

Notes

¹ This is a compilation of the *Bail Act 1982* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Bail Act 1982</i>	86 of 1982	18 Nov 1982	6 Feb 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 263)
<i>Acts Amendment (Abolition of Capital Punishment) Act 1984 Pt. III</i>	52 of 1984	5 Sep 1984	3 Oct 1984
<i>Bail Amendment Act 1984</i> ²	74 of 1984	29 Nov 1984	6 Feb 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 263)
<i>Bail Amendment Act 1988</i>	15 of 1988	6 Sep 1988	6 Feb 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 263)
Reprint of the <i>Bail Act 1982</i> under the Reprints Act 1984 and s. 21 of the Bail Amendment Act 1988 ³ (includes amendments listed above)			
<i>Criminal Law Amendment Act 1988 Pt. 4</i>	70 of 1988	15 Dec 1988	6 Feb 1989 (see s. 2(2)(b) and <i>Gazette</i> 27 Jan 1989 p. 263)
<i>Acts Amendment (Children's Court) Act 1988 Pt. 13</i>	49 of 1988	22 Dec 1988	1 Dec 1989 (see s. 2 and <i>Gazette</i> 24 Nov 1989 p. 4327)
<i>Justices Amendment Act 1989 s. 18</i>	33 of 1989	22 Dec 1989	1 Jun 1991 (see s. 2 and <i>Gazette</i> 17 May 1991 p. 2455)
<i>Community Corrections Legislation Amendment Act 1990 Pt. 2</i>	61 of 1990	17 Dec 1990	3 Apr 1991 (see s. 2 and <i>Gazette</i> 22 Mar 1991 p. 1209)
<i>Child Welfare Amendment Act (No. 2) 1990 s. 15</i>	83 of 1990	22 Dec 1990	1 Aug 1991 (see s. 2 and <i>Gazette</i> 1 Aug 1991 p. 3983)
<i>Children's Court of Western Australia Amendment Act (No. 2) 1991 s. 21</i>	15 of 1991	21 Jun 1991	9 Aug 1991 (see s. 2(2) and <i>Gazette</i> 9 Aug 1991 p. 4101)
Reprint of the <i>Bail Act 1982</i> as at 17 Oct 1991 (includes amendments listed above)			
<i>Acts Amendment (Sexual Offences) Act 1992 Pt. 3</i>	14 of 1992	17 Jun 1992	1 Aug 1992 (see s. 2 and <i>Gazette</i> 28 Jul 1992 p. 3671)
<i>Acts Amendment (Ministry of Justice) Act 1993 Pt. 3</i> ⁴	31 of 1993	15 Dec 1993	1 Jul 1993 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Criminal Procedure Amendment Act 1993</i> Pt. 2 ⁵	45 of 1993	20 Dec 1993	Act other than s. 7-9 and 10(2)(b): 17 Jan 1994 (see s. 2(1)); s. 7-9 and 10(2)(b): 4 Mar 1994 (see s. 2(2) and <i>Gazette</i> 4 Mar 1994 p. 915)
<i>Criminal Law Amendment Act 1994</i> s. 13(1) and (2)	82 of 1994	23 Dec 1994	20 Jan 1995 (see s. 2(2))
<i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994</i> Pt. 3	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and <i>Gazette</i> 30 Dec 1994 p. 7211)
<i>Sentencing (Consequential Provisions) Act 1995</i> Pt. 5	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Coroners Act 1996</i> s. 61	2 of 1996	24 May 1996	7 Apr 1997 (see s. 2 and <i>Gazette</i> 18 Mar 1997 p. 1529)
<i>Mental Health (Consequential Provisions) Act 1996</i> Pt. 2	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)
Reprint of the <i>Bail Act 1982</i> as at 13 Mar 1997 (includes amendments listed above except those in the <i>Coroners Act 1996</i> and the <i>Mental Health (Consequential Provisions) Act 1996</i>) (corrections to reprint in <i>Gazette</i> 25 Jul 1997 p. 3909 and 14 Nov 1997 p. 6426)			
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 21	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Criminal Law Amendment Act (No. 1) 1998</i> s. 4(2)	38 of 1998	25 Sep 1998	23 Oct 1998
<i>Bail Amendment Act 1998</i> ⁶	54 of 1998	11 Jan 1999	Pt. 4 and 7: 15 May 1999 (see s. 2 and <i>Gazette</i> 11 May 1999 p. 1905); Pt. 2, 3 and 5 (other than s. 12): 8 Mar 2000 (see s. 2 and <i>Gazette</i> 7 Mar 2000 p. 1039); s. 12: 1 Sep 2000 (see s. 2 and <i>Gazette</i> 29 Aug 2000 p. 4985); Pt. 6: 4 Dec 2000 (see s. 2 and <i>Gazette</i> 4 Dec 2000 p. 6799)
Reprint of the <i>Bail Act 1982</i> as at 27 Aug 1999 (includes amendments listed above)			
<i>Court Security and Custodial Services (Consequential Provisions) Act 1999</i> Pt. 3	47 of 1999	8 Dec 1999	18 Dec 1999 (see s. 2 and <i>Gazette</i> 17 Dec 1999 p. 6175-6)
<i>Criminal Law Amendment Act 2001</i> s. 10(1)	23 of 2001	26 Nov 2001	24 Dec 2001

