

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

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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*.

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- (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

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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.

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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 arrest

.....
(Name)

and deliver him or her to a custody officer, within the meaning of the *Criminal Law (Detention and Interrogation) Act 1995*, to be held by the custody officer until he or she 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.*

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Regulation 6

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Regulation 7

sch. 1

sch. 1

Regulation 9

I,
(Name)

of ,
(Address)

.....

.....

.....

.....

Dated: *(Applicant)*

To:
(Name)

of
(Address)

This application will be heard at *AM/*PM on the.....day
of 20..... in the *Supreme Court of Tasmania/*Court of Petty Sessions
held at

*REGISTRAR, SUPREME COURT OF
TASMANIA/*CLERK OF PETTY
SESSIONS

**Strike out whichever is inapplicable.*

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Regulation 10

SECTION 17(1), 20(a), 24(1) OR 27 OF THE BAIL ACT 1994

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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 <i>Bail Regulations 2014</i> | S.R. 2014, No. 127 | 22.12.2014 |
| <i>Bail Amendment Regulations 2020</i> | 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 |