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23 August 2024

Senator Nita Green
Chair, Senate Standing Committee on Legal and Constitutional Affairs
Legislation Committee
Parliament House, Canberra

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Re: Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)

Dear Chair,

The University of Sydney welcomes the opportunity to assist the Senate Legal and Constitutional Affairs Legislation Committee with its consideration of the provisions of the *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No 2)*.¹

The University of Sydney abhors and has no tolerance for racism of any kind, including antisemitism. As our anti-racism statement released in November 2023 makes clear, we strive always to foster a workplace and campus culture where all members of our diverse community feel welcome and have a sense of belonging; a place of civility and mutual respect, where there is no discrimination and everyone feels safe and included.² As an institution we are committed to combatting all forms of racism, including antisemitism.

The University acknowledges the distress caused by the horrific events of 7 October 2023, the difficult circumstances that some members of our community have faced since that date, and the distress that continues to be caused by the ongoing conflict in the Middle East.

We acknowledge that there is particular concern about whether the University has adequately supported the safety and wellbeing of Jewish staff and students. These are challenging times and we acknowledge the grace, dignity and resilience of our Jewish community. Throughout, we have prioritised the safety and wellbeing of all members of our community, while at the same time upholding free speech and academic freedom, as required by the law and registration standards for universities.

We are committed to listening and learning from recent events and the perspectives of our diverse community.

Position on the Bill

The establishment of a Commission of Inquiry into Antisemitism at Australian Universities is a matter for the Parliament. The University would of course cooperate fully with any inquiry established, as we are currently doing in working with the Tertiary Education Quality and Standards Agency (TEQSA), the Australian Human Rights Commission and the Special Envoy to Combat Antisemitism.

¹ https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=s1417

² <https://www.sydney.edu.au/about-us/vision-and-values/diversity/cultural-diversity.html>

Issues for consideration by the Committee

In considering the merits of the Bill and the Commission of Inquiry it would establish, we encourage the Committee to reflect on the following questions:

- Would a Commission of Inquiry focused exclusively on antisemitism at universities be the most effective way for the Parliament to proceed, given the current evidence of increasing instances of racism (including antisemitism) within Australian society?
- Would establishing the proposed Commission of Inquiry serve to help build social cohesion and inclusion, or could it risk driving further polarisation and division within universities and the wider community?
- How would the proposed Commission of Inquiry sit alongside the study into the prevalence and impact of racism in Australian universities being undertaken by the Australian Human Rights Commission and of the work of the recently appointed Special Envoy to Combat Antisemitism, Jillian Segal AO?
- How would the proposed Commission of Inquiry's work fit with the work of TEQSA as the sector's regulator?
- How would the proposed Commission of Inquiry's work align with the Government's review of Commonwealth hate speech laws?

The University's approach to combatting racism

We continuously strive to combat racism of all kinds through strategies and actions, including:

- Publishing and promoting an anti-racism statement and supporting resources.
- Celebrating and promoting cultural diversity as core to our mission and values.
- Publishing and applying rules and policies in relation to staff and student conduct and the conduct of visitors to its campuses, which make clear what constitutes appropriate and inappropriate behaviour.
- Applying policies and procedures on work, health and safety, and bullying, harassment and discrimination prevention and resolution.
- Providing guidance and training to students and staff on the appropriate exercise of their rights to free speech and academic freedom, the University's expectations of them with respect to their behaviour, and our policies in relation to wellbeing, bullying, harassment and discrimination.
- Committing significant resources to ensuring staff and student safety and wellbeing, and the security of our campuses.
- Providing channels for staff, students and members of the community to raise complaints or concerns, and having established policies and processes for responding to complaints or concerns that are raised.
- Taking a zero-tolerance approach to racism and taking disciplinary action where there are established contraventions of the University's standards of conduct for its staff and students.

- Operating the National Centre for Cultural Competence, which delivers education and training for all Australians to help empower them to make respectful, ethical and effective choices in intercultural settings.
- Committing academic resources to better understanding the drivers of racism and how it can best be addressed.
- Applying robust governance and risk management, overseen by our Senate, with regular internal and external reporting, and audit programs.

