

## NOTICE OF FILING

### Details of Filing

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Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD474 of 2024

Federal Court of Australia  
District Registry: New South Wales Registry  
Division: General

### ESAFETY COMMISSIONER

Applicant

**X CORP.**


Respondent

Affidavit of: Dr David Adler  
Address: Se 501 655 Pacific Hwy St Leonards NSW, 2065, Australia  
Occupation: President, Australian Jewish Association  
Date: 2 May 2024

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1	Affidavit of Dr David Adler affirmed 2 May 2024	1	1
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I Dr David Adler, of Se 501 655 Pacific Hwy St Leonards NSW, 2065, Australia, President of the Australian Jewish Association affirm:

1. I make this affidavit from my own knowledge unless stated otherwise. Where I depose to matters based on information given to me, I believe that information to be true and correct.

DocuSigned by:  DocuSigned by:  
A4F7377A8CF6483...C6820B73A34240D...

Filed on behalf of (name & role of party) X Corp. The Respondent  
Prepared by (name of person/lawyer) Justin Quill  
Law firm (if applicable) Thomson Geer  
Tel (03) 8080 3748 Fax \_\_\_\_\_  
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(include state and postcode)

[Version 3 form approved 02/05/2019]

## Occupation and Background

2. I was born on 6 December 1956 in Melbourne.
3. In around 1981, I graduated from the University of New South Wales with a Bachelor of Medical Studies and Bachelor of Surgery (M.B., B.S.). I was awarded the medical faculty prize for general proficiency and leadership.
4. Between around 1981 to 1983, I was employed as a resident medical officer to the Prince of Wales and Prince Henry Hospitals in Sydney.
5. In around 1983, I was appointed as Assistant and then Deputy Medical Secretary of the Australian Medical Association in NSW.
6. In around 1987 I was appointed Medical Director of Hospital Corporation Australia.
7. I have been awarded life membership of the Medico-Legal Society of NSW.
8. I am currently President of the Australian Jewish Association (the AJA). I have held this role since the AJA's inception, which occurred in 2017.
9. In my role as President, my duties include:
  - a. leading a small team in policy, strategy and advocacy on behalf of the AJA;
  - b. advocating for the interests of the Australian Jewish community and Israel politically and in the media; and
  - c. generally supporting the interests of the AJA including fundraising.

## Events of 7 October 2023

10. On 7 October 2023, Hamas terrorists led a simultaneous wave of assaults on multiple Israeli civilian communities and military posts near the Gaza strip in southern Israel. Within the Jewish community, this is colloquially referred to as the October 7 terrorism. An armed conflict between Israel and Hamas and Palestinian Islamic Jihad terrorist groups has been taking place since this initial attack. In the Jewish community, October 7th is recognised as the deadliest attack on Jews in a day since the Holocaust.
11. Since 7 October 2023, members of the Australian Jewish community, and the AJA, have identified a dramatic rise in antisemitism within Australia.
12. In my role as President of the AJA, I have observed an increase in members of the Jewish community feeling unsafe and concerned about their security. Within Australia, I have observed an increase in antisemitic behaviour, including an increase in the use of racial slurs; antisemitic speech and hate speech and threats. I have been subject to a significant personal death threat and have had to increase security.
13. University campuses have been particularly problematic with Jewish students and staff reporting harassment and intimidation. Businesses with Jewish or Israeli connections have

been subject to graffiti vandalism and boycott calls. Academics from Israel have been cancelled consequent to threats of violent disruption. There have been intimidatory vehicle convoys into areas of Jewish communities. Some assaults and death threats have resulted in arrests. AJA has had meetings with counter terrorism and local police command.

14. There has been mass “doxing” from Australian Jewish chat groups including a WhatsApp group of over 600 Jewish creatives (actors, writers, designers, entertainers etc) resulting in death threats and boycotts. This has been widely reported in the Australian media.
15. Because I maintain medical registration in NSW, it is possible to lodge complaints via health authorities. I was subject to an organised campaign of official complaints late 2023 and early 2024. I dealt with this by exposing the campaign publicly in an interview on Sky News and it has subsequently ceased.

