



Bail by mail

A guide to applying for or changing bail if you have been charged with a crime in Queensland



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How can this guide help me?

This guide can help if:

- you are on remand and want to apply for bail in the Supreme Court of Queensland or
- you are still in custody because you can't meet a bail requirement and need to apply to change a bail order.

The guide explains how to apply for bail or apply to change a bail order. It also includes sample court forms you can use to help you apply for bail.

Do *not* use this guide if:

- you have been charged with an offence outside of Queensland (in another state or territory); contact the Legal Aid commissioner in that state or territory for advice on applying for bail
- you want help to argue against your charges—get legal advice if you are in this situation.

This guide has brief information about applying for bail while you wait for an appeal. Get legal advice if you are in this situation.

Disclaimer

This guide is intended to provide you with information only. If you have a legal problem, you should get legal advice from a lawyer. Legal Aid Queensland believes the information provided is accurate as at November 2023 and does not accept responsibility for any errors or omissions.

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you would like this publication explained in your language, please phone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland on 1800 998 980. If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. Visit www.relayservice.gov.au and ask for 1800 998 980 (our legal information line). These are free services.



Do I need legal advice?

If you have been charged with an offence and want to apply for bail then you should get legal advice. Get legal advice before you start applying for bail.

If you've been charged with a serious offence or have an urgent matter, you should apply for legal aid or get a private lawyer, rather than wait for a legal advice appointment.

Important

Ask Legal Aid Queensland for help before you start applying for bail.

If you are not eligible for legal aid and you still want to apply for bail, ask the bail clerk at your centre (if applicable) to prepare and type your application.

When you file your application with the court, you should also send a copy of the application and supporting material to the Office of the Director of Public Prosecutions. This is called 'serving' your documents.

Where can I get legal advice?

Legal Aid Queensland

1300 65 11 88

Call for free legal advice about bail.

A private lawyer

1300 367 757

Call the Queensland Law Society (QLS) to find the names of specialist private lawyers for advice and representation.

A community legal centre

1300 65 11 88

www.legalaid.qld.gov.au

Community legal centres may give free legal advice and information on some criminal law matters. Call Legal Aid Queensland or visit the website to find services in your area and if a community legal centre can help with your matter.

What is bail?

Bail is a written promise you sign (called an undertaking) to come to court on a specific date to face the charges against you. To get bail you may have to agree to certain rules known as bail conditions.

Bail conditions can include:

- regularly reporting to a police station
- living at a certain address
- having someone act as a surety.

If you break a condition, or don't appear in court when you're supposed to, you're breaking the law. You can apply for bail if you're a defendant and you want to be released from custody while waiting for all charges against you to be dealt with.

How do I apply for bail in the Supreme Court?

In most circumstances you must first apply for bail in the Magistrates Court before you apply in the Supreme Court. If you have been refused bail in the Magistrates Court then you should:

- complete the court forms (see sample forms on page 27)
- file one original and two copies of each form with the Supreme Court
- present your bail application to the Supreme Court.

Stage 1 – Complete the court forms

If you are remanded in custody without bail, you must complete these forms to apply for bail. If you are in custody, you should ask correctional centre staff how you can access these forms at your centre.

1. *Form 2 – Application for bail in the Supreme Court.*
2. *Form 11 – Affidavit in support of your application for bail* with any exhibits (eg letters of support).
3. *Certificate of Exhibit.* If you have exhibits you must attach a *Certificate of Exhibit* to them. Attach a separate *Certificate of Exhibit* to each exhibit.
4. A draft bail order.

All forms are available online at courts.qld.gov.au

These forms must be typed or neatly handwritten. Arrange access to a computer to type the forms through your unit officer, welfare counsellor or the bail clerk at your correctional centre.

If you make a mistake on your form, do not use liquid paper. Rule a line through any mistakes and write the correction in neat handwriting. If you make a mistake in your affidavit, you and the person who witnesses the form must write an initial next to the correction in the side margin.

Applications can be submitted by post, and in some jurisdictions by email.

Complete *Form 2 – Application for bail*

You must list all the charges you are remanded in custody on in this form. You can get the details of your charges from Sentence Management at your correctional centre.

In your application you must say whether you have applied for bail in the Supreme Court before. If you have, you must give details of the court, place and date of any previous Supreme Court bail applications.

Use the sample *Form 2 – Application for bail in the Supreme Court* on page 27 as a guide to help you fill out this form.

Complete *Form 11 – Affidavit*

You must complete a *Form 11 – Affidavit* to give the court information about your situation. Your affidavit needs to include the following information in numbered paragraphs:

- details of your charges
- the time you have spent remanded in custody
- where you propose to live and who you will live with
- your previous addresses for the past two years
- your proposed employment (if any)
- your previous employment or social security status
- your proposed reporting conditions (frequency and location)
- amount of surety (if any)
- explanations for previous bail breaches
- personal information (if any)
- any counselling you are prepared to attend
- if you are young (eg 20 or under), include whether you will abide by a curfew.

If you have previously been refused Supreme Court bail on the same charges, you must tell the court why your circumstances have changed to make you eligible for bail.

You must also follow these layout guidelines when completing your affidavit to make sure it meets the court's requirements:

- Put a footnote with your name and address at the bottom of the first page. Your address can be a correctional facility.
- Number each paragraph. If a paragraph does not apply to you then delete it from your affidavit and renumber the remaining paragraphs (eg if you delete paragraph 9, then paragraph 10 would be renumbered to paragraph 9 and so on).
- Each supporting document (eg letter from your employer) is known as an 'exhibit.' You must have a Certificate of Exhibit attached for each exhibit. (See sample Certificate of Exhibit on page 31).

Tips to help you complete your affidavit

Here are some tips to help you complete certain paragraphs in your *Form 11 – Affidavit*.

Use the sample Form 11 – Affidavit on page 28 as a guide for how your affidavit should look and what information to include.

Paragraph 3: Details of your charges

You must list all the charges you want bail for. Ask your correctional centre to give you details about the exact charges you are being held in custody for. They will give you either long or short title charges. Copy these charges onto your affidavit, application and draft bail order.

A long charge will look like this:

“That on the nineteenth day of December 2023 at Brisbane in the State of Queensland, one Jane Helene Plain stole from one Kane Lane with actual violence, \$100 and at the time Jane Helene Plain was in the company of another person.”

A short charge will look like this:

“1 x stealing with actual violence while in company.”

The court will accept either type of charge, as long as it is correct and you include all the charges you want bail for.

Important

Your correctional centre will not release you if their records show you are being held on remand for a charge that is not in the bail order.

Paragraph 4: Your next court date

Ask your correctional centre for the date and court location of your next appearance. If you are serving a sentence but you are on remand for other offences, you should get legal advice about applying for bail.

