



New South Wales

# Bail Amendment (Lifetime Parole) Act 2006 No 71

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New South Wales

# **Bail Amendment (Lifetime Parole) Act 2006 No 71**

Act No 71, 2006

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An Act to amend the *Bail Act 1978* to provide for a presumption against bail for persons on lifetime parole charged with offences carrying a penalty of imprisonment.  
[Assented to 27 October 2006]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Bail Amendment (Lifetime Parole) Act 2006*.

**2 Commencement**

This Act commences on the date of assent to this Act.

**3 Amendment of Bail Act 1978 No 161**

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

**4 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 8E**

Insert after section 8D:

**8E Presumption against bail for persons on lifetime parole who commit offences carrying prison terms**

- (1) This section applies to an accused person if:
  - (a) the person is accused of an offence for which a penalty of imprisonment may be imposed, and
  - (b) the person is serving a sentence of imprisonment for life and is on parole.
- (2) The accused person is not to be granted bail unless the person satisfies the authorised officer or court that bail should not be refused.
- (3) The requirement for bail cannot be dispensed with for the accused person and section 10 (2) does not apply with respect to any such offence.
- (4) Section 8 does not apply to an accused person to whom this section applies.
- (5) This section does not apply to an accused person to whom section 9C (Murder) applies.

**[2] Section 9 Presumption in favour of bail for certain offences**

Insert “or 8E” after “section 8C” in section 9 (1AA).

**[3] Section 9D Repeat offenders—serious personal violence offences**

Insert “, 8E” after “Sections 8C” in section 9D (3).

**[4] Section 32 Criteria to be considered in bail applications**

Insert “or 8E” after “section 8C” in section 32 (6).

**[5] Section 38 Reasons to be recorded**

Insert “or an accused person to whom section 8E applies” after “9D applies” in section 38 (1A).

**[6] Schedule 1 Savings and transitional provisions**

Insert after Part 16:

**Part 17 Bail Amendment (Lifetime Parole) Act 2006**

**34 Persons charged with offences before commencement of Bail Amendment (Lifetime Parole) Act 2006**

- (1) Section 8E, as inserted by the *Bail Amendment (Lifetime Parole) Act 2006*, extends to a grant of bail in respect of an offence alleged to have been committed before the commencement of that section, whether the person was charged with the offence before or after that commencement.
- (2) The operation of this clause extends to a review under Part 6 of this Act of a bail decision made before that commencement.

[Second reading speech made in—

Legislative Assembly on 19 September 2006

Legislative Council on 18 October 2006]

BY AUTHORITY