

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND
COMMUNITIES**

ANTISEMITISM IN NEW SOUTH WALES

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At Macquarie Room, Parliament House, Sydney, on Friday 4 July 2025

The Committee met at 9:00.

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. Susan Carter

Dr Amanda Cohn (Deputy Chair)

The Hon. Greg Donnelly

The Hon. Scott Farlow

The Hon. Stephen Lawrence

The Hon. Jacqui Munro

The Hon. Cameron Murphy

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The CHAIR: Welcome to the third hearing of the Committee's inquiry into antisemitism in New South Wales. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Robert Borsak, and I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of their evidence at the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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Mrs MIRIAM HASOFER, College Principal, Moriah College, affirmed and examined

Ms LINDA EMMS, Principal, Emanuel School, sworn and examined

Associate Professor BASSINA FARBENBLUM, Board Member, Emanuel School, affirmed and examined

The CHAIR: To each of you, welcome and thank you very much for giving evidence today. Would any of you like to make a short opening statement—perhaps limit it to two minutes? Maybe starting with you, Mrs Hasofer?

MIRIAM HASOFER: Sure. I will be grateful if you will allow me a few extra minutes, please, to present my thoughts. I am grateful to the Committee for the opportunity to speak today and to give voice to the reality faced by our community. The moment that shook me to my core was the arson attack on the Only About Children preschool in Maroubra—just 150 metres from Mount Sinai College, where I began my teaching career. I know how sacred early learning spaces are meant to be for all children from all communities. In the early hours of 21 January 2025 that preschool was deliberately set alight. Spray-painted across its front, "F*** the Jews". Even compared to the horror of the synagogue attack—and that was horrific—nothing hit me harder than seeing a place of children's laughter and learning burned simply because it stood next to a Jewish school. The message was unmistakable: Children are being targeted—not because they're Jewish, but because they are near Jews. That is how deep and distorted this hatred has become.

By way of background, I graduated from Moriah College 30 years ago and now serve as its first female principal and the first alumna to lead the college in its 80-year history. My journey at Moriah began as a young immigrant child in the early 1980s. My parents valued a strong education and a moral compass—one that honoured our Jewish heritage, embraced the privilege of being Australian, and instilled in us a duty to give back. That's why they sent my brothers and me to Moriah, and that's why my daughter attends. In the 1990s we walked to school alone and caught the bus home with friends. We wore our school uniforms and our Stars of David, and the boys wore their kippot without fear. We roamed Bondi Junction freely. Antisemitism existed, but it was rare. We believed we lived in the "lucky country".

In 1960 Prime Minister Robert Menzies declared, "There is absolutely no room in Australia for antisemitism". Back then, antisemitism was an aberration. But that Australia—the one of Menzies and the one I grew up in—is not the Australia my daughter or the 1,600 children in my care are now experiencing. By 2025 open antisemitism targeting schoolchildren has become ambient. What was once repugnantly un-Australian has become disturbingly routine. The unacceptable has been normalised. Thirty years after I graduated, I now stand at Moriah's gates each morning welcoming students and checking in with our security team. They coordinate with the Community Security Group NSW and New South Wales police, to whom we are deeply grateful. Three layers of protection offer reassurance, but I still stand there alert, watchful, on edge, and no school principal in this country should have to do that. People ask, "Moriah has always had security. What has changed?" and I say, "We haven't changed; the world around us has." Something has been unleashed. Antisemitism found its voice—loud, unashamed and emboldened. Let me share some examples.

From January to September 2023, Moriah recorded 21 security incidents. Between 7 October and December of 2023, we recorded another 21 in that final quarter of the year. In 2025 so far, we are averaging at least one incident per week. That's nearly two years of relentless, targeted abuse. On 18 October 2023 an anonymous message to our Instagram read, "Your school is nothing but a disgrace. I hope all the children, parents and staff get cancer and die a slow, painful death. Praise Hitler." On 29 November 2023 a passenger drove past the college, pointed, and gave a Nazi salute. On 10 September 2024 a man driving along York Road yelled, "Eff the Jews." On 2 June 2025 two men exited a vehicle near the college, spat towards the campus, made obscene gestures and exposed themselves on our security cameras—crude, vile and targeted, meant to intimidate Jewish children. Last week, a year 9 girl was chased up Queens Park Road by a woman shouting, "Eff the Jews. Effing c-word. Free Palestine," over and over. This was a child walking to school. She was terrified.

These are a handful of many incidents. Each one is horrific on its own, but together they form a relentless drip-feed of hate. The cumulative impact is corrosive. How do we respond at school? We drop everything. Security is activated. Psychologists and heads of year are deployed. We comfort students, call families, write reports, put together briefs, and then try returning to the teaching until it happens again, days later. Education is constantly disrupted. Our teachers are drained. Our wellbeing team is overstretched. Our leaders are operating like a counterterrorism unit. This has become our normal. I conclude by saying that this must not be allowed to take root in Australia or deepen the divides in our society. I am here because I still believe in this country—its promise of decency, dignity and the right of every child to walk without fear. Thank you for hearing my voice and, through me, the voices of our children.

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LINDA EMMS: Because we did not provide a submission to the inquiry, I'm also going to ask for your patience and for some leniency in the length of my opening remarks. I feel it may be useful for the inquiry to have some understanding of context as I begin. I commenced my role as Principal of Emanuel School this year. I have worked at a number of independent schools in Sydney in my 28 years as an educator, all of them faith based. I came to this role with an understanding of the need to have different security measures to those I had experienced at previous schools.

I am not Jewish. Like many non-Jewish people, I believed that there were some in our community who harbour antisemitic views but that they were few and incidents related to antisemitism the exception. In my six months as the Principal of Emanuel School, I have been shocked and saddened to face the reality that this is not the case. The behaviour being experienced by staff and students goes beyond racism and discrimination. The behaviour being exhibited is that of targeted hate simply for being Jewish. The perpetrators of these comments and actions towards students are sometimes adults and often like-aged peers. It is occurring as students travel to and from school, in public places before and after school, on the sporting field and online. I ask you to consider the impact on an 11-year-old child of being taunted with comments of "Heil Hitler" on the sporting field. This is the experience of my students.

At the commencement of the school year, my first communication to parents and staff should have been that of setting my vision for our school. Instead, it was a communication outlining the steps being taken to ensure the safe return of students and staff for term 1. There was nothing normal in the measures we had to take to make our community feel safe. I couldn't have imagined anything like this before taking this role at a Jewish school. Parents drove their children to school because they were fearful for their children's safety on public transport. Students hid their Jewish identity in public by covering their uniforms so that they could not be identified as students of our school.

We had to reallocate significant funds to cover the costs of additional guarding measures. We had to complete additional risk assessments for all offsite activities, resulting in a delayed start or cancellation of excursions and some of our sporting programs. We are very grateful to New South Wales police and the officers of Operation Pearl for their support. However, it is not normal for infant students to have to walk past uniformed police as they arrive at school, and we had to manage the impact on students' anxiety and wellbeing. How should a parent or a teacher respond when a six-year-old child asks why there are police outside their school every day but not other schools.

The fear and the incidents have not diminished since the high-profile incidents over summer. In term 1, our students were subjected to verbal antisemitic abuse during interschool sporting matches. Students continue to report being subjected to hateful antisemitic attacks online that often include calls for death or violence to Jews. The most frequently used references are those of the Nazis and Hitler. This month a group of teenagers walking past our school called "Heil Hitler" and used their hand to make a shooting gesture at one of our security guards. This is also having an impact on the mental health and wellbeing of our students. Students impacted by these incidents have become fearful, and the pre-existing anxiety disorders of some have become significantly heightened. We work closely with external allied health professionals to provide support for these students.

The impact of ongoing antisemitic attacks and the associated climate of fear is not confined to our students and their families. It has affected the wellbeing of many of our staff. Jewish and non-Jewish staff alike have expressed fears about being identified as working at a Jewish school, and they report changing their behaviour to conceal their association with the Jewish institution. Some teachers have said that when catching Ubers to school, they pretend they're going elsewhere and get dropped around the corner, or they change their pick-up location to a distance of a block from the school. This term we were asked by a local university to take a last minute pre-service teacher who is Jewish. In the school where they had been placed, one of the students made an antisemitic comment during class, and the supervising teacher in the room did not step in. The university reported that this pre-service teacher felt unsafe and asked her university to find her a placement in a Jewish school.

I want to be very clear that this is not just a problem for the Jewish community. We are seeing clear signs of a serious breakdown in social cohesion that is changing the face of the New South Wales school community. After October 7, all of our interfaith programs stopped, almost immediately. Despite our outreach and efforts to engage in constructive dialogue, including through the Association of Independent Schools of New South Wales—our professional body—schools of other faith backgrounds have not been willing to engage with us. There is only one school in the eastern suburbs that has re-engaged with us to promote interfaith dialogue in 2025. This is something I could never have imagined happening among schools in New South Wales.

In distancing from Jewish day schools, our educators are teaching a new generation of Australians to hate, shun and fear other students because of their faith and culture, and it will have lasting consequences for the

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fabric of our society in New South Wales and in Australia more broadly. These programs are an essential part of building social cohesion in a multicultural society. We need our schools, our teachers and the broader community to build understanding and promote tolerance of a diversity of beliefs and views amongst students. If we do not teach them this now, we will normalise antisemitism, racism, stereotyping and hate for diverse others. This should be a concern to everyone, and we need to urgently invest in programs that correct this course so that we can chart a different way forward together.

The Hon. JACQUI MUNRO: Thank you so much for coming today and for your statements, which are harrowing and powerful. I'm really sorry that you, your students and your staff have had to experience this. Mrs Hasofer, you mentioned that you're working closely with the police. Have you had to report specific incidents to the police, and how many have you had to report?

MIRIAM HASOFER: Firstly, I'll talk about working closely with the police. Earlier in the year we met with an incredible team of police on a project called Operation Pearl. Together we worked at preparing presentations that would go into as many schools around New South Wales as we could. We developed these presentations together. The police really took the lead on this and then came in and met with our team of teachers, wellbeing staff and psychologists on how we could really polish this and then get it to the students. Then they went out and presented to the Jewish schools and I believe to the other schools in the area as well.

We have worked very closely on the education side of how to deal immediately at the start of the year with the challenges that we were facing and then obviously to look at how that could then go out to the broader community. In terms of how we continue to work with them, our internal security works very closely. Anytime there is an incident, that will then get reported on to the police, whether it's an incident that is against our guards, that happens to students outside the school or at a sporting event—anything that comes to us.

The Hon. JACQUI MUNRO: Are you confident that the police are recording all of these incidents carefully and keeping track of how that's affecting your school and the security needs?

MIRIAM HASOFER: I can only talk about the interaction that I've had with the police. What you're asking me about is not something that I've tracked. I could look into that for you of course. But in my interaction with the police and the work that we did together about Operation Pearl, I felt that they were really very responsive. In those early days, they were there, and I know that Linda mentioned it but they were there at drop-off in the morning and at the end of the day, so I can only talk to that experience.

The Hon. JACQUI MUNRO: Ms Emms, you mentioned the increase in time and labour associated with things like risk assessments, but have you also needed to put further resources and financial resources—and this goes for you as well, Mrs Hasofer—behind the security that you've needed to bolster?

LINDA EMMS: Absolutely. We've had significant increases in terms of what we've had to do with security, understanding that this is unbudgeted, so we've had to divert funds from other educational parts of the school to make sure that our students feel safe and our staff feel safe.

MIRIAM HASOFER: I'll just add to that. For us we have had, post-October 7, an 86 per cent increase in annual manpower, electronic security measures and operational costs. In terms of numbers, our annual security cost pre-October 7 was around \$2.1 million. Post-October 7, that has risen to \$3.9 million.

The Hon. JACQUI MUNRO: Do you have any similar figures, Ms Emms?

LINDA EMMS: I'd have to take that on notice. Because I'm recently at the school, I don't have the figures going back to October 7.

The Hon. JACQUI MUNRO: In terms of the police giving advice back to you, are you being told about threats before they happen? Instead of you just reporting proactively in accordance with what your schools have experienced, are police coming to you and explaining that there might be threats that you need to specifically guard against in some way day to day or week by week?

MIRIAM HASOFER: Two things on that. The first is that we need to think about what the incidents are. The example I gave a few minutes ago about a year 9 girl walking through Queens Park—how would the police know that there would suddenly be a woman that chases after this girl saying vile things? But what I will say is that we have three organisations that work very closely together—our school internal security, the community security group CSG and the police—and I know that they're working closely together, but I can't talk to whether we are notified about threats or where that would come from.

LINDA EMMS: Again, my school works with the same groups, so we all work together. We support each other as a community. I think the difficulty is that this kind of language and behaviour has become so

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normalised that a person on the street feels emboldened to be able to call out these hateful comments and feel that nobody will stand up and say, "That is not okay."

The Hon. JACQUI MUNRO: Have you been finding that you've been getting community reports in addition to police reports? Are people in the community who feel like they don't necessarily know what to do in the moment but still want to take action coming to the school?

MIRIAM HASOFER: I think, in our case, our community is so knowledgeable about CSG and its availability to the community. So I can't say. Maybe they go directly to CSG but, obviously, our immediate community, our parents, our students—our students are unbelievable. They come and confidently and openly report things to us. They know it's a very safe space.

The Hon. JACQUI MUNRO: Have you been finding that there have been any instances where altercations have arisen or, when people experience some incident of antisemitism, is there any escalation of that in the moment that you've recorded? Or, generally, is it that reporting back that has been the way to identify an incident?

LINDA EMMS: In the incidents that we have had, our students have done what we've asked them to do, which is to withdraw themselves from the situation for their own safety. They've been instances where students have been targeted where they are on their own and they are isolated, so they do what we've taught them to do, which is to withdraw from that and then report the incident.

The Hon. SUSAN CARTER: Thank you all for being here today. I wonder, Mrs Hasofer and Ms Emms, if you could speak to the experience of your students. What effect does it have on a year 9 girl or a year 10 boy who is unable to walk through a park without a fear that some untoward comments or other activity may occur?

MIRIAM HASOFER: I might start by answering what happened in the school last Friday. Oftentimes when we hear a fire alarm go off, people will tend to say, "It's just a fire alarm. We'll just sit here and carry on with the day." We had a fire alarm go off accidentally last week. When I tell you that in under a minute that block was empty—the children left the building immediately because they are in such a heightened space right now. It is hard enough to be a teenager—we were talking about that earlier. It is hard enough, as a teenager, to go through what teenagers have to deal with. There is so much anxiety and so much fear coming from this, and they try to put on a brave face. But I said in my statement that, in that case, for example, we spent the rest of the afternoon with this girl. We brought in our psychology team. We brought in the wellbeing team. We spoke to the parents. We had to calm her down, and that's what we try to do. We try to make it business as usual. But these kids are so heightened, and Friday of last week it really came home for me when I saw how quickly they left that building.

LINDA EMMS: I'm going to talk to a similar instance, but ours is with regard to our lockdown drills. As all schools do, we run regular emergency drills, and we've this year run two lockdown drills. In a normal school which is not experiencing this, you do a lockdown drill and it is very much that it happens, it's unnotified, and everybody goes back to class. In our context, we start a week out. We start talking to students. We start talking to students about what it is and when it's going to occur. We start talking with our staff. We notify our parents. We do all of these things because for us, at present, if we were to do an unnotified lockdown drill, we would have an absolutely terrified community. We have a number of students who, during those drills, will actually go to our wellbeing staff, and they will not take part in those drills because that heightens them to such a level that it is not safe for their mental health and wellbeing. We also have a number of staff who will seek support around the time that we run those drills because, again, for them, it triggers a level of anxiety that they need support to help and to come back from. I think that speaks to your question.

MIRIAM HASOFER: If I can just add to that, we were meant to have a security drill this week and we cancelled it. We did not feel safe going ahead.

The Hon. STEPHEN LAWRENCE: Thanks to you all for coming along. It's much appreciated. Firstly, for both institutions, I assume that you maintain a database of some sort of antisemitic incidences. I'm wondering if both institutions would be able to provide that to the Committee on notice. We certainly wouldn't expect any information that you might consider confidential in terms of names and so forth. But would you be able to provide that database on notice, if you have one?

LINDA EMMS: We provide information on all instances to the community security group. They maintain the database of all incidents that happen with our school. That would be at their discretion as to whether they're happy to provide that database to you.

The Hon. STEPHEN LAWRENCE: Are you able to explain exactly what the community security group is, for the record?

LINDA EMMS: I'm going to ask one of my colleagues to answer that.

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MIRIAM HASOFER: To the best of my knowledge, with the information that I have, the community security group—CSG—was established many years ago as exactly that: a community group there to respond to incidents, to look at the overall security environment for the community and to actually work very closely with the New South Wales police on ensuring that, through partnership and through really close collaboration, our communities can feel very safe.

The Hon. STEPHEN LAWRENCE: So it's a community organisation that works with the schools. Is that right?

MIRIAM HASOFER: Yes.

LINDA EMMS: Yes.

The Hon. STEPHEN LAWRENCE: You don't independently maintain a database of these incidences?

MIRIAM HASOFER: I could go back to my head of security and check exactly how that works.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind, I'd be very grateful. In this inquiry we've heard evidence—which I wouldn't necessarily embrace unequivocally—that has been dividing antisemitism into left-wing and right-wing antisemitism, if I could put it that way, with left-wing antisemitism said to be things concerned, at least ostensibly, with Israel and criticisms of Israel, and then right-wing antisemitism being more things being said or done by the far right, if I can put it that way. In that context, I'm just wondering if either institutions or both institutions are able to speak to what proportion of the incidences that you and your students are suffering, at least ostensibly, seem to be phrased in terms of something to do with Israel or criticism of Israel. You talked before, I think, Ms Hasofer, about a student being pursued and someone shouting "Free Palestine" at them, which is obviously completely outrageous. That might be an example of something that might fit into that category of so-called left-wing antisemitism. Again, I don't necessarily embrace this categorisation of it. It's a bit crude. I'm wondering if you're able to talk to that. What percentage of what's going on is referable to that concept?

MIRIAM HASOFER: I've not thought about things in terms of what you just said, probably because I'm not very political. I'm just a school principal and I don't always understand all these things. But for me I need to talk about the experiences that my children have in the school, and that's what I respond to. I was just sharing a quote. Whether it says "F*** the Jews" and all those disgusting things, I wasn't breaking this down and analysing what was said. I'm sorry about that. I can't put a percentage on anything. For me it was what is my child dealing with at school. I call them "my child" because that's how it starts to—but that's what the child is dealing with at school. And then how do I immediately respond to that. I can't speak for everybody but we are very much, right now, in a situation where, if something happens, we need to respond and keep our kids safe.

The Hon. STEPHEN LAWRENCE: Ms Emms, do you have any thoughts on that?

LINDA EMMS: As I said in my opening statement, the issues and the incidents that we've been responding to in the first six months of this year are references to Nazis, Hitler and gas chambers. To me, there is no question that this is antisemitism. Like my colleague, I don't divide into left and right. I have a duty of care to my students and a duty of care to protect them. When I hear language of that nature, it's very clear to me it's antisemitic behaviour.

The Hon. STEPHEN LAWRENCE: The reason I ask is we've had evidence in the inquiry to the effect that one of the issues contributing to antisemitism in the community is an alignment, in an absolute sense, of Israel and the Australian Jewish community. Obviously, there is a lot of criticism going on of the actions of the State of Israel. I was very concerned to hear that this interfaith dialogue has broken down in the context of that. How do you think we should work in the community to prevent this alignment going on in people's heads, where people then—and perhaps sometimes it's marginal people—feel that they can impute to the Jewish community all of the actions of Israel and vent it upon them? What work can we do in the community, particularly among our youth, to try to prevent this tendency?

LINDA EMMS: I think there are two things that stand out for me. One is we need to rebuild the interfaith programs in our schools. They are critical. We need to be, as the adults in the room, willing to engage with each other and create safe spaces so that our students understand that we are a multicultural, diverse community. All dialogue must be respectful. I think there is also a really important place for the Sydney Jewish Museum and the programs that they run in terms of developing a broader community understanding and the education of our students. Because if we want to talk about being proactive and we want to talk about prevention, we actually need to be working all the way through primary school and all the way up through high school. That will require support for programs like the Sydney Jewish Museum. That will require curriculum change. That will require education for pre-service teachers. We need the universities on board. That will require further professional learning for the teachers in our schools. They're the things that we need if we want to be able to have respectful dialogue.

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The Hon. STEPHEN LAWRENCE: I've been contacted, Ms Emms, by some alumni of Emanuel, and they have raised with me—I think you'll be familiar with this. It was a letter of apology sent to parents in relation to a Standing Together event, which I think is an Israeli organisation, that took place on 12 November 2024 at the school. Standing Together made a presentation to students in which the Israeli Government and the conduct of the war on Gaza was criticised. Subsequently a letter of apology was sent to parents about hosting the event and things that were said at the event, but the alumni later criticised that apology and they stated in a letter to the school:

Emanuel's website states: 'as a pluralistic Jewish school, we affirm that there is more than one authentic way to be Jewish, and embed this in all we do ... Yet the decision to apologise for offering students an opportunity to hear from Standing Together suggests a troubling departure from this commitment to pluralism ... risks isolating students who hold different views ...

In that context of this issue of a pernicious alignment of Israel and the Australian Jewish community, are you able to comment on that letter of apology and the broader issue that it poses?

LINDA EMMS: I'm not able to comment. That letter of apology was issued by the previous principal. I wasn't the principal of the school at the time, so I'm not able to comment on that letter. I've actually not seen that letter.

The Hon. STEPHEN LAWRENCE: Okay, so it's before your time.

LINDA EMMS: It's before my time at the school.

The Hon. STEPHEN LAWRENCE: You were talking in your evidence, Ms Hasofer, about a time when this level of antisemitism was not a problem for the students and you reflected on your own time there. At what point did this level of security become necessary and these incidences rise to that level?

MIRIAM HASOFER: I don't think I said it's not a problem. I think what I said is that it was a different time.

The Hon. STEPHEN LAWRENCE: A different time.

MIRIAM HASOFER: Yes, it was a different time. But I think I also said that antisemitism has been there. That's why I quoted Menzies from 1960. Antisemitism is such an age-old thing. There has always been an awareness. I can't talk to when the decision was taken within the Sydney Jewish community to have security or increased security. But what I can talk to is that we certainly see an increase in our security needs, post-October 7, and greater investment both in the guarding and in the infrastructure. That's why I made that statement. People have said to me, "Well, you've always had security." I don't know if we've always had security, but I know that its face has changed and our security needs have changed.

Dr AMANDA COHN: Thank you all so much for being here today. It's a really important perspective. I think the impact of antisemitic statements on your school communities has been really well ventilated already. In your opening statements and some of the comments, you also talked about the impact of the security response on people's psychological wellbeing—students actually seeing police on the way in and how that impacts them, or how the drills themselves are impacting people. I'm interested in how you strike the right balance between responding to genuine security need when that's there and also not escalating the sense of threat level amongst a community that I recognise suffers from significant intergenerational trauma.

MIRIAM HASOFER: Can I just ask you, when you say "genuine security need", can you elaborate on that just so I understand what you mean?

Dr AMANDA COHN: Yes, sure. Looking from the outside, there may be instances where additional security is required in response to a real threat that has been received, and I suppose there would also be a perceived threat level in the community based on the general environmental media reporting or other things. I'm sort of trying to distil a perceived need and a genuine need, which may coexist.

MIRIAM HASOFER: Gosh, I wish we could separate out such a thing from what is a perceived threat and what is a genuine threat. I can talk about 26 January, when every parent in our school was shaken to the core because of what had happened in Maroubra the night before, and that's three days before school starts. I can't separate. That is their perception. I don't know anymore, because when a parent sends their child to school in the morning, when the little five- or six-year-old walks into that school, we have a responsibility to keep that child safe. The fact that we've got parents that were so nervous to even put their child on that bus—we started looking into running private bus services because parents did not want to put their children on the bus at the beginning of the year.

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Dr AMANDA COHN: If I can pick up on exactly this and come back to my original question, how do you balance the need to make students, staff, parents and community feel safe? I acknowledge that perceived threat causes real distress.

MIRIAM HASOFER: Yes.

Dr AMANDA COHN: How do you balance that against that escalatory effect, where the presence of police or the lockdown drills themselves can cause further distress?

MIRIAM HASOFER: I'll give you a great example. On that first day of school, there was police presence, there was security presence, there were very nervous parents dropping their kids to school and there were very nervous children. As they approached the gates, we had music playing for the first day of school and we had our student leaders standing there with welcome signs for the children, so that the moment they moved from the outside into the inside, a transformation took place. We all worked very hard to put the music on, to dance with them, to take photos saying, "Welcome to the new year", to make them feel safe. That is how we de-escalate for our kids and make it seem as normal as we can for them.

Dr AMANDA COHN: Did you want to add something from Emanuel's perspective?

LINDA EMMS: No, I'm just going to say we're very similar. Once they walk through those school gates, we want school life to be as normal as it is. We want there to be joy. We want there to be happiness. We work very hard with our wellbeing teams to support both the staff and the students who need the extra care, because I agree you cannot separate it so easily into real and perceived. It's perceived; it is their reality.

Dr AMANDA COHN: I want to put something to you because it's been put to me, and I was trying as part of this inquiry to understand people's experiences in the community. I was talking to someone who lives near one of the schools. I won't name the school, because that's not the salient bit of this. I asked them, "What's your experience of antisemitism? What do you think is going on in the community?" They said to me, "The threat level must be really high, because the students from the Jewish school have security with them when they go to the park to play sport." So it was the security response being cited to me as evidence of the threat level, rather than the threat level. I'm trying to understand what impact some of those very visible security measures are having on the school community, but also on the broader community.

MIRIAM HASOFER: I would firstly say, isn't that sad? Isn't it sad that children going to a park across the road to play some sport have security with them? That, in itself, is an issue. Where we are very, very fortunate is that our internal security team have built very good relationships with our children. You'll see the children walking into school, they greet them, they say good morning to them, they'll try to high-five them. Our guards are very, very good. And so, for our children, I believe that they see that as a feeling of extra safety. Our guards do not make them feel heightened.

The CHAIR: Perhaps first to you, Ms Hasofer. It may be a bit early to be able to talk about this, but has there been an effect on academic outcomes and results for the students at the school?

MIRIAM HASOFER: It may be early to talk about that, but what I can talk to are a few concerns that have been brought to me, both by students and by parents. One, for example, is nervousness around the Studies of Religion paper for the HSC and concern that if, somehow by their responses, it was known that they are Jewish, would that become an issue. I think that we are at the beginning of something, and I think that we need to watch this closely, but it would be too early. What I can say, though, is that when a student is heightened, when they are anxious about something, when they are nervous about something, that has to have an impact on their work—it just has to. The moment they are not able to focus entirely on their work, that is going to have an impact.

The CHAIR: Ms Emms, have you got something to contribute on that side of things?

LINDA EMMS: I agree that it's too early to give data on impact results. But I guess the example that I would talk about is earlier this year we took our students to onSTAGE. OnSTAGE is a program which is a showcase of the exemplary drama works from the year before. In every school I've worked in, we've taken our students to onSTAGE. It is part of preparing them for their final exam. It is very much a learning experience. For our students to attend onSTAGE, we had to first of all ask for a list of all the performances. When we saw the title and the brief description of some of those performances, we then went back to them and said, "Can we please have a copy of the scripts in those performances?", because we were concerned that the nature of some of those performances, which are deliberately provocative in some instances, may cause a trigger for some of our students. We did attend, but we attended a night which had a different set of performances on it. So it does have an impact on education, because we cannot freely attend a series of performances that other schools would simply attend.

The CHAIR: Ms Farbenblum, I assume you're a parent at the school.

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BASSINA FARBENBLUM: I am.

The CHAIR: What impacts, if any, have you seen on your children and their friends?

BASSINA FARBENBLUM: I think the reluctance to wear school uniform in public—that sense of nervousness of actually displaying your identity as a young person, making you unsafe in the community. To me, that feels tragic. We've always raised our kids to be proud to be Jewish, and they are, but they're also genuinely fearful for their safety. There were kids in my son's year who had raw eggs thrown at them at Westfield because they were in school uniform. So the kids are always hypervigilant. They might bring a different jumper to put on, or they're looking around them if they've got the insignia of the school. That to me feels tragic, to be a teenager in Sydney who feels fearful to be identified as a Jewish person.

The CHAIR: You've obviously had year 12 students graduate. Have any results become evident one way or the other in relation to those students that perhaps graduated last year?

MIRIAM HASOFER: In what sense?

The CHAIR: In terms of their ability to get the higher marks to get into the relevant courses that they're interested in getting into at university, for example. Or, again, is that too early to tell?

MIRIAM HASOFER: That's a really great question. I have to say that I've probably not given that consideration for today, but that's something I could go away and look at with our high school team.

