



Antique & Historical Arms Collectors Guild of Victoria Inc.

(No A0031993D; ABN 47 417 981 825)

Address PO Box 2976, Cheltenham, Vic. 3192. Tel. (03) 9584 2907

Website www.armscollectorsguild.com Email info@armscollectorsguild.com

4 July 2023

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Submission Concerning the proposed “Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023”

Introduction

The *Antique & Historical Arms Collectors Guild of Victoria, Inc.* was formed in 1963 to represent the interests of genuine collectors and students of all forms of antique and historic arms and militaria. It is the oldest such club in Victoria and is an approved organization under both the Victorian *Firearms Act* and the *Control of Weapons Act*. As such it is one of several Victorian clubs that membership of is a prerequisite to applying for firearms collector’s licences and also for the purchase of prohibited weapons.

We represent members with a very wide range of collecting interests, and one of those is items from World War 2 and which can comprise collecting German arms and militaria, items which, if used during the period 1934 to 1945, will have somewhere on them German official acceptance marks comprising stamps containing the *Hakenkreuz* (swastika).

It is worth noting that both Finland and Latvia also used the swastika emblem. Finland from 1918 to 1945, and Latvia from 1922 to 1941. In both cases this was not associated with German National Socialist (Nazi) political usage.

Discussion

It concerns us that there appears to be no explicit recognition of licensed and approved collectors in Section 474.45D “*Defences in respect of violent extremist material*” (pages 22 - 23) which contains various types of possession that is exempt from prosecution.

The closest that the interests of *bona fide* collectors appear to be recognised is sub-section (d) which states

(i) *the conduct is necessary for, or of assistance in, conducting scientific, medical, academic or **historical** research; and*

*(ii) the conduct is reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or **historical** research;*

Licensed firearms collectors acquire their licences under the Victorian *Firearms Act* by being able to demonstrate that they have a genuine research interest in the ownership of particular firearms that require registration and licensing by being *bona fide* members of an approved collecting club.

Likewise, collectors of weapons other than firearms that are covered by the Victorian *Control of Weapons Act* demonstrate their *bona fides* by being members of an approved collecting organization. Therefore, as existing Victorian firearms and weapons legislation recognises that these collectors are *bona fide* researchers then can this section be expanded to exempt *bona fide* collectors?

Failure to do so will result in rendering owners of the proscribed articles liable for prosecution and also liable to **financial loss** when the items are seized. Further to that dealers in these items will be liable to prosecution if they buy or possess them for resale to collectors. **Genuine** items of arms and militaria from the Nazi period in Germany command high prices at auctions and at sales, be they firearms, edged weapons or any other form of militaria including flags, uniforms, medals, vehicles etc. – most of which include swastika insignia.

Seizure of previously legally owned items has complex legal implications. In effect items which previously were legal to own would be rendered **valueless**, and without an approved buyback by the Commonwealth to compensate the people from which items were seized, would result in sometimes very severe financial loss to the people affected by this legislation.

This while unnecessarily severe would also result in the destruction of items of historical value, and we suggest items that would thereby cease to provide illustrations for future generations in understanding the horrors of the Nazi regime.

Conclusion

We submit that this rather unfortunate legal problem could be alleviated by adding recognition of licensed and approved collectors under state legislation to the conditions set out in Section 474.45D.

In closing we submit that given the high cost and rarity of genuine items from the Nazi period their use by the neo-Nazis is unlikely, and that the intention to eradicate use of them in the modern political environment would be better directed at modern copies and replicas.

Yours Sincerely



Dr Malcolm McKay
Secretary
Antique & Historical Arms Collectors Guild of Victoria, Inc.