

Australian Arms, Militaria & Munitions Historical Society
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Submission

Review of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023

The Australian Arms, Militaria & Munitions Historical Society is primarily an arms collectors society in Queensland. Arms collecting not only is about collecting historical firearms but their associated paraphernalia. Our society is one of many in Queensland. SSAA, Arms Collectors Guild, Shooters Union, Light Horse, Bower Birds, Owen Gun Collectors, Military Vehicle clubs are other societies registered under the provisions of the Weapons Act Queensland.

The founding principle in Queensland is for education and preservation.

We are unsure as to the procedures in other states, however in Queensland, firearms collectors are stringently checked as fit and proper persons. This includes criminal history and intelligence checks. Those who fail are ineligible to have any firearms licence in Queensland and more likely the whole of Australia. Weapons licence holders are more thoroughly checked than any other types of licences on a national level.

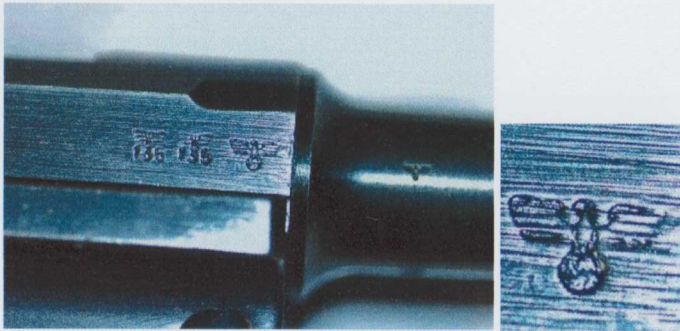
Collectors in Queensland have extensive collections for all around the world. Collections are based on Obvious Significant facts associated with a Thematic, Historic, Commemorative and Investment Values.

World War 2 arms and accessories are one of the most popular Thematic or Historic values chosen. These collections often have examples for Allied and Axis forces. Axis forces in this case are those that will fall under scrutiny. Nearly every axis has some form of symbols. The below symbol is an example.



Firearms that were produced under Third Reich or German forces include *Wehrmacht* (land forces) *luftwaffe* (air force) and *Kriegsmarine* (navy). Other forces included SS, guards and *Zollgrenzschutz* (border). Every manufacturer used that symbol in one form or another. There were millions (if not billions) of examples. Most were lost or destroyed post WW2. Those that survived are sought after by collectors all around the world.

In the case of firearms, the symbols are often a “proof” or acceptance to service as part of the manufacturing process.



Note: the proof on the right nears a prohibited Swastika.

These proofs also appear on blades, vehicles and even cutlery.

All countries captured by the Germans in WW2 were required to use these symbols as part of their proofing system. Including Austria, Czechoslovakia and Belgium

As a collectors organisation, we find no modern day application or reproduction Nazi and SS symbology or ideology. Modern collectors would not knowingly have a reproduction in their collections. Our Society promotes education and historic events. We encourage collectors to display their collections at events such as ANZAC day and other historic military celebrations.

I recently conducted a display for the Theodore RSL in Central Queensland. Over the years hundreds of visitors have attended. No visitor has ever entered into an argument over historical material. RSL and museums often display this material for education of visitors.

Collectors are not only restricted to firearms and military accessories. Coin, Stamp, Document, Books and Art are other examples of valid collections. All will be affected by this legislation.



These collections are highly valuable. A typical Hitler youth knife is now attracting value exceeding \$5000. An historic Luger may exceed \$40 000.

Collectors buy and sell with the view of improving their collections. This is no different from any other collector.

There are many dealers all around Queensland whose income is derived from sale of legal artifacts and memorabilia. Dealers alone would have to instantly write off millions of dollars from their taxable income.

Around Australia, arms fairs are held frequently. These events are collector’s havens. Currently there are 6 in Queensland. These events attract thousands of visitors from all around Australia.

Reproduction NAZI reproduction artifacts are not permitted at any known fair or event.

Should this legislation pass, these collections will halt and become valueless. Dealers will be wanting to claim an instant business write off.

Expertise and Experience

My personal background prior to becoming a collector and secretary for the Australian Arms, Militaria & Munitions Historical Society includes. QLD police (25 years – incl general duties, intelligence office, Counter terrorist- Relief period) Weapons Instructor, Antique Arms, Lecturer Firearms Dealer, Arms Fair Manager and more recently Author.

I am frequently called on for advice by museums and RSL organisations for advice where I have assisted in audits and identification of artifacts. Cultural Gifts (application in progress) valuer.

The legislation

I have perused and researched the proposed legislation.

We recognise that some modern thugs and groups are out there. We support legislation preventing these types or groups in Australia. Trade unions often are associated with these neo nazi ideas.

The intent of the legislation is clear but has exceeded the intended focus on the problem. Everyday people are now caught up in the consequences of the bill. The media attention to this bill has highlighted very few actual neo nazi's and less Islamic Jihad issues. These events are not common in Australia but do happen. There is legislation in place governing demonstrations and hate crimes.

The Queensland Laws Society highlighted that there will be unintended ramifications of this bill and similar.

Similar legislation is currently utilised in Queensland with the Outlaw motorcycle gangs. This legislation has not shown to be effective. OLMCG activities has simply one underground. The legislation has not caused those groups to disband. Prosecution for wearing a OLMCG insignia is simply seen as a right of passage.

