

## NOTICE OF FILING

### Details of Filing

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

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

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



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD950 of 2025

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

**Joseph Toltz** and others

Applicants

**Nick Riemer** and another

Respondents

Affidavit of: **Daniel Patrick McCoach**

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

Occupation: Solicitor

Date: 20 February 2026

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Document number	Details	Paragraph	Page
1	Affidavit of Daniel Patrick McCoach in support of the Applicants' interlocutory application dated 20 February 2026 for NSD951/2025 Joseph Toltz & Ors v Nick Riemer & Anor.		
2	Exhibit "DPM-31", being the Applicants' proposed further amended Statement of Claim in this proceeding.	4	6
3	Exhibit "DPM-32", being an email from Rotstein Commercial Lawyers to Marque Lawyers and Ashurst Lawyers dated 13 February 2026.	5	52
4	Exhibit "DPM-33", being an email from Ashurst Lawyers to Rotstein Commercial Lawyers dated 18 February 2026.	6	61
5	Exhibit "DPM-34", being an email from Marque Lawyers to Rotstein Commercial Lawyers dated 18 February 2026.	7	72

Handwritten signature in black ink.

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

1. I am a solicitor of the firm Rotstein Commercial Lawyers, the solicitors for the Applicants.
2. The facts deposed to in this affidavit are within my own knowledge except where otherwise stated. Where stated to be based on information or belief, I believe them to be true.

### **Affidavit in support of interlocutory application**

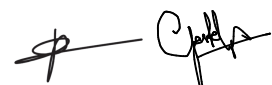
3. I make this affidavit in support of the Applicants' interlocutory application dated 20 February 2026 for orders for leave to further amend the Statement of Claim in the proceeding in the form attached to this affidavit as exhibit **DPM-31**.
4. On 20 February 2026 I sent the document set out in exhibit **DPM-31** to the Applicants, being the further amended Statement of Claim for purposes of filing and serving consistent with the above, and which is in the form as provided to the solicitors for the First and Second Respondents in the correspondence set out in exhibit **DPM-31**. The Applicants have authorised the further amended Statement of Claim for filing and service. Annexed to this affidavit and marked "**DPM-31**" is a copy of the further amended Statement of Claim in the proceeding referred to in this affidavit.

### **Amended Originating Application and Further Amended Statement of Claim**

5. On 13 February 2026, Rotstein Commercial Lawyers emailed the solicitors for the First and Second Respondents providing them with copies of the Applicants' proposed further amended Statement of Claim in the proceeding as set out in exhibit **DPM-31** and sought confirmation of the Respondents' consent to filing of same. Annexed to this affidavit and marked "**DPM-32**" is a copy of that email.
6. On 18 February 2026 at or around 4:43pm, I received an email from Ashurst (solicitors for the Second Respondent) stating that they had been "*instructed not to object to the proposed amendments to the pleadings and the originating application in each set of proceedings*". Annexed to this affidavit and marked "**DPM-33**" is a copy of that email.
7. Later on 18 February 2026 at or around 4:53pm, I received an email from Marque Lawyers (solicitors for the First Respondent) stating that:

*"Dr Riemer does not consent to your clients filing the Further Amended Statement of Claim dated 13 February 2026 in the form proposed."*

Annexed to this affidavit and marked "**DPM-34**" is a copy of that email.



## Amendments

8. The amendments in the further amended Statement of Claim in the form attached to this affidavit as exhibit **DPM-31** mostly implement the Court's orders 1 and 2 made 14 November 2025 in the proceeding and arise in consequence of those orders, with some further necessary or additional amendments arising on reflection of the matters in preparing the documentation.

AFFIRMED at  
Melbourne in the State  
of Victoria on this 20<sup>th</sup>  
day of February 2026



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**DANIEL PATRICK MCCOACH**

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

Before me:



---

**UPEKHA WEDAGE**

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

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

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

I also observe the following:

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

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

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

## Schedule of Parties

### Applicants

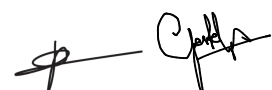
Second Applicant: Suzanne Rutland OAM

Third Applicant: Ariel Eisner

Fourth Applicant: Yaniv Levy

### Respondents

Second Respondent: The University of Sydney



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

**Joseph Toltz** and others  
Applicants

**Nick Riemer** and another  
Respondents

Affidavit of: **Daniel Patrick McCoach**  
Address: 409/488 Bourke Street, Melbourne in the State of Victoria 3000  
Occupation: Solicitor  
Date: 20 February 2026

### **Certificate identifying Exhibit**

This is the Certificate identifying Exhibit "DPM-31" annexed to the Affidavit of Daniel Patrick McCoach dated 20 February 2026

Before me:



.....  
**UPEKHA WEDAGE**

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

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

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

Date: 20 February 2026

**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

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 "*cancel 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. It has been widely reported and/or Jews and Israelis have read or believe on the basis of that information 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. 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.
  - (c) Given the increased violence of the second intifada, this event particularly impacted Australian Jews or Israelis in light of the close identity and familial connection they have with Israel.

### **Particulars**

1. Applicants refer to and repeat [9.c] above.

- (d) The Palestinians engaging in the violence described above against Jewish persons or Israeli persons did so because they were, or were believed to be, Jewish persons or Israeli persons.

## **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 served at time of filing this Further Amended Statement of Claim in accordance with Court’s order 2 of 3 February 2026.
29. The Hamas Covenants identify Hamas’ *raison d’etre* as “*obliterating*” Israel and “*killing the Jews*”.
- 29A It has been widely reported and/or Jews and Israelis have read and believe on the basis of that information and/or the Hamas Covenants referred to above, that Hamas is committed to:
- a. Destroying Israel; and
- b. Killing Jewish persons or Israeli persons.

## **7 October 2023**

30. On 7 October 2023:
- a. 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; and.
- b. this amounted to the greatest loss of Jewish life on any single day since the Holocaust.
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 Since 7 October 2023, there have been circumstances manifesting a sustained increase in antisemitism or discrimination towards Jews and Israelis in Australia including harm and damage to Jewish or Israeli people and/or their property which inform the reasonably likely reaction of Jewish or Israelis persons to the impugned conduct set out below.

#### **Particulars**

1. 9 October 2023 – Protests outside Sydney Opera House on 9 October 2023 celebrating the 7 October attack and making of antisemitic chants.
2. 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.
3. 10 October 2024 – Spate of graffiti using ‘Hamas’ in Eastern Suburbs of Sydney.
4. 13 October 2024 - Avner’s Bakery in inner-city Sydney branded with Nazi, Hamas graffiti.
5. 21 November 2024 - Graffiti of 9 cars with anti-Israeli graffiti and 1 car torched in Woollahra, NSW. Homes also damaged in Woollahra.
6. 5 December 2024 - Anti-Israel placard outside Great Synagogue, Sydney.
7. 6 December 2024 - Burning of Adass Israel Synagogue of Melbourne to the ground with persons injured in fire.
8. 11 December 2024 - Cars set alight and anti-Israeli graffiti at Magney Street, Woollahra, NSW.
9. 17 January 2024 - Graffiti and car burning attack on ECAJ Co-CEO’s former home in Sydney.
10. 10 January 2025 - Graffiti attack of Southern Sydney Synagogue.
11. 11 January 2025 - Graffiti (Swastikas) and attempted arson of Newtown Synagogue.
12. 21 January 2025 - Sydney Childcare Centre in Maroubra, firebombed with antisemitic graffiti on its walls.

13. 29 January 2025 - Caravan loaded with explosives intended to be used on Jewish persons (listed Great Synagogue and Sydney Jewish museum) in incident classified as 'terrorist' event.
14. 30 January 2025 - Graffiti of Mount Sinai College (Jewish Primary School in Kingsford Maroubra, attached to Maroubra Synagogue and near Child Care centre) vandalised with antisemitic graffiti.
15. 1 February 2025 - Six Jewish women in their 20s had eggs thrown at them at Bondi Beach, NSW, in what was treated as an antisemitic attack. Further antisemitic graffiti the same day sprayed at Kingsford.
16. 2 February 2025 – Perth Western Suburbs home the target of antisemitic graffiti amid a wave of attacks in Australia.
17. 3 February 2025 - Antisemitic graffiti sprayed on a well-known Jewish family's Middle Park home.
18. February 2025 - 2 nurses in Sydney threatened to kill Israeli patients and boasted about refusing to treat Israelis.
19. July 2025- During a Melbourne museum field trip, Jewish children targetted by older students hurling slurs like 'dirty Jews' and other antisemitic chants.
20. December 2025 – Bondi Beach Hanukkah Massacre resulting in 15 people murdered by two Muslim gunmen and about 47 people injured in a terror attack targetting Jewish people.
21. December 2025 – Jewish Sydney bakery Avner's closes after prolonged antisemitic harassment which culminated in safety fears after Bondi terror attack.
22. February 2026 – Major protest in Sydney opposing official visit of Israel's President Isaac Herzog involving chants of "*globalise the intifada!*"
23. Since 7 October 2023 Sydney University (and other Australian universities) has been an environment in which considerable and frequent antisemitic/antizionist chants, posters, posts and other conduct has occurred causing considerable distress, fear and various forms of harm to Jewish or Israeli staff, students and others.

