TASMANIA

BAIL REGULATIONS 2024 STATUTORY RULES 2024, No. 82

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BAIL REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Bail Act 1994*.

Dated 2 December 2024.

B. BAKER Governor

By Her Excellency's Command,

GUY BARNETT Minister for Justice

1. Short title

These regulations may be cited as the *Bail Regulations 2024*.

2. Commencement

These regulations take effect on 10 December 2024.

3. Interpretation

(1) In these regulations –

Act means the Bail Act 1994.

(2) In these regulations, a reference to a form by a number is taken to be a reference to the form of that number set out in Schedule 1.

4. Notice of admission to police bail

A notice for the purposes of section 5(1) of the Act is to be in accordance with Form 1.

5. Warrant for arrest on failure to appear

A warrant for arrest under section 5(5) or 12 of the Act is to be in accordance with Form 2.

6. Bail document

A document for the purposes of section 7(2) of the Act is to be in accordance with Form 3.

7. Recognizance on admission to bail

A recognizance for the purposes of section 7(5)(b) of the Act is to be in accordance with Form 4.

8. Notice of application for forfeiture of recognizance

(1) For the purposes of section 20(d) of the Act, notice of application to a judge or justice under section 20(a) of the Act is to be served personally.

(2) Proof that notice of the application has been served for the purposes of section 20(d) of the Act is to be provided by a memorandum of service in accordance with Form 5.

9. Application for bail or variation of bail

An application under section 23 of the Act –

- (a) to be admitted to bail; or
- (b) for variation of a condition of an order for bail –

is to be in accordance with Form 6.

10. Miscellaneous applications under Act

- (1) An application under section 20(a), 24(1) or 27 of the Act is to be in accordance with Form 7.
- (2) Unless otherwise ordered by the judge, justice or relevant court, an application referred to in subregulation (1) is to be supported by an affidavit specifying the material facts on which the person intends to rely.

11. Prescribed offences

For the purposes of the definition of *terrorism* offence in Part 1A of the Act, the following offences in relation to terrorism are prescribed:

(a) an offence under section 310J of the *Crimes Act 1900* of New South Wales;

(b) an offence under section 4B of the Terrorism (Community Protection) Act 2003 of Victoria.

SCHEDULE 1 – FORMS

Regulation 3(2)

FORM 1 - POLICE BAIL NOTICE

Regulation 4

		Secti	on $5(1)$ of the	Bail Act 1994
Time ch	narged: .	*AM/*PM	Charge N	umber:
Date ch	arged:			
To:				
			(Name)	
of:		······································	(Address)	
Date of	birth:			
YOU A		ING RELEASED FROM CUS	STODY SUBJI	ECT TO THE FOLLOWING
1.	You ar	e to appear at the	Cou	art of Petty Sessions, located at
	(addres	s)		at
		*AM/PM on		the
	day of		.0	
2.				
3.				
4.				
		sit (if applicable): \$n respect of the following matte		
	1		2.	
	3		4.	
Endorse	ment of	Police Officer	•	the time of release from custody.
Rank				No
Time ba	iled	*AM/*PM	Date baile	ed
WARN	ING:	FAILURE TO APPEAR AS CONDITIONS OF BAIL, IS YOUR ARREST AND ADD IMPRISONMENT, OR BO	S AN OFFENC ITIONAL PE	CE AND MAY RESULT IN

^{*}Strike out whichever is inapplicable.

FORM 2 WARRANT FOR ARREST	
Regulation 5 Section 5(5) of the Bail Act 1994	
To: All Police Officers in the State of Tasmania	
(Name)	
was ordered to appear at the	
ocated at on the	
day of	
on charges of	
out did not appear on that day. You are commanded to arrest	
(Name)	
and deliver that person to a custody officer, within the meaning of the <i>Criminal Law (Detention and Interrogation) Act 1995</i> , to be held by the custody officer until that person can be brought before a *Judge of the Supreme Court of Tasmania/*Justice of the Peace to be dealt with according to law.	
Given under my hand at	
this	
day of	
20	
*Judge of the Supreme Court/ *Justice of the Peace	

