First print

New South Wales

Crimes and Other Legislation Amendment (Further Organised Crimes Reforms) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

(a) to amend the *Crime Commission Act 2012* (***the Act***) to—

(i) increase penalties for certain offences, and

(ii) clarify matters relating to contempt of the New South Wales Crime Commission (the ***Commission***),

(b) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to provide for digital evidence access orders (organised crime),

(c) to amend the *Road Transport Act 2013* to support and facilitate the Intergovernmental Agreement on Identity Matching Services,

(d) to amend the *Roads Act 1993* to provide for the collection, use and disclosure of toll camera images.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Crime Commission Act 2012 No 66

Schedule 1[1] increases the maximum penalty for the offence of failing to attend and answer questions at a hearing before the Commission when summoned as a witness to 40 penalty units or imprisonment for 4 years, or both.

Schedule 1[2] increases the maximum penalty for the offence of giving false or misleading evidence at a hearing before the Commission to 1,000 penalty units or imprisonment for 10 years, or both.

Schedule 1[3] increases the maximum penalty for offences under the Act, section 28(4), which concern compliance with a production notice served on certain persons in a government agency, to 40 penalty units or imprisonment for 12 months, or both.

Schedule 1[4] increases the maximum penalty for the offence of failing to comply with a production notice under the Act, section 29(9) to 40 penalty units or imprisonment for 12 months, or both.

Schedule 1[5] increases the maximum penalty for the offence of failing to comply with a condition imposed on the release of a witness by the Commissioner of the Commission (the ***Commissioner***) under the Act, section 37(3) to 40 penalty units or imprisonment for 4 years, or both.

Schedule 1[6] and [7] amend the Act, section 45 to—

(a) increase the maximum penalty for the offence of making a publication or disclosure of evidence in contravention of a direction given by the Commission to 200 penalty units or imprisonment for 4 years, or both, and

(b) clarify that the Local Court may prescribe the maximum fine regardless of the *Criminal Procedure Act 1986*, section 268.

Schedule 1[8] and [9] amend the Act, section 45A to—

(a) increase the maximum penalty for the offence of making a disclosure that contravenes an order made by the Commission restricting the disclosure of evidence or a record of evidence allowed to be disclosed under the Act, section 45A(3) or (4) to 200 penalty units or imprisonment for 4 years, or both, and

(b) clarify that the Local Court may prescribe the maximum fine regardless of the *Criminal Procedure Act 1986*, section 268.

Schedule 1[10] and [11] amend the Act, section 47C to provide that—

(a) in the exercise of the Commissioner's powers in relation to alleged contempt, a summons need not be issued against a person alleged to have committed contempt under the Act, section 47A (a ***contemnor***), and

(b) a contemnor does not need to be delivered into the custody of the governor of a correctional centre specified in a warrant issued by the Commissioner and instead may be detained in a correctional facility or elsewhere until the contemnor is brought before the Supreme Court.

Schedule 1[12] increases the maximum penalty for a contemnor failing to comply with a condition to which the release of the contemnor is subject to 40 penalty units or imprisonment for 4 years, or both.

Schedule 1[13] and [14] amend the Act, section 47G to—

(a) increase the maximum penalty for the offence of obstructing or disrupting the Commission to 200 penalty units or imprisonment for 4 years, or both, and

(b) clarify that the Local Court may prescribe the maximum fine regardless of the *Criminal Procedure Act 1986*, section 268.

Schedule 1[15] increases the maximum penalty to 100 penalty units or imprisonment for 2 years, or both, for the following offences—

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(a) disclosing information about a production notice under the Act, section 28 or 29 that is likely to prejudice the investigation to which the notice relates,

(b) disclosing information about a summons under the Act, section 24 that is likely to prejudice the investigation to which the summons relates.

Schedule 1[16] provides that the Act, section 85(1) does not affect the capacity of a prosecutor to elect, under the *Criminal Procedure Act 1986*, for a prosecution for certain offences to be dealt with on indictment.

Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2[9] inserts proposed Division 4B, which provides for digital evidence access orders (organised crime) (***orders***), into Part 5.

Proposed Subdivision 1 inserts definitions of certain words and expressions used in the proposed division.

Proposed Subdivision 2 contains provisions relating to applications for orders. The proposed subdivision—

(a) provides for general matters for applications, and

(b) sets out how applications may be made in person, by email or other electronic means or by telephone, and

(c) sets out the required particulars of an application, and

(d) makes it an offence to give false or misleading information in an application or in connection with an application, with a maximum penalty of 100 penalty units or imprisonment for 2 years, or both, and

(e) provides that, if an application has been refused, a further application for the same order must not be made by the police officer who made the application or another police officer who is aware of the application other than in certain circumstances.

Proposed Subdivision 3 provides for how applications for orders may be determined, including matters that must be considered by an eligible issuing officer when deciding whether or not to grant the application.

Proposed Subdivision 4 contains provisions concerning the issuing of orders. The proposed subdivision—

(a) enables the regulations to prescribe the required form of an order, and

(b) provides for the term for which an order remains in force and sets out how an order may be extended, and

(c) sets out the effect of an order, and

(d) imposes a duty on the person executing an order to produce the order for inspection in certain circumstances, and

(e) makes it an offence to fail to comply, or to give false or misleading information in purported compliance, with a direction given in accordance with an order, with a maximum penalty of 100 penalty units or imprisonment for 7 years, or both.

Proposed Subdivision 5 provides for miscellaneous matters, including record-keeping requirements.

Schedule 2[1]–[7] and [10] make amendments consequential to Schedule 2[9].

Schedule 2[8] increases the maximum term of imprisonment to 7 years for the following offences—

(a) failing to comply with a digital evidence access order (warrant),

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(b) giving false or misleading information in purported compliance with a digital evidence access order (warrant).

Schedule 3 Amendment of Criminal Procedure Act 1986 No 209

Schedule 3[1] makes an amendment consequential to Schedule 2[9].

Schedule 3[2] makes an amendment consequential to Schedule 1[1], [5], [6], [8], [12] and [13].

Schedule 4 Amendment of Road Transport Act 2013 No 18

Schedule 4[1]—

(a) omits provisions relating to the National Facial Biometric Matching Capability, and

(b) provides for the participation of authorised government agencies in face matching services, and

(c) permits the regulations to provide for further matters to facilitate participation in face matching services, and

(d) defines certain terms used in proposed section 271A.

Schedule 5 Amendment of Roads Act 1993 No 33

Schedule 5[2] inserts proposed Part 15B, which provides for the collection, storage and disclosure of toll camera images. The proposed part—

(a) defines certain terms used in the proposed part, including ***relevant information***, and

(b) sets out what photographs an approved toll camera is permitted to take, and

(c) makes it an offence for a person who acquires relevant information to a make record of, make use of or disclose the information other than in certain circumstances, with a maximum penalty of 50 penalty units, and

(d) sets out when a person is permitted to collect, store and disclose relevant information, and

(e) permits a person to disclose relevant information to an authorised agency in certain circumstances.

Schedule 5[1] makes an amendment consequential to Schedule 5[2].

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