



28 August 2024

Online Hate Prevention Institute submission to the
Inquiry into a Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)
Senate Legal and Constitutional Affairs Committee

About us and this submission

This submission is from the Online Hate Prevention Institute, an Australian Harm Prevention Charity established in January 2012 with a focus on online hate and extremism.

We have broad expertise in antisemitism (both online and offline) with our CEO serving as a member of Australia's delegation to the International Holocaust Remembrance Alliance (IHRA), and within IHRA on its Committee on Antisemitism and Holocaust Denial and on IHRA's Academic Working Group. We have also advised the Swedish Government on the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism in 2021, the government of The Netherlands on the European Conference of Public Prosecution Services on Antisemitism earlier this year (2024), and the Government of Israel on the Global Forum for Combating Antisemitism (2009-2017).

Our CEO is very familiar with the university sector having previously served two terms with the Board of Directors of the Quality Assurance Agency for Higher Education in the UK (their Higher Education regulator) and later working as a Senior Lecturer in the Law School at La Trobe University, where he is currently an Honorary Associate. Our other staff include current students, both Jewish and non-Jewish at a number of Australian universities. We have been consulted by universities and students' unions on matters relating to antisemitism in Australia and overseas.

This submission is prepared by our CEO, Dr Andre Oboler.

General Response

We support the legislation and the proposed Commission of Inquiry into Antisemitism at Australian Universities. We have found that antisemitism is not being properly addressed by universities in Australia either at the level of individual administrations or collectively as a sector. We are concerned that current mechanism that might address this, particularly the Australian Human Rights Commission and its National Anti-Racism Strategy, have fallen short. Based on our personal experience working with the Australian Human Rights Commission across a range of types of hate, there is a significantly lower level of both expertise and engagement by the Commission on antisemitism than on other types of hate. The Australian Human Rights Commission has been unable to appropriately address antisemitic incidents involving academics even when those incidents have occurred within a working group of the Commission itself. Added to this are complex issues related to academic freedom, its scope, and its boundaries, and the scope and limits that should apply to S 18D(b) of the *Racial Discrimination Act 1975* (Cth) in relation to publication or debate for an academic purpose. Only an inquiry of the form proposed will enable an investigation that the Australian public can have full confidence in.



The Remit

We welcome consideration of adoption of the IHRA Working Definition of Antisemitism which we believe is the most effective tool to help universities recognise antisemitic incidents. We are concerned that much of the push back against the definition comes from those that are actually seeking to protect antisemitic activity when used for political purposes. Racism for political purposes is still racism and the same applies to antisemitism.

The terms of reference refer to “incidence of antisemitic activity on Australian university campuses”. Much of modern life is now online. Many of today’s Australian university students are seldom or never “on Australian university campuses”, instead learning through online systems. This applies even to those studying “on campus” but who choose to watch lectures online instead of turning up in person. We recommend either altering the language to reflect the title of the inquiry, making it about antisemitism “at Australian Universities” rather than “on Australian University campuses”, or defining “Campus” to mean “any physical or digital space being used or operated by a university”.

If a tighter definition of campus is needed, we would suggest “any physical or digital space being used by a university for the purpose of learning, teaching, research, administration, or providing services to members of the university community (such as but not limited to accommodation, sport, health, or commerce), or public engagement”. We would also explicitly suggest including in the terms of reference matters relating to Students’ Unions, staff unions, and clubs and societies associated with a university (whether for students or staff, and whether part of the university or not), and any other factors that would be relevant to Australia’s treaty obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) in relation to antisemitism, a specific form of racism, in the context of universities.

We are concerned that without such a broadening of the scope, much of university life, including core aspects related to the experience of students and staff, may fall outside the Matters for the Commissioner to consider.

Expanding the remit may take the Commission of Inquiry beyond the constitutional basis of the Corporations Power as specified in S 5 of the Bill, however, this can be remedied by also drawing on the *External Affairs Power* S 51(xxix) of the Australian Constitution in furtherance of our commitments under the ICERD (see Appendix A).

Example of incidents needing examination by the Inquiry

Adelaide University and On Dit

On August 8, 2022, the student magazine at Adelaide University published an article by one of their editors that ended with the words, “The solution to achieving peace and bringing forth justice for Palestine is to demand the abolition of Israel. Free Palestine and Death to Israel.” A social media post sharing the article on the magazine’s Facebook contained the comments “Glory to the Intifada” and “Glory to the resistance”.

As we reported in an article dated September 2nd,¹ we contacted Medium the company hosting the magazine, and they removed the article for breaching their terms of service. The editors then posted images of the full article to their Facebook page claiming they would not be silenced. We spoke with Facebook who removed the content for violating their policies. The Students Union began hosting a website for magazine themselves and republished the article. A member of our staff, in her capacity as a student at the university, sought action from the student union

¹ <https://ohpi.org.au/antisemitism-at-adelaide-university/>



and the university. The response was not adequate, it took until September 2023 for the article to be removed, and until May 2024 for an apology to be issued to the Jewish community.

