

# **NORTHERN TERRITORY OF AUSTRALIA**

## **BAIL REGULATIONS**

As in force at 17 May 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 17 May 2007

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## BAIL REGULATIONS

### Regulations under the *Bail Act*

#### **1 Citation**

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

#### **2 Commencement**

These Regulations shall come into operation on the commencement of the *Bail Act*.

#### **3 Forms**

- (1) A reference in these Regulations to a form by number is a reference to a form so numbered in the Schedule.
- (2) Pursuant to section 53(2)(f) of the Act, for the purposes of the section or sections of the Act specified in each of the following paragraphs, the form specified in that paragraph is the form to be used:
  - (a) sections 25(1), 27(1), (2), 29 and 30(1) – Form 1;
  - (b) section 27(2)(b), (4) and (5) – Form 2;
  - (c) section 31(1) – Form 3; and
  - (d) section 31(2)(a) – Form 4.
- (3) A form referred to in subregulation (2) shall be completed in accordance with such directions and instructions as are specified in the form.
- (4) If rules of court prescribe the manner in which an application for bail or for review of bail may be made to a court, the application is to be made in accordance with those rules.

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#### **4 Review of bail decisions**

- (1) A justice may review a decision of another justice, and a magistrate may review the decision of another magistrate, in relation to bail where the justice or magistrate is satisfied that the justice or magistrate whose decision is to be reviewed cannot conveniently review the decision himself or herself because of sickness, absence or any other cause and is not likely to be available to do so within 24 hours after the request for the exercise of the power.
- (2) Subject to these Regulations, a magistrate may review a decision of a justice at any time on receiving a request under Division 2 of Part VI of the Act to do so.

#### **5 Form and manner of request**

- (1A) If rules of court specify how a request under Part VI, Division 2 is to be made to a court, the request is to be made in accordance with those rules.
- (1B) Subregulations (1), (2) and (3) apply if the rules of the court do not specify how a request under that Division is to be made.
  - (1) A request under Division 2 of Part VI of the Act for the review of a bail decision shall be in accordance with Form 5.
  - (2) A request for a review shall be supported by an affidavit succinctly setting out the background of the request and those matters considered by the person making the request to be relevant to the application.
  - (3) A copy of the request for a review and the supporting affidavit shall be served on the accused person or the accused person's legal practitioner or, where the person making the request is the accused person, on the Director of Public Prosecutions.

#### **6 Request for review may be heard ex parte**

The request for a review by a member of the Police Force or the Attorney-General may be heard ex parte if the court is satisfied that the accused person is avoiding service of documents on him or her which are otherwise required by regulation 5(3) or rules of court to be served or other difficulties are encountered in locating or serving the accused person or the accused person's legal practitioner.

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## Schedule

### FORM 1

regulation 3(2)(a)

#### NORTHERN TERRITORY OF AUSTRALIA

##### *Bail Act*

sections 25(1), 27(1), (2), 29 and 30(1)

#### PART A: BAIL UNDERTAKING AND AGREEMENT BY ACCUSED PERSON WITH GUARANTOR

##### PART A.1 – BAIL UNDERTAKING AND AGREEMENT BY ACCUSED PERSON

[PLEASE USE BLOCK LETTERS]

I, .....,  
(full name of accused person)

.....,  
(occupation of accused person)

live at .....  
(permanent residential address of accused person)

and I undertake to appear at the Youth Justice Court/ Local Court/Court of  
Summary Jurisdiction/Supreme Court\* at .....  
(place of court)

at ..... o'clock a.m./p.m.\*, on the ..... day  
(time) (day)

of ....., 19..... or at any other time and place at  
(month)

which the proceedings may be continued for the following offence(s):

.....  
.....  
.....  
.....  
(list offence(s) with which accused person is charged)

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And I agree to comply with the following conditions while at liberty:

.....  
.....  
.....

*(list conditions other than those specified in Part C)*

IF YOU DO NOT APPEAR ANY MONEY OR SECURITY GIVEN BY YOU  
MAY BE LOST BY ORDER OF THE COURT.

