

MEDIA RELEASE

Statement on law reform to address antisemitism



NEW SOUTH WALES
BAR ASSOCIATION

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The antisemitic attacks that have occurred across NSW and Australia are reprehensible. They have undermined community cohesion, and our sense of shared values and security.

The NSW Government has rightly prioritised this issue and supported the Jewish community.

However, proposals for law reform must be carefully scrutinised to ensure they are appropriate, balanced, and proportionate.

The NSW Bar Association supports the NSW Government's proposed legislative amendments to provide increased protection for those attempting to access or leave a place of worship and to authorise police to issue move-on directions in certain circumstances in, or near, places of worship. These amendments may be seen to strike an appropriate balance between the right to freedom of religion and the right to freedom of expression.

While the Association acknowledges that the NSW Government's proposed criminal offence for inciting hatred in certain circumstances is intended to address antisemitism, the Association does not support the terms in which the offence is framed.

The Association shares the concerns expressed by the NSW Law Reform Commission in its recent review of serious racial and religious vilification, that terms such as 'hatred' introduce "imprecision and subjectivity into the criminal law". The criminal law demands clarity and consistency to ensure it can be understood by the community and predictably enforced.

Dr Ruth Higgins SC, President of the NSW Bar Association.

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