CRIMES AMENDMENT (RECRUITMENT OF CHILDREN FOR CRIMINAL ACTIVITY) BILL 2026

(Amendments made by the Legislative Council)

1. Clause 1, page 2, line 4, omit "child." and insert "child; and".

2. Clause 1, page 2, after line 4 insert—

"(d) to establish a new process for requiring financial institutions to produce documents that are relevant to certain offences.".

3. Clause 2, line 6, omit "This Act" and insert "(1) This Act (except section 7A)".

4. Clause 2, after line 7 insert—

"(2) Subject to subsection (3), section 7A comes into operation on a day to be proclaimed.

(3) If section 7A does not come into operation before 21 December 2026, it comes into operation on that day.".

NEW CLAUSE

5. Insert the following New Clause to follow Clause 7—

'**7A New Subdivision (33) inserted in Division 1 of Part III**

After Subdivision (32) in Division 1 of Part III of the **Crimes Act 1958 insert**—

"**(33)** ***Production notices***

470A Definitions

In this Subdivision—

applicable offence means—

(a) an indictable offence against the law of Victoria; or

(b) any other offence against the law of Victoria that is prescribed or that belongs to a class that is prescribed;

bank means—

(a) the Reserve Bank of Australia; or

(b) an ADI; or

(c) a person who carries on State banking within the meaning of section 51(xiii) of the Constitution of the Commonwealth;

building society means a society registered or incorporated as a building society, co-operative housing society or similar society under an Act or the laws of another State or a Territory;

financial institution means—

(a) a bank; or

(b) a building society; or

(c) a credit union; or

(d) a body corporate that is a financial corporation within the meaning of section 51(xx) of the Constitution of the Commonwealth (or would be if it had been incorporated in Australia); or

(e) a provider of a registrable virtual asset service within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 of the Commonwealth; or

(f) a casino operator within the meaning of the **Casino Control Act 1991**; or

(g) a wagering and betting licensee within the meaning of the **Gambling Regulation Act 2003**; or

(h) an entity that is prescribed or that belongs to a prescribed class;

issuing officer means—

(a) the Chief Commissioner of Police; or

(b) a police officer authorised under section 470C;

production notice has the meaning given by section 470B.

470B What is a *production notice*?

A ***production notice*** is a notice requiring a financial institution to do either or both of the following—

(a) to produce to a police officer one or more documents that—

(i) are possessed or controlled by the institution; and

(ii) contain information in respect of an account that an entity holds or keeps with the institution; or

(b) to compile one or more documents from information that—

(i) is possessed or controlled by the institution; and

(ii) is in respect of an account that an entity holds or keeps with the institution.

470C Chief Commissioner of Police may authorise police officer to be issuing officer

The Chief Commissioner of Police may authorise in writing a police officer of or above the rank of inspector to issue production notices.

470D Police officer may apply for production notice

(1) A police officer may apply to an issuing officer for the issue of a production notice directed to a financial institution if the police officer believes on reasonable grounds that the financial institution possesses or controls information, or one or more documents, that may assist in the investigation or prosecution of an applicable offence.

(2) The application must—

(a) be in writing; and

(b) identity the financial institution; and

(c) identify the documents sought to be produced, including by identifying—

(i) the account in respect of which the production notice is to be issued; or

(ii) the entity that holds or keeps that account; and

Note

See subsection (3).

(d) state the applicable offence the investigation or prosecution of which may be assisted by the documents; and

(e) state the grounds on which the applicant has formed the belief required by subsection (1), including—

(i) the grounds for believing that the financial institution possesses or controls the documents or information referred to in that subsection; and

(ii) the grounds for believing that the production referred to in that subsection may assist in the investigation or prosecution of the applicable offence stated in accordance with paragraph (d); and

(f) set out the facts, matters and circumstances on which the application relies; and

(g) specify the period of time that the applicant proposes for the financial institution to have to comply with the notice; and

Note

See section 470E(6).

(h) specify how, in what form and to which police officer the applicant seeks for the documents to be produced; and

(i) if a form is prescribed, be in that form; and

(j) if additional material is prescribed, include that material.

(3) Without limiting subsection (2)(c), identifying the account, or an entity that holds or keeps the account, for the purposes of that provision may involve—

(a) stating an account number; or

(b) stating a name in which the account is held or kept; or

(c) stating an address, an electronic address or a unique identifier associated with the account or the entity.

