

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

## **Statement of Compatibility**

### **FOR**

## **Amendments to be moved during consideration in detail by the Honourable Leanne Linard, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs**

### **Prepared in accordance with Part 3 of the *Human Rights Act 2019***

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Leanne Linard, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs make this statement of compatibility with respect to amendments to be moved during consideration in detail of the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023.

In my opinion, the amendments to be moved during consideration in detail are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

### **Overview of the Bill**

Part 3A of the Bill, as inserted by these amendments to be moved during consideration in detail, amends the *Ombudsman Act 2001* (Ombudsman Act) to validate the appointment of the Inspector of Detention Services (Inspector) from 9 December 2022 until 28 September 2023. The amendments declare that anything done by the Inspector under the Ombudsman Act, the *Inspector of Detention Services Act 2022* or another law during this period in the performance of the duties of the office has the same effect, and is taken to have always had the same effect, as it would have had if the Inspector had made the oath required under section 63(1) of the Ombudsman Act before performing the duties.

### **Human Rights Issues**

**Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The amendments to be moved during consideration in detail promote the right to take part in public life under section 23 of the HR Act which provides that a person has the right and is to have the opportunity without discrimination to have access, on general terms of equality, to the public service and to public office.

## **Conclusion**

In my opinion, the amendments to be moved during consideration in detail for the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 are compatible with human rights under the *Human Rights Act 2019* because they do not limit a human right.

**LEANNE LINARD MP**  
**MINISTER FOR THE ENVIRONMENT AND THE GREAT BARRIER REEF,**  
**MINISTER FOR SCIENCE AND MINISTER FOR MULTICULTURAL AFFAIRS**

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