The CHAIR: If you could. I know your school, and I'm sure Ms Emms' school as well, has got a lot of records of academic achievement coming out of year 12. It might be interesting to see whether there is a blip in the numbers—I don't know how better to put it—in terms of there being a physical effect that you can see, based on the results of students graduating from year 12 to higher education, or even not going on to higher education but going elsewhere, right across the board. I'm sure you have a lot of detailed stats on the performance of the school. Anyway, thank you very much for coming today. I note that you've taken a number of questions on notice, not least of which that one you indicated. Ms Emms, could you do that too, for your school?

LINDA EMMS: Of course.

The CHAIR: I'd be interested to see that. Thank you very much for coming. The secretariat will be in contact with you soon seeking the answers to those questions that you've taken on notice.

(The witnesses withdrew.)

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Rabbi RAFAEL KAISERBLUETH, Emanuel Synagogue, sworn and examined

Mr AVISHAI CONYER, Head of Youth and Young Adult Engagement, Emanuel Synagogue, sworn and examined

Mr SIMON KLIMT, President, The Central Synagogue, sworn and examined

Rabbi SHUA SOLOMON, President, Rabbinical Council of NSW, sworn and examined

The CHAIR: Welcome to you all, and thanks very much for taking the time to give us some evidence today. Perhaps starting with you, Rabbi. Would you like to make a short opening statement and could you limit it to two minutes, if possible?

RAFAEL KAISERBLUETH: It's hard for a rabbi to speak that short, but I'll do my best.

The CHAIR: I know that's very hard.

RAFAEL KAISERBLUETH: Thank you, Chair and members of the Committee, for the opportunity to appear before you today. I have the privilege of serving as rabbi at Emanuel Synagogue in Woollahra for nearly nine years. Before coming to Australia, I served for six years as a congregational rabbi in the United Kingdom and, prior to that, I worked with Jewish communities in Argentina and Israel. In parallel to my rabbinic work, I have served in uniform for over 13 years as a reservist in the United States Navy and currently as a reserve chaplain in the Royal Australian Navy. I am here today with my colleague Avishai Conyer who is the head of youth and young adult engagement at our synagogue. He also serves as youth chair on the Union for Progressive Judaism's executive committee and has previously led our Jewish youth movement at both the State and national levels. His work involves daily engagement with young Jews, many of whom are experiencing the brunt of rising antisemitism across New South Wales.

We appear before you today not only as religious leaders but also as individuals who have personally experienced antisemitism and have listened to the pain and fear of countless congregants who have endured it on our streets, online, at work and in schools. These are not isolated incidents; they form a pattern that we as a society must confront. Emanuel Synagogue is a vibrant, inclusive community that is proudly Jewish and deeply Australian with close to 4,000 members. We are not inward looking; we are enmeshed in the life of this city and the nation. Our members are doctors, teachers, small business owners, volunteers, public servants and defence personnel. We strive to model what it means to be contributing citizens in a multicultural, democratic society. However, just like your respective political parties, our community encompasses a wide spectrum of practices and beliefs.

And yet, our spiritual home has been forced to become a fortress. My congregants must pass through multiple layers of security simply to attend services to mark life's most sacred moments: births, marriages, deaths. My children, like many Jewish children in this city, go to school under the watchful eyes of armed guards. No other religious or ethnic group in Australia faces this same reality on such a scale. The cost of this security is immense, not just financially but also psychologically and communally. However, I do want to express gratitude to the New South Wales and Federal governments for the funding assistance provided toward security measures. It is deeply appreciated. But we must also ask ourselves: What kind of society do we live in where Jews cannot gather without fear?

We seek more than just safety. A just and thriving multicultural society cannot settle for the bare minimum of protecting people from harm. It must also create a space for every community to live, express and share its culture openly. Jewish Australians, like all Australians, deserve to see our festivals celebrated publicly, our histories reflected in curricula, our voices welcomed in public discourse—not just during moments of crisis, but in the everyday fabric of civic life. Antisemitism is not just a Jewish problem; it is a societal problem. It is an Australian problem. It corrodes the values we hold dear: mutual respect, safety, freedom of belief and expression. We offer our testimony today in the hope that we may not only identify the roots of this hatred but also act together to remove it.

SIMON KLIMT: I'm happy to make an opening statement and, not being a rabbi, I'll be able to keep it very brief. I thank again the Committee for inviting us all to attend and provide this testimony. As I mentioned earlier, I'm the president of the Central Synagogue, which is the largest Orthodox synagogue and congregation in Australia. I guess the Committee has already had significant evidence on the fact of antisemitism in New South Wales. I'm not here as an expert on the causes but to provide some insight into the impacts on our community. Those impacts have been both directly affecting the welfare and wellbeing of our members, especially those that are Holocaust survivors and their direct descendants, as well as the operations of our synagogue.

In terms of the welfare and wellbeing of our members, it's really dramatically demonstrated by those Holocaust survivors who have enunciated their utter dismay at seeing things happen in Sydney in 2025 that they

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never thought would happen again in their lifetimes. That same anxiety is replicated throughout our community and through our members. That, as a result, means that we've had reticence of people coming to synagogue or identifying as being Jewish. In an Orthodox community, it's pretty hard not to identify as being Jewish when you're walking to synagogue. Also just attending Jewish events, especially coming to synagogue, has led to significant anxiety and reticence.

In terms of the impacts on our operations at the synagogue, I guess the two key areas are the increased and additional pastoral care that has been required to address those anxieties in the community, and, as has already been mentioned, the need for additional security, which has been a financial burden, even despite the additional funding that we've also received and gratefully acknowledge from both the Federal and State governments. I'd be happy to expand on any of those themes through the Q and A session.

SHUA SOLOMON: Thank you for the opportunity to appear before this important inquiry. I have the honour of serving as the president of the Rabbinical Council of NSW, representing the rabbis and communities of Orthodox synagogues across this State. I appear before you today not only in a professional capacity but also as a deeply invested Australian citizen and a proud father, son and grandson. My grandfather, Joe Berinson, was a Cabinet Minister at both the State and Federal level in Australia. He was the son of penniless Jewish refugees, who arrived here in Australia at the beginning of the twentieth century with nothing but a hope for a better life. My father, a justice of the Supreme Court of Western Australia, is descended from convicts and the earliest Jewish settlers on this continent.

Their stories are profoundly personal, but they are also quintessentially Australian. They speak not only to who my father is and my grandfather was, but to the remarkable country we live in—a nation where background, race or religion need not determine one's destiny, where opportunity is not the privilege of a few but a promise for all. I come here today because I believe deeply in that promise, and I want my children and grandchildren to grow up in an Australia where they can continue to believe in it too—an Australia where no child is made to feel unsafe because of their religion, where a synagogue is a sanctuary and not a target, and where a rabbi does not need to receive a weekly security briefing in order to lead their community.

I also speak on behalf of the Orthodox rabbinical leadership across this country. Our communities are deeply concerned. We are concerned about safety. We are concerned about rising antisemitism online, in schools, in public discourse and, yes, even on our streets. It is our hope that this inquiry will not only examine the issue with clarity and honesty, but it will also renew the commitment to ensuring Australia remains a place where no-one is targeted or marginalised for their faith.

The Hon. STEPHEN LAWRENCE: Thanks to you all for coming along. It's much appreciated. I have a question, firstly, for the two synagogues. I'm just wondering, do your organisations keep a database of adverse incidents or antisemitic incidents? Would you be able to provide that database, redacted for confidentiality if you wished, if you took that on notice? Would that be possible?

SIMON KLIMT: Certainly. I can take it on notice and provide what information we have.

RAFAEL KAISERBLUETH: I would imagine the database is not kept necessarily by the synagogues but by the Community Security Group. We'll take that on notice.

The Hon. STEPHEN LAWRENCE: Thank you. Are the security requirements and what is eventually provided by way of security at the synagogues determined by advice from the police? Is it determined by your own private expert advice, or is it based on some other source of advice or consideration?

SIMON KLIMT: I can speak on behalf of the Central Synagogue. It's the board's responsibility to maintain the welfare and security of the institution. Ultimately, it's our responsibility, and we make the ultimate decisions on how much security is employed. To get to that result, we take information from CSG, from the police and from various other sources. But, essentially, we have to make an ultimate call. Sometimes we're advised to do things—we've been advised to not have certain events, but we will hold those events because we feel it's important to do so. But we take it from a range of areas. Most often, though, it comes via CSG, who aggregate a lot of that information to us.

The Hon. STEPHEN LAWRENCE: For the Emanuel Synagogue?

RAFAEL KAISERBLUETH: It is much the same in that we have a very good, close relationship with the police. But our information and ultimate decision is made by the board, our executive director and the rabbis. But the information comes from a wide variety of sources.

The Hon. STEPHEN LAWRENCE: One of the issues that we've been considering in the inquiry is, on one hand, the distinction between a legitimate criticism of Israel and antisemitism and, on the other, the perhaps unfortunate alignment that occurs between the Australian Jewish community and Israel which, it would seem,

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leads to people imputing personal responsibility to Jewish people for the actions of Israel. I think you might have been in the room when the schools gave evidence and talked about students being chased and people chanting "Free Palestine" to them, in a way that seems obviously intimidatory but also seems to impute personal responsibility to an individual. In the context of those issues and concepts, can you talk to the rise in antisemitic incidences since October 7, but also—and these things are difficult to disentangle—what proportion of incidences that you're seeing seem to be attributable to people imputing responsibility to Jewish Australians for the actions of Israel?

AVISHAI CONYER: We have a very large young community as part of our congregation and across the Jewish community in New South Wales. One of the things that is important to note is that even before October 7, we've been experiencing levels of antisemitism. Even before October 7, it has often been in relation to the conflict happening overseas. Personally, I walk down the street wearing a kippah and, on many occasions, will have people yell "Free Palestine" at me just because of that. Of course, that's not to say that the movement itself is antisemitic, but clearly a lot of the incidents we see can be attributed around it. After October 7, that has dramatically increased. I was teaching a student just last weekend who spoke about how he was tripped, spat at and yelled "filthy Zionist" at. He was wearing a Star of David necklace and said nothing. It was in the street. I think those incidences are rising dramatically.

SIMON KLIMT: We have probably just taken the same view as the schools, which is that the source of the antisemitic behaviour is somewhat irrelevant to us. The fact that it is antisemitic behaviour is the thing that is most concerning to us. That's really how we've viewed the situation.

The Hon. STEPHEN LAWRENCE: I'm not suggesting that it's your job to deal with antisemitism in terms of addressing the underlying things. It's a collective responsibility that we all share. But do you have thoughts on how we can, as a community, address this quite pernicious alignment of Jewish Australians with the actions of Israel that leads to this wrong imputing of personal responsibility? How do we educate the community? How do we lend people to understand that you don't hold individuals responsible for the actions of the state?

SIMON KLIMT: That's the sixty-four million dollar question, or the sixty-four dollar question as it originally was. From our perspective, what we can do is demonstrate that the Sydney Jewish community is a vibrant and positive community that's contributing positively to this country, this State and this city, and educate people about the nature of our religion and community, and about the positive nature that all of that embodies. I don't think we can necessarily take that any further to try to change people's views on other matters. We can just put forward the positive contribution—as I think some of the testimony has already shown—that members of the Jewish community have provided. It's extremely difficult for us as an institution to try and tackle anything more than putting out the positive message of what we contribute. That's certainly from our perspective. I don't know if the others have any other views.

RAFAEL KAISERBLUETH: If I may add to that, it's actually building those bridges and actively going out into the community. Part of what we've seen in the world is that as incredibly connected as we seem to be, we're incredibly isolated as well, and we've moved into our silos of this cultural group only wanting to be with those who look like me, speak like me or believe like me. I think part of our role as leaders, wherever we may find ourselves, is to make sure that we are understanding we are part of something much larger than ourselves—we are part of an Australia, not just the Jewish community of Australia, not just a political ideology of Australia but the entirety of Australia; to make sure we are reaching out to build those bridges because, by human nature, we are fearful of that which we do not understand and that which I do not know; and to make an active, concerted effort to build those bridges with those who are not like me, not to convince them on anything but simply to be in community and relationship with them. We've put a lot of effort into building our interfaith dialogues and making inroads in the community where we live to the limited extent that we can do, but we look to our leaders to help us in those initiatives as well across the board.

The Hon. STEPHEN LAWRENCE: Do you have any thoughts on that, Rabbi?

SHUA SOLOMON: I thought I'd never get to say anything. I want to also talk about the role of education, which has come up briefly here. The role of education in the Australia-wide community is incredibly important. I don't think there are solutions to this that are going to happen in the next day or the next week but, over the long term, the role of education and the role of community, not just internally but, as Rabbi Kaiserblueth spoke about and the Rabbinical Council can speak to a little bit, interfaith dialogue, not just at the top but also bringing communities together. I also think it all starts with dialogue. That is incredibly important and something that we've been a little bit of and hope to be part of in the future as well.

The Hon. STEPHEN LAWRENCE: On that, Rabbi, something that I've struggled to understand in this inquiry is what exactly is antisemitism. Is it to be understood, for example, as one unified unitary type of hatred and prejudice that has a continuous existence over millennia maybe, or is it to be understood also as a

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communal issue here between communities that can wax and wane depending on what's happening overseas, or is it a composite of those things? Do you have any thoughts on that?

SHUA SOLOMON: Great question. I think both statements you made are correct in terms of hate and prejudice against Jews. But also something that we need to avoid at all costs in Australia is the hatred of a general community and how that can often be prejudice, and hate cannot be restricted to just a few individuals but can then lead to a wider systematic hatred of Jews and Jewish communities. I think we see all over the world the dangers of that being not encouraged but even tolerated can have widespread and devastating consequences, not just for the Jewish community but for a multicultural society.

Dr AMANDA COHN: There have already been some comments as part of this session around the need for better education of the broader community and better connection between Jewish communities and other communities. It was quite distressing to hear earlier this morning from one of the schools that its opportunities for interfaith events or interfaith dialogue have been diminishing recently. What are those opportunities in the current context? What can we look to to kind of foster that educational connection or create opportunities for interfaith dialogue?

RAFAEL KAISERBLUETH: Many of these things are happening I suppose organically. There isn't a structured way, on one level, in that we have built individual relationships with different schools throughout the Sydney area. I wouldn't say it's an enormous amount but we bring them into the synagogue and I know the other synagogues as well. At The Great Synagogue my good friend Rabbi Ben Elton does that and I'm relatively certain many other synagogues as well with the local schools. Either we as rabbis or educators will go into the school or they will come into our synagogue. I think that's an invaluable tool, but not the only one because it also needs to address the curriculum and the way things are taught.

Bringing the educators themselves on that journey would be an invaluable tool, but the parents as well. One of the things that we teach is that what we do in the synagogue is very nice and it's good, but if it's not happening at home, you're missing the most important tool in the kit to educate our children—so not just in the schools, but to help the parents themselves understand because there's a whole generation, potentially, who have missed that experience to interact with someone. I can't tell you how many times I've met someone who has said, "I've never met a Jew," and I've said, "Probably that you know of. They're there but, for a whole host of reasons, have decided not to reveal their identity." I think the ability to put in place a structure where we can access and they can come and see and be exposed to each other would be one tool. I don't know if my colleagues have any other things they'd like to add.

SIMON KLIMT: I think, in terms of education, we do what we can in terms of being always open for school groups to come and visit the shul and understand it. In recent times, as we've been housing the Sydney Jewish Museum while they're under redevelopment, they've been holding some of their school education events at the synagogue. So we're encouraging them to not only do the Sydney Jewish Museum component of the course but to also bring them into the synagogue and explain the Jewish culture and the Jewish heritage to them at the same time. But that's limited by the number of actual students you can get through in any one period.

SHUA SOLOMON: I'll just say, on a clergy level, the Rabbinical Council has both initiated and been part of a number of interfaith dialogues, in my time as president over the past couple of years, with both Christian and Islamic leadership. That, I think, is incredibly important and needs to continue. But I think it's also important that it trickles down, not just at the top but also into communities, into schools and into the wider community. That's been addressed by my colleagues at the table as well.

Dr AMANDA COHN: Following on from one of Mr Lawrence's questions, I think it was framed in the context of the problem but, framing it in the context of a solution, to what extent should we be trying to address antisemitism within a broader human rights framework, anti-racism framework or anti-discrimination framework?

AVISHAI CONYER: Every racism and every human rights issue has its unique qualities, and every single one has things that bind it together because hatred, at the end of the day, is hatred. How we balance these two—and we recognise. You look across the board and there are communities like ours that, at this moment in time, are facing a greater level of hatred publicly. A lot of the incidents that are not reported publicly, but the day-to-day interactions, which I think are a much deeper issue—and those, we see, are rising, so I think it's prevalent to give the issues of the day prevalence.

RAFAEL KAISERBLUETH: I think addressing one does not mean you're not addressing the others. I think there's a misunderstanding sometimes, when speaking to people, of, "Why only focus on this one?" It's not a zero sum. It's not that they're not addressing the others but, as we've learned in our history, hatred of one group does not stop at that group. So I don't think it's incorrect or improper to say, "Yes, we are dealing with this now because this has our attention because there has been a sharp rise." It does not mean for one second that we do not

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also care deeply and want to solve the ills and the hatred that is prevalent in our society. Saying that we are investigating or having an inquiry into antisemitism does not for one second preclude that we are also concerned with hate against other groups, like Islamophobia and some such others. So I'd like to try and de-link that statement because I just don't think it's accurate.

The CHAIR: Rabbi Kaiserblueth, given your background, where you've acted as a rabbi to the Jewish community and all the places around the world that you've been, is what you're seeing in Australia at the moment unique?

RAFAEL KAISERBLUETH: Unfortunately, no. I think, in places such as South America and Europe—we may be a few years behind where they have been, but it's not unique at all. Unfortunately, in the United States, they are rapidly catching up. By no means is it unique.

The CHAIR: You mentioned Argentina. You lived there for quite a while. What measures did the Government and/or local community take in relation to what they were experiencing?

RAFAEL KAISERBLUETH: The community took a quite similar approach, I would say, or perhaps a bit more proactive. That's going back a few years now. But I don't recall the cooperation of such degree as it is here in Australia and that they were very much needing to take a lot of the onus of security responsibility on themselves, whereas here in Australia, or in Europe where I served, there was a very strong relationship and a strong level of cooperation between the local and the Federal government and the police as well. I don't recall, but this is going back 20 years in Argentina. The memory is not as good as it used to be.

The CHAIR: What you're saying is that Australia now is falling in line with, unfortunately, what you've seen in other countries, in terms of the rising level of antisemitism.

RAFAEL KAISERBLUETH: I think the difference here, potentially, is simply that there is a sharp rise. But I think we've seen that globally. There has been a very longstanding cooperation between—and I say that in a positive sense—the Jewish community and Australian society at large. Unfortunately, in our history, we needed to have that. We would much prefer not. I know I don't want to have to send my children to a school with armed guards. I would rather go to a place of spiritual sanctuary, rather than a fortress. But, unfortunately, in many of those places, it is on par.

The CHAIR: Rabbi Solomon, you talk about your Australian Jewish ancestry. What has been your personal experience from when you were a boy? For example, did you go to a Jewish school when you were a boy?

SHUA SOLOMON: I did. I grew up in Western Australia. I went to a Jewish school. There were small incidents of antisemitism, but I wouldn't say that I, nor my parents or grandparents, experienced it in a heavy way, certainly not in a way that influenced or impacted their careers. I think that in the last few years it has been clear, both personally and communally speaking to my rabbinic colleagues, members of my synagogue and members of the larger community, that they have all experienced a rise—indeed, I think a sharp rise—both in incidents of antisemitism but also in their ability even to go about their day-to-day life feeling comfortable in the same way that they might have previously, even a decade or five or 10 years ago. Having said that, I think that one of the reasons—and Rabbi Kaiserblueth spoke to it today as well—why we're here is exactly that, because of the unique way in which this country, as opposed to many other countries around the world, has really been not just a safe haven for the Jewish population but has allowed them to prosper as part of a multicultural society. We are concerned and we want to ensure, I should say, that that continues to be the case for the coming generations.

The CHAIR: Do you believe that the New South Wales Government has failed in its efforts to prevent or allow the police the tools to enforce the law against hate speech?

SHUA SOLOMON: There are people who are much more qualified to talk on that topic than myself. But I would say that the rabbinic leadership has appreciated all the support we've received, both from the Government and the police, on that issue.

The Hon. JACQUI MUNRO: Thank you so much for appearing today. I was curious about this interfaith dialogue as well. We heard from the schools that they have tried to engage with other schools and basically it seems like they've been rebuffed in their efforts, and these are efforts that have been previously at least somewhat successful. I'm wondering if you have faced, in your organisations, a similar sense of disengagement from levels of previous engagement with other interfaith groups. It might not be schools; it could be other places of worship or organisations that you generally work hand in hand with.

AVISHAI CONYER: The reality of the last two years has meant that, on an official level, the dialogue has all but stopped, at least in our communities. It's starting to start up again. But one of the incredible things that has emerged—and I see it particularly around young Jews. But I know Rabbi Kaiserblueth and many of the other

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rabbis in our congregation as well—and I'm with them—are, on a much more grassroots level, beginning to reach out, not necessarily to the officials of other communities but when one of the young adults in our community has a friend from another ethnic group—"Hi, bring a few friends along." "We'll bring a few friends along." That has slowly grown and grown. For example, one of the things we have—of many in our community—is a monthly dialogue dinner with a group of Jews and Palestinians in Sydney. It has become something that, on a much smaller scale but in a deeply important manner, has built and stayed strong.

SIMON KLIMT: The only very small piece I'd add is that, in addition to the negative side, we have also actually seen some communities reach out in support. I think that also needs to be recognised as well. It has certainly not been across the board, but very specific communities have overtly reached out to provide their support as well.

The Hon. JACQUI MUNRO: Just to be clear, is it true to say that, for your organisations, you have seen a reduction in interfaith dialogue despite your efforts to reach out to organisations or institutions that you'd previously engaged with?

RAFAEL KAISERBLUETH: I think initially there may have been, but I think, as Avishai has said, where we're finding our greatest success is those grassroots levels of engagement. Yes, I think it'd be accurate at the outset, but I think because we want to continue and rebuild and have those relations we had previously—is really, I feel, the only way this can move forward. So we continue to put effort in there.

AVISHAI CONYER: Those grassroots are actually at a much greater scale than—while not necessarily as large as before. When you start to have community members then speaking to other community members and rabbis engaging in dialogues, telling the congregation—and there is so many—you begin to open up and hear. I hope the same is happening elsewhere. But I can't talk to that.

SHUA SOLOMON: Can I just make a brief comment on that? I'm fairly new to the interfaith game. I really got involved in it since I've become the president of the Rabbinical Council. That goes back a couple of years only. But I will say that I have had, like I mentioned, a dialogue with clergy both in the Islamic faith and the Christian faith. Some of those meetings had to be behind closed doors because—not myself, but the person I was meeting with didn't want that to be known publicly. That is a shame and I hope that that will not be the case in the future. I do also want to say, as a rabbi who is—as all my colleagues are—interested in internally bringing peace and solving conflict within community, that there is no better way in which to do that than to bring people together in dialogue face to face.

The Hon. JACQUI MUNRO: How important do you think it has been to have that leadership in the Jewish community and openness to dialogue? Does that bring along the community? Or have you been finding that there have been more grassroots measures that have happened outside of traditional or formal Jewish institutions? How has that engagement with other leadership positions in other interfaith organisations worked as opposed to that grassroots engagement?

RAFAEL KAISERBLUETH: I think it's a both/and. I can only lead as far as the people will follow and, if I can do and inspire others to then have those dialogues, we can create some of those conditions and we can create some of those opportunities. But we cannot do all the work. "Rabbi" literally means "teacher", so I can only do as much as they're willing to listen to and inspire. Hopefully the lesson we are bringing and the message we carry is one of trying to build community and trying to build connection. For us Jews, nothing is more fundamental than community, but not just insular but in the places where we live. I think the question, the premise there, is it has to be both of those things.

The Hon. SUSAN CARTER: Mr Conyer, I wonder if I could ask you some questions about your engagement with young adults. Do you work with teenagers as well?

AVISHAI CONYER: Yes, across youth and young adults.

The Hon. SUSAN CARTER: I'm just wondering if you could explain a bit what the impact of the last two years has been on teenagers and young adults, particularly with respect to career choices and tertiary education. Are some universities being avoided? Do they feel like carefree Australian teenagers who can just choose their own path in life? I suppose that is what I'm asking.

AVISHAI CONYER: It's a great question and, like always, there's a huge diversity of responses. One of the things as a synagogue is that we work mostly with children and teenagers who are not part of Jewish schools, which presents unique challenges. What I've definitely seen more, especially—and I have regular conversations with the teens I teach—is a lot of them don't necessarily get into conflict but make an active choice to take off their Star of David necklace when they go to school now, or small things, or not wanting to make a fuss when

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someone draws a swastika on the locker. You don't tell anyone because you're one of two Jews in your public school, and you don't want that to come back to you because that only makes the problem worse.

When it comes to uni students—and I'm sure you've heard it from AUJS and other groups—again, really, a lot of it is not the conflict that they're dealing with, because I think when someone yells "Jew" out because they see you as a Jew in the street, everyone knows that's antisemitic. But it's those everyday interactions of feeling a little bit more like when you're in a tutorial you need to maybe watch what you say, or "I'm not going to mention that I have family in Israel", regardless of any political beliefs you may hold from across the political spectrum, because you're worried about how that may reflect back at you from teachers and from fellow students. That is something I've really seen across the political and religious spectrum of all the teens and young adults I work with.

The Hon. SUSAN CARTER: How does that affect their sense of self—their sense of wellbeing?

AVISHAI CONYER: They're a very strong group. Many of our programs—our young adult program at the synagogue began as a full program only a few months before October 7, and a lot have been actually coming in and activating their Jewish identity, finding space and community. We can dwell a lot on the negative framing of responding to antisemitism, and the work we try to do is to say, "It happens there but, actually, let's celebrate our culture. Let's have Shabbat dinner together. Let's express that on a positive, and hopefully if other people see us not just being reactive but expressing ourselves then the rest will follow."

The Hon. SUSAN CARTER: Rabbi Kaiserbluth and Rabbi Solomon, perhaps you have a view of how the parents of these young adults feel, whether they are fearful for their children and the psychic impact this antisemitism is having on family life.

SHUA SOLOMON: Yes, obviously, if children are concerned then, as a parent, I know you're doubly concerned. There are instances, which I'm sure you're aware of, over the last couple of years of parents being fearful to send their kids to school—certainly to send them on a public school bus. I know there is a youth movement that operates out of our synagogue that just last week, for example, said to me they're going away for a weekend and they wanted to hire buses instead of putting the kids all on a public bus with their school uniforms, many of whom, of course, go to Jewish schools. Of course, if kids are concerned, you can imagine that the concern for parents and the stress that puts on parents is doubly so.

RAFAEL KAISERBLUTH: I'd only add to that that the different levels or the different ages of the parents have different levels. Universities are those first moments where the parents are needing to step even further away, and I think it's a bit distressing that they are perceiving or feeling that their children cannot express themselves fully because of outside influences. It's distressing for me that my son, for the first time, decided that in public he doesn't want to wear his kippah. From personal experience and having dealt with and heard the stories of many of the parents, you want your children to make the choices that they're going to evolve and grow into free from those outside influences, and now they're feeling there's a pressure that they cannot freely express themselves and live without stress. It's heartbreaking.

The Hon. JACQUI MUNRO: Can I ask one quick final question. Does that also apply to your synagogues? Are people fearful, given everything that's happened over the past two years, to attend synagogue, and how has that affected your numbers?

SIMON KLIMT: Yes, absolutely, probably more so with the elderly, especially those that have witnessed it in the past, lived through it, those that are descendants of those that have lived through it. There's been an absolute reticence. That's probably the biggest trauma that our community is going through: their inability to go about what they think is their normal daily life, what they've been able to do in Sydney, Australia, for their entire lives since they've been here, now suddenly disrupted back to a dark period that they never thought they'd have to deal with again. That's probably been one of the most distressing aspects of this whole rise: to witness those people have to live through that again.

AVISHAI CONYER: We regularly do outreaches, not just on our synagogue's campus; we have a wide range. As one of only two progressive synagogues in the State, our members have come from a way larger area and so we'll regularly go to the inner west to do outreaches, and often the North Shore as well, even though we're based in the eastern suburbs. Particularly when we leave campus, I'm constantly responding to phone calls from parents and young adults—"Will there be security?", "How do you know?", "Where's this venue near?" All of those kinds of questions come into play.

The CHAIR: We'll now bring questions to an end. Thank you very much for coming. I note that there were questions taken on notice. The secretariat will be in contact with you in relation to answering them.

(The witnesses withdrew.)

(Short adjournment)

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Rabbi MENDEL KASTEL, Chief Executive Officer, Jewish House, affirmed and examined

Ms LYNDIA BEN-MENASHE, National President, National Council of Jewish Women of Australia, sworn and examined

Ms NATHALIE SAMIA, Vice-President, National Council of Jewish Women of Australia NSW, sworn and examined

Mrs ANNALEE ATIA, President and Community Engagement Officer, Northern Rivers Jewish Community Association, affirmed and examined

Miss LILY ROBBINS, Community Representative, Northern Rivers Jewish Community Association, affirmed and examined

The CHAIR: Welcome to you all. Thank you for giving your time to give evidence today. Perhaps starting with you, Rabbi Kastel. Would you care to make a short opening address? Could you please limit it to two minutes, if that's possible?

