



## **MAGISTRATES' COURT OF VICTORIA**

### **REMOTE SURETY PROCESS – GUIDE FOR PRACTITIONERS**

*The COVID-19 Omnibus (Emergency Measures) (Criminal Proceedings and Other Matters) Regulations 2020* ('the COVID Regulations') came into force on June 2, 2020.

These Regulations modify the application of various provisions of a number of Acts.

An important modification is to the process of entering surety to bail. A surety will now be able to remotely sign the undertaking of bail and the affidavit of justification by surety.

The Magistrates' Court of Victoria will manage this process as follows:

1. On the day bail is granted with a surety, the surety must attend at a Magistrates' Court with surety funds, relevant documents and identification. This court can be a different court to the one that bailed the accused provided it is equipped with audio visual facilities;
2. The surety is to remain at that court until an audio visual link is established with the authorised officer who entered or is to enter the accused on bail (this will ordinarily involve linking to a correctional facility);
3. The authorised officer who entered or is to enter the accused on bail will then have the surety sign the undertaking of bail and affidavit of surety and confirm the surety's understanding of their obligations;
4. The completed undertaking of bail and affidavit of surety will then be provided to the surety in person or by electronic transmission.
5. If there is a delay in being able to establish a link, the surety may choose to attend at the relevant custodial facility to have the bail processed.