responded positively to one or more of the three questions relating to antisemitism. In a summation of their findings, the authors of the report stressed that:

> The notion that antisemitism is a narrow issue, only present in the few schools that have a Jewish community, is refuted by the data. By way of example, in New South Wales, 17% of respondents from a broad, representative sample of public schools reported witnessing antisemitism. That stands in stark contrast to the three percent of schools in New South Wales that have at least one Jewish student.[38]

Downey et al (2024) also pointed out that "Our research suggests little has improved" since the findings of the Gross and Rutland study (2014)[39] in terms of antisemitism in government schools. They referred to recent media reports from both the private and public school sectors which provide insight into the antisemitism students continue to experience. For example, in Sydney, students at Knox Grammar, on Sydney's North Shore praised Hitler in a private Discord server called "Gang Gang."[40] At the prestigious Cranbrook School in the Eastern Suburbs where the majority of Sydney's Jewish

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[37] See D. Mortimer, CJ, 'Kaplan v State of Victoria (No 8) [2023] FCA 1092', Full Judgement, Federal Court of Australia.

[38] Centre for Education Statistics and Evaluation, https://education.nsw.gov.au/about-us/education-data-and-research/cese/data-services/open-data, as cited in L. Downey, M. Ouliaris, C. Poulton, S. Black, and M. An Tran, "Antisemitism in Australian schools: an examination," Blueprint Institute, 2024, p. 7, https://www.blueprintinstitute.org.au/antisemitisminschools.

[39] Zehavit Gross and Suzanne D. Rutland, "Combatting Antisemitism in the School Playground: An Australian Case Study", *Patterns of Prejudice*, London: Taylor & Francis Online, vol. 48, no, 3, 2014, pp. 309-330.

[40] Sam McPhee, "Holocaust survivor offers to meet with private schoolboys after vile 'I hate gays, Jews' messages came to light from a secret chat room: 'They will realise there's nothing remotely funny'", *Daily Mail*, https://www.dailymail.co.uk/news/article-11167807/Knox-Grammar-schoolboys-meet-Holocaust-survivor.html. As cited in Downey, et al, p. 8.

population live, Jewish students were subject to antisemitic slurs and Nazi salutes.[41] At the nearby Rose Bay Secondary College, a student was told by another student that he would go back in time and become Hitler to "hunt down his family and stop the bloodline."[42] Jewish students and teachers at Waverley College, as on the East reportedly felt it necessary to transfer to escape the school's "strong culture" of antisemitism. As Downey et al (2024) state, these are just a few examples of this broader phenomenon.[43]

These issues have been further highlighted by recent doctoral research undertaken by Greg Keith through an in-depth online survey of 71 history teachers in NSW, followed by individual follow-up interviews of 20 teachers who agreed to be interviewed in person. The original focus an in-depth study of Holocaust education in the state and there was no specific question relating to antisemitism. Yet, to the surprise of the researcher, in response to a general question asking the teachers about the challenges they faced in teaching the Holocaust, about a third responded with "antisemitism" being one of the major challenges they were facing. These interviews were carried out during and after the period of the COVID-19 epidemic, a time of increased antisemitism as discussed above.

In his survey, Greg Keith asked for schools' postcodes, so that all schools were deidentified, but he did ask if they were government or private schools and whether they were co-ed or single sex. As he wrote in his findings, he identified three broad strands of antisemitism:

> ... the Muslim antisemitism of the south-western suburbs that manifests in boys' and co-ed public high schools with large numbers of Arabic-speaking students; Anglo antisemitism of the north shore and eastern suburbs, predominantly linked to exclusive private boys' and co-ed schools but also found in boys' and co-ed public high schools; and finally a previously undocumented strand of antisemitism that exists in students from the Croatian community of western Sydney and can be traced to an influx of Croatian migration post-World War II..[44]

These three strands represent the different iterations of antisemitism discuss above, and to understand the intensification of antisemitism post 7 October, it is important to recognise the different ethnic and political factors contributing to this upsurge.

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[41] Caitlin Fitzsimmons, "Cranbrook School delayed acting on Nazi salutes, anti-Semitism, families say", *Sydney Morning Herald* (*SMH*), 8 September 2022. https://www.smh.com.au/national/nsw/cranbrook-school-delayed-acting-on-nazi-salutes-anti-semitism-20220908-p5bggc.html. As cited in Downey, et al, p. 8.

[42] Caitlin Fitzsimmons, "'I'll stop your bloodline': Anti-Semitism reports grow across Sydney schools", SMH, https://www.smh.com.au/national/nsw/i-ll-stop-your-bloodline-anti-semitism-reports-grow-across-sydney-schools-20220909-p5bgrf.html. As cited in Downey, et al, p. 8.

[43] Downey et al, p. 8.

[44] Gregory Allan Keith, "Holocaust Education in Sydney and Regional NSW Classrooms", submitted as a doctoral thesis, University of Sydney, October 2024.

## Sydney Jewish Museum Holocaust Education

Holocaust education has been seen as an important tool to counter antisemitism among members of the NSW community and visits to the Sydney Jewish Museum (SJM) have been strongly promoted by the Jewish community leadership. However, as with all educational endeavours it is not a panacea and without proper structure and professional development, it can even be counterproductive.

For many years the SJM has been running professional development programs for NSW Holocaust educators. Research into Holocaust education in NSW has found that student visits to the SJM have been very effective in the past because of the central role played in speaking to the students by Holocaust survivors who have been 'an indispensable part of museum visits for many years'. Students consistently report that meeting a survivor is a highlight of their excursion to Holocaust museums, but as the generation of survivors becomes smaller each year, educators will need to explore the alternative options'. These include the use of digital testimony – be it online video testimony or "holographic" images.

The SJM has recognised this challenge, and it has developed Holographs with six key survivor guides, including the well-known Eddie Jaku, who wrote the book, *The Happiest Man on the Earth*. While it is too early too to be definitive, SJM museum educators have found to their surprise that this new technology is very effective and that the students respond well to this new format, asking many questions which normally fit into the vast repertoire of questions which museum staff developed for this new technology.

Research, reinforced by the newest study by Greg Keith, has demonstrated that this a real danger of just teaching about the period of the Holocaust, rather than also including material on Jewish life before the Holocaust and, importantly the rebuilding of Jewish life after the Holocaust – both in the Diaspora and in Israel. If this is not done, students are only aware of 'dead Jews'. The SJM is currently undergoing a major renovation with the aim of significantly expanding its displays of contemporary Jewish life.

Another key issue is the need for teachers to have good knowledge of teaching and learning about the Holocaust, both in terms of good content knowledge and effective pedagogy. Without those elements, teaching of the Holocaust, including visits to the SJM, will be less effective. The problem of inadequate teaching and learning about the Holocaust was revealed during the Brighton Secondary College case in Melbourne. The teaching of the Holocaust memoir, *Maus*, presented in cartoon form by Art Spiegelman, whose family survived in hiding during the Holocaust was part of the Year 9 [Stage 5] English curriculum at the school. However, students did not take the topic seriously, misbehaving in class and laughing in class about the story, with the class teacher failing to respond in an appropriate fashion. The plaintiffs and their witnesses complained that after the teaching of *Maus*, antisemitic incidents increased in the school. Indeed, the Year 9 coordinator found 11 swastikas carved into the desks in one classroom, which for the Jewish students in that class, some of whom had Holocaust background, was highly offensive. When they reported this inappropriate behaviour, including complaints to the

principal, no action was taken and complaints even ignored. As Chief Justice Mortimer wrote in her judgement in the Brighton Secondary College case: 'The irony of imposing the study of *Maus* on BSC students while this kind of behaviour went on, and was dealt with inadequately and sometimes not at all, is a stark one.'[45]

In the final chapter of his thesis, Greg Keith examined the impact of professional development on the teaching of Holocaust education through interviews with teachers who had participated in the Gandel Program at Yad Vashem, which is tailored to the needs of Australian Holocaust educators. He wrote:

> As will be seen, significant professional development has the potential to increase teachers' impacts on their students. Graduates from the Gandel program at Yad Vashem seem to be less likely to make some of the mistakes that have appeared elsewhere in this research, namely setting unrealistic classroom goals and failing to adjust their content to suit those goals. They are also more likely to recognise antisemitism in the classroom and respond appropriately to it.[46]

He argues that the efficacy of Holocaust-related professional development for teachers has been under-researched, but his analysis found that that it definitely has led to improvements in the approach of Gandel graduates teaching about the Holocaust as opposed to those teachers who had not undertaken the program. He also found that local professional development can lead to improvements in teaching and learning approaches and, here again, the SJM can play an important role in assisting to make Holocaust education more effective.

## Threats to NSW social cohesion presented by antisemitism

Increased antisemitism at both university and school level clearly has a negative impact on social cohesion. As stated in the executive summary of the Blueprint Institute's survey:

> It is important to note that a rise in antisemitism—or indeed the vilification or dehumanisation of any minority group—have been shown to be leading indicators of democratic backsliding and dehumanising levels of social cohesion. (sic) These are issues of critical importance to all Australians, regardless of race, background, or religion.[47]

This threat is highlighted by the annual mapping of social cohesion by the Scanlon Foundation. The Scanlon Foundation's 2023 Mapping Social Cohesion found that nearly 90 per cent of those surveyed agreed that "multiculturalism has been good for Australia", while 86 per cent agreed that "immigrants are generally good for Australia's economy". At

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[45] D. Mortimer, CJ, 'Kaplan v State of Victoria (No 8) [2023] FCA 1092', Full Judgement, Federal Court of Australia, para 102, p. 34.
[46] Keith, p. 272.
[47] Downey, at al, Blueprint Survey, Executive Summary, p. v, and Josh Butler "Australian MPs plead for social cohesion amid fears over Israel-Hamas conflict reverberations", *The Guardian*, 16 November 2023, https://www.theguardian.com/australia-news/2023/nov/16/australian-mps-plead-for-social-cohesion-amid-fears-over-israel-hamas-conflict-reverberations.

the same time, the report found that "social cohesion is under pressure and declining". The report commented:

> Australia has been faced with a challenging set of circumstances in recent years. Since the end of 2019, we have experienced severe bushfires, COVID-19, severe floods and a cost-of-living crisis to name but a few, with no respite between events and in the midst of a world struggling with geopolitical tensions and conflict.[48]

The report found that there was a continuous decline from 2022 "in our sense of national pride and belonging, increasing financial strains and a weakening sense of social inclusion and justice were warning signs of further weakening in our social fabric" (O'Donnell, 2023, pp. 12-15). These findings resulted in the lowest score, of 79, since the Scanlon Foundation began its annual surveys. There was a decline in the sense of trust in other people, from 52 percent in 2022 to 47 percent in 2023, with a significant increase in a sense of pessimism in Australia's future, from 24 to 41 percent, in the same period. The report stressed that the decline in sense of belonging, combined with these issues, impacts negatively on people's happiness and wellbeing, reinforcing previous results.[49]

In the conclusion of the 2023 Mapping Social Cohesion report, O'Donnell (2023) noted that:

> At a global level, geopolitical conflict and tension is a risk to Australian harmony, as while we are (usually) geographically distant, we are connected to all sides of current conflicts through our migrant and ancestral diversity, as well as the diversity of our values and ideas (p. 97).

These factors are particularly pertinent to the events of 7 October 2023. The Hamas attack on the Israeli communities abutting the Israeli-Gaza border, as well as on the Nova Music Festival in the same region, saw 1,200 Israelis murdered with 251 being taken hostage. This was followed by an Israeli military response that greatly intensified social divisions in Australia. The way each of these issues have played out over the year following the Hamas attack has had a negative impact on Australian society both because of migrant diversity and differing values and ideas.

Commenting on these ongoing tensions to the media, Dr Bulent Hass Dellal, executive director of Multicultural Australia stressed:

> Our challenge is to try and break that cycle of hate, learn from history and to move forward," he said. "And I think as a nation we have been prepared to face those challenges because we, as a community, are very much engaged in developing good social policies and engagement. The challenge is to break that cycle of

[48] J. O'Donnell, *Mapping Social Cohesion 2023*. Canberra: Commonwealth of Australia, 2023, p. 12.
[49] K. A. Allen and P. Kern, *Boosting school belonging in adolescents: interventions for teachers and mental health professionals,* Abingdon, UK: Routledge, 2019.

> discrimination and hate and conflict and [to ensure] we do not pass it on to a new generation of Australians.[50]

Within that that 'cycle of hate', NSW antisemitism has played a central role. Different strata of NSW society each has its own variety of antisemitism, whether religious, racial or political. Because of the multi-causal nature of antisemitism, emanating from the different groups and political entities in our society, finding solutions also requires and multi-faceted approach, with a recognition of these complexities and nuances.

To mark fifty years since Labor Minister for Immigration, Al Grassby, wrote his policy document introducing the concept multiculturalism in 1973, the 2023 Labor government decided to conduct a review of Australian attitudes to multiculturalism. In addition, the Federation of Ethnic Communities' Council of Australia (FECCA) conducted its own study to mark the fiftieth anniversary. Their aim was to "undertake a comprehensive reflection on the current state of multiculturalism from the perspective of from culturally and linguistically diverse (CALD) backgrounds".[51]

The government review acknowledged the current challenges discussed above. Its executive summary stressed that:

> Australia has experienced substantial changes since Grassby's speech in 1973. We are now facing a new era of uncertainty, where the beliefs and concepts we previously counted on for stability are being put into question by changing circumstances. This Review is vital in steering through these changes and moulding a positive future for coming [52]generations.

Similarly, the FECCA survey revealed a sense that the respondents did not feel that the state and federal governments adequately represented their needs with the survey finding that there was a very low trust in government.

There are clearly challenges in terms of how to move ahead and improve the situation for multicultural Australia. The federal government review enumerated 29 specific steps that were required to improve the situation and ensure that Australia continued to be a successful multicultural society. These were framed around three main concepts:

1. **Connection** - setting the foundations of a multicultural Australia through leadership, planning, and accountability between three tiers of government and communities.
2. **Identity and belonging** - creating a welcoming Australia through English language programs, citizenship policy, and participation in arts, culture, sports, and media.

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[50] J. Kelly, 'Multiculturalism at a crossroads', say leaders", *The Australian*, 19 April 2024, https://www.theaustralian.com.au/nation/politics/multiculturalism-at-a-crossroads-say-leaders/news-story/f5cd3dcb7683469685ecc381118c0421, Accessed

[51] FECCA *Australian Multiculturalism Survey: Findings Report*, Melbourne: Migration and Inclusion Centre, Monash University, 2024.

[52] B. Dellal Hass, C. Castley, and N. Nyoun, *Towards fairness: a multicultural Australia for all*. Canberra: Commonwealth of Australia, 2024, https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-framework-review/australian-government-response, p. 11

Experiences of discrimination and racism comprise the second of the top ten themes identified in submissions to the Review.

3. **Inclusion** - building cultural capability into public services, modernising grant programs, ensuring digital inclusion, ensuring a sustainable language services sector, and meeting the unique needs of young people and regional areas.[53]

## Recommendations

The Australian Academic Alliance Against Antisemitism makes the following recommendations recognising the important role that the State of New South Wales legislature and Parliament have in combating racial hatred. The Parliament has legislative jurisdiction to establish legally binding frameworks and the executive has powers to institute improved governance to combat antisemitism. Universities and schools in NSW are constituted pursuant to and are subject to all state laws.

### Recommendation 1 – stop racist messaging

There must be strict prohibition of and enforcement against school and campus defacement. Schools and universities must enforce and expand existing policies that prohibit and penalise the defacement of public spaces. Campuses should be cleared of unauthorised posters, flyers, megaphone use during class hours, and other physical disruptions. Campuses failing to do so within 24 hours of reporting should be subject to automatic financial penalties.

### Recommendation 2 – policies required for online spaces.

As online spaces increasingly merge with physical environments, the boundaries between them have become increasingly blurred. Policies must ensure safety not only on physical campuses but also within virtual spaces. Universities and schools need to develop policies that ensure the safety of Jewish students and people not only on their physical campuses but also within virtual spaces.

### Recommendation 3 – free speech education

Schools and universities must implement explicit educational measures to restore and protect free speech and academic freedom as defined in the Model Code for Jewish staff and students. Effective actions may include public debates, compulsory educational modules for all students and staff, and a requirement that coursework materials related to the Middle East present all sides of the conflict fairly and equally. Action to challenge and reverse normalisation of antisemitic discourse requires education.

### Recommendation 4 – educate the educators

Professional development is key for school and university leadership, as well as teachers in schools and lecturers and tutors at university. It is important to acknowledge that Holocaust education should be only part of the educative

[53] Australian Government, *Multicultural framework review – Australian government response*, Canberra: Department of Home Affairs, 2024 https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-framework-review/australian-government-response, p. 3.

process since it does not assist educators and management to understand the more modern manifestations of antisemitism. Professional development needs to also include effective pedagogy, especially at school level for Holocaust education. Such programs need to be ongoing because one-off programs cannot shift attitudes.

### Recommendation 5 – use a local approach

Research indicates that levels of antisemitism can vary both at school level, depending on sociocultural factors and geography, and there can also be differences at university level. School and university leaderships contribute to these differences. It is important to concentrate efforts on those educational institutes which report the highest level of antisemitic incidents, described by the Blueprint Institute as 'hotspots'.

### Recommendation 6 – ensure enforcement action

The persistent gap between rhetoric and action — where schools and universities profess zero tolerance for antisemitism but take little to no concrete action to prevent it — must be addressed. Institutions must demonstrate the same level of commitment to tackling antisemitism as they have shown in addressing sexual harassment on university campuses. Institutions that demonstrate a pattern of failure should be subject to external correction, such as by financial penalties and placing under external administration.

### Recommendation 7 – shine a light on foreign influence

Foreign political influence should be discoverable and transparent. Annual reports setting out all donations should be tabled in Parliament as part of university annual reporting. The NSW Auditor-General should conduct an investigation of foreign political influence in NSW universities. A report should then be tabled in the NSW Parliament for information and discussion of follow-up action.

*Submitted on behalf of the Australian Academic Alliance Against Antisemitism on 5 April 2025 by:*

**Suzanne Rutland OAM**
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Department of Hebrew Biblical and Jewish Studies
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**Gregory Rose**
Hon Professor of Law
Australian National Centre for Ocean Resources and Security – ANCORS
Faculty of Business and Law
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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-28"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
Law firm (if applicable) Rotstein Commercial Lawyers
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Australian
Academic Alliance
Against Antisemitism

**Quality of governance at Australian higher education providers**

**5A Submission to the Senate Education and Employment Legislation Committee**

The Australian Academic Alliance Against Antisemitism (5A) is pleased to make this submission to the Senate Education and Employment Legislation Committee in relation to the inquiry into the quality of governance at Australian higher education providers. Governance quality can in part be measured by its effectiveness. For the reasons set out below, effectiveness has been found wanting in several respects.

Our submission addresses Clauses (c) and (e):

- **Providers' compliance with legislative requirements, including compliance with workplace laws and regulations; and**
- **Any related matters**

In the context of these clauses, our submission will first provide background about issues relating to antisemitism on campuses from the expertise and research survey of undertake in the first half of 2024, and then focuses on the following key areas:

- The need for stronger policies and enforcement mechanisms to address antisemitism on campus. Particularly, we discuss the inadequacy of the current approach to subsume antisemitism under racial discrimination policies.
- The inadequacy of disciplinary and complaints processes relating to antisemitic expression on campus. Existing mechanisms are not fit for purpose and fail to provide Jewish staff and students with effective avenues for redress.
- Issues relating to TEQSA and its failure to fulfil its role regarding these issues and university governance.

In this submission we shall argue that:

1. The complaints process needs to be strengthened by

    - Allowing for complaints to be made anonymously as a standard practice across all universities

- Committing to responding to complaints with a specified time scale
- Publicizing the results of the complaints process, (even if collated and anonymized).
- Having specially trained staff dealing with antisemitism complaints.

2. Universities should be required to have a robust social media policy, that prioritizes online safety. Consideration should be given to policies successfully adopted by other organisations to moderate the online activities of their staff.

3. Antisemitism training and awareness should be separate from antiracism education. Trying to fit education against antisemitism into the antiracism rubric is likely to make things worse, not better.

## 1. 5A credentials for making this submission

The Australian Academic Alliance Against Antisemitism (5A) is a non-profit organisation born in the aftermath of the brutal Hamas attack on 7 October 2023. The organisation has grown rapidly and today consists of members from across 32 Australian universities and medical institutions. 5A acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned about the emergence of antisemitism in the Australian tertiary sector, and about how university management and governance are dealing with this upsurge on campuses. 5A adheres to political neutrality, with members united only by their opposition to antisemitism. We hold no political stance regarding the Middle East conflict.

