

NOTICE OF FILING

Details of Filing

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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



A handwritten signature in blue ink that reads "Sia Lagos". The signature is fluid and cursive, with the first letters of "Sia" and "Lagos" being capitalized and prominent.

Registrar

Important Information

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

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



Form 59
Rule 29.02(1)

Affidavit

No. NSD950 of 2025

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

Joseph Toltz and others
Applicants

Nick Riemer and another
Respondents

Affidavit of: **Michael David Bradley**
Address: Level 4, 343 George Street, Sydney NSW 2000
Occupation: Managing Partner
Date: 26 June 2026

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Filed on behalf of (name & role of party) Nick Riemer, First Respondent
Prepared by (name of person/lawyer) Michael Bradley
Law firm (if applicable) Marque Lawyers
Tel (02) 8216 3000 Fax _____
Email michaelb@marquelawyers.com.au; laureng@marquelawyers.com.au;
lucap@marquelawyers.com.au
Address for service Level 4, 343 George St, Sydney NSW 2000
(include state and postcode)

[Version 3 form approved 02/05/2019]

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4	Annexure "MDB-3", being copy of email from Upekha Wedage to Erina Higgins, dated 15 June 2026	[5]	57
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I Michael David Bradley affirm:

1. I am the Managing Partner of the firm Marque Lawyers, solicitors for the First Respondent. I am authorised to make this affidavit on the First Respondent's behalf.
2. Unless otherwise indicated, I make this affidavit on my own knowledge, information and belief and based on my knowledge and experience as a solicitor.
3. On 15 June 2026, I received an email from Ms Upekha Wedage attaching an unsealed and unsigned copy of the Applicants' Further Amended Statement of Claim dated 12 June 2026. A copy of Ms Wedage's email and the amended pleading in this proceeding which was attached to that email is annexed to this affidavit at **pages 4 to 53** and marked **Annexure MDB-1**.
4. Later that day, I was copied to an email sent from Ms Lauren Gasparini, Senior Associate at Marque Lawyers to Ms Wedage, attaching a letter which:
 - (a) referred to the orders made on 26 May 2026 in this proceeding;
 - (b) stated that the amended pleading served earlier that day went beyond the scope of the leave granted by the 26 May 2026 orders;
 - (c) confirmed that the First Respondent did not consent to the amended pleading being filed; and
 - (d) requested that the Applicants instead file pleadings in accordance with the 26 May 2026 orders.




A copy of Marque Lawyers' letter dated 15 June 2026 is annexed to this affidavit at **pages 54 to 56** and marked **Annexure MDB-2**.

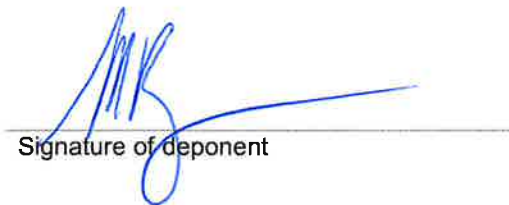
5. At 5:11pm on 15 June 2026, I was copied to an email from Ms Wedage sent to the solicitors for the Second Respondent which said, "*There are a few amendments we are currently making to the pleadings in response to the first respondent's solicitor's email from this afternoon*". A copy of this email is annexed to this affidavit at **pages 57 to 59** and marked **Annexure MDB-3**.
6. On 17 June 2026:
 - (a) I received an email from Ms Wedage attaching a letter responding to Marque Lawyers' letter dated 15 June 2026 and reattaching copies of the amended pleadings previously provided on 15 June 2026. Copies of Ms Wedage's email and the attached letter are annexed to this affidavit at **pages 60 to 64** and marked **Annexure MDB-4**;
 - (b) I was copied to an email exchange between Ms Gasparini and Ms Wedage which confirmed that the Applicants had not amended the version of the pleadings provided on 15 June 2026, despite Ms Wedage's email sent on 5:11pm on 15 June 2026. A copy of that email exchange is annexed to this affidavit at **pages 65 to 66** and marked **Annexure MDB-5**.
7. On 18 June 2026, I was copied to an email from Ms Luca Pearce of Marque Lawyers to Ms Wedage confirming that the First Respondent did not consent to the amended pleading dated 12 June 2026 being filed. A copy of Ms Pearce's email is annexed to this affidavit at **pages 67 to 68** and marked **Annexure MDB-6**.

Affirmed by the deponent
at Sydney
in New South Wales
on 26 June 2026
Before me:



Signature of witness
Alice Osborne
Solicitor
Marque Lawyers
Level 4, 343 George St
Sydney NSW 2000

)
)
)
)
)



Signature of deponent

Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**

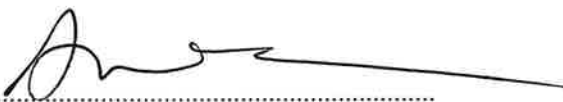
Address: Level 4, 343 George Street, Sydney NSW 2000

Occupation: Managing Partner

Date: 26 June 2026

Annexure "MDB-1"

This is the annexure marked "MDB-1" to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line.

Signature of Witness

Luca Pearce

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Sent: Monday, 15 June 2026 9:30 AM
To: Luca Pearce
Cc: Michael Bradley; Lauren Gasparini; Hamish Rotstein
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]
Attachments: Keane Statement of Claim 12 June.pdf; Riemer Statement of Claim 12 June.pdf

Dear Colleagues,

Please see **attached** by way of service the amended pleadings.

We will serve the sealed copies as soon as they come to hand.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



Member of Consulegis, an international network of law firms

A Suite 409, 488 Bourke Street, Melbourne, VIC 3000
T (61 3) 9604 7888

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

From: Upekha Wedage
Sent: Friday, 5 June 2026 4:30 PM
To: Luca Pearce <luca@marquelawyers.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Colleagues,

Please be advised that Daniel McCoach is no longer with the firm. Accordingly, please direct all future correspondence to Hamish Rotstein and myself.

We confirm that we are actively progressing this matter. However, there has been a short delay as counsel is presently interstate. We anticipate being in a position to file and serve the amended pleadings by the end of next week.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



ROTSTEIN
COMMERCIAL LAWYERS



Member of Consulegis, an international network of law firms

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From: Luca Pearce <lucep@marquelawyers.com.au>
Sent: Friday, 5 June 2026 9:35 AM
To: Daniel McCoach <daniel.mccoach@rotsteins.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Upekha Wedage <upekha.wedage@rotsteins.com.au>
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

We note that it has been 9 days since we sent our original email on 27 May.

Please advise as to our queries as a matter of urgency.

If we don't hear back from you today as to when you expect that we will receive your clients' amended pleadings, we are instructed to seek to relist before his Honour.

Kind regards,
Luca

Luca Pearce
Graduate
MARQUE Lawyers Pty Ltd



P: +612 8216 3048
Gadigal Country, Level 4, 343 George Street Sydney 2000
marquelawyers.com.au / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)
We do not disclaim anything about this email. We're quite proud of it, really.

From: Luca Pearce
Sent: Wednesday, 3 June 2026 2:28 PM
To: Daniel McCoach <daniel.mccoach@rotsteins.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Upekha Wedage <upekha.wedage@rotsteins.com.au>
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

Just following up on our below email dated 27 May.

We would be grateful if you could please provide a response.

Kind regards,
Luca

From: Luca Pearce

Sent: Wednesday, 27 May 2026 6:01 PM

To: Daniel McCoach <daniel.mccoach@rotsteins.com.au>

Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>;

Hamish Rotstein <hamish@rotsteins.com.au>; Upekha Wedage <upekha.wedage@rotsteins.com.au>

Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Daniel

We refer to his Honour's orders in NSD950/2025 and NSD951/2025 dated 26 May 2026, **attached**.

Noting the absence of a due date, could you please advise when we can expect the amended pleadings to be filed in compliance with the orders.

We also refer to the orders of NSD951/2025, where his Honour has ordered at 3(e):

"the words "(and reinforced by the matters in [24A] and [28A]" in [35(a)] are deleted".

We note the words "(and reinforced by the matters in [24A] and [28A]" are also included at [35(c)] and [35(d)] but have not been ordered to be removed, despite the ordered removal of the paragraphs they refer to.

Can you please confirm that you will remove these cross-references from [35(c)] and [35(d)].

Kind regards,
Luca

Luca Pearce

Graduate

MARQUE Lawyers Pty Ltd

P: +612 8216 3048

Gadigal Country, Level 4, 343 George Street Sydney 2000
marquelawyers.com.au / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)

We do not disclaim anything about this email. We're quite proud of it, really.

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Further Amended Statement of claim

No. _____ of 2025

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

Joseph Toltz and others
Applicants

Nick Riemer and another
Respondents

Jurisdiction

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).

Parties

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

Filed on behalf of (name & role of party) The Applicants

Prepared by (name of person/lawyer) Hamish Rotstein

Law firm (if applicable) Rotstein Commercial Lawyers

Tel 61 3 9098 8785 Fax _____

Email hamish@rotsteins.com.au

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

[Form approved 01/08/2011]

- c. an Israeli person (being an Israeli citizen and identifying as an Israeli).

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

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

Particulars

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

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

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

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

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

- a. ~~Jewish people~~ persons constitute a group of people with a shared race descent and/or ethnic origin.

- b. Israeli ~~people~~ persons constitute a group of people with a shared ethnic origin and/or nationality origin.

9.

- a. Israel is a nation state and the national home of and for Jewish people;
- b. Its citizens are mostly Jewish people;
- c. Most Jewish persons in Australia:
 - 1. feel a personal connectedness with Israel and Israeli people;
 - 2. have relatives living in Israel; and
 - 3. have a concern for the safety of Israelis.

10.

- a. Zionists are ~~predominantly Jewish people and/or Israeli~~ people who believe based on religious, ethno-cultural and legal/political grounds (and Zionism is the belief):
 - 1. in Israel being a nation state and the national home of and for the Jewish people;
 - 2. that the Jewish people, who are a people with shared characteristics, are entitled to self-determination in their historic, ancestral homeland.
- b. A substantial proportion of Jewish and/or Israeli people identify themselves as Zionists.

11. The first respondent (**Dr Riemer**) is and at all relevant times was:

- a. a Senior Lecturer in the Discipline of English and Writing at Sydney University;
- b. President of the Sydney University Branch of the National Tertiary Education Union (**USYD NTEU**), and from about 18 October 2024 its Vice President;

Particulars

- (i) The President of USYD NTEU was required to be a member of the academic staff of Sydney University.
- (ii) 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.
- c. Head of the Sydney Staff for Boycott, Divestment and Sanctions (**BDS**) movement at Sydney University.

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.

Dr Riemer's X (Twitter) and FaceBook Pages

13. At all material times Dr Riemer operated and still operates an X page (**Riemer X Page**) at the web address: <https://x.com/nickriemer1?lang=en>

Particulars

- a. The First Respondent's handle is '@NickRiemer1.'
 - 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). He also refers to himself as an activist.
 - c. The First Respondent joined that site on January 2013.
14. In around October 2024 the Riemer X Page had approximately 5,220 Followers and at the time of the Further Amended Statement of Claim has about 5,519 5,543 6,441 Followers.
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.
16. The Riemer X Page is regularly updated with various publications including text, photos and audio-visual recordings of remarks and speeches.
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.
18. Dr Riemer still operates and has at all material times operated a Facebook page (**Riemer Facebook Page**) at the web address: <https://www.facebook.com/nick.riemer.9>
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.
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.

