



New South Wales

Crimes and Summary Offences Amendment 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 make it an offence to publicly engage in conduct that indicates support for Nazi ideology, and
- (b) the *Criminal Procedure Act 1986* to require certain offences for conduct that indicates support for Nazi ideology to be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment, and
- (c) the *Summary Offences Act 1988* to clarify that a person participating in an authorised public assembly may still be guilty of another offence while participating in the assembly, including in relation to the purpose of the assembly.

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 Amendment of Crimes Act 1900 No 40

Schedule 1[1] omits the *Crimes Act 1900*, section 93ZAC, which provides for the automatic repeal of that Act, Part 3A, Division 8A 3 years after the commencement of the division. The division deals with public incitement of hatred on the ground of race.

Schedule 1[2] substitutes section 93ZA to make it an offence for a person, by public act and without a reasonable excuse, to knowingly engage in conduct that indicates support for Nazi ideology using imagery or characteristics associated with Nazi ideology that would cause a reasonable person to fear harassment, intimidation or violence or for the person's safety. The maximum penalty for the offence is—

- (a) if the act occurs on or near a synagogue, a Jewish school or the Sydney Jewish Museum—
 - (i) for an individual—200 penalty units or imprisonment for 2 years, or both, or
 - (ii) for a corporation—1,000 penalty units, or
- (b) otherwise—
 - (i) for an individual—100 penalty units or imprisonment for 12 months, or both, or
 - (ii) for a corporation—500 penalty units.

The maximum penalty for an offence under proposed section 93ZA(1)–(4) dealt with summarily is not limited by the *Criminal Procedure Act 1986*, section 268.

For proposed section 93ZA(1)–(4), the display of a swastika in connection with Buddhism, Hinduism or Jainism is not a display of a Nazi symbol and a reasonable excuse for an offence under the proposed subsections includes an academic, artistic or educational purpose or another purpose that is in the public interest.

A police officer who reasonably suspects a person is committing an offence under proposed section 93ZA(1) or (2) of displaying, by public act, a Nazi symbol may direct the person to remove the suspected Nazi symbol from display. The direction may be given orally or in writing and must indicate the period of time within which the direction must be complied with. The maximum penalty for failing to comply with the direction is 20 penalty units or imprisonment for 3 months, or both. A direction given under the proposed section is not limited by the *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 14, which deals with the powers of police to give directions.

Schedule 2 Amendment of other legislation

Schedule 2.1 Criminal Procedure Act 1986 No 209

Schedule 2.1 requires offences under the *Crimes Act 1900*, proposed section 93ZA(1)–(4), as inserted by Schedule 1[2], to be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment.

Schedule 2.2 Summary Offences Act 1988 No 25

Schedule 2.2 clarifies that while a person participating in an authorised public assembly in accordance with the particulars set out in the notice for the assembly under the *Summary Offences Act 1988*, section 23(1)(c), may not be guilty of an offence relating to participation in an unlawful assembly, the person may still be guilty of committing another offence while participating in the assembly, including an offence in relation to the purpose of the assembly.



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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 and Summary Offences Amendment Bill 2025

No. , 2025

A Bill for

An Act to amend the *Crimes Act 1900* in relation to displaying Nazi symbols and engaging in conduct that indicates support for Nazi ideology; to amend the *Summary Offences Act 1988* in relation to public assemblies; and for related purposes.

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 and Summary Offences Amendment Act 2025*.

3

2 Commencement

4

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

5

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 93ZAC Repeal of division

Omit the section.

[2] Section 93ZA

Omit the section. Insert instead—

93ZA Offence of displaying Nazi symbols or otherwise engaging in conduct supporting Nazi ideology

- (1) A person commits an offence if the person knowingly displays a Nazi symbol, by public act and without reasonable excuse, on or near a Jewish place.

Example— giving the Nazi salute near the Sydney Jewish Museum

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.