MENDEL KASTEL: Sure, I'll have a go.

The CHAIR: You give it a good try.

MENDEL KASTEL: I'm a rabbi, you know.

The CHAIR: I know. But this room is full of politicians too—you've got to understand that.

MENDEL KASTEL: I begin by acknowledging the Gadigal people of the Eora nation. I acknowledge their Elders past, present and those who will lead in the future. Thanks for having me here today and for your care and concern for the Jewish community during these trying times. I want to thank the Government and the elected officials who made it clear that hate, discrimination and antisemitism have no place in New South Wales and in Australia. Your commitment and support I believe has helped break the back of what we saw earlier. There's more to be done and many lessons to be learnt about how we respond quicker and appropriately. But, more importantly, how do we support Jewish and other communities that are experiencing hate and discrimination and, ideally, what can we do to help bring communities closer together and to learn more about each other and from each other?

A little bit about me—I was born in the US into a family of rabbis. My dad's a rabbi, my grandfather's a rabbi and my great-grandfather was a rabbi. There are different kinds of rabbis. Some do more community work; some, more lectures, pulpits et cetera. I studied in schools in New York, Pittsburgh, London and Sydney. I arrived in Sydney in 1988 as a student and was sent here by the Lubavitcher Rebbe to help inspire the community. I started my community outreach and engagement then and have been involved ever since. I served as rabbi at Chabad Double Bay, later The Great Synagogue, and am now the CEO of Jewish House. I'm also a past commissioner of the National Mental Health Commission. I was founder and director of an organisation called Point Zero, who would reach out to youth in the streets of Double Bay and other parts of New South Wales. I'm the Jewish chaplain to New South Wales police. I'm also the Jewish chaplain to a number of Sydney hospitals and have been serving these hospitals for over 35 years.

I'm the rabbi for Maccabi, which is a Jewish sporting movement, and clubs. I was part of the multi-faith chaplaincy team at the Sydney Olympics. Today I run Jewish House, which is a crisis centre that helps people who need help in relation to crisis. The crisis model is similar to the emergency room in a health system: It's, one, very available and, two, has a lot of varied services that are available quickly. A lot of those services are short term in a caring, compassionate way, and trauma informed. We have a 24-hour crisis line, crisis accommodation with over 200 rooms across Sydney, counselling, psychology, case management, a mental health nurse, a jobs program, DV support, a homeless app called Mend, a couch surfers' support program, a program for kids called JH Kids, and even support for the pets of the homeless, with a project called Project HoPe.

After 7 October 2023 we began to see a huge upsurge in distress in relation to antisemitism and set out to respond with appropriate programs, as we did during COVID times. Our 24/7 crisis line was utilised as we upskilled our staff to be able to respond. We set up drop-in hubs so that people who are feeling isolated can get together as a community and talk to each other and support each other. We visited isolated Jews in nursing homes and other people who were lonely. We did training and awareness for staff in hospitals and visited the patients there. We also set about building an online platform to provide support to Jewish patients and info for staff. The website is called jewishhousechaplaincy.org. We did the same later for police, both for Jewish police who are serving and for police who are working with the Jewish community.

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We then looked at our services and how we can upscale our services. Our crisis line was made available and we trained more operators to be able to respond to people who are feeling distress from antisemitism. Our psychology and counsellors, our social work and case management, our mental health nurse, our jobs program, our JH Kids were all set in place and upskilled to be able to respond. We're also building and developing a platform called navigatingantisemitism.org, which does three things. First, it gives information for people who want to be able to report antisemitism to organisations like the Jewish Board of Deputies, police, CSG et cetera. The second is the self-evaluation and things that people can consider of how to be able to help themselves and work through what they might be experiencing, and the third is the Jewish House services that are available to help. We identified a number of key areas at school, work, uni, housing and health settings on the street and online. At the moment we're doing an interview series with different professionals and experts to be able to provide perspectives and information for people.

We have also been working closely with the health system, particularly after the Bankstown nursing incident, with the suggested plan of 10 points on how we can improve and make people feel safer and supported in hospitals. I'm happy to say that Health is very much on top of it, and we're working together. Unfortunately, there's a lot more to be done in the health space, particularly with different doctors and online groups that have become a place of festering antisemitism. As police chaplain, it has given me a chance to work closely with police and Minister Catley to see how we can make the community feel more safe and as being available to be able to talk through any concerns. We're also working closely with Minister Kamper and his office and with Multicultural NSW and Joseph La Posta to see how we can support and how we can take the learnings that we have learnt during this time and be able to apply it to other communities.

We also want to go further and create resources for professionals across different parts of government like Health, DCJ, police and Service NSW to have information about different communities—their cultures and religions—so they have information on how they can really connect with those people and make them feel more engaged, understanding about their language, celebrations, festivals and other concerns so we could better engage and make them feel included, and also have contacts in their communities that we can reach out to if somebody needs help so we know who a chaplain might be or other professionals in their community that we can reach out to to support them. These things can go beyond the departments and government, as well as to, overall, the general community to be able to learn about different cultures and religions. I could go on all day with so much work to be done, but hopefully you get a feel for what we're doing during this difficult time and hopefully turning it into a more inclusive and positive society for all cultures and religions.

LYNDA BEN-MENASHE: Good morning. I'd like to thank the New South Wales Parliament for establishing this inquiry and for offering me the opportunity to speak today. National Council of Jewish Women, established 102 years ago, is Australia's oldest Jewish community organisation. Our board and committee members have roots in 31 countries and as such reflect our community's great ethnic diversity. The vast majority of Australian Jews are survivors or descendants of either the Nazi genocide in Europe or the ethnic cleansing of almost a million Jewish people from Islamic lands. My children, who would be classified as Jews of colour, have paternal grandparents who were expelled from Yemen in 1949 and have faced in their lifetimes racism and intersectional discrimination for their skin colour, for their Jewishness and for their Zionism.

My father was born in Tel Aviv and was named after a cousin who was murdered in the Arab massacre of Jews in Hebron in 1929. The photographs of that massacre, and of the massacres of Jewish people in the Holocaust and in Islamic countries, were the reference point for our community when we saw images of the massacre of October 7. They triggered and reignited in us a profound intergenerational trauma that many of us didn't even know we carried. I was educated in public schools on Sydney's leafy North Shore, where I experienced antisemitism in various forms, from being told I had a black heart because I had killed Christ, to seeing regular graffiti that Hitler did not kill enough of us, and to being physically beaten up by a boy who called me a "filthy effing Jew". My response to these formative experiences was to devote my career to bridge building.

What I bring to this inquiry is an insight into the lived experience of Jewish people in New South Wales. I have had the privilege over the past 21 months of running resilience workshops for the Jewish community, with over 5,000 people in 94 private homes so far—the last one two weeks ago in the Sutherland Shire. I have been continuously engaged with Jewish people—mostly women—who have been doxxed or excluded by friend and professional groups, or harassed at work, or whose children have been targeted at school, including people in the 10 per cent of our community who do not identify as Zionist. I am contacted daily about these issues and will now read excerpts from three of the messages I've received just in this past week, "The moderators of a medical Facebook group I belong to were reported to AHPRA for allowing antisemitic posts. They said that anyone who didn't like what they said could go. I didn't leave, but found out today that I was kicked off. It is frightening that they have become so emboldened as to block us for being Jewish. It has been a vile 21 months."

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Another states, "I was asked to leave a book launch yesterday, if you are a Zionist. I did not take the speaker aside for conversation about Israel's right to exist, because he was in his made-up mind. It is bewildering to find myself inside an identity that incites a level of irrational hatred that is as ancient as the mountains." A third states, "The world has changed forever for us. Wearing a Star of David is a risk. Filling in a hospital admission form with your religion adds to an already anxious situation, making it safer to leave it off. Those who have been employed by or volunteer for Jewish organisations must carefully consider whether to include them on a resume. Gaslighting, lack of cultural and physical safety, hiding identity and exclusion—this is the current lived experience of many, if not most, Jewish Australians today."

How do we address the gaping rip in the fabric of what we like to call the most successful multicultural society in the world? I have four suggestions. Number one is curriculum reform in two main areas. The first is an expansion of the teaching of the critical analysis of information, misinformation and disinformation, both in depth and across subject areas. Second, teaching about the Holocaust needs to be expanded across subject areas and beyond what happened there and then to explicitly examining parallels with what is happening here and now. Number two is the cessation of government funding to organisations and individuals who are purveyors of hate speech. Those words inevitably lead to violent action, and government should not support anyone who contributes to this trajectory.

Number three is the adoption of a comprehensive definition of antisemitism, which takes into account the fact that it most often manifests today in two ways. The first is as conspiracy theories about Jewish people or the Jewish collective—the nation of Israel. The second is as a means of projecting onto Jews all the sins of one's own society about which one is ashamed, in order to expunge them. We must put an end to the practice of lumping together references to antisemitism and other forms of racism. We don't lump together references to discrimination against LGBTQIA+ people and Chinese people. Each form of racism and discrimination is unique and requires different tools to combat it. All victims should be accorded the respect of that acknowledgement.

Number four is consistent enforcement of the existing and new laws in this State against hate speech, including properly resourced regulators and real accountability for online platforms and perpetrators to stop the relentless harm being inflicted on Jewish and other minorities there. Less than two months ago I visited the Jewish Museum in Washington DC, about four hours before a young Jewish woman and her Christian Zionist partner were murdered in cold blood. Seeing that happen again on the streets of my own city is my nightmare, and I thank you for establishing this inquiry to prevent it becoming a reality.

NATHALIE SAMIA: Chair and members of the Committee, from the moment we heard the chanting cry of "Where are the Jews" rise up from the steps of our beloved Sydney Opera House, every Jewish mother in Australia knew instantly who and what they were looking for. They weren't asking a question. They were making a declaration and, sadly, we heard it in our bones. They were sending a message that you are not safe here. And they succeeded, because we recognised it. Our grandmothers had heard it before. Mr Chair, thank you for inviting the National Council of Jewish Women of Australia, New South Wales division, to appear today. We are a benevolent organisation, not a political one, and for over 100 years our volunteers have supported Jewish women and girls through practical, life-affirming work such as providing baby essentials to vulnerable new mothers, distributing hygiene kits to end period poverty, offering peer support to Jewish women with breast cancer, reaching out to isolated community members and practical workshops to help women and girls navigate financial and social challenges. While rooted in the Jewish community, our programs support women from all backgrounds with dignity and care. But no care package can protect our daughters from antisemitism.

In recent years, something has shifted. Jewish women and girls are telling us they no longer feel safe, not on campus, not online, not in the schoolyard or the street. In anticipation of today's hearing, we invited our members and volunteers to complete a short, anonymous survey and in just 48 hours we received responses from 100 women and girls. Seventy per cent of them said that in the last two years they or a family member had been directly affected by antisemitism and, worryingly, 90 per cent of them said they feel less safe today than they did just three years ago. Their stories speak to the quiet normalisation of hate. A grandmother told us how her grandchildren were rejected by their long-time friends at school because they're Jewish. A nurse was refused care by a patient for wearing a Star of David. A woman was told to walk on the road and not the pavement because she is Jewish. A teenager received a Nazi salute video in response to a message in a large group chat. Many now hide their Jewish identity. They think twice before speaking Hebrew, wearing a Star of David necklace or letting their children just wear their school uniforms in public. This is not paranoia; it is a reality. It is our lived reality.

Jewish women are strong, but we are tired. We carry the emotional weight of our families and our histories. We try to reassure our daughters, but at the same time we're bracing ourselves. Many of us in Australia are descendants of Holocaust survivors, like my grandparents Mania and Judah Sheyer from Poland and Germany, or Jewish refugees who fled Arab lands, like my other grandparents Yosef and Shoshana Samia from Libya. We know how hate begins and what happens when it is diminished, downplayed or dismissed. We are not here to ask

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for your pity. We are here to say that this must not be normalised. Jew hatred must not be normalised. It is not acceptable that Jewish women and girls are shrinking themselves to stay safe in this country we love, in this State, in this great city of Sydney. I am here to elevate their voices and their fears and their hopes and their demands. We ask you to listen, not just to our words but to the weight of the people behind them. We ask you to acknowledge them and we ask you to act, not eventually but now. We are not invisible. We are not going anywhere and we will not be silent.

ANNALEE ATIA: Thank you, everyone and distinguished members. If I may ask you for a moment, if you feel like, to close your eyes. There are very few places on earth where the natural environment has not been profoundly impacted by the human hand. There are trillions of life forms and billions of years of evolution impacted by the human hand on this potentially singular planet. I want to take a moment to acknowledge those among us that have a living memory of living with nature and not in opposition to it. To our First Nations across Australia, I see you. My deep respect to the Arakwal, the Minjungbal, the Widjabul Wia-bal peoples and the Bundjalung nation and to country, where myself, our organisation and the Jewish community live and work. I also want to acknowledge Gumbaynggirr country, which held me and carried me as a child, and to the Gadigal people and the Eora nation, their leaders and ancestors and their country, where we meet today.

Before you right now sit Jewish House, which serves thousands of families and people in crisis, a highly respected organisation; the National Council of Jewish Women Australia, this country's oldest Jewish organisation, and its New South Wales branch; and myself and Lily, standing for the Northern Rivers Jewish Community Association, which represents and cares for the Jewish community in northern New South Wales. I believe we are also the only organisation representing rural and regional Jewish communities in New South Wales. This Committee or whoever was involved in the decision-making about who's going to appear in front of the Committee has chosen to allocate 45 minutes to our three organisations caring for thousands of Jewish people experiencing antisemitism, while giving a platform to an individual speaking for himself who said, "There was not a hint of antisemitism", in reference to the weekly pro-Palestinian protests that have been taking place over the past 20 months in Sydney—protests where Palestinian slogans such as "From the river to the sea, Palestine will be free" are widely chanted.

When Palestinian Arabs call out this slogan, they say, "Min il mayim il il mayim kulun Falastin Arabiya", which means "From the water to the water, all Palestine is Arab." I know what that means. I was born in Israel to a family who have been living in the Galilee and in Tiberias for centuries. My grandparents spoke Arabic, as do my father, his siblings and many of my cousins. My parents raised me in a deeply caring, radical left environment. I did not go into the army, as did none of my siblings and, when I was born, I was registered without religion and without nationality specifically to set me up for a life of care for everyone. But I am deeply rooted in my Jewish identity, my Jewish family and Jewish community.

I also have deep roots in this modern country, from my mother's side. My family arrived here on the *Francis and Eliza* in 1815 and have been part of the New South Wales government and caring for the people of New South Wales for many years. Not too long ago this Parliament inquired into the prevalence of birth trauma in New South Wales. The committee was faced with an inquiry that blew all other inquiries out of the water. In Australia, around 300,000 women give birth every year. One in three experience childbirth as traumatic, one in four end up with postnatal depression, and one in 10 experience post-traumatic stress disorder akin to those coming back from war. No obstetrician, nurse or midwife goes to work thinking, "Today I will cause harm." Beliefs about childbirth and women's bodies are entrenched in our societies, as are the cultures that foment these shocking outcomes.

Antisemitism, which is what we are called to address in this inquiry, is insidious in nature and, like a noxious weed, when left unchecked can destroy the garden: the collective spaces we work, live and play in. Antisemitism is a complex form of racism. Most people do not think they are partaking in antisemitic behaviour, let alone what could be labelled antisemitic. It is the prescribed task of this Committee to inquire into antisemitism. Jewish people globally and in Australia are facing a tsunami of hate and discrimination. Antisemitism has many faces. It can look like a metre-tall swastika painted in yellow in the centre of Byron Bay. It can look like cancelled shows of a budding young artist, because her name is Jewish, and the choice that she made following that to leave this country. It can be the daughter of Holocaust survivors who was attacked for being Jewish in Bondi, in her own apartment block, when she was five years old, and who now was kicked out of an event in the Northern Rivers for asking a question, when in her mid-eighties, landing in hospital with a bleeding eye. It can look like bullying, singling out, shunning, harassment and so much more. It can also look like denial, suppression and pushing things to the side: No, that doesn't exist.

Let's get a few things clear right up front. Judaism is not a religion; we are an ethno-religious group. We number around 15 million worldwide. Our religion also carries our history, our stories and ancient language. We have been persecuted intergenerationally and globally, scapegoated and vilified. We have been refugees and

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immigrants many times over. We are a minority of this country. We are a minority around the world, and in the Middle East we are a minority as well. Our ancestral homeland is, in its current form, twice the size of Greater Sydney. Yes, we are strong and resilient, even defiant in our survival. But that does not mean we are not impacted.

Jewish people will define what Jew hatred is, what it looks like and what it feels like. The people with lived experience will guide the conversation. Much like birth trauma, we do not let those without it define what it feels and looks like. You have received many statements through this inquiry diminishing and dismissing antisemitism altogether. In that regard, many of the submissions you have received are rendered irrelevant. They do not speak of the lived experience. They do not speak into lived experience. Aside from the radicalisation of Australian youth, academia, the arts and public media into supporting concepts derived from autocratic thought, including adopting terrorist-adjacent materials into everyday discourse, certain far right factions have always been a concern when it comes to antisemitism. However, it is in the left and so-called progressive space that it goes completely unchecked and is very poorly understood. It is my recommendation, as a representative of the community, that you take this to note. I thank you for your time and I hand over to my community member with lived experience of antisemitism.

LILY ROBBINS: I am a writer and I'm silenced by fear that sharing my story of where I've come from and what I've experienced will lead to me being cancelled. In the last 21 months, I've met artists, musicians, actors and other writers who cannot create, perform or be published because they are Jewish and support the existence of Israel. When I moved to Australia six years ago from Canada, I felt that in Australia my dreams were within reach. I worked hard to settle down here, now sponsored by my employer and working as a writer in marketing. I have big dreams to be published, write TV shows and support other creatives to make their dreams come true. Since October 7 and my experience in Australia, I now don't know if those dreams are possible.

On October 7, I was in Israel visiting my grandma less than 10 kilometres from the border with Gaza. At 6.00 a.m. I woke up to sirens, bombs and the building shaking. Rushing in and out of the bomb shelter, seeing bombs explode not 100 metres away, I thought of Australia. I yearned for Melbourne, to walk the peaceful streets of the inner north on a Sunday morning and spend evenings with my friends. When I returned to Australia, there was no peace. Every Sunday the streets were filled with people chanting "from the river to the sea". Bars painted banners calling Israel "colonising dumb white dogs". Clubs projected anti-Israel imagery on the walls. My own share house in Brunswick was vandalised "free Gaza, land back". When I was brave enough to leave the house, my peers stopped speaking to me upon discovering that I was Israeli. I stopped leaving my bedroom. I was socially excluded for who I am. I stopped dreaming and imagined ending my life.

My friends in the Northern Rivers heard how I was doing and urged me to come up. When I arrived, I was greeted by the Jewish and Israeli community. I found connection, understanding and support. I was able to integrate my truths of my identity and what happened to me. Today, standing with the NRJCA as someone who survived thanks to their organising, I am for the first time sharing my truth with you. I wouldn't be here today if it wasn't for the existence of the Jewish state. In 1948 my grandparents and the rest of the Yemenite Jewish community were rescued from Yemen in an Israeli operation to save them from persecution and certain death occurring all over the Arab world. They were certainly not "colonising dumb white dogs". They were innocent young people arriving in a new land where they had a chance to dream of a better future, like I did coming to Australia.

Being here today and sharing this with you is terrifying, because I don't know what will happen to me afterwards. I don't know if I'll be witch-hunted for my story, cancelled or doxed, bringing all my dreams coming crumbling down. But I've decided to be brave and speak today because there are other Jewish and Israeli young people who are not only Australian citizens but permanent residents and visa holders that are scared for their future too. Honourable members of this Committee, in 1948 my grandparents' lives were saved by the Israeli state. In 2024 my spirit was supported and saved by the NRJCA. Now I ask you to allow us the freedom to support our ancestral homeland, a basic expression of Jewish identity and survival. Yet today young creatives like me are being silenced, shunned and erased because of our connection to Israel. Please allow us the freedom to dream, to create and to contribute to this country while supporting our ancestral homeland. Thank you.

The Hon. STEPHEN LAWRENCE: Thanks to you all for coming along—a really interesting and heartfelt series of accounts. We've had evidence from, if I can put it this way, non-Zionist Jewish people. Their lived experience, in summary, seems to be completely different to yours. I'm wondering, maybe starting with you, Ms Atia, if you could speak to why you think it is that there is such a different lived experience on this question of antisemitism among Jewish people. What are we to make of it in our deliberations about what antisemitism is and what we should recommend in terms of responses to it?

ANNALEE ATIA: First, I can't speak for other people, obviously, and what's going on in their head and their experience. But I can see a direct link between a person who denies a part of their heritage or history, or

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puts it aside or is willing to stand on it and not give it any air or light, and a person who is a full human being with their experience. Those people are being targeted in that way and those people who are willing to do that seem to be less targeted. Therefore, they're experiencing less antisemitism. It's basic math in my head. I don't know what's going on for them. I do know that, if you are inquiring into what is antisemitism, you really do need to speak and give weight to people who've experienced it. Of course you take into consideration—because antisemitism is something that happens to Jewish people, and if this Jewish person says it doesn't exist whatsoever, then you can take that into consideration. But, like I said before, if a person doesn't have a lived experience, that's what they have. They have that experience. I'm not sure. Does that help?

The Hon. STEPHEN LAWRENCE: Yes, it does, thank you. Ms Ben-Menashe, in terms of your evidence, you seek a recommendation that bodies or people not be eligible for grant funding if they're propagating—I think you said—hate speech. Are you able to give us some examples in that respect of what and who you consider to be engaging in hate speech who are currently receiving such grants?

LYNDA BEN-MENASHE: I will give one example where an ethnic religious women's organisation in this country and this State, which receives, I think, over 90 per cent of its funding from government, made a statement online around the time of Domestic Violence Awareness Week saying basically that it was understandable that men felt free to exercise their rights to inflict domestic violence at home when there are countries in the world—and they specified a country—who seem to be able to be violent with impunity. Now that is a very viscerally upsetting perversion of speech, both for me as a woman and also—you used the word "pernicious" before—a pernicious manipulation of opinion to serve a particular political agenda.

The Hon. STEPHEN LAWRENCE: So it's primarily criticism, whether trenchant or not, of Israel that is concerning you in terms of grants.

LYNDA BEN-MENASHE: Not necessarily—not only. You asked for an example; I'm just giving you one example.

The Hon. STEPHEN LAWRENCE: Are there any that aren't to do with Israel that are concerning you?

LYNDA BEN-MENASHE: There are many influencers in this country—many of them are female influencers—who are the recipients of large grants, particularly in the arts space or academic space, who are, in our view, purveyors of hate speech. There are people—

The Hon. STEPHEN LAWRENCE: Through criticism of Israel or something else?

LYNDA BEN-MENASHE: No, not necessarily.

The Hon. STEPHEN LAWRENCE: So what are some of the other examples that don't have to do with Israel?

LYNDA BEN-MENASHE: The example I can think of immediately that comes to mind is a person who has had arts funding who spoke about Jewish women and their "fake tears", and "We don't take you seriously, you genocidal baby-killers"—that sort of thing.

The Hon. STEPHEN LAWRENCE: Again, that's sort of clothed, at least, in terms of Israel issues.

LYNDA BEN-MENASHE: Not necessarily, because "genocidal baby-killers" is an ancient antisemitic trope. As I said when I discussed finding a proper definition for antisemitism, antisemitism is one of those things which can target an individual or hold the Jewish collective responsible for things like killing Christian babies and using their blood to make bread—that sort of thing.

The Hon. STEPHEN LAWRENCE: Sure, but the current genocide issue, if I can put it that way, seems to be arising in the in the context of Israel's actions.

LYNDA BEN-MENASHE: That's if you consider that there is a current genocide and you consider that what you're seeing online or what you're reading fits the definition of Raphael Lemkin from 1947. I mean, it's a very involved and complex discussion. I can tell you how Jewish people feel when we hear hate against us, expressed in whatever terms, and we see people who express that hate rewarded by government.

The Hon. STEPHEN LAWRENCE: Just to go back to the beginning, the thing I'm sort of struggling with is—

The CHAIR: Order! Mr Lawrence, we've only got a few minutes left. No-one else has had a chance.

The Hon. SUSAN CARTER: Ms Samia, I think I heard you say that you had reports that a Jewish woman was told to walk on the road and leave the footpath because she was Jewish. Is that correct?

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NATHALIE SAMIA: Yes, that is correct.

The Hon. SUSAN CARTER: Is that in Sydney in 2025?

NATHALIE SAMIA: Yes. We did a survey, as I said earlier, earlier this week. These were the responses that we received from people. Many of these happened recently. These are not just historical records; these are experiences that are happening now.

The Hon. SUSAN CARTER: Perhaps if I could ask all the ladies on the panel, from the experience of women, are the women of your acquaintance and yourselves personally experiencing these acts as anti-Israel attacks or as anti-Jewish attacks?

NATHALIE SAMIA: If you don't mind, Mr Chairman, I find this line of questioning—I'm utterly dismayed by it. You are trying to create a definition—some legalistic conversation here—about whether something relates to Israel or whether it relates to Jewish women and girls. Let me give you a couple of specific examples that came through, that we received as part of our feedback in two circumstances, and I'll put them together. One religious, let's just say, Jewish woman was walking home from synagogue with her young kids and someone drove past, wound down the window and screamed, "Free Palestine!" Another secular Jewish family were playing basketball and one opponent's dad/coach screamed, "Free Palestine!"

I don't know what the purpose was, or the intent of that, but clearly neither walking home from a synagogue or a children's basketball game is going to resolve anything that's happening in the Middle East. All I can do is think about the families and the children and the impact and the effect that it has. You can have this argument day and night in this Committee around what the definition is, what the intent is. Were they planning on resolving the Middle East crisis at a basketball game? We can just talk to the impact on our families, and that is what I think you need to have in mind when you have this discussion. It is what are the impact of these words on our community and on our girls—on our families.

The CHAIR: Ms Samia, I might just address your concerns. Our questioning doesn't presuppose any position. Our questioning is asking you for your experiences, which you're giving us now. Based on the evidence that you give, the Committee will then derive some conclusions, and make some findings and recommendations. We don't come to this today, or any of the previous days, any of us, with any preconceived outcome in relation to what may come out of this Committee. There are people on this Committee who support, and there are others who may not support, certain aspects of the evidence that we're hearing on a day-to-day basis. That's what I'll say. We understand your evidence and we understand your emotional concern. That is exactly what we're trying to hear from you, and the lived experience is a large part of it—especially to me. Dr Cohn, you have two minutes to ask some questions, if you wish.

Dr AMANDA COHN: Given the time, I'm happy to submit my questions as supplementary questions.

LYNDA BEN-MENASHE: I'd be happy to give two examples of two young Jewish women, one of whom is my daughter. One of my daughters is a midwife. She was working at Bankstown hospital for three years. You can imagine the impact on her of hearing colleagues boast that they either had or would kill Israeli patients. She's no longer at Bankstown hospital, but she's in another hospital in Sydney. She has been advised, on many occasions, not to wear her name badge because her name badge shows that her family name is Hebrew sounding. She has to hide her identity at work.

Another young woman, a therapist, in the past 21 months had one client who, in the closed space of the therapy room, informed her that he just "hates Jews". She asked if she could have that client reassigned. She had not disclosed her family name, her identity or anything like that to him. The management said that they would reassign that client. They had not managed to do so before his next appointment, and when he came in, they informed her that they had not managed to and told her that she should "go and hide" in another room so she didn't have to see him. Again, this is Sydney in 2025.

The CHAIR: Thank you very much for your heartfelt evidence today. We might bring your evidence to a conclusion. I don't think you had any questions on notice. Thanks very much for coming; it is much appreciated.

ANNALEE ATIA: Can I ask, would it be okay to send in some extra information about the incidents that have occurred in our community?

The CHAIR: Yes.

(The witnesses withdrew.)

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Mr HUGH de KRETZER, President, Australian Human Rights Commission, affirmed and examined

Ms HASHINI PANDITHARATNE, Director, Universities Racism Study, Race Discrimination Team, Australian Human Rights Commission, sworn and examined

Ms LORRAINE FINLAY, Human Rights Commissioner, Australian Human Rights Commission, before the Committee via videoconference, sworn and examined

The CHAIR: Thank you. Would someone like to give a short opening address?

LORRAINE FINLAY: The president will be giving an opening statement on behalf of the commission.

HUGH de KRETZER: I acknowledge we're on Gadigal country. I acknowledge Gadigal Elders and ancestors and their ongoing connection to country. I also acknowledge the racism that First Nations people have experienced since colonisation. Antisemitism is an insidious form of racism and hatred which harms people in communities and which fuels fear and division. It has no place in Australia. Antisemitism affects people's identity and self-esteem, their sense of belonging and inclusion, their participation in public life, and their safety and wellbeing. Antisemitism is an old and enduring hatred. Since 7 October 2023 there has been an alarming rise and intensification of antisemitism in Australia. This has included racist violence, racist graffiti on schools and homes, and racist abuse and threats. There's also been the flagrant disregard for Jewish people's safety and wellbeing, with allegations that organised criminals hired people to carry out the terrifying arson attacks in the caravan explosives hoax in order to gain benefits for themselves.

