

## NOTICE OF FILING

### Details of Filing

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| File Title:               | JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR               |
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*Sia Lagos*

Registrar

### Important Information

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Federal Court of Australia  
District Registry: New South Wales  
Division: Human Rights

File No. NSD 950/2025

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

**FIRST RESPONDENT'S OUTLINE OF SUBMISSIONS ON  
APPLICANTS' INTERLOCUTORY APPLICATION DATED 20 FEBRUARY 2026**

1. These submissions are filed in response to the Applicants' application for leave to file the Proposed Further Amended Statement of Claim (**Applicants' application**) in the form provided to the Respondents on 20 March 2026 (**PFASOC**).<sup>1</sup>
2. The PFASOC exceeds the scope of the confined leave to amend granted by the Court following determination of the respondents' strike-out applications in *Toltz v Riemer* [2025] FCA 1385 (14 November 2025) (**leave orders**).
3. There are four categories<sup>2</sup> of amendments in the PFASOC:
  - a. those permitted by the leave orders (category a);
  - b. those not permitted by the leave orders, but to which the First Respondent does not object due to their inconsequential and unprejudicial nature (category b);  
(categories a & b together, the **amendments by consent**);
  - c. those not permitted by the leave orders which seek to reintroduce material struck out by the leave orders (category c); and
  - d. those not permitted by the leave orders which introduce entirely new material (category d),  
(categories c & d together, the **resisted amendments**).
4. Some of the resisted amendments do nothing but introduce evidence, contrary to long-settled practice and authority about the appropriate contents of a pleading.<sup>3</sup> Others introduce new allegations, assertions and case theories inconsistent with either or both of the leave orders and the complaint lodged with the Australian Human Rights Commission (**AHRC**). To the extent that it exceeds the bounds of the leave orders, the PFASOC is an affront to the

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<sup>1</sup> This version of the PFASOC is the same as the document exhibited as Exhibit "DPM-31" to the affidavit of Mr McCoach affirmed on 20 February 2026, except this document includes all of the applicants' particulars in the one document.

<sup>2</sup> These are the categories referred to in the last column in the table at Annexure 1 to this document.

<sup>3</sup> For example, r16.02; r16.41 *Federal Court Rules 2011* (Cth).

objectives of efficiency, timeliness, proportionality and the just resolution of disputes in section 37M of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**).

5. The First Respondent seeks orders that leave to file the PFASOC be refused in respect of the resisted amendments (categories c & d in Annexure 1 to this document).

### **The law on amendment of pleadings**

6. The discretion to permit amendment is conditioned by the principles in *Aon Risk Services Australia Ltd v Australian National University* [2009] HCA 27, which require the Court to give primacy to the just, quick and inexpensive resolution of proceedings, including the efficient use of court resources and the effect on other litigants. As the plurality in *Aon* made clear, case management considerations are not subordinate to the interests of a party in having its case determined on the merits; rather, “[t]he resolution of disputes serves the public as a whole, not merely the parties to the proceedings”<sup>4</sup> and undue delay and inefficiency are inimical to that purpose.<sup>5</sup>
7. Amendments which cause substantial disruption to the conduct of the litigation may properly be refused notwithstanding that they raise an arguable case.<sup>6</sup>
8. Their Honours further emphasised that the “just resolution of proceedings” includes “the minimisation of delay and expense” and that “it cannot therefore be said that a just resolution requires that a party be permitted to raise any arguable case at any point in the proceedings, on payment of costs.”<sup>7</sup> This point looms large in the context of section 46PSA of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**), which may operate to prevent the First Respondent recovering his costs in any event.
9. Despite a defence not yet having been filed, this cannot properly be described as an early stage of the proceeding. There have been substantial interlocutory steps, there are orders expressly confining the permissible scope of repleading, and the hearing of the Applicants’ application will take place some eleven months after the filing of their Originating Application and initial Statement of Claim. As was observed by the Full Federal Court in *Tamaya Resources Limited (in liq) v Deloitte Touche Tohmatsu (A Firm)* [2016] FCAFC 2 (at [100] per Gilmour, Perram & Beach JJ), “it is demonstrably inefficient for a party who has had a reasonable opportunity to formulate a case to wait until one year after the proceeding has been commenced to do so.”
10. The ongoing prejudice to the First Respondent is real: he has conducted this litigation, including contested interlocutory disputes, on grounds which the Applicants have continuously sought to evolve and expand.

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<sup>4</sup> *Aon Risk Services Australia Ltd v Australian National University* [2009] HCA 27 at [113].

<sup>5</sup> See for example *Aon* at [5], [23] and [30].

<sup>6</sup> *Aon* at [97]–[103].

<sup>7</sup> *Aon* at [98].

11. To accede to the whole of the Applicants' application would undermine the Court's earlier orders, reward the Applicants' non-compliance with them, and occasion further delay and prejudice (including as to costs), contrary to sections 37M and 37N of the FCA Act. In those circumstances, and consistently with *Aon*<sup>8</sup> and section 37M(3), the appropriate use of Court's discretion on the Applicants' application is to refuse leave in respect of the resisted amendments.

**Objection to unsolicited provision of further particulars (and the promise of more to come)**

12. There are no fewer than thirty-four paragraphs in the PFASOC containing new and unsolicited changes to the Applicants' case, without leave of the Court.<sup>9</sup>

13. Additionally, paragraphs [34A] and [37] foreshadow the emergence of *further* as-yet unknown particulars prior to trial.

14. This approach by the Applicants is strenuously opposed by the First Respondent (as it was by the Court<sup>10</sup> and the First Respondent<sup>11</sup> during the interlocutory hearing on 13 and 14 October 2025). On that occasion, given "the clear indication on [that] hearing that [the Applicants] intend to stray beyond the limits of their pleadings", the First Respondent requested that the Court "draw a line here in respect of the potentially accordion like expansion of the Applicants' case against him".<sup>12</sup> He respectfully repeats that request here.

15. This Honourable Court took a dim view of the "surprising submission" that the Applicants' "case advanced at trial would not be limited to the imputations pleaded"<sup>13</sup>, saying (at [87]), "no inherent right to go beyond the pleaded case can be assumed. Questions as to whether the applicants have reasonable prospects of successfully advancing their claims must be tested by reference to the case as they have pleaded it."<sup>14</sup>

16. Unfortunately, not only does the PFASOC represent yet another unbidden iteration of the Applicants' case; it also discloses the Applicants' view that they are at liberty to provide *yet further* particularisation of their case as the matter progresses, despite the clearly prescriptive and exhaustive framing of the leave orders and their rationale.

**Shift to 'non-removal' or 'omission' case.**

17. It appears from paragraphs [45], [55], [62], [65], [75], [80], [83], [86] and [94] of the PFASOC that the Applicants now seek to run this proceeding as a 'non-removal' case. That is; the impugned conduct is now framed not only as the First Respondent's publication / posting of

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<sup>8</sup> See in particular [5]-[6] and [98]-[103].

<sup>9</sup> They are paragraphs [4], [6], [7], [9], [13], [14], [23A], [29A], [30], [31A], [32A], [34A], [35], [36], [37], [39], [42], [45], [55], [58], [59], [60], [61], [62], [65], [68], [71], [75], [83], [82A], [83], [86], [88] and [92].

<sup>10</sup> See T42:24-T45:30

<sup>11</sup> T173:32-36.

<sup>12</sup> T173:32-36.

<sup>13</sup> *Toltz v Riemer* [2025] FCA 1385 at [83], [86].

<sup>14</sup> *Toltz v Riemer* [2025] FCA 1385 at [87].

certain statements on social media but also his ongoing omission or failure to remove or take them down. This is a material shift in the conduct of the First Respondent alleged to be in breach of the *Racial Discrimination Act 1975* (Cth) (**RDA**) in the Applicants' AHRC complaint. One can see from the framing of the 'Staff Members Post' in the Keane proceedings how the Applicants framed a non-removal case before the AHRC.<sup>15</sup> That framing is clear and unambiguous and entirely absent in the AHRC complaint against Dr Riemer.

