

## **Criminal Code (Serious Vilification and Hate Crimes) Amendment Bill 2023**

**Submission No:** 28  
**Submitted by:** Ukrainian Community of Queensland Inc.  
**Publication:** Making the submission and your name public  
**See attached:**



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26 May 2023

Committee Secretary  
Legal Affairs and Safety Committee  
Parliament House  
George Street  
Brisbane Q 4000

Via email: [LASC@parliament.qld.au](mailto:LASC@parliament.qld.au)

Dear Committee Secretary,

**RE: Call for submissions - *Criminal Code (Serious Vilification and Hate Crimes) Amendment Bill 2023***

We wholeheartedly apologise for the lateness of our submission. Our ongoing efforts to assist Ukrainian displaced persons that have settled in Queensland, as well as efforts to counter vilification not unlike those described below in the past month have prevented us from making a timely submission. We hope that you will accept our late submission for the Committee's consideration.

Our recent meetings with the Multicultural Affairs (CYJMA), Department of Home Affairs, Queensland Police Service and Australian Federal Police have all been directly linked to the repeated attempts in recent months by certain parties to cause harm to our community and to use government funded events to intentionally display hate symbols, and hence imply government support for the symbolised ideologies.

The Ukrainian Community of Queensland Inc. expresses support for the proposed *Criminal Code (Serious Vilification And Hate Crimes) And Other Legislation Amendment Bill 2023*, and in particular the addition of s 124A(3) to the *Anti-Discrimination Act 1991* (Qld) to specifically include "any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia" in the meaning of a 'public act'.

The Ukrainian Community of Queensland Inc. also strongly supports the amendment of s 131A of the *Anti Discrimination Act* to include a higher imprisonment penalty for serious racial, religious, sexuality or gender identity vilification, and strongly supports the relocation of this s 131A into the new Part 2, Chapter 7A "Serious vilification and prohibited symbols" of *Criminal Code* (Qld) as a new s 52A.



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This submission will emphasise the importance of criminalisation of flags, emblems and insignia (hereafter collectively referred to as symbols) used by people that support Russia's genocidal invasion of Ukraine. We will demonstrate how the use of the Z symbol by supporters of Russian invasion of Ukraine satisfies the criteria for the 'prohibited symbol' of the proposed s 52C(3). We will demonstrate that the Z symbol is solely known by the Ukrainian diaspora as being representative of the anti-Ukrainian prejudice vehemently advocated for by pro-Russian supporters of the invasion, intimately linked with its use as a marker for Russian military vehicles (many of which the Ukrainian displaced persons in Australia have witnessed first-hand), pro-Russian rallies, and as a dog whistle for other pro-Russian and pro-autocracy supporters. We aim for explicit criminalisation of the Z symbol.

## 1. History of the Z Symbol

Throughout history, symbols have had a powerful significance in society. Symbols are often used to unite groups of people, and can be used as a gesture of support, and conversely to perpetuate serious vilification and hate crimes. When it comes to the latter, symbols can incite violence and hate, and can intimidate and traumatise those who have been targeted.

In today's increasingly globalised and interconnected world, identifying and understanding symbols which promote serious vilification and hate crimes is of paramount importance, and it is important that legislation and regulation is able to keep up with the emergence of new symbols. Ensuring that appropriate police powers and judicial frameworks are put in place may help deter and prevent the use of symbols as a means of serious vilification and hate crimes. This will also ensure that those who choose to display these symbols in a public act can be appropriately treated under the Act.

The Ukrainian Community of Queensland Inc. proposes that the Z symbol, as used in the context of supporting Russia's war against Ukraine's existence, should be prohibited, as it is used to demonstrate not only hate for Ukraine and Ukrainians, it symbolises support for the commission of violence against Ukraine and Ukrainians, support for an cruel and oppressive autocratic regime, and disdain for Australian values and society.

In recent years, and particularly since the start of Russian Federation's full-scale invasion of Ukraine on 24 February 2023, the Z symbol has emerged as a symbol of hate and genocidal vilification against Ukrainian people around the world. The Z symbol has been adopted by various far-right and nationalist groups as a means of expressing their disdain for Ukraine, its language, culture and its people. It has been seen on graffiti, flags, and clothing items, as well as being used in online forums and social media



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platforms to spread hate and incite violence. One of its most common uses is in rally and demonstration materials, most prominently seen in European countries with a growing number of Ukrainian displaced persons (Annex 1).

