

**BAIL (PERSONAL AND FAMILY VIOLENCE)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Crimes (Personal and Family Violence) Amendment Bill 1987.

The object of this Bill is to amend the Bail Act 1978 to further protect the victims of personal and family violence in connection with the granting of bail.

Clause 1 specifies the short title of the proposed Act.

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

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

Schedule 1 (1) defines a "domestic violence offence" in the same terms as in the Crimes Act 1900.

Schedule 1 (2) removes the presumption in favour of bail in the case of a domestic violence offence if the accused person has previously failed to comply with any bail conditions imposed for the protection and welfare of the victim of the alleged offence (unless the relevant officer or court is satisfied that those bail conditions will be observed in future).

Schedule 1 (3) and 4 (b) provide that, when consideration is given to the protection and welfare of the community in connection with the granting of bail and bail conditions for domestic violence offences, consideration is given in particular to the protection and welfare of the victim of the alleged offence and to previous conduct of the accused that relates to the possible commission of further offences.

Schedule 1 (4) (a) makes it clear that in determining the kind of bail conditions to be imposed consideration should be given to the interests of any victim of the alleged offence.

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Schedule 1 (5) provides that in the case of a domestic violence offence or a complaint for an apprehended domestic violence order the informant or complainant may request a review of a decision relating to bail. At present only an informant or complainant who is a police officer may request a review.
