

Passed by both Houses



New South Wales

Bail Amendment (Confiscation of Passports) Bill 2002

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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, , 2001*



New South Wales

Bail Amendment (Confiscation of Passports) Bill 2002

Act No , 2002

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.

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

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Bail Amendment (Confiscation of Passports) Act 2002*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Bail Act 1978 No 161

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

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

passport has the same meaning as it has in the *Migration Act 1958* of the Commonwealth.

[2] Section 36 Conditions of bail

Insert after section 36 (2) (h):

- (i) that the accused person surrender to the authorised officer or court any passport held by the person.

[3] Section 37A

Insert after section 37:

37A Conditions concerning surrender of passports

- (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.
- (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.