CI: Move on orders (COMPLIANCE) LINK WITH CONSORTING FROM LAST YEAR
FOR: Protects public safety
AGAINST: Enforceability
L: LEPRA, s198 (direction to move when a person is intoxicated, behaving in an intimidating way, supplying drugs, or would cause fear. Minimum 6 hours staying away or 1 penalty unit)
M: SMH May 2011 “Greater police powers unfair to ill, homeless”
D: You’re not welcome here: Police move-on powers and discrimination law (UNSW Law Journal, volume 30(1)
Indeed, of the 14 455 move-on directions issued, 22 per cent were issued to Indigenous people (an over-representation of 11 times) and just over half were issued to young people aged 14 to 19 years
I: ICCPR Article 9 “No one shall be subjected to arbitrary arrest, detention or exile.”
L:
- **Crimes Amendment (Consorting and Organised Crime) Act 2012 (NSW)**
  - Replaced barely used consorting laws (only 1 person convicted), added sections 93W, X, Y to the Crimes Act 1900 (NSW)
  - Individuals cannot consort with 2 convicted offenders (offenders with an indictable offence) on 2 occasions
  - Police must give oral or written warning to a person to inform them of who they are consorting with
    - Presents issues of privacy
  - Requirement for police warning in respect of 2 convicted offenders
- **Crimes (Serious Crime Prevention Orders) Act 2016 (NSW)**
  - Anyone over the age of 18 on the balance of probabilities can be either convicted of a serious criminal offence or involved in activity (i.e acquittal/facilitation/engagement) can be imprisoned for 5 years
    - Evidence does not have to be disclosed

C (against):
- **Tajjour, Hawthorne, and Forster v NSW (2014) HCA**
  - Found Crimes Amendment law was valid as it ‘serves a legitimate end to prevent a crime’
M (all against, last for):

  - Describes how consorting laws put in effect at respected Rebels member Darren Wallace’s funeral, which was frowned upon by bikies, and more than 780 charges have been laid for bikie gang members both planning to leave and involved in the organisation

  - Shows how consorting laws were effective
    - Nine people were charged in 2012, while 32 people were charged in the nine months to September 2015.
    - Of those charged in 2015, 20 people were convicted, compared to only one person being convicted each year in 2012, 2013 and 2014.
    - Over those years nearly 2,500 people were warned.
    - In 2015, 842 people were warned, which is on par with the previous year, while only 280 people were warned in 2012.

  - ‘police powers have a disproportionate impact on vulnerable people” David Shoebridge.

  - This trend must be resisted.
  - NSWCCCL urges the NSW Parliament to reject both these unjustified and unnecessary Bills.

D (for):

  - Contributed to its repealment
    - ‘There was relatively high use of the consorting law when it commenced in April 2012 with a peak toward the end of that year. There was a consistent decrease in use throughout 2013 and 2014 until the constitutional challenge in the High Court was finalised in October 2014. Use increased following the finalisation of the High Court proceedings. This demonstrates the dampening effect of
the constitutional challenge on the operation of the consorting law

- **Agreement in Principle (Attorney-General):**
  - ‘This bull puts police in a position to do what they do best everyday and make a judgement’

I (against):
- ICCPR Article 14(2), ‘Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law’
- ICCPR Article 22, ‘Everyone shall have the right to freedom of association with others’

CI: Bail and Remand (LAW REFORM, RIGHTS OF VICTIMS/OFFENDERS/SOCIETY)
FOR – community interest over those of society
AGAINST – not resource efficient, contentious
L: Overarching Bail Act 1978, then to the Bail Act 2013 (NSW); incorporated the Bail Amendment Act 2014 (NSW) (introduced ‘show cause’)
- Conditions can be attached
- 2013 legislation incorporated the ‘unacceptable risk’ test, s19: bail cannot be granted if there is a risk of failing to appear at any proceedings of an offence, committing a serious offence, endangering the safety of victims, interfering with witnesses or evidence

C: R v Hawi (2014)
- How bail laws can either still place significant restrictions on a person without the need for taxpayer funds etc (Hawi)
- 12 conditions applied to his bail, demonstrating the Bail Act 2013’s goodness; yet, his case showed how easy it was to get bail

M:
- Bail laws toughened in NSW to hold defendants deemed ‘acceptable risk’ (ABC, August 2014)