



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into the Road Safety and Crimes Legislation Amendment Bill 2022

**Submission Number: 011**

**Date Authorised for Publication: 1 February 2023**

To: JACS Committee

## **Re Part 7.A.2 Public display of Nazi symbols**

(Crimes Legislation Amendment Bill 2022)

This part of the Bill should be abandoned, and re-drafted.

It misses the point – and the problem it tries to address – completely.

If it goes ahead as is, it will be the forerunner of Bill after Bill attempting to squash and squelch outbursts from self-selected agitators and government nose-tweakers for decades to come. All they need to do is to latch on to one of the thousands of symbols available for misappropriation, with the symbol either in its traditional simple form, or mal-adapted by the use of words or other symbols.

The current Bill attempts to ban one (1) symbol which may cause division in the community.

For example, if the swastika is to be banned because of its associations with the Third Reich of Hitler, what of the 'SS' runes or the skull symbol of various Hitler regiments. If you're going to ban the skull symbol, what about the skull and crossbones. Oops, can't do that: the skull and crossbones is used as a legitimate warning label in pharmacology and the like.

Soon though, we'll be banning flags per se (this has already happened in Melbourne in January 2023 during the Australian Open tennis event, with the Russian and Belarus flags). Soon, we'll have to ban the British flags (of the period 1770-to-current) if someone uses that flag type in an anti-Aboriginal way, perhaps against The Voice referendum.

And obviously, there is an excellent reason to ban the silver fern flag from rugby and rugby league stadiums and netball arenas, and the three lions from cricket ovals, and the American stars and stripes being used on Facebook, Twitter, Instagram and by the US women's football team. (Extending that thinking, the chant 'U-S-A, U-S-A, etc' should also be banned in the ACT and Australia...but do we also ban U.S.S. War as a chant?).

The Bill entirely misses 'movable' symbols, such as the linked thumbs and fingers representing an eagle symbol that causes division between Albania, Kosovo and Serbs. It also does not address the closed fist black power symbol, nor indeed the famous Kiwi 21-bum salute.

Of itself, a symbol is just that: maybe a collection of lines on a material or the skin, or a crafted representation. The symbol itself is politically neutral.

What should be banned is the misuse of any symbol – including any of the above – in any way that is likely to, or could reasonably be thought to, cause division and hatred in the ACT and Australian community or misrepresent any person or organisation.

The Bill needs to be re-written to that effect, and to use – perhaps – the Hakenkreuz as just one example of a symbol prone to misuse and abuse...which, of course, the US stars and stripes is also, not to mention David Pocock's well-developed chest.

Dr Kristine Klugman  
President.

Bill Rowlings  
CEO

PS: When first asked our thoughts on this proposal, in September 2022, we replied:

15 September 2022 (Two JACS employees were the addressees of the email)

1.

There may well be a need for banning "MISUSE" of symbols, signs and the like for a hateful or inappropriate purpose, but banning the symbol/sign itself seems over the top.

If you ban something, you make it more attractive to fringe people and groups.

But there is certainly a need to ban misuse – according to community standards, perhaps decided by a panel.

An example is David Pocock with 'Greens' depicting him as a supporter of that party on misused election corflutes. It's the misuse that matters, not the image per se.

2.

If four or more governments believe any particular law is needed, then those states/territories should get together and draft ONE law that can be agreed as uniform across jurisdictions. (This is the proper role that SCAG, the Standing Committee of AGs, used to play).

Australia is bedevilled by 9 versions of the 'same' legislation, usually drafted to reflect the lowest common denominators when it comes to protecting liberties and rights.

Rather than writing a "banning" law, we suggest a law should enable the widest possible display of symbols, freely, unless the symbols are used/misused in a hateful or inappropriate manner or perceived to be displayed in a hateful or inappropriate manner/purpose. The way a law is framed is important.

***NOTE 19 January 2023: We stand by ALL of these original comments as the way forward.***