INQUIRY INTO ANTISEMITISM IN NEW SOUTH WALES

Organisation: Australian Academic Alliance Against Antisemitism (5A)

Date Received: 5 April 2025

Submission of the
Australian Academic Alliance Against Antisemitism
to the
NSW Legislative Council
Parliamentary Inquiry into Antisemitism

April 2025

Contents

The Australian Academic Alliance Against Antisemitism (5A) is pleased to have the opportunity to make this submission to the NSW Legislative Council Parliamentary Inquiry into Antisemitism. As an academic body representing the tertiary sector of both Jewish and non-Jewish staff in New South Wales, we address in this submission only matters relevant to our mandate. Our responses draw on the expertise of our members in key areas, as well as the major survey 5A conducted from April to July 2024 concerning antisemitism on university campuses. The issues listed in the Terms of Reference which are addressed in this submission are as follows:

> (a) the causes underlying the increasing prevalence and severity of antisemitic incidents across the state.
> (b) record levels of antisemitism on university campuses and in schools undermining student safety.
> (c) the threat to social cohesion in New South Wales presented by antisemitism.
> (h) the role of the Sydney Jewish Museum in providing Holocaust education for students.

The submission concludes with seven recommendations.

Introduction

The Australian Academic Alliance Against Antisemitism is a non-profit organisation born in the aftermath of the brutal Hamas attack on 7 October 2023. The organisation has grown very quickly and today consists of academics and professional staff from across 32 Australian universities. 5A acts as the main body representing the voice of both Jewish and non-Jewish staff who are concerned with the emergence of antisemitism on their campus in the Australian tertiary sector.

Our functional structure, from individual universities to state and federal representatives, has enabled the executive to be informed quickly of incidents and to take appropriate action. The organisation's reach includes activities in education, academic advice and peer support, combating anti-Israeli and BDS activity, responding to the media and misinformation, supporting legal and medical professional educator groups, advocating for Jewish academics and education professionals with sector regulators and University executives as well as tertiary sector membership bodies, and supporting individual students across all levels in responding to their own adverse experiences of antisemitism and bias in the classroom, publishing and professional development.

Antisemitic incidents across NSW

The causes of the increasing prevalence and severity of antisemitic incidents across the state are manifold. They relate to both general societal issues and those specific to the virus of antisemitism.

Racism has a long history in Australia and has taken three major forms: discrimination against and repressive treatment of the Aboriginal population; fear of the "Asian hordes" or the "yellow peril"; and suspicion of separate ethno-cultural identity among immigrant

or non-Anglo-Celtic groups, including Jews.[1] Within this broader picture, antisemitism in Australia has also manifested itself since the 1880s with the emergence of Australian nationalism.

Research into current antisemitism has demonstrated that it takes three principal forms. It begins with religious anti-Judaism, with different strands in both Christianity and Islam, then mutates into racial antisemitism, and, most recently, political antisemitism associated with anti-Israeli conflicts, in which ostensible criticisms of Israel can morph into an irrational hatred of Jews, as well as calling for the annihilation of the only Jewish country in the world. Often referred to as the "new antisemitism", this third manifestation constitutes a virulent strain in both high schools and universities. As will be discussed in answer to (b).

As in other parts of the world, antisemitism in Australia has been prevalent among those on the radical right, starting with the fears of Australia being flooded by foreign Russian Jews in the 1890s; the radical left, emerging within the Labor Party, starting with Labor figure Frank Anstey, for instance, who republished his anti-Jewish newspaper articles as a pamphlet in 1915 entitled 'The Kingdom of Shylock';[2] and later with extremist Islamic groups, beginning in the 1980s. Spikes in antisemitism have often been associated with events in the Middle East related to anti-Israel conflicts.

Since 2020, there have been three major factors which have contributed to the increasing antisemitism in NSW: the impact of the COVID-19 pandemic, which led to increased anti-Asian, anti-Arab sentiments, Islamophobia and antisemitism; The Voice referendum of 2023 which aimed to provide the Indigenous Australians constitutional status but was defeated, creating further fissures in Australian society that tended to escalate antisemitism; and the impact of anti-Israel conflicts, particularly the ongoing conflicts in Gaza since 2020.

COVID had a destabilising impact on Australian society and during this period antisemitism intensified.[3] The main area of increase in antisemitism due to COVID-19 was among right wing extremists who believe in conspiracy theories and mainly expressed their views on the social media site, GAB, a site favoured by extremists in both Melbourne and Sydney for its free speech policy. Their main theme is that 'the Jews are behind coronavirus.' As set out in an article in the *Times of Israel*, by Julie Nathan of the Executive Council of Australian Jewry, their messages focused on global antisemitic tropes and stereotypes, including negative images; the narrative that Jews or the Mossad

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[1] Suzanne D. Rutland, and Sol Encel, 'Australian Multiculturalism: Immigration, Race, and Religion", Wistrich, Robert S. (ed), *Antisemitism International 5-6 - Special Issue: An Annual Research Journal,* Jerusalem: Vidal Sassoon International Center for the Study of Antisemitism, 2010, p.66.

[2] Ibid., p. 70.

[3] Suzanne D. Rutland," The Impact of COVID-19: A Comparative Study of the Melbourne and Sydney Jewish Communities," *Contemporary Jewry*, vol. 41:1(Rutland, Suzanne D. The Impact of COVID-19: A Comparative Study of the Melbourne and Sydney Jewish Communities, *Contemporary Jewry*, vol.41:1 (2021), 247-272.

created the virus; that Jews are deliberately spreading it; it is a plot to take over the world; a Jewish hoax; and/or a money-making scam.[4]

Message from Victorian government photoshopped to change the word "together" to "Subjewed".[5]

The extremists also targeted Josh Frydenberg, at the time the Melbourne-based Australian Federal Treasurer, especially in relation to his being Jewish. Some of the comments about Frydenberg on GAB mocked the Holocaust, a form of Holocaust distortion.[6]

These attacks were particularly distressing for Frydenberg whose mother is a Hungarian Holocaust survivor. As a result of the threats from the extreme right-wing fringe, he required 24/7 police protection.[7] The anti-vaccine campaign also had an antisemitic strand and for religious Christians in which divine punishment of Jews also featured.

Even though this extremist narrative did not gain significant mainstream traction, the threats by the extreme right wing kept communal organisations busy in both Melbourne

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[4] Julie Nathan, "COVID 19 and the plague of online antisemitism", 26 May 2020, *Times of Israel Blogs*, https:// blogs. times ofisrael. com/ covid- 19- and- the- plague- of- online- antis emiti sm/. Accessed 27 May 2020.

[5] "Subjewed", Social Media site, GAB, https://gab.com/system/media_attachments/files/051/752/480/original/77020dd18154fc98.jpg?1588582326, Accessed October 25, 2020

[6] 'We have a Jewish Treasurer. Never forget the 6 gorillon stimulus packages' https://gab.com/Jamie14/posts/103866475929891039; 'Australian FERAL (((treasurer))) – (((frightenedberg))) announced 3rd stimulus package that will help 6,000,000 Who would have thought that was possible?' *The Australian Vanguard* reposted, https://gab.com/Zyklon_B/posts/103911369372892629; and '6 million. The Jewish Australian Treasurer miraculously uses his powers of gematria to ensure that precisely 6 million Australians get the Shekels. … Always with the 6 million. No more, no less https://gab.com/Jamie14/posts/103810047394570267.

