

c2025-357  
OPP--Opposition

## LEGISLATIVE COUNCIL

### Terrorism and Other Legislation Amendment Bill 2025

#### Second print

#### Proposed amendments

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No. 1 **Displaying terrorist organisation symbols**

Page 3, Schedule 1, lines 1–21. Omit all words on the lines. Insert instead—

### **Schedule 1 Amendment of Crimes Act 1900 No 40**

**[1] Part 3A, Division 9**

Omit the division. Insert instead—

#### **Division 9 Display of Nazi and terrorist organisation symbols**

**93ZA Offence of displaying Nazi and terrorist organisation symbols**

- (1) A person who knowingly displays, by public act and without reasonable excuse, the following commits an offence—
- (a) a Nazi symbol,
  - (b) a terrorist organisation symbol,
  - (c) a symbol that—
    - (i) resembles a Nazi symbol or terrorist organisation symbol, and
    - (ii) a reasonable person is likely to believe is displayed to show support for Nazi ideology or the terrorist organisation, respectively.

Maximum penalty—

- (a) for an individual—200 penalty units or imprisonment for 5 years, or both, or
  - (b) otherwise—1,000 penalty units.
- (2) For subsection (1)(a) and (c), the display of a swastika, or a symbol that resembles a swastika, in connection with Buddhism, Hinduism or Jainism does not constitute the display of a Nazi symbol or a symbol that resembles a Nazi symbol.
- (3) Also, without limiting subsection (1), a reasonable excuse includes the display of a symbol done reasonably and in good faith—
- (a) for an academic, artistic or educational purpose, or

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- (b) for another purpose in the public interest.
- (4) Proceedings for an offence against this section must be dealt with on indictment.
- (5) In this section—  
**Commonwealth Criminal Code** means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.  
**public act** has the same meaning as in section 93Z.  
**terrorist organisation** means the following—
- (a) a terrorist organisation within the meaning of the Commonwealth Criminal Code, Division 102,
- (b) an organisation prescribed by the regulations for this section made on the recommendation of—
- (i) the Minister administering the *Police Act 1990*, and
- (ii) the Commissioner of Police.

No. 2 **Public assemblies—Sydney Harbour Bridge and Opera House**

Page 3, Schedule 1. Insert after line 21—

**[2] Section 214A Damage or disruption to major facility**

Omit “regulations.” from section 214(7), definition of **major facility**, paragraph (c).

Insert instead—

- regulations,
- (d) Sydney Harbour Bridge,
- (e) the Opera House within the meaning of the *Sydney Opera House Trust Act 1961*.

No. 3 **Displaying terrorist organisation symbols**

Page 3. Insert after line 21—

**Schedule 1A Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Part 4, Division 1A, Table**

Insert after item 10P—

|     |                                                                                                    |           |
|-----|----------------------------------------------------------------------------------------------------|-----------|
| 10Q | Section 93ZA(1) of the <i>Crimes Act 1900</i> (displaying Nazi and terrorist organisation symbols) | 1.5 years |
|-----|----------------------------------------------------------------------------------------------------|-----------|

No. 4 **Masks, disguises and face coverings**

Page 3. Insert after line 21—

**Schedule 1A Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Part 4, Division 1A, Table**

Insert after item 23—

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23A Section 27C of the *Summary Offences Act 1988* (organising, 1.5 years  
conducting or participating in public assembly in area the  
subject of a public assembly restriction declaration)

