AIJAC Submission on Freedom of Speech (Repeal of S.18C) Bill 2014

1. INTRODUCTION

This document constitutes the submission by the Australia/Israel & Jewish Affairs Council (AIJAC) to Attorney-General George Brandis regarding proposed amendments to the *Racial Discrimination Act* 1975 (RDA). AIJAC is a private organisation which promotes the interests of the Australian Jewish community to government, politicians, media and other community groups and organisations.

We would like to thank the Attorney-General and the Government for the opportunity to respond to the *Freedom of Speech (Repeal of S. 18C) Bill 2014* ("exposure draft").

AIJAC is in the unique position of having expert knowledge on the issue of racial vilification.[1] AIJAC's Director of International and Community Affairs Jeremy Jones, in his personal capacity and as a senior elected officer of the Executive Council of Australian Jewry, has been involved in a number of cases under section 18C, which set important precedents against several forms of racism, including Holocaust Denial.

Since the introduction of 18C, AIJAC has observed a change in behaviour from organised racist groups, who have, by and large, sought to steer clear of breaches of law. There is also a body of anecdotal evidence that many Australians have appreciated having the law available to them to advocate for their rights to protection from racist bullying in the workplace. The database maintained by AIJAC on anti-Jewish acts which were defined as "racist violence" in the 1991 National Inquiry into Racist Violence, documents the ongoing assault, vandalism, physical harassment and abuse, with an average of almost 400 incidents a year, and a total of 657 incidents for the most recently completed reporting period.[2]

Given our expertise, we have detailed our concerns with the exposure draft in this submission and would be happy to provide further advice on these issues if requested.

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[1] For more information on AIJAC's knowledge on these issues, the appendices include the following articles: Dr. Colin Rubenstein "Upsetting the balance", *Australia/Israel Review,* May 2014; Jeremy Jones "Don't strip away our rights", *Australia/Israel Review,* May 2014; Jeremy Jones "Lets preserve our best legal weapon against racism", *Australian*, 18/3/2014; Jeremy Jones, "Incidence of violence intimidation in Australia, 1 October 2012-30 September 2013" pages 17 to 21, November 2013; and "18C Case Studies".

[2] Jeremy Jones, "Incidence of violence intimidation in Australia, 1 October 2012-30 September 2013", November 2013.

AIJAC maintains that the provisions of Part IIA of the RDA have worked effectively for nearly 20 years, and that there is not a compelling reason for repeal or wholesale reform. The legislation under section 18C has allowed people to have recourse when they have been the victims of acts that offend, insult, humiliate or intimidate on the grounds of race, while freedom of speech is protected through the wide ranging exemption under section 18D. The case law makes it clear that the law covers acts with serious impact and does not extend to trivial slights. Most complaints lodged under section 18C are rejected or conciliated by the Australian Human Rights Commission (AHRC), with very few cases proceeding to court. According to the AHRC, in 2012-2013, only 5 cases out of 192 racial vilification complaints proceeded to court.[3] Of the cases heard in court, important precedents have been set against Holocaust Denial and other manifestations of racism.[4]

While on the whole Australia is a proud, tolerant multicultural society, many Australians continue to be affected by racism. An appendix to this report documents physical attacks against Jewish Australians, which is an ongoing concern. According to the AHRC there was a 59 per cent rise in racial hatred complaints in 2013, and a 5 per cent rise in general race-based complaints.[5] The RDA was introduced as a response to a documented problem of racism, which had diminished the rights of many Australians. The provisions of Part IIA of the RDA were drafted to best balance the twin goals of maintaining maximum freedom of expression consistent with maintaining freedom from racial vilification. They were the product of widespread public consultation and debate in response to the recommendations of major inquiries including the 1991 National Inquiry into Racist Violence and the 1998 Royal Commission into Aboriginal Deaths in Custody.

While AIJAC does not believe changes are necessary to section 18C, if changes are to be made, they must ensure the basic purposes for which section 18 was passed are still met. As set out in the 1991 National Inquiry into Racist Violence - which documented the extent of racist violence in Australia, particularly against Aboriginal and Torres Strait Islander people, and the connection between that violence and racist propaganda, intimidation and harassment - this is first and foremost to ensure that:

> *"no person in Australia is subject to violence, intimidation or harassment on the basis of race"*

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[3] Dr Tim Soutphommasane, "Are we to favour bigotry over the right to live unaffected by it?", *The Age*, 28/3/2014 - http://www.theage.com.au/comment/are-we-to-favour-bigotry-over-the-right-to-live-unaffected-by-it-20140328-zqo0t.html

[4] For example cases include *Jones v Toben*, *Jones v Scully*, *Jones v Evans*, *Jones v Bible Believers Church*.

[5] Gillian Triggs, "Race law changes seriously undermine protections", *The Australian*, 28/3/2014 - http://www.theaustralian.com.au/opinion/race-law-changes-seriously-undermine-protections/story-e6frg6zo-1226866727210

Similarly, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which Australia is a signatory, creates an obligation in Article 4(a), for signatories to:

> *"Declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;"*

While Australia issued a reservation related to Article 4(a) when it ratified CERD in 1975, stating "Australian is not at present in a position specifically to treat as offences all the matters covered by article 4 (a) of the Convention" that reservation also included a pledge that "It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of article 4 (a)." Having ostensibly met this promise in the reservation via the passage of section 18 of the RDA in 1995, it is not consistent with our international obligations to withdraw our compliance via changes to the RDA which fail to fulfil the terms of 4(a).

Freedom of expression is also an important international human right under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which states, that (1), "Everyone shall have the right to hold opinions without interference" and that (2), "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." However, freedom of expression is not an absolute right, and is limited by both Article 19 (3a) "For respect of the rights or reputations of others"; (3b) "For the protection of national security or of public order (ordre public), or of public health or morals", as well as Article 20 which (1) prohibits propaganda for war, and (2) states that "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." The sections 18C and 18D of the RDA appear to have struck the right balance between freedom of expression and protecting people from racial vilification, as should any reforms made to the legislation.

Since those provisions were introduced into the RDA, only the case of *Eatock v Bolt* in 2011 has caused public controversy. In AIJAC's opinion sections 18C and 18D have formed a vital pillar of Australian multiculturalism - helping maintain social harmony and minimise hatred and hostility between groups from arising.

2. RESPONSE TO THE PROPOSED CHANGES

If the exposure draft were to become law it would severely weaken existing legal protections against racial vilification, and could encourage the minority of Australians with racist views to become more active on their prejudices.

It is AIJAC's assessment that the exposure draft, if passed into law, would create an environment more conducive to racism than a situation where there was no federal legislation covering this subject, due to the limitations of coverage and the extremely broad exemptions. If the Government decides that changes are to be made to the RDA, it is vital that any amendments be carefully constructed in order to improve and not dilute its operation.

Existing state provisions in NSW, Victoria, South Australia, Queensland, Tasmania, and the ACT, forbid inciting "hatred towards, serious contempt for, or severe ridicule of" a person or group. As a result, if the exposure draft became law it could undermine and weaken state legislation on racial vilification. These concerns have also been raised by members of the Victorian and New South Wales parliaments.

