



LAMONT LAWYERS

WHAT IS BAIL?

Bail means that you are allowed to go free after you have been charged with an offence. It is a requirement of bail that you attend court.

WHAT IS POLICE BAIL?

The police may arrest you once you have been charged with an offence. If the police choose to arrest you, then you will be taken back to the police station to be charged. Once you have been charged, then the police will then decide whether to let you go free or not until your matter is heard in court. If the police decide to grant you bail, you are required to attend court. The police may also impose other conditions on bail. You must sign a form which acknowledges the fact that you are on bail and that you are to abide by its conditions.

WHAT IS COURT BAIL?

The police can refuse to give you bail. If you are refused police bail then you will be brought before a Local Court. You may make an application to the court to be granted bail. The court must consider whether there are any bail concerns. These are:

Will you attend court when required to?

Whether you will commit a serious offence?

Will any members of the community be endangered?

Will you interfere with evidence or witnesses in relation to your matter ?

If the court determines that there are no such concerns in relation to your being released into the community then the court must give you bail. If the court believes that certain conditions can be imposed to address any of those concerns, then the court must give you bail.

WHAT BAIL CONDITIONS WILL THERE BE ?

The court can impose different types of bail conditions:

Conduct Requirements

- Report to police station at certain times
- Reside at a specific address
- Surrender passport
- Not to contact or approach certain people
- Not to go to a certain place
- Curfew

Security Requirements

This is a condition which requires you or someone else (often a family member) to give “security”, in the form of money or property, to the court. This money is forfeited to the court if you do not attend court when you are required to do so.

Character Acknowledgments

This condition requires a person of good character to sign a form of acknowledgment that you are a responsible person who will obey any and all of your bail conditions.

Enforcement Conditions

These are a set of conditions to be adhered to by you while you are on bail such as ransom urine testing.

WHAT IS A ‘SHOW CAUSE’ OFFENCE ?

‘Showing cause’ means that you must explain to the court why it is not justified to refuse to give you bail. It is much harder to get bail if yours is a ‘show cause’ offence. Many serious offences require you to ‘show cause’.

CAN I VARY MY BAIL CONDITIONS?

You may ask the court to change your bail conditions. The prosecution and the victim may also ask the court to change your bail conditions. You may request to change your bail conditions so that you no longer have to live at a certain address, or reduce your reporting to the police. If you fail to abide by your bail conditions your bail may be revoked.

HOW LONG DOES BAIL CONTINUE ?

Bail continues until your matter is finalized or until the time the court changes your bail.

HOW MANY TIMES CAN I APPLY FOR BAIL?

If you have been refused bail, you can make a further application for bail in these circumstances:

There is a change in your circumstances

You have new information to tell the court about why you should get bail

You did not have a lawyer represent you when you requested bail on the first occasion.

WHAT HAPPENS IF I BREACH MY BAIL ?

If the police believe the breach is not serious then you may be given a warning. If the police officer believes that it is a serious breach of your bail then you may be arrested and brought back before the court. The court may decide to grant or refuse you bail.

WHAT HAPPENS IF THE COURT REFUSES ME BAIL ?

You can make an application to the Supreme Court to give you bail.

Call our criminal law hotline on **1300 365 075**