Form 11

QUEENSLAND

Bail Act 1980

Section 21(4)

AFFIDAVIT OF JUSTIFICATION

I, ……………………………………………………………………………………………….….. of

(Full name )

……………….…………….…………………………………………….. in the State of Queensland

(address)

state on oath/ do solemnly and sincerely affirm and declare that:-

1. I offer myself as surety for……………………………………………….………………

(name of defendant)

who has been charged with the offence of:……………………………………………………

1. My occupation is………………………………………………………………….………
2. I reside at the above address and have resided there for the past…………………..years
3. I am a person who has attained the age of 18 years.
4. My real estate consists of: [[1]](#endnote-1) ……………….…………………………………………………………………………………

…………………………………………………………………………………………………..

1. My real estate is not encumbered except by [[2]](#endnote-2) .……………………………………….…..
2. My personal property consists of [[3]](#endnote-3) ..……………………………………………………...

……………………………………………………………………………….…………………

1. The total of my debts and liabilities amounts to $........................................................
2. I am worth not less than the amount of bail in real or personal property.
3. I am aware that I become bound, upon forfeiture of the undertaking entered into, to pay to His Majesty the amount of $........................ The forfeiture of this sum would not be ruinous or injurious to myself or my family.
4. I have not been indemnified by another person and have not agreed with another person to be indemnified by that person against any liability that I may incur as a surety to secure the appearance in answer to bail and the surrender into custody.
5. I have never been convicted in Queensland of an indictable offence or elsewhere than in Queensland in respect of an act or omission that if done or made by me in Queensland would have constituted an indictable offence.
6. I am not:
7. an involuntary patient under the *Mental Health Act 2016* who is, or is liable to be, detained in an authorised mental health service under the Act, nor am I a forensic disability client within the meaning of the *Forensic Disability Act 2011*; or
8. a person for whom a guardian or administrator has been appointed under the *Guardiantship and Administration Act 2000*.
9. I am not an insolvent under administration.
10. That I have not been, nor am I likely to be, charged with the same offence or with another offence as a consequence of the commission of the offence with which the defendant has been charged.
11. My proximity to the defendant (whether by kinship, place of residence or otherwise) is as follows:……………………………………………………………………………………………

***If the affidavit extends over more than one page, at the foot of the first and every other page except the last insert the below into the footer (then delete these instructions):***

|  |  |
| --- | --- |
| …………………………………………..  Deponent Surety | …………………………………………..  Witness |

***At the end of the body of the affidavit***

***[If this affidavit is being sworn in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s), DO NOT USE the contents below. INSTEAD use Form 001B Special Witness jurat under the Criminal Practice Rules 1999]***

***\*delete instructions***

**The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**

**I understand that a person who provides a false matter in an affidavit commits an offence.**

|  |  |  |
| --- | --- | --- |
| **SWORN / AFFIRMED** by    …………………………………….  [insert full name of deponent surety]  at ……………………………….  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | …………………………………….  [signature of deponent]  …………………………………….  [date] |

|  |  |  |
| --- | --- | --- |
| **BEFORE ME:**  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness][[4]](#endnote-4)  …………………………………….  [insert name of law practice / witness’s place of employment]\* [[5]](#endnote-5)  \**delete if not applicable* | )  )  )  )  )  )  )  )  )  )  )  )  )  ) | ………………………………….  [signature of witness]  …………………………………….  [date] |

***The footnotes are to assist in the completion of this form and should be deleted once complete.***

1. Insert address and description of land and details of improvement [↑](#endnote-ref-1)
2. If encumbered state nature of encumbrances and give value of equity [↑](#endnote-ref-2)
3. If money on deposit give name and address of bank etc [↑](#endnote-ref-3)
4. Insert the witness’s capacity that makes them eligible to witness the affidavit including under the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc. [↑](#endnote-ref-4)
5. For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc. [↑](#endnote-ref-5)