AIJAC's specific concerns with the exposure draft include the following:

The repeal of section 18B

AIJAC does not support the repeal of section 18B, as it could mean that race would have to be the dominant or substantial reason for any act in question and so whole swathes of "casual racism" would not be caught by the provision.

The repeal of section 18C and its replacement with clause 1 and 2

"Vilify" is too narrowly defined

While AIJAC welcomes the insertion of the word "vilify", it is narrowly defined in the exposure draft as merely "to incite hatred against a person or a group of persons". The Macquarie Dictionary defines the terms "vilify" as "to speak evil of; defame; traduce." AIJAC suggests that the word "vilify" should be left to the courts to interpret, or if it is to be defined by the legislation, the plain meaning of "vilify" should be applied, because vilification is not only about inciting hatred, but also

about speech that degrades and/or slanders. Alternatively, the language employed in several state racial vilification laws could be employed, making it unlawful for a person, by a public act, to incite "hatred towards, serious contempt for, or severe ridicule of" a person or groups on the grounds of race.

Moreover, the wording of the exposure draft places the test for whether an action contravenes the law on whether third parties were incited rather than the impact on the target of the act. In focusing on whether third parties were incited by the vilifier's act, the test does not consider the impact on the targets of the vilification. It is essential that racial vilification laws consider the effect on the victims of racial vilification, but the exposure draft does not adequately do so.

"Intimidate" is too narrowly defined

The exposure draft's definition of "intimidate" as meaning, "to cause fear of physical harm" is too narrow. The definition of "intimidate" could be left to the courts to decide its meaning, or if it is to be defined in the legislation, it should include causing persons to be fearful of the non-physical actions of others. This is fundamentally important as many cases under 18C have involved psychological intimidation, especially via the internet and in light of the rise of social media bullying which can lead to emotional trauma including suicide.

For example, the AHRC has noted that it receives hundreds of inquiries and/or complaints alleging racial abuse on the internet, which are not about a fear of physical violence but rather psychological and social impacts.[6] AIJAC also notes at this point the strong and admirable stance that the Abbott Government has taken against so-called "cyber bullying". It would be a bitter irony and send a very questionable message if just as the Government is protecting Australians from online bullying and harassment, it simultaneously removes protection against the same phenomenon for members of vulnerable ethnic groups.

Moreover, the psychological harm and health effects of racism are well documented, as Race Discrimination Commissioner Dr. Tim Southpommasane recently wrote, "Repeated exposure to racial abuse can contribute to conditions including hypertension, nightmares, post-traumatic stress disorder, and psychosis. The psychological harms of racism are also well-documented: victims can

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[6] Gillian Triggs, "Race law changes seriously undermine protections", *The Australian*, 28/3/2014.

feel not only anger, but also humiliation and self-loathing. No matter how much victims of racial abuse may resist, they can often end up absorbing messages of hate and inferiority."[7]

"Humiliate" should be included in the Act

An act that "humiliates" because of "race, colour or national or ethnic origin" of a person or group should also be included in racial vilification legislation, as it currently is under section 18C of the RDA. The Macquarie Dictionary defines humiliate as "to lower the pride or self-respect of; cause a painful loss of dignity to; mortify." "Humiliation" refers to the direct impact on the victim. It is the victim whose social standing is damaged and whose dignity is affected. A person may be humiliated by acts that do not necessarily "intimidate" or "vilify", and therefore, such acts would not be covered by the current exposure draft as it is currently written.

A possible alternative to the inclusion of "humiliate" is to legislate against acts that "harass" another person because of "race, colour or national or ethnic origin" of a person or group. The Macquarie Dictionary defines "harass" as (1) "to trouble by repeated attacks, incursions, etc., as in war or hostilities; harry; raid", or (2) as "to disturb persistently; torment." The 1991 Report of the National Inquiry into Racist Violence, used the terminology of "harassment" and "intimidation". For example, in its recommendations it stated, "That the Federal Government accept ultimate responsibility for ensuring, through national leadership and legislative action, that no person in Australia is subject to violence, intimidation or harassment on the basis of race."[8]

<u>The repeal of section 18D and replacement with clause 4</u>

AIJAC is most concerned with the exposure draft's extremely broad exemption that is intended to replace section 18D. Clause 4 of the exposure draft states that the laws prohibitions of acts that are reasonably likely to vilify or intimidate "does not apply to words, sounds, images or writing spoken, broadcast, published or otherwise communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter."

This broad exemption could enable racial vilification and intimidation in almost all public discussions, making it difficult to consider examples of racial vilification or intimidation in public that will not be exempted under the exposure draft. This exemption would enable a respondent

[7] Dr. Tim Soutphommasane, "Are we to favour bigotry over the right to live unaffected by it?", *The Age*, 28/3/2014
[8] Report of the National Inquiry into Racist Violence 1991

to defend themselves against complaints of racial vilification and intimidation by simply claiming that their act was done in the course of "participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter". For example, even racial vilification on public transport, at sporting matches or restaurants could arguably be protected as a "social", "cultural" or "religious" matter. As Prof. Sarah Joseph noted, the exemption in the exposure draft could "provide a defence for anything written or broadcast in the mainstream media, and probably any blog. Numerous tweets may be fine too." She added, "Preachers would be able to pronounce intimidation and hate from the pulpit, as could academics and teachers in the classroom. Artists could provoke intimidation and hate in public performances and displays."[9] As a result, there would be almost no distinction between racial hostility and legitimate public debate.

The ability to incite violence on religious or political grounds is especially concerning for Jewish people, who have a long history of suffering fear and violence due to religious and political incitement. Jews around the world have historically been targets for violence due to the Arab-Israeli conflict, for example, in Toulouse in 2012 an Islamic extremist Mohammed Merah killed a Rabbi and three children, and in the 2008 Mumbai attack, a Jewish community centre was attacked by Pakistani terrorists killing six people. As recently as 13 April 2014, three people were shot at two Jewish community centres near Kansas City by a former Ku Klux Klan leader Frazier Glenn Cross who has a history of posting online commentaries that include "No Jews, Just Right" and calls to "exterminate the Jews."[10]

If the proposed exemption in the exposure draft became law, it is highly probable that cases won under section 18C which set important precedents against Holocaust Denial and other forms of anti-Jewish racism would not have been successful. Regarding Holocaust Denial, in 2002 the Federal Court found in *Jones v Toben*, that Frederick Toben's views were not part of genuine academic debate about the Holocaust, but were designed to "smear" Jews. However, under the exemption in the exposure draft, Holocaust deniers could arguably claim that their views are based on public discussion of an academic matter. Without any requirement of "reasonableness" and "good faith", such a defence would likely be successful.

AIJAC maintains that section 18D remains an appropriate exemption and should be included in any legislation on racial vilification. If section 18D is to be revised, AIJAC believes that any exemption should be limited to communications that occurred "reasonably and in good faith".