~~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 It has been widely reported, and/or Jewish and Israeli persons have read and believe on the basis of that information, that Hamas's terrorist acts described above (see [30]-[31]) were taken because Hamas's leadership, commanders, members and operatives in the field believed that the men, women and children intended by them to be subjected, and in fact subjected, to those acts:

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'**

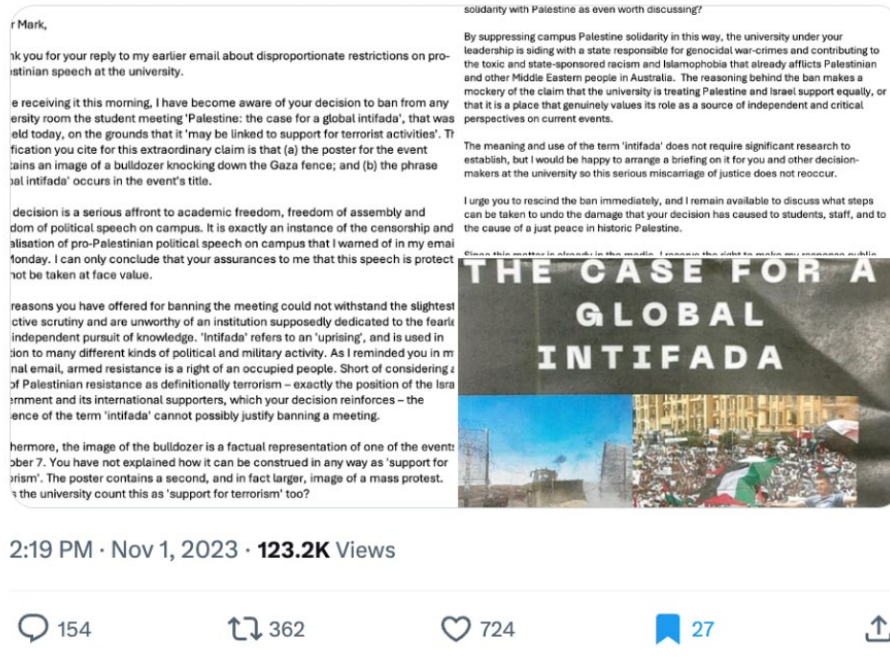
33. On 1 November 2023, Dr Riemer posted the following post calling for a meeting of students to promote "Palestine: the case for a global intifada" (**the Riemer Global Intifada X Post**), which post was coupled with a Hamas bulldozer picture showing the widely publicised bulldozing by Hamas on 7 October 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.



34. The Riemer Global Intifada X Post:

- a. contains 3 photos which when clicked on become larger photos;
- b. 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
- c. 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:

- a. put him in a position of influence over many Sydney University (and other university) students, academics and others; and
- b. resulted in his conduct being publicly endorsed, emulated and/or followed by, or him acting in concert with, students, academics and others, when undertaking any or all of the impugned acts the subject of this pleading (and substantially similar conduct), including the Call for a Global Intifada act.

**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. The advertisements were done by way of online advertisements, both by Dr Riemer and by Solidarity and have remained accessible online.
  2. The advertisements were also done by way of Solidarity physical posters being placed publicly (by Solidarity members) around Sydney University which remained present and visible at least until the end of the 2023 University year.
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 425,100 ~~425,200~~ 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~~d~~ 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:



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. **Riemer's Overland Article published on 15 October 2023**

48. On 15 October 2023, Dr Riemer 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 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.*”
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.*

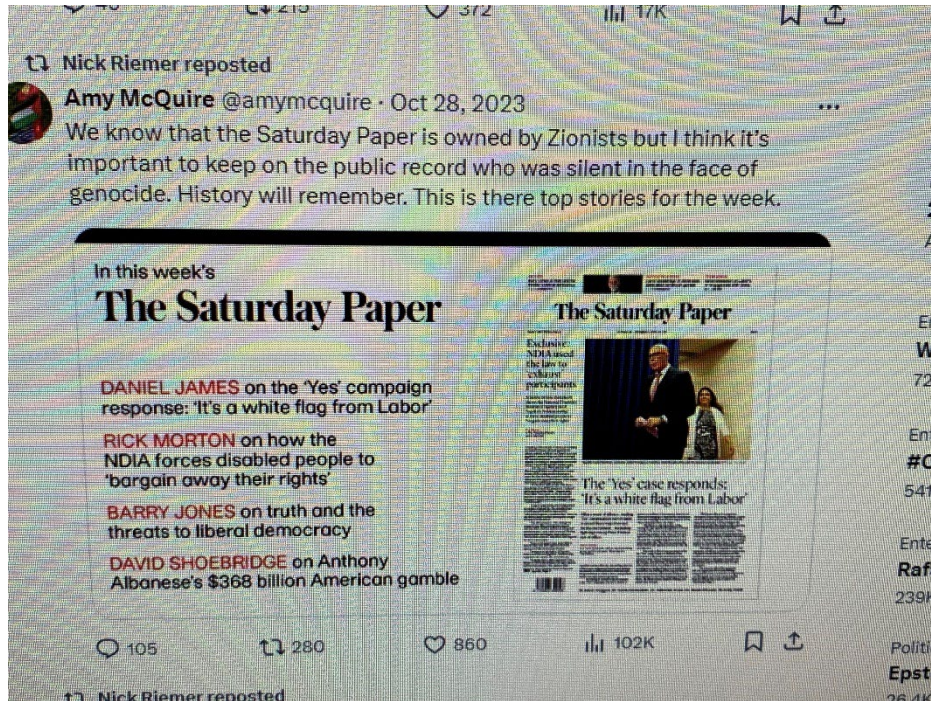
...

*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:

a. Jewish people and Israeli people should be excluded from any participation in Unions in Australia including in the National Tertiary Education Union.

b. 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. Reinstatement her now.

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

THEAUSTRALIAN.COM.AU | 04:33  
'None of us are surprised': Triple J presenter sacked over anti-Israel comments

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:

🔄 Nick Riemer reposted

**M** Mondoweiss ✓  
@Mondoweiss

Subscribe ...

"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](https://bit.ly/3voU77K)

#ZionistFragility

mondoweiss.net

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 ~~412,600~~ 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:

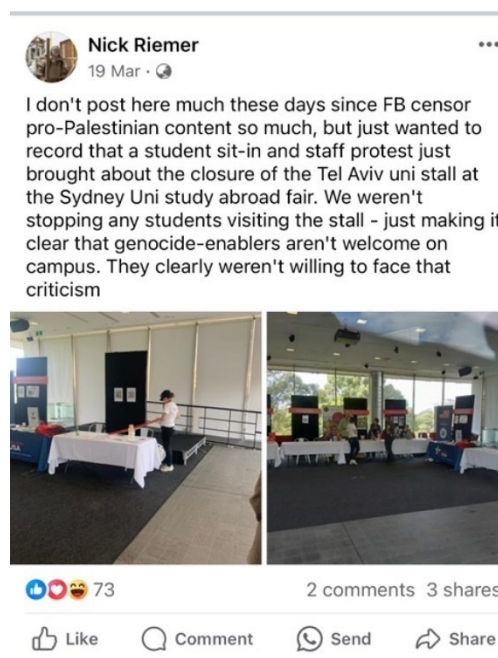


75. At the time of filing the Complaint in October 2024, Dr Riemer's "Zionists support genocide" Repost had in excess of 67,900 views and at the date of this Further Amended Statement of Claim has over 68,000 views and remains accessible.

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:

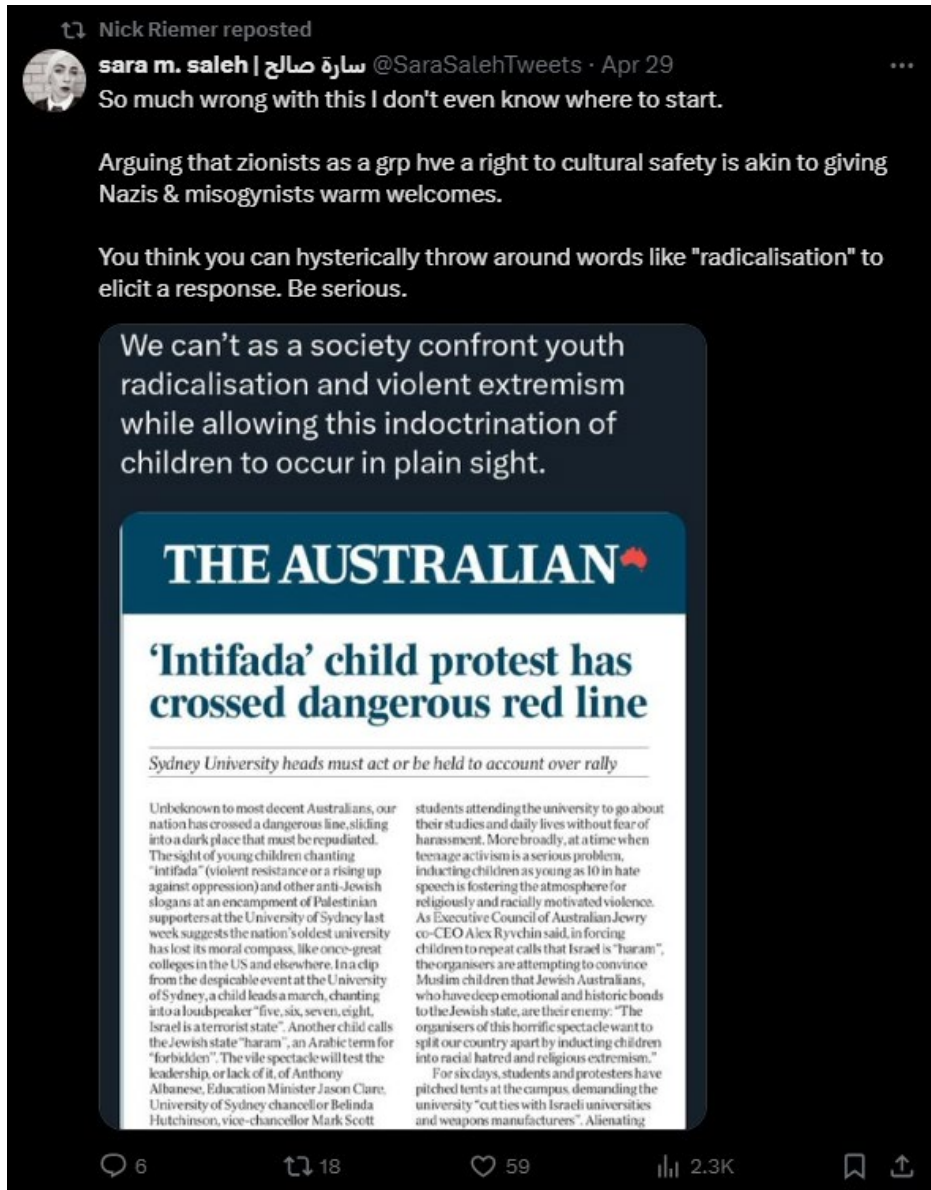


78. The "genocide enablers" Post had the following imputation:

- 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 (and non removal of posts, reposts and article), by conveying any or all of the imputations alleged, and/or by attributing

characteristics to Jewish persons or Israeli persons on the basis of their group membership, 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 Riemer 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. cll 354, 360, 361, 362, 366 and 368);
  - 2. Sydney University Staff and Affiliates Code of Conduct 2021 (eg. cll 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~~ 13 February 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~~ 13 February 2026