[7] Evan Zlatkis, "Frydenberg 'targeted by racist extremists", *Australian Jewish News*, 6 May 2020, https://ajn. times ofisr ael. com/ fryde nberg- targe ted- by- racist- extre mists/. Accessed May 27, 2020.

and Sydney. Community security has been a top-order issue, and the Community Security Group (CSG) Victoria were vigilant in this, working closely with Victoria Police and the Jewish community.[8] Peter Wise, chairman CSG in Sydney explained in relation to these:

> ... keyboard warriors that hide behind a screen... It is very difficult to assess how much of it is real, how much of it is just rhetoric. But notwithstanding that, you still have to deal with it, and it is a very big part of what CSG does in anticipating future events. It's like being forewarned is forearmed.[9]

This antisemitism of the COVID period, 2020–2022, was further impacted on by the direct conflict between Hamas and Israel, with bursts of fighting in 2021, 2022 and 2023. This antisemitism manifested itself more on the left, particularly on university campuses and in the Labor movement. Since 1989, the Executive Council of Australian Jewry (ECAJ) has been producing an annual report of antisemitic incidences in Australia, with Julie Nathan assuming the role of writing the reports since 2013. In her 1 October 2023 executive summary (written before 7 October) she wrote:

> During the twelve-month period, from 1 October 2022 to 30 September 2023, there were **495 antisemitic incidents logged** by volunteer Community Security Groups (CSGs), official Jewish state roof bodies, and the ECAJ. In the previous 12-month period, ending 30 September 2022, these same bodies logged 478 incidents. Accordingly, there was an **increase of 3.5%** in the overall number of reported antisemitic incidents compared to the previous year (2022).
>
> Overall, from 2022 to 2023, there were substantial increases in the number of reported incidents in three categories: assault (up 120% from 5 to 11), vandalism (up 100% from 11 to 22) and verbal abuse (up 36% from 138 to 188). There were significant decreases in two categories: messages (down 17% from 76 to 63) and posters (down 30% from 123 to 86). Graffiti remained the same at 125. Of note, most of the incidents of assault were generally mild, people throwing objects at Jews, slapping and pushing Jews rather than assault causing serious physical harm.
>
> The average number of reported antisemitic incidents each year from 2013 to 2022 was 316. As such, the total number of reported incidents in 2023 is above that average by 179 incidents.[10]

The different categories of antisemitism operate consistently, but increases are associated with the impact of Arab conflicts with Israel. This has been demonstrated as a historical trend, with rises in antisemitism associated with anti-Israel conflicts. In her 2023 report, Nathan noted that it was a product of the three forms of antisemitism discussed above:

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[8] Written interview responses by Peter Kohn, journalist with the *Australian Jewish News*, 15 October 2020.
[9] Interview with Peter Wise, Sydney, 23 October 2020.
[10] Julie Nathan, *Report on Antisemitism in Australia 2023**, 1 October 2022 – 30 September 2023*, Sydney: Executive Council of Australian Jewry, p. 6.

The members of these groups are sometimes an uneasy alliance of people of mainly Western background from secular far-Left groups, such as Socialist Alternative and Socialist Alliance, and those of Arab and/or Muslim background with purportedly religious and conservative views, as well as some coming from a purportedly Christian perspective.[11]

This antisemitism has intensified with an unprecedented upsurge in the post-7 October 2023 period at all levels of NSW society, manifesting itself on three fronts: extreme left, particularly on university campuses as discussed below, the extreme right with neo-Nazi activities, and among more radical Muslims. This has been exacerbated by weekly protests in the Sydney city centre, protests and encampments on university campuses, abuse on social media, cancelling of those who express support for Israel's existence, silence and denial of the reality and negative impact of the violence of Hamas's attacks on Southern Israel (with key influencers denying the rape, torture and beheadings, killing parents in front of their children and vice versa and setting homes on fire, resulting in those habitants still inside being burnt alive, as well as the vicious attacks on those attending the Nova music festival, on 7 October).

Antisemitism on NSW university campuses

Issues of antisemitism on university campuses and in schools have increased significantly since 7 October, although it is important to recognise that they already had reached a high bar before 7 October 2023.

The anti-Jewish attacks on university campuses, which manifested themselves both overseas and in Australia after October 7, did not suddenly emerge without a pre-history. They were part of a growing trend which increased after the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in 2001. Subsequently, the Boycott, Divestment and Sanctions (BDS) movement emerged, especially on university campuses. These developments occurred in the context of accusations of apartheid and settler-colonialism against Israel, with the theoretical constructs of intersectionality and critical race theory adding to the growth of campus antisemitism. In addition to protests by left-wing activists from groups such as Students for Justice in Palestine, right-wing antisemitism drew on conspiratorial beliefs increased both overseas and locally. This is shown by a 2015 protest at the University of Sydney opposed to a lecture delivered by Colonel Richard Kemp from England.[12]

Since 2021, there has been an increase in the anti-Zionist narrative on Australian campuses, with anti-Israel resolutions being passed and anti-Zionist articles being published in campus newspapers, together with the resultant increase of antisemitic incidents. This was demonstrated by the Jewish Student Experience of Antisemitism

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[11] Nathan, *Report on Antisemitism*, Sydney: Executive Council of Australian Jewry, 2023, p. 233.
[12] S.D. Rutland, SD and W. Allington, "Countering Antisemitism at the University of Sydney, Australia", Virginia Stead with Dani Green, eds, *Confronting Antisemitism on Campus*, Peter Lang, 2023, pp. 195–211.

Survey (2023) initiated by the Zionist Federation of Australia (ZFA) with the support of Australasian Union of Jewish Students (AUJS) and private foundations and conducted by the Social Research Centre.[13]

Surveys of Antisemitism on Australian University Campuses, 2024

The ZFA/ AUJS survey was conducted over a three-week period in early 2024 and included current and recent Jewish university students and achieved 563 responses. The survey found that 64% of Jewish university students experienced some form of antisemitism, with 88% of respondents reporting that this had occurred in the last 12 months. Of these, 47% described 'intimidation by people or events'; 37% relating to 'tropes of Jewish money, power or influence'; 37% 'comparing Israel to Nazi Germany'; 30% 'Holocaust denial or minimisation'; and 25% being 'singled out or excluded over Israel'. More than half (57%) respondents hid their Jewish identity.

The survey also found that Jewish students lack confidence in their university complaints processes, with 85% impacted by antisemitism deciding not to make a complaint. Of the minority who did complain, 61% were dissatisfied with the outcome. They felt that if the university adopted a definition of antisemitism, they would be more confident in making a complaint.[14]

As demonstrated by the 5A survey conducted in 2024, these issues were all exacerbated after 7 October 2023. The aim of the survey was to: (i) evaluate the extent of antisemitism in Australian universities as experienced by Jewish students and staff; and (ii) assess the extent to which universities in Australia are taking active measures to ensure their campuses are free from antisemitism. Data was collected through an online survey conducted between 16 April and 31 July 2024. The survey was comprised of five demographic questions, eight fixed choice (seven with multiple parts), and three open-ended questions. The questionnaire specifically requested that only people who identify as Jewish should complete the survey.

After data cleaning to mitigate the risk of fraudulent responses, the total number of valid participants was 548. The distribution of participants by role was as follows: 66% students, 25% staff, 6% administration or management, and 3% other. Data was collected from 30 Australian universities. Notably, 39.8% of the sample came from universities in NSW, making NSW the second state after Victoria (46%) in its percentage of contribution to the survey findings. This high level of representation suggests that the survey findings are highly applicable to NSW. Table 1 below presents the distribution of participants across NSW universities.

