



From: President s 47F
Sent: Wednesday, 10 July 2024 3:06 PM
To: Rosalind Croucher; Julie O'Brien
Cc: s 47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]
Attachments: Letter to AHRC re Senate Hearing on 31May24.pdf

Hi Ros and Julie

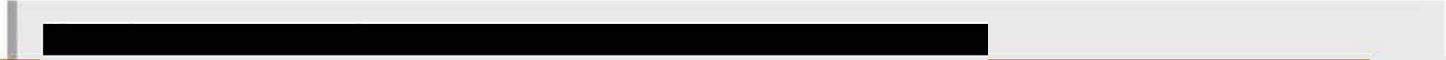
Attached is a letter from the s 47G regarding a complaint about recent comments at Senate Estimates on 31st May.

They are have requested action and a response from you.

Thanks



From: s 47F
Sent: Monday, July 8, 2024 11:58 PM
To: President AHRC s 47F
Cc: s 47G jewishcouncil@jewishcouncil.com.au; advocacy@aman.net.au
Subject: Letter re Senate Hearing on 31 May 2024



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Dear President Croucher,

Please find attached correspondence on behalf of the s 47G the Jewish Council of Australia (JCA) and the Australian Muslim Advocacy Network (AMAN).

Kind regards,



s 47F [Redacted]



[Redacted]

[Redacted]

8 July 2024

Emeritus Professor Rosalind Croucher
President of the Australian Human Rights Commission

By email: s 47F

Dear President Croucher

RE: Complaint regarding comments made during the Senate Estimate Committee Hearing on 31 May 2024

1. s 47G
2. The Jewish Council of Australia (JCA) is an independent, expert Jewish voice opposing antisemitism & racism.
3. The Australian Muslim Advocacy Network (AMAN) is a national advocacy organisation that works to uphold human and civil rights and secure Australian Muslims' psychological and physical safety.

Summary of Complaint

On the 31st of May 2024, you attended before the Senate Legal and Constitutional Affairs Legislation Committee. We acknowledge and thank you for emphasising during said hearing that the AHRC does not single out the impact of the situation in Gaza on a particular Australian community, but rather, focuses on the impact of such events on all the communities in Australia.

During the proceedings, Senator Sarah Henderson questioned you in relation to the part that comedian Nazeem Hussain played in the Rights on Time event held by the AHRC. We are disappointed by your attempt to downplay Mr Hussain's role in the above-named event and your responses to the questions postulated by Senator Henderson regarding Mr Hussain's comments on social media, relating to the phrase 'from the river to the sea'. Your responses are out of step with the general approach adopted by other international human rights organisations.

The phrase 'from the river to the sea' is construed differently by various groups, therefore a blanket condemnation lacks the contextual approach which should have been

articulated by you in this hearing. **s 47G** the JCA and the AMAN categorically support the phrase ‘from the river to the sea’ as a call for freedom and equality for all people, Jewish and Palestinian. Senator Henderson’s attitude regarding the phrase ‘from the river to the sea’ reflects the bad faith reading of protestors chants.¹

The Israeli human rights group B’Tselem, Amnesty International, and the UN Special Rapporteur have all found there is a system of control and inequality and lack of democracy through Israel and the occupied territories, and the expert legal opinion is that this constitutes a system of apartheid from the river to the sea”. The phrase is a call for freedom and equality in that region, not a political solution.² This phrase has been used as a political football by both the Liberal and the Labor parties who have joined forces with One Nation in an attempt to restrict freedom of speech, under the thinly veiled guise of antisemitism. By doing so, they are pretending this phrase has a meaning which it is completely at odds with. Consequently, unnecessary fear and division is promoted within Australian communities whilst Palestinian voices are being silenced.

In contrast we note in the same hearing, that the Race Discrimination commissioner Giridharan Sivaraman refused to condemn the phrase ‘from the river to the sea’ seeking context before he was willing to comment on it. We are of the firm view that the same or similar approach should have been provided by you in the circumstances of this hearing.

Remedies

1. We request that you issue a formal apology to Mr Nazeem Hussain; and
2. You issue a public statement in print, acknowledging the various interpretations of this phrase.

We further request a commitment from you that you will avoid any future blanket condemnation of this phrase.