#### **Events of 13 April 2024**

16. At around 3.20pm on 13 April 2024, a man we now know was Mr Joel Cauchi entered Westfield Shopping Centre in Bondi Junction and commenced attacking people within the Centre with a knife (Bondi Stabbings). Cauchi is reported to have murdered six people during the Bondi Stabbing, and injured others.
17. Shortly after the attack began on 13 April 2024, Cauchi was fatally shot by an attending police officer.
18. The Eastern suburbs of Sydney, NSW, including Bondi Junction and the surrounding areas, houses a large concentration of the Jewish community. The Westfield Shopping Centre in Bondi Junction is affiliated with a well-known Jewish and Israel supportive family, the Lowy's.
19. Initially, large social media accounts and the Seven Network wrongfully identified a Jewish man, Benjamin Cohen as the perpetrator of the Bondi Stabbings. Benjamin Cohen contacted the AJA for support. With his consent I read out a short statement from him on a Sky News segment on 14 April 2024.
20. On 26 April 2024, it was reported that Benjamin Cohen and the Seven Network settled a legal dispute regarding the misidentification for an undisclosed sum. This was also widely reported in the Australian Media
21. In the evening of 13 April 2024, during a press conference NSW Police Commissioner Karen Webb confirmed the actions of Cauchi were not motivated by terrorism or anti-Semitic views. It was reported in the media that Cauchi had a long history of schizophrenia and an obsession with knives.

#### **Events of 15 April 2024**

22. At around 7.10pm on 15 April 2024, an unnamed teenage male entered the Good Shepherd Church, Wakeley. Bishop Mar Mari Emmanuel was giving a sermon at the time, which was live streamed on the internet. The unnamed teenage male approached the Bishop and proceeded to allegedly stab him with a knife multiple times, knocking the Bishop to the ground.
23. The live streamed footage of the stabbing was republished online, including on social media platform X (**Wakeley Online Material**).
24. On 16 April 2024, during a press conference NSW Police Commissioner Webb confirmed that after interviewing the unnamed teenage male, the Police had charged him with terrorism offences.

### **Effect on the Jewish Community in Australia**

25. Since the events of 7 October, 13 April, and 15 April, in my role as President of the AJA, I have observed members of the Jewish community:
- express concern for their safety and security;
  - becoming increasingly distressed about the increase in antisemitic speech in Australia;
26. In late 2023 the Executive Council of Australian Jewry (**ECAJ**), a Jewish organisation which collates incidents of antisemitism, reported an increase of 738% over the same period of previous year. A copy of this report from the ECAJ is annexed to this affidavit at **DA-01**
27. Reports of Jewish people hiding signs of being Jewish (such as wearing a Kippah or a Star of David) are commonplace. A friend removed the Mezuzah from the doorway of his business.

### **Security and Safety of the Jewish Community in Australia**

28. Based on the above events, in my role as President of the AJA, I am of the view it is in the interests of the Jewish community in Australia that the Wakeley Online Material remain publicly accessible on platforms such as X.
29. The events of 15 April 2024 are a major political and terrorist event. They are events that impact the freedom, safety and security of the Jewish community. There is a real and increasing risk of radical Islamic terrorism within Australia. I am of the view that removing evidence of extremism, like the Wakeley Online Material, poses a genuine threat to the Jewish community in that it conceals the increasing risk of radical Islamic terrorism within Australia.
30. AJA is of the view that the current government is not dealing adequately with the threat of radical Islamic antisemitism and terrorism. In my experience, public pressure is sometimes important in motivating government action. Removing evidence of this event from the public space is counter-productive to community safety.

31. Media reports state that the alleged stabber of Bishop Mar Mari Emanuel was part of a radicalised Islamic terror group of teenagers which planned other attacks and subsequently published content of discussion in their chat group specifically mentions targeting yahood, which is Arabic for Jews. The whole episode goes to issues of critical concern to the Jewish community on safety and security.

**Contrasting events and issues**

32. This week there is a prominent media story of the bashing of an elderly woman Ninette Simons in Western Australia allegedly by an illegal immigrant released from detention. Confronting images of her bloodied and distorted face graphically show the result and is fuelling an important discussion and pressuring the government to act on this particular security issue. I have not heard official calls that the images of Ms Simons should be censored. This was also widely reported in the Australian Media.

