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South Australia

Bail (Miscellaneous) Amendment Bill 2017

A BILL FOR

An Act to amend the *Bail Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Bail (Miscellaneous) Amendment Act 2017*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

3—Commencement

(1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.

(2) Part 3 of this Act will come into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Bail Act 1985* to commence on assent

4—Amendment of section 3—Interpretation

Section 3(1), definition of ***working day***—before "a Sunday" insert:

a Saturday, or

5—Retrospective effect

It is the intention of the Parliament that—

(a) the *Bail Act 1985* is to be taken to have always excluded a Saturday, a Sunday and any other public holiday from the definition of a ***working day***; and

(b) no liability lies against the Crown or any officer or employee of the Crown, or any magistrate or other holder of judicial office, in respect of a failure to bring a person taken into custody before the commencement of this section before an appropriate authority on a Saturday.

Part 3—Amendment of *Bail Act 1985* to commence on day to be proclaimed

6—Amendment of section 10A—Presumption against bail in certain cases

Section 10A(2), definition of ***prescribed applicant***—after paragraph (c) insert:

(ca) an applicant charged with an aggravated offence involving physical violence or a threat of physical violence if an aggravating circumstance of the offence is that, at the time of the alleged offence, the applicant is alleged to have contravened an intervention order of a court and the offence lay within the range of conduct that the intervention order was designed to prevent;

7—Amendment of section 15—Telephone review

Section 15—delete subsection (2) and substitute:

(2) Subsection (1) does not apply to the following persons who have been arrested who are dissatisfied with the decision made on the person's application for release on bail:

(a) an arrested person (other than a child) who is dissatisfied with a decision made on application to a police officer on arrest who can be brought before the Magistrates Court constituted of a magistrate by not later than 4 pm on the next day following the day of arrest;

(b) an arrested person (other than a child) who is a prescribed applicant within the meaning of section 10A who is dissatisfied with the decision made on application to a police officer on arrest.