Examples

1 A residential or business address used by the entity.

2 An email address used by the entity.

3 An internet protocol address used by the entity.

4 If the account concerns cryptocurrency, a unique identifier, known as a wallet address, that is used by the entity.

(4) The police officer is not required to give notice of the application to any person.

470E Issue of production notice

(1) On an application under section 470D, an issuing officer may issue to the applicant a production notice that—

(a) concerns every document identified in the application; and

(b) is directed at the financial institution identified in the application—

if satisfied of the matters set out in subsection (2) in respect of each document.

(2) The matters of which the issuing officer must be satisfied in respect of each document are that—

(a) the financial institution either—

(i) possesses or controls the document; or

(ii) possesses or controls the information from which the document is to be compiled; and

(b) the document may assist in the investigation or prosecution of the applicable offence stated in the application.

(3) In determining whether to issue the production notice, the issuing officer must have regard to the reliability of the information on which the application relies.

(4) A production notice must—

(a) identify the financial institution to which it is directed; and

(b) identify each document that is to be produced, including by identifying—

(i) the account in respect of which the production notice is to be issued; or

(ii) the entity that holds or keeps that account; and

Note

See subsection (5).

(c) specify, in accordance with subsection (6), the period within which the institution must comply with the notice; and

(d) specify how, in what form and to which police officer the documents are to be produced; and

(e) state the effect of sections 470H and 470I; and

(f) if a form is prescribed, be in that form; and

(g) if additional material is prescribed, include that material.

(5) Without limiting subsection (4)(b), identifying the account, or an entity that holds or keeps the account, for the purposes of that provision may involve—

(a) stating an account number; or

(b) stating a name in which the account is held or kept; or

(c) stating an address, an electronic address or a unique identifier associated with the account or the entity.

Examples

1 A residential or business address used by the entity.

2 An email address used by the entity.

3 An internet protocol address used by the entity.

4 If the account concerns cryptocurrency, a unique identifier, known as a wallet address, that is used by the entity.

(6) The period specified in accordance with subsection (4)(c)—

(a) is to begin on the day that the production notice is served on the financial institution; and

(b) must be no less than 5 days and no more than 28 days.

(7) A production notice may be issued in respect of a financial institution that is not located in Victoria.

470F Service of production notice

(1) As soon as practicable after a production notice is issued, the Chief Commissioner of Police must ensure that the notice is served on the financial institution identified in the notice.

(2) A production notice is to be served—

(a) by delivering the notice personally to the registered office of the financial institution; or

(b) by sending it by post to the registered office of the financial institution; or

(c) if the financial institution has given Victoria Police an electronic address that is to be used for receiving production notices, by sending the notice by electronic communication to that electronic address.

(3) A production notice ceases to have effect if it is not served within 3 months after it is issued.

470G Police powers in relation to produced documents

(1) If a document is produced to a police officer in response to a production notice, any police officer may do any of the following things—

(a) inspect the document;

(b) take an extract from the document;

(c) make a copy of the document;

(d) take the document.

(2) An extract taken or copy made under subsection (1) is to be retained by Victoria Police.

(3) A document taken under subsection (1)(d) is to be retained by Victoria Police for as long as is reasonably necessary for the investigation or prosecution of an offence.

(4) The Chief Commissioner of Police must ensure that a document—

(a) that is taken under subsection (1)(d); and

(b) the retention of which is no longer reasonably necessary for the investigation or prosecution of an offence—

is returned to the financial institution that produced the document.

470H Financial institution must comply with production notice

(1) A financial institution that has been served with a production notice must not, without reasonable excuse, fail to comply with the notice.

Penalty: Level 5 fine (1200 penalty units maximum).

(2) A financial institution that has been served with a production notice must not, in purported compliance with the notice, provide a document that—

(a) is false or misleading in a material particular; and

(b) the financial institution knows is false or misleading in a material particular.

Penalty: Level 5 fine (1200 penalty units maximum).

(3) An offence against subsection (1) or (2) is a summary offence.

470I Offence to disclose existence of production notice

(1) Subject to subsection (7), a financial institution on which a production notice is served must not disclose the existence of the notice to any person (including the holder of the account to which the notice relates) except—

(a) to a police officer in accordance with the notice; or

(b) to an employee, officer or agent of the institution for the purpose of ensuring the notice is complied with; or

(c) to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the notice.

Penalty: Level 5 fine (1200 penalty units maximum).

