



Tabled, by leave,
Ms Sharpe
Staffell
Clerk of the Parliaments
19 / 2 / 2025

CRIMES AMENDMENT (INCITING RACIAL HATRED) BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Bill seeks to introduce a new offence at proposed section 93ZAA of the *Crimes Act 1900* (**Crimes Act**) to criminalise the intentional incitement of hatred by a public act against a person or group based on that person or group's race.

The Bill is part of the NSW Government's commitment to introduce a package of legislative reforms to address racially motivated hate speech and antisemitic conduct that have been prevalent in the community.

Racially motivated violence may begin with hateful, racist language. Racially motivated hate speech and the violence it inspires threaten social cohesion of the community in NSW.

A robust criminal law response is needed to enable police to prosecute racially motivated hate speech, in addition to the existing conciliation and complaints mechanisms for racial vilification under the civil law.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill seeks to protect individuals and the broader community from the harm caused by the intentional public incitement of hatred on the basis of race, and hold perpetrators accountable for their conduct.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The existing conciliation and complaints mechanisms for racial vilification under the *Anti-Discrimination Act 1977* have been considered.

The NSW Government is also taking non-legislative measures to combat antisemitism and other forms of hate.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The conciliation and complaints mechanisms for racial vilification under the *Anti-Discrimination Act 1977* are currently under review by the NSW Law Reform Commission.

The conciliation and complaints mechanisms for racial vilification under the *Anti-Discrimination Act 1977* require an individual complainant, or a representative body that promotes the interests or welfare of a group of persons, to complain to Anti-Discrimination NSW and engage in the conciliation and complaint process.

Introducing a new offence that prohibits inciting racial hatred will, in appropriate circumstances, shift the burden of taking action to deal with racial vilification from individual complainants to police.

Non-legislative measures being taken by the NSW Government include:

- Increasing funding to support the crucial work of the NSW Police Force Engagement and Hate Crime Unit.
- Increasing funding the NSW Local Government Social Cohesion Grants Program.

- Providing training to support local governments to address the rising prevalence of hate crimes
- Funding to support safety and security at places of worship,
- Education initiatives to support students, staff and schools and collaboration with federal and other state and territory governments.

These are important practical steps to combat racial hatred and support social cohesion. However, legislative reform is also needed to support impacted communities, hold perpetrators accountable under the criminal law and signal to the community the seriousness of this conduct.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on proclamation to allow for police training, community education and outreach. The Department of Communities and Justice will notify relevant stakeholders when the Bill is due to commence.

The Bill when law will be administered by the Attorney General, who must undertake a review of its operation 12 months after it commences.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Government consulted the Faith Affairs Council, Multicultural NSW, the Special Envoy for Antisemitism, the Special Envoy for Islamophobia, government stakeholders including the NSW Police Force and legal stakeholders.