¹ ‘Josh Butler, Caitline Cassidy, ‘Peter Dutton Compares ‘river to the sea’ chants at pro-Palestinian protests to Hitler’. 9 May 2024 <<https://www.theguardian.com/australia-news/article/2024/may/09/peter-dutton-compares-pro-palestine-university-protests-to-hitler-in-deeply-offensive-comments>>.

² Max Kaiser quoted by Emma Connors in ‘River to the Sea’ Explained in One Map and Two Charts’ *Financial Review* 24 May 2024.

Should you have any queries in relation to this letter, please contact **s 47G**

[REDACTED]

[REDACTED]

s47 F

[REDACTED]

The Jewish Council of Australia

Australian Muslim Advocacy Network Ltd

s 22

s 22

From: Leanne Smith s 47

Sent: Thursday, March 14, 2024 3:42 PM

To: Giridharan Sivaraman s 47F; Rosalind Croucher

s 47

Subject: RE: Discussion on approach to responding to political attacks [SEC=OFFICIAL]

Hi Giri,

Hope you are well! Very glad to discuss both ideas/topics.

I've been having some excellent conversations recent with/about 2 emerging community groups that I think will be excellent partners for your engagement. It seems they share similar goals and values that also align with human rights based approaches.

One is the Jewish Council of Australia <https://t.co/TtF7usvDfL> who your team may already be reaching out to.

The other is a progressive Muslim group about to launch soon (I understand from external contacts we have staff who may also be involved). Glad to share more information as it comes.

Best,

Leanne

s 22

[Redacted text block]

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[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

s 22

s 22

From: Julie O'Brien s 47 C
Sent: Wednesday, 10 July 2024 5:10 PM
To: Rosalind Croucher
Subject: RE: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

s 47C

From: Rosalind Croucher s 47F
Sent: Wednesday, July 10, 2024 4:47 PM
To: Julie O'Brien s 47F
Subject: Re: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

I supported Giri's approach re context. I don't recognise my answers in the way the letter puts them

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From: Julie O'Brien s 47F
Sent: Wednesday, July 10, 2024 3:26:20 PM
To: Rosalind Croucher s47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Ros,

Are you happy for me to forward this onto Graeme and Darren for their views.

I don't think it requires an urgent response,

Julie

From: President AHRC s47F
Sent: Wednesday, July 10, 2024 3:06 PM
To: Rosalind Croucher s47F Julie O'Brien s47F
Cc: s47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Ros and Julie

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s47F

s47G

Sent: Monday, July 8, 2024 11:58 PM

To: President AHRC s47F

Cc: s47G

Subject: Letter re Senate Hearing on 31 May 2024

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Dear President Croucher,

Please find attached correspondence on behalf of s47G the Jewish Council of Australia (JCA) and the Australian Muslim Advocacy Network (AMAN).

Kind regards,

s47G



[Redacted signature line]

[Redacted signature block]

s22

From: Graeme Edgerton s47F
Sent: Monday, 15 July 2024 5:43 PM
To: Rosalind Croucher
Cc: Darren Dick; Julie O'Brien
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]
Attachments: Letter to AHRC re Senate Hearing on 31May24.pdf; 2024 07 Ltr to s47G re Senate Estimates.docx; 2024 05 31 LCALLC hansard extract.pdf

Hi Ros,

Julie asked me to prepare a response to this letter from s47G and others. s47C Also attached is an extract of the relevant pages of the transcript that could be included with the letter.

Let me know if you'd like to discuss.

Kind regards,
 Graeme

Graeme Edgerton
 Acting General Counsel

Australian Human Rights Commission

s47F

| [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.

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Sent: Wednesday, July 10, 2024 3:06 PM
To: Rosalind Croucher s47F; Julie O'Brien s47F
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To: President AHRC s47F

jewishcouncil@jewishcouncil.com.au;

advocacy@aman.net.au

Subject: Letter re Senate Hearing on 31 May 2024

s47G

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s47G

[Redacted signature block]



[Redacted line of text]

[Redacted block of text]



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION
COMMITTEE

Estimates

(Public)

FRIDAY, 31 MAY 2024

CANBERRA

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BY AUTHORITY OF THE SENATE

[PROOF COPY]

Ms Finlay: Yes, Senator.

Senator FARUQI: If you could take that on notice, I would appreciate that.

Ms Finlay: Certainly.

CHAIR: We are due to go to a break. We will suspend the hearing now.

Proceedings suspended from 10:48 to 11:06

CHAIR: We will resume the hearing.

