NOTICE TO ACCUSED

BAIL ACT 1982

Section 30(2)

1. Appearance in court

You must appear at the time and place mentioned in your undertaking and surrender yourself into the custody of the court. You must then remain in custody until you are entitled to be released.

2. Bail Conditions

While you are on bail you must also observe the conditions set out in your undertaking.

If you fail to comply with a condition set out in your undertaking imposed for the purposes mentioned in clause 2(2)(c) or (d) of Part D of Schedule 1 to the Act you commit an offence. The penalty for the offence is a fine up to $10,000 or imprisonment for up to 3 years, or both.

3. Notification Of Later Time / Place

If you are notified either by a judicial officer or by a court official of a different time, or a different time and place, for your appearance, then you must appear at the time, or at the time and place, so notified. Such notification may be given to you by a judicial officer at a hearing. If a notification is given to you by a court official it must be in writing handed to you personally, or sent to you by post or electronic communication.

4. Failure to Attend

Should you fail to appear in court as required you must as soon as is practicable appear at the court when it is sitting.

5. Consequences Of Non-Appearance

If, without reasonable cause, you do not appear in court as mentioned in paragraph 1 or 3 above, you commit an offence. If you do not appear as mentioned in paragraph 4 above you commit a further offence. The penalty for each offence is a fine of up to $10,000 or imprisonment for up to 3 years, or both.

You will also be liable to an order to pay the amount of money, if any, referred to in your bail undertaking.

If your non-appearance continues for more than 1 year that amount will be automatically forfeited.

You may also be ordered to pay some or all the cost of your return to custody.

In addition, any surety will be liable to an order to pay the amount of money referred to in his/her surety undertaking.

6. Change of Address etc.

You must, in writing, notify the court at which you are to appear of any change of residential address. It is an offence not to do so, without reasonable cause.

The maximum penalty for the offence is a fine up to $1,000.

7. When Court May Reconsider Bail

Your bail may be interrupted and you may be brought before the court for reconsideration of bail in the following situations:

a) if your surety or a police officer reasonably believes that:
   (i) you are not likely to appear in court as required; or
   (ii) a bail condition is being, has been or is likely to be broken by you,
b) if a police officer reasonably believes that the court should reconsider your surety or the security (*if applicable)*
c) if your bail is for an appeal and a police officer reasonably believes that you have been guilty of delaying the hearing of the appeal; or
d) if your surety applies to the court for cancellation of his/her surety undertaking.

In case of urgency where your surety reasonably believes that you are not likely to appear in court as required or that you have broken any bail conditions, he/she may arrest you and hand you over to a police officer to be taken before the court for reconsideration of bail.

In the case of an accused who is a child, the references to 'surety' in this part of the form includes the 'responsible person'.

8. Interruption Of Bail On Application By Responsible Person

If you are a child and the responsible person wants to have his or her undertaking cancelled, you may be taken into custody until the application is dealt with by a police officer and another responsible person takes over.

Footnote: A responsible person is a person who gives an undertaking under clause 2(3)(c) of Part C of Schedule 1 to ensure that a child does what is required by his/her bail undertaking.