(2) Subject to subsection (7), a person to whom the existence of a production notice is disclosed in accordance with subsection (1) must not—

(a) while the person is of a kind referred to in subsection (1)(a), (b) or (c), disclose the existence of the notice to any person except another person of that kind for the purpose of—

(i) if the disclosure is made by a police officer, the performance of the officer's duties; or

(ii) if the disclosure is made by an employee, officer or agent of the financial institution, ensuring that the notice is complied with or obtaining legal advice or representation in relation to the notice; or

(iii) if the disclosure is made by a legal practitioner, giving legal advice or providing representation in relation to the notice; or

(b) when the person is no longer of a kind referred to in subsection (1)(a), (b) or (c), make a record of, or disclose, the existence of the notice in any circumstances.

Penalty: 240 penalty units or imprisonment for 2 years.

(3) An offence against subsection (1) or (2) is a summary offence.

(4) Nothing in subsection (2) prevents the disclosure by a person of a kind referred to in subsection (1)(a), (b) or (c) of the existence of a production notice—

(a) for the purposes of, or in connection with, legal proceedings; or

(b) in the course of proceedings before a court.

(5) Nothing in subsection (2) prevents the disclosure by a police officer of the existence of a production notice for the purposes of a report under section 470M.

(6) A reference in this section to disclosing the existence of a production notice to a person includes a reference to disclosing information to the person from which the person could reasonably be expected to infer the existence of the notice.

(7) It is not an offence against subsection (1) or (2) to disclose the existence of a production notice if the existence of the notice has been made known in any proceedings in open court.

470J Protection from liability

The following do not incur any civil liability for any action taken or document produced in response to a production notice—

(a) the financial institution identified in the notice;

(b) a person who is an officer, employee or agent of that financial institution acting in the course of that person's duties as an officer, employee or agent.

470K Admissibility in criminal proceedings

If a financial institution produces a document in response to a production notice, neither the production of the document nor any information, document or thing obtained as a direct or indirect consequence of the production of the document is admissible against that institution in any criminal proceeding other than a proceeding against that institution for an offence against section 470H(1) or (2).

470L Chief Commissioner of Police to keep records

The Chief Commissioner of Police must take all reasonable steps to ensure that the following records are kept—

(a) a record of each application for a production notice;

(b) a record of each production notice issued;

(c) for each production notice that is served, a record of how and when it was served;

(d) a description of each document produced in compliance or purported compliance with a production notice.

470M Annual report to Attorney-General about production notices

(1) The Chief Commissioner of Police must submit a report to the Attorney-General in respect of each financial year that includes the following information for that financial year—

(a) the number of applications for production notices that were made during that year;

(b) the number of production notices issued during that year;

(c) information about the different kinds of offences (as determined by the Chief Commissioner) in respect of whose investigation or prosecution production notices were issued during that year;

(d) any other information that relates to production notices and that the Attorney-General notifies the Chief Commissioner, in writing, is required to be included in the report.

(2) The report must be submitted—

(a) as soon as practicable after the end of the financial year to which it relates; and

(b) no later than 3 months after the end of that financial year.

(3) The Chief Commissioner of Police must advise the Attorney-General of any information in the report that, in the Chief Commissioner's opinion, should be excluded from the report before the report is laid before Parliament because the information, if made public, could reasonably be expected to—

(a) endanger a person's safety; or

(b) prejudice an investigation or prosecution; or

(c) compromise any law enforcement operational activities or methodologies of Victoria Police.

(4) The Attorney-General must—

(a) exclude information from the report if satisfied on the advice of the Chief Commissioner of Police of any of the grounds set out in subsection (3); and

(b) cause a copy of the report to be laid before each House of the Parliament within 12 sitting days after the day on which the Attorney-General receives the report.".'.

6. Clause 8, line 27, after "**Criminal Activity**" insert "**and Production Notices**".

7. Clause 8, page 5, line 12, after "**Criminal Activity**" insert "**and Production Notices**".

8. Clause 9, lines 15 and 16, omit "the first anniversary of its commencement" and insert "21 December 2027".

AMENDMENT OF LONG TITLE

9. Long title, after "activity" insert ", to further amend that Act to establish a new process for requiring financial institutions to produce documents that are relevant to certain offences".

AMENDMENT OF TITLE

10. Title, after "**Activity**" insert "**and Production Notices**".

Certified –

Clerk of the Legislative Council