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Signed by Hamish Rotstein  
Lawyer for the Applicants

## ANNEXURE

### The 3 Photos Forming Part of the Riemer Global Intifada X Post

|  
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

victim

A STUDENT MEETING HOSTED BY *Solidarity*

**PALESTINE:  
THE CASE FOR A  
GLOBAL  
INTIFADA**



**WEDNESDAY 3PM**

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.	<a href="https://www.facebook.com/photo/?fbid=720214853472497&amp;set=pb.100064519669458.-2207520000">https://www.facebook.com/photo/?fbid=720214853472497&amp;set=pb.100064519669458.-2207520000</a>
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> ".	<a href="https://www.instagram.com/p/CznMM8ArH2L/?hl=en">https://www.instagram.com/p/CznMM8ArH2L/?hl=en</a>
5	Instagram Post, 28 February 2024	Solidarity Post showing an image of Dr Riemer holding a 'Stop the Genocide – Free Palestine' banner.	<a href="https://www.instagram.com/p/C34KMQBDx-/?hl=en">https://www.instagram.com/p/C34KMQBDx-/?hl=en</a>
6	X Repost, 5 March 2024	Solidarity Repost of Dr Riemer to support ending links with companies that arm Israel.	<a href="https://x.com/NickRiemer1/status/1764782301219848660">https://x.com/NickRiemer1/status/1764782301219848660</a>
7	X Repost, 6 March 2024	Solidarity Repost of Dr Riemer protesting with students.	<a href="https://x.com/NickRiemer1/status/1765260317561610351">https://x.com/NickRiemer1/status/1765260317561610351</a>
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.	<a href="https://x.com/NickRiemer1/status/1767326157605912754">https://x.com/NickRiemer1/status/1767326157605912754</a>
10	X Repost, 12 March 2024	Solidarity Repost of Dr Riemer 'Hands off Rafah'.	<a href="https://x.com/NickRiemer1/status/1767436552869937367">https://x.com/NickRiemer1/status/1767436552869937367</a>
11	X Repost, 17 March 2024	Solidarity Repost of Dr Riemer chanting " <i>5 6 7 8 – smash the genocidal state</i> ".	<a href="https://x.com/NickRiemer1/status/1769211581177737546">https://x.com/NickRiemer1/status/1769211581177737546</a>
12	X Repost, 24 March 2024	Solidarity Repost of Dr Riemer posting hundreds of people blocking the road to	<a href="https://x.com/NickRiemer1/status/1771850973599662327">https://x.com/NickRiemer1/status/1771850973599662327</a>

		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.	<a href="https://www.instagram.com/p/C45kqbjB_fK/">https://www.instagram.com/p/C45kqbjB_fK/</a>
15	X Repost, 8 April 2024	Solidarity post a large sign of “ <i>globalise the intifada</i> ”, as Dr Riemer frequently endorses.	<a href="https://x.com/jchoonara/status/1776986110704390440">https://x.com/jchoonara/status/1776986110704390440</a>
16	X Repost, 13 April 2024	Solidarity Repost of Dr Riemer protesting for Gazans.	<a href="https://x.com/NickRiemer1/status/1778995056944554038">https://x.com/NickRiemer1/status/1778995056944554038</a>
17	X Repost, 23 April 2024	Solidarity post showing NTEU and Dr Riemer with Unionists for Palestine sign supporting the student encampment from inception.	<a href="https://x.com/sophfyfe/status/1782699305704550552">https://x.com/sophfyfe/status/1782699305704550552</a>
18	X Repost, 24 April 2024	Repost of Dr Riemer supporting the Sydney University encampment.	<a href="https://x.com/NickRiemer1/status/1782980282695770432">https://x.com/NickRiemer1/status/1782980282695770432</a>
19	X Post, 26 April 2024	“ <i>Intifada</i> ” is displayed by prominent sign as “ <i>Union Business</i> ”.	<a href="https://x.com/soli_au/status/1783770301823660325">https://x.com/soli_au/status/1783770301823660325</a>
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.	<a href="https://x.com/NickRiemer1/status/1787995182300090411">https://x.com/NickRiemer1/status/1787995182300090411</a>
21	X Repost, 8 May 2024	Solidarity Repost of Dr Riemer celebrating the endorsement by General Union of Palestine Workers of his NTEU motion.	<a href="https://x.com/NickRiemer1/status/1788177850019037215">https://x.com/NickRiemer1/status/1788177850019037215</a>
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.	<a href="https://x.com/soli_au/status/1788423939989074245">https://x.com/soli_au/status/1788423939989074245</a>
23	X Repost, 12 May 2024	Solidarity post of NTEU / Unionists for Palestine supporting the Sydney University Encampment and academic boycott of Israel.	<a href="https://x.com/sophfyfe/status/1789560094822420950">https://x.com/sophfyfe/status/1789560094822420950</a>
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.	<a href="https://x.com/RAFAUsyd/status/1789308315887145186">https://x.com/RAFAUsyd/status/1789308315887145186</a>
25	X Repost, 15 May	Solidarity Reposting Dr Riemer asserting	<a href="https://x.com/NickRiemer1/st">https://x.com/NickRiemer1/st</a>

	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>	<a href="https://x.com/NickRiemer1/status/1790545010393502140">atus/1790545010393502140</a>
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>	<a href="https://x.com/NickRiemer1/status/1790655677305848086">https://x.com/NickRiemer1/status/1790655677305848086</a>
27	X Post, 15 May 2024	Solidarity post of campus protest, captioned <i>"Spread the intifada!"</i>	<a href="https://x.com/soli_aus/status/1790640990069686385">https://x.com/soli_aus/status/1790640990069686385</a>
28	X Repost, 17 May 2024	Solidarity Repost of Dr Riemer noting the USYD NTEU supports the Sydney University encampment (Gaza Camp).	<a href="https://x.com/NickRiemer1/status/1791334528134656169">https://x.com/NickRiemer1/status/1791334528134656169</a>
28	X Repost, 22 May 2024	Solidarity Repost of Dr Riemer taking photos at Sydney University Encampment.	<a href="https://x.com/NickRiemer1/status/1793060694776225978">https://x.com/NickRiemer1/status/1793060694776225978</a>
29	X Post, 24 May 2024	Solidarity post advertising Dr Riemer giving a talk on BDS.	<a href="https://x.com/soli_aus/status/1793869751464423435">https://x.com/soli_aus/status/1793869751464423435</a>
30	X Repost, 1 June 2024	Solidarity Repost of Dr Riemer supporting boycott of Israel.	<a href="https://x.com/NickRiemer1/status/1796542856179671250">https://x.com/NickRiemer1/status/1796542856179671250</a>
31	X Post, 1 June 2024	Solidarity Post of Dr Riemer speaking at Solidarity meeting.	<a href="https://x.com/soli_aus/status/1796816835209568391">https://x.com/soli_aus/status/1796816835209568391</a>
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> .	<a href="https://x.com/NickRiemer1/status/1798618448886702214">https://x.com/NickRiemer1/status/1798618448886702214</a>
33	X Repost, 7 June 2024	Further repost of Dr Riemer decrying expulsions at ANU.	<a href="https://x.com/unionistsaa/status/1798895757623460079">https://x.com/unionistsaa/status/1798895757623460079</a>
34	X Post, 25 June 2024	Solidarity post promoting Dr Riemer and Saleh talking about BDS.	<a href="https://x.com/soli_aus/status/1805489499436368242">https://x.com/soli_aus/status/1805489499436368242</a>
35	X Post, 16 July 2024	Solidarity Post advertising Dr Riemer giving a talk on BDS.	<a href="https://x.com/soli_aus/status/1813012884718514257">https://x.com/soli_aus/status/1813012884718514257</a>
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.	<a href="https://x.com/soli_aus/status/1813555362353828038">https://x.com/soli_aus/status/1813555362353828038</a>
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.	<a href="https://www.instagram.com/p/C-OfpCfz3lj/?hl=en">https://www.instagram.com/p/C-OfpCfz3lj/?hl=en</a>
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	<a href="https://www.instagram.com/p/C-hixGdTAmV/?hl=en&amp;img_ind">https://www.instagram.com/p/C-hixGdTAmV/?hl=en&amp;img_ind</a>