Paragraph 6: Time spent in custody

List the time you have spent remanded in custody. Check the date with your correctional centre.

Paragraph 9: Where you plan to live

The court wants to be sure you will have a suitable place to live if you are released on bail. You should tell the court where you plan to live, who you will be living with and your relationship with them.

You should also include a letter from the person you will be living with as an exhibit with its own *Certificate of Exhibit*.

Paragraph 10: Your previous addresses for the past two years

If you have lived in Queensland for an extended period of time (eg six months or more) before you were arrested, make sure you include this in your affidavit.

Paragraphs 12 & 13: Your planned and previous employment or social security benefits

List your planned employment and details of your employment history.

Include all your previous jobs. You are not limited to mentioning one or two. It is important you include those jobs you held for a long time.

Paragraph 14: Surety

Before you write the name of the person you have in mind to provide your surety, phone or write to them to make sure they are willing to do so. Ask the person to write a letter confirming this and exhibit it to your affidavit.

What is a surety?

The judge may demand a “surety” as part of your bail conditions. A surety is given by a person who agrees to provide an amount of money upfront or forfeit money or property if you don’t show up at court when you’re supposed to.

A person can only provide surety if they:

- are 18 or older
- haven't been convicted of an indictable offence
- have decision-making capacity
- aren't an involuntary patient under the *Mental Health Act 2016* who is detained or likely to be detained in an authorised mental health service
- aren't a forensic disability client under the *Forensic Disability Act 2011*
- aren't a person for whom a guardian or administrator has been appointed under the *Guardianship and Administration Act 2000*
- have not been, and are not likely to be charged with an offence
- aren't insolvent
- have money or property equal to or more than the bail amount.

A person can only offer money or property as surety if it belongs to them. If a person owns property, they can only provide surety for the amount they actually own. If there's still a mortgage, the surety can only cover the amount the person has paid off.

If you fail to appear in court then the surety will have to pay the amount they agreed to. A person who is considering providing a surety for someone should get their own legal advice.

It is an offence to promise to pay back or 'make good' any costs or financial losses a person may suffer as surety because you fail to appear in court. This is known as 'indemnifying a surety' and is against the law.

Paragraph 16: Previous bail breaches

Fill in this section if you have breached bail in the past. It is important to give reasons for every time you failed to appear.

Paragraph 17: Personal information

Include any personal information you think the judge should know. For example, a serious medical condition that you or someone you care for has, such as your child, de facto, husband/wife or parent.

Include any details about any counselling you are willing to attend and, if you are 20 or younger, whether you will agree to by a curfew.

Draft a bail order

You should have a draft bail order to hand to the judge hearing your application.

The draft order sets out the charges you are wanting bail for.

It includes standard conditions and other conditions you think the judge may include. For example, a condition to live at a drug rehabilitation centre.

A judge might make a condition that you must wear a monitoring (tracking) device. The judge can make this condition for any reason or offence.

Use the sample draft bail order on page 32 as a guide to help you complete your draft order.

How to change a surety on your bail order

If you can't meet a bail condition, you should apply to the court or jurisdiction that gave you bail to vary (change) the order. You can apply to the Supreme Court to vary (change) a bail order from any court.

People usually want to change a bail order because the person providing surety can't provide the agreed amount of money. If a magistrate or judge sets an amount for surety that is more than the person providing the surety can afford, you can apply to the Supreme Court to have the surety removed or the amount reduced.

Important

This section can help you if you have been given bail but you are still in custody because you can't meet a bail condition (eg surety).

Steps to follow when applying to change your bail order:

1. Complete a *Form 4 – Application for variation of bail*
2. Complete a *Form 11 - Affidavit (in support of variation of bail)*. This should contain the information included in your previous bail application, and extra paragraphs saying when you were granted bail, by which court, and on what conditions.
3. Provide letters to support your application. These should be attached to the affidavit with a *Certificate of Exhibit*.
4. Provide a *Certificate of Exhibit*.
5. Provide a *Draft order (in support of variation of bail)*.

1. Complete *Form 4 – Application to vary bail*

You must list all the charges you are remanded in custody on in your application. You must include details of the existing bail order (court, location and date).

Use the sample *Form 4 – Application for variation of bail* on page 35 as a guide.

2. Complete *Form 11 – Affidavit (in support of application to vary bail)*

Your affidavit needs to include the paragraphs in the sample *Form 11 – Affidavit*, as well as extra information about your existing bail conditions.

You should also include the reasons why the existing bail conditions can't be met and what other arrangement you have in place.

The court may include other conditions if a bail order is changed, such as reporting to your local police station every day.

Use the sample *Form 11 – Affidavit (in support of application to vary bail)* on page 36 as a guide.

3. Provide letters to support your application

Get letters from people who can support your application for bail. You need to attach copies of your letters of support to your affidavit. Each letter must have a *Certificate of Exhibit* attached. The original letters must be filed with your application.

Use the sample letter of support on page 41 and the sample *Certificate of Exhibit* on page 31 as a guide.

Surety

Ask the person making your surety to provide a letter to the court confirming their offer of surety.

The letter should include:

- how much they are offering as surety
- proof they can afford this amount (eg bank statements)
- a statement showing they understand they will lose the money if you fail to appear in court at the next scheduled time
- a statement showing they are aware of your charges.

Use the sample surety's letter on page 40 as a guide.

If the court grants you bail with a condition of surety, the person offering the surety will need to complete a *Form 11 – Affidavit of justification*.

Use the sample *Form 11 – Affidavit of justification* on page 43 as a guide.

Employment

If someone has offered you a job, arrange for that person to write a letter of confirmation. The letter should include:

- whether you have worked there before
- what work you will be doing
- whether the position is permanent or casual
- the hours and days of the week you will be working.

See sample employer’s letter on page 41 as a guide.

Residence

Ask the person you will be living with to write a letter confirming the details in your *Form 11 – Affidavit*. This person should also state they are aware of your charges, their relationship to you, and whether they are willing to report any bail breaches to the Office of the Director of Public Prosecutions.

Medical condition

If you have a medical condition and feel you can’t be treated properly while on remand, get a doctor’s letter detailing your medical history/condition and the name of your regular doctor. If you have access to a more detailed report, you can hand it to the judge at your bail application hearing.

Drug/alcohol rehabilitation

It may help your application if you are on, or would like to join, a rehabilitation program for drug/alcohol abuse. Some programs offer live-in accommodation to people on bail. If you are prepared to live at a rehabilitation centre, ask the drug and alcohol counsellor at your centre to arrange an assessment. If you are assessed as suitable for a live-in program, ask the rehabilitation centre to provide written confirmation, which you can give to the judge.