The handling of all things related this incident and the failure of the Student Union, the University, and Universities Australia whose attention was drawn to the matter, to address the concerns of Jewish students and the Jewish community would benefit from a more detailed examination. The **re-publication** of the article, which promoted terrorism and the sort of attacks we later saw on October 7 2023 deserves particular investigation. It occurred on a website setup by a member of the students' union staff (who is employed as a member of the university staff) after clear knowledge that multiple social media platforms had judged the content harmful and after complaints had been received and the matter widely discussed including in the media.

For further background, the [REDACTED] is someone our monitoring also recorded supporting Hizballah, a listed terrorist organisation,² in posts that appear to advocate violence against Jewish people. Shown below is a post made by the editor on Twitter calling "brilliant" and "amazing" a tweet they shared that contained a video of Hizballah fighters shooting at a target with a Jewish symbol on it. The tweet and video are STILL online.³

² <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/hizballah>


³ [https://twitter.com/\[REDACTED\]](https://twitter.com/[REDACTED])



THE ONLINE HATE PREVENTION INSTITUTE

Empowering communities, organisations and agencies in the fight against hate.

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This is brilliant
This is amazing

**Jean-Marc Mojon** @mojoinparis · Feb 16, 2022
Hezbollah on ice 🇩🇪 🇱🇧 ❄️ 🇸🇦
You're welcome
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1:44 56.9K views

8:59 PM · Jan 23, 2023 · 139 Views







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Here is another example from our archive of content by this person calling for Israel to be “annihilate[d]” and for death to both Israel and America, which it says should be achieved through a “revolution ideology”. This example is also currently STILL live on X.⁴



⁴ [https://twitter.com/\[redacted\]](https://twitter.com/[redacted])



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In a later post in 2023 the former editor replied to a post about a terrorist praising him. This one at least was removed by X.





There is a serious problem when Students' Union and Universities allow their publications to be controlled by those promoting extremist ideologies. There is a further problem when the concerns raised by Jewish students and the community are not taken seriously and dealt with promptly.

La Trobe University and the 2024 Victorian Postgraduate Criminology Conference

The following is Complaint Outcome IR00739-001-2024 from the Student Complaints Office at La Trobe University. It is dated July 1, 2024 and begins by repeating the complaint details entered into an online form with a tight character limit, then gives the result, and details of the appeals process.

Background: Part of my association with La Trobe involves the work of a charity run, the Online Hate Prevention Institute (OHPI). Some of the charities work including publications and submissions to government are claimed by La Trobe as research outputs. The charity has also provides guest lectures and support to multiple departments and provided work placements to La Trobe students, and paid summer employment relevant to their studies for La Trobe students studying criminology and law.

On 14 May we were approach by [redacted], a criminology student who had previously worked for us, and invited to nominate a speaker from OHPI to speak at the Victorian Post-graduate Criminology Conference which La Trobe is hosting in November. This was arranged. Having worked for us, [redacted] knows OHPI well and the nature of work which covers all forms of online hate.

On 30 May we were contacted by [redacted], a PhD candidate who I have since learned is chair of the conference organising committee. We were told "I am writing to advise that we no longer require his attendance." In relation to our nominated speaker. On inquiring why, we were told "After a closer review of the work being published at the Online Hate Prevention Institute, we have decided that it is not conducive to the ideas of the conference."

I believe this decision is based on our work tackling antisemitism and constitutes an antisemitic incident under La Trobe's policy on antisemitism. I also believe it goes against the university's commitment to academic freedom and freedom of speech. Finally, it is damaging to the university's reputation and a long standing relationship between the charity and the university. In the climate of rising antisemitism on campuses, and public attention to this problem, behaviour like this has the potential to harm the university's reputation.

On 31 May raised my concern with [redacted] and with [redacted] who in the past has overseen collaboration between the Online Hate Prevention Institute and HUS. My head of department suggested I complete this form.

OUTCOME

Your complaint was forwarded to the Associate Dean Learning and Teaching, School of Humanities and Social Sciences and they assisted with the investigation into your concerns.

We have been advised that La Trobe University has no jurisdiction over the group running this conference as they are external to La Trobe and there is no formal affiliation.

By way of explanation, the event is being held at La Trobe University. The conference has hired the University as a venue.



We note your concern for the wellbeing of the student who invited your institute to the conference. If this student has wellbeing concerns, they can be referred to the [support services](#) available at the University.

On review of the above information, we recommend that you direct your concerns to the conference organisers, as we are unable to assist you further.

YOUR RIGHT TO REVIEW

Under the [Student Complaints Management Policy](#) you are entitled to apply for a review of this decision within 20 working days of the date of this letter by contacting the University Ombudsman, Michael Gay AM on (03) 9479 1897 or ombudsman@latrobe.edu.au

At no point did anyone from the complaints office speak to me, this is the only communication I received. Further discussion with the conference chair, while polite, was not fruitful and they subsequently sought to justify the decision on another basis which itself was not valid.

