

**REPORT ON PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON SOCIAL ISSUES**

**CRIMES AMENDMENT (DISPLAY OF NAZI SYMBOLS) BILL 2021**

**CORRECTED**

**At Jubilee Room, Parliament House, Sydney, on Thursday 3 February 2022**

**The Committee met at 9:30**

**PRESENT**

The Hon. Don Harwin (Chair)

Reverend the Hon. Fred Nile

The Hon. Walt Secord

**PRESENT VIA VIDEOCONFERENCE**

Ms Abigail Boyd

The Hon. Scott Farlow

The Hon Shayne Mallard

The Hon. Peter Primrose

The Hon. Peter Poulos

Please note:

[inaudible] is used when audio words cannot be deciphered

[audio malfunction] is used when words are lost due to a technical malfunction

[disorder] is used when members or witnesses speak over one another

All witnesses are appearing before the Committee via videoconference



**The CHAIR:** Welcome to the hearing for the inquiry into the Crimes Amendment (Display of Nazi Symbols) Bill 2021. Before I commence, I would like to acknowledge the Gadigal People, who are the traditional custodians of the land on which Parliament House sits. I would also like to pay respect to the Elders, past, present and emerging, and extend that respect to other Aboriginals present. Today's hearing is being conducted virtually. This enables the work of the Committee to continue during the COVID-19 pandemic without compromising the health and safety of members, witnesses and staff. We will be hearing from representatives and peak organisations of the Jewish and Hindu communities, and not-for-profit educational and civil rights organisations. We will also be hearing from the Deputy Commissioner of Investigations and Counter Terrorism of the NSW Police Force.

Before we commence, I would like to make some brief comments about the procedures for today's hearing. While parliamentary privilege applies to witnesses giving evidence, it does not apply to what witnesses say outside of their evidence at the virtual hearing. I therefore caution witnesses to be careful about comments you may make to the media or to others after you complete your evidence. Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within seven days. We are adopting that time frame as we have a fairly prompt need to report our deliberations to Parliament. Today's proceedings are being recorded and a transcript will be placed on the Committee's website once it becomes available.

Finally, there are a few matters that I should raise in terms of virtual hearing etiquette to minimise disruptions and assist our Hansard reporters. I ask committee members to clearly identify who questions are directed to and ask that everyone please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Members and witnesses should avoid speaking over each other so we can all be heard clearly. I now welcome our first witnesses.

**PETER WERTHEIM**, Past President and Honorary Life Deputy, NSW Jewish Board of Deputies and Co-CEO, Executive Council of Australian Jewry, sworn and examined

**DARREN BARK**, Chief Executive Officer, NSW Jewish Board of Deputies, sworn and examined

**SURINDER JAIN**, National Vice President, Hindu Council of Australia, sworn and examined

**The CHAIR:** We will start by the Committee offering each organisation the opportunity to make a brief opening statement, and then we will get into questions. I invite, first of all, the Jewish Board of Deputies. Would you like to make an opening statement?

**Darren BARK:** Thank you, Chair, we would.

**The CHAIR:** Please proceed.

**Darren BARK:** Chair, Deputy Chair, and committee members, thank you for inviting us to appear before you today to discuss the Crimes Amendment (Display of Nazi Symbols) Bill 2021. We also acknowledge the traditional owners of the land on which we meet today, past, present and emerging. We would like to thank the honourable Walt Secord, MLC, for introducing the legislation into the Parliament. The NSW Jewish Board of Deputies, the peak representative body of the Jewish community here in New South Wales, welcomes this bill and the opportunity to comment on this important piece of legislation currently before the Committee today. We have worked alongside the Hindu Council of Australia to prepare our joint submission because the display of Nazi symbolism is a concern to both our communities. We thank the Hindu Council of Australia for working with us. We acknowledge Surinder Jain, the national vice-president of the Hindu Council of Australia, who is appearing before you today as well.

Our collaboration is for a better society and a safer society, and this bill is a key element to facilitating that. This legislation is a positive step for our multicultural, inclusive and diverse State. Just last week we commemorated International Holocaust Remembrance Day on January 27, marking 77 years since the liberation of Auschwitz-Birkenau and the beginning of the end of the Holocaust, during which six million Jews and millions of others were targeted and murdered by the Nazi regime. A symbol of peace for thousands of years, the Nazi regime manipulated the Hindu swastika into the Hakenkreuz—the hooked cross which resembles the Hindu swastika—and used it as a propaganda tool across the world to intimidate, train and enlist followers, and impose hate, suffering and death on millions of people. Now we see the re-emergence of these symbol for the same purposes. In 2020 alone the Nazi flag was displayed 31 times here in New South Wales. Normalising these symbols is the first step to forgetting and a critical step to history repeating itself. A dark time in history that broke humanity and caused immense suffering across the world.

The use of the Nazi symbol is a gateway to something a lot more sinister and something a lot more dangerous. This legislation has to address these issues before they manifest into something more. These symbols hide so much more behind them. As the tip of the iceberg, early intervention alongside education powers both government and society to act and to do something, before that view manifests into something that results in violence or loss of life. There is a growing threat to the entire Australian community by extremist racist groups. These groups hold recruitment and training sessions, they fly flags with Nazi symbols and they engage in Nazi-style rituals, including the Hitler salute and consigning and encouraging physical and verbal attacks against Australians, particularly all minority groups within our society.

History is teaching us that now is the time to act, so let us join the 12 countries and nations around the world that have taken this action. We welcome the amendments of the Crimes Act to offer further protections in the form of a ban on hate symbols. A ban on Nazi symbols demonstrates that New South Wales is taking a strong stance against extremism, neo-Nazi groups and against radicalisation. We ask to curtail this recruitment, and let us learn the lessons of history. Thank you for your time.

**The CHAIR:** Thank you. I will commence by asking Reverend Nile or Ms Boyd if they would like to ask the opening question.

**The Hon. SCOTT FARLOW:** Point of order: I was wondering if Mr Jain wanted to make an opening statement.

**The CHAIR:** Thank you for drawing that to my attention. That is a terrible omission on my part. I apologise, Mr Jain, for overlooking you. Would you like to make your opening statement now?

**Surinder JAIN:** Yes, please. Honourable Chair, Deputy Chair and committee members. I represent the Hindu Council of Australia, a peak body of Hindus in Australia with chapters in every State. I also acknowledge the land owners. I want to thank the honourable Walt Secord and use of this opportunity for discussing this bill

with us. Both sides have emotions connected to this, in the Jewish community it is fear and terror. For Hindus it is faith icons which cannot be displayed in public. About 100 years ago evil arose in the name of Nazi in Europe, causing the world war and many deaths. The Jewish community was particularly targeted, leading to the Holocaust, but non-Europeans also suffered.

The evil misappropriated a likeness of Swastika, calling it "Hakenkreuz". The display of Hakenkreuz sends shivers of fear in many. It involves hate and is a reminder of an evil chapter in human history. Public displays of such symbols of hate are a reminder of evil beings and must be banned. Hindus, Jains and Buddhists all over the world have been using Swastika as a symbol of peace, prosperity and purity for thousands of years. With the resemblance of Hakenkreuz and Swastika, we are not able to display our sacred symbol of peace in public without invoking fear and scorn. Our sacred symbol, meant for public display of our faith, has become an indoor-only icon. We ask the Committee to ban the hate symbol of Hakenkreuz and free our sacred Swastika from its indoor prison. Public education of the difference between the two will strengthen Australian multiculturalism. Thank you.

**The CHAIR:** Thank you so much, Mr Jain. Mr Wertheim, you did not want to add anything to Mr Bark's earlier statement, did you?

**Peter WERTHEIM:** I would only add one sentence, if I may. The Jewish community, as Mr Bark indicated, overwhelmingly supports this bill. And the recommendations in the Board of Deputies' submission for adjustments are aimed at clarifying and refining certain aspects of the bill. But this does not in any way detract from our support for it.

**The CHAIR:** Thank you very much. Again, I ask Reverend Nile or Abigail Boyd whether they would like to commence. Thank you, Abigail.

**Ms ABIGAIL BOYD:** Thank you very much, Chair, and thank you very much to our witnesses for attending today and for your detailed submissions and support for the bill. I would like to begin by asking a question perhaps of you, Mr Bark or Mr Wertheim. In the discussion around this bill there has been talk about limiting extremism and trying to deal with the scourge of neo-Nazis which is, I guess, becoming more prominent at the moment. But also there seems to be a second reason put forward for the bill in the discussion, which is more about the real trauma, hurt and harm caused to Jewish people from seeing the Nazi symbols. From your perspective, which of those is driving your support for this bill and could you elaborate, perhaps, on just how damaging the trauma is from seeing Nazi symbols?

**Peter WERTHEIM:** Perhaps I could begin and then Mr Bark can add do it if he wishes, if that is okay. The Jewish community in Australia has a higher percentage of Holocaust survivors and descendants than any Jewish community in the world outside of Israel. I am not talking absolute numbers; I am talking percentages. So the impact of seeing Nazi symbols displayed in any kind of public context evokes memories both personal and intergenerational and historical. It simply limits the capacity of Jewish people to go about their normal lives with the sort of safety and security that you would expect of any citizen, as the right of any citizen. That is the primary impact. But it is also important to acknowledge the point that has been made by Mr Bark in his opening and by Mr Jain, that the display of Nazi symbols also has an impact on the wider community and that, in itself, is perhaps more sinister in the long run. The effects are more long lasting.

The impact of the display of Nazi symbols—people walking into shopping centres wearing a swastika armband as a Nazi symbol—is to normalise, firstly, the whole horror of Nazism to get people used to it, to kill off their normal feelings of revulsion and repugnance at what Nazism was and stood for, and to try to make it a now normal part of Australian life, as a lead-in to much worse to follow. That is the pattern that we have to learn from history, and that is why nipping the display of Nazi symbols in the bud is so important. It is not just for the benefit of the Jewish community or for the Hindu community in terms of education about the swastika; it is for the wider community and for our own society.

**Ms ABIGAIL BOYD:** Just to leap on that, do you think then that passing the bill would also provide an opportunity for re-educating people about the Holocaust? I think especially younger generations seem to have not really—they do not really grasp the horror of the Holocaust and perhaps it is too far back in history for some people. Do you think this would provide a chance for education and perhaps that would help with levels of antisemitism as well in the community?

**Peter WERTHEIM:** Well, firstly, the premise of your question is absolutely correct. There was a study just last week by the Gandel Foundation about the level of knowledge of the Holocaust in the Australian community. One of the many findings that is of relevance here, and in answer to your question, is that the younger the person who was surveyed, the less knowledge of the Holocaust there would be. So the further away in time we get from the Holocaust and the more remote those historical events become from the personal experiences of

people, the less knowledge they have about it and the less they understand them. So there is definitely a need for fortifying education about those things, not just as an event in history but for the health of our own democracy and society that is built on social cohesion and mutual respect.

So, yes, there is definitely a need for it and that is why passing this legislation will, I hope, act as a signal to the wider community that Nazism remains as odious as it has always been since the Second World War in this country, and that there is no let-up in the public perception of Nazism. But also it needs to be allied with a broader approach in government, with the public school education in particular, to reinforce that message. Legislation can do a certain amount, but at the end of the day education needs to be dovetailed with the legislation to reinforce the message and to give young people in particular the intellectual and moral influence that they need to grasp the appropriate lessons from history.

**The CHAIR:** Thank you, Mr Wertheim. I might ask another member, perhaps an Opposition member now, if they would like to ask a question.

**The Hon. WALT SECORD:** Thank you, Chair. May I take the opportunity?

**The CHAIR:** Yes.

**The Hon. WALT SECORD:** I would like to ask a question to Mr Wertheim. In December the Executive Council of Australian Jewry's annual report into antisemitism by your research officer Julie Nathan revealed that in 2021 there was a 35 per cent increase in Australia in antisemitic incidents. How would restricting or curbing the use of Nazi symbols impact on that? Can I get your comments on that, please?

**Peter WERTHEIM:** Yes. The report actually from the last two years has detailed how pervasive the display of Nazi symbols has become compared to previous years when it was unheard of. The reports include the flying of Nazi flags in public, the use of Nazi symbols in graffiti in the streets and an increase in advertised Nazi memorabilia and jewellery using the Hakenkreuz as well as SS lightning bolts and sonnenrads—the Nazi sun wheel. The reports also document the occasions when the Hakenkreuz was displayed from private homes in Victoria, New South Wales and Tasmania, when people dressed in SS uniforms or when people wearing Hakenkreuz armbands have entered places of business to do their shopping or other business, and the impact of that on desensitising the wider community.