Table 1. NSW universities representation in 5A survey, by percentages of participants

NSW universities	Percent of Data

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[13] Bren Carlill, Director of Public Affairs, Zionist Federation of Australia, "The Jewish University Experience Survey", May 2023, Social Research Centre.
[14] 'ZFA Survey Summary', September 2023, https://www.zfa.com.au/survey/. Accessed 22 September 2023. The physical campus ienvironment

Australian Catholic University	1.4%
Macquarie University	3.3%
The University of Notre Dame Australia	0.3%
The University of Sydney	18.0%
University of New South Wales	10.8%
University of Technology Sydney	5.3%
University of Wollongong	0.5%
Western Sydney University	0.3%
Total	**39.8%**

The survey did not define antisemitism, leaving respondents to interpret the term themselves in response to open-ended questions. The term campus was defined as: "University campuses' include both physical spaces (e.g. lecture rooms) and virtual spaces (e.g. social media). For the purposes of this survey, any space in which you interact in relation to your university affiliation is defined as 'campus'".

The findings reveal that the majority of students and staff do not feel safe on campus, with only 37% of participants reporting a sense of safety. Qualitative data further indicates that campuses are perceived as hostile environments for Jewish people.

The most frequently reported antisemitic experiences included "Graffiti, posters or flyers delegitimising the right of Israel to exist" and "Verbal or social media comments delegitimising the right of Israel to exist", each reported by 91% of participants. The significance of this finding is threefold:

> First, the findings suggest that the physical campus environment is just as hostile to Jewish people as the virtual campus.
> Secondly, the combined qualitative and quantitative data reveal that the majority of participants equate anti-Zionism with antisemitism. Consequently, the proliferation of posters across campuses delegitimising Israel and calling for its annihilation constitute antisemitic harassment, as perceived by the majority of participants.
> Finally, the findings suggest that simply enforcing campus rules and preventing the defacement of public spaces could lead to a marked improvement in Jewish students' and staff's campus experiences and significantly increase their sense of safety.

Another key finding is that 63% percent of participants reported "feeling ignored or excluded." A large majority of students (74%) reported hearing antisemitic comments in their presence, suggesting that antisemitic discourse has become normalised in campus environments. These findings demonstrate that the aftermath of 7 October had a profound social impact on Jewish people's relationships with both non-Jewish and Jewish individuals on campus, creating what can be described as a social earthquake or social reconfiguration. This is demonstrated by the findings that nearly half (49%) of participants reported a decrease in interactions with non-Jewish people, while 77% reported an increase in interactions with Jewish people.

A second rift occurred within the Jewish community itself, with 6% of participants reporting a decrease in interactions with other Jewish people and 11% reporting an increase in interactions with non-Jewish individuals.

Another key impact was that 45% of Jewish students reported staying off campus and avoiding classes. As well, 49% of participants reported decreases in both "publicly expressing political beliefs" and "publicly expressing connection to Israel," suggesting that Jewish people's freedom of speech has been suppressed on campus.

When asked about the source of the threat, 84% of participants indicated that the source is from the political left, whereas only 36% perceived the political right as the main threat. This finding reveals a progressive paradox, when left liberal ideals foster exclusion

The combined qualitative and quantitative data reveal that antisemitism is systemic across university systems. Antisemitism has been identified in policy enforcement, disciplinary procedures, administration, teaching and research practices, and coursework materials. Most respondents (60%) rated their university's actions against antisemitism between 0 and 3 on a scale of 0–10. Most staff (55%) considered their university's complaint procedures to be inadequate.

A summary of the main findings is as follows:
- Antisemitism is systemic across university systems.
- Virtual campuses increasingly merge with physical environments, with the boundaries between them becoming increasingly blurred. Participants report that both the physical campus and the virtual campus are equally hostile.
- Campus environments and imagery are among the most influential factors contributing to harassment and alienation of Jewish people
- Jewish people's freedom of speech has been silenced
- Antisemitism has become normalised. Regardless of the campus or the specific segment of the Jewish university population surveyed, findings consistently show that antisemitic culture has become pervasive and normalised across Australian universities.
- The majority of participants equate antisemitism with anti-Zionism.
- Responses are not uniform across universities. Qualitative data shows that Australian universities vary in their responses, with some being more effective than others in addressing antisemitism.

Overview of antisemitic agitation in NSW Universities

An overview of key incidents on two NSW campuses since 7 October 2023 is set out here. Macquarie and Sydney universities were selected due to the high media profiles of anti-Zionist and antisemitic academics or incidents there. Incidents occurred on other NSW campuses, particularly the University of Technology Sydney and the University of Wollongong, but less information about them was reported in the public domain.

To understand these incidents, it is essential to observe their uniqueness in Australian history. There has never been a national campaign of university disruption on this scale, not even during the widespread protests on university campuses against the Vietnam war in which Australia was directly engaged half a century ago. The Hamas-Israel war in Gaza was far less destructive than contemporaneous conflicts occurring in Congo, Ethiopia, Syria, Sudan, and Ukraine that have aroused no interest on campus. No foreign conflict ever enraged Australian academic staff and students more, no matter how much larger, deadlier or more geopolitically significant for Australia that the conflict has been.

Several notable incidents of anti-Israel activism epitomised antisemitic activity on campus. These have included protest camps on university grounds, published statements signed by staff expressing solidarity against Israel, National Tertiary Education Union adoption of a boycott of Israeli academia, and presence on campus of agitators external to university staff and students.

Less prominent features of anti-Israel activism include the weaponising student misconduct complaints against Zionist students. Activist students also disrupted lectures by forcing their way into lecture halls to announce protests, conduct impromptu surveys of student condemnation of Israel, and to photograph or film student responses to surveys without permission to do so. They abused academic staff and students who objected to these practices.

- **Protest camps** were established by university students, commencing at the University of Sydney about 23 April 2024,[15] and remained in place for most months during 2024. Other participating universities which had encampments included the Australian National University, Curtin University, Monash University, University of Melbourne, University of Queensland, and University of Wollongong. The protest camps occupied public spaces on Australian university grounds, such as central lawns or quadrangles, and occupied internal building space in some instances.[16]

- **A nucleus of anti-Israel activist staff**, often reinforced by their roles in the National Tertiary Education Union (NTEU), is usually essential to initiate and to snowball anti-Israel student activism. The staff are usually academic and located in the humanities and social sciences but can include the Health Sciences and Medicine and other faculties, where they focus research work on anti-Zionism. Statements were signed by academic staff expressing solidarity with Palestinian factions and against Israel and published online, especially in the journal

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[15] Daisy Dumas, "Australian university students are camping out in support of Gaza. Here is what you need to know" *The Guardian* 1 May 2024; https://www.theguardian.com/world/2024/may/01/australian-university-students-gaza-encampment-pro-palestinian-camping-protests .
[16] University of Melbourne.

