



Australian Government

Australian Government response to the Legal and
Constitutional Affairs Legislation Committee report:

Criminal Code Amendment (Prohibition of Nazi Symbols)
Bill 2023

March 2024

Recommendation		Government Response
Committee Report		
1	The committee recommends that the bill not be passed.	<p>Noted.</p> <p>On 14 June 2023, the Government introduced the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023. The Bill (now Act) passed both houses of parliament on 6 December 2023, and received Royal Assent on 11 December 2023.</p> <p>The Act amended the <i>Criminal Code Act 1995</i> (Criminal Code) to establish new criminal offences for the public display of prohibited Nazi and terrorist organisation symbols and publicly performing the Nazi salute; and trading in goods that bear a prohibited symbol.</p> <p>The Act also amended the Criminal Code to:</p> <ul style="list-style-type: none"> • establish new criminal offences for using a carriage service for violent extremist material; and possessing or controlling violent extremist material obtained or accessed using a carriage service. • expand the offence of advocating terrorism in section 80.2C of the Criminal Code to include instructing on the doing of a terrorist act and praising the doing of a terrorist act in specified circumstances; and increase the maximum penalty for the advocating terrorism offence from 5 to 7 years imprisonment. • remove the sunset requirement for instruments which list terrorist organisations and bolster safeguards.
2	The committee recommends that the government considers introducing its own bill as a matter of urgency, taking into consideration the issues raised above.	
Dissenting Report		
1	That the Bill be passed with an amendment providing that a review be undertaken following its operation for an appropriate period.	
2	If the Government wishes to propose its own Bill, then such a Bill should be prepared as a matter of urgency (as per recommendation 2 of the Majority Report), taking into account the submissions made as part of this enquiry process.	