



New South Wales

Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Bill 2026

Explanatory note

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

Overview of Bill

The object of this Bill is to implement particular recommendations in the *Statutory Review of 2022 Organised Crime Reforms – Statutory Review Report* and other reforms to improve the police and criminal justice system’s response to organised crime, including by amending—

- (a) the *Bail Act 2013* to—
 - (i) enhance the consideration of an accused person’s relevant organised crime background when making bail decisions by requiring bail authorities to consider whether—
 - (A) the accused person has a history of compliance or non-compliance with serious crime prevention orders under the *Crimes (Serious Crime Prevention Orders) Act 2016* or firearms prohibition orders under the *Firearms Act 1996*, and
 - (B) the accused person has any criminal associations who are involved in organised criminal activity, and
 - (C) the relevant offence is committed in the course of an organised criminal activity, and
 - (ii) prescribe particular serious firearms and specially aggravated kidnapping offences as offences for which a court’s decision to grant bail or dispense with bail can be stayed if a detention application is to be made to the Supreme Court in relation to the accused person, and
- (b) the *Confiscation of Proceeds of Crime Act 1989* to—

- (i) make amendments consequent on the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth, and
 - (ii) update the definition of **serious drug offence** in section 34(6) to clearly set out the list of relevant offences, and
 - (iii) make other miscellaneous amendments in response to the statutory review, and
- (c) the *Crime Commission Act 2012* to permit the Minister to appoint Assistant Commissioners for the New South Wales Crime Commission for terms of 6 months, and
- (d) the *Crimes Act 1900* to—
 - (i) increase the penalties for the existing offences of recruiting children to engage in criminal activity, and
 - (ii) introduce new aggravated offences for—
 - (A) recruiting children who are less than 16 years of age to engage in criminal activity, or
 - (B) recruiting children to carry out or assist in carrying out particular serious criminal offences, and
 - (iii) increase the penalties for the existing offences for shooting at dwelling-houses or buildings and expand the offences to include shooting at motor vehicles in public places, and
 - (iv) introduce new aggravated offences for causing danger with a pistol or a prohibited firearm, and
 - (v) introduce new aggravated arson offences for—
 - (A) destroying or damaging a motor vehicle after the motor vehicle has been used in connection with the commission of particular serious criminal offences, and
 - (B) targeting business premises with reckless disregard for safety, and
 - (vi) clarify that, for the offence of being in possession of an implement of housebreaking or safebreaking or an implement capable of being used to enter or drive a conveyance, an implement includes an electronic device, and
 - (vii) clarify that, for offences relating to rebirthing cars, boats or trailers or making, using or interfering with unique identifiers, number-plates are unique identifiers, and
 - (viii) replace a reference to an International Mobile Station Equipment Identity number with a reference to an International Mobile Equipment Identity number, and
- (e) the *Criminal Assets Recovery Act 1990* to—
 - (i) extend the definition of **current or previous wealth**, and
 - (ii) make amendments consequent on amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth, and
 - (iii) clarify the burden of proof in relation to unexplained wealth orders concerning the value of unexplained wealth, and
- (f) the *Dedicated Encrypted Criminal Communication Device Prohibition Orders Act 2022* to broaden the definition of **serious criminal offence** and make other miscellaneous amendments in response to the statutory review, and
- (g) the *Law Enforcement (Powers and Responsibilities) Act 2002* to—
 - (i) authorise police, in particular circumstances, to operate equipment to access and copy data from things that are seized under a crime scene or search warrant and moved to another location, and
 - (ii) impose requirements when giving directions in particular circumstances to persons who are less than 18 years of age, and
 - (iii) make other miscellaneous amendments.

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 Bail Act 2013 No 26

Schedule 1[1] amends section 18 to require a bail authority, when assessing bail concerns for the purposes of making a bail decision, to consider whether the accused person has a history of compliance or non-compliance with serious crime prevention orders under the *Crimes (Serious Crime Prevention Orders) Act 2016* or firearms prohibition orders under the *Firearms Act 1996*.

Schedule 1[2] amends section 18 to clarify that a bail authority must, when considering whether an accused person has any criminal associations for the purposes of assessing bail concerns, consider whether the accused person has any criminal associations involved in organised criminal activity.

Schedule 1[3] amends section 18 to require a bail authority, when deciding whether an offence is a serious offence for the purposes of assessing bail concerns, to consider whether the offence is committed in the course of an organised criminal activity.

Schedule 1[4] substitutes section 40(5), definition of *serious offence* to include particular serious firearms and specially aggravated kidnapping offences as offences for which a court's decision to grant bail or dispense with bail can be stayed if a detention application is to be made to the Supreme Court in relation to the accused person for the particular offence.

Schedule 1[5] requires the Minister to—

- (a) review the operation of the amendments to the *Bail Act 2013* as soon as possible after the period of 3 years after commencement to determine whether the policy objectives remain valid and the amendments remain appropriate for securing the objectives, and
- (b) table a report on the outcomes of the review in each House of Parliament.