Our functional structure, from individual universities to state and national representatives, has enabled 5A to be quickly informed of incidents and to take appropriate action. The organisation's activities include university policy advocacy, antisemitism education and awareness outreach, academic advisory support for impacted students, and peer support. We engage in consultation and dialogue with regulators, policymakers, and university leadership to ensure that campuses are safe and inclusive for Jewish people.

We also advocate for the adoption of political neutrality within universities and for safeguards against the boycotting of Israeli academia. Our work is informed by research, data collection, and analysis in relevant fields.

**Our members are on campus every day and are actively immersed in the campus culture and academic life. 5A is in the box seat to observe and comment on antisemitism on campus from first-hand knowledge.**

This submission has drawn on the expertise in the areas of law, understanding antisemitism and survey development of several of our members who have contributed to the submission. It highlights the results of the survey which 5A undertook between 16 April and 31 July 2024:

https://www.aaaaa.org.au/5a-publications-1/antisemitism-in-australian-universities-post-7-october-survey-by-australian-academic-alliance-against-antisemitism-2025.[1]

This survey found that two-thirds of Jewish students and staff do not feel safe on Australian campuses and that the high proportion also believe that the response of the university management is not meeting the statutory requirements in terms of the codes of conduct.

**The situation on campus:** Across all these areas, both state-based and federally, 5A has found that the extent of antisemitism in the tertiary sector is deep and has become normalised. The information in the next section on antisemitism on Australian campuses is drawn from 5A's repository of large amounts of data, primarily gathered through individual interventions of support, as well as its national survey (Markus, Eilam and Rutland, 2025).

## 2: Background: Antisemitism on Australian campuses

**Antisemitism is a light sleeper which has awoken with a vengeance on Australian University campuses, often justified under the cover of ant-Zionism.** Since the Gaza conflict in May 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campuses newspapers, together with the resultant uptick of antisemitic incidents. This leaves Jewish university students feeling vulnerable and under attack because as the late Chief Rabbi Jonathan Sacks explained:

> Antisemitism is a virus that survives by mutating. In the Middle Ages, Jews were hated because of their religion. In the 19th and 20th centuries they were hated because of their race. Today they are hated because of their nation state, Israel. Anti-Zionism is the new antisemitism.[2]

These problems have been highlighted by the Riazaty and Anor court case against the Melbourne University Student Union (MUSU) Federal Court Case; the ZFA/AUJS survey of February 2023; and the most recent 5A survey of April–July 2024, which found that (84%) perceive the political left as the major source of antisemitism on campus compared to only 37% concerned and very concerned about the political right. These are discussed in the following sections.

*2.1 Riazaty & Anor v UMSU Inc - S ECI 2023 01945*

The federal court action undertaken by Justin Riazaty, first plaintiff, and Isabella Yusupov, second plaintiff, against the Melbourne University Student Union (MUSU) related to two motions passed by the MUSU in April and August 2022, advocating for support for the Boycott, Divestment and Sanctions Movement. The Plaintiffs maintained that the Defendant's conduct in relation to these motions contravened the Associations Incorporation Reform Act 2021 (Vic) (AIR Act) in relation to discrimination against members of the union and the Racial Discrimination Act 1975 (Cth) (RDA Act) in relation to antisemitism. In February 2024, this dispute was settled out of court with the MUSU agreeing to remove the pro-BDS motions and to pay costs for the court action.

Despite this settlement, Australian student unions and the NTEU (as discussed later in this submission) have continued to pass pro-BDS motions, with more extreme motions being passed since 7 October. The negative impact of this situation is demonstrated in two surveys discussed in the sections 2.2 and 2.3.

*2.2 Recent ZFA/AUJS survey pre-7 October 2023*

Since the heightening of the Gaza conflict in May 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campuses newspapers, together with the resultant uptick of antisemitic incidents. This leaves Jewish university students feeling vulnerable and under attack.

This has been demonstrated clearly by the survey initiated by the ZFA [Zionist Federation of Australia] with the support of AUJS [Australasian Union of Jewish Students] and the Scanlon Foundation, which was conducted by The Social Research Centre, located in Melbourne. As the report of this survey noted: 'The aim of the survey was to understand Jewish students' experiences of antisemitism in Australian universities.'[3] *Carlill, Bren, Director of Public Affairs, Zionist Federation of Australia, 'The Jewish University Experience Survey', May 2023, Social Research Centre.*

This survey was conducted over a three-week period with all students on the AUJS database receiving an invitation and the ZFA using its own resources for further publicity. Current and recent Jewish university students were included with a total of 563 responses, 396 from the AUJS mail-out and 167 from the opt-in link via the ZFA website. In terms of the participants, there were slightly more female responses than males (56.1% vs 41.9% with 1.6% non-binary); 46.2% were between the ages of 16–21, with most of the remainder ranging from 22–34; 52.2% came from Victoria, where the highest proportion of Jews reside, but proportionally there were fewer from New South Wales, with 30.7% and more from the ACT, with 6.9%, even though it only has a tiny Jewish population; and understandably the highest proportion from the different strands of Judaism being the Modern Orthodox Jews with 40.3% who constitute a much smaller proportion of the Australian Jewish population but are more clearly visible and strongly Zionist, with only 20.1% of Reform and 19.4% of traditional Jews and 8.2% of secular Jews.[4]

This survey was the first of its kind to be conducted in Australia. The survey's findings demonstrated many elements for concern in terms of Jews feeling safe and the experiences of Jewish students on campus.

Briefly, the findings revealed that 64% of Jewish university students experienced some form of antisemitism, with 88% of respondents reporting that this had occurred in the last 12 months. Of these, 47% described 'intimidation by people or events'; 37% relating to 'tropes of Jewish money, power or influence'; 37% 'comparing Israel to Nazi Germany'; 30% 'Holocaust denial or minimisation'; and 25% being 'singled out or excluded over Israel'. The fact that some university staff, both academic and professional participated in these events, while others did not act to counter this antisemitism, remaining silent bystanders, is also important in terms of those staff who support BDS. The fact that the survey found that 57% of students have hidden their Jewish identity to avoid facing antisemitism and that this rises to 67% for those who already experienced antisemitism is also very relevant and matches research of what is happening in Australian high schools. Another key fact is that overall, 19% of male students and 24% of female students have 'stayed away from campus to avoid antisemitism' and that 27% of those who have experienced antisemitism have stayed away from campus.

Finally, the survey found that Jewish students have a lack of confidence in the complaints process with 85% deciding not to make a complaint after the incident and, for the minority who did complain, 61% were dissatisfied with the outcome. The survey provided various reasons why students decided not to complain, with 61% citing their sense that it 'wouldn't make a difference' and 48% feeling that 'the university wouldn't take it seriously' with other reasons provided as well. The students did feel that if the

university adopted a definition of antisemitism, they would feel more confident in making a complaint'.[5]

These findings were promoted by the ZFA and produced concern from various politicians at the federal level. However, despite expressions of concerns, there was no follow up by politicians or by the leadership of universities in Australia, and no practical steps were taken to rectify the situation,

It is important to note that current Jewish students would have either experienced or heard from friends about antisemitism in high schools, including anti-Zionism. In 2022, two Melbourne high schools received wide media publicity highlighting this problem: Cheltenham College and Brighton Secondary College (BSC), with the latter leading to five Jewish students who attended BSC from 2013-2020 taking the principal, Mr Richard Minack, two teachers and the Victorian Department of Education to court for racial discrimination and a failure of duty of care. In her judgement, Justice Mortimer found that 'there was a distinction in the way the applicants were treated by Mr Minack and, through his failures in leadership, the teachers and staff at BSC, which in turn impaired the applicants' human rights to security of person and protection, to education, and to preservation of their Jewish identity.'[6]

Thus, as a minority in Australia, with the Jewish population constituting less than 0.5 percent of the overall population, Jewish students feel under attack, with many feeling that they have to hide their religious and cultural identity. These problems have been intensified since 7 October 2023 and have been revealed by the 5A survey of April to July 2024, discussed in the next section.

*2.3 5A Survey, 2024*

As outlined above, in April 2024, The Australian Academic Alliance Against Antisemitism (5A) undertook to survey the extent of antisemitism in Australian universities, as experienced by students and staff after Oct 7 and the extent to which universities are taking active measures to ensure that their campuses are free from antisemitism.

Respondents were asked 'how safe do you feel on the campus?', with a five-point response option ranging from 'feeling very unsafe' to 'feeling very safe'.

A minority of 34% of respondents reported feeling 'safe' and 'very safe' on the physical campus and 32% in the virtual campus. Among staff, 17% indicated they felt 'very safe' on the physical campus, compared to 8% of students.

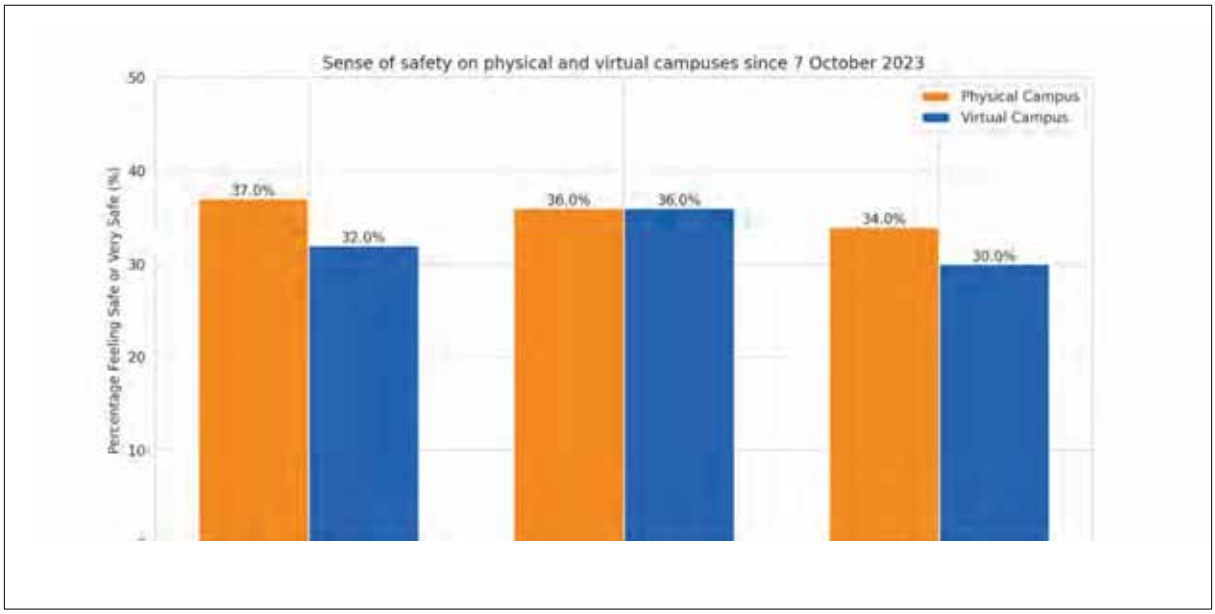
Combining 'feeling very safe' and 'feeling safe' on the physical campus obtains only 38% of students and 36% of staff reporting a sense of safety. Similar results were obtained for the virtual campus, 36% of students and 30% of staff reporting sense of safety.

Table 2.3.1 presents the percentage distribution of responses. Figure 2.3.2 presents a comparison between students and staff.

**Table 2.3. Percentage distribution of sense of safety levels, by physical and virtual campuses** (See Markus, Eilam and Rutland, 2025, p. 47, Table 5.7)

| | 1 Feeli very unsa | 2 Feelir unsaf | 3 Feelin somew at | 4 Feeling safe | 5 Feeling very safe |
|---|---|---|---|---|---|
| Safety on the physical campus | 12.9 | 21.5% | 31.6% | 24.7% | 9.4% |
| Safety in the virtual campus | 17.9 | 21.1% | 29.3% | 21.1% | 10.6% |
| Total unsafe virtual campus | | | 68.3% | | |

**Figure 2.3.2. Participants' ranking of sense of safety on the physical and virtual campuses, by students, staff and all respondents**




Markus, Eilam and Rutland, 2025, p. 48, Figure 5.11.

To provide a context for these findings, a 2021 National Student Safety Survey (NSSS) was conducted.[7] The objective of the survey, which was completed by 43,819 students, was to inform 'ongoing efforts of Australian universities in building equitable, safe and inclusive learning experiences for their students', with specific reference to sexual harassment and sexual assault.

The 2021 survey asked students to indicate their ''perception of university culture.' It obtained 84% agreement by domestic students and 81% by international students with the statement 'I feel safe when at [my university]'. Even this high rate was considered unacceptable, with Professor Mark Scott (VC, University of Sydney) commenting:

> *Frankly, **one case is one too many**. To every person who has experienced sexual harassment or sexual assault, we are deeply sorry. **Every student has the right to feel safe and supported and to be treated with respect and dignity**, whether on campus, online or offshore. Anything less is unacceptable.*

This compares with the 34% of Jewish respondents who reported feeling 'safe' and 'very safe' on the physical campus and 32% in the virtual campus in the 5A survey. The comparison reveals that the rate of those who reported a lack of safety for Jewish people on Australian campuses since October 2023 is 3.47 times higher than the rate of reported a lack of safety due to sexual harassment measured in 2021.

The 5A survey makes it clear that Jewish students are not just 'uncomfortable'; they are in fact scared to come onto campus. Why does the statement that '***Every student has the* right to feel safe and supported *and to be treated with respect and dignity'*** not extend to the Jewish student population?

**In summary**, the findings suggest that only a third (34%) of Jewish students and staff feel safe on campus. The rate of sense of lack of safety for Jewish people is 3.47 higher than the rate of sense of lack of safety due to sexual harassment. Both the physical and virtual campus environments are perceived as equally unsafe. This is due to a range of factors and issues, as discussed in Appendix I.

### 3. Legal regulatory context: Universities are failing to meet their statutory obligations.

Australian universities operate within a highly complex regulatory environment. Federal and state laws apply to them, some legislated specifically to regulate their academic activities, and others applicable generally to them as employers, workplaces, public spaces, speech platforms and community actors.

Federal laws legislated specifically to regulate the academic activities of tertiary education providers include the *Higher Education Support Act* (HES Act) and *Tertiary Education Quality and Standards Agency Act* (TEQSA Act). Federal laws applicable

generally to universities as workplaces include the *Racial Discrimination Act* 1975 and *Criminal Code*.

Under the federal TEQSA Act (Section 58), Threshold Standards can be adopted by the Minister to set out requirements that a higher education provider must meet. Among the Threshold Standards are obligations to ensure a 'safe environment is promoted and fostered' (section 2.3.4) and 'an institutional environment in which freedom of speech and academic freedom are upheld and protected' (section 6.4.1). Under the federal HES Act, academic freedom requirements are to be met (section 19.15), and the higher education provider is to comply with TEQSA standards.

Under the federal *Criminal Cod*e, it is prohibited to urge violence against groups (section 80.2A), advocate terrorism (section 80.2C), to display proscribed hate symbols (section 80.2E), or to harass, threaten or distribute violent extremist material via a carriage service (section 474). Cyber-bullying is prohibited under the federal *Online Safety A*ct (section 46). Racial vilification is sought to be restrained under civil law provisions in the federal *Racial Discrimination A*ct 1975, where vilification is defined as an act that is reasonably likely to 'offend, insult, humiliate or intimidate' someone because of their race or ethnicity.

Australian universities are usually constituted under state laws, other than those universities located and constituted within Australian federal territories. Generally, a dedicated constitutive law, such as the *University of Sydney A*ct enacted by the NSW parliament, established the University and its fundamental structure. Other state laws are generally applicable to universities, including legislation on racial discrimination, racial vilification and equal opportunity, workplace safety, employee rights as well as criminal laws.

To take NSW as an example, the NSW *Crimes Act* 1900 provides that 'a person who by a public act intentionally or recklessly threatens or incites violence towards another person or group of persons … is guilty of an offence' (section 93Z). The *Crimes Act* also prohibits display of Nazi symbols (section 93ZA). Racial vilification is also restrained under civil law provisions in the NSW *Anti-Discrimination Act* 1977 (Part 2 Division 3A). Furthermore, municipal by-laws typically zone university campuses as public spaces that are subject to powers vested in the university administration to permit or restrict entry and conditions of entry.

Under their constitutive legislation, Australian parliaments have delegated sufficient powers to university administrations to enable them to adopt regulatory and policy frameworks to implement each university's academic mission. Typically, each university Council or Senate adopts regulatory frameworks, variously described as rules, codes of conduct, bylaws, procedures, policies, guidelines or principles. Typically, every

university has a Student Code of Conduct, a Staff Code of Conduct and Campus Access Rules.

**It is the contention of 5A that several Australian universities have failed to utilise the powers available to them in order to comply with the required standards set out by federal, state and territory legislation.**

Failures of principal concern to 5A are those where university administrations have failed to fulfil their statutory obligations to ensure a safe environment in which to learn and teach and have failed to protect academic freedom. Moreover, they have declined to act under the powers available to them to restrain racial vilification, threats of violence against groups, or distribution of violent extremist material.

## 4. The need to restructure the complaint and disciplinary system

Our survey revealed that many Jewish staff and students have no confidence in the university complaint system.

Students were asked whether they understood 'complaint procedures if you encounter antisemitic content in lectures or course materials.'
48% of students reported no knowledge of the complaint procedures, while 34% indicated understanding.

Staff were asked whether they understood the complaint procedures if they encountered 'antisemitic comments or behaviour by colleagues, students, or other staff members.' In a near reverse of student responses, 28% of staff reported no knowledge, while 56% indicated understanding.

### *4.1 Confidence in the Complaint System*

The participants were asked:

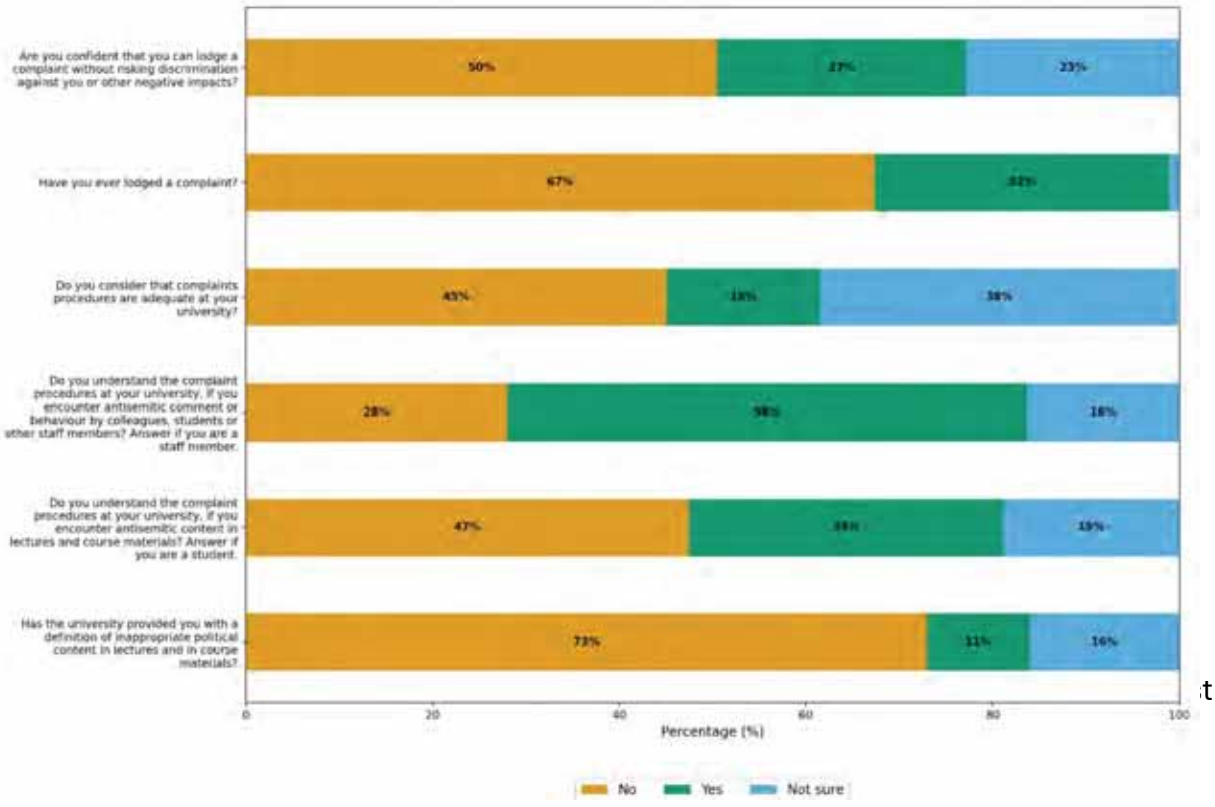
- 'Do you consider that complaints procedures are adequate at your university?'
- 'Have you ever lodged a complaint?' and
- 'Are you confident that you can lodge a complaint without risking discrimination against you or other negative impacts?'

