



New South Wales

Crimes Legislation Amendment (Hate Crimes) Bill 2026

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

Crimes Legislation Amendment (Hate Crimes) Bill 2026

Act No , 2026

An Act to amend the *Crimes Act 1900* in relation to hate crimes; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Crimes Legislation Amendment (Hate Crimes) Act 2026*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 54BA

Insert after section 54B—

54BA Offence of procuring victims by making false or misleading representations

- (1) A person commits an offence if the person procures, or attempts to procure, another person (the *victim*)—
- (a) by making a false or misleading representation to the victim, and
 - (b) with intent to commit either of the following against the victim—
 - (i) a serious assault offence,
 - (ii) robbery offence.

Maximum penalty—imprisonment for 5 years.

- (2) In this section—

robbery offence means an offence against Part 4, Division 2 or 3.

serious assault offence means an offence against the following sections—

- (a) section 33,
- (b) section 35,
- (c) section 58,
- (d) section 59.

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

Omit section 93Z(1), penalty.

Insert instead—

Maximum penalty—

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

[3] Section 93Z(1A)

Insert after section 93Z(1)—

- (1A) A person commits an offence against this subsection if—

- (a) the person, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on any of the grounds referred to in subsection (1)(a)–(f), and
- (b) the conduct referred to in paragraph (a) results in violence being committed against another person or a group of persons.

Maximum penalty—

- (a) for an individual—400 penalty units or imprisonment for 7 years, or both, or
- (b) otherwise—2,000 penalty units.

[4] Section 93Z(3)

Omit “this section”.

Insert instead “subsection (1)”.

[5] Section 154K Performance crime offences

Omit “offence, and” from section 154K(1)(a)(ii).

Insert instead—

- offence, or
- (iii) a serious assault offence, or
- (iv) a robbery offence, and

[6] Section 154K(2)(a) and (3)

Omit “or breaking and entering offence” wherever occurring.

Insert instead “, breaking and entering offence, serious assault offence or robbery offence”.

[7] Section 154K(4)

Insert in alphabetical order—

robbery offence means an offence against Part 4, Division 2 or 3.

serious assault offence means an offence against the following sections—

- (a) section 33,
- (b) section 35,
- (c) section 58,
- (d) section 59.

[8] Schedule 11 Savings, transitional and other provisions

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

**Part Provisions consequent on enactment of Crimes
Legislation Amendment (Hate Crimes) Act 2026**

1 Review of amendments

- (1) The Minister must review the amendments made by the *Crimes Legislation Amendment (Hate Crimes) Act 2026* to determine whether—
 - (a) the policy objectives of the amendments remain valid, and
 - (b) the terms of the amendments made remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 2 years after the date of assent to the *Crimes Legislation Amendment (Hate Crimes) Act 2026*.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

Schedule 2 Amendment of Criminal Procedure Act 1986 No 209

[1] Schedule 1 Indictable offences triable summarily

Omit “or breaking and entering offence” wherever occurring in Schedule 1, Table 1, clause 16F and Table 2, clause 4H.

Insert instead “, breaking and entering offence, serious assault offence or robbery offence”.

[2] Schedule 1, Table 2, clause 1

Insert “54BA,” after “51B,”.

Schedule 3 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 21A Aggravating, mitigating and other factors in sentencing

Insert after section 21A(5B)—

- (5BA) For the purposes of subsection (2)(h), if, at the time of committing the offence or immediately before or immediately after committing the offence, the offender demonstrated or expressed hatred for or prejudice against a group of people to which the offender believed the victim belonged, the offence is taken to have been motivated by hatred or prejudice.

[2] Schedule 2 Savings, transitional and other provisions

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

Part Provision consequent on Crimes Legislation Amendment (Hate Crimes) Act 2026

Aggravating factor—hatred or prejudice

Section 21A(5BA), as inserted by the *Crimes Legislation Amendment (Hate Crimes) Act 2026*, applies only in relation to an offence committed after the commencement of that Act.