

2022-2023-2024-2025

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

As passed by both Houses

**Criminal Code Amendment (Hate
Crimes) Bill 2025**

No. , 2025

**A Bill for an Act to amend the *Criminal Code Act
1995*, and for related purposes**

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1 **A Bill for an Act to amend the *Criminal Code Act***
2 ***1995, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Criminal Code Amendment (Hate Crimes) Act*
6 *2025*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

1 **Schedule 1—Amendments**
2

3 ***Crimes Act 1914***

4 **1A Section 16AAA (after table item 1)**

5 Insert:

1F offence against 12 months
subsection 80.2BE(1) or (2) of the
Criminal Code

6 ***Criminal Code Act 1995***

7 **1 Division 80 of the *Criminal Code* (heading)**

8 Repeal the heading, substitute:

9 **Division 80—Treason, urging or threatening violence,**
10 **offences against groups or members of groups,**
11 **advocating terrorism or genocide, and prohibited**
12 **symbols and Nazi salute**

13 **2 Section 80.1A of the *Criminal Code***

14 Insert:

15 *carer or assistant* has the same meaning as in the *Disability*
16 *Discrimination Act 1992*.

17 *close associate* of a person means:

- 18 (a) in any case—a close family member of the person; or
19 (b) if the person is a person with a disability—a carer or assistant
20 in relation to the person.

21 *close family member* has the same meaning as in Division 102.

22 *damage* does not include minor damage.

23 *disability* has the same meaning as in the *Disability Discrimination*
24 *Act 1992*.

1 **2A Subdivision C of Division 80 of Part 5.1 of the *Criminal***
2 ***Code* (heading)**

3 Omit “Urging violence”, substitute “Urging or threatening violence,
4 offences against groups or members of groups”.

5 **2B Section 80.2A of the *Criminal Code* (heading)**

6 Repeal the heading, substitute:

7 **80.2A Advocating force or violence against groups**

8 **2C Paragraph 80.2A(1)(a) of the *Criminal Code***

9 Repeal the paragraph, substitute:

10 (a) the first person advocates the use of force or violence against
11 a group (the *targeted group*); and

12 **3 Paragraph 80.2A(1)(b) of the *Criminal Code***

13 Omit “intending that”, substitute “reckless as to whether”.

14 **4 Paragraph 80.2A(1)(c) of the *Criminal Code***

15 After “religion,”, insert “sex, sexual orientation, gender identity,
16 intersex status, disability,”.

17 **5 Subsection 80.2A(1) of the *Criminal Code* (at the end of the**
18 **note)**

19 Add “For recklessness, see section 5.4.”.

20 **5A Paragraph 80.2A(2)(a) of the *Criminal Code***

21 Repeal the paragraph, substitute:

22 (a) the first person advocates the use of force or violence against
23 a group (the *targeted group*); and

24 **6 Paragraph 80.2A(2)(b) of the *Criminal Code***

25 Omit “intending that”, substitute “reckless as to whether”.

26 **7 Paragraph 80.2A(2)(c) of the *Criminal Code***

27 After “religion,”, insert “sex, sexual orientation, gender identity,
28 intersex status, disability,”.

1 **8 Subsection 80.2A(2) of the *Criminal Code* (at the end of the**
2 **note)**

3 Add “For recklessness, see section 5.4.”.

4 **9 After subsection 80.2A(3) of the *Criminal Code***

5 Insert:

6 (3A) For the purposes of paragraphs (1)(c) and (2)(c), the person may
7 have in mind a combination of attributes mentioned in those
8 paragraphs.

9 **10 Subsection 80.2A(5) of the *Criminal Code* (note)**

10 Repeal the note.

11 **10A At the end of section 80.2A of the *Criminal Code***

12 Add:

13 *Definitions*

14 (6) In this section:

15 *advocate* means counsel, promote, encourage or urge.

