

Australian Capital Territory

Corrections Management (Bail) Policy 2009

Notifiable instrument NI2009-120

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 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

BAIL POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



BAIL POLICY

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Purpose

To outline the policy and process by which prisoners have a court bail actioned from a correctional centre.

Authority

Legislation

Corrections Management Act 2007, section 14.

Bail Act 1992, section 31.

Policy

Principles

Section 31 of the *Bail Act 1992* permits the Superintendent or the person currently in charge of the correctional centre to bail a prisoner from a correctional centre (i.e. the Deputy Superintendent, CO3, or night senior).

The corrections officer bailing the prisoner will ensure that all requirements of the bail are met. This may include evidence of a surety.

Sureties will only be processed between 0900hrs and 1800hrs each day.

The Deputy Superintendent will verify that the bail administration is correct and that no other warrants are held which would prevent the prisoner's release.

Surety

A surety is a signed agreement that carries with it a liability to the person acting as a surety in the event that the accused person does not comply with a bail condition.

Sureties may be by a cash surety or a promise to pay in the event of a breach of bail.

A Court may order that a surety be given before a prisoner is bailed.

Persons acting as sureties must be over the age of 18. Any person acting as a surety will produce proof of identity, and anything required to prove the ability to pay the surety.

All sureties must be employed and must be able to provide proof of employment. Persons whose income is derived from welfare benefits or other benefits may only act as a surety where they can produce, to the value of the surety.

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

A person who has pending criminal matters may not act as a surety.

A person who is currently subject to bail conditions or is currently reporting to ACT Corrective Services for any reason may not act as a surety.

A person who is acting as a surety for another person is ineligible to act as a surety for a prisoner.

Where any reasonable doubt exists as to the suitability of any person to act as a surety for a prisoner, the surety will be denied.

A corrections officer conducting a bail is to under no obligation to provide reasons for refusal to a person who has been found unsuitable to act as surety.

A person who resides interstate (i.e. not a resident of the ACT) may only act as a surety if they deposit cash to the amount of the surety required.

Note: Notwithstanding, a court may nominate a surety.

Cash Surety

Cash sureties will be processed and taken to the admission building where the bail will commence.

Self Surety

Self - surety bail is a process where the only requirement to secure bail is by the accused person signing the relevant bail undertaking thereby agreeing to comply with the conditions contained therein. The prisoner must confirm their agreement by signing the bail undertaking.

Warrant Check

Checks are to be completed by the Sentence Administration Section and the Deputy Superintendent, to ensure that no other warrants are held which would prevent the prisoner's release.

The discharge form is to be completed.

The prisoner will depart the AMC via the gate sally port.

The surety will depart the AMC through the gatehouse.

Prior to a prisoner release for bail, an independent check is to be completed of the bail administration by the Deputy Superintendent or the most senior corrections officer on duty.

Forms and templates

Notification and Explanation of Bail Conditions

Bail Formal Direction

Bail Discharge Checklist

Bail Application by Accused Person (Affidavit)

Bail Application – Notice of Motion

Related policies and procedures

Bail Procedure