Schedule 2 Amendment of Confiscation of Proceeds of Crime Act 1989 No 90

Schedule 2[2] omits the definitions of *digital currency* and *registrable digital currency exchange service* consequent on amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth and inserts definitions of *registrable virtual asset service* and *virtual asset*. **Schedule 2[1] and [3]** make consequential amendments.

Schedule 2[4] substitutes the definition of *serious drug offence* in section 34(6) to clearly set out the list of offences in the provision rather than point to the term as defined under other legislation.

Schedule 2[5] omits the 12-month period in which an application may be made for a forfeiture order in relation to property belonging to, or in the effective control of, a person against whom a drug trafficker declaration is made.

Schedule 3 Amendment of Crime Commission Act 2012 No 66

Schedule 3[1] enables the Minister to appoint, with the concurrence of the Commissioner, Assistant Commissioners for the New South Wales Crime Commission.

Schedule 3[3] requires Assistant Commissioners appointed by the Minister to have special legal qualifications. **Schedule 3[8]** ensures Assistant Commissioners appointed by the Minister have a term of no more than 6 months. **Schedule 3[10]** enables the Minister to determine the remuneration of Assistant Commissioners appointed by the Minister.

Schedule 3[2], [4]–[7], [9] and [11] make consequential amendments.

Schedule 4 Amendment of Crimes Act 1900 No 40

Schedule 4[1] and [2] amend section 93G to—

- (a) create a new aggravated offence for possessing, carrying or firing a firearm in or near public places or in a way likely to injure, or with disregard for the safety of, any person if the firearm is a pistol or a prohibited firearm, with the aggravated offence being punishable by imprisonment for a maximum of 14 years, and
- (b) allow the jury to find the accused guilty of a lesser offence for possessing, carrying or firing the firearm, which is punishable by imprisonment for a maximum of 10 years.

Schedule 4[3]–[7] amend section 93GA to—

- (a) expand existing offences for firing a firearm at a dwelling-house or other building with reckless disregard for the safety of any person to include firing at motor vehicles with reckless disregard for the safety of any person, and
- (b) increase the maximum terms of imprisonment for the offences as follows—
 - (i) for a base offence—from 14 years to 16 years,
 - (ii) for an offence committed during a public disorder or an organised criminal activity—from 16 years to 18 years.

Schedule 4[8]–[11] amend section 114 to—

- (a) clarify that an implement of housebreaking or safebreaking or an implement capable of being used to enter or drive a conveyance includes an electronic device, and
- (b) simplify the structure of the provision.

Schedule 4[12] and [13] amend section 154E to clarify that number-plates are included in the definition of *unique identifier* for the purposes of offences relating to rebirthing cars, boats or trailers or making, using or interfering with unique identifiers.

Schedule 4[14] replaces a reference to an International Mobile Station Equipment Identity number with a reference to an International Mobile Equipment Identity number in an example of a mobile electronic device that is configured in a way that specifically impedes law enforcement access to information on the device.

Schedule 4[15]–[17] amend section 195 to—

- (a) create a new aggravated offence for intentionally or recklessly destroying or damaging property belonging to another person by means of fire or explosives if the property is or was a motor vehicle that, before being destroyed or damaged, was used in connection with particular serious criminal offences, punishable by imprisonment for a maximum of 12 years, and
- (b) allow the jury to find the accused guilty of a lesser offence for destroying or damaging the property by means of fire or explosives, punishable by imprisonment for a maximum of 10 years.

Schedule 4[18] creates a new offence for destroying or damaging business premises by means of fire or explosives with reckless disregard for the safety of any person, punishable by imprisonment for a maximum of 14 years.

Schedule 4[19]–[21] amend section 351A to—

- (a) increase the maximum penalty for the offence of recruiting a child to carry out or assist in carrying out a criminal activity from 10 to 12 years imprisonment, and
- (b) create new aggravated offences for recruiting a child to carry out or assist in carrying out a criminal activity if the child is less than 16 years of age or is recruited to carry out or assist in carrying out particular serious criminal offences, punishable by imprisonment for a maximum of 15 years, and

- (c) allow the jury to find the accused guilty of the lesser offence for recruiting a child to carry out or assist in carrying out a criminal activity, the maximum penalty for which will be increased under the Bill from 10 to 12 years imprisonment.

Schedule 4[22] requires the Minister to—

- (a) review the operation of the amendments to the *Crimes Act 1900* as soon as possible after the period of 3 years after commencement to determine whether the policy objectives remain valid and the amendments remain appropriate for securing the objectives, and
- (b) table a report on the outcomes of the review in each House of Parliament.

Schedule 5 Amendment of Criminal Assets Recovery Act 1990 No 23

Schedule 5[2] extends the definition of *current or previous wealth* to include a service, advantage or benefit provided for the person as a beneficiary of a trust.

