



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.