

Dear Secretariate

Please find the NTEU's response to written questions on notice from Ms Tink MP in relation to the Parliamentary Joint Committee on Human Rights Inquiry into Antisemitism at Australian Universities (Jan 2025).

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- **In your submission you state “NTEU is strongly of the view that criticism of the state of Israel and its leaders is not in and of itself antisemitism. As such we do not support the IHRA definition” – Can you please expand on exactly which aspects of the IHRA definition you have concerns? And if not the IHRA definition, in your opinion how should antisemitism be defined.**
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The NTEU believes that adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism at Australian universities may chill free speech, restrict academic freedom, and restrict peaceful political expression.

The NTEU notes that the IHRA definition consists of a four-line description as follows: *“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

The NTEU agrees with concerns, articulated by more than 40 Jewish organisations and numerous academics in Australia and worldwide, that this definition is worded in a way that conflates legitimate criticism of Israel with antisemitism.

In particular, it expands the definition of anti-Semitism beyond its traditional meaning of hatred against Jews to encompass all criticism of Jewish institutions, including Israel.

The IHRA ‘Working Definition of Antisemitism’ goes on to provide 11 “contemporary examples of anti-Semitism” to illustrate its application, seven of which deal with the State of Israel.

This in effect places undue emphasis on one area and does not appropriately address the need for clarity on the limits of legitimate political speech and action concerning Zionism, Israel, and Palestine.

For example, slogans such as “Free Palestine” could be considered anti-Semitic under the definition.

Another one of the examples of the IHRA WDA states that: “Applying double standards by requiring of [Israel] a behaviour not expected or demanded of any other democratic nation.” This potentially carves out criticism of policy and/or actions taken by the Israeli government that is unique to Israel. It would also be particularly prone to political abuse at the UN, as it can easily be invoked to label any UN resolution, entity or action that criticizes Israel as anti-Semitic.

For example, in 2022, the Israeli UN Ambassador Gilad Erdan denounced the UN agency for Palestinian refugees (UNRWA) and the International Criminal Court (ICC) as “anti-Semitic”. Israeli Prime Minister Netanyahu has also regularly labelled the U.N. as “anti-Israel” and recently stated that the U.N. was a "house of darkness" and a "swamp of antisemitic bile."

Israeli Prime Minister also responded to the college campus protests over the Gaza war by stating they were awash with “antisemitic mobs.”

The NTEU opposes antisemitism and all prejudice in the strongest terms. Noting this, and as stated at the hearing, the Union considers the IHRA Definition to be unclear in key respects and widely open to different interpretations. We agree with criticism that this has led to confusion and generated controversy, hence weakening the fight against antisemitism.

Furthermore, there is evidence that where the IHRA working definition has been adopted into public policy and laws, particularly in relation to universities, academic and intellectual freedoms have been impacted.

In the UK, where two-thirds of academic institutions have adopted the IHRA definition (or a version of this), studies have found it had a chilling effect on freedom of speech.

The British Society for Middle Eastern Studies (BRISMES) and the European Legal Support Centre (ELSC) analysed 40 cases where UK university staff or students in 14 institutions were accused of anti-Semitism. The [report](#), published in 2023, found that none of these accusations resulted in legal action, (with the exception of two that had yet to be substantiated at the time of the report).

However, the proceedings have potentially damaged both professional and personal reputations, and those accused are reportedly anxious about possible damage caused to their education and careers.

On the basis of these findings, the report recommended against the adoption and use of the IHRA definition in a higher education setting.

Taking these issues into account, we note that over 350 leading scholars in Antisemitism, Holocaust Studies and related fields have endorsed another more robust definition, the [Jerusalem Declaration on Antisemitism](#).

This definition was created in response to the gaps and lack of clarity of the IHRA definition. It is clear that there are widespread concerns over the IHRA working definition.

At the 2024 National Council, it was determined that the Union will consult with Jewish members and community organisations to determine how to address and counter antisemitism at universities.

The NTEU has also officially endorsed:

- The “[ACTU statement on Gaza](#)” released 22 April 2024 which calls for a permanent ceasefire in Gaza, condemns the use of starvation as a weapon, urges the Australian government to halt military trade with Israel, and advocates for a two-state solution to secure a just and sustainable peace; and
- the “[Global Student Forum and Education International joint statement on Palestine protests on university campuses](#)” released 3 May 2024 , which expresses solidarity with students and academic staff worldwide participating in peaceful protests supporting the Palestinian people and condemns all forms of Antisemitism and Islamophobia;
- the Union’s longstanding view that the right to peaceful protest, freedom of expression, and academic freedom are fundamental to the character of universities.

- In your submission you highlight “the role in inaccurate reporting has had on the perception of the extent of the problem on university campuses.” Can you please expand on this? What are some examples of inaccurate media reporting that you believe have impacted the perceived extent of the problem of antisemitism on university campuses?”

The NTEU concerns over inaccurate media reports and the impact of these on perceptions of increased antisemitism on university campuses is exemplified in the University of Sydney External Review Report (Bruce Hodgkinson AM SC, Nov 2024, commissioned by the Senate of the University of Sydney).