16 **10B Section 80.2B of the *Criminal Code* (heading)**

17 Repeal the heading, substitute:

18 **80.2B Advocating force or violence against members of groups or**
19 **close associates**

20 **10C Paragraph 80.2B(1)(a) of the *Criminal Code***

21 Repeal the paragraph, substitute:

22 (a) the first person advocates the use of force or violence against
23 a person (the *targeted person*); and

24 **11 Paragraph 80.2B(1)(b) of the *Criminal Code***

25 Omit “intending that”, substitute “reckless as to whether”.

26 **11A Paragraph 80.2B(1)(c) of the *Criminal Code***

27 Repeal the paragraph, substitute:

- 1 (c) the first person does so because of the first person’s belief
2 that the targeted person is:
3 (i) a member of a group (the *targeted group*); or
4 (ii) a close associate of a member of a group (the *targeted*
5 *group*); and

6 **12 Paragraph 80.2B(1)(d) of the *Criminal Code***

7 After “religion,” insert “sex, sexual orientation, gender identity,
8 intersex status, disability.”

9 **13 Subsection 80.2B(1) of the *Criminal Code* (at the end of
10 the note)**

11 Add “For recklessness, see section 5.4.”

12 **13A Paragraph 80.2B(2)(a) of the *Criminal Code***

13 Repeal the paragraph, substitute:

- 14 (a) the first person advocates the use of force or violence against
15 a person (the *targeted person*); and

16 **14 Paragraph 80.2B(2)(b) of the *Criminal Code***

17 Omit “intending that”, substitute “reckless as to whether”.

18 **14A Paragraph 80.2B(2)(c) of the *Criminal Code***

19 Repeal the paragraph, substitute:

- 20 (c) the first person does so because of the first person’s belief
21 that the targeted person is:
22 (i) a member of a group (the *targeted group*); or
23 (ii) a close associate of a member of a group (the *targeted*
24 *group*); and

25 **15 Paragraph 80.2B(2)(d) of the *Criminal Code***

26 After “religion,” insert “sex, sexual orientation, gender identity,
27 intersex status, disability.”

28 **16 Subsection 80.2B(2) of the *Criminal Code* (at the end of
29 the note)**

30 Add “For recklessness, see section 5.4.”

1 **16A Subsection 80.2B(3) of the *Criminal Code***

2 Repeal the subsection, substitute:

3 (3) For the purposes of paragraphs (1)(c) and (2)(c), it is immaterial
4 whether the targeted person:

5 (a) actually is a member of the targeted group; or

6 (b) actually is a close associate of a member of the targeted
7 group.

8 **17 After subsection 80.2B(4) of the *Criminal Code***

9 Insert:

10 (4A) For the purposes of paragraphs (1)(d) and (2)(d), the person may
11 have in mind a combination of attributes mentioned in those
12 paragraphs.

13 **18 Subsection 80.2B(6) of the *Criminal Code* (note)**

14 Repeal the note.

15 **18A At the end of section 80.2B of the *Criminal Code***

16 Add:

17 *Definitions*

18 (7) In this section:

19 *advocate* means counsel, promote, encourage or urge.

20 **19 After section 80.2B of the *Criminal Code***

21 Insert:

22 **80.2BA Threatening force or violence against groups**

23 *Offences*

24 (1) A person commits an offence if:

25 (a) the person threatens to use force or violence against a group
26 (the *targeted group*); and

- 1 (b) the targeted group is distinguished by race, religion, sex,
2 sexual orientation, gender identity, intersex status, disability,
3 nationality, national or ethnic origin or political opinion; and
4 (c) a reasonable member of the targeted group would fear that
5 the threat will be carried out; and
6 (d) the threat, if carried out, would threaten the peace, order and
7 good government of the Commonwealth.

8 Note: For intention, see section 5.2.

9 Penalty: Imprisonment for 7 years.

10 (2) A person commits an offence if:

- 11 (a) the person threatens to use force or violence against a group
12 (the **targeted group**); and
13 (b) the targeted group is distinguished by race, religion, sex,
14 sexual orientation, gender identity, intersex status, disability,
15 nationality, national or ethnic origin or political opinion; and
16 (c) a reasonable member of the targeted group would fear that
17 the threat will be carried out.