Schedule 5[3] omits the definitions of *digital currency* and *registrable digital currency exchange service* consequent on amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth and inserts definitions of *registrable virtual asset service* and *virtual asset*. **Schedule 5[1], [4] and [5]** make consequential amendments.

Schedule 5[6] substitutes section 28A(2)(b) to—

- (a) substitute a reference to current or previous wealth with a reference to unexplained wealth, and
- (b) clarify that the threshold for the making of an unexplained wealth order by the Supreme Court in relation to a person under the subsection is \$250,000 in money or \$2,000,000, whether or not including money, by which a person's current or previous wealth must exceed the value of the person's lawfully acquired wealth.

Schedule 5[7] sets out the way in which proceedings occur for an unexplained wealth order under section 28A(2)(b), including that the burden of proof is on the defendant to prove the defendant's current and previous wealth is not unexplained wealth. **Schedule 5[8]** makes a consequential amendment.

Schedule 5[9] substitutes section 48(2)(d) to—

- (a) substitute a reference to current or previous wealth with a reference to unexplained wealth, and
- (b) clarify that the threshold for the making of a monitoring order by the Supreme Court in relation to a person under the subsection is \$250,000 in money or \$2,000,000, whether or not including money, by which a person's current or previous wealth must exceed the value of the person's lawfully acquired wealth.

Schedule 6 Amendment of Dedicated Encrypted Criminal Communication Device Prohibition Orders Act 2022 No 46

Schedule 6[1] omits references to an affidavit from section 11 in relation to applications for dedicated encrypted criminal communication device prohibition orders, as the application itself must be in the form of an affidavit. The amendment clarifies that the application does not need to be accompanied by an additional affidavit.

Schedule 6[2] inserts requirements for—

- (a) a judge to forward a record of the judge's decision to make a dedicated encrypted criminal communication device prohibition order to the oversight commissioner, and

- (b) the oversight commissioner to keep the record and make it available in particular circumstances.

Schedule 6[3] corrects a reference in the definition of *serious criminal offence*, paragraph (d) as a consequence of the proposed insertion of the definition of *serious drug offence* in the *Confiscation of Proceeds of Crime Act 1989* by the amendment in Schedule 2[4].

Schedule 6[4] extends the definition of *serious criminal offence* to include an offence of aiding, abetting, counselling, encouraging or procuring the commission of an offence, or conspiring to commit an offence, prescribed in the definition as a serious criminal offence.

Schedule 7 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 7[1] and [2] amend section 75B to allow a person involved in executing a warrant under the *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 5, Division 4 to—

- (a) provided the person believes on reasonable grounds that the data might be data that could be seized under the warrant—
- (i) operate a thing found at the premises the subject of the warrant or other equipment to access data, whether or not the operation occurs at the premises, and
 - (ii) operate equipment to access the data from the thing, and
- (b) copy accessed data to a device and take the device to another place to determine whether all or part of the data could be seized under the warrant.

Schedule 7[3]–[6] make consequential amendments to section 75B.

Schedule 7[7] inserts proposed section 76AM(2A) and (2B). Proposed section 76AM(2A) clarifies a digital evidence access order may specify the time by which a direction must be carried out. Proposed section 76AM(2B) requires reasonable steps to be taken to have a suitable person present when an executing officer gives directions under a digital evidence access order to a specified person who is less than 18 years of age. **Schedule 7[8]** makes a consequential amendment by inserting a definition of *suitable person*.

Schedule 7[9] includes an additional ground on which a police officer may apply to an eligible Judge for a DECCD access order, being if the police officer has reasonable grounds to suspect the person specified in the order was in possession of a device suspected of being a dedicated encrypted criminal communication device and was committing a DECCD offence at the time of the possession.

Schedule 7[10] requires reasonable steps to be taken to have a suitable person present when a police officer gives directions under a DECCD access order to a relevant person who is less than 18 years of age. **Schedule 7[11]** makes a consequential amendment by inserting a definition of *suitable person*.



New South Wales

Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Bill 2026

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Bill 2026

No , 2026

A Bill for

An Act to amend various Acts to implement particular recommendations in the *Statutory Review of 2022 Organised Crime Reforms – Statutory Review Report* and other reforms to improve the police and criminal justice system's response to organised crime.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026</i> .	3 4
2 Commencement	5
This Act commences as follows—	6
(a) for Schedule 7[1]–[6]—on a day or days to be appointed by proclamation,	7
(b) otherwise—on the date of assent to this Act.	8

Schedule 1 Amendment of Bail Act 2013 No 26

[1] Section 18 Matters to be considered as part of assessment

Insert after section 18(1)(f)(x)—

- (xi) serious crime prevention orders under the *Crimes (Serious Crime Prevention Orders) Act 2016*,
- (xii) firearms prohibition orders under the *Firearms Act 1996*,

[2] Section 18(1)(g)

Omit the paragraph.