Overland. Signatories included: Australian academics,[17] historians,[18] and legal scholars.[19] Open letters were signed by staff at University of Sydney,[20] and University of Western Sydney.[21]

- **External agitators** participated in protests on some Australian university campuses. The two principal such organisations were the far-left Socialist Alliance, which is an Australian political party,[22] and the Hizb-ut-Tahrir, which is a Muslim Brotherhood-allied Islamist party proscribed as a terrorist organisation in the United Kingdom.[23] The activist group "Stand 4 Palestine" formed an Australian organisational core for many anti-Israel protests run by Hizb-ut-Tahrir.[24] Although not typically registered as university clubs or societies, the Socialist Alliance and Hizb-ut-Tahrir have access to university grounds as public spaces.[25]

- **Foreign political influence** on Australian university campuses is poorly understood and regulated. Sometimes this influence is exercised through major grants to academic centres for Arab, Islamic studies or Middle East studies. For example, Qatar has donated USD $5 billion to universities in the USA in the past 20 years.[26] Australian academic centres are not currently required to disclose and report upon the purposes or conditions of such grants.[27] However, there can be no doubt that similarly-sourced donations have been given to Australian academic centres dealing with Middle East. Studies in the USA demonstrate that antisemitic incidents are substantially higher on university campuses that receive such

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[17] "Australian Academics Open Letter in Solidarity with Palestine and Call for Action" *Academics for Palestine,* published 6 November 2023; "On scholasticide in Palestine: an open statement" *Stop Scholasticide AU,* published 12 November 2024 in *Overland*; "The students must be defended, the University reimagined": a letter from Australia's University academics and professional staff *Australian University Staff in Solidarity with Students* published 17 May 2024, in *Overland*.

[18] "Statement from historians in Australia in solidarity with Palestine" *Historians for Palestine* published 12 December 2023 in *Overland*.

[19] "Open Letter to the Australian Government regarding the ICJ provisional measures ruling", *International Legal Scholars against Genocide* published 2 February 2024 in *Overland*; "An open letter from legal experts on the ICJ advisory opinion" *International Legal Scholars Against Genocide,* 22 August 2024 published in *Overland*.

[20] Nick Reimer, "Resisting the Israelisation of Western universities", published 6 May 2024 in *Overland*.

[21] University Staff in Solidarity with WSU Students, "Open letter to Western Sydney University in solidarity with students", published 17 October 2024 in *Overland*.

[22] About Socialist Alliance https://socialist-alliance.org/about.

[23] UK Government "Home Secretary declares Hizb ut Tahrir as terrorists",15 January 2024, https://www.gov.uk/government/news/home-secretary-declares-hizb-ut-tahrir-as-terrorists.

[24] "Extremist Islamist group infiltrates Australia's pro-Palestine movement" *The Jewish Independent* 17 June 2024, https://thejewishindependent.com.au/extremist-islamic-group-infiltrates-australias-pro-palestine-movement.

[25] "Hate comes to university campus" *The Age* 16 June 2024, https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif.html.

[26] Institute for the Study of Global Anti-Semitism and Policy, *The Corruption of the American Mind - How Foreign Funding of Higher Education in the United States Predicts the Erosion of Democratic Values and Antisemitic Sentiment on Campus,* vol. 2, 2024; https://isgap.org/follow-the-money/.

[27] Federal guidelines encourage university self-auditing, https://www.education.gov.au/guidelines-counter-foreign-interference-australian-university-sector/resources/guidelines-counter-foreign-interference-australian-university-sector

grants.[28] Sometimes foreign political influence is more subtle, such as by approaching academics directly rather than through their academic institutions. For example, one of the authors of this submission, upon establishing a minor news media profile concerning Middle East politics, was approached by the Doha Foundation, which offered a retainer to review grant applications and a fee of $2000 per review, presumably to exercise influence.

Academic freedom or incitement to racial hatred?

Protestors focus on the issue of academic freedom to justify their activities. Freedom of speech stands as a cornerstone of democratic societies, facilitating the exchange of ideas, engagement in robust debate, and the accountability of governments. As John Stuart Mill argued, in "On Liberty," the unimpeded exchange of ideas is crucial for intellectual and social progress. Mill posited that even erroneous or unpopular opinions carry inherent value, as they challenge prevailing dogmas and stimulate critical thinking. By safeguarding freedom of speech, societies cultivate a marketplace of ideas where truth is discerned through rigorous discussion. This liberty underpins other fundamental rights, empowering citizens to advocate for social change and justice. Thus, erosion of free speech imperils the very foundation of democracy.

Despite its paramount importance, freedom of speech has never been unlimited. The classic example, articulated by Justice Oliver Wendell Holmes, posits that falsely shouting "fire" in a crowded theatre is not protected speech, as it poses a clear and present danger to public safety. This principle underscores that speech inciting violence or panic is justifiably restricted to prevent harm.

Permissible limits on speech unquestionably include the regulation of violence, of the threatening of violence and of serious vilification. Hate speech, which fosters discrimination and violence, presents a significant regulatory challenge. Regulating hate speech entails a delicate balance; excessive restrictions risk a chilling effect, deterring individuals from expressing legitimate views and stifling open discourse. In drafting regulations, there needs to be clear attention to the impact of the law. On the other hand, the victims of unregulated free speech are silenced if we do not regulate their detractors, as demonstrated by the findings of the 5A survey for a large proportion of both Jewish students and staff.

Academic freedom is an extension of freedom of speech within educational institutions. It allows scholars to pursue knowledge without interference or censorship. This freedom is vital for the advancement of knowledge, fostering an environment where ideas can be rigorously tested and debated. As set out in our mission statement, 5A champions academic freedom and honest enquiry.

The definition of academic freedom used in this submission is that adopted nationally in Australia, namely that set out in the Model Code proposed by former High Court Chief Justice Robert French as modified. It defines "academic freedom" in the following terms:

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[28] ISGAP, *The Corruption of the American Mind - How Foreign Funding of Higher Education in the United States Predicts the Erosion of Democratic Values and Antisemitic Sentiment on Campus,* vol. 2, 2024, https://isgap.org/follow-the-money/.

- the freedom of academic staff to teach, discuss and research and to disseminate and publish the results of their research;
- the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- the freedom of academic staff to participate in professional or representative academic bodies;
- the freedom of students to participate in student societies and associations;
- the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which these are taught and the choices of research activities and the ways in which they are conducted.

The Model Code also states that "Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions:

- imposed by law;
- imposed by the reasonable and proportionate regulation necessary to the discharge of the university's teaching and research activities;
- imposed by the reasonable and proportionate regulation necessary to discharge the university's duty to foster the wellbeing of students and staff;
- imposed by the reasonable and proportionate regulation to enable the university to give effect to its legal duties;
- imposed by the university by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery."

Thus, the Model Code indicates that Australian universities are not allowed by ruse of Academic Freedom to shirk legal their responsibilities. Implementation of the Model Code is reported in the annual reports of all Australian universities under a statutory obligation.

Prohibitions imposed by law, as referred to in the Model Code, are the first restraint upon exercise of academic freedom. When proscribed under criminal law, transgression of prohibitions can carry consequences of criminal sanctions. Under NSW law, the *Crimes Amendment (Inciting Racial Hatred) Act 2025* makes it a crime to intentionally and publicly incite hatred towards another person, or group of people, on the grounds of race. Section 93ZAA of the *Crimes Act 1900* requires that the act contain the following elements:

- It must be a public act;
- The public act must incite hatred;
- The incitement to hatred must be intentional; and
- The intentional incitement to hatred must be on the basis of race.

In contrast, civil law procedures that seek to prevent hate speech aim to reconcile the parties or award compensation. Under the Commonwealth *Racial Discrimination Act*, it is unlawful to say or do something reasonably likely to offend, insult, humiliate or intimidate another person or group if the thing is done because of the race, colour or national or ethnic origin of the person or group.

