



New South Wales

# Prevention of Antisemitism Bill 2026

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is as follows—

- (a) to adopt and apply the International Holocaust Remembrance Alliance definition of antisemitism for public and university purposes in New South Wales,
- (b) to amend certain Acts in relation to the prevention of antisemitism.

## 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.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** defines the following for the proposed Act—

- (a) the *IHRA definition of antisemitism*, being the definition of antisemitism adopted by the International Holocaust Remembrance Alliance on 26 May 2016,
- (b) the *IHRA antisemitism examples*, being the examples given with the IHRA definition of antisemitism at the time it was adopted by the International Holocaust Remembrance Alliance on 26 May 2016.

**Clause 5** provides that a public authority, when dealing with the issue of racism, must use and apply the IHRA definition of antisemitism and the IHRA antisemitism examples.

Each public authority must also properly deal with the issue of antisemitism in the public authority's—

- (a) code of conduct, however described, for its employees, and
- (b) diversity and inclusion training programs, however described.

**Clause 6** provides that certain universities must adopt, use and apply—

- (a) the IHRA definition of antisemitism, or
- (b) the definition of antisemitism adopted by Universities Australia on 27 February 2025.

In the application of a definition adopted under the proposed section, a university must use and apply the IHRA antisemitism examples.

Each university must also ensure that the definition adopted under the proposed section is included in all its relevant codes of conduct, policies and procedure documents.

**Clause 7** enables regulations, including regulations of a savings and transitional nature, to be made for the purposes of the proposed Act.

## **Schedule 1      Amendment of Acts**

### **1.1 Crimes Act 1900 No 40**

**Schedule 1.1** amends the *Crimes Act 1900*, sections 93Z and 93ZAA to provide that in determining whether an alleged offender has committed an offence against the section where the other person is, or one or more of the members of the group are, Jewish or assumed by the alleged offender to be Jewish, the Court must have regard to the IHRA definition of antisemitism and the IHRA antisemitism examples within the meaning of the terms in this proposed Act.

### **1.2 Government Sector Finance Act 2018 No 55**

**Schedule 1.2** amends the *Government Sector Finance Act 2018*, section 10.3A to provide that a Minister, a person employed by a Minister under the *Members of Parliament Staff Act 2013* or an employee of certain government sector agencies must not knowingly approve a grant to a person or body that has engaged in, or is reasonably suspected of being likely to engage in, antisemitic activities.

### **1.3 Public Works and Procurement Act 1912 No 45**

**Schedule 1.3** amends the *Public Works and Procurement Act 1912*, section 176 to provide that a government agency must take reasonable steps to ensure that goods and services are not procured from a person or body that has engaged in, or is reasonably suspected of being likely to engage in, antisemitic activities.



New South Wales

# Prevention of Antisemitism Bill 2026

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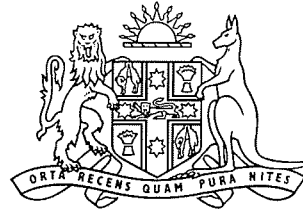
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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Prevention of Antisemitism Bill 2026**

No. , 2026

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### **A Bill for**

An Act to adopt and apply the IHRA definition of antisemitism for public and university purposes in New South Wales; to amend certain Acts in relation to the prevention of antisemitism; and for related purposes.

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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**

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Prevention of Antisemitism Act 2026</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Definitions</b>	6
In this Act—	7
<b><i>IHRA antisemitism examples</i></b> —see section 4(3).	8
<b><i>IHRA definition of antisemitism</i></b> —see section 4(1).	9
<b><i>public authority</i></b> has the same meaning as in the <i>Independent Commission Against Corruption Act 1988</i> .	10
<b><i>University</i></b> means the following—	12
(a) Charles Sturt University,	13
(b) Macquarie University,	14
(c) Southern Cross University,	15
(d) University of New England,	16
(e) University of New South Wales,	17
(f) University of Newcastle,	18
(g) University of Sydney,	19
(h) University of Technology, Sydney,	20
(i) University of Wollongong,	21
(j) Western Sydney University.	22
<b>Note</b> — The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	23
	24
<b>4 Meaning of “IHRA definition of antisemitism” and “IHRA antisemitism examples”</b>	25
(1) The <b><i>IHRA definition of antisemitism</i></b> is the definition of antisemitism adopted by the International Holocaust Remembrance Alliance on 26 May 2016.	26
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(2) The text of the IHRA definition of antisemitism is as follows—	28
Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.	29
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(3) The <b><i>IHRA antisemitism examples</i></b> are the examples given with the IHRA definition of antisemitism at the time it was adopted by the International Holocaust Remembrance Alliance on 26 May 2016.	33
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<b>5 Use of IHRA definition of antisemitism and IHRA antisemitism examples by public authorities</b>	36
	37
(1) Each public authority, when dealing with the issue of racism, must use and apply the IHRA definition of antisemitism and the IHRA antisemitism examples.	38
	39
(2) Without limiting subsection (1), each public authority must properly deal with the issue of antisemitism in the public authority’s—	40
	41
(a) code of conduct, however described, for its employees, and	42

