

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes Legislation Amendment Bill 2024

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Crimes Legislation Amendment Bill 2024

A Bill for

An Act to amend legislation about crime, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes Legislation Amendment Act 2024*.

4 **2 Commencement**

5 This Act commences on the 7th day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • [Bail Act 1992](#)
11 • [Crimes Act 1900](#)
12 • [Crimes \(Child Sex Offenders\) Act 2005](#)
13 • [Crimes \(Sentence Administration\) Act 2005](#).

14 *Note* This Act also amends other legislation (see sch 1).

1 Part 2 Bail Act 1992

2 4 Section 17

3 *substitute*

4 17 Charged people in custody to be brought before court

- 5 (1) This section applies to an accused person who—
- 6 (a) has been taken into custody and charged with an offence; and
- 7 (b) is refused bail by an authorised officer or is not released on bail
- 8 granted by an authorised officer.
- 9 (2) The accused person must be brought before a court as soon as
- 10 practicable and, in any case—
- 11 (a) within 48 hours after being taken into custody
- 12 (the **48-hour period**); or
- 13 (b) within 96 hours after being taken into custody if, within the
- 14 48-hour period, a police officer gives the court a certificate—
- 15 (i) from a doctor who is an employee or contractor of a
- 16 hospital; and
- 17 (ii) that states the accused person is an inpatient of the hospital
- 18 and unfit to be brought before the court within the 48-hour
- 19 period.

20 5 New section 19A

21 *insert*

22 19A Court bail—person required by summons to appear

- 23 (1) This section applies if, at any time—
- 24 (a) an accused person appears before a court to answer a summons;
- 25 and

- 1 (b) the person is not already in custody; and
- 2 (c) either—
- 3 (i) the person was served with the summons while serving a
- 4 sentence of imprisonment; or
- 5 (ii) the court is satisfied, on fresh evidence or information that
- 6 was unavailable when the person was served, that a
- 7 relevant risk applies in the proceeding; and
- 8 (d) the court adjourns or postpones the hearing of the proceeding
- 9 begun by the summons.
- 10 (2) The accused person is, on appearing before the court, taken to be in
- 11 the custody of the court but only for the purpose of—
- 12 (a) making an order granting bail to the person; and
- 13 (b) applying provisions under this Act in relation to the grant of bail.
- 14 **Examples—provisions in relation to the grant of bail**
- 15 • s 24 (Conditions of bail)
- 16 • s 28 (Undertakings to appear)
- 17 (3) In this section:
- 18 *appears* includes appears by audio link or audiovisual link.
- 19 *audio link*—see the *Evidence (Miscellaneous Provisions) Act 1991*,
- 20 section 16 (1).
- 21 *audiovisual link*—see the *Evidence (Miscellaneous Provisions)*
- 22 *Act 1991*, dictionary.
- 23 *relevant risk*, in a proceeding, means a substantial risk the accused
- 24 person in the proceeding will—
- 25 (a) fail to appear in court in relation to the offence; or
- 26 (b) commit another offence; or

- 1 (c) interfere with evidence in the proceeding; or
2 (d) harass or interfere with a person who may be required to give
3 evidence in the proceeding in relation to the offence.

4 *summons* includes a court attendance notice under the *Magistrates*
5 *Court Act 1930*, section 41B.

6 **6 Contravention of Act by police officers**
7 **Section 52 (2) (a) (ii)**

8 *substitute*

- 9 (ii) *National Anti-Corruption Commission Act 2022* (Cwlth);
10 or

1 **Part 3** **Crimes Act 1990**

2 **7** **Definitions for pt 13**
3 **Section 300 (1), definition of *serious offence***

4 *substitute*

5 *serious offence* means—

6 (a) an offence punishable by imprisonment for longer than 1 year if
7 the factual circumstances of the offending involve actual or
8 threatened violence and substantial risk of harm to another
9 person; or

10 (b) an offence against section 27 (3) or (4).

11 *Note* *Serious offence* is defined differently for div 13.4 (see s 325).

