



New South Wales

# Crimes Amendment (Prosecution of Certain Offences) Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill amend the requirements for commencing prosecution of certain offences committed on the grounds of a person or group's race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1 Amendment of Crimes Act 1900 No 40

**Schedule 1[1]** removes the requirement for the Director of Public Prosecutions to approve any prosecution for an offence against section 93Z. Section 93Z makes it an offence for a person to, by public act, intentionally or recklessly threaten or incite violence towards another person or group of persons on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.

**Schedule 1[2]** makes a provision of a savings or transitional nature.



New South Wales

# Crimes Amendment (Prosecution of Certain Offences) Bill 2023

## Contents

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		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Crimes Act 1900 No 40</b>	<b>3</b>



New South Wales

# Crimes Amendment (Prosecution of Certain Offences) Bill 2023

No. , 2023

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## A Bill for

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

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

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

3

**2 Commencement**

4

This Act commences on a day or days to be appointed by proclamation.

5

<b>Schedule 1</b>	<b>Amendment of Crimes Act 1900 No 40</b>	1
[1]	<b>Section 93Z Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status</b>	2
	Omit section 93Z(4).	3
		4
[2]	<b>Schedule 11 Savings, transitional and other provisions</b>	5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
<b>Part</b>	<b>Provision consequent on enactment of Crimes Amendment (Prosecution of Certain Offences) Act 2023</b>	7
		8
		9
	<b>Application of amendment</b>	10
	An amendment made to this Act by the <i>Crimes Amendment (Prosecution of Certain Offences) Act 2023</i> 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.	11
		12
		13
		14
		15