



New South Wales

Crimes Amendment (Prosecution of Certain Offences) Act 2023 No 47

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Crimes Amendment (Prosecution of Certain Offences) Act 2023 No 47

Act No 47, 2023

An Act to amend the *Crimes Act 1900* in relation to the prosecution of certain offences. [Assented to 11 December 2023]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Crimes Amendment (Prosecution of Certain Offences) Act 2023*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on a day or days to be appointed by proclamation.
- (2) Schedule 1[2] commences 2 years after the commencement of Schedule 1[1].

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] 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(4). Insert instead—

- (4) A prosecution for an offence against this section may be commenced only by—
- (a) the Director of Public Prosecutions, or
 - (b) a police officer.

[2] Section 93Z(4)

Insert after section 93Z(3)—

- (4) A prosecution for an offence against this section is not to be commenced without the approval of the Director of Public Prosecutions.

[3] Schedule 11 Savings, transitional and other provisions

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

Part Provisions consequent on enactment of Crimes Amendment (Prosecution of Certain Offences) Act 2023

Application of amendment

An amendment made to this Act by the *Crimes Amendment (Prosecution of Certain Offences) Act 2023* applies in relation to proceedings for an offence against section 93Z commenced on or after the commencement of the amendment, regardless of whether the offence was committed, or alleged to have been committed, before or after the commencement.

Review of amendment of section 93Z

- (1) The Minister must review the effect of the amendment of section 93Z made by the *Crimes Amendment (Prosecution of Certain Offences) Act 2023* to determine whether the policy objectives of the amendment remain appropriate.
- (2) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the commencement of this clause.

[Second reading speech made in—

Legislative Assembly on 21 November 2023

Legislative Council on 30 November 2023]