

Release Application Instruction Sheet

Step 1 - Show Cause Offence? (s 16B) - If so, has the accused shown cause why detention not justified? (s 16A)

Step 2 - Unacceptable Risk - Has the prosecution satisfied the court on balance that the accused is an unacceptable risk after consideration of bail concerns and the conditions proposed (s 18)

1) Fail to appear

- a) Strength of prosecution case

- b) Likelihood custodial penalty

- c) Criminal history including prior attendance at court (particularly for serious and/or violent offences)

- d) Explanation non-attendances

- e) Previous compliance or non-compliance court orders (eg. AVO, bonds, parole)

- f) Criminal associations (organised criminal networks)

- g) Community ties, background, special vulnerability as to youth, ATSI, cognitive or mental health impairment, lawful need for liberty

2) Commit serious offence

- a) Nature and seriousness of offence

- b) Past commission serious offence whilst on bail

- c) Length of time likely to be in custody if bail refused

- d) Need liberty to prepare case & obtain legal advice

3) Endanger safety of V's, individuals or community or

- a) Conduct since offence of accused towards victim, family member

- b) Views of victim, family member (serious offence only)

4) Interfere with witnesses or evidence

Conditions Proposed

1) Fail to appear

Conduct requirements

- a. Reside
- b. Report
- c. Surrender passport

Security requirement (only permitted to address bail concern FTA s 26(5))

- d. Self deposit or agree forfeit
- e. Other deposit or agree forfeit

Character acknowledgment

2) Commit serious offence

Conduct requirements

- a. Comply AVO
- b. Curfew
- c. No alcohol/drugs
- d. Non-association
- e. Place restriction

Enforcement condition

- f. Curfew check
- g. Alcohol/drug test

Character acknowledgment

3) Endanger safety of V's, individuals or community

Conduct requirements

- a. Comply AVO
- b. Curfew
- c. No alcohol/drugs
- d. Non-association
- e. Place restriction

Enforcement condition

- f. Curfew check
- g. Alcohol/drug test

Character acknowledgment

4) Interfere with witnesses or evidence

Conduct requirements

- a. Comply AVO
- b. Contact prohibition