18. The First Respondent had not understood the case to be put as a non-removal case until the most recent iteration of the Applicants' pleading. It was not the conduct (or substantially similar to the conduct) alleged before the AHRC and is therefore not a case permitted to be brought before this Court.<sup>16</sup>
19. The Applicants are not entitled to access the jurisdiction of the Court on the basis that the non-removal of any tweet, post or publication is a part of the impugned conduct. It is on that basis that the proposed amendments to [45], [55], [62], [65], [75], [80], [83], [86] are resisted.
20. The First Respondent also seeks to strike out the phrase '(and their non-removal)' in [94]. While that paragraph alleges the vicarious liability of the Second Respondent and was present in prior drafts of the statement of claim, the First Respondent submits that the phrase '(and their non-removal)' is not an accurate statement of the case against him (or the Second Respondent), is confusing and embarrassing, and should be struck out. This is consistent with the other objections taken to amendments of the pleading that seek to frame the matter as a non-removal case.
21. That reformulation introduces new and distinct case theory, requiring findings of fact by the Court as to (at least):
  - a. when any obligation to remove material is said to have arisen;
  - b. the First Respondent's knowledge of alleged harm and capacity to effect removal;
  - c. the existence of any continuing "act" for the purposes of s 18C of the RDA;
  - d. the ongoing and evolving 'reasonableness and good faith' of the non-removal for the purposes of section 18D of the RDA (which would necessitate evidence of years, if not decades, of contested history and geopolitics); and
  - e. causation of any incremental loss or damage arising from ongoing visibility and availability of the material.
22. None of those matters formed part of the case previously pleaded, nor were they within the confined leave to amend granted by the Court in its November 2025 interlocutory judgment.<sup>17</sup>
23. Properly characterised, the PFASOC therefore does not merely refine or 'tidy up' the Applicants' existing case but reframes the proceeding on a new footing. Amendments which

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<sup>15</sup> See for example, *Keane* Amended Complaint, paragraphs 43, 47, 48-50, 52.

<sup>16</sup> Section 46PO(3) AHRC Act.

<sup>17</sup> *Toltz v Riemer* [2025] FCA 1385.

substantially reshape the issues in dispute after interlocutory rulings should ordinarily be refused to prevent prejudice, delay and waste of resources.<sup>18</sup>

24. The assertion of omission-based liability at this stage would materially expand the scope of factual inquiry. Such a shift would occasion substantial procedural prejudice not adequately compensable in costs, would undermine the case-management structure imposed by the Court's earlier orders, and would subvert the strict legislative processes established in Part IIB of the AHRC Act.
25. Given that the proceeding is not a non-removal or omission case, the First Respondent further contends that the Applicants ought not be permitted to plead and/or adduce evidence of 'circumstances' arising after the dates of each of the impugned acts (see 48 to 50 below).

### **Submissions on the resisted amendments**

#### *Paragraph [9]*

26. This proposed amendment is not permitted or contemplated by the leave orders.
27. It is resisted because it is of no or marginal relevance to the cause of action against the First Respondent, and it is incapable of being proven or disproven in any manner consistent with section 37M of the FCA Act.
28. The Applicants persist in invoking the notion of the "Jewish experience" or "the Jewish response". That framing is inherently problematic. Jewish communities are not monolithic or homogeneous; there is diversity (and indeed polarity) of views among Jewish people in Australia, Israel, and elsewhere, including on the issues raised in this proceeding.
29. The Applicants cannot make good the matters asserted in [9], particularly not in accordance with section 37N of the FCA Act, and without resort to the sort of survey evidence adduced on the earlier interlocutory hearing and described by this Court as "based on unsatisfactory methodologies" and apparently without "any regard to the Court's Survey Evidence Practice Note".<sup>19</sup>
30. Further, neither the proof nor disproof of the asserted fact would have a material impact on the outcome of the proceeding. It should be disallowed. (This amendment is also referred to in the particulars of proposed paragraph 23A(c)).

#### *Paragraph [23A]*

31. This proposed amendment is not permitted or contemplated by the leave orders.
32. The Applicants were ordered by the leave orders to strike out [23]<sup>20</sup>, [24]<sup>21</sup>, [25]<sup>22</sup>, including because they "invite an evidentiary battle on issues that do not appear to be relevant to any

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<sup>18</sup> See *Aon* [98]-[103].

<sup>19</sup> *Toltz v Riemer* [2025] FCA 1385 at [79].

<sup>20</sup> Same as PFASOC [23A(a)].

<sup>21</sup> Same as PFASOC [23A(b)].

<sup>22</sup> Same as FASOC [23A(d)]. PFASOC [23A(c)] was not contemplated by the orders or previously pleaded.

claim for relief<sup>23</sup>. Those paragraphs have been struck out but have been repleaded in proposed [23A], which frames those asserted facts as matters of subjective opinion, framing them broadly enough to be arguable, even if the underlying subjective belief is irrational, erroneous or ill-informed. This reframing invites a *different* (and probably broader) unnecessary evidentiary frolic which will not assist the Court in its adjudication of the proceeding.

33. The words used are these:

*It has been widely reported and/or Jews and Israelis have read or believe on the basis of that information that...*

34. Patently, the 'wide reporting' of a particular matter has no correlation with its accuracy, rationality or reasonableness. This amendment invites the court to determine that the group members have in part formed their vulnerability to offence on the basis of information that was 'widely reported', without regard to whether it is true, or even credible. This framing is embarrassing and impossible to plead to. Further, the "and/or" makes no sense. If it is "or", the sentence is incoherent as it doesn't define what "that information" is. If it is "and", then it is also incoherent as a reference to the undefined information.

35. The Applicants have already been explicitly shut out from pleading these matters.

36. The First Respondent respectfully requests that the Court restrain the Applicants from asserting some interpretation of the events of the first and second intifadas as a matter going to the First Respondent's liability, on the basis that it has been "widely reported" or because Jews or Israelis might "have read or believe" it, regardless of its truth, completeness, reasonableness or accuracy. This is vague, convoluted and embarrassing, and the First Respondent should not be required to plead to it.

37. The Applicants may seek to adduce evidence of their own subjective beliefs to establish section 18C(1)(a) of the RDA. That is a matter for them. The global 'belief' of 'Jews and Israelis', or what 'Jews and Israelis' 'have read' on this (or any other) matter is not capable of proof. Nor is it a material fact going to the cause of action against the First Respondent. The pleading continues to advance unanswerably vague assertions about historical events, and in the case of paragraph (c), the impact on 'Australian Jews or Israelis', rather than legally relevant facts concerning the First Respondent's conduct or the reasonably likely reaction to it.

38. This proposed amendment should be disallowed.

#### *Paragraph [29A]*

39. This proposed amendment is not permitted or contemplated by the leave orders.

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<sup>23</sup> *Toltz v Riemer* [2025] FCA 1385 at [125].

40. Paragraphs [27]-[29] plead the asserted facts. Proposed [29A] frames those asserted facts as matters of subjective opinion, framing them broadly enough to be arguable, even if the underlying subjective belief is irrational, erroneous or ill-informed. Patently, the ‘wide reporting’ of a particular matter has no correlation with its accuracy, rationality or reasonableness. This amendment invites the court to determine that the group members have in part formed their vulnerability to offence on the basis of information that was ‘widely reported’, without regard to whether it is true, or even credible.

41. The words used are these:

*It has been widely reported and/or Jews and Israelis have read or believe on the basis of that information and/or the Hamas Covenants referred to above...*

42. This framing is embarrassing and impossible to plead to. The “and/or” makes no sense. If it is “or”, the sentence is incoherent as it doesn’t define what “that information” is. If it is “and”, then it is a reference to “the Hamas Covenants”.

43. The Applicants have already been shut out from pleading the intent and motivation of Hamas as facts.<sup>24</sup> They have also been permitted to provide *particulars* to their pleading regarding the meaning of the Hamas Covenants.<sup>25</sup>

44. The First Respondent respectfully requests that the Court restrain the Applicants from asserting some meaning of the Hamas Covenants as a matter going to the First Respondent's liability, on the basis that it has been “widely reported” or because Jews or Israelis might “have read or believe” it, regardless of its truth, reasonableness or accuracy. This is embarrassing, and the First Respondent should not be required to plead to it.

45. The Applicants may seek to adduce evidence of their own subjective beliefs to establish section 18C(1)(a) of the RDA. That is a matter for them. The global ‘belief’ of ‘Jews and Israelis’, or what ‘Jews and Israelis’ ‘have read’ on this (or any other) matter is not capable of proof. Nor is it a material fact going to the cause of action against the First Respondent. The pleading continues to advance unanswerably vague assertions about the motives and objectives of foreign actors rather than legally relevant facts concerning the First Respondent’s conduct or the reasonably likely reaction to it.

46. This proposed amendment should be disallowed.

#### *Paragraph [30b]*

47. This proposed amendment was not permitted or contemplated by the leave orders. It opens an unnecessary evidentiary inquiry, and is unlikely to be of assistance to the Court in adjudicating the dispute. It should not be permitted, not because it is untrue (which the First Respondent

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<sup>24</sup> *Toltz v Riemer* [2025] FCA 1385 at [32].

<sup>25</sup> *Toltz v Keane* [2025] FCA 1386 at [65].

does not know or assert) or insignificant to the Applicants, but because it represents an unnecessary expansion of the evidentiary landscape without forensic utility.

*Paragraph [31A]*

48. This proposed amendment was not permitted or contemplated by the leave orders. It appears to be an attempt to introduce evidence of the “circumstances” referred to in section 18C(1)(a) of the RDA.