Insert instead—

- (g) whether the accused person has any criminal associations, including criminal associations involved in organised criminal activity,

[3] Section 18(2)(a1)

Insert after section 18(2)(a)—

- (a1) whether the offence is committed in the course of an organised criminal activity,

[4] Section 40 Stay of release decision if detention sought

Omit section 40(5), definition of *serious offence*.

Insert instead—

serious offence means any of the following offences—

- (a) the offence of murder or another offence punishable by imprisonment for life,
- (b) an offence against or mentioned in a provision of the *Crimes Act 1900*, Part 3 involving sexual intercourse, or an attempt to have sexual intercourse, with a person who is less than 16 years of age,
- (c) a serious domestic violence offence,
- (d) an offence against a provision of the *Crimes Act 1900*, Part 3, Division 10, Subdivision 2,
- (e) an offence against the *Crimes Act 1900*, section 33A, 54D, 86(3), 93G(1A) or 93GA.

[5] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part numbering—

Part Provision consequent on enactment of Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026

1 Review of operations of amendments made by amendment Act

- (1) The Minister must review the operation of the amendments made by the amendment Act to determine whether—
 - (a) the policy objectives of the amendments remain valid, and
 - (b) the terms of the amendments remain appropriate for securing the objectives.

- (2) The review must be undertaken as soon as possible after the period of 3 years from the commencement of the amendment Act. 1
2
- (3) A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the review period. 3
4
- (4) In this clause— 5
 - amendment Act** means the *Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026*. 6
7
 - review period** means the period ending on the day that is 12 months after the day on which the review starts. 8
9

Schedule 2 Amendment of Confiscation of Proceeds of Crime Act 1989 No 90

[1] Section 4 Definitions

Omit section 4(1), definition of *account*, paragraph (b).

Insert instead—

- (b) the deposit or withdrawal of, or a transaction involving, a virtual asset, including a registrable virtual asset service.

[2] Section 4(1), definitions of “digital currency” and “registrable digital currency exchange service”

Omit the definitions.

Insert in alphabetical order—

registrable virtual asset service has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.

virtual asset has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.

[3] Section 4(1), definition of “financial institution”

Omit “registrable digital currency exchange service”.

Insert instead “registrable virtual asset service”.

[4] Section 34 Drug trafficker declaration

Omit section 34(6), definition of *serious drug offence*.

Insert instead—

serious drug offence means—

- (a) an offence against the *Drug Misuse and Trafficking Act 1985*, section 11B, 23(2)(a) or (b), 24(2) or (2A), 24A(1), 24B(1), 25A(1) or 36Z(2)(b), or
- (b) a second or subsequent offence against the *Drug Misuse and Trafficking Act 1985*, section 36Z(1), or
- (c) an offence against the *Drug Misuse and Trafficking Act 1985*, section 23(1)(a) or (b) or (1A), 24(1) or (1A) or 25(1), (1A), (2), (2A) or (2C), but not if the offence relates only to less than an indictable quantity within the meaning of that Act, or
- (d) an offence against the *Drug Misuse and Trafficking Act 1985*, section 26 or 28(1) that relates to an offence referred to in paragraph (a), (b) or (c), or
- (e) an offence committed in another jurisdiction that would constitute an offence referred to in paragraph (a), (b), (c) or (d) if the offence were committed in New South Wales.

[5] Section 34A Application for forfeiture order

Omit section 34A(2).

Schedule 3 Amendment of Crime Commission Act 2012 No 66

[1] Section 9 Assistant Commissioners

Insert after section 9(1)—

- (1A) The Minister may, with the concurrence of the Commissioner, appoint one or more Assistant Commissioners for the New South Wales Crime Commission.

[2] Section 9(2)

Insert “appointed by the Governor” after “Assistant Commissioners”.

[3] Schedule 1 Provisions relating to Commissioner and Assistant Commissioners

Insert after clause 1(1)—

- (1A) A person is not eligible to be appointed as Assistant Commissioner by the Minister or to act in the office of that Assistant Commissioner unless the person has special legal qualifications.

[4] Schedule 1, clause 2(1A)

Insert after clause 2(1)—

- (1A) The Minister may, from time to time, appoint a person to act in the office of Assistant Commissioner during the illness or absence of an Assistant Commissioner appointed by the Minister unless the Governor has appointed another person to act in the office.

[5] Schedule 1, clause 2(2)

Omit “The Minister is not to make an appointment if there is a subsisting appointment under subclause (1).”.

[6] Schedule 1, clause 2(2A)

Insert after clause 2(2)—

- (2A) The Minister must not make an appointment under subclause (2) if there is an existing appointment under subclause (1) or (1A).

[7] Schedule 1, clause 3(3)

Omit the subclause.

Insert instead—

- (3) The holder of a full-time office referred to in subclause (1) or (2) must hold the office on that basis, except to the extent permitted by the person who appointed the holder, being either the Governor or the Minister.