The first and second intifadas

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.
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.
- ~~23. 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.~~
- ~~24. 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.~~
- ~~25. 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.~~
- 23A A sufficiently significant proportion of Jewish and Israeli persons in Australia for purposes of the s18C RDA legislative prohibition (not taking into account those who are over-sensitive or especially sanguine) believe that:
 - (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;
 - (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. A very substantial number of Jews or Israelis were killed or severely injured in those attacks, being higher in number than the Jews or Israelis who were killed or severely injured in the first intifada; or
 - (c) 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.

Hamas

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.
27. The Statement of Reasons for listing Hamas as a terrorist organisation include that it is guided by Islamic principles of “*destroying Israel*”.
28. The Hamas Covenants express an intention is to dismantle Israel as ‘*the Zionist entity*’ and to create an Islamic State in its place.

Particulars

- a. Particulars are annexed to this Further Amended Statement of Claim.
29. The Hamas Covenants identify Hamas’ *raison d’etre* as “*obliterating*” Israel and “*killing the Jews*”.
- 29A A sufficiently significant proportion of Jewish and Israeli persons in Australia for purposes of the s18C RDA legislative prohibition (not taking into account those who are over-sensitive or especially sanguine) believe that Hamas is committed to:
 - a. Destroying Israel; and
 - b. Killing Jewish persons or Israeli persons.

7 October 2023

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 people persons and/or Israeli people persons.
31. During the 7 October 2023 invasion, Hamas members also kidnapped, abducted and took as hostages more than 250 persons who were overwhelmingly Jewish people persons or Israeli people persons including women, children and the elderly.
- 31A Between 7 October 2023 and each of the impugned acts referred to below, 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.

Particulars

The Applicants rely on the Reports by the Executive Council of Australian Jewry concerning Antisemitism in Australia in 2023 (2023 Report) and 2024.

The 2023 Report reported a 738% increase in antisemitic incidents in October and November 2023 compared to the months of October and November in 2022.

Some of the incidents of antisemitism since 7 October 2023 that precede the impugned conduct include:

1. 9 October 2023 – Protests outside Sydney Opera House on 9 October 2023 celebrating the 7 October attack and making of antisemitic chants.
2. 28 October 2023 – a 44-year-old Jewish man was severely beaten by pro-Palestinians in Arncliffe, Sydney, resulting in him being hospitalised for four days.
3. 10 November 2023 – a riot broke out in Caulfield, Melbourne, forcing the evacuation of a synagogue and resulting in a Jewish man being injured by being hit with a large rock thrown by an anti-Israel protester.
4. 18 November 2023 – 72 year old Jewish man in Bentleigh, Melbourne assaulted while entering a synagogue by an assailant after seeing Jewish calendars in his car.
5. 4 December 2023 – a group of 13-year-old Jewish girls wearing the uniform of their Jewish school had food and a box with swastikas etched and drawn onto it thrown at them in Bondi Junction, Sydney.
6. 6 January 2024 – a group of 10-15 males in St Kilda shouted “Fuck the Jews” at several Jewish people before throwing shoes at and spitting on them.
7. 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.
8. 5 February 2024 – a Year 10 Jewish student in a Sydney school was told to “Go back to the gas chambers”, subjected to Nazi salutes/Hitler references and shoved.
9. From late April 2024 – Australian pro-Palestinian encampments emerged at universities, including ANU and Sydney University. From 7 October 2023 until the last impugned act below, Jewish and Israeli university students frequently reported being the subject of intimidating actions including chants, banners, Nazi salutes.

32. ~~Hamas's terrorist acts described above were taken because Hamas's leadership, commanders, members and operatives in the field believed the men, women and children intended by them to be subjected, and in fact subjected, to those acts:~~

~~a. were Jewish persons or Israeli persons; and~~

~~b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.~~

32A A sufficiently significant proportion of Jewish and Israeli persons in Australia for purposes of the s18C RDA legislative prohibition (not taking into account those who are over-sensitive or especially sanguine) believe 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:

a. were Jewish persons or Israeli persons; and

b. were subjected to those acts because they were or were believed to be in almost all cases Jewish persons or Israeli persons.

DR RIEMER'S IMPUGNED ACTS UNDER s 18C of the *Racial Discrimination Act 1975* (Cth) (RDA)

a. **'The call for a Global Intifada'**

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.



Nick Riemer
@NickRiemer1

A student meeting on Palestine at @Sydney_Uni has been banned on the false grounds that it 'may be linked to support for terrorist activities', without a shred of evidence. I've written to VC @mscott in protest: the university must be a place for critical & independent thought.

Mark,

Thank you for your reply to my earlier email about disproportionate restrictions on Palestinian speech at the university.

I am receiving it this morning. I have become aware of your decision to ban from any university room the student meeting 'Palestine: the case for a global intifada', that was held today, on the grounds that it 'may be linked to support for terrorist activities'. The justification you cite for this extraordinary claim is that (a) the poster for the event shows an image of a bulldozer knocking down the Gaza fence; and (b) the phrase 'all intifada' occurs in the event's title.

Your decision is a serious affront to academic freedom, freedom of assembly and freedom of political speech on campus. It is exactly an instance of the censorship and silencing of pro-Palestinian political speech on campus that I warned of in my email yesterday. I can only conclude that your assurances to me that this speech is protected will not be taken at face value.

The reasons you have offered for banning the meeting could not withstand the slightest objective scrutiny and are unworthy of an institution supposedly dedicated to the fearless independent pursuit of knowledge. 'Intifada' refers to an 'uprising', and is used in connection to many different kinds of political and military activity. As I reminded you in my email, armed resistance is a right of an occupied people. Short of considering the act of Palestinian resistance as definitionally terrorism – exactly the position of the late Labour government and its international supporters, which your decision reinforces – the use of the term 'intifada' cannot possibly justify banning a meeting.

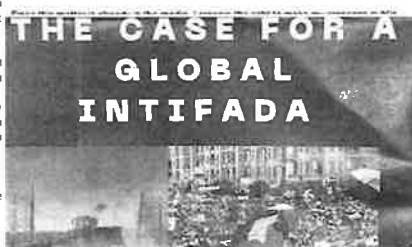
Furthermore, the image of the bulldozer is a factual representation of one of the events of October 7. You have not explained how it can be construed in any way as 'support for terrorism'. The poster contains a second, and in fact larger, image of a mass protest. If the university counts this as 'support for terrorism' too?

solidarity with Palestine as even worth discussing?

By suppressing campus Palestine solidarity in this way, the university under your leadership is siding with a state responsible for genocide, war crimes and contributing to the toxic and state-sponsored racism and Islamophobia that already affects Palestinian and other Middle Eastern people in Australia. The reasoning behind the ban makes a mockery of the claim that the university is treating Palestine and Israel support equally, or that it is a place that genuinely values its role as a source of independent and critical perspectives on current events.

The meaning and use of the term 'intifada' does not require significant research to establish, but I would be happy to arrange a briefing on it for you and other decision-makers at the university so this serious miscarriage of justice does not reoccur.

I urge you to rescind the ban immediately, and I remain available to discuss what steps can be taken to undo the damage that your decision has caused to students, staff, and to the cause of a just peace in historic Palestine.



2:19 PM · Nov 1, 2023 · 123.2K Views

154

362

724

27



34. The Riemer Global Intifada X Post:

- contains 3 photos which when clicked on become larger photos;
- 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
- 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".

34A. 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:

- put him in a position of influence over many Sydney University (and other university) students, academics and others; and
- 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.

Particulars

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.
 2. Particulars of conduct are annexed to this Further Amended Statement of Claim.
 3. Further particulars may be provided prior to trial.
35. 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*'.

Particulars

1. One of the pictures posted by Dr Riemer in his Global Intifada X Post (see [33] and [34c] above) was an advertisement of the intended Solidarity '*Palestine: the case for a global intifada*' meeting referred to immediately above.
 2. The same advertisement was done by way of online advertisements, both by Dr Riemer and by Solidarity and have remained accessible online. The Applicants here refer to and repeat [34] above.
 3. Relatedly that advertisement was also done by way of the same 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.
36. 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 at the time of filing the Complaint (October 2024), and attracted about ~~125,100~~ ~~125,200~~ 125,400 views as at the date of the Further Amended Statement of Claim.

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.

Particulars

1. Further particulars may be provided prior to trial.

38. There was group chanting at the meeting by persons, including Dr Nick Riemer, as follows:

"...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!"

39. The individual speech made by Dr Riemer at the meeting included the following statement:

"...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."

Particulars

1. Substantial admission made in ABC Radio National interview entitled 'Anti-Zionism on trial,' dated 12 October 2025, 12:26ff.

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:

- 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.
- b. That the events of 7 October were to be celebrated and endorsed.
- c. 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.

b. **Riemer's 8 October Post**

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**):



Nick Riemer
@NickRiemer1

...

No progressive should feel the need to publicly condemn any choices by the Palestinian resistance. Doing so just adds to the perception that their cause is unjust. Condemnation is the speech-act you perform when breaking contact off with someone, not when standing in solidarity.

10:44 AM · Oct 8, 2023 · 315.6K Views

42. In about October 2024, Dr Riemer's 8 October Post had in excess of 319,100 views and at the date of this Further Amended Statement of Claim it has about ~~320,000~~ 320,300 320,600 views and remains accessible.

43. Dr Riemer's 8 October Post conveyed the following imputations:

- a. Hamas' 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;
- b. people should express solidarity with, and support of, Hamas' objectives and activities against Jewish people and Israeli people;
- c. people should express their solidarity with, and support of, Hamas' cause and its activities on 7 October 2023 in support of that cause.

c. **Riemer's 7 October Repost**

44. On 7 October 2023 Dr Riemer reposted the following tweet on his Riemer X account:

🔄 Nick Riemer reposted



sara m. saleh | سارة صالح @SaraSalehTweets · Oct 7

...

If you're upset/shocked by images of Zionist bodies bloody & attacked & never shown a fleck of concern for the thousands of Palestinians who are under attack daily & murdered in cold blood, some whose bodies are held hostage as bargaining chips by Israeli occupiers - SPARE ME

💬 29

🔄 274

❤️ 1K

📄 42K

🔖 ⬆️

45. As at about March 2024, Riemer's 7 October repost had over 42,000 views, and at the date of this Further Amended Statement of Claim it has about 42,500 views and remains accessible.

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.

47. The 7 October repost had the following imputation:

- a. 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.

d. **Rierner's Overland Article published on 15 October 2023**

48. On 15 October 2023, Dr Rierner published an article in *Overland* which was and remains able to be viewed at: <https://overland.org.au/2023/10/it-has-never-been-more-vital-to-stand-with-palestine/> and is annexed to this Further Amended Statement of Claim.

49. *Overland* is an established Australian literary and cultural magazine published quarterly in print as well as online.

50. The article describes the author as follows: *"Nick Rierner 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."*

51. The article contained the following extracts:

"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" [P 3/13]

...

The official representatives of democracy, with honourable rare exceptions, have failed democracy again.