Stage 2 – File your bail application

Once you have completed the court forms, follow these steps before filing them in the Supreme Court.

Check your court forms

Spend time checking all the information on your forms is correct. Mistakes may stop you getting bail.

Make sure you have your *Form 2 – Application for bail* and *Form 11 – Affidavit*. Make sure you put your name and address in the footnote of the first page of both forms (this can be the address of the correctional centre).

Important

If you find a mistake in your *Form 11 – Affidavit* after it is typed, make changes to correct it before it is sent by email. If you have printed out a copy and can't reprint it, rule a line through the mistake and write the correct information above. Do not use liquid paper.

When you get your *Form 11 – Affidavit* witnessed, you and the person witnessing your form must write your initials beside any changes.

Your forms must be completed correctly for the court to accept them.

Get your forms witnessed

You must sign your *Form 2 – Application for bail*.

You must sign your final *Form 11 – Affidavit* in front of a justice of the peace, commissioner for declarations or a lawyer so they can witness your signature. Ask your unit officer, welfare counsellor or the bail clerk to help organise these signatures. Applications sent by email also need to be signed.

You do not sign the draft bail order—the deputy registrar will sign it if you are given bail.

File your bail application in the Supreme Court

After your forms are signed and witnessed, make three photocopies of all your forms. Keep one copy of all the forms for yourself. File the original and two copies of each document with the Supreme Court registry in the jurisdiction your charges are being heard. If you're not sure which jurisdiction your charges are being heard, get legal advice.

When your application has been filed at the court registry, the court will tell your correctional centre the hearing date so your correctional centre can arrange your appearance. In some circumstances you may appear by video link. Applications will be heard in court as soon as possible after your documents are filed.

Brisbane Supreme Court

You can send your application and supporting material by post to: QEI Courts of Law Complex
PO Box 15167
City East Qld 4002

You may be able to file your material by email to ccu@justice.qld.gov.au

Once your application and supporting material has been filed, you can serve the documents to: Office of the Director of Public Prosecutions
GPO Box 2403
Brisbane Qld 4001

Cairns Supreme Court

You can send your application and supporting material by post to: Supreme Court of Queensland – Cairns Registry
PO Box 1110
Cairns Qld 4870

Once your application and supporting material has been filed, you can serve the documents to: Office of the Director of Public Prosecutions
PO Box 1095
Cairns Qld 4870

Rockhampton Supreme Court

You can send your application and supporting material by post to: Supreme Court of Queensland – Rockhampton Registry
PO Box 300
Rockhampton Qld 4700

Once your application and supporting material has been filed, you can serve the documents to: Office of the Director of Public Prosecutions
PO Box 1304
Rockhampton Qld 4700

Townsville Supreme Court

You can send your application and supporting material by post to: Supreme Court of Queensland – Townsville Registry
PO Box 1032
Townsville Qld 4810

Once your application and supporting material has been filed, you can serve the documents to: Office of the Director of Public Prosecutions
PO Box 989
Townsville Qld 4810

Stage 3 – Going to court

What to bring to court

It is important to dress cleanly and neatly when you go to court. Make sure you bring all copies of your documents, including your:

- *Form 2 – Application for bail*
- *Form 11 – Affidavit*
- Letters of support
- Draft bail order.

Prepare a checklist for your bail hearing listing the main reasons why you want bail.

If you are asked whether you have something to say, you can read your list to the judge—this is easier than having to look through the pages of your forms.

What to do in court

**Anything you say at your bail hearing can be used against you at your trial.
Get legal advice about what you plan to say at your bail hearing.**

1. You will be taken into the court room and shown where to sit.
2. The prosecutor will give you a copy of the material they plan to use.
3. The judge will ask the prosecutor what material they have for the judge to read and may ask if you have material, such as supporting letters, to give the judge.
4. The judge will ask everyone to be seated and will read the material.
5. The judge will ask the prosecutor to make their submissions. The prosecutor will state why they think you should not get bail, or they may tell the judge your bail application is not opposed. If the prosecutor says something you disagree with, do not interrupt. You will be given an opportunity to speak later.
6. The judge will ask you for submissions to support your application. This means you must tell the judge the important information included in your *Form 11 – Affidavit* and mention any letters of support you have. You should address the judge as “Your Honour”. Don’t rely on the fact that this information is included in your *Form 11 – Affidavit*—you need to tell the judge this information.

Explain the important parts of your application in detail. Do not talk about whether you are guilty or not guilty of the charges or what your defence is. Remember, anything you say in your bail hearing can be used against you at your trial.

The judge's decision

The judge has three options when deciding your application for bail. The judge can:

- give you bail
- refuse bail
- adjourn (postpone) the application.

What the judge looks at when granting bail

The judge will look at different things when deciding if you can meet your bail conditions and whether you should be given bail. These include:

1. Seriousness of the offence

If you have committed a serious offence, you will need strong reasons for bail to be given. The judge must think about the community's safety.

2. Previous bail breaches

If you have breached bail in the past by failing to appear in court, you will need to explain to the judge why you breached bail and convince them you will not do it again. The judge may ask for a surety.

3. Previous criminal history

The judge will have a record of your criminal history in Queensland and interstate.

Your criminal history will affect your bail application, especially if your previous convictions are similar to your current charge or you have committed offences while on bail.

You should explain any previous convictions for bail breaches to the judge.

If you have a history of drug or alcohol related offences, the judge may include counselling and/or urine testing as a bail condition.

4. Ties with Queensland

The judge is more likely to give you bail if you can show you have strong ties with Queensland either because your family lives here or you have lived here all your life.

Tell the judge:

- where you will live if you get bail (include specific address)
- who you will be living with and your relationship to them
- where you were living when you were arrested.

If you will stay in a boarding house, hostel or rehabilitation centre, make sure you confirm these arrangements before you go to court. Include the address of the boarding house or hostel in your affidavit and offer to report to a police station regularly.

The judge may give you bail even if you live in another state, however they may include a surety in your bail conditions. See 'Surety' below.

5. Surety

In some circumstances a surety may be needed. See page 9 for more information about what is needed to offer a surety.

The surety amount will usually be higher if:

- your offence is serious
- you have previously failed to appear in court
- you don't have strong ties with Queensland.

6. Employment

It will help your bail application if you can give the judge proof you will have a job if given bail.

7. Medical history

If you have a medical condition that needs ongoing or specialist treatment, the judge may take your medical history into account.

8. Drug, alcohol or gambling addiction and domestic violence

If you are remanded in custody on drug related charges or have previous convictions for drug related offences, it will help your application if you can give the judge proof you are trying to improve your alleged offending behaviour. For example, you could include a letter confirming your placement in a drug rehabilitation centre or counselling for your alleged addiction or behaviour.