[9] Prof. Sarah Joseph, "Rights to bigotry and green lights to hate", Castan Centre for Human Rights Law - http://castancentre.com/2014/03/28/rights-to-bigotry-and-green-lights-to-hate/
[10] "Ex-Ku Klux Klan leader charged in Kansas Jewish Center killings", *Reuters*, 14/4/2014

The new test at clause 3

Clause 3 of the exposure draft introduces a new test that states, "Whether an act is reasonably likely to have the effect specified in sub-section (1)(a) is to be determined by the standards of an ordinary reasonable member of the Australian community, not by the standards of any particular group within the Australian community."

This test could prove inappropriate for dealing with racial vilification and intimidation in so far as the general community may not be aware of the nuances behind words and acts that can vilify and intimidate a specific group. The true force behind communications which vilify or intimidate an ethnic minority is often understood best not by the general community, but by the perpetrators and the victims.[11]

Currently, the courts have applied an objective test to section 18C that assesses whether the act complained of was reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people.

AIJAC supports clause 3 being an objective test. However, the test must be based on whether the target person or group would be likely to be vilified or intimidated, and not whether the 'ordinary reasonable member of the Australian community' would be likely to be vilified or intimidated if they were in the same situation. Therefore, it will still be necessary for the court to consider the relevant circumstances and attributes of the target person or group. To this end AIJAC recommends that the words "in all the circumstances" be inserted into clause (1a) of the draft Bill, following the words "is reasonably likely".

An alternative to introducing this clause 3 which could serve to accomplish the same purpose might be to make no changes to the RDA at all other than adding a requirement that actions complained of must have "profound and serious effects, not [be] mere slights" as noted in case law on section 18C.[12]

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[11] As Prof. Sarah Joseph noted in her article "Rights to bigotry and green lights to hate", "the word 'cockroach' has genocidal connotations amongst the people of Rwanda and Burundi: would that connotation be understood by Australia's general community?". Moreover, another example, the antisemitic myth of "Jewish power" of control of banks or government - may appear inoffensive to the non-Jewish community perhaps even as flattery - but for the Jewish community it has a long history of inciting antisemitic hatred and violence.

[12] *Creek v Cairns Post Pty Ltd* (2001) 112 FCR 352, [16]; *Jones v Scully* (2002) 71 ALD 567, 592; *Eatock v Bolt* (2011) 197 FCR 261, [265].

The repeal of section 18E

AIJAC does not support the repeal of section 18E, the vicarious liability provision which presently applies to employers and principals of agents. Section 18E is an important provision that has been used to hold internet service providers and social media platform providers to account for racist material published. If it was repealed, it would likely be more difficult for victims of racism to persuade internet service providers and social media platform providers to remove racist material. As the internet and social media are often conduits of racial vilification and intimidation, section 18E should be retained. Once again, we note the Government's efforts to combat cyber bullying and submit that the same principles ought to be applied.

3. CONCLUSION

AIJAC believes that the RDA in its current form has been working effectively for nearly twenty years and should not be changed. It has contributed to Australia's social cohesion while providing victims with an inexpensive and just method for seeking redress where they have been a target of racial vilification. If the Government decides that changes are to be made to the RDA, the exposure draft in its current form is severely flawed and inadequate.

While AIJAC would welcome the addition of the word "vilify" into the RDA, the exposure draft would introduce "vilify" in name only, failing to apply the commonly accepted definition of the word. Likewise the definition of "intimidate" is inadequate. Further, the exemptions it would introduce are so broad it is difficult to imagine how any complaint of racial vilification could be successfully argued. If the exposure draft became law it could have unforeseen consequences that not only embolden racists to spread their messages, but also undermine state protections against racial vilification.

Therefore, AIJAC respectfully submits that the Government should retain the current RDA and not make changes to the Act.

If changes were to be introduced they must be consistent with the original purposes of this legislation. Definitions of both "vilify" and "intimidate" must be broadened from those in the exposure draft. A term such as "humiliate" or "harass" should be included to allow the legal bodies hearing complaints to assess the impact of racist acts directly on victims. Finally and most

importantly, the exemption in clause 4 must be qualified to differentiate good faith public debate from use of the pretence of such debate to simply incite racial hatred or racially intimidate.

29 April 2014

APPENDICES

APPENDIX 1:

18C case studies from published reports by Jeremy Jones AM

Adelaide Institute and Toben.biz

The Adelaide Institute, a loose conglomeration of individuals brought together by self-styled "Holocaust Revisionist" Fredrick Toben which has as its primary activity the publishing of material on the internet, has in recent year disseminated arguably the most vicious and malicious anti-Jewish propaganda of any Australian group. Even David Irving, in his Action Report, wrote that Fredrick Toben's "(blatantly) 'anti-Semitic Website" was a liability to Holocaust revisionists.

In 1996 Jeremy Jones on behalf of the Executive Council of Australian Jewry lodged a complaint with the Human Rights and Equal Opportunity Commission concerning the content of the Adelaide Institute's internet site. In November 1998 the matter went to a public hearing. Frederick Toben appeared at the hearing, then walked out, which meant he did not face cross-examination.

In February 1999, Frederick Toben commenced an overseas trip, which he described to a regional newspaper's journalist as a mission during which he would challenge the German laws on denial of the Holocaust. While travelling, Toben continued to distribute antisemitic material through his web-site and also to write a number of letters to public officials which contained his advocacy of Holocaust Denial.

In Germany, Toben was arrested and jailed under the laws which he had announced he was planning on challenging. Although he received verbal support from his closest allies at the Adelaide Institute and from the English writer David Irving, his arrest did not receive a great deal of media attention and most of the reporting on the case included the perspective that he had announced before leaving that he knew of the German law.

While in jail and on his release he was active in promoting Holocaust Denial through his web-site. He and/or his supporters also mailed his material to a number of recipients, including Holocaust survivors. During the period of his incarceration, Geoff Muirden, David Brockschmidt and Jack Selzer used the Adelaide Institute name to promote Holocaust Denial and other elements of antisemitism.

The Hearing Commissioner released her findings in October 2000. The Hearing Commissioner found, amongst other facts, that:

"The material contained on the Internet site is material which consistently presents Jews as a group of people who are engaged in a manipulation of the truth or an attempt to conceal or pervert the truth in order to obtain political, economic and other power. It consistently presents Jewish people as at the heart of "Stalinist crimes", and "Bolshevism". It suggests that sensitivity about matters relating to what is known as the Holocaust is an attempt to impose guilt on non-Jews, in particular Christians. It presents the circumstances known as the Holocaust as allegations or assertions, made and held by persons acting maliciously, dishonestly and manipulatively. Those persons so acting are unmistakably identified on the website as Jews, and further they are represented as so acting because they are Jews. The material has at its heart the proposition that the events of "the Holocaust" have been constructed, distorted and manipulated to create a myth for the promotion of the social, political and economic interests of the Jewish people, and suggests there is no evidence to support the existence of this interpretation of events";

"Material on the website also contains insulting and offensive expressions in relation to Jewish people and "the Holocaust" which are intended to be offensive and intimidating, and indeed have caused offense and anxiety:"

"There are many aspects of that material which are quite explicit in their denigration of Jewish people, and many other aspects of the material which make this clear by imputation. The central theme of the website is the assertion that the Holocaust is, in the terms in which it is generally understood, "a myth"."

and that:

"None of the material contained on Dr Toben's Adelaide Institute website is of an historical intellectual or scientific standard which is persuasive on these issues, and is largely expressed in highly tendentious and often offensive and insulting language about Jewish people which makes it difficult to give serious consideration to the propositions contained in it. It is this language which characterises the website and its material, and leads me to be satisfied that the material contained on the website has a consistent theme of the vilification of Jewish people”.

