

**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);

Bail (Personal and Family Violence) Amendment 1987

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