QUEENSLAND COURTS AND TRIBUNALS

TRANSCRIPT OF PROCEEDINGS

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

WILLIAMS J

No 908 of 2025

IN THE MATTER OF AN APPLICATION FOR BAIL BY [redacted]

BRISBANE

2.22 PM, MONDAY, 14 APRIL 2025

DAY 1

ORDER

Any rulings in this transcript may be extracted and revised by the presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HER HONOUR: This is an application for bail by [redacted]. The applicant has been charged with a number of offences, being:

(a) extortion;
(b) threatening violence;
(c) unlawful possession of weapons category A, B or M;
(d) authority required to possess explosives;
(e) possessing dangerous drugs;
(f) buying or possessing schedule 4 or schedule 8 medicines or hazardous poisons; and
(g) possessing restricted items.

The applicant is in a show cause situation as he is charged with an indictable offence during the course of which the applicant is alleged to have used or threatened to use a firearm, offensive weapon, or explosive substance.

As this is a show cause situation pursuant to section 16(3) of the *Bail Act 1980* (Qld), the Court shall refuse to grant bail unless the applicant shows why his detention in custody is not justified. The justification for detaining someone in custody, pending trial, depends on whether or not there is an unacceptable risk that if the applicant were released on bail, they:

(a) would fail to appear; or
(b) would, while on bail, commit an offence, endanger a person's safety, or interfere with witnesses.

Section 16 of the *Bail Act* requires the Court to consider a number of matters in determining the acceptability or otherwise of the risk, including:

(a) the nature and seriousness of the offence;
(b) the character, employment and general background of the applicant;
(c) whether there have been any previous grants of bail; and
(d) the strength of the evidence against the applicant.

These are serious offences and bail is opposed by the Crown. The Crown opposes bail on the grounds that the applicant presents an unacceptable risk of committing further offences whilst on bail, interfering with witnesses, or otherwise obstructing the course of justice and the safety and welfare of any person.

In the course of submissions earlier today, the Court was taken to an affidavit which exhibits a number of Threema messages between the applicant and one of the complainants. The victim of the threatened violence and/or alleged extortion was the brother of the person with whom the messages were being exchanged. It is submitted that the messages are inconsistent with the Crown's case of what was the basis for the alleged extortion and/or threat. It is submitted that it is implausible that the alleged offending occurred in the circumstances that are outlined in those messages.

For the purposes of the bail application, one of the relevant features is the strength of the Crown's case. It is apparent from the matters that were addressed in submissions that there is at least some question about the relationship between the applicant and [redacted]. It is not appropriate for the purposes of the bail application to

consider that in anymore detail, and I proceed on the basis that the Crown's case is, at best, neutral, but there may be some aspects of it which are not that strong.

The applicant has been in custody for a period of 69 days and has no criminal history. The Court is to consider the risks, as identified in the *Bail Act*, for the purposes of the balancing of the various considerations. Here there are some aspects of the Crown case that are strong, but as indicated, there are also some aspects which are less than that. What puts the applicant in a show cause situation is the alleged offending involving the threatened use of a firearm or other offensive weapon or explosive substance. In the circumstances, they are the alleged counts which are the subject of the submissions which have been made in support of the application.

Draft bail conditions were provided to the Court earlier today, and the matter was stood down so that further consideration could be given to the appropriateness of the bail address, but also whether the bail conditions could be strengthened. The proposed draft orders on behalf of the applicant now contain two alternatives. One includes an electronic monitoring device and one does not. The electronic monitoring device cannot be taken into account in respect of the evaluation of the risks, however may be considered as part of the overall suite of conditions that the Court may be satisfied of in respect of a grant of bail.

The proposed conditions include a residential condition and a curfew condition between 9 pm and 5 am. The 5 am start in the morning is consistent with the possibility that the applicant may be seeking employment in an area which may require an early start. There is also a reporting condition of one day a week and also a no contact condition. Specifically, the no contact condition is with [redacted] and his brother, [redacted]. There is also a no weapons or drugs condition as well as a prohibition on international and interstate travel, and also a restriction on having only one mobile telephone.

In all the circumstances, I consider that the proposed bail conditions, excluding the electronic monitoring device, are appropriate to ameliorate the risks in the current circumstances. However, I consider that bail should be granted on the bail conditions, including the electronic monitoring device, as that is appropriate in all the circumstances. I am therefore satisfied that the applicant has established the onus on him that his detention in custody is not justified, and I will grant bail on the conditions of the draft orders, which include the electronic monitoring device.