33. Since 7 October there has been more frequent public reporting of a type of hate speech often referred to as Islamic hate preaching. Videos of particularly ugly examples which include incitement against Jewish people have been published from the Al Madina Dawah Centre in Bankstown, south-western Sydney. These videos, some of which have been shown in the general media, are available on social media. AJA is not aware of any government action to remove these videos.

34. To the extent that hate preaching contributes to radicalisation, it is very concerning that no action is taken by the government regarding a causative factor, yet action is taken against the effect. AJA believes this is an inversion of the proper approach. The effect of radicalisation, namely a young person now alleged to be part of a terror cell and committing a violent act should be shown so the community properly understands the need to address causative factors.

Affirmed by the deponent  
at Sydney  
in New South Wales  
on 2 May 2024  
Before me:

DocuSigned by:  
*David Adler*  
A4F7377A8CF6481...

Signature of deponent

DocuSigned by:  
*[Signature]*  
C6820B73A34240D...

Signature of witness

Jessie Gabrielle Nygh  
Australian Legal Practitioner  
Level 23, 525 Collins Street, Melbourne in the State of Victoria

A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018 (Vic)* to take an affidavit.

This document has been electronically signed in counterpart by the deponent and witness, and witnessed over audio-visual link in accordance with s 18A of the *Oaths and Affirmations Act 2018 (Vic)*.

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DocuSigned by:  
*David Adler*  
A4F7377A8CF6481...

DocuSigned by:  
*DA*  
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## Annexure certificate

No. NSD474 of 2024

Federal Court of Australia  
District Registry: New South Wales Registry  
Division: General

### ESAFETY COMMISSIONER


Applicant

**X CORP.**

Respondent

### CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked **DA-01** now shown to the deponent at the time of swearing this affidavit on 2 May 2024.

DocuSigned by:  
  
C6820B73A34240D...

.....  
Witness, Jessie Gabrielle Nygh

of 525 Collins Street, Melbourne being an Australian Legal Practitioner within the meaning of the *Legal Profession Uniform Law (Vic)*.



# DA-01 - report from the ECAJ



## Executive Council of Australian Jewry

### Preliminary statistics concerning surge in antisemitic incidents following Hamas atrocities in Israel on 7 October 2023

Researched, written and compiled by Julie Nathan, Research Director, ECAJ

15 December 2023

#### **Hamas attack in southern Israel on 7 October 2023**

On Saturday 7 October 2023, several thousand Hamas gunmen and other armed Gazans crossed the border from Gaza and entered Israel by land, sea and air. Over the course of the day, they attacked many Israeli towns and kibbutzim, and young people attending a music festival. They proceeded to inflict multiple types of harm upon the people in southern Israel, including rape, mutilation and dismemberment while still alive, beheading, burning, and murder of babies, children and adults. Some 1200 people were murdered, approximately 6,000 people were injured, and approximately 249 people were kidnapped and taken into Gaza and held as hostages. Thousands of rockets were also launched into Israel. The Hamas terrorists videoed and published online the atrocities they committed.

Hamas is an Islamist organisation that calls for the violent “obliteration” of the State of Israel and for the elimination of Jews world-wide. It is a proscribed terrorist organisation in many countries including Australia.

More Jews were killed on 7 October 2023 than on any single day since the end of the Holocaust in 1945. The Hamas massacre harked back to previous times, to pogroms, the mass killing of Jews by armed mobs, often state-sponsored, that occurred sporadically but persistently throughout Europe and the Arab/Muslim world from the Middle Ages until the twentieth century.

#### **Spike in anti-Jewish incidents in Australia**

Within hours of this brutal attack directed mainly against civilians, anti-Israel groups and individuals began to mobilise politically and capitalise on the targeting of Jews around the world, including in Australia. On 8 October, a rally was held by extremist Muslims in Lakemba, Sydney, where a speaker and attendees expressed their exultation at the killing of Jews by Hamas. On 9 October, at a rally held by anti-Israel Muslims and left-wingers at the Sydney Opera House protesters chanted “Fuck the Jews” and “Gas the Jews” and burnt an Israeli flag. As the days and weeks went on, there was a surge in the number of anti-Jewish incidents across Australia.