49. It is objectionable for several reasons, including:

- a. the particulars consist of evidence rather than and/or in addition to material facts, contrary to r16.02(1)(d) of *Federal Court Rules 2011* (Cth) (**FCR**);
- b. if to any extent proposed [31A] pleads material facts, it invites a vast and unnecessary evidentiary stoush about what occurred, when, why, who knew about it, and what impact that knowledge had, contrary to r16.02(2);
- c. items 5 to 23 of the particulars were not ‘circumstances’ that existed at the time of the First Respondent’s impugned conduct (in addition to which they were not part of the circumstances alleged before the AHRC).

50. Should the Court decide to permit any part of this proposed paragraph, the First Respondent respectfully requests that it stipulate a date range within which it considers ‘circumstances’ will be relevant. Given that the case is not properly brought as a ‘non-removal’ case, each of the impugned acts was done once, at an identifiable time, and was not an ongoing act. The Applicants ought not be permitted to plead as material facts and/or adduce evidence of ‘circumstances’ arising after the dates of each of the impugned acts.

*Paragraph [32A]*

51. The Applicants were ordered by the leave orders to strike out [32]. As with [23A], this proposed amendment seeks to reinsert the substance of [32] by framing it as opinion. The First Respondent reiterates his objection to this attempt to reagitate the Court’s determination, as set out at paragraphs 39 to 46 above.

*Paragraph [34A]*

52. The Applicants submitted in the October 2025 hearing that paragraph [34] showed “the influence and the unison of conduct between student groups and Dr Riemer and that exacerbates offence for the relevant group and highlights the offensiveness”.<sup>26</sup> In response, this Honourable Court said<sup>27</sup>:

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<sup>26</sup> T186:20.

<sup>27</sup> *Toltz v Riemer* [2025] FCA 1385 at [136].

*the aims and activities of the group known as Solidarity may have some relevance to the matters pleaded against Dr Riemer (although that relevance is presently not clear to me, unless it is also contended that Solidarity's aims and activities are known to Jewish persons or Israeli persons generally). However, the meaning of the formulation "closely follows and mimics Dr Riemer" is somewhat obscure. I do not consider that Dr Riemer can be expected to plead to this allegation (or to digest it as a particular, if that is really what it is) in its current form.*

53. The Applicants were ordered to reformulate [34] to remedy that obscurity. It is now explicitly pleaded at [34A] as Solidarity and the First Respondent "acting in concert", to such an extent that the First Respondent is somehow said to be liable for the actions of Solidarity. Solidarity's online activity is not a part of the First's Respondent's impugned conduct; nor was it before the AHRC as such (and is thus precluded by section 46PO(3) AHRC Act). This proposed amendment therefore does not disclose a cause of action, nor have any bearing on the cause of action against the First Respondent.
54. The annexure at page 32 of the PFASOC sets out further 'particulars' to [34A], being 85 social media posts said to have been made by Solidarity. Many of them are no longer accessible at the links provided, and not one of them appears to be relevant to the determination of the cause of action against the First Respondent.
55. Items 20 to 85 in the annexed particulars post-date the First Respondent's impugned conduct and even for that reason alone cannot be seen as part of the "circumstances" in which section 18C(1)(a) RDA can be assessed.
56. This amendment is ambiguous, embarrassing, causative of prejudice and delay, and should not be permitted.

*Paragraph [35]*

57. The proposed amendment to [35] was not contemplated or permitted by the leave orders. Its purpose is unclear. It may be intended as another bolt-on to the 'in concert' case theory, and to that extent should be disallowed, including for the reasons set out in the preceding paragraphs. It also appears to press the 'non-removal' case, which the First Respondent submits is impermissible. References to 'online advertisements' are vague and ambiguous.
58. If it is intended as evidence that the Solidarity student meeting took place, and when, then it is not a matter for a pleading.

*Paragraph [39]*

59. This proposed amendment was not contemplated or permitted by the leave orders. The proposed amendment is not a material fact, but evidence, being an interview given by the First Respondent on ABC Radio National. It should not be permitted.

*Paragraph [88]*

60. The proposed amendments to (c) and (d) were not contemplated or permitted by the leave orders. They add only repetition and complexity and should be disallowed.
61. The proposed amendment at (e) asserts ‘particulars’ (at page 48 of the PFASOC) of the so-called tendency pleaded at paragraph 88(e), being some 173 items in a table purporting to establish the asserted tendency. This is an entirely improper inclusion in a pleading and should not be permitted.
62. The annexed document at page 48 of the PFASOC is not a set of particulars in the sense required by r 16.41 of the FCR. It is an emotive and editorialised narrative compendium of material, replete with submissions and evaluative commentary.
63. The alleged “tendency” is impermissibly framed at a level of abstraction that collapses into the expression of political views concerning Israel, Zionism, and Palestine. No coherent or legally relevant tendency (in the sense required to ground liability under section 18C of the RDA) is identified. The particulars do not plead, in relation to any item, the material facts necessary to establish that the conduct was engaged in “because of” the race or ethnic origin of Jewish or Israeli persons.
64. The particulars impermissibly conflate distinct categories of people (Jewish or Israeli persons), and adherents to a political ideology (Zionism), and thereby attempt to equate political speech with racialised conduct by assertion rather than by pleaded fact.

**Orders sought**

65. The First Respondent seeks orders that:
  - a. the PFASOC be accepted for filing only after the removal of the resisted amendments;  
and
  - b. the Applicants pay some or all of the First Respondent’s costs of responding to their application, pursuant to section 46PSA(6)(b) of the AHRC Act.

