Form CP33

Federal Court (Criminal Proceedings) Rule 5.04
Federal Court of Australia Act 1976 section 58DE(1)(a)

Bail undertaking

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)]

**Details of the Accused:**

Name:

Date of birth:

Usual address:

**Details of the bail order**

Date of order:

Judge:

A copy of the bail order is attached.

**Conditions of bail (if any):**

[Set out any conditions on which bail was granted]

**The bail undertaking**

I [name] of [address] agree that:

* I will appear in person before the Court on [date] at [time] at [place] and on any other occasion that I am directed to appear before the Court by the Court, a Judge or an officer of the Court.
* I will comply with the bail conditions (if any) set out above.

And I give this undertaking in respect of the period for which bail has been granted and any period for which bail may be continued by order of the Court or by operation of the *Federal Court of Australia Act 1976*.

[If the accused has provided security for bail]

I acknowledge that the money or other property that I have provided as security for bail may be forfeited if I fail to appear in accordance with this undertaking.

Date:

Signed by the Accused: ………………………………………

Witnessed by:

Signature: …………………………………………………………..

Name: ……………………………………………………….

Title: ……………………………………………………………..

*Note:*

A bail undertaking must be signed by the accused before: (i) the Judge who granted the bail; or (ii) a Registrar; or (iii) if the accused has been committed to a prison by the Court – a person appointed or employed to assist in the management of the prison. (CP Rule 5.04(1)(b))

**Certification by witness:**

Before the Accused signed this bail undertaking I took reasonable steps to ensure that the Accused was aware of the obligations of the Accused under the bail undertaking and, if the bail order has been granted subject to conditions, of the consequences that may follow if the Accused did not comply with the conditions.

The reasonable steps that I took were: [select one of the following and delete the others]

\*I read the bail undertaking to the Accused and asked the Accused if he or she understood the undertaking.

\*I arranged for the bail undertaking to be read to the Accused in a language the Accused understood and arranged for the Accused to be asked if he or she understood the effect of the undertaking.

\*I asked the Accused if he or she had read the bail undertaking and, if so, if he or she understood the undertaking.

Signed by witness: ……………………………………………………..

*Notes*

1. A failure by an Accused to appear in accordance with a bail undertaking may be an offence against section 58FA of the *Federal Court of Australia Act 1976* and may also result in the forfeiture of bail security provided by the Accused or a third party surety.
2. A breach of any condition of bail may result in a reconsideration of bail and may lead to bail being revoked.
3. It is an offence against section 58DH of the *Federal Court of Australia Act 1976* for a person who has provided a security for bail which is not money to dispose of or deal with the security with the intention of preventing the forfeiture of the security, destroying the security or reducing its value. The maximum penalty is imprisonment for 2 years.
4. It is an offence against section 58HB of the *Federal Court of Australia Act 1976* for a person to agree to indemnify another person, or agree to be indemnified by another person, against forfeiture of bail security. The maximum penalty is imprisonment for 2 years.