



New South Wales

Terrorism and Other Legislation Amendment Bill 2025

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

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Terrorism and Other Legislation Amendment Bill 2025

No , 2025

A Bill for

An Act to amend legislation administered by the Minister for Police and Counter-terrorism and the Attorney General regarding terrorism and related matters.

EXAMINED

Speaker

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

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Terrorism and Other Legislation Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedules 2[1]–[23], [25]–[31] and [32] to the extent it inserts clauses 37, 39–42, 45 and 46, and 3[1]–[7]—on a day or days to be appointed by proclamation,	6 7 8
(b) otherwise—on the date of assent to this Act.	9

Schedule 1	Amendment of Crimes Act 1900 No 40	1
Part 3A	Offences relating to public order	2
	Insert after section 93ZA—	3
Division 10	Display of prohibited terrorist organisation symbols	4
93ZB	Offence of displaying prohibited terrorist organisation symbols	5
(1)	A person who knowingly displays, by public act and without reasonable excuse, a prohibited terrorist organisation symbol commits an offence.	6
	Maximum penalty—	7
(a)	for an individual—200 penalty units or imprisonment for 2 years, or both, or	8
(b)	for a corporation—1,000 penalty units.	9
(2)	Without limiting subsection (1), a reasonable excuse includes the display of a prohibited terrorist organisation symbol, done reasonably and in good faith—	10
(a)	for an academic, artistic or educational purpose, or	11
(b)	for another purpose in the public interest.	12
(3)	In this section—	13
	<i>Commonwealth Criminal Code</i> means the Criminal Code set out in the Schedule to the <i>Criminal Code Act 1995</i> of the Commonwealth.	14
	<i>prohibited terrorist organisation symbol</i> has the same meaning as in the Commonwealth Criminal Code, section 80.2E(3).	15
	<i>public act</i> has the same meaning as in section 93Z.	16
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Schedule 2 Amendment of Firearms Act 1996 No 46

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

button/lever release firearm means a self-ejecting, lever, button or similar release repeating firearm that operates using the energy of the firearm discharge to perform some of the cycle of operation.

cycle of operation, in relation to a button/lever release firearm, means the following—

- (a) the automatic unlocking, extraction and ejection of the fired cartridge case after discharge,
- (b) the cocking of the hammer or firing pin,
- (c) the locking rearwards of the mechanism under spring tension until the lever, button or similar release is depressed or moved, causing the mechanism to move forward, feed a cartridge and lock, enabling the firearm to be ready to discharge a subsequent shot when the trigger is depressed.

semi-automatic air gun means an air gun that contains a magazine or cylinder and can discharge subsequent pellets without mechanical action by the shooter other than depressing the trigger.

straight pull/pump action firearm means a straight pull or pump action repeating rifle, shotgun or other firearm—

- (a) in which the action is cycled using a linear motion using the shooter's hand on a handle, bolt or other part, and
- (b) that does not require rotation during unlocking and locking as in a traditional bolt action repeating firearm when cycling the action.

[2] Section 6B Exemption for unlicensed persons shooting on approved ranges and for persons undertaking firearms safety training courses

Omit the section.

[3] Section 8 Licence categories and authority conferred by licence

Omit the following from section 8(1), matter under the heading **Category A licence**—

- air rifles
- rimfire rifles (other than self-loading)
- shotguns (other than pump action, lever action or self-loading)
- shotgun/rimfire rifle combinations.

Insert instead—

- air rifles (other than self-loading) with a magazine capacity of no more than 10 rounds
- rimfire rifles (other than self-loading, pump action, straight pull, button/lever release) with a magazine capacity of no more than 10 rounds
- shotguns (other than pump action, straight pull, button/lever release, lever action or self-loading) with a magazine capacity of no more than 5 rounds
- shotgun/rimfire rifle combinations that do not have a magazine
- shotgun/rimfire rifle combinations with a magazine capacity of no more than 5 rounds.