**The Hon. WALT SECORD:** Mr Wertheim, may I just ask, what is your response to someone dressing up in a Nazi uniform and walking into a shop? How does that impact on the community?

**Peter WERTHEIM:** Well, it leaves the community completely devastated. That something like that, which we all thought had been left behind in Europe in the 1940s, has now managed to make an appearance in peaceful, democratic Australia, a place where many Holocaust survivors and their descendants found sanctuary and safety, and the discovery that something that they thought was a closed chapter of history and something that really only appeared in their nightmares and their memories is now actually making an appearance as some part of normal life in Australia—that is devastating. It is psychologically devastating. It is also paralysing because how does one react as a person who might have survived that and seen that? How are they supposed to react? I mean, the impulse might be to take the law into their own hands and do something, which of course would not be the appropriate response, but a very human response. So what is one to do? Nobody should be put in that position. Nobody should be confronted with it, and the wider community also should not be exposed to it because of the impact it had.

**The Hon. WALT SECORD:** Mr Chair, may I ask one more question?

**The CHAIR:** Yes.

**The Hon. WALT SECORD:** I would like to ask it to Mr Bark and Mr Jain. It was quite extraordinary that the Jewish and Hindu communities have lodged a joint submission to this inquiry. I find that landmark and extraordinary. Mr Bark and Mr Jain, can you tell me why the Jewish and Hindu communities, as well as the Buddhist and Jain communities, came together to make this submission? Mr Bark? And then I will ask Mr Jain the same question.

**Darren BARK:** Thank you, Mr Secord. I think what is really important is that, to Peter Wertheim's point, these symbols represent behind them so much, which is that dehumanisation of millions of people and their ancestry. But they also represent the hijacking of a symbol that was used by the Hindus that represents peace. That misappropriation of imagery for propaganda's sake and that representation of death and dehumanisation, those elements together are deeply impactful on both of our communities. To the point that was made earlier about dovetailing with education, the Jewish Board of Deputies and the Jewish community and the Hindu Council of Australia are looking at education opportunities because we do have a track record when it comes to combatting racial and religious hatred and complementing the work the New South Wales Government has done in that space.

So when we look at what the educational opportunities are, especially in light of the Deakin University statistics showing that especially millennials have a gap in their understanding of the Holocaust and what that represents, there is an opportunity for both of our communities to come together to outline those particular meanings and work together on education, but also to demonstrate why a bill such as this is good for all of New South Wales and all of our communities, even outside of ours.

**The CHAIR:** Thank you. Mr Jain?

**Surinder JAIN:** Our community is not able to display our symbol in public and that is the reason when this bill came we got together with the Jewish community to see how we can have all sides satisfied with this. As I said in my opening statement, it is not an easy process when emotions are involved and the emotions are of fear, and of terror for your very existence. What we have achieved I think is outstanding. It shows that by getting together and by discussions we can solve even the most difficult problems. Thank you.

**The CHAIR:** Thank you, Mr Jain. I am going to ask a few questions to all the witnesses now about the actual provisions of the bill. I presume you have seen the bill, Mr Jain?

**Surinder JAIN:** Yes, I have.

**The CHAIR:** Are you happy with the definition of the Hakenkreuz and other items that are to be prohibited as outlined in the bill?

**Surinder JAIN:** We definitely say that the meaning of the Nazi symbol needs to be expanded a little bit, and Swastika specifically should be excluded. Swastika when it is being used for a religious purpose should be permitted. Whether it is been used for religious purpose—if it is some mischievous person claiming of using it for religious purpose I think should be determined by the Hindu Council of Australia, rather than going through court litigation and the court deciding what a religious use of a symbol is or is not. Thank you.

**The CHAIR:** Thank you. Does the Jewish Board of Deputies have anything to add on that particular issue?

**Darren BARK:** Just in relation to the Nazi symbol definition, we outline that prescriptive symbols can be problematic, and ultimately having a symbol that contains elements of or variation of the symbol would be something that would provide an enhancement to the bill.

**The CHAIR:** Do you believe, Mr Bark, it should be extended to—apologies if I do not remember the actual term—I think it was the sonnengrad?

**Peter WERTHEIM:** Sonnenrad.

**The CHAIR:** Sonnenrad, that is right. I added a "G". And the other one whose name I completely forget, which is based around the skull and crossbones. Either Mr Bark or Mr Wertheim, are you happy with the way the bill has been written in that respect?

**Peter WERTHEIM:** Yes, we are. The bill defines a Nazi symbol in a broad enough sense for a court to identify it as such. I think on the basis of expert evidence from historians if need be or from religious figures in the Jewish or the Hindu communities as the case may require to make that judgment. But it would be broad enough to apply not only to the Hakenkreuz but also to the Totenkopf, which is the one I think you were referring to, and to the sonnenrad, and there are many other Nazi and neo-Nazi symbols that have been developed over time, many of them for use online. I believe that the bill has been drafted quite well in that regard to be flexible enough to capture innovations in Nazi symbols that go well beyond the Hakenkreuz to all sorts of other symbols. The typical online one is the "echo" symbol in triple parentheses, which is a now well-recognised Nazi symbol.

**The CHAIR:** Just to go on to another issue, in similar laws in Europe—for example, in the Serbian law and the German law—production and storage is outlawed. Production is also outlawed in the Ukrainian and the Polish legislation. It is also not illegal in various European laws to have a private collection. That would also be the case in New South Wales, and it is not proposed that the New South Wales law cover production either. Are you happy with the fact that the proposed law is limited in that way here in New South Wales?

**Peter WERTHEIM:** I would not say we are happy. I would say that the primary evil that needs to be addressed, and which this bill does address, is the display in public of Nazi symbols.

**The CHAIR:** Finally, Mr Bark and Mr Wertheim, I imagine you are in contact of course with similar Jewish organisations around the world, including in countries which have laws like this. You would be aware in the proposed law there is an exemption process, which is proposed to be given to the President of the Anti-Discrimination Board. In other jurisdictions that have got these sorts of laws, what has been typically the volume

of material that has been required to go through these exemption laws? I will leave it there and then I have one brief follow-up to it.

**The Hon. WALT SECORD:** May I ask a question too, Mr Chair?

**The CHAIR:** Of course. So it is a question about the volume and efficacy of the exemption processes that might apply elsewhere. We do not have any information about that in front of us. We have got a submission from the Anti-Discrimination Board, which you have probably had a chance to see, and I am just trying to get my head around the issue that that submission raises.

**Peter WERTHEIM:** That is a point that is the subject of one of the proposed amendments in the Board of Deputies' submission. The volume probably would not be—the volume could be very great if the only way of obtaining a defence or precluding a prosecution under the legislation were to obtain an exemption in advance from the Anti-Discrimination Board. That, as the submission says, would be a cumbersome process and a time-consuming process, both for the applicant and for the Anti-Discrimination Board, if it has to be done in every case.

There are going to be many instances where, for example, a school or a university will want to display some historical footage of the Nazi period. In fact, one of the most famous documentaries about Nazism is called *The Twisted Cross*. So it necessarily involves a display of Hakenkreuz and other Nazi symbols as an incident to educating people about Nazism and the evils of Nazism. To require every teacher and every school and every university to have to get an exemption in advance every time a documentary is filmed or every time there is a film that covers the Nazi period and displays the evils of Nazism and the Hakenkreuz, that would seem to be unreasonable. A better way would appear to be to have an exemption or a defence in the legislation.

**The CHAIR:** I was going to come to that point, just in conclusion. You think it would perhaps be more viable to just have those matters as defences, rather than a separate process.

**Peter WERTHEIM:** Correct, and that is what the submission has recommended.

**The CHAIR:** Good. Thank you very much. Reverend Nile, would you like to ask a question at this point?

**Reverend the Hon. FRED NILE:** Thank you for attending our inquiry. One of the issues that has concerned me in recent years has been the development of groups of young men forming a Nazi group and wearing Nazi symbols, uniforms and holding parades in our western suburbs of Sydney. What action should be taken to prevent that kind of activity, and does that activity concern you?

**Darren BARK:** I think the point that you make in regards to certain groups using these symbols is an important one because these symbols—

**The Hon. SHAYNE MALLARD:** Mr Chair, a slight technical point of order: I am not sure whether anyone else cannot hear Mr Bark. I can barely hear him but everyone else is coming through okay. I do not know if Mr Bark could maybe get closer to his microphone. I am not sure if anyone else has that problem. I just wanted to point that out.

**Darren BARK:** Is that better?

**The CHAIR:** I think that is better. We certainly were able to hear here, but I am not sure about everyone who is online. Thank you, Mr Bark.

**The Hon. SCOTT FARLOW:** I was able to hear online.

**Darren BARK:** If that happens again, just let me know.

**The CHAIR:** Thank you.

**Darren BARK:** So just what was being alluded to previously, these symbols have been used as recruitment tools in person, but particularly online. There has been quite a bit of recent media coverage in relation to this and the rise of right-wing extremism. The use of these symbols really embolden and recruit people to those causes. When they are being used to recruit they target the most vulnerable people, so we should be protecting those who are vulnerable in the community and, in fact, all of the community, from these symbols being used as recruitment tools and as propaganda tools. What has been outlined is that the use and the continual use of these images and their increasing prevalence, which is what we see in the statistics, is that the normalisation of these symbols occurs. That is the first step for us forgetting the horrors of the ethnic cleansing that took place, and that will then result—that forgetting is that step to this being repeated. For all of those reasons, I think it is a very good point that has been made and we do need to address those symbols being used specifically by those groups to get more and more people on that cause to harm groups of people.



**The Hon. SHAYNE MALLARD:** Thank you, gentlemen, for your detailed submission on the proposed legislation. First, I would like to say to Mr Jain that I was a councillor for the City of Sydney and I was very involved in the issue around the swastika display in the entry to Customs House. It is a beautiful display but quite confronting. It was the first time I discovered the appropriation of that symbol and where it came from by the Nazis. I did not have that awareness until that time. There is a sign that explains what it means and staff are regularly educated so they can talk to the public, but it is quite a confronting lesson about that theft of your symbol. That goes towards the issue of education and awareness that you have rightly suggested should be part of the process of this legislation. I wanted to make that observation in regard to Customs House because it was very much front of mind [inaudible] Circular Quay. The Victorian social issues committee did an inquiry into similar legislation and the government in Victoria is slowly going down the path of banning the swastika—

**The CHAIR:** Could you get to your question, Shayne? We've got five minutes left.

**The Hon. SHAYNE MALLARD:** Thank you, Mr Chairman. There is the issue of targeting specific symbols and the issue of amending the anti-discrimination legislation to toughen it up and make it more effective. We did amend it in 2018. You pointed out that that has not really [inaudible]. What would you say to that approach of broadening out the approach to more hate symbols in toughening up the legislation as a response to this concern of growing radicalisation?

**Peter WERTHEIM:** Well, this is criminal legislation that we are talking about, as distinct from the Anti-Discrimination Act, which is more human rights legislation. I think criminalising the public display of Nazi symbols sends a very specific and very important message that we have been discussing just now. It is a different message from saying to private individuals who might be offended or insulted or feel that contempt is directed towards them as a result of that display that they are on their own, and they have to lodge a private complaint and prosecute it through the Anti-Discrimination Board. That should not be the case with something as serious as this. It should be the State prosecuting the offender and bringing the resources of the State to do so, and also the authority of the State to send the appropriate message.

**The Hon. SHAYNE MALLARD:** I think that is a good answer.

**The Hon. PETER PRIMROSE:** We heard evidence earlier about the report that the Nazi flag had been flown 31 times in New South Wales in 2020. That is according to the report. Were there any particular public locations chosen that you would have thought indicated that that was an aggravated matter? When were they actually being flown? I wonder if you could cite any examples, please. I remember reading something about opposite a synagogue in Newtown, for example.

**Peter WERTHEIM:** Yes, look, they took that from private homes; they were in country towns. One from memory was on the top of a tower. I cannot remember whether it was—

**The Hon. PETER PRIMROSE:** The Wagga one.

**Peter WERTHEIM:** Yes. I mean, there does not appear to be any logic to it, but it was not confined to the cities and it just seems to pop up—you get particular individuals who for whatever reasons have succumbed to that kind of ideology.

**The Hon. PETER PRIMROSE:** I presume in many instances these were done to cause particular—as a grievance or to aggravate other people such as, as you mentioned, occurred in Newtown.

**Peter WERTHEIM:** It can be. Sometimes it is just because somebody wants to make a political statement—or what they see as a political statement. Sometimes it is deliberately done—again, to get people used to the display of Nazi symbols to desensitise them to evil.