The Commission found that Fredrick Toben engaged in unlawful conduct and ordered that he "remove the contents of the Adelaide Institute website from the World Wide Web and not re-publish the content of that website in public elsewhere" and that he should also make a public apology to the Complainant, which he would publish on the World Wide Web, and undertake not to "publish any such material in the future".

In 2001, the Executive Council of Australian Jewry applied to the Federal Court of Australia for enforcement of the orders against Fredrick Toben and the Federal Court subsequently brought down a determination which effectively upheld the findings of the HREOC commissioners.

The Human Rights & Equal Opportunities Commission, on 17 September 2002, issued a media release headed "Landmark Decision on Race Hate and the Internet", which read: "In the first Australian court decision on race hate and the Internet, the Federal Court today found that a website that denied the Holocaust and vilified Jewish people was unlawful under Australia's Racial Discrimination Act 1975.

Federal Court Justice Branson ordered Adelaide Institute director Fredrick Toben to remove offensive material from the World Wide Web, saying she was 'satisfied that it is more probable than not that the material would engender in Jewish Australians a sense of being treated contemptuously, disrespectfully and offensively'. She ordered Dr Toben to remove the document 'About the Adelaide Institute' and similar documents; and other material that cast doubt on the Holocaust, suggested homicidal gas chambers at Auschwitz were unlikely, that Jewish people offended by and who challenge Holocaust denial are of limited intelligence and that some Jewish people, for improper purposes, including financial gain, exaggerated the number of Jews killed during World War II and the circumstances in which they were killed".

Fredrick Toben challenged the judgement, and his Appeal was heard by the Full Bench of the Federal Court in May 2003. On 27 June 2003 the Federal Court unanimously rejected Toben's Appeal.

The judges were damning of his material, of his motives and his "sophistry". For example, Justice Carr wrote "In my view ... he was attempting what might be described as a very sick inversion and an exercise in sophistry..." and " the appellant was conscious that the reader might see its contents as being antisemitic or racist...".

Fredrick Toben was ordered to remove offending material and to pay costs.

Toben subsequently continued to participate in international gatherings of Holocaust deniers in the USA, in which many of the keynote speakers made overtly antisemitic comments, and also spoke at an anti-Jewish conference in Iran. Fredrick Toben and his colleague Richard Krege, participated in the Holocaust Denial conference in Iran, *The Australian* reporting "In his opening remarks, Dr Toben thanked the Iranian people for "having brought forth a leadership that is fearless of Jewish pressure, a leadership that courageously sets out to clarify the fundamental human values lost in most of the Western 'democratic and free world.'" He then called evidence of the Nazi gas chambers "the

products of a feverish pathological mind filled with pure hatred, most directed against Germans and anything German ... the product of an appalling state of ignorance of natural and chemical processes." Toben posted his speech on his website.

During the period from the hearing of the Contempt complaint and the judgement and sentencing, Fredrick Toben was arrested in London due to a European Union arrest warrant issued by German authorities, but after periods in detention and then at liberty with restrictions, the German Government did not proceed with extradition and Toben returned to Australia.

The website went through a series of modifications and alterations, but due to the retention of links to earlier items found to be unlawful and the publication of new anti-Jewish material, contempt proceedings were launched, resulting in Fredrick Toben being found to be in contempt of court and sentenced to three months in prison which, after he exhausted Appeal options, commenced in August 2009. He served his prison time and after re-emerging established a website linked to the Adelaide Institute but with unique content.

Both prior and subsequent to the finding of Contempt, there were items of concern published on the Adelaide Institute website, initially by Fredrick Toben and later under the alleged auspices of Peter Hartung.

Although material on both websites had been found to be in breach of Australian law by the Federal Court, the Australian Communications and Media Authority defended its decision to give "M" ratings to The Adelaide Institute and the Toben.biz websites due to the lack of "real depictions of actual sexual activity, child pornography, depictions of bestiality, material containing excessive violence or sexual violence, detailed instruction in crime, violence or drug use, and/or material that advocates the doing of a terrorist act." (19/2/10).

On 27 August 2011, Toben alerted supporters that his YouTube account had been terminated as he had violated the Community Guidelines for the third time. The third offense was caused with a video "Talmudic inspired political action leads to Holocaust in Communist countries". On 29 August 2011 he posted an email with a banner "JewTube – Broadcasting deception" styled after YouTube – Broadcast Yourself".

Bible Believers

One of the most visible of the plethora of eccentric pseudo-Christian groups in Australia is the "Bible Believers". For a number of years Anthony Grigor-Scott of regional New South Wales maintained a bulletin board on which he published long antisemitic tracts. He has also been a long-term participant in discussions on unmoderated newsgroups. He has an internet site which includes a huge volume of antisemitism, including "The International Jew: The World's Foremost Problem" and A.H. Ramsay's "The Nameless Jew and Zimmunism", which quotes extensively from League of Rights texts in an attempt to prove that "the Jewish race operates" by "hypnotism which has been exercised over the whole world". A complete copy of "The Protocols of the Learned Elders of Zion" available on his home-page. Grigor-Scott has also operated a weekly radio program, on a low frequency local station, in which he delivered antisemitic sermons.

A Complaint under the Federal Racial Hatred Act lodged in 2005 resulted in a judgment on February 2 2007 ordering that the Bible Believers' Church remove material from the website denying the Holocaust took place. In the judgment, Justice Richard Conti ordered Anthony Grigor-Scott to remove claims Jewish people deliberately exaggerated the number of Jews killed during World War II for improper purposes, including financial gain. He also ordered the removal of material denying the existence of gas chambers in the German concentration camp in Auschwitz. Justice Conti further ruled that Mr. Grigor-Scott should be restrained from publishing similar material in the future, particularly his claim that there was serious doubt that the Holocaust occurred. Grigor-Scott successfully appealed the judgment, on a procedural technicality - not on whether his material was in breach of the law. (Of interest, was the news report "Sydney society stockbroker admits $3.9m fraud" April 5, 2011(*SMH*), which recorded that he had been defrauded of $200,000 by a former school mate, while in the course of legal proceedings he continually told the court he could not afford the costs of photocopying material without making serious sacrifices.

One Nation

The small political party, One Nation, has been a cause of ongoing concern. With its continued electoral failure, which coincided with the antisemitism advocated publicly by some members and party organs, it is now surveyed in this report in the section on antisemitic organisations.