Senator HENDERSON: I want to ask Commissioner Finlay about antisemitism on university campuses. In doing so, I want to correct the record—and not criticise Senator Faruqi at all—because the ABC misrepresented an interview I did a few days ago. I was making the point—the same point you were making, Commissioner Finlay—that I did not seek to draw a false equivalence between the dramatic increase in antisemitism on university campuses and any other form of racism. When I was asked about Islamophobia, I said: 'No, that is not an issue.' It was not an issue in the context of what is currently happening on university campuses. To that point, I ask the commissioner: what is the Human Rights Commission doing about this in terms of its responsibilities? Jewish Australians have very deep concerns. I have distributed the article on the front page of the *Australian* today, which refers to some pretty heinous statements made by a particular academic from the University of Sydney—factually incorrect and deeply, deeply offensive. What is your view, in the context of your responsibilities?

Senator Chisholm: We have to be careful about going to opinions—you skated close to the wind before. The chair raised this with Senator Faruqi. You just said, 'What is your view?'—

Senator HENDERSON: That is fair enough, Minister. In the context of your responsibilities, Commissioner, I ask you to respond to the alarming increase in antisemitism on university campuses.

Ms Finlay: In responding, I am conscious of the fact that the work of the commission in this area, including the university study that was recently announced, is being led by our Race Discrimination Commissioner. He would be best placed to give an overview of the work the commission is doing directly on that matter.

Senator HENDERSON: In terms of the op-ed that you wrote and your concerns generally about human rights in this country, I ask you to make some observations about what is going on at university campuses and how you are responding as a commissioner.

Senator Chisholm: Again, I think you have to be careful around observations. It is going close to opinion.

Senator HENDERSON: I am asking about the work of the commission, Minister.

Senator Chisholm: You need to make that clearer.

CHAIR: Senator Henderson, that was my direction to Senator Faruqi. I hope that was clear to you, as well. A direction I have given senators today is that, for questions to be relevant to budget estimates, directing them around the work the commission is doing will get you the answer you are after. We are not here to ask questions about opinion; I made that very clear in my opening statement.

Senator HENDERSON: Just in relation to your work, Commissioner.

Ms Finlay: Perhaps I can approach it in this way. The work of the commission is broadly shared amongst commissioners on a whole range of important human rights issues. The work around the university study is being led by the Race Discrimination Commissioner. My opinion piece outlined the deep concerns I have about racism generally, but in this particular circumstance the rise in antisemitism that we are seeing in Australia, which in my view needs to be called out absolutely and unequivocally. In the work I do in the commission around issues, for example, of freedom of speech and hate speech, I am working closely with my commissioner colleagues in responding to various law reform proposals that are being put forward. That is continuing work which the commission has done in the past and is doing around this issue, in particular. In that context it would be uncontroversial to say that the commission is of the view that, while there are freedom-of-speech issues, there are clearly issues around hate speech, and hate speech is not free speech. That is something we need to keep in mind when we are looking at what is happening on university campuses and particularly when addressing these issues around antisemitism.

Senator HENDERSON: Thank you. President, I turn to the marketing campaign you have combating racism. One of the people involved in your conference is Nazeem Hussain, a comedian. Do you know about his work with the commission?

Prof. Croucher: He is involved in one part of the conference: the Rights On Time session, as part of the Vivid festival on Thursday evening.

Senator HENDERSON: That is the Free + Equal Human Rights Conference coming up on Thursday?

Prof. Croucher: There are two parts to it. Friday is the conference, covering all aspects of the *Free and equal* report on a human rights framework. The event on the Thursday evening is more in the nature of a show. It is very much a public focused event, part of the Vivid festival.

Senator HENDERSON: So Mr Nazeem Hussain, a comedian, is part of your promotional video for the conference. That is correct, isn't it?

Prof. Croucher: Yes, that is correct. He is representing the citizen from the future.

Senator HENDERSON: While it is commendable to see Mr Hussain's commitment to human rights, I want to raise some concerns about some of his comments on social media. I refer to an Instagram reel. I can provide the link to the reel which he posted. The caption says:

Senate condemns 'from the river to the sea' chant, and Nazeem Hussain has something to say about it.

