



New South Wales

Crimes Amendment (Prohibited Organisation Symbols) 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*, section 93ZB to—

- (a) prohibit the display of prohibited organisation symbols regardless of whether the organisation is a terrorist organisation, and
- (b) require an offence against the section to be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment, and
- (c) allow a police officer to direct a person to stop displaying prohibited organisation symbols if the officer has a reasonable suspicion the person is doing so.

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.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[2] amends the *Crimes Act 1900*, section 93ZB to update references from “prohibited terrorist organisation” to “prohibited organisation”, consistent with recent changes made by the Commonwealth Parliament. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[3] provides that—

- (a) the offence of displaying prohibited organisation symbols under the *Crimes Act 1900*, section 93ZB(1), as amended by Schedule 1[2], is punishable by the maximum penalty specified in section 93ZB(1) regardless of the limitations imposed by the *Criminal Procedure Act 1986*, section 268 on maximum penalties for offences tried summarily, and
- (b) a person reasonably suspected by a police officer of displaying a prohibited organisation symbol must remove from display the suspected prohibited organisation symbol if given a direction by the police officer to do so.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2 provides that an offence against the *Crimes Act 1900*, section 93ZB(1) must be dealt with summarily unless the prosecutor elects to have the offence dealt with on indictment.

Schedule 3 Amendments to terrorism legislation

Schedule 3 makes amendments consequent on the commencement of the *Criminal Code*, Part 5.3A set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth (the *Criminal Code*). The proposed amendments extend the scope of certain Acts and instruments to also apply to state sponsors of terrorism and include state terrorist acts, as defined by the Criminal Code, Part 5.3A. It also makes related amendments.



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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 Amendment (Prohibited Organisation Symbols) Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Crimes Act 1900* in relation to prohibited organisation symbols; 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 Amendment (Prohibited Organisation Symbols) 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	1
[1] Part 3A, Division 10, heading		2
Omit the heading. Insert instead—		3
Division 10	Prohibited organisation symbols and hate slogans	4
[2] Section 93ZB		5
Omit “prohibited terrorist organisation” wherever occurring.		6
Insert instead “prohibited organisation”.		7
[3] Section 93ZB(2A)–(2E)		8
Insert after section 93ZB(2)—		9
(2A)	The maximum penalty specified in subsection (1) for an offence dealt with summarily applies regardless of the <i>Criminal Procedure Act 1986</i> , section 268.	10 11 12
(2B)	If a police officer reasonably suspects a person is committing an offence against subsection (1), the police officer may direct the person to remove from display the suspected prohibited organisation symbol.	13 14 15
(2C)	A direction under subsection (2B)—	16
(a)	may be given orally or in writing, and	17
(b)	must specify the period within which the direction must be complied with, and	18 19
(c)	may be withdrawn by a police officer in the same way the direction was given.	20 21
(2D)	A person must not, without reasonable excuse, refuse or fail to comply with a direction given under subsection (2B) that is in force. Maximum penalty—20 penalty units or imprisonment for 3 months, or both.	22 23 24
(2E)	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 a direction, and a direction given, under this section.	25 26 27

Schedule 2	Amendment of Criminal Procedure Act 1986 No 209	1
		2
Schedule 1	Indictable offences triable summarily	3
	Insert after Table 2, clause 4FA—	4
4FB	Prohibited organisation symbols	5
	An offence against the <i>Crimes Act 1900</i> , section 93ZB(1).	6

