
LEGISLATIVE COUNCIL

Bail and Crimes Amendment Bill 2024

Second print

Proposed amendments

- No. 1 **Threshold for granting bail to relevant young persons—degree of confidence**
Page 3, Schedule 1[1], proposed section 22C(1), line 8. Omit “a high degree of”.
- No. 2 **Threshold for granting bail to relevant young persons—offence of same type**
Page 3, Schedule 1[1], proposed section 22C(1), line 9. Omit “serious indictable offence”. Insert “relevant offence of the same type”.
- No. 3 **Considerations for making decision about granting bail to relevant young persons (consequential on amendment No 2)**
Page 3, Schedule 1[1], proposed section 22C(2), line 15. Omit “serious indictable”. Insert instead “relevant”.
- No. 4 **Considerations for making decision about granting bail to relevant young persons (consequential on amendment No 5, No 6 or No 7)**
Page 3, Schedule 1[1], proposed section 22C(2), line 15. Omit “offence.”. Insert instead “offence, and”.
- No. 5 **Considerations for making decision about granting bail to relevant young persons (if amendment no. 6 is also accepted para (c), as inserted by this amendment, needs to be amended to include a conjunction at the end of the para i.e. “, and”)**
Page 3, Schedule 1[1], proposed section 22C(2). Insert after line 15—
(c) consideration of the negative impacts on the wellbeing of the relevant young person if bail is refused.
- No. 6 **Considerations for making decision about granting bail to relevant young persons (if amendment no. 7 is also accepted para (c), as inserted by this amendment, needs to be amended to include a conjunction at the end of the para i.e. “, and”)**
Page 3, Schedule 1[1], proposed section 22C(2). Insert before line 16—
(c) consideration of the available bed space if bail is refused.
- No. 7 **Considerations for making decision about granting bail to relevant young persons**
Page 3, Schedule 1[1], proposed section 22C(2). Insert before line 16—
(c) consideration of available non-custodial options that would assist the relevant young person’s compliance with bail conditions.

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- No. 8 **Expiry of section 22C**
Page 3, Schedule 1[1], proposed section 22C(5), line 19. Omit “12”. Insert “6”.
- No. 9 **Definition of motor theft offence**
Page 3, Schedule 1[1], proposed section 22C(6), line 23. Insert “(1)(a)” after “154A”.
- No. 10 **Age of relevant young persons**
Page 3, Schedule 1[1], proposed section 22C(6), line 34. Omit “14”. Insert “16”.
- No. 11 **Threshold for granting bail to relevant young persons (consequential on amendment No 2)**
Page 3, Schedule 1[1], proposed section 22C(6), lines 39 and 40. Omit all words on the lines.
- No. 12 **Review of new bail limitation**
Page 3, Schedule 1[1]. Insert after line 40—
- 22D Review of section 22C**
- (1) The Minister must refer the operation of section 22C to Portfolio Committee No. 5—Justice and Communities to determine whether—
- (a) the policy objectives of section 22C remain valid, and
- (b) the terms of section 22C remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 6 months after the commencement of section 22C.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the commencement of section 22C.
- (4) This section expires 15 months after this section commences.
- No. 13 **Application of amendments**
Page 4, Schedule 1[2], line 5. Omit “extends”. Insert instead “applies only”.
- No. 14 **Application of amendments**
Page 4, Schedule 1[2], line 6. Omit “before”. Insert instead “on or after”.
- No. 15 **Expiry of performance crimes offences**
Page 5, Schedule 2[1], proposed section 154K. Insert after line 22—
- (3A) This section expires 12 months after this section commences.
- No. 16 **Definition of advertise**
Page 5, Schedule 2[1], proposed section 154K(4), line 24. Omit “attract the notice and attention of”. Insert instead “attract through boasting or bragging the notice and attention of”.
- No. 17 **Definition of material for performance crime offences**
Page 5, Schedule 2[1], line 32. Omit “text,”.
- No. 18 **Consultation with stakeholders about review of new performance crime offences**
Page 5, Schedule 2[1], proposed section 154L. Insert after line 43—
- (1A) The review under this section must—
- (a) be undertaken in consultation with relevant stakeholders, and
- (b) include an assessment of the impact of this division on First Nations people.

No. 19 **Timeframe for review of new performance crime offence**

Page 6, Schedule 2[1], proposed section 154L(2), lines 1 and 2. Omit “2 years”. Insert instead “6 months”.

No. 20 **Timeframe for review of new performance crime offence**

Page 6, Schedule 2[1], proposed section 154L(3), line 4. Omit “6 months after the end of the period of 2 years”. Insert instead “12 months after the commencement of this division”.