



New South Wales

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

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

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

Act No , 2026

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 7[1]–[6]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

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.
- (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.
- (4) In this clause—
amendment Act means the *Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026*.
review period means the period ending on the day that is 12 months after the day on which the review starts.

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)

Omit the subclause.

Insert instead—

- (2) The following are entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may decide from time to time—
 - (a) a part-time Assistant Commissioner appointed by the Governor,
 - (b) an Assistant Commissioner appointed by the Minister.

[11] Schedule 1, clause 6(4)

Insert after clause 6(3)—

- (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.

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—

motor vehicle has the same meaning as in the *Road Transport Act 2013*.

[8] Section 114 Being armed with intent to commit indictable offence

Omit “Any person who—” from section 114(1).

Insert instead “A person who does one or more of the following is guilty of an offence—”.

[9] Section 114(1)(d)

Omit “the building,”.

Insert instead “the building.”.

[10] Section 114(1)

Omit “shall be liable to imprisonment for seven years.”.

Insert instead—

Maximum penalty—imprisonment for 7 years.

[11] Section 114(3)

Insert after section 114(2)—

(3) In this section—

implement includes an electronic device.

[12] Section 154E Definitions

Insert in alphabetical order in section 154E(1)—

number-plate means a number-plate issued—

- (a) under the *Road Transport Act 2013* or the *Tow Truck Industry Act 1998*,
or
- (b) by a competent authority of another jurisdiction.

[13] Section 154E(1), definition of “unique identifier”, paragraph (b)

Insert “, including a number-plate,” after “thing”.

[14] Section 192O Meaning of “dedicated encrypted criminal communication device”

Omit “International Mobile Station Equipment Identity number” from section 192O(1)(c),
example, third bullet point.

Insert instead “International Mobile Equipment Identity number”.

[15] Section 195 Destroying or damaging property

Insert after section 195(1)—

- (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.
Maximum penalty—imprisonment for 12 years.

[16] Section 195(2A)

Insert after section 195(2)—

- (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

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
- (c) serious damage to property in circumstances endangering the safety of a person, or
- (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).

[18] Section 196A

Insert after section 196—

196A Destroying or damaging business premises with reckless disregard for safety of persons

- (1) A person is guilty of an offence if—
 - (a) the person, with reckless disregard for the safety of any person, destroys or damages business premises belonging to—
 - (i) another person, or
 - (ii) the person and another person, and
 - (b) the destruction or damage is caused by means of fire or explosives.Maximum penalty—imprisonment for 14 years.
- (2) In this section—
business premises means premises at which a business is carried on.

[19] Section 351A Recruiting persons to engage in criminal activity

Omit “10 years” from section 351A(2), penalty.

Insert instead “12 years”.

[20] Section 351A(2A)–(2C)

Insert after section 351A(2)—

- (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.
Maximum penalty—imprisonment for 15 years.
- (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.
- (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—
 - (a) not guilty of an offence under subsection (2A), and
 - (b) guilty of an offence under subsection (2).

[21] Section 351A(3)

Insert in alphabetical order—

aggravated circumstances offence means any of the following offences—

- (a) a serious violence offence,

- (b) an offence against a provision of Part 3A, Division 5 punishable by imprisonment for 10 years or more,
- (c) an offence against section 55,
- (d) an offence against section 86,
- (e) an offence against section 99,
- (f) an offence against a provision of Part 4, Division 2,
- (g) an offence against section 154F,
- (h) an offence against section 192E involving—
 - (i) property valued at \$100,000 or more, or
 - (ii) a financial benefit or financial disadvantage of \$100,000 or more,
- (i) an offence against a provision of Part 4AC punishable by imprisonment for 10 years or more,
- (j) an offence against a provision of the *Drug Misuse and Trafficking Act 1985* involving—
 - (i) a commercial quantity of a prohibited drug or prohibited plant within the meaning of that Act, or
 - (ii) a large commercial quantity of a prohibited drug or prohibited plant within the meaning of that Act, section 33, 33AC or 33AD.

circumstances of aggravation means circumstances in which—

- (a) the child recruited to carry out or assist in carrying out the criminal activity is less than 16 years of age, or
- (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.

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
- (c) serious damage to property in circumstances endangering the safety of a person, or
- (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).

[22] Schedule 11 Savings, transitional and other provisions

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

**Part Provision consequent on 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.
- (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.
- (4) In this clause—
amendment Act means the *Crimes Legislation Amendment (Organised and Gang-related Crime Reforms) Act 2026*.
review period means the period ending on the day that is 12 months after the day on which the review starts.

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
 - (b) the Supreme Court is not required to consider current or previous wealth of which the Commission has not provided evidence, and
 - (c) section 28B(6) applies in relation to the valuing of current or previous wealth.
- (3B) An assessment of an amount to be paid under an unexplained wealth order must be carried out in accordance with section 28B.

[8] Section 28B Assessment for unexplained wealth order—unexplained wealth

Insert “, in relation to section 28A(2)(a),” after “unexplained wealth order” in section 28B(3).

[9] Section 48 Monitoring orders

Omit section 48(2)(d).

Insert instead—

- (d) has unexplained wealth exceeding—
 - (i) \$250,000 in money, or
 - (ii) \$2,000,000, whether or not including money.

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

[1] Section 11 Notice of application to oversight commissioner

Omit “and affidavit” wherever occurring in section 11(3) and (4).

**[2] Section 15 Record of and reasons for making of dedicated encrypted criminal
communication device prohibition orders**

Insert after section 15(1)—

- (1A) After making the decision, the authorised judge must ensure the record is forwarded to the oversight commissioner.
- (1B) The oversight commissioner must—
 - (a) keep the record forwarded with the application and accompanying document relating to the order, and
 - (b) make the record or the information in the record available as directed by an authorised judge.

[3] Schedule 1 Dictionary

Omit “the *Drug Supply Prohibition Order Pilot Scheme Act 2020*” from the definition of *serious criminal offence*, paragraph (d).

Insert instead “the *Confiscation of Proceeds of Crime Act 1989*, section 34”.

[4] Schedule 1, definition of “serious criminal offence”, paragraph (j)

Omit “this Act.” from the definition of *serious criminal offence*, paragraph (i).

Insert instead—

- this Act, or
- (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).

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.
- (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.

[8] Section 76AM(4)

Insert after section 76AM(3), including the note—

- (4) In this section—
 - suitable person*, for a specified person, means a person, other than a police officer, who—
 - (a) is acceptable to the specified person, and
 - (b) is—
 - (i) a parent or guardian of the specified person, or
 - (ii) capable of representing the interests of the specified person.

[9] Section 80B General matters for applications for DECCD access orders

Omit section 80B(a).

Insert instead—

- (a) has reasonable grounds to suspect the person specified in the order—
 - (i) is in possession of a device suspected of being a dedicated encrypted criminal communication device and is committing a DECCD offence, or
 - (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

[10] Section 80M Effect of DECCD access order

Insert after section 80M(2)—

- (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.

[11] Section 80M(4)

Insert after section 80M(3), including the note—

- (4) In this section—
 - suitable person*, for a relevant person, means a person, other than a police officer, who—
 - (a) is acceptable to the relevant person, and
 - (b) is—
 - (i) a parent or guardian of the relevant person, or
 - (ii) capable of representing the interests of the relevant person.