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Hon Mark Dreyfus KC, MP  
Attorney-General  
House of Representatives  
Parliament House  
Canberra ACT 2600  
By Email: [attorney@ag.gov.au](mailto:attorney@ag.gov.au)

Dear Attorney-General,

We write on behalf of the Board of the Group of Eight (Go8).

As a group of universities, we individually and collectively are committed to upholding the right to lawful expression of freedom of speech. We are deeply troubled by the shocking events that have played out in the Middle East and wish to be clear that we absolutely reject antisemitic and Islamophobic speech and behaviour in the strongest terms.

Whilst we fully understand that many people in our society wish to express their concerns in a number of ways, it must be lawful expression of such views.

However, the legal frameworks that apply to this situation are complex. Relevant sources of law are the Commonwealth Constitution (implied freedom of political communication), Commonwealth law (e.g. Racial Discrimination Act 1975), State law, university statutes and regulations made under delegated authority from State Parliaments, and university policies that are enforceable contractually or under delegated legislation.

State laws vary considerably from State to State. University delegated legislation and university policies and procedures differ considerably from institution to institution.

Whilst our members are seeking appropriate legal advice, we write to seek the Australian Government's authoritative advice as to whether the particular phrases "from the river to the sea" and "intifada" contravene Federal law. To date no Australian court or relevant authority has made a determination on these phrases that would allow a university to follow precedent in dealing with their use on campuses. In possession of authoritative, definitive and enforceable advice, our universities would act immediately to prevent the use of these phrases on campus.

Group of Eight universities acknowledge that these phrases are deeply offensive to many in the Jewish community. Our universities are effectively being asked to make a ruling on the question of whether these phrases constitute hate speech or legitimate expression. Views on this are strongly disputed and we seek urgent guidance from the Australian Government to inform our actions going forward as we collectively aim to ensure protest activity on our campuses does not escalate as in the United States.

We note the Prime Minister's comments this week in which he clearly stated that *'from the river to the sea' is contrary to the Government's position in seeking a two-state solution and that it 'dismisses that which is not in the interests of Israelis but is also not in the interests of Palestinians.'*



The emergence of encampments on university campuses has sparked much media and public attention and caused deep distress to many in the Australian community, particularly our Jewish students and staff. This is extremely regrettable, and we are acutely aware of the hurt and anguish the Jewish community has suffered since the 7 October attack by Hamas against Israel. The subsequent conflict in Gaza has caused great suffering and anguish among Palestinian communities in Australia and around the globe.

Universities have always been places of protest and demonstration and, regardless of how uncomfortable or offensive, it may be, freedom of speech must be upheld within the limits of the law.

All Go8 universities are doing their utmost to uphold and enforce their policies on freedom of speech and academic freedom (as required by the Higher Education Support Act 2003). Those policies are based on the *Model Code on Freedom of Speech and Academic Freedom in Australian Higher Education Providers* designed by Robert French AC, which had bipartisan support. Further, we are committed to ensuring all students, staff and visitors to campus are not subjected to unlawful behaviour, including threatening or intimidating behaviour.

The Group of Eight Board has met both collectively and individually with representatives from several key organisations in a bid to inform our thinking and response. This includes the Executive Council of Australian Jewry and the Australasian Union of Jewish Students.

Contrary to some media reporting, universities investigate complaints about behaviour that breaches their codes of conduct and take disciplinary action where appropriate. You will appreciate that we do not comment on individual disciplinary matters in order to provide due process and to protect the privacy of people involved, but we can confirm that where required, our universities have taken disciplinary action against some students during the course of the current protests.

While our universities all have rigorous codes of conduct, they are regularly tested in courts and must have a solid legal underpinning in order to be enforceable. Therefore, the idea of amending codes to ban particular phrases presents complexities.

We will continue to act swiftly and decisively to investigate breaches of our codes, prevent escalation and maintain peaceful demonstration. We also seek your earliest advice regarding the use of the specific phrases as outlined above.

Yours sincerely

**Professor Mark Scott AO**  
Group of Eight Chair  
Vice-Chancellor and President University of Sydney

**Professor Peter Høj AC**  
Group of Eight Deputy Chair  
Vice-Chancellor and President University of Adelaide

Cc: The Hon Jason Clare MP, Minister for Education  
Mr Tony Cook PSM, Secretary, Australian Government Department of Education