I agree that if I do not keep my undertaking or agreement I will pay  
\$.....to the Territory Government.

*(amount of bail)*

Signature of accused person:.....

\* Delete where inapplicable.

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PART A.2 – AGREEMENT BY GUARANTOR(S)

[PLEASE USE BLOCK LETTERS]

I/We\*.....,  
*(full name of guarantor)*

.....,  
*(occupation of guarantor)*

of .....  
*(permanent residential address of guarantor)*

AND\*

.....,  
*(full name of guarantor)*

.....,  
*(occupation of guarantor)*

of .....  
*(permanent residential address of guarantor)*

agree that if the accused person does not keep his or her undertaking or a bail  
condition I/we\* will pay \$..... to the Territory Government.

*(amount of bail)*

IF YOU SIGN THIS AGREEMENT YOU MAY, IF THE ACCUSED PERSON  
DOES NOT APPEAR AT COURT, AND IF THE COURT SO ORDERS, LOSE  
THE AMOUNT OF MONEY OR SECURITY MENTION HEREIN.

Signature(s) of guarantor(s): .....  
.....

---

This undertaking and agreement was entered into on the .....  
day of ....., 19... (day)  
(month)

before me at ..... and a completed copy of this form was handed to  
(place)  
each person who signed this bail undertaking and agreement.

.....  
(signature of authorized member/Justice of the Peace\*)

SECURITY/CASH DEPOSITED BY  
ACCUSED PERSON

SECURITY/CASH DEPOSITED BY  
GUARANTOR(S)

\$.....Receipt No.....

\$.....Receipt No(s).....

ANY GOODS DEPOSITED AS SECURITY MAY BE LOST IF THE ACCUSED  
PERSON DOES NOT COMPLY WITH HIS BAIL CONDITIONS, WHICH ARE  
ATTACHED/OVERLEAF.

\* Delete where inapplicable.

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PART B: BAIL UNDERTAKING AND AGREEMENT BY ACCUSED PERSON

[PLEASE USE BLOCK LETTERS]

I,.....,  
(full name of accused person)

.....,  
(occupation of accused person)

live at.....  
(permanent residential address of accused person)

and I undertake to appear at the Youth Justice Court/ Local Court/Court of  
Summary Jurisdiction/Supreme Court\* at.....  
(place of court)

at.....o'clock a.m./p.m.\*, on the.....day of....., 19... or at any other  
(time) (day) (month) time and place to  
which the proceedings may be continued for the following offence(s):

.....  
.....  
.....  
.....  
(list offence(s) with which accused person is charged)

---

And I agree to comply with the following conditions while at liberty:

.....  
.....  
.....  
.....

*(list conditions other than those specified in Part C)*

IF YOU DO NOT APPEAR ANY MONEY OR SECURITY GIVEN BY YOU  
MAY BE LOST BY ORDER OF THE COURT.

I agree that if I do not keep my undertaking or agreement  
I will pay \$.....to the Territory Government.  
*(amount of bail)*

Signature of accused person:.....

This undertaking and agreement was entered into on the .....day  
of....., 19.... before me at.....and a completed *(day)*  
*(month)* *(place)* copy of this form was handed to the  
person who signed this bail undertaking and agreement.

.....  
*(signature of authorized member/Justice of the Peace\*)*

PARTICULARS OF SECURITY/CASH DEPOSITED

\$.....Receipt No.....

\*Delete where inapplicable.

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### PART C: BAIL CONDITION(S)

The bail was granted on the following condition(s):

- \*(a) you enter into an agreement to observe the requirements as to your conduct specified in your bail undertaking while at liberty on bail;
- \*(b) one (or ) acceptable person(s) acknowledge that he is or they are acquainted with you and that he regards you, or they regard you, as a responsible person who is likely to comply with your bail undertaking;
- \*(c) you enter into an agreement, without security, to forfeit the amount of money specified in your bail undertaking if you fail to comply with your bail undertaking;
- \*(d) one (or ) persons enter into an agreement or agreements, without security, to forfeit the amount or amounts of money specified in your bail undertaking if you fail to comply with your bail undertaking;



