

LEGISLATIVE ASSEMBLY

JUSTICE LEGISLATION FURTHER AMENDMENT (MISCELLANEOUS) BILL
2025

(Amendments and New Clauses to be moved by Ms Sonya Kilkenny in substitution for amendments previously circulated)

1. Clause 1, page 2, after line 31 insert—
 - "(iii) to provide that the consent of the Director of Public Prosecutions is not required for a police officer to commence a prosecution for an offence against section 195N(1) of that Act (incitement on ground of protected attribute) or section 195O(1) of that Act (threaten physical harm or property damage on ground of protected attribute) unless the accused is under the age of 18 years; and".

2. Page 57, after line 18 insert the following heading—

"Part 8A—Anti-vilification and social cohesion".

NEW CLAUSES

3. Insert the following New Clauses to follow clause 76 and the heading proposed by amendment 2—

'76A Section 195Q substituted

For section 195Q of the **Crimes Act 1958** substitute—

"195Q Prosecution of offences

A prosecution for an offence against section 195N(1) or 195O(1)—

- (a) may only be commenced by the Director of Public Prosecutions or a police officer; and
- (b) if the prosecution is of a person under the age of 18 years, may only be commenced by a police officer with the consent of the Director of Public Prosecutions."

76B New section 640C inserted

After section 640B of the **Crimes Act 1958** insert—

"640C Transitional provision—Justice Legislation Further Amendment (Miscellaneous) Act 2025

Section 195Q as substituted by Part 8A of the **Justice Legislation Further Amendment (Miscellaneous) Act 2025** applies in relation to an offence against section 195N(1) or 195O(1) irrespective of when the offence is alleged to have been committed."