

Passed by both Houses



New South Wales

# Bail and Crimes Amendment Bill 2024

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

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

*, 2024*



New South Wales

## **Bail and Crimes Amendment Bill 2024**

Act No \_\_\_\_\_, 2024

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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*.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Bail and Crimes Amendment Act 2024*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## 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**

### **Application of amendments**

An amendment made to this Act by the *Bail and Crimes Amendment Act 2024* extends to offences committed or alleged to have been committed, or charged, before the commencement of the amendment.

## 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.
- (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.

**[2] Schedule 11 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**

**Application of amendment**

An amendment made to this Act by the *Bail and Crimes Amendment Act 2024* applies only in relation to an offence committed, or alleged to have been committed, on or after the commencement of the amendment.

## **Schedule 3      Amendment of Criminal Procedure Act 1986 No 209**

**[1]    Schedule 1 Indictable offences triable summarily**

Insert after Table 1, item 16E—

**16F    Performance crime offences**

An offence under the *Crimes Act 1900*, 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.

**[2]    Schedule 1, Table 2**

Insert after Table 2, item 4G—

**4H    Performance crime offences**

An offence under the *Crimes Act 1900*, 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.