Royal Commission into Antisemitism and Social Cohesion

Interim Submission of the Australian Human Rights Commission

2 April 2026

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Australian Human Rights Commission
Celebrating 40 years

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Acknowledgement of Country

The Australian Human Rights Commission acknowledges 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 and present.

About the Australian Human Rights Commission

Our vision for Australia is one where everyone can live free and equal in dignity and rights as part of a strong, healthy democratic society.

We have 4 core functions under our legislation:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our complaint handling services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for positive duty laws requiring employers and others to address sexual harassment, sex discrimination and other unlawful conduct.

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Introduction

1. The Australian Human Rights Commission (**AHRC**) welcomes the opportunity to engage with the Royal Commission into Antisemitism and Social Cohesion (**Royal Commission**) and support its important work through this interim submission.
2. Antisemitism is an insidious form of racism and hatred. It harms people and communities, affects people's identity and self-esteem, their sense of belonging and inclusion, their participation in public life and their wellbeing and safety.
3. Antisemitism has been rising in Australia. It manifested in the violent terror attack on Jewish people celebrating their faith and culture at Bondi Beach.
4. The AHRC is committed to confronting antisemitism and all forms of racism in Australia so everyone can live in safety with dignity and respect regardless of their race, culture or faith.
5. This submission is an interim submission. It shares key AHRC resources on countering antisemitism and other forms of racism in Australia and makes priority recommendations for the Royal Commission's consideration in its interim report.
6. We will respond more fully to the Royal Commission's terms of reference in a later submission.

Recommendations

7. The AHRC submits that the Royal Commission consider making the following recommendations in its interim report.

Recommendations

1. The Australian Government should immediately establish a task force or similar mechanism to determine prioritisation and sequencing of each of the recommendations of the AHRC's National Anti-Racism Framework to address antisemitism and all forms of racism. The task force or similar mechanism should develop and oversee implementation plans for those priority recommendations. The task force or similar mechanism should be co-chaired by the Race Discrimination Commissioner and a Secretary (representing the Australian Government's Secretaries Board), with senior government membership from across federal, state and territory jurisdictions, and relevant peak organisations. The Australian Government should provide funding for identified priority recommendations.

2. Governments resource community organisations to develop and implement programs and workshops to help local communities safely navigate conversations about Israel and Gaza.
3. Governments fund the creation of evidence-based and trauma-informed training for workplaces and institutions to support safe and constructive engagement around Israel and Gaza.

1 Relevant work of the AHRC

National Anti-Racism Framework

8. The AHRC launched its National Anti-Racism Framework (**Framework**) in 2024. The Framework provides a roadmap for governments, non-government organisations, businesses, and civil society organisations to address racism in Australia.

9. The Framework was developed because the AHRC was concerned at the absence of comprehensive and coordinated action by the Australian Government, and state and territory governments, to respond to the incidence and impacts of racism across Australian society. Various research and consultation processes undertaken by the AHRC to understand this issue, including an audit of government approaches to racism in Australia.[1]

10. The Framework includes 63 recommendations for the reform of Australia's relevant systems and structures, including in justice and the legal system, health, education, workplaces, media and the arts and data collection.

11. The Special Envoy to Combat Antisemitism and the Special Envoy to Combat Islamophobia have both commented favourably on the Framework. The Framework aligns with key aspects of their work particularly in relation to the following:

    - **Recommendations 18-26:** workplace anti-racism initiatives
    - **Recommendations 27-34**: anti-racist education and public awareness initiatives
    - **Recommendation 40**: funding for community-informed early intervention anti-racist solutions
    - **Recommendation 49**: removing online racist content and mis- and disinformation
    - **Recommendations 59-60**: collecting data on experiences of racism.

12. The Australian Government has not yet committed to implement any of the Framework's recommendations. The AHRC encourages the Royal Commission to endorse the Framework as a crucial tool for combatting antisemitism and other forms of racism.

Racism@Uni Study

13. The AHRC has also delivered the landmark Racism@Uni Study, which examines the prevalence, nature and impact of racism at Australian universities.