The judge will usually give you bail unless the prosecutors can show there is an unacceptable risk of you committing more offences or failing to appear in court.

What if I have to ‘show cause’?

In some cases, you may have to ‘show cause’—meaning you won’t get bail unless you can give the judge reasons why you should get bail and not stay in jail.

You may have to ‘show cause’, if:

- you’re charged with an indictable offence while you’re on bail for an indictable offence
- it’s alleged you used, or threatened to use, a weapon when committing an offence
- you’re charged with an offence against the Bail Act (eg if you’re charged for failing to appear in court or breaching a bail condition)
- you’re charged with an offence against control order provisions or for breaching a public safety order
- you’re charged with threatening a law enforcement officer when or because the officer is investigating criminal organisation activities
- you’re charged with choking, suffocation or strangulation in a domestic setting under the *Criminal Code Act 1899* (Qld)
- you’re charged with an offence punishable by a maximum penalty of at least seven years’ imprisonment if the offence is also a domestic violence offence
- you’re charged with offences against the *Criminal Code Act 1899* (Qld) including threatening violence, stalking, deprivation of liberty if the offence is also a domestic violence offence
- you’re charged with breaching a domestic violence order and the offence involved violence to a person or property (or threatened or attempted violence) or if you’re charged with breaching a domestic violence order and you have been convicted of other certain offences in the past.

There are other reasons that may also result in having to ‘show cause’. Your lawyer can tell you if you have to show cause, and how you can show the judge you should not be in jail.

Option 1. The judge can give you bail

The judge will only give you bail if they believe you will meet certain bail conditions. These could include:

- you will appear in court for your next hearing
- you will not break the law while on bail
- you are not a danger to the general public, witnesses or yourself
- you will regularly report to your local police station
- you will live at a certain fixed address.

If you break a bail condition or don't appear in court when you're supposed to, you're breaking the law. Get legal advice immediately.

What happens if the judge gives me bail?

If you are given bail, you will be taken back to the correctional centre to be released.

If a person has to provide a surety, they must come to the local Magistrates Court to sign a *Form 11 – Affidavit of justification*. This shows the judge they have enough money or assets to pay the surety if you breach your bail conditions.

People providing sureties must sign the affidavit and bring at least two types of photo identification with them and all relevant documents (eg bank statements or copies of property deeds).

Use the sample *Affidavit of justification* on page 43 as a guide.

The judge may use your draft bail order, add or delete clauses from your bail order, or ask the Director of Public Prosecutions to draft a new bail order.

Option 2. The judge can refuse bail

If the judge refuses to give you bail, you can apply again if your circumstances change. For example, you may not have had a surety for this application but you may be able to organise one in the future and can reapply for bail then.

Option 3. The judge can adjourn the application

The judge may adjourn (postpone) your application because they may need more information from you or the prosecutor. For example, they might want to check if you can you get a place in a drug rehabilitation program.

If the judge sets a date for the hearing, you will go to court on that date.

If the judge adjourns the hearing to a date to be set, you need to set the next court date by writing a letter to the Supreme Court, attaching a copy of your *Form 2 – Application for bail* to the letter and requesting another court date. The Supreme Court will write to tell you the date. You must then write to the Director of Public Prosecutions to tell them the new court date.

Use the sample letter to the Supreme Court on page 42 as a guide.

What if I need to change my bail conditions?

To change your bail conditions, you'll usually need to go back to the court that gave you bail and explain to the judge why the conditions need to be changed. You can do this at your next court date, or if it's urgent, you can email the court to see if they can make your court date sooner.

You can find contact details for each courthouse in Queensland at www.courts.qld.gov.au/contacts/courthouses

If you have a bail condition that says you must live at a particular address, or report to a particular police station at certain times, you might be able to get approval to change the address, reporting station or times.

You should get legal advice immediately if you need to change your bail conditions to make sure you're not breaching bail. If you breach your bail conditions, you can be charged with an offence.

If you have multiple charges, your bail conditions may say you must appear in more than one court (eg the Magistrates Court and the District Court). If this is the case, any changes will have to be made to all bail conditions.

Can I apply for bail while waiting to appeal?

If you are appealing against a conviction or sentence, you may be able to apply for bail before the appeal is heard.

The judge will only give appeal bail in exceptional circumstances and usually only if the sentence you are serving is for six months or less.

When deciding whether to give you bail, the judge will look at:

- the type of offences you are appealing and the sentences you received
- whether there is a risk you will have served all or most of your sentence before your appeal is heard
- whether there are special circumstances that show an error was made in your case in the Magistrates or District Court, so there is a good chance your appeal will be successful.

To apply for bail while waiting for an appeal, you will need to follow the same process as an ordinary bail application.

The affidavit you need to complete for a bail application while waiting to appeal is almost the same as the one on page 29 in this guide, but there are a few extra things you need to do. Get legal advice if you are applying for bail while waiting to appeal.

Sample forms

Applying for bail

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Changing a bail order

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Note

These are sample documents and forms only. They are a guide to show you what information should be included. Do not copy the information on the sample documents and forms. You should put in information about your own situation.

You will not need to use all these forms. Only use the ones that apply to you.

If you need help about how to fill in any of the forms, get legal advice.

Type your answers or write neatly in black or blue pen.

Make sure your information is correct and always double-check the spelling of the names of people involved.

Include as much information as possible in your affidavit—it is better to include too much information than to leave out something important.

Form 2: Application for Bail in the Supreme Court

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR BAIL BY JANE HELENE PLAIN

I, Jane Helene Plain of Maine Women's Correctional Centre apply to the Supreme Court of Queensland at Brisbane for an order that I be admitted to bail for the offence(s) of –

- 1 x stealing with violence in company
- 1 x assault occasioning bodily harm
- 1 x obstruct police

The application will be heard at 10am on 1 December 2023 in the Supreme Court at Brisbane.