...

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." [P-4/13]

52. The first extract set out above has the following imputation:

- a. 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.

53. The third extract set out above has the following imputation:

- a. 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.

e. **The Saturday Paper "Owned By Zionists" Repost**

54. On 28 October 2023, Dr Riemer reposted an Amy McQuire post as follows:



55. As at about March 2024, the Saturday Paper "Owned by Zionists" Repost had about 102,000 views, and at the date of the Further Amended Statement of Claim has about 102,800 views and remains accessible.

56. The Saturday Paper "Owned by Zionists" Repost had the following imputations:

- 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;
- b. the silence of Jewish people and Israeli people about that genocide will fail because history will remember and record it.

57. By making those imputations, the "Owned by Zionists" Repost repeats and amplifies the well known antisemitic trope that the Jews control the media.

f. **The "No room for Zionism in our Unions" Speech and Posts**

58. Dr Riemer made ~~two~~ related X Posts on 12 November 2023. The first Post quotes Dr Riemer's own speech at a rally the day before in Port Botany (Speech):



Nick Riemer
@NickRiemer1

There were some hugely powerful & moving speeches from Palestinians at yesterday's Botany protest which I hope we captured on video. I spoke on why there's no room for racism, settler-colonialism, apartheid or Zionism in our unions. 🇵🇸



11:08 AM · Nov 12, 2023 · 6,629 Views



47



43



174



3



Nick Riemer @NickRiemer1 · Nov 12, 2023



As union members, we're here to say that we stand alongside the Palestinians of Gaza, of the West Bank and the diaspora. Touch one, touch all.



1



8



212



Nick Riemer @NickRiemer1 · Nov 12, 2023



That's why there's no room for genocide apologia in our unions.

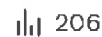
That's why there is no room for warmongering in our unions.



1



7



206



Nick Riemer @NickRiemer1 · Nov 12, 2023



That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.



2



2



7



566



58A 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.

59. 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 6,764 and ~~526~~ 541 212, 206 and 566 views respectively and remain accessible online.
60. The “No room for Zionism in our Unions” Speech and Posts (which reproduced the Speech) had the following imputations:
- Jewish people and Israeli people should be excluded from any participation in Unions in Australia including in the National Tertiary Education Union.
 - Because of the genocide apologia, warmongering, 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.

g. The Lattouf sacking Post

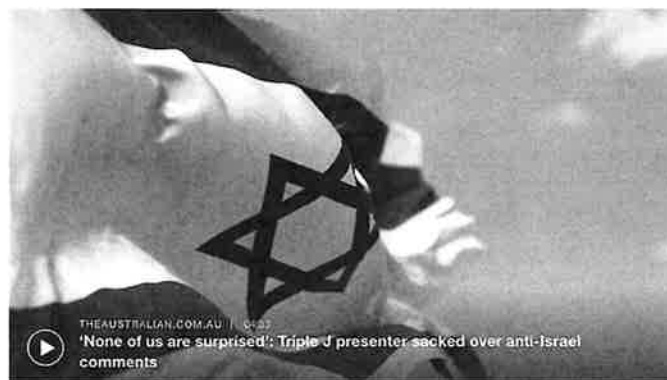
61. On about 20 December ~~12 November 2023, being the same day as Dr Riemer posted the “No room for Zionism in our Unions” Speech and Posts~~, Dr Riemer posted the following:



Nick Riemer
@NickRiemer1

Shame on @ItaButtrose & @abcsydney on the dangerous and disgraceful sacking of @antoINETte_news. The Zionists and reactionaries high-fiving the ABC's unbridled McCarthyism are a greater threat to the public sphere than they ever have been before. Reinstate her now.

ABC presenter Antoinette Lattouf sacked after anti-Israel social media posts



5:31 PM · Dec 20, 2023 · 7,541 Views

62. At the time of filing this Further Amended Statement of Claim, the Lattouf sacking Post had over 25,600 views and remained accessible.

63. The Lattouf sacking Post had the following imputations:

- a. Jewish people and/or Israeli people are “unbridled McCarthyists” when they supported the sacking of ABC presenter Antoinette Lattouf.
- b. Those Jewish people and/or Israeli people are a threat to the public and that threat is getting worse.

h. The Zionists are racists Post

64. On 29 December 2023, Dr Riemer reposted the following in two postings on the Riemer X Page:



"Palestinians bear no responsibility to coddle the feelings of Zionist racists. We collectively refuse to provide Zionists with reassurances to placate and soothe their political anxieties." - @RandaAFattah

bit.ly/3voU77K

#ZionistFragility



1:00 PM · Dec 29, 2023 · 5,688 Views

Particulars

- a. A repost of Mondoweiss.
- b. A repost of Randa Abdel-Fattah.

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) and at the date of this Further Amended Statement of Claim over 112,600 113,000 (Randa Abdel-Fattah repost) and 5,862 5,886 views (Mondoweiss) and remained accessible.

66. The Zionists are racists Reposts had the following imputation:

a. Jewish people, Israeli people and Zionists are racists.

i. **The Zionists smartwash Repost**

67. On 24 December 2023, Dr Riemer reposted the following post:



68. At the time of filing the Complaint in October 2024, the Zionists smartwash Repost had about 940 views, and at the date of the Further Amended Statement of Claim was not accessible.

69. The Zionists smartwash Repost had the following imputation:

a. Jewish people, Israeli people and Zionists deceptively and falsely proclaim that the atrocities committed by Israel were normal lawful activities.

j. **The Zionists' Licence to Lie and Slander Post**

70. On 2 February 2024, Dr Riemer posted the following Post:



Nick Riemer
@NickRiemer1

Now even the police reject the slur about antisemitism at the October Palestine rally. Zionists are losing their licence to lie & slander.

Time for all the servile politicians who unhesitatingly jumped on the bandwagon to rethink their loyalties, but I'm not holding my breath.

From 1h ago

22.28 GMT

NSW police say no evidence offensive antisemitic phrase chanted at pro-Palestine protest last year

Tory Shepherd

New South Wales police say an independent analysis of audio and video files from a pro-Palestine protest at the Sydney Opera House last year found no evidence for claims that anyone had chanted "gas the Jews".

People reported hearing the comments at the protest in October last year, and the reports are being investigated by **Strike Force Mealing**.

In a statement this morning, police said they would continue their investigation and urged anyone with information to contact Crime Stoppers. Police said:

“Strike Force Mealing was established to investigate reported unlawful activity committed during an unauthorised protest at the Sydney Opera House on 9 October 2023.

Police received reports following the protest suggesting that an offensive antisemitic phrase was chanted during the event.

As a result of independent forensic analysis of audio-video files of the demonstration provided to investigators, police have no evidence that this phrase was used.

Police also obtained statements from several individuals who attended the protest indicating they heard the phrase however these statements have not attributed the phrase to any specific individual.

We'll bring you more after a press conference due to start shortly.

10:52 AM · Feb 2, 2024 · 6,938 Views



63



97



247

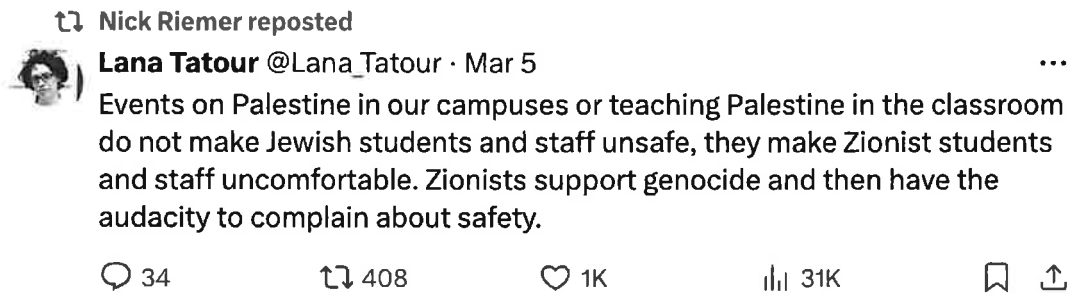


10



71. At the time of filing this Further Amended Statement of Claim, Riemer's Zionists' Licence to Lie and Slander Post has about ~~7,085~~ 7,094 7,126 views and remains accessible.
72. The Zionists' "Licence to Lie and Slander" Post had the following imputation:
 - a. Jewish people, Israeli people and Zionists are people who lie and slander in pursuing their causes.
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.
- k. The Zionists support genocide Repost

74. On 5 March 2024, Dr Riemer reposted the following post:



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 and at the date of this Further Amended Statement of Claim has over 68,000 views and remains accessible.

76. The "Zionists support genocide" Repost had the following imputations:

- a. Jewish people, Israeli people and Zionists support genocide;
- b. Jewish people, Israeli people and Zionists are hypocrites.

I. **The genocide enablers Post**

77. On 19 March 2024, Dr Riemer posted the following post on his Facebook page which remains accessible:



78. The "genocide enablers" Post had the following imputation:

- a. The Israeli people at the Tel Aviv University stall at Sydney University and other Jewish people or Israeli people are genocide enablers.
- b. That Jewish people and Israeli people are not welcome on the Sydney University campus.

m. **The akin to Nazis Repost**

79. On 29 April 2024, Dr Riemer reposted the following post:



80. At the time of filing the Complaint, the “akin to Nazis” Repost had about 2,376 views and at the date of this Further Amended Statement of Claim has about 2,412 views and remains accessible.

81. The “akin to Nazis” Repost had the following imputations:

- a. Jewish people, Israeli people and Zionists, are akin to Nazis and misogynists.
- b. Jewish people, Israeli people and Zionists have no right to cultural safety.

n. **The Genocide Post and Speech**

82. On 3 May 2024, Dr Riemer posted on his X Page the "Genocide" Post and Speech as set out below.

"Safety means opposing Genocide":

...

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."

...

"What happens when we tell Zionists that there just is no identity that can have as its condition the dispossession and slaughter of an entire people? They instantly tell us that we're making them feel unsafe"

- 82A 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.
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 Further Amended Statement of Claim it had in excess of 34,800 views and remains accessible.
84. The paragraphs set out above, and the Speech contain the following imputations:
- a. Jewish people, Israeli people and Zionists support the genocidal slaughter of Palestinians.
 - 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.

Contravention of s 18C - Dr Riemer

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

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.~~

88. 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 intimidated by the posting including because:

- a. References to Zionists are, properly understood, to be a reference to (at least) a majority of Jewish people and Israeli people in Australia;
- 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
- c. 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;
- d. 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;
- 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 ~~people~~ persons.

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).

Dr Riemer's Overland article and No Room for Zionism in our Unions Speech and Post – Vicarious liability of Sydney University

90. Dr Riemer is an employee of Sydney University.

91. 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.

- 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.*"

- b. The “No Room for Zionism in our Unions” Speech and Posts relates to the participation of Jewish and Israeli people in Unions.
 - 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.*”
 - 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.
 - e. That public speech of this kind by its employees is connected to their duties of employment by Sydney University is demonstrated by:
 - 1. the *University of Sydney Enterprise Agreement 2023-2026* (eg. cl 354, 360, 361, 362, 366 and 368);
 - 2. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cl 3, 5, 7, 8, 11, 15, 19, 20, 21, 23, 24);
 - 3. Public Comment Policy of Sydney University (eg. Guidelines and Pt 2);
 - 4. *University of Sydney Act 1989* (NSW) (eg. s 2); and
 - 5. *Charter of Freedom of Speech and Academic Freedom 2019*.
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.
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.
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.

