



## **Australian Human Rights Commission response to Question on Notices.**

**RE:** Legal and Constitutional Affairs Legislation Committee's inquiry into the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) public hearing in Canberra on 20 September 2024.

### **Question 1: Muslim Votes Matter response**

#### **Hansard text:**

Senator SCARR: There was also a concern, raised by the witness representing Muslim Votes Matter, with respect to an engagement with the Australian Human Rights Commission. It would be useful to give the Australian Human Rights Commission an opportunity to respond to that concern.

#### **Australian Human Rights Commission response:**

The Australian Human Rights Commission was not aware of concerns expressed by Muslim Votes Matter prior to this inquiry and is not aware what Muslim Votes Matter was referring to around individuals and groups they have supported raising matters with the Commission. Accordingly, the Commission is unable to respond to the concerns at this time.

More broadly, one of the Commission's core statutory functions is to inquire into and conciliate complaints of alleged discrimination and human rights breaches occurring in areas of public life covered by the laws we administer. Every complaint received by the Commission must be assessed according to the requirements of these laws. Sometimes the subject matter of a complaint does not come within the Commission's complaint handling jurisdiction and if that is the case, the Commission will explain why and try to make a targeted referral to an organisation that may be better placed to assist.

### **Question 2: 13 October Statement**

Senator HENDERSON: On 13 October, when the AHRC handed down its statement, was that a statement that was viewed and cleared by all commissioners before its release? I'll perhaps direct that to you, Mr de Kretser, even though I know you weren't there at the time.

Mr de Kretser: It's before my time. I think my colleagues will know the background to what you're referring to better than I will.

Senator HENDERSON: I might ask Mrs Finlay. Was that a statement that you viewed and cleared?

Mrs Finlay: In relation to that specific statement—and I'm not meaning to not give an answer—could I take it on notice to remind myself? There were a number of



statements, and I want to make sure that I'm giving you accurate information about that.

Senator HENDERSON: Alright. It's the statement of 13 October. It was obviously six days after the Hamas terrorist attack. Then the Sydney Opera House riots occurred on 9 October. Does that help you at all?

Mrs Finlay: It does, but I'd still like, if I may, to take that on notice to make sure you're getting accurate information.

**Australian Human Rights Commission response:**

The statement published on 13 October 2023 was a statement issued by the President of the Australian Human Rights Commission and Acting Race Discrimination Commissioner, Emeritus Professor Rosalind Croucher AM. It was not a statement on behalf of other Commissioners and accordingly did not require their approval.

**Question 3: Executive Council of Australian Jewry concerns**

Senator SCARR: On notice, it would be useful to get your response to the submission we received from the Executive Council of Australian Jewry in relation to that issue—their perceptions of the Australian Human Rights Commission.

**Australian Human Rights Commission response:**

The submission from the Executive Council of Australian Jewry (ECAJ) raises a number of concerns. Some of these concerns have been addressed previously in Senate Estimates. The Commission has attempted to summarise the concerns *in italics* below and outlined the Commission's response to them.

*The terms of the government's announcement and the Commission's public statement, indicate that antisemitism will not be a strong focus of the Commission's study into racism at universities.*

The Commission is committed to working with stakeholders such as ECAJ in progressing our Study into racism in the university sector. Antisemitism will be a key area of focus of the Study and we will engage with Jewish students and staff as part of our work.

*The Commission's record of public statements and action in the face of the unprecedented surge of antisemitism that has occurred in Australia, especially since 7 October 2023, has been conspicuously deficient.*

In its National Anti-Racism Framework Scoping Report released in December 2022 the Commission recognised antisemitism and racist extremism as one of the drivers in its call for the Framework's development. The Commission continues to support



communities affected by antisemitism. It continues to hear about the alarming antisemitism experienced by Jewish Australians in both the physical and online world.

Since October 2023 the Commission has been consulting with a range of individuals and organisations around the impact of the Israel-Hamas conflict on communities, in workplaces and in education and healthcare settings including Jewish academics, antisemitism experts and representative bodies. The Commission has engaged with Commonwealth and State and Territory government departments, health providers, educational institutions and other government service providers about addressing antisemitism. These engagements have been conducted both at the request of stakeholders and initiated by the Commission. These consultations, meetings and discussions are informing the Commission's planning on the types of information and support the Commission can provide to communities and ways the concerning rise in antisemitism can be addressed through public education. They have also resulted in the Commission providing support and referrals to organisations, workplaces and individuals around combatting antisemitism.

The Commission is also supporting people affected by racial discrimination and racial vilification through the Commission's dedicated information and complaint handling services.