Schedule 3	Amendments to terrorism legislation	1
3.1	Bail Act 2013 No 26	2
[1]	Section 18 Matters to be considered as part of assessment	3
	Omit “(within the meaning of Division 102 of Part 5.3 of the Commonwealth Criminal Code),” from section 18(1)(q).	4
	Insert instead “or a state sponsor of terrorism,”.	5
[2]	Section 18(1)(r) and (s)	6
	Omit “terrorist acts or violent extremism” wherever occurring.	7
	Insert instead “terrorist acts, state terrorist acts or violent extremism”.	8
[3]	Section 18(3)	9
	Insert after section 18(2)—	10
	(3) In this section—	11
	<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	12
	<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	13
	<i>terrorist organisation</i> has the same meaning as in the Commonwealth Criminal Code, Part 5.3, Division 102.	14
3.2	Children (Detention Centres) Act 1987 No 57	15
[1]	Section 58 Definitions	16
	Insert in alphabetical order in section 58(1)—	17
	<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	18
[2]	Section 58(2)	19
	Omit “terrorist acts or violent extremism”.	20
	Insert instead “terrorist acts, state terrorist acts or violent extremism”.	21
[3]	Section 59 Juvenile offenders to whom Division applies	22
	Omit “(within the meaning of Division 102 of Part 5.3 of the Commonwealth Criminal Code), or” from section 59(1)(c).	23
	Insert instead “or a state sponsor of terrorism, or”.	24
[4]	Section 59(1)(d) and (e) and (1A)(a)	25
	Omit “terrorist act or violent extremism” wherever occurring.	26
	Insert instead “terrorist act, state terrorist act or violent extremism”.	27
[5]	Sections 59(1A)(a), 60(1)(a), (2) and (3) and 61(1)	28
	Omit “terrorist acts or violent extremism” wherever occurring.	29
	Insert instead “terrorist acts, state terrorist acts or violent extremism”.	30

[6] Section 59(3)	1
Insert after section 59(2)—	2
(3) In this section—	3
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	4
<i>terrorist organisation</i> has the same meaning as in the Commonwealth Criminal Code, Part 5.3, Division 102.	5
	6
	7
3.3 Children (Detention Centres) Regulation 2015	8
[1] Clause 7A Designation of national security interest detainees	9
Omit “terrorist organisation, or” from clause 7A(1)(a)(iii).	10
Insert instead “terrorist organisation or state sponsor of terrorism, or”.	11
[2] Clause 7A(1)(a)(iv) and (v) and (1A)(a)	12
Omit “terrorist act or violent extremism” wherever occurring.	13
Insert instead “terrorist act, state terrorist act or violent extremism”.	14
[3] Clause 7A(1A)(a)	15
Omit “terrorist acts or violent extremism” wherever occurring.	16
Insert instead “terrorist acts, state terrorist acts or violent extremism”.	17
[4] Clause 7A(4)	18
Insert in alphabetical order—	19
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	20
<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	21
	22
	23
3.4 Crimes (Administration of Sentences) Act 1999 No 93	24
[1] Section 159A Definitions	25
Insert in alphabetical order in section 159A(1)—	26
<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	27
	28
[2] Section 159A(2)	29
Omit “terrorist acts or violent extremism”.	30
Insert instead “terrorist acts, state terrorist acts or violent extremism”.	31
[3] Section 159B Offenders to whom Division applies	32
Omit “(within the meaning of Division 102 of Part 5.3 of the Commonwealth Criminal Code), or” from section 159B(1)(c).	33
Insert instead “or a state sponsor of terrorism, or”.	34
	35
[4] Section 159B(1)(d) and (e) and (2)(a)	36
Omit “terrorist act or violent extremism” wherever occurring.	37

