

Serial 4
Bail Legislation Amendment Bill 2024
Ms Finocchiaro

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

NORTHERN TERRITORY OF AUSTRALIA
BAIL LEGISLATION AMENDMENT ACT 2024

Act No. [] of 2024

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
Part 2	Amendment of bail legislation	
Division 1	Amendment of Bail Act 1982	
3	Act amended	1
4	Section 3 amended (Interpretation)	2
5	Section 7A amended (Presumption against bail for certain offences).....	2
6	Section 7B repealed (Presumption against bail for youth involved in serious breach of bail)	3
7	Section 8 amended (Presumption in favour of bail for certain offences).....	3
8	Section 8A repealed (Presumption in favour of bail for youths).....	3
9	Section 27A amended (Conduct agreements).....	4
10	Section 28 amended (Imposition of bail conditions)	4
11	Section 37B amended (Offence to breach bail).....	5
12	Section 38 amended (Arrest for absconding or breach of condition).....	5
13	Section 38AA repealed (Serious breach of bail by youth)	5
14	Part 9, Division 9 inserted.....	5
	Division 9 Bail Legislation Amendment Act 2024	
73	Definitions	
74	Amendments to sections 7A, 7B, 8 and 8A	
75	Supported bail accommodation	
76	Application of amendments to section 37B	
Division 2	Amendment of Bail Regulations 1983	
15	Regulations amended.....	6
16	Regulation 2AB repealed (Supported bail accommodation)	6

Part 3	Consequential amendments	
Division 1	Amendment of Evidence Act 1939	
17	Act amended	6
18	Section 21AA amended (Definitions).....	6
Division 2	Amendment of Local Court (Criminal Procedure) Act 1928	
19	Act amended	7
20	Section 4 amended (Interpretation)	7
Division 3	Amendment of Youth Justice Act 2005	
21	Act amended	7
22	Section 22 amended (Charge to be by summons except in certain cases)	7
Part 4	Repeal	
23	Repeal of Act.....	7



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2024

An Act to amend the *Bail Act 1982* and the *Bail Regulations 1983* and for related purposes

[Assented to [] 2024]
[Introduced [] 2024]

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 2024*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 14 October 2026, it commences on that day.

Part 2 Amendment of bail legislation

Division 1 Amendment of Bail Act 1982

3 Act amended

This Division amends the *Bail Act 1982*.

4 Section 3 amended (Interpretation)

- (1) Section 3(1), definition **serious breach of bail**

omit

- (2) Section 3(1)

insert

supported bail accommodation means a place declared by the Minister under section 27A(1)(ea) to be supported bail accommodation.

- (3) Section 3(1), definition **serious violence offence**, after paragraph (a)

insert

(ab) an offence against section 211 or 212 of the Criminal Code, as in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*; or

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

- (1) Section 7A(1)(de), before "serious" (*all references*)

insert

prescribed offence or

- (2) Section 7A(1)(de)

omit

an adult

- (3) After section 7A(1)(de)

insert

(dea) a prescribed offence or serious offence (**offence AB**) if the person accused of offence AB has, within the period of 2 years immediately preceding the date of the alleged commission of offence AB, been found guilty of 2 or more prescribed offences or serious offences, or any combination of them, for which a conviction was recorded;

- (4) Section 7A(1)(e)
omit
all words from "offence" to "Act 2001;"
insert
offence;

- (5) Section 7A(2), note
omit, insert
Note for subsection (2)
See sections 24 and 24A in relation to the matters to be considered by an authorised member or court in determining whether bail should be granted.

