



148 Darlinghurst Road  
Darlinghurst NSW 2010  
Australia

T +61 2 9360 7999  
E admin@sjm.com.au

sydneyjewishmuseum.com.au  
ABN 74 023 634 693

29 March 2023

Kevin Sumption PSM  
Chief Executive Officer  
Sydney Jewish Museum

148 Darlinghurst Road  
Darlinghurst NSW 2010  
Australia

**Attn: Legal and Constitutional Affairs Legislation Committee,**

As the Chief Executive Officer of the Sydney Jewish Museum I make the following submission in relation to the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023* on behalf of the organisation.

The Sydney Jewish Museum was founded in 1992 by the generation of Holocaust survivors who made new lives in Sydney after the Second World War. Within our walls, they created a place to share their memories, commemorate the six million Jewish people who were murdered and provide important messages to future generations. Today, it is a living museum where Jewish cultural life and heritage in Sydney are illuminated and preserved, where memories are honoured and history is researched. It's a place that gives voice to the victims of the Holocaust, where survivors still visit to share their stories with people from all walks of life, so they can start conversations and inspire change within modern Australia.

The Sydney Jewish Museum is at the forefront of education, sharing lessons of respect, understanding, diversity and the dangers of hate to over 55,000 visitors, including more than 30,000 school students each year. However, the 2022 *Gandel Holocaust Knowledge and Awareness Survey* posed more than 70 questions posed to 3,522 people across all Australian states and territories. Amongst survey findings was "a persistent latent Antisemitism within the Australian society." As British Novelist, Dion Fortune once said: "Symbols are to the mind what tools are to the hand", meaning that Anti-Semitism and discrimination is fuelled by symbols, language and stereotypes. They are not mere representations or images, these symbols carry the ideology from one. As such, we support the prohibition of public display of Nazi symbols as a step in combatting such discriminatory ideologies - these symbols have no place within Australian society.



148 Darlinghurst Road  
Darlinghurst NSW 2010  
Australia

T +61 2 9360 7999  
E admin@sjm.com.au

[sydneyjewishmuseum.com.au](http://sydneyjewishmuseum.com.au)  
ABN 74 023 634 693

In supporting this important amendment, we make the following three recommendations to the Committee.

Firstly, Section 81.1 of the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 Explanatory Memorandum* makes note that the term “Nazi symbol’ is not a defined term in the Bill, and is instead given its ordinary meaning in order to ensure that the full range of symbols associated with Nazi ideology and the Nazi party are captured by the prohibition.” This is congruent with the German *Strafgesetzbuch* section 86a which does not specifically identify symbols but rather outlaws symbols of unconstitutional organizations including “flags, insignia, uniforms, slogans and forms of greeting.” Despite the similarity in openness between the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023* and the *Strafgesetzbuch* section 86a in the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 Explanatory Memorandum* an extensive example list is given of symbols is provided. This perhaps limits the understanding of what is prohibited under this amendment to symbols specifically. Perhaps a broader definition similar to *Strafgesetzbuch* section 86a that lists a wider range of prohibited forms (flags, insignia, uniforms, slogans and forms of greeting) would be ultimately more expansive in its prohibition for it goes beyond symbology to include spoken word and gesture. However, if the list in *Explanatory Memorandum* is to remain it would benefit from the inclusion of the *Parteiadler*, the Party Eagle.

In addition, we recommend that consideration be given to newly arising symbols that clearly reference Nazi symbols. Neo-Nazi groups often create new symbols that, although they may not represent them identically, bear clear reference to Nazi symbols in order to draw upon the ideology. This tactic is often taken in order to avoid prosecution through legislation such as the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023*. As such, we recommend that this legislation be able to prosecute symbols that arise alongside historic Nazi symbols.

Finally, as aforementioned, Anti-Semitism and discrimination is not only fuelled by symbols, language is also critical. This is referenced in the *Strafgesetzbuch* section 86a in the banning of slogans and gesture alongside symbols. The Nazi Regime utilised a number of key phrases and gestures that are seeing a resurgence in Neo-Nazi groups and on social media. It is thus our recommendation that language and gesture also be taken into consideration as part of this prohibition. Actions such as the *Sieg Heil* and phrases such as “blut and boden” (blood and soil) and “blut and ehre” (blood and honour) have clear Nazi lineage and when used in a contemporary context reference the abhorrent ideology of this regime. Language and physical actions is critically important as an identifying feature key when utilised alongside Nazi-adjacent symbols that reference Nazi symbology without being an exact Nazi symbol.



148 Darlinghurst Road  
Darlinghurst NSW 2010  
Australia

T +61 2 9360 7999  
E admin@sjm.com.au

[sydneyjewishmuseum.com.au](http://sydneyjewishmuseum.com.au)  
ABN 74 023 634 693

These three recommendations from the Sydney Jewish Museum serve to expand the scope of this bill to ensure that not only existing symbols are prohibited, but that new symbols, language and gestures referencing the Nazi ideology are also encompassed in this amendment. Unfortunately, this is an evolving arena and we must ensure that there is no place for these dangerous ideas to take root, in any form.

On behalf of the Sydney Jewish Museum, I thank you for this important Bill and the opportunity to make a submission. The *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023* is a critically important step forward in ensuring that this abhorrent ideology has no place in Australian society and our way of life.

Kevin Sumption PSM  
Chief Executive Officer  
Sydney Jewish Museum