



New South Wales

Crimes Amendment (Display of Nazi Symbols) Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to prohibit the public display of a symbol of, or associated with, the National Socialist German Workers' Party, the Third Reich or Neo-Nazism (a *Nazi symbol*), except in certain circumstances.

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] makes it an offence to display a Nazi symbol by a public act. *Public act* is defined to include any form of written or visual public communication, the wearing or display of clothing and other items in a way that is observable by the public and the distribution or dissemination of material to the public. An act may be a public act for the purposes of the proposed offence even if it occurs on private land. The proposed section makes it clear that the offence does not apply to a swastika used in connection with Hinduism, Buddhism or Jainism.

The proposed offence does not apply if the President of the Anti-Discrimination Board is satisfied the public act is to be done reasonably and in good faith for purposes in the public interest and has granted an exemption from the offence.

If a public act of a person is an offence against the proposed section and the *Crimes Act 1900*, section 93Z, the person may only be punished for an offence under one of the sections. **Schedule 1[1]** makes a consequential amendment.