

Serial 135  
Bail Amendment Bill (No. 2) 2015  
Mr Elferink

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



**NORTHERN TERRITORY OF AUSTRALIA**

**BAIL AMENDMENT ACT (NO. 2) 2015**

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**Act No. [ ] of 2015**

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2015

An Act to amend the *Bail Act*

[Assented to [ ] 2015]  
[Second reading [ ] 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Bail Amendment Act (No. 2) 2015*.

## 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 ***approved monitoring device***

*omit*

164

*insert*

165

---

**5 Section 27A amended**

- (1) Section 27A(1)(h), after "alcohol or"  
*insert*  
using
- (2) Section 27A(1)(ia)  
*omit*  
other than the Youth Justice Court
- (3) Section 27A(1)(ia)(i)  
*omit, insert*  
(i) to wear or have attached, and to not tamper with, destroy or otherwise interfere with, an approved monitoring device while on bail or the lesser period ordered by the court; and
- (4) Section 27A(1)(ib)  
*omit*  
other than a Youth Justice Court

**6 Section 27B amended**

- (1) Section 27B(1)(b)  
*omit, insert*  
(b) the agreement is subject to a provision as mentioned in section 27A(1)(ia) or (ib).
- (2) Section 27B(2)  
*omit*  
conditions are  
*insert*  
provision is

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**7 Section 28 amended**

- (1) Section 28(3)  
*omit*  
containing the conditions  
*insert*  
containing a provision as
- (2) Section 28(3)  
*omit*  
for the conditions  
*insert*  
for the provision

**8 Section 38 amended**

- Section 38(2A)  
*omit, insert*
- (2A) However, the court must revoke bail if:
- (a) both of the following circumstances apply:
    - (i) the person was charged with a serious violence offence or an offence against which section 7A applies and released on bail despite a presumption against bail;
    - (ii) the court finds that the person has breached a bail undertaking or a condition of bail; or
  - (b) the person, for whom a conduct agreement is in force and the agreement contains a provision as mentioned in section 27A(1)(ia), breaches a condition of bail by contravening that provision of the conduct agreement.

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**9 Section 38A inserted**

After section 38

*insert*

**38A Certain costs recoverable by Territory**

If an accused person destroys or damages an approved monitoring device:

- (a) the accused person is liable to pay the costs of restoring or replacing the monitoring device; and
- (b) the costs may be recovered from the accused person as a debt payable to the Territory.

**10 Part 9, Division 3 inserted**

After section 58

*insert*

**Division 3 Bail Amendment Act (No. 2) 2015**

**59 Definitions**

In this Division:

***amending Act*** means the *Bail Amendment Act (No. 2) 2015*.

***commencement*** means the commencement of the amending Act.

**60 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.

**61 Application of section 38**

- (1) Section 38, as amended by the amending Act, applies only in relation to a breach of a condition by an accused person of the person's bail that occurs after the commencement.



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- (2) Section 38, as in force immediately before the commencement, continues to apply in relation to a breach of a condition by an accused person of the person's bail that occurs before the commencement.

## **11 Expiry of Act**

This Act expires on the day after it commences.