

LEGISLATIVE ASSEMBLY
BAIL AMENDMENT BILL 2023

(Amendments and New Clause to be moved by Michael O'Brien)

1. Clause 1, page 2, lines 13 and 14, omit all words and expressions on these lines.
2. Clause 1, page 2, line 26, omit "bail." and insert "bail; and".
3. Clause 1, page 2, after line 26 insert—
 - "(e) to require a review of the operation of the amendments made by this Act."
4. Clause 8, line 16, omit "**repealed;**" and insert "**repealed.**".
5. Clause 8, line 17, omit all words and expressions on this line.
6. Clause 18, after line 27 insert—
 - "(2A) The step 1—show compelling reason test applies to a decision of whether to grant bail to a child who is accused of any of the following Schedule 1 offences—
 - (a) an offence against section 77B of the **Crimes Act 1958** (aggravated home invasion);
 - (b) an offence against section 79A of the **Crimes Act 1958** (aggravated carjacking)—
unless the step 1—exceptional circumstances test applies under subsection (2)."
7. Clause 18, page 13, after line 2 insert—
 - "(ca) an offence against section 15A(1) of the **Crimes Act 1958** (causing serious injury intentionally in circumstances of gross violence);
 - (cb) an offence against section 38(1) of the **Crimes Act 1958** (rape);
 - (cc) an offence against section 39(1) of the **Crimes Act 1958** (rape by compelling sexual penetration);
 - (cd) an offence against section 49A(1) of the **Crimes Act 1958** (sexual penetration of a child under the age of 12);
 - (ce) an offence against section 75A(1) of the **Crimes Act 1958** (armed robbery);
 - (cf) an offence against section 77 of the **Crimes Act 1958** (aggravated burglary);"

8. Part heading preceding clause 39, omit "**certain offences**" and insert "**offence to contravene certain conduct conditions**".
9. Clause 40, omit this clause.
10. Clause 118, line 29, after "30(1)" insert "or 30B".

NEW CLAUSE

11. Insert the following New Clause to follow clause 116—

'116A New section 32C inserted

After section 32B of the Principal Act **insert**—

"32C Review of amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must cause a review to be conducted of the operation of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Bail Amendment Act 2023**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it."