The Russian Federation's invasion of Ukraine is recognised as genocidal by Poland, Estonia, Latvia, Canada, Lithuania, Czechia and Ireland (Annex 2). As the Z symbol has been used by the Russian Federation to symbolise the war in official reports and propaganda, it can be inferred that people who use this symbol at least understand that it represents Russian imperialist aspirations intrinsically linked to murdering Ukrainians, if not representing the genocidal aspirations of the Russian Federation.

The Z symbol, unlike other cultural or national symbols as seen in society, has not had any meaning prior to 19 February 2022, when it was first seen on the sides of Russian military vehicles preparing to invade Ukraine. Thus, it can not be reasonably argued that any person wearing the Z symbol - especially one with Russian heritage - is confusing its meaning, origin or attribution.

## **2. Use of Z Symbol in Australia and Queensland**

The impact of the Z symbol on the Ukrainian Australian community has been profound. Following Russia's full-scale invasion of Ukraine on 24 February 2022, a number of pro-Russian and pro-invasion rallies and events have been hosted, largely in Sydney, but with some minor gatherings in Brisbane. Much of the public activity and use of the Z and other pro-Russian symbols has been facilitated by a prominent pro-Russian provocateur, Simeon Boikov. A recent performance of the Russian Orthodox Male Choir of Australia on 28 April 2023 in Sydney Town Hall saw in attendance a group of men dressed in shirts with a prominent Z symbol, posing in front of the stage at the conclusion of the performance. The Russian Consul-General, Igor Arzhaev, was seen shaking hands with one of such attendees, and a later video by Simeon Boikov was posted to his Telegram channel, insinuating that such actions were proudly sponsored by the NSW government (Annex 3). For a more detailed account of the Sydney Town Hall incident, please refer to the submission of the Australian Federation of Ukrainian Organisations for a similar amendment to the New South Wales Criminal Code, *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023* (Annex 4).

It is unsurprising that endorsement of such behaviour and the lack of legal repercussions for such blatant displays of anti-Ukrainian sentiment emboldens some to undertake much more heinous and physically damaging actions towards the Ukrainian Australians. A physical assault by a pro-Russian provocateur against a Ukrainian man occurred in December 2022 in Sydney, which led to charges being laid by NSW police (Annex 5).



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There have been reports of Ukrainian people and businesses in Queensland being targets of harassment, vandalism, and abuse, both online and offline. An instance of this was vandalism of a Ukrainian flag outside a Ukrainian-owned store with the letter Z on 1 April 2022, in Capalaba Shopping Centre, Brisbane (See Annex 6). Additionally, on 4 March 2023, a pro-Russian demonstration took place in Brisbane City, once again endorsed by prominent pro-Russian provocateur Simeon Boikov through his Telegram chat with nearly 53,000 subscribers (Annex 7). Some images of this featured other broad forms of hatred displayed at the demonstration, such as homophobia.

It seems inevitable that allowing the Z symbol to fly freely as an expression of hatred for Ukrainians will lead to physical violence in Queensland, as occurred in Sydney. The use of the Z symbol effectively endorses the expression of anti-Ukrainian sentiment, and creates a climate of fear and insecurity, with many Ukrainian Australian people feeling increasingly threatened.

### **3. Significance of Criminalisation of Z Symbol in Queensland**

Our Queensland community has been growing in number due to the number of Ukrainian displaced persons forced to flee Ukraine. The Ukrainian displaced persons are desperately trying to become a part of Australian society and build a life free from the hate and aggression that tore apart their previous life. In the words of a person who experienced the terrors of the invasion first-hand, *“Seeing the symbol “Z” is a very traumatic experience for Ukrainians, especially for those who fled the war and experienced the war from first hands [sic]. There is so much hate behind this symbol towards Ukrainians”* (Annex 8).