After the Federal Court heard a complaint relating to an antisemitic article which appeared in the Party's newspaper in late 2004, the Court's 2006 declaration read:
"the Respondent has engaged in conduct rendered unlawful by Part IIA Section 18C of the Racial Discrimination Act by having published or allowing to the published in 'The Nation – The Official

Newspaper of One Nation' Volume 4, Edition 10: a cartoon on page 3, and an article accompanying the said cartoon headed 'Kiddie porn to be used as net censorship ploy', being material which is offensive, insulting, humiliating and intimidating to Jewish people."
The judge ordered that:

"the Respondent be restrained from publishing or republishing to the public by itself or by any agent or employee: that the Respondent be restrained from publishing or republishing to the public by itself or by any agent or employee: Any material with a substantially similar content to the Material." and "the Respondent forthwith deliver to the Applicant, Jeremy Jones, a written statement of apology, signed by the Respondent, in the following terms: 'Mr Rodney Andrew Evans hereby unreservedly and unconditionally apologises to you and to the Australian Jewish community for having published material in contravention of the Racial Discrimination Act. I undertake that I will not publish any such material in the future and that all such material which is presently published by The Nation, in any print or electronic media (including the Internet) will forthwith be withdrawn from publication.'

'Mr Rodney Andrew Evans hereby unreservedly and unconditionally apologises to you and to the Australian Jewish community for having published material in contravention of the Racial Discrimination Act. I undertake that I will not publish any such material in the future and that all such material which is presently published by The Nation, in any print or electronic media (including the Internet) will forthwith be withdrawn from publication.'

While this result was welcome, One Nation members and party organs other than The Nation have continued to published antisemitic material. Available On-line, although not original to the period in review, are examples from the Update Beenleigh Branch Regional & State News Letter of One Nation: "What is the CFR, 'The Council of Foreign Relations' also known as the 'Establishment', 'The Money Men' 'The Invisible World government" briefly it is group of wealthy families who control the worlds banking finances & oil (Rothschild's & Rockefellers). Known as the Ashkenazim Jews, origins are Khazar Empire & upon its destruction migrated to Russia & became the driving force behind Communism, Zionism & the United Nations, orchestrated & financed wars & profited from them, objective is Anti-Gentilism the overthrow of Christianity, doctrine. Ref: 'Protocols of Zion.' History 'The Thirteenth Tribe,' by Arthur Koestler, 'Tragedy & Hope' by Dr.Carroll Quigley, 'Descent into Slavery' by Des Griffen. 'The Shadows of Power by James Perloff.".

Olga Scully

Olga Scully of Launceston spent decades distributing antisemitic leaflets, cassettes and videotapes, and supplemented by email. Her persistent campaign resulted in a finding by the Federal Court, delivered in September 2002, that a number of her leaflets and other material was unlawful under Australia's Racial Hatred Act. The background to this was that, in 1996, a senior officer of the Executive Council of Australian Jewry had lodged a complaint under federal Racial Discrimination legislation, which had resulted in a finding of the HREOC, in late 2000, that Mrs Scully had imputed to Jews "attributes": that they are anti-democracy, anti-freedom, pro-tyranny; that the philosophy and teachings and practice of Jews is based upon a learning (the Talmud) which: ought to be stamped out; promotes sodomy and paedophilia; is worse than a satanic cult; that contemporary Jewry is due for a terrible judgment because of its racial origin and that the law commands all to own guns and to stamp out Judaism and, by implication, contemporary Jewry; that Jews, by their nature, are anti-decent living in the sense that they, by their nature, control pornography both in America and Russia; that Jews exhibit a moral attitude which is antithetical to Australian values (described as "anti-Christian"); that the ethnic group who live as Jews have perpetuated and are perpetuating a myth for their own political purposes, being the Holocaust perpetrated by the leaders of the Nazi Party in Germany, which allegation by the respondent imputes to Jews that they are fraudulent, liars, immoral, deceitful and part of a giant conspiracy to defraud the world (or the remainder of it); that part of the conspiracy of world Jewry was the Bolshevik revolution in 1917 and that Jews perpetrated the purges in the Soviet Union thereafter; that Jews are seeking to control the world, or already have gained such control with the intention of destroying "White Christian civilization" and that Jews are "lying frauds … trying to force the White race to mongrelize."

The Commissioner found that her material attacked "Jews generally". In response to Mrs Scully's claim that she personally drew a distinction between "many decent Jews" in the world and "Talmudic/Zionist/Communist Jews responsible for the evil behaviour and the extremism of deceit (e.g. the 'holocaust' myth) referred to in my leaflets", the Commissioner found that her message was that "Jews, in particular, are people who by their very nature and culture are, or have been, drawn to or involved in the alleged evils of Communism, Zionism and Talmudism". The Commissioner concluded that the ECAJ's Complaint was substantiated, that Mrs Scully "has engaged in conduct rendered unlawful", she should not repeat or continue such unlawful conduct and she should apologise by writing a letter in which she "unreservedly" apologised for her conduct.

In 2001, the Executive Council of Australian Jewry applied to the Federal Court of Australia for enforcement of the order against Olga Scully and in 2002 the Court declared that she had engaged in

conduct rendered unlawful by Part IIA of the Racial Discrimination Act 1975 (Cth) by having distributed a number of antisemitic leaflets in letterboxes in Launceston, Tasmania and by selling or offering to sell such leaflets at a public market in Launceston and ruled that she be restrained from distributing, selling or offering to sell any leaflet or other publication which is to the same effect as any of the leaflets referred to and to pay the applicant's costs.

Olga Scully was unsuccessful in an application to Appeal to a full bench of the Federal Court.

El Telegraph

On 29 April 1996,the Arabic-language Sydney publication *El Telegraph* published an offensive article by publisher and editor-in-chief of the Lebanese-based publication *Al-Diar* Charlie Ayoub, "Chattering in the Face of the Death Machine," which cited the antisemitic conspiracy theory/forgery - “The Protocols of the Learned Elders of Zion” as a source for understanding Israel’s attitude to the Lebanese people and to non-Jews in general. Ayoub’s article alleged a “covenant” in the Bible to the effect that “the Lebanese fields must be burnt” and claimed that Jews, who were described as “snakes”, have a plan to establish a “Global Order” in which “all the people will submit to the Jews”.

The Executive Council of Australian Jewry made a complaint regarding the article under the *Racial Hatred Act* 1995. Conciliation conducted by the Human Rights and Equal Opportunity Commission (HREOC) led to a formal apology by *El Telegraph*. In addition, *El Telegraph* published an article by a former associate editor Michael Ross, with the headline “The Protocols: We Were Wrong”. In it, Ross placed the “Protocols” in the history of Christian anti-Semitism, including the “blood libel” which accuses Jews of killing Christian children for ritual purposes. He referred to the way Arab governments and prominent figures within the Arab world had promoted the “Protocols”, generously conceding that some who did so were “perhaps ignorant of the fact that the “Protocols” are a forgery”. He warned readers “one cannot be so thoughtfully inclined towards many partisan writers and propagandists in the Middle East who deliberately invoke the Protocols to encourage racial hatred of the Israeli State and the Jewish religion”.