18 Note: For intention, see section 5.2.

19 Penalty: Imprisonment for 5 years.

20 (3) The fault element for paragraphs (1)(b) and (2)(b) is recklessness.

21 Note: For recklessness, see section 5.4.

22 (4) Strict liability applies to paragraphs (1)(c) and (2)(c).

23 (5) For the purposes of paragraphs (1)(b) and (2)(b), the person may
24 have in mind a combination of attributes mentioned in those
25 paragraphs.

26 *Alternative verdict*

27 (6) Subsection (7) applies if, in a prosecution for an offence (the
28 **prosecuted offence**) against subsection (1), the trier of fact:

- 29 (a) is not satisfied that the defendant is guilty of the offence; but
30 (b) is satisfied beyond reasonable doubt that the defendant is
31 guilty of an offence (the **alternative offence**) against
32 subsection (2).

1 (7) The trier of fact may find the defendant not guilty of the prosecuted
2 offence but guilty of the alternative offence, so long as the
3 defendant has been accorded procedural fairness in relation to that
4 finding of guilt.

5 *Definitions*

6 (8) In this section:
7 *fear* includes apprehension.

8 **80.2BB Threatening force or violence against members of groups or**
9 **close associates**

10 *Offences*

- 11 (1) A person (the *first person*) commits an offence if:
12 (a) the first person threatens to use force or violence against a
13 person (the *targeted person*); and
14 (b) the first person does so because of the first person’s belief
15 that the targeted person is:
16 (i) a member of a group (the *targeted group*); or
17 (ii) a close associate of a member of a group (the *targeted*
18 *group*); and
19 (c) the targeted group is distinguished by race, religion, sex,
20 sexual orientation, gender identity, intersex status, disability,
21 nationality, national or ethnic origin or political opinion; and
22 (d) a reasonable member of the targeted group would fear that
23 the threat will be carried out; and
24 (e) the threat, if carried out, would threaten the peace, order and
25 good government of the Commonwealth.

26 Note: For intention, see section 5.2.

27 Penalty: Imprisonment for 7 years.

- 28 (2) A person (the *first person*) commits an offence if:
29 (a) the first person threatens to use force or violence against a
30 person (the *targeted person*); and
31 (b) the first person does so because of the first person’s belief
32 that the targeted person is:

- 1 (i) a member of a group (the *targeted group*); or
- 2 (ii) a close associate of a member of a group (the *targeted*
- 3 *group*); and
- 4 (c) the targeted group is distinguished by race, religion, sex,
- 5 sexual orientation, gender identity, intersex status, disability,
- 6 nationality, national or ethnic origin or political opinion; and
- 7 (d) a reasonable member of the targeted group would fear that
- 8 the threat will be carried out.

9 Note: For intention, see section 5.2.

10 Penalty: Imprisonment for 5 years.

11 (3) For the purposes of paragraphs (1)(b) and (2)(b), it is immaterial

12 whether the targeted person:

- 13 (a) actually is a member of the targeted group; or
- 14 (b) actually is a close associate of a member of the targeted
- 15 group.

16 (4) The fault element for paragraphs (1)(c) and (2)(c) is recklessness.

17 Note: For recklessness, see section 5.4.

18 (5) Strict liability applies to paragraphs (1)(d) and (2)(d).

19 (6) For the purposes of paragraphs (1)(c) and (2)(c), the person may

20 have in mind a combination of attributes mentioned in those

21 paragraphs.

22 *Alternative verdict*

23 (7) Subsection (8) applies if, in a prosecution for an offence (the

24 *prosecuted offence*) against subsection (1), the trier of fact:

- 25 (a) is not satisfied that the defendant is guilty of the offence; but
- 26 (b) is satisfied beyond reasonable doubt that the defendant is
- 27 guilty of an offence (the *alternative offence*) against
- 28 subsection (2).