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- \* (e) you enter into an agreement, and deposit acceptable security, to forfeit the amount of money specified in your bail undertaking if you fail to comply with your bail undertaking;
  - \* (f) one (or ) persons enter into an agreement or agreements, and deposit acceptable security, to forfeit the amount or amounts of money specified in your bail undertaking if you fail to comply with your bail undertaking;
  - \* (g) you deposit with an authorized member or a court the amount of money specified in your bail undertaking, in cash, and enter into an agreement to forfeit the amount deposited if you fail to comply with your bail undertaking;
  - \* (h) one (or ) persons deposit with an authorized member or a court the amount or amounts of money specified in your bail undertaking, in cash, and enter into an agreement or agreements to forfeit the amount deposited if you fail to comply with your bail undertaking.

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Dated this.....day of....., 19...

.....  
(signature of authorized member/Justice of the Peace\*)

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\* Delete where inapplicable.

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FORM 2

regulation 3(2)(b)

NORTHERN TERRITORY OF AUSTRALIA

*Bail Act*

section 27(2)(b), (4) and (5)

ACKNOWLEDGEMENT  
[PLEASE USE BLOCK LETTERS]

I, .....,  
(full name of person making acknowledgement)

.....,  
(occupation of person making acknowledgement)

of.....  
(permanent residential address of person making acknowledgement)

acknowledge that I have been acquainted with.....,  
(full name of accused person)

of....., for ..... years.  
(permanent residential address of accused person)

I regard him as a responsible person who is likely to comply with his bail undertaking.

The nature of my acquaintance with him is.....  
(e.g., employer, partner, parent, friend, &c.)

Before making this acknowledgement I have been warned that it is an offence under section 44 of the *Bail Act* to wilfully make an acknowledgement under section 27(2)(b) of that Act knowing it to be untrue.

Signature of person making acknowledgement:.....

This acknowledgement was made before me at .....  
(place)

on.....after I had complied with section of the *Bail Act*. I gave the person  
(date)

signing this acknowledgement a copy of it after I read and explained it to him.

.....  
(signature of authorized member/Justice of the Peace\*)

\* Delete where inapplicable.

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FORM 3

regulation 3(2)(c)

NORTHERN TERRITORY OF AUSTRALIA

*Bail Act*

section 31(1)

APPLICATION FOR DISCHARGE FROM LIABILITY  
[PLEASE USE BLOCK LETTERS]

I, .....,  
(full name of guarantor)

.....,  
(occupation of guarantor)

of.....  
(permanent residential address of guarantor)

guarantor for the accused person.....  
(full name of accused person)

of.....  
(permanent residential address of accused person)

apply pursuant to section 31(1) of the *Bail Act* to the Court, it being the Court –

(a) which granted the accused person bail; or

(b) before which the accused person is to appear,\*

for my liability to be discharged in respect of an agreement entered into as a condition of bail on..... at.....  
(date) (place)

The accused person had undertaken to appear before the Youth Justice Court/ Local Court / Court of Summary Jurisdiction / Supreme Court\* at.....on.....  
(place) (date)

The grounds of my application are:

.....  
.....  
.....  
.....

.....  
(signature of guarantor)

Date...../...../.....

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NOTICE OF HEARING

TAKE NOTICE that this application will be dealt with by the Youth Justice Court/ Local Court/Court of Summary Jurisdiction/Supreme Court\* at

..... on.....  
(place) (date)

.....  
(signature of Clerk/Sheriff\*)  
Date...../...../.....

A warrant of apprehension has been issued today by me returnable on the date on which this application is to be dealt with.

.....  
(signature of Justice of the Peace)  
Date...../...../.....

\* Delete if inapplicable.