The University's approach to managing protest activity

We can assure the Committee that whenever the University is dealing with protests or other forms of demonstration, our top priority is always the safety and wellbeing of our students, staff and the broader community.

Regarding the recent campus unrest, we were highly aware of the escalation of protests and violence that occurred on campuses in North America, and we were pleased that our management of the situation was able to bring the encampment to a peaceful conclusion on 24 June 2024.

The Committee can also be assured that throughout the protest encampment, the University was in constant communication with the NSW Police. The University also has and continues to cooperate fully with TEQSA, the Federal and NSW Ministers for Education and other government agencies in relation to the way that we have managed recent protest activity.

The University is highly cognisant of the seriousness and complexity of the ongoing conflict in the Middle East for our community. We have sought respectful, civil and lawful behaviour from our students and staff in line with our staff enterprise agreement, codes of conduct and other relevant University policies and guidelines. We communicated this clearly to both students and staff immediately after the events of 7 October 2023, and regularly thereafter. Our communications have reminded our staff and students of our values as a university, our expectations of their behaviour, and the reasonable limits on their right to express their views. Our communications have also let staff and students know about the supports available to them and the avenues available to them to raise concerns.

As a public university, we have a responsibility to model the kind of deliberative conversations our broader community needs to have about difficult issues. Universities are often places where robust debate and protest activity occurs, and our mission is to be a space where ideas are explored, debated, contested and reimagined. Our Charter of Freedom of Speech and Academic Freedom explicitly protects the right of our staff and students to protest, subject to certain limits recommended by former High Court Chief Justice Robert French AC in 2019.³ We are required by the law and relevant registration standards to be a place that can host multiple perspectives, and hold courageous conversations, even if they may sometimes be challenging for some members of our community.

However, our strong commitment to free speech and academic freedom in no way diminishes our zero tolerance of any form of racism, hate speech, threatening speech, intimidation, bullying or harassment, including antisemitic language or behaviour. During the recent protest activity, we dedicated significant additional resources to campus security and student support services. Whenever we became aware of alleged behaviour that may have violated the law or our policies, we responded within the scope of our available powers and took action where violations were established. We understood the distress, frustration and real concerns of some people who were

³ [The University of Sydney, Charter of Freedom of Speech and Academic Freedom \(Jan 2020\)](#); [French R., Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers \(March 2019\)](#)

involved in or exposed to the protest activity, and this was, and remains, front of mind for the University.

Commitment to independent external review and improvement

As a place of learning, we are committed to a process of ongoing review and consultation that considers the many diverse perspectives in our community and identifies areas where we can do better. Relevant examples of this include:

- We have established an independent external review to be undertaken by Bruce Hodgkinson AM SC, a preeminent Senior Counsel in New South Wales with expertise in health and safety. We will invite students, staff and interested members of the community to make submissions to the external review.
- We released a new Campus Access Policy in June 2024, clarifying our expectations for users of our lands, specifying activities that require prior approval and those that are unacceptable at any time, and providing for the safe and orderly conduct of demonstrations. We have committed to reviewing this policy before the end of 2024.
- We are cooperating fully with the sector regulator, TEQSA, and are responding to its recommendations or guidance.
- We are engaging proactively with the Australian Human Rights Commission study into the prevalence and impact of racism in Australian universities.
- We are supporting the work of the Government's Special Envoy to Combat Antisemitism and will also support the work of the Special Envoy for Social Cohesion.
- We have established an initiative to understand and interrupt emerging cultures of polarisation both within and external to the University to proactively build social cohesion and reaffirm civic engagement as a core attribute of the University.
- We have committed to a truth-telling project that will not only focus on First Nations peoples, but will also chart aspects of antisemitism, Islamophobia and anti-Asian attitudes in our past to better understand and learn from the impact of racist ideas and practices on these communities.

Throughout the recent events and as we look ahead, our top priority remains ensuring the safety and wellbeing of all members of our community.

We thank the Committee for its consideration of our submission. Should the Committee have any questions or require further information, please let us know.

Yours sincerely,

(Signature removed)

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