

Passed by both Houses



New South Wales

Bail Amendment Bill 2022

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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,*

, 2022



New South Wales

Bail Amendment Bill 2022

Act No _____, 2022

An Act to amend the *Bail Act 2013* to require bail to be refused following conviction and before sentencing for an offence for which the offender will be sentenced to imprisonment; and to require that electronic monitoring imposed as a bail condition must meet any minimum standards prescribed in the regulations.

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

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Bail Amendment Act 2022*.

2 Commencement

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

Schedule 1 Amendment of Bail Act 2013 No 26

[1] Section 22B

Insert after section 22A—

22B Limitation regarding bail during period following conviction and before sentencing for certain offences

- (1) During the period following conviction and before sentencing for an offence for which the accused person will be sentenced to imprisonment to be served by full-time detention, a court—
 - (a) on a release application made by the accused person—must not grant bail or dispense with bail, unless it is established that special or exceptional circumstances exist that justify the decision, or
 - (b) on a detention application made in relation to the accused person—must refuse bail, unless it is established that special or exceptional circumstances exist that justify the decision.
- (2) If the offence is a show cause offence, the requirement that the accused person establish that special or exceptional circumstances exist that justify a decision to grant bail or dispense with bail applies instead of the requirement that the accused person show cause why the accused person's detention is not justified.
- (3) Subject to subsection (1), Division 2 applies to a bail decision made by a court under this section.
- (4) This section applies despite anything to the contrary in this Act.
- (5) In this section—

conviction also includes a plea of guilty.

Note— *Conviction* is defined in section 4(1) to include a finding of guilt.

[2] Section 30A

Insert after section 30—

30A Bail conditions requiring electronic monitoring

If bail conditions impose a requirement for the accused person to be subject to electronic monitoring—

- (a) the bail authority must be satisfied the electronic monitoring is of a standard that at least meets any minimum standards prescribed in the regulations, and
- (b) the bail condition must require the electronic monitoring to be of a standard that at least meets any minimum standards prescribed in the regulations.