

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Meredith Hunter)

Bail Amendment Bill 2012

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Bail Amendment Bill 2012

A Bill for

An Act to amend the *Bail Act 1992*

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

1 **1 Name of Act**

2 This Act is the *Bail Amendment Act 2012*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Bail Act 1992*.

9 **4 Arrest without warrant of person on bail**
10 **New section 56A (2A) and (2B)**

11 *insert*

12 (2A) However, a police officer may arrest a child under subsection (2)
13 only if the police officer believes on reasonable grounds that the
14 arrest is—

15 (a) in the best interests of the child; and

16 (b) in accordance with the principles in the *Children and Young*
17 *People Act 2008*, section 94 (Youth justice principles).

18 *Note* The *Human Rights Act 2004*, s 40B also deals with how police officers
19 must consider human rights in making decisions.

20 (2B) If a police officer does not arrest a child under subsection (2)
21 because of a belief under subsection (2A), the police officer may
22 refer the child to any relevant service the police officer considers
23 appropriate.

24 **Example—relevant service**

25 after-hours bail support service

26 *Note* An example is part of the Act, is not exhaustive and may extend, but
27 does not limit, the meaning of the provision in which it appears (see
28 Legislation Act, s 126 and s 132).

- 1 **5 Section 56A (3)**
- 2 *omit*
- 3 the person
- 4 *substitute*
- 5 a person arrested under this section
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Endnotes

- 1 **Presentation speech**
Presentation speech made in the Legislative Assembly on 9 May 2012.
- 2 **Notification**
Notified under the Legislation Act on 2012.
- 3 **Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.
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