[4] Section 8(1), Category B licence	1
Insert “with a magazine capacity of no more than 10 rounds” after “self-loading”).	2
[5] Section 8(1), Category B licence	3
Omit “5 rounds.”. Insert instead—	4
5 rounds	5
• semi-automatic air guns.	6
[6] Section 8(1), Category C licence (prohibited except for limited purposes)	7
Insert after “ <i>Firearms to which the licence applies:</i> ”—	8
• straight pull/pump action firearms (rimfire rifles, centre-fire rifles and shotguns)	9
	10
• button/lever release firearms (rimfire rifles, centre-fire rifles and shotguns)	11
	12
[7] Section 8(1), Category C licence (prohibited except for limited purposes)	13
Omit “or 11”. Insert instead “, 11 or 19”.	14
[8] Section 8(1), Category D licence (prohibited except for official purposes)	15
Omit “or 10”. Insert instead “, 10 or 19”.	16
[9] Section 8A	17
Insert after section 8—	18
8A Authority conferred by licence—limitation on number of firearms possessed by individuals across all licence categories	19
	20
(1) A licence that authorises the licensee to possess and use firearms authorises the licensee to possess and use firearms subject to the following limitations, if any, on the number of firearms that may be possessed and used by the licensee—	21
	22
	23
	24
(a) for a licensee who possesses and uses firearms for any of the following genuine reasons—no more than 10 firearms—	25
	26
(i) primary production,	27
(ii) occupational requirements relating to rural purposes,	28
(iii) animal welfare,	29
(b) for a licensee who possesses and uses firearms for the genuine reason of sport/target shooting, vertebrate pest animal control or business or employment—no more than the greater of—	30
	31
	32
(i) 10 firearms, or	33
(ii) the number of firearms approved by the Commissioner in accordance with the regulations,	34
	35
(c) a firearms dealer licence—no limitation,	36
(d) a firearms collector licence—no limitation,	37
(e) a person who is a member of a class of persons prescribed by the regulations for this paragraph—no more than 10 firearms,	38
	39
(f) otherwise—4 firearms.	40

(2)	If more than one paragraph of subsection (1) applies to the licensee, the number of firearms the licensee may possess and use is the highest number of firearms permitted under the applicable paragraphs.	1 2 3
[10]	Section 10 Applications for licences	4
	Omit section 10(2)(b). Insert instead—	5
	(b) provide consents, documents and other information to allow the Commissioner to verify the applicant's identity—	6 7
	(i) using an identity verification service within the meaning of the <i>Identity Verification Services Act 2023</i> of the Commonwealth, or	8 9
	(ii) using another process or means determined by the Commissioner, and	10 11
	(b1) if the applicant is a natural person—provide the information required under section 10A, and	12 13
[11]	Section 10(2A)	14
	Insert after section 10(2)—	15
	(2A) If the applicant does not provide consents, documents or other information required under subsection (2)(b) within the period required by the Commissioner, the applicant's application is taken to have been withdrawn by the applicant.	16 17 18 19
[12]	Section 10A	20
	Insert after section 10—	21
10A	Additional information required for natural persons	22
	(1) For section 10(2)(b1), the person applying for the licence must nominate an alternative arrangement for the possession of the firearms the person will possess under authority of the licence if the licence is granted and the person dies.	23 24 25 26
	(2) The alternative arrangement must be one of the following—	27
	(a) the executor or administrator of the person's deceased estate will surrender the firearms to a police station as soon as practicable after the person's death,	28 29 30
	(b) the nomination of a licensee, who is authorised to possess the same category of firearm as the licensee, to take possession of the firearms until the earlier of the following occurs—	31 32 33
	(i) the executor or administrator of the person's estate lawfully disposes of the firearms,	34 35
	(ii) the end of the period of 6 months after the person's death,	36
	(c) the nomination of a firearms dealer, who is authorised by the firearms dealer's licence to possess the firearms, to take possession of the firearms until the earlier of the following occurs—	37 38 39
	(i) the executor or administrator of the person's estate lawfully disposes of the firearms,	40 41
	(ii) the end of the period of 6 months after the person's death.	42
	Note— See section 82A, which provides for deceased estates and matters relating to the executor or administrator of an estate of a person who was authorised by a licence or permit to possess a firearm.	43 44 45

