

1994

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**BAIL (AMENDMENT) BILL 1994**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendment to be moved on behalf of the Government**

Circulated by authority of  
Terry Connolly MLA  
Attorney General

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**CLAUSE NOTES**

**Clause 21 - Form of certain instruments**

The Act makes provision for various forms to be prescribed for giving effect to different procedures under the Act. To date only one form has been prescribed in the Regulations, namely, the notice from the Superintendent of the Remand Centre to the Court that a bail condition has not been satisfied. A number of other forms were prepared by the Department, but they have no official status and are not binding on the users.

Prescription of forms in Regulations is not necessarily desirable because of the difficulty of adapting the forms to changing circumstances. It is important, however, for forms (such as the undertaking) to be common to all users - the police, the Magistrates Court or the Supreme Court.

Clause 21 therefore proposes to allow for forms to be approved by the Minister, notified in the Gazette, and also treated as disallowable instruments for the purposes of section 10 of the *Subordinate Laws Act 1989*. This approach strikes a reasonable balance between formality, administrative convenience, and the provision of a system whereby the forms, which deal with areas of personal rights, may be open to the scrutiny of the Legislative Assembly.

Related amendments are contained in clauses 14, 17 and 18.

(In addition to explaining Government amendments moved in the Assembly, the text above replaces text in the original Explanatory Memorandum which was erroneously headed "Clause 20".)