

Passed by both Houses



New South Wales

# Crimes Amendment (Prosecution of Certain Offences) Bill 2023

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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,*

*, 2023*



New South Wales

## **Crimes Amendment (Prosecution of Certain Offences) Bill 2023**

Act No \_\_\_\_\_, 2023

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An Act to amend the *Crimes Act 1900* in relation to the prosecution of certain offences.

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*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.*

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**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.