Ross also surveyed the distribution of the “Protocols” in Australia and elsewhere and summarised successful prosecutions of its publishers and distributors. *El Telegraph* also published a feature article, which Jeremy Jones co-authored with Peter Wertheim, then President of the NSW Jewish Board of Deputies, entitled “Free Speech is Not a Licence to Spread Hatred”. Moreover, a constructive relationship evolved during the course of discussions between the Jewish community and the publishers of *El Telegraph*.

APPENDIX 2:

Colin Rubenstein, "Upsetting the balance", ***Australia/Israel Review,*** **May 2014**

For almost two decades, the provisions of Part IIA of the Racial Discrimination Act (RDA) have largely been working effectively to balance freedom of speech with protecting Australian citizens against racial vilification.

Unfortunately, as written, the language of the exposure draft of the Freedom of Speech Bill 2014 (FSB) - released by Attorney-General George Brandis on March 25 and intended to replace those provisions of the RDA - threatens to destabilise that delicate balance and roll back the progress that Australia has made in combatting racism and bigotry in our society.

In order to justify the repeal of Section 18C, or its replacement by a much narrower provision, it should be demonstrated that the law has been frequently too stringent in its scope or implementation over the years. Yet a look at the provision's 18-year history offers little evidence this is the case.

The vast majority of claims under 18C have been either conciliated through the Australian Human Rights Commission, withdrawn or dismissed. Many cases end with nothing more than a simple apology. During 2012-2013, just five out of 192 complaints made it to court - disproving the sometimes hysterical claims being trumpeted about how this law is supposedly severely impacting the ability of Australians to engage in robust political debate.

In fact, except for the 2011 case Eatock v. Bolt, which saw prominent columnist Andrew Bolt ordered to withdraw two columns, no other case under 18C has proven controversial. Moreover, the argument that public debate has suffered under Section 18C ignores the comprehensive protections for free speech enshrined in the exemptions under Section 18D, rendering lawful "anything said or done reasonably and in good faith" for "academic, artistic or scientific purpose or any other genuine purpose in the public interest."

The fact is that free speech in open, democratic societies has never been understood to be absolute, but subject to certain sensible boundaries defined by laws relating to defamation, copyright, consumer protection, sedition, obscenity, use of offensive language, official secrecy, contempt of court and parliament and incitement. The right of a person to express themselves freely is essential in a liberal democracy, yet so also is the right of a person to be protected from having their quality of life or ability to exercise their own civil rights severely damaged by racial harassment.

This is not to say that the current language of 18C is sacrosanct, nor that there cannot be a discussion of appropriate refinements.

However, the wording of the FSB as presented in the exposure draft would definitely not be an improvement. It weakens 18C's most important protections through narrow definitions of key terms and omission of others. Even more worryingly, its exemptions are so vast that legal experts argue that the new standards would be, for all intents and purposes, unenforceable.

The exposure draft removes any protection against public humiliation on the grounds of race and provides a much narrower definition than existing state provisions in NSW, Victoria, South Australia, Queensland, Tasmania, and the ACT. These all legislate against inciting "hatred towards, serious contempt for, or severe ridicule of" a person or group on the basis of race.

This language points to the limits of the exposure draft's definition of "vilify" as meaning, "to incite hatred against a person or a group of persons." This is much narrower than the plain meaning of the word - to defame or ridicule. It also narrowly rests the test of the illegality of an act on whether third parties were incited to hate rather than on the impact on the victim.

Similarly, the FSB's definition of "intimidate" as meaning, "to cause fear of physical harm" is also too narrow. Both the dictionary and Australian case law define the term to include also actions which "inspire with fear", "overawe", "cow" or "force to or deter from some action". The definition should include such psychological intimidation which can, in this age of social media, lead to emotional trauma, including suicide, or deter victims from exercising their basic rights.

Finally, the completely unqualified exemption provided for any communication "in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic, or scientific matter" suggests that any vilification whatsoever can be justified by the barest pretext of "discussing" a "social" or "political" matter.

Without some requirement involving "reasonableness," "good faith," or a similar term, it would appear that even Holocaust denial would be allowed by virtue of any claim to be engaging in public "discussion" of an "academic" matter.

The release of the exposure draft was met by a sharp outcry from a wide consensus of community groups, among them the Jewish community, academics and legal experts. Having wisely called for comment on the draft, the government will presumably listen closely to their concerns.

While the number of cases pursued under 18C has been relatively low, any significant weakening of the law would signal to Holocaust deniers, racial supremacists and other bigots that they are now free to do their worst. Such an increase in hateful behaviour would have a negative impact on Australia's vibrant, diverse and multicultural society, particularly against those most vulnerable. This outcome is clearly not sought by those advocating a change to the law, but it is incumbent on those calling for major revision to make sure it is not the result.

The government promise of community consultations and revision to the draft before moving forward legislatively on the FSB is to its credit. The question that must be asked at every step of this process is whether the rights of those genuinely victimised by vilification and racial hatred offences will be at least as well protected as they were under 18C. The government has a moral responsibility to make certain the answer to that question is yes before any new bill is presented for a vote.

http://www.aijac.org.au/news/article/editorial-upsetting-the-balance

APPENDIX 3:

Jeremy Jones, “The Last Word: Don't strip away our Rights”, *Australia/Israel Review*, May 2014

Not one, but three wide-ranging inquiries.

Not one, but a body of court cases and judgements.

Not one, but hundreds of resolved complaints.

But only one, potentially disastrous draft piece of legislation.

The debate over the Federal Government's move to repeal existing laws designed to give victims of racism in Australia some recourse has generated tremendous heat, but little light.

Clearly, issues of racism, free speech and interpretations of the way societies function impact on the heart and soul of our nation.

Which is why the passions have been so intense, but also why it is so important that they are approached armed with knowledge and debated with integrity and honesty.

The first point - which can hardly be emphasised enough - is that there is a status quo in which anti-racism legislation operates and has been operating for almost two decades. It is the Government enacting radical policy change in this regard, not supporters of the existing Section 18 of the Racial Discrimination Act.

This is well-known to most people leading the public discourse. Yet in many quarters, the perception is current that some unidentified, but pejoratively labelled "social engineers" are trying to foist life-changing restrictions on free speech on a recently awakened Australian populace.

It is not unreasonable to ask the advocates of change to explain why they are driven to strip Australians of rights we have enjoyed for so many years?

The second fact that should be part of every serious discussion of this matter is the fact that the law we enjoy came about after a series of inquiries, reviews and extended political deliberation.

It came about after investigations into anecdotal reports that individuals, or groups of individuals, were harassing, intimidating and otherwise bullying other Australians on the basis of the victims' perceived race, religion, nationality or ethnicity.

The National Inquiry into Racist Violence not only documented and verified a series of attacks perpetrated by racists around Australia, but also looked at the broader context in which these were taking place.

The lack of recourse for victims, or even clear articulation as to what was and what was not socially acceptable in Australia, was identified as a serious issue.

Unlike most of the people involved in this debate, I have actual knowledge of how the law changed

the environment in this country, and how racist extremists responded to it.