		resistance for Palestinians and scrapping Campus Access Policy.	<a href="#">ex=4</a>
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.	<a href="https://x.com/NickRiemer1/status/1842367573654192131">https://x.com/NickRiemer1/status/1842367573654192131</a>
40	X Repost, 9 October 2024	Solidarity Repost of Dr Riemer in support of NTEU's campaign.	<a href="https://x.com/NickRiemer1/status/1843796197762596977">https://x.com/NickRiemer1/status/1843796197762596977</a>
41	X Repost, 9 October 2024	Solidarity Repost of Dr Riemer condemning police conduct against student protesters.	<a href="https://x.com/NickRiemer1/status/1843849023469531486">https://x.com/NickRiemer1/status/1843849023469531486</a>
42	X Repost, 15 October 2024	Solidarity Repost of Dr Riemer advocating to scrap the Campus Access Policy.	<a href="https://x.com/NickRiemer1/status/1845970717629911310">https://x.com/NickRiemer1/status/1845970717629911310</a>
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>	<a href="https://x.com/RAFAU Syd/status/1848121960191898048">https://x.com/RAFAU Syd/status/1848121960191898048</a>
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>	<a href="https://x.com/sophfyfe/status/1848296199016816905">https://x.com/sophfyfe/status/1848296199016816905</a>
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>	<a href="https://x.com/sophfyfe/status/1848911908700930252">https://x.com/sophfyfe/status/1848911908700930252</a>
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> .	<a href="https://x.com/NickRiemer1/status/1848931174372282405">https://x.com/NickRiemer1/status/1848931174372282405</a>
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.	<a href="https://x.com/soli_ aus/status/1851583116227588534">https://x.com/soli_ aus/status/1851583116227588534</a>
48	X Repost, 16 November 2024	Solidarity Repost of NTEU's commitment to academic boycott of Israel.	<a href="https://x.com/COMRADEBLO OM/status/1857579254206337347">https://x.com/COMRADEBLO OM/status/1857579254206337347</a>

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.”	<a href="https://x.com/NickRiemer1/status/1858027234671603931">https://x.com/NickRiemer1/status/1858027234671603931</a>
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”.	<a href="https://x.com/NickRiemer1/status/1859076979708096739">https://x.com/NickRiemer1/status/1859076979708096739</a>
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.	<a href="https://x.com/NickRiemer1/status/1859360920683806964">https://x.com/NickRiemer1/status/1859360920683806964</a>
52	X Repost, 25 November 2024	Solidarity Repost of Dr Riemer promoting report correlating pro-Palestinian politics to social cohesion.	<a href="https://x.com/NickRiemer1/status/1860919902644904398">https://x.com/NickRiemer1/status/1860919902644904398</a>
53	X Repost, 28 November 2024	Solidarity Repost of Dr Riemer criticising Sydney University’s proposed protest restrictions.	<a href="https://x.com/NickRiemer1/status/1861992249963483452">https://x.com/NickRiemer1/status/1861992249963483452</a>
54	X Repost, 21 December 2024	Solidarity Repost of Dr Riemer decrying Sydney University’s proposed protest crackdown in staff statement.	<a href="https://x.com/NickRiemer1/status/1870298479634895095">https://x.com/NickRiemer1/status/1870298479634895095</a>
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’.	<a href="https://x.com/NickRiemer1/status/1879437700253770138">https://x.com/NickRiemer1/status/1879437700253770138</a>
56	X Repost, 17 January 2025	Solidarity Repost of Prof Keane and Dr Riemer “contesting nonsense allegations” regarding their “acts of ‘racial hatred’ & ‘antisemitism’”.	<a href="https://x.com/jkeaneSDN/status/1880056536283902207">https://x.com/jkeaneSDN/status/1880056536283902207</a>
57	X Repost, 21 January 2025	Solidarity Repost of Dr Riemer condemning Sydney University’s plan to restrict campus protest banners.	<a href="https://x.com/NickRiemer1/status/1881435886489129329">https://x.com/NickRiemer1/status/1881435886489129329</a>
58	X Repost, 21 February 2025	Solidarity Repost of students defying Sydney University’s ‘Campus Access Policy’.	<a href="https://x.com/murmurations24/status/1892760870708760774">https://x.com/murmurations24/status/1892760870708760774</a>
59	X Repost, 2 March 2025	Solidarity Repost of Dr Riemer posting about thousands of pro-Palestine protesters in Sydney.	<a href="https://x.com/NickRiemer1/status/1896071650300563897">https://x.com/NickRiemer1/status/1896071650300563897</a>
60	X Repost, 5 March 2025	Solidarity Repost of Dr Riemer criticising Sydney University for a misconduct action against student over pro-Palestine	<a href="https://x.com/NickRiemer1/status/1897083757003464987">https://x.com/NickRiemer1/status/1897083757003464987</a>

		slogans.	
61	X Repost, 12 March 2025	Solidarity Repost of NTEU protest for release of pro-Palestine activist, Mahmoud Khail.	<a href="https://x.com/RAFAUusyd/status/1899688496614531512">https://x.com/RAFAUusyd/status/1899688496614531512</a>
62	X Post, 13 March 2025	Solidarity Post celebrating Sydney University ending exchange program with an Israeli Academy of Arts.	<a href="https://x.com/solidus/status/1900043107271664072">https://x.com/solidus/status/1900043107271664072</a>
63	X Repost, 18 March 2025	Solidarity Repost of Riemer promoting march against Albanese.	<a href="https://x.com/NickRiemer1/status/1901831267844497413">https://x.com/NickRiemer1/status/1901831267844497413</a>
64	X Repost, 25 March 2025	Solidarity Repost of Riemer asserting that there are Jewish groups backing sanctions against Israel.	<a href="https://x.com/NickRiemer1/status/1904406230980026784">https://x.com/NickRiemer1/status/1904406230980026784</a>
65	X Repost, 26 March 2025	Solidarity Repost of Sydney Staff for BDS at Sydney University seeking to "boycott apartheid Israel".	<a href="https://x.com/sydneystaff4bds/status/1904714784609886251">https://x.com/sydneystaff4bds/status/1904714784609886251</a>
66	X Post, 27 March 2025	Solidarity Post showing NTEU protest with Dr Riemer at Sydney University against new antisemitism definition.	<a href="https://x.com/solidus/status/1905047777299869874">https://x.com/solidus/status/1905047777299869874</a>
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."	<a href="https://x.com/NickRiemer1/status/1907361676460261380">https://x.com/NickRiemer1/status/1907361676460261380</a>
68	X Repost, 14 April 2025	Solidarity Repost of Dr Riemer praising the AHRC termination of the alleged 'Zionist 'lawfare' complaint.'	<a href="https://x.com/NickRiemer1/status/1911641507662364956">https://x.com/NickRiemer1/status/1911641507662364956</a>
69	X Repost, 22 April 2025	Solidarity Repost of Dr Riemer criticising university leaders for targeting pro-Palestine activists.	<a href="https://x.com/NickRiemer1/status/1914511622816850411">https://x.com/NickRiemer1/status/1914511622816850411</a>
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'.	<a href="https://x.com/NickRiemer1/status/1915587367752388672">https://x.com/NickRiemer1/status/1915587367752388672</a>
71	X Post, 17 May 2025	Solidarity Post of Sydney University students rejecting new definition of antisemitism at Student General Meeting.	<a href="https://x.com/solidus/status/1923616503913689471">https://x.com/solidus/status/1923616503913689471</a>
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.	<a href="https://x.com/NickRiemer1/status/1928211925206176123">https://x.com/NickRiemer1/status/1928211925206176123</a>
74	X Repost, 2 June	Solidarity Repost of Dr Riemer criticising	<a href="https://x.com/NickRiemer1/status">https://x.com/NickRiemer1/status</a>

	2025	Mark Scott's university policies and remuneration.	<a href="https://x.com/atus/1929452906714910779">atus/1929452906714910779</a>
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').	<a href="https://x.com/FPMelbourne/status/1957347178654867478">https://x.com/FPMelbourne/status/1957347178654867478</a>
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.	<a href="https://x.com/NickRiemer1/status/1996445380196831718">https://x.com/NickRiemer1/status/1996445380196831718</a>
78	X Post, 28 December 2025	Solidarity Post promoting NTEU and Palestine activist Dr Riemer's article on protest restrictions in NSW.	<a href="https://x.com/solidarity_au/status/2005077674008694937">https://x.com/solidarity_au/status/2005077674008694937</a>
79	X Repost, 7 January 2026	Solidarity Repost of Dr Riemer stating ' <i>Zionism is the enemy of education!</i> '.	<a href="https://x.com/NickRiemer1/status/2008672897112699197">https://x.com/NickRiemer1/status/2008672897112699197</a>
80	Instagram Post, 6 January 2026	Solidarity Post of Solidarity meeting, headlined " <i>Globalise the Intifada!</i> ".	<a href="https://www.instagram.com/p/DTJ43umE-lk/">https://www.instagram.com/p/DTJ43umE-lk/</a>
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> ".	<a href="https://www.instagram.com/p/DT37iQ8ky7x/">https://www.instagram.com/p/DT37iQ8ky7x/</a>

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## It has never been more vital to stand with Palestine

Nick Riemer



Six thousand bombs dropped on Gaza in six days – six thousand, flattening 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-standing humanitarian catastrophe. It has never been more vital to stand in solidarity with Palestine.

Emotions are powerful distractors. In the wake of Hamas's shock penetration into Israel last weekend and all its sequels, they have been intense. But however strong, emotions must not obscure the fundamental facts: Palestinians are a colonised people enduring one of the most vicious and unshakeable 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 simple reality imposes itself: for generations, the value of life has been violated for Palestinians exponentially, overwhelmingly more than for Israelis.

### Nick Riemer

Nick Riemer works in the English and Writing and Linguistics departments at 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.

[More by Nick Riemer](#)

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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 Israel 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 [binning 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 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.

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.



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civil society. Many of the forces demanding that we condemn Hamas count BDS as vile antisemitism as well. For them, just telling the truth about Israel – that its existence is predicated on racism – is antisemitism in action.

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.

