

Introduced by Mr A A Tink, MP

First print



New South Wales

Bail Amendment (Confiscation of Passports) Bill 2000

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Bail Act 1978* so as to require bail granted to persons accused of offences occasioning death to be made subject, except in special circumstances, to conditions requiring the giving up of passports held by them.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Bail Act 1978* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of *passport* into section 4 of the *Bail Act 1978*. The definition gives passport the same meaning as it has in the *Migration Act 1958* of the Commonwealth, which states that *passport* includes “a document of identity issued from official sources, whether in or outside Australia, and having the characteristics of a passport, but does not include a document, which may be a document called or purporting to be a passport, that the regulations [under that Act] declare is not to be taken to be a passport”.

Schedule 1 [2] amends section 36 of the *Bail Act 1978* so as to enable bail granted to an accused person under that Act to be made subject to a condition requiring the person to surrender to a police officer or court any passport held by the person.

Schedule 1 [3] inserts proposed section 37A into the *Bail Act 1978*. The proposed section makes the imposition of a condition requiring the surrender of a passport mandatory. However, the proposed section empowers a court to direct that bail is to be granted without such a condition if the accused person satisfies the court that, in the circumstances of the case, the giving of such a direction is justified.



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No. , 2000

A Bill for

An Act to amend the *Bail Act 1978* so as to require bail granted to persons accused of offences occasioning death to be made subject, except in special circumstances, to conditions requiring the giving up of passports held by them.

The Legislature of New South Wales enacts: 1

1 Name of Act 2

 This Act is the *Bail Amendment (Confiscation of Passports) Act 2000*. 3

2 Commencement 4

 This Act commences on the date of assent. 5

3 Amendment of Bail Act 1978 No 161 6

 The *Bail Act 1978* is amended as set out in Schedule 1. 7

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 4 Definitions	3
	Insert in alphabetical order in section 4 (1):	4
	<i>passport</i> has the same meaning as it has in the <i>Migration Act 1958</i> of the Commonwealth.	5 6
[2]	Section 36 Conditions of bail	7
	Insert after section 36 (2) (h):	8
	(i) that the accused person surrender to the authorised officer or court any passport held by the person.	9 10
[3]	Section 37A	11
	Insert after section 37:	12
	37A Conditions concerning surrender of passports	13
	(1) Bail is not to be granted to a person who is accused of an offence occasioning death otherwise than subject to a condition requiring the person to surrender to the authorised officer or court any passport held by the person.	14 15 16 17
	(2) Despite subsection (1), a court may direct that bail is to be granted without the imposition of such a condition if the accused person satisfies the court that, in the circumstances of the case, the giving of such a direction is justified.	18 19 20 21