Complaint to the Australian Human Rights Commission

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**).

96. The unlawful discrimination alleged above is the same or the same in substance as the unlawful discrimination alleged in the AHRC Complaint.
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.

Particulars

- a. 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).

Relief

98. In the premises, the Applicants are entitled to the relief claimed in the Originating Application.

Date: ~~13 June 2025~~ 29 July 2025 12 June 2026

Signed by Hamish Rotstein
Lawyer for the Applicants

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

Certificate of lawyer

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

Date: ~~13 June 2025~~ 29 July 2025 12 June 2026

Signed by Hamish Rotstein
Lawyer for the Applicants

ANNEXUREParticulars to Paragraph [28]

- a. The Hamas Covenants pleaded are two documents, namely:
 - i. the Hamas Covenant 1988, *The Covenant of the Islamic Resistance Movement*, 18 August 1988; and
 - ii. the May 2017 Charter document entitled *The Islamic Resistance Movement "Hamas", A Document of General Principles and Policies*.
- b. As to the Hamas Covenant 1988:
 - i. Preamble: *"Israel will exist and will continue to exist until Islam will obliterate it."*
 - ii. *"Our struggle against the Jews is very great and very serious. It needs all sincere efforts. It is a step that inevitably should be followed by other steps....until the enemy is vanquished and Allah's victory is realised."*
 - iii. Article 7: *"The Islamic Resistance Movement is one of the links in the chain of the struggle against the Zionist invaders....The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him."*
 - iv. Article 13: *"There is no solution for the Palestinian question except through Jihad."*
 - v. Article 14: *"the liberation of Palestine is bound to three circles..(including) the Islamic circle. Each circle[] has its role in the struggle against Zionism...Palestine is an Islamic land...liberation of Palestine is..an individual duty for [e]very Moslem."*
 - vi. Article 28: *"Israel, Judaism and Jews challenge Islam and the Moslem people. 'May the cowards never sleep.'"*
 - vii. Article 32: *"Leaving the circle of struggle with Zionism is high treason, and cursed be he who does that... The Islamic Resistance Movement consider itself to be the spearhead of the circle of struggle with world Zionism."*
 - viii. Article 35: *"Moslems...should be able to confront the Zionist invasion and defeat it."*

a. As to the May 2017 Charter:

- i. Article 1: *"The Islamic Resistance Movement "Hamas[]"... goal is to liberate Palestine and confront the Zionist project. Its frame of reference is Islam, which determines its principles, objectives and means."*
- ii. Article 14: *"The Israeli entity is the plaything of the Zionist project and its base of aggression... The Zionist project does not target the Palestinian people alone; it is the enemy of the Arab and Islamic Ummah"*
- iii. Article 16: *"Hamas... wages a struggle against the Zionists... the Zionists who constantly identify Judaism and the Jews with their... illegal entity"*
- iv. Article 17: *"The Zionist movement...must disappear from Palestine"*
- v. Article 18: *"The establishment of 'Israel' is entirely illegal."*
- vi. Article 19: *"There shall be no recognition of the legitimacy of the Zionist entity."*
- vii. Article 20: *"Hamas believes that no part of the land of Palestine shall be compromised or conceded, irrespective of the...circumstances...Hamas rejects any alternative to the full and complete liberation of Palestine from the river to the sea...(and) reject[s] the Zionist entity"*
- viii. Article 41: *"Hamas...denounces the support granted by any party to the Zionist entity."*

The 3 Photos Forming Part of the Riemer Global Intifada X Post (Paragraphs [33]-[34] above)

|
Dear Mark,

Thank you for your reply to my earlier email about disproportionate restrictions on pro-Palestinian speech at the university.

Since receiving it this morning, I have become aware of your decision to ban from any university room the student meeting 'Palestine: the case for a global intifada', that was to be held today, on the grounds that it 'may be linked to support for terrorist activities'. The justification you cite for this extraordinary claim is that (a) the poster for the event contains an image of a bulldozer knocking down the Gaza fence; and (b) the phrase 'global intifada' occurs in the event's title.

This decision is a serious affront to academic freedom, freedom of assembly and freedom of political speech on campus. It is exactly an instance of the censorship and penalisation of pro-Palestinian political speech on campus that I warned of in my email on Monday. I can only conclude that your assurances to me that this speech is protected cannot be taken at face value.

The reasons you have offered for banning the meeting could not withstand the slightest objective scrutiny and are unworthy of an institution supposedly dedicated to the fearless and independent pursuit of knowledge. 'Intifada' refers to an 'uprising', and is used in relation to many different kinds of political and military activity. As I reminded you in my original email, armed resistance is a right of an occupied people. Short of considering any act of Palestinian resistance as definitionally terrorism – exactly the position of the Israeli government and its international supporters, which your decision reinforces – the presence of the term 'intifada' cannot possibly justify banning a meeting.

Furthermore, the image of the bulldozer is a factual representation of one of the events of October 7. You have not explained how it can be construed in any way as 'support for terrorism'. The poster contains a second, and in fact larger, image of a mass protest. Does the university count this as 'support for terrorism' too?

I note that you have not responded to my invitation to discuss what the university can do to support the institutional academic boycott of Israel – an expressly non-violent tactic that Palestinians have been promoting for almost two decades – or registered any interest in my proposal about positive support for the Palestinians of Gaza, for instance through international scholarships. Do you not consider either of these concrete measures in solidarity with Palestine as even worth discussing?

By suppressing campus Palestine solidarity in this way, the university under your leadership is siding with a state responsible for genocidal war-crimes and contributing to the toxic and state-sponsored racism and Islamophobia that already afflicts Palestinian and other Middle Eastern people in Australia. The reasoning behind the ban makes a mockery of the claim that the university is treating Palestine and Israel support equally, or that it is a place that genuinely values its role as a source of independent and critical perspectives on current events.

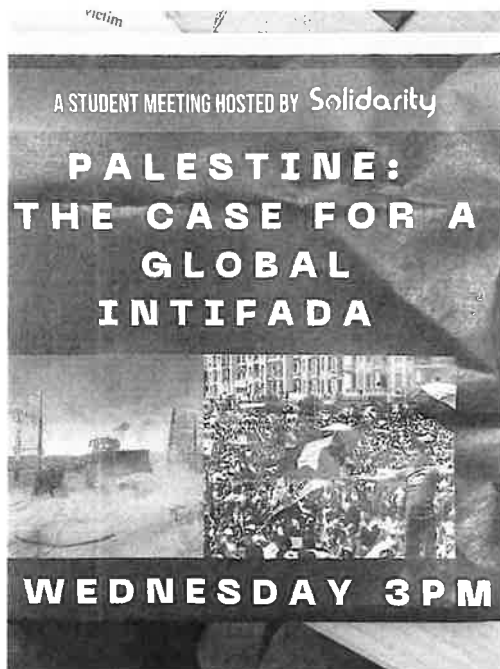
The meaning and use of the term 'intifada' does not require significant research to establish, but I would be happy to arrange a briefing on it for you and other decision-makers at the university so this serious miscarriage of justice does not reoccur.

I urge you to rescind the ban immediately, and I remain available to discuss what steps can be taken to undo the damage that your decision has caused to students, staff, and to the cause of a just peace in historic Palestine.

Since this matter is already in the media, I reserve the right to make my response public.

Regards

Nick Riemer



Particulars to Paragraph [34A]

All X Reposts have a default function on X where the link to the Repost opens instead to the original post. Screenshots of the Reposts are however available on request.

No.	Description	Conduct	Source
1	Facebook Post, 31 October 2023	Solidarity Post of Meeting " <i>Palestine: The case for a Global Intifada</i> ", which was done in conjunction (post and meeting) with Dr Riemer.	https://www.facebook.com/photo/?fbid=720214853472497&set=pb.100064519669458.-2207520000
2	Facebook Post, 2 November 2023	Solidarity post with banner " <i>Long live the Intifada!</i> ", accompanied by text decrying USYD preventing the " <i>Palestine: the case for a global intifada</i> " meeting.	Screenshot taken 2 July 2024.
3	Facebook Post, 3 November 2023	Solidarity Post criticising Sydney University's ban on the Solidarity meeting done in conjunction with Dr Riemer, ' <i>Palestine: The Case for a Global Intifada</i> '.	Screenshot taken 10 February 2026
4	Instagram Post, 14 November 2023	Solidarity posted Dr Riemer at a rally with them at Sydney University at which there was yelling of " <i>intifada, intifada, long live the intifada!</i> ".	https://www.instagram.com/p/CznMM8ArH2L/?hl=en
5	Instagram Post, 28 February 2024	Solidarity Post showing an image of Dr Riemer holding a 'Stop the Genocide – Free Palestine' banner.	https://www.instagram.com/p/C34KKMQBDx-/?hl=en
6	X Repost, 5 March 2024	Solidarity Repost of Dr Riemer to support ending links with companies that arm Israel.	https://x.com/NickRiemer1/status/1764782301219848660
7	X Repost, 6 March 2024	Solidarity Repost of Dr Riemer protesting with students.	https://x.com/NickRiemer1/status/1765260317561610351
8	X Repost, 7 March 2024	Solidarity Repost of Dr Riemer advocating book launch entitled "The Radical Jewish Tradition: Revolutionaries, resistance fighters and firebrands".	Screenshot taken.
9	X Repost, 12 March 2024	Solidarity Repost of Dr Riemer talk on Gaza.	https://x.com/NickRiemer1/status/1767326157605912754
10	X Repost, 12 March 2024	Solidarity Repost of Dr Riemer 'Hands off Rafah'.	https://x.com/NickRiemer1/status/1767436552869937367
11	X Repost, 17 March 2024	Solidarity Repost of Dr Riemer chanting "5 6 7 8 – <i>smash the genocidal state</i> ".	https://x.com/NickRiemer1/status/1769211581177737546
12	X Repost, 24 March 2024	Solidarity Repost of Dr Riemer posting hundreds of people blocking the road to	https://x.com/NickRiemer1/status/1771850973599662327

