

LEGISLATIVE COUNCIL

BAIL AMENDMENT (TOUGH BAIL) BILL 2025

(Amendments and New Clauses to be proposed in Committee by EVAN MULHOLLAND)

1. Clause 1, page 2, line 18, after "offences" insert "(including both the offence of committing an indictable offence while on bail and the offence of contravening a conduct condition while on bail)".
2. Clause 1, page 2, after line 19 insert—
 - "(viii) to make further provision in relation to which bail decision makers may grant bail to a person who is accused of either the offence of committing an indictable offence while on bail or the offence of contravening a conduct condition while on bail; and".
3. Clause 2, line 31, omit "29 September" and insert "30 June".

NEW CLAUSES

4. After clause 5 insert—
 - '5A Power of police officer, sheriff or authorised person**
In the note at the foot of section 10(5) of the Principal Act, for "Schedule 2 offences" **substitute** "certain Schedule 2 offences".
 - 5B Power of bail justice to grant or refuse bail**
In the note at the foot of section 10A(5) of the Principal Act, for "Schedule 2 offences" substitute "certain Schedule 2 offences".
 - 5C Treason, murder, certain other offences**
In section 13(4) of the Principal Act—
 - (a) in paragraph (a), for "person." **substitute** "person; or".
 - (b) after paragraph (a) **insert**—
 - "(b) the offence to which section 4AA(2)(c) or (d) relates is—
 - (i) an offence referred to in item 30H of Schedule 2; or
 - (ii) an offence referred to in item 30I of Schedule 2; or
 - (iii) in relation to an offence referred to in item 30H of Schedule 2, an offence referred to in item 31 of that Schedule; or
 - (iv) in relation to an offence referred to in item 30I of Schedule 2, an offence referred to in item 31 of that Schedule."

5D Accused on 2 or more undertakings of bail

- (1) In section 13A(1) of the Principal Act, for "Schedule 2 offence" **substitute** "relevant Schedule 2 offence".
 - (2) After section 13A(2) of the Principal Act **insert**—
 - "(3) For the purposes of this section, a *relevant Schedule 2 offence* is any Schedule 2 offence other than—
 - (a) an offence referred to in item 30H of Schedule 2; or
 - (b) an offence referred to in item 30I of Schedule 2; or
 - (c) in relation to an offence referred to in item 30H of Schedule 2, an offence referred to in item 31 of that Schedule; or
 - (d) in relation to an offence referred to in item 30I of Schedule 2, an offence referred to in item 31 of that Schedule.".'.
5. Clause 9, page 6, line 8, omit "**(Tough Bail)**".
 6. Clause 9, page 6, line 12, omit "**(Tough Bail)**".
 7. Clause 10, line 17, omit "**(Tough Bail)**".
 8. Clause 10, line 26, omit "**(Tough Bail)**".
 9. Clause 12, page 8, line 34, omit 'firearm);".' and insert "firearm);".
 10. Clause 12, page 8, after line 34 insert—
 - '(aac) section 75 (robbery);
 - (aad) section 76 (burglary);".'.
 11. Clause 12, page 10, line 24, omit 'offence).".' and insert "offence)".
 12. Clause 12, page 10, after line 24 insert—
 - '30H. An offence against section 30B (commit indictable offence while on bail).
 - 30I. An offence against section 49F of the **Summary Offences Act 1966** (contravening conduct condition of bail undertaking).".'.
 13. Clause 14, line 18, omit all words and expressions on this line.
 14. Clause 14, lines 22 to 24, omit all words and expressions on these lines.
 15. Clause 18, line 3, omit "29 September" and insert "30 June".
- AMENDMENT OF SHORT TITLE
16. Short title, omit "**(Tough Bail)**".