

Serial 173
Bail Amendment Bill 2016
Mr Elferink

A Bill for an Act to amend the *Bail Act*

NORTHERN TERRITORY OF AUSTRALIA

BAIL AMENDMENT ACT 2016

Act No. [] of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2016

An Act to amend the *Bail Act*

[Assented to [] 2016]
[Second reading [] 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Bail Amendment Act 2016*.

2 Commencement

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

3 Act amended

This Act amends the *Bail Act*.

4 Section 3 amended

Section 3(1), definition **conviction**, after "guilt"

insert

, except for section 7A(1)(g),

5 Section 7A amended

(1) Section 7A(1)(f)

omit

offence.

insert

offence;

- (g) a serious property or vehicle offence (**offence D**), if the person accused of offence D has, within the period of 2 years immediately preceding the date of the alleged commission of offence D, been convicted of 2 or more of the following offences (each a **previous offence**), not being offences arising out of the same circumstances:

- (i) a serious property or vehicle offence;
- (ii) an offence of attempting to commit a serious property or vehicle offence.

- (2) After section 7A(3)

insert

- (3A) In addition to subsection (2), a court may grant bail to a person accused of an offence to which this section applies because of subsection (1)(g) only if the court imposes a condition that the person enter into a conduct agreement containing provisions as mentioned in section 27A(1)(ia) and (ib).

- (3B) Subsection (3A) applies despite anything to the contrary in section 28(2).

- (3) Section 7A(4), definition **previous offence**

omit

- (4) Section 7A(4)

insert (in alphabetical order)

previous offence:

- (a) in subsection (1)(dd), (de), (df) and (dh) – includes an offence committed before the commencement of section 6 of the *Bail Amendment Act 2015*; and
- (b) in subsection (1)(g) – includes an offence committed before the commencement of section 5 of the *Bail Amendment Act 2016*.

serious property or vehicle offence means an offence against section 174F, 174FA, 174FB, 210, 211, 212, 213, 215, 218, 219, 224, 226B or 241 of the Criminal Code.

6 Part 9, Division 4 inserted

After section 61

insert

Division 4 Bail Amendment Act 2016

62 Definitions

In this Division:

amending Act means the *Bail Amendment Act 2016*.

commencement means the commencement of the amending Act.

63 Application of section 7A

- (1) The amendments to section 7A made by the amending Act apply in relation to the granting of bail to an accused person for an offence if the charge for the offence was filed after the commencement.
- (2) Section 7A, as in force before the commencement, continues to apply in relation to the granting of bail to an accused person for an offence if the charge for the offence was filed on or before the commencement.

7 Expiry of Act

This Act expires on the day after it commences.