



## AUSTRALIAN NATIONAL IMAMS COUNCIL



30 November 2023

### **ANIC Concerned About Rushed Approach to Amending Section 93z of the Crimes Act (NSW)**

Late yesterday evening, an amendment was passed by the Lower House to amend section 93z of the Crimes Act 1900 (NSW). The amendment will remove the requirement for the Director of Public Prosecutions (DPP) to approve any prosecution of a person for publicly threatening or inciting violence on certain specified grounds.

New South Wales is a multifaith and multicultural society. Over the years, ANIC has been at the forefront in calling for a review of section 93z and seeking its amendment to provide better protection. However, the approach to amending what is an important provision needs to occur with care and proper consultation, particularly involving the groups of people most affected. To ANIC's awareness, the amendment has not been the subject of any consultation with community groups. ANIC is very concerned about the rushed approach and unintended consequences.

The proposed amendments to remove the DPP will likely result in unintended consequences without providing the desired outcomes. For instance, it will involve police officers being required to apply a complex law. It will give rise to risks of inconsistent application and prosecution actions being found to be invalid or dismissed down the track.

This in turn threatens to undermine the very confidence in the law and institutions, and also create anxiety within communities about how the law might be applied (much as occurred with the issuing of fines during Covid, many of which were subsequently found to be invalid).

Importantly, the matter was also discussed at the first meeting of the Faith Affairs Council yesterday at NSW Parliament House with the staff of the Minister for Multiculturalism. By a majority, the Faith Council recommended to the NSW Government that it defer the amendment to allow for consultation.

ANIC calls on the members of the Upper House to request, at a minimum, that there is an inquiry into why section 93z has not been effective and what steps can be taken to improve it beyond rushing procedural changes.

Finally, ANIC notes that there has been some coverage of a meeting between faith representatives and Shadow Ministers of the Coalition earlier this week. Those articles have been untruthful and incorrect in their discussion of the meeting. For instance, the suggestions in those articles that the issue was raised only on behalf of the Muslim community and no explanation was given or that there was an opposition to strengthening laws, are wholly false.

Rather, the issue was raised as one of many matters and on behalf of various faith communities. It was raised as a concern about rushing to make an amendment without directly changing the provision and with no consultation. This was consistent with the request by the Faith Council to the NSW Government that it defer the amendment to allow for consultation.

For its part, ANIC welcomes steps to improve the protections for communities who are most subject to vilification and have been seeking such protections for many years. However, this needs to occur with proper care and consultation.

**For any media inquiries, please contact ANIC's Spokesperson, Bilal Rauf, on 1300 765 940 or [spokesperson@anic.org.au](mailto:spokesperson@anic.org.au)**