



New South Wales

# Bail Amendment (Exceptional Circumstances) Regulation 2016

under the  
Bail Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Bail Act 2013*.

GABRIELLE UPTON, MP  
Attorney General

## Explanatory note

The objects of this Regulation are as follows:

- (a) to specify the bail eligibility information required to be given to a person in police custody who is charged with an offence that is the subject of section 22A of the *Bail Act 2013* (Limitation on power to release in relation to terrorism related offences),
- (b) to require that bail records kept by police officers making bail decisions must specify the name of the hospital at which the bail eligibility information was given (if the information was given at a hospital).

This Regulation is made as consequence of the commencement of the *Bail Amendment Act 2015*.

This Regulation is made under the *Bail Act 2013*, including sections 44 (2) and (5) and 98 (the general regulation-making power).

## **Bail Amendment (Exceptional Circumstances) Regulation 2016**

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Bail Act 2013

### **1 Name of Regulation**

This Regulation is the *Bail Amendment (Exceptional Circumstances) Regulation 2016*.

### **2 Commencement**

This Regulation commences on 6 December 2016 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Bail Regulation 2014

**[1] Clause 10 Bail eligibility information**

Insert “or an exceptional circumstances requirement” after “show cause requirement” in clause 10 (1) (a).

**[2] Clause 10 (1) (a1)**

Insert “(but not an exceptional circumstances requirement)” after “show cause requirement”.

**[3] Clause 10 (1) (a1)**

Insert “person” after “the accused”.

**[4] Clause 10 (1) (a1), note**

Insert at the end of clause 10 (1) (a1):

**Note.** Section 22A (2) of the Act (Limitation on power to release in relation to terrorism related offences) provides that if a person is charged with an offence that is subject to that section and is also a show cause offence, the requirement that the accused person establish that 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 his or her detention is not justified.

**[5] Clause 10 (1) (a2)**

Insert after clause 10 (1) (a1):

(a2) if an exceptional circumstances requirement applies to the offence or offences with which the person has been charged—information to the effect that there is a requirement that bail for the accused person must be refused unless it is established that exceptional circumstances exist that justify a decision to grant bail or dispense with bail,

**[6] Clause 10 (3)**

Insert after clause 10 (2):

(3) In this clause, *exceptional circumstances requirement* means the requirement under section 22A of the Act (Limitation on power to release in relation to terrorism related offences) that a bail authority must refuse bail for an offence referred to in that section, unless it is established that exceptional circumstances exist.

**[7] Clause 11 Records verifying bail eligibility information was given**

Insert “or hospital” after “police station” in clause 11 (1) (b).