Of great concern, were the death threats sent to Jewish organisations and the calls for killing Jews at anti-Israel street protests. There were organised acts aimed at intimidating and silencing Jews, such as convoys of vehicles from the western suburbs of Sydney, with its large

concentration of people of Arab and Muslim background, to the eastern suburbs, with its large concentration of people of Jewish background. In Melbourne, there was a protest in a park opposite a synagogue on a Friday evening, the beginning of the Jewish Sabbath, necessitating the evacuation of the synagogue during a religious service. In a separate incident, anti-Israel protesters confronted and verbally abused family members of Israeli hostages in their hotel while they were on a meeting tour in Australia. There were weekly anti-Israel street protests in most capital cities.

In addition to incidents, there were many other expressions of animosity towards Israel and Jews that are not necessarily categorised as incidents but were just as damaging to, and undermining of, the sense of security of members of the Jewish community, and their sense of belonging as part of the broader Australian community. Thousands of posters of the names and photos of those kidnapped by Hamas, which had been put up around multiple suburbs in Sydney and Melbourne and elsewhere, were ripped down and/or graffitied.

### **Data on anti-Jewish incidents in Australia Oct-Nov 2023**

The following statistics are the reported numbers of antisemitic incidents that occurred in Australia from 1 October 2023 to 30 November 2023. These figures are **provisional** and based only on the incidents that have been reported so far to the ECAJ, either directly or via its constituent and affiliate organisations, and the Community Security Groups. As in the past, many incidents can take weeks or months to be reported, or if reported elsewhere, for the reports to be passed on to the ECAJ.

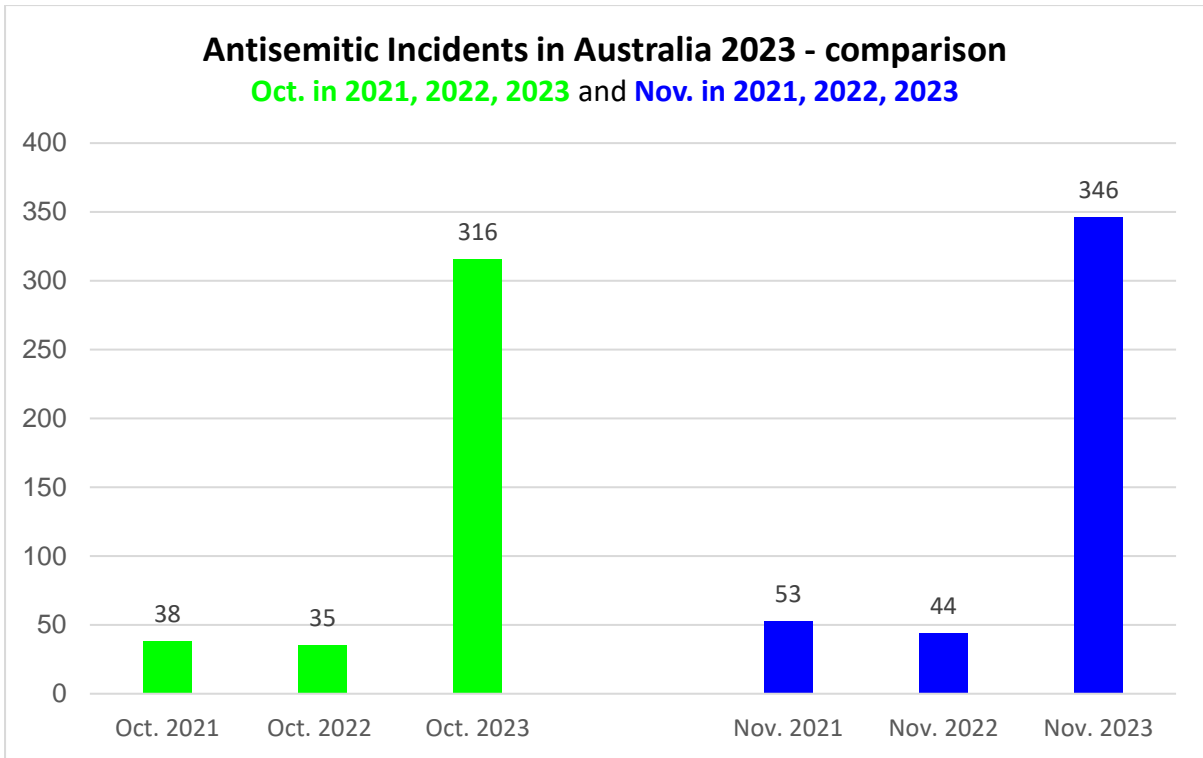
There were 316 reported antisemitic incidents in October 2023, only 5 of which were reported between October 1 and 7. A further 346 incidents were reported in November 2023, making a total of **662 antisemitic incidents** reported during October and November 2023.