		the port in Sydney relating to ZIM containers (Israel focused).	
13	X Repost, 24 March 2024	Solidarity Repost showing unionists supporting Palestine, including NTEU.	Screenshot taken.
14	Instagram Post, 25 March 2024	Solidarity post of protest chanting " <i>Intifada, Intifada</i> ", with the caption " <i>GLOBALISE the Intifada</i> " and sign of Unionists for Palestine.	https://www.instagram.com/p/C45kqbjB_fK/
15	X Repost, 8 April 2024	Solidarity post a large sign of " <i>globalise the intifada</i> ", as Dr Riemer frequently endorses.	https://x.com/jchoonara/status/1776986110704390440
16	X Repost, 13 April 2024	Solidarity Repost of Dr Riemer protesting for Gazans.	https://x.com/NickRiemer1/status/1778995056944554038
17	X Repost, 23 April 2024	Solidarity post showing NTEU and Dr Riemer with Unionists for Palestine sign supporting the student encampment from inception.	https://x.com/sophfyfe/status/1782699305704550552
18	X Repost, 24 April 2024	Repost of Dr Riemer supporting the Sydney University encampment.	https://x.com/NickRiemer1/status/1782980282695770432
19	X Post, 26 April 2024	" <i>Intifada</i> " is displayed by prominent sign as " <i>Union Business</i> ".	https://x.com/solidaus/status/1783770301823660325
20	X Repost, 8 May 2024	Solidarity Repost of Dr Riemer advertising the '@NTEU Gaza solidarity vote' on the institutional academic boycott of Israel at the NTEU members meeting.	https://x.com/NickRiemer1/status/1787995182300090411
21	X Repost, 8 May 2024	Solidarity Repost of Dr Riemer celebrating the endorsement by General Union of Palestine Workers of his NTEU motion.	https://x.com/NickRiemer1/status/1788177850019037215
22	X Repost, 9 May 2024	Solidarity praising NTEU at Sydney University and repost of Dr Riemer highlighting the success of his motion to endorse the academic boycott of Israeli universities.	https://x.com/solidaus/status/1788423939989074245
23	X Repost, 12 May 2024	Solidarity post of NTEU / Unionists for Palestine supporting the Sydney University Encampment and academic boycott of Israel.	https://x.com/sophfyfe/status/1789560094822420950
24	X Repost, 12 May 2024	Solidarity Reposting the Rank and File Action post celebrating the vote of USYD NTEU boycotting Israeli universities and cutting ties with global arms trade.	https://x.com/RAFAUsyd/status/1789308315887145186
25	X Repost, 15 May	Solidarity Reposting Dr Riemer asserting	https://x.com/NickRiemer1/status/1789308315887145186

	2024	that <i>"The Gaza camps...must not be removed. At @Sydney_Uni, @NTEUnion members have voted to defend our camp against all threats. We will do so."</i>	atus/1790545010393502140
26	X Repost, 15 May 2024	Solidarity Reposting Dr Riemer – saying <i>"Whether in 1948 or 2024, the resistance is here to stay, for as long as it takes."</i>	https://x.com/NickRiemer1/status/1790655677305848086
27	X Post, 15 May 2024	Solidarity post of campus protest, captioned <i>"Spread the intifada!"</i>	https://x.com/solidarity_au/status/1790640990069686385
28	X Repost, 17 May 2024	Solidarity Repost of Dr Riemer noting the USYD NTEU supports the Sydney University encampment (Gaza Camp).	https://x.com/NickRiemer1/status/1791334528134656169
28	X Repost, 22 May 2024	Solidarity Repost of Dr Riemer taking photos at Sydney University Encampment.	https://x.com/NickRiemer1/status/1793060694776225978
29	X Post, 24 May 2024	Solidarity post advertising Dr Riemer giving a talk on BDS.	https://x.com/solidarity_au/status/1793869751464423435
30	X Repost, 1 June 2024	Solidarity Repost of Dr Riemer supporting boycott of Israel.	https://x.com/NickRiemer1/status/1796542856179671250
31	X Post, 1 June 2024	Solidarity Post of Dr Riemer speaking at Solidarity meeting.	https://x.com/solidarity_au/status/1796816835209568391
32	X Repost, 6 June 2024	Solidarity repost of Dr Riemer referring to <i>"Utterly reprehensible political expulsion"</i> of Beatrice Tucker at ANU, after she said <i>" Hamas deserved 'unconditional support' "</i> .	https://x.com/NickRiemer1/status/1798618448886702214
33	X Repost, 7 June 2024	Further repost of Dr Riemer decrying expulsions at ANU.	https://x.com/unionistsaa/status/1798895757623460079
34	X Post, 25 June 2024	Solidarity post promoting Dr Riemer and Saleh talking about BDS.	https://x.com/solidarity_au/status/1805489499436368242
35	X Post, 16 July 2024	Solidarity Post advertising Dr Riemer giving a talk on BDS.	https://x.com/solidarity_au/status/1813012884718514257
36	X Post, 17 July 2024	Solidarity Post of Dr Riemer giving a talk on BDS regarding academic boycott of Israel by NTEU members at Sydney University.	https://x.com/solidarity_au/status/1813555362353828038
37	Instagram Post, 4 August 2024	Solidarity Post promoting Dr Riemer, as NTEU President, giving a talk at a Solidarity meeting on supporting the CFMEU.	https://www.instagram.com/p/C-OfpCfz3lj/?hl=en
38	Instagram Post, 11 August 2024	Solidarity Post supporting Sydney University meeting advocating to <i>'cut ties with Israel'</i> and inter alia affirming armed	https://www.instagram.com/p/C-hixGdTAhV/?hl=en&img_index=1

		resistance for Palestinians and scrapping Campus Access Policy.	ex=4
39	X Repost, 5 October 2024	Solidarity Repost of Dr Riemer's post on NTEU's motion in support of institutional academic boycott of Israel and making BDS Union policy.	https://x.com/NickRiemer1/status/1842367573654192131
40	X Repost, 9 October 2024	Solidarity Repost of Dr Riemer in support of NTEU's campaign.	https://x.com/NickRiemer1/status/1843796197762596977
41	X Repost, 9 October 2024	Solidarity Repost of Dr Riemer condemning police conduct against student protesters.	https://x.com/NickRiemer1/status/1843849023469531486
42	X Repost, 15 October 2024	Solidarity Repost of Dr Riemer advocating to scrap the Campus Access Policy.	https://x.com/NickRiemer1/status/1845970717629911310
43	X Repost, 21 October 2024	Solidarity Repost of Rank and File Action promotion of 23 October NTEU National Day of Action for Palestine to " <i>cut ties with genocide</i> " as " <i>authorised by NTEU University of Sydney Branch President, Nick Riemer.</i> "	https://x.com/RAFAU Syd/status/1848121960191898048
44	X Repost, 21 October 2024	Solidarity Repost promoting 23 October NTEU National Day of Action for Palestine as " <i>authorised by NTEU University of Sydney Branch President, Nick Riemer</i> "	https://x.com/sophfyfe/status/1848296199016816905
45	X Repost, 23 October 2024	Solidarity Repost of NTEU National Day of Action at Sydney University, asserting to cut all ties with 'genocide' and 'apartheid' as " <i>authorised by NTEU University of Sydney Branch President, Nick Riemer</i> "	https://x.com/sophfyfe/status/1848911908700930252
46	X Repost, 23 October 2024	Solidarity Repost of Dr Riemer supporting the NTEU National Day of Action for Palestine at Sydney University praising the supporting staff and students as the " <i>university's real leaders, not the opportunists and hypocrites who lecture us on 'safety' and 'distress' in order to excuse a genocide</i> ".	https://x.com/NickRiemer1/status/1848931174372282405
47	X Post, 30 October 2024	Solidarity Post citing Dr Riemer condemning university leaders for failing to oppose Netanyahu's alleged war crimes with picture mocking antisemitism.	https://x.com/solidarity/status/1851583116227588534
48	X Repost, 16 November 2024	Solidarity Repost of NTEU's commitment to academic boycott of Israel.	https://x.com/COMRADEBLOOM/status/1857579254206337347

49	X Repost, 17 November 2024	Solidarity Repost of Dr Riemer speech alleging the Applicants in this case are "Zionists", a "propaganda agency for genocide & apartheid", and "doing Netanyahu's work in Australia."	https://x.com/NickRiemer1/status/1858027234671603931
50	X Repost, 20 November 2024	Solidarity Repost of Dr Riemer promoting "analysis of anti-Palestinian repression" and "critique of Zionists' abuse of cultural and psychosocial safety provisions".	https://x.com/NickRiemer1/status/1859076979708096739
51	X Repost, 21 November 2024	Solidarity Repost of Dr Riemer praising FOI work of students and criticising Sydney University for maintaining exchange programs with an Israeli University, accusing the Hebrew University of Jerusalem of 'supporting' genocide.	https://x.com/NickRiemer1/status/1859360920683806964
52	X Repost, 25 November 2024	Solidarity Repost of Dr Riemer promoting report correlating pro-Palestinian politics to social cohesion.	https://x.com/NickRiemer1/status/1860919902644904398
53	X Repost, 28 November 2024	Solidarity Repost of Dr Riemer criticising Sydney University's proposed protest restrictions.	https://x.com/NickRiemer1/status/1861992249963483452
54	X Repost, 21 December 2024	Solidarity Repost of Dr Riemer decrying Sydney University's proposed protest crackdown in staff statement.	https://x.com/NickRiemer1/status/1870298479634895095
55	X Repost, 15 January 2025	Solidarity Repost of Dr Riemer and Prof Keane publicly commenting on the AHRC phase of this case and the 'Zionist lawfare attack'.	https://x.com/NickRiemer1/status/1879437700253770138
56	X Repost, 17 January 2025	Solidarity Repost of Prof Keane and Dr Riemer "contesting nonsense allegations" regarding their "acts of 'racial hatred' & 'antisemitism'".	https://x.com/ikeaneSDN/status/1880056536283902207
57	X Repost, 21 January 2025	Solidarity Repost of Dr Riemer condemning Sydney University's plan to restrict campus protest banners.	https://x.com/NickRiemer1/status/1881435886489129329
58	X Repost, 21 February 2025	Solidarity Repost of students defying Sydney University's 'Campus Access Policy'.	https://x.com/murmurations24/status/1892760870708760774
59	X Repost, 2 March 2025	Solidarity Repost of Dr Riemer posting about thousands of pro-Palestine protesters in Sydney.	https://x.com/NickRiemer1/status/1896071650300563897
60	X Repost, 5 March 2025	Solidarity Repost of Dr Riemer criticising Sydney University for a misconduct action against student over pro-Palestine slogans.	https://x.com/NickRiemer1/status/1897083757003464987

61	X Repost, 12 March 2025	Solidarity Repost of NTEU protest for release of pro-Palestine activist, Mahmoud Khail.	https://x.com/RAFAUusyd/status/1899688496614531512
62	X Post, 13 March 2025	Solidarity Post celebrating Sydney University ending exchange program with an Israeli Academy of Arts.	https://x.com/solidaus/status/1900043107271664072
63	X Repost, 18 March 2025	Solidarity Repost of Riemer promoting march against Albanese.	https://x.com/NickRiemer1/status/1901831267844497413
64	X Repost, 25 March 2025	Solidarity Repost of Riemer asserting that there are Jewish groups backing sanctions against Israel.	https://x.com/NickRiemer1/status/1904406230980026784
65	X Repost, 26 March 2025	Solidarity Repost of Sydney Staff for BDS at Sydney University seeking to "boycott apartheid Israel".	https://x.com/sydneystaff4bds/status/1904714784609886251
66	X Post, 27 March 2025	Solidarity Post showing NTEU protest with Dr Riemer at Sydney University against new antisemitism definition.	https://x.com/solidaus/status/1905047777299869874
67	X Repost, 2 April 2025	Solidarity Repost of Dr Riemer condemning Sydney University for hosting an alleged "Zionist event tonight justifying Israel's genocide."	https://x.com/NickRiemer1/status/1907361676460261380
68	X Repost, 14 April 2025	Solidarity Repost of Dr Riemer praising the AHRC termination of the alleged 'Zionist lawfare' complaint.'	https://x.com/NickRiemer1/status/1911641507662364956
69	X Repost, 22 April 2025	Solidarity Repost of Dr Riemer criticising university leaders for targeting pro-Palestine activists.	https://x.com/NickRiemer1/status/1914511622816850411
70	X Repost, 25 April 2025	Solidarity Repost of Dr Riemer criticising Universities Australia's new antisemitism definition as a tool to 'suppress pro-Palestine activity on campus'.	https://x.com/NickRiemer1/status/1915587367752388672
71	X Post, 17 May 2025	Solidarity Post of Sydney University students rejecting new definition of antisemitism at Student General Meeting.	https://x.com/solidaus/status/1923616503913689471
72	Facebook Post, 12 June 2025	Solidarity Sydney Uni post stating 'Globalise the intifada'.	Screenshot taken 18 December 2025.
73	X Repost, 30 May 2025	Solidarity Repost of Dr Riemer discussing the 'Zionist lawfare campaign against John Keane and me' and repost of John Keane further attached.	https://x.com/NickRiemer1/status/1928211925206176123
74	X Repost, 2 June 2025	Solidarity Repost of Dr Riemer criticising Mark Scott's university policies and remuneration.	https://x.com/NickRiemer1/status/1929452906714910779

