

# BAIL ACT AND ANOTHER ACT AMENDMENT ACT

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Queensland



ANNO TRICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 38 of 1989

An Act to amend the Bail Act 1980-1988 in a certain particular and the Bail Act and Other Acts Amendment Act 1988 in certain particulars

[ASSENTED TO 5TH MAY, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

#### PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Bail Act and Another Act Amendment Act 1989*.

#### PART II—AMENDMENT OF BAIL ACT 1980-1988

**2. Principal Act and citation.** (1) In this Part, the *Bail Act 1980-1988* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Bail Act 1980-1989*.

**3. Amendment of s. 13. Bail in cases of charges of serious offences.** Section 13 (1) (b) of the Principal Act is amended by omitting the expression "10" and substituting the expression "10 (1)".

#### PART III—AMENDMENT OF BAIL ACT AND OTHER ACTS AMENDMENT ACT 1988

**4. Principal Act and citation.** (1) In this Part, the *Bail Act and Other Acts Amendment Act 1988* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Bail Act and Other Acts Amendment Act 1988-1989*.

**5. New s. 10A.** The Principal Act is amended by inserting after section 10 the following section:—

**"10A. New s. 14B.** The Principal Act is amended by inserting after section 14A the following section:—

**"14B. Release of persons apprehended for drunkenness on making deposit of money as security for appearance.** (1) Where a person has been apprehended under section 81 of the *Liquor Act 1912-1988* for the offence of being found drunk on the premises of any licensee or in any public place he may in lieu of being granted bail under section 14 be granted bail under this section.

(2) Where a person who has been apprehended for an offence referred to in subsection (1) (whether or not he has been apprehended for any other offence other than an indictable offence or an offence specified in the second schedule) is delivered into the custody of a member of the police force at a place that is a police station, watch-house or lock-up, without having first appeared before a justice in relation to that offence, the member of the police force who is in charge of or the watch-house keeper at that place, if—

(a) he is satisfied that the person cannot be taken forthwith before a justice;

and

(b) he thinks it prudent to do so,

may, notwithstanding the state of drunkenness of the person, grant bail to the person and release him from custody on his making a deposit of money as security for his appearance before a court or justice on such day and at such time and place as are notified to him in accordance with this section.

(3) A defendant granted bail under this section shall only be released from custody into the care of an authorized person for the purpose of the authorized person taking the defendant to a declared place.

(4) An authorized person into whose care a defendant is placed under subsection (3) shall forthwith convey the defendant to a declared place.

(5) The member of the police force who accepts a deposit of money from a defendant and grants bail to him pursuant to subsection (2) shall comply with the provisions of subsections (2) and (3) of section 14 as if the defendant had been granted bail pursuant to section 14.

(6) No action lies against the Crown or any member of the police force, any authorized person, any person engaged in the conduct of a declared place or any other person in respect of anything done or omitted to be done by a member or person referred to in this subsection in good faith and without negligence in the execution or purported execution of the provisions of this section.

(7) (a) For the purposes of this section, paragraph (a) of section 7 (2) shall be read and construed as if there appeared after the expression "14" the expression "or 14B".

(b) In this section—

“authorized person” means any person—

- (i) engaged in the conduct of a declared place who is declared by notification published in the Gazette to be an authorized person for the purposes of this section;
- (ii) who belongs to a class of person so declared to be a class of authorized person for the purposes of this section;

“declared place” means any place—

- (i) declared by notification published in the Gazette to be a declared place for the purposes of this section;
- (ii) that belongs to a class of place so declared to be a class of declared place for the purposes of this section;

the terms “premises”, “licensee” and “public place” have the same meanings, respectively, as are given to those terms by the *Liquor Act 1912-1988*.

(8) This section shall cease to operate after the expiration of 3 years from the date of commencement of this section.”

**6. Amendment of s. 20. Repeal of s. 28 and new ss. 28-28B.** Section 20 of the Principal Act is amended by, in section 28A provided for therein, in subsection (1) (a), inserting after the words “released on bail” the words “in accordance with section 7 (1) (b) or”.