



New South Wales

# Crimes Amendment (Inciting Racial Hatred) Act 2025 No 9

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New South Wales

# Crimes Amendment (Inciting Racial Hatred) Act 2025 No 9

Act No 9, 2025

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An Act to amend the *Crimes Act 1900* to provide that it is an offence to intentionally incite hatred towards another person or a group of persons on the ground of race in circumstances that would cause a reasonable person who was the target of the incitement to hatred to fear harassment, intimidation, violence or for their personal safety; and to provide for a statutory review of the offence 12 months after it commences. [Assented to 2 March 2025]

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

**1 Name of Act**

This Act is the *Crimes Amendment (Inciting Racial Hatred) Act 2025*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

## Schedule 1 Amendment of Crimes Act 1900 No 40

### Part 3A, Division 8A

Insert after section 93Z—

### Division 8A Public incitement of hatred on ground of race

#### 93ZAA Offence of publicly inciting hatred on ground of race

- (1) A person commits an offence if—
  - (a) the person, by a public act, intentionally incites hatred towards another person or a group of persons on the ground of race, and
  - (b) the public act would cause a reasonable person who was the target of the incitement of hatred, or a reasonable person who was a member of a group of persons that was the target of the incitement of hatred, to—
    - (i) fear harassment, intimidation or violence, or
    - (ii) fear for the reasonable person's safety.

Maximum penalty—

- (a) for an individual—100 penalty units or imprisonment for 2 years, or both, or
  - (b) for a corporation—500 penalty units.
- (2) Subsection (1) does not apply to an act that consists only of directly quoting from or otherwise referencing a religious text for the purpose of religious teaching or discussion.
  - (3) In determining whether an alleged offender has committed an offence against this section, it is irrelevant—
    - (a) whether the alleged offender's assumptions or beliefs about the race of another person or a member of a group of persons were correct or incorrect when the offence is alleged to have been committed, or
    - (b) whether or not, in response to the alleged offender's public act, any person formed a state of mind or carried out an act of hatred.
  - (4) A prosecution for an offence against this section may be commenced only by—
    - (a) the Director of Public Prosecutions, or
    - (b) a police officer.
  - (5) In this section—

*public act* has the same meaning as in section 93Z.  
*race* has the same meaning as in section 93Z.

#### 93ZAB Review of division

- (1) Portfolio Committee No 5 must review this division 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) The review must be undertaken as soon as possible after the period of 12 months from the commencement of this division.

- (3) A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the period of 12 months from the commencement of this division.

**93ZAC Repeal of division**

This division is repealed on the day that is 3 years after the division commences.

[Second reading speech made in—  
Legislative Assembly on 18 February 2025  
Legislative Council on 21 February 2025]