



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Bill 2025

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* and other Acts to reverse, with retrospective effect, the amendments made by the following Acts—

- (a) the *Crimes Amendment (Inciting Racial Hatred) Act 2025*,
- (b) the *Crimes Amendment (Places of Worship) Act 2025*,
- (c) the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

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.

Schedule 1 amends the *Crimes Act 1900* to reverse amendments made by the *Crimes Amendment (Inciting Racial Hatred) Act 2025*.

Schedule 2 amends the following Acts to reverse amendments made by the *Crimes Amendment (Places of Worship) Act 2025*—

- (a) the *Crimes Act 1900*,
- (b) the *Law Enforcement (Powers and Responsibilities) Act 2002*.

Schedule 3 amends the following Acts to reverse the amendments made by the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*—

- (a) the *Crimes Act 1900*,

- (b) the *Crimes (Sentencing Procedure) Act 1999*,
- (c) the *Graffiti Control Act 2008*.

Schedule 3 also inserts a savings provision to make it clear the reversal applies to current proceedings as if the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* had never been enacted.



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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Bill 2025

No. _____, 2025

A Bill for

An Act to amend crimes legislation to reverse the effect of the *Crimes Amendment (Inciting Racial Hatred) Act 2025*, *Crimes Amendment (Places of Worship) Act 2025* and *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025*.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025*.

2 Commencement

This Act commences, or is taken to have commenced, as follows—

- (a) Schedule 1—on the day on which the *Crimes Amendment (Inciting Racial Hatred) Act 2025*, Schedule 1 commenced or will commence,
- (b) Schedule 2.1—on the day on which the *Crimes Amendment (Places of Worship) Act 2025*, Schedule 1 commenced or will commence,
- (c) Schedule 2.2—on the day on which the *Crimes Amendment (Places of Worship) Act 2025*, Schedule 2 commenced or will commence,
- (d) Schedule 3—2 March 2025, being the day on which the *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* commenced,
- (e) otherwise—on the date of assent to this Act.

Schedule 1	Amendments relating to inciting racial hatred	1
1.1	Crimes Act 1900 No 40	2
	Part 3A Offences relating to public order	3
	Omit Division 8A.	4

Schedule 2	Amendments relating to places of worship	1
2.1	Crimes Act 1900 No 40	2
[1]	Part 4AF, heading	3
	Omit “or places of worship”.	4
[2]	Sections 214B and 214C	5
	Omit the sections.	6
2.2	Law Enforcement (Powers and Responsibilities) Act 2002 No 103	7
[1]	Section 200 Limitation on exercise of police powers under this Part	8
	Omit “, (4) or (5)”. Insert instead “or (4)”.	9
[2]	Section 200(5)	10
	Omit the subsection.	11

Schedule 3	Amendments relating to racial and religious hatred	1
		2
3.1	Crimes Act 1900 No 40	3
[1]	Section 93Z Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status	4
	Omit “graffiti,” from section 93Z(5), definition of <i>public act</i> , paragraph (a).	5
		6
[2]	Section 93ZA Offence of displaying Nazi symbols	7
	Omit section 93ZA(1AA).	8
[3]	Section 93ZA(1)	9
	Omit “other than on or near a synagogue, a Jewish school or the Sydney Jewish Museum”.	10
[4]	Section 93ZA(2) and (3)	11
	Omit “(1AA) or” wherever occurring.	12
[5]	Section 93ZA(4), definition of “Jewish school”	13
	Omit the definition.	14
[6]	Schedule 11 Savings, transitional and other provisions	15
	Omit Part 45. Insert at the end of the schedule, with appropriate part and clause numbering—	16
		17
Part	Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025	18
		19
	Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	20
		21
(1)	Proceedings for offences committed, or alleged to have been committed, before or after the commencement of the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> are to be determined as if that Act had not been enacted.	22
		23
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		25
(2)	Accordingly, the law, including any relevant provision of this Act, that would have been applicable to the proceedings had the <i>Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025</i> not been enacted continues to apply to the proceedings as if that Act had not been enacted.	26
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3.2	Crimes (Sentencing Procedure) Act 1999 No 92	30
[1]	Section 21A Aggravating, mitigating and other factors in sentencing	31
	Omit “partially or wholly” from section 21A(2)(h).	32
[2]	Schedule 2 Savings, transitional and other provisions	33
	Omit Part 36. Insert at the end of the schedule, with appropriate part and clause numbering—	34
		35

Part	Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025	1
		2
		3
	Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	4
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3.3	Graffiti Control Act 2008 No 100	14
[1]	Section 4 Marking premises or property	15
	Insert after section 4(2)—	16
(3)	For the purposes of this section, a person commits an offence in <i>circumstances of aggravation</i> if the person intentionally marks the premises or other property—	17
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(a)	by means of any graffiti implement, or	20
(b)	in such a manner that the mark is not readily removable by wiping or by the use of water or detergent.	21
		22
[2]	Section 4(6)	23
	Omit the subsection.	24

[3] Schedule 1 Savings, transitional and other provisions	1
Omit Part 5. Insert at the end of the schedule, with appropriate part and clause numbering—	2
Part Provision consequent on enactment of Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Act 2025	3
	4
	5
Retrospective reversal of Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025	6
	7
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