Form 8

QUEENSLAND

*Bail Act 1980*

Section 20(5)(b)

**NOTICE TO DEFENDANT OF UNDERTAKING AS TO BAIL**

If you fail to appear and surrender into custody in accordance with the undertaking without reasonable cause or break any other condition of the undertaking you will commit an offence that is punishable by fine or imprisonment. A warrant may issue for your apprehension.

Where a court is satisfied that you failed to appear and surrender into custody before the court in accordance with the undertaking, the court may declare the undertaking to be forfeited. If forfeiture is declared, any deposit of money or other security provided by you as stated in the undertaking may be forfeited and paid to His Majesty. In addition, any deposit of money or other security provided by the surety or sureties as a condition of bail may become forfeited and paid to His Majesty.

It is lawful for a police officer to arrest you, without warrant, if a police officer reasonably suspects –

(i) you are likely to contravene, are contravening or have contravened a condition of the undertaking;

(ii) a surety has given to a police officer written notice stating the surety wishes to be relieved of the

 obligation of being a surety for you because the surety believes you are likely to contravene the

 condition for your appearance;

(iii) you are directly or indirectly harassing or interfering with a person who may be required to give

 evidence relating to the offence for which you have been released on bail

A surety may, with the assistance of a police officer, at any time before you are required to appear and surrender into custody in accordance with your undertaking, apprehend you and bring you before the court before which you are required to appear if the surety is concerned you may not honour your undertaking as to bail or has become aware of a breach by you of a condition of your undertaking

**NOTICE TO SURETY OR SURETIES OF UNDERTAKING AS TO BAIL**

[This section only applies to matters involving a surety or sureties.]

The custody of the defendant has been entrusted to you on the essential obligation to produce him/her before the court to answer the complaint or charge. It is a serious obligation and one that should not be treated lightly. If you fail to take all reasonable steps to secure the attendance of the defendant before the court, any deposit of money or other security provided by you as a surety may become forfeited and paid to His Majesty.

Where a court is satisfied that the defendant has failed to appear and surrender into custody before the court in accordance with the undertaking, the court may declare the undertaking to be forfeited. If forfeiture is declared, any deposit of money or other security provided by you as a surety may become forfeited and paid to His Majesty.

If you are seeking to be discharged from liability with respect to the undertaking you may apply to the court at any time before a condition of the undertaking is broken by the defendant, or the defendant is arrested pursuant to section 367 of the *Police Powers and Responsibilities Act 2000*.

Where a defendant has been released on bail to appear before a court, a surety for the bail may, at any time before the defendant is required to appear and surrender into custody in accordance with the *Bail Act 1980*, apprehend the defendant and bring the defendant before the court, before which the defendant is required to appear, or a justice. A police officer shall, if required by the surety to do so, assist the surety in the apprehension.

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Signature of person before whom undertaking is given