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From: Henry Fijolek [REDACTED]
Sent: Tuesday, 27 June 2023 7:06 PM
To: Committee, PJCIS (REPS)
Subject: SUBMISSION TO THE COMMITTEE ON THE COUNTER TERRORISM LEGISLATION AMENDMENT (PROHIBITED HATE SYMBOLS AND OTHER MEASURES) BILL 2023 SUPPLEMENTARY TO NO. 10

Categories: [REDACTED]

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SUBMISSION TO THE COMMITTEE ON THE COUNTER TERRORISM LEGISLATION AMENDMENT (PROHIBITED HATE SYMBOLS AND OTHER MEASURES) BILL 2023

INTRODUCTION

1. The Labour government of Anthony Albanese has introduced the Counter Terrorism Legislation amendment (prohibited hate symbols and other measures) Bill 2023 to criminalise public displays and trade of the Nazi Hakenkreuz (Swastika), the Schutzstaffel insignia (the SS runes) and the Islamic State flag. This includes but is not limited to flags, armbands, T-shirts, insignia and the use of these symbols online. Before going further into this submission I would like to ask the following observations and questions:

a. Is this legislation being introduced in the right category? if past in its current form will any person that is prosecuted under the Bill be branded a Terrorist? Will the stamp collector who collects stamps from all eras and countries be actually called a Terrorist because he purchased some Third Reich German stamps.

b. Will online sites such as International auction houses and online sites such as You-Tube be prosecuted for displaying the banned symbols online? will also movies shown on TV that glorify the Germans during WW2 and display the banned symbols on TV for all and sundry to see be liable to prosecution or will they be treated as educators.

CONSULTATION PROCESS

2. I have read that before the Bill was introduced that the government have taken six months to get the legislation right, this was quoted in an email from Katherine King MP. She also said that consultation was conducted with law enforcement and those targeted by this hatred. However no consultation has been conducted with any other organisations or interested parties that would have valid input into the decision making process such as Militaria Dealers, Militaria Collectors (who number in the thousands) and Militaria collecting and historical organisations whose memberships also run into the thousands. I will now talk on some of these groups and their interest in collecting historical military items.

THE STAKEHOLDERS

3. The Collector- Whether we like it or not the introduction of this bill will affect the thousands of Australians who collect with integrity and respect, military history items which include WW2 German Third Reich items. These collectors number in their thousands across Australia, they are not Neo-Nazis or terrorists or Anti Semitists. They are normal Australians they are dads and mums and even young Australians who collect postage stamps, postcards and old currency. Many are ex Australian Service men and women who like myself have served for over thirty years, others are professionals such as Doctors and Dentists and yes some are in government. They have all been collecting all their lives and wish to continue to do so with many investing their life savings into the hobby, we are talking millions of dollars and yes a lot of that is spent on collecting WW2 German third Reich items. they are not Neo-Nazis or Terrorists. All they ask from their government is the right to be able to **collect, buy and sell with respect and integrity** military items from WW2 Germany. the collectors and dealers are aware of the affect the Nazi symbols have on a portion of the community and they like myself do not go into the public arena and openly display their WW2 German collection items to antagonise the public. Not all collectors just collect WW2 German Third Reich items however they may and do form part of their collections such as helmet collectors, edged weapons collectors and medals and badges collectors.

4. The Dealer- I am a dealer and run an international website buying and selling all types of historical militaria, my website is named Henrys Military Collectables. A large portion of my sales are WW2 German Third Reich items because the demand is there. I can safely say that I have not knowingly sold any item to a Neo-Nazi, Bikie Gang Member or a Anti Semite. Why would they pay the high prices when they can buy reproduction items for a few dollars. My father was polish and he was a victim of the Nazis being taken into forced labour at the age of 17 and not returning to his family in Poland after the war but being a refugee. He encouraged me to start my business some twenty years ago. I have recently retired from the Australian Army after serving thirty seven years with the last ten as a Major in the Australian Army History Unit, whom I also note was not consulted during this process. I feel I am qualified to talk on many aspects of this legislation. I have invested my life savings into my business and if this legislation is not modified I will loose tens if not hundreds of thousands of dollars. There are many dealers across Australia. We buy from and sell to 'The Collector' mentioned in para 3. The dealer has not been consulted during this process, no desicion maker has asked "what will be the impact on the collector or dealer" this is one sided and un-Australian not to hear us out or value our concerns.

POSSIBLE SOLUTIONS

5. Whilst we all recognise that the public display of the Swastika and the SS runes and other symbols is abhorrent, but is it going too far to punish the honest collector and dealer alike who are just Australian hard workers who want to carry on with their collecting passion. I would like to talk on some possible modifications to the bill that if they are looked at could provide fairness to all stake holders in this issue. They are:

a. All dealers are to become licensed delaers and must pass an application process to ensure they are of good character and are responsible peolpe and will act in accordance to a set of protocols laid out by the bill. They are aslo required to keep a register of all WW2 German Third reich items they buy and sell and record the names and details of all the buyers and sellers and to report if they suspect any Neo-Nazi, anti semites or other terrorist or motivated groups. This can be expanded to collectors also being licensed if required.

b. Dealers will only be allowed to sell WW2 German items from a closed section of thier website where in order to access that section they must apply register and sign a declaration, this is already in Auction Houses within Germany and Europe. This would also give further control.

c. Dealers are not allowed to sell WW2 German third Reich items at public fairs and military shows. If they display these items within their shops all swastikas and SS runes must be covered up and kept in a locked cabinet.

c. If a dealer does not adhere to the above rules he can be de-registered and his German items possibly forfeited as punishment.

d. Collectors when dealing with dealers are also required to adhere to the above.

6. If the above submission was adopted it would satisfy the open display of the Swastika and the SS runes amongst others. It would control the sale of Third Reich items by dealers and make them responsible by being accredited, licensed and having to conform to a code of conduct and only genuine collectors could collect. therefore satisfying the average militaria collector.

CLOSING STATEMENT

I would assume by now that you have received many emails and correspondence in regards to this legislation and it is important that all parties approach it in a balanced and objective manner, I hope my submission is looked at and taken on board. We must cater for the average well intentioned collector and dealer who has a right to collect and deal and does not want to be branded as a Terrorist, Neo-Nazi or an Anti-Semite because he has a passion for history and collecting. When I was posted to the Australian Army History Unit, the then Director of Army History Dr Roger Lee, when challenged on displays in Army's sixteen museums across Australia about the sensitivity of the WW2 Japanese displays, always cited this quote "History is History, warts and all, we must learn from it".

Regards,

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Henry's Military Collectables

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