

c2024-065I
GRNS--The Greens

LEGISLATIVE COUNCIL

Bail and Other Legislation Amendment (Domestic Violence) Bill 2024

Second print

Proposed amendments

- No. 1 **Meaning of domestic relationship**
Page 3, Schedule 1[1]. Insert after line 3—
domestic relationship has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.
- No. 2 **Omission of definition of intimate partner**
Page 3, Schedule 1[1], lines 6–12. Omit all words on the lines.
- No. 3 **Change in meaning of serious domestic violence offence**
Page 3, Schedule 1[1], line 16. Omit “an intimate partner”. Insert instead “another person with whom the person who committed the offence has, or had, a domestic relationship”.
- No. 4 **Show cause offences**
Page 3, Schedule 1[2], lines 19–22. Omit all words on the lines.
- No. 5 **Matters to be considered as part of assessment for domestic violence offences**
Page 3. Insert after line 29—
(d2) the likelihood that, if released, the accused person will harm or threaten to harm a particular person or persons including, in particular, a person with whom the accused person is in a domestic relationship,
- No. 6 **Matters to be considered as part of assessment for domestic violence offences**
Page 3, Schedule 1[4], lines 30 and 31. Omit all words on the lines.
- No. 7 **Matters to be considered as part of assessment for domestic violence offences**
Page 3, Schedule 1. Insert after line 31—
[4A] Section 18(1A)–(1C)
Insert after section 18(1)—
(1A) For a domestic violence offence, a bail authority must have regard to the following when considering the matter in subsection (1)(d2)—
(a) whether the accused person has a history of violence,

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- (b) whether the accused person has been violent to the other person in the past, whether or not the accused person has been convicted of an offence in relation to the violence,
 - (c) whether the accused person has a history of engaging in behaviour that may, under the *Crimes (Domestic and Personal Violence) Act 2007*, section 6A(2), constitute abuse,
 - (d) whether the accused person has failed to comply with a conduct requirement that was imposed for the protection and welfare of the other person,
 - (e) whether, in the bail authority's opinion, the accused person will in the future comply with a conduct requirement imposed for the protection and welfare of the other person.
- (1B) If, because of a lack of time since the person was accused of an offence the subject of the bail application, it is not practicable to obtain sufficient information for the purpose of making a decision in relation to a matter specified in subsection (1A), the bail authority may decide to refuse bail for the offence to allow further information to be obtained for that purpose.
- (1C) For subsection (1B), the period allowed for obtaining the further information must be a period that ends no later than 4pm on the day that is 3 business days after the day the decision to refuse bail is made.

No. 8 **Domestic violence offence is a serious offence**

Page 3, Schedule 1. Insert after line 31—

[4B] Section 18(3)

Insert after section 18(2)—

- (3) Despite subsection (2), a domestic violence offence is a serious offence for this division.

No. 9 **Offences to which electronic monitoring relate**

Page 3, Schedule 1[5], lines 36 and 37. Omit all words on the lines. Insert instead—

- (a) accused of—
 - (i) a serious domestic violence offence, or
 - (ii) an offence under the *Crimes Act 1900*, section 54D, and

No. 10 **Offences to which electronic monitoring relate**

Page 3, Schedule 1[5], line 38. Omit “bail.”. Insert instead—

- bail, and
- (c) granted bail subject to a conduct requirement that the accused person must not be at a specified place or within a specified distance of a specified place.