



New South Wales

# Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) 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 the *Crimes Act 1900* and other Acts to reverse, with retrospective effect, the amendments made by the following Acts—

- (a) the *Crimes Amendment (Inciting Racial Hatred) Act 2025*,
- (b) the *Crimes Amendment (Places of Worship) Act 2025*,
- (c) the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

## 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.

**Schedule 1** amends the *Crimes Act 1900* to reverse amendments made by the *Crimes Amendment (Inciting Racial Hatred) Act 2025*.

**Schedule 2** amends the following Acts to reverse amendments made by the *Crimes Amendment (Places of Worship) Act 2025*—

- (a) the *Crimes Act 1900*,
- (b) the *Law Enforcement (Powers and Responsibilities) Act 2002*.

**Schedule 3** amends the following Acts to reverse the amendments made by the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*—

- (a) the *Crimes Act 1900*,

- (b) the *Crimes (Sentencing Procedure) Act 1999*,
- (c) the *Graffiti Control Act 2008*.

**Schedule 3** also inserts a savings provision to make it clear the reversal applies to current proceedings as if the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* had never been enacted.



New South Wales

# Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Bill 2025

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

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

# **Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Bill 2025**

No. \_\_\_\_\_, 2025

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## **A Bill for**

An Act to amend crimes legislation to reverse the effect of the *Crimes Amendment (Inciting Racial Hatred) Act 2025*, *Crimes Amendment (Places of Worship) Act 2025* and *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

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

*Legislative Assembly*

*Clerk of the Legislative Assembly*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

**1 Name of Act**

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

**2 Commencement**

This Act commences, or is taken to have commenced, as follows—

- (a) Schedule 1—on the day on which the *Crimes Amendment (Inciting Racial Hatred) Act 2025*, Schedule 1 commenced or will commence,
- (b) Schedule 2.1—on the day on which the *Crimes Amendment (Places of Worship) Act 2025*, Schedule 1 commenced or will commence,
- (c) Schedule 2.2—on the day on which the *Crimes Amendment (Places of Worship) Act 2025*, Schedule 2 commenced or will commence,
- (d) Schedule 3—2 March 2025, being the day on which the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* commenced,
- (e) otherwise—on the date of assent to this Act.

<b>Schedule 1</b>	<b>Amendments relating to inciting racial hatred</b>	1
<b>1.1</b>	<b>Crimes Act 1900 No 40</b>	2
	<b>Part 3A Offences relating to public order</b>	3
	Omit Division 8A.	4

<b>Schedule 2</b>	<b>Amendments relating to places of worship</b>	1
<b>2.1</b>	<b>Crimes Act 1900 No 40</b>	2
[1]	<b>Part 4AF, heading</b>	3
	Omit “or places of worship”.	4
[2]	<b>Sections 214B and 214C</b>	5
	Omit the sections.	6
<b>2.2</b>	<b>Law Enforcement (Powers and Responsibilities) Act 2002 No 103</b>	7
[1]	<b>Section 200 Limitation on exercise of police powers under this Part</b>	8
	Omit “, (4) or (5)”. Insert instead “or (4)”.	9
[2]	<b>Section 200(5)</b>	10
	Omit the subsection.	11

<b>Schedule 3</b>	<b>Amendments relating to racial and religious hatred</b>	1
		2
<b>3.1</b>	<b>Crimes Act 1900 No 40</b>	3
[1]	<b>Section 93Z Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status</b>	4
	Omit “graffiti,” from section 93Z(5), definition of <i>public act</i> , paragraph (a).	5
		6
[2]	<b>Section 93ZA Offence of displaying Nazi symbols</b>	7
	Omit section 93ZA(1AA).	8
[3]	<b>Section 93ZA(1)</b>	9
	Omit “other than on or near a synagogue, a Jewish school or the Sydney Jewish Museum”.	10
[4]	<b>Section 93ZA(2) and (3)</b>	11
	Omit “(1AA) or” wherever occurring.	12
[5]	<b>Section 93ZA(4), definition of “Jewish school”</b>	13
	Omit the definition.	14
[6]	<b>Schedule 11 Savings, transitional and other provisions</b>	15
	Omit Part 45. Insert at the end of the schedule, with appropriate part and clause numbering—	16
		17
<b>Part</b>	<b>Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025</b>	18
		19
	<b>Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</b>	20
		21
(1)	Proceedings for offences committed, or alleged to have been committed, before or after the commencement of the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> are to be determined as if that Act had not been enacted.	22
		23
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		25
(2)	Accordingly, the law, including any relevant provision of this Act, that would have been applicable to the proceedings had the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> not been enacted continues to apply to the proceedings as if that Act had not been enacted.	26
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<b>3.2</b>	<b>Crimes (Sentencing Procedure) Act 1999 No 92</b>	30
[1]	<b>Section 21A Aggravating, mitigating and other factors in sentencing</b>	31
	Omit “partially or wholly” from section 21A(2)(h).	32
[2]	<b>Schedule 2 Savings, transitional and other provisions</b>	33
	Omit Part 36. Insert at the end of the schedule, with appropriate part and clause numbering—	34
		35



<b>Part</b>	<b>Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025</b>	1
		2
		3
	<b>Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</b>	4
		5
(1)	Proceedings for offences committed, or alleged to have been committed, before or after the commencement of the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> are to be determined as if that Act had not been enacted.	6
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<b>3.3</b>	<b>Graffiti Control Act 2008 No 100</b>	14
<b>[1]</b>	<b>Section 4 Marking premises or property</b>	15
	Insert after section 4(2)—	16
(3)	For the purposes of this section, a person commits an offence in <i>circumstances of aggravation</i> if the person intentionally marks the premises or other property—	17
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(a)	by means of any graffiti implement, or	20
(b)	in such a manner that the mark is not readily removable by wiping or by the use of water or detergent.	21
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<b>[2]</b>	<b>Section 4(6)</b>	23
	Omit the subsection.	24

<b>[3] Schedule 1 Savings, transitional and other provisions</b>	1
Omit Part 5. Insert at the end of the schedule, with appropriate part and clause numbering—	2
<b>Part Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025</b>	3
	4
	5
<b>Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</b>	6
	7
(1) Proceedings for offences committed, or alleged to have been committed, before or after the commencement of the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> are to be determined as if that Act had not been enacted.	8
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