75	X Repost, 18 August 2025	Solidarity Repost of tweet calling for support for Dr Riemer and Professor Keane (referred to as 'two great pro-Palestine activists').	https://x.com/FPMelbourne/status/1957347178654867478
76	Facebook Post, 17 October 2025	Solidarity Sydney Uni post stating ' <i>Globalise the Intifada!</i> ' The post also features a sign stating ' <i>Long live the intifada</i> '.	Screenshot taken 18 December 2025.
77	X Repost, 4 December 2025	Solidarity Repost of Dr Riemer criticising layoffs at Macquarie University.	https://x.com/NickRiemer1/status/1996445380196831718
78	X Post, 28 December 2025	Solidarity Post promoting NTEU and Palestine activist Dr Riemer's article on protest restrictions in NSW.	https://x.com/solid_au/status/2005077674008694937
79	X Repost, 7 January 2026	Solidarity Repost of Dr Riemer stating ' <i>Zionism is the enemy of education</i> '.	https://x.com/NickRiemer1/status/2008672897112699197
80	Instagram Post, 6 January 2026	Solidarity Post of Solidarity meeting, headlined " <i>Globalise the Intifada</i> ".	https://www.instagram.com/p/DTJ43umE-lk/
81	Instagram Post, 24 January 2026	Solidarity Post promoting Solidarity magazine headlined to ' <i>Cut all ties with Israel</i> ' ' <i>Repeal the anti-protest laws</i> ' and " <i>Globalise the Intifada</i> ".	https://www.instagram.com/p/DT37iQ8ky7x/
82	Instagram Post, 10 February 2026	Solidarity Post making strongly anti-Israeli remarks and calling on all to <i>Globalise the Intifada</i> and stop the ban on protest slogans.	https://www.instagram.com/p/DUK5iTkD9lo/
83	Instagram Post, 10 Feb 2026	Solidarity Post showing students chanting and / or support of chant ' <i>From Gadigal to Gaza, Globalise the intifada!</i> ' – the same phrase Dr Riemer advocates.	https://www.instagram.com/p/DUjwRO0DyDi/
84	Instagram Post, 20 February 2026	Solidarity Post decrying the taking down of posters on Sydney University's campus referring to ' <i>Globalise the Intifada</i> ' and ' <i>Smash the Israeli terror state</i> ' as ' <i>disgraceful</i> ' and urging others to join them to defy the USyd bans.	https://www.instagram.com/p/DU-EHP2j9sT/
85	Instagram Post, 24 February 2026	Solidarity Post decrying the taking down of posters on campus saying, ' <i>Globalise the Intifada</i> ' and ' <i>Smash the Israeli terror state</i> ', and the intended ban on saying ' <i>Globalise the intifada</i> ,' urging people to ' <i>fight back</i> ' and reverse the ban on ' <i>Globalise the Intifada</i> ' and ' <i>build the fight on campus</i> .' Video shows images of same <i>Globalise the intifada</i> sign as in Dr Riemer's posting and substantially similar language to ' <i>smash</i> ' Israel.	https://www.instagram.com/p/DVKDY46k_jD/

Overland Article published on 15 October 2023 as referred to in Paragraph [48]



PUBLISHED 15 OCTOBER 2023: PALESTINE

It has never been more vital to stand with Palestine

Nick Rimmer



Six thousand bombs dropped on Gaza in six days – six thousand, flaming entire districts, over two thousand Gazans killed in a week – two thousand, with 8700 wounded. Gaza's two million people – two million – cut off from power, water, medicine, fuel and food. More than a million of them ordered to abandon their homes in an impossible and self-wrecking humanitarian catastrophe. It has never been more vital to stand in solidarity with Palestine.

Emotions are powerful distracters. In the wake of Hamas's shock penetration into Israel last weekend and all its sequelae, they have been intense. But however strong, emotions must not obscure the fundamental fact: Palestinians are a colonised people enduring one of the most vicious and unrelenting oppressions our times have seen. Israel is a brutal, colonising power intent on crushing the very possibility of Palestinian life and freedom. The cause of Palestine is the cause of justice and freedom everywhere.

Nothing in the events of the last week can alter those essential truths. Any attempt to come to terms with the current war, and to determine what solidarity in the West means, must be anchored in the basic reality of Palestinian oppression.

Life is intrinsically valuable; whatever creed it espouses or flag it is draped in. All bloodshed is tragic and most is criminal. But if we accept this principle, then a single cruelty supersedes itself: for generations the value of life has been violated for one situation exponentially, overwhelmingly more than for Israel's.

Nick Rimmer

Nick Rimmer works in the English and Writing and Linguistics department of the University of Sydney. He is currently academic vice-president of the Sydney University branch of the National Tertiary Education Union. The views expressed in Overland are his own.

Made by Nick Rimmer.

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that they support, generations of Palestinian lives have been devastated by a powerful first-world coloniser with the unstinting backing of the West.

As the US-based organisation Palestine Legal [has said](#), 'there is no equivalence – moral or otherwise – between Israel's nearly eight decades of ceaseless colonial violence, and the resistance that it has engendered.' The only way that the tragedies of lost lives can be solved, it correctly notes, is by addressing the root causes – the occupation and siege of Palestinian land.

That is exactly the role of the global solidarity movement. The imperviousness to it of the political class has been stunning. Western politicians' existing record of moral and intellectual negligence is impressive, but over the last week they have outdone themselves. The prospect of natives escaping from their cages has unleashed deep settler paranoia in places like Australia, just as it has in Israel itself. In Australia as everywhere else, politicians in their panic have delivered Israel carte blanche. The West's blessing on Israeli to do what it pleases has authorised the inconceivable: evacuation orders the army has issued to Gaza residents and laid the ground for a second Nakba.

The times call for political leaders with cool heads: ones who are not swept up by the immediacy of the moment, but who can see what is happening with objectivity. This is exactly the rational intellectual attitude that European racist fantasies imagine as distinguishing the 'civilised' Western world from the [savage](#) Islamic one, locked in its animal passions. Yet when faced with the need for rationality and detachment, mainstream Western politicians and media have shown themselves to be entirely incapable of them.

As well as unconditionally supporting Israel, politicians have repressed, vilified, silenced, and [threatened deportation](#) against Palestinians and their supporters at home. Has there ever been such [casual contempt for democratic freedoms](#), such servile conformism in the [burning of basic rights](#)? The official representatives of democracy, with [honourable, rare exceptions](#), have failed democracy again.

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 [anti-democratic 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.

Rallies for Palestine in the coming weeks will do the same as rallies for Palestine every time Gaza is being returned to rubble – call for an end to apartheid, ethnic cleansing and endless war, and for freedom, justice, equality and democracy for everyone between the Jordan and the Mediterranean, regardless of their ethnicity or religion. That is the politics of the Palestine solidarity movement, and it has been asserted unambiguously and repeatedly.

Of course, we will be slandered as antisemites precisely because we make those demands at this moment. Now, 'unconditional' support for Israel's 'right to defend itself' is the only possible script. Even when we expel actual antisemites from our rallies, as we did last Monday outside the Opera House in Sydney, we are slurred as 'vile antisemites'. Not only that: we are terrorist sympathisers, Islamists, savages. Nothing can falsify those descriptions, it seems. Condemn Hamas, we're continually instructed – prove to us you don't support terrorism.

overLand

256 2025

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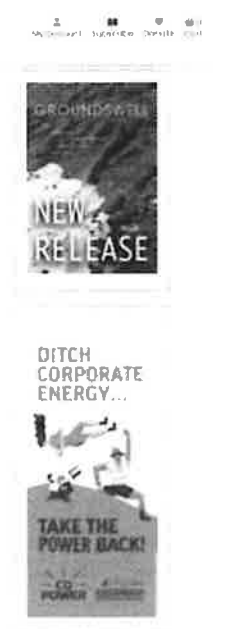
Inside Overland issue 258, you'll find twin essays: Norman Scandi Nitro on Edward Said's critique of liberal racism, and Yehia Lababidi on the many Edward Saida, Overland's ex-poetry editor Toby Fitch on doomsscrolling, Thomas Mörön on the suburban grotesque and SNM on the world-changing aspect of violence, plus loads more.

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8 2 13 498

2 11 305

[illegible][illegible]

and to the illegal occupation of Palestinian land and an end to apartheid and ethnic cleansing in the area, as well as to the full implementation of the rights of peace, equality and justice for Palestinians, Israelis, and everyone in the Middle East.

The right to protest, which is fundamental to democracy

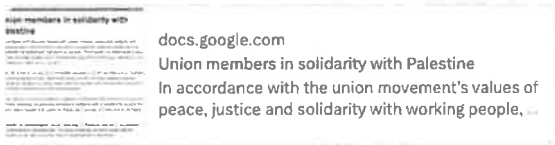
2 11 314

There will never be justice for working people in this country from a government that cannot even bring itself to call for a ceasefire in a genocide.