**Darren BARK:** It is to elicit fear and intimidation in those that are around where it is displayed. So that is why we see it at a synagogue and on Bondi beach. You will see it in a number of different areas where it will have that maximum impact and if it is being used in other areas, such as regional New South Wales, we see that it is used as recruitment tool. It either falls into those two categories or both: To desensitise or normalise the appearance of it and to recruit people towards a particular cause. But also to elicit fear and intimidation in those where it is displayed. All three of those things taking place is a very dangerous combination.

**The Hon. SCOTT FARLOW:** Just to return to Mr Mallard's point on the Victorian inquiry, there were some suggestions to the Victorian inquiry from the Jewish Community Council of Victoria that there was potential in just choosing the swastika—I will quote their submission or the report to the inquiry:

... if you just ban the swastika they will find another symbol, be it that white supremacist hand movement. There was a soldier who was filmed making that symbol.

And it continues on. I just wanted to have the Board's view on that view—that potentially if you were to ban the swastika and Nazi symbols that there would be other symbols that would be used to incite the same kind of movement.

**Peter WERTHEIM:** Perhaps I can answer that question because the Jewish Community Council of Victoria is one of our constituents along with the Board of Deputies. I think the thinking in Victoria has moved on as a result of that very point. Initially, it was, I think, an emotive call: Just ban the swastika. Of course, that did not take into account all the other Nazi symbols and it did not take into account the fact that the swastika is a sacred symbol for Hindus, Jains and Buddhists. It did not take into account a lot of things. The thinking, as I understand it, has moved on now, and is more along the lines that we have been discussing in the context of this bill. I think it would be appropriate if New South Wales were once again a leader in this. New South Wales was the first State to introduce an Anti-Discrimination Act, and also anti-vilification laws. I think it is appropriate that New South Wales would take the lead again. The thinking here is essentially far more advanced and far more sophisticated, the sensitivities of the Hindu, Jain and Buddhist communities have been much more deeply engaged and worked into this draft legislation than has been the case in Victoria in the past. That was a long answer, I am sorry. But I do think that what we are discussing here is now more in line with the thinking in Victoria than it perhaps was originally.

**The CHAIR:** Mr Jain, did you want to add anything to that?

**Surinder JAIN:** Yes. I agree with what has been said by Mr Wertheim.

**The CHAIR:** Thank you very much, Mr Jain. I appreciate that additional comment. Look, I feel we could talk about this a lot longer with all of you, so I thank you for making your time available, but we do have a number of other witnesses that we need to see during the morning. Thank you very much for your interest and the work you put into your submissions. It is very much appreciated.

**(The witnesses withdrew.)**

**DAVID HUDSON**, Deputy Commissioner, Investigations and Counterterrorism, NSW Police Force, sworn and examined

**The CHAIR:** Good morning, Mr Hudson. Would you like to start by making a short statement?

**David HUDSON:** Just a very short statement, sir. I thank the Committee for the opportunity on behalf of the NSW Police Force to comment on the proposed draft bill. I think I speak for our entire organisation when I say that we have no tolerance for Nazi symbols and that the majority of mainstream Australia find it abhorrent and disgraceful. This not only relates to their historical use but also their current use by some of pathologically violent extremist groups, which are used to spread hate and incite hate crimes. I can indicate that any criticism I may have of the draft bill is not in relation to its intent but in relation to the mechanics of how it might operate.

**The Hon. WALT SECORD:** Thank you, Deputy Commissioner, for participating. I am Walt Secord. I am the shadow Minister for Police. We heard documented evidence earlier that the Nazi flag had been flown 31 times in New South Wales in 2020, and that was the subject of a freedom of information request to I think the Department of Justice at the time. That 31 times included a water tower in Wagga Wagga and a backyard of a home in Newtown across from the Newtown Synagogue. What do police do at the moment if they find someone parading with a Nazi flag or displaying a Nazi flag, other than making a film or engaging in a play such as the Diary of Anne Frank?

**David HUDSON:** It would be very much dependent on the circumstances of each individual incident. I do not have those in front of me. In particular circumstances, it would be a matter for the police and if it is used to incite any type of violence or anger within the community, the police would be speaking to the individuals who are in possession of that particular Nazi flag. I presume you are talking about the swastika.

**The Hon. WALT SECORD:** Yes.

**David HUDSON:** At the moment, we are heavily reliant upon 93Z of the Crimes Act, the hate crimes section, which requires an intent to incite violence. So in the absence of any incitement of violence, it could be an interpretation of the individual police, depending upon the circumstances, that it constitutes offensive behaviour. It might not, depending upon those circumstances. So if every one of those 20 incidents that have been acknowledged this morning—

**The Hon. WALT SECORD:** Sorry, it was 31.

**David HUDSON:** Sorry, 31. They would be very different. Depending upon the individual circumstances of those 31 incidents, the response will have been different.

**The Hon. WALT SECORD:** Yesterday the Federal Government announced \$24.5 million in funding to target extremist far right-wing groups in rural and regional areas. I remember from previous budget estimates that we asked a line of questions about extreme right-wing activity in New South Wales. We found that in Orange last year there was an incident of someone who had a Nazi flag in their home and they were arrested for organising and working with 3D printing of weapons. What is your view on extremists in rural and regional areas in New South Wales?

**David HUDSON:** We have seen an increase in extremist behaviour through COVID lockdowns, especially recruitment and engagement online. Many of the individuals and most of the last arrests we have made in relation to right-wing extremist behaviour have been in rural New South Wales, including the South Coast, all the way down to Albury and indeed Orange, as you have referred to. So probably we still see the major threat for New South Wales as being religious-based violence, rather than ideological-based violence, and that is concurrent and in agreement with the ASIO threat assessment. However, we certainly are seeing an increase in right-wing extremism and engagement in right-wing activity online, threading through to requiring policing activity as we took in Orange and we have taken in a number of other places where we believe that threat was reaching a stage where it is unacceptable.

**The Hon. WALT SECORD:** I just want to take this opportunity to thank you for what you do and what the men and women in the NSW Police are doing to protect the community from these elements.

**The CHAIR:** Deputy Commissioner, I might ask a few questions now. A similar inquiry was held recently on this matter in the Victorian Parliament. Some of the submissions that were received argued that banning a symbol may unintentionally give it more power as a recruiting tool and that a preferable approach is to draft laws based on principles that allow all offensive symbols to be banned perhaps some time in the future. Do you have any comments on that view?

**David HUDSON:** I have long held the view that one of the gaps in our current legislation—more at a Commonwealth level than a State level—is in relation to the possession of extremist material. We put a proposal through the Australian-New Zealand Counter-Terrorism Committee in 2017 when they were seeking legislative suggestions that an offence be created for possession of extremist material. We have undertaken large amounts of [inaudible] activity in the counterterrorism space, and not all resulting obviously in offences that are put before the court, but also interdicting with suspects on a pathway that we deem that the risk is unacceptable and we have to intervene. We find a large amount of extremist material. I am referring to not just right-wing extremism in relation to Nazi symbols or swastikas or Nazi flags but we also find ISIS flags, we find al-Qaeda publications and *Inspire* magazine teaching people how to blow up government buildings and cause bushfires and set fire to government buildings and icons and we find publications of the *Rumiyah* ISIS magazine espousing similar suggestions.

At the moment it is not an offence to possess those materials so we put a suggestion through that that be considered on a very broad range, and any material that we did seize or detect through our investigations has some nexus to some violence offence. That was put before the Parliamentary Joint Committee on Intelligence and Security at the Commonwealth, I believe, last year, and that committee has yet to report, but that has been a piece of work that we see would be very useful for law enforcement in relation to [inaudible.]

**The CHAIR:** Deputy Commissioner, sceptics of this sort of legislation also argue that by banning displays or possession of this sort of material you are just driving it underground and it will, in fact, constrain people like yourselves working in counterterrorism and your capacity basically to keep an eye on things and make sure our community is safe. What do you say to those sorts of sceptics?

**David HUDSON:** That is certainly a worthy comment. I think that we utilise people who brazenly tout Nazi symbols and it is certainly an indicator of their intent and their motivations. I do not think, you know, prohibition of anything historically has probably been proven to be ineffective when you force underground—

**The CHAIR:** Did you say effective or ineffective?

**David HUDSON:** Prohibition has rarely been effective. I think that when you force something underground it gains a separate mystique and an attraction to certain individuals. To be perfectly honest, when we talk about this—and I do not want to sound too uncomplimentary—we are not dealing with people who are mainstream Australia when we have individuals who align themselves to an ideologically extreme right-wing ideology. The type of individuals that we deal with would certainly be attracted to the prohibition, I would suggest, of this type of symbol.

**The CHAIR:** Despite those concerns, nevertheless, your view was that, as expressed through participation in other fora and perhaps at the Federal inquiry, it is better to actually make it illegal to possess it? Have I got that right or have I misunderstood your evidence?

**David HUDSON:** I think the intent for us is to try to restrict its use. Our responsibility would be to create that nexus between the symbol itself and the intended behaviour. That would be our responsibility to do that. If that behaviour and nexus could be proven, then in our view an offence would be justified.

**Reverend the Hon. FRED NILE:** Have you had any problems with the well-intentioned young men who join the police force who may have some sympathies for Neo-Nazism? Has there been any attempt to ensure in their training that they are clearly taught this is a no-go area?

**David HUDSON:** We have a very strong statement of values which is contained in our Police Act. I would suggest that support for Neo-Nazi groups would not be in accordance with that statement of values of placing integrity above all, upholding the rule of law and also being representative and engaging with our community. I would suggest that through our psychological assessments done prior to people joining that anyone displaying an over-support of Neo-Nazi groups I would hope—and I am sure our commissioner would hope—would be sorted out before they join the police force.

**Ms ABIGAIL BOYD:** Thank you, Deputy Commissioner. I just wanted to ask you a question coming off those last questions. In the previous session I was discussing with the witnesses that this law is really about two separate goals, if you like. One is to prevent the harm done to Jewish people, particularly Holocaust survivors, in relation to having to look at Nazi symbols. Then of course the other object of the bill is around addressing this extremism, which is, I guess, where you come in. I am just wondering, in terms of your comments about whether or not it sort of pushes the use underground or perhaps makes it more difficult to identify extremists, does the fact that the bill only looks at the display of the symbol as opposed to the possession of the symbol help reach that compromise between protecting Jewish people versus actually being able to identify extremists who are using the symbol?

**David HUDSON:** I certainly sympathise—and I think everyone would—with those of the Jewish faith who have been exposed to these types of symbols based on their history. I do not think any normal person would have [inaudible.] I think certainly the display of symbols is a problem. However, from a personal point of view—this is very much a personal point of view—it is very much part of our history. I think it was well said by George Santayana many years ago that those who do not remember history are doomed to repeat it. Our problem, I think, in the mechanics of the operation of the draft bill is in relation to some of the publications that are already in existence which are educational or academic and how they are dealt with.

I do not think it is realistic for bookstores or for movie theatres to seek exemptions from the Anti-Discrimination Board to display or publish a movie based on historical practices. So I think there are some mechanical issues when we look at how it might be implemented with the draft bill. But, as I said, we do not have an overall disregard for the intent of the bill. I do not think those of the Jewish faith should have the hooked cross or the swastika waved in their face, and I think there are probably offences that could be proffered in relation to offensive behaviour and certain circumstances under 93Z of the crimes section as well in relation to those overt actions.

**Ms ABIGAIL BOYD:** Do you think that the intent of the display is relevant and should be built into the provisions of the bill?

**David HUDSON:** I think the intention of the bill—I think there are lessons to be learned from history. If it is done for an academic or educational purpose so that the ills of the past are never forgotten, then I think that is a valid reason, from a personal point of view; I speak very much from a personal point of view rather than an organisational point of view on that point. From an organisational point of view, it would be very difficult to implement and, I would suggest, probably quite difficult for the Anti-Discrimination Commissioner to seek exemptions everywhere without some capture of what is currently displayed out there that would be captured by this proposed legislation. I do not think that work has been done but there would be volumes of things which would be captured by this. Movies, magazines and educational material would be captured, I would suggest.

**The CHAIR:** Deputy Commissioner, if I could do a follow-up on that exact point, the Jewish Board of Deputies has suggested that rather than having a separate process that the Anti-Discrimination Board would look prospectively at exemptions, that in fact those sorts of factors—i.e., academic, artistic, scientific, research purposes or other purposes in the public interest—be a defence to a prosecution. Do you think that might be a preferable sort of way of going about it, or do you think the formulation that is in the bill that has been tabled is a better approach?