(3)	To avoid doubt, this section extends to an application for the renewal of a licence.	1 2
[13]	Section 11 General restrictions on issue of licences	3
	Insert before section 11(3)(a)—	4
(a1)	the Commissioner is satisfied the applicant's identity has been verified, and	5 6
[14]	Section 11(3)(d) and (e)	7
	Omit section 11(3)(d). Insert instead—	8
(d)	the Commissioner is satisfied with the alternative arrangements nominated by the applicant under section 10A, including that if another licensee will take possession of the firearms, the other licensee will meet the requirements under Part 4, and	9 10 11 12
(e)	the Commissioner is satisfied the applicant is—	13
(i)	an Australian citizen or a person referred to in subsection (4A), and	14 15
(ii)	a resident of the State or about to become a resident of the State.	16
[15]	Section 11(4A)	17
	Insert after section 11(4)—	18
(4A)	For subsection (3)(e)(i), the persons are—	19
(a)	a person—	20
(i)	who is a New Zealand citizen and a permanent resident of Australia, and	21 22
(ii)	whose genuine reason for having a licence is any of the following—	23 24
(A)	primary production,	25
(B)	vertebrate pest animal control,	26
(C)	business or employment,	27
(D)	occupational requirements relating to rural purposes,	28
(E)	animal welfare,	29
(F)	another genuine reason prescribed by the regulations, or	30
(b)	a person who is a member of a class of persons prescribed by the regulations for this paragraph.	31 32
[16]	Section 19 Conditions of licence	33
	Insert before section 19(2)(a)—	34
(a1)	the licensee must be—	35
(i)	a member of a club approved by the Commissioner in accordance with the regulations, or	36 37
(ii)	exempted, in accordance with the regulations, from the requirement to be a member of a club referred to in subparagraph (i),	38 39 40
	Note— A club may include a shooting club, hunting club or collectors' society or club.	41 42

[17] Section 21 Term of licence	1
Omit “5 years” from section 21(1). Insert instead “2 years”.	2
[18] Section 21(2)(a)	3
Omit “, 2 years or 5 years”. Insert instead “or 2 years”.	4
[19] Section 26 Recognition of interstate licences for certain purposes	5
Insert “and an Australian citizen” after “resident of another State or Territory” wherever occurring in section 26(1)(a) and (2).	6 7
[20] Section 27 Interstate residents moving to this State	8
Insert “an Australian citizen and” after “who is” wherever occurring in section 27(1) and (3).	9 10
[21] Section 29 General restrictions on issue of permits	11
Insert after section 29(3)(a)—	12
(a1) is not an Australian citizen or a person referred to in section 11(4A), or	13
[22] Section 30 General provisions relating to permits	14
Insert after section 30(1)—	15
(1A) An applicant for a permit must provide consents, documents and other information to allow the Commissioner to verify the applicant’s identity—	16 17
(a) using an identity verification service within the meaning of the <i>Identity Verification Services Act 2023</i> of the Commonwealth, or	18 19
(b) using another process or means decided by the Commissioner.	20
(1B) If the applicant does not provide consents, documents or other information required under subsection (1A) within the period required by the Commissioner, the applicant’s application is taken to have been withdrawn by the applicant.	21 22 23 24
[23] Section 31 Permits to acquire firearms	25
Omit section 31(3). Insert instead—	26
(3) The Commissioner must not issue a permit authorising a person to acquire a firearm unless—	27 28
(a) the person is the holder of a licence or permit authorising the person to use or possess the firearm, and	29 30
(b) the Commissioner is satisfied—	31
(i) the person has a good reason for acquiring the firearm, and	32
(ii) the acquisition of the firearm would not result in the person possessing or using more firearms than the total number of firearms the person’s licence authorises the person to possess or use, and	33 34 35 36
Note— See section 8A, which provides for the total number of firearms a licensee may possess and use under the authority of the licensee’s licence.	37 38 39
(iii) the person will meet the storage and safety requirements set out in Part 4 for the firearm.	40 41