**JESSIE TAYLOR**

Counsel for the First Respondent

**MARQUE LAWYERS**

Solicitors for the First Respondent

8 April 2026

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
| [1]       | [1]        | This proceeding is within the jurisdiction of the Federal Court of Australia conferred by section 46PO of the Australian Human Rights Commission Act 1986 (Cth) and section 39B(1A)(c) of the Judiciary Act 1903 (Cth).  |  | N/A  |
| [2]       | [2]        | The Applicants are all natural persons capable of suing and ordinarily resident in Australia.  |  | N/A  |
| [3]       | [3]        | The First Applicant (Dr Joseph Toltz) is and at all relevant times was: <ul style="list-style-type: none"> <li>a. a researcher at The University of Sydney (Sydney University), specialising in Jewish music and its migrations, and Manager of Research Support in the Faculty of Arts and Social Sciences; and</li> <li>b. a Jewish person.</li> </ul>   |  | N/A  |
| [4]       | [4]        | The Second Applicant (Professor Emeritus Suzanne Rutland OAM), is and at all relevant times was: <ul style="list-style-type: none"> <li>a. a Professor Emeritus of Sydney (University), Department of Hebrew, Biblical &amp; Jewish Studies; and</li> <li>b. a Jewish person and an Israeli citizen</li> </ul>   | The Second Applicant (Professor Emeritus Suzanne Rutland OAM), is and at all relevant times was: <ul style="list-style-type: none"> <li>a. a Professor Emeritus of Sydney (University), Department of Hebrew, Biblical &amp; Jewish Studies; and</li> <li>b. a Jewish person and</li> <li>c. an Israeli person (being an Israeli citizen and identifying as an Israeli).</li> </ul>                                | b    |
| [5]       | [5]        | The Third Applicant (Mr Ariel Eisner): <ul style="list-style-type: none"> <li>a. is and at all relevant times was an elected officer of the Australasian Union of Jewish Students (AUJS);</li> </ul> Particulars <ul style="list-style-type: none"> <li>(i) AUJS is the peak representative body for Jewish university students across Australia and New Zealand.</li> <li>(ii) From 7 October 2023, the Third Applicant was the head of politics for AUJS NSW.</li> <li>(iii) From January 2025 to the present, the Third Applicant has been the national head of campaigns for AUJS.</li> </ul> <ul style="list-style-type: none"> <li>b. was until he graduated in November 2024, a student enrolled at Sydney University studying a Bachelor of Architecture; and</li> </ul> is and at all relevant times was a Jewish person. |  | N/A  |
| [6]       | [6]        | The Fourth Applicant (Mr Yaniv Levy): <ul style="list-style-type: none"> <li>a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; and</li> <li>b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024; and</li> </ul>  | <u>The Fourth Applicant (Mr Yaniv Levy):</u> <ul style="list-style-type: none"> <li>a. is and at all relevant times was a Research Education Lead in the Faculty of Medicine and Health at Sydney University; and</li> <li>b. was a student at Sydney University enrolled in a Graduate Diploma of Crosscultural and Applied Linguistics from Semester 1 2024 until he withdrew on about 6 August 2024;</li> </ul> | b    |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC   | Cat*  |
|-----------|------------|--|---|-------|
|           |            | c. is and at all relevant times was a Jewish person and an Israeli citizen.  | c. is and at all relevant times was a Jewish person <del>and an Israeli citizen</del> ; and<br>d. is and at all relevant times was an Israeli person (being an Israeli citizen and a son to two Israeli parents who were born in and continue to reside in Israel and identifies as an Israeli).  |       |
| [7]       | [7]        | Each Applicant is a Jewish person or a person who is, or is eligible to be, an Israeli citizen (Israeli person) and identifies as Zionist.   | Each Applicant<br>a. is a Jewish person; or<br>b. an Israeli person and<br>c. identifies as Zionist.  | b     |
| [8]       | [8]        | For the purposes of the Racial Discrimination Act 1975 (Cth):<br>a. Jewish persons constitute a group of people with a shared race, descent and/or ethnic origin.<br>b. Israeli persons constitute a group of people with a shared ethnic origin and/or nationality. | For the purposes of the Racial Discrimination Act 1975 (Cth):<br>a. Jewish <del>people</del> persons constitute a group of people with a shared <u>race descent</u> and/or ethnic origin<br>b. Israeli <del>people</del> persons constitute a group of people with a shared ethnic origin and/or <u>nationality origin</u> .  | a / b |
| [9]       | [9]        | Israel is a nation state and the national home of and for Jewish people. Its citizens are mostly Jewish people.  | a. Israel is a nation state and the national home of and for Jewish people;<br>b. Its citizens are mostly Jewish people;<br>c. <u>Most Jewish persons in Australia:</u><br>1. <u>feel a personal connectedness with Israel and Israeli people;</u><br>2. <u>have relatives living in Israel; and</u><br>3. <u>have a concern for the safety of Israelis.</u>  | d     |
| [10]      | [10]       | Zionists are predominantly Jewish people and/or Israeli people who believe in Israel being a nation state and the national home of and for the Jewish people. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.              | a. Zionists are <del>predominantly Jewish people and/or Israeli people</del> who believe based on religious, ethno-cultural and legal/political grounds (and Zionism is the belief):<br>1. in Israel being a nation state and the national home of and for the Jewish people;<br>2. that the Jewish people, who are a people with shared characteristics, are entitled to self-determination in their historic, ancestral homeland. | a / b |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|---|--|------|
|           |            |   | b. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.   |      |
| [11]      | [11]       | The first respondent (Dr Riemer) is and at all relevant times was:<br>a. a Senior Lecturer in the Discipline of English and Writing at Sydney University;<br>b. President of the Sydney University Branch of the National Tertiary Education Union (USYD NTEU), and from about 18 October 2024 its Vice President;<br>Particulars<br>(i) The President of USYD NTEU was required to be a member of the academic staff of Sydney University.<br>Dr Riemer has, since about 18 October 2024, been Vice-President (academic) of USYD NTEU, a position that also needs to be filled by an academic staff member of Sydney university. |  | N/A  |
| [12]      | [12]       | The Second Respondent (Sydney University) is a body corporate incorporated under s 5 of the University of Sydney Act 1989 and is capable of being sued.   |  | N/A  |
| [13]      | [13]       | At all material times Dr Riemer operated and still operates an X page (Riemer X Page) at the web address: <a href="https://x.com/nickriemer1?lang=en">https://x.com/nickriemer1?lang=en</a><br>Particulars<br>a. The First Respondent's handle is '@NickRiemer1.'<br>b. At least since 7 October 2023 the First Respondent has referred to himself as being an 'academic,' 'President, USYD @NTEUnion' (recently 'Vice-president (academic)'), USYD @NTEUnion, and Author, Boycott Theory & the Struggle for Palestine (2023).  | a. ...<br>b. At least since 7 October 2023 the First Respondent has referred to himself as being an 'academic,' 'President, USYD @NTEUnion' (recently 'Vice-president (academic)'), USYD @NTEUnion, and Author, Boycott Theory & the Struggle for Palestine (2023). <u>He also refers to himself as an activist.</u> | b    |
| [14]      | [14]       | In around October 2024 the Riemer X Page had approximately 5,220 Followers and at the time of the Amended Statement of Claim has about <del>5,519</del> 5,543 Followers.  | In around October 2024 the Riemer X Page had approximately 5,220 Followers and at the time of the <u>Further</u> Amended Statement of Claim has about <del>5,519</del> <del>5,543</del> <u>6,441</u> Followers.  | b    |
| [15]      | [15]       | The Riemer X Page is and was at all relevant times accessible by members of the public whether or not they 'follow' Dr Riemer.  |  | N/A  |
| [16]      | [16]       | The Riemer X Page is regularly updated with various publications including text, photos and audio-visual recordings of remarks and speeches.  |  | N/A  |
| [17]      | [17]       | A number of the publications which appear on the Riemer X Page include links to various written or spoken material by Dr Riemer or material the content of which he endorses or on which he comments.   |  | N/A  |
| [18]      | [18]       | Dr Riemer still operates and has at all material times operated a Facebook page (Riemer Facebook Page) at the web address: <a href="https://www.facebook.com/nick.riemer.9">https://www.facebook.com/nick.riemer.9</a>  |  | N/A  |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026      | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|-----------------|--|---|------|
| [19]      | [19]            | The Riemer Facebook Page is and was at all relevant times accessible by members of the public whether or not they 'follow' Dr Riemer.  |   | N/A  |
| [20]      | [20]            | The Riemer Facebook Page was or has been regularly updated with various publications including text, photos and audio-visual recordings of remarks and speeches. Dr Riemer stated that he does not post much on Facebook anymore since Facebook "censor pro-Palestinian content so much." Accordingly the Riemer X Page is more recently and extensively used by him than Facebook.  |   | N/A  |
| [21]      | [21]            | The intifadas were, and were known as, the armed and violent uprising of Palestinians against Israeli occupation of the West Bank (including East Jerusalem) and Gaza strip.   | The intifadas were, <del>and were known as</del> , the armed and violent uprising of Palestinian against Israeli occupation of the West Bank (including East Jerusalem) and Gaza strip.   | a    |
| [22]      | [22]            | The first intifada began in December 1987 and ended in September 1993. The second intifada began in December 2000 and had run its course by late 2005. The two uprisings resulted in the death of more than 5,000 Palestinians and some 1,400 Jews or Israelis.  |   | N/A  |
| [23]      | <del>[23]</del> | The first intifada began with rioting but after the first year it shifted from throwing rocks and Molotov cocktails at Israeli targets to attacking Jews or Israelis with rifles, hand grenades and explosives.  | Removed in compliance with orders   | a    |
| [24]      | <del>[24]</del> | The second intifada was much more violent than the first. The violence included directly attacking Jewish or Israeli civilian centres, but also attacks on vehicles and civilians through suicide bombings, drive by shootings and rocket attacks. Over 1,000 Jews or Israelis were killed, and thousands of Jews or Israelis were severely injured, in those attacks. During the approximate five-year uprising, more than 4,300 fatalities were registered with a similar ratio of Palestinian to Jewish or Israeli deaths to the first intifada of the second intifada being slightly more than 3 to 1. | Removed in compliance with orders   | a    |
| [25]      | <del>[25]</del> | The Palestinians engaging in the violence described above against Jewish persons or Israeli persons did so because they were, or were believed to be, Jewish persons or Israeli persons  | Removed in compliance with orders   | a    |
| N/A       | [23A]           | N/A  | <p><u>It has been widely reported and/or Jews and Israelis have read or believe on the basis of that information that:</u></p> <p>(a) The first intifada began with rioting but after the first year it shifted from throwing rocks and Molotov cocktails at Israeli targets to attacking Jews or Israelis with rifles, hand grenades and explosives.</p> <p>(b) The second intifada was much more violent than the first. The violence included directly attacking Jewish or Israeli civilian centres, but also attacks on vehicles and civilians through suicide bombings, drive by shootings and rocket attacks. Over 1,000 Jews or Israelis were killed, and thousands of Jews or Israelis were severely injured, in those attacks. During the approximate five-year uprising, more than 4,300 fatalities were registered with a similar ratio of Palestinian to Jewish or Israeli deaths to the first intifada of the second intifada being slightly more than 3 to 1.</p> | d    |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|---|--|------|
|           |            |   | <p>(c) Given the increased violence of the second intifada, this event particularly impacted Australian Jews or Israelis in light of the close identity and familial connection they have with Israel.</p> <p><u>Particulars</u></p> <p>1. Applicants refer to and repeat [9.c] above.</p> <p>(d) The Palestinians engaging in the violence described above against Jewish persons or Israeli persons did so because they were, or were believed to be, Jewish persons or Israeli persons.</p> |      |
| [26]      | [26]       | Since 4 March 2022 Hamas has been listed by the Attorney General of the Commonwealth as a terrorist organisation under the Criminal Code Act 1995 (Cth): s 102.1.   |  | N/A  |
| [27]      | [27]       | The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of “destroying Israel”.  |  | N/A  |
| [28]      | [28]       | The Hamas Covenants express an intention is to dismantle Israel as ‘the Zionist entity’ and to create an Islamic State in its place.  | <p>The Hamas Covenants express an intention is to dismantle Israel as ‘the Zionist entity’ and to create an Islamic State in its place.</p> <p><u>Particulars</u></p> <p>a. Particulars are annexed to this Further Amended Statement of Claim</p>   | a    |
| [29]      | [29]       | The Hamas Covenants identify Hamas’ raison d’etre as “obliterating” Israel and “killing the Jews”.  |  | N/A  |
| N/A       | [29A]      | N/A   | <p><u>It has been widely reported and/or Jews and Israelis have read and believe on the basis of that information and/or the Hamas Covenants referred to above, that Hamas is committed to:</u></p> <p>a. Destroying Israel; and</p> <p>b. Killing Jewish persons or Israeli persons.</p>  | d    |
| [30]      | [30]       | On 7 October 2023, Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused or tortured more than 1,200 Jewish persons and/or Israeli persons.  | <p>On 7 October 2023:</p> <p>a. Hamas members illegally invaded the State of Israel and killed, raped, maimed, sexually abused or tortured more than 1,200 Jewish persons and/or Israeli persons; and</p> <p>b. <u>this amounted to the greatest loss of Jewish life on any single day since the Holocaust.</u></p>  | d    |
| [31]      | [31]       | During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish persons or Israeli people persons including women, children and the elderly. |  | N/A  |
| N/A       | [31A]      | N/A   | <p><u>Since 7 October 2023, there have been circumstances manifesting a sustained increase in antisemitism or discrimination towards Jews and Israelis in Australia including harm and damage to Jewish or Israeli people and/or their property which inform the reasonably likely reaction of Jewish or Israelis persons to the impugned conduct set out below.</u></p> <p><u>Particulars</u></p>   | d    |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|------------------------------|---|------|
|           |            |                              | <ol style="list-style-type: none"> <li>1. <u>9 October 2023 – Protests outside Sydney Opera House on 9 October 2023 celebrating the 7 October attack and making of antisemitic chants.</u></li> <li>2. <u>February 2024 – Almost 600 Jewish Australians doxed (including First and Second Applicants and Dr Lionel Babicz) when personal details of people in a Whatsapp group formed by Jewish writers, artists, musicians and academics were disseminated by anti-Zionist activists.</u></li> <li>3. <u>10 October 2024 – Spate of graffiti using 'Hamas' in Eastern Suburbs of Sydney.</u></li> <li>4. <u>13 October 2024 - Avner's Bakery in inner-city Sydney branded with Nazi, Hamas graffiti.</u></li> <li>5. <u>21 November 2024 - Graffiti of 9 cars with anti-Israeli graffiti and 1 car torched in Woollahra, NSW. Homes also damaged in Woollahra.</u></li> <li>6. <u>5 December 2024 - Anti-Israel placard outside Great Synagogue, Sydney.</u></li> <li>7. <u>6 December 2024 - Burning of Adass Israel Synagogue of Melbourne to the ground with persons injured in fire.</u></li> <li>8. <u>11 December 2024 - Cars set alight and anti-Israeli graffiti at Magney Street, Woollahra, NSW.</u></li> <li>9. <u>17 January 2024 - Graffiti and car burning attack on ECAJ Co-CEO's former home in Sydney.</u></li> <li>10. <u>10 January 2025 - Graffiti attack of Southern Sydney Synagogue.</u></li> <li>11. <u>11 January 2025 - Graffiti (Swastikas) and attempted arson of Newtown Synagogue.</u></li> <li>12. <u>21 January 2025 - Sydney Childcare Centre in Maroubra, firebombed with antisemitic graffiti on its walls.</u></li> <li>13. <u>29 January 2025 - Caravan loaded with explosives intended to be used on Jewish persons (listed Great Synagogue and Sydney Jewish museum) in incident classified as 'terrorist' event.</u></li> <li>14. <u>30 January 2025 - Graffiti of Mount Sinai College (Jewish Primary School in Kingsford Maroubra, attached to Maroubra Synagogue and near Child Care centre) vandalised with antisemitic graffiti.</u></li> <li>15. <u>1 February 2025 - Six Jewish women in their 20s had eggs thrown at them at Bondi Beach, NSW, in what was treated as an antisemitic attack. Further antisemitic graffiti the same day sprayed at Kingsford.</u></li> <li>16. <u>2 February 2025 – Perth Western Suburbs home the target of antisemitic graffiti amid a wave of attacks in Australia.</u></li> <li>17. <u>3 February 2025 - Antisemitic graffiti sprayed on a well-known Jewish family's Middle Park home.</u></li> <li>18. <u>February 2025 - 2 nurses in Sydney threatened to kill Israeli patients and boasted about refusing to treat Israelis.</u></li> <li>19. <u>July 2025- During a Melbourne museum field trip, Jewish children targeted by older students hurling slurs like 'dirty Jews' and other antisemitic chants.</u></li> <li>20. <u>December 2025 – Bondi Beach Hanukkah Massacre resulting in 15 people murdered by two Muslim gunmen and about 47 people injured in a terror attack targeting Jewish people.</u></li> <li>21. <u>December 2025 – Jewish Sydney bakery Avner's closes after prolonged antisemitic harassment which culminated in safety fears after Bondi terror attack.</u></li> </ol> |      |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
|           |            |  | <p>22. <u>February 2026 – Major protest in Sydney opposing official visit of Israel's President Isaac Herzog involving chants of "globalise the intifada!"</u></p> <p>23. <u>Since 7 October 2023 Sydney University (and other Australian universities) has been an environment in which considerable and frequent antisemitic/antizionist chants, posters, posts and other conduct has occurred causing considerable distress, fear and various forms of harm to Jewish or Israeli staff, students and others.</u></p>  |      |
| [32]      | [32]       | <p>Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:</p> <p>a. were Jewish persons or Israeli persons; and</p> <p>b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.</p> | Removed in compliance with orders  | a    |
|           | [32A]      | N/A  | <p><u>It has been widely reported, and/or Jewish and Israeli persons have read and believe on the basis of that information, that Hamas's terrorist acts described above (see [30]-[31]) were taken because Hamas's leadership, commanders, members and operatives in the field believed that the men, women and children intended by them to be subjected, and in fact subjected, to those acts:</u></p> <p>a. <u>were Jewish persons or Israeli persons; and</u></p> <p>b. <u>were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.</u></p> | c    |
| [33]      | [33]       | On 1 November 2023, Dr Riemer posted the following post calling for a meeting of students to promote "Palestine: the case for a global intifada" (the Riemer Global Intifada X Post), which post was coupled with a Hamas bulldozer picture showing the widely publicised bulldozing by Hamas on 7 October 2023 of the Israeli security fence separating Gaza from Israel  |  | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**


**Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026**

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
|           |            |   |  |      |
| [34]      | [34]       | <p>The photo at the bottom of the post when clicked on becomes visible as a larger picture. The photo states at the top “A student meeting hosted by Solidarity”.</p> <p>Particulars</p> <ol style="list-style-type: none"> <li>Solidarity is a pro-Palestinian student group that closely follows and mimics Dr Riemer. Further particulars are provided by letter of the Applicants’ solicitors of 30 July 2025.</li> </ol>  | <p><u>The Riemer Global Intifada X Post:</u></p> <ol style="list-style-type: none"> <li>contains 3 photos which when clicked on become larger photos;</li> <li>the 3 photos are annexed to this Further Amended Statement of Claim and are relied on as though set out in full in paragraph [33] above; and</li> <li>the photo at the bottom of the post when clicked on becomes visible as a larger picture. The photo visibly states at the top “A student meeting hosted by Solidarity”.</li> </ol> | a    |
| N/A       | [34A]      | N/A  | <p><u>Dr Riemer’s status as former President (now Vice President) of the NTEU and/or Head of the Sydney Staff for BDS and/or otherwise as a senior Sydney University academic has at all relevant times:</u></p>   | d    |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|---|--|------|
|           |            |   | <p>a. put him in a position of influence over many Sydney University (and other university) students, academics and others; and</p> <p>b. resulted in his conduct being publicly endorsed, emulated and/or followed by, or him acting in concert with, students, academics and others, when undertaking any or all of the impugned acts the subject of this pleading (and substantially similar conduct), including the Call for a Global Intifada act.</p> <p><u>Particulars</u></p> <ol style="list-style-type: none"> <li>1. Solidarity exemplifies a pro-Palestinian student group which frequently supports, reposts, follows and acts in concert with Dr Riemer, including posting Dr Riemer's content online or publicly acting in concert with him, in respect of conduct which can be said to be offensive, intimidating, insulting and humiliating to Jewish or Israelis persons (particularly younger Jewish/Israeli students and persons) and at least one reason for the doing of said conduct is race, ethnic or national origin. That closely follows and mimics Dr Riemer. Further particulars to be are provided by letter of the Applicants' solicitors of 29 July 2025.</li> <li>2. Particulars of conduct are annexed to this Further Amended Statement of Claim.</li> <li>3. Further particulars may be provided prior to trial.</li> </ol> |      |
| [35]      | [35]       | <p>In Dr Riemer's letter to the Vice Chancellor of Sydney University, Mark Scott, which is annexed to the post, Dr Riemer protests a decision by Mark Scott to ban an intended Solidarity student meeting (that in any event ensued) on 1 November 2023 which was to support a global intifada as set out in the headline 'Palestine: the case for a global intifada'.</p>  | <p>In Dr Riemer's letter to the Vice Chancellor of Sydney University, Mark Scott, which is annexed to the Global Intifada X Post, Dr Riemer protests a decision by Mark Scott to ban an intended Solidarity student meeting (that in any event ensued) on 1 November 2023 which was to support a global intifada as set out in the headline 'Palestine: the case for a global intifada'.</p> <p>3 images</p> <p><u>Particulars</u></p> <ol style="list-style-type: none"> <li>1. The advertisements were done by way of online advertisements, both by Dr Riemer and by Solidarity and have remained accessible online.</li> <li>2. The advertisements were also done by way of Solidarity physical posters being placed publicly (by Solidarity members) around Sydney University which remained present and visible at least until the end of the 2023 University year.</li> </ol>   | d    |
| [36]      | [36]       | <p>The Riemer Global Intifada X Post has been constantly displayed on the Riemer X Page since 1 November 2023, attracted over 124,700 views as</p>  | <p>The Riemer Global Intifada X Post has been constantly displayed on the Riemer X Page since 1 November 2023, attracted over 124,700</p>  | b    |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