Concerning the adequacy of the complaint system, 45% responded that the system is not adequate, and only 16% considered it adequate.
In relation to lodging a complaint, a majority of 67% reported they had never lodged a complaint, and 32% had lodged a complaint.

Regarding confidence in the system, 51% reported no confidence and 27% reported confidence. This finding was benchmarked against the NSSS survey (Heywood et al., 2022), where students were asked about their confidence in reporting incidents of sexual harassment and assault. Only 23.5% reported a lack of confidence ('Not at all/Slightly'), which is less than half the proportion (51%) of Jewish participants reporting a lack of confidence in lodging a complaint without risking discrimination or other negative impacts.

Chi-square analysis was conducted to compare student and staff responses. Significant differences were found in response to the question: 'Do you consider that complaint procedures are adequate at your university?' A significantly higher number of staff rated the procedures as inadequate ($\chi^2 = 6.15$, $p = 0.0463$). Another significant difference was found in response to: 'Have you ever lodged a complaint?' A significantly higher number of students reported that they had never lodged a complaint ($\chi^2 = 11.75$, $p = 0.0028$). The Figure below presents the percentages of response distribution.

**Figure 4.1.1. Perceptions of universities' policies and procedures, by 'yes', 'no' and 'not sure'**



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Seventy-three per cent of students reported that universities fail to provide a definition of inappropriate political content in lectures and course materials; 47% of students and 28% of staff reported that they do not understand the complaint system; 45% of participants do not regard the complaint system as adequate; and 67% have never lodged a complaint.

A majority of 51% of participants reported having no confidence in the complaint system. This compares to only 23.5% who reported a lack of confidence in the complaint processes for incidents of sexual harassment and sexual assault (Heywood et al., 2022).

A comparison between students and staff revealed statistically significant differences, with a higher number of staff rating the complaint procedures as inadequate, and more staff having lodged complaints compared to students. These findings are expected, given that staff are employed by universities over many years, making them more familiar with administrative procedures and more likely to lodge complaints over the course of their careers.

Overall, the findings reveal a stark contrast between the level of antisemitism experienced by Jewish people on campus—67% reported hearing antisemitic comments and 93% reported witnessing antisemitic expressions delegitimising the right of Israel to exist—and their level of trust in their universities' systems to protect them, with only 27% reporting confidence that they could lodge a complaint without risking discrimination. Taken together, the findings indicate a system failure in preventing antisemitism. As highlighted in our recommendations discussed below, there figures reveal a lack of effectiveness relating to the quality of governance and management at Australian universities which need to be addressed.

In summary, there are several serious issues which need to be addressed:

- It is essential that there be the confidence that one can report anonymously. Many Jewish students are worried about the impact on their grades if they report incidents of antisemitism, and staff (especially junior staff) about what a report may do to their prospects of career advancement.
- Another crucial issue will be overcoming the lack of feedback in a reasonable time frame. Universities should publish a commitment to respond to a complaint within a specified timeframe
- It will take significant reform to overcome the lack of confidence that any action will be taken.

*4.2 Online safety*

It is recognised that Universities have taken action to reign in some of the unacceptable behaviour on campus such as encampments, occupation of buildings etc. However, as the survey makes clear, the online environment is not safe for Jewish students and staff. Universities do not have clear guidelines as to the use of social media by staff and students. Often lecturers post anti-Israel rhetoric that can slip into antisemitic tropes on their social media accounts and students become aware of their antipathy towards Israelis and Australian Jewish Zionists. This creates a sense of menace for Jewish students who may be interested in the taking the lecturer's course.

Some examples include a lecturer declaring that 'If you are a Zionist you have no claim or right to cultural safety'. Jewish (and non-Jewish!) students are entitled to subscribe to a Zionist ideology (and in fact surveys show that most Australian Jews do consider themselves Zionists in terms of Israel's right to exist). This declaration was not considered by a university as sufficient to disqualify that lecturer from teaching. Our interpretation of this is that because the declaration was made on social media not controlled by the university, that the university could not or would not take any action.

Other egregious examples are online intimidation, including threats to target individuals because of their Israeli nationality. Once again, universities claim that they have no control over the behaviour of staff and students on social media platforms outside of the university. This has allowed online hate to grow and become more extreme.

We note that students and staff do not have the luxury of simply ignoring the social media, as this has become an integral part of the teaching and learning environment and students who do not participate will miss out on important interactions.

We believe that the university sector needs to recognise that lecturers and teachers have special responsibility to ensure in their posts that they maintain civility and an awareness of the sensitives of their students. Many other professions restrict what people can post (such as journalists, judges, policeman etc). The online space needs to be policed much more closely. Lecturers should not feel free to post whatever they like on social media without considering how this may affect their interactions with fellow staff and students. Issues of free speech, of course, need to be respected, but being a university lecturer is a privilege which comes with added responsibilities.

We urge the inquiry to demand that each university develop and enforce a robust social media policy for its staff and students. It should apply whether the posts acknowledge their university affiliation or not, and it should put safety of students and staff as the top priority.

*4.3 Antisemitism education and training*

Most universities are now considering the introduction of some form of training for staff and students to combat antisemitism. Most commonly this is taking place under the rubric of an anti-racism policy and often without adequate involvement of Jewish staff and students with personal lived experience of campus antisemitism. As Professor Timothy Lynch of the University of Melbourne writes in *The Australian* (31 July 2025):

'The more anti-racist we are trained to be, the more anti-Semitic we seem to have become. Campuses that have prioritised '"cultural safety" find their Jewish staff and students have never felt less safe, culturally and physically.'

There is a misanthropic theme in the anti-Zionist narrative, which can transform into a simplistic understanding among both staff and students that: 'Zionism is a form of racism. Most Jews are Zionists. Therefore, most Jews are racist'. Despite the highly problematic nature of this attitude, it has increasing gained levels of currency within the Australian universities' culture. What is clear is that whatever the benefits of anti-racism education, it is proving ineffective at countering antisemitism.

## 5. TEQSA: inadequate responses

*Need a definition of antisemitism*

Both the Jewish student survey off the first half of 2023 conducted by the ZFA/AUJS and the 5A survey of the first half of 2024 found that there was a need for a clear definition of antisemitism. To date the only definition of antisemitism which has formal authority is the IHRA (International Holocaust Remembrance Alliance) definition, which was adopted by the IHRA in Bucharest in 2016. It has now been adopted by 37 countries, including Australia, and hundreds of NGOs, each with its own interpretation and policy. It is strongly supported by Jewish communities throughout the world, including Australia. The IHRA definition stresses that 'criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic'. While traditionally the Australian Jewish leadership view has been that Jews in the Diaspora have no right to criticise Israeli government policies, this has changed radically in recent years. In 2023, Australian Jewish leaders expressed criticism of the current Netanyahu government and the government's planned judicial reform. The responses to recent 'Crossroads23' survey of Australian Jews reflect this new trend in Australian Jewish relations with Israel. Thus, legitimate criticism of Israeli government policies is not antisemitic.

Anti-Israel activists on campus claim that the IHRA definition stifles free speech and have called for the Universities who have adopted the IHRA to reverse their policy. In

response to these concerns, the leadership of the Go8 developed their own definition, which was accepted by Universities of Australia, known as the UA Definition of Australia.

However, any casual observer will report that the activists have been allowed to express themselves freely. Rarely have students been disciplined no matter how extreme or offensive their language. Many universities have allowed the activists free reign on campus, claiming 'freedom of speech' and only acting when their occupation of buildings and grounds became intolerable. Activists who oppose the IHRA have also opposed the alternative UA definition.

Thus far, TEQSA has failed to make a positive determination in relation to the UA Definition of Antisemitism. Nor has the regulator provided a guidance note on managing the complaints or activities that occur on campus because of the Middle East conflict. Academic integrity and the need for inclusive pedagogy and teaching quality have not been considered sufficiently by university management, although the survey did find that this differed across university campuses, depending on internal management policies.

Issues of concern regarding health and wellbeing have already been highlighted in the detailed responses of both Jewish staff and students discussed above, yet where concerns have been submitted, there has not been a response based on their cohort's specific needs and health and wellbeing issues. The same has applied to the newly established student ombudsman. Some moves have been made to identify Jewish students and staff as a cohort that requires additional support to feel safe and supported, but more needs to be done. As discussed above, the 5A survey has revealed that most do not feel comfortable to make complaints for fear of identification and adverse consequences. As well, the strong sense that even when they do complain, in some universities, management might express concern, but do not take positive action.

In early June 2025, 5A sent a letter of complaint regarding the University of Sydney and AIJAC (Australia/Israel Jewish Affairs Council) wrote a letter of complaint regarding the University of Melbourne without meaningful response. Recently the government has increased TEQSA's ability to act.

Much more action needs to be undertaken in this domain to improve the quality of university governance relating to issues of safety for Jewish students and staff on campuses and the role which TEQSA plays in terms of these issues.

## 6. Concluding recommendations

Antisemitism is a cancer. It erodes the fabric of our society and poisons social cohesion and tolerance. We naively believed that Australia was somehow vaccinated against this disease, but in the aftermath of Oct 7, with the outpouring of anti-Zionist and antisemitic sentiment we can no longer put our heads in the sand and assume that this is a problem that will go away without a concerted effort. Ground zero for the hearts and minds of our future leaders are on our campuses. There is no doubt that the rights of Jewish students to enjoy their education and those of Jewish staff to make a meaningful contribution to research and teaching is under threat.

**Based on the survey's findings, 5A makes the following recommendations:**

- Universities must demonstrate the same level of commitment to preventing antisemitism as they have shown in addressing sexual harassment.
- Adopt a definition of antisemitism, as understood by most Jewish people, treating this as non-negotiable.
- Establish a confidential and centralised antisemitism complaint system with trained staff.
- Create educational mandated modules on antisemitism for all stakeholders separate from the current compulsory anti-racism modules,
- Ensure the safety of Jewish people not only on physical campuses, but also within virtual spaces by adopting a clearer social-media policy.
- Restore and protect freedom of speech for Jewish students and staff, through initiatives such as university-led public debates.
- Undertake further research to systematically evaluate university actions and identify effective practices (see Markus, Eilam and Rutland, 2025, pp. 70-1 for a more detailed discussion)

These recommendations demonstrate that, despite some progress, much more needs to be done in terms of the quality of governance at Australian universities if all campuses are to be safe for Jewish students and staff. **We cannot allow our campuses to be no-go zones for Jews**.

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## Appendix I:

### Examples of academic experiences – national overview

Since 7 October 2023, the 5A has documented ongoing examples of antisemitism and discrimination against Jewish staff and students and multiple occasions in which the freedom of speech, and the academic freedom to use public academic spaces for their intended purposes have been forcefully denied. While academic freedom of speech for those who wish to express support of Israel's right to exist is being denied, no limits are put on antisemitic hate speech on campuses across Australia.

This hate speech takes different forms including:

- Pro-Palestinian posters which deny Israel's right to exist, accuse Israel of carrying out a genocide in Gaza and expressing support for Hamas;
- Interrupting classes for a pro-Palestinian harangue which often includes hatred to anyone who supports Israel's right to exist;
- Protests and marches calling for global intifada and that violent resistance is by Palestinians is justified.
- Refusal to condemn Hamas and indeed justifying its actions on 7 October.
- Encampments, which become excluded places for Israeli, Jews and supporters of Israel, preventing their freedom of movement on campus.
- Lecturers making emotive and political statements, rather than presenting information objectively, with balanced criticism of Israel rather than vilification.
- Both Jewish staff and students being affected by the 'deafening silence' after 7 October, the cancelling of friendships, exclusion of Jews, and doxxing, not only through the well-known academics and creatives WhatsApp group in February 2024, but also in the case of individual academics at one university.
- In some cases, both staff and students have been physically attacked, and while physical abuse is (fortunately) rare, it is the knowledge of such cases combined with the verbal abuse and threats that creates fear of Jews on campus, whether they are staff or students.

All these actions are prejudicial to safety and well-being of Jewish staff and students, so that many do not feel safe on campus, as has been so clearly revealed by the 5A Survey of 2024, as well as the earlier ZFA/AUJS survey.

Below is an outline of some of the key issues that 5A has been dealing with since its formation. These include providing academic advice to students affected by

antisemitism, dealing with boycotts of visiting academics, and lecturers making political and unfounded statements.

We present below some examples of what has been happening on campus which have been clearly demonstrated in both the quantitative and qualitative findings of the 5A survey.

***Reports from Academic Advisors***

5A works to advise and support students and staff affected by antisemitism on campus. We voice their stories here so that there is no doubt that we are facing a very serious problem and we request the current inquiry take this into consideration when considering university governance and management procedures. There is also no doubt that the current situation post 7 October 2023 poses a mental health threat to Jewish students. This was recognised by Dr Grant Blashki, GP, Associate Professor at the University of Melbourne who developed a mental health guide for Jewish students.

Reports from advisors reveal a new form of antisemitism which is taking its toll on the mental health of Jewish students, characterised by high levels of microaggression, and exclusion from social media and student associations.

One prominent example is the Australian Medical Students Association (AMSA). These groups are set up with the intention of exchanging relevant information to the discipline, and not for political purposes. However, time and time again, we find that the platforms are hijacked by members and used not for their intended purposes. Very quickly they turn into a megaphone for antisemitic anti-Zionist propaganda. In all instances, the posts on these sites are highly offensive to Jews and exhibit a complete lack of empathy for the suffering of Israelis. This is an obvious microaggression, as it assumes that the feelings of Jewish students in the group should not be considered. To make the point clear, this behaviour is equivalent to posting a critique against Ukraine, knowing that there is a Ukrainian in the group, or the opposite, critiquing Russia, knowing that there is a Russian in the group. In most professional groups, no one would dream of displaying such microaggression, particularly not in relation to minorities such as the Indigenous Australians (consisting 3.8% of Australia's population compared to 0.4% Jews). However, to use David Baddiel's terminology, when it comes to Jewish members in the group, they simply 'don't count.'

In addition to direct aggression against students, one common form of harassment is conducted through the weaponizing of the Disciplinary Complaint system to silence Jews.

One particularly insidious expression of this comes about through a ping-pong exchange where the aggressors perform an aggressive act against Jews, and when the victims respond, the aggressors turn the tables around, accusing the initial victim and instead claiming to be the victim. Consequently, Jewish students or staff are attacked twice, first through microaggression, and secondly by the aggressors presenting themselves as the victims of the Jewish students or staff, accusing them of aggression. The next stage in this scenario is when Jewish persons try to defend themselves, either by answering back or asking to remove some posts. This is usually followed by a herd reaction of accusing the Jewish student(s). Often, these exchanges end with the aggressors submitting a complaint against Jewish student(s) for being 'aggressive.' University disciplinary processes tend to side with the provocateurs, so that the pro-Palestinians are free to condemn Israel without fear of challenge.

For example, when a Jewish student walked through the lawn where the Monash pro-Palestinian students were encamped, he was verbally attacked, screaming in his ear with a megaphone causing him tinnitus. He then received a disciplinary complaint from the university, based on the protesters' complaint, accusing him of causing the protesters distress and discomfort. True, after watching the videos of the incident, the complaint was eventually dismissed by the university investigators, and the university initiated a complaint against the student protesters; however, the student had to endure the stress of the disciplinary process and seek legal advice as to how to defend himself.

In another instance a Jewish student at Monash confronted another student wearing a shirt and a necklace effectively calling for the destruction of Israel. In this case the University found that the Jewish student had breached rules by challenging the content of the tee shirt. It seems that Israel and Jews can be smeared and insulted with impunity and if Jewish students challenge their critics, the University apparatus moves against them.

The harassment is not limited to the University campus but extends to hospital medical training facilities. Student reports:

> *As someone who is Israeli, sure you can say that anti-Zionism is not antisemitism but being Israeli and seeing someone posting a picture of the Israeli flag being crossed out, to me it reads that I don't have the right to exist, or I am cancelled.*
>
> *A few days after the 7 October massacre, I had the courage to post a few things on Instagram… I received condemning messages from someone from the Medical School telling me that it is misinformation that Hamas kidnapped people to Gaza and that I don't have empathy to Palestinians (I didn't post anything against Palestinians. It is actually important to me that Palestinians will have good life). She told me that I think that every Muslim person is a terrorist. There is*

> *a problem with me calling people terrorists (I haven't used the word 'terrorist'). She also told me that when I become a medical doctor,* ***I need to register conflict of interest, and to make sure that my patients to which I have no empathy, know what my political stances are****. This was said even though I did not disclose my political stances, apart from my grief over the 7 October massacre.*
>
> *They would tell me I have been brainwashed, that I have no empathy and that me in any way opposing the Palestine movement is extremely Offensive to them. They will put a complaint in to [sic] the Medical School against me because they would be worried about my competency as a doctor.*

The coping mechanism, understandably, involves making oneself a small target:

> *Firstly, I lie, and I don't tell anyone I'm Israeli and I don't tell anyone that I'm Jewish. If the topic does come out, I pretend to have opinions that I don't necessarily have. I try to say what people would accept as the right thing to say, and try to avoid the conversation all together, and also avoid socialising. So, I am far less social than I used to be, just in case the conversation does come up. This all comes with a high price. I cry a lot. I feel scared and very unwell…*
>
> *Even though I don't disclose my views, I know that some students who know that I am Jewish, have distanced themselves from me…*

This interview and the many others held by us, as well as the detailed comments by participants of the 5A survey (see part 3 of the 5A submission), speak volumes about the isolation and discrimination experienced by Jewish students. In the case of the Jewish and Israeli medical students, their distress is exacerbated by the fear that any Disciplinary Complaints against them could adversely affect their future in the medical profession.

As well, Universities have struggled with their responsibilities regarding maintenance of student privacy and confidentiality on the one hand and the maintenance of staff and student safety on the other, and in many instances, it is the privacy concerns that trump actions that would ensure a safe campus. This was made clear for example in the case of students who invaded private spaces while masked being able claim that their privacy had been violated in the use of computer records to identify them for the purposes of disciplinary action, with some regulatory agencies siding with the students. It is not possible for universities to ensure freedom from intimidation of their staff if they are unable to remove aggressive students and staff following a proper investigation. Freedom of speech cannot be allowed to morph into the freedom to intimidate, harass or make it impossible for staff to carry out their regular duties without fear. TEQSA needs

to take the principled stance that it expects Universities to prioritize staff and student safety and expects Universities to resist attempts to misuse the concerns about privacy to allow students to intimidate without fear of any consequences.

**The negative impact of academic boycott and BDS (Boycott, Divestment and Sanctions)**

Both student and staff motions that have been passed since 7 October at several universities promote the Boycott, Divestment and Sanctions (BDS) movement,[8] which advocates for the one Palestinian state through its slogan 'From the River to the Sea, Palestine shall be free' and the right of return for all Palestinian refugees. The BDS website sets out its goals as follows:

- Ending its occupation and colonization of all Arab lands and dismantling the Wall.
- Recognizing the fundamental rights of the Arab Palestinian citizens of Israel to full equality.
- Respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.[9]

As Cary Nelson explains:

> The entire arc of Middle East history confirms fear of that outcome and its antisemitic consequences. The BDS movement's third demand is thus one to which no imaginable Israeli government would agree. Despite the BDS movement's claim to nonviolence, only Israel's defeat in war could lead to a single state with a Jewish minority.[10]

Omar Barghouti, the founder of the BDS movement, has declared that 'accepting Israel as a 'Jewish State' on our land is impossible' and that the only solution is 'euthanasia' for Israel'.[11] Together with statements of other key figures, the movement makes it quite clear that its aim is the eradication of Israel. The UMSU Motions, with their promotion of BDS, support this aim of the 'destruction of the Zionist entity'. Given that 45.8% of world Jewry now live in Israel,[12] this goal could only be achieved through violence and militarism. Most Jews would be aware of this threat.

It is entirely understandable Jewish students or staff in the room where motions in support of BDS would feel threatened both physically and psychologically at this message. They certainly cannot feel welcome in the student union which passes motions supporting the BDS.

The ferocity of the BDS campaign, and its accusations of racism, colonialism, apartheid, ongoing crimes, ethnic cleansing, massacres, and expulsions are extreme and one-sided. This ferocity led the German Bundestag to define the BDS as an 'antisemitic enterprise' in 2019. Several state governments in the US have also passed anti-BDS laws, and BDS has been criticised in the UK. Australia has not introduced anti-BDS legislation but governments on both sides of the aisle have stated that they do not support BDS.

This background needs to be born in mind in the discussion of 4.3, where some specific cases which the 5A has become aware of are outlined.

---

## Appendix II

### Perceptions of Universities' Policies and Procedures

To gain insights into universities' actions against antisemitism, a series of questions were presented. Participants were asked to rank their universities' actions and indicate: the provision of relevant information; their understanding and assessment of the complaint system; whether they had lodged a complaint; and their level of trust in the system.