I also have been involved in complaints which have been adjudicated, dropped due to the length of time it was taking to settle, conciliated and where perpetrators of racist harassment, defamation and incitement were subjected to court orders.

The law is not perfect, but I doubt any law has ever been perfect.

However, much of the legitimate criticism directed at it has actually centred on how weak the law is, how difficult it is to use, how it hasn't covered many situations which it appears would have been included in different political circumstances and how under-utilised it has been.

Despite the pop-sociology employed by some who now seek to strip Australians of the right to live free of untrammelled racist harassment and abuse, there is absolutely no evidence to support the view that it came about due to some leftist, post-Marxist social engineers seeking to introduce social division.

Indeed, if those critics had been involved in the debate two decades ago, they would have seen how support for legal change came from across the political spectrum and was not even supported by many self-described progressive organisations - some of whom knew in their hearts that they used racism as a political tool.

There are people who genuinely believe that the best way to combat hate speech is through other speech, but such people have a mountain of self-belief but a paucity of evidence that such a strategy has ever worked, anywhere.

When the debate returns to the real subject - racism and what to do about it - much of the opposition to the existing law is exposed as intellectually barren.

http://www.aijac.org.au/news/article/the-last-word-don-t-strip-away-our-rights

APPENDIX 4:

Jeremy Jones, "Let's preserve our best legal weapon against racism", *the Australian*, 18 March 2014

THE frenetic game and tremendous atmosphere at the recent Sydney football derby, with Sydney FC triumphant over the Western Sydney Wanderers, were what I, and many other sports fans, would like to be our final memories of the game.

Instead, the revelations of -racial and religious abuse directed at a classy and inspirational player, Ali Abbas, have domin-ated post-match discussion.

Racism is, unfortunately, a reality in contemporary Australia. The best means to redress it and provide recourse to the victims of racist intimidation and harassment is currently the subject of vigorous public debate. For more than 18 years, one of the options available to those innocent Australians who have found themselves targeted by bigots and bullies has been Section 18C of the Federal Racial Discrimination Act.

In all that time, precisely one adjudicated complaint has been the subject of public controversy. The law, in my opinion and that of so many involved in work to promote fairness, tolerance and community harmony, has made a good contribution towards building a more decent Australia.

In my capacity as a senior elected officer of the executive council of Australian Jewry, I was involved in a number of cases, all of which set precedents and helped define what is, and is not, acceptable to the Australian community.

Before the introduction of the law, a Tasmanian woman who had spent many hours distributing racist leaflets and cassettes and selling racist books and -videos at markets had refused all supplications to stop harassing and vilifying members of -minority groups.

When the law was introduced, she was instructed to cease her behaviour, which she did. Reports of racial incidents in her state dropped about 90 per cent.

Before the law, an Adelaide man employed a variety of -platforms to propagate anti-Jewish conspiracy theories. After complaints under 18C his denial of the Nazis' genocide was found to be unlawful.

The newspaper of a small -political party in Queensland published an article alleging Jews were acting to destroy Australia's moral fabric and to take over the economic and political system. Due to 18C, the writer was dropped by the paper and the party apologised.

An ubiquitous internet search engine was providing links to extreme racist, conspiracy-theory sites when users entered the terms "Jew" and "Australian". After clear evidence was produced that the links were to pages in breach of 18C, the search engine corrected this anomaly.

A Sydney-based Arabic -language newspaper republished items from Middle East sources that defamed Jews and Judaism, initially defending their -action as being in the public's -interest.

After a complaint under 18C, and a conciliation, the paper apologised and published an -article condemning racism and another calling on Jews and Arabs to work together in -Australia's interests.

Under the law as it stands, only a person who belongs to the group that has been vilified and harassed has the right to -complain.

I am aware, nonetheless, of cases involving indigenous Australians and people of African and Asian backgrounds which were also resolved under 18C, yet would have festered without it.

18C has proven to be a means to have recalcitrant racists cease harassing others, of sending a message that bullying by bigots is unacceptable and providing a means for people to have their rights to live their lives free from harassment and intimidation protected.

Under other Australian laws, individuals who have been the victims of malice can take advantage of defamation laws to -defend their reputation and -social standing.

But when entire ethnic, -national or racial minorities are depicted as immoral, corrupt and even existential enemies of Australia, the only recourse is 18C.

Under other Australian laws, a person cannot falsely claim a product for sale or a service to be provided will bring benefits to the purchaser.

But when false claims are made about individuals, 18C -provides potential consumers of lies with the ability to judge the quality of descriptions of classes of people.

To take away or to diminish the provisions of 18C is to take away and diminish the con-fidence many Australians have that our society cares more about the victims of racism and the quality of life of targets of bullies than for the hateful, bigoted -minority.

Jeremy Jones is director of international and of community affairs at the Australia/Israel & Jewish Affairs Council.

http://www.theaustralian.com.au/national-affairs/opinion/lets-preserve-our-best-legal-weapon-against-racism/story-e6frgd0x-1226857345908

APPENDIX 5:

Jeremy Jones, "Incidence of violence intimidation in Australia, 1 October 2012-30 September 2013", pages 17 to 21.

Examples of Serious Attacks on Jewish Australians since 1989

Following is a selection of incidents of actual attacks on and vandalism of Jewish institutions in Australia, and serious intimidation and threats directed against Jewish community institutions or individuals, between 1989 and 2013. Please note this list is far from exhaustive. It is extracted from a database, complete from October 1, 1989 to September 30, 2013, which includes:

- 616 incidents of property damage to buildings and/or physical assault of individuals
- 1,446 incidents of harassment and intimidation not entailing physical contact
- 700 records of telephone abuse and threats
- 1,326 unique mailings of anti-Jewish material
- 959 records of anti-Jewish graffiti, in most causes daubed on Jewish communal premises
- 676 incidents listed as miscellaneous, which includes faxed, letterboxed and leafleted material, as well as stickers and posters, in public places
- 3,901 unique items of anti-Jewish email.

- Molotov cocktail thrown at Jewish residential college in Sydney. (17/1/90).
- Bomb threat to Jewish school in Melbourne. (2/2/90) and in Sydney (19/12/90).
- Four Molotov cocktails thrown through window of synagogue in Melbourne. (22/3/90).
- Molotov cocktail thrown at synagogue in Melbourne. (11/4/90).
- Fire set at synagogue in Melbourne. (20/4/90).
- Fire set in synagogue in Melbourne. (25/1/91).
- Fire lit at school on synagogue premises in Sydney. (26/1/91).
- Bomb threat to Old Age Home in Perth. (22/2/91).
- Bomb threat to Jewish club in Sydney. (24/2/91).
- Fire set at synagogue in Sydney. (26/2/91).
- Synagogue in Sydney destroyed by deliberately lit fire. (5/3/91).