In the video—this is a transcript—Nazeem Hussain says:

I don't get why they're upset about using the phrase 'from the river to the sea Palestine shall be free' and calling it provocative, when all it is doing is provoking freedom for people that live between the river and sea. Who doesn't want to free Palestine that exists between those two parts of the world? Like, should they not be free: 'from the river to the sea, Palestine shall not be free'? I mean, what do they want? Do they want liberation or do they want people to remain under oppression? I don't know. That's provocative to me that they're upset at the idea of a liberated people. Can you answer that, Mr Birmingham?

He refers to Senator Birmingham. I raise concerns about those views. Is it appropriate that someone you have commissioned to be part of your human rights marketing material holds these views and is promoting those views?

Prof. Croucher: The role he is playing is very limited. He is not a panellist in either the evening event or the conference. He is representing a citizen from the future. He is videoed doing some material that we have considered. The scripts were developed in conjunction with us. It is a very limited role. The scenarios that he does in the videos are things that are then explored by the panellists on the stage. It is a very limited role. We were not aware of this comment. It is a limited role. It is not like he is one of our staff.

Senator HENDERSON: Was he paid to do that particular marketing role for you?

Prof. Croucher: I'll have to confirm the nature of any financial commitment.

Senator HENDERSON: If you could. Now you have learnt what he said—and I am arranging to table that link so that you can check precisely what he said—do you hold concerns about those antisemitic sentiments, in light of the fact that he has been engaged by you to promote human rights?

Prof. Croucher: In some situations. We're not aware of all of the particular issues that you raise. As I said, we don't monitor people's work in social media. The engagement with him was a very specific one. We've also made clear, in relation to promoting the conference and the panel, that the views of panellists don't represent the commission's views. We have made it quite clear that people are participating for particular reasons and that they're not there to represent the body as such. His role is a very narrow one. It's very limited. It uses his comedic skills in the presentations that he does.

Senator HENDERSON: Does the Human Rights Commission include antisemitism in its definition of racial hatred, just to be clear?

Prof. Croucher: The definition that we look to is unlawful discrimination under section 18C of the Racial Discrimination Act. That's the key provision that we use in all of our framing of the issues.

Senator HENDERSON: Just to be clear, do you consider antisemitism to be a form of racism?

Prof. Croucher: Yes, absolutely. Jews and Sikhs are covered as ethnoreligious groups under the definition of 'race'. Our Racial Discrimination Act does not extend to religious discrimination, but Jews and Sikhs are regarded in law as ethnoreligious and covered under the Racial Discrimination Act.

Senator HENDERSON: In light of that—and I appreciate that you have just learnt what Mr Hussain has said; you haven't had prior notice of it—isn't it important, given the commission's role to prosecute and combat all forms of racism, to make sure that people who you employ and engage don't hold views that are antisemitic, or other sorts of racist views?

Prof. Croucher: I can assure you that the whole of the conference will ensure inclusive and respectful discussions. We carefully structured the panels. If issues had come to our attention, they may have led to the rearrangement of certain participants. We've made it quite clear that the conference will be moderated through the lens of respectful discussion and facilitating a real focus on human rights reform.

Senator HENDERSON: Will you review Mr Hussain's involvement in your conference, in light of what you have just learnt?

Prof. Croucher: Certainly, we keep a watchful eye on everything. There is a difference between antisemitism and criticism of the Israeli government; they're different concepts. Without now embarking upon a lecture on 18C and the implications of what is offensive, humiliating or intended to intimidate under 18C, it is better to say that all of the conference will be done in a respectful way. We've made clear that the views of participants are not the views of the commission. We've already had to scrutinise some of the engagement. I'd rather leave it at that, Senator.

Senator HENDERSON: Implicit in your answer was the suggestion that Mr Hussain was perhaps criticising the Israeli government. I appreciate the difference. He actually wasn't doing that. He's used a phrase that the Prime Minister has condemned as a violent statement. What's your position in relation to the use of that phrase 'river to the sea'? I asked the race commissioner about his view of that. He said it depended on the context. I ask: is there any context where it's appropriate to be using that statement, and what is that context?

CHAIR: Senator Henderson, the word that you are continually using in asking your questions is 'view'. There are really clear standing orders about not asking for opinions on policies. Asking about the work of the commission is certainly what we are here to do today. I understand what you are trying to get at. What we need to do is adhere to the standing orders. If there is a way that you can phrase a question to make sure that we are not asking officials for opinions and so that the work of the commission is the focus of your question then we will be able to move forward.

