



New South Wales

# Crimes Legislation Amendment (Youth Crime) Bill 2025

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Bail Act 2013* (*the Act*) and the *Crimes (Sentencing Procedure) Act 1999* to provide that a person 14 years of age or more and less than 18 years of age (a *relevant young person*) who has committed a serious indictable offence must not be granted bail unless—

- (a) a police officer, an authorised justice or a court (a *bail authority*) has a high degree of confidence the relevant young person will not commit a serious indictable offence, and
- (b) certain bail conditions are imposed in relation to curfews and electronic monitoring.

## 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 on the date of assent to the proposed Act.

## Schedule 1 Amendment of Bail Act 2013 No 26

**Schedule 1[1] and [3]** provide that a bail authority must not grant bail to a relevant young person alleged to have committed a motor theft offence, serious breaking and entering offence, or another serious indictable offence (a *relevant offence*) while on bail for another relevant offence, unless—

- (a) the bail authority has a high degree of confidence the relevant young person will not commit a relevant offence while on bail, and

(b) the bail conditions include imposing a curfew and electronic monitoring.

**Schedule 1[4]** provides the circumstances in which a bail authority may vary a bail condition imposing a curfew under the Act, section 22C.

The bail authority must not grant bail subject to a bail condition imposing electronic monitoring to a relevant young person unless the bail authority is satisfied the relevant young person will be appropriately supported, including by having regard to the following—

- (a) the relevant young person's capacity to understand the condition,
- (b) whether the relevant young person is likely to comply with the condition,
- (c) whether a parent or other person has indicated a willingness to support the relevant young person with the relevant young person's bail conditions.

If bail is granted for a relevant young person under the Act, section 22C the bail authority must consider making an order that the relevant young person be detained in custody until the electronic monitoring device is fitted to the young person and may impose any other condition to facilitate the operation of the electronic monitoring device.

**Schedule 1[2]** sets out the circumstances in which a relevant young person's bail is revoked while subject to bail conditions under the Act, section 22C and provides that if the bail is revoked, the person cannot be granted bail for the same offence, except in certain circumstances.

**Schedule 1[5]** inserts a savings and transitional provision.

## **Schedule 2      Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

**Schedule 2[1]–[3]** provide that for an offence being dealt with by the Supreme Court, District Court or Children's Court that is the second or subsequent relevant offence committed by a relevant young person, a victim impact statement may be considered by the court before sentencing and in determining the punishment of a relevant young person.

**Schedule 2[4]** inserts a savings and transitional provision.



New South Wales

# Crimes Legislation Amendment (Youth Crime) Bill 2025

## Contents

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		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Bail Act 2013 No 26</b>	<b>3</b>
<b>Schedule 2</b>	<b>Amendment of Crimes (Sentencing Procedure) Act 1999 No 92</b>	<b>6</b>

*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Crimes Legislation Amendment (Youth Crime) Bill 2025**

No. , 2025

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### **A Bill for**

An Act to amend the *Bail Act 2013* to provide for matters in relation to bail for certain young persons; and to amend the *Crimes (Sentencing Procedure) Act 1999* to provide for the use of victim impact statements in sentencing certain young persons who commit certain second or subsequent crimes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

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

1

**1 Name of Act**

2

This Act is the *Crimes Legislation Amendment (Youth Crime) Act 2025*.

3

**2 Commencement**

4

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

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## Schedule 1 Amendment of Bail Act 2013 No 26

### [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

**Note—** See section 22CA(1), which provides the imposition of a curfew on a relevant young person may be varied in limited circumstances only.

(ii) a requirement the relevant young person be subject to electronic monitoring by one of the following persons or agencies in relation to the enforcement of the bail condition imposing a curfew and any other relevant bail conditions—

(A) Commissioner for Corrective Services,

(B) an appropriate government sector agency.

**Note—** See section 22CA(2) and (3), which provide for additional matters to which the bail authority must have regard in deciding whether to refuse bail or that relevant support is in place to permit bail to be granted subject to a condition requiring the relevant young person be subject to electronic monitoring.

### [2] Section 22C(3A) and (3B)

Insert after section 22C(3)—

(3A) If any of the following circumstances occur in relation to a relevant 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.

(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.

### [3] Section 22C(6), definition of "relevant offence"

Omit "entering offence." from paragraph (c).