29 (8) The trier of fact may find the defendant not guilty of the prosecuted

30 offence but guilty of the alternative offence, so long as the

31 defendant has been accorded procedural fairness in relation to that

32 finding of guilt.

Definitions

(9) In this section:

fear includes apprehension.

80.2BC Advocating damage to or destruction of real property or motor vehicle

Offences

(1) A person (the *first person*) commits an offence if:

- (a) the first person advocates the causing of damage to, or the destruction of, real property or a motor vehicle; and
- (b) the first person does so because of the first person's belief that:
 - (i) the real property is a place of worship of a group (the *targeted group*); or
 - (ii) the real property is owned, or occupied, in whole or in part, by one or more members of a group (the *targeted group*); or
 - (iii) the motor vehicle is owned, or occupied, in whole or in part, by one or more members of a group (the *targeted group*); or
 - (iv) the real property is owned, or occupied, in whole or in part, by a close associate of one or more members of a group (the *targeted group*); or
 - (v) the motor vehicle is owned, or occupied, in whole or in part, by a close associate of one or more members of a group (the *targeted group*); and
- (c) the first person is reckless as to whether the damage or destruction will occur; and
- (d) the targeted group is distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality, national or ethnic origin or political opinion; and
- (e) the damage or destruction, if it were to occur, would threaten the peace, order and good government of the Commonwealth.

Note: For intention, see section 5.2. For recklessness, see section 5.4.

1 Penalty: Imprisonment for 7 years.

2 (2) A person (the *first person*) commits an offence if:

3 (a) the first person advocates the causing of damage to, or the
4 destruction of, real property or a motor vehicle; and

5 (b) the first person does so because of the first person’s belief
6 that:

7 (i) the real property is a place of worship of a group (the
8 *targeted group*); or

9 (ii) the real property is owned, or occupied, in whole or in
10 part, by one or more members of a group (the *targeted*
11 *group*); or

12 (iii) the motor vehicle is owned, or occupied, in whole or in
13 part, by one or more members of a group (the *targeted*
14 *group*); or

15 (iv) the real property is owned, or occupied, in whole or in
16 part, by a close associate of one or more members of a
17 group (the *targeted group*); or

18 (v) the motor vehicle is owned, or occupied, in whole or in
19 part, by a close associate of one or more members of a
20 group (the *targeted group*); and

21 (c) the first person is reckless as to whether the damage or
22 destruction will occur; and

23 (d) the targeted group is distinguished by race, religion, sex,
24 sexual orientation, gender identity, intersex status, disability,
25 nationality, national or ethnic origin or political opinion.

26 Note: For intention, see section 5.2. For recklessness, see section 5.4.

27 Penalty: Imprisonment for 5 years.

28 (3) For the purposes of paragraphs (1)(b) and (2)(b), it is immaterial
29 whether:

30 (a) the real property actually is a place of worship of the targeted
31 group; or

32 (b) the real property actually is owned, or occupied, in whole or
33 in part, by one or more members of the targeted group; or

34 (c) the motor vehicle actually is owned, or occupied, in whole or
35 in part, by one or more members of the targeted group; or

- 1 (d) the real property actually is owned, or occupied, in whole or
- 2 in part, by a close associate of one or more members of the
- 3 targeted group; or
- 4 (e) the motor vehicle actually is owned, or occupied, in whole or
- 5 in part, by a close associate of one or more members of the
- 6 targeted group.

7 (4) The fault element for paragraphs (1)(d) and (2)(d) is recklessness.

8 Note: For recklessness, see section 5.4.

9 (5) For the purposes of paragraphs (1)(d) and (2)(d), the person may
 10 have in mind a combination of attributes mentioned in those
 11 paragraphs.