Senator HENDERSON: Thank you for your guidance, Chair. Commissioner, in light of the statements made by Mr Hussain, and in light of his involvement in the conference, do you consider it appropriate that he continues to be in your employ?

Prof. Croucher: He is not in our employ.

Senator HENDERSON: Engaged by you as a contractor, or however he is engaged.

Prof. Croucher: Thank you for raising it. It is an issue that I am happy to look at. We have refreshed our look at the way some of the panels are structured. If I may, I will bring this back to Commissioner Sivaraman's response about context. As we administer the Racial Discrimination Act, section 18C is very specific on what is unlawful discrimination, which is the essence of our jurisdiction, after all. In that context, if we had a complaint based on the use of an expression like that—I'll anchor it squarely in our jurisdiction—the lens that would be used would be: is the use of such speech in public reasonably likely to offend, insult, humiliate or intimidate a person from the same community? That is the lens of the law which is our jurisdiction. If a court were to consider it, that would be the lens that they would use as well.

Senator HENDERSON: President, do you have any current complaints of racism against any member of your staff? Could you outline what those complaints are, without identifying the particular people, if that's the case?

Prof. Croucher: I won't comment about any complaints that we have. If we receive any complaints, they are considered through our established policies and in light of the obligations on the staff under our staffing arrangements and the code of conduct. They are conducted confidentially and managed in an appropriate way.

Senator SCARR: President—I also invite the race commissioner to make a comment on this, if you would like to—in relation to that particular phrase that Senator Henderson referred to, does the Australian Human Rights Commission have a position on the meaning of antisemitism in particular in the context of what's been referred to by quite a famous Russian refusenik, Natan Sharansky? He has outlined the three Ds of antisemitism, namely: demonisation, double standards and de-legitimation, which, in particular, is questioning Israel's fundamental right to exist as a Jewish state. Does that constitute antisemitism? Is it the position of the Australian Human Rights Commission that that constitutes antisemitism, for the purposes of your work in combatting racism?

Prof. Croucher: Perhaps I could—

CHAIR: President, before you answer that question, I think we are being quite creative in the way we are putting these questions to you. Senators may put specific questions to you, using different language, but we are not here to ask you for opinions. If it is the work of the commission that senators are interested in, that's what we are here to ask questions about. President, you were about to respond.

Prof. Croucher: I would make two observations. One is to repeat that questions of antisemitism, as they are raised as complaints, are grounded in section 18C. The importance of Commissioner Sivaraman's work is in leading conversations with communities about the impact on them. It needs to be an open conversation. For us,

the law we administer is quite clear. That is our framework for assessing issues as lawful or unlawful. The conversations that Commissioner Sivaraman is leading have a much more open nature.

Senator SCARR: I should just be clear. Chair, with indulgence, I am asking the question because the AHRC has a particular role in applying the law as it sees the law. One of the questions is: what constitutes antisemitism; what falls within 18C, as you referred to? There are particular views with respect to whether a phrase like 'from the river to the sea' constitutes antisemitism, under the analysis of someone like Natan Sharansky.

Prof. Croucher: Perhaps I can refer to the answer I previously gave about the jurisdiction under section 18C and reiterate Commissioner Sivaraman's observation that it is about context and the likely impact on a person of the same community. That would be the lens for the law. We do not make determinations. It is a conciliation process. That's the scope of our jurisdiction with respect to that.

CHAIR: I don't think we are asking for legal advice either, President. Mr Sivaraman, did you want to add to that?

Mr Sivaraman: I think the president has given a fulsome answer. There is really nothing for me to add to what she said.

CHAIR: Thank you. Senator Steele-John, you have the call.

Senator STEELE-JOHN: My questions will be directed to Commissioner Kayess, who I believe is with us online. I am going to begin with the issue of airlines. In our previous round of estimates together, I asked about whether the commission was planning to conduct an investigation into the discrimination experienced by disabled people when we engage in airline travel. I asked that in the context of the quite horrendous examples of ableist discrimination against disabled people that are so frequently experienced and, in recent times, have become more widely known to the Australian community through reporting in the media.

