



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.