

NORTHERN TERRITORY OF AUSTRALIA

BAIL AMENDMENT ACT 1998

No. 9 of 1998

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NORTHERN TERRITORY OF AUSTRALIA

No. 9 of 1998

AN ACT

to amend the *Bail Act*

[Assented to 25 March 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Bail Amendment Act 1998*.

2. COMMENCEMENT

This Act comes into operation on the commencement of the *Justices Amendment Act 1998*.

3. PRINCIPAL ACT

The *Bail Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 3 of the Principal Act is amended by omitting from subsection (1) the definition of "bail" and substituting the following:

"'bail' means authorization under this Act —

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- (a) to be at liberty instead of in custody; or
- (b) to be released from the obligation to comply with a non-custodial order;".

5. RIGHTS FOLLOWING GRANT OF BAIL

Section 7 of the Principal Act is amended —

- (a) by omitting from subsection (1) all the words from and including "entitled" to and including "until" and substituting the following:

"entitled —

- (d) to be released from custody and to remain at liberty in respect of the offence; or
- (e) to be released from the obligation to comply with a non-custodial order in respect of the offence,

until"; and

- (b) by omitting subsection (2) and substituting the following:

"(2) Subsection (1) does not apply to an accused person while he is also in custody or the subject of a non-custodial order for some other offence or reason in respect of which he is not entitled (whether under this Act or otherwise) to be at liberty or released."

6. EFFECT OF DISPENSING WITH BAIL

Section 10 of the Principal Act is amended —

- (a) by omitting from subsection (1) all the words from and including "entitled" to and including "until" and substituting the following:

"entitled —

- (a) to be released from custody and to remain at liberty in respect of the offence; or
- (b) to be released from the obligation to comply with a non-custodial order in respect of the offence,

until"; and

- (b) by omitting subsection (2) and substituting the following:

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"(2) Subsection (1) does not apply to an accused person while he is also in custody or the subject of a non-custodial order for some other offence or reason in respect of which he is not entitled (whether under this Act or otherwise) to be at liberty or released."

7. CRITERIA TO BE CONSIDERED IN BAIL APPLICATIONS

Section 24 of the Principal Act is amended by omitting from subsection (1)(c)(iii) "at liberty".

8. CONDITIONS OF BAIL

Section 27 of the Principal Act is amended by omitting from subsection (2)(a) "at liberty".

9. ARREST FOR ABSCONDING OR BREACH OF CONDITION

Section 38 of the Principal Act is amended by omitting from subsection (1) "at liberty" (wherever occurring).