1 **Part 4** **Crimes (Child Sex Offenders)**
 2 **Act 2005**

3 **8 Class 1 offences**
 4 **Schedule 1, part 1.1, new items 14 to 16**

5 *insert*

14	<i>Crimes Act 1900</i> , section 62 (1)	incest and similar offences	
15	<i>Crimes Act 1900</i> , section 62 (2)	incest and similar offences	
16	an offence mentioned in items 1 to 15 to which <i>Crimes Act 1900</i> , section 72AA applies	aggravated offence—involving family violence	

6 **9 Schedule 1, part 1.2, new items 2A and 2B**

7 *insert*

2A	<i>Criminal Code Act 1995</i> (Cwlth) section 270.6 (1), as in force from time to time before amendment by <i>Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013</i> (Cwlth)	sexual servitude	the other person (as mentioned in that section) is a child
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Section 10

2B	<i>Criminal Code Act 1995</i> (Cwlth) section 270.6 (2), as in force from time to time before amendment by <i>Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013</i> (Cwlth)	sexual servitude	the other person (as mentioned in that section) is a child
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1 **10 Class 2 offences**
 2 **Schedule 2, part 2.1, new item 17**

3 *insert*

17	an offence mentioned in items 1 to 16 to which <i>Crimes Act 1900</i> , section 72AA applies	aggravated offence—involving family violence	
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4 **11 Schedule 2, part 2.2, new item 11A**

5 *insert*

11A	<i>Criminal Code Act 1995</i> (Cwlth), section 273.5 (1), as in force from time to time before amendment by <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)	possess, control, produce, distribute or obtain child exploitation material outside Australia	
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12 Schedule 2, part 2.2, new items 14A and 14B2 *insert*

14A	<i>Criminal Code Act 1995</i> (Cwlth), section 471.16, as in force from time to time before amendment by <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)	use postal service for child exploitation material	
14B	<i>Criminal Code Act 1995</i> (Cwlth), section 471.17 (1), as in force from time to time before amendment by <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)	possess, control, produce, supply or obtain child exploitation material for use through postal service	

13 Schedule 2, part 2.2, new item 17A4 *insert*

17A	<i>Criminal Code Act 1995</i> (Cwlth), section 474.22A (1)	possess or control child exploitation material obtained or accessed using carriage service	
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1 **14 Schedule 2, part 2.2, new items 20A and 20B**2 *insert*

20A	<i>Criminal Code Act 1995</i> (Cwlth), section 474.19 (1), as in force from time to time before amendment by <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)	use carriage service for child exploitation material	
20B	<i>Criminal Code Act 1995</i> (Cwlth), section 474.20 (1), as in force from time to time before amendment by <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)	possess, control, produce, supply or obtain child exploitation material for use through carriage service	

3 **15 Schedule 2, part 2.2, new item 22A**4 *insert*

22A	<i>Criminal Code Act 1995</i> (Cwlth), section 474.23A (1)	conduct for the purposes of electronic service used for child abuse material	
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1 **16 Schedule 2, part 2.2, item 23, column 3**

2 *omit*

3 section 474.22 or section 474.23

4 *insert*

5 section 474.22, 474.22A or 474.23

6 **17 Schedule 2, part 2.2, new item 28A**

7 *insert*

28A	<i>Criminal Code Act 1995</i> (Cwlth), section 474.27AA (1)	use carriage service to ‘groom’ another person to make it easier to procure child under 16 years old	
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1 **Part 5** **Crimes (Sentence**
2 **Administration) Act 2005**

3 **18 Appointment of board members**
4 **New section 174 (1) (ba)**

5 *insert*

6 (ba) the chief police officer;

7 **19 Section 174 (3)**

8 *omit*

9 subsection (1) (c)

10 *substitute*

11 subsection (1) (ba) and (c)

12 **20 New section 179A**

13 *in part 8.1, insert*

14 **179A Delegation by chief police officer**

15 The chief police officer may delegate their functions as a board
16 member to a police officer of the rank of commander (or a higher
17 rank).