Conditions imposed by law, as referred to in the Model Code, include tertiary education quality standards that require universities to ensure a safe academic environment for staff and students. In terms of the matrix above, these comprise administrative and educational measures.

Governmental interventions in response to antisemitism on campus can be conceived of across a range of measures from criminal law to educational training, illustrated in the table below, setting out a hierarchy of legal consequences for incitement to racial hatred, from criminal penalties to remedial education. These legal consequences do not conflict with Academic Freedom as defined in Australia under the Model Code.

Table 1. Matrix of hate speech legal categories and consequences.

Category	*Criminal*	*Civil*	*Administrative*	*Educational*
Consequence	Sanction incitement	Reconcile parties	Resolve complaints	Train to understand

Safety and security failures

Federal Higher Education Threshold Standards adopted pursuant to the *Tertiary Education Quality and Standards Agency Act*, section 58, require that a higher education provider must meet Threshold Standards section 2.3.4: 'A safe environment is promoted and fostered'.

In the light of the findings of the 5A survey discussed above, we argue that the NSW universities have failed to ensure a safe environment. Some resorted to advising students and staff not to attend the campus, or parts of campus, or to work and study from home and have established safe rooms or spaces. Yet, we argue that the proposals to institute safe spaces or rooms for Jews are equivalent to ghettos.

The review of campus antisemitism at the University of Sydney was conducted by a legal specialist in workplace safety. The report, by Bruce Hodgkinson AM SC, addressed workplace safety obligations, psychosocial harm and relevant performance shortcomings at the University of Sydney. The report noted that the provision of security services was not appropriate to ensure the safety of visitors in some circumstances and that operational protocols and agreements with police were needed.

Most importantly, university executive management teams failed to use enforcement powers already available to them. University Council have the powers to mandate, and campus security services have powers to implement, safety measures that were

neglected. For example, a university has full authority to remove trespassers and encampments, to curtail occupation of buildings, to prevent and punish office invasions, and to remove people and objects blocking access routes. Security services have the authority to request student and staff identification, to utilise surveillance cameras and to require that identities are not hidden by face masking. University premises are zoned under municipal laws as spaces for public access, subject to the discretion exercisable by executive management to exclude troublesome persons.[29]

A major feature across NSW university campuses with few exceptions, has been abject failure to implement existing University standards. These standards are comprised of binding rules and guidelines. Binding rules are typically termed Enterprise Agreements, Rules, and Codes of Conduct, and guidelines are typically termed Policies, Procedures, Plans, and Guidelines. Binding rules include obligations not to harass, bully, racially discriminate, or break criminal laws. Many antisemitic activities on NSW university campuses were breaches of binding rules that universities declined to enforce. We argue that these failures reflected choices to take the easiest paths of least resistance, least moral judgement, and least leadership.

The mismanagement of academic freedom and campus safety at Macquarie University and the University of Sydney illustrate the governance challenges in dealing with antisemitism on NSW university campuses.

Macquarie University

On 14 March 2024 a 5A member complaint was made to Macquarie University Vice Chancellor, Chancellor, and deputy vice chancellor, regarding antisemitism at Macquarie University and in social media posts by a Macquarie University academic. Examples of the social media posts include: in October 2023 celebrating Hamas terrorists arriving by paraglider to commit massacres in Israel; in February 2024 urging followers to ensure that Zionists have no culturally safe spaces in Australia; and, in December 2024, wishing for the end of Israel in the New Year. On 29 April 2024, the academic led small children to chant for intifada, a call for violent insurgency, at the University of Sydney encampment.

On 24 January 2025, the academic revealed at a symposium that she disregarded a condition of her Australian Research Council academic funding requiring the holding of a conference, that she bends the University rules when opportunity offers itself, and that she will not acknowledge the academic work of scholars who do not stand against Israel who do not stand against Israel.

University of Sydney

On 19 March 2024, the University of Sydney Abroad Fair was held at the Law School and in the Susan Wakil Health Building. Professor Milette Shamir (Vice President International) and Sharon Ziv Kafri were invited representatives from Tel Aviv University, to promote student exchanges. Anti-Israel demonstrators disrupted the exchange fair by invading the lobby where the representatives were positioned, just meters away from them, and yelled accusations, waved Palestinian flags and chanted antisemitic slogans. University of Sydney security personnel then locked the building doors, not allowing

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[29] For example, see the *University of Sydney Campus Access Rule* 2009, clause 4.

people to enter, but allowing people to leave. However, they did not intervene during the incident, thereby effectively supporting the intruders in silencing freedom of speech and academic freedom, as no students could come to the building and interact with the delegation. The incident arguably breached Higher Education Threshold Standards section 6.4.1: The governing body is to 'develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected'.

On 28 March 2024, a complaint was made by members of 5A about the incident to the Vice-Chancellor's chief of staff, Darren Goodsir. It was treated as a complaint about student conduct and was passed to the Student Affairs Unit (SAU) under the Student Complaints Procedure. The SAU decided that there was no evidence that the conduct of any specific student breached University policies. The SAU dismissed elements of the complaint made by the University of Sydney 5A staff. The Tel Aviv University President wrote to the Sydney University Vice Chancellor Mark Scott expressing his deep concern. No adequate apology was made by the Vice-Chancellor Mark Scott.

On 23 April 2024, an anti-Israel encampment was established upon the lawn in the University of Sydney quadrangle by student and staff activists.[30] The encampment was the site of anti-Israel rallies, chanting, flags and banners and symbols. The University negotiated with the students for several weeks to vacate the encampment and to allow other students to use the space and, on 14 June 2024, ordered them to vacate. The encampment was disbanded in late June 2024 following major concessions by the University, discussed below.

On 2 May 2024, Vice-Chancellor Mark Scott said that the slogan "from the river to the sea, Palestine shall be free" – widely understood as a call for the elimination of the Jewish state, did not breach the institution's code of conduct and its use was the "discomfort" of maintaining free speech. He said that calls for an intifada against Israel did not meet the threshold for disciplinary action under the university code. He requested legal advice from the Federal Attorney-General on this matter, but that request was declined. He said that explicit calls for violence and endorsements of terrorism were banned.

On 6 May 2024, Hizb ut-Tahrir, a radical Islamist organisation proscribed as a terrorist organisation in the United Kingdom due to its glorification of terrorism, marched around the University of Sydney campus.[31] Hizb ut-Tahrir is the organisation behind its front-facing group Stand for Palestine, which is responsible for organising anti-Israel protests.[32]

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[30] Sandra Kallarakkal, "What is the University of Sydney encampment?", *Honi Soit,* 1 May 2024, https://honisoit.com/2024/05/what-is-the-university-of-sydney-encampment/.

[31] Tom Burton, "Sydney Uni VC asked security about terror groups at protests", *Australian Financial Review* 4 September 2024, https://www.afr.com/policy/health-and-education/sydney-uni-vc-asked-security-about-terror-groups-at-protests-20240904-p5k7ss.

[32] Nick McKenzie, Marta Pasqua Juanola, Anne Worthington, "Hate comes to university campus but hides its face", *The Age* 16 June 2024, https://www.theage.com.au/national/hate-comes-to-university-campus-but-hides-its-face-20240613-p5jlif.html.

