

South Australia

## **Bail (Forms) (No 2) Amendment Regulations 2022**

under the *Bail Act 1985*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Bail (Forms) (No 2) Amendment Regulations 2022*.

#### **2—Commencement**

These regulations come into operation on the day on which Part 2 of the *Statutes Amendment (Attorney-General's Portfolio) Act 2022* comes into operation.

### **Part 2—Amendment of *Bail Regulations 2015***

#### **3—Amendment of regulation 4—Forms**

Regulation 4(1)—delete subregulation (1) and substitute:

- (1) If the bail authority is a court, the form prescribed for the purposes of a particular provision of the Act (other than section 6(2), 7(2) or 8(1)) is the relevant form set out in the *Joint Criminal Rules 2022*.

##### **Editorial note—**

Sections 6(2), 7(2) and 8(2) of the Act provide that if the bail authority is a court the relevant forms will be forms determined by that court.

#### **4—Amendment of Schedule 1—Forms**

- (1) Schedule 1—after "Form 4 Bail agreement" insert:

Form 5            Guarantee of bail

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(2) Schedule 1—after Form 4 insert:

**Form 5—Guarantee of bail**

*Bail Act 1985*

(section 7(2))

**Guarantee of bail**

I, *[insert full name]*, of *[insert address]* guarantee that *[insert name of person to be released on bail]* (the **person**) will comply with—

- \* all of the terms and conditions of the person's bail agreement; OR
- \* those terms and conditions of the person's bail agreement specified in this guarantee (*see below*).
- \* *Strike out whichever does not apply.*

I undertake that, if the person fails to comply with a term or condition of the bail agreement to which this guarantee relates, I will forfeit to the Crown the sum of \$*[insert amount]*.

I declare—

- (a) that I know *[insert name of the person]*; and
- (b) that I am of or above the age of 18 years; and
- (c) that I have been given a copy of the bail agreement in relation to which this guarantee is given; and
- (d) that I will ensure that the person to be released on bail will comply with the terms and conditions of the person's bail agreement in relation to which this guarantee is given.

I understand—

- (a) that if I know, or have reasonable grounds to suspect, that the person has failed to comply with a term or condition of the bail agreement in relation to which this guarantee is given, I am required to take reasonable steps to inform a police officer that the failure has, or may have, occurred and, if I fail to do so, then, in addition to the amount I have undertaken to forfeit to the Crown, I may also be liable to a fine of up to \$1 250; and
- (b) that this guarantee is in force for so long as the person is on bail, subject to the terms of this guarantee being varied or the guarantee being revoked.

Terms and conditions of bail agreement specified for the purposes of this guarantee:

Guarantor's signature:

Date:

Time:

Signature of authorised person<sup>1</sup> witness:

Title, rank or other authorisation of witness:

Date:

Time:

- 1 The authorised person who witnesses the guarantor's signature may be the bail authority, a person or person of a class specified by the bail authority, a justice, a police officer who is of or above the rank of sergeant or the responsible officer for a police station or, if the person is in prison, the person in charge of the prison.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 15 December 2022

No 114 of 2022