Solidarity means refusing to allow understanding to be blocked. When we come onto the street in collective protest, we are joining an embodied, living force defending two important truths: that Palestinians must not be denied justice and that contesting power is a fundamental democratic right. In a situation where those truths have been discarded as lightly as they have been this last week, committed and embodied reassertion of them is essential. When thousands are on the streets in their defence, the costs of ignoring them are raised. Promoting justice for Palestinians is promoting justice for everyone. It will be vital to join the demonstrations for Palestine in coming days and weeks, whatever obstacles politicians or police commissioners place in their way.

Image: [Joe Catron](#)



**Nick Riemer**

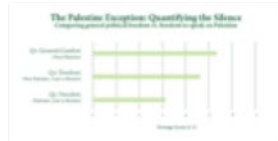
Nick Riemer works in the English and Writing and Linguistics departments at the University of Sydney. He is currently academic vice-president of the Sydney University branch of the National Tertiary Education Union. The views expressed in Overland are his own.

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2 11 305

**Nick Riemer** @NickRiemer1 · Nov 12, 2023  
The rank-and-file union members who've signed our petition know what side they're on. The working people of Gaza are the objects of a genocidal attack on a sickening and indescribable scale.



2 11 314


**Nick Riemer** @NickRiemer1 · Nov 12, 2023  
We all have an obligation to respond, since that violence is enabled by Western governments, including ours.

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

1 1 11 243

**Nick Riemer** @NickRiemer1 · Nov 12, 2023  
That's where their opportunism and lack of principle has led them: straight into support for a genocide. Shame on Penny Wong, and shame on Anthony Albanese. They are truly the hollow woman and the hollow man.

2 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.

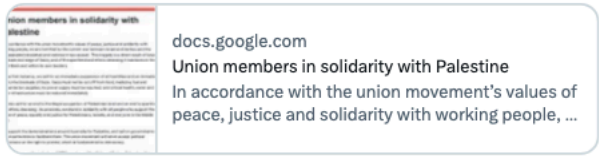
That's why there is no room for warmongering in our unions.

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.



docs.google.com  
Union members in solidarity with Palestine  
In accordance with the union movement's values of peace, justice and solidarity with working people, ...

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 meant 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.



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

**Joseph Toltz** and others  
Applicants

**Nick Riemer** and another  
Respondents

Affidavit of: **Daniel Patrick McCoach**  
Address: 409/488 Bourke Street, Melbourne in the State of Victoria 3000  
Occupation: Solicitor  
Date: 20 February 2026

### **Certificate identifying Exhibit**

This is the Certificate identifying Exhibit "DPM-32" annexed to the Affidavit of Daniel Patrick McCoach dated 20 February 2026

Before me:



.....  
**UPEKHA WEDAGE**

of Suite 409, 488 Bourke Street, Melbourne VIC 3000  
Australian Legal Practitioner within the meaning of the  
Legal Profession Uniform Law (Victoria)  
A person authorised under section 19(1) of the Oaths  
and Affirmations Act 2018 to take an affidavit.  
*Who states that their signature was made to this  
affidavit by electronic means, the witnessing of the  
execution of this document was done by audio-visual  
link and all the requirements of Part 3 of the Oaths  
and Affirmations Act 2018 (Vic).*

Date: 20 February 2026

**Daniel McCoach**

---

**From:** Upekha Wedage  
**Sent:** Friday, 13 February 2026 5:22 PM  
**To:** Michael Bradley; Lauren Gasparini; Hamish Rotstein; Elijah Rasic; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; Daniel McCoach; Julie.Mills@ashurst.com  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR  
**Attachments:** Letter to Respondents - further and better particulars Reimer - 13.2.2026.pdf; Riemer Statement of Claim 29 July AB edited 13 Feb .pdf; [Compare Report] Riemer Statement of Claim 29 July AB edited 13 Feb .pdf

**Categories:** Smokeball

Dear Colleagues,

We refer to the above proceeding, and the orders dated 3 February 2026.

Please see **attached** for your consideration the following:

1. The Amended Statement of Claim of today's date; and
2. A comparison version of the Amended Statement of Claim against the 29 July 2025 version.

For ease of reference, in the comparison document, replacements are shown in yellow, new insertions are shown in blue and the deletions are shown in red. As you will see from the comparison document, the amendments largely give effect to the Court's orders of 3 February 2026. There are a small number of additional amendments which we consider are responsive to those orders or otherwise appropriate.

Please see **attached** by way of service our letter of today's date providing the Applicants' further and better particulars in this proceeding. The further particulars in relation to Order 2 (being the tendency evidence) will be served on Monday.

Please confirm your respective clients' confirmation by 10:00 am Monday, 17 February 2026 as to whether they consent to the filing of the amended Statement of Claim in its present form.

We look forward to hearing from you.

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

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**From:** Upekha Wedage

**Sent:** Friday, 13 February 2026 3:44 PM

**To:** 'Michael Bradley' <michaelb@marquelawyers.com.au>; 'Lauren Gasparini' <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Elijah Rasic <Elijah.Rasic@rotsteins.com.au>; 'Stephen.Woodbury@ashurst.com' <stephen.woodbury@ashurst.com>; 'erina.higgins@ashurst.com' <erina.higgins@ashurst.com>; 'Jennifer.Chen@ashurst.com' <jennifer.chen@ashurst.com>; Daniel McCoach <daniel.mccoach@rotsteins.com.au>; 'Julie.Mills@ashurst.com' <julie.mills@ashurst.com>

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR

Dear Colleagues,

We refer to the above proceedings and the orders dated 3 February 2026.

Please see **attached** for your consideration the following:

1. The Amended Originating Application of today's date;
2. The Amended Statement of Claim of today's date;
3. A comparison version of the Amended Originating Application against the 5 September 2025 version;
4. A comparison version of the Amended Statement of Claim against the 5 September 2025 version; and
5. The Interlocutory Application seeking leave to proceed in a representative capacity and to amend the pleadings.

For ease of reference, in the comparison documents, replacements are shown in yellow, new insertions are shown in blue and the deletions are shown in red. As you will see from the comparison documents, the amendments largely give effect to the Court's orders of 3 February 2026. There are a small number of additional amendments which we consider are responsive to those orders or otherwise appropriate.

The Amended Statement of Claim also reflects that the further and better particulars previously provided were served earlier today, in accordance with the Court's orders.

Please confirm your respective clients' confirmation by **5:00 pm today** as to whether they consent to the filing of the amended Originating Application and Statement of Claim in their present form, and to the representative complaint proceeding in accordance with the interlocutory application.

We look forward to hearing from you.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN **5515129**



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---

**From:** Upekha Wedage

**Sent:** Friday, 13 February 2026 2:25 PM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Further & Better Particulars

Dear Colleagues,

We refer to the above proceeding and the orders dated 3 February 2026.

Please see **attached** by way of service, the letter of today's date providing the Applicant's further and better particulars in this matter.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN 5515129



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

T (61 3) 9604 7888

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---

**From:** Upekha Wedage

**Sent:** Friday, 30 January 2026 5:15 PM

**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>; Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

Dear Associates,

Thank you for your email.

Please find **attached** the reformulated orders for the Court's consideration.

We note that the First Respondent has consented to the proposed form of orders. We are presently awaiting confirmation from the Second Respondent.

The solicitors for the Respondents have been copied to this correspondence.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN 5515129



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---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

**Sent:** Thursday, 29 January 2026 9:14 AM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

## OFFICIAL

Dear practitioners

We refer to the below email. Please provide Chambers with reformulated orders as requested as soon as practicable.

Kind regards

**Jack Dowling** (he/him) (sender)

Associate to the Hon. Justice Kennett

Federal Court of Australia | NSW

P 02 8099 8380

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Simran Goklaney**

Associate to the Hon. Justice Kennett

Federal Court of Australia | NSW

P 02 8099 8548

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

**Sent:** Monday, 19 January 2026 10:52 AM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

## OFFICIAL

Dear practitioners

Justice Kennett is content to make the following orders as contained in Schedule A to the Applicants' interlocutory applications:

- orders 1-6 and 10 in the *Riemer* proceeding; and
- orders 1-7 and 11 in the *Keane* proceeding.

Additionally, his Honour is content to grant the extensions sought in relation to the filing of submissions on costs in relation to the interlocutory applications. However, his Honour notes that proposed order 7 in the *Riemer* proceeding and proposed order 8 in the *Keane* proceeding are unnecessary in the light of the submissions filed by the First Respondents in each proceeding on 24 December 2025. Accordingly, his Honour asks that the following orders be reformulated:

- orders 8 and 9 in the *Riemer* proceeding; and
- orders 9 and 10 in the *Keane* proceeding.

Chambers would be grateful to receive reformulated orders at the earliest convenience.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8330  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>

**Sent:** Thursday, 8 January 2026 3:42 PM

**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Dear Associates,

Thank you for your email.

The First Respondents do not need to be heard on the applications, and are content for the matters to be dealt with on the papers.

The First Respondents' primary concern with the Applicants' applications is that the progress of the matters, which have already been on foot for 7 months, will be further delayed, and prolong the burden of the proceedings on them. They are anxious to have the matters timetabled for trial.

The First Respondents are concerned that the length of the extension sought by the Applicants is far longer than they should reasonably require to revise their pleadings within the scope of the leave given by the orders of His Honour on 14 November 2025.

Yours sincerely

**Michael Bradley**

Managing Partner  
MARQUE Lawyers Pty Ltd



P: +612 8216 3006 M: +61 419 610 016  
Gadigal Country, Level 4, 343 George Street Sydney 2000  
[marquelawyers.com.au](http://marquelawyers.com.au) / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)  
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---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

**Sent:** Wednesday, 7 January 2026 4:57 PM

**To:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL]

## OFFICIAL

Dear parties

Justice Kennett has asked that the respondents confirm whether:

- they wish to be heard against the extensions sought in the interlocutory applications filed by the applicants in each proceeding; and
- if so, whether the respondents are content for the applications to be dealt with on the papers.