In late May, further complaints were made directly to the university's senior executive leadership by University of Sydney 5A staff, concerning broader aspects of the harmful campus situation. A non-comprehensive list of key issues included complaints about: protests calling for violence; encampment activities that are hateful and intimidating; hateful posters on campus; hate speech on internal electronic discussion boards and all-staff distribution emails; external professional agitators on campus; and threats to the safety of Jews on-campus. The University's senior executive engaged with 5A staff, but the outcomes are best described as placatory inaction.

On 25 July 2024, the University of Sydney Academic Senate commissioned a review of campus antisemitism.[33] Mr Hodgkinson's expertise in workplace safety produced useful recommendations on campus safety. The most useful recommendations pertained to prohibiting disruption of lectures and to imposing penalties on student organisations for engaging in prohibited activities, such as posting banners outside designated areas or displaying offensive posters. His report also recommended a new standard compulsory standard of civility in academic discourse and a naive requirement for clarity and context in discourse. On 26 November 2024, the University Senate accepted in principle the Hodgkinson report recommendations. The recommendations are set out at Annex 3.

On 22 June 2024, the University agreed to a concessional deal with the encampment, comprising the University of Sydney Muslim Students Association, a major faction among the encampment protesters, together with Stand 4 Palestine. The agreement capitulated to demands for review of University of Sydney in engagements with military research and for military divestments from Israel.[34] Chair of the NSW Jewish Board of Deputies, David Ossip, said that "The University's engagement with the Jewish community has been thoroughly deceptive and insulting. Despite assurances to the Jewish community that any offer to the encampment was off the table and that the University would be pursuing alternate options to clear the encampment, the University instead reopened negotiations with a group dominated by Hizb ut-Tahrir. When we found out about these negotiations on Wednesday and formally requested immediate crisis talks, Mark Scott ignored this request and has still not picked up the phone to us .... No amount of mealy-mouthed pro forma spin from the University should be allowed to distract from the utter shame of the University's behaviour or the pathetic terms they have agreed to."[35]

On 20 September 2024, during a parliamentary inquiry, the Vice-Chancellor, Mark Scott, admitted that he had failed Jewish students and staff in his handling of anti-Israel protests and personally apologised for that failure.[36]

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[33] University of Sydney, "University receives Hodgkinson External Review report", 27 November 2024, https://www.sydney.edu.au/news-opinion/news/2024/11/27/university-receives-hodgkinson-external-review-report.html

[34] Noah Yim, "Fury at Sydney University's 'capitulation' to protesters", *The Australian,* 22 June 2024, https://www.theaustralian.com.au/nation/fury-at-sydney-universitys-capitulation-to-protesters/news-story/4113cd26653d89a3c0aa7c9f9b84c4ed.

[35] Ibid.

[36] Isobel Roe, "University of Sydney vice-chancellor Mark Scott apologises to Jewish students over Students for Palestine encampment", *ABC News,* 20 September 2024, https://www.abc.net.au/news/2024-09-20/sydney-uni-vc-mark-scott-apologises-for-anti-semitism-on-campus/104376840.

Antisemitism in NSW Schools

As with universities, antisemitism manifesting itself in schools is not a new phenomenon. It has been increasing since early in the twenty-first century but has also increased in intensity since 7 October. A qualitative, ethnographic study of antisemitism in government schools, undertaken by Zehavit Gross and Suzanne D. Rutland from 2009–2015, revealed significant problems of antisemitism in both the classroom and playground. As demonstrated by the Brighton Secondary Case, in Victoria, with five student plaintiffs who experienced antisemitic incidents from 2011–2020, it is, indeed, a whole school and a wider departmental problem.[37]

In 2023, the Blueprint Institute undertook to carry out a study of the prevalence and nature of antisemitism in New South Wales government schools, both primary and high schools among both teachers and administrators, and commissioned MyGov to undertake the research. While the questions and the design of the research were developed before the 7 October attack, the actual survey was carried out in November 2023. A total of 510 teachers responded, with 31 per cent coming from NSW and, overall, two-thirds responding coming from the secondary sector. Of those who responded, overall 24 percent responded positively to one or more of the three questions relating to antisemitism. In a summation of their findings, the authors of the report stressed that:

> The notion that antisemitism is a narrow issue, only present in the few schools that have a Jewish community, is refuted by the data. By way of example, in New South Wales, 17% of respondents from a broad, representative sample of public schools reported witnessing antisemitism. That stands in stark contrast to the three percent of schools in New South Wales that have at least one Jewish student.[38]

Downey et al (2024) also pointed out that "Our research suggests little has improved" since the findings of the Gross and Rutland study (2014)[39] in terms of antisemitism in government schools. They referred to recent media reports from both the private and public school sectors which provide insight into the antisemitism students continue to experience. For example, in Sydney, students at Knox Grammar, on Sydney's North Shore praised Hitler in a private Discord server called "Gang Gang."[40] At the prestigious Cranbrook School in the Eastern Suburbs where the majority of Sydney's Jewish

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[37] See D. Mortimer, CJ, 'Kaplan v State of Victoria (No 8) [2023] FCA 1092', Full Judgement, Federal Court of Australia.

[38] Centre for Education Statistics and Evaluation, https://education.nsw.gov.au/about-us/education-data-and-research/cese/data-services/open-data, as cited in L. Downey, M. Ouliaris, C. Poulton, S. Black, and M. An Tran, "Antisemitism in Australian schools: an examination," Blueprint Institute, 2024, p. 7, https://www.blueprintinstitute.org.au/antisemitisminschools.

[39] Zehavit Gross and Suzanne D. Rutland, "Combatting Antisemitism in the School Playground: An Australian Case Study", *Patterns of Prejudice*, London: Taylor & Francis Online, vol. 48, no, 3, 2014, pp. 309-330.

[40] Sam McPhee, "Holocaust survivor offers to meet with private schoolboys after vile 'I hate gays, Jews' messages came to light from a secret chat room: 'They will realise there's nothing remotely funny'", *Daily Mail*, https://www.dailymail.co.uk/news/article-11167807/Knox-Grammar-schoolboys-meet-Holocaust-survivor.html. As cited in Downey, et al, p. 8.

population live, Jewish students were subject to antisemitic slurs and Nazi salutes.[41] At the nearby Rose Bay Secondary College, a student was told by another student that he would go back in time and become Hitler to "hunt down his family and stop the bloodline."[42] Jewish students and teachers at Waverley College, as on the East reportedly felt it necessary to transfer to escape the school's "strong culture" of antisemitism. As Downey et al (2024) state, these are just a few examples of this broader phenomenon.[43]

These issues have been further highlighted by recent doctoral research undertaken by Greg Keith through an in-depth online survey of 71 history teachers in NSW, followed by individual follow-up interviews of 20 teachers who agreed to be interviewed in person. The original focus an in-depth study of Holocaust education in the state and there was no specific question relating to antisemitism. Yet, to the surprise of the researcher, in response to a general question asking the teachers about the challenges they faced in teaching the Holocaust, about a third responded with "antisemitism" being one of the major challenges they were facing. These interviews were carried out during and after the period of the COVID-19 epidemic, a time of increased antisemitism as discussed above.

In his survey, Greg Keith asked for schools' postcodes, so that all schools were deidentified, but he did ask if they were government or private schools and whether they were co-ed or single sex. As he wrote in his findings, he identified three broad strands of antisemitism:

> ... the Muslim antisemitism of the south-western suburbs that manifests in boys' and co-ed public high schools with large numbers of Arabic-speaking students; Anglo antisemitism of the north shore and eastern suburbs, predominantly linked to exclusive private boys' and co-ed schools but also found in boys' and co-ed public high schools; and finally a previously undocumented strand of antisemitism that exists in students from the Croatian community of western Sydney and can be traced to an influx of Croatian migration post-World War II..[44]

These three strands represent the different iterations of antisemitism discuss above, and to understand the intensification of antisemitism post 7 October, it is important to recognise the different ethnic and political factors contributing to this upsurge.

