**Client to “Show Cause” if – Bail Act s 16(2)**

* Fail to appear in accordance with a Bail Undertaking (noting that pleading out the fail to appear removes the show cause, pending the other charges are not show-cause offences). 166(3)(d).
* Charged with an indictable offence, with bail or while at large. S 16 (3)(a)
* Murder or repeat serious child sex offence (s 13)
* Offence against the Penalties and Sentences Act 1992 (Qld), s.161ZI (Contravention of a Control Order) or the Peace and Good Behaviour Act 1982 (Qld), s.32 (Contravention of a Public Safety Order)
* s.359 (threats) with a circumstance of aggravation as mentioned in s.359(2) (threat made to a law enforcement officer or person assisting a law enforcement officer, when or because the officer is investigating the activities of a criminal organisation).
* A ‘relevant offence’ as defined in s.16 (7)
* Choking s 315A *Criminal Code*
* An offence with a maximum of at least 7 years and is also a DV offence
* Threatening violence, s 75 *Criminal Code*
* Femail genital mutilation s 355 *Criminal Code*
* Depravation of Liberty s 359E *Criminal Code*
* Injuring animals, if it also a DV offence s 468 *Criminal Code*
* Breach DVO, if 2nd offence in 2 years
* Breach DVO If within 5 years the person has been has been convicted of another offence involving the use, threatened use or attempted use of unlawful violence to person or property;
* Breach of DVO if uses or threatens to use unlawful violence to person or property

When a defendant is in a show cause situation, if the Crown case is strong, the application must be ‘somewhat special’, ‘abnormal’ or of an ‘extraordinary nature’ to discharge the onus*. R v Iskandar* (2001) 120 A Crim R 302 at 305 [14] per Sperling J, approved by P Lyons J in Turbill and cited by Chesterman JA in *Sica v DPP* [2010] QCA 18 at [54] referring to the abnormal or extraordinary nature of the grant of bail in cases to which s.16(3) applies.

The magistrate is obliged, in exercising the discretion, ‘to balance competing considerations and to weigh the relative importance which the different factors bear in the context of the decision which needs to be made. That exercise of discretion is not an empirical exercise; there are no bright lines drawn to determine conclusively when on important factor outweighs another’. 86 A magistrate must consider s.16(2) factors regarding the existence of risk that may or may not justify continued detention. Failure to do so will result in appealable error. (Bench Book)