The Review received many submissions that referenced incidents cited in media reports and linked these to fears over campus safety, even if the person did not have any direct experience of the reported antisemitic behaviour.

The Review found that one of the incidents reported on by the media, which many submissions referred to in support of the proposition that Jewish people on the campus were unsafe, was the visit to the University of Sydney by Tel Aviv University (TAU) academics.

The report states that:

The visit by the academics, Professor Milette Shamir and Sharon Ziv Kafri, was interrupted when pro-Palestinian demonstrators entered a function room in which the TAU academics were present.

It was clearly inappropriate behaviour that the visit of these two distinguished persons should have been interrupted, particularly as they had been invited to the University and were involved in running an information booth promoting international student exchanges.

Unfortunately, this incident was the subject of inaccurate media reporting, which wrongly asserted that the University of Sydney locked pro-Palestinian activists in a room with senior Israeli university staff for an hour and a half.

The Israeli university staff referred to in the media were the two visiting academics from TAU. The submissions made to the Review which reference this incident all refer to the asserted fact that the visiting academics from TAU were locked in a room with pro-Palestinian activists and the fact that those academics were locked in a room was a reason why Jewish people felt unsafe on campus.

In an interview which appeared in the Australian Jewish News on 28 March 2024, Professor Shamir described the incident as “unpleasant” because of the proximity of the demonstrators, having noted that she had encountered multiple demonstrations of “this type in different parts of the world”.

Importantly, she said “I will say that at no point were we not allowed to leave or unable to leave”.

The Professor went on to say “the choice to stay there was ours...we did not feel that we were physically threatened”.

The report sets out the incident at length to identify that “.. a lack of safety legitimately felt by some Jewish students and staff at the University has been caused or contributed to by the inaccurate reporting of this incident.”

There are other examples where the media has amplified reports or allegations of antisemitism that were at best debateable.

This includes the media’s reporting in 2023 of concerning results of the [Jewish University Experience Survey](#) of the Zionist Federation of Australia (ZFA) and the Australian Union of Jewish Students (AUJS) (prepared by the ANU [Social Research Centre](#)).

The Survey was announced with shocking headlines in local Jewish media, the [ABC](#), and internationally, claiming that “New research shows widespread antisemitism in universities and online’.

This report has largely been considered to be proof of widespread antisemitism in universities. However, there are significant problems with the study that were unexamined by the media.

Aside from the premise of the study appearing to be pre-determined, there were significant sampling problems - participant size was smaller, self-selected and significantly over-represented by students with strong religious observations. The study questions also combined traditional antisemitic behaviour (language about Jews, holocaust denial, Nazi graffiti) with Israel /Palestine politics and student perceptions of discomfort – indeed, the largest category of concerns were “*People or events that made you feel intimidated because of your Jewish identity*”.

There is considerable dispute over the direct association of debate or opinions over Israel/Palestine with antisemitic sentiment. Furthermore, feeling discomfort over an issue should not equate to antisemitism – for example, hearing a lecture about Israel-Palestine where “it makes you feel intimidated” because of your political views is not in of itself automatically antisemitic.

Media reports, however, focused on the claim made by the report that 29% of university staff were involved in antisemitic behaviour and that 70% of staff chose to ignore antisemitic incidents. The NTEU is deeply concerned that these claims, which have not been reflected in reality, continue to perpetuate.

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- **During the hearings we’ve heard a lot about how universities should balance their obligations to ensure free speech and academic freedom on campuses,**

**with their obligations to protect the safety and wellbeing of students and staff.
Do you think this balance is currently being achieved by Australian Universities?**

As noted in our submission and statement to the Inquiry, the NTEU is concerned that universities may inadvertently undermine academic freedom and free speech in responding to criticism that the institutions are not sufficiently addressing antisemitic behaviour and activities on campus. We noted that the University of Sydney's application of its New Civility Rule impacts on all forms of speech, not just that which could be construed as antisemitic. As a result, academic staff are concerned there may be fallout for both curricula and pedagogy, but there is little if any guidance from the University on compliance with the new rule.

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- **And can you please explain the difference between “ensuring all students feel comfortable on campus” and “ensuring students are not bullied, intimidated or harassed” – which is a distinction you make in your submission?**
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Feeling discomfort as a result of a critical based learning approach in teaching, where a viewpoint, idea, concept or predilection may be challenged, does not equate to acts of bullying, intimidation or harassment.

University education is based upon the application of critical inquiry, interrogation, analysis and argument. Evidenced based learning and knowledge may challenge or contradict long held views of students, and this can lead to discomfort, confusion or even rejection of the teaching by the student. This, however, is part of the pedagogical process and may be necessary in imparting new knowledge, skills and understanding.

As noted in the evidence provided to the Inquiry, hate speech and acts that are bullying, intimidatory or harass individuals are illegal and cannot be tolerated.

Such acts are not protected by academic freedom and are specified as such in all university collective agreements negotiated by the NTEU.