Some of the examples that come to me and my team include forced removal of disabled people from airlines once the airline realises that the person who has booked the ticket has a wheelchair or is disabled in another way; serious damage to assistive technology due to the handling of that technology by ground crews or other members of the corporate structure of the airline; serious periods of prolonged delay of passengers as airlines seek to verify the accreditation of their assistance animals or dismiss that accreditation entirely; individuals being left on planes because the airline has failed to appropriately bring their chair to the gate of the plane so that they can exit the aircraft; and disabled people having to do things like crawl across terminals because of a refusal of airlines to allow individuals to take their chairs to the gate of the plane with them. They are just some of the examples that we have heard.

In response to our conversation and questions at the last estimates round, in your formal answer on notice you very helpfully directed me to the commission's submission and creation of the aviation green paper. Within the submission there is included a recommendation that the Australian government should provide sufficient and dedicated resourcing to the Australian Human Rights Commission to undertake a national inquiry into systemic disability discrimination in air travel. In the commission's view, what would be the benefit of undertaking an inquiry into discrimination in air travel?

Ms Kayess: The commission remains committed to having an airline inquiry. A national inquiry would allow us to scope out the parameters of the airlines, the airports and the current disability standards to look at the regulatory framework to have a much better understanding of how it could be more effectively established. At the moment we are seeing a consistent increase, with only a drop during the COVID period between 2013-2014 and where we are at the moment with data for 2022-2023. There has been a steady increase. We've included that data in our submission to the green paper. That demonstrates that it's an issue that is growing in concern. We've seen both the disability royal commission and the Independent Review of the National Disability Insurance Scheme canvass the issue of discrimination in aviation travel. Unfortunately, amongst its 222 recommendations, the disability royal commission did not include any recommendations to increase the regulatory pressure that can be put to bear on the aviation industry to address unlawful discrimination.

The NDIS review has mentioned aviation travel as an area that needs work. We see that there are mechanisms and levers that could be put in place but they need to be explored against the evidence that a national inquiry would be able to provide us.

Senator STEELE-JOHN: It is wonderful to hear that you remain committed to such an inquiry. These issues are not only ableist discrimination but also incredibly distressing in the moment that they occur to the individual and the family who is travelling with them. It seems to be an area where we need that deeper exploration and a stronger policy response. In the federal budget that we are examining, did the government give you the requested funding to undertake this inquiry?



16 August 2024

Section 47F

Section 47F

Section 47F

Senate Estimates hearing on 31 May 2024

Thank you for your letter to President Croucher dated 8 July 2024 on behalf of the **Section 47G**, the Jewish Council of Australia and the Australian Muslim Advocacy Network.

President Croucher's term concluded on 29 July 2024. Unfortunately, with a large number of engagements at the end of her term as President she was unable to finalise a response to you. However, I wanted to ensure that you were provided with a response to the issues that you raised.

I welcome the work of each of your organisations in seeking to advance equality, protect and promote human rights, and oppose racism. I am pleased that you engaged with the Commission's work in the Free and Equal conference.

In your letter, you suggested that the former President had issued a 'blanket condemnation' of the use of the phrase 'from the river to the sea' during the course of the Commission's appearance at Senate Estimates on 31 May 2024. This caused us to review the transcript of the hearing. The transcript indicates that the President did not offer an opinion on the use of that phrase. This was an appropriate position for her to take as President because in that role she was ultimately responsible for decisions made by the Commission when handling the complaints that we receive. The relevant pages of the transcript are from 23 to 26 and I have included that extract with this letter for your reference.

As you have noted, the use of this phrase is contested. During the course of the hearing, Senator Henderson described comments made by Mr Nazeem Hussain,

including the use of this phrase, as antisemitic. President Croucher described how the Commission would deal with a complaint about the use of speech alleged to amount to racial vilification. She also referred to the comments that the Race Discrimination Commissioner, Mr Giridharan Sivaraman, had made about the importance of context. In doing so, she did not offer a view about the merits of any complaint that may be received.

In the course of the hearing, President Croucher confirmed that comments made by Mr Hussain on social media were made in his personal capacity and not as a representative of the Commission.

As you know, the Race Discrimination Commissioner is leading a new project to support communities in Australia affected by the war in Gaza and the Middle East. This work responds to an increase in racism targeting Palestinian, Muslim, Arab and Jewish communities in Australia since the outbreak of the conflict. Engagement with your organisations will be an important part of this work.

While President Croucher's term has recently concluded, the Commission looks forward to continued collaboration with you, both in relation to Commissioner Sivaraman's new project and our broader shared objectives to protect, promote and fulfil human rights.