[24] Part 8	1
Omit the part. Insert instead—	2
Part 8 Review of decisions	3
75 Administrative reviews by Civil and Administrative Tribunal of certain decisions regarding firearms prohibition orders	4
(1) A person may apply to the Civil and Administrative Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of a decision to make a firearms prohibition order made against the person.	6
(2) Despite subsection (1), a person may not apply for a review of a firearms prohibition order made against the person if the person would be required under section 11(5) or 29(3) to be refused a licence or permit (a <i>disqualified person</i>) had the person not been subject to a firearms prohibition order.	9
(3) However, the decision to make a firearms prohibition order against a disqualified person is taken to be an administratively reviewable decision for the <i>Administrative Decisions Review Act 1997</i> , section 53 and that section applies, with any necessary modifications, in relation to the decision to make the order.	13
(4) Subsection (2) does not apply to a person who is a disqualified person only because the person is less than 18 years of age.	18
(5) In determining an application for an administrative review under this section, the Civil and Administrative Tribunal, and any Appeal Panel of the Tribunal in determining an internal appeal against a review under the <i>Civil and Administrative Tribunal Act 2013</i> —	20
(a) must ensure that the Tribunal or Appeal Panel does not, in the reasons for the Tribunal's or Appeal Panel's decision or otherwise, disclose the existence or content of any criminal intelligence report or other information to which the Commissioner has had regard in making the firearms prohibition order, and	24
(b) must receive evidence and hear argument in the absence of the public, the applicant for the administrative review and the applicant's representative to prevent the disclosure of a report or other information referred to in paragraph (a).	29
75A Internal review of certain other decisions	33
(1) The <i>Administrative Decisions Review Act 1997</i> , section 53 applies, with any necessary modifications, to the following decisions as if the decisions were administratively reviewable decisions within the meaning of that Act—	34
(a) the refusal of or failure by the Commissioner to issue a licence or permit, other than a permit for a prohibited firearm, to the person,	37
(b) a condition imposed by the Commissioner on a licence or permit issued to the person,	39
(c) the revocation of a licence or permit issued to the person, other than a revocation on the basis the holder of the licence or permit is subject to a firearms prohibition order, an apprehended violence order or a serious domestic abuse prevention order,	41
(d) the refusal of or failure by the Commissioner to register a firearm,	45
(e) the cancellation of the registration of a firearm by the Commissioner,	46

	(f) a decision made under the regulations about the person that belongs to a class of decisions prescribed by the regulations for this paragraph.	1 2
	(2) Despite subsection (1), a regulation referred to in subsection (1)(f) may limit the class of persons who may make an application for an administrative review of a decision referred to in that paragraph.	3 4 5
[25]	Section 78 Arrangements for online services	6
	Omit “but a person cannot be required to use online service arrangements” from section 78(2).	7 8
[26]	Section 81 Delegation	9
	Insert after section 81(1)—	10
	(1A) The Commissioner’s functions under section 11(5A) or 29(3A) may be delegated to a police officer of or above the rank of Assistant Commissioner.	11 12
[27]	Section 81(2)	13
	Insert “, other than functions under section 11(5A) or 29(3A),” after “delegated by the Commissioner”.	14 15
[28]	Section 82A Deceased estates	16
	Insert after section 82A(2)(a)—	17
	(a1) comply with the alternative arrangements nominated by the licensee under section 10A, unless the executor or administrator has a reasonable excuse, and	18 19 20
[29]	Section 82A(2A) and (2B)	21
	Insert after section 82A(2)—	22
	(2A) The limitation on the number of firearms a person may possess does not apply to the executor or administrator to the extent the limitation is exceeded because the executor or administrator is in possession of the firearm for the purpose of surrendering the firearm to a police station or otherwise lawfully disposing of the firearm.	23 24 25 26 27
	(2B) A police officer is authorised to seize a firearm the subject of a notification to the Commissioner under subsection (2)(a).	28 29
[30]	Section 82B	30
	Insert after section 82A—	31
82B	Deceased estates—related matters	32
	(1) This section applies if—	33
	(a) a licensee (the <i>first licensee</i>) nominated another licensee (the <i>second licensee</i>) to take possession of the first licensee’s firearm in the event of the first licensee’s death, and	34 35 36
	(b) the first licensee has died, and	37
	(c) the second licensee has applied for and been issued with a permit to acquire the firearm, and	38 39
	(d) the second licensee has taken possession of the first licensee’s firearm.	40
	(2) If taking possession of the first licensee’s firearm would cause the second licensee to exceed the maximum number of firearms the second licensee is	41 42