The Australian Human Rights Commission is responding to antisemitism and other forms of racism in a number of ways. Our access-to-justice services provide free, impartial and accessible dispute resolution services, investigation and conciliating complaints. Since 7 October 2023 we've received an increase in racial discrimination and race hate complaints. Late last year we released our National Anti-Racism Framework, which outlines a comprehensive whole-of-society approach for eliminating racism in Australia. We're also undertaking work to support Jewish, Israeli, Palestinian, Muslim and Arab communities in Australia through our Seen and Heard project. We're conducting a landmark national study on the prevalence, nature and impact of racism at universities and how to address it. We also continue to provide expert advice on law reform and policy proposals to tackle racism, including on doxxing, the display of Nazi symbols and broader anti-hate and vilification laws.

Some of the issues being discussed by this Committee are difficult and involve balancing intersecting human rights issues, such as freedom of speech and expression, and the right to equality, which incorporates freedom from racial hatred. Human rights principles can help governments and others to balance human rights when they intersect. They require that any limitation on a human right must be for a legitimate purpose and must be no wider than is necessary to achieve that purpose. Applying these principles will lead to better laws, policies and decisions that maximise intersecting rights to the greatest possible extent. Antisemitism targets and harms the Jewish community. But more than that, it degrades our society. We all have an interest in working together to address it and all forms of racism so that we have a stronger, fairer and healthier nation.

Dr AMANDA COHN: I want to ask about the National Anti-Racism Framework, which has been a really extensive piece of work. Are there elements of that framework that we should be looking to that are relevant to our work in terms of recommendations at a State Government level?

HUGH de KRETZER: Absolutely. The National Anti-Racism Framework outlines 63 recommendations to tackle racism in Australia across the country. Those recommendations are directed at all forms of government and broader society. For example, one of the recommendations is around the education curricula, about how we educate about diversity, inclusion and tackling racism. There are a range of recommendations in health, education, employment, media and the like, which operate across different levels of government.

Dr AMANDA COHN: The example related to education was excellent. Perhaps, in the interests of time, could you take on notice which of those 63 are directly relevant to State government?

HUGH de KRETZER: Absolutely. We can table that.

The Hon. STEPHEN LAWRENCE: Thanks so much for coming along. It's really appreciated. I'm not sure who's the appropriate recipient of this question, but I wanted to ask about the interim report on racism at Australian Universities. On page 37 of that report, the interim report refers to a study released by the Zionist Federation called the Australian Jewish University Student Experience Survey. Are you familiar with that?

HUGH de KRETZER: My colleague is the director leading that project, so she would be more familiar than I am.

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HASHINI PANDITHARATNE: I am somewhat familiar with it.

The Hon. STEPHEN LAWRENCE: It seems to be a substantial part of what, in this respect, the interim report's findings are based on. It's been heavily criticised in terms of its methodology and particularly, in summary, because it was commissioned by the Zionist Federation only. There's a pretty low response rate in terms of Jewish students—I think under 20 per cent, so the sample size is quite small. I'm just wondering if you could talk to us about the methodology of it and what it means in terms of the reliability of what's in that interim report in respect of antisemitism.

HASHINI PANDITHARATNE: Certainly. I can't talk to the methodology of that particular study, unfortunately, but I can tell you a little bit about our interim report. Our interim report was released in December last year. The purpose of the interim report was essentially to set out how the Human Rights Commission intends to undertake the racism at uni study. It set out our methodology and our approach to data collection. We also undertook a suite of initial consultations with stakeholders. Some of the initial insights and themes that came out of those consultations fed into our interim report. I think the chapter that you're referring to, we did do an environmental scan. We looked at the literature that is out there, as well as existing surveys that have recently been done. We drew on that information to bolster our interim report. But we will be conducting our own research, and that's what we're doing now in the racism at uni study. We're in the data collection phase. Can I tell you a little bit about that?

The Hon. STEPHEN LAWRENCE: Sure.

HASHINI PANDITHARATNE: There are four main components to the study. There's going to be a national online prevalence survey on racism in Australian universities. That will be distributed to all current staff and students at participating Australian universities. The second component of the study is a suite of focus groups. Those focus groups are the qualitative component of our research, and they will allow us to really delve into the experiences of staff and students. The third component is a literature review on the domestic and international literature that has been written about this subject. And the fourth component is a policy audit of university policies, procedures and initiatives as they relate to racism and anti-racism. So we'll conduct our research, and then our findings will be outlined in a report to government. Included in that report, we will have recommendations for government, as well as the university sector, on how to help make universities a safer and more inclusive environment for everybody.

The Hon. STEPHEN LAWRENCE: So the citation of that Australian Jewish University Student Experience Survey in the Human Rights Commission interim report shouldn't be taken to be an endorsement of that report as reliable.

HASHINI PANDITHARATNE: Absolutely. That's correct.

HUGH de KRETZER: I'd make the point that when you're measuring racism, whether it's going up or going down and what are the impacts on particular communities, there's a range of methodologies to do that. There's a range of criticisms levelled at different methodologies. They all tend to be imperfect in different ways. This study that we're doing is a landmark study, which will contribute to the knowledge of the experience of racism, particularly in the university sector. There's a range of other methodologies. The Executive Council of Australian Jewry has its own annual report on antisemitism. When you're looking at the broader impact of the Middle East conflict, there's the Islamophobia register. I understand there's a register looking at the experience of Palestinian community in schooling, for example. There are different methodologies. The broad picture, the submissions and the evidence you've heard point to a significant rise in antisemitism in this country. That's undeniable.

The Hon. STEPHEN LAWRENCE: In terms of that Jewish University Experience Survey, some of the specific anecdotes that are pulled out in it as examples of antisemitism include seeing a Students for Palestine event or seeing a Nakba Day event at university. I'm just wondering what are the underlying principles that the commission will bring to this analysis in terms of the distinction between, for example, criticisms of Zionism and criticisms that might be antisemitism, and that line between criticisms of the conduct of the State of Israel and antisemitism?

HUGH de KRETZER: I might start by saying that—I mean, this is obviously one of the most critical issues for policymakers and administrators in universities, and when the Jewish community and other communities are judging the fairness of particular rules or policies or laws, about whether they get that balance right. For the Australian Human Rights Commission, we're governed by the Racial Discrimination Act. That is the compass, if you like, in which we look at our operations in terms of what is lawful and what is not lawful when you look at racial discrimination and when you look at section 18C of the Racial Discrimination Act and section 18D with the defences. That is the standard which we apply when we're looking at complaints and which

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is applied when people take those complaints to the court system, if they're unable to be resolved at conciliation at the Australian Human Rights Commission. When you're running a university, for example, you need to make decisions about where to draw the line and what your policies and procedures will be. As part of the university study, we will be receiving information, submissions and consultations around whether those policies draw the right line in terms of some of the issues which you've talked about.

The Hon. STEPHEN LAWRENCE: Does that mean, for example, that if a definition of antisemitism adopted by a university drew that line in the wrong place and was actually capturing legitimate criticism of Israel as antisemitism, it could be in breach of the Racial Discrimination Act or it could be the subject of some other action from the commission?

HUGH de KRETZER: It would depend on what the complaint is about. If someone is being treated less favourably, in broad terms, because of their race, that might give rise to a complaint under the State or Federal system for racial discrimination. If someone's free speech or protest rights are being suppressed, there are different mechanisms to try to enforce those rights. The enforcement tends to be much harder because of the lack of strong protection for freedom of expression in this country.

The Hon. STEPHEN LAWRENCE: Indeed. That's helpful. Thank you.

The Hon. SUSAN CARTER: Ms Panditharatne, if I could come back to you on the survey that my colleague Mr Lawrence was discussing. I understand it had a 20 per cent response rate. Now, my understanding is that if you capture about 10 per cent of a target population, that gives you a margin of error plus or minus 3 per cent. Would a 20 per cent response rate generally be something that would be a useful response rate to consider?

HASHINI PANDITHARATNE: It's a difficult question to answer, because I think it really depends on the methodology and what kind of approach is being taken—for example, if it was a sampling approach or if it was a census approach. So I'm not quite sure how to answer your question. You're right in saying that generally 10 per cent is considered to be a good response rate, but it's difficult to know. I don't know what the total sample was of that survey, so it's hard for me to make a call on that.

The Hon. SUSAN CARTER: Absolutely. In your work, has it arisen that there may be concern about responding to a Jewish experience survey because of antisemitism—people are concerned to be identifying themselves as Jewish, and that may affect the ability of actually getting accurate data on this?

HASHINI PANDITHARATNE: To clarify, the scope of our project is quite broad in nature. We're capturing all forms of racism, including racism towards First Nations staff and students, and staff and students of other negatively racialised backgrounds. We are looking at antisemitism as well. Our survey is going to be anonymous, and we have built an ethical framework around it to ensure participants' safety as far as is possible. For example, we've been running focus groups, and we've had a good response from Jewish staff and students in those focus groups. Yes, what you have said could be possible, but it hasn't been a specific concern that has been necessarily raised.

The Hon. SUSAN CARTER: I wonder if I could invite comment from Ms Finlay and Mr de Kretzer, and also from yourself. There has been an issue raised in this inquiry, in the context of antisemitism, about whether the comments are anti-Israel or whether they are antisemitic. I'm wondering about the experience of racism and what your study is looking at or how we would see racism generally. Is it the way it was intended by the person? "From the river to the sea" could be a political statement talking about what somebody thinks should happen to land in the Middle East. We've heard evidence that "from the river to the sea" would be heard by a number of people—especially Jewish people—as an existential attack on their existence. The question is, is it not racist if it was intended as a political statement, even if it was perceived as an existential threat to somebody's being?

HUGH de KRETZER: There are a couple of questions in there. To add to the previous answer, there's a very strong secrecy provision in the Australian Human Rights Commission Act, which actually makes it a criminal offence to divulge personal information about people under our legislation. Do you want to talk about the survey methodology in terms of the definition of racism in it?

The Hon. SUSAN CARTER: Perhaps talk about the general question, because a live issue before this Committee is, if somebody perceives something as a threat to their being and a threat to their identity, regardless of how it was intended, is that not racist?

HUGH de KRETZER: The legal standard would be racial discrimination. Was racism a factor in the behaviour that caused a disadvantage or harm to another person? If you looked at section 18C and racial hate speech, the test is would a reasonable member of the community—in this case, the Jewish community—be offended, insulted, humiliated or intimidated on the grounds of race? That is the test. They are separate tests in

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the legal standard. In terms of the survey which we're running, we want the survey to be open. We don't want people to exclude themselves from the survey. We will be very clear about the methodology and the survey so people can judge the results in that survey according to the definition. But we won't be adopting, for example, the Universities Australia definition of antisemitism. We'll be asking people for their experiences of racism in terms of their response to it.

The Hon. SUSAN CARTER: I appreciate the information about the survey. I'm really asking for a direct response. If somebody hears something that attacks their being on the grounds of race, is that not what we would label as racist?

HUGH de KRETZER: You gave the example of "from the river to the sea". The test in our legislation, the Racial Discrimination Act, would be—and we are receiving complaints around racist hate speech. Some of these are in the media. Some of them have gone to court. Some of them have been settled satisfactorily by bringing the parties together. The test under racist hate speech is does it offend, intimidate or humiliate on the grounds of race, judged by a reasonable member of that community?

The Hon. SUSAN CARTER: So the answer would be yes.

HUGH de KRETZER: It's a subjective-objective test. I don't know if my colleague Commissioner Finlay—it's harder when you're online.

The Hon. SUSAN CARTER: Did you have something to add?

LORRAINE FINLAY: If I could briefly add in two points that might assist the Committee. The first is that President de Kretzer is absolutely right in terms of saying this is a challenging issue, but international human rights principles offer us considerable guidance. In fact, the commission, in providing evidence to the Parliamentary Joint Committee on Human Rights in its inquiry into antisemitism at Australian universities in December last year, provided a written submission that really set out the international human rights principles that might provide some guidance to this Committee. We'd be happy to provide a copy of that submission if it would be helpful, because it does discuss the types of questions that you're referring to.

The only other point that I did want to make in relation to this inquiry in particular, in light of the evidence that we just heard that I was listening to prior to us being called, I think there is a live discussion and a complex discussion about where you do draw that line between legitimate criticism of Israel and antisemitism. Indeed, most definitions of antisemitism that you do refer to acknowledge that legitimate criticism of Israel is not in and of itself inherently antisemitic. But that only tells us a part of the story in the Australian context, because we also need to recognise that when you go beyond that to target that criticism at Jewish Australians and to try and hold them accountable for the actions of the State of Israel, that moves into different territory. We heard quite moving testimony earlier today about the personal impact that is having on individuals, families and communities. Again, international human rights principles help provide us guidance about how we can navigate those issues to really strike that balance between protecting freedom of expression but at the same time protecting people against hate speech and against discrimination and racism.

The Hon. JACQUI MUNRO: Mr de Kretzer, you mentioned earlier doxxing and online vilification. I'm wondering if you have a view around whether the legal framework that currently exists is appropriate and effective enough to assist people to pursue avenues of the law when it comes to doxxing or online vilification and antisemitism.

HUGH de KRETZER: Commissioner Finlay led our work on doxxing and those broader responses, so I might refer that to her, if that's okay.

LORRAINE FINLAY: Thank you for the question. Again, the commission's view is that law reform addressing doxxing is critically important because we know the impact that can have on individuals. In particular, having spoken to members of the Jewish community who have personally experienced and been targeted in that way, we do need to understand how profoundly this has impacted them and the severity of the harm that has caused. The commission, for example, did support reforms at the Federal level recently in relation to the introduction of law reform around doxxing. We do think there are balances that need to be struck in terms of the intersection between different human rights, and that's something that needs to be considered. But, again, recognising the severity of the harm that can be caused, it is an issue that is absolutely important to address.

The Hon. JACQUI MUNRO: Do you think that people are aware of the legal avenues that they can pursue if they have found themselves the subject or target of doxxing or other online vilification?

LORRAINE FINLAY: I think one of the challenges, and it is something this Committee will need to grapple with, is the complexity of the laws in this area, not only in terms of laws in one individual jurisdiction but the intersection between laws at different jurisdictions, State and Federal levels. At the end of the day, the other

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point I'd make on that is while it is important to ensure that our laws are strong in this regard in terms of addressing the issue at hand, that's obviously only one part of the equation. That's why the work this Committee is looking at in terms of broad impacts around education and the effect that things like the National Anti-Racism Framework could have in terms of addressing some of these issues at the primary preventative level are so critical.

The Hon. STEPHEN LAWRENCE: In terms of the dialogue that occurs on universities on this issue and this vexed line between criticism of Israel and antisemitism, if a person is politically active on a campus and is a vigorous supporter and defender of Israel, what's the line between wrongly imputing to them responsibility for the actions of Israel and in a political debate, I suppose, engaging in a vigorous back and forth where their opinions are challenged about Israel? Is there a line there in terms of free speech that we should be aware of?

HUGH de KRETZER: Can you just repeat the start of the question?

The Hon. STEPHEN LAWRENCE: What is the line between wrongly imputing to an individual responsibility for the actions of Israel as opposed to a legitimate back and forth with an individual who has established, to the perception of the person making the statements, that they actually are a vigorous supporter and defender of Israel, for example, in the context of the Gaza conflict at the moment?

HUGH de KRETZER: Are you talking about a legal line or a—

The Hon. STEPHEN LAWRENCE: In terms of human rights jurisprudence, at what point are you legitimately saying to someone, "I consider you to be a supporter of genocide," as opposed to—at what point are you wrongly imputing to a person responsibility for the actions of Israel? It just seems to me that, in a lot of this debate, there are people who are complaining about things said to them and surely there's a line there where, at some point, your views and previous communications can be challenged on the basis of what they say about what has been occurring.

HUGH de KRETZER: We absolutely have to have spaces for discussion, debate, protest and expression around government policy and foreign government policy. There is an awful war happening. Tens of thousands of people are losing their lives. It is understandable why there are very strong emotions, why that is a matter of intense public interest and, with the deep community connections in Australia, with the communities that are affected by that, why this is a global issue but particularly an Australian issue. What human rights law would say is, if you're a university or a government trying to say, "We're going to stop this form of behaviour", you need to have a legitimate reason for that—safety of students, freedom from racial discrimination—and you need to do it in the least restrictive way possible.

For example, I understand that Sydney university, as part of their independent review, was looking at how to regulate protest on campus, and my understanding is that they have made a direction to say, "You can protest in the more public spaces on campus, but not in campus buildings." That might be seen to be an attempt by them to balance that protection of students, disruption of the right to education in lectures, for example, disruption to academic staff with their safety, while trying to allow a measure of protest and free speech on campus grounds, for example. That that would be the application of human rights principles.

There's no one right answer to this. There are answers that are clearly wrong. Some of this is simple, by the way. When people are being spat at, punched and having insults et cetera, that's clear. The issue you're raising is the hard one. My experience as a human rights lawyer of 20 years is that when you apply that test of saying, "What's the legitimate purpose here? What's the least restrictive way on human rights to achieve that purpose? How can we maximise those competing rights to the greatest possible extent?", that thought process leads you towards better, human-focused policy outcomes, whether it's a university administrator or whether it's a member of Parliament looking at a law reform initiative.

The CHAIR: We might bring questioning to an end there. I do not think you took any questions on notice.

HUGH de KRETZER: Just the National Anti-Racism Framework. I think it might be linked in our submission, but if it's not, we'll absolutely table that. Thanks for the opportunity to present.

The CHAIR: Thanks very much for coming.

(The witnesses withdrew.)

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Mr JOSHUA KIRSH, Director, Youth HEAR, affirmed and examined

Mrs KARA FORGACH, Chief of Holocaust Remembrance, Youth HEAR, sworn and examined

Professor MARK SPIGELMAN, Director, Australian Association of Jewish Holocaust Survivors and Descendants, affirmed and examined

Mrs LITZI LEMBERG, Convenor, Child Survivors of the Holocaust Group, affirmed and examined

The CHAIR: We will get started straightaway. Starting with Mr Kirsh, would you like to make a short, two-minute opening statement?

JOSHUA KIRSH: If you wouldn't mind, my colleague will go first and then I will.

KARA FORGACH: Firstly, thank you very much for the opportunity to speak. Youth HEAR is a young adult organisation connecting young people with the stories and lessons of the Holocaust. Founded by the grandchildren of survivors, we aim to combat antisemitism and hatred through education, commemoration and cross-community collaboration. This work is deeply personal to me as my grandfather was a Holocaust survivor. He arrived in Australia in 1951, alone and traumatised. He had witnessed humanity at its worst. But when he came here, he was met with kindness from neighbours, from strangers, from a country that gave him the chance to rebuild. They did not care that he was Jewish. He was safe and free to be Jewish. My grandfather never would have imagined that one day his granddaughter would be speaking at a parliamentary inquiry into rising antisemitism.

This isn't an abstract issue for me. The rise of antisemitism is not just something I read about in the news; I feel it. I have second-guessed whether wearing my Star of David necklace in public will make me a target. That fear isn't hypothetical. On my wedding day last year, as my husband—also the grandson of a Holocaust survivor—arrived at our wedding venue in Rosebery wearing his kippah on his head, he and his groomsmen were approached unprovoked and called "dirty Jews" and "cockroaches" and told they "deserve to be gassed". It had nothing to do with politics. It was because they were visibly Jewish. This is just one example reflective of the reality of Jewish people today, and this story is not unique. These aren't the kinds of incidents that make headlines, but they're happening at a micro level.

In the past two years I've seen a rise in casual, day-to-day antisemitism: remarks, slurs and moments that often go unreported but leave us feeling fearful. Rising antisemitism has intensified the urgency and scope of our work at Youth HEAR. We aim to create spaces where the stories of Holocaust survivors are heard, remembered and learned from. We do this through Yom HaShoah commemorations, where up to 800 young adults and, this year, 400 school-aged students, Jewish and non-Jewish, gather to reflect on the Holocaust and the dangers of unchecked hate; school education programs teaching the dangers of prejudice, propaganda and silence while promoting kindness and respect to all; and through community collaboration, building bridges with multicultural and interfaith communities to foster solidarity and shared understanding.

But we now face new challenges. Since 7 October, some longstanding partners have cut ties with us. Some multicultural organisations that once joined our events have declined to collaborate or even respond. All we want is to be heard, to share survivor stories and foster understanding and harmony. The work of Youth HEAR has never been more important. We need to equip young people with the understanding and empathy to recognise and call out antisemitism wherever it appears. Every Australian, no matter their background, should feel safe, respected and heard, and that includes Jewish Australians.

JOSHUA KIRSH: If I could just follow up, good afternoon and thank you for the opportunity to provide evidence to this inquiry. My name is Joshua Kirsh and I'm a director of Youth HEAR. As the grandson of Holocaust survivors, I take the subject matter of this inquiry, and its ultimate findings, deeply personally. My grandmother Vera's family went from 100 close family members to just three following the war. My grandfather survived the horrors of Buchenwald and Theresienstadt. Together they came to Australia to seek a better life and built a large and loving family who now feel the brunt of the rise of antisemitism that we experience. As Kara mentioned, Youth HEAR is an organisation dedicated to mitigating hate in Australia by connecting young adults with the memory of the Holocaust. Being part of this important organisation is deeply meaningful to me and I take personally the need to address antisemitism on behalf of my family and my community.

We recognise that significant steps have been taken to address the surge in antisemitic hatred and violence that has been measured by a range of institutions since October 7, 2023. However, more needs to be done in order to ensure that a culture of inclusivity is embedded within institutions and that Jewish people feel safe to live here in New South Wales. Very little work has been done to address the emotional and mental toll of the last two years on members of our Jewish community at either the Federal or State levels of government. This Parliament would

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do a great service to the Jewish community if it considered providing greater assistance for counselling and mental health treatment services, potentially in concert with organisations like Jewish House, who you heard from before, and JewishCare.

New hate crimes laws passed in both this Parliament and the Federal Parliament have been encouraging. However, regulations and policies are only the first step in the equation when it comes to dealing with this issue. It's a well-worn maxim that you cannot legislate to change what is in someone's heart. For this reason, more must be done within institutions, including and especially law enforcement, to clarify our expectations around addressing antisemitism preventatively and reactively. Tools including the IHRA definition of antisemitism are an important part of this equation. We're also encouraged by the inclusion of Holocaust education in the new history syllabus. It's incredibly important that Jewish community organisations and Jewish voices play a role in the development of Holocaust education across the State.

Significant attention has been paid during this inquiry to the voices of people who feel unfairly maligned by the accusation that they may be antisemitic. We hope that, in the Committee's report and in any subsequent action taken in this Parliament, the voices of Jewish people who have experienced real trauma since October 7 will be heard most loudly. Antisemitism represents a moral rot at the heart of society, but Jewish people experience the brunt of it. We hope that this Parliament can work constructively to lessen the burden this prejudice places on our community.

MARK SPIGELMAN: My name is Mark Spigelman. I'm a Holocaust survivor. I was born at the start of the Second World War. And my survival—I won't go into because it's six years of horror. But I'm going to tell you about my first day at school. We were liberated on 27 January 1945 and about a month later I went to school in Poland. On my first recess at school, I was surrounded by children who were yelling at me, "Jew, you started the war. Jew, you killed Jesus Christ", and a few other choice complaints. Later on in life, I realised these kids had never met a Jewish child. From my hometown of 60,000 people, 30,000 of whom were Jewish, only three children survived. At my age I was the only one. So these children had to learn to hate Jews from something. And then it came to me.

These children had been taught by the German curriculum because Germany had occupied Poland for the previous five years, so they were taught at school to hate Jews. They'd never met one. They'd never spoken to one. We arrived in Australia on 7 November 1949. But it took a while for me to get used to being what I was, because I'd been taught as a child, "Never speak; never talk to any other person". I believe, for the first five years of my life, the only two people I ever spoke to were my parents. I'd never played with a child, certainly after the—I was about 12 months old when my first cousin was taken to Auschwitz and killed.

I arrived in Australia, and I think in February '50 I started school at Maroubra Bay Public. I must tell you, on the first day I went there—because in Poland, after the first day, I was taken out of school by my parents. I never went back to school, so here I was on my first day in Australia. I went there with a lot of fear and trepidation, and suddenly the world was different. The kids at lunchtime wanted to know about me—wanted to talk to me. Before lunch was over I'd been playing my first game of cricket, and I learned how to bowl a googly, though I never mastered the art. I realised then that I'd landed in heaven. I think on that day I became an Australian, and I've never changed.

Let's come to what happened on 7 October. A horrendous massacre occurred. Within two days there was a riot at the Opera House, where I heard on television, "Kill Jews". My youngest son, who's doing a PhD, found his tutor waving a Palestinian flag at this meeting and was forced then to change. As a Holocaust survivor, I suddenly realised this is wrong. Why hasn't the Government done anything? Why did they allow this? Freedom of speech is freedom of speech, but freedom of speech is not freedom of hate. Here we are, two years down the road. Have I experienced any personal antisemitism? No, I live in a sort of isolation. At the university they haven't picked on me, but I know there are people who I've spoken to who have been picked on. One of my dearest colleagues, who's quite a world-famous professor of microbiology, has stopped wearing his skullcap.

This is not the Australia I grew up in. The Australia has changed. You can say, "From the river to the sea", but in the interpretation—and there are antisemites who existed well before 7 October in Australia—this gives them the excuse of "This is a Jewish State; the Jews are all anti-Muslims". Then, all of a sudden, we have kids at school being picked on. I can't believe it. I've got grandchildren here and I'm very worried for them. As I said recently, if I walked into my old alma mater at Sydney university—where I happily graduated as a medical practitioner—and I wore a hijab, or a turban, or a beret if I was French, nothing would happen to me. But if I dared put on a skullcap—which I don't wear from day to day, but if I dared put it on there—if I were lucky, I'd just be abused. If I were unlucky, I'd be assaulted.

This is not the Australia I grew up with. This is not the Australia I fell in love with—not the Australia I'm a proud citizen of. It's happened under your watch. It's been allowed to happen using the guise of freedom of

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speech. Freedom of speech is great, but I like to have freedom of religion. To show you how close this has hit us, you may recall the Adass, the burning of the synagogue in Melbourne. The president of that synagogue is called Martin Spigelman. He's my cousin. So here I am, Holocaust survivor. Most of my family were murdered in Auschwitz. Suddenly they're burning synagogues in Melbourne. What are we going to do about it? We can't just sit there. We're a multicultural society. If we let antisemitism—which is really racism—spread, it won't stop with the Jews. We have a wonderful country. We accept all races and religions. We mustn't allow this to be destroyed. Thank you.

The CHAIR: Mrs Lemberg, would you like to make a short opening statement?

LITZI LEMBERG: Yes. It's a hard act to follow, certainly. I'm a child survivor of the Holocaust, born in 1939, and the only survivor of my immediate family. As such, I'm acutely aware of how few of us are left. That means most people alive in Australia today, whether Jewish or non-Jewish, don't know anyone, least of all any Jews, who went through World War II. I think that puts us in a privileged position to convey our experiences, to Jews, non-Jews, minorities and especially our youth. There aren't many who can remind the world of what happens in a community when hate and prejudice—indeed, racism—enters it.

I am a guide at the Sydney Jewish Museum, and this is why I talk to high school pupils from all over New South Wales. Our communities are fragmented and I believe in education to remind or teach people what happened during the Holocaust. I want people to see us and hear us as ordinary Australians to whom this has happened. I lost my whole immediate family and as a three-year-old was transported to a concentration camp. I wasn't strange or special, though my family think I am. I hear news reports of antisemitism and destruction of synagogues in my community. It upsets me and angers me. This is a change. This is not something that has happened in my living memory since arriving in Australia in 1948, and it's very concerning and anxiety driven. But my experience in my community is that people care how I'm doing and how world events are affecting me, and this is because they know me. This is why education and communities coming together is so important. The words "never again" are imprinted in our minds, never to be forgotten. Thank you.

The Hon. JACQUI MUNRO: Thank you so much for coming. In the last session I asked about online abuse, doxxing, and vilification, specifically for youth here. Has that been an experience that your younger community are coming to you about? How have they been dealing with that online element of this racism and antisemitism?

JOSHUA KIRSH: One of the things we did toward the beginning of this period was we hosted a session called "Not Great, Actually". We brought together a significant number of Jewish young people who were feeling distressed, feeling traumatised, about the situation. One of the really consistent themes that we heard from them in the facilitated sessions we ran with counsellors and psychologists was that it almost felt like playing a roulette wheel. When you opened your Instagram account or a social media page, you didn't know if you were going to be exposed to some form of dehumanisation or vilification material. A whole range of people said to us that they had cut off relationships, or had relationships cut off with them, because of content that either they had posted online or people had posted online, that they felt was demonising or delegitimising them. What's been a really consistent feature of this is that social media organisations have taken very little responsibility to address that sort of harm, whether it's been in the form of doxxing or whether it's been in the form of publicising hate speech. By contrast, they've utilised algorithms and other nefarious mechanisms to in fact amplify it, which just exacerbates the problem.

