

c2024-039A
OPP--Opposition

LEGISLATIVE COUNCIL

Bail and Crimes Amendment Bill 2024

Second print

Proposed amendments

No. 1 **Reports from BOCSAR—consequential amendment (only to be moved if amendment No. 2 is successful)**

Page 3, Schedule 1[1], line 2. Omit “Section 22C”. Insert instead “Sections 22C and 22D”.

No. 2 **Reports from BOCSAR**

Page 3, Schedule 1[1]. Insert after line 40—

22D Reports from BOCSAR

- (1) BOCSAR must, for each prescribed period, prepare a report about the operation of section 22C and related matters, including the following—
 - (a) the numbers of relevant offences committed during the prescribed period,
 - (b) the number of relevant offences for which the following persons were charged during the prescribed period—
 - (i) relevant young persons,
 - (ii) individuals who, at the time relevant offences were alleged to have been committed by the individuals, were—
 - (A) 10 years of age or more, and
 - (B) less than 14 years of age,
 - (c) whether the relevant young persons or other individuals referred to in paragraph (b) were on bail at the time the relevant offences were alleged to have been committed and, if so, whether the bail was in relation to earlier charges for relevant offences,
 - (d) whether relevant young persons and other individuals referred to in paragraph (b) were granted bail in relation to the offences with which the young persons and other individuals were charged and, if so, details of the particular offences with which the relevant young persons and other individuals were charged,
 - (e) a comparison between the matters mentioned in paragraphs (a)–(d) during the equivalent period immediately before the commencement of section 22C and the prescribed period.
- (2) BOCSAR must, as soon as practicable after preparing each report, give the report to the Minister.

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- (3) The Minister must ensure that a report received under subsection (2) is tabled in each House of Parliament on the first sitting day after its receipt.
 - (4) To avoid doubt, this section applies despite the expiry of the *Bail Act 2013*, section 22C.
 - (5) This section expires 3 months after the day on which the last report received by the Minister is tabled under subsection (3).
 - (6) In this section—

BOCSAR means the Bureau of Crime Statistics and Research within the department in which this Act is administered.

prescribed period means each of the following—

- (a) the period starting on the commencement of section 22C and ending 6 months after that date,
- (b) the period starting on the commencement of section 22C and ending 9 months after that date,
- (c) the period starting on the commencement of section 22C and ending 12 months after that date.

relevant offence means—

- (a) a motor theft offence within the meaning of section 22C, or
- (b) a serious breaking and entering offence within the meaning of section 22C, or
- (c) an offence against the *Crimes Act 1900*, section 154K, or
- (d) another serious indictable offence within the meaning of section 22C.

relevant young person has the same meaning as in section 22C.

No. 3 **Performance crime offences to apply to joint criminal enterprises, accessories etc**

Page 5, Schedule 2[1], proposed section 154K(1) and (2), lines 6–14. Omit all words on the lines. Insert instead—

- (1) This section applies if—
 - (a) a person’s act or omission constitutes—
 - (i) a motor theft offence, or
 - (ii) a breaking and entering offence, or
 - (iii) another serious indictable offence, and
 - (b) the person or another person (each an **offender**) disseminates material to advertise—
 - (i) the first offender’s involvement in the offence, or
 - (ii) the act or omission constituting the offence.
- (2) Each offender commits an offence (a **performance crime offence**) and is liable for a

No. 4 **Performance crime offences to apply to any act or omission constituting serious indictable offences (only to be moved if amendment No. 3 unsuccessful)**

Page 5, Schedule 2[1], proposed section 154K(1)(a)(ii), line 10. Omit “, and”. Insert instead—

- , or
- (iii) another serious indictable offence, and

No. 5 **Performance crime offences to apply to serious indictable offences (only to be moved if amendment No. 3 or No. 4 is successful)**

Page 5, Schedule 2[1], proposed section 154K(2)(a), lines 16 and 17. Omit “or breaking and entering offence”. Insert instead “, breaking and entering offence or other serious indictable offence”.

No. 6 **Performance crime offences to apply to serious indictable offences (only to be moved if amendment No. 3 unsuccessful and amendment No 4 is successful)**

Page 5, Schedule 2[1], proposed section 154K(3), lines 20 and 21. Omit “or breaking and entering offence”. Insert instead “, breaking and entering offence or other serious indictable offence”.

No. 7 **Performance crime offences to apply to serious indictable offences (only to be moved if amendment No. 3 successful)**

Page 5, Schedule 2[1], proposed section 154K(3), lines 20–22. Omit “convicted of a motor theft offence or breaking and entering offence in relation to the act or omission constituting the performance crime offence”. Insert instead—

convicted of—

- (a) a motor theft offence, breaking and entering offence or another serious indictable offence in relation to the act or omission constituting the performance crime offence, or
- (b) an offence under section 346 or 546 in relation to any act or omission involved in the performance crime offence.