

Passed by both Houses



New South Wales

Bail Amendment (Lifetime Parole) Bill 2006

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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, , 2006*



New South Wales

Bail Amendment (Lifetime Parole) Bill 2006

Act No , 2006

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.

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

Chairman of Committees of the Legislative Assembly.

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- (1) This Act is repealed on the day following the day on which this Act commences.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.

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.