[Notice to applicant]

1. *You must attach to this application any supporting affidavits or other documents that you will be relying on.*
2. *A copy of this application and the supporting affidavits or other documents must be served on the prosecutor at least 2 clear business days before the day on which the application is to be heard, unless the prosecutor agrees to receiving them later.*
3. *If you have already applied for bail and been refused, you must state in your supporting affidavit any change of circumstances you rely on since that previous application.]*

Jane H Plain

[Signed] applicant or lawyer

Date: 1 November 2023

Place: Maine Women's Correctional Centre

This application is to be served on: The Director
Office of the Director of Public Prosecutions
5th Floor, State Law Building
50 Ann Street, Brisbane Qld 4000

APPLICATION FOR BAIL IN THE SUPREME COURT

Filed on behalf of: Jane Helene Plain
Address for service: Maine Women's Correctional Centre
9 Maine Lane
Maine Qld 4444

Telephone:

Fax/Email:

Form 2, Version 2, approved 10 September 2018
(Criminal Practice Rules r25)

Form 11 – Affidavit

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR BAIL BY JANE HELENE PLAIN

I, Jane Helene Plain of Maine Women's Correctional Centre do solemnly and sincerely affirm and declare as follows –

1. I am the applicant in this matter.
2. I was born on the 1st day of May 1970 in Maine, Australia, and I am 53 years of age.
3. I am remanded in custody on the following:
 - a. 1 x stealing with violence in company
 - b. 1 x assault occasioning bodily harm
 - c. 1 x obstruct police
4. In respect of the charges mentioned in paragraph 3, I am next to appear in the Magistrates Court at Beenleigh on 12 December 2023.
5. I respectfully request that this Honourable Court grant me bail pending my further court appearances.
6. I have been in custody on remand since 13 June 2023.

OTHER PENDING CHARGES

7. I am further currently facing the following charges:
3 x break and enter
8. I was arrested on these charges on 13 April 2023. I was granted bail in respect of these charges on 20 April 2023 at the Magistrates Court at Beenleigh on the following conditions:
 - a. That I report to the Maine Police Station each Monday, Wednesday and Friday between the hours of 8am and 4pm.
 - b. That I provide a surety in the amount of \$1000.

PAGE 1

Jane H Plain

Wayne Maine

DEPONENT

WITNESS

AFFIDAVIT

Filed on behalf of: Jane Helene Plain
Address for Service: Maine Women's Correctional Centre
9 Maine Lane
Maine Qld 4444

Phone no:

Email:

Form 11 – version 4 – approved on 17 October 2022
Criminal Practice Rules 1999

RESIDENCE

- 9. Should this Honourable Court grant me bail I believe that I have accommodation available at Maine Drug Rehabilitation Centre.
- 10. My usual place of residence is 2 Train Lane, Maine. I lived there for 6 months prior to my arrest. Before that, I lived at 90 Plaine Lane, Maine, for 12 months.
- 11. I was born in Queensland and have lived here all my life.

EMPLOYMENT

- 12. If I am granted bail I would be unemployed and undertaking drug rehabilitation.
- 13. Before I was arrested I was unemployed for 2 years. Prior to that, I was employed by Maine Construction between 2014 and 2020 as an administration officer. Between 2008 and 2014 I was employed by Maine Produce Factory as a processing officer.

SURETY

- 14. I state that Elaine Laine has told me and I verily believe that she is willing and able to provide a surety for me in regard to these charges in the amount of \$5000. Elaine Laine is my friend and resides at 1 Chain Lane, Maine, and I have known her for five years. She can be contacted on (07) 4444 4444. Exhibited and marked "A" is a letter from Elaine Laine confirming that she can provide a surety of \$5000.

PASSPORT

- 15. I am the holder of a current valid passport. I am prepared to surrender my passport to the Registrar of the Supreme Court at Brisbane. The passport is currently located at 2 Train Lane, Maine.

PREVIOUS BREACHES OF BAIL

- 16. I have a conviction for breach of bail. I was convicted of this on 25 January 2022. My explanation surrounding this is that at the time I was required to report to the Maine Police Station each Monday between 8am and 4pm, however on one day that I was required to report my daughter required emergency surgery and I was at the hospital with her. I attended the Maine Police Station for my next reporting date.

PAGE 2

Jane H Plain

DEPONENT

Wayne Maine

WITNESS

AFFIDAVIT

PERSONAL INFORMATION

17. I have suffered from an ice addiction since 2015. I would like to undertake drug rehabilitation. I have been assessed as suitable to undertake the intensive rehabilitation program offered by Maine Drug Rehabilitation Centre. Exhibited and marked "B" is a letter from Maine Drug Rehabilitation Centre.
18. I am also prepared to submit to random urine testing conducted by Maine Drug Rehabilitation Centre and I am prepared to authorise the release of the testing results to the Office of the Director of Public Prosecutions.
19. I am willing to comply with any conditions of bail that the Court may impose.

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who provides a false matter in an affidavit commits an offence.

AFFIRMED BY:

<u>Jane Helene Plain</u> [INSERT FULL NAME OF DEPONENT]	<u>Jane H Plain</u> [SIGNATURE OF DEPONENT]
at: <u>Maine</u> [INSERT PLACE WHERE DEPONENT IS LOCATED]	<u>1 November 2023</u> [DATE]

BEFORE ME:

<u>Wayne Maine</u> [INSERT FULL NAME OF WITNESS]	<u>Wayne Maine</u> [SIGNATURE OF WITNESS]
<u>Solicitor</u> [INSERT TYPE OF WITNESS]	<u>1 November 2023</u> [DATE]
<u>Maine Solicitors Office</u> [INSERT WITNESS'S PLACE OF EMPLOYMENT]	

Certificate of Exhibit

IN THE SUPREME COURT OF QUEENSLAND AT Brisbane

Number: _____

RE: AN APPLICATION FOR BAIL BY Jane Helene Plain

Exhibit "A" to the affidavit of Jane Helene Plain affirmed the 1st day of November 2023.

Jane H Plain

DEPONENT

Wayne Maine

WITNESS

CERTIFICATE OF EXHIBIT

Form 12 – Draft bail order

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR BAIL BY JANE HELENE PLAIN

ORDER

Before: Crane J

Date: 1 December 2023

Document initiating this hearing: Application filed in the Supreme Court of Queensland at Brisbane on 1 November 2023.

IT IS ORDERED THAT in relation to the charges:

- a. 1 x stealing with violence in company
- b. 1 x assault occasioning bodily harm
- c. 1 x obstruct police

that Jane Helene Plain can be admitted to bail upon her own undertaking in respect of those charges, such undertaking being conditioned that:-

1. You must not leave the Court unless bail is enlarged.
2. You must obey the directions of the Court in relation to any further appearance, whether the direction is given to you personally, or to your solicitor or barrister.
3. RESIDENTIAL CONDITION

You must live at the Maine Drug Rehab Centre at 75 Maine Lane, Maine, 4444.

You can't live at another address unless, before you move to the other address, you have the written permission of the Officer-in-Charge of the Maine Police Station or the Director of Public Prosecutions to live at the other address;

ORDER

FILED ON BEHALF OF: Jane Helene Plain
ADDRESS FOR SERVICE: Maine Women's Correctional Centre
9 Maine Lane
Maine Qld 4444

Telephone:
Fax/Email:

Form 12, Version 2, approved 17 October 2022 – General Form of order
(Criminal Practice Rules r8)

4. ATTEND DRUG/ALCOHOL REHABILITATION PROGRAM

You must take part in the Maine Drug Rehabilitation program and obey all the rules and conditions of the program.