There are three major problems here:

- What looks like an academic boycott of an Australian charity because they counter antisemitism
- What looks like a university deciding that their policy on antisemitism does not apply to external users of campus facilities
- What looks like a university deciding not to take any action in relation to one of their own PhD students sending an email from their university email account, explicitly in their capacity as a researcher from the university, which engaged in behaviour counter to the university's antisemitism policy.

To clarify the final comment here is the full text (with some redactions) of email I received, it did not even mention their role as chair of the conference but was very much in the tone of coming from the university:

Hi there,

My name is [redacted], I'm a graduate researcher from La Trobe University.

It is my understanding that someone from La Trobe has engaged [redacted] to speak at the Victorian Postgraduate Criminology Conference later this year, in November.

I am writing to advise that we no longer require his attendance.

Best,

[Redacted]

[Redacted]

PhD Candidate & HDR Representative

[Redacted]

La Trobe University, Melbourne (Bundoora) Victoria 3086



Australian Human Rights Commission incident

I was appointed to a *Media Standards & Regulations Working Group* of the Australian Human Rights Commission along with a number of academics and civil society experts. As part of our work we reviewed a list of organisations and individuals to be invited to participate in a survey, and a smaller group which would also be invited to be interviewed.

Another civil society expert proposed excluding the mainstream Jewish community organisations from being interviewed, instead suggesting a number of very small fringe groups with views that are widely divergent from those of the mainstream community and who lack the expertise of the mainstream organisations be substituted for them. The effort to silence in particular the ECAJ, the national peak body of the Australian Jewish community, and to paint ECAJ as irrelevant to racism despite its long history not only as the lead voice in Australia on antisemitism, but also its leadership role across Australian civil society in collective efforts to tackle racism, protect S 18C, and promote multiculturalism was absurd. Equally absurd were their attacks on Jewish leaders like Mark Leibler who has been recognised with Australian honours for work on Indigenous reconciliation. The attack and effort at exclusion can only be described as racist.

Members of the working group academia then chimed in supporting these very problematic views. A joint email from two of them (colleagues who were traveling together at the time) wrote "This group is at risk of becoming highly irrelevant if we can't navigate this fairly straightforward issue - are we for or against settler-colonialism and the ongoing capitalist expansion of white property ownership (the central project that leads to the creation of racial hierarchies)?" They thanked the first person for "generously explaining why organisations such as ECAJ, AIJAC or ZFA should not be included in a study pertaining to anti-racism, and offering alternative options for Jewish organisations that firmly situate their work on anti-colonialism, anti-imperialism and anti-semitism [sic]. We wholeheartedly agree". They went on to state "we are pro the anti-colonial and anti-apartheid struggle that is the movement for a free Palestine. Equating Judaism with Zionism is inaccurate disinformation... Somewhat ironically, given the subject of this working group, Zionist disinformation as an online phenomena has been comprehensively documented by groups such as... there is a simple question we collectively need to answer, and that is - is the Australian Human Rights Commission, and this working group pro-Palestine, pro-settler colonialism, pro-genocide?"

This effort to politicise the Working Group, dismiss concerns about antisemitism, exclude the voices of the mainstream Jewish community, and compromise the research are all deeply problematic. I wrote to the then President of the Australian Human Rights Commission about the issue but did not receive a reply. The Australian Human Rights Commission decided not to survey or interview people at all and after some time decided to close the working group. In what I assume was an effort to get along with everyone, the harmful, and frankly antisemitic, behaviour of some of the participants was not addressed. While the initial emails came from a person in civil society and would be out of scope of the inquiry, attitudes and behaviour like this from the academics, and the view this is acceptable in emails in which Australian Human Rights Commission staff were copied, shows a significant cultural problem in our universities. It shows a lack of understanding about antisemitism and a lack of interest in it, along with an exclusion of it, and the Jewish community, when discussing racism more broadly.



Other incidents

We are aware of other incidents at Australian universities and at other universities overseas which may reflect problems we also have in Australia. The above examples are given as they demonstrate more systemic issues that need further investigation through an inquiry.

One type of incident that is very much in the Online Hate Prevention Institute's scope is the use of social media by academics in a manner that either promotes or walks a very fine line on antisemitism. This content, while outside of work hours, can cause concern for Jewish students who are then in classes run by these academics and subject to their marking. We published something on social media engagements by academics at one New Zealand university recent.⁵ We are uncertain if such content, when from Australian academics, might fall within the scope of the inquiry but feel that it should as it impacts the ability of Jewish students to access education.

Appendix A

An Act creating a Commission of Inquiry would further Australia's international obligations under the ICERD, specifically:

ICERD Article 2(1)(a):

Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation

ICERD Articles 2(1)(d):

Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization

ICERD Articles 2(2):

States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

⁵ <https://ohpi.org.au/the-line-between-academic-freedom-and-antisemitism/>