



New South Wales

# Crimes Amendment (Prohibition on Display of Nazi Symbols) Act 2022 No 37

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

**1 Name of Act**

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

**2 Commencement**

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

## Schedule 1 Amendment of Crimes Act 1900 No 40

### [1] Part 3A Offences relating to public order

Insert after section 93Z—

#### Division 9 Display of Nazi symbols

##### 93ZA Offence of displaying Nazi symbols

- (1) A person who knowingly displays, by public act and without reasonable excuse, a Nazi symbol commits an offence.  
Maximum penalty—
  - (a) for an individual—100 penalty units or imprisonment for 12 months, or both, or
  - (b) for a corporation—500 penalty units.
- (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.
- (3) Also, without limiting subsection (1), a reasonable excuse includes the display of a Nazi symbol done reasonably and in good faith—
  - (a) for an academic, artistic or educational purpose, or
  - (b) for another purpose in the public interest.
- (4) In this section—  
*public act* has the same meaning as in section 93Z.

### [2] Section 584

Insert after section 583—

#### 584 Review of Part 3A, Division 9

- (1) The Minister must, from time to time, review Part 3A, Division 9 to determine whether—
  - (a) the policy objectives of the Division remain valid, and
  - (b) the terms of the Division remain appropriate for securing the objectives.
- (2) A review under subsection (1) must be commenced—
  - (a) for the first review—within 3 years and 6 months after the commencement of the *Crimes Amendment (Prohibition on Display of Nazi Symbols) Act 2022*, and
  - (b) for subsequent reviews—at intervals of not more than 5 years.
- (3) A report on the outcome of each review is to be tabled in each House of Parliament within 12 months after the last day by which the review must be commenced.

[Second reading speech made in—

Legislative Assembly on 21 June 2022

Legislative Council on 11 August 2022]