Yours sincerely

Section 47F



Leanne Smith
Chief Executive

cc: Jewish Council of Australia jewishcouncil@jewishcouncil.com.au
Australian Muslim Advocacy Network advocacy@aman.net.au

s22

From: Graeme Edgerton s47F
Sent: Friday, 16 August 2024 9:47 AM
To: s47F
Cc: Chief Executive AHRC
Subject: RE: Letter s47F from AHRC - 16 August 2024 [SEC=OFFICIAL]

Yes, that's great. Thank you.

From: s47F
Sent: Thursday, August 15, 2024 7:01 PM
To: Graeme Edgerton s47F
Cc: Chief Executive AHRC s47F
Subject: Letter to Ms Abdalla from AHRC - 16 August 2024 [SEC=OFFICIAL]

Graeme

Are you ok with this **draft response below and attachments** to be sent from Chief Executive AHRC s47F

Please note, I have loosely adopted an email signature that has removed Leanne's direct phone number and added the CE, AHRC email to send from generic account.

s47C

[Redacted content]



Australian Human Rights Commission

EVERYONE
EVERYWHERE
EVERYDAY

[Redacted text block]

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Section 22

From: Chief Executive AHRC Section 47F
Sent: Friday, 16 August 2024 11:16 AM
To: Section 47F
Cc: Chief Executive AHRC
Subject: Letter to S 47F from AHRC - 16 August 2024 [SEC=OFFICIAL]
Attachments: 2024 08 Ltr to 47F re Senate Estimates - CE APPROVED 16 AUGUST 2024.pdf; 2024 05 31 LCALC hansard extract.pdf

Dear Section 47F

Thank you for your letter to President Croucher dated 8 July 2024 on behalf of the S 47G, the Jewish Council of Australia and the Australian Muslim Advocacy Network.

President Croucher's term concluded on 29 July 2024.

Please refer to response attached including copy of Hansard, 31 May 2024.

Sincerely

Leanne Smith
Chief Executive



Australian Human Rights Commission
GPO Box 5218, Sydney NSW 2001

Section 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders, past, present and future.

s22

From: s47F
Sent: Thursday, 15 August 2024 5:34 PM
To: Graeme Edgerton
Cc: Julie O'Brien
Subject: RE: CE Approval sought: s47F [SEC=OFFICIAL]
Attachments: 2024 08 s47G Senate Estimates - CE APPROVED 16 AUGUST 2024.pdf

CE approved letter attached, dated 16 August 2024 as requested.

s47F

Executive Assistant to the Chief Executive

From: Leanne Smith s47F
Sent: Thursday, August 15, 2024 5:14 PM
To: s47F
Subject: Fwd: CE Approval sought: s47G [SEC=OFFICIAL]

Good to sign once cleaned up.

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From: Giridharan Sivaraman s47F
Sent: Thursday, August 15, 2024 4:47:53 PM
To: Leanne Smith s47F
Cc: Adrijana Palmer s47F
Subject: Re: CE Approval sought: s47G [SEC=OFFICIAL]

Thanks Leanne. It looks fine to me.

Giri Sivaraman
 Race Discrimination Commissioner

From: Leanne Smith s47F
Sent: Thursday, August 15, 2024 9:34:33 AM
To: Giridharan Sivaraman s47F
Cc: s47F
Subject: FW: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

Hi Giri,

In the link to the C briefing below, you'll see the letter, hansard and proposed response.

I'd be grateful your review before I hit send.

From: s47F
Sent: Wednesday, August 14, 2024 4:39 PM
To: Leanne Smith s47F
Subject: FW: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

Doesn't look like you sent to Giri. Please copy me and Graeme when you do.

From: Leanne Smith
Sent: Wednesday, August 14, 2024 11:06 AM
To: Graeme Edgerton s47F >; Hugh de Kretser s47F; Julie O'Brien s47F; s47F
Subject: RE: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

Thanks, I will

From: Graeme Edgerton s47F
Sent: Wednesday, August 14, 2024 11:03 AM
To: Leanne Smith s47F; Hugh de Kretser s47F; Julie O'Brien s47F
Subject: RE: CE Approval sought: s47G [SEC=OFFICIAL]

Hi Leanne,

Giri hasn't been consulted on this letter. Let me know if you want me to send it to him for his views.

