

**The Representative  
Organisation of  
Australian Jewry**

Level 2, 80 William Street  
Sydney NSW 2000

Address all correspondence to:  
PO Box 1114, Edgecliff NSW 2027

Tel (+61 2) **8353 8500**  
Fax (+61 2) **9361 5888**  
Web: [www.ecaj.org.au](http://www.ecaj.org.au)  
E-mail [info@ecaj.org.au](mailto:info@ecaj.org.au)

**PRESIDENT**

Jillian Segal AO

**DEPUTY PRESIDENT**

Robert M Goot AO, SC

**HON. TREASURER**

Peter Wise AM

**HON. SECRETARY**

Daniel Aghion KC

**Co-CEOs**

Peter Wertheim AM  
Alex Rychin

**VICE PRESIDENTS**

David Ossip (NSW)  
Daniel Aghion KC (VIC)  
Geoff Midalia (WA)  
Jason Steinberg (QLD)  
Annetay Henderson-Sapir (SA)  
Jeff Schneider (TAS)  
Karen Tatz (ACT)

**IMM. PAST PRESIDENT**

Anton Block

**CONSTITUENTS**

NSW Jewish Board of Deputies  
Jewish Community Council  
of Victoria Inc  
Jewish Community Council of  
Western Australia Inc  
Queensland Jewish Board of  
Deputies  
Jewish Community Council  
of South Australia  
Hobart Hebrew Congregation  
ACT Jewish Community Inc

**AFFILIATES**

Australasian Union of Jewish  
Students  
Australian Federation of WIZO  
Union for Progressive Judaism  
Federation of Jewish Aged  
Care Services  
Maccabi Australia Inc  
National Council of Jewish Women  
B'nai B'rith of Australia/ NZ  
Jewish National Fund of Australia  
Joint Distribution Committee Australia

**OBSERVERS**

Council of Progressive Rabbis  
Federation of Australian Jewish  
Ex-Service Associations  
New Zealand Jewish Council  
Zionist Federation of Australia  
Council of Orthodox Synagogues of  
Australia



2 May 2023

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Committee Secretary

**Re: Inquiry into Criminal Code Amendment (Prohibition of Nazi Symbols)  
Bill 2023 (“the Bill”)**

I refer to my appearance before the Inquiry on 2 May 2023, and to the question on notice from the Deputy Chair of the Committee, Senator Scarr (Qld), seeking a response from the Executive Council of Australian Jewry (ECAJ) and other Jewish organisations to the written submission made by the Hindu Council of Australia (HCA) (Submission 16).

To preface our response, I had the benefit of discussing the Bill beforehand with Mr Surinder Jain, a National Vice President and Director at the HCA, and I shared a draft of our submission with him. Over the last four years I have worked with Mr Jain on a number of other issues relating to proposals for a Religious Discrimination Act, and on the whole we are supportive of, and sensitive to, each other community’s concerns. Mr Jain expressed support for the way our submission has addressed the concerns of the Hindu community.

In response to the specific recommendations made by the Hindu Council of Australia, we advise as follows.

1. We would have no objection to the insertion of a preamble in the Bill along the lines proposed by the HCA.
2. We would oppose limiting the definition of “Nazi symbol” to the hakenreuz alone. As noted in section 5 of our submission, any banning legislation that is introduced needs to be flexible enough to accommodate the constant evolution of new hate symbols by neo-Nazi groups, as well as the symbols of political movements that were historically allied to the Nazi regime in Germany. We believe it should be left to a court in any particular case to determine, on the evidence, whether in all the circumstances a symbol or gesture is being used in public as a “Nazi” symbol or gesture. Nor do we

believe that limiting the definition of “Nazi symbol” to the hakenkreuz, and excluding other well-known Nazi symbols which have no religious or cultural associations, such as the ‘totenkopf’ or ‘SS’ Lightning Bolts, would be of any benefit to the Hindu, Jain or Buddhist communities.

3. We have no objection to recommendations (3) and (4) in the HCA submission.
4. We have no objection to the expressions “hakenkreuz” or “Nazi hakenkreuz” being used instead of “Nazi swastika”.

Yours sincerely

**Peter Wertheim AM**  
**co-CEO**