1 1 11 243

2 12 273

-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
We always hear about Albo the underdog, Albo the child of a single mum. What we'll remember is Albanese the genocide supporter.
- 2 11 239
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
In particular, we're here today to tell Albanese and the whole of the political establishment that Israeli shipping lines are not welcome in Port Botany. The waterfront has always been a key site where political conflict gets played out in Australia, and it is again today.
- 1 10 240
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
Here at the port we're subject to the totalitarian anti-protest laws that Albo and Wong's party in NSW put in place earlier in the year precisely to stop people like us from standing up for what is right, whether it's protecting the environment or protesting against a genocide.
- 1 8 230
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
Those laws are supposed to protect the Australian economy – that's the same economy that is increasing its arms manufacturing component, including to Israel, that has seen the largest fall in living standards of any advanced economy over the past year.
- 1 8 220
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
Our government is giving its green light to Israel to unleash a reign of terror over Gaza:
- 1 9 215
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
the bombing of hospitals and bakeries and generators and solar panels and refugee camps, the destruction of half of Gaza's housing, the sudden employment of 390 000 Palestinians since the start of the war, the murder of almost 11000 Palestinians in a sickening genocidal spree.
- 4 9 593
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
That same government is busy tightening the screws on ordinary people here, and wants to prevent us from asserting that genocide is wrong.
- 2 1 8 203
-  **Nick Riemer** @NickRiemer1 · Nov 12, 2023
The water just out there goes all the way to Gaza and it links ordinary people here to ordinary people there.
- But there's another more important link between us and Gazans: our determination for justice, which joins us in a bond of solidarity with Palestinians.
- 1 7 206

- Nick Riemer** @NickRiemer1 · Nov 12, 2023  
- As union members, we're here to say that we stand alongside the Palestinians of Gaza, of the West Bank and the diaspora. Touch one, touch all.
-  1   8  207  
- Nick Riemer** @NickRiemer1 · Nov 12, 2023  
- That's why there's no room for genocide apologia in our unions.
- That's why there is no room for warmongering in our unions.
-  1   7  199  
- Nick Riemer** @NickRiemer1 · Nov 12, 2023  
- That's why there is no room for racism, for settler-colonialism, for apartheid in our unions, and there is no room for Zionism in our unions.
-  2  2  7  560  
- Nick Riemer** @NickRiemer1 · Nov 12, 2023  
- I encourage every union member here to get involved with Trade Unionists for Palestine by signing our petition.
- 
-  1   9  545  
- Nick Riemer** @NickRiemer1 · Nov 12, 2023  
- We will do everything we can to harness the power of the labour movement to end this government's support for Netanyahu and the genocidal madness of the Israel state, until there is equality for everyone in historic Palestine from the river to the sea.
-  3  3  11  736  

The Genocide Post and Speech as Referred to in Paragraphs [82] and [82A]

It's a privilege for me to speak this morning as Zionists conduct their cynical 'march for a safe campus'. NTEU members have been with you since the beginning, and we'll be here as long as it takes

A 'march for a safe 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.

They're wrong about that. We should welcome the opportunity to make safety the topic.

Because we know the meaning of safety. We know that safety obviously isn't what Palestinians have in the West Bank, or in the refugee camps, let alone what they have in Gaza.

And safety also isn't being punished and criminalized and slandered and arrested for protesting against a genocide, as is happening to the Palestine Solidarity movement throughout the West today, including here.

Universities are meant to be places of critique, of intellectual leadership, of challenge to received ideas: places where students are asked to think differently, even if doing so is confronting. Places where identities are challenged, not where prejudices are gratified and reinforced.

But what happens when we oppose the Zionists' genocide? What happens when we tell Zionists that there just is no identity that can have as its condition the dispossession and slaughter of an entire people? They instantly tell us that we're making them feel unsafe.

We welcome the public commitment that Mark Scott, the Vice-Chancellor, has given to allowing this encampment to stay. Make no mistake: we will hold him to it. It is the absolute, bare minimum that he should be doing. But he has clearly only made this commitment because he's been forced to, and he's clearly trying to play both sides.

That's why he didn't hesitate earlier in the week to broadcast slurs against the encampment to the whole university, complete with imputations of illegality and harassment and vandalism – disgraceful dog-whistles with no other object than to

discredit us, and to weaken the demands on him to fulfil his moral and political obligation as the VC to cut ties with Israel and its enablers.

Safety was one of the values Scott invoked to justify that slander on this movement, just as Minouche Shafik at Columbia appealed to it to justify calling police on students, just like Israeli 'safety' apparently justifies the flattening of Gaza.

Zionists and their allies in the neoliberal university want to impose an individualized and subjectivized conception of safety. It's the idea of safety as a feeling – an experience that the individual student-client is entitled to get from the educational product they're buying.

Ultimately it's just a selling point for the university brand, that can be popped into an orange showbag and handed out on open day with free ice cream and coffee. It's mean to gratify you, the atomized student-consumer-client.

But people aren't just atomized individuals: we're members of communities with objective conditions of ongoing viability. So safety can't fundamentally be about individual feelings: it has to be about the conditions in which communities can be 'safe', the conditions in which they can survive and prosper.

Political persecution and demonization and slander and wrongful arrest aren't compatible with safety. A community can't thrive when it's hounded, or slurred, or persecuted for nothing other than daring to assert that genocide is wrong.

It's pretty clear that the Zionist community has everything it needs to prosper. But Zionists want us to accept that actually their community isn't safe here, because of us. They present it as a zero-sum game: us or them. But they're not willing to call their community what it is: the embodiment of a political project which has always been about replacing Palestinians with Jews; one which is currently trying to wipe out not just current Palestinian lives, but the very infrastructure for liveable communities in Gaza for decades into the future.

Friends, our movement has made real progress in the last decade. Zionists used to discredit us by branding us as Jew-haters and terrorist-supporters. They still do, but they recognise that these attacks don't work as well as they used to. That in itself is a significant political and ideological achievement that we have brought about.

So instead of attacking our politics directly, Zionists have pivoted to a focus on how our politics makes them feel. Saying we make them 'unsafe' makes it so much easier for them, because they think that no one can argue with how they feel. It means they don't have to confront any actual arguments or make any credible claims

against us. Instead they just think they can say we're unsafely threatening their identity. It's as simple as that: if they say something makes them feel unsafe, that's sufficient grounds to silence it, to get it sacked, to get the police called on it.

How intellectually and politically bankrupt is a movement that's reduced to that as its trump card. Zionism isn't just a violently racist and eliminationist ideology; it's also a brazenly mediocre one intellectually.

More than mediocre: derelict. Its tank is empty, its well is dry. It has nothing – no real intellectual fibre, no arguments that can survive elementary scrutiny, no real principle other than that of apartheid and genocide.

What it does have is falsifications and violence: it says we're antisemites, it says Gaza isn't genocide, it says Israel doesn't practise apartheid – and if you disagree with us, it goes on, you're threatening our safety, and we'll try to get you arrested, or sacked, or suspended from your studies. Our own John Keane, and Macquarie's courageous and powerful Palestinian advocate Randa Abdel-Fattah are currently under intense Zionist attack on exactly those rounds. How safe is the campus for them?

This politics of Zionist safety and feeling is corrosive of everything universities are meant to be. So Vice-Chancellors need to see that the present moment is a test of their own credibility as university leaders. Calls for encampments to be closed or students or staff to be punished make a mockery of the standards of evidence and reasoning that universities claim to uphold. Caving in to them would mean abandoning any residual commitment university leaders might try to claim to the campus as a site of truth-telling, critique, or democratic exchange.

Quadrant ran an article in March about the Palestine solidarity movement in Australian universities, in which the author declared that he is 'always pleased to see a public campaign of ridicule against our nation's academics.' That's who university administrations are siding with when they concede even an inch to Zionist demands. The forces pressing the VC to move against us are the same that want to undermine the university as a whole.

Congratulations to the students at this encampment. We staff have a lot to learn from you. Our community, the Palestine solidarity community, is based on the practice of actually working for the liberation of Palestine, which is the precondition for justice and equality for everyone living between the Mediterranean and the Jordan, regardless of their beliefs or their background. That is what real safety means. Free Palestine.



Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**

Address: Level 4, 343 George Street, Sydney NSW 2000

Occupation: Managing Partner

Date: 26 June 2026

Annexure "MDB-2"

This is the annexure marked "MDB-2" to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long, horizontal, slightly wavy line.

Signature of Witness



Our reference MB:LG:15012
Phone +612 8216 3006
Email michaelb@marquelawyers.com.au

15 June 2026

Hamish Rotstein
Managing Director
Rotstein Commercial Lawyers
Suite 409, 488 Bourke Street
Melbourne VIC 3000

By email: hamish.rotstein@rotsteins.com.au

Dear Mr Rotstein

Joseph Toltz & Ors v Nick Riemer & Anor; Joseph Toltz & Ors v John Keane & Anor – Applicants’ proposed amended pleadings dated 12 June 2026

1. We refer to the email from Ms Upekha Wedage sent this morning at 9:31am attaching unsealed copies of the following:
 - (a) Further Amended Statement of Claim dated 12 June 2026 in the Riemer proceeding; and
 - (b) Amended Statement of Claim dated 12 June 2026 in the Keane proceeding.
2. Neither pleading has been signed. It is also not clear whether these documents have been filed.
3. A preliminary review of these documents reveals that your clients have failed to comply with order 2 of the orders made by his Honour Justice Kennett on 26 May 2026 in the Riemer proceeding and order 3 of the orders made on 26 May 2026 in the Keane proceeding.
4. His Honour’s orders made on 26 May 2026 are clear. Your clients have been granted limited leave to file amended pleadings in the form provided to us on 20 March 2026 “**on condition**” that certain deletions and amendments are made to those pleadings.
5. The Applicants do not have leave to file pleadings in any other form.
6. Disappointingly, your clients have again attempted to file pleadings which go beyond the scope of what has been permitted by court orders. By way of example only:
 - (a) order 2(a) required your clients to remove paragraph 23A of the proposed Further Amended Statement of Claim in the Riemer proceeding in its entirety. Your clients’

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proposed Further Amended Statement of Claim provided this morning attempts to reintroduce paragraph 23A, with the wording having been amended; and

- (b) order 3(a) required your clients to remove paragraph 24A of the proposed Amended Statement of Claim in the Keane proceeding in its entirety. Your clients' proposed Amended Statement of Claim provided this morning attempts to reintroduce paragraph 24A, with the wording having been amended.

- 7. The First Respondents do not consent to pleadings being filed in the form provided this morning.
- 8. We urge your clients to file pleadings which comply with his Honour's orders made on 26 May 2026 by no later than 4:00pm on Wednesday, 17 June 2026.
- 9. We confirm we will approach his Honour for a relisting if this does not occur.

Yours sincerely



Michael Bradley
Managing Partner

Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

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

Joseph Toltz and others

Applicants

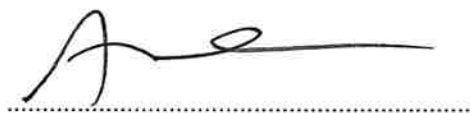
Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**
Address: Level 4, 343 George Street, Sydney NSW 2000
Occupation: Managing Partner
Date: 26 June 2026

Annexure “MDB-3”

This is the annexure marked “MDB-3” to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

A handwritten signature in black ink, consisting of a large capital 'A' followed by a horizontal line and a small loop at the end.

Signature of Witness

Luca Pearce

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Sent: Monday, 15 June 2026 5:11 PM
To: erina.higgins@ashurst.com
Cc: Michael Bradley; Hamish Rotstein; Lauren Gasparini; Luca Pearce; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Erina,

Apologies for not serving the documents on your office this morning.
There are a few amendments we are currently making to the pleadings in response to the first respondent's solicitor's email from this afternoon.

We will file and serve these documents shortly.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



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From: erina.higgins@ashurst.com <erina.higgins@ashurst.com>
Sent: Monday, 15 June 2026 5:08 PM
To: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Cc: michaelb@marquelawyers.com.au; Hamish Rotstein <hamish@rotsteins.com.au>; laureng@marquelawyers.com.au; lucap@marquelawyers.com.au; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Upekha

We notice that the Second Respondent was not copied on your email to the First Respondents at 9:30 am serving the amended pleadings.