authorised to possess under authority of the second licensee's licence, the second licensee must do one of the following as soon as practicable—	1
(a) surrender the firearm to a police station,	2
(b) give possession of the firearm to a firearms dealer who is authorised by the firearms dealer's licence to possess the category of firearm.	3
(3) The second licensee does not commit an offence under section 7 or 7A in relation to the possession of the firearm if the second licensee retains possession of the firearm for subsection (2).	4
	5
[31] Schedule 1 Prohibited firearms	6
Insert after item 18—	7
19 Any firearm that can use any of the following ammunition sources outside of a detachable or fixed magazine—	8
(a) a link ammunition source,	9
(b) a belt ammunition source,	10
(c) an ammunition source that is similar to a link or belt ammunition source.	11
	12
[32] Schedule 3 Savings and transitional provisions	13
Insert after Part 12—	14
	15
Part 13 Provisions consequent on enactment of Terrorism and Other Legislation Amendment Act 2025	16
	17
36 Definition	18
In this part—	19
<i>amendment Act</i> means the <i>Terrorism and Other Legislation Amendment Act 2025</i> .	20
	21
37 Applications for new categories of licence	22
(1) This clause applies if—	23
(a) before the commencement of a relevant amendment, a licensee was authorised to possess and use a firearm under a particular category of licence, and	24
(b) on the commencement of the relevant amendment, a different category of licence will be required to possess and use the firearm, and	25
(c) before the commencement of the relevant amendment, the licensee applies for a licence of the category that, under this Act as amended by the relevant amendment, will be required for the licensee to possess and use the firearm.	26
(2) Despite the commencement of the relevant amendment, the licensee's existing licence continues to authorise the licensee to possess and use the firearm until the application is determined by the Commissioner.	27
(3) In this clause—	28
<i>relevant amendment</i> means an amendment made to section 8 by the amendment Act, Schedule 2.	29
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38	Maximum number of firearms	1
(1)	The licensee must not, during the relevant period, apply for a permit to acquire a firearm if the granting of the application would mean the number of firearms possessed and used by the licensee would exceed the maximum number of firearms the licensee will be permitted to possess and use under section 8A, as inserted by the amendment Act, after the commencement of that section.	2 3 4 5 6
(2)	An application for a permit made contrary to subclause (1) is taken never to have been made and is of no effect.	7 8
(3)	In this clause— <i>relevant period</i> means the period—	9 10
(a)	starting on the date of assent to the amendment Act, and	11
(b)	ending on the day on which section 8A, as inserted by the amendment Act, commences.	12 13
39	Identity verification—existing applications	14
(1)	This clause applies to an application for a licence or permit, including the renewal of a licence or permit, made but not determined before the commencement.	15 16 17
(2)	The application must be determined as if the amendments made to section 10 or 30 by the amendment Act had not commenced.	18 19
40	Term of existing licences	20
	Section 21, as in force before the commencement of the amendment Act, continues to apply to a licence in force before that commencement.	21 22
41	Existing licences and permits held by non-Australian citizens	23
(1)	This clause applies to a licence or permit in force immediately before the commencement that was held by a person who is not an Australian citizen.	24 25
(2)	From the commencement, the licence or permit ceases to have effect.	26
(3)	No compensation is payable in relation to the cessation of a licence or permit under this clause.	27 28
(4)	In this clause— <i>commencement</i> means the commencement of this clause.	29 30
42	Storage and safety requirements	31
(1)	The amendment made to section 31 by the amendment Act apply to an application for a permit made on or after the commencement.	32 33
(2)	In this clause— <i>commencement</i> means the commencement of this clause.	34 35
43	Administrative reviews by Civil and Administrative Tribunal—firearms prohibition orders	36 37
(1)	An application to the Civil and Administrative Tribunal under Part 8 in relation to a firearms prohibition order decision made, but not finally determined, before the commencement is taken to continue under section 75 as in force immediately before the commencement.	38 39 40 41
(2)	In this clause— <i>commencement</i> means the commencement of this clause.	42 43