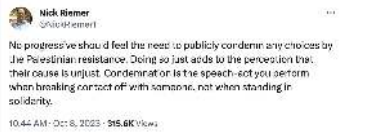

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|--|---|------|
|           |            | at the time of filing the Complaint (October 2024), and about 125,100 125,200 views as at the date of the Amended Statement of Claim.  | views as at the time of filing the Complaint (October 2024), and attracted about <del>425,400</del> <del>425,200</del> <u>125,400</u> views as at the date of the <u>Further</u> Amended Statement of Claim.  |      |
| [37]      | [37]       | On 1 November 2023 - the same day as Dr Riemer posted the Riemer Global Intifada X Post - the Solidarity meeting did take place in a public open-air space location at Sydney University.  | On 1 November 2023 - the same day as Dr Riemer posted the Riemer Global Intifada X Post - the Solidarity meeting did take place in a public open-air space location at Sydney University.<br><u>Particulars</u><br><u>1. Further particulars may be provided prior to trial.</u>  | d    |
| [38]      | [38]       | There was group chanting at the meeting by persons, including Dr Nick Riemer, as follows:<br>“...Israel out of Gaza, Israel out of Palestine, long live the intifada! Free, free the West Bank, Israel out of Gaza, Israel out of Palestine long live the intifada!”   |   | N/A  |
| [39]      | [39]       | The individual speech made by Dr Riemer at the meeting included the following statement:<br>“...we have a right to organise around supporting Palestinians. It's not just a slogan. Their resistance is justified because of the occupation, at all times, violent or not.”  | The individual speech made by Dr Riemer at the meeting included the following statement:<br>“...we have a right to organise around supporting Palestinians. It's not just a slogan. Their resistance is justified because of the occupation, at all times, violent or not.”<br><u>Particulars</u><br><u>1. Substantial admission made in ABC Radio National interview entitled 'Anti-Zionism on trial,' dated 12 October 2025, 12:26ff.</u> | d    |
| [40]      | [40]       | The Riemer Global Intifada X Post and Dr Riemer's participation in the chant and the quoted section of his speech conveyed the following imputations:<br>a. The violent uprising against Jewish people and Israeli people in Israel in support of a Palestinian state in the first and second intifadas should extend to a violent global uprising against Jews and Israelis in Australia and other parts of the world in support of the Palestinian resistance.<br>b. That the events of 7 October were to be celebrated and endorsed.<br>That Hamas' Intifada and its related violence against Israelis and Jews, including on 7 October, is justified until Israel, Israelis and Jews are removed from Palestine. |   | N/A  |
| [41]      | [41]       | On 8 October 2023, the day after the 7 October Hamas attacks in Israel, Dr Riemer posted the following to his Riemer X Page (Riemer's 8 October Post):   |   | N/A  |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC   | Cat* |  |
|-----------|------------|--|---|------|--|
|           |            |   |   |      |  |
| [42]      | [42]       | In about October 2024, Dr Riemer's 8 October Post had in excess of 319,100 views and at the date of this Amended Statement of Claim it had about 320,000 320,300 views and remains accessible.   | In about October 2024, Dr Riemer's 8 October Post had in excess of 319,100 views and at the date of this <b>Further Amended</b> Statement of Claim it has about <del>320,000 320,300</del> <b>320,600</b> views and remains accessible. | b    |  |
| [43]      | [43]       | Dr Riemer's 8 October Post conveyed the following imputations: <ol style="list-style-type: none"> <li>Hamás' cause, and what it did, on 7 October 2023 against Jewish people and Israeli people in pursuit of that cause should not be considered to be unjust;</li> <li>people should express solidarity with, and support of, Hamas' objectives and activities against Jewish people and Israeli people;</li> </ol> people should express their solidarity with, and support of, Hamas' cause and its activities on 7 October 2023 in support of that cause. |   | N/A  |  |
| [44]      | [44]       | On 7 October 2023 Dr Riemer reposted the following tweet on his Riemer X account:   |   | N/A  |  |
| [45]      | [45]       | As at about March 2024, Riemer's 7 October repost had over 42,000 views.   | As at about March 2024, Riemer's 7 October repost had over 42,000 views, <b>and at the date of this Further Amended Statement of Claim it has about 42,500 views and remains accessible.</b>  | d    |  |
| [46]      | [46]       | The post (endorsed by the Repost) proceeds on the basis that the Jewish people and/or Israeli people who had been murdered, maimed, kidnapped, raped or sexually abused were Zionists by virtue of being Jewish and/or Israeli.  |   | N/A  |  |
| [47]      | [47]       | The 7 October repost had the following imputation:<br>There is no basis or reason for anyone to be upset or shocked by the murder, maiming, kidnapping, rape and sexual abuse by Hamas of Jewish people and Israeli people on 7 October 2023.  |   | N/A  |  |
| [48]      | [48]       | On 15 October 2023, Dr Riemer published an article in Overland which was and remains able to be viewed at: <a href="https://overland.org.au/2023/10/it-has-never-been-more-vital-to-stand-with-palestine/">https://overland.org.au/2023/10/it-has-never-been-more-vital-to-stand-with-palestine/</a>   |   | N/A  |  |
| [49]      | [49]       | Overland is an established Australian literary and cultural magazine published quarterly in print as well as online.   |   | N/A  |  |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**


Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC | Cat* |
|-----------|------------|--|---------------------------------|------|
| [50]      | [50]       | The article describes the author as follows: "Nick Riemer works in the English and linguistics departments at the University of Sydney. He is currently president of the Sydney University branch of the National Tertiary Education Union."   |                                 | N/A  |
| [51]      | [51]       | The article contained the following extracts:<br><i>"That is just one reason why solidarity with Palestinians is essential for anyone who wants to retain their own fundamental freedoms. Palestine solidarity is not just internationalism or anticolonialism or antiracism or even humanitarianism; it is not just an expression of compassion, or altruism, or basic decency: it is a necessity for the defence of democratic prerogatives against authoritarianism and neo-fascism in Western nations. In cheering on the antidemocratic suppression of protest Zionists sometimes thought of as 'liberal' have let their masks slip. Their support for Israeli apartheid and permanent war against Palestinians can only mean opposition to democracy in their own countries"</i> [P 3/13]<br>...<br><i>The official representatives of democracy, with honourable rare exceptions, have failed democracy again.</i><br>...<br><i>Condemning a person means abandoning the effort to understand them. After a condemnation, all that is left is absolute rejection and banishment: renouncing the devil and all his works. Condemning is what a judge does when they sentence a prisoner to death. Once someone is condemned, there's no point in talking about why they might have done what they have done: the final verdict is delivered; no more remains to be said. This is exactly why Zionists demand that we condemn Hamas: to block any move towards understanding it and what might motivate its resistance to Israeli colonisation – to erase the understanding of why Palestinians fight back."</i> [P-4/13] |                                 | N/A  |
| [52]      | [52]       | The first extract set out above has the following imputation:<br>contrary to the false image that Jewish people and Israeli people have cultivated, Jewish people and Israeli people have now been exposed as racist supporters of apartheid and of a permanent war against Palestinians as well as being people who surreptitiously oppose democracy in their own countries.  |                                 | N/A  |
| [53]      | [53]       | The third extract set out above has the following imputation:<br>Jewish people and Israeli people demand condemnation of Hamas only so as to erase any understanding of why there is Palestinian resistance to Israel's occupation of the Palestinian territories.   |                                 | N/A  |
| [54]      | [54]       | On 28 October 2023, Dr Riemer reposted an Amy McQuire post as follows:   |                                 | N/A  |