Short title	Number and year	Assent	Commencement
<i>Criminal Investigation (Identifying People) Act 2002</i> s. 96	6 of 2002	4 Jun 2002	20 Nov 2002 (see s. 2 and <i>Gazette</i> 19 Nov 2002 p. 5505)
<i>Criminal Law (Procedure) Amendment Act 2002</i> Pt. 4 Div. 1	27 of 2002	25 Sep 2002	27 Sep 2002 (see s. 2 and <i>Gazette</i> 27 Sep 2002 p. 4875)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 29(3) and 37	50 of 2003	9 Jul 2003	s. 29(3): 31 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Aug 2003 p. 3833); s. 37: 15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> s. 88, 97, 121 ⁷	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 29	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Criminal Code Amendment Act 2004</i> s. 24, 26 and 58	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Acts Amendment (Family and Domestic Violence) Act 2004</i> Pt. 3	38 of 2004	9 Nov 2004	1 Dec 2004 (see s. 2 and <i>Gazette</i> 26 Nov 2004 p. 5309)
<i>Acts Amendment (Court of Appeal) Act 2004</i> s. 28	45 of 2004	9 Nov 2004	s. 28(1), (2) and (4) (other than the amendment to s. 7A(1)): 1 Feb 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163) s. 28(3) and (4) (the amendment to s. 7A(1)): 2 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Misuse of Drugs Amendment Act 2004</i> s. 9(1)	62 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 10 Dec 2004 p. 5965)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> Pt. 3 and s. 82 and 83	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
Reprint 5: The Bail Act 1982 as at 1 Apr 2005 (includes amendments listed above except those in the <i>Acts Amendment (Court of Appeal) Act 2004</i> s. 28(3) and (4) (the amendment to s. 7A(1)), the <i>Courts Legislation Amendment and Repeal Act 2004</i> and the <i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i>)			

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in

this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Sentencing Legislation Amendment Act 2004</i> s. 13 ⁸	27 of 2004	14 Oct 2004	To be proclaimed (see s. 2)
<i>Children and Community Services Act 2004</i> s. 251 ⁹	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005</i> s. 15 ¹¹	38 of 2005	12 Dec 2005	To be proclaimed (see s. 2)

2 The *Bail Amendment Act 1984* s. 10 and 11 were repealed by the *Bail Amendment Act 1988* s. 20.

3 The *Bail Act 1982* was not in operation at the time when the reprint was compiled, but the reprinting was authorised by s. 21 of the *Bail Amendment Act 1988*.

4 The *Acts Amendment (Ministry of Justice) Act 1993* Pt. 19 is a transitional provision that is of no further effect.

5 The *Criminal Procedure Amendment Act 1993* s. 13 reads as follows:

“

13. Transitional

(1) The amendments to the principal Act effected by a provision of this Part apply in relation to —

- (a) a child arrested for any offence; and
- (b) a person, other than a child, arrested for a serious offence,

on or after the day on which that provision comes into operation.

(2) In subsection (1) “**child**” and “**serious offence**” have the same meanings as in the principal Act.

”.

6 The *Bail Amendment Act 1998* s. 6(2) reads as follows:

“

(2) Section 16A inserted by subsection (1) applies to persons arrested for an offence referred to in subsection (2)(a) or (3) of that section on or after the day on which this section comes into operation.

”.

7 The *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003* s. 97 reads as follows:

“

97. References to Crown Solicitor

If in a written law or other document or instrument there is a reference to the Crown Solicitor that reference may, where the context so requires, be read as if it had been amended to be a reference to the State Solicitor.

”.

8

On the date as at which this compilation was prepared, the *Sentencing Legislation Amendment Act 2004* s. 13 had not come into operation. It reads as follows:

“

13. Bail Act 1982 amended

- (1) The amendments in this section are to the *Bail Act 1982*.
- (2) Section 3(4)(a) is amended as follows:
 - (a) by inserting after “79” —
“ , 84E ”;
 - (b) by inserting after “imprisonment” —
“ or conditional suspended imprisonment ”.
- (3) Schedule 1 Part C clause 6(a) is amended as follows:
 - (a) by inserting after “79” —
“ , 84E ”;
 - (b) by inserting after “imprisonment” —
“ or conditional suspended imprisonment ”.

”.

9

On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 251, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

251. Other Acts amended

Other Acts are amended as set out in Schedule 2.

”.

Schedule 2 cl. 3 reads as follows:

“

Schedule 2 — Amendments to other Acts

[s. 251]

3. Bail Act 1982 amended

- (1) The amendments in this clause are to the *Bail Act 1982*.
- (2) Section 3(1) is amended in the definition of “authorised community services officer” in paragraph (d) by deleting “or departmental facility under the *Child Welfare Act 1947*”.
- (3) Schedule 1 Part C is amended in clause 2(3) as follows:
 - (a) after paragraph (a) by inserting “and”;
 - (b) by deleting paragraph (b) and “and” after it.

”.

10 The amendment in the *Courts Legislation Amendment and Repeal Act 2004* s. 141 is not included because the clause it sought to amend had been amended by the *Acts Amendment (Court of Appeal) Act 2004* s. 28(4) before the amendment purported to come into operation.

11 On the date as at which this compilation was prepared, the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 15, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

15. Acts in Schedule 2 amended

The Acts mentioned in Schedule 2 are amended as set out in that Schedule.

”.

Schedule 2, cl. 4 reads as follows:

“

Schedule 2 — Consequential amendments

[s. 15]

4. Bail Act 1982

Section 16A(4) is amended in the definition of “urban area” by deleting paragraph (a) and “and” after it and inserting instead —

“

- (a) the metropolitan region as defined in the *Planning and Development Act 2005* and any prescribed area that adjoins that region; and

”.