

# Supreme Court Bail Checklist

To complete this checklist successfully you must complete either "Part A AND Part B AND Part C AND Part D AND Part E" OR "Part A AND Part B AND Part F".

## PART A BASIC BAIL CONSIDERATIONS ☐

You must tick **ALL** of the following:

- ☐ You have considered the nature and seriousness of the charges, the strength of the Crown case, your client's complete criminal and traffic history and any affidavit of objection to bail and likely time frame to finalisation of your client's matters and consider a Supreme Court Bail application is meritorious.
- ☐ Your client has suitable accommodation.
- ☐ Your client is prepared to report to a police station.
- ☐ Your client is able to satisfy a "no contact" condition, if necessary.

## PART B SUPREME COURT BAIL ☐

You must tick **ONE** of the following:

- ☐ Your client is charged with an offence that comes within section 13 of the Bail Act.
- ☐ Your client has previously been denied bail and your client can not demonstrate a change in circumstance at a further application for bail in the Magistrate or District Courts.
- ☐ Your client has lodged a Notice of Appeal with the Court of Appeal or District Court registry, a copy of which you are able to produce. (Go to Part F)

## PART C YOU HAVE ADDRESSED YOUR CLIENT'S RISK OF FAILING TO APPEAR ☐

You must tick **AT LEAST ONE** of the following:

- ☐ Your client has a surety.
- ☐ Your client has carer responsibilities.
- ☐ Your client has prospects of employment.
- ☐ Your client is not in a show cause situation under s.16(3) Bail Act.
- ☐ Your client has no previous breaches of the Bail Act on these charges.
- ☐ Your client has no previous breaches of non-custodial orders.

## PART D YOU HAVE ADDRESSED THE NATURE OF CHARGES ☐

You must tick **AT LEAST ONE** of the following:

- ☐ The charges are non-violent by definition.
- ☐ Your client has not previously been convicted of offences of a similar nature nor has charges pending of a similar nature.
- ☐ If convicted today your client is unlikely to receive a sentence involving any further actual term of imprisonment.

## PART E YOU HAVE ADDRESSED YOUR CLIENT'S MEDICAL/PSYCHIATRIC AND SUBSTANCE ABUSE ISSUES ☐

You must tick **AT LEAST ONE** of the following:

- ☐ Your client's offences are not drug/alcohol related and your client does not have a medical/psychiatric/psychological or substance abuse condition.
- ☐ Your client's offences are drug/alcohol related and your client is willing to participate in a drug/alcohol residential rehabilitation program or as an out-patient in a drug/alcohol rehabilitation program (Your client has written confirmation of their acceptance in a drug/alcohol rehabilitation programme and your client is willing to sign an authority permitting the rehabilitation centre to advise the Office of the Director of Public Prosecutions or the Queensland Police Service of any non-compliance by them with the Centre's conditions of participation).
- ☐ Your client suffers from a medical/psychiatric/psychological condition/s which cannot be adequately treated/supervised in custody and your client's health will be substantially compromised by his continued incarceration (Doctor or Specialist Report held on file).
- ☐ Your client is prepared to consult a General Practitioner/Community Mental Health Centre/Counsellor/Psychologist/Psychiatrist (Name of the practitioner is able to be provided and is on file).

## PART F APPEAL BAIL ☐

You have addressed Ex parte Maher (1986) 1 QdR 303 and consider "exceptional circumstance" exist to support appeal bail, and in particular:

- ☐ Your client has good prospects of success on appeal AND a substantial part of your client's term of imprisonment will be served if an application for bail is not made.

<b>CERTIFICATION</b>
<b>CLIENT NAME :</b> _____
I, _____ of (firm name) _____ certify:  1. I am a practitioner with the abovementioned firm. 2. I have indicated on this form the basis on which I believe the applicant has eligibility to be granted legal aid, 3. I make this certification on the basis material currently held by this firm in relation to this applicant.
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