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FORM 4

regulation 3(2)(d)

NORTHERN TERRITORY OF AUSTRALIA

*Bail Act*

section 31(2)(a)

WARRANT OF APPREHENSION WHERE GUARANTOR HAS APPLIED TO  
BE DISCHARGED FROM LIABILITY  
[PLEASE USE BLOCK LETTERS]

TO ALL MEMBERS OF THE NORTHERN TERRITORY POLICE FORCE

On the.....the  
(date of undertaking)

defendant.....,  
(full name of accused person)

of.....,  
(permanent residential address of accused person)

and the guarantor.....,  
(full name of guarantor)

of.....,  
(permanent residential address of guarantor)

entered into a bail undertaking for the accused person to appear before the  
Youth Justice Court/ Local Court/Court of Summary Jurisdiction/Supreme  
Court\* at ..... on..... in respect of the offence(s) of:  
(place) (date)

.....  
.....  
.....  
(list offence(s) with which accused person is charged)

The guarantor has made application to that court for him to be discharged  
from his liability under the bail undertaking.

YOU ARE ORDERED TO APPREHEND AND BRING THE ACCUSED  
PERSON before the above court or another convenient court to be dealt with  
according to law.

Dated this.....day of....., 19... at.....  
(place)

.....  
(signature of Justice of the Peace)

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\* Delete where inapplicable.

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NOTE: This warrant should not be executed after the date on which the accused person has undertaken to appear without first contacting the court of issue.

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FORM 5

regulation 5(1)

NORTHERN TERRITORY OF AUSTRALIA

*Bail Act*

IN THE MATTER of a request for  
review of a bail decision by the  
accused, the informant, the  
complainant or the Attorney-General\*

REQUEST FOR REVIEW OF BAIL DECISION

..... of .....  
(Given names) (Surname) (Address)

.....  
is charged with/has been convicted of\* .....

I, ..... of .....  
(Name of person making request)

.....  
(Address)

request .....  
(Name of court)

.....  
at ..... to review a decision  
of ..... made  
at ..... on the ..... day of ..... 19....

.....  
(Signature of person making request)  
Dated / /19

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NOTICE OF HEARING

\* The accused person

TO:

\* Director of Public Prosecutions

NOTE: That the above matter has been listed for hearing at  
.....  
(Name of court)

on ..... the ..... day of .....19.... at .....am/pm\*  
when all parties to the matter must attend.

.....  
(Court officer)  
Dated / /19

\* Delete where inapplicable

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## ENDNOTES

### 1

#### KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2

#### LIST OF LEGISLATION

***Bail Regulations (SL No. 18, 1983)***

Notified	29 June 1983
Commenced	29 June 1983 (r 2, s 2 <i>Bail Act 1982</i> (Act No. 57, 1982) and <i>Gaz S19</i> , 29 June 1983)

***Amendment of Bail Regulations (SL No. 6, 1990)***

Notified	11 April 1990
Commenced	11 April 1990

***Statute Law Revision Act 2000 (Act No. 19, 2000)***

Assent date	6 June 2000
Commenced	s 6: 4 December 1999; rem: 12 July 2000

***Amendments of Bail Regulations (SL No. 9, 2002)***

Notified	8 May 2002
Commenced	8 May 2002

***Statute Law Revision Act (No. 2) 2002 (Act No. 59, 2002)***

Assent date	7 November 2002
Commenced	7 November 2002

***Youth Justice (Consequential Amendments) Act 2005 (Act No. 33, 2005)***

Assent date	22 September 2005
Commenced	1 August 2006 (s 2, s 2 <i>Youth Justice Act 2005</i> (Act No. 32, 2005) and <i>Gaz G30</i> , 26 July 2006, p 3)

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date	17 May 2007
Commenced	s 10: 1 July 2007 ( <i>Gaz G26</i> , 27 June 2007, p 3) rem: 17 May 2007

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**3 LIST OF AMENDMENTS**

r 3	amd No. 9, 2002, r 2
r 4	ins No. 6, 1990, r 1
r 5	ins No. 6, 1990, r 1 amd No. 9, 2002, r 3; Act No. 59, 2002, s 6; Act No. 7, 2007, s 16
r 6	ins No. 6, 1990, r 1 amd No. 9, 2002, r 4; Act No. 7, 2007, s 16
sch	amd No. 6, 1990, r 2; Act No. 19, 2000, s 10; Act No. 59, 2002, s 6; Act No. 33, 2005, s 5