	<i>firearms prohibition order decision</i> means a decision in relation to a firearms prohibition order made against a person.	1 2
44	Review rights for certain other decisions	3
(1)	An application to the Civil and Administrative Tribunal under Part 8 in relation to a relevant decision made, but not finally determined, before the commencement is taken to have been withdrawn by the person who made the application.	4 5 6 7
(2)	In this clause— <i>commencement</i> means the commencement of this clause. <i>relevant decision</i> means a decision other than a decision to make a firearms prohibition order against a person.	8 9 10 11
45	Exemption for unlicensed shooting for persons undertaking firearms safety training courses	12 13
(1)	This clause applies to a person who, before the commencement, was exempt from any requirement under this Act to be authorised by a licence or permit to possess or use a firearm while participating in a firearms safety training course because of the operation of section 6B(1)(b) as in force before its repeal.	14 15 16 17
(2)	From the commencement, section 6B as in force immediately before its repeal continues to apply to the person but only until the person completes the firearms safety training course referred to in that section.	18 19 20
(3)	In this clause— <i>commencement</i> means the commencement of this clause.	21 22
46	Seizure of firearms—deceased estates	23
	Section 82A(2A), as inserted by the amendment Act, extends to a firearm in the possession of any person who has died and was authorised by a licence or permit to possess the firearm, whether the person died before or after the commencement of section 82A(2A).	24 25 26 27

Schedule 3	Amendment of Firearms Regulation 2017	1
[1] Clause 8 Term of licence		2
Omit clause 8(1)–(3) and (4).		3
[2] Clause 8(3A)		4
Omit “, 2 years or 5 years”. Insert instead “or 2 years”.		5
[3] Clause 22 Application for permit—proof of identity		6
Omit the clause.		7
[4] Clause 24 Term of permit		8
Omit “5 years”. Insert instead “2 years”.		9
[5] Clause 28A Licences and permits extend to authorise sighting in, patterning and related activities		10
Omit clause 28A(4).		11
[6] Clause 94 Special conditions relating to shooting ranges		12
Omit “(unless the person’s use of the firearm is exempt under section 6B of the Act from the requirement to be authorised by a licence or permit)” from clause 94(1)(a).		13
[7] Clauses 128 and 129		14
Omit the clauses.		15
[8] Clause 154, heading		16
Omit “to Civil and Administrative Tribunal under section 75 (1) (g)”.		17
Insert instead “for internal review under section 75A(1)(f)”.		18
[9] Clause 154(1)		19
Omit “section 75 (1) (g)”. Insert instead “section 75A(1)(f)”.		20
[10] Clause 154(2)		21
Omit “to the Civil and Administrative Tribunal under section 75 (1) (g)”.		22
Insert instead “for internal review under section 75A(1)(f)”.		23
		24
		25

Schedule 4 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

[1] Section 19A Power of police officer to require removal of face coverings for identification purposes

Omit “particulars.” from section 19A(1)(b). Insert instead—

particulars, or

- (c) the person is participating in a protest, demonstration, procession or assembly and the officer reasonably suspects the person may have, or is likely to, commit an offence.

[2] Section 19A(3) and (4)

Omit “this section” wherever occurring. Insert instead “subsection (1)(a) or (b)”.

[3] Section 19B Failure to remove face covering

Insert “or 19A(1)(c)” after “section 14” in section 19B(1), penalty, paragraph (a).

[4] Section 200 Limitation on exercise of police powers under this Part

Omit “subsection (3) or (4)” from section 200(2). Insert instead “subsection (3)–(5)”.

[5] Section 200(5)

Insert after section 200(4)—

- (5) A police officer is not precluded from giving a direction in relation to a demonstration, protest, procession or assembly referred to in subsection (2)(a)–(c) if the demonstration, protest, procession or assembly is being held in an area the subject of a public assembly restriction declaration made under the *Terrorism (Police Powers) Act 2002*, Part 2, Division 3A while the declaration is in force.

[6] Schedule 5 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Terrorism and Other Legislation Amendment Act 2025

Directions in relation to demonstrations, protests, processions or assemblies in areas subject to public assembly restriction declarations

- (1) Section 200(5), as inserted by the *Terrorism and Other Legislation Amendment Act 2025*, Schedule 4[5], extends to a demonstration, protest, procession or assembly being held in an area the subject of a public assembly restriction declaration made in relation to a terrorism incident that occurred before the commencement of Schedule 4[5].

- (2) In this clause—

public assembly restriction declaration means a public assembly restriction declaration made under the *Terrorism (Police Powers) Act 2002*, Part 2, Division 3A.

terrorism incident means a terrorist act to which an authorisation given under the *Terrorism (Police Powers) Act 2002*, section 6 or a declaration made under that Act, Part 2AAA applies.

