



New South Wales

Bail and Crimes Amendment Bill 2024

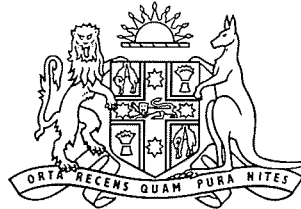
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This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Bail and Crimes Amendment Bill 2024

Act No , 2024

An Act to amend the *Bail Act 2013* to provide for a temporary limitation on granting bail for certain young persons in relation to certain serious offences; to amend the *Crimes Act 1900* to provide for a new offence in relation to performance crimes; and to make consequential amendments to the *Criminal Procedure Act 1986*.

EXAMINED

Speaker

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Bail and Crimes Amendment Act 2024</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1 Amendment of Bail Act 2013 No 26

[1] Section 22C

Insert after section 22B—

22C Temporary limitation on bail for certain young persons in relation to certain serious offences

- (1) A bail authority must not grant bail to a relevant young person for a relevant offence alleged to have been committed while the young person is on bail for another relevant offence unless the bail authority has a high degree of confidence the young person will not commit a serious indictable offence while on bail subject to any proposed bail conditions.
- (2) A decision under subsection (1) may be made only after—
 - (a) an assessment of bail concerns is made under Division 2, and
 - (b) consideration of whether any bail conditions could reasonably be imposed to address any bail concerns or risk the relevant young person will commit a further serious indictable offence.
- (3) To avoid doubt, the requirement under this section to establish that bail should be refused for the relevant young person remains with the prosecution.
- (4) This section applies despite anything to the contrary in this Act.
- (5) This section expires 12 months after this section commences.
- (6) In this section—

motor theft offence means an offence under the following sections of the *Crimes Act 1900*—

 - (a) section 154A,
 - (b) section 154C,
 - (c) section 154F.

relevant offence means—

 - (a) a motor theft offence, or
 - (b) a serious breaking and entering offence, or
 - (c) an offence under the *Crimes Act 1900*, section 154K, if the underlying offence is a motor theft offence or serious breaking and entering offence.

relevant young person, for a relevant offence, means an individual who is, at the time the relevant offence is alleged to have been committed—

 - (a) 14 years of age or more, and
 - (b) less than 18 years of age.

serious breaking and entering offence means an offence under the *Crimes Act 1900*, Part 4, Division 4 that is punishable by imprisonment for a term of 14 years or more.

serious indictable offence has the same meaning as in the *Crimes Act 1900*, section 4(1).

[2] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part	Provision consequent on enactment of Bail and Crimes Amendment Act 2024	1
		2
Application of amendments		3
	An amendment made to this Act by the <i>Bail and Crimes Amendment Act 2024</i>	4
	extends to offences committed or alleged to have been committed, or charged,	5
	before the commencement of the amendment.	6

Schedule 2 Amendment of Crimes Act 1900 No 40

[1] Part 4, Division 5B

Insert after section 154J—

Division 5B Performance crime offences

154K Performance crime offences

- (1) A person (the *offender*) commits an offence (a *performance crime offence*) against this section if—
- (a) the offender’s act or omission constitutes—
- (i) a motor theft offence, or
- (ii) a breaking and entering offence, and
- (b) the offender disseminates material to advertise—
- (i) the offender’s involvement in the offence, or
- (ii) the act or omission constituting the offence.
- (2) An offender who commits a performance crime offence is liable for a maximum penalty that equals the total of the following—
- (a) the maximum penalty for the motor theft offence or breaking and entering offence,
- (b) imprisonment for 2 years.
- (3) To avoid doubt, if an offender is convicted of a performance crime offence the offender cannot also be convicted of a motor theft offence or breaking and entering offence in relation to the act or omission constituting the performance crime offence.
- (4) In this section—
- advertise* means attract the notice and attention of—
- (a) the public, or
- (b) a limited section of the public.
- breaking and entering offence* means an offence under the *Crimes Act 1900*, Part 4, Division 4.
- disseminate*, in relation to material, means send, supply, exhibit, transmit or communicate the material, including through social media and other electronic methods.
- material* includes anything that contains data from which text, images or sound can be generated.
- motor theft offence* means an offence under the following sections of the *Crimes Act 1900*—
- (a) section 154A,
- (b) section 154C,
- (c) section 154F.

154L Review of division

- (1) The Minister must review this division to determine whether—
- (a) the policy objectives of the division remain valid, and
- (b) the terms of the division remain appropriate for achieving the objectives.

(2)	The review must be undertaken as soon as practicable after the period of 2 years after the commencement of this division.	1 2
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 6 months after the end of the period of 2 years.	3 4
[2]	Schedule 11 Savings, transitional and other provisions	5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
Part	Provision consequent on enactment of Bail and Crimes Amendment Act 2024	7 8
	Application of amendment	9
	An amendment made to this Act by the <i>Bail and Crimes Amendment Act 2024</i> applies only in relation to an offence committed, or alleged to have been committed, on or after the commencement of the amendment.	10 11 12

Schedule 3	Amendment of Criminal Procedure Act 1986 No 209	1
		2
[1] Schedule 1 Indictable offences triable summarily		3
Insert after Table 1, item 16E—		4
16F Performance crime offences		5
An offence under the <i>Crimes Act 1900</i> , section 154K, if the motor theft offence or breaking and entering offence that underlies the offence is already prescribed as an offence under this Table.		6
		7
		8
[2] Schedule 1, Table 2		9
Insert after Table 2, item 4G—		10
4H Performance crime offences		11
An offence under the <i>Crimes Act 1900</i> , section 154K, if the motor theft offence or breaking and entering offence that underlies the offence is already prescribed as an offence under this Table.		12
		13
		14