\*Categories: a or b = amendment by consent, c or d = resisted amendment)

**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|---|---|------|
|           |            |    |   |      |
| [55]      | [55]       | As at about March 2024, the Saturday Paper “Owned by Zionists” Repost had about 102,000 views.  | As at about March 2024, the Saturday Paper “Owned by Zionists” Repost had about 102,000 views, <u>and at the date of the Further Amended Statement of Claim has about 102,800 views and remains accessible.</u> | d    |
| [56]      | [56]       | The Saturday Paper “Owned by Zionists” Repost had the following imputations:<br>a. Jewish people misuse their ownership of the media to conceal from the public the genocide that Jewish people and Israeli people are engaging in Gaza;<br>b. the silence of Jewish people and Israeli people about that genocide will fail because history will remember and record it. |   | N/A  |
| [57]      | [57]       | By making those imputations, the “Owned by Zionists” Repost repeats and amplifies the well known antisemitic trope that the Jews control the media.   |   | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
| [58]      | [58]       | <p>Dr Riemer made two X Posts on 12 November 2023. The first Post quotes Dr Riemer's own speech at a rally the day before:</p>  | <p>Dr Riemer made <u>two related</u> X Posts on 12 November 2023. The first Post quotes Dr Riemer's own speech at a rally the day <u>before in Port Botany (Speech)</u>:</p>  | b    |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
| N/A       | [58A]      | N/A  | <u>In addition to the first post above, the full Speech was also posted by consecutive posts including the 3 passages immediately above (Posts), and is annexed to this Further Amended Statement of Claim and relied on as though set out in full in [58] above.</u>  | b    |
| [59]      | [59]       | At the time of filing this Amended Statement of Claim, the “No room for Zionism in our Unions” Posts had about 6,706 6,731 and 526 541 views respectively and remain accessible online.  | At the time of filing this Further Amended Statement of Claim, the “No room for Zionism in our Unions” Posts had about 6,706 6,731 <u>6,764</u> and <u>526 541 212,206 and 566 views</u> respectively and remain accessible online.  | b    |
| [60]      | [60]       | The “No room for Zionism in our Unions” Speech and Posts had the following imputations:<br>a. Jewish people and Israeli people should be excluded from any participation in Unions in Australia including in the National Tertiary Education Union.<br>b. Because of the racism, settler-colonialism and apartheid engaged in by Jewish people and Israeli people there is no room for such people in the Union movement in Australia, including in the National Tertiary Education Union. | The “No room for Zionism in our Unions” Speech and Posts <b>(which reproduced the Speech)</b> had the following imputations:<br>a. Jewish people and Israeli people should be excluded from any participation in Unions in Australia including in the National Tertiary Education Union.<br>b. Because of the <u>genocide apologia, warmongering</u> , racism, settler-colonialism and apartheid engaged in by Jewish people and Israeli people there is no room for such people in the Union movement in Australia, including in the National Tertiary Education Union. | b    |
| [61]      | [61]       | On 12 November 2023, being the same day as Dr Riemer posted the “No room for Zionism in our Unions” Speech and Posts, Dr Riemer posted the following:<br>   | On about <u>20 December</u> <del>12 November 2023, being the same day as Dr Riemer posted the “No room for Zionism in our Unions” Speech and Posts,</del> Dr Riemer posted the following:<br>   | b    |
| [62]      | [62]       | At the time of filing this Amended Statement of Claim, the Lattouf sacking Post had over 25,600 views.   | At the time of filing this <u>Further</u> Amended Statement of Claim, the Lattouf sacking Post had over 25,600 views <u>and remained accessible.</u>   | d    |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|--|--|------|
| [63]      | [63]       | The Lattouf sacking Post had the following imputations:<br>a. Jewish people and/or Israeli people are "unbridled McCarthyists" when they supported the sacking of ABC presenter Antoinette Lattouf. Those Jewish people and/or Israeli people are a threat to the public and that threat is getting worse. |  | N/A  |
| [64]      | [64]       | On 29 December 2023, Dr Riemer reposted the following in two postings on the Riemer X Page:<br>   |  | N/A  |
| [65]      | [65]       | At the time of filing the Complaint in October 2024, the Zionists are racists Reposts had over 112,600 views (Randa Abdel-Fattah repost) and 5,862 views (Mondoweiss).   | At the time of filing the Complaint in October 2024, the Zionists are racists Reposts had over 112,600 views (Randa Abdel-Fattah repost) and 5,862 views (Mondoweiss) <u>and at the date of this Further Amended Statement of Claim over <del>112,600</del> 113,000 (Randa Abdel-Fattah repost) and <del>5,862</del> 5,886 views (Mondoweiss) and remained accessible.</u> | d    |
| [66]      | [66]       | The Zionists are racists Reposts had the following imputation:<br>a. Jewish people, Israeli people and Zionists are racists.   |  | N/A  |
| [67]      | [67]       | On 24 December 2023, Dr Riemer reposted the following post:<br>   |  | N/A  |
| [68]      | [68]       | At the time of filing the Complaint in October 2024, the Zionists smartwash Repost had about 940 views.  | At the time of filing the Complaint in October 2024, the Zionists smartwash Repost had about 940 views, <u>and at the date of the Further Amended Statement of Claim was not accessible.</u>   | b    |
| [69]      | [69]       | The Zionists smartwash Repost had the following imputation:  |  | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**



Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|---|---|------|
|           |            | Jewish people, Israeli people and Zionists deceptively and falsely proclaim that the atrocities committed by Israel were normal lawful activities.  |   |      |
| [70]      | [70]       | On 2 February 2024, Dr Riemer posted the following Post:<br>   |   | N/A  |
| [71]      | [71]       | At the time of filing this Amended Statement of Claim, Riemer's Zionists' Licence to Lie and Slander Post had about <del>7,085</del> 7,094 views and remains accessible.                                  | At the time of filing this Further Amended Statement of Claim, Riemer's Zionists' Licence to Lie and Slander Post has about <del>7,085</del> 7,094 <u>7,126</u> views and remains accessible.   | b    |
| [72]      | [72]       | The Zionists' "Licence to Lie and Slander" Post had the following imputation:<br>a. Jewish people, Israeli people and Zionists are people who lie and slander in pursuing their causes.                   |   | N/A  |
| [73]      | [73]       | By making those imputations, the "Zionists' Licence to Lie and Slander" Post repeats and amplifies the well known antisemitic trope that the Jews are deceptive.  |   | N/A  |
| [74]      | [74]       | On 5 March 2024, Dr Riemer reposted the following post:<br>  |   | N/A  |
| [75]      | [75]       | At the time of filing the Complaint in October 2024, Dr Riemer's "Zionists support genocide" Repost had in excess of 67,900 views   | At the time of filing the Complaint in October 2024, Dr Riemer's "Zionists support genocide" Repost had in excess of 67,900 views <u>and at the date of this Further Amended Statement of Claim has over 68,000 views and remains accessible.</u> | d    |
| [76]      | [76]       | The "Zionists support genocide" Repost had the following imputations:<br>a. Jewish people, Israeli people and Zionists support genocide;<br>b. Jewish people, Israeli people and Zionists are hypocrites. |   | N/A  |
| [77]      | [77]       | On 19 March 2024, Dr Riemer posted the following post on his Facebook page which remains accessible:  |   | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC   | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|--|---|------|
|           |            |   |   |      |
| [78]      | [78]       | The "genocide enablers" Post had the following imputation:<br>a. The Israeli people at the Tel Aviv University stall at Sydney University and other Jewish people or Israeli people are genocide enablers. That Jewish people and Israeli people are not welcome on the Sydney University campus.  |   | N/A  |
| [79]      | [79]       | 29 April 2024, Dr Riemer reposted the following post:<br>   |   | N/A  |
| [80]      | [80]       | At the time of filing the Complaint, the "akin to Nazis" Repost had about 2,376 views.   | At the time of filing the Complaint, the "akin to Nazis" Repost had about 2,376 views <u>and at the date of this Further Amended Statement of Claim has about 2,412 views and remains accessible.</u> | d    |
| [81]      | [81]       | The "akin to Nazis" Repost had the following imputations:<br>a. Jewish people, Israeli people and Zionists, are akin to Nazis and misogynists<br>b. Jewish people, Israeli people and Zionists have no right to cultural safety.   |   | N/A  |
| [82]      | [82]       | On 3 May 2024, Dr Riemer posted on his X Page the "Genocide" Post and Speech as set out below.<br><i>"Safety means opposing Genocide":</i><br>...<br><i>A 'march for a single campus': Let's reflect on that. Zionists clearly think that if they talk about safety, then they'll be able to make people think that they're the victims, and forget that, actually, they're supporting a genocidal slaughter. They think safety on campus will turn the debate in their favour and put us on the back foot."</i> |   | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC   | Cat* |
|-----------|------------|---|---|------|
|           |            | ...   |   |      |
|           |            | <i>"What happens when we tell Zionists that there just is no identity that can have as its condition the dispossession and slaughter</i>  |   |      |
| N/A       | [82A]      |   | <u>The Genocide Post and Speech, which included the statements immediately above, are annexed to this Further Amended Statement of Claim and relied on as though set out in full in [82] above.</u>   | b    |
| [83]      | [83]       | At the time of filing the Complaint in about October 2024, Riemer's Genocide Post and Speech had in excess of 34,300 views, and at the time of the Amended Statement of Claim it had in excess of 34,700 views  | At the time of filing the Complaint in about October 2024, Riemer's Genocide Post and Speech had in excess of 34,300 views, and at the time of the Further Amended Statement of Claim it had in excess of 34,800 views <u>and remains accessible.</u>   | d    |
| [84]      | [84]       | The paragraphs set out above, and the speech contain the following imputations:<br>a. Jewish people, Israeli people and Zionists support the genocidal slaughter of Palestinians.<br>b. Jewish people, Israeli people and Zionists mislead people into thinking they feel unsafe when what they are really doing seeking freedom to support genocide. |   | N/A  |
| [85]      | [85]       | Dr Riemer's postings, repostings, chant, speeches and the article described above (the impugned acts) each caused words, sounds and/or images to be communicated to the public. They were:<br>a. done in a public place; and were<br>b. done in the sight and hearing of people who were in a public place; and<br>c. not acts done in private        |   | N/A  |
| [86]      | [86]       | Dr Riemer's making of each of the impugned acts, by conveying any or all of the imputations alleged, when considered individually and/or cumulatively and/or collectively, were reasonably likely in all the circumstances, to offend, insult, humiliate or intimidate Jewish people persons or Israeli people persons in Australia.                  | Dr Riemer's making of each of the <u>impugned acts (and non-removal of posts, reposts and article), by conveying any or all of the imputations alleged, and/or by attributing characteristics to Jewish persons or Israeli persons on the basis of their group membership,</u> <del>when considered individually and/or cumulatively and/or collectively,</del> were reasonably likely in all the circumstances, to offend, insult, humiliate or intimidate Jewish persons or Israeli persons in Australia. | d    |
| [87]      | [87]       | The reliance in the Amended Statement of Claim concerning Dr Riemer's impugned acts is cumulative, with the consequence that each can be relied upon cumulatively or collectively for the purposes of establishing both the causation and racial elements in s18C of the RDA.   | Removed in compliance with orders.  | a    |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC  | Cat* |
|-----------|------------|---|--|------|
| [88]      | [88]       | <p>The impugned acts were done or made because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because::</p> <ul style="list-style-type: none"> <li>a. References to Zionists are, properly understood, to be a reference to (at least) a majority of Jewish people and Israeli people in Australia;</li> <li>b. The subject matter of the impugned acts was related by context to events that were themselves directly related to the race, ethnic origin or national origin (Jewish and/or Israeli) of the victims of the events of October 7; and</li> <li>c. Dr Reimer has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish persons and Israeli persons.</li> </ul>  | <p>The impugned acts were done or made because of the race, national or ethnic origin of the people reasonably likely to be offended, insulted, humiliated or intimidate by the posting including because::</p> <ul style="list-style-type: none"> <li>a. ...</li> <li>b. ...</li> <li>c. <u>The impugned acts were calculated to convey a message about or concerned with the race, ethnic origin or national origin of Jewish or Israeli persons;</u></li> <li>d. <u>The impugned acts were actuated or motivated by considerations of race, ethnic origin or national origin or, in the alternative, race, or ethnic or national origin was otherwise a factor in Dr Riemer doing the impugned acts;</u></li> <li>e. Dr Rieimer has a tendency to engage in conduct which does and is intended to offend and/or insult and/or humiliate and/or intimidate Jewish people persons and Israeli persons.</li> </ul> <p><u>Particulars</u></p> <ul style="list-style-type: none"> <li>1. <u>Particulars of conduct are annexed to this Further Amended Statement of Claim</u></li> </ul> | d    |
| [89]      | [89]       | In the premises, Dr Riemer contravened s 18C of the Racial Discrimination Act 1975 (Cth) and engaged in unlawful discrimination within the meaning of ss 3(1) and 46P of the Australian Human Rights Commission Act 1986 (Cth).   |  | N/A  |
| [90]      | [90]       | Dr Riemer is an employee of Sydney University.  |  | N/A  |
| [91]      | [91]       | <p>The Overland article and the "No Room for Zionism in our Unions" Speech and Posts were made in connection with Dr Riemer's duties as an employee of Sydney University.</p> <ul style="list-style-type: none"> <li>a. The Overland Article is a formal academic publication by Dr Riemer which includes the statement: "Nick Riemer works in the English and linguistics departments at the University of Sydney. He is currently president of the Sydney University branch of the National Tertiary Education Union.</li> <li>b. The "No Room for Zionism in our Unions" Speech and Posts relates to the participation of Jewish and Israeli people in Unions.</li> <li>c. The Enterprise Agreement, cl 366(b)(ii)(iii)(iv), holds the Parties to that Agreement, including Sydney University, the NTEU, and all staff (including Dr Riemer), to protect the right of participation in Unions and to engage in community services "without fear of harassment, intimidation or unfair treatment in their employment" and "staff must not engage in harassment, vilification or intimidation."</li> </ul> |  | N/A  |

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**Toltz & Ors v Riemer & Anor (NSD950/2025)**

Annexure 1 to First Respondent's Outline of Submissions on Applicants' interlocutory application dated 20 February 2026

| July 2025 | March 2026 | Wording in 30 July 2025 ASOC  | Wording in 20 March 2026 PFASOC                                    | Cat* |
|-----------|------------|---|--|------|
|           |            | <p>d. The Overland Article and the "No Room for Zionism in our Unions" Speech and Posts, had the potential to and, did have an adverse effect on the workplace with which he was connected at Sydney University.</p> <p>e. That public speech of this kind by its employees is connected to their duties of employment by Sydney University is demonstrated by:</p> <ol style="list-style-type: none"> <li>1. the University of Sydney Enterprise Agreement 2023-2026 (eg. cll 354, 360, 361, 362, 366 and 368);</li> <li>2. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);</li> <li>3. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);</li> <li>4. University of Sydney Act 1989 (NSW) (eg. s 2); and</li> </ol> <p>Charter of Freedom of Speech and Academic Freedom 2019.</p> |  |      |
| [92]      | [92]       | The Overland article and the "No Room for Zionism in our Unions" Speech and Posts are acts that would have been unlawful had they been done by Sydney University for the reasons set out at paragraphs [48]-[53], [58]-[60], and [85]-[89] above  | Updated to <a href="#">s [48]-[53], [58]-[60], and [85]-[89]</a> . | b    |
| [93]      | [93]       | Sydney University failed to take all reasonable steps to prevent Dr Riemer from publishing the Overland article and from making the No Room for Zionism our Unions Speech and Posts.  |  | N/A  |
| [94]      | [94]       | In the premises above, Dr Riemer's Overland Article and the "No Room for Zionism in our Unions" Speech and Posts (and their non-removal) were acts of Dr Riemer done in connection with his duties as an employee or agent of Sydney University for the purposes of imposing vicarious liability on Sydney University for the unlawful discrimination by Dr Riemer for the purposes of s 18E of the RDA.  |  | N/A  |
| [95]      | [95]       | On about 31 October 2024, the Applicants lodged with the Australian Human Rights Commission under sections 46P and 46PB of the Australian Human Rights Commission Act 1986 (Cth) a complaint against the Respondents alleging unlawful discrimination (AHRC Complaint)  |  | N/A  |
| [96]      | [96]       | The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.  |  | N/A  |
| [97]      | [97]       | On 14 April 2025, a delegate of the President of the Australian Human Rights Commission terminated the AHRC Complaint under section 46PH(1B)(b) of the Australian Human Rights Commission Act 1986 (Cth), on the ground that there was no reasonable prospect of the matter being settled by conciliation.<br>Particulars<br>AHRC Notice of Termination in File No. 2024-15487 dated 14 April 2025 including Attachment A (Reasons for decision), Attachment B (A copy of the complaint) and Attachment C (A copy of the amendment to the complaint).   |  | N/A  |
| [98]      | [98]       | In the premises, the Applicants are entitled to the relief claimed in the Originating Application.  |  | N/A  |

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