You must sign a document called an "Authority" (one is attached) which allows the people running the program to contact the Officer in charge of Maine Police Station if:

- a. you leave, or are asked to leave the program,
- b. your performance on the program is not satisfactory,
- c. you do not obey the rules and conditions of the program, or
- d. you breach a condition of bail

5. REPORTING CONDITION

You must report to the Officer-in-Charge of Maine Police Station between 8am and 4pm every Monday starting from Monday 4 December 2023 unless you have written permission from the Officer in charge of Maine Police Station/Director of Public Prosecutions not to report on a certain day or days.

6. NO CONTACT CONDITIONS

(a) Complainant

You must not contact or communicate with, or attempt to contact or communicate with, either directly or indirectly, Jill Sprain.

(b) Witnesses

You must not contact or communicate with, or attempt to contact or communicate with, either directly or indirectly Joe Sprain.

7. SURRENDER OF PASSPORT

You must not be released from custody until your current passport has been handed to the Registrar of the Supreme Court at Brisbane and a document called a 'receipt for passport' has been given to you or the person handing in your passport for you.

You must not apply for a passport while you are on bail for this/these charge/s.

8. LEAVING AUSTRALIA

You must not leave or attempt to leave Australia unless, before you leave or attempt to leave, you have the written permission of the Officer-in-Charge of Maine Police Station / Director of Public Prosecutions to leave.

You must not enter or attempt to enter an international terminal, which includes an international airport or an international sea-port. unless, before you enter or attempt to enter, you have the written permission of the Officer-in-Charge of Maine Police Station / Director of Public Prosecutions to enter.

9. CANNOT DEPART FROM QUEENSLAND

You must not leave the State of Queensland unless, before you depart or attempt to depart, you have the written permission of the Officer-in-Charge of Maine Police Station/Director of Public Prosecutions to depart.

SIGNED: _____

(REGISTRAR TO SIGN AND SEAL)

(DESCRIPTION OF REGISTRAR)

Authority

AUTHORITY (REHAB)

To: Maine Drug Rehab Centre

Address: 75 Maine Lane, Maine, 4444

I, Jane Helene Plain, authorise Maine Drug Rehab Centre or their nominee to advise the Officer in Charge Maine Police Station if:

- I leave the centre;
- I am asked to leave the centre for any reason;
- I fail to perform satisfactorily on any of the rehabilitation programs or submit to any alcohol and drug testing as directed by the [name of rehab];
- I fail to comply with any rules of the rehabilitation program or any directions given to me by the staff of [name of rehab];
- I fail to comply in any respect with my conditions of bail

Jane H Plain

SAMPLE

Form 4 – Application for variation of bail

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR VARIATION OF BAIL BY SHANE BALMAIN PLAIN

I, Shane Balmain Plain of East Maine Correctional Centre, apply to the Supreme Court of Queensland at Brisbane for an order varying the bail granted to Shane Balmain Plain.

The application will be heard at 10am on 15 December 2023 in the Supreme Court at Brisbane.

Details of bail order to be varied:

1. Offences: 1 x assault occasioning bodily harm
1 x stealing
1 x possession of a dangerous drug
2. Date order made: 3 October 2023
3. Court making the order: Magistrates Court at Brisbane
4. Conditions of bail: Must reside at 10 Drain Lane, Maine, 4444.
Must report to Maine Police Station each
Monday and Friday.
\$5000 surety.
5. Condition to be varied: \$5000 surety

[Notice to applicant]

1. *You must attach to this application any supporting affidavits or other documents that you will be relying on.*
2. *A copy of this application and the supporting affidavits or other documents must be served on the prosecutor at least 2 clear business days before the day on which the application is to be heard, unless the prosecutor agrees to receiving them later.]*

Shane B Plain

[SIGNED] APPLICANT OR LAWYER

Date: 1 November 2023

Place: East Maine Correctional Centre

This application is to be served on: The Director, Office of the Director of Public Prosecutions
5th Floor, State Law Building
50 Ann Street

APPLICATION FOR VARIATION OF BAIL

Filed on behalf of: Shane Balmain Plain
Address for service: East Maine Correctional Centre
10 Rain Lane
Maine Qld 4444

Form 4, Version 3, approved 17 October 2022
(Criminal Practice Rules r25)

Affidavit (in support of application to vary bail)

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR VARIATION OF BAIL BY SHANE BALMAIN PLAIN

I, Shane Balmain Plain of East Maine Correctional Centre in the State of Queensland state on oath:

1. I am the applicant in this matter.
2. I was born on 12 April 1973 in Maine, Australia and I am 50 years old.
3. I have been charged with the following offences:
 - a. 1 x assault occasioning bodily harm
 - b. 1 x stealing
 - c. 1 x possession of a dangerous drug
4. In respect of the charges in paragraph 3, I am next to appear in the Magistrates Court at Brisbane on 24 January 2024.
5. I was granted bail in the Magistrates Court at Brisbane on 3 October 2023 on the following conditions:
 - a. That I reside at 10 Drain Lane, Maine, 4444;
 - b. That I report to Maine Police Station each Monday and Friday.
 - c. That a \$5000 surety be provided.
6. I am asking the Supreme Court to vary my bail as I have contacted all of my family members that live in Queensland and they have told me that that are unable to raise the amount of the surety.
7. I have also contacted a number of other friends, and they also can't raise this amount.
8. I do not know anyone else that I can ask to provide a surety.
9. I have been in custody on these charges since 13 July 2023.
10. I am asking that my previous bail order be vacated and a fresh order made.

PAGE 1

Shane B Plain

Wayne Maine

DEPONENT

WITNESS

AFFIDAVIT

FILED ON BEHALF OF: Shane Balmain Plain
ADDRESS FOR SERVICE: East Maine Correctional Centre
10 Rain Lane
Maine Qld 4444

Phone no:

Email:

Form 11 – version 4 – approved on 17 October 2022
Criminal Practice Rules 1999

TERMS OF NEW ORDER

11. If this Court grants me bail, I would reside at 10 Drain Lane, Maine, with my wife Lorraine Plane and my two children, Shaney Plain aged 10 years and Janey Plane aged 6 years.
12. If this Court grants me bail, I would be prepared to report to the Officer in Charge of the Police Station at Maine as often as required.
13. If this Court grants me bail, I would be prepared to undergo drug and alcohol testing.
14. If this Court grants me bail, I would be prepared to participate in a drug counselling program with the Maine Counselling Service.