**David HUDSON:** I would suggest that a defence can only be used in a prosecution. So for that defence to be raised, and for some involvement of the Anti-Discrimination Commission or board to make a determination on whether an exemption is valid, we would have to launch a prosecution, which I do not think would be appropriate in all cases. As I have said, when you are selling books in a bookstore, selling educational material, reviewing a movie or showing a movie, to prosecute an individual for doing so would not pass the public interest test in my opinion.

**The CHAIR:** Right. So, therefore, you would prefer it to be explicit in the legislation rather than just a defence that could be raised.

**David HUDSON:** If lawful excuses were written into the Act in the proposed bill as they are with possession of knives or possession of certain other things—that without a lawful excuse that was written in there.

**The CHAIR:** That would assist the police in terms of—

**David HUDSON:** A lawful excuse would have to be considered by the officer attending at the time rather than considered by a court following a prosecution.

**The Hon. WALT SECORD:** I want to interrogate the statement that you made that prohibition has rarely been effective. Many laws that you in fact are asked to carry out to undertake or supervise for the government and for the community involve prohibition. So I just want to clarify whether you stand by that statement that prohibition in the carrying out of laws has rarely been effective. That is quite a broad, sweeping statement to make.

**David HUDSON:** It is a broad, sweeping statement but when we see obviously the amount of illicit drug activity in our community—it is prohibited, but it still happens. So the point I am trying to make is that simply prohibiting Nazi symbols is not going to remove them and probably not going to serve the purpose that the draft bill is intending. Prohibition would seek to eradicate the symbol, I would suggest, from society. I do not think that would be achieved by the bill. I think it would be forced underground and I think it would be used as some badge of honour with those current right-wing extremist groups that currently adhere to that type of ideology.

**The Hon. WALT SECORD:** I just want to also seek a bit of clarification. The bill does not propose stopping the screening of films with Nazi symbols in them. That is a misinterpretation of the bill. A film about World War II would not be covered by this; a production of Anne Frank—

**The CHAIR:** Is there a question in this?

**The Hon. WALT SECORD:** I am just asking him to comment on this. I just want to make sure, in light of my observations, that it does not stop someone selling books about World War II. It does not stop a film about World War II. It does not stop a production of Anne Frank. I think police officers are highly intelligent members of the community and they would be able to differentiate between someone marching down the street with a Nazi flag versus a production of Anne Frank. Do you agree with that statement?

**David HUDSON:** Totally.

**The Hon. SCOTT FARLOW:** I just want to pick up on that point from Mr Secord. I think, Deputy Commissioner, this is one of the concerns you have alluded to in it—that this is a fairly strict liability offence when it comes to the display of the symbols and there is no connection at the moment to intent at all. I think you were talking about, in terms of the display of things such as the ISIS flag and al-Qaeda and what you have been looking at at a Federal level, it is sort of a two-part test that you have sought, where there is the display, but the display has to be connected with a certain intent. Would that be correct?

**David HUDSON:** Yes, that is correct.

**The Hon. SCOTT FARLOW:** And you were talking before about the lawful excuse. We have heard the defence mechanism and, as you said, that would have to be with the prosecution. So instead of the Anti-Discrimination commission vetting whether things were appropriate or not, that would then have to go to the courts, effectively, to see whether it was a reasonable excuse. Can you tell us how you would see a lawful excuse being implemented in legislation such as this?

**David HUDSON:** In other pieces of legislation circumstances surrounding lawful excuses are actually listed. So they can be taken into consideration by the police who are dealing with the matter at the time. The 31 instances that Mr Secord spoke about earlier—the lawful exemption written into the draft bill. They could be taken into consideration at the point of investigation as to whether that was captured by whatever came into legislation—whether that display of those 31 instances that were referred to were done so with a lawful excuse or not.

**The Hon. SCOTT FARLOW:** So, for instance, to Mr Secord's earlier point, you could include things such as performance of theatre in historical context? You could include historical books and the like, and include education, for instance, all as lawful excuses in terms of the legislation?

**David HUDSON:** Correct.

**The Hon. SCOTT FARLOW:** With respect to section 93Z, we had the statement from the Jewish Board of Deputies that there had been no charges under 93Z to date despite what they say has been increasing incidents of anti-Semitism. Just wondering if you had any comments with respect to that and whether 93Z as it stands is fit for purpose.

**David HUDSON:** Section 93Z was reviewed last year. There are currently two individuals due to attend court on the fourteenth of this month charged with offences referred under 93Z. So it is not correct to say that no prosecutions have been launched. One of the requirements of 93Z is to seek approval from the Director of Public Prosecutions by the police before—we have to seek that approval prior to launching a prosecution. The threshold—the penalty for 93Z has increased, although I do not think it has been enacted for three to five years. Many of these instances that 93Z could be utilised—there is an accompanying offence of similar significance which, you know, we do not need the Director of Public Prosecutions' approval to commence. Most police will proceed with the alternate offence and put those before the court. There have been six further instances that we have sought director approval to prosecute and they have all been declined.

**Ms ABIGAIL BOYD:** Just picking up on that lawful excuse—instead of having to go and seek an exemption beforehand and the complications that that brings, to build it into the Act to have this as a defence, would it also then capture a situation where a person was clueless about what the symbol was that they were displaying? For example, a child draws what they think is just a pattern and it is left out somewhere that someone could see it. Now, clearly that is not what is intended by the bill, but the current wording would be problematic. What would you suggest in terms of capturing that sort of innocent use, which is not necessarily falling within the heads of artistic or cultural reasons for use?

**David HUDSON:** Innocent use in the circumstances you have outlined obviously would not be prosecuted. Other people of a more mature nature might claim innocent use and the police may disagree with that innocent use and put the matter before the court and let the court determine whether they had a lawful excuse or not. I think the volume of what might come before us and what would be put before the courts would be significantly diminished if we had an indicator in there of what a lawful excuse might be, such as what we have talked about: the educational or historical value or use of slogans and symbols. But innocent use—ignorance of the law has always been determined of no defence, but in the circumstances you have outlined there would be no prosecution launched in relation to a child. There would be other circumstances where innocent use would be required to be proven in a court of law.

**The CHAIR:** Deputy Commissioner, have you had a chance to view the bill that has been tabled in the Parliament? Why I ask that is I am wanting to take you to a particular subclause and see if you have an opinion on how user-friendly it will be for the police who have to undertake the enforcement of the provision.

**David HUDSON:** Yes. I have a copy, Sir.

**The CHAIR:** That is good. Can I take you to proposed section 93ZA, subsection 7, and in that section the definition outlining what "public act" will mean? Do you see that there? It is down the bottom of page 3 of the proposed bill.

**David HUDSON:** Yes, I do, Sir.

**The CHAIR:** Right. Having a look at subsections (a), (b) and (c)—clauses, I should say, (a), (b) and (c)—have you had any advice or have you formed an opinion on whether the definition there of "public act" is workable and something that will be relatively straightforward for the police to enforce?

**David HUDSON:** As I indicated earlier, which was challenged by Mr Secord in relation to books and publications and educational material and everything else, I think that "public act" is quite broad. Without that overriding clause about lawful excuse written in there somewhere, I think that is quite broad in its definition.

**The CHAIR:** If I have understood correctly what you just said, your view would be that a lawful excuse provision should be attached to that public act definition? Or have I got that wrong?

**David HUDSON:** Either lawful excuse needs to be a component of that or in the substantive offence in defining the offence itself.

**Ms ABIGAIL BOYD:** Just on that public act definition, as you would be aware, a lot of our laws, when they get applied to social media, can be tricky or have unintended consequences. What would be your interpretation of this definition, then, when it comes to a social media post, for example, that was put up two years ago? Would that be seen as a public act? Would a person be obliged to go and remove that from two years ago? Do you see issues around historical social media use?

**David HUDSON:** It would be problematic because posts and social media accounts do not disappear. It is sitting there as it stands on the social media account for people to view. It could be considered by definition publication because people who access that particular site at a particular time post any legislative change—it would be considered, in my opinion, that that is being broadcast or published to the individual viewing that site.

**The Hon. WALT SECORD:** Deputy Commissioner Hudson, you referred to 93Z and you said there were two incidents that have been recommended for prosecutions. Is that correct?

**David HUDSON:** That's correct, Sir.

**The Hon. WALT SECORD:** Do those two incidents relate to the May 2021 Hizb ut-Tahrir rally in Lakemba? Is that what you were referring to? What were those two incidents?

**David HUDSON:** They relate to conflict in the Hindu and Sikh community out at Parramatta and some social media posts inciting people to violence out in that district. It is probably inappropriate, as that matter is before the court—

**The Hon. WALT SECORD:** Thank you, Sir. I understand. Now, amongst the six that were declined, were any of those in relation to the Hizb ut-Tahrir rally in May 2021, where they shouted, "Destroy the Jews", and, "Give us the necks of the Jews"?

**David HUDSON:** No, they were not. There have been two anti-Semitic matters referred to the DPP in relation to requesting prosecutions be commenced in relation to 93Z but those have been declined.

**The CHAIR:** Let us make sure we keep within our terms of reference, Walt. There are other opportunities for you to ask those questions.

**The Hon. WALT SECORD:** I understand that. Thank you, Mr Chair.

**The CHAIR:** Deputy Commissioner, you do very important work for the community, so thank you very much for the time you have made available this morning. I think your evidence has been particularly helpful to the Committee and the work we are doing. We appreciate it very much. Thank you. We are giving you an early mark.

**David HUDSON:** Thank you, Sir.

**(The witness withdrew.)**

**(Short adjournment)**



**NAOMI LEVIN**, Senior Policy Analyst, Australia/Israel & Jewish Affairs Council, sworn and examined

**COLIN RUBENSTEIN**, Executive Director, Australia/Israel & Jewish Affairs Council, sworn and examined

**DVIR ABRAMOVICH**, Chair, Anti-Defamation Commission, sworn and examined

**The CHAIR:** Good morning. We will resume our inquiry into the Crimes Amendment (Display of Nazi Symbols) Bill. I would like to thank you for attending this hearing. I welcome our next lot of witnesses. Dr Abramovich, would you like to start by making a short statement?

**Dvir ABRAMOVICH:** I sure would. I will be reading from my notes and I understand that you have been very strict with about three minutes. I will try and stick to that.

**The CHAIR:** Thank you.

**Dvir ABRAMOVICH:** Thank you for the opportunity to testify here today and to share our perspective. This inquiry is the moment of truth for our elected representatives. We now find ourselves in a moral crossroad and the garden of our democracy is being infected by the weeds of intolerance, extremism and anti-Semitism. This Committee and the Parliament have a choice. You can make history and be on the side of the angels, that is, the good and decent people of New South Wales and Australia, who love this State and love this country and who believe in the shared values that bind us, which is democracy, freedom, equality for all and inclusiveness; or you can let the neo-Nazis and the white supremacists win by continuing to allow them to proudly and publicly display and celebrate the ultimate emblem of evil genocide and racism: the Nazi swastika.

I want to be very clear: The Nazi swastika represents an exterminist policy. Anyone who exhibits and showcases this symbol of Hitler's Third Reich believes in the gas chambers of Auschwitz, in the final solution, in the industrial extermination of millions of Jews and non-Jews. [Inaudible] on a synagogue or a fence or every time at home or a school or flat in their home dream of a fourth Reich, of the return of Hitler, of an Australia without Jews, without Muslims, without those who belong to the LGBTIQ+ community, without the disabled, without Australian Asians and African Australians—without anyone they deem to be undesirable and unworthy of life. Allowing the Nazi swastika to be part of our community and society betrays and violates the convictions that Australians profess to live their lives by and which they hold dear.

In 2022, with rising anti-Semitism and bigotry, and with ASIO director Burgess declaring that neo-Nazis are a serious threat, we are at an inflection point of deciding who we are. This long-deferred reckoning on how to deal with this ugly symbol—a symbol that tears a hole in the hearts of so many—must now take place. You can set the tone. You can choose the course. You can take the high moral ground and send an unmistakable message that this symbol will never be part of who we are. For homegrown white supremacists and extremists the Nazi swastika is their preferred weapon of choice to terrorise, instil fear and intimidate our community. Permitting the Nazi swastika to defile our streets and skies is a spit in the face of every digger who fought bravely and sacrificed their lives to defeat Hitler's regime. It is a desecration of their memory and the memory of the six million Jewish victims and millions of others who were murdered at the hands of the Nazis and it is a kick in the stomach to the Holocaust survivors who live amongst us.

