
c2025-058B
OPP--Opposition

LEGISLATIVE COUNCIL

Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025

Second print

Proposed amendments

No. 1 **Additional bail conditions for grant of bail under Bail Act 2013, section 22C**

Page 3, Schedule 1, lines 2–4. Omit all words on the lines. Insert instead—

[1] Section 22C Temporary limitation on bail for certain young persons in relation to certain serious offences

Omit section 22C(1). Insert instead—

- (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—
 - (a) 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, and
 - (b) the bail authority grants bail subject to bail conditions that include—
 - (i) the imposition of a curfew on the relevant young person between the hours of 8pm and 6am, and
 - (ii) a requirement the relevant young person be subject to electronic monitoring by the Commissioner for Corrective Services in relation to the enforcement of the bail condition imposing a curfew and any other relevant bail conditions.

[1A] Section 22C(3A) and (3B)

Insert after section 22C(3)—

- (3A) If any of the following circumstances occur in relation to a young person subject to bail conditions under this section, the young person's bail is taken to have been revoked under this Act—
 - (a) the relevant young person fails to comply with the bail conditions,
 - (b) any further charges are laid against the relevant young person,
 - (c) there is any interference with the device used to electronically monitor the relevant young person.

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- (3B) If a relevant young person's bail is revoked under subsection (3A), a further decision to grant bail to the young person for the same offence cannot be made unless—
- (a) the failure to comply with bail conditions that resulted in the young person's bail being revoked under that subsection was a trivial failure, or
 - (b) exceptional circumstances apply.

[1B] Section 22C(5)

Omit the subsection. Insert instead—

No. 2 Sunset date for Bail Act 2013, section 22C

Page 3, Schedule 1[1], proposed section 22C(5), line 5. Omit "4 April 2028". Insert instead "1 October 2026".

No. 3 Reports from BOCSAR—consequential amendment

Page 3, Schedule 1[2], line 6. Omit "Section". Insert instead "Sections 22CA and".

No. 4 Reports from BOCSAR

Page 3, Schedule 1[2]. Insert after line 7—

22CA Reports from BOCSAR

- (1) BOCSAR must, for each prescribed period, prepare a report about the operation of section 22C and related matters, including the following—
 - (a) the numbers of relevant offences committed during the prescribed period,
 - (b) the number of relevant offences for which the following persons were charged during the prescribed period—
 - (i) relevant young persons,
 - (ii) individuals who, at the time the relevant offences were alleged to have been committed by the individuals, were—
 - (A) at least 10 years of age, and
 - (B) less than 14 years of age,
 - (c) whether the relevant young persons or other individuals referred to in paragraph (b) were on bail at the time the relevant offences were alleged to have been committed and, if so, whether the bail was in relation to earlier charges for relevant offences,
 - (d) whether relevant young persons and other individuals referred to in paragraph (b) were granted bail in relation to the offences with which the young persons and other individuals were charged and, if so, details of the particular offences with which the relevant young persons and other individuals were charged,
 - (e) a comparison between the matters mentioned in paragraphs (a)–(d) during the equivalent period immediately before the commencement of section 22C and the prescribed period.
 - (2) BOCSAR must, as soon as practicable after preparing each report, give the report to the Minister.
 - (3) The Minister must ensure that a report received under subsection (2) is given to the Presiding Officer of each House of Parliament as soon as practicable after its receipt.
 - (4) The Presiding Officer of a House of Parliament—
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- (a) must ensure the report is tabled on the first sitting day after the report's receipt, and
 - (b) may make the report public whether or not the House is in session and whether or not the report has been tabled in the House.
- (5) If a report is made public by the Presiding Officer of a House of Parliament before it is tabled in the House, the report attracts the same privileges and immunities as if the report had been tabled in the House.
- (6) To avoid doubt, this section, including any definitions in subsection (7), continues to apply despite the repeal of the *Bail Act 2013*, section 22C.
- (7) In this section—
- BOCSAR** means the Bureau of Crime Statistics and Research within the department in which this Act is administered.
- prescribed period** means—
- (a) the period starting on the commencement of this section and ending 3 months after that date, or
 - (b) each period of 3 months starting on the date the last prescribed period ended.
- relevant offence** means—
- (a) a motor theft offence within the meaning of section 22C, or
 - (b) a serious breaking and entering offence within the meaning of section 22C, or
 - (c) an offence against the *Crimes Act 1900*, section 154K, or
 - (d) another serious indictable offence within the meaning of section 22C.
- relevant young person** has the same meaning as in section 22C.

No. 5 **Long title**

Insert “; and to make other amendments to that Act for related purposes” after “that Act”.