14. The AHRC published the *Respect at Uni: Study into antisemitism, Islamophobia, racism and the experience of First Nations people* report in February 2026, which includes findings from the Study and makes recommendations to universities and the Australian Government to help make universities safer for everyone.

15. The Study received good engagement from Jewish students, staff and organisations. Chapters 3 and 4 of the report provide detailed quantitative and qualitative data about the experiences of Jewish staff and students.

Seen and Heard Project

16. The AHRC's Seen and Heard project engaged with Jewish, Muslim, Palestinian and Arab communities to listen to and learn from them about their experiences of racism and discrimination following the most recent conflict in the Middle East. The project was funded by the Australian Government.

17. *The struggle to be seen, the power in being heard: Community insights from the Seen and Heard project* report collates insights from this community engagement. The report has been completed and will be publicly released in mid-April 2026. An embargoed copy is provided to the Royal Commission with this submission.

18. Several solutions proposed by affected communities drawn from the Insights report are included in this interim submission as priority recommendations for the Royal Commission's consideration.

AHRC Submissions

19. The AHRC has made the following submissions to recent inquiries related to antisemitism, social cohesion, anti-vilification laws and related issues:

- ACT Government Hate Crimes and Vilification Review 2026 (embargoed copy provided)
- Parliament of Australia, Combatting Antisemitism, Hate and Extremism Bill 2026 (15 January 2026)
- Parliament of NSW, Inquiry into Measures to Prohibit Slogans that Incite Hatred (12 January 2026)
- NSW Government, Review of Criminal law Protections Against the Incitement of Hatred (6 August 2025)
- Parliament of NSW, Inquiry into Antisemitism in New South Wales (6 April 2025)
- Parliament of Australia, Inquiry into Antisemitism at Australian Universities (20 December 2024)
- Parliament of Australia, Criminal Code Amendment (Hate Crimes Bill) 2024 (7 November 2024)

- Parliament of Australia, Privacy and Other Legislation Amendment Bill 2024 (October 2024)
- Parliament of Australia, Commission of Inquiry into Antisemitism at Universities Bill 2024 (August 2024)
- Parliament of Australia, Counter-Terrorism and Other Legislation Amendment Bill 2023 (July 2023 and September 2023)
- Australian Government Attorney-General's Department, Public Consultation on Doxxing and Privacy Reforms (March 2024)
- Parliament of Australia, Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023

2 Racial discrimination complaint data

Our complaint handling services

20. The AHRC provides people across Australia with a fair, confidential, accessible, timely and trauma informed dispute resolution process for unlawful discrimination and human rights complaints.

Coverage of the Racial Discrimination Act 1975 (Cth)

21. The *Racial Discrimination Act 1975* (Cth) (**RDA**) makes racial discrimination and racial vilification[2] unlawful.

22. Antisemitism is not specifically referenced in the RDA. However, the RDA and associated complaint and court processes provide legal protections for Jewish people against antisemitic conduct.

23. Section 9 of the RDA defines racial discrimination. This section provides that it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

24. Section 18C of the RDA prohibits racial vilification in public. This section provides that it is unlawful to do an act otherwise than in private if the:
    - act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate that person or group of people; and
    - act is done because of the race, colour, or national or ethnic origin of that person or group of people.

25. There are exemptions set out in section 18D. The racial vilification provisions maintain a balance between the right to live free from racial vilification and freedom of expression.[3]

26. The term 'ethnic origin' has been interpreted in a number of jurisdictions to include Jewish people. The Full Court of the Federal Court in *Miller v Wertheim* stated that it could be 'readily accepted that Jewish people in Australia can comprise a group of people with an "ethnic origin" '[4]for the purposes of the RDA.

The complaint handling process

27. If a Jewish person believes that they have experienced racial discrimination or racial vilification, they can make a complaint to the AHRC. The AHRC inquires into and attempts to resolve through conciliation complaints alleging unlawful discrimination. This function is vested in the President and delegated to staff.

