



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend—

- (a) the *Crimes Act 1900* to increase the penalties for the offence of displaying a Nazi symbol by public act, including graffiti, if the offence occurs on or near a synagogue, a Jewish school or the Sydney Jewish Museum, and
- (b) the *Crimes (Sentencing Procedure) Act 1999* to provide that unlawful conduct motivated partially or wholly by hate or prejudice will aggravate a sentence, and
- (c) the *Graffiti Control Act 2008* to provide that for an offence committed in relation to graffiti, it is a circumstance of aggravation to graffiti a place of worship.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[1] provides that a *public act* includes graffiti in relation to the following offences—

- (a) publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status,
- (b) displaying Nazi symbols.

Schedule 1[2] increases the maximum penalty for the offence of displaying a Nazi symbol by public act if the offence occurs on or near a synagogue, Jewish school or the Sydney Jewish Museum without reasonable excuse—

- (a) for an individual—to 200 penalty units or imprisonment for 2 years, or both, or
- (b) for a corporation—to 1,000 penalty units.

Schedule 1[3] and [4] make consequential amendments.

Schedule 1[5] requires the Attorney General to review the amendments made by Schedule 1[1] and [2] 2 years after the amendments commence.

Schedule 2 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

Schedule 2[1] provides that an aggravating factor to be taken into account in sentencing for an offence motivated by hatred for or prejudice against a group of people includes whether the offence was motivated, either partially or wholly, by the hatred or prejudice.

Schedule 2[2] makes an amendment of a savings and transitional nature.

Schedule 3 Amendment of Graffiti Control Act 2008 No 100

Schedule 3[2] provides that for an aggravated offence of intentional marking of premises or property, circumstances of aggravation include marking a place of worship. **Schedule 3[1]** makes a consequential amendment.

Schedule 3[3] makes an amendment of a savings and transitional nature.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Crimes Act 1900 No 40	3
Schedule 2	Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	5
Schedule 3	Amendment of Graffiti Control Act 2008 No 100	6

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025

No. _____, 2025

A Bill for

An Act to amend the *Crimes Act 1900* in relation to offences about displaying Nazi symbols on or near synagogues, Jewish schools and the Sydney Jewish Museum and in relation to Nazi symbol graffiti; to amend the *Crimes (Sentencing Procedure) Act 1999* to provide for matters relating to when unlawful conduct motivated by hate or prejudice will aggravate a sentence; and to amend the *Graffiti Control Act 2008* to add a circumstance of aggravation in relation to offences committed in relation to graffiti on places of worship.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Crimes Act 1900 No 40	1
[1]	Section 93Z Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status	2
	Insert “graffiti,” after “displaying notices,” in section 93Z(5), definition of <i>public act</i> , paragraph (a).	3
		4
		5
[2]	Section 93ZA Offence of displaying Nazi symbols	6
	Insert before section 93ZA(1)—	7
	(1AA) A person who knowingly displays, by public act and without reasonable excuse, a Nazi symbol on or near a synagogue, a Jewish school or the Sydney Jewish Museum commits an offence.	8
	Maximum penalty—	9
	(a) for an individual—200 penalty units or imprisonment for 2 years, or both, or	10
	(b) for a corporation—1,000 penalty units.	11
		12
		13
		14
[3]	Section 93ZA(1)	15
	Insert “other than on or near a synagogue, a Jewish school or the Sydney Jewish Museum” after “Nazi symbol”.	16
		17
[4]	Section 93ZA(2) and (3)	18
	Insert “(1AA) or” after “subsection” wherever occurring.	19
[5]	Section 93ZA(4)	20
	Insert in alphabetical order—	21
	<i>Jewish school</i> means a Hebrew school, independent Jewish day school or yeshiva.	22
		23
[6]	Schedule 11 Savings, transitional and other provisions	24
	Insert at the end of the schedule, with appropriate part and clause numbering—	25
Part	Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	26
		27
	Review of operations of amendments made by amendment Act	28
(1)	The Minister must review the operation of the amendments made by the amendment Act to determine whether—	29
	(a) the policy objectives of the amendments remain valid, and	30
	(b) the terms of the amendments remain appropriate for securing the objectives.	31
		32
		33
(2)	The review must be undertaken as soon as possible after the period of 2 years from the commencement of the amendment Act.	34
		35
(3)	A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the period of 2 years from the commencement of the amendment Act.	36
		37
		38
(4)	In this clause—	39

amendment Act means the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

1
2

Schedule 2	Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	1
		2
[1]	Section 21A Aggravating, mitigating and other factors in sentencing	3
	Insert “partially or wholly” after “the offence was” in section 21A(2)(h).	4
[2]	Schedule 2 Savings, transitional and other provisions	5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
Part	Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	7
		8
		9
	Application of amendment	10
(1)	Section 21A(2)(h) as amended by the amendment Act applies as follows—	11
(a)	in relation to an offence committed before or after the commencement of the amendment Act,	12
		13
(b)	to proceedings that are commenced before or after the commencement of the amendment Act.	14
		15
(2)	In this clause—	16
	<i>amendment Act</i> means the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> .	17
		18

Schedule 3	Amendment of Graffiti Control Act 2008 No 100	1
[1] Section 4	Marking premises or property	2
	Omit section 4(3).	3
[2] Section 4(6)		4
	Insert after section 4(5)—	5
	(6) In this section—	6
	<i>circumstances of aggravation</i> means circumstances involving 1 or more of the following—	7
	(a) the person intentionally marks the premises or other property by means of a graffiti implement,	8
	(b) the person marks the premises or other property in a way that the mark is not readily removable by—	9
	(i) wiping, or	10
	(ii) the use of water or detergent,	11
	(c) the premises or other property is a place of worship.	12
	<i>place of worship</i> has the same meaning as in the <i>Crimes Act 1900</i> , section 214B.	13
[3] Schedule 1	Savings, transitional and other provisions	14
	Insert at the end of the schedule, with appropriate part and clause numbering—	15
Part	Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	16
		17
	Application of amendment	18
(1)	Section 4(6), definition of <i>circumstances of aggravation</i> , paragraph (c) as inserted by the amendment Act applies only in relation to an offence committed after the commencement of the amendment Act.	19
(2)	In this clause—	20
	<i>amendment Act</i> means the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> .	21
		22