EMPLOYMENT

15. If this Court grants me bail, I would be unemployed.
16. Before I was arrested, I was employed by Dane Lane's Paint Producing Factory in Brisbane for 5 years.

PASSPORT

17. I do not hold a current passport.
18. I am willing to comply with any conditions of bail that the court may impose.

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who provides a false matter in an affidavit commits an offence.

SWORN BY:

Shane Balmain Plain Shane B Plain
[INSERT FULL NAME OF DEPONENT] [SIGNATURE OF DEPONENT]

at: Maine 1 November 2023
[INSERT PLACE WHERE DEPONENT IS LOCATED] [DATE]

BEFORE ME:

Wayne Maine Wayne Maine
[INSERT FULL NAME OF WITNESS] [SIGNATURE OF WITNESS]

Solicitor 1 November 2023
[INSERT TYPE OF WITNESS] [DATE]

Maine Solicitors Office
[INSERT WITNESS'S PLACE OF EMPLOYMENT]

Draft bail order (in support of variation of bail)

IN THE SUPREME COURT OF QUEENSLAND AT BRISBANE

Number: _____

RE: AN APPLICATION FOR VARIATION OF BAIL BY SHANE BALMAIN PLAIN

ORDER

Before: Frayne J
Date: 15 December 2023
Document initiating this hearing: Application filed in the Supreme Court of Queensland at Brisbane on 1 November 2023.

IT IS ORDERED THAT in relation to the charges:-

- a. 1 x assault occasioning bodily harm
- b. 1 x stealing
- c. 1 x possession of a dangerous drug

that Shane Balmain Plain's bail be varied by deleting the requirement of one surety in the sum of \$5000 and that he be admitted to bail upon his own undertaking in respect of those charges, such undertaking being conditions that:-

1. You must not leave the Court unless bail is enlarged.
2. You must obey the directions of the Court in relation to any further appearance, whether the direction is given to you personally, or to your solicitor or barrister.
3. RESIDENTIAL CONDITION
You must live at 10 Drain Lane, Maine, 4444.

You can't live at another address unless, before you move to the other address, you have the written permission of the Officer-in-Charge of the Maine Police Station or the Director of Public Prosecutions to live at the other address.

ORDER

Filed on behalf of: Shane Balmain Plain
Address for Service: East Maine Correctional Centre
10 Rain Lane
Maine Qld 4444

Phone no:
Email:

Form 12, Version 2, approved 17 October 2022 – General Form of order
(Criminal Practice Rules r8)

4. REPORTING CONDITION

You must report to the Officer-in-Charge of Maine Police Station between 8am and 4pm every Monday starting from Monday 4 December 2023 unless you have written permission from the Officer in charge of Police Maine Police Station / Director of Public Prosecutions not to report on a certain day or days.

5. ATTEND PROGRAM

You must take part in the drug counselling program with the Maine Counselling service and obey the rules and conditions of the program.

Signed: _____

(REGISTRAR TO SIGN AND SEAL)

(DESCRIPTION OF REGISTRAR)

SAMPLE

Surety's letter of support

29 October 2023
Susan Plain
90 Plain Lane, Maine Qld 4444
0123 456 789

To whom it may concern

I offer to provide \$5000 as surety for Jane Helene Plain. I understand Jane Plain is charged with:

- 1 x stealing with violence in company
- 1 x assault occasioning bodily harm
- 1 x obstruct police

I understand this amount is forfeited by me if Jane Plain does not appear at court at the next scheduled date.

This surety is offered against the value of my home at the above address. This house is valued at \$130,000 and has \$35,000 left owing in repayments.

Yours sincerely

S. Plain
Susan Plain

SAMPLE

Employment letter of support

20 October 2023
Ted Baker
16 Rain St, Maine Qld 4444
0123 456 789

To whom it may concern

I have offered Shane Plain a full-time position as a motor mechanic if he is granted bail. I understand Shane Plain is charged with:

- 1 x assault occasioning bodily harm
- 1 x stealing
- 1 x possession of a dangerous drug

His duties will include servicing engines.

Shane Plain was previously employed by me from September 2019 to February 2023.

Yours sincerely

T. Baker
Ted Baker

SAMPLE

Letter to the Supreme Court

15 December 2023
Registrar of the Supreme Court
Brisbane Supreme Court
QE II Courts of Law
PO Box 15107
City East Qld 4002

Dear Sir/Madam

I attended before the Supreme Court on 1 December where it was ordered that my bail application be adjourned to a date to be fixed. I am now ready to proceed with my application and request a date as soon as possible.

Yours sincerely

Jane H Plain
Jane Helene Plain
File number 1234

SAMPLE

Form 11: Affidavit of justification

Form 11

QUEENSLAND

Bail Act 1980 (s.21(4))

AFFIDAVIT OF JUSTIFICATION

I, Susan Plain of 90 Plain Lane, Maine in the State of Queensland do solemnly and sincerely affirm and declare as follows:

1. That I offer myself as surety for Jane Helene Plain who has been charged with the offence/s of
 - 1 x stealing with violence in company
 - 1 x assault occasioning bodily harm
 - 1 x obstruct police
2. That my occupation is receptionist at Maine Dental.
3. That I reside at the above address and have resided there for the past 10 years.
4. That I am a person who has attained the age of 18 years.
5. That my real estate consists of a 3 bedroom house located at 90 Plane Lane, Maine.
6. That my real estate is not encumbered except by a loan with the Westpac Bank to the value of \$35,000. To the best of my knowledge the house is valued at \$130,000.
7. That my personal property consists of a 2006 Mazda 3 worth \$7000 and \$12,000 in a savings account.
8. That the total of my just debts and liabilities amounts to \$45,000.
9. That I am worth not less than the amount of bail in real or personal property.
10. That I am aware that I become bound upon forfeiture of the undertaking entered into, to pay to His Majesty the amount of \$5000. The forfeiture of this sum would not be ruinous or injurious to myself or my family.
11. I have not been indemnified as to bail, that is to say that the person to be bailed or any other person has not agreed to make good a loss which I may suffer in consequence of any act or default on the part of the person to be bailed.
12. That I am not party to an undertaking as to bail in any other criminal proceedings.
13. That I have never been convicted in Queensland of an indictable offence or elsewhere than in Queensland in respect of an act or omission that if done or made by me in Queensland would have constituted an indictable offence.
14. That I am not an involuntary patient under the *Mental Health Act 2016* who is, or is liable to be detained in an authorised mental health service under that Act.
15. That I am not a forensic disability client within the meaning of the *Forensic Disability Act 2011*.
16. That I am not a person for whom a guardian or administrator has been appointed under the *Guardianship and Administration Act 2000*.