The Hon. JACQUI MUNRO: This question relates to that online aspect but also what Mrs Forgach spoke about on what might be considered casual antisemitism or bypasses—for example, making comments on your wedding day. How do people determine when that kind of incident is worthy of report? You said that it was unreported, or lots of things go unreported, but at what point is that line of hurt or intention crossed that you would make that formal application? How are people thinking about that?

KARA FORGACH: It's a really good question. It is really dependent on the situation. For example, that experience that my husband had didn't go reported because it was just something that happened and it's become so normal for us to have experiences like that. We thought about whether we take that to the police or something like that, but we ultimately decided that we'll just sit with it, we'll live with it and we'll keep going. It depends on the situation. There are people that certainly would take these situations to the police or take it further and report them. But, ultimately, so much of what we're seeing, as young people particularly, is just casual antisemitism. Whether we see it online—it's comments on an Instagram post or something like that—or it's a little comment that someone says to us, most of it we probably just sit with. Like Josh said, that has a really big impact on our mental health and the way that we cope and manage day to day. But, yes, a lot of that is we get on and continue with our life.

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JOSHUA KIRSH: If I can briefly add to that, the key element here is confidence in consequences. I had an experience on campus that I found deeply distressing, and I also wrestled with the question of whether or not to report, whether it was worth it. I spoke to colleagues from the Australasian Union of Jewish Students and some friends. We kind of came to the view that if it wasn't reported, there would be no record of it. It would just sort of fall into the ether. The calculation that I was making in my head was do I go through the traumatic process of having to explain this and also, potentially—even though this was an incident where someone had said the Jews have all the power; it had nothing to do with anything else—trying to think about whether someone's going to have a common understanding of what antisemitism is and be sympathetic to that experience. So I think more confidence in a common understanding of antisemitism and the potential for consequences would make people more likely to report.

The Hon. SUSAN CARTER: Is there a concern amongst young people that if they report at university, for example, they won't be heard or their complaint won't be respected?

JOSHUA KIRSH: Yes. I think it's a pretty common feature that so many people who you talk to, where we hear those anecdotal examples, and we say to friends, "Did you want to go through the process?" They sort of say, "What would be the point? Some person sitting in an office—who's not Jewish, who doesn't understand my lived experience—would then be sitting in judgement over whether or not I was making it up or being oversensitive." My personal experience in going through it was that my lecturer provided support and services. The complaints process was followed through to the hilt. I did receive an apology. But I can understand why people wouldn't feel confident.

The Hon. JACQUI MUNRO: In that relationship between the online world and the physical world—for want of a better distinction—are those relationships changing in person because of online engagement? Is the isolation that might be felt through an online context or online material being transferred to relationships in real life?

JOSHUA KIRSH: I can speak to friends and family I have who've either seen things that people have shared, and attempted to engage in conversation—and perhaps that has been unproductive—and then that has led to ending in-person friendships. I know of an example in the ACT where there was a young person I'm acquainted with who was sat down and told she had to leave the share house that she was living in because her identity made other members of the share house feel uncomfortable. So there are very real consequences to the things that people are seeing and regurgitating online.

The Hon. SUSAN CARTER: I have some questions about the educational work that you've been doing. Have you been given reasons why other groups have disengaged with the programs that you've been running?

JOSHUA KIRSH: I think the disengagement has more been our multicultural and community collaboration work, and also our Holocaust commemoration, rather than the education work that we do. To the schools' credit, we've had the opportunity to run education programs in schools with Jewish and non-Jewish students. That has been incredibly welcomed and well received. Kara, do you want to speak to some of the community—

KARA FORGACH: Yes. Sorry, I'm trying to remember exactly what your question was. I think mostly it was a disengagement, often without a reason, is my understanding. I'm speaking to the other committee that I'm not a part of, so it's just what I've heard. It's just discontinuing programs that we were going to run together and then also just being non-responsive as well—so the silence, which can often feel really, really upsetting when you've had long ongoing relationships with these communities.

The Hon. SUSAN CARTER: And that disengagement was occurring after the events of 7 October?

KARA FORGACH: Yes, exactly. I believe there were events that were going to be held. They were to hear our story of genocide as well as hearing other communities' stories of their experiences of genocide, too. I believe that they were cancelled or postponed just due to the current climate.

The Hon. STEPHEN LAWRENCE: Thanks to you all for coming along. It's much appreciated. In this inquiry, we've heard evidence of antisemitic incidents about which there can really be no ambiguity: They're clearly antisemitic. We've then heard evidence, including from Jewish people, about a range of other things that there's no doubt are interpreted by some or many Jewish people as antisemitic, but then interpreted by others as not being antisemitic and being, for example, criticism of Israel, criticism of things that are happening at the moment in Gaza, and so forth.

What do you think are ways to deepen community understanding on both "sides", if I can use that term, such that there can be a greater alignment of understandings, or greater understanding of the perspective of the other? I say that not to minimise the other types of antisemitism, but we've heard evidence about perceptions of

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antisemitism having a pernicious influence themselves, and people interpreting things in a genuine way as antisemitism that is not intended as antisemitism is intended—for example, things that Palestinians might say about their situation. How do you think we can build understanding on both sides of this so that there can be a greater alignment and some shared understandings?

JOSHUA KIRSH: Can I just get some clarity around—I just want to make sure I can answer the question fully. When you say "both sides", which sides do you mean?

The Hon. STEPHEN LAWRENCE: I said it in inverted commas because it's a very difficult concept.

JOSHUA KIRSH: But in terms of who's on what side.

The Hon. STEPHEN LAWRENCE: I mean, for example, one side could be Jewish Australians of a Zionist bent who strongly support Israel, and the other side could be Palestinian people who are demanding a right of return who might be settled here as refugees, or descendants of refugees, forced to leave that place—and, of course, all the political statements that might emerge from both those sides. Is there a way to build better understanding on both sides of the background in which some of these statements are intended to avoid this sort of misalignment, if I can put it that way?

JOSHUA KIRSH: I think my priority as a Jewish person, and I think as a person who is involved with Jewish organisations, is not to educate Jewish people about why their feelings are not—not that I'm imputing this to your question—valid. I think the trauma—

The Hon. STEPHEN LAWRENCE: I think you can impute it to the question, and I don't get at validity. I rather get at fundamentally different perspectives that inform opinions.

JOSHUA KIRSH: We have tools like the IHRA definition and others that very clearly lay out a distinction between when criticism of Israel is and isn't antisemitic. I think if they were applied more broadly, they would be more effective. But this idea that we're going to, as a Jewish community, prioritise per se understanding why things that dredge up intergenerational trauma for us are not antisemitic, because the person who has dredged those feelings up didn't intend them to be, is, I think, a bit of a misnomer. People who share antisemitic views relating to the conflict may not intend them to be antisemitic, but they're participating in a broader cycle of misinformation and disinformation, in many cases, that is explicitly targeted at activating and retraumatising Jewish people here in New South Wales and around the world.

I keep coming back to the definition, but part of the beauty of the definition is that it acknowledges that a range of things that are said about the contemporary State of Israel reflect contemporary translations of historical manifestations of antisemitism. Whether that's dual loyalty tropes or this idea of bloodthirsty or baby killers, which one of the previous witnesses spoke to, these are antisemitic canards that we have heard for centuries. When we hear them applied in other contexts, I don't think there's a way for us to separate or distinguish them from the existing legacy of antisemitism that we live with.

The Hon. STEPHEN LAWRENCE: So you don't see a role for deepened understandings on both sides in order to get clarity around these definitional issues, if I can put it that way?

JOSHUA KIRSH: I would like to see broader education across the board about what antisemitism is, and I think that's been clear in what we've said so far. But the idea that we are going to educate people out of feeling retraumatised by the kinds of language and tropes that they're seeing and hearing repeated, either in person or on social media—I don't think that that's generally how trauma works, in my understanding.

The Hon. STEPHEN LAWRENCE: The reason I actually thought to ask the question was some of the tragic things that I just heard spoken of reminded me of tragic things I've heard said on the other side of this, in terms of generational impacts, immediate families being destroyed, dispossession, exclusion or fleeing to other countries as refugees. And you see nothing that presents a duality here of a lack of appreciation and understanding?

JOSHUA KIRSH: No, of course. I think we feel a genuine sympathy to people who've experienced violence, hatred, discrimination and persecution. I don't think any of us would disagree with that. I think what we object to is the weaponisation of our traumas and the ways in which our traumas manifested across our history in order to silence us, exclude us from the community and make us feel scared and threatened.

The Hon. STEPHEN LAWRENCE: Perhaps this is a question for you, Professor. Have you got any thoughts on how in Australia we move forward? I know that antisemitism has many faces. We haven't talked so much about the far right, for example, but that is an issue in Australia. To the extent that this manifests as a communal problem between different communities, do you have any thoughts about how in Australia we can move forward with an acceptance that there are totally different perspectives on various historical issues and, notwithstanding that, reach some community cohesion?

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MARK SPIGELMAN: I have sympathy for anybody who is a refugee, having been one myself. I don't divide that into racial or religious groups. I have my sympathy, and I wish we could help them at all times. But the problem is education. Now, soon after October 7, I was listening to the news on television; I won't tell you which channel. Somebody from the Teachers Federation said, "We are going to teach about the Israelis' ethnic cleansing and apartheid." Now, that is going to be taught to young kids. Those kids will grow up, and they will see Jews, and they will be told that this is a Jewish State. By the way, I don't know if the Committee is aware that in the State of Israel of 10 million or so people, 25 per cent are Muslims. There are Palestinians who are now Israeli citizens and have been, in fact, in the previous Government, part of that Government. At the same time, we're being told that, in education, some of the teachers think Jews or Israelis practise apartheid. Get your facts straight. They make up 25 per cent. They have full rights. Some of them are even serving in the army.

The Hon. STEPHEN LAWRENCE: I think the apartheid allegation is generally put in relation to what is sometimes called the occupied Palestinian territories, rather than internally to Israel.

MARK SPIGELMAN: That's what you're aware of. That's not what is coming through to 10- and 12-year-old kids. Apartheid is a dirty word, and so it should be.

The Hon. STEPHEN LAWRENCE: How do we allow people to engage in even trenchant political rhetoric—and a lot of human rights organisations have exactly that view—while not visiting that upon individual Jewish Australians?

MARK SPIGELMAN: Perhaps some of those people should come to the Jewish Museum and hear Holocaust survivors, such as Litzi and myself, talk. I talk about it. I want you to know that we grew up with our parents telling us, "First, love Australia." That's easy. If there is ever a group that is being picked on, it is our duty, because of the suffering we've had, to support them. If you look at the past times, we have been, as a family, very supportive of the Indigenous Australians. I want you to know that I have worked for 25 years with scientists from the West Bank university of Al-Quds. I've got a dozen publications and a couple of book chapters with them, and they are my friends. I have no problem with this, and I'd like the rest of the people to be taught how to live and not say "Jew, apartheid, ethnic cleansing". That is what is coming through now. If our young people are taught that, I think we're going to have a problem in the future.

The Hon. STEPHEN LAWRENCE: Is this a problem of the conflation of Israel and the Australian Jewish community, at least in part?

MARK SPIGELMAN: Sorry, it's a what?

The Hon. STEPHEN LAWRENCE: Is this a problem of the conflation of the Australian Jewish community and the actions of Israel? It seems to me that there can be many different opinions about Israel, and there will inevitably be many different opinions. It's a very controversial situation and a very complex one. But is this a need to distinguish between Israel and individual Jewish Australians?

JOSHUA KIRSH: I think a lot of members of our community would object to language like conflation, in part, because we feel a strong intergenerational link to Israel as a state and as a nation of people. The question that might better present itself is, perhaps, how can Jewish people in New South Wales live with whatever opinion they have about the State of Israel and not fear vilification, discrimination or antisemitic hate speech? I think expecting Jewish people in some way to change our behaviour in order to affirm some kind of lack of connection that does exist—there is a significant connection between our Australian Jewish community and Israel, whether personally or through family connections.

I personally have family in Israel. That connection exists, and we don't want to disengage with the people who we love and the State that represents many of us. We want to live in New South Wales, free of vilification. This idea that we can just create some kind of artificial division between—and I recognise that people who are Jewish in New South Wales don't agree with everything that the State of Israel does, and I personally don't. But I don't want to have to choose between recognising my Zionism or my connection to Israel and not experiencing antisemitism.

The Hon. STEPHEN LAWRENCE: Sure, but I assume you wouldn't want to be personally held responsible or punished or vilified because of the actions of Israel either, and that's what I was sort of saying.

JOSHUA KIRSH: No, I wouldn't and that's why tools like the IHRA definition are important because they lay that out. They indicate specifically that in circumstances in which people are punished on the basis of the actions of the State of Israel, that should be considered antisemitic.

Dr AMANDA COHN: I have one question that follows on from this line of discussion, which I think is really important, because I was reflecting on Professor Spigelman's really moving anecdote about your experiences going to school for the first time after the Holocaust—reflecting that, in the current context in

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Australia where there's really heightened media and political attention and genuine distress in communities because of what's happening in Gaza, a lot of Australians following the media who either may not have Jewish people in their lives or may not know that the people in their lives are Jewish because they're afraid to be open about it, are only seeing prominent Jewish voices or Jewish community groups having a public voice on the issue of Israel and international geopolitics. The question I was trying to get to is: Would it be helpful, in terms of education and support and connection in the communities, to actually support a greater understanding of what Jewish identity is or what Jewish communities do in Australia or what Jewish life is like that's separate from what people might see, which is a constant discussion of Israel and international geopolitics?

MARK SPIGELMAN: The first thing I want to say is don't characterise us as different. We're Jewish. Nobody says "Catholic Buddhists". I'm an Australian; I don't want to be characterised. I also don't want to be stigmatised by what's happening 20,000 kilometres away. I'm an Australian and I'm Jewish by birth, religion, and I want it to be like that; that's how I grew up here. To say that we have to go out and prove that we're better citizens or good citizens, no. No other religious group is asked to do that. Why are we being picked on? There are problems in Burma; nobody picks on Australian Buddhists. Come on—it's a fact.

Dr AMANDA COHN: Sorry, if I could just clarify, I really genuinely did not intend my question to be picking on you. I'm asking for your advice about the work that we can do as a Committee and that the Government can do—if that's an important thing to educate communities about.

MARK SPIGELMAN: There are three things you can do: education, education, education. I can't think, because I'm a simple man, of any other reason, but you have to educate because at the moment the education is tilted the wrong way and it's a danger to the future of Australia because there is racism now in our schools and it won't stop at the Jews. That's all I'm saying.

JOSHUA KIRSH: If I could just add, I would love to see greater representation of broad forms of Jewish identity across media and across different venues. I think that would be phenomenal. I think the reality that we have to grapple with is if you talk to Jewish people in the arts at the moment, they'll tell you that they feel excluded and stigmatised. If you talk to Jewish people across a range of professional associations, they'll tell you they feel excluded and stigmatised. I guess it's a chicken or egg question: Can you actually highlight different facets of Jewish identity in order to address antisemitism when antisemitism is part of what's preventing us from exploring fully our identity as Australians and as Jewish Australians?

The Hon. SUSAN CARTER: One final quick question, and thank you for your patience. Just engaging with the free political speech argument, is it free political speech, free political criticism of the State of Israel, to call Jewish Australians cockroaches?

JOSHUA KIRSH: Absolutely not.

The CHAIR: Professor Spigelman, I was quite interested in hearing your description of arriving in Australia as a boy as arriving "in heaven". It reminds me, as the son of a Polish Holocaust survivor, that that's exactly the way my father described arriving in Australia in January 1949. He had come to heaven having spent two and a half years in Buchenwald.

MARK SPIGELMAN: Thank you, and he said it because it's true, and it was true.

The CHAIR: Absolutely right. He said it because it's true. In my view, we are losing heaven now.

MARK SPIGELMAN: No argument.

The CHAIR: Thanks very much for coming today.

(The witnesses withdrew.)

(Luncheon adjournment)

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Ms JILLIAN SEGAL, AO, Australia's Special Envoy to Combat Antisemitism, before the Committee via videoconference, sworn and examined

The CHAIR: I welcome our next witness. We will go to questions from the Government.

The Hon. STEPHEN LAWRENCE: Is there an opening statement? If not, I'm happy to start.

JILLIAN SEGAL: I'd be happy to make a short opening statement. Thank you so much for the opportunity to attend. I apologise I'm not with you in person, but I had a small fall and I have a broken foot. So I'm not terribly mobile, but I appreciate you accommodating me. Antisemitism—I think it's very important that you are holding this inquiry—is such a terrible virus, as you know, which eats away at our fundamental Australian values underpinning our harmonious democratic society. I'd like to take this opportunity up-front to recognise the moral clarity of both the Premier and the Leader of the Opposition in confronting antisemitism. Since my appointment as special envoy just under 12 months ago, I've met with many political and civil leaders across the country, and the sincerity and determination of the New South Wales Premier to tackle antisemitism has been critical. I've been equally heartened by the Opposition's steadfast support for the Jewish community.

I also want to acknowledge the positive steps taken by this Parliament to pass legislation earlier this year. Those laws were designed to address some of the kinds of acts we saw over the summer that targeted the Jewish community in New South Wales and contributed to a sense of profound anxiety and unease. I have provided, just for your ease of reference, copies of my submission, which covers antisemitism at universities, schools and elsewhere, as well as a copy of the IHRA definition. I think it's very important to remember that, as the late Rabbi Sacks put it, "The hate that begins with the Jews never ends with the Jews."

I've had the benefit of reading some of the submissions to you and the transcript of the evidence given and, I must say, I really strongly endorse the evidence given by ECAJ Co-CEO Alex Ryvchin. I want to highlight the role of the ECAJ as the most genuinely representative body of Australian Jews. Some of those submissions that you have received, I believe, have got incorrect information. I'm sure you can sort that out. But I just emphasise two matters. Some of those people who have made submissions to you may not be as representative as, indeed, the ECAJ is. It would be fair to say some of them have taken rather particularly activist views. There has been some commentary suggesting that the Jewish community's genuine fear and anxiety has been misplaced because the Dural caravan, perhaps, was never intended to actually blow people up, or confected to prevent legitimate criticism of Israel. Both of these arguments are patently false. I'd be happy to discuss that with you. The Dural caravan certainly contained explosives and deliberately targeted the Jewish community, and created a very significant sense of vulnerability and terror amongst the community.

Certainly, in relation to commentary or criticism of Israel, where you've heard some evidence, I would like to deal with this explicitly. It is not antisemitic to express a view on the policies or actions of the Israeli Government, just as there is no bar to criticise the actions of any other government. But as the IHRA definition, which I hope has been handed to you, makes crystal clear—and it is the gold standard and most widely accepted definition both here in Australia and overseas, and has been endorsed by the Federal Government and Opposition. It explicitly states that criticism of Israel, similar to that levelled against any other country, cannot be regarded as antisemitism.

Calling for the destruction of the State of Israel is equally antisemitic. Jewish Australians should not have to fear harm and should not have to live in fear, including if they happen to support the existence of the State of Israel. People of goodwill can disagree on the actions of the Israeli Government, but no Jew should be told it's too dangerous to visit the Opera House, no Jewish person should question the treatment they might get in a New South Wales hospital, and no Jewish person should have to worry about the safety of their children at a Jewish school. My goal and my role is to restore civility to our public discourse and push antisemitism to the unacceptable margins of our society. Thank you.

The Hon. STEPHEN LAWRENCE: Are you able to point to any aspects of your work, particularly public aspects of it, where you focused on or brought attention to this problem of far-right antisemitism, which has been the subject of some evidence in the inquiry? The activities of neo-Nazi groups, particularly in the south of the State, has been a feature of media commentary.

JILLIAN SEGAL: I think my work has been focused more on antisemitism generally, if I could put it that way, rather than anything particular. There has been terrible antisemitism on the right and, of course, we have seen that in lots of graffiti and signs and posters, but also antisemitism on the left. I've been focused on both ends of the spectrum, so to speak. I think that the education that is central to fighting and countering antisemitism needs to deal with both. I haven't particularly focused on one or the other.

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The Hon. STEPHEN LAWRENCE: In terms of the public aspect of your work, can you point to any part of it that has focused on this problem of far-right antisemitism? I caveat that question by saying that—perhaps like you, I don't know—I don't wholly accept a dichotomy between left and right antisemitism. It has been used in the inquiry, I think, as a bit of a shorthand.

JILLIAN SEGAL: I see it rather as a horseshoe, if I can use it that way. It covers the full spectrum of traditional antisemitism, reflecting Nazi epithets and Nazism itself. That is what I would describe as traditional antisemitism—the tropes and the misinformation going back millennia, in fact. That is what I see as the right. The antisemitism on the left is more associated with anti-Zionism, or a misplaced view of Zionism, and matters in the Middle East. I haven't focused on one or the other in particular, although I do applaud the legislation that has been passed federally and at a State level in relation to Nazi symbols.

The Hon. STEPHEN LAWRENCE: All of your work that I could find online seems to be focused more on the Israel question and that issue of antisemitism, in some people's view, becoming manifest in criticism of Israel. Is that a fair summary of your work?

JILLIAN SEGAL: I don't think that is correct at all, because my mantra, I suppose, in terms of countering antisemitism is that there are three important legs to the stool of countering it. There's leadership. We want leadership from people such as yourselves, leaders in the community generally, not just government but all leaders—and that's all antisemitism. Then there's law reform. We have to have guardrails, and that needs to pick up all forms of antisemitism, but it's certainly picked up the Nazi symbols and signs as well as, obviously, safety in relation to places of worship, and hate more generally.

And education. One of the areas of education is particularly schools, where the Government has commendably put in place Holocaust education for four years of high school. I've been very focused on that in working with the Department of Education to look at what those offerings will look like. I have been involved with the department again in a video that we made, in talking to teachers—or principals in the schools and, hopefully, spread to the teachers—about antisemitism, and focused on Holocaust education as an example of antisemitism. If you want to divide them up, I suppose I have put a considerable focus on those elements. But many of those elements relating to Nazism are based on traditional tropes and misinformation about Jews. They infect all of antisemitism—the whole of the horseshoe.

The Hon. STEPHEN LAWRENCE: In the first part of your submission under the heading "A. Causes underlying increasing prevalence and antisemitic incidents across NSW", you quote Rabbi Jonathan Sacks saying:

Antisemitism ... takes different forms in different ages. In the Middle Ages, Jews were hated because of their religion. In the nineteenth and early twentieth century they were hated because of their race. Today they are hated because of their nation state, the state of Israel.

I'm a little bit concerned about that quote and its prominence because it does seem to centre the antisemitism conversation wholly on Israel and statements that might be considered hostile towards Israel or critical of Israel.

JILLIAN SEGAL: I think I was just quoting. I think he's a great philosopher and a great rabbi and a great leader. I think he was just highlighting the shifting nature of antisemitism. I don't think that one should say what he said means that is the only form of antisemitism. Unfortunately, we see all forms of antisemitism, whether it's in relation to current positions vis-a-vis the Middle East or Zionism, or whether it's still about Jews as a race, where we pick up all those hatreds from Nazi Germany going back then through Luther in the Middle Ages, or whether it is, indeed, a complete focus on the tropes—you know, Jews controlling the world et cetera. It's the full spectrum. I just quoted him because I think it's worth understanding that it is shapeshifting and that it can take many forms and over the ages it has changed and evolved.

The Hon. STEPHEN LAWRENCE: Sure, but I think its prominence in your submission has a tendency, doesn't it, to wholly exclude antisemitic behaviour and statements that make no reference to Israel whatsoever?

JILLIAN SEGAL: No, I don't—

The Hon. STEPHEN LAWRENCE: It seems to focus the whole conversation on things hostile to Israel. It seems to me that there's a whole range of antisemitic conduct and some of it indeed comes from—this is well known internationally—antisemitic people who actually pose as supporters of Israel. I'm just curious how we can understand it in that way.

JILLIAN SEGAL: Look, I agree with you. I certainly didn't mean it to create that impression. I just meant to illustrate that it was shapeshifting over time. I think antisemitism covers the full spectrum. I certainly accept your view that supporters of Israel could be highly antisemitic, and that is why education about the full spectrum is incredibly important.

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The Hon. SCOTT FARLOW: I just pick up on the questions of Mr Lawrence with respect to that submission and that quote that was used from Rabbi Sacks. We've heard evidence on this in the inquiry as well—that anti-Zionism is morphing in some ways into the new antisemitism, that people are using the terminology of "anti-Zionist" or are talking against Zionists rather than against Jews, and that that is also morphing into a form of antisemitism itself. Is that part of the problem?

JILLIAN SEGAL: Yes, that was the point that I was trying to make. If you look at the IHRA definition of antisemitism, it picks up a whole range of hatreds. If you are going to call for the death of Jews and you say Jews are, as we've recently heard, more like animals et cetera, it doesn't in any way relieve the antisemitic nature of what you're saying by then just substituting the word "Zionist" for "Jew". I completely agree—it's been a shapeshifting hatred, and people are using different words. But we need to be clear that it is the hatred of Jews, expressed in different ways over the centuries.

The Hon. SCOTT FARLOW: One of the questions that we're grappling with here is where and how we draw the line when it comes to criticism of the State of Israel, criticism of the actions of the State of Israel, and even criticisms from some who believe that the State of Israel shouldn't exist. Where would you submit that we should draw that line?

JILLIAN SEGAL: I think the line has to be drawn as per IHRA. It is such an all-encompassing definition that many Jewish minds have put their minds together to work on, and that's why it means it's a working definition. Not that it's a changing definition, but it is a definition that's been provided to use in one's everyday life and work. If you call for the destruction of the State of Israel and the abolition of all Jews, it's antisemitic. If you want to criticise policies of the State of Israel, it's not antisemitic. Anything that you want to do in relation to what you do to others is probably fine. But if you are singling out one state, one people, then that can be antisemitic. It does depend, as it says, on the context, but those are where you draw the lines.

The Hon. SCOTT FARLOW: Universities Australia have put forward their own submission on antisemitism, which is different from the IHRA definition but is criticised as well. Do you think that definition is sufficient or not?

JILLIAN SEGAL: I have obviously worked with them in relation to the measures that they've put in place to try and deal with the situation that occurred on campuses. That includes having a definition, having training, having complaint schemes and having new policies. I think that the universities have taken some very positive steps. That definition, they believe, they can operationalise through their complaint schemes and through their disciplinary proceedings. It's short, it's to the point, it's not as long as IHRA and it doesn't have as many examples. But it makes it very clear that if one is calling for the destruction of the State of Israel, that is antisemitic, and you cannot just put in the word "Zionist" and say that something that otherwise would be antisemitic is not.

It's got a lot of the elements of IHRA, with the advantage of being easier for them to operationalise. I take the view that if it helps the universities to understand and spread understanding through their staff and their hierarchy of antisemitism, in an easy way that can be operationalised for their complaint schemes, it's a good step. We need universities to move culturally into understanding and working against antisemitism. I have said to them I would prefer IHRA, and hopefully one day they will adopt IHRA. But, as a stepping stone, it is very important that they adopt it and operationalise it.

The Hon. SCOTT FARLOW: One last question from me before I hand you over to my colleague, the Hon. Susan Carter. In your submission you talk about the impacts of 9 October, and what happened on the steps of the Sydney Opera House and how significant that was. In your view, did that set the tone for everything that has happened following that incident in terms of antisemitism and the symbol that it sent to those in the community who hold antisemitic views, that they would be somewhat protected in being able to espouse those views?

JILLIAN SEGAL: I think it was a terrible incident that did indicate to people who were underlyingly antisemitic that they could continue behaving that way. I think antisemitism as a hatred and behaviour generally in the community is not quite determined, but is shaped, by leadership. That's why I indicated it was one of the three key parts of the stool that we have to work on. Leadership is incredibly important, and leaders condemning certain attitudes and behaviours sets the tone. So the failure of that—of the demonstrators to be moved on, the fact that the Jewish community was asked not to come—I think it set a very bad tone and a failure to be called out. But I don't think everything that has happened has fallen from that.

Obviously, it was an opportunity where it could have been smashed down, but there have been other opportunities. But we are part of what is happening internationally as well. There's rising antisemitism everywhere. At this point, we need a whole host of responses—not only individual leadership but, as I said, we need legislation, we need education. But we need ongoing condemnation of any incidents, because each one can be tackled to condemn and ensure that it doesn't, in any way, send the same message that it's acceptable.

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The Hon. SUSAN CARTER: Ms Segal, I understand that you've been involved with education programs in Western Australia and ones that have been trialled by Catholic schools in New South Wales. Could you tell us a little bit about those and whether that would be a good template for the Department of Education in New South Wales?

