

c2026-050E
OPP--Opposition

LEGISLATIVE COUNCIL

Crimes and Summary Offences Amendment Bill 2025

First print

Proposed amendments

No. 1 **Meaning of antisemitism and examples**

Page 3, Schedule 1. Insert after line 1—

[1AA] Section 93Z Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status

Insert after section 93Z(2)—

- (2A) In determining whether an alleged offender has committed an offence against this section where the other person is, or one or more members of the group are, Jewish or assumed by the alleged offender to be Jewish, the Court must have regard to—
- (a) the IHRA definition of antisemitism, and
- (b) the IHRA antisemitism examples.

[1AB] Section 93Z(5)

Insert in alphabetical order—

IHRA antisemitism examples means the examples given with the IHRA definition of antisemitism when the definition was adopted.

IHRA definition of antisemitism means the definition of antisemitism adopted by the International Holocaust Remembrance Alliance on 26 May 2016.

Note— The text of the definition of antisemitism adopted by the International Holocaust Remembrance Alliance is "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

[1AC] Section 93ZAA Offence of publicly inciting hatred on ground of race

Insert after section 93ZAA(3)—

- (3A) In determining whether an alleged offender has committed an offence against this section where the other person is, or one or more members of the group are, Jewish or assumed by the alleged offender to be Jewish, the Court must have regard to—

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- (a) the IHRA definition of antisemitism, and
 - (b) the IHRA antisemitism examples.

[1AD] Section 93ZAA(5)

Insert in alphabetical order—

IHRA antisemitism examples has the same meaning as in section 93Z.

IHRA definition of antisemitism has the same meaning as in section 93Z.

No. 2 Section 93ZAC

Page 3, Schedule 1[1], lines 2 and 3. Omit all words on the lines.

No. 3 Meaning of Nazi symbol

Page 4, Schedule 1[2], proposed section 93ZA(12). Insert after line 37—

Nazi symbol includes a symbol that—

- (a) resembles a Nazi symbol, and
- (b) a reasonable person is likely to believe is displayed to show support for Nazi ideology.

No. 4 Public assemblies

Page 5, Schedule 2.2. Insert after line 15—

[2] Sections 27AA and 27AB

Insert after section 27—

27AA Mandatory considerations before certain decisions about public assemblies

(1) This section applies to the following decisions—

- (a) a decision by the Commissioner as to whether the Commissioner does or does not oppose the holding of a public assembly as referred to in section 23(1)(f),
- (b) a decision by a Court as to whether or not to prohibit the holding of a public assembly under section 25,
- (c) a decision by a Court as to whether or not to authorise the holding of the public assembly under section 26.

(2) Before making a decision to which this section applies, the Commissioner or Court must consider all relevant matters, including the following—

- (a) public safety,
- (b) the impact of the public assembly on public amenity and convenience,
- (c) adverse impacts of the public assembly on the economy, including businesses,
- (d) impacts of the public assembly on groups, organisations or religious groups in the vicinity of the public assembly,
- (e) the frequency of similar public assemblies using the same or a similar route or location,
- (f) other uses of the route or location of the public assembly that will be disrupted or prevented by the public assembly,

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- (g) the availability of other, less disruptive routes or locations for the public assembly,
 - (h) the costs incurred by the State in policing the public assembly and making or responding to applications under this part.

27AB Organisers may be required to pay costs to police of certain repeat public assemblies in advance

- (1) This section applies to the following decisions—
 - (a) a decision by the Commissioner that the Commissioner does not oppose the holding of a public assembly as referred to in section 23(1)(f),
 - (b) a decision by a Court not to prohibit the holding of a public assembly under section 25,
 - (c) a decision by a Court to authorise the holding of the public assembly under section 26.
- (2) The Commissioner or Court may, before making a decision to which this section applies in relation to a repeat public assembly, require the organiser of the public assembly to pay a specified amount to the State as a contribution to the cost of policing the public assembly.
- (3) The specified amount may be the whole or part of the amount that, in the Commissioner's opinion, is the likely cost of policing the public assembly.
- (4) The Commissioner or Court may refuse to make the decision until the organiser has paid the specified amount.
- (5) To avoid doubt, subsection (2) applies whether or not the organiser of the public assembly is the same person as an organiser of one or more of the earlier relevant public assemblies.
- (6) In this section—

repeat public assembly means a public assembly where, on 3 or more days during the previous 12 months, other public assemblies have been held for the same or a similar purpose at the same or another location in the State, regardless of whether the other public assemblies were held—

 - (a) on consecutive or non-consecutive days, and
 - (b) for a full day or a part of a day.