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19 April 2024

The NSW Law Reform Commission
Locked Bag 5000,
Parramatta NSW 2124

Attention: Tom Bathurst AC KC

by email: nsw-lrc@dcj.nsw.gov.au

Dears Sirs and Madams,

NSW Law Reform Commission - Review of section 93Z of the Crimes Act

The Australian Council of Jewish Schools (ACJS) is the peak representative body of the Australian Jewish affiliated independent schools. ACJS represents 19 Australian schools accommodating 10,000 students in the Kinder to year 12 program with a further 2,000 students in the schools associated early learning programs. Of these schools 5 are in NSW and accommodate 3,500 students with a further 700 students in the schools early learning centres.

We appreciate the opportunity to make a submission to the Commission to assist with the review of and report concerning the effectiveness of section 93Z of the Crimes Act 1900 (NSW) in addressing serious racial and religious vilification in NSW in relation to the impact of antisemitism.

Antisemitism broadly consisting of hostility, prejudices and discrimination (amongst other negative impacts) toward members of the Jewish people. It appears to have become part of an acceptable discourse within the general community that has resulted in threats, harassment, intimidation and violence. Such conduct has not been adequately addressed by the current law.

This unacceptable increase of antisemitism by sections of the general community toward members of the Jewish community, generally appears to have come about as a result of a community behavioural change where it is now understood, acceptable, to act in that manner toward members of the Jewish Community. This change in behaviour has come about in part because there has been little or no deterrent to the hostility, prejudices and discrimination expressed. This has also been experienced in public schools. Our schools have received many inquiries from parents whose children are and were currently enrolled in public schools and who are uncomfortable with the antisemitism being experienced to their children at those schools. ACJS is aware of 31 students that have to date in the period since October 7, transferred out of the public school system to one of our member schools as a direct consequence of feeling unsafe at the school they attended resulting from unaddressed antisemitism. This is not the reason we wish to see a growth in our schools.

The ACJS has had the opportunity and benefit to have read and considered the submission to the NSW Law Reform Commission submitted by the NSW Jewish Board of Deputies Ltd, dated 19th April 2024. The ACJS supports and endorses the content and recommendations of that submission.

Yours Sincerely,

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Leonard Hain
Executive Director
Australian Council of Jewish Schools