The participants were asked: 'Do you think that your university's management is taking sufficient actions against antisemitism and ensuring that campuses are safe and inclusive for Jews?' Participants were asked to rank their universities' actions on a scale ranging from 0= Not taking any actions against antisemitism to 10= Taking sufficient actions against antisemitism.

The findings revealed that 60% of participants rated their universities' actions between 0 and 3, indicating insufficient action taking by their universities. At the other end of the scale, only 17% ranked their universities between 7 and 10, indicating sufficient action taking.

This result was benchmarked against the NSSS survey, where students responded to the statement: '[My university] is trying hard to protect the safety of all students.' A combined 74.5% indicated 'strong agreement' or 'agreement', and another 9.9% indicated 'strongly disagree' or 'disagree' with this statement (Heywood et al., 2022, p. 74). The comparison suggests that students were 4.4 times more likely to report that university management takes sufficient action to protect against sexual harassment than to protect the safety of Jewish people on campus.

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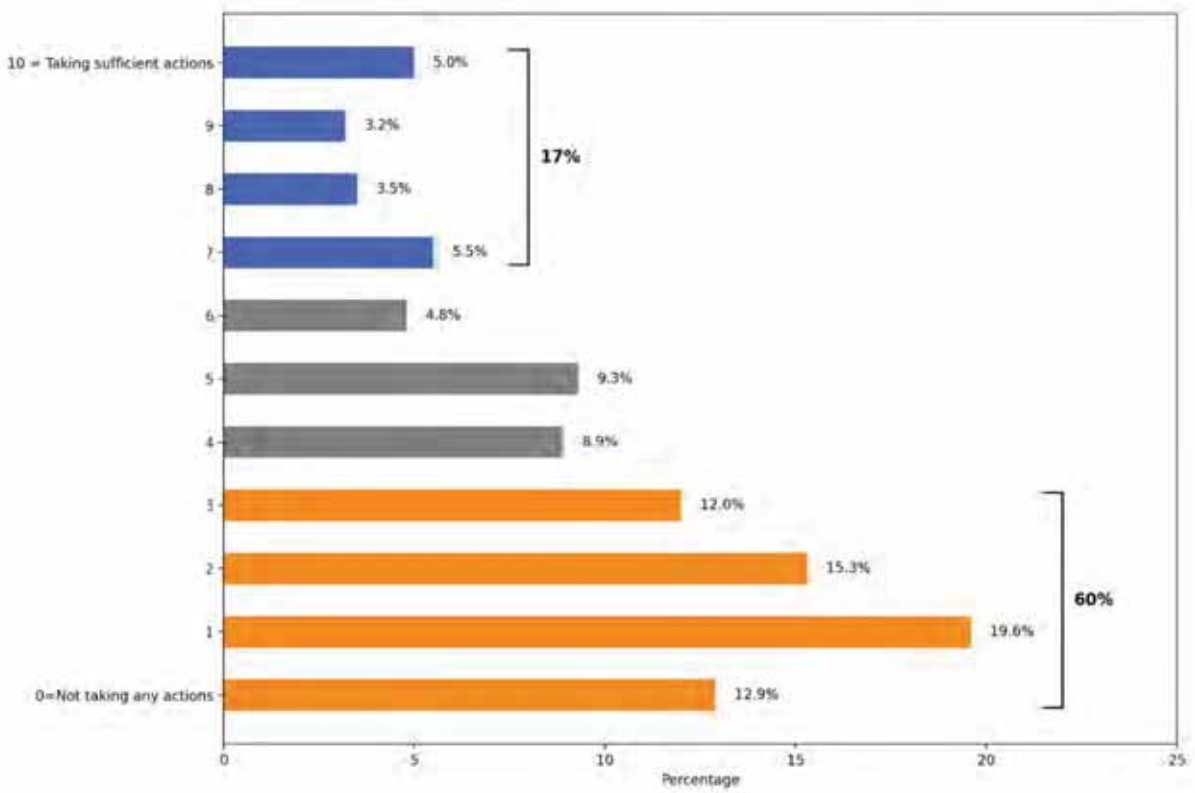
**Figure: Ranking of universities' actions against antisemitism on a scale of zero to 10, by all respondents**




*Education Quality and Standards Agency Act* (TEQSA Act). Federal laws applicable generally to universities as workplaces include the *Racial Discrimination Act* 1975 and *Criminal Code* (Markus, Eilam and Rutland, 2025, p. 50, Figure 5.12).

However, as noted by Markus, Eilam and Rutland, 'Overall, the findings suggest that while in general, universities in Australia rank low on their actions against antisemitism, they are not homogenous in their responses, as perceived by the participants' (p. 52).

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# Appendix III

## Understanding Anti-Zionism

Australian Zionists include most Australian Jews, with surveys indicating between 80[13] and 91%[14]. This proportion is similar to that which is found in the Jewish diaspora throughout the world. Moreover, Israelis as a national group are overwhelmingly Zionist, and they comprise almost half the global Jewish population.

Zionism is the belief, grounded in centuries old Jewish prayer, as well as being held by many people not of the Jewish faith, in the Jewish right to self-determination in their own indigenous land just like all other peoples on earth. That right is embedded in the UN Charter. But over three thousand years ago, well before the UN was conceived, the Children of Israel lived in the land. Clearly, the State of Israel today plays a very important part in Jewish identity generally.

Anti-Zionism is the belief that all peoples, but not the Jewish people, are entitled to self-determination in their own indigenous land.

Singling the Jewish people out as alone not having a right to self-determination, a theme that has been normalised in the academy, and now in the public square, makes Jewish citizens unsafe.[15]

---

[1] Andrew Markus, Efrat Eilam and Suzanne Rutland, *Antisemitism in Australian Universities post 7 October: Survey by Australian Academic Alliance Against Antisemitism 2025*. https://static1.squarespace.com/static/6792c1f364cecb7a17cc7a1e/t/68a15e1b274ce727be8fa1ac/1755405851498/5A+Survey+report_GD.pdf.

[2] Rabbi Jonathan Sacks, 'Anti-Zionism is the New Antisemitism', *Newsweek*, 4 April 2026, https://rabbisacks.org/archive/anti-zionism-is-the-new-anti-semitism-newsweek

[3] Carlill, Bren, Director of Public Affairs, Zionist Federation of Australia, *The Jewish University Experience Survey*, May 2023, Social Research Centre.

[4] *The Jewish University Experience*, Appendix I.

[5] '*ZFA Survey Summary*', September 2023, https://www.zfa.com.au/survey/. Accessed 22 September 2023.

[6] *Kaplan v State of Victoria (No 8) [2023] FCA 1092 at [9]*.

[7] W. Heywood, P. Myers, A. Powell, G. Meikle, & D. Nguyen (2022). National Student Safety Survey: Report on the prevalence of sexual harassment and sexual assault among university students in 2021, Melbourne: The Social Research Centre.

[8] For an explanation of these terms, see Cary Nelson (2023), 'BDS and Antisemitism', In Mark Weitzman, Robert J. Williams Jim Ward, *The Routledge History of Antisemitism*, ! "#$"#%& () &"+,- &"/01($2(- &451'+& 4#$& 4#7%& +"/; %pp. 342–3.

[9] 'What is BDS, BDS: Justice, Freedom, Equality, https://bdsmovement.net/what-is-bds. Accessed 21 October 2023.

[10] Nelson, 'BDS and Antisemitism', p. 342.
[11] As cited in Nelson, 'BDS and Antisemitism', p. 343.
[12] Sergio DellaPergola, *World Jewish Population,* Berman Jewish Data Bank, https://www.jewishdatabank.org/content/upload/bjdb/2020_World_Jewish_Population_(AJYB_DellaPergola)_FinalDB.pdf. Accessed 24 October 2023.
[13] David Graham and Andrew Markus (2019), *GEN17 Preliminary Findings*, Melbourne: Australian Centre for Jewish Civilisation, Monash University.
[14] A.L. Bankier-Karp & D.J. Graham (2024), *Australian Jews in the shadow of war survey*. Australian Centre for Jewish Civilisation, Monash University and JCA Sydney. https://www.monash.edu/arts/acjc/research-and-projects/current-projects/australian-Australian Jews-in-the-shadow-of-war.
[15] *Philippsohn v Attorney General for New South Wales* [2025] NSWSC 267 at [81].

No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-29"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
Prepared by (name of person/lawyer) Daniel McCoach
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Australian
Academic Alliance
Against Antisemitism

# 5A Submission to the Senate and Constitutional Affairs Legislation Committee Inquiry into the *Criminal Code Amendment (Hate Crimes) Bill 2024*

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## 1. Summary


The Australian Academic Alliance Against Antisemitism (5A) is pleased to have the opportunity to make this submission to the 2024 Senate Inquiry into the Bill for an amendment to the hate crimes provisions of the Commonwealth Criminal Code.

This submission argues for a new federal crime of incitement to racial hatred, in addition to the currently proposed amendments. Part 1 of this submission provides background to our organization and seeks to share our knowledge of antisemitic hate crime on campus. Part 2 argues that our proposed changes are consistent with norms on freedom of speech and academic freedom. Part 3 outlines the approach and scope of this submission, including distinctions between hatred, incitement to hatred, incitement to violence, and expressions of academic freedom. Part 4 sets out the 5A proposal for incitement to racial hatred as a new provision in the Criminal Code. Part 5 comments on amendments currently proposed in the Bill, suggesting points of clarification. Part 6 suggests additional amendments to hate crimes provisions in the Criminal Code, particularly the removal of good faith defences and the expansion of the prohibition on terrorist act advocacy to include prohibition of glorification of terrorism. Part 7 summarizes this submission's conclusions.

5A is keen to see improvements in Australian hate crimes legislation that will clarify its application. However, there is no need to improve laws that are never implemented. Excellent legislation can often be found in dark illiberal places, where it is ignored. In Australia, the recent rapid breakdown of social cohesion has been facilitated by a concerning decline in the rule of law concerning hate crimes. Rigorous, consistent and predictable enforcement of the law is necessary to ensure that law can help to prevent hateful behavior. The neglect of enforcement against recent hate crimes is a cause for anxiety not only among members of 5A but also all members of the Australian community reliant upon the rule of law and social cohesion.

## 2. Who we are and credentials for making this submission

The Australian Academic Alliance Against Antisemitism (5A) is a non-profit organisation born in the aftermath of the brutal Hamas attack on Israel on 7 October 2023. The organisation has grown very quickly, and today consists of 290 academics and professional staff from across 29 Australian universities. 5A acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

Our functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organization's reach includes activities in education, outreach, academic advisor and peer support, anti-Israeli and BDS activity, responding to the media, supporting the legal and medical groups, advocating for Jewish academics and professionals in their sectors, responding to media misinformation, strategy and policy, including advocating with the sector regulators and individual University executives, as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publications and professional trajectories.

Our members are on campus every day and are actively immersed in the campus culture and understanding of the intersections between academic freedom and hate crimes. 5A is in the box seat to comment on antisemitic hate crimes on campus from first-hand expert knowledge. Among our members are legal academics, some of whom are also legal practitioners with professional experience in drafting or litigating hate laws in Australia (under the federal Racial Discrimination Act section 18C, and in Australian state jurisdictions).

## 3. Approach and scope of submission

In accordance with the 5A mission, our focus in this submission is on the hatred of Jews (antisemitism) as experienced in academia. Therefore, this submission does not address proposed changes to the Criminal Code on issues other than antisemitism.

### Antisemitism

The definition of antisemitism used in this submission is that adopted by the Commonwealth of Australia, namely the International Holocaust Remembrance Association (IHRA) working definition, which states that:

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

The IHRA working definition has been adopted by Australia. The IHRA engaged in far-reaching negotiation and consultation to develop the working definition, which is accepted by the vast majority of Jews and by many of the world's democracies. It would be desirable to incorporate this into the law in Australia, such that cases do not deteriorate into debates about whether the action in question is in fact antisemitism.

This working definition provides relevant contemporary examples to assist in its application. While it is clear that it is not antisemitic to criticise the state of Israel, its government or policies, criticism easily becomes hatred in the public domain. The simplest litmus test for antisemitic responses to Israel is to consider if the same standard that is being used to judge Israel is used to judge other states. If our condemnation of Israel is based on our belief that Jews are money-hungry, then this is not fair criticism. If we proclaim as facts only that information provided by Palestinians, or ignore the legitimate right of a state to defend itself, we are engaging in antisemitism.

Antisemitism has been called "the longest hatred" because Jews have been singled out for unsavoury treatment throughout time. Not that long ago, Jews were victims of genocide in the Nazi Holocaust. Many Australians still suffer from trauma and PTSD from the embedded experience. This means that Jews are very attuned to calls for their genocide ("From the River to the Sea" and "Palestine will be Free [of Jews]". They know that slogans do not take long to turn into violence. Allowing these statements at universities and elsewhere, poses a clear threat of violence directed at a specific target – Australian Jews.

The recent events in the Middle East, particularly the pogrom on Jews on October 7th 2023, saw an unprecedented level of brutality in its killing, raping, maiming of over 1200 Israeli civilians (peaceniks, babies, children, the elderly and others in between) and the taking of over 250 hostages, 101 of whom are held in custody today. Instead of garnering the support and sympathy that one would expect that the Jewish community would be in need of, in some quarters the terrorists were cheered. People at Sydney Opera House heard "gas the Jews" or "where are the Jews". Threatening to kill Jews, as well as others, or seeking them out for special mistreatment, is a clear example of race hatred.

Conforming to the scope of the inquiry concerning changes to provisions of the federal Criminal Code, our submission does not address other legal provisions against racial hatred beyond those encompassed in the Criminal Code. Therefore, it does not address police failures to implement

existing federal criminal laws. Nor does it address non-criminal breaches of federal legal obligations by universities failing to discharge their administrative and educational duties, other than in relation to their duties to prevent crime.

An area of hate crime law included in the Criminal Code but not addressed in this submission is online hate crime. The power of online platforms lies in their reach - a single piece of harmful content can quickly circulate to thousands, inciting mass harassment or targeted attacks. It can have immediate, tangible consequences, disrupting individuals' daily lives and sense of security, inciting actual violence, affecting livelihoods, reputations, and loved ones. Thus, online hate can have the same damaging effects as advocacy, incitement or threats made in person. Nevertheless, Australian law in this space is fragmented, complex and confused. Therefore we have not addressed its relationship to the currently proposed Hate Crimes Bill.

## Antisemitic hate in academia

As this committee noted in its report on 4 October 2024, upon concluding its inquiry into antisemitism on university campuses, Australian universities are experiencing a steep rise in antisemitism. This was exacerbated by the anti-Israel university encampments. People at university encampments argued that their acts were not intended to do harm towards Jews but, nonetheless, those who urged exclusion of Jews were inciting hatred. They forced many students and staff to stay away from the universities because they did not feel safe. Barging into classrooms and addressing students, or harassing Jewish staff as they are lecturing, is extremely threatening behaviour. Many reported feeling that they were being forced out of the university or that they were unable to perform properly as students or staff. Although the quantum of actual violence was low, the incidents were of sufficient frequency that every Jewish person and many non-Jewish students and staff felt unprotected and that they could be a serious victim of violence at any point.

Governmental interventions in response to antisemitism on campus can be conceived of across a range of measures from criminal law to educational training, illustrated in the Table 1 according to a hierarchy of legal consequences, from criminal penalties to remedial education. Australian federal law does not yet include criminal consequences.

Table 1. Matrix of hate speech legal categories and consequences.

| *Category* | *Criminal* | *Civil* | *Administrative* | *Educational* |
|---|---|---|---|---|
| | | | | |
| *Consequence* | Sanction incitement | Reconcile parties | Resolve complaints | Train to understand |
| *Legislation* | - | Racial Discrimination Act | Institutional standards | Institutional policies |

Each of these interventions could be applicable within academia. However, in accordance with the constraints of this inquiry's focus on the Federal Criminal Code, our submission deals only with the first intervention, i.e. criminal prohibitions and sanctions upon incitement to antisemitism as a form of racial hatred.

## Limits on free speech

Freedom of speech stands as a cornerstone of democratic societies, facilitating the exchange of ideas, engagement in robust debate, and the accountability of governments. As John Stuart Mill argued, in "On Liberty," the unimpeded exchange of ideas is crucial for intellectual and social progress. Mill posited that even erroneous or unpopular opinions carry inherent value, as they challenge prevailing dogmas and stimulate critical thinking. By safeguarding freedom of speech, societies cultivate a marketplace of ideas where truth is discerned through rigorous discussion. This liberty underpins other fundamental rights, empowering citizens to advocate for social change and justice. Thus, erosion of free speech imperils the very foundation of democracy.

Despite its paramount importance, freedom of speech has never been unlimited. The classic example, articulated by Justice Oliver Wendell Holmes, posits that falsely shouting "fire" in a crowded theatre is not protected speech, as it poses a clear and present danger to public safety. This principle underscores that speech inciting violence or panic is justifiably restricted in order to prevent harm.

Hate speech, which fosters discrimination and violence, presents a significant regulatory challenge. Regulating hate speech entails a delicate balance; excessive restrictions risk a chilling effect, deterring individuals from expressing legitimate views and stifling open discourse. In drafting regulation there needs to be clear attention to the impact of the law. There is a risk that prosecuting an individual will turn that person into a martyr – a hero of the cause. The greatest haters have claimed simultaneously through multiple platforms that they are constantly prosecuted by the target group. They do so to gain sympathy and additional followers. They and their cause become far more significant than they would have been without prosecution. On the other hand, the victims of unregulated free speech are silenced if we do not regulate their detractors.

Permissible limits on speech unquestionably include the regulation of violence, of the threatening of violence and of serious vilification. It is our view that the proposed Bill will enhance not detract from freedom of speech.

## Legal limits on academic freedom

Academic freedom is an extension of freedom of speech within educational institutions. It allows scholars to pursue knowledge without interference or censorship. This freedom is vital for the advancement of knowledge, fostering an environment where ideas can be rigorously tested and debated. As set out in our mission statement, 5A champions academic freedom and honest enquiry.

The definition of academic freedom used in this submission is that adopted by the Commonwealth also, namely that set out in the Model Code proposed by former High Court Chief Justice Robert French as modified. It defines “academic freedom” in the following terms:

- the freedom of academic staff to teach, discuss and research and to disseminate and publish the results of their research;
- the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;

- the freedom of academic staff to participate in professional or representative academic bodies;
- the freedom of students to participate in student societies and associations;
- the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which these are taught and the choices of research activities and the ways in which they are conducted.

The Model Code also states that "Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions:

- imposed by law;
- imposed by the reasonable and proportionate regulation necessary to the discharge of the university's teaching and research activities;
- imposed by the reasonable and proportionate regulation necessary to discharge the university's duty to foster the wellbeing of students and staff;
- imposed by the reasonable and proportionate regulation to enable the university to give effect to its legal duties;
- imposed by the university by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery."

Thus, the Model Code indicates that Australian universities are not allowed by ruse of Academic Freedom to shirk legal responsibility. Implementation of the Model Code is reported in the annual reports of all Australian universities under a statutory obligation.

*Prohibitions* imposed by law, as referred to in the Model Code, are the first restraint upon exercise of academic freedom. When proscribed under criminal law, transgression of prohibitions can carry consequences of criminal sanctions. They would fall within the scope of this Committee's enquiry.

*Restrictions* imposed by law, as referred to in the Model Code, that are not criminal in nature, are beyond the scope of the Criminal Code. Under the *Racial Discrimination Act*, it is unlawful to say or do something reasonably likely to offend, insult, humiliate or intimidate another person or group if the thing is done because of the race, colour or national or ethnic origin of the person or group. The consequences of doing so entail civil law procedures seeking to reconcile the parties or award civil compensation.

*Conditions* imposed by law, as referred to in the Model Code, would include tertiary education quality standards that require universities to ensure a safe academic environment for staff and students. In terms of the matrix above, these comprise administrative and educational measures.

## Inciting hatred on campus as a criminal act

Returning to the issue of prohibitions on incitement under criminal law, there is an unfortunate gap in Commonwealth law. There is nothing in the Criminal Code that prohibits incitement to antisemitism or other forms of racial or group hatred. Within Australian universities, harms caused by teaching, communications or statements based on antisemitic lies, fabrications or distortions carry no criminal responsibility. 5A notes that universities are public places and that acts of incitement to hatred within university spaces are acts that occur in public.

Legal or policy restraints on antisemitism are sometimes posed as contradictory to academic freedom. However, like free speech, academic freedom is justifiably subject to limitations to

prevent harm. Incitement of antisemitic hatred is one such harm to be prevented by appropriate limits to academic freedom.

Antisemitic acts can be identified by reference to the IHRA working definition. Its intersection with academic freedom sets the limits of purported exercises of academic freedom. The identification of individual cases of incitement to antisemitism under Commonwealth jurisdiction can be guided by application of the IHRA working definition, as adopted by the Commonwealth.

