

Form 4.9 Form of affidavit—bail application by accused person

Court Procedures Rules 2006

(see r 4721 (Supreme Court bail application in relation to accused person))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No _____ of (*year*)

In the matter of an application in relation to the grant of bail to
(*name of accused person*)

On (*date*), I (*full name of person making affidavit*) of (*home address—if in custody, state address of correctional centre*), *[say on oath/solemnly affirm]—

1. I am the applicant. I seek *[bail/review of bail/variation of bail].
2. *(for an accused person who has been committed for sentence or trial to the court) I was committed to the Supreme Court for *[trial/sentence] on (*date*).

OR

2. *(for an accused person who has been convicted or found guilty of an offence) I was *[convicted/found guilty] of (*state what you were convicted or found guilty of*) on (*date*).

OR

2. *(for an accused person who has been sentenced for an offence) I was sentenced for (*state your sentence*) on (*date*).

Filed on behalf of the accused person by:
(*the accused person's address for service and telephone number or, if the accused person is represented by a solicitor who is the agent of another solicitor, the name and place of business of the other solicitor*)

3. *(if bail has previously been refused by a court) I applied for bail *[in the Supreme/Magistrates Court] on (date) and *[Justice/Magistrate] (name of judge or magistrate) refused bail for the following reasons: (state briefly the reasons bail was refused)

OR

3. *(if bail has previously been refused by an authorised officer) (Name of authorised officer) refused bail on (date) for the following reasons: (state briefly the reasons bail was refused)
4. My date of birth is (date).
5. *I have the following charges outstanding against me:

Charges	Charge number (if known)

6. *Annexed and marked ‘A’ are the charge sheets for the charges. (if you cannot provide these documents, state the reason)
7. *Annexed and marked ‘B’ is the statement of facts for the charges. (if you cannot provide these documents, state the reason)
8. I *[have/do not have] a criminal record.
9. *(if you are in custody) I have been in custody since (date).
10. (for an accused person) The matter is next in the *[Supreme Court/Magistrates Court] for *[mention/sentence/trial] on (date).

OR

10. *(for an accused person who has been sentenced for an offence) My appeal is next before the *[Court of Appeal/Supreme Court] on (date).
11. The police officer in charge of my case is (name of police officer).

12. *(if the Bail Act 1992, section 9C (Bail for murder), section 9D (Bail for serious offence committed while charge for another pending or outstanding) or section 9E (Bail for person sentenced to imprisonment) applies to the application) The special or exceptional circumstances that exist favouring the grant of bail are as follows:

(state special or exceptional circumstances).

13. I seek *[bail/review of bail/variation of bail] for the following reasons:

*(if a court has made a decision in relation to an application for bail by you and this application is a further application for bail, state:

- (a) whether you were represented by a lawyer at the hearing of your first application to a court for bail in relation to the offence with which you are charged; or
- (b) any significant change in circumstances relevant to the granting of bail since your most recent application to a court for bail; or
- (c) any fresh evidence or information of material significance to the granting of bail that was unavailable on the most recent application to a court for bail).

*(if this application is for review of a decision in relation to bail, state:

- (a) any significant change in circumstances relevant to the granting of bail; or
- (b) the availability of fresh evidence or information of material significance to the granting of bail that was unavailable on the most recent application to the court for bail).

14. *I seek bail with the following conditions:

Example of conditions

- 1 live at (*address*)
- 2 report to the officer in charge of the (*name*) police station between the hours of (*times*) on (*days*)
- 3 accept supervision of the director of corrective services
- 4 enter the residential program at (*place*) (Evidence of acceptance into program to be annexed to affidavit)
- 5 not to approach the following people (*list people*)

*[Sworn/Affirmed] by (*full name*):

(*signature of person making affidavit*)

at (*place*) in the presence of:

(*signature of person before whom affidavit is made*)

(*full name of person before whom affidavit is made*) of (*address*)

*[Justice of the Peace/Barrister/Solicitor/(*other*)]

Note If the affidavit is longer than a page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715 (1) (Affidavit—taking of)).

**omit if, or whichever is, inapplicable*