[8] Schedule 1, clause 4(2A)

Insert after clause 4(2)—

- (2A) Despite subclause (2), an Assistant Commissioner appointed by the Minister must not hold office for a term exceeding 6 months, but is eligible, if otherwise qualified, for re-appointment.

[9] Schedule 1, clause 5(1)

Insert “appointed by the Governor” after “full-time Assistant Commissioner”.

[10] Schedule 1, clause 5(2)	1
Omit the subclause.	2
Insert instead—	3
(2) The following are entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may decide from time to time—	4
(a) a part-time Assistant Commissioner appointed by the Governor,	5
(b) an Assistant Commissioner appointed by the Minister.	6
[11] Schedule 1, clause 6(4)	7
Insert after clause 6(3)—	8
(4) The Minister has the same powers as the Governor has under this subclause in relation to the removal of an Assistant Commissioner appointed by the Minister.	9
	10
	11
	12

Schedule 4 Amendment of Crimes Act 1900 No 40

[1] Section 93G Causing danger with firearm or spear gun

Insert after section 93G(1)—

- (1A) A person is guilty of an offence under this subsection if the person commits an offence under subsection (1) in circumstances of aggravation.
Maximum penalty—imprisonment for 14 years.

[2] Section 93G(4) and (5)

Insert after section 93G(3)—

- (4) If, on the trial of a person for an offence under subsection (1A), the jury is not satisfied the person is guilty of an offence under subsection (1A) but is satisfied the person is guilty of an offence under subsection (1), the jury may find the person—
(a) not guilty of an offence under subsection (1A), and
(b) guilty of an offence under subsection (1).
- (5) In this section—
circumstances of aggravation means circumstances in which the firearm is—
(a) a pistol, or
(b) a prohibited firearm.
pistol has the same meaning as in the *Firearms Act 1996*.
prohibited firearm has the same meaning as in the *Firearms Act 1996*.

[3] Section 93GA, heading

Omit “or buildings”.

Insert instead “, buildings or motor vehicles”.

[4] Section 93GA(1)

Omit “with reckless disregard for the safety of any person is liable to imprisonment for 14 years”.

Insert instead “or a motor vehicle with reckless disregard for the safety of any person is liable to imprisonment for 16 years”.

[5] Section 93GA(1A)

Omit “with reckless disregard for the safety of any person is liable to imprisonment for 16 years”.

Insert instead “or a motor vehicle with reckless disregard for the safety of any person is liable to imprisonment for 18 years”.

[6] Section 93GA(1B)

Omit “with reckless disregard for the safety of any person is liable to imprisonment for 16 years”.

Insert instead “or a motor vehicle with reckless disregard for the safety of any person is liable to imprisonment for 18 years”.

[7] Section 93GA(5)

Insert after section 93GA(4)—

(5)	In this section—	1
	<i>motor vehicle</i> has the same meaning as in the <i>Road Transport Act 2013</i> .	2
[8]	Section 114 Being armed with intent to commit indictable offence	3
	Omit “Any person who—” from section 114(1).	4
	Insert instead “A person who does one or more of the following is guilty of an offence—”.	5
[9]	Section 114(1)(d)	6
	Omit “the building,”.	7
	Insert instead “the building.”.	8
[10]	Section 114(1)	9
	Omit “shall be liable to imprisonment for seven years.”.	10
	Insert instead—	11
	Maximum penalty—imprisonment for 7 years.	12
[11]	Section 114(3)	13
	Insert after section 114(2)—	14
	(3) In this section—	15
	<i>implement</i> includes an electronic device.	16
[12]	Section 154E Definitions	17
	Insert in alphabetical order in section 154E(1)—	18
	<i>number-plate</i> means a number-plate issued—	19
	(a) under the <i>Road Transport Act 2013</i> or the <i>Tow Truck Industry Act 1998</i> ,	20
	or	21
	(b) by a competent authority of another jurisdiction.	22
[13]	Section 154E(1), definition of “unique identifier”, paragraph (b)	23
	Insert “, including a number-plate,” after “thing”.	24
[14]	Section 192O Meaning of “dedicated encrypted criminal communication device”	25
	Omit “International Mobile Station Equipment Identity number” from section 192O(1)(c), example, third bullet point.	26 27
	Insert instead “International Mobile Equipment Identity number”.	28
[15]	Section 195 Destroying or damaging property	29
	Insert after section 195(1)—	30
	(1AAA) A person is guilty of an offence under this subsection if the person commits an offence under subsection (1)(b) in circumstances of aggravation.	31 32
	Maximum penalty—imprisonment for 12 years.	33
[16]	Section 195(2A)	34
	Insert after section 195(2)—	35
	(2A) If, on the trial of a person for an offence under subsection (1AAA), the jury is not satisfied the person is guilty of an offence under subsection (1AAA) but is	36 37

satisfied the person is guilty of an offence under subsection (1)(b), the jury may find the person—

- (a) not guilty of an offence under subsection (1AAA), and
- (b) guilty of an offence under subsection (1)(b).