Most Australian universities have not adopted the IHRA working definition, although some have done so autonomously, in whole or in part (inc. Latrobe, Macquarie, Melbourne, Monash, UNSW, Wollongong). Publication of a Commonwealth guidance document on academic freedom and antisemitism would assist Australian university managers to understand the intersection of these concepts.

We recognise that a distinction must be drawn between legitimate academic discussion on controversial topics, and speech that constitutes incitement of hatred or violence. 5A understands that the IHRA is about to produce a document on academic freedom and antisemitism. Examples of specific incidents on Australian university campuses that could constitute incitement to hatred are discussed below, as examples of antisemitism and hate crimes over the past 13 months since 7 October 2023.

*CAMPUS CASE STUDY 1 - Gaza Genocide*

A class on Genocide in Gaza could entail an examination of the meaning of genocide, an assessment of the various elements of genocide and a discussion of whether this is an appropriate way to describe Gaza. That would be unproblematic. Equally, if we taught about governance, or economy or culture in Gaza, with reference to specific Israeli policies and well as Arab ones, this would be quite acceptable.

However, were the discussion to centre around the false accusations about genocide in the public arena, of a famine and the wholesale murder of thousands of babies, without examining these claims, then this would constitute hatred of Jews. If we teach or write about Gaza relying only on revisionist histories, with the objective of recruiting students to our cause, this would be antisemitic.

Another way of understanding whether a matter is antisemitic is to consider how people in the room are made to feel. Do they all equally feel empowered to question the lecturer or are some students silenced? Do some students feel like they are being accused of misconduct or even treachery even if they have never been overseas? Are some students scared to submit work for fear that it won't be marked fairly?

*CAMPUS CASE STUDY 2 - Zionism is Nazism*

Take the example of a situation of a professor who believes that the Israel government is equivalent to a Nazi regime, as in the case of Dr Tim Anderson, a former academic at the University of Sydney. The University of Sydney dismissed Dr Anderson after he attended an online seminar where he shared PowerPoint slides with an Israeli flag, which was torn apart to reveal a Nazi flag with a swastika on it. Israel is, of course, the Jewish state, and the Nazi regime killed over 6 million Jews in the Holocaust, so many Jewish people found the image offensive. They became aware of the image because Dr Anderson shared it on his publicly accessible Facebook page. At first instance, the trial judge found Dr Anderson

was unfairly dismissed,[1] but on appeal, a majority of the Full Federal Court found that Dr Anderson's conduct was not in accordance with the highest ethical, professional and legal standards.[2]

Suppose that Dr Anderson was showing a shocking and provocative image to demonstrate the psychological effect of shocking images, not to express any view about Israel. This would be entirely different to a situation where he showed the image and then said, "all Israelis are Nazis." In between those two extremes, there are a range of possibilities.

If Dr Anderson attended rallies on the weekend in which he expressed anti-Israel sentiments, his right to freedom of speech and political communication would entitle him to do so (as long as he did not break any other laws).

If Dr Anderson gave a reasoned academic talk in a conference setting in which he argued that certain aspects of Israeli government policy shared commonalities some policies of the National Socialist regime, as long as he provided clear and adequate justification for that argument, and he engaged in reasoned scholarly discussion not polemics, he would be within his academic freedom to do this, notwithstanding that others may disagree strongly or find his views offensive. Academic freedom requires other scholars to rebut his views in an academic manner, using evidence and scholarly method, rather than to silence him.

A more difficult question would arise if Dr Anderson were teaching a class on genocide and chose to show the image of the Israeli flag and the swastika juxtaposed. The question would arise as to whether Dr Anderson could put aside his biases and teach this material in an objective and fair way. It is always possible for teachers to have strong private views, but to teach material in an objective and fair way which allows for differing opinions. However, the presence of such a polemical image would perhaps suggest to students that he was incapable of being objective and fair on this topic, or of allowing different opinions to be discussed.

We have been told by students of classes where the lecturer has told the students that it is entirely clear that genocide is being committed in Gaza, and that Israel is a rogue regime which should be ostracised, and that no other views can be accepted. This can easily turn into, "Anyone who supports the existence of Israel in any way is therefore evil," and constitute an incitement to hatred or violence. This is because many Australians support the existence of Israel and there are religious obligations that cannot be performed outside of the land of Israel. For some Jews, this is an important religious precept. Therefore, to suggest that Jews are not allowed to have a state is often regarded as antisemitic.

### *CAMPUS CASE STUDY 3 - Boycott Divestment and Sanctions (BDS)*

The campaign of various anti-Israel groups to boycott, divest from and sanction Israel (BDS) can in some circumstances constitute incitement to racial hatred. Professor Steven Prawer of the University of Melbourne seems to have been targeted on the basis of his ethnicity and religion. The stated reason for the campaign against him was Prof Prawer's

[1] *University of Sydney v National Tertiary Education Industry Union* [2020] FCA 1709.
[2] *University of Sydney v National Tertiary Education Industry Union* [2024] FCAFC 57.

participation in a joint PhD program between the University of Melbourne and Hebrew University of Jerusalem. It was alleged that this made him "complicit in genocide."

Prof Prawer was one of eight to ten academics who participated in the joint program, but the only visibly observant Jewish person, because he wears a *kippah*, or skullcap. Over a series of a few months, protesters put up posters deriding him as a participant in genocide, rallied specifically against him, massed outside his office, and then finally "occupied" his office space and intimidated and harassed him when he came in to work. The university has said it was difficult to identify the protesters and the initial response of the police is that no crime was committed because the protestors vacated Professor Prawer's office when police demanded that they do so. While we question whether this is the case, there is a clear need to deter and deal with incidents such as that which affected Professor Prawer. Privacy provisions have been used as a cover for not taking steps to identify the masked protestors or to demand that they identify themselves. If it was clear that an offense may have been committed, then there would be more justification for police to demand names and addresses which may, in and of itself, have a deterrent effect.

These three case studies illustrate of the complexities involved in describing where academic freedom intersects with hateful antisemitic behaviour. The contours of hatred can be mapped out across various recurring academic scenarios. For each academic scenario, specific guidance can be prepared, drawing upon the Model Code on academic freedom and IHRA working definition of antisemitism, to distinguish incitement to hatred from bona fide academic activity. If it had been a criminal offence to engage in public incitement to racial hatred, the police might at least have had a reason to take names and addresses of the students who insulted vilified and harassed Prof Prawer Case Study 3, for example.

## 4. In in the street the complexities racial hatred as a new Commonwealth offence

The amendments to the Criminal Code as currently proposed and published *do not proscribe race hatred* as such as a crime. Instead, they proscribe incitement to violence. In this sense, the amendments go *no further* than the existing provisions. The title of the Bill is a misnomer that should instead specify incitement to violence, which is the necessary element of the incitement.

The proposed amendments to the Criminal Code do not address the lacuna in Commonwealth law around crimes of incitement to racial hatred. There is a need for new federal criminal legislation to address contemporary antisemitism issues on campus. Many university campuses have been places where Jewish and Israeli students and staff have felt unwelcome, or unsafe. Some students and staff have been unable to come on campus. This is inappropriate in the context of a desire to host a diverse student body with diverse beliefs and backgrounds.

5A submits that the Criminal Code should be amended to introduce a new crime of such incitement to racial hatred, encompassing incitement to antisemitism. The legislation could introduce examples to reduce ambiguity and illustrate proper application, as is increasingly common in legislative drafting practice.

Section 18C of the *Racial Discrimination Act* 1975 does not fill the void. Limitations of relying on 18C include the high burden on victims. For example, two separate, representative complaints were filed with the Australian Human Rights Commission (AHRC) on behalf of a group of

Complainants who are Jewish students and academics at the University of Sydney on 1 November 2024. The two complaints allege racial discrimination and racial vilification (i.e. antisemitism) against Jewish students and academics by Professor John Keane and the University of Sydney, and by Dr Nick Riemer and the University of Sydney, respectively. The two complaints have taken almost a year to prepare and will be considered by the President of the AHRC, who will seek conciliation between the parties. The AHRC has not demonstrated sensitivity to antisemitism and, following the likely failure of the conciliation process, the Complainants have 60 days to commence proceedings in the Federal Court of Australia. The full onus of responsibility to correct a public wrong therefore rests upon private individuals who must undertake their own defence at great expense and cost of time. The introduction into the Criminal Code of a crime of inciting hatred would shift this burden to the public prosecutor.

Criminal penalties for breaches of prohibitions on incitement to racial hate already exist within some Australian state jurisdictions, cp: WA, SA, Vic. In Western Australia, the Western Australian Criminal Code, section 77, provides that:

> [a] person who engages in any conduct, other than in private, by which the person intends to create, promote or increase animosity towards or harassment of a racial group or a person as a member of a racial group, is guilty of a crime....

(Animosity is defined as "hatred or serious contempt", without the need for intending actual violence.) This prohibition has been tested, although with limited success.

Table 2. Criminalisation of hate speech by Australian jurisdictions.

| | ***Race*** | ***Religion*** | ***Criminal*** | ***Civil*** |
|---|---|---|---|---|
| CLTH | • | | Violence - Criminal Code | Racial Discrimination Act 1975 |
| NSW | • | | Violence - Crimes Act | Anti-Discrimination Act 1977 |
| QLD | • | • | | Anti-Discrimination Act 1991 |
| SA | • | | Racial Vilification Act 1996 | Racial Vilification Act 1996 |
| TAS | • | • | | Anti-Discrimination Act 1988 |
| VIC | • | • | Racial and Religious Tolerance Act 2001 | Racial and Religious Tolerance Act 2001 |
| WA | • | | Criminal Code | |
| ACT | • | | | Discrimination Act 1991 |
| NT | • | | | Antidiscrimination Act 2022 |

5A recommends that the lacuna in the Commonwealth Criminal Code be filled by proscribing incitement to hatred. This could send a public message signaling discouragement of the inciting of hate on campus and the creation of hostile campus environments.

It is widely recognised that university administrators have failed to handle these issues through internal management. 5A recommends that university failures to prevent hate crime, in circumstances where the management clearly had knowledge of the intended or continuing offences and where the management held powers and capabilities to prevent hate crimes, should attract vicarious criminal liability and be subject to penalties.

## 5. Amendments to the Criminal Code proposed by the Commonwealth

Hate crime amendments to the Criminal Code set out in the current legislative proposal concern adjustments to the existing crimes of the urging of violence against a group or a member thereof,

and the introduction of new crimes of threats of force or violence against a group or member thereof.

## Urging violence

In relation to existing offences in the Criminal Code of urging violence, 5A supports the amendments proposed to reduce the intention element, *mens rea*, to recklessness and to remove the good faith defence. These amendments are proposed in section 80.2A of the Criminal Code, criminalising the urging of violence against groups, and in section 80.2B criminalising the urging of violence against members of groups.

The reason that 5A supports the *mens rea* amendment is that the thresholds of proof for intention are too high to be proved in almost any conceivable circumstances. Intention in this context requires that a person means to bring about a result and is aware that it will occur in the ordinary course of events (Criminal Code section 5.2). There will always be doubt present as to the potential effects of urging an action in the minds of others. Intentionally urging (80.2A(1)(c)) and intending that force or violence will occur (80.2A(2)(c)) tend to be impossible to prove. Therefore, recklessness is the more appropriate threshold for proving *mens rea* in a prosecution for urging violence.

The reason that 5A supports removal of the good faith defence is that there is no good faith possible in inciting hatred or violence; it is oxymoronic. The defence merely adds uncertainty, confusion and obfuscation.

We note that the current existing prohibition on incitement to violence lacks a clear definition of incitement itself. A strict "immediate and likely consequences" test is used in the USA, which limits the potential circumstances for prosecution of incitement to violence. 5A suggests that a broader definition of incitement to violence would be useful to clarify potential circumstances for prosecution.

## Threats of force or violence

5A supports other amendments before the Senate Committee that create offences in the Criminal Code concerning threats of force or violence against groups or members thereof. Threats of force or violence against groups proposed section 80.2BA, on threatening force or violence against groups, and in section 80.2BB, on threatening force or violence against members of groups are related to incitement to hatred and to violence but entail circumstances distinct from either, (despite having some overlapping elements). The distinct circumstances are the nature of threats, targeting specific individuals or clearly identified groups. In contrast, urging violence has less specific targets and less specific intended outcomes. As noted in the Explanatory Memorandum, it criminalises conduct that involves a direct threat from one person to another.

A particular issue that requires clarification in the proposed introduction of crimes of threats of force or violence concerns whether they capture threats against property of the targeted person or group. Refugees who have a well-founded fear for their safety are often victims of property damage. History shows that destroying property — such as synagogues, mosques, Black-owned businesses, or Indigenous cultural sites — has been a recurring tactic in racist practices and genocidal campaigns. For example, during Kristallnacht (the "Night of Broken Glass") in Nazi Germany, the destruction of Jewish homes, businesses, and places of worship signalled to Jewish communities that their lives and identities were under severe threat, creating a climate of fear that triggered mass emigration and, later, enabled mass deportation and genocide. Destroying

property such as a business on the internet, can be more harmful than smashing a window. Recent incidents of arson, vandalism, graffiti and doxxing in Australian cities are often directed against Jewish property such as synagogues and schools, homes and businesses.

Recognizing this kind of threat, some national hate crime laws now encompass property damage. For instance, the United Kingdom's hate crime statutes include provisions on racially or religiously aggravated criminal damage. By encompassing such acts within hate crime laws, societies can acknowledge that violence isn't just physical harm to the body but includes attacks on the symbols and places that embody a community's identity, and the personal property and business property owned by members of the target group. Similarly, within several Australian state jurisdictions, motivation by racial, religious or other forms of prejudice is considered an aggravating factor during sentencing for property damage.[3]

5A therefore recommends that sections 80.2BA and 80.2BB be expanded to encompass threats to property of the group or its members.

## 6. Additional amendments proposed by 5A

5A recommends additional amendments to the Criminal Code that concern terrorism and genocide. Concerning terrorism, 5A recommends the insertion of a new offence of glorification of terrorism as section 80.2CA of the Criminal Code, or by an expansion of section 80.2C.

### Glorification of terrorism

Under the Criminal Code Section 80.2C as currently enacted, advocating specific terrorist acts is proscribed but general glorifying of terrorist acts is not. The Islamist movement *Hizb ut Tahrir* has earned notoriety in Australia for its glorification of terrorism at the University of Sydney in 2024. It is a proscribed terrorist group in the United Kingdom, where it falls afoul of the proscription of glorification of terrorism under the UK *Terrorism Act* 2006 section 1(3). Nevertheless, glorification of terrorism is not a crime under Australian law and *Hizb ut Tahrir* has not been listed as a proscribed terrorist group in Australia although various federal governments have scrutinised its activities for evidence of illegal advocacy of terrorist acts. The fact is that advocacy of specific acts of terrorism is currently required under the Criminal Code. *Hizb ut Tahrir* is careful not to advocate specific terrorist acts but can and does advocate for terrorism generally. *Hizb ut Tahrir* can and does also incite hatred without constraint in Australia. It could be

[3] 1. New South Wales (NSW): C*rimes Act* 1900 (NSW): While there isn't a specific section for racially motivated property damage, Section 195 deals with "Destroying or damaging property", and racial motivation can be considered under Section 21A(2)(h) of the *Crimes* (*Sentencing Procedure*) *Act* 1999 (NSW), which states that offenses motivated by racial, religious, or other forms of prejudice are considered aggravating factors during sentencing.
2. Victoria: *Crimes Act* 1958 (Vic): Section 197 covers "Criminal damage", but motivation by hate (racial or religious) can be considered under Section 5(2)(daaa) of the *Sentencing Act* 1991 (Vic), which allows the court to consider racial or religious motivation as an aggravating factor during sentencing.
3. Queensland: *Criminal Code Act* 1899 (Qld): Section 469 deals with "Wilful damage", but racial or religious motivations can be used as an aggravating factor under general sentencing provisions outlined in the *Penalties and Sentences Act* 1992 (Qld), particularly Section 9(4), which considers offenses motivated by hate as aggravating circumstances.
4. Australian Capital Territory (ACT): *Crimes Act* 1900 (ACT): Section 116 deals with "Destroying or damaging property", and racial or religious motivations can be considered under Section 33(1)(o) of the *Crimes (Sentencing) Act* 2005 (ACT), where racial hatred is regarded as an aggravating factor in sentencing.

constrained if glorification of terrorism was introduced as a new category of terrorist crime in the Criminal Code.

### Good faith defences removal

More bizarrely, the Criminal Code section 80.3 currently permits persons charged with advocating terrorist acts to raise a defence of good faith. The availability of this defence merely adds uncertainty, confusion and obfuscation to the law as the *mens rea* element of advocating terrorism itself negates good faith. There can be no good faith when advocating terrorism. Accordingly, no good faith defence should be available to persons charged with advocating terrorist acts and, similarly, no defence of good faith should be available to persons charged with glorifying terrorism.

There are intersections between inciting hatred or violence, threatening force or violence, advocacy or glorification of terrorist acts, and advocating genocide. Each of these is a speech act with potential effects of causing hatred and violence against groups or members of groups. For each, the defence of good faith is circular, introducing uncertainty and obfuscation. In this context, we note that Section 80.2D of the Criminal Code also bizarrely allows a good faith defence against prosecution for advocating genocide. As we have suggested, no defence of good faith should be available in a prosecution for advocating genocide, as the *mens rea* element of incitement itself negates good faith.

## 7. Conclusion

This submission has argued for the introduction into the Criminal Code of a new crime against incitement to racial hatred. This is consistent with accepted norms on freedom of speech and academic freedom as set out in the Robert French Model Code adopted by Australian universities.

The International Holocaust Remembrance Association (IHRA) working definition of antisemitism can be used to navigate the boundaries of freedom of speech and academic freedom to guide administrative authorities as to where they intersect with racial hatred against Jews. The IHRA working definition has been adopted by Australian governments and 5A recommends that it be required by law to be incorporated into Australian University regulatory and administrative suites. Australian university teachings that Gaza is experiencing genocide, Zionism is Nazism, and that Israel must be subject to boycotts divestment and sanctions were discussed in this submission, as case studies concerning where the boundaries between good-faith exercises of academic freedom and of incitement to racial hatred lie.

This submission has also commented on amendments currently proposed in the Bill, to the existing crimes of the urging of violence against a group or a member thereof, and on the introduction of new crimes of threats of force or violence against a group or member thereof. We commend the lowering of the *mens rea* element to recklessness and removal of the good faith defence for existing crimes of the urging of violence. 5A also recommends removal of the good faith defence and suggests that further clarification of the cause-and-effect relationship between incitement and violence, particularly the temporal gap between them, might be helpful.

We support other amendments proposed in the Bill that would create new offences of threats of force or violence against groups or members thereof and recommend that the threats extend beyond those of force or violence against the group or person to include their property.

5A recommends additional amendments to the Criminal Code that concern terrorism. These would insert a new offence of glorification of terrorism, either as section 80.2CA of the Criminal Code or by an expansion of section 80.2C. Concerning good faith defences to crimes of inciting hatred or violence, threatening force or violence, advocacy or glorification of terrorist acts, and advocating genocide, we suggest that the defence of good faith is circular, as the intention element of the crimes negate conduct in good faith, and the good faith defence therefore merely generates uncertainty.

As noted in the introduction to this submission, a concerning decline in the rule of law concerning hate crimes has facilitated and hastened the recent rapid breakdown of social cohesion in Australia. 5A is keen to see improvements in Australian hate crimes legislation that clarify application of the Criminal Code, but we stress the need for rigorous, consistent and predictable public sector enforcement. Should the neglect of public sector enforcement against hate crimes continue, it may be helpful to introduce private prosecutions to try to prevent hateful behavior, although private prosecutions would be only a minor impediment to accelerating social decline. This is a cause for anxiety not only among members of 5A but also all members of the Australian community reliant upon the rule of law and social cohesion.

Submitted on behalf of the Australian Academic Alliance Against Antisemitism by:

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No. NSD950 of 2025

Federal Court of Australia

District Registry: NSW

Division: Human Rights

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

| | |
|---|---|
| Affidavit of: | **Daniel Patrick McCoach** |
| Address: | Suite 409, 488 Bourke Street, Melbourne VIC 3000 |
| Occupation: | Solicitor |
| Date: | 18 September 2025 |

## Certificate identifying Exhibit

This is the Certificate identifying Exhibit "DPM-30"
annexed to the Affidavit of Daniel Patrick McCoach
dated 18 September 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: 18 September 2025


Filed on behalf of (name & role of party) The Applicants
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Australian
Academic Alliance
Against Antisemitism

**5A Submission to Senate Inquiry - Part 1**

The Australian Academic Alliance Against Antisemitism (5A) is pleased to have the opportunity to make this submission to the Senate Inquiry into the bill for an Act to establish a Commission of Inquiry into Antisemitism at Australian Universities.

