



New South Wales

Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022

Explanatory note

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

Overview of Bill

This Bill creates an offence for knowingly displaying Nazi symbols by public act and without reasonable excuse.

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 makes it an offence to knowingly display a Nazi symbol by public act and without reasonable excuse. **Public act** has the same meaning as in the *Crimes Act 1900*, section 93Z. The proposed section makes it clear the offence does not apply to a swastika displayed in connection with Buddhism, Hinduism or Jainism. The proposed section also provides that a reasonable excuse includes the display of a Nazi symbol done reasonably and in good faith for an academic, artistic or educational purpose, or for another purpose in the public interest.



New South Wales

Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Crimes Act 1900 No 40	3



New South Wales

Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Crimes Act 1900* to create an offence for knowingly displaying Nazi symbols by public act and without reasonable excuse.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes Amendment (Prohibition on Display of Nazi Symbols) Act 2022*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Crimes Act 1900 No 40	1
Part 3A	Offences relating to public order	2
	Insert after section 93Z—	3
Division 9	Display of Nazi symbols	4
93ZA	Offence of displaying Nazi symbols	5
(1)	A person who knowingly displays, by public act and without reasonable excuse, a Nazi symbol commits an offence.	6
	Maximum penalty—	7
(a)	for an individual—100 penalty units or imprisonment for 12 months, or both, or	8
(b)	for a corporation—500 penalty units.	9
(2)	For subsection (1), the display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute the display of a Nazi symbol.	10
(3)	Also, without limiting subsection (1), a reasonable excuse includes the display of a Nazi symbol done reasonably and in good faith—	11
(a)	for an academic, artistic or educational purpose, or	12
(b)	for another purpose in the public interest.	13
(4)	In this section—	14
	<i>public act</i> has the same meaning as in section 93Z.	15