12 *Alternative verdict*

- 13 (6) Subsection (7) applies if, in a prosecution for an offence (the
- 14 ***prosecuted offence***) against subsection (1), the trier of fact:
 - 15 (a) is not satisfied that the defendant is guilty of the offence; but
 - 16 (b) is satisfied beyond reasonable doubt that the defendant is
 - 17 guilty of an offence (the ***alternative offence***) against
 - 18 subsection (2).

19 (7) The trier of fact may find the defendant not guilty of the prosecuted
 20 offence but guilty of the alternative offence, so long as the
 21 defendant has been accorded procedural fairness in relation to that
 22 finding of guilt.

23 *Definitions*

24 (8) In this section:

25 ***advocate*** means counsel, promote, encourage or urge.

26 **80.2BD Threatening damage to or destruction of real property or**
 27 **motor vehicle**

28 *Offences*

- 29 (1) A person (the ***first person***) commits an offence if:
 - 30 (a) the first person threatens to cause damage to, or the
 - 31 destruction of, real property or a motor vehicle; and

- 1 (b) the first person does so because of the first person’s belief
- 2 that:
- 3 (i) the real property is a place of worship of a group (the
- 4 *targeted group*); or
- 5 (ii) the real property is owned, or occupied, in whole or in
- 6 part, by one or more members of a group (the *targeted*
- 7 *group*); or
- 8 (iii) the motor vehicle is owned, or occupied, in whole or in
- 9 part, by one or more members of a group (the *targeted*
- 10 *group*); or
- 11 (iv) the real property is owned, or occupied, in whole or in
- 12 part, by a close associate of one or more members of a
- 13 group (the *targeted group*); or
- 14 (v) the motor vehicle is owned, or occupied, in whole or in
- 15 part, by a close associate of one or more members of a
- 16 group (the *targeted group*); and
- 17 (c) the targeted group is distinguished by race, religion, sex,
- 18 sexual orientation, gender identity, intersex status, disability,
- 19 nationality, national or ethnic origin or political opinion; and
- 20 (d) a reasonable member of the targeted group would fear that
- 21 the threat will be carried out; and
- 22 (e) the threat, if carried out, would threaten the peace, order and
- 23 good government of the Commonwealth.

24 Note: For intention, see section 5.2.

25 Penalty: Imprisonment for 7 years.

- 26 (2) A person (the *first person*) commits an offence if:
- 27 (a) the first person threatens to cause damage to, or the
- 28 destruction of, real property or a motor vehicle; and
- 29 (b) the first person does so because of the first person’s belief
- 30 that:
- 31 (i) the real property is a place of worship of a group (the
- 32 *targeted group*); or
- 33 (ii) the real property is owned, or occupied, in whole or in
- 34 part, by one or more members of a group (the *targeted*
- 35 *group*); or

-
- 1 (iii) the motor vehicle is owned, or occupied, in whole or in
2 part, by one or more members of a group (the *targeted*
3 *group*); or
4 (iv) the real property is owned, or occupied, in whole or in
5 part, by a close associate of one or more members of a
6 group (the *targeted group*); or
7 (v) the motor vehicle is owned, or occupied, in whole or in
8 part, by a close associate of one or more members of a
9 group (the *targeted group*); and
10 (c) the targeted group is distinguished by race, religion, sex,
11 sexual orientation, gender identity, intersex status, disability,
12 nationality, national or ethnic origin or political opinion; and
13 (d) a reasonable member of the targeted group would fear that
14 the threat will be carried out.

15 Note: For intention, see section 5.2.

16 Penalty: Imprisonment for 5 years.

- 17 (3) For the purposes of paragraphs (1)(b) and (2)(b), it is immaterial
18 whether:
19 (a) the real property actually is a place of worship of the targeted
20 group; or
21 (b) the real property actually is owned, or occupied, in whole or
22 in part, by one or more members of the targeted group; or
23 (c) the motor vehicle actually is owned, or occupied, in whole or
24 in part, by one or more members of the targeted group; or
25 (d) the real property actually is owned, or occupied, in whole or
26 in part, by a close associate of one or more members of the
27 targeted group; or
28 (e) the motor vehicle actually is owned, or occupied, in whole or
29 in part, by a close associate of one or more members of the
30 targeted group.
31 (4) The fault element for paragraphs (1)(c) and (2)(c) is recklessness.
32 Note: For recklessness, see section 5.4.
33 (5) Strict liability applies to paragraphs (1)(d) and (2)(d).