- (6) Section 7A(2B)
omit

6 Section 7B repealed (Presumption against bail for youth involved in serious breach of bail)

Section 7B
repeal

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

- (1) Section 8(2)(a), after "24"
insert
and, if the person is a youth, the matters mentioned in section 24A
- (2) Section 8(5)
omit

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

Section 8A
repeal

9 Section 27A amended (Conduct agreements)

After section 27A(1)(e)

insert

(ea) require an accused person to reside at a place that is declared by the Minister, by *Gazette* notice, to be supported bail accommodation; or

10 Section 28 amended (Imposition of bail conditions)

(1) Section 28(1)

omit

An

insert

Subject to subsection (2AA), an

(2) Section 28(2A)

omit

but subject to section 7B

(3) After section 28(2A)

insert

(2AA) An authorised member or court must, in granting bail to a person accused of an offence mentioned in section 7A (1)(de), (dea) or (df), impose a condition requiring the person to enter into a conduct agreement containing:

- (a) a provision mentioned in section 27A(1)(iaa), (iab) or (ia); or
- (b) if the authorised member or court determines it is not practicable to include a provision mentioned in section 27A(1)(iaa), (iab) or (ia) – a provision mentioned in section 27A(1)(ea); or
- (c) if the authorised member or court determines it is not practicable to include a provision mentioned in section 27A(1)(ea), (iaa), (iab) or (ia) – a provision mentioned in section 27A(1)(f).

11 Section 37B amended (Offence to breach bail)

Section 37B(4)

omit

12 Section 38 amended (Arrest for absconding or breach of condition)

Section 38(2B) and (5)

omit

13 Section 38AA repealed (Serious breach of bail by youth)

Section 38AA

repeal

14 Part 9, Division 9 inserted

After section 72

insert

Division 9 Bail Legislation Amendment Act 2024

73 Definitions

In this Division:

amending Act means the *Bail Legislation Amendment Act 2024*.

commencement means the commencement of section 3 of the amending Act.

74 Amendments to sections 7A, 7B, 8 and 8A

- (1) Sections 7A and 8, as amended by the amending Act, apply to an application for bail that is made after the commencement even if the alleged offence to which the bail relates was committed before the commencement.
- (2) Sections 7A, 7B, 8 and 8A, as in force immediately before the commencement, continue to apply in relation to an application for bail that was made before the commencement and a continuation of bail under section 32 if the bail was granted before the commencement.

75 Supported bail accommodation

A place that was, immediately before the commencement, prescribed as supported bail accommodation for section 7B(3)(b) as in force before the commencement is taken to be supported bail accommodation declared by the Minister for section 27A(1)(ea).

76 Application of amendments to section 37B

- (1) Section 37B(4), as in force immediately before its repeal by the amending Act, continues to apply in relation to a bail offence that was committed before the commencement.
- (2) For this section, if any of the conduct constituting a bail offence occurred before the commencement, the bail offence is taken to have been committed before the commencement.

Division 2 Amendment of Bail Regulations 1983

15 Regulations amended

This Division amends the *Bail Regulations 1983*.

16 Regulation 2AB repealed (Supported bail accommodation)

Regulation 2AB

repeal

Part 3 Consequential amendments

Division 1 Amendment of Evidence Act 1939

17 Act amended

This Division amends the *Evidence Act 1939*.

18 Section 21AA amended (Definitions)

Section 21AA, definition ***serious violence offence***, after paragraph (a)

insert

- (aa) an offence against section 211 or 212 of the Criminal Code, as in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*; or

**Division 2 Amendment of Local Court (Criminal Procedure)
Act 1928****19 Act amended**

This Division amends the *Local Court (Criminal Procedure) Act 1928*.

20 Section 4 amended (Interpretation)

Section 4, definition ***serious violence offence***, after paragraph (a)
insert

(aa) an offence against section 211 or 212 of the Criminal Code, as in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*; or

Division 3 Amendment of Youth Justice Act 2005**21 Act amended**

This Division amends the *Youth Justice Act 2005*.

22 Section 22 amended (Charge to be by summons except in certain cases)

Section 22(3)

omit

a prescribed offence as defined in section 3B of the *Bail Act 1982*.

insert

an offence to which section 7A(1) of the *Bail Act 1982* applies.

Part 4 Repeal**23 Repeal of Act**

This Act is repealed on the day after it commences.