

## How does the Court decide to grant bail?

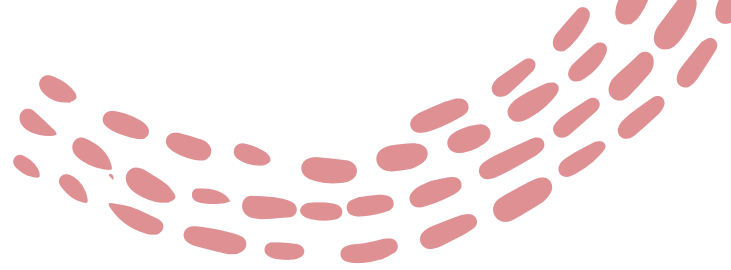
### The Court will consider:

- If they think you will appear in court on the set date if you are granted bail and released from custody.
- If it is in the public interest to release you.
- Whether you are likely to re-offend if bail is granted.

### The Court may also consider:

- Your occupation, how long you have been in that job, and if you may lose your job if bail is denied.
- If you will interfere with any witnesses in your matter (ie. tell someone not to come to Court as a witness).
- If you are married, have dependants, and your financial circumstances.
- What you are charged with, if you have been charged with similar offences in the past, and if so, how long ago it was.
- If there is anyone who will be your surety (a person who accepts responsibility for you if you are released from custody).

If you are charged with a family violence offence, you won't be granted bail unless the Court or a police officer is satisfied that your release will not affect the safety and wellbeing of the protected person.



## ARREST & BAIL



### What does TALS do?

Tasmanian Aboriginal Legal Service ('TALS') is a non-profit, Aboriginal and Torres Strait Islander community-based organisation in Tasmania. TALS provide culturally safe, holistic, and appropriate services that are inclusive and open to all Aboriginal Tasmanians.

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1800 595 162**

## When can I be arrested?

You can be arrested by police with or without a warrant.

### *With a warrant*

A warrant can be issued by a justice, judge, or a magistrate to give permission to police to arrest the named person. A warrant can be issued for an offence or failure to appear in court. A person arrested on warrant must be brought before the Court.

### *Without a warrant*

Police can arrest you without a warrant if they think:

- You're committing a crime
- You've already committed a crime
- You are about to cause harm to someone else or their property

Police must tell you why you are being arrested.

## Can police use force to arrest?

Yes, a police officer can use as much force as they need to arrest you or to stop you escaping. So, if you cooperate, police cannot use force.

## What should I do if I am arrested?

### **You must:**

- Give your name and address.
- Your age if you are on a licensed premise.
- If you are found in possession of drugs, state your source of supply.

### **You have the right to:**

- If you are over 17, ask to make a call. This may be denied in some situations.
- If you are under 16, ask to make a call.
- Ask for bail.
- Stay silent and say nothing about the offences/crimes you are being questioned about.

If you are an Aboriginal or Torres Strait Islander person, let police know.

## What is bail?

Bail is an undertaking which allows a charged person in custody to be released. It is a condition of bail that the charged person will appear in court at a set time and date.

Bail can be subject to a wide range of conditions. Some examples of bail conditions are:

- You must live at a set address.
- You must report to the nearest police station at set times.
- You must be at your residential address between set hours (this is known as a 'curfew').
- You must not approach another specified person directly or indirectly.

## How do I get bail?

Both police and the Court have the power to grant bail.

If you are arrested with or without a warrant, police have the power to grant bail and release you from custody. If you are not granted bail by Police, you will be taken to Court as soon as possible.

You can apply for bail when you are before the Magistrates Court for almost all charges.

## What happens if I breach bail?

It is against the law to breach bail conditions. If you breach bail, you may be fined or imprisoned. It will likely impact you remaining on bail, and you could be remanded in custody.