JILLIAN SEGAL: I suppose the education in WA has really come about because they've spoken to New South Wales. New South Wales has been the positive leader and influence on WA, and we are still working with them. I wouldn't say that what is being spread through WA is in any way established. My office has been looking at different ways to disseminate information and disseminate class learning about antisemitism. There are some major international sources of education that we are looking to trial, as well as homegrown versions. I myself have produced four small videos as a first step for teachers, and we are producing another, much longer, program in conjunction with the alliance of Holocaust museums around Australia.

The trial that I was involved in, which actually was just before I started in this role, with the Catholic schools, that was a very intensive teacher training exercise and then a focus on students who had never met other Jewish students—non-Jewish students meeting Jewish students and having an experiential program. That will not be sufficient. It won't be able to be scaled up sufficiently for the number of students we have, so we need to replicate that in different ways, through visits to Holocaust museums through videos, et cetera. I think your point that they are great case studies is absolutely right, but I'm taking them and working it up, in conjunction with other work that I'm doing with the department here in New South Wales.

Dr AMANDA COHN: Thanks so much for joining us remotely despite your injury, Ms Segal. I have a couple of questions for you. First, could you explain to us how you disclose or manage any real or perceived conflicts of interest between your role as the Special Envoy to Combat Antisemitism and your role as chair of the Australia-Israel Chamber of Commerce?

JILLIAN SEGAL: Well, actually, it's quite easy. I'm no longer the chair of the Australia-Israel Chamber of Commerce. I resigned last year.

Dr AMANDA COHN: Thank you, that's helpful. My second question is about—

JILLIAN SEGAL: Not that I believed it was—can I just say, it's not an advocacy organisation. It was an event organisation and a knowledge organisation, so I didn't actually see it as a great conflict. But it was better that I stepped down, so I have.

Dr AMANDA COHN: Thank you for clarifying that. You've called for the weekly demonstrations for Palestine to not be permitted in the CBD, and I understand you've called them "intimidatory and sinister". Have you attended any of those events yourself?

JILLIAN SEGAL: No, I have not. But I have spoken to many people who have—not members of the Jewish community but others who have. So not Jewish members at all but people who wanted to go into the city have spoken to me and said that they felt they could not go into the city. They felt intimidated, let alone the Jewish community. So it was really the vehemence and the violence of what was being advocated that I was objecting to. We should be able to go to our city and not feel that. It's part of my general view that we should increase civility in the way that we talk to each other in our country, to rebuild social cohesion. I'm not in any way objecting to freedom of speech or assembly, or anything like that. I was just trying to convey that they were taking over the city and ordinary, non-Jewish members of the public were feeling intimidated.

Dr AMANDA COHN: I'm interested to follow that up specifically to ask what's been reported to you that led people to feel intimidated. I'm asking as a third-generation Holocaust survivor myself who has attended these events. I've certainly not experienced any—in the words you've used—vehemence and violence at those events. I'm interested in understanding specifically what was reported to you that was intimidatory.

JILLIAN SEGAL: I don't know if, when you've attended them, they've been calmer. Things, I believe, are less angry today than perhaps they were early on. These comments come from people who were trying to get into the city, cross over and carry on with their shopping—in the middle of last year, not currently, because that's when I made the comments. They were being jostled. They weren't allowed to cross. There was shouting. They felt just intimidated. That's really what was told to me. And they were angry that they could not access the shops that they wished to. Indeed, they left the city. A number of people left the city and said, "We're just not going to go to the city."

The Hon. STEPHEN LAWRENCE: On that issue of the Palestine protest, Ms Segal. In circumstances where you hadn't attended any of them and where there is an implied freedom in the country, do you think that portraying them very clearly as "sinister and intimidatory" really contributes to civil debate? Or do you think it's actually quite an uncivil way to describe those events and the people participating in them?

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JILLIAN SEGAL: It certainly was not meant to be uncivil. I was just conveying the sentiments that had been conveyed to me by those non-Jewish people who had attended and certainly by any meetings that I had had with the Jewish community itself. I certainly didn't mean to be uncivil. But the demonstrations themselves were certainly not conveying a sense of respectful debate. That was what I was trying to convey, and that's what I think was the case. I don't know; have they, in your opinion, calmed down, in terms of less—certainly, I believe, according to people that I've heard from, that those marches in Melbourne and Sydney are less frequent and less disruptive.

The Hon. STEPHEN LAWRENCE: Do you think that, in circumstances where there is an implied freedom, it's actually a bit of a pernicious contribution to call for them to be banned in the CBD, because that can have a tendency to suggest to the Jewish community that the State is letting them down, when in fact what's occurring is an honouring of the fact that in Australia people have a right to protest? It's been recognised by the High Court as an implied freedom.

JILLIAN SEGAL: I never suggested that they not be allowed to protest.

The Hon. STEPHEN LAWRENCE: Not in the CBD.

JILLIAN SEGAL: It was only where they were protesting.

The Hon. STEPHEN LAWRENCE: Yes.

JILLIAN SEGAL: It was only where.

The Hon. STEPHEN LAWRENCE: Indeed.

JILLIAN SEGAL: So I don't accept that at all.

The Hon. STEPHEN LAWRENCE: But don't you think that even saying that they shouldn't be allowed in the CBD, if that is indeed—

JILLIAN SEGAL: I didn't say that; I said "in the streets of the CBD". I suggested that they go in areas where they wouldn't be near the shops.

The Hon. STEPHEN LAWRENCE: Sure. But if such a limitation is not a practical or legal limitation, do you think it actually might be a pernicious thing to call for? It can feed a view in the Jewish community that the community's not being properly protected, when actually what you're calling for is impossible and unlawful.

JILLIAN SEGAL: I don't think it was unlawful, with respect, to call for it. And I don't accept what you've said. I think that there are limits. For example, they have been recognised by the Government in New South Wales in saying that people should not gather outside synagogues and intimidate people who are praying there, and that was one of the demonstrations: outside one of the synagogues. Those people praying in The Great Synagogue could not exit. So I think that it's quite a complex issue as to where people exercise their rights and how they do. That area of freedom around synagogues has now been recognised, as it is around health reproduction clinics. So I think it was perfectly consistent with the thinking of the law to allow demonstrations but, at the same time, to respect the rights of other people to utilise their city and their freedoms.

The Hon. STEPHEN LAWRENCE: Certainly. But your call was not for a particular limitation in respect of a protest outside a synagogue; your call was that these protests not be allowed anywhere where the Jewish community might go, including the main streets of the CBD. I'm just suggesting to you that it was probably never a fruitful call, because it's not consistent with a lawful limitation in the Constitution on restrictions on free speech. I'm just concerned that these sorts of calls—which I'm not suggesting are made in bad faith—that ultimately aren't grounded in law and reality can have a pernicious effect.

JILLIAN SEGAL: Well, I don't accept that.

The CHAIR: All right. On that happy junction, thank you very much for your evidence, Ms Segal.

JILLIAN SEGAL: Thank you for your time.

(The witness withdrew.)

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Deputy Commissioner DAVID HUDSON, NSW Police Force, sworn and examined

Detective Chief Inspector BRADLEY JOHNSTON, Engagement and Hate Crimes Unit, NSW Police Force, sworn and affirmed

Ms JENNIFER ANNE HASTINGS, Senior Policy Officer, Counter Terrorism and Special Tactics Command, NSW Police Force, sworn and examined

DAVID HUDSON: I'm also currently in charge of investigations and counter-terrorism.

BRAD JOHNSTON: I'm the officer in charge of the Engagement and Hate Crimes Unit.

The CHAIR: Thank you very much for coming. Would any of you like to make a short opening statement?

DAVID HUDSON: No, sir.

BRAD JOHNSTON: No, thank you.

The Hon. SCOTT FARLOW: Thank you very much, Deputy Commissioner, for attending here with us today. Throughout the inquiry, we've heard a lot of evidence regarding the amount that New South Wales police have been involved in terms of antisemitic incidents. I am just interested, first of all, in the police's tracking of that. Do you track antisemitic incidents?

DAVID HUDSON: We do, as part of a larger collection plan of hate crimes or hate incidents. The Engagement and Hate Crime Unit, which Mr Johnston is the officer in charge of, keep a spreadsheet of those incidents, what the relevant hate crime or what particular group is being targeted as a result of that incident or crime. That's maintained by the Engagement and Hate Crime Unit. Obviously they're not the primary responder to these incidents. All the incidents are captured on the computerised operational policing system, COPS, which the Engagement and Hate Crime Unit go through to select those that have been flagged as a hate crime to check that, firstly, it is and also other incidents that they might pick up that they then flag themselves and contact the commanders, "This should be treated as a hate crime."

The Hon. SCOTT FARLOW: What sort of threshold do you apply in terms of the application of these incidents and actually classifying them as a hate crime? Do you need to have somebody who's charged with an offence for that to be classified, or is it largely in terms of the reporting of the incident?

DAVID HUDSON: If no-one's charged and it's an obvious crime and we have a victim and, based on the circumstances of that particular matter, it's obvious it's a crime that has been committed, that will be captured as a hate crime. But if it doesn't reach the criminal threshold of being a criminal act—it might be the subjective opinion of the person aggrieved that it was a crime—and it's reported to police, it's recorded as a hate incident on that system as well.

The Hon. SCOTT FARLOW: So you have two classifications, in terms of a hate crime and a hate incident on the system?

DAVID HUDSON: Correct.

The Hon. SCOTT FARLOW: With respect to the Community Security Group, they've provided a report which shows that in terms of antisemitic incidents, from their perspective, in 2022 there were 442 recorded, in 2023 there were 830 recorded, and in 2024 there were 1,045 incidents recorded. Not going to necessarily what might be on your database or the number of incidents but in terms of the trend, is this correlation something which also is reflected in terms of your reporting and statistics?

DAVID HUDSON: We've certainly seen an increase since 2023. Brad and Jen are both here because they can access the spreadsheet where we keep these. They can give you exact numbers on what those increases are. I don't think we saw the significant increases to the level that CSG saw in '23 and '24 but certainly an increase. As a percentage of the overall incidents that are reported to us and captured on the system, they're certainly increasing as well.

The Hon. SCOTT FARLOW: What is the number of incidents that you have captured over those periods?

DAVID HUDSON: I probably have that data here somewhere. Bearing in mind this database commenced in 2020—initially in 2019 it was that I think I asked for it to be captured—it has been a steady increase and a percentage increase since that time as incidents have come to our notice. In 2024 we had a total of 1,600 incidents reported to us. About 27 per cent of those were antisemitic. Prior to that, 1,300 in 2023 and

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22 per cent were antisemitic—obviously escalating towards the end of 2023. This year so far, 33 per cent of reports to us have been of an antisemitic nature.

The Hon. JACQUI MUNRO: On that, you said that 33 per cent were antisemitic, but how many were reported this year in total so far?

DAVID HUDSON: It is 1,121.

The Hon. SCOTT FARLOW: Deputy Commissioner Hudson, one of the propositions that has been put forward in this inquiry is that many of these antisemitic incidents were not real antisemitic incidents, so to speak. They were things that were done by criminals and with a different intention. The submission that has been put to us from many within the Jewish community is that, regardless of the intention, there was an impact and there was a reason why people were targeting the Jewish community. I'm interested in the perspective of the New South Wales police in terms of those incidents and the response of the New South Wales police.

DAVID HUDSON: There were a total of 14 incidents captured under Strike Force Pearl, which were at the higher end of offending in our minds, with attacks on synagogues, graffiti, firebombings, attacks on cars and attacks on houses. Whilst, through investigation, it was ultimately determined that the catalyst of those incidents was a manipulation of the criminal justice system by an individual—or his attempts to manipulate the criminal justice system—we certainly believe that they were antisemitic in nature. The Jewish community was targeted. They were putting lives in danger. Ultimately, I don't think we would consider those 14 particular strike forces of the firebombings and graffiti attacks that were conducted by those criminal networks to be anything but antisemitic in nature.

The Hon. SCOTT FARLOW: It has also been suggested, with respect to that individual, that they had form in this regard, and that they held or espoused antisemitic views that were shown previous to those incidents. Is that correct?

DAVID HUDSON: There's an individual of interest to us who we haven't publicly identified but who has been suggested through media outlets and has actually engaged in interviews in relation to it, I believe. That individual certainly posted material on social media sites a few years ago which one would consider to have an antisemitic ideology.

The Hon. SCOTT FARLOW: We've heard evidence throughout this inquiry about the increasing resources that the police have had to apply throughout. I will say from the outset that, amongst the Jewish community broadly, there has been high esteem for the police and their operations; we've heard that time and again through this Committee. I imagine that has taken a lot of police resources in recent years. Is that correct?

DAVID HUDSON: Since October 7 and the terrorist attacks by Hamas, we very quickly stood up an operation named Shelter to capture all incidents under one banner but also to conduct proactive taskings of synagogues and mosques. We believed that there could be reprisal attacks as well. We conducted over 12,000 taskings in relation to Shelter. These were police taken away from their normal duties initially but then subsidised by overtime payments to conduct those patrols. That's one component of our preventative actions post-October 7. When the investigations through Pearl were commenced, we had significant resources assigned to those matters. Firstly, there was a caravan job that was outside of Pearl that you may have read about, which was all linked in the end.

The Terrorism Investigations Squad was almost entirely committed to that investigation with the Australian Federal Police and other agencies. The security investigations unit of Counter Terrorism and Special Tactics Command was almost entirely committed to that investigation as well. I supplemented that particular taskforce with 16 officers from State Crime Command, which is one of the other commands under my management, and at different times we swelled that number of permanent members of Pearl significantly by other State Crime resources following an incident to do an appropriate canvass of post-incidents, which is that work which is very bespoke to State Crime. Its investigations of organised crime matters and organised crime homicides prove very successful in the identification of offenders for Strike Force Pearl, which have been arrested.

The Hon. SCOTT FARLOW: Deputy Commissioner Hudson, we of course went through what was seen as the summer of hate. There does seem to be some return to normality in a sense, but the threat still remains. In terms of what you're seeing at the moment in terms of antisemitic incidents and the like, is it a fair assessment that things are starting to ease in terms of tensions at the moment?

DAVID HUDSON: While I think the volume is increasing still, I think there is still a large number of antisemitic incidents but they're at a lower level than we've previously seen through the last summer. But there is also increased reporting by the Jewish community through CSG as well. They're encouraged to report and we encourage them to report things that they think are suspicious or they think might be problematic. It's better off

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that we do know than we don't, even if it's quite a low level. If we get a pattern of those low-level incidents, then we can do something about it or get a better picture of what we should be doing about it to protect the Jewish community, as we do with all communities. Whilst we're not seeing the severity that we did certainly in December and January of this year, I think there are still a number of incidents out there. Last week or the week before, when you see swastikas painted on Marrickville Police Station and incidents like that, this type of behaviour and activity is not going away.

The Hon. SCOTT FARLOW: Deputy Commissioner Hudson, you mentioned the CSG, the Community Security Group, and the work that you do with it. How does that relationship work between the protocols with the Community Security Group and the NSW Police Force?

DAVID HUDSON: We've always had a close working relationship with CSG. At the moment, it's Mr Newman's area that deals with them directly on a weekly basis or on a needs basis if more frequent than that. I have frequent, although not regular, meetings with CSG if there are issues of concern that escalate to my level. But certainly we're engaged with the management of that group, and we try to provide services to the Jewish community, like we do to everyone else, that makes them feel comfortable in our State.

The Hon. SCOTT FARLOW: Deputy Commissioner Hudson, I don't know if we've necessarily heard any on-the-record evidence but we've heard at least some informal evidence from some individuals that they have been advised by the New South Wales police that they're on a certain level of concern in terms of—I don't want to necessarily say a list effectively, but what has been put to us is that people have been advised by the New South Wales police that they should be mindful of their own security and that there is certain intelligence that has been picked up. Is that something that you have tracked in terms of the number of people who do need to take additional protection for their security within the Jewish community?

DAVID HUDSON: We have only gone outside of our regular behaviour in relation to one individual that I can recall. That individual had direct threats, but the direct threats came from the source of the Kissinger/caravan job that was later discredited. We can probably assume now, in hindsight—although we took that threat at its highest, which we needed to do based on the AFP reporting of that incident. We took that threat at its highest. However, in hindsight, it was part, again, of that manipulation of the criminal justice system by that individual who is currently overseas.

The Hon. JACQUI MUNRO: Thank you so much for appearing today. We heard some evidence earlier that people are not always reporting incidents of hate speech and potentially other criminal activity because there is a concern that it may not be taken seriously. We heard some evidence in relation to universities in particular, but there seemed to be a broader sense that, potentially, the trauma or the experience of reporting what could be a crime was not worth taking the trouble to do. I'm wondering how the police respond to that kind of evidence and what measures the police have taken to ensure that the Jewish community feel confident that their submissions are taken seriously and responded to?

DAVID HUDSON: I find that surprising. I don't think we've encountered—and Mr Johnston might correct me—any reluctance in the Jewish community to report what they suspect to be criminal behaviour to us. I can understand, in relation to hate speech, the frustrations of some individuals, and that report matters to us. We have gone through a process. Obviously, the legislation that controls that is 93Z of the Crimes Act. There was a review by Bathurst and the Law Reform Commission to recommend changes, shortly to commence—I think, in August—93ZAA, which are modifications to that Act. But with the existing legislation under 93Z, if we get a referral and it's not obvious to us, we will seek legal advice as to the potential for prosecution of that matter. We have done that on a number of occasions and fallen short based on the way that the legislation is framed, which was articulated in the Bathurst review.

The Hon. JACQUI MUNRO: Are you speaking to stakeholders about that falling short, as it were, to educate about that gap between now and when the new legislation comes into force?

DAVID HUDSON: Obviously, there's a Federal Court outcome this week of a private prosecution by the Jewish community in relation to an incident that we'd previously assessed through that process, and the legal advice was that it wouldn't reach the threshold for prosecution. I've asked for that to be reviewed with the potential new legislation that comes in in August and have been informed that, based on the same circumstances, the prospects of charge and conviction are quite strong on the new legislation. But that didn't exist, and it's obviously not retrospective.

I think the difficulties in the legislation are well known within the Jewish community, which is why the civil action was commenced under a different threshold in a different environment. It was actually on a panel on Sky News for a forum with the Jewish community. There was a lawyer on the same panel, and she very eloquently explained the problems with that particular legislation and understood the frustrations of not just the community

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but also the police in investigating those matters. So I think it's quite well known, and we do try and—I was going to say educate, but it's not educate—inform the community that there are difficulties. But I think the Government—based on the advice I've currently got—has seen fit to try and address that and modify it through the implementation of 93ZAA, which comes in in August, to try and fill that gap.

The Hon. JACQUI MUNRO: In relation to online vilification and doxxing, are those statistics or numbers that you gave around incidents of antisemitism broken down by a type that might reveal the prevalence of crimes that relate to that digital sphere?

DAVID HUDSON: To a certain degree, I would suggest. But Mr Johnston might be better placed to answer that.

BRAD JOHNSTON: No, they're not particularly broken down, not in any discernible manner that would give an indication of the prevalence of them. But, certainly, if it's known within the reporting—well, if it's online—we can make reference to that. But the figures wouldn't break it up specifically at the moment.

The Hon. JACQUI MUNRO: Is research into the investigation of digital forms of targeting and antisemitism taking up a lot of police time when investigating matters of antisemitism? Is investigating that digital space more challenging, for example, in trying to land some sort of prosecution or charge?

DAVID HUDSON: It can be more challenging, but it could also, in different circumstances, make it easier as well because it's a digital footprint. We charge not just with antisemitic threats or behaviours but with a number of hate-crime-type incidents with telecommunications offences under the Commonwealth Crimes Act quite frequently. That's one of the things that the security investigations unit really focuses on.

The Hon. JACQUI MUNRO: Are you seeing a rise in reports of digital vilification as opposed to in-person or physical vilification?

DAVID HUDSON: I think the digital environment has influenced a broad range of criminal activities, not just antisemitic incidents. I would suggest that they probably are increasing, anecdotally. I don't have that data before us. We can certainly try and establish that and take it on notice.

The Hon. JACQUI MUNRO: That would be helpful. I'm trying to get to whether police are sufficiently resourced to deal with what seems to be, according to some previous evidence, a real explosion of online forms of abuse and vilification related to antisemitism, and the community feeling confident that they can also report that to police and it be taken seriously and have the resources behind it to investigate appropriately.

DAVID HUDSON: It will always be taken seriously. Those incidents are normally reported to local area commands or police area commands—the local police station. They frequently request the assistance of the Cybercrime Squad, which is one of the squads at State Crime that sits under me. They provide a service in relation to the identification of service providers and process, and how to actually conduct an investigation in that environment. It's not an expertise that every detective in New South Wales has. There are some nuances to it. But the Cybercrime Squad, as the experts in our organisation for that, certainly provide that guidance to the front line.

The Hon. SCOTT FARLOW: Deputy Commissioner Hudson, going back to some of the police's responses, we continue to hear about what happened on the steps of the Opera House on 9 October. I know that the Government has apologised for what happened on those nights. I invite you to go back to that incident and the protocols that were used. What revisions have the police made to protocols following that event?

DAVID HUDSON: That was a very difficult evening and a difficult event to manage. The Palestinian Action Group had notified the police that they intended to protest at Town Hall that afternoon, which was being managed by Central Metropolitan Region command. During that, or shortly after the conclusion of that, it was flagged that they would march to the Opera House, where the sails of the Opera House were being lit with the Israeli flag. It was fairly late notification of that to the police. We don't have powers to prevent people attending the Opera House. We couldn't prevent them going there. They could walk along the footpath en masse, with 500 or 1,000 people down the footpath. It was considered that the best way to do that was to facilitate their movement to the Opera House.

I think the thing that gets lost—there was a lot of noise at the Town Hall and a lot of behaviour you would normally expect that we see in Hyde Park every week at the moment with the Palestinian Action Group. There was nothing violent exhibited towards—at the Opera House. It was posted on social media that that group was moving to the Opera House and there was an influx of individuals from south-western Sydney in car loads that attended the Opera House that weren't at the Town Hall. Our investigations—although it has been very difficult to identify individuals responsible for some of the behaviour because of the disguises they wore and the scarves they wore, with flares and everything else.

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Some of the behaviour that took place we don't think was actually at the Town Hall with the Palestinian Action Group. We think they came later after the social media announcement and call for people to attend the Opera House, which happened on the run. I think that happened after the march started that they went there. They got there very quickly. That certainly turned into an undesirable event for us and for the Jewish community and for probably the State of New South Wales. We talk about lessons learned from that. We need to scrape social media better than we do to get the temperature of the community and the social cohesion that is present within or absent in relation to particular incidents.

In relation to that particular night, if we'd known what we'd known and they were insistent on attending the Opera House, we probably would have facilitated their free movement there but not let them onto the Opera House steps. We would have prevented them getting to the steps, but we can't prevent the free movement of people throughout the city just because you're in a protest. You can walk down the street, the footpath, bearing in mind that, at that particular protest at the Town Hall, there were a lot of women, children, women pushing prams. It was not like we were going to put walls up and start boxing on with these people, who have a right to protest. We all know that. But, in hindsight, if we were going to do anything, we may have not allowed them onto the steps of the Opera House.

The Hon. STEPHEN LAWRENCE: Thanks, Deputy Commissioner, for your evidence. On that 9 October protest, it has been talked about in the media and, indeed, in this inquiry in a very unitary sense. We've had people talk about a march from Town Hall, a march or protest at the Opera House, where "they" chanted these things, as if to suggest that everyone present at the event did those things. I understand that the event at the Opera House was the subject of various video recordings. I'm wondering if you could take on notice, to the knowledge of the police—and I understand there was an expert report done of a particular video—how many people chanted that phrase "Eff the Jews" and how many people chanted that phrase "Where's the Jews". Is that something you can take on notice for us?

DAVID HUDSON: I can. That particular investigation wasn't conducted under my command; it was done through field operations as a protest activity. I know that there was some suggestion that there were other forms of words used as well, which we can't identify on the tapes, and we've had experts look at that. I'd have to take that on notice and get back to you.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind. I'm just concerned that there has been a shorthand used that has had a tendency to suggest that every single person at that protest did and said particular things. Your evidence has been very detailed in terms of the progression of events. It might be useful if you add, to that to the extent that you can, and actually tell us, as a matter of public record, how many people actually said those two phrases of all the people there.

DAVID HUDSON: I know there was a lot of body-worn video that was reviewed that was worn by the police. Obviously, TV stations provided all their media as well. We can certainly go back through and see if that was captured.

The Hon. STEPHEN LAWRENCE: I think you might find that there was some analysis done at the time. It might be that that pretty quickly answers that question, hopefully. Just turning to this issue of antisemitic incidents, in terms of the document that you've got, which is a register of those incidents, did you say that it is split into two categories, hate crimes and hate incidents?

DAVID HUDSON: That's my understanding, but I'll just confirm that is correct.

BRAD JOHNSTON: Yes. We have hate crimes and hate incidents. Hate crimes are where it's obvious that there's a criminal offence that has occurred. Hate incidents are matters where there's concern about the conduct, but not necessarily reaching the criminal threshold.

The Hon. STEPHEN LAWRENCE: In terms of hate crimes, am I correct in thinking that that is not a category just limited to incitement of racial hatred type offences, but it can be any offence if it's committed with the motive of hate? Is that correct?

DAVID HUDSON: It can be a robbery; it can be an assault; it can be a break and enter and steal.

The Hon. STEPHEN LAWRENCE: And things categorised as hate incidents are things that on the allegation, at least, seem to fall short of the suggestion of an actual crime. Is that right?

BRAD JOHNSTON: Yes.

DAVID HUDSON: I think they mostly fall short of what would be considered offensive behaviour.

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The Hon. STEPHEN LAWRENCE: Is there any meaning, as a word of art in police terminology, to the word "attack"? Because we've had people talk in the public space about antisemitic attacks over the last two years or four years or things like that. Is that a phrase that has a particular meaning in terms of police methodology?

DAVID HUDSON: It's not used by us.

The Hon. STEPHEN LAWRENCE: If you've got it accessible, are you able to tell us, from 2019 until the present, how many hate crimes and hate incidents have occurred in each year?

DAVID HUDSON: Yes, we can.

BRAD JOHNSTON: For 2020, the number of hate crimes was 208 and hate incidents was 268. In 2021—

DAVID HUDSON: Just on that, sir, 11 per cent of those were antisemitic, or 53.

JENNIFER HASTINGS: Just Jewish incidents. I just want to be careful that we're not capturing—because we capture against all communities, so it could be LGBT or it could be the Muslim community, so just clarifying that we're talking about where the Jewish community has made the report, I suppose.

The Hon. STEPHEN LAWRENCE: Right, so it could be a Jewish victim or complainant, but the type of hate being expressed could be, for example, anti-gay hate or something of that nature. Is that what you mean?

JENNIFER HASTINGS: No, what I'm saying is we're capturing here the—we don't flag it, necessarily, as an antisemitic incident, but who the complainant is. If the victim group is the Jewish community, that's what we're talking to here.

The Hon. STEPHEN LAWRENCE: Okay, so if the hate crime was committed against a Jewish person on the basis of anti-gay sentiment, presumably it would be marked under the LGBTI category.

JENNIFER HASTINGS: It really depends on how they provide the information. If they report as a gay Jewish person, I'm not sure where that would sit.

The Hon. STEPHEN LAWRENCE: It could be both, I suppose.

JENNIFER HASTINGS: Yes. But if the language used was swear words to target gay, it would be that. If it's to their Judaism, then it would be that. It depends what they're saying. We're not researching, going back to them and saying, "How many categories do you fit?" We're just clarifying—

The Hon. STEPHEN LAWRENCE: Sure, it's more about the crime itself or the allegation itself.

JENNIFER HASTINGS: Yes, and what they're reporting.

The Hon. STEPHEN LAWRENCE: So for 2020, it's 208 hate crimes and 268 hate incidents. Is that right?

BRAD JOHNSTON: Yes.

The Hon. STEPHEN LAWRENCE: With 11 per cent antisemitic. Are you able to tell us how many of the 208 hate crimes led to charges?

JENNIFER HASTINGS: No is the short answer. We are back-capturing where legal charges have resulted from the hate incidents or hate crime, but it's not a direct correlation. We can't follow the thread, necessarily, here today to say 16 resulted in charges. We can say how many charges occurred. I don't know that we have it back to 2022, because it's a back-capture of information that we're—

The Hon. STEPHEN LAWRENCE: Yes, so 2020 we were talking about just then, I think.

JENNIFER HASTINGS: Yes, we don't have it back to then. We might have it from 2023 onwards, or 2022.

The Hon. STEPHEN LAWRENCE: Can you take on notice how many led to charges in 2020?

JENNIFER HASTINGS: Yes, but it's the time frames of getting that information.

The Hon. STEPHEN LAWRENCE: So we can assume that of the 208 in 2020, not all necessarily led to criminal charges.

JENNIFER HASTINGS: Correct.

DAVID HUDSON: The purpose of this spreadsheet or database is not to keep accurate statistical information; it's for an operational use. It's an internal—it's not a requirement that we keep it. We use it for

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investigative purposes and trend analysis, so that we've got a better picture of what's occurring. But it's not designed—when the people who know much more than I do designed it, it was for a specific purpose, not to keep accurate data.