The time for action is now. We must rise to the challenge because fighting the ideology of mass murder, incitement and violent racism should never be a partisan issue. If we do the right thing—if you de-Nazify New South Wales, it will be a thunderous victory against those evil forces who wish us harm. Of course, in the background is anti-Semitism. Anti-Semitism in Australia is not history; it is news. Over the last few years we have seen anti-Semitism rise to levels not seen in Australia before: in schools, in the workplace, at universities, on the streets and on social media. I would like to finish by saying that a good place to start is to ban once and for all the public display of the Nazi swastika. You and your colleagues have the opportunity to right a wrong, to shout down the neo-Nazis and to affirm the ideals and principles that we all cherish. Thank you for the opportunity to be here. I look forward to your questions.

**The CHAIR:** Thank you, Dr Abramovich. Thank you also for reminding us, although we are not hearing from them today via submissions, that it is important to also remember the other victims of Nazism beyond the Jews, who disproportionately received much of the horrific treatment—but also the three million non-Jewish Poles who died in concentration camps; the 4,000 Jehovah's Witnesses; the 500,000 Roma or Romani or gypsies, as some people call them; countless numbers of mentally and physically disabled people; and also the 10,000 homosexuals who also died in the gas chambers as well. So thank you just for ensuring that we keep this context in mind as well.

**Reverend the Hon. FRED NILE:** Hear, hear!

**The CHAIR:** Ms Levin and Dr Rubenstein, would either of you like to make an opening statement on behalf of your organisation?

**Colin RUBENSTEIN:** Yes, I will. Thank you very much, Mr Chairman. Again, thanks very much for the invitation to both of us to be here today. I would like to also apologise for the absence of my colleague Jeremy Jones, who is unable to be here for health reasons.

**The CHAIR:** That's a shame.

**Colin RUBENSTEIN:** As our submission makes clear, AIJAC fully supports the intent of this amendment to prohibit the public display of Nazi symbols, with a few exceptions, of course. I do not think it is necessary to revisit at any length the reasons why the public display of Nazi symbols is so odious to the overwhelming majority of Australians, but I will just remind the Committee that during the COVID-19 pandemic the Nazi swastika has regrettably become more visible than ever. There seems to be an obsession by some with comparing our public health crisis to the Nazis and their program of genocide and this rising obsession has brought an urgency to the issue which we are discussing today. As mentioned, we have seen the resurgence, in particular, of anti-Semitism globally and unfortunately in Australia as well and to a degree the normalisation of so much conspiracy rhetoric and theories linked to COVID and the resurgence of symbols, particularly Nazi hate symbols of the swastika in particular in this period.

I would briefly just like to draw the attention of the Committee to a couple of points we made in our written submission to the Committee. Firstly, the New South Wales police received 31 reports of Nazi flags being flown in the period of 2018 to 2020. Alarming as this may seem to be, the number of Nazi flags and Nazi symbols shared by Australians on social media is likely many magnitudes higher than that number. This amendment rightly includes communication through social media in its definition of a public act. This is an extremely important, highly significant inclusion, as it provides a legal indicator to social media companies as to where a line must be drawn.

Secondly, I would like to emphasise AIJAC's view that this amendment alone, while necessary in our opinion, is certainly not a sufficient anti-vilification or anti-extremism measure. Responding to vilification or racial extremism, particularly from the far right, requires, we would argue, a suite of measures. I simply refer the Committee to the broad-reaching Victorian Parliament Legislative Assembly Legal and Social Issues Committee's inquiry into anti-vilification protections and their similar recommendations on banning the swastika, and the very recently published Queensland Parliament Legal Affairs and Safety Committee inquiry into serious vilification and hate crimes report, particularly recommendation 16, which also recommends making it a criminal offence to display hate symbols, including the swastika. I leave my opening comment there, Mr Chairman, and welcome your questions.

**The Hon. WALT SECORD:** Firstly, I would like to make a declaration. Abramovich is actually my wife's surname so she is probably a relative of the professor that is in the panel so I will make that declaration. Second thing—I would also like to have Dr Rubenstein convey to Mr Jones our support for him as a tireless campaigner against racism, hatred and anti-Semitism in our community and his role as an educator and his lifelong commitment to fighting hatred. Can you please extend our best wishes to him?

**Colin RUBENSTEIN:** I certainly will. Thank you very much.

**The Hon. WALT SECORD:** Thank you for that. Dr Rubenstein, you talked about tackling social media. It is very clear you support the legislation. I am open to amendments and changes to perfect or increase or enhance the legislation. How would an amendment involving social media work? If Ms Levin would like to add something to that too, I would appreciate that. Dr Rubenstein?

**Colin RUBENSTEIN:** I will let Ms Levin lead on this. She is the expert in that field.

**Naomi LEVIN:** Thank you very much for the question. We are not proposing any amendments around social media. What we are saying is that we welcome the definition of a public act to include social media. I think that is very innovative in this space. We are not just talking about flying a Nazi flag; we are talking about also the digital communication of Nazi symbols and I think that is a particularly important part of this amendment that needs to be emphasised. I note that, while in Victoria there is a move to adopt a ban on Nazi symbols, the legislation has not been presented publicly. I would urge all jurisdictions watching this to take note of the inclusion in this particular amendment of social media.

**The Hon. WALT SECORD:** Thank you. Professor Abramovich, can I get a comment from you? Last week the Gandel Foundation released a report showing that a quarter of Australian adults had no knowledge or little knowledge of the Shoah. How would legislation like this improve that or enhance Shoah, Holocaust education? Dr Rubenstein, I will put the same question to you after.

**Dvir ABRAMOVICH:** Thank you for the question. One of the things that I often say is that a democracy is not just about the rights that we have; it is also about what we are willing to tolerate. I think a New South Wales community, an Australian community, that is willing to tolerate the public displays of the Nazi swastika has to do some soul searching. I think it speaks volumes about where we are. When we come back to the issue of Holocaust education, which I think was a hit to the solar plexus of many of us—although I am not surprised. A CNN report a few years ago showed a staggering indifference and ignorance in Europe, of all places, about the Holocaust and similar surveys and research from the United States has produced similar results.

I think that the passing of this law—and I am already conjugating into the future because I hope that the Parliament does embrace our position. By the way, we have campaigned on this for the last four years. We have had, I think, tremendous success in Victoria. I am very happy about that. What it would do—it would forefront and foreground a discussion in the public square about the Holocaust. I think it would stir the souls of many people and it would force many to have the uncomfortable conversation that we need to have about the Holocaust, about neo-Nazism, about white supremacists, about extremists. This will, I think, be throwing of a rock into a pond. It will create many ripples. But above all it will send unmistakable message on where the New South Wales Parliament and its elected representatives stand on the issue of Nazism. It will convey unequivocal message to neo-Nazis: They will never find a legal refuge and a safe haven in the State of New South Wales.

**The Hon. WALT SECORD:** Dr Rubenstein? Some 25 per cent of Australian adults have little or no knowledge of the Holocaust, the Shoah.

**Colin RUBENSTEIN:** Yes. That was obviously a very disturbing figure. We commend that Deakin study with the Gandel Foundation support. It does point to the urgency of ensuring adequate Holocaust education, certainly throughout the educational system. We are on the path to doing that but it needs to be enhanced, as that figure and that report clearly underline. It also alerts to us the dangers of the wildfire spread of Holocaust distortion and denial, and the emergence of far right groups in Australia. We have seen the reports and material out of the Australian Federal Police and from ASIO about the wildfire growth of far right extremist groups, not only the rhetoric and the symbolism that we know—that is a precursor to violent action. And the warning from those authorities is abundantly clear.

Turning to social media, I think a key point here is that those social media companies should really be implored to adopt the IRHA definition—the International Holocaust Remembrance Alliance definition—of anti-Semitism in their operations, and be much more rigorous in terms of what they allow and disallow in their transmission. Similarly, I would say the IRHA definition of anti-Semitism, which is widely accepted by over 30 countries and has bipartisan support—Federal and State in this country—is something that we should encourage key sectors of Australian society, people in the educational domain, not only to adopt but to actually use and to implement. Particularly I commend this proposal in terms of the inclusion of social media. I think more work could be done in terms of encouraging those giants to incorporate these criteria. It is extremely important in the social media world that we live in, where attitudes are fashioned to such a great extent through that media.

**The Hon. WALT SECORD:** Ms Levin, as an analyst—31 incidents in New South Wales of people flying the Nazi flag: a water tower in Wagga Wagga, a backyard in Newtown across from the synagogue. Someone flying a Nazi flag in New South Wales publicly like that, what is that message that they are trying to convey to the community? What are they trying to say?

**Naomi LEVIN:** It is a very good question. I think we need to note, also, that is 31 incidents that were reported to the police. I think we need to be mindful that there could be many more incidents of public displays that just were not reported to the police. That would be the first point I would make. I think also we live in an increasingly polarised world. We live in an increasing world where people are only in their own echo chambers or in their own silos. COVID has brought on this real phenomenon of people not having extended social interactions beyond people who agree with them. That is perhaps reflected in these public displays.

You have people who, through social media and other digital communications, are listening to messages, becoming radicalised, sticking within a group of people who all agree with each other and who do not doubt or question certain things. And that is radicalising people to these extremes, where they publicly demonstrate views and opinions and expressions that are not acceptable to our society. I think that is very much what these 31 incidents are showing—that as a society we have an increasing problem with people holding these extremist views and not understanding how publicly and socially unacceptable those views are to the general community.

**The CHAIR:** I am going to ask a question of each of the organisations just to test what you think the parameters of these sorts of laws are. The first one I will put to you is based on a German case in the European Court of Human Rights that you may be familiar with. It was back in 2018. It is the Nix case. It was based on a blog post in 2014 featuring an image of the Nazi chief of the SS, Heinrich Himmler, in uniform with a swastika armband. The Nazi image was used to criticise the German federal employment agency and a staff member over

communications regarding educational and vocational arrangements for Nix's daughter. He received a suspended sentence of four months' imprisonment after appeal. The court acknowledged that Nix did not intend to spread totalitarian propaganda, incite violence or utter hate speech. The necessary, clear and obvious opposition to Naziology was not evident in his blog post; rather, he had used the Nazi image as a gratuitous eye-catching device. Do you have any observations about that particular case? Do you think Mr Nix should have received any sentence or did the court get it right—and should, therefore, that guide us as to how we put the law together here in New South Wales?

**Dvir ABRAMOVICH:** I will go first if you wish.

**The CHAIR:** Yes.

**Dvir ABRAMOVICH:** As I recall the case very briefly, I think he was angry about the treatment of his daughter or something, if I am not mistaken—

**The CHAIR:** Correct, yes. I did not go into all the details. I did not want to take more time than I had already taken.

**Dvir ABRAMOVICH:** As I vaguely remember, one of the things that the court said was that he did not do enough to distance himself from the ideology of Nazi Germany and that it was used in a trivial way, in a sense. He was promoting his own political—he was using it, in a sense, to pummel his critics and to make a point which was immaterial to the use of the Nazi swastika. I think Dr Rubenstein referred to the fact that over the last two years of COVID we have seen the Nazi swastika being appropriated and being manipulated and abused by anti-vaxxers and by anti-lockdown demonstrators. The Anti Defamation Commission has been screaming from the rooftops over many years about the exploitation of the Nazi swastika.

Back to the case, it is a tough one. Do we want people who are using the Nazi swastika, for example, in an article or a blog post going to jail? That is not something that I have thought about deeply because I think the majority of the people that we do want prosecuted are the hardcore Neo-Nazis and the white supremacists. I will just add to what Ms Levin said. My view is this: Anyone who publicly displays the Nazi swastika, be it a flag or an emblem, is celebrating and glorifying Nazi ideology. We should take them at face value and we should believe what they say. My view is that if anybody violates that law, they should be prosecuted. As for the penalties, I think that is a discussion worth having.

**The CHAIR:** AIJAC?

**Naomi LEVIN:** I would just add that the actual text of the amendment—the heading of division 8—is "Public hate crimes". I think we need to keep that in mind when thinking about this particular amendment. We are talking about hate crimes. I do not want to comment on the specifics of the German case. I am vaguely familiar with it—

**The CHAIR:** Yes, I understand.

**Naomi LEVIN:** —but I do not know the details. But I think what we need to keep in mind is we are talking about hate crimes. You could possibly ask that a person putting a swastika in a blog post is offensive and should not be tolerated, but you probably would not argue that it is a hate crime. I think that that is relevant in this discussion we are having today, and something worth keeping in mind and thinking about how you would prosecute this particular issue.

**The CHAIR:** Thank you. In this case, it was a picture of Himmler wearing a swastika. But look, rather than labouring it I will ask another question, testing a different aspect of the parameter. In some of the European jurisdictions—for example, Serbia and Germany—production and storage of material with Nazi symbols is outlawed. In Ukraine and Poland production is outlawed, whereas in Germany, nevertheless, it is still not illegal to have a private collection of material with Nazi symbols. I wonder if I could get some comments from the two organisations about that, given that in the proposed New South Wales law production and storage is not outlawed, nor is having a private collection.

