



Mark Speakman
Attorney General

Mr David Blunt
Clerk of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

Legislative Council Standing Committee on Social Issues Report on the Crimes Amendment (Display of Nazi Symbols) Bill 2021

I write to provide a response from the Government to the Report of the Legislative Council Standing Committee on Social Issues on the Private Member's Bill - Crimes Amendment (Display of Nazi Symbols) Bill 2021 (the Bill) for tabling in the Legislative Council.

While a Government response to the Report is not required under Standing Order 233, the NSW Government wishes to place on the parliamentary record its thanks to the Committee members for their work and to the stakeholders who made submissions and gave evidence to this inquiry.

Hateful and vilifying conduct is completely unacceptable in our community. The NSW Government recognises that the public display of Nazi symbols is generally considered abhorrent, except in very limited circumstances such as for religious purposes, and causes profound offence and distress.

The NSW Government acknowledges the Committee Chair's comments in the Report that:

Inquiry participants expressed strong support for the bill's protective objectives, including for individuals and groups in our community who are hurt, offended or intimidated by the public display of Nazi symbols. None of the participants in the inquiry expressed opposition to the objectives of the bill.

However, during the inquiry the committee considered a number of concerns that were raised by stakeholders. One of the key issues was the challenges relating to the practical implementation of the proposed exemption process involving the President of the Anti-Discrimination Board. Stakeholders emphasised the necessity for certain uses of Nazi symbols to be outside the scope of the proposed ban but queried whether the proposed bill establishes a practical or efficient manner of doing so.

Accordingly, the NSW Government has committed to introducing a new Bill to criminalise the public display of Nazi symbols without a reasonable excuse, through a legislative vehicle that will overcome the risks and shortcomings of the Bill as identified by the Committee and stakeholders. This new provision will provide an additional safeguard to the existing protections in NSW against vilifying conduct.

Yours sincerely

Mark Speakman

29/3/2022