1 (6) For the purposes of paragraphs (1)(c) and (2)(c), the person may
2 have in mind a combination of attributes mentioned in those
3 paragraphs.

4 *Alternative verdict*

5 (7) Subsection (8) applies if, in a prosecution for an offence (the
6 **prosecuted offence**) against subsection (1), the trier of fact:
7 (a) is not satisfied that the defendant is guilty of the offence; but
8 (b) is satisfied beyond reasonable doubt that the defendant is
9 guilty of an offence (the **alternative offence**) against
10 subsection (2).

11 (8) The trier of fact may find the defendant not guilty of the prosecuted
12 offence but guilty of the alternative offence, so long as the
13 defendant has been accorded procedural fairness in relation to that
14 finding of guilt.

15 *Definitions*

16 (9) In this section:
17 **fear** includes apprehension.

18 **80.2BE Advocating force or violence through causing damage to**
19 **property**

20 *Offences*

21 (1) A person (the **first person**) commits an offence if:
22 (a) the first person intentionally advocates for another person, or
23 a group, to use force or violence against a group (the **targeted**
24 **group**); and
25 (b) the first person does so by causing damage to property; and
26 (c) the first person does so reckless as to whether the force or
27 violence will occur; and
28 (d) the targeted group is distinguished by race, religion or ethnic
29 origin; and
30 (e) the use of force or violence would threaten the peace, order
31 and good government of the Commonwealth.

1 Penalty: Imprisonment for 7 years.

2 Note: For intention, see section 5.2. For recklessness, see section 5.4.

3 (2) A person (the **first person**) commits an offence if:

- 4 (a) the first person intentionally advocates for another person, or
5 a group, to use force or violence against a group (the **targeted**
6 **group**); and
7 (b) the first person does so by causing damage to property; and
8 (c) the first person does so reckless as to whether the force or
9 violence will occur; and
10 (d) the targeted group is distinguished by race, religion or ethnic
11 origin.

12 Penalty: Imprisonment for 5 years.

13 Note: For intention, see section 5.2. For recklessness, see section 5.4.

14 (3) The fault element for paragraphs (1)(d) and (2)(d) is recklessness.

15 Note: For recklessness, see section 5.4.

16 (4) For the purposes of paragraphs (1)(d) and (2)(d), the person may
17 have in mind a combination of attributes mentioned in those
18 paragraphs.

19 *Alternative verdict*

20 (5) Subsection (6) applies if, in a prosecution for an offence (the
21 **prosecuted offence**) against subsection (1), the trier of fact:

- 22 (a) is not satisfied that the defendant is guilty of the offence; but
23 (b) is satisfied beyond reasonable doubt that the defendant is
24 guilty of an offence (the **alternative offence**) against
25 subsection (2).

26 (6) The trier of fact may find the defendant not guilty of the prosecuted
27 offence but guilty of the alternative offence, so long as the
28 defendant has been accorded procedural fairness in relation to that
29 finding of guilt.

30 *Meaning of damage*

31 (7) In this section:

1 *damage* includes minor damage.

2 Example: An offensive slogan painted on a building (advocating the use of force
3 or violence against Jews) is damage for the purposes of this section.

