



**Australian  
Human Rights  
Commission**

## **Inquiry of the Senate Standing Committee on Legal and Constitutional Affairs on the *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 (Cth)***

### **Question on Notice**

Senator Scarr: Commissioner, could you take on notice to have a look at the submissions that have been lodged by the Hindu Council and also the Buddhist Council to provide any additional comments you might have in relation to their submissions? I would find that very helpful, because clearly you're in close communication with these communities. It would certainly be helpful in terms of my consideration of the bill to have your thoughts with respect to the submissions they've made. Would that be possible?

The Commission acknowledges the concerns of Hindu, Jain and Buddhist communities about the operation of the proposed *Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023* that have been brought to the attention of this Inquiry. The Commission commends the Committee on taking these concerns into account and giving them due consideration.

These concerns appear to directly relate to communities' desire to protect and promote their right to freely profess and practice their religion as well as their right to live free from racial and religious discrimination.

The submissions of relevant organisations provided to the Committee suggest various options to address these concerns including the inclusion of a preamble and a tailored exception.

The Commission commends ss 41I–41M of the [Summary Offences Act 1966](#) (Vic) to the Committee as an example of a legislative approach that may operate to address the concerns raised by communities to this Inquiry.