Form CP32

Federal Court (Criminal Proceedings) Rule 5.02  
Federal Court of Australia Act 1976 section 58EA(1)(b)

Application to vary or revoke bail order

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for criminal appeal proceedings (Form CP3)]

To the Accused

And to [names of sureties]

**Application and court hearing**

The Prosecutor applies under section 58EA(1)(b) of the *Federal Court of Australia Act 1976* for the bail order specified below to be varied or revoked on the basis that the Accused has failed to comply with the Accused’s bail undertaking.

The Court will hear this application at the time, date and place shown in the Notice of Filing and Hearing attached.[Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

**Bail order**

On [date], the Accused was granted bail upon signing an undertaking on the following conditions:

1. [insert bail conditions]

The Accused has failed to comply with [his/her] bail undertaking.

**Accompanying affidavit**

Particulars of the Accused’s failure to comply with the bail undertaking are set out in the accompanying affidavit. The affidavit must state briefly, but specifically, the facts that support the application. (CP Rule 5.02(2))

The Prosecutor applies to the Court for an order that the bail order be [Either]revoked. [Or]varied as follows:

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name]  [Insert capacity eg For Commonwealth Director of Public Prosecutions] |

*Note*

**Service:** As soon as practicable after the application is filed, the prosecutor must serve a stamped copy of this application and the accompanying affidavit on the accused: (CP Rule 5.02(3)). See Part 7 of the CP Rules for rules about service.