[17] Section 195(3)

Insert in alphabetical order—

aggravated circumstances offence means any of the following offences—

- (a) a serious drug offence,
- (b) a serious violence offence,
- (c) an offence against section 33A(1) or (2), 33B(1), 48(1), 93G(1), 93GA(1), (1A) or (1B), 93H(1) or (2), 93I(1), 195(1), (1A) or (2), 196(1) or (2), 197(1) or (2), 198 or 199(2),
- (d) an offence against a provision of Part 3, Division 10A or Division 14,
- (e) an offence against the *Firearms Act 1996*, section 50A(1) or (2), 50B(1) or (2), 51(1), (1A), (2) or (2A), 51A(1) or (2), 51B(1), 51BA(1) or (2), 51BB(1), 51D(1) or (2), 51E, 51F(1), 51H(1), 62(1), 63(1), (1A), (2), (3) or (4), 66(1) or 74(1), (2), (3), (4) or (5),
- (f) an offence against the *Public Health (Tobacco) Act 2008*, section 6A(1), (2) or (3),
- (g) an offence against the *Weapons Prohibition Act 1998*, section 23A(1) or (2), 25A(1) or (2), 25B(1) or 34(1) or (3).

circumstances of aggravation means circumstances in which the destroyed or damaged property—

- (a) was or is a motor vehicle within the meaning of the *Road Transport Act 2013*, and
- (b) was destroyed or damaged after being used by the accused person or another person in connection with an aggravated circumstances offence.

serious drug offence means—

- (a) an offence against the *Drug Misuse and Trafficking Act 1985*, section 11B, 23(2)(a) or (b), 24(2) or (2A), 24A(1), 24B(1), 25A(1) or 36Z(2)(b), or
- (b) a second or subsequent offence against the *Drug Misuse and Trafficking Act 1985*, section 36Z(1), or
- (c) an offence against the *Drug Misuse and Trafficking Act 1985*, section 23(1)(a) or (b) or (1A), 24(1) or (1A) or 25(1), (1A), (2), (2A) or (2C), but not if the offence relates only to less than an indictable quantity within the meaning of that Act, or
- (d) an offence against the *Drug Misuse and Trafficking Act 1985*, section 26 or 28(1) that relates to an offence referred to in paragraph (a), (b) or (c), or
- (e) an offence committed in another jurisdiction that would constitute an offence referred to in paragraph (a), (b), (c) or (d) if the offence were committed in New South Wales.

serious violence offence means an offence punishable by imprisonment for life or for a term of 10 years or more, if the conduct constituting the offence involves—

- (a) loss of a person's life or serious risk of loss of a person's life, or

	(b) serious injury to a person or serious risk of serious injury to a person, or	1
	(c) serious damage to property in circumstances endangering the safety of a person, or	2 3
	(d) perverting the course of justice, within the meaning of Part 7, in relation to any conduct that, if proved, would constitute a serious violence offence referred to in paragraph (a), (b) or (c).	4 5 6
[18]	Section 196A	7
	Insert after section 196—	8
196A	Destroying or damaging business premises with reckless disregard for safety of persons	9 10
	(1) A person is guilty of an offence if—	11
	(a) the person, with reckless disregard for the safety of any person, destroys or damages business premises belonging to—	12 13
	(i) another person, or	14
	(ii) the person and another person, and	15
	(b) the destruction or damage is caused by means of fire or explosives.	16
	Maximum penalty—imprisonment for 14 years.	17
	(2) In this section—	18
	<i>business premises</i> means premises at which a business is carried on.	19
[19]	Section 351A Recruiting persons to engage in criminal activity	20
	Omit “10 years” from section 351A(2), penalty.	21
	Insert instead “12 years”.	22
[20]	Section 351A(2A)–(2C)	23
	Insert after section 351A(2)—	24
	(2A) A person, not being a child, who recruits a child to carry out or assist in carrying out a criminal activity in circumstances of aggravation is guilty of an offence.	25 26 27
	Maximum penalty—imprisonment for 15 years.	28
	(2B) In proceedings for an offence against subsection (2) or (2A), it is not necessary to prove that the accused knew the age of the child recruited to carry out or assist in carrying out the criminal activity.	29 30 31
	(2C) If, on the trial of a person for an offence under subsection (2A), the jury is not satisfied the person is guilty of an offence under subsection (2A) but is satisfied the person is guilty of an offence under subsection (2), the jury may find the person—	32 33 34 35
	(a) not guilty of an offence under subsection (2A), and	36
	(b) guilty of an offence under subsection (2).	37
[21]	Section 351A(3)	38
	Insert in alphabetical order—	39
	<i>aggravated circumstances offence</i> means any of the following offences—	40
	(a) a serious violence offence,	41