4 **20 Paragraphs 80.2H(7)(b), 80.2HA(7)(b) and 80.2K(6)(b) of**
5 **the *Criminal Code***

6 After “sex,”, insert “sexual orientation, gender identity, intersex status,
7 disability,”.

8 **21 Subsection 80.3(1) of the *Criminal Code***

9 After “and C”, insert “(other than sections 80.2A, 80.2B, 80.2BA,
10 80.2BB, 80.2BC and 80.2BD and 80.2BE)”.

11 **22 After paragraph 80.4(2)(c) of the *Criminal Code***

12 Insert:

- 13 (ca) subsection 80.2BA(2); or
14 (cb) subsection 80.2BB(2); or
15 (cc) subsection 80.2BC(2); or
16 (cd) subsection 80.2BD(2); or
17 (ce) subsection 80.2BE(2); or

1 **Schedule 2—Mandatory minimum sentences**
 2 **and maximum penalties**
 3

4 ***Crimes Act 1914***

5 **1 Paragraph 15AAA(1)(a)**

6 After “section 16AAA”, insert “(except items 1A to 1E of that table)”.

7 **2 Section 16AAA (before table item 1)**

8 Insert:

9

1A	offence against subsection 80.2H(1) of the <i>Criminal Code</i>	12 months
1B	offence against subsection 80.2HA(1) of the <i>Criminal Code</i>	12 months
1C	offence against a provision of Division 101 or 102 of the <i>Criminal Code</i> (other than an offence against subsection 102.8(1) or (2) of the <i>Criminal Code</i>)	6 years
1D	offence against subsection 102.8(1) or (2) of the <i>Criminal Code</i>	12 months
1E	offence against a provision of Division 103 of the <i>Criminal Code</i>	3 years

10 **3 Paragraph 16AAC(2)(b)**

11 Repeal the paragraph, substitute:

12 (b) the court is taking into account, under paragraph 16A(2)(h),
 13 the person having cooperated with law enforcement agencies
 14 in the investigation of:

- 15 (i) in relation to any of items 1A to 1E of the table in
 16 section 16AAA—the offence or an offence against
 17 subsection 80.2H(1) or 80.2HA(1) or Part 5.3 or 5.5 of
 18 the *Criminal Code*; or
 19 (ii) in relation to any of items 1 to 15 of the table in
 20 section 16AAA or any of the items in the table in

1 subsection 16AAB(2)—the offence or a Commonwealth
2 child sex offence.

3 **4 Paragraph 16AAC(3)(b)**

4 Repeal the paragraph, substitute:

5 (b) if the court is taking into account, under
6 paragraph 16A(2)(h), the person having cooperated with law
7 enforcement agencies in the investigation of:

8 (i) in relation to any of items 1A to 1E of the table in
9 section 16AAA—the offence or an offence against
10 subsection 80.2H(1) or 80.2HA(1) or Part 5.3 or 5.5 of
11 the *Criminal Code*; or

12 (ii) in relation to any of items 1 to 15 of the table in
13 section 16AAA or any of the items in the table in
14 subsection 16AAB(2)—the offence or a Commonwealth
15 child sex offence;

16 by an amount that is up to 25% of the period specified in
17 column 2 of the applicable item in the relevant table;

18 ***Criminal Code Act 1995***

19 **5 Subsection 80.2H(1) of the *Criminal Code* (penalty)**

20 Repeal the penalty, substitute:

21 Penalty: Imprisonment for 5 years.

22 **6 Subsection 80.2HA(1) of the *Criminal Code* (penalty)**

23 Repeal the penalty, substitute:

24 Penalty: Imprisonment for 5 years.

25 **7 Application provision**

26 The amendments made by this Schedule apply in relation to a
27 conviction that occurs on or after the commencement of this item if the
28 conduct constituting the offence occurs wholly on or after that
29 commencement.

1 **8 Review of amendments**

2 (1) The Parliamentary Joint Committee on Intelligence and Security must
3 review the operation and effectiveness of the amendments made by this
4 Schedule.

5 (2) The Committee must:

6 (a) begin the review before the end of the period of 2 years
7 beginning on the day on which this Schedule commences;
8 and

9 (b) report the Committee's comments and recommendations to
10 each House of the Parliament as soon as practicable after
11 completing the review.
12

(105/24)