This submission is in three parts. Part 1 (this document) provides background to our organization and seeks to share our knowledge of antisemitism on campus. Part 2 outlines why 5A strongly supports the bill and outlines why nothing short of a judicial inquiry is needed to uncover the true extent of the problem and part 3 provides the preliminary results of a survey that we have commissioned to investigate the lived experience of Jewish students and staff on campus.

## 1. Introduction

***Who we are and Credentials for making this submission:*** The Australian Academic Alliance Against Antisemitism (5A) is a non-profit organisation born in the aftermath of the brutal Hamas attack on 7 October 2023. The organisation has grown very quickly, and today consists of 290 academics and professional staff from across 29 Australian universities. 5A acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

Our functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organisation's reach includes activities in education, outreach, academic advisor and peer support, anti-Israeli and BDS activity, responding to the media, supporting the legal and medical groups, advocating for Jewish academics and professionals in their sectors, responding to media misinformation, strategy and policy, including advocating with the sector regulators and individual University executives, as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publications and professional trajectories.

**Our members are on campus every day and are actively immersed in the campus culture and academic life. 5A is in the box seat to observe and comment on antisemitism on campus from first hand knowledge.**

**The situation on campus:** Across all these areas, both state based and federally, 5A has found that the extent of antisemitism in the tertiary sector is deep, and largely unearthed. 5A is also the repository for large amounts of data, primarily gathered through individual

interventions of support, as well as a national survey, which will constitute the subject matter of a separate submission (see part 3)

Many students and staff are frightened to share their experiences of antisemitism. Staff are often dependent on the income and fear they may lose their positions if they complain. They also fear the reaction of colleagues. Students are frightened that if they reveal their Jewish identity, they will be 'cancelled', and if they complain about statements of lecturers they will fail the course. Thus, what we know is only the tip of the iceberg, and only a judicial inquiry will uncover the depth of the problem.

Our submission will focus on the legal context, and argue that universities are not meeting their statutory obligations to keep students safe in view of survey data documenting antisemitism on campuses from both before and after Hamas's brutal attack of 7 October. We provide an overview of antisemitic incidents on campus, and the woefully inadequate university administrative responses, . We note that the information in the submission does include both staff and students, but that the Australasian Union of Jewish Studies (AUJS) is writing its own submission.

We argue that, due to under-reporting, the information presented in this submission is just the tip of the iceberg. We conclude with a summary of why, after consulting with our membership, we believe there is an urgent need for the judicial inquiry. This submission has drawn on the expertise in the areas of law, understanding antisemitism and survey development of a number of our members who have contributed to the submission.

**2. Legal regulatory context: Universities are failing to meet their statutory obligations.**

Australian universities operate within a highly complex regulatory environment. Federal and state laws apply to them, some legislated specifically to regulate their academic activities, and others applicable generally to them as employers, workplaces, public spaces, speech platforms and community actors.

Federal laws legislated specifically to regulate the academic activities of tertiary education providers include the *Higher Education Support Act* (HES Act) and *Tertiary Education Quality and Standards Agency Act* (TEQSA Act). Federal laws applicable generally to universities as workplaces include the *Racial Discrimination Act* 1975 and *Criminal Code*.

Under the federal TEQSA Act (Section 58), Threshold Standards can be adopted by the Minister to set out requirements that a higher education provider must meet. Among the Threshold Standards are obligations to ensure a 'safe environment is promoted and fostered' (section 2.3.4) and 'an institutional environment in which freedom of speech and academic freedom are upheld and protected' (section 6.4.1). Under the federal HES Act, academic freedom requirements are to be met (section 19.15) and the higher education provider is to comply with TEQSA standards.

Under the federal *Criminal Code*, it is prohibited to urge violence against groups (section 80.2A), advocate terrorism (section 80.2C), to display proscribed hate symbols (section 80.2E), or to harass, threaten or distribute violent extremist material via a carriage service

(section 474). Cyber-bullying is prohibited under the federal *Online Safety A*ct (section 46). Racial vilification is sought to be restrained under civil law provisions in the federal *Racial Discrimination Ac*t 1975, where vilification is defined as an act that is reasonably likely to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity. Australian universities are usually constituted under state laws, other than those universities located and constituted within Australian federal territories. Generally, a dedicated constitutive law, such as the *University of Sydney A*ct enacted by the NSW parliament, established the University and its fundamental structure. Other state laws are generally applicable to universities, including legislation on racial discrimination, racial vilification and equal opportunity, workplace safety, employee rights as well as criminal laws.

To take NSW as an example, the NSW *Crimes Act* 1900 provides that "a person who by a public act intentionally or recklessly threatens or incites violence towards another person or group of persons … is guilty of an offence" (section 93Z). The *Crimes Act* also prohibits display of Nazi symbols (section 93ZA). Racial vilification is also restrained under civil law provisions in the NSW *Anti-Discrimination Act* 1977 (Part 2 Division 3A). Furthermore, municipal by-laws typically zone university campuses as public spaces that are subject to powers vested in the university administration to permit or restrict entry and conditions of entry.

Under their constitutive legislation, Australian parliaments have delegated sufficient powers to university administrations to enable them to adopt regulatory and policy frameworks to implement each university's academic mission. Typically, each particular university Council or Senate adopts regulatory frameworks, variously described as rules, codes of conduct, bylaws, procedures, policies, guidelines or principles. Typically, every university has a Student Code of Conduct, a Staff Code of Conduct and Campus Access Rules.

**It is the contention of 5A that several Australian universities have failed to utilise the powers available to them in order to comply with the required standards set out by federal, state and territory legislation.** Failures of principal concern to 5A are those where university administrations have failed to fulfil their statutory obligations to ensure a safe environment in which to learn and teach and have failed to protect academic freedom. Moreover, they have declined to take action under the powers available to them to restrain racial vilification, threats of violence against groups, or distribution of violent extremist material.

We strongly believe that a judicial inquiry is needed to verify our contention, and to gain a better understanding of how and why different universities have failed to respond to the significant upsurge of antisemitism since 7 October. In the next section we discuss surveys undertaken which demonstrate the problem for Jewish students and staff of antisemitism as it has emerged in the last two years.

**3: Antisemitism on Australian campuses: Antisemitism is a light sleeper which has awoken with a vengeance on Australian University campuses, often justified under the cover of ant-Zionism.**

Left-wing demonisation of Israel, which is portrayed as the victimiser, with the Palestinians the victims, together with the use of world conspiracy theories, contributes to an atmosphere of hatred against all Jews and helps to justify violence against them. This is an ongoing problem, intensified with the Israel Gaza conflict in May 2021, April and August 2022 and in October 2023. Whilst there were tensions on Australian campuses in the 1970s, following the 1967 war and the reformation of the Palestine Liberation Organisation (PLO) under Arafat's leadership in 1968, these did not reach the point where students and staff were frightened to come onto campus.

It is important to stress that such antisemitism manifests itself on university campuses on the extreme right, drawing on typical racist stereotypes and driven by neo-Nazi ideology, as well as from the so-called progressive left, which draws on the anti-Israel narrative. However, as Rutland and Allington (2023) have demonstrated, university management tends to act much more strongly with right-wing antisemitism than it does with left-wing antisemitism.

Since the Gaza conflict in May 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campuses newspapers, together with the resultant uptick of antisemitic incidents. This leaves Jewish university students feeling vulnerable and under attack. These problems have been highlighted by the Riazaty and Anor court case against the Melbourne University Student Union (MUSU) Federal Court Case; the ZFA/AUJS survey of February 2023; and the most recent 5A survey of April–July 2024. These are discussed in the following sections.

**3.1 Riazaty & Anor v UMSU Inc - S ECI 2023 01945**

The federal court action undertaken by Justin Riazaty, first plaintiff, and Isabella Yusupov, second plaintiff, against the Melbourne University Student Union (MUSU) related to two motions passed by the MUSU in APril and August 2022, advocating for support for the Boycott, Divestment and Sanctions Movement. The Plaintiffs maintained that the Defendant's conduct in relation to these motions contravened the Associations Incorporation Reform Act 2021 (Vic) (AIR Act) in relation to discrimination against members of the union and the Racial Discrimination Act 1975 (Cth) (RDA Act) in relation to antisemitism. In February 2024, this dispute was settled out of court with the MUSU agreeing to remove the pro-BDS motions and to pay costs for the court action.

Despite this settlement, Australian student unions and also the NTEU (as discussed later in this submission) have continued to pass pro-BDS motions, with more extreme motions being passed since 7 October. The negative impact of this situation is demonstrated in two surveys discussed in the sections 3.2 and 3.3.

***3.2 Recent ZFA/AUJS survey pre-7 October 2023:***

Since the Gaza conflict in May 2021, there has been an increase in the anti-Israel narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Israel articles being published in campuses newspapers, together with the resultant uptick of antisemitic incidents. This leaves Jewish university students feeling vulnerable and under attack.

This has been demonstrated clearly by the survey initiated by the ZFA [Zionist Federation of Australia] with the support of AUJS [Australasian Union of Jewish Students] and the Scanlon Foundation was conducted by The Social Research Centre, located in Melbourne. As the report of this survey noted: 'The aim of the survey was to understand Jewish students' experiences of antisemitism in Australian universities.'[1] *Carlill, Bren, Director of Public Affairs, Zionist Federation of Australia, 'The Jewish University Experience Survey', May 2023, Social Research Centre.*

This survey was conducted over a three-week period with all students on the AUJS database receiving an invitation and the ZFA using its own resources for further publicity. Current and recent Jewish university students were included with a total of 563 responses, 396 from the AUJS mail-out and 167 from the opt-in link via the ZFA website. In terms of the participants, there were slightly more female responses than males (56.1% vs 41.9% with 1.6% non-binary); 46.2% were between the ages of 16–21, with most of the remainder ranging from 22–34; 52.2% came from Victoria, where the highest proportion of Jews reside, but proportionally there were fewer from New South Wales, with 30.7% and more from the ACT, with 6.9%, even though it only has a tiny Jewish population; and understandably the highest proportion from the different strands of Judaism being the Modern Orthodox Jews with 40.3% who constitute a much smaller proportion of the Australian Jewish population but are more clearly visible and strongly Zionist, with only 20.1% of Reform and 19.4% of traditional Jews and only 8.2% of secular Jews.[2] *Appendix I, 'The Jewish University Experience'.*

This survey was the first of its kind to be conducted in Australia. The survey's findings demonstrated many elements for concern in terms of Jews feeling safe and the experiences of Jewish students on campus.

Briefly, the findings revealed that 64% of Jewish university students experienced some form of antisemitism, with 88% of respondents reporting that this had occurred in the last 12 months. Of these, 47% described 'intimidation by people or events'; 37% relating to 'tropes of Jewish money, power or influence'; 37% 'comparing Israel to Nazi Germany'; 30% 'Holocaust denial or minimisation'; and 25% being 'singled out or excluded over Israel'. The fact that staff participated in these events, or that they did not take action is also important in terms of those staff who support BDS. As well, the fact that the survey found that 57% of students have hidden their Jewish identity to avoid facing antisemitism and that this rises to 67% for those who already experienced antisemitism is also very relevant and matches research of what is happening in high schools. Another key fact is that overall, 19% of male students and 24% of female students have 'stayed away from campus to avoid antisemitism' and that 27% of those who have actually experienced antisemitism have stayed away from campus.

Finally, the survey found that Jewish students have a lack of confidence in the complaints process with 85% deciding not to make a complaint after the incident and, for the minority who did complain, 61% were dissatisfied with the outcome. The survey provided various reasons why students decided not to complain, with 61% citing their sense that it 'wouldn't make a difference' and 48% feeling that 'the university wouldn't take it seriously' with other reasons provided as well. The students did feel that if the university adopted a definition of

antisemitism, they would feel more confident in making a complaint'.[3] (*ZFA Survey Summary', September 2023, https://www.zfa.com.au/survey/. Accessed 22 September 2023.)*

These findings were promoted by the ZFA and produced concern from various politicians at the federal level. However, despite expressions of concerns, there was no follow up by politicians and no practical steps were taken to rectify the situation, which was only exacerbated

It is important to note that current Jewish students would have either experienced or heard from friends about antisemitism in high schools, including anti-Zionism. In 2022, two Melbourne high schools received wide media publicity highlighting this problem: Cheltenham College and Brighton Secondary College (BSC), with the latter leading to five Jewish students who attended BSC from 2013-2020 taking the principal, Mr Richard Minack, two teachers and the Victorian Department of Education to court for racial discrimination and a failure of duty of care. In her judgement, Justice Mortimer found that 'there was a distinction in the way the applicants were treated by Mr Minack and, through his failures in leadership, the teachers and staff at BSC, which in turn impaired the applicants' human rights to security of person and protection, to education, and to preservation of their Jewish identity.'[4] (*Kaplan v State of Victoria (No 8) [2023] FCA 1092 at [9].)*

Thus, as a minority in Australia, with the Jewish population constituting less than 0.5 percent of the overall population, Jewish students feel under attack, with many feeling that they have to hide their religious and cultural identity. These problems have been intensified since 7 October 2023, and have been revealed by the 5A survey of April to July 2024 discussed in the next section.

***3.3 5A Survey, 2024***

In April 2024, The Australian Academic Alliance Against Antisemitism (5A) undertook to survey the extent of antisemitism in Australian universities, as experienced by students and staff after Oct 7 and the extent to which universities are taking active measures to ensure that their campuses are free from antisemitism. The preliminary results are summarized in part 3 of our submission. The headline result of the survey is that

> **Only one-in-three Jewish undergraduate student respondents reported feeling safe on campus.**

This result needs to be placed into context: The 2021 National Student Safety Survey (NSSS) found that 84% of students strongly agreed/agreed with the statement 'I feel safe on campus'. Even this high rate was considered unacceptable , with Professor Mark Scott (VC, University of Sydney) commenting:

> *Frankly, **one case is one too many**. To every person who has experienced sexual harassment or sexual assault, we are deeply sorry. **Every student has the right to feel safe and supported and to be treated with respect and dignity**, whether on campus, online or offshore. Anything less is unacceptable.*

And yet Professor Scott says Jewish students will have to tough out "discomfort" with anti-Israel slogans, defending the response of Australian universities to pro-Palestine protest camps. The 5A survey makes it clear that Jewish students are not just 'uncomfortable'; they are in fact scared to come onto campus. Why does the statement that '***Every student has the*** **right to feel safe and supported** ***and to be treated with respect and dignity'*** not extend to the Jewish student population? Hopefully a judicial inquiry will uncover why Jewish students are not afforded the same consideration as other minority groups on campus.

## 4. Academic experiences – national overview

Since 7 October 2023, the 5A has documented ongoing examples of antisemitism and discrimination against Jewish staff and students and multiple occasions in which the freedom of speech, and the academic freedom to use public academic spaces for their intended purposes have been forcefully denied. While academic freedom of speech for those who wish to express support of Israel's right to exist is being denied, no limits are put on antisemitic hate speech on campuses across Australia.

This hate speech takes different forms including:

- Pro-Palestinian posters which deny Israel's right to exist, accuse Israel of carrying out a genocide in Gaza and expressing support for Hamas;
- Interrupting classes for a pro-Palestinian harrange which often includes hatred to anyone who supports Israel's right to exist;
- Protests and marches calling for global intifada and that violent resistance is by Palestinians is justified;
- Refusal to condemn Hamas and indeed justifying its actions on 7 October;
- Encampments, which become excluded places for Israeli, Jews and supporters of Israel, preventing their freedom of movement on campus;
- Lecturers making emotive and political statements, rather than presenting information objectively, with balanced criticism of Israel rather than vilification;
- Both Jewish staff and students being affected by the 'deafening silence' after 7 October, the cancelling of friendships, exclusion of Jews, and doxxing, not only through the well-known academics and creatives WhatsApp group in February 2024, but also in the case of individual academics at one university;
- In some cases, both staff and students have been physically attacked, and while physical abuse is (fortunately) rare, it is the knowledge of such cases combined with the verbal abuse and threats that creates fear of Jews on campus, whether they are staff or students.

All of these actions are prejudicial to safety and well-being of Jewish staff and students, so that many do not feel safe on campus, as has been so clearly revealed by the 5A Survey of 2024, as well as the earlier ZFA/AUJS survey.

5A is an entirely voluntary, grass roots, not for profit, harm minimization organization. The Alliance is composed of honorary workers who are giving of their time on a voluntary basis, in addition to their full-time positions. Below is an outline of some of the key issues

that the Alliance has been dealing with since its formation. These include providing academic advice to students affected by antisemitism, dealing with boycotts of visiting academics, and lecturers making political and unfounded statements.

We present below some examples of what has been happening on campus, but given our limited resources we do not pretend that we have captured the full extent of the problem. This is another reason why we need a judicial inquiry to shine the spotlight on campus antisemitism in a comprehensive and systematic manner.

### *4.1 Reports from Academic Advisors*

5A works to advise and support students and staff affected by antisemitism on campus. We summarize some of their experiences here as many of them feel too threatened to make a public submission to the Senate inquiry. We voice their stories here so that there is no doubt that we are facing a very serious problem that justifies the commissioning of a judicial enquiry. There is also no doubt that the current situation post 7 October 2023 poses a mental health threat to Jewish students. This was recognised by Dr Grant Blashki, GP, Associate Professor at the University of Melbourne who developed a mental health guide for Jewish students.

Reports from advisors reveal a new form of antisemitism which is taking its toll on the mental health of Jewish students, characterised by high levels of microaggression, and exclusion from social media and student associations.

One prominent example is the Australian Medical Students Association (AMSA). These groups are set up with the intention of exchanging relevant information to the discipline, and not for political purposes. However, time and time again, we find that the platforms are hijacked by members and used not for their intended purposes. Very quickly they turn into a megaphone for antisemitic anti-Zionist propaganda. In all instances, the posts on these sites are highly offensive to Jews due to their one-sided support of Palestinians and complete lack of empathy for the suffering of Israelis. This is an obvious microaggression, as it assumes that the feelings of Jewish students in the group should not be considered. To make the point clear, this behaviour is equivalent to posting a critique against Ukraine, knowing that there is a Ukrainian in the group, or the opposite, critiquing Russia, knowing that there is a Russian in the group. In most professional groups, no one would dream of displaying such microaggression, particularly not in relation to minorities such as the Indigenous Australians (consisting 3.8% of Australia's population compared to 0.4% Jews). However, to use David Baddiel's terminology, when it comes to Jewish members in the group, they simply "don't count."

In addition to direct aggression against students, one common form of harassment is conducted through the weaponizing of the Disciplinary Complaint system to silence Jews. One particularly insidious expression of this comes about through a ping-pong exchange where the aggressors perform an aggressive act against Jews, and when the victims respond, the aggressors turn the tables around, accusing the initial victim and instead claiming to be the victim. Consequently, Jewish students or staff are attacked twice, first through

microaggression, and secondly by the aggressors presenting themselves as the victims of the Jewish students or staff, accusing them of aggression. The next stage in this scenario is when Jewish persons try to defend themselves, either by answering back or asking to remove some posts. This is usually followed by a herd reaction of accusing the Jewish student(s). Often, these exchanges end with the aggressors submitting a complaint against Jewish student(s) for being "aggressive." University disciplinary processes tend to side with the provocateurs, so that the pro-Palestinians are free to condem Israel without fear of challenge.

For example, when a Jewish student walked through the lawn where the Monash pro-Palestinian students were encamped, he was verbally attacked , screaming in his ear with a megaphone causing him tinnitus. He then received a disciplinary complaint from the university, based on the protesters' complaint, accusing him of causing the protesters distress and discomfort. True, after watching the videos of the incident, the complaint was eventually dismissed by the university investigators, and the university initiated a complaint against the student protesters; however, the student had to endure the stress of the disciplinary process and seek legal advice as to how to defend himself.

In another instance a Jewish student at Monash confronted another student wearing a shirt and a necklace effectively calling for the destruction of Israel. In this case the University found that the Jewish student had breached rules by challenging the content of the tee shirt. It seems that Israel and Jews can be smeared and insulted with impunity and if they challenge their critics, the University apparatus moves against them.