(b)	an offence against a provision of Part 3A, Division 5 punishable by imprisonment for 10 years or more,	1
(c)	an offence against section 55,	2
(d)	an offence against section 86,	3
(e)	an offence against section 99,	4
(f)	an offence against a provision of Part 4, Division 2,	5
(g)	an offence against section 154F,	6
(h)	an offence against section 192E involving—	7
	(i) property valued at \$100,000 or more, or	8
	(ii) a financial benefit or financial disadvantage of \$100,000 or more,	9
(i)	an offence against a provision of Part 4AC punishable by imprisonment for 10 years or more,	10
(j)	an offence against a provision of the <i>Drug Misuse and Trafficking Act 1985</i> involving—	11
	(i) a commercial quantity of a prohibited drug or prohibited plant within the meaning of that Act, or	12
	(ii) a large commercial quantity of a prohibited drug or prohibited plant within the meaning of that Act, section 33, 33AC or 33AD.	13
	<i>circumstances of aggravation</i> means circumstances in which—	14
(a)	the child recruited to carry out or assist in carrying out the criminal activity is less than 16 years of age, or	15
(b)	the criminal activity that the child is recruited to carry out or assist in carrying out is, or includes, an act or activity that constitutes an aggravated circumstances offence.	16
	<i>serious violence offence</i> means an offence punishable by imprisonment for life or for a term of 10 years or more, if the conduct constituting the offence involves—	17
(a)	loss of a person's life or serious risk of loss of a person's life, or	18
(b)	serious injury to a person or serious risk of serious injury to a person, or	19
(c)	serious damage to property in circumstances endangering the safety of a person, or	20
(d)	perverting the course of justice, within the meaning of Part 7, in relation to any conduct that, if proved, would constitute a serious violence offence referred to in paragraph (a), (b) or (c).	21
[22]	Schedule 11 Savings, transitional and other provisions	22
	Insert at the end of the schedule, with appropriate part numbering—	23
Part	Provision consequent on Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026	24
1	Review of operations of amendments made by amendment Act	25
(1)	The Minister must review the operation of the amendments made by the amendment Act to determine whether—	26
(a)	the policy objectives of the amendments remain valid, and	27

- (b) the terms of the amendments remain appropriate for securing the objectives. 1
2
- (2) The review must be undertaken as soon as possible after the period of 3 years from the commencement of the amendment Act. 3
4
- (3) A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the review period. 5
6
- (4) In this clause— 7
 - amendment Act** means the *Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026*. 8
9
 - review period** means the period ending on the day that is 12 months after the day on which the review starts. 10
11

Schedule 5 Amendment of Criminal Assets Recovery Act 1990 No 23

[1] Section 4 Definitions

Omit section 4(1), definition of *account*, paragraph (b).

Insert instead—

- (b) the deposit or withdrawal of, or a transaction involving, a virtual asset, including a registrable virtual asset service.

[2] Section 4(1), definition of “current or previous wealth”, paragraph (e)

Omit “person.” from section 4(1), definition of *current or previous wealth*, paragraph (d).

Insert instead—

person,

- (e) a service, advantage or benefit provided for the person as a beneficiary of a trust.

[3] Section 4(1), definitions of “digital currency” and “registrable digital currency exchange service”

Omit the definitions.

Insert in alphabetical order—

registrable virtual asset service has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.

virtual asset has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth.

[4] Section 4(1), definition of “financial institution”

Omit “registrable digital currency exchange service”.

Insert instead “registrable virtual asset service”.

[5] Section 4(1), definition of “money”

Omit “digital currency”.

Insert instead “a virtual asset”.

[6] Section 28A Making of unexplained wealth order

Omit section 28A(2)(b).

Insert instead—

- (b) the person’s unexplained wealth exceeds—
 - (i) \$250,000 in money, or
 - (ii) \$2,000,000, whether or not including money.

[7] Section 28A(3A) and (3B)

Insert after section 28A(3)—

- (3A) In proceedings against a person for an unexplained wealth order under subsection (2)(b)—

	(a)	the burden of proof is on the person to prove that, on the balance of probabilities, the person's current or previous wealth is not or was not illegally acquired property or the proceeds of an illegal activity, and	1 2 3
	(b)	the Supreme Court is not required to consider current or previous wealth of which the Commission has not provided evidence, and	4 5
	(c)	section 28B(6) applies in relation to the valuing of current or previous wealth.	6 7
	(3B)	An assessment of an amount to be paid under an unexplained wealth order must be carried out in accordance with section 28B.	8 9
[8]	Section 28B Assessment for unexplained wealth order—unexplained wealth		10
	Insert “, in relation to section 28A(2)(a),” after “unexplained wealth order” in section 28B(3).		11 12
[9]	Section 48 Monitoring orders		13
	Omit section 48(2)(d).		14
	Insert instead—		15
	(d)	has unexplained wealth exceeding—	16
		(i) \$250,000 in money, or	17
		(ii) \$2,000,000, whether or not including money.	18

