

Serial 57
Bail Amendment Bill 2002
Dr Toyne

**A BILL
for
AN ACT**

to amend the *Bail Act*
consequential on the enactment of the *Criminal Code Amendment
(Mental Impairment and Unfitness to be Tried) Bill 2002*

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

AN ACT

to amend the *Bail Act*
consequential on the enactment of the *Criminal Code Amendment*
(*Mental Impairment And Unfitness to be Tried*) Bill 2002

[Assented to 2002]
[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Bail Amendment Act 2002*.

2. Commencement

This Act comes into operation on the day on which, but immediately after, the *Criminal Code Amendment (Mental Impairment and Fitness to be Tried) Act 2002* commences.

3. New section

The *Bail Act* is amended by inserting after section 52 the following:

"52A. Representative of mentally impaired or unfit person may enter into bail undertaking on behalf of person

"(1) In this section –

'accused person' means an accused person who –

Bail Amendment Act 2002

- (a) has been declared to be liable to supervision under Division 2 or 4 of Part IIA of the Criminal Code; or
- (b) is or is likely to be the subject of an investigation or a special hearing under that Part.

"(2) A person representing an accused person may –

- (a) exercise an independent discretion and act as he or she reasonably believes to be in the accused person's best interests in relation to the grant of bail to the accused person under this Act; and
- (b) enter into the bail undertaking and any bail conditions imposed in respect of the accused person on behalf of the accused person.

"(3) When the representative of an accused person referred to in subsection (1) enters into the bail undertaking and any bail conditions on behalf of the accused person, the representative must give an undertaking to the court that he or she will be responsible for ensuring that the accused person complies with the bail undertaking and the bail conditions."