The Hon. STEPHEN LAWRENCE: It's more of an intelligence thing. Is that right? It is used to form an assessment of events as they occur, for example.

DAVID HUDSON: We need to be aware of levels. But, as I said earlier, the investigations and everything else are conducted through the computerised operational policing system, or COPS, not through this database. The details and the nuances of each individual crime or incident are captured in that. And if it's a serious matter, such as the Pearl and Kissinger investigations, they are escalated to our investigation management system, Eagle Eye, as well. So this is basically a tool to identify trends for us and to assess the temperature within the community.

The Hon. STEPHEN LAWRENCE: Do you have a separate database that records how many hate crimes were charged in 2020 in New South Wales?

DAVID HUDSON: No.

The Hon. STEPHEN LAWRENCE: You don't?

DAVID HUDSON: No.

The Hon. STEPHEN LAWRENCE: Wouldn't that be an important thing to record?

DAVID HUDSON: Legal actions in relation to hate crimes?

The Hon. STEPHEN LAWRENCE: Yes.

DAVID HUDSON: There are legal actions in relation to crimes that are specified in the Crimes Act.

The Hon. STEPHEN LAWRENCE: So you just do it by the offence provision number, or whatever it's called, in the database?

DAVID HUDSON: I can give you, very easily, the legal action rate for the number of assaults in New South Wales, sexual assaults—

The Hon. STEPHEN LAWRENCE: Sure, but not by hate crime.

DAVID HUDSON: No, because it's not a category in the Crimes Act.

The Hon. STEPHEN LAWRENCE: And it's not otherwise marked in a distinguishing way in the police database. Is that right?

DAVID HUDSON: In the police database it's a tag that, if an individual putting an event on that system, the computerised operational policing system, believes that the cause of that crime was hate or prejudice or bias, they will tick that box, that flag, which is then reviewed by Mr Johnston's area, for accuracy. But any ongoing investigation or preferring of charges goes through a totally different system.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind taking on notice whether you can somehow cross-reference them to work out how many charges, that would be good. For 2021, can you tell me how many hate crime allegations and hate incidents there were?

BRAD JOHNSTON: In 2021, again, hate crimes was 170 and the hate incidents were 377.

The Hon. STEPHEN LAWRENCE: What percentage of those were antisemitic allegations?

BRAD JOHNSTON: The Jewish reports were 61 reports, or 11 per cent. Again, another 11 per cent.

The Hon. STEPHEN LAWRENCE: And then for 2022?

BRAD JOHNSTON: The hate crimes were 263 and the incidents were 568, and the reports from the Jewish were 117, or 14 per cent.

The Hon. STEPHEN LAWRENCE: And for 2023?

BRAD JOHNSTON: Hate crimes, 431, and hate incidents, 906.

The Hon. STEPHEN LAWRENCE: And then the percentage?

BRAD JOHNSTON: Twenty-two per cent.

The Hon. STEPHEN LAWRENCE: And for 2024?

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BRAD JOHNSTON: Hate crimes, 479, and 1,156 for the incidents.

The Hon. STEPHEN LAWRENCE: And then the percentage?

BRAD JOHNSTON: Twenty-seven per cent.

The Hon. STEPHEN LAWRENCE: Do you have them for 2019 or 2025?

BRAD JOHNSTON: We've got year to date for 2025, which is, hate crimes, 395, and hate incidents, 726.

The Hon. STEPHEN LAWRENCE: That's for 2025, is it?

BRAD JOHNSTON: Yes, year to date. I don't have 2019.

The Hon. STEPHEN LAWRENCE: Have you worked out the percentage increase in the two figures, total, from 2020 to 2021, to 2022, to 2023, to 2024?

JENNIFER HASTINGS: No.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind taking that on notice, that would be helpful, because there seems to be an increase every year.

JENNIFER HASTINGS: Across the board reports of hate are increasing year on year since 2019. There was a dip in either 2020 or 2021. We attribute that, in general, to—we've rolled out training. At the start of 2022 we rolled out training to PACs and police districts around understanding hate crime. Last year there was a mandatory online training module that all officers had to complete in the 2024-25 financial year. We have rolled out videos of reporting hate crime, like little YouTube snippets to encourage the reporting. So across all victim groups, there have been increases. I don't think I'm wrong in saying that. We also saw in 2023, for example, statistical spikes depending on the world event. In quarter one, LGBT groups were the highest incident single group reporting because of WorldPride, the Rainbow storytime—sort of pushback on those things. The Indian population had a spike in Q2 because of the Khalistan referendum. So when we got to Q4 and the attacks in Israel, it wasn't a surprise that the Jewish community was the highest incident group.

The Hon. STEPHEN LAWRENCE: That's interesting. Deputy Commissioner, would you describe all the matters in the category of hate crime incidents as an attack?

DAVID HUDSON: Would I personally?

The Hon. STEPHEN LAWRENCE: Yes.

DAVID HUDSON: No.

The Hon. STEPHEN LAWRENCE: What sort of stuff are we talking about there? It's not criminal, which presumably would include offensive manner or language, so it's something lower, is it, than offensive manner or language? What sort of thing are we typically talking about in that part of the database?

DAVID HUDSON: It could be a variety of things—the way people are spoken to, which a large part of it is. If there's an actual criminal act of damage to property or assault or anything else, certainly we'll take action. It becomes a crime and we take action.

The Hon. STEPHEN LAWRENCE: But that's in the hate crime category. I'm talking about incidents. What are we talking about?

DAVID HUDSON: Incidents are probably very subjective by the individual reporting.

JENNIFER HASTINGS: If I may add, it could be someone yelling something from a moving vehicle and not necessarily hearing what the insult was, or it could be an offensive gesture. There's that degree of interpretation: Was it directed at me because I'm a female? Was it directed at me or the person behind me? It's that sort of thing where it's not a clear criminal act, but we still don't want to stop people from reporting.

The Hon. STEPHEN LAWRENCE: In the online space that the Hon. Jacqui Munro talked about, there's a criminal offence of using a carriage service, which obviously includes the internet or a phone, in a way that would offend the reasonable person. Are we safe in assuming that none of the things categorised as a hate crime incident would meet that threshold? Because if it met that threshold, presumably it would be flagged as a hate crime.

DAVID HUDSON: That's correct.

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The Hon. STEPHEN LAWRENCE: In terms of the hate crime category—and I've already touched on this—for example, in 2024 there were 479 hate crime reports. What percentage of those, roughly, do you think would have led to criminal charges? Are we talking 80 per cent or are we talking 8 per cent?

DAVID HUDSON: I don't have that data. As I said, it's not captured in this system; it's captured in other systems.

The Hon. STEPHEN LAWRENCE: Do you think it'd be the majority or the minority?

DAVID HUDSON: I'd be guessing. I don't you know. I think there'd be a large proportion of them, charges would have preferred. I think it's easier to tag something as a hate crime when you have certain admissions in relation to it, motivation rather than a subjective victim's opinion. When you interview someone potentially responsible, they make admissions that it's irrefutable as to the motivation behind that crime. I don't have the data. Ms Hastings said that there is some form of back capture going on, which we might be able to pull data out of.

The Hon. STEPHEN LAWRENCE: Yes, if you could, that'd be good.

DAVID HUDSON: We'll have to have a look.

The Hon. STEPHEN LAWRENCE: Am I right in thinking that it can be within the responsibilities of general duties police officers to investigate hate crimes? There's not necessarily a system where they're all referred to a central specialist unit?

DAVID HUDSON: I would suggest most of them would be investigated by general duties police at the lower levels, as per their normal reporting. If a crime type is generally reported or investigated by general duties, simply because it's a hate crime it would not escalate to another area—to a detectives branch or anything else—because the proofs of the offence are still the same in the Crimes Act.

The Hon. STEPHEN LAWRENCE: Noting an increase—568 hate crime incidents in 2022 compared to 268 hate crime incidents in 2020, then noting 1,156 in 2024 compared to 568 in 2022—do you think you can confidently say that the events of October 7 and the aftermath have been a causative factor in that increase? Because it seems like the increase was sharply on the move from the time you started this, because there's almost a 100 per cent increase from 2020 to 2022.

DAVID HUDSON: I think you need to take into account that in 2020 we were in lockdown. There wasn't a lot of hate going on externally; there was a lot of hate internally, and there has been a lot of hate since then. I think we've got a very angry community, which we see evidenced in a variety of ways, including road rage, the road toll, youth crime and in a number of avenues since lockdown broke, which are proving significant challenges for us across a variety of areas. But, coming out of 2020, I think it's probably a false level based on lockdowns.

The Hon. STEPHEN LAWRENCE: Yes, that's a good point.

DAVID HUDSON: But it certainly, as we say, is increasing. Hate crime out there in the community is increasing, and I think antisemitism is increasing as well.

The Hon. STEPHEN LAWRENCE: There was a request or a communication from the Committee to you this morning, Deputy Commissioner, asking if you were able to bring the whole database in a way that could be visually depicted to the Committee. I'm just wondering if you received that communication?

DAVID HUDSON: I was asked a question and I said it's an operational database, and we wouldn't be—but Mr Johnston and Ms Hastings are here because they can access that database. I can't.

The Hon. STEPHEN LAWRENCE: I was wondering if you, for example, starting with 2024—and if you need to go in camera, that's fine and please make the request—are able to talk us through each of the 27 per cent of matters that were categorised as antisemitism.

DAVID HUDSON: I'll have to hand over to the experts on that. But, not knowing what's in it, I don't know whether to go in camera or not—but anyway.

The Hon. STEPHEN LAWRENCE: I'm just interested in a representative sample of the antisemitism incidents. Let's start with 2024. So put aside the crimes and maybe just talk about the incidents. Are you able to talk us through briefly—perhaps just give a summary very briefly—what's constituted by the complaints of the non-criminal type of hate incidents? Can you give us a sense of what was done in response to it? And obviously we've only got as much time as we've got.

JENNIFER HASTINGS: We can't tell you what the response is. I think it's also just, when we record something as a hate crime or a hate incident, we are going on what's reported in COPS, so we're not doing the

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further analysis. It's an assessment of whether the incident as reported was a criminal act or if it didn't meet the threshold. When we talk about a hate crime or a hate incident, we're not saying the crimes have gone through the prosecution, just to be abundantly clear.

The Hon. STEPHEN LAWRENCE: I'm particularly interested in the incidents that fall into that category of being deemed not to be a criminal allegation. In 2024 there were 1,156 of them, with 27 per cent of them being antisemitism. I'm wondering if you can take us through, as much as you can, and just give us a bit of a summary of each of them. It's a hard question.

JENNIFER HASTINGS: I'll just line it up. When we talk about the database, it's an Excel spreadsheet with drop-down menus. It's not Power BI. It's not something that just extracts—it's just drop-down menus and scanning the information in front of us. So you wanted to look at the hate crimes in 2024?

The Hon. STEPHEN LAWRENCE: The hate incidents in 2024. Maybe start with those.

The Hon. SCOTT FARLOW: This might take some time. What if we can suggest that we move to the crossbench's time now and then after the break—and you can also consider in that time whether you'd like to go in camera, perhaps, for that session.

The Hon. CAMERON MURPHY: Can I just ask one quick question? In the year to date for '25, can we just have the percentage figure of which ones relate to the Jewish community?

DAVID HUDSON: It is 33 per cent.

The Hon. STEPHEN LAWRENCE: Deputy Commissioner, would you be assisted if we move to some other questioning and your team have the opportunity to get the answer ready and to consider the in-camera issue as well?

DAVID HUDSON: Totally, as long as they understand the question they're looking at specifically.

BRAD JOHNSTON: Yes.

The Hon. STEPHEN LAWRENCE: It's not an easy question. If you need time to consider it, I think we can move to other questioning.

Dr AMANDA COHN: I had a couple of follow-up questions relating to the database. I might give you those questions first, in case you need to take them on notice or come back to them. You haven't mentioned other victim groups of hate incidents and hate crimes. Could you provide us with what the breakdown is of those other groups as well? I appreciate this may need to be a table on notice, for example.

DAVID HUDSON: I think it will be. Specifically in relation to this Committee, I think it's focused on antisemitic, so I don't think—I didn't think it was a review of the hate crimes database, but we certainly can take that on notice.

Dr AMANDA COHN: Thank you very much. In March this year, both the Premier and the police Minister stated that there had been 700 antisemitic attacks over the summer. I think Mr Lawrence was trying to get at this, but where does this word "attack" come from if your classification is an incident or a crime? When you brief, for example, Ministers, do you use that word "attack"? What does it mean?

DAVID HUDSON: I don't know what it means, but that's a word by—the police Minister and the Premier probably aren't au fait with all police terminology. I don't know what they meant. You'd have to ask them.

Dr AMANDA COHN: When they cited that figure of over 700 over the summer, coming into March, do you know what they were referring to, or is it your view that that's an incorrect figure?

DAVID HUDSON: I think there was data captured under Operation Shelter, which was commenced on 11 October 2023, as I indicated, following the Hamas terrorist attack. A lot of those incidents—I think they captured protests. I think it captured incidents that were reported to Shelter. We had some indication of escalations post that event. I think there was a rough number of around 700 on that spreadsheet, but I think it captured a lot more than just antisemitism. I think there were Islamophobia incidents as well on that.

Dr AMANDA COHN: Do you think it was misleading to have referred to that in public as over 700 antisemitic attacks?

DAVID HUDSON: I think it might have been a mistake. I don't know if it was misleading or purposely misleading. I guarantee it wouldn't have been.

Dr AMANDA COHN: Sure. If that was an error, to your knowledge, has there been any attempt to correct that?

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DAVID HUDSON: I don't know. I think it came up at budget estimates, and it was corrected by the Minister, I believe. That's my recollection.

Dr AMANDA COHN: It may have been a committee that I'm not present on. I'm just trying to get my head around accurate figures while we've got all this time to today. I want to come to a related issue in my community. I live in Albury. You're probably aware of the neo-Nazi organisations based in Corowa and Albury. I'm deliberately choosing not to name them because they would love the publicity if they were named on the record today. They assembled at the war memorial in Albury in October 2024, and have had a number of community appearances since then. I understand that at that incident in October, the police dispersed that group but made no arrests. Are you aware of these organisations operating in the Riverina and what is the New South Wales police doing to respond to this alarming rise of neo-Nazism in our region?

DAVID HUDSON: That group has been of concern to us, although it's probably more active in Victoria than here. Although Albury obviously has spillover from Victoria, the leadership has always historically been in Victoria. People will remember a couple of Australia Days ago—not this Australia Day that has just gone but last year's, in 2024—when they tried to conduct a protest or a staging, and we turned them away on the train. We gave them a lot of infringements in relation to transport offences. They had their faces disguised, and we had them removed, lawfully, and photographed. They tried to convene the next day at a park out at Marsfield, and the same thing happened. They were disbanded.

I'm fairly sure that group has disbanded itself and is turning itself into a political party. They actually staged a protest here two weeks ago outside Parliament. They are turning themselves into a political group with a political agenda of white Australia, I believe. I have asked for advice following that protest—which I haven't received as yet—as to what exists of the group that shall not be named, and whether the political affiliations and their attempts to become a political force are replicated around the country with other subgroups of them. The advice I got initially, which I haven't got in writing as yet, was that in New South Wales it is ostensibly disbanded and following a political pathway. There was a protest outside Parliament in Macquarie Street 10 days ago.

Dr AMANDA COHN: They came back to my attention in the last week because there were another three reported incidents of antisemitic graffiti, including swastikas, in the Albury-Wodonga region. At least one of these was in Victoria but I know that, locally, the Murray River Police District have a very strong relationship with their counterparts across the river. Perhaps it might be one to take on notice whether these are related to this particular organisation or whether there's an unrelated, broader audience or broader movement related to this group in the community.

DAVID HUDSON: I certainly will.

Dr AMANDA COHN: I'm continuing on the same note with these neo-Nazi groups. Firstly, I'm really pleased that at your level you're aware of these organisations and clearly actively monitoring them, from the comments you've been able to make. We heard a number of distressing anecdotes in this Committee this morning, particularly from leaders of Jewish school communities in Sydney. I don't want to repeat them, but I can if you need me to, for context. They were, similarly, Nazi symbolism, Nazi salutes and references to Hitler aimed at schoolchildren, which is obviously really distressing and I don't think would be acceptable to any of us. Is this part of one organised neo-Nazi group that you believe disbanded in New South Wales, or are there multiple new organisations appearing? Is this a much broader issue with neo-Nazi movements?

DAVID HUDSON: I think ideologies are mixed to a certain degree. With right-wing nationalist extremist views, there are a number of groups that engage in that type of rhetoric and behaviour who believe in similar principles but potentially are not neo-Nazis. They wouldn't describe themselves as that. I think there are a number of right-wing groups in New South Wales that could potentially, depending on their membership—and bearing in mind that these groups, if they have a number of members, some of those members aren't going to all sing to the same tune. They all have their own opinions. They might just be a member of that group with an overarching ideology, but they might free range and do stupid things as well.

The type of behaviour that you're talking about shouldn't be tolerated, but there are people out there that, if we identify that type of behaviour, we will charge. They are criminal offences under 93ZA of the Crimes Act—Nazi symbols or salutes—and there is Commonwealth legislation we can charge with. We have charged and convicted people with doing Nazi salutes in public. We will continue to do that. We have convicted people at soccer matches for doing it. We've convicted people for marching past the Holocaust museum and doing it, and we will continue to do that. Where we identify an offence that reaches that threshold and that benchmark for that type of behaviour, we're more than happy to charge people and we will continue to do that.

Dr AMANDA COHN: I'm looping back to one of my earlier questions, which, without context, may have seemed strange in this inquiry, about the other victim groups. Many witnesses have warned us that hatred in

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communities can and will impact multiple groups and that we need to be paying attention to this issue because of the potential impact to other groups as well as the impact on the Jewish community. I'm aware of these neo-Nazi groups, white supremacist groups—whichever language you'd like to use to describe them—also explicitly targeting LGBTQI+ people, particularly in my own community of Albury. We've also seen them parade down the streets with homophobic banners and need to be dispersed by police. I'm interested in that intersection. Are you looking at these hate groups in terms of the intersectional impact they're having on multiple victim groups, or is the way that you're assessing risk or responding to them separately based on one victim group or one incident at a time?

DAVID HUDSON: We don't look at it from the basis of victim groups; we look at it from the aspect of their ideology and how removed that is from mainstream and their potential for violence or potential to commit crimes because of that ideology. I totally accept that neo-Nazi groups, white supremacist groups, national extremist groups don't necessarily just target the Jewish community; they will target the LGBTQI community as well or anything that doesn't sit with their narrative of what they perceive to be normal. We look at the environment. We look at the group, rather than the actual victim group, in the way we monitor and approach those groups.

Dr AMANDA COHN: Moving away from this topic, I did want to ask about the anniversary events for October 7 that took place in October 2024. I understand there were applications to police for a number of different events, a rally and a candlelight vigil, and there were applications made to prevent some of those events from going ahead. Could you speak to those events from a police perspective and what transpired?

DAVID HUDSON: I'm not responsible for those events—field operations is—so I don't have visibility. I can certainly take that on notice as to what was submitted and what was rejected. But I don't have visibility on that. It wasn't raised with me.

Dr AMANDA COHN: I appreciate you being able to take that on notice.

The Hon. STEPHEN LAWRENCE: Just going back to the percentage of incidents that related to the Jewish community, you've given, in answer to questions I earlier asked, a percentage that relates to the combination of the two types of categories. So 11 per cent in 2020 was related to the Jewish community, and that is, I presume, 11 per cent of 208 plus 268—so the two categories. Are you able to take on notice for me the percentage of complaints that relate to the Jewish community in each category for each year? For example, in 2020, what per cent of the 208 related to the Jewish community, and what per cent of the 268 related to the Jewish community?

DAVID HUDSON: Yes, we can take that on notice.

The Hon. STEPHEN LAWRENCE: And then on for each year, if that's all right?

DAVID HUDSON: Yes.

The Hon. STEPHEN LAWRENCE: Just going back to questions that Dr Cohn asked about the neo-Nazi movement, in terms of the Corowa event and then the event in Sydney that involved the people on the train in masks or balaclavas, are you able to explain what particular police powers were used in each incident to end those events? Was that move on powers or was that charges?

DAVID HUDSON: Ultimately, they were move on powers, but there were infringement notices issued for transport offences, I think, as well.

The Hon. STEPHEN LAWRENCE: They didn't have tickets or something?

DAVID HUDSON: Something. It was 18 months ago now. I can't remember this, but certainly, ultimately, they were move on directions given.

The Hon. STEPHEN LAWRENCE: Move on directions, yes. With the Corowa event—and I'm mindful of section 200 of LEPR, which I'm sure you're familiar with, that says that, except in some circumstances, you cannot apply move on directions to a protest or demonstration. Are you able to talk to, in respect of the Corowa event, what particular part of section 200 was used to give a move on?

DAVID HUDSON: I'd have to take that on notice. I wasn't there and it was done by the local police.

The Hon. STEPHEN LAWRENCE: Also, in terms of the train event, are you able to take on notice what particular type of move on direction was given?

DAVID HUDSON: I can because the Public Order and Riot Squad, which sits under me, was certainly involved in the Australia Day incident, and I know we obtained fairly detailed legal advice about what

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opportunities and options were available to us on that particular day. But I can take that on notice as well and get back to you.

The Hon. STEPHEN LAWRENCE: Have you got a view about whether the legislation—LEPRA at the moment—affords police suitable and adequate powers to deal with far-right demonstrations of that type? Is there any problem that we should be aware of in the law enforcement legislation in that regard?

DAVID HUDSON: I don't think you could have specific legislation targeting one ideology. I think the tenet of our Constitution and the way we live is that everyone's got the right to free speech; they're entitled to an opinion. The majority of Australians wouldn't agree with them, but they're entitled to say it if it stays within the limits of the law. It's actually breaking up their gatherings because of them being neo-Nazis that, I don't think, would be useful in LEPRA. I think it comes down to their behaviour, whether they are creating a disturbance or whether they are creating fear or intimidation of the local community, which would dictate whether they are given a move on direction and dispersed.

The Hon. STEPHEN LAWRENCE: In terms of the Corowa event, I watched the video of that. I don't know if you remember seeing that video. The person who seemed to be leading that event was saying things about Jewish people. He wasn't using swear words, but what he was saying seemed highly offensive. I'm just wondering whether you think the legislation adequately deals with political speech of a type that might not seem, perhaps, to general duty police officers, offensive in terms of the types of offensiveness that might more commonly arise but is in terms of its content actually highly offensive and harmful. Do you think that the legislation is specific enough? I'm not suggesting you put a particular ideology in the Act, but do you think the police powers are adequate to deal with those sorts of things, such as occurred in Corowa?

DAVID HUDSON: I think the Crimes Act currently has been found to be deficient in hate speech. I think the Law Reform Commission review of 93Z of the Crimes Act indicated that. As I alluded to earlier, there are modifications being made to that. A new section 93ZAA is about to commence in August, which I think plugs some of those holes. We'll have to see if, ultimately, it serves the purpose of what the Government has intended it to do. I think there is a community expectation out there that some of the language in public that has been made should be an offence and, unfortunately, it hasn't been. We'll have to just analyse—and bearing in mind, sorry, if I can go back, that every one of these cases is unique. We need advice, probably, on each individual incident. Prior to amendments made, for a prosecution under 93Z of the Crimes Act, we needed the Director of Public Prosecutions to approve it. That threshold has been removed. But we certainly get legal advice on every one of them about prospects. We'll continue to do that because we need to get it right.

(The witnesses withdrew.)

(Short adjournment)

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Mr DAMIEN HAZARD, Lawyer, affirmed and examined

Mr MAHMUD HAWILA, Community Advocate, sworn and examined

Mr PETER LALOR, Journalist and Author, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you very much for coming.

The Hon. STEPHEN LAWRENCE: Chair, I put on record that Mr Hawila is in the same chambers as I am when I practise as a barrister. I just want that on the record in terms of the association between us.

The CHAIR: No problem. Mr Lalor, you're a journalist and author?

PETER LALOR: Yes. I'm a cricket reporter, essentially.

The CHAIR: Mr Hazard, would you like to make a short opening statement?

DAMIEN HAZARD: Yes, please. The reason I believe I'm here is I was a senior corporate partner at the law firm Herbert Smith Freehills, now called HSF Kramer, until December last year and a former head of the firm's private equity group in Australia. That all changed on a day in December when I exchanged tweets with Mr Jeremy Leibler, the president of the Zionist Federation of Australia. The Twitter exchange was in relation to the appalling act of antisemitism, which was the firebombing of the Adass Israel Synagogue in Melbourne on 6 December 2024. Mr Leibler, posting as the president of the Zionist Federation of Australia, tweeted:

The firebombing of a synagogue in Melbourne appears to be another shocking escalation of the hate that we have seen brazenly displayed on the streets of Melbourne every week for over a year.

No one should be surprised; this violent attack is a direct consequence of words turning into actions. Jew-hatred, left unchecked, endangers all Australians.

Enough is enough, this is a stain on our nation. It's time for all levels of government to turn their words into actions to stamp out this Jew-hatred.

On reading that, I replied:

Never too soon for @jeremyleibler to just invent a link with anti-genocide protests, cynically politicising this crime and continuing his lifelong disinformation campaign of conflating the genuine evil of anti-semitism with the basic humanism of condemning Israeli genocide.

Now, within a couple of hours, HSF management directed me to take down that post, which I was obliged to do under the partnership agreement, which I did. What I did not know was that I had just put myself in the firing line of a concerted lobbying effort to destroy my reputation and my livelihood. Initially, a number of my partners called me to tell me that partners of Arnold Bloch Leibler were complaining to them about my tweet, even though it had been deleted. Then came a series of hatchet-style articles from *The Australian* newspaper, written by Yoni Bashan, formerly a journalist with *The Australian Jewish News*, and Liam Mendez, who appears to be a regular reporter on the pro-Israel lobby.

The first *The Australian* front-page article quoted parts of my tweet, helpfully described as "deeply offensive" in a comment from HSF leadership. I was never asked for comment on my tweet or the article; I didn't know the article was being published until the firm told me. That didn't seem to be enough. Mr Bashan published again, this time quoting from a letter apparently written by a group of Jewish lawyers at HSF, complaining to management about me. Again, I was not asked for comment before publication, and I've never seen this letter. Mr Bashan said in his article:

Hazard's tweets, according to the letter, allegedly demonstrate ... the "classic traits" of anti-Semitic slurs, including expressions of "Jewish power", "Jews as murderous and blood thirsty", "Holocaust inversion", "conspiracy theories" and Israel as a "genocidal state".

These published allegations of antisemitism are utterly false. Any of you are welcome to peruse my Twitter account, which is back online and remains unchanged. What Mr Bashan did, with the help of the complaint letter, was an act of skulduggery.

Words were cherry-picked from news articles or commentary I had retweeted to paint me as antisemitic. For instance, I searched my Twitter archive for references to "Jewish power". There was only one, and that was in a *Haaretz* article about Ben-Gvir's party, the name of which is Jewish Power. I had retweeted an AIPAC post bragging that each of their supported candidates in the US election had won their elections and commenting that it's not a trope of Israeli power if you scream it from the rooftops. Apparently, that was an example of the very trope I was commenting on. I have said that this is a holocaust for the Palestinians in Gaza, so perhaps that's the "Holocaust inversion" that I'm accused of.

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Mr Bashan's third article, led on the front page of *The Australian* website, had a picture of me superimposed against an image of the burnt synagogue, behind a fence sign reading "Danger. Do not enter", and was entitled "Freehills partner Hazard given the axe". I worked for 28 years in this firm, whose corporate section was founded by a group of Jewish partners unable to find employment in the largely white Anglo-Saxon Protestant firms around them. The offices of the firm are literally across the road from The Great Synagogue. I interacted with Jewish lawyers and advisers literally every day, including having a number of highly talented Jewish lawyers in my immediate team at all times, some of whom remain my very close friends. I promoted these lawyers, even helping one find partnership at another firm when our firm would not support him. He is, in fact, a congregant of the Adass Israel Synagogue, which was firebombed.

Like many of my generation, I was brought up to have a deep appreciation of the history and significance of the Holocaust, including the resulting creation of the core instruments of international human rights law and the genocide conventions, all with the purpose of ensuring that "never again" meant "never again for anyone" so that the Jewish people might live in safety, as might we all. I also believe deeply in the fundamental right of the Australian public to protest against Israeli atrocities and to call on the Federal Government to uphold international law and protect fundamental human rights.

As I mentioned, I've never seen the letter that was used to so extensively defame me in *The Australian*, which is a newspaper that was published extensively to the very client base for whom I worked in my practice to date. By publishing these pieces, *The Australian* has allowed this group of lobbyists, with Mr Bashan as their mouthpiece, to effectively end my career as a top-tier corporate lawyer of 28 years experience. Despite being published in leading practitioner lists, having a good CV and a lot of recognition, no major private equity firm or corporate client is going to want to be associated with someone who is smeared with these allegations. The articles in *The Australian* were mirrored in the legal press around the world. I issued a concerns notice to *The Australian* and a press release denying the allegations of antisemitism to both *The Australian* and every other newspaper that published on this matter. None of them picked that up in any way.