The Race Discrimination Commissioner, Giridharan Sivaraman has engaged significantly on the issue of antisemitism. In addition to leading the projects and the engagements listed above, the Commissioner in May 2024 wrote an opinion article in *The Mandarin*, condemning antisemitism and anti-Palestinian racism being seen on university campuses and explaining and announcing the Commission's work on the Study. In addition, in an op-ed published in the *Sydney Morning Herald* in May, he called out an increase in antisemitism.

Other Commissioners have also engaged on this issue, for example, in March the Human Rights Commissioner, Lorraine Finlay, wrote an opinion article in *The Nightly* on the rise of anti-Semitism in Australia. The new President, Hugh de Kretser, spoke about the need to address the rise in antisemitism in a speech at the Holocaust Museum.

Relevant Commission public statements include:

**2023**

- [\*13 October Media release President calls for human rights in Australia to be upheld in wake of Middle East conflict\*](#)
- [\*23 November Op ed As the Israel-Palestine crisis continues, Australians must not allow anguish or fury to overwhelm us by Rosalind Croucher\*](#)

**2024**

- [\*26 January Statement on the ruling of the International Court of Justice\*](#)



## Australian Human Rights Commission

- [19 February Media release \*Anti-racism grant to support communities affected by war in Gaza\*](#)
- [6 March Media release \*The escalating humanitarian crisis in Gaza and addressing the impacts in our communities\*](#)
- [13 March 'Human rights commission hits back at accusations of inaction on anti-Semitism' \*The Australian\*](#)
- [27 March Op-ed \*In Silence Antisemitism and Racism Flourishes\* by Lorraine Finlay](#)
- [17 April Media release \*Race Discrimination Commissioner urges unity in wake of Sydney attacks\*](#)
- [15 May Media release \*Commission to lead historic anti-racism study into universities\*](#)
- [23 May Op ed \*Racism at universities has been an issue for decades\* by Giridharan Sivaraman](#)
- [30 May Op ed \*Why ABC chiefs should back Laura Tingle for calling out racism\* by Giridharan Sivaraman](#)
- [3 July Op ed \*Let's resist the worst of times with the best of humanity\* by Rosalind Croucher](#)
- [10 July Media release \*New report finds governments at all levels across Australia failing on racism\*](#)
- [22 August Speech at Melbourne Holocaust Museum \*Critical Thinking is Critical\* by Hugh de Kretser](#)

*Particular personnel engaged or promoted by the Commission have themselves been involved in antisemitic conduct.*

As Australian Public Service employees, Commission staff have obligations about how they use social media. There are standards of conduct that are a requirement of APS employment, and this has an impact on the way in which Commission staff express themselves in public forums in a personal capacity. From time to time the Chief Executive reminds Commission staff of their responsibilities to meet these obligations – most recently on 7 December 2023 and 25 January 2024. The Commission takes seriously the obligations in the APS Values and APS Code of Conduct. Breach of these obligations may result in disciplinary action. If the Commission becomes aware of conduct that may be in breach of the Code, we engage the staff involved and apply our Breaches of the Code of Conduct Procedures. The CPSU has also conducted training for staff, with the union inviting union members and all other staff to participate, on the Code of Conduct.

*The AHRC as an A-status national human rights institution is required to meet certain international accreditation requirements and its recent retention of its A-status was dependent on the assessment of a group chaired by a representative of 'Palestine'.*



The members of the Global Alliance of National Human Rights Institutions accreditation body, the Sub-Committee on Accreditation (SCA) includes one NHRI representative from each of the four regional groupings. SCA members are voted to the position by their respective regional network. They serve a term of three years, which can be renewed. The current SCA members, who were also the members represented at the Commission's accreditation session, are from the NHRIs of: New Zealand (Asia Pacific) – Chairperson; South Africa (Africa); Honduras (Americas); and Greece then Croatia from October 2024 (Europe). Regional networks are required to appoint an alternate member to participate in sessions where the existing member is unavailable or has a conflict of interest.

With the impact of the crisis in Gaza, the Asia Pacific member on the SCA – Dr Ammar Dwaik from the Independent Commission for Human Rights (ICHR) of Palestine – was unable to attend the October 2023 session as planned, which was due to be the ICHR's final session in its three-year term as member. The NHRI of New Zealand, which was elected by APF members to succeed the ICHR, assumed its voting seat at the SCA one session early. The NZ Chief Executive, represented the Asia-Pacific at the session.

The National Institutions and Regional Mechanisms Section (NIRMS) at the OHCHR Headquarters in Geneva acts as the Secretariat to the SCA. All correspondence regarding the accreditation process is between the Secretariat and the NHRI. NHRIs do not correspond directly with SCA members during the process. The AHRC only had contact with the SCA members during the live interview sessions, which were conducted remotely online.