



New South Wales

Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025

Act No , 2025

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*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Bail Amendment (Ban on Private Electronic Monitoring) Act 2025*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Bail Act 2013 No 26

[1] Section 28B Bail condition must impose electronic monitoring for certain offences

Omit section 28B(2), note.

[2] Section 28B(2A)

Omit section 28B(2A). Insert instead—

(2A) If the grant of bail is subject to a condition referred to in subsection (2)—

- (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

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.

(b) the electronic monitoring—

- (i) must be conducted by the Commissioner of Corrective Services, and
- (ii) must not be conducted by a person other than the Commissioner of Corrective Services.

[3] Section 28B(3)(a)

Omit the paragraph.

[4] Section 29 Limitation on power to impose pre-release requirements

Omit “requirement,” from section 29(1)(e). Insert instead “requirement.”.

[5] Section 29(1)(f) and (5A)

Omit the provisions, including the note.

[6] Section 30A

Omit the section. Insert instead—

30A Bail conditions must not require electronic monitoring other than under s 28B

A bail condition must not require an accused person be subject to electronic monitoring other than a bail condition imposed under section 28B.

[7] Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on Bail Amendment (Ban on Private Electronic Monitoring) Act 2025

Definitions

In this part—

amendment Act means the *Bail Amendment (Ban on Private Electronic Monitoring) Act 2025*.

commencement date means the date of assent to the amendment Act.

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] Part 4, Division 5 Independent electronic monitoring—the Act, s 30A**
Omit the division.
- [2] Schedule 1 Minimum standards for electronic monitoring**
Omit the schedule.