



NORTHERN TERRITORY OF AUSTRALIA

No. 74 of 1993

AN ACT

to amend the *Bail Act*

[Assented to 23 November 1993]

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 1993*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 3(3) of the Principal Act is amended -

- (a) by omitting from the end of paragraph (c) "or"; and
- (b) by omitting from paragraph (d) "money," and substituting "money; or"; and
- (c) by inserting after paragraph (d) the following:

"(e) section 27(2)(j) - to depositing every passport, whether Australian or foreign, held by the accused person,".

5. CONDITIONS OF BAIL

Section 27 of the Principal Act is amended -

- (a) by omitting from the end of paragraph (g) of subsection (2) "or";
- (b) by omitting from paragraph (h) of subsection (2) "undertaking." and substituting "undertaking; or";
- (c) by adding at the end of subsection (2) the following:

"(j) where -

- (i) bail is granted by a court; and
- (ii) the offence with respect to which the application is made is an offence punishable by a term of imprisonment for 2 years or more, or, by payment of a penalty of \$10,000 or more,

that the accused person surrender every passport, whether Australian or foreign, held by the accused person."; and

- (d) by inserting after subsection (3) the following:

"(3A) Where a court imposes a bail condition under subsection (2)(j) -

- (a) the passport or passports shall be given to the Registrar or other appropriate officer of the court;
- (b) the Registrar or other appropriate officer of the court shall cause the passport or passports to be kept in such custody as he or she thinks fit for such period, or on the occurrence of any contingency, as is specified by the court; and
- (c) the passport or passports shall, in accordance with the terms specified under paragraph (b), be returned to the accused person unless the court orders otherwise.

"(3B) Where a court imposes a condition on the grant of bail under subsection (2)(j) and an Australian passport is surrendered in compliance with the condition, the Registrar or appropriate officer of the court shall, as soon as is practicable, give to the Minister administering the *Passports Act* 1938 of the Commonwealth a copy of the order.".