

## Notes

<sup>1</sup> 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 <sup>1a</sup>.

**Compilation table**

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Bail Act 1982</i>	86 of 1982	18 November 1982	6 February 1989 (see section 2 and <i>Gazette</i> 27 January 1989 p.263)	
<i>Acts Amendment (Abolition of Capital Punishment) Act 1984, Part III</i>	52 of 1984	5 September 1984	3 October 1984	
<i>Bail Amendment Act 1984</i>	74 of 1984	29 November 1984	6 February 1989 (see section 2 and <i>Gazette</i> 27 January 1989 p.263)	Sections 10 and 11 repealed by <i>Bail Amendment Act 1988</i> (No. 15 of 1988 section 20)
<i>Bail Amendment Act 1988</i>	15 of 1988	6 September 1988	6 February 1989 (see section 2 and <i>Gazette</i> 27 January 1989 p.263)	
<i>Acts Amendment (Children's Court) Act 1988, Part 13</i>	49 of 1988	22 December 1988	1 December 1989 (see section 2 and <i>Gazette</i> 24 November 1989 p.4327)	
<i>Criminal Law Amendment Act 1988, Part 4</i>	70 of 1988	15 December 1988	6 February 1989 (see section 2(2)(b) and <i>Gazette</i> 27 January 1989 p.263)	
<i>Justices Amendment Act 1989, section 18 (item 1 of Schedule)</i>	33 of 1989	22 December 1989	1 June 1991 (see section 2 and <i>Gazette</i> 17 May 1991 p.2455)	
<i>Community Corrections Legislation Amendment Act 1990, Part 2</i>	61 of 1990	17 December 1990	3 April 1991 (see section 2 and <i>Gazette</i> 22 March 1991 p.1209)	

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Child Welfare Amendment Act (No. 2) 1990</i> , section 15	83 of 1990	22 December 1990	1 August 1991 (see section 2 and <i>Gazette</i> 1 August 1991 p.3983)	
<i>Children's Court of Western Australia Amendment Act (No. 2) 1991</i> , section 21	15 of 1991	21 June 1991	9 August 1991 (see section 2(2) and <i>Gazette</i> 9 August 1991 p.4101)	
<i>Acts Amendment (Sexual Offences) Act 1992</i> , Part 3	14 of 1992	17 June 1992	1 August 1992 (see section 2 and <i>Gazette</i> 28 July 1992 p.3671)	
<i>Acts Amendment (Ministry of Justice) Act 1993</i> , Part 3	31 of 1993	15 December 1993	Deemed operative 1 July 1993 (see section 2)	Part 19: transitional <sup>2</sup>
<i>Criminal Procedure Amendment Act 1993</i> , Part 2	45 of 1993	20 December 1993	Sections 7, 8, 9, 10(2)(b): 4 March 1994 (see section 2 and <i>Gazette</i> 4 March 1994 p. 915); balance: 17 January 1994 (see section 2(2))	Section 13 : transitional <sup>3</sup>
<i>Criminal Law Amendment Act 1994</i> , section 13(1) and (2)	82 of 1994	23 December 1994	20 January 1995 (see section 2(2))	
<i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994</i> , Part 3	92 of 1994	23 December 1994	1 January 1995 (see section 2 and <i>Gazette</i> 30 December 1994 p.7211)	
<i>Sentencing (Consequential Provisions) Act 1995</i> , Part 5	78 of 1995	16 January 1996	4 November 1996 (see section 2 and <i>Gazette</i> 25 October 1996 p.5632)	
<i>Coroners Act 1996</i> , section 61	2 of 1996	24 May 1996	7 April 1997 (see section 2 and <i>Gazette</i> 18 March 1997 p.1529)	
<i>Mental Health (Consequential Provisions) Act 1996</i> , Part 2	69 of 1996	13 November 1996	13 November 1997 (see section 2)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> , section 21	57 of 1997	15 December 1997	15 December 1997 (see section 2)	
<i>Criminal Law Amendment Act (No. 1) 1998</i> , section 4(2)	38 of 1998	25 September 1998	23 October 1998	
<i>Bail Amendment Act 1998</i> ,	54 of 1998	11 January 1999	Parts 4 and 7 proclaimed 15 May 1999 (see section 2 and <i>Gazette</i> 11 May 1999 p.1905); Parts 2, 3 and 5 (other than section 12) proclaimed 8 March 2000 (see section 2 and <i>Gazette</i> 7 March 2000 p.1039); section 12 proclaimed 1 September 2000 (see section 2 and <i>Gazette</i> 29 August 2000 p.4985); Part 6 proclaimed 4 December 2000 (see section 2 and <i>Gazette</i> 4 December 2000 p.6799).	Section 6(2): transitional <sup>4</sup>
<i>Court Security and Custodial Services (Consequential Provisions) Act 1999</i> , Part 3	47 of 1999	8 December 1999	18 December 1999 (see section 2 and <i>Gazette</i> 17 December 1999 pp.6175-6)	
<i>Criminal Law Amendment Act 2001</i> s. 10(1)	23 of 2001	26 November 2001	24 December 2001	
<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)	