By comparison, there were **495 anti-Jewish incidents** reported in Australia for the entire 12 months to 30 September 2023.

When comparing the number of reported antisemitic incidents in October and November 2023 to the number for the months of October and November in 2022, the percentage increase is **738%**, as shown in the Table below.

(The October and November 2021 figures are provided only to illustrate the approximate consistency of the October and November 2022 figures with the figures for the same months in the year prior).

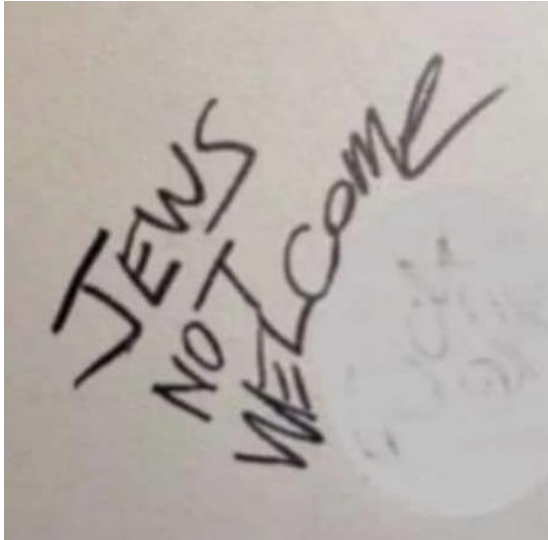
<b>Date</b>	<b>Number of incidents</b>	<b>Percent increase from 2022 to 2023</b>
October 2021	38	
October 2022	35	
October 2023	316	803%
<b>November</b>		
November 2021	53	
November 2022	44	
November 2023	346	686%
<b>October-November</b>		
October-November 2021	91	
October-November 2022	79	
October-November 2023	<b>662</b>	<b>738%</b>



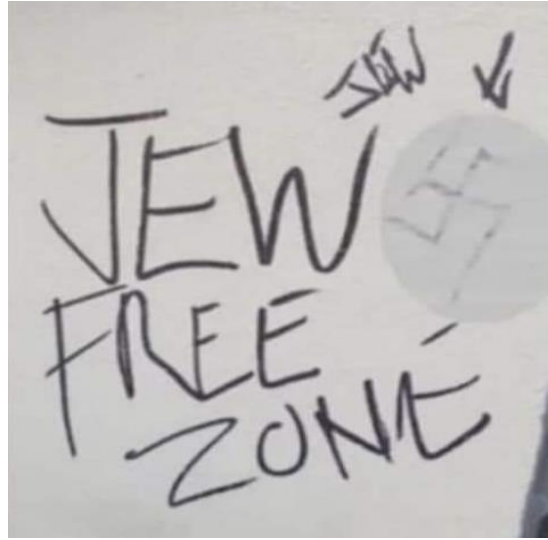
### Some incidents during October and November 2023



Graffiti of "Kill Jews. Jew Lives Here" Melbourne, 16 Nov. 2023



Graffiti "Jews Not Welcome",  
Melbourne, 18 Nov. 2023



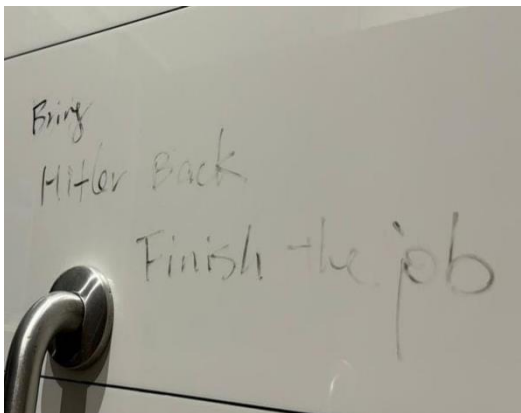
Graffiti "Jew Free Zone",  
Melbourne, 18 Nov. 2023



