

## **Hindu Council of Australia - Submissions on the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023. No. (TBA), 2023**

The Hindu Council of Australia ("HCA") welcomes the opportunity provided to comment on the proposed Bill.

By way of brief introduction, HCA is a peak body organisation, acting as a representative of the Hindu community in Australia dealing with federal, State, and local governments and other organisations, institutions, associations and individuals.

HCA works for a strong, cohesive, and active Hindu community in Australia, who live in harmony and peace with other communities.

### **HCA submits as follows:**

**(1)** Before Section 81.1 of the Criminal Code include a Statement for this Division (as a preamble to the amendment of the Bill) as follows:

In enacting this Division, the Parliament recognises the continued importance of the Swastika as an ancient and auspicious symbol of purity, love, peace and good fortune in Buddhist, Hindu, Jain, and other religions. The Swastika has had immense significance to these faiths for millennia, long before it was misappropriated by the Nazi party and Third Reich in Germany. The misuse of the Swastika is an affront and cause of deep regret to people of the Buddhist, Hindu, and Jain religions. The Swastika continues to be embraced by members of these religions and can be found in places of worship, architecture, and religious books, as well as in commercial and personal settings such as people's homes.

The distorted version of the symbol is also known as the Hakenkreuz (meaning twisted or hooked cross in German). The Hakenkreuz became a symbol of the Third Reich, under which heinous crimes were perpetrated against humanity, particularly the Jewish people. The Hakenkreuz is a symbol of antisemitism and hatred and of an ideology fundamentally incompatible with Australia's multicultural, multi-ethnic and democratic society.

**(2)** In Section 81.1 (2) add a subsection as follows

(a) Nazi symbol means a symbol of a cross with arms bent at right angles in a clockwise direction, also known as a Nazi Hakenkreuz

**(3)** In Section 81.1 (3) (b) add following wording as highlighted in bold

(a) The **public** display is for a genuine **religious, cultural**, scientific, educational or artistic purpose; or

**(4)** In Section 81.1 (4) add following wordings as highlighted in bold

To avoid doubt, the **public** display of Swastika symbol in connection with **Buddhist, Hindu** and **Jain religious settings** does not constitute the **public** display of a Nazi symbol.

Further to the above, HCA also submits the following on Explanatory Memorandum of the Senate:

### **Schedule 1 – Amendments**

#### **Item 1 – Section 81.1**

##### **Item 8**

Under the examples of the symbols included in the scope of term in the Bill, under the first bullet point, the Hakenkreuz is referred to as Nazi Swastika, which is incorrect and must be reworded to the following:

- The Nazi Hakenkreuz or hooked cross.

- The Broken Sun Cross, or Sun Cross Swastika

The wording in the above bullet point **must be changed to:**

**The Broken Sun Cross, or Sun Cross Hakenkreuz**

Association of the religious and ancient term Swastika with Nazi **must and should always be** avoided at all times.

HCA also wish to express our disappointment on the wordings we note in the speech of Hon Michaela Cash (Senator – Western Australia – Deputy Leader of the Opposition in the Senate) while moving this Bill.

Ms Cash notes

“When we talk about the Nazi symbols we are talking about a symbol or action commonly associated with the Nazi party.

It includes the Nazi swastika, the Nazi salute, Nazi uniforms and other types of symbols identified in the Executive Council of Australian Jewry’s anti-Semitism reports.”

HCA requests the wording in the above quote be changed from **Nazi swastika** to **Nazi Hakenkreuz**.

The inclusion of the proposed provisions will hopefully promote the visibility of instances of hate and vilification not only to the community, but also to the police. Having these offences more readily available to the police, may assist in educating the wider community on the reprehensive nature of these acts and the intolerance that Australia has for such acts.

HCA is committed to support a carefully drafted legislative change that will be an important step in bringing together and maintaining a peaceful and harmonious multicultural society in Australia. HCA remains at your disposal should you wish to discuss any of the issues raised herein.

For any clarification or further details, please contact  
**Mr Makarand Bhagwat, President -HCA VIC chapter**