



New South Wales

# Crimes Legislation Amendment (Hate Crimes) Bill 2026

## 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* in relation to hate crimes.

## 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]** inserts proposed section 54BA to make it an offence for a person to procure, or attempt to procure, another person (the *victim*) by making a false or misleading representation to the victim with the intent to commit a serious assault offence or a robbery offence against the victim. The proposed offence carries a maximum penalty of imprisonment for 5 years.

**Schedule 1[2]** increases the maximum penalty for the offence of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status to—

- (a) for an individual—200 penalty units or imprisonment for 5 years, or both, or
- (b) otherwise—1,000 penalty units.

**Schedule 1[3]** provides that a person commits an offence of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status if the person—

- (a) by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on one or more of the grounds, and
- (b) the conduct results in violence being committed against a person or a group of persons.

The proposed offence carries a maximum penalty of, for an individual, 400 penalty units or imprisonment for 7 years, or both, or, otherwise, 2,000 penalty units. **Schedule 1[4]** makes a consequential amendment.

**Schedule 1[5]** provides that a person has committed a *performance crime offence* if the person's act or omission constitutes a serious assault offence or a robbery offence. **Schedule 1[7]** inserts definitions of *robbery offence* and *serious assault offence*. **Schedule 1[6]** makes a consequential amendment.

## **Schedule 2      Amendment of Criminal Procedure Act 1986 No 209**

**Schedule 2[1]** makes amendments consequent on Schedule 1[5] and [6].

**Schedule 2[2]** provides that the *Crimes Act 1900*, proposed section 54BA, as inserted by Schedule 1[1], is an indictable offence that must be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment.

## **Schedule 3      Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Schedule 3[1]** provides that in taking into account the aggravating factor in sentencing of whether an offence was partially or wholly motivated by hatred for or prejudice against a group of people, the offence is taken to have been motivated by hatred or prejudice if the offender demonstrated or expressed hatred for or prejudice against a group of people to which the offender believed the victim belonged immediately before, after or at the time of committing the offence.

**Schedule 3[2]** inserts a savings and transitional provision.



New South Wales

# Crimes Legislation Amendment (Hate Crimes) Bill 2026

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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 Legislation Amendment (Hate Crimes) Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to amend the *Crimes Act 1900* in relation to hate crimes; and for related purposes.

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

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

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

1

**1 Name of Act**

2

This Act is the *Crimes Legislation Amendment (Hate Crimes) Act 2026*.

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

<b>[1] Section 54BA</b>	2
Insert after section 54B—	3
<b>54BA Offence of procuring victims by making false or misleading representations</b>	4
(1) A person commits an offence if the person procures, or attempts to procure, another person (the <i>victim</i> )—	5
(a) by making a false or misleading representation to the victim, and	6
(b) with intent to commit either of the following against the victim—	7
(i) a serious assault offence,	8
(ii) robbery offence.	9
Maximum penalty—imprisonment for 5 years.	10
(2) In this section—	11
<i>robbery offence</i> means an offence against Part 4, Division 2 or 3.	12
<i>serious assault offence</i> means an offence against the following sections—	13
(a) section 33,	14
(b) section 35,	15
(c) section 58,	16
(d) section 59.	17
<b>[2] 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>	18
Omit section 93Z(1), penalty.	19
Insert instead—	20
Maximum penalty—	21
(a) for an individual—200 penalty units or imprisonment for 5 years, or both, or	22
(b) otherwise—1,000 penalty units.	23
<b>[3] Section 93Z(1A)</b>	24
Insert after section 93Z(1)—	25
(1A) A person commits an offence against this subsection if—	26
(a) the person, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on any of the grounds referred to in subsection (1)(a)–(f), and	27
(b) the conduct referred to in paragraph (a) results in violence being committed against another person or a group of persons.	28
Maximum penalty—	29
(a) for an individual—400 penalty units or imprisonment for 7 years, or both, or	30
(b) otherwise—2,000 penalty units.	31
<b>[4] Section 93Z(3)</b>	32
Omit “this section”.	33
Insert instead “subsection (1)”.	34

<b>[5] Section 154K Performance crime offences</b>	1
Omit “offence, and” from section 154K(1)(a)(ii).	2
Insert instead—	3
offence, or	4
(iii) a serious assault offence, or	5
(iv) a robbery offence, and	6
<b>[6] Section 154K(2)(a) and (3)</b>	7
Omit “or breaking and entering offence” wherever occurring.	8
Insert instead “, breaking and entering offence, serious assault offence or robbery offence”.	9
<b>[7] Section 154K(4)</b>	10
Insert in alphabetical order—	11
<i>robbery offence</i> means an offence against Part 4, Division 2 or 3.	12
<i>serious assault offence</i> means an offence against the following sections—	13
(a) section 33,	14
(b) section 35,	15
(c) section 58,	16
(d) section 59.	17



<b>Schedule 3</b>	<b>Amendment of Crimes (Sentencing Procedure) Act 1999 No 92</b>	1
		2
<b>[1]</b>	<b>Section 21A Aggravating, mitigating and other factors in sentencing</b>	3
	Insert after section 21A(5B)—	4
	(5BA) For the purposes of subsection (2)(h), if, at the time of committing the offence or immediately before or immediately after committing the offence, the offender demonstrated or expressed hatred for or prejudice against a group of people to which the offender believed the victim belonged, the offence is taken to have been motivated by hatred or prejudice.	5 6 7 8 9
<b>[2]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	10
	Insert at the end of the schedule, with appropriate part and clause numbering—	11
<b>Part</b>	<b>Provision consequent on Crimes Legislation Amendment (Hate Crimes) Act 2026</b>	12 13
	<b>Aggravating factor—hatred or prejudice</b>	14
	Section 21A(5BA), as inserted by the <i>Crimes Legislation Amendment (Hate Crimes) Act 2026</i> , applies only in relation to an offence committed after the commencement of that Act.	15 16 17