The harassment is not limited to the University campus but extends to hospital medical training facilities. Student reports:

> *As someone who is Israeli, sure you can say that anti-Zionism is not antisemitism but being Israeli and seeing someone posting a picture of the Israeli flag being crossed out, to me it reads that I don't have the right to exist or I am cancelled.*
>
> *A few days after the 7 October massacre, I had the courage to post a few things on Instagram… I received condemning messages from someone from the Medical School telling me that it is misinformation that Hamas kidnapped people to Gaza and that I don't have empathy to Palestinians (I didn't post anything against Palestinians. It is actually important to me that Palestinians will have good life). She told me that I think that every Muslim person is a terrorist. There is a problem with me calling people terrorists (I haven't used the word "terrorist"). She also told me that when I become a medical doctor,* ***I need to register conflict of interest, and to make sure that my patients to which I have no empathy, know what my political stances are****. This was said even though I did not disclose my political stances, apart from my grief over the 7 October massacre.*
>
> *They would tell me I have been brainwashed, that I have no empathy and that me in any way opposing the Palestine movement is extremely Offensive to them. They will put a complaint in to [sic] the Medical School against me because they would be worried about my competency as a doctor.*

The coping mechanism, understandably, involves making oneself a small target:

> *Firstly I lie and I don't tell anyone I'm Israeli and I don't tell anyone that I'm Jewish. If the topic does come out I pretend to have opinions that I don't necessarily have. I try to say what people would accept as the right thing to say, and try to avoid the conversation all together, and also avoid socialising. So I am far less social than I used to be, just in case the conversation does come up. This all comes with a high price. I cry a lot. I feel scared and very unwell…*
>
> *Even though I don't disclose my views, I know that some students who know that I am Jewish, have distanced themselves from me…*

This interview and the many others held by us, as well as the detailed comments by participants of the 5A survey (see part 3 of the 5A submission), speak volumes about the isolation and discrimination experienced by Jewish students. In the case of the Jewish and Israeli medical students, their distress is exacerbated by the fear that any Disciplinary Complaints against them could adversely affect their future in the medical profession.

**4.2 The negative impact of academic boycott and BDS (Boycott, Divestment and Sanctions)**

Both student and staff motions that have been passed since 7 October at several universities promote the Boycott, Divestment and Sanctions (BDS) movement,[1] which advocates for the one Palestinian state through its slogan 'From the River to the Sea, Palestine shall be free' and the right of return for all Palestinian refugees. The BDS website sets out its goals as follows:

- Ending its occupation and colonization of all Arab lands and dismantling the Wall.
- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
- Respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

As Cary Nelson explains:

> *The entire arc of Middle East history confirms fear of that outcome and its antisemitic consequences. The BDS movement's third demand is thus one to which no imaginable Israeli government would agree. Despite the BDS movement's claim to nonviolence, only Israel's defeat in war could lead to a single state with a Jewish minority.*[3]

Omar Barghouti, the founder of the BDS movement, has declared that 'accepting Israel as a "Jewish State" on our land is impossible' and that the only solution is 'euthanasia' for Israel'.[4] Together with statements of other key figures, the movement makes it quite clear that its aim is the eradication of Israel. The UMSU Motions, with their promotion of BDS, support this aim of the 'destruction of the Zionist entity'. Given that 45.8% of world Jewry now live in Israel,[5] this goal could only be achieved through violence and militarism. Based on my research, most Jews would be aware of this threat.

It is entirely understandable Jewish students or staff in the room where motions in support of BDS would feel threatened both physically and psychologically at this message. They certainly cannot feel welcome in the student union which passes motions supporting the BDS.

The ferocity of the BDS campaign, and its accusations of racism, colonialism, apartheid, ongoing crimes, ethnic cleansing, massacres, and expulsions are extreme and one-sided. This ferocity led the German Bundestag to define the BDS as an "antisemitic enterprise" in 2019. Several state governments in the US have also passed anti-BDS laws, and BDS has been criticised in the UK. Australia has not introduced anti-BDS legislation but governments on both sides of the aisle have stated that they do not support BDS.

This background needs to be born in mind in the discussion of 4.3, where some specific cases which the 5A has become aware of are outlined.

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[1] For an explanation of these terms, see Cary Nelson, 'BDS and Antisemitism', p. 342–3.
[2] 'What is BDS, BDS: Justice, Freedom, Equality, https://bdsmovement.net/what-is-bds. Accessed 21 October 2023.
[3] Cary Nelson, 'BDS and Antisemitism', p. 342.
[4] As cited in Nelson, 'BDS and Antisemitism', p. 343.
[5] Sergio DellaPergola, *World Jewish Population, 2020*, Berman Jewish Data Bank, https://www.jewishdatabank.org/content/upload/bjdb/2020_World_Jewish_Population_(AJYB_DellaPergola)_FinalDB.pdf. Accessed 24 October 2023.

***4.3 Visiting Israeli academics: specific cases of academic boycott***

The Alliance has found that since 7 October 2023 several attempts by an Israeli speaker to present their research, or a researcher who is known to support Israel (including non-Jews), or a speaker who has collaborative relationships with Israel, has been met with cancellations, denying the speakers' freedom of speech, due to universities caving into protesters.

This is in clear breach of the universities' statutory duties. The TEQSA Act Section 59 allows TEQSA to review compliance to assess whether a University continues to meet with the standards to operate in Australia. The Threshold Standards adopted pursuant to the Tertiary Education Quality and Standards Agency Act, section 58 require that a higher education provider must meet:

· Threshold Standards section 6.4.1: The governing body is to 'develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected' but also an institutional environment where 'the wellbeing of students and staff is fostered.'
· Threshold Standards section 2.3.4: 'A safe environment is promoted and fostered'.

Consequently, Australian universities are harming their reputation by deterring scholars who could contribute to the enhancement of the Australian scholarship, from coming to Australia.

Since 7 October 2023 the number of Israeli academics coming to Australia has been reduced substantially, due to Australian universities sending the message that Israelis are not welcome. Some Israeli academics who travelled to Australia, were forced to turn around and return to Israel, having experienced the hostility against them first-hand on campuses. The cancelling of Israelis is occurring both on campuses and in professional associations affiliated with academic institutions. Below is a small selection of exemplars:

- **March 2024: Frontline Mental Health Conference (FMHC) 2024, organised by Australian & New Zealand Mental Health Association (ANZMH).**

Dr Moshe Farchi, a leading expert on Trauma treatment was invited to give a keynote address concerning his research. After his arrival in Australia, the conference committee cancelled his participation and his hotel booking. The reason given was that the committee received request letters and signatories to a petition to cancel Dr Farchi due to his Israeli nationality. They immediately caved in and cancelled him, regardless of Dr Farchi already being in Australia after travelling for 24 hours from Israel, and regardless of the talk having nothing to do with the current conflict. Dr Farchi was cancelled because he is Jewish and Israeli (See Appendix 1).

- **March 2024: Cancelling Prof. Milette Shamir, Tel Aviv University's VP for international academic relations, and Ms. Sharon Ziv-Kafri from the Lowy International School, Israel, participation in an international fair at the University of Sydney and at Monash University**

On Tuesday 19 March 2024 a high-level Israeli academic delegation, led by Professor Milette Shamir, encountered abuse and intimidation during their visit to the University of Sydney campus. They had been invited to showcase Tel Aviv University as a potential overseas exchange option for students during the University of Sydney's Study Abroad Fair. The university's security team failed to remove the protesters who occupied the building or to obtain their details for disciplinary action. They had been instructed to intervene only if there was violence. Due to the noise and the fact that students could not easily enter the building due to security after two hours, Professor Shamir decided that they should pack up and leave. The irony was that instead of accompanying the protesters outside of the University of Sydney building, the university's security accompanied the victims outside of the campus. This event was covered in the media.

Consequently, this harassment led to the delegation canceling their participation at the Monash Study Abroad Fair as well. Both universities did nothing to protect the freedom of academic pursuit on their campuses .

- **April 2024: On 11 April 2024, protesters shut down a lecture to be delivered by an Israeli professor of aeronautics**.

A distinguished professor was scheduled to speak to a closed forum of a research group seminar at the University of Melbourne. In response to minimal pressure by pro-Palestinian students, the Dean canceled the lecture a day before it was scheduled, having taken no measures whatsoever to secure the event and to allow it to proceed. This was done with the support of the vice chancellor of the university. Once again, the university conveyed the message that the freedom of speech of Jews did not count, and that student activists are running the university and determining its agenda, who can and who cannot speak on campus and what topics are permitted. Resulting from this experience, the Professor also cancelled his planned his sabbatical at the School of Engineering at the Australian National University.

A few days later, a similar cancellation of a guest lecture by an engineer from Amazon occurred due to the company's supposed collaboration with Israel. The University of Melbourne's engineering staff and students were prevented from engaging in intellectual enquiry about or discussing research in world-class aeronautics and information technology research, in clear breaches of the legal obligations of the university for freedom of speech. Here once again the university acted to diminish its scholarly value by giving a hand to the interruption of academic pursuits.

- **May 24: 2024 Australian and New Zealand College of Anaesthetists (ANZCA) Annual Scientific Meeting (ASM)**

Prof. Carolyn Weiniger, a highly distinguished scholar was invited to give a keynote at the conference. Following pressures to cancel her, the conference committee sent her an email letting her know that they are unable to ensure her safety, effectively withdrawing from their responsibility to ensure a safe environment for all speakers. A quick intervention by 5A allowed the presentation to go ahead despite the organisers' refusal to ensure Weiniger's safety, thereby depriving her of freedom of speech through their lack of willingness to protect her (see Appendix 3).

In summary, since 7 October 2023 Australian universities have done little to protect the freedom of speech of Jews, in violation of their statutory obligation. In doing so, Australian universities are not only reinforcing the antisemitic behaviour of the protesters by discriminating against Israeli presenters; they are also actively participating in diminishing the possibility of collaborative research projects and the exchange of knowledge which would be to the benefit of Australia.

**5. Why a judicial inquiry is needed/Advantages to holding a judicial inquiry**

Part 2 of this submission presents the specific case for a judicial inquiry. 5A considers a judicial inquiry into antisemitism on campus, empowered with the authority of a Royal Commission, is essential for several reasons:

1. **Compelling Evidence and Accountability:** Such an inquiry can compel the submission of evidence, ensuring that key individuals, such as Vice Chancellors and university management, are held accountable. This is critical in revealing systemic issues and fostering transparency.

2. **Protection for Vulnerable Witnesses:** The inquiry can conduct interviews in camera (in private) to protect staff who might fear retaliation or loss of employment for speaking out. This creates a safe space for truth-telling without the risk of adverse consequences.
3. **Expertise and Independence:** The inquiry would be chaired by an independent federal judge with expertise in handling complex matters, ideally those dealing with racism and its impacts. This ensures that the process is impartial and informed by a deep understanding of antisemitism and its unique challenges.
4. **Privilege of Evidence:** Any evidence provided during the inquiry is privileged, protecting witnesses from defamation claims. This legal safeguard encourages the submission of candid and comprehensive evidence, critical for uncovering the full extent of the issue.

**6. Concluding recommendations**

Antisemitism is a cancer. It erodes the fabric of our society and poisons social cohesion and tolerance. We naively believed that Australia was somehow vaccinated against this disease, but in the aftermath of Oct 7, with the outpouring of anti-Zionist and anti-semitic sentiment we can no longer put our heads in the sand and assume that this is a problem that will go away without a concerted effort. Ground zero for the hearts and minds of our future leaders are on our campuses. There is no doubt that the rights of Jewish students to enjoy their education and those of Jewish staff to make a meaningful contribution to research and teaching is under threat. **We cannot allow our campuses to be no-go zones for Jews**. We submit that a judicial inquiry as proposed by the bill is the best way to expose the extent of the problem and to propose solutions.

Appendix:

Related Considerations that may be relevant to the judicial inquiry.

A. **The Role of NTEU in spreading antisemitism on campuses**

The National Tertiary Education Union (NTEU) across its Australian university branches, as well as through its national policy, has become a driver of academic boycotts and antisemitism on university campuses. The NTEU has become intensely involved in political activism against Israel, in many cases forcing Jewish members out of the union, and actively creating a hostile environment for Jewish staff where they feel unsafe. Furthermore, much of this activism uses members' fees for political purposes that oppose the beliefs of Jewish members in the union and intentionally humiliates them (please see Image 1 below). Rather than defending workers' rights which is the NTEU's raison d'etre, Jewish university staff members increasingly feel that they cannot be represented by the union and there is no alternative union that can represent them in their dealings with management.

We have many examples of this discriminatory conduct by the NTEU. For example, a Jewish academic wrote in their resignation letter from the union that they are resigning due to the union's perceived complicity in antisemitic rhetoric and failure to differentiate between legitimate criticism of Israel and hate speech against Jews and Israelis. This academic and other Jewish staff believe the union's support of certain pro-Palestinian activities has created a hostile environment for Jewish and Israeli staff, making universities and the broader Australian society less safe for the Jewish community at large.

Another member who resigned from the union wrote:

> *By late October 2023, for the first time in my life, I felt genuinely afraid and unwelcome on university campus. Some colleagues had publicly expressed the view that I was a supporter of genocide or apartheid because I had openly spoken out against the National Tertiary Education Union's (NTEU) hardline stance on the Gaza conflict and its refusal to recognise that people of many backgrounds had been killed in this conflict. For the avoidance of doubt, I do not support genocide, and I do not want innocent civilians of any race, religion or background to be killed.*
>
> *I joined soon after starting my academic career. When there was strike action (some years ago), I donated to a fund to cover the salaries of those who were going to be unpaid as a result of strike action. Apparently, they raised more money than was needed. However, rather than going back to donors, or even putting the money aside for future possible strike action, they donated the excess to the Greens. I felt this was wrong because I don't support the Greens and, if I did, I could have donated to them directly not have the decision made for me when I was supporting something completely different.*

*However, I stayed in the union as I was assured that this was a "one-off" thing. I didn't quit until the more recent statements around Israel. There is absolutely no connection between a union to support (diverse) academic staff and an international war. Like the Greens situation, people can speak for themselves, they don't need a random voice to purport to speak on their behalf (inevitably in line with the views of only some, even if a majority, of members). When I quit, I had to give a reason but the character length was very short so I explained as best as I could. No reply*

*The union has taken up a position of extreme hostility to Israel, the only country in its region with an independent, active union movement, one that accepts Israelis of all national and religious backgrounds and one in which university staff are very active. It sides instead, unquestioningly, with the Palestinians' fake unions that are mere ideological conveyor belts of the dominant party-regimes in Gaza (Hamas) and the West Bank (PLO).*

*I could go on ... including to ask why this matter continually captures the attention of the NTEU to the degree that it does whereas the union is reliably absent when our education union colleagues in eg Iran sit on death row just for being union activists? In anger and in sorrow at feeling I have no choice but to be a non-unionist when we need more not fewer active unionists.*

In summary, NTEU has been actively contributing to the spreading of hate against Jewish people on Australian campuses. By their anti-Israel and anti-Jewish rhetoric, and support for BDS, the union has been forcing Jewish members out, leaving them with no alternative representation. The quantity of material distributed by NTEU branches since 7 October and the extent of organised protests suggest that a substantial proportion of members' fees are directed to political activism against Israel, including using Jewish members' fees against their will in ways that directly harm the mental health of these members.

**B. University responses to antisemitism on campuses**

*Need a definition of antisemitism*

To date the only definition of antisemitism which has formal authority is the IHRA (International Holocaust Remembrance Alliance) definition, which was adopted by the IHRA in Bucharest in 2016. It has now been adopted by 37 countries, including Australia, and hundreds of NGOs, each with its own interpretation and policy. It is strongly supported by Jewish communities throughout the world, including Australia. The IHRA definition stresses that 'criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic'. While traditionally the Australian Jewish leadership view has been that Jews in the Diaspora have no right to criticise Israeli government policies, this has changed radically in recent years. In 2023, Australian Jewish leaders expressed criticism of the current Netanyahu government and the government's planned judicial reform. The responses to recent 'Crossroads23' survey of Australian Jews reflect this new trend in Australian Jewish

relations with Israel. Thus, legitimate criticism of Israeli government policies is definitely not antisemitic.

Anti-Israel activists on campus claim that the IHRA definition stifles free speech and have called for the Universities who have adopted the IHRA to reverse their policy. However, any casual observer will report that the activists have been allowed to express themselves freely. Rarely have students been disciplined no matter how extreme or offensive their language. Universities have bent over backwards to allow the activists free reign on campus, only taking action when their occupation of buildings and grounds became intolerable. Activists who oppose the IHRA have not proposed an alternative definition.

**C. TEQSA: inadequate responses**

Thus far, TEQSA has failed to make a positive determination in relation to the management of antisemitism on campus and the impact of management decisions on Jewish students and staff. Nor has there been the development by the regulator of a Jewish specific approach to cultural training for university staff or a guidance note on managing the complaints or activities that occur on campus as a result of the Middle East conflict. Academic integrity and the need for inclusive pedagogy and teaching quality has not been considered by university management. A judicial inquiry has the power to compel TEQSA to take regulatory leadership in this regard.

Issues of concern in regard to health and wellbeing have already been highlighted in the detailed responses of both Jewish staff and students, yet where concerns have been submitted, there has not been a response based on their cohort's specific needs and health and wellbeing issues. In addition, Jewish students and staff have not been identified as a cohort that requires additional support to feel safe and supported. As the 5A survey revealed, most do not feel comfortable to make complaints for fear of identification and adverse consequences.

Australian
Academic Alliance
Against Antisemitism

**Why do we need a judicial enquiry:**

**5A submission to the Senate Inquiry Part 2**

Given the volume of evidence of increasing antisemitic discourse and incidents in the Australian Tertiary Sector already presented by us and others, one might ask why a judicial enquiry is justified, especially given the appointment of Jillian Segal as the special envoy to combat antisemitism.

The Australian Academic Alliance Against Antisemitism ('**5A**') considers the Universities to be 'Ground Zero' in the emergence of a culture that normalises antisemitism that is likely to affect Australia for generations to come. Today's student leaders will become the politicians and leaders of tomorrow and if we continue to allow antisemitic attitudes and acts to become normalized on campus, the future will be very bleak.

Discrimination and vilification of Jews or Israelis is not only unlawful but also represents a threat to our society as a whole, eroding hard-fought for protections that we value and recognise as essential for the functioning of democracy and for the fostering of a meritocratic environment which is inclusive of all individuals irrespective of their identities. It is this environment which is a necessary precursor to the development of creative and innovative ideas that sit at the heart of academia. If individuals at universities are offended, insulted, intimidated or humiliated, or receive less favourable treatment than others in a similar situation on account of being Jewish or Israeli, then they are less likely to be able to focus on their work and make their academic institutions the global leaders that they seek to be.

In the view of 5A, the reported instances of antisemitic discourse and incidents are a drastic under-representation of the true pervasiveness of the problem on Australian campuses. We believe that antisemitism is a light sleeper and has been awakened and emboldened by the events in the Middle East, and that many students, academics and professional staff at universities across Australia are not reporting antisemitic discourse and incidents when these occur. We believe this because *we are these people*. *We experience these incidents and discourse*, and we often do not report them to our universities because:

- We fear the consequences for our career progression, remuneration, awards, recognition in our fields and tenure (or, in the case of our students, they fear being graded poorly and passed up for opportunities and awards)
- We fear the social fallout in our close-knit work environments and being further ostracised and excluded to the detriment of our psychosocial well-being and our professional development
- We fear the very real threats to our physical safety that have been clearly expressed in events such as the motion by the Student Representative Council at the University of Sydney endorsing the atrocities carried out by proscribed terror organisation Hamas on October 7 as "resistance".

We believe that there must be a judicial enquiry because:

- **Australian universities do not fully appreciate the extent of the problem in terms of attitudes that are becoming normalized in academia and we cannot find this out without the power of a judicial enquiry.** Witness, for example, the attitudes revealed by the three Deans at Columbia who were recently dismissed after damming text messages were uncovered that:

  > *revealed behavior and sentiments that were not only unprofessional, but also, disturbingly touched on ancient antisemitic tropes,"*
  >
  > *"Whether intended as such or not, these sentiments are unacceptable and deeply upsetting, conveying a lack of seriousness about the concerns and the experiences of members of our Jewish community that is antithetical to our University's values and the standards we must uphold in our community".*
  >
  > Minouche Shafik, President, Columbia University

Had these text messages not come to light almost by accident, these Deans would still be in their positions. If these are the attitudes held by senior academics, we have an even deeper problem than student encampments and loud protestors. How do these attitudes filter down, for example, to selection panels for coveted placements in areas such as medicine where one-on-one interviews are an integral part of the selection process? Are we seeing a return to attempts to limit the number of Jewish students and staff on campus as was the case for so many years in the US?

One Associate Dean at the University of Melbourne found it appropriate to put posters of 'From the River to the Sea, Palestine will be free' on the front door of her office and others in that block devoted to student welfare did the same. They were unperturbed by the potential of these signs to cause distress to Jewish students who needed to consult with them, and either were ignorant to the fact that this phrase is a call for the ethnic cleansing of Jews and other Israelis from the region, or even worse condoned such calls.

- **We do not know how or if University administrations are really dealing with this problem or even if they understand what the problem is.** The tip of the iceberg is that the actions that the Universities are taking to discipline students and staff who have been found guilty of misconduct are shrouded in secrecy under the cover of confidentiality and privacy. Universities are not obligated to provide reports on antisemitic incidents or discourse or to document how they addressed such instances, in contrast to the way they are required to report incidences of sexual harassment.

