

**ADJOURNMENT SPEECH  
NSW LEGISLATIVE COUNCIL  
14TH MARCH, 2018**

**WHY WONT THE NSW GOVERNMENT FIX OUR BROKEN CRIMINAL INCITEMENT  
LAWS**

Imagine walking past a poster of a man holding a gun to the head of your neighbour, asking you to support legalising the ‘execution of Jews’; inviting you to join your local Nazis’.

Mr President -

A poster like that is appearing in neighbourhoods across New South Wales. It is being posted in front of schools.

It is a clear incitement to violence. It is made on the basis of race. It is causing fear inside in the Jewish Community.

It is triggering similar fears in other Communities who are also facing the wrath of alt-right’s incitement of violence campaigns.

And no law in New South Wales stops them.

Even though this poster blatantly offends the State’s anti-discrimination laws, those laws are toothless because they say that for the prosecution of an incitement offence, the Attorney-General must give his personal authorisation.

The previous Attorney-General promised the Jewish Board of Deputies, as well as a powerful community coalition, that her Government would change the law. Those laws have not been forthcoming. I’m lead to believe the NSW Liberal Government is abandoning reforms?

Why the backflip?

No member of the Government has stepped up to explain why the current Attorney-General is abandoning the promise of the last Attorney-General. No one is explaining why the Government breaking its promise.

Many people suspect the Government has made a political calculation.

They think the same forces that caused the Turnbull Government to try and water down the Commonwealth discrimination laws have stopped the Berjikilian Government from toughening up New South Wales’s criminal incitement laws.

They see what everyone else sees:

One Nation threatening to enter this place at the next election. Cory Bernadi eager to compete with them. A Premier not sure whether to preference them.

They see the right-wing vote splintering; and hear the debate inside the Coalition Parties about to confront them, or appease them.

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Then they see the Coalition back flip on their own promise to criminalise incitements to violence, and of course conclude that the Government has made its choice:

It prefers pandering to prosecution.

I'm proud that Labor has a different approach.

No backsliding. No vacillation. No saying one thing to the Jewish Community and another to the free speech brigade which today populates the right-wing fringe.

A simple position:

If this Government won't act to make the incitement of violence a crime that is actually prosecuted, a Foley Government will.

ENDS