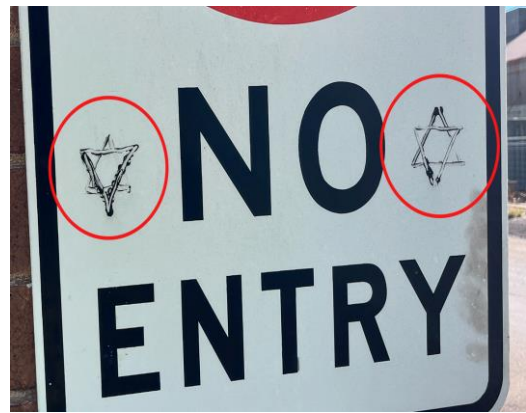
Graffiti "Fuck Jews",  
Sydney, 9 Oct. 2023



Graffiti "Fuk Jews",  
Melbourne, 16 Nov. 2023



Graffiti "Bring Hitler Back. Finish the job",  
Sydney, 22 Nov. 2023



Graffiti, Newcastle, 8 Nov. 2023

...



"gas the Jews"  
Chant of "Gas the Jews"  
Sydney Opera House, 9 Oct. 2023



We are coming for you soon, from western Sydney.  
Death threat sent to Jewish organisations, Sydney, 12 Oct. 2023



Placard "Lets clean the world from rubbish", Melbourne, 12 Nov. 2023



Graffiti "Zionism = Racism" on Kidnapped poster, Sydney, 5 Nov. 2023



Poster of Hitler/Netanyahu analogy, Sydney, 5 Nov. 2023



Sticker, Sydney & Melbourne, 5-6 Nov. 2023

**List of some of the anti-Jewish incidents in Australia: 8 Oct. to 4 Dec. 2023.**

- Verbal abuse and death threats against a rabbi and his 8-year-old son with “Fuck... pigs... Jews... die...” by four males in a car on the street, Melbourne (11 Oct. 2023).
- Threat by a man of "If I see you motherfuckers with that [Israeli] flag, I'll fucking kill you all" towards four Jewish teenagers who displayed an Israeli flag across their car, Bellevue Hill, Sydney (11 Oct. 2023).
- Threat of “We are coming for you soon, from western Sydney” accompanied by an image of a man in orange clothing about to be beheaded by ISIS, to the ECAJ Instagram account via a message, Sydney (12 Oct. 2023).
- Email titled “Filth” and the content of “History shows how hated you are I would crush a filthy Jew like a cockroach under foot . If you show your ugly head to me in my country I will cut it off and roll it down the street I’m not a rag head Bring back the Furher No difference” , to a Jewish organisation, Sydney (13 Oct. 2023).
- Graffiti of “Kill JEWS” on a bitumen path and another “Kill Jews” on a step, South Melbourne (13 Oct. 2023).
- Chant of “Intifada intifada” (referring to the terrorist bombing campaign to kill Israel Jews on buses, in cafes, and elsewhere) at anti-Israel rally in Melbourne (15 Oct. 2023 and 29 Oct. 2023).
- Man shouted “Allahu Akbar. Get the fucking Jews wiped out! ... I’m a Muslim...”, then “Albo... is siding with the Jews. ... Liberate all of Palestine. ... The Jews came barefooted ...”, at anti-Israel rally in Hyde Park, Sydney (15 Oct. 2023). The police officer told him he had a right to say what he did but that it is an offence to swear in public.
- Chants of "Khaybar Khaybar ya yahud, jaish Muhammad soufa ya'oud" ("Khaybar Khaybar oh Jews, the army of Muhammad will return" which refers to a massacre of Jews by Muslims at Khaybar in 628 CE, and used as a war-cry to threaten and attack Jews) then “Allahu Akbar” at anti-Israel rally in Melbourne (15 Oct. 2023).
- Verbal abuse of “Fuck the Jews! Jews get off the beach!” who was then confronted by a Jewish man, at which point the perpetrator threatened to kill his family, rape his wife in front of him, Camp Cove Beach, Watsons Bay, Sydney (23 Oct. 2023).
- Verbal abuse by a man who shouted “You should’ve all been killed!” at a Jewish group of people organising a Free the Hostages activity with shoes and red balloons and pictures of the hostages, Double Bay, Sydney (27 Oct. 2023).
- Verbal abuse of a Jewish man on a train of "If I could get a hold of a machine gun I'd gun down 10,000 of you tomorrow", "I'm going to blow a hole through your synagogue", "Jews aren't people, they're pieces of shit", "If Hitler had done it right, he would have gotten rid of all of you, and the human race would have no trouble", and