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[41] Caitlin Fitzsimmons, "Cranbrook School delayed acting on Nazi salutes, anti-Semitism, families say", *Sydney Morning Herald* (*SMH*), 8 September 2022. https://www.smh.com.au/national/nsw/cranbrook-school-delayed-acting-on-nazi-salutes-anti-semitism-20220908-p5bggc.html. As cited in Downey, et al, p. 8.

[42] Caitlin Fitzsimmons, "'I'll stop your bloodline': Anti-Semitism reports grow across Sydney schools", SMH, https://www.smh.com.au/national/nsw/i-ll-stop-your-bloodline-anti-semitism-reports-grow-across-sydney-schools-20220909-p5bgrf.html. As cited in Downey, et al, p. 8.

[43] Downey et al, p. 8.

[44] Gregory Allan Keith, "Holocaust Education in Sydney and Regional NSW Classrooms", submitted as a doctoral thesis, University of Sydney, October 2024.

Sydney Jewish Museum Holocaust Education

Holocaust education has been seen as an important tool to counter antisemitism among members of the NSW community and visits to the Sydney Jewish Museum (SJM) have been strongly promoted by the Jewish community leadership. However, as with all educational endeavours it is not a panacea and without proper structure and professional development, it can even be counterproductive.

For many years the SJM has been running professional development programs for NSW Holocaust educators. Research into Holocaust education in NSW has found that student visits to the SJM have been very effective in the past because of the central role played in speaking to the students by Holocaust survivors who have been 'an indispensable part of museum visits for many years'. Students consistently report that meeting a survivor is a highlight of their excursion to Holocaust museums, but as the generation of survivors becomes smaller each year, educators will need to explore the alternative options'. These include the use of digital testimony – be it online video testimony or "holographic" images.

The SJM has recognised this challenge, and it has developed Holographs with six key survivor guides, including the well-known Eddie Jaku, who wrote the book, *The Happiest Man on the Earth*. While it is too early too to be definitive, SJM museum educators have found to their surprise that this new technology is very effective and that the students respond well to this new format, asking many questions which normally fit into the vast repertoire of questions which museum staff developed for this new technology.

Research, reinforced by the newest study by Greg Keith, has demonstrated that this a real danger of just teaching about the period of the Holocaust, rather than also including material on Jewish life before the Holocaust and, importantly the rebuilding of Jewish life after the Holocaust – both in the Diaspora and in Israel. If this is not done, students are only aware of 'dead Jews'. The SJM is currently undergoing a major renovation with the aim of significantly expanding its displays of contemporary Jewish life.

Another key issue is the need for teachers to have good knowledge of teaching and learning about the Holocaust, both in terms of good content knowledge and effective pedagogy. Without those elements, teaching of the Holocaust, including visits to the SJM, will be less effective. The problem of inadequate teaching and learning about the Holocaust was revealed during the Brighton Secondary College case in Melbourne. The teaching of the Holocaust memoir, *Maus*, presented in cartoon form by Art Spiegelman, whose family survived in hiding during the Holocaust was part of the Year 9 [Stage 5] English curriculum at the school. However, students did not take the topic seriously, misbehaving in class and laughing in class about the story, with the class teacher failing to respond in an appropriate fashion. The plaintiffs and their witnesses complained that after the teaching of *Maus*, antisemitic incidents increased in the school. Indeed, the Year 9 coordinator found 11 swastikas carved into the desks in one classroom, which for the Jewish students in that class, some of whom had Holocaust background, was highly offensive. When they reported this inappropriate behaviour, including complaints to the

principal, no action was taken and complaints even ignored. As Chief Justice Mortimer wrote in her judgement in the Brighton Secondary College case: 'The irony of imposing the study of *Maus* on BSC students while this kind of behaviour went on, and was dealt with inadequately and sometimes not at all, is a stark one.'[45]

In the final chapter of his thesis, Greg Keith examined the impact of professional development on the teaching of Holocaust education through interviews with teachers who had participated in the Gandel Program at Yad Vashem, which is tailored to the needs of Australian Holocaust educators. He wrote:

> As will be seen, significant professional development has the potential to increase teachers' impacts on their students. Graduates from the Gandel program at Yad Vashem seem to be less likely to make some of the mistakes that have appeared elsewhere in this research, namely setting unrealistic classroom goals and failing to adjust their content to suit those goals. They are also more likely to recognise antisemitism in the classroom and respond appropriately to it.[46]

He argues that the efficacy of Holocaust-related professional development for teachers has been under-researched, but his analysis found that that it definitely has led to improvements in the approach of Gandel graduates teaching about the Holocaust as opposed to those teachers who had not undertaken the program. He also found that local professional development can lead to improvements in teaching and learning approaches and, here again, the SJM can play an important role in assisting to make Holocaust education more effective.

Threats to NSW social cohesion presented by antisemitism

Increased antisemitism at both university and school level clearly has a negative impact on social cohesion. As stated in the executive summary of the Blueprint Institute's survey:

> It is important to note that a rise in antisemitism—or indeed the vilification or dehumanisation of any minority group—have been shown to be leading indicators of democratic backsliding and dehumanising levels of social cohesion. (sic) These are issues of critical importance to all Australians, regardless of race, background, or religion.[47]

This threat is highlighted by the annual mapping of social cohesion by the Scanlon Foundation. The Scanlon Foundation's 2023 Mapping Social Cohesion found that nearly 90 per cent of those surveyed agreed that "multiculturalism has been good for Australia", while 86 per cent agreed that "immigrants are generally good for Australia's economy". At

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[45] D. Mortimer, CJ, 'Kaplan v State of Victoria (No 8) [2023] FCA 1092', Full Judgement, Federal Court of Australia, para 102, p. 34.

[46] Keith, p. 272.

[47] Downey, at al, Blueprint Survey, Executive Summary, p. v, and Josh Butler "Australian MPs plead for social cohesion amid fears over Israel-Hamas conflict reverberations", *The Guardian*, 16 November 2023, https://www.theguardian.com/australia-news/2023/nov/16/australian-mps-plead-for-social-cohesion-amid-fears-over-israel-hamas-conflict-reverberations.

the same time, the report found that "social cohesion is under pressure and declining". The report commented:

> Australia has been faced with a challenging set of circumstances in recent years. Since the end of 2019, we have experienced severe bushfires, COVID-19, severe floods and a cost-of-living crisis to name but a few, with no respite between events and in the midst of a world struggling with geopolitical tensions and conflict.[48]

The report found that there was a continuous decline from 2022 "in our sense of national pride and belonging, increasing financial strains and a weakening sense of social inclusion and justice were warning signs of further weakening in our social fabric" (O'Donnell, 2023, pp. 12-15). These findings resulted in the lowest score, of 79, since the Scanlon Foundation began its annual surveys. There was a decline in the sense of trust in other people, from 52 percent in 2022 to 47 percent in 2023, with a significant increase in a sense of pessimism in Australia's future, from 24 to 41 percent, in the same period. The report stressed that the decline in sense of belonging, combined with these issues, impacts negatively on people's happiness and wellbeing, reinforcing previous results.[49]

In the conclusion of the 2023 Mapping Social Cohesion report, O'Donnell (2023) noted that:

> At a global level, geopolitical conflict and tension is a risk to Australian harmony, as while we are (usually) geographically distant, we are connected to all sides of current conflicts through our migrant and ancestral diversity, as well as the diversity of our values and ideas (p. 97).

