



New South Wales

Crimes Amendment (Protection of Criminal Defence Lawyers) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to extend offences protecting judges and persons connected with judicial proceedings from threats, intimidation and reprisals to also protect an Australian legal practitioner who acts—

- (a) for a defendant in a criminal matter, or
- (b) in connection with criminal proceedings.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[3] extends the offence in the *Crimes Act 1900* (the *principal Act*), section 322 to make it an offence to threaten to do or cause, or do or cause, an injury or detriment to a person intending to influence the person's conduct as an Australian legal practitioner acting for a defendant in a criminal matter or in connection with criminal proceedings. The offence has a maximum penalty of imprisonment for 10 years. **Schedule 1[2]** provides that a person does not commit an offence under section 322 if the person has a reasonable excuse. **Schedule 1[4]** provides that a reasonable excuse includes making a complaint to a person or body acting in an official capacity or ending a retainer. **Schedule 1[1], [5], [6] and [11]** make consequential amendments.

Schedule 1[9] amends the principal Act, section 326 to make it an offence to threaten to do or cause, or do or cause, an injury or detriment to a person on account of anything lawfully done by the person as an Australian legal practitioner acting for a defendant in a criminal matter or in connection with criminal proceedings. The offence has a maximum penalty of imprisonment for 10 years. **Schedule 1[8]** provides that a person does not commit an offence under section 326 if the person has a reasonable excuse. **Schedule 1[10]** provides that a reasonable excuse includes making a complaint to a person or body acting in an official capacity or ending a retainer. **Schedule 1[7]** makes a consequential amendment.

Schedule 2 Amendment of other Acts

Schedule 2 amends the *Criminal Procedure Act 1986* and the *Evidence Act 1995* consequent on the amendment made by Schedule 1[5].