 $[*]Strike\ out\ which ever\ is\ in applicable.$

sch. 1

		FORM 3 - BAIL DO	CUMENT	Danulation 6
		Section 7(2) of the Bo	ail Act 1994	Regulation 6
То:				
•		(Name)		
of:		(Address)		
*CHAR	GES:*MATTERS			
Subject t		on/s, you are released from custoo		
1.	You must appear at th	ne		
	on the	day of	20	
	at*Al you may be adjourned	M/*PM and at every time and placed.	ce to which proceedings against	
	I acknowledge receip document	t of a copy of this		
	(Person re		Authorised person)	

WARNING: FAILURE TO APPEAR AS ORDERED, OR FAILURE TO OBSERVE A CONDITION OF BAIL, IS AN OFFENCE AND MAY RESULT IN YOUR ARREST AND ADDITIONAL PENALTIES OF A FINE OR IMPRISONMENT, OR BOTH.

^{*}Strike out whichever is inapplicable.

FORM 4 – RECOGNISANCE

Regulation 7

Section 7(5)(b) of the Bail Act 1994
I,
(Name)
of,
(Address)
acknowledge that, if
(Name)
of
(Address)
fails to comply with all the terms of that person's bail as set out in the attached bail document, I
am liable to pay to the Crown the sum of \$
Terms and manner of security:
I acknowledge receipt of a copy of this document and the attachment
(Person bound by this recognisance) (Authorised person)
Date:

^{*}Strike out whichever is inapplicable.

sch. 1

FORM 5 - MEMORANDUM OF SERVICE	
Section 20(d) of the Bail Act 1994	Regulation 8(2)
I,	
(Name)	
of	,
(Address)	
have today served(Name)	
of	
(Address)	
with the application, of which a true copy is attached, by delivering it to that person personally	at
Date/ 20	
(Signature)	
, 5	

^{*}Strike out whichever is inapplicable.

FORM 6 - APPLICATION FOR BAIL, OR VARIATION OF BAIL

Regulation 9

Section 23 of the Bail Act 1994
I,
(Name) of:
* apply for bail/*apply for the following variation to my current bail:
Dated:(Applicant)
This form is to be submitted with the following attachments (please list): 1
To:(Name)
of(Address)
This application will be heard at*AM/*PM on theday of
*REGISTRAR, SUPREME COURT OF TASMANIA/*CLERK OF PETTY SESSIONS

 $[*]Strike\ out\ which ever\ is\ in applicable.$

sch. 1

FORM 7 – APPLICATION

Regulation 10

Section 20(a), 24(1) or 27 of the Bail Act 1994	
I,(Name)	
of,	
(Address)	
apply for the following orders:	
This application is made under *section 20(a)/*section 24(1)/*section 27 of the Bail Act 1994.	
Dated:	
(Applicant)	
То,	
(Name)	
of	
(Address)	
This application will be heard at*AM/*PM on the	
day of	
day of	
of Petty Sessions/*Magistrates Court (Youth Justice Division) held at	
*REGISTRAR, SUPREME COURT OF	••
TASMANIA/*CLERK OF PETTY SESSIONS	;

NOTE: If the application is made pursuant to section 20(a) of the Bail Act 1994, personal service is required.

NOTE: Unless otherwise ordered by a judge, justice or relevant court, an affidavit specifying the material facts on which the person intends to rely for the application is required.

^{*}Strike out whichever is inapplicable.

Printed and numbered in accordance with the *Rules Publication Act* 1953.

Notified in the *Gazette* on 10 December 2024.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for the forms to be used on admission to police bail, for a warrant of arrest, for a bail document or recognizance or for various applications under the *Bail Act 1994*; and
- (b) provide that an application under section 20(d) of the Act is to be served personally, and the manner in which the proof of such service is to be provided to the court; and
- (c) prescribe that an affidavit is to accompany certain applications; and
- (d) are made consequentially on the repeal of the *Bail Regulations 2014* under section 11 of the *Subordinate Legislation Act 1992*.