These factors are particularly pertinent to the events of 7 October 2023. The Hamas attack on the Israeli communities abutting the Israeli-Gaza border, as well as on the Nova Music Festival in the same region, saw 1,200 Israelis murdered with 251 being taken hostage. This was followed by an Israeli military response that greatly intensified social divisions in Australia. The way each of these issues have played out over the year following the Hamas attack has had a negative impact on Australian society both because of migrant diversity and differing values and ideas.

Commenting on these ongoing tensions to the media, Dr Bulent Hass Dellal, executive director of Multicultural Australia stressed:

> Our challenge is to try and break that cycle of hate, learn from history and to move forward," he said. "And I think as a nation we have been prepared to face those challenges because we, as a community, are very much engaged in developing good social policies and engagement. The challenge is to break that cycle of

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[48] J. O'Donnell, *Mapping Social Cohesion 2023*. Canberra: Commonwealth of Australia, 2023, p. 12.

[49] K. A. Allen and P. Kern, *Boosting school belonging in adolescents: interventions for teachers and mental health professionals,* Abingdon, UK: Routledge, 2019.

discrimination and hate and conflict and [to ensure] we do not pass it on to a new generation of Australians.[50]

Within that that 'cycle of hate', NSW antisemitism has played a central role. Different strata of NSW society each has its own variety of antisemitism, whether religious, racial or political. Because of the multi-causal nature of antisemitism, emanating from the different groups and political entities in our society, finding solutions also requires and multi-faceted approach, with a recognition of these complexities and nuances.

To mark fifty years since Labor Minister for Immigration, Al Grassby, wrote his policy document introducing the concept multiculturalism in 1973, the 2023 Labor government decided to conduct a review of Australian attitudes to multiculturalism. In addition, the Federation of Ethnic Communities' Council of Australia (FECCA) conducted its own study to mark the fiftieth anniversary. Their aim was to "undertake a comprehensive reflection on the current state of multiculturalism from the perspective of from culturally and linguistically diverse (CALD) backgrounds".[51]

The government review acknowledged the current challenges discussed above. Its executive summary stressed that:

> Australia has experienced substantial changes since Grassby's speech in 1973. We are now facing a new era of uncertainty, where the beliefs and concepts we previously counted on for stability are being put into question by changing circumstances. This Review is vital in steering through these changes and moulding a positive future for coming [52]generations.

Similarly, the FECCA survey revealed a sense that the respondents did not feel that the state and federal governments adequately represented their needs with the survey finding that there was a very low trust in government.

There are clearly challenges in terms of how to move ahead and improve the situation for multicultural Australia. The federal government review enumerated 29 specific steps that were required to improve the situation and ensure that Australia continued to be a successful multicultural society. These were framed around three main concepts:

1. **Connection** - setting the foundations of a multicultural Australia through leadership, planning, and accountability between three tiers of government and communities.
2. **Identity and belonging** - creating a welcoming Australia through English language programs, citizenship policy, and participation in arts, culture, sports, and media.

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[50] J. Kelly, 'Multiculturalism at a crossroads', say leaders", *The Australian*, 19 April 2024, https://www.theaustralian.com.au/nation/politics/multiculturalism-at-a-crossroads-say-leaders/news-story/f5cd3dcb7683469685ecc381118c0421, Accessed

[51] FECCA *Australian Multiculturalism Survey: Findings Report*, Melbourne: Migration and Inclusion Centre, Monash University, 2024.

[52] B. Dellal Hass, C. Castley, and N. Nyoun, *Towards fairness: a multicultural Australia for all*. Canberra: Commonwealth of Australia, 2024, https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-framework-review/australian-government-response, p. 11

Experiences of discrimination and racism comprise the second of the top ten themes identified in submissions to the Review.

3. **Inclusion** - building cultural capability into public services, modernising grant programs, ensuring digital inclusion, ensuring a sustainable language services sector, and meeting the unique needs of young people and regional areas.[53]

Recommendations

The Australian Academic Alliance Against Antisemitism makes the following recommendations recognising the important role that the State of New South Wales legislature and Parliament have in combating racial hatred. The Parliament has legislative jurisdiction to establish legally binding frameworks and the executive has powers to institute improved governance to combat antisemitism. Universities and schools in NSW are constituted pursuant to and are subject to all state laws.

Recommendation 1 – stop racist messaging

There must be strict prohibition of and enforcement against school and campus defacement. Schools and universities must enforce and expand existing policies that prohibit and penalise the defacement of public spaces. Campuses should be cleared of unauthorised posters, flyers, megaphone use during class hours, and other physical disruptions. Campuses failing to do so within 24 hours of reporting should be subject to automatic financial penalties.

Recommendation 2 – policies required for online spaces.

As online spaces increasingly merge with physical environments, the boundaries between them have become increasingly blurred. Policies must ensure safety not only on physical campuses but also within virtual spaces. Universities and schools need to develop policies that ensure the safety of Jewish students and people not only on their physical campuses but also within virtual spaces.

Recommendation 3 – free speech education

Schools and universities must implement explicit educational measures to restore and protect free speech and academic freedom as defined in the Model Code for Jewish staff and students. Effective actions may include public debates, compulsory educational modules for all students and staff, and a requirement that coursework materials related to the Middle East present all sides of the conflict fairly and equally. Action to challenge and reverse normalisation of antisemitic discourse requires education.

Recommendation 4 – educate the educators

Professional development is key for school and university leadership, as well as teachers in schools and lecturers and tutors at university. It is important to acknowledge that Holocaust education should be only part of the educative

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[53] Australian Government, *Multicultural framework review – Australian government response*, Canberra: Department of Home Affairs, 2024 https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-framework-review/australian-government-response, p. 3.

process since it does not assist educators and management to understand the more modern manifestations of antisemitism. Professional development needs to also include effective pedagogy, especially at school level for Holocaust education. Such programs need to be ongoing because one-off programs cannot shift attitudes.

Recommendation 5 – use a local approach

Research indicates that levels of antisemitism can vary both at school level, depending on sociocultural factors and geography, and there can also be differences at university level. School and university leaderships contribute to these differences. It is important to concentrate efforts on those educational institutes which report the highest level of antisemitic incidents, described by the Blueprint Institute as 'hotspots'.

Recommendation 6 – ensure enforcement action

The persistent gap between rhetoric and action — where schools and universities profess zero tolerance for antisemitism but take little to no concrete action to prevent it — must be addressed. Institutions must demonstrate the same level of commitment to tackling antisemitism as they have shown in addressing sexual harassment on university campuses. Institutions that demonstrate a pattern of failure should be subject to external correction, such as by financial penalties and placing under external administration.

Recommendation 7 – shine a light on foreign influence

Foreign political influence should be discoverable and transparent. Annual reports setting out all donations should be tabled in Parliament as part of university annual reporting. The NSW Auditor-General should conduct an investigation of foreign political influence in NSW universities. A report should then be tabled in the NSW Parliament for information and discussion of follow-up action.

Submitted on behalf of the Australian Academic Alliance Against Antisemitism on 5 April 2025 by:

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