

BAIL (FURTHER AMENDMENT) ACT 1988 No. 60

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS



BAIL (FURTHER AMENDMENT) ACT 1988 No. 60

NEW SOUTH WALES



Act No. 60, 1988

An Act to amend the Bail Act 1978 with respect to presumptions in favour of bail for certain minor offences. [Assented to 21 November 1988]

Bail (Further Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Bail (Further Amendment) Act 1988.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Bail Act 1978 No. 161

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

Transitional provision

4. The amendments made by this Act apply to offences whether committed before or after the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Section 9 (Presumption in favour of bail for certain offences)—

- (1) Section 9 (1) (a), (b)—

Omit the paragraphs, insert instead:

- (a) offences referred to in section 8A (1);
- (b) subject to subsection (1A), offences referred to in section 8 (1) or offences against section 51;

- (2) Section 9 (1A)—

After section 9 (1), insert:

- (1A) This section applies to—

- (a) an offence referred to in section 8 (1) if the person accused of the offence is not entitled to be granted bail under section 8 merely because the person has previously failed to comply with a bail undertaking given or bail condition imposed in respect of the offence; and

Bail (Further Amendment) 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (b) an offence against section 51 arising from a failure to comply with a bail undertaking given in respect of an offence referred to in section 8 (1) (a).
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[*Minister's second reading speech made in—
Legislative Assembly on 31 August 1988
Legislative Council on 15 November 1988*]







BAIL (FURTHER AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Bail Act 1978 to create a presumption in favour of bail where—

- (a) a person loses the automatic right to bail by failing to comply with a bail undertaking or bail condition in respect of a minor offence (including an offence not punishable by imprisonment); and
- (b) a person is charged with an offence against section 51 of the Act because of a failure to comply with a bail undertaking in respect of an offence that is not punishable by imprisonment (in that case, the offence against section 51 is also not punishable by imprisonment).

Clause 1 specifies the short title of the proposed Act.

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

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

Clause 4 is a transitional provision that makes it clear that the amendments to be made by the proposed Act apply to offences committed before, as well as after, the commencement of the proposed Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 amends section 9 of the Bail Act (Presumption in favour of bail for certain offences) to give effect to the object stated above.

BAIL (FURTHER AMENDMENT) BILL 1988

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TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS

STATE OF TEXAS

COUNTY OF [illegible]



[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

BAIL (FURTHER AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Bail Act 1978 with respect to presumptions in favour of bail for certain minor offences.

*Bail (Further Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Bail (Further Amendment) Act 1988.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Bail Act 1978 No. 161

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

Transitional provision

4. The amendments made by this Act apply to offences whether committed before or after the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Section 9 (Presumption in favour of bail for certain offences)—

- (1) Section 9 (1) (a), (b)—

15 Omit the paragraphs, insert instead:

- (a) offences referred to in section 8A (1);
 (b) subject to subsection (1A), offences referred to in section 8 (1) or offences against section 51;

- (2) Section 9 (1A)—

20 After section 9 (1), insert:

- (1A) This section applies to—

- 25 (a) an offence referred to in section 8 (1) if the person accused of the offence is not entitled to be granted bail under section 8 merely because the person has previously failed to comply with a bail undertaking given or bail condition imposed in respect of the offence; and
 (b) an offence against section 51 arising from a failure to comply with a bail undertaking given in respect of an offence referred to in section 8 (1) (a).