



New South Wales

Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) provide that if the grant of bail for an accused person is subject to electronic monitoring as a bail condition, the electronic monitoring must be conducted by the Commissioner of Corrective Services, and
- (b) restrict the grant of bail subject to electronic monitoring to serious domestic violence offences only.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Bail Act 2013 No 26

Schedule 1[2] provides that if bail is granted to a person accused of a serious domestic violence offence who is required to show cause why detention is not justified for the offence—

- (a) the grant of bail must be subject to electronic monitoring as a bail condition, and
- (b) the electronic monitoring must be conducted by the Commissioner of Corrective Services and must not be conducted by another person.

Schedule 1[6] provides that a serious domestic violence offence is the only offence where bail may be granted subject to the condition of electronic monitoring. **Schedule 1[1] and [3]–[5]** make consequential amendments.

Schedule 1[7] inserts savings and transitional provisions.

Schedule 2 Amendment of Bail Regulation 2021

Schedule 2[1] and [2] make amendments consequent on Schedule 1[2] and [5].



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025

No , 2025

A Bill for

An Act to amend the *Bail Act 2013* to prohibit the practice of accused persons granted bail being monitored by private providers as a condition of bail; to make related amendments to the *Bail Act 2013*; and to make consequential amendments to the *Bail Regulation 2021*.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Bail Amendment (Ban on Private Electronic Monitoring) Act 2025</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of Bail Act 2013 No 26	1
[1]	Section 28B Bail condition must impose electronic monitoring for certain offences	2
	Omit section 28B(2), note.	3
[2]	Section 28B(2A)	4
	Omit section 28B(2A). Insert instead—	5
	(2A) If the grant of bail is subject to a condition referred to in subsection (2)—	6
	(a) the accused person must remain in custody until the person has been fitted with a device that permits the electronic monitoring of the person, and	7
	Note— See section 42 and the regulations, which provide that a person who has custody of an accused person granted bail must give a court notice that the accused person is still in custody within particular timeframes.	8
		9
	(b) the electronic monitoring—	10
	(i) must be conducted by the Commissioner of Corrective Services, and	11
		12
	(ii) must not be conducted by a person other than the Commissioner of Corrective Services.	13
		14
		15
		16
		17
[3]	Section 28B(3)(a)	18
	Omit the paragraph.	19
[4]	Section 29 Limitation on power to impose pre-release requirements	20
	Omit “requirement,” from section 29(1)(e). Insert instead “requirement.”.	21
[5]	Section 29(1)(f) and (5A)	22
	Omit the provisions, including the note.	23
[6]	Section 30A	24
	Omit the section. Insert instead—	25
	30A Bail conditions must not require electronic monitoring other than under s 28B	26
	A bail condition must not require an accused person be subject to electronic monitoring other than a bail condition imposed under section 28B.	27
		28
[7]	Schedule 3 Savings, transitional and other provisions	29
	Insert at the end of the schedule, with appropriate part and clause numbering—	30
Part	Provisions consequent on Bail Amendment (Ban on Private Electronic Monitoring) Act 2025	31
		32
	Definitions	33
	In this part—	34
	<i>amendment Act</i> means the <i>Bail Amendment (Ban on Private Electronic Monitoring) Act 2025</i> .	35
		36
	<i>commencement date</i> means the date of assent to the amendment Act.	37

Application of amendments

An amendment made to this Act by the amendment Act extends to offences committed, or alleged to have been committed, or charged before the commencement date.

Transition period for private electronic monitoring

- (1) This clause applies if, immediately before the commencement date, the grant of bail for an accused person was subject to a condition (a ***private electronic monitoring condition***) that the accused person be subject to private electronic monitoring.
- (2) During the transition period—
 - (a) the private electronic monitoring condition continues to apply as if the amendment Act had not commenced, and
 - (b) the private electronic monitoring continues as if the amendment Act had not commenced.
- (3) If, at the end of the transition period, the accused person's bail has not been varied by a court to remove the private electronic monitoring condition—
 - (a) the accused person is taken to have failed to comply with the bail condition, and
 - (b) the accused person must be dealt with under section 77, other than section 77(1)(a) or (b), as if the accused person had failed to comply with the bail condition.
- (4) The fact an accused person will no longer be able to rely on compliance with a private electronic monitoring condition at the end of the transition period constitutes a change in circumstances for the purposes of section 74.
- (5) In this clause—

private electronic monitoring means electronic monitoring conducted by a person other than the Commissioner for Corrective Services.

transition period means the period—

 - (a) starting on the commencement date, and
 - (b) ending on the day that is 3 months after the commencement date.

Schedule 2	Amendment of Bail Regulation 2021	1
[1]	Part 4, Division 5 Independent electronic monitoring—the Act, s 30A	2
	Omit the division.	3
[2]	Schedule 1 Minimum standards for electronic monitoring	4
	Omit the schedule.	5