Insert instead “terrorist act, state terrorist act or violent extremism”.	1
[5] Sections 159B(2)(a), 159C(1)(a), (2) and (3) and 159D(1)	2
Omit “terrorist acts or violent extremism” wherever occurring.	3
Insert instead “terrorist acts, state terrorist acts or violent extremism”.	4
[6] Section 159B(3)	5
Insert after section 159B(2)—	6
(3) In this section—	7
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	8
<i>terrorist organisation</i> has the same meaning as in the Commonwealth Criminal Code, Part 5.3, Division 102.	9
	10
	11
3.5 Criminal Procedure Act 1986 No 209	12
[1] Section 281G Definitions	13
Insert in alphabetical order in section 281G(1)—	14
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	15
<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	16
	17
	18
[2] Section 281G(1), definition of “terrorism evidence”, paragraphs (a) and (b)	19
Omit “terrorist acts or violent extremism” wherever occurring.	20
Insert instead “terrorist acts, state terrorist acts or violent extremism”.	21
[3] Section 281G(1), definition of “terrorism evidence”, paragraph (c)	22
Insert “or state sponsor of terrorism” after “terrorist organisation”.	23
3.6 Firearms Regulation 2017	24
[1] Clause 5 Offences that disqualify applicants	25
Omit “against Part 5.3” from clause 5(1)(j)(i).	26
Insert instead “against Part 5.3 or 5.3A”.	27
[2] Clause 42 Offences that prevent persons from being involved in firearms dealing business	28
Omit “against Part 5.3” from clause 42(1)(j)(i).	29
Insert instead “against Part 5.3 or 5.3A”.	30
	31
3.7 Law Enforcement (Powers and Responsibilities) Act 2002 No 103	32
Section 73A Extension of warrant	33
Omit “102 or 103” from section 73A(8).	34
Insert instead “102, 103 or 111–113”.	35

3.8 Security Industry Regulation 2016	1
Clause 15 Offences and civil penalties that disqualify applicants	2
Omit “against Part 5.3” from clause 15(1)(k)(i).	3
Insert instead “against Part 5.3 or 5.3A”.	4
3.9 Tattoo Industry Regulation 2023	5
Schedule 4 Disqualifying offences	6
Omit “Part 5.3” from section 13(b).	7
Insert instead “Part 5.3 or 5.3A”.	8
3.10 Terrorism (High Risk Offenders) Act 2017 No 68	9
[1] Section 4 Definitions	10
Insert “or 5.3A” after “against Part 5.3” in section 4(1), definition of <i>serious terrorism offence</i> .	11 12
[2] Section 4(1)	13
Insert in alphabetical order—	14
<i>state terrorist act</i> has the same meaning as in the Commonwealth Criminal Code.	15 16
[3] Section 4(1), definition of “terrorism activity”	17
Omit “terrorist acts” wherever occurring.	18
Insert instead “terrorist acts, state terrorist acts”.	19
[4] Section 4(1), definition of “terrorism intelligence”	20
Omit “terrorist acts”.	21
Insert instead “terrorist acts or state terrorist acts”.	22
[5] Section 10 Convicted NSW terrorism activity offender	23
Insert “or state sponsor of terrorism” after “a member of a terrorist organisation” in section 10(1)(b).	24 25
[6] Section 10(1)(c)(ii) and (1A)	26
Omit “or organisation” wherever occurring.	27
Insert instead “, organisation or entity”.	28
[7] Section 10(1)(c) and (1A)(a)	29
Omit “terrorist act or violent extremism” wherever occurring.	30
Insert instead “terrorist act, state terrorist act or violent extremism”.	31
[8] Section 10(1A)(a)	32
Omit “terrorist acts or violent extremism” wherever occurring.	33
Insert instead “terrorist acts, state terrorist acts or violent extremism”.	34

[9] Section 10(3)	1
Insert in alphabetical order—	2
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code.	3 4
3.11 Terrorism (Police Powers) Act 2002 No 115	5
Section 3 Definition of “terrorist act”	6
Insert after section 3(4)—	7
(5) To avoid doubt, in this section an action includes an action engaged in by a state sponsor of terrorism or a member of a state sponsor of terrorism.	8 9
(6) In this section—	10
<i>Commonwealth Criminal Code</i> means the Criminal Code set out in the Schedule to the <i>Criminal Code Act 1995</i> of the Commonwealth.	11 12
<i>member</i> has the same meaning as in the Commonwealth Criminal Code, Part 5.3A.	13 14
<i>state sponsor of terrorism</i> has the same meaning as in the Commonwealth Criminal Code, Part 5.3A.	15 16
3.12 Weapons Prohibition Regulation 2017	17
Section 5 Offences that disqualify applicants	18
Omit “against Part 5.3” from section 5(1)(j)(i).	19
Insert instead “against Part 5.3 or 5.3A”.	20