"Who do you think you are as Jews? Whatever you're capable of feeling, the Palestinians are capable 100 times" on a tram, Melbourne (27 Oct. 2023).

- Placards of “Well done Hitler would be proud” and “Same shit Different asshole”, the latter with images of Hitler and Netanyahu, both placards making Nazi analogies to Israel, State Library, Melbourne (28 Oct 2023).
- Physical assault of a 44-year-old Jewish man in a public park by three males; the Jewish man had removed a previously torn poster which advertised an anti-Israel protest that had already occurred, a man came over to him, asked if he supported Israel, then threatened “I’ll kill you!”; a crowd of men and women surrounded him, he was hit to the ground, and three men repeatedly punched and kicked him, including 12 punches to the head, while attacking him, the men asked him “Why are you in our area? Go back to Vaocluse”, called him a “pro-Jew dog” and other slurs, they then repeatedly hit him on the head; he sustained two black eyes, concussion and four fractures to his spine, and was hospitalised for four days, Arncliffe, Sydney (28 Oct. 2023).
- Placard of “O Israel! Recall Khayber when one Ali (as) crushed your army & history will repeat itself with one Mehdi” (in reference to the slaughter of Jews by Muslims at Khaybar in 638 CE and the Mahdi of Islamic eschatology when Jews will be annihilated from the earth), at anti-Israel protest, Sydney (29 Oct. 2023).
- Placard of “Is genocide a Jewish value??? Boycott Israel!” at anti-Israel protest, Sydney (4 Nov. 2023).
- Three banners of Hitler removing his mask which is the face of Netanyahu, making an analogy between Nazism and Israel, on major roads, eastern suburbs, Sydney (5 Nov. 2023).
- Multiple Kidnapped posters torn and graffitied on with “Zionism = Racism”, train station, Redfern, Sydney (5 Nov. 2023).
- Graffiti on Kidnapped poster of “Fuck Zionism”, poster scratched and torn, Melbourne (5 Nov. 2023).
- Phone call of “You fucking Yehudi! [Arabic for ‘Jew’] We are going to get you. You mother fucker”, to a Jewish communal leader, Sunshine Coast, Qld. (5 Nov. 2023).
- Placards of “Holocaust of 2023”, “Zionism is racism”, “There is BLOOD on your hands” with the ‘a’ in ‘hands’ being a Star of David, “End the Palestinian Holocaust”, at anti-Israel protest, Perth (5 Nov. 2023).
- Letter of four pages containing death threats composed of “I will fucking find you. Hunt you down. Gas you. Kill you. ... Teach you a lesson. Your fucking Jew.... I will come after you. I know where you live. ...” to a prominent Jewish figure, Sydney (6 Nov. 2023).
- Verbal abuse of an identifiably Orthodox Jewish couple by a group of eight young males of Arab appearance of "Free Palestine, motherfucker" repeatedly, then "Fucking

Jewish!" while on the boardwalk at the Cape Schanck Lighthouse Reserve Carpark, Victoria (7 Nov. 2023).