**Dvir ABRAMOVICH:** My view is that we should put a line through the production of Nazi swastika and Third Reich symbols. I guess it always comes back to intent, because there are exceptions for artistic and educational purposes. The question I think will hover around why they are being produced. Is there a play or is there an exhibition that is being staged somewhere whereby you need to produce certain symbols? Specific context—

**The CHAIR:** A bit like an end-user certificate for armaments manufacturers!

**Dvir ABRAMOVICH:** Exactly. I think the law will have to look at intent. If you have a group like the National Socialist Network who are now producing—and the other question, and I do not know if the Committee

will get to it, is the Nazi trade, that is, the trade in Nazi memorabilia. I hope that we will get a chance to talk about this. But to me, it will come back to the issue of intent. Why is it being produced? If it is being produced for nefarious purposes for public display, and it is not the frame of educational or artistic, then I think it should be banned.

**The CHAIR:** AIJAC?

**Colin RUBENSTEIN:** Yes, I would echo those sentiments. Clearly there are exemptions, be they academic or artistic or other acceptable exemptions. But given that this material is being used to promote far-right extremism by the burgeoning far-right groups—adopting the Nazi symbols, using propaganda—one has to think that the significant production of these materials is extremely problematic. Unless there was a clear justification in terms of academic or artistic reasons, I think the balance of the evidence would suggest that it is problematic to allow the production and storage of the material. I think the onus would be on the people producing the material to show that their intent is not to promote hatred.

**Naomi LEVIN:** Also, in some of recent research I have done into the Australian far right this is a very relevant question. There are far-right, right-wing extremist groups at the moment who are producing merchandise for distribution or for sale for fundraising in Australia. It is available and it is being promoted, so it is definitely a relevant discussion. Whether it includes Nazi symbols on that merchandise I cannot tell you, because I am not familiar with exactly what they sell. But it is a relevant and contemporary question in Australia.

**The CHAIR:** Thank you. Can I ask Reverend Nile or Abigail Boyd if they have a question?

**Reverend the Hon. FRED NILE:** Yes, I do have a question.

**The CHAIR:** Okay. It will be Reverend Nile first and then Abigail. Thank you.

**Reverend the Hon. FRED NILE:** I realised a number of years ago that the movement of the Holocaust deniers would grow and, sadly, that is true. That is why it is so important to have the truth about what happened in World War II to the Jewish people, and I thank all your organisations for continuing along that pathway of educating people. But I sense that there is a lack of education of the Australian people as to the horrors of the Holocaust. I knew there would be a growth of the Holocaust denier movement, so I actually at my own expense went to Poland and visited Auschwitz and other camps to see firsthand the furnaces where Jewish prisoners were burnt, their bodies were destroyed and so on in the furnaces. I just wonder what more can be done, or what more you think should be done, to educate the Australian people outside the Jewish community, who are pretty well educated, but the average Australian is pretty well ignorant as to the horrors of the Holocaust. How do we convey that today to the modern generation?

**Dvir ABRAMOVICH:** If I can go first, I think there are multiple steps that we can take. One, of course, is mandatory Holocaust education. [Inaudible] that Holocaust curriculums should be integrated into every school in the country—

**Reverend the Hon. FRED NILE:** Hear, hear!

**Dvir ABRAMOVICH:** —[inaudible], whether it is in year 9 or 10. I think we are on the right track. I think New South Wales and Victoria—and I think Queensland may adopt this soon—but I think other States need to jump on board also. That is the first step. I think the establishment of Holocaust museums across the country is a tremendous boon for Holocaust education because it provides a place for young people and for adults to visit, to speak to Holocaust survivors and witness firsthand the atrocities of the Holocaust.

The third one, which is not often spoken about, is that our elected representatives need to use their pulpit much more to condemn antisemitism, to condemn extremism and to reference the Holocaust to remind people that Hitler was an antisemite before he became a Final Solutionist. Antisemitism is not an ideology as such; it is a program to eliminate every Jewish person and anybody who is undesirable. I have often called on politicians to use their public voice, to use their stature and to use their influence to not only denounce and condemn all forms of antisemitism and hatred but also thread into that the Holocaust. We need to generate the discussion in the public square about the Holocaust, about Holocaust education and about the need for people to inform themselves of what happened—because it can happen again.

**Reverend the Hon. FRED NILE:** Thank you for your answer.

**Naomi LEVIN:** If I could just endorse everything that Dr Abramovich has said, but just correct him: Holocaust education is actually mandatory across the Australian curriculum at the moment, but it does differ in different States and Territories as to what is mandated. In some States and Territories there is a certain number of hours that need to be taught and it does differ, but it is actually mandatory across the Australian curriculum to teach the Holocaust.

**The CHAIR:** Thank you.

**Dvir ABRAMOVICH:** Is it separate, Ms Levin, or is it within units of history and European history?

**Naomi LEVIN:** My understanding is it is a mandated learning area in the Australian history curriculum from years 7 to 10.

**The CHAIR:** Okay, thank you for clearing that up.

**Reverend the Hon. FRED NILE:** But does it happen?

**The CHAIR:** I should have mentioned earlier, Reverend Nile, that—when talking about victims—I visited the barracks at Dachau, which was built especially for Christian clergymen who stood up to the Nazis as well but who lost their lives there. Ms Boyd, do you have some questions?

**Ms ABIGAIL BOYD:** Thank you, Chair, and thank you to our witnesses for submissions, for coming along and also for your continued advocacy in this area. I wanted to touch on that social media question again. When I asked the Deputy Commissioner in the last session about the enforceability of that provision he had some concerns. I wanted to ask particularly you, Ms Levin, whether you have come across these issues and whether you have any answers. If I could just put forward a few of the questions I am thinking of, based on the draft bill. For example, say somebody posted on Facebook a Nazi flag.

Clearly under the bill we would intend for that person to be criminalised for that display, but how does that impact on a person who is perhaps a moderator of a Facebook group? How does it impact on the company themselves, on Facebook? Are they also displaying—do they have an obligation to do something about that? What if somebody in Queensland, for example, posts and it is seen by somebody in New South Wales? Would that be caught by the legislation? All of these very tricky issues that I know are being dealt with at a Federal level—how do you see them working? Do you have any sort of amendments or suggestions for us on how we can make that provision a bit tighter?

**Naomi LEVIN:** It is a very good question, and I think some of those specific examples I would like to take on notice if that is okay, Ms Boyd, because I just do not want to give a kneejerk gut reaction; I would rather think about them a bit more clearly. But as AIJAC put in our submission, we think that this legislation does intersect quite significantly with some of the Commonwealth legislation that is just being implemented at the moment—the Online Safety Act 2021 and the Online Safety Determination. That gives a lot more powers to the eSafety Commission to instruct those social media companies to remove material.

The way I see this particular amendment interacting with that is that in New South Wales you cannot display these Nazi symbols. The eSafety Commissioner could potentially [inaudible] one of those companies and say, "You have displayed these symbols. That is a criminal act in New South Wales. You need to remove them from your platform." That is how I see that interaction taking place. But again, I would really like to think about some of those questions and scenarios you just put a bit more deeply, and I would like to reply on notice if that is okay.

**Ms ABIGAIL BOYD:** That would be really useful. It makes me think that perhaps the Committee should also reach out to the eSafety Commissioner for their views on just how we might tighten it up. Did any of the other witnesses want to chime in on that?

**The CHAIR:** Yes, that is a good thought, Abigail. Are there any follow-up questions on that particular issue?

**Dvir ABRAMOVICH:** If I could just add that I think—

**The CHAIR:** Colin, go ahead. We have lost your sound, Colin. Try again.

**Colin RUBENSTEIN:** That was Dvir.

**The CHAIR:** Oh, I am sorry, Dvir. My apologies. I was looking at you thinking I was hearing your voice. Dr Abramovich, please continue.

**Dvir ABRAMOVICH:** I was just going to say that it is clear to everybody that the new landscape, the new frontier is the digital one. We are seeing an enormous amount of Nazi symbols being posted across the world on so many different media platforms. Of course, the absurd thing is that if you look at most of their community guidelines, those symbols of hate are not prohibited. In fact, just last week we alerted, for example, Facebook Australia—who we have quite a good relationship with—that somebody was selling Nazi memorabilia on Marketplace and they immediately removed it. I think the issue is that we need to make sure that those digital companies actually enforce their own laws. That is the issue. Most of them would not endorse or accept the posting of the Nazi swastika or other Third Reich symbols. The problem is that we often alert them to the incidents and

they either ignore it or they come back with an automatic response saying, "Thank you, we have received it. It doesn't violate our community guidelines" because they have not checked it. That is an important issue to emphasise, that we need to impress those internet companies to enforce their own laws.

**Reverend the Hon. FRED NILE:** Hear, hear!

**The Hon. WALT SECORD:** Mr Chair, could I jump in with a follow-up question on social media? Ms Levin, can you explain the concept of triple brackets—this thing where you see three parentheses making an echo symbol? Dr Abramovich, can you also respond to that? Is that also a Neo-Nazi symbol, and can you explain that?

**Naomi LEVIN:** It is a Neo-Nazi symbol. I have seen it around but I have never done any specific research into it myself. Dvir, do you have any more insight?

**Dvir ABRAMOVICH:** Yes, absolutely. It's called the Echo. It is a typographical practice which antisemites use online. What you do is you just use three pairs of parentheses or brackets around someone's name. It is intended to let others people know that the person that is being referred to is Jewish. Sometimes you see the word "banker" and they will put it around the word banker. The idea is that the word "Jewish" is placed in front of the term or phrase. I think it has been around for about six or seven years. It was first used in podcasts, but today we are seeing more and more antisemites, white supremacists and Neo-Nazis using inverted parentheses on their own screen names to indicate that they are not Jewish. It has become very, very common and it certainly is an antisemitic symbol.

**Naomi LEVIN:** I will add that there are a lot of symbols like this that exist, and the idea is to try and get through some of the filters that social media companies have put in place to try and automatically weed out offensive terms. Instead of writing offensive words that any sort of artificial intelligence could pick up and get rid of, these groups are increasingly sophisticated in using coded language to try and get their points across. I know the ADL in the United States has almost a glossary that is constantly updated of all the coded language that is being used by those groups to make offensive remarks without being picked up by these filters.

**The Hon. WALT SECORD:** Thank you.

**The CHAIR:** We might have time for one last question. The next witnesses are waiting in the digital lobby, so to speak. The Hon. Peter Primrose has the call.

**The Hon. PETER PRIMROSE:** Just very briefly, to any of the witnesses who would like to answer: We had a brief mention earlier about the appropriation of Nazi symbols by extremist groups—anti-vaxxers and others. Can you basically say what effect you think passage of this proposed legislation would have on the use of those symbols by those other groups?

**Naomi LEVIN:** I think there are some separate issues here. Some of them, as Dvir was alluding to earlier, require community leadership to stamp out rather than legislation, such as comparisons to the Holocaust that these anti-vax movements use—and increasingly use. I do not know if a lot of that is necessarily a hate crime or is necessarily inciting to violence, but we need the community leadership to talk about how unacceptable it is and how that discourse and that rhetoric has no place in our community. I am not sure that that is a place for legislation as opposed to leadership. Having said that, those groups radicalise very quickly. They start as a fairly benign anti-vax movement and quickly move into racial incitement, vilification and, as part of that, appropriating Nazi symbols. That is where I think this amendment can intersect with what those groups are doing.

**Dvir ABRAMOVICH:** Of course, online radicalisation is how the Christchurch killer became a mass murderer. It is very, very important—and the other thing, of course, is that for Holocaust survivors and for the descendants of Holocaust survivors, seeing the Nazi swastika is like being threatened with a gun. It is that serious. We have to really, in a sense, pour all our energies and efforts into making sure that every single elected representative uses the stage to condemn and denounce any use and any misappropriation of those symbols.

**Reverend the Hon. FRED NILE:** Hear, hear!

**Colin RUBENSTEIN:** If I could just add, to emphasise the point, the supreme importance of bipartisan political leadership in maintaining the values of Australian multicultural democracy. I think that is critically important, as part also of a national anti-racism strategy and social media strategy. I commend the New South Wales Parliament for its initiative with this particular proposal. The explosion of the far right in Australia, which is [inaudible] documented by ASIO and the Federal Police, is a very powerful, serious matter. It is a direct threat to the Australian Jewish community but it is a profound threat to the future viability of Australian multicultural society and our democracy. I commend the Committee again for its work in this area. Thank you.

