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Bar Council
Bar Association of NSW
By email

Dear Bar Council Members,

Nicholas Poynder

I refer to the recent resolution to impose a reprimand on Nicholas Poynder for posts on his social media platform. These were said to constitute a breach of Bar Rule 8.

I consider the decision of Bar Council to order a reprimand for Mr Poynder's conduct to be reprehensible.

The Statement of Reasons sets out two strands of reasoning:

1. The first conflates anti semitism and anti Zionism: see paragraphs 93 – 110.
2. The second alleges that the posts were directed at marketing Mr Poynder's services as a barrister – see paragraphs 120 – 127.

As to the first, the decision suggests that because Zionists are Jewish, the posts are antisemitic:

[108] The persons he was targeting in his post were "Zionists and the Zionist lobby". Zionism is generally seen as the movement supporting the establishment of a Jewish homeland in Israel, although Mr Gregory submits that it is in fact broader and encapsulates "the love of the Jew in Israel, and the desire to live in Israel". However defined, this group would include (at least a subset of) Jewish people in Israel and in Australia.

On that type of reasoning, Nazism was a movement of German people supporting the German state, so that criticism of Nazis would cause serious offence to German people living in Germany and Australia. Or closer to home, criticism of the majority of Australians who opposed the Voice as racist would cause serious offence to Australians living here or overseas.

The state of Israel has been widely condemned for its actions in Palestine including by the International Court of Justice and the Jewish Council of Australia.

As to the marketing finding, this is based on a link to Mr Poynder's webpage identifying him as a member of a profession that might be expected to be vigilant in the protection of human rights and defence of free speech. His opinions were predictably unpopular with The Australian, and, as an exercise in marketing, their expression could only be described as self sabotage.

I agree, and any right thinking person would agree, with Mr Poynder's statement:

What Israel is doing in Gaza and the West Bank, with the full support of those who believe in Zionism and only patchy support from the Jewish religious community, represents one of greatest breaches of human rights and humanitarian law in the past 75 years. As recently recognised by the International Court of Justice, what is happening in Gaza amounts to a plausible case of genocide. All people of conscience must be supported to speak out against this obscenity.

I urge the Bar Association to rescind the resolution imposing a reprimand on Mr Poynder. If not, I invite the Bar Association to impose a reprimand on me because I share Mr Poynder's views.

Regards,



Michele Fraser.