LEGISLATIVE COUNCIL

YOUTH JUSTICE BILL 2024

(Amendments and New Clauses to be proposed in Committee by JACLYN SYMES)

1.   Clause 1, page 3, line 8, omit "**1977** to provide" and insert "**1977**, including by providing".

2.   Clause 2, after line 16 insert—

   "(1AA)   The following provisions come into operation on the day after the day on which this Act receives the Royal Assent—

      (a) this section; and

      (b) Division 3 of Part 22.1; and

      (c) section 904.".

3.   Clause 2, line 17, after "subsections" insert "(1A),".

4.   Clause 2, line 17, after "and (3)," insert "the remaining provisions of".

5.   Clause 2, line 17, omit "comes" and insert "come".

6.   Clause 2, after line 18 insert—

   "(1A)   If Division 2 of Part 22.1 does not come into operation before 2 December 2024, it comes into operation on that day.".

7.   Clause 2, line 19, after "If" insert "the remaining provisions of".

8.   Clause 2, line 20, after "Chapter 20," insert "the remaining provisions of".

9.   Chapter heading before clause 899, omit "**Trial of electronic monitoring of children on bail in certain circumstances**" and insert "**Bail amendments**".

10.   Insert the following Division heading before clause 899—

"Division 1—Trial of electronic monitoring of children on bail in certain circumstances".

NEW CLAUSES

11.   Insert the following Division heading and New Clauses to follow clause 903—

'Division 2—Scheduled offences, unacceptable risk and conduct conditions

903A   All offences—unacceptable risk test

   (1)   Before section 4E(1)(a)(i) of the **Bail Act 1977 insert**—

      "(iaa) commit a Schedule 1 offence or a Schedule 2 offence; or".

(2)　In section 4E(1)(a)(i) of the **Bail Act 1977**, after "(i)" **insert** "otherwise".

903B　Conduct conditions

(1)　Before section 5AAA(1)(a) of the **Bail Act 1977 insert**—

"(aa)　commit a Schedule 1 offence or a Schedule 2 offence; or".

(2)　In section 5AAA(1)(a) of the **Bail Act 1977**, after "(a)" **insert** "otherwise".

903C　New section 30A inserted

After section 30 of the **Bail Act 1977 insert**—

"30A　Offence to commit Schedule 1 offence or Schedule 2 offence while on bail

An accused on bail must not commit a Schedule 1 offence or Schedule 2 offence while on bail.

Penalty:　30 penalty units or 3 months imprisonment.

Note

See sections 16 and 33 of the **Sentencing Act 1991** and sections 411 and 413 of the **Children, Youth and Families Act 2005**.".

Division 3—Examples, revocation and review

903D　All offences—unacceptable risk test

For the example at the foot of section 4E(1) of the **Bail Act 1977 substitute**—

"**Example**

An unacceptable risk that the accused, if released on bail, would—

(a)　drive dangerously; or

(b)　commit a family violence offence; or

(c)　commit an aggravated burglary; or

(d)　commit an armed robbery; or

(e)　commit a carjacking; or

(f)　commit a home invasion.".

903E　All offences—unacceptable risk test

For the example at the foot of section 5AAA(1) of the **Bail Act 1977 substitute**—

"**Example**

A bail decision maker may impose a condition in order to reduce the likelihood that the accused may—

(a)　drive dangerously; or

(b)　commit a family violence offence; or

(c)　commit an aggravated burglary; or

(d)　commit an armed robbery; or

(e) commit a carjacking; or

(f) commit a home invasion.".

903F Application for revocation of bail

After section 18AE(1) of the **Bail Act 1977 insert**—

"(1A) Without limiting subsection (1), an application under that subsection may be made because the applicant believes on reasonable grounds that the person—

(a) has committed an offence since bail was granted; or

(b) is likely to commit an offence whilst on bail; or

(c) has breached a condition of bail; or

(d) is likely to breach a condition of bail or the bail undertaking.".

903G Section 32C amended

(1) In the heading to section 32C of the **Bail Act 1977**, for "**amendments made by Bail Amendment Act 2023**" **substitute** "**certain amendments**".

(2) In section 32C(1) of the **Bail Act 1977**, for "by the **Bail Amendment Act 2023**." **substitute** "by—

(a) the **Bail Amendment Act 2023**; and

(b) Part 22.1 of the **Youth Justice Act 2024** (other than Division 1 of that Part).".'.

12. Insert the following Division heading before clause 904—

"Division 4—Transitional provisions and technical amendments".

13. Clause 904, line 10, omit 'committed.".'. and insert "committed.".

14. Clause 904, after line 10 insert—

'(24A) Section 30A applies in respect of an offence alleged to have been committed on or after the commencement of section 903C of the **Youth Justice Act 2024**.".'.

NEW CLAUSE

15. Insert the following New Clause to follow clause 913—

'**913A Offence to commit Schedule 1 offence or Schedule 2 offence while on bail**

In the Note at the foot of section 30A of the **Bail Act 1977**, for "sections 411 and 413 of the **Children, Youth and Families Act 2005**." substitute "section 327 of the **Youth Justice Act 2024**.".'.