**The CHAIR:** It just remains for me to say thank you very much. I think this has been an excellent interplay of ideas and where we are heading on this information. All three of you have brought a great deal to the table in terms of our deliberations. I give our sincere thanks. It being twelve o'clock, may I wish you good afternoon—have an excellent one. Hopefully we will have cause to see you again on some occasion socially.

**(The witnesses withdrew.)**



**JOSEPH SYMON**, Member, Australian Association of Jewish Holocaust Survivors and Descendants, sworn and examined

**ANTHONY LEVIN**, Former Vice President, Australian Association of Jewish Holocaust Survivors and Descendants, affirmed and examined

**The CHAIR:** I welcome our next witnesses. I should just make sure that all of the Committee members know that Mr Symon is 97 years old. I hope you do not mind me revealing your age.

**Joseph SYMON:** No.

**The CHAIR:** He is a Holocaust survivor. We are delighted that he has his wife and daughter with him as well to assist him to provide his perspective to the Committee. We are very grateful for them making their time as well. I invite each of you to make a short statement, if you would like to. I will start with Mr Symon.

**Joseph SYMON:** Yes. First of all, I hope [inaudible] that statement document is right in front of you.

**The CHAIR:** Yes.

**Joseph SYMON:** As a Holocaust survivor I am committed to doing everything I can to communicate, educate and increase awareness of the Holocaust and the murder of six million Jews, including a large number of my family—including my father. Among those six million Jews there were 1½ million children. It was all driven by hate, discrimination and social injustice and reinforced by Nazi symbols, particularly the swastika—the most recognisable symbol of the Nazi regime. The strong and enduring message: Never again.

**Reverend the Hon. FRED NILE:** Hear, hear!

**The CHAIR:** Indeed. Thank you, Mr Symon. I inform Committee members that Mr Symon has also provided a document which he would like as an addendum to his opening statement. Is there any objection to that being tabled?

**The Hon. WALT SECORD:** No.

**The CHAIR:** There is no objection. Thank you very much for providing that statement as well, Mr Symon. Was there anything else you wished to add at this stage?

**Joseph SYMON:** In this stage I would like to emphasise that I had been taken, like every Jew in Hungary over the age of 18, to forced labour camp. That was a time when [inaudible] it was not allowed to listen any other radio station except the Hungarian or the German, and we could choose which lie we wanted to hear. But if you had, well, I would say perhaps a brain enough, there were two stations available for those who were willing to take the risk—not worrying about the punishment—of listening to these two stations. One of them was the Voice of America and the other one, from London, was the Free Europe. These two stations told you day by day what was happening with the Jews all over Europe and, unfortunately, within [inaudible] with the deportation to concentration camps, the gas chambers, the crematoria—in other words, we knew exactly what happened. It was a time I have decided is not going to happen to me. I will make every effort to find my way to not be part of that discrimination. I will endeavour later on for details, if you are interested, of what happened to me later on.

**The CHAIR:** Thank you, Mr Symon. Mr Levin, would you like to make an opening statement?

**Anthony LEVIN:** Yes, just a very short one, thank you—and thank you to the Committee members for inviting us to appear today. I would like to start by acknowledging and paying my respects to the Dharug and Ku-ring-gai people, who are the traditional custodians of the land from which I am talking to you today. I pay my respects to their Elders past, present and emerging. My name is Anthony Levin. I am the immediate past vice-president of the Australian Association of Jewish Holocaust Survivors and Descendants. I served in that role for eight years until 2021. I am also the grandchild of two Holocaust survivors, one of whom is still alive and survived five different concentration camps.

I am the co-founder of a community organisation called the Gen 3 network. Its purpose is to facilitate discussion between third-generation descendants and their peers in the Jewish community, largely about Holocaust commemoration and social justice issues. I mention these matters because it may help the Committee in framing its questions to me or to Mr Symon. I also note that in my professional life I work as a human rights lawyer with over 15 years' experience, so to the extent the Committee is amenable I am happy to answer questions which go to any human rights or other legal implications of the bill—in particular, questions you have already posed to other witnesses about striking the appropriate balance between freedoms and the responsibility to protect vulnerable groups.

I also echo the sentiments of Mr Symon already made in his opening statement. Indeed, for many descendants of survivors and younger Jewish people, the impact of seeing Nazi symbols in the street—for example, during anti-lockdown protest rallies—is very visceral and psychologically disturbing. If those are left unchallenged, they do violence to the cause for peace and harmony in a plural society like ours. Granted, I think we have to do everything that we can to make our society anti-fragile, meaning that when the political environment becomes volatile we must look for ways to strengthen our principled foundations. Arguably the greatest challenge to the efficacy of this proposed law, in our view, is that these ideologies are constantly evolving, especially in terms of the use of symbols online. I would be happy to receive further questions on that from the Committee in trying to establish a principles-based approach to the deterrence of hatred. Thank you.

**The CHAIR:** Thank you very much, Mr Levin. Is there any Committee member who would like to go first, since I have nominated someone to go first for all the other witness groups? Abigail, you were first off the mark. Ms Abigail Boyd has the call.

**Ms ABIGAIL BOYD:** Thank you very much, and thank you to the two of you for coming along today. I think that your submission, your evidence raises a really important point about—I guess it reflects on some of the discussion we were having before about the lack of education or the seeming lack of awareness amongst Australians as to what the Holocaust was and what it means. I wanted to ask you about not just the outward use of Nazi symbols in a sort of deliberately antisemitic way but even the casual use by a more well-meaning person, or a relatively well-meaning person, of words like Nazi to describe a "grammar Nazi", for example, which is quite common, or comparing certain things to concentration camps. That trivialisation of the experience of Holocaust survivors and of the import of the event itself, as well as now this sort of taking on of Nazi symbols by the far right: Could you explain to us how that exacerbates the trauma for Holocaust survivors and descendants and [inaudible] to you?

**Joseph SYMON:** First of all, personally from me, as soon as I can see any information related to Nazi Germany it ultimately brings back very vivid memories: all the suffering and the horror, what my people and other people—please remember we are not talking strictly only the six million Jews; we are talking about many millions of people. I can give you an example. According to the Nazis, every Slovak people—and you can call that the Croatian, the Serb, the Bosnian-Herzegovinian, Macedonian, Albanian and, of course, the Poles—they are subhuman, they should not be in the world—including the Jews, of course, as number one. And that was the Nazi aim: to wipe out the Jews forever. And that memory is becoming very, very much alive as soon as I can see the swastika or any other documentation about Nazi Germany. It helps me to reinforce my very, very strong commitment for educating people, talking about it as much as possible—because we are talking strictly about hate, and that is what I am fighting against. That is why I try to educate people and explain to them the danger of it, because that hate eventually ends up with killing. That is what I personally—on behalf of the people that the Volker got, who cannot speak anymore, the ones who were destroyed, I am talking on their behalf to make people understand the danger of Volker, behind the word of Aryan.

**The CHAIR:** Thank you. Mr Levin, any response on this issue?

**Anthony LEVIN:** Maybe just to briefly address this issue of trivialisation. I think there are a number of points to unpack in your question, Ms Boyd, one of which is possible comparison to concentration camps in other contexts. I think that is a slightly vexing and vexed issue. If you look at the scholarship of someone like Dan Stone, for example, who has explored the historical use of concentration camps that predate the Holocaust by many years, you can begin to see that there are legitimate instances where we can have public discourse about what a concentration camp is. However, I think more pointedly in this case, most—and I do not speak for survivors and I do not purport to, and nor do I purport to speak for descendants. But I can speak to my conversations with them and their experiences as relayed to me, and I think it is fair to say that many survivors would feel affronted by those kinds of comparisons, and they would feel equally affronted by casual use of the term "Nazi" in contexts, be it grammar or otherwise.

Descendants, being a very heterogeneous group, might have a slightly less sensitised response to those examples, but that does not mean that there will not be quarters of the community that are offended by them. In fact, I think that there are people who are offended by that kind of casual usage. Whether that is or should be the province of this bill is a different question. I think it comes back to the dual purpose of the bill that you have already spoken about earlier this morning in other sessions, in that it is designed, as far as I understand it, to both protect members of the community who are vulnerable minority groups but also to deter the display and to create this new offence. I would say, in that regard, I would try to keep that purpose in mind when thinking about these somewhat lesser instances which you might describe as trivial or even flippant, and whether they are properly within the scope of what is designed here to be captured by the proposed offence.

**The CHAIR:** Thank you very much. Any follow-up, Abigail, at this stage?

**Ms ABIGAIL BOYD:** Just to comment that, yes, I absolutely agree. I do not think it is something that should be caught by this bill, but I think that element of trivialisation of Nazi images and Nazi symbols also leads to some people not understanding the import and why we might want to ban Nazi symbols. Thank you for your answers.

**The Hon. WALT SECORD:** Mr Levin, you mentioned online activity. Can you offer some advice or observations on how, if we were to amend or change the bill, we would incorporate online activity?

**Anthony LEVIN:** Yes, I think this is quite difficult, and I know you have had other witnesses appear who are more expert than I am in these matters and commenting on them. I would start by saying that there have been comments earlier today about whether, by creating a prohibition or criminalising the display of Nazi symbols, you force the groups that use them underground. I would say that I would probably query the meaning of "underground" there, because many of these groups are already underground. If you look at the kinds of forums where they appear—messaging boards like 4chan, 8chan, Discord or even on Telegram—those platforms contain anonymous users who are already not particularly visible and require law enforcement to investigate to identify who they are. I do not believe that this kind of proposed bill would force them further underground. I think that possibly misapprehends the way that those groups seek to mobilise, recruit and expand in the first place.

I do not know that I am best placed to offer advice on how to properly capture the conduct of those people online other than to say that we ought to think broadly about the meaning of Nazi symbols. Perhaps a lot of thought has already gone into this, but in a country like Austria, for example, they have banned up to 30 different kinds of symbols—which acknowledges the fact that they become very encoded in the online environment. The use of numbers, for example, such as 1488 or 420, which are coded references to various aspects of Hitler and Holocaust history, are less easy to notice and may be less known to the community.<sup>1</sup> I would suggest that it would be important to think about, in drafting or in any amendments that might be considered in future after this inquiry, whether the bill is able to capture those instances of people using numbers and coded references.

A reference was made earlier by Peter Wertheim to the now-notorious triple parentheses used, which is a kind of digital equivalent of a gold star, and I have been on the receiving end of this on Twitter. But there are other usages which are far less obvious but understood within these messaging groups and online cabals that would not necessarily be obvious to you or I, and I imagine the Anti-Defamation League and similar groups are monitoring those kinds of things.

**The Hon. WALT SECORD:** Mr Symon, thank you for joining us today. I am going to ask you a particularly direct question: How do you feel when you see a Nazi flag or a depiction of a Nazi flag on the streets of Australia? What does that make you feel?

**Joseph SYMON:** The straightforward answer would be: very, very disturbed. But it goes far beyond that, because of what I never mention—that I had the good fortune to be invited and work in the Hungarian Jewish underground. Through that period of time I had the pleasure to meet people who later on, saving a number of Jewish lives, became the Righteous Among the Nations. That discussion with these people made me determined that the important part of my work has to be education—talk to people and explain what is behind a Nazi flag is the swastika. And that is all hatred, hatred by the Nazis not only to Jews—I did emphasise but I have to repeat it—not only to Jews, but anybody who was against them. For that reason, still today, the sight of any Nazi flags with the swastika is very disturbing for me.

**The Hon. WALT SECORD:** Thank you, Mr Symon. One last question to Anthony Levin: In your opening remarks, you touched on the debate or the argument around freedom of speech and the offensive view that someone in the community has the right to be a bigot. How do you respond to that? I find that view absolutely abhorrent. I do not think you have a right to be a bigot, and you do not have a right to espouse those views. But as a human rights lawyer, how do you navigate this terrain?

**Anthony LEVIN:** Yes, I think we are all familiar with some of the debates that unfolded during the 18C inquiry and discourse in the media. I agree with your sentiments completely, and I imagine that members of our association would also completely agree, as those who have experienced that kind of bigotry and the violence that

---

<sup>1</sup> In [correspondence](#) to the committee, dated 17 February 2022, Mr Anthony Levin, Member and Immediate Past Vice-President, Australian Association of Jewish Holocaust Survivors and Descendants Inc, provided a clarification to his evidence: 'In the code '1488', 14 is a coded reference to the infamous white supremacist 14 word slogan 'We must secure the existence of our people and a future for white children', while 88 refers to 'Heil Hitler' (H being the 8th letter of the alphabet)'

has flowed from it throughout history. In human rights, there is almost always a competition between certain kinds of rights, and the test that is typically used to adjudicate that competition is one of proportionality. In this case, you might say if you are a strict libertarian, for example, that a person has the right that you have offered in the premise of your question. I plainly disagree with that, and the reason I think it is rational and sound to disagree with it is because we also have the right to be free from restraint and violence from others. The limits on our freedoms are actually one of the hallmarks of a mature liberal democracy. That is to say—and we are in the territory of negative liberty here—that a person does not have the right to go and incite violence, either by verbal or non-verbal expressions and symbols which may impinge on the rights and freedoms of others. That is exactly what we are talking about today.

