

Serial 17
Bail Legislation Amendment Bill 2021
Mrs Finocchiaro

A Bill for an Act to amend the *Bail Act 1982* and the *Bail Regulations 1983*

NORTHERN TERRITORY OF AUSTRALIA
BAIL LEGISLATION AMENDMENT ACT 2021

Act No. [] of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2021

An Act to amend the *Bail Act 1982* and the *Bail Regulations 1983*

[Assented to [] 2021]
[Introduced [] 2021]

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 Legislation Amendment Act 2021*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Bail Act 1982

3 Act amended

This Part amends the *Bail Act 1982*.

4 Section 7A amended (Presumption against bail for certain offences)

(1) Section 7A(1)(dc), after "103A,"

insert

181,

- (2) Section 7A(1)(dd)
omit
section 181 of the Criminal Code, or
- (3) Section 7A(de)
omit
- (4) Section 7A(1)(f)
omit
offence.
insert
offence;
- (5) After section 7A(1)(f)
insert
(g) a prescribed offence.

5 Section 7B inserted

After section 7A, in Part 2, Division 1A

insert

7B Presumption against bail for repeat offenders

- (1) Subject to subsection (2), bail must not be granted to the following persons:
- (a) a person who was found guilty of 2 or more offences within 2 years immediately preceding the day of the alleged commission of the offence for which bail is being considered;
 - (b) a person who was on bail for another offence when alleged to have committed the offence for which bail is being considered.
- (2) A person referred to in subsection (1) may be granted bail if:
- (a) the person satisfies an authorised member or the court that bail should be granted in accordance with sections 24 and 24A; and

- (b) in the case of bail granted by a court – the person enters into a conduct agreement containing the requirements referred to in section 27A(1)(ia) and (ib).
- (3) The requirement for bail cannot be dispensed with for a person referred to in subsection (1) and section 9(2) does not apply to a person referred to in subsection (1).

6 Section 8 amended (Presumption in favour of bail for certain offences)

- (1) Section 8(1)

omit, insert

- (1) This section applies in relation to any offence unless there is a presumption against bail under section 7A or 7B.

- (2) Section 8(2)(a)

omit

section 24

insert

sections 24 and 24A

- (3) Section 8(5)

omit

7 Section 8A repealed (Presumption in favour of bail for youths)

Section 8A

repeal

8 Section 12 amended (Bail may be granted where no entitlement)

Section 12

omit

or 8A

9 Section 24 amended (Criteria to be considered in bail applications)

Section 24(1)

omit

section 24A

insert

sections 7B and 24A

10 Section 24A amended (Criteria to be considered in bail applications for youths)

Section 24A(2)

omit

section 24

insert

sections 7B and 24

11 Section 28 amended (Imposition of bail conditions)

Section 28(2A)

omit

must

insert

may

12 Section 37B amended (Offence to breach bail)

Section 37B(4)

omit

13 Section 66 amended (Application of sections 8A and 24A)

Section 66, after "section 24A"

insert

, as in force on the commencement,

14 Part 9, Division 6 inserted

After section 67

insert

Division 6 Bail Legislation Amendment Act 2021**68 Interpretation**

(1) In this Division:

amending Act means the *Bail Legislation Amendment Act 2021*.

commencement means the commencement of section 5 of the amending Act.

(2) If a provision of this Division is inconsistent with a provision of Division 5, the provision of this Division prevails to the extent of the inconsistency.

69 Application of amendment to presumptions

(1) Section 7A, as amended by the amending Act, and section 7B, as inserted by the amending Act, apply in relation to an offence charged after the commencement.

(2) Section 7A, as in force immediately before the commencement, continues to apply in relation to an offence charged before the commencement.

70 Application of amendment relating to granting of bail

(1) Sections 8, 12, 24, 24A and 28, as amended by the amending Act, apply to the granting of bail in relation to an offence charged after the commencement.

(2) Sections 8, 8A, 12, 24, 24A and 28, as in force immediately before the commencement, continue to apply in relation to an offence charged before the commencement.

71 Application of amendment to offence to breach bail

(1) Section 37B, as amended by the amending Act, applies in relation to conduct engaged in after the commencement.

(2) Section 37B, as in force immediately before the commencement, applies in relation to conduct engaged in before commencement.

- (3) For this section, if any of the conduct constituting an offence occurred on or before the commencement, the offence is taken to have been committed before the commencement.

Part 3 Amendment of Bail Regulations 1983

15 Regulations amended

This Part amends the *Bail Regulations 1983*.

16 Regulation 2A amended (Prescribed offences)

Regulation 2A(a)

omit, insert

- (a) section 55(1), 125B(1), 127, 130(3A) or (3B), 132, 134(1), (2) or (3), 156, 160, 161A, 165, 175, 176, 177, 182, 190, 191, 194 or 211 of the Criminal Code;

Part 4 Repeal of Act

17 Repeal of Act

This Act is repealed on the day after it commences.