- Security guard prevents attempt to start fire at synagogue in Sydney. (12/3/91).
- Bomb threat to synagogue in Sydney. (25/3/91).
- Fire lit in fifth synagogue in Sydney. (28/3/91).
- Bomb threat to Jewish school in Sydney. (24/4/91).
- Bomb threat to Jewish youth group in Sydney. (2/6/91).
- Bomb threat to Jewish hospital in Sydney. (14/11/91).
- Telephoned threat to visiting Chief Rabbi of UK, received by Jewish organisation hosting him in Melbourne. (6/3/92).
- Bomb threat to Jewish communal organisation in Sydney. (6/4/92).
- Bomb threat received at Jewish social club in Sydney which had been the site of an attack using a bomb in 1982. (28/7/93).
- A daily newspaper in Sydney received a threat that bombs would be exploded in Jewish, American and Israeli institutions. (20/7/93).
- Extensive damage caused to synagogue in Sydney resulting from deliberately lit fire. (10/11/93).
- After the murder of Muslim worshippers in Hebron, three synagogues in Melbourne, Jewish organisations in Melbourne and Sydney and a Jewish leader in Melbourne received bomb threats. (26/2/94, 27/2/94, 8/2/94). A Queensland synagogue (5/3/94) and Melbourne Jewish day school (6/3/94) also were the subject of bomb threats, relating to the Hebron incident.
- A Jewish school in Melbourne received a bomb threat. (22/6/94).
- Arson attack at synagogue in Melbourne. (1/1/95).
- Arson attempt at synagogue in Melbourne. (4/2/95).
- Bomb threat to synagogue in Adelaide. (17/3/95).
- Bomb threat to organisers of Israeli Independence Day function in Melbourne. (3/5/95).
- Telephone threat to synagogue in Sydney. (26/1/96).
- Series of bomb threats received by Sydney synagogue (4/2/96), communal organisations (19/2/96) and day schools (2/2/96, 12/2/96, 23/2/96).
- Bomb threat received at Jewish communal organisation in Sydney. (3/3/96).
- Bomb threat disrupted Melbourne Holocaust community. (15/4/96).
- Terrorist threats, with caller claiming to be Hezbollah, received at Jewish communal offices in Sydney. (16/4/96, 17/4/96 x 2, 19/4/96).
- Bomb threat received at Jewish school in Melbourne. (26/4/96).
- Bomb threat received at synagogue in Sydney. (4/5/96).
- Two bomb threats made on the same day to Jewish school in Sydney. (16/4/97).
- Bomb threat made to Jewish residential college at university in Sydney. (8/5/97).

- Bomb threat to Jewish school in Melbourne. (24/8/97).
- An explosive device, which did not properly ignite and caused minimal damage, was placed in the letter box of a synagogue in Sydney. (11/12/98).
- Incendiary devices thrown into Melbourne synagogue yard from street. (23/2/99).
- Bomb threat received by synagogue in Melbourne. (23/8/99).
- Petrol bombs thrown at outside wall of synagogue in Canberra. (15/10/2000).
- Petrol bombs thrown at Sukkah at rabbi's private home in Sydney's eastern suburbs. No damage reported. (14/10/2000).
- Molotov cocktail thrown into garden of private home of rabbi in Bondi. (22/10/2000).
- Demonstration in Canberra, in which slogans included a warning to Jews that they would be massacred. (13/10/2000).
- Telephone call made to Jewish organisation in Brisbane, which threatened to kill "15 Jewish schoolgirls" in response to any Palestinian who died in fighting Israel, and which referred to "filthy fucking Jewish cunts". (25/10/2000).
- Bomb threat, and at least five abusive antisemitic calls, received by different Jewish organisations in Melbourne. (16/10/2000 x 6).
- Bomb threat to Jewish day school in Queensland. (18/10/2000).
- Serious arson attack on synagogue in Sydney's eastern suburbs. (1/11/2000).
- Attempt to firebomb synagogue in Sydney's eastern suburbs, which failed only because sophisticated device missed a window and landed on grass outside, starting fire. (23/11/2000).
- Petrol bomb attack on home of rabbi in Sydney's eastern suburbs. (13/11/2000).
- Rock thrown through reinforced glass window of synagogue in Canberra together with petrol bomb which did not penetrate glass. (31/3/2001). A brick and a bottle full of liquid were thrown through glass window of a synagogue in Sydney's south. (22/4/2001).
- Synagogue in Canberra firebombed, by 5-6 people dressed in black throwing molotov cocktails, with three windows smashed and five fires on the grass outside the building. (18/8/2001).
- Two bullets fired at Jewish communal building in Perth. (22/9/2001).
- Petrol bomb thrown at synagogue in Canberra (20/4/2002), requiring fire brigade to extinguish external fire.
- Windows of a Sydney synagogue were smashed by perpetrators who unsuccessfully attempted to start a fire inside the building. (4/4/2002).
- Small fires set on premises of synagogue in Perth (10/1/2003).
- Arson attack on synagogue premises in Melbourne's eastern suburbs. (20/12/2004).

- Bomb threat received by synagogue in Melbourne. (15/7/2005).
- Bomb threats directed at a Melbourne synagogue were made to the private home of an executive member and to a police station in the same area. The caller stated "In the name of Allah, a bomb is in the synagogue and will go off in 25 minutes, blood will be shed." (12/3/2006).
- Small explosive device or firecracker left in mailbox of synagogue on Sydney's north shore. (10/6/2006).
- Attempted arson at synagogue in Sydney's eastern suburbs. (30/7/2006).
- Abusive and threatening telephone call, "I will kill you all", made to Jewish organisation in Sydney. (26/7/2006). Similar calls made to other Jewish organisations in Sydney (27/7/2006, 28/7/2006, 30/7/2006, 31/7/2006 x 2).
- Three Jewish communal figures in Melbourne received envelopes with comments "die Jews" and containing white powder. (late July 2006 x 3).
- Marchers in central Sydney chanted "Bomb Bush and the Jews". (29/12/2008).
- Threatening antisemitic faxes received by Jewish organisations in Sydney. (26/2/2009 x 5).
- Bomb threat made to distinctly Jewish business in Gold Coast. (6/6/2010).
- A Jewish man outside an entertainment venue in Sydney was assaulted, with the attackers making antisemitic comments while physically assaulting him (11/11/10).
- Attempted arson at Jewish educational institution in Sydney, which failed when cigarette thrown into accelerant did not ignite fire (10/3/11).
- Window in synagogue in Sydney's north shore smashed by an object thrown through it (19/10/11).
- Attempted arson attempt at synagogue in Brisbane. The word "Satan" was also spray painted onto the synagogue wall (24/12/11).
- Two men approached congregants leaving synagogue in Sydney's eastern suburbs, making comments such as "fuck off you fucking Jews" and initiating a physical confrontation (14/4/12).
- People at Jewish Aged Institution in Sydney subjected to antisemitic abuse, including "Hitler should have finished the job" by driver of vehicle who also used his vehicle menacingly (14/6/12).
- Eggs and other projectiles thrown at Jewish school students in Melbourne street by occupant of passing vehicle (18/10/12).
- A passenger of a vehicle driving past a Jewish family walking home in Sydney's eastern suburbs first yelled at them aggressively and then returned, at which time the passenger threw water over one of them and shouted "Jewish dogs" (8/3/13).