



New South Wales

Bail Amendment Act 2022 No 27

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Bail Act 2013 No 26	3



New South Wales

Bail Amendment Act 2022 No 27

Act No 27, 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. [Assented to 27 June 2022]

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.

[Second reading speech made in—
Legislative Assembly on 21 June 2022
Legislative Council on 23 June 2022]