

Senate Legal and Constitutional Affairs Legislation Committee

Written Questions on Notice for the Sydney Jewish Museum, 2 May 2023

The Online Hate Prevention Institute recommended that the bill be amended so as to make it an offense for a person to publicly display a symbol 'in a manner that glorifies or promotes a Nazi or Neo-Nazi group, movement, or ideology' (Online Hate Prevention Institute, Submission 22, p. 3). Please provide your views on the impacts such a change would likely have on the proposed bill.

In response to the recommendation made by the Online Hate Prevention Institute the Sydney Jewish Museum recognises that this inclusion is designed to acknowledge the role of intent in the display of a Nazi symbol. Intent is key in understanding the impetus of a crime and therefore we support the recommendation. However, intent can be difficult to establish and as such we highlight the important of both general and constructed intent in the prosecution of the display of Nazi symbols. Constructed intent will play key role in establishing intent in less obvious cases of this crime.