Please provide Chambers with a response by **12:00pm AEDT on Friday, 9 January 2026**.

Kind regards

**Simran Goklaney** (she/her) (sender)

Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW

P 02 8099 8548

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**

Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW

P 02 8099 8330

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>

**Sent:** Tuesday, 23 December 2025 8:10 PM

To: Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

Cc: Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au)

**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application

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Dear Associate,

**NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR**  
**NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR**

We refer to the above proceedings.

We write to inform His Honour that the Applicants have today filed interlocutory applications and supporting affidavit material, as previously foreshadowed to the Respondents.

Per the interlocutory applications, the Applicants seek an extension of the respective timetabling orders made in these proceedings on 2 December 2025.

The Second Respondent in each proceeding consents to the Applicants' proposed orders. The First Respondent does not consent.

The solicitors for the Respondents have been copied into this correspondence.

Please contact the writer should the Court require anything further.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN 5515129



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W [www.rotsteins.com.au](http://www.rotsteins.com.au)

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Rotstein Commercial Lawyers wish you a happy, safe and prosperous Holiday Season and New Year!

**HOLIDAY OPENING HOURS:**

Our offices will be closed from 5.00pm on Friday, 19 December 2025 and will re-open at 9.00am on Monday, 12 January 2026.

If your matter is urgent during this time, please leave a detailed message and one of our lawyers will get back to you.



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

**Joseph Toltz** and others  
Applicants

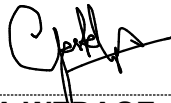
**Nick Riemer** and another  
Respondents

Affidavit of: **Daniel Patrick McCoach**  
Address: 409/488 Bourke Street, Melbourne in the State of Victoria 3000  
Occupation: Solicitor  
Date: 20 February 2026

### **Certificate identifying Exhibit**

This is the Certificate identifying Exhibit "DPM-33" annexed to the Affidavit of Daniel Patrick McCoach dated 20 February 2026

Before me:



.....  
**UPEKHA WEDAGE**

of Suite 409, 488 Bourke Street, Melbourne VIC 3000  
Australian Legal Practitioner within the meaning of the  
Legal Profession Uniform Law (Victoria)  
A person authorised under section 19(1) of the Oaths  
and Affirmations Act 2018 to take an affidavit.  
*Who states that their signature was made to this  
affidavit by electronic means, the witnessing of the  
execution of this document was done by audio-visual  
link and all the requirements of Part 3 of the Oaths  
and Affirmations Act 2018 (Vic).*

Date: 20 February 2026

## Daniel McCoach

---

**From:** erina.higgins@ashurst.com  
**Sent:** Wednesday, 18 February 2026 4:43 PM  
**To:** Daniel McCoach  
**Cc:** michaelb@marquelawyers.com.au; lucap@marquelawyers.com.au; Upekha Wedage; Hamish Rotstein; Julie.Mills@ashurst.com; laureng@marquelawyers.com.au; Stephen.Woodbury@ashurst.com  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR [Marque-DOCUMENTS.FID124631] [ASH-AUS.FID31571233]

Dear colleagues

We are instructed not to object to the proposed amendments to the pleadings and the originating application in each set of proceedings.

Our non-objection should not be taken by you as confirmation that the proposed amendments have been clearly and properly articulated. Many of the amendments are confusing and contrary to the proper rules of pleading in that they contain e.g. conclusions, rolled up propositions of fact and law, and are prolix (see paragraphs 12, 24A, 27A and 28A in Keane ASOC; and paragraphs 9, 10, 23A, 29A, 31A and 32A in Riemer FASOC).

Further, in the event that the First Respondents successfully object to any of the proposed amendments our client will of course be in the same position with respect to that successful opposition, namely, the allegations will not be able to be advanced against our client.

We will separately write to you requesting further and better particulars of the proposed amended paragraphs if and when leave is obtained for you to include them.

Lastly, we request that you supply the particulars to paragraph 88(c) in accordance with Order 2 of Kennett J's Orders dated 3 February 2026.

Kind regards

**Erina Higgins**

Lawyer

Ashurst Australia, 5 Martin Place, Sydney, NSW 2000, Australia  
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**From:** Daniel McCoach <daniel.mccoach@rotsteins.com.au>  
**Sent:** Tuesday, 17 February 2026 7:58 PM  
**To:** Julie.Mills@ashurst.com; Lauren Gasparini <laureng@marquelawyers.com.au>  
**Cc:** Michael Bradley <michaelb@marquelawyers.com.au>; Luca Pearce <lucap@marquelawyers.com.au>; Stephen.Woodbury@ashurst.com; Upekha Wedage <upekha.wedage@rotsteins.com.au>; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; Hamish Rotstein <hamish@rotsteins.com.au>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR

Good evening Ms Mills and Ms Gasparini,

We note that our clients' intended materials to be relied upon, being amended pleadings and particulars in both matters, had been provided substantially on Friday with only remaining pleadings in the Riemer matter served yesterday. We had sought confirmation of your respective clients' consent to the filing of the amended Statements of Claim (and in the case of the Keane matter, also the amended Originating Application) but have received no response.

Please confirm your clients' positions by 10am tomorrow, 18 February 2026 – we otherwise anticipate receiving instructions to make applications to the Court for, inter alia, these documents (with dates updated as necessary) to stand as the Applicants' amended pleadings in each matter.

Kind regards,

**Daniel McCoach**  
**Director**



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A Suite 409, 488 Bourke Street, Melbourne VIC 3000 Australia  
T (61 3) 9604 7888  
E [daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)

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**From:** [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com) <[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)>  
**Sent:** Friday, 13 February 2026 5:27 PM  
**To:** [laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au); Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>  
**Cc:** [michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au); [lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au); [Elijah Rasic](mailto:Elijah.Rasic@rotsteins.com.au) <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [Marque-DOCUMENTS.FID124631] [ASH-AUS.FID31571233]

Dear Upekha

The issues raised by the First Respondents below also apply for the Second Respondent.

We will respond to your emails of today when we have obtained instructions.

Regards

Julie

## Julie Mills

Global Practice Management Counsel - Employment

Ashurst Australia, Level 8, 39 Martin Place, Sydney, NSW 2000, Australia

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**From:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>

**Sent:** Friday, 13 February 2026 4:12 PM

**To:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>

**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Luca Pearce <[lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au)>; Hamish McMichael <[hamish@goget.com.au](mailto:hamish@goget.com.au)>; Elijah Rasic <[elijah.rasic@rotsteins.com.au](mailto:elijah.rasic@rotsteins.com.au)>; Woodbury, Stephen 66444 <[Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com)>; Higgins, Erina 66322 <[erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com)>; Chen, Jennifer 63781 <[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)>; Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; Mills, Julie 66761 <[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)>

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [Marque-DOCUMENTS.FID124631]

**Caution: External email.**

Dear Upekha

We confirm receipt of your email and the **attached** unsealed documents.

You have provided us with amended pleadings (which it appears from your below email do not strictly comply with order 3 of his Honour's orders made on 3 February 2026 but instead go beyond the permitted amendments), compare documents (which you have highlighted) and a second interlocutory application with respect to the representative proceeding issue.

In circumstances where we will need to (in conjunction with counsel) provide advice to our client, including a detailed review of his Honour's reasons as against your clients' proposed amendments and application, it is not reasonable to request our client's position by 10:00am on Monday (as requested in your email sent at 3:51pm).

We will obtain instructions in respect of our client's position on the interlocutory application and revert. In relation to your clients' unfiled proposed amended pleadings, we note that your clients are currently in breach of order 3.

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

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---

**From:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>

**Sent:** Friday, 13 February 2026 3:44 PM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>;

Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>;

[Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR

Dear Colleagues,

We refer to the above proceedings and the orders dated 3 February 2026.

Please see **attached** for your consideration the following:

1. The Amended Originating Application of today's date;
2. The Amended Statement of Claim of today's date;
3. A comparison version of the Amended Originating Application against the 5 September 2025 version;
4. A comparison version of the Amended Statement of Claim against the 5 September 2025 version; and
5. The Interlocutory Application seeking leave to proceed in a representative capacity and to amend the pleadings.

For ease of reference, in the comparison documents, replacements are shown in yellow, new insertions are shown in blue and the deletions are shown in red. As you will see from the comparison documents, the amendments largely give effect to the Court's orders of 3 February 2026. There are a small number of additional amendments which we consider are responsive to those orders or otherwise appropriate.

The Amended Statement of Claim also reflects that the further and better particulars previously provided were served earlier today, in accordance with the Court's orders.

Please confirm your respective clients' confirmation by **5:00 pm today** as to whether they consent to the filing of the amended Originating Application and Statement of Claim in their present form, and to the representative complaint proceeding in accordance with the interlocutory application.

We look forward to hearing from you.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN 5515129



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**From:** Upekha Wedage

**Sent:** Friday, 13 February 2026 2:25 PM

**To:** Michael Bradley <[michaelb@marquellawyers.com.au](mailto:michaelb@marquellawyers.com.au)>; Lauren Gasparini <[laureng@marquellawyers.com.au](mailto:laureng@marquellawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach

<daniel.mccoach@rotsteins.com.au>; Julie.Mills@ashurst.com

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Further & Better Particulars

Dear Colleagues,

We refer to the above proceeding and the orders dated 3 February 2026.

Please see **attached** by way of service, the letter of today's date providing the Applicant's further and better particulars in this matter.

