

**BAIL (PERSONAL AND FAMILY VIOLENCE)
AMENDMENT ACT 1987 No. 185**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 161, 1978

SCHEDULE 1—AMENDMENTS

**BAIL (PERSONAL AND FAMILY VIOLENCE) AMENDMENT ACT
1987 No. 185**

NEW SOUTH WALES



Act No. 185, 1987

An Act to amend the Bail Act 1978 in relation to personal and family violence. [Assented to 4 December 1987]

Bail (Personal and Family Violence) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the *Bail (Personal and Family Violence) Amendment Act 1987*.

Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 161, 1978

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

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) **Section 4 (Definitions)—**

Section 4 (1)—

After the definition of "District Court", insert:

"domestic violence offence" has the same meaning as it has in the *Crimes Act 1900*;

(2) **Section 9 (Presumption in favour of grant of bail for certain other offences)—**

Section 9 (5)—

After section 9 (4), insert:

(5) A person is not entitled under this section to be granted bail in respect of an offence to which this section applies if—

- (a) the offence is a domestic violence offence; and
- (b) the person has previously failed to comply with a bail condition imposed in respect of the offence (being a bail condition imposed for the protection and welfare of the person against whom it is alleged that the offence has been committed),

unless the authorised officer or court is satisfied that the person will comply with any such bail condition in the future.

Bail (Personal and Family Violence) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(3) Section 32 (**Criteria to be considered in bail applications**)—

Section 32 (2A)—

After section 32 (2), insert:

(2A) In the case of a domestic violence offence, the authorised officer or court shall, for the purposes of this section, have regard in particular to—

- (a) the protection and welfare of the person against whom it is alleged that the offence has been committed; and
- (b) any previous conduct of the accused which affects the likelihood that the accused person will commit a further domestic violence offence on that person while at liberty on bail.

(4) Section 37 (**Restrictions on imposing bail conditions**)—

(a) Section 37 (2)—

After “offence”, insert “, the interests of any person against whom it is alleged that the offence has been committed”.

(b) Section 37 (5)—

After section 37 (4), insert:

(5) In the case of a domestic violence offence, the authorised officer or court shall, for the purposes of this section, have regard in particular to—

- (a) the protection and welfare of the person against whom it is alleged that the offence has been committed; and
- (b) any previous conduct of the accused which affects the likelihood that the accused person will commit a further domestic violence offence on that person while at liberty on bail.

(5) Section 48 (**Provisions respecting review of bail decisions**)—

Section 48 (1) (a)—

Omit the paragraph, insert instead:

- (a) may be exercised only at the request of—
 - (i) the accused person;
 - (ii) the informant (being a police officer);

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SCHEDULE 1—AMENDMENTS—*continued*

- (iii) the informant or complainant (whether or not a police officer) in the case of bail granted in respect of a domestic violence offence or a complaint for an apprehended domestic violence order under Part XVA of the Crimes Act 1900; or
- (iv) the Attorney General or the Director of Public Prosecutions; and

**BAIL (PERSONAL AND FAMILY VIOLENCE)
AMENDMENT BILL 1987**

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EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Crimes (Personal and Family Violence) Amendment Bill 1987.

The object of this Bill is to amend the Bail Act 1978 to further protect the victims of personal and family violence in connection with the granting of bail.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) defines a "domestic violence offence" in the same terms as in the Crimes Act 1900.

Schedule 1 (2) removes the presumption in favour of bail in the case of a domestic violence offence if the accused person has previously failed to comply with any bail conditions imposed for the protection and welfare of the victim of the alleged offence (unless the relevant officer or court is satisfied that those bail conditions will be observed in future).

Schedule 1 (3) and 4 (b) provide that, when consideration is given to the protection and welfare of the community in connection with the granting of bail and bail conditions for domestic violence offences, consideration is given in particular to the protection and welfare of the victim of the alleged offence and to previous conduct of the accused that relates to the possible commission of further offences.

Schedule 1 (4) (a) makes it clear that in determining the kind of bail conditions to be imposed consideration should be given to the interests of any victim of the alleged offence.

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Schedule 1 (5) provides that in the case of a domestic violence offence or a complaint for an apprehended domestic violence order the informant or complainant may request a review of a decision relating to bail. At present only an informant or complainant who is a police officer may request a review.

**BAIL (PERSONAL AND FAMILY VIOLENCE)
AMENDMENT BILL 1987**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**BAIL (PERSONAL AND FAMILY VIOLENCE)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Bail Act 1978 in relation to personal and family violence.

Bail (Personal and Family Violence) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Bail (Personal and Family Violence) Amendment Act 1987.

5 Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 161, 1978

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

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**)—

Section 4 (1)—

After the definition of “District Court”, insert:

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“domestic violence offence” has the same meaning as it has in the Crimes Act 1900;

(2) Section 9 (**Presumption in favour of grant of bail for certain other offences**)—

Section 9 (5)—

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After section 9 (4), insert:

(5) A person is not entitled under this section to be granted bail in respect of an offence to which this section applies if—

(a) the offence is a domestic violence offence; and

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(b) the person has previously failed to comply with a bail condition imposed in respect of the offence (being a bail condition imposed for the protection and welfare of the person against whom it is alleged that the offence has been committed),

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unless the authorised officer or court is satisfied that the person will comply with any such bail condition in the future.

(3) Section 32 (**Criteria to be considered in bail applications**)—

Section 32 (2A)—

After section 32 (2), insert:

SCHEDULE 1—AMENDMENTS—*continued*

(2A) In the case of a domestic violence offence, the authorised officer or court shall, for the purposes of this section, have regard in particular to—

- 5 (a) the protection and welfare of the person against whom it is alleged that the offence has been committed; and
 (b) any previous conduct of the accused which affects the likelihood that the accused person will commit a further domestic violence offence on that person while at liberty on bail.

10 (4) Section 37 (**Restrictions on imposing bail conditions**)—

(a) Section 37 (2)—

After “offence”, insert “, the interests of any person against whom it is alleged that the offence has been committed”.

(b) Section 37 (5)—

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25 (5) Section 48 (**Provisions respecting review of bail decisions**)—

Section 48 (1) (a)—

Omit the paragraph, insert instead:

- (a) may be exercised only at the request of—
 30 (i) the accused person;
 (ii) the informant (being a police officer);
 (iii) the informant or complainant (whether or not a police officer) in the case of bail granted in respect of a domestic violence offence or a complaint for an apprehended domestic violence order under Part XVA of the Crimes Act 1900; or
 35 (iv) the Attorney General or the Director of Public Prosecutions; and

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THE HISTORY OF THE UNITED STATES OF AMERICA

CHAPTER I
THE DISCOVERY OF AMERICA

It is a matter of course that the discovery of America was a great event in the history of the world. It opened up a new world to the Europeans and led to the establishment of a new world power.

The discovery of America was made by Christopher Columbus in 1492. He was an Italian explorer who was sailing for Spain when he discovered the continent of North America.

Columbus's discovery of America was a great event in the history of the world. It opened up a new world to the Europeans and led to the establishment of a new world power.

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