  There is widespread disagreement by universities over whether to adopt the International Holocaust Remembrance Alliance working definition of antisemitism despite both the Government and Opposition endorsing it, meaning that there is not even basic consensus at universities about what antisemitism is. There remains a pervasive view among university administrations that non-Jews can and should define what antisemitism is in total disregard to the lived experience of Jews, a position that is at odds with how every other persecuted group is able to define what racism against it looks like. Only a judicial enquiry can bring this out into the open so that the actual nature and full extent of the problem and how or if it is currently being addressed becomes known.

  Importantly, we do not know how Universities are tackling or planning to address the growth of antisemitism amongst academic and professional staff. Academic and professional staff are given extensive training in diversity, equality and inclusion, and

cultural awareness of, for example, Indigenous sensitivities or the sensitivities of non-binary students. No such training exists about the scourge of antisemitism anywhere in the tertiary sector (to the best of our knowledge). There is little awareness that for most Jewish students, anti-Zionism (i.e the denial of the right of Jews to self-determination in their ancestral homeland in Israel) is antisemitism. Even those academics who oppose Israel's actions in the Middle East have a responsibility to be culturally sensitive to a minority group on campus, whose only perceived 'crime' is that they believe in the right of Jews to self-determination, a right which is protected under international law.

- **We do not know the extent to which entrenched 'anti-Zionist' attitudes have infiltrated academia and whether these views have compromised academic outcomes**. Indeed, our own experience is that such views are affecting the quality of and delivery of courses and are resulting in students being exposed to course materials and teachings which are one-sided, lack academic rigour and have become heavily politicised at the expense of encouraging independent thinking. While 'academic freedom' and 'freedom of speech' are frequently used to justify the creation of a permissive environment for antisemitism, we know from our own lived experiences that ironically there is zero academic freedom or freedom of speech afforded to those who wish to present a contrary view to the 'anti-Zionist' view being propagated. Some lecturers are using their academic power to present as incontrovertible truths, 'data' which is disputed, and to deny facts that are well-documented and established. There is no doubt that some lecturers discriminate against Jewish and Israeli students who raise details about the discrimination they are suffering.

- **We do not know the extent to which foreign and proscribed actors have been seeking to infiltrate and influence students and staff on campus and to promote support for terrorist organizations.** We do not know the degree to which students on campus are being supported and guided by outside agitators. We do know that investigations have revealed disturbing links between organisations such as Hizb ut-Tahrir – an organisation proscribed in many countries including the UK and Germany – and the encampment and anti-Israel movement in Australia. We also know that in recent years the amount of investment from foreign regimes including Qatar in our tertiary sector has increased significantly, as it has in foreign tertiary sectors such as in the US.

- **We do not know the extent to which antisemitic occurrences on campus are underreported because of fears of adverse consequences for staff and students reporting these incidents.** We are not confident that the University administrators are able to keep the identity of complainants confidential and avoid them being attacked, vilified, discriminated against or excluded. We do know that prominent academics with prestigious academic credentials are being targeted, discriminated against and vilified. We also know that many students and university staff have zero confidence in attaining positive outcomes from the reporting of antisemitic incidents and discourse and this will be driving a trend to avoid reporting such incidents and discourse given the perceived harms outweigh any potential perceived benefits.

- **We do not know whether University administrations are capitulating in private to the demands of the agitators to cut off ties with Israel, or what impact this is having on national security and innovation.** We do know that University administrations are giving an out of sized voice to anti-Israel agitators (eg see Memorandum of Understanding between the student guild and Curtin University: https://www.curtin.edu.au/news/wp-content/uploads/2024/06/Signed-MOU-Curtin-

Student-Guild-23052024_2.pdf) and failing to recognise the net gain to Australia from cooperation with Israeli institutions. 5A considers a blanket ban on interactions with Israeli universities to be antisemitic because it targets academics based solely on their citizenship and not their academic credentials. Such an approach is manifestly racist. The academics in Israel are among the most progressive in the world and comprise Jews, Palestinian and Arab citizens of Israel, and individuals of many nationalities, religions and walks of life. Many freely and frequently express views that are critical of their government. There is worrying evidence that Universities are opting for expediency over principle and whilst not publicly agreeing to a boycott, are nevertheless agreeing to a de-facto boycott by cancelling or indefinitely postponing academic exchange programs and not entering into joint research agreements.

Jewish academics have become fearful that their research projects will not receive fair treatment if they propose to collaborate with Israeli colleagues. This 'backdoor Boycott Divestment Strategy' is subtle, hard to expose and even harder to prove, but it is clearly detrimental to positive academic outcomes. A judicial enquiry is the only way we will uncover the extent to which Universities are taking the 'easy way out' and just avoiding conflict by giving in to the demands of the agitators to the detriment of advancements across academia.

- **We do not know the extent to which antisemitism has become embedded in the National Tertiary Education Union (NTEU), and whether it is possible for Jewish academics to have a union that can represent their workplace interests without compromising their core beliefs.** The virulence and obsession of the NTEU in attacking Israel and Zionism raises the question about whether the NTEU has been taken over by those whose antisemitic attitudes dominate over their core responsibility to improve working conditions for academics. The singular obsession with one conflict overseas is hard to understand if it does not indicate underlying antisemitic attitudes. In the UK, an enquiry was needed to rid the Labour party of such influences. Is the NTEU fulfilling its obligations? Does the government need to step in here to protect the right of Jewish and Israeli academics to have a union that will protect their interests while not passing motion after motion attacking their core beliefs.

- **Finally we need an enquiry because we don't know how to best tackle the problem of the growing normalization of antisemitic attitudes in academia.** We need to adopt an empirical approach to this and properly review data from other countries and other eras in order to assess what can be done to roll back the antisemitism that has been unleashed. We do not know if the Universities in Australia are accessing best practice from overseas institutions, some of which have navigated the current conflict much more effectively than others. We do not know if Universities are themselves willing and able to tackle this problem or if Government intervention is needed. We do know that to date agencies such as AHRC and TEQSA have proven to be unwilling and/or unable to tackle the issues and that we need the independence of a suitable judge to get to the bottom of the issues.

- What we **do** know is that if left unchecked we are looking at a future in which Jews will be excluded in practice from the higher education scene. Instead of receiving an education in which they learn to appreciate complexity, students will leave the university with unchecked antisemitic attitudes that will pollute the Australian political and social environment for many years to come.

As with any type of racism, antisemitism is a scourge on society and is inimical to the positive development of Australia. Universities are meant to be environments that prioritise truth, the pursuit of knowledge and learning, the freedom to pursue ideas and to think creatively. They are the not ideological factories where othering and marginalisation should occur and where people should be excluded simply because of their protected identity. We must have a judicial enquiry so that we can get at the truth of what is happening in universities across Australia, hold those who are responsible to account, and eliminate antisemitism from our tertiary education sector.

Yours truly

Steven Prawer on behalf of the Australian Academic Alliance Against Antisemitism.

Australian
Academic Alliance
Against Antisemitism

*Preliminary Results of Survey of Antisemitism in Tertiary Institutions*

*5A Submission to the Senate Inquiry*

## Background

In 2024 a survey of antisemitism on Australian campuses was conducted by a research team led by Professor Andrew Markus, at Monash University and Associate Professor Efrat Eilam, at Victoria University. The research team are all members of 5A.

The survey aimed to assess the extent of antisemitism in Australian universities, as experienced by students and staff, and the extent to which universities in Australia are taking active measures to ensure that their campuses are free from antisemitism.

The survey comprised a small number of questions, 4 demographic, 8 fixed-choice (some with multiple parts) and 3 open-ended. A feature of the survey findings is the extent of detail provided by respondents to the open-ended questions.

The survey was conducted online from April to July 2024 and was promoted by 5A to its members and by various Jewish organisations, including the Australian Union of Jewish Students. 80% of the questionnaires were completed in April and May and 17% in July when there was a final promotion with advice that the survey would close at the end of the month.

Undergraduates from 24 universities responded, with the largest numbers from Monash University, the University of Sydney, the University of New South Wales and the University of Melbourne, comprising nearly 60% of the achieved sample.

Close to 600 questionnaires were completed, by 390 students (some 300 studying at the Bachelor's level) and 200 university staff (130 academic). Analysis of the survey is currently underway. The focus of this submission is on the experience of Jewish students, as expressed in their own words. 5A considers the results of this survey to be highly relevant to the work of the senate committee. Here we provide preliminary findings in advance of a full analysis which will be published in due course.

**Results:**

**The preliminary analysis of the raw data discloses that a majority of respondents indicate that they do not feel safe in the university environment**.

- Only **one-in-three** Jewish undergraduate student respondents reported feeling safe on campus, with an even lower proportion among women and at some universities
- One in five students reported a decrease in their participation in classes held on campus
- When asked "To what extent do you think that your university's **management is taking sufficient action** against antisemitism and ensuring that campuses are safe and inclusive for Jews", **only one quarter of Jewish undergraduate students** indicated a positive view of the response of management.

**Context and benchmarking:**

What is the acceptable level for sense of safety in a university environment?

An important benchmark is provided the 2021 National Student Safety Survey (NSSS) on the prevalence of sexual harassment and sexual assault, funded by Universities Australia through the *Respect. Now. Always.* initiative. Its objective was to "inform ongoing efforts of Australian universities in building equitable, safe and inclusive learning experiences for their students". The 2021 NSSS Survey included questions comparable to the 5A survey, of direct relevance the findings for two questions:

- "I feel safe when at university" – Strongly agree/ agree – 84%
- "My university is trying hard to protect the safety of all students" – Strongly agree/ agree – 75% (NSSS, p. 74, at https://universitiesaustralia.edu.au/project/2021-nsss/)

On the release of these findings, Sex Discrimination Commissioner Kate Jenkins commented that "all students deserve a safe and respectful education, and failure to provide this reflects badly on all us". (https://humanrights.gov.au/about/news/media-statement-release-2021-national-student-safety-survey-report)

Professor Mark Scott, the Vice-Chancellor and Principal of the University of Sydney, committed his university to "renewed and targeted action to create a safer and more supporting environment".

He noted that since 2018 the university had required

> all new students to complete a Consent Matters module and consent workshops are held twice a year for all student leaders and first year students living in student accommodation and residential colleges. We've also created a mandatory module for all executive office

> holders in our many clubs and societies about the drivers of sexual assault and sexual harassment.

Despite the progress that had been made, Professor Scott commented with regard to ongoing incidents:

> Frankly, **one case is one too many**. To every person who has experienced sexual harassment or sexual assault, we are deeply sorry. **Every student has the right to feel safe and supported and to be treated with respect and dignity**, whether on campus, online or offshore. Anything less is unacceptable. (https://www.sydney.edu.au/news-opinion/news/2022/03/23/university-of-sydney-responds-to-national-student-safety-survey.html)

Programs to ensure that all are treated with "respect and dignity" – to change attitudes – have been established at all Australian universities. Thus, in 2023 Victorian universities joined forces to simultaneously hold **Respect at Uni Week** at all campuses and in online spaces. At the University of Melbourne, a bystander awareness email campaign was delivered to all students and staff to encourage bystander action against sexism and sexual harassment. At the Australian National University, a minimum of $3 million a year was committed to the ANU Student Safety and Wellbeing Plan.

This bench-marking exercise demonstrates that Universities have adopted a zero tolerance policy regarding sexual harassment on campus and insist that all students have the right to **feel** safe on campus. We hope that a judicial inquiry will establish why Jewish students not afforded this same level of protection and whether government action is needed to force the universities to confront the problem and take action in the same way that they were forced to take action re sexual harassment.

**Impact of Antisemitism on Jewish Student Well Being.**

In an open-ended question, respondents to the 5A survey were asked: "If you encountered antisemitism, please describe the most impactful experiences of antisemitism that you have encountered on campus since 7 October 2023. More than 190 students described antisemitic incidents, over 80% of those who responded to the question. To provide insight into the student campus experience since 7 October, extracts from responses are provided below, classified under five headings; there have been minor changes where necessary to maintain anonymity.

1. Tone and extent of protests, posters and flyers
2. Behaviour of protestors
3. Behaviour of academics
4. Racism, legitimisation of hate speech
5. Impact of the campus experience

## 1. TONE AND EXTENT OF PROTESTS, POSTERS AND FLYERS

- Constant rallies and posters everywhere accusing the Jewish people of genocide.
- Loud, aggressive weekly protests on campus. Calling for intifada, telling lies about Israel and spreading antisemitic propaganda by way of posters and leaflets on campus.
- There are posters and stickers everywhere and every day.
- You cannot walk anywhere on campus without going past blatantly anti-Israeli and antisemitic posters and stickers – on every pole, wall and building. Additionally, there are constantly groups of students under different group names spreading antisemitic ideals.
- Seeing flyers; protesters approaching me; people trying to give flyers.
- Have pro-Palestinian encampments on campus, have to walk past them and see these students calling for intifada while on my way to classes.
- Nearly every week there are protests in which the staff and students decry "Zionists scum" and "genocidal Zionists ".
- Encouraging students to go to antisemitic marches and putting in student newspapers and welcome booklets pages upon pages of horrifyingly antisemitic content.
- Pro-Palestine activists entered my lecture and forced everyone to participate in a vote, they split the classroom into who was pro-Israel and who was anti-Israel. They took a photo of the results.
- A huge banner across campus saying “every Jew on the planet must be attacked”.
- Palestine flags everywhere, groups of protesters trying to speak to you, posts, posters around uni, videos.
- Constant barrage of people or posters calling for a stop to Israel's campaign, which would not be antisemitic, if it were not accompanied by lies, or disproven/unproven facts, such as "Israel is committing genocide”, and is “only interested in murdering Palestinians".

## 2. BEHAVIOUR OF PROTESTORS

- My lecture theatre was outside the encampment and I had to walk through it to get to the theatre. On my way out I saw a group of protestors linking arms preventing Jewish students from entering, most notably those who told the protestors to do so were Arab men who didn't even attend the university ... That day I felt like the university failed me, my sense of safety on campus and the safety of all other students, to allow this man to ... spread hate speech and to restrict the movement of Jewish students.
- Constantly and incessantly asked to sign fliers to “free Palestine from the Israeli occupation”.

- I have been bombarded by pro-Palestinian parties asking me if I support Palestine and wish to join their movement.
- ... Islamic society handing out sweets and playing music the days following October 7.
- The continuous marches calling for Palestine to be free from the river to the sea. Some people came into a lecture theatre and started yelling at everyone.
- At the meeting a resolution for the annihilation of Israel and Israeli people passed ... Everyone erupted in cheers and applause.
- All these people ... disrupt and cause problems, spewing hate. Classes got cancelled right before exams because of them.
- People walking into my lectures shouting pro-Palestinian chants and antisemitic things.

## 3. BEHAVIOUR OF ACADEMICS

- Discussions about Israel's "genocide" regularly in every class where the tutor commended the encampment and anti-Israel rap. General attitude of anti-Israel sentiment pervaded.
- Students were allowed to go inside the lecture hall, just before the lecture (professors present) to call on the students to join the rally, again calling the war a "genocide".
- Multiple professors referring to Hamas' actions as resistance to occupation and that Israel is committing genocide.
- Professors and laboratory demonstrators who are not Arab, let alone Palestinian, wearing keffiyehs to class.
- Former dean ... continuously posting online under his title ... outrageous anti-Israel posts.
- My lecturers, subject coordinators and tutors all impose their personal opinion of the Israel-Gaza conflict on the class and don't encourage debate or a balanced discussion.
- I have had tutors, lecturers and students make comments about Palestine or the "genocide" or antisemitic stereotype comments in front of the whole class.
- My subject coordinators publishing information which is really hurtful to Jewish people.
- Refusal to talk about any circumstances where Jews might be the victims.

## 4. RACISM, LEGITIMISATION OF HATE SPEECH

- At a meeting ... when we tried to express the suffering and pain our people have faced, we were laughed at and blatantly ignored.
- Heard students talking about anyone who supports Israel as not being human.
- At a rally, a man came up to us saying we should all die, and "F*ck the Jews" and "Heil Hitler".

- Being told I'm complicit in genocide and I'm a baby killer after saying I support Israel.
- Hearing people at my uni chant "Fuck Off Zionists".
- Hearing students wanting to work out who is Jewish and talking about how they might do so, such as asking where their name comes from, like it's a witch hunt.
- I have regularly been called "Jew Boy" or "Jew".
- I was approached by pro-Palestinian students who called me names such as a "Pig", a "Genocide Supporter" and a "Nazi". They tried to intimidate and harass me whilst I was waiting to attend a class.
- I was called a "Genocidal Fuckwit" who had no place on the University campus and was told to fuck off.
- Someone came up to me and shouted "Fuck you Zionazi" in my ear.
- The protestors were also promoting books on the intifada that were terrifying and blatantly antisemitic, calling for attacks on Jews and Israelis. Protestors were also handing out horrible stickers with a stereotypical Jew on the front ...
- I was sitting next to a group of uni students when I heard "If Hitler had done his job properly, the Israel and Palestine war wouldn't be happening".
- The hateful posters are very triggering. I have been tearing them down. Once, someone saw me tearing them down and started videoing without my permission. I was terrified that I was going to be a target and attacked.
- Mr lecturer announced that our class would not be held due to the encampment and encouraged everyone to follow what was happening in Gaza. I later saw him at the protest, actively participating.
- My tutors wear a Palestinian flag on their shirts every day.
- My tutor walked into class wearing a keffiyeh and, unprompted by any student, began to explain his reasons.
- Tweets by a law lecturer celebrating October 7.
- Within a lecture, the lecturer held a specific session to discuss his issues with Israel (in relation the current war that is occurring). Personally, I felt very isolated as all my fellow peers seemed to be engaging in the discussion and blindly accepting.
- I have encountered teachers saying "Free Palestine from the river to the sea", making me so uncomfortable during class, being told by fellow students who knew I was Jewish to shut up when I had not said anything.

## 5. IMPACT OF THE CAMPUS EXPERIENCE

- The presence of the encampment as well as the antisemitic chants have drastically affected me. While on campus I was constantly checking these groups' social medias in an attempt to avoid going anywhere near them, even taking much longer indirect routes to avoid even passing them. Their presence had a significant impact on my mental health. The last few weeks I felt as though I couldn't attend my university, feeling unsafe to represent my Jewish culture, I tried to avoid looking "too Jewish" to avoid being the victim of racial vilification.
- ... felt incredibly isolated and shocked that this was allowed in a classroom setting ...
- The way they said Jewish with such venom was quite terrifying.
- Afraid to talk about my experiences in Israel and as a Jew, for fear of doxing, harassment, isolation.
- I don't feel like I can go to uni and not encounter people pushing fliers in my face.
- All of the posters feel sinister, all of them feel like an attack, and all of them make me feel alienated, alone, and in the worst cases, unsafe.
- The vile chants shouted at the recent protest were quite unnerving. While I was sitting in class it was impossible to focus while people outside were chanting intifada, calling for the death of Jews and Israelis. It is incredibly scary to walk around campus knowing that these people are around you.
- To be honest, I haven't been on campus since October 7. I did my exams remotely.
- My tutor and unit coordinator made me feel distressed and scared and alienated.
- I wear a kippa, so I am and have always been acutely aware that I am a likely target for harassment / violence, and so I had never felt settled on campus, especially since 7/10. All day there had been discussions on group chats about the different pro Palestine posters, so I was looking, curious what I'd see, as campus security was ostensibly removing some of them. I was leaving campus and in response to one poster I immediately felt intense rage and fear, I drank some water to try to stop myself from vomiting. My smart watch showed my heart rate spike ... I then saw protestors putting up more posters, smiling and joking. After all the discussions that day about campus security allegedly removing posters, and free speech, and calm political discussions, it really hammered home that no one really gives a shit about us and our concerns are not valid. It entirely broke my already wavering faith in the administration.
- Very hard to focus when being attacked at the university from the pro-Palestine protesters. Being called disgusting names, abused, harassed and threatened.
- The Gaza-protest encampment invited young children to shout 'intifada' through megaphones, right in front of the university's main quadrangle and lawn. Hearing this call is a reminder to all Jews and Israelis of the terror, murders, bombings, bus attacks and killing that characterised the period of 'intifada' in the early 2000's. It is not something that is fit to

be shouted by anyone, but let alone by children who know not what they are saying. It was shameful and chilled me to the bone.

**CONCLUSION:**

1. A majority of Jewish students have been robbed of their right to feel safe on campus. Their distress is real and debilitating. They are fearful and intimidated. Their sense of well-being and belonging has been eliminated.

2. University actions to date have not been effective in reversing this trend. It is unclear if this is because they are unwilling or unable to do so and whether government actions are needed to force them to confront this issue in the same way that they were forced to confront the issue of sexual harassment.