

c2016-041  
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Crimes (Serious Crime Prevention Orders) Bill 2016

First print

Proposed amendment

No. 1 **Considerations to be taken into account when making serious crime prevention order**

Page 4, clause 5. Insert after line 14:

- (2) In determining whether there are reasonable grounds to believe that the making of the serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime related activities, the court must take into account the following matters and may take into account any other matter that it considers relevant:
- (a) whether the person previously behaved in a way that posed a serious risk to public safety,
  - (b) whether the person:
    - (i) is, or has been, a member of a declared organisation (within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*), or
    - (ii) is, or has been, subject to a control order under that Act, or
    - (iii) associates, or has associated, with members of a declared organisation or persons subject to control orders within the meaning of that Act,
  - (c) if the order is likely to prevent the person from participating in non-violent advocacy, protest, dissent or industrial action—the public interest in maintaining freedom to participate in such activities,
  - (d) whether the person will be prevented from being present at any of the following:
    - (i) a place of work at which the person is regularly employed,
    - (ii) an educational institution attended by the person,
    - (iii) a place of worship attended by the person,
    - (iv) a place at which the person receives a health service or welfare service,
    - (v) a place at which the person is provided with legal services by any Australian legal practitioners or by any organisations employing or otherwise using one or more Australian legal practitioners to provide such services,
  - (e) whether the degree of risk of serious crime related activities occurring justifies the imposition of the prohibitions, restrictions, requirements or other provisions to be specified in the order (having regard, in

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particular, to any legitimate reason the person has to participate in activities that may be covered by the order),

- (f) the extent to which the making of the order will mitigate any risk to public safety,
- (g) the extent to which the order is necessary having regard to other measures reasonably available to mitigate the risk.