Insert instead—

entering offence, or

(d)	another serious indictable offence.	1
<b>[4]</b>	<b>Section 22CA</b>	2
	Insert after section 22C—	3
<b>22CA</b>	<b>Curfews and electronic monitoring for relevant young persons</b>	4
(1)	A bail condition under section 22C(1)(b)(i) may be varied, at the time bail is granted or at a later time, by a bail authority only if—	5 6
(a)	the bail authority imposes a curfew that is for more hours than the hours specified in that subparagraph, or	7 8
(b)	the bail authority—	9
(i)	considers the variation necessary to allow the relevant young person to engage in a therapeutic activity, and	10 11
(ii)	the bail conditions include—	12
(A)	the varied hours for which the young person is subject to a curfew, and	13 14
(B)	the therapeutic activity in which the young person is to engage.	15 16
(2)	A bail authority must not grant bail under section 22C unless the bail authority is satisfied electronic monitoring of the relevant young person will be appropriately supported having regard to the following matters—	17 18 19
(a)	whether the relevant young person has the capacity to understand the condition and any conditions under subsection (3),	20 21
(b)	whether the relevant young person is likely to comply with the condition and any conditions under subsection (3) having regard to the particular circumstances of the young person,	22 23 24
	<b>Examples of personal circumstances of a relevant young person for paragraph (b)—</b>	25 26
	<ul style="list-style-type: none"><li>whether the relevant young person has stable accommodation</li><li>whether the relevant young person has the support of a parent or another person to assist with compliance with the conditions</li><li>whether the relevant young person has access to a mobile phone to facilitate contact with the person or agency conducting the electronic monitoring</li><li>whether the relevant young person has access to an electricity supply</li></ul>	27 28 29 30 31 32 33
(c)	whether a parent of the relevant young person or another person has indicated a willingness to the bail authority to—	34 35
(i)	support the relevant young person to comply with the bail conditions to which the bail will be subject, and	36 37
(ii)	notify a police officer of a change in the relevant young person's personal circumstances that may affect the young person's ability to comply with the bail conditions, and	38 39 40
(iii)	notify a police officer of a breach of the bail conditions,	41
(d)	another matter the court considers relevant.	42
(3)	If bail is granted for a relevant young person, the bail authority—	43
(a)	must consider making an order that the relevant young person be detained in custody until the electronic monitoring device is fitted to the young person, and	44 45 46
(b)	may impose any other condition the bail authority considers necessary to facilitate the operation of the electronic monitoring device.	47 48

<b>Examples of conditions a bail authority may consider necessary to facilitate the operation of an electronic monitoring device required to be worn by a relevant young person—</b>	1
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• a condition that requires the relevant young person to attend at a stated place to be fitted with the electronic monitoring device	4
	5
• a condition that requires the relevant young person to take stated and other reasonable steps to ensure the electronic monitoring device and any equipment necessary for the device are or remain in good working order	6
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• a condition that requires the relevant young person to permit a police officer to enter stated premises to install equipment necessary for the operation of the electronic monitoring device	10
	11
	12
• a condition that requires the relevant young person to permit a police officer to take stated and other reasonable steps to ensure the electronic monitoring device and any equipment necessary for the operation of the device are or remain in good working order	13
	14
	15
	16
• a condition that requires the relevant young person to comply with a direction given by a police officer that is reasonably necessary for the operation of the electronic monitoring device	17
	18
	19
(4) In this section—	20
<i>relevant young person</i> has the same meaning as in section 22C.	21
<b>[5] Schedule 3 Savings, transitional and other provisions</b>	22
Insert at the end of the schedule, with appropriate part and clause numbering—	23
<b>Part Provision consequent on enactment of Crimes Legislation Amendment (Youth Crime) Act 2025</b>	24
	25
<b>Application of amendment</b>	26
(1) Section 22C, as amended by the amendment Act, extends to an offence charged after the commencement of the amendment Act where the offence is alleged to have been committed before the commencement.	27
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	29
(2) In this clause—	30
<i>amendment Act</i> means the <i>Crimes Legislation Amendment (Youth Crime) Act 2025</i> .	31
	32



<b>Schedule 2</b>	<b>Amendment of Crimes (Sentencing Procedure) Act 1999 No 92</b>	1
		2
<b>[1]</b>	<b>Section 27 Application of Division</b>	3
	Omit “1900.” from section 27(2)(e). Insert instead—	4
	1900, or	5
	(f) an offence that is a second or subsequent relevant offence committed by a relevant young person.	6
	<b>Note—</b> If the offence is a second or subsequent relevant offence, for example a motor theft offence or serious breaking and entering offence, committed by a young person who is 14 years of age or more but less than 18 years of age, a victim impact statement may be considered by the court before sentencing and in determining the punishment for the young person for the relevant offence.	7
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<b>[2]</b>	<b>Section 27(4A)(c)</b>	13
	Omit “offence.” from section 27(4A)(b)(iv). Insert instead—	14
	offence, or	15
	(c) the offence is a second or subsequent relevant offence committed by a relevant young person.	16
	<b>Note—</b> If the offence is a second or subsequent relevant offence, for example a motor theft offence or serious breaking and entering offence, committed by a young person who is 14 years of age or more but less than 18 years of age, a victim impact statement may be considered by the court before sentencing and in determining the punishment for the young person for the relevant offence.	17
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<b>[3]</b>	<b>Section 27(7)</b>	23
	Insert after section 27(6)—	24
	(7) In this section—	25
	<i>relevant offence</i> has the same meaning as in the <i>Bail Act 2013</i> , section 22C.	26
	<i>relevant young person</i> has the same meaning as in the <i>Bail Act 2013</i> , section 22C.	27
		28
<b>[4]</b>	<b>Schedule 2 Savings, transitional and other provisions</b>	29
	Insert at the end of the schedule, with appropriate part and clause numbering—	30
<b>Part</b>	<b>Provision consequent on enactment of Crimes Legislation Amendment (Youth Crime) Act 2025</b>	31
		32
	<b>Application of amendments</b>	33
	(1) The amendments made to section 27 by the amendment Act extend to an offence committed before the commencement of the amendment Act that is dealt with by a court after the commencement.	34
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(2) In this clause—

***amendment Act*** means the *Crimes Legislation Amendment (Youth Crime) Act 2025*.

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