



AUSTRALIAN CAPITAL TERRITORY

Bail (Amendment) Act 1998

No. 39 of 1998

An Act to amend the *Bail Act 1992*

[Notified in ACT Gazette No. 41: 14 October 1998]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

This Act may be cited as the *Bail (Amendment) Act 1998*.

2. Commencement

(1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

3. Principal Act

In this Act, “Principal Act” means the *Bail Act 1992*.¹

4. Interpretation

Section 3 of the Principal Act is amended by omitting the definition of “domestic violence offence” and substituting the following definition:

“ ‘domestic violence offence’ means an offence committed by a person against—

- (a) section 19D of the *Domestic Violence Act 1986*;
- (b) a provision of the Crimes Act specified in the Schedule; or
- (c) section 129 of the *Motor Traffic Act 1936*;

that is directed against—

- (d) a spouse of the person;
- (e) a child of a spouse of the person;
- (f) a relative of the person; or
- (g) a household member;”.

5. Bail for minor offences and breaches of the peace

Section 7 of the Principal Act is amended by omitting “section 27” from subparagraph (3) (e) (i) and substituting “section 19D”.

6. Bail by authorised officer—domestic violence offences

Section 8A of the Principal Act is amended—

- (a) by omitting from subsection (1) “victim or an associated person” and substituting “relevant person”;
- (b) by omitting from subsection (3) “victim or an associated person” and substituting “relevant person”; and
- (c) by omitting subsection (5) and substituting the following subsection:

“(5) In this section—

‘relevant person’ means the person against whom the offence is alleged to have been directed, or—

- (a) a spouse of that person;
- (b) a child of a spouse of that person;
- (c) a relative of that person; or
- (d) a household member in relation to that person.”.

7. Schedule

The Schedule to the Principal Act is amended—

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- (a) by inserting after the heading the following item:
“1. An offence listed in the following Table:”; and
- (b) by adding at the end the following item:
“2. An offence against Part VIII of the Crimes Act that relates to an offence listed in the Table in Item 1.”.

NOTE

Principal Act

1. Reprinted as at 1 January 1997. See also Acts Nos. 22 and 96, 1997.

[Presentation speech made in Assembly on 28 May 1998]

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