These Nazi symbols I alluded to in the opening are a form of psychological violence. They are triggering for survivors and they are triggering for descendants. I can attest to my own visceral reaction when I witnessed a man near a beach in the Eastern Suburbs with his shirt off, with a very large swastika tattooed on his chest. I drew breath sharply because I found this so affronting, and it had such a visceral impact on me. I do not think I would be alone, and I do not think you need to be Jewish or a descendant to experience that either. The balance of these rights is written into the Universal Declaration of Human Rights. Look at article 29, which basically says that nations have an obligation not to disseminate racist ideas and to take steps to eradicate notions of racial purity. What is Nazi symbolism if not a way of signifying that kind of racial superiority? It must be eradicated, and we must send a strong message about it. And so I would just reiterate that we strongly support this bill—albeit that we may discuss, in the ensuing minutes, ways to adjust it or improve it.

**Reverend the Hon. FRED NILE:** Can I just ask a question of Mr Levin?

**The CHAIR:** Yes. I think Mr Symon is indicating that he would like to make a brief contribution on that same issue.

**Joseph SYMON:** The only thing I would like to draw your attention to, if I may: In my statement document which was tabled, the last entry of it I will read again, because I feel that is the essence and the importance of all the questions which we are talking about at the moment. That is somewhat as follows: Having the use of Nazi symbols legal, in my view, inhibits the work of communities and the Government to create and maintain an inclusive society that is independent, by tolerance and family. It inhibits the fight against racism, bullying, anti-Semitism, discrimination and social injustice. Thank you.

**Reverend the Hon. FRED NILE:** I have another question regarding the increasing anti-Semitic attacks, which are really anti-Jewish attacks, in our society. How do we combat that, especially the subtle ones that are anti-Semitic—which are really, as I said, anti-Jewish? How do we educate the Australian people?

**Joseph SYMON:** [Inaudible].

**The CHAIR:** Mr Symon, we seem to have lost your sound. I wonder if you could try again. We can hear you now. Thank you.

**Joseph SYMON:** My answer is unchanged: education. We have to talk with people. We have to explain, just like my lovely colleague Olga Horak. Myself and she, particularly, working in the Jewish Museum and Courage to Care, have taken every minute possible given to us to explain to people the danger, that the society—not the Jews, the society—is having problems, difficulties and pain because of the legal existence of the Nazi symbols.

**The CHAIR:** Thank you. Mr Levin?

**Anthony LEVIN:** Yes. Full disclosure: Olga Horak is my grandmother, so I obviously support the work that she and Mr Symon and many others have been doing for many, many years now through the association and also through the Sydney Jewish Museum. That brings me to a point that might be relevant to answering the question. I completely concur that we need more educational measures, and you might say, "Well, what already exists?" You are probably already familiar with the fact that thousands of school students pass through the Sydney Jewish Museum every year—at last count, when I was serving on the Jewish Museum board, something in the vicinity of 24,000 or 25,000. Obviously, that number would have been affected drastically by COVID restrictions, but that is an average kind of number in recent years. That is a lot of schoolchildren, but it is not a mandatory program. You may well say, "Why isn't the Holocaust, or indeed civics and ethics education, a more mandatory aspect of the curriculum in addressing these kinds of issues?"

**Reverend the Hon. FRED NILE:** Hear, hear!

**Anthony LEVIN:** I am not an academic expert, and I am not familiar with the parameters of the current curriculum. It may well be that there are aspects, but I am not aware that they are mandatory. I am also not aware of mandatory training in the public service. I know that members of the police force do attend the museum and

undertake conversations with survivors and learn about Holocaust history but, again, I am not aware that it is a mandatory thing. You may say that it is for each public sector agency to determine what kind of training it does, but there are definite benefits in introducing these kind of modules as part of a normal orientation and induction program when a person joins. These kinds of measures, addressing the youngest generation but also addressing members of the public who work in public service and are dealing with the public every day, would go some way to improving the levels of understanding and drawing that statistic of one in four Australians down even lower, so that we have a much stronger knowledge base.

**The CHAIR:** Thank you.

**Reverend the Hon. FRED NILE:** Hear, hear! Thank you.

**The Hon. SCOTT FARLOW:** This question is for both Mr Symon and Mr Levin. Mr Levin, you alluded earlier to ways of potentially improving the bill. One of those ways that has been described by the deputy police commissioner was in terms of a lawful excuse list potentially attached to the bill, which would allow for things like education, movies and artistic works and the like. That that be a lawful excuse. Do you have any commentary on that—how you think that could operate and what that would mean for you?

**The CHAIR:** Pardon me for interrupting at this stage, but could you also consider that in the context of the submission from Anti-Discrimination NSW and the prospective exemption model that is in the bill.

**Anthony LEVIN:** Certainly. I would say that an inclusive list of lawful excuses would be a very helpful provision in this bill. I listened to as much of the evidence of the deputy commissioner as I could, and other witnesses, and I agree with the submissions that have been made about needing to use—or maybe if I could just phrase it this way: What we want to do is separate a civil and administrative legal process from a criminal and law enforcement one. The present proposal of using the exemptions, I think, could be improved. I would suggest, in agreement with earlier evidence, that a defence or exception regime is preferable, because it would enable law enforcement to exercise discretion in who to prosecute. I hope that addresses that aspect of the question.

With regards to a list of lawful excuses, we are all now very familiar with the operation of what were called reasonable excuses during the first public health orders. The public became familiar with this, maybe for the first time. Those kinds of lists of excuses are very common in criminal law. Here, if we talk about lawful excuses, you could create a similar kind of list, and that list need not be an exclusive list. In fact, when you use terms like "including" in legislation—as I am sure I do not need to tell you—they are considered by the courts as terms of enlargement, meaning that they do not define the parameters completely and that it is possible that there could be others.

That is a question for the Committee, and indeed for Government, to consider: Is it appropriate to absolutely delimit the kinds of excuses and make that clear, or should the list of excuses be indicative only? I think some amount of discretion on behalf of police is appropriate. I think it is appropriate for law enforcement to be the ones that determine whether to prosecute, because there will be myriad examples, as the anti-discrimination board submission pointed out, of people needing such exemptions. It will be burdensome and it also ultimately, in my view—and I agree with them on this—goes against the tenor of that exemption regime, which was fundamentally designed almost as an affirmative action regime to help people who will be affected by unlawful discrimination to be able to be promoted and have all their rights to be promoted. So I think there would be real benefit in re-examining that view.

**The Hon. SCOTT FARLOW:** Mr Symon, did you want to contribute to that as well?

**Joseph SYMON:** My comment is basically it depends on what is going to happen now, because the legality of any Nazi symbols goes against not only what this Committee are trying to achieve—which is very commendable—but it goes against the basic principles of our present Government. Therefore, it is highly counterproductive to allow these people to talk about, freely, everything which is against anything that human decency would otherwise allow.

**The Hon. SCOTT FARLOW:** Thank you, Mr Symon. I might just follow on that tenor, as well, in terms of another suggestion or comment that was made earlier today. This is a strict liability offence, as it is in the legislation, of exhibiting and the public display of the Nazi symbol. There was some talk earlier today about having an intent attached to that, as well, as has been used in other legislation. From the comments that you have made to the Committee about things such as the BDS movement, anti-vaxxers and those who have protested against lockdowns and the like misappropriating the Nazi symbol for those causes, I take it that whether there is an intent for anti-Semitism or an intent to incite violence does not really matter when it comes to you and the response that you have when you see that symbol used. Is that correct?

**Joseph SYMON:** Absolutely. The biggest danger is that the extreme right wing—any opportunity they will use, hiding behind its symbols, going against anything that is humanly obvious and desirable. So, if for no other reason, that will be more than enough to make the symbols illegal.

**The Hon. SCOTT FARLOW:** Mr Levin?

**Anthony LEVIN:** If I could just add to those comments by saying that I think this goes to an earlier question you posed, Ms Boyd, which is that these symbols may have a tendency to normalise their visibility in society, and that is one of the precursors to historical examples of genocide. We know that the normalisation of terms of denigration, symbols of hate and other things which are not exclusive to the Holocaust and have happened in other genocides, including in Rwanda—they are the early warning signs. We do not want a society in which we tolerate those kinds of things, and I think that it is really incumbent on us to approach it both from that protective viewpoint but also from a deterrent viewpoint—to be able to say that we must take steps not to normalise and to make it clear, alongside a raft of educational measures to help people understand, just how truly horrific the Holocaust was.

I also wanted to make a comment on this notion of strict liability, briefly, if I could, which is that there was evidence given at the Victorian inquiry about the difficulty of there being two problems with prosecuting crimes in that jurisdiction, one being the difficulty of making a complaint but also another being the high bar required for prosecution. We have also seen in New South Wales that we have not seen many prosecutions. The deputy commissioner gave evidence earlier of two that are on foot, but that is not many in the context of 112 reported incidents and 31 anti-Semitic incidents. I would say we should avoid things that may make it more difficult to prosecute such crimes, and I query whether the threshold of requiring DPP approval before such prosecution is the right level of threshold.

**The CHAIR:** Thank you. We have just a little bit of time left, so I might conclude with one or two questions in particular to Mr Levin. It is very helpful having a lawyer practising in the area with us today, so thank you, Anthony. During your opening statement, you invited the Committee to look at a few areas where you would be happy to provide some extra information. I think we have touched on some of those, but I will give you a free pass and ask: What have we missed? What else do you think we need to know?

**Anthony LEVIN:** I appreciate your comments, firstly, as the Chair of this Committee. I would say that there has already been some discussion of what has happened in Victoria. There was evidence given there by the Human Rights Law Centre about the benefits or relative merits of a principles-based approach, which would capture a wider array of symbols. My question is—especially in light of the joint submission given earlier by the Hindu, Buddhist and Jain communities with the Jewish community—how are we going to tackle those uses of symbols that may not be recognisable to me as a member of the Jewish community or to you as a person who is familiar with history but are familiar to particular minority groups?<sup>2</sup> What steps should we be taking? One argument, and I think it is a rational one, is to say that we need to establish a precedent—that this perhaps is the first tranche of laws to deal with this problem in society, but with the rise of extremism we are likely to see other examples of symbols of hate being used, and that we will need to come up with either amendments to the Crimes Act or other measures to address those.

I do not know that it is necessary to address them all and, indeed, there are going to be grey areas. That is the nature of the law. Those grey areas are best adjudicated by the courts, and we should not allow the fact that greyness exists to inhibit our desire to make really important reforms in this space. So I think that there is a rationale for an incremental approach, but I do point to this notion of a principles-based approach which is broader than just Nazi symbols and would allow us to look at what are the kinds of symbols that incite hatred, racial or religious animosity, or animosity on other grounds that are otherwise protected by our discrimination laws?

**The CHAIR:** Thank you very much. I think it would be appropriate to give the very last word, given everything that he has gone through in his remarkable 97-year life, to Mr Symon. The last word is with you.

**Reverend the Hon. FRED NILE:** Hear, hear!

---

<sup>2</sup> In [correspondence](#) to the committee, dated 17 February 2022, Mr Anthony Levin, Member and Immediate Past Vice-President, Australian Association of Jewish Holocaust Survivors and Descendants Inc, provided a clarification to his evidence: 'I note that the submission was in fact made jointly by the Jewish Board of Deputies and the Hindu Council of Australia, but that submission makes reference to the significance of the Hindu, Buddhist and Jain swastika'.

**Joseph SYMON:** I just want to thank the Committee for giving the opportunity to discuss the subject. I sincerely hope that you will be successful in your endeavour and the legality is going to be wiped out. I wish you all the very best and hope you will be successful.

**The CHAIR:** Thank you so much, Mr Symon and Mr Levin, for your time this morning. Both of you have been exceptionally helpful in the material you have given the Committee. It only remains for me to say: Have a lovely afternoon. Mr Symon, keep well.

**Joseph SYMON:** Thank you. I have all the good intention to do so.

**The CHAIR:** You too, Mr Levin. Thank you very much, and this concludes the hearing.

**(The witnesses withdrew.)**

**The Committee adjourned at 12:44.**