28. As Table 2 shows, each year the AHRC receives a large number of complaints alleging racial discrimination and racial vilification under the RDA. However, the complaints that the AHRC receives represent only a fraction of the antisemitic and other racist incidents that happen in Australia. This is for a range of reasons, including:

    - people who believe they have experienced racism may not know that the AHRC exists, what the RDA covers or how to make a complaint
    - complaints about racial discrimination and racial vilification can also be made under state and territory discrimination laws. The Commonwealth and some states also have criminal laws covering hate crimes which people can take action under.
    - in the area of employment, people can make applications to the Fair Work Commission where they believe they have been unlawfully dismissed or subjected to other harmful adverse actions because of their race, colour or national extraction
    - to make a complaint that the Commission can progress, a person needs to be able to name the person or organisation that they believe has discriminated against them. This may not be possible for some actions like racist graffiti, racist chants or signs at public rallies or some social media posts.

29. Our later submission to this Royal Commission will address the issue of the prevalence of antisemitism and other racism in Australia in more detail.

30. The AHRC does not have the power to hear and determine matters and decide if unlawful racial discrimination or racial vilification has occurred. Once a complaint has been terminated by the AHRC, an affected person can make an application to the Federal Court of Australia (**FCA**) or the Federal Circuit and Family Court of Australia (**FCFCA**) to hear and determine the matter. The AHRC does not have an independent role to proactively commence legal proceedings in the Federal courts about conduct that is alleged to constitute racial vilification under 18C of the RDA.

31. The majority of complaints received by the AHRC do not proceed onto the Federal court system.

Complaint data for the past 5 years

32. **Table 1 - Complaints received by the AHRC under the RDA from Jewish people and/or people of Israeli national origin over the past 5 years**

	2021	2022	2023	2024	2025	Total
Total complaints	11	9	6	17	29	**72**
Complaints received by area*						
Education	2			1	3	**6**
Employment	5	5	2	2	5	**19**
Goods and services	2	1	4	1	2	**10**
Land, housing and accommodation				1		**1**
Racial vilification	4	3	1	13	19	**40**
Section 9 – racial discrimination	4	2	1	2	15	**24**
Complaints received on or after 7/10/2023	**46**					

*One complaint may relate to more than one area

35. Table 1 provides data for the past 5 years on complaints received under the RDA from Jewish people and/or people who are of Israeli national origin. As there can be an intersection between people who identify as Jewish and people of Israeli nation origin, the AHRC has included information about complaints made by people of Israeli national origin in this data set for completeness.

36. Over the past five years racial vilification has been the largest area of complaint for Jewish people making complaints under the RDA. Since 7 October 2023, the AHRC has received a significant increase in complaints under the RDA alleging antisemitic and/or anti-Jewish conduct.

37. **Table 2 – Complaints received under the RDA over the past 5 years**

	2021	2022	2023	2024	2025	Total
Total complaints	542	456	466	404	523	**2391**
Complaints received by area*						
Access to places and facilities	9	14	6	9	14	**52**
Education	30	22	19	26	30	**127**
Employment	181	167	182	166	199	**895**
Goods and services	219	198	191	136	175	**919**
Land, housing and accommodation	12	14	15	13	13	**67**
Racial vilification	139	133	103	118	140	**633**
Section 9 – racial discrimination	210	201	211	230	322	**1,174**
Complaints on or after 7/10/2023	**1025**					

*One complaint may relate to more than one area

Recent examples of section 18C matters

38. The AHRC's inquiry and conciliation complaint processes are confidential. Section 46PK of the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**) provides that conciliation conferences are to be conducted in private. Section 49 of the AHRC Act makes it an offence for AHRC staff or office holders to disclose private information about complaints that have been made to the Commission.

39. The AHRC can only provide identifying information about complaints that have resolved through its conciliation processes when the parties themselves have made this information public. Information about complaints that have been made to the AHRC under the RDA can also become public when they are heard and determined by the FCA or the FCFCA.

40. The following are examples of matters where allegations of antisemitism have been made under the racial vilification provisions of the RDA and the information is already a matter of public record.

