

Australian Capital Territory

Corrections Management (Bail) Procedure 2007*

Notifiable instrument NI2007-453

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Bail) Procedure 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

BAILS PROCEDURE

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)**



BAIL PROCEDURE

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Purpose

To describe the process by which prisoners in custody in a correctional centre may have a court authorised bail actioned from that facility.

Authority

Legislation

Corrections Management Act 2007, section 14

Bail Act 1992, sections 31(1) and 31(2)

Scope

This procedure commences when a prisoner is to be bailed from a correctional centre and ends when that bail is lodged with the Court.

Procedure

Step	Action	Responsibility
<u>1</u>	Proof of identity obtained.	Duty Chief
<u>2</u>	Proof of employment obtained.	Duty Chief
<u>3</u>	Determine whether the bail requires cash or some other surety.	Duty Chief
<u>4</u>	Proof of capacity to meet bail obtained.	Duty Chief
<u>5</u>	Copy all documentation.	Duty Chief
<u>6</u>	Advise surety of responsibilities.	Duty Chief
<u>7</u>	Endorse bail papers.	Duty Chief
<u>8</u>	Seat surety in waiting area.	Duty Chief
9	Prisoner processed for discharge.	Induction Officer
<u>10</u>	Conditions and requirements of bail explained to prisoner and surety.	Duty Chief
<u>11</u>	Bail papers signed and countersigned.	Duty Chief
<u>12</u>	Prisoner and surety provided with copies of bail papers.	Duty Chief
13	Prisoner released.	Duty Chief
<u>14</u>	Documents and money delivered to the bails office, ACT Magistrate's Court.	Duty Chief

Step 1

The person presenting as the surety must produce identification satisfying the following criteria:

One item of the following items:

- Driver's Licence (from any Australian state or territory);
- Passport (current or one that has expired in the last 2 years); or
- Keypass photographic identification.

Or, three items from the following list:

- Birth certificate (original or extract);
- Electoral Roll (acknowledgment of receipt);
- utility records eg water, gas, electricity, telephone (issued within six months of intended visit);
- current registration papers (car or boat);
- Marriage Certificate;
- Australian naturalisation or citizenship certificate;
- current entitlement card used by a Government Department or Authority;
- Department of Immigration papers; or
- credit or debit card (must be signed).

Step 2

All sureties must be employed and must be able to provide proof of that employment (for example a recent payslip).

A persons who's income is derived from Centrelink or other benefits may only act as a surety where they can produce, to the value of the bail:

- a term deposit account;
- share certificates;
- cash in a bank account;
- sufficient equity in a mortgage; and/or
- an unencumbered vehicle.

Step 3

The surety being offered must be compared against the type of bail required. Some bails require cash to be deposited while others require a guarantee.

Step 4

The person must be able to prove that they are able to pay the surety if required. This may be satisfied by the proof of employment produced in Step 2 or evidence of sufficient financial standing. Financial standing may be ascertained by the production of the following (to the value of the bail):

- a term deposit account;
- share certificates;
- cash in a bank account;
- sufficient equity in a mortgage; and/or
- an unencumbered vehicle.

Where cash is being posted the surety is to count the money in the presence of the Duty Chief. The Duty Chief must then recount the money in the presence of the surety and another Corrections Officer. The witnessing Corrections Officer must the recount the money in the presence of the Duty Chief and the surety.

Once all parties agree that that the amount is correct, the Duty Chief will issue the surety with a receipt.

The money must then be placed in a sealed envelope with the prisoner's name on the front. The Duty Chief must sign the seal and seal the envelope with clear adhesive tape.

A copy of the receipt must be attached to the envelope.

The money must be stored in the safe and **must not** be added to the petty cash or Prisoner's Trust Account monies.

The Accounts Handover Form must be amended to indicate that bail monies are included in the safe.

Step 5

Two copies of all documents must be taken. One will be forwarded to the Court with the signed bail papers. The second must be placed on the prisoner's dossier with a copy of the signed bail papers.

Step 6

The Duty Chief must inform the person posting the surety advising them of their obligations and whether there are any special conditions attached to the bail.

Step 7

The Duty Chief must endorse the bail papers with the name and address of the surety as well any other information required by the papers.

Step 8

The surety is to wait in the waiting area until the prisoner has been processed.

Step 10

The Duty Chief shall explain the following to both parties:

- when prisoner's next court date is;
- consequences of prisoner's failure to attend court on the specified date;
- consequences of prisoner's failure to comply with any bail or reporting conditions;
- risk to the surety of losing the security put up for bail, should the prisoner default; and
- right of the surety to apply for a withdrawal of his/her surety if he/she feels that prisoner may not at any time comply with the bail conditions, or if he/she reasonably believes there is a risk of prisoner absconding from bail.

Step 11

The prisoner and the surety must sign the following documents:

- bail undertaking; and
- notification and explanation of bail conditions.

Step 12

Prisoner and surety provided with a copy of the bail undertaking and notification and explanation of bail conditions.

Step 14

A receipt must be obtained from the bail office. The receipt must be delivered to the Finance Officer.

The Duty Chief may direct a Corrections Officer to make the delivery.

Forms/Templates

Accounts Handover Form

Receipt book

Related policies and procedures

Bail Policy