

NORTHERN TERRITORY OF AUSTRALIA

BAIL AMENDMENT ACT 2017

Act No. 5 of 2017

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 5 of 2017

An Act to amend the *Bail Act*, and for related purposes

[Assented to 17 March 2017]
[Second reading 15 March 2017]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Bail Amendment Act 2017*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Bail Act

3 Act amended

This Part amends the *Bail Act*.

4 Section 3 amended

Section 3(1)

insert (in alphabetical order)

approved police monitoring device means a police monitoring device approved under section 52B.

police monitoring device means an electronic device that can:

- (a) be worn by, or attached to, an accused person who has entered into a conduct agreement; and
- (b) monitor the accused person's location.

5 Section 27A amended

- (1) After section 27A(1)(i)

insert

(iaa) for bail granted by an authorised member – require the accused person:

- (i) to wear or have attached, and to not tamper with, destroy or otherwise interfere with, an approved police monitoring device; and
- (ii) to comply with the reasonable directions of a police officer in the use of the device; or

(iab) for bail granted by a court – require the accused person:

- (i) to wear or have attached, and to not tamper with, destroy or otherwise interfere with, an approved police monitoring device; and
- (ii) to comply with the reasonable directions of a police officer in the use of the device; or

- (2) Section 27A(2A), example, after "(ha),"

insert

(iaa), (iab),

6 Section 27B amended

- (1) Before section 27B(1)

insert

- (1AA) Subsection (1AB) applies if an accused person has entered into a conduct agreement containing a provision mentioned in section 27A(1)(iaa) or (iab).

- (1AB) A police officer may:
- (a) place on, attach to or remove from the accused person an approved police monitoring device; and
 - (b) give reasonable directions to the accused person regarding the use of the device.
- (2) Section 27B(1)
- omit*
- This section
- insert*
- Subsection (2)
- (3) Section 27B, note
- omit*
- section 27B*
- insert*
- subsection (2)*
- (4) Section 27B, note
- omit*
- this section*
- insert*
- subsection (2)*

7 Section 28 amended

- (1) Section 28(3)
- omit, insert*
- (3) In addition, an authorised member may impose a condition that the accused person enter into a conduct agreement containing a provision mentioned in section 27A(1)(iaa) only if:
- (a) under the conduct agreement, the accused person will be required to reside at a specified place; and

- (b) the authorised member is satisfied that the accused person is a suitable person for the provision.
- (3A) Also, a court may impose a condition that the accused person enter into a conduct agreement containing a provision mentioned in:
 - (a) section 27A(1)(iab) – only if:
 - (i) immediately before the accused person appeared before the court, a conduct agreement containing a provision mentioned in section 27A(1)(iaa) was in force for the accused person; and
 - (ii) the court orders that an assessment report in relation to the accused person be prepared; or
 - (b) section 27A(1)(ia) or (ib) – only if satisfied, after considering an assessment report in relation to the accused person, that the accused person is a suitable person for the provision.
- (2) After section 28(4)
insert
- (5) In this section:
assessment report means a report prepared by the Commissioner of Correctional Services assessing the suitability of an accused person to enter into a conduct agreement containing a provision mentioned in section 27A(1)(ia) or (ib).

8 Section 38A amended

- (1) Section 38A
omit
device:
insert
device or approved police monitoring device:
- (2) Section 38A(a)
omit
monitoring

9 Section 52B inserted

After section 52A

insert

52B Approval of police monitoring device

The Commissioner of Police may approve a police monitoring device for use to monitor the compliance of accused persons with conduct agreements.

10 Part 9, Division 4 inserted

After section 61

insert

Division 4 Bail Amendment Act 2017

62 Definitions

In this Division:

amending Act means the *Bail Amendment Act 2017*.

commencement means the commencement of the amending Act.

63 Application of section 27A

- (1) Section 27A, as amended by the amending Act, applies in relation to a conduct agreement entered into after the commencement by an accused person as a condition of the person's bail, even if the alleged offence to which the bail relates was committed before the commencement.
- (2) Section 27A, as in force immediately before the commencement, continues to apply in relation to a conduct agreement entered into before the commencement.

Part 3 Consequential amendments

Division 1 Sentencing Act

11 Act amended

This Division amends the *Sentencing Act*.

12 Section 5 amended

Section 5(2)(k)

omit

all words after "Act that"

insert

contained a provision mentioned in section 27A(1)(iaa), (iab) or (ia) of that Act; and

Division 2 Surveillance Devices Regulations**13 Regulations amended**

This Division amends the *Surveillance Devices Regulations*.

14 Regulation 3 amended

(1) After regulation 3(1)(d)

insert

(da) in accordance with the directions of the Commissioner of Police to monitor the location of an accused person who has entered into a relevant conduct agreement;

(2) Regulation 3(2)

insert (in alphabetical order)

relevant conduct agreement means a conduct agreement under the *Bail Act* containing a provision mentioned in section 27A(1)(iaa) or (iab) of that Act.

Part 4 Expiry of Act**15 Expiry of Act**

This Act expires on the day after it commences.