

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating Application Under the Australian Human Rights Commission Act 1986 - Form 116 - Rule 34.163(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	13/06/2025 3:19:33 PM AEST
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File Number:	NSD950/2025
File Title:	JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Registrar

Important Information

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

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

Form 116
Rule 34.163(1)



Originating application under the Australian Human Rights Commission Act 1986

No. _____ of 2025

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

Joseph Toltz and others named in the schedule

Applicants

Nick Riemer and another named in the schedule

Respondents

To the Respondents

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

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

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

Time and date for hearing:

Place: 184 Phillip Street, Sydney NSW 2000

Date:

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

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



Details of claim under the Australian Human Rights Commission Act 1986

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

1. Pursuant to s18C of the *Racial Discrimination Act 1975* (Cth) (**RDA**), the first respondent engaged in unlawful discrimination based on racial hatred by making and publishing the impugned posts, academic publications, speeches, chant and reposts, and their non-removal (as applicable), each of which was reasonably likely to offend, insult, humiliate or intimidate:
 - a. the Applicants; and
 - b. Jewish or Israeli persons in Australia,and were acts done because of the race, descent or ethnic origin of Jewish people or ethnic or national origin of Israeli persons.
2. Pursuant to s18E of the RDA, the second respondent, by virtue of Riemer's "Overland Article" and the "No Room for Zionism in our Unions" Speech and Post (and the non-removal of the online acts) being acts done in connection with Riemer's duties as an employee or agent of Sydney University, is vicariously liable for his conduct such that the RDA applies to the second respondent as if it had engaged in the first respondent's conduct and the second respondent is taken to have contravened s18C of the RDA.

Legislation

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

Remedy sought

The Applicant asks the Court for:

1. A declaration that Dr Nick Riemer's posts, reposts, article, chant and speeches set out in the Statement of Claim, as well as their non-removal as applicable, contravened s 18C of the RDA and therefore constituted unlawful discrimination.
2. A declaration that Sydney University, pursuant to s18E of the RDA, by reason of its vicarious liability for Dr Riemer's unlawful discrimination in respect of the Overland article and the No Room for Zionism in our Unions Speech and Post has contravened s 18C and engaged in unlawful discrimination in respect of the article, the speech and the post.
3. Injunctions requiring Dr Riemer to remove or to cause the removal of the posts and reposts the subject of his unlawful discrimination.
4. Injunctions requiring Dr Riemer not to repeat or continue the unlawful discrimination the subject of the relief set out above and, in particular, not to publish or republish the posts and



reposts or to publish the imputations set out in the Statement of Claim filed in this proceeding.

5. Injunctions requiring Dr Riemer and Sydney University to perform any reasonable act or course of conduct necessary to redress the harm caused by their unlawful discrimination.
6. Orders for Public Apologies by Dr Riemer and the Vice Chancellor and/or other appropriate officer of Sydney University, in a form to be determined.
7. Costs.
8. Such further or other order as the Court considers fit.

Accompanying documents

This application must be accompanied by:

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

Applicant's details

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

The Applicants are over 18 years.

Applicant's address

The Applicant's address for service is:

Place: Rotstein Commercial Lawyers, Suite 409, 488 Bourke Street, Melbourne VIC 3000

Email: hamish@rotsteins.com.au

The Applicant's address is Suite 409, 488 Bourke Street, Melbourne VIC 3000

Service on the Respondent

It is intended to serve this application on the Respondents.



Date: 13 June 2025

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

Signed by Hamish Rotstein
Lawyer for the Applicants



Schedule

No.

of 2025

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

Applicants

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

Respondents

Second Respondent:	The University of Sydney
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Date: 13 June 2025