Bail (Electronic Monitoring) Amendment Act 2025

Public Act	2025 No 7
Date of assent	12 March 2025
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Bail (Electronic Monitoring) Amendment Act 2025.

2 Commencement

This Act comes into force on 13 March 2025.

Section 2: editorial change made by the PCO, on 10 April 2025, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

3 Principal Act

This Act amends the Bail Act 2000.

Part 1
Substantive amendments

4 Section 30M amended (Authorised absence from EM address)

Replace section 30M(1) to (3) with:

Court may authorise absence from EM address

(1) A court may, when granting bail with an EM condition, authorise the defendant to be absent from the EM address.

Registrar's authorisation if prosecution agrees

(2) However, a Registrar may exercise the power conferred on a court by subsection (1) to authorise a defendant to be absent from the EM address only if the prosecution agrees to that authorisation.

Authorisations under section are subject to related sections

(3) An authorisation under this section is subject to sections 30MA to 30MC.

5 New sections 30MA to 30MC inserted

After section 30M, insert:

30MA Court must specify authorisation's purpose or purposes

In authorising a defendant to be absent from the EM address under section 30M, the court must specify the purpose or purposes for which the defendant may be absent.

30MB Court must specify all details of authorisation or enable EM assessor to approve authorised absence

(1) In authorising a defendant to be absent from the EM address under section 30M, the court must—

(a) specify all details of an authorisation; or

(b) enable an EM assessor to approve, in their discretion, the defendant to be absent from the EM address in line with an authorisation's—

(i) specified purpose or purposes; and

(ii) details specified under subsection (2).

(2) In enabling an EM assessor to approve an authorised absence under subsection (1)(b), the court must—

(a) specify all details of an authorisation; or

(b) specify some details of an authorisation, and enable or require an EM assessor, in approving the authorised absence, to specify other details of the authorisation that—

(i) are not inconsistent with the details specified by the court; and

(ii) are or include the time or times of any day during which the defendant may be absent, if not specified by the court; or

(c) enable or require an EM assessor, in approving the authorised absence, to specify all details of an authorisation (other than the place or places that the defendant may go to while absent, because the EM assessor must decide, in their discretion, whether to specify that detail under this paragraph).

30MC Meaning of details of authorisation

In section 30MB, **details** of an authorisation means the following specified under section 30MB(1) or (2) in line with the authorisation's specified purpose or purposes:

(a) the time or times of any day during which the defendant may be absent:

(b) the place or places that the defendant may go to while absent:

(c) any other requirements that the defendant must meet that the court, or an EM assessor, decides to specify under section 30MB(1) or (2).

Examples

Other requirements

Authorised routes to or from an authorised place.

Authorised modes of transport to or from an authorised place.

Part 2
Other amendments

6 Schedule 1AA amended

In Schedule 1AA,—

(a) insert the Part set out in the Schedule of this Act as the last Part; and

(b) make all necessary consequential amendments.

Schedule
New Part 3 inserted into Schedule 1AA

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Part 3
Provisions relating to Bail (Electronic Monitoring) Amendment Act 2025

Definitions

8 Interpretation

In this Part,—

amendment Act means the Bail (Electronic Monitoring) Amendment Act 2025

amendments means the amendments made by the amendment Act

authorisation means an authorisation under section 30M

commencement means the amendment Act's commencement

court includes a Registrar authorising under the old law a defendant to be absent from the EM address if the prosecution agrees to that authorisation

old law means section 30M as in force—

(a) after 3 September 2013; and

(b) before commencement.

Application of amendments

9 Amendments generally apply only to post-commencement authorisations

General rule

(1) The amendments apply only to authorisations that occur after commencement, even if they occur in any of the following:

(a) proceedings that commenced before commencement:

(b) an order varying an EM condition imposed before commencement:

(c) an order substituting or imposing any other EM condition for an EM condition imposed before commencement:

(d) an order imposing an EM condition after commencement as a condition of bail granted before commencement.

Exceptions

(2) However, clauses 10 and 11 apply to certain pre-commencement authorisations.

Validation of certain pre-commencement authorisations

10 Certain pre-commencement authorisations validated

(1) The following must be taken to have been valid from when they occurred:

(a) an authorisation to which this clause applies:

(b) the related court enablement of an approver.

(2) This clause applies to an authorisation—

(a) that occurred under the old law; and

(b) that is or may be invalid solely because it involved a court enablement of an approver to approve, in their discretion, the defendant to be absent from the EM address.

(3) This clause does not prevent the related EM condition (including the authorisation, and the related court enablement of an approver) from being varied, revoked, or replaced by an order made by the court under section 33.

(4) This clause is subject to clause 11.

11 Certain validated authorisations ended

(1) This clause applies to an authorisation to which clause 10 applies, but only if the court enablement is of only 1 or more approvers none of whom is—

(a) an EM assessor; or

(b) an employee—

(i) of the chief executive of the Department of Corrections; and

(ii) not authorised under section 30E(2).

(2) For the purposes of subclause (1), the authorisation need not specify precisely, and may refer only generally to, the EM assessor or employee, for example, by referring to them—

(a) as "Department of Corrections EM bail team"; or

(b) as "Department of Corrections EM operations"; or

(c) using any other similar general expression.

(3) The authorisation is ended at the start of the 61st working day after commencement, but the related EM condition is not otherwise affected.

(4) This clause does not prevent the related EM condition from being varied, revoked, or replaced by an order made by the court under section 33.

Legislative history

11 March 2025	Introduction (Bill 130–1), first reading, second reading, committee of the whole House, third reading
12 March 2025	Royal assent

This Act is administered by the Ministry of Justice.

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