Schedule 5 Amendment of Summary Offences Act 1988 No 25

[1] Section 22 Definitions

Insert in alphabetical order—

public assembly restriction declaration has the same meaning as in the *Terrorism (Police Powers) Act 2002*, Part 2, Division 3A.

[2] Sections 27A and 27B

Insert after section 27—

27A Public assembly must not be authorised if held in area subject to declaration under Terrorism (Police Powers) Act 2002

- (1) A public assembly cannot be an authorised public assembly under section 23, or authorised by an order made under section 26, if the public assembly will be held, or partially held, in an area the subject of a public assembly restriction declaration while the declaration is in force.
- (2) Subsection (1) does not apply in relation to a public assembly that forms part of industrial action, an industrial dispute or an industrial campaign.

27B Effect of making, extending or varying public assembly restriction declarations on previously authorised public assemblies

- (1) This section applies if, before a public assembly restriction declaration is made, extended or varied under the *Terrorism (Police Powers) Act 2002*, Part 2, Division 3A, a public assembly in the area the subject of the declaration, including as extended or varied, was authorised to be held on a date on which the declaration is in force.
- (2) The authorisation of the public assembly is taken to be revoked when the public assembly restriction declaration is made, extended or varied.
- (3) The Commissioner or Deputy Commissioner of Police making the declaration, extension or variation must ensure reasonable steps are taken to notify the organiser of the public assembly that the public assembly has ceased to be authorised.

[3] Schedule 2 Savings and transitional provisions

Insert at the end of the schedule, with appropriate clause numbering—

Provision consequent on enactment of Terrorism and Other Legislation Amendment Act 2025

- (1) Sections 27A and 27B, as inserted by the *Terrorism and Other Legislation Amendment Act 2025*, Schedule 5, extend to a public assembly proposed to be held in an area the subject of a public assembly restriction declaration made in relation to a terrorism incident that occurred before the commencement of that schedule.
- (2) In this clause—
public assembly restriction declaration means a public assembly restriction declaration made under the *Terrorism (Police Powers) Act 2002*, Part 2, Division 3A.
terrorism incident means a terrorist act to which an authorisation given under the *Terrorism (Police Powers) Act 2002*, section 6 or a declaration made under that Act, Part 2AAA applies.

Schedule 6 Amendment of Terrorism (Police Powers) Act 2002 No 115

[1] Section 4 Other definitions

Insert in alphabetical order in section 4(1)—

public assembly restriction declaration, for Part 2, Division 3A—see section 23A.

[2] Part 2 Special powers

Insert after section 23—

Division 3A Public assembly restriction declarations

23A Definition

In this division—

public assembly restriction declaration—see section 23B(2).

23B Special powers to declare restrictions on holding of public assemblies

(1) This section applies if—

- (a) an authorisation is given under section 6 by a police officer, or
- (b) a declaration is made under Part 2AAA by the Commissioner of Police.

(2) The Commissioner of Police or a Deputy Commissioner of Police may, by written instrument, make a declaration (a *public assembly restriction declaration*) that an area described in the declaration is an area in which the authorisation of the holding of public assemblies is restricted.

Note— See section 23F, which provides for Ministerial concurrence or confirmation of the making of the public assembly restriction declaration.

(3) A public assembly restriction declaration may be made—

- (a) within 14 days after the making of an authorisation or declaration referred to in subsection (1), and
- (b) only if the Commissioner or Deputy Commissioner making the declaration is satisfied the holding of public assemblies in the area to which the declaration applies would be likely to cause—
 - (i) a reasonable person to fear—
 - (A) harassment, intimidation or violence, or
 - (B) for the person's safety, or
 - (ii) a risk to community safety, including the safety of participants in public assemblies in the area.

(4) A public assembly restriction declaration—

- (a) commences when the declaration is made, and
- (b) ends 14 days after the day on which the declaration is made unless the declaration—
 - (i) is extended under section 23C, or
 - (ii) ceases to have effect under section 23F(3)(b), or
 - (iii) is sooner revoked under section 23G.