18 *Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

19 **21 Dictionary, note 2**

20 *insert*

- 21
 - chief police officer

1 **Schedule 1** **Technical amendments**

2 (see s 3)

3 **Part 1.1** **Information Privacy Act 2014**

4 **[1.1]** **Section 25 (2), definition of *Commonwealth enforcement***
5 ***or intelligence body*, paragraph (e) and (f)**

6 *substitute*

7 (e) the National Anti-Corruption Commissioner appointed under
8 the *National Anti-Corruption Commission Act 2022* (Cwlth),
9 section 241;

10 (f) a staff member of the National Anti-Corruption Commission
11 established under the *National Anti-Corruption Commission*
12 *Act 2022* (Cwlth), section 20;

13 **Explanatory note**

14 This amendment updates a reference because of the repeal of the *Law Enforcement Integrity*
15 *Commissioner Act 2006* (Cwlth) by the *National Anti-Corruption Commission (Consequential*
16 *and Transitional Provisions) Act 2022* (Cwlth), and enactment of the *National Anti-Corruption*
17 *Commission Act 2022* (Cwlth).

18 **Part 1.2** **Integrity Commission Act 2018**

19 **[1.2]** **Section 71 (4), example 1**

20 *omit*

21 Australian Commission for Law Enforcement Integrity (ACLEI)

22 *substitute*

23 National Anti-Corruption Commission (NACC)

1 **[1.3] Section 112 (2), example 1**

2 *omit*

3 Australian Commission for Law Enforcement Integrity (ACLEI)

4 *substitute*

5 National Anti-Corruption Commission (NACC)

6 **[1.4] Dictionary, definition of *Australian Commission for Law***
7 ***Enforcement Integrity (or ACLEI)***

8 *omit*

9 **[1.5] Dictionary, definition of *integrity body*, paragraph (g)**

10 *substitute*

11 (g) the National Anti-Corruption Commission;

12 **[1.6] Dictionary, new definition of *National Anti-Corruption***
13 ***Commission (or NACC)***

14 *insert*

15 *National Anti-Corruption Commission* (or *NACC*)—see the
16 [National Anti-Corruption Commission Act 2022](#) (Cwlth), section 20.

17 **Explanatory note**

18 These amendments update references because of the repeal of the [Law Enforcement Integrity](#)
19 [Commissioner Act 2006](#) (Cwlth) by the [National Anti-Corruption Commission \(Consequential](#)
20 [and Transitional Provisions\) Act 2022](#) (Cwlth), and enactment of the [National Anti-Corruption](#)
21 [Commission Act 2022](#) (Cwlth).

1 Part 1.3 Taxation Administration Act 1999

2 [1.7] Section 97 (3), definition of *Commonwealth enforcement* 3 *body*, paragraph (d)

4 *substitute*

5 (d) the National Anti-Corruption Commissioner appointed under
6 the *National Anti-Corruption Commission Act 2022* (Cwlth),
7 section 241.

8 Explanatory note

9 This amendment updates a reference because of the repeal of the *Law Enforcement Integrity*
10 *Commissioner Act 2006* (Cwlth) by the *National Anti-Corruption Commission (Consequential*
11 *and Transitional Provisions) Act 2022* (Cwlth), and enactment of the *National Anti-Corruption*
12 *Commission Act 2022* (Cwlth).

13 Part 1.4 Victims of Crime Act 1994

14 [1.8] Section 15I (2) (c), example 2

15 *omit*

16 Australian Commission for Law Enforcement Integrity (ACLEI)

17 *substitute*

18 National Anti-Corruption Commission (NACC) established under the *National*
19 *Anti-Corruption Commission Act 2022* (Cwlth), section 20

20 Explanatory note

21 This amendment updates a reference because of the repeal of the *Law Enforcement Integrity*
22 *Commissioner Act 2006* (Cwlth) by the *National Anti-Corruption Commission (Consequential*
23 *and Transitional Provisions) Act 2022* (Cwlth), and enactment of the *National Anti-Corruption*
24 *Commission Act 2022* (Cwlth).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 February 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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