(b)	diversity and inclusion training programs, however described.	1
<b>6</b>	<b>Use of IHRA definition of antisemitism and IHRA antisemitism examples by Universities</b>	2
		3
(1)	Each University must adopt, use and apply—	4
(a)	the IHRA definition of antisemitism, or	5
(b)	the definition of antisemitism adopted by Universities Australia on 27 February 2025.	6
		7
(2)	Each University must ensure that the definition adopted under subsection (1) is included in all its relevant codes of conduct, policies and procedure documents.	8
		9
(3)	In the application of a definition adopted under subsection (1), a University must use and apply the IHRA antisemitism examples.	10
		11
<b>7</b>	<b>Regulations</b>	12
(1)	The Governor may make regulations about a matter that is—	13
(a)	required or permitted by this Act to be prescribed, or	14
(b)	necessary or convenient to be prescribed for carrying out or giving effect to this Act.	15
		16
(2)	The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—	17
		18
(a)	a provision of this Act, or	19
(b)	a provision amending this Act.	20
(3)	A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.	21
		22
(4)	A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.	23
		24
(5)	A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—	25
		26
(a)	for a provision of this Act—the date of assent to this Act, or	27
(b)	for a provision amending this Act—the date of assent to the amending Act.	28
(6)	A savings or transitional provision taking effect before its publication on the NSW legislation website does not—	29
		30
(a)	affect the rights of a person existing before the publication in a way prejudicial to the person, or	31
		32
(b)	impose liabilities on a person for anything done or omitted to be done before the publication.	33
		34
(7)	In this section—	35
	<i>person</i> does not include the State or an authority of the State.	36

<b>Schedule 1</b>	<b>Amendment of Acts</b>	1
<b>1.1</b>	<b>Crimes Act 1900 No 40</b>	2
<b>[1]</b>	<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>	3
	Insert after section 93Z(2)—	4
	(2A) In determining whether an alleged offender has committed an offence against this section where the other person is, or one or more of the members of the group are, Jewish or assumed by the alleged offender to be Jewish, the Court must have regard to the IHRA definition of antisemitism and the IHRA antisemitism examples within the meaning of the terms in the <i>Prevention of Antisemitism Act 2026</i> .	5
<b>[2]</b>	<b>Section 93ZAA Offence of publicly inciting hatred on ground of race</b>	6
	Insert after section 93ZAA(3)—	7
	(3A) In determining whether an alleged offender has committed an offence against this section where the other person is, or one or more of the members of the group are, Jewish or assumed by the alleged offender to be Jewish, the Court must have regard to the IHRA definition of antisemitism and the IHRA antisemitism examples within the meaning of the terms in the <i>Prevention of Antisemitism Act 2026</i> .	8
<b>1.2</b>	<b>Government Sector Finance Act 2018 No 55</b>	9
	<b>Section 10.3A Administration of government grants</b>	10
	Insert after section 10.3A(1)—	11
	(1A) The persons specified in subsection (1) must not knowingly approve a grant to a person or body that has engaged in, or is reasonably suspected of being likely to engage in, antisemitic activities.	12
<b>1.3</b>	<b>Public Works and Procurement Act 1912 No 45</b>	13
	<b>Section 176 Obligations of government agencies</b>	14
	Insert after section 176(1A)—	15
	(1B) A government agency must take reasonable steps to ensure that goods and services are not procured from a person or body that has engaged in, or is reasonably suspected of being likely to engage in, antisemitic activities.	16