- (2) A person commits an offence if the person knowingly displays a Nazi symbol, by public act and without reasonable excuse, other than on or near a Jewish place.

Example— giving the Nazi salute as part of an assembly that is not held near a Jewish place

Maximum penalty—

- (a) for an individual—100 penalty units or imprisonment for 12 months, or both, or
- (b) for a corporation—500 penalty units.

- (3) A person commits an offence if—

- (a) the person knowingly engages in conduct, by public act and without reasonable excuse, on or near a Jewish place that indicates support for Nazi ideology by invoking imagery or characteristics that a reasonable person would consider to be associated with Nazi ideology, and

- (b) the conduct would cause a reasonable person to—

- (i) fear harassment, intimidation or violence, or
- (ii) fear for the person's safety.

Examples— reciting Nazi chants or using Nazi slogans near the Sydney Jewish Museum

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.

- (4) A person commits an offence if—

- (a) the person knowingly engages in conduct, by public act and without reasonable excuse, other than on or near a Jewish place that indicates support for Nazi ideology by invoking imagery or characteristics that a reasonable person would consider to be associated with Nazi ideology, and

- (b) the conduct would cause a reasonable person to—

- (i) fear harassment, intimidation or violence, or

(ii) fear for the person's safety.	1
Examples— reciting Nazi chants or using Nazi slogans as part of an assembly that is not held near a Jewish place	2 3
Maximum penalty—	4
(a) for an individual—100 penalty units or imprisonment for 12 months, or both, or	5 6
(b) for a corporation—500 penalty units.	7
(5) For subsections (1)–(4), the display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute the display of a Nazi symbol.	8 9 10
(6) Without limiting subsections (1)–(4), a reasonable excuse includes the display of a Nazi symbol or conduct done reasonably and in good faith—	11 12
(a) for an academic, artistic or educational purpose, or	13
(b) for another purpose in the public interest.	14
(7) The maximum penalty specified in subsections (1)–(4) for an offence dealt with summarily applies regardless of the <i>Criminal Procedure Act 1986</i> , section 268.	15 16 17
(8) If a police officer reasonably suspects a person is committing an offence against subsection (1) or (2), the police officer may direct the person to remove from display the suspected Nazi symbol.	18 19 20
(9) A direction under subsection (8)—	21
(a) may be given orally or in writing, and	22
(b) must specify the period within which the direction must be complied with, and	23 24
(c) may be withdrawn by a police officer in the same way in which the direction was given.	25 26
(10) A person must not, without reasonable excuse, refuse or fail to comply with a direction given under subsection (8) that is in force.	27 28
Maximum penalty—20 penalty units or imprisonment for 3 months, or both.	29
(11) To avoid doubt, the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 14 does not apply in relation to the power to give, and a direction given, under this section.	30 31 32
(12) In this section—	33
Jewish place means a synagogue, a Jewish school or the Sydney Jewish Museum.	34 35
Jewish school means a Hebrew school, independent Jewish day school or yeshiva.	36 37
public act has the same meaning as in section 93Z.	38

Schedule 2	Amendment of other legislation	1
2.1	Criminal Procedure Act 1986 No 209	2
	Schedule 1 Indictable offences triable summarily	3
	Insert after Table 2, Part 2A, clause 4F—	4
	4FA Nazi symbols or conduct	5
	An offence under the <i>Crimes Act 1900</i> , section 93ZA(1)–(4).	6
2.2	Summary Offences Act 1988 No 25	7
	Section 24 Participation in authorised public assembly	8
	Insert at the end of the section—	9
	(2) To avoid doubt, a person participating in an authorised assembly held substantially in accordance with particulars furnished under section 23(1)(c), or particulars as amended by agreement, may still be guilty of another offence, including an offence related to the purpose of the assembly.	10 11 12 13
	Example of other offences— an offence against the <i>Crimes Act 1900</i> , section 93ZAA or 93ZA	14 15