Short title	Number and year	Assent	Commencement	Miscellaneous
<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 <sup>6</sup>	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)	

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>Criminal Code Amendment Act 2004</i> s. 24, 26 & 58 <sup>7</sup>	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)

<sup>2</sup> Part 19 of the *Acts Amendment (Ministry of Justice) Act 1993* (No. 31 of 1993) reads as follows —

“

### Part 19 — Savings and transitional

#### 68. Savings

If this Act is not passed until after 1 July 1993, anything done after that day but before this Act is passed that would have been in accordance with law if this Act had not come into operation but as a result of the coming into operation of this Act is contrary to law, is deemed to be in accordance with law.

#### 69. Transitional

Unless the contrary intention appears, a reference, however expressed, in any law or document to the former Department of Corrective Services or Crown Law Department, the chief executive officer of either of those departments, or an office or organizational unit within either of those departments, is to be read as a reference to the Ministry of Justice, the chief executive officer

of the Ministry of Justice, or the corresponding office or unit within the Ministry of Justice, as is appropriate.

”.

3 Section 13 of the *Criminal Procedure Amendment Act 1993* (No. 45 of 1993) 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.

”.

4 Section 6(2) of the *Bail Amendment Act 1998* (No. 58 of 1998) 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.

”.

5 Footnote no longer applicable.

6 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.

”.

7 On the date as at which this compilation was prepared, the *Criminal Code Amendment Act 2004* s. 24 which gives effect to Sch. 1 it. 1, s. 26 which gives effect to Sch. 2 it. 1, and s. 58 which gives effect to Sch. 3 it. 1, had not come into operation. They read as follows:

“

**24. Other Acts consequentially amended**

Schedule 1 has effect.

”.

Schedule 1 item 1 reads as follows:

“

## Schedule 1 — Amendments consequential on Part 5

1. **Bail Act 1982 amended**

- (1) The amendments in this clause are to the *Bail Act 1982*.
- (2) Schedule 2 item 1 is amended as follows:
- (a) by deleting the entries relating to offences under sections 296, 296A, 298 and 299 of *The Criminal Code*;
  - (b) by inserting after the entry relating to section 301 of *The Criminal Code* the following entry —

“

s. 304(2)	Acts or omissions, with intent to harm, causing bodily harm or danger
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”

“

26. **Other Acts consequentially amended**

Schedule 2 has effect.

”

Schedule 2 item 1 reads as follows:

“

## Schedule 2 — Amendments consequential on Part 6

1. **Bail Act 1982 amended**

- (1) The amendments in this clause are to the *Bail Act 1982*.
- (2) Schedule 2 item 1 is amended by inserting after the entry relating to section 326 of *The Criminal Code* the following entries —

“

s. 331B	Sexual servitude
s. 331C	Conducting business involving sexual servitude
s. 331D	Deceptive recruiting for commercial sexual services

”

“

58. **Other Acts consequentially amended**

Schedule 3 has effect.

”

Schedule 3 item 1 reads as follows:

“

### **Schedule 3 — Amendments consequential on Part 7**

**1. *Bail Act 1982* amended**

- (1) The amendments in this clause are to the *Bail Act 1982*.
- (2) Section 20(3)(a) is deleted and the following paragraph is inserted instead —

“

- (a) if the offence is one that may be tried on indictment, before a court decides that it is to be tried on indictment;

”.

”.