

Australian Capital Territory

Corrections Management (Bail) Policy 2007*

Notifiable instrument NI2007-454

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) Policy 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 POLICY

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

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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



BAIL POLICY

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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)

Policy

1 Authority for Bail

- 1.1 The authority to bail prisoners from a correctional centre is contained in the *Bail Act 1992*.
- 1.2 The Custodial Officer bailing the prisoner must ensure that all requirements of the bail are met.
 - 1.2.1 This may include evidence of a surety.
- 1.3 Bail procedures may be conducted between 0700hrs and 1900hrs only.

2 Surety

- 2.1 A Court may determine that a surety must be given before a person is bailed.
- 2.2 Any person presenting as a surety must produce proof of identity, and anything required to prove the ability to pay the surety.
- 2.3 All sureties must be over the age of 18.
- 2.4 All sureties must be employed and must be able to provide proof of that employment.

- 2.4.1 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.
- 2.5 A person who has a recorded criminal history may not act as a surety.
- 2.6 A person who is currently subject to bail conditions or is currently reporting to ACTCS for any reason may not act as a surety.
- 2.7 Where any reasonable doubt exists as to the suitability of any person to act as a surety for a prisoner, the doubt will be resolved in favour of ACTCS.
- 2.7.1 A Custodial Officer who refuses to accept a surety is under no obligation to explain the reasons for that refusal.
- 2.8 Sureties other than cash
- 2.8.1 Where the bail allows for the provision of a surety other than cash, the person providing that surety must produce evidence of the ability to pay the surety.
- 2.8.1.1 This may be by producing one (or a combination) 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.
- 2.9 Cash sureties
- 2.9.1 The surety, Duty Chief, and a witnessing Corrections Officer must verify that any cash amount that is produced as part of a bail condition.
- 2.10 Self surety
- 2.10.1 Self-surety bail is a process whereby the only requirement to secure bail is by the prisoner agrees to comply with the conditions contained within the bail.
- 2.10.1.1 The prisoner must note their agreement by signing the bail undertaking.

Related policies and procedures
Bails Procedure