Kind regards,
Graeme

From: Leanne Smith s47F
Sent: Wednesday, August 14, 2024 10:29 AM
To: Hugh de Kretser s47F; Julie O'Brien s47F; s47F
Cc: Graeme Edgerton s47F
Subject: RE: CE Approval sought: s47G [SEC=OFFICIAL]

Last question: has Giri been consulted?

From: Hugh de Kretser s47F
Sent: Tuesday, August 13, 2024 3:21 PM
To: Leanne Smith s47F; Julie O'Brien s47F
Cc: Graeme Edgerton s47F
Subject: RE: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

Hi all,

I've read the documents. Thanks for helpfully setting everything out. I made one minor suggested edit to the letter. Happy for it to go from the CEO.

Hugh

From: Leanne Smith s47F
 Sent: Friday, August 9, 2024 3:03 PM
 To: Julie O'Brien s47F Hugh
 de Kretser s47F
 Cc: Graeme Edgerton s47F
 Subject: RE: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

Hi Julie and Graeme,

I think this is one we should consult Hugh on, given a range of factors. Perhaps we could find 15 mins for Hugh/me and either or both of you next week?

Thanks,

Leanne

From: Julie O'Brien s47F
 Sent: Friday, August 9, 2024 8:44 AM
 To: s47F
 Cc: Graeme Edgerton s47F
 Subject: CE Approval sought: Letter to s47G [SEC=OFFICIAL]

s47F

Here is a [CE brief](#) to Leanne recommending that she sign a letter to s47G and send (with Hansard extract enclosed) in response to a letter MLN had sent to Ros prior to the end of her term.

Relevant documents are linked in the brief.

Very happy to discuss,
Julie

Julie O'Brien
General Counsel

s47F

[W humanrights.gov.au](http://www.humanrights.gov.au)

Human rights: everyone, everywhere, everyday

s22

From: Darren Dick s47F
Sent: Monday, 15 July 2024 2:01 PM
To: Graeme Edgerton
Subject: RE: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

s47C

From: Graeme Edgerton s47F
Sent: Monday, July 15, 2024 12:27 PM
To: Darren Dick s47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Darren,

Just checking whether you have any comments on this draft letter before I send to Ros.

Cheers,
Graeme

From: Graeme Edgerton
Sent: Thursday, July 11, 2024 11:37 AM
To: Julie O'Brien s47F
Cc: Darren Dick s47F
Subject: RE: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Thanks Julie, I've put together a draft response. Agree that this could go out next week.

Darren, let me know if you have any comments. I've attached both the original letter and the draft response.

Cheers,
Graeme

From: Julie O'Brien s47F
Sent: Wednesday, July 10, 2024 6:34 PM
To: Graeme Edgerton s47F >
Cc: Darren Dick s47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Graeme,

See below and attached.

Perhaps we can discuss at our catch up on Friday – I was hoping you could prepare a draft response to this letter. I don't think we need to respond immediately – so this is not urgent.

Chat Friday,
Many thanks
Julie

From: Rosalind Croucher s47F
Sent: Wednesday, July 10, 2024 4:47 PM
To: Julie O'Brien s47F
Subject: Re: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

I supported Giri's approach re context. I don't recognise my answers in the way the letter puts them

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From: Julie O'Brien s47F
Sent: Wednesday, July 10, 2024 3:26:20 PM
To: Rosalind Croucher s47F
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Ros,

Are you happy for me to forward this onto Graeme and Darren for their views.

I don't think it requires an urgent response,

Julie

From: President AHRC s47F
Sent: Wednesday, July 10, 2024 3:06 PM
To: Rosalind Croucher s47F; Julie O'Brien s47F
Cc: [REDACTED]
Subject: FW: Letter re Senate Hearing on 31 May 2024 [SEC=OFFICIAL]

Hi Ros and Julie

Attached is a letter from s47G regarding a complaint about recent comments at Senate Estimates on 31st May.

They have requested action and a response from you.

Thanks
[REDACTED]

From: s47F
Sent: Monday, July 8, 2024 11:58 PM
To: President AHRC s47F
Cc: s47F jewishcouncil@jewishcouncil.com.au;
advocacy@aman.net.au
Subject: Letter re Senate Hearing on 31 May 2024

You don't often get email from s47F [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Dear President Croucher,

Please find attached correspondence on behalf of the s47F, the Jewish Council of Australia (JCA) and the Australian Muslim Advocacy Network (AMAN).

Kind regards,

s47F
[Redacted signature block]



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