

Passed by both Houses



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025

Act No _____, 2025

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

[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

Insert “graffiti,” after “displaying notices,” in section 93Z(5), definition of *public act*, paragraph (a).

[2] Section 93ZA Offence of displaying Nazi symbols

Insert before section 93ZA(1)—

(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.

Maximum penalty—

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

[3] Section 93ZA(1)

Insert “other than on or near a synagogue, a Jewish school or the Sydney Jewish Museum” after “Nazi symbol”.

[4] Section 93ZA(2) and (3)

Insert “(1AA) or” after “subsection” wherever occurring.

[5] Section 93ZA(4)

Insert in alphabetical order—

Jewish school means a Hebrew school, independent Jewish day school or yeshiva.

[6] Schedule 11 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025

Review of operations of amendments made by amendment Act

- (1) The Minister must review the operation of the amendments made by the amendment Act to determine whether—
 - (a) the policy objectives of the amendments remain valid, and
 - (b) the terms of the amendments remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of the amendment Act.
- (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.
- (4) In this clause—

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

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

[1] Section 21A Aggravating, mitigating and other factors in sentencing

Insert “partially or wholly” after “the offence was” in section 21A(2)(h).

[2] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025

Application of amendment

- (1) Section 21A(2)(h) as amended by the amendment Act applies as follows—
 - (a) in relation to an offence committed before or after the commencement of the amendment Act,
 - (b) to proceedings that are commenced before or after the commencement of the amendment Act.
- (2) In this clause—

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

Schedule 3 Amendment of Graffiti Control Act 2008 No 100

[1] Section 4 Marking premises or property

Omit section 4(3).

[2] Section 4(6)

Insert after section 4(5)—

(6) In this section—

circumstances of aggravation means circumstances involving 1 or more of the following—

- (a) the person intentionally marks the premises or other property by means of a graffiti implement,
- (b) the person marks the premises or other property in a way that the mark is not readily removable by—
 - (i) wiping, or
 - (ii) the use of water or detergent,
- (c) the premises or other property is a place of worship.

place of worship has the same meaning as in the *Crimes Act 1900*, section 214B.

[3] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025

Application of amendment

- (1) Section 4(6), definition of *circumstances of aggravation*, paragraph (c) as inserted by the amendment Act applies only in relation to an offence committed after the commencement of the amendment Act.
- (2) In this clause—

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