It is clear that OLMCG are still socially acceptable however New Nazi type groups are far from being a standard (except perhaps in jail – even then it could be reasoned they are few and far between)

The legislation (or bill) is highly restrictive

Narrow target – Other and more prevalent symbols are not included

- Confederate
- Black Power
- Apartheid
- Russian Z symbol Current Ukraine conflict

80.2E Meaning of prohibited symbol

Each of the following is a *prohibited symbol*:

- the Islamic State flag;
- the Nazi hakenkreuz;
- the Nazi double-sig rune;
- something that so nearly resembles a thing to which
- paragraph (a), (b) or (c) applies that it is likely to be confused with, or mistaken for, that thing

Lack of flexibility

- Defences are limited
- Education is not permitted except by limited groups.

Lacks a proper definition or schedule

- Academic – needs to be explored and defined

Fails to recognise other atrocities caused by other military encounters.

- Pre 1945 Russia, Japan
- Post 1945 Bosnia, Rwanda, Cambodia the list is extensive

Fails to acknowledge collectors as a valid reason.

- Collectors are Academics and Educators

Fails to acknowledge dealers as a valid occupation.

- Second hand dealers, badge traders, pawn shops. Militaria dealers are all valid business that pay tax.

Seeks to block actual and factual historical events.

- Fails to acknowledge other historical events that are tantamount to genocide etc

Other aspects of racism and persecution are not recognised.

- Black rights, confederate flags, white pride, Black Panther - Again the list of known racist groups is extensive
- Racism works in several ways, it is not restricted to persecution of the Jewish Faith

Journalists have been given a free hand.

- It seems that journalists can write unrestricted

Tattoo trade - Not apparently covered in this proposal

- Could a face tattoo could it be prosecuted?
- Tattoo Artists – is there an offence?

Inconsistent standards on trade

- 80.2J Other matters (4) may be seems to suggest that trade display etc is acceptable
 - (a) the goods that are traded are intended to serve a religious, academic, educational, artistic, literary or scientific purpose;
 - and
 - (b) the person's trading in the goods is not contrary to the public interest
- Given that the dictionary is not complete then clearly a collector could be seen using, displaying trading for those standards
- Unless distinctly clarified, this may lead to misunderstanding and unworkable legislation with unnecessary prosecutions and embarrassment to the government.

Our Proposal

Our society is clear on the facts that neo nazi and other hate groups have no place in society or in Australia. Freedom of speech and expression has its tolerances and limits to where it becomes offensive. If people do not want to view historic symbols, then they should not have to.

No one will force people to attend museums and events where these are displayed in good faith. Signage may well indicate that these types of items are being displayed.

Viewing these symbols and learning about the relevant history is about individual choice. The Australian Education system promotes learning a broad spectrum of history but does not force people to attend.

Equally persons may choose not to attend certain events or locations (I.e. a Protestant probably would not attend a Catholic Event)

Persons have the right to collect, trade and display possessions of their choosing. The public has a right for proper and factual education.

FACT

A stamp/coin collector under the proposed legislation could not attend a convention and buy a German stamp/coin from 1933 and 1945. **The chances are that stamp or coin would bear a prohibited symbol which cannot be traded.**

In Queensland (and other states and territories) trade in these types of items often carried under various licenses to conduct a business of selling second hand goods.

- Pawn Brokers
- Second hand dealers
- Gold and Bullion Dealers
- Art Dealer
- Auctioneer

These licences all require fit and proper system type checks, this suggests criminal history and intelligence checks are carried out by Authorities.

Our proposal is based on fit and proper persons being permitted to display (where permission is granted), trade at approved events and businesses.

Persons who do not have licensing under a state or federal license scheme to conduct a business of selling second hand goods (private sellers) should belong to an approved society where those fit and proper checks are made.

The proposed legislation has defences. These defences are hazy at best and definitions. The policing of such forced upon state police who it seems can act under relevant existing legislation.

Recommendation

We recommend amendments covering permitted trade and display by fit and proper persons by traders and dealers operating under an authority (license) or society/club membership.

Definitions/schedule/dictionary

Period Artifacts- second hand goods that may well bare the proposed prohibited symbols that were produced during the period relevant pre-1946. Items should have some providence.

Example- A war trophy taken during a military campaign

Examples- May include Arms, blades, stamps, coins, art, photographs, flags, banners documents.

Modern Artifact- second hand goods that may well bare the proposed prohibited symbols that were produced during the period relevant post 1946 that is Items should have some providence

Example- A war trophy taken during a military campaign (Afghanistan, Iraq, Bosnia etc)

Examples- May include arms, blades, stamps, coins, art, photographs, flags, banners documents

Historic Display – A display intended for public or private viewing.

Reproductions – A modern reproduction of an artifact. Post historical date.

Educational – As it stands for the purpose of education of the public and collectors

Literary – Publications of no inflammatory and educational articles

Academic- For the study of history and events

Trader – A person who is licensed to conduct business in under a state or federal authority

Collector Society – A society licensed in state or territory that is involved in collection of artifacts stamps coins. ie Australian Arms, Militaria & Munitions Historical Society

Licensed Collector – A person who holds a license issued in a state or territory where that person has been deemed a fit and proper person. Eg Arms collectors License.

Conclusion

Our society (and others) strongly urges a rethink and redrawing of this legislation.

The intended rationale has been exceeded to the point of becoming a farce with everyday Australians with a family history dating the WW2, Anzac Day veterans likely to become unintended targets.

The legislation has already demonstrated propensity for unintended consequences, whereby it affects everyone except the targeted individuals who will see any prosecution as a badge of honour.



Paul Fowkes

Historical Representative Australian Arms, Militaria & Munitions Historical Society

Collector