Kind regards,

**Upekha Wedage**  
**Associate**

LPN 5515129



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**From:** Upekha Wedage

**Sent:** Friday, 30 January 2026 5:15 PM

**To:** Associate Kennett J <Associate.KennettJ@fedcourt.gov.au>; Michael Bradley <michaelb@marquelawyers.com.au>; Lauren Gasparini <laureng@marquelawyers.com.au>; Hamish Rotstein <hamish@rotsteins.com.au>; Elijah Rasic <Elijah.Rasic@rotsteins.com.au>; Stephen.Woodbury@ashurst.com; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; Daniel McCoach <daniel.mccoach@rotsteins.com.au>; Julie.Mills@ashurst.com

**Cc:** nsd9502025@fedcourt.gov.au; nsd9512025@fedcourt.gov.au

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

Dear Associates,

Thank you for your email.

Please find **attached** the reformulated orders for the Court's consideration.

We note that the First Respondent has consented to the proposed form of orders. We are presently awaiting confirmation from the Second Respondent.

The solicitors for the Respondents have been copied to this correspondence.

Kind regards,

**Upekha Wedage**

## Associate

LPN 5515129



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---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

**Sent:** Thursday, 29 January 2026 9:14 AM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

### OFFICIAL

Dear practitioners

We refer to the below email. Please provide Chambers with reformulated orders as requested as soon as practicable.

Kind regards

**Jack Dowling** (he/him) (sender)

Associate to the Hon. Justice Kennett

Federal Court of Australia | NSW

P 02 8099 8380

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Simran Goklaney**

Associate to the Hon. Justice Kennett

Federal Court of Australia | NSW

P 02 8099 8548

E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>

**Sent:** Monday, 19 January 2026 10:52 AM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

### OFFICIAL

Dear practitioners

Justice Kennett is content to make the following orders as contained in Schedule A to the Applicants' interlocutory applications:

- orders 1-6 and 10 in the *Riemer* proceeding; and
- orders 1-7 and 11 in the *Keane* proceeding.

Additionally, his Honour is content to grant the extensions sought in relation to the filing of submissions on costs in relation to the interlocutory applications. However, his Honour notes that proposed order 7 in the *Riemer* proceeding and proposed order 8 in the *Keane* proceeding are unnecessary in the light of the submissions filed by the First Respondents in each proceeding on 24 December 2025. Accordingly, his Honour asks that the following orders be reformulated:

- orders 8 and 9 in the *Riemer* proceeding; and
- orders 9 and 10 in the *Keane* proceeding.

Chambers would be grateful to receive reformulated orders at the earliest convenience.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8330  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>

**Sent:** Thursday, 8 January 2026 3:42 PM

**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

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Dear Associates,

Thank you for your email.

The First Respondents do not need to be heard on the applications, and are content for the matters to be dealt with on the papers.

The First Respondents' primary concern with the Applicants' applications is that the progress of the matters, which have already been on foot for 7 months, will be further delayed, and prolong the burden of the proceedings on them. They are anxious to have the matters timetabled for trial.

The First Respondents are concerned that the length of the extension sought by the Applicants is far longer than they should reasonably require to revise their pleadings within the scope of the leave given by the orders of His Honour on 14 November 2025.

Yours sincerely

**Michael Bradley**  
Managing Partner  
MARQUE Lawyers Pty Ltd



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

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Wednesday, 7 January 2026 4:57 PM  
**To:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL]

## OFFICIAL

Dear parties

Justice Kennett has asked that the respondents confirm whether:

- they wish to be heard against the extensions sought in the interlocutory applications filed by the applicants in each proceeding; and
- if so, whether the respondents are content for the applications to be dealt with on the papers.

Please provide Chambers with a response by **12:00pm AEDT on Friday, 9 January 2026**.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
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P 02 8099 8330  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>  
**Sent:** Tuesday, 23 December 2025 8:10 PM  
**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Cc:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au)  
**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application

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Dear Associate,

**NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR**  
**NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR**

We refer to the above proceedings.

We write to inform His Honour that the Applicants have today filed interlocutory applications and supporting affidavit material, as previously foreshadowed to the Respondents.

Per the interlocutory applications, the Applicants seek an extension of the respective timetabling orders made in these proceedings on 2 December 2025.

The Second Respondent in each proceeding consents to the Applicants' proposed orders. The First Respondent does not consent.

The solicitors for the Respondents have been copied into this correspondence.

Please contact the writer should the Court require anything further.

Kind regards,

**Upekha Wedage**  
**Associate**  
LPN 5515129



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

**Joseph Toltz** and others  
Applicants

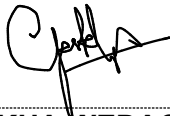
**Nick Riemer** and another  
Respondents

Affidavit of: **Daniel Patrick McCoach**  
Address: 409/488 Bourke Street, Melbourne in the State of Victoria 3000  
Occupation: Solicitor  
Date: 20 February 2026

### **Certificate identifying Exhibit**

This is the Certificate identifying Exhibit "DPM-34" annexed to the Affidavit of Daniel Patrick McCoach dated 20 February 2026

Before me:



.....  
**UPEKHA WEDAGE**

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

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

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

Date: 20 February 2026

## Daniel McCoach

---

**From:** Lauren Gasparini <laureng@marquelawyers.com.au>  
**Sent:** Wednesday, 18 February 2026 4:53 PM  
**To:** Daniel McCoach  
**Cc:** Michael Bradley; Luca Pearce; Stephen.Woodbury@ashurst.com; Upekha Wedage; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com; Hamish Rotstein; Julie.Mills@ashurst.com  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR [Marque-DOCUMENTS.FID124631]

Dear Daniel

We have now obtained instructions in relation to the filing of your clients' documents served on 13 February 2026 in both matters.

We confirm the First Respondent's position with respect to NSD950/2025 (the Riemer proceedings) is as follows:

- Dr Riemer does not consent to your clients filing the Further Amended Statement of Claim dated 13 February 2026 in the form proposed.

We confirm the First Respondent's position with respect to NSD951/2025 (the Keane proceedings) is as follows:

- Professor Keane does not consent to your clients filing the Further Amended Statement of Claim dated 13 February 2026 and the Amended Originating Application dated 13 February 2026 in the form proposed. Accordingly, Professor Keane will be opposing order 3 of your clients' interlocutory application dated 13 February 2026 seeking leave to file those documents in their current form.
- Professor Keane will not oppose orders 1 and 2 of your clients' interlocutory application dated 13 February 2026 with respect to the representative element of the proceedings and the leave being sought to amend the title of the Keane proceeding.

His Honour's orders made in both proceedings on 14 November 2025 provided your clients with leave to amend their pleadings in a specific form. It is clear from a review of your clients' proposed pleadings that the Applicants in both proceedings are seeking amendments which go beyond the amendments permitted by his Honour's orders.


In terms of next steps, our clients invite your clients to file:

1. an interlocutory application seeking leave to file the Further Amended Statement of Claim in the Riemer proceeding in the form proposed on 13 February 2026; and
2. the interlocutory application served on 13 February 2026 in the Keane proceeding.

The First Respondents' objections to the filing of your clients' proposed amendments in each proceeding will be explained further in correspondence in due course.

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](http://marquelawyers.com.au) / [LinkedIn](#) / [Bluesky](#) / [Instagram](#)  
*We do not disclaim anything about this email. We're quite proud of it, really.*

---

**From:** Stephen.Woodbury@ashurst.com <Stephen.Woodbury@ashurst.com>  
**Sent:** Wednesday, 18 February 2026 8:53 AM  
**To:** daniel.mccoach@rotsteins.com.au  
**Cc:** Michael Bradley <michaelb@marquelawyers.com.au>; Luca Pearce <lucap@marquelawyers.com.au>;

upekha.wedage@rotsteins.com.au; erina.higgins@ashurst.com; Jennifer.Chen@ashurst.com;  
hamish@rotsteins.com.au; Julie.Mills@ashurst.com; Lauren Gasparini <laureng@marquelawyers.com.au>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK  
RIEMER & ANOR [Marque-DOCUMENTS.FID124631]

Dear Daniel

The second respondent is similarly still considering the documents. We will provide a response by 5pm today as to our instructions.

Regards

## Stephen Woodbury

Partner

Ashurst Australia, Level 8, 39 Martin Place, Sydney, NSW 2000, Australia  
D: +61 2 9258 6444 | M: +61 417 700 371  
[www.ashurst.com](http://www.ashurst.com)

**Ashurst**

---

**From:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>  
**Sent:** Tuesday, 17 February 2026 8:06 PM  
**To:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Luca Pearce <[lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au)>; Woodbury, Stephen 66444 <[Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Higgins, Erina 66322 <[erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com)>; Chen, Jennifer 63781 <[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Mills, Julie 66761 <[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR [Marque-DOCUMENTS.FID124631]

**Caution: External email.**

Dear Daniel

We confirm we are still in the process of obtaining instructions.

We anticipate being in a position to communicate our clients' positions with respect to your clients' proposed pleadings in both matters and interlocutory application in the Keane matter by 2:00pm tomorrow.

Kind regards  
Lauren

---

**From:** Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Sent:** Tuesday, 17 February 2026 7:58 PM  
**To:** [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>  
**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Luca Pearce <[lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>

**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR and NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR

Good evening Ms Mills and Ms Gasparini,

We note that our clients' intended materials to be relied upon, being amended pleadings and particulars in both matters, had been provided substantially on Friday with only remaining pleadings in the Riemer matter served yesterday. We had sought confirmation of your respective clients' consent to the filing of the amended Statements of Claim (and in the case of the Keane matter, also the amended Originating Application) but have received no response.

Please confirm your clients' positions by 10am tomorrow, 18 February 2026 – we otherwise anticipate receiving instructions to make applications to the Court for, inter alia, these documents (with dates updated as necessary) to stand as the Applicants' amended pleadings in each matter.

Kind regards,

**Daniel McCoach**  
**Director**



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E [daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)

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---

**From:** [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com) <[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)>  
**Sent:** Friday, 13 February 2026 5:27 PM  
**To:** [laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au); Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>  
**Cc:** [michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au); [lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au); Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [Marque-DOCUMENTS.FID124631] [ASH-AUS.FID31571233]

Dear Upekha

The issues raised by the First Respondents below also apply for the Second Respondent.

