

c2016-032D  
OPP--OPPOSITION

---

LEGISLATIVE COUNCIL

Crimes (Serious Crime Prevention Orders) Bill 2016

First print

Proposed amendments

---

- No. 1 **Supreme Court to make all serious crime prevention orders**  
Page 2, clause 3 (1), lines 9–15. Omit all words on those lines.
- No. 2 **Only DPP can make applications**  
Page 2, clause 3 (1), lines 16–19. Omit all words on those lines.
- No. 3 **Serious crime prevention order cannot be made against acquitted person**  
Page 2, clause 3 (1), lines 23–30. Omit all words on those lines. Insert instead:  
*serious crime related activity* means anything done by a person that is or was at the time a serious criminal offence (including a serious criminal offence for which the person has not been charged or tried), but does not include a serious criminal offence for which the person has been acquitted (whether by the trial court or on an appeal or other review).
- No. 4 **Knowing facilitation required**  
Page 2, clause 4 (1) (b), line 37. Insert “knowingly” after “the person has”.
- No. 5 **Knowing facilitation required**  
Page 2, clause 4 (1) (c), line 39. Insert “knowingly” after “the person has”.
- No. 6 **Supreme Court to make all serious crime prevention orders**  
Page 3, clause 4 (2), line 2. Omit “a court”. Insert instead “the Supreme Court”.
- No. 7 **Supreme Court to make all serious crime prevention orders**  
Page 4, clause 5 (1), line 3. Omit “An appropriate court”. Insert instead “The Supreme Court”.
- No. 8 **Only DPP can make applications**  
Page 4, clause 5 (1), line 3. Omit “an eligible applicant”. Insert instead “the Director of Public Prosecutions”.
- No. 9 **Supreme Court to make all serious crime prevention orders**  
Page 4, clause 5 (1) (b), line 6. Omit “court”. Insert instead “Court”.

- 
- No. 10     **Serious crime prevention order cannot be made against acquitted person**  
Page 4, clause 5 (1) (b) (ii), lines 10 and 11. Omit all words on those lines. Insert instead “(including by reason of not being charged with or tried for such an offence), and”.
- No. 11     **Supreme Court to make all serious crime prevention orders**  
Page 4, clause 5 (1) (c), line 12. Omit “court”. Insert instead “Court”.
- No. 12     **Serious crime prevention order not to discriminate**  
Page 4, clause 5. Insert after line 14:  
    (2)     However, the Court must not make a serious crime prevention order against a person if it considers that to do so would constitute discrimination against the person on a ground specified by the *Anti-Discrimination Act 1977*.
- No. 13     **Serious crime prevention order cannot be made against acquitted person**  
Page 4, clause 5 (2), lines 15–21. Omit all words on those lines.
- No. 14     **Supreme Court to make all serious crime prevention orders**  
Page 4, clause 5 (3), line 22. Omit “appropriate court”. Insert instead “Court”.
- No. 15     **Only DPP can make applications**  
Page 4, clause 5 (3), line 22. Omit “applicant”. Insert instead “Director of Public Prosecutions”.
- No. 16     **Hearsay evidence admissible only under ordinary law**  
Page 4, clause 5 (5), lines 28–35. Omit all words on those lines.
- No. 17     **Only DPP can make applications**  
Page 4, clause 5 (6), line 36. Omit “applicant”. Insert instead “Director of Public Prosecutions”.
- No. 18     **Only DPP can make applications**  
Page 4, clause 5 (6), line 37. Omit “applicant”. Insert instead “Director of Public Prosecutions”.
- No. 19     **Supreme Court to make all serious crime prevention orders**  
Page 4, clause 6 (1), line 41. Omit “court”. Insert instead “Supreme Court”.
- No. 20     **Self-incrimination cannot be required**  
Page 5, clause 6 (2). Insert after line 2:  
    (c)     to answer questions, or to provide documents or other information, that may incriminate the person or make the person liable to a penalty, or
- No. 21     **Serious crime prevent order cannot prevent non-violent advocacy etc**  
Page 5, clause 6 (2). Insert at the end of line 13:  
    , or  
    (f)     not to participate in activities that constitute non-violent advocacy, protest, dissent or industrial action.
- No. 22     **Only DPP can make applications**  
Page 5, clause 9 (1), line 36. Omit “An eligible applicant”. Insert instead “The Director of Public Prosecutions”.
- No. 23     **Only DPP can make applications**  
Page 6, clause 10 (1), line 43. Omit “An eligible applicant”. Insert instead “The Director of Public Prosecutions”.
-

---

No. 24     **Appeals against serious crime prevention orders**

Page 7, clause 11 (1)–(3), lines 20–28. Omit all words on those lines. Insert instead:

- (1) Each of the following persons may appeal to the Court of Appeal against a decision of the Supreme Court in relation to the making of a serious crime prevention order:
  - (a) the applicant for the order,
  - (b) the person against whom the order is made.
- (2) An appeal is to be by way of a rehearing as provided by section 75A of the *Supreme Court Act 1970*.
- (3) The appeal must be made within 28 days after the date on which the decision was made unless the Court of Appeal grants leave for it to be made after that time.

No. 25     **Supreme Court to make all serious crime prevention orders**

Page 7, clause 12 (1), lines 33 and 34. Omit “The court that makes a serious crime prevention order may at any time vary or revoke the order”. Insert instead “The Supreme Court may vary or revoke a serious crime prevention order at any time”.

No. 26     **Supreme Court to make all serious crime prevention orders**

Page 7, clause 12 (2), line 39. Omit “court” wherever occurring. Insert instead “Court”.

No. 27     **Supreme Court to make all serious crime prevention orders**

Page 7, clause 12 (3), line 42. Omit “court”. Insert instead “Court”.

No. 28     **Supreme Court to make all serious crime prevention orders**

Page 8, clause 12 (3) (b), line 1. Omit “court”. Insert instead “Court”.

No. 29     **Supreme Court to make all serious crime prevention orders**

Page 9, clause 14, lines 12 and 13. Omit “, the *Supreme Court Act 1970* and the *District Court Act 1973*”. Insert instead “and the *Supreme Court Act 1970*”.