23C	Extension of public assembly restriction declaration	1
(1)	The Commissioner of Police or a Deputy Commissioner of Police may, by written instrument, extend a public assembly restriction declaration for a period of not more than 14 days if the Commissioner or Deputy Commissioner is satisfied the declaration continues to be necessary on the grounds referred to in section 23B(3)(b).	2 3 4 5 6
	Note— See section 23F, which provides for Ministerial concurrence or confirmation of the making of the public assembly restriction declaration.	7 8
(2)	A public assembly restriction declaration may be extended more than once under subsection (1), but the total period for which the declaration is in force must not be more than 90 days.	9 10 11
23D	Variation of public assembly restriction declaration	12
	The Commissioner of Police or a Deputy Commissioner of Police may, by written instrument, vary a public assembly restriction declaration to change the area to which the declaration applies if the Commissioner or Deputy Commissioner is satisfied the grounds referred to in section 23B(3)(b) apply to the area as varied.	13 14 15 16 17
	Note— See section 23F, which provides for Ministerial concurrence or confirmation of the variation of a public assembly restriction declaration.	18 19
23E	Publication of public assembly restriction declarations, extensions and variations	20 21
(1)	A public assembly restriction declaration or an extension or variation of a public assembly restriction declaration must be published in the following ways as soon as practicable after the declaration, extension or variation is made—	22 23 24 25
(a)	in the Gazette,	26
(b)	on the NSW Police Force website.	27
(2)	However, failure to publish a public assembly restriction declaration or an extension or variation of a public assembly restriction declaration under subsection (1) does not affect the validity of the declaration, extension or variation.	28 29 30 31
23F	Ministerial concurrence or confirmation	32
(1)	Subject to subsection (2), a public assembly restriction declaration may be made, extended or varied only with the concurrence of the Police Minister.	33 34
(2)	A public assembly restriction declaration may be made, extended or varied without the concurrence of the Police Minister if the Police Minister is not able to be contacted when the declaration is made, extended or varied.	35 36 37
(3)	If a public assembly restriction declaration is made, extended or varied without the concurrence of the Police Minister—	38 39
(a)	the Commissioner of Police or Deputy Commissioner of Police making, extending or varying the declaration must ensure the Police Minister is notified of the making, extension or variation of the declaration as soon as the Police Minister is able to be contacted, and	40 41 42 43
(b)	the declaration, or the extension or variation of the declaration, ceases to have effect if the Police Minister has not confirmed the declaration, extension or variation within 48 hours after the declaration, extension or variation was made.	44 45 46 47

23G	Revocation of public assembly restriction declarations	1
	The following persons may, at any time, revoke a public assembly restriction declaration and must revoke the declaration if directed by the Police Minister—	2
	(a) for a public assembly restriction declaration made by the Commissioner of Police—the Commissioner,	3
	(b) for a public assembly restriction declaration made by a Deputy Commissioner of Police—the Deputy Commissioner or the Commissioner of Police.	4
23H	Cessation of public assembly restriction declarations	10
	The cessation of a public assembly restriction declaration, whether by revocation or otherwise, does not affect anything lawfully done in reliance on the declaration before the declaration ceased to have effect.	11
[3]	Section 24 Annual reports to be given to Attorney General and Police Minister	14
	Omit “Part.” from section 24(3)(b). Insert instead—	15
	Part,	16
	(c) the number of public assembly restriction declarations made under Division 3A and any extensions of the declarations.	17
[4]	Section 36A	19
	Insert after section 36—	20
36A	Review of Part 2, Division 3A	21
	(1) The Minister must review Part 2, Division 3A to determine whether—	22
	(a) the policy objectives of the division remain valid, and	23
	(b) the terms of the division remain appropriate for achieving the objectives.	24
	(2) The review must be undertaken as soon as practicable after the period of 2 years from the commencement of the division.	25
	(3) A report on the outcome of the review must be tabled in each House of Parliament within 30 months after the commencement of the division.	26
[5]	Schedule 2 Savings and transitional provisions	30
	Insert at the end of the schedule, with appropriate part and clause numbering—	31
Part	Provision consequent on enactment of Terrorism and Other Legislation Amendment Act 2025	32
		33

Public assembly restriction declarations	1
Part 2, Division 3A, as inserted by the <i>Terrorism and Other Legislation Amendment Act 2025</i> , applies in relation to an authorisation given under	2
section 6 or a declaration made under Part 2AAA, whether made before or	3
after the commencement of the division.	4
	5