These events have been profoundly distressing to me and my wife and children. My kids, who had recently lost their beloved cousin to suicide, were so traumatised. They saw people loitering outside our house, running out of sight when approached. My wife's work account was mysteriously hacked and had to be shut down. I received a barrage of hate mail. I also received distressed messages from Muslim lawyers at the firm I had been exited from, concerned about this chain of events. Obviously, I've lost my career, which was the primary financial support for my family. All of our lives have been profoundly impacted—all this by a lobby group whose aim is to protect the interests of a foreign government which is massacring, starving and displacing Palestinian civilians.

That said, I want to make it clear that in the big scheme of things, I am utterly unimportant. My case is merely an example of the pernicious use of false antisemitism allegations by the pro-Israel lobby to silence those who speak out against Israel's atrocities. In my case, the result is to preserve, as far as I understand it, a position where there is not a single voice raised against Israeli atrocities from within the mainstream corporate and professional advisory community in this country. Only pro-Israel voices from that community, like Mr Leibler's, are to be heard. But it is the ongoing Israeli atrocities themselves which have true significance and our government's failure to stand against them, in stark contrast to the crucial role that the Australian governments of both the Fraser and Hawke periods played in ending apartheid in South Africa.

Given that we seem to be powerless to actually make the genocide stop, in my view, the least any of us can do is bear witness to it and speak out against this utterly horrific state of affairs. I lose sleep not about the fact that I've spoken out about this or what has happened to me, but about the fact that we are not all speaking out about it, often for fear of being labelled antisemitic. Finally, I make a couple of comments. I'm sure the Committee is aware of this, but I notice that in the submissions and in the evidence to date, there has been much discussion of the IHRA definition of antisemitism. I point the Committee to the decision of Justice Stewart in *Wertheim v Haddad* in the Federal Court, where he said:

The ordinary, reasonable listener would understand that not all Jews are Zionists or support the actions of Israel in Gaza and that disparagement of Zionism constitutes disparagement of a philosophy or ideology and not a race or ethnic group. Needless to say, political criticism of Israel, however inflammatory or adversarial, is not by its nature criticism of Jews in general or based on Jewish racial or ethnic identity ...

He cites some cases. He then says:

Indeed, the applicants did not submit that it is. The conclusion that it is not antisemitic to criticise Israel is the corollary of the conclusion that to blame Jews for the actions of Israel is antisemitic; the one flows from the other.

Finally, on the terms of reference, I would simply like to make two comments. Firstly, without in any way diluting the genuine importance of vigilance, particularly in Western Christian societies, about antisemitism as a true evil, we do need to be alert to the conflation by Israeli lobbies, including bodies that have testified before you, of anti-Israeli speech with antisemitism, and to seriously interrogate any data presented on incidents of antisemitism,

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to filter out legitimate political speech as well as the strange spate of criminal acts that have happened in New South Wales. Secondly, I would submit that the Committee's report should address, within its terms of reference, the use of false antisemitism allegations to silence criticisms of Israel and recognise that silencing is a distraction from the hideous reality of a live streamed genocide and the failures in our Government's response to it. It is an unacceptable constraint on the freedom of political speech in this country and this State.

MAHMUD HAWILA: If I could first thank Mr Hazard for his thoughtful remarks. It's the first I've heard of his story. Unfortunately, his story is not foreign to me. I am a barrister, and I practise at Black Chambers. Over the past 21 months, I have represented numerous people who have been targeted in like orchestrated attacks or smear campaigns by the pro-Israeli lobby, including Mr Leibler's firm. The attacks have targeted anyone who speaks up from any profession, not just lawyers—I myself have received a number of complaints from the pro-Israeli lobby—but also medical practitioners, health practitioners, anyone who works in government and people who work in industries and trades. If they were to exercise their right to speak up against the atrocities they're seeing live streamed on their phones and on their TVs, then the reaction was swift. The attempt to silence was decisive and at times devastating. Mr Hazard's story is one of those, and I commend him for his bravery.

I don't want to reiterate a lot of the points Mr Hazard raised, so my remarks will be briefer. This is an important inquiry. No fair-minded Australian would disagree that hate crime, hate speech, antisemitism, Islamophobia—whatever form the racism takes—is not welcome in Australia. It has no place here. Antisemitism is an issue I care deeply about. It would be of no surprise that a lot of the law firms and chambers are all dotted around the city in clusters. My chambers is also right next door to The Great Synagogue. In fact, when I first took chambers at Black Chambers, and with The Great Synagogue being right next door, I shot an email to Rabbi Elton and asked to meet him to say, "You're my neighbour, and I'd like to meet." He was kind, and he responded quickly. We met in The Great Synagogue. He took me through a tour. He showed me the old scrolls. He read from the old scrolls in Hebrew, and he invited me to read from the Koran in Arabic, which I had on me. The similarities were profound. It was a very human experience.

It breaks my heart to hear that members have come before this Committee from the pro-Israel lobby who seek to use antisemitism as a weapon, because it means that the experiences of people who actually suffer antisemitism are diluted and all the efforts to combat antisemitism are diluted. The orchestrated efforts by the pro-Israeli lobby to silence anyone who spoke up against the ongoing genocide in Palestine dilutes antisemitism and harms Jewish safety. It's my firm view that any approach to examining or analysing antisemitism ought to be principle based. That principle-based approach is critical and should really start at the definition of antisemitism.

There's been evidence before this Committee about the IHRA definition, which does fall foul of conflating antisemitism with political freedom of expression—that is, criticism of Israel or policies of Israeli government officials or their military. When looking at the definition of antisemitism—for example, any fair-minded person would agree that targeting or vilifying someone who is praying at a synagogue or wearing an identifiable Jewish piece of clothing, like the kippah, would fall squarely within the definition of antisemitism. There is no dispute there. However, not all examples of antisemitism are so clear. Often, people can be targeted for being perceived to be Jewish when they're in fact not. I, for example, wear an akubra hat, like many other people. I've had someone yell out an anti-Jewish, antisemitic slur at me, when I just happen to be a Muslim, and that would be a type of antisemitism because the person who yelled that slur thought I was Jewish and expressed antisemitic remarks.

This principle-based approach that ought to carefully scrutinise the definition of antisemitism should be careful not to include Zionism as a form of Jewish identity such that it's a protected characteristic from hate speech or hate crime. Just as the justice in Wertheim said, critique of Zionist philosophy is not the same as critique of Jewish faith. In this principle-based analysis of what antisemitism is, we should also be clear about what is not, on its own, antisemitism. Criticism of Israel, their military, their politicians or the Zionist philosophy which might guide their decisions is not inherently antisemitic. Wearing a keffiyeh is not antisemitic. Carrying a watermelon—as silly as that sounds—is not antisemitic. Chanting "From the river to the sea, Palestine will be free" is not, on its own, antisemitic.

If the International Criminal Court issues an arrest warrant, notwithstanding what the Israeli Government says, that arrest warrant or the act of hearing an application as to whether or not Israel is in breach of the genocide convention is not antisemitic. The United Nations or UNRWA, in their efforts to feed Palestinians who are starving and who are suffering from a blockade—that's not antisemitic. If someone is to speak up and just happens to be part of Creative Australia or, for example, the ABC, they ought not to be targeted through orchestrated lobby attempts to have them cancelled, fired and shunned from society. These bogus claims of antisemitism are a distraction from what is real antisemitism. It creates false flags and false police reports. It makes Jewish communities less safe. It makes our community less safe, and they're deeply offensive.

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I also find it deeply offensive when accusations of antisemitism are made just because of how someone looks. If, for example, there is a protest through the Sydney streets, as there has been every Sunday for over 21 months—Australia's longest-running protest movement—and just because someone looks Arab, is wearing a keffiyeh, is carrying a Palestinian flag or is saying, "From the river to the sea," attempts to smear such acts of free political expression, which our liberal democratic society is meant to protect, as antisemitic are, really, thinly veiled Islamophobia, anti-Arab prejudice or anti-Palestinian prejudice. So one is caused to ask, if false flags or bogus claims of antisemitism make everyone more unsafe and make our community more unsafe, why is it that anyone would go so far as to use them? Why else would anyone make such an accusation?

In circumstances where such accusations of antisemitism are being wielded to silence what is any critique of Israel, the answer is also political—namely, bogus accusations of antisemitism are used to silence critique of Israel and critique of the Zionist philosophy, which is used to justify the ongoing blockade of Gaza and used to justify the carpet bombing of Gaza, the starvation of people in Gaza, the bombing of every hospital in Gaza. The purpose of that silencing, going back to this principle-based approach, is to stop us talking about Gaza. If we hear stories about Mr Hazard or Antoinette Lattouf or Khaled Sabsabi, people will say, "I don't want to lose my job." People will say, "I don't want to lose my mortgage. I don't want to risk a complaints process." I've come through my career with very little complaints—touch wood—but since I started going to protests, they have been flowing through. Since I started saying, "Hey, maybe Israel is committing a genocide", they have been nonstop. In fact, one such complaint I intend on tabling specifically says it's antisemitic to say what Israel is doing is a genocide.

If we silence critique of Israel, if we are scared to speak up, then these children continue to starve. If no-one is talking about the children starving, no-one is sending food. If no-one is sending food, the blockade can continue and the genocide can be completed, and the terms of reference are silent on the Holocaust of our generation. That breaks my heart. Going back to that principle-based approach, if it is the case that critiques of Israel are being broadbrush labelled as antisemitic with the view to distracting away from the genocide, I seek to table several documents. The first is a United Nations snapshot titled—

The CHAIR: Mr Hawila, it was meant to be an opening statement only. Someone else needs to come in. I normally would like to restrict it to two minutes. I understand you are a barrister.

MAHMUD HAWILA: We like to talk a lot.

The CHAIR: You are now starting to present your case and you have done for the last couple of minutes. Mr Lalor, would you like to make an opening statement?

PETER LALOR: I'll try to keep this to two minutes; it's the bare bones of the situation. Apologies, I feel a little bit out of my comfort zone here. I am also uncomfortable being the story, but understand the importance of speaking up and not being silenced despite earnest efforts to silence me and others. I will briefly outline what happened to me. I am a cricket journalist. I worked for *The Australian* for 21 years but am now, essentially, self-employed. I was accused of being antisemitic and was sacked from radio station SEN, which is essentially a sports network. It was widely and, in fact, internationally reported at the time, and it was in the media again last week over a new development in the story.

I am here because I think my experience is instructive and disturbing because of its effects on others in the media. I am not looking for sympathy, revenge or any justice for myself. I was accused of antisemitism because my social media account relentlessly, but not exclusively, highlighted the slaughter of Palestinian people by the Israeli Government by retweeting updates from the conflict. Occasionally I made comments but rarely anything beyond expressions of despair. I retweet because I feel helpless and sickened and ashamed that such injustice and inhumanity could occur in my lifetime, on my watch. I did it because there's a terrible asymmetry in the conflict, if that's what you'd call this barbaric behaviour. And I'm not only talking about the death toll or the relative strength of the two countries involved. I continue to do it because I believe the mainstream media is derelict and compromised in its coverage of what, for all intents and purposes, is a war crime and/or ethnic cleansing—possibly genocide.

Media, governments and many well-resourced organisations are falling over themselves to block criticism of the Israeli Government's actions. As someone with some skin in the media game and some understanding of how it works, I want to—for what it's worth—object. I do it because, when future generations ask what I did when a Western ally committed such a horrendous crime, I could at least say I spoke up. I'm not an antisemite and I hate how that term has been diluted, for true antisemitism is vile and stained humanity in the Second World War, just as this conflict will stain our times. I'm not saying there's not antisemitism abroad, just as there isn't similarly a depressing wave of Islamophobia, which seems to pass almost without remark. I detest Hamas and was sickened by what happened on 7 October.

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Because I object to an ongoing crime against humanity, I lost my job, as so many others have. The instances are well documented: Antoinette Lattouf; Jayson Gillham, the concert pianist; Khaled Sabsabi, the Biennale artist—although he was recently reinstated—and Gary Lineker, the football commentator at the BBC. I don't know if it was a coordinated campaign against me or not, but I know it continues to this day with moves to have me removed from my job working for television in the summer. I had worked at SEN for a commentator for about eight years, and a series of calls from the station in February—first from someone who I think was the general manager, and then from its owner, Craig Hutchison. The station and Hutchison, they said, were receiving complaints that I was an antisemite and that my voice made Jewish people feel unsafe when I was commenting on the cricket. I should point out I never once mentioned Israel or Palestine in my cricket commentary.

I reiterate: I am not antisemitic. I have enormous sympathy for the suffering through the years, and great admiration for what the Jewish diaspora has contributed to Western society. I abhor any forms of racism or bigotry, but the actions of the Israeli Government and the IDF disgust and distress me. They are, however, the actions of the government, not Jewish people. The majority of Jewish people I know are horrified by the actions of Netanyahu. I'm greatly concerned that the accusations of antisemitism and the treatment of people like me and Antoinette Lattouf, and the many other incidents of people losing their employment, have a chilling effect on open debate, let alone criticism of what the Israeli Government is doing. People's livelihoods and careers are on the line. A simple, innocent tweet can cost them so much.

Everyone else in the media sees what is done to people like us and understands the consequences if they dare to criticise the Israeli Government. The weaponisation and abuse of the term "antisemitic" has been used to gag criticism of an indefensibly immoral and barbaric campaign. To this day, the campaign against me continues, including fake tweets sent to another employer of mine, and it remains to be seen if I will continue to be employed with them. There's an active and malicious campaign to label me a Nazi supporter when, in fact, I've repeatedly condemned such. Recently, this campaign is accusing me of being a paedophile supporter. So be it. I won't stop speaking out. In fact, it makes me speak louder. Stopping this slaughter is all that matters. I'll get off my soapbox now.

The Hon. STEPHEN LAWRENCE: Mr Hazard, thank you for your evidence and thank you for your stance. I know that it's been difficult for you. Nasser Mashni once said to me that people that stand up for the Palestinians pay a price for it. I think Mr Mashni is certainly right in your case, and yours, Mr Hawila, and you, Mr Lalor, as well. I find one of the deep ironies of your case, Mr Hazard, is that Jeremy Leibler has a highly questionable history on Twitter himself. He's tweeted things that delegitimise the right of the Palestinian people to exist. He's retweeted things that say, "A society that cultivates a culture of murder and death has no right to exist." One could question whether that is indeed a genocidal statement. I am wondering if you've got any evidence on this irony that you lose your profession on account of what I would categorise as totally legitimate free speech when he has this highly questionable Twitter history himself.

DAMIEN HAZARD: I will say when I was first called by management of the firm after I put this tweet out, they were building up to asking me to delete it. One of the questions in my mind is Mr Leibler was essentially a peer of mine in a business sense—a competitive firm, a not dissimilar practice and client group. We had common clients, I believe. That struck me immediately—that, obviously, Arnold Bloch Leibler is not going to stop Mr Leibler saying whatever he wants, and I don't comment. I've not been through his history. I don't comment on the nature of what he said, other than the particular tweet I responded to.

But that's kind of my point here, which is that he, or people with the same view, are literally the only voices coming out of the corporate community and the professional advisory community to which I belonged before this excision. I think that is a very significant stamping down. You know, it's not that the business community picks up any cause other than itself often, right? But you would think and hope that there are some red lines, and here we have, in my view—and I don't think it's an unconsidered view; it's something I've looked at very carefully—a state that seems to be taking a list of the most fundamental aspects of our framework of international humanitarian law and pretty much ticking it off one by one: ethnic cleansing; collective punishment; starvation as a weapon of war; and the crime of aggression which, if we recall, was actually very prominent at Nuremberg.

I referenced apartheid in South Africa, so there was at that stage across the Australian community from all aspects of our society and from our government, support for us not saying that this is a long time, far away and we can't do anything, but actually saying, "This is just pretty horrible and, as a nation, we can all agree it should stop." It's my belief that this dynamic we're describing has prevented that occurring now and that it is significant that it is prevented. It is significant that so many people are silenced. I received many, many calls of support, as well as hate mail, from some quite prominent people—people whose names you would recognise—and I appreciated that support; but I was very conscious, as were they, of the fact that none of them were going to put their head above the parapet.

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The Hon. STEPHEN LAWRENCE: I might just go online to you, Mr Lalor. I'm just wondering what you would say to people who might hear of your story and be reluctant to speak up on behalf of the Palestinian people. What would you say to such people?

PETER LALOR: I have enormous sympathy for people who probably aren't in the privileged position that I am. There is so much at stake, as you've heard from Mr Hazard and from so many others, when you do speak up. The consequences are shattering. I know of one colleague who's facing over \$1 million in legal fees. To lose your job when you're young and you've got a family to feed, that's a pretty significant impact. I can't advise anybody to do what I did. I'm reckless in nature and probably in a position to be able to wear the consequences of this, but we'll see what the ongoing consequences are and whether I'm actually picked by my employer in television this summer. It must be terrible to be so afraid to speak up and to be so afraid of the consequences of just expressing some sort of humanity in the situation.

The Hon. STEPHEN LAWRENCE: Mr Hawila, I think you might have referred to this in your opening statement. Have you been the subject of professional complaints accusing you of antisemitism, and can you tell us, in summary, what they've been and what the outcomes of them were?

MAHMUD HAWILA: I've had numerous complaints. I've been called a terrorist, antisemitic. One such complaint was because I shared a post. The post contained a video. The video had the chant in Arabic—it wasn't in English—"From the river to the sea", with nothing more; just saying, "From the river to the sea", and then there was a change in scene. The sharing of that post—

The Hon. STEPHEN LAWRENCE: Was it the whole expression "From the river to the sea, Palestine will be free" or just the first bit?

MAHMUD HAWILA: No, just the first bit. It was in Arabic. It just said, "min il-mayye la-l-mayye", which just means "from the water to the water". It's a translation of "from the river to the sea". That chant alone led to a complaint from another practitioner. That complaint made accusations that I should not be encouraging breaches of international law, nor encouraging hate crimes within Australia, and that I was openly antisemitic. It pointed to the fact that endorsing calls for genocide cannot be tolerated as an officer of the court, which I agree with. This is a good case study into how bogus claims of antisemitism are used to silence critique of Israel. The complaint said that social media posts made by Mahmud Hawila on LinkedIn carry antisemitic sentiments and that on several occasions Mahmud supported the accusation of Israel committing genocide on the people who live in Gaza. It continued:

The supportive posts claiming Israel to be committing genocide give rise to false and defamatory antisemitic accusations, which vilify the State of Israel and, by implication, Jews who support Israel.

Here you see the full thought process of how bogus claims of antisemitism can be used to "defend" Israel, and thereby link it to Jewish communities. Such reasoning is such a stretch. It's inviting anyone to suspend reason. I brought that complaint with me, and I intend on tabling it. Is now an appropriate time?

The Hon. STEPHEN LAWRENCE: Yes. Before I hand to Dr Cohn, are you able to briefly talk about the personal impact on you of being the subject of these sorts of complaints? We've heard from the other two gentlemen about loss of career and so forth. You're obviously still practising, but can you talk about the impact on you?

MAHMUD HAWILA: The Bar Association withstood the pressure of the lobby, and I'm very proud of that. The independent bar in New South Wales is a proud tradition, and I'm proud to be part of it. I'm not here speaking on behalf of the private bar, nor am I here speaking in my capacity as a barrister. I'm also a dad, Lebanese, Muslim and someone that's experienced Islamophobia throughout my life and career. So being painted as antisemitic in a complaint that goes to my peers and goes to the body that regulates me haunted me. I lost sleep over it. I thought 10 times before speaking up about Israel's atrocities. Then I thought, "I have everything to lose; I have nothing to gain," and that is the right time to speak up.

Going to Mr Lalor's evidence, I advise everyone to speak up. It's not reckless. As a third State, Australia has an obligation to take whatever steps possible to prevent genocide. The ICC has said that this is a plausible genocide. We must speak up. It's our obligation under international law to do so. The status of this Parliament engaging on the issue, as I understand it, is that Israel has a right to self-defence. That was passed very quickly after the October 7 atrocity. As far as I'm aware, that's not been rescinded, not been revisited despite 21 months of genocide.

Over the 21 months we have over 50,000 dead. We have, of the 50,000, here in these three folders, 1,516 pages of the names of the Palestinians killed because of Israel's atrocities. The first 27 pages are just infants under the age of one. The first 474 pages are all kids. These are accurate as of March and the speed of the killing has only increased since then. I seek to table the names of Palestinians killed directly as a result of the genocidal

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acts of Israel in this inquiry. I say it's relevant to the terms of reference. I say that the bogus claims of antisemitism are used to silence these names and they ought to be honoured and regarded as people who have fallen.

Dr AMANDA COHN: Thank you all so much for coming today and for your solidarity with Palestinian people in Gaza. Mr Hawila, in your opening statement you mentioned having represented health practitioners subject to complaints of antisemitism.

MAHMUD HAWILA: Yes, dozens.

Dr AMANDA COHN: There was obviously a widely publicised case where health workers were alleged to have intimidated actual harm to patients who were Israeli or Jewish, which is obviously very distressing for everyone. I'm also aware of a significant number of vexatious complaints to AHPRA about health practitioners for posting on social media legitimate political views along the same lines as all three of you have—so much so that AHPRA had to issue guidelines saying that legitimate political expression in a personal capacity is not actually a breach of professional guidelines. Given the time, I wonder if you could on notice provide any of those examples, with the consent of the people you've represented, to give us a picture of the kind of complaints being made against health workers.

MAHMUD HAWILA: Of course.

Dr AMANDA COHN: My last question in closing—the Committee has deliberated significantly on the definition of antisemitism, which I think most of the members of the Committee think is really important to get right. Some witnesses have imputed that that is an academic consideration or a theoretical consideration that doesn't matter. I suppose all three of you are very real, living examples of the consequences of getting the definition wrong. Could you speak to the definition of antisemitism that we should be adopting in this report?

DAMIEN HAZARD: Me too?

Dr AMANDA COHN: Whoever would like to address it, or on notice if you'd prefer—we have one minute left.

DAMIEN HAZARD: Sure, very quickly. In my view it is a fundamental feature of understanding the history of anti-racism, human rights law—that what the world did after the Holocaust was universalise those principles, not create exceptional rules for any one race or any one religion. I have seen somewhere in a submission someone said, "Look at the *Oxford English Dictionary*. If you have to, look at the Jerusalem Declaration." But essentially you're talking about discrimination against Jewish people based on race and religion. That's what antisemitism is. It's racism as commonly recognised directed to Jewish people. It is not anything else. To my mind, you are bound by dicta of the Federal Court. It has been determined as a matter of Australian law.

MAHMUD HAWILA: My view, to answer very quickly—in saying that that judgement issued by the Federal Court this week is decisive. That should be the approach this Committee takes. It is clear as day that criticising Israel or Zionism is not the same as antisemitism. Those two things should never be conflated lest it dilutes the experience of Jews experiencing antisemitism and the efforts by all of us to combat it.

The Hon. JACQUI MUNRO: Thanks so much to each of you for coming today and providing evidence. Mr Hawila, I'm curious about what is the implication to you behind the statement "from the river to the sea" or "from the water to the water"?

MAHMUD HAWILA: It's a great question. Obviously it defines two geographical places. Beyond that, it really depends on the context. The statement on its own, in my view, only does what it says, and it calls for freedom. In my view—and I've put it on the record, because *The Australian* came ringing, as well, on the back of all these complaints; it's on the record publicly and I'll say it again here—calling for freedom is not antisemitic at all. All it does—

The Hon. JACQUI MUNRO: But, sorry, just to try to understand, freedom for what? Within the boundary between what I presume is the Jordan River and the sea that borders the boundary of Israel?

MAHMUD HAWILA: Yes, freedom for all people in historical Palestine. Freedom for all people, notwithstanding their faith, how they pray or how they look.

The Hon. JACQUI MUNRO: Would you consider that Jewish people are free in that context, living in Israel at the moment?

MAHMUD HAWILA: They're the only ones free right now in that location, because Israel is an apartheid State.

The Hon. JACQUI MUNRO: Do you think Jews living in other parts of the Middle East or other parts of the world are free at the moment?

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MAHMUD HAWILA: Do you want to ask me a more direct question? Sorry, I'm not sure I quite understand.

The Hon. JACQUI MUNRO: The Jewish population, for example, in Germany was not free. Obviously, you have the creation of a State of Israel to give a sense of freedom to a people, and that is being threatened by the call "from the river to the sea".

MAHMUD HAWILA: I'll say two things to that. Firstly, the British mandate is what led to survivors of the Holocaust after the atrocities of World War II being sent to Israel. Every people, every community, has a right to live, with the inalienable rights that international law provides. The British mandate said, effectively, that this was a land for a people with no land and that it was a land without any people on it. That was entirely untrue because it ignored the indigenous Palestinians of all faiths—not just Muslims, not just Christians, but also Jews—who lived there for centuries.

The Hon. JACQUI MUNRO: Would you say that the Arab people, including Muslim people, who are living in Israel are free?

MAHMUD HAWILA: No.

The Hon. JACQUI MUNRO: So the 25 per cent or so Arab Israelis are not free?

MAHMUD HAWILA: They're not. If you've been to Israel or Gaza, you would know that those fences are tall and those watchtowers are there, and Arabs are not treated the same under Israeli law as Israelis. It's plain and simple.

The Hon. JACQUI MUNRO: I mean, there are Arabs and Muslims in the Knesset, representing democratically the groups of people that elected them, so I just don't understand how that is not freedom.

MAHMUD HAWILA: You can have a veneer of democracy in what is an ethno-supremacist colonial settler State, and that does not mean it's a democracy. I invite you to visit Israel and Gaza so you can see it.

DAMIEN HAZARD: May I comment on those points?

The Hon. JACQUI MUNRO: Certainly.

DAMIEN HAZARD: I was at a Jewish Council event a couple of weeks ago and this question was asked about "from the river to the sea". One of the panellists was Professor Andrea Durbach, who gave the best answer I have heard. She said that people saying this slogan are not united by a common view—I'm paraphrasing, obviously—of where this ends, what the political solution is or what it looks like. What they are speaking to is the undeniable fact on the ground that at the moment, from the river to the sea, Palestine people are not free. I've sat with a Zionist friend of mine who's tried to explain to me how it's genocidal to say "from the river to the sea".

The Hon. JACQUI MUNRO: I think this is part of the problem. Everybody's got—

DAMIEN HAZARD: You cannot just layer your own interpretation on it and then attribute that to the speaker.

The Hon. JACQUI MUNRO: But that's exactly the problem that we're facing. The use of these kinds of phrases has a different meaning both for the speakers of this phrase and for the people who hear that phrase.

DAMIEN HAZARD: I would point you to—

The Hon. JACQUI MUNRO: I would suggest that there may be as many interpretations as there are people engaged in this debate. But in that lies the problem, because there is arguably very little nuance in that short statement and the interpretation of that statement gives rise to a concerning intimation by many people that the Jewish people are not entitled to their own freedom in an area.

MAHMUD HAWILA: Can I just say this, when the Prime Minister of Israel says it, it's genocidal. When he says "Greater Israel", it's genocidal. Let me explain why, because I've sought to table the names of 50,000 Palestinians who have been killed by Israel over the past 21 days. These are just 50,000 names since March that have been killed by direct military action—not by starvation, not by lack of health care. This is direct military action. These 50,000 names, along with the expression Greater Israel, along with support of settler extremists,

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along with all of the apartheid and veneer of democracy that Israel comes with would be genocidal, and it's combined with genocidal acts.¹

The Hon. JACQUI MUNRO: But what we're talking about here, Mr Hawila, is not that in itself. We are talking about antisemitism in New South Wales and the ways that we can ensure that we have a society that is harmonious and respectful. That requires a sense of responsibility from, hopefully, all of us in the language that we use and the way that's interpreted, as much as the interpretation can be linked to intentions from the speaker of those kinds of phrases.

MAHMUD HAWILA: For 21 months I've been attending the protests almost every Sunday through the streets of this city. It doesn't get much media coverage anymore.

The CHAIR: We might call this session to an end. Mr Hawila, you have tabled this document. Are you happy for us to publish it?

MAHMUD HAWILA: Yes.

The CHAIR: I just had a quick scan of it. In there you talk about—and you just mentioned it verbally—that the Palestinian people are indigenous Palestinians. I don't cavil with that expression, but would you say that the Jewish people are indigenous to that part of the world too?

MAHMUD HAWILA: That's the wonderful part about Palestine. Its history is long. It's touched all Abrahamic faiths, and it's gone through the years—

The CHAIR: So the answer is yes?

MAHMUD HAWILA: Yes, indeed.

The CHAIR: On that basis, we'll come to an end. I don't think anything was taken on notice. If there was, the Committee will be in contact with you. Thanks very much for your evidence today.

(The witnesses withdrew.)

The Committee adjourned at 17:50.

¹ In [correspondence](#) to the committee received 7 August 2025, from Mr Mahmud Hawila, Barrister, Black Chambers, provided a clarification to their evidence.