Complaint resolved at the AHRC

41. Two office holders from the Executive Council of Australian Jewry (**ECAJ**) made a complaint to the Commission about a speech by a Muslim preacher titled 'The Truth of the Jews and their characteristics' which was delivered in the Arabic language in December 2023 at the Masjid As-Sunnah, a Mosque in Lakemba, and posted on their Facebook page. The complainants claimed that the speech used derogatory generalisations and imputations about Jewish people and alleged racial vilification under the RDA.

42. The complaint was resolved through the AHRC's conciliation processes. This resolution included a public apology to the complainants and the Jewish community in Australia. The ECAJ made a public statement[5] about the resolution of the complaint which contained links to the apologies.

Decision by the FCA - Wertheim v Haddad [2025] FCA 720

43. Two office holders of the ECAJ alleged racial hatred under the RDA in relation to the delivery of a series of 5 speeches by an Islamic preacher, William Haddad, in November 2023 (made up of 3 lectures, a sermon and an interview) at an Islamic religious centre in Bankstown NSW. The speeches were recorded and published to social media accounts.

44. Justice Angus Stewart of the Federal Court of Australia found that:

> Taken together, the established imputations in Mr Haddad's lectures are fundamentally racist and antisemitic and devastatingly offensive and insulting. They make perverse generalisations against Jewish people as a group. Jewish people in Australia in November 2023 and thereafter would experience them to be harassing and intimidating. That is all the more so because they were made at the time of heightened vulnerability and fragility experienced by Jews in Australia, but they would also have been harassing and intimidating had they been made prior to 7 October 2023. That is because of their profound offensiveness and the long history of persecution of Jews associated with the use of such rhetoric. Those effects on Jews in Australia would be profound and serious.[6]

45. When considering the content of a sermon, Justice Stewart stated that:

> The ordinary, reasonable listener would understand that not all Jews are Zionists or support the actions of Israel in Gaza and that disparagement of Zionism constitutes disparagement of a philosophy or ideology and not a race or ethnic group. Needless to say, political criticism of Israel, however inflammatory or adversarial, is not by its nature criticism of Jews in general

> or based on Jewish racial or ethnic identity: see *South African Human Rights Commission on behalf of South African Jewish Board of Deputies v Masuku* [2022] ZACC 5; 2022 (4) SA 1 (CC) at [4]-[6] and [161]-[166] per Khampepe J for the Court. Indeed, the applicants did not submit that it is. The conclusion that it is not antisemitic to criticise Israel is the corollary of the conclusion that to blame Jews for the actions of Israel is antisemitic; the one flows from the other.[7]

46. Justice Stewart found that the respondents had contravened section 18C of the RDA by delivering and publishing the lectures online and that the lectures were not made reasonably and in good faith in the course of any statement, publication, discussion or debate made or held for any genuine purpose in the public interest. The respondents were ordered to remove the lectures from the internet, take reasonable steps to have the lectures removed by other publishers and publish corrective notices on their relevant social media accounts.

Endnotes

[1] Australian Human Rights Commission, *Mapping anti-racism programs and policies report*, July 2024.

[2] Part IIA of the *Racial Discrimination Act 1975 (Cth)* prohibits offensive behaviour based on racial hatred. For the purposes of this submission, we have used the term 'racial vilification' as we think it more clearly conveys the meaning of this part of the RDA. The exception to this is in court matters that refer to racial hatred.

[3] The Racial Hatred Bill 1994 Explanatory Memorandum outlines that the racial hatred law 'maintains a balance between the right to free speech and the protection of individuals and groups from harassment and fear because of their race, colour or national or ethnic origin.'

[4] [2002] FCAFC 156 [14].

[5] Executive Council of Australian Jewry, *Statement on Racial Hatred Complaint re Ahmed Zod* [Statement] 29 May 2025.

[6] *Wertheim v Haddad* [2024] FCA 720 [197].

[7] *Wertheim v Haddad* [2024] FCA 720 [107].