- Placard of “Israelis will lose. Palestine will shine. Wage a war against the innocent. You Zionists are dirtier than pigs & swine” (the latter in reference to the Quran referring to Jews as pigs), at anti-Israel protest, Melbourne (12 Nov. 2023).
- Graffiti of “Kill the Jews”, on fence of the home of a Rabbi, Newcastle, NSW (10 Nov. 2023).
- Physical assault of a Jewish cyclist with an Israeli flag, the flag was grabbed by a woman, then two men pushed him on the ground then kicked him in the chest and back, Chapel St, South Yarra, Melbourne (12 Nov. 2023).
- Graffiti of “FUCK ZIONISM” on the boarding outside Burgertory restaurant, that was fire-bombed (police investigations have found it not to have been a hate crime), Caulfield, Melbourne (14 Nov. 2023).
- Graffiti of “KILL JEWS. JEW LIVES HERE” on brick fence of a residential apartment block, Clayton, Melbourne (16. Nov. 2023).
- Physical assault of a 72-year-old Jewish man, after the assailant had spotted Jewish items in his car, on the street in Bentleigh, Melbourne (18 Nov. 2023).
- Stickers of “Boycott” with a large Star of David on a supposed Israeli flag placed on Jewish owned shops, Glicks Bakery and Tavlin (kosher restaurant), and on other Jewish-owned shops, Carlisle Street, Balaclava, Melbourne (21 Nov. 2023).
- Bomb threat via email to multiple synagogues of “There are multiple bombs In the Jewish Centre The bombs will explode in a few hours. You will all DIE. I will also slash your familes throats, I will slice their veins with a knife” Australia and NZ (24 Nov. 2023).
- Yellow BDS stickers on Jewish-owned shop, of ‘Anita Gelato’ (BDS movement aims at the elimination of the State of Israel) on Bunda Street, Civic, Canberra (25 Nov. 2023).
- Placard of “Long Live the Intifada” (referencing the campaign of bombings of buses, cafes etc in Israel) at anti-Israel protest, Melbourne (3 Dec. 2023).
- Assault and harassment of group of 13-year-old Jewish girls wearing their Jewish school uniform, had food thrown at them by people on level above, then box landed near them, which contained several swastikas etched and drawn on it, Westfield Bondi Junction, Sydney (4 Dec. 2023).



## Instructions for completing affidavits

**[These instructions do not form part of the affidavit and MUST BE DELETED before the affidavit is sworn or affirmed]**

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1. Each page of the affidavit (but not any annexure) must be signed by the deponent (other than a deponent who is unable to sign because of a physical disability) and the person before whom it is sworn (r29.02(7)).
2. An affidavit must be made in the first person (r 29.02(1)).
3. An affidavit must be divided into numbered paragraphs, each dealing with a separate subject, to the extent practicable (r29.02(3)).
4. If facts in the affidavit are supported by a document, annex a copy of the document to the affidavit, unless the document is an original or is of such dimensions that it cannot be annexed (r29.02(4)), in which case, it must be exhibited (r29.02(5)).
5. Each page of the affidavit, including any annexure, must be consecutively numbered starting with page 1 (r29.02(6)).
6. Attach a certificate to the first page of each annexure and exhibit. The certificate must be entitled in the same manner as the affidavit and identified by the deponent's initials followed by a number, starting with 1 (r29.02(8)). For example, the first annexure of an affidavit of James William Green would be identified as "JWG1". The second annexure would be "JWG2" and the first exhibit to that affidavit would be "JWG3". No subsequent annexure or exhibit in any later affidavit sworn by the same deponent may duplicate the number of a previous annexure or exhibit (r29.02(10)).
7. Each exhibit to an affidavit must be signed on the first page of the exhibit by the person before whom the affidavit is sworn (r29.02(11)).
8. The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing of affidavits ('witness'). Persons authorised to witness an affidavit in Federal Court proceedings are a Judge of the Court; the Chief Executive Officer and Principal Registrar; a Registrar; a District Registrar; a Deputy District Registrar authorised under s 44 of the *Federal Court of Australia Act*; a member of staff of the Federal Court authorised under s 44 of the *Federal Court of Australia Act*; a justice of the peace; a commissioner for affidavits; a commissioner for declarations; any other person who is authorised to administer oaths for the purposes of the Federal Court or the High Court or the Supreme Court of a State or Territory (includes lawyer with a current practising certificate).
9. Serve copies of all documents exhibited or annexed to an affidavit with the affidavit. (r29.05).
10. If the deponent is illiterate, see rules 29.04(1) & (5)). If the deponent is blind, see rules 29.04(2), (3) & (5)). If the deponent is incapable of signing the affidavit because of a physical disability, see rules 29.04(4) & (5)).