

## INQUIRY INTO CRIMES AMENDMENT (DISPLAY OF NAZI SYMBOLS) BILL 2021

**Organisation:** NSW Association of Jewish Service and Ex-Service Men &  
Women

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# NSW Association of Jewish Service & Ex-Service Men & Women

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**Patron: Her Excellency The Honourable  
Margaret Beazley AC QC Governor of New South Wales**

12 January, 2022

Mr Stewart Smith  
Director Committees  
Social Issues Committee  
Parliament of New South Wales

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The **NSW Association of Jewish Service & Ex-Service Men & Women (NAJEX)** thanks the NSW Legislative Council Social Issues Committee for this opportunity to make a submission for the purposes of the Inquiry into the **Crimes Amendment (Display of Nazi Symbols) Bill 2021** (“the Bill”).

## **Clarification of Expressions Used**

In this Submission:

- the expression “Public Display” is used to apply just to conduct which Section 93ZA of the Bill would, if enacted, prohibit, and
- “Nazi Symbol” has the meaning given in sub-section 93ZA(6) of the Bill.

## **NAJEX’s View**

NAJEX commends the introduction of the Bill and believes it (or other suitable legislation which has the effect of prohibiting Public Displays) should be enacted.

## **About NAJEX**

NAJEX is the Association in NSW that has been representing Jewish Ex-Service Men & Women in NSW since 1919, when it first emerged from small gatherings of Jewish soldiers who had returned from World War One. We have active counterpart organisations in Victoria and Western Australia and we are also a constituent of a federal body, the Federal Association of Jewish Ex-Service Men & Women.

NAJEX is also a Constituent Organisation of the NSW Jewish Board of Deputies, with which it works cooperatively, and is aware that that organisation is making a submission to the Committee in support of the Bill.

At the height of its membership after WW2, NAJEX had over 800 members (which would have made it one of the largest Jewish organisations in NSW at that time). Our numbers have significantly declined with the passing of time and of course there has been no large-scale enlistment of soldiers since then to keep up our membership, although several of our members served in Vietnam and in subsequent conflicts and performed National Service and we have members who are currently in active service and in the Reserves.

**Representing NSW Jewish Ex-Servicemen &  
Women since 1920, serving Jews in the ADF and  
educating our community and supporters**

Our organisation has a long history of opposing right wing extremism in Australia, particularly neo-Nazism. Several times in our past, our members have had to take organised remedial action regarding vandalism involving the regular daubing of walls with the Nazi swastika (referred to below as the “hakenkreuz”).

So although our Association’s membership today is considerably smaller than it was at its peak, we believe we also speak for all those who have passed through our ranks previously and many hundreds of members of their families and descendants who continue to honour their service.

### **Principal Role of NAJEX**

NAJEX’s principal activity now is organising the annual Sydney Jewish community’s commemorations of Anzac Day and Remembrance Day, which we have been doing since our foundation. These events attract a sizeable attendance and indeed are regularly attended by members of the NSW Parliament from both Houses.

Over the last few years our guest speakers have included General The Honourable David Hurley AC DSC (Retd), Professor The Honourable Dame Marie Bashir AD CVO, The Hon Dr Mike Kelly AM (former MP and Army Colonel), The Hon Jillian Skinner MP and the Hon Dr Deborah O’Neill MP.

Many of the addresses given by these people and others at our commemorations have dealt with the horrors of war, the debt of gratitude we owe to those who fought for our country and lost their lives (in particular in the war against Nazism) and the lessons we can all learn from wars and how to prevent them and the ways in which we can manifest our gratitude to our war dead and veterans. This Submission to the Committee is made with this in mind and in this context.

### **About the Hakenkreuz**

It should go without saying that the hakenkreuz is the symbol of one of the most inhuman, hate-based and murderous regimes and ideologies that has ever “corroded the human breast” (to use the words of Winston Churchill), but nevertheless millions of people were swept up in it, with catastrophic results for the entire world.

I appreciate that members of the Committee would already understand this, but as nearly 77 years have passed since its demise, many people are now unaware of the nature of Nazism or the murderous havoc it wrought in the 1930s and 1940s. In this regard there are numerous public opinion surveys that have been undertaken in the United States about peoples’ knowledge of the Holocaust and the results have shown that knowledge now to be depressingly small.

After WW2 it was not uncommon for antisemites to daub buildings or other infrastructure in Sydney with crude images of the hakenkreuz and of course that still occurs. However, it is not these cowardly nocturnal forms of vandalism with which we are concerned in this Submission. Our concern is with the defiant display of the flag bearing the hakenkreuz which has, as the Committee would be aware, occurred several times in recent years.

### **Submission by NAJEX**

We submit that Public Displays are an outrageous and unacceptable affront to the millions of ordinary Australians who were involved in defeating Nazism and specifically to those who gave their lives in this cause. It is also an affront to the remaining families of ex-servicemen and women who had to live with the consequence of losing a relative or even the consequences of living with a parent who suffered from severe illness or injury or from PTSD or other mental illnesses. Many of these veteran parents took refuge in alcohol and the toll taken on their families was immense.

We also consider Public Displays to be an outrage to the memory of those civilians in Europe and Russia who perished at the hands of the Nazis and of those from other countries who sacrificed

their lives to defeat them. In this regard we note that several European countries, including Germany, have passed legislation banning Public Displays.

We also submit to the Committee that Public Displays, with their clear message of white supremacy, are utterly incompatible with the multicultural values which the NSW Parliament promotes. Why would governments, of all persuasions and at all three levels in Australia, over so many decades invest so heavily in multiculturalism and communal harmony within Australia's diverse population and then allow acts of this nature, which are the very antithesis of what they are seeking to achieve? Public Displays simply make a mockery of that investment and the enormous commitment behind it.

NAJEX also submits that in many cases Public Displays would be an incitement to violence, because of the feelings and passions which Nazi Symbols generate (which of course those publicly displaying them, intend or could not care about.)

Finally, as the Committee would be well aware, Australia welcomed to its shores thousands of Jewish survivors of the Nazi Holocaust. Survivors and their descendants comprise a significant proportion of the Jewish community today. Indeed some members and former members of NAJEX were Survivors. I do not need to tell the Committee of the detrimental impact of Public Displays upon these members of the community.

### **Other Policy Aspects**

NAJEX appreciates that there are already laws in place dealing with certain forms of offensive conduct, but we note that often what is offensive in terms of that legislation is determined by reference to a community standard, which changes over time. So what would have been considered deeply offensive in 1950 would not necessarily be considered so today by large groups of people lacking the requisite knowledge and insight. As mentioned above, in the case of Nazi Symbols, this is partly because of growing historical ignorance of what they stand for and the hateful and violent message a Public Display conveys. Accordingly we believe that current laws on offensive behaviour are not an adequate legislative response in this case.

NAJEX is also aware that there are other flags which may have, at one time or another, been deeply offensive to Australians and indeed to specific groups of immigrants. However, we do not think that Public Displays should be considered as being in the same category as these flags. There are war memorials in every city and most towns in Australia in memory of people who died to defeat the ideology for which Nazi Symbols stand and that is not the case with these other flags. The "Rising Sun" national flag of Japan is not in the same category either: it may be the national flag of a former enemy, but it is not habitually used in contemporary Australia to stir up hatred and violence, or to revive a discredited, murderous, hate-based ideology.

### **Conclusion**

We commend the Committee for taking up this issue and look forward to the matter being advanced by the enactment of suitable legislation along the lines of the Bill.

Roger Selby  
President  
NSW Association of Jewish Service & Ex-Service Men & Women