Please can you provide a copy of the amended pleadings.

Kind regards

Erina

Erina Higgins

Lawyer

Ashurst Australia, 5 Martin Place, Sydney, NSW 2000, Australia

D: +61 2 9258 6322

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From: Lauren Gasparini <laureng@marquelawyers.com.au>

Sent: Monday, 15 June 2026 3:36 PM

To: Upekha Wedage <upekha.wedage@rotsteins.com.au>

Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Luca Pearce <lucap@marquelawyers.com.au>; Mills, Julie <Julie.Mills@ashurst.com>; Woodbury, Stephen <Stephen.Woodbury@ashurst.com>; Higgins, Erina <erina.higgins@ashurst.com>

Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Caution: External email.

Dear Upekha

Please see **attached** letter.

Kind regards

Lauren

Lauren Gasparini

Senior Associate

MARQUE Lawyers Pty Ltd

 P: +612 8216 3087

Gadigal Country, Level 4, 343 George Street Sydney 2000

marquelawyers.com.au / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)

We do not disclaim anything about this email. We're quite proud of it, really.

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>

Sent: Monday, 15 June 2026 9:30 AM

To: Luca Pearce <lucap@marquelawyers.com.au>

Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>

Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Colleagues,

Please see **attached** by way of service the amended pleadings.

We will serve the sealed copies as soon as they come to hand.

Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**

Address: Level 4, 343 George Street, Sydney NSW 2000

Occupation: Managing Partner

Date: 26 June 2026

Annexure "MDB-4"

This is the annexure marked "MDB-4" to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

.....
Signature of Witness

Luca Pearce

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Sent: Wednesday, 17 June 2026 9:36 AM
To: Lauren Gasparini
Cc: Michael Bradley; Hamish Rotstein; Luca Pearce; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]
Attachments: Letter to Marque Lawyers 17.6.2026.pdf; Keane Statement of Claim 12 June.pdf; Riemer Statement of Claim 12 June.pdf

Dear Colleagues,

Please see **attached** our letter of response to Marque Lawyer's letter dated 15 June 2026.

Please further see **attached** copies of the proposed amended pleadings for the parties' consideration. We confirm that the proposed amended pleadings are yet to be filed with the Court. Subject to the parties' consent, we will sign and file these documents with the Court.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



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From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: Monday, 15 June 2026 3:36 PM
To: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Luca Pearce <lucae@marquelawyers.com.au>; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Upekha

Please see **attached** letter.

LOCAL
NATIONAL
INTERNATIONAL



Our Ref: HR:UW:250382

Contact: Hamish Rotstein
Email: hamish@rotsteins.com.au
Phone: 03 9604 7888

Principal: Hamish Rotstein

17 June 2026

Attention: Mr Michael Bradley
Marque Lawyers Pty Ltd
Level 4, 343 George Street
Sydney NSW 2000

Dear Mr Bradley

Joseph Toltz & Ors v Nick Riemer & Anor; Joseph Toltz & Ors v John Keane & Anor – Applicants' proposed amended pleadings dated 12 June 2026

1. We refer to your letter sent yesterday.
2. It was intended that we would send you the:
 - a. proposed Further Amended Statement of Claim dated 12 June 2026 in the Riemer proceeding (**Riemer Statement of Claim**); and
 - b. proposed Amended Statement of Claim dated 12 June 2026 in the Keane proceeding (**Keane Statement of Claim**)(together, **Proposed Amended Statements of Claim**),
for your consent to be filed in their proposed form.
3. For the avoidance of doubt, the Proposed Amended Statements of Claim have not been filed with the Court to date. We apologise for that error in communication in our correspondence on Monday, 15 June 2026.
4. Please see **attached** the Proposed Amended Statements of Claim. We seek your consent to the proposed amended pleadings being filed in their proposed form.

Amendments in the Proposed Amendment Statements of Claim

5. For the avoidance of doubt, all the conditions imposed in order 2 in the Riemer proceeding and order 3 in the Keane proceeding dated 26 May 2026 have been complied with.
6. In addition, the Proposed Amended Statements of Claim include further amendments that are responsive and consequential to the judgments in *Toltz v Riemer (No 2)* [2026] FCA 640 (***Toltz v Riemer (No 2)***) and *Toltz v Keane (No 2)* [2026] FCA 641 (***Toltz v Keane (No 2)***).



Rotstein Commercial Lawyers ABN 37 668 567 128

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Address

Level 40
140 William Street
Melbourne, Victoria 3000
Australia



7. For your convenience, the proposed amendments are to the following paragraphs of the proposed amended pleadings in the respective proceedings:

Paragraphs 23A, 29A and 32A in the Riemer Statement of Claim and paragraphs 24A and 28A in the Keane Statement of Claim

8. His Honour found that the previous iterations of these pleadings were potentially relevant but not in their previous form, because of the lack of precision in the expression 'Jewish and Israeli persons': *Toltz v Riemer (No 2)* at [9]–[16] and [74]; *Toltz v Keane (No 2)* at [33].
9. The wording of these proposed amendments are responsive to, and reflect the wording of, his Honour's finding in *Toltz v Riemer (No 2)* at [12] that it is necessary for the allegations to be directed to, and identify, 'a sufficiently significant proportion of Jewish and Israeli people (excluding those who are over-sensitive or especially sanguine)'. They are therefore unobjectionable both as a matter of relevance and in form.
10. There have also been minor consequential changes (being narrowing) to some particulars, for example in paragraph 23A of the Riemer Statement of Claim, to capture matters that are more accurately described as matters of belief rather than matters of reportage, which tend to be of a more statistical nature. Such matters should again be seen to be unobjectionable in terms of relevance and form.

Particulars to paragraphs 31A in the Riemer Statement of Claim and 27A in the Keane Statement of Claim

11. The reformulated particulars to the above paragraphs responds to the difficulty raised by his Honour's judgment that the previous particulars were open-ended as to time: *Toltz v Riemer (No 2)* at [69]–[71] and *Toltz v Keane (No 2)* at [29]–[30]. The events relied on in the Proposed Amended Statements of Claim all comply with the temporal period and precede the impugned acts.
12. Clarification is also provided in the particulars that the particularised events are relied on as examples only and not exhaustively. The reliance on the Reports by the Executive Council of Australian Jewry concerning Antisemitism in Australia in 2023 and 2024 is consistent with the (not objected to) particulars in paragraph 14 of the Further Amended Statement of Claim in *Cassuto v Kostakidis*, and reflective of the awareness of and significance of these events to Jewish people in Australia.

Particulars to paragraph 35 in the Riemer Statement of Claim

13. His Honour at [83]–[84] of *Toltz v Riemer (No 2)* did not allow the earlier particulars on the basis of a lack of clarity as to how the particulars connected to the material facts to which they were sub-joined. That issue is rectified here by better particularising the advertisement being referred to in paragraph [35], and buttressing, in relevance terms, the influence Dr Riemer has over students in particular Solidarity.
14. Further, particular 3 conveys that advertisements of the applicable 'global intifada' meeting occurred in physical form across Sydney University, not only online, which is a relevant particular concerning the contemporaneous intimidating environment at Sydney University for Jewish and Israeli staff and students, which is relevant to s18C(1)(a).

15. The only other change which was not implementing the orders is a change to [28] in the Keane Statement of Claim where the reference to "[25]-[27]" has been amended to "[25]-[26]" which is unobjectionable.

Consent to amendments

16. The above amendments are plainly responsive and consequential to the judgments in *Toltz v Riemer (No 2)* and *Toltz v Keane (No 2)* and otherwise unobjectionable. Further, the proceedings remain at an early stage and no prejudice is caused to the Respondents with Defences not yet filed: *Toltz v Riemer (No 2)* at [33].
17. We seek the Respondents' consent to the Proposed Amended Statements of Claim being filed in the form attached. Please indicate whether you consent by no later than **4pm on 23 June 2026**.
18. If you do not consent to these unobjectionable amendments such that a further amendment application is necessary, this correspondence will be relied on for the question of costs.

Yours faithfully,



ROTSTEIN COMMERCIAL LAWYERS PTY LTD

Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**

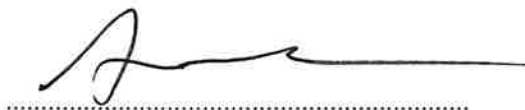
Address: Level 4, 343 George Street, Sydney NSW 2000

Occupation: Managing Partner

Date: 26 June 2026

Annexure "MDB-5"

This is the annexure marked "MDB-5" to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line.

Signature of Witness

Luca Pearce

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Sent: Wednesday, 17 June 2026 11:38 AM
To: Lauren Gasparini
Cc: Michael Bradley; Hamish Rotstein; Luca Pearce; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Lauren,

For the avoidance of doubt, the pleadings have not been amended.
The letter of today's date confirms the applicants' position on the amended pleadings.

Apologies for any confusion or inconvenience caused.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



ROTSTEIN
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From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: Wednesday, 17 June 2026 11:35 AM
To: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Luca Pearce <luca@marquelawyers.com.au>; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Upekha

The documents attached to your below email are those provided to us on 15 June. We understood from your email to Ms Higgins sent on 15 June that the pleadings were being amended.

Can you please confirm that the pleadings dated 12 June have not been amended?

Kind regards

Rule 29.02(8)

Certificate identifying annexure

No. NSD950 of 2025

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

Joseph Toltz and others

Applicants

Nick Riemer and another

Respondents

Affidavit of: **Michael David Bradley**
Address: Level 4, 343 George Street, Sydney NSW 2000
Occupation: Managing Partner
Date: 26 June 2026

Annexure "MDB-6"

This is the annexure marked "MDB-6" to the affidavit of Michael David Bradley affirmed before me on 26 June 2026.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line and a small flourish at the end.

Signature of Witness

Luca Pearce

From: Luca Pearce
Sent: Thursday, 18 June 2026 1:46 PM
To: Upekha Wedage
Cc: Hamish Rotstein; Michael Bradley; Lauren Gasparini; Julie.Mills@ashurst.com; erina.higgins@ashurst.com; Stephen.Woodbury@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Upekha

We refer to your below email and confirm that the First Respondents do not consent to the filing of the pleadings in the 12 June form provided to us on Monday. These pleadings go beyond the exhaustive and conditional leave given by the 26 May orders and are therefore noncompliant with such orders.

We confirm we will write to his Honour's Associate and seek to re-list these matters for case management and will copy in yourself and the Second Respondents' solicitors.

Kind regards,
Luca

From: Upekha Wedage <upekha.wedage@rotsteins.com.au>
Sent: Wednesday, 17 June 2026 11:38 AM
To: Lauren Gasparini <laureng@marquelawyers.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Luca Pearce <lucap@marquelawyers.com.au>; Julie.Mills@ashurst.com; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com
Subject: RE: NSD950/2025 and NSD951/2025 [Marque-DOCUMENTS.FID124631]

Dear Lauren,

For the avoidance of doubt, the pleadings have not been amended.
The letter of today's date confirms the applicants' position on the amended pleadings.

Apologies for any confusion or inconvenience caused.

Kind regards,

Upekha Wedage
Associate
LPN 5515129



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