I certify that this is a copy of the authorised version of this Statutory Rule as at 16 December 2020, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 16 December 2020.

Robyn Webb Chief Parliamentary Counsel Dated 22 December 2020

TASMANIA

BAIL REGULATIONS 2014 STATUTORY RULES 2014, No. 127

CONTENTS

1.	Short title
2.	Commencement
3.	Interpretation
4.	Notice of admission to police bail
5.	Warrant for arrest on failure to appear
6.	Bail document
7.	Recognizance on admission to bail
8.	Notice of application for forfeiture of recognizance
9.	Application for bail or variation of bail
10.	Miscellaneous applications under Act
11.	Prescribed offences
Schedule 1	- Forms

BAIL REGULATIONS 2014

I, the Lieutenant-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 1 December 2014.

A. M. BLOW Lieutenant-Governor

By His Excellency's Command,

DR. VANESSA GOODWIN
Minister for Justice

1. Short title

These regulations may be cited as the *Bail Regulations 2014*.

2. Commencement

These regulations take effect on 22 December 2014.

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
 - (a) to show cause under section 17(1) of the Act; or
 - (b) 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 Bail Act 1994, 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

FORM 1 – POLICE BAIL NOTICE SECTION 5(1) OF THE BAIL ACT 1994

I ime ch	narged:*AM/*PM	Charge Number:
Date ch	arged:	
To:		(Name)
of		
	(-	(Address)
Date of	birth:	
	RE BEING RELEASED FROM ITIONS:	CUSTODY SUBJECT TO THE FOLLOWING
1.		
		the
	day of	
2.		
3.		
4.		
You are	bailed in respect of the following ma	Receipt no
	1	. 2
	3	. 4
Signatur	re of person released:	
		enamed person at the time of release from custody.
Rank		No
Time ba	iled *AM/*PM	Date bailed
WARN	ING: FAILURE TO APPEAR CONDITIONS OF BAIL	AS ORDERED, OR FAILURE TO OBEY THE L, IS AN OFFENCE AND MAY RESULT IN ADDITIONAL PENALTIES OF A FINE OR
	The state of the s	

Form 2 – Warrant for Arrest

Regulation 5

FORM 2 – WARRANT FOR ARREST SECTION 5(5) OR 12 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 arre	est
(Name)	
and deliver him or her to a custody officer, within the me and Interrogation) Act 1995, to be held by the custody before a *Judge of the Supreme Court of Tasmania/*. according to law.	officer until he or she can be brought
Giv	ven under my hand at
	this
	day of
	20
	*Judge of the Supreme Court/ *Justice of the Peace

^{*}Strike out whichever is inapplicable.

Form 3 – Bail Document

Regulation 6

FORM 3 – BAIL DOCUMENT SECTION 7(2) OF THE BAIL ACT 1994

То:		
	(Name)	
of:		
	(Address)	
*CHAR	GES/*MATTERS:	
	o the following condition/s, you are released ags for these *charges/*matters.	from custody on bail with respect to the
1.	You must appear at the	
	on the day of	
	at*AM/*PM and at every tin	ne and place to which proceedings against
	you may be adjourned.	
	I acknowledge receipt of a copy of this document	
	(Person released)	(Authorised person)
		D. (**)

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 – Recognizance

Regulation 7

FORM 4 – RECOGNIZANCE 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 *his/*her bail as s liable to pay to the Crown the sum of \$	
nacie to pay to the crown the sam of \$\psi\$:
I acknowledge receipt of a copy of this document and the attachment	
(Person bound by this recognizance)	(Authorised person)
	Date:

^{*}Strike out whichever is inapplicable.

Form 5 – Memorandum of Service

Regulation 8(2)

FORM 5 – MEMORANDUM OF SERVICE SECTION 20(d) OF THE BAIL ACT 1994

I,
(Name)
of,
(Address)
have today served
(Name)
of
(Address)
with the application, of which a true copy is attached, by delivering it to *him/*her personally at
Date/
(Signature)

 $[*]Strike\ out\ whichever\ is\ inapplicable.$

Form 6 – Application for Bail or Variation of Bail Regulation 9

FORM 6 – APPLICATION FOR BAIL OR VARIATION OF BAIL SECTION 23 OF THE BAIL ACT 1994

I,
(Name)
of,
(Address)
*apply for bail/*apply for the following variation to my current bail:
Datada
Dated:(Applicant)
(пррисши)

T
Го:(Name)
, , , , , , , , , , , , , , , , , , , ,
of(Address)
This application will be heard at* *AM/*PM on theday
of in the *Common Court of Towns in the Court of Day Court
of
held at
ielu ai
*REGISTRAR, SUPREME COURT OF
TASMANIA/*CLERK OF PETTY
SESSIONS

^{*}Strike out whichever is inapplicable.

Form 7 – Application

Regulation 10

FORM 7 – APPLICATION SECTION 17(1), 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 17(1)/*section 20(a)/*section 24(1)/*section 27 of the Bail Act 1994.
Dated:
(Applicant)
To:
(Name)
of
(Address)
This application will be heard at *AM/*PM on the day of
Petty Sessions/*Magistrates Court (Youth Justice Division) held at
*DECICED AD CUIDENE COURT OF
*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.

^{*}Strike out whichever is inapplicable.

Bail Regulations 2014 Statutory Rules 2014, No. 127

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

Notified in the *Gazette* on 10 December 2014.

These regulations are administered In the Department of Justice.

NOTES

The foregoing text of the *Bail Regulations 2014* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 16 December 2020 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of
		commencement
¹ Bail Regulations 2014	S.R. 2014, No. 127	22.12.2014
Bail Amendment Regulations 2020	S.R. 2020, No. 85	16.12.2020

¹Expire on 10 December 2024 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 11	Inserted by S.R. 2020, No. 85