



CRIMINAL CODE AMENDMENT (BAIL) ACT 1986

No. 77 of 1986

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AN ACT to amend the Criminal Code and the Justices Act 1959.

[Royal Assent 11 November 1986]

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:—

1—This Act may be cited as the *Criminal Code Amendment* Short title.
(*Bail*) Act 1986.

2—This Act shall commence on the day on which it receives the Commence-
Royal assent. ment.

Reference to
Criminal Code.

3—In this Act, the *Criminal Code** is referred to as the Code.

Amendment of
section 304 of
Code (Bail:
Procedure on
application
for bail).

4—Section 304 of the Code is amended as follows:—

(a) by inserting in subsection (1) “ vary, revoke, or ” before “ reduce ”;

(b) by adding the following subsections after subsection (2):—

(3) Where the Supreme Court makes an order under subsection (1) admitting a person to bail, the Court may make orders relating to the commencement or termination of that person’s bail and the conduct of that person during the currency of his bail.

(4) The Supreme Court may, on cause being shown, vary an order made by it under subsection (3).

Amendment of
the *Justices*
Act 1959.

5—Section 35 of the *Justices Act* 1959† is amended by omitting subsection (6) and substituting the following subsections:—

(6) A police officer who has reasonable grounds to believe that a person has contravened or failed to comply with, or is about to contravene or fail to comply with—

(a) an order under this section; or

(b) an order under section 304 of the *Criminal Code*, may arrest that person and take him before a justice.

(6A) Where a person is, pursuant to subsection (6), arrested and taken before a justice—

(a) the justice may, if that person is subject to an order under this section—

(i) if he considers it necessary or desirable to do so, revoke that order; and

* Schedule 1 to 14 Geo. V No. 69. For the *Criminal Code Act* 1924 and the *Criminal Code*, as amended to 1st March 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980, No. 52 of 1981, Nos. 33 and 99 of 1982, No. 77 of 1983, No. 3 of 1984, and No. 17 of 1985.

† No. 77 of 1959. For this Act, as amended to 1st May 1982, see the continuing Reprint of Statutes. Subsequently amended by Nos. 33 and 51 of 1982, Nos. 45 and 75 of 1983, Nos. 29, 48, and 55 of 1984, Nos. 9, 51, and 121 of 1985, and No. 45 of 1986.

- (ii) remand that person in custody there to be kept and produced to the justices at the day, time, and place specified in that order; or
- (b) the justice shall, if that person is subject to an order under section 304 of the *Criminal Code*, remand him in custody to appear before a judge of the Supreme Court at such time and place as are fixed by the justice, being a time not more than 7 days after the day on which that person is arrested.

6—(1) Where, immediately before the commencement of this Act, a person is subject to an order under section 304 of the Code admitting him to bail, the Supreme Court may, in relation to that person's bail or that person, exercise a power conferred on it by that section, as amended by this Act, notwithstanding that that power was not exercisable by the Court under that section when the order was made. Application of amendments.

(2) Where, immediately before the commencement of this Act, a person is subject to an order under section 35 of the *Justices Act* 1959 or section 304 of the Code, a police officer or a justice may, in relation to that order or that person, exercise a power conferred on him by section 35 of the *Justices Act* 1959, as amended by this Act, notwithstanding that that power was not exercisable by the police officer or justice under that last-mentioned section when that order was made.

