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Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
Department of the Senate
PO Box 6100
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CANBERRA ACT 2600
AUSTRALIA

By email: legcon.sen@aph.gov.au
18 April 2023

Inquiry into the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023

Dear Committee Secretary,

Thank you for inviting contributions for the proposed changes to the Criminal Code. The Challenging Racism Project (CRP) at Western Sydney University submits this statement in support of the amendment of the Criminal Code regarding the prohibition of Nazi symbols.

As a leading national research program on racism and anti-racism in Australia, the CRP has a strong commitment to social justice. The CRP has global esteem for its research impact in countering racism and improving community relations. Since 2001, members of the CRP have pursued research on experiences of racism across a variety of settings including housing, education, and online, Australian attitudes to cultural diversity, Islamophobia, bystander anti-racism, and countering violent extremism. Our research is particularly pertinent for understanding the experiences of people from Australia's various and diverse cultural and linguistic communities, as well as attitudes towards individuals and communities that contribute to Australia as a multicultural nation.

Nazi symbols are powerful symbols of hate and racism that cause significant harm to individuals and communities. These symbols are also used to incite hatred, violence and discrimination. The display of Nazi symbols during hateful public events in public spaces is highly offensive to many Australians, especially to those from Jewish and other minority communities who have faced genocide, discrimination and persecution. The most common form of racism in Australia is hate discourse. The Criminal Code Amendment (Prohibition of Nazi Symbols) Bill will ensure that the use, display or dissemination of Nazi symbols for promoting racist and antisemitic thoughts and actions is illegal.

For the CRP, it is also important that the Bill acknowledges the legitimate use of swastikas as a sacred symbol in Hinduism, Buddhism and Jainism that is unrelated to the promotion of Nazi ideology. The Bill also allows exemption for the legitimate use of Nazi symbols in the

context of scientific, educational, artistic, journalistic, or public interest purpose. We would recommend that these permitted uses might overtly reference anti-racist research as an exemption, as well as other legitimate anti-racist uses.

In conclusion, the Challenging Racism Project supports the amendment of the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill, which is an important step towards combating racism and promoting an inclusive, respectful and cohesive society in Australia.

Yours sincerely
Professor Kevin Dunn
On behalf of the Challenging Racism Project
Western Sydney University