



Australian Capital Territory

Crimes Legislation Amendment Act 2024 (No 2)

A2024-16

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Australian Capital Territory

Crimes Legislation Amendment Act 2024 (No 2)

A2024-16

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2024 (No 2)*.

2 Commencement

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

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

3 Legislation amended

This Act amends the following legislation:

- [Bail Act 1992](#)
- [Crimes Act 1900](#)
- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Sentence Administration\) Act 2005](#).

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

Part 2 Bail Act 1992

4 Section 17

substitute

17 Charged people in custody to be brought before court

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

5 New section 19A

insert

19A Court bail—person required by summons to appear

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

- (b) the person is not already in custody; and
 - (c) either—
 - (i) the person was served with the summons while serving a sentence of imprisonment; or
 - (ii) the court is satisfied, on fresh evidence or information that was unavailable when the person was served, that a relevant risk applies in the proceeding; and
 - (d) the court adjourns or postpones the hearing of the proceeding begun by the summons.
- (2) The accused person is, on appearing before the court, taken to be in the custody of the court but only for the purpose of—
- (a) making an order granting bail to the person; and
 - (b) applying provisions under this Act in relation to the grant of bail.

Examples—provisions in relation to the grant of bail

- s 24 (Conditions of bail)
- s 28 (Undertakings to appear)

- (3) In this section:

appears includes appears by audio link or audiovisual link.

audio link—see the *Evidence (Miscellaneous Provisions) Act 1991*, section 16 (1).

audiovisual link—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.

relevant risk, in a proceeding, means a substantial risk the accused person in the proceeding will—

- (a) fail to appear in court in relation to the offence; or
- (b) commit another offence; or

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

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

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

substitute

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

Part 3 Crimes Act 1900

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

substitute

serious offence means—

- (a) an offence punishable by imprisonment for longer than 1 year if the factual circumstances of the offending involve actual or threatened violence and substantial risk of harm to another person; or
- (b) an offence against section 27 (3) or (4).

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

Part 4 Crimes (Child Sex Offenders) Act 2005

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

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	

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

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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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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**10 Class 2 offences
Schedule 2, part 2.1, new item 17**

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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11 Schedule 2, part 2.2, new item 11A

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 14B*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 17A*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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14 Schedule 2, part 2.2, new items 20A and 20B*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	

15 Schedule 2, part 2.2, new item 22A*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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16 Schedule 2, part 2.2, item 23, column 3*omit*

section 474.22 or section 474.23

insert

section 474.22, 474.22A or 474.23

17 Schedule 2, part 2.2, new item 28A*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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Part 5 Crimes (Sentence Administration) Act 2005

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

insert

(ba) the chief police officer;

19 Section 174 (3)

omit

subsection (1) (c)

substitute

subsection (1) (ba) and (c)

20 New section 179A

in part 8.1, insert

179A Delegation by chief police officer

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

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

21 Dictionary, note 2

insert

- chief police officer

Schedule 1 Technical amendments

(see s 3)

Part 1.1 Information Privacy Act 2014

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

substitute

- (e) the National Anti-Corruption Commissioner appointed under the *National Anti-Corruption Commission Act 2022* (Cwlth), section 241;
- (f) a staff member of the National Anti-Corruption Commission established under the *National Anti-Corruption Commission Act 2022* (Cwlth), section 20;

Explanatory note

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

Part 1.2 Integrity Commission Act 2018

[1.2] Section 71 (4), example 1

omit

Australian Commission for Law Enforcement Integrity (ACLEI)

substitute

National Anti-Corruption Commission (NACC)

[1.3] Section 112 (2), example 1

omit

Australian Commission for Law Enforcement Integrity (ACLEI)

substitute

National Anti-Corruption Commission (NACC)

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

omit

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

substitute

(g) the National Anti-Corruption Commission;

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

insert

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

Explanatory note

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

Part 1.3 Taxation Administration Act 1999

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

substitute

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

Explanatory note

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

Part 1.4 Victims of Crime Act 1994

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

omit

Australian Commission for Law Enforcement Integrity (ACLEI)

substitute

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

Explanatory note

This amendment updates a reference because of the repeal of the *Law Enforcement Integrity Commissioner Act 2006* (Cwlth) by the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022* (Cwlth), and enactment of the *National Anti-Corruption 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 19 April 2024.

3 Republications of amended laws

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

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2024 (No 2), which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2024 and was passed by the Assembly on 11 April 2024.

Acting Clerk of the Legislative Assembly

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