

# MEDIA STATEMENT

## CLOTHING, RELIGIOUS BELIEFS AND RACIAL VILIFICATION

3 OCTOBER 2014



NEW SOUTH WALES  
BAR ASSOCIATION

### **A statement by the New South Wales Bar Association**

All members of the community, including those who occupy leadership positions, need to be mindful that comments should not be made that have the tendency to incite hatred or violence towards any Australian based on their religious beliefs.

Comments which purport to link the wearing of clothing based on religious beliefs to risks relating to terrorism and particular races, nationalities or ethnicities may constitute racial vilification under s 20C of the *Anti-Discrimination Act 1977* (NSW) or offensive behaviour under 18C of the *Racial Discrimination Act 1975* (Cth). It is self-evident that such ill-informed comment may have the tendency to incite hatred or violence towards women wearing the niqab or 'burqa'.

In any event, it is patronising to lecture any person as to what you deem appropriate for that person to wear. As the federal attorney general and NSW premier have correctly noted, it is a matter for Muslim women or any person to choose what they wear – it is not a matter for government to regulate or make comment upon.

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