17. That I am not an insolvent under administration.
18. That I have not been, nor am I likely to be, charge with the same offence or with another offence as a consequence of the commission of the offence with which the defendant has been charged.
19. That my proximity to the defendant (whether by kinship, place of residence or otherwise) is as follows. I am Jane Plain's mother.

SWORN/AFFIRMED by:

<u>Susan Plain</u> [INSERT FULL NAME OF DEPONENT]	<u>S. Plain</u> [SIGNATURE OF DEPONENT]
--	--

<u>Main Solicitors office</u> [INSERT PLACE WHERE DEPONENT IS LOCATED]	<u>30 October 2023</u> [DATE]
---	----------------------------------

BEFORE ME:

<u>Wayne Maine</u> [INSERT FULL NAME OF WITNESS]	<u>Wayne Maine</u> [SIGNATURE OF WITNESS]
---	--

<u>Solicitor</u> [JUSTICE OF THE PEACE]	<u>30 October 2023</u> [DATE]
--	----------------------------------

Main Solicitors Office
[INSERT WITNESS'S PLACE OF EMPLOYMENT]

Useful contacts

Live-in rehabilitation and counselling centres

Brisbane Recovery Services Centre (Moonyah)

58 Glenrosa Rd
PO Box 81, Red Hill Qld 4059
07 3369 0922 or 07 3369 0355

Goldbridge

PO Box 2608, Southport BC Qld 4215
07 5503 1255

Logan House

75 Kirk Rd, Chambers Flat Qld 4133
1300 727 957

Mirikai

191 West Burleigh Rd
Burleigh Heads Qld 4220
07 5576 2512 or 1300 727 957

Salvation Army Gold Coast Recovery Services — Fairhaven

168 Macdonnell Rd
Eagle Heights Qld 4271
PO Box 482, Ashmore City Qld 4214
07 5604 7000 or 1300 111 827

WHOS Najara — Nambour

PO Box 5311
Sunshine Coast MC Qld 4560
07 5476 0877

Drug and alcohol counselling services

Alcohol and Other Drugs Service (AODS) — Logan

51 Wembley Rd, Logan Central Qld 4114
07 3489 2700

Biala City Community Health Centre

270 Roma St, Brisbane Qld 4001
07 3837 5633

Chermside Community Health Centre

490 Hamilton Rd, Chermside Qld 4032
07 3139 4633

Redcliffe Community Health Centre

181 Anzac Ave, Kippa-Ring Qld 4021
07 3897 6330

For referrals to your nearest counselling service, including access to naltrexone treatment, call the Alcohol and Drug Information Service on 1800 177 833 or visit adis.health.qld.gov.au

The alcohol and drug counsellor at your centre can also help with arranging drug and alcohol rehabilitation and counselling.

Who else can help?

Women on remand at a correctional centre in Queensland can get help with applying for bail from Sisters Inside. Sisters Inside accepts referrals from lawyers, support workers, or defendants themselves.

If you're in custody and would like help from Sisters Inside, you can lodge a request form with your unit officer, or call Sisters Inside (freecall) on the Arunta phone system at the following times:

Brisbane Women's Correctional Centre

Monday 9am–4pm

Numinbah Correctional Centre

Thursday 12pm–4pm

Southern Queensland Correctional Centre

Wednesday 9am–4pm

Thursday 9am–12pm

Townsville Women's Correctional Centre

Friday 9am–4pm

Legal words and phrases explained

Adjourn – this is when a bail application is put off until a future date. When bail applications are adjourned it is usually because the court needs more information.

Affidavit – this is a signed, written statement by a person involved in the case, stating what they know. It is sworn under oath (on the bible) or affirmed (see “Affirming”). The following is the standard legal oath on an affidavit. It is always the last paragraph of the affidavit:

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who provides a false matter in an affidavit commits an offence.

Affirming – stating that what you say or write is the truth. Used instead of “taking the oath” because your religion does not allow you to take an oath or you do not have a religion.

Application for bail – this is a document that tells the court you want to apply for bail.

Application number – the number given to your bail application by the Supreme Court when you file your application and supporting affidavit.

Bail – Bail is when the judge or police officer agrees to let you out of jail. You agree to come back to court and follow certain pages.

Breach – means to not follow an order.

Indictable offence – a more serious offence than a summary offence. The Magistrates Court hears some indictable offences, while others are dealt with by the District Court or Supreme Court.

Justice of the peace/commissioner for declarations/lawyer – one of these people must watch you sign your affidavit.

Oath/sworn – “Taking the oath” means swearing on the Bible that you will tell or have told the truth. If you do not believe in the Bible you can affirm the content of your affidavit is true.

Prosecutor – the lawyer who may tell the judge why you shouldn't get bail.

Remand – the time spent in custody if you have been refused bail and are awaiting trial/sentence.

Committal/mention/hearing/summary/trial/sentencing/appeal – stages of the court process.

Surety – someone who gives an amount of money or pledges property to the court as a guarantee that you will follow your bail conditions. If you break your bail conditions or fail to appear in court, then the surety will lose the money they agree to pay.

Witness – a witness is a justice of the peace, commissioner for declarations or lawyer who must watch you sign your affidavit. Only these people can be your witnesses.

Your notes

Your local Legal Aid Queensland office

Brisbane

44 Herschel Street
BRISBANE Q 4000

Bundaberg

3rd Floor
WIN Tower
Cnr Quay & Barolin Streets
BUNDABERG Q 4670

Caboolture

Ground Floor
Kingsgate
42 King Street
CABOOLTURE Q 4510

Cairns

Level 2
Cairns Square Complex
42-52 Abbott Street
CAIRNS Q 4870

Inala

Level 1
Inala Commonwealth Offices
20 Wirraway Parade
INALA Q 4077

Ipswich

Level 7, 117 Brisbane Street
IPSWICH Q 4305

Mackay

Ground Floor
17 Brisbane Street
MACKAY Q 4740

Maroochydore

Ground Floor
M1 Building
1 Duport Avenue
MAROOCHYDORE Q 4558

Mount Isa

6 Miles Street
MOUNT ISA Q 4825

Rockhampton

Ground Floor
35 Fitzroy Street
ROCKHAMPTON Q 4700

Southport

Level 2
7 Bay Street
SOUTHPORT Q 4215

Toowoomba

1st Floor
154 Hume Street
TOOWOOMBA Q 4350

Townsville

Level 4
Northern Services Building
22 Walker St
TOWNSVILLE Q 4810

Woodridge

1st Floor, Woodridge Place
Cnr Ewing Road and
Carmody Street
WOODRIDGE Q 4114



For more information about our services visit legalaid.qld.gov.au
or phone 1300 65 11 88 or 1300 650 143 (Indigenous Hotline)