Schedule 6	Amendment of Dedicated Encrypted Criminal Communication Device Prohibition Orders Act 2022 No 46	1
		2
		3
[1] Section 11 Notice of application to oversight commissioner		4
Omit “and affidavit” wherever occurring in section 11(3) and (4).		5
[2] Section 15 Record of and reasons for making of dedicated encrypted criminal communication device prohibition orders		6
		7
Insert after section 15(1)—		8
(1A) After making the decision, the authorised judge must ensure the record is forwarded to the oversight commissioner.		9
		10
(1B) The oversight commissioner must—		11
(a) keep the record forwarded with the application and accompanying document relating to the order, and		12
		13
(b) make the record or the information in the record available as directed by an authorised judge.		14
		15
[3] Schedule 1 Dictionary		16
Omit “the <i>Drug Supply Prohibition Order Pilot Scheme Act 2020</i> ” from the definition of <i>serious criminal offence</i> , paragraph (d).		17
		18
Insert instead “the <i>Confiscation of Proceeds of Crime Act 1989</i> , section 34”.		19
[4] Schedule 1, definition of “serious criminal offence”, paragraph (j)		20
Omit “this Act.” from the definition of <i>serious criminal offence</i> , paragraph (i).		21
Insert instead—		22
this Act, or		23
(j) an offence of aiding, abetting, counselling, encouraging or procuring the commission of an offence, or conspiring to commit an offence, referred to in paragraphs (a)–(i).		24
		25
		26

Schedule 7 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

[1] Section 75B Access to and downloading of data from computers (including access to computers outside premises the subject of a warrant)

Omit “operate equipment at the premises the subject of the warrant to access data (including data held at premises other than the subject premises) if the person believes on reasonable grounds that the data might be data that could be seized under the warrant.” from section 75B(1).

Insert instead—

do the following if the person believes on reasonable grounds that data, including data held at premises other than the premises the subject of the warrant, might be data that could be seized under the warrant—

- (a) operate a thing found at the premises, including a thing moved under section 75A, to access the data,
- (b) operate equipment to access the data from the thing.

[2] Section 75B(2)(a) and (b)

Omit section 75B(2)(a)–(c).

Insert instead—

- (a) copy accessed data to a data storage device, including, if the data is accessed at the premises and the occupier of the premises approves, a device already at the premises, and
- (b) take the device to another place to examine the accessed data to determine whether all or part of the data could be seized under the warrant.

[3] Section 75B(3)

Insert “the thing found at the premises or” after “operate”.

[4] Section 75B(4)

Omit “equipment and any disk, tape or other”.

Insert instead “thing found at the premises or a”.

[5] Section 75B(4)(b)

Omit “equipment”.

Insert instead “thing”.

[6] Section 75B(5)

Omit the subsection.

Insert instead—

- (5) This section does not authorise the operation of a thing found at the premises or equipment to access data unless the person believes on reasonable grounds that the operation can occur without damaging the thing or the data.

[7] Section 76AM Effect of digital evidence access order

Insert after section 76AM(2)—

(2A)	Without limiting this section, a direction may specify a time by which the specified person is required to carry out the direction.	1 2
(2B)	The executing officer must not direct a specified person who is less than 18 years of age unless reasonable steps are taken to have a suitable person present to represent the interests of the specified person while the specified person is directed.	3 4 5 6
[8]	Section 76AM(4)	7
	Insert after section 76AM(3), including the note—	8
(4)	In this section—	9
	<i>suitable person</i> , for a specified person, means a person, other than a police officer, who—	10 11
(a)	is acceptable to the specified person, and	12
(b)	is—	13
	(i) a parent or guardian of the specified person, or	14
	(ii) capable of representing the interests of the specified person.	15
[9]	Section 80B General matters for applications for DECCD access orders	16
	Omit section 80B(a).	17
	Insert instead—	18
(a)	has reasonable grounds to suspect the person specified in the order—	19
	(i) is in possession of a device suspected of being a dedicated encrypted criminal communication device and is committing a DECCD offence, or	20 21 22
	(ii) was in possession of a device suspected of being a dedicated encrypted criminal communication device and was committing a DECCD offence at the time of the possession, and	23 24 25
[10]	Section 80M Effect of DECCD access order	26
	Insert after section 80M(2)—	27
(2A)	The police officer must not direct a relevant person who is less than 18 years of age unless reasonable steps are taken to have a suitable person present to represent the interests of the relevant person while the relevant person is directed.	28 29 30 31

[11] Section 80M(4)	1
Insert after section 80M(3), including the note—	2
(4) In this section—	3
<i>suitable person</i> , for a relevant person, means a person, other than a police officer, who—	4
(a) is acceptable to the relevant person, and	5
(b) is—	6
(i) a parent or guardian of the relevant person, or	7
(ii) capable of representing the interests of the relevant person.	8
	9