We will respond to your emails of today when we have obtained instructions.

Regards

Julie

## Julie Mills

Global Practice Management Counsel - Employment

Ashurst Australia, Level 8, 39 Martin Place, Sydney, NSW 2000, Australia

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**From:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>  
**Sent:** Friday, 13 February 2026 4:12 PM  
**To:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>  
**Cc:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Luca Pearce <[lucap@marquelawyers.com.au](mailto:lucap@marquelawyers.com.au)>; Hamish McMichael <[hamish@goget.com.au](mailto:hamish@goget.com.au)>; Elijah Rasic <[elijah.rasic@rotsteins.com.au](mailto:elijah.rasic@rotsteins.com.au)>; Woodbury, Stephen 66444 <[Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com)>; Higgins, Erina 66322 <[erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com)>; Chen, Jennifer 63781 <[Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com)>; Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; Mills, Julie 66761 <[Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)>  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR [Marque-DOCUMENTS.FID124631]

**Caution: External email.**

Dear Upekha

We confirm receipt of your email and the **attached** unsealed documents.

You have provided us with amended pleadings (which it appears from your below email do not strictly comply with order 3 of his Honour's orders made on 3 February 2026 but instead go beyond the permitted amendments), compare documents (which you have highlighted) and a second interlocutory application with respect to the representative proceeding issue.

In circumstances where we will need to (in conjunction with counsel) provide advice to our client, including a detailed review of his Honour's reasons as against your clients' proposed amendments and application, it is not reasonable to request our client's position by 10:00am on Monday (as requested in your email sent at 3:51pm).

We will obtain instructions in respect of our client's position on the interlocutory application and revert. In relation to your clients' unfiled proposed amended pleadings, we note that your clients are currently in breach of order 3.

Kind regards  
Lauren

**Lauren Gasparini**  
Senior Associate  
MARQUE Lawyers Pty Ltd



P: +612 8216 3087

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---

**From:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>

**Sent:** Friday, 13 February 2026 3:44 PM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR

Dear Colleagues,

We refer to the above proceedings and the orders dated 3 February 2026.

Please see **attached** for your consideration the following:

1. The Amended Originating Application of today's date;
2. The Amended Statement of Claim of today's date;
3. A comparison version of the Amended Originating Application against the 5 September 2025 version;
4. A comparison version of the Amended Statement of Claim against the 5 September 2025 version; and
5. The Interlocutory Application seeking leave to proceed in a representative capacity and to amend the pleadings.

For ease of reference, in the comparison documents, replacements are shown in yellow, new insertions are shown in blue and the deletions are shown in red. As you will see from the comparison documents, the amendments largely give effect to the Court's orders of 3 February 2026. There are a small number of additional amendments which we consider are responsive to those orders or otherwise appropriate.

The Amended Statement of Claim also reflects that the further and better particulars previously provided were served earlier today, in accordance with the Court's orders.

Please confirm your respective clients' confirmation by **5:00 pm today** as to whether they consent to the filing of the amended Originating Application and Statement of Claim in their present form, and to the representative complaint proceeding in accordance with the interlocutory application.

We look forward to hearing from you.

Kind regards,

**Upekha Wedage**  
**Associate**  
LPN 5515129



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

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**From:** Upekha Wedage

**Sent:** Friday, 13 February 2026 2:25 PM

**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>;

Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>;  
[Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach  
<[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Subject:** RE: NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Further & Better Particulars

Dear Colleagues,

We refer to the above proceeding and the orders dated 3 February 2026.

Please see **attached** by way of service, the letter of today's date providing the Applicant's further and better particulars in this matter.

Kind regards,

**Upekha Wedage**  
**Associate**  
LPN 5515129



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**From:** Upekha Wedage  
**Sent:** Friday, 30 January 2026 5:15 PM  
**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>; Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

Dear Associates,

Thank you for your email.

Please find **attached** the reformulated orders for the Court's consideration.

We note that the First Respondent has consented to the proposed form of orders. We are presently awaiting confirmation from the Second Respondent.

The solicitors for the Respondents have been copied to this correspondence.

Kind regards,

**Upekha Wedage  
Associate**

LPN 5515129



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**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Thursday, 29 January 2026 9:14 AM  
**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

**OFFICIAL**

Dear practitioners

We refer to the below email. Please provide Chambers with reformulated orders as requested as soon as practicable.

Kind regards

**Jack Dowling** (he/him) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8380  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Simran Goklaney**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Monday, 19 January 2026 10:52 AM  
**To:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [Marque-DOCUMENTS.FID124631] [SEC=OFFICIAL]

## OFFICIAL

Dear practitioners

Justice Kennett is content to make the following orders as contained in Schedule A to the Applicants' interlocutory applications:

- orders 1-6 and 10 in the *Riemer* proceeding; and
- orders 1-7 and 11 in the *Keane* proceeding.

Additionally, his Honour is content to grant the extensions sought in relation to the filing of submissions on costs in relation to the interlocutory applications. However, his Honour notes that proposed order 7 in the *Riemer* proceeding and proposed order 8 in the *Keane* proceeding are unnecessary in the light of the submissions filed by the First Respondents in each proceeding on 24 December 2025. Accordingly, his Honour asks that the following orders be reformulated:

- orders 8 and 9 in the *Riemer* proceeding; and
- orders 9 and 10 in the *Keane* proceeding.

Chambers would be grateful to receive reformulated orders at the earliest convenience.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8330  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>

**Sent:** Thursday, 8 January 2026 3:42 PM

**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>; Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com)

**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)

**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL] [Marque-DOCUMENTS.FID124631]

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Dear Associates,

Thank you for your email.

The First Respondents do not need to be heard on the applications, and are content for the matters to be dealt with on the papers.

The First Respondents' primary concern with the Applicants' applications is that the progress of the matters, which have already been on foot for 7 months, will be further delayed, and prolong the burden of the proceedings on them. They are anxious to have the matters timetabled for trial.

The First Respondents are concerned that the length of the extension sought by the Applicants is far longer than they should reasonably require to revise their pleadings within the scope of the leave given by the orders of His Honour on 14 November 2025.

Yours sincerely

**Michael Bradley**  
Managing Partner  
MARQUE Lawyers Pty Ltd



P: +612 8216 3006 M: +61 419 610 016  
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---

**From:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Sent:** Wednesday, 7 January 2026 4:57 PM  
**To:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>; Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>  
**Cc:** [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au); [nsd9512025@fedcourt.gov.au](mailto:nsd9512025@fedcourt.gov.au)  
**Subject:** RE: NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application [SEC=OFFICIAL]

## OFFICIAL

Dear parties

Justice Kennett has asked that the respondents confirm whether:

- they wish to be heard against the extensions sought in the interlocutory applications filed by the applicants in each proceeding; and
- if so, whether the respondents are content for the applications to be dealt with on the papers.

Please provide Chambers with a response by **12:00pm AEDT on Friday, 9 January 2026**.

Kind regards

**Simran Goklaney** (she/her) (sender)  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8548  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

**Jack Dowling**  
Associate to the Hon. Justice Kennett  
Federal Court of Australia | NSW  
P 02 8099 8330  
E [associate.kennettj@fedcourt.gov.au](mailto:associate.kennettj@fedcourt.gov.au)

---

**From:** Upekha Wedage <[upekha.wedage@rotsteins.com.au](mailto:upekha.wedage@rotsteins.com.au)>  
**Sent:** Tuesday, 23 December 2025 8:10 PM  
**To:** Associate Kennett J <[Associate.KennettJ@fedcourt.gov.au](mailto:Associate.KennettJ@fedcourt.gov.au)>  
**Cc:** Lauren Gasparini <[laureng@marquelawyers.com.au](mailto:laureng@marquelawyers.com.au)>; Hamish Rotstein <[hamish@rotsteins.com.au](mailto:hamish@rotsteins.com.au)>; Elijah Rasic <[Elijah.Rasic@rotsteins.com.au](mailto:Elijah.Rasic@rotsteins.com.au)>; [Stephen.Woodbury@ashurst.com](mailto:Stephen.Woodbury@ashurst.com); [erina.higgins@ashurst.com](mailto:erina.higgins@ashurst.com); [Jennifer.Chen@ashurst.com](mailto:Jennifer.Chen@ashurst.com); Daniel McCoach <[daniel.mccoach@rotsteins.com.au](mailto:daniel.mccoach@rotsteins.com.au)>; [Julie.Mills@ashurst.com](mailto:Julie.Mills@ashurst.com); Michael Bradley <[michaelb@marquelawyers.com.au](mailto:michaelb@marquelawyers.com.au)>; [nsd9502025@fedcourt.gov.au](mailto:nsd9502025@fedcourt.gov.au)  
**Subject:** NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR and NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR - Applicants' Interlocutory Application

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Dear Associate,

**NSD950/2025 JOSEPH TOLTZ & ORS v NICK RIEMER & ANOR**  
**NSD951/2025 JOSEPH TOLTZ & ORS v JOHN KEANE & ANOR**

We refer to the above proceedings.

We write to inform His Honour that the Applicants have today filed interlocutory applications and supporting affidavit material, as previously foreshadowed to the Respondents.

Per the interlocutory applications, the Applicants seek an extension of the respective timetabling orders made in these proceedings on 2 December 2025.

The Second Respondent in each proceeding consents to the Applicants' proposed orders. The First Respondent does not consent.

The solicitors for the Respondents have been copied into this correspondence.

Please contact the writer should the Court require anything further.

Kind regards,

**Upekha Wedage**  
**Associate**  
LPN 5515129



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W [www.rotsteins.com.au](http://www.rotsteins.com.au)

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