We would hope that our community can flourish, rather than live in fear. A ban on the use of the Z symbol is imperative to safeguarding our community from vilification and hate crimes, and more significantly will prevent the intentional usage of the symbol to re-traumatise people who have suffered at the hands of occupiers wearing the same symbol.

We are also hopeful that prohibiting symbols that represent ideologies of hate will also help maintain social cohesion and prevent harm to our wider Australian society. We would hope that Australia’s multicultural and diverse communities can continue to enrich Australian society without fear that their events may be replatformed into displays of hate, as occurred in Sydney Town Hall on 28 April 2023.

We would thus like to affirm our position that the relocation of s 131A into the new Part 2, Chapter 7A “Serious vilification and prohibited symbols” of *Criminal Code* (Qld) as a new s 52A, it is imperative



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proscribe the use of hate symbols such as the Z symbol. As of now, the use of the Z symbol cannot be effectively prosecuted: there is no appropriate course of action under which a person can be charged for displaying a symbol in order to vilify Ukrainians. Our community supports the explicit criminalisation of hate symbols, the clear definition of what constitutes a hate symbol, the prohibition of display and/or usage in public and increased penalties to deter the use of symbols that vilify. The Z symbol exists and is used purely to show hate towards and vilify Ukrainians, and the only reason to display it in Australia is to target Ukrainian Australians and to glorify war atrocities committed by an autocratic regime. We reiterate again that we hope this amendment will safeguard the safety and wellbeing of Ukrainian Australians, allowing them to integrate and prosper in Australian society and live their lives with dignity and peace.

## Conclusion

Serious vilification and hate crimes often share common characteristics, as both are rooted in discrimination, prejudice, and intolerance. That is exactly what the Z symbol stands for - a burning hate for Ukrainians, the vilification of those that do not support the Russian Federation, and glorification of the death and destruction being wrought by the Russian Federation upon Ukraine.

In today's increasingly globalised and interconnected world, it is of paramount importance for the Queensland Government to recognise the significance of the Z symbol and work together with the Ukrainian Community of Queensland to ensure an appropriate response is put in place to prevent vilification and hate crimes.

The Ukrainian Community of Queensland Inc. urges the Queensland Government to be a pioneer and take a stance on this subject matter and to legislate a ban on the use of the Z symbol in Queensland, and to provide a mechanism for further prohibiting other symbols that may arise in future as alternatives or substitutions for the Z symbol.

On behalf of the Ukrainian Community of Queensland Inc.,



**Peter Bongiorno**  
President



**Adam Miljenovic**  
Vice President



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## Annex 1

Example 1



## #СвоихНеБросаем

Example 2





## УКРАЇНСЬКА ГРОМАДА КВІНСЛЕНДУ UKRAINIAN COMMUNITY OF QUEENSLAND INC

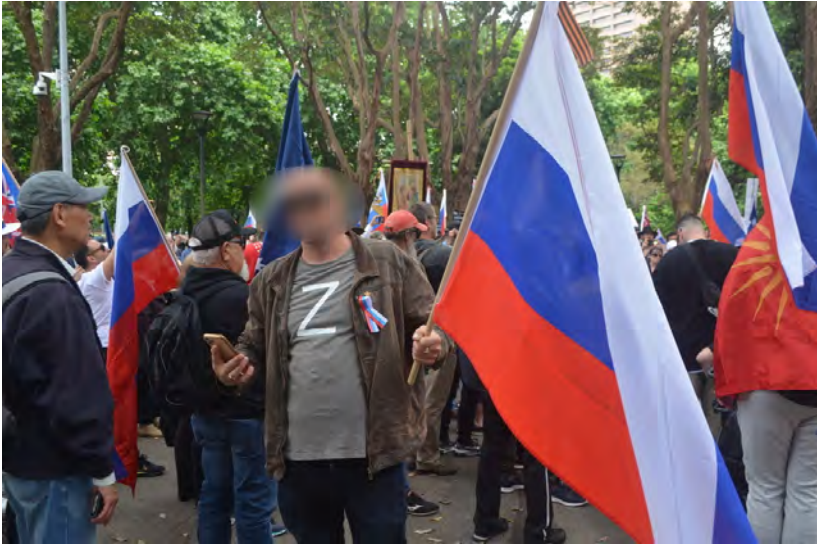
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Example 3