No. 5 **Masks, disguises and other face coverings**

Page 15, Schedule 4, lines 3–13. Omit all words on the lines. Insert instead—

[1] **Part 6C**

Insert after section 87ZC—

**Part 6C Public assemblies**

**87ZD Certain masks and disguises must not be worn during public assemblies**

- (1) A person participating in a public assembly must not hide the person's identity or disguise the person's appearance, including by wearing a face covering.
- (2) A person does not contravene subsection (1) merely by wearing an item of clothing or another thing for religious purposes.
- (3) If a person contravenes subsection (1), a police officer may do one or more of the following—
  - (a) direct the person to surrender the thing hiding the person's identity or disguising the person's appearance, or if the thing is make-up, face paint or a similar thing, remove the thing,
  - (b) direct the person to leave the vicinity of the public assembly,
  - (c) remove the person from the vicinity of the public assembly,
  - (d) detain the person until the earlier of the following—
    - (i) the conclusion of the public assembly,
    - (ii) the person surrendering the thing hiding the person's identity or disguising the person's appearance, or if the thing is make-up, face paint or a similar thing, removing the thing.
- (4) A person must not—
  - (a) contravene a direction given under subsection (3)(a) or (b), or
  - (b) resist a police officer carrying out an action under subsection (3)(c) or (d).

Maximum penalty—100 penalty units or imprisonment for 12 months, or both.

No. 6 **Public assemblies—participation**

Page 16, Schedule 5. Insert after line 6—

[1A] **Section 24 Participation in authorised public assembly**

Insert at the end of the section—

- (2) To avoid doubt, a person participating in an authorised assembly held substantially in accordance with particulars furnished under section 23(1)(c), or particulars as amended by agreement, may still be guilty of another offence, including an offence related to the purpose of the assembly.

**Example of other offences—** an offence against the *Crimes Act 1900*, Part 3A, Division 9 or Part 4AF

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No. 7      **Public assemblies—mandatory considerations**

Page 16, Schedule 5. Insert before line 7—

**[1B]      Section 27AA**

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 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 whether or not to prohibit the holding of a public assembly under section 25,
  - (c) a decision by a Court whether or not to authorise the holding of a 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) social cohesion,
  - (c) the impact of the public assembly on public amenity and convenience,
  - (d) adverse impacts of the public assembly on the economy, including businesses,
  - (e) impacts of the public assembly on groups, organisations or religious groups in the vicinity of the public assembly,
  - (f) the frequency of similar public assemblies using the same or a similar route or location,
  - (g) other uses of the route or location of the public assembly that will be disrupted or prevented by the public assembly,
  - (h) the availability of other, less disruptive routes or locations for the public assembly,
  - (i) the costs incurred by the State and the diversion and use of police resources in policing the public assembly and the costs and resources used in making or responding to applications under this part.

No. 8      **Public assemblies**

Page 16, Schedule 5. Insert before line 7—

**[1C]      Section 27AB**

Insert after section 27AA, as inserted by item [1B]—

**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,

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- (c) a decision by a Court to authorise the holding of a 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—
- (a) 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, and
- (b) subject to the implied constitutional right of freedom of political communication.
- (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—  
on consecutive or non-consecutive days, and  
for a full day or a part of a day.

No. 9 **Public assemblies—public assembly restriction declarations**

Page 16, Schedule 5[2], lines 7 and 8. Omit all words on the lines. Insert instead—

**[2] Sections 27A–27C**

Insert after section 27AB, as inserted by item [1C]—

No. 10 **Public assemblies—public assembly restriction declarations**

Page 16, Schedule 5. Insert after line 29—

**27C Offence to organise or participate in public assembly in area subject of public assembly restriction declaration**

The following persons commit an offence if a public assembly is held, or partially held, in an area the subject of a public assembly restriction declaration while the declaration is in force—

- (a) a person who organises or conducts the public assembly,
- (b) a person who participates in the public assembly.

Maximum penalty for a person who organises or conducts the public assembly—

- (a) for an individual—200 penalty units or imprisonment for 5 years, or both, or
- (b) otherwise—1,000 penalty units.

Penalty for a person who participates in the public assembly—\$1,000.

No. 11 **Additional areas may be added to public assembly restriction declaration**

Page 18, Schedule 6. Insert after line 19—

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- (2) Without limiting subsection (1), a public assembly restriction declaration may be varied under that subsection to include different areas to which the declaration applies, including areas that are not contiguous with the area for which the declaration was made.