

TASMANIA

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**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 –

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*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;

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

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## Regulation 3(2)

## Regulation 4

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**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 .....

located at ..... on the .....

day of ..... 20.....

on charges of .....

.....

.....

but 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 *Criminal Law (Detention and Interrogation) Act 1995*, 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 whichever is inapplicable.*



**sch. 1**

## Regulation 6

To: .....  
(Name)

**\*CHARGES:\*MATTERS** .....

Term of Order of Bail .....

1. You must appear at the .....  
on the ..... day of ..... 20 .....  
at ..... \*AM/\*PM and at every time and place to which proceedings against  
you may be adjourned.

..... (Person released) ..... (Authorised person)

Date: .....

*\*Strike out whichever is inapplicable.*

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**sch. 1**

*Section 20(d) of the Bail Act 1994*

(Signature)

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## Regulation 10

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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*.