[https://en.wikipedia.org/wiki/Z\\_\(military\\_symbol\)#:~:text=Since%20mid%2DMarch%202022%2C%20the,of%20support%20for%20Russia's%20invasion](https://en.wikipedia.org/wiki/Z_(military_symbol)#:~:text=Since%20mid%2DMarch%202022%2C%20the,of%20support%20for%20Russia's%20invasion)

Example 4



<https://twitter.com/brezaleksandar/status/1499878106001289216>





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## **Annex 2**

Zimonjic, P. *“House votes unanimously to describe Russian military action in Ukraine as genocide”*, 27 April, 2022. Accessed 26 May, 2023.

<https://www.cbc.ca/news/politics/house-vote-ukraine-genocide-1.6433212>

## **Annex 3**

Video from Simeon Boikov’s Telegram Channel with footage of Russian Protest at the Sydney Town Hall Concert, 28 April, 2023

[https://drive.google.com/file/d/1CvrqyiSN-NBiQFo90x8tSaaQTL196bMS/view?usp=share\\_link](https://drive.google.com/file/d/1CvrqyiSN-NBiQFo90x8tSaaQTL196bMS/view?usp=share_link)

## **Annex 4**

Australian Federation of Ukrainian Organisations (AFUO) submission for Inquiry into Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023

[https://drive.google.com/file/d/1HMAf72zKwd5AS\\_UXk1QDfmg7VfvO\\_SOV/view?usp=drive\\_link](https://drive.google.com/file/d/1HMAf72zKwd5AS_UXk1QDfmg7VfvO_SOV/view?usp=drive_link)

## **Annex 5**

Lackey, Brett. *“Shocking moment pro-Putin fanatic ‘Aussie Cossack’ is allegedly filmed pushing an elderly Ukrainian supporter down a set of stairs.”*

<https://www.dailymail.co.uk/news/article-11532193/Russian-Simeon-Boikov-Aussie-cossack-allegedly-filmed-pushing-Ukrainian-supporter-stairs.html>



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### Annex 6

Security camera footage documenting vandalism of a Ukrainian flag with the Z symbol in front of Gastronome European Deli on 1 April, 2022, Capalaba Shopping Centre, Brisbane.

[https://drive.google.com/file/d/1t2aSlSJWbPqw\\_gEJR7\\_6pLmgwAet\\_lfD/view?usp=share\\_link](https://drive.google.com/file/d/1t2aSlSJWbPqw_gEJR7_6pLmgwAet_lfD/view?usp=share_link)

Photograph of the vandalised Ukrainian flag with the Z symbol in front of Gastronome European Deli on 1 April, 2022, Capalaba Shopping Centre, Brisbane.





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## Annex 7

Screenshots from Simeon Boikov's official Telegram chat, expressing support for the pro-Russian rally held in Brisbane City, on 4 March 2023.

Screenshot 1



Screenshot 2





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## Annex 8

**Personal statement by an Australian-Ukrainian displaced person living in Queensland detailing her experience living under Russian occupation and the impact of seeing the Z symbol upon her mental health**

*"I, [REDACTED], holder of a dual citizenship (Ukrainian - Australian) strongly oppose the symbol "Z" that has been used since the full scale invasion by russian armed forces in Ukraine, as well as by russian citizens and supporters of "ruskiy mir" in russian federation and outside of it, including Australia.*

*At the beginning of the full scale invasion I was in Ukraine and experienced russian occupation of our region. Every day we lived as if it was the last day. Constant shelling, aviation attacks, no access to basic necessities.*

*We thought either we would die from bombs and shells or we would die out from starvation.*

*Hiding in veggie stores or in trenches that we dug.*

*And there was no way to escape. russian armed forces were shelling civilian cars and buses if people were trying to evacuate.*

*Seeing the symbol "Z" is a very traumatic experience for Ukrainians, especially for those who fled the war and experienced the war from first hands. There is so much hate behind this symbol towards Ukrainians.*

*Symbol "Z" brings deaths and destruction of all forms of lives.*

*Symbol "Z" should be prohibited in Australia." [sic]*