

**BAIL AMENDMENT ACT 1995**

No. 51 of 1995

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AN ACT to amend the *Bail Act 1994***[Royal Assent 22 September 1995]**

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Bail Amendment Act 1995*.

Commencement

2—This Act commences on the day on which the *Criminal Law (Detention and Interrogation) Act 1995* commences.

Principal Act

3—In this Act, the *Bail Act 1994** is referred to as the Principal Act.

Section 5 amended (Requirements for admission to police bail)

4—Section 5 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (1) “or section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995*” after “*Justices Act 1959*”;
- (b) by inserting in subsection (2) “or section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995*” after “*Justices Act 1959*”;
- (c) by omitting from subsection (2) (b) “that section” and substituting “either of those sections”;
- (d) by omitting subsection (3) and substituting the following subsections:—

(3) If a person is admitted to bail, that person must comply with any other conditions (including conditions controlling the conduct of the person)—

- (a) that the person admitting him or her to bail considers necessary or desirable; and
- (b) that are specified in the notice referred to in subsection (1) (a).

(3A) For the purposes of but without limiting subsection (3), conditions controlling the conduct of a person may include any one or more of the following:—

- (a) a condition requiring the person to report at a specified place at a specified time;

* No. 9 of 1994. Amended by No. 64 of 1994.

- (b) a condition limiting the person's movements and social intercourse;
- (c) a condition preventing the person from acting in a manner specified in section 106B (1) of the *Justices Act 1959*.
- (e) by omitting subsection (5A) and substituting the following subsection:—
- (5A) If a police officer has reasonable grounds to believe that a person who was admitted to bail has contravened, or is about to contravene, a notice referred to in subsection (1) (a) or a condition of the notice, the police officer may arrest that person.
- (f) by omitting subsection (5B) and substituting the following subsection:—
- (5B) Where a person arrested under subsection (5A) is taken before a justice, the justice is to proceed as provided in section 34A of the *Justices Act 1959*.
- (g) by inserting in subsection (6) “or section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995*” after “*Justices Act 1959*”.

Section 10 amended (Power of arrest on contravention of condition of bail)

5—Section 10 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

- (2) On the arrest of a person by a police officer under subsection (1), the bail of the arrested person is suspended.

Section 23 amended (Application for bail or variation of conditions)

6—Section 23 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

(3) A person admitted to bail under section 34 of the *Justices Act 1959* or section 4 (3) of the *Criminal Law (Detention and Interrogation) Act 1995* may apply, in the prescribed manner, to justices at any time before the day specified in a notice referred to in section 5 (1) (a) for variation of a condition contained in that notice.

[*Second reading presentation speech made in:—*
House of Assembly on 9 May 1995
Legislative Council on 30 August 1995]